

AB 6808 – INTERIM REGULATIONS / PLANNING COMMISSION RECOMMENDATION MATRIX

This matrix identifies the differences between three different versions of the development code: 1) The code as it existed prior to June 2024; 2) The code as amended through the interim regulations adopted in June 2024 under Ordinance No. 24C-07 and currently effective until December 2025; and 3) The proposed code recommended by the Planning Commission following two public meetings and two public hearings.

Terms/Notation Used:

'MINOR' Classification	The Planning Commission recommended code results in a minor amendment that does not include substantive policy amendments from either the code prior to June 2024 or the interim regulations currently in effect.	Log Nos.: 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 26
'SUBSTANTIVE' Classification	The Planning Commission recommended code results in significant amendments from either the code prior to June 2024 or the interim regulations currently in effect.	Log Nos.: 3, 4, 14, 15, 19, 20, 21, 22, 23, 24, 27
–	The section does not exist in the code prior to June 2024, or the section was not amended as part of the interim regulations currently in effect.	
RED	Visually highlights the differences between the Planning Commission recommendation and either the code prior to June 2024 or the interim regulations currently in effect.	

Log No.	Code Section	Code Prior to June 2024	Interim Regulations (ORD No. 24C-07)	Planning Commission Recommendation	Classification & Staff Comments
MICC 19.06.050 – Commerce on Public Property					
1	MICC 19.06.050 Title	MICC 19.06.050 – Commerce on Public Property	–	MICC 19.06.050 – Commerce <u>and Temporary Structures</u> on Public Property.	MINOR
2	(A)	A. The purpose of this chapter is to allow for the safe, healthful and aesthetic use of public property for the benefit of private commerce.	–	A. The purpose of this chapter is to allow for the safe, healthful and aesthetic use of public property for the benefit of private commerce. <u>The provisions of this chapter do not exempt proposed activities from compliance with other titles of the Mercer Island City Code.</u>	MINOR
3	(B)	B. The provisions of this section shall apply only to public sidewalks, streets and rights-of-way within the Town Center zone	–	B. The provisions of this section shall apply only to public sidewalks, streets and rights-of-way within the Town Center zone. <u>Planned</u>	SUBSTANTIVE Expands the applicability of commerce on public property to public sidewalks, streets, and

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				<u>Business Zone, and Commercial Office zone.</u>	rights-of-way in other zones outside of the Town Center.
4	(C)	C. Any person(s), corporation, or company who wishes to use the public right-of-way for the exchange of goods or services shall apply for a private commerce on public property permit. Such permit shall be in the form specified by the code official and shall contain such information as deemed necessary by the code official.	–	<p>C. Any person(s), corporation, or company who wishes to use the public right-of-way for the exchange of goods or service shall apply for a private commerce on public property permit, <u>except as provided below</u>. Such permit shall be in the form specified by the code official and shall contain such information as deemed necessary by the code official.</p> <p><u>1. Temporary uses and structures associated with commerce on public property operating for no more than a total of seven calendar days or less in any given 90-calendar day period do not require a permit. Nothing in this section exempts commerce on public property activities from compliance with the criteria in MICC 19.06.050(D), Criteria for permit.</u></p>	<p>SUBSTANTIVE</p> <p>Exempts any temporary use and/or structure associated with commerce on public property operating for no more than a total of seven calendar days or less in a 90-day period from obtaining a permit.</p>
5	(D)(2)	2. The location of the business activity does not create a safety hazard for motorists, bicyclists or pedestrians.	–	2. The location of the <u>private commerce on public property</u> business activity does not create a safety, <u>noise, or environmental</u> hazard for motorists, bicyclists or pedestrians.	MINOR
6	(D)(2)(a)	a. The business location maintains sufficient area for the free passage of pedestrians along	–	a. The business <u>private commerce on public property</u> location maintains sufficient area for the free passage of <u>deliveries</u> .	MINOR

