

2020 Regular Session

HOUSE BILL NO. 697

BY REPRESENTATIVE MCCORMICK

1 AN ACT

2 To amend and reenact Subpart D of Part IV of Chapter 1 of Title 33 of the Louisiana
3 Revised Statutes of 1950, comprised of R.S. 33:140.1 through 140.36, relative to the
4 Shreveport Metropolitan Planning Commission of Caddo Parish; to remove the
5 territory of Caddo Parish from the jurisdiction of the commission; to remove the
6 powers granted to the governing authority of Caddo Parish to participate in
7 commission functions; and to provide for related 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 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised
13 Statutes of 1950, comprised of R.S. 33:140.1 through 140.36, is hereby amended and
14 reenacted to read as follows:

15 SUBPART D. SHREVEPORT METROPOLITAN PLANNING

16 §140.1. General purposes

17 A. It is the purpose and intent of this ~~Sub-Part~~ Subpart to authorize
18 metropolitan planning in the ~~City~~ city of Shreveport ~~and its environs~~ and to provide
19 for the creation, organization, powers and duties of a metropolitan planning
20 commission; for the regulation of the subdivision of land in the metropolitan
21 planning area, as defined ~~herein~~ in this Subpart; for the making and adoption of an
22 official map or maps to preserve the integrity of the major street plan and other plans
23 by the regulation of buildings in mapped streets; for the making and adoption of a
24 zoning plan and zoning ordinance or ordinances; for the adoption of ordinances

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

6 B. It is the intent of this ~~Sub-Part~~ Subpart to provide for the planning and the
 7 effectuation of plans for the orderly physical development of the metropolitan
 8 planning area as a whole. ~~To this end provision is made for unified planning of the~~
 9 ~~area within the City of Shreveport and environs, and, further, provision is made for~~
 10 ~~joint or correlated action by the City Council of the City of Shreveport and the Police~~
 11 ~~Jury of Caddo Parish in the adoption of ordinances or other measures to effectuate~~
 12 ~~such unified plans.~~

13 ~~§140.2. Separate actions by city and parish~~

14 ~~A. Where joint or correlated legislative action is required, as above provided,~~
 15 ~~it is contemplated in this Sub-Part that such joint or correlated legislative action will~~
 16 ~~be taken within a reasonable time after the submission of such ordinances or other~~
 17 ~~measures to the City Council or the Police Jury by the planning commission.~~

18 ~~B. In the event such legislative action is not taken by either the City Council~~
 19 ~~or the Police Jury, nothing in this Sub-Part shall be construed to prohibit, prevent,~~
 20 ~~or impair the other from taking such action unilaterally with respect to the territory~~
 21 ~~within its lawful jurisdiction, provided, that in such case either the City Council or~~
 22 ~~Police Jury, as the case may be, that has failed to take such legislative action shall~~
 23 ~~forfeit to the other all rights and privileges with respect to joint action, such as~~
 24 ~~appointment of members of the board of appeals, and such rights and privileges shall~~
 25 ~~remain forfeited until such time as the joint or correlated action contemplated is~~
 26 ~~taken.~~

27 ~~§140.3. §140.2. Conflict with other laws~~

28 ~~A. Where~~ If other laws relating to the physical planning, zoning, airport
 29 zoning, effectuation of plans, platting, and other purposes of this ~~Sub-Part~~ Subpart
 30 are in conflict with the provisions of this ~~Sub-Part~~ Subpart, the provisions of this

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

5 B. It is distinctly recognized, however, that should either party hereto fail to
 6 ~~take advantage of or to use the instant legislation, this Sub-Part will in no way~~ If the
 7 ~~city council fails to make use of the provisions of this Subpart, the provisions of this~~
 8 Subpart shall not be construed to displace, amend, supersede or affect existing
 9 planning or zoning laws or statutes of the State state of Louisiana or of ~~either~~
 10 ~~jurisdiction herein which are now in effect~~ the municipality.

11 ~~§140.4. Delegation of authority~~

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

21 B. ~~Nothing in this section shall be construed as authorizing the delegation~~
 22 ~~by the City Council or the Police Jury to the other or to any department, bureau, or~~
 23 ~~agent thereof, of the legislative authority vested by law in such governing body.~~

24 ~~§140.5. §140.3. Definitions~~

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

27 (1) ~~Municipal and municipality relate to the City of Shreveport, and where~~
 28 ~~appropriate to the context, to that area lying within the corporate limits of such city~~
 29 ~~as such corporate limits exist or may exist in the future.~~

1 ~~(2) City council relates to the chief legislative body of the City of~~
2 ~~Shreveport.~~

3 ~~(3) Parish relates to Caddo Parish as such parish exists today or may exist~~
4 ~~in the future.~~

5 ~~(4) Police Jury relates to the chief legislative body of Caddo Parish.~~

6 ~~(5) Planning Commission or commission means the Shreveport Metropolitan~~
7 ~~Planning Commission of Caddo Parish as provided for in R.S. 33:140.6.~~

8 ~~(6) Metropolitan planning area means the City of Shreveport and any areas~~
9 ~~outside of its boundaries which, in the commission's judgment, bear relation to the~~
10 ~~planning of the municipality; provided, however, that such metropolitan planning~~
11 ~~area shall not extend more than five (5) miles beyond the City of Shreveport as such~~
12 ~~City exists or may exist in the future.~~

13 ~~(7) Street or streets means, relates to, and includes streets, avenues,~~
14 ~~boulevards, roads, lanes, alleys and other ways.~~

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

21 (1) "City council" means the governing authority of the city of Shreveport.

