

16.3 SPECIAL USE PERMIT

A. Purpose

This Code is based upon the division of the City of Shreveport into districts. Within each district the use of land and structures are substantially uniform. It is recognized, however, that there are certain uses that, because of their unique characteristics, must be considered individually in a district or districts to address the impact of those uses upon neighboring land and of the need for that use at the particular location.

B. Initiation

A property owner in the City of Shreveport, or person expressly authorized in writing by the property owner, may file an application to use his/her land for one or more of the special uses authorized within the zoning district. A property owner may only propose a special use for property under his/her control.

C. Authority

The Metropolitan Planning Commission shall take formal action on requests for special use permits.

D. Application Process

1. Action by Executive Director

All applications for a special use permit must be filed with the Executive Director in accordance with the requirements in Section 15.1 (Application). The Executive Director shall take the following actions upon submittal of an application:

- a. Once it is determined that the application is complete, the Executive Director shall review and provide a summary of the proposed special use permit and shall also include staff comments and a recommendation regarding the application and proposed special use permit.
- b. The Executive Director shall then schedule the application for consideration by the Metropolitan Planning Commission.

2. Action by Metropolitan Planning Commission

- a. After receipt of a complete application, summary, and staff comments, including a recommendation from the Executive Director, the Metropolitan Planning Commission shall consider the special use permit application at a public hearing in accordance with Section 15.3 (Public Hearing). Notice for the public hearing must be in accordance with Section 15.2 (Notice).
- b. The Metropolitan Planning Commission must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section and shall take any of the following actions: approval, approval with conditions, or denial of the application for a special use permit.
- c. Decisions on a special use permit are not final until the Metropolitan Planning Commission acts concerning the special use permit application. Within ten days of the date the action is taken, the applicant or any aggrieved person may appeal the decision to the City Council.

~~3. Action by City Council~~

- ~~a. The City Council will affirm, overrule, or modify any action of the Metropolitan Planning Commission on the appeal of an action with respect to a special use permit for properties within the boundaries of the City of Shreveport.~~
- ~~i. The City Council must act on the application within 90 days unless the City Council grants additional consideration time before the 90 day period has expired.~~
- ~~ii. If the City Council does not act upon the application within 90 days, the application is deemed denied unless the City Council grants additional consideration time before the 90~~

~~day period has expired.~~

~~iii. Any action by the City Council on an appeal will be by motion or resolution and does not require an ordinance.~~

**~~b. Conditions~~**

~~The Metropolitan Planning Commission may impose, and, on appeal, the City Council may impose, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use permit as may be deemed necessary for the protection of the public health, safety, and welfare.~~

**E. Approval Standards**

The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each special use permit must be evaluated on an individual basis, in relation to all applicable standards of this Code. ~~Such evaluation will determine whether approval of the special use permit is appropriate at the particular location and in the particular manner proposed. In considering each special use permit application, the Metropolitan Planning Commission or, on appeal, the City Council will review the overall compatibility of the proposed special use with surrounding property as well as such specific items, including but not limited to, screening, parking, and landscaping to make sure that the impact of the special use is minimal and that little or no adverse effects occur to nearby property.~~

The Metropolitan Planning Commission or, on appeal, the City Council must ~~consider the following development standards and design specifications. The approval of~~ make findings to support their decision, regarding a special use permit, is based on a balancing of these development standards and design specifications ~~the following criteria:~~

- ~~1. The establishment, maintenance, and operation of the proposed special use will not endanger the public health, safety, or welfare.~~
- ~~2. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.~~
- ~~3. The special use in the specific location proposed is consistent with this Code.~~
- ~~4. The special use conforms to the regulations of the zoning district where it will be located.~~
1. The design, location, and operating plans must be such that the public health, safety and/or welfare is protected.
2. The proposed special use is compatible with the general land use of adjacent properties and other property within 300 feet.
3. The special use conforms to the regulations of the zoning district where it will be located.
4. The location and dimensions of all public rights-of-way on or abutting the proposed special use.
5. Existing and proposed vehicular and pedestrian circulation systems; including streets, alleys, walkways, service areas and loading areas, the location and arrangement of off-street parking areas and all points of vehicular entrance and exit.
6. The outdoor surfacing and paving for all parking and loading areas.
7. The proposed perimeter treatment of the property, with indication of screening materials to be used, including fences, walls, and plants, together with a description of uses, setbacks and the relationship to surrounding areas.

**EXHIBIT E to Ordinance No. 06 of 2019**

8. A landscape plan showing proposed treatment of the areas designated as either buffers or open space.
9. The location and dimensions of all existing and proposed easements and public improvements on the site.
10. The location and size of all structures, distances between buildings, and distances from structures to property lines.
11. The location and description of all signage, including facade signs on buildings.
- 1.12. The proposed use of all structures and their dimensions, i.e., height, floor areas, entrances, and loading areas.

**F. Conditions**

The Metropolitan Planning Commission or, on appeal, the City Council may impose conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use permit as may be deemed necessary with the intent of minimizing the impact on nearby properties for the protection of the public health, safety, and welfare.

All conditions required for a special use permit must be complied with before any part of the use can be occupied.

**G. Violations**

Violation of any term, condition, requirement, or duration of a special use permit approved under this division is unlawful, and will constitute a violation of this Code, and will subject the violator to the penalties set forth in Article 19 (Enforcement). In addition, the special use permit may be revoked or suspended by the City Council due to such violation, following public hearings by the Metropolitan Planning Commission and the City Council.

