



URBAN DEVELOPMENT

PLANNING DIVISION

HATTIESBURG PLANNING COMMISSION

PUBLIC HEARING STAFF REPORTS

March 5, 2025

Planning Commission Agenda

March 5, 2025, 1:00 PM

Jackie Dole Sherril Community Center

220 W Front Street

I. Business Meeting

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

II. Public Hearing

1. Presentation of Petitions for Public Hearing
 - A. High Cotton Properties, LLC, Property Owner/Applicant, Chris Johnson, Engineer, request approval for a preliminary plat for a major subdivision for a R-1A zoned property, known as the Vintage Springs Subdivision, Phase 4, Blocks A, B, and C, located at 100 S Founders Way (PPIN 41844, Ward 5, Forrest County).
 - B. Meoucia Breland, Property Owner/Applicant, requests a zoning change from R-1B to R-3 for a property located at 217 Oliver Avenue (PPIN 23552, Ward 2, Forrest County).
 - C. John Weeks, Property Owner/Applicant, Lamar Rutland, Engineer, and Rick Sullivan, Surveyor, request approval for a preliminary plat for a major subdivision for a A-1 zoned property, to be known as the Mineral Creek Estates, located on J Ed. Turner Drive (PPIN 9505, Ward 1, Forrest County).

III. Other Business

1. **Tabled from February 5, 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 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.
2. **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.

3. Work Session- Broadway Zoning and Overlay.

IV. Adjournment

**MINUTES OF THE
REGULAR MEETING OF THE
HATTIESBURG PLANNING COMMISSION
February 5th, 2025**

Board Members Roll Call:

Members Present:

1. Richard Conville
2. Amy Hinton, Chair
3. Elayne Lockett
4. Rhoda Pickett, Vice Chair
5. Lee Anne Venable
6. Michael Dickerson

Members Not Present:

1. Michael Pruitt
2. Rebekah Ray, Secretary
3. Carlos Wilson
4. Charles Dawe
5. 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. Katie Mottern, Planning Intern

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

AGENDA REVIEW

Motion:

Made by Commissioner Rhoda Pickett to approve the agenda

Second:

Made by Commissioner Elayne Lockett

Vote: All in favor

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

Motion to approve the Agenda for the February 5th, 2025 Meeting passes by a 6-0 vote.

MINUTES REVIEW

Motion:

Made by Commissioner Lee Anne Venable to approve the January 8th, 2025, meeting minutes.

Second:

Made by Commissioner Michael Dickerson

Vote: All in favor

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

Motion to approve January 8th, 2025, meeting's minutes passes by a 6-0 vote.

BUILDING REPORT

Kevin Bates, Building Official, provided the Building Permit Report for January 2025.

PLANNING REPORT

Clarion and Associates provided an introduction to the Comp Plan. Planning staff provided updates on the previous month's agenda items.

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: 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).

Discussion and Vote:

The Planning Staff introduced the case.

- Presented by:
 - o John Anglin
- Proponents:
 - o None.
- Opponents:
 - o None.

Motion:

Made by Commissioner Lee Anne Venable to approve the request.

Second:

Made by Commissioner Michael Dickerson

Vote: All in favor

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

Motion to recommend approval for the request passes with a 6-0 vote.

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**Item B:** 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).

**Discussion and Vote:**

The Planning Staff introduced the case.

- Presented by:
  - o Joel Ford
- Proponents:
  - o None.
- Opponents:
  - o None.

**Motion:**

Made by Commissioner Michael Dickerson to approve the request.

**Second:**

Made by Commissioner Richard Conville

| Board Member      | Yea | Nay | Other  |
|-------------------|-----|-----|--------|
| Richard Conville  | ✓   |     |        |
| Charles Dawe      |     |     | Absent |
| Michael Dickerson | ✓   |     |        |

|                  |   |  |         |
|------------------|---|--|---------|
| Amy Hinton       |   |  | Abstain |
| Elayne Lockett   | ✓ |  |         |
| Rhoda Pickett    | ✓ |  |         |
| Michael Pruitt   |   |  | Absent  |
| Rebekah Ray      |   |  | Absent  |
| Lee Anne Venable | ✓ |  |         |
| Carlos Wilson    |   |  | Absent  |

The motion to recommend approval of the request passes by a 5-0-1 vote.

**Item C:** 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).

**Discussion and Vote:**

The Planning Staff introduced the case.

Presented by:

- John Anglin
- Proponents:
  - None.
- Opponents:
  - None.

**Motion:**

Made by Commissioner Richard Conville to approve the request.

**Second:**

Made by Commissioner Elayne Lockett

**Vote:** All in favor

| Board Member      | Yea | Nay | Other  |
|-------------------|-----|-----|--------|
| Richard Conville  | ✓   |     |        |
| Charles Dawe      |     |     | Absent |
| Michael Dickerson | ✓   |     |        |
| Amy Hinton        | ✓   |     |        |
| Elayne Lockett    | ✓   |     |        |

|                  |   |  |        |
|------------------|---|--|--------|
| Rhoda Pickett    | ✓ |  |        |
| Michael Pruitt   |   |  | Absent |
| Rebekah Ray      |   |  | Absent |
| Lee Anne Venable | ✓ |  |        |
| Carlos Wilson    |   |  | Absent |

