

2019 Regular Session

HOUSE BILL NO. 533

BY REPRESENTATIVE HORTON

PLANNING/ZONING-LOCAL: Provides relative to metropolitan planning for the town of Haughton and certain areas of Bossier Parish

1 AN ACT

2 To enact Subpart D-1 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes  
3 of 1950, to be comprised of R.S. 33:140.50.1 through 33:140.50.39, relative to  
4 planning commissions; to authorize the town Haughton and Bossier Parish to create  
5 a metropolitan planning commission; to provide relative to the jurisdiction,  
6 governance, and powers and duties of the commission; and to provide for related  
7 matters.

8 Notice of intention to introduce this Act has been published  
9 as provided by Article III, Section 13 of the Constitution of  
10 Louisiana.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Subpart D-1 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised  
13 Statutes of 1950, comprised of R.S. 33:140.50.1 through 33:140.50.39, is hereby enacted to  
14 read as follows:

15 SUBPART D-1. HAUGHTON METROPOLITAN PLANNING

16 §140.50.1. General purposes

17 A. It is the purpose and intent of this Subpart to authorize metropolitan  
18 planning in the town of Haughton and its environs and to provide for the creation,  
19 organization, powers and duties of a metropolitan planning commission; for the  
20 regulation of the subdivision of land in the metropolitan planning area, as defined in

1 this Subpart; for the making and adoption of an official map or maps to preserve the  
2 integrity of the major street plan and other plans by the regulation of buildings in  
3 mapped streets; for the making and adoption of a zoning plan and zoning ordinance  
4 or ordinances; for the adoption of ordinances prescribing minimum construction,  
5 health, and sanitation standards to prevent the spread of slums and to encourage and  
6 assist public and private agencies, corporations, and individuals in the rehabilitation  
7 and redevelopment of blighted areas; and for the adoption of other plans, ordinances,  
8 and measures to effectuate the purposes of this Subpart.

9 B. It is the further intent of this Subpart to provide for the planning and the  
10 effectuation of plans for the orderly physical development of the metropolitan  
11 planning area as a whole. In this Subpart, provision is made for unified planning of  
12 the area within the town of Haughton and environs; and, further, provision is made  
13 for joint or correlated action by the town council and the police jury in the adoption  
14 of ordinances or other measures to effectuate such unified plans.

15 §140.50.2. Separate actions by town council and police jury

16 A. If joint or correlated legislative action is required, it is contemplated in  
17 this Subpart that such joint or correlated legislative action will be taken within a  
18 reasonable time after the submission of such ordinances or other measures to the  
19 town council or the police jury by the commission.

20 B. If such legislative action is not taken by either the town council or the  
21 police jury, nothing in this Subpart shall be construed to prohibit, prevent, or impair  
22 the other from taking such action unilaterally with respect to the territory within its  
23 lawful jurisdiction; in such case either the town council or police jury, as the case  
24 may be, that has failed to take such legislative action shall forfeit to the other all  
25 rights and privileges with respect to joint action, such as appointment of members  
26 of the board of adjustment, and such rights and privileges shall remain forfeited until  
27 such time as the joint or correlated action contemplated is taken.

28 §140.50.3. Conflict with other laws

1           A. If other laws relating to the physical planning, zoning, airport zoning,  
2           effectuation of plans, platting, and other purposes of this Subpart are in conflict with  
3           the provisions of this Subpart, the provisions of this Subpart shall prevail; however,  
4           where such other laws or provisions thereof provide for other and additional duties,  
5           powers, authority, and responsibility, such other laws shall be applicable insofar as  
6           they are not in conflict with the provisions of this Subpart.

7           B. If the town council or police jury fails to make use of the provisions of  
8           this Subpart, the provisions of this Subpart shall not be construed to displace, amend,  
9           supersede or affect existing planning or zoning laws of the state of Louisiana or of  
10          either jurisdiction.

11          §140.50.4. Delegation of authority

12           A. If, for reasons of convenience, economy, or effectiveness in the  
13           administration of plans, ordinances, or other measures, such as zoning, it is desired  
14           that the town council or police jury or department, bureau, or agent of either  
15           undertake the administration of such plans, ordinances, or other measures with  
16           respect to the territory of the other, the town council and police jury may enter into  
17           such arrangement as may be mutually agreed upon for such administration and to  
18           provide compensation therefor to the governing body or department, bureau, or agent  
19           thereof, commensurate with the value and extent of the administration and work  
20           involved.

21           B. Nothing in this Section shall be construed as authorizing the delegation  
22           by the town council or the police jury to the other or to any department, bureau, or  
23           agent thereof, of the legislative authority vested by law in such governing body.

