

2020 Regular Session

HOUSE BILL NO. 697

BY REPRESENTATIVE MCCORMICK

PLANNING/ZONING-LOCAL: Provides relative to the Shreveport Metropolitan Planning Commission

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

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

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

17 ~~§140.2. Separate actions by city and parish~~

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

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

1 ~~remain forfeited until such time as the joint or correlated action contemplated is~~
2 ~~taken.~~

3 ~~§140.3.~~ §140.2. Conflict with other laws

4 A. ~~Where~~ If other laws relating to the physical planning, zoning, airport
5 zoning, effectuation of plans, platting, and other purposes of this ~~Sub-Part~~ Subpart
6 are in conflict with the provisions of this ~~Sub-Part~~ Subpart, the provisions of this
7 ~~Sub-Part~~ Subpart shall prevail; provided, however, that where such other laws or
8 provisions thereof provide for other and additional duties, powers, authority, and
9 responsibility, such other laws shall be applicable insofar as they are not in conflict
10 with the provisions of this ~~Sub-Part~~ Subpart.

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

17 ~~§140.4.~~ Delegation of authority

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

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

1 ~~§140.5.~~ §140.3. Definitions

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

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

7 ~~(2) City Council relates to the chief legislative body of the City of~~
8 ~~Shreveport.~~

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

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

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

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

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

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

27 (1) "City Council" means the governing authority of the city of Shreveport.

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

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

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

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

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

12 ~~§140.6.~~ §140.4. Metropolitan planning commission; creation and appointment

13 A. ~~The City Council of the City of Shreveport and the Police Jury of Caddo~~
14 ~~Parish~~ city council may create a commission, to be known as the Shreveport
15 Metropolitan Planning Commission of Caddo Parish. ~~The Commission~~ commission
16 shall consist of nine members who shall be residents and qualified voters of ~~Caddo~~
17 ~~Parish, four (4) members appointed by the City Council of the City of Shreveport,~~
18 ~~four (4) members appointed by the Police Jury of Caddo Parish, and one member~~
19 ~~elected by joint action of the City Council of the City of Shreveport and the Police~~
20 ~~Jury of Caddo Parish. The term of each member shall be six years, except that of the~~
21 ~~members first appointed, the terms of the four (4) members appointed by the City~~
22 ~~Council and the terms of the four (4) members appointed by the Police Jury shall be~~
23 ~~two, four, five, and six years respectively, and the term of the member elected by~~
24 ~~joint action of the City Council and the Police Jury shall be three years. Any vacancy~~
25 ~~shall be filled for the unexpired term by the appointive authority, which shall have~~
26 ~~also the authority to remove any member for cause stated in writing and after public~~
27 ~~hearing; provided, however, that the filling of an unexpired term of the removal of~~
28 ~~any member elected by the City Council and the Police Jury shall be done only by~~

1 ~~the City Council and the Police Jury. All members shall serve without compensation~~
2 the municipality.

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

7 C. Members shall serve without compensation.

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

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

12 ~~§140.7.~~ §140.5. Organization, rules, staff

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

18 B. The commission may appoint such employees and staff as it deems
19 necessary for its work, and where, for convenience, economy, or effectiveness in the
20 administration of plans, ordinances, or other measures, such as zoning, the
21 commission desires to delegate certain authority to its employees and staff to act in
22 its behalf, it may do so when such authority is specified in the plan, ordinance or
23 other measure.

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

26 ~~§140.8.~~ §140.6. Budget

27 The commission shall prepare an annual budget of its operating expenses, the
28 total amount of which, exclusive of gifts, shall be within the total amounts

1 appropriated for the purpose by the ~~City Council and the Police Jury~~ city council.

2 The ~~City of Shreveport~~ municipality shall act as fiscal agent for the commission.

3 ~~§140.9.~~ §140.7. Area of jurisdiction

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

9 ~~§140.10.~~ §140.8. Master plan

10 A. It shall be the function and duty of the commission to make and
11 recommend to the ~~City Council and the Police Jury~~ city council a master plan for the
12 physical development of the municipality, ~~including any areas outside of its~~
13 ~~boundaries which, in the commission's judgment, bear relation to the planning of the~~
14 ~~municipality.~~

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

1 neighborhood and community centers; and of the general character, extent, and
2 layout of the replanning of blighted districts and slum areas.

