

**CITY OF SEDRO-WOOLLEY  
PLANNING DEPARTMENT**

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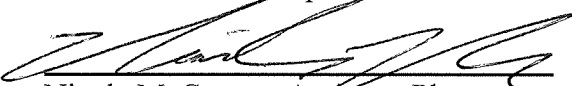
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**TRANSMITTAL & REPORT MEMORANDUM**

DATE: September 19, 2023

TO: Sedro-Woolley Planning Commission

REGARDING Amendments to Chapter 10.44 SWMC to Update Sidewalk Café Regulations and to Add Regulations for “Streateries” and Amendments to Chapter 17.04 SWMC to Define “Streatory”

FROM:   
Nicole McGowan, Assistant Planner

The following amendments are proposed by the Planning Department and submitted to the Planning Commission for consideration. This report serves as the staff report for the proposed amendments and was submitted in accordance with Chapter 2.90 SWMC.

**FINDINGS OF FACT**

**PROPOSAL**

Permanent sidewalk cafes (private dining areas or gathering spaces located on the sidewalk in front of a business) are currently an allowed use in the Central Business District (CBD) under Chapter 10.44 SWMC. However, permanent streateries (private dining areas or gathering spaces located over the on-street parking spaces in front of a business; also commonly known as parklets) are not. In an effort to provide business owners with an additional option for accommodating customers and to create a more welcoming and lively streetscape environment by encouraging more pedestrian activity in the area, staff finds that allowing permanent sidewalk cafes in the CBD as well as permanent streateries in specific areas of the CBD would be largely beneficial to the City. The proposed amendments also will allow sidewalk cafes permanently in the Urban Village Mixed Use Overlay (UVMU). These amendments also work to update the existing sidewalk café regulations and add a definition for “streatory.” The amendments can be found herein as **Attachment 1**.

**BACKGROUND**

In 2012 and 2013, the Council approved temporary ordinances that allowed the temporary use of sidewalks and the public parking spaces in front of restaurants in the CBD for private dining areas. After those temporary ordinances expired, the City Council Business Development Committee discussed how there has been continuous support from the community, particularly for sidewalk cafes, as they have worked to encourage pedestrian activity in the downtown area and have helped create a welcoming and lively environment that benefits downtown business owners. In 2014, a new ordinance was passed which amended Chapters 17.04 and 10.44 of the SWMC to include an updated definition for sidewalk cafes and to allow them permanently in the CBD under specific conditions. Parklets were not included due to the concern that they would take up the on-street parking stalls in front of businesses in the CBD. The availability of public parking in the downtown area has proven to be an ongoing public concern.

In later years, indoor occupancy restrictions were imposed by Washington State in response to the 2020 COVID-19 pandemic. The City's response was to allow "Temporary Outdoor Dining Areas in Rights of Way." These dining areas, including temporary sidewalk cafes and parklets, were intended to be an attribute to the downtown business district while also allowing businesses to accommodate additional customers while complying with the indoor occupancy restrictions. The intent was for the temporary sidewalk cafes and parklets to be removed once the indoor occupancy restrictions were lifted. Washington State has since lifted the restrictions, however, there is one streaterie, originally permitted temporarily, that still remains in the downtown area. Public support is still evident, as these have continued to be effective in bringing pedestrian activity to the downtown area, benefiting downtown business owners as originally envisioned. Businesses that constructed temporary sidewalk cafes can apply for a right-of-way permit to permanently locate the sidewalk cafes under the existing regulations in SWMC 10.44.155. However, because streateries are not currently an allowed use outside of the temporary rules, business owners are required to remove the streateries to comply with the conditions of the temporary permit.

Staff recognizes that removing the streateries effectively removes the opportunity for business owners to accommodate additional customers and removes an important element of the downtown streetscape that has been very beneficial for bringing life to the downtown area. The proposed amendments will allow business owners to apply for a streaterie permit or a sidewalk café permit annually for long-term use of the public right-of-way for outdoor dining. Changes to SWMC 10.44.155 are proposed to improve and clarify sidewalk café regulations as well as allow them permanently in the UVMU in addition to the CBD. A new section, SWMC 10.44.156, is proposed to specify regulations for permanent streateries. Also, a definition of "streatery" is proposed to be added to SWMC 17.04.030.

