

**CITY OF MERCER ISLAND  
ORDINANCE NO. 22C-09**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON;  
AMENDING MICC 19.11.020(B) TO REVISE THE STANDARDS AND  
REQUIREMENTS FOR TOWN CENTER RETAIL REQUIREMENTS;  
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN  
EFFECTIVE DATE.**

**WHEREAS**, the City adopted Ordinance No. 20-12 on June 2, 2020, implementing a six-month moratorium pursuant to RCW 35A.63.220 and RCW 36.70A.390 on the submission of applications for any building permits or any other land use approvals for Major New Construction as defined in MICC 19.16.010 for properties located within the Town Center (TC) zone at Mercer Island south of SE 29<sup>th</sup> Street; and

**WHEREAS**, after the public hearing on the above referenced moratorium, the City adopted Ordinance No. 20-18 on September 1, 2020, amending Ordinance No. 20-12 to reduce the size of the geographic area subject to moratorium to the Town Center (TC) zone at Mercer Island south of SE 29<sup>th</sup> Street, east of 77<sup>th</sup> Avenue SE, and west of 80<sup>th</sup> Avenue SE, and to include additional findings of fact; and

**WHEREAS**, the City Council has extended the effective period of Ordinance No. 20-12 most recently on May 17, 2022, through Ordinance No. 22-03 following a public hearing, and the most recent extension extends the moratorium into December 2022; and

**WHEREAS**, protecting and expanding Mercer Island’s retail sector is of utmost importance to maintaining and improving the quality of life and emergency preparedness by providing local access to goods and services that are necessary to meet the daily need of residents; and

**WHEREAS**, the City Council finds that the current Town Center retail requirements for Major New Construction may result in diminishment of such space, lead to Mercer Island being underserved long term and therefore unable to meet future demand; and

**WHEREAS**, the City Council desires to adopt permanent standards and requirements for Town Center retail requirements; and

**WHEREAS**, the City Council hereby finds that the actions set forth below are necessary to protect and expand Mercer Island’s retail sector and preserve public peace, health, safety, and welfare;

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 section above are hereby adopted as the findings of the City Council for passing this ordinance.

**Section 2. Mercer Island City Code (MICC) 19.11.020(B) Amended.** MICC 19.11.020(B) shall be amended as set forth in Exhibit A to this ordinance.

**Section 3. 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 4. 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 01, 2022, provided five days have passed since publication.

Passed by the City Council of the City of Mercer Island, Washington, at its regular meeting on June 21, 2022, and signed in authentication of its passage.

CITY OF MERCER ISLAND

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

Approved as to Form:

ATTEST:

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

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

Date of Publication: \_\_\_\_\_

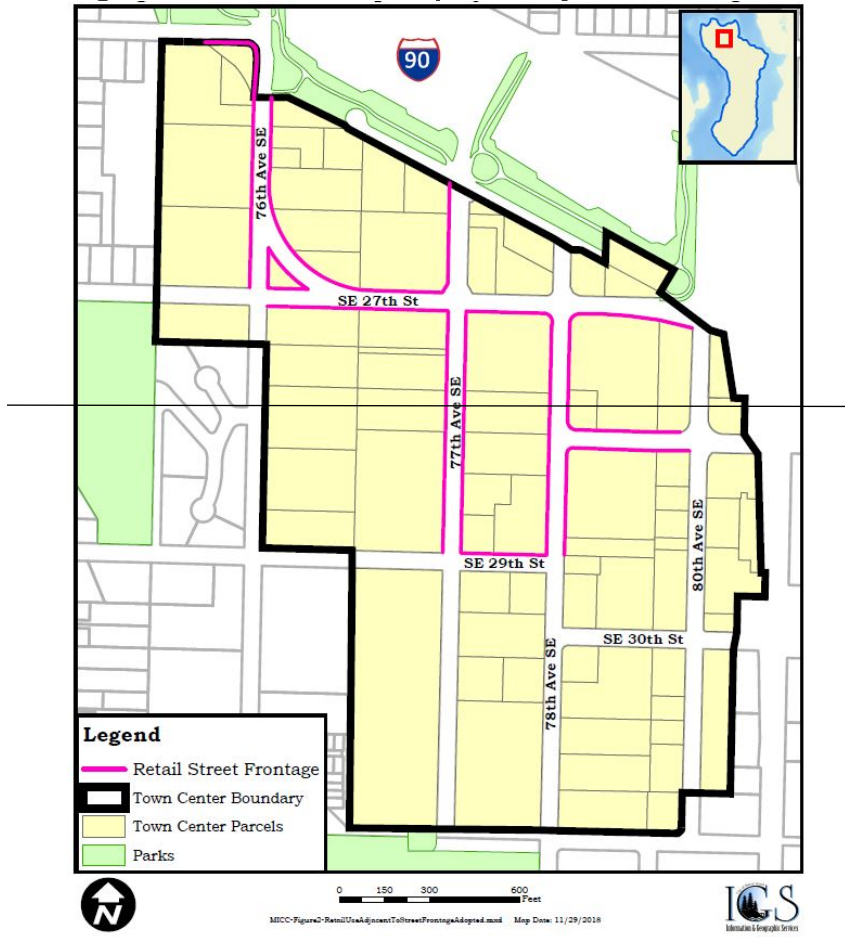
Exhibit A  
To Ordinance No. 22C-09

Effective December 1, 2022, MICC 19.11.020(B) shall be amended as follows:

~~B. *Required ground floor uses.* Retail, restaurant or personal service uses are required along retail street frontages as shown on Figure 2.~~

- ~~1. If public parking is provided pursuant to MICC [19.11.130](#)(B)(5), then the following applies:
  - ~~a. A minimum of 40 percent of the ground floor street frontage shall be occupied by one or more of the following permitted uses: retail, restaurant, and/or personal service use.~~
  - ~~b. A maximum of 60 percent of each ground floor street frontage can be occupied by the following uses: hotel/motel, personal service, public facility, or office.~~
  - ~~c. Driveways, service and truck loading areas, parking garage entrances and lobbies shall not be included in calculating the required percentages of ground floor use.~~~~
- ~~2. If public parking is not provided pursuant to MICC [19.11.130](#)(B)(5), then the following applies:
  - ~~a. A minimum of 60 percent of the ground floor street frontage shall be occupied by one or more of the following permitted uses: retail, restaurant, and/or personal service use.~~
  - ~~b. A maximum of 40 percent of each ground floor street frontage can be occupied by the following uses: hotel/motel, personal service, public facility, or office.~~
  - ~~c. Driveways, service and truck loading areas, parking garage entrances and lobbies shall not be included in calculating the required percentages of ground floor use.~~~~
- ~~3. No use shall occupy a continuous linear street frontage exceeding 60 feet in length. The design commission may approve up to an additional six feet in length if the use incorporates a feature to promote pedestrian activity, including but not limited to: an additional pedestrian entrance onto a sidewalk or through-block connection, or additional ten percent transparency beyond the requirement of MICC [19.11.100](#)(B)(1)(b).~~
- ~~4. The minimum required depth of storefronts along retail street frontages is 16 feet.~~

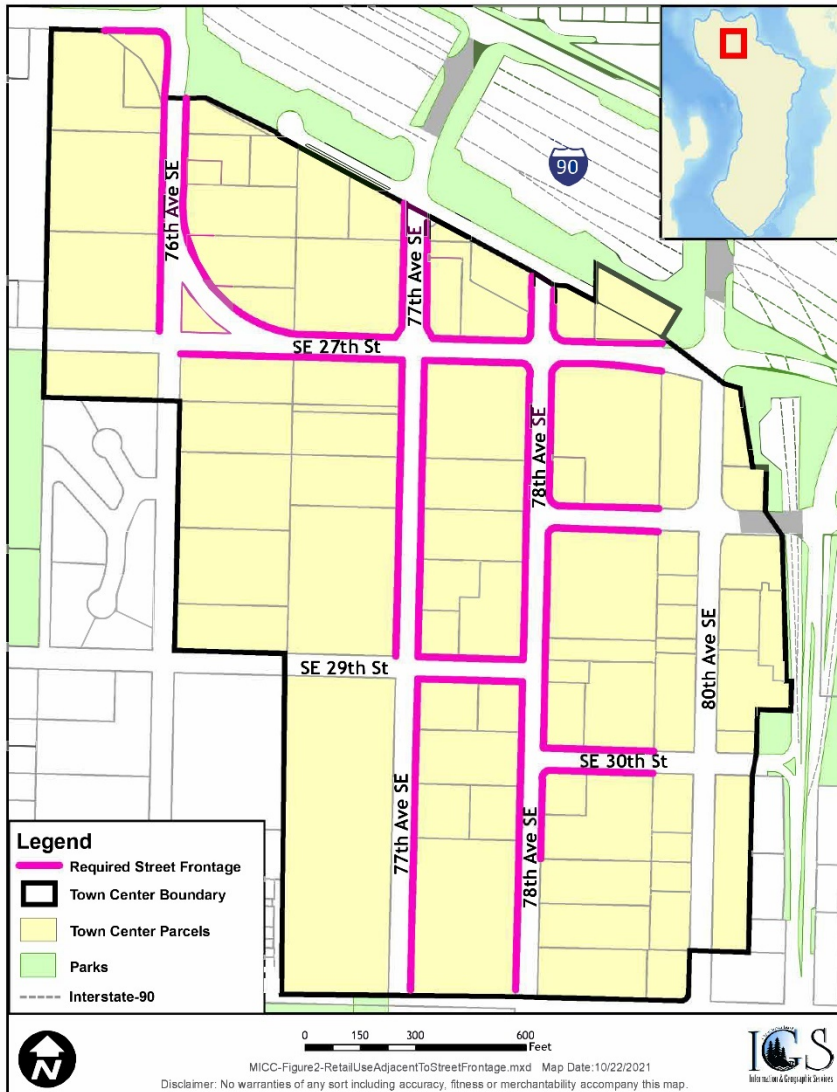
Figure 2 — Retail Use Required Adjacent To Street Frontages



