

ORDINANCE NO. 5__-2018

AN ORDINANCE AMENDING ELECTRIC CITY
MUNICIPAL CODE CHAPTER 18.40, TITLED
“GENERAL USE REGULATIONS”

THE CITY COUNCIL OF THE CITY OF ELECTRIC CITY, WASHINGTON
ORDAINS AS FOLLOWS:

Section 1. Amendment. Section 18.40.010 Permitted Uses.

18.40.10 Permitted Uses

- (1) Those uses listed as allowed within the various use districts as indicated in Table 1 in ECMC 18.40.070 shall be permitted outright with no special zoning permits; the decision as to whether a proposed use conforms with the purpose and intent of those uses shall rest with the administrator.
- (2) Off-street parking shall be provided in accordance with Chapter 18.45 ECMC in all districts.
- (3) Housing for Persons with Functional Disabilities. When housing facilities for people with functional disabilities are allowed as permitted accessory, or conditional use within any zoning district, they must provide documentation that the proposed use is in compliance with Chapter 70.128 RCW (as it now exists or hereafter amended) or is exempt from said requirements.
- (4) In the residential (S-1, R-1, R-2, R-3) districts, travel trailers, boats, campers, and similar equipment may be stored on the premises if such storage is determined by the administrator not to be detrimental to surrounding properties, that such storage is off-street, does not create a nuisance or public health/safety problem and complies with any covenants, conditions or restrictions placed on the development.

Section 2. Amendment. Section 18.40.020 Accessory uses, buildings, or structures

18.40.020 Accessory uses, buildings, or structures

- (1) All accessory uses, buildings, and structures must be customarily incidental and subordinate in use to the principal building or use of the lot upon which it is located.
- (2) Where there is a question regarding the inclusion or exclusion of a particular accessory use or structure within any zone classification, the zoning administrator shall have the authority to make the final determination. The determination shall be based upon the general standards of this section and on an analysis of the compatibility of the use or structure with the predominant surrounding land use pattern and with the permitted principal uses of the zone classification.
- (3) The following structures are customarily considered accessory structures:
 - (a) Carports or garages for the sole use of occupants of premises and their guests, attached

- or detached, for storage of motor vehicles, boats, and/or recreational vehicles.
- (b) Greenhouses, private and noncommercial.
 - (c) Storage buildings for yard maintenance equipment and household goods.
 - (4) Accessory uses and structures, other than fences and retaining walls, are prohibited from being located on a lot prior to a legal principal use.
 - (5) Accessory structures are permitted in compliance with the use and bulk regulations and performance standards of this chapter; provided, that:
 - (a) In the R-1, R-2, and R-3 zones the size and appearance of an accessory building or structure shall meet the following specifications:
 - (i) An exterior wall shall not exceed 16 feet in height.
 - (ii) The overall building or structure shall not exceed 26 feet in height, **except 30' may be permitted in the R-1 zone.**
 - (iii) The exterior finish material must be visually similar to the exterior finish of the primary structure. The intent is for them to look similar, but not necessarily identical.
 - (iv) Accessory structures are subject to size limitations in the current building codes adopted by the city.
 - (v) The roof pitch of the accessory building(s) must meet current industry standards.
 - (b) The location of accessory buildings or structures shall comply with the front, rear and side yard setbacks and lot coverage requirements (see ECMC [18.45.020](#) Table 2) and shall generally be located in the rear yard of the lot and shall not project beyond the front line of the main dwelling.
 - (c) No accessory structure shall be constructed on or over right-of-way or on or over an easement.
 - (d) An accessory structure shall not remain, and must be removed, if the primary structure is removed, destroyed, or otherwise eliminated to which the accessory structure was subordinate. The accessory structure may remain provided a building permit structure was subordinate. The accessory structure may remain, provided a building permit is obtained and restoration has begun within two years from the date of destruction.
 - (6) The accessory building shall be at least five feet from the primary building on the lot. Separation between accessory buildings shall be as regulated by the building code adopted by Electric City.
 - (7) *Accessory Dwelling Units.* Accessory dwelling units are permitted subject to the general regulations set forth in this title.

