

**ROLL CALL**

Mayor Trapani noted for the record the presence of Aldermen Gamble, Richardson, Lafontaine and Clark, along with City Clerk, Lisa Planchard and City Attorney, Ronnie Artigues.

**MAYOR'S COMMENTS**

The Mayor had no comments.

**ALDERMEN'S COMMENTS**

No comments

**PUBLIC COMMENTS**

- a. Ms. Prima Luke

Ms. Prima Luke stated that she would like to see more transparency regarding voting on variances that come before the Board. Ms. Luke feels there should be a better explanation for why the Board member chose to vote the way they did. She suggested that the Ordinance be handed to anyone that comes into the Building Department requesting a variance so they understand up front what can and cannot be done.

**BOARD BUSINESS:**

- a. Discuss Zoning Ordinance issues: Variances and Conditional Uses

**Re: Accessory/Primary Structure Sizes & Location**

During discussion, Aldermen Lafontaine said that he requested this special meeting to discuss front, rear and side yard setbacks for homes and the sizes for accessory structures. Alderman Lafontaine said he feels the size of accessory structures should be allowed larger due to more people using these for golf carts, mowers, four wheelers, boats etc. and it's hard to fit these in a 20x20 area, which causes them to come before the board to get a variance request for a larger structure. Mayor Trapani said that there is an Ordinance that states an accessory structure can only take up 45% of the property (which includes the house and any other structures as well). Alderman Gamble added that just since the beginning of this year we've had 19 variance requests for setbacks. Mayor Trapani mentioned the suggestion from the Planning & Zoning Commissioner for different sizes depending on the lot size. Alderman Gamble explained that on the second page of her handout what the Board is looking at are setbacks for accessory structures (R1, R2, and R3) for the County, Diamondhead, Bay Saint Louis and Waveland laid out in a comparison to see where Waveland stands versus these other areas. Alderman Gamble stated that Section 701.6 is 45% and every city in the county follows the 45% rule; the same as Waveland. The County is 60%, but much of the land is out in the country, in the unincorporated areas. Ms. Gamble suggested staying with the 45% rule as is, but instead of putting a minimum square footage, to change the setbacks and stick to those new setbacks allowing a person to build an accessory structure up to 50% of the size of the primary residence structure, example: with a 1500 square foot house, you can build a 750 square foot accessory structure. She noted that the setbacks would stay the same... once we change ours, because she thinks Waveland needs to update ours. Aldermen

**Page No. \_\_\_\_\_**  
**Special Meeting of The Board of Mayor & Aldermen**  
**Tuesday, August 7, 2023**  
**5:30 pm.**

Richardson gave an example saying he agreed with Alderman Gamble's point of view. Alderman Gamble said she is trying to uncomplicate these sections in our Ordinance. Alderman Lafontaine said, "The 45%, but the size of the square footage needs to be bigger." Gamble said, "Yes". She added that if we do this on a % basis, it will not restrict someone to 500 sq. ft. If they have an acre and they build a 3,000 sq. ft. house, they can put a 1,500 sq. ft. accessory structure as long as it's within the setbacks and the 45% rule. Alderman Lafontaine asked if the coverage of the 45% include the driveways. Building Official, Josh Hayes said, "Just the roof."

Alderman Lafontaine said that the minimum square footage needs to be allowed larger, but he said the 45% is fine. Mayor Trapani said, "The recommendation from P&Z was to have 500, 750, 1,000, 1,500 sq. ft. accessory structure(s) depending on the size of the lot, so what you want to do is go 50% of the size of the house?" Alderman Gamble replied, "No greater than 50% of the size of the house, subject to Section 701.6" Alderman Lafontaine asked, "What if you have an acre in the middle of Waveland and you build a 1,500 sq. ft. house, are we going to limit the size of the shed on that." Alderman Gamble said, "Yes, the accessory structure should not be bigger than the house." Alderman Lafontaine said he did not agree with this; he prefers and sees the need for a larger shed. He added that if you're not impeding on the front, back or side yard setbacks and you're limiting them to half the size of the house... he noted that he's more of a shed person than he is a kitchen person. Alderman Gamble said she completely understands; it goes back to what we want Waveland to look like?

Alderman Lafontaine said he thinks, "If you just increase the size of it and then as far as the 50% rule, if they're going greater than 50% of the house, at that point they would have to apply for a variance. That way there's some thought behind it. If they have 3 acres and they want to put a bigger shed on it that's not going to be around anyone... which isn't very many lots in Waveland." Alderman Gamble said that we can increase the size, but she would recommend going up to at least 750 sq. ft., but if we go to 750 we're still going to get a lot of variance requests. Alderman Lafontaine said most of them are 1,000 to 1,200 sq. ft. Mayor Trapani said they're usually 900 sq. ft. to 1,200 sq. ft. Alderman Gamble added that if we're going to increase the minimum sq. ft. size of the accessory structure, we need to set a minimum sq. footage for the primary residence structure because right now anyone came come to the City and apply for, and build a 425 sq. ft. house if they wanted to. Every other jurisdiction has a minimum square footage for a primary residence, and while we're making our changes it will be very easy to add this now. Alderman Lafontaine said the first question he has is whether the existing 50' lots would be buildable. Alderman Gamble said they would be, and currently in 'The Bay' the primary residence minimum size is 750 sq. ft.