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		sidewalks and access to other adjacent businesses.		<u>service access, and</u> pedestrians <u>per ADA standards</u> , along sidewalks and access to other adjacent businesses.	
7	(D)(2)(b)	b. The business location does not obstruct the views of motorists turning into or out of a street or parking lot.	–	b. The business-private commerce on public property location does not obstruct the views of motorists turning into or out of a street or parking lot.	MINOR
8	(D)(3)(c)	c. No music or sound is amplified.	–	c. No music or sound is amplified.	MINOR Allows a business operation to amplify music or sound. Note that the business would still be subject to the Nuisance Control Code in Chapter 8.24 MICC.
9	(D)(4)	4. The design for any improvements is consistent with the design requirements for the Town Center plan.	4. The design for any <u>non-temporary</u> improvements is consistent with the design requirements for the Town Center plan.	4. The design for any improvements is consistent with the design requirements for the Town Center plan.	MINOR Design standards for any permanent improvements in the Town Center is established in Chapter 19.11 MICC. This amendment does not result in changes to how these design standards are administered.
10	(D)(5)	5. The location and design do not unreasonably obstruct the visibility of any adjacent businesses.	–	45. The location and design do not unreasonably obstruct the visibility of any adjacent businesses <u>or their signage</u> .	MINOR
11	(D)(6)	6. The location of a business engaged in the sale of alcoholic beverages is separated from the public space with a barrier, fence, landscaping or other demarcation.	–	56. The location of a <u>private commerce on public property</u> business engaged in the sale of alcoholic beverages is separated from the public space with a	MINOR

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				barrier, fence, landscaping or other demarcation.	
12	(E)	E. A permit to operate a private business on public property shall be reviewed and approved by the design commission; provided, that occasional, temporary business operations involving temporary structures and/or temporary right-of-way obstructions may be approved by the code official. Permit applications from one or a group of existing eating and drinking establishments at Mercer Island to temporarily operate private business on public property during the effective period set forth in section 6 of Ordinance No. 21C-25 shall be considered to be temporary, and they may be approved by the code official without review or approval by the design commission.	E. A permit to operate a private business on public property shall be reviewed and approved by the design commission; provided, that occasional, temporary business operations involving temporary structures and/or temporary right-of-way obstructions may be approved by the code official. Permit applications from one or a group of existing eating and drinking establishments at Mercer Island to temporarily operate private business on public property during the effective period set forth in section 6 of Ordinance No. 21C-25 shall be considered to be temporary, and they may be approved by the code official without review or approval by the design commission. <u>Permit applications from existing eating and drinking establishments at Mercer Island to temporarily provide outdoor food and beverage service on public property adjacent to the eating and drinking establishment shall be considered to be temporary, and they may be approved by the code official without review or approval by the design commission.</u>	E. A permit to operate a private business on public property shall be <u>subject to design review reviewed and approved by the design commission</u> ; provided, that occasional, temporary business operations involving temporary structures and/or temporary right-of-way obstructions may be approved by the code official. Permit applications from one or a group of existing eating and drinking establishments at Mercer Island to temporarily operate private business on public property during the effective period set forth in section 6 of Ordinance No. 21C-25 shall be considered to be temporary, and they may be approved by the code official without review or approval by the design commission. <u>Permit applications from existing eating and drinking establishments at Mercer Island to temporarily provide outdoor food and beverage service on public property adjacent to the eating and drinking establishment shall be considered to be temporary, and they may be approved by the code official</u> without review or approval by the design commission.	MINOR Consistent with Ord 25C-14 which dissolved the Design Commission.
13	(E)	–	–	–	MINOR

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					<p>Staff Recommends the following amendment to the Planning Commission Recommendation in Log 12:</p> <p>E. A permit to operate a private business on public property shall be <u>subject to design review reviewed and approved by the design commission</u>; provided, that occasional, temporary business operations involving temporary structures and/or temporary right-of-way obstructions may be approved by the code official. Permit applications from one or a group of existing eating and drinking establishments at Mercer Island to temporarily operate private business on public property during the effective period set forth in section 6 of Ordinance No. 21C-25 shall be considered to be temporary, and they may be approved by the code official without review or approval by the design commission. Permit applications from existing eating and drinking establishments at on <u>at on</u> Mercer Island to temporarily provide outdoor food and beverage service on public property adjacent to the eating and drinking establishment shall be considered to be temporary, and they may be approved by the code official without review or approval by the design commission.</p>

