

BY \_\_\_\_\_

**PROPOSED ORDINANCE NO. 2014-\_\_\_**

**TO AMEND AND REENACT APPENDIX 1, CHAPTER 15, SECTION 15.2, SUBSECTION (D) OF THE CODE OF ORDINANCES OF THE CITY OF CENTRAL RELATIVE TO NONCONFORMING STRUCTURES AND USES AND MOBILE HOMES AND TO PROVIDE FOR ALL RELATED MATTERS.**

WHEREAS, the Council for the City of Central recognizes that certain mobile homes may currently be deemed legal nonconforming structures and/or uses under the City of Central Comprehensive Zoning Code;

WHEREAS, the Council for the City of Central recognizes that owners of mobile homes that are deemed to be legal nonconforming structures and/or uses may desire to replace or upgrade such mobile homes with another model mobile home;

WHEREAS, the Council for the City of Central recognizes that Appendix 1, Chapter 15, Section 15.2 of the City of Central Comprehensive Zoning Code currently prohibits the owner of a mobile home that is deemed to be a legal nonconforming structure and/or use from replacing or upgrading that mobile home with another mobile home;

WHEREAS, under certain circumstances, the Council for the City of Central desires to allow for such replacement or upgrades of mobile homes that are deemed legally nonconforming structures and/or use;

BE IT ORDAINED by the Council of the City of Central, State of Louisiana as follows:

**Section 1:** Appendix 1, Chapter 15, Section 15.2, subsection (D) of the Code of Ordinances of the City of Central as enacted by Ordinance No. 2013-29 is hereby amended and re-enacted, so as to read as follows:

Appendix 1. City of Central Comprehensive Zoning Code

Chapter 15. NONCONFORMING LOTS, STRUCTURES AND USES

Section 15.2. Authority to continue nonconforming structures and uses.

- D. Additions, Enlargements, and Replacements. A nonconforming structure, other than a single-family dwelling, shall not be added to or enlarged in any manner unless such nonconforming building or structure and use, including all additions and enlargements is made to conform to all regulations of the district in which it is located. A single-family dwelling, nonconforming as to bulk, may be added to or enlarged without seeking a variation if all additions or enlargements conform to all setback, height and lot coverage limitations of the district in which the

property is located. Notwithstanding the provisions in Section 15.2(C) of this Chapter, a nonconforming mobile home may be replaced or upgraded with another nonconforming mobile home, provided that such replacement or upgraded mobile home is made to conform to all regulations of the district in which it is located, including but not limited to all setback, height and lot coverage limitations.

**Section 2: Conflicts**

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**Section 3: Severability**

If any section, subsection, sentence, clause or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, such declaration of invalidity shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part declared invalid. The remainder of the Ordinance shall not be affected by the declaration of invalidity and shall remain in force and effect.

**Section 4: Effective Date**

This Ordinance shall be effective upon publication.

Introduced before the Council on this \_\_\_\_ day of October, 2014.

Notice of the public hearing was published in The Advocate on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

This Ordinance having been submitted to a vote, the vote thereon is as follows:

- For:
- Against:
- Absent:

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
I.M. Shelton, Jr., Mayor

Attest:

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Mark Miley, City Clerk

Adopted ordinance published in The Advocate on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

## Woodrow Muhammad - COC

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**From:** David Barrow - CoC  
**Sent:** Monday, October 06, 2014 8:38 AM  
**To:** Woodrow Muhammad - COC  
**Subject:** Mobile Home Ordinance

**Follow Up Flag:** Follow up  
**Due By:** Tuesday, October 14, 2014 4:00 PM  
**Flag Status:** Flagged

Woodrow:

Please include Mark Balkin's email below in the P&Z packets for this item.

Thanks,  
David.

David:

I realized that we never spoke about these ordinances. I've got a couple of comments.

With regard to the replacement mobile home ordinance, I'm concerned that the language doesn't limit the size of a replacement mobile home. If my neighbor can replace a 1000 sq. ft. mobile home on their property with a much larger mobile home (as of right), why do I have to get a variance if I want to put a mobile home even a little bigger than 1000 sq. ft. on my property?

As you know, I'm not in favor of this amendment, however, if the City is inclined to allow for replacement as of right, I suggest that the language include the **bolded** language below:

"Notwithstanding the provisions in Section 15.2(C) of this Chapter, a nonconforming mobile home may be replaced or upgraded with another nonconforming mobile home, provided that such replacement or upgraded mobile home is **either no larger than 1000 sq. ft. or the mobile home being replaced (whichever is larger) and is made to conform to all other** regulations of the district in which it is located, including but not limited to all setback, height and lot coverage limitations."

If they want it bigger, they should still need to seek a variance just like their currently conforming neighbors.

HARDY, CAREY, CHAUTIN & BALKIN, LLP  
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