

Planning Commission
City of Pass Christian
Special Meeting
Municipal Complex Auditorium
200 West Scenic Drive
November 16, 2011

MINUTES

CALL TO ORDER

Chairman Tom Phares called the meeting to order at 6:00PM. In attendance were Commissioners Ken Austin, Steve Hunter, Margaret Jean Kalif, Adam Pace, Lisa Smith, and Earl Washington and Lela Weems.

ADOPTION OF MINUTES

The first order of business was the adoption of the minutes from the regular monthly planning commission meeting held on October 19, 2011. On motion of Kalif, seconded by Washington, the motion was approved unanimously.

NEW BUSINESS

The first order of business was to consider Case PCA-1-2011. The request was filed by Philip Armstrong of 315 Hope Lane, asking for approval to construct an outbuilding on a parcel without a principal building. The parcel number is 0313F-01-037.000 and zoned T3R.

The City Planner stated that the piece of property is in a T3R. Mr. Armstrong plans to rebuild his house, but in the meantime wants to build a storage shed in what will be considered the third layer once a principal house is built. The applicant is not planning on converting the shed into any type of living quarters. The City Planner recommended that the Planning Commission approve this request, especially since this will help facilitate the rebuilding of a principal home on the property.

One motion of Kalif, seconded by Hunter, a motion was made to approve the request made in PCA-1-2011. The motion was approved unanimously.

OLD BUSINESS

The second order of business was to consider proposed text amendments to the Pass Christian Smart Code. Proposed changes to be considered by the Planning Commission included the integration of the Sign Ordinance No. 351 and other amendments within the Pass Christian SmartCode sign provisions and the repeal of the existing Sign Ordinance.

On motion of Austin, seconded by Washington, a motion was made to open the public hearing. The motion was approved unanimously.

Chairman Phares explained that the planning commission would be recommending two things with this decision. The first would be the changes, and the second would be the repeal of the existing ordinance.

Washington asked that in preparing to implement this into SmartCode, how much of the language has changed from what was in there before.

Kalif stated that there was different language in the new document. It is similar but there are changes. Kalif questioned whether the public was aware that the commission was getting ready to make this decision. Kalif questioned how much it had been advertised. She stated that there were only three people in the audience.

Weems stated that she didn't think many people were interested enough to come.

Kalif stated that from her experience as Chairman of the Sign Committee she believes a lot of people are very interested in the Sign Ordinance. Kalif stated that Amy Woods was there to discuss the size of real estate signs on commercial property as opposed to properties for sale in residential areas.

Austin stated that we would hear Woods' input in the public hearing. The City Planner specifically sent information out to all of the realtors soliciting their input.

The City Planner stated that she also advertised as required by placing two public notice hearings in the Sun Herald as well as posting the proposed changes on the website.

Kalif stated that this was not a reflection of the City Planner's actions, but she really does not think that the general public has enough information.

Washington stated that the public will have a second opportunity to give input when it goes to public hearing before the Board of Aldermen. Washington asked if there were suggested changes made, would it have to come back to the Planning Commission.

Kalif stated that they wouldn't have to but they certainly could.

Austin stated that if there are changes the Board of Aldermen could choose to send it back to the Planning Commission, or they could choose not to. The public hearing notices were published in the Sun Herald the way they were supposed to have been published.

Kalif asked why it had not been published in the Gazebo Gazette.

Austin stated that we have to follow the exact procedures the City requires.

Kalif said all she was requesting is that there should be an FYI in the Gazebo Gazette.