22 (2) "Commission" means the Shreveport Metropolitan Planning Commission
23 of Caddo Parish as provided for in R.S. 33:140.4.

24 (3) "Metropolitan planning area" means the territory included within the
25 boundaries of the city of Shreveport.

26 (4) "Municipal" and "municipality" means the city of Shreveport.

27 (5) "Street" or "streets" mean public thoroughfares, avenues, boulevards,
28 roads, lanes, alleys, and other ways.

29 (6) "Subdivision" means the division of a lot, a tract, or parcel of land or a
30 portion thereof, into two or more lots, sites, or other divisions, any one or more of

1 which is to be platted as a lot of record for the purpose, whether immediate or future,
 2 of sale or building development, and also means resubdivision, or the consolidation
 3 of lots or tracts or portions thereof into single lots, and, when appropriate to the
 4 context, relates to the process of subdividing, as to the land or area subdivided.

5 ~~§140.6.~~ §140.4. Metropolitan planning commission; creation and appointment

6 A. ~~The City Council of the City of Shreveport and the Police Jury of Caddo~~
 7 ~~Parish~~ city council may create a commission, to be known as the Shreveport
 8 Metropolitan Planning Commission of Caddo Parish. ~~The Commission~~ commission
 9 shall consist of nine members who shall be residents and qualified voters of ~~Caddo~~
 10 ~~Parish, four (4) members appointed by the City Council of the City of Shreveport,~~
 11 ~~four (4) members appointed by the Police Jury of Caddo Parish, and one member~~
 12 ~~elected by joint action of the City Council of the City of Shreveport and the Police~~
 13 ~~Jury of Caddo Parish. The term of each member shall be six years, except that of the~~
 14 ~~members first appointed, the terms of the four (4) members appointed by the City~~
 15 ~~Council and the terms of the four (4) members appointed by the Police Jury shall be~~
 16 ~~two, four, five, and six years respectively, and the term of the member elected by~~
 17 ~~joint action of the City Council and the Police Jury shall be three years. Any vacancy~~
 18 ~~shall be filled for the unexpired term by the appointive authority, which shall have~~
 19 ~~also the authority to remove any member for cause stated in writing and after public~~
 20 ~~hearing; provided, however, that the filling of an unexpired term of the removal of~~
 21 ~~any member elected by the City Council and the Police Jury shall be done only by~~
 22 ~~the City Council and the Police Jury. All members shall serve without compensation~~
 23 the municipality.

24 B. Members shall serve six-year terms after initial terms as provided in this
 25 Subsection. One member shall serve an initial term of one year; one shall serve two
 26 years; one shall serve three years; two shall serve four years; two shall serve five
 27 years; and two shall serve six years, as determined by lot at the first meeting.

28 C. Members shall serve without compensation.

29 D. Vacancies for any reason shall be filled for the remainder of the
 30 unexpired term in the manner of the original appointment.

1 E. A member may be removed for cause stated in writing and after a public
 2 hearing.

3 ~~§140.7.~~ §140.5. Organization, rules, staff

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

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

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

17 ~~§140.8.~~ §140.6. Budget

18 The commission shall prepare an annual budget of its operating expenses, the
 19 total amount of which, exclusive of gifts, shall be within the total amounts
 20 appropriated for the purpose by the ~~City Council and the Police Jury~~ city council.
 21 ~~The City of Shreveport~~ municipality shall act as fiscal agent for the commission.

22 ~~§140.9.~~ §140.7. Area of jurisdiction

23 The area of jurisdiction of the commission shall be the metropolitan planning
 24 area as defined ~~herein~~ in this Subpart. In its planning, the commission may take into
 25 consideration and may make plans for such other area as, in its judgment bears
 26 relation to the metropolitan planning area, but the plans for such other area shall not
 27 ~~in themselves or by reason of this Sub-part~~ Subpart have any legal or official status.

28 ~~§140.10.~~ §140.8. Master plan

29 A. It shall be the function and duty of the commission to make and
 30 recommend to the ~~City Council and the Police Jury~~ city council a master plan for the

1 physical development of the municipality, ~~including any areas outside of its~~
 2 ~~boundaries which, in the commission's judgment, bear relation to the planning of the~~
 3 ~~municipality.~~

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

21 C. The commission may from time to time recommend amendments to
 22 extend or add to the plan.

23 ~~§140.11.~~ §140.9. General purpose of the plan

24 In the preparation of the master plan, the commission shall make careful and
 25 comprehensive surveys and studies of the existing conditions and probable future
 26 growth of the ~~City of Shreveport and its environs~~ municipality. The plan shall be
 27 made with the general purpose of guiding and accomplishing a coordinated, adjusted,
 28 and harmonious development of the metropolitan planning area which will, in
 29 accordance with existing and future needs, best promote public health, safety,

1 morals, order, convenience, prosperity, or the general welfare, as well as efficiency
 2 and economy in the process of development.

