

## CONDITIONAL USE ZONING

### What is Conditional Use Zoning?

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 uses may be granted for those conditional uses enumerated in each of the zoning districts established in the Unified Development Code (UDC) with the standards and procedures of the UDC and the standards established for each conditional use in the district regulations.

### What is the purpose of Conditional Use Zoning?

The purpose of zoning is to regulate development in such a way as to separate conflicting zoning purposes and land uses and to thoughtfully join complimentary land uses. However, it is sometimes necessary to make allowances for interim zoning instances that try to “fill the gap” in the developmental growth of a neighborhood or region. These conditional uses or temporary zoning instances protect the integrity of the underlying zoning while permitting certain land uses that otherwise would not be allowed. For example: If the underlying zoning of a particular neighborhood is residential, the conditions should be justifiable to protect against the intrusion that a nonresidential use will create. Once the specific conditions of the use are established, their purpose should be to protect the primary use of the neighborhood by limiting the use.

Another application for a ‘Conditional Use’ Zoning would be a ‘special use’, which may be desirable or even essential to a particular community, but which is not allowed as a matter of right within a zoning district. Conditional Use Zoning allows for flexibility within a zoning ordinance to consider these special uses and tailor the zoning on a case-by-case basis, carefully looking at the land use and anticipated problems that may arise. This enables a municipality to control certain uses which could have detrimental effects on the community or allowing other uses that, under certain specific conditions, may be permitted.

### What standards are commonly used in reviewing Conditional Use Zoning?

A zoning ordinance may contain provisions for conditional uses that may be allowed, allowed with conditions, or denied in certain zoning districts, based on compliance with standards and criteria set forth in the zoning ordinance for those uses. An applicant for a ‘Conditional Use’ permit must accept and agree to comply with all of the conditions or standards of the permit.

### Baton Rouge Conditional Use Standards

The following standards are applicable to all conditional uses under the City- Parish Unified Development Code. 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:

- The design of the proposed development minimizes adverse effects, including visual impacts, of the proposed use on adjacent properties;
- 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
- The proposed use will not allow land or building usage that is incompatible with existing character or usage of the neighborhood.



Childcare centers are examples of Conditional Use.

## What is the application process to receive Conditional Use Zoning under the City-Parish Unified Development Code (UDC)?

- Conditional uses are reviewed and approved or denied by the Planning Commission in accordance with the provisions of the Unified Development Code.
- A written application for a conditional use permit is submitted to the Office of the Planning Commission with the fee established by the Planning Commission.
- A conditional use permit application includes a detailed site plan including all items indicated on the site plan checklist and follows the public notification procedures for a rezoning application.
- The Planning Commission conducts a public hearing on all conditional use permits.

*Conditional Use permits generally do not go to the Metropolitan Council for review unless a member of the Metropolitan Council appeals the decision of the Planning Commission.*

- Notwithstanding any other provision of the UDC, 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 will be heard at the next regularly scheduled Metropolitan Council Zoning Meeting. Failure to introduce the conditional use will make the Planning Commission decision final.
- No conditional use permit for construction or license for occupation will be issued by the City-Parish until all appeal periods have expired.
- Filing and distribution of the Conditional Use Permit Site Plan is required.



Religious institutions are examples of Conditional Use.

## Examples of Conditional Use Zoning in Baton Rouge

- bed and breakfast
- cemeteries/ mausoleums
- childcare centers
- commercial horse stables and equestrian facilities
- educational, religious, and philanthropic institutions
- snowball stands
- wireless transmitting and receiving facilities
- respite care center



Equestrian facilities are examples of Conditional Uses.

Conditional Use Zoning is valuable as a planning tool because it gives a municipality greater flexibility in balancing developmental demands against fiscal and environmental concerns. It also provides a municipality with flexibility to meet specific rezoning requests while preserving the integrity of surrounding land uses. Overall, Conditional Use Zoning allows a municipality to maintain greater control over the development process.

A completed application for a Conditional Use Permit must be submitted to the office of the Planning Commission. Applications are available at the office or on the Planning Commission website (see below.)

### For more information contact:

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