

**THE FOLLOWING ORDINANCE WAS SPONSORED BY COUNCIL MEMBERS JASON ZUCKERMAN AND KEVIN VOGELTANZ; MOVED FOR ADOPTION BY COUNCIL MEMBER \_\_\_\_\_, SECONDED FOR ADOPTION BY COUNCIL MEMBER \_\_\_\_\_.**

**ORDINANCE NO. 26-02**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MANDEVILLE AMENDING ARTICLE 4, SECTION 4.3.3.5, 4.3.3.7, 4.3.3.9, 4.3.3.10, and 4.3.3.11 PROCEDURES AND FEES FOR CONDITIONAL USE PERMITS AND PLANNED DISTRICT ZONING, AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH**

**WHEREAS**, the City Council of Mandeville is vested by Section 2-1 of the Mandeville Charter with the legislative power of the city government and has the authority to enact ordinances which have the force of law;

**WHEREAS**, the City Council of Mandeville is empowered by Section 2-10 (A)(14-15) of the Mandeville Charter to utilize its policing power to adopt or modify the zoning plan, maps and regulations and amend or repeal any ordinance previously adopted;

**WHEREAS**, the City of Mandeville's Comprehensive Land Use Regulations Ordinance (CLURO) was adopted on June 25, 2015, rev. through October 23, 2025, and provides for procedures and fees for Conditional Use Permits and Planned District Zoning in Article 4.3.3.5, 4.3.3.7, 4.3.3.9, 4.3.3.10, and 4.3.3.11;

**WHEREAS**, the City of Mandeville desires to ensure adequate public notice of any requests for conditional use permits or Planned District zoning that are considered by the Planning and Zoning Commissions for recommendations to the City Council, and desires to require that all applications reviewed by the Planning and Zoning Commissions be accompanied by a proposed Ordinance for City Council consideration outlining the details of the applicant's requested development plan and proposed uses as well as any variances required for each proposed use within the development site, such that the City Council is presented with a proposed ordinance that contains information, applicant requests, and application details and criteria that was provided to the Planning and Zoning Commissions for the allowance of adequate review and public comment.

**WHEREAS**, the City of Mandeville desires that any recommendations made by the Planning and Zoning Commission regarding Conditional Use Permits and Planned District applications be provided to the City Council with a proposed ordinance for the purpose of eliminating any potential circumstance where recommendations made by the Commissions are not also wholly contained in an ordinance presented to the Council.

**WHEREAS**, the City of Mandeville desires to provide full transparency in the enactment of all ordinances for Conditional Use Permits and Planned District Zoning by providing that the City Council first publish a proposed ordinance, introduced by the Council Member of the district of the subject property and seconded by the Council Chair, so that all applications that meet the application requirements are procedurally introduced by the City Council before being reviewed

and evaluated by the Planning Commission who will make a recommendation of action to be taken by the City Council following the public hearing.

**WHEREAS**, the City of Mandeville also desires to confirm that an application will only need to be resubmitted to the City Council for original introduction and resubmission to the Planning Commission in the circumstance where an amendment to the proposed ordinance made by the applicant or the Planning Commission during the consideration of the application and proposed ordinance nullifies the purpose of the proposed ordinance or adds an additional use or variance request that was not subject to Planning Commission consideration, evaluation and public notice and review.

**NOW, THEREFORE, BE IT FURTHER ORDAINED** by the City Council of the City of Mandeville that CLURO Section 4.3.3.5, 4.3.3.7, 4.3.3.9, 4.3.3.10, and 4.3.3.11 be amended as follows:

#### **4.3.3.2. *Jurisdiction***

The Planning Director shall be responsible for administration of the Conditional Use and Zoning Amendment Procedures and for reviewing the application to ensure adherence to the application requirements. An application, in the form of a proposed ordinance, shall be placed on the agenda of the City Council following notice from the Planning Director that the applicant has met the application requirements of Article 4.3.3.4. The Council Clerk shall prepare a proposed ordinance for introduction based on the zoning and variance requests of the applicant and shall publish a City Council agenda containing the proposed ordinance to be introduced. At the meeting of the City Council, the proposed ordinance shall be introduced by the Council member from the Council District of the subject property, and such introduction shall be seconded by another Council Member or the, in the event it is not seconded by another Council Member, the Council Chair shall second the introduction. After introduction of the proposed ordinance, the City Council shall notify the Planning Commission of the introduction and the proposed ordinance shall be placed on the agenda of the Planning Commission. The Planning Commission shall be responsible for review, evaluation, and recommendation of action to be taken to the City Council on all applications for a Conditional Use Permit.

