

ACT No. 75

2019 Regular Session

HOUSE BILL NO. 533

BY REPRESENTATIVE HORTON AND SENATOR GATTI

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 140.50.39, relative to planning
4 commissions; to authorize the town of Haughton and Bossier Parish to create a
5 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 140.50.39, is hereby enacted to read
14 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
21 this Subpart; for the making and adoption of an official map or maps to preserve the
22 integrity of the major street plan and other plans by the regulation of buildings in
23 mapped streets; for the making and adoption of a zoning plan and zoning ordinance
24 or ordinances; for the adoption of ordinances prescribing minimum construction,

1 health, and sanitation standards to prevent the spread of slums and to encourage and
2 assist public and private agencies, corporations, and individuals in the rehabilitation
3 and redevelopment of blighted areas; and for the adoption of other plans, ordinances,
4 and measures to effectuate the purposes of this Subpart.

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

11 §140.50.2. Separate actions by town council and police jury

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

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

24 §140.50.3. Conflict with other laws

25 A. If other laws relating to the physical planning, zoning, airport zoning,
26 effectuation of plans, platting, and other purposes of this Subpart are in conflict with
27 the provisions of this Subpart, the provisions of this Subpart shall prevail; however,
28 where such other laws or provisions thereof provide for other and additional duties,
29 powers, authority, and responsibility, such other laws shall be applicable insofar as
30 they are not in conflict with the provisions of this Subpart.

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

5 §140.50.4. Delegation of authority

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

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

18 §140.50.5. Definitions

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

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

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

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

28 (4) "Parish" means Bossier Parish.

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

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

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

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

10 §140.50.6. Metropolitan planning commission; creation and appointment

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

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

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

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

22 (4) Members shall be eligible for reappointment.

23 (5) Members shall serve without compensation.

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

27 §140.50.7. Organization, rules, staff

28 A. The commission shall elect its chairman from among its members. The
29 term of the chairman shall be one year with eligibility for reelection. The
30 commission shall adopt rules for the transaction of business and shall keep a record

1 of its resolutions, transactions, findings, and determinations, and the recorded vote
2 of each member to be included, and each record shall be a public record.

3 B. The commission may appoint such employees and staff as it deems
4 necessary for its work, and if for convenience, economy, or effectiveness in the
5 administration of plans, ordinances, or other measures, such as zoning, the
6 commission desires to delegate certain authority to its employees and staff to act in
7 its behalf, it may do so when such authority is specified in the plan, ordinance or
8 other measure.

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

11 §140.50.8. Budget

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

16 §140.50.9. Area of jurisdiction

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

22 §140.50.10. Master plan

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

27 B. The master plan, consisting of maps, plats, charts, and descriptive and
28 explanatory matter, shall show the commission's recommendations for such physical
29 development, and may include, among other things, the general location, character
30 and extent of streets, bridges, viaducts, parks, parkways, waterway and waterfront

1 developments, playgrounds, airports, and other public ways, grounds, places and
2 spaces; the general location of public buildings, schools and school sites, and other
3 public property; the general location and extent of public utilities and terminals,
4 whether publicly or privately owned, for water, power, heat, light, sanitation,
5 transportation, communication, and other purposes; the acceptance, widening,
6 removal, extensions, re-location, narrowing, vacation, abandonment, or change of
7 use of any of the foregoing public ways, grounds, places, spaces, buildings,
8 properties, utilities, or terminals; a zoning plan for the regulation of the height, area,
9 bulk, location, and use of private and public structures and premises, and of
10 population density; the general location, character, layout, the extent of the
11 neighborhood units and communities or groups of neighborhood units, of
12 neighborhood and community centers; and of the general character, extent, and
13 layout of the replanning of blighted districts and slum areas.

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

16 §140.50.11. General purpose of the plan

17 In the preparation of the master plan, the commission shall make careful and
18 comprehensive surveys and studies of the existing conditions and probable future
19 growth of the municipality and its environs. The plan shall be made with the general
20 purpose of guiding and accomplishing a coordinated, adjusted, and harmonious
21 development of the metropolitan planning area which will, in accordance with
22 existing and future needs, best promote public health, safety, morals, order,
23 convenience, prosperity, or the general welfare, as well as efficiency and economy
24 in the process of development.

