

Exhibit D - Acadiana Regional Airport P1 Zoning Regulations



ZONING REGULATIONS

March 8, 2011

**ARTICLE I
ZONING REGULATIONS**

GENERAL

SECTION 1-0 TITLE.

This chapter shall be known as and cited and referred to as, the Iberia Parish Zoning Ordinance.

SECTION 1-1 AUTHORITY AND JURISDICTION.

These regulations are adopted under authority granted by the Constitution and laws of the State of Louisiana, the provisions of the Charter and Ordinances of Iberia Parish, and the Louisiana Revised Statute 33:4780.40, Zoning Regulations for Parishes, as amended.

The zoning regulations shall be effective throughout all unincorporated portions of Iberia Parish with the exception of lands under the authority and jurisdiction of agencies of the State and Federal Government.

SECTION 1-2 PURPOSE AND INTENT.

The purpose of this Ordinance is to promote the health, safety, morals, property, and general welfare of the citizens of Iberia Parish. It is the general intent of this Ordinance to regulate the use of land and structures, regulate and restrict lot coverage, population distribution and density, to promote the safety and efficiency of the streets and highways, secure safety from fire and flooding, provide adequate light, air, sanitation and drainage, and in general, to provide a better quality of life for the residents of the Parish by allowing for better compatibility of land uses in the Parish.

SECTION 1-3 ABROGATION AND GREATER RESTRICTIONS.

In accordance with La. Revised Statute 33:4780.49, Conflicting Regulations, Higher Standards to Apply, it is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. However, whenever this Ordinance imposes greater restrictions, this Ordinance shall govern.

SECTION 1-4 SEVERABILITY.

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance (regulations) shall, for any reason, be held to be unconstitutional by any court, such decision shall not affect the validity of the remaining portions of this Ordinance which shall remain in full force and effect.

SECTION 1-5 EFFECTIVE DATE.

This Ordinance shall become effective on May 1, 2009 upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter. For a period of Ninety (90) days from May 1, 2009, there shall be a waiver of all fees related

to the process for petitioning revisions of zoning classifications, while all other provisions of said process shall remain in full force and effect.

SECTION 1-6 DEFINITIONS .

All words used in this Ordinance shall be defined by their customary meaning unless specifically defined herein. When in conflict, the specifically defined meaning herein shall prevail over the customary meaning. Words used in the present tense include the future, and the plural includes the singular: the word lot includes the word plot; the word building includes the word structure; the word shall is intended to be mandatory.

ACCESSORY BUILDING means a subordinated building, or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

ACCESSORY USE means a subordinate use which serves as an incidental function to the principal use of building located on the same lot occupied by the main use.

ALLEY means a public or private street which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

ALTERATION (STRUCTURAL) means changes other than incidental repairs that would change the supporting members of a building such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

APARTMENT means a room or suite of rooms with toilet and culinary facilities designed for use as living quarters for a single family.

BAR (LOUNGE) means an establishment wherein the main source of revenue (50% +) is the sale of alcoholic beverages which are customarily served on the premises.

BOARD OF ADJUSTMENT means a nine-member Board comprised to authorize variances, hold public hearings, and decide appeals with respect to alleged errors in the enforcement or the interpretation of the Zoning Ordinance.

BUILDING means any structure having a roof supported by columns or by walls and intended for protection of shelter of person, animals, or property of any kind. When separated by a firewall, each part of such structure separated shall be deemed a separate building.

BUILDING AREA means the total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, drives, and uncovered parking.

BUILDING HEIGHT means the vertical distance as measured from the established or lot grade to the highest part of the roof.

BUILDING SETBACK means the area between a lot line and a setback line in which no portion of the building or other obstructions are permitted except as allowed in this Ordinance.

CHURCH (OR OTHER HOUSE OF WORSHIP) means a building wherein persons regularly assemble for any type of officially recognized religious services or accessory activities.

COMPATIBLE USE means a use which is capable of existing in harmony with other uses situated in its immediate vicinity.

CONDOMINIUM means any land or building and parts of a building thereon which would normally be used by all the occupants such as yards, foundations, basements, floors, walls, hallways, stairways, elevators, and all other related common elements together with individual ownership of a particular unit or apartment in such building.

DAY CARE means any establishment providing care of four (4) or more children or adults, during the day, but not to exceed twenty-four (24) hour periods.

DIRECTOR OF PLANNING AND ZONING means the person appointed by the Iberia Parish President as the Director of Planning and Zoning (or another designated individual) to perform the administrative functions of this Ordinance.

DISTRICT means any section of Iberia Parish in which the zoning regulations are uniform is known as a district.

DRIVE – IN ESTABLISHMENT means an establishment which accommodates patrons in vehicles from which the occupants may purchase goods or services which may be consumed or utilized on the premises. Such establishments may also serve patrons inside the building.

DRIVE-THRU ESTABLISHMENT means an establishment designed so as to accommodate patrons to purchase goods or services from a vehicle, the consumption or utilization of which shall be off premises. Such establishments may also service patrons inside the building.

DWELLING, MULTIPLE FAMILY means a multi-family dwelling is a building designed as a residence for two (2) or more families living independently of each other.

DWELLING, SINGLE-FAMILY means a detached building designed as a residence for one (1) family, which is constructed on-site on a permanent foundation.

FAMILY means one (1) or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit, or a group of not more than four (4) single persons living together by joint agreement and occupying a single housekeeping unit on a non-profit basis. Domestic servants residing on the premises shall be considered part of the family.

HAZARDOUS WASTE means a solid waste or combination of solid wastes, which because of quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or in increase in serious, irreversible, or incapacitating reversible illness; or pose a substantial present or potential hazard to human health, or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, as defined by the Louisiana Hazardous Waste Management Plan.

HAZARDOUS WASTE FACILITY means a facility which collects, separates, stores, disposes, treats, or recovers hazardous waste which is not produced or manufactured on the site.

HOME OCCUPATION – See Article VII.

IBERIA PARISH REGIONAL PLANNING COMMISSION means the nine-member commission which oversees compliance with Parish Planning and Zoning Regulations and makes recommendations to the Iberia Parish Council.

JUNK YARD means the use of any lot or portion thereof, whether inside or outside a building, for the storage, keeping, or abandonment of junk, including scrap metals or other scrap materials, or the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof.

KENNEL means a kennel is any premises on which three (3) or more animals are maintained, boarded, bred, or cared for in return for remuneration, or are kept for the purposes of sale.

LINE, RIGHT-OF-WAY means a line that is the boundary or dedication line of a street.

LOT means a parcel of land occupied or capable of being occupied by one (1) building and the accessory building or uses customarily incidental to it, and including such open space as required by this Ordinance.

MANUFACTURED HOME (MOBILE HOME) means a dwelling unit which is transportable in one (1) or more sections and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, and air conditioning, and electrical systems contained therein.

MODULAR HOME means they are built using all of the same characteristics of a conventionally built home including the use of the Structural Insulated Panels or SIPs and are classified as real property.

They are not built on frames, instead are built using Engineered Lumber and/or Truss systems designed to meet or exceed the International Residential Codes (IRC) and International Building Code (IBC) as well as all local and state codes. Homes are delivered by a specifically designed trailer and once the modular structure has reached its destination, it is set in place either by crane or rail system. The homes can be set either on Pier or Beams, Chain Wall or Slab. Since there is no tongue, axles or frame to remove, the home is considered a permanent structure. Modular homes can be built utilizing designs that are intended to reflect all characteristics of the neighborhood while provided for modest, high quality houses. The purchase, conveyance, and financing (or refinancing) of the property, which must be evidenced by a valid and enforceable first lien mortgage or deed of trust that is recorded in the land records, must represent a single real estate transaction under applicable state law.

