

## APPENDIX A

### ZONING\*

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\* **Editors Note:** Printed herein is the city's comprehensive zoning ordinance, being Gen. Ord. No. 304, as adopted by the city on March 20, 1984. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.

**Cross References:** Buildings and building regulations, ch. 18; flood damage prevention, § 34-31 et seq.; historical preservation, ch. 40; manufactured homes and trailers, ch. 50; planning, ch. 66; subdivisions, ch. 78.

**State Law References:** Zoning, R.S. 33:4721 et seq.

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**GENERAL ORDINANCE NO. 304**

An Ordinance Establishing the Comprehensive Zoning Regulations for the City of New Iberia, Louisiana, and Providing for the Administration, Enforcement, and Amendment Thereof, in Accordance With the Provisions of the Authority Granted by R.S. 33:4721--33:4732, as Amended.

**ARTICLE I.**

**STATEMENT OF PURPOSES**

**Sec. 1.1. Statement of authority and intent.**

In accordance with the provisions of R.S. 33:4721--33:4732, as amended, it is the intent of this ordinance, with the accompanying map, to provide for the harmonious development of the City of New Iberia in accordance with the comprehensive plan heretofore made and adopted by the New Iberia planning commission, to lessen congestion in the public streets, secure safety from fire, provide adequate light and air, avoid undue concentration of population, promote health and the general welfare, and conserve the value of buildings by encouraging the most appropriate use of the land for particular purposes, all to create conditions favorable to health, safety, convenience or prosperity.

**Sec. 1.2. Area of jurisdiction.**

This ordinance shall apply to all land within the corporate limits of the City of New Iberia as such corporate limits may exist in the future.

**Sec. 1.3. Annexed territory.**

Territory hereafter annexed to the City of New Iberia shall be unclassified until existing land uses are determined and adequate zoning can be adopted after public notice and hearing.

**Sec. 1.4. Application of district regulations.**

1.401. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, unless in conformity with all of the regulations herein specified for the district in which it is located.

1.402. No building or other structure shall hereafter be erected or altered:

- (1) To accommodate or house a greater number of families;
- (2) To occupy a greater percentage of lot area;
- (3) To have narrower or smaller rear yards, front yards, side yards, or other open spaces;

than herein required nor in any other manner contrary to the provisions of this ordinance.

1.403. No part of a yard, or other open space, or offstreet parking or loading space required about or in connection with any building for the purpose of complying with this ordinance shall be included as part of any other yard, open space, or offstreet parking or loading space similarly required for any other building.

1.404. No yard or lot existing at the time of passage of this ordinance shall be reduced in size of [or] area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

Within each district, the regulations set by this ordinance shall be minimum regulations and shall apply

uniformly to each class or kind of structure or land.

1.405. Regulation of land under water. All lands within the city which are under water and are not shown as included with any district shall be subject to all the regulations of the district adjacent to the water area. If the water area adjoins two or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line.

1.406. Location of streets and public ways. Whenever any street, alley or other public way is vacated by official action of the governing body of the city, the zoning district adjoining each side of such street, alley, or public way shall automatically extend to the center of same; and all area included therein shall then become subject to all appropriate regulations of the extended districts.

## **ARTICLE II.**

### **DEFINITIONS**

#### **Sec. 2.1. [General definitions.]**

Certain words and terms are defined as follows:

2.101. The term commission means the planning commission of New Iberia, Louisiana, which shall act as a zoning commission at such time as this ordinance shall go into effect.

2.102. City governing body shall mean the board of trustees of New Iberia, Louisiana.

#### **Sec. 2.2. Specific words used in this regulation.**

2.201. *Accessory building and use*: Structures and uses (such as private garages and sheds) customarily incidental to and on the same lot with a permitted use. An accessory use is one which is incidental to the main use of the premises.

2.202. *Adjacent*: Lying near or close to; sometimes, contiguous; neighboring. Adjacent implies that the two objects are not widely separated, though they may not actually touch, while adjoining imports that they are so joined or united to each other that no third object intervenes.

2.203 *Adjoining*: The word in the etymological sense, means touching or contiguous, as distinguished from lying near to or adjacent. To be in contact with; to abut upon.

2.204. *Alley*: A minor right-of-way, dedicated to public use, which gives a secondary means of vehicular access to the back side of properties otherwise abutting a street, and which may be used for public utility purposes.

2.205. *Bed and breakfast*: The renting of a room and/or rooms by a person or persons domiciled in said residence to a person or persons for temporary residential tourist lodging for a time period, per tourist, not to exceed one consecutive week. This use shall allow the serving of breakfast to each tourist, commonly associated with similar bed and breakfast facilities. In no way shall this allow the serving of more than one meal a day

and/or the occupancy of this facility by permanent boarders. This permitted use is contingent upon the owners of this facility providing a minimum of one offstreet parking space per room offered for rental, and further contingent upon compliance with any and all subdivision restrictions that are applicable for the location of this facility. [A] bed and breakfast facility shall not contain more than three rooms for rent, and each room shall not contain more than two beds.

2.206. *Block*: A tract of land bounded by dedicated streets.

2.207 *Building*: Any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings or vehicles situated on private property and used for purposes of a building.

2.208. *Carport*: A shelter for one or more vehicles which is not fully enclosed by walls and one or more doors.

2.209. *Carwash*: A lot on which motor vehicles are washed or waxed, either by the patron or by others, using machinery specially designed for the purpose.

2.210. *Church*: A building wherein persons regularly assemble for religious worship which is used only for such purpose and those accessory activities as are customarily associated therewith.

2.211. *Clinic*: A place where medical or dental care is furnished to persons on an outpatient basis by four or more doctors or dentists.

2.212. *Commercial vehicle*: Any motor-driven truck or vehicle designed to carry freight or more than eight passengers, not to include passenger cars and pickup trucks bearing commercial license plates.

2.213. *Dancehall*: A cafe, restaurant, or other business or commercial place where dancing is done to music.

2.214. [*Dwelling unit*:] One or more rooms in the same structure, connected together and constituting a separate, independent housekeeping unit for permanent residential occupancy and with facilities for sleeping and cooking.

2.215. *Dwelling, single-family: patio homes*:

- (a) *Dwelling, single-family*. A detached building containing one dwelling unit and used exclusively by one family.
- (b) *Patio home*. A small one-story, single-family dwelling usually featuring a rear or side patio. Typically, sliding glass doors enter to the patio. Patio homes are designed for narrow lots and small or no yards.

2.216. *Dwelling, two-family*: A detached building containing two dwelling units and used by two families living independently of each other. The term includes duplexes.

2.217. *Dwelling, multiple-family*: A detached building containing three or more dwelling units and used by three or more families living independently of each other; the term includes apartment house.

2.218. *Family*: One or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single culinary facilities, or a group of not more than four persons living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a nonprofit, cost-sharing basis. Domestic servants residing on the premises shall be considered as a part of the family.

2.219. *Garage*: A fully enclosed building for the storage of motor vehicles, not including buildings in which fuel is sold or repairs or other services are performed.

2.220. *Garage apartment*: A living unit for not more than one family erected above a garage; however, for the purpose of this ordinance, similar construction above a garage used for any accessory use will be considered the equivalent of a garage apartment.

2.221. *Height of building*: The vertical distance from the grade to (a) the highest point on a flat roof; (b) the deck line of a mansard roof, or (c) the mean height between eaves and ridge for gable, hip, and gambrel roofs.

2.222. *Home occupations*:

- (a) This term, as applied to the R-1 districts, shall have the following definition: an occupation for gain or support conducted only by members or [of] a family residing in a dwelling and conducted entirely within the dwelling, provided that no article is sold or offered for sale, and further provided that the occupation is incidental to the residential use of the premises and does not utilize more than 25 percent of the floor area of the dwelling. Home occupations shall include but not be limited to services furnished by an attorney, artist, cosmetician, seamstress, or real estate agent when performed by the person occupying the building as his or her private dwelling, and not including the employment of additional persons in the performance of such services.
- (b) This term, as applied to the R-2 district, shall have the following definition: an occupation for gain or support conducted by a member or members of a family residing in a dwelling and conducted entirely within the dwelling, provided that, except for such sales as are customary within the specific occupations hereinafter set forth, no article is sold or offered for sale except such as may be produced by a member or members of the family residing in the dwelling and his or its employees, and further provided that the occupation is incidental to the residential use of the premises and does not utilize more than 35 percent of the floor area of the dwelling. Home occupations shall include but not be limited to occupations of physician, attorney, dentist, musician, artist, cosmetician, beautician, seamstress, tailor, real estate agent, insurance agent, civil, electrical, mechanical, chemical and petroleum engineer, geologist, and accountant, when performed by the person occupying the building as his or her private dwelling.
- (c) At the time of the application, the applicant/owner must provide the city tax collector's office with a document, letter or petition signed by all adjacent landowners, which document shall include the printed name, municipal address and telephone number of the adjacent landowner

and which document shall state that the adjacent landowner does understand the nature, type and extent of the "Home Occupation" and that the landowner has been fully notified of same by the applicant/owner.

Home occupations shall also include such other occupations as constitute personal services and are of a nature similar to any of those herein specified. The person or persons engaged in a home occupation and occupying the building in which such occupation is pursued as his, her or their private dwelling may have not more than two persons who are not resident in such dwelling employed in such home occupation and working within such dwelling.

2.222. *Hotel*: A structure designed, used or offered for residential occupancy for any period less than one month, including tourist homes and motels, but not including hospitals or nursing homes.

2.223. *Junkyard*: An open area where waste, used or secondhand materials are brought and sold, exchanged, stored, baled, packed, disassembled, or handled, [including] but not limited to scrap iron, automobiles, and other metals, paper, rags, rubber tires, and bottles.

2.224. *Lot*: A parcel of land occupied by, or which may hereafter be occupied by, a building and its accessory buildings, together with such open spaces and parking spaces as are required under this ordinance, and having its principal frontage on an officially approved street or place.

2.225. *Lot line*: The lines bounding a lot as defined herein:

- (a) *Front lot line*: In the case of an interior lot, that line separating said lot from the street. In the case of a corner lot, or double-frontage lot, "front lot line" shall mean that line separating said lot from that street which is designated as the front street in the plat and in the application for a zoning compliance permit.
- (b) *Rear lot line*: That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten feet long farthest from the front lot line and wholly within the lot.
- (c) *Side lot line*: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

2.226. *Lot of record*: A lot which is part of a subdivision, the map of which has been recorded in the office of the clerk of court of Iberia Parish; or a parcel of land which became legally established and defined by deed on or before the date of adoption of this ordinance.

2.227. *Main building*: A building in which is conducted the main or principal use of the lot on which said building is located.

2.228 *Mobile homes or manufactured homes and modular homes*.

- (a) Any vehicle or similar portable structure mounted or designed for mounting on wheels, used or

intended for use for dwelling purposes, including structural additions, except parked and unoccupied recreational camping-type trailers. Any such vehicle or structure shall be deemed to be a mobile home whether or not the wheels have been removed therefrom, and whether or not resting upon a temporary or permanent foundation. For the purpose of this zoning ordinance, a mobile home is not considered single-family residence. As such, it is not permitted for use or occupancy in any zoning district other than R-6 (mobile home park).

(b) Modular homes 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 Codes (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, 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.

2.229. *Mobile home park*: Two or more mobile homes located on the same lot of ground occupying such spaces as required by this ordinance.

2.230. *Nonconforming use*: A land lawfully used, and/or structure legally existing and/or used, at the time of adoption of this ordinance, or any amendment thereto, which does not conform with the height, lot area, yard requirements, or use regulations of the district in which it is located.

2.231. *Parking space*: One automobile parking space shall be an area not less than nine feet by 20 feet and the access to the parking space from a public street or alley shall be provided in addition to the space necessary for the parking.

2.232. *Setback*: The minimum distance away from a property line where buildings may be constructed, [or] a building line, usually a line parallel to the front property line.

2.233. *Townhouse*: Two or more attached living units with common or party side walls between units, designated so that each unit may be sold independently as a lot with its own yards and parking spaces.

2.234. *Trailer, travel*: A vehicular, portable structure built on a chassis designed as a temporary dwelling for travel, recreational use, and vacant, and is not connected to utilities. A travel traveler is not to be considered a mobile home and shall not be used within the city limits for the purpose of temporary or permanent dwelling, and no utility or sewer tie-ins will be permitted.

2.235. *Variance*: A modification from the provisions of this regulation by the zoning commission in cases when enforcement of its provisions would result in unnecessary hardship.

2.236. *Yard*: The area between any lot line and the setback required therefrom.

2.237. *Fixit shops*: This term as applied to the ordinance shall include the business operations of

occupations herein specified as follows:

Electronic and appliance repairs;

Furniture upholstery and repairs;

Lawn mower repair of mower size not to exceed a dryweight of 1,100 pounds with a maximum of 18 hp, hand tools and bicycle repair;

Electric driven air compressor and electric motor repair (rewinding or dipping of windings is prohibited).

(Gen. Ord. No. 389, § 3, 8-2-88; Ord. No. 485-95, § 1, 8-15-95; Ord. No. 2005-12, § 1, 9-20-05; Ord. No. 2006-3, § 1, 4-18-06; Ord. No. 2007-06, §§ 1, 2, 3-20-07; Ord. No. 2007-09, §§ 1--3, 6-19-07)

**Editors Note:** Ord. No. 2006-3, § 1, adopted April 17, 2006, added a definition for trailer, travel, numbered 2.232 to the Code. Inasmuch as §§ 2.232--2.234 already existed, they were redesignated as 2.233--2.335 at the editor's discretion to accommodate the new definition and maintain the alphabetic and numeric sequence of the definitions.

Previously, § 3 of Gen. Ord. No. 389, adopted Aug. 2, 1988, added § 2.234, which the editor renumbered as § 2.202.5, also to maintain the alphabetical sequence of the definitions.

### ARTICLE III.

#### SCHEDULE OF DISTRICT REGULATIONS ADOPTED\*

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\* **State Law References:** Districts and district regulations authorized, R.S. 33:4722.

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Districts are shown on the official zoning map. Within the districts established by this ordinance, the following regulations shall apply.

#### Sec. 3.1. General provisions.

A. *Creation of districts.* For the purpose of this ordinance, the City of New Iberia is divided into the following districts:

R-1	Residential District
R-2	Residential District
R-3	Residential District
R-4	Townhouse and Condominium District
R-5	Multifamily Residential District
R-6	Mobile Home Park District
PUD	Planned Unit Development
C-1	Limited Business District
C-2	Central Business District
C-3	General Business District
C-4	Highway Commercial District
I-1	Light Industrial District
I-2	Heavy Industrial District

For the purpose of this ordinance, these districts shall be ranked with respect to degree of restriction, in descending order of restriction, as follows: R-1, R-2, R-3, R-4, R-5, R-6, PUD, C-1, C-2, C-3, C-4, I-1, I-2, O-L.

