

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 of Haughton and Bossier Parish to
5 create 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
21 this Subpart; for the making and adoption of an official map or maps to preserve the

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

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

14 §140.50.2. Separate actions by town council and police jury

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

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

27 §140.50.3. Conflict with other laws

28 A. If other laws relating to the physical planning, zoning, airport zoning,
29 effectuation of plans, platting, and other purposes of this Subpart are in conflict with

1 the provisions of this Subpart, the provisions of this Subpart shall prevail; however,
2 where such other laws or provisions thereof provide for other and additional duties,
3 powers, authority, and responsibility, such other laws shall be applicable insofar as
4 they are not in conflict with the provisions of this Subpart.

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

9 §140.50.4. Delegation of authority

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

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

22 §140.50.5. Definitions

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

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

27 (2) "Metropolitan planning area" means the town of Haughton and any areas
28 outside of its boundaries which, in the commission's judgment, bear relation to the

1 planning of the municipality; however, such metropolitan planning area shall not
2 extend more than five miles beyond the municipality.

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

4 (4) "Parish" means Bossier Parish.

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

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

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

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

15 §140.50.6. Metropolitan planning commission; creation and appointment

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

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

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

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

27 (4) Members shall be eligible for reappointment.

28 (5) Members shall serve without compensation.

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

4 §140.50.7. Organization, rules, staff

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

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

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

18 §140.50.8. Budget

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

23 §140.50.9. Area of jurisdiction

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

1 §140.50.26. Regulation of buildings in bed of mapped streets

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

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

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

25 §140.50.27. Municipal improvements in streets; buildings not on mapped streets

26 A. Except in streets existing and established by law as public streets at the
27 date of the establishment of the official map, no public water facilities, sewer, or
28 other public utilities or improvements shall be constructed after such date in any
29 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 town
17 council or the police jury, as the case may be, shall hold a public hearing thereon, at
18 least ten days notice of the time and place of which shall be published in a newspaper
19 of general circulation in the parish. The zoning ordinance, including the map or
20 maps, may from time to time be amended; but no amendment shall become effective
21 unless it be first submitted to and approved by the commission, or, if disapproved,
22 shall receive the favorable vote of not less than two-thirds of the entire membership
23 of the town council or the police jury, as 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 member 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 fewer number of stories, or require a greater percentage of lot to be
21 left 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 any other provision of state law requires 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.

1 §140.50.35. Existing zoning ordinances

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

4 §140.50.36. Grant of power

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

23 §140.50.37. Commission recommendations

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

27 §140.50.38. Method of procedure

28 Before adopting any code, ordinance, plan, or other measure pursuant to this
29 Subpart, the town council or the police jury, as the case may be, shall hold a public

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

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)]

HB 533 Reengrossed

2019 Regular Session

Horton

Abstract: Authorizes the creation of a metropolitan planning commission for the town of Haughton and areas lying within five miles of 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 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 playgrounds. 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. 33:140.50.1-140.50.39)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill:

1. Require the town council to hold a public hearing before enacting a zoning ordinance.
2. Provide that zoning ordinances of the town continue in effect until amended by ordinances enacted pursuant to proposed law.