As the first speaker in the public hearing, Amy Woods stated that as a realtor she certainly wants her signage out there Woods stated that she feels there definitely needs to be a difference in size of signs allowed in Transects T3 and below, and T4 and higher. As it is written, a maximum size sign of four feet by eight feet could be in front of any house in the city and she thinks that is too large. Real Estate signs in Transects T3 and below should be a maximum of six square feet. It could even be eight or nine square feet. Nine square feet would be three by three. Woods agrees that there should only be one sign per parcel unless it fronts more than one street. She thinks the four feet by eight feet is way too big. Woods stated that for the mixed-use areas, T4 and above, the real estate signs need to be larger—maybe six by four, or even the eight by four that is already listed. Woods also stated that the sign ordinance should state how many square feet a sign can be, and then it is up to the individual to determine how to make the sign. Woods stated that any signs larger than the suggested maximum square footage should be approved by variance.

Phares stated that it is important to spend some time on this issue so that our town does not look like it is going out of business with too many or too large real estate signs everywhere.

Avra O'Dwyer agreed with Woods on some of these sizes. O'Dwyer stated that in a residential area she thinks a four by four, or 16 square feet, should be the maximum because when signs are made they come in four by eight sheets. This way, if you cut them in half you get two four by four signs. The majority of her signs on Scenic are four by four, and she does not feel that they are that large. However, on properties five acres or more, a four by eight doesn't look that huge and an exception should be made.

Austin agreed that it's easier to have four by four signs because everything is pre-made that way.

Weems said she thinks a sign 16 square feet is too large for a regular residential property.

Austin said he does not think that is true. He has one lot for sale that is 150 feet on the street and 175 feet deep. If he did not have a sign that was four by four set in the middle of that lot it would be totally lost.

Washington said although he is not in real estate, he agreed with Austin that you need to have the appropriate size sign for a property so that it can be seen.

O'Dwyer asked that signs also be allowed to enfront golf courses.

Kalif said that if you have a piece of property that you are trying to either lease, sale, or rent, both the old and new language still only allow one sign. Kalif asked if a sale sign could be considered one sign, and a lease sign be considered a separate sign.

Austin said there are riders that can be used to differentiate so that you still only need one sign.

Phares stated that he would not agree with multiple signs for lease/sale on a property.

Phares asked the commission if they could agree that in transects T3 and below signs could be up to a maximum of 16 square feet and in transects T4 and above signs could be a maximum of up to 32 square feet. On properties five acres or more, signs could be up to a maximum of 32 square feet, regardless of transect.

The City Planner said the other major change, which is a reflection of the disbanding of the Sign Committee, is the enforcement section. The City Planner said that although the group had discussed having a Planning Commission Designee to review signs and enforce this part of the ordinance, after speaking with the Mayor she believes this needs to be internalized. Her reasoning is that the code has the potential to go unchanged for decades and while there will not always be someone on Planning Commission who is available to fulfill this role; there will always be someone in either the Planning or Codes office. The City Planner suggested a Sign Enforcement Designee, to be determined by the Planning Commission.

Kalif said she thinks it should be someone from the Planning Commission.

The City Planner disagreed. Part of the reason for making these changes was to make applying for signs easier by removing the extra layer of approval.

Kalif stated it needs to be from the Code Enforcement Office, not the Planning Office.

Austin agreed it is the responsibility of the Code Enforcement Office to enforce the code.

Kalif stated there might not be a City Planner in the future. There will always be a Planning Commission. The responsibility should be vested there and that it will be the entity that will be most concerned about the signs and how they look. The Code Enforcement Office has a lot on its plate too, and everyone knows it is not manned adequately.

Phares stated that he always likes someone who is getting paid to be the one driving the bus.

Washington stated that is the reason the City Planner suggested it go to her office along with the Codes office.

The City Planner said she doesn't care what office it is run through, as long as it is run through the City. She believes that by making it an employee's responsibility to enforce it, it then becomes part of their job and they must be held accountable. We are lucky that in the past we've had volunteers who take their position seriously but that might not always be the case.

The City Planner stated if adopted as written, the process would work as follows: Sign applications would be permitted by the City Planner, just as fence and driveway applications are. If something did not meet the Code exactly, it would then come before the Planning Commission for a Variance. The Sign Enforcement Liaison would be responsible for

enforcement of the ordinance. Currently the Code Office only has one part-time enforcement office, but in the future there might be someone full-time with the ability to look at signs more carefully.

