

Existing 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.

Existing law excludes the parishes of Rapides, Jefferson, Sabine, and Webster from existing law provisions.

New law provides for a limited exception to the exclusion of Rapides. Grants the governing authority of Rapides Parish (governing authority) the authority to use the powers granted by existing law but only in Rapides Parish Police Jury District D (district). Additionally authorizes the 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.

New law requires that regulations adopted pursuant to new 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.

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

New law provides that regulations and restrictions, established pursuant to new law may, from time to time, be amended, modified, or repealed. Requires the governing authority to follow the procedures set forth in existing law (R.S. 33:4780.44) regarding a protest made against a change in any such regulation and restriction. Provides that the provisions of existing 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.

New law authorizes the governing authority to appoint a zoning commission 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 be made in accordance with the provisions of existing law (R.S. 33:4780.45).

New 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 shall not hold its public hearings or take action until it has received the final report of the zoning commission.

New 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 existing law (R.S. 33:4780.46), appeals shall be as provided in existing law (R.S. 33:4780.46), and judicial review of the board's decisions shall be as provided in existing law (R.S. 33:4780.47). Provides further with respect to violations of building and zoning regulations.

New law provides that whenever the regulations made pursuant to authority of new 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 new 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 new law, the provisions of such statute, local ordinance, or regulation shall govern.

Effective upon signature of governor (May 31, 2012).

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