

1. Agenda

Documents:

[010726.PCWM.NEIGHBOR.PDF](#)

2. Packet Materials

Documents:

[ITEM A1 - DISCUSSION FOLLOWING DIRECTION FROM TOWN COUNCIL TO
REV CHPR 10-21 OF TOWN CODE,
REPAIR_REFURBISHMENT_NONCOMPLYING BLDGS.PDF](#)
[ITEM A2 - DISCUSSION OF RENOVATION OF NONCOMPLYING BUILDINGS IN
THE COMMERCIAL ZONES.PDF](#)



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PLANNING COMMISSION NOTICE AND AGENDA
THE SPRINGDALE PLANNING COMMISSION WILL HOLD A WORK MEETING
ON WEDNESDAY, JANUARY 7, 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. Discussion / Non-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: Thomas Dansie.
2. Discussion of Renovation of Noncomplying Buildings in the Commercial Zones. Staff Contact: Thomas Dansie.

B. Adjourn

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

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

This notice is provided as a courtesy to the community and is not the official notice for this meeting/hearing. This notice is not required by town ordinance or policy. Failure of the Town to provide this notice or failure of a property owner, resident, or other interested parties to receive this notice does not constitute a violation of the Town's noticing requirements or policies.

NOTICE: In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting should contact Town Clerk Robin Romero at 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>



Memorandum

To: The Planning Commission
From: Niall Connolly, Principal Planner
Thomas Dansie, Director of Community Development
Date: 31 December 2025
Re: Definition of “Removal” and “Ordinary Maintenance and Repair” Relative to Noncomplying Buildings

Introduction

The Planning Commission has been discussing how best to define the terms “removal of a building” and “ordinary maintenance and repair” as they relate to noncomplying buildings. The Town Council has asked the Commission to craft definitions for these terms in order to resolve some apparent ambiguity in the Code.¹ Over the last number of meetings there have been productive discussions as the Commission has considered the pros and cons of different approaches. The Commission has also sought to gain a broader understanding of how nonconformities are dealt with generally in planning practice, as well as relevant case law.

As reference, the current code language regulating “ordinary maintenance and repair” is reproduced below:

“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.”

At the November 19th meeting, Commissioner McCulloch suggested that it would be helpful to have some sample scenarios that the Commission could consider. As the Commission discusses these scenarios, it may be possible to refine opinions and arrive at appropriate definitions. Following this direction, staff has prepared a number of scenarios for the Commission’s discussion. These are included below. Staff will present each of these scenarios in the meeting to allow for Commission feedback and

¹ A recent Town Council interpretation found that reconstructing all portions of a structure above the foundation was “ordinary maintenance and repair” because a large part of the framing had been compromised by mold and rot. In this case the Council found the structure had not been “removed” because the foundation and slab remained. However, the Council directed the Commission to address this issue and make it more clear in the ordinance when a building has been “removed” and what are the limits of “ordinary maintenance and repair.”

discussion. Staff recommends that the Commission should try to draw a conclusion on each scenario, recognising that there may not be consensus every time. Where it is not possible to gain unanimous agreement on a particular scenario, the Commission could resort to a straw poll to gain the majority opinion. The staff can then use this to craft ordinance language that represents the Commission's majority opinion.

Existing Ordinances, Policies, and Practices for Background

The Commission has reviewed relevant background information on noncomplying structures in previous meetings. This is helpful information for the Commission to have a working familiarity with the following ordinances, policies, and practices surrounding noncomplying structures. The following is a summary of some of the background and foundational information the Commission has discussed in previous meetings. This foundational information could be useful when discussing staff's scenarios.

Reconstruction on Noncomplying Building after Catastrophic Event

The Town Code and State Law both allow a noncomplying structure that is destroyed by a catastrophic event to be reconstructed in the configuration that it existed prior to the destruction. See Section 10-21-7 of the Town Code:

"Any noncomplying building or structure that is damaged or destroyed by fire, explosion, earthquake or other catastrophic event may be rebuilt to the configuration of the structure which existed immediately prior to the damage having occurred; provided, however, that in rebuilding the noncomplying structure the noncomplying aspects may not be expanded and, to the extent possible without eliminating any of the preexisting noncomplying aspects, the rebuilding shall be consistent with the current building code. Notwithstanding this, a rebuilt structure shall be consistent with the Town's current flood hazard reduction provisions, as set out in section 10-13A-8 of this title."

