

VILLAGE OF ELIZABETH

STATE OF LOUISIANA

ORDINANCE NUMBER 26A

BE IT ORDAINED, by the Mayor and the Board of Aldermen of the Village of Elizabeth, Louisiana, that the Village of Elizabeth hereby enacts this ordinance to read as follows:

**AN ORDINANCE TO AMEND ORDINANCE NO. 26 OF THE OF THE CODE OF
ORDINANCES FOR VILLAGE OF ELIZABETH**

Purpose

The Village of Elizabeth is subject to zoning districts and regulations set forth in Ordinance No. 26 which were established in accordance with a comprehensive plan for the purpose of promoting health, safety, morals and the general welfare of the community.

The purpose of this Ordinance is to amend Ordinance No. 26 to address the use of Manufactured Homes, such as trailer homes, which may only be used in areas zoned for such use and to revise the Zoning Map for the Village of Elizabeth.

Revisions to Ordinance 26

1. Definition of Dwelling

Section 2-10 defines the word "Dwelling" and is amended to read as follows:

10. Dwelling means a building used entirely for residential purposes. A single-family dwelling is a building that contains only one living unit; a two-family dwelling is a building that contains only two living units; and a multiple-dwelling is a building that contains more than two living units.

2. Definition of Manufactured Home

Section 2-35, which formerly defined the word "Trailer," is amended to now define the term "Manufactured Home" as follows:

35. Manufactured Home means any prefabricated residence and includes, but is not limited to, trailer houses/homes (single or double-wide), mobile homes, modular homes, and campers.

3. Manufactured Homes – Non-conforming uses

Section 4 of Ordinance 26, entitled Non-Conforming Uses, is revised to include an additional section which reads:

(e)Residents of Elizabeth who, at the time of the passage of the 2021 zoning amendment, reside in a Manufactured Home in conformance with pre-amendment Ordinance 26, but not in conformance with the amended zoning requirements, shall be allowed to continue to reside in the Manufactured Home pursuant to a permitted non-conforming use, but only as provided herein.

A permissible non-conforming use of a Manufactured Home which is discontinued or stopped for any period of time more shall not be re-established. Therefore, if a Manufactured Home which is being used as a residence pursuant to this Section is removed from the lot upon which it is situated, the allowable non-conforming use may not be re-established at a later date with the same or another Manufactured Home. Exceptions shall be allowed in the following circumstances:

- A Manufactured Home may be removed for repairs for a period of no more than 90 days without losing non-conforming use status.
- In the event a Manufactured Home is damaged or destroyed due to weather, flooding, or a similar “Act of God,” the resident will have a period of 12 months to re-establish the non-conforming use with either the same Manufactured Home or a replacement.

A resident living in a Mobile Home pursuant to a permissible non-conforming use may, at any time during their continued non-conforming use, replace their Manufactured Home with a more recent model Manufactured Home. This would not amount to a discontinuation of the non-conforming use as long as there is no “gap” in residency and the older model is replaced with the newer model within 72 hours.

In no circumstance may a resident who is not residing in a Manufactured Home at the time of the passage of this Amended Ordinance establish a non-conforming use or assume another resident’s non-conforming use. Non-conforming use is non-transferrable.

Residents residing in a Manufactured Home pursuant to this section, like all residents of Manufactured Homes in the Village of Elizabeth, are required to obtain a Special Use Permit in accordance with Section 14.

4. **Manufactured Homes Not Permitted in District A**

The following provision shall be added to Section 6-1, following all existing provisions:

Manufactured Homes, as defined herein, are not permitted in the A District.

5. **Manufactured Homes Not Permitted in District B**

The following provision shall be added to Section 6-2, following all existing provisions:

Manufactured Homes, as defined herein, are not permitted in the B District.

6. **Manufactured Homes Not Permitted in District C**

The following provision shall be added to Section 6-3, following all existing provisions:

Manufactured Homes, as defined herein, are not permitted in the C District.

7. **Manufactured Homes Not Permitted in District C-2**

The following provision shall be added to Section 6-4, following all existing provisions:

Manufactured Homes, as defined herein, are not permitted in the C-2 District.

8. **Creation of new Zoning Districts which allow limited use of Manufactured Homes**

- The following zoning districts shall be added to Section 5:

- o A-2 Single Family Residential - Manufactured Homes
- o A-3 Single Family Residential (owner occupied only) - Manufactured Homes

- To Section 6 shall be added Subsection (1.1) which provides as follows:

Premises in the A-2 district shall be permitted the same uses as District "A" and, in addition, Manufactured Homes may be occupied as residences in District A-2 by either the owner of the home or a tenant/lessee. Manufactured Homes must be properly permitted and maintained in conformity with Section 14. Owners of such Manufactured Homes are responsible for obtaining and maintaining a special use permit, regardless of whether they reside in the home.

- To Section 6 shall be added Subsection (1.2) which provides as follows:

Premises in the A-3 district shall be permitted the same uses as District "A" and, in addition, Manufactured Homes may be occupied as residences in District A-2, but only by the owner of the Manufactured Home or a direct family member thereof. Manufactured Homes must be properly permitted and maintained in conformity with

Section 14. Owners of such Manufactured Homes are responsible for obtaining and maintaining a special use permit, regardless of whether they reside in the home.

