

PCB 25-12

Permanent Regulations for Commerce on Public Property and Temporary Uses and Structures on Private Property

Mercer Island Planning Commission

June 10, 2025

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Community Planning & Development



Purpose

- Planning Commission public hearing, deliberations, and potential recommendation
 - Deliberations and recommendation may be continued to July 22, 2025 if needed



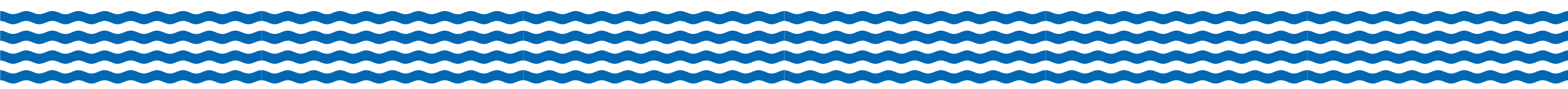
Process

1. Presentation
2. Deliberations
 - Main Motion
 - Minor Amendments
 - Questions for Planning Commission
 - Commerce on Public Property
3. Recommendation or Table



Zoning and Land Uses

- 13 Zoning Designations on Mercer Island
 - Zoning designations determine what land uses are allowed
- Land Uses
 - Permitted outright
 - Permitted through the authorization of a Conditional Use Permit
 - Prohibited

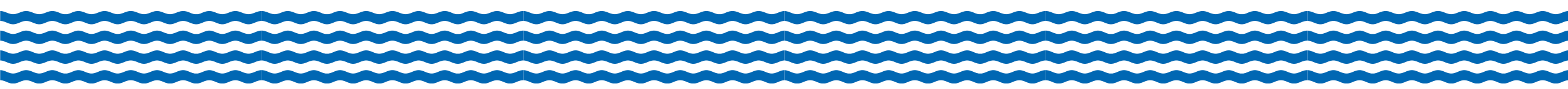


Land Use Review Types

	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

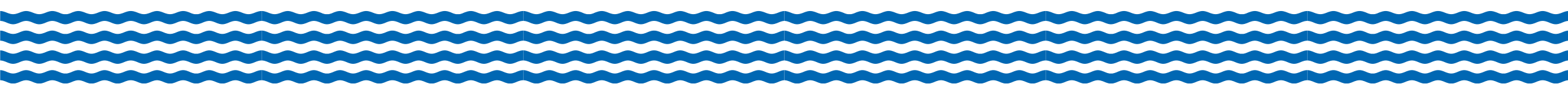
Nonconforming Structures, Sites, Lots, and Uses

- When a structure, site, lot, or use does not meet the standards established in the current code
 - Legal nonconformities
 - Illegal nonconformities



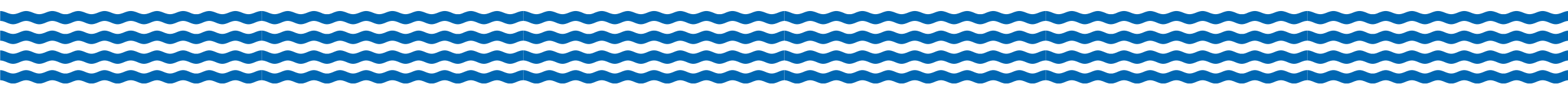
Variances

- A variance can be requested for any dimensional standard in the development code (except Critical Areas)
- Residentially zoned properties must demonstrate an “unnecessary hardship”
 - Unnecessary hardship is limited to those circumstances where the adopted standards of this title prevent the construction of a single-family dwelling



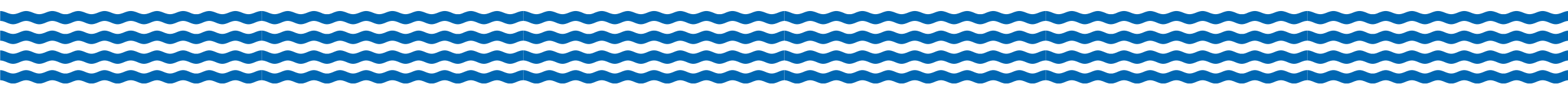
Deviations

- A deviation is a minor modification of standard development code provisions that does not require the special circumstances necessary for granting a variance and which complies with the city's deviation criteria.



Commerce on Public Property

- Public Property vs. Public Right-of-Way
- Regulated by ROW Use Permits
 - Used to ensure safe use of streets, sidewalks, and other public rights-of-way
- Summer Celebration
 - Exempted from this section due to criteria for approval in MICC 19.06.050(D)(1)(a)



Process for Deliberations

1. Main Motion
2. Secondary Motion for minor amendments (LOGS 1, 10, 17, 20, 21, 22, 24)
3. Questions for the Planning Commission
 - Consensus or motions
4. Line-by-Line walkthrough of LOGS 2-15 for Commerce on Public Property



Main Motion

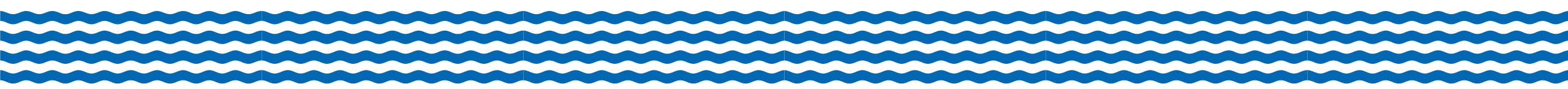
“Move to recommend that the City Council adopt the proposed amendments to MICC 19.06.050 – Commerce on public property as amended; proposed new section MICC 19.06.130 – Temporary use permits as amended; and proposed amendments to MICC 19.15.030 – Land use review types as amended.”



Minor Amendments

Secondary Motion:

“Move to approve the minor amendments and amend the draft materials as presented in PCB 25-12.”



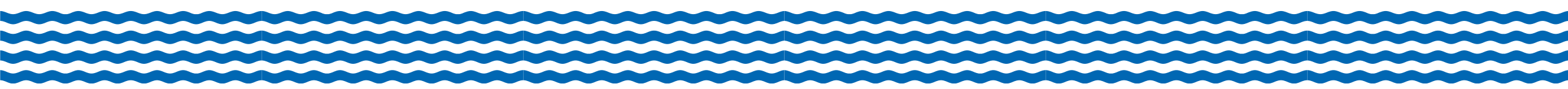


Questions for the Planning Commission

Bucket 1 – Exemptions

1. What types of temporary uses should be exempt from obtaining a temporary use permit? Note: whether a permit is required or not, the use or structure must still comply with the criteria for approval.

LOGS 19, 20, 21, 22



Bucket 1 – Exemptions

2. Should a proposed use be exempt from the temporary use permit based on its duration or number of occurrences? i.e., a use lasting less than 7 days or happening fewer than X times over the course of Y days would be exempt.

LOGS 23

3. If duration/occurrences will be used to establish the exemption, what duration/number of occurrences should be exempt?

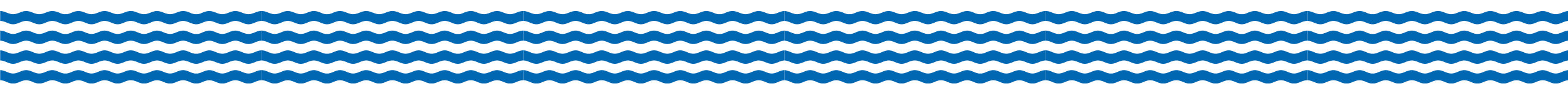
LOGS 42, 43



Bucket 2 – Normal Temporary Uses

4. What land use review type should be required for a 'normal' temporary use?

LOGS 18



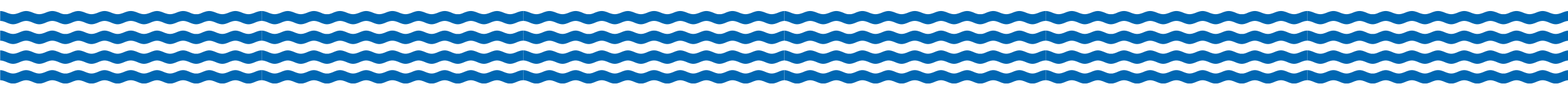
Bucket 2 – Normal Temporary Uses

5. What time limit/term should be set for a 'normal' temporary use? i.e., is a temporary use permit good for one year? Five years? In perpetuity?

LOGS 40, 41, 44, 45a*, 45b*, 45c**

* In Town Center only

** Mobile food vendors only



Bucket 2 – Normal Temporary Uses

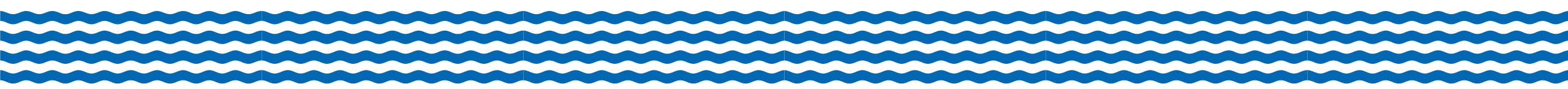
6. If the term of the 'normal' temporary use is limited, what process should be used for a renewal? Should renewal be a new permit or a more abbreviated process?



Bucket 2 – Normal Temporary Uses

7. Are 'normal' temporary uses required to meet all numerical standards for the underlying zone? If they can exceed some numerical standards, which ones?
Note: a temporary use that wouldn't meet this would get sorted into Bucket 3.

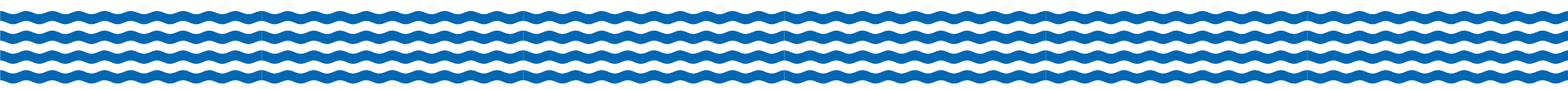
LOGS 31, 32, 33



Bucket 2 – Normal Temporary Uses

8. Should some specific types of ‘normal’ temporary uses be subject to criteria of approval? i.e., if food trucks are a ‘normal’ temporary use, should they be subject to criteria of approval over and above the criteria established for ‘normal’ temporary uses?

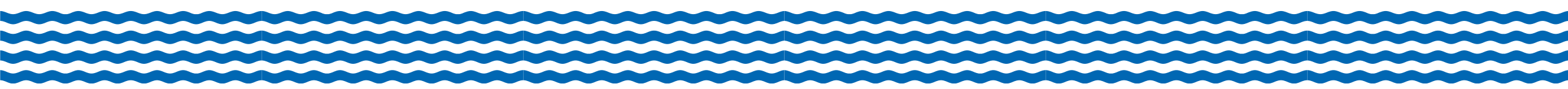
LOGS 35, 36, 37, 38, 39



Bucket 3 – Temporary Use Deviation

9. What land use review type should be required for a temporary use deviation? Note: there should be a reason for requiring additional review process.

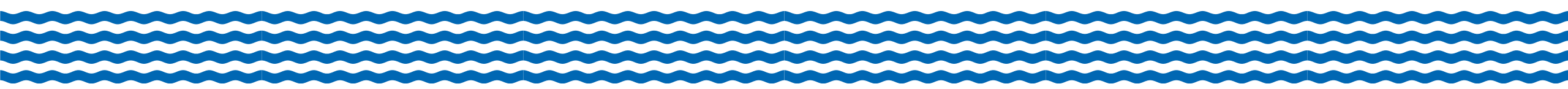
LOGS 34



Bucket 3 – Temporary Use Deviation

10. What criteria of approval should be required for a temporary use deviation? Note: the criteria of approval should be set to address the concerns around the deviation, i.e., if the City allows a greater building height for temporary uses, it should require X to offset the impact. Criteria of approval should be proportionate to the expected impact and use a measurable standard.

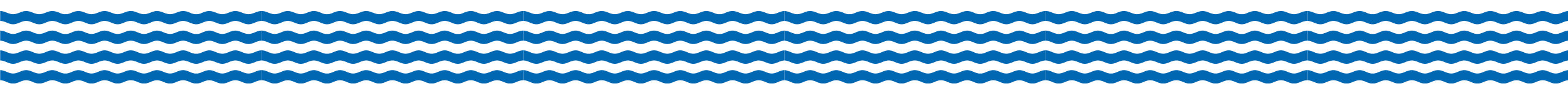
LOGS 24, 25, 26, 27, 28, 29, 30, 48



Bucket 3 – Temporary Use Deviation

11. What time limit/term should be set for a temporary use deviation? Is the temporary use deviation good for one year? Five years? In perpetuity?

LOGS 34, 40, 41, 45



Bucket 3 – Temporary Use Deviation

12. If the temporary use deviation term is limited, by what process can it be renewed? Should renewal be a new permit or a more abbreviated process? Note: this might be influenced by the land use review type required for the temporary use deviation.

LOGS 34