B. *Zoning map.* The zoning districts and the boundaries thereof are shown on the attached "Zoning Map of the City of New Iberia," which map is hereby made a part of this ordinance.

C. *District boundaries.* Except where specifically shown by dimensions or otherwise on the zoning map, the boundaries of districts are lot or property lines, the centerlines of streets or alleys or such lines extended, railway right-of-way lines, natural boundary lines such as watercourses, and the municipal corporate limit lines as they may exist from time to time. Questions concerning the exact location of any district boundary shall be decided by the board of adjustment.

D. *Utility lines.* Water, electric transmission, sanitary sewer, telephone and telegraph, stormwater drainage, and natural gas lines, regardless of any other provision or regulation appearing in this ordinance, shall not be deemed and shall not constitute "uses requiring planning approval" or "special exception uses" in any district insofar as their placement, erection or construction on dedicated streets, alleys and public ways is concerned; but [in] such streets, alleys and public ways they shall constitute uses by right; and no permit, license or other document of approval for such use(s) shall be required under this ordinance.

E. *[Height restrictions.]* Notwithstanding the maximum height regulations set forth herein, there shall be no maximum height restrictions unless otherwise restricted by airport zoning or other ordinances.

F. *[Additional permitted uses.]* In all districts which provide "permitted uses" and "prohibited uses," and also provide under prohibited uses, "all uses not specifically permitted herein," the ordinance is amended in all such districts to provide under "permitted uses": "Any use permitted in more restrictive districts." For example, a single-family dwelling is permitted in districts R-2, R-3 et seq. Any use permitted in district C-1 is permitted in any less restricted districts such as districts C-3, C-4 et seq. (Gen. Ord. No. 305, § 1, 5-15-84)

**Editors Note:** The zoning map referred to in subsection B. of this section is not included herein, but is available for public inspection at the offices of the city.

### **Sec. 3.2. Open land districts.**

These districts are composed mainly of large open unsubdivided lands that are designed to protect the essentially open character of the districts, until such time as plans for development are prepared, by prohibiting the establishment of scattered residential, business, industrial and other uses that are unrelated to any general plan of development and that might inhibit the best future urban utilization of the land. It is intended that land in these districts will be reclassified to its appropriate residential, commercial or industrial category in accordance with the amendment procedure set forth herein whenever such land is subdivided into urban building sites.

#### *3.201. Permitted uses.*

- (1) Farming and truck gardening.

- (2) Golf driving ranges.
- (3) General agricultural activities (livestock and poultry raising).
- (4) Parks or playgrounds, but not including recreation centers.
- (5) Other temporary uses which will not destroy the open character of the district or prohibit future large-scale development.
- (6) Structures of a temporary use for the above activities.

[GENERAL REQUIREMENTS FOR  
RESIDENTIAL DISTRICTS]

	Minimum Lot Size (square feet)	Lot Width (feet)
R-1	6,000	50
R-2	5,000	40
R-3	4,800	40

Side yard required on corner lot:

Setback:

R-1: Ten feet.

R-2: Eight feet.

R-3: Six feet.

Support for covered but unenclosed area: Four-foot minimum from property line.

Overhang projection may be 18 inches providing at least three feet remains open to sky.

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ADD FIGURE SECTION 3.2.1

**Sec. 3.3. R-1 residential district.**

Within all R-1 residential districts, as shown on the official zoning map, the following regulations shall apply:

3.301. *Permitted uses.*

- (1) Single-family dwellings built on site ("site-built"), except that the zoning commission may grant

a permit to an owner of property to move onto the property a single-family dwelling owned by the same owner under the following circumstances:

- (a) The single-family dwelling is stick-built and not constructed on a chassis;
  - (b) The owner shall submit a written scope of work showing the work to be done (if approved, all items within the written scope of work shall be completed within six months, starting from the date the structure is moved onto the property), and the planning and zoning commission determines that the type of construction, value of the improvements and size of the dwelling will be similar to that already located in the area so that the dwelling moved to the property will not have an adverse impact on property values in the area;
  - (c) The owner provides the zoning commission with a photograph of the dwelling and the pre-move address of the dwelling; and
  - (d) The owner provides the zoning commission with a petition or other documentary evidence (including name, address and telephone numbers of the signers) that the following persons consent to the relocation and intent in moving the dwelling to the property:
    - (i) All landowners immediately adjacent; and
    - (ii) Seventy-five percent of landowners owning land within a 1,000-foot radius of the proposed home site.
- (2) Parks, playgrounds and community buildings owned or operated by the city, state or federal agencies.
  - (3) Home occupations, as defined in section 2.2.
  - (4) Public libraries or museums.
  - (5) Churches, public elementary schools, or private schools having a curriculum essentially the same as ordinarily offered in a public elementary school and public or nonprofit nursery schools or kindergartens housed in permanent structures.
  - (6) Private gardens and nurseries for the propagation and cultivation of plants only when said plants, flowers or produce are not offered for sale.
  - (7) Accessory buildings and uses customarily incidental to any of the above uses, when located on the same lot and not involved in the conduct of a business.
  - (8) Bulletin boards for churches, temples, institutions or public buildings only, and signs not exceeding 12 square feet in area, pertaining to the rental, lease or sale of a building or land; provided, however, that no more than one sign of the above character shall be permitted on any

lot.

- (9) The renting of one room for the accommodation of not more than two persons providing the room is not equipped with cooking facilities and provided further that no boarding arrangements are made.
- (10) Patio, zero lot line and garden homes. Side yard requirements may be waived for this type of home provided that a subdivision development plan with a minimum of two acres or more is submitted to the planning commission for approval, showing the exact location of all buildings, and provided further that the covenants for said subdivision stipulate that there shall be a permanent easement of at least ten feet between each main building. The exterior wall constructed on a zero lot line shall be a blank wall with no openings. A five-foot private maintenance easement (part of the ten feet) shall be provided on the lot adjacent to the zero lot line wall for access and maintenance. Minimum lot size is 3,500 square feet.
- (11) Country clubs with a site of at least 25 acres and with all activities and parking associated with and common to a country club. Golf course, except driving range, pitch and pull or miniature golf course.
- (12) Bed and breakfast, which shall be defined to mean the renting of a room and/or rooms by a person or persons domiciled in said residence to a person or persons for temporary residential tourist lodging for a time period, per tourist, not to exceed one consecutive week. This use shall allow the serving of breakfast to each tourist, commonly associated with similar bed and breakfast facilities. In no way shall this allow the serving of more than one meal a day and/or the occupancy of this facility by permanent boarders. This permitted use is contingent upon the owners of this facility providing a minimum of one offstreet parking space per room offered for rental, and further contingent upon compliance with any and all subdivision restrictions that are applicable for the location of this facility.

**Editors Note:** Both sections 2 and 4 of Gen. Ord. No. 389, adopted Aug. 2, 1988, added a subsection (12) to § 3.301. The text printed is as given in § 2 of the ordinance, which is similar to the definition given in § 2.202.5. Section 4 reads simply " `Bed & Breakfast' facilities."

3.302. *Prohibited uses.* All uses not specifically permitted herein; mobile homes, manufactured housing, billboards.

3.303. Deleted.

3.304. *Area regulations.* Each lot shall have front, side, and rear yards not less than the following depths or widths:

*Front yard:* 20 feet.

*Side yard:*

- (1) Minimum side yard dimension, five feet.
- (2) On corner lots, the side yard on that side abutting the side street shall not be less than ten

feet.

*Rear yard:* Ten feet.

*Lot area per family:* The minimum lot area requirements are as follows:

Minimum required lot area, 6,000 square feet.

Minimum required lot area per family, 6,000 square feet.

Minimum lot width at building setback line, 50 feet.

3.305. *Parking requirements.* See article V.

3.306. *Limitation on signs.* See article VI.

[3.307--3.309. Reserved.]

3.310. *Patio, zero lot line and garden homes.* Side yard requirements may be waived for this type of home provided that a subdivision development plan with a minimum of two acres or more is submitted to the planning commission for approval, showing the exact location of all buildings, and provided further that the covenants for said subdivision stipulate that there shall be a permanent easement of at least ten feet between each main building. The exterior wall constructed on a zero lot line shall be a blank wall with no openings. A five-foot private maintenance easement (part of the ten feet) shall be provided on the lot adjacent to the zero lot line wall for access and maintenance. Minimum lot size is 3,500 square feet.

3.311. [*Country clubs and golf courses.*] Country clubs with a site of at least 25 acres and with all activities and parking associated with and common to a country club. Golf course, except driving range, pitch-and-pull or miniature golf course.

(Gen. Ord. No. 314, § 2, 9-18-84; Gen. Ord. No. 384, § 1, 5-17-88; Gen. Ord. No. 385, § 1, 6-7-88; Gen. Ord. No. 389, §§ 2, 4, 8-2-88; Ord. No. 2005-15, § 1, 12-20-05; Ord. No. 2006-06, § 1, 6-22-06)

### **Sec. 3.4. R-2 residential district.**

Within all R-2 residential districts, as shown on the official zoning map, the following regulations shall apply:

3.401. *Permitted uses.*

- (1) Any use permitted in R-1 residential district.
- (2) Modular home (as defined in 2.226 Modular homes.)
  - a. The owner provides the New Iberia Zoning Commission with a photograph(s) or a drawing, floor plan and design details of the dwelling;

- b. The owner provides the New Iberia Zoning Commission with a petition or documentary evidence (including name, address and telephone numbers of signers) that the following persons consent to the relocation of the modular home:
  - i. All landowners immediately adjacent to the property.
- c. The New Iberia Zoning Commission determines that the type of construction, value of improvements, size of the dwelling and design will be similar to that already located in the area so that the modular home will not have adverse impact on property values in the area.
- d. A letter of guarantee that the modular home meets the requirements of the International Residential Codes (IRC) and International Building Codes (IBC) as well as all local and state codes.

3.402. *[Uses] permitted with setbacks and screening.*

- (1) Cemetery and mausoleum; hospital and convalescent home; sanitariums; private club not conducted for profit; philanthropic use, parish, state, and federal use;

provided however, that all structures in connection with these uses are located 40 feet from any property lines, and provided they are screened from abutting properties by walls and/or fences or by other screening not less than six feet in height in a manner acceptable to the building inspector.

3.403. *Prohibited uses.*

- (1) All uses not permitted herein; mobile or manufactured homes; billboards.

3.404. Deleted.

3.405. *Area regulations.*

*Yards:* Each lot shall have front, side and rear yards not less than the following depths or widths:

*Front yard:* 20 feet.

*Side yard:*

- (1) Minimum side yard dimensions, five feet.
- (2) On corner lots, the side yard on that side of the lot abutting the side street shall not be less than eight feet.

*Rear yard:* Ten feet.

*Lot area per family:*

Minimum required lot area, 5,000 square feet.

Minimum required lot area per family, 5,000 square feet.

Minimum lot width at building setback line, 40 feet.

3.406. *Parking requirements.* See article V.

3.407. *Limitation of signs.* See article VI.

(Ord. No. 2006-06, § 1, 6-22-06; Ord. No. 2007-09, § 4, 6-19-07)

**Sec. 3.5. R-3 residential district.**

Within all R-3 residential districts, as shown on the official zoning map, the following regulations shall apply:

3.501. *Permitted uses.*

- (1) Any use permitted in R-2 residential district.
- (2) Two-family dwellings, duplexes.
- (3) Accessory buildings and uses customarily incidental to any of the above-listed uses, including the leasing of rooms by the family resident on the premises, provided that the area rented or leased does not exceed 25 percent of the total floor area in any of the dwelling units, and providing no arrangements are made for boarding.
- (4) Deleted.
- (5) Deleted.

3.502. *Prohibited uses.*

- (1) All uses not permitted herein.

3.503. Deleted.

3.504. *Area regulations.*

*Yards:* Each lot shall have front, side and rear yards not less than the following depths or widths:

*Front yard:* 20 feet.

*Side yards:*

- (1) Minimum side yard dimensions, five feet.
- (2) On corner lots, the side yard on that side of the lot abutting the side street shall be not less than six feet.

*Rear yard:* Ten feet.

*Lot area per family:*

Minimum required lot area, 4,800 square feet.

Minimum required lot area per family, 2,400 square feet.

Minimum lot width at building setback line, 40 feet.

3.505. *Parking requirements.* See article V.

3.506. *Limitation on signs.* See article VI.

(Ord. No. 2006-3, § 1, 4-18-06; Ord. No. 2006-06, § 1, 6-22-06)

### **Sec. 3.6. R-4 townhouse and condominium district.**

This zoning district is special in that it is created as needed by the amendment procedure as set forth in this ordinance and requires approval by the planning commission.

The condominium and townhouse district is composed of groups of single-family residences located in a manner so that the units are provided with common open space and/or individual yards and parking. The regulations are designed to allow the architect and builder to utilize single-family properties to their fullest capacity and still provide an abundance for light, air and open space to the residents.

A detail plan, complying with all of the provisions of the subdivision ordinance and of this article, must be submitted to the commission at the time of the request for classification; and this plan, if approved, shall become a prerequisite to the property remaining so classified. No property shall be sold and/or any building permits issued, and/or any construction initiated on any lot regulated by the provisions of this article stated herein until the property owner and/or owners of these areas and/or subdivisions have completed all improvements required by this article, including but not limited to drives, parking and utilities. Approvals for subdivisions under this article shall be as stated in sections 22-41, 22-42 and 22-43 [now sections 78-32, 78-33 and chapter 78, article IV] of the subdivision regulations.

The above subdivisions and/or areas, by their nature, are residential and can, therefore, be placed in or near residential properties; however, due to the flexibility of design, they may also be created next to commercial properties and used as buffers.

3.601. *Permitted uses.*

- (1) Single-family attached dwellings.
- (2) Accessory uses customarily associated with single-family dwellings.

3.602. *Prohibited uses.*

- (1) All uses not permitted herein.

3.603. *Area regulations.*

- (1) The minimum lot width shall be 18 feet and the minimum lot area shall be 1,800 square feet.
- (2) Each townhouse shall have its own open lot yard space of at least 400 square feet, reasonably secluded from view from streets or from neighboring property. Such yard shall not be used for offstreet parking or for any accessory building.

3.604. *Parking requirements.* See article V.

3.605. *Limitations on signs.* See article VI.

**Sec. 3.7. R-5 multifamily residential district.**

Within all R-5 residential districts, as shown on the official zoning map, the following regulations shall apply:

3.701. *Permitted uses.*

- (1) Any use permitted in R-3 residential district, except no mobile homes or house trailers.
- (2) Three- and four-family dwelling units and multiple-family dwelling units.
- (3) Boarding and lodging houses.
- (4) Condominiums and townhouses.
- (5) Storage garages.