3 C. The commission may from time to time recommend amendments to
4 extend or add to the plan.

5 ~~§140.11.~~ §140.9. General purpose of the plan

6 In the preparation of the master plan, the commission shall make careful and
7 comprehensive surveys and studies of the existing conditions and probable future
8 growth of the ~~City of Shreveport and its environs~~ municipality. The plan shall be
9 made with the general purpose of guiding and accomplishing a coordinated, adjusted,
10 and harmonious development of the metropolitan planning area which will, in
11 accordance with existing and future needs, best promote public health, safety,
12 morals, order, convenience, prosperity, or the general welfare, as well as efficiency
13 and economy in the process of development.

14 ~~§140.12.~~ §140.10. Adoption of master plan

15 The commission may recommend the adoption of the master plan as a whole,
16 or, as the work of making the whole master plan progresses, may from time to time
17 recommend a part or parts thereof, any such part to correspond generally with one
18 or more of the functional subdivisions of the subject matter of the plan. The
19 adoption of the plan or any part, amendment, or addition, shall be by resolution
20 carried by the affirmative votes of a majority of the ~~City Council, in the case of its~~
21 ~~applicability to the City of Shreveport, or by the Police Jury, in the case of its~~
22 ~~applicability to areas outside of the City of Shreveport~~ city council. The resolution
23 shall refer expressly to the maps, descriptive matter, and other matters intended by
24 the commission to form the whole or part of the plan, and the action taken shall be
25 recorded on the adopted plan or part thereof by the identifying signature of the
26 secretary of the ~~City Council or the Police Jury~~ city council, and a copy of the plan
27 or part thereof shall be certified to ~~each of the following: The City Council of the~~
28 ~~City of Shreveport, the Police Jury of Caddo Parish, the Caddo Parish School Board,~~
29 ~~the Board of Commissioners of the Caddo Levee District, and the Clerk of Court and~~

1 ~~Recorder of Caddo Parish~~ the city council and the clerk of court of Caddo Parish,
 2 who shall record such plan or part thereof on the conveyance records of Caddo
 3 Parish. The plan or part thereof shall take effect after the date it shall have been
 4 adopted by the ~~City Council, in the case of its applicability to the City of Shreveport,~~
 5 ~~or by the Police Jury, in the case of its applicability to areas outside the City of~~
 6 ~~Shreveport~~ city council.

7 ~~§140.13.~~ §140.11. Miscellaneous powers of the commission

8 The commission may make reports and recommendations relating to the plan
 9 and development of the area within its jurisdiction to public officials and agencies,
 10 public utility companies, civic, educational, professional and other organizations and
 11 citizens. It may recommend to the executive or legislative officials of the ~~City of~~
 12 ~~Shreveport and Caddo Parish~~ municipality, and to other public or semi-public
 13 boards, commissions, agencies, or other bodies, programs for public improvements
 14 and the financing thereof. All public officials shall, upon request, make available to
 15 the commission, within a reasonable time, such available information as it may
 16 require for its work. The commission, its members and employees, in the
 17 performance of its functions, may enter upon any land, make examinations and
 18 surveys, and place and maintain necessary monuments and marks thereon. In
 19 general, the commission shall have such additional powers as granted by ordinances
 20 adopted by the ~~City Council or the Police Jury as the case may be~~ city council.

21 ~~§140.14.~~ §140.12. Legal status of plan

22 A. After adoption of the master plan or any part thereof, then and thenceforth
 23 no street, park, or any public way, ground, place, or space, no public building or
 24 structure, school or school site, or no public utility, whether publicly or privately
 25 owned, shall be constructed or authorized in the area of the adopted plan until and
 26 unless the location and extent thereof shall have been submitted to and approved by
 27 the ~~planning~~ commission; provided that in the case of disapproval, the commission
 28 shall communicate its reasons to the ~~City Council or Police Jury, as appropriate~~ city
 29 council, and the ~~City Council or Police Jury~~ city council, by a vote of not less than