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14	(I)	I. The provisions of this section shall not apply to the annual city-sponsored event known as "Summer Celebration."	–	I. The provisions of this section shall not apply to the annual <u>event known as the "Mercer Island Farmers Market," or</u> the annual city sponsored event known as "Summer Celebration" <u>or other events sponsored fully or in part by the City.</u>	SUBSTANTIVE Exempts additional events from compliance with this section. Any event that will be located fully or partially within the City ROW will be required to obtain a ROW Use Permit.
15	(L)	–	–	<u>L. A commerce on public property authorization does not constitute a surrender by the city of any property rights to the right-of-way. Additionally:</u> <u>1. The City Engineer may require removal of improvements associated with commerce on public property if it is determined to create a hazard or as required to perform scheduled or ongoing maintenance, public works projects, emergency operations, or other municipal activities.</u>	SUBSTANTIVE Includes a mechanism for the City to remove improvements associated with commerce on public property in certain instances, including emergencies or maintenance operations.
New Section MICC 19.06.130 – Temporary Use Permits					
16	MICC 19.06.130 Title	–	<u>MICC 19.06.130 – Temporary Use Permits</u>	<u>MICC 19.06.130 – Temporary Use and Structure Permits</u>	MINOR
17	(A)	–	<u>A. Purpose and applicability. A temporary use permit authorizes a use or structure on private property on a short-term basis. Temporary encampments are not considered temporary uses for purposes of this section and are instead subject to</u>	<u>A. Purpose and applicability. A temporary use permit authorizes a use or conforming structure on private property on a short-term basis. Temporary encampments are not considered temporary uses for purposes of this section and are instead subject to the</u>	MINOR

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			<u>the requirements contained within MICC 19.06.090.</u>	<u>requirements contained within MICC 19.06.090.</u>	
18	(B)	–	<p><u>B. <i>Permit required.</i></u></p> <p><u>1. No temporary use or structure shall be permitted within the city except in accordance with the provisions of this chapter. A temporary use permit is required for temporary uses except those specifically exempted pursuant to MICC 19.06.130(D).</u></p> <p><u>2. The property owner or their authorized agent may apply for a temporary use permit on private property.</u></p> <p><u>3. Any temporary use or structure authorized by this chapter may be subject to other permitting and review requirements of the MICC and/or other public agencies.</u></p>	<p><u>B. <i>Permit required.</i></u></p> <p><u>1. No temporary use or structure shall be permitted within the city except in accordance with the provisions of this chapter. A temporary use permit is required for temporary uses and structures except those specifically exempted pursuant to MICC 19.06.130(D).</u></p> <p><u>2. The property owner or their authorized agent may apply for a temporary use permit on private property.</u></p> <p><u>3. Any temporary use or structure authorized by this chapter may be subject to other permitting and review requirements of the MICC and/or other public agencies.</u></p>	MINOR
19	(C)	–	<p><u>C. <i>Application.</i> The application for a temporary use permit shall be submitted on forms obtained from the Community Planning & Development Department, and consistent with MICC 19.15.060. The application shall contain all information deemed necessary by the code official to determine if the proposed permit or action will comply with the requirements of this section. The Community Planning & Development Department shall verify that the</u></p>	<p><u>C. <i>Application.</i> Applications for temporary use permits, temporary structure deviation permits, and renewal of temporary structure deviation permits shall be submitted on forms obtained from the Community Planning & Development Department, and consistent with MICC 19.15.060. The application shall contain all information deemed necessary by the code official to determine if the proposed permit or action will comply with the requirements of</u></p>	<p>SUBSTANTIVE</p> <p>Establishes three separate processes for temporary use permits, temporary structure deviation permits, and renewal of temporary structure deviation permits.</p> <p>Also establishes temporary use permits as a Type II land use review, instead of a Type I as originally drafted in the interim regulations.</p> <p>In summary:</p>

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			<p><u>application is consistent with the requirements of this chapter, and that the application contains proof of a valid business license, if applicable. Temporary use applications shall be processed as a Type I land use review, pursuant to MICC 19.15.030 Land Use Review Types.</u></p>	<p><u>this section. The Community Planning & Development Department shall verify that the application is consistent with the requirements of this chapter, and that the application contains proof of a valid business license, if applicable.</u></p> <p><u>1. Temporary use permit applications shall be processed as a Type II land use review, pursuant to MICC 19.15.030 Land Use Review Types, and are subject to MICC 19.06.130(E), Criteria for approval. Temporary use permit approvals shall be valid for five years.</u></p> <p><u>2. Temporary structure deviation permit applications shall be processed as a Type III land use review, pursuant to MICC 19.15.030 Land Use Review Types, and are subject to MICC 19.06.130(E), Criteria for approval and MICC 19.06.130(F), Temporary structure deviation criteria. Temporary structure deviation permit approvals shall be valid for five years, with the option for renewal.</u></p> <p><u>3. Applications for renewal of temporary structure deviation permits shall be processed as a Type II land use review, pursuant to MICC 19.15.030 Land Use Review Types, and subject to the following criteria:</u></p>	<p>Temporary use permits and renewals of temporary structure deviation permits would be subject to the Type II land use review process, while temporary structure deviation permits would be subject to the Type III land use review process, including noticing and decision procedures.</p>

