

ARTICLE 2 - GENERAL ADMINISTRATIVE PROVISIONS

2.1. MANDEVILLE PLANNING COMMISSION PROVISIONS

2.1.1. Mandeville Planning Commission Preauthorized

There is hereby preauthorized and continued a municipal planning commission, to be known as the "Mandeville Planning Commission" also designated "the Planning Commission" herein, previously established by City ordinances adopted on May 11, 1954 and February 24, 1977 under the authority of the Louisiana R.S. 33:102.

2.1.2. Number and Terms of Members, Appointments, Qualifications and Removal

The Planning Commission shall consist of seven (7) members who shall serve staggered terms of seven (7) years. Members shall be limited to appointment of 2 full successive terms. A Planning Commission member shall be at the time of appointment have attained the age of eighteen (18) years, been legally domiciled and have actually resided in the City for at least two (2) years immediately prior to the appointment, and be a qualified elector of the City. A Planning Commission member shall be required to obtain four (4) hours of APA sanctioned or City sponsored education per year. They shall be appointed and confirmed by a vote of the Council. Should any member of the Commission fail to meet any of the above qualifications, that position shall be declared vacant and another appointment shall be made for the unexpired term. All members presently serving and the expiration dates of their terms will remain the same at the time this is enacted. They are as follows:

| PRESENT MEMBERS | TERM EXPIRATION |
|------------------------|------------------------|
| Simmie Fairley | 8-31-22 |
| Nixon Adams | 8-31-23 |
| Mike Pierce | 8-31-24 |
| M. Claire Durio | 8-31-25 |
| Brian Rhinehart | 8-31-26 |
| Karen Gautreaux | 8-31-27 |
| Scott Quillin | 8-31-28 |

The remainder of each member's present term as listed above shall constitute that member's first term of office under the provisions of this section. If a vacancy in the Planning Commission occurs otherwise than by expiration of term, it shall be filled by appointment by the original appointing authority for the duration of the unexpired term. Vacancies created by completion of a term shall be filled for a new seven (7) year term. No member of the Planning Commission shall also be an elected official of this state or any political subdivision thereof. In addition, no member of the Planning Commission shall be an employee of the City of Mandeville. All successive appointments to the Planning Commission shall be appointed by a majority vote of the City Council. No person shall be appointed to the Planning Commission until a public hearing before the City Council attended by the nominee has been held. The outgoing member of the Planning Commission shall, absent some disqualifying condition, continue to serve until such time as his successor is appointed.

The City Council may, by a vote of a majority of the City Council members, remove any member of the Planning Commission, after notice and public hearing, for inefficiency, neglect of duty or malfeasance in office.

2.1.3. Election and Term of Chairman

The Mandeville Planning Commission shall elect a chairman from its members and create and fill such other of its offices as it may determine necessary. The term of the chairman shall be one year, with eligibility for reelection. The chairman of the Zoning Commission shall also serve as vice-chairman of the Planning Commission and shall, in the absence of the chairman, assume all power, duties and responsibilities of the chairman.

2.1.4. Rules and Records of Proceedings, Meetings and Quorum

The Mandeville Planning Commission shall adopt rules of procedure for the transaction of its business, not in conflict with any other city or state laws, and shall keep a record of its resolutions, motions, transactions, findings and determinations, which record shall be a separate record from the record of the Mandeville Zoning Commission and shall be a public record. The Mandeville Planning Commission shall hold at least one regular meeting in each month and all meetings shall be open to the public. Meetings at other than regularly scheduled times may be announced at a prior meeting and thereby made a part of the record.

The Chairman, may, or upon the request of three (3) members of the Planning Commission, shall, by giving notice to the members of the Planning Commission, call a previously unannounced special meeting of the Planning Commission for a time no earlier than 24 hours after the notice is given. Notice of a previously unannounced meeting shall be posted at City Hall and, to the extent feasible, provided to interested persons at least 24 hours prior to the meeting. Four (4) members of the Planning Commission constitutes a quorum necessary to hold a meeting. Furthermore, no motion, resolution or other official action shall be passed upon except by a majority vote of the authorized membership of the Planning Commission.

2.1.5. Compensation

The members of the Mandeville Planning Commission shall serve without compensation, and shall hold no other public office, except they shall also serve as members of the Mandeville Zoning Commission and may also serve as members of any duly constituted commission of the region or parish of which the municipality forms a part.

