

**CITY OF MERCER ISLAND  
ORDINANCE NO. 25C-16**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,  
RELATING TO ESTABLISHMENT OF THE PARKS ZONE; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the adoption of land use and zoning regulations is a valid exercise of the City's police power and is specifically authorized by RCW 35A.63.100; and

**WHEREAS**, through the annual Development Code and Comprehensive Plan docket and the adoption of Resolution No. 1621 in 2022, the City added the task of developing legislation to establish a new Parks Zone; and

**WHEREAS**, in March 2024, the Parks and Recreation Commission made the recommendation to split the Parks Zone project into two phases: first, development of the Open Space Zone, and subsequently, development of the Parks Zone; and

**WHEREAS**, the Open Space Zone was adopted by the City Council with Ordinance 24C-15 effective December 31, 2024; and

**WHEREAS**, the Parks and Recreation Commission provided a recommendation on proposed legislation establishing a new Parks Zone to the City Council on April 15, 2025, and to the Planning Commission on April 23, 2025; and

**WHEREAS**, on April 21, 2025, notice of a Planning Commission public hearing on May 28, 2025, was published in the Weekly Permit Bulletin; and

**WHEREAS**, on April 23, 2025, notice of a Planning Commission public hearing on May 28, 2025, was published in the Mercer Island Reporter; and

**WHEREAS**, on May 28, 2025, the Planning Commission held a duly advertised public hearing on the Parks Zone code amendment; and

**WHEREAS**, establishment of the Parks Zone requires an amendment to the Comprehensive Plan, which was addressed in a separate duly advertised public hearing on May 28, 2025, related to the 2025 Comprehensive Plan annual update; and

**WHEREAS**, the proposed Comprehensive Plan annual update must be adopted to be effective concurrently with the code amendment; and

**WHEREAS**, on May 6, 2025, the City notified the Washington State Department of Commerce of the City's intent to amend the Comprehensive Plan and the Development Code; and

**WHEREAS**, on May 6, 2025, the City issued a State Environmental Policy Act (SEPA) threshold determination of non-significance (DNS) consistent with the procedures established in Chapter 19.21 MICC; and

**WHEREAS**, on July 1, 2025, the City Council was briefed on the Planning Commission recommendation and had its first reading of this ordinance, and on July 15, 2025, the City Council had its second reading of this ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1. Whereas Clauses Adopted.** The “Whereas Clauses” set forth in the recital of this ordinance are hereby adopted as the findings and conclusions of the City Council for passing this ordinance.

**Section 2. New MICC 19.05.050 Parks - P Adopted.** The City Council adopts, effective December 31, 2025, a new section MICC 19.05.050, Parks Zone, to read as follows;

**MICC 19.05.050 – Parks Zone.**

- A. *Purpose.* The purpose of the Parks Zone is to preserve and maintain parks which provide green space, shoreline access, recreation and conservation opportunities, and social spaces for individuals and gatherings.
- B. *Parks Zone Designation Requirements.* In addition to the requirements established in MICC 19.15.240, Parks must be owned, leased, or managed by the City of Mercer Island and fulfill the purpose provided in subsection (A) above to qualify for classification as Parks Zone.
- C. *Uses Permitted.* The following land uses are permitted in the Parks Zone. A use not permitted by this section is prohibited.
  - 1. Recreational uses.
  - 2. Recreational facilities and recreational amenities.
  - 3. Park maintenance facilities.
  - 4. Multipurpose facilities.
  - 5. City government services in the Luther Burbank Administrative Building, Luther Burbank Boiler Building, and Luther Burbank Caretakers House.
  - 6. Public art.
  - 7. Trails.
  - 8. Habitat restoration and enhancement as authorized by Chapter 19.07 MICC.
  - 9. Parking for park-related uses.

10. Temporary uses and structures compatible with the purpose of the Parks Zone, as authorized by the City Manager or designee. Temporary uses shall conform to the development standards in MICC 19.05.060.
11. Wireless communications facilities. (Only if otherwise permitted by MICC 19.06.040 – Wireless communications or MICC 19.06.070 – Small wireless facilities deployment, and subject to MICC 19.06.075 – Small wireless facility deployments design and concealment standards).
12. Utilities.

**Section 3. New MICC 19.05.060 Parks Zone Development Standards, Adopted.** The City Council adopts, effective December 31, 2025, a new section MICC 19.05.060, Parks Zone Development Standards, to read as follows;

**MICC 19.05.060 – Parks Zone Development Standards.**

A. *Applicability.* The provisions of this section shall apply to all development proposals in the Parks zoning designation.