1 two-thirds of its entire membership shall have the power to overrule such disapproval
 2 and, upon such overruling, the ~~City Council, Police Jury~~ city council, or the
 3 appropriate board or officer shall have the power to proceed; provided, however, that
 4 if the public way, ground, place, space, building, structure, school or school site, or
 5 utility be one the authorization or financing of which does not, under the law or
 6 charter provisions governing the same, fall within the province of the ~~City Council~~
 7 ~~or Police Jury~~ city council or other body or official of the ~~City of Shreveport or of~~
 8 ~~Caddo Parish~~ municipality, then the submission to the planning commission shall be
 9 by the board or official having such jurisdiction, and the planning commission's
 10 disapproval may be overruled by such board by a vote of not less than two-thirds of
 11 its entire membership or by ~~said~~ the official.

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

27 ~~§140.15. Effective date~~

28 ~~In creating a metropolitan planning commission, as authorized by this Sub~~
 29 ~~Part, the City Council of the City of Shreveport and the Police Jury of Caddo Parish~~

1 shall, by mutual agreement, designate the date upon which the powers, duties and
2 authority of the commission shall take effect. Until such time as the Metropolitan
3 Planning Commission begins the performance of its duties the existing City Planning
4 Commission of the City of Shreveport shall be continued with all the powers and
5 duties heretofore held; and, by the aforesaid date the City Planning Commission shall
6 have turned over to the Metropolitan Planning Commission all of its records, plans,
7 studies, or other instruments of its work and planning. Upon the attachment of the
8 jurisdiction of the Metropolitan Planning Commission, the powers of the City
9 Planning Commission of the City of Shreveport in conflict herewith, shall cease to
10 exist; provided, however, that such plans or parts thereof as have been lawfully
11 adopted by the City Planning Commission, including but not limited to the
12 subdivision regulations, major street plan, and zoning plan, shall continue in effect
13 and shall be administered by the Metropolitan Planning Commission until repealed
14 or replaced by such Metropolitan Planning Commission in accordance with this Sub-
15 Part.

16 ~~§140.16.~~ §140.13. Planning commission as platting authority

17 From and after the time when the Shreveport Metropolitan Planning
18 Commission of Caddo Parish shall have recommended, and the City Council and the
19 Police Jury have After the commission has recommended and the city council has
20 adopted a master plan in whole or in part, no plat of a subdivision of land lying
21 within the area covered by the said plan shall be filed or recorded until it shall have
22 been submitted to and approved by the commission, and such approval entered in
23 writing on the plat by the secretary of the commission. The ~~Clerk of Court and~~
24 Recorder clerk of court of Caddo Parish shall not file or record a plat of a subdivision
25 without the approval of the ~~Planning Commission~~ commission as required by this
26 ~~Sub-Part~~ Subpart; the filing or recording of a plat of a subdivision without the
27 approval of the ~~Planning Commission~~ commission as required by this Section shall
28 be void.

1 ~~§140.17.~~ §140.14. Subdivision, regulations

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

11 B. Such regulations may include requirements as to the extent to which and
12 the manner in which streets shall be graded and improved and water, sewer and other
13 utility mains, piping, connections, or other facilities shall be installed as a condition
14 precedent to the approval of the plat. The regulations or practice of the commission
15 may provide for the tentative approval of the plat previous to such improvement and
16 installation; but any such tentative approval shall not be entered on the plat. Such
17 regulations may provide that, in lieu of the completion of such work and installations
18 previous to the final approval of a plat, the commission may accept a bond, in an
19 amount and with surety and conditions satisfactory to it, providing for the securing
20 to the ~~City of Shreveport or to Caddo Parish, as appropriate~~ municipality, the actual
21 construction and installation of such improvements and utilities within a period
22 specified by the commission and expressed in the bond; and the ~~City Council of the~~
23 ~~City of Shreveport and the Police Jury of Caddo Parish are~~ city council is hereby
24 granted the power to enforce such bonds by all appropriate legal and equitable
25 remedies. Such regulations may provide, in lieu of the completion of such work and
26 installations previous to the final approval of a plat, for an assessment or other
27 method whereby the ~~City of Shreveport or Caddo Parish, as appropriate,~~
28 municipality is put in an assured position to do such work and make such
29 installations at the cost of the owners of the property within the subdivision.

