



118 Lion Blvd • PO Box 187 • Springdale, UT 84767 • (435) 772-3434

PLANNING COMMISSION NOTICE AND AGENDA
THE SPRINGDALE PLANNING COMMISSION WILL HOLD A REGULAR MEETING
ON WEDNESDAY, NOVEMBER 19, 2025, AT 5:00 PM
AT THE CANYON COMMUNITY CENTER, 126 LION BLVD – SPRINGDALE, UT 84767

A live broadcast of this meeting will be available to the public for viewing/listening only.

****Please see the stream information below****

Approval of the agenda
General announcements
Declaration of Conflicts of Interest

A. Action Items

1. Discussion Following Direction from the Town Council to Revise Chapter 10-21 of the Town Code, Relating to the Repair and Refurbishment of Noncomplying Buildings. Staff Contact: Niall Connolly.
2. Discussion of Renovation of Noncomplying Buildings in the Commercial Zones. Staff Contact: Tom Dansie.
3. Discussion of Potential Revisions to Chapter 10-24-7 of the Town Code Regarding Banner Permits. Staff Contact: Kyndal Sagers.

B. Consent Agenda

1. Approval of Minutes from October 1st and October 15th, 2025.

C. Adjourn

***To access the live stream for this public meeting,
please visit or click the link below:**

<https://www.youtube.com/@SpringdaleTownPublicMeeting>

APPROVED

Tom Kenard

DATE

11/19/25

This agenda was posted at the Springdale Canyon Community Center and Town Hall at *12:30* am/pm by *R. Brown* on *11/14/2025*

NOTICE: In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting should contact Town Clerk Aren Emerson (435.772.3434) at least 48 hours before the meeting.

Packet materials for this meeting will be available at: <https://www.springdaletown.com/agendacenter/planning-commission-7>



**MINUTES OF THE SPRINGDALE PLANNING COMMISSION REGULAR MEETING ON
WEDNESDAY, NOVEMBER 19, 2025, AT 5:00 PM
AT THE CANYON COMMUNITY CENTER,
126 LION BOULEVARD, SPRINGDALE, UT 84767**

The meeting convened at 05:00 PM.

MEMBERS PRESENT: Chair Tom Kenaston, Commissioners Paul Zimmerman, Jennifer McCulloch, Mellisa LaBorde, Kashif Bhatti, Rich Swanson, and Matt Fink from Zion National Park.

EXCUSED: Terry Kruschke.

ALSO PRESENT: Director of Community Development Tom Dansie, Principal Planner Niall Connolly, Zoning Administrator Kyndal Sagers, and Deputy Town Clerk Robin Romero, recording. See the attached sheet for attendees.

Mr. Kenaston designated Kashif Bhatti as a voting member in the absence of Commissioner Kruschke.

Approval of the Agenda:

Motion made by Jennifer McCulloch to approve the agenda. The motion was seconded by Paul Zimmerman.

Vote on Motion:

Bhatti: Aye

McCulloch: Aye

Kenaston: Aye

Zimmerman: Aye

Swanson: Aye

The motion passed unanimously.

General Announcements:

Mr. Dansie announced that Town Clerk Aren Emerson would be leaving her position at the end of November 2025. He stated that Robin Romero was appointed as Town Clerk, effective November 29, 2025.

Mr. Dansie also announced that Town Manager Rick Wixom had submitted his resignation and would remain in his position through mid-February 2026.

Declaration of Conflicts of Interest: There were no declared conflicts of interest.

A. Action Items

1. Discussion Following Direction from the Town Council to Revise Chapter 10-21 of the Town Code, Relating to the Repair and Refurbishment of Noncomplying Buildings. Staff Contact: Niall Connolly.

Staff Presentation:

Mr. Connolly explained that the item was a continuation of a discussion the Planning Commission had been holding over the past several meetings. In September, the Town Council issued a binding interpretation of the code that determined: (1) a building is not considered removed if the foundation remains, and (2) the full

removal or replacement of walls or other building elements damaged by water, rot, or other deterioration may fall under the definition of ordinary maintenance and repair. Recognizing ambiguity in the code, the Town Council directed the Planning Commission to clarify the definitions of building removal and ordinary maintenance and repair.

