

Regular Session, 2012

HOUSE BILL NO. 906

BY REPRESENTATIVE GAINES

PLANNING/ZONING-LOCAL: Provides relative to the membership of the zoning board of adjustment in certain parishes

1 AN ACT

2 To amend and reenact R.S. 33:4780.46(A)(2), relative to zoning boards of adjustment; to
3 provide relative to the membership of any such board in certain parishes; to provide
4 for the appointment of additional members to any such board; to provide relative to
5 the terms and qualifications of board members; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 33:4780.46(A)(2) is hereby amended and reenacted to read as
8 follows:

9 §4780.46. Board of adjustment; membership; powers and procedures; appeals from
10 decisions

11 A.

12 * * *

13 (2)(a) The board of adjustment shall consist of five members and may
14 include two alternate members, all of whom shall be landowners and qualified voters
15 of the parish. The members of the first board shall serve terms as follows: one for
16 one year, one for two years, one for three years, one for four years, and one for five
17 years. Thereafter, members shall be appointed for terms of five years each.

18 (b)(i) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
19 the board of adjustment in any parish with a population of not more than forty-six
20 thousand persons and not less than forty-three thousand persons according to the

1 latest federal decennial census shall consist of nine members. The board of
2 adjustment in any such parish shall not include any alternate members.

3 (ii) The additional four members appointed pursuant to the provisions of this
4 Subparagraph shall serve initial terms as provided in this Item. One member shall
5 serve an initial term of two years, one shall serve three years; one shall serve four
6 years; and one shall serve five years. The successor of any such member shall serve
7 a term of five years.

8 (iii) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
9 in any parish to which this Subparagraph is applicable, each member of the board of
10 adjustment shall be a resident and qualified voter of the parish.

11 * * *

12 Section 2. This Act shall become effective upon signature by the governor or, if not
13 signed by the governor, upon expiration of the time for bills to become law without signature
14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
16 effective on the day following such approval.

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)]

Gaines HB No. 906

Abstract: Provides that the zoning board of adjustment in any parish with a population of not less than 43,000 persons and not more than 46,000 persons shall consist of nine members.

Present law generally authorizes the governing authority of a parish to provide for the appointment of a zoning board of adjustment. Provides that the governing authority may, through regulations and restrictions adopted pursuant to present law, authorizes the board to determine and vary the application of such regulations and restrictions in harmony with their general purpose and intent.

Proposed law retains present law.

Present law provides that the zoning board of adjustment shall consist of five members and may include two alternate members. Requires all members to be landowners and qualified voters of the parish. Requires members to serve five-year staggered terms.

Proposed law retains present law but provides an exception for any parish with a population of not less than 43,000 persons and not more than 46,000 persons according the latest federal decennial census. Provides that the zoning board of adjustment in any such parish shall consist of nine members and shall not include any alternates. Requires each member of the board of adjustment in any such parish to be a resident and qualified voter of the parish. Further requires the additional members to serve five-year staggered terms.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 33:4780.46(A)(2))