24          §140.50.5. Definitions

25           For the purposes of this Subpart, words and phrases used are defined as  
26           follows:

27           (1) "Commission" means the Haughton Metropolitan Planning Commission  
28           of Bossier Parish as provided for in R.S. 33:140.50.6.

1           (2) "Metropolitan planning area" means the town of Haughton and any areas  
2           outside of its boundaries which, in the commission's judgment, bear relation to the  
3           planning of the municipality; however, such metropolitan planning area shall not  
4           extend more than five miles beyond the municipality.

5           (3) "Municipal" and "municipality" means the town of Haughton.

6           (4) "Parish" means Bossier Parish.

7           (5) "Police jury" means the governing authority of Bossier Parish.

8           (6) "Street" or "streets" means public thoroughfares, avenues, boulevards,  
9           roads, lanes, alleys and other ways.

10           (7) "Subdivision" means the division of a lot, a tract, or parcel of land or a  
11           portion thereof, into two or more lots, sites, or other divisions, any one or more of  
12           which is to be platted as a lot of record for the purpose, whether immediate or future,  
13           of sale or building development, and also means resubdivision, or the consolidation  
14           of lots or tracts or portions thereof into single lots, and, when appropriate to the  
15           context, relates to the process of subdividing, as to the land or area subdivided.

16           (8) "Town council" means the governing authority of the town of Haughton.

17           §140.50.6. Metropolitan planning commission; creation and appointment

18           A. The town council and the police jury may create a commission, to be  
19           known as the Haughton Metropolitan Planning Commission of Bossier Parish.

20           B.(1) The commission shall consist of five members as follows: two  
21           members appointed by the town council, two members appointed by the police jury,  
22           and one member appointed jointly by the town council and the police jury.

23           (2) All members of the commission shall be residents and qualified voters  
24           of the metropolitan planning area.

25           (3) The members shall serve four year terms after initial terms as provided  
26           in this Paragraph. One member shall serve an initial term of one year; one shall  
27           serve two years, one shall serve three years; and two shall serve four years, as  
28           determined by lot at the first meeting of the commission.

29           (4) Members shall be eligible for reappointment.

1           (5) Members shall serve without compensation.

2           (6) Vacancies resulting from the expiration of a term or any other reason  
3           shall be filled for the remainder of the unexpired term in the manner of the original  
4           appointment.

5           §140.50.7. Organization, rules, staff

6           A. The commission shall elect its chairman from among its members. The  
7           term of the chairman shall be one year with eligibility for reelection. The  
8           commission shall adopt rules for the transaction of business and shall keep a record  
9           of its resolutions, transactions, findings, and determinations, and the recorded vote  
10          of each member to be included, and each record shall be a public record.

11          B. The commission may appoint such employees and staff as it deems  
12          necessary for its work, and if for convenience, economy, or effectiveness in the  
13          administration of plans, ordinances, or other measures, such as zoning, the  
14          commission desires to delegate certain authority to its employees and staff to act in  
15          its behalf, it may do so when such authority is specified in the plan, ordinance or  
16          other measure.

17          C. The commission may contract with planners and other consultants for  
18          such services as it may require.

19          §140.50.8. Budget

20          The commission shall prepare an annual budget of its operating expenses, the  
21          total amount of which, exclusive of gifts, shall be within the total amounts  
22          appropriated for the purpose by the town council and the police jury. The  
23          municipality shall act as fiscal agent for the commission.

24          §140.50.9. Area of jurisdiction

25          The area of jurisdiction of the commission shall be the metropolitan planning  
26          area as defined in this Subpart. In its planning, the commission may take into  
27          consideration and may make plans for such other area as, in its judgment, bears  
28          relation to the metropolitan planning area, but the plans for such other area shall not  
29          have any legal or official status.

1        §140.50.10. Master plan

2                A. It is the function and duty of the commission to make and recommend to  
3        the town council and the police jury a master plan for the physical development of  
4        the municipality, including any areas outside of its boundaries which, in the  
5        commission's judgment, bear relation to the planning of the municipality.

6                B. The master plan, consisting of maps, plats, charts, and descriptive and  
7        explanatory matter, shall show the commission's recommendations for such physical  
8        development, and may include, among other things, the general location, character  
9        and extent of streets, bridges, viaducts, parks, parkways, waterway and waterfront  
10       developments, playgrounds, airports, and other public ways, grounds, places and  
11       spaces; the general location of public buildings, schools and school sites, and other  
12       public property; the general location and extent of public utilities and terminals,  
13       whether publicly or privately owned, for water, power, heat, light, sanitation,  
14       transportation, communication, and other purposes; the acceptance, widening,  
15       removal, extensions, re-location, narrowing, vacation, abandonment, or change of  
16       use of any of the foregoing public ways, grounds, places, spaces, buildings,  
17       properties, utilities, or terminals; a zoning plan for the regulation of the height, area,  
18       bulk, location, and use of private and public structures and premises, and of  
19       population density; the general location, character, layout, the extent of the  
20       neighborhood units and communities or groups of neighborhood units, of  
21       neighborhood and community centers; and of the general character, extent, and  
22       layout of the replanning of blighted districts and slum areas.

