**THE FOLLOWING ORDINANCE WAS MOVED FOR INTRODUCTION BY COUNCIL MEMBER VOGELTANZ; SECONDED FOR INTRODUCTION BY COUNCIL MEMBER ZUCKERMAN**

**ORDINANCE NO. 24-34**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MANDEVILLE TO AMEND ITS CODE OF ORDINANCES BY ADDING A SECTION, TO BE NUMBERED SECTION 2-11, REGARDING THE PROCEDURE TO DECLARE OR VACATE A TEMPROARY MORATORIUM OF CERTAIN BUILDING, ZONING, AND USE APPLICATIONS AND ACTIVITIES WITHIN THE CITY BOUNDARIES, AND TO PROVIDE FOR OTHER RELATED MATTERS**

 **WHEREAS**, the City of Mandeville recently commissioned the creation of a revised Master Plan for the purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the City of Mandeville both now and into the future;

 **WHEREAS**, the goal of the revised Master Plan is to ensure and promote the safety, morals, order, convenience, prosperity, and general welfare of the City and its residents with respect to the City’s building, zoning, traffic, use, and planning policy;

**WHEREAS**, during the formulation of the City’s revised Master Plan, the City of Mandeville Department of Planning and Development, Planning Commission, and Comprehensive Plan Steering Committee will study and consider significant issues of public concern, including but not limited to traffic volume, capacity, and congestion within the City and in areas surrounding the exit to the Lake Pontchartrain Expressway and major arterial streets including East and West Causeway Approach and Monroe Street (for which the City has also commissioned a traffic study); the need, desirability, and effect of new and proposed infrastructure and building projects in relation to the City’s population and the health, safety, and welfare of the City’s residents; the need, desirability, and effect of existing and proposed zoning and land use in relation to the City’s population and the health, safety, and welfare of the City’s residents; and the adequacy of the City’s current Comprehensive Land Use Regulations Ordinance to efficiently and justly provide for and implement all these matters;

**WHEREAS**, during the City government’s consideration and creation of a revised Master Plan, the Council of the City of Mandeville has determined it to be in the best interests of the City, its residents, and its property owners to consider a temporary moratorium on the acceptance, consideration, decision, or action with respect to certain applications to rezone property within the City’s boundaries and for the issuance of certain building and use permits;

**WHEREAS**, the Council has also determined it to be desirable to establish a procedure for the consideration, declaration, and vacation of temporary moratoria for any other lawful purpose for which the Council determines a moratorium is in the best interests of the health, safety, and welfare of the City and its residents, or when otherwise necessary for City government to further consider building, zoning, traffic, use, or planning policy;

**WHEREAS**, unlike the St. Tammany Parish Code of Ordinances Section 2-619 thru 2-627, the Code of Ordinances for the City of Mandeville do not currently provide a structured procedure for the Council to declare a temporary moratorium on building, zoning, and use applications and activities when in the best interests of the health, safety, and welfare of the City and its residents or when otherwise necessary for City government to further consider building, zoning, traffic, use, or planning policy;

 **WHEREAS**, the Mandeville Charter, Section 2-10, empowers the Council of the City of Mandeville to utilize its policing power to enact ordinances which modify the zoning plan, maps and regulations for all properties within the City of Mandeville;

 **WHEREAS**, in order to provide transparency, structure, and due process for any proposed or declared moratorium on building, zoning, and use applications or activities that the Council determines to be in the best interest of the health, safety, and welfare of the City’s residents, or which is otherwise necessary for City government to further consider building, zoning, traffic, use, or planning policy, the Council has determined the interests of the City, its residents, and its property owners will be best served by amending the City’s Code of Ordinances to provide a structured process to declare and vacate temporary moratoria on certain building, zoning, or use activities and applications in addition to the Council’s emergency powers already provided by Section 2-13 of the City’s Code of Ordinances;

 **NOW, THEREFORE, BE IT ORDAINED,** by the City Council of the City of Mandeville, that the Code of Ordinances of the City of Mandeville, Louisiana, is hereby amended by adding a section, to be numbered Sec. 2-11, which shall read as follows:

Sec. 2-11 – Moratorium Procedure and Emergency Moratorium.

