

## 16.4 ADMINISTRATIVE SPECIAL USE PERMIT

An applicant may seek the Executive Director's approval of an Administrative Special Use Permit (ASUP) for any use identified as "A" in Table 5-1: USE MATRIX, pursuant to the standards and procedures outlined in this section.

### A. Procedures for Administrative Special Use Approval

1. An applicant for an ASUP shall file an application with the Executive Director on such forms and subject to such procedures as the Executive Director may establish for the purpose.
2. Applications for an administrative special use permit may include a Neighborhood Participation Plan (NPP) report. If an applicant chooses to participate in the Neighborhood Participation Plan, the application for an administrative special use permit will not be deemed complete until all required NPP documents are submitted to MPC staff. All requirements for the NPP program are described in Section 15.4 (Neighborhood Participation Plan).
3. Notice of a pending ASUP application shall be made in a newspaper of general circulation in the city, posted on the subject property, given to nearby civic, business, and /or neighborhood associations by email or equivalent electronic notice, and prominently posted on the MPC's web page on a list of pending ASUP applications for review by the public. Such notice shall be given at least 21 days prior to the approval of an ASUP application. The public may submit comments to the Executive Director regarding the application.
4. The application shall be reviewed for compliance with all approval standards as described in Section 16.3.H.2 below.
5. As an alternative to an ASUP approval, an applicant may choose to seek special use permit approval pursuant to [section 16.3](#) of this article.
6. After review the Executive Director may approve, approve with conditions, or deny the application. An approval by the Executive Director shall be deemed to have the force and effect of a Special Use Permit.
7. At any time during the review process for an ASUP, the Executive Director may determine that an administrative approval is not appropriate and that special use permit approval shall be required if the proposal will not be compatible with the adjacent and surrounding properties, if the applicant fails to meet the standards for the permit, or if the applicant fails to consent to the conditions of the administrative permit.
8. In the event any person, whether owner, leasee, principal, agent, employee or otherwise, materially fails to comply with any administrative special use standard of this subsection, the Executive Director may suspend or revoke the administrative special use approval in whole or in part and on such terms and conditions as deemed necessary to effect the cure of such failure. The applicant may appeal this suspension or revocation to the City Council.

### B. Administrative Special Use Approval Standards

1. The listing of a use as an administrative special use within a zoning district does not constitute an assurance or presumption that such administrative special use will be approved. Rather, each administrative special use permit must be evaluated on an individual basis, in relation to all applicable standards of this Code. In considering each administrative special use permit application, the Executive Director or, on appeal, the City Council will review the overall compatibility of the proposed administrative 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 administrative special use is minimal and that little or no adverse effects occur to nearby property.
2. The Executive Director or, on appeal, the City Council must consider the following development standards and design specifications. The approval of an administrative special use permit is based on a balancing of these development standards and design specifications:

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.
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.
12. The proposed use of all structures and their dimensions, i.e., height, floor areas, entrances, and loading areas.

**C. Conditions**

1. The Executive Director or, on appeal, the City Council may impose conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the administrative 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.
2. All conditions required for an administrative special use permit must be complied with before any part of the use can be occupied.

**D. Violations**

Violation of any term, condition, requirement, or duration of an administrative special use permit approved under this section 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.

**E. Minor Modifications to Approved Administrative Special Uses**

The Executive Director may approve the following minor modifications to an approved administrative special use permit when it is determined by the Executive Director that such changes are in substantial conformance with the approved administrative special use. No notice is required for an administrative modification. Minor modifications are as follows:

1. A change of ownership or name of the business.

2. Changes required during construction when related to final engineering issues such as topography, drainage, underground utilities, or structural safety.
3. Changes in building design, including building materials that continue to meet the requirements of this Code and any conditions of the final plan approval.
4. Any additions or enlargements to a structure where the area devoted to a special use is increased by less than 10%.
5. 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.
6. 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.
7. 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.
8. 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%.
9. The addition or modification of new outdoor service components, such as seating or dining areas.
10. 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.

**F. Major Modifications to Approved Administrative Special Use Permits**

Proposed major modifications to an approved administrative special use permit must follow the process for approval of a new special use permit of this section.

**G. Term and Expiration**

**1. Term**

An administrative special use permit is approved indefinitely unless otherwise specified by the Executive Director or, on appeal, the City Council.

**2. Expiration**

An administrative special use permit approval expires if any one of the following events or circumstances occurs:

- a. When an approved administrative special use is changed to or replaced by another use.
- b. For new construction or additions or enlargements to an existing structure, the administrative special use permit approval expires within 180 days of the date of approval if a building permit has not been issued.
- c. For administrative special uses within existing structures or on lots where no structure is planned, the administrative 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.

**3. Appeals of an Administrative Special Use Approval**

- a. Within ten (10) days after the date of the decision for an administrative special use permit by the Executive Director, the applicant or any aggrieved party may appeal to City Council, by filing a notice of appeal, in writing, stating the grounds on which the aggrieved party is affected and the grounds of appeal, with the City Clerk.

- b. The City Council shall conduct a public hearing on any administrative SUP appeal filed pursuant to this section. Following the conclusion of the hearing, City Council may affirm, reverse or modify the decision of the Executive Director, or vacate the decision and remand the matter to the Metropolitan Planning Commission or the Executive Director for further consideration.
- c. Within 30 days after the date of the decision by City Council on the appeal, regarding an administrative special use permit, the applicant or any aggrieved party may appeal the City Council decision to Caddo Parish Civil District Court.

FIGURE 16-4: ADMINISTRATIVE SPECIAL USE PERMIT

### Administrative Special Use Permit