2.1.6. Expenditures

The expenditures of the Mandeville Planning Commission, exclusive of those made from funds received by gift, shall be within the amounts appropriated for that purpose by the City Council. Members of the Planning Commission may, when authorized by the Planning Commission, attend planning and zoning conferences, meetings of planning and zoning institutions and hearings upon pending planning and zoning legislation and the Planning Commission may, by resolution, pay the reasonable traveling expenses incidental to such attendance out of any funds appropriated by the City Council for that purpose.

2.1.7. Personnel and Duties of Secretary

The City shall provide the Planning Commission with the services of a secretary and a planning consultant. The Planning Director shall serve as planning consultant. The Mandeville Planning Commission may request of the City such other employees as it may deem necessary for its work, and with the advance consent of the City Council may also contract with planning experts, engineers, attorneys, architects, landscape architects, arborists, horticulturists and other consultants for such services as they may require within the scope of budgetary authority.

The secretary shall be responsible to the Commission and for the issuance of prior notice of term expirations, for the advertisement and posting, as required by law, of all matters to be heard by the

Planning Commission, for the notification of applicants regarding meetings and for all other correspondence and duties as required by these regulations or the adopted rules of procedure of the Commission. The secretary shall keep a true and correct record of all proceedings which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of any member and any failure of a member to vote at both general and special meetings in a book or books to be kept specially for that purpose and separate from the records of the Zoning Commission which record shall be a public record. Certified copies of the adopted minutes of all such proceedings may be obtained from the secretary upon request and in accordance with established fees. The secretary shall prepare and submit reports of all actions and recommendations of the Planning Commission to the City Council, case applicants, or other parties as required by these regulations or other state or local laws.

2.1.8. Powers and Duties of the Planning Commission

The Mandeville Planning Commission shall exercise all of the powers and duties conferred by Louisiana R.S. 33:101 through R.S. 33:119, inclusive, and shall exercise all powers and duties which are now or may hereafter be assigned to it by City charter, these Land Use Regulations or any other of the City Council, such duties to include but not limited to the following:

1. Adoption of the Comprehensive Land Use Plan of the City Mandeville, including a Major Streets Plan, Future Land Use Plan and other special plans as called for in the Comprehensive Land Use Plan and any subsequent amendments;
2. Hear and decide the approval or denial of all subdivision or resubdivision applications in accordance with the Subdivision and Public Improvements Regulations division of these Land Use Regulations and in connection therewith to waive certain provisions of the subdivision regulations as specified therein;
3. Hear and make recommendations to the City Council in matters regarding the acceptance of public improvements and/or the posting of bonds for the installation or maintenance of public improvements in accordance with the Subdivision and Public Improvements Regulations division of these Land Use Regulations as specified therein;
4. Hear and make recommendations to the City Council regarding the approval or denial or amendment of conceptual development plans submitted in conjunction with Conditional Use Permits and Planned District development s and the conditions associated with such recommendations;
5. Hear and make recommendations to the City Council regarding areas proposed for annexation to the City of Mandeville;
6. Hear and make recommendations to the City Council regarding the dedication or revocation of public streets, the dedication or abandonment of public servitudes, easements or other public land, or any other actions which affect the Official Base Map of the City; and
7. Serve as the Mandeville Zoning Commission.

2.2. MANDEVILLE ZONING COMMISSION PROVISIONS

2.2.1. Mandeville Zoning Commission Preauthorized

There is hereby preauthorized and continued a municipal zoning commission to be known as the "Mandeville Zoning Commission" also designated "the Zoning Commission", "the Zoning Board" "the Commission" or "the Board" herein. Under the authority of Louisiana R.S. 33:4726 the members of the Mandeville Planning Commission herein reestablished shall serve as the Mandeville Zoning Commission, and when acting as such, shall hold separate meetings with separate minutes and records. The

Mandeville Zoning Commission, shall exercise all of the powers and duties conferred by Louisiana R.S. 33:4721 through R.S. 33:4729 inclusive.

2.2.2. Number and Terms of Members, Appointments, Qualifications and Removal

The number and terms of members of the Zoning Commission and the appointments, qualifications and removal of members shall be in accordance with those specified for the Planning Commission in §2.1.2.

2.2.3. Election and Term of Chairman

The Zoning Commission shall elect a chairman from its members and create and fill such other of its offices as it may determine necessary. The term of the Chairman shall be one year, with eligibility for reelection. the chairman of the Planning Commission shall also serve as vice-chairman of the Zoning Commission and shall, in the absence of the chairman, assume all of the power, duties and responsibilities of the chairman.