He explained that this direction established a six-month deferral period, during which decisions on applications related to these issues could be postponed while the definitions were clarified. Once the deferral period ends in March 2026, the town must act on such applications based on the Town Council's interpretation.

Mr. Connolly stated that, in recent meetings, the Commission had explored several approaches to defining these terms and resolving ambiguities. The meeting packet included guidance from the Utah Land Use Institute on non-complying buildings and non-conforming uses, intended to provide a broader context on planning practices and relevant case law.

He noted that the second agenda item addressed non-compliant buildings in the commercial zone. While related, staff recommended that the Commission focus this discussion on defining building removal and ordinary maintenance and repair, and address the broader commercial issues under the subsequent agenda item.

Questions from the Commission:

Ms. McCulloch noted that the meeting packet included extensive material on non-conforming uses, including the Utah Land Use Institute attachment, and clarified that the discussion was limited to non-compliant buildings, not uses.

- Mr. Connolly acknowledged the clarification and confirmed that the focus was on non-compliant buildings.

Commission Deliberation:

Mr. Kenaston said a key takeaway from the Utah Land Use Institute material was the principle that nonconformities should be eliminated over time, which he felt set the tone for the discussion. He also noted that a public comment letter had been submitted.

Mr. Swanson said he found that premise difficult to reconcile with situations where a property owner wished to retain an existing building but needed to undertake major repairs to keep it safe and code-compliant. He supported restrictions on expansion but struggled with limiting necessary improvements.

Mr. Kenaston said this reflected the core purpose of land use regulations, which are intended to guide growth and shape the town's future development. He agreed the issue was complex and noted that the previously discussed definition of removal had been adopted from the town's Flood Hazard Ordinance.

Mr. Connolly confirmed this and explained that the draft addressed the issue in two parts. For defining building removal, the language borrowed the 50% value concept from the town's flood ordinance, which is based on FEMA standards. For ordinary maintenance and repair, the prior draft focused on construction-specific elements, allowing replacement of surface materials such as roofing and wall cladding, but not structural components like framing. He noted that this was the approach used in the previous draft.

Mr. Kenaston asked whether Mr. Swanson had suggestions for an alternative approach. Mr. Swanson said he did not, but gave the example of installing a fire-resistant roof, which could require structural reinforcement and would not be allowed under the draft language as written.

Ms. McCulloch asked whether that concern related to the definition of ordinary maintenance and repair. Mr. Swanson confirmed it did, stating that safety upgrades and necessary structural repairs to aging components should be allowed.

Ms. McCulloch said she understood ordinary maintenance and repair to include work needed to keep a building safe and habitable, such as plumbing and utility systems, and that safety-related upgrades could reasonably fall within that category.

Mr. Connolly explained that the existing code already allows rehabilitation of a building to make it safe and sanitary in accordance with the local building code. He cited Section 10-21-8, which permits upgrades needed to meet current building code requirements under ordinary maintenance and repair.

Ms. McCulloch clarified that she viewed such work as maintenance rather than an upgrade. Mr. Connolly confirmed that correcting building code violations would be allowed under the current definition.

The Commission discussed distinctions between building code compliance, structural alterations, footprint changes, expansion of nonconformities, and the scope of ordinary maintenance and repair. Mr. Swanson expressed concern that homeowners could face undue burdens if extensive repairs were phased over time rather than completed in a single project.

Mr. Zimmerman responded that such limitations exist in some communities to prevent property owners from effectively demolishing and rebuilding non-compliant structures in a way that circumvents current standards.

Mr. Swanson clarified that he was referring to substantial repairs that do not change the building's size or appearance. Mr. Zimmerman said that work short of complete removal is allowed, but the Commission needed to establish a clear threshold for when demolition or removal occurs. He stated that if a structure is effectively torn down and rebuilt, it should be required to meet current standards.

