

Planning Commission Agenda
Jackie Dole Sherrill Community Center (Dining Room)

Time: 2:00 PM

10/11/2023

I. Business Meeting

1. Review and approval of the October 11th Special Called Meeting Agenda
2. Review and approval of the minutes of the September 6th, 2023 Hattiesburg Planning Commission
3. Planning Report
4. Chair's Report
5. Introductions

II. Public Hearing

1. Presentation of Petitions for Public Hearing

- Ming Ming Lin, representative, Martin Tovrea, architect, and Beverly Land, LLC., owner, request approval for a rezoning request from B-3 (Community Business) to a Planned Mixed-Used Development (PMU-PD) as an extension of the existing development known as the “Village at the Beverly”, which is located on Old Airport Road in Forrest County, Ward 5. The Planned Mixed-Use Development will be known as “Village at the Beverly III”. (PPIN 29647 Parcel No.: 2-041H-27-017.00). Page 12
- A.

- A petition has been filed by the City of Hattiesburg, with the Mayor and Council of the City of Hattiesburg, Mississippi, to adopt an amendment to the “Comprehensive Plan 2008-2028” and Comprehensive Zoning Ordinance No. 2330, as amended, and to amend the text of the Hattiesburg Form-Based Code, Ordinance 3325, of the City of Hattiesburg, Mississippi for the creation of a development master plan for the East Hardy, Hall Avenue, and Edwards Street corridors. The purpose of the plan is to establish the area and further define, amend, and add regulations for the “Bridging Divides, Building Opportunities: A Community-Driven Blueprint for East Hardy & Hall Avenue” development master plan. The master plan will include recommendations for zoning changes in these areas to the Planning Commission and City Council to consider for rezoning. Page 39
- B.

III. Other Business

IV. Adjournment



URBAN DEVELOPMENT PLANNING DIVISION

MEMORANDUM

TO: Hattiesburg Planning Commission and Board of Adjustment
FROM: Planning Staff
DATE: October 4th, 2023
SUBJECT: **October 11th, - Hattiesburg Planning Commission – Special Called Meeting**

The Hattiesburg Planning Commission will meet in a special called session at 2:00 PM, Wednesday, October 11th, 2023 in the dining room of the Jackie Dole Sherrill Community Center. The Planning Commission agenda contains two items: a rezone request tabled from the September Planning Commission and the review and adoption of the Bridging Divides, Building Opportunities Master Plan, which includes proposed zoning changes and amendments to the Land Development Code(Ord. No. 3209) and Hattiesburg Form-Based Code (Ord. No. 3105)

The public and members may attend remotely via GoToMeeting:

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United States: +1 (571) 317-3122; Access Code: 630-312-989

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**MINUTES OF THE
REGULAR MEETING OF THE
HATTIESBURG PLANNING COMMISSION
September 6th, 2023**

Board Members Roll Call:

Members Present:

1. Amy Hinton, Vice Chair
2. Rebekah Ray
3. Rhoda Pickett
4. Elayne Lockett
5. Dick Conville
6. Jeff Keyseear
7. Carlos Wilson
8. Charles Dawe (Online)

Members Absent:

1. Michael Dickerson
2. Luke McNair
3. Mark Miller, Chair

Staff Present:

1. Cory Long, Planning Manager
2. Nathan Satcher, Planner II
3. Jim Gladden, Esq.
4. Kevin Bates, Building Official
5. Wiley Quinn, Director of Urban Development
6. Andrea Garcia, Planner I
7. Bri Hogge, Planning Manager.

Vice Chair Hinton declared the Hattiesburg Planning Commission meeting open and in session at 1:00 p.m.

AGENDA REVIEW

There came the matter of the August 2023 Agenda. Item D was removed from the agenda at the request of the Planning Staff. Commissioner Ray made a motion to accept the amended agenda, seconded by Vice Chair Hinton. All members present were in favor.

Motion:

Made by Commissioner Ray

Second:

Made by Vice Chair Hinton

Vote:

Board Member	Yea	Nay	Other
Amy Hinton (Vice Chair)	X		
Rebekah Ray	X		
Rhoda Pickett	X		
Elayne Lockett	X		
Dick Conville	X		
Jeff Keyseear	X		
Carlos Wilson	X		
Charles Dawe (Online)	X		

MINUTES REVIEW

For August 2nd, 2023 minutes, Commissioner Pickett made a motion to approve with spelling corrections and Commissioner Lockett seconded this motion.

Motion:

Commissioner Pickett

Second:

Commissioner Lockett

Vote:

Board Member	Yea	Nay	Other
Amy Hinton (Vice Chair)	X		
Rebekah Ray	X		
Rhoda Pickett	X		
Elayne Lockett	X		
Dick Conville	X		
Jeff Keyseear	X		
Carlos Wilson	X		
Charles Dawe (Online)	X		

BUILDING REPORT

Kevin Bates, Building Official, provided the Building Permit Report for August 2023.

PLANNING REPORT

There came the matter of the Planning Report by Nathan Satcher, Senior Planner, and Cory Long, Planning Manager.

CHAIR'S REPORT

The Vice-Chair did not have a report for the meeting.

INTRODUCTIONS

Commissioners and staff introduced themselves.

PUBLIC HEARING – Planning Commission

Item A:

Dennis Pierce, owner, requests approval for a preliminary plat for a major subdivision as an extension of The Cottages of Turtle Creek, located on Methodist Boulevard in Lamar County. The extension will be known as “Cottages at Turtle Creek: Phase IV”, located in Lamar County, Ward 3. (PPIN 7898, 7899, and 13368; Parcel No.: 051L-11-001.000, 051K-12-006.000, and 051L-11-040.000).

Discussion and Vote:

The planning staff introduced the case. Vice Chair Hinton opened the public hearing portion of the meeting. Mr. Denis Pierce, the applicant, came to speak on behalf of the case and explained the project. When the Public Hearing portion of the meeting was opened by Vice Chair Hinton, nine residents came to speak in opposition to the case. An exhibit with signatures by residents opposing the subdivision was entered into the record. There were primarily concerns raised over the amount of traffic, noise, and street safety that could be affected by the construction process. It was also recommended by citizens to look for additional road entrances so that the construction crew would not be able to access their neighborhood in the future. Commissioner Conville made the motion to approve the preliminary plat under the following conditions:

1. Plat Conditions, & Restrictions – add to the plat the following notes:

a) The common area(s) parcel's ad valorem tax value shall be assessed to each lot owner on a prorated basis as part of each lot owner's total assessment.

b) The common area(s) of this subdivision shall be owned and maintained by the owners, commercial owners association, and/or by the property owner(s) of the lots. In the event any lot becomes subdivided into additional lots or individual site plans, said site plans conforming to the city's Land Development Code, each property owner shall own their pro rata share, by area percentage of their lot, of the common areas.

2. Streets - Street identifications and traffic control signs/markings shall be installed by the developer to City specifications.

3. Utilities - Unless otherwise specified, all utilities and services (electric, telephone, cable, etc.) are to be installed underground.

4. Bonds – Bonds, in a form satisfactory to the City Engineer and the City Attorney, will be required as follows:

a) Performance bond – Acceptance of the plat before the street and infrastructure are completed will require a bond based on the developer's engineer's estimated cost of unfinished work, verified by the staff engineer, plus 10% until complete, renewed annually and adjusted for inflation.

b) Maintenance – Upon acceptance of the plat and the completion of streets and infrastructure a bond in the amount of 5% of the total cost of all work must be remitted to the city for the duration of 1 year.

5. A temporary construction road to be required for all grading, clearing, and construction of structures to be created and used that does not have any common entrance with the existing subdivision and that Hamlet Drive cannot be used as a construction entrance.

Commissioner Wilson seconded this motion.

Presented by:

Denis Pierce

Proponents:

1. Danielle Pierce

Opponents:

1. John Hurt
2. Richard Nuss
3. Pat Hicks
4. Bill Youngblood
5. Diana Little
6. Beth Mitchell
7. Murial Anderson
8. Tom Bates
9. Marsha Hester

Motion:

Made by Commissioner Conville

Second:

Made by Commissioner Wilson

Vote:

Board Member	Yea	Nay	Other
Amy Hinton (Vice Chair)	X		
Rebekah Ray		X	
Rhoda Pickett	X		
Elayne Lockett	X		
Dick Conville	X		
Jeff Keysear		X	
Carlos Wilson	X		

Charles Dawe (Online)	X		
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Item B:

Ming Ming Lin, representative, Martin Tovrea, architect, and Beverly Land, LLC., owner, request approval for a Planned Mixed-Used Development as an extension of the existing development known as the “Village at the Beverly”, which is located on Old Airport Road in Forrest County, Ward 5. The Planned Mixed-Use Development will be known as “Village at the Beverly III”. (PPIN 29647 Parcel No.: 2-041H-27-017.00).

Discussion and Vote:

The planning staff introduced the case. Vice Chair Hinton opened the public hearing portion of the meeting. Mr. Ming Ming Lin, the applicant, came to speak on behalf of the case explained the project and invited the Commissioners to raise questions. A letter of concern regarding the site design was submitted by Ginger Lowrey as an exhibit. Commissioner Conville inquired about the requirements for Planned Mixed-Use developments, asserting that the commercial and residential components of this project were not properly integrated. Commissioner Keysear expressed concern over the approval of the project, stating that this does not provide an adequate basis for future PMU developments. As a result, he made a motion to table this item, stating that alternative options for this project could be explored. This motion was seconded by Commissioner Lockett. A roll call vote was then conducted.

Presented by:

Mr. Ming Ming Lin

Proponents:

1. None

Opponents:

1. None

Motion:

Made by Commissioner Keysear

Second:

Made by Commissioner Lockett

Vote:

Board Member	Yea	Nay	Other
Amy Hinton (Vice Chair)	X		
Rebekah Ray	X		
Rhoda Pickett	X		
Elayne Lockett	X		
Dick Conville	X		

Jeff Keyseear	X		
Carlos Wilson			ABSTAINED
Charles Dawe (Online)	X		

Item C:

Safari Timberlands, LLC, owner, and Jeff Diamond, representative, and Mark Willie, representative, request approval for a preliminary plat for a major subdivision located on J. Ed Turner Road in Lamar County. The proposed name of the subdivision is “Mandalay Villas of Graystone”, located in Lamar County, Ward 1. (PPIN 31718, 31719, 31720, 31721, 31722, 31723, 31724, 31725, 31726, 31727, 31728, 31729, 31730, 31731, 31732, 31733, 31734, 31735, 31736, 31737, 31738, 31739, 31740, 31741, 31742, 31743, 31744, 31745, 31746, 31747, 31748, 31749, 31750, 31751, 31752, 31753, 31754, 31755, 31756, 31757, 31758, 31759, 31760, 31761, 31762, 31763, 31764, 31765, 31766, 31767, 31768, 31769, 31770).

Discussion and Vote:

The planning staff introduced the case. Vice Chair Hinton opened the public hearing portion of the meeting. Mr. Jeff Diamond, the applicant, came to speak on behalf of the case and presented renderings for this proposal. He also introduced an exhibit, showing a modified plat that reduced the number of developable lots down to 42 (from 44), and added more common area. Questions regarding the lot sizes, driveway entrance and stormwater were raised by Commissioners Conville, Ray and Keyseear. Vice Chair Hinton expressed appreciation to the applicant for his intention to bring the subdivision into compliance with the current Land Development Code. A question was made to Staff by Commissioner Keyseear regarding bonds and their purpose, and staff responded the conditions in place with the bonds assure the infrastructure is completed in various ways. Commissioner Wilson made a motion to approve the modified plat entered as an exhibit with conditions (outlined below) and seconded by Commissionr Conville.

The following conditions were added with approval:

1. Plat Conditions, & Restrictions – add to the plat the following notes:

a) The common area(s) parcel’s ad valorem tax value shall be assessed to each lot owner on a prorated basis as part of each lot owner’s total assessment.

b) The common area(s) of this subdivision shall be owned and maintained by the owner’s, commercial owner’s association, and/or by the property owner(s) of the lots. In the event any lot becomes subdivided into additional lots or individual site plans, said site plans conforming to the city’s Land Development Code, each property owner shall own their pro rata share, by area percentage of their lot, of the common areas. Such maintenance shall be performed so as to ensure that the common area operates in accordance the City’s Land Development Code and Property Maintenance Code. Such maintenance shall include, but not be limited to repair of structures, and maintenance of sign tenants, and maintenance of the property.

The city shall have a “right of access” to use the drives, parking areas, and yards of this property to make inspections of the common areas to ensure that said maintenance has been properly performed. In the event that the property owner(s) have not properly performed maintenance on the facilities, to the extent that the facility(s) poses a threat to public health, safety, or welfare, the city shall retain the right to perform emergency repairs to the facility. The cost of any such repairs will remain the responsibility of the property owner(s) and may be added as a lien on the next year’s tax bill.

2. Streets - Street identifications and traffic control signs/markings shall be installed by the developer to City specifications.

3. Utilities - Unless otherwise specified, all utilities and services (electric, telephone, cable, etc.) are to be installed underground.

4. Bonds – Bonds, in a form satisfactory to the City Engineer and the City Attorney, will be required as follows:

a) Performance bond – Acceptance of the plat before the street and infrastructure are completed will require a bond based on the developer’s engineer’s estimated cost of unfinished work, verified by the staff engineer, plus 10% until complete. Renewed annually and adjusted for inflation.

b) Maintenance – Upon acceptance of the plat and the completion of streets and infrastructure a bond in the amount of 5% of the total cost of all work must be remitted to the city for the duration of 1 year.

5. Invalid Plat - Abandon Mandalay Villas of Graystone Subdivision plat with Lamar County as it is not recognized by the City of Hattiesburg as valid.

Commissioner Wilson made a motion to approve the Major Subdivision plat without additional conditions. This motion was seconded by Commissioner Conville. All present voted in favor of approving the request, except for Commissioner Lockett, who was absent.

Presented by:

Mr. Jeff Diamond

Proponents:

1. None

Opponents:

1. None

Motion:

Made by Commissioner Wilson

Second:

Made by Commissioner Conville

Vote:

Board Member	Yea	Nay	Other
Amy Hinton (Vice Chair)	X		
Rebekah Ray	X		

Rhoda Pickett	X		
Elayne Lockett			ABSENT
Dick Conville	X		
Jeff Keysear	X		
Carlos Wilson	X		
Charles Dawe (Online)	X		

Item E:

Tabled from August 2023 Planning Commission: Bennett V. York, owner, and Ronald T. Blackwell, engineer, request approval for a preliminary plat for a major subdivision located along Cross Creek Parkway in Lamar County, Ward 3 (PPIN 7622, 38013; Parcel No.: 051M-11-011.000, 051M-11-011.011).

Discussion and Vote:

Vice Chair Hinton made a motion to take from the table this item. Commissioner Conville seconded this motion. The planning staff reintroduced the case. Mr. Ronnie Blackwell, the applicant came to speak on behalf of the proposal. Neither the applicant nor the staff were asked any questions. Vice Chair Hinton made a motion to approve the request, seconded by Commissioner Ray. The vote passed unanimously.

Presented by:

Mr. Ronnie Blackwell

Proponents:

2. None

Opponents:

2. None

Motion:

Made by Vice Chair Hinton

Second:

Made by Commissioner Keysear

Vote:

Board Member	Yea	Nay	Other
Amy Hinton (Vice Chair)	X		
Rebekah Ray	X		
Rhoda Pickett	X		
Elayne Lockett			ABSENT
Dick Conville	X		
Jeff Keysear	X		

Carlos Wilson	X		
Charles Dawe (Online)	X		

OTHER BUSINESS

No items were presented as other business.

Adjournment:

The meeting was adjourned at 4:06 p.m.

Motion:

Made by Vice Chair Hinton

Second:

Made by Commissioner Conville

Vote:

Board Member	Yea	Nay	Other
Amy Hinton (Vice Chair)	X		
Rebekah Ray	X		
Rhoda Pickett	X		
Elayne Lockett			ABSENT
Dick Conville	X		
Jeff Keysear	X		
Carlos Wilson	X		
Charles Dawe (Online)	X		

Amy Hinton, Vice Chair

Cory Long, AICP, Planning Division Manager



**Planning Commission
Case Fact Sheet**

Names of Petitioner: Ming Ming Lin, Representative, Martin Trovea, Architect, Beverly Land LLC, Owner

Address of Property:	Tax Parcels/Ward:	PPIN:	Ward:
Old Airport Rd	2-041H-27-017.00	29647	5

Request: **Approval for Planned Mixed-Used Development**

Purpose of Request: To request **approval for a Planned Mixed-Used Development** as an extension of the existing development known as the “Village at the Beverly”, which is located on Old Airport Road in Forrest County, Ward 5. The Planned Mixed-Use Development will be known as “Village at the Beverly III”. (PPIN 29647 Parcel No.: 2-041H-27-017.00).

Applicant Summary: * See Attached *

Applicable Regulations:

SECTION 4

Zoning Districts Established

B-3 Community Business District: The purpose of the B-3 District is to provide for retail, personal service, and offices in locations with convenient access to the community consistent with comprehensive planning policies. This district is consistent with the Community Business District in the Comprehensive Plan.

PMU Planned Mixed-Use District (Proposed): The Planned Mixed-Use District is created to provide a regulatory framework for permitting mixed-use development projects in areas designated as mixed-use within the official Comprehensive Plan and any other specific plans subsequently approved. Specifically, the Planned Mixed-Use District serves to:

- Provide flexibility in the planning and construction of development projects by allowing a combination of uses developed in accordance with an approved plan that protects adjacent properties.
- Encourage the preservation and enhancement of natural amenities and cultural resources; to protect the natural features of a site that relate to its topography, shape, and

- size; and to provide for a maximum amount of open space.
- Provide for a more efficient arrangement of land uses, buildings, circulation systems, and infrastructure.
- Encourage infill projects and the development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility, or topography.

SECTION 4.19.1

PMU Planned Mixed-Use District.

4.19.1.2 Eligibility. Eligibility for rezoning to a PMU is based on the City of Hattiesburg Comprehensive Plan as well as other specific plans adopted by the City. Areas generally eligible for rezoning to a Planned Mixed Use District are indicated as Neighborhood Business, General Business, and Planned Unit Development on the Future Land Use Map.

4.19.1.3 District Types. When requesting a rezoning to a new PMU district, the applicant must identify which Comprehensive Plan Area, or areas, applies. Each request for rezoning to a PMU must demonstrate substantial conformance with the characteristics, acceptable land uses and minimum project size as indicated in table 4.6-1.

