DCLU

Director's Rule 51-88

Applicant	Page of	Supersedes
CITY OF SEATTLE DEPARTMENT OF CONSTRUCTION AND LAND USE	1 4	33-86 Part I
	Publication 9/1/88	Effective 10/3/88
	Code and Section Reference Land Use Code, Zoning Code, SMC Titles 23 and 24	
Subject REQUIREMENT FOR A MASTER USE PERMIT WHEN THERE IS AN ESTABLISHMENT, EXPANSION OR CHANGE OF USE	Type of Rule Code Interpretation	
	Ordinance Authority 3.06.040	
Index LAND USE/TECHNICAL REQUIREMENTS	Approved [signature]	Date 9/26/88

I. Change of Use

A use permit is required whenever a use is established; for example, a house or store is built or a vacant lot is converted to a parking lot. Chapter 23.76 of the Land Use Code requires a Master Use Permit whenever an existing use is changed.

A change of use is not the same as a change of occupancy. The same "occupancy" classification, a Building Code concept, may contain many different "uses," a Land Use Code concept. For example, a "B2" occupancy in the Building Code includes retail stores, wholesale stores, office buildings, certain restaurants, and police stations. In the Zoning and Land Use Code, each of these "B2" uses are regulated differently, and a change from one to the other is a change of use requiring a Master Use Permit.

Master Use Permits are essential in order to be sure that code provisions are properly followed whenever a use is established or changed, to keep DCLU records up to date, to analyze changes in non-conforming use, and to assure that necessary review is done of possible environmental impacts of new uses.

The only guide for determining whether one use is different from another is its treatment in the Zoning or Land Use Code. If the Code treats them differently, they must be considered distinct uses. Thus, if "Use A" is first permitted in a different zone than "Use B," it is clear that they are different uses. The same is true if the Code distinguishes between them in parking requirements, distance limitations, or other standards such as screening requirements.

Rule:

Whenever the use of a building or lot changes in a way which would be regulated differently than the current use, a change of use occurs.

A. Land Use Code (Title 23) Zones

In zones regulated by the Land Use Code (Title 23), the following analysis must be done. This analysis applies to all changes of use, including changes of one nonconforming use to another.

Refer to the chart attached as Appendix 1.

1. A change in use from a category designated by a Roman numeral (e.g., I. Commercial) to another is always a change of use requiring a Master Use Permit.

2. A change in use from a category designated by a letter (e.g., A. Retail Sale and Services) to another is always a change of use requiring a Master Use Permit.

3. A change in use from a category designated by a number (e.g., 2. Medical Services) to another is always a change of use requiring a Master Use Permit.

4. A change of use from a use listed under a numbered category to another listed under the same category (e.g. vessel repair to dry storage of boats) is a change of use only if any one of the follow applies:

   - the two uses are regulated differently from the other somewhere in Title 23. For example, if a motion picture theater in a Downtown Office Core I zone is changed to an adult motion picture theater, the change is a change of use because motion picture theaters are permitted in many zones in which adult motion picture theaters are prohibited;

   - the use to which it is being changed is a major odor generator or a major noise generator;

   - the parking requirements for the two uses are not the same;

   - either use is a conditional use in any zone.

   This rule also applies to unlisted uses falling under numbered categories.

5. A change from ground-related housing to apartment use and vice-versa is a change of use requiring a Master Use Permit.

6. A change from one Special Residence type (e.g., halfway house) to another is a change of use requiring a Master Use Permit.

7. In a commercial zone, a change from one residential use to another is a change of use requiring a Master Use Permit. However, a conditional use permit is not required for a change from one residential use to another in a legally established single-purpose residential structure. A conditional use permit is required to change a legally established commercial structure or mixed use structure to a single-purpose residential structure.

B. Zoning Code (Title 24) Zones

In zones regulated by the Zoning Code (Title 24), to determine whether the proposal to change "Use A" to "Use B" is a "change of use," the following analysis must be done:

1. Is either A or B first permitted in a zone more intensive than the other? If yes, a permit is required.

   For example, if a hardware store in a BC zone is being changed to a clothing store, a change of use occurs, since a hardware store is first permitted outright in an BN zone and a clothing store is first permitted outright in a BI zone.

   If no,

2. Is either A or B or are both permitted as a conditional use anywhere in the code? If yes, a change of use occurs.

   Many uses, although permitted outright in more intensive zones, are permitted in less intensive zones only as conditional uses. The fact that a use has been singled out for such treatment is a clear indication that it is regarded as different from other uses. For example, a change from a day care center or a halfway house to any other use is a change of use.

   (NOTE: If the existing use was permitted as a conditional use, the Master Use Permit file must be carefully analyzed. If, for example, a doctor's office has been permitted as a conditional use, the grant may be so limited that a change even to another type of office with the same parking requirements may be a change of use.)

   If no,

3. Do A and B have different parking requirements? If yes, a use permit is required.

   For example, a grocery store is to be converted to a restaurant. The parking requirements are different. Therefore, a change of use occurs.