Mr. Kenaston said this underscored the importance of defining removal and noted that the 50% reinstatement-cost standard felt arbitrary. He questioned whether the Commission wanted to allow greater flexibility for rebuilding or to take a stricter approach requiring compliance when significant work is undertaken.

The Commission continued discussing how removal might be defined. Mr. Kenaston read a definition of partial building removal that involves removing specific components while preserving the building's structural integrity.

Ms. McCulloch suggested that partial removal could allow a building to retain its non-conforming status, while complete removal would trigger compliance with current standards.

Mr. Zimmerman noted that some communities allow extensive demolition as long as a minimal portion of the structure remains, which can result in incremental reconstruction of an entirely new building. He cautioned against adopting such an approach.

Mr. Swanson asked whether those approaches allowed changes to the building footprint. Mr. Zimmerman said some communities did. Mr. Swanson stated he did not support allowing footprint expansion.

Mr. Kenaston questioned whether separate definitions should apply to residential and commercial buildings, given the greater impact of commercial structures on village character. Mr. Swanson said he preferred exploring a single definition applicable to both.

Mr. Connolly suggested that staff prepare hypothetical scenarios to help clarify the Commission's comfort level with different outcomes. Ms. McCulloch said that would be helpful, and Mr. Kenaston asked whether examples from other communities could also be provided. Mr. Connolly said he would research comparable approaches in Utah.

Mr. Swanson said he remained unclear on the ultimate objective, asking whether the goal was to phase out non-compliant buildings or simply prevent their expansion.

Ms. McCulloch observed that virtually all buildings become non-conforming over time as ordinances change, making total elimination unrealistic.

Mr. Zimmerman agreed and said the intent was not to make buildings non-compliant arbitrarily, but to implement the General Plan's vision. He explained that non-compliant buildings may continue, but significant changes or removal should require compliance with current standards. The Commission's task was to define those thresholds fairly and reasonably.

The Commission discussed various scenarios but did not reach a consensus. Mr. Kenaston said the discussion highlighted the balance between protecting property owners from unreasonable hardship and advancing the goals of the General Plan. Mr. Connolly stated that staff would prepare example scenarios for the next meeting to help the Commission move forward.

2. Discussion of Renovation of Noncomplying Buildings in the Commercial Zones. Staff Contact: Tom Dansie.

Staff Presentation:

Mr. Dansie explained that this was another aspect of non-compliant structure regulations and was distinct from the issue previously discussed. The discussion focused on buildings in commercial zones that were often in good working condition but were non-compliant due to age and changes in current standards.

As Mr. Zimmerman noted, the Town's General Plan and Land Use Ordinances were forward-looking. Over time, as properties developed or redeveloped, they were expected to come into compliance with current land use standards that supported the vision of the General Plan. However, Mr. Dansie acknowledged that full compliance was never entirely achievable, as ordinances were continually revised. Each amendment adopted by the Planning Commission and Town Council created new instances of non-compliance.

Mr. Dansie emphasized that this was not a one-time issue but an ongoing challenge. He asked how the Planning Commission wished to address it. One option was to allow the natural evolution of commercial buildings, with properties coming into compliance as owners chose to redevelop, recognizing that this process could take considerable time. Another option was to implement measures that would encourage or accelerate redevelopment, potentially incentivizing property owners to move closer to current standards, even if full compliance was not achieved. He also asked whether the Commission wished to pursue a different approach, such as changing zoning standards or adopting a zoning tool similar to a legacy zone, as mentioned by Mr. Kenaston and suggested in the comment letter, which could eliminate non-compliance by legalizing existing conditions.

Mr. Dansie concluded that there were multiple issues and potential strategies for the Commission to consider. He suggested the Commission evaluate how much deference should be given to current zoning standards when addressing non-compliant properties, the level of urgency the Town places on bringing such properties into compliance, and whether non-compliant properties possess qualities that contribute to the Town's village character.