4.19.1.4 Zoning Map Designation. If approved, all requests for a PMU rezoning shall carry the map designation of PMU along with the abbreviation for the Comprehensive Plan Area it is intended to implement. Abbreviations shall be as follows:

- PMU - NB (Neighborhood Business)
- PMU - GB (General Business)
- PMU - PD (Planned Unit Development)

4.19.1.5 District Regulations.

- i. Permitted Uses. There are no permitted uses in the PMU district.
- ii. Conditional Uses. All uses within a PMU are conditioned upon review and approval of a detailed site plan and other schematics required to prove consistency with specific regulations within this Code as well as the intent of the Comprehensive Plan. While use-specific conditions shall apply, other conditions required to mitigate incompatibilities and address site-specific conditions as imposed by the applicant or required by City Council shall apply and be binding.
- iii. Conditional uses within a PMU shall conform to the acceptable uses list for the Comprehensive Plan Area that is applicable; however, customary accessory uses shall also be permitted as conditional uses. Uses not substantially similar to the uses listed, as determined by the Director, shall be prohibited.
- iv. All requests for rezoning to a PMU-PD shall be accompanied by a detailed site plan indicating specific uses for each phase, parcel and structure. The site plan and the list of uses must conform to all applicable requirements of the LDC as well as rezoning application

requirements and shall, once approved, be binding on the property.

v. All requests for rezoning to any PMU except PMU-PD shall be accompanied by sufficient information to determine compliance with all applicable requirements of this Code. However, site plans and specified uses presented as part of the rezoning process shall not be binding on the property if the rezoning is approved and shall be prominently noted as such on any materials presented as part of a public process. Any property configuration or use that is consistent with the characteristics and acceptable uses for the Comprehensive Plan Area indicated shall be permitted upon review and approval by the Site and Design Committee as part of a zoning permit request.

vi. Mix of Uses Required. The PMU District is specifically intended to contain and support a mix of acceptable uses including residential, commercial, office and open spaces located within a walkable and bikable neighborhood.

vii. Change of Use. Subsequent to approval of a PMU-PD District, any change of use shall be reviewed and approved by the Director. Any requested change that is not substantially consistent with the approved plan shall require the applicant to submit a request for plan amendment. Such revision shall be reviewed and approved by the City Council following the same procedures and requirements for rezoning except that the Director may exempt any site plan requirements deemed inapplicable to the request. All changes of use in any other PMU District shall be reviewed and approved by the Site Design and Review Committee prior to issuance of a zoning permit.

viii. Dimensional Standards. The following dimensional standards shall apply to the PMU district unless otherwise approved by City Council as part of a site specific development plan. Any exception to these standards must be shown on the site plan and requested by the applicant in their presentation to the Council including an explanation for the exception. Any exception granted may require the applicant to incorporate conditions or design mitigation strategies imposed by the Council. Such conditions or strategies shall be presented by the Council and agreed to by the applicant prior to the action to rezone.

ix. Open Space. Open space shall be allocated, designed and maintained as an integral part of all PMU District areas. Open space shall be required as follows:

x. At its discretion, the City Council or Site and Design Committee, whichever has authority to approve the plan, may approve a decrease in the amount of required open space when the plan includes unique design features or amenities that achieve an especially attractive and desirable development such as, but not limited to, terraces, sculptures, water features, preservation and enhancement of unusual natural features, or landscape sculpture

(i.e., areas that are intensely landscaped). Open space may be held in common by a property owners association, dedicated to the City for use as a public amenity, or donated to a land conservationancy where it will be held and maintained for the intended use. Permanent ownership and maintenance responsibility of open space by the City is subject to approval by the City.

xi. Design Standards. All uses within a PMU district shall be subject to specific design standards as detailed in Section 6 Design Standards in addition to any other standards stipulated in adopted area plans. Where conflicts between standards exist between the two, standards in the adopted plan shall prevail.

xii. Design Mitigation. When submitting any application for rezoning to a PMU or any zoning permit request within an existing PMU, the applicant shall make a particular effort to mitigate potential incompatibilities with adjacent zoning districts. Such mitigation measures may include: the addition or increase of buffers, landscaping, open space, and screens; decreasing intensity, structure height, or bulk; reducing the amount of parking and restricting loading, solid and liquid waste collection (e.g. dumpsters, grease pits, and recyclable materials) adjacent to the perimeter; restricting access to local streets; and integration of other relevant design features that helps to merge the districts into a cohesive whole. Mitigation measures integrated into the application at time of submittal that exceed the standards of this Code shall be noted as binding conditions imposed by the applicant.

SECTION 11

Administration and Enforcement

11.2 City Council

11.2.9 Decide all requests for site and building design approval for properties located within a PMU district.

11.6 Site and Design Review Committee

11.6.2 Decide all requests for site and building design approval for properties located outside a designated historic district or PMU district

Present Zoning:	The undeveloped parcel is currently zoned B-3 Community Business District
Present Use:	Vacant / Undeveloped
Future Land Use:	Neighborhood Conservation District 1 and Community Business Corridor

**Surrounding Zoning
and Land Use:**

North: B-3 Community Business District
South: B-3 Community Business District / R-3 Multi-Family Residential District
East: B-3 Community Business District
West: B-3 Community Business District

**Letters or
Concerns stated:**

The Planning Division Office has not received any letters or other written communications relative to this case as of August 25th, 2023.

History / Background:

The Village at the Beverly was originally approved as a Planned Unit Development (PUD) under the previous Land Development Code, Ord. 2330, and additions and amendments since the adoption of the current code have approved expansions and amendments as Planned Mixed Use-Planned Developments. The original PUD was approved in August of 2013 by City Council. The current request is for the third and final phase of the Planned Mixed-Use Development.

Phase 1 of the development included 52 rental units, which was completed in 2016. Phase 2 was comprised of 40 rental units and completed in 2022. Phase three includes 30 rental units and a 2,000ft² commercial building. The final phase of the development also includes the addition of several amenities for residents, including a half-basketball court, a walking/jogging trail around a water feature, a fitness center, and a community business center. The proposed architectural style of the development will match the design and style of the existing buildings constructed in phase I and II.

The commercial component is a required part of a Planned Mixed-Use Development and must be included in the third phase of the development. The commercial space proposed includes 4 commercial spaces that are 500 ft² each, where the applicant is proposing they could be used for light retail. At this time, the applicant does not have a specified use for each of the commercial spaces. Staff suggests that the uses be limited to the permitted uses of a B-3 zoning district, which is consistent with the underlying zone for the area and the future land use designation as a Community Business Corridor. Staff also suggest including a timeline for when the commercial component is to be completed to guarantee the requirements of the PMU district are met in a reasonable timeframe. A memo from the previous Director of Urban Development has been included in this report, outlining the request to establish the development as a PMU, which included the requirement of a commercial or mixed-use type use as originally intended to make the whole of the development consistent with the PMU district.

Option: Recommend **approval** or **denial** of the request for a PMU-PD at 15 Airport Rd.

Conditions to consider with an approval:

1. **Mixed-use requirement** – The commercial or mixed-use component of the PMU must be completed at the same time as the residential component. The final Certificate of Occupancy for Phase III shall not be issued until the completion of commercial structures as shown on the site plan are complete.
2. **Allowable uses** – The commercial structures shall have the following uses that are allowed by right and do not need additional approval of the City Council. Any site changes or uses that are not as listed below will require conditional use approval as outlined in the requirements of the PMU District. The uses shall follow the definitions and requirements of table 5.1 of the Land Development Code and all other applicable codes and requirements:
 - a. Civic/Cultural/Community Center
 - b. Fitness Centers
 - c. Gallery, Museum, and Library
 - d. Medical or dental office
 - e. Other Professional Office
 - f. Personal and Professional Services, excluding tattoo parlors
 - g. Places of Assembly not otherwise listed in the table of uses
 - h. Restaurant, without a drive-through
 - i. Retail <10,000 ft²

SUBJECT PARCEL

Village at the Beverly — Planned Mixed-Used Development

Ming Ming Lin, Representative, Marin Tovrea, Architect

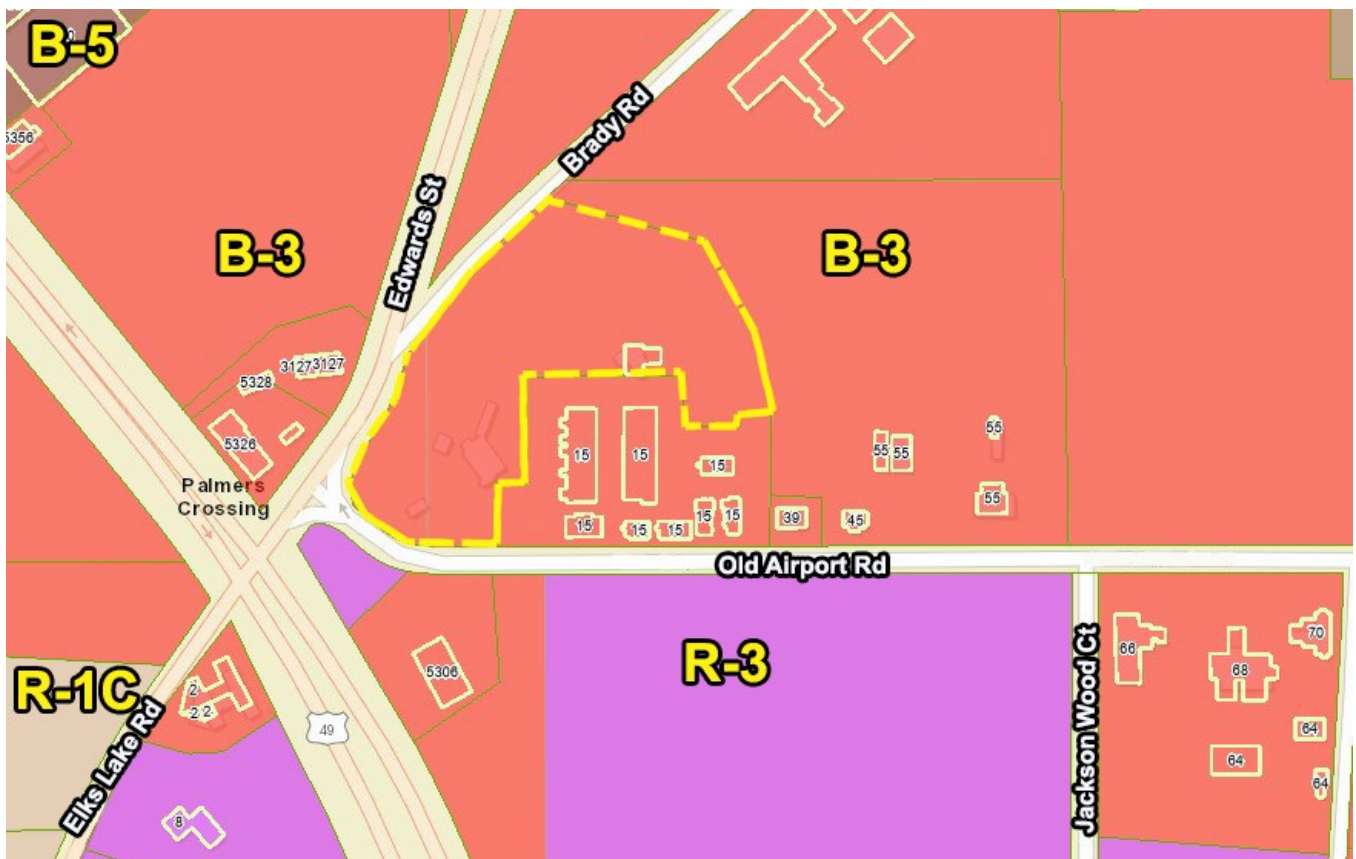
The petitioners request approval for a Planned Mixed-Used Development as an extension of the existing development known as the “Village at the Beverly”, which is located on Old Airport Road in Forrest County, Ward 5. The Planned Mixed-Use Development will be known as “Village at the Beverly III” (PPIN 29647 Parcel No.: 2-041H-27-017.00).



Vicinity Map: Ward 5



Zoning: B-3



Site Aerial



Site Aerial

Northern Direction: B-3 Community Business



Southern Direction: B-3 Community Business and R-3 (vacant)



Site Aerial

East and Western Directions: B-3 Community Business



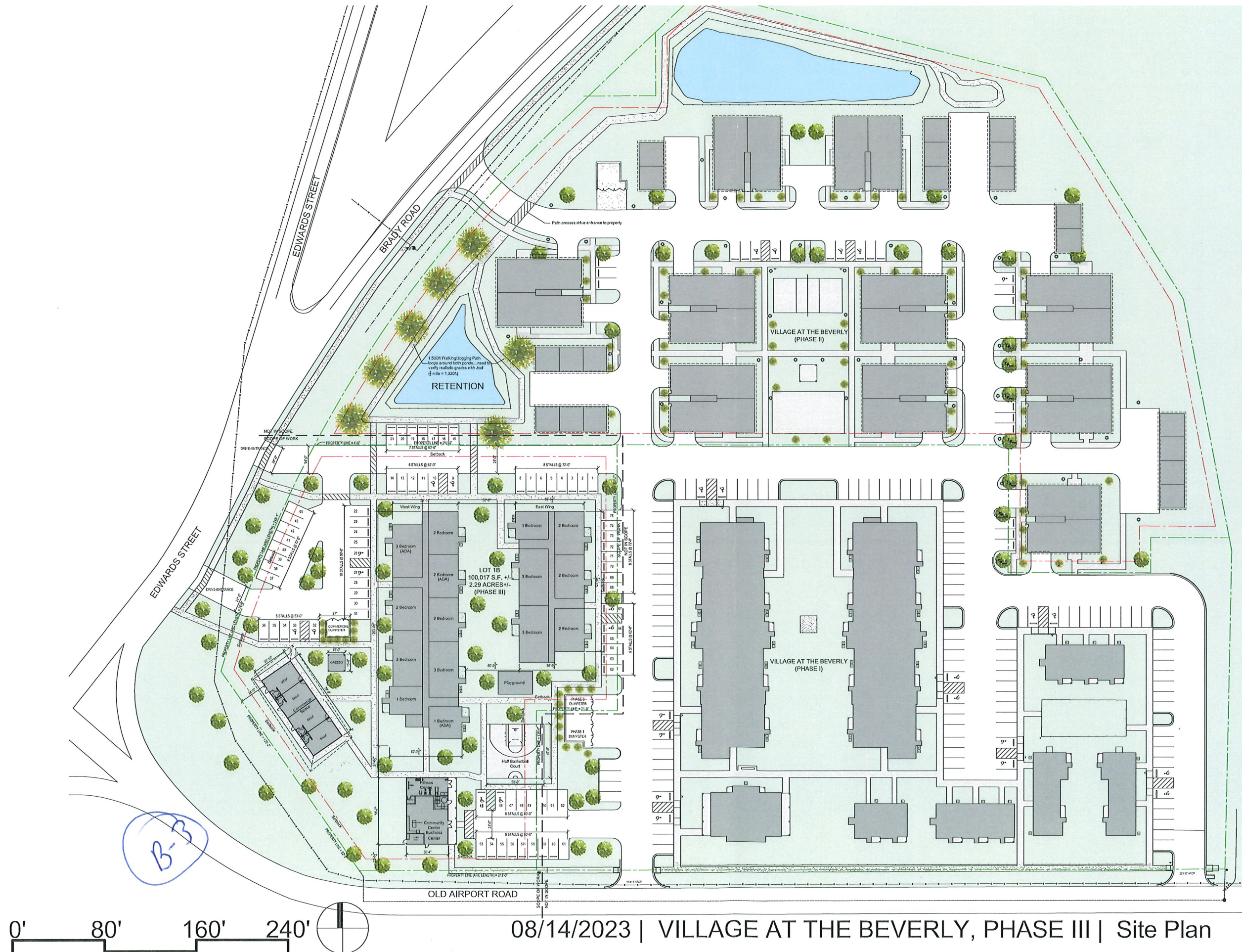
Preliminary Plat



EXHIBIT B-1



Village at the Beverly III - Vicinity Map



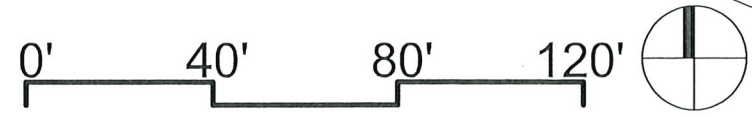
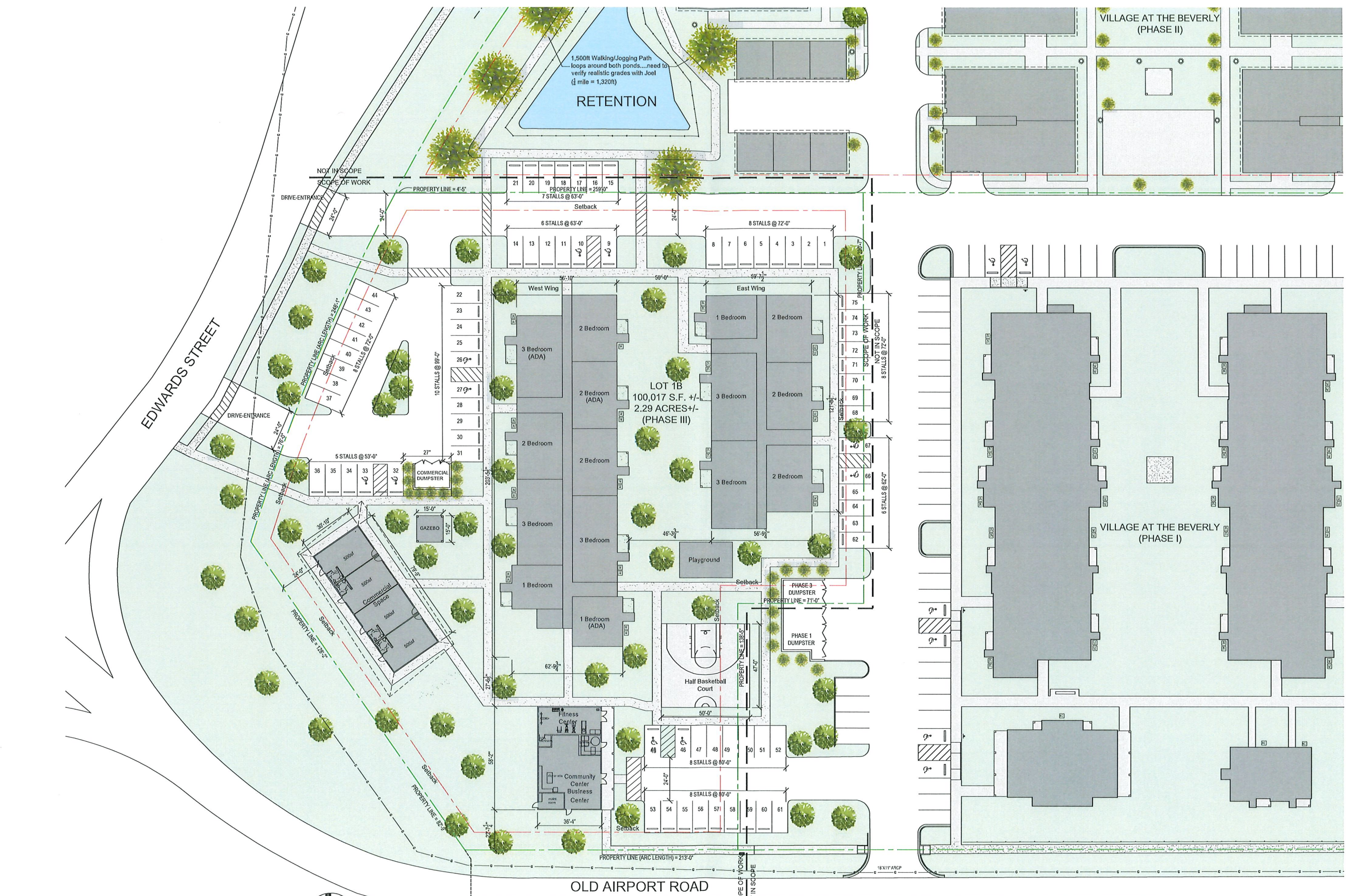


EXHIBIT B-2

Long, Cory

From: Ginger Lowrey <ginger.m.lowrey@gmail.com>
Sent: Wednesday, September 6, 2023 10:31 AM
To: Satcher, Nathaniel; Long, Cory
Subject: Letter to HPC for 9/6/2023 meeting

Good morning,

Please share the following letter with the Hattiesburg Planning Commission. After seeing the agenda and proposed site plan, I felt it necessary to emphasize some initial intentions of the "Village at the Beverly" Planned Mixed-Use Development

Dear Hattiesburg Planning Commission,

Thank you for your time and the opportunity to share my opinion as the former Planning Division Manager for the City of Hattiesburg.