23                C. The commission may, from time to time, recommend amendments to  
24        extend or add to the plan.

25        §140.50.11. General purpose of the plan

26                In the preparation of the master plan, the commission shall make careful and  
27        comprehensive surveys and studies of the existing conditions and probable future  
28        growth of the municipality and its environs. The plan shall be made with the general  
29        purpose of guiding and accomplishing a coordinated, adjusted, and harmonious

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

5 §140.50.12. Adoption of master plan

6 A. The commission may recommend the adoption of the master plan as a  
7 whole, or, as the work of making the whole master plan progresses, may from time  
8 to time recommend a part or parts thereof, any such part to correspond generally with  
9 one or more of the functional subdivisions of the subject matter of the plan.

10 B.(1) The adoption of the plan or any part, amendment, or addition shall be  
11 by resolution carried by the affirmative vote of a majority of the town council, in the  
12 case of its applicability to the municipality, or by the police jury, in the case of its  
13 applicability to areas outside of the municipality.

14 (2) The resolution shall refer expressly to the maps, descriptive matter, and  
15 other matters intended by the commission to form the whole or part of the plan, and  
16 the action taken shall be recorded on the adopted plan or part thereof by the  
17 identifying signature of the secretary of the town council or the police jury, and a  
18 copy of the plan or part thereof shall be certified to each of the following: the town  
19 council, the police jury, the Bossier Parish school board, and the clerk of court and  
20 recorder of the parish, who shall record such plan or part thereof on the conveyance  
21 records of the parish.

22 C. The plan or part thereof shall take effect after the date it has been adopted  
23 by the town council, in the case of its applicability to the municipality, or by the  
24 police jury, in the case of its applicability to areas outside the municipality.

25 §140.50.13. Miscellaneous powers of the commission

26 A. The commission may make reports and recommendations relating to the  
27 plan and development of the area within its jurisdiction to public officials and  
28 agencies, public utility companies, civic, educational, professional and other  
29 organizations and citizens.

1           B. The commission may recommend to the executive or legislative officials  
2           of the municipality and parish, and to other public or semi-public boards,  
3           commissions, agencies, or other bodies, programs for public improvements and the  
4           financing thereof. All public officials shall, upon request, make available to the  
5           commission, within a reasonable time, such available information as it may require  
6           for its work.

7           C. Members and employees of the commission, in the performance of their  
8           functions, may enter upon any land, make examinations and surveys, and place and  
9           maintain necessary monuments and marks thereon.

10           D. The commission shall have such additional powers as granted by  
11           ordinances adopted by the town council or the police jury, as the case may be.

12           §140.50.14. Legal status of plan

13           A. After adoption of the master plan or any part thereof, no street, park, or  
14           any public way, ground, place, or space, no public building or structure, school or  
15           school site, and no public utility, whether publicly or privately owned, shall be  
16           constructed or authorized in the area of the adopted plan until and unless the location  
17           and extent thereof has been submitted to and approved by the commission; in the  
18           case of disapproval, the commission shall communicate its reasons to the town  
19           council or police jury, as appropriate, and the town council or police jury, by a vote  
20           of not less than two-thirds of its entire membership, shall have the power to overrule  
21           such disapproval and, upon such overruling, the town council, police jury, or the  
22           appropriate board or officer shall have the power to proceed. However, if the public  
23           way, ground, place, space, building, structure, school or school site, or utility be one  
24           the authorization or financing of which does not, under the law or charter provisions  
25           governing the same, fall within the province of the town council or police jury or  
26           other body or official of the municipality or of the parish, then the submission to the  
27           commission shall be by the board or official having such jurisdiction, and the  
28           commission's disapproval may be overruled by such board by a vote of not less than  
29           two-thirds of its entire membership or by such official.

1           B. The acceptance, widening, removal, extension, relocation, narrowing,  
2           vacation, abandonment, change of use, acquisition of land for, or sale or lease of any  
3           street or other public way, ground, place, property, or structure shall be subject to  
4           similar submission and approval, and the failure to approve may be similarly  
5           overruled. The secretary of the commission or his deputy shall issue a receipt  
6           showing the date, time, and sufficient description to identify any document submitted  
7           to it for approval.