25 §140.50.12. Adoption of master plan

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

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

5 (2) The resolution shall refer expressly to the maps, descriptive matter, and
6 other matters intended by the commission to form the whole or part of the plan, and
7 the action taken shall be recorded on the adopted plan or part thereof by the
8 identifying signature of the secretary of the town council or the police jury, and a
9 copy of the plan or part thereof shall be certified to each of the following: the town
10 council, the police jury, the Bossier Parish school board, and the clerk of court and
11 recorder of the parish, who shall record such plan or part thereof on the conveyance
12 records of the parish.

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

16 §140.50.13. Miscellaneous powers of the commission

17 A. The commission may make reports and recommendations relating to the
18 plan and development of the area within its jurisdiction to public officials and
19 agencies, public utility companies, civic, educational, professional and other
20 organizations and citizens.

21 B. The commission may recommend to the executive or legislative officials
22 of the municipality and parish, and to other public or semi-public boards,
23 commissions, agencies, or other bodies, programs for public improvements and the
24 financing thereof. All public officials shall, upon request, make available to the
25 commission, within a reasonable time, such available information as it may require
26 for its work.

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

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

3 §140.50.14. Legal status of plan

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

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

28 C. The failure of the commission to act within sixty days from the date of
29 official filing shall be deemed approval, unless a longer period be granted by the
30 town council, police jury, or other submitting agency or official, provided that the

1 acceptance, widening, removal, extension, relocation, narrowing, vacation,
2 abandonment, change of use, acquisition of land for, or sale or lease of any street, or
3 other public way, ground, place, property, or structure by the police jury or by the
4 town council, as the case may be, need not be submitted for approval by the
5 commission unless in conflict with such master plan.

6 §140.50.15. Effective date

7 A. In creating a commission pursuant to this Subpart, the town council and
8 the police jury shall, by mutual agreement, designate the date upon which the
9 powers, duties, and authority of the commission shall take effect. Until such time,
10 the planning commission for the town for Haughton shall be continued with all its
11 powers and duties, and by the designated date, the planning commission for the town
12 of Haughton shall turn over to the commission all of its records, plans, studies, or
13 other instruments of its work and planning.

14 B. Upon the designated date, the powers of the planning commission for the
15 town of Haughton in conflict with the provisions of this Subpart shall cease to exist;
16 however, such plans or parts thereof as have been lawfully adopted by the planning
17 commission for the town of Haughton, including but not limited to the subdivision
18 regulations, major street plan, and zoning plan, shall continue in effect and shall be
19 administered by the commission until repealed or replaced by the commission in
20 accordance with this Subpart.

21 §140.50.16. Commission as platting authority

22 After the commission has recommended and the town council and the police
23 jury have adopted a master plan in whole or in part, no plat of a subdivision of land
24 lying within the area covered by such plan shall be filed or recorded until it has been
25 submitted to and approved by the commission and such approval entered in writing
26 on the plat by the secretary of the commission. The clerk of court and recorder shall
27 not file or record a plat of a subdivision without the approval of the commission as
28 required by this Subpart; a plat of a subdivision filed or recorded without the
29 approval of the commission as required by this Section is void.

1 §140.50.17. Subdivision regulations

2 A. In exercising the powers granted to it by this Subpart, the commission
3 shall recommend regulations governing the subdivision of land within the
4 metropolitan planning area. Such regulations may provide for the harmonious
5 development of the metropolitan planning area; for the coordination of streets within
6 subdivisions with other existing or planned streets or with other features of the
7 master plan or official map of the metropolitan planning area; for adequate open
8 spaces for traffic, recreation, light and air; and for the distribution of population and
9 traffic which will tend to create conditions favorable to health, safety, convenience,
10 or prosperity.

11 B. Such regulations may include requirements as to the extent to which and
12 the manner in which streets shall be graded and improved and water, sewer, and
13 other utility mains, piping, connections, or other facilities shall be installed as a
14 condition precedent to the approval of the plat. The regulations or practice of the
15 commission may provide for the tentative approval of the plat previous to such
16 improvement and installation, but any such tentative approval shall not be entered
17 on the plat. Such regulations may provide that, in lieu of the completion of such
18 work and installations previous to the final approval of a plat, the commission may
19 accept a bond, in an amount and with surety and conditions satisfactory to it,
20 providing for the securing to the municipality and the parish, as appropriate, the
21 actual construction and installation of such improvements and utilities within a
22 period specified by the commission and expressed in the bond, and the town council
23 and the police jury are hereby granted the power to enforce such bonds by all
24 appropriate legal and equitable remedies.

