

SHORELINE MASTER PROGRAM NONCONFORMING THRESHOLDS COMPARISON

CITY	SMP NONCONFORMING THRESHOLD DUE TO DAMAGE BY FIRE OR OTHER NATURAL ACT	SMP NONCONFORMING THRESHOLD FOR VOLUNTARY ALTERATION
<p style="text-align: center;">Proposed Burien SMP</p>	<p>20.35.045 Alteration or Reconstruction of Nonconforming Structures or Uses:</p> <p>4. Reconstruction. A nonconforming structure which is destroyed, deteriorated, or damaged more than 50% of the assessed value of the <i>nonconforming structure</i> as established by the most current county assessor's tax roll at present or at the time of its destruction by fire, explosion, or other casualty or act of God, may be reconstructed only insofar as it is consistent with existing regulations and the following:</p> <ul style="list-style-type: none"> a. The structure must be located landward of the ordinary high water mark. b. The area between the nonconforming structure and the OHWM shall meet the vegetation conservation standards of this Master Program. c. The remodel or expansion shall not cause adverse impacts to shoreline ecological functions or processes. d. The action shall not extend either further waterward than the existing primary residential structure (not appurtenance), further into the minimum side yard setback, or further into the riparian buffer than the existing structure. Encroachments that extend waterward of the existing residential foundation walls or further into the riparian buffer, or the minimum required side yard setback require a variance. e. An application is filed to reconstruct the structure within 18 months of the date of the damage. 	<p>20.35.045 Alteration or Reconstruction of Nonconforming Structures or Uses</p> <p>1. Voluntary Removal, Moving or Alterations. Voluntary removal or alteration of a primary structure or appurtenance that exceeds 50% of the assessed value of the <i>nonconforming structure</i> as established by the most current county assessor's tax roll shall comply with the provisions of this City of Burien Shoreline Master Program. A nonconforming structure which is moved any distance must be brought into conformance with provisions of this shoreline master program and the SMA.</p> <p>2. Expansion. Enlargement or expansion of single family residences less than 500 square feet of roof area may be approved by a shoreline substantial development permit subject to the criteria listed in this section. Enlargement or expansions of a single family residence greater than 500 square feet of roof area by the addition of space to the primary structure or by the addition of normal appurtenances as defined in 20.40.000 that would increase the nonconformity and/or encroach further into areas where new structures or developments would not be allowed under this Master Program may be approved by a shoreline conditional use permit if all of the following criteria are met:</p> <ul style="list-style-type: none"> a. The structure must be located landward of the ordinary high water mark. b. The enlargement, expansion or addition to the existing primary residential structure shall not extend further waterward except through application of the common line setback provision of 20.30.100 [2.c]. Expansions shall not extend further into the minimum side yard setback, or further into any critical area unless authorized by the provisions of BMC 19.40. c. The area between the nonconforming structure and the shoreline and/or critical area shall meet the vegetation conservation standards of Burien SMP section 20.30.030.
<p style="text-align: center;">Existing Burien SMP</p>	<p>25.32.060 B. A use or development, not conforming to existing regulations, which is destroyed, deteriorated, or damaged more than fifty percent of its fair market value at present or at the time of its destruction by fire, explosion, or other casualty or act of God, may be reconstructed insofar as it is consistent with existing regulations.</p>	<p>25.32.060 B. A use or development, not conforming to existing regulations, which is destroyed, deteriorated, or damaged more than fifty percent of its fair market value at present or at the time of its destruction by fire, explosion, or other casualty or act of God, may be reconstructed insofar as it is consistent with existing regulations.</p>

Coupeville	<p>16.30.690. G. Historic sites and structures damaged to an extent exceeding seventy-five percent of the replacement cost of the original development may be reconstructed to those configurations existing immediately prior to the time the development was damaged consistent with Secretary of the Interior's Guidelines and Standards for Rehabilitation, provided that application is made for the permits necessary to restore the development within six months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance. Except in the above cases, if a nonconforming structure is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within six months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance.</p>	<p>16.30.690.C. Uses and structures that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses and structures in accordance with the following sections. Such uses shall not be enlarged or expanded, except that nonconforming single-family residences that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances.</p>
Darrington	<p>Nonconforming Development, Development & Building Permits and Unclassified Uses: 3. If a nonconforming structure is damaged to an extent not exceeding seventy-five (75) percent replacement cost of the nonconforming structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as restoration is completed within one year of the date of damage, with the exception that, single family nonconforming development may be one hundred (100) percent replaced if restoration is completed within three years of the date of damage;</p>	<p>Nonconforming Development, Development & Building Permits and Unclassified Uses: 1. Nonconforming development may be continued provided that it is not enlarged or expanded and said enlargement does not increase the extent of nonconformity and by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses; 2. A nonconforming development which is moved any distance must be brought into conformance with the Master Program and the Act;</p>
Douglas County	<p>1.11 Prior development and nonconformance: The provisions of WAC 173-27-070 shall apply to substantial development undertaken prior to the effective date of the Act. The provisions of 173-27-080 shall apply to nonconforming uses.</p>	
Monroe	<p>D.8. If a nonconforming development is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within six months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance.</p>	<p>7. A nonconforming structure which is moved any distance must be brought into conformance with this Master Program and the Act.</p>

