

CITY OF NEW ORLEANS

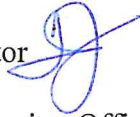
LATOYA CANTRELL
MAYORTAMMIE JACKSON
DIRECTOR

ZONING INTERPRETATION MEMORANDUM

Memorandum Z-22-04

DATE: June 27, 2022

FROM: Tammie Jackson, Director



BY: Ashley Becnel, Chief Zoning Official

RE: Non-Conforming Uses Under La. R.S. 33:4882, as amended (Act 699)

Act No. 699 of the 2022 Regular Session amends La. R.S. 33:4882 to stay the expiration of non-conforming uses during the period of March 11, 2020 through March 16, 2022. This memorandum reflects the Zoning Division's recognition of this change and explains how non-conforming use abandonment periods will be calculated under the revised ordinance.

La. R.S. 33:4882, as amended, reads:

A. Notwithstanding any provision of law or municipal or parish ordinance or resolution to the contrary, the governing authority of any municipality or parish and any agency of any such municipality or parish shall not allow and shall not cause any building or land to lose its nonconforming use status because, during all or part of the period of March 11, 2020, through March 16, 2022, it is temporarily vacant or operations normally carried on in such building or on such land have been temporarily discontinued.

B. Notwithstanding the provisions of Subsection A of this Section, the governing authority of any parish having a population in excess of three hundred fifty thousand, based on the latest federal decennial census, may by ordinance reduce the time period of March 11, 2020, through March 16, 2022, provided in Subsection A of this Section.

We read this law to mean that the 180-day clock set forth in CZO 25.3.C.1 is paused from March 11, 2020 through March 16, 2022. That means that we calculate non-conforming use expirations occurring during that period as follows: we add [days before March 11, 2020 not in use] plus [days after March 16, 2022 not in use], and if this number is less than 180 days, the non-conforming use would not be considered to be expired. For properties where the non-conforming period did not start until after March 11, 2020 (but did start before March 16, 2022), we would use March 16, 2022 as the initial day for the 180-day calculation, and those non-conforming uses would expire on September 12, 2022. For any non-conforming use determinations occurring before the issuance of this memo, including those under Z-21-04, applicants may apply for reconsideration. Because of the effect of the state law change, Z-21-04 is officially **rescinded**.

