

City of Bainbridge Island -- SMP Amendment
Existing Development Comparison

Existing Shoreline Master Program

Action	Regulations for Single-Family (Primary) Structures
Repair	<ul style="list-style-type: none"> Changes to the structure that would alter or increase the nonconformity are not permitted
Replacement (Intentionally Demolished)	<ul style="list-style-type: none"> Existing structures may be maintained, repaired, renovated, or remodeled (note: does <u>not</u> say “replaced”) If moved, the structure shall be made to conform to regulations of this program
Replacement (Destroyed by Natural Cause)	<ul style="list-style-type: none"> If an existing primary structure is damaged or destroyed by fire, explosion, earthquake, flooding or other casualty, it may be reconstructed to the bulk dimension existing immediately prior to the catastrophic event, provided: <ul style="list-style-type: none"> The replacement structure shall not warrant new shoreline stabilization for the life of the new structure The replacement structure meets geologically hazard provision for existing development in Section 4.1.5, Regulations – Nonconforming Uses, and Appendix B If an existing primary residential structure is damaged or destroyed as described by natural causes, the existing primary residential structure configuration may be altered or expanded (per regulations below)
Expansion	<p>General requirements (applies to all structures):</p> <ul style="list-style-type: none"> Any vertical or horizontal extension of a wall must meet current requirements Adding to the footprint of an existing structure is permitted as long as the addition meets current requirements No further encroachment into buffers permitted unless allowed in SMP or through an approved variance <p>Primary structures:</p> <ul style="list-style-type: none"> Enlargement or expansion of the building configuration, including any new impervious surfaces located within the Shoreline Buffer shall be located landward of the existing or original building footprint, only one such expansion may occur within the lifetime of the development, and the expansion shall not exceed: <ul style="list-style-type: none"> The allowed building area for Point Monroe District The allowed building area for encumbered lots For structures not meeting above; twenty five percent (25%) of the existing building footprint.
Expansion on/in steep slope	<p>Redevelopment of existing structures:</p> <ul style="list-style-type: none"> If an existing structure is damaged or is intentionally demolished the new structure must meet all the provisions of a new structure. Structural alteration to an existing legally constructed structure that does not increase the structural footprint and are determined by the City Engineer as having a minimal potential for increasing landslide hazard and meets the minimum buffer dimensions in B-9(E)(3)(i).
Residential accessory structures	<p>If an existing residential accessory structure is damaged, destroyed or intentionally demolished, the reconstruction shall be in conformance with all standards of the Program (note: accessory structures are often intentionally demolished to replace in whole or part as “repair,” e.g., rotten deck or stairs)</p> <p>An existing essential single family residential accessory structure may be reconstructed as follows:</p> <ul style="list-style-type: none"> Replacement structure is the same bulk dimension as the existing structure. Replacement structure may be located within Zone 2 provided mitigation occurs in accordance with 4.1.2.5 – Revegetation Standards. Attached decks essential to a single-family residence may be replaced in the same location. All other applicable standards and provisions are met, including regulations of this Program, the Bainbridge Island Municipal Code, the septic system requirements of the Kitsap Health District, and any state and federal laws.

