

## NONCONFORMITIES – COMPARISON TABLE

1. *Legally Created Structures Conforming (irrespective of type)	2. Non-Conforming Residential Development in Critical Areas	3. Non-Conforming Residential Development City-Wide
<p><u>Boathouses:</u> Legally established boathouses (structures waterward of OHWM) are deemed legally nonconforming.</p> <p>Boathouses can be:</p> <ul style="list-style-type: none"> <li>• Continued</li> <li>• Remodeled up to 50% replacement value of the structure in a 3-year period</li> <li>• Reconstructed within the footprint of the original structure if damaged or destroyed (without limitation on replacement cost)</li> <li>• Expansion, enlargement is prohibited</li> </ul> <p>All residential development waterward of OHWM considered conforming (no distinction between primary and accessory structures)</p>	<p><u>Boathouses:</u> Legally established structures waterward of OHWM prior to August 1, 2006, are deemed legally nonconforming.</p> <p>Boathouses can be:</p> <ul style="list-style-type: none"> <li>• Continued</li> <li>• Repaired and remodeled, but scope is limited to minor, nonstructural repairs, and repairs of mechanical systems</li> <li>• Expansion is prohibited.</li> <li>• Destruction by fire, explosion or other unforeseen circumstance may be repaired within the footprint existing at the time of destruction if undertaken within one year.</li> <li>• If structurally destroyed beyond minor nonstructural repairs, boathouse cannot be reconstructed.</li> </ul>	<p><u>Nonconforming Structures city-wide.</u> Legally established structures that do not comply with current regulations as a result of code change or annexation are deemed legally nonconforming.</p> <p>Nonconforming structures can be:</p> <ul style="list-style-type: none"> <li>• Continued</li> <li>• Repaired</li> <li>• Remodeled, provided fair market value of remodel does not exceed 100 percent of replacement value of the existing structure over a 3-year period. If remodel exceeds 100 percent of replacement value, the structure must be brought into compliance with current code</li> <li>• Expansions must comply with current code. However, in single-family districts, nonconforming structures may extend along existing building setbacks.</li> <li>• Destruction by fire, explosion, or other unforeseen circumstances to the extent of 75 percent or less of its</li> </ul>

1. *Legally Created Structures Conforming (irrespective of type)	2. Non-Conforming Residential Development in Critical Areas	3. Non-Conforming Residential Development City-Wide
		replacement value may be reconstructed. Structures destroyed to the extent of greater than 75 percent of its replacement value, must be brought into compliance with current code.
All <u>residential development landward</u> of OHWM is considered conforming to the shoreline setback through footprint exception.	Only <u>primary structures</u> considered conforming to the shoreline setback through footprint exception. Accessory structures deemed nonconforming and regulated the same as boathouses (see above)	No City-wide comparison example
<p>All legally established residential development landward of OHWM can be:</p> <ul style="list-style-type: none"> <li>• Maintained</li> <li>• Reconstructed within footprint</li> <li>• Expanded laterally into shoreline setback up to 200 sf pursuant to performance criteria.</li> </ul> <p>Expansion of existing development toward OHWM is prohibited</p>	<p>All legally established residential development landward of OHWM can be:</p> <ul style="list-style-type: none"> <li>• Maintained</li> <li>• Reconstructed within footprint</li> <li>• Expanded through Critical Areas Permit (allowed uses 500 sq. ft expansion or Critical Areas Report)</li> </ul>	No City-wide comparison example

\* Option recommended by the Planning Commission in the SMP Update