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FINAL CODE INTERPRETATION CINT14-0002

Background

Mr. Bryan K. Kelley filed a code interpretation request on May 8, 2014. The request is for clarification of the automobile service and automobile repair uses allowed in the NB (Neighborhood Business) zone outdoors. Mr. Kelley has asked for an interpretation of King County Code (K.C.C.) 21A.08.050, which identifies the uses allowed in the Neighborhood Business (NB) zone.

Mr. Kelley has been diagnosing and repairing vehicles outside of his automotive service and repair shop both on and off of a mechanical lift. This use is the subject of code enforcement cases ENFR13-0779 (which has been closed) and ENFR14-0098 (which is active). The code enforcement section of the Department of Permitting and Environmental Review (DPER) has made an initial determination that the use is not allowed under K.C.C. 21A.08.050.

Mr. Kelley describes his main business as involving auto repair. K.C.C. Chapter 21A.08 sets forth the permitted uses in the different zone classifications. K.C.C. 21A.08.050 governs "general services land uses," which includes automotive repair and automotive service uses in all zones.

Discussion

K.C.C. 21A.08.050.A identifies "automotive repair" and "automotive service" as permitted uses in Neighborhood Business (NB) zones, subject to Development Condition 11:

"21A.08.050 General services land uses.

A. General services land uses.

| | KEY | | RESOURCE | | | R U R A L | RE | RESIDENTIAL COMMERCIAL/IN | | | | | IDUSTRIAL | | |
|------|----------------------------------------------|------------------|-----------------------|----------------------------|----------------------------|-----------------------|-----------------------|---------------------------|-----------------------------------------------------|---------------------------------|-----------------------------|-----------------------|-----------------------|---------------------|--|
| C-Co | ermitted Use nditional Use special Use | Z O N E | A G R I C U L T U R E | F O R E S T | M N E R A L | RURAL AREA | U R E B S A E N R V E | U R B A N | R E S I D E N T I A L | N B E U S I N B E S S R H O O D | C B O U M S M I U N E I S Y | R B U S I O N E S L S | O F I C E | I N D U S T R I A L | |
| SIC# | SPECIFIC LAND U | SE | Α | F | M | RA | UR | R1-8 | R12-48 | NB | СВ | RB | 0 | | |
| | PERSONAL | | | | | | | | | | | | | | |

| | SERVICES: | | | | | *************************************** | | |
|-----|-----------------------|--|--|--|-----|-----------------------------------------|---|---|
| 753 | Automotive Repair (1) | | | | P11 | Р | Р | Р |
| 754 | Automotive Service | | | | P11 | P | Р | Р |

B. Development conditions.

11. The repair work or service shall only be performed in an enclosed building, and no outdoor storage of materials. SIC Industry No. 7532-Top, Body, and Upholstery Repair Shops and Paint Shops is not allowed."

Automotive Repair business includes those uses listed in the 1987 Standard Industrial Classification (SIC) Manual under SIC# 753. Automotive Service business includes those uses listed under SIC# 754.

The language of Development Condition 11 states that repair and/or service work is to be performed in an enclosed building only and that there is to be no storage of materials outdoors. The term "materials" covers equipment, tools and apparatus used to repair, diagnose and/or service vehicles, and in this instance includes but is not limited to the outdoor mechanical lift.

Decision

K.C.C. 21A.08.050 prohibits servicing or repairing of vehicles in any place other than an enclosed building. It also prohibits outdoor storage of materials.

Mr. Kelley's location and use of a mechanical lift outside of the enclosed building where his automotive service and repair business is located is clearly prohibited by K.C.C. 21A.08.050.A. and K.C.C. 21A.08.050.B.11.

Finality of Code Interpretations

Under K.C.C. 2.100.040, a code interpretation that relates to a permit application or a code enforcement action is final when the department makes its decision on the underlying permit or code enforcement action. Under K.C.C. 2.100.050, the administrative appeal of a code interpretation that relates to a code enforcement case is consolidated with the appeal of the underlying code enforcement action. The Director determines that this code interpretation relates to Code Enforcement cases ENFR13-0779 and ENFR14-0098. Any appeal of this code interpretation shall be consolidated with an appeal of the department's decision on Code Enforcement case ENFR14-0098.

John F. Starbard, Director

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06/11/14

Date