2.2.4. Rules and Records of Proceedings, Meetings and Quorum

The Mandeville Zoning Commission shall adopt rules of procedure for the transaction of its business, not in conflict with any other city or state laws, and shall keep a record of its resolutions, motions, transactions, findings and determinations, which record shall be a separate record from the record of the Planning Commission and shall be a public record. The Zoning Commission shall hold at least one regular meeting in each month and all meetings shall be open to the public. Meetings at other than regularly scheduled times may be announced at a prior meeting and thereby made a part of the record.

The Chairman, may, or upon the request of three (3) members of the Commission, shall, by giving notice to the members of the Commission, call a previously unannounced special meeting of the Commission for a time no earlier than 24 hours after the notice is given. Notice of a previously unannounced meeting shall be posted at City Hall, and, to the extent feasible, provided to interested persons at least 24 hours prior to the meeting. Four (4) members of the Zoning Commission shall constitute a quorum necessary to hold a meeting. Furthermore, no motion, resolution or other official action shall be passed upon except by a majority vote of the authorized membership of the Zoning Commission.

2.2.5. Compensation and Expenditures

The members of the Mandeville Zoning Commission may receive such compensation as may be fixed by the City Council. Expenditures of the Zoning Commission shall be governed by the provisions set forth in § 2.1.6 of these regulations relative to expenditures by the Mandeville Planning Commission.

2.2.6. Personnel and Duties of Secretary

The City shall provide the Zoning Commission with the services of a secretary and a zoning consultant. The Planning Director shall serve as zoning consultant. The Mandeville Zoning Commission may request of the City such other employees as it may deem necessary for its work, and with the advance consent of the City Council may also contract with planning and zoning experts, engineers, attorneys, architects, landscape architects, arborists, horticulturists and other consultants for such services as they may require within the scope of budgetary authority.

The secretary shall be responsible to the Zoning Commission and for the issuance of prior notice of term expirations, the advertisement and posting, as required by law, of all matters to be heard by the Zoning Commission, the notification of applicants regarding meetings and for all other correspondence and duties as required by these regulations or the adopted rules of procedure of the Zoning Commission. The secretary shall keep a true and correct record of all proceedings which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of any member and any failure of a member to vote at both general and special meetings in a book or books to be kept specially for that purpose and separate from the records of the Planning Commission which record shall be a public Ordinance 15-11, Adopted 6-25-15, Revised Thru Ordinance -21, Adopted 12-16-2021

record. Certified copies of the adopted minutes of all such proceedings may be obtained from the secretary upon request and in accordance with established fees. The secretary shall prepare and submit reports of all actions and recommendations of the Zoning Commission to the City Council, case applicants, or other parties as required by these regulations or other state or local laws.

2.2.7. Powers and Duties of the Zoning Commission

The Zoning Commission shall exercise all of the powers and duties conferred by Louisiana R.S. 33:4721 through R.S. 33:4729 inclusive and shall exercise all powers and duties which are now or may hereafter be assigned to it by City Charter, these Land Use Regulations or any other ordinance of the City Council, including but not limited to the following:

1. Recommend to the City Council, after public hearing before the Zoning Commission, the boundaries of the various zoning districts as well as the restrictions and regulations to be enforced therein, and any supplements, changes or modifications thereof.
2. Make recommendations to the City Council regarding the zoning of parcels of land upon annexation into the City.

2.2.8. Additional Powers and Duties of the Zoning Commission

Under the authority of Louisiana R.S. 33:4727.1 and Ordinance 85-34 of the City of Mandeville in accordance with the general or specific rules provided in these Land Use Regulations and in harmony with the general purpose and intent of these regulations and the goals and policies of the Comprehensive Plan, the Zoning Commission of the City of Mandeville shall continue to exercise the powers, duties and responsibilities which may be exercised by a Board of Adjustments and Appeals under the provisions of Louisiana R.S. 33:4727. The Zoning Commission in its capacity as the Board of Adjustments and Appeals shall be known as the Zoning Commission, also designated "the Commission" herein.