Section 3. Amendment. Section 18.40.040 (4) titled "Temporary Uses" is amended as follows:

18.40.40 Temporary uses

- (4) ~~Any~~ utility trailer, **cargo trailer** or RV of any type may be parked in any zone on the owner's private property in Electric City. However, they shall not be used ~~for~~ **as a residential residence** or sleeping quarters, except for temporary use for periods less than 30 days, **and no more than 60 days in (1)"one" calendar year.**

A utility trailer, cargo trailer or RV may not be parked on a lot prior to a principal structure or prior to obtaining the appropriate building permit for commercial or residential properties. No more than (3) "three" utility trailers, cargo trailers or a combination of each

may be parked on a lot at any time. No more than (2) “two” Rv’s may be parked on a lot at any time. Additional units must be stored outside of public view in an accessory structure suited for such use.

Section 4. Amendment. Section 18.40.070 titled “District Use Chart” is amended as follows:

18.40.070 District use chart.

(1) The district use chart is established as a tool for the purpose of determining the specific uses allowed in each district. Allowed uses are defined as the primary or predominant use of any lot or parcel. No use shall be allowed in a use district or overlay that is not listed in the use chart as either an A (allowed or permitted use), CU (conditional use), or PD (planned development) unless the administrator determines that the listed use is permitted as a home occupation (see definition in ECMC 18.05.010) and/or an unlisted use is similar to one that is already enumerated in the use chart, whereupon such use is subject to the requirements associated with that use under this title. The following acronyms apply to the use chart:

- A – Allowed or Permitted Use
- CU – Conditional Use Permit
- PD – Planned Development
- X – Prohibited Use

(2) If a proposed use is not specifically listed in the district use chart, an applicant may request from the administrator an interpretation as to whether or not the proposed use is to be allowed.

(a) Approval Criteria. In making his other determination, the administrator shall assess the anticipated impacts of the proposed use and consider the following criteria in the context of that assessment:

- (i) Whether the use is compatible with the goals and policies of the comprehensive plan;
- (ii) Whether the use is consistent with the purpose and intent of this title;
- (iii) Whether the use is consistent with the intent of the applicable zoning district or overlay, as specified in this title;
- (iv) Whether the use is compatible with adjacent uses;
- (v) Whether the use will comply with the performance standards specified in Chapter 18.45 ECMC.

(b) Review and Approval. The administrator shall review the measures proposed for compliance with the approval criteria and shall approve or conditionally approve a permit application to assure compliance with those standards. If there is a question regarding the suitability of a proposed use, the administrator shall have the option of requiring the applicant to submit a conditional use permit application, for approval by the hearings examiner. The administrator is encouraged to consult informally with the planning agency whenever he or she has a question regarding the suitability of any proposed use, prior to requiring submittal of a conditional use permit application.