8           C. The failure of the commission to act within sixty days from the date of  
9           official filing shall be deemed approval, unless a longer period be granted by the  
10          town council, police jury, or other submitting agency or official, provided that the  
11          acceptance, widening, removal, extension, relocation, narrowing, vacation,  
12          abandonment, change of use, acquisition of land for, or sale or lease of any street, or  
13          other public way, ground, place, property, or structure by the police jury or by the  
14          town council, as the case may be, need not be submitted for approval by the  
15          commission unless in conflict with such master plan.

16          §140.50.15. Effective date

17           A. In creating a commission pursuant to this Subpart, the town council and  
18           the police jury shall, by mutual agreement, designate the date upon which the  
19           powers, duties, and authority of the commission shall take effect. Until such time,  
20           the planning commission for the town for Haughton shall be continued with all its  
21           powers and duties, and by the designated date, the planning commission for the town  
22           of Haughton shall turn over to the commission all of its records, plans, studies, or  
23           other instruments of its work and planning.

24           B. Upon the designated date, the powers of the planning commission for the  
25           town of Haughton in conflict with the provisions of this Subpart shall cease to exist;  
26           however, such plans or parts thereof as have been lawfully adopted by the planning  
27           commission for the town of Haughton, including but not limited to the subdivision  
28           regulations, major street plan, and zoning plan, shall continue in effect and shall be

1 administered by the commission until repealed or replaced by the commission in  
2 accordance with this Subpart.

3 §140.50.16. Commission as platting authority

4 After the commission has recommended and the town council and the police  
5 jury have adopted a master plan in whole or in part, no plat of a subdivision of land  
6 lying within the area covered by such plan shall be filed or recorded until it has been  
7 submitted to and approved by the commission and such approval entered in writing  
8 on the plat by the secretary of the commission. The clerk of court and recorder shall  
9 not file or record a plat of a subdivision without the approval of the commission as  
10 required by this Subpart; a plat of a subdivision filed or recorded without the  
11 approval of the commission as required by this Section is void.

12 §140.50.17. Subdivision regulations

13 A. In exercising the powers granted to it by this Subpart, the commission  
14 shall recommend regulations governing the subdivision of land within the  
15 metropolitan planning area. Such regulations may provide for the harmonious  
16 development of the metropolitan planning area; for the coordination of streets within  
17 subdivisions with other existing or planned streets or with other features of the  
18 master plan or official map of the metropolitan planning area; for adequate open  
19 spaces for traffic, recreation, light and air; and for the distribution of population and  
20 traffic which will tend to create conditions favorable to health, safety, convenience,  
21 or prosperity.

22 B. Such regulations may include requirements as to the extent to which and  
23 the manner in which streets shall be graded and improved and water, sewer, and  
24 other utility mains, piping, connections, or other facilities shall be installed as a  
25 condition precedent to the approval of the plat. The regulations or practice of the  
26 commission may provide for the tentative approval of the plat previous to such  
27 improvement and installation, but any such tentative approval shall not be entered  
28 on the plat. Such regulations may provide that, in lieu of the completion of such  
29 work and installations previous to the final approval of a plat, the commission may

1       accept a bond, in an amount and with surety and conditions satisfactory to it,  
 2       providing for the securing to the municipality and the parish, as appropriate, the  
 3       actual construction and installation of such improvements and utilities within a  
 4       period specified by the commission and expressed in the bond, and the town council  
 5       and the police jury are hereby granted the power to enforce such bonds by all  
 6       appropriate legal and equitable remedies.

7               C. Such regulations may provide, in lieu of the completion of such work and  
 8       installations previous to the final approval of a plat, for an assessment or other  
 9       method whereby the municipality or parish, as appropriate, is put in an assured  
 10       position to do such work and make such installations at the cost of the owners of the  
 11       property within the subdivision.

12              D. Before recommending its subdivision regulations or any amendments  
 13       thereto, the commission shall hold a public hearing thereon, at least ten days notice  
 14       of the time and place of which shall be published in a newspaper of general  
 15       circulation in the municipality and in the parish; certified copies of these regulations  
 16       shall be filed with the town council, police jury, and the clerk of court. The  
 17       commission shall then present its recommendation for subdivision regulations to the  
 18       town council or the police jury for adoption by the town council or the police jury,  
 19       as the case may be.

20       §140.50.18. Procedure on subdivision plats; appeals

21              A.(1) The secretary of the commission or his deputy shall issue a receipt  
 22       showing the date, time, and sufficient description to identify any plat submitted to  
 23       it for approval.

24              (2) The commission shall approve or disapprove the plat within sixty days  
 25       thereof, otherwise the plat shall be deemed to be approved and a certificate to that  
 26       effect shall be issued by the commission on demand; however, the applicant for  
 27       commission approval may waive this requirement and consent to the extension of  
 28       such period.

1           (3) The ground of disapproval of any plat shall be stated upon the records of  
2           the commission, with the recorded vote of each member included in said records.

3           (4) No plat shall be disapproved by the commission without affording a  
4           hearing thereon.