<p>Marysville</p>	<p>19.44.030 Nonconforming structures.</p> <p>(3) A nonconforming structure which is voluntarily or accidentally destroyed, demolished or damaged, or allowed to deteriorate, to the extent where restoration costs would exceed 75 percent of the assessed value of the structure, may be restored and rebuilt only if the structure, in its entirety, is brought into conformity with the then-current bulk and dimensional requirements of the zone in which it is located; provided, that a single-family residence with nonconforming status in a residential zone may be restored and rebuilt to any extent as long as it does not increase the preexisting degree of nonconformance; provided, a single-family residence with nonconforming status in zones other than residential may be restored and rebuilt to any extent on the original footprint of the structure's foundation so long as it does not increase the preexisting degree of nonconformance, upon obtaining a conditional use permit pursuant to this chapter.</p>	<p>19.44.030 Nonconforming structures.</p> <p>(1) Nonconforming structures may be repaired and maintained. The interior of said structures may be restored, remodeled and improved to the extent of not more than 25 percent of the assessed value of the structure in any consecutive period of 12 months.</p> <p>(2) The exterior dimensions of a nonconforming structure may be enlarged by up to 100 percent of the floor area existing at the effective date of the nonconformance upon obtaining a conditional use permit pursuant to this chapter; provided, that the degree of nonconformance shall not be increased, and the then-current bulk and dimensional requirements of the zone in which it is located shall be observed with respect to the new portion of the building.</p> <p>(3) A nonconforming structure which is voluntarily or accidentally destroyed, demolished or damaged, or allowed to deteriorate, to the extent where restoration costs would exceed 75 percent of the assessed value of the structure, may be restored and rebuilt only if the structure, in its entirety, is brought into conformity with the then-current bulk and dimensional requirements of the zone in which it is located; provided, that a single-family residence with nonconforming status in a residential zone may be restored and rebuilt to any extent as long as it does not increase the preexisting degree of nonconformance; provided, a single-family residence with nonconforming status in zones other than residential may be restored and rebuilt to any extent on the original footprint of the structure's foundation so long as it does not increase the preexisting degree of nonconformance, upon obtaining a conditional use permit pursuant to this chapter.</p> <p>(4) When a structure or a portion thereof is moved to a new location, it must be made to conform to all then-current land use restrictions applicable to the new location.</p>
<p>Orting</p>	<p>8.08 Nonconforming Development, Development & Building Permits and Unclassified Uses</p> <p><i>Nonconforming Development</i></p> <p>2. If a nonconforming structure is damaged to an extent not exceeding seventyfive (75) percent replacement cost of the nonconforming structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as restoration is completed within one year of the date of damage, with the exception that, single family nonconforming development may be one hundred (100) percent replaced if restoration is completed within three years of the date of damage;</p>	<p>8.08 Nonconforming Development, Development & Building Permits and Unclassified Uses</p> <p><i>Nonconforming Development</i></p> <p>1. Nonconforming development may be continued provided that it is not enlarged or expanded and said enlargement does not increase the extent of nonconformity and by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses; A nonconforming development which is moved any distance must be brought into conformance with the Master Program and the Act;</p>

