

DSG Policy Memorandum  
Administrative Interpretation  
#04-02



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**TO:** DSG Staff  
**FROM:** Richard Hart, Development Services Director  
**DATE:** June 28, 2004  
**RE:** Temporary Use Permits in the Town Center

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The Code Official under Section 19.15.010(C)(5)(a) of the Unified Land Development Code makes this administrative policy determination and interpretation of the Unified Land Development Code of Mercer Island.

The purpose of this administrative interpretation is to create a review process for temporary use permits in all zoning districts, since there is limited code language governing temporary uses, structures, and the permits for such uses and structures.

Pursuant to MICC 19.06.020(C)(1)(d) and (f) and 19.11.120(B)(7), Temporary Signs are permitted subject to certain restrictions. This administrative interpretation extends portions of that authority to temporary uses in all zoning districts. According to this section of MICC, temporary use permits shall be subject to the following restrictions:

- The temporary use may exist for 30 days at one time, but no more than a total of 120 days per calendar year. Any temporary use must vacate the site for no less than 14 days before the next 30 day period may begin.
- The temporary use must operate in a manner which does not obstruct traffic.

Pursuant to MICC 19.11.020(C)(1), Outdoor Storage and Display of Merchandise is permitted for street vendors and material storage during construction.

Pursuant to MICC 19.11.130(A)(1)(b) and 19.15.040(D)(1), the code official or Design Commission is required to review any proposed regulated improvement prior to issuance of a building permit.

Pursuant to MICC 19.16.010(R), Outdoor Retail includes "vehicles, garden supplies, gas, tires, boats, aircraft, motor homes, building and landscape materials, and lumber yards." A temporary use may not sell or display any of the above items.

A temporary use must be in accordance with permitted uses for that zone and must meet all safety, transportation, and building code requirements.

These sections together shall be extended to the following requirements for temporary use permits:

- Any temporary use must be reviewed by the following individuals:
  - for design and zoning requirements by the Code Official
  - for fire safety by the Fire Marshal
  - for structural requirements by the Building Official
  - for parking and traffic requirements by the City Engineer
- The temporary use may exist for 30 days at one time, but no more than a total of 120 days per calendar year. Any temporary use must vacate the site for no less than 14 days before the next 30 day period may begin.
- The temporary use must operate in a manner which does not obstruct traffic.
- Outdoor display and storage of materials is permitted for:
  - street vendors
  - material storage during constructions
- The following items are prohibited for outdoor display and retail:
  - Vehicles
  - Garden supplies
  - Gas
  - Tires
  - Boats
  - Aircraft
  - Motor homes
  - Building and landscape materials
  - Lumber yards