

THE CITY OF WEST JORDAN, UTAH

ORDINANCE NO. 22-33

AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE
(REPLACEMENT OF LEGAL NON-CONFORMING SIGNS AFFECTED BY ROADWAY
WIDENING OR REPLACEMENT; SECTIONS 12-4-1 AND 12-4-6)

WHEREAS, the City of West Jordan (“City”) adopted West Jordan City Code (“City Code”) in 2009; and the City Council of the City (“City Council”) desires to amend certain sections of the City Code, regarding and related to the materials enhancement provisions for legal non-conforming signs, including but not limited to such signs that are required to be removed for roadway widening or replacement (“**proposed City Code amendments**”); and

WHEREAS, the Planning Commission of the City (“**Planning Commission**”) held a public hearing and provided a recommendation on May 17, 2022, regarding the proposed City Code amendments, since all the proposed City Code amendments are land use regulations, including City Code Sections 12-4-1 and 12-4-6; and

WHEREAS, the City Council held a public hearing on July 27, 2022 regarding the proposed City Code amendments; and

WHEREAS, the City Council finds it to be in the best interest of the public health, safety, and welfare of the residents of the City to adopt the following proposed City Code amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH AS FOLLOWS:

Section 1. Amendment and Enactment of Code Provisions. City Code Section 12-4-1 is amended, and 12-4-6 is enacted, to read as shown on Attachment 1.

Section 2. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.


Section 3. Effective Date. This Ordinance shall become effective immediately upon posting or publication as provided by law and upon (i) the Mayor signing the Ordinance, (ii) the City Council duly overriding the veto of the Mayor as provided by law, or (iii) the Mayor failing to sign or veto the Ordinance within fifteen (15) days after the City Council presents the Ordinance to the Mayor.

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS 27TH DAY OF JULY 2022.

CITY OF WEST JORDAN

By: *Kayleen Whitelock*
Kayleen Whitelock (Aug 1, 2022 13:48 MDT)
Kayleen Whitelock
Council Chair

ATTEST:

Cindy M. Quick 
Cindy M. Quick, MMC
Council Office Clerk

(continued on the following page)

Voting by the City Council

	"YES"	"NO"
Council Chair Kayleen Whitelock	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Vice-Chair Kelvin Green	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Pamela Bloom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Zach Jacob	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Christopher McConnehey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member David Pack	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Melissa Worthen	<input checked="" type="checkbox"/>	<input type="checkbox"/>



PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON AUGUST 1, 2022.

Mayor's Action: X Approve Veto

By: 
Mayor Dirk Burton

 Aug 1, 2022
Date

ATTEST:

Tangee Sloan
City Recorder

STATEMENT OF APPROVAL OF PASSAGE (check one)

 X The Mayor approved and signed Ordinance No. 22-33.

 The Mayor vetoed Ordinance No. 22-33 on _____ and the City Council timely overrode the veto of the Mayor by a vote of _____ to _____.


 Ordinance No. 22-33 became effective by operation of law without the Mayor's approval or disapproval.

Tangee Sloan
City Recorder

CERTIFICATE OF PUBLICATION

I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and that a short summary of the foregoing ordinance was published on the Utah Public Notice Website on the 2nd day of August, 2022. The fully executed copy of the ordinance is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.



Tangee Sloan
City Recorder

(Attachment on the following pages)

Attachment 1

[Attachment to ORDINANCE NO. 22-33

AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE (REPLACEMENT OF LEGAL NON-CONFORMING SIGNS AFFECTED BY ROADWAY WIDENING OR REPLACEMENT; SECTIONS 12-4-1 AND 12-4-6)]

Legislative Version:

12-4-1: LEGAL NONCONFORMING SIGNS:

Any sign lawfully erected prior to January 1, 2005, that exceeds the limitations of this title shall be deemed legal, but nonconforming. Legal nonconforming signs are an accessory structure to the principal use on the lot ~~and~~. Legal non-conforming signs that are required to be removed for roadway widening or replacement may be replaced pursuant to section 12-4-6. Otherwise, legal non-conforming signs shall become illegal by the occurrence of the earliest of any of the following events:

- A. Any modification of the sign, except for:
 1. Normal maintenance necessary to retain its original appearance;
 2. A change of copy or wording; or
 3. Replacement or material enhancement expressly allowed by this title (including by section 12-4-5 of this chapter);
- B. Removal of the sign, except for when done for purposes of normal maintenance, in which case the sign must be replaced within fourteen (14) calendar days after removal for maintenance;
- C. Destruction, remodeling, repair or other construction related to the sign or of the building having a business subject to advertising on said sign caused by deterioration, fire, calamity or other event, to an extent that the cost of said remodeling, repair or other construction work exceeds fifty percent (50%) of the original cost (adjusting for inflation) of said building or sign subject of such work; ~~or~~
- D. A change of an occupancy classification of use is made, as defined in the ~~City Building Code~~ (title 10, chapter 1), in the building and which change results in a materially higher intensity of use on the lot or in the building above that which legally existed on or before September 1, 2005; ~~or~~
- E. Abandonment for a time period of twelve (12) months or more. For purposes of this chapter, abandonment means failure to maintain a current advertisement or message. (2001 Code § 89-6-1109; amd. 2009 Code; Ord. 17-47, 8-9-2017)