NON-CONFORMING USE means a structure of land lawfully occupied by a use that does not conform to the regulation of the zoning district in which it is situated.

PRINCIPLE USE means the primary purpose or function that a lot or structure serves or is intended to serve.

SEXUALLY ORIENTED BUSINESS means any business designed to provide sexual gratification or sexual stimulation to the customer by offering of a service or selling or renting sexual devices or other items. Examples include, but are not limited to, adult bookstores, adult video stores, or adult movie theaters. Medical and licensed psychological professionals are excluded from the definition.

SOLID WASTE means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial mining, and agricultural operations, and from community activities.

**ARTICLE II
ADMINISTRATION**

SECTION 2-0 DUTIES OF THE DIRECTOR OF PLANNING AND ZONING.

The Planning Director or designated representative's duties shall include, but are not limited to:

- (1) Receive and process all petitions to amend the Zoning Ordinance.**
- (2) Prepare recommendations for review by the Planning and Zoning Commission, Board of Adjustment, and Parish Council.**
- (3) Represent the Planning and Zoning Commission at all public hearings.**
- (4) Maintain all records and minutes of the Planning and Zoning Commission and Board of Adjustment.**
- (5) Maintain a set of up-to-date zoning maps and zoning text.**
- (6) Issuance of Certificates of Zoning Compliance. There shall be no change in the use of occupancy of land, or of an existing building, or any new building, until a certificate of zoning compliance has been issued stating that the proposed use of the building, or land, complies with the provisions of this Ordinance. Applications for a certificate of zoning compliance shall be made simultaneously with the application for a building permit.**

SECTION 2-1 IBERIA PARISH REGIONAL PLANNING AND ZONING COMMISSION.

The provisions of Chapter 19, Article II of the Iberia Parish Compiled Ordinance shall be applicable to this Chapter.

SECTION 2-2 FUNCTIONS OF THE BOARD OF ADJUSTMENT.

The Iberia Parish Regional Planning and Zoning Commission shall also act as the Board of Adjustment.

- (1) Functions. The Board of Adjustment shall perform the following functions:**
 - a. Authorize variances to this Ordinance, after an appropriate public hearing, when an undue hardship would be placed on the property owner should such variance not be allowed with respect to allowable land uses.**
 - b. Hold public hearings, when there is an alleged error in the enforcement of these regulations by the Director of Planning and Zoning, or the designated parish official authorized to enforce the Ordinance. If the Board of Adjustment feels such error has occurred, it has the authority to correct such action.**
 - c. Hold public hearings and decide appeals with respect to the interpretation of the text of this Ordinance by the Director of Planning and Zoning.**
- (2) Organization. The Board of Adjustment will operate under a set of by-laws adopted as a sub-section of the by-laws of the Iberia Parish Planning and Zoning Commission. Included will be a provision, that the officers of the Board of Adjustment shall be separate from the officers of the Planning and Zoning Commission.**

SECTION 2-3 IBERIA PARISH COUNCIL.

All actions of the Iberia Parish Regional Planning and Zoning Commission and the Board of Adjustment are subject to review by the Iberia Parish Council, as outlined in this Ordinance, or in the Iberia Parish Home Rule Charter.

**ARTICLE III
DEVELOPMENT REGULATIONS**

SECTION 3-0 ZONING DISTRICTS AND MAPS ESTABLISHED.

For the purposes of promoting the public health, safety, morals, and general welfare of the population, the unincorporated area of Iberia Parish is hereby divided into the following types of zoning districts:

A-1	AGRICULTURAL DISTRICT
R-1	SINGLE FAMILY RESIDENTIAL DISTRICT
R-2	MIXED RESIDENTIAL DISTRICT
R-3	MULTI-FAMILY RESIDENTIAL DISTRICT
R-4	MANUFACTURED (MOBILE) HOME PARK DISTRICT
C-1	COMMERCIAL (NEIGHBORHOOD SHOPPING) DISTRICT
C-2	COMMERCIAL (GENERAL BUSINESS)
I-1	INDUSTRIAL DISTRICT
TND	TRADITIONAL NEIGHBORHOOD DEVELOPMENT

The boundaries of said districts are shown on a map, which has been properly attested and placed on file with the Iberia Parish Clerk of Court. This zoning district map, together with all notations, references, and other information thereon, is made a part of the this chapter and has the same force and effect as if fully set forth or described herein.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning district map, the following rules apply:

1. Where district boundaries are indicated as following streets, highways, or alleys, the center lines of such streets, highways, or alleys shall be construed to be such boundaries.
2. Where the land has been or may hereafter be divided into blocks and lots and where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. In the un-subdivided property, the district boundary lines on the zoning district map shall be determined by use of the scale appearing on the map.
4. Where the boundary follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

All areas which are under water and not shown as included within any district shall be subject to all of the regulations of the district adjacent to the water area.

SECTION 3-1 PERMITTED USES OF BUILDINGS OR LAND.

No building or land shall hereafter be used, and no building or part thereof shall be erected, moved, or structurally altered unless in conformity with the regulations herein specified in this Ordinance for the district in which it is located. An exception is allowed for buildings, legally non-conforming as to use, that are destroyed by vandalism, fire, storms or other acts of God, provided the restoration is accomplished with no increase in cubical content and no increase in floor area over the building existing immediately prior to damage. A second exception allowable is that any land use allowed in a more restrictive district is allowed in a less restrictive district with R-1 being considered the most restrictive and I-1 being the least restrictive.

(a) Uses not specifically listed as allowable:

If a proposed use is not listed, or if clarity is needed regarding its proper classification as to what type of zoning district it belongs in, the Director of Planning and Zoning, or other designated official, shall make an official determination as to the appropriate district for the land use. This decision may be appealed to the Board of Adjustment for the final determination as to the appropriate district for the use to be located. If a text amendment is required; the normal procedure for amendment of the Ordinance is to be followed.

(b) Uses automatically requiring a special use/conditional use permit:

(1) The following uses always require a special use/conditional use permit

(See Article VIII):

Airport, heliport, any landing strip (land or water)

Communication/telecommunication towers

Hazardous waste disposal, handling, and processing storage

Junk and salvage yards and other similar activities

Pipelines

Sanitary Landfills

Sexually-oriented businesses

(2) Any other uses specifically noted in this Ordinance as requiring a special use/conditional use permit.

(3) Use of property permitted under this Section must commence (issuance of building permit is considered commencing) within one (1) year from the date of approval unless extended by the Iberia Parish Council.

SECTION 3-2 DEVELOPMENT STANDARDS.

(a) Size and Location of Buildings – Except as hereinafter provided, no building shall hereafter be erected or altered to:

- a. Exceed the allowable height 32 as specified in each designated zoning district;**
- b. Accommodate or house a greater number of facilities;**

- c. Occupy a greater percentage of lot area; or
 - d. Have narrower, or smaller, rear yards, front yards, side yards, inner or outer courts than is specified herein for the district in which such building is located.
- (b) **Yard Area** – No part of a yard, or other open space, required about any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building.
- (c) **One Building to a Lot** – Every building erected, reconstructed, converted, moved, or structurally altered shall be located on a lot of record and in no case shall there be more than one main building on one lot unless otherwise provided for in this section.
- (d) **All land uses shall adjoin a parish maintained public right-of-way, excluding:**
 - a. Where the Iberia Parish Council has authorized a plat to be recorded authorizing a private road;
 - b. Where a subdivision plat has been recorded as dedicated, but not accepted or maintained by the Parish prior to the adoption of subdivision regulations of the Parish;
 - c. Where a right-of-way has been dedicated and accepted by the Parish, but has not been constructed; and
 - d. Where a private road is needed to provide access when a family subdivides property for immediate family members. Immediate family is defined as spouse, children or step-children, mother or father, mother-in-law or father-in-law, sister or brother, sister-in-law or brother-in-law, son-in-law or daughter-in-law, grandparents or step-grandparents, or grandchildren or step-grandchildren. At the discretion of the section of Planning and Zoning, proof of relationship may be required.