The plan provided by Beverly Land, LLC., for your approval on Wednesday September 6, 2023, lacks follow through with the original intention of the approved Planned Mixed-Use Development for "Village at the Beverly". The site designs of the initial approvals indicated that a portion of the "village" project would be a true mixed-use development rather than a suburban style apartment complex that lacked integration with the community. The previous phases were permitted to move forward with only residential elements thanks in part to the promise that a final phase would include mixed-use buildings and site design that provided an economic opportunity for the community as well as be convenient to the residents. This site, at a prominent entrance to the Palmers Crossing neighborhood, should serve as a welcome into the neighborhood and act as a node of activity and community.

The current proposed site design hardly checks the box of that initial promise. The commercial element looks to be convenient to neither the general public nor the residents of the development. It is also not an integrated mixed-use design which facilitates an active and interactive environment.

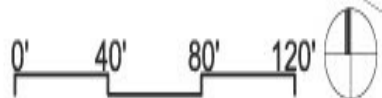
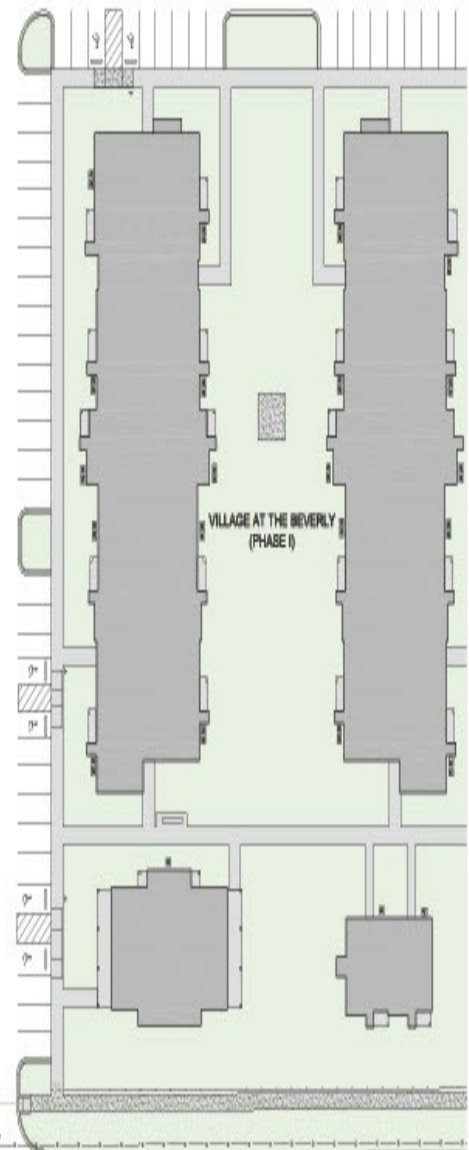
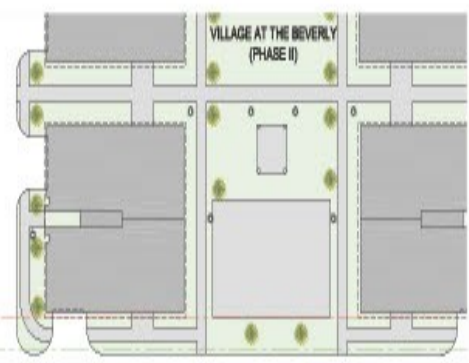
This community deserves the type of development it was originally promised at this gateway point from Hwy 49, an important thoroughfare of Hattiesburg. Please consider the impact a proper mixed-use development could have compared to the stand-alone commercial box presented in the current plan.

Ginger M. Lowrey, AICP
Madlow Planning & Development, Owner
662-822-3406



Village at the Beverly III - Vicinity Map





July 31, 2023

City of Hattiesburg
200 Forrest Street
Hattiesburg, MS 39401

RE: Village at the Beverly III – Planned Mixed-Use Planned Unit Development

To the City of Hattiesburg,

Village at the Beverly III is a proposed mixed-use development located at the site of the former Beverly Drive-In Theater on Edwards Street and Old Airport Road in Hattiesburg, Mississippi. The project implements Phase 3 of a multi-phased community impact strategy to create a holistic affordable community. Phase 1 consisting of 52 rental units was completed in 2016. Phase 2 consisting of 40 rental units was completed in 2022. Phase 3 continues to create high-quality affordable housing and appropriate amenities and will introduce complementary commercial space. The Phase 3 project consists of 30 affordable rental units housed in 2 buildings and a 2,000SF commercial building constructed at a neighborhood appropriate scale for Palmer's Crossing.

Village at the Beverly aligns with the intent of a Planned Mixed-Use -Planned Unit Development zoning to efficiently transform a vacant site into a coherent community of affordable housing and commercial space through arrangement of buildings, roads, and amenities. The site, in accordance with sections 4.19.1 and 4.19.1.5 regarding Planned Mixed-Use in the Hattiesburg Land Development Code, will be compactly laid out to complement the existing phases and adjacent properties. Village at the Beverly III will provide a variety of amenities including a community clubhouse, a business center, a fitness center, a walking/jogging path, a playground, a half basketball court, and gazebo as amenities for residents. Walking pathways, roads and parking connect the whole site such that tenants can easily access the commercial uses and amenities of the multi-phased site. The commercial space will be located toward the prominent corner of Old Airport Road and Edwards Street with physical and visual access. This location takes into consideration the rest of Edwards Street, Old Airport Road, and US-49 junction where other commercial uses are positioned.

Village at the Beverly is focused on creating safe, healthy, affordable housing in a traditional neighborhood setting. All Village at the Beverly III units will be affordable to residents with incomes at 60% of the area median income or less. Village at the Beverly III responds to the demand for affordable, high-quality housing in Hattiesburg with a holistic approach to development contributing a mixed-use neighborhood to the Palmer's Crossing community.

Thank you for your consideration for our request. Please contact me at 504-525-2505, ext. 214 or at lin@gchp.net with any questions.

Sincerely,

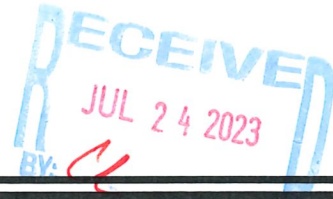


Ming Ming Lin
Project Manager



Village at the Beverly III Vicinity Map

PUBLIC HEARING APPLICATION
P O BOX 1898 (200 Forrest Street/39401)
HATTIESBURG, MS 39403-1898
 Department of Urban Development
 545-4599 or FAX (601) 545-1962

**PUBLIC HEARING TYPE REQUESTED:****Application for (check all appropriate types):**

- ☐ Variance (details below) ☐ Conditional Use (details below) ☐ Re-Zoning (details below)
☐ Subdividing of Lot, Parcel or Tract ☐ Overlay District
☐ Street or Alley Renaming ☐ Vacating Street or Alley
☒ Planned Mixed-Use District ☐ Planned Residential Development

FOR VARIANCE ONLY:

Check all appropriate variance types:

- ☐ Sign ☐ Setback (front, side or rear _____) ☐ Off-site Parking
☐ Lot Width ☐ Lot Coverage Area ☐ Buffer ☐ Open Space
☐ Other _____

Land Development Code Section No. _____

Section No. _____

Section No. _____

Staff
Information –
do not complete

FOR CONDITIONAL USE PERMIT ONLY:

Check Applicable Type:

- ☐ Automotive filling station ☐ Group facility or home ☐ Care Center (type _____)
☐ Digital Billboard, New ☐ Digital Billboard, Replacement ☐ Solar Farm
☐ Restaurant ☐ Telecommunications ☐ Other _____

Land Development Code Section No. _____

Staff Information

FOR RE-ZONING ONLY:

Existing Zoning: _____

Proposed Zoning: _____

Public Hearing Contact Information Form

City of Hattiesburg - Planning Division

Note: A Pre-Application submittal must contain a completed application form and a concept plan drawn to scale.

Pre-Application Date: 4/11/2023

Planner: Nathan Satcher

Today's Date: 7/21/2023

Project Name: Village at the Beverly III

Proposed Use(s): Residential and commercial

Project Street Address: 15 Old Airport Rd, Hattiesburg, MS 34901

PPIN Number(s) (If unknown, can be found on tax receipt): 29647

Parcel Number(s): 2-041G-27-017.00

Flood Zone(s): X

Historic District(s): N/A

Zoning District(s): B-3 Community Business

Proposed Cost of the Project: \$8.9 Million Residential | \$500,000 Commercial

Project Representative Information

Name: Ming Ming Lin, Project Manager, Gulf Coast Housing Partnership

☐ Applicant ☐ Property Owner ☒ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer

☐ Other (Specify):

Phone: 504-525-2505 ext 214

Fax:

Email: lin@gchp.net

Mailing Address: 1626 Oretha Castle Haley Blvd., Suite A, New Orleans, LA 70113

Name: Martin Tovrea, multistudio

☐ Applicant ☐ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☒ Architect ☐ Engineer

☐ Other (Specify):

Phone: 985-789-1614

Fax:

Email: martin.tovrea@multi.studio

Mailing Address: 3308A Magazine Street, New Orleans, LA 70115

Name: Beverly Land, LLC

☐ Applicant ☒ Property Owner ☐ Representative ☐ Agent ☐ Contractor ☐ Architect ☐ Engineer

☐ Other (Specify):

Phone: 504-525-2505

Fax:

Email: laborde@gchp.net

Mailing Address: 1626 Oretha Castle Haley Blvd., Suite A, New Orleans, LA 70113

OWNER AFFIDAVIT PAGE

THIS PAGE MUST BE SIGNED IN FRONT OF A NOTARY, BY THE OWNER(S) OF THE SUBJECT PROPERTY

WITNESS THE SIGNATURES of the **OWNER(s)** of the subject property located at

15 Old Airport Rd Hattiesburg MS
Street Address City State

on this the 24th day of July, 2023.

In the matter of this request, the property owner further authorizes the following named person(s) to represent them at the public hearing on this petition.

Ming Ming Lin, Martin Tovrea

on this the 24th day of July, 2023.

Beverly Land, LLC

Property Owner (print)

Property Owner (signature)

STATE OF LOUISIANA

COUNTY OF ORLEANS

Personally came and appeared before me, the within named

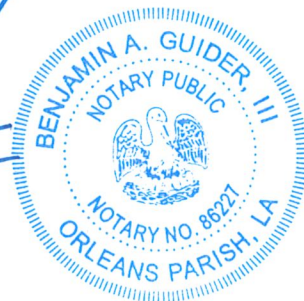
Kathleen F. Laborde

who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned, and who acknowledge to me that they are the owner(s) of the subject property as described in this Public Hearing Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 24th day of July, 2023.

Benjamin A. Guidet II
NOTARY PUBLIC

My Commission Expires: at death.



APPLICANT AFFIDAVIT PAGE

THIS PAGE MUST BE SIGNED IN FRONT OF A NOTARY, BY THE **APPLICANT** OF THIS PETITION,
ONLY IF DIFFERENT FROM THE OWNER(S) OF THE SUBJECT PROPERTY

WITNESS THE SIGNATURES of the **APPLICANT(s)** of the subject property located at

15 Old Airport Rd Hattiesburg MS
Street Address City State

on this the 24th day of July, 2023.

Village at the Beverly III, LP

Applicant (print)

[Signature]
Applicant (signature)

STATE OF LOUISIANA

COUNTY OF ORLEANS

Personally came and appeared before me, the within named

Kathleen F. Laborde

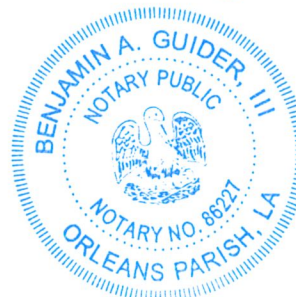
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GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 24th day of July, 2023.

Benjamin A. Guider III
NOTARY PUBLIC

My Commission Expires:

at death.



PLANNING COMMISSION & BOARD OF ADJUSTMENT - PETITIONER REQUIRED SUBMITTAL INFORMATION

Deadline for applicant to file petition: _____ 5:00 p.m. (End of business day)

Hattiesburg Planning Commission & Board of Adjustment Meeting Date: 9/6/2023 Time: 1:00 p.m.
(Always the first Wednesday of each month - you or your representative MUST attend)

There is a 10 day appeal period, required by State Law, between the Planning Commission Meeting and/or Board of Adjustment Meeting and the City Council Meeting – appeals must be filed within this 10-day period.

City Council Agenda Review Meeting Date- (you or your representative should attend): _____ Time: 4:00 p.m.

City Council Meeting (Vote) Date - (you or your representative may attend): _____ Time: 5:00 p.m.

There is an additional 10 day appeal period, required by State Law, after City Council Meeting, for all Variances and Conditional Use Permit which ends _____ and a 30 day appeal period for Zoning or Street closing/ re-naming, PMUs, PRDs, PUDs which ends _____. So, if approved by City no final site plan review approvals or building permits could be issued prior to these dates.

If an appeal is filed or the petition is tabled for any reason at any stage, the above listed dates would need to be revised.

The following paperwork MUST be attached to this application:

☒ Site Diagram (11"x 17" preferred size): Drawing to scale prepared by professional engineer/surveyor showing lot dimensions, existing/proposed buildings, signs, parking areas, etc. (Different standard may be accepted only per approval from Staff)

☐ Site & Design Review Committee, if needed.

☒ Copy of entire Warranty Deed (filed and recorded at courthouse) with legal description granting title to current owner. (If the Warranty Deed covers a larger piece of property than the current project, a legal description for this project site only may also be required.)

☒ Electronic/Digital copy of legal description REQUIRED for all public notices, saved as Word or text document OR emailed to glowrey@hattiesburgms.com or planning@hattiesburgms.com.

☒ An affidavit (page 3 & 4) attesting that the applicant or representing party (if other than owner) is acting on behalf of the owner(s) of record. The affidavit must be sworn to before a notary public or other appropriate official. (Included in owners signature page, or may be separate document)

N/A A letter of approval/denial from all adjoining property owners must be obtained and submitted with application (Variance application only).

☐ Other documents needed (per Planning Division).

☐ Maps of Digital Billboard Removal Sites

☐ Maps of Digital Billboard Replacement sites

☐ Documentation on measurements

☐ Other _____

☒ Payment to the City of Hattiesburg for filing application in the amount of \$ 400.00.

***You may be responsible for posting a sign (prepared by Planning Division staff)
a minimum of fifteen (15) days prior to the hearing date.***

You will be responsible for maintaining the sign for the duration of the public hearing process.

MEMORANDUM

TO: CITY COUNCIL MEMBERS; MAYOR BARKER
FROM: ANDREW ELLARD, DIRECTOR OF URBAN DEVELOPMENT
SUBJECT: BEVERLY PHASE II PMU-PD
DATE: 11/12/2019

Council Members:

The request to rezone the Phase II section of the project at the Beverly is in keeping with the prior plan to re-develop the site as a mixed use development. The project came through as a PUD under the previous code, but the site layout is changing considerably enough that procedurally, we preferred that it be sent through review of the Planning Commission and Council. Additionally, PUD does not exist under the new code in quite the same form. What we now call Planned Mixed Use (PMU), and more specifically, PMU-PD (Planned Development), is the most closely comparable zone/district overlay.

This request does not seek to change the previously approved use of the property, but will serve to define it according to the current code. With this in mind, the following terms are recommended to be incorporated as terms of the PMU-PD approval.

- Dimensions and measurable items shown on the presented site plan such as setbacks, drive aisle widths, impervious surface ratios, parking supplied, etc. may be changed as needed during the site plan review process with approval of the Site & Design Review Committee. Effort will be made to ensure that dimensions of Phase II are consistent with property zoned R-3, multi-family, with consideration that some details may need to adhere more closely to B-3 zoning as the underlying zone for the area.
- The site shall be designed to adhere to the Land Development Code requirements for R-3 or B-3, as appropriate, in all respects except for exceptions that are specifically listed in the approval.
- Phase II shall consist of multi-family housing with density no greater than that allowed in R-3 zoning districts and consist of site amenities common to, and required of, multi-family property, and shall include a private garage for each dwelling unit of a design complimenting the overall development.
- The site plan shall indicate that Phase III, when developed, shall include appropriate, commercial or mixed-use type uses as originally intended to make the whole of the development a mixed-use development consistent with the PMU-PD district and the prior PUD approval. Exact uses shall not be prescribed until development approval is pursued for Phase III.

ae



September 22, 2023

FINAL REPORT



BRIDGING DIVIDES, BUILDING OPPORTUNITIES:

A Community-Driven Blueprint for East Hardy Street & Hall Avenue

East Hardy Street (River Avenue)

Hall Avenue/Arledge Street

James Street

Edwards Street



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7. Zoning Recommendations32

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(click on any section or subsection to go to it)

1. Purpose & Background

a. Purpose of this Report

This report is the revitalization plan for several key commercial roadway corridors in East Hattiesburg. It contains land use, design, transportation, and placemaking strategies and recommendations for these corridors. It also presents recommendations for improving key neighborhood streets that connect to the corridors and suggests ways to bring out the historic and cultural heritage of the neighborhoods and their current institutions and amenities.

Three other reports were prepared prior to the publication of this final report:

1. **Report #1: Project Information & Area Overview.** This report presents existing conditions of the corridors and the general planning area.
2. **Presentation for Community Workshop (December 7, 2021).** This presentation summarizes the results of a series of “community conversations” that took place with a wide range of people ranging from local residents, propertyowners, and businessowners to representatives from William Carey University and the City of Petal. The report also provides a closer look at the businesses along the corridors and showcases an example of a corridor revitalization plan from another community in Mississippi.

3. **Presentation for Community Workshop (June 22, 2022).**

This presentation summarizes the results of a community survey that asked people to identify appropriate types of land uses and businesses in each of the corridors.

These reports can be downloaded from www.hattiesburgms.com/buildingopportunities

b. Project Background

The City of Hattiesburg launched the *Bridging Divides, Building Opportunities* project to plan ahead—in consultation with neighborhood residents, propertyowners, businessowners, workers, and others—for the future of the primary corridors in East Hattiesburg.

