



Memorandum

To: The Planning Commission
From: Niall Connolly, Director of Community Development
Date: April 10, 2026
Re: Refurbishment of Noncomplying Buildings

Introduction

The Planning Commission has worked over the last number of months on ordinance language to clarify the definition of “ordinary maintenance and repair” (see section 10-21-8A of the Town Code). This language is now presented to the Planning Commission for a formal recommendation to the Town Council. The proposed language does the following:

1. Clarifies that the definition of “Ordinary maintenance and repair” does not include extensive construction or reconstruction.
2. Adds a new section to the Code addressing "Involuntary removal of a noncomplying building or structure." This section addresses situations where a nonconforming building may have declined over an extended period, and needs significant renewal. The text defines the conditions on which approval may be given for construction activities which exceed the definition of ordinary maintenance and repair.

Since the last meeting, edits have been made to the language which:

- Emphasizes that approval must be sought prior to demolition.
- Clarifies that if a property owner wishes to reduce setbacks or otherwise increase compliance through the reconstruction, this may be approved.
- If removal of parts of the slab or building foundations is required for safety reasons, this may be approved.

Planning Commission Action

The Commission should review the draft ordinance language and make a recommendation to the Town Council on whether this language should be adopted or not. The Commission may refer to the General Plan, in particular Chapter 1: Land Use and Town Appearance, in their deliberations. The general of this chapter is as follows:

GENERAL GOAL: The Town will manage the type, size, scale, intensity (e.g., density), and appearance of new growth and development to enhance the unique character of Springdale’s built environment, preserve views of the natural landscape, reduce impacts on existing residents and businesses, and protect natural and cultural resources.

The Commission may use the following sample language:

The Planning Commission recommends approval/ denial of the proposed changes to Chapter 10-21-8 and the insertion of a new paragraph 10-21-9 into the Town Code, as discussed at the Commission meeting on April 15, 2026. This motion is based on the following findings:

(LIST FINDINGS)

10-21-8: MAINTENANCE, REPAIR, ALTERATION AND IMPROVEMENTS TO NONCOMPLYING BUILDING OR STRUCTURE:

Anything in this chapter notwithstanding, the following shall regulate the maintenance, repair, alteration and improvement of noncomplying buildings and structures. In all cases, where works constitute a substantial alteration of a structure, the works shall include measures, as necessary, to ensure the structure complies with town's current flood hazard reduction provisions, as set out in section 10-13A-8 of this title.

- A. *Ordinary maintenance and repair:* Ordinary maintenance and repair of noncomplying buildings and structures is allowed so long as such maintenance or repair will not result in expansion of any existing nonconformities or creation of new nonconformities. "Ordinary maintenance and repair" means improvements made to a building for the purpose of keeping the structure in a state of repair and protecting the structure from failure or decline. The term shall also apply to the rehabilitation of a building or structure which is in disrepair for the purpose of making the structure safe and sanitary, in accordance with local building code. Further, interior improvements within existing walls, not resulting in additional habitable space, shall be permitted. **Ordinary maintenance and repair does not include extensive construction or reconstruction, such as entirely replacing exterior walls or completely replacing the roof trusses.**
- B. *Alterations:*
 - 1. *Single-family dwellings:*
 - a. A single-family dwelling having nonconforming aspects may be altered or added to if such alteration or addition will not result in expansion of any existing nonconformities or creation of new nonconformities.
 - b. When a single-family dwelling is nonconforming as to setbacks, additions or alterations shall be permitted on the first floor if such addition or alteration will not result in the expansion of any existing nonconformities or the creation of new nonconformities.
 - 2. *Multi-family dwelling or commercial building:* A duplex, multi-family dwelling or commercial building or structure having nonconforming aspects, but having a use that is conforming, may be altered or added to, with the approval of the Town Council, provided such alteration or addition will not result in an expansion of any existing nonconformities or creation of new nonconformities.

(Ord. No. 2023-01, § 2, 2-8-2023)

10-21-9: INVOLUNTARY REMOVAL OF A NONCOMPLYING BUILDING OR STRUCTURE

If a nonconforming building or structure has declined over an extended period, due to circumstances other than a catastrophic event, and extensive improvements are required which exceed the definition of "ordinary maintenance and repair", this may be permitted in the following circumstances:

- A. Planning Commission approval is required for any such improvements. Approval must be received prior to the demolition of the building or structure. Approval will not be given after a building or structure has been demolished.
- B. A written opinion from an engineer or other suitably qualified individual must be provided, stating that the proposed refurbishments are necessary in order to make the structure safe and sanitary, in accordance with local building code. The Town Building Inspector will review this and provide advice to the Planning Commission on the merits of the written opinion.

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- C. The Planning Commission finds that there is ample justification for allowing the proposed improvements and the existing nonconformities to be retained.
 - D. Building elements above the floor slab or foundation (such as exterior walls or roof trusses) may be entirely reconstructed, as long as the structure with the newly reconstructed building elements does not exceed the size or height of the original structure, the design of the building with the reconstructed building elements is consistent with the design of the original structure, and the setbacks of the structure with the reconstructed building elements matches the setbacks of the original structure, or increases compliance with the required setbacks. Minor deviations from the original footprint may be approved if they would reduce the noncompliance of the structure. Any such improvements shall not result in expansion of any existing nonconformities or creation of new nonconformities.
 - E. Removal of the floor slab or footings will constitute redevelopment of the property, and in such circumstances the noncomplying elements of the building or structure shall not be rebuilt. If a written opinion from an engineer or other suitability qualified individual provides evidence that repairs or replacement of sections of the floor slab or footings is necessary for safety reasons, this may be approved.