

## **ARTICLE 15. APPLICATION PROCEDURES**

- 15.1 APPLICATION**
- 15.2 NOTICE**
- 15.3 PUBLIC HEARING**
- 15.4 NEIGHBORHOOD PARTICIPATION PLAN**

### **15.1 APPLICATION**

#### **A. Filing and Pre-Application Meeting**

1. All zoning and subdivision applications must be filed with the Executive Director, unless otherwise specified. The application must be on forms provided by the Executive Director and filed in such quantity as required by the instructions.
2. Prior to formal submittal of an application, the applicant may request a pre-application meeting with the Executive Director and/or the Metropolitan Planning Commission staff. The purpose of the pre-application meeting, which does not require a formal application or fees, is to provide informal advice and assistance to the applicant. Any opinions or advice provided are not binding with respect to any official action that may be taken on the application. Certain applications per Article 16 require a pre-application meeting as part of the approval process.

#### **B. Completeness**

1. The application must include all information, plans, and data as specified in the application requirements. Any required plans must be at a scale sufficient to permit a clear and precise understanding of the proposal, unless specifically required to be at a set scale.
2. The Executive Director will examine all applications within 7 days of filing to determine completeness. If the application does not include all the submittal requirements for the application, the Executive Director will reject the application and provide the applicant with the reasons for the rejection. The Executive Director will take no further steps to process the application until all deficiencies are remedied.
3. If any application submittal is not applicable or inappropriate to determine the nature of the development, a submission waiver may be requested with justification for such a waiver.
4. After an application is determined to be complete, any substantive change made by the applicant to the application requires resubmittal of the entire application and a new completeness review. However, such revisions do not require an additional payment of fees.
5. Once the application is under consideration by the appropriate body, additional information or revisions requested during review do not constitute a substantive change to the application.

#### **C. Fees**

Each application must be accompanied by the required filing fee as established and modified in the Code of Ordinances. The failure to pay such fee when due is grounds for refusing to process the application and renders the application incomplete. If an application is submitted by the City Council or Metropolitan Planning Commission, then fee requirements are waived.

#### **D. Withdrawal of Application**

An applicant has the right to withdraw an application at any time prior to the final decision, including the ability to withdraw the application if it has been tabled by the City Council, Zoning Board of Appeals, or Metropolitan Planning Commission. The applicant must submit a request for withdrawal in writing. There will be no refund of fees. Receipt of a written withdrawal request by the Executive Director will officially terminate the application.

**E. Consideration of Successive Applications**

1. Within one year of the date of denial, a subsequent application for the same zoning approval will not be reviewed or heard unless there is substantial new evidence available, or if a significant mistake of law or fact affected the prior denial.
2. If the application is resubmitted earlier than one year from the date of denial, the subsequent application must include a detailed statement of the grounds justifying its consideration.
3. The Executive Director will make a determination as to whether the subsequent application is appropriate for resubmittal prior to the expiration of the one year wait requirement. If the Executive Director finds that there are no new grounds for consideration of the subsequent application, he/she will summarily, and without hearing, deny the request.

**F. Application Inactivity**

If the MPC has completed all appropriate reviews, and no activity has occurred on behalf of the applicant for the further processing of any MPC application, for at least ninety (90) days, the application will be considered inactive, deemed to be withdrawn, and the file will be closed. Thirty (30) days prior to the inactive date, the MPC will notify all applicants of such impending action. If an applicant wishes the application to remain active, the applicant shall submit for approval a written request explaining all justification for the inactivity to the Executive Director.

**G. Stay of Enforcement Proceedings**

Any application submittal that remedies an existing violation, as determined by the Zoning Administrator, shall stay all enforcement proceedings unless the Zoning Administrator certifies that, by reason of the facts stated as a part of the violation, a stay would in his or her opinion cause imminent peril to life or property. When such determination is made, enforcement proceedings shall not be stayed except by a restraining order granted, after due notice, to the Zoning Administrator, by the Zoning Board of Appeals or a court of proper jurisdiction.

