



CONDITIONAL USE

Conditional Use. A conditional use is a special activity, operation or improvement that is proposed within a building, a development, or on a site, which is allowed by the regulations of the zoning district in which it is located, subject to obtaining conditional use approval.

Conditional uses require a site plan review process with notification of surrounding property owners and a public hearing before the Zoning Commission. Site plan review of conditional uses is intended to ensure that the conditional use does not result in a nuisance and that it is safe, harmonious, and compatible with the environment, the neighborhood, and the existing nearby land uses. Site plan review may include, but is not limited to, consideration of the landscaping, lighting, fencing, screening, potential odor generation, hours of operation, traffic, drainage, building design characteristics, use of materials, finished grade lines, dimensions, and orientation and location of main and accessory buildings. The site plan submitted shall include illustrated examples of proposed building elevations, exterior building materials, and exterior surface colors.

One example of a conditional use is the establishment of an automobile service station on a site located in a B-2 Light Business District. In this case, conditional use approval through the site plan review process is required to ensure that the operation of the service station does not result in noise, light/glare and odor impacts to the surrounding environment.

The development shall be in accordance with the site plan approved. The Zoning Commission may, after public hearing and review, vote to allow the conditional use, deny the conditional use, or impose such additional conditions as it deems appropriate.

Planning & Zoning Commission shall forward their recommendation for any Planned Unit Development (PUD) approvals, cell towers, and extension of any utility service by the city beyond its corporate limits to the Board of Aldermen for final consideration.



Planning & Zoning Application

FOR OFFICE USE ONLY

CASE NO.: _____

DATE SUBMITTED: _____

APPLICATION: _____

TO ENSURE EFFICIENT PROCESSING OF YOUR APPLICATION, PLEASE MAKE SURE THIS FORM AND ALL SUPPLEMENTAL INFORMATION REQUESTED IS COMPLETED IN ITS ENTIRETY. ALL REQUIRED MATERIALS MUST BE SUBMITTED BY DEADLINES PER ATTACHMENT. THIS WILL INSURE COMPLIANCE WITH ZONING ORDINANCE REQUIREMENTS AND STATE PLANNING AND ZONING STATUTE NOTICE PROCEDURES. ALL FEES MUST BE MADE PAYABLE TO THE CITY OF RUSTON AND ACCOMPANY THIS APPLICATION.

Check the appropriate requested action:

- Rezoning Conditional Use Permit Minor Plat
 Preliminary Plat Final Plat Temporary Mobile Home Permit
 Other _____

PROPERTY (LAND) OWNER:

NAME _____

AUTHORIZED REPRESENTATIVE (IF APPLICABLE) _____

STREET ADDRESS _____ CITY _____

STATE _____ ZIP CODE _____ E-MAIL ADDRESS _____

PHONE NUMBER _____ FAX NUMBER _____

DEVELOPER INFORMATION: (IF APPLICABLE)

NAME _____

AUTHORIZED REPRESENTATIVE (IF APPLICABLE) _____

STREET ADDRESS _____ CITY _____

STATE _____ ZIP CODE _____ E-MAIL ADDRESS _____

PHONE NUMBER _____ FAX NUMBER _____

PROPERTY INFORMATION:

ADDRESS AND LOCATION _____

PARCEL NUMBER _____ CURRENT ZONING _____

ADDITIONAL INFORMATION

DESCRIPTION OF PROPOSED USE / REQUEST: (ATTACH ADDITIONAL PAGES AS NEEDED)

Property Owner – Signature
(Or Authorized Representative)

Date

Print Name

Developer (If Applicable) – Signature
(Or Authorized Representative)

Date

Print Name

CITY OF RUSTON – EFFECTIVE FEBRUARY 4, 2008

FEES FOR ZONING OR PLANNING SERVICES, APPLICATIONS, APPEALS, AND PERMITS PURSUANT TO SECTION 29-4 OF THE CODE OF ORDINANCES OF THE CITY OF RUSTON, LOUISIANA