**ARTICLE IV
ZONING DISTRICTS AND REGULATIONS**

SECTION 4-0 DISTRICTS AND REGULATIONS.

(A) Zoning District A-1 (Agricultural)

Permitted Uses – Ambulance substation, animal hospitals and kennels; boat landing, houses and docks; cemetery and/or mausoleum (if adjacent to and affiliated with church or other house of worship); church (or other house of worship); commercial stable and riding school; farms and farm-related buildings; fish hatchery; lumbering; nurseries (horticultural) and greenhouses; public and private schools (elementary and secondary only); public (government or special purpose district) uses; wetlands and other conservation areas; wildlife preserves.

Accessory Uses – Roadside stands for sale of agricultural products, at least half of which are grown on premises. Off road parking shall be provided for all employees and customers and the stand shall be set back at least twenty (20) feet from all property lines and road rights-of-way. The stand shall not be more that 300 square feet in size.

Permitted Uses by Special Use/Conditional Use Permit: Airports; beekeeping; blacksmithing; communication towers; farm implement repair; extractive related industries (ethanol or other bio-fuels production, fish processing, meat processing, sawmill, sugarcane processing); oil and gas exploration; oil and gas pump transfer stations; outdoor shooting range; temporary seasonal fruit and vegetable sales.

Requirements Specific to A-1 (Agricultural District):

- (1) An area zoned A-1 must comprise at least 25 acres. Smaller acreage is allowable only by following the Special Use/Conditional Use Permit procedure as outlined in this Ordinance (Article VIII).**
- (2) Residential Restrictions. Each landowner is allowed one single-family dwelling (including manufactured (mobile) home or modular home) on his/her property. Two additional dwellings are allowable. Any additional dwellings, subject to the state criteria, require a Special Use/Conditional Use Permit.**
 - a. Housing for farm employees is allowed with the following restrictions:**
 - i. The farm is at least 25 acres; and anything less than 25 acres must prove that it is economically viable; and**
 - ii. It is only used to house farm laborers.**
 - b. Minimum lot size – See R-1 requirements**
 - c. All Board of Health, Sewer District, and any other applicable Parish regulations must be strictly adhered to as to placement and number of dwellings.**
 - d. Maximum height – 32 feet**

- e. Yard requirements: Front yard – 20 feet; Side yard – 5 feet on each side from property line or 10 feet between structures; and Rear yard – 10 feet

(B) Zoning District R-1 (Single – Family Residential)

Permitted Uses – Single-family detached dwellings (one (1) per lot); home occupations (See Article VII); community recreation facilities (park, playground, pool, tennis courts); modular homes.

Permitted Uses by Special Use/Conditional Use Permit: Bed and breakfast homes; cemetery or mausoleum (if adjacent to and associated with a church or other house of worship); church (or other house of worship); communication towers; community and group homes; public and private elementary and secondary schools.

Prohibited Uses: Manufactured (mobile) Homes

Permitted Signs: On-premise signs shall be prohibited except as allowed for home occupations (See Article VII).

Requirements Specific to R-1 (Single-Family Residential)

- (1) Maximum building height – 32 feet (two and one-half floors).**
- (2) Minimum Lot Areas**
 - a. **Seventy-five (75) feet wide and a total surface area of not less than 10,000 square feet with an effluent reduction field (mechanical plan with public or community water).**
 - b. **Seventy-five (75) feet wide and a total surface area of not less than 12,000 square feet with an effluent reduction field (mechanical plant without public or community water). Private well must be a minimum of fifty (50) feet from all components of the sewer system.**
 - c. **Seventy-five (75) feet wide and a total surface area of not less than 22,5000 square feet (septic tank with or without public or community water). The septic tank and all components must be a minimum of fifty (50) feet from a water well.**
 - d. **Fifty (50) feet wide and a total surface area of not less than 6,000 square feet (private community sewer system or public sewer system with public water, community water or private well).**
- (3) Sewer and water mains shall be laid in separate trenches not less than six (6) feet apart horizontally when installed in parallel.**
- (4) Yard requirements: Front yard – 20 feet; Side yard – 5 feet on each side from property line or 10 feet between structures; and Rear yard – 10 feet.**

The development of any parcel of land being developed may be subject to review by the Iberia Parish Health Unit and/or subject to the Iberia Parish Subdivision Regulations which may result in more stringent regulations. The developer (s) is responsible for following the proper procedures

for development purposes. In addition, the developer (s) may chose to place more restrictive lot sizes than those required in this ordinance.

(C) Zoning District R-2 (Mixed Residential)

Permitted Uses: Single- family detached dwelling (one (1) per lot); manufactured (mobile) home (one (1) per lot); modular home (one (1) per lot); home occupations (see Article VII); community recreational facilities (park, playground, pool, tennis courts);

Permitted Uses by Special Use/Conditional Use Permit: Bed and breakfast homes; cemetery or mausoleum (if adjacent to and associated with a church or other house of worship); church (or other house of worship); communication towers; community homes; manufactured (mobile) home subdivisions (lots for sale); public and private elementary and secondary schools.

Permitted Signs: On-premises signs shall be prohibited except as allowed for home occupations (See Article VII).

Requirements Specific to R-2 (Mixed-Family Residential)

- (1) Maximum building height – 32 feet (two and one-half floors)**
- (2) Minimum Lot Areas**
 - a. Seventy-five (75) feet wide and a total surface area of not less than 10,000 square feet with an effluent reduction field (mechanical plant with public or community water).**
 - b. Seventy-five (75) feet wide and a total surface area of not less than 12,000 square feet with an effluent reduction field (mechanical plant without public or community water). Private well must be a minimum of fifty (50) feet from all components of the sewer system.**
 - c. Seventy-five (75) feet wide and a total surface area of not less than 22,5000 square feet (septic tank with or without public or community water). The septic tank and all components must be a minimum of fifty (50) feet from a water well.**
 - d. Fifty (50) feet wide and a total surface area of not less than 6,000 square feet (private community sewer system or public sewer system with public water, community water or private well).**
- (3) Sewer and water mains shall be laid in separate trenches not less than six (6) feet apart horizontally when installed in parallel.**
- (4) Yard requirements: Front yard – 20 feet; Side yard – 5 feet on each side from property line or 10 feet between structures; and Rear yard – 10 feet.**

The development of any parcel of land being developed may be subject to review by the Iberia Parish Health Unit and/or subject to the Iberia Parish Subdivision Regulations which may result in more stringent regulations. The developer (s) is responsible for following the proper procedures

for development purposes. In addition, the developer (s) may chose to place more restrictive lot sizes than those required in this ordinance.

(D) Zoning District R-3 (Multi-Family)

Permitted Uses: Apartments; condominiums; townhouses; duplex (two-family); triplex (three-family); four-plex (four-family); zero lot line homes; church (or other house of worship); community or group homes; nursing home (includes assisted living); community recreational facilities (park, playground, pool, and tennis courts).

Permitted Uses by Special Use/Conditional Use Permit: Bed and breakfast homes; cemetery and/or mausoleum; club or lodge; communication towers; home occupations; public and private elementary and secondary schools.

Prohibited Uses: Any type of land use not listed above with the exception of any land uses allowed in more restrictive zoning districts.

