

Bond Case Briefs

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Cleveland MHC, LLC v. City of Richland

Supreme Court of Mississippi - May 14, 2015 - So.3d - 2015 WL 2250376

Mobile-home park owner sought review of decision of city board of aldermen finding that, under city zoning ordinance, when an existing mobile home was removed from park, home could not be replaced. The Circuit Court affirmed. Owner appealed. The Court of Appeals reversed. City petitioned for certiorari.

The Supreme Court of Mississippi held that:

- As a matter of first impression, mobile-home park as a whole, rather than individual lots within park, were the nonconforming use resulting from park's location in industrial-zoned portion of city, and
- City's interpretation of non-conforming use ordinance to apply on a lot-by-lot basis within mobile-home park was arbitrary and capricious.

Mobile-home park as a whole, rather than individual lots within park, were the nonconforming use resulting from park's location in industrial-zoned portion of city, which prohibited industrial property from being used for residential purposes, where one entity owned the entire mobile-home park property and operated the park thereon, and individual lots in park were rented to tenants, not owned individually.

City's interpretation of non-conforming use ordinance to apply on a lot-by-lot basis within mobile-home park, rather than to park as a whole, was arbitrary and capricious, where city had not interpreted or enforced the ordinance in that way for more than 30 years, and city's interpretation deprived park owner of its constitutional right to enjoy its property, as city's interpretation of ordinance would have effectively destroyed park.