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

9 ~~§140.18.~~ §140.15. Procedure on subdivision plats; appeals

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

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

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

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

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

26 ~~§140.19.~~ §140.16. Effect of plat approval on status of dedications

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

1 ~~§140.20.~~ §140.17. Penalties for transferring lots in unapproved subdivisions

2 ~~Whoever, being~~ If the owner or the agent of the owner of any land located
3 within the area covered by the adopted plan, transfers or sells or agrees to sell or
4 negotiates to sell such land by reference to or exhibition of or by other use of a plat
5 of subdivision of such land before such plat has been approved by such commission
6 and recorded in the office of the ~~Clerk of Court and Recorder of Caddo Parish~~ clerk
7 of court of Caddo Parish, shall be subject to a penalty of one hundred dollars for each
8 lot so transferred or sold or agreed or negotiated to be sold; and the description by
9 metes and bounds in the instrument of transfer or other document used in the process
10 of selling or transferring shall not exempt the transaction from such penalties. The
11 municipality ~~or the parish, as appropriate,~~ through its attorney or other designated
12 official, may enjoin such transfer of sale or agreement by action for injunction or
13 may recover the penalty by civil action.

14 ~~§140.21.~~ §140.18. Acceptance of and improvements in unapproved streets

15 ~~From and after the time when the platting jurisdiction of the planning~~
16 ~~commission shall have attached by virtue of~~ After, the adoption of a master plan, in
17 whole or in part, as provided in ~~R.S. 33:140.16~~ R.S. 33:140.13, the municipality ~~or~~
18 ~~parish~~ or other public body shall not accept, lay out, open, improve, grade, pave, or
19 light any street within the area covered by the adopted plan, which conflicts with the
20 plan unless such street shall have been accepted or opened as, or shall have otherwise
21 received the legal status of, a public street prior to such attachment of the
22 commission's platting jurisdiction, or unless such street corresponds in its location
23 and lines with a street shown on a subdivision plat approved by such commission or
24 on a street plat made by and adopted by such commission; provided, however, that
25 the ~~City Council, or, in the case of a street outside of the municipality, the Police~~
26 ~~Jury~~ city council may locate and construct or may accept any other street if the
27 ordinance or other measure for such location and construction or for such acceptance
28 be first submitted to such commission for its approval, and, if disapproved by the
29 commission, be passed by not less than two-thirds of the entire membership of the

1 ~~City Council or Police Jury, as appropriate~~ city council; and a street approved by the
2 commission upon such submission, or constructed or accepted by such two-thirds
3 vote after disapproval by the commission, shall have the status of an approved street
4 as fully as though it has been originally shown on a subdivision plat approved by the
5 commission or on a plat made and adopted by the commission.

6 ~~§140.22.~~ §140.19. Building permits

7 ~~Whenever the planning commission has recommended to the City Council~~
8 ~~and the Police Jury, and the City Council or Police Jury~~ After the commission has
9 recommended to the city council and the city council has adopted in whole or in part,
10 a building permit plan, including both the full text of a building permit ordinance and
11 the map or maps, showing the districts or zones in which building permits will be
12 required, then and thereafter no building shall be erected in those areas without first
13 having secured the required building permit.

14 ~~§140.23.~~ §140.20. Platting of street lines by planning commission

15 ~~From and after the time when the planning commission shall have~~
16 ~~recommended and the City Council and the Police Jury~~ After the commission has
17 recommended and the city council has adopted a master plan in whole or in part,
18 which includes at least a major street plan, or shall have progressed in its master
19 planning to the state of the making and recommending a major street plan, such
20 commission shall have the power to make or cause to be made, from time to time,
21 plats on which are indicated the locations of the lines recommended by the
22 commission as the planned or mapped lines of future streets, street extensions, street
23 widenings, or street narrowings. The making or certifying of a plat by the
24 commission shall not in and of itself constitute or be deemed to constitute the
25 opening or establishment of any street or the taking or acceptance of any land for
26 street purposes.

