



URBAN DEVELOPMENT

PLANNING DIVISION

HATTIESBURG PLANNING COMMISSION
PUBLIC HEARING STAFF REPORTS
February 5, 2025

Planning Commission Agenda

February 5, 2025, 1:00 PM

Jackie Dole Sherrill Community Center (Dining Room)

220 W Front Street

I. Business Meeting

1. Review and approval of February's meeting's agenda
2. Review and approval of the minutes of the January meeting
3. Building Report
4. Planning Report
5. Chair's Report
6. Introductions

II. Public Hearing

1. Presentation of Petitions for Public Hearing
 - A. **Major Subdivision Request** - Legacy Park Residential, LLC, Property Owner/Applicant, John Anglin, Engineer, Dennis Poulsen, Representative, and Vive Legacy Park LLC, by Timothy Vest, Manager, Property Owner, request approval for a preliminary plat for a major subdivision for a R-1B property located on Beverly Hills Road (PPIN 26210, Ward 1, Forrest County).
 - B. **Conditional Use Request** - Cooperative Energy, Property Owner/Applicant, Jeremy Scruggs, Representative, Alex Price, Representative, Joel Ford, Engineer, and Donald E. Hinton, Jr., Representative, request approval of a Conditional Use Request for gravel surfacing instead of hard surfacing (LDC 7.12.8.3) for an A-2 zoned property located at 1519 US Hwy 98-E (PPIN 5467, 5523, 27622 & 27656, Ward 5, Forrest County).
 - C. **Major Subdivision Request** - Garland Ross Hover and Lonnie Parden, Property Owners/Applicants, Clearpoint Engineers, Property Owner/Applicant, Forrest Dungan, Applicant, and John Anglin, Applicant, request approval for a preliminary plat for a major subdivision for B-5 zoned properties located on Jackson Road (PPIN 27624, Ward 3, Lamar County).
 - D. **Rezone Request** - Tony May, Property Owner/Applicant, requests a zoning change from B-5 to B-1 for a property located at 1927 Hill Street (PPIN 23321, Ward 5, Forrest County).
 - E. **Land Development Code Text Amendment Request** - A petition has been filed by the City of Hattiesburg to adopt an amendment to the Land Development Code No. 3209, as amended, in Section 6 (Dimensions), Section 11 (Administration), and Section 12 (Processes). More specifically, the changes concern a fee-in-lieu program for Sidewalks. This is an abbreviated summary of the topics addressed in the proposed amendment; interested parties are encouraged to contact City Hall to review the proposed amendment in its entirety.

III. Other Business

1. **Tabled from January 8, 2025 Meeting** - A petition has been filed by the City of Hattiesburg to adopt an amendment to the Land Development Code No. 3209, as amended, in Section 2 (Applicability and Conformity), Section 5 (Uses), Section 7 (Design), Section 11 (Administration), and Section 13 (Definitions). More specifically, the changes concern short-term rentals and processes. This is an abbreviated summary of the topics addressed in the proposed amendment, and interested parties are encouraged to contact City Hall to review the proposed amendment in its entirety.

IV. Adjournment

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IV. Adjournment

**MINUTES OF THE
REGULAR MEETING OF THE
HATTIESBURG PLANNING COMMISSION
January 8th, 2025**

Board Members Roll Call:

Members Present:

1. Richard Conville
2. Amy Hinton, Chair
3. Elayne Lockett (Arrived during the Building Report)
4. Rhoda Pickett, Vice Chair
5. Michael Pruitt
6. Rebekah Ray, Secretary
7. Lee Anne Venable
8. Charles Dawe

Members Not Present:

1. Carlos Wilson
2. Michael Dickerson
3. Vacant Seat

Staff Present:

1. Cory Long, Planning Manager
2. Nathan Satcher, Senior Planner
3. Kevin Bates, Building Official
4. David Miller, Esq.
5. Wiley Quinn, Director of Urban Development
6. Meridian McDaniel, Planner I

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

AGENDA REVIEW

Motion:

Made by Commissioner Rebekah Ray to approve the agenda

Second:

Made by Commissioner Lee Anne Venable

Vote:

Board Member	Yea	Nay	Other
Richard Conville	X		
Charles Dawe	X		
Michael Dickerson			ABSENT
Amy Hinton	X		
Elayne Lockett			ABSENT
Rhoda Pickett	X		
Michael Pruitt	X		
Rebekah Ray	X		
Lee Anne Venable	X		
Carlos Wilson			ABSENT

Motion to approve the Agenda for the January Meeting passed by a vote of 7-0 vote.

MINUTES REVIEW

Motion:

Made by Commissioner Rhoda Pickett To approve the December 4th meeting's minutes.

Second:

Made by Commissioner Richard Conville

Vote:

Board Member	Yea	Nay	Other
Richard Conville	X		
Charles Dawe	X		
Michael Dickerson			ABSENT
Amy Hinton	X		
Elayne Lockett			ABSENT
Rhoda Pickett	X		
Michael Pruitt	X		
Rebekah Ray	X		
Lee Anne Venable	X		
Carlos Wilson			ABSENT

The motion to approve the meetings from the December 4th meeting's minutes passed by a 7-0 vote.

Motion:

Made by Commissioner Amy Hinton To table the approval of the December 11th meeting's minutes at February 5th's meeting to allow corrections to be made to the minutes concerning Item B's vote.

Second:

Made by Commissioner Rhoda Pickett

Vote:

Board Member	Yea	Nay	Other
Richard Conville	X		
Charles Dawe	X		
Michael Dickerson			ABSENT
Amy Hinton	X		
Elayne Lockett			ABSENT
Rhoda Pickett	X		
Michael Pruitt	X		
Rebekah Ray	X		
Lee Anne Venable	X		
Carlos Wilson			ABSENT

Motion to table the approval of the December 11th meeting's minutes at February 5th's meeting to allow time for corrections to be made to the minutes concerning Item B passed with a 7-0 vote.

BUILDING REPORT

Kevin Bates, Building Official, provided the Building Permit Report for December 2024.

PLANNING REPORT

The Planning Division staff gave a report.

CHAIR'S REPORT

The Chair did not have a report for the meeting.

INTRODUCTIONS

Commissioners and staff introduced themselves.

PUBLIC HEARING – Planning Commission

Item A: Aaron Cooper and Kathy Cooper, Property Owners, Advance Engineering, Engineer, John Prickett, Representative, Jaxon Graham, Representative, request approval of a conditional use request for a "Construction Office" for a B-3 zoned property located at 908 Hardy Street (PPIN 13240, Ward 4, Forrest County).

Discussion and Vote:

The Planning Staff introduced the case. John Prickett spoke on their case's behalf and answered the commissioners' questions.

- Presented by:
 - o John Prickett, Advance Engineering
- Proponents:
 - o None.
- Opponents:
 - o Jacqueline Wooton
 - o Joanne Rothwell
- Public Comments
 - o Dee Tatum

Motion:

Made by Commissioner Lee Anne Venable To recommend denial.

Second:

Made by Commissioner Rebekah Ray

Vote:

Board Member	Yea	Nay	Other
Richard Conville		X	
Charles Dawe	X		
Michael Dickerson			ABSENT
Amy Hinton	X		
Elayne Lockett		X	
Rhoda Pickett			ABSTAIN
Michael Pruitt		X	
Rebekah Ray	X		
Lee Anne Venable	X		
Carlos Wilson			ABSENT

Motion to recommend denial for the request passed by a 4 -3, 1 abstention vote.

Item B: Ayman Hani Albataineh, Applicant, Petra Café III, LLC, Property Owner, and Greater Solutions LLC, Representative, request approval of a conditional use request for a “Restaurant without a Drive-thru” for B-2 & R-1A zoned properties located at 6060 Hwy 49 (PPIN 16705, 16707, 16717, & 16719), Ward 4, Forrest County).

Discussion and Vote:

The Planning Staff introduced the case. Nick Williams spoke on behalf of their case and

answered questions from the commissioners.

- Presented by:
 - o Nick Williams.
 - Brought Exhibit with updated floor plans.
- Proponents:
 - o Ward Conville.
- Opponents:
 - o None
- Public Comment:
 - o None

Motion:

Made by Commissioner Charles Dawe to recommend approval for the request with exhibit A based on meeting conditional use criteria.

Second:

Made by Commissioner Elayne Lockett

Board Member	Yea	Nay	Other
Richard Conville	X		
Charles Dawe	X		
Michael Dickerson			ABSENT
Amy Hinton	X		
Elayne Lockett	X		
Rhoda Pickett	X		
Michael Pruitt	X		
Rebekah Ray	X		
Lee Anne Venable	X		
Carlos Wilson			ABSENT

The Motion to recommend approval of the request passed by an 8-0 vote.

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**Item C:** REGION XII COMMISSION ON MENTAL HEALTH & RETARDATION, Property Owner, Melissa Mason, Representative, Nick Hartley, Representative, Mona Gauthier, Representative, and Don Stimely, Representative, request approval of a conditional use request for a “Group Home” for a R-1A zoned property located at 101 Chaucer Circle (PPIN 24382, Ward 3, Forrest County).

**Discussion and Vote:**

Staff introduced the case. Nick Hartley, presented on behalf of the application.



**Presented by:**

1. Nick Hartley

**Proponents:**

1. None

**Opponents:**

1. None

**Motion:**

Commissioner Lee Anne Venable Motioned to recommend approval of the request.

**Second:**

Made by Commissioner Michael Pruitt

**Vote:**

| Board Member      | Yea | Nay | Other  |
|-------------------|-----|-----|--------|
| Richard Conville  | X   |     |        |
| Charles Dawe      | X   |     |        |
| Michael Dickerson |     |     | ABSENT |
| Amy Hinton        | X   |     |        |
| Elayne Lockett    | X   |     |        |
| Rhoda Pickett     | X   |     |        |
| Michael Pruitt    | X   |     |        |
| Rebekah Ray       | X   |     |        |
| Lee Anne Venable  | X   |     |        |
| Carlos Wilson     |     |     | ABSENT |

The motion to recommend approval of the request passed by an 8-0 vote.

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Item D: Right Trailers Inc. (Property Owner), Scott Taylor, Applicant, Jessica Watson, Representative, and Michael Scott, Representative, request approval for a conditional use request for gravel outdoor storage for a B-3 zoned property (LDC 7.12.10.4.iii) at 5584 Hwy 42 (PPIN 15063 & 46895, Ward 2, Forrest County).

Discussion and Vote:

Staff introduced the case. Mike Scott presented on behalf of the application.

Presented by:

1. Mike Scott

Proponents:

1. None

Opponents:

1. None

Motion:

Commissioner Rebekah Ray Motioned to recommend approval of the request.

Second:

Made by Commissioner Richard Conville

Vote:

Board Member	Yea	Nay	Other
Richard Conville	X		
Charles Dawe	X		
Michael Dickerson			ABSENT
Amy Hinton	X		
Elayne Lockett	X		
Rhoda Pickett	X		
Michael Pruitt	X		
Rebekah Ray	X		
Lee Anne Venable	X		
Carlos Wilson			ABSENT

The motion to recommend approval of the request passed by a 8-0 vote.

Item F: A petition has been filed by the City of Hattiesburg to adopt an amendment to the Land Development Code No. 3209, as amended, in Section 2 (Applicability and Conformity), Section 5 (Uses), Section 7 (Design), Section 11 (Administration), and Section 13 (Definitions). More specifically, the changes concern short-term rentals and processes. This is an abbreviated summary of the topics addressed in the proposed amendment, and interested parties are encouraged to contact City Hall to review the proposed amendment in its entirety.

Discussion and Vote:

Cory Long, Planning Manager, presented on behalf of the application.

Presented by:

1. Cory Long

Proponents:

1. Dee Tatum

Opponents:

1. Ward Conville
2. Chad Edmonson

Public Comment:

1. DeShawn Davis

Motion:

Commissioner Rhoda Pickett Motioned to table the request.

Second:

Made by Commissioner Elayne Lockett

Vote:

Board Member	Yea	Nay	Other
Richard Conville			RECUSED
Charles Dawe			RECUSED
Michael Dickerson			ABSENT
Amy Hinton	X		
Elayne Lockett	X		
Rhoda Pickett	X		
Michael Pruitt		X	
Rebekah Ray	X		
Lee Anne Venable	X		
Carlos Wilson			ABSENT

Motion to table the request passed by a 5-1 vote.

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**OTHER BUSINESS:****Adjournment:**

The meeting was adjourned at 3:43 p.m.

**Motion:**

Made by Commissioner Lee Anne Venable

**Second:**

Made by Commissioner Rebekah Ray

**Vote:**

| <b>Board Member</b> | <b>Yea</b> | <b>Nay</b> | <b>Other</b> |
|---------------------|------------|------------|--------------|
| Richard Conville    |            |            | ABSENT       |
| Charles Dawe        |            |            | ABSENT       |
| Michael Dickerson   |            |            | ABSENT       |
| Amy Hinton          | X          |            |              |
| Elayne Lockett      | X          |            |              |
| Rhoda Pickett       | X          |            |              |
| Michael Pruitt      | X          |            |              |
| Rebekah Ray         | X          |            |              |
| Lee Anne Venable    | X          |            |              |
| Carlos Wilson       |            |            | ABSENT       |

The motion to adjourn the meeting passes 6-0.

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Rebekah Ray, Secretary

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Cory Long, AICP, Planning Division Manager

February 2025 HPC Item: A  
Legacy Park Residential, LLC, Property Owner/Applicant, John Anglin, Engineer, Dennis Poulsen, Representative, and Vive Legacy Park LLC, by Timothy Vest, Manager, Property Owner,  
Request for: **Major Subdivision**



**URBAN  
DEVELOPMENT  
PLANNING DIVISION**

**Planning Commission  
Case Fact Sheet**

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**Names of Petitioner:** Legacy Park Residential, LLC, Property Owner/Applicant, John Anglin, Engineer, Dennis Poulsen, Representative, and Vive Legacy Park LLC, by Timothy Vest, Manager, Property Owner,

| <b>Address of Property:</b> | <b>Tax Parcels</b> | <b>PPIN:</b> | <b>Ward:</b> |
|-----------------------------|--------------------|--------------|--------------|
| Beverly Hills Road          | 2-028D-06-039.00   | 26210        | 1            |

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**Request:** Major Subdivision

**Purpose of Request:** Legacy Park Residential, LLC, Property Owner/Applicant, John Anglin, Engineer, Dennis Poulsen, Representative, and Vive Legacy Park LLC, by Timothy Vest, Manager, Property Owner, request approval for a preliminary plat for a major subdivision for a R-1B property located on Beverly Hills Road (PPIN 26210, Ward 1, Forrest County).

**History / Background:** The applicant met with staff in a pre-application meeting to discuss establishing the Beverly Hills Homes as a formal subdivision. Currently, all of the homes are located on a single parcel and are considered legally non-conforming with the current R-1B zoning district.

The Hattiesburg City Council approved the subdivision of the property on July 19, 2006, under the previous land development code. The property was also approved by the Site Plan Design and Review Committee for subdivision on June 8, 2007, before the adoption of the current Land Development Code. However, it appears that the subdivision did not complete the final required steps with both the City of Hattiesburg and Forrest County. Despite this, the property was constructed and has been used as a multi-family housing complex since its

February 2025 HPC Item: A

Legacy Park Residential, LLC, Property Owner/Applicant, John Anglin, Engineer, Dennis Poulsen, Representative, and Vive Legacy Park LLC, by Timothy Vest, Manager, Property Owner,  
Request for: **Major Subdivision**

completion. The current owner purchased the property in 2024 with the intention of selling each house/parcel individually.

Since the plat was never properly finalized and the Land Development Code has since been updated, the property must now adhere to the current requirements for establishing a major subdivision. All proposed lots will need to meet the minimum dimensional requirements for the R-1B zoning district.

The proposed subdivision involves creating new publicly owned streets and other infrastructure. Any infrastructure that will be dedicated to the City must be upgraded or repaired to meet current City standards before the plat can be filed. If the subdivision is approved, the infrastructure and plat requirements will follow the updated subdivision regulations in the Land Development Code and be reviewed by the Site Plan Design and Review Committee.

**Applicant Summary:** \* See Attached \*

**Applicable Regulations:**

## **SECTION 4**

### **Zoning Districts Established**

**4.5.10 R-1B Single-Family Residential District:** The purpose of the R-1B District is to permit single-family residential uses with related recreational, religious and educational facilities. This district is consistent with the Neighborhood Conservation 1 and 2 districts in the Comprehensive Plan. This zoning district encourages protected lower-density residential neighborhoods with only compatible supporting institutional uses and open space.

## SECTION 4 Zoning Districts Established

| Table 6.1 Dimensional Standards |                                          |                     |                       |                  |            |           |           |                      |                                      |                |
|---------------------------------|------------------------------------------|---------------------|-----------------------|------------------|------------|-----------|-----------|----------------------|--------------------------------------|----------------|
| District                        | Minimum Lot Size in SF/ Width at Setback | Max. Dwelling Units | Max. Floor Area Ratio | Setbacks in feet |            |           |           | Max. Height*         | Max. Impervious Surface Lot Coverage | Buffer in Feet |
|                                 |                                          |                     |                       | Min. Front       | Max. Front | Min. Side | Min. Rear |                      |                                      |                |
| R-1A                            | 10,000/ 50                               | 1 per lot           | -                     | 30               | -          | 10        | 25        | 35 feet or 3 stories | 50%                                  | -              |
| R-1B                            | 7,500/ 50                                | 1 per lot           | -                     | 25               | -          | 10        | 25        | 35 feet or 3 stories | 50%                                  | -              |
| R-1C                            | 5,000/ 50                                | 1 per lot           | -                     | 20               | -          | 10        | 25        | 35 feet or 3 stories | 50%                                  | -              |
| R-2                             | 4,000/ 40                                | 2 per lot           | -                     | 20               | -          | 10        | 20        | 35 feet or 3 stories | 50%                                  | -              |
| R-3                             | 7,500/ 40                                | 17 per acre         | -                     | 20               | -          | 5         | 20        | 35 feet or 3 stories | 50%                                  | -              |

## SECTION 11 Administration and Enforcement

**11.10.1.8 Subdivision Violations.** The owner of a subdivision shall not transfer title to any lot in such subdivision until such time as the final plat has been approved by the appropriate authority as outlined in this Code and duly recorded in the office of the Chancery Clerk of Forrest County or Lamar County, Mississippi. Transfers prior to such approval and recording shall be deemed a violation of this Code and shall be subject to any and all remedies available to the City.

### 11.10.1.9 Recording Violations.

The Chancery Clerks of Forrest County and Lamar County, Mississippi shall not receive, file or record a plat of a subdivision within the jurisdiction of this Land Development Code without prior approval of the appropriate authority as outlined in this Code. Plats recorded prior to such approval shall be deemed unlawful and invalid

## SECTION 12 Process and Procedures

### Categories of Development Approvals

#### 12.3.2 Preliminary Plat Approval for Major Subdivisions

##### 12.3.2.1 Approval Criteria.

- Conformance with the Hattiesburg Comprehensive Plan.
- Conformance with the standards of the zoning district.

February 2025 HPC Item: A  
Legacy Park Residential, LLC, Property Owner/Applicant, John Anglin, Engineer, Dennis Poulsen,  
Representative, and Vive Legacy Park LLC, by Timothy Vest, Manager, Property Owner,  
Request for: **Major Subdivision**

- iii. Conformance with other standards and requirements of this Code and other City policies and regulations.
- iv. Determination that adequate public facilities and services will be available concurrent with the impacts of the subdivision.
- v. Determination that the project will have little or no adverse or negative impacts upon the natural environment.

**12.3.2.4 Final Plat.**

- i. No Significant Change. Final plats of major subdivisions that are substantially the same as the approved preliminary plat, as determined by the Site and Design Review Committee, shall be approved administratively.
- ii. Significant Change. Final plats that exhibit any significant deviation from the approved preliminary plat, as determined by the Site Plan Review Committee, shall require approval by the Planning Commission.

