

Regular Session, 2012

HOUSE BILL NO. 900

BY REPRESENTATIVE DIXON

PARISH/RAPIDES: Authorizes the governing authority of Rapides Parish to provide zoning regulations and restrictions in Rapides Parish Police Jury District D

1 AN ACT

2 To enact Subpart J of Part I of Chapter 14 of Title 33 of the Louisiana Revised Statutes of
3 1950, to be comprised of R.S. 33:4780.81 through 4780.91, relative to Rapides
4 Parish; to authorize the governing authority of the parish to provide zoning
5 regulations and restrictions in a certain district within the parish; to provide
6 procedures relative to the amendment and enforcement of any such regulation or
7 restriction; to provide relative to the applicability of the Act; and to provide for
8 related matters.

9 Notice of intention to introduce this Act has been published
10 as provided by Article III, Section 13 of the Constitution of
11 Louisiana.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Subpart J of Part I of Chapter 14 of Title 33 of the Louisiana Revised
14 Statutes of 1950, comprised of R.S. 33:4780.81 through 4780.91, is hereby enacted to read
15 as follows:

16 SUBPART J. ZONING REGULATIONS RAPIDES PARISH

17 §4780.81. Regulation authorized; Rapides Parish Police Jury District D

18 A.(1) Notwithstanding the provisions of R.S. 33:4780.40, for the purposes
19 of promoting health, safety, morality, or the general welfare of Rapides Parish Police
20 Jury District D, referred to in this Subpart as the "district", the governing authority

1 of the parish of Rapides may regulate and restrict the height, number of stories, and
2 size of structures; the percentage of lots that may be occupied; courts and other open
3 spaces; the density of population; and the location and use of the buildings,
4 structures, and land for trade, industry, residence, or other purposes in the district.

5 (2) Zoning ordinances enacted by the governing authority of the parish and
6 the acts of its zoning commission, board of adjustment, or zoning administrator shall
7 be subject to judicial review on the grounds of abuse of discretion, unreasonable
8 exercise of police powers, excessive use of the power as granted by this Subpart, or
9 the denial of the right of due process.

10 (3) The right of judicial review of a zoning ordinance shall not be limited by
11 the provisions of this Subpart.

12 §4780.82. Uniform regulations within district

13 A. Within the district, the governing authority of the parish may regulate and
14 restrict the erection, construction, alteration, or use of buildings, structures, or land.

15 B. All regulations shall be uniform for each class or kind of land and
16 structure throughout the district.

17 §4780.83. Purpose of regulations

18 A. Regulations adopted pursuant to this Subpart shall be made in accordance
19 with a comprehensive plan and designed to lessen congestion in the public streets,
20 secure safety from fire, promote health and the general welfare, provide adequate
21 light and air, avoid undue concentration of population, facilitate adequate
22 transportation, water supply, sewerage, schools, and parks, and meet other public
23 requirements.

24 B. Such regulations shall be made with reasonable consideration of the
25 character of the district and its peculiar suitability for particular uses and with a view
26 to conserving the values of buildings and encouraging the most appropriate use of
27 land throughout the district.

1 §4780.84. Public hearing authorized; prohibited rezoning

2 A. The governing authority of the parish shall, in accordance with the
3 comprehensive plan required by R.S. 33:4780.83, provide for the manner in which
4 the regulations and restrictions shall be determined, established, enforced, and, from
5 time to time, amended.

6 B. No regulations or restrictions shall become effective until after a public
7 hearing held by the governing authority of the parish at which parties in interest have
8 had an opportunity to be heard. The governing authority of the parish shall provide
9 for notice of the hearing and notice to property owners in accordance with the
10 provisions of R.S. 33:4780.43.

11 §4780.85. Amendment of regulations

12 A. Regulations and restrictions, established pursuant to this Subpart may,
13 from time to time, be amended, modified, or repealed. The governing authority of
14 the parish shall follow the procedures set forth in R.S. 33:4780.44 regarding a protest
15 made against a change in any such regulation and restriction.

16 B. The provisions of R.S. 33:4780.43 relative to public hearing and official
17 notice shall apply equally to all changes or amendments; however, no ordinance shall
18 require a procedure or criteria for amendment any greater than that initially used in
19 establishing such regulations, restrictions, or penalties.