3.702. *Prohibited uses.*

- (1) All uses not permitted herein.

3.703. *Area regulations.*

*Yards:* Each yard shall have front, side and rear yards not less than the following depths or widths:

*Front yard:* 15 feet.

*Side yard:* Five feet per side.

*Rear yard:* 15 feet.

*Open yard:* For single- and two-family residences, open yard space must equal 30 percent of lot area with remaining 70 percent served [reserved] for buildings and parking. For multifamily residences, condominiums and townhouses, open yard space must equal 20 percent of lot area with remaining 80 percent reserved for buildings and parking.

*Minimum lot area:* For multifamily dwellings, 3,400 square feet for first two units plus 500 square feet for each additional unit.

3.704. *Parking requirements.* See article V.

3.705. *Limitation on signs.* See article VI.  
(Ord. No. 2005-15, § 2, 12-20-05)

### **Sec. 3.8. R-6 mobile home park district.**

These districts offer parking and other facilities for mobile homes and are generally small, as their boundaries coincide with the boundaries of the mobile home park subdivision. The regulations are designed to prevent overcrowding of the land by requiring certain minimum area building sites for each unit. It is intended that these mobile home park districts be created in accordance with the amendment procedure set forth herein as they are needed. The application for a mobile home park district should be submitted in conjunction with the application to subdivide.

Within all R-6 mobile home park districts, as shown on the official zoning map, the following regulations shall apply:

3.801. *Permitted uses.*

- (1) Mobile homes or manufactured housing.
- (2) Accessory uses.

3.802. *Prohibited uses.* All uses not specifically permitted herein.

3.803. *Area regulations for mobile home park.*

*Yards:*

*Front yards:* On the street frontage where ingress and/or egress are proposed, trailers and structures shall be set back from front lot lines of the park a minimum distance of 20 feet.

*Side yards:* There shall be two side yards on each side of the trailer park, having a minimum width of 15 feet.

*Rear yards:* There shall be a rear yard having a minimum depth of 15 feet of [on] the rear of the mobile home park.

*Lot size:* Trailer spaces shall be a minimum depth of 100 feet and a minimum width of 35 feet at the parking line of each trailer space. There shall be a maximum of 12 trailer rental units per acre as an average for the entire trailer park. No trailer shall be placed on a lot so as to be closer than 15 feet to the trailer on the abutting lot.

*Yard requirements for trailer spaces:*

*Front yard:* Trailers and structures shall be set back from the front lot lines of the individual lots a minimum distance of ten feet.

*Side yard:* There shall be two side yards, one on each side of the trailer, having a minimum width of five feet with a minimum of 15 feet between trailers.

*Rear yard:* There shall be a rear yard having a minimum depth of ten feet from the rear lot line of the individual mobile home lots.

3.804. *Parking requirements.* See article V. However, there shall be not less than two offstreet parking spaces for automobiles and one trailer space for each designated trailer rental unit.

3.805. *Limitations on signs.* See article VI.

(Ord. No. 2006-3, § 1, 4-18-06; Ord. No. 2006-06, § 1, 6-22-06)

### **Sec. 3.9. PUD planned unit development.**

Within all PUD districts, as shown on the official zoning map, the following regulations shall apply:

3.901. *Purpose.* To allow for the planned development of an area of mixed land use, patio homes, zero lot lines, or innovative land development which would allow for nontraditional requirements.

3.902. *Permitted uses.*

- (1) Any use permitted in any R residential or C commercial district as a combination.
- (2) Any I district and C district as a combination.
- (3) Patio homes.

3.903. *Prohibited uses.* All uses not permitted herein.

3.904. *Height regulations.* No limit except where the property abuts on a residential district, in which

case no building shall exceed the maximum height permitted in the residential district unless it is set back from all yard lines by one foot for each foot of additional height in excess of the height so permitted.

3.905. *Area regulations.*

*Size:* A minimum of five acres is required to qualify for a PUD district.

*Yards:*

- (1) Front, rear and side yards: None are required except where the PUD abuts on any district which requires front, side and rear yards. These requirements shall apply for the PUD district for the side on which the abutment occurs only.
- (2) Where R districts are a part of a PUD and the R district faces a public right-of-way, then the front yard setback shall apply as set forth in the R district.
- (3) Zero lot lines are permitted; however, when a side yard is provided, said side yard shall not be less than three feet.

3.906. *Parking requirements.* See article V.

3.907. *Limitation on signs.* See article VI.

3.908. *Supplementary district regulations.* See section 3.16.

3.909. *Plats required.* A PUD district will have to be detailed in plat form and submitted as a subdivision plat to the planning commission for approval. The zoning commission shall require that all deed and covenant restrictions be filed with the planning commission at the time of plat approval.

**Sec. 3.10. C-1 Neighborhood Business District.**

A neighborhood (limited) a business district containing small individual uses designed to serve the daily or frequent retail and service needs of the immediate neighborhood. These districts are small and are within convenient walking, or a short driving distance of most of the areas they serve. Allowable uses are compatible with the scale of adjoining neighborhoods.

Within all C-1 neighborhoods (limited) business districts, as shown on the official zoning map, the following regulations shall apply.

3.1001. *Permitted uses.* Permitted uses shall include any use permitted in the R-5 residential district or any of the uses listed below (provided that the uses listed below shall never exceed 2,000 square feet).

A. Retail sales:

1. Art gallery and supply store
2. Book, greeting cards or stationary
3. Camera and photographic supplies
4. Coffee/pastry shop/bakery
5. Cosmetics
6. Convenience store (no gas pumps)
7. Drug store/pharmacy
8. Health foods
9. Hobby supplies
10. Ice cream
11. News dealers/news stand
12. Optician
13. Sandwich shop

**B. Services:**

1. Alternations (tailor)
2. Animal grooming (non-boarding)
3. Bank or credit union (branch with drive thru)
4. Barbershop
5. Beauty shop
6. Child day-care center
7. Dance studio
8. Dry-cleaners (no on-site cleaning)
9. Laundromats

10. Nail/tanning salon
11. Photography studio
12. Picture framing
13. Travel agency
14. Video sale/rentals
15. Weight-loss clinic.
16. Bicycle

C. Office uses:

1. Accounting
2. General
3. Government
4. Insurance
5. Legal
6. Medical/dental
7. Real estate

3.1002. *Prohibited uses.*

1. Freestanding signs and billboards
2. Any use not specifically permitted herein

3.1003. *Deleted.*

3.1004. *Area regulations.*

Yards:

- (1) Front, side and rear yards: None are required except where a lot is used for a dwelling or in part for a dwelling, and it shall be the same as the R-3 residential district. When a side yard is provided, said side yard shall not be less than three feet.

- (2) Whenever a C-1 commercial district abuts on a residential district, the requirements on [of] the residential district shall apply for the C-1 district for the side on which the abutment occurs only.

Building site area: There is no minimum building site area required.

3.1005. *Parking requirements.* See article V.

3.1006. *Limitations on signs.* See article VI.

(Ord. No. 2001-588, § 1, 5-1-01; Ord. No. 2001-589, § 1, 7-17-01)

### **Sec. 3.11. C-2 Central business district.**

The central business district classification applies to the area often referred to as "downtown". Historically this area of the city was the location for retail and service establishment required by both the residents of the city and those residing in the city's trade area. Over time the area to which this classification is applied has changed and the uses allowed reflect those changes in addition to those uses that have always been located in the area.

Within all C-2 central business districts, as shown on the official zoning map, the following regulations shall apply:

3.1101. *Permitted uses.*

A. Retail sales:

1. All uses permitted in a C-1 neighborhood (limited) business district
2. Antiques
3. Apparel and accessories
4. Appliance sales/service
5. Bakery
6. Bar (lounge)
7. Bicycle sales/service
8. Carpet and tile
9. Cellular phones
10. Computers and software

11. Department stores
12. Electrical supply stores
13. Farmers market
14. Florist
15. Furniture
16. Gift, novelty or souvenirs
17. Guns
18. Hobby, toys, and games
19. Interior design shop
20. Jewelry
21. Leather and luggage
22. Liquor
23. Office supplies and equipment
24. Music and musical equipment
25. Paint and wallpaper
26. Pawn shop
27. Plumbing supply store
28. Quick copy printing
29. Radio, television and consumer electronics
30. Restaurant (no drive-thru) and micro brewery
31. Shoes
32. Sign shop
33. Specialty foods

34. Surgical supplies
35. Tobacco
36. Uniform sales
37. Seafood market.

B. Services:

1. All services permitted in a C-1 neighborhood business
2. Amusement (conducted entirely in an enclosed building)
3. Bank, credit union, or other financial services
4. Broadcasting studio (radio or television)
5. Catering
6. Check cashing
7. Clubs or lodges
8. Dry cleaners
9. Health club
10. Home appliance repair
11. Hotels or motels
12. Movie theater
13. Shoe repair
14. Studio (professional work or teaching)
15. Taxidermist
16. Taxi stand/dispatching
17. Cabinet shop and sales

C. Office uses:

1. All offices permitted in a C-1 neighborhood business district. With the restrictions removed as to the number of practitioners and support staff.
2. Building and construction.
3. Engineering.
4. Financial services.

3.1102. Prohibited uses.

1. Any uses not specifically permitted herein.

3.1103. *Height regulations.* None.

3.1104. *Area regulations.*

Yards:

Front, side and rear yards: No yards are required in the C-2 central business district. However, where a side yard is provided but not required, such side yard shall not be less than three feet.

Whenever a C-2 commercial [central business] district abuts on any residential districts which require front, side and rear yards, these requirements shall apply for the C-2 district for the side on which the abutment occurs only.

Building site area: There is no minimum building site area required.

3.1105. *Parking requirements.* No off-street parking is required in the C-2 central business district. See article V for off-street loading requirements.

3.1106. *Limitation on signs.* See article VI.

(Ord. No. 2001-588, § 1, 5-1-01; Ord. No. 2003-14, § 1, 9-18-03; Ord. No. 2004-01, § 1, 2-17-04)

**Sec. 3.12. C-3 General business district.**

A general business district differs from a C-1 neighborhood business district in that it allows uses of a more varied nature and is intended to serve a larger population than the immediate surrounding neighborhood. No re-zoning petition shall be approved for a C-3 district unless the subject property is adjacent to an existing commercial or business district unless the petitioner can show extenuating circumstances, or a definite need for the uses allowable by this classification in the general area in which the subject property is located.

Within all C-3 general business district as shown on the official zoning map, the following regulations shall apply.

3.1201. *Permitted uses.*

A. Retail sales:

1. All uses permitted in a C-2 central business district.
2. Air-conditioning sales/service
3. Alarm systems
4. Automobile parts
5. Automobile service station
6. Automobile, truck and trailer lease and rentals
7. Convenience store (with self-service gas)
8. Farm and garden
9. Motorcycles
10. Nursery
11. Supermarket
12. Temporary outdoor sales (seasonal) - requires a special permit which limits hours and length of operation
13. Tire and auto repair

B. Services:

1. All services permitted in C-2 central business district.
2. Adult day care center
3. Ambulance
4. Automobile upholstery
5. Animal hospital (no open kennel)
6. Bowling alley
7. Diaper service

8. Funeral home
9. Furniture upholstery
10. Golf driving range or batting cage
11. Gymnastics studio
12. Laboratory, medical or dental
13. Locksmith
14. Machine/motor repair
15. Miniature golf
16. Mini-warehouse storage facilities

C. Offices:

1. All offices permitted in a C-2 central business district classification
2. Veterinary (no open kennel)

3.1202. *Prohibited uses.*

1. Any uses not specifically permitted herein

3.1203. *Deleted.*

3.1204. *Area regulations.*

Yards:

1. Front, rear and side yards: None are required except where a lot is used for a dwelling or in part for a dwelling, and it shall be the same as for R-3 residential districts. When a side yard is provided but not required, said side yard shall not be less than three feet.
2. Whenever a C-3 commercial [general business] district abuts on any residential district which requires front, side and rear yards, these requirements shall apply for the C-3 district for the side on which the abutment occurs only.

3.1205. *Parking requirements.* See article V.

3.1206. *Limitations on signs.* See article VI.  
(Ord. No. 2001-588, § 1, 5-1-01)

**Sec. 3.13. C-4 Highway commercial district.**

C-4 highway commercial district differs from a C-3 general business district in that it contains uses of a heavier commercial nature. These additional allowable uses may involve larger property requirements, heavier traffic volume or other annoying factors not generally associated with the uses allowed in the C-3 general business district.

3.1301. *Permitted uses.*

A. Retail Sales:

1. All uses permitted in a C-3 general business district
2. Automobile and truck sales
3. Bait shop
4. Boats and motors
5. Brewery associated with restaurant
6. Cabinet shop and sale

B. Services:

1. All services permitted in C-3 general business
2. Animal kennel
3. Pest control

C. Office uses:

1. All office uses permitted in a C-3 general business district

3.1302. *Deleted.*

3.1303. *Prohibited uses.*

1. All uses not permitted herein

3.1304. *Deleted.*

3.1305. *Area regulations.*

Yards:

1. Front, rear and side yards: None is required except where a lot is used for a dwelling or in part for a dwelling, and it shall be the same as for R-3 residential districts. When a side yard is provided but not required, said side yard shall not be less than three feet.
2. Whenever a C-4 commercial district abuts on any residential district which requires front, side and rear yards, these requirements shall apply for the C-4 district for the side on which the abutment occurs only.

3.1306. *Parking requirements.* See article V.

3.1307. *Limitations on signs.* See article VI.  
(Ord. No. 2001-588, § 1, 5-1-01)

### **Sec. 3.14. I-1 Light industrial district.**

The intent of the light industrial district is to accommodate wholesale, warehouse and light manufacturing activities whose external physical effects are in no way detrimental to any of the surrounding districts. The following uses are permitted as long as these uses are not obnoxious or offensive due to emission of odor, noise, dust and gas. Within all I-1 light industrial districts, as shown on the official zoning map, the following regulations shall apply:

3.1401. *Permitted uses.*

1. Any use permitted in C-4 highway commercial district
2. Food processing (excluding rendering plants, fish and meat processing)
3. Millwork and furniture manufacturing
4. Lumber and building material storage yards
5. Tire recapping
6. Wholesale and warehouses

3.1402. *Prohibited uses.* Heavy manufacturing uses such as the manufacturing of alcohol, ammonia, brick, cement or concrete, chemicals, fertilizers, lampblack, lime, oilcloth, paint, petroleum products, plastics, products from fish or animal refuse, soap; bulk storage of petroleum products; junkyard or processing of junk or scrap metal or automobile wrecking; railroad repair shops and railroad marshaling yards; any other use that will be injurious, hazardous, noxious or offensive to an extent equal to or greater than those enumerated.