**12.3.2.5 Recording.**

In order to be an official and legal plat, the final approved plat must be recorded along with all applicable covenants, deed restrictions and property owners' association documents with the Chancery Clerk of Forrest or Lamar County, as appropriate. The City Engineer shall ensure that the City records this information in a timely fashion.

|                                         |                                                                                                                                                              |
|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Present Zoning:</b>                  | The property is currently zoned R-1B (Single-Family Residential).                                                                                            |
| <b>Present Use:</b>                     | Single-Family Residential.                                                                                                                                   |
| <b>Future Land Use:</b>                 | Neighborhood Conservation District 2                                                                                                                         |
| <b>Surrounding Zoning and Land Use:</b> | North: R-1B Single-Family Residential<br>South: R-1B Single-Family Residential<br>East: R-3 Multi-Family Residential<br>West: R-1B Single-Family Residential |

**Letters or Concerns stated:** As of finalizing this report, the Planning Division Office had



February 2025 HPC Item: A  
Legacy Park Residential, LLC, Property Owner/Applicant, John Anglin, Engineer, Dennis Poulsen,  
Representative, and Vive Legacy Park LLC, by Timothy Vest, Manager, Property Owner,  
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received no calls or letters of concern.

**Option:** Recommend **Approval** or **Denial** of a preliminary plat for a major subdivision for a R-1B property located on Beverly Hills Road (PPIN 26210, Ward 1, Forrest County).

**Basis for approval:** **Approve or deny** a preliminary plat for a major subdivision in the City of Hattiesburg.

Planning Commission must deem that all of the following approval criteria must be met before granting approval for the Preliminary Plat for a Major Subdivision:

### **12.3.2 Preliminary Plat Approval for Major Subdivisions**

#### **12.3.2.1 Approval Criteria.**

- i. Conformance with the Hattiesburg Comprehensive Plan.
- ii. Conformance with the standards of the zoning district.
- iii. Conformance with other standards and requirements of this Code and other City policies and regulations.
- iv. Determination that adequate public facilities and services will be available concurrent with the impacts of the subdivision.
- v. Determination that the project will have little or no adverse or negative impacts upon the natural environment.

## SUBJECT PARCEL

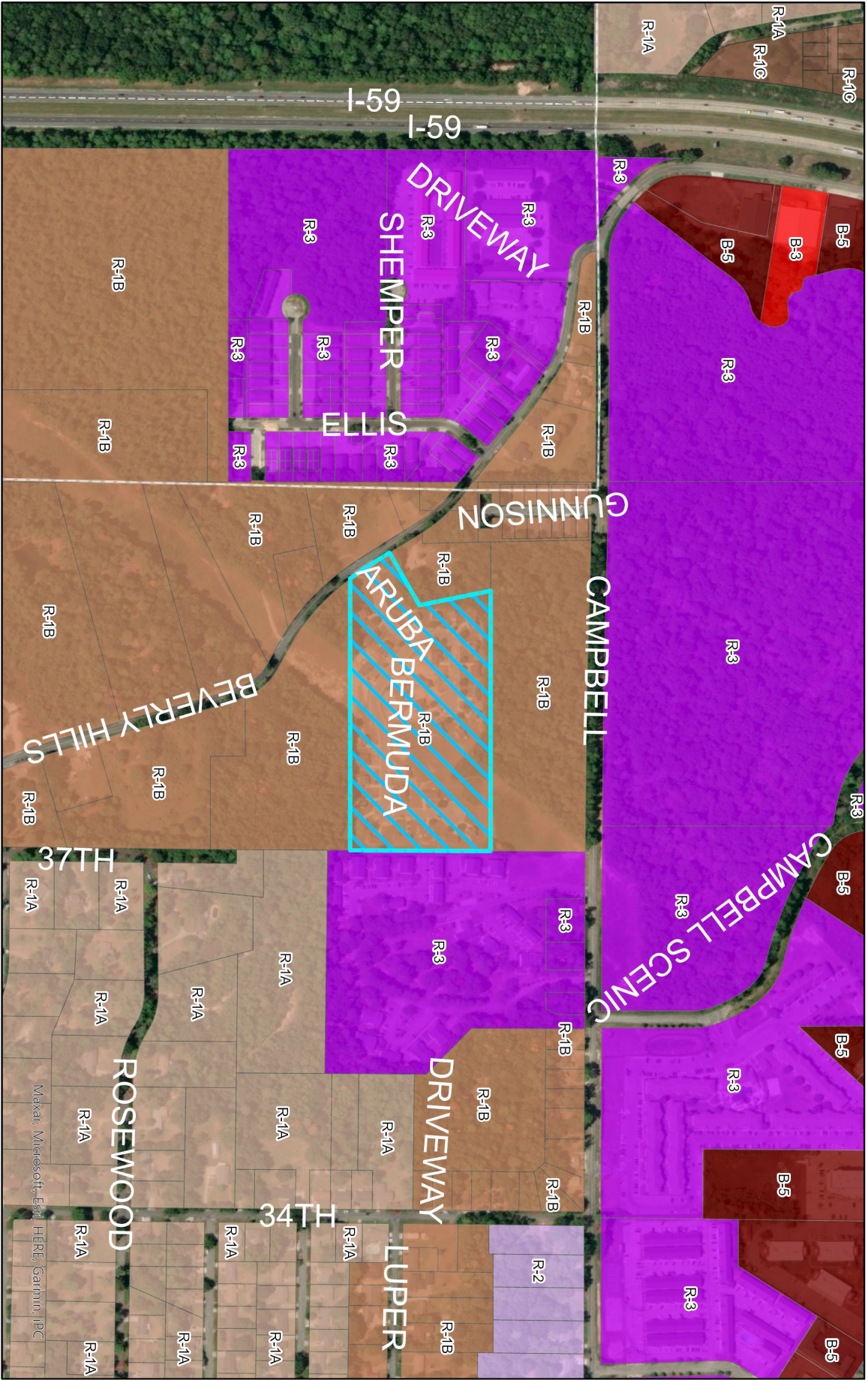
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### Beverly Hills Road— Major Subdivision Request

Legacy Park Residential, LLC, Property Owner/Applicant, John Anglin, Engineer, Dennis Poulsen, Representative, and Vive Legacy Park LLC, by Timothy Vest, Manager, Property Owner, request approval for a preliminary plat for a major subdivision for a R-1B property located on Beverly Hills Road (PPIN 26210, Ward 1, Forrest County).







**Zoning Map**

-  Subject Property
-  R-2
-  R-1A
-  R-1B
-  R-1C
-  R-3
-  R-3A
-  B-3
-  B-5
-  B-5A

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data.  
This information CANNOT be used as a substitute for legal, business, tax or other professional advice.  
Map Exported on: 1/13/2025 2:00 PM

Request for Major Subdivision  
Beverly Hills Homes  
8 Aruba Drive  
PPIN: 26210  
Flood Zone: X  
Ward 1, Forrest County

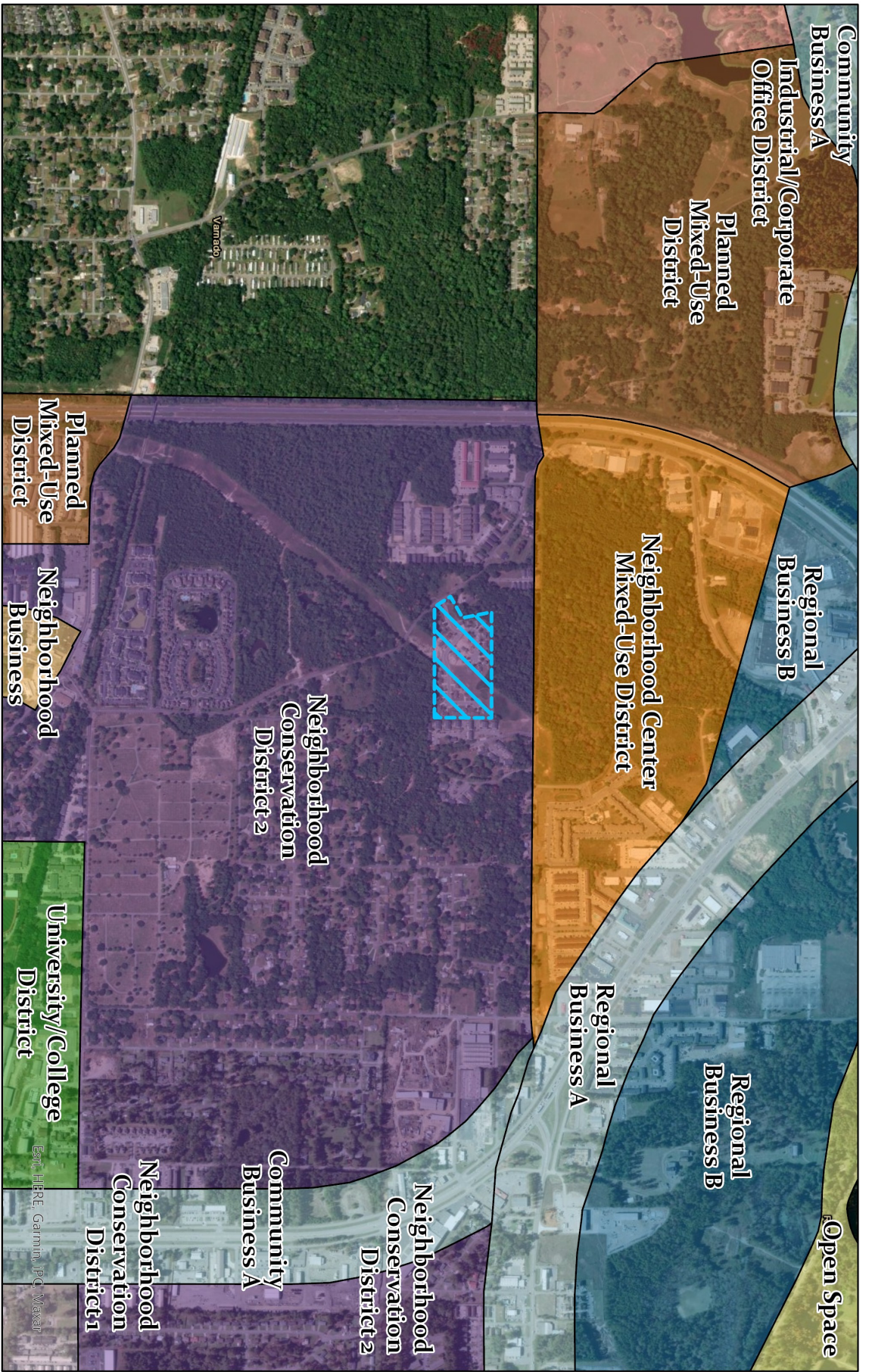




**URBAN DEVELOPMENT**  
**PLANNING DIVISION**

Center: 89°20'44"W 31°20'42"N





Future Land Use Map

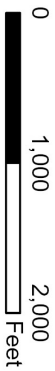
- Subject Property
- Community Business A
- Industrial/Corporate Office District
- Neighborhood Business
- Neighborhood Center Mixed-Use District
- Neighborhood Conservation District 1
- Neighborhood Conservation District 2
- University/College District
- Open Space
- Planned Mixed-Use District
- Regional Business A
- Regional Business B

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice.

Map Exported on: 1/13/2025 2:33 PM

Request for Major Subdivision

Beverly Hills Homes  
8 Aruba Drive  
PPIN: 26210  
Flood Zone: X  
Ward 1, Forrest County



**URBAN DEVELOPMENT**  
**PLANNING DIVISION**

Center: 89°20'40"W 31°20'39"N



# Site Aerial





# Property

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## Surrounding Area

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# URBAN DEVELOPMENT PLANNING DIVISION

## Public Hearing Application

P.O. BOX 1898 (200 Forrest Street/39401)  
Hattiesburg, MS 39403-1898

Department of Urban Development  
(601) 545-4599 or FAX (601) 545-1962

### APPLICANT:

Applicant Name: Legacy Park Residential, LLC

Project Name: Beverly Hills Homes

Proposed Use(s): Subdivision

Project Street Address: Beverly Hills Rd, Hattiesburg, MS 39402

PPIN Number(s) (if unknown, can be found on tax receipt): 26210

### Application for (check all appropriate types):

- |                                                                                      |                                                      |
|--------------------------------------------------------------------------------------|------------------------------------------------------|
| <input type="checkbox"/> Variance (see below)                                        | <input type="checkbox"/> Conditional Use (see below) |
| <input checked="" type="checkbox"/> Subdividing of Lot, Parcel, or Tract (see p. 12) | <input type="checkbox"/> Re-Zoning (see below)       |
| <input type="checkbox"/> Street or Alley Renaming (see pp. 13-14)                    | <input type="checkbox"/> Overlay District            |
| <input type="checkbox"/> Vacating Street or Alley (see pp. 13-14)                    | <input type="checkbox"/> Planned Mixed-Use District  |

### For Variance Only (check all appropriate variance types), see pp. 7 & 8:

- |                                       |                                                               |                                           |
|---------------------------------------|---------------------------------------------------------------|-------------------------------------------|
| <input type="checkbox"/> Sign         | <input type="checkbox"/> Setback (front, side, or rear _____) | <input type="checkbox"/> Off-Site Parking |
| <input type="checkbox"/> Lot Width    | <input type="checkbox"/> Lot Coverage Area                    | <input type="checkbox"/> Buffer           |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Open Space                           |                                           |

### For Conditional Use Permit Only (check applicable type), see pp. 9 & 10:

- |                                                     |                                                         |
|-----------------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Automotive Filling Station | <input type="checkbox"/> Telecommunications             |
| <input type="checkbox"/> Digital Billboard, New     | <input type="checkbox"/> Digital Billboard, Replacement |
| <input type="checkbox"/> Restaurant                 | <input type="checkbox"/> Solar Farm                     |
| <input type="checkbox"/> Other: _____               |                                                         |

### For Re-Zoning Only, see p. 11:

Existing Zoning: \_\_\_\_\_

Proposed Zoning: \_\_\_\_\_

**\*PLEASE BE SURE TO FILL OUT PP. 1-5 AND SEE FEES ON P. 6\***

### STAFF USE ONLY – Do Not Complete:

Pre-Application Date: \_\_\_\_\_ Planner: \_\_\_\_\_

Parcel Number(s): \_\_\_\_\_ Historic District(s): \_\_\_\_\_

Flood Zone(s): \_\_\_\_\_ Zoning District(s): \_\_\_\_\_

Project No.: \_\_\_\_\_

### Code Sections:

LDC Section No. \_\_\_\_\_

Section No. \_\_\_\_\_

Section No. \_\_\_\_\_

Section No. \_\_\_\_\_

Section No. \_\_\_\_\_

RECEIVED DATE & INITIALS:

## Subdividing of Lot, Parcel or Tract Information

1. Property data:
- Parent Parcel / Existing** lot/parcel/tract contains 10.5 Square-Footage/Acres
- Lot Area Requirement: 7500 sq ft
- Lot Frontage Requirement: 50 ft at setback
- Existing use of lot/parcel/tract Undeveloped
- To be subdivided into 30 lots/parcels (including parent parcel) – outlined below.

*Use extra copies of this form if needed for additional lots.*

| Newly subdivided<br>Parcels                                                                                         | New lot size in<br>square footage (sf)<br>or acres (A) | New lot has<br>public road<br>frontage<br>(yes / no)                                    | New lot has<br>private road<br>frontage<br>(yes / no) | Indicate name of public or private road(s) | Staff - Lot area &<br>frontage<br>requirements<br>comply? |    |
|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|-----------------------------------------------------------------------------------------|-------------------------------------------------------|--------------------------------------------|-----------------------------------------------------------|----|
|                                                                                                                     |                                                        |                                                                                         |                                                       |                                            | Yes                                                       | No |
| 1.                                                                                                                  |                                                        | SEE ATTACHED PLAT                                                                       |                                                       |                                            |                                                           |    |
| 2.                                                                                                                  |                                                        |                                                                                         |                                                       |                                            |                                                           |    |
| 3.                                                                                                                  |                                                        |                                                                                         |                                                       |                                            |                                                           |    |
| 4.                                                                                                                  |                                                        |                                                                                         |                                                       |                                            |                                                           |    |
| 5.                                                                                                                  |                                                        |                                                                                         |                                                       |                                            |                                                           |    |
| 6.                                                                                                                  |                                                        |                                                                                         |                                                       |                                            |                                                           |    |
| 7.                                                                                                                  |                                                        |                                                                                         |                                                       |                                            |                                                           |    |
| 8.                                                                                                                  |                                                        |                                                                                         |                                                       |                                            |                                                           |    |
| 9.                                                                                                                  |                                                        |                                                                                         |                                                       |                                            |                                                           |    |
| 10.                                                                                                                 |                                                        |                                                                                         |                                                       |                                            |                                                           |    |
| 11.                                                                                                                 |                                                        |                                                                                         |                                                       |                                            |                                                           |    |
| 12.                                                                                                                 |                                                        |                                                                                         |                                                       |                                            |                                                           |    |
| Be sure to include information on the remainder of “existing” lot after splits made – identified as “Parent Parcel” |                                                        |                                                                                         |                                                       |                                            |                                                           |    |
| Parent<br>Parcel                                                                                                    |                                                        |                                                                                         |                                                       |                                            |                                                           |    |
|                                                                                                                     |                                                        | Total square footage of new lots (verify total matches existing parcel prior to splits) |                                                       |                                            |                                                           |    |

2. Infrastructure required:
- Water/Sewer \_\_\_\_\_ Gas \_\_\_\_\_ Electric \_\_\_\_\_ Telephone \_\_\_\_\_ Cable \_\_\_\_\_ Streets \_\_\_\_\_



February 2025 HPC Item: B  
Cooperative Energy, Property Owner/Applicant, Jeremy Scruggs, Representative, Alex Price,  
Representative, Joel Ford, Engineer, and Donald E. Hinton, Jr., Representative  
Request for: **Conditional Use Approval**



**URBAN  
DEVELOPMENT  
PLANNING DIVISION**

**Planning Commission  
Case Fact Sheet**

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**Names of Petitioner:** Cooperative Energy, Property Owner/Applicant, Jeremy Scruggs, Representative, Alex Price, Representative, Joel Ford, Engineer, and Donald E. Hinton, Jr., Representative

| <b>Address of Property:</b> | <b>Tax Parcels</b> | <b>PPIN:</b> | <b>Ward:</b> |
|-----------------------------|--------------------|--------------|--------------|
| 1519 US HWY 98-E            | 1-049 -11-001.00   | 5467         | 5            |
|                             | 1-049 -12-009.00   | 5523         |              |
|                             | 2-049G-01-003.00   | 27622        |              |
|                             | 2-049F-02-006.00   | 27656        |              |

---

**Request:** Conditional Use Request for gravel surfacing instead of hard surfacing.

**Purpose of Request:** **Conditional Use Request—** Cooperative Energy, Jeremy Scruggs, Representative, Alex Price, Representative, Joel Ford, Engineer, and Donald E. Hinton, Jr., Representative, request approval of a Conditional Use Request for gravel surfacing instead of hard surfacing (LDC 7.12.8.3) for an A-2 zoned property located at 1519 US Hwy 98-E (PPIN 5467, 5523, 27622 & 27656, Ward 5, Forrest County).

**History / Background:** The applicants met with staff in November 2024 in a Site Plan Review meeting to discuss the construction of a new substation for the utility provider, Cooperative Energy. During the meeting, staff reviewed the design standards required by the Land Development Code (LDC) and the specifications for hard surfacing. The applicants inquired about using different types of gravel surfacing, including 610 crushed stone. This 610 stone is a crushed limestone commonly used for driveways and parking areas because it packs well. However, after reviewing the material, the site and design review committee and city engineer determined that 610 crushed

stone qualifies as gravel and does not meet the definition of hard surfacing.

