

DEFINITIONS:

Conditional Use - A land use that is listed as a conditional use in the zoning classifications or a land use that restricts or expands the permissible usages available under the current zoning classification.

Conditional Use, Expanded - A conditional use, which expands allowed and conditional usages, must originate with the Zoning Commission and must comply with all procedural requirements and limitations of a rezoning.

Conditional Use, Restricted

A conditional use, which restricts allowed and conditional usages, may either initiate with the Zoning Commission or the City Council, and may be given final approval by the City Council by resolution or ordinance.

ADD NEW SECTION

2.3.10 Conditional Uses

Standards Applicable to All Conditional Uses.

1. **Application:** When a person applies for a conditional use, the Planning Commission shall hold a public hearing on the proposal. The public hearing shall be published as set forth in this ordinance. The application shall include material necessary to demonstrate that the grant of a conditional use will be in harmony with the general intent and purpose of these zoning regulations, will not be injurious to the neighborhood or to adjoining properties, or otherwise detrimental to the public welfare. Such material may include but is not limited to the following, when applicable:
 - a. Site and development plans at an appropriate scale showing proposed placement of structures on the property; provisions for ingress and egress, off-street parking and off-street loading access, refuse and service areas, and required yards and open spaces
 - b. Plans showing proposed locations for utilities hook-ups.
 - c. Plans for screening, buffering and landscaping.
 - d. Proposed signs and lighting, including type, dimensions and character.

If a zoning amendment is required or requested, that application shall accompany the application for a conditional use for reference. If the proposed use requires subdivision, an application for a subdivision shall be filed prior to the issuance of a building permit. The subdivision must be completed prior to the issuance of a certificate of occupancy for the structure or use.

For conditional uses subject to additional requirements from state or federal agencies, such as the Federal Aviation Administration or the Louisiana Department of Environmental Quality, all required submittals from such agencies shall be submitted with the application. Where the state or federal agency cannot verify that all requirements are met prior to approval of the conditional use, the applicant shall obtain a letter from the agency stating that the agency will verify that all requirements are met after the conditional use approval is granted.

2. ***Supplementary Conditions and Safeguards:*** The Planning Commission and the City Council may provide such conditions and restrictions upon the construction, location and operation of a conditional use as may be deemed necessary to promote the general objective of this title and to minimize any injury to the value of property in the neighborhood. Such conditions shall be expressly set forth in the ordinance granting the conditional use permit, and shall be recorded by the city as a supplement to the deed for the property, in the parish recorder's office. These conditions may include, but are not limited to, the following:
 - a. Stipulate the exact location as a means of minimizing hazards to life, limb, property damage, erosion or traffic;
 - b. Increase the required lot size or yard dimension;
 - c. Limit the height, size or location of buildings, structures and facilities;
 - d. Control the location and number of vehicle access points;
 - e. Increase the street width;
 - f. Increase the number of required off-street parking spaces;
 - g. Limit the number, size, location or lighting of signs;
 - h. Require diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
 - i. Designate sites for open space;
 - j. Provide ease of access to major roadways;
 - k. Assure that the degree of compatibility to the surrounding land use shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses within the general area in which the use is proposed to be located. Failure to maintain such conditions or restrictions as may have been imposed shall constitute grounds for revocation of such conditional use permit, pursuant to Section 2.4, "Enforcement".
3. ***No Presumption of Approval:*** The listing of a conditional use within each zoning district does not constitute an assurance or presumption that such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this section and with the standards for the district in which it is located, in order to determine whether approval of the conditional use is appropriate at the particular location and in the particular manner proposed.
4. ***Limitations on Approval of Conditional Uses:***
 - a. The approval of a proposed conditional use permit by the City Council shall be deemed to authorize only that particular use at that particular location for which the conditional use was issued.
 - b. No conditional use permit shall be valid for a period longer than one year unless a building permit is issued and construction is thereafter diligently pursued within that period. However, the city building official may extend the one-year period to a mutually agreed upon time.
 - c. Except as where otherwise provided for in this ordinance, if a property with a conditional use remains vacant for a period of 12 consecutive months, the conditional use permission becomes null and void. The property owner or business must apply for a new conditional

use, or upgrade to meet all requirements of this ordinance before occupancy Buildings which are actively available for lease and occupancy, or are being remodeled pursuant to permit are not considered vacant.

- d. Any change involving major structural alterations, enlargements, intensification of use, or similar change must be approved in the same manner as the original conditional use.