B. Required ground floor street frontage uses.

1. Retail, restaurant, personal service, museum and art exhibition, theater, bar, financial and insurance service, recreation, and/or service station uses, as defined by MICC 19.16.010, are required along ground floor street frontages as shown on Figure 2.

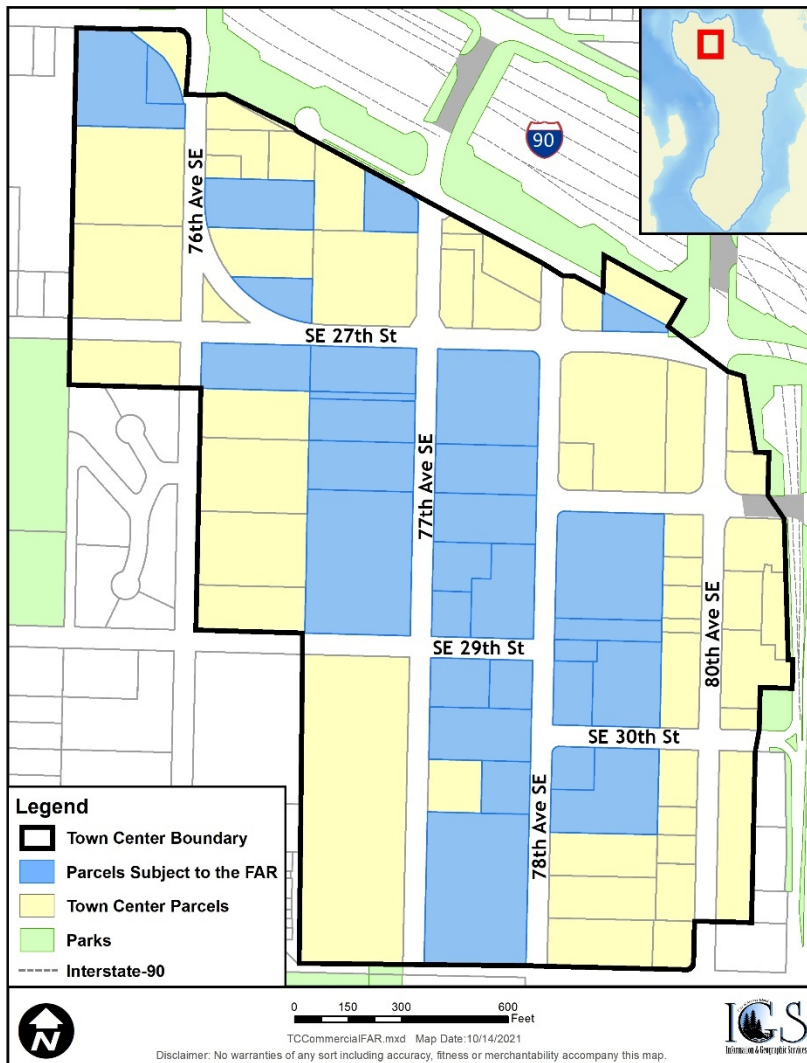
**Figure 2. Uses Required Adjacent to Ground Floor Street Frontages**



- a. No use shall occupy a continuous linear street frontage exceeding 60 feet in length, with the exception of museum and art exhibition and/or theater uses. The design commission may approve up to an additional six feet in length if the use incorporates a feature to promote pedestrian activity, including but not limited to: an additional pedestrian entrance onto a sidewalk or through-block connection, or additional 10 percent transparency beyond the requirement of MICC 19.11.100(B)(1)(b).
- b. The minimum required depth of uses along street frontages is 16 feet.

- c. Required driveways, service and truck loading areas, parking garage entrances, and lobbies shall be permitted.
2. The identified parcels as shown on Figure 3 are required to provide a minimum Floor Area Ratio (FAR) equivalent to 0.2623 of the gross lot area as provided by King County for ground floor street frontage for retail, restaurant, personal service, museum and art exhibition, theater, bar, financial and insurance service, recreation, and/or service station uses, as defined by MICC 19.16.010, upon redevelopment. For the purposes of determining redevelopment, the value of redevelopment shall be an amount equal to or greater than 50% of the total assessed improvement value at the time of the application for redevelopment, as determined by King County.

**Figure 3. Parcels Subject to FAR Requirement for Ground Floor Uses**

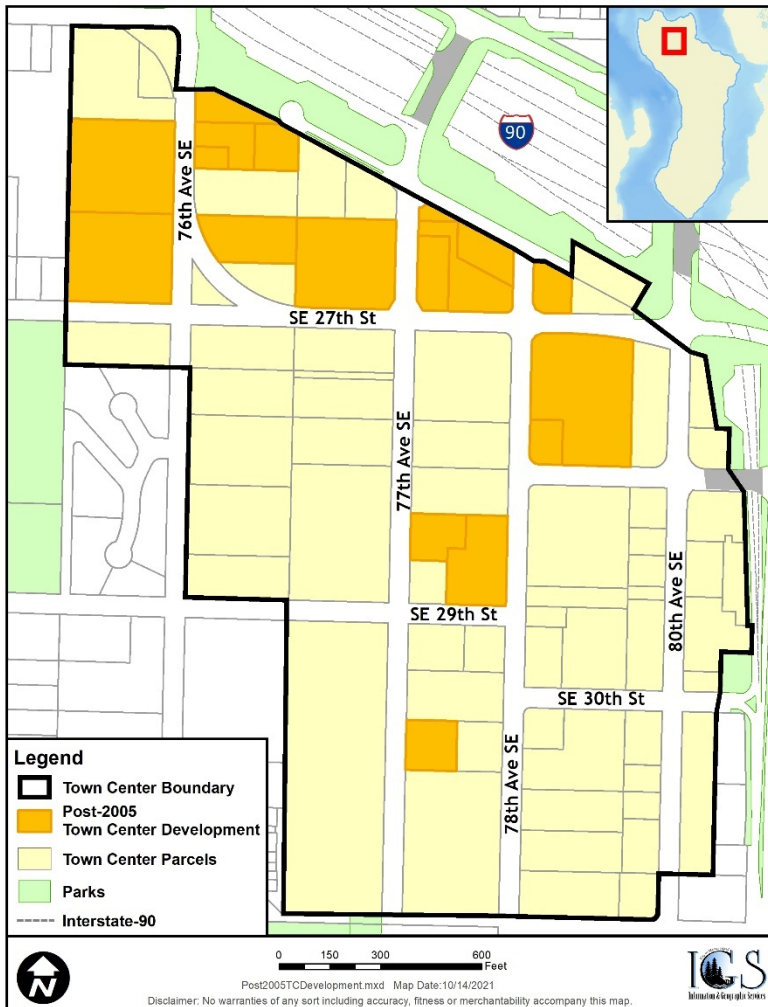


- a. When a FAR calculation results in a fraction, the fraction shall be rounded to the nearest whole number as follows:
  - i. Fractions of 0.50 or above shall be rounded up to the closest whole number; and
  - ii. Fractions below 0.50 shall be rounded down to the closest whole number.
- b. Each individual museum and art exhibition or theater use shall be limited to a contributing cap of 5,000 square feet towards the achievement of the total minimum ground floor FAR

requirement for the corresponding site. For example, a site with a minimum FAR requirement of 20,000 square feet may only have one of these identified uses contribute a maximum of 5,000 square feet towards the necessary minimum through a 1:1 contribution. The remaining 15,000 square feet of ground floor street frontage must come from retail, restaurant, personal service, bar, financial and insurance service, recreation, and/or service station uses as defined in MICC 19.16.010.

3. The identified parcels as shown on Figure 4 are required to provide a no net loss of existing floor area for ground floor street frontage for retail, restaurant, personal service, museum and art exhibition, theater, bar, financial and insurance service, recreation, and/or service station uses, as defined by MICC 19.16.010. For the purposes of determining redevelopment, the value of redevelopment shall be an amount equal to or greater than 50% of the total assessed improvement value at the time of the application for redevelopment, as determined by King County.

**Figure 4. Parcels Subject No Net Loss Requirement for Ground Floor Uses**



4. A review of these requirements shall occur five (5) years from the date of Ordinance adoption or after 75,000 gross square feet of floor area for ground floor retail, restaurant, personal service, museum and art exhibition, theater, bar, financial and insurance service, recreation, and/or service station uses adjacent to street frontages has been authorized through Building Permit issuance.