

“Decoding the Code: What’s in YOUR toolbox?”

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Louisiana Legal Basis

- 1921 Louisiana Constitution
- 1926 U.S. Supreme Court decision: Euclid V. Ambler
- 1926 Model Codes published by the US Department of Commerce
- 1926 Louisiana adopts the model act for zoning
- 1946 Louisiana adopts the model act for master planning



Master Plans/Zoning Codes

- Home Rule: New Orleans Charter requirements
- Louisiana Communities respond to planning requirements



Amending a local Charter

- 2008: New Orleans amends to link the Master Plan to the Code
- “Master Plan with the Force of Law” concept



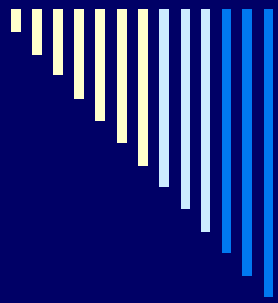
New Orleans Passes the change

- What does it mean
- Attorney General Opinion Request
- Attorney General response



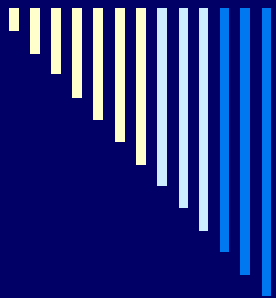
Other Louisiana Statues

- Act 859 of 2004: Planning Commission Training Mandatory...and
- A hint of “consistency”
- But Consistency with “what”?



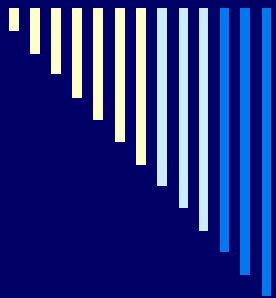
Putting Codes together in a legal, practical and transparent approach

- The list:
 - Euclidian
 - Performance
 - Form
 - The Louisiana Toolkit



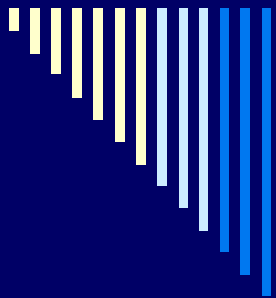
Euclid V. Ambler

- Health, safety and welfare (and morals...and economic development...)
- Which obnoxious land use?
- Where are my property rights?



Performance Based

- Standards
- In the plan?
- Transparent and enforceable



Form Based

- Old wine....
- Location sensitive
- Resources to administer



Louisiana Land Use Toolkit

- A toolkit in the toolbox
- Triage first
- Surgically apply



Other terms/other tools

- Place-Based Approach
- Smart Growth/Smart Codes
- Other tools:
 - The Zoning Map
 - Subdivision Regulations
 - Sign Codes
 - Landscaping Codes
 - Historic District Regulations, etc



General Lessons

- Citizens First
- In accordance with the master....
- Listen, listen, listen
- Never a preconceived solution and never a simple solution
- Implementation is the key/smooth administration is the reward
- Flexibility first....update a must!



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