Service	Fee
Zoning Actions:	
Re-zoning Application	\$300
Conditional Use Permit	a. new use - \$300 b. existing use - \$100 c. w/concurrent rezoning - no fee d. Temporary Mobile Home Permit - \$300
Zoning Verification Letter or Forms	\$50 per lot
Home Occupation Permit/Renewal	\$100
Nonconforming Use Permit	No Charge
Wireless/Cell Tower permit	\$500
Revocations	\$300
Resubmission	\$100
Board of Adjustment	Variances - \$300
Board of Adjustment	Appeals - No Charge
Subdivision Actions:	
Single Lot Division or Consolidation of Lots	\$100 per lot created
Minor subdivision	\$100 per Lot
Conceptual/ Preliminary Plat application and public hearings for Major Subdivision, PUD, or Mobile Home Park plan review.	\$300
Construction Permit for Major Subdivision, PUD, or Mobile Home Park plan review.	\$25 per Lot
Final Plat for Major Subdivision, PUD, or Mobile Home Park plan review:	No Charge

CITY OF RUSTON
2019 Submittal Deadline Dates

The following shows the deadlines applicants must meet in order to be considered for placement on the agenda for the Planning & Zoning Commission meetings. The filing deadline is 4:00 p.m. on the designated days shown.

Planning & Zoning Commission Meeting 5:30 P.M. 3rd Monday	Commission Meetings Submittal DEADLINE By 4:00 P.M.	Advertising Dates
*January 22, 2019	December 17	January 4, 11, 18
February 18	January 22	February 1, 8, 15
March 18	February 18	March 1, 8, 15
April 15	March 18	March 29, April 5, 12
May 20	April 22	May 3, 10, 17
June 17	May 20	May 31, June 7, 14
July 15	June 17	June 28, July 5, 12
August 19	July 22	August 2, 9, 16
September 16	August 19	August 30, September 6, 13
October 21	September 23	October 4, 11, 18
November 18	October 21	November 1, 8, 15
December 16	November 18	November 29, December 6, 13
*January 21, 2020	December 16	January 3, 10, 17

*** Meeting will be held on Tuesday because of a holiday**

If you have any questions or comments, please contact Emily Allement (ecallement@ruston.org) at 318.251.8640.

6.0 Development Procedures

6.1 SITE PLAN REVIEW

1. **Statement of Purpose.** This Section is intended to establish procedures and standards for the review of Site Plan applications as here in prescribed. This Section is further intended to insure a thorough evaluation of a site and the potential impacts on public health, safety and welfare in relationship to the City Master Plan, drainage, utilities, natural resources, traffic patterns, adjacent parcels, landscaping and signs.

The site plan review standards and procedures provide an opportunity for the Zoning Administrator and Planning and Zoning Commission to review a proposed use in terms of site preparation and grading, building footprint, parking supply and design, service areas, easements, access points, vehicular and pedestrian traffic flow, landscape design, relationship to adjacent uses, adequacy of utilities, stormwater management, placement of signs and lighting fixtures, preservation of significant natural features and aesthetics. This Section is also intended to assist the City in ensuring that buildings, structures, and uses are in conformity with the provisions of this zoning ordinance, other ordinances of the City, and state or parish or federal statutes.

2. **Uses Requiring Site Plan Review.** Site Plan Review shall be required for the following (see also Section 6.2.5, Exceptions):
 - A. Development of vacant property;
 - B. Any change of use in land or building to a different occupancy or type or to a more intensive use, as determined by the Planning and Zoning Department, that may involve substantial change in such features as parking, traffic flow, structural amenities, hours of operation, public services, effluent discharge, drainage provisions or that may entail substantial alteration of an important physical aspect of the site;
 - C. Prior to the issuance of any Conditional Land Use Permit;
 - D. Any building containing three or more dwelling units;
 - E. Remodeling or altering an existing structure that increases the building footprint or increases the interior or leaseable floor area by ten percent (10%) in any twenty-four (24) month period;

- F. A change is made from a non-conforming use to a conforming use;
 - G. Where the costs of remodeling and/or additions exceed fifty percent (50%) of the appraised value of the existing building(s) and said existing building(s) never previously received site plan approval;
 - H. Establishment of any new use requiring a new structure or requiring an off-street parking lot or other significant improvement as determined by the Planning and Zoning Department;
 - I. Where site plan review is otherwise required by this or other ordinances of the City.
3. **Exceptions.** Site Plan review is not required for the following:
 - A. Construction, reconstruction, erection or expansion of a single-family or two-family dwelling on a single lot or parcel;
 - B. Placement of a manufactured home within an approved mobile home/manufactured housing park;
 - C. Construction of permitted farm buildings or structures;
 - D. Permitted accessory buildings and structures accessory to a single family or two-family dwelling in any zoning district;
 - E. Family day care homes, foster family homes and foster family group homes in any zoning district;
 - F. Adult foster care family homes;
 - G. Construction solely on the building interior that does not increase usable floor area or parking and loading requirements; and,
 - H. Construction or erection of signs, retaining walls, fences, buffer walls, refuse storage stations, sidewalks, antennae, lights, poles, cooling/heating or other mechanical equipment, when located on a building or structure which conforms to the standards of this Ordinance.
 4. **Site Plan Review Procedures**
 - A. The site plan review process follows a two-step process including preliminary plan review and final site plan review. Once a final site plan has been approved, an applicant may proceed with the construction review and approval process.
 - B. **Optional Conceptual Plan Review.** The applicant may request review of a