3.1403. *Height regulations.* No limit except when a building abuts on a residential district, in which case it shall not exceed the maximum height permitted in the residential district unless it is set back from all yard lines (abutting residential areas) by one foot for each foot of additional height in excess of the height so permitted.

3.1404. *Area regulations.*

Yard:

1. Front yard, side yard, rear yard: None are required except where a lot is used for a dwelling or in part for a dwelling, and it shall be the same as for R-3 residential district. When a side yard is provided, said side yard shall not be less than three feet.
2. Whenever an I-1 district abuts on a residential district which requires front, side and rear yards, these requirements shall apply for an I-1 district for the side on which the abutment occurs only.

3.1405. *Parking requirements.* See article V.

3.1406. *Limitations on signs.* See article VI.  
(Ord. No. 2001-588, § 1, 5-1-01)

### **Sec. 3.15. I-2 Heavy industrial district.**

Within all I-2 heavy industrial districts, as shown on the official zoning map, the following regulations shall apply:

3.1501. *Permitted uses.*

1. Any use in an I (I-1) light industrial district.
2. Equipment and services of all types.
3. Bulk storage of petroleum products not in excess of 300,000 gallons.
4. Concrete and concrete products manufacturing.
5. Junkyards or processing of junk or scrap metal or automobile wrecking.
6. Boat building.
7. Metal fabrication.
8. Food processing, including fish and meat processing.

9. Gravel terminals.
10. Rendering plants.
11. Machine shop
12. Sheet metal and welding shops

3.1502. *Prohibited uses.*

1. Dwellings, except living quarters for watchmen and caretakers.
2. Schools offering general education courses.
3. Churches.
4. Any use injurious, hazardous, noxious or offensive to a neighborhood by reason of odor, smoke, dust, gas, fumes, glare, light, noise or vibration.

3.1503. *Height regulations.* No limit except where the property abuts on a residential district, in which case no building shall exceed the maximum height permitted in the residential district unless it is set back from all yard lines by one foot for each foot of additional height in excess of the height so permitted.

3.1504. *Area regulations.*

Yard:

1. Whenever an I-2 industrial district abuts on any residential district which requires front, side and rear yards, these requirements shall apply for the entire block in which abutment occurs.

3.1505. *Parking requirements.* See article V.

3.1506. *Limitation on signs.* See article VI.

(Ord. No. 2001-588, § 1, 5-1-01)

**Sec. 3.16. Supplementary district regulations.**

3.1601. *Uses.*

- (1) Temporary buildings used in conjunction with construction work only may be permitted in any district during the period the construction is in progress, but such temporary buildings shall be removed upon completion of the construction work. No permit is required.
- (2) Fences may be erected along the boundaries of a lot or yard area subject to the requirements of

the building code; one segment of a fence may be erected in a required side yard.

- (3) Power, heating or refrigerating plants, apparatus or machinery which are accessory to permitted uses shall be permitted only if placed and operated so as to comply with existing ordinances and not cause serious annoyance or injury to occupants of adjoining premises.
- (4) Existing railroads and utilities may continue to be operated and maintained in dwelling and commercial districts, but no new railroad or utility structure other than the usual poles, transformers and other similar appurtenances, wires, underground utilities, electric substations and gas pressure regulating and metering stations shall be established except when so authorized by the board of zoning adjustments.

3.1602. [Reserved.]

3.1603. *Yards.*

- (1) Where a lot in a commercial district or industrial district abuts a lot in a residential district, there shall be provided along such abutting lines a yard equal in width or depth to that required in the residential district.
- (2) Where the frontage on one side of a street between two intersecting streets is zoned partly as residential and partly as commercial or industrial, the front yard depth in the commercial or industrial district shall be equal to the required front yard depth of the residential district.
- (3) On every corner lot there shall be provided on the side street a side yard equal in depth to one-half the required front yard depth on the said side street. The front yard requirements of a residential district shall prevail over that of a commercial or industrial use.
- (4) On a corner lot in any district no fence, wall, hedge or other structure or planting more than three feet in height shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are 30 feet distant from the point of intersection, measured along said street lines.
- (5) Covered but unenclosed areas may project into required yards not more than ten feet and shall not be considered in determining yard sizes or lot coverage; provided, however, that such area shall not be closer than four feet to any lot line, except front yards.
- (6) Every part of a required yard shall be open to the sky except ordinary projections not over 18 inches, except that a roof, gutters or eaves may project to the extent of four feet providing at least three feet remains open to the sky.
- (7) If 40 percent or more of the frontage on the same side of the street between two intersecting streets is improved with buildings that have observed front yards less than that required, no building need be set back from the street more than the average front yard depth of such buildings.

- (8) Open fire escapes may extend into any required yard not more than five feet.
- (9) Bay windows may project into any required yard not more than two feet.
- (10) Buildings housing animals and the storage of odor- or dust-producing substances shall not be permitted within 50 feet of any lot line.
- (11) The building area of accessory buildings shall not be greater than 40 percent of the required rear yard area.
- (12) Accessory buildings shall not be built less than three feet from any lot line.
- (13) Accessory buildings may be built in the required side yards, providing such buildings are not less than 60 feet from the front lot line.

3.1604. *Fences, hedges and walls.* Notwithstanding other provisions of this ordinance, where a driveway intersects a public right-of-way or where property abuts the intersection of two public rights-of-way, all landscaping, structures or fences within the corner triangle area shall provide unobstructed cross-visibility.

Any fence, hedge or wall placed within 15 feet of the intersection of a public street shall not restrict or obscure the visibility through such fence, hedge or wall by more than 25 percent of its total vertical plane area.

All shrubs located within these triangular areas shall be maintained at a height not to exceed 36 inches above sidewalk grade. Trees may be planted in this area if all branches are trimmed to maintain clear vision for a vertical natural height of eight feet above roadway surface.

A fence, hedge, wall, column, pier, post or any similar structure or any combination of such structures is permitted in the required setback of a district if it meets these conditions.

All property lines will be located in order to determine that no fence, hedge or wall extends beyond or across a property line. A fence, hedge or wall may cross a property line if an agreement with the abutting property owner is obtained. No barbed wire or other sharp, pointed or electrically charged fence is [to be] erected or maintained except:

- (a) A temporary fence on a construction site, which may be as high as required to protect the property during the period of construction and may have barbed wire where it is not less than six feet above the grade.
- (b) A barbed wire fence or electrically charged fence may be used as an internal fence, not on the periphery of the property.
- (c) Barbed wire may be used on the periphery of the property when placed six feet above grade.

No fence, or wall may exceed eight feet in height, measured as follows: measurement taken vertically from ground level in the adjacent grade.

A fence, hedge or wall in the front yard and side yard from the building setback line to the front line shall not be over four feet in height with adequate unobstructed view angle at all drives unless material used shall permit 75 percent of the unobstructed view when viewed at an angle of 90 degrees from the direction of the fence, hedge or wall. The adequate view angle shall be determined by the chief building inspector.

Material shall be of a durable nature, pleasant in appearance and acceptable to the building official and shall be maintained in good condition.

(Emer. Ord. No. 334, § 1, 5-21-85; Gen. Ord. No. 357, § 1, 11-18-86; Gen. Ord. No. 393, § 2, 9-20-88; Ord. No. 98-537, § 1, 5-19-98)

**APPENDIX A - ZONING ORDINANCE USER INDEX FOR COMMERCIAL CLASSIFICATIONS**

Types of Businesses	C-1	C-2	C-3	C-4
Retail Sales:				
Air conditioning sales/service			X	X
Alarm systems			X	X
Antiques		X	X	X
Apparel and accessories		X	X	X
Appliances sales/service		X	X	X
Art gallery and supply store	X	X	X	X
Automobile and truck sales				X
Automobile parts			X	X
Automobile service station			X	X
Automobile, truck and trailer lease and rentals			X	X
Bait shop				X
Bakery	X	X	X	X
Bar (lounge)		X	X	X
Bicycles	X	X	X	X
Book, greeting cards or stationary	X	X	X	X
Boats and motors				X
Brewery associated with restaurant				X
Cabinet shop and sales				X
Camera and photographic supplies	X	X	X	X
Candy and confectionery	X	X	X	X
Carpet and tile		X	X	X
Cellular phones		X	X	X
Coffee and/or pastry shop		X	X	X
Computer and software		X	X	X
Cosmetics	X	X	X	X
Convenience store	X	X	X	X
Convenience store (with self-service gas)			X	X
Department store		X	X	X
Discount store				X
Drug store/pharmacy	X	X	X	X

Electrical supply store		X	X	X
Farm and garden			X	X
Farmers market		X	X	X
Florist		X	X	X
Furniture		X	X	X
Gift, novelty or souvenirs		X	X	X
Guns		X	X	X
Hardware		X	X	X
Health foods		X	X	X
Hobby supplies	X	X	X	X
Hobby, toys and games	X	X	X	X
Home improvement centers		X	X	X
Ice cream	X	X	X	X
Interior design shop		X	X	X
Jewelry		X	X	X
Leather and luggage		X	X	X
Liquor			X	X
Lumber yard				X
Motorcycles			X	X
Music and musical equipment		X	X	X
Micro brewery		X	X	X
News dealers/newsstand	X	X	X	X
Nursery			X	X
Office supplies and equipment		X	X	X
Optician	X	X	X	X
Paint and wallpaper		X	X	X
Pawn shop		X	X	X
Pet supplies			X	X
Plumbing supplies		X	X	X
Quick copy printing			X	X
Radio, TV and consumer electronics		X	X	X
Restaurant		X	X	X
Restaurant (with drive-thru)			X	X
Sandwich shop	X	X	X	X
Seafood market			X	X
Shoes			X	X
Sign shop		X	X	X
Specialty foods		X	X	X
Surgical supplies		X	X	X
Supermarket				X
Temporary outdoor sales (merchandise) - by special permit				X
Temporary outdoor sales (seasonal) - by special permit			X	X

Tobacco		X	X	X
Uniform sales		X	X	X
Video sales/rentals	X	X	X	X
<i>Services:</i>				
Adult day-care center			X	X
Alterations (tailor)	X	X	X	X
Ambulance			X	X
Amusement (conducted entirely in closed building)		X	X	X
Automobile upholstery			X	X
Animal grooming (non-boarding)	X	X	X	X
Animal hospital (no open kennel)				X
Bank, credit union or other financial services		X	X	X
Bank or credit union (branch) with drive-thru	X	X	X	X
Barbershop	X	X	X	X
Beauty shop		X	X	X
Broadcasting studio (radio or television)			X	X
Building maintenance services (janitorial, maid service)			X	X
Car wash			X	X
Carpet cleaning			X	X
Catering		X	X	X
Check cashing		X	X	X
Child day-care center	X	X	X	X
Clubs or lodges		X	X	X
Dance studio	X	X	X	X
Diaper service			X	X
Dry cleaners			X	X
Dry cleaners (no on-site cleaning)	X	X	X	X
Funeral home			X	X
Furniture upholstery			X	X
Gymnastics studio			X	X
Health club		X	X	X
Home appliance repair		X	X	X
Hotels or motels		X	X	X
Laboratory, medical or dental			X	X
Laundromat	X	X	X	X
Locksmith			X	X
Machine/motor repair			X	X
Miniature golf			X	X
Mini-warehouse storage facilities			X	X
Movie theater		X	X	X
Nail/tanning salon	X	X	X	X

Pest control	X	X	X	X
Photography studio		X	X	X
Picture framing	X	X	X	X
Shelter (battered women, homeless)		X	X	X
Shoe repair		X	X	X
Studio (for professional work or teaching)		X	X	X
Taxidermist		X	X	X
Taxi stand/dispatching		X	X	X
Telecommunication tower or antennae--by special permit			X	X
Temporary outdoor entertainment or religious activity*			X	X
Travel agency	X	X	X	X
Weight loss clinic	X	X	X	X
Office uses:				
Accounting	X	X	X	X
Building and construction		X	X	X
Engineering and architecture		X	X	X
Financial services		X	X	X
General	X	X	X	X
Government	X	X	X	X
Insurance	X	X	X	X
Legal	X	X	X	X
Medical/dental	X	X	X	X
Real estate	X	X	X	X
Veterinary (open kennel)				X
Veterinary (no open kennel)			X	X
Wholesale sales			X	X

(Ord. No. 2001-588, § 2, 5-1-01)

## ARTICLE IV.

### NONCONFORMING USES

#### Sec. 4.1. Intent.

Any building, structure or use lawfully existing at the time of enactment of this ordinance may be continued as a nonconforming use even though such building, structure or use does not conform with the provisions of this ordinance for the use district in which it is located. Similarly, whenever a use district shall be changed thereafter, the then-existing lawful use may be continued.

(Ord. No. 2001-588, § 3, 5-1-01)

#### Sec. 4.2. Nonconforming uses.

4.201. A nonconforming use may be extended on the original parcel of land on which it is situated at the

time of passage of this ordinance, but may not be extended into any required parking area unless other parking area is substituted therefor, nor into a minimum side yard and rear yard of five feet from any interior boundary line of the said parcel of land.

4.202. Nothing in this ordinance shall be taken to prevent the restoration or replacement of a building wholly or partially destroyed by fire, explosion or other casualty or act of God or the public enemy provided such reconstruction or restoration shall commence within one year of such destruction and be completed within two years.

4.203. Any nonconforming structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.

4.204. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification.

4.205. Whenever a building or land used in whole or in part for nonconforming purposes become and remain vacant for a continuous period of two years, or when the operations normally carried on in such building or on such land have been discontinued for a period of two years, such nonconforming use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this ordinance. Leasing the premises, commencement of repairs, reconstruction or replacement in the event of casualty loss and remodeling operations shall interrupt such two-year period.

4.206. Whenever land used to accommodate a trailer or mobile home in a nonconforming use becomes and remains vacant for a continuous period of six months or more, the right to nonconforming use will be terminated.

(Gen. Ord. No. 326, § 1, 5-7-85; Ord. No. 2001-588, § 1, 5-1-01)

## **ARTICLE V.**

### **OFFSTREET AUTOMOBILE PARKING AND LOADING REGULATIONS**

#### **Sec. 5.1. General requirements.**

5.101. Parking requirements for two or more uses of the same or different type may be satisfied by the allocation of a common or collective parking facility. Such facility shall not be less than 80 percent of the requirements for the individual uses computed separately.

5.102. Area reserved for off-street parking or loading in accordance with the provisions of this section shall not be reduced in area or changed to any other use.

5.103. For uses not mentioned in this section, the requirements for off-street parking and loading facilities for a similar use specifically mentioned in this section shall apply.

5.104. No parking space will be permitted on corner lots within 30 feet of the intersection, with said 30 feet to be measured from the property corner along the front and side property lines. This requirement shall not

be applied to boulevards or one-way streets.

