

1 City of Pass Christian
2 Municipal Complex Auditorium
3 105 Hiern Avenue

4
5 **Planning Commission**
6 **Meeting Minutes**
7 **Tuesday, January 30, 2018, 6:00 PM**
8

9 **CALL TO ORDER**

10 Chairman Tom Phares called the meeting to order at 6:00 PM. In attendance were Commissioners
11 Margaret Jean Kalif, Rebecca O'Dwyer, Michael Lizana and Lisa Smith. Commissioners Adam Pace, Ken
12 Austin, Lisea Johnson and Steve Hunter were not in attendance.
13

14 The City Attorney, Malcolm Jones, and the City's Building Code Official, Joel Sims, were in attendance.
15

16 **ADOPTION OF MINUTES**

17 The first order of business was the adoption of the minutes from the monthly Planning Commission
18 meeting held on November 28, 2017. A *Motion* by Commissioner Kalif, seconded by Commissioner
19 Lizana, was made to adopt the minutes. The motion passed unanimously.
20

21 **NEW BUSINESS**

- 22 ○ Discuss providing electricity to boathouses on lots without Principal Structures.
23

24 Chairman Phares introduced the topic.
25

26 The City Planner, Danit Simon, briefed the Planning Commission on the topic: The Planning Office has
27 received several requests to provide electricity to boathouses on parcels that are otherwise empty lots.
28 The property owners want to use the empty lots for recreational water access, but do not have any
29 immediate plans to build houses on the lots. In order to maintain property values and encourage
30 development, the City has taken a firm stance to prohibit Ancillary Dwelling Units, like mother in laws
31 cottages, prior to the construction the principal house. And, open storage of boats, vehicles and other
32 items are prohibited on empty lots.
33

34 However, the Code does allow for non-dwelling outbuildings, such as sheds, on lots without a principal
35 house with a Planning Commission Application, an advertised public hearing, and with several
36 conditions, including that electricity, water or sewer may not be connected. The shed must be located
37 at the rear of the lot, and the vacant lot has to be maintained, including cutting the grass, not allowing
38 trash to accumulate, and the City has the ability to revoke the approval and have the shed removed if
39 the conditions are not met. Before the Commission begins to review applications for specific properties,
40 I thought we could take this time to review the general concept and come up with some guidelines. As
41 you know, once an application is approved, we will need clear reasons as to why that application was
42 approved and why a subsequent application could be denied.
43

44 A functioning boathouse on an empty lot creates a property that is less similar to a residential lot and
45 more similar to a private park. As people come and go from their boats, there would be no house to
46 screen parked vehicles, which the code requires, or the other back yard recreational activities that
47 coincide with boating. Please note that in Timber Ridge there are a few empty lots that have
48 boathouses with electricity that are grandfathered in. The City Attorney informed me that after Katrina

49 it was common for boathouses to receive electricity and water connections, regardless of whether
50 houses were rebuilt.

51
52 This commission must consider whether a private-park-use is an appropriate direction for the City's
53 waterfront properties and whether the use is compatible to the surrounding residential neighborhoods.
54 If deemed appropriate and compatible, you must consider whether the approval should be conditional.
55 And finally, please consider how the conditions will be enforced, taking into account that the City does
56 not have the authority to direct the power company to disconnect the power if a conditional approval is
57 violated.

58
59 I will share a few ideas for possible conditions, but I am not set on any of them, I'm just trying to get the
60 conversation started:

61 1- The slips may not be leased out, only boats owned by the property owner can be parked in the
62 boathouse.

63 2- Only properties that historically had boathouses prior to Katrina may rebuild and have utilities.

64 3- Only owners that have residents in the City limits may have empty lots with boathouses and utilities.

65
66 Having public hearings will give the neighbors an opportunity to either support or oppose these projects,
67 which will be extremely helpful for us to better understand whether or not boathouses on empty lots
68 are a good fit. But before we review specific applications, lets begin with the general concept; do you
69 think the use is appropriate and compatible to the surrounding residential neighborhoods? And if the
70 answer is yes, do you want the approval to be conditional?

71
72 Jones responded that while Simon's points are well taken, he is concerned with the Public Hearing
73 process and neighbors objecting to property owners using their property and boathouses. If the
74 boathouse is there, they have the right to use the boathouse. And the mentioned possible conditions
75 would be difficult to police and enforce. The thing we need to be careful of, which Simon explained, is
76 that people don't use this as a cheat or loop whole. Boathouses are open structures with a roof that
77 cannot be turned into habitable structures.

78
79 Chairman Phares added that boathouses cannot be habitable and are over water.

