



July 17, 2017 Master Plan Amendments Update

- Elimination of time limits on Legal Non-Conforming uses

Also highly contested, this amendment was originally written to allow for the re-establishment of entertainment venues in any location -- existing buildings or vacant lots which could demonstrate a history of that use. Specifically, it asks for these to be granted **perpetual non-conforming use status**. Aside from the reintroduction of intensive commercial uses in residential areas, this amendment could, through legal challenge, justify the removal of the legal non-conforming use policy for all previously commercial sites. This opens the door wide to unanticipated changes of use, potentially intense, which could greatly impact quality of life for surrounding residents.

Planning Director, Bob Rivers, explained that the staff report recommended a modified approval to this amendment to create a “mechanism” that would allow re-establishment entertainment venue uses. This would be through the Conditional Use process, and not dissimilar to the process of re-establishing Multi-Family zoning. Without details of this “mechanism” it is impossible to know what would be allowed, and under what circumstances.

The procedure for re-establishing an entertainment venue could look like this:

20.3.W DWELLING, ESTABLISHED MULTI-FAMILY AND DWELLING, ESTABLISHED TWO-FAMILY

2. For a two- or multi-family dwelling that is not currently operating, the decision to authorize an established two- or multi-family dwelling shall be granted or denied based on the following considerations:

- a. The extent to which the physical character of the structure is indicative of a legal history of two- or multi-family residential use, respectively.*
- b. The documentation of a legal history of two- or multi-family residential use, respectively.*
- c. The duration of the past use as a legal two- or multi-family residential use, respectively.*

Additional consideration is absolutely needed to determine the appropriate criteria for documenting use and duration. Furthermore, the creation of any “perpetual non-conforming use” would create too many loopholes in the existing set of policies and a thorough evaluation of the impact of re-establishing these uses on their surrounding community must be considered.

Given the impact this amendment would have on residents and residential uses all over the city, details of this mechanism must be made public. Many citizens are unaware that the passage of this amendment could mean that residents in Mid City, Uptown, Broadmoor, Bywater, Holy Cross, Hollygrove – **any**

neighborhood – could have houses on their block or even next door be transformed into entertainment venues. At this point, there is no clarity as to what level of input or say the effected residents would have. This amendment is troubling because it undermines the very basis of zoning policy, which is to provide predictability and assurance about land use.

City Council hearing on the Master Plan Amendments is Thursday, July 27.

To review the Master Plan Amendments working document, please use the links, below – the first is the full text and proposed revisions and the second link is the Future Land Use Map.

<http://nolacitycouncil.com/docs/resources/masterplanamendments/Cal.%20No.%2031917%20-%20Attachment%20A.pdf>

<http://nolacitycouncil.com/docs/resources/masterplanamendments/Cal.%20No.%2031918%20-%20Attachment%20A.pdf>

Also, this is a helpful summary of all amendments - [Committee for a Better New Orleans' Guide to the Master Plan](#)