The LDC permits the use of gravel in the A-2 zoning district, but only with conditional use approval. Conditional use requests allow the community to assess whether a specific use or feature is appropriate for the surrounding area and the overall community. This process provides flexibility within the zoning ordinance, allowing certain uses that may not be typical for a zoning district to be evaluated on a case-by-case basis. As part of the conditional use approval process, the Planning Commission can recommend specific conditions, such as exceeding landscaping or buffering requirements, to ensure the proposed use is more harmonious with the surrounding area.

**Applicant Summary:** See Attached

**Applicable Regulations:**

## **SECTION 7**

## **STANDARDS OF DESIGN**

**7.12.8.3 Paving** Parking and driveways shall be hard surface as approved by the Engineering Department. Additional parking may be paved with pervious pavers/pavement as approved by the Site and Design Review Committee.

- i. Any parking or driveways on private property of a commercial use or multi-unit dwelling residential use that provides access to on-site parking or off-site parking shall be kept in a proper state of repair and maintained in a finished condition.
- ii. Dustless gravel maintained in finished condition and kept so as to be free of overgrowth may be allowed for driveways by right in A-1 zones and as a Conditional Use in A-2 zones.
- iii. All approved gravel driveways shall have a hard surface apron that is a minimum of twenty (20) feet from the edge of pavement at the street or as required by the Engineering Department. The design of the apron shall prevent loose gravel from being deposited on the sidewalk and roadway

February 2025 HPC Item: B  
Cooperative Energy, Property Owner/Applicant, Jeremy Scruggs, Representative, Alex Price,  
Representative, Joel Ford, Engineer, and Donald E. Hinton, Jr., Representative  
Request for: **Conditional Use Approval**

## Section 13

## DEFINITIONS

**Hard Surface:** A surface paved with concrete or asphalt. May include approved pavers or pervious pavement. Does not include sand, gravel, or crushed aggregate.

**Present Zoning:** A-2 (Agricultural Residential)

**Present Use:** Vacant/unimproved land

**Future Land Use:** Regional Business Corridor

**Surrounding Zoning and Land Use:**  
North: I-2 (Heavy Industrial)  
South: Outside City Limits  
East: A-2 (Agricultural Residential)  
West: A- 2 (Agricultural Residential)

**Letters or Concerns stated:** The Planning Division Office has not received any letters or other written communications regarding this case as of finalizing this report.

**Option:** Recommend **Approval** or **Denial** of the Conditional Use Request for gravel surfacing instead of hard surfacing (LDC 7.12.8.3) for an A-2 zoned property located at 1519 US Hwy 98-E (PPIN 5467, 5523, 27622 & 27656, Ward 5, Forrest County).

**Basis for approval:** **12.3.3 Conditional Use Approvals**

**12.3.3.1 Compliance Required.** Uses requiring Planning Commission approval, as noted in the Table of Uses in Section 5 of this Code, shall be approved subject to this Section. Any application for such use must comply with all applicable standards that apply to similar uses and properties in the zoning district in general, the specific conditions listed for that use in Section 5, and the following



criteria. Where conflicts exist, the Planning Commission shall determine which criteria apply on a case-by-case basis.

**12.3.3.2 Additional Approval Criteria.** In addition to the standards mentioned above, the applicant for a request for the Planning Commission to approve a use shall be required to demonstrate that his/her proposal addresses the following additional requirements, except that the Planning Commission may waive any one or more criteria that it determines are not applicable based upon the expected impact of the proposal.

- i. Determination that adequate public facilities and services will be available concurrent with the impacts of the development as evidenced by letters of sufficiency from utilities and schools and a determination by the city engineer that the available capacity of existing streets can safely provide access to the site.
- ii. The proposed development will be compatible with surrounding uses and will protect adjacent properties through the following measures:
  - Protection of privacy. The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and / or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants.
  - Protection of use and enjoyment. The proposed plan shall be designed and arranged to have minimal negative impact on the use and enjoyment of adjoining property.
  - Compatible design and integration. The use meets all design criteria required by this Code that apply and is designed to integrate well both on and off site.

## **SUBJECT PARCEL**

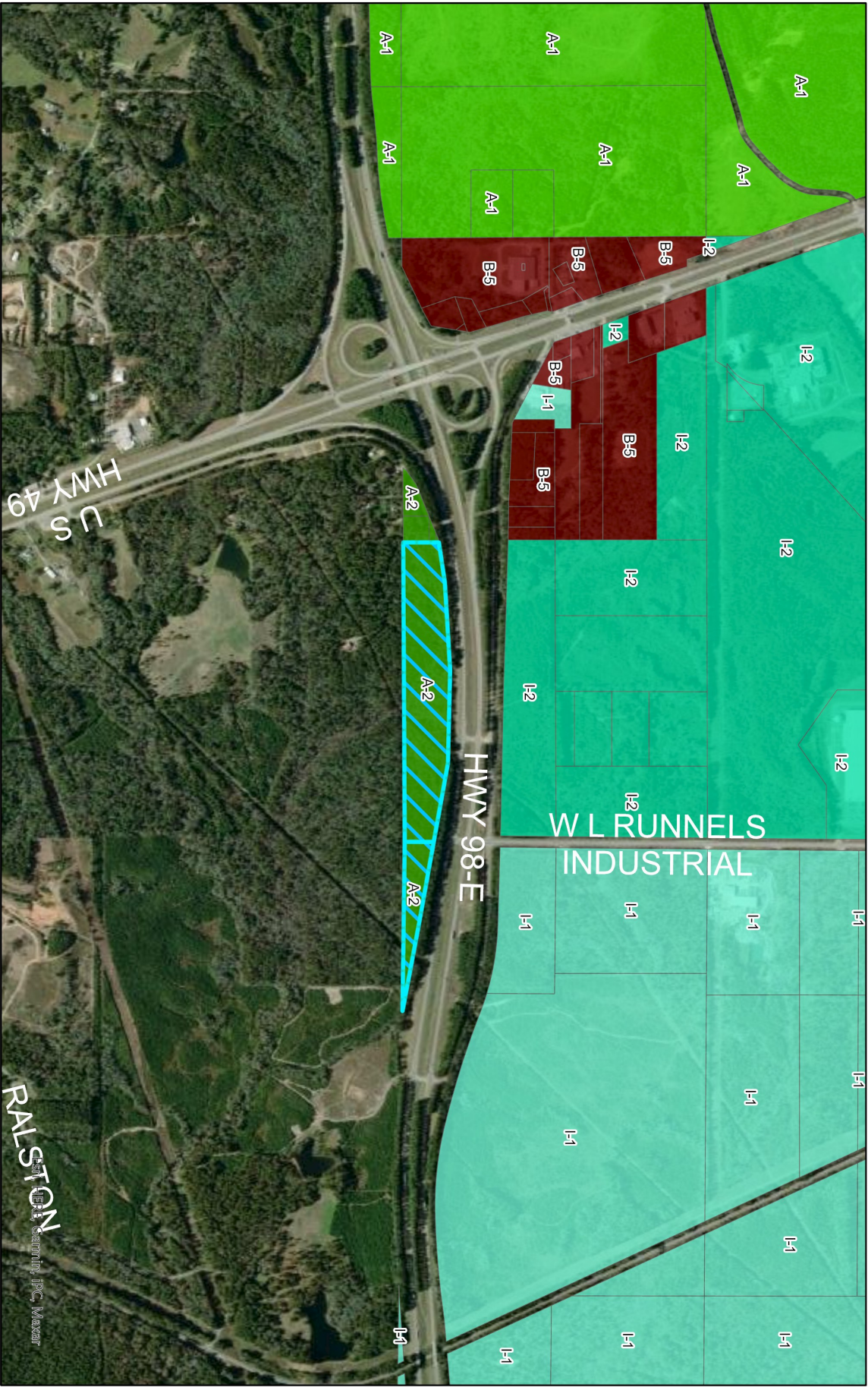
---

### 1519 Hwy 98-E— Conditional Use Request

Cooperative Energy, Jeremy Scruggs, Representative, Alex Price, Representative, Joel Ford, Engineer, and Donald E. Hinton, Jr., Representative, request approval of a Conditional Use Request for gravel surfacing instead of hard surfacing (LDC 7.12.8.3) for an A-2 zoned property located at 1519 US Hwy 98-E (PPIN 5467, 5523, 27622 & 27656, Ward 5, Forrest County).







Zoning Map

- Subject Property
- A-1
- A-2
- B-5
- I-1
- I-2

Conditional Use and Variance Requests

Cooperative Energy  
1519 US HWY 98-E  
PPIN: 5467, 5523, 27622, 27656  
Flood Zone: X  
Ward 5, Forrest County

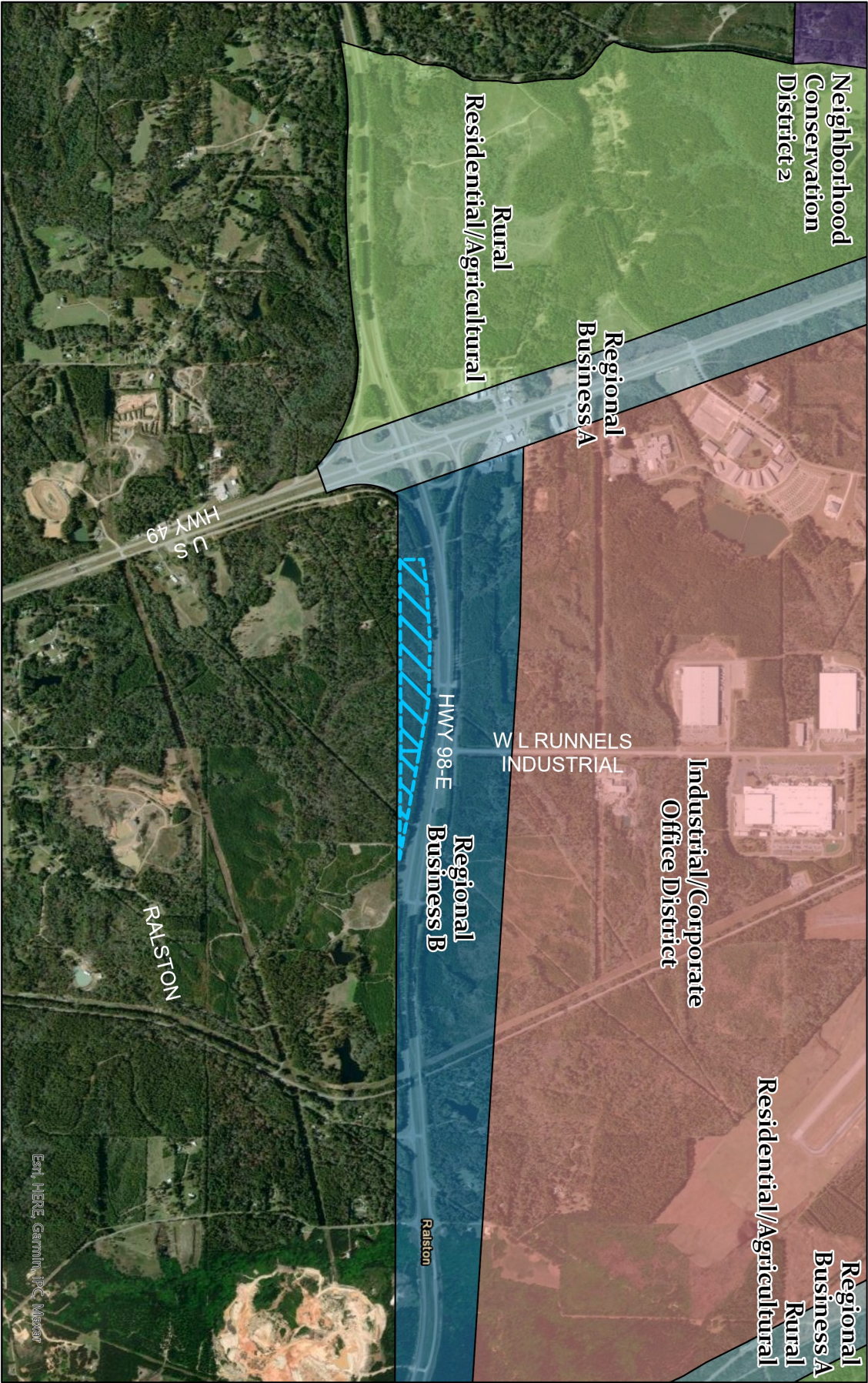
DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data.  
This information CANNOT be used as a substitute for legal, business, tax or other professional advice.  
Map Exported on: 1/13/2025 2:28 PM



**URBAN  
DEVELOPMENT  
PLANNING DIVISION**

Center: 89°16'W 31°14'43"N





Future Land Use Map

- Industrial/Corporate Office District
- Neighborhood Conservation District 2
- Regional Business A
- Regional Business B
- Rural Residential/Agricultural
- Subject Property

Conditional Use and Variance Requests

Cooperative Energy  
1519 US HWY 98-E  
PPIN: 5467, 5523, 27622, 27656  
Flood Zone: X

Ward 5, Forrest County

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice. Map Exported on: 1/13/2025 2:31 PM



0 1,000 2,000 Feet



**URBAN DEVELOPMENT**  
PLANNING DIVISION

Center: 89°15'55"W 31°14'45"N



# Site Aerial





## Surrounding Area

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# URBAN DEVELOPMENT PLANNING DIVISION

## Public Hearing Application

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

### APPLICANT:

Applicant Name: Cooperative Energy  
Project Name: East Dixie Electrical Substation  
Proposed Use(s): Electrical Substation  
Project Street Address: 1519 U.S. Highway 98 East Hattiesburg, MS  
PPIN Number(s) (if unknown, can be found on tax receipt): 5467, 5523, 27622, & 27656

**\*PLEASE BE SURE TO FILL OUT PP. 1-5 AND SEE FEES ON P. 6\***

### Application for (check all appropriate types):

- |                                                                           |                                                                 |
|---------------------------------------------------------------------------|-----------------------------------------------------------------|
| <input checked="" type="checkbox"/> Variance (see below)                  | <input checked="" type="checkbox"/> Conditional Use (see below) |
| <input type="checkbox"/> Subdividing of Lot, Parcel, or Tract (see p. 12) | <input type="checkbox"/> Re-Zoning (see below)                  |
| <input type="checkbox"/> Street or Alley Renaming (see pp. 13-14)         | <input type="checkbox"/> Overlay District                       |
| <input type="checkbox"/> Vacating Street or Alley (see pp. 13-14)         | <input type="checkbox"/> Planned Mixed-Use District             |

### For Variance Only (check all appropriate variance types), see pp. 7 & 8:

- ☐ Sign      ☐ Setback (front, side, or rear \_\_\_\_\_)      ☐ Off-Site Parking  
☐ Lot Width   ☐ Lot Coverage Area      ☐ Buffer   ☐ Open Space   ☒ Other: Fence Height

### For Conditional Use Permit Only (check applicable type), see pp. 9 & 10:

- |                                                     |                                                                                                                                 |
|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Automotive Filling Station | <input type="checkbox"/> Telecommunications                                                                                     |
| <input type="checkbox"/> Digital Billboard, New     | <input type="checkbox"/> Digital Billboard, Replacement                                                                         |
| <input type="checkbox"/> Restaurant                 | <input type="checkbox"/> Solar Farm <input checked="" type="checkbox"/> Other: <u>Stone surfacing instead of hard surfacing</u> |

### For Re-Zoning Only, see p. 11:

Existing Zoning: \_\_\_\_\_  
Proposed Zoning: \_\_\_\_\_

### STAFF USE ONLY – Do Not Complete:

Pre-Application Date: \_\_\_\_\_ Planner: \_\_\_\_\_  
Parcel Number(s): \_\_\_\_\_ Historic District(s): \_\_\_\_\_  
Flood Zone(s): \_\_\_\_\_ Zoning Districts(s): \_\_\_\_\_

Project No.: \_\_\_\_\_

### Code Sections:

LDC Section No. \_\_\_\_\_

Section No. \_\_\_\_\_

Section No. \_\_\_\_\_

Section No. \_\_\_\_\_

Section No. \_\_\_\_\_

RECIVED DATE & INITIALS:



### **FOR VARIANCE APPLICANTS:**

The Board of Adjustment has the responsibility to hear and make recommendation on requests for variances to the requirements of this Code (per Section 11.4). **Section 12.4.1** Variances are departures from the standards of the Land Development Code, except land use, which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of the action of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.

The following conditions must be met before a variance can be recommended.

#### **Approval Criteria.**

A variance is not a right, but a privilege that property owners meeting the following criteria may request. These criteria are to be used to consider all variance requests. It shall be the burden of the applicant to prove that the request meets these criteria. Use this worksheet or format your own to demonstrate the following criteria.

1. **Hardship.** (a) the hardship is unique to the property and is not or will not be caused by the actions or inactions of the applicant. (b) There are exceptional conditions creating an undue hardship applicable only to the property involved or the intended use which do not apply generally to the other land areas or uses within the same zoning district.

Due to the specific safety requirements for substations, we are unable to construct a fence at the four (4) foot height, as it does not comply with the safety standards necessary for protecting the public and securing the facility.

The primary means of ensuring public safety at substations is through proper enclosure, and the current design requires the installation of an eight (8) foot fence height to meet the guidelines outlined in the *Design Guide for Rural Substations* by the United States Department of Agriculture Rural Utilities Service (RUS). This height recommendation is crucial for preventing unauthorized access and ensuring the safety of both the public and our personnel.

The National Electrical Safety Code (NESC) Section 11.110.A.1 mandates that areas containing electric supply equipment and/or conductors must be enclosed with a barrier, such as fences, screens, partitions, or walls, to prevent unauthorized entry and interference. Failure to adhere to these safety requirements could compromise the protection of both the public and the electrical infrastructure. By allowing the installation of a fence with an eight (8) foot height, we will be within accordance with both federal safety standards and industry standards.

2. **Special Privilege.** A variance shall not confer any special privilege that is denied to other lands or structures in the same zoning district.

This request is being made due to the essential safety requirements that govern the design and construction of electrical substations. The four (4) foot fence height would not meet the necessary safety standards for securing the substation. The installation of a higher, eight (8) foot fence is required to comply with the safety recommendations of RUS and the NESC requirements. This height is intended to help prevent unauthorized access, which is critical to safeguarding the public and the electrical infrastructure. This variance would allow us to meet both the operational needs of the facility and adhere to the required safety standards.

3. **Literal Interpretation.** The literal interpretation of the provision of the regulation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would cause unnecessary and undue hardship on the applicant.

We believe that the strict enforcement of the four (4) foot fence height requirement would not meet the necessary safety standards and would present a risk to public safety. The four (4) foot fence height does not comply with safety standards and does not provide the level of security required for substations, as substations must be secured to protect the public from potential hazards associated with electrical equipment. Given that the literal interpretation of the current fence height requirement would compromise safety and security, we respectfully request a variance to allow for the construction of a fence at a height of eight (8) feet at this substation. This would align with both safety guidelines and regulatory standards to ensure the protection of public health and safety.

4. **Reasonable Use.** The applicant cannot make reasonable use of the property without the requested variance.

A four (4) foot fence height requirement would not provide the necessary level of security and public safety that is crucial at this facility. A four (4) foot fence height is insufficient to meet the safety standards required for electrical substations, where the primary concern is preventing unauthorized access to hazardous equipment. The RUS guideline and NESC requirement is based on the understanding that substations need to be securely enclosed to minimize the risk of injury or accidents, and an eight (8) foot fence height provides an appropriate level of protection.

By allowing a variance for the installation of a fence at a height of eight (8) feet, we will be able to meet both the public safety requirements and the regulatory standards necessary to protect both the public and the electrical infrastructure. Without this variance, the substation would not be in reasonable compliance with these safety codes and could not be used in a manner consistent with industry's best practices.

5. **Minimum Required.** The granting of a variance is the minimum variance that will make possible the reasonable use of the land or structure.

The required four (4) foot fence height is insufficient to meet the safety standards that are critical for substations. The four (4) foot fence height does not provide the necessary level of security to prevent unauthorized access to the electrical equipment at the substation.

The RUS recommended eight (8) foot fence height is the minimum height to effectively secure the facility and ensure public safety. This recommendation is based on the need to prevent potential hazards from unauthorized entry into areas with high-voltage equipment. A four (4) foot fence height would not meet these critical safety and security requirements as stated in the NESC.