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Conceptual Plan by the Zoning Administrator and/or the Planning Commission prior to submittal of a complete Preliminary Site Plan. The Zoning Administrator may in his or her discretion present the proposed Conceptual Plan to the Planning Commission for its review and comment and a public hearing, but with no vote by the Commission. The purpose of a Conceptual Plan is to permit the applicant to obtain comments on the potential location of buildings, points of egress and ingress to the site, and an indication of other likely improvements necessary to facilitate the preparation of the preliminary site plan and any other matter relevant to the proposed development. Generally, the submittal should include the building footprint, general parking lot layout, location of driveways, conceptual grading, conceptual landscaping and similar items. The direction and comment given to an applicant during a Conceptual Plan Review is non-binding and shall be void after six (6) months from the time such is given, but no vote or other action will be taken by the Commission.

- C. **Application.** Any person with legal interest or a representative in a lot or parcel may apply for review of a site plan by filing completed application forms and copies of required site plan contents with the Zoning Administrator.
- D. **Initial Staff Review of Preliminary Site Plan.** The Zoning Administrator shall review the application and preliminary site plan submittal to determine if the preliminary site plan application is complete. If the Administrator determines that the applications and exhibits are inadequate, the Administrator shall advise the applicant in writing of the revisions needed to comply with the requirements of this Section and the Administrative Rules.
- E. **Submittal to City Departments and Consultants.** Once a preliminary site plan submittal is found to be complete, the Department shall submit a copy to the following:
 - i. **City Staff and Consultants.** A complete application shall be submitted for review by City Staff and Consultants. Any written comments shall be forwarded with the application to the Planning and Zoning Commission. The applicant shall receive a copy of all reviews.

- ii. **Department of Public Works.** A complete application will be forwarded to the Department of Public Works for a utilities capacity review, as follows:
 - a. The Department of Public Works shall determine whether or not there is water and sewer capacity for the proposed project.
 - b. If the Department of Public Works determines that capacity is available for the proposed project, it shall send a memorandum stating such availability to the Zoning Administrator.
 - c. If the Department of Public Works determines that capacity is not available for the proposed project, the applicant may request that the project be placed on the agenda of the Board of Aldermen for an infrastructure review.
 - d. The Board of Aldermen shall make a final determination of capacity. If the Board of Aldermen finds that there is not adequate utility capacity, the applicant must revise the project to conform with available capacity or terminate the site plan review process.

F. Preliminary Site Plan Review

- i. Preliminary site plans are valid for one (1) year from the date of approval. One extension of up to six (6) months may be granted by the Approving Authority .
- ii. For all uses requiring non-administrative site plan review, the approving body for preliminary site plan review shall be as follows:
 - a. All principal permitted uses: Zoning Administrator
 - b. The Zoning Administrator may, at his/her discretion, administratively approve or forward to the Zoning Commission conditional use applications for Multi-Unit Commercial developments on tracts of three (3) or more acres in Core Mixed Districts, Core Edge Districts or Core Highway Districts
 - c. All conditional uses: Planning and Zoning Commission



