

2023 Regular Session

SENATE BILL NO. 87

BY SENATOR ROBERT MILLS

PLANNING/ZONING. Provides for the jurisdictional boundaries of the Benton Metropolitan Planning Commission. (8/1/23)

1 AN ACT

2 To amend and reenact Act No. 558 of the 1956 Regular Session, relative to the Benton
3 Metropolitan Planning Commission; to provide for the expansion of the
4 jurisdictional boundaries of the metropolitan planning area under the jurisdiction of
5 the Benton Metropolitan Planning Commission; to provide with respect to the
6 municipality of Benton; to provide certain definitions, terms, procedures, conditions,
7 and effects; to provide relative to the creation, organization, and duties of the
8 planning commission; and to provide for related matters.

9 Notice of intention to introduce this Act has been published.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Act No. 558 of the 1956 Regular Session is hereby amended and
12 reenacted to read as follows:

13 Article 1: Purposes and Authority

14 Section 1. General Purposes. That it is the purpose and intent of this Act to
15 provide for metropolitan planning in the ~~Village~~ **municipality** of Benton and that
16 unincorporated part of **the parish of Bossier Parish** lying ~~within five miles~~ **outside**
17 of the ~~Village~~ **municipality** of Benton **that is defined as the metropolitan planning**

1 **area** and the creation, organization, powers, and duties of a metropolitan planning
 2 commission; for the regulation of the subdivision of land in the metropolitan
 3 planning area, as defined herein; for the making and adoption of an official map or
 4 maps to preserve the integrity of the major street plan and other plans by the
 5 regulation of building in mapped streets; for the making and adoption of a zoning
 6 plan and zoning ordinance or ordinances; for the adoption of ordinances prescribing
 7 minimum construction, health, and sanitation standards to prevent the spread of
 8 slums and to encourage and assist public and private agencies, corporations, and
 9 individuals in the rehabilitation and redevelopment of blighted areas; and for the
 10 adoption of other plans, ordinances, and measures to effectuate the purposes of this
 11 Act.

12 It is the intent of this Act to provide for the planning and the effectuation of
 13 plans for the orderly physical development of the metropolitan planning area as a
 14 whole. To this end provision is made for unified planning of the area with the ~~Village~~
 15 **municipality** of Benton and the **unincorporated** area of **the parish of** Bossier
 16 ~~Parish~~ lying outside the ~~Village~~ **municipality** of Benton ~~but within five miles of the~~
 17 ~~Village of Benton~~ **that is defined as the metropolitan planning area**; and, further,
 18 provision is made for joint or correlated action by the ~~Village Council~~ **council** of the
 19 ~~Village~~ **municipality** of Benton and the ~~Police Jury~~ **police jury** of the **parish of**
 20 Bossier ~~Parish~~ in the adoption of ordinances or other measures to effectuate such
 21 unified plans.

22 Section 2: Separate Actions by ~~Village~~ **Municipality** and ~~Parish~~; Where
 23 joint or correlated legislative action is required, as above provided, it is contemplated
 24 in this Act that such joint or correlated legislative action will be taken within a
 25 reasonable time but in no case longer than ~~90~~ **ninety** days after the submission of
 26 such ordinances or other measures to the ~~Village Council~~ **council** or the ~~Police Jury~~
 27 **police jury** by the planning commission. In the event such legislative action is not
 28 taken by either the ~~Village Council~~ **council** or the ~~Police Jury~~ **police jury**, nothing
 29 in this Act shall be construed to prohibit, prevent, or impair the other from taking

1 such action unilaterally with respect to the territory within its lawful jurisdiction;
2 provided that in such case either the ~~Village Council~~ **council** or ~~Police Jury~~ **the**
3 **police jury**, as the case may be, that has failed to take such legislative action shall
4 forfeit to the other all rights and privileges with respect to joint action, such as
5 appointment of members of the board of zoning appeals, and such rights and
6 privileges shall remain forfeit until such time as the joint or correlated action
7 contemplated is taken.

8 Section 3. Conflict with Other Laws. Where other laws relating to the
9 physical planning, zoning, airport zoning, effectuation of plans, platting, and other
10 purposes of this Act are in conflict with the provisions of this Act, the provisions of
11 this Act shall prevail; provided, however, that where such other laws or provisions
12 thereof provide for other and additional duties, powers, authority, and responsibility,
13 such other laws shall be applicable insofar as they are not in conflict with the
14 provisions of this Act. Nothing in this Act shall affect existing planning, zoning, or
15 other laws as they relate to that part of **the parish of Bossier Parish** lying outside the
16 metropolitan planning area as defined herein. It is distinctly recognized, however,
17 that should either party herein authorized to do so fail to take advantage of or to use
18 the instant legislation, this Act will in no way be construed to displace, amend,
19 supersede or affect existing planning and/or zoning laws or statutes of the State of
20 Louisiana or of either jurisdiction herein which are now in effect.

21 Section 4. Delegation of Authority. Where, for reasons of convenience,
22 economy, or effectiveness in the administration of plans, ordinances, or other
23 measures, such as zoning, it is desired that the ~~Village Council~~ **council** or ~~Police Jury~~
24 **the police jury** or department, bureau, or agent of either undertake the
25 administration of such plans, ordinances, or other measures with respect to the
26 territory of the other, the ~~Village Council~~ **council** and ~~Police Jury~~ **the police jury** are
27 hereby authorized and empowered to enter into such arrangement as may be
28 mutually agreed upon for such administration and to provide compensation therefor
29 to the governing body or department, bureau, or agent thereof, commensurate with

1 the value and extent of the administration and work involved.

2 Nothing in this section shall be construed as authorizing the delegation by
3 ~~Village Council~~ **the council** or the ~~Police Jury~~ **police jury** to the other or to any
4 department, bureau, or agent thereof, of the legislative authority vested by law in
5 such governing body.

6 Section 5. Definitions. For the purposes of this Act, certain words and
7 phrases used herein are defined as follows:

8 ~~(1) Municipal and Municipality relate to~~ **"Municipal" or "Municipality"**
9 **means** the ~~Village~~ **municipality** of Benton and, where appropriate to the context, to
10 that area lying within the corporate limits of ~~such village~~ **the municipality** as such
11 corporate limits exist or may exist in the future.

