TO: DSG Staff  
FROM: Richard Hart, Development Services Director  
DATE: March 25, 2003  
RE: Interpretation of Outdoor Retail Uses Not Permitted in Town Center, Section 19.11.020 (B)  

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 MICC is silent as to the range of types of outdoor retail uses are allowed, whether certain outdoor retail sales for public non-profit uses are allowed, and whether outdoor sales of products are allowed in conjunction with public events such as the Summer Celebration on the public right-of-way is permitted.

This administrative interpretation of Section 19.11.02 is made to clarify the intent of the City in enforcing the land use code for permitting such outdoor retail sales. The intent of 19.11.020 is to prohibit outdoor retail sales in six (6) of the Focus Areas of the Town Center District and permit such outdoor retail sales in only one (1) of the Focus Areas, the Auto-Oriented Focus Area, by Conditional Use Permit.

However, the City also concludes that one-time sales of such items as Christmas Trees by a non-profit entity and use of the public right-of-way by the City for it's once-a-year Summer Celebration involving renting of space to vendors for sale of goods and services should be allowed to further a public and community-wide purpose.