

CHAPTER 240 CONDITIONAL USE

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240.001. Purpose. The purpose of this Chapter is to allow uses that are similar to other uses permitted outright in a zone but because of the manner in which the use may be conducted, or the land and buildings developed for the use, review is required to determine whether the imposition of conditions is necessary to minimize the negative impacts on uses in the surrounding area. (Ord No. 12-12)

240.005. Conditional Use Permits.

(a) Applicability.

(1) No building, structure, or land shall be used or developed for any use which is designated as a conditional use in the UDC unless a conditional use permit has been granted pursuant to this Chapter.

(2) No use for which a conditional use permit has been granted shall be expanded, relocated, or changed to another conditional use, and no building or structure devoted to such use shall be structurally altered or enlarged, unless a new conditional use permit, or a modification of an existing conditional use permit, has been granted pursuant to this Chapter, for such expansion, relocation, change, structural alteration, or enlargement; provided, however, a new conditional use permit, or modification of an existing conditional use permit, shall not be required for interior construction or tenant improvements that involve no change of use, or for alterations required to address a building code violation or to comply with the Americans with Disabilities Act.

(b) Procedure Type. A conditional use permit is processed as a Type III procedure under SRC Chapter 300.

(c) Submittal Requirements. In addition to the submittal requirements for a Type III application under SRC Chapter 300, an application for a conditional use permit shall include the following:

(1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

(A) The total site area, dimensions, and orientation relative to north;

(B) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;

(C) Loading areas, if included with proposed development;

(D) All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;

(E) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC Chapter 807;

(F) The location of all trees and vegetation required to be protected under SRC Chapter 808; and

(G) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

(2) An existing conditions plan of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

- (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines and whether they are to be removed;
 - (C) The location of the 100-year flood plain, if applicable; and
 - (D) The location of drainage patterns and drainage courses, if applicable.
- (3) A completed Trip Generation Estimate for the proposed development, on forms provided by the City.
- (4) A Traffic Impact Analysis, if required SRC Chapter 803.
- (d) **Criteria.** An application for conditional use permit shall be granted if all of the following criteria are met:
- (1) The proposed use is allowed as a conditional use in the zone;
 - (2) The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions; and
 - (3) The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.
- (e) **Transfer of Conditional Use Permit.** Unless otherwise provided in the decision granting the conditional use permit, conditional use permits shall run with the land. (Ord No. 12-12; Ord No. 31-13)

240.010. Modification of Conditional Use Approval.

- (a) **Applicability.** A conditional use permit approval may be modified after its effective date if the proposed modification meets the criteria in this section. Proposed modifications that do not meet the criteria in this section require submittal of a new application for conditional use permit.
- (b) **Procedure Type.** Modification of a conditional use permit approval is processed as a Type II procedure under SRC Chapter 300.
- (c) **Submittal Requirements.** In addition to the submittal requirements for a Type II application under SRC Chapter 300, an application for modification of a conditional use permit approval shall include the information required under SRC 240.005(c).
- (d) **Criteria.** An application for modification of a conditional use permit approval shall be granted if all of the following criteria are met.
- (1) The proposed modification is not substantially inconsistent with the conditions of the original approval; and
 - (2) When compared with the original approval, the proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.
- (e) **Expiration.** The effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision. (Ord No. 12-12; Ord No. 31-13)