12 ~~(2) Village Council relates to~~ **"Council" means** the chief legislative body
13 of the ~~Village of Benton~~ **municipality of Benton.**

14 ~~(3) Parish relates to~~ **"Parish" means the parish of** Bossier Parish as such
15 parish exists today or may exist in the future.

16 ~~(4) Police Jury relates to~~ **"Police jury" means** the chief legislative body of
17 **the parish of** Bossier Parish.

18 ~~(5) Planning Commission or Commission~~ **"Planning commission" or**
19 **"commission"** means the ~~Benton-Parish Metropolitan Planning Commission,~~ as
20 provided for in ~~Section 1 of Article 2 of this Act.~~

21 ~~(6) Metropolitan planning area~~ **"Metropolitan planning area"** means all
22 **of the land which is described as follows:**

23 **(a) All land located** within the ~~Village~~ **municipality** of Benton.

24 **(b) and all All** unincorporated land lying within five miles **outside** of the
25 ~~Village~~ **municipality** of Benton and within **the parish of** Bossier Parish as such
26 ~~Village~~ **the municipality** and Parish **the parish** exists or may exist in the future.

27 **(c) All land within the unincorporated area of the parish of Bossier that**
28 **extends beyond the five-mile area that is provided in Subsection B of this**
29 **Section to include all of Section 5, Township 19, Range 12; Section 6, Township**

1 19, Range 12; Section 7, Township 19, Range 12; Section 8, Township 19, Range
 2 12; Section 13, Township 19, Range 13; and Section 18, Township 19, Range 12
 3 of Bossier Parish.

4 (7) ~~Street or Streets~~ "Street" or "streets" means, relates to, and includes
 5 streets, avenues, boulevards, roads, lanes, alleys and other ways.

6 (8) ~~Subdivision~~ "Subdivision" means the division of a tract or parcel of land
 7 into two or more lots, sites, or other divisions for the purpose, whether immediate or
 8 future, of sale or building development, and includes re-subdivision, and when
 9 appropriate to the context, relates to the process of subdividing, or to the land or area
 10 subdivided. For the purpose of this Act, the following shall not be deemed to be
 11 subdivisions provided that no new streets or roads are involved: divisions of land for
 12 agricultural purposes where the resulting parcels are three acres or larger in size,
 13 divisions of property by testamentary or intestate provisions or divisions of property
 14 by court order.

15 Section 6: Severability. The requirements and provisions of this Act are
 16 severable, and if any article, section, paragraph, sentence, or portion thereof, be
 17 declared by any court of competent jurisdiction to be void, invalid, inoperative, or
 18 otherwise inapplicable, the decision of the court shall not affect the validity or
 19 applicability of the act as a whole or of any part thereof other than the part so held
 20 to be void, invalid, inoperative, or otherwise inapplicable.

21 Article 2: Metropolitan Planning.

22 Section 1: Metropolitan Planning Commission: Creation and Appointment.

23 The ~~Village Council~~ council of the ~~Village~~ municipality of Benton and the ~~Police~~
 24 ~~Jury~~ police jury of the parish of Bossier Parish may create a commission, to be
 25 known as the Benton-~~Parish~~ Metropolitan Planning Commission. The ~~Commission~~
 26 commission shall consist of five members who shall be qualified voters residing in
 27 the metropolitan planning area and who shall hold no elective office. In addition the
 28 ~~President~~ president of the Bossier Parish Police Jury, the ~~President~~ president of the
 29 Bossier Parish School Board and the ~~Mayor~~ mayor of the ~~Village~~ municipality of

1 Benton shall be ~~ex officio~~ **ex officio** members of the commission in an advisory
2 capacity without voting power. Two of the five citizen members shall be appointed
3 by the ~~Village Council~~ **council**, two by the ~~Police Jury~~ **police jury**, and one elected
4 by the joint action of the ~~Village Council~~ **council** and the ~~Police Jury~~ **police jury**.
5 The term of each citizen member shall be six years, except that of the members first
6 appointed, the terms of the two members appointed by the ~~Village Council~~ **council**
7 shall be one and four years respectively, the terms of the two members appointed by
8 the ~~Police Jury~~ **police jury** shall be two and five years respectively and the term of
9 the member elected by joint action shall be three years. Any vacancy shall be filled
10 for the unexpired term by the appointing authority, which shall have also the power
11 to remove any citizen member appointed by it for cause stated in writing and after
12 public hearing. All members of the ~~Commission~~ **commission** shall serve without
13 compensation.

14 Section 2: Organization, Rules, Staff: The commission shall elect its
15 chairman from amongst its members. The term of the ~~Chairman~~ **chairman** shall be
16 one year with eligibility for re-election. The commission shall adopt rules for the
17 transaction of business and shall keep a record of its resolutions, transactions,
18 findings, and determinations, which records shall be a public record. The
19 commission may appoint such employees and staff as it may deem necessary for its
20 work, and may contract with city planners and other consultants for such services as
21 it may require.

22 Section 3: Budget. The commission shall prepare an annual budget of its
23 operating expenses, the total amount of which, exclusive of gifts, shall be within the
24 total amounts appropriated for that purpose by the ~~Village Council~~ **council** and the
25 ~~Police Jury~~ **police jury**. The ~~Village~~ **municipality** of Benton shall act as fiscal agent
26 for the commission.

27 Section 4: Area of Jurisdiction: The area of jurisdiction of the commission
28 shall be the metropolitan planning area as defined herein. In its planning, the
29 commission may take into consideration and may make plans for such other area as,

1 in its judgment bears relation to the metropolitan planning area, but the plans for
 2 such other area shall not in themselves or by reason of this Act have any legal or
 3 official status.

