

ORDINANCE NO. O-166-2012

**AN ORDINANCE OF THE LAFAYETTE CITY-PARISH COUNCIL CREATING
LAND USE REQUIREMENTS FOR THE UNINCORPORATED AREAS OF THE
PARISH OF LAFAYETTE**

BE IT ORDAINED by the Lafayette City-Parish Council that:

WHEREAS, the Lafayette City-Parish Council has the right, power and authority to adopt ordinances requisite and necessary to promote, protect and preserve the general welfare, safety, health, peace and good order of the Lafayette City-Parish; and

WHEREAS, the Lafayette City-Parish Council, has determined that in order to facilitate and promote the harmonious development and growth in the unincorporated areas of the Parish of Lafayette, in a manner that provides for compatibility and minimizes land use conflicts, it is necessary to adopt a set of land use regulations for the unincorporated areas of Lafayette Parish.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Lafayette City-Parish Council, that:

SECTION 1: All of the aforescribed “Whereas” clauses are adopted as part of these regulations.

SECTION 2: The following minimum standards regulate the use of land through effective site planning between uses that are different in character and/or magnitude in the unincorporated areas of the Parish of Lafayette.

Definitions: For purposes of these regulations the following terms shall have the following meanings:

ACCESSORY APARTMENT: A secondary, independent living facility located in, or on the same lot as, a single-family residence.

ACCESSORY BUILDING: A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental, secondary, or minor to that of the main principal building.

ADJACENT: For the purpose of these regulations, the term “Adjacent” shall mean adjoining, abutting, touching, and sharing a common boundary.

AGRICULTURAL: The cultivating of soil, producing crops, and raising livestock; farming.

ARTERIAL: A Major or Minor Arterial as designated by the most recently adopted Lafayette Parish Consolidated Thoroughfare Plan (CTP).

BUFFER: A buffer is adjacent land, and is in addition to a greenbelt. Buffers provide distance between the development and another land use, and can be developed (with another land use), be vacant, be barren, be treed, or be agricultural, etc. Drainage retention and detention ponds may be located within the buffer area.

COUNCIL: The term Council herein shall mean the Lafayette City-Parish Council.

FENCE: An opaque barrier constructed of solid, rigid material. When required by these regulations, it shall:

- Have a minimum height of six feet;
- Be of uniform height, color and construction;
- Comply with wind load and other requirements of the current International Building Code; and
- Not contain any poster, graphics or advertising of any kind, except for one sign of the owner, lessee, operator or licensee of said premises, on each street frontage; sign shall not exceed 100 square feet in area.

GREENBELT: A belt of property that encircles the development. The greenbelt will be provided as part of the development tract and shall completely surround the area used for the land use, and shall be planted with one Class “A” or two Class “B” trees per fifty feet (50’) of greenbelt. Drainage retention and detention pond may be located within the greenbelt area.

INTERSTATE HIGHWAY: A road so designated by the most recently adopted Lafayette Parish Consolidated Thoroughfare Plan (CTP)

MAJOR COLLECTOR: A road so designated by the most recently adopted Lafayette Parish Consolidated Thoroughfare Plan (CTP).

PLANNING ADMINISTRATOR: An individual appointed by the Planning, Zoning & Codes Director. The administrator has no authority to waive any portion of these regulations. Final authority on all matters rest with the Lafayette City-Parish Council.

Land Governed

All land within the unincorporated area of Lafayette Parish, is governed by these regulations. In the event and at anytime that there is a change in the Land Use Type (LUT) in the unincorporated area of Lafayette Parish after the effective date of these regulations then such changed land use shall be subject to the provisions of these regulations.

The following districts are hereby established:

- A. Interstate Highway District: Land within 400 feet of an interstate highway right-of-way.
- B. Arterial District: Land within 200 feet of any arterial right-of-way.
- C. Major Collector District: Land within 100 feet of any major collector right-of-way.
- D. Rural District: Land that does not fall in one of the other districts and is not primarily agricultural in use.
- E. Agricultural District: Land that does not fall in one of the other districts and is primarily agricultural in use and designated by the Lafayette Parish Tax Assessor as agricultural in use.

Notwithstanding any language of these regulations to the contrary, the regulations set forth herein shall not apply to the issuance of a building or other permit for, or any approved construction of:

- A. Any detached single family residence located on its own individual legal lot together with any accessory building;
- B. Any apartment, condominium, or townhouse or other development of attached housing, consisting of fifteen (15) or less units;
- C. The location or placement of no more than four (4) mobile homes on one tract that otherwise meets applicable regulations for the location or placement of no more than four (4) mobile homes on one tract.