Questions and Commission Deliberation:

Ms. McCulloch referred to Mr. Dansie's earlier comments about encouraging and incentivizing incremental changes toward compliance and asked what that might look like in practice.

Mr. Dansie explained that this involved potential tools and strategies discussed in prior meetings. He gave an example in which a property significantly out of compliance with setback requirements might be allowed to move toward partial compliance, such as achieving 50 percent of the required setback, in exchange for additional landscaping, reduced building height, reduced building size, or similar concessions. He emphasized the importance of discussing whether the Commission felt it was appropriate to provide incentives to encourage redevelopment.

Ms. McCulloch said she was trying to determine whether the Commission even wanted to pursue that path and whether the incentives would be meaningful enough to motivate businesses, given the uncertainty about what those incentives might be.

Mr. Dansie agreed and noted that each situation was property-specific. Some properties were only slightly out of compliance and could more easily redevelop under current standards, while others were significantly non-compliant and would face substantial hardship. In those cases, incentives might be more attractive to property owners.

Ms. McCulloch asked whether there was any urgency prompting the discussion at this time.

Mr. Dansie explained that, unlike the previous issue discussed with Mr. Connolly, there was no specific urgency. This topic had been identified earlier in the year during planning for potential Planning Commission work items and was next on the priority list. Its inclusion on the agenda coincided with related discussions but was not driven by time-sensitive concerns.

Mr. Swanson asked whether existing rules allowed non-compliant businesses to remain unchanged if no redevelopment occurred, and whether the same challenges existed regarding ordinary maintenance versus redevelopment.

Mr. Dansie responded that those questions related to the prior discussion with Mr. Connolly. The current discussion focused on buildings that were functioning adequately but where owners might consider demolition and redevelopment. He explained that there was currently a strong financial disincentive for owners of significantly non-compliant properties to redevelop, as doing so would limit development potential under current standards. As a result, owners often retained non-compliant buildings because they were more economically viable. He asked whether the Commission was comfortable with that outcome. If so, no further action was needed; if not, the Commission could consider whether there was a pathway to encourage redevelopment.

Mr. Swanson asked whether any examples of incentives had been proposed.

Mr. Zimmerman provided an example involving a building destroyed by fire that was rebuilt in the same location. Although the situation differed because it involved fire damage, the rebuilt structure was brought into greater, though not full, compliance than would have been required on a vacant site. In that case, the owner chose to voluntarily improve compliance.

Mr. Dansie suggested that before discussing incentives, the Commission should first determine whether non-compliant commercial buildings constituted a problem that needed to be addressed. If so, identifying the nature of the problem would help guide whether incentives, zoning changes, or other strategies were appropriate. If not, the Commission could decide not to devote additional time to the issue.

Mr. Swanson stated that he viewed it as a "nice to have" and was struggling to identify it as a problem.

Ms. McCulloch said she believed some non-compliant buildings aligned with the goals of the General Plan and contributed positively to the Town's character. She did not see the issue as one requiring immediate action and favored allowing the current ordinances to play out over time. After reviewing photos of the buildings in the packet, she found the Town attractive and saw no need for change.

Mr. Kenaston asked whether underutilized or vacant buildings should be treated differently, particularly those that were boarded up, to encourage reuse or demolition.

Ms. McCulloch said she could see value in that approach if it could be clearly specified.

Mr. Zimmerman stated that he viewed that issue as separate from the current discussion. He questioned whether the intent was to require removal of unused non-compliant buildings and noted that he was unaware of any current mechanism to do so.

Ms. McCulloch observed that underutilization could also apply to compliant buildings.

Mr. Zimmerman thanked the staff for providing the inventory of non-compliant buildings. He noted that the Zion Pizza Noodle building, the former church, appeared to be the most non-compliant but was also, in his view, one of the most historically significant and representative of the Town's village character. He expressed concern that losing such structures would be a significant loss to the community. He suggested considering which characteristics make certain buildings worth preserving and whether concessions could be made to retain village character while allowing improvements. He noted that many non-compliances involved parking setbacks and building size and suggested evaluating whether certain features aligned with General Plan goals despite technical non-compliance.