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				<p><u>a. Temporary structure deviation permits shall not be eligible for renewal 20 years after the date of original approval. After 20 years, a new temporary structure deviation permit is required.</u></p> <p><u>b. Documentation must be provided that all conditions of permit approval have been met.</u></p> <p><u>c. No changes to the use, structure, or associated deviation have been made.</u></p> <p><u>d. A complete application must be submitted to the Community Planning & Development Department at least 90 days prior to expiration of a five-year term.</u></p> <p><u>e. Renewals shall be valid for five years.</u></p>	
20	(D)	–	<p><u>D. Exemptions.</u></p> <p><u>1. The following activities on private property are exempt from the permit requirements of this chapter, but shall comply with other substantive requirements of this chapter, unless specifically noted otherwise:</u></p> <p><u>a. Garage sales, yard sales, and estate sales conducted by or on behalf of the occupant(s) of a residential dwelling. Tents or other temporary structures used in conjunction with any garage, yard,</u></p>	<p><u>D. Exemptions.</u> The following <u>temporary uses and structures</u> are exempt from the permit requirements of this chapter but shall comply with other substantive requirements of this chapter unless specifically noted otherwise:</p> <p><u>1. Any temporary use or structure that complies with the development standards of the underlying zone applicable to the site on which the temporary use or structure is located may be allowed provided the duration does not</u></p>	<p>SUBSTANTIVE</p> <p>Exempts temporary uses from requiring a permit by duration and whether or not the structure or use is required to meet the development standards in the underlying zone.</p> <p>Also adds clarification for the duration of several exemptions that were included in the interim regulations and adds a new exemption for a temporary structure used for worship.</p>

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			<p><u>or estate sale shall not exceed 120 square feet in area;</u></p> <p>b. <u>Rummage and other outdoor sales sited at a school, church, or other nonresidential institutional facility;</u></p> <p>c. <u>Fireworks stands operating under a permit issued by the fire marshal's office;</u></p> <p>d. <u>Exemptions for Construction-Related Activities: The following uses and structures do not require a temporary use permit, provided they are associated with an approved land use application and/or construction permit:</u></p> <p>i. <u>Contractor's office, storage yard, and equipment parking and servicing on or near the site or in the vicinity of an active construction project.</u></p> <p>ii. <u>Sales/marketing trailers used for the purpose of real estate sales and/or rental information, located within the subdivision or development to which they pertain.</u></p>	<p><u>exceed a single term of seven consecutive days within any given 90-day period;</u></p> <p>2. <u>Any temporary use or structure that cannot meet the development standards of the underlying zone applicable to site on which the temporary use or structure is located may be allowed with a maximum duration of 72 hours within any given 60-day period;</u></p> <p>3. <u>Garage sales, yard sales, and estate sales conducted by or on behalf of the occupant(s) of a residential dwelling, provided the use does not exceed 30 days in a calendar year;</u></p> <p>4. <u>Rummage and other outdoor sales sited at a school, place of worship, or other nonresidential institutional facility, provided the use does not exceed 30 days in a calendar year;</u></p> <p>5. <u>Any temporary structure used for worship under 250 square feet in area and 10 feet in height erected for no more than a total of 15 calendar days in any given 365-day period.</u></p> <p>6. <u>Exemptions for Construction-Related Activities: The following uses and structures do not require a temporary use permit, provided they are associated with</u></p>	

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				<p>an approved land use application and/or construction permit <u>and the use is discontinued within 30 days of the project completion, cessation of work, or completion of real estate rental or sales activities:</u></p> <p>a. <u>When located in the R-8.4, R-9.6, R-12, and/or R-15 zones, a single contractor's office under 400 square feet, storage yard, equipment parking and equipment servicing (not to exceed 8 hours in duration) on the site of an active construction project.</u></p> <p>b. <u>In all other zones, a contractor's office, storage yard, and equipment parking and equipment servicing on or near the site or in the vicinity of an active construction project.</u></p> <p>c. <u>Sales/marketing trailers used for the purpose of real estate sales and/or rental information, located within the subdivision or development to which they pertain.</u></p>	
21	(E)	–	<p>E. <u>Criteria for approval.</u></p> <p>1. <u>The code official, in consultation with appropriate City departments, shall review each application for a temporary use permit. The code official may approve, or condition and approve, an application for a temporary use</u></p>	<p>E. <u>Criteria for approval.</u></p> <p>1. <u>The code official, in consultation with appropriate City departments, shall review each application for a temporary use permit. The code official may approve, or condition and approve, an application for a temporary use</u></p>	<p>SUBSTANTIVE</p> <p>As a result of striking the entirety of subsection (F) from the interim regulations, several of those criteria were moved into the general “Criteria for approval” subsection, including parking standards, which were only applicable to outdoor dining.</p>