80
81 Commissioner O'Dwyer asked if the City has any jurisdiction since the boathouses are over water, and
82 the permits are issued by the Department of Marine Resources ("DMR").

83
84 Chairman Phares answered that the City has jurisdiction over allowing the electricity. And the problem
85 lies in the possibility of creating a non-conforming use of the property. If we can establish the rules for
86 allowing this request, we will avoid neighbors using the public hearing process, the Planning Commission
87 and the Board of Aldermen, as weapons instead of the intended purpose of reviewing the issue and
88 project at hand.

89
90 Jones agreed with Phares that there have been difficult public hearings lately, and it will be in the City's
91 best interest to create a better system for this type of request. It is a balancing act of allowing the

92 property owner his constitutional right to use his property, while not allowing the use to adversely affect
93 the neighboring properties.

94
95 Chairman Phares asked whether there is a distinction between existing boathouses requesting electricity
96 and water, or owners building new boathouses.

97
98 Commissioner Smith pointed out that this is in neighborhoods where everyone else actually built
99 houses.

100
101 Commissioner O'Dwyer added that there are currently properties in these neighborhoods that have
102 boathouses on empty lots, which are grandfathered in.

103
104 Chairman Phares asked if we, the City, are going to condone building boathouses on the water, by
105 allowing the electricity to be connected.

106
107 Commissioner Smith stated a concern that when a lot is empty with a functioning boathouse, people
108 might end up bringing their recreational vehicles.

109
110 Chairman Phares responded that since that is prohibited, it can be enforced and dealt with.

111
112 Commissioner Kalif stated that Pass Christian is a water community, and therefore we should
113 accommodate people that come here to boat and fish, with minimal regulations. We should give solid
114 direction to allow owners to make use of their properties, with conditions that positively coincide with
115 the neighborhood and community as a whole.

116
117 Commissioner Lizana stated that the conditions should not be on the boathouse but on the empty lot.

118
119 Simon stated that the first question is do we want to regulate boathouses on empty lots. No, it's a DMR
120 issue, or yes, it's too similar to installing a shed on an empty lot and we need to have conditions.

121
122 Commissioner Kalif and O'Dwyer see it as different from a shed.

123
124 Simon pointed out that one of the conditions for outbuildings on parcels without principal buildings in
125 the Code could still be applied, even if a public hearing isn't required. The condition is for the owner of
126 the lot to sign an agreement to maintain the property, not allowing for overgrowth of vegetation, trash,
127 vehicles, boats, etc. to accumulate. We can use these standards to create a separate category for
128 boathouses on empty lots, not require a public hearing and allow for utilities.

129
130 Jones added that such a form would have legal standing.

131
132 Chairman Phares pointed out that if the lot isn't maintained the City has legal recourse to handle the
133 situation.

134

135 Simon asked if there is any concern to people using this provision and increasingly not building homes.

136

137 Commissioner O'Dwyer responded that homes will be built eventually, especially once they are using
138 the property more because of the boat access. A few of the Commissioners agreed with her, others
139 pointed out that even if some lot aren't developed taxes will be paid and when the owners are in town
140 they will spend money at our local businesses, restaurants, hotels, etc.

141

142 Jones stated that one important condition is not to allow people to live on the boats. Once people live
143 on the boats the adverse affect on neighbors' increases.

144

145 Commissioner Smith asked about whether additional storage could end up being built on or near the
146 boathouses.

147

148 Commissioner Phares stated that the Commissioners seem to be in agreement to allow for utilities to
149 the boathouses on empty lots, with conditions that prohibit expanding the use, maintaining the lot, no
150 additional storage, parking, boats, etc. on the lot, and the boats in the slips cannot be habitable.

151

152 Commissioner Kalif requested that fines be added when the signed agreement is not in compliance.

153

154 ○ Review SmartCode Updates.

155

156 Chairman Phares introduced the topic.

157

158 The City Planner, Danit Simon, went over each update from the memorandum:

159

160 **1- Screening:** The front screening can be aligned with the front façade of the structure, or at the rear of
161 the front porch, which would create a patio area at grade. Regardless of where the front screening
162 is placed, the side screening remains 20-feet in depth.

163 *Architectural Standards (T3, T4 & T5): For any structure elevated more than 4 feet above grade,*
164 *along Frontage and Elevations extending through the Second Layer, areas below the first Story shall*
165 *be screened from view from Frontage lines so as to provide not less than 75% opacity on average,*
166 *when viewed from a point 5 feet above grade at the Frontage Line. The screening may align with the*
167 *front façade of the structure or at the rear of the front porch. Materials used for such screening shall*
168 *comply with the requirements of this Code for exterior finish materials.*

169

170 Chairman Phares pointed out that the Commission has already approved a couple of Warrant
171 Applications with this request.