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

1 D. Before recommending its subdivision regulations or any amendments
2 thereto, the commission shall hold a public hearing thereon, at least ten days notice
3 of the time and place of which shall be published in a newspaper of general
4 circulation in the municipality and in the parish; certified copies of these regulations
5 shall be filed with the town council, police jury, and the clerk of court. The
6 commission shall then present its recommendation for subdivision regulations to the
7 town council or the police jury for adoption by the town council or the police jury,
8 as the case may be.

9 §140.50.18. Procedure on subdivision plats; appeals

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

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

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

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

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

26 §140.50.19. Effect of plat approval on status of dedications

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

1 §140.50.20. Penalties for transferring lots in unapproved subdivisions

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

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

14 §140.50.21. Acceptance of and improvements in unapproved streets

15 After the adoption of a master plan, in whole or in part, as provided in R.S.
16 33:140.50.16, the municipality or parish or other public body shall not accept, lay
17 out, open, improve, grade, pave, or light any street within the area covered by the
18 adopted plan, in conflict with the plan unless such street has been accepted or opened
19 as, or has otherwise received the legal status of, a public street prior to the adoption
20 of a master plan, or unless such street corresponds in its location and lines with a
21 street shown on a subdivision plat approved by such commission or on a street plat
22 made by and adopted by such commission. However, the town council or, in the
23 case of a street outside of the municipality, the police jury may locate and construct
24 or may accept any other street if the ordinance or other measure for such location and
25 construction or for such acceptance be first submitted to such commission for its
26 approval, and if disapproved by the commission, be passed by not less than two-
27 thirds of the entire membership of the town council or police jury, as appropriate.
28 A street approved by the commission upon such submission, or constructed or
29 accepted by such two-thirds vote after disapproval by the commission, shall have the
30 status of an approved street as fully as though it has been originally shown on a

1 subdivision plat approved by the commission or on a plat made and adopted by the
 2 commission.

3 §140.50.22. Building permits

4 After the commission has recommended to the town council and the police
 5 jury and the town council or police jury has adopted in whole or in part a building
 6 permit plan, including both the full text of a building permit ordinance and the map
 7 or maps showing the districts or zones in which building permits will be required,
 8 no building shall be erected in those areas without first having secured the required
 9 building permit.

10 §140.50.23. Platting of street lines by commission

11 After the commission has recommended and the town council and the police
 12 jury have adopted a master plan in whole or in part which includes at least a major
 13 street plan, or has progressed in its master planning to the state of the making and
 14 recommending a major street plan, the commission may make or cause to be made,
 15 from time to time, plats on which are indicated the locations of the lines
 16 recommended by the commission as the planned or mapped lines of future streets,
 17 street extensions, street widenings, or street narrowings. The making or certifying
 18 of a plat by the commission shall not in and of itself constitute or be deemed to
 19 constitute the opening or establishment of any street or the taking or acceptance of
 20 any land for street purposes.

21 §140.50.24. Establishment of official map

22 A. After the town council and the police jury have adopted a master plan
 23 which includes at least a major street plan, or the commission has progressed in its
 24 master planning to the state of the making and recommending of a major street plan,
 25 and shall have certified a copy of such major street plan to the town council and one
 26 to the police jury, then the town council and the police jury may establish an official
 27 map of the municipality, in the case of the town council, and that part of the parish
 28 within the area included within the adopted plan but outside the municipality, in the
 29 case of the police jury.

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

6 §140.50.25. Official map; additions and changes

7 The town council and the police jury may add to the official map, each in its
 8 own jurisdiction, by placing thereon, from time to time, the lines of streets in
 9 accordance with the plat of any subdivision approved by the commission. The town
 10 council and the police jury may make, from time to time, other additions to or
 11 modifications of the official map by placing thereon the lines of planned new streets
 12 or street extensions, widenings, narrowings, or vacations. The placing of any street
 13 or street line upon the official map shall not, in or of itself, constitute or be deemed
 14 to constitute the opening or establishing of any street or the taking or accepting of
 15 any land for street purposes.

16 §140.50.26. Regulation of buildings in bed of mapped streets

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

22 B. Any such ordinance or legislative act shall provide that the board of
 23 adjustment, as provided for in this Subpart, shall have the power, upon an appeal
 24 filed with it by the owner of any such land, to authorize the grant of a permit for a
 25 building or structure or part thereof within any such mapped street location in any
 26 case in which such board finds, upon the evidence and arguments presented to it
 27 upon such appeal that the property of the appellant of which such mapped street
 28 location forms a part will not yield a reasonable return to the owner unless such
 29 permit be granted, or that balancing the interest of the municipality or parish in
 30 preserving the integrity of the official map and the interest of the owner in the use

1 and benefits of his property, the grant of such permit is required by considerations
2 of justice and equity.

