

106 AUTHORIZATIONS OF SIMILAR USES

106.01 PURPOSE AND APPLICABILITY

Section 106 is adopted to provide standards, criteria, and procedures under which an authorization of a similar use may be approved.

- A. The sections of this Ordinance that regulate individual zoning districts identify the uses permitted in those districts. In some cases, those sections also provide that an authorization of a similar use may be approved to allow a use that is not identified as permitted. In the absence of such a provision, Section 106 does not apply.
- B. An authorization of a similar use is not a site-specific application, but rather it is a use-specific application. The decision on an application for authorization of a similar use is applicable to all land in the zoning district for which the request was made and is applicable only to the use described in the application.
- C. If an application for an authorization of a similar use is approved, the proposed use shall be subject to the same approval criteria, review process, dimensional standards, and development standards as the use to which it is found to be most similar pursuant to Subsection 106.02(A), (B), (C), or (D).

106.02 APPROVAL CRITERIA

An authorization of a similar use requires review as an interpretation pursuant to Section 1308, *Interpretation*, and shall be subject to the following standards and criteria:

- A. In the following zoning districts, the proposed use must be similar to one or more of the listed permitted uses in that same zoning district: BP, C-2, C-3, CC, CI, GI, LI, NC, OA, OC, PMD, PMU, RC, RCC, RCO, RI, RTC, RTL, SCMU, and VCS Districts.
- B. In the following zoning districts, the proposed use must be similar to one or more of the listed permitted limited uses in that same zoning district: HDR, MRR, RCHDR, and SHD Districts.
- C. In zoning districts regulated by Table 315-1, *Permitted Uses in the Urban Residential Zoning Districts*, 316-1, *Permitted Uses in the Rural Residential and Future Urban Residential Zoning Districts*, or 317-1, *Permitted Uses in the MRR and HR Districts*, the proposed use must be similar to one or more uses that are:
 - 1. Listed permitted conditional uses in that same zoning district; and
 - 2. Identified by the applicable table as eligible to be the basis of an authorization of similar use.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- D. In the Historic Landmark, Historic District, and Historic Corridor overlay zoning district, the proposed use must be similar to one or more of the listed permitted conditional uses in that overlay zoning district.
- E. A use may not be authorized as a similar use if it is specifically listed as prohibited in the applicable zoning district.
- F. A use may not be authorized as a similar use if it is a special use regulated by Section 800, *Special Use Requirements*.

[Added by Ord. ZDO-235, 5/14/12; Amended by Ord. ZDO-249, 10/13/14; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-252, 6/1/15; Amended by Ord. ZDO-254, 1/4/16; Amended by Ord. ZDO-266, 5/23/18]