4 Section 5: Master Plan~~;~~. It shall be the function and duty of the ~~Commission~~
 5 **commission** to make and adopt a master plan for the physical development of the
 6 area within its jurisdiction. The master plan, consisting of maps, plats, charts, and
 7 descriptive and explanatory matter, shall show the commission's recommendations
 8 for such physical development, and may include among other things, the general
 9 location, character, and extent of streets, bridges, viaducts, parks, parkways,
 10 waterway and waterfront developments, playgrounds, airports and other public ways,
 11 grounds, places and spaces; the general location of public buildings, schools, and
 12 school sites, and other public property; the general location and extent of public
 13 utilities and terminals, whether publicly or privately owned, for water, power, heat,
 14 light, sanitation, transportation, communication, and other purposes; the acceptance,
 15 widening, removal, extension, relocation, narrowing, vacating, abandonment, or
 16 change of use of any of the foregoing public ways, grounds, places, spaces,
 17 buildings, properties, utilities, or terminals; a zoning plan for the regulation of the
 18 height, area, bulk, location, and use of private and public structures and premises,
 19 and extent of the ~~neighborhood~~ **neighborhood** units and communities or groups of
 20 neighbor units, of neighborhood and community centers; and the general character,
 21 extent, and layout of the replanting of blighted districts and slum areas. The
 22 commission may from time to time amend, extend, or add to the plan or carry any
 23 part or subject matter into greater detail.

24 Section 6: General Purpose of the Plan~~;~~. In the preparation of the master plan,
 25 the commission shall make careful and comprehensive surveys and studies of the
 26 existing conditions and probable future growth of the ~~Village~~ **council** of ~~the~~
 27 **municipality of** Benton and its environs. The plan shall be made with the general
 28 purpose of guiding and accomplishing a ~~co-ordinated~~ **coordinated**, adjusted and
 29 harmonious development of the metropolitan planning area which will, in

1 accordance with existing and future needs, best promote public health, safety,
 2 morals, order, convenience, prosperity, or the general welfare, as well as efficiency
 3 and economy in the process of development.

4 Section 7: Adoption of Master Plan~~z~~. The commission may adopt the master
 5 plan as a whole by a single resolution, or, as the work of making the whole master
 6 plan progresses, may from time to time adopt a part or parts thereof, any such part
 7 to correspond generally with one or more of the functional subdivisions of the
 8 subject matter of the plan. The adoption of the plan or any part, amendment, or
 9 addition, shall be by resolution carried by the affirmative votes of not less than six
 10 members of the commission. The resolution shall refer expressly to the maps,
 11 descriptive matter, and other matters intended by the commission to form the whole
 12 or part of that plan, and the action taken shall be recorded on the adopted plan or part
 13 thereof by the identifying signature of the secretary of the commission, and a copy
 14 of the plan or part thereof shall be certified to each of the following: The ~~Village~~
 15 ~~Council~~ **council** of the ~~Village~~ **municipality** of Benton, the ~~Police Jury~~ **police jury**
 16 of **the parish of** Bossier ~~Parish~~, the Bossier Parish School Board, and the ~~Clerk of~~
 17 ~~Court and Recorder~~ **clerk of court** of **the parish of** Bossier ~~Parish~~, who shall record
 18 ~~such~~ **the** plan or part thereof on the conveyance records of ~~Bossier Parish~~ **the parish**
 19 **of Bossier**. The plan or part thereof shall take effect forty-five days after the date of
 20 adoption unless, within such period, it shall have been disapproved by the ~~Village~~
 21 ~~Council~~ **council**, in the case of its applicability to the ~~Village~~ **municipality** of
 22 Benton, by the ~~Police Jury~~ **police jury**, in the case of its applicability to
 23 unincorporated areas outside the ~~Village~~ **municipality** of Benton or by the **Bossier**
 24 **Parish** School Board, in the case of its applicability to schools and school sites.

25 Section 8: Miscellaneous Powers of the Commission~~z~~. The commission may
 26 make reports and recommendations relating to the plan and development of the area
 27 within its jurisdiction to public officials and agencies, public utility companies, civic,
 28 educational, professional, and other organizations and citizens. It may recommend
 29 to the executive or legislative officials of the ~~Village~~ **municipality** of Benton and **the**

1 **parish of** Bossier ~~Parish~~, and to other public or semi-public boards, commissions,
 2 agencies or other bodies, programs for public improvements and the financing
 3 thereof. All public officials shall, upon request, furnish to the commission, within a
 4 reasonable time, such available information as it may require for its work. The
 5 commission, its members and employees, in the performance of its functions, may
 6 enter upon any land, make examinations and surveys, and place and maintain
 7 necessary monuments and marks thereon. In general, the commission shall have such
 8 powers as may be necessary to enable it to perform its functions and promote the
 9 planning of the area within its jurisdiction.

10 Section 9: Legal Status of Plan~~s~~. Whenever the commission shall have
 11 adopted the master plan or any part thereof, then and thenceforth no street, park, or
 12 any public way, ground place or space, no public building or structure, school or
 13 school site, or no public utility, whether publicly or privately owned, shall be
 14 constructed or authorized in the area of jurisdiction of the commission until and
 15 unless the location and extent thereof shall have been submitted to and approved by
 16 the planning commission~~s~~; ~~provided that in the case of disapproval~~ **If the**
 17 **commission disapproves of the construction plan**, the commission shall
 18 communicate its reasons **for the disapproval** to the ~~Village Council~~ **council** or
 19 ~~Police Jury~~ **the police jury**, as appropriate~~s~~; ~~and the Village Council~~ **The council** or
 20 ~~Police Jury~~ **the police jury**, by a vote of not less than two-thirds of its entire
 21 membership, shall have the power to overrule such disapproval and, upon such
 22 overruling, the ~~Village Council~~ **council**, ~~Police Jury~~ **the police jury**, or the
 23 appropriate board or officer shall have the power to proceed; provided, however, that
 24 if the public way, ground, place, space, building, structure, school or school site, or
 25 utility ~~be is~~ **is** one the authorization or financing of which does not, under the law or
 26 charter provisions governing the same, fall within the province of the ~~Village~~
 27 ~~Council~~ **council** or Police Jury or other body or official of the ~~Village~~ **municipality**
 28 of Benton or **parish of** Bossier ~~Parish~~, then the submission to the planning
 29 commission shall be by the board, or official having such jurisdiction, and the

1 planning commission's disapproval may be overruled by such board by a vote of not
 2 less than two-thirds of its entire membership or by said official. The acceptance,
 3 widening, removal, extension, relocation, narrowing, vacating, abandonment, change
 4 of use, acquisition of land for, or sale or lease of any street or other public way,
 5 ground, place, property, or structure shall be subject to similar submission and
 6 approval, and the failure to approve may be similarly overruled. The failure of the
 7 commission to act within forty-five days from and after the date of official
 8 submission to it shall be deemed approval, unless a longer period ~~be is~~ granted by the
 9 ~~Village Council~~ council, ~~Police Jury~~ the police jury, or other submitting agency or
 10 official.

