COLORADO SPRINGS PLANNING

Land Use Review

Unified Development Code Review Criteria

7.5.601: CONDITIONAL USE

Review Criteria

A. Purpose: The purpose of this Section is to provide a mechanism for the City to evaluate proposed land uses in a particular zone district that are only conditionally permitted because of unique operating and/or physical characteristics and may be allowed after careful consideration of their impact upon the neighborhood and the public facilities.

B. Applicability:

1. No use classified as conditional in Table 7.3.2-A: Base and NNA-O District Use Table or Table 7.3.2-B: Additional Overlay District Use Table and no use where conditional use approval is required as part of a use-specific standard (see Part 7.3.3) may be conducted without first obtaining a Conditional Use in accordance with this Section.

2. If a Development Plan is required for the proposed Conditional Use, the Manager shall review and decide upon the Development Plan application based on the standards and criteria in Section 7.5.515 (Development Plan), but shall include any conditions imposed by the Planning Commission on any approval of the Conditional Use Permit.

3. If no Development Plan is submitted with the Conditional Use request, the applicant shall submit a Land Use Statement. This statement shall indicate the following:

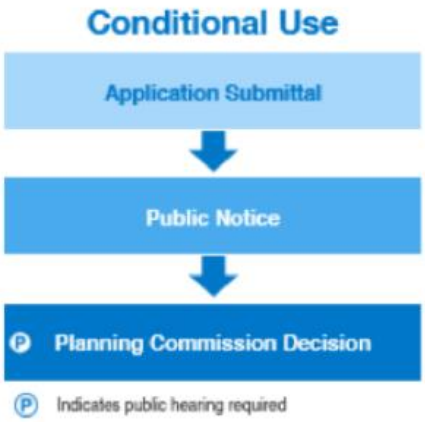
a. Proposed land uses, housing densities (as applicable), and development intensity;

b. Compatibility with adjacent development patterns; and

c. Impact to adjacent developments including but not limited to light, noise, and traffic.

C. Conditional Use Process:

1. Planning Commission Decision:



a. The Planning Commission shall review the Conditional Use application at a public hearing and approve, approve with conditions, or deny the application based on any criteria in the use-specific standard relating to the use, the review criteria in Section 7.5.409 (General Criteria for Approval), and the criteria in Subsection 3below.

b. The Manager may recommend, and/or the Planning Commission may impose, special conditions upon the subject property needed to alleviate or mitigate any potentially significant adverse impacts on other property in the neighborhood, and to carry out the stated purposes of the Colorado Springs Comprehensive Plan and this UDC. The Planning Commission may also impose time limits on conditional uses and require regularly scheduled reviews of approved conditional uses.

2. Criteria for Approval:

a. The application complies with any use-specific standards for the use in Part 7.3.3 (Use-Specific Standards);

b. The size, scale, height, density, multimodal traffic impacts, and other impacts of the use are compatible with existing and planned uses in the surrounding area, and any potential adverse impacts are mitigated to the extent feasible; and

c. The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems, have adequate capacity to serve the proposed development and any burdens on those systems have been mitigated to the maximum extent feasible.

3. Post-Decision Actions or Limitations: The Planning Commission's decision on a Conditional Use application is subject to the following:

a. The approved Conditional Use, along with stipulations submitted as part of the conditional use application and all conditions imposed by the Planning Commission, shall be binding on the property and shall run with the land and shall not be affected by changes in tenancy, ownership, or management of the property.

b. An approved Conditional Use shall expire if any of the following apply:

(1) The applicant fails to begin operation or fails to apply for a Building Permit and begin construction for a building related to the conditional use, within four (4)years of approval. The Manager may approve one (1) one-year extension of the Conditional Use if no major changes to the site design are required.

(2) A legally established conditional use is abandoned or discontinued for a period of at least one (1) consecutive year. Prior to expiration of the conditional use due to abandonment or discontinuation, the Manager may approve one (1) one-year extension of the Conditional Use if no major changes to the site design are required.

(3) A change to a use with higher intensity or fewer restrictions than were originally approved in the Conditional Use occurs on the property.

c. Upon the expiration of a Conditional Use, no Building Permit or Certificate of Occupancy may be issued for that use until a new Conditional Use Permit application has been reviewed and approved in accord with this Section 7.5.601. (Ord. 23-03)