A public hearing was held during the August 15, 2023 Planning Commission meeting. At that meeting, the Planning Commission requested some minor edits to the draft amendments, which included the following:

- Specify that permitting of a combination of one sidewalk café and one streaterie associated with the same business may be allowed on a case-by-case basis, subject to Planning Director approval.
- Define “easy removal”.
- Require that all plans for sidewalk café and streaterie structures or covers shall be submitted to the Planning and Building Departments for approval prior to installation.
- Specify that business owners are to apply for and obtain a sidewalk café/streaterie permit for use of the public right-of-way for private outdoor dining areas. The permit shall be renewed annually to continue long-term use of the right-of-way. Upon sale of a business with an associated sidewalk café or streaterie, the new business owner shall be required to obtain a sidewalk café/streaterie permit to continue use of the private outdoor dining area.

These requested edits have been incorporated into the amendments found in **Attachment 1**.

## **ANALYSIS**

Staff recognizes that streateries were not allowed permanently at the same time as sidewalk cafes because of the concern that streateries would remove the ability for the public to use the on-street parking in front of businesses. That is why the following limits have been placed: the number of stalls streateries are allowed to take up is limited, streaterie locations shall be limited to parking stalls in front of the associated business, each streaterie application is subject to evaluation of the associated business’s on-street parking needs and limitations may be placed on the size streaterie allowed depending on those parking needs, and streateries are not permitted on Metcalf Street nor State Street. Staff finds that by placing such limitations on the use of on-street parking spaces in the downtown area, the amount of available parking will not be significantly reduced.

The existing regulations for sidewalk cafes have been updated to avoid conflict with the new regulations for streateries. It was also determined that permanent sidewalk cafes would benefit the UVMU as well, as a major component of the intent of the UVMU is to present and attractive and welcoming appearance to visitors at the western entrance of the city. Permanent streateries will be limited to the CBD (with the exceptions of Metcalf Street and State Street), as the UVMU has very little on-street parking available in the area. Careful consideration has been put into each section of the draft amendments to ensure that permanent streateries and sidewalk cafes remain a safe and attractive asset to the public and businesses in the city.

The proposed amendments are also supported by and implement the following goals and policies from the Land Use Element and Economic Development Element of the Sedro-Woolley Comprehensive Plan:

### Land Use Element:

*Policy LU1.6 – Provide for limited commercial development catering to auto-oriented customers and tourists along State Route 20, outside the Central Business District.*

Streeteries and sidewalk cafes are intended to be used as private outdoor dining areas for the businesses they are associated with. Pedestrian activity will be encouraged within the CBD as well as the UVMU.

*Goal LU5 – To preserve community character.*

Private outdoor dining areas encourage pedestrian activity in Sedro-Woolley’s historic downtown as well as the new Urban Village Mixed Use Overlay. As community gathering spaces, they provide a way for people to experience and enjoy these areas of the city from a pedestrian perspective.

*Policy LU5.3 – Seek and support developments that further the community character of Sedro-Woolley.*

With the expectation for artistic and aesthetic embellishment, private outdoor dining areas will add areas of interest along the streetscapes of the downtown and the UVMU for passersby.

*Goal LU10 – To create a safe, active environment for youth.*

Streeteries and sidewalk cafes will provide safe gathering spaces for all, including Sedro-Woolley youth.

#### Economic Development Element:

*Goal E2 – To increase economic opportunities.*

Streeteries and sidewalk cafes benefit business owners, as they provide an additional option for accommodating customers at their establishments.

*Policy E3.1 – Promote tourism as a means of diversifying the economy and preserving the history of the community.*

Private outdoor dining areas will encourage pedestrian activity along the streetscape. Promotion of tourism at the pedestrian level within the downtown area is particularly important.

*Policy E3.19 – Promote the sprucing-up of the downtown business district. To instill a sense of ownership and foster long-term connection to the community, encourage youth participation in downtown revitalization.*

With the expectation for artistic and aesthetic embellishment, private outdoor dining areas will add areas of interest along the streetscapes of the downtown business district.