11 Section 10: Effective Date. In adopting such ordinances as are necessary to
 12 effect the purposes of this Article, the ~~Village Council~~ council of the ~~Village~~
 13 municipality of Benton and ~~the Police Jury~~ police jury of the parish of Bossier
 14 ~~Parish~~ shall, by mutual agreement, designate the date upon which the powers, duties,
 15 and authority of the Benton Metropolitan Planning Commission shall take effect;
 16 provided, however, that such date shall be not less than ~~90~~ ninety days nor more than
 17 one year after the adoption of such ordinances. During this period the ~~Village~~
 18 ~~Planning Commission~~ planning commission of the ~~Village~~ municipality of Benton
 19 and the ~~Parish Planning Commission~~ planning commission of the parish of Bossier
 20 ~~Parish~~ shall continue to exist with all the powers and duties theretofore held; and, by
 21 the expiration of such period the ~~Village Planning Commission~~ planning
 22 commission of the municipality and the ~~Parish Planning Commission~~ planning
 23 commission of the parish of Bossier shall have turned over to the Benton
 24 Metropolitan Planning Commission all of their records, plans, studies, or other
 25 instruments of their work and planning as they pertain to the metropolitan planning
 26 area as herein defined. Upon the attachment of the jurisdiction of the Benton
 27 Metropolitan Planning Commission, the ~~Village Planning Commission~~ planning
 28 commission of the municipality shall cease to exist and the ~~Parish Planning~~
 29 ~~Commission~~ parish planning commission shall have no further authority in the

1 metropolitan planning area; provided, however, that such plans or parts thereof as
 2 have been lawfully adopted by such commissions, including but not limited to the
 3 subdivision regulations, major street plan, and zoning plan, shall continue in effect
 4 and shall be administered by the **Benton** Metropolitan Planning Commission until
 5 repealed or replaced by such commission in accordance with this Article.

6 Article 3: Subdivision Regulation

7 Section 1. Planning Commission As Planning Authority. From and after the
 8 time when the Benton-~~Parish~~ **Metropolitan** Planning Commission shall have
 9 adopted a master plan which includes at least a major street plan or shall have
 10 progressed in its master planning to the stage of the making and adoption of a major
 11 street plan and shall have filed a certified copy of such major street plan in the office
 12 of the ~~Clerk of Court and Recorder~~ **clerk of court** of ~~the parish of~~ **Bossier Parish**,
 13 no plat of a subdivision of land lying within the metropolitan planning area shall be
 14 filed or recorded until it shall have been submitted to and approved by the
 15 commission and such approval entered in writing on the plat by the secretary of the
 16 commission. The ~~Clerk of Court and Recorder~~ **clerk of court** shall not file or record
 17 a plat of a subdivision without the approval of the planning commission as required
 18 by this Article; the filing or recording of a plat of a subdivision without the approval
 19 of the planning commission as required by this Article shall be void.

20 Section 2. Subdivision Regulations. In exercising the powers granted to it by
 21 this Article, the planning commission shall adopt regulations governing the
 22 subdivision of land within the metropolitan planning area. Such regulations may
 23 provide for the harmonious development of the metropolitan planning area; for the
 24 coordination of streets within subdivisions with other existing or planned streets or
 25 with other features of the master plan or official map of the metropolitan planning
 26 area; for adequate open spaces for traffic, recreation, light, and air; and for a
 27 distribution of population and traffic which will tend to create conditions favorable
 28 to health, safety, convenience, or prosperity.

29 Such regulations may include requirements as to the extent to which and the

1 manner in which streets shall be ~~grade~~ **graded** and improved and water, sewer and
2 other utility mains, piping, connections, or other facilities shall be installed as a
3 condition precedent to the approval of the plat. The regulations or practice of the
4 ~~Commission~~ **commission** may provide for the tentative approval of the plat previous
5 to such improvement and installation; but any such tentative approval shall not be
6 entered on the plat.

7 Such regulations may provide that, in lieu of the completion of such work and
8 installation previous to the final approval of a plat, the commission may accept a
9 bond, in an amount and with surety and conditions satisfactory to it, providing for
10 and securing to the ~~Village~~ **municipality** of Benton or to **the parish of** Bossier
11 ~~Parish~~, as appropriate, the actual construction and installation of such improvements
12 and utilities within a period specified by the commission and expressed in the bond;
13 and the ~~Village Council~~ **council** of the ~~Village~~ **municipality** of Benton and the
14 ~~Police Jury~~ **police jury** of **the parish of** Bossier ~~Parish~~ are hereby granted the power
15 to enforce such bonds by all appropriate legal and equitable remedies. Such
16 regulations may provide, in lieu of the completion of such work and installations
17 previous to the final approval of a plat, for an assessment or other method whereby
18 the ~~Village~~ **municipality** of Benton or **the parish of** Bossier ~~Parish~~, as appropriate,
19 is put in an assured position to do such work and make such installations at the cost
20 of the owners of the property within the subdivision.

21 Before adopting its subdivision regulations or any amendment thereto, the
22 commission shall hold a public hearing thereon, at least ten days notice of the time
23 and place of which shall be published in a newspaper of general circulation in the
24 municipality and parish.

25 Section 3: Procedure on Plats. The ~~Commission~~ **commission** shall approve
26 or disapprove a plat within forty-five days after the submission thereof; otherwise
27 such plat shall be deemed to have been approved and a certificate to that effect shall
28 be issued by the commission on demand; provided, however, that the applicant for
29 the commission's approval may waive this requirement and consent to the extension

1 of such period. The ground of disapproval of any plat shall be stated upon the records
2 of the commission. No plat shall be disapproved by the commission without
3 affording a hearing thereon.