5           B. Any applicant or other person may appeal commission approval or  
6           disapproval of a subdivision plat to the town council or the police jury, as the case  
7           may be, under such procedures and provisions as shall be established in the  
8           subdivision regulations.

9           §140.50.19. Effect of plat approval on status of dedications

10           The approval of a plat by the commission shall not be deemed to constitute  
11           or affect any acceptance by the municipality or parish or public body of the  
12           dedication of any street or other ground shown upon the plat.

13           §140.50.20. Penalties for transferring lots in unapproved subdivisions

14           A. If the owner or the agent of the owner of any land located within the area  
15           covered by the adopted plan transfers or sells or agrees to sell or negotiates to sell  
16           such land by reference to or exhibition of or by other use of a plat of subdivision of  
17           such land before such plat has been approved by the commission and recorded in the  
18           office of the clerk of court and recorder of the parish, he shall be subject to a penalty  
19           of one hundred dollars for each lot so transferred or sold or agreed or negotiated to  
20           be sold. The description by metes and bounds in the instrument of transfer or other  
21           document used in the process of selling or transferring shall not exempt the  
22           transaction from such penalties.

23           B. The municipality or parish, as appropriate, through its attorney or other  
24           designated official, may enjoin such transfer of sale or agreement by action for  
25           injunction or may recover the penalty by civil action.

26           §140.50.21. Acceptance of and improvements in unapproved streets

27           After the adoption of a master plan, in whole or in part, as provided in R.S.  
28           33:140.50.16, the municipality or parish or other public body shall not accept, lay  
29           out, open, improve, grade, pave, or light any street within the area covered by the

1 adopted plan, in conflict with the plan unless such street has been accepted or opened  
2 as, or has otherwise received the legal status of, a public street prior to the adoption  
3 of a master plan, or unless such street corresponds in its location and lines with a  
4 street shown on a subdivision plat approved by such commission or on a street plat  
5 made by and adopted by such commission. However, the town council or, in the  
6 case of a street outside of the municipality, the police jury may locate and construct  
7 or may accept any other street if the ordinance or other measure for such location and  
8 construction or for such acceptance be first submitted to such commission for its  
9 approval, and if disapproved by the commission, be passed by not less than two-  
10 thirds of the entire membership of the town council or police jury, as appropriate.  
11 A street approved by the commission upon such submission, or constructed or  
12 accepted by such two-thirds vote after disapproval by the commission, shall have the  
13 status of an approved street as fully as though it has been originally shown on a  
14 subdivision plat approved by the commission or on a plat made and adopted by the  
15 commission.

16 §140.50.22. Building permits

17 After the commission has recommended to the town council and the police  
18 jury and the town council or police jury has adopted in whole or in part a building  
19 permit plan, including both the full text of a building permit ordinance and the map  
20 or maps showing the districts or zones in which building permits will be required,  
21 no building shall be erected in those areas without first having secured the required  
22 building permit.

23 §140.50.23. Platting of street lines by commission

24 After the commission has recommended and the town council and the police  
25 jury have adopted a master plan in whole or in part which includes at least a major  
26 street plan, or has progressed in its master planning to the state of the making and  
27 recommending a major street plan, the commission may make or cause to be made,  
28 from time to time, plats on which are indicated the locations of the lines  
29 recommended by the commission as the planned or mapped lines of future streets,

1 street extensions, street widenings, or street narrowings. The making or certifying  
2 of a plat by the commission shall not in and of itself constitute or be deemed to  
3 constitute the opening or establishment of any street or the taking or acceptance of  
4 any land for street purposes.

5 §140.50.24. Establishment of official map

6 A. After the town council and the police jury have adopted a master plan  
7 which includes at least a major street plan, or the commission has progressed in its  
8 master planning to the state of the making and recommending of a major street plan,  
9 and shall have certified a copy of such major street plan to the town council and one  
10 to the police jury, then the town council and the police jury may establish an official  
11 map of the municipality, in the case of the town council, and that part of the parish  
12 within the area included within the adopted plan but outside the municipality, in the  
13 case of the police jury.

14 B. The official map shall show the location of the streets existing and  
15 established by law as public streets. Such official map may also show the location  
16 of the lines of streets on plats of subdivisions which have been approved by the  
17 commission. The town council and the police jury shall certify the fact of the  
18 establishment of the official map to the clerk of court and recorder of the parish.

19 §140.50.25. Official map; additions and changes

20 The town council and the police jury may add to the official map, each in its  
21 own jurisdiction, by placing thereon, from time to time, the lines of streets in  
22 accordance with the plat of any subdivision approved by the commission. The town  
23 council and the police jury may make, from time to time, other additions to or  
24 modifications of the official map by placing thereon the lines of planned new streets  
25 or street extensions, widenings, narrowings, or vacations. The placing of any street  
26 or street line upon the official map shall not, in or of itself, constitute or be deemed  
27 to constitute the opening or establishing of any street or the taking or accepting of  
28 any land for street purposes.