Substantial Improvement / Substantial Damage to Buildings Noncompliant with Flood Hazard Requirements

The Town Code and National Flood Insurance Program (NFIP) standards have standards for improvements to noncomplying structures in flood hazard areas. If a structure in a flood hazard area undergoes a "substantial improvement" or is subject to "substantial damage" then the entire structure must be brought into compliance with flood hazard regulations. Substantial Improvement is defined as any improvement the value of which equals 50% or more of the value of the existing structure. Substantial damage means any damage whereby the cost of restoring the structure to its original condition would equal or exceed 50% of the value of the structure before the damage. This is a specific policy related to compliance with flood hazard regulations. But it could inform the Commission's action on the broader issue of noncomplying buildings.

Voluntary Demolition

Utah State Code states that a municipality *may* prohibit the reconstruction of a noncomplying structure if "the property owner has voluntarily demolished a majority of the noncomplying structure" (Utah Code 10-20-1003(3)(b)(ii)). This establishes the minimum requirement for

compliance with current standards as voluntary destruction of the “majority” of the structure. Note that the State Code is permissive (*may*) and not compulsory (*shall*). In other words, the Town can, but is not required to, require compliance with current standards only when a “majority” of the structure is voluntarily removed. Of course, the Town can establish a less restrictive standard (e.g. require compliance only upon complete removal of a structure), but cannot establish a more restrictive standard (e.g. require compliance after voluntary removal of only one wall).

General Nonconforming Use Policy and Case Law

The Utah Land Use Institute has published a primer of nonconforming uses and noncomplying structures. This document outlines the general policy surrounding nonconforming uses (inclusive of noncomplying structures) as follows:

“While the normal bias in applying land use ordinances is to resolve ambiguities in favor of the use of property, this is not so with nonconforming uses. There is a well-accepted premise in land use law that nonconformities should be eliminated over time. While normally land use regulations are construed in favor of the use of property, the ordinances allowing nonconforming uses and restricting them are strictly construed against the nonconforming use.”

Scenarios for Discussion at the Meeting

Staff will present the scenarios on the following pages at the January work meeting for Commission discussion. Staff recommends Commissioners come prepared to respond to and discuss each of these scenarios. As noted earlier, it is possible that the Commission will be unable to come to consensus on the appropriate response to one or more of these scenarios. In such a case staff recommends the Commission take a straw poll to determine the majority supported position. Staff will then draft ordinance language based on those majority positions.

Noncomplying Building Scenarios

January 7, 2026

Scenario 1

Lucy's house is legally noncomplying. It encroaches into the front and side setbacks. The house is in good condition and has no specific structural damage or decay. She wants to redevelop the property with a new house and plans to voluntarily remove the entire house (including the slab, foundations, and underground utilities) and rebuild.

- A. Lucy's new house needs to comply with all current ordinances, including the front and side setbacks.
- B. Lucy should be allowed to build her new house in the footprint of the old one, including in the area of the noncomplying setbacks, as long as all other zoning standards are met.
- C. Don't know.
- D. Other.

Scenario 2

Lucy decides not to demolish her entire house, but to keep some of the structure and do a major renovation and addition. Remember, the existing house is in good condition with no damage or decay.

- A. Lucy can renovate the noncomplying parts of her house, and to do so she needs to keep the slab or foundation in addition to the majority of the framing elements (i.e. wall studs, joists, trusses, etc.). She can also make an addition, and all parts of the addition need to meet all zoning requirements, including setbacks.
- B. So long as Lucy keeps the slab or foundation, she can rebuild the noncomplying part of her house if she keeps to the same footprint in the area on noncomplying setbacks. All vertical elements of the house can be completely replaced.
- C. Lucy can completely remove the structure (including the slab and foundation) and reconstruct. However, the new construction needs to be contained within the footprint of the original house in the area of the noncomplying setbacks. She is free to replace the foundation and slab, so long as it is in the same location as the original house in the area of the noncomplying setbacks.
- D. Don't know.
- E. Other

Scenario 3

Mark's house also has noncomplying setbacks. The house has water damage and mold, as well as some termite damage. These issues have developed over time. He would like to make repairs to his house for the purpose of making it safe and sanitary to occupy. He does not plan to make alterations or renovations other than those necessary to make the structure safe.

