

## CHAPTER 117 CONDITIONAL USES

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**117.010. General Concept.** A conditional use may be permitted, but review is necessary to determine what, if any, condition should be imposed. A conditional use is an activity which is basically similar to other uses permitted in the district but because of the manner in which such use may be conducted, or the manner in which land and buildings might be developed to accommodate such use, a public hearing and review of the specific proposed use and the imposition of certain conditions, if necessary, will appropriately adapt the use to its location and neighborhood. Approval of a conditional use is not a variance, waiver, or relaxation of any of the provisions of this code. (Ord No. 2-93; Ord No. 99-96)

**117.020. Conditional Use Approval Required; Jurisdiction.**

(a) No building, structure or land shall be used or developed for any use which is, by any provision of this zoning code, designated as a conditional use in all zones or in the particular zone in which the building, structure or land is located unless there has been granted a conditional use approval pursuant to this chapter. As used in this chapter unless otherwise restricted in meaning, the term "conditional use" includes those specific conditional uses specified in SRC Chapter 118.

(b) No use for which a conditional use approval has been granted shall be changed to another conditional use or expanded or relocated, nor shall any building or structure devoted to such use be structurally altered or enlarged unless there has been granted a separate conditional use approval for such change, expansion, relocation, structural alteration or enlargement pursuant to this chapter.

(c) The hearings officer shall have original jurisdiction to hear and decide all applications for conditional use and specific conditional use approval. (Ord No. 62-96)

**117.030. Criteria and Imposition of Conditions.**

(a) The administrative body may prescribe conditions as to any of the matters set forth in SRC 113.205(b), and any of such conditions may be either permanent or precedent to the issuance of any required occupancy certificate. All such conditions shall be treated with like effect as the standards and requirements for use and development specifically set forth in this zoning code.

(b) A conditional use may be granted with conditions by the administrative body upon finding that the proposed use:

(1) Conforms to all criteria imposed by applicable goals and policies of the comprehensive plan in light of its intent statements; and

(2) Minimizes any reasonably likely adverse impacts of the proposed use and development to the immediate neighborhood. (Ord No. 85-92; Ord No. 2-93; Ord No. 83-98)

**117.040. Status of Prior Conditional Uses.** Conditional use permits issued on or before February 1, 1983, for uses which, in their respective locations, are permitted as conditional uses under this zoning code shall be valid, and the uses therein authorized shall not be deemed nonconforming; provided that all conditions imposed under such prior permits continue to be met.

**117.050. Transfer of Conditional Use Permit.** Conditional use approval shall transfer as provided for variances in SRC 115.040.

