

Conditional Use Permits

What are Conditional Uses?

Conditional uses are those uses which are generally compatible with the uses permitted in a zoning district, but require individual review of their location, design, and intensity in order to ensure their appropriateness on a particular parcel of land and the compatibility of the use with adjacent uses. Conditional Use Permits (CUP) maybe granted for those conditional uses enumerated in each of the zoning districts established in the Unified Development Code (UDC) pursuant to the standards and procedures of the UDC. The standards established for each conditional use are found in the specific zoning district regulations.

What is the purpose of a CUP?

A CUP may permit, after a public hearing and approval by the Planning Commission, uses which may be desirable or even essential to a particular community, but are not allowed as a matter of “right” within a particular zoning district. The CUP allows for flexibility within a zoning ordinance to consider these uses and tailor the site plan on a case-by-case basis, carefully looking at the land use and the mitigation of any anticipated problems that may arise. This enables a municipality to control certain uses which could have detrimental effects on the community if allowed “by-right.”

What standards are used in reviewing a CUP?

A zoning ordinance typically contains provisions for which specific uses require CUP’s in particular zoning districts and any specific standards associated with those uses. An applicant for a CUP must accept and agree to comply with all of conditions or standards of the UDC, unless a specific waiver is requested and granted, and any other conditions of approval that may have been attached during the Planning Commission review.

Baton Rouge Conditional Use Standards

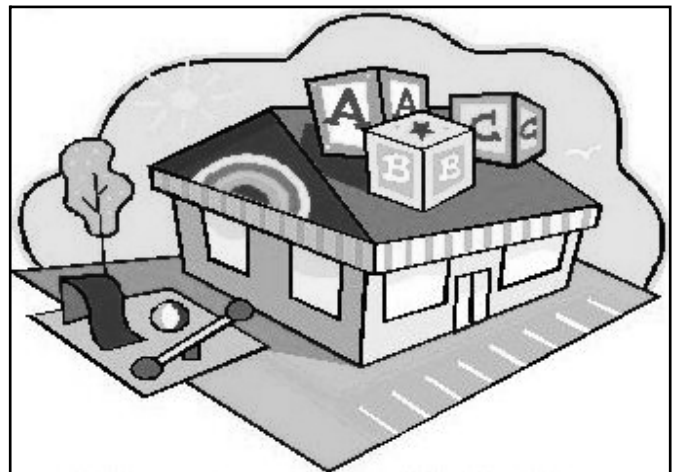
The following standards are applicable to all conditional uses as specified in UDC Section 8.106A. A conditional use permit shall be granted only if the Planning Commission deems the requested use to be in the public interest and that the applicant demonstrates that all specific conditions for each use are met and:

1. The design of the proposed development minimizes adverse effects, including visual impacts, of the proposed

use on adjacent properties;

2. The proposed use will not unduly burden essential public infrastructure and services including roadways, existing parking spaces, police and fire protection facilities, drainage systems, refuse disposal, water and sewers, and schools; and
3. The proposed use will not allow land or building usage that is incompatible with existing character or usage of the neighborhood.

How is a CUP issued?



A childcare center is an example of a Conditional Use

Issuance of a CUP is governed by UDC Section 8.106B. That section states:

1. Conditional uses shall be reviewed and approved or denied by the Planning Commission in accordance with the provisions of this subsection (UDC Section 8.106B).
2. A written application for a conditional use permit shall be submitted to the Office of the Planning Commission with the fee established by the Planning Commission.
3. A conditional use permit application shall include a detailed site plan including all items indicated on the site plan checklist and shall follow the public notification procedures for a rezoning application.
4. The Planning Commission shall conduct a public hearing on all conditional use permits.
5. Notwithstanding any other provision of this ordinance, at the Metropolitan Council meeting following the decision

of the Planning Commission any member of the Metropolitan Council may introduce an appeal of the decision of the Planning Commission, failure to appeal will make the Planning Commission decision final. If the Metropolitan Council introduces the appeal of the conditional use, the item shall be heard at the next regularly scheduled Metropolitan Council Zoning Meeting. Failure to introduce the conditional use will make the Planning Commission decision final.

6. No conditional use permit for construction or license for occupation shall be issued by the City-Parish until all appeals periods have expired.
7. Filing and distribution of the Conditional Use Site Plan is required.

During construction of a conditional use, adjustments to the approved use may be allowed pursuant to UDC Section 8.106C. A conditional use permit may be amended, extended, varied, or altered only pursuant to the standards and procedures for approval in Sections 8.106B or C.

A CUP may be revoked for violation of any condition imposed upon such approval. The procedure for revocation of a CUP is found in Section 8.106E.



A Religious Institution is an example of a Conditional Use

Construction of the conditional use is required to begin within one (1) year of its approval by the Planning Commission, and must be completed and a Certificate of Occupancy obtained by the applicant within eighteen (18) months of approval. If

the applicant incurs delays beyond his or her control, a six (6) month extension may be granted by the Planning Commission. Failure to commence construction during that period will automatically render the CUP null and void.

Failure to obtain an Occupancy Permit within two (2) years of approval shall automatically render the CUP null and void. A permit for a CUP authorizes only the particular use for which it was issued as shown on the approved site plan and such permit shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of one (1) year. If a building, the use of which is governed by a CUP, is damaged or destroyed to an extent of more than sixty (60) percent of its fair market value by fire, explosion, act of God, or the public enemy, then any restoration shall follow the time limits for construction of a CUP.

Finally, if a petition for a CUP on a particular piece of property is denied, any potential future applicant must wait at least one (1) year or longer from the date of the denial to file a

petition for a CUP on the property. If a CUP is denied a second time, any potential applicant must wait at least two (2) years from the date of denial to file another CUP application.

Examples of Conditional Uses in Baton Rouge

- Bed and Breakfasts
- Cemeteries/Mausoleums
- Childcare Centers
- Commercial Stables and Equestrian Facilities
- Educational, Religious, and Philanthropic Institutions
- Snowball Stands
- Wireless Transmitting and Receiving Facilities
- Animal Hospitals



Equestrian Facilities are examples of Conditional Uses

CUPs are a valuable planning tool because they give a municipality greater flexibility in balancing the mitigation of the impacts of development with identified community interests as well as preserving surrounding land uses. Overall, CUPs allow a municipality to maintain control of the development process.

A completed application for a CUP must be submitted to the Office of the Planning Commission. Applications can be obtained at the Office or on the Planning Commission Website.

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