Motion to recommend approval of the request passes 6-0.

~~~~~I  
Item D: 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).

Discussion and Vote:

The Planning Staff introduced the case.

- Presented by:
 - o Tony May
- Proponents:
 - o None.
- Opponents:
 - o None.

Motion:

Made by Commissioner Elayne Lockett to approve the request based on mistake in original zoning.

Second:

Made by Commissioner Lee Anne Venable

Vote: All in favor

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

Motion to recommend approval of the request passes 6-0.

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Item E: 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.

Discussion and Vote:

The Planning Staff introduced the case.

- Presented by:
 - o City of Hattiesburg
- Proponents:
 - o John Anglin
- Opponents:
 - o Deshawn Davis
- Other:
 - o Gilbert Areverlo

Motion:

Made by Commissioner Richard Conville to postpone the request to the agenda in March to discuss it in more detail (move to table).

Second:

Made by Commissioner Michael Dickerson

Vote: All in favor

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

Motion to recommend approval of the request passes 6-0.

OTHER BUSINESS:

Tabled Item: 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.

No motion was made for this item and it remained on the table.

Adjournment

Motion:

A motion to adjourn was made by Commissioner Conville.

Second:

Made by Commissioner Dickerson. All present were in favor of the motion and the meeting was adjourned at 3:01 PM

Rebekah Ray, Secretary

Cory Long, AICP, Planning Division Manager



**URBAN
DEVELOPMENT
PLANNING DIVISION**

**Planning Commission
Case Fact Sheet**

Names of Petitioner: High Cotton Properties, LLC, Property Owner/Applicant, Chris Johnson, Engineer.

Address of Property:
100 S Founders Way

Tax Parcels
2-041L-33-001.10

PPIN:
41844

Ward:
5

Request: Major Subdivision

Purpose of Request: High Cotton Properties, LLC, Property Owner/Applicant, Chris Johnson, Engineer, request approval for a preliminary plat for a major subdivision for an R-1A zoned property, known as the Vintage Springs Subdivision, Phase 4, Blocks A, B, and C, located at 100 S Founders Way (PPIN 41844, Ward 5, Forrest County).

History / Background:

The petitioner met with staff in Pre-Application to discuss the expansion of the existing subdivision known as “Vintage Springs” for Phase 4, which includes blocks A, B, and C. The expansion will include 22 new lots on +/- 9.83 acres. Phase 4 will be the last phase of the original master plan for the Vintage Springs Subdivision, where the total number of lots will be 99 for the entire subdivision. Infrastructure for the subdivision has already been installed in the initial approvals of the subdivision. A portion of phase iv contains wetlands, where the boundaries have been defined as part of an approved mitigation permit from the US Army Corps of Engineers. The plat has restricted development in those areas, which aligns with the city’s wetland restrictions in the Land Development Code.

Phase I was approved in October of 2008 and included 52 lots, Phase II was approved in April of 2016 and included 16 lots. Phase II was approved in 2024 and the final plat was filed on August 6, 2024, and included 9 lots.

Applicant Summary: * See Attached *

Applicable Regulations:

SECTION 4 Zoning Districts Established

4.5.3 R-1A Single-Family Residential District: The purpose of the R-1A 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.

- 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 within 90 days of submission for acceptance with any applicable bonds.

12.3.2.6 Duration

As this code and state and federal law may change over time, approval of a preliminary plat shall be effective for a maximum period of one (1) year for a permit to be submitted to the city. A six (6) month extension may be granted upon the Planning Commission's recommendation to the City Council followed by an approval of the Council. An extension request must come in writing by the subdivider before the regularly scheduled Planning Commission hearing in which it is to be heard. The Planning Commission will offer its recommendation under "other business" as notice was given at the original hearing date. If the final plat has not been submitted to Urban Development within this time limit, the preliminary plat process shall begin anew.

12.3.2.7 Improvement Guarantees

Request for the final plat approval may be granted if one or more of the following improvement guarantees is posted with the City and recommended for acceptance by the City Attorney and City Engineer.

Site Stabilization Bond: Before construction permits can be approved, a bond assuring the stabilization of the site must be submitted to the City. This bond will serve as a guarantee that the site will be properly stabilized during and after construction including but not limited to: addressing erosion, sedimentation, other environmental impacts, safety concerns, and unsightly conditions per recommendation of the City Engineer. The bond amount is equal to the estimated cost of returning the site to a stable condition. The developer's engineer shall submit such estimate for approval to the City Engineer. The duration of the bond is a maximum of one (1) year, extendable one (1) time for up six (6) months.

Performance Bond: In place of the completion of improvements before the submission of the final plat for approval the city may accept a bond. The bond amount is equal to the estimated cost of completion plus ten (10) percent. The developer's engineer shall submit such estimate for approval to the City Engineer. The duration of the bond is a maximum of one (1) year, extendable one (1) time for up six (6) months. Where improvements have been installed as permitted and all improvements are deemed to be satisfactory through written notice of acceptance from the city engineer,

bonds shall be returned to the subdivider, by action of the City Council. Completion of the improvements then shall transition into a maintenance bond.

Sidewalk Bond: If sidewalks are required for the development, they must be installed prior to the acceptance of the final plat or they may be assured through a performance bond. The bond amount is equal to the estimated cost of completion plus ten (10) percent. The developer's engineer shall submit such estimate for approval to the City Engineer. The duration of the bond is a maximum of three (3) years. Where improvements have been installed as permitted and all improvements are deemed to be satisfactory through written notice of acceptance from the city engineer, bonds shall be returned to the subdivider, by action of the City Council.

Maintenance Bond: The subdivider must assure that the installation and construction of streets and other improvements are satisfactory, and that the standards prescribed in these regulations have been fulfilled. A maintenance bond is required upon completion of these improvements guaranteeing to the City the reasonable costs resulting from defective workmanship and/or materials. The maintenance bond shall equal ten (10) percent of the construction cost of all improvements as determined by the engineering department. This maintenance bond shall be in effect for one (1) year after acceptance of these improvements by the Governing Authorities.

Sixty (60) to forty-five (45) days prior to the conclusion of the warranty period the City Engineer will perform a final inspection of all improvements.

1. If all improvements are deemed to be satisfactory, written notice of acceptance from the city engineer shall be provided. The city council may release the maintenance bond and the city shall assume perpetual maintenance of all improvements in the subdivision.

2. Improvements that need repairs shall be noticed to the subdivider and city council. The city council may then extend the maintenance bond or draw funds from the bond to complete the necessary repairs.

Satisfactory Completion of Improvements: If any portion of the required improvements shall fail to be accepted for dedication either for reason of incompleteness or for reason of substandard

construction, then the City Council shall take the following actions:

1. The subdivider and bonding agent shall be advised that the improvements must be completed or reconstructed under the bond. The City Council shall declare the bond to be forfeited. Where the City is not already in possession of said bond, it shall immediately take the actions necessary to obtain it.

2. The City Council shall use any bond applicable to finance the completion or construction of improvements to the proper specifications. Unused portions of these securities, consistent with the city's damages and/or costs shall be used as a fine and submitted to the general fund of the city.

12.3.2.8 Utilities

All utilities are required to be installed underground. Crossing of creeks, streams, and rivers shall be done as inconspicuously as possible.

Present Zoning: The property is currently zoned R-1A Single-Family Residential

Present Use: Vacant/unimproved

Future Land Use: Neighborhood Conservation District 2.

Surrounding Zoning and Land Use:
North: R-1A Single-Family Residential
South: R-1A Single-Family Residential
East: R-1A Single-Family Residential
West: R-1A Single-Family Residential

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 a R-1A zoned property, known as the Vintage Springs Subdivision, Phase 4, Blocks A, B, and C, located at 100 S Founders Way (PPIN 41844, Ward 5, Forrest 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.

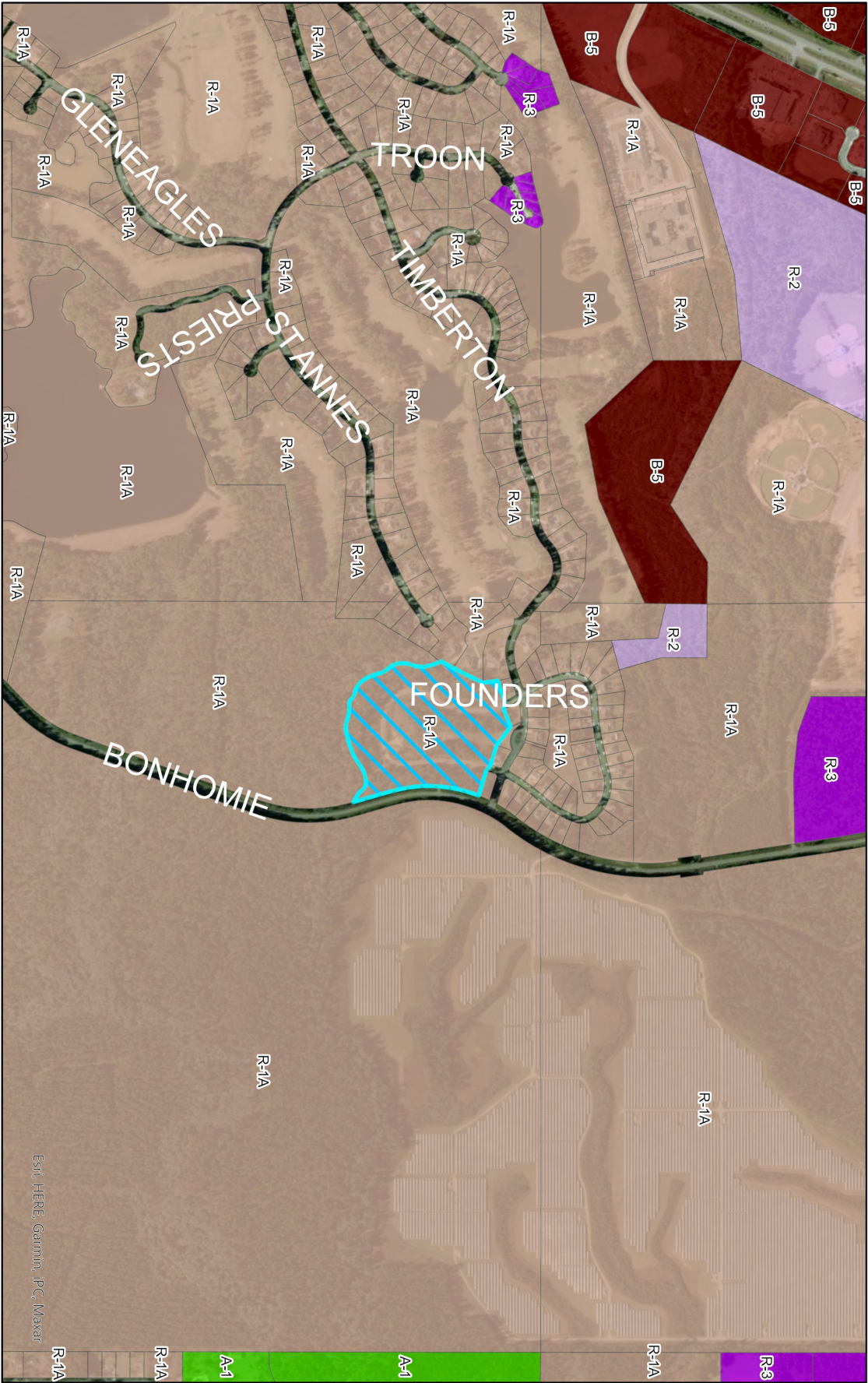
- i. Conformance with the Hattiesburg Comprehensive Plan.
- ii. Conformance with the standards of the zoning district.
- iii. Conformance with other standards and requirements of this Code and other City policies and regulations.
- iv. Determination that adequate public facilities and services will be 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

100 S Founders Way — Major Subdivision

High Cotton Properties, LLC, Property Owner/Applicant, Chris Johnson, Engineer, request approval for a preliminary plat for a major subdivision for a R-1A zoned property, known as the Vintage Springs Subdivision, Phase 4, Blocks A, B, and C, located at 100 S Founders Way (PPIN 41844, Ward 5, Forrest County).

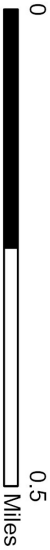




- Zoning Map**
- Subject Property
 - R-2
 - A-1
 - R-3
 - R-1A
 - B-5

Major Subdivision Request
100 South Founders Way
Vintage Springs Phase 4
PPIN: 41844
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: 1/29/2025 2:41 PM



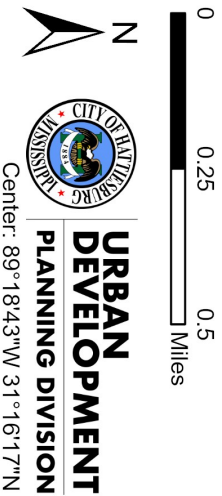
**URBAN
DEVELOPMENT
PLANNING DIVISION**
Center: 89°18'43"W 31°16'18"N



- Future Land Use Map
- Subject Property
 - Community Business A
 - Community Business B
 - Neighborhood Conservation District 2
 - Planned Mixed-Use District
 - Regional Business A
 - Regional Business B
 - Rural Residential/Agricultural
 - University/College District

Major Subdivision Request
100 South Founders Way
Vintage Springs Phase 4
PPIN: 41844
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: 1/29/2025 2:48 PM



Center: 89°18'43"W 31°16'17"N

Site Aerial



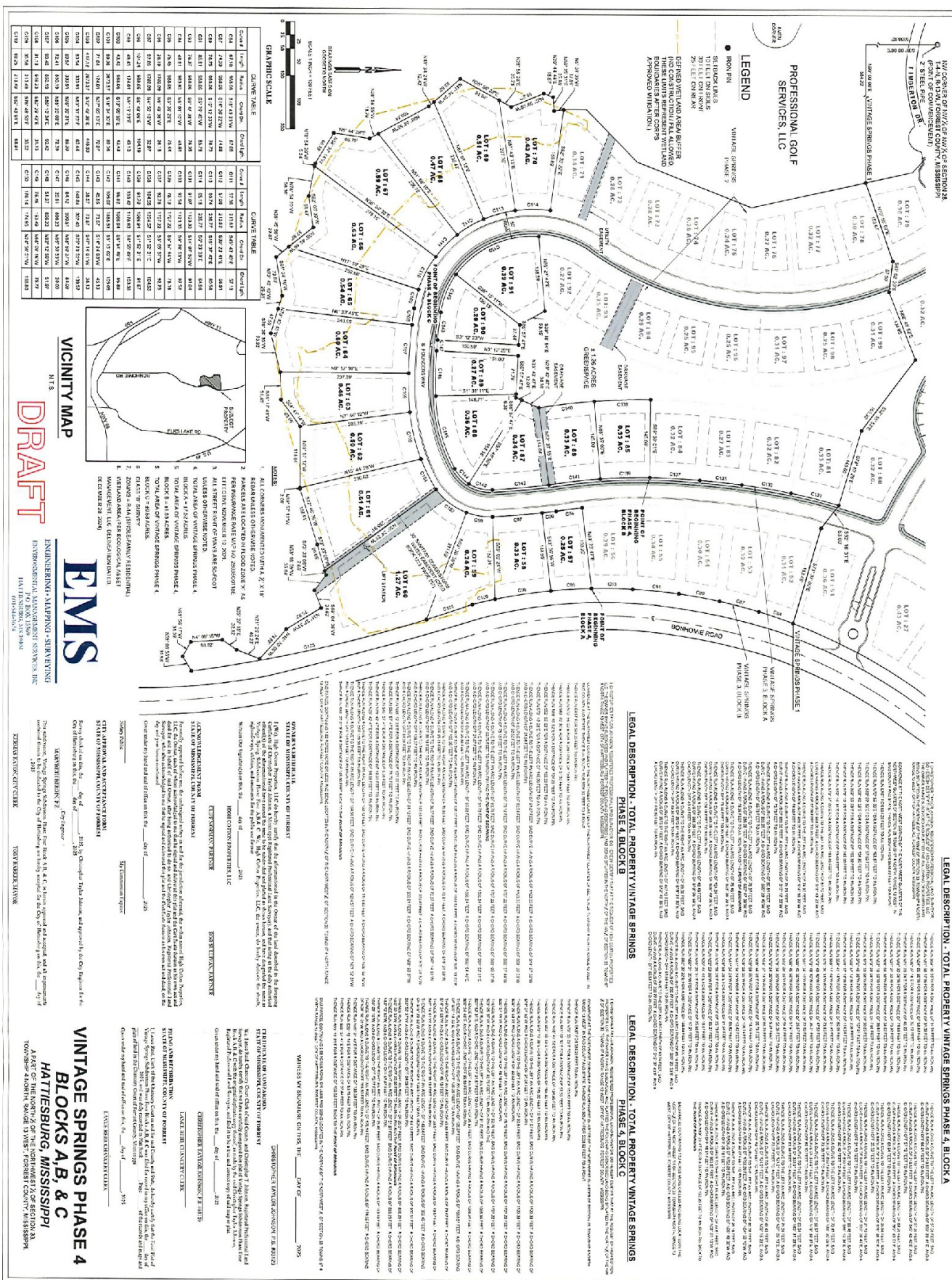
Property Area



Property Area

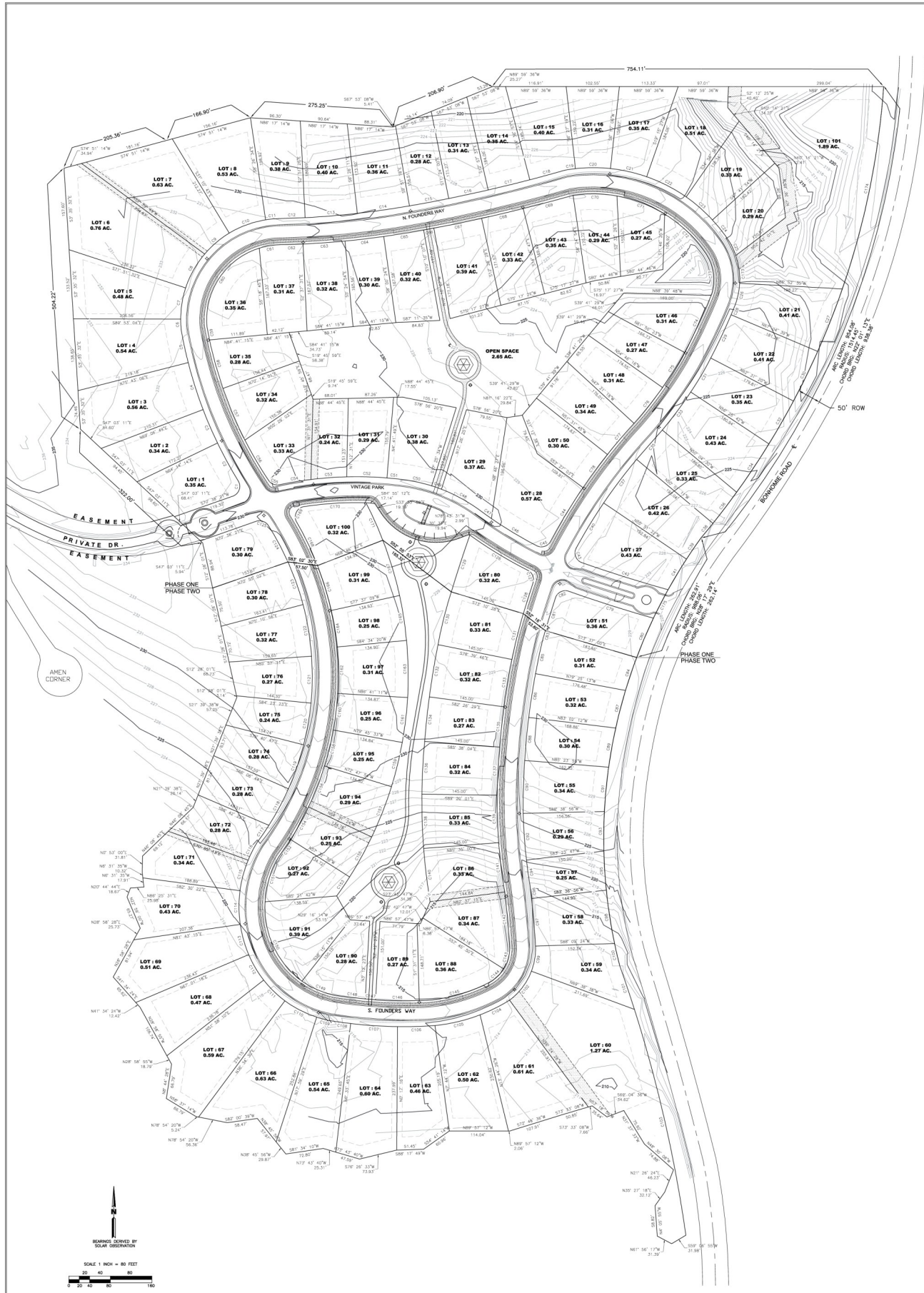


Phase IV: Blocks A & B – Preliminary Draft Plat





Overall Subdivision





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: High Cotton Properties, LLC (Cliff Norman, Owner/Partner)
Project Name: Vintage Springs Subdivision, Phase 4, Blocks A, B & C
Proposed Use(s): Single-Family Residential Lots
Project Street Address: 100 S. Founders Way, Hattiesburg, MS 39401
PPIN Number(s) (if unknown, can be found on tax receipt): 41844 2-041L-33-001.10 R-1A

Application for (check all appropriate types):

- | | |
|--|--|
| ☐ Variance (see below) | ☐ Conditional Use (see below) |
| ☒ Subdividing of Lot, Parcel, or Tract (see p. 12) | ☐ Re-Zoning (see below) |
| ☐ Street or Alley Renaming (see pp. 13-14) | ☐ Overlay District |
| ☐ Vacating Street or Alley (see pp. 13-14) | ☐ 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 |
| ☐ Other: _____ | ☐ Open Space | |

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

- | | |
|---|---|
| ☐ Automotive Filling Station | ☐ Telecommunications |
| ☐ Digital Billboard, New | ☐ Digital Billboard, Replacement |
| ☐ Restaurant | ☐ Solar Farm |
| ☐ 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. _____

RECIVED DATE & INITIALS:

OWNER AFFIDAVIT PAGE

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

WITNESS THE SIGNATURES of the **OWNER(s)** of the subject property located at
S. Founders Way Hattiesburg MS
 Street Address City State

on this the 16TH day of JANUARY, 2025.

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

Chris Johnson

on this the 16TH day of JANUARY, 2025.

Bob Sullivan CLIFTON NORMAN
 Property Owner (print)

Bob Sullivan [Signature]
 Property Owner (signature)

STATE OF Mississippi
 COUNTY OF Lamar

Personally came and appeared before me, the within named
Chris Johnson, Clifton L. Norman, Bob Sullivan,
 who signed and delivered the above and foregoing instrument as and for their free act and deed on
 the day and year therein mentioned, and who acknowledge to me that they are the owner(s) of the
 subject property as described in this Public Hearing Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 16th day of
January, 2025.

Patricia Anne Blancett
 NOTARY PUBLIC

My Commission Expires
 Patricia Anne Blancett
 Notary Public State of Mississippi
 Forrest County
 Notary ID# 346014
 My Commission Expires 10/30/2026

APPLICANT AFFIDAVIT PAGE

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

WITNESS THE SIGNATURES of the APPLICANT(s) of the subject property located at S. FOUNDERS WAY HATTIESBURG MS,
 Street Address City State
 on this the 16TH day of JANUARY, 2025.

Bob Sullivan CLIFTON NORMAN
 Applicant (print)

[Signature]
 Applicant (signature)

STATE OF Mississippi
 COUNTY OF Lamar

Personally came and appeared before me, the within named Clifton L. Norman, Bob Sullivan,
 who signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned, and who acknowledge to me that they are the owner(s) of the subject property as described in this Public Hearing Application.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 16th day of January, 2025

[Signature]
 NOTARY PUBLIC



PLANNING COMMISSION & BOARD OF ADJUSTMENT – PETITIONER REQUIRED SUBMITTAL INFORMATION

Deadline for applicant to file petition: _____ 5:00pm (End of business day)
 Hattiesburg Planning Commission Meeting Date: _____ Time: 1:00pm
 Hattiesburg Board of Adjustment Meeting Date: _____ Time: 3:30pm

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

City Council Agenda Review Date – (you or your representative should attend): _____ Time: 4:00pm
 City Council Meeting (Vote) Date – (you or your representative may attend): _____ Time: 5:00pm

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

****Dates and times are subject to change****

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

The following paperwork MUST be attached to this application:

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

Amended
12/19/2024

Site & Design Review Committee, if needed.

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

e-mailed
1/16/2025

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

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

N/A

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

N/A

Other documents needed (per Planning Division):

___ Maps of digital billboard removal sites ___ Maps of digital billboard replacement sites
 ___ Documentation on measurements ___ Other: _____

✓

Payment to the City of Hattiesburg for filing application in the amount of \$ 435.

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

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

Required Fees

All fees adopted by Ordinance No. 2977, adopted January 22, 2008, as amended. This is an excerpt from that ordinance:

Public Hearing Fees:

| | |
|---|---|
| Variance (includes Concept Site Plan Review) ----- | \$175.00 per application and one Variance request; plus \$50.00 for each additional variance request within same application |
| Street/Alley Naming or Re-Naming----- | \$300.00 per application, plus \$100.00 per required street name sign if approved*
(*Fees for replacement street signs shall be paid after City Council approval, but prior to effective date.) |
| Street/Alley Closing ----- | \$300.00 per application |
| (Conditional) Use Permit ----- | \$200.00 per application |
| Zoning Change ----- | \$400.00 per application*
(*see PUD or PRD & zoning package rate) |