27 ~~§140.24.~~ §140.21. Establishment of official map

28 ~~When the City Council and the Police Jury have~~ After the commission has
29 recommended and the city council has adopted a master plan which includes at least

1 a major street plan, or the ~~Planning Commission~~ commission has progressed in its
 2 master planning to the state of the making and recommending of a major street plan,
 3 and shall have certified a copy of such major street plan to the ~~City Council and one~~
 4 ~~to the Police Jury, then the City Council and the Police Jury~~ city council, then the
 5 city council may establish an official map of the municipality, ~~in the case of the City~~
 6 ~~Council, and that part of Caddo Parish within the area included within the adopted~~
 7 ~~plan but outside the City of Shreveport, in the case of the Police Jury.~~ The official
 8 map shall show the location of the streets theretofore existing and established by law
 9 as public streets. Such official map may also show the location of the lines of streets
 10 on plats of subdivisions which ~~shall~~ have been approved by the ~~planning~~
 11 ~~commission.~~ The ~~City Council and the Police Jury~~ city council shall certify the fact
 12 of the establishment of the official map to the ~~Clerk of Court and Recorder of Caddo~~
 13 ~~Parish~~ clerk of court of Caddo Parish.

14 ~~§140.25.~~ §140.22. Official map; additions and changes

15 The ~~City Council and the Police Jury~~ city council may add to the official
 16 map, ~~each in its own jurisdiction,~~ by placing thereon, from time to time, the lines of
 17 streets in accordance with the plat of any subdivision which ~~shall~~ have been
 18 approved by the planning commission. The ~~City Council and the Police Jury~~ city
 19 council may make, from time to time, other additions to or modifications of the
 20 official map by placing thereon the lines of planned new streets or street extensions,
 21 widenings, narrowings, or vacations. The placing of any street or street line upon the
 22 official map shall not, in or of itself, constitute or be deemed to constitute the
 23 opening or establishing of any street or the taking or accepting of any land for street
 24 purposes.

25 ~~§140.26.~~ §140.23. Regulation of buildings in bed of mapped streets

26 A. For the purpose of preserving the integrity of the official map, the ~~City~~
 27 ~~Council and the Police Jury~~ city council may provide by general ordinance or other
 28 legislative action that no permit shall be issued for any building or structure or part

1 thereof on any land located between the mapped lines of any street as shown on the
2 official map.

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

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

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

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

23 ~~§140.27.~~ §140.24. Municipal improvements in streets; buildings not on mapped
24 streets

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

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

1 B. The city 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. 33:140.24 and R.S. 33:140.25~~
6 R.S. 33:140.21 and 140.22; provided, however, that such ordinance shall contain
7 provision whereby the applicant for such permit may appeal to the board of appeals,
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~~ municipality,
10 and such board shall have the authority to authorize such a permit, subject to such
11 conditions as the board may impose, where the circumstances of the case do not
12 require the proposed building to be related to the existing streets or to streets as
13 shown on the official map and where the permit would not tend to distort or increase
14 the difficulty of carrying out the official map of the master plan of the municipality.

15 ~~§140.28.~~ §140.25. Grant of power

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

27 ~~§140.29.~~ §140.26. The zoning plan

28 ~~Whenever the planning~~ If the commission recommends to the ~~City Council~~
29 ~~of the City of Shreveport and to the Police Jury of Caddo Parish~~ city council a zoning

1 plan, including both the full text of a zoning ordinance and the map or maps,
 2 representing the recommendations of the ~~planning~~ commission for the regulation by
 3 districts or zones of the location, height, bulk, number of stories, and size of
 4 buildings and other structures, the percentage of the lot which may be occupied, the
 5 size of yards, courts and other open spaces, the density of population, and the uses
 6 of buildings, structures, and land for trade, industry, residence, recreation, civic
 7 activities, and other purposes, then the ~~City Council and the Police Jury~~ city council
 8 may exercise the powers granted for the purpose mentioned in R.S. 33:140.28 R.S.
 9 33:140.25 and may divide the municipality ~~or that part of the parish within the~~
 10 ~~metropolitan planning area outside the City of Shreveport, as the case may be,~~ into
 11 districts or zones of such number, shape, and area as it may determine, and, for such
 12 purposes, may regulate the erection, construction, reconstruction, conversion,
 13 alteration, and uses of buildings and structures and the uses of land. All such
 14 regulations shall be uniform for each class or kind of building throughout each
 15 district, but the regulations in one district may differ from those in other districts.

