

CITY OF MANDEVILLE



PLANNED DISTRICT AND CONDITIONAL USE REGULATIONS

**CITY OF MANDEVILLE
CONDITIONAL USE APPLICATION**

Applicant(s) Name(s) _____

Address _____ **Phone** _____

Applicant(s) Signature(s) _____

Owner(s) Signature(s) _____

1. Is the applicant the owner of the property? Yes _____ No _____
2. If the answer to question 1 is "No", the applicant must have a legal right to the present use and possession of the property for the term of the requested conditional use.
3. A legal description of the subject property must be submitted. Please attached the description to this form.

If the subject property is not described by Square/Block and/or Lot/Parcel, the applicant must provide a survey plat and vicinity map in order to readily identify the property location. Please attach the survey and map to this form.

4. A site plan, conceptual building elevation, conceptual improvement plan and such additional maps and drawings, all sufficiently dimensioned, must be submitted. Please attach all plans to this form.
5. The applicant shall deposit with the City of Mandeville the sum of seventy-five (\$75.00) dollars for each request. Under no condition shall the fee be refunded for the failure of the requested Conditional Use Permit to be granted or for the withdrawal of the request.
6. State the conditional use requested and the reason(s) below describing the nature and operating characteristics. Continue on a separate sheet if necessary.

CITY OF MANDEVILLE

PROCEDURES TO INITIATE A REQUEST FOR A CONDITIONAL USE FROM THE CLURO (Comprehensive Land Use Regulations Ordinance)

4.3.3.4 Application and Fee

Applications for Conditional Use Permits and Planned District zoning approvals shall be filed with the Planning Director. The application shall include the following:

1. Name and address of the owner and applicant and sworn affidavit of ownership.
2. Address, legal description and boundary survey of the property, including any existing structures.
3. If the applicant is not the legal owner of the property, a sworn statement by the owner that the applicant is the authorized agent of the owner of the property.
4. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application. For uses involving public assembly or industrial processing, or uses potentially generating high volumes of vehicular traffic, the Planning Director may require specific information relative to the anticipated peak loads and peak use periods, relative to industrial processes and the ability of the use to meet performance standards, or substantiating the adequacy of proposed parking, loading, and circulation facilities.
5. Site plans, conceptual building elevations, conceptual improvement plans, and such additional maps and drawings, all sufficiently dimensioned as required to illustrate the following:
 - a. The date, scale, north point, title, name of owner, and name of person preparing the site plan.
 - b. The location and dimensions of boundary lines, with distances and bearings, easements, and required yards and setbacks, water courses, drainage features and location and size of existing and proposed streets and alleys, 100-year floodplains, as well as areas of periodic inundation.
 - c. The location, height, bulk, percent of impervious site surface, general appearance, and intended use of existing and proposed buildings on the site, and the approximate location of existing buildings and their existing uses on abutting sites within fifty (50) feet.
 - d. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, signs, and lighting.
 - e. A conceptual landscape plan showing the location and size of the existing and proposed landscaped areas and the number and location of Class A and B trees proposed or required to be preserved.
 - f. The number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements.

- g. A conceptual drainage plan showing existing and proposed topography and grading and proposed drainage structures, retention ponds or water quality enhancement facilities.
 - h. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.
6. In addition, Site Plans submitted in conjunction with Planned District zoning, shall include:
- A. The dwelling intensity of any residential areas and the lot sizes and locations of any other uses within the Planned Development.
 - B. Areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings and similar public and semipublic uses.
 - C. A plan for the location of all public utilities.
 - D. A copy of all agreements, provisions or covenants which are proposed to govern the use, maintenance and continued protection of the Planned Development and any of its common open space.
 - E. A representation of the general use and character of land adjacent to the Planned Development area within two hundred (200) feet.
 - F. A landscape plan along the boundary of a Planned Development to a depth of one hundred (100) horizontal feet. However, exact building locations need not be dimensioned on the site plan for a Planned Development so long as all areas within which buildings may be constructed or maintained are specifically delineated by building setback lines.
7. Fees for Conditional Use Requests - To initiate any Conditional Use Permit request, the party or parties requesting the Conditional Use approval shall deposit a sum based on the fee established by the City Council for Planned District zoning approvals for each request to the City. Under no condition shall the fee be refunded for the failure of the requested Conditional Use Permit to be granted or for the withdrawal of the request.