| Planned Unit Development (PUD) or Planned Residential Development (PRD), & (Planned Mixed-Use District PMU) ----- | \$400.00 per application
(*see PUD or PRD zoning package rate) or (**see PUD or PRD & Subdivision of Land package rate) |
| Planned Unit Development (PUD) or Planned Residential Development (PRD) with zoning change package ----- | \$600.00 per package application |
| Subdivision of Land (Preliminary Plats) ----- | \$225.00 per application, plus \$10.00 for each created lot (** see PUD or PRD & Subdivision of Land package rate)
Note: Final Plats should be submitted to the governing body for approval within 12 months of approval of preliminary plats. |
| Planned Unit Development (PUD) or Planned Residential Development with Subdivision of Land Package** ----- | \$225+210=\$435
\$500.00 per application, plus \$10.00 for each created lot (**see PUD or PRD & Subdivision of Land package rate) |
| Change in Land Development Code Text ----- | \$200.00 per application |
| Appeal Fees for Proponent or Opponent appeals to City Council ----- | \$50.00 per appeal
Exempt from fees – Established Neighborhood Associations |
| Cancellation/Re-notification fee on any public hearing process (Planning Commission or City Council) that is tabled or cancelled at the owner/developer's Request ----- | \$50.00 (per each 100 mailing labels) |

OTHER PROCESSES MAY HAVE ADDITIONAL FEES

Make all checks payable to the City of Hattiesburg

Subdividing of Lot, Parcel or Tract Information

1. Property data:

Parent Parcel / Existing lot/parcel/tract contains +/-9.83 Acres Square Footage/Acres

Lot Area Requirement: 0.25 Acres

Lot Frontage Requirement: 50' between side setbacks at front setback line

Existing use of lot/parcel/tract Undeveloped property but with existing infrastructure

To be subdivided into 22 lots/parcels (including parent parcel) – outlined below.

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

| Newly subdivided
Parcels | New lot size in
square footage (sf)
or acres (A) | New lot has
public road
frontage
(yes / no) | New lot has
private road
frontage
(yes / no) | Indicate name of public or private road(s) | Staff - Lot area &
frontage
requirements
comply? | |
|---|--|--|---|--|---|----|
| | | | | | Yes | No |
| 1. 57 | 0.25 A | Yes | No | S. Founders Way | | |
| 2. 58 | 0.33 A | Yes | No | S. Founders Way | | |
| 3. 59 | 0.34 A | Yes | No | S. Founders Way | | |
| 4. 60 | 1.27 A | Yes | No | S. Founders Way | | |
| 5. 61 | 0.61 A | Yes | No | S. Founders Way | | |
| 6. 62 | 0.50 A | Yes | No | S. Founders Way | | |
| 7. 63 | 0.46 A | Yes | No | S. Founders Way | | |
| 8. 64 | 0.60 A | Yes | No | S. Founders Way | | |
| 9. 65 | 0.54 A | Yes | No | S. Founders Way | | |
| 10. 66 | 0.63 A | Yes | No | S. Founders Way | | |
| 11. 67 | 0.59 A | Yes | No | S. Founders Way | | |
| 12. 68 | 0.47 A | Yes | No | S. Founders Way | | |
| Be sure to include information on the remainder of "existing" lot after splits made – identified as "Parent Parcel" | | | | | | |
| Parent
Parcel | | | | | | |
| | | Total square footage of new lots (verify total matches existing parcel
prior to splits) | | | | |

2. Infrastructure required: All infrastructure is in place per approved plans (2007)

Water/Sewer _____ Gas _____ Electric _____ Telephone _____ Cable _____ Streets _____

Subdividing of Lot, Parcel or Tract Information

1. Property data:

Parent Parcel / Existing lot/parcel/tract contains +/-9.83 Acres Square Footage/Acres

Lot Area Requirement: 0.25 Acres

Lot Frontage Requirement: 50' between side setbacks at front setback line

Existing use of lot/parcel/tract Undeveloped property but with existing infrastructure

To be subdivided into 22 lots/parcels (including parent parcel) – outlined below.

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

| Newly subdivided
Parcels | New lot size in
square footage (sf)
or acres (A) | New lot has
public road
frontage
(yes / no) | New lot has
private road
frontage
(yes / no) | Indicate name of public or private road(s) | Staff - Lot area &
frontage
requirements
comply? | |
|---|--|---|---|--|---|----|
| | | | | | Yes | No |
| 1. 69 | 0.51 A | Yes | No | S. Founders Way | | |
| 2. 70 | 0.43 A | Yes | No | S. Founders Way | | |
| 3. 85 | 0.33 A | Yes | No | S. Founders Way | | |
| 4. 86 | 0.33 A | Yes | No | S. Founders Way | | |
| 5. 87 | 0.34 A | Yes | No | S. Founders Way | | |
| 6. 88 | 0.36 A | Yes | No | S. Founders Way | | |
| 7. 89 | 0.27 A | Yes | No | S. Founders Way | | |
| 8. 90 | 0.28 A | Yes | No | S. Founders Way | | |
| 9. 91 | 0.39 A | Yes | No | S. Founders Way | | |
| 10. | | | | | | |
| 11. | | | | | | |
| 12. | | | | | | |
| Be sure to include information on the remainder of "existing" lot after splits made – identified as "Parent Parcel" | | | | | | |
| Parent
Parcel | 9.83 A | Yes | No | S. Founders Way | | |
| | 9.83 A | Total square footage of new lots (verify total matches existing parcel prior to splits) | | | | |

2. Infrastructure required: All infrastructure is in place per approved plans (2007)

Water/Sewer _____ Gas _____ Electric _____ Telephone _____ Cable _____ Streets _____



**URBAN
DEVELOPMENT
PLANNING DIVISION**

**Planning Commission
Case Fact Sheet**

Names of Petitioner: Meoucia Breland, Property Owner/Applicant

| Address of Property: | Tax Parcels | PPIN: | Ward: |
|-----------------------------|--------------------|--------------|--------------|
| 217 Oliver Avenue | 2-029E-04-024.00 | 23552 | 2 |

Request: Rezoning

Purpose of Request: Meoucia Breland, Property Owner/Applicant, requests a zoning change from R-1B to R-3 for a property located at 217 Oliver Avenue (PPIN 23552, Ward 2, Forrest County).

History / Background: The applicant met with staff in a pre-application meeting in early 2025 to establish the existing structure at 217 Oliver Avenue as a four-plex dwelling. The applicant explained that the existing house had been previously converted into four separate units before she purchased the property. Staff explained that because the property has been vacant for more than six (6) months, the non-conforming use cannot be reestablished and would have to be rezoned to R-3, a multi-family zoning district to use the property as a four-plex. The property is currently zoned R-1B, which is a single-family zoning district and does not allow for multi-family dwellings.

Applicant Summary: * See Attached *

Applicable Regulations:

SECTION 2

Applicability

2.4.4 Nonconforming Uses.

A legal nonconforming use is a use existing legally at the time of the passage of this Code, or the time of annexation into the City's jurisdiction, which does not by reason of use conform to the regulations of the district in which it is located. A use established after the passage of this Code which does not conform to regulations of the district in which it is located shall be considered an illegal nonconforming use and is a violation of this Code. Legal nonconforming uses of land or structures may continue only in accordance with all of the following provisions.

2.4.4.4 Reestablishment Restricted.

A legal nonconforming use, when discontinued or abandoned, shall not be resumed. Discontinuance or abandonment shall be defined as:

- i. When land used for a legal nonconforming use ceases to be used in a bona fide manner or a period of six consecutive calendar months.
- ii. When a building designed or arranged for a nonconforming use ceases to be used in a bona fide manner as a legal nonconforming use for a continuous period of six consecutive calendar months.
- iii. When a building designed or arranged for a conforming use shall cease to be used in a bona fide manner as a legal nonconforming use for a period of six consecutive calendar months.

SECTION 4

Zoning Districts Established

4.5.4 R-1B Single-Family Residential: 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.

4.5.7 R-3 Multi-Family Residential District: The purpose of the R-3 District is to permit medium and high density residential uses including multi-family, two-family, and single-family

structures 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 residential neighborhoods with only compatible supporting institutional uses and open space.

Present Zoning: The property is currently zoned R-1B Single-Family Residential.

Present Use: Vacant dwelling

Future Land Use: Neighborhood Business Corridor / Neighborhood Conservation District 1