4 Section 4. Effect of Plat Approval on Status of Dedication. The approval of
5 a plat by the planning commission shall not be deemed to constitute or effect an
6 acceptance by the municipality or parish or public of the dedication of any street or
7 other ground shown upon the plat.

8 Section 5: Penalties for Transferring Lots in Unapproved Subdivisions.
9 Whoever, being the owner or the agent of the owner of any land located within the
10 metropolitan planning area, transfers or sells or agrees to sell or negotiates to sell
11 such land by reference to or exhibition of or by other use of a plat of subdivision of
12 such land before such plat has been approved by such commission and recorded in
13 the office of the ~~Clerk of Court and Recorder~~ **clerk of court** of **the parish of** Bossier
14 **Parish**, shall forfeit and pay a penalty of one hundred dollars for each lot so
15 transferred or sold or agreed or negotiated to be sold; and the description by metes
16 and bounds in the instrument of transfer or other document used in the process of
17 selling or transferring shall not exempt the transaction from such penalties. The
18 ~~village~~ **municipality** or the parish, as appropriate, through its solicitor or other
19 designated official, may enjoin such transfer or sale or agreement by action for
20 injunction or may recover the penalty by civil action.

21 Section 6. Acceptance of and Improvements in Unapproved Streets. From
22 and after the time when the platting jurisdiction of the planning commission shall
23 have attached by virtue of the adoption of a major street plan as provided in Section
24 1 of this Article, the ~~village~~ **municipality** or parish or other public body shall not
25 accept, lay out, open, improve, grade, pave, or light any street within the
26 metropolitan planning area unless such street shall have been accepted or opened as,
27 or shall have otherwise received the legal status of, a public street prior to such
28 attachment of the commission's platting jurisdiction or unless such street corresponds
29 in its location and lines with a street shown on a subdivision plat approved by such

1 commission or on a street plat made by and adopted by such commission; provided,
 2 however, that the ~~Village Council~~ council or, in the case of a street outside of the
 3 ~~village~~ municipality, the ~~Police Jury~~ police jury may locate and ~~construct*~~
 4 construct or may accept any other street if the ordinance or other measure for such
 5 location and construction or for such acceptance be first submitted to such
 6 commission for its approval, and, if disapproved by the commission, be passed by
 7 not less than two-thirds of the entire membership of the ~~Village Council~~ council or
 8 ~~Police Jury~~ police jury as appropriate; and a street approved by the commission
 9 upon such submission, or constructed or accepted by ~~such two-thirds~~ a two-thirds
 10 vote after disapproval by the commission, shall have the status of an approved street
 11 as fully as though it had been originally shown on a subdivision plat approved by the
 12 commission or on a plat made and adopted by the commission.

13 Section 7. Erection of Buildings: From and after the time when the platting
 14 jurisdiction of the planning commission shall have attached by reason of the adoption
 15 of a major street plan as provided in Section 1 of this Article, no building permit
 16 shall be issued for and no building shall be erected upon any lot within the
 17 metropolitan planning area unless the street giving access to the lot upon which such
 18 building is proposed to be placed shall be accepted or opened as, or shall have
 19 otherwise received the legal status of a public street prior to that time, or unless such
 20 street corresponds in its location and lines with a street shown on a subdivision plat
 21 approved by such commission or on a street plat made and adopted by such
 22 commission, or with a street located or accepted by the ~~Village Council~~ council of
 23 the ~~Village~~ municipality of Benton, or, in the case of territory outside of the ~~village~~
 24 municipality, the ~~Police Jury~~ police jury, after submission to such commission and,
 25 in case of such commission's disapproval, by the favorable vote required in Section
 26 6 of this Article. Any building in violation of this section shall be deemed an
 27 unlawful structure, and the building inspector or solicitor or other designated official
 28 of the municipality or parish, as appropriate, may bring action to enjoin such erection
 29 or cause it to be vacated or removed.

1 Article 4: Mapped Streets:

2 Section 1: Platting of Streets Lines by Planning Commission: From and after
3 the time when the planning commission shall have adopted a master plan which
4 includes at least a major street plan or shall have progressed in its master planning
5 to the stage of the making and adoption of a major street plan, such commission shall
6 have the power to make or cause to be made, from time to time, plats on which are
7 indicated the locations of the lines recommended by the commission as the planned
8 or mapped lines of future streets, street extensions, street widenings, or street
9 narrowings. The making or certifying of a plat by the commission shall not in and
10 of itself constitute or be deemed to constitute the opening or establishment of any
11 street or the taking or acceptance of any land for street purposes.

12 Section 2: Establishment of Official Map. From and after the time when the
13 planning commission shall have adopted a master plan which includes at least a
14 major street plan or shall have progressed in its master planning to the stage of the
15 making and adoption of a major street plan, and shall have certified a copy of such
16 major street plan to the ~~Village Council~~ **council** and one to the ~~Police Jury~~ **police**
17 **jury**, the ~~Village Council~~ **council** and the Police Jury may establish an official map
18 of the ~~village~~ **municipality**, in the case of the ~~Council~~ **council**, and that part of
19 Bossier Parish within the metropolitan planning area but outside the **municipality**
20 of Benton, in the case of the ~~Police Jury~~ **police jury**. The official map shall show the
21 location of the streets theretofore existing and established by law as public streets.
22 Such official map may also show the location of the lines of streets on plats of
23 subdivisions which shall have been approved by the planning commission. The
24 ~~Council~~ **council** and the ~~Police Jury~~ **police jury** shall certify the fact of the
25 establishment of the official map to the Clerk of Court and Recorder of Bossier
26 Parish.

