

Regular Session, 2012

HOUSE BILL NO. 900

BY REPRESENTATIVE DIXON

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. Notwithstanding the provisions of R.S. 33:4780.40, for the purposes of  
19 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  
21 of the parish of Rapides may regulate and restrict the height, number of stories, and  
22 size of structures; the percentage of lots that may be occupied; courts and other open

1 spaces; the density of population; and the location and use of the buildings,  
2 structures, and land for trade, industry, residence, or other purposes in the district.

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

8 C. The right of judicial review of a zoning ordinance shall not be limited by  
9 the provisions of this Subpart.

10 §4780.82. Uniform regulations within district

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

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

15 §4780.83. Purpose of regulations

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

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

26 §4780.84. Public hearing authorized; prohibited rezoning

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

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

6           §4780.85. Amendment of regulations

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

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

15          §4780.86. Zoning commission; recommendations; public hearing

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

19          B. Before making any recommendation to the governing authority of the  
20          parish, the zoning commission shall hold a public hearing. Notice of the time and  
21          place of the hearing shall be made in accordance with the provisions of R.S.  
22          33:4780.45.

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

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

1           §4780.87. Board of adjustment; membership; powers and procedures; appeals from  
 2                           decisions

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

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

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

14           §4780.88. Judicial review

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

20           §4780.89. Enforcement of building and zoning regulations; penalty for violations

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

29           B. The regulations shall be enforced by the officer authorized to issue  
 30           building permits, who is empowered to cause any building, structure, place, or

1 premises to be inspected and examined and to order in writing the remedying of any  
2 condition found to exist therein in violation of any provision of the regulations made  
3 pursuant to authority of this Subpart.

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

14 §4780.90. Conflicting regulations; higher standards to apply

15 A. Whenever the regulations made pursuant to authority of this Subpart  
16 impose higher standards than are required in any other statute or local ordinance or  
17 regulation, the provisions of the regulations made pursuant to authority of this  
18 Subpart shall govern.

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

23 §4780.91. Applicability

24 The provisions of this Subpart are intended to authorize the governing  
25 authority of the parish of Rapides to provide zoning regulations and restrictions in  
26 the district. The governing authority shall have no additional authority to provide  
27 zoning regulations or restrictions in any other area of the parish.

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_