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BGR MEDIA RELEASE

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BGR calls for new approach to land use decisions in N.O.

The Bureau of Governmental Research released today a report entitled *Runaway Discretion: Land Use Decision Making in New Orleans*. The report is the first installment in BGR's new Emerging Issues series of mini-reports on topics in Orleans, Jefferson, and St. Tammany Parishes.

BGR found that land use decision making suffers from systemic weaknesses and an ad hoc approach. The result is widespread discontent, with the frustration of those focused on economic development matched by the frustration of residents who feel deprived of meaningful participation in the future of their neighborhoods.

BGR focused on three interrelated problems that contribute to the malaise:

- The current zoning ordinance suffers from serious inadequacies and is well beyond the reach of the average citizen. Unfortunately, the proposed replacement zoning ordinance is as daunting and intimidating as the current one and creates dramatic changes that have not been brought to the public's attention.

- Planning decisions do not emerge from a fair, rational, and consistent process. The City Council regularly overrules recommendations that emanate from the City Planning Commission and its regular staff. BGR found that in a one-year period, the council adhered to the City Planning Commission's recommendations only one-third of the time.
- Neighborhoods lack an adequate voice in their future.

To address these problems, BGR has made a series of recommendations that would strengthen the role of the master plan, clarify the zoning rules, limit City Council's discretion and establish a system for organized, meaningful neighborhood participation. The specific recommendations are as follows:

- Set firm deadlines for completion of the Master Plan, ensuring a high level of neighborhood and business participation.
- Through the City Charter, require that the Master Plan in all its elements bear the force of law and, thereby, that all ordinances must conform to it.
- Through the City Charter and by ordinance, set forth a system for evaluation and revision of the Master Plan no more frequently than on a biennial basis.
- Upon completion of the Master Plan and using citizen advice, complete and adopt a new Comprehensive Zoning Ordinance. Include in the ordinance a requirement that the CZO, and the decisions made pursuant to it, comply with the Master Plan.
- Ensure that the Comprehensive Zoning Ordinance is succinct and reader-friendly, yet sensitive to the needs of neighborhoods and businesses.
- Through the Comprehensive Zoning Ordinance, limit the power to grant waivers and variances solely to the Board of Zoning Adjustments.
- Shift the power to decide conditional use applications to the City Planning Commission.
- Through the City Charter or by ordinance, designate the City Planning Commission as the body that determines whether a requested map change constitutes illegal spot zoning. Provide for appeal of that process only to the court system.

- Through the City Charter or by ordinance, create a system for organized, expeditious, meaningful neighborhood participation in land use decisions that puts neighborhoods at the beginning of the land use decision-making process, rather than the end.

“Progressive cities have found ways to empower neighborhoods while creating a clear, consistent, and fair process in which businesses can operate,” said Louis Freeman, chairman of the BGR. “It is time that we do the same in New Orleans, where so much is at stake both in terms of our urban landscape and our economy.”

Runaway Discretion: Land Use Decision Making in New Orleans, and case studies of neighborhood participation programs, can be found at www.bgr.org.

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BGR is a private, nonprofit, independent research organization. Since its founding in 1932, it has been dedicated to informed public policy-making and the effective use of public resources in the Greater New Orleans area. For more information call Janet Howard at 525-4152 or visit BGR’s website, www.bgr.org.

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