## **PROPOSAL REVIEW PROCESS**

1. Proposal was introduced to Planning Commission at the April 18, 2023 Planning Commission meeting. Planning staff was tasked with developing code amendments in preparation for a public hearing.
2. Public Notice of the August 15, 2023 Planning Commission Hearing (**Attachment 2**) was published in the Skagit Valley Herald on August 5, 2023.
3. Held a public hearing at the August 15, 2023 Planning Commission meeting. Additional changes requested by Planning Commission along with another public hearing.
4. Public Notice of the September 19, 2023 Planning Commission Hearing (**Attachment 3**) was published in the Skagit Valley Herald on September 8, 2023.
5. Hold a public hearing at the September 19, 2023 Planning Commission meeting.

**RECOMMENDATION:**

Staff recommends that the Planning Commission:

- Review the proposed amendments to Chapter 10.44 and 17.04 SWMC;
- Hold a public hearing and discuss the amendments; and
- Make a motion to recommend that the City Council approve the proposed amendments to Chapter 10.44 and 17.04 SWMC.

**ATTACHMENTS:**

1. Proposed Amendments to Chapter 10.44 and 17.04 SWMC.
2. Notice of August 15, 2023 Public Hearing.
3. Notice of September 19, 2023 Public Hearing.

## Attachment 1

Proposed Amendments to Chapter 10.44 and 17.04 SWMC

### 10.44.155 Sidewalk cafes.

Intent. Allowing the use of public sidewalks in front of a business in the Central Business District and the Urban Village Mixed Use Overlay (UVMU), excluding state routes, as a private outdoor dining area, when in conformance with the criteria in this section. Sidewalk cafes are defined in the zoning code, Title 17, and are intended to be an attribute to the downtown business district and UVMU. and Artistic and aesthetic embellishment is expected. Sidewalk cafes are subject to the following conditions:

A. Sidewalk cafes located on the sidewalk may be placed within the right-of-way year-round.

B. Uses. Sidewalk dining areas cafes may be approved for the following uses:

1. Private outdoor dining areas only to be used by the single business they are associated with.

C. Location. Sidewalk dining areas cafes shall only be located in front of the associated business, and shall not exceed the width of the business space frontage and shall be contiguous to the building.

D. Sidewalk dining areas cafes placed on the sidewalk shall allow an unimpeded, minimum five-foot clear walkway outside of the dining area for passing pedestrians.

E. Construction.

1. All sidewalk café structures or covers shall be well-constructed with rigid, wind-resistant material so as not to pose a safety hazard within the public right-of-way.

2. Enclosures for sidewalk cafes, such as fences, railings or other barriers, shall not exceed 48 inches at maximum height. Covers placed over sidewalk cafes, such as awnings, shall extend no higher than 8 feet above the sidewalk surface.

3. No sidewalk café structures shall be erected that will create traffic hazards by blocking vision clearance triangles as defined in SWMC 17.04.030.

4. All power installations must be code compliant. Electrical cords located on public sidewalks and pathways are specifically prohibited.

5. In no case shall any heating element be located less than 3 feet away from any combustible material or fuel source. All heating elements shall be listed for the intended use and used/maintained in accordance with the manufacturer's instructions. All proposed heating elements shall be evaluated on a case-by-case basis for approval.
6. Tents or tent-like structures are specifically prohibited.
7. Because sidewalk cafes may sit on top of critical infrastructure and utilities such as gas lines, sewer and/or water mains, they shall be designed for easy removal as follows in case of emergency:
  - a. Material selection shall be lightweight, easy to disassemble and durable enough to withstand outdoor conditions (e.g., wood, lightweight metal, lightweight composite materials, plastic, or similar).
  - b. Design shall be modular to allow for the structure to be assembled and disassembled in sections.
  - c. Connections shall be bolted or a similar simple connection method to allow for easy removal when necessary. Permanent welding or adhesive methods are specifically prohibited.
  - d. Any anchoring shall be done using surface-mounted anchors or weighted bases. Permanent anchoring to the ground is specifically prohibited.
  - e. Cement or concrete foundations or any design that alters the existing ground surface are specifically prohibited.
8. All plans for sidewalk café structures or covers shall be submitted to the Planning and Building Departments for approval prior to installation.

#### F. Maintenance.

1. The business owner is responsible for maintaining the safety and physical upkeep of the sidewalk cafe structure.
2. The business owner is responsible for sweeping the sidewalk area inside and around the sidewalk cafe.
3. Chairs must be removed or secured by close of business each day. Tables must be affixed, removed or secured by close of business each day.