Requirements Specific to R-3 (Multi-Family)

(1) Maximum building height – 50 feet

(2) Minimum Lot Areas

- a. 5,000 square feet per two family unit (duplex).
- b. 4,000 square feet for the first two units plus 1,000 square feet for each additional unit for multi-family dwellings.
- c. 2,500 square feet per dwelling unit for condominiums and townhouses.
- d. 3,500 square feet per dwelling unit for zero lot line homes.

(3) Parking requirements: See Division VI of this Article

(4) Yard requirements: Front yard – 20 feet; Side yard – 5 feet on each side from property line or 10 feet between structures; and Rear yard – 10 feet. For multi-family residences, condominiums, townhouses, and zero lot line homes, open yard space must equal twenty percent (20%) of the lot area with the remaining eighty percent (80%) reserved for building and parking.

The development of any parcel of land being developed may be subject to review by the Iberia Parish Health Unit and/or subject to the Iberia Parish Subdivision Regulations which may result in more stringent regulations. The developer (s) is responsible for following the proper procedures for development purposes. In addition, the developer (s) may chose to place more restrictive lot sizes than those required in this ordinance.

(E) Zoning District R-4 (Manufactured (mobile) Home Park)

Permitted Uses: Manufactured (mobile) home parks (rental spaces); manufactured (mobile) home subdivision (lots for sale); community recreational facilities (park, playground, pool, tennis courts); recreational vehicle parks (rental spaces).

Permitted Uses by Special Use/Conditional Use Permit – Communication towers

Requirements Specific to R-4 (Manufactured (Mobile) Home Park)

- (1) **Minimum Site Size:** Each mobile home park shall consist of a minimum site area of three acres and shall be designated to accommodate a minimum of ten (10) mobile homes.
- (2) **Maximum Density:** No manufactured (mobile) home park shall exceed a maximum density of ten (10) mobile home spaces per acre as determined by the total area bounded by the mobile home park property lines.
- (3) **Minimum Lot Areas**
 - a. 3,500 square feet per dwelling unit or as required by State Health requirements
- (4) **Parking requirements:** See Division VI of this Article.
- (5) **Yard requirements:** Front yard – 20 feet; Side yard – 5 feet on each side from property line or 10 feet between structures; Rear yard – 10 feet; and open – Minimum yards shall be used for open space and no home, projection therefrom (e.g. stairs or porch) or accessory use (e.g. storage shed) shall be allowed in this area.

The development of any parcel of land being developed may be subject to review by the Iberia Parish Health Unit and/or subject to the Iberia Parish Subdivision Regulations which may result in more stringent regulations. The developer (s) is responsible for following the proper procedures for development purposes. In addition, the developer (s) may chose to place more restrictive lot sizes than those required in this ordinance.

(F) Zoning District C-1 (Commercial – Neighborhood Shopping District)

A neighborhood business district is a limited commercial district that contains small individual uses designed to service the daily or frequent retail and service needs of the immediate neighborhood without any adverse affects. These districts are small and within a convenient distance of most of the areas they serve. Allowable uses are compatible with the scale of adjoining neighborhoods.

Permitted Uses: Individual uses may not exceed 3,500 square feet. Hours of operation are limited to 6:00AM to 10:00PM. All deliveries must be made within the allowable hours of operation.

- (1) **Retail Sales**

Art gallery and supply store; book, greeting cards or stationary; camera and photographic supplies; candy and confectionary; coffee and/or pastry shop; cosmetics; convenience store (no gas pumps); drug store/pharmacy; health foods; hobby, toys, and games; home health; ice cream/snowballs; news dealers/newsstands; optician/optical ware and supplies; sandwich shop (no alcohol sales); video sales/rentals (not including adult video stores).

(2) Services

Alterations (tailor); animal grooming (non-boarding); barbershop; beauty shop; branch bank or credit union (branch with drive thru); dance or gymnastics studio; day-care center (child/elderly); dry cleaners (no on-site cleaning); laundromat; nail/tanning salon; photography studio; picture framing; travel agency; weight-loss clinic.

(3) Office Uses

Accounting; general; government; insurance; legal; medical/dental; real estate.

Prohibited Uses: Freestanding signs and billboards; any use not specifically permitted herein with the exception of any land uses allowed in more restrictive zoning districts.

Requirements Specific to C-1 (Commercial – Neighborhood Shopping District)

(1) Minimum Lot Areas

- a. One hundred (100) feet wide and a total surface area of not less than 12,000 square feet with an effluent reduction field (mechanical plant with public or community water).
- b. One hundred (100) feet wide and a total surface area of not less than 12,000 square feet with an effluent reduction field (mechanical plant without public or community water). Private well must be a minimum of fifty (50) feet from all components of sewer system.
- c. One hundred (100) feet wide and a total surface area of not less than 22,500 square feet (septic tank with or without public or community water). The septic tank and all components must be a minimum of fifty (50) feet from a water well.
- d. Sixty (60) feet wide and a total surface area of not less than 8,500 square feet (private community sewer system or public sewer system with public water, community water or private well).

(2) Maximum Building Height – 32 feet

(3) Lot requirements: Front – depth 25 feet; Front – width none, provided the buildings are of fireproof construction; otherwise, a five (5) foot minimum side yard is required; Rear – none, provided the buildings are of fireproof construction; otherwise, a five (5) foot minimum rear yard is required.

(4) Additional requirements:

- a. All parking requirements set forth in this Ordinance must be met (See Division VI)
- b. Any C-1 Zoning District which abuts any residential district must provide a buffer in the form of: a six (6) foot privacy fence or an approved solid landscape buffer. The fence must be a minimum of at least three (3) feet from a fire hydrant.
- c. Any new commercial development of two (2) or more lots (businesses) must conform to the Iberia Parish Subdivision Regulations and be approved by the Planning and Zoning Commission to ensure proper parking, delivery, egress and ingress. The requirements for approval may be greater than the stated setbacks or other requirements.

(G) Zoning District C-2 (General Business)

Permitted Uses:

(1) Retail Sales

All uses permitted in C-1 Zoning District (Neighborhood Shopping District) and

Air conditioning sales and service; alarm systems; antiques; apparel and accessories; appliance sales/service; automobile, truck , and recreational vehicle/camper sales; automobile parts and repair; automobile service station; automobile, truck and trailer, lease and rentals; bait and tackle shop; bakery; bar/lounge; bicycle sales/service; boats and motors; cabinet shop and sales; carpet and tile; cellular phones; computers and software; convenience store (with self service gasoline); department stores; detail shop; discount store; electrical supply store; farm and garden; farmers market; florist; furniture; gift, novelty or souvenirs; guns; hardware; home improvements; interior design shop; jewelry; leather and luggage; liquor; lumber yard; mini-storage units; motorcycles; music and musical equipment; nursery (plants); office supplies and equipment; paint and wallpaper; pawn shop; pet supplies; plumbing supply store; quick copy printing; radio, television, and consumer electronics; restaurant (with drive thru); seafood market; shoes; sign shop; specialty foods; sporting goods; supermarkets; surgical supplies; temporary outdoor sales (merchandise*); temporary outdoor sales (seasonal*); tire sales/minor auto repair; tobacco; and uniform sales.

***Temporary outdoor sales (merchandise and seasonal) requires a special permit which limits hours and length of operation.**

(2) Services

All services permitted in C-1 Zoning District (Neighborhood Shopping District) and

Ambulance substation; amusement arcade (conducted entirely in an enclosed building – adult entertainment expressly prohibited); amusement park; auto upholstery; animal

hospital; animal kennel (open*); bank; bowling alley; broadcasting studio (radio or television) building and maintenance service/janitorial maid service; car wash; carpet cleaning; check cashing; clubs or lodges; communications tower*; detailing shop; drive thru establishments (including liquor); dry cleaners; funeral home; furniture upholstery; golf driving range or batting cage; health clubs; home appliance repair; hotels or motels; laboratory, medical or dental; locksmith; machine/small motor repair; miniature golf; mini-warehouse storage facilities; movie theatre; pest control; race/dirt track*; shoe repair; studio (professional work or teaching); taxidermist; taxi stand/dispatching; temporary outdoor entertainment or religious activity*; and water parks.

