

EXPANSION OF NON-CONFORMING BUILDINGS AND/OR USES

GENERAL INFORMATION

Existing nonconforming buildings and/or uses cannot be enlarged or expanded or reconstructed for the continuance of its use as a nonconforming building except with special permission. This 'special permission' is granted through a Hearing Examiner process where the Examiner makes a recommendation to the City Council after holding a public hearing; and the City Council makes a final decision on whether to allow the enlarging, expanding, or reconstruction of a non-conforming building or use.

An expansion of a non-conforming building or use cannot result in a structure that does not comply with the underlying dimensional requirements (i.e. setbacks, lot coverage, height, etc) of the zoning district the structure is located within. Mount Vernon Municipal Code Chapter 17.102 regulates expansions of non-conforming buildings and/or uses.

EARLY CONSULTATION

Prior to submitting a permit that might allow a Non-Conforming Building and/or Use to expand Applicants are required to apply for a 'pre-application meeting to discuss the proposal and to determine what materials need to be submitted for a technically complete application. At pre-application meetings the Department provides detailed information on the City's requirements and standards.

Pre-application meetings are required to be scheduled through the City's Permit Portal that can be accessed by click [HERE](#).

COMPLETE APPLICATION REQUIRED

The City is not able to accept an application that does not have all of the required items listed on the following pages. To accept your application, each of the items must be submitted at the same time. However, if you have received a prior written waiver of a submittal item(s), please provide the signed waiver form in lieu of any submittal item not provided.

Please note that a pre-submittal meeting with a staff planner is necessary before the items in the submittal checklist (below) can be accepted by the Development Services Department. In addition, the items listed below are only for the Land Use review of a project. Most projects will need other permits that will require separate submittals.

PROCESS AND TIMING

This type of permit can generally be processed by the City within three (3) to four (4) months. This length of time is necessary because there are timeframes in which the public is able to comment on the application and two hearings are required. The first hearing is open record before the Hearing Examiner. The Hearing Examiner makes recommendation to the City Council who will make a final decision on these applications at a closed record hearing.

However, actual timelines will vary depending on how complex your project is, how many correction to your permit materials you need to make once submitted to the City, and how quickly and completely you respond when staff requests corrections to your application materials.

OTHER NOTEWORTHY ITEMS

- Applicants are responsible for submitting complete applications.
- The City's permit portal contains copies of the forms identified within this handout that are required to be filled out and submitted.
- Only after completing this land use process are Applicants able to submit construction related permits, e.g. Building Permit(s) and/or Fill & Grade Permit(s).

The purpose of this handout is to assist the public in complying with detailed permit submittal requirements. It is NOT a complete list of permit or code requirements and should NOT be used as a substitute for applicable laws and regulations. It is the responsibility of the owner/design professional to review the submittal for completeness and applicability to other codes. Only complete applications can be accepted by the City for review.

SUBMITTAL REQUIREMENTS FOR EXPANSION OF NON-CONFORMING BUILDINGS AND/OR USES

An applicant may ask for a waiver of any of the following submittal application materials at their pre-application meeting; and the Development Services Department will review the applicant's request, and either approve or disallow the waiver, in writing.

One paper copy and one copy in an electronic format (complying with the City's Electronic Document Requirements outlined on the accompanying handout) of each of the below-listed submittal items is required to be submitted to the City **AT THE SAME TIME**.

Application fees are required to be paid when an application is submitted to the City. The total fee amount will be determined at the pre-submittal meeting with a staff planner.

FORMS REQUIRED TO BE COMPLETED

The Master Land Use form is required to be downloaded from the City's permit portal at:

<https://ci-mountvernon-wa.smartgovcommunity.com/Public/Home>

MASTER LAND USE AND AGENT AND AUTHORIZATION (IF APPLICABLE) FORMS

These are forms on which an applicant provides their name and contact information and the name and contact information of the property owner if it is not the applicant. The current owner(s) of the land must provide their notarized signatures on this form.

EXPANSION OF NON-CONFORMING USES SUPPLEMENTAL INFORMATION

A series of questions required to be completed by the Applicant providing information necessary to determine code compliance. This supplemental form is attached to this handout.

SITE PLAN REQUIREMENTS

This is a handout that outlines all of the items required to be on a code-compliant site plan and is attached to this handout.