The members of the Zoning Commission, when serving as the Zoning Board, shall exercise all of the powers and duties conferred by Louisiana R.S. 33:4727 and in accordance may determine and vary the application of these Land Use Regulations in harmony with the general purpose and intent of the regulations and the goals and policies of the Comprehensive Plan and in accordance with general and specific rules provided herein, including but not necessarily limited to the following:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any of the provisions of this Land Use Regulations Ordinance including the Flood Damage Prevention Regulations and any supplemental regulations including the codes of the Southern Building Code Congress adopted by reference in these regulations.
2. To hear and decide all matters referred to it or upon which it is required to pass under the Land Use Regulations Ordinance including but not necessarily limited to the following:
 - a. applications for Special Use Permits,
 - b. applications for development in Drainage Overlay Districts,
 - c. requests of in-lieu contributions of dollars or land dedicated for special purpose in accordance with provisions for in-lieu contributions,
 - d. applications for non-conforming development site variances as provided.
 - e. applications for exceptions specifically authorized by the CLURO in conformance with §4.3.6

3. **Variations.** In ruling upon appeals where there are unusual hardships in the way of carrying out the strict letter of these Land Use Regulations, the Commission may vary or modify the application of any of these regulations or provisions of the regulations relating to the use, construction, or alteration of buildings or structures or the use of land so that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done. In hearing and deciding variance requests, the Commission shall have the power to vary the provisions of these regulations as follows:
 - a. Authorize a variance in the yard requirements, height restrictions, lot areas or density requirements of any district, but only where there are unusual and practical difficulties or unnecessary hardships in carrying out of those provisions due to an irregular shape of the lot, topographical or other physical conditions, providing such variance will not seriously affect any adjoining property or the general welfare.
 - b. Authorize variances to the landscaping, parking and loading requirements in any district whenever the use of a building or land is so extraordinary as to make unnecessary the full provision of parking or loading facilities, or whenever it can be shown that provision of required off-street parking spaces within three hundred (300) feet of the main building, or six hundred (600) feet within the B-3 or T-C district, is not feasible and would impose an unreasonable hardship as contrasted with merely granting an advantage or a convenience.
 - c. Authorize a variance in sign setback requirements, sign height or sign area limitations, or limitations on the numbers or types of signs allowed on any premise, but only where there are unusual or practical difficulties or unusual hardships in the strict application of the provisions of Article 10 of these regulations due to an irregular shape of the premises involved, or topographical or other physical conditions so great as to warrant a deviation from the signage plan established by Article 10 of this ordinance with the following limitations:
 - (1) No condition resulting from previous decisions regarding the use or development of the premises involved in the request may be considered as a practical or unusual difficulty or unnecessary hardship; and
 - (2) No variance may be allowed which would permit the erection or display of any of the prohibited signs set forth in Article 10, *infra*, of this ordinance.
 - d. Authorize a variance to the Flood Hazard Prevention Regulations in accordance with procedures and guidelines established therein and described in Article 8, section 8.3, *infra*.
4. **Exceptions.** Where specifically authorized in this CLURO, the Commission may grant exceptions to the strict letter of these Land Use Regulations so that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done. In hearing and deciding exceptions, the Commission shall have the power to modify the provisions of these regulations as follows:
 - a. Where the boundary line of a district divides a lot held in single ownership at the time of the passage of this ordinance, to permit extension of the district to include the entire lot.
 - b. Determine the boundaries of the zoning districts accompanying and made a part of this ordinance where the actual street layout on the ground varies from the street layout as shown on the Official Zoning Map by interpreting the provisions of this ordinance in such a way as to carry out the intent and purposes of these Land Use Regulations as they relate to the Official Zoning Map.

- c. Authorize the establishment of buildings that are larger than 5,000 square feet in floor area in the B-3 district pursuant to section 7.5.10.2.3.
 - d. Allow for front entry garages in the B-3 district pursuant to section 0.
 - e. Allow for wider driveways within the B-3 zoning district pursuant to section 7.5.10.5.
 - f. Allow for parking reductions within the B-3 zoning district pursuant to section 7.5.10.5.
 - g. Allow for parking reductions within the T-C zoning district pursuant to section 7.5.18.4.
 - h. Allow for increased height for monument signs where natural grade is substantially below the crown of the abutting roadway pursuant to section 10.5.3.4.4.
 - i. Allow for modification of the B-3 district sign design standards pursuant to section 10.5.3.4.4.
 - j. Allow for the extension of time periods for compliance with standards for electronic message center signs pursuant to section 10.5.3.11
 - k. Allow for modification of block design standards pursuant to section 13.3.2.2.
5. In connection with the authority set forth in this section, the Chairman or acting Chairman may administer oaths and compel the attendance of witnesses.