

CITY OF MANDEVILLE  
SPECIAL USE PERMIT APPLICATION

Date \_\_\_\_\_

**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 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 fifty (\$50.00) dollars per acre or fraction thereof for each zoning request. Under no condition shall the fee be refunded for the failure of the requested Zoning Permit to be granted or for the withdrawal of the request. There shall be no fees required for application for administrative permit.
6. State the zoning use requested and the reason(s) below describing the nature and operating characteristics. Continue on a separate sheet if necessary.

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**DEADLINE FOR ADDITIONAL INFORMATION REGARDING YOUR CASE IS THE FRIDAY FOLLOWING THE PLANNING & ZONING MEETING AT WHICH THE INFORMATION IS REQUESTED.**

**4.3.2.1 Procedures and Fees Special Use Permit Approvals**

**4.3.2.2 Title and Purpose**

The procedures set forth herein for approval of Administrative and Special Use Permits shall be known as the Site Plan Review Procedure. The purpose of this procedure is to provide for review and evaluation of site development and design features of selected uses, and to afford a procedure for mitigation of potentially unfavorable effects on adjacent land uses.

**4.3.2.3 Applicability and Jurisdiction**

The Zoning Commission shall be responsible for review, evaluation and action on all site plans submitted as required for Special Use Permits. Site plans required to be reviewed in conjunction with conditional use approvals and Planned District Zoning approvals shall be reviewed by the Planning Commission and a recommendation shall be provided prior to City Council action in accordance with the provisions of section **Error! Reference source not found.**, et seq.

**4.3.2.4 Use Requiring Site Plan Review**

All uses as noted in the Table of Permitted Uses by Zoning Districts requiring Special Use Permits shall follow the procedure in this section. Uses requiring Special Use Permits shall automatically be forwarded by the Planning Director to the Zoning Commission for review at the first meeting following the required public notice as specified herein.

**4.3.2.5 Application and Fee**

Applications for Special Use Permit approval shall be filed with the Planning Director. The application shall include the following unless material is determined to be unnecessary by the Planning Director.

1. Completed application form provided to applicant by Department of Planning & Development.
2. Name, signature and address of the owner and applicant, if agent of owner, on the application clearly stating the requested action.
3. Address and legal description or boundary survey of proposed development site with bearing and distances of the property.
4. If the applicant is not the legal owner of the property, a sworn statement of the owner that the applicant is the authorized agent of the owner.
5. The municipal address or lot, square and subdivision, and the name and mailing address of the owner of each lot abutting or opposite the subject property.
6. A brief description of the proposed use, including information pertinent to the review criteria and findings provisions of this section.
7. A site plan and the number of copies required by the Zoning Commission's Rules of Procedure a minimum of 8.5" x 11" inches and a maximum of 24" x 36" inches, drawn to scale and sufficiently dimensioned as required to show 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, easements, and required yards and setbacks of all existing and proposed buildings and land development improvements.

- c. The location, height, and intended use of existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites within fifty (50) feet of the proposed development site.
- d. The location and dimensions of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, utility or service areas, fencing and screening, and lighting.
- e. The center line of existing water course, drainage features and location and size of existing and proposed streets and alleys, the 100-year floodplain, and any areas of periodic inundation.
- 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 subsurface drainage structures and retention and water quality enhancement facilities.
- h. The approximate location and size of proposed signs, if known, subject to regulations of Article 10 Sign Code.
- i. A conceptual landscape plan showing the location and size of the existing and proposed landscaped areas and the number and location of Class A & B trees proposed or required to be preserved.
- j. Application fee of fifty (\$50) dollars per acre site or fraction thereof shall be submitted in conjunction with an application for a Special Use Permit.

#### **4.3.2.6 Public Notice for Special Use Permits**

Not fewer than five (5) days before the work session or twenty (20) days before a hearing at which the Zoning Commission will vote on a Special Use Permit, the Planning Director shall

1. Post the site as required for zoning amendments including the following information:
  - a. A brief description of the nature of the application.
  - b. A statement of how and where information regarding the application may be obtained.
2. Provide notice regarding the application including the same information to be published in the official journal of the City at least seven (7) days prior to the meeting of the Zoning Commission.

#### **4.3.2.7 Special Use Permit Action and Appeal**

1. Not more than thirty (30) days after official acceptance of a complete application by the Planning Director, the Zoning Commission shall consider the application for a Special Use Permit at a regularly scheduled meeting and approve, approve with modifications or disapprove said application. Within ten (10) days of the decision of the Zoning Commission, the Planning Director shall prepare a report to the Building Inspector and the applicant regarding the approval, approval with modifications, or disapproval of the Special Use Permit and site plans by the Zoning Commission.
2. Any person or persons, or any officer, department, board, bureau or any other agency of the community jointly or severally aggrieved by any decision of the Zoning Commission may present to the Civil District Court of the parish, within thirty (30) days after filing of the decision in the office of the Board, a writ of certiorari asking for such relief and under such rules and regulations as are provided for such matters in appropriate legislation of the State.

#### **4.3.2.8 Review and Evaluation**

1. Site plans for uses subject to the Special Use Criteria as provided in Article 8 shall be reviewed and evaluated for consistency with such standards.