REQUIRED TECHNICAL REPORTS/MATERIALS

ARCHITECTURAL FLOOR PLANS

A fully dimensioned architectural floor plan drawn at a scale of one-fourth inch equals one foot ($1/4" = 1'$) or one-eighth inch equals one foot ($1/8" = 1'$) for all existing and proposed structures clearly showing the general building layout to include: walls, exits, windows, and designated uses indicating the proposed locations of kitchens, baths and floor drains, bedrooms and living areas.

ARCHITECTURAL ELEVATIONS

A fully dimensioned architectural elevation plan drawn at a scale of one-fourth inch equals one foot ($1/4" = 1'$) or one-eighth inch equals one foot ($1/8" = 1'$) clearly showing each side of the **existing and proposed** site structures with all of the following:

- a. Identification of the side of the structure the elevation represents.
- b. Existing and proposed ground elevations.
- c. Finished floor and ceiling heights.
- d. Location of exterior wall corners, windows and doors.
- e. Height of existing and proposed structures showing finished roof-features, rooftop equipment (i.e. air conditions, compressors, etc), and elevations based upon site elevations for proposed structures and any existing/abutting structures.
- f. Porches, decks, and patios.
- g. Vertical dimensions of all features.
- h. Identification of existing and/or proposed exterior materials.

CRITICAL AREA ASSESSMENTS

At the pre-application meeting planning staff will determine if wetland, stream, habitat, or geotechnical reports will be required as part of the SEPA process

LEGAL DESCRIPTION

A description of a piece of land which allows an independent surveyor to locate and identify it. Usually it uses one of the following methods: government survey, metes and bounds or recorded plat (lot and block number).

SITE PLAN

Is a fully dimensioned, to-scale, plan drawn by a state of Washington licensed architect or engineer containing (at a minimum) the following information:

- A. Scale, north arrow, and legal description;
- B. Location, identification, and dimensions of all buildings, property lines, setbacks, streets, adjacent streets, and easements;
- C. Location and dimensions of existing and proposed structures, parking and loading areas, driveways, existing on-site trees, existing or proposed fencing or retaining walls, freestanding signs, easements, refuse and recycling areas, freestanding lighting fixtures, utility junction boxes, public utility transformers, storage areas, buffer areas, open spaces, curbs, gutters, sidewalks, median islands, and street trees;
- D. Landscaped areas and irrigation meters;
- E. The location and dimensions of natural features and critical areas along with their buffers; such as streams, lakes, marshes and wetlands;
- F. Off-street parking layout and driveways;
- G. Grading plan showing proposed and existing contours and site elevations;
- H. Lighting and sign structures (new and existing);
- I. Location and proposed screening of garbage containers and recycling storage;
- J. Fire hydrant locations (new and existing) within 300 feet of building;
- K. Existing utilities and connection to existing and/or new utilities;
- L. The horizontal and vertical control datum shall be clearly shown;
- M. All wells and septic systems located on or near the project site shall be identified;
- N. General notes addressing the following:
 - i. Name of the project;
 - ii. Name, address, and telephone number of owner and agent(s);
 - iii. Zoning and comprehensive plan designations of the site;
 - iv. Area, in square feet and acreage, of the project site;
 - v. Reference to the current building code;
 - vi. Proposed use, occupancy group, construction type, and number of units in each building;
 - vii. Square footage and height of each individual building;
 - viii. Percentage of lot coverage and square footage of all landscaping;
 - ix. Proposed building setbacks;
 - x. Parking analysis, including number of stalls required and provided, sizes of stalls and angles, location and number of handicap stalls, compact, employee and/or guest parking stalls, location and size of curb cuts, traffic flow within the parking, loading, and maneuvering areas and ingress and egress, location of wheel stops, loading space, stacking space, and square footage of interior parking lot landscaping; and,
 - xi. Landscaping calculations complying with Chapter 17.93 MVMC.

SURVEY

Is a to-scale, fully dimensioned map prepared by a Professional Land Surveyor (PLS) licensed in the State of Washington. Property where survey information is not available, when setback reductions below minimum requirements are requested, and other similar circumstances could require submittal of a survey.