B. *Setbacks.*

1. The following minimum setbacks apply:

- a. Zero (0) feet if adjacent property is zoned PI, OS, TC, PBZ, C-O, or B; and
- b. Twenty (20) feet if adjacent property is zoned R-8.4, R-9.6, R-12, R-15, MF-2L, MF-2, or MF-3.

2. Setbacks are measured from the adjacent property line or the edge of adjacent public rights-of-way.

3. The following developments are exempt from setback requirements: fences, gates, culverts, trails, landscaping, furnishings, bollards, signs, kiosks, parking areas, and utilities.

C. *Signs and Kiosks.*

1. Signs shall be governed by MICC 19.12.080, except as follows:

- a. Signs shall not exceed 16 square feet of surface area. Surface area shall be measured as the part of the sign used to display information.
- b. Externally lit signs are prohibited except for park entry signs and signs required for public health, safety, or maintenance purposes.

2. Scoreboards shall not exceed 250 square feet of surface area. Surface area shall be measured as the side of the scoreboard that displays the score. Electronic and externally lit scoreboards are permitted.
3. Kiosks shall not exceed 22 square feet of surface area per side and 10 feet in height. Surface area shall be measured as the portion of the kiosk used/usable for providing information.

**D. Trail Standards.**

1. Trails shall not exceed 12 feet in width.

**E. Building Size.**

1. Unless exempted by subsection (E)(3), the following standards shall apply to buildings in the Parks Zone:

<b>Building Type</b>	<b>Gross Floor Area Limit</b>	<b>Height Limit</b>
Restrooms	500 square feet	20 feet
Park Maintenance Facilities	500 square feet	20 feet
Recreational Facilities	500 square feet	20 feet
Multipurpose Facilities	3,500 square feet	20 feet
Picnic Shelters	1,200 square feet	16 feet
Luther Burbank Pergola	2,000 square feet	16 feet

2. Flagpoles, antennas, chimneys, mechanical equipment, and rooftop appurtenances do not count toward building height in the Parks Zone.
3. The following buildings in the Parks Zone shall be exempt from the standards in subsection (E)(1):
  - a. Luther Burbank Administrative Building.
  - b. Luther Burbank Boiler Building.
  - c. Luther Burbank Caretakers House.
  - d. Emergency well buildings.

**F. Parking.** The following parking requirements apply to all land uses in the Parks Zone.

1. *Design.* Parking lot design must conform to the diagrams included in Appendix A of this development code, unless alternative design standards are approved by the City Engineer.
2. *Ingress and egress.* The City Engineer shall have the authority to condition future development permit approvals to fix the location and width of vehicular ingress or egress to and from the subject property and alter existing ingress and egress as may be required to control street traffic in the interest of public safety and general welfare.

3. *Minimum parking requirements.* Parking proposals must demonstrate to the satisfaction of the City Engineer that the number of parking spaces proposed will accommodate the projected parking created by the proposed use. The City Engineer may condition approval to require a minimum number of parking spaces if the proposed use is expected to create demand for additional parking spaces beyond existing and proposed onsite parking facilities.

G. *Impervious Surface.*

1. No net new impervious surface in the parks system is permitted unless it has been included in an adopted Park Master Plan (or similar planning document that includes a public process and City Council approval, such as the PROS Plan and Capital Improvement Program), the City of Mercer Island Americans with Disabilities Act (ADA) Plan, or specifically exempted by this section, and stormwater and other applicable requirements are met. If the City acquires new park land, a separate planning process will take place to determine the amenities and impervious surface coverage of the new park land. The following uses are exempt:
  - a. Emergency vehicle lanes not available for public use.
  - b. ADA parking and accessibility improvements.
  - c. Required surfaces for playground equipment.
  - d. Small park amenities 100 square feet or less in gross floor area, including but not limited to benches, picnic tables, signs, and trash cans.
  - e. Temporary structures.
  - f. Emergency maintenance and repairs.
  - g. Utilities.

H. *Lighting.*

1. *General Requirements.* All exterior lighting shall be designed to minimize glare, sky glow, and light trespass onto neighboring properties. Fixtures must be fully shielded and installed in a manner that prevents light trespass beyond the property line of the property on which they are located. Fully shielded means a light fixture constructed and installed in such a manner that all light emitted, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane through the fixture's lowest light-emitting part. Lighting must be designed to maintain adequate illumination for pedestrian safety, visibility, and compliance with Crime Prevention Through Environmental Design (CPTED) principles.
2. *Exemptions.* The following lighting types are exempt from the requirements in subsection (H)(1):
  - a. Lighting fixtures existing prior to the effective date of this section and the repair of the same.