2. Site plans shall be reviewed and evaluated for consistency with all applicable regulations of this Comprehensive Land Use Regulations Ordinance.
3. In the event that a proposed site plan does not satisfy the applicable criteria established for review by this Section, modifications to the site plan by the applicant that would result in increased compatibility or would mitigate unfavorable impacts or would cause the site plan to conform to applicable requirements may be considered.
4. The Zoning Commission may require modification of a site plan as a condition for approval when required by the Special Use Criteria of Article 8 or Special District Criteria for the district in which the use is proposed, or other provisions of these regulations or other City, state or federal regulations; or, when the site plan is reviewed in connection with a special use permit application, they may recommend such modifications as may be reasonably necessary to achieve the purposes of these regulations. Such modifications may include, but shall not be limited to:
  - a. Provision for special yards, open spaces, buffers, fences, walls, and screening; for installation and maintenance of landscaping and drainage control measures; improvements of access and circulations; rearrangements of structures, site improvements or activities within the site; location and character of signs; and such other site plan features as necessary to ensure compatibility with surrounding uses and to support the findings required by this Section.
  - b. Required modifications may exceed the minimum standards established in these regulations to achieve these regulations' purposes.

#### **4.3.2.9 Findings for Special Use Permit Approvals**

The Zoning Commission shall make the following findings before approving a Special Use Permit:

1. The proposed plan is consistent with the Comprehensive Plan and the purposes of the applicable zoning district.
2. That the Special Use Permit application and site plan comply with the standards of these Comprehensive Land Use Regulations.
3. That any required modifications to the site plan are reasonable and are the minimum necessary to minimize potentially unfavorable impacts and protect the public health, safety and welfare as follows:
  - a. That the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing conforming or permitted uses on adjacent sites or sites across from the proposed development site in terms of building height, bulk, scale, setbacks, open spaces, lighting, signage, landscaping, parking, access and circulation.
  - b. The site development provides for the safe and convenient circulation of pedestrians, motorists and bicyclists and adequately addresses the volume and traffic and other transportation impacts of the proposed development.
  - c. Proposed parking is designed to minimize negative impacts on surrounding property and provide safe and convenient access to the site.
  - d. The proposed design and use of the development adequately protects people and property from the negative impacts of erosion, flood or water damage, fire, odors, noise and glare anticipated to be generated by the proposed development.

#### **4.3.2.10 Effective Date**

The decision of the Zoning Commission shall take effect immediately, unless appealed. The decision of the City Council shall be effective immediately subject to modification provisions of the site plan.

#### **4.3.2.11**      *Lapse of Approval for Site Plans for Special Use Permits*

1. Unless a longer time shall be specifically established as a condition of approval, a Special Use Permit approval shall lapse and become void one (1) years following the date on which such approval became effective, unless prior to the expiration of one (1) years a building permit is issued and construction is commenced and diligently pursued toward completion, or a Certificate of Occupancy is issued for the use, or the site is occupied if no building permit or Certificate of Occupancy is required.
2. A Site Plan approval for a Special Use Permit that is subject to lapse may be renewed by the Zoning Commission for an additional period of one (1) year, provided that prior to the expiration date, a written request for renewal is filed with the Planning Director.

#### **4.3.2.12**      *Amendments to Special Use Permit Approvals*

The procedural requirements for Special Use Permit Approval as specified in this Section **Error! Reference source not found.** et seq. shall apply to an application for modification, expansion, or other change in an approved Site Plan, provided that minor revisions or modifications may be approved by the Planning Director if he determines that the circumstances or conditions applicable at the time of original approval remain valid, and that changes would not affect the findings prescribed in this Section. The Planning Director shall report to the Zoning Commission on a quarterly basis the number and kinds of modifications being approved.

#### **4.3.2.13**      *Suspension and Revocation*

1. Upon violation of any applicable provision of these regulations, or, if granted subject to conditions, upon failure to comply with conditions, a Special Use Permit approval shall be suspended upon notification by the Planning Director to the owner of a use or property subject to the Special Use Permit.
2. The Zoning Commission shall give notice as required for Special Use Permits and hold a public hearing within forty (40) days of such notification, and upon a finding that the regulation, general provision, or condition is not being complied with, may revoke the Special Use Permit approval or take such action as the Zoning Commission deems necessary to ensure compliance with the regulation, general provision, or condition.
3. The decision of the Zoning Commission to revoke a Site Plan approval shall be effective immediately.

#### **4.3.2.14**      *New Applications*

Following the denial or revocation of a Special Use Permit by the Zoning Commission no application for Special Use Permit for the same or substantially the same Special Use on the same or substantially the same site shall be filed within one year from the date of denial or revocation.

#### **4.3.2.15**      *Approval to Run with the Land*

The approved Special Use Permit shall be signed by the approving official and recorded with the Clerk of Court of the Parish. A Special Use Permit approval 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 application, subject to the lapse of approval provisions regarding lapse of approval provided herein. Cost of recordation shall be born by the applicant.

#### **4.3.2.16**      *Site Plans or Zoning Permits Approved under Prior Regulations*

A Site Plan or Zoning Permit approved pursuant to regulations in effect prior to the effective date of these provisions shall be deemed a pre-existing approved plan, and the use for which such site plan or Zoning Permit was approved shall be permitted to continue subject to any conditions prescribed at the time of site plan approval. A use subject to a pre-existing approved site plan shall be subject to these provisions with respect to lapse, modification, suspension or revocation.