

SENATE BILL NO. 172

BY SENATOR LUNEAU

1 AN ACT

2 To enact R.S. 33:113(A) and (B), relative to the development of parishes and municipalities;
3 to provide relative to planning commissions; to provide relative to the administrative
4 procedures for approving plats by planning commissions; to provide relative to
5 exceptions for certain municipalities; to provide relative to certain requirements or
6 restrictions for approval of plats; to provide relative to the waiver of a public hearing
7 in certain circumstances; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:113(A) and (B) are hereby enacted to read as follows:

10 §113. Procedure; legal effect of approval of plat

11 A. A planning commission shall approve or disapprove a plat within sixty
12 days after the submission thereof to it; otherwise ~~such~~ **the** plat shall be deemed to
13 have been approved, and a certificate to that effect shall be issued by ~~such~~ **the**
14 commission on demand. The applicant for a commission's approval may, however,
15 waive this requirement and consent to an extension of ~~such~~ **the** period. The ground
16 of disapproval of any plat shall be stated upon the records of ~~such~~ **the** commission.
17 Any plat submitted to ~~such~~ **the** commission shall contain the name and address of a
18 person to whom notice of a hearing shall be sent; and no plat shall be acted on by
19 ~~such~~ **the** commission without affording a hearing thereon. Notice shall be sent to the
20 said address by certified mail of the time and place of ~~such~~ **the** hearing not less than
21 five days before the date fixed therefor. A planning commission shall give notice of
22 ~~such~~ **the** hearings, including the purpose, time, and place, by at least one publication
23 in a newspaper of general circulation in the area surrounding the proposed
24 subdivision, not less than five days prior to the hearing date; provided, however, ~~that~~
25 ~~in parishes or municipalities with a population in excess of one hundred fifty~~
26 ~~thousand~~, the public hearing may be waived by the planning commission or planning
27 authority for subdivisions creating five or less lots not involving the creation of any

1 new streets, and provided further that the provisions in ~~such~~ **the** waivers shall be
 2 clearly set forth in the official subdivision regulations. Every plat approved by a
 3 planning commission shall, by virtue of ~~such~~ **the** approval, be deemed to be an
 4 amendment of or an addition to or a detail of the official plan and a part thereof.
 5 Approval of a plat shall not be deemed to constitute or effect an acceptance by the
 6 public of any street or other open space shown upon the plat. A planning commission
 7 may, from time to time, recommend to the local legislative body amendments to the
 8 zoning ordinance or map or additions thereto to conform to ~~such~~ **the** commission's
 9 recommendations for the zoning regulation of the territory comprised within
 10 approved subdivisions.

11 **B.** In the case of a parish planning commission, ~~such~~ **the** requirements or
 12 restrictions shall be stated upon the plat prior to the approval and recording thereof
 13 and shall have the same force of law and be enforceable in the same manner and with
 14 the same sanctions and penalties and subject to the same power of amendment or
 15 repeal as though set out as a part of a zoning ordinance or map.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____