

Topic: Local Boards; Local Governance
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State: Louisiana
Jurisdiction Type: State
Municipality: N/A
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Community Type - applicable to: Urban; Suburban; Rural
Title: State of Louisiana Training Requirements
for Local Boards Act
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Abstract

This bill requires land use training for local boards in Louisiana.

Resource

2004 Louisiana House Bill No. 1082, Louisiana 2004 Regular Session
LOUISIANA BILL TEXT

ACT NO. 859
Regular Session, 2004
HOUSE BILL NO. 1082
BY REPRESENTATIVE BURNS

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

Section 101. Definitions For the purpose of this Subpart, the following terms are defined as follows:

* * *

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

* * *

Section 102. Grant of power to parishes and municipalities Every parish and every municipality may make, adopt, amend, extend, add to, or carry out official plans as provided in this Sub-part Subpart, and may create by ordinance a planning commission with the powers and duties herein set forth as provided by this Subpart, and may appropriate funds for the commission.

* * *

Section 103.1. Training requirements; commission and advisory board members

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

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

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Section 106. General powers and duties

A.

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

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

B.

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

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

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

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

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

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Section 109. Legal status of official plan

A. Whenever a commission has adopted a master plan of a parish or municipality, as the case may be, or one or more major sections or districts thereof and has filed certified copies thereof as provided in R.S. 33:108, no street, square, park or other public way, ground, or open space, or public building or structure, or public utility, whether publicly or privately owned, shall be constructed or authorized in the parish or municipality, as the case may be, or in such planned section or district until the location, character , and extent thereof has been submitted to and approved by the commission. In case of disapproval, the commission shall communicate its reasons to the local legislative body which shall have the power to overrule such disapproval by a recorded vote of not less than two-thirds of its entire membership. However, if the public way, ground, space, building, structure, or utility is one the authorization or financing of which does not, under the law or charter provisions governing same, fall within the province of the local legislative body, then the submission to a planning commission shall be by the board, commission, or body having such jurisdiction, and a planning commission's disapproval may be overruled by said such board, commission, or body by a vote of not less than two-thirds of its membership. The failure of a commission to act within sixty days from and after the date of official submission to a commission shall be deemed approval.

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

Section 109.1. Relationship between local master plans and the plans of the state and other political subdivisions Whenever a parish or municipal planning commission has adopted a master plan, state agencies and departments shall consider such adopted master plan before undertaking any activity or action which would affect the adopted elements of the master plan.

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

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

2004 LA H.B. 1082 (SN)

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