3 ~~§140.12:~~ §140.10. Adoption of master plan

4 The commission may recommend the adoption of the master plan as a whole,
 5 or, as the work of making the whole master plan progresses, may from time to time
 6 recommend a part or parts thereof, any such part to correspond generally with one
 7 or more of the functional subdivisions of the subject matter of the plan. The
 8 adoption of the plan or any part, amendment, or addition, shall be by resolution
 9 carried by the affirmative votes of a majority of the ~~City Council, in the case of its~~
 10 ~~applicability to the City of Shreveport, or by the Police Jury, in the case of its~~
 11 ~~applicability to areas outside of the City of Shreveport~~ city council. The resolution
 12 shall refer expressly to the maps, descriptive matter, and other matters intended by
 13 the commission to form the whole or part of the plan, and the action taken shall be
 14 recorded on the adopted plan or part thereof by the identifying signature of the
 15 secretary of the ~~City Council or the Police Jury~~ city council, and a copy of the plan
 16 or part thereof shall be certified to ~~each of the following: The City Council of the~~
 17 ~~City of Shreveport, the Police Jury of Caddo Parish, the Caddo Parish School Board,~~
 18 ~~the Board of Commissioners of the Caddo Levee District, and the Clerk of Court and~~
 19 ~~Recorder of Caddo Parish~~ the city council and the clerk of court of Caddo Parish,
 20 who shall record such plan or part thereof on the conveyance records of Caddo
 21 Parish. The plan or part thereof shall take effect after the date it shall have been
 22 adopted by the ~~City Council, in the case of its applicability to the City of Shreveport,~~
 23 ~~or by the Police Jury, in the case of its applicability to areas outside the City of~~
 24 ~~Shreveport~~ city council.

25 ~~§140.13:~~ §140.11. Miscellaneous powers of the commission

26 The commission may make reports and recommendations relating to the plan
 27 and development of the area within its jurisdiction to public officials and agencies,
 28 public utility companies, civic, educational, professional and other organizations and
 29 citizens. It may recommend to the executive or legislative officials of the ~~City of~~
 30 ~~Shreveport and Caddo Parish~~ municipality, and to other public or semi-public

boards, commissions, agencies, or other bodies, programs for public improvements and the financing thereof. All public officials shall, upon request, make available to the commission, within a reasonable time, such available information as it may require for its work. The commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. In general, the commission shall have such additional powers as granted by ordinances adopted by the ~~City Council or the Police Jury as the case may be~~ city council.

~~§140.14.~~ §140.12. Legal status of plan

A. After adoption of the master plan or any part thereof, then and thenceforth no street, park, or any public way, ground, place, or space, no public building or structure, school or school site, or no public utility, whether publicly or privately owned, shall be constructed or authorized in the area of the adopted plan until and unless the location and extent thereof shall have been submitted to and approved by the ~~planning~~ commission; provided that in the case of disapproval, the commission shall communicate its reasons to the ~~City Council or Police Jury, as appropriate~~ city council, and the ~~City Council or Police Jury~~ city council, by a vote of not less than ~~two-thirds~~ majority of its entire membership shall have the power to overrule such disapproval and, upon such overruling, the ~~City Council, Police Jury~~ city council, or the appropriate board or officer shall have the power to proceed; provided, however, that if the public way, ground, place, space, building, structure, school or school site, or utility be one the authorization or financing of which does not, under the law or charter provisions governing the same, fall within the province of the ~~City Council or Police Jury~~ city council or other body or official of the ~~City of Shreveport or of Caddo Parish~~ municipality, then the submission to the ~~planning~~ commission shall be by the board or official having such jurisdiction, and the ~~planning~~ commission's disapproval may be overruled by such board by a vote of not less than ~~two-thirds~~ majority of its entire membership or by ~~said~~ the official.

B. The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for, or sale or lease of any

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 street or other public way, ground, place, property, or structure shall be subject to
 2 similar submission and approval, and the failure to approve may be similarly
 3 overruled. The secretary of the commission or his deputy shall issue a receipt
 4 showing the date, time, and sufficient description to identify any document submitted
 5 to it for approval. The failure of the commission to act within sixty (60) days from
 6 the date of official filing shall be deemed approval, unless a longer period be is
 7 granted by the ~~City Council, Police Jury~~ city council, or other submitting agency or
 8 official, provided that the acceptance, widening, removal, extension, relocation,
 9 narrowing, vacation, abandonment, change of use, acquisition of land for, or sale or
 10 lease of any street, or other public way, ground, place, property, or structure by the
 11 ~~Police Jury of Caddo Parish or by the City Council of the City of Shreveport, as the~~
 12 ~~case may be,~~ city council need not be submitted for approval by the commission
 13 unless in conflict with ~~said~~ the master plan.