We are therefore requesting a variance that would allow for the installation of an eight (8) foot fence height, which is the minimal necessary adjustment to ensure the substation's compliance with safety standards while maintaining the intent of the regulations. This variance is essential to the reasonable operation and public safety at the facility.

6. **Conformance with Purpose of this Code.** The granting of a variance will not conflict with the purposes and intent expressed or implied in the Land Development Code.

We are requesting permission to construct a fence at the height of eight (8) feet, as the strict application of the four (4) foot fence height requirement stated in the Land Development Code does not align with the core safety objectives set by the National Electrical Safety Code (NESC) and other relevant safety guidelines. While the Land Development Code requires a four (4) foot fence height, this height is insufficient to meet the necessary safety and security standards for electrical substations. Given that an eight (8) foot fence height better aligns with the intended purpose of the NESC and RUS guidelines for safety and security, we respectfully request a variance to construct an 8-foot-high fence. This variance will ensure that the substation meets the intended safety objectives while remaining compliant with the broader spirit and purpose of the regulatory standards.

**12.4.1.2 Conditions of Approval.** In recommending the granting of a variance, the Board of Adjustment may require appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of the Code. The recommendation of the Board Adjustment shall be presented to the City Council for final action.

### **FOR CONDITIONAL USE APPLICANTS:**

**Section 12.3.3.1 Compliance Required.** Uses requiring Planning Commission approval as noted in the Tables of Uses in Section 5 of this Code, shall be approved subject to this Section. Any application for such use must comply with: all applicable standards that apply to similar uses and properties in the zoning district in general, the specific conditions listed for that use in Section 5, and the following criteria. Where conflicts exist, the Planning Commission shall determine which criteria apply on a case-by-case basis.



1. Does this application meet the conditions set forth in Section 5 of the LDC for the requested use? If yes, please explain:

Yes. The substation site has been placed in the A-2 zone with conditions per LDC 5.4.31 Public and Community Utility Facilities. The substation driveway entrance design is typical for Cooperative Energy's substation site. Cooperative Energy already has an approved driveway permit from the Mississippi Department of Transportation (MDOT).

2. Describe the effects the proposed use of utilities and facilities will have on the community.

There are no known negative effects of the proposed use of this facility. The addition of the substation is needed to provide additional capacity for electrical service to the surrounding area including the Hattiesburg Industrial Park.

3. Describe how the size of the site is appropriate for the proposed use.

The size of the substation is determined by and designed to provide the required safe and adequate working space in and around all equipment. This includes all the necessary space for utility vehicle, cranes, trucks, and other vehicles or equipment that may be needed for construction and/or maintenance of said equipment.

4. Will there be any additional pedestrian or vehicular traffic generated by the proposed use? If yes, please explain:

No. \_\_\_\_\_

5. Will there be any elevation in the noise level resulting from this proposed use? If yes, please explain:

No. \_\_\_\_\_

6. What is the expected number of customers/employees per day?

There will be zero (0) customers and zero (0) employees dedicated to this site. Utility employees will be on site as necessary for inspections, maintenance, and outages.

7. Is proposed use compatible with surrounding uses and design? If yes, please explain:

Yes. The site is surrounded by undeveloped property so there is not any comparable property for this type of use. This site is in close proximity to an industrial park, Camp Shelby, and commercial properties so a substation would not be out of character for this location.

**Parking requirements:**

Commercial/Industrial: Paved parking will be provided for   0   vehicles, and   0   ADA vehicles; with   0   loading spaces.

For more information, please reference the Land Development Code Section 12.3.3.2.

**FOR RE-ZONING APPLICANTS:**

As stated in Section 12.3 in the Land Development Code, one of the following conditions must be met before a rezoning can be recommended. Check the condition(s) most applicable to your request and explain in writing.

- ☐ There was a mistake in the original zoning.
- ☐ The character of the neighborhood has changed substantially so that rezoning is clearly justified and there is a public need for the rezoning.

- ☐ Annexation.

Detailed explanation of condition(s) most applicable to your request:

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February 2025 HPC Item: C

Garland Ross Hover and Lonnie Parden, Property Owners/Applicants, Clearpoint Engineers, Property Owner/Applicant, Forrest Dungan, Applicant, and John Anglin, Applicant  
Request for: **Major Subdivision**



**URBAN  
DEVELOPMENT  
PLANNING DIVISION**

**Planning Commission  
Case Fact Sheet**

---

**Names of Petitioner:** Garland Ross Hover and Lonnie Parden, Property Owners/Applicants, Clearpoint Engineers, Property Owner/Applicant, Forrest Dungan, Applicant, and John Anglin, Applicant.

| <b>Address of Property:</b> | <b>Tax Parcels</b> | <b>PPIN:</b> | <b>Ward:</b> |
|-----------------------------|--------------------|--------------|--------------|
| Jackson Road                | 052P-09-001.000    | 27624        | 3            |

---

**Request:** Major Subdivision

**Purpose of Request:** Garland Ross Hover and Lonnie Parden, Property Owners/Applicants, Clearpoint Engineers, Property Owner/Applicant, Forrest Dungan, Applicant, and John Anglin, Applicant, request approval for a preliminary plat for a major subdivision for B-5 zoned properties located on Jackson Road (PPIN 27624, Ward 3, Lamar County).

**History / Background:** The applicant met with staff in pre-application meetings in October and December to discuss dividing land off Jackson Road. The applicants presented a proposal for the subdivision, which accounted for future potential commercial development. Staff reviewed the requirements that the LDC has for major subdivisions and informed the applicants that the reserved property for a potential future road would be required to have its entrance line up with the existing drive across the street at Shadow Ridge. The applicants reviewed the staff's suggestions and submitted the proposed major subdivision plat for review by the Planning Commission.

The current proposed subdivision does not include the dedication of any new streets or water infrastructure. The subdivision is being triggered as a major subdivision because of the number of lots being created, including a recently approved minor subdivision. A series of related minor subdivisions on



contiguous land cumulatively totaling four or more lots shall be construed to create a major subdivision. The developer intends to bond out the cost for the sidewalk improvements so they can coordinate future plans for development on the Jackson Road frontage for sidewalks, or provide the city with the means in order to construct the sidewalk themselves in order to complete the filing of the plat.

**Applicant Summary:** \* See Attached \*

**Applicable Regulations:**

## SECTION 4 Zoning Districts Established

**4.5.10 B-5 Regional Business District:** The purpose of the B-5 District is to provide for retail, personal and business services, offices, and financial services in locations with convenient access to the region's population consistent with comprehensive planning policies. This district is consistent with the Regional Business District in the Comprehensive Plan.

## SECTION 4 Dimensional Standards and Measurements

Table 6.1 Dimensional Standards

| District | Minimum Lot Size in SF/ Width at Setback | Max. Dwelling Units | Max. Floor Area Ratio | Setbacks in feet |            |           |           | Max. Height*           | Max. Impervious Surface Lot Coverage | Buffer in Feet |
|----------|------------------------------------------|---------------------|-----------------------|------------------|------------|-----------|-----------|------------------------|--------------------------------------|----------------|
|          |                                          |                     |                       | Min. Front       | Max. Front | Min. Side | Min. Rear |                        |                                      |                |
| B-1      | 0/100                                    | -                   | .75                   | 20               | 25         | 0 or 15   | 0         | 35 feet or 3 stories   | 80%                                  | 20             |
| B-2      | 4,000/ 100                               | -                   | 0.75                  | 0                | 10         | 0 or 10   | 0         | 35 feet or 3 stories   | 80%                                  | 20             |
| B-3      | No minimum/ 100                          | -                   | 1.00                  | 30               | -          | 0 or 10   | 0         | 40 feet or 3 stories   | 80%                                  | 30             |
| B-4      | No minimum/ none                         | -                   | No limit              | 0                | 10         | 0         | 0         | 135 feet or 10 stories | 100%                                 | 40             |
| B-5      | No minimum/ 100                          | -                   | 1.50                  | 30               | 150        | 0 or 10   | 0         | 72 feet or 6 stories   | 90%                                  | 50             |

## **SECTION 11**

### **Administration and Enforcement**

**11.10.1.8 Subdivision Violations.** The owner of a subdivision shall not transfer title to any lot in such subdivision until such time as the final plat has been approved by the appropriate authority as outlined in this Code and duly recorded in the office of the Chancery Clerk of Forrest County or Lamar County, Mississippi. Transfers prior to such approval and recording shall be deemed a violation of this Code and shall be subject to any and all remedies available to the City.

**11.10.1.9 Recording Violations.**

The Chancery Clerks of Forrest County and Lamar County, Mississippi shall not receive, file or record a plat of a subdivision within the jurisdiction of this Land Development Code without prior approval of the appropriate authority as outlined in this Code. Plats recorded prior to such approval shall be deemed unlawful and invalid

## **SECTION 12**

### **Process and Procedures**

#### **Categories of Development Approvals**

##### **12.3.2 Preliminary Plat Approval for Major Subdivisions**

###### **12.3.2.1 Approval Criteria.**

- i. Conformance with the Hattiesburg Comprehensive Plan.
- ii. Conformance with the standards of the zoning district.
- iii. Conformance with other standards and requirements of this Code and other City policies and regulations.
- iv. Determination that adequate public facilities and services will be available concurrent with the impacts of the subdivision.
- v. Determination that the project will have little or no adverse or negative impacts upon the natural environment.

###### **12.3.2.4 Final Plat.**

- i. No Significant Change. Final plats of major subdivisions that are substantially the same as the approved preliminary plat, as determined by the Site and Design Review Committee, shall be approved administratively.
- ii. Significant Change. Final plats that exhibit any significant deviation from the approved preliminary plat, as determined by the Site Plan Review Committee, shall require approval by

the Planning Commission.

#### **12.3.2.5 Recording.**

In order to be an official and legal plat, the final approved plat must be recorded along with all applicable covenants, deed restrictions and property owners' association documents with the Chancery Clerk of Forrest or Lamar County, as appropriate. The City Engineer shall ensure that the City records this information in a timely fashion.

## **Section 13**

### **DEFINITIONS**

**Subdivision:** The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, lease or building development by means of an appropriately recorded legal document.

**Subdivision, Major:** Any subdivision of land (lot split) that does not conform to the definition of a minor subdivision

**Subdivision, Minor:** Any subdivision (lot split) containing not more than three lots fronting on an existing street that does not result in the creation of any new street, the extension of municipal utilities, or the need for additional public improvements. A series of related minor subdivisions on contiguous land cumulatively totaling four or more lots shall be construed to create a major subdivision.

**Present Zoning:** The property is currently zoned B-5 Regional Business

**Present Use:** Vacant/unimproved

**Future Land Use:** Regional Business and Neighborhood Conservation District 2.

**Surrounding Zoning and Land Use:**  
North: Outside City Limits  
South: B-5 Regional Business  
East: R-1A Single-Family Residential & R-2 Two-Family Residential  
West: B-5 Regional Business



February 2025 HPC Item: C

Garland Ross Hover and Lonnie Parden, Property Owners/Applicants, Clearpoint Engineers, Property Owner/Applicant, Forrest Dungan, Applicant, and John Anglin, Applicant  
Request for: **Major Subdivision**

**Letters or**

**Concerns stated:**

As of finalizing this report, the Planning Division Office had received no calls or letters of concern.

**Option:**

Recommend **Approval** or **Denial** of a preliminary plat for a major subdivision for B-5 zoned properties located on Jackson Road (PPIN 27624, Ward 3, Lamar County).

**Basis for approval:**

Planning Commission must deem that all of the following approval criteria must be met before granting approval for the Preliminary Plat for a Major Subdivision:

**12.3.2 Preliminary Plat Approval for Major Subdivisions**

**12.3.2.1 Approval Criteria.**

- i. Conformance with the Hattiesburg Comprehensive Plan.
- ii. Conformance with the standards of the zoning district.
- iii. Conformance with other standards and requirements of this Code and other City policies and regulations.
- iv. Determination that adequate public facilities and services will be available concurrent with the impacts of the subdivision.
- v. Determination that the project will have little or no adverse or negative impacts upon the natural environment.

## SUBJECT PARCEL

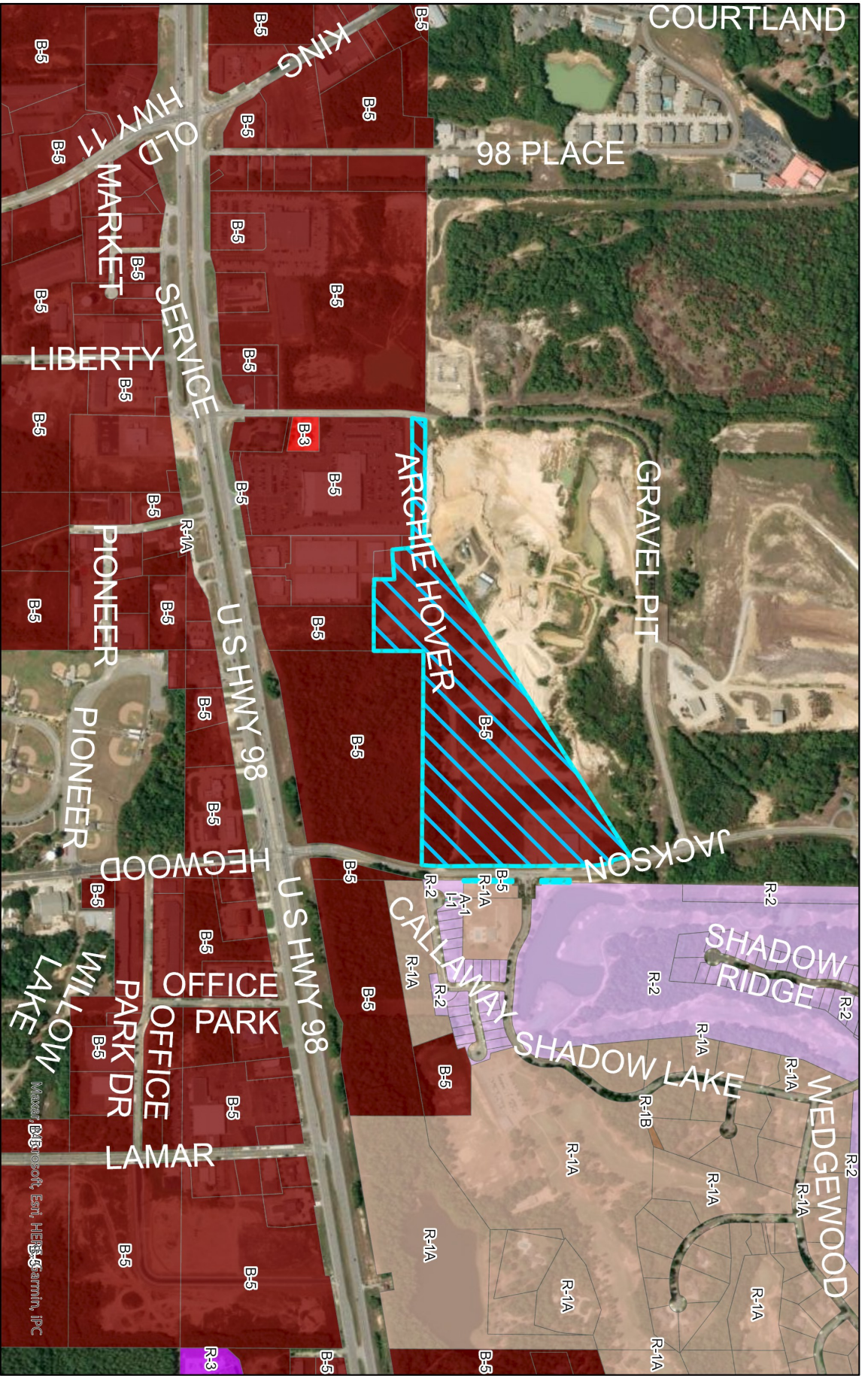
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### Jackson Road— Major Subdivision Request

Garland Ross Hover and Lonnie Parden, Property Owners/Applicants, Clearpoint Engineers, Property Owner/Applicant, Forrest Dungan, Applicant, and John Anglin, Applicant, request approval for a preliminary plat for a major subdivision for B-5 zoned properties located on Jackson Road (PPIN 27624, Ward 3, Lamar County).







- Zoning Map**
- |  |                  |  |     |
|--|------------------|--|-----|
|  | Subject Property |  | R-2 |
|  | A-1              |  | I-1 |
|  | R-1A             |  | B-3 |
|  | R-1B             |  | B-5 |
|  | R-1C             |  |     |

**Request for a Major Subdivision**  
Jackson Road  
PPIN: 27624  
Flood Zone: X  
Ward 3, Lamar County

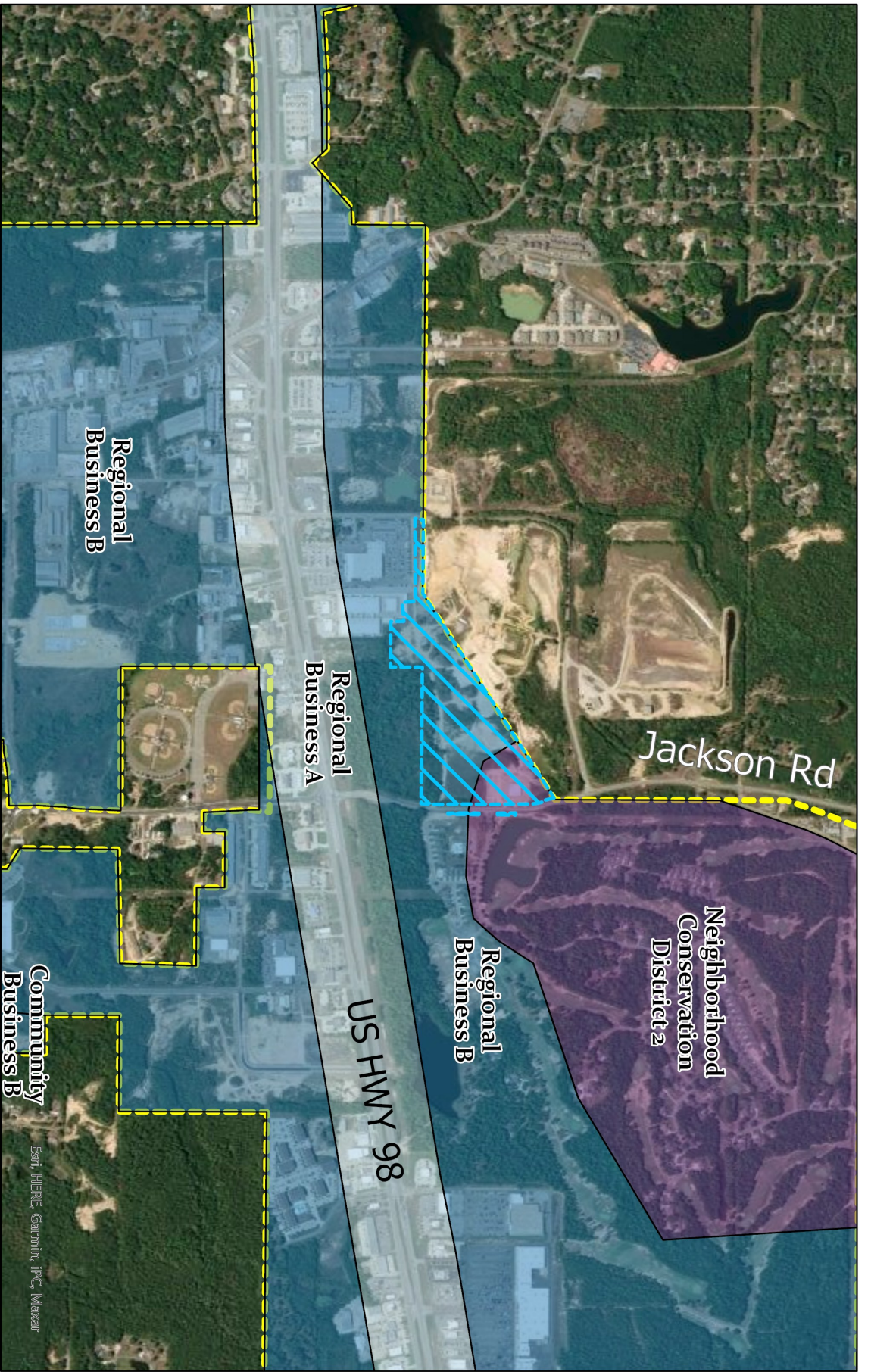
0 0.25 Miles

**URBAN DEVELOPMENT**  
**PLANNING DIVISION**

Center: 89°24'9"W 31°19'17"N

Maxar, Esri, HERE, Garmin, IPC





- Future Land Use Map
- Subject Property
  - Community Business B
  - Neighborhood Conservation District 2
  - Regional Business A
  - Regional Business B
  - City Boundaries