Mr. Kenaston asked what objective criteria could be used, such as historic significance. Mr. Zimmerman agreed and noted uncertainty about which buildings would qualify, though he believed the church was among the older structures.

Mr. Zimmerman cited the Pioneer Lodge as another example. He noted that recent renovations were largely interior, as exterior changes would have triggered full compliance requirements that were difficult to meet due to parking and landscaping constraints.

Mr. Swanson agreed with Ms. McCulloch that there was no immediate need for change but expressed interest in being forward-looking. He noted that incentives might encourage owners to move closer to compliance when remodeling.

Mr. Kenaston observed that current regulations required full compliance if major renovations occurred, which discouraged incremental improvements. He asked whether properties governed by settlement agreements remained protected.

Mr. Dansie explained that once a certificate of occupancy was issued under a settlement agreement, the entitlements were exhausted and the structure became non-compliant. Any future changes would require compliance with the ordinance.

Mr. Zimmerman suggested that Commissioners take time to visit the properties to better understand the nature and extent of non-compliance and how each contributed to village character.

Mr. Dansie agreed, noting that the inventory identified non-compliance but did not quantify its extent. Site visits could help inform future discussions.

Mr. Zimmerman suggested individual visits or a group caravan. Mr. Dansie confirmed that staff could support individual visits, small groups, or a mobile meeting, noting that formal conclusions would still need to occur in a public meeting.

Mr. Kenaston referenced the public comment regarding legacy zones and suggested that field observations might help identify acceptable criteria or partial solutions.

Mr. Dansie agreed and emphasized that the evaluation of potential solutions should be informed by a firsthand understanding of the properties.

Mr. Kenaston asked how the Bumbleberry building became more compliant after reconstruction.

Mr. Dansie explained that the original building had a zero front setback and failed multiple design standards. When rebuilt, the owner voluntarily moved the building back, incorporated design standards to break up the façade and roofline, and improved compliance, though the building still exceeded size limits.

Mr. Kenaston suggested using that example as a potential template for evaluating improvements.

Mr. Zimmerman asked whether incentives were offered in that case.

Mr. Dansie said no incentives were provided; the changes were voluntary.

Mr. Zimmerman noted that while the example was useful, it did not demonstrate how incentives might encourage similar outcomes.

Mr. Dansie summarized that the options included incentives, adopting a legacy zone, or broader zoning changes. He emphasized the importance of first defining the problem, its scope, and the extent of deviation from current standards the Commission was willing to consider.

Mr. Swanson said he struggled to determine what to do with the information, noting differences between historic buildings and more commercial-looking structures.

Mr. Kenaston and Ms. McCulloch reiterated that they liked the Town's existing character and did not see urgency for change.

Mr. Zimmerman suggested that some existing buildings supported walkability and pedestrian activity and questioned whether the current setback and parking requirements aligned with those goals.

Mr. Kenaston noted that the Central Commercial Zone was intended to be activity-dense and said he did not see urgency to modify it.

Mr. Swanson agreed.

Mr. Dansie suggested that if the Commission conducted site visits, they should also review recently developed, fully compliant properties to assess whether current standards were achieving desired outcomes.

Mr. Zimmerman recommended keeping that review separate from properties developed under settlement agreements.

3. Discussion of Potential Revisions to Chapter 10-24-7 of the Town Code Regarding Banner Permits. Staff Contact: Kyndal Sagars.

Staff Presentation:

Ms. Sagars explained that staff was proposing revisions to the banner permit standards in Section 10-24-7 of the Town Code. The purpose of the changes was to improve clarity and expand the zoning districts

where banners were permitted. Currently, banners are allowed only in the Village Commercial and Central Commercial zones. The proposed revisions would continue to allow banners in those zones and also permit them in Public Use zones, such as Town Hall, the Community Center, the Fire Station, and similar facilities. She explained that this would support more effective communication and identification of community events held at those locations. She stated that the Planning Commission should review the proposed ordinance revisions and, if supportive, staff would schedule a public hearing for the Commission to make a formal recommendation to the Town Council.