5.105. Each parking lot shall be designed in such a manner that (except for single-family dwellings) adequate maneuvering areas are provided and backing into or off of the street right-of-way will be prohibited, unless a ten-foot "vision strip" is included in the parking layout. This "vision strip" shall consist of a ten-foot vacant portion of property extending from the rear of the required parking space to the street right-of-way, and be allowed only in R-3, R-4 and R-6 residential districts.

5.106. Off-street parking shall be provided in accordance with the provisions of this section for approved home occupations.

5.107. Such parking spaces, aisles and connecting driveways shall be surfaced with concrete surfacing, except for single-family residences.

5.108. Whenever the parking lot adjoins vacant or developed property residentially zoned, a continuous live hedge not less than three foot high, or a continuous sight proof fence not less than five nor more than seven feet in height, constructed of permanent durable type material, shall be constructed by the owner of the parking lot between the parking lot and the residentially zoned area. Material shall be of a durable nature, pleasant in appearance and acceptable to the building official, and shall be maintained in good condition.

5.109. Existing buildings not complying with off-street parking of loading requirements may be remodeled, repaired and structurally altered; but any enlargement must provide the parking spaces as required by the enlargement, and the additional parking spaces to bring the off-street parking requirements in full compliance with the off-street parking requirements of this ordinance.

5.110. A site development plan prepared by the owner or his authorized agent shall be submitted containing the standards set forth herein. The site development plan shall also show existing conditions and measurements as well as the proposed plan including parking layout design (showing number of parking spaces with striping), driveways (proposed planting protective barriers if required) and any other details necessary to fulfill the requirements of this section. The plans shall be submitted in duplicate at a minimum scale of one inch equals 20 feet, to the director of public works and the city planning director, who shall render a decision of acceptance or rejection within ten working days. After any plan is accepted by the director of public works, city planning director, and the building official, it must be strictly adhered to by the applicant.

5.111. Parking lots for the purpose of required off-street parking must be accessible to a public street. Parking areas shall be at least 65 feet (minimum 62 feet between curbs) wide where parking is on both sides of common drive, or at least 42 feet (minimum between curbs) wide where there is parking on one side only; except where diagonal parking is to be provided, parking areas shall be at least 57 feet wide for parking on both sides or 36 feet for parking on one side. Each individual parking stall shall be a minimum of nine feet wide. No parking space will be permitted on corner lots within 30 feet of the intersection, with said 30 feet to be measured from the property corner along the front and side property lines. This requirement shall not be applied to boulevards or one-way streets. On lots having a frontage of 50 feet or less, only one combined entrance and exit shall be permitted. On lots having a frontage in excess of 50 feet but less than 200 feet, there shall be no more than two combined entrance-exits. On property having frontages in excess of 200 feet, additional drives may be permitted but only when traffic generated by the use as approved by the director of public works warrants the additional drives.

5.112. Where the area immediately behind and adjacent to the street right-of-way is to be used as a parking area, concrete curbs a minimum of six inches in height shall be permanently installed three feet from the sidewalk or property line to prohibit such parked vehicles from extending into the street right-of-way, but in any case a minimum three-foot planting strip shall be provided on the front, back and/or sides of all parking lots which front on public streets.  
 (Ord. No. 2001-588, § 4, 5-1-01)

**Sec. 5.2. Off-street parking requirements.**

5.201. *Applicability.*

- A. *New development:* Every use of a building or land hereafter established shall provide the minimum off-street parking spaces as required by this section.
- B. *Existing buildings:*
  - 1. **Building expansion:** Any existing buildings where the type of business or occupancy continues, may be remodeled, repaired and structurally altered, but any enlargement must provide the parking spaces required by the enlargement (See 5.109)
  - 2. **Change of use for any existing building or use of land,** where the type of business occupancy is changed, the number of parking spaces to be provided shall not be decreased, however, if the new use requires additional spaces, they must be provided.

5.202. *Parking requirements.* The following are the minimum off-street parking spaces that are required. If the classification of any use is not readily determined in the following, the building official, and the city planning director shall determine the off-street parking requirements, any request for an alteration or reduction of these requirements will be made to the New Iberia Planning Commission. The burden of proof shall be on the petition making the request to demonstrate that the specific use of a building or land would make unnecessary the full number of parking spaces required by this section. Parking spaces for the handicapped shall be provided in new development as required by any local, state, or federal ordinance and laws.

Land Use	Minimum Off-street Parking Spaces:
Automobile repair shop:	1 space for every 150 square feet of gross floor area
Automobile sale and service:	1 space per 1000 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 spaces 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 of floor space

Barber or Beauty Shop:	1 space for every 200 square feet of gross floor area
Boarding and Lodging Homes:	1 space for every guest bedroom plus 1 additional space for manager
Bowling Alley:	2 spaces per alley
Churches, Temples, and 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:	1 space for every 100 square feet of public floor area
Convenience Stores:	1 space for every 200 square feet of public floor area
Day-Care:	1 space for every 200 square feet of public floor area.
Retail (Shopping Centers, Supermarkets, Retail Sales, Discount Stores):	1 space for every 200 sf. of retail + 1 space for every 400 sf. of warehouse storage
Group Housing:	2 spaces per sleeping room
Health Club:	1 space for every 75 square feet of exercise floor space
Hospitals:	1 space for each bed plus 1 space for each staff doctor plus 1 space for each 2 employees, including nurses
Hotels and Motels:	1 space for each guest room plus 1 additional space for each 10 rooms
Libraries, Museums, Art Galleries:	1 space for every 500 square feet of public floor area
Mini-Warehouse/Self Storage:	2 spaces at the office plus adequate space for loading/unloading at each with adequate passage for other customers provided
Mobile Homes and Mobile Home Parks:	1 spaces per dwelling unit allowed including 1 on-site space per unit
Mortuaries and Funeral Homes:	1 parking space for each 150 square feet of visitation floor area
Multi-Family Dwellings:	1 spaces per dwelling unit
Nursing (Convalescence homes):	1 space for every 8 beds
Office, Business or Professional:	1 space for every 200 square feet of office floor areas
Office, Medical or Dental:	1 space for every 150 square feet of patient floor area
Recreation (with fixed seating):	1 space for every 4 seats

Restaurants:	1 space for every 100 square feet of public floor area
Schools, elementary:	2 spaces per-classroom, plus 8 additional spaces for staff
Schools, middle:	Same as elementary
Schools, secondary:	10 spaces per classroom
Services:	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 and out sales including flea market):	1 space for every 100 square feet used for such activity
Two-Family Dwellings:	2 spaces per dwelling unit
Warehouse and Distribution Establishments:	1 space per 400 square feet of gross floor area

(Ord. No. 2001-588, § 4, 5-1-01)

**Sec. 5.3. Off-street loading space requirements.**

5.301. No loading space shall be required for commercial or industrial buildings having a floor area of less than 5,000 square feet.

5.302. Commercial or industrial buildings with a floor area of more than 5,000 square feet shall provide one loading space on the lot for each 25,000 square feet of floor area or fraction thereof. Where such space is located in such a manner that a truck must back directly into the loading space, a maneuvering space of 50 feet shall be provided. A minimum vertical clearance of 14 feet shall be provided for trucks.

(Ord. No. 2001-588, § 4, 5-1-01)

**Sec. 5.4. Reserved.**

**Editors Note:** Ord. No. 2007-6, § 3, adopted March 20, 2007, repealed § 5.4, which pertained to uses allowable by special permit and derived from Ord. No. 2001-588, § 4, adopted May 1, 2001.

**ARTICLE VI.**

**REGULATION OF SIGNS**

**Sec. 6.1. Purpose.**

The purposes of these sign regulations are to encourage the effective use of signs as a means of communication in the city, to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth, to preserve the integrity of the historic districts, to improve pedestrian and traffic safety, to minimize the possible adverse effect of signs on nearby public and private property, and to enable the fair and consistent enforcement of these sign restrictions.

(Ord. No. 500-96, § 1, 4-16-96)

## **Sec. 6.2. Definitions.**

*Advertising sign:* Any sign or structure or any part thereof, which directs attention to a business, commodity, service activity, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located.

*Applicant:* For the purpose of this article, "Applicant" shall be an individual or licensed sign contractor in the city.

*Awning:* A cloth, plastic, or other nonstructural covering that either is permanently attached to a building or can be raised or retracted to a position against the building when not in use.

*Awning sign:* A sign that is painted on or attached to an awning or otherwise incorporated into the fabric of an awning.

*Banner:* A strip of cloth, canvas, or other flexible material on which a sign is painted and may be suspended between two structures or hung on the face of a single structure or pole.

*Billboard or outdoor advertising:* See "off-site sign."

*Billboards, jumbo:* Any off-site outdoor advertising sign with a total square footage per side (maximum two sides) in excess of 350 square feet, inclusive of embellishments. No jumbo billboard shall exceed a maximum area of 800 square feet per side, inclusive of embellishments.

*Billboards, major:* Any off-site outdoor advertising sign with a total square footage per side (maximum two sides) in excess of 150 square feet, but less than or equal to 350 square feet, inclusive of embellishments.

*Billboards, minor:* Any off-site outdoor advertising sign exceeding 25 square feet consisting of not more than two faces per side with a total square footage per side (maximum two sides) of 150 square feet. Embellishments are prohibited.

*Boxing:* Wood or other trim that is used to cover a sign's structural support.

*Building inspector:* The person responsible for the administration of this sign code.

*Business center:* Any building or area of land under the same ownership with two or more businesses.

*Business sign:* Any sign which directs attention to a business or profession or to a commodity, service or entertainment sold, or offered upon the premises where such sign is located.

*Construction sign:* A temporary sign identifying an architect, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located.

*Copy:* The wording of a sign surface in either permanent or removable letter form.

*Copy area:* The actual area of individually applied lettering on walls or awnings, which shall be the area computed by drawing straight lines to enclose the extremities of the letters or numbers.

*Directional sign:* A sign which warns or directs the viewer of action to be taken on private property such as, but not limited to, "no trespassing", "beware of dog", "enter" or "exit" signs.

*Display:* Attractions (such as graphic exterior paint treatments, searchlights, flags, murals, balloons, statues, sculptures, fountains, or other features) which do not clearly fall within the definition of a sign, but which for commercial or noncommercial purposes direct attention to an institution, organization, or business.

*Externally lit sign:* A sign structure that is illuminated with outside fixtures (i.e. floodlights or externally mounted florescent or neon lighting).

*Face, surface area:* The surface area of a sign is the sign face which shall be defined as the entire area within a single continuous perimeter by drawing straight lines to enclose the extreme limits of the actual sign surface including all embellishments. It does however, not include any structural elements outside the limits of such sign not forming an integral part of the display. Only one side of a double-face or V-type sign structure shall be used in computing total surface area.

*Festoon:* A string of ribbons, tinsel, small flags, pinwheels, or like material.

*Flag:* Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols used as a symbol of a government, restaurant, franchise, or other entity.

*Flashing sign:* Any sign on which the illumination is intermittent or not maintained in intensity and/or color.

*Freestanding sign:* See "pole/ground sign." For the purpose of this ordinance, all ground, pole and pylon signs are considered freestanding.

*Frontage:* A linear distance used in determining the allowable size and location of signs.

*General information sign:* A sign that identifies public facilities and services or gives information to travelers (i.e. hospitals and airports).

*Ground sign:* A sign which is freestanding and is supported by one or more uprights, poles, braces, or columns in or upon the ground and not attached to any building and has nominal clearance to grade.

*Grade:* The grade is considered to be the curb or sidewalk height, or if no curb, the crown of the street in front of the property.

*Historic district:* An area designated by ordinance that contains unique visual or historic characteristics or whose natural beauty requires special sign regulations to ensure that signs displayed within the area are compatible.

*Height of a sign:* The height of a sign shall be measured from grade to the highest point on the sign or

supporting frame.

*Identification sign:* A sign that identifies the name of the building, owner and/or street address, rather than a business within that building. It may also indicate its activities and services and/or the date of establishment as in a memorial tablet, but sets forth no other advertisement.

*Illegal sign:* A sign unlawfully erected either before or after the effective date of the ordinance codified in this chapter. See also "nonconforming sign."

*Illuminated, sign:* A sign in which a source of light is used in order to make the message readable. This definition includes internally and externally lighted signs.

*Incidental sign:* A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "scenic by-way," "historic district or site," and other similar directives. No sign with a commercial message shall be considered incidental.

*Individual business:* An establishment located on either a separate site or within a multitenant building.

*Internally lit sign:* A sign that is illuminated from within the structure.

*Landmark marker:* Any sign or plaque indicating the name of a building and date and incidental information about its construction, which is cut into a masonry surface or made of bronze or other permanent material.

*Licensed sign contractor:* A person or business duly licensed under all the applicable laws of the State of Louisiana and City of New Iberia to construct, paint, and/or install signs within the city limits.

*Lineal foot frontage:* The lineal foot frontage of a building or site is the linear distance which equals the horizontal length of any side of a building or site which face is parallel to the street containing the municipal address.

*Line of travel:* A line of travel is the travel path on a city street and may be around a corner as well as in a straight line. The distance for a line of travel shall be measured at the centerline of the street.

*Marquee:* Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

*Marquee sign:* Any sign attached to, in any manner, or made a part of a marquee.

*Murals:* A drawing or picture painted on a wall which contains no printed words and which depicts no logo or other business symbol.

*Nameplate sign:* Any sign which states the name and/or address of the profession or business.

*Nonconforming sign:* A sign lawfully erected before the effective date of the ordinance codified in this

chapter which does not fully comply with provisions of this chapter.

*Off-site sign:* A sign advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured, or furnished at the site on which the sign is located (i.e. billboards or outdoor advertising).

*On-Site sign:* A sign which carries advertisements incidental to a lawful use of the premise on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premise, name of the person, firm or corporation occupying the premise or site.

*Painted wall sign:* A sign painted directly on the exterior wall of a building or structure.

*Pennant:* A flag or banner which tapers to a point.

*Pole or pylon sign:* A detached sign erected and maintained on a freestanding mast or pole and not attached to any building with a minimum height to grade of eight feet from the sign's lowest extremity. This does not include a "ground sign."

*Portable sign:* Any sign not permanently anchored or secured to either a building or the ground such as but not limited to signs on wheels or signs capable of being moved from place to place excluding "sidewalk signs." Also included are signs mounted or painted on vehicles (parked and visible from the public right-of-way) unless such is utilized in normal day-to-day operations of that business.

*Projecting sign:* Any sign attached to the wall of a building excluding wall signs and awnings and extending out more than 15 inches shall be deemed a projecting sign.

*Public service sign:* A sign which announces public activities or charitable events to take place, or gives information of value to all citizens.

*Reader board:* A sign on which different messages can be displayed by use of removable letters.

*Real estate sign:* Any sign pertaining to the sale, lease, or rental of land or buildings located on the parcel of land or building which is being offered.