Table 1 - District Use Chart

USES	S-1	R-1	R-2	R-3	P-R	C-1	C-2	C-3	PU
	Suburban-Residential	Low Density	Medium Density	High Density	Planned Resort	Central Business	Tourist Commercial	Commercial/ Industrial	Public Use
Amusement									
Bowling alleys	✗	X	X	X	A	A	A	<u>A</u>	A
Festival/Event site	✗	X	X	X	A	A	A	<u>A</u>	A
Gyms, exercise facilities	✗	X	X	X	A	A	A	<u>A</u>	A
Outdoor commercial amusement facilities	✗	X	X	X	A	A	A	<u>A</u>	A
Outdoor recreation development	CU	XCU	X	X	A	A	A	<u>A</u>	A
Parks (all types)	A	A	A	A	A	A	A	<u>A</u>	A
Recreational vehicle park	✗	X	X	CU	A	A	A	<u>A</u>	A
Theaters	✗	X	X	X	A	A	A	<u>A</u>	X
Community Services									
Airfield/Airport	✗	X	X	X	X	X	X	<u>X</u>	A
Animal shelters	✗	X	X	X	X	X	X	<u>X</u>	A
Boat launch, public	A	A	A	A	A	A	A	<u>A</u>	A
Campgrounds (all types)	✗	X	X	X	A	X	A	<u>X</u>	A
Cemetery	✗	X	X	X	X	X	X	<u>X</u>	A
Churches	CU	ACU	A	A	A	A	A	<u>A</u>	X
Community center, meeting hall, fraternal organizations, club	CU	X	X	X	A	A	A	<u>A</u>	A
Day care – Type 1	A	A	A	A	A	A ⁽¹⁾	A ⁽¹⁾	<u>X</u>	X
Day care – Type 2 Center	CU	ACU	A	A	A	A	A	<u>A</u>	A
Day care center (mini)	A	A	A	A	A	A	A	<u>A</u>	A

⁽¹⁾ - permitted only in existing single-family residences.

⁽²⁾ - may include a single or multi-family use providing a commercial use is located on the ground floor and occupies a minimum of 50 percent of the ground level and the majority of street frontage.

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Table 1 - District Use Chart Continued

USES	S-1	R-1	R-2	R-3	P-R	C-1	C-2	C-3	PU
	Suburban-Residential	Low Density	Medium Density	High Density	Planned Resort	Central Business	Tourist Commercial	Commercial/ Industrial	Public Use
Fire, police stations	X	X	X	A	A	A	A	A	A
Funeral Homes	X	X	X	X	X	A	X	A	X
Halfway Houses	X	X	CU	CU	X	A	X	A	X
Helipad	X	X	X	X	CU	CU	CU	CU	CU
Hospice care facility	A	A	A	A	A	A	A	A	A
Institutional development	X	X	X	X	A	A	A	A	A
Interpretive center	CU	X	X	X	A	A	A	A	A
Libraries	X	X	X	X	A	A	A	A	A
Museums, art galleries	X	X	X	X	A	A	A	A	A
Museums, nonprofit historical	X	X	X	X	A	A	A	A	A
Parking, public	X	X	X	X	A	A	A	A	A
Parking, private commercial	X	X	X	X	A	A	A	A	CU
Preschools	A	A	A	A	A	A	A	A	A
Schools, grades 1 – 12	PD	PD	PD	A	X	X	X	X	A
Schools, junior colleges, vocational	PD	PD	PD	A	X	A	X	A	A
Solid waste landfill	X	X	X	X	X	X	X	X	X
Solid waste transfer station	X	X	X	X	X	X	X	X	X
Manufacturing									
Apparel and accessories	X	X	X	X	X	A ²	A ²	A	X
Assembly, light	X	X	X	X	X	A	X	A	X
Assembly, heavy	X	X	X	X	X	X	X	X	X

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Table 1 - District Use Chart Continued

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	Suburban-Residential	Low Density	Medium Density	High Density	Planned Resort	Central Business	Tourist Commercial	Commercial/ Industrial	Public Use
Bakery (wholesale)	X	X	X	X	X	A ²	A ²	A²	X
Beverage industry	X	X	X	X	X	A	A	A	X
Canning/packaging food	X	X	X	X	X	A ²	A ²	A²	X
Cement/concrete plants	X	X	X	X	X	X	X	X	X
Confectionery	X	X	X	X	X	A ²	A ²	A²	X
Drugs	X	X	X	X	X	X	X	X	X
Electric components	X	X	X	X	X	A ²	X	A	X
Fabricated structural metal products	X	X	X	X	X	X	X	A	X
Food processing	X	X	X	X	X	A ²	X	A	X
Furniture	X	X	X	X	X	A ²	A ²	A²	X
Glass, pottery, related	X	X	X	X	X	A ²	A ²	A²	X
Hazardous waste treatment and storage, off-site	X	X	X	X	X	X	X	X	X
Hazardous waste treatment and storage, on-site	X	X	X	X	X	X	X	X	X
Industrial development	X	X	X	X	X	X	X	PD	X
Leather tanning	X	X	X	X	X	X	X	X	X
Light industrial	X	X	X	X	X	X	X	A	X
Machinery and equipment, <u>Machine Shop</u>	X	X	X	X	X	X	X	A	X
Marijuana processor (see 18.57)	X	X	X	X	X	X	X	X	X