Questions and Commission Deliberation:

Mr. Zimmerman said he had no concerns with allowing banners in Public Use zones and felt that the change made sense. However, he expressed concern that certain provisions applicable to signs did not appear to apply to banners. He noted that banners were not classified as signs and that, upon reviewing the sign regulations, several standards were excluded, possibly intentionally, due to the temporary nature of banners. He cited concerns with the absence of the following provisions: conformity with the Town color palette; prohibition of fluorescent colors and reflective metal surfaces; restrictions on placement near street intersections that could obstruct traffic visibility; interference with ingress or egress from doors, windows, or fire escapes; interference with required ventilation openings; and consistency with building inspector requirements related to weight and wind load. He suggested reviewing whether these standards, particularly those related to safety, should be added to the banner regulations.

Ms. Sagers explained that banners were currently allowed to be any color and not required to comply with the Town's color palette. She noted that banners were permitted for only 17 days and that many businesses reused the same banner annually, which she believed was helpful. She said staff could consider adding color compliance requirements and incorporating applicable safety standards.

Mr. Zimmerman clarified that he was not necessarily advocating color restrictions, given the short duration of banners and their role in promoting special events. However, he felt safety standards should be included.

Ms. McCulloch agreed, stating that color restrictions were unnecessary but that adding safety standards was appropriate.

Mr. Kenaston stated that he had no comments and felt the ordinance change looked reasonable.

Ms. Sagers said she would revise the proposed changes accordingly and bring them back to the Commission for further review.

B. Consent Agenda

1. Approval of Minutes from October 1st and October 15th, 2025.

Motion made by Paul Zimmerman to approve the Consent Agenda for the Minutes from October 1st and October 15th, 2025. The motion was seconded by Jennifer McCulloch.

Vote on Motion:

Bhatti: Aye

McCulloch: Aye

Kenaston: Aye

Zimmerman: Aye

Swanson: Aye

The motion passed unanimously.

C. Adjourn

Motion made by Jennifer McCulloch to Adjourn at 06:22 p.m. The motion was seconded by Paul Zimmerman.

Vote on Motion:

Bhatti: Aye

McCulloch: Aye

Kenaston: Aye

Zimmerman: Aye

Swanson: Aye

The motion passed unanimously.



Robin Romero, Town Clerk

APPROVAL:



DATE:

1/21/26

A recording of the public meeting is available on the Town's YouTube Channel at [youtube.com/@SpringdaleTownPublicMeetings](https://www.youtube.com/@SpringdaleTownPublicMeetings). For more information, please call 435-772-3434 or email springdale@springdale.utah.gov.





PO Box 187 118 Lion Blvd Springdale UT 84767

ATTENDANCE RECORD

Please print your name below

Meeting: Planning Commission Regular Meeting

Date: 11/19/2025

ATTENDEES:

Name (please print)

Name (please print)

Name (please print)

Name (please print)

Name (please print)

Name (please print)

Name (please print)

Name (please print)

Name (please print)

Name (please print)

Name (please print)

Name (please print)

ATTENDEES:

Name (please print)

Name (please print)

Name (please print)

Name (please print)

Name (please print)

Name (please print)

Name (please print)

Name (please print)

Name (please print)

Name (please print)

Name (please print)

Name (please print)

To: Springdale Planning Commission

From: Noel Benson

Date: Submitted for the 11-19-2025 PC Meeting

Subject: Agenda Item A.2 – Discussion of Renovation of Noncomplying Buildings in the Commercial Zones.