*Reverse channel letters:* Any sign with individually illuminated letters. These shall be light color and may be installed individually or on a background. If used, background shall be black or other dark color.

*Roof sign:* Any sign erected upon, against, or directly above a roof or roof eave, or on top or above the parapet, or on a functional architectural appendage above the roof or roof eave which exceeds the highest point of a roof or parapet wall.

*Sidewalk sign:* Any sign not permanently anchored or secured to either a building or the ground such as but not limited to "A" frame signs otherwise known as menu and sandwich boards. These signs shall be no more than ten square feet in area including border and trim, but excluding base, supports, and other parts of the sign structure. These signs shall be placed within three feet of the edge of the sidewalk curb, but in no event shall they be located so as to stop or substantially impede pedestrian traffic. All sidewalk signs are temporary by

nature and will not be considered part of the total combined sign area for a building and/or site.

*Sign:* Any object, device, display or structure, or any part thereof situated outdoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illuminated or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state or city, or any fraternal, religious or civic organizations; merchandise, pictures or models of products or services incorporated in a window display; works of art which in no way identify a product; or scoreboards located on athletic fields.

*Sight triangle:* A 30-foot by 30-foot triangular section which shall be kept clear in order to avoid conflicting with the line-of-sight for drivers at street intersections.

*Site:* Contiguous land under the same ownership which is not divided by any public street or alley.

*Snipe sign:* A sign or poster affixed to a tree, fence, utility pole, etc., including but not limited to garage/yard sale signs, auction signs, etc.

*Stacking sign:* The stacking of a sign is constituted by the placement of more than one face vertically per side, on a structure.

*Street frontage:* The linear distance along a single street measured between property lines of any parcel and building which abuts that street. A building or site has street frontage on each street it abuts; ex. a building at the intersection of two streets has frontage on both streets. Each street frontage shall be considered separately for the purpose of determining sign size on a particular street.

*Structure:* Any material/device which supports or is capable of supporting any sign as defined in this code.

*Suspended sign:* A small scale sign which hangs from rather than being firmly attached to a support structure. Typically such signs are used below a canopy-awning primarily to identify a business for pedestrian traffic in the downtown historic commercial district.

*Temporary sign:* A sign which is intended to advertise community or civic projects, construction projects, real estate for sale or lease, other special commercial events, political candidates or public issues to be voted upon at an official election.

*Wall sign:* A sign attached to or erected upon the wall of a building or structure. A wall sign shall project no further than 15 inches from the building or structure and shall not exceed the highest point of the roof, wall, or parapet structure.

*Window sign:* A sign applied, painted or affixed to or in the window of a building. Legal window signs shall occupy no more than 50 percent of the total window area.

*Zoning district:* An area designated by ordinance for which there exist regulations governing the use of buildings and premises or the height and area of buildings are uniform. Such district shall also regulate signage

within a specific area.  
(Ord. No. 500-96, § 1, 4-16-96)

### **Sec. 6.3. General restrictions.**

All signs hereafter erected on any lot in any district, except official traffic and street signs, shall conform to the provisions of this article, unless otherwise provided. Unless otherwise provided in this ordinance, the following regulations shall apply to signs in all districts.

6.301. No sign shall be erected so as to prevent free ingress or egress from any door, window or fire escape; and no sign of any kind shall be attached to a standpipe or fire escape.

6.302. No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of position, it may interfere with or obstruct the view of traffic sign lines or traffic control devices. If located within direct line of vision of a traffic control device, no flashing or intermittent red, green or amber illumination shall be used.

6.303. Any sign affixed flat against a wall of a building and not more than 15 inches in thickness shall not be deemed a projecting sign. Projecting signs may extend not more than 48 inches beyond the building line, or over public property, in no event closer than two feet to the curblin, and shall be at least ten feet above the finished grade of the sidewalk. Wall signs shall not extend more than 15 inches over public property; however, lighting devices may extend not more than six feet over public property provided the lowest part of such device is at least 15 feet above the finished grade.

6.304. The illumination of any sign within 50 feet of and facing a residential zone lot line shall be diffused or indirect and designed to prevent direct rays of light from shining into adjoining residential districts; and in no event shall flashing or intermittent illumination be permitted where the sign faces directly into and is nearer than 300 feet to dwellings in a residential district.

6.305. Directional or informational signs of a public or quasipublic nature not exceeding six square feet in area may be permitted in any district on approval of the zoning administrator. Any illumination shall be nonflashing, uncolored and confined to the face of the sign. No advertising matter whatsoever shall be permitted on signs of this type.

6.306. Temporary signs indicating an event of public interest such as a state or local fair, local or general election, cattle or horse show, etc., may be erected on a 30-day nonrenewable permit in any zone on approval of the zoning administrator.

6.307. Whenever a sign becomes structurally unsafe or endangers the safety of a building or premises, or endangers the public safety, the zoning administrator shall give written notice to the owner of the sign or the owner of the premises on which the sign is located that such sign be made safe or removed within ten days.

6.308. Any business or outdoor advertising sign legally existing prior to the adoption of this ordinance and which does not conform to these provisions shall not be altered, or changed in overall dimensions, except to conform to the provisions of this ordinance. If damaged to an extent in excess of one-half of its

current replacement value, it shall not be rebuilt, provided that nothing contained herein shall be construed to prevent normal maintenance and repairs, repainting or posting of such signs or structures.

6.309. Unless otherwise provided in these regulations, all signs shall be constructed and erected in accordance with the building code for the City of New Iberia.

6.310. To provide reasonable flexibility in these regulations, the board of zoning adjustment may approve an application for a business sign or advertising structure which may not conform with the provisions of the district in which it is to be located, where the location, size or addition would not be inconsistent with the character of the area or neighborhood in which such sign or structure is to be located.

#### **Sec. 6.4. Signs in R residential districts.**

In residential districts no sign shall be permitted except the following:

6.401. A sign, not exceeding two square feet in area, giving the name and/or address only of the land or building on which displayed or the owner or lessee thereof.

6.402. A sign pertaining to the lease or sale of a building or property, provided such sign shall not exceed 12 square feet in surface area and is unilluminated.

6.403. Temporary signs, for one year, advertising a new subdivision development of five lots or more, provided such signs do not exceed 60 square feet in surface area, are no more than 15 feet nor less than two feet above ground, advertise only the development in which they are located, and are erected only at dedicated street entrances.

6.404. One unilluminated sign identifying an engineer, architect or contractor engaged in the construction of a building, provided such sign shall not exceed 12 square feet in surface area, is no more than 15 feet or less than two feet above ground and is removed within 30 days following occupancy of the building.

6.405. One identification sign not to exceed 30 square feet in area, for the following uses: church, school, hospital, library, farm, park, clinic or similar uses. Such sign shall be solely for the purpose of displaying the name of the institution and its activities or services. It may be illuminated but not flashing.

6.406. Directional signs not to exceed two square feet in surface area for the following uses: church, school, hospital, library, sanitarium, clinic or similar use provided that each shall be limited to one such sign per major thoroughfare approach. No such sign shall be permitted on minor residential streets.

6.407. One nameplate sign for a dwelling group of four or more units not exceeding five square feet in surface area. Such signs may indicate the names and addresses of the buildings or it may be a directory for occupants.

#### **Sec. 6.5. Signs in C-1 limited business district.**

In the [C-1] districts, signs are permitted subject to the following regulations:

6.501. All signs permitted in the R districts [are permitted].

6.502. The total area of all business signs on a building or lot shall not exceed 150 square feet or the sum of three square feet for each lineal foot of lot frontage, whichever is the greater. No single business sign surface may exceed 300 square feet in area, nor shall two or more smaller signs be so arranged and integrated as to create a surface area in excess of 300 square feet.

6.503. Advertising sign structures shall be limited to not more than one structure for a lot of 100-foot frontage or less, and to one additional structure for each 100 feet of additional lot frontage. Such structure may contain not more than two signs per facing nor exceed 55 feet in length, and no advertising sign may exceed 300 square feet in area. No advertising sign shall be erected within 50 feet of an adjoining residence district if designed to face into such district.

6.504. Coordinated shopping centers. Each coordinated shopping center may have one incidental or freestanding identification sign for each street frontage, set back at least 20 feet from the front property line and announcing only the name of the shopping center and the hours of business.

**Sec. 6.6. Signs in C-2 central business district, C-3 general business district, and C-4 highway commercial district.**

In the C-2, C-3, and C-4 districts, signs are permitted with the following regulations:

6.601. All signs permitted in the R and C-1 districts [are permitted].

6.602. The total surface area of a business sign or signs on a lot shall not exceed six square feet for each lineal foot of lot frontage.

6.603. Advertising sign structures shall be limited to no more than two structures, perpendicular to the street and in line, for a lot of 50-foot frontage or less, and to one additional structure for each 50 feet of additional lot frontage. Such structure may contain not more than two signs per facing nor exceed a 55-foot length. No advertising sign may be erected within 50 feet of an adjoining residence district if designed to face into such district.

6.604. Coordinated shopping center. Each coordinated shopping center may have one incidental or freestanding identification sign for each street frontage, set back at least 20 feet from the front property line and announcing only the name of the shopping center and the hours of business.

**Sec. 6.7. Signs in I-1 and I-2 industrial districts.**

In the I-1 and I-2 districts, signs are permitted subject to the following regulations:

6.701. All signs permitted in the R district [are permitted].

6.702. The total surface area of a business sign or signs on a building or lot shall not exceed ten square feet for each lineal foot of lot frontage.

6.703. Advertising sign structures shall be permitted subject to the general restrictions section of this article.

### **Sec. 6.8. Outdoor billboard signs.**

The following regulations shall apply to billboards in all districts unless otherwise provided for elsewhere in this appendix:

6.801. Intent. The purpose of this section of this ordinance is to promote the reasonable, orderly and effective display of outdoor billboard signs within the city limits of New Iberia.

6.802. Definitions. See section 6.2.

6.803. No billboard shall be erected so as to prevent free ingress or egress from any door, window, or fire escape; and no billboard of any kind shall be attached to a standpipe or fire escape.

6.804. A sight triangle shall be maintained on a corner lot in any district, located on private and/or public streets, and/or at the intersection of a street and commercial driveway. No automobile, trailer, sign, moveable object, fence, wall, hedge, or other structure shall be erected, placed or maintained within the triangular area formed by the intersecting projections of the right-of-way lines (for public streets) or the edge of the pavement (for private streets or drives) at points which are 30 feet distant from the point of intersection, measured along said right-of-way lines or edge of pavement. Excluded from this restriction are:

- (1) Utility poles, guy wires and fire hydrants;
- (2) Traffic and/or street signs where necessary;
- (3) Trees situated in the said triangular area as of the effective date of this ordinance; and
- (4) Plantings or grass which are less than 12 inches in height from grade.

6.805. The illumination of any billboard within 50 feet of and facing a residential zone lot line shall be diffused or indirect and designed to prevent direct rays of light from shining into adjoining residential districts. Neon billboards and plastic face billboards with interior lighting are considered diffused or indirectly lighted billboards. In no event shall flashing or intermittent illumination be permitted where the billboard faces directly into and is nearer than 300 feet to dwellings in a residential district.

6.806. Whenever a billboard becomes structurally unsafe in accordance to the requirements of the Standard Building Code or endangers the safety of a building or premises, or endangers the public safety, the zoning administrator shall give written notice to the owner of the sign or the owner of the premises on which the sign is located that such sign be made safe or removed within ten days.

6.807. All billboards shall be constructed and erected in accordance with the building code of the City of New Iberia, unless in conflict to any provision of this ordinance in which case this ordinance shall take precedence.

6.808. All business and advertising billboards must be attached to or located on private property.

6.809. No revolving and/or flashing device or billboards of any kind or color may be used if such device or sign may be mistaken for that of a police car, ambulance, or other emergency vehicle.

6.810. If located within direct vision of traffic control devices, no flashing or intermittent red, green, or amber illumination shall be used.

6.811. No billboard shall be positioned so as to allow any portion of same to infringe upon any easement or the vertical plane of such easement.

6.812. No billboard shall incorporate banners, posters, pennants, ribbons, streamers, festoons, strings of light bulbs, spinners, or similarly fixed or moving devices.

6.813. Billboards prohibited in all zoning districts. The following billboards specifically shall not be permitted, erected or retained in any district:

- (1) Non-conforming billboards, except as specifically allowed under other provisions of this ordinance.
- (2) Billboards which incorporate moving or revolving lights.
- (3) Billboards which make use of words such as "stop," "look," "danger," or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic.
- (4) Any billboard or other advertising structure containing any obscene, indecent or immoral matter.
- (5) Any billboard which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing, or detracting from the visibility of any traffic sign or control device on public streets and road[s].
- (6) Any billboard or billboard structure which:
  - a. Is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment;
  - b. Is capable of causing electrical shock to persons likely to come in contact with it; or
  - c. Is vacant, including billboards in which one or both sides have been blank for six months. Structures not meeting construction standards, and billboards or structures which have been erected without a permit having been issued are hereby declared illegal.

6.814. Minimum distance between billboards. The minimum distance between billboards shall be as defined below, however no billboard shall be erected which shall cause any other previously existing billboard to become nonconforming:

- (1) No jumbo billboard shall be located closer than 1,200 feet from any other billboard measured along the line of travel in all directions.
- (2) No major billboard shall be located closer than 750 feet from any other billboard measured along the line of travel in all directions.
- (3) No minor billboard shall be located closer than 500 feet from any other billboard, measured along line of travel in all directions.

6.815. Distance from residential areas. No jumbo and/or major and/or minor billboard or any portion thereof may be located less than 200 feet horizontally from the zoning line of any residentially zoned property.

6.816. Height restrictions.

- (1) Except as otherwise specified in this ordinance, no portion of a jumbo billboard shall be higher than 60 feet, including embellishments, nor lower than 30 feet from existing grade at site.
- (2) Except as otherwise specified in this ordinance, no portion of a major billboard shall be higher than 40 feet including embellishments, nor lower than ten feet from existing grade at site.
- (3) Except as otherwise specified in this ordinance, no portion of a minor billboard shall be higher than 25 feet, including embellishments, nor lower than seven feet from existing grade at site.

6.817. Setback from utility lines. Any billboard shall be located such that the minimum distance from any and all electrical utility lines or other facilities comply with all appropriate and applicable codes and regulations, including those latest editions of the National Electrical Safety Code, and meets at least the minimum requirements. The foregoing are intended to be minimum requirements and additional clearance may be required on a case-by-case basis. In no case shall any portion of the sign extend into or over any utility easement or right of way.

6.818. Measurements. All measurements for jumbo billboards, minor billboards and/or major billboards shall be measured from the closest outermost extremity of the sign and not from the base structure unless the base structure is the outermost extremity which is closest.