Since 2017, the City and its partners helped lay the foundation for more than \$60 million in projects along the East Hardy Street, Hall Avenue, Gulfport Street, and Edwards Street corridors. These game-changing transportation, infrastructure, and facilities projects will be transformational for Hattiesburg, bridging divides and building opportunities for generations to come. When complete, this uninterrupted road network will give the corridors greater visibility to residents, workers, and visitors traveling through East Hattiesburg. This will grow the customer base for existing businesses and services and create potential for more commercial activity along and near the corridors through new businesses, the expansion of existing businesses, and redevelopment.

While the focus of this project is on several roadway corridors in East Hattiesburg, the areas in between and around these corridors, which is being called the “general planning area,” has also been examined as part of the work. Figure 1 highlights the corridors that are the focus of this project and outlines the general planning area.

Edwards Street was added as a corridor of focus after the publication of the two prior reports after funding had been allocated to implement the redesign of this street. Furthermore, it has development potential given its location in proximity to the Public Safety Complex and William Carey University

The sections of streets highlighted in yellow are the focus areas for re-examining zoning.

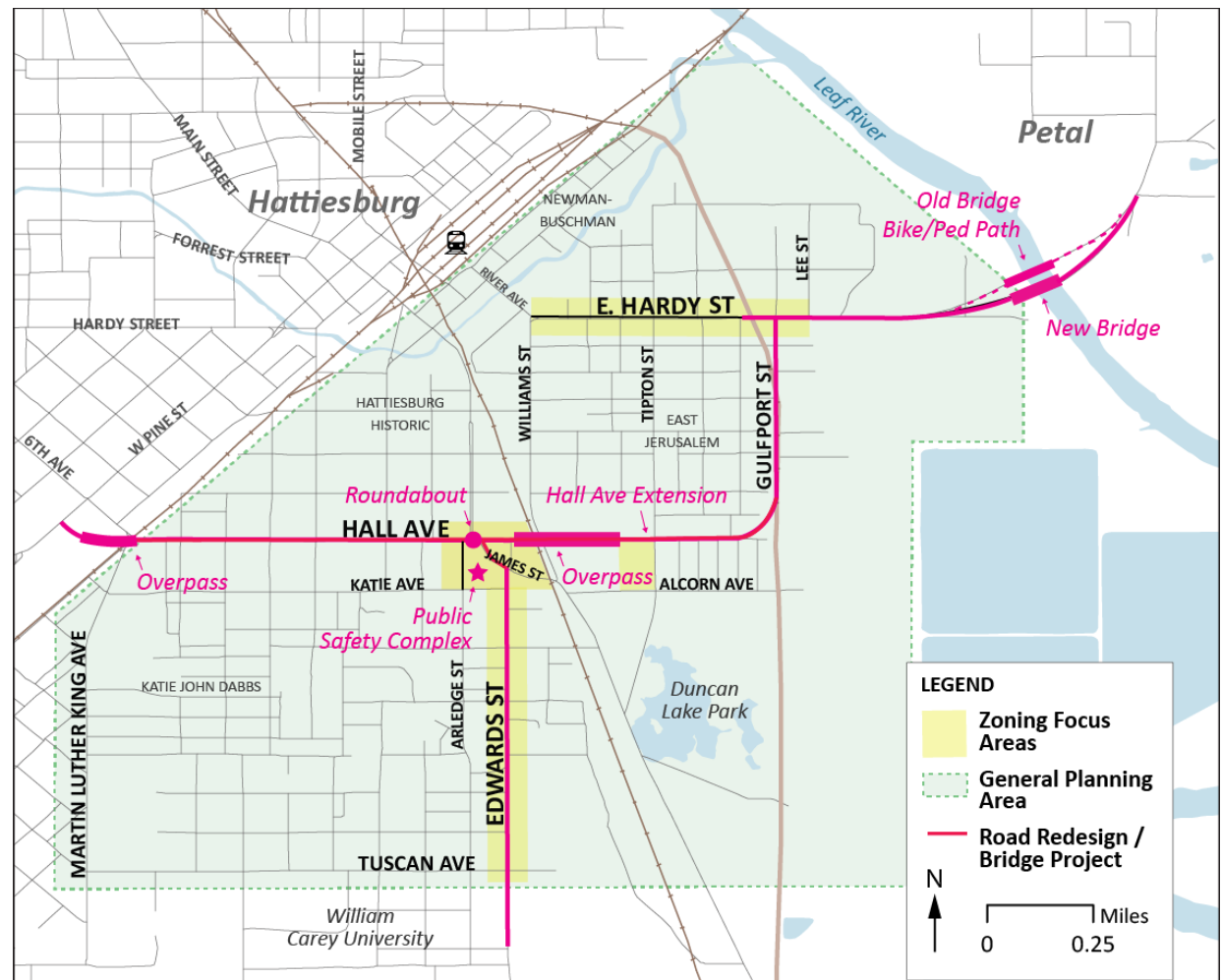


Figure 1. Project Area Map



**BRIDGING DIVIDES,
BUILDING OPPORTUNITIES:**

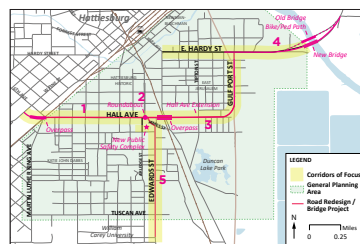
A Community-Driven Blueprint for East Hardy Street & Hall Avenue

BRIDGING DIVIDES

CONNECTING EAST HATTIESBURG TO THE REGION

The map on the left highlights the City and County infrastructure projects that are currently underway in East Hattiesburg. The projects are in various stages of development but are likely to be completed between 2022 and 2024. The following are descriptions of each project.

- 1. HALL AVENUE WEST PROJECT.** Construction of an overpass over the Norfolk Southern rail line that runs parallel to W. Pine Street will connect W. Pine Street in Downtown Hattiesburg via Hall Avenue. Hall Avenue will be redesigned up to Bay Street and features a landscaped median.
- 2. HALL AVENUE ROUNDABOUT PROJECT.** Construction of a roundabout at Hall Avenue and Bay Street.
- 3. HALL AVENUE EAST PROJECT.** Construction of an overpass connecting Hall Avenue over the Canadian National rail line that runs parallel to James Street. Hall Avenue is extended up to Gulfport Street. The creation of a new Gulfport Street, which will include a multi-use path along the east side of the street for bicycles and pedestrians. E. Hardy Street between Klondyke and Lee Streets will also be redesigned. A multi-use path will be constructed along the north side of the street.
- 4. E. HARDY ST./MAIN ST. BRIDGE REPLACEMENT PROJECT.** This Forrest County project involves constructing a new bridge over the Leaf River along E. Hardy Street that connects Hattiesburg and Petal, plus the conversion of the existing bridge into a path for pedestrians and bicyclists. Also, E. Hardy Street between Lee Street and the Leaf River will be redesigned. A multi-use path will be constructed along the north side of E. Hardy Street that will connect to the old Leaf River Bridge.
- 5. EDWARDS STREET PROJECT.** Conceptual plans were produced several years ago showing the potential redesign of the street. This project was recently allocated funds to be implemented.



1



2



3



4



5

**BRIDGING DIVIDES,
BUILDING OPPORTUNITIES:**
A Community-Driven Blueprint for East Hardy Street & Hall Avenue



c. Prior Plans & Ongoing Initiatives

This project complements, supports, and/or implements the recommendations of several prior local and regional plans and ongoing regional initiatives:

- 1. Twin Forks Rising Master Plan.** This plan focuses on community-driven improvements in Ward 2, of which the general planning area includes a portion. The plan includes a number of principles and recommendations for the area that are supported by this project, among them the following:
 - » Create nodes and corridors of economic development and neighborhood services at Edwards Street and James Street and along the East Hardy Street corridor.
 - » Continue to implement the Complete Streets policy so that pedestrians and bicyclists can have safe access to existing amenities. Improve transportation from east to west and create pedestrian and bicycle connections between all neighborhoods.
- 2. Comprehensive Economic Development Strategy (CEDS) 2018-2022.** The Southern Mississippi Planning and Development District (SMPDD) produced this report. Among the goals and recommendations of the CEDS are the following.
 - » Support road and highway programs that will improve the transportation network in the region.

Figure 2. This exhibit from one of the community workshops describes the major transportation and infrastructure projects in East Hattiesburg.

- » Partner with community colleges, four-year institutions and other organizations to encourage new business start-ups, including the use of business incubators and accelerators.
- » Support tourism-related industries that not only bring outside dollars to the region but also serve as amenities that are important to the quality of life of area residents, potential new business and potential new workforce.

3. Pathways Master Plan. The Hattiesburg-Petal-Forrest-Lamar Metropolitan Planning Organization (MPO) began developing a bicycle, pedestrian, and trail plan for the entire Hattiesburg MPO area. This plan provides a framework for the development of new facilities, programs, and policies that will support safe and convenient walking and biking conditions for transportation and recreation. Among the many recommendations in the plan is the designation of Pedestrian Priority Corridors. These corridors should providing frequent and safe crossings, appropriate bus stop space and locations, and access to adjacent neighborhoods and businesses. The plan designates East Hardy Street as a Pedestrian Priority Corridor.

4. Longleaf Trace. The Longleaf Trace is a 44-mile linear park that extends from Hattiesburg through Sumrall Bassfield, Carson, to Prentiss. It follows a portion of the abandoned Mississippi Central Railroad line and has nine stations along its route. In Hattiesburg, the trail passes through the University of Southern Mississippi and downtown, terminating at the



Figure 3. Prior plans and ongoing Initiatives that are relevant to this project.

train depot. The trail is part of the Pearl & Leaf Rivers Rails-to-Trails Recreational District, a governing authority and joint venture of the counties of Forrest, Jefferson Davis, and Lamar and the municipalities of Bassfield, Hattiesburg, Prentiss, and Sumrall. Member counties and municipalities support the district through a one fourth mill tax levy on all taxable property in those counties and municipalities comprising the district, for the purpose of providing economic development and multiple recreational opportunities, while improving the quality of life for their citizens.

- 5. Leaf & Bouie River Development District.** This district was formed by Forrest County, the City of Hattiesburg, and the City of Petal. Approved by the State of Mississippi in 2020, its purpose is to fund investments in recreation, infrastructure, and planning that enhance the economic viability and quality of life in the district. The northern part of the general planning area for this project is included in the district.

d. The Regional Vision

The regional vision that is driving the transportation and infrastructure investments, prior plans, and ongoing initiatives is that of economic development stimulated by and supported through investment in parks, open spaces, and recreation amenities spanning municipal boundaries, and creating roadway and trail connections that link them together.

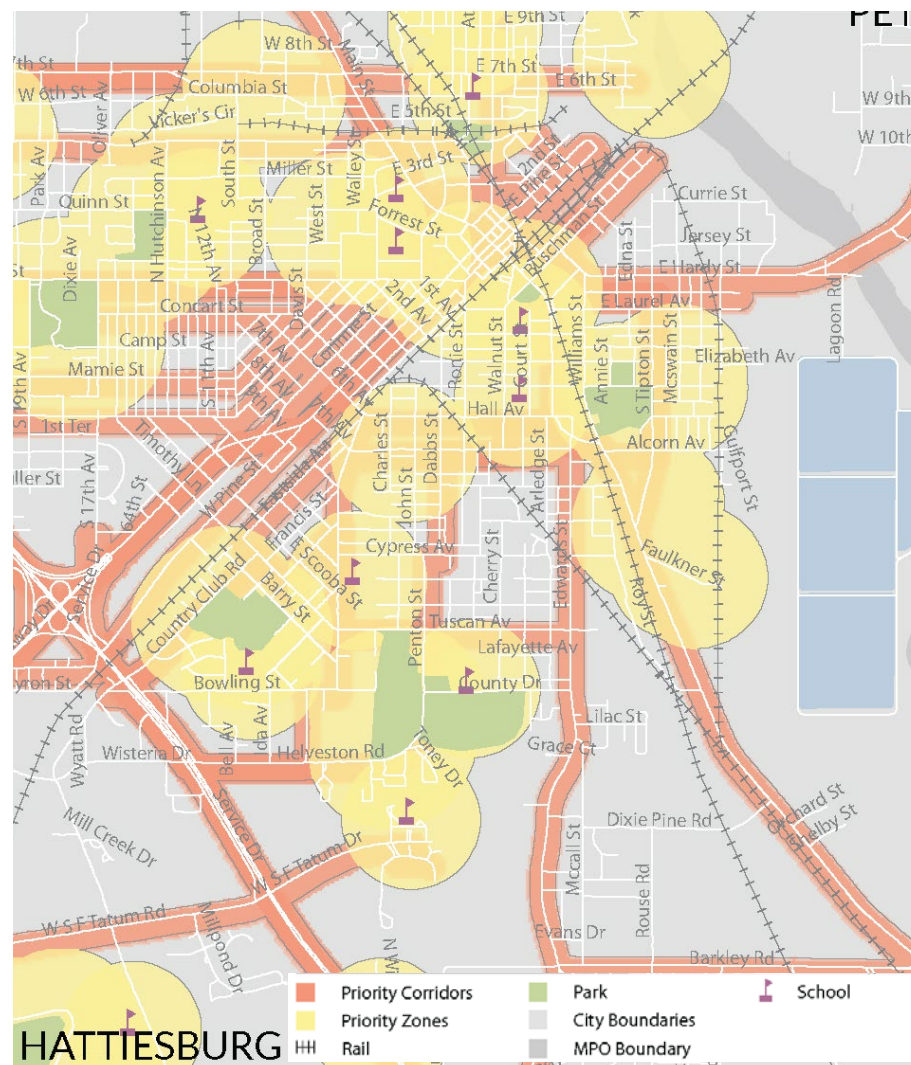


Figure 4. Part of a map from the 2015 Pathways Master Plan that highlights priority pedestrian corridors and priority pedestrian zones in East Hattiesburg and surrounding areas.

e. The Emerging Local Vision

As depicted in Figure 2 on page 6, the transportation projects are a means to physically bridge the divide between parts of Hattiesburg. This project aims to start the process of bridging economic and social divides and building opportunities for East Hattiesburg residents, businessowners, and propertyowners. The process must continue beyond this project.

The Emerging Local Vision starts with several principles set forth in the *Twin Forks Rising Master Plan*, including the following:

- ▶ People must be the ultimate foundation, because their actions to invest, move, live, and work will make or break the future of the area. People must have the skills and opportunities for meaningful jobs as redevelopment and new investment occurs.
- ▶ Promote development to improve the quality of life of residents and to attract new residents.
- ▶ Continue to Implement the Complete Streets Policy so that pedestrians and bicyclists can have safe access to existing amenities.
- ▶ Collaborate with William Carey University (WCU). Encourage mixed-use development and expansion of WCU.

During the course of this project, residents and other stakeholders were engaged through various methods, including the following:

- 1. Interviews/Conversations.** “Community Conversations,” were held virtually with a range of people including local business- and property-owners, church leaders, the Dean of at William Carey University, and the Mayor of Petal.
- 2. Community Workshops.** Two community workshops were convened, in December 2021 and January 2022. The purpose of both workshops was to present observations and findings about the corridors and discuss them with workshop participants.
- 3. Corridor Revitalization Survey.** An online survey asked resident and other stakeholders to select land uses and business types that they believe would be appropriate for each corridor.
- 4. Project Newsletters.** Newsletters were sent periodically during the course of the project via e-mail and also posted on the project webpage.
- 5. Project Webpage.** The City created a webpage for the project at www.hattiesburgms.com/buildingopportunities that contains the latest project updates and links to all of the reports and presentations that have been prepared.

g. Reference Maps

The maps on the following pages are references that might be helpful when reading the subsequent sections of this report.



Figure 5. Photos from a community workshop (courtesy of the City of Hattiesburg)

