

Regular Session, 2004

ACT No. 859

HOUSE BILL NO. 1082

BY REPRESENTATIVE BURNS

1 AN ACT

2 To amend and reenact R.S. 33:102, 106, and 109 and to enact R.S. 33:101(5), 103.1, and
3 109.1, relative to parish and municipal planning commissions; to provide relative to
4 training requirements of members of such commissions and members of advisory
5 boards to such commissions; to provide relative to master plans adopted by such
6 commissions; to provide relative to the relationship between such master plans and
7 plans of the state and other political subdivisions; to provide for applicability of the
8 provisions of this Act; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 33:102, 106, and 109 are hereby amended and reenacted and R.S.
11 33:101(5), 103.1, and 109.1 are hereby enacted to read as follows:

12 §101. Definitions

13 For the purpose of this Subpart, the following terms are defined as follows:

14 * * *

15 (5) "Master plan" means a statement of public policy for the physical
16 development of a parish or municipality adopted by a parish or municipal planning
17 commission.

18 * * *

19 §102. Grant of power to parishes and municipalities

20 Every parish and every municipality may make, adopt, amend, extend, add
21 to, or carry out official plans as provided in this ~~Sub-part~~ Subpart, and may create by
22 ordinance a planning commission with the powers and duties ~~herein set forth~~ as
23 provided by this Subpart, and may appropriate funds for the commission.

24 * * *

1 §103.1. Training requirements; commission and advisory board members

2 A. All appointed members of parish and municipal planning commissions
3 and of advisory boards to such commissions, including boards of zoning adjustment,
4 shall receive at least four hours of training in the duties, responsibilities, ethics, and
5 substance of the positions held or to be held, either prior to taking office or no later
6 than one year after office is assumed. All training shall be approved by the parish or
7 municipal planning commission or advisory board.

8 B. The provisions of this Section shall only apply to members appointed to
9 such boards and commissions on or after the effective date of this Section.

10 * * *

11 §106. General powers and duties

12 A.(1) A parish planning commission shall make and adopt a master plan for
13 the physical development of the unincorporated territory of a parish.

14 (2) A municipal planning commission shall make and adopt a master plan for
15 the physical development of the municipality.

16 B.(1) Any such plan shall provide a general description or depiction of
17 existing roads, streets, highways, and publicly controlled corridors, along with a
18 general description or depiction of other public property within the jurisdiction that
19 is subject to the authority of the commission.

20 (2) ~~Such~~ Any such plan, with the accompanying maps, plats, charts, and
21 descriptive matter ~~shall show~~ may include a commission's recommendations for the
22 development of the parish or municipality, as the case may be, including, among
23 other things, the general location, character, and extent of railroads, highways,
24 streets, viaducts, subways, bus, street car and other transportation routes, bridges,
25 waterways, lakes, water fronts, boulevards, parkways, playgrounds, squares, parks,
26 aviation fields, and other public ways, grounds, and open spaces; the general location
27 of public buildings, schools, and other public property; the general character, extent

1 and layout of public housing and of the replanning of blighted districts and slum
2 areas; the general location and extent of public utilities and terminals, whether
3 publicly or privately owned or operated, for water, light, sanitation, communication,
4 power, transportation, and other purposes; and the removal, relocation, widening,
5 narrowing, vacating, abandonment, change of use, or extension of any of the
6 foregoing ways, grounds, open spaces, buildings, property, utilities, or terminals;~~as~~
7 ~~well as, in the case of a parish planning commission, a zoning plan for the control of~~
8 ~~the height, area, bulk, location, and use of the buildings and premises in urban areas~~
9 ~~or areas suitable for urbanization outside municipal limits.~~

10 C. As the work of making the whole master plan progresses, a commission
11 may from time to time adopt and publish a part or parts thereof, any such part to
12 cover one or more major sections or divisions of the parish or municipality, as the
13 case may be, or one or more of the aforesaid or other functional matters to be
14 included in the plan. A commission may from time to time amend, extend, or add
15 to the plan.

16 D. Where a municipal planning commission has been established under the
17 authority of this ~~Sub-part~~ Subpart, it shall also serve as a municipal zoning
18 commission, and when acting as such, it shall hold separate meetings with separate
19 minutes and records.

20 * * *

21 §109. Legal status of official plan

22 A. Whenever a commission has adopted a master plan of a parish or
23 municipality, as the case may be, or one or more major sections or districts thereof
24 and has filed certified copies thereof as provided in R.S. 33:108, no street, square,
25 park or other public way, ground, or open space, or public building or structure, or
26 public utility, whether publicly or privately owned, shall be constructed or authorized
27 in the parish or municipality, as the case may be, or in such planned section or district
28 until the location, character, and extent thereof has been submitted to and approved

1 by the commission. In case of disapproval, the commission shall communicate its
2 reasons to the local legislative body which shall have the power to overrule such
3 disapproval by a recorded vote of not less than two-thirds of its entire membership.
4 However, if the public way, ground, space, building, structure, or utility is one the
5 authorization or financing of which does not, under the law or charter provisions
6 governing same, fall within the province of the local legislative body, then the
7 submission to a planning commission shall be by the board, commission, or body
8 having such jurisdiction, and a planning commission's disapproval may be overruled
9 by ~~said~~ such board, commission, or body by a vote of not less than two-thirds of its
10 membership. The failure of a commission to act within sixty days from and after the
11 date of official submission to a commission shall be deemed approval.

12 B. Whenever a parish or municipal planning commission has adopted a
13 master plan, the governing authority of such parish or municipality shall consider
14 such adopted master plan before adopting, approving, or promulgating any local
15 laws, ordinances, or regulations which are inconsistent with the adopted elements of
16 the master plan.

17 §109.1. Relationship between local master plans and the plans of the state and other
18 political subdivisions

19 Whenever a parish or municipal planning commission has adopted a master
20 plan, state agencies and departments shall consider such adopted master plan before
21 undertaking any activity or action which would affect the adopted elements of the
22 master plan.

23 Section 2. The provisions of this Act shall not apply to any litigation pending on the
24 effective date of this Act.

25 Section 3. This Act shall become effective upon signature by the governor or, if not
26 signed by the governor, upon expiration of the time for bills to become law without signature
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____