12-4-6: REPLACEMENT OF LEGAL-NON-CONFORMING SIGNS AFFECTED BY ROADWAY WIDENING OR REPLACEMENT:

As described in this section, for any existing sign that is determined to be legal non-conforming by this title and that is required to be removed for roadway widening or replacement, such existing sign may be replaced by (i) the same sign that is enhanced with materials that are of higher quality or (ii) a new sign that is constructed (as described in this section) using materials that are of higher quality.

- A. The overall height, sign area, and width of the new sign shall not exceed that of the existing sign. Permit plans shall provide these dimensions for the existing sign.
- B. New materials applied to an existing sign shall not increase the size of the existing sign beyond the thickness of the new materials.
- C. New architectural features shall be added to enhance the appearance of the existing sign and shall not extend more than one foot (1') beyond any surface of the sign.
- D. The new or existing sign shall be erected according to all of the requirements of this title.

- E. The new materials shall be of a higher quality and durability than the materials that are currently on the existing sign.
- F. The materials and design of the sign shall be reviewed by the Design Review Committee.
- G. The materials and design shall be approved by the Planning Commission.

Clean Version:

12-4-1: LEGAL NONCONFORMING SIGNS:

Any sign lawfully erected prior to January 1, 2005, that exceeds the limitations of this title shall be deemed legal, but nonconforming. Legal nonconforming signs are an accessory structure to the principal use on the lot. Legal non-conforming signs that are required to be removed for roadway widening or replacement may be replaced pursuant to section 12-4-6. Otherwise, legal non-conforming signs shall become illegal by the occurrence of the earliest of any of the following events:

- A. Any modification of the sign, except for:
 - 1. Normal maintenance necessary to retain its original appearance;
 - 2. A change of copy or wording; or
 - 3. Replacement or material enhancement expressly allowed by this title (including by section 12-4-5 of this chapter);
- B. Removal of the sign, except for when done for purposes of normal maintenance, in which case the sign must be replaced within fourteen (14) calendar days after removal for maintenance;
- C. Destruction, remodeling, repair or other construction related to the sign or of the building having a business subject to advertising on said sign caused by deterioration, fire, calamity or other event, to an extent that the cost of said remodeling, repair or other construction work exceeds fifty percent (50%) of the original cost (adjusting for inflation) of said building or sign subject of such work;
- D. A change of an occupancy classification of use is made, as defined in the city building code (title 10, chapter 1), in the building and which change results in a materially higher intensity of use on the lot or in the building above that which legally existed on or before September 1, 2005; or
- E. Abandonment for a time period of twelve (12) months or more. For purposes of this chapter, abandonment means failure to maintain a current advertisement or message. (2001 Code § 89-6-1109; amd. 2009 Code; Ord. 17-47, 8-9-2017)

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- H. The overall height, sign area, and width of the new sign shall not exceed that of the existing sign. Permit plans shall provide these dimensions for the existing sign.
- I. New materials applied to an existing sign shall not increase the size of the existing sign beyond the thickness of the new materials.
- J. New architectural features shall be added to enhance the appearance of the existing sign and shall not extend more than one foot (1') beyond any surface of the sign.
- K. The new or existing sign shall be erected according to all of the requirements of this title.
- L. The new materials shall be of a higher quality and durability than the materials that are currently on the existing sign.
- M. The materials and design of the sign shall be reviewed by the Design Review Committee.
- N. The materials and design shall be approved by the Planning Commission.











Ordinance No. 22-33 Nonconforming Signs Material Enhancement Road Widening

Final Audit Report

2022-08-02

Created:	2022-08-01
By:	Cindy Quick (Cindy.quick@westjordan.utah.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAADWm_6Q1hTfiAMeMcZJKk9FFY4An1s6n

"Ordinance No. 22-33 Nonconforming Signs Material Enhancement Road Widening" History

-  Document created by Cindy Quick (Cindy.quick@westjordan.utah.gov)
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-  Document emailed to kayleen.whitelock@westjordan.utah.gov for signature
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-  Email viewed by kayleen.whitelock@westjordan.utah.gov
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-  Signer kayleen.whitelock@westjordan.utah.gov entered name at signing as Kayleen Whitelock
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 Signer dirk.burton@westjordan.utah.gov entered name at signing as Dirk Burton


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Signature Date: 2022-08-02 - 3:40:35 PM GMT - Time Source: server- IP address: 207.225.200.66

 Agreement completed.

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