Existing Zoning Map

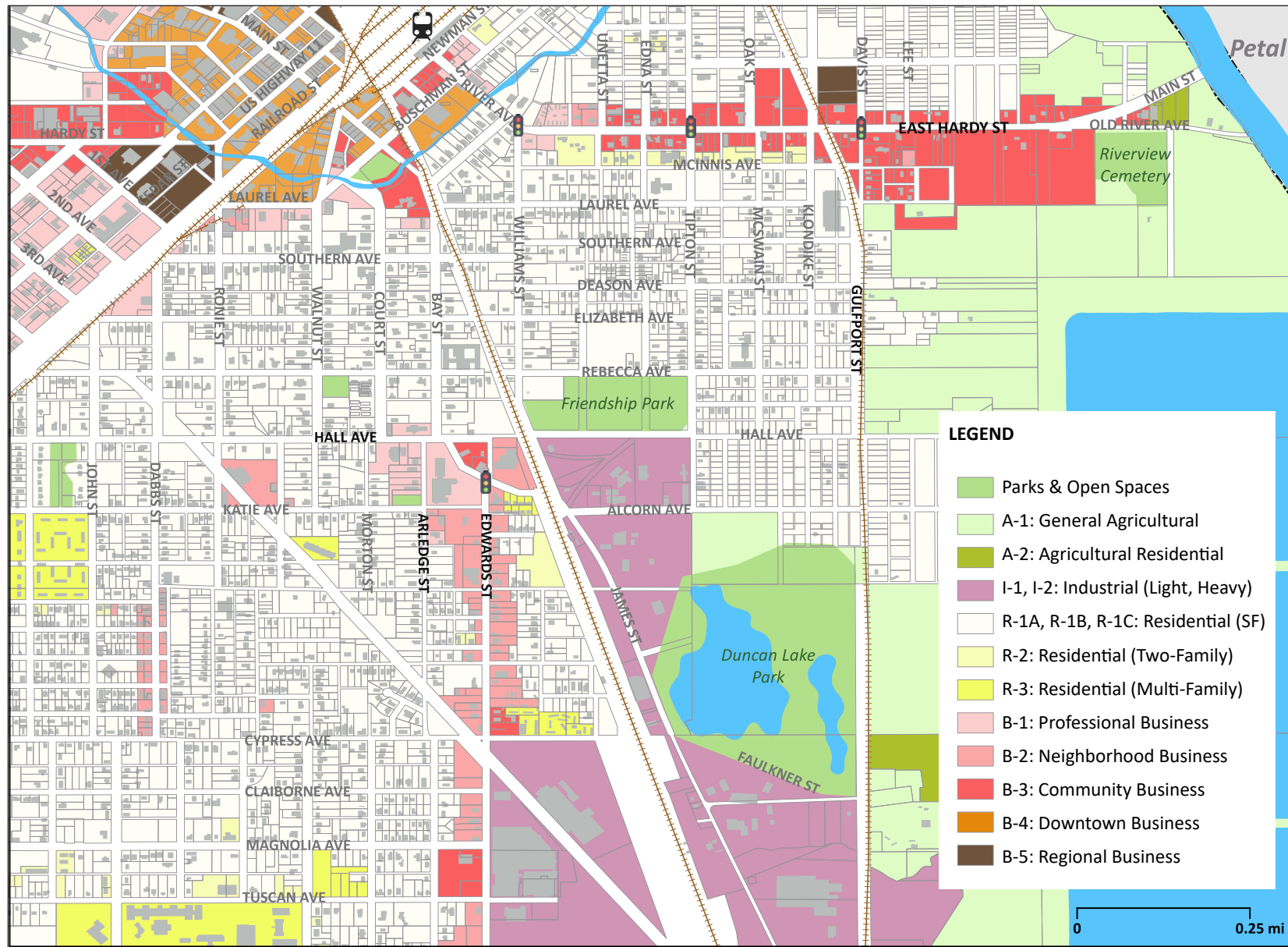


Figure 6. Existing Zoning in the General Planning Area

Floodplains, Wetlands & Government-Owned Parcels Map

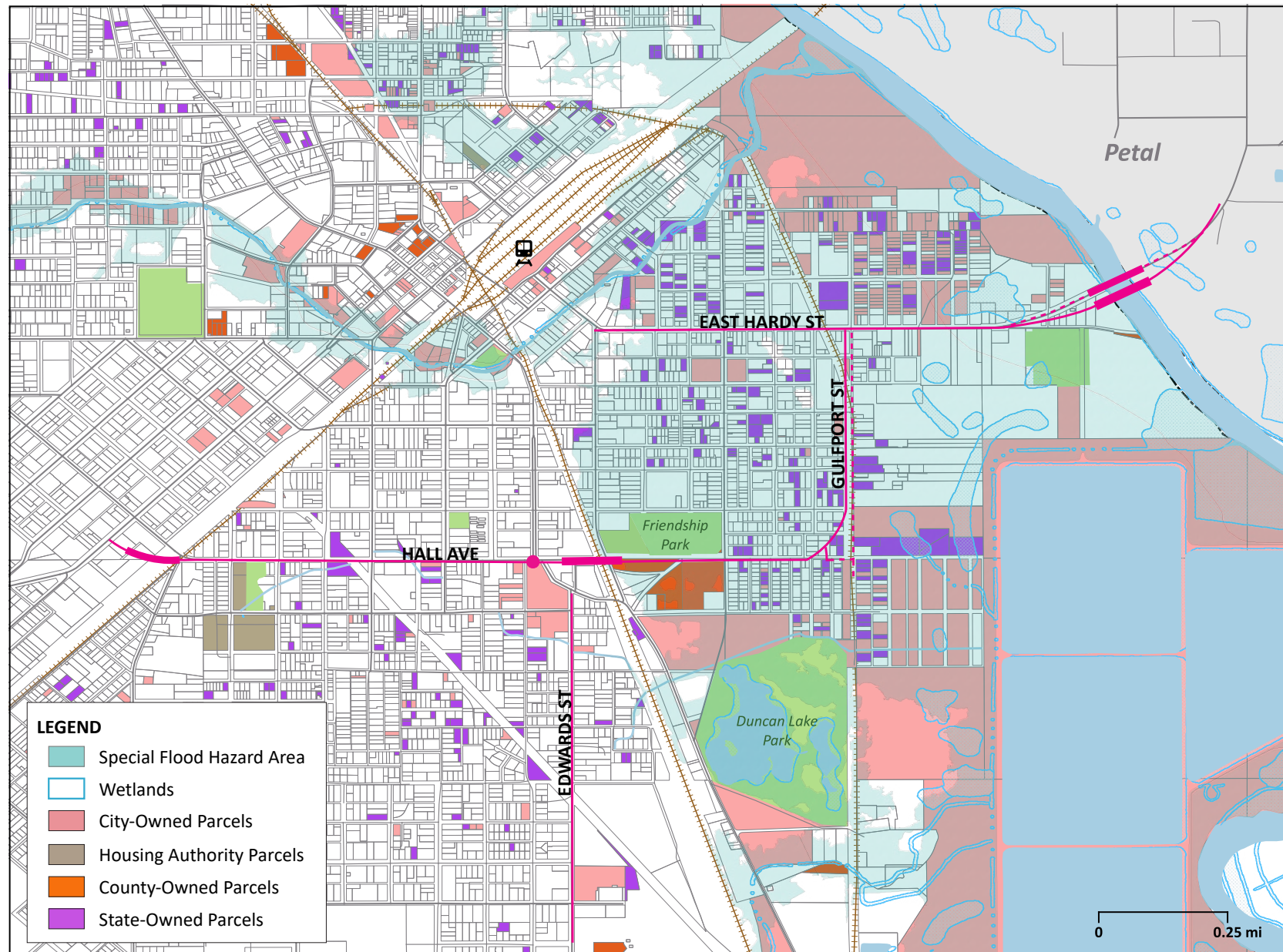


Figure 7. Map of Floodplains, Wetlands & Government-Owned Parcels



2. East Hardy Street (River Avenue)

a. Existing Conditions

<i>Area(s) of Interest</i>	Williams Street to Lee Street
<i>Place Type</i>	Corridor
<i>Floodplain</i>	Yes
<i>Transit Service</i>	No (only one bus stop, at River Ave. & Williams St.)
<i>Historic District</i>	No
<i>Signalized Intersections</i>	Yes (at Williams Street, Tipton Street, Gulfport Street)
<i>Current Land Uses / Businesses</i>	Car dealership, auto repair facility, tire shop, seafood restaurant (Souther Seafood), deli, church (Victory Church), barber shop, Mexican food store, vacant properties and buildings.
<i>Current Zoning</i>	The zoning of parcels changes from Williams Street eastward as follows: • B-1 Professional Business (Williams Street to Martha Street) • Residential Two-Family (south side of the street from Martha Street to Annie Street) • B-2 Neighborhood Business (north side of the street from Martha Street to Unetta Street) • B-3 Community Business (Annie Street eastward) • B-5 Regional Business (located behind the properties fronting East Hardy Street between behind Klondike Street and Davis Street)



b. An Emerging Vision for East Hardy St.

Through investments in redesigning the roadway and streetscape from beginning to end, East Hardy Street will provide an attractive and accessible (to pedestrians, bicyclists, and motorists) transition between Downtown, East Hattiesburg, and Petal. The multiuse path along the north side will play an important role in connecting parks and recreation facilities. The path continues over the former Leaf River Bridge and onto Main Street in Petal, where connections can be created to Petal River Park. Existing businesses are likely to benefit from the increase in traffic and the resulting greater exposure that this could bring to East Hardy Street. New retail, restaurants, and service business will gradually turn East Hardy Street into a more thriving commercial district, at which point bus service could be provided.

Potential Development Opportunities & Concepts

Ideally, reuse and/or development can be concentrated at specific “nodes” along the corridor, which are depicted in Figure 9.

“East Hattiesburg Gateway”

The properties located just east of Williams Street are located at an important threshold between downtown and East Hardy Street. The vacant building at the southeast corner of East Hardy Street and Williams Street (901 East Hardy Street) should be reactivated into a vibrant, neighborhood-serving business that features indoor and outdoor activity.



Figure 8. An Emerging Vision for East Hardy Street



**BRIDGING DIVIDES,
BUILDING OPPORTUNITIES:**

A Community-Driven Blueprint for East Hardy Street & Hall Avenue

“Tipton Square”

The properties around the signalized intersection at East Hardy Street and Tipton Street could be suited for mixed-use development (retail, civic, and/or social services uses on the ground floor, residential on upper floors). Many of the parcels around this intersection are vacant, including an undeveloped property on the northeast corner that has a grove of mature trees. This property, which is privately-owned, could be designed as a new park for the neighborhood: “Tipton Square.”

“Gulfport Corners”

The properties around the signalized intersection of East Hardy Street and Gulfport Street could be appropriate for a coordinated commercial development with some mixed use components because of their visibility at this important junction.

Challenges to Revitalization

A challenge to development and revitalization here is the floodplain (see Figure 7 on page 12), which requires securing flood insurance. Many workshop participants contend that the floodplain is not mapped correctly; East Hardy Street doesn’t flood. Commercial buildings or ground floors can be dry floodproofed, which involves sealing the exterior from floodwaters. Residential buildings must be elevated at or above base flood elevation. Mixed use buildings have commercial ground floors and may have residential space on upper floors. Regional and national enterprises might have greater financial ability to develop here due to the higher costs of development, which includes flood insurance.



**BRIDGING DIVIDES,
BUILDING OPPORTUNITIES:**

A Community-Driven Blueprint for East Hardy Street & Hall Avenue

Envisioned Land Uses & Businesses

Regional, City- and neighborhood-serving retail stores, restaurants, and services. Examples include a health club/gym, recreation-related stores, a bank.

Future Character, Building Placement & Form

The church at the corner of East Hardy Street and Oak Street demonstrates a typical and appropriate model for building placement along this corridor. The building is set back from the front property line by approximately 20 ft. (approx. 30 ft. from the curb). The entrance is fronted by a wide sidewalk and a grass verge of approximately 13 ft. on which is located an attractive monument sign. Parking is located to the sides of the building. Parking should be located to the side and/or rear of buildings to create an environment that is more hospitable to pedestrians and bicyclists.

Preliminary Zoning Concepts

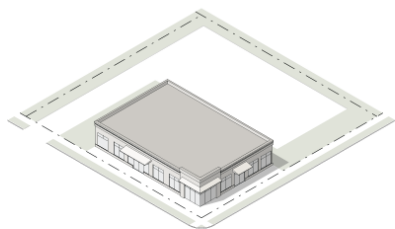
The following are preliminary zoning concepts for East Hardy St.

Using Conventional Zoning from the Existing Code

- ▶ Rezone all properties fronting the corridor to B-3 (Community Business) or B-5 (Regional Business).
- ▶ Consider a Planned Mixed Use District or a Corridor District.

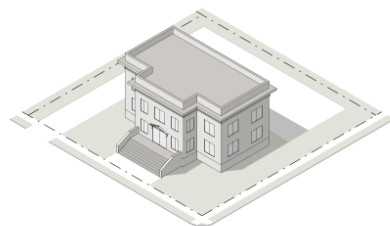
Using Form-Based Code Building Types

- ▶ Shopfront Building.
- ▶ Civic Building.
- ▶ Mixed Use Building (up to 3 stories).



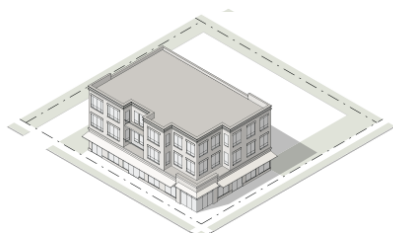
B. Shopfront Building

A single-story building type that typically accommodates ground floor retail uses. Not intended for residential use.



D. Civic Building

A building type that accommodates specifically identified civic uses (see Sec. 3.6. *Civic Building*). Not intended for retail, commercial or residential uses.



A. Mixed Use Building

A multi-story building type that typically accommodates ground floor retail uses with upper-story residential or commercial use. Not intended for ground floor residential use.

Figure 9. Building Types from the Midtown Form-Based Zoning Code

Figure 10. A rendering of a mixed use building



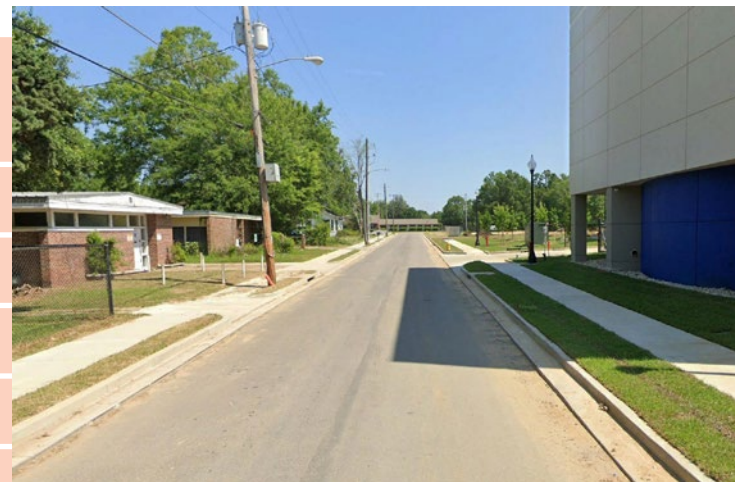
**BRIDGING DIVIDES,
BUILDING OPPORTUNITIES:**

A Community-Driven Blueprint for East Hardy Street & Hall Avenue

3. Hall Avenue/Arledge Street

a. Existing Conditions

<i>Area(s) of Interest</i>	<i>Hall Ave: bet. Morton Street & Arledge Street</i> <i>Arledge St: bet. Hall Avenue and Katie Street</i>
<i>Place Type</i>	Block
<i>Floodplain</i>	No
<i>Transit Service</i>	No
<i>Historic District</i>	Yes
<i>Signalized Intersections</i>	No
<i>Current Land Uses / Businesses</i>	<i>Hall Ave bet Morton St & Arledge St:</i> Detached houses, barber shop, bail bondsman, attorney's office, funeral home <i>Arledge St bet Hall Ave & Katie St:</i> Detached houses, social services/meeting hall
<i>Current Zoning</i>	• B-1 Professional Business • Historic District



b. An Emerging Vision for Hall Avenue/Arledge Street

Hall Avenue will be transformed by the redesign of the roadway and streetscape, but the land uses along much of this corridor will not change much into the future because of its largely residential and historic character and zoning. Hall Avenue between approximately Ronie Street and Williams Street is within a historic district.

Commercial uses begin to appear on Hall Avenue east of Morton Street, where the properties are zoned B-1 (Professional Business). Greater exposure from increased motorist traffic along Hall Avenue could attract new businesses and services to occupy, retrofit, or possibly expand existing buildings.

Arledge Street is connected to this part of Hall Avenue because the B-1 zoning along Hall Avenue turns the corner and continues along this street. The east side of the block is occupied by the new Public Safety Complex. The west side of the street consists of two city-owned parcels (including one key parcel at the corner), several detached houses, the Rebos Club (a social services/meeting hall),

and Hope Park. New sidewalks, curbs, and storm drains have been constructed along both sides of the street up to Katie Avenue.

Potential Development Opportunities & Concepts

Over time, some of the properties along the west side of the street could transition over to businesses and services under the existing zoning regulations. The City-owned property at 701 Arledge Street is currently vacant and could represent a development opportunity for private or community purposes/uses. The County-owned property at 112 Alcorn Avenue becomes more visible and accessible due to its location at the junction of Tipton Street and Hall Avenue, just after the overpass meets level ground (see Figure 11). The property, which is located in a floodplain, is situated in between Friendship Park and Duncan Lake Park (see Figure 14 on page 22).

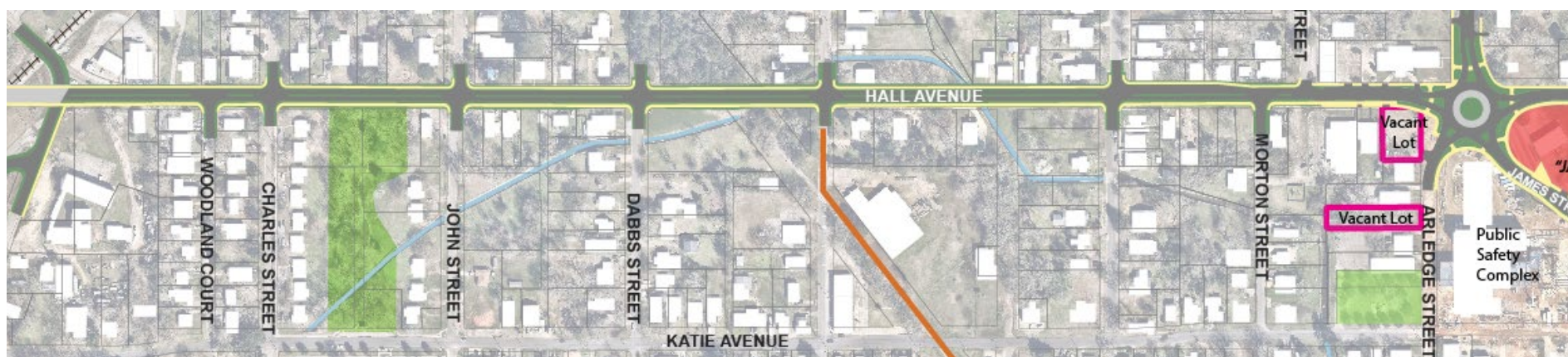


Figure 11. An Emerging Vision for Hall Avenue



**BRIDGING DIVIDES,
BUILDING OPPORTUNITIES:**

A Community-Driven Blueprint for East Hardy Street & Hall Avenue

Envisioned Land Uses & Businesses

Those office and personal service uses that are already permitted in the B-1 Professional Business zoning district, plus those listed as conditional.

Future Character, Building Placement & Form

The future character and building placement/form is expected to remain the same.

Preliminary Zoning Concepts

The following are preliminary zoning concepts to consider for Hall Avenue/Arledge Street.

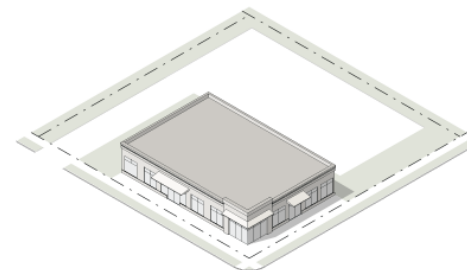
Using Conventional Zoning from the Existing Code

- ▶ Retain B-1 (Professional Business)

Using Form-Based Code Building Types

- ▶ Shopfront Building
- ▶ Detached House (with non-residential uses permitted)

Figure 12. Building Types from the Midtown Form-Based Zoning Code



B. Shopfront Building

A single-story building type that typically accommodates ground floor retail uses. Not intended for residential use.



K. Detached House

A building type that accommodates one dwelling unit on an individual lot with yards on all sides along with a rear accessory dwelling unit at grade or above a garage (carriage

4. James Street

a. Existing Conditions

<i>Area(s) of Interest</i>	Hall Avenue to Williams Street
<i>Place Type</i>	Node
<i>Floodplain</i>	No
<i>Transit Service</i>	No (bus stop a block away at Katie Ave. & Edwards St.)
<i>Historic District</i>	Yes
<i>Signalized Intersections</i>	Yes (at Edwards Street)
<i>Current Land Uses / Businesses</i>	Grocery store, Mexican grocer/taqueria
<i>Current Zoning</i>	• B-3 Community Business (west of Edwards Street) • B-2 Neighborhood Business (east of Edwards Street)



b. An Emerging Vision for James Street

James Street will emerge into an active food-focused node, driven in part by its proximity to the Public Safety Complex. A grocery store and a Mexican grocer/taqueria are located here already. Two new buildings are approved for development on the same lot as the grocery store, which will bring more activity to that site. Several small structures, some of which are vacant, could be activated by new businesses, including non-food businesses that could serve staff and visitors of the Public Safety Complex, in addition to neighborhood residents. Small spaces could be used to support and incubate local entrepreneurs.

Envisioned Land Uses & Businesses

Restaurants, coffee shop, bakery, and other food-related retail stores with the potential for mixed use in the future.

Future Character, Building Placement & Form

The properties here are owned by a single entity, which could allow for the creation of a coordinated redevelopment/reuse, circulation, and open space concept for the entire node. With the construction of the overpass, Edwards Street, which cuts through this node, no longer connects to Hall Avenue and could be vacated to become part of the property.