- b. Emergency lighting.
  - c. Pathway and landscaping lighting fixtures producing less than 200 lumens per fixture.
  - d. Temporary seasonal lighting.
  - e. Lighting required by state or federal law.
3. *Ecological and Low-Impact Lighting Standards.* New lighting shall adhere to ecological lighting principles, including Dark Sky and, where applicable, salmon-friendly design practices, to minimize environmental and wildlife disruption, while ensuring visibility and safety needs are met.
- a. Eliminate lighting not required for wayfinding, operational use, or public safety to reduce ambient light pollution.
  - b. In addition to the general shielding requirements in subsection (H)(1), fixtures in or near environmentally sensitive areas (e.g., shorelines or riparian buffers) must be positioned to avoid direct illumination of water bodies, shoreline vegetation, or adjacent properties. Compliance must be demonstrated through photometric plans and manufacturer cut sheets.
  - c. Timers and motion sensors may be used outside of primary circulation areas or in low-traffic zones. In active-use areas, fixtures shall maintain continuous illumination during operational hours unless an alternate lighting plan is approved by the code official.
  - d. Light levels should not exceed 3.0 foot-candles for walkways and 5.0 foot-candles for entrances, and high-traffic multi-use trail intersections, unless otherwise approved by the code official.
  - e. Warm color temperature fixtures (3000K or less) should be used to minimize blue light impacts. Higher color temperatures may be used where needed for visibility or safety, provided all other shielding and glare control standards in this section are met.

I. *Lighting for Outdoor Performance, Sport and Recreation Facilities, and Play Fields.*

- 1. Lighting levels for outdoor performance areas, sport and recreation facilities, and play fields shall not exceed by more than five percent the Illuminating Engineering Society of North America (IESNA) published standards for the proposed activity.
- 2. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed, and shielded so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.
- 3. Lighting shall be turned off as soon as possible after the conclusion of an event and shall not remain on for more than 30 minutes following its end.

4. All lighting shall be equipped with timers to automatically extinguish lights, ensuring that facilities are not illuminated when not in use.

**Section 4. MICC 19.16.010 Definitions, Amended.** Effective December 31, 2025, MICC 19.16.010 is amended as follows.

**MICC 19.16.010 – Definitions**

[...]

*Athletic Field.* A developed field for organized sports, including but not limited to baseball, softball, soccer, lacrosse, and football.

[...]

*City Government Services.* Services provided by, or on behalf of, the City of Mercer Island including, but not limited to, fire protection, police and public safety activities, courts, administrative offices, and equipment maintenance facilities.

[...]

*Community Garden.* A shared plot of land where individuals or groups collectively grow fruits, vegetables, flowers, and plants.

[...]

*Furnishings.* In the Parks Zone or Open Space Zone, small amenities including but not limited to picnic tables, benches, bike racks, trash cans, signs, and pet waste stations.

[...]

*Light Trespass.* Light that falls beyond the property it is located on.

[...]

*Multipurpose Facilities.* In the Parks Zone, facilities that serve two or more uses including but not limited to restrooms, maintenance facilities, recreation facilities, support facilities for recreational uses, storage, and concessions.

[...]

*Park.* Public land that is available for recreational, ecological, educational, or cultural uses. Parks are accessible to the public and typically feature natural landscapes, open spaces, and facilities designed to support leisure, community gatherings, conservation, and outdoor activities.

[...]

*Park Maintenance.* Activities performed to ensure parks are clean, safe, and operational. Park maintenance includes, but is not limited to infrastructure repair, cleaning, landscaping, and litter removal.

[...]

*Park Maintenance Facilities.* Structures that serve park maintenance or operations purposes, including but not limited to buildings and sheds.

[...]

*Playground.* An outdoor recreational facility provided as a play area for children.

[...]

*Public Art.* Art that is installed in public spaces for the purpose of community enjoyment and enrichment. Public Art is visually and physically accessible to the public and embodies public or universal concepts rather than commercial, partisan, or personal interests. Public art can be implemented in standalone art installations or incorporated into other structures.

[...]

*Recreational Amenities.* Structures, furnishings, or developments that are provided to supplement recreational uses or enhance recreational facilities, including but not limited to picnic tables, benches, bleachers, barbecues, fencing, outdoor exercise equipment, lighting, scoreboards, and waste receptacles. Recreational Amenities include all amenities addressed by the definition of Passive Recreational Amenities.

[...]

*Recreational Facilities.* Buildings, structures, or developments that are provided specifically for recreational uses, including but not limited to restrooms, playgrounds, picnic shelters, concession stands, athletic fields, sport courts, batting cages, bullpens, skateparks, bike skills areas, community gardens, spray parks, amphitheaters, swimming areas, docks, piers, shell houses, and boat launches.

