

106 AUTHORIZATION OF SIMILAR USES

106.01 APPLICABILITY

The sections of this Ordinance that regulate individual zoning districts identify the uses permitted in those districts. In addition:

- A. In the following zoning districts, uses similar to one or more of the listed uses for that zoning district may be authorized: PMD, NC, C-2, RCC, RTL, CC, C-3, PMU, SCMU, OA, OC, RCO, VCS, VO, RTC, RC, CI, BP, LI, GI, and RI Districts;
- B. In the following zoning districts, uses similar to one or more of the listed limited uses for that zoning district may be authorized as a limited use: HDR, SHD, RCHDR, and MRR Districts;
- C. Tables 315-1, *Permitted Uses in the Urban Residential Zoning Districts*, 316-1, *Permitted Uses in the Rural Residential and Future Urban Residential Zoning Districts*, and 317-1, *Permitted Uses in the MRR and HR Districts*, identify instances where uses similar to a listed conditional use may be authorized as a conditional use; and
- D. Conditional uses similar to one or more of the listed conditional uses for the Historic Landmark, Historic District, and Historic Corridor overlay zoning district may be authorized.

106.02 PROCESS AND STANDARDS

Authorization of a similar use shall be subject to the following:

- A. Authorization of a similar use is a type of interpretation application processed pursuant to Section 1308, *Interpretation*.
- B. A use may not be authorized as a similar use if it is specifically listed as prohibited in the applicable zoning district. “Specifically listed” does not include general references to prohibited uses, such as “uses of structures and land not specifically allowed.”
- C. A use may not be authorized as a similar use if it is specifically listed as a special use in Section 800, *Special Use Requirements*.
- D. Similarity to a “preexisting” use may not serve as the basis for authorization of a similar use, even in zoning districts where “preexisting” uses are specifically listed as a primary, accessory, limited, or conditional use.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

- E. If a use is found to be similar to a primary, accessory, limited, or conditional use, it 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.

[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]