29 §140.50.26. Regulation of buildings in bed of mapped streets

1           A. For the purpose of preserving the integrity of the official map, the town  
2           council and the police jury may provide by general ordinance or other legislative  
3           action that no permit shall be issued for any building or structure or part thereof on  
4           any land located between the mapped lines of any street as shown on the official  
5           map.

6           B. Any such ordinance or legislative act shall provide that the board of  
7           adjustment, as provided for in this Subpart, shall have the power, upon an appeal  
8           filed with it by the owner of any such land, to authorize the grant of a permit for a  
9           building or structure or part thereof within any such mapped street location in any  
10          case in which such board finds, upon the evidence and arguments presented to it  
11          upon such appeal that the property of the appellant of which such mapped street  
12          location forms a part will not yield a reasonable return to the owner unless such  
13          permit be granted, or that balancing the interest of the municipality or parish in  
14          preserving the integrity of the official map and the interest of the owner in the use  
15          and benefits of his property, the grant of such permit is required by considerations  
16          of justice and equity.

17          C. Before taking any such action, the board of adjustment shall hold a  
18          hearing thereon, at least ten days notice of the time and place of which shall be given  
19          to the appellant by mail at the address specified by the appellant in his appeal  
20          petition. If the board of adjustment decides to authorize a building permit, it shall  
21          have the power to specify the exact location, ground area, height, and other details  
22          and conditions of extent and character, and also the duration of the building,  
23          structure or part thereof to be permitted.

24          §120.50.27. Municipal improvements in streets; buildings not on mapped streets

25          A. Except in streets existing and established by law as public streets at the  
26          date of the establishment of the official map, no public water facilities, sewer, or  
27          other public utilities or improvements shall be constructed after such date in any  
28          street until such street is duly placed on the official map.

1           B. The town council and the police jury may provide by ordinance that no  
2           permit for the erection of any building shall be issued unless a street giving access  
3           to such proposed building existed and was established by law as a public street at the  
4           time of the establishment of the official map or shall have been duly placed on the  
5           official map in accordance with the provisions of R.S. 33:140.50.24 and R.S.  
6           33:140.50.25; provided, however, that such ordinance shall contain provision  
7           whereby the applicant for such permit may appeal to the board of adjustment,  
8           hearing upon which appeal and notice of the time and place of which shall be  
9           published in a newspaper of general circulation in the city and parish, and such board  
10           shall have the authority to authorize such a permit, subject to such conditions as the  
11           board may impose, where the circumstances of the case do not require the proposed  
12           building to be related to the existing streets or to streets as shown on the official map  
13           and where the permit would not tend to distort or increase the difficulty of carrying  
14           out the official map of the master plan of the municipality.

15           §140.50.28. Grant of power

16           For the purpose of promoting the public health, safety, morals, convenience,  
17           order, prosperity and general welfare, the town council and the police jury are hereby  
18           empowered, in accordance with the conditions and the procedures specified in this  
19           Subpart, to regulate the location, height, bulk, number of stories and size of buildings  
20           and other structures, the percentage of the lot which may be occupied, the sizes of  
21           yards, courts or other open spaces, the density of population, and the uses of  
22           buildings, structures and land for trade, industry, residence, recreation, civic  
23           activities, and other purposes, within the municipality, in the case of the  
24           municipality, and within that part of the parish within the metropolitan planning area  
25           but outside the municipality in the case of the parish.

26           §140.50.29. Zoning plan

27           A. If the commission recommends to the town council and to the police jury  
28           a zoning plan, including both the full text of a zoning ordinance and the map or  
29           maps, representing the recommendations of the commission for the regulation by

1 districts or zones of the location, height, bulk, number of stories, and size of  
2 buildings and other structures, the percentage of the lot which may be occupied, the  
3 size of yards, courts and other open spaces, the density of population, and the uses  
4 of buildings, structures, and land for trade, industry, residence, recreation, civic  
5 activities, and other purposes, then the town council and the police jury may exercise  
6 the powers granted for the purpose mentioned in R.S. 33:140.50.28 and may divide  
7 the municipality or that part of the parish within the metropolitan planning area  
8 outside the municipality, as the case may be, into districts or zones of such number,  
9 shape, and area as it may determine, and, for such purposes, may regulate the  
10 erection, construction, reconstruction, conversion, alteration, and uses of buildings  
11 and structures and the uses of land.

12 B. All such regulations shall be uniform for each class or kind of building  
13 throughout each district, but the regulations in one district may differ from those in  
14 other districts.