[...]

*Recreational Uses.* In the Parks Zone, land uses that provide opportunities for entertainment, athletic, ecological, and/or other leisure activities. Recreational uses include but are not limited to sports, cycling, skating, swimming, water-dependent recreation, and use of community gardens, play equipment, and exercise equipment. Recreational uses include all uses addressed by the definition of Passive Recreational Uses.

[...]



Restroom. A public restroom facility that provides basic amenities including but not limited to toilets and sinks.

[...]

**Section 5. MICC 19.01.040 Zone Establishment, Amended.** Effective December 31, 2025, MICC 19.01.040, Zone Establishment, is amended as follows.

**MICC 19.01.040 – Zone Establishment**

**A. Zones.**

Zone	Symbol
Single-Family	R-8.4
Single-Family	R-9.6
Single-Family	R-12
Single-Family	R-15
Multiple-Family	MF-2L
Multiple-Family	MF-2
Multiple-Family	MF-3
Business	B
Planned Business	PBZ
Commercial Offices	C-O
Public Institution	PI
<u>Parks</u>	<u>P</u>
Open Space	OS
Town Center	TC

- B. The location and boundaries of the various zones of the city are shown and delineated on the city of Mercer Island Zoning Map which is included in appendix D of this development code and is incorporated herein by reference.
- C. The location and boundaries of the various zones as hereafter determined by the city council shall be shown and delineated on zone maps covering portions of the city, each of which shall be a part of this Code either by adoption as a part hereof or by amendment hereto.
- D. Each zone map and all notations and other information shown therein shall become part of this Code.
- E. A zone map may be divided into parts and each part may, for purposes of identification, be subdivided into units. Such parts may be separately and successively adopted by means of an amendment of this Code and, as adopted, such zone map, or its parts, shall become a part of this Code.
- F. Changes in the boundaries of a zone shall be made by ordinance adopting an amended map, or part of said zone map.
- G. When uncertainty exists as to the boundaries of any zones shown on any zone map, the following rules shall apply:

1. Boundaries shown on a map as approximately following street lines or lot lines shall be construed as actually following such lines.
2. Where a boundary between zones divides a lot into two or more pieces, the entire lot shall be deemed to be located in the first zone on the following list in which any part of the lot is located: R-15, R-12, R-9.6, R-8.4, MF-2L, MF-3, MF-2, P, OS, PI, PBZ, C-O, TC, and B. The location of the zone boundary shall be determined by use of the scale appearing on the zone map unless the location of the boundary is indicated by dimensions.
3. Where property abuts Lake Washington, the land use classification of the upland property extends waterward across the abutting shorelands and beds to the line of navigability/inner harbor line as established in 1984 by the board of natural resources by Resolution No. 461.
4. In case any uncertainty exists, the planning commission shall recommend and the city council shall determine the location of boundaries.
5. Where a public street is officially vacated or abandoned, the land use classification applicable to the abutting property shall apply to such vacated or abandoned street. If a vacated street forms the boundary between two or more zones, the land use classifications of each abutting zone shall extend to the mid-point of the vacated street unless the planning commission recommends and the city council decides otherwise.

H. Except as hereinafter provided:

1. No land, building, structure or premises shall be used for any purpose or in any manner other than a use listed in this Code, or amendments thereto, for the zone in which such land, building, structure or premises is located.
2. No building or structure shall be erected nor shall any building or structure be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the requirements of this development code or amendments thereto.
3. No yard or other open spaces provided about any building or structure, for the purpose of complying with the regulations of this Code or amendments thereto shall be considered as providing a yard or open space for any other building or structure.

**Section 6. MICC Title 19, Appendix D – Zoning Map, Amended.** Effective December 31, 2025, Appendix D, Zoning Map, to Title 19, is repealed and replaced with the map attached hereto as Exhibit A.

**Section 7. Severability.** If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property, or circumstance, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance or its application to any other person, property, or circumstance.

**Section 8. Publication and Effective Date.** A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force on December 31, 2025, provided said date is at least five days after the date of publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AT ITS MEETING ON JULY \_\_\_\_\_, 2025.

ATTEST:

CITY OF MERCER ISLAND

\_\_\_\_\_  
Andrea Larson, City Clerk

\_\_\_\_\_  
Salim Nice, Mayor

APPROVED AS TO FORM

\_\_\_\_\_  
Bio Park, City Attorney

Date of publication:

## Exhibit A

### MICC Title 19 Appendix D – ZONING MAP