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			<p><u>permit if the application satisfies all of the following criteria:</u></p> <p>a. <u>The temporary use will not be materially detrimental to the public health, safety or welfare, nor injurious to property or improvements in the vicinity of the temporary use;</u></p> <p>b. <u>The structure or use is located where there is safe ingress and egress from the street, including a clear sight area adjacent to the street;</u></p> <p>c. <u>Structures proposed for the temporary use comply with applicable provisions of the Building and Fire Codes;</u></p> <p>d. <u>Adequate parking is available to serve the temporary use, and if applicable, the temporary use does not occupy required off-street parking areas for adjacent or nearby uses;</u></p> <p>e. <u>Hours of operation of the temporary use are specified, and would not adversely impact surrounding uses;</u></p> <p>f. <u>The temporary use will not cause nuisance factors such as noise, light, or glare which would adversely impact surrounding land uses;</u></p> <p>g. <u>The temporary use will not include permanent fencing, walls,</u></p>	<p><u>permit if the application satisfies all of the following criteria:</u></p> <p>a. <u>The temporary use will not be detrimental to the public health, safety or welfare, nor injurious to property or improvements in the vicinity of the temporary use;</u></p> <p>b. <u>Structures proposed for the temporary use comply with applicable provisions of the Building and Fire Codes;</u></p> <p>c. <u>The temporary use shall obtain all necessary permits and/or authorizations required by the City and/or state and federal agencies;</u></p> <p>d. <u>The structure or use is located where there is safe ingress and egress from the street, including a clear sight area adjacent to the street;</u></p> <p>e. <u>Adequate parking is available to serve the temporary use, and if applicable, the temporary use does not occupy required off-street parking areas for adjacent or nearby uses;</u></p> <p>f. <u>Use of any portion or percentage of private off-street parking areas for outdoor food and beverage service shall require the landlord's / property owner's approval. Nothing in this section compels a landlord or property</u></p>	<p>The most substantive change to this section is that all temporary uses and structures, except those specified in subsection (D) and the amended subsection (F), must meet the development standards in the underlying zone.</p>

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			<p><u>or other structures that would hinder removal of the structure from the site; and</u></p> <p><u>h. The temporary use will comply with the applicable portions of MICC Title 19 including, but not limited to, Ch. 19.07, Environment, 19.10, Trees, 19.13, Shoreline Master Program, and 19.21, Environmental Procedures.</u></p> <p><u>2. Except as otherwise provided above, the underlying development standards of the zoning designation applicable to the site on which the temporary use or structure is proposed do not apply.</u></p>	<p><u>owner to permit a tenant to expand its business to the exterior;</u></p> <p><u>g. The use or structure shall not interfere with ADA accessible parking spaces or access to adjacent and surrounding businesses;</u></p> <p><u>h. Hours of operation of the temporary use are specified, and would not adversely impact surrounding uses;</u></p> <p><u>i. The temporary use will not cause nuisance factors such as noise, light, or glare which would adversely impact surrounding land uses. Any mechanical equipment shall not exceed the maximum permissible noise levels set forth in WAC 173-60-040, which is hereby incorporated as though fully set forth herein. Any such equipment shall not be located within 5 feet of any lot line abutting properties within the R-8.4, R-9.6, R-12, and R-15 zones;</u></p> <p><u>j. The temporary use will not include permanent fencing, walls, or other structures that would hinder removal of the structure from the site; and</u></p> <p><u>k. The temporary use will comply with the applicable portions of MICC Title 19 including, but not limited to, Ch. 19.07, Environment, 19.10, Trees, 19.13,</u></p>	