#### **4.3.3.3. *Concurrent Applications***

Application for a Conditional Use Permit and for Rezoning or Planned District zoning for the same property may be made concurrently, subject to the fees applicable to a rezoning or Planned District zoning only. Following introduction of the proposed ordinance that includes the details of the zoning and variance requests of the applicant by the City Council, the Planning Commission and Zoning Commission may hold the public hearing on the Rezoning and the Conditional Use Permit at the same meeting and may combine the two hearings. The City Council likewise may hold the two public hearings in combination and may approve both the Conditional Use and Zoning Amendment or Planned District zoning by one ordinance.

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#### **4.3.3.5. *Public Hearing and Notice***

At the regularly scheduled meeting following the City Council's introduction of a proposed ordinance, the Planning Commission shall hold a public hearing on each application for a

Planned District zoning or amendment or for a Conditional Use Permit. Public notice shall be given as required for zoning amendments. At the public hearing, the Commission shall review the application and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, with respect to the findings prescribed herein. An amendment to the proposed ordinance made by the applicant or the Planning Commission that does not nullify the purpose of the proposed ordinance nor add an additional use or variance request will not require resubmission to the Planning Commission or reintroduction of the proposed ordinance.

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#### **4.3.3.7. *Action by the Planning Commission***

The Planning Commission shall act on the application not more than twenty (20) days following the closing of the public hearing on a Planned District zoning or Conditional Use Permit application. The Commission may recommend granting a Conditional Use Permit or approve a Planned District zoning or amendment as applied for or in a modified form or subject to conditions, or may recommend denial of the application to the City Council. If the Commission recommends a permit be granted as applied for or in modified form, the Commission may, but is not required to, provide proposed language for any condition or modification as part of its recommendation report to the City Council. The Commission shall notify the applicant of its recommendation by mail.

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#### **4.3.3.9. *Conditions of Approval***

The Planning Commission may recommend, and the City Council may establish, conditions of approval. Conditions may include, but shall not be limited to, requirements for special yards, open spaces, buffers, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of vehicular ingress and egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other improvements; establishment of development schedules or time limits for performance or completion; and such other conditions as the Commission or City Council may deem necessary to insure compatibility with surrounding uses to preserve the public health, safety, and welfare, and to enable the Commission to make the findings required by the preceding Section. Any conditions of approval recommended by the Planning Commission shall be fully set forth in the proposed ordinance provided to the City Council contemporaneously with the recommendation of the Planning Commission.

#### **4.3.3.10. *Planning Commission Recommendations to the City Council***

The recommendations of the Planning Commission, as well as the proposed language setting forth all uses, variances, and other planning considerations in the event of a recommendation of approval as applied for or in modified form, shall be forwarded to the City Council within 10 days after the date on which action is announced.

#### **4.3.3.11. *Enactment by Ordinance***

The recommendation of the Planning Commission on an application for a Zoning Amendment, Conditional Use Permit, or Planned District shall be forwarded to the City Council as a recommendation to grant or deny after the Planning Commission holds a public

hearing thereon. In the event the Planning Commission recommends an application be granted as applied for or granted with conditions of modification, the details of the conditions or modifications, or proposed language, shall accompany the Commission's recommendation on the application in the form of proposed ordinance being submitted to the City Council. The City Council shall hold a public hearing on said application in the form of proposed ordinance. Notice of the public hearings before the Planning Commission and City Council shall be given in the same manner as the notice required for zoning amendments. In the event the application for a Conditional Use Permit Planned District is made for property that is contiguous to any property that is zoned for Residential uses, then such ordinance approving the Conditional Use or Planned District shall not be passed except by an affirmative vote of four-fifths majority of the Council membership. In the event the decision of the Planning Commission on the application for a Planned District or Conditional Use Permit is adverse thereto, or in the event a protest against the proposed Planned District or Conditional Use Permit is presented, in writing, to the City Council, duly signed and acknowledged by the owners of at least twenty (20) percent of the property situated in the area bounded by lines two hundred (200) feet in each direction and one each side of the area included in such proposed Planned District, such ordinance approving the Planned District shall not be passed except by an affirmative vote of a four-fifths (4/5) majority of the members of the City Council.

**NOW, THEREFORE, BE IT FURTHER ORDAINED** that the Clerk of this Council be and is hereby and 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:

NAY:

ABSTENTIONS:

ABSENT:

And the ordinance was declared adopted this \_\_\_\_ day of \_\_\_\_\_, 2026.

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Alicia Watts  
Clerk of Council

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Jason Zuckerman  
Council Chairman