16 ~~§140.30.~~ §140.27. Method of procedure

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

25 ~~§140.31.~~ §140.28. Non-conforming uses

26 A. The lawful use of a building or premises exactly as such use existed at the
 27 time of the enactment of any regulation affecting it may be continued although such
 28 use does not conform with the provisions of such regulation. The ~~City Council or~~
 29 ~~the Police Jury, as appropriate,~~ city council may provide for the termination of non-

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

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

10 ~~§140.32.~~ §140.29. Board of appeals

11 A.(1) The zoning ordinances shall provide for a ~~Board of Appeals~~ board of
12 appeals comprised of seven members, ~~each to be appointed for a term of five years.~~
13 ~~Three members shall be appointed by the city council of the city of Shreveport, three~~
14 ~~members shall be appointed by the policy jury of Caddo Parish, and one member~~
15 ~~shall be elected by the joint action of the city council and the police jury. Of the~~
16 ~~members first appointed by the city council, one shall be appointed for a term of five~~
17 ~~years and two for a period of three years; of the members first appointed by the~~
18 ~~police jury, one shall be appointed for a term of four years and two for a period of~~
19 ~~two years; the member elected by joint action of the city council and police jury shall~~
20 ~~be elected for a term of one year. Members shall serve without compensation. Any~~
21 ~~vacancy shall be filled for the unexpired term by the appointive authority, which~~
22 ~~shall have also the authority to remove any member for cause stated in writing and~~
23 ~~after public hearing. Notwithstanding anything contained herein to the contrary,~~
24 ~~those members presently serving on the board of appeals will be allowed to complete~~
25 ~~their present terms and the two alternate members will be allowed to complete their~~
26 ~~terms as members, subject to the authority of the appointing authorities to remove~~
27 ~~any member for cause stated in writing and after public hearing~~ all of whom shall be
28 appointed by the city council.

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

5 (3) Members shall serve without compensation.

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

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

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

14 C. The zoning ordinance may provide that the board of appeals may permit
15 special exemptions to the zoning regulations in the classes of cases or situations and
16 in accordance with the principles, conditions, safeguards, and procedures specified
17 in the ordinance. The ordinance may also authorize the board of appeals to interpret
18 the zoning maps and pass upon disputed questions of lot lines or district boundary
19 lines or similar questions as they arise in the administration of the zoning
20 regulations. The ordinance may also authorize the board of appeals to grant a
21 variance from the strict application of zoning regulations where other procedures for
22 variance or modification are not specified in the zoning ordinance.

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

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

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

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

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

17 ~~§140.33.~~ §140.30. Enforcement and remedies

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

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

3 ~~§140.34.~~ §140.31. Conflict with other laws

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

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

15 ~~§140.35.~~ §140.32. Existing zoning ordinances

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

19 ~~§140.36.~~ §140.33. Grant of power

20 For the purposes of promoting the public health, safety, morals, convenience,
21 order, prosperity, and general welfare, the ~~City Council of the City of Shreveport and~~
22 ~~the Police Jury of Caddo Parish are~~ the city council is hereby empowered, in
23 accordance with the conditions and procedures specified in this ~~Sub-Part~~ Subpart, to
24 adopt housing codes prescribing minimum standards for the area, volume, light, air,
25 ventilation, illumination, occupancy and density of occupancy, and sanitation of
26 dwellings and dwelling places; to adopt building codes, plumbing codes, electrical
27 codes and related measures to regulate the construction, reconstruction, alteration,
28 extension, conversion, or maintenance of buildings; to regulate by building and
29 housing codes or other measures or ordinances conditions of sanitation, including