**H. Summary of Application Actions**

Table 15-1: Summary of Application Actions describes the responsibilities and actions taken in the processing and approval of the applications of the Code. This is provided for reference purposes and in the case of any conflict with Article 16, Article 16 controls.

**TABLE 15-1: SUMMARY OF APPLICATION ACTIONS**

APPLICATIONS	ADMINISTRATORS							
	Zoning Administrator	Historic Preservation Commission (HPC)	Executive Director	Metropolitan Planning Commission (MPC)	Zoning Board of Appeals (ZBA)	City Council	Caddo Parish Civil District Court	Unified Development Code Source Cited
<b>City Council</b>								
Code Text Amendment			RR	PH & RR		D	A	Section 16.1
Zoning Map Amendment (Zoning Change)			RR	PH & RR		D	A	Section 16.2
Planned Unit Developments (PUD & SPUD)			RR	PH & RR		D	A	Section 16.7
<b>Zoning Board of Appeals (ZBA)</b>								
Variance to Zoning			RR		PH & D		A	Section 16.5
Special Exception Use			RR		PH & D	A		Section 16.6
Appeal to Staff Administrative Decisions					R & D		A	Section 16.15
<b>Metropolitan Planning Commission (MPC)</b>								
Special Use Permit			RR	PH & D		A	A	Section 16.3
Site Plan Review – MPC			RR	D			A	Section 16.8
Subdivision – Major			RR	PH & D		A	A	Article 17
Subdivision – Minor			RR	D		A	A	Article 17
Temporary Use Permit			RR	D		A	A	Section 6.2
<b>Executive Director</b>								
Administrative Special Use Permit			R & D			A	A	Section 16.4
Administrative Exception to Zoning			R & D		A			Section 16.7
Site Plan Review – Administrative			R & D	A				Section 16.8
Zoning Interpretation	R		R & D		A			Section 16.11
Subdivision – Administrative			R & D			A	A	Article 17
Certificate of Appropriateness		RR	R & D		A		A	Article 21
Certificate of Demolition		RR	R & D		A		A	Article 21
<b>Zoning Administrator</b>								
Sign Permit	R & D				A			Section 16.10
Temporary Use Permit	R & D		R		A			Section 16.12
Certificate of Occupancy (COC)	R&D				A			Section 16.13
Temporary Certificate of Occupancy (TCO)	R&D				A			Section 16.14

**TABLE 15-1: SUMMARY OF APPLICATION ACTIONS**

APPLICATIONS	ADMINISTRATORS							
	Zoning Administrator	Historic Preservation Commission (HPC)	Executive Director	Metropolitan Planning Commission (MPC)	Zoning Board of Appeals (ZBA)	City Council	Caddo Parish Civil District Court	Unified Development Code Source Cited
Short-Term Rental Permit	R&D				A	A	A	Article 23
KEY								
R = Review		RR = Review & Recommendation		PH – Public Hearing		D = Decision		A = Appeal

**15.2 NOTICE**

**A. Required Notice**

Table 15-2: Required Notice indicates the types of notice required for public hearings on the zoning and subdivision applications.

TABLE 15-2: REQUIRED NOTICE			
Application	Notice Type		
	Published	Mailed	Posted
Code Text Amendment	•		
Zoning Map Amendment	•	•	•
Zoning Map Amendment: More Than 10 Parcels	•		
Special Use Permit	•	•	•
Administrative Special Use Permit	•		•
Variance to Zoning	•	•	•
Special Exception Use	•	•	•
Planned Unit Developments (PUD & SPUD) – Preliminary Site Plan	•	•	•
Appeal to Staff Administrative Decisions	•		
Subdivision Application (Major) – Preliminary Plat	•		
Annexation	•		
Closure and Abandonment	•		

**B. Published Notice**

When published notice is required, the Executive Director will publish notice in a newspaper of general circulation within the City of Shreveport. The notice must include the date, time, place, and purpose of such hearing, the name of the applicant, and the address of the subject property. Notice must be published no less than 14 days and no more than 30 days in advance of the scheduled hearing date.

