

## ARTICLE 16. ZONING APPLICATION APPROVAL PROCESSES

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### 16.10 CONDITIONAL ZONING DISTRICT

#### A. Purpose

A conditional zoning district (CZD) may be established to provide flexibility in the development of property while ensuring that a development is compatible with neighboring uses. Conditional zoning affords a degree of certainty in land use decisions not typically possible in conventional zoning.

#### B. Conditional Zoning District Designation

Each conditional zoning district shall be designated on the City's Zoning Map and other official documents by combining the designation of its base zoning district with the suffix, "-CZD". For example, the conditional zoning district with a base zoning district of Rural Agricultural would be identified as "R-A-CZD" on the Zoning Map.

#### C. Relationship to Base Zoning District

Development in a conditional zoning district shall be subject to all the use and development standard requirements that apply to development in the base zoning district, plus the conditions imposed as part of the conditional zoning approval.

#### D. Procedures, Forms and Standards

The following are general submittal requirements for requesting to apply for a conditional zoning district:

1. Property may be placed in a conditional zoning district only in response to an application by all owners of the property to be included in the CZD.
2. The applicant must clearly include in the application any uses proposed to be permitted on the subject property. No uses will be permitted except those enumerated in the enacting ordinance establishing the CZD.
3. The Executive Director shall establish procedures, forms and standards with regard to the content, format and information constituting any CZD application. The Executive Director may amend and update the application materials from time to time.
4. An application for conditional zoning must include a site plan, drawn to scale, and supporting information and text, as determined by the Executive Director, that specifies the actual use or uses intended for the property and any rules, regulations and conditions that, in addition to all predetermined requirements, will govern the development and use of the property.

**E. Approval Process for Conditional Zoning District**

1. Conditional Zoning District decisions are subject to the same procedures as applicable to a zoning map amendment, as described in Section 16.2 (Zoning Map Amendment) of this Code, except for the standard of review as outlined herein.
2. Conditional Zoning District decisions shall be made in consideration of identified relevant adopted land use plans for the area, including, but not limited to, the Master Plan, strategic plans, corridor plans, and other land-use policy documents.
3. In making their recommendation and decision, the Metropolitan Planning Commission and City Council must consider the following standards. The approval of a Conditional Zoning District is based on a balancing of these standards and design specifications:
  - a. Compliance with the Master Plan and adopted land use and design studies.
  - b. Compliance with this Code and other applicable development regulations, and previously approved valid plans for the property.
  - c. Safety and efficiency of vehicles, bicycle, and pedestrian circulation, traffic control, and congestion mitigation.
  - d. Safety and convenience of off-street parking and loading facilities.
  - e. The degree to which site design mitigates negative impacts on neighboring uses.
  - f. Access for firefighting and emergency equipment to buildings.
  - g. The trend of development, if any, in the general area of the property in question.

**F. Neighborhood Participation Plan**

Some CZD applications may be required to include a Neighborhood Participation Plan (NPP) report. If required, the CZD application will not be deemed complete until all mandatory NPP documents are submitted to MPC staff. All requirements for the NPP program are described in Section 15.4 (Neighborhood Participation Plan) of this Code.

**G. Fair and Reasonable Conditions**

1. Specific conditions may be proposed by the Applicant, MPC, or the City or its agencies, but only those conditions approved by the City Council shall be incorporated into the district regulations.
2. Conditions and site-specific standards imposed in a conditional zoning district shall be limited to those that address conformance of the development and use of the site to local ordinances, plans adopted pursuant to this Code, or the impacts reasonably expected to be generated by the development or use of the site.
3. Such conditions to approval of the request may include, but are not limited to, dedication to the City, Parish or state, as appropriate, of any land, rights-of-way or easements for streets, water, sewer, drainage, recreational uses or other public utilities necessary to serve the proposed development.
4. Conditions may relate to the relationship of the proposed use to surrounding property, size, scale, location and design of structures, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, preservation of protected trees, the phasing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the City Council may find appropriate or the applicant may propose.
5. If for any reason any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the site plan for the CZD shall be null and void and of no effect. Proceedings shall be instituted to rezone the property to its previous zoning classification.

#### H. Effect of Approval

1. If a request for conditional zoning is approved by the City Council, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's classification, any approved site plan for the district, and any additional approved conditions, as applicable, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Zoning Map.
2. If a CZD request is approved, only those uses and structures indicated in the enacting ordinance or indicated on a site plan referenced by the enacting ordinance shall be allowed on the subject property.
3. Following the approval of the request for a conditional zoning district, the subject property shall be identified on the Zoning Map by the appropriate district designation. A conditional zoning district shall be identified by the same designation as the underlying general district followed by the letters "CZD" (for example, Rural Agriculture Conditional Zoning District would be designated as "R-A-CZD").
4. No permit shall be issued for any development activity within a CZD except in accordance with the approved request and, if applicable, a site plan for the district.
5. Any violation of the approved conditional zoning district or associated conditions for the district shall be treated the same as any other violation of this development regulation and shall be subject to the same remedies and penalties as any such violation.

#### I. Modifications to an Approved Site Plan

1. **Major Changes.** Major changes to approved site plans and conditions of development for a conditional zoning district may be authorized only by the City Council after review and recommendation by the Metropolitan Planning Commission in the same manner as applicable to Zoning Map amendments. Major changes include, but are not limited to:
  - a. Change in use(s); except those permitted in the base zoning district.
  - b. Increase in intensity of the development; such as, increase in density of units, whether residential, office, commercial or industrial;
  - c. An increase of 10% or greater of overall ground coverage by structures; except those permitted in the based zoning district.
  - d. A reduction in approved open space or screening;
  - e. A change in vehicular access; or
  - f. A variation from an imposed condition.
2. **Minor Changes.** Minor changes, which are not deemed as major changes by the Executive Director or as set forth under the subsection above may, at his or her discretion, be authorized by the Executive Director in accordance with the following:
  - a. The Executive Director shall have the delegated authority to approve minor changes to an approved site plan which is part of an approved conditional zoning district.
  - b. The standard for approving or denying such a requested change shall be that the change does not significantly alter the site plan and that the change does not have a significant impact upon abutting properties and does not qualify as a major change as set forth in the subsection above.
  - c. Any decision must be in writing stating the grounds for approval or denial.
  - d. If the Executive Director declines to exercise the authority to approve minor changes to an approved site plan, the applicant may request a zoning map amendment as permitted by this Article.

- e. Any request for a minor change/administrative amendment shall be pursuant to a written letter, signed by the property owner(s), detailing the requested change. Upon request, the applicant must provide any additional information that is requested. Upon an approval of any minor change, the applicant must file a sufficient number of copies of a revised site plan (as applicable) as deemed necessary by the Executive Director.

**J. Review of Approval of a Conditional Zoning District**

It is intended that property shall be reclassified to a Conditional Zoning District only in the event of firm plans to develop the property. Therefore, no sooner than three (3) years after the date of approval of a CZD application, the Executive Director may examine the progress made toward developing the property in accordance with the approved application and any conditions attached to the approval. If the Executive Director determines that progress has not been made in accordance with the approved application and conditions, the Executive Director shall forward a report to the Metropolitan Planning Commission, which may recommend that the property be rezoned to its previous zoning classification or to another district.

**K. Appeals**

- A. Within 30 days after the date of the decision, the applicant or any aggrieved party may appeal a City Council decision on a conditional zoning district (CZD) application to Caddo Parish Civil District Court.
- B. Within 30 days after the date of the decision for any administrative action taken on a conditional zoning district application, the applicant or any aggrieved party may appeal an Executive Director's decision to the Zoning Board of Appeals.