

VARIANCE REVIEW

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603.01 Purpose

This section provides a mechanism by which the regulations in the Rural Code may be administratively varied so long as the proposed development continues to meet the intended purpose of the Rural Code. Variances may also be used when strict application of the Rural Code's regulations would preclude all or partial use of a site. Variance reviews provide flexibility for unusual situations. They also allow for alternative ways to meet the purpose of the Rural Code, while allowing the Rural Code to continue to provide certainty for land development in Abu Dhabi. The UPC may negotiate public benefits and/or private mitigation measures related to the variance in exchange for the approval of the variance.

603.02 Ineligible Variance Requests

Variances are NOT permitted for the following items, unless otherwise agreed in writing by the UPC:

- To increase any of the approved FARs in the Rural Code; and/or,
- To allow a use that is not permitted by the Rural Code.

603.03 Approval Criteria

The applicant has to show that all of the applicable criteria have been satisfied. The UPC may determine, at its sole discretion, that certain criteria do not apply.

A. Review Criteria

1. Granting the variance will equally or better meet the purpose of the regulation to be modified;
2. The variance maintains the basic intent and purpose of the base district in which the site is located.
3. The variance is generally consistent with the guiding principles of Plan 2030.
4. If in a residential or mixed-use zoning district, the proposed variance will not significantly detract from the liveability or desired character of the residential area;
5. Designated scenic, cultural, historic and environmental resources are preserved;
6. Detrimental impacts resulting from the variance are mitigated to the extent practical;
7. If in a coastal or desert base district or an overlay district which applies to environmental resources, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; and
8. If the variance is related to building design, the proposed variance will allow consistency with the existing structural typology of adjacent structures and/or will provide for development reflecting traditional Emirati vernacular design or Arabic style architecture.

603.04 Variance Submission

The applicant shall submit a formal request, in writing, with all the necessary supporting information for consideration of their variance request.

The applicant shall inform the appropriate reviewing authority, either the UPC or the Municipalities of their intention to seek a variance and request that their application be placed on hold for the period necessary to determine of the variance.

The applicant shall further agree/accept that the variance time period for determination shall not be deemed part of the overall review timescale for their application submitted to the relevant reviewing authority.

603.05 Re-submission of a Variance Request

Following denial of any variance request, the applicant shall not submit a similar application containing the same variance to any reviewing authority within a period of six (6) months from the date of the denial issued by the variance review authority (UPC), unless otherwise agreed to in writing by the UPC.