G. Conformance with Washington State Liquor Control and Cannabis Board Policy. Businesses may serve beer, wine or spirits in a sidewalk dining area café if compliant with the Washington State Liquor Control and Cannabis Board rules and policies.

H. Insurance and Liability. The applicant shall comply with all requirements of Section [12.44.050](#).

I. Permit required.

1. A sidewalk cafe permit is required for use of public right-of-way for a sidewalk cafe. The permit shall be renewed annually for long-term use of the public right-of-way.

2. Upon sale of a business with an associated sidewalk café, the new owner shall be required to obtain a sidewalk café permit to continue use of the public right-of-way for the sidewalk café.

3. All work to be performed under any permit issued under this code shall conform to all other city codes, the current engineering standards of the engineering department and all other standards used by the city in the administration of this code.

4. As a condition of issuance of any permit or authorization which requires department approval, each applicant shall be required to consent to inspections by any appropriate city department.

J. Combination. Permitting of a combination of one sidewalk café and one streaterie (as defined in SWMC 17.04.030) associated with the same business may be allowed on a case-by-case basis, subject to Planning Director approval. The business owner shall apply for and obtain separate permits for each. (Ord. [1795-14](#) § 1, 2014)

## **10.44.156 Streateries.**

Intent. Allowing the use of public parking spaces in front of a business in the Central Business District, excluding state routes, Metcalf Street and State Street, as a private outdoor dining area, when in conformance with the criteria in this section. Streateries are defined in the zoning code, Title 17, and are intended to be an attribute to the downtown business district. Artistic and aesthetic embellishment is expected. Streateries are subject to the following conditions:

A. Streateries located over parking spaces may be placed within the right-of-way year-round. Streateries may need to be removed for plowing or emergency services.

B. Uses. Streateries may be approved for the following use:



1. Private outdoor dining areas only to be used by the single business they are associated with.

C. On-street parking needs for the associated business will be evaluated on a case-by-case basis. To accommodate parking needs, limitations may be placed on the size of streatery allowable.

D. Use of ADA parking stalls for streateries is prohibited.

E. Construction.

1. All streatery structures or covers shall be well-constructed with rigid, wind-resistant material so as not to pose a safety hazard within the public right-of-way.

2. Streateries shall consist of a structure constructed adjacent to the curb that includes a flat, stable, non-slip, ADA accessible surface.

3. Streateries shall be enclosed on the three sides not adjacent to the curb with an approved barrier of at least 42 inches in height. Barriers may include but are not limited to railings, planters and backs of attached seating (i.e., benches). Covers placed over streateries shall extend no higher than 8 feet above the street surface.

4. No streatery structures shall be erected that will create traffic hazards by blocking vision clearance triangles as defined in SWMC 17.04.030.

5. All power installations must be code compliant. Electrical cords located on public sidewalks and pathways are specifically prohibited.

6. In no case shall any heating element be located less than 3 feet away from any combustible material or fuel source. All heating elements shall be listed for the intended use and used/maintained in accordance with the manufacturer's instructions. All proposed heating elements shall be evaluated on a case-by-case basis for approval.

7. Tents or tent-like structures are specifically prohibited.

8. Because streateries may sit on top of critical infrastructure and utilities such as gas lines, sewer and/or water mains, they shall be designed for easy removal as follows in case of emergency:

a. Material selection shall be lightweight, easy to disassemble and durable enough to withstand outdoor conditions (e.g., wood, lightweight metal, lightweight composite materials, plastic, or similar).

b. Design shall be modular to allow for the structure to be assembled and disassembled in sections.

- c. Connections shall be bolted or a similar simple connection method to allow for easy removal when necessary. Permanent welding or adhesive methods are specifically prohibited.
- d. Any anchoring shall be done using surface-mounted anchors or weighted bases. Permanent anchoring to the ground is specifically prohibited.
- e. Cement or concrete foundations or any design that alters the existing ground surface are specifically prohibited.

9. All plans for streateries structures or covers shall be submitted to the Planning and Building Departments for approval prior to installation.