Land Use Types

All land within the unincorporated area of Lafayette Parish has an existing land use type, as defined in these regulations. For the purpose of these regulations, the following land use types are established (“Land Use Types”):

The following land uses are general in nature and not intended to be exclusive. In the event any regulated land use is not specifically set forth in the referenced Land Use Types, the Planning Administrator shall determine the actual Land Use Type for the regulated land use.

- A. *Single-Family Residential Land Use (SF)*: Land used for one or more detached single-family residential units, including vacant land in Planning Commission approved residential subdivisions. Also permitted are one accessory apartment, accessory use buildings (e.g., detached garage), bed and breakfast (with less than three guest rooms).
- B. *Multifamily Residential Land Use (MF)*: Land used for multifamily residential units including apartments, bed and breakfast (with three or more guest rooms), boarding house, college or university dormitory, condominiums, dwellings intended for two or more families, fraternity or sorority house, mobile home park (the requirements set forth in these regulations being in addition to the requirements of Ordinance No. O-151-2008, the Mobile Home Park Ordinance with respect to a mobile home park), townhouses, and public utility facilities.
- C. *Neighborhood Business Land Use (NB)*:
 - 1. Land used for a small-scale business that serves the daily needs of the surrounding neighborhoods, including a business or professional office, club or lodge (private), personal services, small retail (5,000 square feet or less), coffee and/or pastry shop, commercial child care facility, convenience store (excluding gasoline and diesel sales), drug store (with drive-thru for pharmaceutical products only), hamburger and/or sandwich shop, ice cream parlor, laundry (laundry and/or dry cleaning pick-up station or self-service),
 - 2. Open outside storage of goods and/or supplies is prohibited for this use
 - 3. A drive-through establishment is not included, except as noted above.
- D. *General Business Land Use (GB)*: Land used for regional shopping and community-wide services, including automobile and motorcycle sales and service, bar or lounge, business or professional college, drive-thru establishment, financial services, general retail, sales and repair services, hotel/motel, medical services, restaurant, travel trailer park, convenience store (with gasoline or diesel fuel sales), gasoline or diesel fuel sales (retail).
- E. *Civic Land Use (CV)*: Land used for civic or municipal, cultural, educational, recreational or religious purposes, including auditorium, cemetery/mausoleum, church and associated uses, library, noncommercial community center or similar use, museum, park or playground, public building (building owned by a federal, state or local government), public recreational facility and school.
- F. *Industrial Land Use (ID)*: Land used for construction, industrial, manufacturing, warehousing or wholesale activities and air, rail and other transportation services not generally compatible with residential uses of any density or lower intensity commercial uses including but not limited to oilfield service companies. For purposes of this section the term oilfield service company shall mean a business providing services to the petrochemical industry and whose facility shall contain office space warehouse space and outside storage areas for tools and equipment (including pipe provided the business’ primary activities are not the sell, rental, servicing, repairing, cleaning and inspecting of pipe which are conducted at the facility) which are necessary to provide the services of the business.

- G. *Intense Land Use (IT)*: Land used for such uses as asphalt and concrete batching plants, any type of borrow pit (sand, gravel, clay, dirt), waste disposal facilities and related services, dumping pits, incinerators, landfills, logging, pipe yards, prisons, recycling facilities, scrap, salvage and junk yards, and wrecker operator. For the purposes of this section the term pipe yard shall mean a business whose primary activities are the sale, rental, servicing, repairing, cleaning and inspecting and storage of pipe which are conducted at the pipe yard facility.
- H. *Agricultural Land Use (AG)*: Land that is primarily agricultural in use and designated by the Lafayette Parish Tax Assessor as agricultural in use.

Requirements, Restrictions and Responses

- A. These regulations shall apply to all proposed buildings and building additions or expansions when such addition or expansion exceeds the percentage indicated in the table below (collectively referred to herein as Development).