- iii. The Planning and Zoning Commission shall review the preliminary site plan for compliance with the standards of this ordinance and other appropriate ordinances and statutes, and take one of the following actions:
 - a. Table action and request that the applicant revise the site plan or provide additional documentation or information; or
 - b. Approve the site plan, by a majority vote upon finding that applicable ordinance standards are met and the impact upon surrounding areas and City Master Plan is considered negligible; or
 - c. Approve the site plan with conditions which the Planning and Zoning Commission determines are reasonable and necessary to achieve conformance with applicable ordinances and laws with such conditions listed on the motion and noted on the site plan; or
 - d. Make a recommendation to the Board of Aldermen for all PUD's; or
 - e. Deny the site plan upon a determination the site plan does not meet the standards, spirit and intent of this zoning ordinance and other appropriate ordinances and statutes. The applicant must then revise the plans and resubmit the revised site plan if she/he is still interested in pursuing the project.
- G. Final Site Plan Approval.** The Zoning Administrator and the City Departments shall review the final site plan application and submittal to determine if the application is complete. Approval of the final site plan shall be under the activity of the Zoning Administrator unless the Planning and Zoning Commission (or Board of Aldermen for PUDs) requests a plan be brought back for final approval.
- i. For final site plans is submitted to the Planning and Zoning Commission, the approving body shall take one of the following actions:
 - a. Table action and request the applicant revise the site plan or provide additional documentation or information; or
 - b. Approve the site plan upon finding that applicable ordinance standards are met and the impact upon surrounding areas and Master Plan is considered negligible; or
 - c. Approve the site plan with conditions which the approving body determines are reasonable and necessary to achieve conformance with applicable ordinances and laws with such conditions listed on the motion and noted on the site plan; or
 - d. Deny the site plan upon a determination the site plan does not meet the standards, spirit and intent of this zoning ordinance and other appropriate ordinances and statutes.
- H. Implementation and conditions of final site plan approval.**
- i. The Zoning Administrator shall provide the applicant with a signed and dated copy of the approved final site plan, specifying any conditions of approval. One (1) copy shall be filed with the Planning and Zoning Department to ensure compliance. Where a final site plan is approved with conditions, the conditions shall be listed in the motion and noted on the site plan, with the signature of the Zoning Administrator. The applicant shall submit a revised site plan to the Planning and Zoning Department within 6 months of conditional approval being granted that incorporates the conditions imposed by the approving body prior to the issuance of any building permits.
 - ii. The revised site plan must be in compliance with any Zoning Ordinance amendments or adoptions that had been enacted between the time of conditional approval and the submission of the revised site plan.
 - iii. The Zoning Administrator shall have the authority to sign the site plan as the final approved site plan upon determination that the conditions and requirements have been met.



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I. **Issuance of building permits.**

- i. Upon approval of a final site plan, the Zoning Administrator will notify the Building Department in writing that they may proceed with review and approval of Building Permit and Construction Drawing Applications.
- ii. If the Planning and Zoning Commission deny a change or amendment to a site plan, any building permits issued pursuant to, or conditioned on that change or amendment to a site plan, shall be revoked until such time as the requirements for approval of the site plan by the approving body have been met.

L. **Site inspection.** The Zoning Administrator and/or the Building Department may make periodic investigations of developments with approved site plans. Non-compliance with required conditions shall allow the Zoning Administrator and/or the Building Department to take necessary enforcement actions.

5. **Required Information.**

A. Site plan review is intended to ensure that a use does not result in a nuisance and that it is safe, harmonious, and compatible with the environment, the neighborhood, and the existing nearby land uses. Site plans are a required part of applications for certain property improvements within the City of Ruston, including conditional uses. Some factors to be considered in the site plan review process include:

- i. Zoning restrictions at the time of the proposal;
- ii. The Ruston 21 Land Use Plan
- iii. Compatibility with neighborhood in use and appearance;
- iv. Effect of development on public services, including power, water, wastewater, and storm water systems;
- v. Effect of development on traffic, safety, and the provision of emergency services;
- vi. Environmental impact of the proposed development;
- vii. Visual impact of the proposed development.

B. Minimum site plan requirements. Site plans shall include at least the following:

- i. Name and address of the owner of record of the property, the applicant, and the name of the person preparing the site plan;
 - ii. A legal description or survey of the property;
 - iii. Date, north arrow; and a scale no smaller than one inch = 100 feet;
 - iv. Property lines with dimensions and total acreage or square footage of the site;
 - v. Front, side and rear yard setbacks;
 - vi. Location, exterior dimensions, square footage, height, and orientation, of the proposed structures;
 - vii. Intended uses of the proposed structures;
 - viii. Location and dimensions of existing structures, including setback distances from property lines and the distances between structures;
 - ix. Location and dimensions of existing and proposed driveways;
 - x. Location and description of fencing, walls and other screening;
 - xi. Landscape plan;
 - xii. Location, amount and type of proposed lighting;
 - xiii. Location of existing or proposed streets within or abutting the property;
 - xiv. Location, grade, description, and dimensions of all existing and proposed paved surfaces, including parking and loading areas.
- C. Additional site plan requirements. Applicants are required to consult with planning and zoning staff as to additional details which may be required before submittal. Depending upon location, size, or complexity of the proposed development or use, additional information may be required, including, but not limited to the following:
- i. Description of operational elements, including hours of operation, potential odor generation, and noise control;
 - ii. Building design characteristics, including use of materials, height, and finished grade lines. The applicant may be required to include illustrated examples of proposed building elevations, exterior building materials, and exterior surface colors;