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				Shoreline Master Program, and 19.21, Environmental Procedures.	
22	(F)	–	<p><u>F. Additional conditions for certain temporary uses/structures. The following temporary uses and structures are permitted when authorized by the issuance of a temporary use permit when the applicable conditions set forth in this section and in MICC 19.06.130(E), Criteria for approval, have been met.</u></p> <p><u>1. Mobile Food Vendors. Mobile food vendors shall comply with the following conditions:</u></p> <p><u>a. The mobile food vendor shall obtain and keep the Eastside Fire and Rescue permit or approval and King County Health Department permit or approval on the mobile food vending facility at all times, and copies of these approvals shall be made available to the City upon the City's request.</u></p> <p><u>b. The mobile food vendor must be located on a paved surface. If the mobile food vendor will be operating within a parking area, the mobile food vending facility may not protrude into the drive aisle, block fire lanes, or result in the site providing less than the required minimum number of parking stalls.</u></p>	<p><u>F. Temporary structure deviation criteria. Temporary structures which cannot meet the development standards of the underlying zone applicable to the site on which the temporary structure is located, and require a temporary use permit, may apply for a temporary structure deviation. The code official may approve, or condition and approve, an application for a temporary structure deviation subject to the criteria in subsections (E)(1)(a) through (j) and the following criteria:</u></p> <p><u>1. The proposed use is allowed in the underlying zone, including allowances provided by a conditional use permit.</u></p> <p><u>2. The temporary structure must be accessory to the established use of the property.</u></p> <p><u>3. Temporary structures shall ensure sufficient temporary or permanent vegetative or equal screening from adjacent residentially zoned properties and public right of way to mitigate visual effects created by the deviation.</u></p> <p><u>4. The proposed structure provides significant public benefit.</u></p>	<p>SUBSTANTIVE</p> <p>This section was rewritten by the Planning Commission to include criteria for those structures that would not meet certain development standards in the underlying zone to obtain a “Temporary Structure Deviation”.</p> <p>The criteria include the requirement for the temporary structure to provide significant public benefit, screening, and allows certain underlying development standards to be exceeded or reduced, including building height, gross floor area, and lot coverage.</p>

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			<p>c. A mobile food vendor shall not be parked in a location that will impede garbage collection.</p> <p>d. A mobile food vendor must obtain permission from the property owner prior to operating.</p> <p>e. The mobile food vendor must have fully functional wheels and be able to move immediately by being towed or driven without the removal of blocks or other structural devices.</p>	<p><u>Significant public benefit may be demonstrated by meeting one of the following conditions:</u></p> <p>a. The temporary use or structure is owned or operated by the City of Mercer Island;</p> <p>b. The temporary use or structure is owned or operated by an organization or corporation serving at least 250 people; or</p> <p>c. The temporary use or structure is open to the general public without charge and access is not limited to membership in an organization.</p> <p>5. A temporary structure deviation does not allow a deviation from the applicable provisions in MICC Chapters 19.07 Environment, 19.10 Trees, 19.13 Shoreline Master Program, and 19.21 Environmental Procedures.</p> <p>6. Deviations for temporary structures shall be limited to the following. Deviations from requirements not listed below are strictly prohibited.</p> <p>a. The maximum gross floor area for temporary structures shall be 20 percent of the lot area.</p> <p>b. The maximum lot coverage for temporary structures shall be limited to 10 percent of the lot area.</p>	

Log No.	Code Section	Code Prior to June 2024	Interim Regulations (ORD No. 24C-07)	Planning Commission Recommendation	Classification & Staff Comments						
				<p><u>c. Temporary structures may exceed the maximum building height allowed in the underlying zone, including allowances provided by a conditional use permit, by the lesser of 35 percent or 10 feet.</u></p> <p><u>d. Yard setbacks may be reduced to four feet, subject to the following:</u></p> <p><u>i. The temporary structure is not adjacent to a property with an established residential use.</u></p> <p><u>ii. The height of the structure within the setback area of the underlying zone, including allowances provided by a conditional use permit, does not exceed 20 feet.</u></p>							
23	(G)	–	<p><u>G. Time limitation.</u></p> <p><u>1. The code official may issue a temporary use or structure permit up to the durations set forth in Table A, Table of Temporary Use and Structure Permit Duration.</u></p> <p><u>Table A, Table of Temporary Use and Structure Permit Duration</u></p> <table><tr><th><u>Tempora ry Use or Structur e</u></th><th><u>Maximu m Duratio n</u></th><th><u>Applicable Developm ent Standards</u></th></tr><tr><td><u>Tempora ry Uses or</u></td><td><u>180 Days¹</u></td><td><u>MICC 19.06.130(E)</u></td></tr></table>	<u>Tempora ry Use or Structur e</u>	<u>Maximu m Duratio n</u>	<u>Applicable Developm ent Standards</u>	<u>Tempora ry Uses or</u>	<u>180 Days¹</u>	<u>MICC 19.06.130(E)</u>	<p><u>G. Time limitation. Temporary uses or structures may operate for a total of 180 days per calendar year.</u></p>	<p>SUBSTANTIVE</p> <p>The maximum durations from the interim regulations were incorporated into the subsections above. Unless otherwise stated, all temporary uses and structures may operate for a total of 180 days per calendar year.</p> <p>The most substantive change in this section is the removal of the option for a 30-day extension from the code official.</p>
<u>Tempora ry Use or Structur e</u>	<u>Maximu m Duratio n</u>	<u>Applicable Developm ent Standards</u>									
<u>Tempora ry Uses or</u>	<u>180 Days¹</u>	<u>MICC 19.06.130(E)</u>									