BUILDING SIZE	PERCENT EXPANSION
0 to 2,000 square feet	50
2,001 to 5,000 square feet	35
5,001 to 10,000 square feet	30
10,001 square feet or larger	25

- B. It is the responsibility of the Development to minimize the conflict with adjacent property by providing greenbelts, buffers or other amenities as part of its development.
- C. The attached Conflict Matrix Charts that define the level(s) of conflict are incorporated herein. For the purpose of these regulations, the following responses to the conflict level types are established:

Conflict Level Chart

	Greenbelt (Feet)	Buffer (Feet)	Fence Required
Conflict Level 1:	10	0	No
Conflict Level 2:	15	0	Yes
Conflict Level 3:	20	0	Yes
Conflict Level 4:	25	0	Yes
Conflict Level 5:	50	0	Yes
Conflict Level 6:	100	0	Yes
Conflict Level 7:	150	200	Yes
Conflict Level 8:	200	400	Yes
Conflict Level 9:	300	600	Yes
Conflict Level 10:	400	1320	Yes

- D. Development or applicable expansion must also meet any and all other applicable federal, state and local laws, statutes, ordinances, rules and/or regulations which are then in effect and which may pertain to such development.
- E. The conflict level of any business or other establishment operating between the hours of 8:00 p.m. and 6:00 a.m. shall be increased by one.
- F. When considering the Conflict level, in the event an adjacent property has multiple land use types (as defined herein), then the land use type having the highest conflict level for

the purpose of these regulations shall be the land use type used for the adjacent property when applying the Conflict Matrix Chart.

- G. Compliance with these regulations does not negate the requirements of subdivision regulations. It is the responsibility of the developer to meet these regulations.

Administration by the Planning Administrator

- A. Before a building permit will be issued for any building or Development or before a Development can begin construction or operation or otherwise engage in a land use regulated herein, the developer must first furnish documentation to the Planning Administrator that is reasonably necessary to evaluate the Development with respect to these regulations.
- B. Based on the information submitted, the Planning Administrator will prepare a letter documenting the Development's conflict level(s) to the developer ('Evaluation Letter').
- C. If the developer wishes to appeal the decision of the Planning Administrator or request a waiver of any provision of these regulations, the developer shall document the appeal or waiver request and submit the appeal or waiver request to the Planning Administrator no more than five (5) business days from the date of the Evaluation Letter. The Planning Administrator shall enter the appeal or waiver request on the next appropriate Council agenda as determined by the Clerk of the Council. The decision of the Council shall be final.
 - 1. In the event a waiver/variance has been properly and timely requested in accordance with these regulations then the Planning Administrator shall notify all owners of property located adjacent to and within 300 feet of the proposed Development. Such notice shall be provided by first class mail to the address of said owners as they appear on the parish assessment rolls, not less than ten business days before the date fixed for the hearing.
 - 2. The request for any waiver, variance or appeal shall include an appeal fee of \$250.00
- D. No building permit will be issued until the Development is in compliance.
- E. Notwithstanding anything contained herein to the contrary, any proposed land use falling within the General Business Land Use (GB), Industrial Land Use (ID) and the Intense Land Use (IT) types, including but not limited to a power plant, bar/lounge, dancehall, carwash, pawnshop, cell tower, travel trailer park, restaurant and/or truck stop shall be a conditional land use permitted only after review and approval (subject to conditions imposed thereon) by the Council. In the case of an application for a conditional land use the Planning Administrator shall:
 - 1. Within five (5) business days from the submittal of the application enter the request for Council review on the next appropriate Council agenda as determined by the Clerk of the Council.
 - 2. Notify all owners of property located adjacent to and within 300 feet of the proposed Development. Such notice shall be provided by first class mail to the address of said owners as they appear on the parish assessment rolls, not less than ten days before the date fixed for the hearing.

Notification

At such time that the Planning Administrator receives a request to review a Development pursuant to these regulations, the Planning Administrator shall:

- A. Require the person requesting the review to erect, at such person's cost and expense, a sign on the Development property in conformance with Exhibit A within twenty feet (20') of any Public or Private Street. Such sign(s) shall be erected by the person requesting the review within 72 hours of an application submittal to the Planning

or have any other effect upon the remaining sections, portions or provisions of this ordinance and any such portion or provision not so invalidated shall be given full force and effect and the invalid part or provision shall be deemed not to be a part of the ordinance.

SECTION 4: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 5: This ordinance shall become effective upon signature of the Lafayette City-Parish President, the elapse of ten (10) days after receipt by the Lafayette City-Parish President without signature or veto, or upon an override of a veto, whichever occurs first.