14 ~~§140.15. Effective date~~

15 ~~In creating a metropolitan planning commission, as authorized by this Sub~~
 16 ~~Part, the City Council of the City of Shreveport and the Police Jury of Caddo Parish~~
 17 ~~shall, by mutual agreement, designate the date upon which the powers, duties and~~
 18 ~~authority of the commission shall take effect. Until such time as the Metropolitan~~
 19 ~~Planning Commission begins the performance of its duties the existing City Planning~~
 20 ~~Commission of the City of Shreveport shall be continued with all the powers and~~
 21 ~~duties heretofore held; and, by the aforesaid date the City Planning Commission shall~~
 22 ~~have turned over to the Metropolitan Planning Commission all of its records, plans,~~
 23 ~~studies, or other instruments of its work and planning. Upon the attachment of the~~
 24 ~~jurisdiction of the Metropolitan Planning Commission, the powers of the City~~
 25 ~~Planning Commission of the City of Shreveport in conflict herewith, shall cease to~~
 26 ~~exist; provided, however, that such plans or parts thereof as have been lawfully~~
 27 ~~adopted by the City Planning Commission, including but not limited to the~~
 28 ~~subdivision regulations, major street plan, and zoning plan, shall continue in effect~~
 29 ~~and shall be administered by the Metropolitan Planning Commission until repealed~~

1 ~~or replaced by such Metropolitan Planning Commission in accordance with this Sub-~~
2 ~~Part.~~

3 ~~§140.16.~~ §140.13. Planning commission as platting authority

4 ~~From and after the time when the Shreveport Metropolitan Planning~~
5 ~~Commission of Caddo Parish shall have recommended, and the City Council and the~~
6 ~~Police Jury have~~ After the commission has recommended and the city council has
7 adopted a master plan in whole or in part, no plat of a subdivision of land lying
8 within the area covered by the ~~said~~ plan shall be filed or recorded until it shall have
9 been submitted to and approved by the commission, and such approval entered in
10 writing on the plat by the secretary of the commission. ~~The Clerk of Court and~~
11 ~~Recorder~~ clerk of court of Caddo Parish shall not file or record a plat of a subdivision
12 without the approval of the ~~Planning Commission~~ commission as required by this
13 ~~Sub-Part~~ Subpart; the filing or recording of a plat of a subdivision without the
14 approval of the ~~Planning Commission~~ commission as required by this Section shall
15 be void.

16 ~~§140.17.~~ §140.14. Subdivision, regulations

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

26 B. Such regulations may include requirements as to the extent to which and
27 the manner in which streets shall be graded and improved and water, sewer and other
28 utility mains, piping, connections, or other facilities shall be installed as a condition
29 precedent to the approval of the plat. The regulations or practice of the commission
30 may provide for the tentative approval of the plat previous to such improvement and

1 installation; but any such tentative approval shall not be entered on the plat. Such
 2 regulations may provide that, in lieu of the completion of such work and installations
 3 previous to the final approval of a plat, the commission may accept a bond, in an
 4 amount and with surety and conditions satisfactory to it, providing for the securing
 5 to the ~~City of Shreveport or to Caddo Parish, as appropriate~~ municipality, the actual
 6 construction and installation of such improvements and utilities within a period
 7 specified by the commission and expressed in the bond; and the ~~City Council of the~~
 8 ~~City of Shreveport and the Police Jury of Caddo Parish~~ are city council is hereby
 9 granted the power to enforce such bonds by all appropriate legal and equitable
 10 remedies. Such regulations may provide, in lieu of the completion of such work and
 11 installations previous to the final approval of a plat, for an assessment or other
 12 method whereby the ~~City of Shreveport or Caddo Parish, as appropriate,~~
 13 municipality is put in an assured position to do such work and make such
 14 installations at the cost of the owners of the property within the subdivision.

15 C. Before recommending its subdivision regulations or any amendments
 16 thereto, the commission shall hold a public hearing thereon, at least ten ~~(10)~~ days
 17 notice of the time and place of which shall be published in a newspaper of general
 18 circulation in the municipality ~~and parish~~; certified copies of these regulations to be
 19 filed with the ~~local legislative body and the Clerk of Court~~ city council and the clerk
 20 of court of Caddo Parish. The commission shall then present its recommendation for
 21 subdivision regulations to the ~~City Council or the Police Jury~~ for adoption by the
 22 ~~City Council or the Police Jury, as the case may be~~ city council.

23 ~~§140.18:~~ §140.15. Procedure on subdivision plats; appeals

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

27 (2) The commission shall approve or disapprove the plat within sixty days
 28 thereof, otherwise ~~said~~ the plat shall be deemed to be approved and a certificate to
 29 that effect shall be issued by the commission on demand; however, the applicant for

1 commission approval may waive this requirement and consent to the extension of
 2 such period.

