

## **How could the updated SMP affect property? An Overview of Different Scenarios...**

The following is a summary of the key provisions of the **new shoreline regulations** (Chapters 83 and 141 KZC) in response to questions that were raised during SMP update process along with a snapshot of a few possible examples of how the regulations would affect some properties.

### **The New Shoreline Regulations**

**Does not apply new setbacks retroactively to existing developments.** Existing uses are 'grandfathered'. Compliance with updated shoreline setbacks will be limited to additions, or new or redevelopment proposals after adoption of the SMP.

**Does provide the ability to reduce new shoreline setbacks.** The provisions provide the opportunity for shoreline setbacks to be reduced, with 10 different reduction mechanisms available.

**Does allow the replacement of a residence or structure that does not comply with new shoreline setbacks in the case of fire or other disaster.** The provisions allow replacement of existing structures in this type of circumstance.

**Does require a native vegetation buffer area with new development.** Compliance with new shoreline vegetation standards will be limited new or redevelopment proposals after adoption of the SMP, or alteration that is more than 50% of the replacement cost of all structures on the property. For commercial and multifamily, also increase of 10% of more in gross floor area of any structure. In these circumstances, the vegetation standards would require a 10-foot planted strip at the lake edge, and all other existing vegetation could be retained. Alternative landscaping may also be proposed.

**Allows the removal of most trees in shoreline setback with replacement.** Tree removal is still permitted similar to other areas in the City; except that replacement of trees in the shoreline setback is required at a ratio of 1:1. Trees to be removed in the setback that are between 12" but less than 24" in diameter must also be replaced with at least 80 square feet of riparian vegetation. Trees 24" inches in diameter or greater cannot be removed in the shoreline setback unless they are determined by the City to be hazardous or nuisance, and if so determined, replaced at a 2:1 ratio. Alternative tree replacement may be proposed.

**Does not require removal of existing shoreline stabilization measures, such as bulkheads, when redevelopment of a residence occurs.** Compliance with updated shoreline stabilization provisions will be limited to additions to existing shoreline stabilization measures or new or replacement shoreline stabilization measures and in some cases major repair of existing measures.

**Does not prohibit the use of bulkheads or similar shoreline stabilization measures under certain conditions.** A bulkhead or other similar shoreline stabilization measure can be permitted, with demonstrated need (these regulations are required by State):

Primary structure must be threatened (not accessory structures) Imminent danger' is defined as 3 years

**Does not require use of softer shoreline stabilization measures in all circumstances.** Before replacing an existing shoreline stabilization measures, a review will be needed to determine the appropriate shoreline stabilization measure, based upon a site's individual site characteristics, including location of the existing residence.

**Allows components of softer shoreline stabilization to occur waterward of the ordinary high water mark.** In most situations this would not result in a loss of existing lot area to accommodate softer shoreline stabilization measures. In some circumstances, existing lawn could be converted to beach.

**Does not create new limits on the overall size of existing private docks.** If you need to replace an existing pier, you will be able to retain the same overall area, but may need to narrow your pier width to 4 feet within 30 ft of the ordinary high water mark and 6 feet beyond that point.

## **EXAMPLES**

In addition, the City felt it was important to clarify how the new regulations might apply to different development scenarios that often occur on property. The following outlines a number of different scenarios that may apply to different properties along the shoreline, depending on their individual property characteristics:

**Scenario 1:** I own an existing residence in the Residential –L zone, north of the Lake Ave W Street End Park along a public street. My lot is 120 feet in depth and 60 feet in width and my existing residence is setback 42 feet from the ordinary high water mark. I have an existing bulkhead at the shoreline edge. What is required if I want to add onto or replace my existing residence?

The required setback would be 36 feet from the ordinary high water mark (30% of the average parcel depth of 120 feet). You can rebuild to this setback. You can also potentially rebuild closer if you want to take advantage of the **shoreline setback reduction provisions**. For instance, if you were to propose to remove at least 15 feet of your bulkhead and replace it with a beach cove, your setback could be reduced to 30 feet from the ordinary high water mark. Additional reduction measures may also apply, however the minimum allowed shoreline setback would be 25 feet.

If your single family addition or alteration is more than 50% of the replacement cost of all structures on the property or you are replacing your existing home, you will need to provide a native vegetation strip at the lake edge. The native vegetation strip will need to average 10 feet in width and stretch along at least 75% of your shoreline edge.

New light fixtures would need to be shielded to reduce light impacts to the lake.

You could build closer to the street – the revised provisions allow you to build 10 feet from your front property line, an increase of 10 feet over existing standards.

You could build higher – the revised provisions allow you to build up to 30 feet in height instead of 25', an increase of 5 feet over existing standards. You have the choice on what side yard setback standard you want to apply: either 5 feet, with two side yards equaling 15 feet OR 5 feet on each side with upper floor modulation at 15% less than the first floor. Your allowed lot coverage remains the same (50% of the parcel size).

**Scenario 2:** I own an existing residence in the Residential –L zone, north of the Lake Ave W Street End Park along a public street. My lot is 120 feet in depth and 60 feet in width and my existing residence is setback 30 feet from the ordinary high water mark. I have an existing bulkhead at the shoreline edge. What is required if I want to add onto or replace my existing residence?