<p>Port Townsend</p>	<p>11.3 Nonconforming Structures 11.3.1 A nonconforming structure that is damaged to an extent of one-half or more of its replacement cost immediately prior to such damage may be restored only if made to conform to all provisions of this title. However, any residential structures, including multifamily structures, in a residential zoning district destroyed by a catastrophe, including fire, may be reconstructed up to the size, placement and density that existed prior to the catastrophe. Structural repair shall be complete within two years after the catastrophe unless the Shoreline Administrator grants an extension for just cause.</p>	<p>11.3 Nonconforming Structures 11.3.2 Necessary repairs and alterations that do not increase the degree of nonconformity may be made to nonconforming residential structures, including multifamily structures, located in residential zoning districts. 11.3.3 A nonconforming building or structure may be repaired and maintained as provided in and as limited by this section. The maintenance of such building or structure shall include only necessary repairs and incidental alterations, which alterations, however, shall not extend the nonconformity of such building or structure; provided, that necessary alterations may be made as required by other law or ordinance. 11.3.6 A building or structure, nonconforming as to the bulk, dimensional and density requirements of this title, may be added to or enlarged if such addition or enlargement conforms to the regulations of the district in which it is located. In such case, such addition or enlargement shall be treated as a separate building or structure in determining conformity to all of the requirements of this title.</p>
<p>Sultan</p>	<p>VI. NONCONFORMING DEVELOPMENT, DEVELOPMENT and BUILDING PERMITS, and UNCLASSIFIED USES A. Nonconforming Development 3. If a nonconforming structure is damaged to an extent not exceeding seventy-five (75) percent replacement cost of the nonconforming structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as restoration is completed within one year of the date of damage, with the exception that, single family nonconforming development may be one hundred (100) percent replaced if restoration is completed within three years of the date of damage;</p>	<p>VI. NONCONFORMING DEVELOPMENT, DEVELOPMENT and BUILDING PERMITS, and UNCLASSIFIED USES A. Nonconforming Development 1. Nonconforming development may be continued provided that it is not enlarged or expanded and said enlargement does not increase the extent of nonconformity and by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses; 2. A nonconforming development which is moved any distance must be brought into conformance with the Master Program and the Act;</p>
<p>Whatcom County</p>	<p>23.50.07 Non-conforming Development F. Non-conforming structures that are destroyed by fire, explosion, flood, or other casualty may be restored or replaced in kind if there is no feasible alternative that allows for compliance with the provisions of this Program; provided that, the following are met: 1. The reconstruction process is commenced within eighteen (18) months of the date of such damage; and 2. The reconstruction does not expand, enlarge, or otherwise increase the nonconformity, except as provided for in subsection (E) above or (H) and (I) below. <i>[See column at right]</i></p>	<p>23.50.07 Non-conforming Development A. The lawfully established use of any building, structure, land or premises existing on the effective date of initial adoption of the Program (August 27, 1976), or any subsequent amendment thereto or authorized under a permit or approval issued, or otherwise vested, prior to the effective date of initial adoption of the Program or any subsequent amendment thereafter shall be considered nonconforming and may be continued, subject to the provisions of this section; provided that, agricultural activities shall conform to WCC 16.16.290; provided further that, bulkheads shall conform to SMP 23.100.13. D. Non-conforming structures may be maintained, repaired,</p>

		<p>renovated, or remodeled to the extent that non-conformance with the standards and regulations of this Program is not increased, provided that a non-conforming development that is moved any distance must be brought into conformance with this Program and the Act; provided further, that as a conditional use a non-conforming dock may be modified, reoriented or altered within the same general location to be more consistent with the provisions of this SMP.</p> <p>E. Non-conforming structures that are expanded or enlarged must obtain a variance or be brought into conformance with this Program and the Act; provided that, non-conforming single family residences may be expanded without a variance where the provisions of SMP 23.50.07.I apply; and provided further, that non-conforming structures with conforming uses within commercial or mixed-use developments may be expanded or enlarged within the existing building footprint as a conditional use pursuant to Chapter 23.100.05.B.1(e).</p> <p>I. Enlargement or expansion of single family residences by the addition of space to the main structure or by the addition of normal appurtenances as defined in Chapter 11 that would increase the non-conformity and/or encroach further into areas where new structures or developments would not now be allowed under the Program may be approved by conditional use permit if all of the following criteria are met:</p> <ol style="list-style-type: none">1. The structure must be located landward of the ordinary high water mark.2. The enlargement, expansion or addition shall not extend either further waterward than the existing primary residential structure (not appurtenance), further into the minimum side yard setback, or further into any critical area established by WCC 16.16 than the existing structure. Encroachments that extend waterward of the existing residential foundation walls or further into a critical area, or the minimum required side yard setback require a variance.3. The area between the non-conforming structure and the shoreline and/or critical area shall meet the vegetation conservation standards of SMP 23.90.06.4. The remodel or expansion will not cause adverse impacts to shoreline ecological functions and/or processes.
--	--	--