

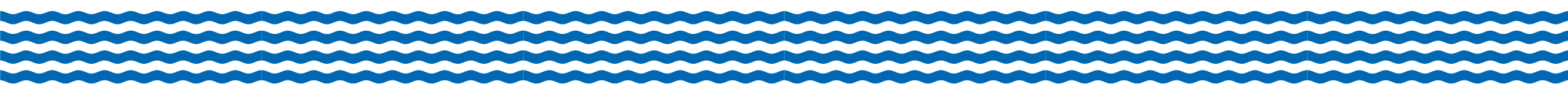
# Interim Regulations for Temporary Uses and Structures Including Outdoor Dining

AB 6488 | June 4, 2024



# Background

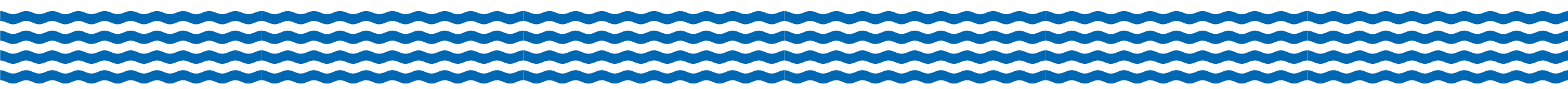
- The Mercer Island City Code (MICC) lacks regulations for temporary uses and structures. If the standards for permanent development were applied to uses and structures intended to be temporary, certain uses and structures that may benefit Mercer Island residents would be prohibited.
- On December 5, 2023, the City Council approved the 2024 docket which included two separate proposals by the City of Mercer Island and the Mercer Island Country Club to establish temporary use and structure regulations.
- City Council directed staff to develop interim regulations to address both docketed items and renew the existing interim regulations for outdoor dining as a temporary use at its regular business meeting on April 2, 2024.



# Regulations for Temporary Uses and Structures on Private Property

New code section MICC 19.06.130 establishes:

- When a temporary use permit (Type I) is required and application requirements.
- Temporary uses and structures that are exempt from permit requirements.
- Criteria for permit approval.
- Additional conditions for mobile food vendors.
- Time limitations for different categories of temporary uses and structures.
- Standards for removal.
- Assurance devices.



# Time Limitations

Temporary Use or Structure	Maximum Duration
Temporary Uses or Structures (not including activities listed as exempt or mobile food vendors)	180 Days <sup>1</sup>
Activities listed as exempt, not related to another permit	30 days of site occupation or operation in any calendar year, unless otherwise stated
Activities listed as exempt, related to another permit	180 days of site occupation or operation in any calendar year, unless otherwise stated <sup>1</sup>
Mobile food vendors	30 days or as provided pursuant to the terms of the issued temporary use permit

<sup>1</sup>The code official may grant an extension not to exceed 30 days in total, upon the applicant submitting a request and showing compliance with all conditions of permit approval.

(A property will not be granted a temporary use permit for a minimum of 3 months after the expiration of a previous temporary use permit)

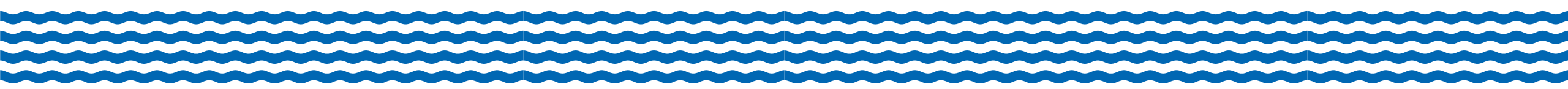
# Temporary Uses and Structures Exempt from Permit Requirements

- Garage sales, yard sales, and estate sales
- Rummage or other sales at schools, churches, or other nonresidential institutional facilities
- Fireworks stands\*
- Construction-related activities



# Outdoor Dining

- ORD24C-07 also includes the renewal of the interim regulations for outdoor dining, which authorizes the temporary use of private parking spaces for outdoor dining and provides a temporary waiver of the minimum parking regulations for eating and drinking establishments.
- The interim regulations were originally adopted on August 4, 2020.



# Recommended Action

- Move to schedule the second reading of Ordinance No. 24C-07 for June 18, 2024.