F. Size over parking spaces.

- 1. Streateries, including barriers, planting boxes or other ancillary objects, shall extend to the edge of the parking dimension or no more than 12 feet street-ward from the curb, whichever is less.
- 2. Streateries shall not take up more than four (4) slanted parking spots or two (2) parallel parking spots.
- 3. Streateries shall only be installed in parking stalls that are located in front of the associated business and shall not exceed the width of the business frontage.

G. Maintenance.

- 1. The business owner is responsible for maintaining the safety and physical upkeep of the streaterie structure.
- 2. The business owner is responsible for sweeping the area inside and around the streaterie structure.
- 3. The business owner is responsible for keeping the curb free of debris that may interfere with stormwater conveyance or other street side utilities or amenities.
- 4. Street sweeping machinery will be unable to operate normally around streateries. The business owner is responsible for sweeping the street within 20 feet laterally from the streaterie.
- 5. Chairs must be removed or secured by close of business each day. Tables must be affixed, removed or secured by close of business each day.

H. Conformance with Washington State Liquor and Cannabis Board Policy. Businesses may serve beer, wine or spirits in a streaterie if compliant with the Washington State Liquor and Cannabis Board rules and policies.

I. Insurance and Liability. The applicant shall comply with all requirements of Section 12.44.050.

J. Permit required.

1. A streatery permit is required for use of public right-of-way for a streatery. The permit shall be renewed annually for long-term use of the public right-of-way.
2. Upon sale of a business with an associated streatery, the new owner shall be required to obtain a streatery permit to continue use of the public right-of-way for the streatery.
3. All work to be performed under any permit issued under this code shall conform to all other city codes, the current engineering standards of the engineering department and all other standards used by the city in the administration of this code.
4. As a condition of issuance of any permit or authorization which requires department approval, each applicant shall be required to consent to inspections by any appropriate city department.

K. Combination. Permitting of a combination of one streatery and one sidewalk café (as defined in SWMC 17.04.030) associated with the same business may be allowed on a case-by-case basis, subject to Planning Director approval. The business owner shall apply for and obtain separate permits for each.

## 17.04.030 Definitions.

[...]

“Sidewalk cafe” means a private dining area or gathering space that is located on the sidewalk in front of a business. A sidewalk cafe serves as an outdoor extension of the business into the public right-of-way and may include fencing no more than four feet in height to delineate the dining area and meet Liquor and Cannabis Board regulations.

“Sign” means a publicly displayed advertising, directional, or information device excluding:

1. Flags and similar primarily nonverbal symbols of governmental, religious or civic organizations;
2. Traffic-control devices, verbal or nonverbal, maintained by the public agency with jurisdiction over the thoroughfare;
3. Minor notices such as conventional no soliciting, open, closed, for rent and for sale signs; and
4. Signs located so as to be viewed only from the ownership on which they are located.

“Single-family residence” means a dwelling unit which is unattached to any other dwelling unit.

“Streatery” means a private dining area or gathering space that is located over the on-street parking spaces in front of a business. A streatery serves as an outdoor extension of the business into the public right-of-way and includes a built structure to create a flat, ADA accessible area in the parking area of a city street. Streateries may be covered or uncovered spaces.

“Structure” means a stationary manmade object or part thereof erected on the ground with an intention of some permanence, excluding objects less than three feet in height.

“Trailer” means a device designed to be drawn by a motor vehicle and provide temporary living quarters.

[...]

# NOTICE OF PUBLIC HEARINGS

## CITY OF SEDRO-WOOLLEY

### Amendments to Development Regulations

#### Hybrid Meeting

#### City of Sedro-Woolley Council Chamber and Virtually via Zoom Webinar

The City of Sedro-Woolley Planning Commission will hold public hearings on **August 15, 2023 at 6:30 PM** in the Sedro-Woolley Council Chamber and virtually via Zoom Webinar, to hear testimony regarding the following proposed amendments to the City Development Regulations:

1. Possible Amendments to Chapter 10.44 SWMC to Update Sidewalk Café Regulations and to Add Regulations for “Streateries” and Amendments to Chapter 17.04 SWMC to Define “Stretery”
2. Possible Amendments to Chapter 17.16 SWMC to Remove Statement in Intent Section Restricting R-15 Zoning Designations

Interested parties can comment on the proposed changes in writing or at the hearing. Written comments will be read into the public record and **must be received by 4:00PM August 15, 2023** to be considered at this public hearing. Send written comments to: City of Sedro-Woolley Planning Department, ATTN: Assistant Planner, 325 Metcalf Street, Sedro-Woolley, Washington, 98284, or by email to [nmcgowan@sedro-woolley.gov](mailto:nmcgowan@sedro-woolley.gov).