Preliminary Zoning Concepts

The following are preliminary zoning concepts to consider for James Street:

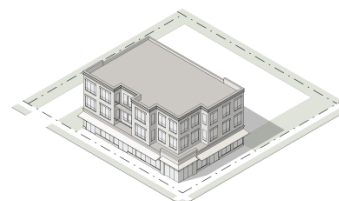
Using Conventional Zoning from the Existing Code

- ▶ The area currently zoned B-2 (Neighborhood Business) should be zoned B-3 (Community Business) and vice-versa to reflect existing businesses
- ▶ Planned Unit Development

Using Form-Based Code Building Types

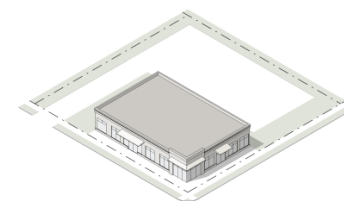
- ▶ Shopfront Building
- ▶ Mixed Use Building

Figure 13. Building Types from the Midtown Form-Based Zoning Code



A. Mixed Use Building

A multi-story building type that typically accommodates ground floor retail uses with upper-story residential or commercial use. Not intended for ground floor residential use.



B. Shopfront Building

A single-story building type that typically accommodates ground floor retail uses. Not intended for residential use.



**BRIDGING DIVIDES,
BUILDING OPPORTUNITIES:**

A Community-Driven Blueprint for East Hardy Street & Hall Avenue

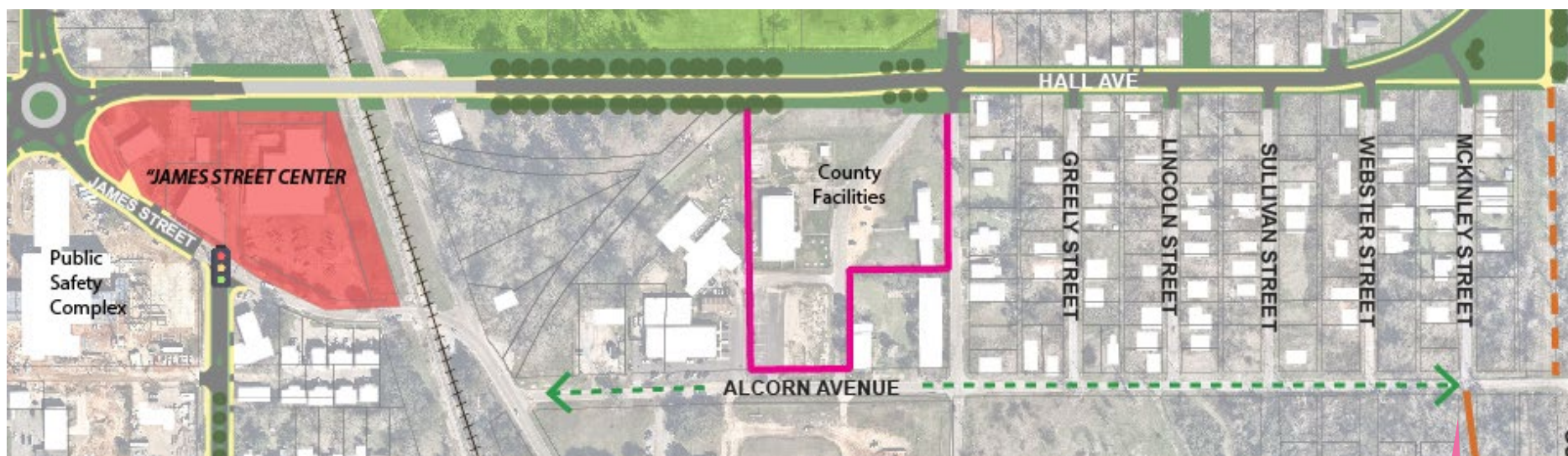


Figure 14. An Emerging Vision for James Street and a possibility for Alcorn Avenue to be a link in the trail system.

James Street and Alcorn Avenue

James Street (Old Highway 49) continues east over the railroad tracks and intersects with Alcorn Avenue, which links up with the Duncan Lake Trail at McKinley Street. Wayfinding signs (see section **6. Special Projects**) could direct motorists from James Street to the trailhead along Alcorn Avenue (see Figure 15). McKinley Street also might be an important trail connection, linking the Hall Avenue multiuse path with the trailhead at Duncan Lake Park.



Figure 15. The trailhead at Duncan Lake Park

5. Edwards Street

a. Existing Conditions

<i>Area(s) of Interest</i>	James Street to County Drive
<i>Place Type</i>	Corridor
<i>Floodplain</i>	No
<i>Transit Service</i>	Yes (bus stops at Katie Ave, Duke Ave, Tuscan Ave)
<i>Historic District</i>	No
<i>Signalized Intersections</i>	Yes
<i>Current Land Uses / Businesses</i>	Churches, detached houses, liquor/tobacco store, beer mart, Mexican eateries, dollar stores
<i>Current Zoning</i>	• B-2 Neighborhood Business • B-3 Community Business (several parcels on the northeast corner of Edwards Street & Cypress Avenue) • I-1 (south of Cypress Avenue along the east side of Edwards Street)



b. An Emerging Vision for Edwards Street

Edwards Street is a long corridor that starts at James Street and continues more than three miles south to State Highway 49. This is an important entry point for motorists coming from points south to reach East Hattiesburg and William Carey University.

Edwards Street will be transformed by the redesign of the roadway and streetscape from James Street to Lilac Street. The corridor's relatively large parcels, its proximity to William Carey University (which has more than 4,000 students), and the preponderance of vacant parcels contribute to the potential for revitalization. Plus, transit already serves this corridor. Redevelopment could take on several different forms. The development of larger scale medical and healthcare uses could improve access to care in East Hattiesburg, provide employment opportunities to neighborhood residents, and complement the presence of WCU's programs in osteopathic medicine, nursing, pharmacy, and other disciplines. WCU also could choose to locate certain educational, research, and training facilities here.

New homes in the form of apartments and other types of multi-unit housing could be welcomed by local residents and by WCU students, faculty, and staff seeking housing close to campus. Affordable housing and supportive services should also be considered and supported by policies that require a percentage of units in new apartment development to be designated affordable. Retail stores, restaurants, and services could be integrated into the

ground floors of mixed-use developments.

Envisioned Land Uses & Businesses

Between James Street and Cypress Avenue, envisioned land uses and business include residential (existing detached homes, multi-unit development) and mixed use (ground floor commercial, upper floor residential). See Figure 16.

Between Cypress Avenue and Tuscan Avenue, envisioned land uses and business include medical and healthcare uses such as a hospital, outpatient clinics and ambulatory surgical centers. Educational and institutional uses and civic/community uses could (e.g., library branch, recreation center) also could be located here. A new fire station is being considered for development at a site near Edwards Street and Tuscan Avenue.

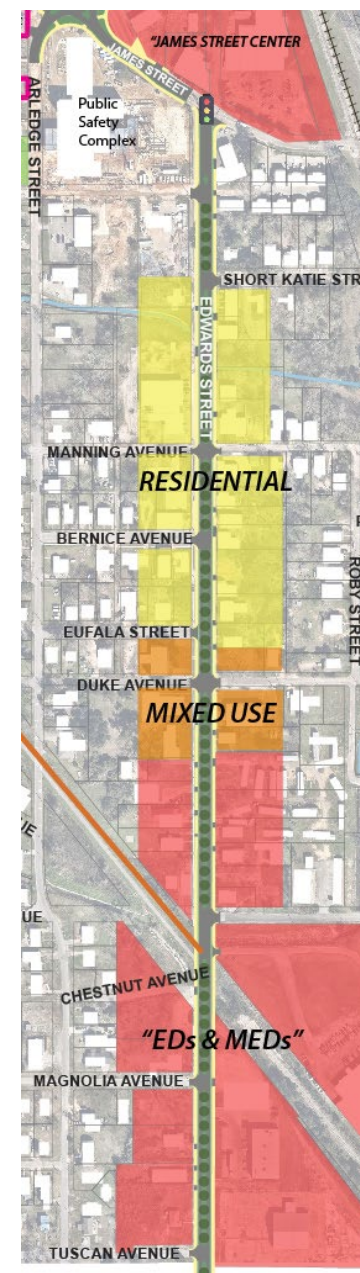


Figure 16. An Emerging Vision for Edwards Street

Future Character, Building Placement & Form

The character of Edwards Street could see significant change. New buildings could range from one to four stories tall with those facing the street having modest setbacks in order to provide space for landscaped front yards. The northern part of the street, between James Street and Cypress Avenue would have a more prominent residential character, while south of Cypress Avenue the character will be more commercial.

Reexamining the Design of Edwards Street

Given this envisioned future for the Edwards Street corridor, the design of the street should be reexamined further to consider on-street parking in addition to traffic signals and crosswalks at prominent intersections such as Edwards Street and Tuscan Avenue.

Preliminary Zoning Concepts

The following are preliminary zoning concepts to consider for Edwards Street

Using Form-Based Code Building Types

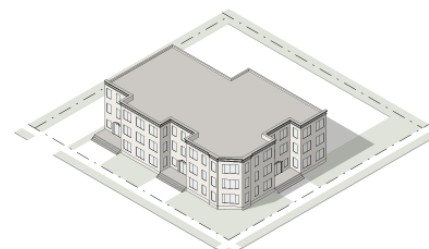
- ▶ From James Street to Cypress Avenue: Mixed Use Building, Apartment Building, Stacked Flat, Townhouse, Detached House
- ▶ From Cypress Avenue to County Dr.: Mixed Use Building (retail ground floor, non-retail commercial upper floors), General Building, Civic Building

Building types are depicted graphically in Figure 29 on page 32.

Other Provisions to Include

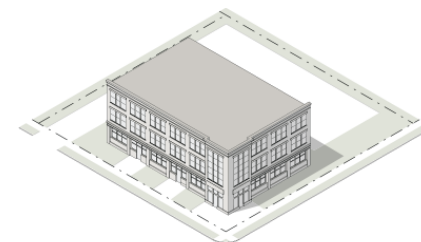
- ▶ Affordability requirements should be included for residential development.
- ▶ Green/sustainable building requirements should be considered for large-scale development.

Figure 17. Building Types from the Midtown Form-Based Zoning Code



E. Apartment Building

A building type that accommodates 12 or more attached dwelling units vertically and horizontally integrated. Not intended for non-residential use.



C. General Building

A building type that typically accommodates commercial uses. Not intended for retail or residential use.



**BRIDGING DIVIDES,
BUILDING OPPORTUNITIES:**

A Community-Driven Blueprint for East Hardy Street & Hall Avenue

6. Special Projects

This project takes a holistic view of revitalizing the corridors that is aligned with the “Regional Vision” described in the first chapter of this report. This is a vision of economic development “stimulated by and supported through investment in parks, open spaces, and recreation amenities spanning municipal boundaries, and creating roadway and trail connections that link them together.” The involvement of residents, businessowners, and propertyowners in East Hattiesburg is a key part of the “Emerging Local Vision.”

The following projects are intended to support the revitalization of the corridors and begin to bridge economic and social divides between East Hattiesburg and the rest of the City.



Figure 18. Traveling eastbound on East Hardy Street. The section between Williams Street and Klondyke is currently not part of any redesign project.

a. Bridging the Gap: The East Hardy Street Gap Project

The Longleaf Trace could be extended along River Avenue and East Hardy Street, across the old bridge, and into the City of Petal. A multiuse path is being constructed on the north side of East Hardy Street starting at Klondyke Street. Therefore there is a gap between Williams Street and Klondyke Street.

The only part of East Hardy Street that is not currently being improved is the section between Williams Street and Klondyke Street. The section of East Hardy Street between Williams

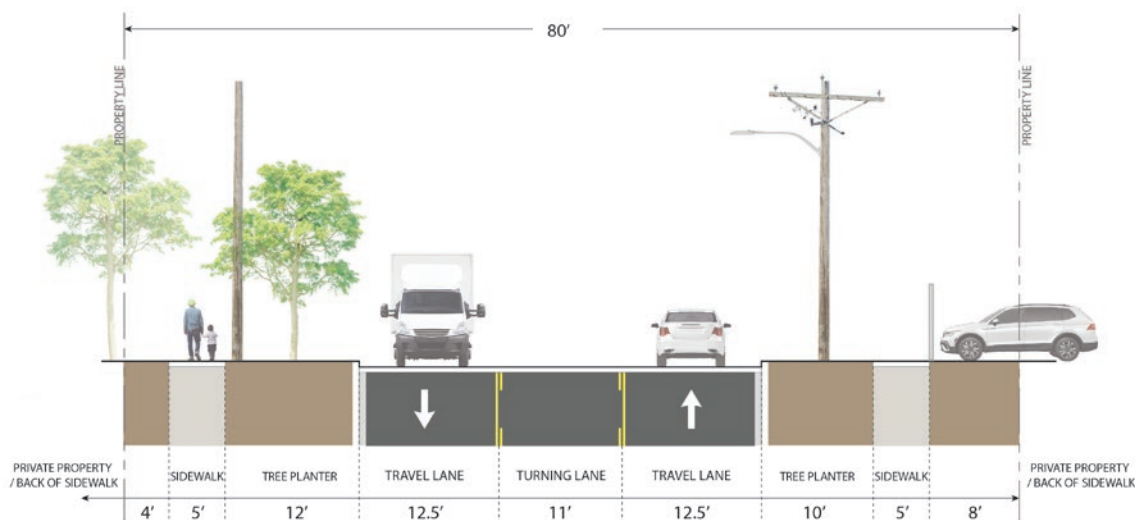


Figure 19. A cross section drawing depicting East Hardy Street between Williams Street and Tipton Street, which has two lanes and a center turning lane. Dimensions are approximate.

Street and Tipton Street has three lanes, with a westbound lane, eastbound lane, and a two-way center turning lane (see Figure 19 and Figure 18). East of Tipton Street, East Hardy Street narrows down to two lanes (see Figure 20 and Figure 21). There are gaps in the sidewalk network on both sides of the street. The multiuse path that will be constructed along the north side of East Hardy Street east of Klondyke Street potentially could be extended west along the north or south side of the street up to Williams Street, but it would need to accommodate future development. Significant development is not anticipated east of Lee Street.



Figure 20. East Hardy Street east of Tipton Street narrows down to two lanes.

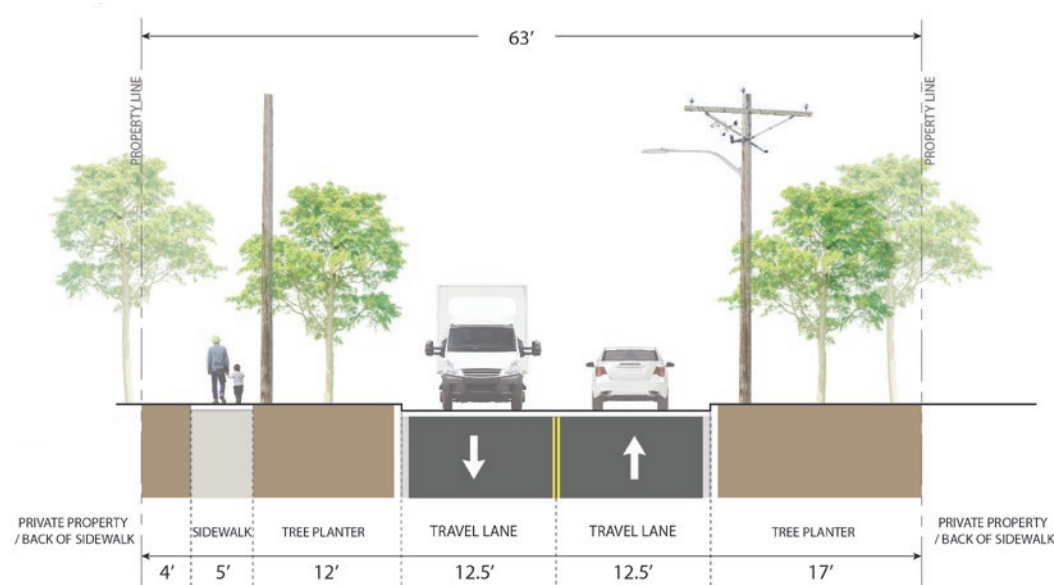


Figure 21. A cross section drawing depicting East Hardy Street east of Tipton Street, where the three-lanes narrows down to two lanes. Dimensions are approximate.

b. We Are Here: The East Hattiesburg Wayfinding & Heritage Project

The neighborhoods of East Hattiesburg have histories, cultures, stories, institutions, and businesses districts to announce, celebrate and share. A system of gateways, directional signs, interpretive panels, and public art, should be developed for this area. The existing site on the Freedom Trail, Morning Star Baptist Church, should be integrated into this system. In collaboration with local residents, neighborhood groups, and institutions, additional sites of historic and/or cultural significance should be identified.

The directional sign system currently in place in downtown (see Figure 22) should be adapted to include messages for East Hattiesburg, or whichever name or names are most appropriate based on consultation with local residents, businessowners, and institutions. There are many important destinations that could be signed (see Figure 23 and Figure 24 for examples).

Rename East Hardy Street

One of the early phases of this project should involve considering the renaming of East Hardy Street. During one of the community workshops, residents expressed strong sentiments about renaming East Hardy Street, with a specific suggestion for renaming it “River Avenue,” which is the street’s original name.



Figure 22. A wayfinding sign in downtown Hattiesburg.

Figure 23. Morning Star Baptist Church is site #10 on the Freedom Trail.



Figure 24. The community garden at Oseola McCarty Youth Development Center (photo by Charlotte Ciobanu)



**BRIDGING DIVIDES,
BUILDING OPPORTUNITIES:**

A Community-Driven Blueprint for East Hardy Street & Hall Avenue

Design a Gateway

The next phase of the East Hattiesburg Wayfinding & Heritage Project could be designing a gateway treatment for the area around the intersection of East Hardy Street and Williams Street. A roundabout concept should be explored at this intersec-

Figure 25. A conceptual plan for the design of a gateway at the intersection of East Hardy Street and Williams Street. The floodplain is also shown on the plan.



tion. If that is not feasible, the existing intersection has a wide expanse of asphalt that could be filled in by extending the curb and creating a landscaped area on which a monument sign and/or other treatments identifying the neighborhoods to the south down Williams Street and to the east along East Hardy Street. A conceptual plan shows how the intersection could be redesigned (see Figure 25). Part of the area is floodplain and, therefore, rain gardens and bioswales are shown.

Gateway treatments can include art in addition to sign elements, as shown in Figure 26.



Figure 26. An example of a gateway that incorporates art. The gateway is illuminated softly at night (photo from www.hickorync.gov/gateways)

c. Reviving a Key Connector: The Tipton Street Complete Street Project

Tipton Street is an important north-south street that connects East Hardy Street to the newly-extended Hall Avenue and then continues south past Duncan Lake, ending at Old Highway 49. It is a narrow two-lane street with houses along most of its length. However, it also passes by several important sites, including the Eaton School property, East Jerusalem Baptist Church, Friendship Park, and Friendship Missionary Baptist Church.