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

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

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

11 ~~§140.19:~~ §140.16. Effect of plat approval on status of dedications

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

15 ~~§140.20:~~ §140.17. Penalties for transferring lots in unapproved subdivisions

16 ~~Whoever, being~~ If the owner or the agent of the owner of any land located
 17 within the area covered by the adopted plan; transfers or sells or agrees to sell or
 18 negotiates to sell such land by reference to or exhibition of or by other use of a plat
 19 of subdivision of such land before such plat has been approved by such commission
 20 and recorded in the office of the ~~Clerk of Court and Recorder of Caddo Parish,~~ clerk
 21 of court of Caddo Parish, the owner or the agent of the owner shall be subject to a
 22 penalty of one hundred dollars for each lot so transferred or sold or agreed or
 23 negotiated to be sold; and the description by metes and bounds in the instrument of
 24 transfer or other document used in the process of selling or transferring shall not
 25 exempt the transaction from such penalties. The municipality ~~or the parish,~~ as
 26 ~~appropriate,~~ through its attorney or other designated official, may enjoin such
 27 transfer of sale or agreement by action for injunction or may recover the penalty by
 28 civil action.

1 ~~§140.21.~~ §140.18. Acceptance of and improvements in unapproved streets

2 ~~From and after the time when the platting jurisdiction of the planning~~
 3 ~~commission shall have attached by virtue of~~ After the adoption of a master plan, in
 4 whole or in part, as provided in ~~R.S. 33:140.16~~ R.S. 33:140.13, the municipality ~~or~~
 5 ~~parish~~ or other public body shall not accept, lay out, open, improve, grade, pave, or
 6 light any street within the area covered by the adopted plan, which conflicts with the
 7 plan unless such street shall have been accepted or opened as, or shall have otherwise
 8 received the legal status of, a public street prior to such attachment of the
 9 commission's platting jurisdiction, or unless such street corresponds in its location
 10 and lines with a street shown on a subdivision plat approved by such commission or
 11 on a street plat made by and adopted by such commission; provided, however, that
 12 the ~~City Council, or, in the case of a street outside of the municipality, the Police~~
 13 ~~Jury~~ city council may locate and construct or may accept any other street if the
 14 ordinance or other measure for such location and construction or for such acceptance
 15 be first submitted to such commission for its approval, and, if disapproved by the
 16 commission, be passed by not less than ~~two-thirds~~ majority of the entire membership
 17 of the ~~City Council or Police Jury, as appropriate~~ city council; and a street approved
 18 by the commission upon such submission, or constructed or accepted by such ~~two-~~
 19 ~~thirds~~ majority vote after disapproval by the commission, shall have the status of an
 20 approved street as fully as though it has been originally shown on a subdivision plat
 21 approved by the commission or on a plat made and adopted by the commission.

22 ~~§140.22.~~ §140.19. Building permits

23 ~~Whenever the planning commission has recommended to the City Council~~
 24 ~~and the Police Jury, and the City Council or Police Jury~~ After the commission has
 25 recommended to the city council and the city council has adopted in whole or in part,
 26 a building permit plan, including both the full text of a building permit ordinance and
 27 the map or maps, showing the districts or zones in which building permits will be
 28 required, then and thereafter no building shall be erected in those areas without first
 29 having secured the required building permit.

1 ~~§140.23.~~ §140.20. Platting of street lines by planning commission

2 ~~From and after the time when the planning commission shall have~~
 3 ~~recommended and the City Council and the Police Jury~~ After the commission has
 4 recommended and the city council has adopted a master plan in whole or in part,
 5 which includes at least a major street plan, or shall have progressed in its master
 6 planning to the state of the making and recommending a major street plan, such
 7 commission shall have the power to make or cause to be made, from time to time,
 8 plats on which are indicated the locations of the lines recommended by the
 9 commission as the planned or mapped lines of future streets, street extensions, street
 10 widening, or street narrowings. The making or certifying of a plat by the
 11 commission shall not in and of itself constitute or be deemed to constitute the
 12 opening or establishment of any street or the taking or acceptance of any land for
 13 street purposes.

14 ~~§140.24.~~ §140.21. Establishment of official map

15 ~~When the City Council and the Police Jury have~~ After the commission has
 16 recommended and the city council has adopted a master plan which includes at least
 17 a major street plan, or the ~~Planning Commission~~ commission has progressed in its
 18 master planning to the state of the making and recommending of a major street plan,
 19 and shall have certified a copy of such major street plan to the ~~City Council and one~~
 20 ~~to the Police Jury, then the City Council and the Police Jury~~ city council, then the
 21 city council may establish an official map of the municipality, ~~in the case of the City~~
 22 ~~Council, and that part of Caddo Parish within the area included within the adopted~~
 23 ~~plan but outside the City of Shreveport, in the case of the Police Jury.~~ The official
 24 map shall show the location of the streets theretofore existing and established by law
 25 as public streets. Such official map may also show the location of the lines of streets
 26 on plats of subdivisions which ~~shall~~ have been approved by the ~~planning~~
 27 commission. The ~~City Council and the Police Jury~~ city council shall certify the fact
 28 of the establishment of the official map to the ~~Clerk of Court and Recorder of Caddo~~
 29 ~~Parish~~ clerk of court of Caddo Parish.