Please go to the Planning Commission Meetings page on the Sedro-Woolley website ([https://www.sedro-woolley.gov/governing\\_bodies/planning\\_commission/planning\\_meetings.php](https://www.sedro-woolley.gov/governing_bodies/planning_commission/planning_meetings.php)) to find the meeting materials and a link to join the webinar.

Published in the Skagit Valley Herald: August 5, 2023

# NOTICE OF PUBLIC HEARING

CITY OF SEDRO-WOOLLEY

**Amendments to Development Regulations**

**Hybrid Meeting**

**City of Sedro-Woolley Council Chamber and Virtually via Zoom Webinar**

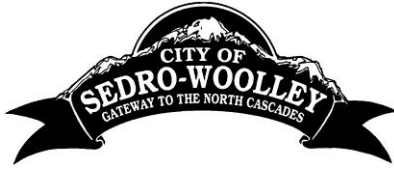
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1. Possible Amendments to Chapter 10.44 SWMC to Update Sidewalk Café Regulations and to Add Regulations for “Streateries” and Amendments to Chapter 17.04 SWMC to Define “Streatory”

Interested parties can comment on the proposed changes in writing or at the hearing. Written comments will be read into the public record and **must be received by 4:00PM September 19, 2023** to be considered at this public hearing. Send written comments to: City of Sedro-Woolley Planning Department, ATTN: Assistant Planner, 325 Metcalf Street, Sedro-Woolley, Washington, 98284, or by email to [nmcgowan@sedro-woolley.gov](mailto:nmcgowan@sedro-woolley.gov).

Please go to the Planning Commission Meetings page on the Sedro-Woolley website ([https://www.sedro-woolley.gov/governing\\_bodies/planning\\_commission/planning\\_meetings.php](https://www.sedro-woolley.gov/governing_bodies/planning_commission/planning_meetings.php)) to find the meeting materials and a link to join the webinar.

Published in the Skagit Valley Herald: September 8, 2023



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## **MEMO:**

**To:** Sedro-Woolley Planning Commission

**From:** Nicole McGowan  
Assistant Planner

**Date:** September 19, 2023

**Subject:** Amendments to Chapter 17.24 SWMC to Add a Minimum Commercial/Retail Floor Area Requirement for First Floor Area Facing Primary Street Frontage in the Central Business District

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## **ISSUE**

Currently Chapter 17.24 SWMC allows multifamily housing located above the first floor or at the rear of a commercial and/or retail occupancy in the Central Business District. However, apparently due to an oversight by previous staff, there was never a minimum floor area requirement put in place specifying how much of that space must be designated for commercial and/or retail use. Staff has proposed that a minimum of 50% of the first floor area facing the primary street frontage must be designated for commercial and/or retail use. The proposed amendments are found herein as **Attachment 1**.

## **DISCUSSION**

The lack of a minimum floor area requirement for commercial and/or retail space has resulted in commercial spaces in the Central Business District beginning to become overtaken by residences. Because the primary intent of the Central Business District is commercial/retail use, staff finds it reasonable to place a requirement that 50% of the first floor area facing the primary street frontage must be for designated for commercial and/or retail use. This will help to enhance and maintain an active and vibrant pedestrian experience, support local businesses and contribute to the overall economic vitality of the Central Business District.

## **ATTACHMENTS**

Attachment 1 – Proposed Amendments to Chapter 17.24 SWMC

## **RECOMMENDATIONS**

Review and discuss the proposed amendments to Chapter 17.24 SWMC and propose any recommended changes.