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

10 §140.50.27. Municipal improvements in streets; buildings not on mapped streets

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

15 B. The town council and the police jury may provide by ordinance that no
16 permit for the erection of any building shall be issued unless a street giving access
17 to such proposed building existed and was established by law as a public street at the
18 time of the establishment of the official map or shall have been duly placed on the
19 official map in accordance with the provisions of R.S. 33:140.50.24 and R.S.
20 33:140.50.25; provided, however, that such ordinance shall contain provision
21 whereby the applicant for such permit may appeal to the board of adjustment,
22 hearing upon which appeal and notice of the time and place of which shall be
23 published in a newspaper of general circulation in the city and parish, and such board
24 shall have the authority to authorize such a permit, subject to such conditions as the
25 board may impose, where the circumstances of the case do not require the proposed
26 building to be related to the existing streets or to streets as shown on the official map
27 and where the permit would not tend to distort or increase the difficulty of carrying
28 out the official map of the master plan of the municipality.

1 §140.50.28. Grant of power

2 For the purpose of promoting the public health, safety, morals, convenience,
3 order, prosperity and general welfare, the town council and the police jury are hereby
4 empowered, in accordance with the conditions and the procedures specified in this
5 Subpart, to regulate the location, height, bulk, number of stories and size of buildings
6 and other structures, the percentage of the lot which may be occupied, the sizes of
7 yards, courts or other open spaces, the density of population, and the uses of
8 buildings, structures and land for trade, industry, residence, recreation, civic
9 activities, and other purposes, within the municipality, in the case of the
10 municipality, and within that part of the parish within the metropolitan planning area
11 but outside the municipality in the case of the parish.

12 §140.50.29. Zoning plan

13 A. If the commission recommends to the town council and to the police jury
14 a zoning plan, including both the full text of a zoning ordinance and the map or
15 maps, representing the recommendations of the commission for the regulation by
16 districts or zones of the location, height, bulk, number of stories, and size of
17 buildings and other structures, the percentage of the lot which may be occupied, the
18 size of yards, courts and other open spaces, the density of population, and the uses
19 of buildings, structures, and land for trade, industry, residence, recreation, civic
20 activities, and other purposes, then the town council and the police jury may exercise
21 the powers granted for the purpose mentioned in R.S. 33:140.50.28 and may divide
22 the municipality or that part of the parish within the metropolitan planning area
23 outside the municipality, as the case may be, into districts or zones of such number,
24 shape, and area as it may determine, and, for such purposes, may regulate the
25 erection, construction, reconstruction, conversion, alteration, and uses of buildings
26 and structures and the uses of land.

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

1 §140.50.30. Method of procedure

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

10 §140.50.31. Non-conforming uses

11 A. The lawful use of a building or premises exactly as such use existed at the
12 time of the enactment of any regulation affecting it may be continued although such
13 use does not conform with the provisions of such regulation. The town council or
14 the police jury, as appropriate, may provide for the termination of non-conforming
15 uses either by specifying the period or periods within which they shall be required
16 to cease or by providing a formula or formulas whereby the compulsory termination
17 of a non-conforming use shall be so fixed as to allow a reasonable period for the
18 recovery or amortization of the investment in the non-conformance or with adequate
19 compensation by a court of competent jurisdiction.

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

24 §140.50.32. Board of adjustment

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

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

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

5 (4) Members shall be eligible for reappointment.

6 (5) Members shall serve without compensation.

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

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

13 C.(1) The zoning ordinance may provide that the board of adjustment may
 14 permit special exemptions to the zoning regulations in the classes of cases or
 15 situations and in accordance with the principles, conditions, safeguards, and
 16 procedures specified in the ordinance.

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

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

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

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

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

6 (2) To hear and decide, in accordance with the provisions of any such
 7 ordinance, request for special exceptions or for interpretations of the map or for
 8 decisions upon other special questions upon which such board is authorized by any
 9 such ordinance to pass.