OTHER ITEMS**TITLE REPORT**

A document prepared by a title insurance company documenting the ownership and title of all interested parties in the plat, subdivision, dedication, development or action that lists all encumbrances. The certificate or report shall be dated within 30 days prior to the submittal of a permit to the City. An updated certificate or report dated within 30 days before final plat approval is also necessary. **COPIES OF ALL THE ENCUMBRANCES LISTED WITHIN THE CERTIFICATE OR REPORT SHALL BE PROVIDED.**

PROJECT NARRATIVE

A clear and concise description and summary of a proposed project, including:

- a. Project name, size and location of site;
- a. Zoning and Comprehensive Plan designations of the site and adjacent properties;
- b. Current use of the site and any existing improvements;
- c. The proposed number, size, and density of the new lots;
- d. Special site features (i.e., wetlands, water bodies, steep slopes, or other critical areas); and a description of the buffers that will be required for each feature;
- e. Statement addressing soil type and drainage conditions;
- f. Proposed use of the property and scope of the proposed development (i.e., height, square footage, lot coverage, parking, access, etc.);
- g. Proposed off-site improvements (i.e., installation of sidewalks, fire hydrants, sewer main, etc.);
- h. Total estimated construction cost and estimated fair market value of the proposed project;
- i. Estimated quantities and type of materials involved if any fill or excavation is proposed;
- j. Number, type and size of trees to be removed; and,
- k. Explanation of any land to be dedicated to the City.

① EXISTING CONDITIONS INFORMATION

ADDRESS:		
PARCEL NUMBER(S):		
EXISTING STRUCTURES:	STRUCTURE #1:	
	SQUARE FOOTAGE:	YEAR BUILT:
	USE OF STRUCTURE:	
	STRUCTURE #2:	
	SQUARE FOOTAGE:	YEAR BUILT:
	USE OF STRUCTURE:	
	STRUCTURE #3:	
	SQUARE FOOTAGE:	YEAR BUILT:
	USE OF STRUCTURE:	
	STRUCTURE #4:	
	SQUARE FOOTAGE:	YEAR BUILT:
	USE OF STRUCTURE:	

② PROJECT DESCRIPTION

A. DESCRIBE THE EXISTING NON-CONFORMITY ON THE SUBJECT SITE:

B. DESCRIBE ALL IMPROVEMENTS PROPOSED TO BE MADE TO THE NON-CONFORMING USE OR STRUCTURE:

③ JUSTIFICATION FOR EXPANDING A NON-CONFORMING USE/STRUCTURE

Following are the criteria to allow an expansion of Non-Conforming Uses/Structures that Applicant's are required to respond to and justify how/why their proposal complies with each of the criteria. Attach additional sheets if you need additional room to provide answers to the criteria.

- A. DESCRIBE, IN DETAIL, THE EFFECT OF THE ENLARGEMENT, EXPANSION OR RECONSTRUCTION WILL HAVE ON THE APPEARANCE AND USE OF THE SITE AND SURROUNDING AREAS:**

B. DESCRIBE, IN DETAIL, THE EFFECTS TO TRAFFIC PATTERNS IN THE AREA THAT WOULD OCCUR IF THE REQUESTED PERMIT WAS APPROVED:

C. DESCRIBE, IN DETAIL, THE EXISTING AND PROPOSED PARKING FACILITIES AND ANY EFFECTS THAT COULD OCCUR TO THE EXISTING OR PROPOSED PARKING FACILITIES SHOULD THE REQUESTED PERMIT BE APPROVED:

D. DESCRIBE, IN DETAIL, THE POTENTIAL EFFECTS TO THE SUBJECT SITE, ADJACENT AND NEARBY PROPERTY (INCLUDING ECONOMIC EFFECTS) SHOULD THE REQUESTED PERMIT BE APPROVED.

I hereby declare that I am either the owner of the property listed on this application or the owner of this property has authorized me to be their representative to act for them. I also declare under penalty of perjury under the laws of the State of Washington that all of the statements and answers contained herein, and the information submitted with this application form, is in all respects true, correct, and complete to the best of my knowledge and belief.

Signature

Date

Printed Name

PERMIT
NUMBER:

① PROPERTY WHERE WORK IS OCCURRING

ADDRESS:

PARCEL
NUMBER(S):

② GENERAL INFORMATION REGARDING SITE PLANS

This form has been created to assist Applicants in creating complete, code compliant site plans. After reading the general information below scroll down and check to make sure your site plan contains each of the listed submittal items. Last, to the right of the Requirements column is a space for you to list the sheet number of your plan set where the listed information is shown on your site plans.