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CONFLICT MATRIX CHART

INTERSTATE HIGHWAY DISTRICT									
		EXISTING							
		SF	MF	NB	GB	CV	ID	IT	AG
NEW	SF	NC	NC	NC	NC	NC	NC	NC	NC
	MF	1	NC	NC	1	2	4	5	1
	NB	2	2	NC	NC	1	3	4	1
	GB	3	2	1	NC	1	2	4	2
	CV	2	2	1	1	NC	1	4	NC
	ID	6	5	4	3	4	NC	3	1
	IT	10	10	10	10	10	9	NC	9
	AG	4	4	3	3	2	2	1	NC
SF - Single Family Residential Land Use MF - Multi-Family Residential Land Use NB - Neighborhood Business Land Use GB - General Business Land Use CV - Civic Land Use ID - Industrial Land Use IT - Intense Land Use AG - Agricultural Land Use					Architectural Notes				

CONFLICT MATRIX CHART

ARTERIAL DISTRICT									
		EXISTING							
		SF	MF	NB	GB	CV	ID	IT	AG
NEW	SF	NC	NC	NC	NC	NC	NC	NC	NC
	MF	1	NC	NC	1	2	4	5	1
	NB	2	2	NC	NC	1	3	4	1
	GB	3	3	1	NC	1	2	4	2
	CV	2	2	2	2	NC	1	4	NC
	ID	6	5	4	3	4	NC	3	1
	IT	10	10	10	10	10	9	NC	9
	AG	4	4	3	3	2	2	1	NC
SF - Single Family Residential Land Use MF - Multi-Family Residential Land Use NB - Neighborhood Business Land Use GB - General Business Land Use CV - Civic Land Use ID - Industrial Land Use IT - Intense Land Use AG - Agricultural Land Use					Architectural Notes				

CONFLICT MATRIX CHART

MAJOR COLLECTOR DISTRICT									
		EXISTING							
		SF	MF	NB	GB	CV	ID	IT	AG
NEW	SF	NC	NC	NC	NC	NC	NC	NC	NC
	MF	1	NC	NC	1	2	4	5	1
	NB	2	1	NC	NC	1	3	4	2
	GB	4	3	2	NC	1	3	4	2
	CV	2	2	2	2	NC	1	4	1
	ID	6	5	4	3	4	NC	4	3
	IT	10	9	9	9	10	7	NC	7
	AG	4	4	3	3	2	2	1	NC
SF - Single Family Residential Land Use MF - Multi-Family Residential Land Use NB - Neighborhood Business Land Use GB - General Business Land Use CV - Civic Land Use ID - Industrial Land Use IT - Intense Land Use AG - Agricultural Land Use					Architectural Notes				

CONFLICT MATRIX CHART

RURAL DISTRICT									
		EXISTING							
		SF	MF	NB	GB	CV	ID	IT	AG
NEW	SF	NC	NC	NC	NC	NC	NC	NC	NC
	MF	1	NC	NC	1	2	4	5	NC
	NB	2	1	NC	NC	1	3	4	NC
	GB	4	3	2	NC	2	3	4	NC
	CV	2	2	2	2	NC	1	4	NC
	ID	6	5	4	3	4	NC	4	NC
	IT	10	9	9	9	9	7	NC	NC
	AG	4	4	3	3	2	2	1	NC
SF - Single Family Residential Land Use MF - Multi-Family Residential Land Use NB - Neighborhood Business Land Use GB - General Business Land Use CV - Civic Land Use ID - Industrial Land Use IT - Intense Land Use AG - Agricultural Land Use					Architectural Notes				

CONFLICT MATRIX CHART

AGRICULTURAL DISTRICT									
		EXISTING							
		SF	MF	NB	GB	CV	ID	IT	AG
NEW	SF	NC	NC	NC	NC	NC	NC	NC	NC
	MF	NC	NC	NC	NC	NC	NC	NC	1
	NB	NC	NC	NC	NC	NC	NC	NC	2
	GB	NC	NC	NC	NC	NC	NC	NC	2
	CV	NC	NC	NC	NC	NC	NC	NC	1
	ID	NC	NC	NC	NC	NC	NC	NC	3
	IT	NC	NC	NC	NC	NC	NC	NC	7
	AG	NC	NC	NC	NC	NC	NC	NC	NC
SF - Single Family Residential Land Use MF - Multi-Family Residential Land Use NB - Neighborhood Business Land Use GB - General Business Land Use CV – Civic Land Use ID – Industrial Land Use IT - Intense Land Use AG - Agricultural Land Use					Architectural Notes				

EXHIBIT A

