

A proposed amendment to Volume 2, Chapter 14 of the Master Plan:

1. Insert the following after the text box titled “Is every idea in the Master Plan subject to “Force of Law?”” and before the Section titled “The Neighborhood Character Studies in the Land Use Plan”:

“Administration of the Land Use Plan

1. Administrators

The Executive Director of the City Planning Commission, or the Director’s designee, shall have the following authority, pursuant to this Master Plan:

- A. To make final decisions on minor map adjustments to the Future Land Use Map.
- B. To make final decisions on interpretations of the Future Land Use Map.

The City Planning Commission shall have the following authority, pursuant to this Master Plan:

- A. To make final decisions on appeals of minor map adjustments to the Future Land Use Map by the Executive Director of the City Planning Commission.
- B. To make final decisions on appeals of interpretations of the Future Land Use Map by the Executive Director of the City Planning Commission.

The City Council shall have the following authority pursuant to the City Charter:

- A. To make final decisions on amendments to the Master Plan.

2. Interpretation of Land Use Plan Language

As discussed above, the City Charter mandates that land use actions have the “force of law” – that they further, or at least not interfere with, the goals, policies, and guidelines of the Land Use Element, and that they be compatible with the proposed future land uses, densities, and intensities designated in the Land Use Element. Accordingly, the language of the Land Use Plan shall be interpreted in accordance with the “Interpretation of Laws” elements of the Louisiana Civil Code:

- When a law is clear and unambiguous and its application does not lead to absurd consequences, the law shall be applied as written and no further interpretation may be made in search of the intent of the Legislature. La. Civ. Code Art. 9.
- When the language of a law is susceptible of different meanings, it must be interpreted as having the meaning that best conforms to the purpose of the law. La. Civ. Code Art. 10.
- The words of a law must be given their generally prevailing meaning. Words of art and technical terms must be given their technical meaning when the law involves a technical matter. La. Civ. Code Art. 11.
- When the words of a law are ambiguous, their meaning must be sought by examining the context in which they occur and the text of the law as a whole. La. Civ. Code Art. 12.

- Laws on the same subject matter must be interpreted in reference to each other. La. Civ. Code Art. 13.

3. “Force of Law” Consistency Determinations.

Louisiana Civil Code Article 13 – providing that laws on the same subject matter must be interpreted in reference to each other - is especially important with respect to consistency determinations. It may be tempting to pull out isolated passages from the Land Use Element in arguing that a particular proposal is consistent with the Master Plan. However, Article 13 makes clear that in order to be deemed consistent, a proposal must be evaluated against all of the relevant language of the Land Use Element. For example, relying on broad, non-specific language describing a land use goal cannot be sufficient to establish consistency if the proposal is not compatible with the specific language describing the Future Land Use Category that applies to the site.

In this respect, the Future Land Use Category descriptions – found in Section C of this Chapter – are probably the most important language in the Land Use Element for consistency determinations because they speak directly to the specific places in which projects will be proposed. Unlike the other provisions of the Land Use Element, the Future Land Use Category descriptions establish specific land use goals for each part of the city, delineate the specific uses permitted in these areas, and define the desired development character for each category. In short, the Future Land Use Category descriptions essentially define what consistency means for each category. As a general rule of thumb, if a proposal is not compatible with the Future Land Use Category description for a specific location, the proposal is not consistent with the Master Plan.”

2. Make modifications to Volume 1 (the Executive Summary), Volume 2, Part 1 (“The Force of Law – What Does It Mean?”), and other relevant Master Plan provisions as necessary to align the language with the above changes.