- Site plans are required to be a minimum of 11" x 17" in size and must be drawn at an architectural or an engineering scale.

③ INFORMATION REQUIRED ON ALL SITE PLANS

COMPLETE?	REQUIREMENTS	PAGE # ON YOUR PLANS
<input type="checkbox"/>	Cover Sheet shall contain all of the following: <ul style="list-style-type: none"> • Vicinity Map • Name of the project • Name, address, and telephone number of owner and agent(s) • Name, address, and telephone number of Applicant (if different from the owner) • Zoning designation of the site • Area, in square feet and acreage, of the project site • Reference to the Building Code used • Proposed use • Occupancy group • Construction type • Number of units in each building • Square footage and height of each individual building • Percent Lot Coverage • % impervious surfaces 	
<input type="checkbox"/>	Scale & North Arrow.	
<input type="checkbox"/>	Location, identification, and dimensions of all existing and proposed buildings and other structures.	
<input type="checkbox"/>	Location, identification, and dimensions of all property lines and easements. All easements shown on the title report, Record of Survey, or plat must be dimensioned and shown.	

COMPLETE?	REQUIREMENTS	PAGE # ON YOUR PLANS										
<input type="checkbox"/>	Location, identification, and dimensions of all setbacks.											
<input type="checkbox"/>	Location, identification, and dimensions of all existing and proposed on-site and adjacent streets. The location and dimensions of all existing and proposed curbs, gutters, sidewalks, median islands, and street trees shall be included.											
<input type="checkbox"/>	Location and dimensions of existing and proposed stormwater, sanitary sewer, potable water, and fiber lines/facilities. All wells and septic systems located on or near the project site shall also be identified.											
<input type="checkbox"/>	Location of all existing and proposed fire hydrants within 300 feet of the boundary of the project site.											
<input type="checkbox"/>	Location and dimensions of existing and proposed freestanding lighting fixtures, utility junction boxes, public utility transformers.											
<input type="checkbox"/>	Location and dimensions of existing and proposed critical areas (wetlands, streams, steep slopes) and their associated buffer areas.											
<input type="checkbox"/>	Existing and proposed contours and site elevations (i.e. finished grades) at 5-foot minimum increments. The horizontal and vertical control datum shall be clearly shown.											
<input type="checkbox"/>	Proposed Temporary Erosion and Sediment Measures, if not located on other plans, shall be shown.											
<input type="checkbox"/>	<p>Location and dimensions of existing and proposed parking that includes all of the following:</p> <ul style="list-style-type: none"> • Driveways • Drive Aisles and Loading Areas • The sizes of stalls and their associated angles • The location and number of handicap stalls, compact, employee and/or guest parking stalls • The location and size of curb cuts • Indication of traffic flow within the parking, loading, and maneuvering areas and ingress and egress • The location of wheel stops, loading space, stacking space shall all be identified <p>The following table shall be added to the site plan and completed with the project specific information:</p> <p style="text-align: center;">PARKING CALCULATIONS - FOR EXAMPLE:</p> <table border="1" data-bbox="329 1633 1263 1818"> <thead> <tr> <th data-bbox="329 1633 521 1724">Type of Use from MVMC 17.84.030</th> <th data-bbox="521 1633 699 1724">Parking Ratio Required</th> <th data-bbox="699 1633 902 1724">Gross and Net Square Feet of Each Use</th> <th data-bbox="902 1633 1092 1724"># of Parking Stalls Required</th> <th data-bbox="1092 1633 1263 1724"># of Parking Stalls Required</th> </tr> </thead> <tbody> <tr> <td data-bbox="329 1724 521 1818">Professional Office</td> <td data-bbox="521 1724 699 1818">1 : 300 net s.f.</td> <td data-bbox="699 1724 902 1818">5,000 s.f. gross 4,200 s.f. net</td> <td data-bbox="902 1724 1092 1818">14 spaces</td> <td data-bbox="1092 1724 1263 1818">16 spaces</td> </tr> </tbody> </table>	Type of Use from MVMC 17.84.030	Parking Ratio Required	Gross and Net Square Feet of Each Use	# of Parking Stalls Required	# of Parking Stalls Required	Professional Office	1 : 300 net s.f.	5,000 s.f. gross 4,200 s.f. net	14 spaces	16 spaces	