6.819. Setback from property lines.

- (1) Any part of jumbo billboards and major billboards shall be setback a minimum distance of 20 feet from the front and rear property lines and shall be setback a minimum distance of ten feet from all side property lines.
- (2) Any part of minor billboards shall be setback a minimum distance of five feet from the front and

rear property lines and shall be setback a minimum distance of three feet from all side property lines.

- (3) Nothing in this section shall be interpreted as lessening the distances required from residentially zoned property as mandated in the section of this ordinance entitled "distance from residential areas."

#### 6.820. Stacking.

- (1) Stacking of minor billboards is permitted provided that it does not exceed allowable square footage and height requirements.
- (2) Stacking of all other billboards is prohibited.
- (3) Placement of an on-site sign on an off-site billboard, or any part thereof, is prohibited.

6.821. Construction on public rights-of-way, easements, and servitude. No jumbo, minor and/or major billboard shall be located or constructed over any public right-of-way, easement or servitude.

6.822. Horizontal length of billboard. No jumbo billboard, minor billboard and/or major billboard shall exceed 55 feet in length horizontally.

6.823. V-shaped billboards. No jumbo billboard, minor billboard and/or major billboard shall be constructed in a V-shape in an excess of a 60 degree interior angle.

#### 6.824. Number of faces.

- (1) No minor billboard shall be constructed with more than two faces per side.
- (2) No jumbo billboard or major billboard shall be constructed with more than one face per side.
- (3) Tri-face and greater billboards are prohibited.
- (4) All billboard faces shall be a maximum of 30 degrees from a line drawn perpendicular to the road upon which they front.

#### 6.825. General regulations.

- (1) All jumbo billboards, minor billboards and/or major billboards shall comply with existing general sign regulations of the Standard Building Code.
- (2) No billboard with a face in excess of 400 square feet can be constructed on any state and/or federal highway within the city limits of New Iberia.

#### 6.826. Prohibited outdoor billboard signs.

- (1) Any billboard which contains as part of the message mirror like surfaces is prohibited.
- (2) Any billboard which emits smoke, vapor, particles or odor is prohibited.
- (3) No billboard shall be located within 200 feet of any public park, or within 200 feet of the land covered by Bayou Teche in its highest ordinary stage.
- (4) No billboard in excess of 250 square feet shall be located within 200 feet of the right of way of any state legislative designated scenic by-way.
- (5) No billboard shall be located within 200 feet of any historic district or historic site.

6.827. Billboards in residential districts. In residential districts (R-1, R-2, R-3, R-4, R-5, R-6 & open land), no billboards shall be permitted except the following and these shall be on private property:

- (1) Billboards are prohibited in these districts.

6.828. New Iberia Historic Districts. These provisions of the New Iberia Historic Districts shall supplement, supersede and take precedent over all other provisions of this code.

- (1) All billboards are prohibited in these districts.
- (2) Illegal & nonconforming billboards within New Iberia Historic Districts.
  - a. All illegal billboards shall be removed within 60 days of the adoption of this ordinance.
  - b. All billboards located within 200 feet of any historic district or historic site, made nonconforming by the adoption of this ordinance shall be permitted to remain until five years from April 5, 1996 at which time they shall be removed.

6.829. Billboards in C-1 and C-2 (excluding New Iberia Downtown Historic Commercial District and New Iberia National Register Historic District) are permitted subject to the following regulations.

- (1) All billboards permitted in R-1 through R-6 residential districts.
- (2) No billboards shall be erected within or extend into or over a utility easement.
- (3) Billboards are prohibited in this district except as provided under "nonconforming billboards."

6.830. Billboards in C-3 and C-4 are permitted subject to the following regulations:

- (1) All billboards permitted in the commercial districts (C-1 and C-2).
- (2) Only minor and major billboards are permitted in this section, subject to the provisions of "outdoor billboard signs."

6.831. Billboards in I-1 and I-2 industrial districts. In the I-1 and I-2 districts, billboards are permitted subject to the following regulations:

- (1) All billboards permitted in the residential and in all business classifications.
- (2) Jumbo, major and minor billboards are permitted in this section subject to the provisions of section 6.8, "outdoor billboard signs."

6.832. Permits required. Except as otherwise provided in this section, no billboard shall be painted/repainted, erected, altered, rebuilt or relocated until a permit for the sign(s) has been obtained. All billboards for which permits are required shall be erected only by property owners or licensed sign contractors pursuant to the provisions of this chapter. A separate permit shall be required for all electrical work.

- (1) Billboards not subject to permits. No permit shall be required under this chapter for the following:
  - a. City approved billboards for public safety, convenience and any other billboard authorized by the city.
  - b. Painting, posting or face changing of all billboards.

6.833. Permit procedures.

- (1) No person shall erect, paint/repaint, or alter any billboard within the corporate limits of the city without first securing a permit for such, except as identified in "signs not subject to permits."
- (2) Inventory.
  - a. A list of the location and name of property owners including city permit numbers and dates of all existing billboards that individuals, corporations, sign companies and all others have, shall be submitted to the building inspector within 30 days of the adoption of this ordinance. Any billboard not so declared will for the purpose of this ordinance be considered illegal and subject to the provisions of "violations and enforcement."
  - b. Sign companies shall provide to the building inspector annually prior to March 15 an inventory of all billboards including those newly constructed or dismantled indicating the following information: size, number of faces, means of illumination, location, date of permit, and permit number.
- (3) Applications for a billboard permit shall be obtained from the building inspection office. The application for permission to erect or maintain any billboard shall be in writing with original signature by the licensed sign contractor (if used) and the owner of the property or structure to which such sign is attached. The signers of such application shall also state and agree with the city therein that they shall indemnify, protect, and save the city harmless from all costs, loss or damage which the city may sustain by reason of the erection, maintenance, use or removal of the

billboard, and that the billboard may be removed as provided in this chapter. Every application for billboard approval shall be accompanied by:

- a. The street name and street number of the building, structure, or site on which the billboard is to be erected.
  - b. Names, addresses and telephone numbers of the applicant, owner of the property on which the billboard is to be erected or affixed, the owner of the billboard, and the licensed contractor erecting or affixing the billboard.
  - c. A scaled site plan indicating the proposed location of the billboard, the location and size of any existing signage at the site, and colors and type of illumination, if applicable, shall be indicated on the plan.
  - d. One scaled drawing on a sheet size not to exceed 8 1/2 inches by 14 inches of the plans and specifications of the sign to be erected or affixed. Such details shall include accurate dimensions, materials, copy, letter styles, and size of the proposed sign. As many sheets as necessary to properly and fully define the submittal may be used.
  - e. Color photographs of the property in question, showing all existing billboards on the property.
  - f. Applications for permits for outdoor billboard signs, in addition to the aforementioned information, shall contain a drawing showing the location of any billboard(s) within a 1,000-foot radius of the proposed location of such billboard.
- (4) Upon receipt of an application, the building inspection office staff shall evaluate the request based on the information provided by the applicant and the requirements of this chapter. If the building inspection office denies or rejects an application, the applicant may appeal the decision to the New Iberia Planning Commission by request for public hearing per the planning commission policy procedures. Following the building inspection office review and approval the appropriate permits will be issued.
  - (5) Upon completion of the work and a call for inspection, a building official of the city shall then examine the work for proper completion.
  - (6) A billboard permit shall expire if installation/alterations are not completed within 90 days. This period may be extended by building inspection office staff in accordance to the then current provisions of this ordinance for another 90 days at no additional charge provided the applicant applies for the extension in writing at least two weeks before the end of the initial 90 days.

#### 6.834. Nonconforming billboards.

- (1) Any billboard legally existing prior to the adoption of this ordinance and which does not conform to these provisions shall be declared nonconforming, but permitted to remain in accordance to all the requirements of this section providing such billboards shall not be altered or

changed in overall dimensions and/or in any other way, except to conform to the provisions of this ordinance. If damaged or destroyed by fire, storm, or other acts of God or the public enemy, the sign may be replaced and/or repaired without requiring additional permits provided there is no increase in square footage or number of faces from that which existed immediately prior to the occurrence of the damage. If the billboard is not replaced and/or repaired within six months after the occurrence of the damage this provision does not apply, provided that nothing contained herein shall be construed to prevent normal maintenance and repairs, repainting, or posting of such billboards or structures.

- (2) All unpermitted billboards erected prior to the adoption of this ordinance shall be declared illegal and nonconforming. All such billboards shall be removed within 60 days except billboards for which a "waiver of permit" has been obtained as follows:
  - a. Billboards for which the owners cannot produce a City of New Iberia permit number, and which were erected outside of any historic district within the city limits, but were erected in full compliance to all regulations of the city that existed immediately prior to the adoption of this ordinance shall be permitted to apply for a "waiver of permit" by written application.
  - b. The "waiver of permit" application shall be submitted to the building inspector within 30 days of the adoption of this ordinance for this provision to apply, and shall include the following:
    1. A written request over the signature and on the stationary of the owner of the billboard.
    2. Compliance to "permit procedures."
    3. An attached fee of \$25.00 per "waiver of permit" requested.
- (3) Once a nonconforming billboard is changed to a conforming billboard, no such billboard shall be permitted to revert to a nonconforming billboard.
- (4) All nonconforming billboards attached to a building that becomes and remains vacant for a continuous period of three years, or when the operations normally carried on in such building have been discontinued for a period of three years, shall be re-permitted in accordance to the provisions of this ordinance. Leasing the building, commencement of repairs, reconstruction or replacement in the event of casualty loss and remodeling operations shall interrupt such three-year vacancy period.
- (5) Because of health, safety and welfare irrespective to any other provision of this ordinance all billboards in excess of 250 square feet located within 200 feet of any state legislative designated scenic by-way made nonconforming by the adoption of this ordinance shall be permitted to remain until five years from April 5, 1996 at which time they shall be removed.
- (6) Because of health, safety and welfare irrespective to any other provision of this ordinance all

billboards located within 200 feet of any historic district, or historic site made nonconforming by the adoption of this ordinance shall be permitted to remain until five years from April 5, 1996 at which time they shall be removed.

- (7) Because of health, safety and welfare irrespective to any other provision of this ordinance all billboards in excess of 250 square feet made nonconforming by the adoption of this ordinance shall be permitted to remain for a period of ten years from April 5, 1996 at which time they shall be removed.

#### 6.835. Violation; enforcement.

##### (1) Penalties.

- a. All billboards without a permit number shall be considered illegal.
- b. All illegal billboards shall be subject to a fine of \$100.00 for each day of the violation and shall be subject to removal of the billboard at agent and/or sign company and/or property owner's expense.
- c. The construction/erection of three or more illegal billboards by a sign company within a period of one year shall result in the denial of any new sign permits for one year from the date of the last violation.
- d. Public works is authorized to remove all illegal billboards at the expense of the sign company and/or property owner and/or candidate ten days after written notification to the sign company and/or property owner and/or candidate by the building inspector.
- e. Civil enforcement. Appropriate actions and proceedings may be taken at law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premise. These remedies shall be in addition to any other penalties described in this chapter.

#### 6.836. Fees.

- (1) Billboard permit fees shall be set by resolution of the city council. Fees for governmental entities and organizations with official nonprofit status may be waived by the City of New Iberia Department of Planning. Posting and face changes will not require permits and/or permit fees. Fees are not refundable.
- (2) Those billboards as listed in "billboards subject to permits" do not require a permit. However, compliance with the contents of this code is required.
- (3) Those billboards subject to a permit fee will be assessed a fee as listed below:

#### Outdoor Billboard Fees

Type Billboard	Initial Permit Fee (per sq. ft. per face)	Annual Review (per structure)
Minor	.25	\$10.00
Major	.25	25.00
Jumbo	.25	40.00

(Ord. No. 500-96, § 1, 4-16-96)

## **ARTICLE VII.**

### **ADMINISTRATION**

#### **Sec. 7.1. Enforcement.**

The board of trustees shall appoint the city building official as zoning administrator to administer and enforce this ordinance. The administrator shall not be an elected public official, but may perform other duties for the city.

Appeal from any decision of the administrator may be made to the board of zoning adjustment, as provided in article VIII of this ordinance.

#### **Sec. 7.2. Certificate of zoning compliance.**

There shall be no change in the use or occupancy, as defined in this ordinance, of land, buildings or structures until a certificate of zoning compliance has been issued by the administrator stating that such complies with the provisions of this ordinance.

7.201. On application for a certificate of zoning compliance, the administrator shall determine that the proposed use or occupancy complies with this ordinance. If it does, the administrator shall issue a certificate of zoning compliance. Applications for certificate [of] compliance shall be made at the same time as the application of [for] the building permit.

7.202. Applications for a certificate of zoning compliance and building permit shall be accompanied by a layout or plot plan drawn to scale, showing:

- (1) The dimensions of the lot involved;
- (2) The size and location of buildings or structures on the lot, and any buildings or structures to be erected or changed;
- (3) Access driveways and parking areas with individual car stalls indicated.

7.203. The administrator shall issue a final certificate of zoning compliance within ten days after the completed work has been inspected and approved.

7.204. The administrator shall maintain in his office a record of all applications with accompanying data, rejections and preliminary and final certificates of zoning compliance. Copies of all certificates shall be

furnished to the public on application and at reasonable cost.

7.205. Building permits. No building or structure shall be erected, altered, repaired or relocated until a permit has been issued by the zoning administrator. The application for an issuance of such permits shall be in accordance with the requirements of the building code, except that no permit shall be issued until application for a certificate of zoning compliance has been made and approved.

## **ARTICLE VIII.**

### **BOARD OF ZONING ADJUSTMENT\***

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\* **Cross References:** Boards, commissions and authorities, § 2-76 et seq.  
**State Law References:** Board of adjustment, R.S. 33:4727.

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#### **Sec. 8.1. Creation and appointment.**

A board of zoning adjustment is hereby established. It shall consist of five qualified voters of the City of New Iberia appointed by the mayor with the consent of the New Iberia Board of Trustees. No elected or appointed public official shall be eligible to serve on such board while holding other public office. The board shall also include two alternate members. Regular members shall be appointed for a term of five years each and alternate members for a term of three years with all terms being staggered. Alternate members shall serve only when called upon to form a quorum and, when serving, shall have all the powers and duties of regular members. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Members may be removed for cause by the appointing authority, upon written charges and after a public hearing. (Ord. No. 371, § 2, 7-7-87; Ord. No. 2001-588, § 5, 5-1-01)

#### **Sec. 8.2. Organization.**

The board shall elect its own chairman, and may elect a vice-chairman, who shall serve for one year or until their respective successors have qualified. The director of the New Iberia planning commission shall serve as the secretary of the board but shall not be considered a member. The secretary shall keep a correct record of all proceedings of the board.

The board shall adopt rules in accordance herewith and R.S. 33:4721--33:4729; provided that any rules adopted by a board of adjustment, zoning administrator or other official or official body appointed by the governing authority shall not be effective until approved in writing by the governing authority.