Surrounding Zoning and Land Use:
North: R-1B Single-Family Residential
South: R-1B Single-Family Residential
East: R-1B Single-Family Residential
West: R-1B Single-Family Residential

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 R-1B to R-3 for a property located at 217 Oliver Avenue (PPIN 23552, Ward 2, Forrest County).

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

SUBJECT PARCEL

217 Oliver Avenue — Rezone Request

Meoucia Breland, Property Owner/Applicant, requests a zoning change from R-1B to R-3 for a property located at 217 Oliver Avenue (PPIN 23552, Ward 2, Forrest County).





Zoning Map

-  217 Oliver Ave
-  R-1C
-  R-1A
-  R-2
-  R-1B
-  R-3

Rezoning Request from R-1B to R-3
217 Oliver Avenue
PPIN: 23552
Flood Zone: X
Ward 2, 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: 1/29/2025 3:43 PM



0 500 Feet



URBAN DEVELOPMENT
PLANNING DIVISION

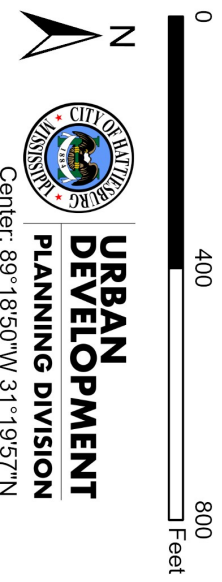
Center: 89°18'50"W 31°19'58"N



Future Land Use Map
217 Oliver Ave
Neighborhood Business
Neighborhood Conservation District 1

Rezoning Request from R-1B to R-3
217 Oliver Avenue
PPIN: 23552
Flood Zone: X
Ward 2, 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: 1/29/2025 3:41 PM



Site Aerial



Surrounding Area





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: Meoucia Breland

Project Name: _____

Proposed Use(s): _____

Project Street Address: 217 Oliver Ave Hattiesburg Ms 39401

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):

- | | |
|---|---|
| ☐ Variance (see below) | ☐ Conditional Use (see below) |
| ☐ Subdividing of Lot, Parcel, or Tract (see p. 12) | ☒ Re-Zoning (see below) |
| ☐ Street or Alley Renaming (see pp. 13-14) | ☐ Overlay District |
| ☐ Vacating Street or Alley (see pp. 13-14) | ☐ 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 |
| ☐ Other: _____ | ☐ Open Space | |

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

- | | |
|---|---|
| ☐ Automotive Filling Station | ☐ Telecommunications |
| ☐ Digital Billboard, New | ☐ Digital Billboard, Replacement |
| ☐ Restaurant | ☐ Solar Farm |
| ☐ Other: _____ | |

For Re-Zoning Only, see p. 11:

Existing Zoning: R1B

Proposed Zoning: R3

STAFF USE ONLY – Do Not Complete:

Pre-Application Date: 1-23-25 Planner: _____

Parcel Number(s): 23552 Historic District(s): N/A

Flood Zone(s): X Zoning District(s): @ R-1B

Project No.: PRE-0125-0889

Code Sections:

LDC Section No. _____

Section No. _____

Section No. _____

Section No. _____

Section No. _____

RECEIVED DATE & INITIALS:

RECEIVED
JAN 24 2025

BY: MM

OWNER AFFIDAVIT PAGE

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

WITNESS THE SIGNATURES of the OWNER(s) of the subject property located at
217 Oliver Ave Hattiesburg MS
Street Address City State
on this the 24 day of Jan, 2025

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

None
on this the _____ day of _____, 20____.

Meoucia Breland
Property Owner (print)

Meoucia Breland
Property Owner (signature)

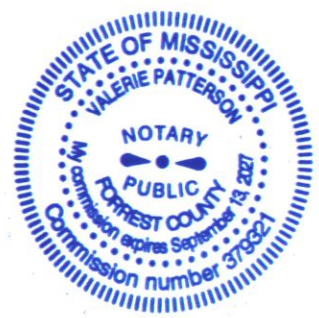
STATE OF Mississippi
COUNTY OF Forrest

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

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 24th day of January, 2025.

[Signature]
NOTARY PUBLIC

My Commission Expires:
9/13/2027



APPLICANT AFFIDAVIT PAGE

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

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

Street Address _____ City _____ State _____

on this the _____ day of _____, 20____.

Applicant (print)

Applicant (signature)

STATE OF _____

COUNTY OF _____

Personally came and appeared before me, the within named _____,

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

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the _____ day of _____, 20____.

NOTARY PUBLIC

My Commission Expires:





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:

Already have a an exist for
a 4 plex it already has 4 kitchens
4 bathrooms and four livingrooms
IM just trying to get it rezoned
to get it up in turning for a
4 plex so that I can have
an affordable place for USM
students can have a place to rent



**URBAN
DEVELOPMENT
PLANNING DIVISION**

**Planning Commission
Case Fact Sheet**

Names of Petitioner: John Weeks, Property Owner/Applicant, Lamar Ruthland, Engineer, and Rick Sullivan, Surveyor.

| Address of Property: | Tax Parcels | PPIN: | Ward: |
|-----------------------------|--------------------|--------------|--------------|
| J Ed Turner | 2-026O-34-001.00 | 9505 | 1 |

Request: Major Subdivision

Purpose of Request: John Weeks, Property Owner/Applicant, Lamar Rutland, Engineer, and Rick Sullivan, Surveyor, request approval for a preliminary plat for a major subdivision for an A-1 zoned property, to be known as the Mineral Creek Estates, located on J Ed. Turner Drive (PPIN 9505, Ward 1, Forrest County).

History / Background: The petitioner is proposing the subdivision of +/- 72.99 acres of land into an estate lot subdivision in the A-1 Zoning District along J. ED. Turner Road. The proposal would divide the properties into 9 separate lots, each with around 7.5 acres of land with lot frontages ranging from 315-351 feet.

The ~73 acres being proposed for a subdivision were recently divided through the minor subdivision process from a +/- 209.38-acre parcel, which fronted J. ED Turner Road, Lake Estates Drive, and Classic Drive. This was formalized and filed with the Chancery Clerk's office of Forrest County on January 28, 2025.

The proposed Mineral Creek Subdivision will extend along the existing roadway of J. ED Turner Road but will require the extension of water and sewer infrastructure. A section of wetlands identified by the National Wetland Inventory Map Layer extends across the property, as shown on the preliminary draft plat.

Applicant Summary: * See Attached *

Applicable Regulations:

SECTION 4 Zoning Districts Established

4.5.1 A-1 General Agricultural: The purpose of the A-1 Agricultural District is to permit agricultural uses and low-density residential development. This district is consistent with the Rural Residential / Agricultural District in the Comprehensive Plan. The district is intended to encourage and protect rural uses from urbanization until such is warranted and the appropriate change in district classification is made.

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 | | | |
| A-1 | 130,680 / 100 | 1 per lot | - | 25 | - | 15 | 25 | 35 feet or 3 stories | 35% | - |

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 within 90 days of submission for acceptance with any applicable bonds.

12.3.2.6 Duration

As this code and state and federal law may change over time, approval of a preliminary plat shall be effective for a maximum period of one (1) year for a permit to be submitted to the city. A six (6) month extension may be granted upon the Planning

Commission's recommendation to the City Council followed by an approval of the Council. An extension request must come in writing by the subdivider before the regularly scheduled Planning Commission hearing in which it is to be heard. The Planning Commission will offer its recommendation under "other business" as notice was given at the original hearing date. If the final plat has not been submitted to Urban Development within this time limit, the preliminary plat process shall begin anew.

12.3.2.7 Improvement Guarantees

Request for the final plat approval may be granted if one or more of the following improvement guarantees is posted with the City and recommended for acceptance by the City Attorney and City Engineer.

Site Stabilization Bond: Before construction permits can be approved, a bond assuring the stabilization of the site must be submitted to the City. This bond will serve as a guarantee that the site will be properly stabilized during and after construction including but not limited to: addressing erosion, sedimentation, other environmental impacts, safety concerns, and unsightly conditions per recommendation of the City Engineer. The bond amount is equal to the estimated cost of returning the site to a stable condition. The developer's engineer shall submit such estimate for approval to the City Engineer. The duration of the bond is a maximum of one (1) year, extendable one (1) time for up six (6) months.