4.3.3. Procedures and Fees for Conditional Use Permits and Planned District Zoning

4.3.3.1. *Title and Purpose*

This Section shall be known as the Conditional Use and Planned District Zoning Procedure. The purpose of this procedure is to provide for review and discretionary approval of uses or development sites typically having unusual site development features or unique operating characteristics requiring special consideration so that they may be located, designed, and operated compatibly with uses on surrounding properties and within the City at large. The Conditional Use Procedure and Planned District Zoning process is intended to encourage broad public review and evaluation of site development features and operating characteristics, and to ensure adequate mitigation of potentially unfavorable impacts.

4.3.3.2. *Jurisdiction*

The Planning Director shall be responsible for administration of the Conditional Use Procedure, and the Planning Commission shall be responsible for review, evaluation, and action on all applications for a Conditional Use Permit.

4.3.3.3. *Concurrent Applications*

Application for a Conditional Use Permit and for Rezoning or Planned District zoning for the same property may be made concurrently, subject to the fees applicable to a rezoning or Planned District zoning only. The Planning Commission and Zoning Commission may hold the public hearing on the Rezoning and the Conditional Use Permit at the same meeting and may combine the two hearings. The City Council likewise may hold the two public hearings in combination and may approve both the Conditional Use and rezoning or Planned District zoning by one ordinance.

4.3.3.4. *Application and Fee*

Applications for Conditional Use Permits and Planned District zoning approvals shall be filed with the Planning Director. The application shall include the following:

1. Name and address of the owner and applicant and sworn affidavit of ownership.
2. Address, legal description and boundary survey of the property, including any existing structures.
3. If the applicant is not the legal owner of the property, a sworn statement by the owner that the applicant is the authorized agent of the owner of the property.
4. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application. For uses involving public assembly or industrial processing, or uses potentially generating high volumes of vehicular traffic, the Planning Director may require specific information relative to the anticipated peak loads and peak use periods, relative to industrial processes and the ability of the use to meet performance standards, or substantiating the adequacy of proposed parking, loading, and circulation facilities.
5. Site plans, conceptual building elevations, conceptual improvement plans, and such additional maps and drawings, all sufficiently dimensioned as required to illustrate the following:
 - a. The date, scale, north point, title, name of owner, and name of person preparing the site plan.
 - b. The location and dimensions of boundary lines, with distances and bearings, easements, and required yards and setbacks, water courses, drainage features and location and size of

existing and proposed streets and alleys, 100-year floodplains, as well as areas of periodic inundation.

- c. The location, height, bulk, percent of impervious site surface, general appearance, and intended use of existing and proposed buildings on the site, and the approximate location of existing buildings and their existing uses on abutting sites within fifty (50) feet.
 - d. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, signs, and lighting.
 - e. A conceptual landscape plan showing the location and size of the existing and proposed landscaped areas and the number and location of Class A and B trees proposed or required to be preserved.
 - f. The number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements.
 - g. A conceptual drainage plan showing existing and proposed topography and grading and proposed drainage structures, retention ponds or water quality enhancement facilities.
 - h. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.
6. In addition, Site Plans submitted in conjunction with Planned District zoning, shall include:
- a. The dwelling intensity of any residential areas and the lot sizes and locations of any other uses within the Planned Development.
 - b. Areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings and similar public and semipublic uses.
 - c. A plan for the location of all public utilities.
 - d. A copy of all agreements, provisions or covenants which are proposed to govern the use, maintenance and continued protection of the Planned Development and any of its common open space.
 - e. A representation of the general use and character of land adjacent to the Planned Development area within two hundred (200) feet.
 - f. A landscape plan along the boundary of a Planned Development to a depth of one hundred (100) horizontal feet. However, exact building locations need not be dimensioned on the site plan for a Planned Development so long as all areas within which buildings may be constructed or maintained are specifically delineated by building setback lines.
7. Fees for Conditional Use Requests - To initiate any Conditional Use Permit request, the party or parties requesting the Conditional Use approval shall deposit a sum based on the fee established by the City Council for Planned District zoning approvals for each request to the City. Under no condition shall the fee be refunded for the failure of the requested Conditional Use Permit to be granted or for the withdrawal of the request.

4.3.3.5. Public Hearing and Notice

The Planning Commission shall hold a public hearing on each application for a Planned District zoning or amendment or for a Conditional Use Permit. Public notice shall be given as required for zoning

amendments. At the public hearing, the Commission shall review the application and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, with respect to the findings prescribed herein.

4.3.3.6. Report of the Planning Director

The Planning Director or Designee shall review the application or proposal and shall prepare a report thereon which shall be filed with the Planning Commission and available to the applicant at least ten (10) days prior to the public hearing.

