



Memorandum

To: The Town Council
From: Niall Connolly, Director of Community Development
Date: May 8, 2026
Re: Refurbishment of Noncomplying Buildings

Introduction

The Town Council was asked to interpret two sections of the Code (10-21-3 and 10-21-8) at the September 10, 2025 Council meeting. During this discussion, the Council uncovered some ambiguities in the Code language, and directed the Planning Commission to investigate ways this could be resolved. The Planning Commission has discussed this over several work meetings, and is proposing some revisions to the ordinance language.

Questions to Resolve

These sections of the Code relate to noncomplying buildings. Because the Code is regularly updated, buildings that were compliant at the time of their construction often become noncomplying over time. They can continue to exist as legally nonconforming structures. However, broadly speaking, when a property is redeveloped, it must come into compliance with today's ordinances. This means removing nonconforming elements of properties through the development process. The Code allows exceptions to this rule for ordinary maintenance and repair, and for additions that don't increase any nonconformities. It is these exceptions that the Planning Commission was asked to clarify.

The questions at the heart of the issue were:

- Defining when a building has been "removed".
- Defining what exactly "ordinary maintenance and repair" of a noncomplying building is.

Proposed Ordinance Revision

The ordinance revision proposed by the Planning Commission 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.

Planning Commission Recommendation

The Planning Commission has recommended that the proposed ordinance revision be adopted by the Town. The Commission's motion is as follows:

Motion made by Terry Kruschke that the Planning Commission recommends approval 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 Planning Commission meeting on April 15, 2026. This motion is based on the following findings:

- 1. This Ordinance revision clarifies ambiguities in the requirements related to maintenance, repair, alteration, and improvements of non-complying buildings and structures.*
- 2. This Ordinance revision also makes allowances for circumstances where a non-complying building or structure has declined over time rather than by a catastrophic event, and requires extensive improvement beyond the definition of ordinary maintenance and repair.*
- 3. It defines the requirements and conditions that must be met to allow rebuilding any non-compliant aspects of the previous structure.*

Motion seconded by Paul Zimmerman.

Discussion of the motion: There was no additional discussion.

Vote on Motion:

Kruschke: Aye

McCulloch: Aye

Zimmerman: Aye

The motion passed unanimously.

Town Council Action

The Council should review the draft ordinance language and determine whether this language should be adopted or not. The Council 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 Council may use the following sample language:

The Town Council approves/ denies 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 Town Council meeting on May 13, 2026. This motion is based on the following findings:

(LIST FINDINGS)



ORDINANCE 2026-09

AN ORDINANCE OF THE SPRINGDALE TOWN COUNCIL REVISING THE TOWN'S LAND USE REGULATIONS RELATING TO NONCOMPLYING STRUCTURES, CLARIFYING THE DEFINITION OF ORDINARY MAINTENANCE AND REPAIR

Whereas, the Code allows for the ordinary maintenance and repair of noncomplying structures, and

Whereas, ambiguity exists regarding the exact definition of ordinary maintenance and repair, and what improvements can be carried out under that definition, and

Whereas, it is proposed to add language to the Town Code to clarify this question, and

Whereas, the Planning Commission and Town Council have both reviewed and vetted the proposed revisions to the Town's land use regulations regarding the ordinary maintenance and repair of noncomplying structures and find they will promote public health and well-being in the Town of Springdale, and

Whereas, the necessary public hearings and procedures required to amend the Town's land use ordinances have been fulfilled,

Now, Therefore, be it ordained by the Springdale Town Council that Title 10-21-8 of the Town Code be amended and a new section 10-21-9 be inserted into the Town Code as follows:



ROLL CALL VOTE

R. Aton	Yes	No
B. Bruno	Yes	No
J. Burns	Yes	No
P. Campbell	Yes	No
K. Topham	Yes	No

Adopted by the Springdale Town Council this 13th day of May, 2026.

Barbara Bruno,
Mayor

Attest:

Kyndal Sagers,
Town Clerk

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.