

## **Code Interpretation Determination**

**Date:** July 12, 2021

**To:** Jeffrey S. Wilson, AICP  
Director

**From:** Katie Baker, AICP  
Planning Manager  
Planning Division

**Subject:** **Interpretation of “Road Service Use” within the RMX Zoning District (PMC 20.31.005)**

**Interpretations File No.:** 2021-001

**Date Issued/Posted:** **July 14, 2021**

**Effective Date:** **August 5, 2021 (unless appealed in a timely manner)**

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### **Issue Outline:**

A question has been posed whether the operation of an office use together with off-loading and prep of newly arrived vehicles from the factory in the River Road mixed-use zone (RMX) would be a permitted activity. Specifically, may an existing building located within the RMX zone be converted to allow for the business offices and indoor preparation of newly delivered vehicles prior to delivery to an off-site new vehicle sales business in a different zone.

The RMX zone will accommodate a wide variety of uses that can fit into the desired building forms including residential, retail, office, professional services, restaurants, bars/pubs, and others. Large format stand-alone retail, road services, and manufacturing uses are detrimental to a pedestrian orientation and shall not be permitted in this zone.

Is vehicle prep (e.g.: removal of shipping protection materials, washing, etc.) of new vehicles delivered from the factory consider a “road service use” when the activity is not done for a retail customer, but rather for delivery to the sales lot? Is the proposed prep work considered “...service and/or repair....” work, or is it a separate activity of a different nature? If the vehicle prep activity occurs entirely within an enclosed structure as part of a mixed used building, not inhibiting pedestrian traffic, consistent with the purpose and intent of the RMX zone?

## Relevant Code Sections:

### A. Puyallup Municipal Code (PMC) 20.31 – MX Mixed-Use Zone

1. PMC 20.31.005(2) – MX Mixed-Use Zones – Purpose and intent
  - a. The River Road mixed-use zone (RMX) is intended to create a vibrant pedestrian-oriented environment by providing for vertically and horizontally mixed-use buildings as well as some stand-alone residential and commercial uses. This zone is specifically intended to establish an urban form on internal streets through specific design and building form standards as well as integrate enhanced connections to the adjacent Riverwalk Trail. The zone will accommodate a wide variety of uses that can fit into the desired building forms including residential, retail, office, professional services, restaurants, bars/pubs, and others. Large format stand-alone retail, road services, and manufacturing uses are detrimental to a pedestrian orientation and shall not be permitted in this zone.
2. PMC 20.31.015(1) – Prohibited uses
  - a. Motor vehicle sales, rental, storage, service and/or repair, body shops, gasoline or diesel service stations and recreational vehicle parks (prohibited in all MX zone districts, except that indoor vehicle displays or showrooms or an outdoor area for a limited number of vehicles used for car-share purposes (i.e., Zipcar) are permitted in the CCX zone)
3. PMC 20.31.016 – Preexisting auto uses – RMX and CCX zones
  - a. Preexisting auto dealerships, service centers, or drive-through uses within the RMX zone and service centers within the CCX zone district, established prior to the codification of this chapter, shall be allowed to develop, improve, maintain and expand as a permitted use under the development standards of the general commercial zone district. If an auto dealer use within the RMX zone is discontinued for a continuous period of one year or more (plus possible extensions in accordance with PMC 20.65.020), such discontinuation shall be deemed an abandonment of nonconforming use rights and PMC 20.31.015 shall apply. Conversion of a nonconforming use to another nonconforming use shall follow the criteria of PMC 20.65.015.

### B. PMC 20.15 - Definitions

1. “Road service use” means a ***highway-oriented use catering to the needs and convenience of motor vehicle operators (emphasis added)***. Typical uses include ***motor vehicle sales, rental, storage, service and/or repair, body shops, automotive detailing, gasoline or diesel service stations, electric vehicle battery exchange stations and rapid charging stations, recreational vehicle parks, and, when not part of a commercial center or business park, taverns, fast-food restaurants, and convenience markets (emphasis added)***. Such uses ***often involve outdoor storage as an integral but not predominant element of the use, as in the case of a retail building supply center, and often generate higher volumes of traffic than general commercial uses (emphasis added)***.

2. “Commercial use, general” means a use that involves the purchase, sale, lease, rental, repair or other transaction involving the handling of any article, service, substance or commodity commonly used for consumer or household use. Typical uses include arcades, art specialty and retail shops, consumer services enterprises (laundries, dry cleaners, shoe repair, appliance and electronic repair, tailoring, printing shops and photo finishing, etc.), shopping centers or malls, food stores and supermarkets, health spas and studios, hotels and motels, indoor theaters, and restaurants (including sale of alcoholic beverages). “General commercial uses” may be profit or nonprofit and are typically conducted entirely within an enclosed building and do not involve outdoor storage of materials. The term does not include “road service uses.” Small-scale food and beverage producers (including those involving the production of alcohol, such as on-site beer brewing and distilleries), which involve 7,500 square feet or less floor area devoted to such production processes and storage, and which include a retail component wherein the food and/or beverages produced on site are sold to the general public, shall also be considered “general commercial uses.”
3. “Professional offices and services” means a use that provides services for individuals, in contrast to sales or services of objects, or an office for business, professional, educational or government use. The service or office may be public or private, profit or nonprofit. Typical uses include barber and beauty shops, financial institutions, insurance stockbrokers, clinics, governmental, business or medical offices, including architects, lawyers, real estate or travel agents.