Request for a Major Subdivision  
Jackson Road  
PPIN: 27624  
Flood Zone: X  
Ward 3, Lamar County



**URBAN DEVELOPMENT**  
**PLANNING DIVISION**  
Center: 89°24'9"W 31°19'17"N

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data. This information CANNOT be used as a substitute for legal, business, tax or other professional advice. Map Exported on: 1/13/2025 2:52 PM



## Site Aerial





## Surrounding Area

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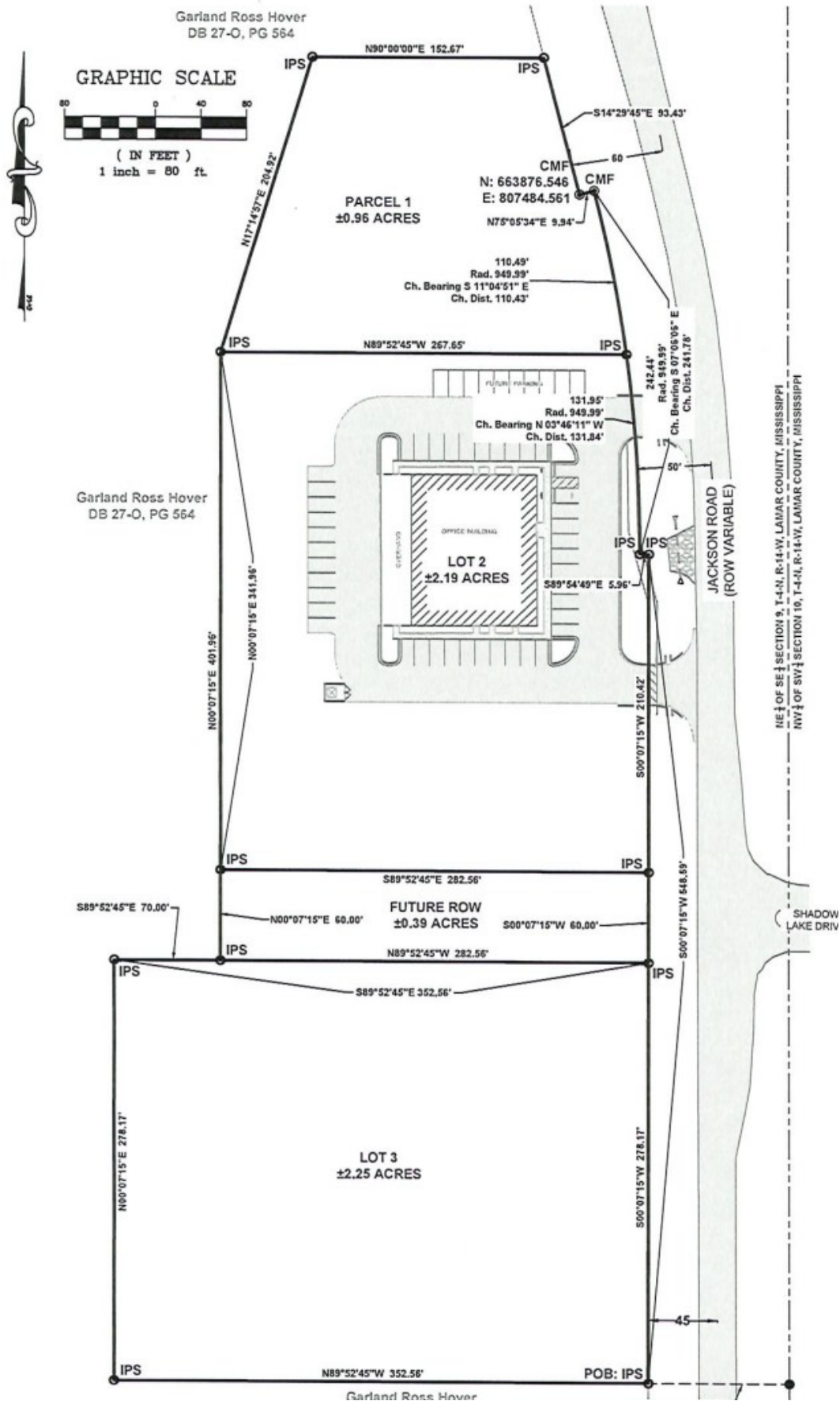


## Surrounding Area

---



# Proposed Major Subdivision Plat







# URBAN DEVELOPMENT PLANNING DIVISION

## Public Hearing Application

P.O. BOX 1898 (200 Forrest Street/39401)

Hattiesburg, MS 39403-1898

Department of Urban Development

(601) 545-4599 or FAX (601) 545-1962

### APPLICANT:

Applicant Name: Hover Family, Clearpoint Engineers

Project Name: Hover Office Park

Proposed Use(s): Office Park

Project Street Address: 1051 Jackson Road

PPIN Number(s) (if unknown, can be found on tax receipt): 27624

**\*PLEASE BE SURE TO FILL OUT PP. 1-5 AND SEE FEES ON P. 6\***

### Application for (check all appropriate types):

☐ Variance (see below)

☒ Subdividing of Lot, Parcel, or Tract (see p. 12)

☐ Street or Alley Renaming (see pp. 13-14)

☐ Vacating Street or Alley (see pp. 13-14)

☐ Conditional Use (see below)

☐ Re-Zoning (see below)

☐ Overlay District

☐ Planned Mixed-Use District

### For Variance Only (check all appropriate variance types), see pp. 7 & 8:

☐ Sign ☐ Setback (front, side, or rear \_\_\_\_\_) ☐ Off-Site Parking

☐ Lot Width ☐ Lot Coverage Area ☐ Buffer ☐ Open Space

☐ Other: \_\_\_\_\_

### For Conditional Use Permit Only (check applicable type), see pp. 9 & 10:

☐ Automotive Filling Station

☐ Digital Billboard, New

☐ Restaurant

☐ Other: \_\_\_\_\_

☐ Telecommunications

☐ Digital Billboard, Replacement

☐ Solar Farm

### For Re-Zoning Only, see p. 11:

Existing Zoning: \_\_\_\_\_

Proposed Zoning: \_\_\_\_\_

### STAFF USE ONLY – Do Not Complete:

Pre-Application Date: \_\_\_\_\_ Planner: \_\_\_\_\_

Parcel Number(s): \_\_\_\_\_ Historic District(s): \_\_\_\_\_

Flood Zone(s): \_\_\_\_\_ Zoning District(s): \_\_\_\_\_

Project No.: \_\_\_\_\_

Code Sections:

LDC Section No. \_\_\_\_\_

Section No. \_\_\_\_\_

Section No. \_\_\_\_\_

Section No. \_\_\_\_\_

Section No. \_\_\_\_\_

RECIVED DATE & INITIALS:



### Subdividing of Lot, Parcel or Tract Information

1. Property data:

Parent Parcel / Existing lot/parcel/tract contains 41.15 Acres Square Footage/Acres

Lot Area Requirement: \_\_\_\_\_

Lot Frontage Requirement: \_\_\_\_\_

Existing use of lot/parcel/tract \_\_\_\_\_

To be subdivided into 5 lots/parcels (including parent parcel) – outlined below.

*Use extra copies of this form if needed for additional lots.*

| Newly subdivided<br>Parcels                                                                                         | New lot size in<br>square footage (sf)<br>or acres (A) | New lot has<br>public road<br>frontage<br>(yes / no)                                       | New lot has<br>private road<br>frontage<br>(yes / no) | Indicate name of public or private road(s) | Staff - Lot area &<br>frontage<br>requirements<br>comply? |    |
|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|--------------------------------------------------------------------------------------------|-------------------------------------------------------|--------------------------------------------|-----------------------------------------------------------|----|
|                                                                                                                     |                                                        |                                                                                            |                                                       |                                            | Yes                                                       | No |
| 1.                                                                                                                  | 0.96 A                                                 | YES                                                                                        | NO                                                    | JACKSON RD                                 |                                                           |    |
| 2.                                                                                                                  | 2.19 A                                                 | YES                                                                                        | NO                                                    | JACKSON RD                                 |                                                           |    |
| 3.                                                                                                                  | 0.39 A                                                 | YES                                                                                        | NO                                                    | JACKSON RD                                 |                                                           |    |
| 4.                                                                                                                  | 2.25 A                                                 | YES                                                                                        | NO                                                    | JACKSON RD                                 |                                                           |    |
| 5.                                                                                                                  |                                                        |                                                                                            |                                                       |                                            |                                                           |    |
| 6.                                                                                                                  |                                                        |                                                                                            |                                                       |                                            |                                                           |    |
| 7.                                                                                                                  |                                                        |                                                                                            |                                                       |                                            |                                                           |    |
| 8.                                                                                                                  |                                                        |                                                                                            |                                                       |                                            |                                                           |    |
| 9.                                                                                                                  |                                                        |                                                                                            |                                                       |                                            |                                                           |    |
| 10.                                                                                                                 |                                                        |                                                                                            |                                                       |                                            |                                                           |    |
| 11.                                                                                                                 |                                                        |                                                                                            |                                                       |                                            |                                                           |    |
| 12.                                                                                                                 |                                                        |                                                                                            |                                                       |                                            |                                                           |    |
| Be sure to include information on the remainder of "existing" lot after splits made – identified as "Parent Parcel" |                                                        |                                                                                            |                                                       |                                            |                                                           |    |
| Parent<br>Parcel                                                                                                    | 37.56 A                                                | YES                                                                                        |                                                       | JACKSON RD                                 |                                                           |    |
|                                                                                                                     | 43.35                                                  | Total square footage of new lots (verify total matches existing parcel<br>prior to splits) |                                                       |                                            |                                                           |    |

2. Infrastructure required:

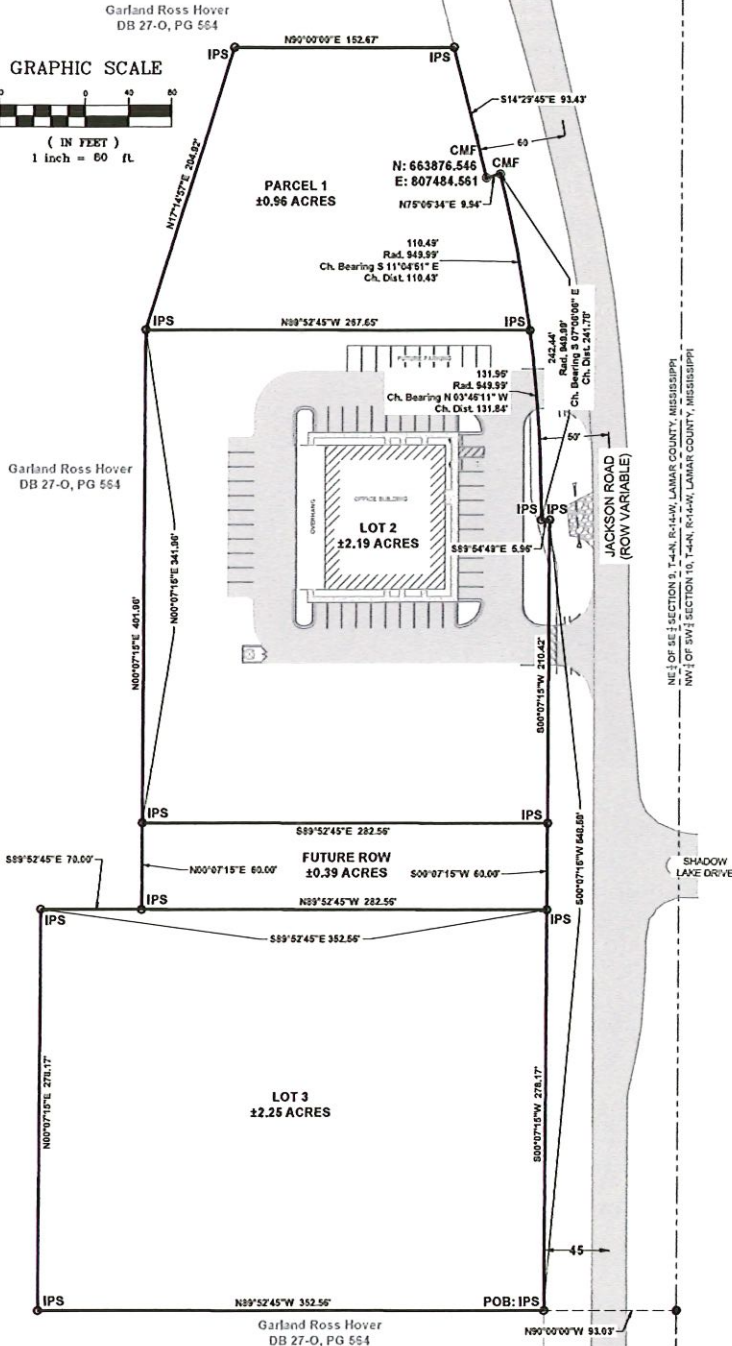
Water/Sewer Y Gas N Electric Y Telephone Y Cable Y Streets N

# HOVER OFFICE PARK

Name of Owner:  
HOVER GRAVEL CO  
42 ARCHE SMITH DR,  
HATTESBURG, MS, 39402



1051 Jackson Road | Hattiesburg, MS 39402  
t 601.261.2609 | clearpointengineers.com



## OWNER'S CERTIFICATE

State of Mississippi  
County of Lamar  
City of Hattiesburg

This is to certify that I, the undersigned owner of Hover Office Park, hereby dedicate this plat to be known as Hover Office Park and dedicate the streets, and rights-of-way as shown to public use forever. The undersigned have caused the same to be subdivided as shown and have signed and delivered this plat.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

By: \_\_\_\_\_  
Hover Gravel Co  
Managing Member

## ACKNOWLEDGMENT

State of Mississippi  
County of Lamar  
City of Hattiesburg

Personally appeared before me, the undersigned authority in and for the said county and state, on this \_\_\_\_\_ day of \_\_\_\_\_, 2024. Within my jurisdiction, the within named \_\_\_\_\_, who acknowledged that he executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

My commission expires on: \_\_\_\_\_ Notary Public

## CERTIFICATE OF COMPARISON

State of Mississippi  
County of Lamar  
City of Hattiesburg

We, Jamie A. Luman, Chancery Clerk of Lamar County, and John C. Anglin, Professional Land Surveyor, do hereby certify that we have carefully compared this plat of Shadow Ridge Subdivision, Phase III with the original duplicate copy thereof by the said Professional Land Surveyor and find it to be a true and correct copy of said map or plat.

Chancery Clerk Professional Land Surveyor

## CITY APPROVAL AND ACCEPTANCE FORM

State of Mississippi  
County of Lamar  
City of Hattiesburg

Survey checked by John C. Anglin, and approved by the City Engineer for the City of Hattiesburg.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

City Engineer

This subdivision is herein approved and accepted, and all improvements contained therein to be dedicated to the City of Hattiesburg are hereby accepted for the City of Hattiesburg.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

City Clerk Mayor

## SURVEYOR'S CERTIFICATE

State of Mississippi  
County of Lamar  
City of Hattiesburg

This is to certify that I have surveyed the land shown on this plat and fully described on this plat and have subdivided the same with lots according to the requirements of the City, County and the subdivision laws of the State of Mississippi governing surveying, dividing and mapping the land and that the plat hereon is a correct representation of the said survey and subdivision, and that all monuments indicated thereon actually exist and their location, size and materials are correctly shown.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

John C. Anglin

## ACKNOWLEDGMENT

State of Mississippi  
County of Lamar  
City of Hattiesburg

Sworn to and subscribed before me, this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

My commission expires on: \_\_\_\_\_ Notary Public

## FILING CERTIFICATION BY CHANCERY CLERK

I certify that this instrument was filed for record in my office on this the \_\_\_\_\_ day of \_\_\_\_\_, 2024, in plat book \_\_\_\_\_, page \_\_\_\_\_, slide \_\_\_\_\_.

Chancery Clerk

## SURVEY DESCRIPTION:

A parcel of land being located in the NE 1/4 of the SE 1/4 of Section 9, Township 4 North, Range 14 West, Lamar County Mississippi being more particularly described as follows:

COMMENCING at an iron pin found at the SE corner of Section 9, T-4N, R-14W, Lamar County, Mississippi, thence run North 1656.52 feet; thence run North 89°52'45" East for 278.17 feet to an iron pin set; thence run North 09°07'15" East for 278.17 feet to an iron pin set; thence run South 89°52'45" East for 78.09 feet to an iron pin set; thence run North 09°07'15" East for 491.56 feet to an iron pin set; thence run North 17°14'57" East for 204.52 feet to an iron pin set; thence run East for 152.67 feet to an iron pin set on the West right-of-way of Jackson Road; thence run along said right-of-way for the following calls: South 14°29'45" East for 93.43 feet to a concrete monument found; thence run North 78°59'34" East for 8.94 feet to a concrete monument found; thence run along a curve to the right for 242.44 feet to an iron pin set, said curve having a radius of 949.99 feet, a chord bearing of South 07°06'05" East, and a chord distance of 241.78 feet; thence run South 89°54'43" East for 5.98 feet to an iron pin set; thence run South 09°07'15" West for 548.59 feet, back to the Point of Beginning. Said parcel contains 6.79 acres, more or less.

## REFERENCE MATERIAL

- Deed Book 27-O, Page 564
- Lamar County Tax Maps
- Survey by Clearpoint Engineers for Mitchco Construction, LLC Project No. 93492001 dated October 15, 2024

## LEGEND

- O MONUMENT SET
- ⊙ MONUMENT FOUND
- IPS IRON PIN SET
- IPF IRON PIN FOUND
- CMF CONCRETE MONUMENT FOUND
- APS AS PER SURVEY
- APR AS PER RECORD
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- BOUNDARY TIE LINE
- SUBJECT PROPERTY LINE
- GLO LINE
- RIGHT OF WAY LINE
- SEWER FORCE MAIN
- WATER LINE
- FIBER OPTIC LINE

## NOTES

- DATE OF FIELD SURVEY: NOVEMBER, 2024
- WATER SUPPLY BY ABOVE LINE WATER
- SEWER PROVIDED BY CITY OF HATTIESBURG
- 1/2" x 1/2" CAPPED IRON PINS STAMPED "COA-155" ARE SET AT ALL PROPERTY CORNERS, UNLESS NOTED OTHERWISE.
- CLASS "B" SURVEY.
- ORIENTATION IS BASED ON GRID NORTH, NAD 83 MISSISSIPPI STATE PLANE COORDINATE EAST ZONE (FEET) AS DETERMINED BY GPS OBSERVATIONS.
- TOTAL ACRES OF PROPERTY: 4.579
- PROPERTY IS LOCATED IN FLOOD ZONE "X" AS PER PANEL NO. 2003500060 DATED MARCH 2, 2013 & 20170011ME DATED MARCH 3, 2013.
- PROPERTY IS SUBJECT TO THE RIGHTS-OF-WAY OF JACKSON ROAD

Preliminary  
Plat

DRAFT



## SUBJECT PARCEL

### 1927 Hill Street— Zoning Change Request

Tony May, Property Owner/Applicant, requests a zoning change from B-5 to B-1 for a property located at 1927 Hill Street (PPIN 23321, Ward 5, Forrest County).