4.3.3.7. Action by the Planning Commission

The Planning Commission shall act on the application not more than twenty (20) days following the closing of the public hearing on a Planned District zoning or Conditional Use Permit application. The Commission may recommend to grant a Conditional Use Permit or approve a Planned District zoning or amendment as applied for or in a modified form or subject to conditions, or may recommend denial of the application to the City Council. The Commission shall notify the applicant of its recommendation by mail.

4.3.3.8. Review and Evaluation Criteria

The Planning Director, the Planning Commission and the City Council shall review and evaluate and make the following findings before granting a Conditional Use Permit or Planned District zoning using the following criteria:

1. Comparison with applicable regulations and standards established by the Comprehensive Land Use Regulations applicable to the proposed use and site.
2. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
3. Potentially unfavorable effects or impacts on other existing conforming or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use.
4. Modifications to the site plan which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulations and standards and to protect the public health, safety, morals, and general welfare.
5. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area considering existing zoning and land uses in the area.
6. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
7. Location, lighting, and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.
8. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.
9. Conformity with the objectives of these regulations and the purposes of the zone in which the site is located.

10. Compatibility of the proposed use and site development, together with any modifications applicable thereto, with existing or permitted uses in the vicinity.
11. That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.
12. That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or community aesthetics, or materially injurious to properties or improvements in the vicinity.

4.3.3.9. Conditions of Approval

The Planning Commission may recommend and the City Council may establish conditions of approval. Conditions may include, but shall not be limited to, requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other improvements; establishment of development schedules or time limits for performance or completion; and such other conditions as the Commission or City Council may deem necessary to insure compatibility with surrounding uses to preserve the public health, safety, and welfare, and to enable the Commission to make the findings required by the preceding Section.

4.3.3.10. Planning Commission Recommendations to the City Council

The recommendations of the Planning Commission shall be forwarded to the City Council within 10 days after the date on which action is announced.

4.3.3.11. Enactment by Ordinance

The decision of the Planning Commission on an application for a Conditional Use Permit or Planned District shall be forwarded to the City Council as a recommendation to grant or deny after the Planning Commission holds a public hearing thereon. The City Council shall hold a public hearing on said application. Notice of the public hearings before the Planning Commission and City Council shall be given in the same manner as the notice required for zoning amendments. In the event the application for a Conditional Use Permit Planned District is made for property that is contiguous to property that is zoned R-1, Single Family Residential, then such ordinance approving the Conditional Use or Planned District shall not be passed except by an affirmative vote of four-fifths majority of the Council membership. In the event the decision of the Planning Commission on the application for a Planned District or Conditional Use Permit is adverse thereto, or in the event a protest against the proposed Planned District or Conditional Use Permit is presented, in writing, to the City Council, duly signed and acknowledged by the owners of at least twenty (20) percent of the property situated in the area bounded by lines two hundred (200) feet in each direction and one each side of the area included in such proposed Planned District, such ordinance approving the Planned District shall not be passed except by an affirmative vote of a four-fifths (4/5) majority of the members of the City Council.

4.3.3.12. Lapse of Conditional Use Permit or Uses Approved in Conjunction with Planned District Zoning

1. For the purposes of this subsection, a Conditional Use Permit shall be deemed to have been granted upon the final affirmative action on the matter by the City Council, notwithstanding the fact that the effectiveness of the Conditional Use Permit for any other purposes may have been

stayed due to the necessity of meeting conditions lawfully placed on the granting of the Conditional Use Permit.

2. Except as otherwise stated in these regulations, authority to issue construction or occupancy permits pursuant to an approved Conditional Use Permit shall expire two years following City Council approval unless during the two year period, a construction permit is obtained. If a construction permit is obtained, the Conditional Use Permit shall continue in force and effect until (1) two year following the issuance of such construction permit, or (2) two years following the issuance of a Certificate of Occupancy, whichever is later, providing that construction is not stopped for a period of six months or more. If construction is stopped, the Conditional Use Permit shall expire (1) at the end of such six month period, or (2) two years following the issuance of such construction permit, whichever is later.
3. Where more than one building permit is covered by a Conditional Use Permit and when the Certificate of Occupancy has been obtained on the last building as set forth above (or when the time has been extended as set forth below), the developer shall have an additional two years during which to secure a second construction permit and so on until the project is completed. Otherwise, the Conditional Use Permit shall expire as set forth in these regulations.
4. Construction permits obtained more than five years following the conditional use approval date shall comply with the rules, regulations and ordinances that have become effective since the approval date of the Conditional Use Permit. For the purposes of this subsection, a Conditional Use Permit shall be deemed approved upon the affirmative action of the City Council, notwithstanding the necessity of meeting conditions lawfully placed on the Conditional Use Permit approval.
5. The City Council may, upon application of the developer, grant a one-year extension to any two-year time period during which a construction permit or Certificate of Occupancy may be issued when one or more of the following conditions have been met:
 - a. Construction permits have been issued, materials have been acquired and the foundation of at least one building has been placed on the site.
 - b. Where no construction is required, an occupancy permit has been issued and actual operation of the use has begun.
 - c. The developer has made application to the City Council stating reasons, prior to the expiration date of the Conditional Use Permit.
6. The Building Official shall report to the City Council the actual development accomplished as it relates to the approved Conditional Use Permit. The Council, before acting, shall hold a public hearing on the application.
7. After the authority for the issuance of construction permits or certificates of occupancy has expired by default pursuant to an approved Conditional Use Permit, no construction permit or Certificate of Occupancy shall be issued except under a Conditional Use Permit approved upon a new application.
8. Planned District sites having site plan approval or building permits issued prior to the effective date of this Ordinance shall be subject to the provisions of this section.