Mayor Trapani said what he has so far is, "Accessory structure size: a minimum of 750 sq. ft., 50% of the home building size, 45% of the lot, any lot in excess of 15,000 sq. ft. can apply for a conditional use." Josh Hayes asked, "Did you say a minimum of 750 sq. ft. for an accessory structure." Alderman Lafontaine said, "It can be a minimum, you're talking about maximum." Alderman Gamble said, "Maximum, not a minimum." Alderman Richardson said minimum had to do with the main structure. Alderman Lafontaine said he would feel better with increasing the maximum size because we've seen so many of them that are 800 sq. ft. or 1,000 sq. ft. Alderman Clark asked, "If we're saying it is 50% of the size of the home, why do we have to set a maximum?" Alderman Richardson explained that was one of the choices; 50% of the house or 45% of the lot, or increase the size of the accessory structure. Alderman Lafontaine asked the Mayor to repeat what he had so far. Mayor Trapani repeated, "Accessory structure minimum of 750 sq. ft., 50% of the size of the home, no more than 45% of the lot, and any lot in excess of 15,000 can ask for a conditional use." The conditional use here would be if the property owner wanted to build bigger, as noted by Alderman Lafontaine. Alderman Lafontaine said he would like to see the 750 sq. ft. increased. While determining the sq. ft. amount to be increased,

Page No. \_\_\_\_\_  
**Special Meeting of The Board of Mayor & Aldermen**  
**Tuesday, August 7, 2023**  
**5:30 pm.**

Ms. Jeanne Willie said that with a 50' lot you might be able to build a 1,500 sq. ft. house with the setbacks because you get 10' on each side and 25' front and back; 750 sq. ft. accessory structure would be the 50%. She explained that there are two different situations with the setbacks; if you're less than 12' then you have the house setbacks, if you have 12' for more, then it's 10' on the side and 15' in the rear. Alderman Gamble asked Mr. Hayes, "Why, what difference does it make if you're within 12' of the house or not"? Mr. Hayes said he does not understand why it's that way. Alderman Gamble said that it makes no sense; where the accessory structure is in relation to the house should not make any difference when it comes to the setbacks; the setbacks should be the same across the board. The Board agreed that this makes no sense. Alderman Gamble suggested that we eliminate it. Board members agreed to eliminate the 12' setback from the primary structure. The following Sections of the Zoning ordinance will be eliminated: 701.8b.2, 701.8.b.3, 702.8b.2, 702.8b.3, 703.8b2, 703.8b3 and 716.2. Alderman Lafontaine asked Board members how they felt about increasing the 750 sq. ft. to 900 sq. ft. Mayor Trapani noted that we get the most requests for 900 sq. ft. to 1,200 sq. ft. Ms. Willie noted, "So the maximum 900 sq. ft. would be: you have to meet all your setbacks, you can't go bigger than 50% of the primary structure, and you can't cover more than 45%, right?" Alderman Gamble added, "Whichever is less". She added, "If you meet all the setbacks, and the owner would have to meet these before coming and asking for a variance request." Ms. Willie confirmed, "You would have to meet all your setbacks, you can't be bigger than 50% of your primary structure, and you can't cover more than 45%, whichever is less." This was agreed to by the Board members.

Alderman Lafontaine asked since we have started discussion about accessory structure setbacks, do we want to establish those while were talking about them? Alderman Gamble agreed. Alderman Gamble proposed (for R1) to reduce the setbacks from 15' to 10' on the side and 25' to 20' on the rear; we would need to be at 25 (front), 10 (sides) and 20 (rear) to be in line with other jurisdictions. Alderman Lafontaine asked, "Which one are we on, accessory structures or house setbacks?" Alderman Gamble said, "House". Alderman Lafontaine asked to finish up the accessory structures first; Alderman Gamble agreed. Alderman Gamble said, "That's what all this is; this is accessory structures." Mayor Trapani said, "So Alderman Gamble is proposing 10ft. setback on the side, and 20ft. at rear." Ms. Gamble said, "To reduce from 15' to 10' on the side and reduce from 25' to 20' on the rear. Alderman Lafontaine and Clark said they felt the rear is a little much, even going down to 20' is a little too much. They asked Mr. Hayes his thoughts on this. Building Official, Josh Hayes briefly explained that most of the variance requests come before the Board as a result of the strenuous setback requirements. Alderman Lafontaine said he would have no problem making it 10' all the way around; 10' on the sides, 10' in the rear for accessory structures. Board members agreed on 10' on the sides and 10' in the rear for accessory structures. City Attorney, Ronnie Artigues explained that we will take what your consensus is tonight and write it up, then re-review the changes, make sure we're not missing anything, and then bring it to the Board for their next meeting on August 16, 2023.