Zoning Map

 Subject Property

 B-5

 I-1

 I-2

Rezoning Request from B-5 to B-1

1927 Hill Street

PPIN: 23321

Flood Zone: AE-100, SX

Ward 5, Lamar County

Maxar, Microsoft, Esri, HERE, Garmin, IFC

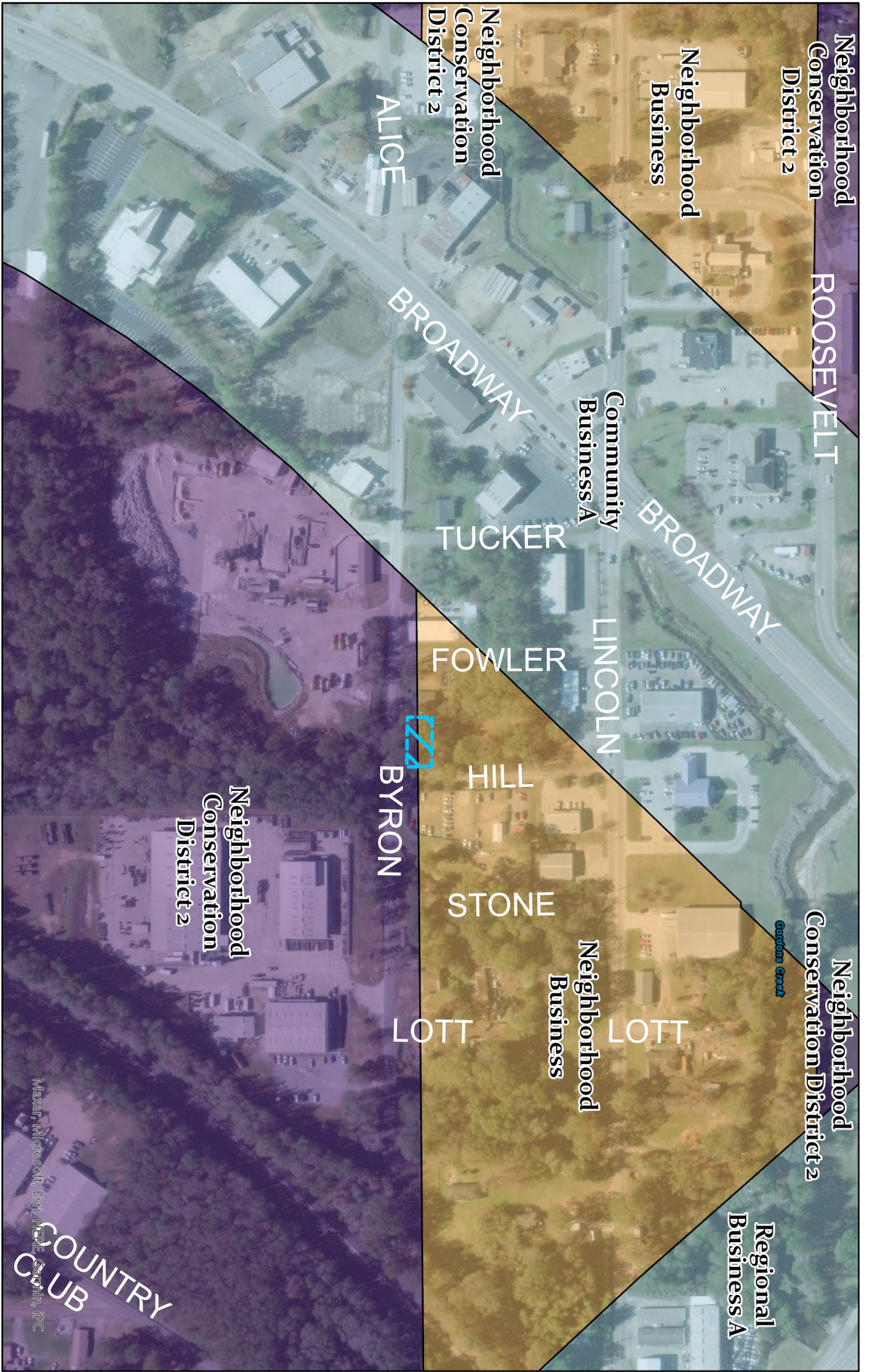


**URBAN  
DEVELOPMENT**  
PLANNING DIVISION

Center: 89°19'8"W 31°18'11"N

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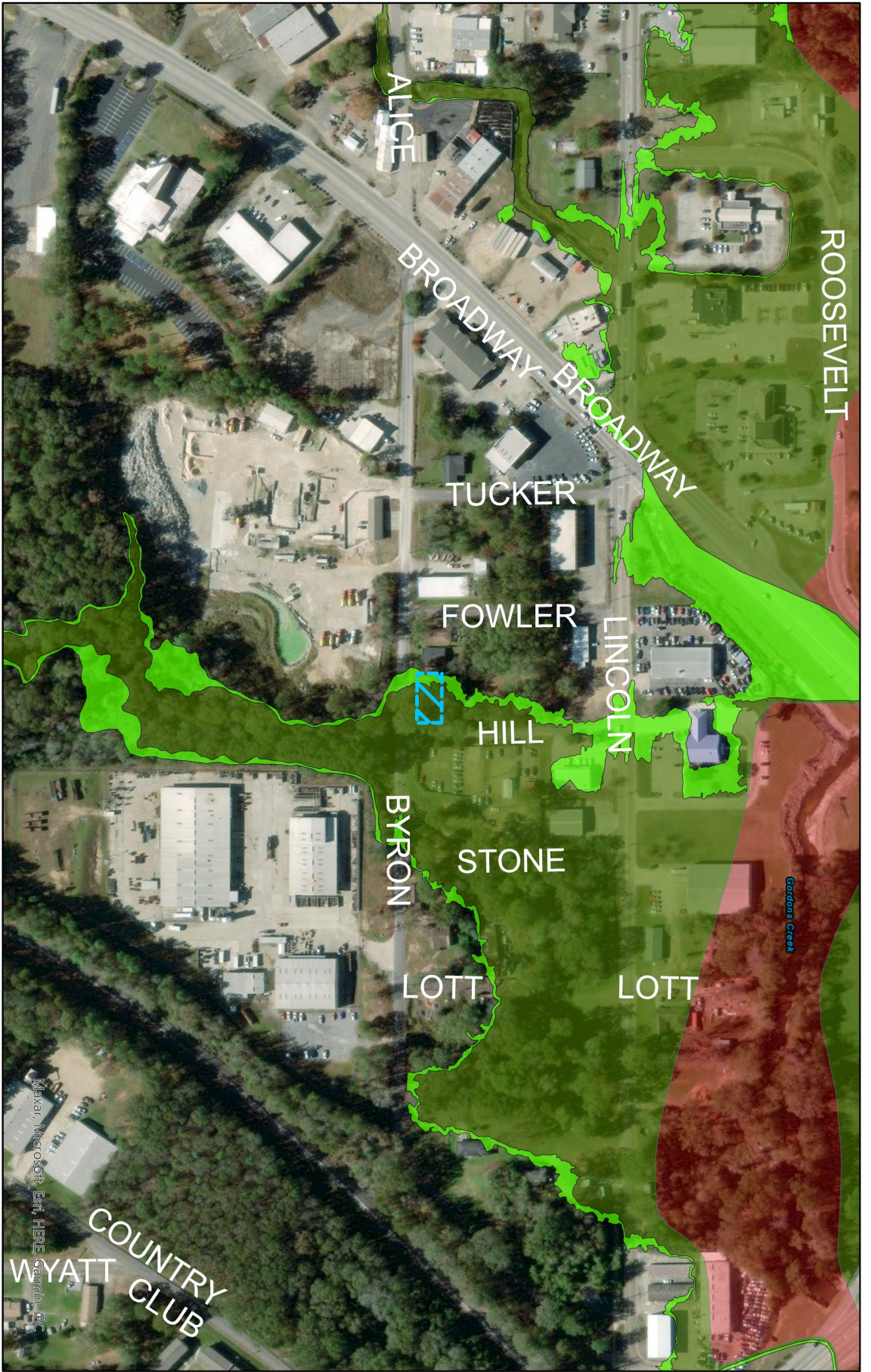
- Future Land Use Map
- Subject Property
  - Community Business A
  - Neighborhood Business
  - Neighborhood Conservation District 2
  - Regional Business A
  - City Boundaries

Rezoning Request from B-5 to B-1  
1927 Hill Street  
PPIN: 23321  
Flood Zone: AE-100, SX  
Ward 5, Lamar County

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data.  
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Map Exported on: 1/13/2025 3:09 PM







Flood Zone Map

-  Subject Property
-  FLOODWAY AREA IN ZONE AE
-  ZONE A (100 yr flood - no elevation)
-  ZONE AE (100 yr flood w / elevation)
-  ZONE SX (500 yr flood)

Rezone Request from B-5 to B-1  
1927 Hill Street  
PPIN: 23321  
Flood Zone: AE-100, SX  
Ward 5, Lamar County

DISCLAIMER: This map is ONLY FOR REFERENCE. There is NO WARRANTY of the accuracy of data.  
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Map Exported on: 1/13/2025 3:13 PM



**URBAN  
DEVELOPMENT**  
PLANNING DIVISION  
Center: 89°19'7"W 31°18'11"N



## Site Aerial





## Property Images

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## Surrounding Area

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**URBAN  
DEVELOPMENT  
PLANNING DIVISION**

**Planning Commission  
Case Fact Sheet**

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**Names of Petitioner:** Tony May, Property Owner/Applicant

| <b>Address of Property:</b> | <b>Tax Parcels</b> | <b>PPIN:</b> | <b>Ward:</b> |
|-----------------------------|--------------------|--------------|--------------|
| 1927 Hill Street            | 2-039H-17-081.00   | 23321        | 5            |

---

**Request:** Rezoning

**Purpose of Request:** Tony May, Property Owner/Applicant, requests a zoning change from B-5 to B-1 for a property located at 1927 Hill Street (PPIN 23321, Ward 5, Forrest County).

**History / Background:** The applicant met with staff in a pre-application meeting in December of 2024 to look at the potential to rezone the property to be used as a residential dwelling. The applicant explained that he had worked on and off again on it since 2004 and was hoping to finish up the home. Staff explained the zoning regulations of the property—specifically, that the current zoning (B-5) does not allow for residential dwellings. Staff explained that the future land use map in the Comprehensive Plan directs the property to be Neighborhood Business, which typically points to B-1 and B-2 zoning districts. The current zoning, B-5, is for Regional Business, which is more of a highway zoning.

B-1 and B-2 are commercial zoning districts allowing residential single-family dwellings. B-1 allows for single-family dwellings outright, while B-2 allows for single-family dwellings with conditional use approval but allows for a bit more flexibility in the uses that the zoning allows for if the property were to be used for a commercial purpose at a later date.

**Applicant Summary:** \* See Attached \*

**Applicable Regulations:**

**SECTION 4**

**Zoning Districts Established**

**4.5.8 B-1 Professional Business:** The purpose of this business district is to provide areas for professional and business offices and related activities that require separate buildings and building groups surrounded by landscaped yards and open areas. The intent is to provide compact locations for business offices, medical and dental offices, as well as suburban locations near residential neighborhoods.

**4.5.12 B-5 Regional Business District:** The purpose of the B-5 District is to provide for retail, personal and business services, offices, and financial services in locations with convenient access to the region's population consistent with comprehensive planning policies. This district is consistent with the Regional Business District in the Comprehensive Plan.

**Present Zoning:** The property is currently zoned B-5 Regional Business District.

**Present Use:** Single-Family Dwelling.

**Future Land Use:** Neighborhood Business Corridor

**Surrounding Zoning and Land Use:**  
North: B-5 Regional Business District  
South: I-1 Light Industrial  
East: B-5 Regional Business District  
West: B-5 Regional Business District

**Letters or Concerns stated:** As of finalizing this report, the Planning Division Office had received no calls or letters of concern.

**Option:** Recommend **Approval** or **Denial** of a zoning change from B-5 to B-1 for a property located at 1927 Hill Street (PPIN 23321, Ward 5, Forrest County).



February 2025 HPC Item: D  
Tony May, Property Owner/Applicant  
Request for: **Rezoning**

**Basis for approval  
(Zoning Change):**

- I. There was a mistake in the original zoning
- II. The character of the neighborhood has changed substantially so that rezoning is clearly justified **and** there is a public need for the rezoning
- III. Annexation

Zone - 000 776 - 2024



**URBAN  
DEVELOPMENT  
PLANNING DIVISION**

**Public Hearing Application**

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

**APPLICANT:**

Applicant Name: Tony May  
Project Name: Tony home  
Proposed Use(s): Single Family  
Project Street Address: 1927 Hill Street  
PPIN Number(s) (if unknown, can be found on tax receipt): \_\_\_\_\_

**\*PLEASE BE SURE TO FILL OUT PP. 1-5 AND SEE FEES ON P. 6\***

**Application for (check all appropriate types):**

- |                                                                           |                                                           |
|---------------------------------------------------------------------------|-----------------------------------------------------------|
| <input type="checkbox"/> Variance (see below)                             | <input type="checkbox"/> Conditional Use (see below)      |
| <input type="checkbox"/> Subdividing of Lot, Parcel, or Tract (see p. 12) | <input checked="" type="checkbox"/> Re-Zoning (see below) |
| <input type="checkbox"/> Street or Alley Renaming (see pp. 13-14)         | <input type="checkbox"/> Overlay District                 |
| <input type="checkbox"/> Vacating Street or Alley (see pp. 13-14)         | <input type="checkbox"/> Planned Mixed-Use District       |

**For Variance Only (check all appropriate variance types), see pp. 7 & 8:**

- |                                       |                                                               |                                           |
|---------------------------------------|---------------------------------------------------------------|-------------------------------------------|
| <input type="checkbox"/> Sign         | <input type="checkbox"/> Setback (front, side, or rear _____) | <input type="checkbox"/> Off-Site Parking |
| <input type="checkbox"/> Lot Width    | <input type="checkbox"/> Lot Coverage Area                    | <input type="checkbox"/> Buffer           |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Open Space                           |                                           |

**For Conditional Use Permit Only (check applicable type), see pp. 9 & 10:**

- |                                                     |                                                         |
|-----------------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Automotive Filling Station | <input type="checkbox"/> Telecommunications             |
| <input type="checkbox"/> Digital Billboard, New     | <input type="checkbox"/> Digital Billboard, Replacement |
| <input type="checkbox"/> Restaurant                 | <input type="checkbox"/> Solar Farm                     |
| <input type="checkbox"/> Other: _____               |                                                         |

**For Re-Zoning Only, see p. 11:**

Existing Zoning: B5  
Proposed Zoning: B1

**STAFF USE ONLY – Do Not Complete:**

Pre-Application Date: \_\_\_\_\_ Planner: \_\_\_\_\_  
Parcel Number(s): \_\_\_\_\_ Historic District(s): \_\_\_\_\_  
Flood Zone(s): \_\_\_\_\_ Zoning Districts(s): \_\_\_\_\_

Project No.: \_\_\_\_\_  
**Code Sections:**  
LDC Section No. \_\_\_\_\_  
Section No. \_\_\_\_\_  
Section No. \_\_\_\_\_  
Section No. \_\_\_\_\_  
Section No. \_\_\_\_\_

**RECIVED DATE & INITIALS:**



### FOR RE-ZONING APPLICANTS:

As stated in Section 12.3 in the Land Development Code, one of the following conditions must be met before a rezoning can be recommended. Check the condition(s) most applicable to your request and explain in writing.

☐ There was a mistake in the original zoning.

☒ The character of the neighborhood has changed substantially so that rezoning is clearly justified and there is a public need for the rezoning.

☐ Annexation.

Detailed explanation of condition(s) most applicable to your request:

There are still houses in the neighborhood, I grew up in and I would like to live in the house to be closer to family and friends. This is not like highway 49 or highway 98 which are ~~city~~ highway zones. I'm also listed as neighborhood business.



## **URBAN DEVELOPMENT PLANNING DIVISION**

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### ***MEMORANDUM***

**TO:** Planning Commission and all interested parties  
**FROM:** Planning Division Staff  
**DATE:** January 15, 2025 (Date of memo publication)  
**SUBJECT:** **Sidewalk Bank Fee-in-Lieu Program and Associated Land Development Code Amendments**

The City of Hattiesburg recognizes the importance of pedestrian infrastructure for community safety, accessibility, and connectivity. To advance these goals, the City is proposing to establish a Sidewalk Bank Fee-in-Lieu Program. This initiative aims to provide developers with practical alternatives in areas where sidewalks are not immediately feasible, while ensuring that resources are effectively allocated to enhance pedestrian infrastructure in high-priority areas.

The program allows developers to contribute funds to a dedicated Sidewalk Bank Fund instead of constructing sidewalks on-site. These funds will be used exclusively for pedestrian infrastructure improvements in high-need areas identified in the City's Pathways Master Plan.

The proposed ordinance identifies specific corridors where sidewalks may be impractical due to existing conditions or regulatory constraints, such as MDOT right-of-way restrictions. These eligible corridors include:

- Highway 49 north of its intersection with Interstate 59
- Highway 49 south of Old Airport Road
- Highway 98/Hardy Street corridor west of its intersection with Interstate 59
- Highway 98 E along the southernmost boundary of the City Limits

Eligible properties directly abutting these corridors can benefit from administrative approval through the site and design review process. Properties outside these corridors may still participate but require conditional use approval from Planning Commission and City Council.

Fee-in-lieu contributions will be calculated based on a standardized per-linear-foot cost of sidewalk construction or verified contractor estimates. These contributions will be allocated exclusively to constructing or enhancing pedestrian infrastructure in high-need



areas, ensuring alignment with the City's Pathways Master Plan. Contributions are tracked in an annual report to the City Council, ensuring transparency and accountability.

In conjunction with the fee-in-lieu program, the City is proposing amendments to the Land Development Code. These amendments include requiring sidewalks in all zoning districts, including agricultural and industrial zones, while allowing these districts to participate in the program through administrative approval. This approach balances flexibility in areas where sidewalks may be impractical with the City's commitment to improving pedestrian connectivity.

The current Land Development Code exempts agricultural and industrial-zoned properties from the sidewalk requirements. The proposed amendments to the Land Development Code would require all zoning districts to install sidewalks. While agricultural and industrial-zoned properties would be required to install sidewalks (upon new / re-development) under these changes, these specific zoning districts would be eligible to participate in the Sidewalk Fee-in-Lieu program with administrative approval.

We encourage all stakeholders to share their questions and feedback on this proposed program. Please contact the Planning Division at 601-545-4599 or email [planning@hattiesburgms.com](mailto:planning@hattiesburgms.com). Public comments are also welcome at the Planning Commission's public hearing or via email.