1 ~~§140.25.~~ §140.22. Official map; additions and changes

2 The ~~City Council and the Police Jury~~ city council may add to the official
 3 map, ~~each in its own jurisdiction,~~ by placing thereon, from time to time, the lines of
 4 streets in accordance with the plat of any subdivision which ~~shall~~ have been
 5 approved by the planning commission. The ~~City Council and the Police Jury~~ city
 6 council may make, from time to time, other additions to or modifications of the
 7 official map by placing thereon the lines of planned new streets or street extensions,
 8 widenings, narrowings, or vacations. The placing of any street or street line upon the
 9 official map shall not, in or of itself, constitute or be deemed to constitute the
 10 opening or establishing of any street or the taking or accepting of any land for street
 11 purposes.

12 ~~§140.26.~~ §140.23. Regulation of buildings in bed of mapped streets

13 A. For the purpose of preserving the integrity of the official map, the ~~City~~
 14 ~~Council and the Police Jury~~ city council may provide by general ordinance or other
 15 legislative action that no permit shall be issued for any building or structure or part
 16 thereof on any land located between the mapped lines of any street as shown on the
 17 official map.

18 B. Any such ordinance or legislative act shall provide that the ~~Board of~~
 19 ~~Appeals~~ board of appeals, as provided for in this ~~Sub-part~~ Subpart, shall have the
 20 power, upon an appeal filed with it by the owner of any such land, to authorize the
 21 grant of a permit for a building or structure or part thereof within any such mapped
 22 street location in any case in which such board finds, upon the evidence and
 23 arguments presented to it upon such appeal,

24 ~~(1) That~~ that the property of the appellant of which such mapped street
 25 location forms a part will not yield a reasonable return to the owner unless such
 26 permit be granted, or

27 ~~(2) That~~ that balancing the interest of the municipality ~~or parish~~ in preserving
 28 the integrity of the official map and the interest of the owner in the use and benefits
 29 of his property, the grant of such permit is required by considerations of justice and
 30 equity.

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

8 ~~§140.27.~~ §140.24. Municipal improvements in streets; buildings not on mapped
 9 streets

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

14 B. The city council ~~and the police jury~~ may provide by ordinance that no
 15 permit for the erection of any building shall be issued unless a street giving access
 16 to such proposed building existed and was established by law as a public street at the
 17 time of the establishment of the official map or shall have been duly placed on the
 18 official map in accordance with the provisions of ~~R.S. 33:140.24 and R.S. 33:140.25~~
 19 R.S. 33:140.21 and 140.22; provided, however, that such ordinance shall contain a
 20 provision whereby the applicant for such permit may appeal to the board of appeals,
 21 hearing upon which appeal and notice of the time and place of which shall be
 22 published in a newspaper of general circulation in the ~~city and parish~~ municipality,
 23 and such board shall have the authority to authorize such a permit, subject to such
 24 conditions as the board may impose, where the circumstances of the case do not
 25 require the proposed building to be related to the existing streets or to streets as
 26 shown on the official map and where the permit would not tend to distort or increase
 27 the difficulty of carrying out the official map of the master plan of the municipality.

28 ~~§140.28.~~ §140.25. Grant of power
 29 For the purpose of promoting the public health, safety, morals, convenience,
 30 order, prosperity and general welfare, the ~~City Council of the City of Shreveport and~~

1 ~~the Police Jury of Caddo Parish~~ city council is hereby empowered, in accordance
 2 with the conditions and the procedures specified in this ~~Sub-Part~~ Subpart, to regulate
 3 the location, height, bulk, number of stories and size of buildings and other
 4 structures, the percentage of the lot which may be occupied, the sizes of yards, courts
 5 or other open spaces, the density of population, and the uses of buildings, structures
 6 and land for trade, industry, residence, recreation, civic activities, and ~~otherp~~ other
 7 purposes, within the municipality, ~~in the case of the City of Shreveport, and within~~
 8 ~~that part of Caddo Parish within the metropolitan planning area but outside the City~~
 9 ~~of Shreveport in the case of Caddo Parish.~~

10 ~~§140.29:~~ §140.26. The zoning plan

11 ~~Whenever the planning~~ If the commission recommends to the ~~City Council~~
 12 ~~of the City of Shreveport and to the Police Jury of Caddo Parish~~ city council a zoning
 13 plan, including both the full text of a zoning ordinance and the map or maps,
 14 representing the recommendations of the ~~planning~~ commission for the regulation by
 15 districts or zones of the location, height, bulk, number of stories, and size of
 16 buildings and other structures, the percentage of the lot which may be occupied, the
 17 size of yards, courts and other open spaces, the density of population, and the uses
 18 of buildings, structures, and land for trade, industry, residence, recreation, civic
 19 activities, and other purposes, then the ~~City Council and the Police Jury~~ city council
 20 may exercise the powers granted for the purpose mentioned in R.S. ~~33:140.28~~ R.S.
 21 ~~33:140.25~~ 33:140.25 and may divide the municipality ~~or that part of the parish within the~~
 22 ~~metropolitan planning area outside the City of Shreveport, as the case may be,~~ into
 23 districts or zones of such number, shape, and area as it may determine, and, for such
 24 purposes, may regulate the erection, construction, reconstruction, conversion,
 25 alteration, and uses of buildings and structures and the uses of land. All such
 26 regulations shall be uniform for each class or kind of building throughout each
 27 district, but the regulations in one district may differ from those in other districts.

