

Regular Session, 2012

HOUSE BILL NO. 131

BY REPRESENTATIVE BROADWATER

MUNICIPAL: Provides relative to public hearings held by municipal governing authorities regarding zoning regulations and restrictions

1 AN ACT

2 To amend and reenact R.S. 33:4724, relative to municipal zoning; to provide relative to  
3 zoning regulations and restrictions established by municipal governing authorities;  
4 to provide relative to public hearings held by any such governing authorities relative  
5 to the establishment and amendment of such regulations and restrictions; to change  
6 the notice requirements relative to such public hearings; and to provide for related  
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:4724 is hereby amended and reenacted to read as follows:

10 §4724. Public hearing authorized; prohibited rezoning

11 A. The legislative body of a municipality which has provided for a  
12 comprehensive zoning plan shall provide for the manner in which the regulations and  
13 restrictions and the boundaries of the districts shall be determined, established, and  
14 enforced and from time to time amended.

15 B. No regulations or restrictions shall become effective until after a public  
16 hearing at which parties in interest have an opportunity to be heard. A public hearing  
17 in relation to the regulations may be held by the legislative body of a municipality  
18 which has provided for a comprehensive zoning plan. In such a case, notice of the  
19 time and place of the hearing shall be published ~~once a week in three different weeks~~  
20 at least three times in the official journal of the municipality or, if there be none, in

1 a paper of general circulation therein; ~~at~~ At least ~~fifteen~~ ten days shall elapse  
2 between the first publication and the date of the hearing.

3 C. In municipalities with a population of less than four hundred seventy-five  
4 thousand, in addition to notice by publication as provided in Subsection B of this  
5 Section, and at least ten days prior to the hearing, a good faith attempt to notify the  
6 owner or owners of record of the properties to be zoned or rezoned in municipal  
7 zoning shall be made by the sending of an official notice by regular mail of the time  
8 and place of the hearing and subject matter of the regulations and restrictions.

9 D. Notwithstanding the ~~foregoing~~, however provisions of Subsection C of  
10 this Section, when more than ten parcels are to be zoned or rezoned by enactment of  
11 a zoning ordinance, the advertisement in the official journal or a paper of general  
12 circulation as required herein by Subsection B of this Section shall be considered  
13 adequate notice to the property owners.

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

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#### 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)]

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Broadwater

HB No. 131

**Abstract:** Changes notice requirements with regard to public hearings held by municipal governing authorities relative to zoning regulations and restrictions.

Present law authorizes municipalities, for the promotion of the health, safety, morals, or the general welfare of the community to regulate and restrict the height, number of stories, and size of structures, the percentage of lot that may be occupied, the density of population, and the location and use of the buildings, structures, and land for trade, industry, residence, or other purposes. Provides that zoning ordinances or the acts of the zoning commission, board of adjustment, or zoning administrator are subject to judicial review on the grounds of abuse of discretion, unreasonable exercise of the police powers, or the denial of the right of due process.

Present law requires that regulations 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, and facilitate adequate transportation, water supply, sewerage, schools, parks, and other public requirements. 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 municipality.

Proposed law retains present law.

Present law requires the legislative body of a municipality which has provided for a comprehensive zoning plan to provide for the manner in which the regulations and restrictions and the boundaries of the districts shall be determined, established, and enforced and from time to time amended. Provides that no regulation or restriction shall become effective until after a public hearing at which parties in interest have an opportunity to be heard. Authorizes the legislative body to hold a public hearing in relation to the regulations.

Proposed law retains present law.

Present law requires that notice of the time and place of a public hearing in relation to the regulations be published once a week in three different weeks in the official journal of the municipality or, if there be none, in a paper of general circulation. Requires that at least 15 days elapse between the first publication and the date of the hearing.

Proposed law instead requires that the notice be published at least three times in the official journal of the municipality, rather than in three different weeks. Additionally requires that at least 10 days, rather than 15 days, elapse between the first publication and the date of the hearing. Retains present law requirement that the notice be published in a paper of general circulation in the absence of an official journal.

Present law additionally requires that at least 10 days prior to the hearing, a good faith attempt to notify the owner or owners of record of the properties to be zoned or rezoned be made by the sending of an official notice by regular mail of the time and place of the hearing and subject matter of the regulations and restrictions; however, when more than 10 parcels are to be zoned or rezoned, the advertisement in the official journal or a paper of general circulation is considered adequate notice to the property owners.

Proposed law retains present law.

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

(Amends R.S. 33:4724)