Existing Critical Areas Ordinance

Action	Regulations
General provisions – buildings	<p>Structures and related improvements that were legally built or vested prior to the effective date of Ordinance No. 2005-03 that do not meet the setback or buffer requirements of this chapter may continue to exist in their present form, and may be altered, including remodeled, reconstructed, or expanded, if such alteration complies with the provisions of this section. Existing structures, not located in a geologically hazardous area, that were legally built or vested prior to the effective date of Ordinance No. 2005-03 may be altered if:</p> <ul style="list-style-type: none"> • There is no change in the footprint of the building; • The remodel is entirely inside the existing building; • There is no further encroachment into the buffers required pursuant to this chapter unless a variance is first approved; or • Any expansion of the building footprint is exclusively on the sides that do not touch the buffers.
General provisions – structures other than buildings	<p>Any structure other than a building that is damaged or removed to an extent that exceeds 50 percent of its square footage may be replaced or reconstructed in substantially the same location and of substantially the same design as the pre-damaged or pre-removed structure, if a complete application is submitted for any and all required construction permits within 180 days of the damage or removal.</p> <p>Existing property improvements other than structures, including driveways, parking areas, yards, play areas, storage areas, and similar improvements that were legally established or vested prior to the effective date of Ordinance No. 2005-03 may be altered if:</p> <ul style="list-style-type: none"> • There is no change in the location of the improvement; • Any alteration of the improvement is entirely inside of the existing boundaries of the improvement; • There is no further encroachment into the buffers unless a variance is first approved; or • Any increase in the area of the improvement is exclusively on the sides that do not touch the buffers. • Alterations permitted by this section shall not be exempt from applicable city review or permit requirements or other applicable city codes.
Expansion on/in steep slope	<p>Included in exemptions: Structural alteration to an existing legally constructed structure that does not increase the structural footprint and is determined by the city engineer as having a minimal potential for increasing landslide hazard</p>

Proposed Critical Areas Ordinance

Action	Regulations
<p>General provisions – buildings</p>	<p>Structures and related improvements that were legally built or vested prior to the effective date of Ordinance No. 2018-01 that do not meet the requirements of this chapter may continue to exist in their present form, and may be altered, including remodeled, reconstructed, or expanded, if such alteration complies with the provisions of this Section and all other applicable sections of this Chapter.</p> <p>Existing buildings that were legally built or vested prior to the effective date of Ordinance No. 2018-01 may be altered only one time within the lifetime of the structure and:</p> <ul style="list-style-type: none"> • The expansion of the footprint is outside a landslide hazard area or landslide hazard area setback unless required for safety or seismic upgrades; • Any expansion of the footprint is located only within a critical area buffer. No expansion of the footprint is allowed within a wetland or fish and wildlife habitat conservation area; • Any expansion of the footprint within a critical aquifer recharge area is located outside the Native Vegetation Protection Area pursuant to BIMC 16.20.090.E. • Cantilevers over critical areas are not allowed; • The expansion of the footprint at ground level does not exceed 500 square feet; • Any expansion of the footprint is used only as indoor living space or to accommodate accessibility; • Any expansion of the footprint is no closer to the critical area than the existing footprint; and • If a building is harmed or destroyed by more than 50 percent of its square footage, the building must be reconstructed in compliance with the requirements of this Chapter.
<p>General provisions – structures other than buildings</p>	<p>Existing property improvements other than buildings, including driveways, parking areas, yards and landscaped areas, play areas, storage areas, decks less than 5 feet in height, patios, and similar improvements that were legally established or vested prior to the effective date of Ordinance No. 2018-01 may be altered if:</p> <ul style="list-style-type: none"> • Any alteration is in substantially the same location as the original property improvement; • Any expansion of the footprint is located only within the required buffer. No expansion of the footprint is allowed within the critical area itself and cantilevers over critical areas are not allowed; • Any expansion of the footprint is no closer to the critical area than the existing footprint; and • Any expansion of the footprint within a critical aquifer recharge area is located outside the Native Vegetation Protection Area pursuant to BIMC 16.20.090.E.

Existing Zoning Ordinance

Action	Regulations
General provisions – buildings	<p>A nonconforming structure may remain and be used; provided, that:</p> <ul style="list-style-type: none">• Changes to the structure that would alter or increase the nonconformity are not permitted.• Any vertical or horizontal extension of a nonconforming wall must meet the applicable standards.• Adding to the footprint of a nonconforming structure is permitted as long as the addition meets the requirements of BIMC Title 18 (Zoning)• If moved, the structure shall be made to conform to regulations of this code• If a building is harmed or destroyed by more than 50 percent of its square footage, the building must be reconstructed in compliance with the requirements for the zone in which it is located
General provisions – structures other than buildings	<p>Any structure other than a building that is damaged or removed to an extent that exceeds 50 percent of its square footage may be replaced or reconstructed in substantially the same location and of substantially the same design as the pre-damaged or pre-removed structure, if a complete application is submitted for any and all required construction permits within 180 days of the damage or removal.</p>