Kalif stated that she has volunteered since 2005 and this is not a workable plan.

Pace stated that he thinks both the City Planner and the Code Enforcement Office can handle this issue. Having two people on it is better.

Phares said there is nothing to say that it could not be assigned to a volunteer now.

The City Planner said as it is written, the enforcement could be assigned to a volunteer or the Code Enforcement Officer. That decision would be up to the Planning Commission.

Smith asked if it could be multiple people.

The City Planner said it could, but having one person in charge of enforcement is probably easier.

Austin stated that Planning Commission is established to accomplish certain things. They are not involved in the review or enforcement of violations or even variances. They should either be by Warrant or go to the Zoning Board. It is not our purview. It may be something we would like to do, but it is not what we are supposed to do. The City has a process, and the process is that we have a Code Enforcement Officer who enforces the code. If the Code Enforcement Officer is unable to do it, it is up to the City Human Recourse Department to remove the person, train the person, or do something else. It is not our job to step in the place and do somebody else's job.

The City Planner asked if the commissioners were okay with eliminating the Sign Enforcement Liaison position and simply internalizing the entire process from permitting to enforcement.

Phares stated that he agreed to this. He is disappointed with some of the performances of the city employees, but that is another issue not related to the Sign Ordinance.

Upon request, the City Planner read the new language as follows:

5.14.3 Enforcement

- a. The Code Enforcement Officer will frequently inspect, take notice of unauthorized signs, signs erected outside of permit conditions, abandoned signs, and signs in disrepair.*
- b. The Code Enforcement Officer shall give notice to the owners of record on non-compliant signs and provide them with the opportunity to be heard by the Zoning Board concerning the signs' status as legal or non-compliant.*
- c. Any person failing to remove or repair a non-compliant sign after having been directed to do so by the Code Enforcement Officer shall be guilty of a misdemeanor and, upon conviction, shall be fined \$10 per day until the sign is either removed or made to conform to this code. For any*

sign removed by the City, the owner, agent or person having the beneficial interest in the building or premises upon which such signs are located, or in the sign itself, will incur all costs necessary to remove the sign.

d. If the owner cannot be found, or fails to respond to notice, then the Code Enforcement Officer shall remove the illegal sign and take it to the City Barn, giving notice to the Owner—if possible—that the owner may reclaim such sign within thirty (30) days.

e. The timely filing of a proper notice of appeal of the decision of the Board of Aldermen shall stay any criminal prosecution under the terms of this code.

The City Planner explained that section 5.14.5; the permit process would be changed to reflect the following: The application process will follow the same process as getting a fence approved. The applicant will file an application through the Planning Office who will make sure that it fits within the regulations of the sign ordinance. Anything that does not fit will have the opportunity to go before the Zoning Board to request a Variance.

Austin asked why it couldn't just be a Warrant process rather than wait for a public hearing and be held up a month.

The City Planner changed the language to read that applicants requesting a minor variation from the regulations could be heard through the Planning Commission by Warrant.

Phares asked if there were any additional changes.

After discussion amongst the commissioners regarding prohibited signs, portable signs were removed from the list of prohibited signs. All other previously prohibited signs remained on the list.

On motion of Kalif, seconded by Weems, a motion was made to close to the public hearing. The motion carried unanimously.

On motion of Kalif, seconded by Austin, a motion was made to accept the proposed sign amendments and changes as discussed in the public hearing. This document will be recommended by the Planning Commission to the Board of Aldermen.

OTHER BUSINESS

Kalif requested that the City Planner ask the Gazebo Gazette to put FYIs regarding the changes to the Sign Ordinance in the paper.

ADJOURN

On motion of Hunter, seconded by Austin, the meeting was adjourned at 7:13P.M.