1 requirements for water supply and sewerage disposal and drainage; and to adopt such
 2 other ordinances, regulations, and plans as, in their judgment, are necessary to effect
 3 the rehabilitation of substandard dwellings and blighted areas within the
 4 municipality, ~~in the case of the City of Shreveport, and within that part of Caddo~~
 5 ~~Parish within the metropolitan planning area but outside the City of Shreveport, in~~
 6 ~~the case of Caddo Parish, provided, however, that such codes, ordinances, plans or~~
 7 ~~other measures may be adopted with respect only to such portion of the metropolitan~~
 8 ~~planning area outside the City of Shreveport as, in the judgment of the Police Jury,~~
 9 ~~is deemed necessary.~~

10 ~~§140.37.~~ §140.34. Planning commission Commission

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

15 ~~§140.38.~~ §140.35. Method of procedure

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

22 ~~§140.39.~~ §140.36. Enforcement and remedies

23 The ~~City Council and the Police Jury~~ city council may provide, ~~in their~~
 24 ~~respective jurisdictions,~~ for the enforcement of any code, ordinance, or other measure
 25 enacted under this ~~Sub-Part~~ Subpart. A violation of any such code, ordinance, or
 26 other measure is hereby declared a misdemeanor. In case any building or structure
 27 is or is proposed to be constructed, reconstructed, altered, extended, converted, or
 28 maintained in violation of any code or ordinance enacted under this ~~Sub-Part~~
 29 Subpart, the building inspector, permit or zoning clerk, municipal ~~or parish~~ counsel,

1 or other appropriate authority of the municipality ~~or of the parish~~, or any adjacent
 2 or neighboring property owner who would be specifically damaged by such
 3 violation, may, in addition to other remedies, institute injunction, mandamus, or
 4 other appropriate action or proceeding to prevent such unlawful construction,
 5 reconstruction, alteration, extension, conversion, maintenance, or use, or to correct
 6 or abate such violation, or to prevent the occupancy of such building.

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

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 697 Engrossed

2020 Regular Session

McCormick

Abstract: Removes the territory of Caddo Parish from the jurisdiction of the Shreveport Metropolitan Planning Commission.

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

Proposed law restricts the commission's jurisdiction to inside the city limits of Shreveport. Removes the authority granted to the police jury to jointly create the commission.

Present law provides that the commission shall be governed by a board of nine members, all of whom must be residents and qualified voters of Caddo Parish. Provides that members shall be appointed as follows: four members appointed by the city council, four members appointed by the police jury, and one member appointed jointly by the city council and the police jury. Provides that members serve six-year staggered terms without compensation.

Proposed law provides instead that the commission's nine members are all appointed by the city council. Requires members to be residents and qualified voters of the city of Shreveport.

Present law requires the commission to prepare an annual budget with monies appropriated by the city council and the police jury. Proposed law removes the requirement that monies be appropriated by the police jury.

Present law authorizes the city council and police jury to adopt 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. Provides that the plan shall take effect after it has been approved by the city council and police jury.

Proposed law retains present law except removes authority granted to the police jury to participate in the adoption of the master plan. Restricts the master plan to areas inside the city limits of Shreveport.

Present 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.

Proposed law retains present law.

Present law provides that in the case of the commission's disapproval, the city council and police jury have authority to override such disapproval 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 city 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.

Proposed law removes the authority granted to the police jury to override the commission's disapproval. Provides that the city council retains all power to approve the master plan and the power to override the commission's disapproval.

Present 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 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.

Present 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 retains present law.

Present law provides that if the commission recommends a zoning plan to the city council and the police jury, then, for the purpose of promoting the health, safety, morals, and general welfare of residents, the city 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 removes the authority granted to the police jury to divide the parish into districts or zones.

Present law provides that zoning ordinances shall provide for a board of appeals composed of seven members. Provides that three members are appointed by the city council, three members are appointed by the police jury, and one member is appointed jointly by the city council and the police jury. Provides that members serve five-year staggered terms without compensation.

Proposed law provides that all members of the board of appeals are appointed by the city council.

Present law provides for the powers and duties of the board of appeals, 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 retains present law.

Effective January 1, 2022.

(Amends R.S. 33:140.1-140.36)