Alderman Lafontaine said, "So now, primary structure setbacks vs. the minimum". Just for discussion, Ronnie, we changed up the 50' lot minimums." Mr. Artigues said, "To sixty". Ms. Willie said, "Sixty and below." Alderman Lafontaine asked "What are those?" Ms. Willie said, "We changed it to 10 ft. on the sides" ... on sixty and below. Alderman Lafontaine said with lot width, it's 10 ft., and front and rear stayed the same at 25 ft. front and 25 ft. rear? Ms. Willie confirmed this. Mr. Hayes confirmed when asked by Alderman Lafontaine that this does not include, if someone is 25 ft. off the front or back of their lot, they can build a porch all the way up to the property line as long as it's not covered if it's raised. Mr. Hayes said that if it's raised, then you do have to meet the setbacks as well. Alderman Lafontaine noted if a landing comes within that 25 ft. setback,

Page No. \_\_\_\_\_  
**Special Meeting of The Board of Mayor & Aldermen**  
**Tuesday, August 7, 2023**  
**5:30 pm.**

they should have to have a variance. He confirmed anything that extends beyond the setbacks has to be approved; all Board members agreed. Josh Hayes explained that if it's within the Code "Building Code", the owner can go beyond the 25 ft. setback. With regard to whether a landing is within the setback and if it's required, should be within the setback or turn to the side to continue down, unless it's otherwise addressed in the Code. Mr. Artigues said it's not addressed, but he can write a one sentence revision to clarify what's included in the setback and what's not. Board members agreed with this. They also agreed with accessory structures, side and rear setbacks shall be 10 ft. Alderman Lafontaine said that with primary structures, he can not recall many issues regarding the 25 ft. rear yard setback for a primary structure and recommended to keep the 25 ft. front and rear. He added that currently it's 15 ft. sides and 25 ft. front and back setbacks. He said he's fine with the front and rear yard setbacks of 25 ft. each. With regard to side yard setbacks, Board members collectively agreed with 10' side yard setbacks for primary and accessory structures. Alderman Lafontaine's only issue is with a 60 ft lot is runoff and as long as they have a good drainage plan, it will work. We have to hold them accountable to their drainage plan and drain their property to the street and not the neighbor's property. Alderman Gamble asked whether the Board wanted to also change the side yard setbacks for R2 and R3 from 15 ft. to 10 ft. also. Board members collectively said, "Yes". Board members also agreed to change the rear yard setbacks for R2 and R3 to 25 ft. She then asked if the Board wanted to leave the rear setbacks at 20 ft. for R2 and R3? Currently they are at 20 ft. Alderman Lafontaine suggested keep it all at 25 ft.; consistent across the board. Board members agreed. This would have an effect on duplexes more than anything according to the City Attorney.

Mayor Trapani asked whether the Board had any thoughts on maximum building height. Alderman Lafontaine said we have a height restriction within the Ordinance. Mr. Artigues said it's always been 35 ft; it has been applied as 35' ft, excluding the open-air underneath, but we can clarify the application of the 35 ft. Alderman Gamble recommended adding the following language. All buildings that exceed 35 ft. in height "**from the lowest horizontal member or slab to the peak of the roofline.**" The Board members all agreed this needs to be added to the Ordinance.

Alderman Gamble requested to address the minimum square footage of primary residences. Ms. Willie noted that this could be increased through Zoning. After discussion, Board members agreed to set the minimum sq. footage for a primary residence at 800 sq. ft. heated and cooled.

Zoning Manager, Jeanne Wille suggested changing the minimum lot size for of a single-family residential property from 12,000 to 10,000 because most of the properties are 50 foot wide or 100 foot wide north of the tracks. The Board agreed with the Zoning Mgr. and making this change for all single-family dwellings regardless of Zone R1, R2, or R3. Zoning Manager, Ms. Willie, reiterated that this would be for single family dwellings only, regardless of what Zone they are in. The Board members agreed.

Alderman Clark said that now we've set these setbacks and made these changes, we need to, as a Board, stick to those; it would have to be an extraordinary case to give the variances hereafter. The Board members agreed with Alderman Clark

**ADJOURN**

**Re: Adjourn the meeting at 6:36 p.m.**

Page No. \_\_\_\_\_  
Special Meeting of The Board of Mayor & Aldermen  
Tuesday, August 7, 2023  
5:30 pm.

Alderman Gamble moved, seconded by Alderman Clark to adjourn the meeting at 6:36 p.m.

A vote was called for with the following results:

Voting Yea: Gamble, Richardson, Lafontaine and Clark

Voting Nay: None

Absent: None

The foregoing minutes were presented to Mayor Trapani on September 6, 2023.



\_\_\_\_\_  
Lisa Planchard  
City Clerk

The Minutes of August 7, 2023 have been read and approved by me on this day the 6th day of September, 2023



\_\_\_\_\_  
Jay Trapani  
Mayor