**C. Mailed Notice**

**1. General Requirements**

- a. Written notice will be mailed by the Executive Director no less than 15 and no more than 30 days in advance of the scheduled hearing date to all property owners within 500 feet of the property line of the subject property. The notice must include the date, time, place, and purpose of such hearing, the name of the applicant, and the address of the subject property. When a zoning map amendment is proposed by the City Council or Metropolitan Planning Commission, notification must also be mailed to the owner of the subject property.

- b. Nothing in this section is intended to prevent the applicant from giving additional notice as he/she may deem appropriate.
- c. Notwithstanding the foregoing, when more than ten parcels are to be zoned or rezoned by enactment of a zoning ordinance, the advertisement in the official journal or a paper of general circulation shall be considered adequate notice to the property owners. (State law reference: La. R.S. 33:4724)

**D. Mailed Notice for Administrative Exceptions**

- a. For administrative exceptions, written notice will be mailed by the Executive Director to property owners abutting the subject property as well as the property owner(s) located directly across the street no less than 15 and no more than 30 days in advance of the date of when he/she will make a decision.
- b. If a noticed property owner objects to the administrative exception prior to the date indicated on the notice, the application is then considered a variance and subject to the variance notice requirements.

**E. Posted Notice**

When posted notice is required, it must be located on the subject property in accordance with the following provisions:

1. The required posting period must be no less than 15 days and no more than 30 days in advance of the scheduled hearing date. The sign must be posted at a prominent location on the property, near the sidewalk or public right-of-way so that it is visible to pedestrians and motorists. Properties with more than one street frontage are required to post one sign visible on each street frontage. Posted signs may be removed the day following the scheduled hearing date.
2. The Zoning Administrator will erect the sign and the property owner must maintain the sign during the required posting period.
3. Notwithstanding the foregoing, when more than ten parcels are to be zoned or rezoned by enactment of a zoning ordinance, the advertisement in the official journal or a paper of general circulation shall be considered adequate notice to the property owners. (State law reference: La. R.S. 33:4724)

**15.3 PUBLIC HEARING**

**A. Pre-Hearing Examination**

Once required notice is given, any person may examine the application and material submitted in support of or in opposition to the application during normal business hours, subject to the exceptions set forth in the Freedom of Information Act. Upon reasonable request, any person is entitled to copies of the application and related documents. A fee may be charged for such copies.

**B. Conduct of the Public Hearing**

The public hearing must be conducted in accordance with all applicable requirements of Louisiana law and the rules and regulations of the body conducting the hearing.

**C. Continuances**

The body conducting the hearing may continue a public hearing. No new notice is required to reopen the public hearing if the hearing is continued to a date specific, provided that a public announcement of the future date, time, and place of the continued hearing is made at the current hearing and recorded in the minutes. If the hearing is adjourned, rather than continued to a date specified, in order to reopen the hearing all notice must be given that would have been required for the initial public hearing.

## 15.4 NEIGHBORHOOD PARTICIPATION PLAN

### A. Purpose and Intent

1. Ensure that applicants pursue early and effective neighborhood participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community or on the neighborhood;
2. Ensure that the citizens and property owners of [the City of Shreveport/Caddo Parish] have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and
3. Facilitate ongoing communication between the applicant, interested citizens and property owners, MPC staff, and elected officials throughout the application review process.
4. The neighborhood participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making. Completion of the neighborhood participation plan may not be construed as any prejudgment, commitment, or guarantee to require a successful resolution of any differences between applicants and participants. It is not the intent of this subsection to guarantee or require that an application will be approved with or without any particular conditions.