# Attachment 1

Proposed Amendments to Chapter 17.24 SWMC

## Chapter 17.24 CENTRAL BUSINESS DISTRICT (CBD) ZONE

Sections:

[17.24.010 Use restrictions.](#)

[17.24.020 Bulk restrictions.](#)

[17.24.030 Minimum lot size requirements.](#)

[17.24.040 Hazardous waste.](#)

[17.24.050 Parking.](#)

### 17.24.010 Use restrictions.

Use restrictions in the central business district shall be as follows:

#### A. Permitted Uses.

1. All forms of commerce; geared to the centralized provision of goods and services within easy walking distance. Commercial retail and office use on the first floor, and retail-compatible uses on the second floor;
2. Multifamily housing located above the first floor or at the rear of a commercial and/or retail occupancy. A minimum of 50% of the first floor area facing the primary street frontage must be designated for commercial and/or retail use. An exception from the buffering and fencing requirement exists for upper story residences in existing buildings in an area bordered by the tracks to the west, Puget Street to the east, the tracks to the north, and Warner Street to the south;
3. Multifamily housing, between two and four units per building, may be allowed independent of commercial uses outside of the area bordered by the tracks to the west, Puget Street to the east, the tracks to the north, and Warner Street to the south. Also excluded is property fronting on Metcalf Street, West Ferry Street, West State Street and property abutting the tracks between Rita Street and Walley Street (south of State Street). Multifamily housing per this subsection must also meet the following:
  - a. The front entries must be oriented towards the public right-of-way,
  - b. The development must meet the requirements of the Sedro-Woolley design standards for the CBD and multifamily development;



4. Parking lots serving any use; provided they are at the rear of a retail or commercial building, or facing a street other than Metcalf, Ferry, Woodworth, or State;

5. *Repealed by Ord. [1709-11](#);*

6. Public uses;

7. Public facilities.

B. Conditional Uses.

1. Alcohol serving establishments.

2. Alcohol production establishments, subject to the following conditions:

a. A minimum of sixty percent of the building floor area shall be designated for retail/commercial use. Outdoor seating areas are specifically excluded from floor area calculations. Any associated kitchen floor area is specifically included in the calculation for retail/commercial floor area;

b. The required number of parking spaces shall be calculated by using a combination of Section [17.36.030](#)(G), "high intensity sales and service," and (M), "industry, wholesaling, warehousing, nonpassenger transportation facilities except ministorage"; and

c. A maximum of twenty-five percent of the building's street frontage may be designed to display the production portion of the facility or other nonretail/noncommercial uses; provided, that all other applicable design standards are met. At minimum, seventy-five percent of the building's street frontage must display a retail/commercial storefront.

3. All uses not permitted above.

4. Quasi-public uses.

C. Prohibited Uses. Adult entertainment establishments; heavy industrial uses as defined in Chapter [17.28](#); wireless communication towers. (Ord. [2044-23](#) § 3, 2023; Ord. [1709-11](#) § 2, 2011; Ord. [1696-11](#) § 2, 2011; Ord. [1693-10](#) § 1, 2010; Ord. [1664-10](#) § 2 (Exh. B) (part), 2010; Ord. [1451-03](#) § 3, 2003; Ord. [1312-98](#) § 1 (part); 1998: Ord. [1309-98](#) § 7, 1998: Ord. [1013](#) § 2.05.01, 1985)

## **17.24.020 Bulk restrictions.**

Bulk restrictions in the central business district (CBD) shall be as follows:

- A. Minimum setbacks: none; maximum setback: ten feet if pedestrian features are included.
- B. Maximum building height: sixty feet. (Ord. [1677-10](#) § 1 (part), 2010; Ord. [1664-10](#) § 2 (Exh. B) (part), 2010; Ord. [1451-03](#) § 4; Ord. [1312-98](#) § 1 (part); 1998: Ord. [1013](#) § 2.05.02, 1985)

### 17.24.030 Minimum lot size requirements.

Minimum lot size requirements in the central business district (CBD) shall be as follows:

- A. Lot area: none;
- B. Lot frontage on a street: twenty feet. (Ord. [1664-10](#) § 2 (Exh. B) (part), 2010; Ord. [1451-03](#) § 5; Ord. [1312-98](#) § 1 (part); 1998: Ord. [1013](#) § 2.05.03, 1985)

### 17.24.040 Hazardous waste.

On-site hazardous waste treatment and storage facilities as accessory to a permitted or conditional use are allowed as a conditional use; provided, such facilities comply with the state hazardous waste citing standards and Sedro-Woolley and State Environmental Policy Act requirements. (Ord. [1664-10](#) § 2 (Exh. B) (part), 2010; Ord. [1312-98](#) § 1 (part); 1998: Ord. [1063](#) § 4 (Exh. C § 2.05.04), 1988)

