



## ***Memorandum***

**To:** Planning Commission  
**From:** Thomas Dansie, Director of Community Development  
**Date:** January 30, 2026  
**Re:** Renovation of Noncomplying Buildings in the Commercial Zones

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### ***Introduction and Background***

The Commission has discussed noncomplying structures in the commercial zones during the previous several meetings. The following is a short summary of those discussions:

- Many properties in the commercial zones are non-compliant with at least one land use standard.
- Per Town Code, if these properties are redeveloped they must be brought into compliance with all current land use regulations.
- In many instances, the properties are more financially viable in their current noncompliant state than they would be if they were redeveloped in compliance with current standards.
- Given all the above findings, it will likely be many years (or decades) before most of the properties in the commercial zones are compliant with current land use regulations.

Considering the situation summarized above, the Commission discussed what (if anything) could and should be done relative to redevelopment of aging properties in the commercial zones. The Commission considered three general options:

1. Do nothing and wait (potentially for many years until properties are proposed for redevelopment for them to come into compliance).
2. Incentivize properties to redevelop more quickly with incremental progress towards full compliance.
3. Change zoning standards in the commercial zones to reduce the number of non-compliant properties (perpetuate existing conditions indefinitely).

During the January 7 meeting the Commission discussed a strategy that encompasses parts of all three of these options. The Commission determined that some aspects of existing noncompliant buildings contribute to the Town's character and could be continued, even when a property is redeveloped. Other aspects of noncomplying buildings do not contribute to the community character and should be phased out.

Specifically, the Commission found that a building with noncompliant setbacks could be rebuilt in the same footprint (i.e. size and setbacks), as long as the general scale and character of the building were retained. Other noncompliant characteristics of a property should not be perpetuated (e.g. insufficient landscape, parking not meeting the setback requirements, building height).

Staff has prepared the following framework for a strategy to accomplish the direction the Commission gave in the January meeting. This strategy is presented below in concept. The Commission should give staff feedback on this concept. Staff will then revise the concept and develop ordinance language.

### ***Noncomplying Commercial Buildings Concept Strategy***

- A building in the CC or VC zone that is noncompliant with setbacks and/or building size may be completely reconstructed (including removal and replacement of the foundation), as long as all of the following conditions are met:
  - The reconstructed building must be located entirely within the footprint of the existing noncompliant building. Extensions of the reconstructed building outside the existing footprint building are not allowed, even if said expansion would be compliant with setback or size requirements.
  - All other aspects of the reconstructed building (height, design, materials, outdoor lighting, etc.) must comply with current land use regulations.
  - All other aspects of development on the property must be compliant with current land use standards (e.g. landscape, parking, parking area setbacks, etc.). If compliance with any other land use regulation makes it impossible to reconstruct the building within its original footprint, the size and/or setback of the noncomplying building must be altered (in a way that does not increase the setback or size noncompliance) to allow compliance with all other regulations.
  - The height of the reconstructed building must not exceed the height of the existing building plus two feet (and in all cases must additionally comply with the current building height).
- If a building in the CC or VC zone that is noncompliant with setbacks and/or building size is proposed to be reconstructed other than listed above, it must meet all current land use standards.
- A noncompliant building reconstructed pursuant to the standards above retains its noncomplying use status and will continue to be regulated as a noncompliant building.
- A noncompliant building reconstructed pursuant to the standards above that also houses a nonconforming use retains the nonconforming use status, and the use shall not be found to be abandoned if the reconstruction takes longer than one year.
- All noncompliant aspects of a property in the CC or VC zone other than size and setback must be brought into compliance when a property is redeveloped.

The aerial image below shows how the above strategy would work on a noncompliant property in Springdale. The property (outlined in orange) is noncompliant with a number of land use regulations (setbacks, building size, parking area setback, landscape, transient lodging unit density). Under the proposal detailed above the property could be redeveloped by completely reconstructing one or all of the existing buildings (outlined in red). However, there would need to be changes to the parking area setback, there would need to be additional landscape, and the number of transient lodging units would need to be reduced. This would likely mean not all of the buildings on the property would be able to be

rebuilt to the extent they exist now -- it is likely that additional area would be needed for landscape and parking that met the setback requirement.



***Commission Action***

Staff recommends the Commission discuss the proposed strategy for noncompliant buildings and give staff feedback.