#### **Sec. 8.3. Records.**

The board shall keep minutes of its proceedings and records of its examinations and other official actions. The minutes of the board shall show the vote or failure to vote of each member upon each question. All minutes and records shall be filed immediately in the office of the board and shall be public record. Certified copies of all decisions of the board shall be furnished to the zoning administrator and the planning commission.

#### **Sec. 8.4. General procedure.**

The board shall adopt rules of procedure. Board meetings shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the vice-chairman, may administer oaths and compel attendance of witnesses. All board meetings shall be open to the public. All testimony presented at a public hearing, objections thereto and rulings thereon shall be taken down by a recorder. The board may change any decision of the administrator, in whole or in part, and to that end shall have all the powers of the zoning administrator. The concurring vote of a majority of the board shall be necessary to do so, to decide in favor of an applicant on any matter upon which it is required to pass under this ordinance, or to effect any variance of this ordinance.

### **Sec. 8.5. Appeals.**

Appeals to the board may be taken by any party aggrieved, or by an officer or agency of the City of New Iberia affected, by a decision of the administrator. The appeal must be filed within 30 days with the administrator and the board, listing the reasons for the appeal, and [with] payment of a filing fee in the full sum of \$100.00. The administrator shall then send to the board all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in the action appealed from unless the administrator concurrently certifies to the board that, for reasons of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed unless a restraining order is granted by the board or by a court of record. The board shall fix a reasonable time, not to exceed 30 days, for the hearing of the appeal, give notice thereof to the interested parties and to the public, and decide the appeal within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney.

(Emer. Ord. No. 420, 1-8-91)

### **Sec. 8.6. Powers and duties.**

The board of zoning adjustment shall have the power and it shall be its duty:

8.601. To hear and decide appeals involving the interpretation of this ordinance or where it is alleged there is error in any determination made by the administrator, in accordance with R.S. 33:4727.

8.602. In hearing and deciding appeals, the board shall have the power to grant exceptions in the following instances:

- (1) Where a district boundary line divides a lot in single or joint ownership of record at the time such line is adopted, permit the less restricted portion of such lot to extend not more than 30 feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.
- (2) Interpret the provisions of this ordinance in such a way as to carry out the intent and purposes of the plan, as shown upon the zoning district map, where the district boundaries are uncertain, or where the street layout actually on the ground varies from the street layout as shown on the district map.
- (3) Permit the erection and use of a building or the use of land for railroads or public utility purposes.

- (4) Permit unenclosed roadside stands for the sale of products raised on the premises, commercial amusements or recreational developments, for temporary or seasonal periods not to exceed 90 days at a time.
- (5) Permit temporary buildings where necessary for approved construction work in progress.
- (6) Permit the development of airports and the erection of commercial radio and television broadcasting towers in any district except residential districts, and permit the erection of private radio towers in any district.
- (7) To vary yard requirements or height restrictions, and parking or sign regulations in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, where strict application would deprive the owner of the reasonable use of the land in accordance with the use regulations of this ordinance; to waive or reduce parking requirements whenever the use of a building or land is so extraordinary as to make unnecessary the full provision of parking facilities, or whenever it can be shown that provision of required offstreet parking space within 300 feet of the main building is not feasible and would impose an unreasonable hardship as contrasted with merely granting an advantage or a convenience; to approve an application for a business sign or advertising structure which may not conform with the provisions of the district in which it is to be located, where the location, size or addition would not be inconsistent with the character of the area or neighborhood in which such sign or structure is to be located. In granting any variance, the board shall prescribe any conditions that it deems reasonably necessary.

No variance shall be granted by the board of adjustment unless it finds:

- (1) That there are special circumstances or conditions, fully described in the findings, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of such land or building.
- (2) That, for reasons fully set forth in the findings, the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the board is the minimum variance that will accomplish this purpose.
- (3) That the granting of the variance will be in harmony with the general purpose and intent of this article and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

### **Sec. 8.7. Court review.**

Any party aggrieved by any decision of the board may, within 30 days after the filing of such decision in the office of the board, present to the district court of the Parish of Iberia a petition for a writ of certiorari asking for relief as provided in R.S. 33:4727.

## ARTICLE IX.

### USES ALLOWABLE BY SPECIAL PERMIT.\*

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\* **Editors Note:** Ord. No. 2007-6, § 4, adopted March 20, 2007, amended art. IX in its entirety and enacted the provisions herein set out. The former art. IX was titled Violations and Penalties.

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The following uses shall be allowed subject to the following restrictions by a permit issued by the City of New Iberia. The appropriate official of the City of New Iberia shall have the authority to determine whether the permit shall be issued.

#### **Sec. 9.1. Permits issued by the permit and inspection department.**

(a) *Public utility uses (e.g., water production wells, transformers).* C-1, C-2, C-3 and C-4 districts.

(b) *Telecommunications power [tower] or antenna.* C-3 or C-4 district (with the exception of the designated New Iberia Downtown Commercial Historic District, or the New Iberia National Register Residential Historic District. Exceptions may only be granted on a case-by-case basis following review and recommendation by the New Iberia Historic District Commission).  
(Ord. No. 2007-6, § 4, 3-20-07)

#### **Sec. 9.2. Permits issued by the tax office.**

(a) Temporary outdoor entertainment or religious activity (e.g., church or school fair, fireworks display). C-1, C-2, C-3 and C-4 districts.

(b) Amusement rides and fireworks prohibited in a C-1 district.

(c) Temporary outdoor sales, merchandise (art shows, flea markets, roadsides miscellaneous). C-2, C-3 and C-4 districts. One-week maximum.

(d) Roadside sales only in C-4 districts.

(e) Temporary outdoor sales, seasonal (Christmas trees, fireworks, pumpkins, seasonal flowers and shrubs). C-3 and C-4 districts. Thirty-day maximum which may be extended.  
(Ord. No. 2007-6, § 4, 3-20-07)

#### **Sec. 9.3. Permits issued by the planning and zoning commission for special use/conditional use.**

(a) This 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. This section shall not apply to manufactured homes or mobile homes.

(b) *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. This permit is granted based on reasons specific to the proposed location. Each application for a 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.

(c) *Preapplication meeting.* It is recommended, that the applicant for this 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 City ordinance (e.g., landscape, signs, setbacks, parking, etc.)

(d) *Filing the application.* A completed application must be submitted to Department of Planning by the tenth day of the month prior to the regular meeting of the New Iberia Zoning Commission. The application must be accompanied by a filing fee of \$350.00.

(e) *[Application requirements.]* Application requirements for this permit shall include each of the following:

1. An application form completed and signed by the property owner(s).
2. A letter to the New Iberia Zoning Commission describing the use in detail and reasons why the application should be granted. The letter should address why the use will benefit and/or not adversely affect the surrounding neighborhood and any other information the applicant deems to be pertinent.
3. Proof of ownership. The application must be filed by the property owner (see [subsection] 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. In an owner/buyer relationship, the owner must file the application on behalf of himself and the buyer, if approved the permit will be issued to the buyer once the "act of sale" is recorded at the Iberia Parish Clerk of Court's office and a copy of recordation is on file with the City of New Iberia's Planning Department.
4. Letters of support and/or a petition signed by the adjacent property owners supporting the request.

(f) *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 this Permit.

1. In case the New Iberia Zoning Commission recommends approval, it will automatically be forwarded to the board of trustees for final approval.
2. In case the New Iberia Zoning Commission denies the request, the New Iberia Board of Trustees has the power to overrule such disapproval by a recorded vote of not less than two-thirds of its entire membership.

(g) *Reasons for approval or denial.* In considering whether this 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 improvement 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 City ordinances must be met.

(h) *Revocation of this 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 the City of New Iberia, this permit is immediately rescinded and such use shall cease immediately, and the property owner will be assessed a \$500.00 fine. For each additional day the violation continues, an additional \$500.00 fine may be applied. In addition to the fine, all court costs, attorney's fees and related expenses should be the responsibility of the property owner.  
(Ord. No. 2007-6, § 4, 3-20-07)

## **ARTICLE X.**

### **AMENDMENTS AND PETITIONS\***

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\* **State Law References:** Amendments, R.S. 33:4724, 33:4725.

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#### **Sec. 10.1. Initiation of amendments.**

The mayor and board of trustees may, from time to time, change the regulations, restrictions, or boundaries herein or subsequently established. Such may be initiated by:

- (a) Action of the mayor and board of trustees itself by introduction of an ordinance or by adoption of a motion.
- (b) Recommendation of the planning commission.
- (c) Petition of property owners.

#### **Sec. 10.2. Petitions.**

Petitions by property owners for the change of the zoning ordinance shall be filed with the mayor and board of trustees through the planning commission. In filing such petitions, the following rules shall apply:

10.201. The regulations, restrictions and boundaries may, from time to time, be amended, supplemented, changed, modified or repealed. In case, however, of a protest against a change duly signed and acknowledged by the owners of 20 percent or more, either of the areas of land (exclusive of streets and alleys) included in a proposed change or within an area determined by lines drawn parallel to and 200 feet distant from the boundaries of the district proposed to be changed, the amendment shall not become effective except by the favorable vote of a majority of the members of the legislative body of the

municipality who are present and voting. The provisions of R.S. 33:4724 relative to public hearing and official notice shall apply equally to all changes or amendments; provided that no ordinance shall require a procedure or criteria for amendment any greater than that initially used upon the formation of regulations, restrictions and/or penalties.

10.202. The planning commission shall adopt requirements for such petitions.

10.203. Each petition shall be accompanied by a fee of \$25.00 for each text change not involving acreage or \$5.00 for each acre of land or portion thereof for which a change of classification is proposed or recommended. The minimum fee shall be \$25.00 and the maximum shall be \$200.00. The petitioner shall also pay the direct cost of transcribing the testimony given at the public hearing held by the zoning commission.

10.204. Except in a case involving comprehensive zoning revision of an area larger than ten acres, a petition may not be resubmitted for the same change to the same land until six months after a public hearing has been held to consider the change.

### **Sec. 10.3. Amendment procedures.**

No amendment, supplement or change of the zoning ordinance or zoning district map shall become effective until:

10.301. A public hearing is held on it by the planning commission at which parties in interest and citizens can be heard. Said hearing shall be held within 60 days after such request.

10.302. Notice of the proposed change and of the time and place of the hearing is published at least three times in the official journal of the City of New Iberia; and at least ten days shall elapse between the first publication and date of the hearing, in accordance with R.S. 33:4726, as amended.

10.303. After the public hearing, the planning commission has submitted its report and recommendations upon the proposed change to the mayor and board of trustees. The mayor and board shall not take action on the change until the report of the planning commission has been received, unless it has not been filed within 45 days after the public hearing.

10.304. The mayor and board shall have acted on the matter, which it must within 90 days from date of receipt of the recommendation of the planning commission or from the lapse of 45 days from the date of the public hearing, whichever is longer.

## **ARTICLE XI.**

### **INTERPRETATION**

#### **[Sec. 11.1. Interpretation.]**

In interpreting and applying the provisions of this ordinance, the requirements shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity

and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any easement, covenants or other agreements between parties. This ordinance shall control where it imposes a greater restriction on the use of buildings or land or upon the height of buildings or requires larger open spaces or larger lot areas than are required by other ordinances or agreements.

**State Law References:** Similar provisions, R.S. 33:4729.

**ARTICLE XII.**

**VALIDITY**

**[Sec. 12.1. Severability.]**

If any portion of this ordinance is held invalid by court judgment, such decision shall not affect the validity of the remaining portions of this ordinance, which shall continue in full force and effect.

**ARTICLE XIII.**

**REPEAL OF CONFLICTING ORDINANCES**

**[Sec. 13.1. Repeal of conflicting ordinances; effect of ordinance on prior violations.]**

All zoning ordinances or parts of zoning ordinances in conflict herewith are hereby repealed. However, all suits of law or in equity and or all prosecutions resulting from the violation of any zoning ordinance heretofore in effect, which are now pending in any of the courts of this state or of the United States, shall not be abated or abandoned by reason of the adoption of this ordinance, but shall be prosecuted to their finality the same as if this ordinance had not been adopted; and any and all violations of existing zoning ordinances, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this ordinance shall be so construed as to abandon, abate or dismiss any such litigation or prosecution.

**ARTICLE XIV.**

**SERVICE FEE SCHEDULE**

**Sec. 14.1. Service fee schedule.**

There is hereby established a service fee schedule for planning and zoning requests, to be implemented as of the April 1991 meeting, as follows:

Zoning and/or rezoning . . . . . \$ 350.00

Plus, per acre . . . . . 50.00

Residential, preliminary and final plat approval:

1--3 lots with total less than 3 acres . . . . . 150.00

3 lots and more . . . . . 300.00

Plus, per lot . . . . . 12.00

Apartment application:

1--4 apartments . . . . . 300.00

5 and more . . . . . 500.00

Plus, per unit . . . . . 12.00

Commercial/industrial application:

0--2,500 square feet . . . . . 300.00

2,500--25,000 square feet . . . . . 500.00

Plus, per unit . . . . . 25.00

25,000 and more square feet . . . . . 1,000.00

Plus, per unit . . . . . 50.00

Resubdivision . . . . . 350.00

Administrative resubdivision . . . . . 100.00

Revise final or preliminary approval . . . . . 150.00

Plus, per lot (prior to board of trustees acceptance) . . . . . 5.00

Mobile home park . . . . . 300.00

Plus, per lot . . . . . 12.00

Request for parking waiver . . . . . 150.00

Servitude or street revocation or street name change (other than for E 911 commission) . . . . . 250.00

Board of zoning adjustment . . . . . 100.00

Modular homes . . . . . 200.00

Moving a single-family dwelling into an "R-1" . . . . . 200.00

(Ord. No. 422, § 1, 4-2-91; Ord. No. 2004-10, 7-20-04; Ord. No. 2005-15, § 3, 12-20-05; Ord. No. 2007-09, §

5, 6-19-07)

## **ARTICLE XV.**

### **VIOLATIONS AND PENALTIES**

#### **Sec. 15.1. [Permit revocation.]**

In case any building or structure is erected, altered or maintained, or any building, structure, or land is used in violation of this ordinance, representatives of the City of New Iberia, Louisiana, may institute any appropriate proceedings to prevent or correct such violation.

(Ord. No. 2007-6, § 5, 3-20-07)

#### **Sec. 15.2. [violations; penalties.]**

Except as otherwise provided, a person convicted of a violation of this section of the Code of Ordinances shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days or both, such fine and imprisonment with respect to violations of this Code of Ordinances that are continuous with respect to time each day the violation continues is a separate offense. In addition, a person convicted of a violation of this Code of Ordinances shall be assessed the cost of prosecution. The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.

(Ord. No. 2007-6, § 5, 3-20-07)