9. Special Use Permitting

The following shall comprise Section 14, titled “Special Use Permitting” which is a new Section:

Section 14. SPECIAL USE PERMITTING

- i. Beginning on October 1, 2021, all Manufactured Homes being used as a residence in the Village of Elizabeth, whether in accordance with the revised zoning ordinance or pursuant to a permissible non-conforming use, will be required to obtain and thereafter maintain a valid Special Use Permit. Residing in a Manufactured Home that does not have a Special Use Permit is prohibited.
- ii. A Special Use Permit may be issued by the Mayor or Mayor’s designee upon compliance with the procedures set forth herein.
- iii. A special use permit may not be transferred from one Manufactured Home to another.
- iv. A Special Use permit for placement of a Manufactured Home upon a lot or parcel within an area designated for residential use shall not be issued by the Mayor or its designee except upon filing of an appropriate application and unless the following standards and conditions are found to be present:
 - a. The Manufactured Home, in order to receive a Special Use Permit, must be clean, well maintained and in generally good condition. The use of Manufactured Homes in poor repair or in dilapidated, poorly maintained condition is prohibited. Examples of poor maintenance which would prevent permitting include, but are not limited to:
 - i. Broken or cracked windows;
 - ii. Missing or damaged siding or skirting;
 - iii. Damaged or unsafe porch or steps;
 - iv. Damaged or rotten boards, window frames, shutters, etc.
 - b. The Manufactured Home shall utilize properly installed and well-maintained skirting. Use of a Manufactured Home without proper skirting is strictly prohibited.
 - c. The lot or parcel upon which the Manufactured Home is to be placed:
 - i. Has dimensions of not less than 40 feet in width measured at its narrowest width; and

- ii. Does not contain any other structure that is or may qualify for use as a residential structure.
- d. A certification as to the facts in the application has been signed by the owner of the Manufactured Home and owner of the lot or parcel before a Notary Public.
- v. Applicants shall complete, no later than December 31, 2021, a written application provided by the Mayor or its designee and shall, at minimum, provide the following documentation:
 - a. Certificate of Title or Registration for the Mobile Home OR a notarized statement of intent to obtain a Certificate of Title in the name of the applicant which sets forth the make, model and year of manufacture of the mobile home;
 - b. Deed, Tax Assessment or other sufficient documentation of ownership of the lot or parcel OR notarized statement of intent to obtain a Deed to said lot or parcel;
 - c. A plat of survey or similar documentation setting forth the dimensions of the lot or parcel on which the Manufactured Home is situated.
- vi. In the event a Certificate of Title or Registration or a Deed or Tax Assessment is not provided by the Applicant at the time of application, then the holder of the Special Permit shall provide such documentation to the Mayor or his designee within thirty (30) days of the issuance of Special Use permit. Failure to do so shall render the Special Use permit null and void.
- vii. The application shall contain a certification of intent to comply with all ordinances applicable to the set up, maintenance and use of Manufactured Homes.
- viii. The Mayor or Mayor's designee shall certify in writing compliance with the standards and procedures to the Board of Aldermen. Any Alderman may object to the issuance of the Special Use permit by presenting such objection in writing to the Mayor within three (3) days business days of receipt of the certification from the Mayor. In such event, the Mayor shall present the application for Special Use permit to the Board of Aldermen for approval or rejection. In the absence of a timely objection, the Special Use permit may be issued by the Mayor or her designee.
- ix. Any applicant whose application for Special Use permit is denied by the Mayor or Mayor's designee under the provisions of this Subsection shall have a right to appeal the denial directly to the Board of Aldermen.
- x. A Special Use permit issued herein shall contain the following information:
 - a. The name(s) of the person(s) to whom the Special Use permit is issued;

- b. The municipal address and legal description of the lot or parcel subject of the Special Use permit;
 - c. The make, model and serial number of the Manufactured Home subject of the Special Use permit;
 - d. The date of issuance of the Special Use permit;
 - e. The name(s) of the person(s) who shall occupy the Manufactured Home subject of the Special Use permit and their relationship to the Owner of the Manufactured Home.
- xi. Unless otherwise specified in a Special Use Permit, permits will expire after 36 months. Prior to expiration, the owner shall apply for and obtain a renewal of said permit by applying at the Elizabeth Town Hall from the Mayor or his/her designee. There shall be no charge for permit renewal.
 - xii. In the event of a violation of this Section, the Mayor shall provide the owner and last known resident of the Manufactured Home with 30 days' notice to correct the violation. If the violation is not remedied within 30 days of notice, the Village of Elizabeth may remove the home at the violator's cost and/or fine said violator in the amount of no more than \$500. In the event that the Manufactured Home is occupied by a non-owner of the property upon which it is situated, both the owner of the property upon which the Manufactured Home is situated and the owner of the Manufactured Home will be deemed a violator.
 - xiii. There will be no cost for obtaining or renewing a Special Use Permit in connection with a mobile home which was in use at its current location at the time of adoption of this amended ordinance. The cost of obtaining or renewing a permit in all other instances is \$25.

10. Revised Zoning District Map

Revised Zoning Districts in and for The Village of Elizabeth are hereby established in accordance with the attached zoning map which is incorporated as part and parcel of this amended ordinance.


Ordinance introduced on the 12th day of April, 2021 by alderman Ken Kelly.

Notice of the proposal of this Ordinance was published in the official journal on the 19th day of August 2021.

Public Hearing on this Ordinance was held on the 20th day of August, 2021 at 5:30 P.M. at the Community Center, Elizabeth, Louisiana.

NAME	YEA	NAY	ABSTAIN	ABSENT
Angela Smith	X			
Kelly Stalsby			X	
Ken Kelley	X			
TOTALS	2		1	

APPROVED:




 Hon. Mandy Green, Mayor
 Date: 9-1-21

VETOED:

 Hon. Mandy Green, Mayor
 Date: _____

ATTEST: A True Copy



 Denise Lee, Town Clerk
 Date: 9-1-21