- iii. Existing and proposed easements, servitudes and dedications;
 - iv. Location and size of existing and proposed utilities, which may include water, fire hydrants, sanitary sewer, storm sewer, electrical, and other utilities;
 - v. Location of any special flood hazard areas (flood zones), streams, bodies of water or wetlands within or adjacent to the site;
 - vi. A drainage plan, in conformance with requirements of Chapter 24 of the Code of Ordinances;
 - vii. Traffic circulation, parking and sidewalk plan;
 - viii. Location of open and/or public space;
 - ix. Plans and proposed methods of erosion control for the development;
 - x. Location of all existing and proposed outdoor trash collection areas, and methods of screening these areas;
 - xi. Location and type of all existing and proposed signs; signs are also subject to requirements of Section 5.11.
 - xii. Contours of the existing and proposed ground surface at specified intervals, not to exceed five feet;
 - xiii. Location and specifications for any existing or proposed above ground or below ground storage facilities for any chemical, salts, flammable materials or hazardous materials;
 - xiv. Site plans may be required to be signed and sealed by a certified surveyor or professional of record.
6. **Standards for Reviewing Site Plans.** The standards for a Site Plan Review shall be pursuant to this Zoning Ordinance, the Building Code, the Planning and Zoning Commission's regulations, other City Ordinances, Parish Regulations, and Federal and State statutes.
- A. Building relationships. Buildings and structures will meet or exceed setback standards, height and other dimensional standards, and be placed to preserve environmentally sensitive areas. Maximum building and lot coverage (impervious surface ratios) are consistent with the district standards. Any accessory buildings or structures (garages, decks, fences, etc.), will meet the standards of this ordinance.
 - B. Impact on surrounding land uses and zoning. The proposed site plan will be harmonious with, and not harmful, injurious, or unreasonably objectionable to, existing and planned future uses in the immediate area. The proposed development will be coordinated with improvements serving the subject property and with the other developments in the vicinity. Required screening and landscaping is provided.
 - C. Views and building elevations. Placement and height of buildings, structures and parking shall preserve existing views of lakes, woodlands and other significant visual resources to the greatest extent reasonable. Proposed architecture shall complement the character of the surrounding area.
 - D. Preservation of wetlands. Regulated wetlands are preserved or modified in an acceptable manner.
 - E. Floodplain Standards. Any uses proposed in a 100 year floodplain will meet federal, state and local standards.
 - F. Stormwater management and soil erosion control. The development will not substantially reduce the natural retention storage capacity of any watercourse, thereby increasing potential for flooding. Provisions have been made to accommodate stormwater, which complements the natural drainage patterns and wetlands, prevents erosion and the formation of dust. On-site storage or sedimentation ponds may be required to reduce or filter stormwater runoff. Stormwater runoff on paved areas will be collected at intervals, but will not obstruct the flow of vehicular or pedestrian traffic, create standing water or cause unnecessary erosion of soil or other material.
 - G. Preservation of topography. The site plan demonstrates judicious efforts to preserve the integrity of the land, existing topography and natural drainage patterns. Grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.