15 §140.50.30. Method of procedure

16 Before enacting the zoning ordinance or any amendment thereto, the police  
17 jury shall hold a public hearing thereon, at least ten days notice of the time and place  
18 of which shall be published in a newspaper of general circulation in the parish. The  
19 zoning ordinance, including the map or maps, may from time to time be amended;  
20 but no amendment shall become effective unless it be first submitted to and approved  
21 by the commission, or, if disapproved, shall receive the favorable vote of not less  
22 than two-thirds of the entire membership of the town council or the police jury, as  
23 the case may be.

24 §140.50.31. Non-conforming uses

25 A. The lawful use of a building or premises exactly as such use existed at the  
26 time of the enactment of any regulation affecting it may be continued although such  
27 use does not conform with the provisions of such regulation. The town council or  
28 the police jury, as appropriate, may provide for the termination of non-conforming  
29 uses either by specifying the period or periods within which they shall be required

1 to cease or by providing a formula or formulas whereby the compulsory termination  
2 of a non-conforming use shall be so fixed as to allow a reasonable period for the  
3 recovery or amortization of the investment in the non-conformance or with adequate  
4 compensation by a court of competent jurisdiction.

5 B. The town council or the police jury, as appropriate, may in its discretion  
6 provide by ordinance for the resumption, restoration, reconstruction, extension, or  
7 substitution of non-conforming uses upon such terms and conditions as may be set  
8 forth in the ordinance.

9 §140.50.32. Board of adjustment

10 A.(1) The zoning ordinances shall provide for a board of adjustment  
11 composed of five members. Two members shall be appointed by the town council,  
12 two members shall be appointed by the policy jury, and one member shall be  
13 appointed jointly by the town council and the police jury.

14 (2) All members of the board shall be residents and qualified voters of the  
15 metropolitan area.

16 (3) Members shall serve four year terms after initial terms as provided in this  
17 Subsection. One members shall serve an initial term of one year, one member shall  
18 serve two years; one member shall serve three years, and two members shall serve  
19 four years, as determined by lot at the first meeting of the board of adjustment.

20 (4) Members shall be eligible for reappointment.

21 (5) Members shall serve without compensation.

22 (6) Vacancies resulting from the expiration of a term or any other reason  
23 shall be filled for the remainder of the unexpired term in the manner of the original  
24 appointment.

25 B. The zoning ordinance may provide and specify general rules to govern the  
26 organization and procedure of such board of adjustment, which rules shall not be  
27 inconsistent with the provisions of this Subpart.

28 C.(1) The zoning ordinance may provide that the board of adjustment may  
29 permit special exemptions to the zoning regulations in the classes of cases or

1 situations and in accordance with the principles, conditions, safeguards, and  
2 procedures specified in the ordinance.

3 (2) The ordinance may also authorize the board of adjustment to interpret the  
4 zoning maps and pass upon disputed questions of lot lines or district boundary lines  
5 or similar questions as they arise in the administration of the zoning regulations.

6 (3) The ordinance may further authorize the board of adjustment to grant a  
7 variance from the strict application of zoning regulations where other procedures for  
8 variance or modification are not specified in the zoning ordinance.

9 D. Appeals to the board of adjustment may be taken by any person aggrieved  
10 or by any officer, department, board or bureau of the town or parish affected by any  
11 grant or refusal of a building permit or other act or decision of the building inspector  
12 or permit and zoning clerk of the municipality or parish or other administrative  
13 official based in whole or in part upon the provisions of any ordinance enacted under  
14 this Subpart.

15 E. The board of adjustment shall have the following powers:

16 (1) To hear and decide appeals where it is alleged by the appellant that there  
17 is error in any order, requirement, permit, decision, or refusal made by the municipal  
18 building commissioner or any other administrative official in the carrying out or  
19 enforcement of any provision of any ordinance enacted pursuant to this Subpart.

20 (2) To hear and decide, in accordance with the provisions of any such  
21 ordinance, request for special exceptions or for interpretations 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) To hear and decide on requests for a variance from the strict application  
25 of the zoning regulations where no other procedure for obtaining relief is specified  
26 in the ordinance and where due to exceptional topographic conditions or other  
27 extraordinary and exceptional characteristics of a specific piece of property, the strict  
28 application of regulations would result in peculiar and exceptional or undue hardship  
29 upon the owner of such property, provided such relief may be granted without

1        substantial detriment to the public good and without substantially impairing the  
2        intent and purpose of the zoning plan and zoning ordinance.

3        §140.50.33. Enforcement and remedies

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

17       §140.50.34. Conflict with other laws

18                A. If regulations made pursuant to the authority of this Subpart require a  
19        greater width or size of yards, courts, or other open spaces, or require a lower height  
20        of buildings or less number of stories, or require a greater percentage of lot to be left  
21        unoccupied, or impose other higher standards than are required in any other  
22        provision of state law, the regulations made pursuant to the authority of this Subpart  
23        shall govern.