***Special Permit Required.**

(3) Offices

All offices permitted in C-1 Zoning District (Neighborhood Business Shopping District)

(4) Wholesale Sales are allowable.

Prohibited Uses: Freestanding signs and billboards; any use not specifically permitted herein with the exception of any land uses allowed in more restrictive zoning districts.

Requirements Specific to C-2 (General Business)

(1) Minimum Lot Area

(a) One hundred (100) feet wide and a total surface area of not less than 12,000 Square feet with an effluent reduction field (mechanical plant with public or community water).

(b) One hundred (100) feet wide and a total surface area of not less than 12,000 square feet with an effluent reduction field (mechanical plant without public or community water). Private well must be a minimum of fifty (50) feet from all components of sewer system.

(c) One hundred (100) feet wide and a total surface area of not less than 22,500 square feet (septic tank with or without public or community water). The septic tank and all components must be a minimum of fifty (50) feet from a water well.

(d) Sixty (60) feet wide and a total surface area of not less than 8,500 square feet (private community sewer system or public sewer system with public water, community water or private well).

(2) Maximum Building Height – 50 feet

(3) Lot Requirements: Front – depth 25 feet: Front – width none, provided the buildings are of fireproof construction; otherwise, a five (5) foot minimum side yard is required; Rear – none, provided the buildings are of fireproof construction; otherwise, a five (5) foot minimum rear yard is required.

(4) Additional requirements:

(a) All parking requirements set forth in this Ordinance must be met (See Division VI).

(b) Any C-2 Zoning District which abuts any residential district must provide a buffer in the form of a six (6) foot privacy fence or an approved solid landscape buffer. The fence must be a minimum of at least three (3) feet from a fire hydrant.

(c) Any new commercial development of two (2) or more lots (businesses) must conform to the Iberia Parish Subdivision Regulations and be approved by the Planning and Zoning Commission to ensure proper parking, delivery, egress and ingress. The requirements for approval may be greater than the stated setbacks or other requirements.

(H) Zoning District I-1 (Industrial District)

Permitted Uses:

(1) Airport and/or crop dusting service; beverage blending and bottling; bulk material storage, sales and manufacture (cement, lime, sand, gravel, shell, lumber); communication towers; contractor shop and storage yard; food manufacturing and processing; ice manufacture; industrial and vocational training school; iron fabrication and storage; laboratories (research and experimental); leather goods manufacture; mechanical assembly and repair; mobile home refurbishing and repair; monument processing, shaping and sales; oil well drilling and service companies; paper products manufacture; pipe fabrication; sandblasting shops; seafood processing; shipping container manufacturing; textile related manufacturing; tire recycling and storage processing facilities; transit vehicle storage and servicing; truck terminals; water well service and drilling company; welding and machine shops; wholesale distributors; woodwork manufacturing; and other normally accepted light industrial uses.

Permitted Uses by Special Use/Conditional Use Permit (See Article VIII)

(1) Chemical processing and storage; commercial facility sites for offsite storage; commercial and industrial machine sales; commercial saltwater injection well sites; industrial solid waste facility sites; infectious waste sites; refuse derived energy sites; solid and industrial waste

incinerator sites; solid waste recovery or recycling sites; solid waste sanitary landfill sites; and treatment and disposal of non-hazardous oil field waste.

Requirements Specific to I-1 (Industrial District)

(1) Floor Area – No limit

(2) Lot Area – Conformity to all State and Parish Regulations regarding water and sewer

(3) Parking Requirements – See Article VI of this Article

(4) Buffer Requirements - Any industrial use in an I-1 Zoning District abutting another zoning classification must provide a buffer in the form of an eight (8) foot privacy fence or an approved solid landscape buffer.

(5) Floor Area, Lot Area, Building Height, Parking Requirements, and Yard Buffer Requirements These shall be established as part of the Special Use/Conditional Use Permit process and conform to all other State and Parish requirements and regulations.

(I) Zoning District TND (Traditional Neighborhood Development)

This mixed use district must be requested and developed according to the guidelines set forth in the Iberia Parish Subdivision Regulations.

**ARTICLE V
ZONING AMENDMENTS AND VARIANCES**

SECTION 5-0 PROCEDURE FOR AMENDMENTS TO ZONING ORDINANCE.

The Iberia Parish Council may from time to time amend the Zoning Ordinance by changing the regulations, restrictions, boundaries or by the re-zoning of property. Such amendments may be initiated by: (a) the Iberia Parish Council, (b) the Iberia Parish Planning and Zoning Commission, or (c) by petition of the property owner.

A petition by a property owner (s) for an amendment to the Ordinance shall be filed with the Director of Planning and Zoning, or the designated representative. In filing such petition, the following requirements must be adhered to:

1. Submittal Requirements and Checklist.

(a) Each petition shall be accompanied by twenty (20) copies of a current map drawn by a land surveyor registered in the State of Louisiana. Such map shall be at an appropriate engineering scale to accurately depict the subject property, showing the dimensions of each lot or tract and property ownership of all immediate adjacent property owners of record as per the latest tax assessor's tax rolls (property directly across a public road is considered to be adjacent property). The names and addresses of all adjacent property owners shall be provided to the Planning Department on plain white gum backed labels. The map shall show all lots, streets, street names and dimensions, existing zoning and other features such as coulees, ditches, easements, etc.

(a) An electronic format of the map must be provided as part of the application process.

(b) The property owner, authorized agent, and adjacent property owners must be notified of the reclassification request, the public hearing date and all other meeting dates at least ten days prior to the public hearing.

(c) An all-weather, highly visible sign shall be placed on all frontages of the property indicating that the site is proposed for rezoning or development at least ten (10) days prior to the public hearing. The sign shall be installed by the Department of Public Works.

(d) Notice of the proposed change and the time and place of the public hearing shall Be published once ten days prior to the public hearing in The Daily Iberian.

(b) Each application to petition for a re-zoning to an industrial classification, whereby the proposed land use produces a hazardous waste stream, shall have indicated on said reclassification application all hazardous materials, including all hazardous materials intended to be generated, stored or disposed of, on the property during the course and scope of the business, industry, or person of the day to day activities.

1. By signing the reclassification application, the business, industry or person shall have in effect, signed an affidavit relative to the disclosure of all hazardous materials to be generated, stored or disposed of on the premises in question.

2. Following the Iberia Parish Council's approval of an Industrial Zoning reclassification request, development must commence within one year or the property shall automatically revert to its previous zoning classification. Should Federal and/or State regulatory permits, an extension may be granted by the Director of Planning and Zoning, or the Iberia Parish Council's representative.

3. Each petition shall be accompanied by a deposit of One Hundred Fifty Dollars (\$150.00) for each text change not involving acreage. Each petition for a proposed change of the zoning classification of land shall be accompanied by a fee of Five Hundred Dollars (\$500.00).

SECTION 5-1 PUBLIC HEARING FOR AMENDMENTS TO ZONING ORDINANCE.

Prior to the public hearing, the request for amendment must be properly advertised according to a schedule adopted by the Iberia Parish Zoning Commission, or the regular schedule utilized by the Iberia Parish Government for such notice of public hearings.

At said public hearing, the Director of Planning and Zoning shall make a recommendation to approve, or deny, any amendment to the Zoning Ordinance. This recommendation shall include the reasons for the recommendation.