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- H. Greenbelts, landscaping and screening. Greenbelts required along public street frontage and required trees within parking lots are provided. The amount, type and minimum size of landscaping meets ordinance standards and are properly labeled and identified in a plant list. Trees and shrubs native to Louisiana should be used where appropriate.
 - I. Traffic impacts and mitigation. Traffic impacts are addressed in the Impact Study, if required. Improvements such as turn lanes, deceleration lanes or a traffic signal are planned, where warranted.
 - J. Access and circulation. Proposed driveways meet design and spacing standards of the ordinance. Streets and parking lots are designed to promote safe, convenient, uncongested and well defined vehicular and pedestrian circulation. Access to the site is designed to minimize conflicts between vehicles and pedestrians, and with traffic using adjacent streets and driveways. Shared access or service/frontage drives are used where appropriate.
 - K. Emergency vehicle access. Adequate access will be provided for emergency vehicles to the site and all buildings or groups of buildings, and has been approved by the Fire Department. Secondary access may be required by the City upon recommendation by the Fire Department, Public Works Director and/or Zoning Administrator.
 - L. Parking and Loading Spaces. The number and dimensions of off-street parking and loading/ unloading spaces, the design and setbacks of parking and loading areas and the number of barrier free spaces, meets the standards of this ordinance.
 - M. Waste receptacles. Waste receptacles (dumpsters, compactors and individual recycle stations) meet the standards of this ordinance.
 - N. Site lighting. Site lighting fixtures are designed to direct lighting within the site. The height and intensity of fixtures meets the standards of this ordinance.
 - O. Signs. Proposed signs meet the standards of this ordinance and are generally complementary with surrounding signs and traffic operations.
 - P. Storage of potentially hazardous materials or waste. Information has been provided to help insure compliance with regulations pertaining to hazardous waste storage and handling to minimize adverse affects on adjacent properties, the lakes, wetlands, and drinking water. Uses utilizing, storing or handling hazardous material have provided, where required, secondary containment facilities and provide documentation of compliance with state and federal regulations, as required.
 - Q. Utilities. The development provides adequate sanitary sewer, either through on-site septic systems, connections to public or publicly approved sewer facilities, or by providing separate sewer facilities. New utility distribution lines will be placed underground wherever feasible. The proposed utilities have been approved by the Public Works Director.
 - R. Conditional Uses. If the proposed project involves one or more Conditional Land Uses, any site related standards of Article 4 are met.
 - S. Phasing. Any phases of development are in logical sequence so that any phase will not depend upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.
 - T. Agency Coordination. The applicant has demonstrated the site plan meets the standards of other government agencies, where applicable.
- 7. Validity of Approved Final Site Plan.**
- A. Approval of the final site plan is valid for a period of twelve (12) months. If actual physical construction of a substantial nature of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, and if a written request for extension of the approval has not been submitted by the applicant, the approval of the preliminary or final site plan shall be deemed null and void.



- B. Upon written application, filed prior to the termination of the twelve (12) month review period, the approving body may authorize a single extension of the time limit for approval of a final site plan for a further period of not more than one (1) year. Such extension shall only be granted based on written evidence from the applicant that construction of the project has been delayed by factors beyond the reasonable control of the applicant and that construction of the project is likely to proceed within the extension period.

8. Fees and Costs.

- A. The City may establish site plan review fees to be paid by the applicant to the Planning and Zoning Department.
- B. Bonding Requirements. The Planning and Zoning Commission or Board of Aldermen may require the deposit of a performance bond in the form and amount of cash, certified check, irrevocable letter of credit, or surety bond determined by the Planning and Zoning Department, to assure the timely, qualitative and quantitative completion of any public improvements shown on the site plan, particularly when they are to be performed by a date certain. The Planning and Zoning Department shall make rebates against such bond, in appropriate amounts, as specified stages of development are completed.

Any rebates shall be subject to the withholding of ten percent (10%) of the amounts by the City. Such ten percent (10%) retainage shall be released by the Planning and Zoning Department upon the applicant's final satisfactory completion of all bonded conditions.

Failure of the applicant to complete the stated improvements by the relevant date (s) certain shall require the forfeit of surety up to the amount determined by the Planning and Zoning Department as necessary for the City to complete the required improvements. Upon the applicant's completing the required conditions of approval and paying for such required improvements, and the City being reimbursed for all such costs, if there are any remaining funds, or credit, in the performance bond, said remaining surety/bond/funds/etc. shall be remitted to the applicant.

9. Deviations from Approved Site Plan.

For all major or minor site plan amendments, any homeowner's or condominium association registered with the Clerk shall be notified of any site plan amendment(s) proposed to occur within the boundaries of the association of said development, whether it encompasses a subdivision, planned unit development, condominium or site condominium development.