   If no,

4. Do A and B anywhere in the Zoning Ordinance have different distance requirements? If yes, a change of use occurs.

   For example, a recycling center is permitted in an CG zone when 50 feet or more from a lot in an R zone, a bulk station is permitted when 200 feet or more from a lot in a R zone. A change from one to another is a change of use.

If no,

5. Does the code set specific conditions for either A or B that are different from those set for the other? If yes, there is a change of use. (This refers only to conditions specific to the use, not to those applicable generally in a particular zone, as, for example, the requirements that all business be conducted inside in a BN zone.)

   For example, a restaurant is permitted in the BN zone only if it does not provide live entertainment, dancing or alcoholic beverages. A restaurant providing any or all of these is a different type of use and is first permitted outright in the BC zone. Changing an BN restaurant by adding dancing, for example, constitutes a change of use.

If no, no change of use occurs.

The easiest way to determine the answers to questions 1, 2, 4 and 5 is to check the index of the Zoning Code and turn to the provisions of the zone in which both A and B are first permitted.

In addition to questions 1 through 5, it is not a change of use in a zone other than M, IG, or IH, when an additional apartment unit is being added to an existing apartment building, unless the existing building is a triplex. Because triplexes are permitted in RD zones in which apartment buildings with more than three units are not permitted, triplexes must be considered to be specified uses.

DIRECTOR'S RULE 51-88

APPENDIX 1

I. COMMERCIAL USE

A. Retail Sales and Services

1. Personal and Household Retail Sales and Services
   - Multi-purpose convenience stores
   - General retail sales and service
   - Major durables sales, service and rental
   - Specialty food stores

2. Medical Services

3. Animal Services
   - Animal health services
   - Kennels
   - Animal shelters

4. Automotive Retail Sales and Services
   - Gas stations
   - Sales and rental of motorized vehicles
   - Vehicle repair, minor
   - Vehicle repair, major
   - Car wash
   - Towing services
   - Automotive parts or accessory sales

5. Marine Retail Sales and Services
   - Sales and rental of large boats
   - Vessel repair, minor
   - Vessel repair, major
   - Marine service station
   - Dry storage of boats
   - Recreational marinas
   - Commercial moorage
   - Sale of boat parts or accessories

6. Eating and Drinking Establishments
   - Restaurants without cocktail lounges
   - Restaurants with cocktail lounges
   - Fast food restaurant (750 square feet and under)
   - Fast food restaurant (over 750 square feet)
   - Tavern
   - Brewpub

7. Lodging
   - Hotel
   - Motel
   - Bed and breakfast

8. Mortuary Services

B. Principal Use Parking

C. Non-Household Sales and Service

1. Business Support Services
2. Business incubator
3. Sales, Service and Rental of Office Equipment
4. Sales, Service and Rental of Commercial Equipment and Construction Materials
5. Sale of Heating Fuel
6. Heavy Commercial Services
   - Construction services
   - Commercial laundries

D. Offices

1. Customer Service Office
2. Administrative Office

E. Entertainment

1. Places of Public Assembly
   - Performing arts theater
   - Spectator sports facility
   - Lecture and meeting halls
   - Motion picture theater
   - Adult motion picture theater
   - Adult panorams

2. Participant Sports and Recreation
   - Indoor
   - Outdoor

F. Wholesale Showroom

G. Mini-Warehouse

H. Warehouse

I. Outdoor Storage

J. Transportation Facilities

1. Personal Transportation Services
2. Passenger Terminals
3. Cargo Terminals
4. Bus Base
5. Helistops
6. Heliports
7. Airport, Landbased
8. Airport, Waterbased

K. Food Processing and Craft Work

1. Food Processing for Human Consumption
2. Custom and Craft Work

L. Research and Development Labatories

II. SALVAGE AND RECYCLING

A. Recycling Collection Station
B. Recycling Center
C. Salvage Yard

III. UTILITIES

A. Utility Service Uses
B. Communication Utility
C. Solid Waste Transfer Station
D. Power Plants
E. Sewage Treatment Plants

IV. MANUFACTURING

A. Light Manufacturing
B. General Manufacturing
C. Heavy Manufacturing

V. HIGH IMPACT USES

VI. INSTITUTIONS

A. Institute for Advanced Study
B. Private Club
C. Day Care Center
D. Museum
E. School, Elementary or Secondary
F. College
G. Community Center
H. Community Club
I. Vocational or Fine Arts School
J. Hospital
K. Religious Facility
L. University

VII. PUBLIC FACILITIES

A. Jails

VIII. PARK AND POOL/RIDE LOT

A. Park and Pool Lots
B. Park and Ride Lots

IX. RESIDENTIAL

A. Single Family Dwelling Units
B. Multi-Family Structures
C. Special Residences
D. Floating Homes
E. Mobile Home Park
F. Boarding Homes
G. Artist Studio/Dwelling
H. Caretaker's Quarters

X. OPEN SPACE

A. Parks
B. Playgrounds

XI. AGRICULTURAL USES

A. Animal Husbandry
B. Horticultural Uses
C. Aquaculture