### 17.24.050 Parking.

A. Intent. To encourage the creation of a downtown parking district administered by the city. It would be authorized to collect in-lieu parking fees from new residential uses downtown and use that revenue, with any other revenue it generates, to manage a downtown parking district. The district may construct and maintain downtown parking for motor vehicles and bikes, lease parking, or otherwise monitor the provision of adequate parking and/or promotion of alternatives to driving.

B. The goal of the central business district is to create a pedestrian-friendly environment and to encourage commerce. Parking requirements in the downtown shall be as follows:

1. Except for new construction as described in subsection (B)(2) of this section, parking for new buildings in the central business district shall be provided as follows:

Tier 1	New buildings with: <ul style="list-style-type: none"> <li>• 10 or fewer residential units</li> <li>• 4,000 square feet or fewer of commercial space</li> </ul>	Residential units associated with commercial/retail use: no off-street parking required. Commercial uses: standard off-street parking per Chapter <a href="#">17.36</a> . Public uses: no off-street parking required.
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Tier 2	New buildings with: <ul style="list-style-type: none"> <li>• 11 or more residential units</li> <li>• More than 4,000 square feet of commercial space</li> </ul>	Residential units associated with commercial/retail use: reduced off-street parking. Commercial uses: standard off-street parking per Chapter <a href="#">17.36</a> . Public uses: no off-street parking required.
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2. Parking for new buildings located within the area bounded on the north and west by the railroad rights-of-way, on the south by the alley in between State and Warner Streets, and on the east by Puget Avenue/4th Avenue shall be provided as follows:

Tier 1	New buildings with: <ul style="list-style-type: none"> <li>• 10 or fewer residential units</li> <li>• 4,000 square feet or fewer of commercial space</li> </ul>	Residential units associated with commercial/retail use: no off-street parking required. Retail and restaurant uses: no off-street parking required. Public uses: no off-street parking required. All uses not described: standard off-street parking per Chapter <a href="#">17.36</a>
Tier 2	New buildings with: <ul style="list-style-type: none"> <li>• 11 or more residential units</li> <li>• More than 4,000 square feet of commercial space</li> </ul>	Residential units associated with commercial/retail use: reduced off-street parking. Retail and restaurant uses: no off-street parking required. Public uses: no off-street parking required. All uses not described: standard off-street parking per Chapter <a href="#">17.36</a>

3. Reduced residential parking standards referenced in subsections (B)(1) through (2) of this section are as follows:

Studio	1 space
1 bedroom	1 spaces
2 bedrooms	1.5 spaces
3 or more bedrooms	1 space per bedroom up to 2 bedrooms, 0.5 space per additional bedroom over 2 bedrooms
Visitor/overflow spaces	1 additional space per 10 units

Rooms indicated on building plans as “office,” “extra room,” “play room” or other rooms that may reasonably be considered for use as a bedroom may be counted as bedrooms for parking purposes by the planning director.

4. New commercial or retail development may propose a shared parking arrangement to the planning director for review and approval.

5. Parking for residential buildings that do not include commercial uses, as allowed per Section [17.24.010\(A\)\(3\)](#), shall be accessed from the alley when an alley exists. The number

of spaces required for residential buildings that do not include commercial uses shall be as follows:

Studio	1 space
1 bedroom	2 spaces
2 bedrooms	2 spaces
3 bedrooms	3 spaces
4 or more bedrooms	4 spaces
Visitor/overflow spaces	1 additional space per 8 units

Rooms indicated on building plans as “office,” “extra room,” “play room” or other rooms that may reasonably be considered for use as a bedroom may be counted as bedrooms for parking purposes by the planning director.

6. There shall be a minimum off-street parking apron of twenty-five feet in length directly in front of all garage doors for residential buildings that do not include commercial uses per Section [17.24.010\(A\)\(3\)](#). (Ord. [1979-21](#) § 1 (Exh. A), 2021; Ord. [1664-10](#) § 2 (Exh. B) (part), 2010; Ord. [1451-03](#) § 6)