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	Suburban-Residential	Low Density	Medium Density	High Density	Planned Resort	Central Business	Tourist Commercial	Commercial/ Industrial	Public Use
Meat, poultry, dairy products, excluding slaughterhouses	X	X	X	X	X	A ²	A ²	A²	X
Paperboard containers	X	X	X	X	X	X	X	CU	X
Plastic assembly	X	X	X	X	X	CU	X	CU	X
Prefabricated wood products	X	X	X	X	X	A ²	A ²	A²	X
Printing, publishing	X	X	X	X	X	A ²	A ²	A²	X
Rubber products	X	X	X	X	X	X	X	X	X
Sawmills, planing mills	X	X	X	X	X	X	X	X	X
Sheetmetal	X	X	X	X	X	X	X	X	X
Slaughter, packing and rendering facility	X	X	X	X	X	X	X	X	X
Stone products (see 18.47 for screening and buffer requirements)	X	X	X	X	X	A ²	A ²	A²	X
Warehouse	X	X	X	X	X	X	X	X	X
Welding (see 18.47 for screening and buffer requirements)	X	X	X	X	X	A	X	A	X
Resource Industries									
Ongoing agriculture	A	X	X	X	X	X	X	X	X
Asphalt materials	X	X	X	X	X	X	X	X	X
Collective/Cooperative gardens (see 18.57)	X	X	X	X	X	X	X	X	X
Feedlot, commercial	X	X	X	X	X	X	X	X	X
Feedlot, farm-oriented	CU-A	X	X	X	X	X	X	X	X

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	Suburban-Residential	Low Density	Medium Density	High Density	Planned Resort	Central Business	Tourist Commercial	Commercial/ Industrial	Public Use
Marijuana producer (see 18.57)	X	X	X	X	X	X	X	X	X
Mining, including sand and gravel	X	X	X	X	X	X	X	X	X
Oil and gas operation	X	X	X	X	X	X	X	X	X
Recycling center	X	X	X	X	X	X	X	X	X
Recycling collection/drop-off point (enclosed containers only)	X	X	X	X	A	A	A	A	X
Rock crushing	X	X	X	X	X	X	X	X	X
Utility development, major	A	A	A	A	A	A	A	A	A
Utility development, minor	A	A	A	A	A	A	A	A	A
Residential									
Accessory Dwelling Unit (See 18.40.020)	A	A	A	A	A	A	A	X	A
Accessory structures (See 18.40.020)	A	A	A	A	A	A	A	A	A
Adult family home	A	A	A	A	A	A	A	A	X
Assisted living facility (see 18.45.090)	A	A	A	A	A	PD	A	PD	X
Boarding house or lodging house	X	X	X	A	A	A ³	A ³	A³	X
Co-housing	X	PD	PD	A	X	X	X	X	X
Duplex	X	A	A	A	A ³	A ³	A ³	A³	X
Home occupation	A	A	A	A	A	A	A	X	X
Mobile/Manufactured home park	X	X	PD	PD	X	X	X	X	X
Multifamily 3 – 4 units	X	X	A	A	A	PD ³	PD ³	PD³	X
Multifamily 5 – 20 units	X	X	PD	PD	A	PD ³	PD ³	PD³	X