The double yellow line is fading and sidewalks appear intermittently along the street (see Figure 27). Tipton Street is designated a bicycle route, but there are no signs informing people of this. Tipton Street is a bus route. Bus stops are located at Mc Innis, Rebecca,

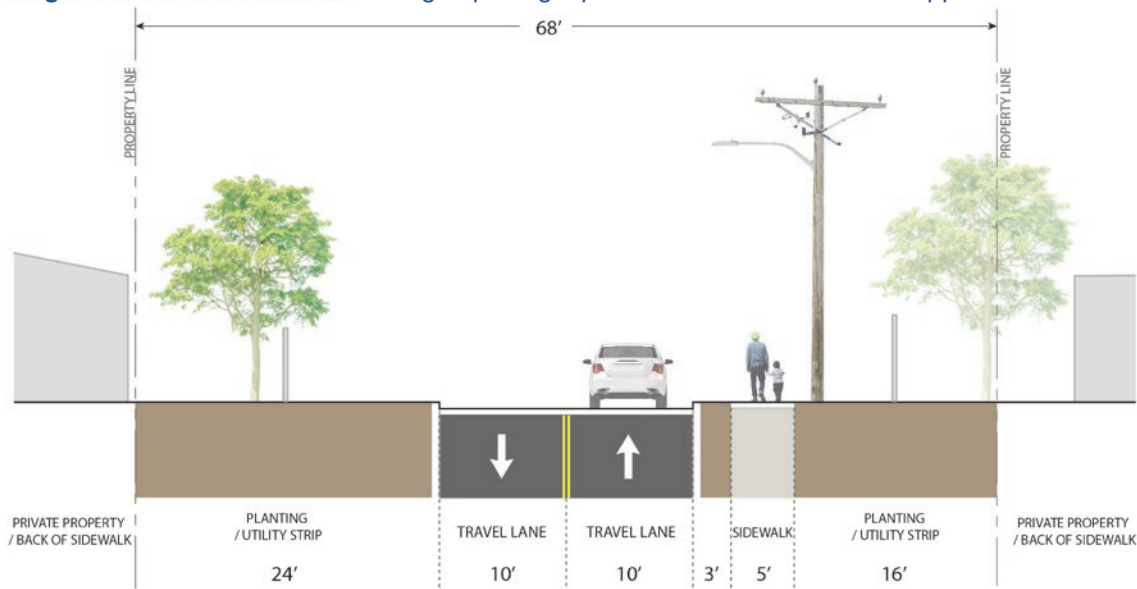
and Alcorn Avenues. Signs are posted at these locations.

When all of the overpass and roadway projects are complete, Tipton Street might experience more traffic from cars, pedestrians, and bicyclists. The purpose of the Tipton Street Complete Street Project is to reinvest in and redesign the Tipton Street corridor to improve facilities for cars, pedestrians, bicyclists, and bus riders. As the land uses are primarily residential, appropriate traffic calming and lighting treatments also should be considered.

Figure 27. Looking north on Tipton Street.



Figure 28. A cross section drawing depicting Tipton Street. Dimensions are approximate.



d. Additional Special Projects

Existing residents and businesses in East Hattiesburg must benefit from the opportunities that new development creates, whether through having new living options, more places to work, or new business opportunities.

Include Affordable Housing Incentives and/or Requirements

Incentives and/or requirements for providing affordable housing units as part of new development, whether in a mixed use building containing residential units or in an entire residential building, should be integrated into the zoning code revisions for the corridors.

Support Existing East Hattiesburg Entrepreneurs & Businesses

East Hattiesburg entrepreneurs and businesses should be supported in their efforts to launch or improve their businesses. Furthermore, businessowners who own their properties and might be interested in undertaking a redevelopment project should be supported. Businesses that lease their space might find a better location by relocating into a newly-developed building. All of these activities might require technical and financing assistance. Technical assistance is available from University of Southern Mississippi's Small Business Development Center. Financing advice and assistance could come existing from community development financial institutions (CDFIs).



**BRIDGING DIVIDES,
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A Community-Driven Blueprint for East Hardy Street & Hall Avenue

7. Zoning Recommendations

a. A New Tool: Form-Based Zoning

During the course of this project, the City approved the application of the *Midtown Form-Based Zoning Code* to the greater City where appropriate and useful, renaming it the *Hattiesburg Form-Based Code*.

Form-based zoning is a type of zoning that cities have been utilizing more frequently. Traditional zoning is based on separating incompatible land uses, leading to commercial zoning districts, residential zoning districts, and industrial zoning districts. Form-based zoning is based on the physical form of buildings, or building types, that are permitted in a specific zoning district. It includes diagrams and illustrations, such as Figure 29, which is from the original *Midtown Form-Based Zoning Code*. For this project, the ability to adapt and utilize this code city-wide provides an additional set of zoning tools to apply to the corridors, if and where appropriate.

Along with expanding the code to be applied citywide, it was also amended to include two new districts not shown on Figure 29: **Mixed Use (MX-2)** and **Residential Attached (RA-2)**. The “2” represents a maximum building height of two stories, where as in MX-3 and EA-3, the maximum building height is three stories.

Sec. 3.2. Building Types Allowed by District

Building types are allowed by district as set forth below.

BUILDING TYPE	Mixed Use (MX-3, -4, -5)	Hardy Street Overlay (-HS)	Employment (EM-2, -3)	Employment (EM-4, -6, -9)	Residential Attached (RA-3)	Residential Detached (RD-2)
 Mixed Use Building	P	P				
 Shopfront Building	P	P				
 General Building	P	P	P	P		
 Civic Building	P	P	P	P	P	P
 Apartment Building	P		P			
 Apartment Court	P		P			
 Garden Apartment	P		P		P	
 Stacked Flat	P		P		P*	
 Townhouse	P		P		P	
 Cottage Court					P	P
 Detached House					P	P

Key: P = Permitted Blank Cell = Not Permitted

* In RA-3, a stacked flat is only allowed on a lot located at the intersection of two public streets.

Figure 29. This page from the Midtown Form-Based Zoning Code (now called the Hattiesburg Form-Based Code) identifies the building types permitted in each zoning district.

b. Proposed Zoning for the Corridors

The recommended zoning for the corridors that are the subject of this project include **MX-3** (Mixed Use, 3-story max), **MX-2** (Mixed-Use, 2 story max), **RA-2** (Residential Attached, two story max), and **EM-3** (Employment, three story max). Figure 30 shows the proposed zoning districts as applied to each of the corridors.

River Avenue Overlay Zone

Due to the presence of the floodplain, a new overlay zone is proposed to apply to new development on all properties that are proposed to be rezoned along East Hardy Street. Building setback requirements will be determined by floodplain regulations as indicated in the City's Flood Damage Prevention Ordinance (#3294), and property owners and developers must adhere to these requirements to

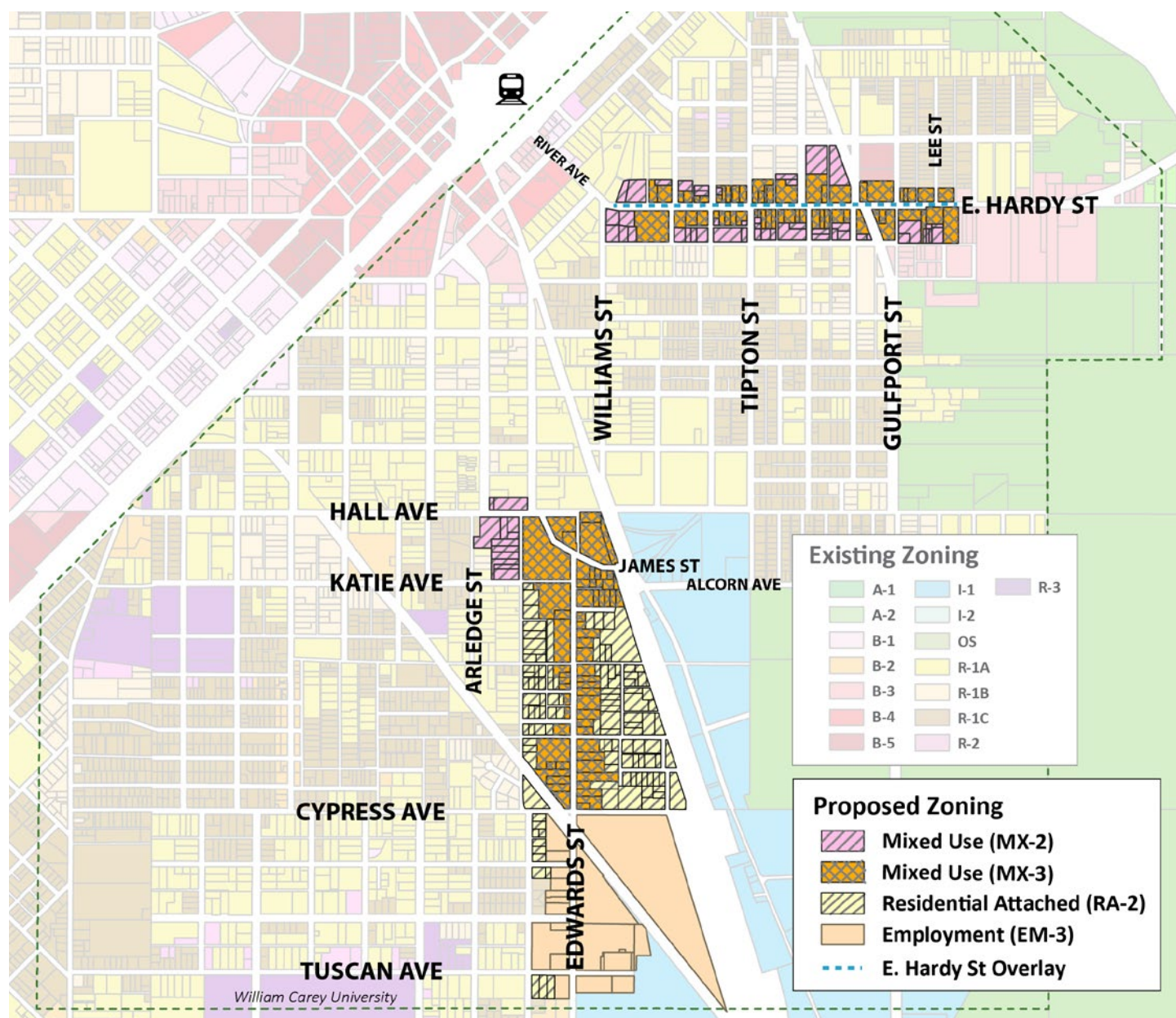


Figure 30. Proposed Zoning for the Corridors (also shows Existing Zoning to Remain)

ensure the safety of the building and its occupants. Setbacks will be required to be as close to the MX-2 or MX-3 front yard setback as possible while incorporating standards for the floodplain zone.

Affordability Requirements

The City should consider incorporating requirements for developers to provide affordable units as part of multi-unit residential projects in addition to incentives for providing affordable units.

c. Reference Diagrams & Use Table

The diagrams on the following pages from the Midtown Form-Based Code are provided for reference. Note that diagrams currently do not exist for the MX-2 and RA-2 districts because these districts were created after the code was adopted.

The Permitted Use Table from the Midtown Form-Based Code is also included in this section.

Sec. 2.3. Mixed Use Districts (MX-3, -4, -5)

The MX- Districts are intended to accommodate a mix of compatible commercial, employment and higher-density residential in a pedestrian-friendly and walkable environment.



A. Permitted Building Types

- | | |
|----------------------|--------------------|
| ■ Mixed Use Building | ■ Garden Apartment |
| ■ Shopfront Building | ■ Stacked Flat |
| ■ General Building | ■ Townhouse |
| ■ Civic Building | ■ Cottage Court |
| ■ Apartment Building | ■ Detached House |
| ■ Apartment Court | |

Sec. 2.4. Employment Districts (EM-2, -3, -4, -6, -9)

The EM- Districts are intended to accommodate a mix of compatible office, medical and medium-density residential in a pedestrian-friendly and walkable environment.



A. Permitted Building Types

- | EM-2, -3 | EM-4, -6, -9 |
|----------------------|----------------------|
| ■ General Building | ■ General Building |
| ■ Civic Building | ■ Civic Building |
| ■ Apartment Building | ■ Apartment Building |
| ■ Apartment Court | ■ Apartment Court |
| ■ Garden Apartment | ■ Garden Apartment |
| ■ Stacked Flat | ■ Stacked Flat |
| ■ Townhouse | ■ Townhouse |
| ■ Cottage Court | ■ Cottage Court |
| ■ Detached House | ■ Detached House |



Sec. 2.5. Residential Attached District (RA-3)

The RA-3 District is intended to accommodate a mix of medium-density detached and attached residential in a pedestrian-friendly and walkable environment.



A. Permitted Building Types

-  Mixed Use Building
-  Shopfront Building
-  General Building
-  Civic Building
-  Apartment Building
-  Apartment Court
-  Garden Apartment
-  Stacked Flat
-  Townhouse
-  Cottage Court
-  Detached House

Sec. 3.2. Building Types Allowed by District

Building types are allowed by district as set forth below.

BUILDING TYPE	Mixed Use (MX-3, -4, -5)	Hardy Street Overlay (-HS)	Employment (EM-2, -3)	Employment (EM-4, -6, -9)	Residential Attached (RA-3)	Residential Detached (RD-2)
 Mixed Use Building	P	P				
 Shopfront Building	P	P				
 General Building	P	P	P	P		
 Civic Building	P	P	P	P	P	P
 Apartment Building	P		P			
 Apartment Court	P		P			
 Garden Apartment	P		P		P	
 Stacked Flat	P		P		P*	
 Townhouse	P		P		P	
 Cottage Court					P	P
 Detached House					P	P

Key: P = Permitted Blank Cell = Not Permitted

* In RA-3, a stacked flat is only allowed on a lot located at the intersection of two public streets.



Sec. 4.4. Permitted Use Table

Uses are allowed by district as set forth below.

	MX -3, -4, -5	EM -2, -3	EM -4, -6, -9	RA -3	RD -2	OS	Definition/ Use Standard
Residential Uses							
Dwelling, detached	X	X	X	P	P	X	Sec. 4.5.A.1
Dwelling, attached	P	P	X	P	X	X	Sec. 4.5.A.2
Dwelling, multi-family	P	P	X	P	X	X	Sec. 4.5.A.3
Assisted living facility, nursing home	P	P	P	X	X	X	Sec. 4.5.A.4
Bed and breakfast residence (up to 5 rooms)	P	P	X	P	PC	X	Sec. 4.5.A.5
Bed and breakfast inn (6 to 12 rooms)	P	P	P	PC	X	X	Sec. 4.5.A.6
Day care center	P	P	P	PC	X	X	Sec. 4.5.A.7
Independent living facility	P	P	P	X	X	X	Sec. 4.5.A.8
Retail Uses							
Amusement and recreation facilities, indoor	P	P	P	X	X	X	Sec. 4.5.B.1
Art gallery	P	P	P	L	X	X	Sec. 4.5.B.2
Bank	P	P	P	X	X	X	Sec. 4.5.B.3
Bar, lounge	P	X	X	X	X	X	Sec. 4.5.B.4
Personal service	P	X	X	L	X	X	Sec. 4.5.B.5
Professional studio, photography, drama, dance, gymnastics	P	X	X	X	X	X	Sec. 4.5.B.6
Repair service	P	X	X	L	X	X	Sec. 4.5.B.7
Restaurant	P	X	X	L	X	X	Sec. 4.5.B.8
Retail sales	P	X	X	L	X	X	Sec. 4.5.B.9
Commercial Uses							
Ambulance service	P	P	P	X	X	X	Sec. 4.5.C.1
Hotel, motel (13 or more rooms)	P	X	X	X	X	X	Sec. 4.5.C.2
Hospice	P	P	P	X	X	X	Sec. 4.5.C.3
Hospital	X	P	P	X	X	X	Sec. 4.5.C.4
Medical clinic, office	P	P	P	X	X	X	Sec. 4.5.C.5
Office	P	P	P	L	X	X	Sec. 4.5.C.6
Parking lot or garage	PC	PC	PC	X	X	X	Sec. 4.5.C.7
Veterinary clinic	L	L	L	X	X	X	Sec. 4.5.C.8

Key: P = Permitted by-right
PC = Planning Commission review required
L = Use permitted subject to use standards specified in cross-reference
X = Not permitted

Note: None of the above permitted uses include an "adult entertainment establishment" as defined in the Land Development Code.

	MX -3, -4, -5	EM -2, -3	EM -4, -6, -9	RA -3	RD -2	OS	Definition/ Use Standard
Civic Uses							
Amphitheater	X	X	X	X	X	P	Sec. 4.5.D.1
College, university	P	P	P	X	X	X	Sec. 4.5.D.2
Museum, library	P	P	P	X	X	X	Sec. 4.5.D.3
Park, playground	P	P	P	P	P	P	Sec. 4.5.D.4
Place of worship	P	P	P	PC	PC	X	Sec. 4.5.D.5
School, K-12	P	P	P	PC	PC	X	Sec. 4.5.D.6
Semi-public use	P	P	P	X	X	X	Sec. 4.5.D.7
Accessory Uses							
Drive-thru	PC	PC	PC	X	X	X	Sec. 4.5.E.1
Carriage house	X	X	X	P	P	X	Sec. 4.5.E.2
Home care center	P	P	P	P	P	X	Sec. 4.5.E.3
Home occupation	L	L	L	L	L	X	Sec. 4.5.E.4
Utility service	P	P	P	P	P	X	Sec. 4.5.E.5

Key: P = Permitted by-right
PC = Planning Commission review required
L = Use permitted subject to use standards specified in cross-reference
X = Not permitted

Note: None of the above permitted uses include an "adult entertainment establishment" as defined in the Land Development Code.



URBAN DEVELOPMENT PLANNING DIVISION

MEMORANDUM

TO: To all it may concern
FROM: Cory Long, Planning Division Manager
DATE: October 9th, 2023
SUBJECT: Hattiesburg Land Development Code and Hattiesburg Form-Based Code Amendments for the Bridging Divides, Building Opportunities Master Plan

Planning Commissioners and all others it may concern, the October 11th, 2023 Planning Commission agenda will include a proposal to amend the “Land Development Code, Ord. No. 3209” as amended and the “Hattiesburg Form-Based Code, Ord No 3105” as amended to encompass the forthcoming Bridging Divides, Building Opportunities (BDBO) Master Plan for areas near River Ave (Formerly East Hardy) Hall Avenue, and Edwards Street.

These changes will expand the Land Development Code and the existing Form-based code to the BDBO area and beyond as appropriate. This document serves as an explanation of the amendments.

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PROPOSED CHANGES TO THE HATTIESBURG LAND DEVELOPMENT CODE, ORDINANCE #3209

Amend the Land Development Code to Add Section 15:
Affordable Housing Incentive and add the following:

Section 15 Land Development Code

15.1 Purpose and Intent

To encourage affordable housing development for moderate, low, and very low-income households. The Affordable Housing Incentives serve to implement the Housing and Community Goal of promoting housing in a range of housing types, prices, and densities that address affordable housing needs in the city of Hattiesburg.

15.2 Applicability

1. The following housing incentive standards shall be applied to the Study area identified in the Bridging Divides, Building Opportunities Vision & Revitalization Plan adopted August ##, 2023. **(OPTION 1)**
2. Intersection of Guy Eaton Street and Royal Street, following southeast to Martin Luther King Ave South to Tuscan Ave, east to Burketts Creek or Leaf River, north to Currie Street. **(OPTION 2, but would need the boundaries to be reviewed/edited)**

15.3 Affordable Housing Project Narrative

1. An applicant must submit an Affordable Housing Project (AHP) Application to the City, which will be treated as part of the development application. The Director of Urban Development will request from the applicant additional information reasonably necessary to clarify and supplement the application determining the consistency of the proposed AHP with the requirements of this Article/Section. The AHP should include, but not be limited to, the following:
 - a. A description of the Residential Development Project, including the proposed total number of Affordable Housing Units, and Senior Housing Units;
 - b. The zoning and general plan designations and assessor's parcel number(s) of the project site;
 - c. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway, and parking layout;
 - d. A description of the concessions or incentives requested;
 - e. A detailed explanation of the percentage and types of affordable housing proposed.