- A. Mark is free to work on the mold with bleach and an old toothbrush, and call pest control. If he starts replacing the framing, sheathing, or anything else, he needs to bring the house into compliance.
- B. Mark can make more significant repairs (e.g. replacing some damaged sheathing or studs), but he must retain the foundation or slab, as well as the majority of the studs and the roof joists. If the repairs require replacement of the slab or the majority of the framing elements the house needs to come into compliance.
- C. Mark has flexibility to make significant repairs, including replacement of the slab / foundation and/or all or the majority of the framing elements. However, if he wants to remove any structural elements, such as roof joists, studs or slab/ foundation - he must first obtain a written opinion from an expert (such as an engineer, the Town building inspector, etc.) that such interventions are necessary due to the damage that has occurred to the structure.
- D. Don't know.
- E. Other.

Scenario 4

Mark (from scenario 3) decides that as long as he is doing some work to make the house safe and sanitary he might as well add that theater room he has always wanted, change roofline, and raise the ceiling height from 8' to 10', which will result in an increased building height (still in compliance with the building height max). All these changes are proposed in the area of the noncomplying setbacks.

- A. The extra design changes and renovations exceed the scope of “ordinary maintenance and repair” and Mark can’t make them.
- B. As long as Mark preserves the existing foundation and slab in the noncomplying setback area he can replace the vertical elements of the construction with a new structure that is completely different in design than the old, assuming compliance with all other zoning standards.
- C. Mark can remove the slab and foundation and replace the entire structure with something brand new, as long as he does not increase the degree of the setback noncompliance and all other zoning standards have been met.
- D. Don’t know.
- E. Other.

Scenario 5

Caroline owns a commercial property on SR-9. It does not comply with the Town's setback, parking, and landscape ordinances. There is nothing wrong with the building and it still has useful life, but the design is outdated the building is a little bit tired. She would like to freshen up the building and give it a new lease of life.

- A. Carline should only be allowed to make cosmetic improvements, such as repairing stucco, re-roofing, painting etc. If she wants to do more, then the building needs to be brought into compliance.
- B. She can make significant improvements to the building, but must preserve the existing foundation/slab, the majority of the studs, and the roof joists, otherwise she needs to bring the building into compliance.
- C. So long as she stays within the footprint of the original building, she can rebuild (including replacing the slab/foundation and framing) with an entirely new design as long as the new building is in the same noncomplying area.
- D. Don't know.
- E. Other.

Scenario 6

Doug's commercial property does not comply with the Town's setback, parking and landscape ordinances. The building has deteriorated over time and is in need of extensive repairs to keep it safe to occupy.

- A. Doug should only be allowed to make cosmetic improvements, such as repairing stucco, re-roofing, painting etc. If he wants to do more, then the building needs to be brought into compliance.
- B. He can make the improvements necessary to keep the building safe (as documented and certified by an engineer or building inspector), but must retain the undamaged foundation/ slab, studs and other structural elements. He also cannot make any changes to the building not directly related to making the building safe, otherwise he needs to bring the building into compliance.
- C. So long as he stays within the footprint of the original building, he can rebuild in the same noncomplying area in a manner that is essentially the same building and design as existed previously.
- D. In addition to repairing the building to make it safe and sanitary Doug can also make improvements unrelated and in addition to the repairs necessary to make the building safe, again staying within the limits of the original noncomplying building.
- E. Don't know.
- F. Other.



Memorandum

To: Planning Commission
From: Thomas Dansie, Director of Community Development
Date: December 31, 2020
Re: Renovation of Noncomplying Buildings in the Commercial Zones

Introduction and Background

In the November meetings the Planning Commission discussed noncomplying structures in Springdale's downtown core. The downtown core is the heart of the Town's commercial activity. As is common in downtowns, it has a higher concentration of older buildings than most other parts of the community. Many of these buildings are noncompliant with current zoning standards (e.g. building size, building height, setbacks, etc.).

The current iteration of the zoning standards was adopted in 1992. Properties developed prior to 1992 are generally out of compliance with several zoning standards. The Town continuously updates and revises zoning standards to accommodate changing conditions and to better promote the vision of the General Plan. Each time the Town updates a zoning standard additional properties become noncomplying. Thus, even buildings built more recently may be out of compliance with some recently revised zoning standards. (For example, many properties in the VC zone developed in the last five years are now noncompliant with the new standard that requires an increased setback from SR9 based on building height.)

Because they were compliant at the time of their construction noncomplying properties can legally continue to exist in their noncompliant state. However, if the properties are redeveloped, any new buildings must be designed to comply with today's land use regulations. This may present an obstacle to the redevelopment or upgrade of noncompliant buildings, because coming into compliance would, in many cases, reduce their economic viability.