Log No.	Code Section	Code Prior to June 2024	Interim Regulations (ORD No. 24C-07)			Planning Commission Recommendation	Classification & Staff Comments
			Structure s (not including activities listed in MICC 19.06.130(D), Exemptio ns and Mobile food vendors)				
			Activities listed in MICC 19.06.130(D), Exemptio ns not related to another permit.	30 days of site occupati on or operatio n in any calendar year, unless otherwis e stated	MICC 19.06.130(D)		
			Activities listed in MICC 19.06.130(D), Exemptio ns related to another permit.	180 days of site occupati on or operatio n in any calendar year, unless otherwis e stated'	MICC 19.06.130(D)		

Log No.	Code Section	Code Prior to June 2024	Interim Regulations (ORD No. 24C-07)			Planning Commission Recommendation	Classification & Staff Comments
			<u>Mobile food vendors</u>	<u>30 days or as provided pursuant to the terms of the issued temporary use permit</u>	<u>MICC 19.06.130(F)(l)</u>		
			<u>The code official may grant an extension not to exceed 30 days in total, upon the applicant showing compliance with all conditions of permit approval. If a request for an extension is not received in writing at least one week prior to the end of the time limit stated on the temporary use permit, the temporary use permit shall expire and the use or structure shall be timely removed pursuant to MICC 19.06.130(l).</u>				
24	(H)	–	<u>H. <i>Limitation on activity.</i></u> <u>1. A property will not be granted a temporary use permit for a temporary use or structure for a minimum of three months after the expiration of a previous temporary use or structure permit.</u>			<u>H. <i>Limitation on activity.</i> A property will not be granted a temporary use permit for a temporary use or structure for a minimum of three months after the expiration of a previous temporary use or structure permit except pursuant to a renewal authorized by this section.</u>	SUBSTANTIVE – applies if Log 19, 22, and 27 are adopted.

Log No.	Code Section	Code Prior to June 2024	Interim Regulations (ORD No. 24C-07)	Planning Commission Recommendation	Classification & Staff Comments
25	(I)	–	<u>I. <i>Removal of a temporary use.</i> The code official shall establish, as a condition of each temporary use permit, a date by which the use/structure and all physical evidence of the use/structure must be removed. The site occupied by the temporary use or structure shall be restored to the original or better condition upon the removal of the use or structure. If the permittee has not removed the use/structure as required by the temporary use permit, the city may take any and all enforcement actions permitted by law, including, but not limited to abatement pursuant to MICC Title 6.</u>	<u>I. <i>Removal of a temporary use.</i> The code official shall establish, as a condition of each temporary use permit, a date by which the use/structure and all physical evidence of the use/structure must be removed. The site occupied by the temporary use or structure shall be restored to the original or better condition upon the removal of the use or structure. If the permittee has not removed the use/structure as required by the temporary use permit, the city may take any and all enforcement actions permitted by law, including, but not limited to abatement pursuant to MICC Title 6.</u>	No changes between interim regulations and Planning Commission recommendation.
26	(J)	–	<u>J. <i>Assurance device.</i> The code official may require a financial guarantee pursuant to the requirements in MICC 19.01.060, in a form acceptable to the finance department, to assure compliance with the provisions of this title and the temporary use permit as approved.</u>	<u>J. <i>Assurance device.</i> The code official may require a financial guarantee pursuant to the requirements in MICC 19.01.060, in a form acceptable to the <u>City's</u> finance department, to assure compliance with the provisions of this title and the temporary use permit as approved.</u>	MINOR

MICC 19.15.030 – Land Use Review Types					Classification & Staff Comments
27	(H) Table A				