Prepared by: City of Hattiesburg  
City Clerk's Office  
P.O. Box 1898  
Hattiesburg, MS 39403-1898  
(601)545-4550

Return to: City of Hattiesburg  
City Clerk's Office  
P.O. Box 1898  
Hattiesburg, MS 39403  
(601)545-4550

INDEXING INSTRUCTIONS:

ORDINANCE NUMBER \_\_\_\_\_ OF THE CITY OF HATTIESBURG, MISSISSIPPI

**SIDEWALK BANK FEE-IN-LIEU PROGRAM**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF HATTIESBURG, MISSISSIPPI, TO ESTABLISH A SIDEWALK BANK PROGRAM PROVIDING DEVELOPERS WITH AN ALTERNATIVE FEE-IN-LIEU TO ON-SITE SIDEWALK CONSTRUCTION AND TO PROMOTE PEDESTRIAN INFRASTRUCTURE DEVELOPMENT IN HIGH-PRIORITY AREAS OF NEED WITHIN THE CITY OF HATTIESBURG.**

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BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HATTIESBURG, MISSISSIPPI:

**WHEREAS**, the City of Hattiesburg recognizes the importance of sidewalks and pedestrian infrastructure for the safety, accessibility, and welfare of its residents; and

**WHEREAS**, the City has developed a **Pathways Master Plan** that outlines a comprehensive approach to enhancing pedestrian and bicycle infrastructure to improve mobility and connectivity throughout the community; and



**WHEREAS**, the City acknowledges that in certain developments or locations, on-site sidewalk construction may not align with existing pedestrian needs or may be impractical due to the nature of the site or surrounding area; and

**WHEREAS**, Mississippi law grants municipalities the authority to enact ordinances promoting the general welfare, health, and safety of their residents, including infrastructure improvements and public safety enhancements; and

**WHEREAS**, the City of Hattiesburg seeks to establish a Sidewalk Bank Program as an alternative compliance option for developers, with funds directed solely toward sidewalk projects in areas of demonstrated need as identified in the **Pathways Master Plan** and in High-priority areas; and

**NOW, THEREFORE**, be it ordained by the City Council of the City of Hattiesburg, Mississippi, as follows:

## **SECTION 1. Definitions**

For the purposes of this ordinance, the following terms shall have the meanings indicated:

- 1. Department of Engineering and Transportation:** The department of engineering shall have responsibility for the supervision, management, operation, and direction of infrastructure and other engineering-related projects; the director shall work closely with the directors of the water and public works departments, and with the city's consulting engineers.
- 2. Department of Urban Development:**
  1. The Department of Urban Development shall have responsibility for the administration, supervision, management, operation, and direction of the divisions of code enforcement, federal and state programs, land code administration, and planning.
- 3. Developer:** Any person engaging in developing or improving a lot or group of lots or placing structures thereon for use or occupancy.
- 4. Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or a drilling operation
- 5. Fee-in-Lieu:** A monetary contribution made by a developer to the Sidewalk Bank Fund as an alternative to constructing required sidewalks on-site, calculated based on a per-linear-foot cost of sidewalk construction.
- 6. High-Priority Areas:** Locations identified in the Pathways Master Plan that demonstrate a significant need for pedestrian infrastructure improvements based on factors such as safety concerns, proximity to schools and parks, and existing pedestrian traffic patterns. These areas are determined based on criteria, including, but not limited to:
  1. Proximity to schools, parks, public transit stops, and community facilities
  2. Areas with documented safety concerns, such as high pedestrian accident rates
  3. Locations with significant gaps in existing sidewalk networks
  4. Commercial and mixed-use districts with demonstrated pedestrian activity

5. Neighborhoods with high population density or vulnerable populations
6. Corridors identified for economic development or revitalization where pedestrian access could enhance connectivity and growth
7. **On-Site Sidewalk Construction:** The physical installation of sidewalks as required by the City's existing development regulations at the site of a proposed development.
8. **Pathways Master Plan:** The City of Hattiesburg's official document, as prepared for the Hattiesburg-Petal-Forrest-Lamar MPO, that outlines the vision, goals, and specific projects for enhancing pedestrian and bicycle infrastructure throughout the city, as adopted by the City Council in April of 2015.
9. **Pedestrian Infrastructure:** Facilities and amenities designed for pedestrian use, including but not limited to sidewalks, crosswalks, pathways, and related safety features.
10. **Sidewalk Bank Fee-in-Lieu Program:** A voluntary program established by the City of Hattiesburg that allows developers, at their discretion, to contribute funds in lieu of constructing sidewalks on-site, with those funds designated for sidewalk construction and improvements in areas identified as needing pedestrian infrastructure or improvements.
11. **Sidewalk Bank Fund:** A dedicated fund established within the City's financial system that collects contributions made under the Sidewalk Bank Program, used solely for sidewalk projects and improvements as identified in the Pathways Master Plan.
12. **Site and design review committee:** As established by the Land Development Code, its purpose shall be to utilize to the fullest extent possible its individual and collective technical expertise, to coordinate and expedite the review, processing and pre-hearing procedures as they may apply to the Land Development Code, and all development and building codes and all applicable City Codes.

## **SECTION 2. Purpose and Intent**

The purpose of this ordinance is to establish a Sidewalk Bank Program, which allows developers the option to contribute funds in lieu of constructing sidewalks on-site where it is determined that such construction is unnecessary or impractical for sidewalks required under section 7 of the Land Development Code. The program's intent is to allocate these funds to construct sidewalks in areas where pedestrian infrastructure is more urgently needed, as identified in the City's **Pathways Master Plan**.

## **SECTION 3. Establishment of the Sidewalk Bank Program**

The Sidewalk Bank Program (hereinafter "Program") is hereby established as an alternative compliance option for sidewalk construction requirements. Funds collected under this Program shall be exclusively used to fund sidewalk construction, improvements, or repairs in designated high-need pedestrian areas within the City of Hattiesburg as specified in the **Pathways Master Plan**.

## **SECTION 4. Program Administration**

1. **Administration:** The Program shall be administered by the Department of Engineering in coordination with the Department of Urban Development and the Site and Design Review Committee.



2. **Sidewalk Bank Fund:** A designated “Sidewalk Bank Fund” shall be established within the City’s financial system, and all contributions made under this Program shall be deposited into this fund. This fund shall be used solely for pedestrian infrastructure improvements for areas identified in the **Pathways Master Plan** and **High-Priority Areas** as specified in this ordinance.
3. **Annual Report:** The Department of Engineering and Transportation shall submit an annual report to the City Council detailing the contributions made to the Sidewalk Bank Fund, projects funded, and future planned expenditures in alignment with the **Pathways Master Plan**.

## **SECTION 5. Eligibility and Application Process**

1. **Eligibility for Participation:** Developers may apply for the alternative compliance option through the Sidewalk Bank Program when:
  - a) The site for development is located in an area where on-site sidewalk construction is deemed unnecessary based on surrounding land uses, pedestrian traffic patterns, or existing infrastructure;
  - b) On-site sidewalk construction is impractical due to topographic, environmental, or physical constraints.
2. **Areas eligible for administrative approval:**
  - a) The section of the US Highway 49 corridor north of its intersection with Interstate-59
  - b) The section of the US Highway 49 corridor south of Old Airport Road
  - c) Highway 98/Hardy Street corridor west of its intersection with Interstate 59
  - d) The section of the US Highway 98 corridor that follows the southernmost boundary of the City Limits that has intersections with Elks Lake Road, US Highway 49, and W. L. Runnels Drive.
    1. See Exhibit A of this ordinance providing a map of the areas eligible for administrative approval. Only properties directly abutting these corridors would be eligible.
  - e) Any property zoned Industrial that is bound by industrially zoned properties on either side of the proposed development along the same corridor
  - f) Any property zoned agricultural that is bound by agriculturally zoned properties on either side of the proposed development along the same corridor
  - g) Any property annexed into the City of Hattiesburg after the effective date of this ordinance.
3. **All other areas are eligible to participate in the sidewalk bank program by legislative approval, following the same procedures as a conditional use, as outlined in section 12 of the Land Development Code, Ord. No. 3209, as amended:**
  - a) A variance shall not be substituted for the construction of sidewalks. Sidewalks shall be constructed as required by the Land Development Code, or developers may voluntarily participate in the sidewalk bank program.
4. **Retroactive Clause:** Any development that has been approved by the site and design review committee and building permits have been issued, but has not yet received a certificate of zoning compliance may participate in the sidewalk bank fee-in-lieu program upon request by the developer, following all other provisions of this ordinance.

5. **Application and Approval:** To participate in the Program, the developer must apply to the Department of Urban Development, providing details of the proposed development and reasons for opting into the Sidewalk Bank Program. Approval is subject to the Site and Design Review Committee and Administration's review and determination that participation aligns with the City's pedestrian infrastructure goals as outlined in the **Pathways Master Plan**.
  - a) All requests must meet the eligibility for participation.
  - b) For projects not within the areas eligible for administrative approval, applicants will be required to submit a public hearing application following the requirements of a conditional use request.
6. **Fee-in-Lieu Contribution:** Developers approved to participate in the Program shall make a contribution to the Sidewalk Bank Fund in an amount calculated as follows:
  - a) The fee shall be based on a per-linear-foot cost of sidewalk construction for the proposed site as determined by the City's most recent cost estimates.
  - b) The contribution amount will be reviewed and adjusted annually by the Department of Engineering and Transportation based on current market rates.
    1. Alternatively, Developers opting for a fee-in-lieu of sidewalk construction may submit three itemized cost estimates from licensed contractors qualified in sidewalk or public infrastructure construction, following the city's standard scope of work. The city will review and select either the average of the estimates as the fee-in-lieu amount, subject to verification and adherence to current market conditions. Estimates must be obtained within 45 days of submission and reflect comparable project requirements as established by the city.
    2. An application fee of \$250 is also required for staff time and processing.

## **SECTION 6. Use of Sidewalk Bank Funds**

1. **Designated Areas:** Funds from the Sidewalk Bank shall be used solely for sidewalk and pedestrian improvement projects in **High-Priority Areas** or areas identified under the **Pathways Master Plan** within the limits of the City of Hattiesburg, including but not limited to:
  - o Near schools, parks, and public facilities
  - o Commercial districts with high pedestrian traffic
  - o Areas with safety concerns related to pedestrian access
2. **Project Selection:** The Department of Engineering and Transportation, in consultation with the Department of Urban Development, and City Administration, shall identify and prioritize sidewalk projects eligible for funding from the Sidewalk Bank based on criteria established in the **Pathways Master Plan** and **High-Priority Areas**, as defined in the definitions section of this ordinance.

## **SECTION 7. Transparency and Accountability**

To ensure transparency, the City shall make available a public record of the Sidewalk Bank Fund's balance, expenditures, and completed projects. An annual report detailing the use and impact of the Program shall be submitted to the City Council and made available to the public



and in compliance with all sections of Mississippi Code Ann. § 7-7-211, § 21-17-5, § 21-35-25, and § 21-37-5.

## **SECTION 8. Severability**

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared severable.

## **SECTION 9. Codification and Renumbering**

The sections and subsections of this ordinance are numbered for organizational purposes. Upon incorporation into the City of Hattiesburg's municipal code, this ordinance shall be codified under Chapter 46, Article VII. The numbering and lettering of sections, subsections, or cross-references shall be done to conform to the existing format and organization of the code, without altering the content or intended placement of this ordinance. If Chapter 46, Article VII is later amended, reorganized, or renumbered as part of a broader amendment, this ordinance shall be renumbered or restructured as necessary to maintain consistency within the code, without altering the substance or intent of the ordinance or in its intended placement into Chapter 46 - Streets, Sidewalks, and other Public Places.

## **SECTION 10. Effective Date**

This ordinance shall take effect immediately upon its passage and publication, as it is deemed necessary for the immediate public welfare to promote the timely construction and enhancement of pedestrian infrastructure within the City of Hattiesburg. Thus, in accordance with state law MS Code § 21-13-11, this ordinance addresses current safety concerns for pedestrians.

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The foregoing Ordinance having been reduced to writing, the same was introduced by Council member \_\_\_\_\_ seconded by Council member \_\_\_\_\_, and was adopted by the following vote to wit:

YEAS:

NAYS:

THE President thereby declared the motion carried and the foregoing Ordinance adopted and approved, this the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2025.

(S E A L)

ATTEST:

ADOPTED:

\_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
PRESIDENT

THE above and foregoing Ordinance having been submitted to and approved by the Mayor, this the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2025.

ATTEST:

APPROVED:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

DRAFT



Prepared by: City of Hattiesburg  
City Clerk's Office  
P.O. Box 1898  
Hattiesburg, MS 39403-1898  
(601)545-4550

Return to: City of Hattiesburg  
City Clerk's Office  
P.O. Box 1898  
Hattiesburg, MS 39403  
(601)545-4550

INDEXING INSTRUCTIONS:

**ORDINANCE NUMBER \_\_\_\_\_**  
**OF THE**  
**CITY OF HATTIESBURG, MISSISSIPPI**

**AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE,  
ORDINANCE NUMBER 3209, AS AMENDED, SECTION 7 STANDARDS OF DESIGN,  
SECTION 12 PROCESSES AND PROCEDURES, AND SECTION 13 DEFINITIONS, FOR THE  
CITY OF HATTIESBURG, MISSISSIPPI.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF  
HATTIESBURG, MISSISSIPPI:**

**SECTION 1.** That the Land Development Code, Ordinance Number 3209, as amended, of the City of Hattiesburg, Mississippi, be further amended as follows:

| <b>Code Section</b>                   | <b>Amendment</b><br><i>Explanation of amendment in italics</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 7.6.1.1                       | <i>Amend to read as follows:</i><br><br>7.6.1.1 Sidewalks shall be provided along all public streets on the entire frontage of a development site and align with existing sidewalks on adjacent properties, including both frontages on corner lots. The minimum sidewalk width is five feet. Additional width may be required as determined by Site and Design Review. <b>Where on-site construction is impractical or unnecessary, developers may contribute to the <u>Sidewalk Bank Fee-in-Lieu Program</u>, subject to approval.</b> |
| Section 7, Table 7.1, Section 7.6.1.1 | <i>Requirement for sidewalks in all zones</i><br><br>Amend to add zones A-1, A-2, I-1, and I-2 as <i>required</i> in Table 7.1                                                                                                                                                                                                                                                                                                                                                                                                           |

|                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 7, Table 7.1, Section 7.6.1.2 | <i>Amend to adjust for consistency in design standards for all zones</i><br>Amend to add zones A-1 and A-2 as <b>required</b> in Table 7.1                                                                                                                                                                                                                                                                                                       |
| Section 7, Table 7.1, Section 7.6.1.3 | <i>Amend to adjust for consistency in design standards for all zones</i><br>Amend to add zones A-1, A-2, I-1, and I-2 as <b>required</b> Table 7.1                                                                                                                                                                                                                                                                                               |
| Section 7, Table 7.1, Section 7.6.1.4 | <i>Amend to adjust for consistency in design standards for all zones</i><br>Amend to add zones A-1 and A-2 as <b>required</b> in Table 7.1                                                                                                                                                                                                                                                                                                       |
| Section 7, Table 7.1, Section 7.6.1.5 | <i>Amend to adjust for consistency in design standards for all zones</i><br>Amend to add zones A-1 and A-2 as <b>required</b> in Table 7.1                                                                                                                                                                                                                                                                                                       |
| Section 7, Table 7.1, Section 7.6.1.6 | <i>Amend to adjust for consistency in design standards for all zones</i><br>Amend to add zones A-1 and A-2 as <b>required</b> in Table 7.1                                                                                                                                                                                                                                                                                                       |
| Section 7, Table 7.1, Section 7.6.1.7 | <i>Amend to adjust for consistency in design standards for all zones</i><br>Amend to add zones A-1 and A-2 as <b>required</b> in Table 7.1                                                                                                                                                                                                                                                                                                       |
| Add Section 12.4.1.0                  | <i>Add the following section under Section 12.4.1, with correct numeration to be consistent with the Sidewalk Bank Fee-in-Lieu Program Ordinance:</i><br>Variances shall not be substituted for the construction of sidewalks. Sidewalks shall be constructed as required by the Land Development Code, or developers may voluntarily participate in the sidewalk bank program.                                                                  |
| Section 13.2, Definition              | <i>Amend to add the following definition in the correct alphabetized order</i><br><br>Sidewalk Bank Fee-in-Lieu Program: A voluntary program established by the City of Hattiesburg that allows developers, at their discretion, to contribute funds in lieu of constructing sidewalks on-site, with those funds designated for sidewalk construction and improvements in areas identified as needing pedestrian infrastructure or improvements. |

**SECTION 2.** Except as hereby expressly changed and amended, the aforesaid Land Development Code, Ordinance Number 3209, adopted February 21, 2017, as amended, of said City of Hattiesburg, Mississippi, shall be and remain in full force and form as adopted.

**SECTION 3.** This ordinance shall take effect immediately upon its passage and publication, as it is deemed necessary for the immediate public welfare to promote the timely construction and enhancement of pedestrian infrastructure within the City of Hattiesburg. Thus, in accordance with state law MS Code § 21-13-11, this ordinance addresses current safety concerns for pedestrians.

The foregoing Ordinance having been reduced to writing, the same was introduced by Councilmember \_\_\_\_\_ seconded by Councilmember \_\_\_\_\_, and was



adopted by the following vote to-wit:

YEAS:

NAYS:

THE President thereby declared the motion carried and the foregoing Ordinance adopted and approved, this the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2025.

(S E A L)

ATTEST:

ADOPTED:

\_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
PRESIDENT

THE above foregoing Ordinance having been submitted to and approved by the Mayor, this the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2025.

ATTEST:

APPROVED:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR



## URBAN DEVELOPMENT PLANNING DIVISION

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### ***MEMORANDUM***

**TO:** Planning Commission and all interested parties  
**FROM:** Planning Division Staff  
**DATE:** December 23, 2024 (Date of memo publication)  
**SUBJECT:** **Short-term rental ordinance and supporting Land Development Code Amendments**

In October of 2024, the City of Hattiesburg held a work session to discuss potential options for regulating short-term rentals. Continued discussion between the city council, the administration, and the Planning Commission has led to the development of a potential ordinance for the City to consider as an option for short-term rental regulation. The general consensus on short-term rentals is that they are seen as a viable option for tourism and other alternative temporary housing solutions.

While short-term rentals can serve as an addition to our community, regulations in place help guarantee the health, safety, and welfare of both citizens and visitors to our city, ensuring the City is still moving forward in its pursuit of becoming a premier city in the Gulf South.

The Planning Division has helped facilitate discussions on a potential ordinance, where the ordinance adopted by Ocean Springs, MS, has served as a model for developing a draft for the City of Hattiesburg. A full copy of the draft ordinance will be available to the public at the Planning Commission meeting on January 8<sup>th</sup>, 2024, with accompanying amendments to the Land Development Code.

Should you have any questions or wish to share feedback, please contact the Planning Division at 601-545-4599 or by email at [planning@hattiesburgms.com](mailto:planning@hattiesburgms.com). Public comments can be made via email or in person at the public hearing with the Planning Commission.





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## Proposed Short Term Rental Regulations

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**From** Chad Edmonson <chad.f.edmonson@gmail.com>

**Date** Thu 1/2/2025 3:54 PM

**To** planning <planning@hattiesburgms.com>

Dear Commissioners

It is with significant frustration that I learned that the City of Hattiesburg is considering implementing regulations "to help guarantee the health, safety, and welfare of both citizens and visitors to our city" relating to short term rentals.

Before implementing new regulations, I would expect the City to lay out in detail the rationale for that regulation. Where are Airbnbs a problem? What specific, repetitive complaints have you experienced to date? What specific positive impacts do you expect from regulation? Without that argument laid out in detail, I worry this ordinance is a solution in search of a problem.

Airbnbs have been an unmitigated benefit in the revitalization work I am pursuing in the North Main and Downtown areas. I know of at least five properties in the North Main and Downtown neighborhoods that have been successfully renovated in the past five years to be used for Airbnbs. These Airbnbs help attract renovation investments in areas that have been starved for capital for multiple decades. The tourists that frequent them appreciate the charm and history of these historic areas and help support local businesses, such as restaurants, shops, and cultural sites. This influx of visitors and investment can create a sustainable cycle of economic growth, fostering a sense of pride in the community and stimulating further development.

Following these many pages of rules will add additional cost and complexity to Airbnb development, not to mention uncertainty about how they are going to be enforced. The outcome is going to be a mix of a) significantly curtailing existing AirBnbs and their expected growth in the city limits and b) pushing this use into a gray zone of non-compliance. That is a real cost.

I would remind the Planning Commission of my comments regarding food truck parks when regulations regarding that use were proposed several years ago. As I predicted, we never put in the one we were contemplating on Mobile Street, and neither has anyone else anywhere in the City. And yes, I am frustrated enough about that to say I told you so.

Even if the problems we are experiencing with Airbnbs warrant regulating this use, who is going to ensure compliance? Code? Every commissioner drove past multiple blighted buildings on the way to this meeting. That is a massive problem that already violates existing rules, and we aren't dedicating the resources to deal with it. Additional rules the City expects Code to enforce will just further erode their ability to address their existing workload.