**Other Relevant Information:**

- A. Merriam -Webster Dictionary Definitions (for terms not defined in the PMC)
  1. “Retail” (noun) - the sale of commodities or goods in small quantities to ultimate consumers.
  2. “Service” (noun) - a facility providing maintenance and repair.
  3. “Body Shop” (noun) - a shop where automotive bodies are made or repaired.
  4. “Detailing” (noun) - the meticulous cleaning and refurbishing of an automobile.

**Analysis:**

The RMX zone provides in its Purpose and Intent section the intent to create a vibrant pedestrian-oriented environment by providing for vertically and horizontally mixed-use buildings as well as some stand-alone residential and commercial uses. To achieve the intent of the RMX zone, uses which are inconsistent with this intent have been identified, one of which is “road services uses.”

The term “Road Service Uses” is a defined term in the PMC. The definition of Road Service Uses “means a highway-oriented use catering to the needs and convenience of motor vehicle operators. Typical uses include motor vehicle sales, rental, storage, service and/or repair, body shops, automotive detailing, gasoline or diesel service stations, electric vehicle battery exchange stations and rapid charging stations, recreational vehicle parks, and, when not part of a commercial center or business park, taverns, fast-food restaurants, and

convenience markets. Such uses often involve outdoor storage as an integral but not predominant element of the use, as in the case of a retail building supply center, and often generate higher volumes of traffic than general commercial uses.” The types of uses referenced in the definition of road service uses all relate to a commercial types of uses and services purchased by a motor vehicle operator. The common thread of uses in the “Road Service Uses” category is the aspect of a commercial/retail transaction highway-oriented use catering to the needs and convenience of motor vehicle operators...” between the motor vehicle operator and the retail/commercial use on the site. With the implied intention of this section of the code being for a retail/commercial transaction between a motor vehicle operator and the commercial/retail activity; an activity which may be similar but which does not include a retail/commercial transaction would not be regulated in the same manner.

A use such as the vehicle prep of newly delivered vehicles which does not provide direct service to a motor vehicle operator and is not a separate commercial activity, would not be inconsistent with the purpose and intent of the RMX zone, and also is not a specifically prohibited use within the RMX zone.

Additionally, the RMX zone also provides an exclusive listing of prohibited uses; “Motor vehicle sales, rental, storage, service and/or repair, body shops, gasoline or diesel service stations and recreational vehicle parks...” Most of the prohibited uses are not specifically defined within the PMC, therefore we must apply the common definition for these words. Definitions of these words from the Merriam Webster Dictionary have been used for the purposes of analyzing this question.

When applying the analysis of the Purpose and Intent of the RMX zone, the exclusive listing of prohibited uses within the RMX zone, and the definitions of applicable terms from the Merriam Webster Dictionary, a use providing vehicle prep service of newly delivered new vehicles prior to placement on the sales lot would not be inconsistent with nor prohibited in the RMX zone.

**THEREFORE, THE FOLLOWING INTERPRETATION IS HEREBY ISSUED:**

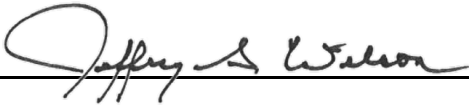
**Preparation for sale of newly arrived vehicles from the factory involving no direct commercial transactions with motor vehicle operators is not prohibited within the RMX zone when:**

- a) Conducted entirely within an existing building and not visible to the public; and,**
- b) With no on-site outdoor vehicle storage; and,**
- c) Vehicles are not advertised for sale or shown to customers on the subject site; and,**
- d) With no direct retail service to individual customers.**

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**Interpretation Approved:**



Jeffrey S. Wilson, AICP  
Director  
Development & Permitting Services

July 14, 2021

Date

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**Appeal Procedures:**

Pursuant to Puyallup Municipal Code (PMC) Section 20.87, the director of community development, or designee, may issue written interpretation for any section within Title 20 Zoning.

Should anyone wish to appeal this interpretation, a written appeal, accompanied by the required appeal fee (see City of Puyallup fee schedule) must be submitted within 15 business days after the date of the final decision (days of the date of issuance/posting of this interpretation).

**The deadline for filing an appeal of this interpretation is: AUGUST 4, 2021.**

A written appeal must contain the following:

1. The appellant's name, address and phone number;
  2. A statement describing the appellant's standing to appeal;
  3. Identification of the application that is the subject of the appeal;
  4. The appellant's statement of grounds for appeal and the facts upon which the appeal is based with specific references to the facts in the record;
  5. The specific relief sought;
  6. A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.
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Notice:   1) Published on the City of Puyallup Department of Development & Permitting Services webpage  
              2) Posted at Puyallup City Hall in the Department of Development & Permitting customer service counter

Cc: