

AB 6808 – Permanent Regulations for Temporary Uses and Structures Including Outdoor Dining (Ordinance No. 25C-26)

City Council
November 18, 2025

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2020-2024

Interim regulations for outdoor dining in response to Covid-19 Pandemic

No regulations for temporary uses and structures on private property

2024

Interim regulations for temporary uses and structures, including outdoor dining, adopted in response to 2024 Annual Docket items

2025

Planning Commission recommendation for private commerce on public property (MICC 19.06.050) and temporary uses and structures on private property (MICC 19.06.130)

Background

June 2024: Interim regulations adopted

September 10, 2025: PC 2nd public hearing and recommendation for permanent regulations

November 4, 2025: City Council First Reading – “*Move to remove Matrix Log Numbers **3, 4, 14, 15, 19, 20, 21, 22, 23, 24, and 27** as shown in AB 6801 Exhibit 3 from Ordinance No. 25C-26 and schedule Ordinance No. 25C-26 for second reading as amended.*”

December 16, 2025: Interim regulations expire




Ordinance No. 25C-26

- Does not include Log Numbers **3, 4, 14, 15, 19, 20, 21, 22, 23, 24, and 27.**
- Includes all minor amendments (16)



Planning Commission Recommendation and Interim Regulations Matrix

- Identifies the differences between three different versions of the development code
 - PC Recommended changes are classified into two categories: **MINOR** (16) and **SUBSTANTIVE** (11)
 - **No action is necessary to approve these changes**
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Minor Amendments

- Matrix Reference Log No(s): 1, 2, 5, 6, 7, 8, 9, 10, 11, 12*, 13, 16, 17, 18, 25**, 26
- Do not include substantive policy amendments from either the code prior to 2024 or the interim regulations
- City Council may reject all minor amendments in the permanent regulations



Substantive Amendments

- Matrix Reference Log No(s): 3, 4, 14, 15, 19, 20, 21, 22, 23, 24, 27
- Result in significant policy changes from either the code prior to 2024 or the interim regulations
- City Council may reject all, some, or none of these amendments in the permanent regulations



Substantive Changes to Commerce on Public Property (MICC 19.06.050)

APPLICABILITY

Matrix Reference Log No(s): **3, 14**

- Expands applicability to PBZ and C-O zones, in addition to the Town Center
- Adds “Mercer Island Farmer’s Market” and any other events sponsored fully or in part by the City to the provision that exempts “Summer Celebration” from compliance with this section

PERMIT REQUIRED

Matrix Reference Log No(s): **4**

- Removes the requirement to obtain a permit for any temporary use and structure associated with commerce on public property that operates for no more than 7 calendar days over a 90-day period

REMOVAL

Matrix Reference Log No(s): **15**

- Adds a provision to clarify that a commerce on public property approval does not constitute a surrender by the City and any property rights to the ROW and allows the City Engineer to require the removal of improvements under certain circumstances



Substantive Changes to Temporary Uses (MICC 19.06.130)

PERMIT REQUIRED

Matrix Reference Log No(s): **20**

- Exempts two types of temporary uses from requiring a permit
- Adds maximum durations to all exempt activities
- Adds a new exempt activity for a structure used for worship and clarifies construction-related activities

APPLICATION PROCESS

Matrix Reference Log No(s): **19, 22, 24, 27**

- Creates three new permits for temporary uses (interim regulations included only one Type I permit for all temporary uses/structures)
 - Temporary Use Permit (Type II)
 - Temporary Structure Deviation (Type III)
 - Temporary Structure Deviation Renewal (Type II)

Permit Types

	Type I	Type II	Type III	Type IV
Determination of Completeness	X	X	X	X
Public Notification (Bulletin Only)		X		
Public Notice (Mailing, Sign, Bulletin)			X	X
Code Official Decision	X	X	X	
Public Hearing & Hearing Examiner Decision				X
Notice of Decision (besides parties of record)			X	X

*Matrix Reference Log No(s): **19, 22, 24, 27***



Substantive Changes to Temporary Uses (MICC 19.06.130)

CRITERIA FOR APPROVAL

Matrix Reference Log No(s): **21**

- Rearranges subsections to strike the additional criteria of approval for special temporary uses and structures, and includes the parking requirements from this section in the general criteria for approval section
- Includes the addition of a standard to prevent mechanical equipment from exceeding the maximum permissible noise levels
- Removes the provision that exempts temporary uses and structures from compliance with the underlying development standards

TIME LIMITATIONS

Matrix Reference Log No(s): **23**

- Strikes the option that allows for a temporary use or structure to request a 30-day extension, in addition to the maximum durations outlined in Table A. All temporary uses and structures would be subject to a duration of 180 days



Substantive Changes to Temporary Uses (MICC 19.16.130)

TEMPORARY STRUCTURE DEVIATIONS

Matrix Reference Log No(s): **19, 22, 24, 27**

- Allows a temporary structure that provides significant public benefit to exceed certain development standards as follows:
 - Maximum gross floor area by 20%
 - Maximum lot coverage by 10%
 - Maximum building height by the lesser of 35% or 10 feet
 - Reduce yard setbacks to 4 feet
- The use must be an allowed use in the underlying zone, must be accessory to the established use of the property, and must provide sufficient screening from adjacent residentially zoned properties





Planning Commission Chair

City Council Second Reading ORD No. 25C-26

Recommended Action: Adopt Ordinance No. 25C-26 relating to Permanent Regulations for Temporary Uses and Structures, including Outdoor Dining as shown in Exhibit 1 to this AB.