10 (3) To hear and decide on requests for a variance from the strict application
 11 of the zoning regulations where no other procedure for obtaining relief is specified
 12 in the ordinance and where due to exceptional topographic conditions or other
 13 extraordinary and exceptional characteristics of a specific piece of property, the strict
 14 application of regulations would result in peculiar and exceptional or undue hardship
 15 upon the owner of such property, provided such relief may be granted without
 16 substantial detriment to the public good and without substantially impairing the
 17 intent and purpose of the zoning plan and zoning ordinance.

18 §140.50.33. Enforcement and remedies

19 The town council and the police jury may provide for the enforcement of any
 20 ordinance enacted under this Subpart. A violation of any such ordinance is hereby
 21 declared a misdemeanor. In case any building or structure is or is proposed to be
 22 erected, constructed, reconstructed, altered, converted, or maintained, or any building
 23 structure, or land is or is proposed to be used in violation of any ordinance enacted
 24 pursuant to this Subpart, the building inspector, permit and zoning clerk, municipal
 25 or parish counsel, or other appropriate authority of the municipality or of the parish,
 26 or any adjacent or neighboring property owner who would be specifically damaged
 27 by such violation, may, in addition to other remedies, institute injunction,
 28 mandamus, or other appropriate action or proceeding to prevent such unlawful
 29 erection, construction, reconstruction, alteration, conversion, maintenance, or use,

1 or to correct or abate such violation, or to prevent the occupancy of such building,
 2 structure, or land.

3 §140.50.34. Conflict with other laws

4 A. If regulations made pursuant to the authority of this Subpart require a
 5 greater width or size of yards, courts, or other open spaces, or require a lower height
 6 of buildings or fewer number of stories, or require a greater percentage of lot to be
 7 left unoccupied, or impose other higher standards than are required in any other
 8 provision of state law, the regulations made pursuant to the authority of this Subpart
 9 shall govern.

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

15 §140.50.35. Existing zoning ordinances

16 Zoning ordinances of the town shall continue in effect until amended or
 17 repealed by ordinances enacted pursuant to the provisions of this Subpart.

18 §140.50.36. Grant of power

19 For the purposes of promoting the public health, safety, morals, convenience,
 20 order, prosperity, and general welfare, the town council and the police jury are
 21 hereby empowered, in accordance with the conditions and procedures specified in
 22 this Subpart, to adopt housing codes prescribing minimum standards for the area,
 23 volume, light, air, ventilation, illumination, occupancy and density of occupancy, and
 24 sanitation of dwellings and dwelling places; to adopt building codes, plumbing
 25 codes, electrical codes and related measures to regulate the construction,
 26 reconstruction, alteration, extension, conversion, or maintenance of buildings; to
 27 regulate by building and housing codes or other measures or ordinances conditions
 28 of sanitation, including requirements for water supply and sewerage disposal and

1 drainage; and to adopt such other ordinances, regulations, and plans as, in their
2 judgment, are necessary to effect the rehabilitation of substandard dwellings and
3 blighted areas within the municipality, in the case of the municipality, and within
4 that part of the parish within the metropolitan planning area but outside the
5 municipality, in the case of the parish; provided, however, that such codes,
6 ordinances, plans or other measures may be adopted with respect only to such
7 portion of the metropolitan planning area outside the municipality as, in the
8 judgment of the police jury, is deemed necessary.

9 §140.50.37. Commission recommendations

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

13 §140.50.38. Method of procedure

14 Before adopting any code, ordinance, plan, or other measure pursuant to this
15 Subpart, the town council or the police jury, as the case may be, shall hold a public
16 hearing thereon, at least ten days notice of the time and place of which shall be
17 published in a newspaper of general circulation in the municipality or in the parish,
18 as the case may be.

19 §140.50.39. Enforcement and remedies

20 The town council and the police jury may provide, in their respective
21 jurisdictions, for the enforcement of any code, ordinance, or other measure enacted
22 under this Subpart. A violation of any such code, ordinance, or other measure is
23 hereby declared a misdemeanor. In case any building or structure is or is proposed
24 to be constructed, reconstructed, altered, extended, converted, or maintained in
25 violation of any code or ordinance enacted under this Subpart, the building inspector,
26 permit or zoning clerk, municipal or parish counsel, or other appropriate authority
27 of the municipality or of the parish, or any adjacent or neighboring property owner
28 who would be specifically damaged by such violation, may, in addition to other

1 remedies, institute injunction, mandamus, or other appropriate action or proceeding
2 to prevent such unlawful construction, reconstruction, alteration, extension,
3 conversion, maintenance, or use, or to correct or abate such violation, or to prevent
4 the occupancy of such building.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____