20 §4780.86. Zoning commission; recommendations; public hearing

21 A. The governing authority of the parish may appoint a zoning commission
22 whose function it shall be to recommend the restrictions and regulations to be
23 enforced within the district, and any supplements, changes, or modifications thereof.

24 B. Before making any recommendation to the governing authority of the
25 parish, the zoning commission shall hold a public hearing. Notice of the time and
26 place of the hearing shall be made in accordance with the provisions of R.S.
27 33:4780.45.

28 C. After the hearing has been held by the zoning commission, it shall make
29 a report of its findings and recommendations to the governing authority of the parish.

1 D. If a zoning commission is appointed, the governing authority of the parish
2 shall not hold its public hearings or take action until it has received the final report
3 of the zoning commission.

4 §4780.87. Board of adjustment; membership; powers and procedures; appeals from
5 decisions

6 A. The governing authority of the parish may provide for the appointment
7 of a board of adjustment and, in the regulations and restrictions adopted pursuant to
8 this Subpart, may provide that the board may determine and vary the application of
9 such regulations and restrictions in harmony with their general purpose and intent
10 and in accordance with general or specific rules contained therein.

11 B. The board of adjustment shall consist of such members and shall have
12 such powers and duties and provided in R.S. 33:4780.46.

13 C. Appeals to the board of adjustment may be taken by any person aggrieved
14 or by any officer, department, board, or bureau of the parish affected by any decision
15 of the administrative officer. The procedures for appeals shall be as provided in R.S.
16 33:4780.46.

17 §4780.88. Judicial review

18 Any person or persons jointly or severally aggrieved by any decision by the
19 board of adjustment relative to any officer, department, board, or bureau of the parish
20 may present a petition to the district court of the parish or municipality in which the
21 property affected is located. The procedures for judicial review shall be as provided
22 in R.S. 33:4780.47.

23 §4780.89. Enforcement of building and zoning regulations; penalty for violations

24 A. In case any building or structure is erected, structurally altered, or
25 maintained, or any building, structure, or land is used in violation of this Subpart or
26 of any ordinance or other regulation made pursuant to authority conferred by this
27 Subpart, the proper local authorities of the parish, in addition to other remedies, may
28 institute any appropriate action or proceedings to prevent such unlawful erection,
29 structural alteration, maintenance, or use; to restrain, correct, or abate such violation;

1 to prevent the occupancy of the building, structure, or land; or to prevent any illegal
2 act, conduct, business, or use in or about such premises.

3 B. The regulations shall be enforced by the officer authorized to issue
4 building permits, who is empowered to cause any building, structure, place, or
5 premises to be inspected and examined and to order in writing the remedying of any
6 condition found to exist therein in violation of any provision of the regulations made
7 pursuant to authority of this Subpart.

8 C. The owner or general agent of a building or premises where a violation
9 of any regulation has been committed or exists; the lessee or tenant of an entire
10 building or entire premises where the violation has been committed or exists; the
11 owner, general agent, lessee, or tenant of any part of the building or premises in
12 which the violation has been committed or exists; the general agent, architect,
13 builder, contractor, or any other person who commits, takes part in, or who assists
14 in any violation or who maintains any building or premises in which any violation
15 exists shall be fined not less than ten dollars and not more than twenty-five dollars
16 or be imprisoned for not more than thirty days for each day that the violation
17 continues.

18 §4780.90. Conflicting regulations; higher standards to apply

19 A. Whenever the regulations made pursuant to authority of this Subpart
20 impose higher standards than are required in any other statute or local ordinance or
21 regulation, the provisions of the regulations made pursuant to authority of this
22 Subpart shall govern.

23 B. Whenever the provisions of any other statute, local ordinance, or
24 regulation impose higher standards than are required by the regulations made
25 pursuant to authority of this Subpart, the provisions of such statute, local ordinance,
26 or regulation shall govern.

27 §4780.91. Applicability

28 The provisions of this Subpart are intended to authorize the governing
29 authority of the parish of Rapides to provide zoning regulations and restrictions in

1 the district. The governing authority shall have no additional authority to provide
2 zoning regulations or restrictions in any other area of the parish.