(a) Those requesting the amendment, or their duly authorized representative (s), shall be given the opportunity to state their reasons for approval of the amendment. Those opposing the amendment, or their authorized representative (s), will also be given the opportunity to state their reasons for opposition to the proposed amendment. All speakers will be allotted a designated amount of time according to a schedule adopted by the Zoning Commission.

At the conclusion of the public hearing, the Zoning Commission may:

(a) Forward a recommendation to the Iberia Parish Council to approve, or deny, the amendment, along with the reasons for such recommendation. Furthermore, where the zoning amendment involves the re-zoning of a piece of property, the Zoning Commission shall , if it desires, prescribe reasonable performance standards,

including, but not limited to landscaping, buffering, or fencing deemed to be necessary, desirable and reasonable as a condition of approval.

(b) Table the proposed amendment until the next regular scheduled Zoning Commission meeting to obtain further information.

(1) The Zoning Commission may require supplementary data including, but not limited to, a site plan, traffic impact analysis or drainage impact analysis. Such requirement may extend the Zoning Commission's time to act an additional sixty (60) days.

Upon failure to act by the Zoning Commission within ninety (90) days, said request will be automatically forwarded to the Iberia Parish Council for action without a recommendation by the Zoning Commission.

A petition for a zoning amendment or re-zoning may be withdrawn by the applicant one (1) time within one (1) year from the date of the filing of the petition. However, if the petition is withdrawn after the public hearing has been held by the Zoning Commission, or the Iberia Parish Council denies the request contained in the petition, then no further petition for the same property will be considered by the Zoning Commission or Iberia Parish Council for a period of one (1) year from the date of the public hearing.

SECTION 5-2 AMENDATORY ACTION BY THE IBERIA PARISH COUNCIL.

Upon receiving the recommendation of the Zoning Commission, the Iberia Parish Council may approve, or deny, the request for amendment of the Zoning Ordinance. The Iberia Parish Council may limit the permitted uses in any district as a condition of approving any request for re-zoning. Furthermore, the Iberia Parish Council may prescribe performance standards, including but not limited to landscaping, buffering, or fencing deemed to be necessary, desirable, and reasonable as a condition of approval.

(a) Should said requested amendment be denied, no further petition involving any part of said property shall be considered by the Parish under provisions of this Ordinance for a period of one (1) year.

**ARTICLE VI
PARKING REQUIREMENTS**

SECTION 6-0 INTENT.

No land shall be used or occupied and no structure shall be erected or used unless the off-street parking spaces required herein are provided. Such parking spaces are not required for any structure or use existing at the time of enactment of this Ordinance. However, the parking spaces as specified herein shall be provided for any enlargement, or structural alteration, to any such existing structure or use.

SECTION 6-1 MINIMUM DIMENSIONS OF PARKING SPACES.

Each parking space shall contain a minimum of two hundred (200) square feet for each vehicle exclusive of necessary drives and other access ways. In addition, all requirements for handicapped parking spaces must be met. A driveway may be considered a required parking space for a dwelling.

SECTION 6-2 CRITERIA FOR CONSTRUCTION.

The required parking areas for all parcels of land to be developed shall conform to the following requirements:

- (a) Off- street parking areas required by this Ordinance shall be hard surfaced (asphalt or concrete) unless a variance is granted by the Board of Adjustment. Existing structures, that are re-zoned, shall be required to conform to the above requirement unless a variance is granted by the Board of Adjustment.

SECTION 6-3 MINIMUM PARKING SPACE REQUIREMENTS.

Off-street automobile parking requirements shall be met according to the following schedule:

LAND USE	MINIMUM OFF-STREET PARKING SPACES
Automobile Repair Shop	1 space for every 150 square feet of gross floor area
Automobile Sales & Service	1 space per 1,000 square feet of open storage area plus 1 space per 300 square feet of gross floor area devoted to office or display
Automobile Service Station	6 space minimum plus 1 space for each service bay
Bar, Lounge	1 space for every 75 square feet of gross floor area

	plus 1 employee space for each 500 square feet
Barber or Beauty shop	1 space for every 200 square feet of gross floor area plus 1 additional space per chair
Bed & Breakfast, Boarding	1 space for every quest bedroom plus and Lodging Homes 1 space for manager
Bowling Alley	3 spaces per alley
Churches, Temples, Synagogues & other places of Worship	1 space for every 3 seats or 1 space for every 25 square feet of gross floor area if no fixed seating.
Club or Lodge of gross floor area	1 space for every 100 square feet.
Convenience Stores/Minimarts	1 space for every 100 square feet of gross floor area
Day-Care	1 space for every 200 square feet of gross floor area
Discount Store (Big-Box)	1 space for every 200 square feet of gross floor area plus 1 employee parking space for every 2,000 square feet of gross floor area
Health Club	1 space for every 75 square feet of gross floor area
Hospitals	2 spaces per bed
Hotels & Motels	1 space for each quest room plus 1 additional space for each 10 rooms
Libraries, Museums, & Art Galleries	1 space for every 300 square feet of gross floor area
Manufacturing & Industrial	1 space for each on-site employee plus 1 space for each company vehicle operating from the premises
Mini-Warehouse/Self-Storage	2 spaces at the office plus adequate space for loading/unloading at each rental with adequate passage for other customers provided
Mobile Homes & Mobile Home Parks	2 spaces per unit including 1 on site space per unit

Mortuaries & Funeral Homes Parks	1 parking space for each 150 square feet of gross floor area
Multi-Family Dwellings (including apartments)	1.5 spaces per dwelling unit
Nursing & Convalescent Homes	1 space for every 5 beds
Office (Business or Professional)	1 space for every 200 square feet of gross floor area
Office (Dental or Medical)	1 space for every 150 square feet of gross floor area
Recreation (with fixed seating)	1 space for every 3 seats
Recreation (without fixed seating)	1 space for every 200 square feet of useable area
Retail Sales	1 space for every 200 square feet of gross floor area (appliance for furniture stores; 1 space for every 200 square feet excluding warehouse)
Restaurants	1 space for every 100 square feet of gross floor area
Schools, elementary	3 spaces per classroom plus 10 additional spaces for staff
Schools, middle	3 spaces per classroom plus 10 additional spaces for staff
Schools, secondary	15.5 spaces per classroom
Services	1 space for every 200 square feet of gross floor area
Shopping Center (including small neighborhood developments of all types)	1 space for every 200 square feet of gross floor area
Single-Family Residential	2 spaces per dwelling unit
Temporary Outdoor Social, Religious Entertainment or recreational activity & outdoor sales including flea market	1 space for every 100 square feet used for such activity
Two-Family Dwellings	2 spaces per dwelling unit

**Warehouse & Distribution
Establishments**

1 space per 400 square feet of gross floor area

SECTION 6-4 OFF-STREET LOADING AND UNLOADING.

No land shall be used or occupied and no structure shall be erected or structurally altered for professional, commercial, or industrial uses in which services are rendered or commodities are sold, displayed, stored, repaired, altered, or fabricated as the principal use of the establishment unless off-street loading spaces required herein are provided. Such loading spaces, however, are not required for any commercial or industrial structure of use existing at the time of the enactment of this Ordinance unless such structure or use is enlarged or structurally altered by twenty-five percent (25%).

The off-street loading spaces required by this Ordinance shall be located in all cases on the same lot or parcel of land as the use or structure they are intended to serve and shall not restrict pedestrian or vehicular traffic. In no case should any required loading space be part of an area used to satisfy the off-street parking requirements of this Ordinance.

