

**CITY OF NEW IBERIA CODE OF ORDINANCE
APPENDIX ZONING**

SECTION _____ SPECIAL USE/CONDITIONAL USE PERMIT:

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

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

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

FILING THE APPLICATION: A completed application must be submitted to the Department of Planning by the tenth (10th) 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.

APPLICATION REQUIREMENTS FOR SPECIAL USE/CONDITIONAL USE PERMITS:

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. A fully dimensional and scaled site plan including lot size, easements, setbacks, adjacent streets and right-of-ways (3 copies).
4. Dimensions of proposed or existing buildings with location noted on site plan.
5. Proposed landscaping and parking (to be shown on site plan).
6. Proof of ownership. The application must be filed by the property owner (see No. 1). If the property is leased, the owner must file the application on behalf of the lessee, as the permit is granted to the property owner.
7. Letters of support and/or a petition signed by the adjacent property owners supporting the request.

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

-If the request is approved, it will automatically be forwarded to the New Iberia City Council.

-If the request is denied, the applicant must request in writing to the

Department of Planning, the desire to appeal to the City Council within ten (10) working days. The request must be accompanied by a non-refundable appeal fee of \$75.00.

-If the appeal is denied by the City Council, the applicant must wait a period of two years before requesting a change in zoning, or a Special Use/Conditional Use Permit on the same piece of property.

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

REVOCATION OF THE SPECIAL USE/CONDITIONAL USE PERMIT: Should it be determined, that the property for which such permit has been granted is being used in a manner other than that for which it is zoned, or for which the permit was specifically granted, upon notification from the City of New Iberia, the Special Use/Conditional Use Permit is immediately rescinded and such use shall cease immediately, and the property owner will be assessed a \$500 fine. For each additional day the violation continues, an additional \$500 fine will be applied. Should legal action be necessary, all court costs and attorney's fees shall be the responsibility of the property owner.