28 ~~§140.30:~~ §140.27. Method of procedure

29 Before enacting the zoning ordinance or any amendment thereto, the ~~Police~~
 30 ~~Jury~~ city council shall hold a public hearing thereon, at least ten days notice of the

1 time and place of which shall be published in a newspaper of general circulation in
 2 the ~~parish~~ municipality. The zoning ordinance, including the map or maps, may
 3 from time to time be amended; but no amendment shall become effective unless it
 4 be first submitted to and approved by the ~~planning~~ commission, or, if disapproved,
 5 shall receive the favorable vote of not less than ~~two-thirds~~ majority of the entire
 6 membership of the ~~City Council or the Police Jury, as the case may be~~ city council.

7 ~~§140.31.~~ §140.28. Non-conforming uses

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

17 B. ~~The City Council or the Police Jury, as appropriate,~~ The city council may
 18 in its discretion provide by ordinance for the resumption, restoration, reconstruction,
 19 extension, or substitution of non-conforming uses upon such terms and conditions
 20 as may be set forth in the ordinance.

21 ~~§140.32.~~ §140.29. Board of appeals

22 A.(1) The zoning ordinances shall provide for a ~~Board of Appeals~~ board of
 23 appeals comprised of seven members, ~~each to be appointed for a term of five years.~~
 24 ~~Three members shall be appointed by the city council of the city of Shreveport, three~~
 25 ~~members shall be appointed by the policy jury of Caddo Parish, and one member~~
 26 ~~shall be elected by the joint action of the city council and the police jury. Of the~~
 27 ~~members first appointed by the city council, one shall be appointed for a term of five~~
 28 ~~years and two for a period of three years; of the members first appointed by the~~
 29 ~~police jury, one shall be appointed for a term of four years and two for a period of~~
 30 ~~two years; the member elected by joint action of the city council and police jury shall~~

1 ~~be elected for a term of one year. Members shall serve without compensation. Any~~
 2 ~~vacancy shall be filled for the unexpired term by the appointive authority, which~~
 3 ~~shall have also the authority to remove any member for cause stated in writing and~~
 4 ~~after public hearing. Notwithstanding anything contained herein to the contrary,~~
 5 ~~those members presently serving on the board of appeals will be allowed to complete~~
 6 ~~their present terms and the two alternate members will be allowed to complete their~~
 7 ~~terms as members, subject to the authority of the appointing authorities to remove~~
 8 ~~any member for cause stated in writing and after public hearing all of whom shall be~~
 9 ~~appointed by the city council.~~

10 (2) Members shall serve five-year terms after initial terms as provided in this
 11 Subsection. Two members shall serve an initial term of one year; two shall serve
 12 two years; one shall serve three years; one shall serve four years; and one shall serve
 13 five years, as determined by lot at the first meeting of the board.

14 (3) Members shall serve without compensation.

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

18 (5) A member may be removed for cause stated in writing and after a public
 19 hearing.

20 B. The zoning ordinance may provide and specify general rules to govern the
 21 organization and procedure of such board of appeals, which rules shall not be
 22 inconsistent with the provisions of this Subpart.

23 C. The zoning ordinance may provide that the board of appeals may permit
 24 special exemptions to the zoning regulations in the classes of cases or situations and
 25 in accordance with the principles, conditions, safeguards, and procedures specified
 26 in the ordinance. The ordinance may also authorize the board of appeals to interpret
 27 the zoning maps and pass upon disputed questions of lot lines or district boundary
 28 lines or similar questions as they arise in the administration of the zoning
 29 regulations. The ordinance may also authorize the board of appeals to grant a

1 variance from the strict application of zoning regulations where other procedures for
2 variance or modification are not specified in the zoning ordinance.

3 D. Appeals to the board of appeals may be taken by any person aggrieved
4 or by any officer, department, board or bureau of the ~~City or Parish~~ municipality
5 affected by any grant or refusal of a building permit or other act or decision of the
6 building inspector or permit and zoning clerk of the municipality ~~or parish~~ or other
7 administrative official based in whole or in part upon the provisions of any ordinance
8 enacted under this Subpart.

9 E. The board of appeals shall have the following powers:

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

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

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

26 ~~§140.33.~~ §140.30. Enforcement and remedies

27 The city council ~~and the police jury~~ may provide for the enforcement of any
28 ordinance enacted under this ~~Sub-part~~ Subpart. A violation of any such ordinance
29 is hereby declared a misdemeanor. In case any building or structure is or is proposed
30 to be erected, constructed, reconstructed, altered, converted, or maintained, or any

1 building structure, or land is or is proposed to be used in violation of any ordinance
 2 enacted under this ~~Sub-Part~~ Subpart, the building inspector, permit and zoning clerk,
 3 municipal ~~or parish~~ counsel, or other appropriate authority of the municipality ~~or of~~
 4 ~~the parish~~, or any adjacent or neighboring property owner who would be specifically
 5 damaged by such violation, may, in addition to other remedies, institute injunction,
 6 mandamus, or other appropriate action or proceeding to prevent such unlawful
 7 erection, construction, reconstruction, alteration, conversion, maintenance, or use,
 8 or to correct or abate such violation, or to prevent the occupancy of such building,
 9 structure, or land.