Each professional, commercial, or industrial establishment is required to provide an off-street loading space. At least one loading space with an area of at least two hundred (200) square feet shall be provided. If said structure contains over one thousand (1,000) square feet of gross floor area, two off-street loading spaces shall be provided. In such case, one space shall be at least two hundred (200) square feet in area and the other place shall be at least four hundred fifty (450) square feet in area with a minimum overhead clearance of fourteen (14) feet if the loading space is sheltered by a roof.

**ARTICLE VII
HOME OCCUPATIONS**

SECTION 7-0 DEFINED.

A home occupation in residential districts is a commercial use conducted within a dwelling unit by the resident (s) thereof, which is clearly secondary to the use of the dwelling for living purposes and which does not change the residential character of the dwelling unit or its surroundings.

SECTION 7-1 RESTRICTIONS.

- (a) Home occupations shall occupy a maximum of ten percent (10%) of the gross floor area of the dwelling unit (excluding garages, attached or detached, and accessory buildings).
- (b) The only exterior indication of a home occupation is one (1) flat non-illuminated sign attached to the dwelling unit itself. The sign shall not exceed one (1) square foot in area.
- (c) There shall be no sale of goods on premises in connection with the home occupation unless such sale is an accessory to the use (e.g. product lines associated with a beauty shop).
- (d) Only a resident of the dwelling may conduct the home occupation. One additional person may be employed, but, the maximum number of employees is two (2).
- (e) Traffic should not exceed the amount of traffic normally expected in a residential area.
- (f) No vehicle larger than a three-quarter (3/4) ton truck shall be used in conjunction with the home occupation.
- (g) No toxic, explosive, flammable, corrosive, radioactive, or other restricted materials are to be used or stored on the site.
- (h) Any home occupation must be conducted within the hours of 7:30 a.m. and 6:00 p.m.

SECTION 7-2 CERTIFICATE OF OCCUPANCY.

The Board of Adjustment for Iberia Parish is the issuing authority. The application shall include a Home Occupation Affidavit. Attached to the affidavit form shall be a site plan showing the following information:

- (a) Street address;
- (b) Dimensions of the dwelling;

(c) Location and dimensions of the area where the home occupation will be conducted; and

(d) Location of the one (1) square foot sign.

SECTION 7-3 PERMITTED HOME OCCUPATIONS.

(a) Residential child care facilities;

(b) Appropriate offices;

(c) Studio/workplace for artist, craftsman, musician, photographer, seamstress, tailor, writer, etc; and

(d) Barber or beauty shop

All subject to approval by the Board of Adjustment. Applicants need to be aware, that even though the Home Occupation may be allowable under the Zoning Ordinance and approved by the Board of Adjustment, the Subdivision Covenants (deed restrictions) may not allow a particular type of home occupation.

SECTION 7-4 PROCEDURE AND POLICY.

The Board of Adjustment shall review the Home Occupation Affidavit and determine whether or not such use would be permitted.

Should the Board of Adjustment grant the permission granted, the actual operation must begin within six (6) months of the date of such permission.

If the application is denied, re-submission of the application cannot be made within two (2) years of the original application.

**ARTICLE VIII
SPECIAL USE/CONDITIONAL USE PERMITS**

SECTION 8-0 DEFINED.

A Conditional Use Permit is a discretionary action that authorizes a specific land use, not otherwise permitted in the zoning district, to occur either independently, or with an allowable use in the zoning district providing the procedures outlined in this section are followed and the specific conditions set forth in the approval process as outlined in this section are met.

SECTION 8-1 PURPOSE.

Zoning Ordinances cannot be drafted to regulate the location of every possible land use under all circumstances, as certain land uses may be appropriate under unique circumstances. A Conditional Use Permit is granted based on reasons specific to the proposed location. Each application for a Special Use/Conditional Use Permit must be reviewed individually to determine if the proposed use is compatible with the surrounding area and can operate at a specific location without harming the adjacent neighborhood area.

SECTION 8-2 PRE-APPLICATION MEETING.

It is recommended that the applicant for a Special use/Conditional Use Permit meet with the Planning Staff prior to submitting a formal application. At such meeting, the applicant should be prepared to discuss thoroughly all aspects of the proposed special use, including, but not necessarily limited to, the type of activity, hours of operation, number of employees, etc. This will allow the staff to not only review the request, but offer input on potential problems and various requirements as set forth in this and other Parish Ordinances (e.g. landscape, signs, setbacks, parking, etc).

SECTION 8-3 FILING THE APPLICATION

A completed application must be submitted to the Department of Planning by the 10th day of the month prior to the regular meeting of the Zoning Commission. The application must be accompanied by a filing fee of Three Hundred Fifty Dollars (\$350.00).

SECTION 8-4 APPLICATION REQUIREMENTS FOR SPECIAL USE/CONDITIONAL USE PERMITS.

- (a) An application form completed and signed by the property owner (s).

- (b) A letter to the Zoning Commission describing the use in detail and reasons why the application should be granted. The letter should specifically address why the use will benefit and/or not adversely affect the surrounding neighborhood and any other information the applicant deems to be pertinent.

- (c) Three (3) copies of a fully dimensional and scaled site plat including lot size, easements and setbacks, adjacent streets, and rights-of-way.
- (d) Dimensions of proposed or existing buildings with location noted on site plan.
- (e) Proposed landscaping and parking (to be shown on site plan).
- (f) Proof of ownership – The application must be filed by the property owner (s) (See No.1). If the property is leased, the owner must file the application on behalf of the lessee, as the permit is granted to the property owner.
- (g) Letters of support and/or a petition signed by the adjacent property owners supporting the request.

SECTION 8-5 REVIEW PROCESS.

The Planning Staff will present a staff report to the Zoning Commission, which shall include a recommendation for approval or denial. The Zoning Commission will hold a public hearing at which the applicant and any other interested parties may testify for or against the request for a Special Use/Conditional Use Permit.

- (a) If the request is approved, it will automatically be forwarded to the Iberia Parish Council.
- (b) If the request is denied, the applicant must request in writing to the Department of Planning, the desire to appeal to the Iberia Parish Council within ten (10) working days. The request must be accompanied by a non-refundable appeal fee of Seventy-Five Dollars (\$75.00).
- (c) If the request is denied by the Iberia Parish Council, the applicant must wait a period of two (2) years before requesting a change in zoning, or a Special Use/Conditional Use Permit on the same piece of property.

SECTION 8-6 REASONS FOR APPROVAL OR DENIAL.

In considering whether a Special Use/Conditional Use Permit shall be approved, it is of particular importance that the proposed use, at the location in question, not be detrimental to the health, safety, or general welfare of persons residing in or working in the vicinity, or injurious to property or improvements in the vicinity. It must also be shown, that the proposed use at this particular location will provide a service which will contribute to the general well being of the neighborhood and community and/or not be harmful to the immediate neighborhood. In addition, all requirements of the appropriate Parish Ordinances must be met.

SECTION 8-7 REVOCATION OF THE SPECIAL USE/CONDITIONAL USE PERMIT.

Should it be determined that the property for which such permit has been granted is being used in a manner other than that for which it is zoned, or for which the permit was specifically granted, upon notification from Iberia Parish, the Special Use/Conditional Use Permit is immediately rescinded and such use shall cease immediately and the property owner will be assessed a Five Hundred Dollars (\$500.00) fine. For each additional day the violation continues, an additional Five Hundred Dollars (\$500.00) fine will be applied. Should legal action be necessary, all court costs and attorney fees shall be the responsibility of the property owner.

**ARTICLE IX
NON-CONFORMING USES**

SECTION 9-0 DEFINITION AND PURPOSE.