Performance Bond: In place of the completion of improvements before the submission of the final plat for approval the city may accept a bond. The bond amount is equal to the estimated cost of completion plus ten (10) percent. The developer's engineer shall submit such estimate for approval to the City Engineer. The duration of the bond is a maximum of one (1) year, extendable one (1) time for up six (6) months. Where improvements have been installed as permitted and all improvements are deemed to be satisfactory through written notice of acceptance from the city engineer, bonds shall be returned to the subdivider, by action of the City Council. Completion of the improvements then shall transition into a maintenance bond.

Sidewalk Bond: If sidewalks are required for the development,

they must be installed prior to the acceptance of the final plat or they may be assured through a performance bond. The bond amount is equal to the estimated cost of completion plus ten (10) percent. The developer's engineer shall submit such estimate for approval to the City Engineer. The duration of the bond is a maximum of three (3) years. Where improvements have been installed as permitted and all improvements are deemed to be satisfactory through written notice of acceptance from the city engineer, bonds shall be returned to the subdivider, by action of the City Council.

Maintenance Bond: The subdivider must assure that the installation and construction of streets and other improvements are satisfactory, and that the standards prescribed in these regulations have been fulfilled. A maintenance bond is required upon completion of these improvements guaranteeing to the City the reasonable costs resulting from defective workmanship and/or materials. The maintenance bond shall equal ten (10) percent of the construction cost of all improvements as determined by the engineering department. This maintenance bond shall be in effect for one (1) year after acceptance of these improvements by the Governing Authorities.

Sixty (60) to forty-five (45) days prior to the conclusion of the warranty period the City Engineer will perform a final inspection of all improvements.

1. If all improvements are deemed to be satisfactory, written notice of acceptance from the city engineer shall be provided. The city council may release the maintenance bond and the city shall assume perpetual maintenance of all improvements in the subdivision.

2. Improvements that need repairs shall be noticed to the subdivider and city council. The city council may then extend the maintenance bond or draw funds from the bond to complete the necessary repairs.

Satisfactory Completion of Improvements: If any portion of the required improvements shall fail to be accepted for dedication either for reason of incompleteness or for reason of substandard construction, then the City Council shall take the following actions:

1. The subdivider and bonding agent shall be advised that the improvements must be completed or reconstructed under the bond. The City Council shall declare the bond to be

forfeited. Where the City is not already in possession of said bond, it shall immediately take the actions necessary to obtain it.

2. The City Council shall use any bond applicable to finance the completion or construction of improvements to the proper specifications. Unused portions of these securities, consistent with the city's damages and/or costs shall be used as a fine and submitted to the general fund of the city.

12.3.2.8 Utilities

All utilities are required to be installed underground. Crossing of creeks, streams, and rivers shall be done as inconspicuously as possible.

Present Zoning: The property is currently zoned A-1 General Agricultural

Present Use: Vacant/unimproved

Future Land Use: Neighborhood Conservation District 2.

Surrounding Zoning and Land Use:
North: R-1A Single-Family Residential
South: A-2 Agricultural Residential and R-1A Single-Family Residential
East: A-1 General Agricultural and R-1A Single-Family Residential
West: A-1 General Agricultural and I-1 Light Industrial

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 a A-1 zoned property, to be known as the Mineral Creek Estates, located on J Ed. Turner Drive (PPIN 9505, Ward 1, Forrest 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.**

March 2025 HPC Item: C

John Weeks, Property Owner/Applicant, Lamar Rutland, Engineer, and Rick Sullivan, Surveyor

Request for: **Major Subdivision**

- 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

J Ed Turner Drive — Major Subdivision

John Weeks, Property Owner/Applicant, Lamar Ruthland, Engineer, and Rick Sullivan, Surveyor, request approval for a preliminary plat for a major subdivision for a A-1 zoned property, to be known as the Mineral Creek Estates, located on J Ed. Turner Drive (PPIN 9505, Ward 1, Forrest County).





Zoning Map

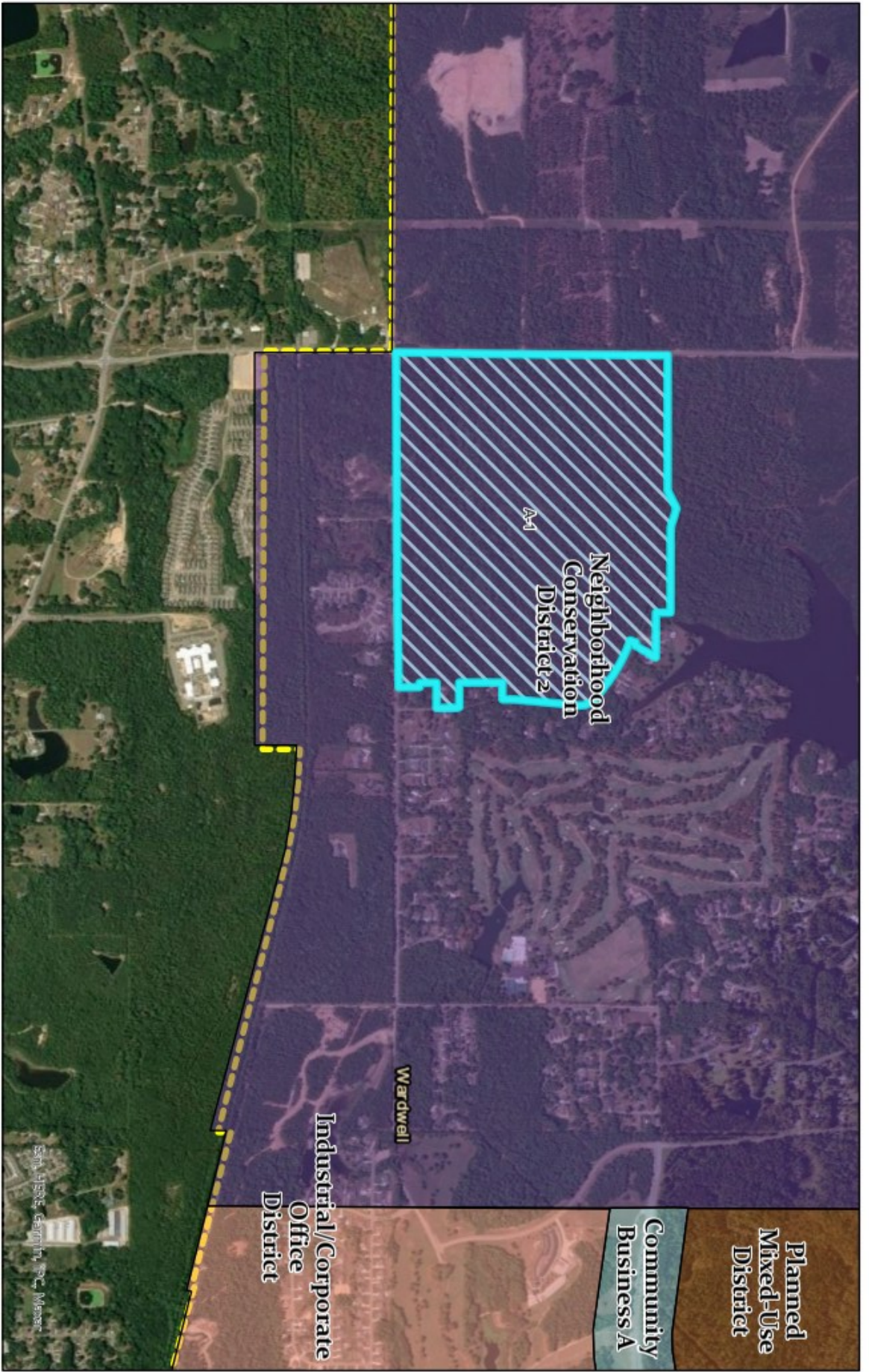
- Subject Property
- A-1
- A-2
- R-1A
- R-1B
- I-1

Major Subdivision Request
J. Ed. Turner Road
PPIN: 9505
Flood Zone: X
Ward 1, 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: 2/10/2025 4:21 PM

00.5 Miles

URBAN DEVELOPMENT
PLANNING DIVISION
Center: 89°23'36"W 31°20'48"N



- Future Land Use Map
- Subject Property
 - Community Business A
 - Industrial/Corporate Office District
 - Neighborhood Conservation District 2
 - Planned Mixed-Use District
 - City Boundaries

Request for a Major Subdivision
Jackson Road
PPIN: 27624
Flood Zone: X
Ward 3, Lamar 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: 2/10/2025 4:21 PM

00.40.8Miles

N



URBAN DEVELOPMENT

PLANNING DIVISION

Center: 89°23'17"W 31°20'52"N

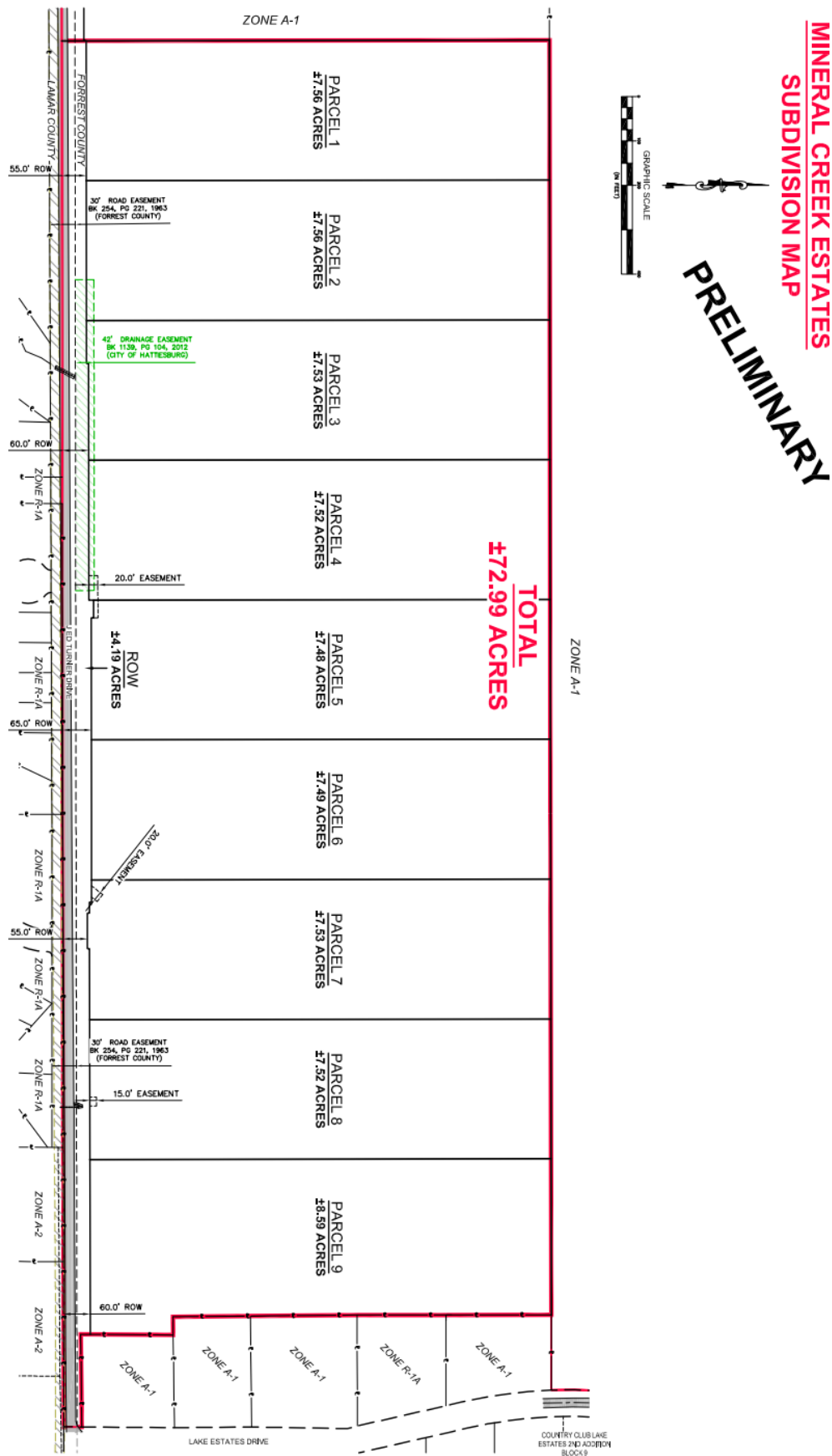
Site Aerial



Surrounding Area



Proposed Plat (Simplified)



SUBD-0125-0023



Application for Public Hearing

City of Hattiesburg – Planning Division

PO BOX 1898 – Hattiesburg, MS 39403-1898 | Phone (601)- 545-4599

NOTE:

- Fill this application out IN FULL with what applies to your application

Applicant Information

Name Applicant: John Weeks Project Name: Mineral Creek Estates

Municipal Address of Site: J Ed Truner Dr PPIN #: 9505 - Forrest Co

Parcel Number(s): 2-0260-34-001.00

| Type of Public Hearing | Additional Information Needed: |
|--|---|
| ☐ Variance | ☐ Sign
☐ Setback
☐ Off-Site Parking
☐ Lot Width
☐ Lot Coverage Area
☐ Buffer
☐ Open Space
☐ Other: _____ |
| ☐ Rezoning | Existing Zoning: _____
Proposed Zoning: _____ |
| ☐ Conditional Use | ☐ Automotive Filling Station
☐ Digital Billboard, New
☐ Digital Billboard, Replacement
☐ Telecommunications
☐ Restaurant
☐ Solar Farm
☐ Other: _____ |
| ☐ Minor Subdivision | |
| ☒ Subdividing of lot, Parcel, or Tract | |
| ☐ Street or Alley Renaming | |
| ☐ Vacating Street or Alley | |
| ☐ Overlay District | |
| ☐ Planned Mixed-Use District (PMU) | |
| C | |

| For Staff Only: | | | | |
|--|----------------------------------|-------------------------|---|--|
| Zoning:
<u>F-1</u> | Historic District:
<u>N/A</u> | Flood Zone:
<u>X</u> | Ward:
☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 | |
| Project Number:
<u>SUBD-0125-0023</u> | | Received:
 | | |
| PPIN # or Parcel #:
<u>9505</u> | | | | |

Updated Version 07/31/2024

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

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

J Ed Turner Dr, Hattiesburg, MS

Street Address

City

State

on this the 27 day of January, 2025.



Applicant

Applicant

STATE OF Mississippi

COUNTY OF Forrest

Personally came and appeared before me, the within named

John Weeks

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

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 27 day of January, 2025.



NOTARY PUBLIC

My Commission Expires:

August 31, 2026



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

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

J Ed Turner Dr, Hattiesburg, MS

Street Address

City

State

on this the 27 day of January, 2025.

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

on this the _____ day of _____, 20____.



Property Owner

Property Owner

STATE OF Mississippi

COUNTY OF Forrest

Personally came and appeared before me, the within named

John Weeks

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

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 27 day of January, 2025.





NOTARY PUBLIC

My Commission Expires:
August 31, 2026

Subdividing of Lot, Parcel or Tract Information (1_page)

1. Property data:

Parent Parcel / Existing lot/parcel/tract contains 72.99 Ac Square Footage/Acres