24                B. If the any other provision of state law require a greater width or size of  
25        yards, courts, or other open spaces, or require a greater percentage of lot to be left  
26        unoccupied, or impose other higher standards than are required by the regulations  
27        made pursuant to the authority of this Subpart, the provisions of any such law shall  
28        govern.

29        §140.50.35. Existing zoning ordinances

1           Zoning ordinances of the town shall continue in effect until repealed by  
2           ordinances enacted pursuant to the provisions of this Subpart.

3           §140.50.36. Grant of power

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

22           §140.50.37. Commission recommendations

23           The commission may prepare and recommend to the town council and the  
24           police jury for adoption such codes, ordinances, plans, or other measures as, in its  
25           judgment, may be necessary to accomplish the purpose of this Subpart.

26           §140.50.38. Method of procedure

27           Except for the adopting of the zoning ordinance or any amendment thereto  
28           by the town council, before adopting any code, ordinance, plan, or other measure  
29           pursuant to this Subpart, the town council or the police jury, as the case may be, shall

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

4 §140.50.39. Enforcement and remedies

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

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 533 Original

2019 Regular Session

Horton

**Abstract:** Authorizes the creation of a metropolitan planning commission for the town of Haughton and areas lying within five miles the town's boundaries.

Proposed law authorizes the governing authority of the town of Haughton (town council) and the police jury of Bossier Parish (police jury) to create the Haughton Metropolitan Planning Commission of Bossier Parish. Provides that the commission's jurisdiction shall be of the area included within the municipal limits of the town and that area of the parish lying within five miles of the municipal limits.

Proposed law provides that the commission shall be governed by a board of five members, all of whom must be residents and qualified voters of the metropolitan area. Provides that members shall be appointed as follows: one member appointed by the town council, one member appointed by the police jury, and one member appointed jointly by the town council and the police jury. Provides that members serve four-year staggered terms without compensation.

Proposed law requires the commission to adopt, by resolution, a master plan for the physical development of the municipality, including areas outside of the boundaries that bear relation to the planning of the municipality. Provides for the content of the resolution and plan, including, but not limited to, an official map, the general location of streets, utilities, public buildings, schools, airports, and playground. Authorizes the commission to amend the plan. Provides that the plan shall take effect after it has been approved by the town council and police jury.

Proposed law provides that after the adoption of the master plan, no public way, utility, building, or school can be constructed or authorized unless the location has been approved by the commission. Provides that the town council and police jury have authority to override the disapproval of the commission by a vote of not less than two-thirds of its entire membership. Provides that if the public way, utility, building, or school does not fall within the jurisdiction of the town council or police jury, then the body or official with such jurisdiction may override the disapproval of the commission by two-thirds vote of its entire membership or by such official. Provides that if the commission fails to act within 60 days of a filing, then the filing is deemed approved.

Proposed law provides that after the adoption of the master plan, no plat of a subdivision of land shall be filed or recorded until it has been approved by the commission. Prohibits the clerk of court and recorder from filing or recording a plat of a subdivision without the commission's approval. Requires the commission to recommend subdivision regulations. Provides that the regulations may include requirements as to the manner in which streets shall be graded and improved, and water, sewer, and other utility mains shall be installed. Provides further with respect to the content of the regulations. Requires the commission to hold a public hearing prior to recommending its regulations and any amendments.

Proposed law provides that if the owner of any land transfers or sells or agrees to sell such land before a plat is approved by the commission, the owner will be subject to a penalty of \$100 for each lot transferred or sold or agreed to be sold.

Proposed law provides that if the commission recommends a zoning plan to the town council and the police jury, then, for the purpose of promoting the health, safety, morals, and general welfare of residents the town council and police jury may divide the municipality or that part lying within five miles of the municipality into districts or zones and may regulate the erection, construction, reconstruction, conversion, alteration, and uses of buildings and structures and uses of land.

Proposed law provides that zoning ordinances shall provide for a board of adjustment composed of five members all of whom must be residents and qualified voters of the metropolitan area. Provides that members serve four-year staggered terms without compensation.

Proposed law provides for the powers and duties of the board of adjustment, including but not limited to, the following:

- (1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by an administrative official to carry out or enforce any ordinance.
- (2) To hear and decide on requests for a variance from the strict application of the zoning regulations where no other procedure for obtaining relief is specified in the ordinance.

Proposed law provides that the town council and the police jury may provide for the enforcement of any ordinance enacted pursuant to proposed law. Provides that a violation of any such ordinance is a misdemeanor.

(Adds R.S. 33:140.50.1-140.40.39)