Minor changes to the approved final site plan may be approved by the Planning and Zoning Department without requiring a resubmittal to the Planning and Zoning Commission or Board of Aldermen, as applicable, provided that the applicant or property owner notifies the Planning and Zoning Department of any proposed amendment to such approved site plan prior to making said change on the site and the Planning and Zoning Department determines the proposed revision does not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan. For purposes of interpretation, the following shall be considered minor changes:

- A. The size of structures may be reduced, or increased by up to five percent (5%) provided the overall density of units does not increase.
- B. Movement of a building or buildings by no more than ten (10) feet which does not significantly alter other aspects of the site.
- C. Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one or greater basis.
- D. Improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
- E. Changes of building materials to another of higher quality, as determined by the Planning and Zoning Department.
- F. Changes in floor plans which do not alter the character of the use.
- G. Slight modification of sign placement or reduction of size.
- H. Changes required or requested by the City, Parish, state or federal agency for safety reasons.
- I. Situations similar to the above.

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10. Property Maintenance After Approval.

It shall be the responsibility of the owner of a property for which final site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

11. Appeals of Final Site Plan. Any person aggrieved by the decision of the Planning and Zoning Commission or Board of Aldermen in granting or denial of a site plan approval shall have the right to appeal the decision to the Board of Adjustment.

- A. The appeal shall be filed with the Clerk within five business days of the final decision by the Planning and Zoning Commission or Board of Aldermen. The appeal shall state the aggrieved parties' grounds for appeal.
- B. The filing of an appeal of a decision of the Planning and Zoning Commission concerning a site plan shall act to stay any building permit issued for improvements on the property, which is the subject of the appeal.
- C. On hearing such appeal, the Board of Adjustment shall review the record before the Planning and Zoning Commission or Board of Aldermen and shall determine whether or not there was support on the record for the original decision. The appellant shall not have the right to present new evidence. The Board of Adjustment shall approve the site plan if the requirements of this zoning ordinance, other applicable City ordinances and applicable state and federal statutes are met, and prepare written findings on its decision on the appeal.
- D. An appeal of a Board of Adjustment decision concerning a site plan shall be to a court of jurisdiction.

12. Revocation. Approval of a final site plan may be revoked by the Planning and Zoning Commission if construction is not in conformance with the approved plans. In such case, the site plan shall be placed on the agenda of the Planning and Zoning Commission for consideration and written notice shall be sent to the applicant at least ten (10) days prior to the meeting. The Zoning Administrator, Building Official, applicant and any other interested persons shall be given the opportunity to present information to the Planning and Zoning Commission and answer questions. If the Planning and Zoning Commission finds that a violation exists and has not been remedied prior to the hearing, then it shall revoke the approval of the final site plan.

(Amended by Ord. No. 1686, § 17, 6-11-2016)

6.2 CONDITIONAL USES

Conditional Uses. Conditional uses require approval of a conditional use permit through the following process:

- 1. Site plan review. Conditional uses require site plan review, as set forth in section 6.1.
- 2. Process. Conditional uses require an initial meeting with city zoning staff to determine the completeness of the application and the type of approval necessary.
 - A. Planning and Zoning Commission approval. If staff determines that the application should proceed to the Planning and Zoning Commission for a public hearing and a review of the proposed use, the following apply: If the use includes the extension of any utility service by the city beyond its corporate limits, as provided in section 27-2, the applicant shall submit evidence that a copy of the conditional use permit application was provided to the Administrator of the Lincoln Parish Police Jury, and any comments by the administrator regarding such application.
 - B. Standards for Approval
 - i. The proposed conditional land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.



- ii. The proposed use shall be a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child- vehicle interfacing.
 - iii. The proposed use shall be designed as to the location, size, intensity, site payout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
 - iv. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
 - v. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the City.
 - vi. The proposed use is appropriate at the proposed location.
 - vii. The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will be protected.
 - viii. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.
- C. If the Planning and Zoning Commission approves, conditionally approves or denies the application, the Planning and Zoning Commission shall forward its action to the Zoning Administrator. PUD Approvals must go before the Board of Aldermen for final action.
- 3. Amendments to conditional use permit.
 - A. Minor amendments. The Zoning Administrator may administratively authorize minor amendments to an approved conditional use when such amendments appear necessary in light of technical or engineering considerations. Such amendments shall be consistent with the intent of this ordinance and the approved conditional use and shall be the minimum necessary to overcome the particular difficulty. Minor amendments may include the following:
 - i. Change of ownership or name of proprietor, while maintaining the same or similar use.
 - ii. Minor change of landscaping elements.
 - iii. Minor changes to lighting, signs, or screening.
 - iv. Minor relocation of buildings, lot lines and/or easements.
 - v. Minor parking changes.
 - vi. Minor relocation of internal access and circulation.
 - vii. Minor grade alterations to the satisfaction of city engineering requirements.
 - viii. Minor relocation of points of access which will improve traffic circulation on adjacent public streets as determined by city engineering requirements.
 - B. Major amendments. Any amendments not classified as minor amendments, or which in the opinion of the Zoning Administrator constitute major amendments, or which in the discretion of the Zoning Administrator require consideration by the planning commission, shall be subject to the permit application process.

