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# CITY OF MERCER ISLAND

## COMMUNITY PLANNING & DEVELOPMENT

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## PLANNING COMMISSION

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**To:** City Council  
**From:** Michael Murphy, Planning Commission Vice Chair  
**Date:** May 5, 2023  
**RE:** ZTR22-001 Permitting Schools in the Business Zone  
**ATTACHMENTS:** A. Planning Commission Recommended Amendments to MICC 19.04.050

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On behalf of the Planning Commission, I am pleased to present our recommendation on ZTR22-001, the Business Zone code amendment.

This code amendment was proposed during the 2021 annual docket submittal process in the fall of 2021, and the City Council later added it to the final docket by Resolution 1615. The Planning Commission worked on this amendment beginning in February 2023. The Planning Commission recommended code amendment would amend [MICC 19.04.050 Business – B](#) by adding “Public and private schools” to the list of permitted uses in the Business Zone (Attachment A).

This matter first came before the City of Mercer Island Planning Commission on February 22, 2023. The Planning Commission held an open record public hearing on March 22, 2023. Two public comments were received during the public hearing on this amendment. The Planning Commission considered the staff reports dated February 15, 2023, and March 16, 2023, in making its recommendation.

After deliberation, the Commission recommends the draft code amendment to MICC 19.04.050 Business - B shown in Attachment A. The Planning Commission recommended code amendment would permit schools in the B Zone subject to basic performance standards, including setbacks, screening and provision of a playfield.

*Michael J. Murphy* \_\_\_\_\_ 5/8/23 \_\_\_\_\_  
Michael Murphy Date  
Planning Commission Vice Chair  
City of Mercer Island

## Attachment 2: Draft Code Amendment

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### 19.04.050 Business—B.

- A. *Required conditions.* All uses permitted in this zone shall be subject to the following conditions:
1. All goods produced on the premises shall be sold at retail on the premises, except as provided herein.
  2. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter, or water carried waste.
  3. No service station or other establishment where motor fuel or lubricating oils are stored or motor services are rendered, may be located within 300 feet of any property upon which a place of worship, school, hospital, institution, theater, or public assembly seating over 50 persons, is located, and said distances shall be measured on a straight line or air line from the outer boundary or property line in the one instance to the nearest property or boundary line.
  4. *Outdoor storage and merchandise display requirements.*
    - a. The total area allowed for outdoor storage and/or merchandise display shall be less than five percent of the total gross square footage of the subject store; provided, however, that such area may exceed five percent if it is fenced or screened in a manner acceptable to the design commission;
    - b. Stored and/or displayed materials shall not obstruct fire lanes;
    - c. The stored and/or displayed materials shall be attractively and safely displayed, and remain on the area specified for such display;
    - d. Bulk (uncontained) materials shall be stored less than 24 hours;
    - e. Items stored on a site during construction and temporary uses approved by the code official (e.g., Christmas tree sales lots) shall be exempt from the requirements for this section.
  5. On-site hazardous waste treatment and storage facilities as defined in MICC 19.16.010 are permitted as an accessory use to a permitted use in this zone. These facilities must comply with the state siting criteria as adopted in accordance with RCW Chapter 70.105.
- B. *Uses permitted.*
1. Government services, utilities, and museums and art exhibitions.
  2. Day care.
  3. Public and private schools accredited or approved by the state for compulsory school attendance, subject to design review as specified MICC 19.12.010 (D), and the following conditions:
    - a. Setbacks
      - i. a setback of 35 feet is required from property lines that abut single-family zones.
      - ii. a setback of 30 feet is required from public rights of way.
      - iii. a setback of 15 feet is required from public parks.
      - iv. Setbacks are not required on internal property lines.
    - b. Screening. Along property lines abutting rights of way, public parks, and single-family zoning, a landscaped area at least ten feet wide must provide a partial visual barrier to adjacent properties and rights of way. The screening shall be composed of a combination of trees, bushes, and groundcover that produce an eight-foot-tall visual barrier in all seasons within three years of planting. A minimum

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of one tree for every 20 feet of landscape perimeter length must be provided. Screening is not required on internal property lines.

c. Playfield. A one-fourth acre or larger playfield, play surface or open space shall be provided in one usable unit. The playfield may be located on an adjacent lot.

- 34. Healthcare services.
- 45. Personal services.
- 56. Professional, scientific, and technical services; provided, animal hospitals and clinics shall be structurally enclosed.
- 67. Office uses.
- 78. Service stations.
- 89. Repair services.
- 910. Theaters.
- 1011. Restaurants, cafeterias, catering.
- 1112. Retail stores.
- 1213. Financial and insurance services.
- 1314. Commercial recreational areas; provided, teen dances and teen dance halls as defined herein are not permitted uses.
- 1415. Special needs group housing, as provided in MICC 19.06.080.
- 1516. Social service transitional housing, as provided in MICC 19.06.080.
- 1617. Wireless communications facilities subject to the conditions set out in MICC 19.06.040.
- 1718. Accessory uses customarily incidental to a principal use permitted outright in this section.
- 1819. Hotels/motels and multiple-family dwellings.
- 1920. Decorating shops.
- 2021. Employment agencies.
- 2122. Printing establishments and newspaper printing presses.
- 2223. Public garages and auto repair shops.
- 2324. Sales rooms or storerooms for motor vehicles and other articles of merchandise.
- 2425. Telephone exchanges or telegraph offices.
- 2526. Preschools, nursery schools and day care centers, subject to the following conditions:
  - a. Such facilities shall meet all applicable safety and licensing laws and requirements.
  - b. All outdoor play areas shall be adequately fenced.
- 2627. Adult entertainment, subject to the following conditions:
  - a. The point of public entry into the structure housing the business shall be at least 800 feet from the property line of any R or MF zoned property; from the boundary of the area designated as "proposed landscaping" on Figure 6 of the final EIS (Volume I) for I-90; or from the property line of any property containing one or more of the following uses: single- or multiple-family dwelling, retirement home, preschool, nursery school or day care center, publicly owned park or open

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space, recreational area (commercial, noncommercial or private), public or private primary or secondary school, religious institution, governmental building, or an establishment which caters primarily to minors.

- b. No adult business shall be located closer than 400 feet to another adult business. Such distance shall be measured by following a straight line from the nearest point of public entry into the proposed adult business to the nearest point of entry into another adult business.
  - c. Point of public entry into adult businesses shall not be located along 78th Avenue SE or along primary pedestrian corridors.
  - d. Window or exterior displays of goods or services which depict, simulate, or are intended for use in connection with specified sexual activities as defined by this title are prohibited.
- C. *Structure setback requirements.* All structures shall have a minimum setback from any public right-of-way of ten feet; except, service station pump islands which shall have a setback from the street line of at least 15 feet to provide for safe access or egress to or from such street.
- D. *Building height limit.* Maximum allowable building height shall be the lesser of (1) three stories or (2) 36 feet, calculated using the method described in MICC 19.11.030(A)(3).

(Ord. 19C-21 § 1 (Att. A); Ord. 03C-08 § 7; Ord. 99C-13 § 1)