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Lafayette Consolidated Government

Unified Development Code



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Article 11. Transitional Provisions

89-400 Generally

- (a) The Effective Date of this Chapter and the Comprehensive Amendment to the City of Lafayette Zoning Ordinance and Map associated therewith (the “Comprehensive Amendment” or “Zoning Map”) is several months after the date on which this Chapter and the Comprehensive Amendment are adopted (the “Adoption Date”). During the period between the Adoption Date and the Effective Date (the “Transitional Period”), the regulations in effect at the time of adoption of this Chapter shall continue in full force and effect, except that an applicant may request that the regulations of this Chapter apply during the Transitional Period. In order to ensure a smooth conversion to this Chapter and the Comprehensive Amendment on the Effective Date, this Article establishes procedures which will supplement the existing regulations during the Transitional Period.
- (b) Although this Chapter generally will not be effective until the Effective Date, this Article shall be effective as of the Adoption Date.
- (c) The Administrator may prescribe forms and requirements for completing the information required by this Article. The forms may include, but shall not be limited to –
 1. filing instructions (such as mail, email, and website or internet upload locations),
 2. number of physical copies,
 3. certifications,
 4. advisory notifications about private covenants, ex parte contacts, or other legal matters, and
 5. related information.
- (d) By filing an application, the applicant/owner consents to allow the appropriate LCG employees to enter the property described in the application for the purposes of installation, maintenance and removal of a public notification sign, if necessary, and to inspect and photograph the site.

89-401 Comprehensive Amendment to Zoning Map

Purpose: Article 2 of this Chapter establishes new Zoning Districts within the City of Lafayette. As of the Effective Date, the Zoning Districts existing prior to the adoption of this Chapter will be superseded, and the Zoning Districts established by this Chapter will take effect. Consequently, all property within the City of Lafayette will be assigned a new Zoning District, as reflected on the Comprehensive Amendment, as may be further amended pursuant to this Section.

During the Transitional Period, property owners may request further amendment to the Comprehensive Amendment with respect to a property owner’s property, which, if adopted by the Council, will be effective as of the Effective Date. The purpose of this process is to allow property owners who disagree with the Zoning District designated under this Chapter and the Comprehensive Amendment to request that the LCG Administration recommend a different Zoning District and an amendment to the Comprehensive Amendment. Nothing herein shall preclude property owners from petitioning for an individual amendment to the Zoning Map under the City of Lafayette Comprehensive Zoning Ordinance prior to the Effective Date, or under § 89-52 of this Chapter as of the Effective Date.

- (a) **When does this process apply?**

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- (1) This section applies to any property owner who desires to change the Zoning District assigned to his or her property on the Zoning Map adopted as part of this Chapter. This section shall be available to property owners as of the date of adoption of this Chapter by the Council through the Effective Date, subject to the conditions set forth herein.

(b) How do I start the process?

- (1) The owner of any any lot or parcel included in the Comprehensive Amendment to the Zoning Map may apply to PZD for review and possible amendment to the Comprehensive Amendment to change the designated Zoning District (“**Property Owner Application**”).
- (2) In order to be considered for inclusion in an amendment to the Comprehensive Amendment, all applications by property owners must be received by the Administrator no later than 90 days prior to the Effective Date.
- (3) A property owner-initiated application to be included in an amendment to the Comprehensive Amendment shall be duly signed and acknowledged by the owner, or authorized agents of over 50% of the land area of land for which an amendment is requested. However, where any lot located in the proposed amendment area is owned in indivision, all co-owners must sign the petition for that lot to be included in the 50% area provision.

(c) How do I know if my application is complete?

See § 89-45.

(d) What kind of notice is required?

The following notice is required for the hearing on a Comprehensive Amendment to Zoning Map:

Type	When provided
Publication	<ul style="list-style-type: none"> • At least once a week in three different weeks in the official journal of LCG • At least 15 days between the first publication and the hearing
Telephonic Notice	<ul style="list-style-type: none"> • At least once within 10 days of the public hearing, LCG shall employ its telephonic notification system to notify citizens and businesses within the City of Lafayette who are registered in the system, and shall further provide such telephonic notice to members of the Council

(e) How are decisions made?

- (1) **Administrative Review.** The Administrator shall review all Property Owner Applications for consideration as an amendment to the Comprehensive Amendment and determine whether such requested amendment (each a “Requested Amendment”) substantially satisfies the following criteria:
 - a. That the uses permitted in the Zoning District assigned pursuant to this Chapter are substantially different from the current or potential uses of the property under the regulations superseded by this Chapter.
 - b. That amending the Zoning Map and assigning the requested Zoning District to the property would be consistent with the Comprehensive Plan.
 - c. That amending the Zoning Map and assigning the requested Zoning District to the property would be compatible with surrounding uses.
 - d. That amending the Zoning Map and assigning the requested Zoning District to the property would not adversely impact the neighboring properties.

- e. That infrastructure and densities in the area would support the uses allowed in the requested Zoning District.