The required setback would be 36 feet from the ordinary high water mark (30% of the average parcel depth of 120 feet). Since your existing residence does not conform to the required shoreline, you have a couple of options:

Determine whether any of the **shoreline reduction mechanisms** would apply to your property. For example, if you have a natural shoreline (e.g. no hard shoreline stabilization measure like a bulkhead) along at least 75% of your shoreline, your setback would be reduced to 25 feet.

If not, then you can still add onto your existing structure, provided the addition is setback at least 36 feet from the ordinary high water mark.

You can still add on the portion your home located within the shoreline setback, provided the addition is not more than 10% the size of your existing home (e.g. up to a 200 square foot addition to an existing 2,000 square foot home) and does not extend further waterward than your existing home. If you select this option, you would need to restore an area equivalent to the size of the addition (e.g. plant native vegetation).

If your addition or alteration is more than 50% of the replacement cost of all structures on the property or you are replacing your existing home, you will need to provide a native vegetation strip at the lake edge. The native vegetation strip will need to average 10 feet in width and stretch along at least 75% of your shoreline edge.

New light fixtures would need to be shielded to reduce light impacts to the lake.

You could build closer to the street – the revised provisions allow you to build 10 feet from your front property line, an increase of 10 feet over existing conditions.

You could build up – the revised provisions allow you to build up to 30 feet in height, an increase of 5 feet over existing standards.

You have the choice on what side yard setback standard you want to apply: either 5 feet, with two side yards equaling 15 feet OR 5 feet on each side with upper floor modulation at 15% less than 1<sup>st</sup> floor.

You can build a deck or patio an additional 10 feet closer to the shoreline (and within the required shoreline setback) subject to some conditions, including that the deck not extend along more than 50% of the width of your residence.

Your allowed lot coverage remains the same (50% of the parcel size).

**Scenario 3:** I own an existing residence in the Residential –M/H zone, south of Carillon Point. My lot is 120 feet in depth and 60 feet in width and my existing residence is setback approximately 12 feet from the ordinary high water mark. I have an existing bulkhead at the shoreline edge. What is required if I want to rebuild or add on to my existing residence?

Given your lot size (7,200 square feet) you could potentially rebuild a duplex on the property.

The required setback would be 25 feet from the ordinary high water mark. Since your existing residence does not conform to the required shoreline, you have a couple of options:

You can add onto your existing structure, provided the addition is setback at least 25 feet from the ordinary high water mark as well as other requirements.

You can still add on the portion your home located within the shoreline setback, provided the addition is not more than 10% the size of your existing home (e.g. up to a 200 square foot addition to an existing 2,000 square foot home) and does not extend further waterward than your existing home. If you select this option, you would need to restore an area equivalent to the size of the addition (e.g. plant native vegetation).

An 18-foot view corridor would be required (same as current requirements).

If your addition is more than 10% the size of your existing residence (e.g. 200 square foot addition onto an existing 2,000 square foot home), or the addition or remodel is more than 50% of the replacement cost of all structures on the property, or you are replacing your existing home, you will need to provide a native vegetation strip at the lake edge. For single family, the native vegetation strip will need to average 10 feet in width and stretch along at least 75% of your shoreline edge. For multifamily, the native vegetation strip would need to average 15 feet in width.

If you rebuild as a duplex or as other types of multifamily use, you would need to provide a 6 foot wide public pedestrian walkway along the shoreline edge (setback 10 feet from the ordinary high water mark).

New light fixtures would need to be shielded to reduce light impacts to the lake.

You could build closer to the street – the revised provisions allow you to reduce the front yard setback from 30 feet to 17 feet, a reduction of 13 feet (one foot for each one foot the existing shoreline setback is increased), subject to conditions.

You can build closer to the north property line than under previous regulations. For instance, if your residence is 30 feet in height, your setback under current regulations would be 35 feet. Under the proposed regulations, your setback could be as little as 5 feet.

Your allowed lot coverage remains the same (80% of the parcel size).

**Scenario 4:** I have an existing 8 foot wide pier that is 800 square feet in area. The pier is deteriorating and needs to be replaced. What is required?

You may replace your existing pier, and retain the same area coverage, but your pier would need to be reduced in width from 8 to 6 feet, with 4 feet provided in the nearshore 30 feet of the pier.

The new surfacing would need to be a grated surface material.

If you decide to build an Ell on your pier, it could measure 6 feet in width by 26 feet in length.

You would need to relocate any in-water structures that are currently located within 30 feet of the shoreline (such as existing moorage piles) farther from the shoreline.

You could not place skirting on your new pier.

You should also check with state and federal agencies for any requirements.

**Scenario 5:** I have an existing pier that needs a few boards replaced. What is required?

Decking could generally be replaced in-kind, except that when 50 percent or more of the decking is replaced, any solid decking surface located within the nearshore 30 feet of the pier would need to be replaced with a grated surface material.

You should also check with state and federal agencies for any requirements