1. As used in this article, the following terms shall have the meanings ascribed to them in this section, unless the context indicates a different meaning:
2. Advertised, as used herein, requires public notice of a public hearing as required by the Mandeville Charter and public notice by advertisement in the official journal. Same shall be published one time, at least five and not more than ten days before the public hearing.
3. Permit, as used herein, means any building permit, any conditional use permit, any special use permit, and any other permit authorizing or approving any work, construction, building, removal, excavation, or improvement whatsoever.
4. General nature, as used herein, means at least one of any of the following: any or all zoning classifications, any or all category of permitted uses, any or all category of conditional or special uses, any or all category of any other uses, any or all category of permit, any or all category of construction, work, alternation, or improvement, any or all category of structure, more than one such structure, or applicable to a defined portion or area within the City of Mandeville which either encompasses more than one such structure or is capable of encompassing more than one such structure.
5. Moratorium means the delay in the issuance, ceasing, halting, negating, recall or avoidance of any permit for the construction of single-family or multifamily dwellings, townhouses, condominiums, schools, libraries, commercial buildings, industrial construction, or of any other private or public buildings of whatsoever nature or kind, and accessory buildings and structures thereto, or any other man-made change to improved or unimproved property, including but not limited to dredging, filling, grading, or excavation. Moratorium also means the delay in the issuance, ceasing, halting, negating, recall or avoidance of acceptance of the reopening of any new streets, or submissions of rezoning requests to the Zoning Commission, or major or minor subdivision reviews whether administrative or to the Planning Commission including minor, resubdivision, tentative, preliminary, and final submittals. Moratorium also means the delay in the issuance, ceasing, halting, negating, recall or avoidance of any permitted use, conditional use, special use, or any other kind of use whatsoever. Moratorium also means the ceasing and desisting of any other construction, work, alteration, or improvement regardless of whether a permit ordinarily is required for such.
6. Public hearing means a meeting at the place and time advertised, open to the general public. Such meeting shall be conducted under the normal and regular rules applicable to regular meetings of the Council of the City of Mandeville.
7. The Council of the City of Mandeville is authorized to declare any moratorium of a general nature within the City of Mandeville consistent with the provisions of this paragraph, except that the provisions of this paragraph shall not apply to emergency moratoriums enacted pursuant to Subsection (D) of this ordinance.
	1. No moratorium shall be declared except by ordinance duly enacted by the Council and Mayor of Mandeville pursuant to the City of Mandeville Charter Sections 2-11 (“Ordinances in general”) and 2-12 (“Submission of ordinances to the mayor”).
	2. No moratorium may be declared for longer than six months, except that the Council by duly enacted ordinance may extend the moratorium, with or without amendment, for one or more successive periods of three months.
	3. Prior to any motion to introduce a moratorium, the proposed ordinance shall be posted on the City of Mandeville website for 30 days, along with a description of the category of zoning, permit, use, construction, work, or improvement subject to the proposed moratorium, or if applicable the geographic area subject to the proposed moratorium, and a concise and plainly written justification for enacting the moratorium.
	4. A minimum lay-over period of twenty-six (26) calendar days is required between the date and of the introduction of the ordinance and the date of its adoption.
	5. If the moratorium encompasses only one Council District, when the motion to introduce is made at a regular Council meeting, the Council Member for the District in which the moratorium is proposed shall discuss the reasoning and justification for the proposed moratorium, present the initial timeline and process for addressing the basis of the moratorium, and respond to public and Council comments and questions if applicable. If a moratorium has been issued that encompasses only one Council District, then every three months after a new moratorium is in place, the Council Member for the District in which the moratorium is in place shall provide an update on the status of the moratorium at the next regularly scheduled Council meeting after the three-month anniversary. Upon the proposed renewal of any moratorium, the Council Member for the District in which the moratorium is in place shall provide to the Council Clerk for dissemination to all Council Members a detailed written account of any progress made towards addressing the basis for the moratorium and plans for next steps prior to the Council's vote to renew the moratorium. When the moratorium encompasses more than one Council district, then the Council Chairperson shall provide the reports and updates contemplated by this paragraph. The Mayor of Mandeville, each of his department heads, and any of his other staff shall furnish the responsible Council member or Council Chairperson upon request with any information or administrative support necessary to provide the reports and updates contemplated by this paragraph.
8. Nothing herein shall be construed to repeal or abrogate the administrative procedures and functions of rezoning consideration and approval or permit consideration and issuance by any proper agency or city department for an individual rezoning, permit, or use permit not included within any declared moratorium; nor are the rights, powers, duties and functions of enforcement under any existing ordinance related to building violations in any way repealed, abrogated or curtailed.
9. The provisions of Section 2-11(B) do not preclude the Council, should it determine it necessary under its police power because of imminent danger to health, safety or welfare, to impose by emergency ordinance any moratorium against the issuance of any permit or the continuation of any use, construction, work, or improvement in a specified and clearly defined area of the city under the following circumstances:
	1. The emergency ordinance shall be enacted pursuant to the City of Mandeville Charter Section 2-13 (“Emergency ordinances”).

* 1. The emergency ordinance shall remain valid, binding and enforceable for a period of time not to exceed 30 calendar days from the date of its adoption, or for such lesser time as may be imposed in the ordinance, except that the moratorium may be reimposed, with or without amendment during the period of emergency, for periods of thirty (30) calendar days by the adoption of successive emergency ordinances.
	2. During any thirty (30) day period of an emergency ordinance, the Council may in its discretion declare any moratorium of a general nature pursuant to Subsection (B) of this ordinance when it deems it proper to do so.
1. Any moratorium of a general or emergency nature enacted pursuant to this Section may be vacated, in whole or in part, either by resolution of the Council pursuant to a majority vote of its authorized membership or by duly enacted ordinance.
2. Nothing herein shall be construed to deny any person judicial relief if the person feels aggrieved by the enactment of any moratorium of a general or emergency nature.
3. It shall be unlawful for any person, individually or in concert with others, to engage in any use, construction, work, or improvement in violation of a declared moratorium of a general or emergency nature. Violation shall constitute a misdemeanor punishable under Section 1-9 of the Mandeville Code of Ordinances. Each day of such violation shall constitute a separate offense.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon the 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:

 NAYS:

 ABSTENTIONS:

 ABSENT:

and the Ordinance was declared adopted this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2024.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Alicia Watts Scott Discon

Clerk of Council Council Chairman