27 Section 3: Official Map: Additions and Changes: The ~~Council~~ **council** and
28 the ~~Police Jury~~ **police jury** may add to the official map, each in its own jurisdiction,
29 by placing thereon from time to time, the lines of streets in accordance with the plat

1 of any subdivision which shall have been approved by the planning commission. The
 2 ~~Council~~ **council** and the Police Jury may make, from time to time, other additions
 3 to or modifications of the official map by placing thereon the lines of planned new
 4 streets or street extensions, widenings, narrowings, or vacating; provided, however,
 5 that before taking any such action the ~~Council~~ **council** or the ~~Police Jury~~ **police jury**,
 6 as appropriate, shall hold a public hearing thereon, notice of the time and place of
 7 which shall be given not less than ten days previous to the time fixed therefor, by one
 8 publication in a newspaper of general circulation in the ~~village~~ **municipality** or in
 9 the parish, as the case may be; and provided further that such proposed addition to
 10 or modification of the official map shall be submitted to the planning commission
 11 for its approval, and, in the event of such commission's disapproval, such addition
 12 or modification shall require the favorable vote of not less than two-thirds of the
 13 entire membership of the ~~Council~~ **council** or ~~Police Jury~~ **police jury**, as appropriate.
 14 Any street line location certified by the planning commission to the council, as
 15 authorized by Section 1 of this Article, shall be deemed approved by the commission
 16 without further submission thereof to such commission. The placing of any street or
 17 street line upon the official map shall not in and of itself constitute or be deemed to
 18 constitute the opening or establishment of any street or the taking or acceptance of
 19 any land for street purposes.

20 Section 4: Regulation of Buildings in Bed of Mapped Streets: For the
 21 purpose of preserving the integrity of the official map, the ~~Council~~ **council** and the
 22 ~~Police Jury~~ **police jury** may provide by general ordinances or other legislative action
 23 that no permit shall be issued for any building or structure or part thereof on any land
 24 located between the mapped lines of any street as shown on the official map. Any
 25 such ordinance or legislative act shall provide that the board of appeals, as provided
 26 in Article 5 of this Act, shall have the power, upon an appeal filed with it by the
 27 owner of any such land, to authorize the grant of a permit for a building or structure
 28 or part thereof within any such mapped street location in any case in which such
 29 board finds, upon the evidence and arguments presented to it upon such appeal (a)

1 that the property of the appellant of which such mapped street location forms a part
2 will not yield a reasonable return to the owner unless such permit be granted, or (b)
3 that, balancing the interest of the ~~village~~ **municipality** or parish in preserving the
4 integrity of the official map and the interest of the owner in the use and benefits of
5 his property, the grant of such permit is required by consideration of justice and
6 equity. Before taking any such action, the board of appeals shall hold a hearing
7 thereon, at least ten days notice of the time and place of which shall be given to the
8 appellant by mail at the address specified by the appellant in his appeal petition.

9 In the event that the board of appeals decides to authorize a building permit,
10 it shall have the power to specify the exact location, ground area, height, and other
11 details and conditions of extent and character, and also the duration of the building,
12 structure, or part thereof to be permitted.

13 Section 5: Municipal Improvements in ~~Streets~~. Buildings Not on Mapped
14 Streets. Except in streets existing and established by law as public streets at the date
15 of the establishment of the official map, no public water facilities, sewer, or other
16 public utility or improvement shall be constructed after such date in any street until
17 such street is duly placed on the official map. The ~~Village Council~~ **council** and the
18 ~~Police Jury~~ **police jury** may provide by ordinance that no permit for the erection of
19 any building shall be issued unless a street giving access to such proposed building
20 existed and was established by law as a public street at the time of the establishment
21 of the official map or shall have been duly placed on the official map in accordance
22 with the provisions of Sections 2 and 3 of this Article; provided, however, that such
23 ordinance shall contain provisions whereby the applicant for such permit may appeal
24 to the board of appeals. Hearing upon the appeal and notice of hearing shall be held
25 and given as provided in Section 3 of this Article and such board shall have the
26 authority to authorize such a permit, subject to such conditions as the board may
27 impose, where the circumstances of the case do not require the proposed building to
28 be related to existing streets or to streets as shown on the official map and where the
29 permit would not tend to distort or increase the difficulty of carrying out the official

1 map or master plan of the ~~village~~ **municipality**.

2 Article 5: Zoning

3 Section 1. Grant of Power: For the purposes of promoting the public health,
 4 safety, morals, convenience, order, prosperity and general welfare, The ~~Village~~
 5 ~~Council~~ **council** of the ~~Village~~ **municipality** of Benton and the ~~Police Jury~~ **police**
 6 **jury** of **the parish of** Bossier ~~Parish~~ are hereby empowered, in accordance with the
 7 conditions and the procedures specified in this Article, to regulate the location,
 8 height, bulk, number of stories and size of buildings and other structures, the
 9 percentage of the lot which may be occupied, the size of yards, courts or other open
 10 spaces, the density of population, and the uses of buildings, structures and land for
 11 trade, industry, residence, recreation, civic activities, and other purposes, within the
 12 ~~village~~ **municipality**, in the case of the ~~Village~~ **municipality** of Benton, and within
 13 that part of Bossier Parish within the metropolitan planning area but outside the
 14 ~~Village~~ **municipality** of Benton, in the case of **the parish of** Bossier ~~Parish~~;
 15 provided, however, that such regulations may be adopted with respect only to such
 16 portion of the metropolitan planning area outside of the ~~Village~~ **municipality** of
 17 Benton, as, in the judgment of the ~~Police Jury~~ **police jury**, is deemed necessary.

18 Section 2. The Zoning Plan: Whenever the planning commission makes and
 19 certifies to the ~~Village Council~~ **council** of the ~~Village~~ **municipality** of Benton and
 20 to the ~~Police Jury~~ **police jury** of Bossier Parish a zoning plan, including both the full
 21 text of a zoning ordinance and the map or maps, representing the recommendations
 22 of the Planning Commission for the regulation by districts or zones of the location,
 23 height, bulk, number of stories, and size of buildings and other structures, the
 24 percentage of the lot which may be occupied, the size of yards, courts and other open
 25 spaces, the density of population, and the uses of buildings, structures, and land for
 26 trade, industry, residence, recreation, civic activities, and other purposes, then the
 27 ~~Village Council~~ **council** and the ~~Police Jury~~ **police jury** may exercise the powers
 28 granted and for the purposes mentioned in Section 1 of this Article and may divide
 29 the ~~village~~ **municipality** or that part of the parish within the metropolitan planning

1 area but outside the ~~Village~~ **municipality** of Benton, as the case may be, into
2 districts or zones of such number, shape and area as it may determine, and, for such
3 purposes may regulate the erection, construction, reconstruction, conversion,
4 alteration, and uses of buildings and structures and the uses of land. All such
5 regulations shall be uniform for each class or kind of building throughout each
6 district, but the regulations in one district may differ from those in other districts.