As someone who is currently having a related problem in the village commercial zone, I'd like to share my perspective and thoughts. The upcoming discussion on noncomplying commercial buildings is very important and the current framework misses the central point. The question should not be how to eventually bring every property into compliance with current zoning standards—it should be how to allow existing property owners to reinvest, rebuild, and take care of their properties without being penalized for the year in which they were built or subdivided. The following suggestions would help eliminate the idea of town officials making judgment calls as to what current buildings they like or don't like.

The problem with blanket zoning

Many of the buildings that give Springdale its small-town character are now classified as nonconforming under the current code. If we continue labeling long-established, lawfully built properties as problems to be corrected, we risk discouraging reinvestment in the very parts of town that reflect our past. These buildings aren't bad, they were built legally and just don't fit the new rules exactly.

Residential properties face the same issue. Homes that were fully compliant when built are now labeled nonconforming simply because of later code changes. The result is that the zoning codes no longer reflect the physical and historical reality of our community.

Because each lot in Springdale is unique—especially the smaller ones—the Town should work directly with property owners to identify where reasonable adjustments can be made and where current conditions already function well. Many of our parcels, both commercial and residential, are smaller than today's minimum lot-size standards, which makes full compliance with modern setbacks, parking ratios, or landscaping rules impossible. In effect, these smaller properties can never be "conforming," no matter how responsibly they are developed. Applying one-size-fits-all zoning to such a range of parcel sizes creates unnecessary barriers to reinvestment and discourages property upkeep. A more balanced approach would scale flexibility according to lot size—allowing smaller parcels, which face tighter physical limits, a little more room to operate within standards that make sense. Recognizing these differences is essential to fair, practical, and equitable zoning.

Recommendations for a Practical and Fair Solution

Direct engagement with property owners

The Town should contact every under-utilized commercial property owner—not just those in the CC zone—and talk with them individually to understand what would make reinvestment feasible. These are the people who know the physical limits and opportunities of their properties best. Their input should help guide any zoning adjustments.

Avoid new blanket restrictions

Except for maybe a few exceptions, older buildings should not face new layers of regulation simply because they predate modern zoning. For example, if a structure currently comes right up to the sidewalk, a small 5' setback could be required in the event of redevelopment, but they shouldn't have to completely conform to new guidelines. Otherwise, the superior proximity to the sidewalk would prevent a rebuild. In some cases, parking requirements would prevent it as well. And so on...

Establish “Legacy Zones”

The Town should consider creating *legacy zones*—designations for properties that were once conforming under earlier standards but have since been labeled nonconforming.

The goal of a legacy zone is simple: to ensure that properties which were lawful when built remain lawful today, even if the zoning code has changed since. Rather than treating these properties as exceptions (the exception now is if they do conform), legacy zones would formally recognize them as legitimate components of Springdale's makeup.

How this could work

- **Property identification:** The Town could begin by reviewing all parcels that were legally developed but are now considered nonconforming—for example, those that no longer meet current requirements for reasons outlined in the Staff summary.
- **Zone assignment:** Those parcels would be placed in legacy zone categories, organized by type—commercial and residential, with subzones for both, depending on variables such as exact current zoning, lot size, etc.
- **Preservation of existing conditions:** A property in a legacy zone could be rebuilt within its current footprint, height, and configuration, maintaining the same relationship to the lot and the street as it has now, and could expand only if the additional area conforms to the current standards of active zoning regulations, not legacy ones. A few details like signage, screening requirements, lighting, building materials and maybe some others could or should conform to current standards.
- **No expansion of rights:** The property wouldn't gain additional flexibility or revert to earlier, looser standards. Its current dimensions and layout would define its rights going forward.

- **Administrative clarity:** By formally documenting these rights, both the Town and the property owner have a clear understanding of what can be built or maintained. This removes uncertainty and eliminates the nonconforming status that discourages property investment.

This approach brings stability, fairness, and transparency. Owners retain what they have without gaining new latitude or losing existing rights, while the Town maintains consistency and control over scale and character.

Relation to the Demolition, Repair, and Refurbishment of Noncomplying Buildings (Agenda Item A.1)

Agenda item A.1 for this same meeting—focused on how to handle demolitions or rebuilds of noncomplying structures—is a direct by-product of the larger problem addressed above.

