

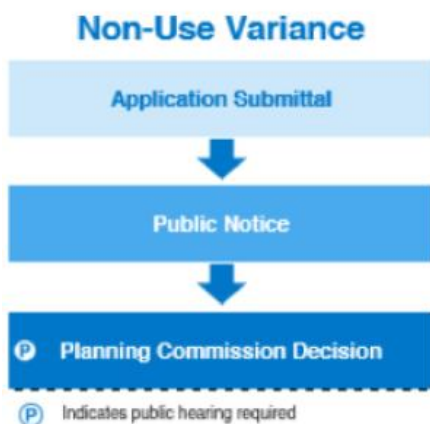
## 7.5.526: NON-USE VARIANCE

### Review Criteria

A. Purpose: The purpose of this Section is to provide for Planning Commission review of applications for variations from the provisions of Article 7.4 (Development Standards and Incentives) submitted in conjunction with an application for a Development Plan, so that the variance request may be reviewed and a decision made in conjunction with the accompanying application.

B. Applicability: This Section applies to a request that is not related to the type of use and deviates over fifteen (15) percent from any dimensional standard or numerical requirement set forth in this UDC.

C. General:



1. A Non-Use Variance shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

2. Each approved Non-Use Variance and any conditions on the approval shall be indicated on the final associated application.

3. All requested amendments to the originally approved Non-Use Variance shall be processed in the same manner as the original Non-Use Variance request.

D. Non-Use Variance Process: The Planning Commission shall review the Non-Use Variance application at a public hearing and approve, approve with conditions, or deny the application based on the criteria in Subsection E below:

E. Criteria for Approval: A Non-Use Variance may be approved if the Planning Commission determines that:

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

2. The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zone district;



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3. That the extraordinary or exceptional physical condition of the property will not allow a reasonable use of the property in its current zone in the absence of relief;

4. That the granting of the Non-Use Variance will not have an adverse impact upon surrounding properties; and

#### F. Post-Approval Actions and Limitations:

1. Each approved Non-Use Variance and any conditions on the approval shall be indicated on the final associated application.

2. All requested amendments to the originally approved Non-Use Variance shall be processed in the same manner as the original Non-Use Variance request.

3. A Non-Use Variance approved with a Development Plan shall run concurrently with that approval, shall expire, and shall terminate at the same time as the Development Plan.

4. In the event buildings with an approved Non-Use Variance on an approved Development Plan are damaged or destroyed by fire or other natural causes, the buildings may be rebuilt according to the approved Development Plan on file with the City. All necessary Building Permits must be obtained within four (4) years of the date of destruction, unless an extension has been approved by the Manager due to extraordinary circumstances. (Ord. 23-03)