4.3.3.13. Modification of Planned District or Conditional Use Permit

An application for modification, expansion, or other change in a Conditional Use Permit or Planned District approved shall be in accordance with the procedures of section 4.3.3, provided that minor

revisions or modifications may be approved by the Planning Director upon determination that the circumstances or conditions applicable at the time of original approval remain valid, and that changes would not affect the findings prescribed in section 4.3.3.8.

4.3.3.14. *Suspension and Revocation*

1. Upon violation of any applicable provision of this Section, or, if granted subject to conditions, upon failure to comply with conditions, a Conditional Use Permit may be suspended upon notification by the City Clerk to the owner of the use or property subject to a Conditional Use Permit.
2. The City Council shall hold a public hearing within forty (40) days of such notification, and upon a finding that the regulation, general provision, or condition may be necessary to ensure compliance with the regulation, general provision, or condition.
3. The decision of the Council to revoke a Conditional Use Permit shall be effective immediately.

4.3.3.15. *New Applications*

Following the denial or revocation of a Conditional Use Permit or Planned District zoning, no application for a Conditional Use Permit or Planned District zoning for the same or substantially the same use or conceptual plan, on the same or substantially the same site shall be filed within one (1) year from the date of denial or revocation.

4.3.3.16. *Approval to Run with the Land*

The ordinance approving the Conditional Use or Planned District zoning and the plans approved in conjunction with the ordinance shall be recorded with the Clerk of Court in the Parish courthouse. A Conditional Use Permit or Planned District zoning granted pursuant to these provisions shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the Conditional Use Permit application subject to the provisions regarding expiration of approval. Cost for recordation shall be born by the applicant.

4.3.3.17. *Prior Special Permits and Covenants*

1. A use legally established pursuant to a Conditional Use Permit or a Planned District zoning prior to the date of adoption of these regulations shall be deemed a pre-existing conditional use or planned development and shall be permitted to continue, provided that it is operated and maintained in accord with any conditions prescribed at the time of its establishment.
2. Alteration or expansion of a pre-existing conditional use or planned development shall be permitted only upon the granting of a Conditional Use Permit or an amendment to the Planned District Ordinance as prescribed in these regulations, except for alterations not exceeding \$2,500 in value as determined by the Building Official.
3. A Conditional Use Permit or Planned District amendment ordinance shall be required for the reconstruction of a structure primarily approved as a Conditional Use or planned development, if the structure is destroyed by fire or other calamity, by Act of God, or by the public enemy to a greater extent than fifty (50) percent of the repair to replacement cost. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by the Building Inspector and shall be based on the minimum cost of construction in compliance with the Building Code.

4.3.1.4. Fees for Requests to Amend the Official Zoning Map

1. Before any action shall be taken as provided in this Article, the party or parties (other than the City Council or Zoning Commission) proposing or recommending a change in the official zoning map shall deposit with the City of Mandeville the following fees:

Request	Amount
R-1, R-1X or R-2 Zoning	\$75.00 per acre or fraction thereof, up to a maximum of \$1,500.00
R-3, MH, O/R or B-3 Zoning	\$150.00 per acre or fraction thereof, up to a total maximum of \$2,100.00
I, O, B-1, B-2, B-4, PM-1, PM-2, Planned	\$250.00 initial processing fee, plus \$150.00 per District, M-1, M-2, or Industrial Zoning acre up to ten (10) acres. For each acre or fraction thereof over 10 acres, \$10.00 per acre shall be charged.

2. In addition to the fees, the party or parties must reimburse the City for the cost of the legal advertisements necessary for legal notice of the request. Under no condition shall the fee or advertising cost reimbursement be refunded for the failure of such request to be granted or for the withdrawal of the request.