172

173 **2- Exterior Finish Materials:**

174 *Architectural Standards (T3, T4 & T5): The exterior finish material on all Facades shall be limited to*
175 *brick, wood siding, cementitious cement siding and/or stucco; to wood trim, cementitious cement*
176 *trim, painted solid PVC or urethane trim, or similar painted solid synthetic trim; ~~or to such other~~*
177 *materials as shall appear on a list maintained and approved by the City Architect and by the Design*
178 *and Development Center, if one has been established. Premium Vinyl Siding may be permitted by*
179 *Warrant. Permitted materials for doors, windows, and soffits are vinyl, metal, fiberglass and wood.*

180 *Permitted materials for roofs are shingles and metal. Permitted materials for screening are treated*
181 *wood, vinyl, and materials substantially resembling wood. The City Architect may approve additional*
182 *materials, with a list maintained by the Planning Office.*

183
184 Chairman Phares pointed out that there is privacy lattice made of aluminum, which one house has
185 already used.

186
187 Sims added that when lattice is used it should have a minimum thickness to ensure longevity and
188 durability.

189
190 **3- Allowable T3E Encroachments:**

191 5.3.2 Building Configuration (T3R, T3E, T3V)
192 b. In the T3R Zone, no Encroachments may encroach any of the setbacks. In the T3E and T3V Zones,
193 open porches, awnings, balconies, staircases, swimming pools, air-conditioning platforms, bay
194 windows and roof overhang may encroach up to 25% of the depth of any Setbacks.

195
196 **4- Roof Pitch:**
197 *Building Configuration (T3, T4, T5)*

198 a. *Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that*
199 *porches, attached sheds and window dormers may be no less than 2:12.*
200

201 Sims stated that with a shingle roof, the dormers should not be less than 5:12 to avoid problems with
202 leaks.

203
204 **5- T4L Zone Setbacks:**
205 5.4.11a Principal Building Setbacks

206 a. *Front: 6-ft min; ~~24-ft max~~*
207 b. *Side: 3-ft min; ~~12-ft max~~****
208 *on 2nd Frontage 6-ft min; ~~18-ft max~~*
209 c. *Rear setback: 3-ft min*

210
211 Outbuilding Setbacks

212 a. *Front: Within 3rd Layer*
213 b. *Side: No min*
214 *On 2nd Frontage: ~~3-ft min~~ 6-ft min; 24-ft max*
215 c. *Rear: 3-ft min*
216 **** Max side setback waived for single family*

217
218 Simon stated that after speaking with several Commissioners a better option is to allow for the
219 maximum setback to match an adjacent neighbor by right (no Warrant or Variance required), rather
220 than removing the maximum setback altogether. Much of the T4L Zone is already developed, and it
221 makes sense for an infill development to be in line with the neighbors and not be forced to meet the
222 maximum and protrude from the neighboring houses. This applies for both residential and commercial
223 structures.

224
225 **6- Story Definition:**

226 **Story:** a habitable level within a building of no more than 14 or 16 feet in height from finished floor
227 to the finished floor above, or finished floor clear to the ceiling for the top-most floor of a building.

228 Attics equal to or less than 50% of the footprint of the structure, and raised Basements are not
229 considered Stories for the purposed of determining Building Height. (See *Building Height*.)

230

231 **OLD BUSINESS**

232

233 **OTHER BUSINESS/PUBLIC COMMENT**

234

235 ○ Jones and the Commissioners discussed the challenges of the T4L Zone at corner locations within
236 T3R neighborhoods, and the possibility of returning them to T3R. And of cleaning up the lots that
237 have multiple zones, that transition from T4+ to T4L to T3R and just assigning one zone for clarity
238 and ease of development.

239

240 ○ Simon gave the following updates:

241 • Zoning Mapping: Leah Watters will be submitting a proposal for an update, and
242 I'm working with the County's GIS Department on an online zoning map, they won't allow for
243 the zoning to be a layer on their existing County mapping system, but they can create a separate
244 program for the Pass which we can make accessible on the City website.

245

246 • Comprehensive Plan: It was adopted in June 2009, and I will be contacting the Gulf Regional
247 Planning Commission to discuss the update process.

248

249 ○ Jones updated the Commissioners on the City's progress with the Community Signs on Highway 90
250 at the corner of Hayden, Davis, Market and Henderson.

251

252 **ADJOURN**

253 *A Motion* by Commissioner Kalif, seconded by Commissioner Smith, was made to adjourn the meeting at
254 7:00 P.M. The motion passed unanimously.