**G.H. Modifications to Approved Special Uses**

**1. Administrative Modifications to Approved Special Use Permits**

The Executive Director may approve the following administrative modifications to an approved special use permit when it is determined by the Executive Director that such changes are in substantial conformance with the approved special use. Any changes considered a minor or major modification, as defined in this section, cannot be approved as an administrative modification. No notice is required for an administrative modification. Administrative modifications are as follows:

- a. A change of ownership or name of the business.
- b. Changes required during construction when related to final engineering issues such as topography, drainage, underground utilities, or structural safety.
- c. Changes in building design, including building materials that continue to meet the requirements of this Code and any conditions of the final plan approval.
- d. Any additions or enlargements to a structure where the area devoted to a special use is increased by less than 10%.
- e. The modification of existing accessory structures or the addition of new accessory structures related to the special use when in conformance with the requirements of this Code. This does not include the addition or modification of any outdoor service components, which are considered a minor modification.
- f. A reduction in the amount of bicycle or vehicle parking spaces so long as the remaining number of spaces is in conformance with the requirements of this Code.

- g. The modification of existing signs or the addition of new signs related to the special use when in conformance with the requirements of the sign regulations.

**2. Minor Modifications to Approved Special Use Permits**

The Metropolitan Planning Commission, at a public meeting, may approve the following minor modifications to an approved special use permit when it is determined by the Metropolitan Planning Commission that such changes are in substantial conformance with the approved special use.

- a. Any additions or enlargements to a structure where the area devoted to a special use is increased by 10% up to a maximum of 25%.
- b. The addition or modification of new outdoor service components, such as seating or dining areas.
- c. Modifications to the approved landscape plan that result in a reduction of the total amount of plant material from that shown on the approved special use permit.

**3. Major Modifications to Approved Special Use Permits**

The Metropolitan Planning Commission or, on appeal, the City Council may approve any other changes to an approved special use permit that do not qualify as an administrative modification or minor modification. Proposed major modifications to an approved special use permit must follow the process for approval of a new special use permit of this section.

**G.I. Term and Expiration of Special Use Permit**

**1. Term.**

A special use permit is approved indefinitely unless otherwise specified by the Metropolitan Planning Commission or, on appeal, the City Council.

**2. Expiration.**

A special use permit approval expires if any one of the following events or circumstances conditions occurs ~~and no request for an extension of the special use permit approval is pending.~~

- a4.** When an approved special use is changed to or replaced by another use.
- b2.** For new construction or additions or enlargements to an existing structure, the special use permit approval expires within 180 days of the date of approval if a building permit has not been issued.
- c3.** For special uses within existing structures or on lots where no structure is planned, the special use permit approval expires within 180 days of the date of approval if the licenses or permits required for the operation or maintenance of the use have not been obtained.

**JH. Appeals**

**1. Appeals of Metropolitan Planning Commission Decision**

Within ten (10) days after the date of the decision for a special use permit by the Metropolitan Planning Commission, the applicant or any aggrieved party may appeal to City Council.

**2. Appeals of City Council**

Within thirty (30) days after the date of the decision by City Council on the appeal, regarding a special use permit, the applicant or any aggrieved party may appeal the City Council decision regarding the special use permit to Caddo Parish Civil District Court.

**K. Appeal Process**

**1. Initiation**

**a. Applicant or Any Aggrieved Party.**

The applicant or any aggrieved party may appeal a Metropolitan Planning Commission decision regarding a special use permit. All appeal documents and fees must be filed with the Metropolitan Planning Commission Office.

**b. Fees.**

i. The applicant, if appealing the decision, shall be responsible for payment of an appeal fee in accordance with Article 21 (Fees).

ii. Any other aggrieved party, if appealing the decision, shall not be required to pay an appeal fee.

**c. Deadline.**

The applicant or any aggrieved party who wants to appeal the decision must file the appeal documents and pay the associated fees with the Metropolitan Planning Commission Office no later than 5:00 p.m. on the 10th calendar day following the date of decision by the Metropolitan Planning Commission.

**2. Action by Executive Director**

The Executive Director shall forward any filed appeal along with the Metropolitan Planning Commission's Staff Report and the Metropolitan Planning Commission's decision regarding the special use permit to the Clerk of Council no later than the next business day following the receipt of said appeal.

**3. Action by Clerk of City Council**

a. The clerk of council shall acknowledge in writing the receipt of any appeal from an applicant or any aggrieved party.

b. Upon receipt of an appeal the Clerk of Council shall place the appeal on the City Council's agenda pursuant to City Council Rules of Procedure Section 1.5.

c. The Clerk of Council shall mail notice not less than three (3) calendar days before the City Council meeting to the following:

i. Applicant filing an appeal.

ii. Any aggrieved party filing an appeal.

iii. Metropolitan Planning Commission through its Executive Director, and

iv. Any person requesting in writing notice of the appeal.

**4. Action by City Council**

a. Upon the receipt of a copy of the filed appeal via placement on the City Council's Agenda the City Council will follow this Code and the City Council Rules of Procedure in review and action on the appeal. This Code prevails over any conflicting provisions in the City Council Rules of Procedure.

i. The City Council must act on the appeal within 90 days unless the City Council grants additional consideration time before the 90 day period has expired.

ii. If the City Council does not act upon the appeal within 90 days or grant the additional consideration time before the 90 day period has expired, the appeal is deemed denied and the Metropolitan Planning Commission decision is affirmed.

**EXHIBIT E to Ordinance No. 06 of 2019**

- b. The City Council shall take action on the appeal of a Metropolitan Planning Commission decision in one of the following ways: affirm, modify or overrule/reverse.
- c. Any action by the City Council on an appeal will be by motion or resolution and does not require an ordinance.

  - i. **Simple Majority Vote.** The City Council may render its decision on an appeal of a special use permit with a simple majority vote by a quorum of its members.
  - ii. **Tie Vote.** In the event of a tie vote by a quorum of the City Council members the Metropolitan Planning Commission's decision shall be deemed affirmed.