10 ~~§140.34.~~ §140.31. Conflict with other laws

11 A. ~~Whenever the~~ If regulations made under authority of this ~~Sub-Part~~
 12 Subpart require a greater width or size of yards, courts, or other open spaces, or
 13 require a lower height of buildings or less number of stories, or require a greater
 14 percentage of lot to be left unoccupied, or impose other higher standards than are
 15 required in any other statute, the provisions of the regulations made under authority
 16 of this ~~Sub-part~~ Subpart shall govern.

17 B. ~~Whenever the provisions of any other statute require~~ If any other
 18 provision of law requires a greater width or size of yards, courts, or other open
 19 spaces, or require a greater percentage of lot to be left unoccupied, or impose other
 20 higher standards than are required by the regulations made under authority of this
 21 ~~Sub-part~~ Subpart, the provisions of such statute shall govern.

22 ~~§140.35.~~ §140.32. Existing zoning ordinances

23 Existing zoning ordinances of the ~~city of Shreveport~~ municipality shall
 24 continue in effect until repealed by ordinances enacted under the authority of this
 25 ~~Sub-Part~~ Subpart.

26 ~~§140.36.~~ §140.33. Grant of power

27 For the purposes of promoting the public health, safety, morals, convenience,
 28 order, prosperity, and general welfare, the ~~City Council of the City of Shreveport and~~
 29 ~~the Police Jury of Caddo Parish are~~ city council is hereby empowered, in accordance
 30 with the conditions and procedures specified in this ~~Sub-Part~~ Subpart, to adopt

1 housing codes prescribing minimum standards for the area, volume, light, air,
 2 ventilation, illumination, occupancy and density of occupancy, and sanitation of
 3 dwellings and dwelling places; to adopt building codes, plumbing codes, electrical
 4 codes and related measures to regulate the construction, reconstruction, alteration,
 5 extension, conversion, or maintenance of buildings; to regulate by building and
 6 housing codes or other measures or ordinances conditions of sanitation, including
 7 requirements for water supply and sewerage disposal and drainage; and to adopt such
 8 other ordinances, regulations, and plans as, in their judgment, are necessary to effect
 9 the rehabilitation of substandard dwellings and blighted areas within the
 10 municipality, ~~in the case of the City of Shreveport, and within that part of Caddo~~
 11 ~~Parish within the metropolitan planning area but outside the City of Shreveport, in~~
 12 ~~the case of Caddo Parish; provided, however, that such codes, ordinances, plans or~~
 13 ~~other measures may be adopted with respect only to such portion of the metropolitan~~
 14 ~~planning area outside the City of Shreveport as, in the judgment of the Police Jury,~~
 15 ~~is deemed necessary.~~

16 ~~§140.37.~~ §140.34. ~~Planning commission~~ Commission

17 The ~~planning~~ commission may prepare and recommend to the ~~City Council~~
 18 ~~and the Police Jury~~ city council for adoption such codes, ordinances, plans, or other
 19 measures as, in its judgment, may be necessary to accomplish the purpose of this
 20 ~~Sub-Part~~ Subpart.

21 ~~§140.38.~~ §140.35. Method of procedure

22 Except for the adopting of the zoning ordinance or any amendment thereto
 23 by the city council, before adopting any code, ordinance, plan, or other measure
 24 pursuant to this Subpart, the city council ~~or the police jury, as the case may be,~~ shall
 25 hold a public hearing thereon, at least ten days notice of the time and place of which
 26 shall be published in a newspaper of general circulation in the municipality ~~or in the~~
 27 ~~parish, as the case may be.~~

28 ~~§140.39.~~ §140.36. Enforcement and remedies

29 The ~~City Council and the Police Jury~~ city council may provide, ~~in their~~
 30 ~~respective jurisdictions,~~ for the enforcement of any code, ordinance, or other measure

1 enacted under this ~~Sub-Part~~ Subpart. A violation of any such code, ordinance, or
2 other measure is hereby declared a misdemeanor. In case any building or structure
3 is or is proposed to be constructed, reconstructed, altered, extended, converted, or
4 maintained in violation of any code or ordinance enacted under this ~~Sub-Part~~
5 Subpart, the building inspector, permit or zoning clerk, municipal ~~or parish~~ counsel,
6 or other appropriate authority of the municipality ~~or of the parish~~, or any adjacent or
7 neighboring property owner who would be specifically damaged by such violation,
8 may, in addition to other remedies, institute injunction, mandamus, or other
9 appropriate action or proceeding to prevent such unlawful construction,
10 reconstruction, alteration, extension, conversion, maintenance, or use, or to correct
11 or abate such violation, or to prevent the occupancy of such building.

12 Section 2. This Act shall become effective on January 1, 2022.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____