If the Town were to adopt the framework described here—particularly the concept of *legacy zones*—the entire demolition/repair/rebuild question would become far simpler and, in many cases, unnecessary.

Here's why:

- **Clear rebuild rights:** Properties in legacy zones would already have clearly defined rights to rebuild in their current configuration. That means demolition and reconstruction could occur under predictable, documented standards, without the confusion that now surrounds noncomplying rebuilds.
- **Consistent decision-making:** This approach prevents the Town from making ad-hoc determinations each time someone seeks to rebuild, ensuring fairness and consistency. A property owner shouldn't be punished for discovering rotting wood. Making a contractor do piecemeal construction at great additional cost to the owner is not a practical solution. The legacy-zone system would create a standing rule: if the property was legal when built and remains within its current envelope and doesn't increase what would be considered nonconformity for active zones today, it can be built (assuming everything else meets guidelines).
- **Reduced staff workload:** Staff wouldn't need to draft or interpret one-off demolition provisions or manage competing interpretations of noncomplying status. The zoning designation itself would provide the answer.

In other words, by formally recognizing existing properties through the legacy-zone framework, the Town would pre-empt many of the conflicts and uncertainties driving the

demolition/repair/rebuild discussion. Adopting this system first would make that item basically antiquated, because the ability to rebuild responsibly would already be built into the code.

Relation to the Town’s Reference Documents: “Summary of Nonconforming Use Law” (Utah Land Use Institute, 2015) and “Nonconforming Uses and Noncomplying Structures” (Utah Land Use Institute, 2022)

Both editions of the Utah Land Use Institute’s summary, authored by Craig M. Call, J.D., outline the same key principles that directly support this proposed *legacy-zone* framework. The 2015 version established the foundational interpretations of Utah Code §§10-9a-511 and 17-27a-510, while the 2022 update reaffirmed those principles with newer case law, Ombudsman opinions, and statutory refinements.

Together, they make several points that align precisely with this proposal:

- **State law protects the right to rebuild** structures destroyed by fire or other calamity, unless they have been voluntarily demolished or abandoned.
- **A noncomplying structure that legally existed before a zoning change remains lawful**, and the burden of proof to show illegality rests with the Town, not the property owner.
- **Utah courts have repeatedly cautioned against the overzealous elimination of nonconforming uses**, noting that sweeping restrictions reduce property values and create unnecessary administrative burdens.
- The 2022 edition adds that **municipalities may not impose additional conditions** on nonconforming structures beyond those specified in statute—reinforcing the need for clear, consistent, codified treatment rather than ad hoc interpretation.

These same principles support the *legacy zone* concept. Instead of maintaining a patchwork of judgment calls and discretionary rulings, the Town can create a transparent structure that codifies what both editions of the Utah Land Use Institute paper describe as a “balanced perspective”—preserving lawful, long-standing uses while maintaining community standards and administrative clarity.

In Closing

The staff report seems to suggest a divide between maintaining the Town’s “vision” and supporting economic reinvestment. The General Plan is aspirational and consistently contradicts itself. Therefore, there’s no solution completely consistent with it. There are several references to finding solutions for under-utilized properties, in both the Land Use and Economic Development sections. The real challenge is between a uniform zoning framework and the diverse, irregular, and sometimes small-scale fabric of properties that actually exist in Springdale.

We can protect our town's vision and maintain economic vitality—but only by grounding zoning policy in the physical and historical context of our reality.

I encourage the Planning Commission to look seriously at the concept of *legacy zones* (or whatever name is most appropriate) and begin direct outreach to affected property owners. These steps will help the Town preserve its visual integrity while creating a fair, workable path for property owners to reinvest in the buildings, businesses and homes that give Springdale its character.

The answer is to make rules that fit our Town—not to make our Town fit one-size-fits-all rules.

Thank you for reading,

Noel Benson