***THE FOLLOWING ORDINANCE WAS MOVED FOR INTRODUCTION BY COUNCIL MEMBER MCGUIRE; SECONDED FOR INTRODUCTION BY COUNCIL MEMBER BUSH;***

***ORDINANCE NO. 21-25***

***AN ORDINANCE OF THE CITY OF MANDEVILLE AMENDING THE CITY OF MANDEVILLE COMPREHENSIVE LAND USE REGULATIONS ORDINANCE, ORDINANCE 15-11, TO AMEND THE USE TABLE OF PERMITTED LAND USES IN THE B-1, NEIGHBORHOOD BUSINESS DISTRICT AND TO AMEND RESTAURANT DEFINITIONS AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH***

**WHEREAS,** the purpose of the B-1, Neighborhood Business District shall be to provide sites for small-scale service and retail establishments to support adjacent residential neighborhoods. This district includes personal service and retail or office establishments, which are 3,000 square feet or less, which conduct all business operations within an enclosed facility, and which do not present any adverse impact on the peace, appearance, or value of adjacent residential areas;

**WHEREAS,** there are permitted uses that are in conflict with the purpose of the District;

**WHEREAS,** the B-1 Neighborhood Business Districts are located adjacent to R-1 Single Family Residential Districts;

**WHEREAS,** many parcels zoned B-1 Neighborhood Business District are undeveloped;

**WHEREAS**, the amended changes are consistent with the Comprehensive Master Plan Land Use Policy Goal 2: “To achieve a balanced mix of land uses that provide for the wide-range of residential, commercial, and recreational needs of City residents;”

**WHEREAS,** Policy 2.6 is to “protect neighborhoods from encroachment of incompatible land uses by ensuring that zoning is consistent with the Future Land Use Map and requiring site designs that result in compatible land use transitions;”

**WHEREAS**, Policy 2.7 is to “encourage development of neighborhood-scale retail and service businesses in locations that conveniently serve residential areas and visitors to the City. Where these uses abut residences, they should maintain the residential character and scale, and mitigate the effects;” and

**WHEREAS**, the City Council of the City of Mandeville has received a \_\_\_\_\_\_\_recommendation of the Planning and Zoning Commission of the City of Mandeville on this request; and

**WHEREAS,** the Mandeville City Council deems these amendments appropriate to protect the health, safety, and welfare of the citizens of Mandeville; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Mandeville, at its regular session convened, that the Comprehensive Land Use Regulations Ordinance, Ordinance 15-11, shall be amended as follows, to wit:

**Amend ARTICLE 6 – LAND USE CLASSIFICATIONS, to repeal and replace the commercial use classifications for Restaurants as outlined below.** The remainder of all commercial use classifications, as set forth in Article 6.4 shall remain in full force and effect following the amendment below.

**6.4 COMMERCIAL USE CLASSIFICATIONS**

**6.4.64.1 Restaurants – Limited Service with Drive Thru**

An establishment which offers quick food service, accomplished through a limited menu of items already prepared and held for service, or prepared, fried or griddled quickly, or heated in a device such as a microwave oven. Orders are not taken at a customers' table and food is generally served in disposable wrapping or containers. Drive Through Service delivers food or beverages to customers in motor vehicles through drive-up windows.

**6.4.64.2 Restaurants – Limited Service**

An establishment which offers quick food service, accomplished through a limited menu of items already prepared and held for service, or prepared, fried or griddled quickly, or heated in a device such as a microwave oven. Orders are not taken at a customers' table and food is generally served in disposable wrapping or containers. Establishments may not deliver food or beverages to customers in motor vehicles at drive-up windows.

 **6.4.65 Restaurants – Limited Service - Outdoor**

A Limited Service restaurant establishment without indoor seating where prepared food is sold for consumption either off the premises or on the premises in outdoor seating areas provided by the establishment for the use of patrons. Typical uses include snow ball stands and sandwich shops.

**Amend ARTICLE 7 – ZONING DISTRICT REGULATIONS, edited uses within the B-1 Neighborhood Business District as attached in the Use Table – Attachment 1.** The remainder of all use classifications in the Table of Permitted Uses by Zoning Districts, as set forth in Article 7.7 shall remain in full force and effect following the amendment below.

 **BE IT FURTHER ORDAINED** that all other sections of Articles 6 and 7 shall remain the same and in full force.

 **BE IT FURTHER ORDAINED** that if any provision of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared to be severable.

 **BE IT FURTHER ORDAINED**, that the Clerk of this Council be and she is hereby authorized and empowered to take any and all actions which she, in the exercise of her discretion, deems necessary to promulgate the provisions of this ordinance.

 This ordinance being submitted to a vote, the vote thereon was as follows:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

and the ordinance was declared adopted this \_\_\_\_\_\_ day of August, 2021.

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Kristine Scherer Jason Zuckerman

Clerk of Council Council Chairman