Lot Area Requirement: 3 Ac

Lot Frontage Requirement: 100'

Existing use of lot/parcel/tract Agriculture/Woods

To be subdivided into 9 lots/parcels (including parent parcel) – outlined below.

| Newly
subdivide
d Parcels | New lot size in
square footage (sf)
or acres (A) | New lot has
public road
frontage
(yes / no) | New lot has
private road
frontage
(yes / no) | Indicate name of public or private road(s) | Staff - Lot area &
frontage
requirements
comply? | |
|---|--|--|---|--|---|----|
| | | | | | Yes | No |
| 1. | 7.56 | 315' | | J Ed Turner Dr | | |
| 2. | 7.56 | 315' | | J Ed Turner Dr | | |
| 3. | 7.53 | 315' | | J Ed Turner Dr | | |
| 4. | 7.52 | 315' | | J Ed Turner Dr | | |
| 5. | 7.48 | 315' | | J Ed Turner Dr | | |
| 6. | 7.49 | 315' | | J Ed Turner Dr | | |
| 7. | 7.53 | 315' | | J Ed Turner Dr | | |
| 8. | 7.52 | 315' | | J Ed Turner Dr | | |
| 9. | 8.42 | 354.4' | | J Ed Turner Dr | | |
| 10. | | | | | | |
| 11. | | | | | | |
| 12. | | | | | | |
| Be sure to include information on the remainder of "existing" lot after splits made – identified as "Parent Parcel" | | | | | | |
| Parent
Parcel | 0.17 | 39.6' | | J Ed Turner Dr | | |
| | 72.99 | Total square footage of new lots (verify total matches
existing parcel prior to splits) | | | | |

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

2. Infrastructure required:

Water/Sewer ☒ Gas ☐ Electric ☐ Telephone ☐ Cable ☐ Streets ☐

MINERAL CREEK ESTATES

A RESUBDIVISION OF LOT 2 IN MINERAL CREEK MANOR

OWNER CERTIFICATION
STATE OF MISSISSIPPI, COUNTY OF FORREST, CITY OF HATTIESBURG

I, Mineral Creek Estates, LLC, John T Weeks, Owner, do hereby certify that the aforementioned is the Owner of the land described in the foregoing certificate of Richard E Sullivan, a Mississippi Registered Professional Land Surveyor, and that acting as the duly authorized official of the aforementioned have caused the same to be subdivided and platted as shown hereon, and have designated the same as Mineral Creek Estates.

Witness My Signature on this, the ____ Day of ____, 20_25_.

DRAFT

Mineral Creek Estates, LLC
John T Weeks, Owner

STATE OF MISSISSIPPI, COUNTY OF FORREST, CITY OF HATTIESBURG

Personally appeared before me, the undersigned notary in the and for the jurisdiction aforesaid, John T Weeks of the within named Mineral Creek Estates, LLC, the Owner, who has acknowledged to me that he signed and delivered this plat and the Certificate thereon as his own act and deed for the same; and Richard E Sullivan, a Mississippi Registered Professional Land Surveyor, who also acknowledged to me that he signed and delivered this plat and the Certificate thereon.

Given under my hand and seal of office on this, the ____ Day of ____, 20_25_.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

SURVEYOR CERTIFICATION

STATE OF MISSISSIPPI, COUNTY OF FORREST, CITY OF HATTIESBURG

This is to certify that I, Richard E Sullivan, a Mississippi Registered Professional Land Surveyor have surveyed the property described hereon and have subdivided and platted the same at the request of Mineral Creek Estates, LLC, the Owner.

Witness My Signature on this, the ____ Day of ____, 20_25_.

DRAFT

Richard E Sullivan PLS 3276

COMPARISON CERTIFICATION
STATE OF MISSISSIPPI, COUNTY OF FORREST, CITY OF HATTIESBURG

This is to certify that I, Lance Reed, Chancery Clerk, in and for the said State and County, and I, Richard E Sullivan, a Mississippi Registered Professional Land Surveyor, as maker of Mineral Creek Estates have compared this the COPY of Mineral Creek Estates with the ORIGINAL and the DUPLICATE, and find the same to be exact copies of each other.

Witness Our Signatures on this, the ____ Day of ____, 20_25_.

CHANCERY CLERK

Richard E Sullivan PLS 3276

DRAFT

FINAL APPROVAL CERTIFICATION

STATE OF MISSISSIPPI, COUNTY OF FORREST, CITY OF HATTIESBURG

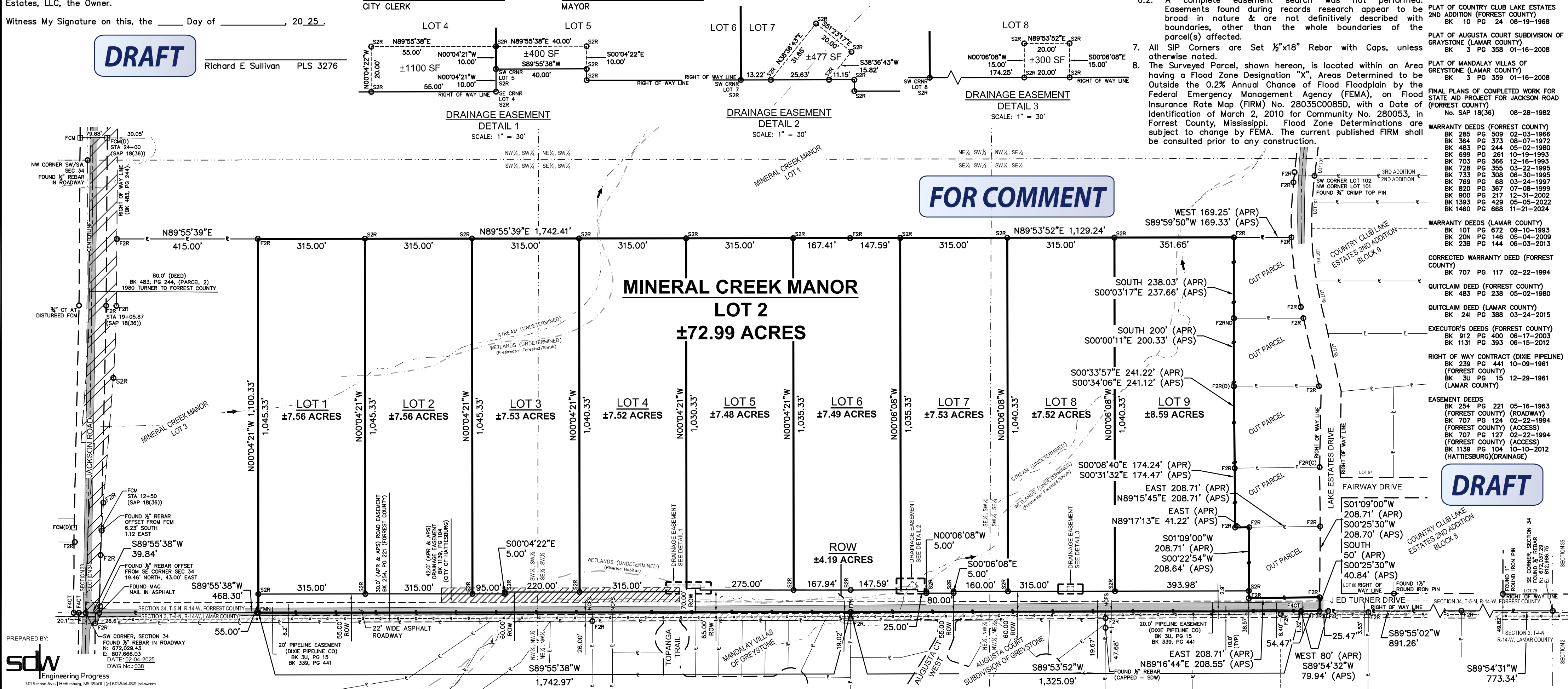
Survey checked on this, the ____ Day of ____, 20_25_ by Richard E Sullivan, PLS and approved by the City Engineer for the City of Hattiesburg on this, the ____ Day of ____, 20_25_.

CITY ENGINEER

This, Mineral Creek Estates, is herein approved and accepted, and all improvements contained therein to be dedicated to the by the City of Hattiesburg, are hereby accepted for the City of Hattiesburg on this, the Day of ____, 20_25_.

CITY CLERK

MAYOR



COUNTY APPROVAL CERTIFICATION
STATE OF MISSISSIPPI, COUNTY OF FORREST, CITY OF HATTIESBURG

I hereby certify that this is a copy and this plat was approved by Board of Supervisors for filing purposes only in session on this,

the ____ Day of ____, 20_25_.

BOARD OF SUPERVISORS
PRESIDENT

CHANCERY CLERK

CHANCERY CERTIFICATION

STATE OF MISSISSIPPI, COUNTY OF FORREST, CITY OF HATTIESBURG

I, Lance Reed, Clerk of the Chancery Court in and for said County and State, do hereby certify that the final Plat of Mineral Creek Manor, was filled for record in my office on this, the ____ Day of ____, 20_25_ and was duly recorded in Plat Book ____ Page ____ of the records and maps and plats of land in the Chancery Court of FORREST County, Mississippi.

Witness My Signature on this, the ____ Day of ____, 20_25_.

DRAFT

CHANCERY CLERK

SURVEY BOUNDARY DESCRIPTION

State of Mississippi
County of Forrest
City of Hattiesburg

All of Lot 2 in Mineral Creek Manor, a Subdivision in the City of Hattiesburg, County of Forrest, State of Mississippi, as per Map or Plat thereof on file in the Office of the Chancery Clerk of Forrest County, Mississippi and comprising **72.99 Acres**, more or less.

SURVEYOR'S NOTES:

- All paved areas are asphalt unless otherwise noted.
- No subsurface utilities are shown hereon. Utilities shown are based on visual evidence only.
- Streams are shown based on the USGS Quadrangle Map and the 2016 LIDAR for Forrest & Lamar Counties. The Surveyor does not guarantee the accuracy of the stream locations nor the determination of stream type.
- Wetland Data shown hereon is based on a data download from the National Wetland Inventory Web Mapper (<https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>) which was developed by the U.S. Fish and Wildlife Service, Division of Ecological Services under the US Department of the Interior in order to map wetlands and deepwater habitats and to produce reconnaissance level information on the location, type and size of these resources. Said Wetland Data was developed using a biological definition of wetlands and may not be consistent with wetland boundaries established according to the federal regulatory definition of wetlands under the Clean Water Act. The wetland data does not account for changes in the landscape that may have occurred after mapping. The Wetland Data Set, as shown hereon, is based on aerial imagery from 1980. The Wetland Data should not be interpreted as representing the presence, absence, or extent of wetlands that may be covered under one or more Federal, State, Tribal, or Local Laws. All development which could affect waters or wetlands should be reviewed and approved by the USACE regulatory office to ensure compliance with applicable Federal Wetland Regulations. Said Wetland Data was projected onto the field data for the Surveyed Parcel, as shown hereon, using the projection parameters provided. The Surveyor cannot and does not warrant, guarantee or certify as to the completeness, accuracy of the location or any definitions of any Wetland Data shown hereon. Any notation of the possible presence of Wetlands or Wetland related biologies, shown hereon, does NOT constitute the creation or conveyance of an easement for any purpose or to any person or entity. Any notation of the possible presence of a stream, regardless of type, as shown hereon, does NOT constitute the creation or conveyance of an easement for any purpose or to any person or entity.

- J Ed Turner Drive appears to be a public roadway. The Surveyed Parcel, shown hereon, appears to have access to a public road. J Ed Turner Road is a public roadway by virtue of a Conveyance of Easement Deed Bk 254, Pg 221, 05-16-1963 to Forrest County.
- This survey was performed with the benefit of a title opinion.
- Record Deeds noted hereon are the latest available based on the County Tax Roll database and County Land Records.
- A complete easement search was not performed. Easements found during records research appear to be broad in nature & are not definitively described with boundaries, other than the whole boundaries of the parcel(s) affected.