In the November meeting staff suggested the Commission discuss the following points to analyze this issue:

1. How much deference should be given to current zoning standards when considering noncompliant properties? To what extent is it permissible and justifiable to deviate from the Town's longstanding zoning vision for the development of the community as established in the General Plan to incentivize the redevelopment of noncompliant commercial properties?
2. What is the Town's sense of urgency in bringing noncompliant properties into compliance with current standards? Is this something that should be encouraged on an accelerated timeline? Or

is the Town willing to wait potentially for decades for noncompliant properties to become compliant?

3. Are there any redeeming qualities of noncomplying properties that actually contribute to the Town's village character? If so, what are they?

After this initial foundational discussion, staff suggested the Commission have a discussion regarding a potential strategy for noncompliant commercial properties. Possible strategies include:

1. Do nothing and continue with the Town's current practice of waiting for properties to redevelop before they are brought into compliance.
2. Develop a strategy that allows or encourages incremental progress toward full compliance as properties are redeveloped.
3. Change (relax) the zoning standards in the commercial zones to reduce the amount of noncomplying properties.

In the November 19 meeting Commissioners discussed these points. Several Commissioners felt that this issue was not a pressing problem and saw no reason to deviate from the Town's current practice of waiting for noncomplying properties to redevelop before they are brought into compliance.

Commissioners also expressed the opinion that some noncompliant buildings actually contributed to the Town's character and there should not necessarily be a requirement for them to comply with current zoning standards if they are redeveloped (assuming their historic character is preserved).

Commissioners also wondered whether noncomplying properties in the Central Commercial zone should be treated differently from noncomplying properties in the Village Commercial zone.

Finally, Commissioners suggested a field trip to examine the difference between noncomplying properties and properties developed more recently in compliance with zoning standards.

Update

Based on the Commission's discussion in the November meeting staff has prepared a virtual field trip of commercial properties in the Town. This virtual field trip is intended to help Commissioners visualize the impact of noncomplying buildings on the Town's character. It is also intended to provide a comparison between noncomplying and complying properties.

Staff notes that this virtual field trip is not comprehensive (not all commercial properties are included). Further, while the photographs in the virtual field trip will help the Commission get a visual representation of different commercial properties, they are not an adequate substitute for seeing the properties in person. For these reasons staff recommends each Commissioner do their own personal reconnaissance of commercial properties in the Town prior to the meeting.

Commission Action

Staff recommends the Commission continue discussion on how to proceed with a strategy related to redevelopment of noncomplying commercial properties.

Commercial Property Virtual Field Trip

January 7, 2026



145 Zion Park Blvd

Zion Canyon Village
VC Zone

Non-complying:

1. Building height (CUP)
2. Building size (CUP)
3. Parking area setback
4. Landscape area (Town Council incentive for shuttle turn around)



281 Zion Park Blvd
Cliffrose
VC Zone

Non-complying:
1. Parking area setback



358 Zion Park Blvd
Canyon Coffee
VC Zone

Non-complying:
1. Front setback (variance)



445 Zion Park Blvd
Whiptail
VC Zone

Non-complying:

1. Front setback
2. Parking area setback



428 Zion Park Blvd Flanigan's and Spotted Dog VC Zone

Non-complying:

1. Front setback (variance)
2. Parking area setback
3. Transient lodging density



479 Zion Park Blvd
Zion Canyon Campground
VC Zone

Non-complying:
1. Use (campground)



35 Lion Blvd

Hoodoos

VC Zone

Complying.



668 Zion Park Blvd
Fatali Gallery
CC Zone

Non-complying:
1. Transient lodging density
(DA)



694 Zion Park Blvd
Zion Prospector
CC Zone

Non-complying:

1. Front, side and rear setback
2. Parking area setback
3. Landscape area



707 Zion Park Blvd
Desert Pearl
VC Zone

Non-complying:

1. Front and rear setback (DA)
2. Building height (DA)
3. Building size (DA)
4. Parking area setback (DA)
5. Transient lodging density (DA)



736 Zion Park Blvd
Outta Here Ebikes
CC Zone

Non-complying:

1. Front setback
2. Parking area setback
3. Landscape area



789 Zion Park Blvd
Worthington Gallery
CC Zone

Non-complying:
1. Side setback



792 Zion Park Blvd
Red Cliffs Lodge
CC Zone

Non-complying:
1. Front setback (DA)



801 Zion Park Blvd

David West Gallery
CC Zone

Non-complying:

1. Front and side setback
2. Parking area setback



805 Zion Park Blvd

Fatali Gallery
CC Zone

Non-complying:

1. Front and side setback
2. Building size
3. Parking area setback
4. Landscape area



838 Zion Park Blvd
Petty Ranch Inn
CC Zone

Non-complying:

1. Front and side setback
2. Building size
3. Parking area setback
4. Landscape area
5. Transient lodging density



849 Zion Park Blvd
Zion Park Motel / Retail
Shops
CC Zone

Non-complying:

1. Front, side, and rear setbacks
2. Building size
3. Parking area setback
4. Landscape area
5. Transient lodging density



866 Zion Park Blvd
Shirt Off My Back
CC Zone

Non-complying:

1. Side setback
2. Parking area setback
3. Landscape area



868 Zion Park Blvd
Zion Pizza Noodle
VC Zone

Non-complying:

1. Front setback
2. Building height
3. Building size
4. Parking area setback
5. Landscape area



897 Zion Park Blvd Bumbleberry CC Zone

Non-complying:

1. Front setback
2. Building size
3. Parking area setback



921 Zion Park Blvd
Zions Bank
CC Zone

Non-complying:

1. Front and side setback
2. Parking area setback
3. Landscape area



932 Zion Park Blvd
Deep Creek Coffee
CC Zone

Non-complying:

1. Side and rear setbacks
2. Parking area setback



933 Zion Park Blvd
Canyon Offerings
CC Zone

Non-complying:

1. Front and side setback
2. Parking area setback



948 Zion Park Blvd
Oscars Cafe
CC Zone

Non-complying:

1. Front and rear setback
2. Parking area setback



962 Zion Park Blvd
Rally Stop
CC Zone

Non-complying:

1. Front and side setback
2. Parking area setback



975 Zion Park Blvd
Meme's Cafe
CC Zone

Complying.



980 Zion Park Blvd
Under the Eaves
CC Zone

Non-complying:

1. Front and side setback
2. Parking area setback



989 Zion Park Blvd
Red Rock Inn
CC Zone

Non-complying:
1. Front and side setback



990 Zion Park Blvd
Zion Canyon Lodge
CC Zone

Complying.



995 Zion Park Blvd
Sol Foods
CC Zone

Complying.



1001 Zion Park Blvd
Sol Foods Hardware
CC Zone

Complying.



1013 Zion Park Blvd
Zion Guru
CC Zone

Complying.



1051 Zion Park Blvd
DeZion Gallery
CC Zone

Non-complying:

1. Front setback.
2. Parking area setback.



1066 & 1088 Zion
Park Blvd
Sage Rentals / Water
Canyon Winery
VC Zone

Non-complying:

1. Building height based on setback from SR9 (setback must be 50' if height > 18').



1101 Zion Park Blvd
Feel Love Coffee
VC Zone

Non-complying:

1. Building height based on setback from SR9 (setback must be 50' if height > 18').



1120 Zion Park Blvd
Rose Cottage
VC Zone

Complying.



1200 Zion Park Blvd
LaFave North
VC Zone

Complying.



1212 Zion Park Blvd

Bit and Spur

VC Zone

Non-complying:

1. Parking area setback.



1214 Zion Park Blvd
Canyon Casitas
VC Zone

Non-complying:

1. Parking area setback.



1216 Zion Park Blvd
La Fave South
VC Zone

Non-complying:

1. Building height based on setback from SR9 (setback must be 50' if height > 18').
2. Setback from a residential zone (variance)



1416 Zion Park Blvd
Zion Rock and Gem
VC Zone

Non-complying:

1. Front setback
2. Parking area setback



1423 Zion Park Blvd Bungalows at Zion VC Zone

Non-complying:

1. Building height based on setback from SR9 (setback must be 50' if height > 18').



1458 Zion Park Blvd
Onyx Pizza
VC Zone

Non-complying:
1. Front setback



1515 Zion Park Blvd

Driftwood Lodge
VC Zone

Non-complying:

1. Building height
2. Building size
3. Parking area setback



1516 Zion Park Blvd
Montclair
VC Zone

Non-complying:

1. Transient lodging density
(DA)



1584 Zion Park Blvd
LDS Church Building
VC Zone

Non-complying:

1. Building height
2. Building size
3. Parking area setback



1593 Zion Park Blvd

Chevron

VC Zone

Non-complying:

1. Front, side, and rear setback
2. Parking area setback
3. Landscape area