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

 **ORDINANCE NO. 21-29**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE APPROVING A CONDITIONAL USE PERMIT FOR ACCESSORY OUTDOOR SEATING WITHIN THE JEFFERSON STREET RIGHT OF WAY**

**WHEREAS,** the owners of the Grapeful Ape (“applicant”), a business located at 2013 Jefferson St., which is located on the north side of Jefferson St., between Girod St. and Lafitte St., and is portion of lots 4 and 5 in Square 11 of the City of Mandeville, made application for Conditional Use approval to allow for accessory outdoor dining in the City of Mandeville Right of Way located on Jefferson St.;

**WHEREAS,** the applicants previously received Special Use approval to operate a tavern in the B-3, Old Mandeville Business District, which included a reduction of the number of required parking spaces from twelve to three; and

**WHEREAS,** the aforementioned parking was not installed, and the applicant is instead requesting to use the right of way for outdoor seating rather than parking through a Conditional Use Permit under CLURO section 4.3.3; and

**WHEREAS,** Public Work does not recommend angled parking due to its blockage of the sidewalk as previously approved and instead will require a cooperative endeavor agreement that recognizes the true value of the right-of-way and adequately addresses indemnification of the City and meets the City’s minimum insurance requirements; and

**WHEREAS,** CLURO Section 4.3.3.5 requires the Planning Commission to review the application for Conditional Use Permit, and the Planning Commission held a work session on August 28, 2021 and a public hearing on September 28, 2021; and

**WHEREAS,** the Planning Commission reviewed and evaluated the application for Conditional Use Permit, using the criteria set forth in CLURO Section 4.3.3.8, and after the work session and public hearing on the application, recommended to approve the request with the following conditions:

1. Limit the number of tables used for outdoor seating in the right of way to five;
2. Applicant must submit an approved parking plan showing the shared spaces per the agreement with the neighboring property located at 302 Girod St., which complies with CLURO Sections 9.1.1.5 Control of Off-Street Parking Facilities, 9.1.1.6 Use of Parking Area and 9.1.3.1 General Location ;
3. All tables/dividers shall be three feet from the edge of the street; and
4. The Business must not be in any violation of any ordinance of the City of Mandeville; and

 **WHEREAS,** the Planning Commission found the foregoing conditions necessary to limit the number of people spilling into the street, crowding the sidewalk, and complying with the conditions previously set forth in the Special Use approval; and

 **WHEREAS**, the Planning Commission examined the use of the right of way sought by the applicant and concluded that the use is compatible to the Purpose of the B-3 Old Mandeville Business District, which is to acknowledge the historic character of the area and pedestrian orientation of the neighborhood by combining a mix of small scale residential, civic, commercial, service and office establishments that are compatible with the residential uses within and abutting the district; and

 **WHEREAS**, the Planning Commission examined the value that the use of the right of way for outdoor dining brings to the City in the B-3 Old Mandeville Business District and concluded that the use of the right of way contributes to the goals of the City’s Comprehensive Plan, including but not limited to promoting a mix of non-residential uses that serves the full range of local needs and provides employment opportunities for the community, encouraging neighborhood service locations that conveniently serve residential areas and visitors to the City while maintaining the residential character and scale, ensuring that commercial developments create pedestrian-friendly environments that encourages local residents and visitors to shop locally, and enhancing the vibrancy of Old Mandeville; and

**WHEREAS,** the City Council has received a favorable recommendation with five (5) conditions from the Planning Commission of the City of Mandeville on this request; and

**WHEREAS,** in accordance with CLURO Section 4.3.3 Procedures for Conditional Use Permits, the City Council finds that the proposed use and site plan will serve the best interests of the City of Mandeville by providing a greater variety of opportunities for residents and visitors of the City while still maintaining the character and culture of the neighborhood, and preserving the public health, safety, and welfare of the surrounding community.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Mandeville that the City Council does hereby approve the Conditional Use Permit in accordance with CLURO Section 4.3.3 for the accessory use of outdoor dining defined under CLURO Section 6.8.6 Accessory Use- Outdoor Dining located on 2013 Jefferson St. Sq. 11 Lot 4 &5 so long as the conditions set forth by the Planning Commission set forth below are met and the applicants properly execute a Cooperative Endeavor Agreement with the City as required by Section 8.2.3.1 that assures indemnification and adequate insurance coverage;

**BE IT FURTHER ORDAINED** that the Conditional Use Permit is approved subject to the following conditions at all times:

1. The applicant must limit the number of tables used for outdoor seating in the right of way to five tables;

2. The applicant must submit an approved parking plan showing the shared spaces per the agreement with the neighboring property located at 302 Girod St., which complies with CLURO Sections 9.1.1.5 Control of Off-Street Parking Facilities, 9.1.1.6 Use of Parking Area and 9.1.3.1 General Location .;

 4. The applicant must ensure that all tables/dividers shall be three (3) feet from the edge of the street at all times; and

5. The applicant must not be in any violation of any ordinance of the City of Mandeville;.

**BE IT FURTHER ORDAINED,** by the City Council of the City of Mandeville that this ordinance shall become effective immediately upon signature of the Mayor.

**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.

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

AYES: 5 ( Danielson, McGuire, Zuckerman, Bush, Kreller)

NAY:

ABSTENTIONS:

ABSENT:

and the ordinance was declared adopted this 28th day of October, 2021.

/s/ /s/

Kristine Scherer Jason Zuckerman

Council Clerk Council Chairman

/s/**L. Clay Madden, Mayor**