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	Suburban-Residential	Low Density	Medium Density	High Density	Planned Resort	Central Business	Tourist Commercial	Commercial/ Industrial	Public Use
Residential care facility (see 18.45.090)	A	A	A	A	X	PD	X	PD	X
Residential treatment center (see 18.45.090)	X	X	X	X	X	PD	X	PD	X
Retirement home (see 18.45.090)	A	A	A	A	A	PD	A	PD	A
Single-family dwelling	A	A	A	A	A	X ³	X ³	X³	X
Retail Trade									
Animal clinic/hospital	X	X	X	X	X	A ²	A ²	A²	X
Antique store	X	X	X	X	A ²	A ²	A ²	A²	X
Arts and crafts supply	X	X	X	X	A ²	A ²	A ²	A²	X
Auto, trailer or boat sales (if use includes repair see 18.45.085)	X	X	X	X	X	A ²	A ²	A²	X
Auto repair shops (see 18.45.085)	X	X	X	X	X	A ²	A ²	A²	X
Auto body/paint shops (see 18.45.085)	X	X	X	X	X	A	A	A	X
Auto parts – retail (if use includes repair see 18.45.085)	X	X	X	X	X	A ²	A ²	A²	X
Auto towing (see 18.45.085)	X	X	X	X	X	CU	X	CU	X
Auto wrecking yards	X	X	X	X	X	X	X	X	X
Beauty, barber shops	X	X	X	X	A ²	A ²	A ²	A²	X
Bed and breakfast inn	X	X	A	A	A	A	A	A	X
Bed and breakfast residence	X	X	A	A	A	A	A	X	X
Books, office supplies	X	X	X	X	A ²	A ²	A ²	A²	X

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	Suburban-Residential	Low Density	Medium Density	High Density	Planned Resort	Central Business	Tourist Commercial	Light Industrial	Public Use
Bulk fuel storage/facilities/sales	X	X	X	X	X	X	X	X	X
Bus terminals	X	X	X	X	X	A	A	A	A
Car wash	X	X	X	X	X	A	A	A	X
Clothing stores	X	X	X	X	A ²	A ²	A ²	A²	X
Commercial storage	X	X	X	X	X	X	X	X	X
Construction yard	X	X	X	X	X	X	X	X	X
Convenience store	X	X	X	X	A ²	A ²	A ²	A²	X
Cottage industry	CU	A	A	A	A	A	A	A	X
Data Mining, Bit Coin Operation	X	X	X	X	X	X	X	A	X
Department, discount store	X	X	X	X	A ²	A ²	A ²	A²	X
Drinking establishment	X	X	X	X	A ²	A ²	A ²	A²	X
Drive-in	X	X	X	X	A ²	A ²	A ²	A²	X
Eating establishment	X	X	X	X	A	A ²	A ²	A²	X
Electrical substations	X	X	X	X	X	X	X	X	X
Farm machinery, heavy equipment	X	X	X	X	X	X	X	X	X
Farmers market	X	X	X	X	A	A	A	A	A
Farm supplies	X	X	X	X	X	A ²	X	A²	X
Financial institutions	X	X	X	X	A ²	A ²	A ²	A²	X
Fuel, oil distributor	X	X	X	X	X	X	X	X	X

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	Suburban Residential	Low Density	Medium Density	High Density	Planned Resort	Central Business	Tourist Commercial	Commercial/Industrial	Public Use
Furniture, appliances	X	X	X	X	X	A ²	X	A²	X
Glass	X	X	X	X	X	A ²	X	A²	X
Grocery stores	X	X	X	X	X	A ²	A ²	A²	X
Hardware, garden	X	X	X	X	X	A ²	X	A²	X
Heating, plumbing	X	X	X	X	X	A ²	X	A²	X
Heavy equipment storage, maintenance	X	X	X	X	X	X	X	X	X
Hog ranch	X	X	X	X	X	X	X	X	X
Insurance agencies	X	X	X	X	A ²	A ²	A ²	A²	X
Junk yard	X	X	X	X	X	X	X	X	X
Kennel	X	X	X	X	X	CU ²	CU ²	CU	X
Laundries, laundromats	X	X	X	X	A ²	A ²	A ²	A²	X
Liquor stores	X	X	X	X	A ²	A ²	A ²	A²	X
Lumber yards	X	X	X	X	X	A ²	X	A²	X
Marijuana retailer (see 18.57)	X	X	X	X	X	A	X	A	X
Marina or other water-related commercial uses	X	X	X	X	A	A	A	A	A
Master planned resort	X	X	X	X	PD	PD	PD	PD	X
Medical/dental offices and clinics	X	X	X	X	A ²	A ²	A ²	A²	X
Mini-storage	X	X	X	X	A ²	X	X	X	X
Motels/hotels/tourist accommodations	X	X	X	X	A	A	A	A	X