- 1** Purpose and Introduction
- 2** Definitions
- 3** Zoning Districts
- 4** Use Standards
- 5** Site Standards
- 6** Development Procedures
- 7** Admin and Enforcement



4. Expiration of conditional use permit. Construction, in accordance with the approved conditional use permit, shall commence within one year of the date of issuance of said permit. Failure to commence construction within that period shall automatically render the conditional use permit null and void. Prior to the expiration of a conditional use, a one-year extension may be granted by the planning commission.

After the conditional use expires, no building permit or certificate of occupancy may be issued for that use until a new conditional use application has been reviewed and approved in accord with the criteria and procedures outlined in this section.

A conditional use permit authorizes only the particular use for which it was issued as shown on the approved site plan and permit. A conditional use permit shall automatically expire and become null and void if such authorized use shall, for any reason, be discontinued for a period of one year.

5. Expansion of Approved Conditional Uses. The city zoning staff may administratively approve the proposed use if the following conditions met:

A. The proposed conditional land use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.

B. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved.

C. The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.

D. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses.

6. **Appeals of Conditional Use Permit.** Any person aggrieved by the decision of the Planning and Zoning Commission in granting or denial of a conditional use permit shall have the right to appeal the decision to the Board of Aldermen.

A. The appeal shall be filed with the Clerk within five business days of the final decision by the Planning and Zoning Commission. The appeal shall state the aggrieved parties' grounds for appeal.

B. The filing of an appeal of a decision of the Planning and Zoning Commission concerning a conditional use permit shall act to stay any building permit issued for improvements on the property, which is the subject of the appeal.

C. On hearing such appeal, the Board of Aldermen shall review the record before the Planning and Zoning Commission and shall determine whether or not there was support on the record for the original decision. The appellant shall not have the right to present new evidence.

D. An appeal of a Board of Aldermen decision concerning a conditional use permit shall be to a court of jurisdiction.



Conditional Use Provisions

Address		
Proposed Use		
Applicant		
Contact Person		
Telephone Numbers		
Zoning		
Future Land Use		
Date of Application		
Date of Design Review (if applicable)		
Zoning Commission Public Hearing Date		
Date of Final Approval or Denial		Permit No.

Conditional uses shall be in accordance with a site plan approved through the process set forth in Chapter 29 of the Code of Ordinances and shall reflect all approved building and operational elements. The Zoning Commission after completing site plan review, shall forward to the Board of Aldermen its recommendations regarding the conditional use, including but not limited to, that development shall be in accordance with the site plan approved. The Board of Aldermen may, after public hearing and review, vote to allow the conditional use, deny the conditional use, impose such additional conditions as it deems appropriate, or remand to the Zoning Commission for further consideration of the conditions to be imposed. Site plan review of conditional uses is intended to ensure that the conditional use does not result in a nuisance and that it is safe, harmonious, and compatible with the environment, the neighborhood, and the existing nearby land uses. Site plan review may include, but is not limited to consideration of the following building and operational elements:

	Element	Conditions
1.	Dimensions	
2.	Orientation	
3.	Location of Main Buildings	
4.	Location of Accessory Buildings	
5.	Setback, Front	
6.	Setback, Rear	
7.	Setback, Side	
8.	Building Design Characteristics	
9.	Use of Materials	
10.	Finished Grade Lines	
11.	Other Building Conditions	
12.	Hours of Operation	
13.	Potential Odor Generation	
14.	Noise Control	
15.	Outside sales or storage	
16.	Other Operational Conditions	
17.	Traffic	
18.	Driveways	
19.	Parking	
20.	Landscaping	
21.	Screening	
22.	Fencing	
23.	Lighting	
24.	Signs	
25.	Drainage	
26.	Other Site Conditions	
27.		
28.		
29.		
30.		

_____ Date

Charles Jimerson, Chairman
Ruston Zoning Commission

_____ Date

Applicant