5. Effect of Approval: The approval of a conditional use permit by the City Council shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for such permits or approvals as may be required by the regulations of the city, including, but not limited to occupational licenses, inspections, and building permits.

6. Amendments to a Conditional Use Permit.

- a. Minor amendments. The City Planner may administratively authorize minor amendments to a previously approved conditional use when such amendments appear necessary in light of technical or engineering considerations. Such amendments shall be consistent with the intent of this ordinance and the approved conditional use and shall be the minimum necessary to overcome the particular difficulty. Minor amendments may include the following:
 - i. Altering the location of required landscaping by not more than twenty (20) feet.
 - ii. Minor changes to lighting, signs, or screening.
 - iii. Altering the location of any structure by not more than ten (10) feet.
 - iv. Altering the location of a parking area or interior road by not more than five (5) feet.
 - v. Minor relocation of internal access and circulation.
 - vi. Altering the originally planned road grade to the satisfaction of city engineering requirements.
 - vii. Minor relocation of points of access which will improve traffic circulation on adjacent public streets as determined by city engineering requirements.
- b. Major amendments. Any amendments not classified as minor amendments, or which in the opinion of the Zoning Administrator constitute major amendments, or which in the discretion of the City Planner require consideration by the planning commission, shall be subject to the permit a i. Change of ownership or name of proprietor, while maintaining the same or similar use. Minor change of landscaping elements.

7. Revocation of permit.

In addition to any other penalties and remedies for violation of this ordinance, any conditional use may be revoked through adoption of an ordinance for such by the City Council after finding that any one of the following conditions exists or the occurrence of any of the following is found;

- a. Fraud in obtaining the permit;
- b. Concealment or misrepresentation of any material fact on the application or on any subsequent applications or reports;

- c. The operation is found to be in violation of the approved plans, conditions of approvals, or the terms of the permit and the owner has failed to correct the violation after proper notice thereof.
- d. A request if made by the property owner to revoke the conditional use.

8. *Appeals.*

- a. Appeals from a final decision by the City Council shall be filed in a court of competent jurisdiction within five (5) business days of the final decision.
- b. The filing of an appeal of a decision concerning a conditional use permit shall act to stay any building permit issued for improvements on the property, which is the subject of the appeal.
- c. The appellant shall not have the right to present new evidence.
- d. A final decision concerning a conditional use permit shall be to a court of jurisdiction.

9. **Types**

These uses are subject to all other applicable requirements of this ordinance, including limiting conditions associated with the zoning districts and any overlay districts.

A. Expanded Conditional Use.

An Expanded Conditional Use:

- 1. must originate with the Planning Commission **and be approved by the City Council**;
- 2. must comply with all procedural requirements and limitations of a rezoning;
- 3. is a personal right and expires upon a change in ownership of the property from the person or persons originally granted the conditional use; and
- 4. Those uses in this ordinance specified exclusively as conditional uses shall be considered for all purposes as Expanded Conditional Uses.

Approval of any Expanded Conditional Use shall be by passage of an ordinance by the City Council. If a rezoning and an Expanded Conditional Use are applied for simultaneously and are considered at the same meeting, each shall be noticed, advertised and voted upon separately.

In deliberating on any application for an Expanded Conditional Use, the Commission/ Council shall not grant approval thereof unless it makes findings based upon the evidence presented to it that each case shall indicate all of the following:

- 1. The permit, if granted, will not cause any diminution or depreciation of property values of any surrounding property or will not alter the essential character of the locality.
- 2. The permit, if granted, will tend to preserve and advance the prosperity and general welfare of the neighborhood and community.
- 3. The granting of the Expanded Conditional Use will not be detrimental to the public welfare or seriously affect or be injurious to other property or improvements in the neighborhood in which the property is located, in that it will not impair an adequate supply of light and air, or increase substantially the congestion in the public streets, create a traffic hazard, or affect or overburden existing drainage or sewerage systems,

or endanger the public safety, nor cause serious annoyance or injury to occupants of adjoining premises by reason of emission of odors, fumes, gasses, dust, smoke, noise or vibration, light or glare or other nuisances.

4. The proposal's impacts can be appropriately mitigated through the application of conditions of approval, as applicable.
5. The permit, if granted, does not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major or local importance.

B. Restricted Conditional Use.

A Restricted Conditional Use:

1. may initiate either with the Zoning Commission or the City Council;
2. must be given final approval by the City Council by either resolution or ordinance;
3. limitations and restrictions not otherwise specified in this Ordinance shall be construed as a Restricted Conditional Use;
4. may be imposed without prior notice to the public; and
5. shall bind any current and future owners thereto.