7 Section 3: Method of Procedure: Before enacting the zoning ordinance or
8 any amendment thereof, the ~~Village Council~~ **council** or the ~~Police Jury~~ **police jury**,
9 as the case may be, shall hold a public hearing thereon, at least ten days notice of the
10 time and place of which shall be published in a newspaper of general circulation in
11 the ~~village~~ **municipality** or in the parish as the case may be. No change in or
12 departure from the text or maps as certified by the planning commission shall be
13 made, unless such change or departure be first submitted to the planning commission
14 and approved by it, or if disapproved, receive the favorable vote of not less than
15 two-thirds of the entire membership of the ~~Village Council~~ **council** or the ~~Police Jury~~
16 **police jury**, as the case may be.

17 Section 4. Amendments: The zoning ordinance, including the map or maps,
18 may from time to time be amended; but no amendment shall become effective unless
19 it be first submitted to and approved by the planning commission, or, if disapproved,
20 shall receive the favorable vote of not less than two-thirds of the entire membership
21 of the ~~Village Council~~ **council** or the ~~Police Jury~~ **police jury**, as the case may be.

22 Section 5: Non-Conforming Uses: The lawful use of a building or premises
23 exactly as such use existed at the time of the enactment of any regulation affecting
24 it may be continued although such use does not conform with the provisions of such
25 regulation. The ~~Village Council~~ **council** or the ~~Police Jury~~ **police jury**, as
26 appropriate, may provide for the termination of non-conforming uses either by
27 specifying the period or periods within which they shall be required to cease or by
28 providing a formula or formulas whereby the compulsory termination of
29 non-conforming use shall be so fixed as to allow a reasonable period for the recovery

1 or amortization of the investment in the non-conforming use of buildings or
2 premises. The ~~Village Council~~ council or the ~~Police Jury~~ police jury, as appropriate,
3 may in its discretion provide by ordinance for the resumption, restoration,
4 reconstruction, extension, or substitution of non-conforming uses upon such terms
5 and conditions as may be set forth in the ordinance.

6 Section 6: Board of Appeals. The zoning ordinance shall provide for a board
7 of appeals of five members and two alternate members, each to be appointed for a
8 term of five years. Three members and one alternate member shall be appointed by
9 the ~~Village Council~~ council of the ~~Village~~ municipality of Benton, two members
10 and one alternate member shall be appointed by the ~~Police Jury~~ police jury of the
11 parish of Bossier Parish. Of the members first appointed by the ~~Village Council~~
12 council, one shall be appointed for a term of five years, and one for a term of four
13 years, and one for a term of three years; of the members first appointed by the Police
14 Jury, one shall be appointed for a term of two years and one for a term of one year.
15 The alternate member appointed by the ~~Village Council~~ council shall be appointed
16 for a term of five years and the alternate member appointed by the ~~Police Jury~~ police
17 jury shall be appointed for a term of three years.

18 Members and alternate members shall serve without compensation. Any
19 vacancy shall be filled for the unexpired term by the appointing authority, which
20 shall have also the authority to remove any member for cause stated in writing and
21 after public hearing.

22 Alternate members shall serve only when called upon by the chairman or
23 acting chairman to form a quorum, and when so serving shall have all the powers and
24 duties of full members.

25 The zoning ordinance may provide and specify general rules to govern the
26 organization and procedure of such board of appeals, which rules shall not be
27 inconsistent with the provisions of this Article; and the board of appeals may adopt
28 supplemental rules of procedure not inconsistent with this Article or such general
29 rules.

1 The zoning ordinance may provide that the board of appeals may permit
2 special exceptions to the zoning regulations in the classes or cases or situations and
3 in accordance with the principles, conditions, safeguards, and procedure specified
4 in the ordinance. The ordinance may also authorize the board of appeals to interpret
5 the zoning maps and pass upon disputed questions of lot lines, or district boundary
6 lines or similar questions as they arise in the administration of the zoning
7 regulations.

8 Appeals to the board of appeals may be taken by any person aggrieved or by
9 any officer, department, board or bureau of the ~~Village~~ **municipality** or ~~Parish~~
10 **parish** affected by any grant or refusal of a building permit or other act of decision,
11 of the building inspector or permit and zoning clerk of the ~~village~~ **municipality** or
12 parish or other administrative official, based in whole or in part upon the provisions
13 of any ordinance enacted under this Article.

14 The board of appeals shall have the following powers:

15 (1) To hear and decide appeals where it is alleged by the appellant that there
16 is error in any order, requirement, permit, decision, or refusal made by the building
17 inspector or permit and zoning clerk of the ~~village~~ **municipality** or parish or any
18 other administrative official in the carrying out or enforcement of any provision of
19 any ordinance enacted pursuant to this Article.

20 (2) To hear and decide, in accordance with the provisions of any such
21 ordinances, requests for special exceptions or for interpretation of the map or for
22 decisions upon other special questions upon which such board is authorized by any
23 such ordinance to pass.

24 (3) Where, by reason of exceptional narrowness, shallowness, or shape of a
25 specific piece of property at the time of enactment of the zoning regulation, or by
26 reason of exceptional topographic conditions or other extraordinary and exceptional
27 characteristics of such piece of property, the strict application of any regulation
28 enacted under this Article would result in peculiar and exceptional practical
29 difficulties to or exceptional or undue hardship upon the owner of such property, to

1 authorize, upon an appeal relating to such property, a variance from such strict
 2 application so as to relieve such difficulties or hardship, provided such relief may be
 3 granted without substantial detriment to the public good and without substantially
 4 impairing the intent and purpose of the zoning plan and zoning ordinance.