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COMPLETE?	REQUIREMENTS	PAGE # ON YOUR PLANS														
<input type="checkbox"/>	Location and dimensions of existing and proposed signs not attached to the wall of a structure.															
<input type="checkbox"/>	Location and dimensions of existing and proposed fencing or retaining walls.															
<input type="checkbox"/>	Location and dimensions of existing and proposed garbage, dumpster, storage and recycling areas. Existing and proposed dumpster screening and enclosures shall also be shown.															
<input type="checkbox"/>	<p>Location and dimensions of existing and proposed landscaping that includes all of the following:</p> <ul style="list-style-type: none"> • Location and dimensions of planting areas • Location and height of proposed berming • Locations, elevations, and details for any proposed landscape-related structures such as arbors, gazebos, fencing, etc. • Location, size, spacing, condition (i.e., container, bare-foot), and botanical and common names of existing and proposed trees, shrubs, and ground covers • Decorative rockery or similar landscape improvements in relationship to proposed and existing utilities • Plant material key and all landscape calculations required per Chapter 17.93 MVMC • Names and locations of existing vegetation to remain • Detailed planting specifications (soil mix, planting depth and width, and bark mulch depth) <p>The following table, with project specific information filled in, shall be placed on the site plan:</p> <table border="1" data-bbox="329 1186 1255 1770"> <thead> <tr> <th data-bbox="329 1186 984 1234">REQUIRED LANDSCAPING CALCULATIONS</th> <th data-bbox="984 1186 1255 1234">FOR EXAMPLE</th> </tr> </thead> <tbody> <tr> <td data-bbox="329 1234 984 1266">Gross Site Area</td> <td data-bbox="984 1234 1255 1266">28,200 s.f.</td> </tr> <tr> <td data-bbox="329 1266 984 1354">% of gross site area to be landscaped [see MVMC 17.93.020(G)]</td> <td data-bbox="984 1266 1255 1354">10% - C-2 zone 2,820 s.f. required 3,322 s.f. provided</td> </tr> <tr> <td data-bbox="329 1354 984 1413">Width of planting strip to be located along all public and private roads [see MVMC 17.93.020(D)]</td> <td data-bbox="984 1354 1255 1413">10 feet Provided, see site plan</td> </tr> <tr> <td data-bbox="329 1413 984 1591"> If there are more than 20 parking spaces only: <ul style="list-style-type: none"> • Square Footage of parking area [see MVMC 17.93.030(B) for this definition] • Require % of Parking Area to be landscaped [see MVMC 17.93.030(B)] </td> <td data-bbox="984 1413 1255 1591"> 9,000 s.f. of parking area 4% required 360 s.f. required 420 s.f. provided in parking areas </td> </tr> <tr> <td data-bbox="329 1591 984 1680">If screening is required indicate which property line and whether Type I or Type II screening is required (see MVMC 17.93.040)</td> <td data-bbox="984 1591 1255 1680">Yes Type I, along north and east property lines</td> </tr> <tr> <td data-bbox="329 1680 984 1770">If there is a stormwater pond with side slopes greater than 5:1 landscaping and fencing is required around this pond (see MVMC 17.93.040)</td> <td data-bbox="984 1680 1255 1770">Yes, fence and landscaping is shown</td> </tr> </tbody> </table>	REQUIRED LANDSCAPING CALCULATIONS	FOR EXAMPLE	Gross Site Area	28,200 s.f.	% of gross site area to be landscaped [see MVMC 17.93.020(G)]	10% - C-2 zone 2,820 s.f. required 3,322 s.f. provided	Width of planting strip to be located along all public and private roads [see MVMC 17.93.020(D)]	10 feet Provided, see site plan	If there are more than 20 parking spaces only: <ul style="list-style-type: none"> • Square Footage of parking area [see MVMC 17.93.030(B) for this definition] • Require % of Parking Area to be landscaped [see MVMC 17.93.030(B)] 	9,000 s.f. of parking area 4% required 360 s.f. required 420 s.f. provided in parking areas	If screening is required indicate which property line and whether Type I or Type II screening is required (see MVMC 17.93.040)	Yes Type I, along north and east property lines	If there is a stormwater pond with side slopes greater than 5:1 landscaping and fencing is required around this pond (see MVMC 17.93.040)	Yes, fence and landscaping is shown	
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