Our policy approach here in Hattiesburg frequently gets this stuff backwards. If you are worried about the supply of residential housing, make it easier to develop residential housing. Focus on increasing the supply rather than limiting the demand. I think Planning could play a very impactful role in helping in that arena with programs like pre-approved home designs.

If you are worried about the other issues embedded in this policy (I counted trash, parking, and noise, but may have missed a few), the City should deal with them directly via tweaking ordinances already in place or providing more resources to Code, Fire Safety, and other departments to enforce existing ordinances.

If you feel like you HAVE to make a change dealing with AirBnbs, then I would encourage you just to limit their use to one every 150 feet in residential and agricultural areas, make an affirmative statement that each AirBnb has to get a privilege tax license (which practically requires most of this regulatory framework to be followed anyway without requiring a whole lot of additional paperwork), and have the City keep up with each AirBnb in a list internally so as to make sure you aren't granting privilege licenses closer than 150 feet. You can do that in one or two pages and scrap most of the "cost" I mentioned above.

Make development easier, not harder, while channeling that development in positive ways.

Sincerely,

Chad Edmonson

Citizen

## **The Oaks Historic Neighborhood Association**

### **City of Hattiesburg Planning Commission**

#### **Subject: Proposed Short-Term Rental Ordinance**

Dear Members of the Planning Commission,

This letter expresses the concerns and recommendations of The Oaks Historic Neighborhood Association regarding the proposed amendment concerning short-term rentals within the City of Hattiesburg.

We acknowledge the growing popularity of short-term rentals, but also recognize the potential negative impacts they can have on residential neighborhoods. These potential impacts include:

- **Changes in neighborhood character:** Increased transient populations can alter the social fabric and community feel of a neighborhood.
- **Housing affordability:** The conversion of residential properties into short-term rentals can reduce the availability of long-term rental and for-sale housing, potentially impacting housing affordability for local residents.
- **Quality of life issues:** Concerns exist regarding excessive noise, parking congestion, and increased waste generation.

We believe that a well-crafted ordinance can mitigate these potential negative impacts while also recognizing the economic benefits that short-term rentals can bring to the city.

Therefore, we propose the following recommendations for consideration:

#### **1. Mandatory Licensing:**

- All short-term rental properties within the city limits should be required to obtain a valid privilege license.
- The licensing process should include:
  - Registration of the property owner and manager.
  - Provision of contact information for emergencies and maintenance issues.
  - An annual property inspection to ensure compliance with safety standards, such as the presence and operability of fire extinguishers.

#### **2. Parking Regulations:**

- Parking regulations for short-term rental properties should be clearly defined and enforced, consistent with existing city guidelines.

#### **3. Clear Communication of City Ordinances:**

- All short-term rental property owners and operators should receive written notification of relevant city ordinances regarding waste disposal, noise regulations, and other relevant codes.



We urge the Planning Commission to carefully consider these recommendations as you develop the final short-term rental ordinance. We believe that a well-regulated short-term rental market can contribute positively to the City of Hattiesburg while minimizing potential negative impacts on our neighborhoods.

Sincerely,

Jacqueline G. Wooton

President

The Oaks Historic Neighborhood Association

[theoakshburg@gmail.com](mailto:theoakshburg@gmail.com)

Date: January 14, 2024

Prepared by: City of Hattiesburg  
City Clerk’s Office  
P.O. Box 1898  
Hattiesburg, MS 39403-1898  
(601)545-4550

Return to: City of Hattiesburg  
City Clerk’s Office  
P.O. Box 1898  
Hattiesburg, MS 39403  
(601)545-4550

INDEXING INSTRUCTIONS:

ORDINANCE NUMBER \_\_\_\_\_  
OF THE  
CITY OF HATTIESBURG, MISSISSIPPI

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE,  
ORDINANCE NUMBER 3209, AS AMENDED, SECTION 2 APPLICABILITY, SECTION 5 USE  
REGULATIONS, AND SECTION 13 DEFINITIONS, FOR THE CITY OF HATTIESBURG,  
MISSISSIPPI.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF  
HATTIESBURG, MISSISSIPPI:

SECTION 1. That the Land Development Code, Ordinance Number 3209, as amended, of the  
City of Hattiesburg, Mississippi, be further amended as follows:

| Code Section | Amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section 2.5  | <b>Pre-existing Short-Term Rentals.</b> Pre-existing Short-Term rentals will be required to apply for a certificate of zoning compliance within 180 days from the passage of this ordinance. Proof of operation prior to the passage of this ordinance must be shown to qualify for pre-existing status.                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Table 5.1    | <i>Amend to the Table of uses to add in the appropriate alphabetical order</i><br>Short Term Rental as Permitted with Conditions in A-1, A-2, R-1A, R-1B, R-1C, R-2, R-3, B-1, B-2, B-3, B-4, B-5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Section 5.4  | <i>Insert and adjust the numbering in alphabetical order</i><br>Short-Term Rental <ol style="list-style-type: none"><li>1. In Agricultural and Residential districts, the use must be located at least 300 feet from another Short-Term Rental. This distance is measured from property line to property line.</li><li>2. In B-1, and B-2districts, the use must be located at least 150 feet from another Short-Term Rental. This distance is measured from property line to property line. Buildings Designed and platted as a condominium are exempt from this requirement.</li><li>3. Uses approved by the Planning Commission may require additional parking spaces.</li></ol>                                                                                              |
| Section 13.2 | <i>Insert in the correct alphabetical order</i><br><b>Short-term rental:</b> means any dwelling or condominium or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or compensation for a period of less than thirty (30) consecutive days. The term does not include any hospital, convalescent or nursing home, shell houses, group homes, sanitarium, or any facility associated with a hospital providing rooms for medical patients and their families. The term shall also not include mobile homes, manufactured homes, group homes, travel trailers, tents, recreational vehicles, campers, or other similar vehicles or structures nor does the term include a bed and breakfast permitted by City ordinances. |

SECTION 2. Except as hereby expressly changed and amended, the aforesaid Land

**SECTION 3.** That this Ordinance take effect and be in force thirty (30) days from and after passage as provided by law.

YEAS:

(S E A L)

CLERK OF COUNCIL

ATTEST:

CITY CLERK

39



**ORDINANCE NUMBER \_\_\_\_\_**  
**OF THE**  
**CITY OF HATTIESBURG, MISSISSIPPI**

***AN ORDINANCE AMENDING CODE OF ORDINANCES OF HATTIESBURG,  
MISSISSIPPI,  
TO PROVIDE FOR SHORT-TERM RENTALS OF DWELLINGS, APPLICATION, AND  
APPROVAL***

**WHEREAS**, it has been brought to the attention of the City that residential property within the City is being used in short-term rentals and the potential issues and problems affiliated with such use must be addressed;

**WHEREAS**, The City has a legitimate interest in preserving its long-term housing stock and not have such limited resources depleted as there is an influx of individuals and families associated with the military, government contractors and the gaming industry seeking residential opportunities in Hattiesburg; *and*

**WHEREAS**, the use of short-term rental units as a use in residential zones is considered a valuable and needed use for those desiring to engage their dwelling or condominiums to rent to guests visiting Hattiesburg in exchange for compensation and further provides for another type of short-term stay opportunity similar to hotels, motels and bed and breakfast facilities and will aid and encourage tourism as well as, promote the local economy; *and*

**WHEREAS**, by requiring conditional use permits for the short-term rental of residential property the City of Hattiesburg will be able to balance the desire of owners to make such use of their property with those owners who desire peace and tranquility in their neighborhoods;

**WHEREAS**, by requiring conditional use permits for the short rental of residential property, the City of Hattiesburg will be able to investigate applications to assure compliance with the provisions set forth herein, as well as all local, State and Federal laws and will be able to address any adverse impact of short-term rentals; *and*

**WHEREAS**, it is the intent of the City of Hattiesburg to review the Ordinance annually in order that the City may address any adverse impact of the allowed use of property as short-term rentals; *and*

**WHEREAS**, The Planning Commission and City Council having held work sessions and having published due notice conduct a public hearing on such proposed changes at which time public testimony was taken and considered; *and*

**WHEREAS**, after due consideration the Mayor and City Council now find and determine that it would be in the best interest of the City of Hattiesburg that the recommended changes be adopted;

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HATTIESBURG,  
MISSISSIPPI:**

**Amend the Code of ordinances of the City of Hattiesburg, to create Chapter 32 Article X**

**Section 32-222**

**1) DEFINITION:**

The following words, terms, and phrases, when used in this article shall have the

meanings ascribed to them in this section:

**Short-term Rental:** means any dwelling or condominium or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or compensation for a period of less than thirty (30) consecutive days. The term does not include any hospital, convalescent or nursing home, shell houses, group homes, sanitarium, or any facility associated with a hospital providing rooms for medical patients and their families. The term shall also not include mobile homes, manufactured homes, group homes, travel trailers, tents, recreational vehicles, campers, or other similar vehicles or structures nor does the term include a bed and breakfast permitted by City ordinances.

**Local Property Manager.** The person specifically named on the application and permit who is responsible for the day-to-day operation of the short-term rental unit, and who may be contacted and available twenty-four (24) hours a day if there is a problem with the unit. The local property manager may be the owner or agent of the owner and shall reside within Forrest or Lamar County. The local property manager and owner shall be responsible for the management and upkeep of the rental unit in compliance with the provisions set forth herein. The name, address, and telephone number of the owner and the local property manager shall be submitted at the time that the application is filed and said information shall be made available to the public. The owner shall be responsible for providing written notice of any change with respect to the name, address, and telephone number of the local property manager to the City within five (5) days of any such change.

## 2) PERMIT REQUIRED

### ***IT IS UNLAWFUL TO CONDUCT OR OPERATE A SHORT-TERM RENTAL WITHOUT HAVING OBTAINED A PERMIT THEREFORE.***

- A. A Privilege Tax License, Certificate of Zoning Compliance, and Occupancy Limit are required for each short-term lodging rental unit.
- B. The permit process requires an application completed in accordance with the following which may be obtained at the City Tax Department.
  - (1) Application shall contain such information as the City Clerk shall from time to time require, including, but not limited to, the location/address of the short-term rental, the number of rooms therein contained, the number of persons the short-term rental proposes to accommodate, the name of the property owner, the name of the local property manager, sales tax collection, and the name, address and telephone number of the local contact person who is available for contact, copy of the rental agreement, proposed parking plan (*reviewed and determined upon signing and inspection by The Planning Division*) rules, and a plan for trash management, and a copy of the proposed rental agreement.
  - (2) It shall be the duty of the applicant to produce proof to the City Tax Department of homeowner's liability insurance coverage which does not exclude short-term rentals from coverage. Further, the applicant shall provide proof that the insurer has been notified of the insured's intent to use the property as a short-term rental.
  - (3) It shall be the duty of the applicant to produce proof of any mortgage or deed of trust which may encumber the property and submit proof that the mortgage or deed of trust does not prohibit the use of the property as a short-term rental.
  - (4) The application shall include a statement from the applicant affirming that the applicant is in compliance with all applicable zoning requirements, building codes, deed restrictions and/or covenants, and has paid all applicable taxes, fees and other charges including lodging taxes.

- (5) The applicant shall execute a written statement acknowledging that a violation of the ordinances of the City of Hattiesburg may result in the suspension or revocation of the permit.
  - (6) A non-refundable application fee of twenty-five dollars (\$25.00) shall be paid by the applicant at the time of filing the application. A licensing fee of three hundred seventy-five dollars (\$375.00) will be assessed for any approved licenses. The most recent fee established by the City Council shall take precedence. Other applicable fees include:
    - \$50 Fire inspection
    - \$25 Certificate of Zoning Compliance (CZC)
    - \$20 Privilege Tax License for a Home Occupation
    - \$375 Short-Term Rental License Fee
- C. The short-term rental unit is in accordance with all applicable fire and health codes as would apply.
- D. Each short-term rental permit shall expire one (1) year from the date of issuance of the permit.
- E. Permit renewal may be obtained for three hundred seventy-five dollars \$375.00 through the City Tax Department. The permit renewal process will include staff review of City records and other documentation pertaining to complaints, if any, that have been received about the specific short-term rental unit under consideration. Filed complaints that are in violation of the zoning codes, building codes, property maintenance, codes and/or applicable laws or regulations will be considered as part of the renewal process. Applicable local, State and Federal laws or regulations may be a basis for denying a permit renewal. If permit renewal is denied, the City Urban Development Division shall provide notice as to the reason for denial and the landowner shall be allowed ten (10) days to correct any deficiencies itemized. At the expiration of ten (10) days, a landowner may appeal the denial of permit renewal to the City Council. The appeal must be in writing and must be filed within ten (10) days following the expiration of the ten (10) day period within which to file correct deficiencies.
- F. Approval of a short-term lodging permit does not legalize any non-permitted use or structure. Short-term rental units are not to be used to distribute retail products or personal services to invitees for marketing or similar purposes. The outdoor display of goods and merchandise for sale is prohibited.
- G. Short-term lodging rental permits are not transferable. Upon sale or any type of transfer of the property, any permit issued pursuant to the terms set forth herein, shall automatically expire. Any new owner(s) or transferee(s) shall be required to apply for a new permit in accordance with this article.
- H. Any structure or unit that is deed-restricted for affordable housing shall not be used as a short-term lodging rental.
- I. Permit capacity will be the total number of permits issued for residential short-term rental shall not exceed two and a half percent (2.5%) of the total number of residential structures in the city at any given time. This number will be tabulated from existing residential water meters at the start of each fiscal year.
- (1) The City Tax Department will maintain a waiting list for any applicant over the permit capacity. The waiting list time will be 365 days. The city offers no guarantee that being on the wait list will make the applicant approvable in the other provisions of this ordinance. A complete application with the twenty-five dollar (\$25.00) fee is required to be placed on the waiting list.



(2) The waiting list will be used to evaluate the need to adjust capacity.

**3) OCCUPANCY**

The maximum occupancy of each short-term rental shall be as determined by the Building Official and/or Fire Marshall based on the inspection of the premises and applicable laws, regulations and codes. Each permit shall specify the maximum number of occupants, which may be limited due to building or parking constraints.

**4) NUMBER OF VEHICLES**

The maximum number of vehicles will be determined upon site inspection by the Building Department and should be compatible with the zoning. This number will be based on off-street parking availability and on-street conditions. It will be preferred that the applicant/owner provide off-street parking. In certain circumstances where no off-street parking exists and on-street constraints exist, the Building Official may require that an off-street parking space be constructed or secured. A fixed amount may be set by the Planning Commission.

**5) REGISTRY OF GUESTS**

Each person granted a short-term rental permit shall keep or cause to be kept a registry of guests. Such registration or list shall be available for inspection upon ten (10) days written notice by the Building Official or his designee.

**6) NOISE**

Property owners and local property managers shall ensure that the occupants of the short-term lodging rental are aware of City noise ordinances and State laws regarding disturbing the peace.

**7) PREMISES AND GARBAGE MANAGEMENT**

It shall be the duty of every local property manager and/or owner to keep all of the rooms in connection with the short-term rental provided for the use of guests, in clean and sanitary condition; and to provide each guest with affective protection against flies, mosquitoes and other vermin. Garbage shall be disposed of in covered containers and placed in the scheduled pick-up location.

**8) POSTING OF RULES**

Short-term lodging rental unit rules shall be posted inside the rental unit in a location readily visible to all tenants. The rules shall include: occupancy; parking limits; noise, rules and garbage management. A written copy of this Ordinance shall be posted within the unit and displayed at all times.

**9) LOCAL CONTACT PERSON**

All short-term lodging rentals shall designate a local property manager who will respond to the questions or concerns twenty-four (24) hours a day. The name, address, and telephone number of the local contact person shall be submitted to the Code Enforcement, Tax Department, and City Police Department during the permitting process. The name, address, and telephone number of the local contact person shall be posted permanently inside the short-term rental unit. The local contact person, property manager, and/or property owner shall be considered the responsible person for violations of the Short-term Rental Ordinance.

**10) COMPLAINTS AND DISPUTE RESOLUTIONS**

Complaints regarding violation of this Ordinance must first be directed to the local contact person. If the local contact person is unable to resolve the issue and/or the issue relates to public safety,

then the concerned party should contact the Code Enforcement Division. The Hattiesburg Police Department shall have an updated list provided by the City Clerk of all local contact persons for short-term rentals in case complaints are received after hours. Verified complaints concerning non-compliance with the terms of this Ordinance may be considered in determining whether or not a permit should be revoked.

#### **11) DENIAL OR REVOCATION OF A LICENSE**

Conditions for denial of permit or revocation of permit to operate a Short-term Rental unit shall include but in no way limited to the following:

- A. Property within a subdivision with an active homeowner's association with adopted covenants that do not allow short-term rentals will not be considered for a permit. A letter of acknowledgment and support will be required from the Homeowner's Association in order to continue in the pursuit of a permit. Failure of the applicant to notify the City that his/her property is a part of a Homeowner's Association shall result in denial of a permit or revocation of a permit.
- B. The applicant failed to conform to the conditions set forth herein for the current or previous year.
- C. Guests and/or users of the property were issued noise ordinance and/or disturbing the peace citations during the previous or current year.
- D. Any other reasonable or rational factors or combination of factors, including, but not limited to inadequate lot size, inadequate street parking, lack of response from local property manager or contact person, filed complaints of violation of the zoning code, building code, property maintenance code and/or applicable laws or regulations (may be a basis for denying permit).
- E. The Director of Urban Development in conjunction with the City Clerk are authorized to revoke permits. A permitted owner shall be provided with written notice of the reason(s) the permit is subject to revocation. The applicant shall be allowed ten (10) days from the date written notice is issued to correct defective conditions. If the condition is not corrected within ten (10) days to the satisfaction of the Building Official, permit will be revoked by issuing such and order. Upon receipt of such order by the owner or local property manager, the unit shall cease operation as a short-term rental. The owner may appeal the order revoking the permit. The owner's appeal must be in writing and filed with the Building Department within ten (10) days of entry of the order. The revocation shall remain in full force and effect during the pendency of the appeal. The appeal should be presented to the Mayor and City Council at the next scheduled meeting following the filing of the appeal. The owner should be afforded notice and the opportunity to be heard. The City may appoint a hearing officer to preside over any such appeal.

#### **12) VIOLATIONS:**

Any persons or users who allow such use of a residential property in violation of this Ordinance shall be guilty of a misdemeanor.

For purposes of prosecution of violations of this chapter, each day that any violation occurs (*rental without a permit*) is deemed to constitute a separate violation. Those found guilty of such violation shall, upon conviction, be fined for each violation not exceeding \$250.00 for the first offense, not exceeding \$500.00 for the second offense within a calendar year and not exceeding more than \$1,000.00 for other offenses within a calendar year, plus all court costs.

**13) CONSTITUTIONALITY**

Should any portion, provision or section of this Ordinance be held void, unconstitutional or invalid, the remaining portion of the ordinance shall remain in full force and effect.

**14) CONFLICTS**

It is hereby provided that the provisions of these regulations shall not be construed as being in conflict with the provisions of any of the regulations of Hattiesburg, Mississippi. In any case where the provisions in these regulations and the provisions of other regulations both apply, the provisions of this Ordinance shall govern for the purpose of short-term rentals of residential dwellings or condominiums.

**15) REVIEW**

The City shall review the Ordinance annually to evaluate the benefits recognized by the use of Short-term Rentals and any adverse impact the use of Short-term Rentals may have.

**SECTION 2. That this Ordinance take effect and be in force thirty (30) days from and after passage as provided by law.**

The foregoing Ordinance having been reduced to writing, the same was introduced by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and was adopted by the following vote to-wit:

YEAS:

NAYS:

THE President thereby declared the motion carried and the foregoing Ordinance adopted and approved, this the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2024.

(S E A L)

ATTEST:

ADOPTED:

\_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
PRESIDENT

THE above foregoing Ordinance having been submitted to and approved by the Mayor, this the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2024.

ATTEST:

APPROVED:



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CITY CLERK

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MAYOR

DRAFT