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USES	S-1	R-1	R-2	R-3	P-R	C-1	C-2	C-3	PU
	Suburban-Residential	Low Density	Medium Density	High Density	Planned Resort	Central Business	Tourist Commercial	Commercial/ Industrial	Public Use
Motorcycle sales and repair (see 18.45.085)	X	X	X	X	X	A	A	A	X
Nursery	X	X	X	X	X	X	X	A	X
Outdoor storage	X	X	X	X	X	X	X	X	X
Paint – retail	X	X	X	X	X	A ²	X	A²	X
Professional office building	X	X	X	X	A	A	A	A	X
Real estate offices	X	X	X	X	A ²	A ²	A ²	A²	X
Recycling center	X	X	X	X	X	X	X	X	X
Repairs – small appliances	X	X	X	X	X	A ²	X	A²	X
Roadside retail sales stand, permanent	X	X	X	X	A	A	A	A	X
Roadside retail sales stand, seasonal	X	X	X	X	A	A	A	A	X
Sexually oriented business	X	X	X	X	X	X	X	X	X
Small engine repair (see 18.45.085)	X	X	X	X	X	A ²	X	A²	X
Service station – no repair services	X	X	X	X	X	A	A	A	X
Service stations with repair services (see 18.45.085)	X	X	X	X	X	A	X	A	X
Shoe repair	X	X	X	X	X	A ²	A ²	A²	X
<u>Short Term Rentals, Vacation Rentals</u>	X	X	X	X	X	X	X	X	X
Storage containers	CU	X	X	X	X	X	X	X	X
<u>Telephone switching offices</u>	X	X	X	X	X	X	X	X	X
Truck terminals	X	X	X	X	X	X	X	X	X

⁽¹⁾ - permitted only in existing single-family residences.

⁽²⁾ - may include a single or multi-family use providing a commercial use is located on the ground floor and occupies a minimum of 50 percent of the ground level and the majority of street frontage.

⁽³⁾ - allowed providing a commercial use is located on the ground floor and occupies a minimum of 50 percent of the ground level and the majority of street frontage.

Table 1 - District Use Chart Continued

USES	S-1	R-1	R-2	R-3	P-R	C-1	C-2	C-3	PU
	Suburban-Residential	Low Density	Medium Density	High Density	Planned Resort	Central Business	Tourist Commercial	Commercial/ Industrial	Public Use
Waste material processing, junk handling	X	X	X	X	X	X	X	X	X
Upholstery	X	X	X	X	X	A ²	X	A ²	X
Wholesale trade	X	X	X	X	X	X	X	A	X
Wrecking and salvage yards	X	X	X	X	X	X	X	X	X

Section 2. Effective date. This ordinance shall be in full force and effect five days after its passage and publication of its summary as provided by law.

PASSED by the City Council of the City of Electric City, Washington, this 13th day of August, 2019.

John T. Nordine II, Mayor

ATTEST:

Russell D. Powers, City Clerk

APPROVED AS TO FORM:

Katherine L. Kenison, City Attorney

PASSED the 13th day of August, 2019
APPROVED the 13th day of August, 2019
PUBLISHED the 21st day of August 2019