### B. Applicability

A neighborhood participation plan shall be completed as part of the application submittal process for the following land-use application types, including, but not limited to:

1. Any Zoning Map Amendment (Rezoning) request from any residential zoning district to a more intensive zoning district, such as, but not limited to, rezoning the property to a commercial or industrial zoning.
2. Any Zoning Map Amendment (Rezoning) request to rezone any property to an R-2 or R-3 zoning district.
3. Any Special Use Permit request involving the Retail Sales of Alcohol.
4. Any Special Use Permit request located within 200' of a residentially zoned piece of property.
5. Any land development application the Executive Director, or his/her designee, deems necessary due to its sensitive nature, proximity to the neighborhood or where unusual circumstances, common sense and good judgment dictate. The Executive Director will evaluate each application on a case-by-case basis.
6. A neighborhood participation plan is not required for any application for a Code text amendment.

### C. Waiver of Neighborhood Participation Plan Requirements

If a neighborhood participation plan is required, the Executive Director has the authority to waive any portion of the neighborhood participation plan and may do so where unusual circumstances, common sense and good judgment dictate. The affected applicant may submit a written request for waiver citing rationale therefore. The Executive Director will document his or her decision and rationale of all waiver requests.

### D. Participants

Participants in the neighborhood participation plan shall consist of the following:

1. Applicants and property owners or their duly authorized representatives listed on the development or variance application.

2. Homeowners associations, neighborhood associations, or any equivalent local group, and individuals. An inventory of all homeowners associations, neighborhood associations, or any equivalent local group, may be kept and made available for distribution at the Office of the Metropolitan Planning Commission.

#### **E. Target Area**

The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the Site. The target area may include the following:

1. Individuals located within five hundred (500) feet of the subject property;
2. The head of homeowners association, neighborhood association, or equivalent local group located within five hundred (500) feet of the subject property. In the case where there are no homeowners associations within the five hundred (500) foot radius, MPC staff will provide the applicant a list of the five (5) nearest homeowners associations' contact information outside of the five hundred (500) foot radius line;
3. Other potentially affected property owners outside of the outside of the five hundred (500) foot radius line as determined by MPC staff; and
4. Other interested parties who have requested that they be placed on a list of interested parties maintained by the Office of the MPC.
5. The applicant may not submit a neighborhood participation plan until after a pre-application meeting and consultation with MPC staff.

#### **F. Neighborhood Participation Meeting**

If a neighborhood participation plan is required, the applicant shall schedule one meeting with the target area homeowners association, neighborhood association, or individuals as part of the submission of their land-use development or variance application. The meeting(s) shall include a presentation and a discussion about the proposed project, or request, subject to review by either the Executive Director or the Metropolitan Planning Commission (depending on the type of application). Additional meetings may be scheduled by the applicant, if desired. Any scheduled neighborhood participation meeting shall be held at a reasonable time and at a reasonable location.

#### **G. Neighborhood Participation Report**

If a neighborhood participation plan is required, the applicant shall provide a written report on the results of its neighborhood participation meeting efforts. At a minimum, the neighborhood participation report shall include the following items:

1. Dates and locations of all meetings where entities and individuals were invited to discuss the applicant's proposal or a statement indicating the reasons if no meeting was held. No information pertaining to any meeting held more than one hundred eighty (180) days prior to the submittal of the application may be accepted as part of the neighborhoods participation report;
2. Content, dates mailed, and numbers of mailings, including letters, meeting notices, newsletters, publications, and petitions received in support of or in opposition to the proposed project, and any other materials pertaining to the notification process;
3. A list of individuals and entities that were invited and contacted to the meeting;
4. Copy of the meeting sign-in sheet showing the names, addresses, and contact information of the participants of the meeting.
5. A summary of the concerns and issues discussed during the meeting and how the applicant intends to address them. If the concern, issue, or problem is not being addressed, the applicant may state the reasons.