A non-conforming use is created when a zoning provision is adopted or amended to prohibit a particular use that lawfully existed prior to the enactment or amendment of the Zoning Ordinance. Existing non-conforming structures and uses shall be subject to the specific regulations of this division as well as the general provisions of this title. The purpose of this division is to permit reasonable continuance of the operation of non-conforming uses and structures while providing for their gradual elimination, if specific events occur.

SECTION 9-1 APPLICABILITY.

The provisions of this division shall apply to all buildings, structures or uses of land which are non-conforming at the time of adoption of this Ordinance, as well as to those that become non-conforming as a result of subsequent changes in zoning regulations.

SECTION 9-2 NON-CONFORMING USES, BUILDING, AND STRUCTURES.

The following provisions shall be applicable to all non-conforming uses, buildings, and structures:

- (a) A non-conforming use, building, or structure, may be contained as is; repaired as necessary for proper maintenance; and altered, or repaired as necessary for safety reasons, or to comply with governmental regulations.
- (b) A non-conforming use shall not be allowed to change to any other type of non-conforming uses. A non-conforming use may be changed only to a use which is conforming in the zoning district in which the use is located. Any change of a non-conforming use to any other use shall operate immediately to terminate the right to continue the non-conforming use. Thereafter, the property shall be used only in conformity with the use provisions of its district.
- (c) Any non-conforming building or structure may be rebuilt in substantially the same manner and to the same square footage as previously existed, if the building or structure has been destroyed or damaged by natural disaster, accident, or fire. Any new construction must also meet the current parking requirements for the land use. Restoration must be commenced within six (6) months and completed within one (1) year. The Iberia Parish Council can extend this time period upon a showing of extraordinary circumstances.

- (d) The right to continue a non-conforming use terminates immediately when the structure containing that use is damaged by an intentional act of the property or structure owner or their agent.

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SECTION 9-3 ABANDONMENT OF A NON-CONFORMING USE.

- (a) The right to continue a non-conforming use terminates as soon as the use is abandoned through the discontinuance of the use for an uninterrupted period of one (1) year or more, as a result of causes within the control of the property owner or their agent.

(1) Discontinuance of the use shall be a complete cessation of all activity on the property related to the use as determined in relationship to the nature and history of the non-conforming use, based upon available public information on the use.

(2) If the non-conforming use is a seasonal use, the use shall be terminated, if it is discontinued for an entire single season based upon the history and nature of the use.

- (b) Any non-conforming use may be abandoned in less than six (6) months, or a season, as applicable, if the property owner expressly states an intent to abandon the use, or engages in action which unambiguously expresses an intent to abandon.
- (c) If the lessee of any building or place used or occupied for non-conforming purposes under a bona fide lease, shall at any time before expiration of said lease, cease to occupy or use the building for non-conforming purposes, the building or land shall not be considered vacant until the owner of the building or land shall again obtain legal control of its occupancy and use. This exemption shall not apply if the lessor, for any reason, is entitled legally to regain possession and does not attempt to do so by legal or other effective means.
- (d) In the event of bankruptcy a building or place used for non-conforming purposes shall not be considered vacant until said building or place is sold or possession thereof returned to the owner by order of court or otherwise in the bankruptcy proceedings.
- (e) Any building or land used for non-conforming commercial or industrial purposes upon which a mortgage has been inscribed and recorded shall not be considered vacant after foreclosure proceeding have been instituted until mortgagee or purchaser, at foreclosure sale, takes possession and ownership is established by court procedure or until mortgagee gains possession of the property by a recorded legal transfer.

SECTION 9-4 NOTICE OF TERMINATION – UNLAWFUL ENLARGEMENT OR ALTERATION OF A NON-CONFORMING USE, OR CHANGE, USE OR ABANDONMENT.

- (a) In the event that the Planning Director (or other designated official) receives information upon which a determination is made that the right to continue a non-conforming use has been, or may have been terminated, the Planning Director (or other designated official) shall provide written notification to the property owner, and to parcel address, all as shown in the records of the Iberia Parish Assessor. If the property owner feels this determination is in error, an appeal may be filed with the Board of Adjustment as outlined in this Ordinance.**

**ARTICLE X
NATURAL DISASTER EXCEPTIONS**

SECTION 10-0 MANUFACTURED HOME (MOBILE HOME) USAGE IN DISTRICTS.

The following uses of manufactured homes (mobile homes):

(a) The temporary use of mobile homes (including FEMA trailers) during the construction or repair of single-family dwellings made necessary by a natural disaster in single-family (R-1) and mixed residential (R-2) districts are allowable given the following restrictions:

(1) A permit is obtained from the Director of Planning and Zoning, or other designated official, without any fee.

(a) Such permit is good for one (1) year and can be renewed by petitioning the Board of Adjustment for an additional six (6) months at no charge to the petitioner.

(b) Temporary use of mobile homes for commercial activities in Commercial Districts (C-1 and C-2) or as an office in the Industrial District (I-1) is allowable given the following restrictions.

(2) A permit is obtained from the Director of Planning and Zoning, or other designated official, without any fee.

(a) Such permit is good for one (1) year without any provision for extension.

SECTION 10-1 REGULATIONS FOR TEMPORARY FEMA TRAILER PARKS.

(a) Recognizing that in response to a natural disaster, FEMA trailers often become a necessary type of housing, the Parish Council may allow for the placement of FEMA trailer parks in areas not zoned for manufactured housing (mobile homes) under emergency conditions for a period not to extend beyond eighteen (18) months.

(1) Such placement is allowable only upon receipt of a Special Use/Conditional Use Permit (See Article VIII). All applicable fees apply.

**ARTICLE XI
ENFORCEMENT, VIOLATIONS & PENALTIES**

SECTION 11-0 ENFORCEMENT.

These regulations shall be enforced by the Director of Planning and Zoning, or another designated official. This individual may inspect and examine any building, structure, place or premises and order, in writing, the remedy of any condition found to exist in violation of any provisions of this Ordinance. Appeal of the decision may be made to the Board of Adjustment (Article II, Section 2-2).

SECTION 11-1 VIOLATION.

(a) In case any building or structure is erected, structurally altered or maintained, or any building, structure, or land is used in violation of this Ordinance, the Director of Planning and Zoning, or other designated official, may institute any appropriate action or proceedings to prevent such lawful erection, structural alteration, maintenance or use, or other violations to restrain, correct, or abate such violations, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in, or about such premises.

(b) When a violation is found to exist, the Director of Planning and Zoning, or other designated official, will notify the owner (s) of the subject property that a zoning violation exists. The owner (s) will be identified by referring to the current Parish property tax rolls and his/her address shall be the last address shown on such rolls. Notice is to be served by certified mail, return receipt requested, sent to the owner at his actual address or last known address listed on the tax rolls of the Parish Assessor. If the building is under construction, a stop work order will be posted on the premises.

(c) Failure of the property owner (s) to respond to these official notifications will be cause for the Director of Planning and Zoning, or other designated official, to notify the Iberia Parish District Attorney's Office to request that the owner be arrested and charged.

SECTION 11-2 PENALTY.

The owner or general agent of a building or premises where a violation of any provision of this Ordinance has been committed or exists, of the lessee or tenant of an entire building or entire premises where such violation has been committed or exists, or the general agent, architect, builder, contractor, or any other person who commits, takes part in, assists in any such violation, or maintains any building or premises in which any such violation exists shall be fined not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) or be imprisoned for not more than thirty (30) days for each day the violation continues.

IBERIA PARISH GOVERNMENT OFFICIALS

Errol “Romo” Romero – Parish President

PARISH COUNCIL

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Curtis Boudoin, District 2
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BOARD OF ZONING ADJUSTMENT

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PLANNING, ZONING & CODES DEPARTMENT

**Charles C. Rader, Director
Jacque Cousin – Legal Counsel
Julie E. Armentor – Administrative Secretary**