Code Prior to June 2024

Table A. Land Use Review Type			
Type I	Type II	Type III	Type IV
<ul style="list-style-type: none">• Home business• Nonmajor single-family dwelling building permits• Tree removal permit• Right-of-way permit• Special needs group housing safety determination• Tenant improvement/change of use• Shoreline exemption ¹• Critical area review ¹• Temporary commerce on public property• Site development permits• Transportation concurrency certificate	<ul style="list-style-type: none">• Modified wireless communication facilities (6409 per 47 CFR 1.40001)• Lot line revision• Setback deviations• Final plat ^{2,3}• Code official design review• Accessory dwelling unit• Parking modification ⁷ (reviewed by city engineer)• Small wireless facility deployment• Seasonal development limitation waiver• Final short plat	<ul style="list-style-type: none">• New and modified wireless (non-6409) eligible facility• SEPA threshold determination• Critical area review ²• Public agency exception• Temporary encampment ⁴• Short plat alteration and vacations• Preliminary short plat• Development code interpretations• Major single-family dwelling building permit ⁵• Shoreline substantial development permit ¹• Shoreline revision (substantial development) ¹	<ul style="list-style-type: none">• Preliminary long plat approval• Conditional use permit• Variance• Critical areas reasonable use exception• Long plat alteration and vacations• Parking modifications ⁷ (reviewed by design commission)• Variance from short plat acreage limitation• Wireless communication facility height variance• Planned unit development• Design commission design review• Permanent commerce on public property• Shoreline conditional use permit (SCUP) ⁶• Shoreline variance ⁶• Shoreline revision (variance and SCUP)

SUBSTANTIVE – applies if Logs 19, 22, and 24 are adopted.

Interim Regulations (ORD No. 24C-07)

Table A. Land Use Review Type			
Type I	Type II	Type III	Type IV
<ul style="list-style-type: none">• Home business• Nonmajor single-family dwelling building permits• Tree removal permit• Right-of-way permit• Special needs group housing safety determination• Tenant improvement/change of use• Shoreline exemption ¹• Critical area review ¹• Temporary commerce on public property• Site development permits• Transportation concurrency certificate• <u>Temporary use permit</u>	<ul style="list-style-type: none">• Modified wireless communication facilities (6409 per 47 CFR 1.40001)• Lot line revision• Setback deviations• Final plat ^{2,3}• Code official design review• Accessory dwelling unit• Parking modification ⁷ (reviewed by city engineer)• Small wireless facility deployment• Seasonal development limitation waiver• Final short plat	<ul style="list-style-type: none">• New and modified wireless (non-6409) eligible facility• SEPA threshold determination• Critical area review ²• Public agency exception• Temporary encampment ⁴• Short plat alteration and vacations• Preliminary short plat• Development code interpretations• Major single-family dwelling building permit ⁵• Shoreline substantial development permit ¹• Shoreline revision (substantial development) ¹	<ul style="list-style-type: none">• Preliminary long plat approval• Conditional use permit• Variance• Critical areas reasonable use exception• Long plat alteration and vacations• Parking modifications ⁷ (reviewed by design commission)• Variance from short plat acreage limitation• Wireless communication facility height variance• Planned unit development• Design commission design review• Permanent commerce on public property• Shoreline conditional use permit (SCUP) ⁶• Shoreline variance ⁶• Shoreline revision (variance and SCUP)

Planning Commission Recommendation

Table A. Land Use Review Type			
Type I	Type II	Type III	Type IV
<ul style="list-style-type: none">• Home business• Nonmajor single-family dwelling building permits• Tree removal permit• Right-of-way permit• Special needs group housing safety determination• Tenant improvement/change of use• Shoreline exemption ¹• Critical area review ¹• Temporary commerce on public property• Site development permits• Transportation concurrency certificate	<ul style="list-style-type: none">• Modified wireless communication facilities (6409 per 47 CFR 1.40001)• Lot line revision• Setback deviations• Final plat ^{2,3}• Code official design review• Accessory dwelling unit• Parking modification ⁷ (reviewed by city engineer)• Small wireless facility deployment• Seasonal development limitation waiver• Final short plat• Temporary use permit• Temporary structure deviation renewal	<ul style="list-style-type: none">• New and modified wireless (non-6409) eligible facility• SEPA threshold determination• Critical area review ²• Public agency exception• Temporary encampment ⁴• Short plat alteration and vacations• Preliminary short plat• Development code interpretations• Major single-family dwelling building permit ⁵• Shoreline substantial development permit ¹• Shoreline revision (substantial development) ¹• Temporary structure deviation	<ul style="list-style-type: none">• Preliminary long plat approval• Conditional use permit• Variance• Critical areas reasonable use exception• Long plat alteration and vacations• Parking modifications ⁷ (reviewed by design commission)• Variance from short plat acreage limitation• Wireless communication facility height variance• Planned unit development• Design commission design review• Permanent commerce on public property• Shoreline conditional use permit (SCUP) ⁶• Shoreline variance ⁶• Shoreline revision (variance and SCUP)