- f. A detailed description of how the development satisfies the “affordable housing” definition, including proposed pricing and income targets.
 - g. A guarantee that the designated units will remain affordable for at least ten years, including a detailed plan for monitoring and enforcing compliance.
 - h. Granting an incentive shall not require a Plan Amendment, zoning change, or other discretionary approval.
 - i. The decision process for a development requesting an incentive shall be the same decision process required if the incentive were not a part of the development proposal.
- 2. An affidavit from the developer or owner affirming that the project will be constructed per the approved application and that the development's affordable housing component shall be maintained for the period specified in the affordability narrative.

15.4 Affordable Housing Designation

A designation by the Director of Urban Development as an affordable housing development shall be valid for three years. The Director of Urban Development may grant an extension of one year. No incentives shall remain available if a building permit is not issued before an affordable housing development designation expires. Affordable Housing Project designations shall be non-transferable.

15.5 Eligibility

- 1. A proposed development qualifies as an affordable housing development and is eligible for this program if:
 - a. it includes:
 - i. a minimum of three dwelling units,
 - ii. only affordable dwelling units; or
 - iii. one or more structures that serve as a dwelling unit for seven or more unrelated individuals who share amenities, such as a kitchen, bathrooms, or living areas.
 - b. At least 25 percent of the affordable dwelling units include two or more bedrooms, supportive housing, housing for older persons, or any combination of the three;
 - c. not more than 25 percent of the proposed development's gross floor area is for commercial uses;
 - d. it is new construction, it is the redevelopment of a site without existing multi-family structures, or the existing development on the site complies with the requirements in Subsection 3.
- 2. Except for a proposed development participating in a government-operated affordable housing program with stricter requirements, the applicant for a proposed rental development:
 - a. shall incorporate lease provisions that are consistent with:

- i. the U.S. Department of Housing and Urban Development (HUD) Section 8 Tenant-Based Assistance Housing Choice Voucher (HCV) Program related to the termination of tenancy by the owner;
 - ii. 24 C.F.R. § 245.100 related to a tenant's right to organize; and
 - b. may not discriminate on the basis of an individual's source of income.
- 3. A proposed development that will require the applicant to redevelop or rebuild an existing multi-family structure is eligible for this program if:
 - a. the proposed development meets the standards imposed in Subsections (1) and (2);
 - b. the existing multi-family structure requires extensive repairs and for which rehabilitation costs will exceed 50 percent of the market value, as determined by the building official;
 - c. the proposed development will replace all existing units that were affordable to a household earning 80 percent MFI or below in the previous year and have at least as many bedrooms;
 - d. the applicant provides current tenants with:
 - i. notice and information about the proposed development on a form approved by the Director; and
 - ii. relocation benefits that are consistent with Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C.A. 4601, et seq.; and
 - iii. the applicant grants current tenants the option to lease a unit of comparable affordability and size following the completion of redevelopment.

15.6. Affordable Housing Incentives.

1. A developer is eligible for a waiver or reduction of fees if the Director determines that the housing development provides the percentage of reasonably priced dwellings described in this section.
2. Affordable housing developments shall be entitled to a waiver or reduction of the following building Permit fees listed below. In no case shall the waiver or reduction of a development fee for an affordable housing development relieve an owner, developer, contractor, or another responsible party from the obligation to receive any necessary city permit or approval or from any requirement necessary to receive any such permit or approval.

15.6 Building Permit Fee Waiver Table

Percentage of Affordable Units	Building Permit Fee Waiver Percentage		
	Very low-income (30% of median family income)	Low-income (50% of median family income)	Moderate-income (80% of median family income)
25% Units	70% Fee Waiver	55% Fee Waiver	50% Fee Waiver
50% Units	80% Fee Waiver	65% Fee Waiver	60% Fee Waiver
75% Units	90% Fee Waiver	75% Fee Waiver	70% Fee Waiver
100% Units	100% Fee Waiver	85% Fee Waiver	80% Fee Waiver

3. Maximum fee waiver is \$30,000.

15.7 Affordability Requirements

1. An applicant complies with the requirements in this section if the applicant participates in a government-operated affordable housing program that imposes, at a minimum, the same affordability requirements.
2. A rental development must comply with at least the following:
 - a. at least 50 percent of the total units or sleeping units serve households whose incomes average 80 percent MFI or below; and
 - b. at least 20 percent of the total units or sleeping units serve households with incomes of 50 percent MFI or below.
 - c. If the units required in this section include less than a whole unit, the unit number is rounded to the nearest whole unit.
 - d. The minimum affordability period for an owner-occupied dwelling unit is 99 years after issuing a certificate of occupancy for the owner-occupied dwelling unit.
 - e. In a multi-phased qualifying development, the Director may begin the minimum affordability period upon issuing the last certificate of occupancy for each phase.

15.8 Design, Distribution, and Timing of Affordable Housing Units

1. Affordable Housing Units must be constructed concurrently with market-rate units. The Affordable Housing Units shall be integrated into the Residential Development Project and be comparable in infrastructure (including sewer, water, and other utilities), construction quality, and exterior design to the market-rate units.
2. No building permits will be issued for market-rate units until permits for all Affordable Housing Units have been obtained unless Affordable Housing Units are to be constructed in phases under a plan approved by the City.
3. Market-rate units will not be inspected for occupancy until all Affordable Housing Units have been constructed unless Affordable Housing Units are to be constructed in phases under a plan approved by the City.

15.9 Certification.

1. If the Director certifies that a proposed development meets the requirements of this division, the official is authorized to process a development application as a qualifying development.
2. Before the Director may certify that a proposed development meets the requirements of this division, the applicant shall execute the following:
 - a. an agreement to preserve the minimum affordability period and related requirements imposed by this division; and
 - b. a document for recording in the real property records that provides notice of or preserves the minimum affordability requirements imposed by this division.
 - c. The city attorney must approve the form of the documents described in Subsection (2).
 - d. The Director may certify an applicant who complies with the requirements in Subsection (2) because the applicant participates in a government-operated affordable housing program that imposes, at a minimum, the same affordability requirement.

15.10 Post-Construction Requirements And Penalty. OPTION 1

1. For a rental development, the property owner or the property owner's agent shall provide the Director with information that allows the Director to verify compliance with the affordability requirements. The information shall be provided annually and on a form approved by the Director.
2. If, for any reason, the Director cannot confirm that the affordability requirements were met during any 12 months, the preceding 12 months may not be used to satisfy the minimum affordability requirements in Section 25-1-723 (Affordability Requirements).
3. An applicant complies with the requirements in this section if the applicant complies with monitoring and income verification requirements imposed and enforced as part of a government-operated affordable housing program.
4. A person commits an offense if the person fails to comply with the requirement in Subsection (1). A culpable mental state is not required and need not be proved. A person commits a separate offense for each day the person fails to provide the documentation. Each offense is punishable by a fine not to exceed \$500.

15.10 Failure to comply, penalty. OPTION 2

1. If an owner or developer fails to comply with any term or condition of an affordable housing designation or fails to maintain the agreed-upon percentage of affordable housing for the agreed-upon length of time, the Director of Urban Development may revoke the designation after allowing the applicant or its successor to address such failure at a regularly-scheduled board meeting.
2. Upon revocation, all waived or reduced fees, assessments, and/or bonds shall become immediately due and payable to the city by the applicant. The mayor and board of aldermen may, upon revocation, disclaim and abandon any infrastructure maintained by the city as a result of a designation.

PROPOSED CHANGES TO THE HATTIESBURG FORM-BASED CODE, ORDINANCE #3105

Amend the Hattiesburg Form-Based Code as follows for the Adoption of the Bridging Divides, Building Opportunities Master Plan:

Definitions to Add:

Height Baseline: The base elevation from which the height of a building is measured for the River Avenue Corridor Overlay. The Height Baseline is the Minimum Buildable Elevation determined by the flood ordinance.

Addition of the following Zoning Districts:

2.1 Zoning Districts Established

G. River Avenue Corridor Overlay: The River Avenue Corridor (RAC) Overlay regulates orderly development along a stretch of River Avenue within a floodplain. This overlay applies to all new developments on properties with frontage along East Hardy Street between Williams Street and Lee Street.

Addition of the Following Sections:

2.8 River Avenue Corridor Overlay

1. Application

- a. All new developments on properties fronting East Hardy Street, between Williams Street and Lee Street, will be subject to the additional provisions of the RAC Overlay.
- b. Any building expanding more than 50% must comply with at least one of the items outlined in section 2.8.L
- c. In instances where the form-based code conflicts with the overlay, provisions of the overlay shall prevail.

2. Use Permissions

- a. The base zoning district shall indicate the permitted uses as in Table 4.4.
- b. Properties shall be developed with ground-floor commercial spaces.
- c. Ground-floor residential uses are strictly prohibited.
- d. Parking Garages may be permitted on the ground floor if the applicant can demonstrate need based on site restrictions and follows the parking garage requirements in section H.2.b.

3. Standards

- a. All Structures within the floodway areas must:
 - i. Adhere to Chapter 10 of the Code of Ordinances;

- ii. Exhibit a low potential for flood damage potential;
- iii. Adequate floodproofing measures are provided to the flood protection elevation; and
- iv. Meet the stipulated development standards of Chapter 10 Article 5.

4. Building Types Permitted

- a. Mixed Use
- b. Shopfront
- c. Civic Building

5. Building Setbacks

- a. Setback requirements are predominantly determined by floodplain regulations, as detailed in Ordinance Number 3294.
- b. For new constructions, setbacks should be aligned as closely as possible with the recommended MX-3 front yard setback while integrating standards pertinent to the floodplain zone.

6. Building Heights

- a. RAC has a minimum building height of 2 stories at the intersection of Tipton and River Avenue, as shown in the BDBO Plan.
- b. Building Height shall be measured from the Height Baseline appropriate to the site.
- c. The vertical offset between the Height Baseline and the finished surface of the first floor above the Height Baseline shall not exceed four (4) feet.
- d. No Story shall exceed 14 in height, measured from floor to ceiling.

7. General Standards

- a. Pedestrian Connections
 - a. Pedestrian walkways shall be provided within the vehicle use space of all parking areas, as follows:
 - b. Pedestrian walkways shall connect adjacent sidewalks on each street frontage with the entrance(s) of the establishment, and pedestrian walkways shall connect parking areas for the establishment's employees and visitors with the entrance(s) of the establishment.
 - c. The pedestrian walkways shall be at least four (4) feet wide and unobstructed by vegetation, parking spaces, steps, utility poles, and other permanent objects.
 - d. Pedestrian walkways shall be at least five feet wide on lots with one or more commercial use(s). They shall be paved with a material that meets or exceeds the Americans with Disabilities Act accessibility requirements.
 - e. If the pedestrian walkways are abutting or within a vehicle-use area, the pedestrian walkways shall be clearly marked and
 - f. distinguished with reflective pavement markings. Vehicle-use lanes within parking areas should be designed to avoid such pedestrian walkways.
 - 1. If a vehicle-use lane crosses a pedestrian walkway, the pedestrian walkway shall be constructed so that its elevation is at least four inches higher than the elevation of the vehicle-use lane. To cross such an elevated pedestrian walkway, Vehicles shall mount the elevated pedestrian walkway via a ramped paved surface with at least a 1:1 rise: run steepness, slowing the vehicles and enhancing pedestrian safety.

- 2. Alternatively, a speed hump of at least four inches of height can be installed in the vehicle-use lane exactly two feet in advance of the pedestrian walkway.
 - ii. Site design shall include prominent links from the main entrance of the building to the public sidewalk and plazas.
 - iii. Ground-related open space shall be connected to the public pedestrian network to encourage walkability.
- b. Parking Entrances and Parking Garages
 - i. Location
 - 1. Primary Frontages. Garage doors are permitted on primary street faces only for patio access, open-air dining, or display and not for vehicular access.
 - 2. Non-Primary Frontages. Garage doors may be permitted on non-primary street facades with direct access to the street where permitted by building type.
 - 3. Parking garage entrances and parking shall be located on the side or rear of buildings.
 - ii. Ground-floor Parking Only
 - 1. Ground-floor parking garage structures must be set back 20 feet from Primary Street.
 - 2. Outdoor amenity space elements must be incorporated between the structure and Primary Street, covering 80% of the area between the structure and Primary Street.
 - 3. Ground-floor parking garages are prohibited at intersections and cannot be within 75 feet of intersections.
 - 4. Ground-floor parking structures may be no more than 130 feet wide.
 - 5. A maximum of one ground-floor parking structure is permitted per block.
 - 6. Parking garage entrances and parking shall be located on the side or rear of buildings.
 - iii. Exception for Retail/Commercial Buildings:
 - 1. See section 5.1.I Design of Parking Structures for further guidance on parking structures.

8. Building Elements

- a. In addition to the permitted building elements of the MX-3 district, a terrace is also permitted.
 - i. Terrace must include 30% outdoor amenity space.

9. Building and Site Design Deviations

- a. Applicability:
 - a. In recognition of the unique flooding challenges and constraints inherent to specific sites in the RAC, the stipulated requirements of the form-based code may be subject to modification. Developers or property owners can petition for adjustments based on tangible evidence and demonstrable site restrictions for each modification requested.

- b. Each request will be evaluated on a case-by-case basis, ensuring that the core principles of the Form-based code are maintained while accommodating the specific nuances of individual sites.
- b. Authority:
 - i. The Form-Based Code Development Review Committee must review the request in light of the purpose and intent of this Code.

10. Permitted Deviations

- a. The following deviations are the maximum for the RAC and cannot be combined with other Permitted Deviations in Sec. 7.2 Deviations from the Code.
- b. The Permitted Deviations may be approved provided additional Passive Outdoor Amenity Space and enhanced Building and Site Design are incorporated into the site design.
 - i. See Section 3.17.F Outdoor Amenity Space.
 - ii. See Section L, below, Enhanced Building and Site Design Criteria for Placemaking requirements.
- c. The Form-Based Code Development Review Committee is authorized to approve a deviation for the following:
 - a. Build-to Zone (BTZ)
 - 1. Passive outdoor amenities space, a maximum of 20% of the façade width or 30 feet wide, whichever is less, may count towards the minimum primary frontage coverage for the building.
 - 2. Passive outdoor amenities space, a maximum of 10% of the façade width or 15 feet wide, whichever is less, may count towards the minimum primary frontage coverage for the building.
 - 3. Active outdoor amenities are prohibited in the BTZ.
 - b. Build-to-Zone Expansion
 - 4. The primary street build-to zone may expand between 0 and 20 feet of the frontage to allow additional outdoor amenity space, excluding the active outdoor space.
 - c. Transparency
 - 5. Reduction of up to 65% of the minimum percentage of windows and doors that must cover street-facing building facades is allowed for dry floodproofing techniques.
 - d. Pedestrian Access
 - 6. Extension of up to 170% of the minimum required distance between street-facing entrances.
 - e. Parking
 - 7. A reduction of 20% of the minimum required vehicle parking spaces may be approved by the Form-Based Code Development Review Committee on a case-by-case basis, based on applicant-submitted parking data that illustrates the required parking ratios do not accurately apply to their specific development or based on transit service, shared parking, site constraints, or transportation demand measures.

11. Enhanced Building and Site Design Criteria

- a. Generally

In order to qualify for the Permitted Deviations mentioned in Section K, properties shall integrate the following elements to ensure a vibrant and sustainable streetscape.

- b. Enhanced Setbacks for Primary and Street BTZ:
 - a. Setbacks must incorporate at least five of the following to maintain a dynamic streetscape:
 - 1. Plantings and additional landscaping;
 - 2. Stairs;
 - 3. Terrace;
 - 4. Temporary seating areas for outdoor cafes;
 - 5. Public art;
 - 6. Decorative elements;
 - 7. Murals; or
 - 8. Seating.
 - b. Private patios and green spaces should be seamlessly integrated into the site and building design, serving as an extension of the internal space.
- c. Primary Street Yard Plantings
 - a. Where the building does not abut the front lot line but is less than 5 feet from the lot line, there shall be a minimum of 20% of the setback area landscaped with plantings identified in the required landscape plan. The remainder of the front setback area shall be hardscaped and supplemented with additional Outdoor Amenities noted in Section 3.17.F.2.d, 3.17.F.2.e, and L.2.a.
 - b. Buildings between 5 feet and the maximum 20 feet setback shall have a minimum of 40% of the setback area landscaped with plantings identified in the landscape plan. The remainder of the front setback area shall be hardscaped and supplemented with additional Outdoor Amenities noted in Section 3.17.F.2.d, 3.17.F.2.e, and L.2.a.
- d. Non-Primary Street Yard Plantings:
 - a. Where buildings or plazas do not abut the side lot line, a five-foot wide planting area shall be provided for at least 75% of the side yard.
- e. Sustainable Site and Landscaping Strategies
 - a. Incorporate green infrastructure to minimize channelization of stormwater, capture and infiltrate stormwater such as the following:
 - 1. Bioswales
 - 2. Rain garden
 - 3. Permeable surfaces and subsurface detention
 - 4. Engineered streams, ponds, and wetlands to convey stormwater.

12. Unlisted Standards

Any request for relief from a required standard, other than those listed above, must be reviewed pursuant to the Land Development Code Sec. 40 Variances procedures.

Addition to the following sections:

Add the following to Section 3.16 Building Elements

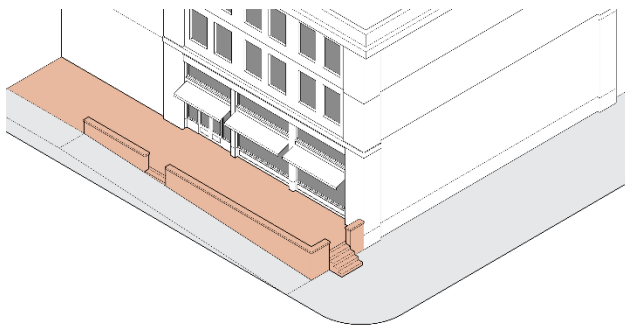
G. Terrace:

1. Defined

The main facade of the building is at or near the frontage line, with an elevated terrace providing public circulation along the facade. This type can provide at-grade access while accommodating a grade change. Frequent steps up to the terrace are necessary to avoid dead walls and maximize access.

2. Standards

- a. The front terrace must be at least 8 feet deep (not including the steps).
- b. Finished level above the sidewalk no higher than 4' max.
- c. Frequent steps up to the terrace are required to maximize access and avoid blank walls along the sidewalk.
- d. Low walls used as seating are encouraged.
- e. A front terrace must be contiguous, with a width not less than 50% of the building facade from which it projects.
- f. The front terrace must not be roofed. Screening or partial enclosures are optional but cannot be fully enclosed.



*The terrace is being used to accommodate a change in grade.
The low walls are used to provide seating.*