3 Section 2. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 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)]

Dixon

HB No. 900

Abstract: Authorizes the governing authority of Rapides Parish to provide zoning regulations and restrictions within Rapides Parish Police Jury District D.

Present law authorizes parish governing authorities and their duly created boards of adjustment, for the purpose of promoting the health, safety, morals, or general welfare of the community, to regulate and restrict the height, number of stories, and size of structures; the percentage of lots that may be occupied; courts and other open spaces; the density of population; and the location and use of the buildings, structures, and land for trade, industry, residence, or other purposes. Provides that the zoning ordinances enacted by a parish governing authority and the acts of its zoning commission, board of adjustment, or zoning administrator are subject to judicial review on the grounds of abuse of discretion, unreasonable exercise of police powers, excessive use of the power, or the denial of the right of due process. The parishes of Rapides, Jefferson, Sabine, and Webster are excluded from present law provisions.

Proposed law retains present law.

Proposed law additionally grants the governing authority of Rapides Parish the authority use the powers granted by present law but only in Rapides Police Jury District D (district). Additionally authorizes the governing authority of Rapides Parish (governing authority) to regulate and restrict the erection, construction, alteration, or use of buildings, structures, or land within the district. Requires that all regulations be uniform for each class or kind of land and structure throughout the district.

Proposed law requires that regulations adopted pursuant to proposed law be made in accordance with a comprehensive plan and designed to lessen congestion in the public streets, secure safety from fire, promote health and the general welfare, provide adequate light and air, avoid undue concentration of population, facilitate adequate transportation, water supply, sewerage, schools, and parks, and meet other public requirements. Further requires that the regulations be made with reasonable consideration of the character of the district and its peculiar suitability for particular uses and with a view to conserving the values of buildings and encouraging the most appropriate use of land throughout the district.

Proposed law requires the governing authority to provide for the manner in which the regulations and restrictions shall be determined, established, enforced, and, from time to

time, amended. Provides that no regulations or restrictions shall become effective until after a public hearing held by the parish governing authority of the parish at which parties in interest have had an opportunity to be heard. Requires the parish governing authority to provide for notice of the hearing and notice to property owners in accordance with the provisions of present law (R.S. 33:4780.43).

Proposed law provides that regulations and restrictions, established pursuant to proposed law may, from time to time, be amended, modified, or repealed. Requires the governing authority to follow the procedures set forth in present law (R.S. 33:4780.44) regarding a protest made against a change in any such regulation and restriction. Provides that the provisions of present law (R.S. 33:4780.43), relative to public hearing and official notice, shall apply equally to all changes or amendments. Provides however, that no ordinance shall require a procedure or criteria for amendment any greater than that initially used in establishing such regulations, restrictions, or penalties.

Proposed law authorizes the governing authority to appoint a zoning commission whose function it shall be to recommend the restrictions and regulations to be enforced within the district, and any supplements, changes, or modifications. Requires the zoning commission to hold a public hearing before making any recommendation to the governing authority. Requires that notice of the time and place of the hearing shall be made in accordance with the provisions of present law (R.S. 33:4780.45).

Proposed law requires the zoning commission, after the hearing, to make a report of its findings and recommendations to the governing authority. Provides that if a zoning commission is appointed, the governing authority of the parish shall not hold its public hearings or take action until it has received the final report of the zoning commission.

Proposed law authorizes the governing authority to provide for the appointment of a board of adjustment and authorizes the governing authority to provide that the board may determine and vary the application of such regulations and restrictions in harmony with their general purpose and intent and in accordance with general or specific rules. Provides that the board shall consist of such members and shall have such powers and duties as provided in present law (R.S. 33:4780.46). Provides that appeals shall be as provided in present law (R.S. 33:4780.46). Provides that judicial review of the board's decisions shall be as provided in present law (R.S. 33:4780.47). Provides further with respect to violations of building and zoning regulations.

Proposed law provides that whenever the regulations made pursuant to authority of proposed law impose higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made pursuant to authority of proposed law shall govern. Further provides that whenever the provisions of any other statute, local ordinance, or regulation impose higher standards than are required by the regulations made pursuant to authority of proposed law, the provisions of such statute, local ordinance, or regulation shall govern.

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

(Adds R.S. 33:4780.81-4780.91)