5 Section 7: Enforcement and Remedies. The ~~Village Council~~ **council** and the
 6 ~~Police Jury~~ **police jury** may provide for the enforcement of any ordinance enacted
 7 under this Article. A violation of any such ordinance is hereby declared a
 8 misdemeanor. In case any building or structure is or is proposed to be erected,
 9 constructed, reconstructed, altered, converted, or maintained, or any building,
 10 structure, or land is or is proposed to be used in violation of any ordinances enacted
 11 under this Article, the building inspector, permit and zoning clerk, municipal or
 12 parish counsel, or other appropriate authority of the ~~village~~ **municipality** or of the
 13 parish, or any adjacent or neighboring property owner who would be especially
 14 damaged by such violation, may, in addition to other remedies, institute injunction,
 15 mandamus, or other appropriate action or proceeding to prevent such unlawful
 16 erection, construction, reconstruction, alteration, conversion, maintenance, or use,
 17 or to correct or abate such violation, or to prevent the occupancy of such building,
 18 structure, or land.

19 Section 8: Conflict With Other Laws. Whenever the regulations made under
 20 ~~the~~ authority of this Article ~~require~~ **requires** a greater width or size of yards, courts,
 21 or other open spaces, or require a lower height of buildings or less number of stories,
 22 or require a greater percentage of lot to be left unoccupied, or impose other higher
 23 standards than are required in any other statute, the provisions of the regulations
 24 made under authority of this Article shall govern. Whenever the provisions of any
 25 other statute require a greater width or size of yards, courts, or other open spaces, or
 26 require a greater percentage of lot to be left unoccupied, or impose higher standards
 27 than are required by the regulations made under authority of this Article, the
 28 provisions of such statute shall govern.

29 Section 9: Existing Zoning Ordinances. Existing zoning ordinances of the

1 ~~Village~~ **council** of Benton shall continue in effect until repealed or replaced by
 2 ordinances enacted under the authority of this Article.

3 Article 6: Housing and Building Codes: Rehabilitation.

4 Section 1: Grant of Power. For the purposes of promoting the public health,
 5 safety, morals, convenience, order, prosperity, and general welfare, the ~~Village~~
 6 ~~Council~~ **council** of the ~~Village~~ **municipality** of Benton and the ~~Police Jury~~ **police**
 7 **jury** of Bossier Parish are hereby empowered, in accordance with the conditions and
 8 procedures specified in this Article, to adopt housing codes prescribing minimum
 9 standards for the area, volume, light, air, ventilation, illumination, occupancy and
 10 density of occupancy and sanitation of dwelling places; to adopt building codes,
 11 plumbing codes, electrical codes and related measures to regulate the construction,
 12 reconstruction, alteration, extension, conversion, or maintenance of buildings; to
 13 regulate ~~by~~ building and housing codes or other measures or ordinances **as to the**
 14 conditions of sanitation, including requirements for water supply and sewerage
 15 disposal and drainage; and to adopt such other ordinances, regulations and plans as,
 16 in their judgment, are necessary to effect the rehabilitation of sub-standard dwellings
 17 and blighted areas within the ~~village~~ **municipality**, in the case of the ~~Village~~
 18 **municipality** of Benton, and within that part of **the parish of** Bossier Parish within
 19 the metropolitan planning area but outside the ~~Village~~ **municipality** of Benton, in
 20 the case of **the parish of** Bossier Parish; provided, however, that such codes,
 21 ordinances, plans or other measures may be adopted with respect only to such
 22 portion of the metropolitan planning area outside the ~~Village~~ **municipality** of
 23 Benton, as in the judgment of the ~~Police Jury~~ **police jury**, is deemed necessary.

24 Section 2: Planning Commission. The planning commission may prepare and
 25 recommend to the ~~Village Council~~ **council** and the ~~Police Jury~~ **police jury** for
 26 adoption such codes, ordinances, plans, or other measures as, in its judgment, may
 27 be necessary to accomplish the purposes of this Article.

28 Section 3: Method of Procedure. Before adopting any code, ordinance, plan,
 29 or other measures pursuant to this Article, the ~~Village Council~~ **council** or the ~~Police~~

1 ~~Jury~~ **police jury**, as the case may be, shall hold a public hearing thereon, at least ten
 2 days notice of the time and place of which shall be published in a newspaper of
 3 general circulation in the ~~village~~ **municipality** or in the parish, as the case may be.

4 Section 4: Enforcement and Remedies. The ~~Village Council~~ **municipality**
 5 and the ~~Police Jury~~ **police jury** may provide, in their respective jurisdictions, for the
 6 enforcement of any code, ordinance, or other measure enacted under this Article. A
 7 violation of any such code, ordinance, or other measure is hereby declared a
 8 misdemeanor. In case any building or structure is or is proposed to be constructed,
 9 reconstructed, altered, extended, converted, or maintained in violation of any code
 10 or ordinance enacted under this article the building inspector, permit and zoning
 11 clerk, municipal or parish counsel, or other appropriate authority of the ~~village~~
 12 **municipality** or of the parish, or any adjacent or neighboring property owner who
 13 would be specifically damaged by such violation, may, in addition to other remedies,
 14 institute injunction, mandamus, or other appropriate action or proceedings to prevent
 15 such unlawful construction, reconstruction, alteration, extension, conversion,
 16 maintenance, or use, or to correct or abate such violation or to prevent the occupancy
 17 of such building.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

SB 87 Engrossed

2023 Regular Session

Robert Mills

Present law provides for a metropolitan planning area consisting of the area located in the village of Benton and the area lying within a five-mile radius outside of the village of Benton in the unincorporated part of Bossier Parish. Present law further provides for the creation, organization, powers, and duties of a metropolitan planning commission to manage the metropolitan planning area.

Proposed law retains present law and expands the jurisdictional boundaries of the metropolitan planning area to extend beyond the five-mile radius in present law to include a larger portion of the unincorporated area of Bossier Parish and proposed law changes the term "village" to "municipality".

Present law defines the "metropolitan planning commission" to mean the Benton-Parish Metropolitan Planning Commission.

Proposed law defines the "metropolitan planning commission" to mean the Benton Metropolitan Planning Commission.

Effective August 1, 2023.

(Amends Act No. 558 of the 1956 R.S.)