If the Administrator determines that the Requested Amendment satisfies these criteria, the Administrator shall recommend to the Planning and Zoning Commission inclusion of the property with the requested Zoning District in an amendment to the Comprehensive Amendment. In the event the Administrator determines that the Requested Amendment does not substantially satisfy the foregoing criteria, the Administrator shall recommend to the Planning and Zoning Commission that the property not be included with the requested Zoning District as an amendment to the Comprehensive Amendment.

(2) Planning and Zoning Commission Report and Recommendation.

- a. The Planning and Zoning Commission shall hold one or more public hearings during the Transitional Period to consider Requested Amendments in accordance with subsection 89-401(d) of this Section after the required notice is provided pursuant to subsection 89-401(d) of this Section. All public hearings shall be held at least forty-five (45) days prior to the Effective Date.
- b. The Planning and Zoning Commission shall submit a report to the Council with its recommendations relative to the Requested Amendments (referred to collectively as the “**Proposed Amendment(s) to the Zoning Map**”) and its reasons for making the recommendations. The report shall be filed with the Council within 10 days after the date of the public hearing held by the Planning and Zoning Commission to consider the amendment(s).

(3) Council Action.

- a. The Council shall not take action on the Proposed Amendment(s) to the Zoning Map, and any such action shall not be effective, until the Council has received the Planning and Zoning Commission’s final report and recommendation.
- b. After receiving the Planning and Zoning Commission’s recommendations, and prior to the Effective Date, the Council will adopt, adopt with revisions, or deny the Proposed Amendment(s) to the Zoning Map.
- c. A Council decision with respect to the Proposed Amendment(s) to the Zoning Map shall occur within 45 days from the date upon which the Planning and Zoning Commission files its report and recommendation to the Council or the time to file the report and recommendation expires, unless a motion is made to extend this time period.
- d. Notwithstanding the foregoing, if the Planning and Zoning Commission fails to timely submit a report and recommendation within 35 days of the Effective Date, the Council shall take action with respect to the Proposed Amendment(s) to the Zoning Map without the report and recommendation.

(f) What are the standards for approval?

- 1. Approval of any Proposed Amendment(s) to the Zoning Map is a legislative decision that is committed to the discretion of the Council.

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2. The Council will consider whether any Proposed Amendment(s) to the Zoning Map is reasonable, based on the following factors:
 - a. **Consistency.** Whether the Proposed Amendment(s) to the Zoning Map is consistent with the Comprehensive Plan.
 - b. **Mistake.** Whether there was a mistake in the Comprehensive Amendment adopted together with this Chapter or in the text of this Chapter.
 - c. **Change.** Whether there are changes in conditions or densities in the area that justify the Proposed Comprehensive Amendment(s) to the Zoning Map. (Examples include new roads or road expansions, new development, closures, and demolitions.)
 - d. **Health, Safety & General Welfare.** Whether the Proposed Amendment(s) to the Zoning Map promotes the community's public health, safety, morals or general welfare.
 - e. **Compatibility.** Whether the Proposed Amendment(s) to the Zoning Map is –
 1. Compatible with surrounding land uses, and
 2. Would adversely impact the neighboring properties, or
 3. Cause a loss in property values.
 - f. **Suitability as Presently Zoned.** Whether the property under consideration has a reasonable economic use as currently zoned.
 - g. **Other Factors.** The Council may consider any other factors relevant under Louisiana to an amendment to the Zoning Map.

(g) After a decision is made, is there a limit on subsequent applications?

No subsequent applications may be made under this section. However, a property owner may petition for an individual amendment to the Zoning Map under the City of Lafayette Comprehensive Zoning Ordinance prior to the Effective Date, or under § 89-52 of this Chapter as of the Effective Date.

(h) How are records of the decision kept?

See LCG Charter, § 2-16.

(i) Fees.

There are no fees required to file an application under this Section. However, if the application is denied and the petitioner elects to petition for an individual amendment to the Zoning Map under the City of Lafayette Comprehensive Zoning Ordinance prior to the Effective Date, or under § 89-52 of this Chapter as of the Effective Date, the petitioner shall be required to pay any fee required for the filing of such a petition.

89-402 Amendments to Zoning Map During Transitional Period

- (a) Except as provided in § 89-402, during the Transitional Period, amendments to the Lafayette Zoning Ordinance shall be governed by the processes set forth in Article X of the City of Lafayette Zoning Ordinance (superseded by this Chapter as of the Effective Date).

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(b) Any proposed amendment to the City of Lafayette Zoning Ordinance during the Transitional Period under Article X of the City of Lafayette Zoning Ordinance shall specify the desired Zoning District under both the City of Lafayette Zoning Ordinance and this Chapter (to apply as of the Effective Date). If the Zoning Commission recommends an amendment to the City of Lafayette Zoning Ordinance, the recommendation required by the Zoning Commission under Article X, Section 2 of the City of Lafayette Zoning Ordinance shall specify the recommended Zoning District under the City of Lafayette Zoning Ordinance and this Chapter. If the Council adopts an Ordinance amending the City of Lafayette Zoning Ordinance during the Transitional Period, the Ordinance shall specify the Zoning District to be applied to the particular lot or parcel under both the City of Lafayette Zoning Ordinance and this Chapter.

89-403 **Reserved**

89-404 **Reserved**