- All SIP Corners are Set 1/2"x18" Rebar with Caps, unless otherwise noted.
- The Surveyed Parcel, shown hereon, is located within an Area having a Flood Zone Designation "X", Areas Determined to be Outside the 0.2% Annual Chance of Flood Floodplain by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map (FIRM) No. 28035C0085D, with a Date of Identification of March 2, 2010 for Community No. 280053, in Forrest County, Mississippi. Flood Zone Determinations are subject to change by FEMA. The current published FIRM shall be consulted prior to any construction.

SURVEY DATE: AUGUST 20-21, 27-30, 2024
SEPTEMBER 3-6, 2024
NOVEMBER 13-15, 22-27, 2024

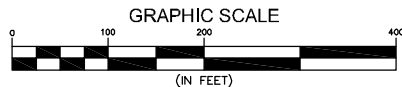
JUDGED TO BE A CLASS 'C' SURVEY
SURVEYED TO CLASS 'B'

BEARINGS ARE BASED ON MS STATE PLANE COORDINATE SYSTEM, ZONE EAST GRID, US SURVEY FEET, AS DETERMINED BY GPS

HORIZONTAL DATUM: NAD 83(2011)
CONTROL STATION: RTCM0008 (USM CAMPUS)
HATTIESBURG, MS

N: 665,022.122
E: 827,206.385
Z: 303.382

AT THE SOUTHEAST CORNER, SECTION 34, TOWNSHIP 5 NORTH, RANGE 14 WEST:
COMBINED SCALE FACTOR: 0.999976185
CONVERGENCE: -01707.43"



LEGEND:

| | |
|--------|-------------------------------------|
| APR | AS PER RECORD |
| APS | AS PER SURVEY |
| BK | BOOK |
| — | CENTERLINE |
| E | EASTING (GRID COORDINATE) |
| FCM | FOUND CONCRETE MONUMENT |
| FCM(D) | FOUND CONCRETE MONUMENT (DISTURBED) |
| FMN | FOUND MAG NAIL IN ASPHALT |
| FPK | FOUND PK NAIL |
| F2R | FOUND 1/2" REBAR |
| F2R(C) | FOUND 1/2" REBAR (CAPPED) |
| F2R(D) | FOUND 1/2" REBAR (DISTURBED) |
| F2RND | FOUND 1/2" ROUND IRON PIN |
| F3RND | FOUND 3/4" ROUND IRON PIN |
| F4CT | FOUND 3/4" CRIMP TOP PIN |
| N | NORTHING (GRID COORDINATE) |
| NCSF | NO CORNER FOUND OR SET |
| PG | PAGE |
| — | PARCEL LINE |
| — | QUARTER SECTION LINE |
| SEC | SECTION |
| S2R | SET 1/2" REBAR |
| SF | SQUARE FEET |
| STA | STATION |

REFERENCE MATERIALS:

| | |
|---|---|
| FORREST COUNTY TAX MAP | LAMAR COUNTY TAX MAP |
| PLAT OF MINERAL CREEK MANOR | BK PG |
| PLAT OF COUNTRY CLUB LAKE ESTATES 2ND ADDITION (FORREST COUNTY) | BK 10 PG 24 08-19-1968 |
| PLAT OF AUGUSTA COURT SUBDIVISION OF GRAYSTONE (LAMAR COUNTY) | BK 3 PG 358 01-16-2008 |
| PLAT OF MANDALAY VILLES OF GRAYSTONE (LAMAR COUNTY) | BK 3 PG 359 01-16-2008 |
| FINAL PLANS OF COMPLETED WORK FOR STATE AID PROJECT FOR JACKSON ROAD (FORREST COUNTY) | No. SAP 18(36) 08-28-1982 |
| WARRANTY DEEDS (FORREST COUNTY) | BK 285 PG 509 02-03-1966
BK 364 PG 373 08-07-1972
BK 483 PG 244 05-02-1980
BK 699 PG 261 10-19-1993
BK 703 PG 366 12-16-1993
BK 728 PG 355 03-22-1995
BK 733 PG 308 06-30-1995
BK 769 PG 68 03-24-1997
BK 820 PG 367 07-08-1999
BK 900 PG 217 12-31-2002
BK 1393 PG 429 05-05-2022
BK 1460 PG 668 11-21-2024 |
| WARRANTY DEEDS (LAMAR COUNTY) | BK 101 PG 672 09-10-1993
BK 20N PG 148 05-04-2009
BK 238 PG 144 06-03-2013 |
| CORRECTED WARRANTY DEED (FORREST COUNTY) | BK 707 PG 117 02-22-1994 |
| QUITCLAIM DEED (FORREST COUNTY) | BK 483 PG 236 05-02-1980 |
| QUITCLAIM DEED (LAMAR COUNTY) | BK 241 PG 388 03-24-2015 |
| EXECUTOR'S DEEDS (FORREST COUNTY) | BK 912 PG 400 06-17-2003
BK 1131 PG 393 06-15-2012 |
| RIGHT OF WAY CONTRACT (DIXIE PIPELINE) (FORREST COUNTY) | BK 239 PG 441 10-09-1961
(FORREST COUNTY)
BK 3U PG 15 12-29-1961 (LAMAR COUNTY) |
| EASEMENT DEEDS | BK 254 PG 221 05-16-1963 (FORREST COUNTY) (ROADWAY)
BK 707 PG 124 02-22-1994 (FORREST COUNTY) (ACCESS)
BK 707 PG 127 02-22-1994 (FORREST COUNTY) (ACCESS)
BK 1139 PG 104 10-10-2012 (HATTIESBURG) (DRAINAGE) |

DRAFT



URBAN DEVELOPMENT PLANNING DIVISION

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 8th, 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. Public comments can be made via email or in person at the public hearing with the Planning Commission.



Proposed Short Term Rental Regulations

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

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 | Pre-existing Short-Term Rentals. 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>
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>
Short-Term Rental <ol style="list-style-type: none">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.2. In B-1, and B-2 districts, 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.3. Uses approved by the Planning Commission may require additional parking spaces. |
| Section 13.2 | <i>Insert in the correct alphabetical order</i>
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. |

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. 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., 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

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:

CITY CLERK

MAYOR

DRAFT



URBAN DEVELOPMENT PLANNING DIVISION

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. 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.

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.

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:

| Code Section | Amendment
<i>Explanation of amendment in italics</i> |
|---------------------------------------|--|
| Section 7.6.1.1 | <i>Amend to read as follows:</i>

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. Where on-site construction is impractical or unnecessary, developers may contribute to the <u>Sidewalk Bank Fee-in-Lieu Program</u>, subject to approval. |
| Section 7, Table 7.1, Section 7.6.1.1 | <i>Requirement for sidewalks in all zones</i>

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>
Amend to add zones A-1 and A-2 as required 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>
Amend to add zones A-1, A-2, I-1, and I-2 as required 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>
Amend to add zones A-1 and A-2 as required 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>
Amend to add zones A-1 and A-2 as required 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>
Amend to add zones A-1 and A-2 as required 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>
Amend to add zones A-1 and A-2 as required 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>
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>

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

MEMORANDUM

TO: Planning Commission and all interested parties
FROM: Planning Division Staff
DATE: February 25, 2025
SUBJECT: **Short-Term Rental Ordinance and Land Development Code Updates**

After continued review of the proposed short-term rental ordinance in conjunction with our Planning Commission subcommittee, our building and fire officials, and comments from the public, the planning staff have made revisions to the ordinance and corresponding Land Development Code changes.

Included in this memo, are copies of the ordinances shown with the changes. A final version of these documents will be presented as exhibits at the Planning Commission. Below is a summary of the changes to the ordinances

Changes to the Short-Term Rental Registration Ordinance:

1. Under section 2 "PERMIT REQUIRED"
 - a. The application fee section has been reduced to the following, for a total of \$250:
 - i. \$50 Fire Inspection
 - ii. \$25 Certificate of Zoning Compliance (CZC)
 - iii. \$20 Privilege Tax License fee
 - iv. ~~\$375~~ \$130 Short-Term Rental License Fee
 - v. \$25 Short-term Rental Application Fee
 - b. The renewal fees have also been reduced, to a total of \$170, instead of \$375. A breakdown of those fees has been included in the ordinance as follows:
 - i. \$50 Fire Inspection
 - ii. \$20 Privilege Tax License fee
 - iii. \$100 Short-Term Rental License renewal fee
 - c. Removal of duplicative language on the legality of operating a short-term rental
2. Under section 3 "OCCUPANCY"
 - a. Language has been included for how occupancy is defined and will be determined during the inspection.
 - b. Additional language has been included on what inspections shall focus on
3. Under section 11 "DENIAL OR REVOCATION OF A LICENSE"
 - a. Additional paragraph breaks have been added to section E for clarity; no language was changed.
4. Under section 14 "CONFLICTS"
 - a. Additional language was added for consistency with the most currently adopted building codes.

Changes to the proposed Land Development Code Amendments:

1. Proposed changes to Section 5.4 have been modified to reduce the zoning buffer to 150ft and remove the additional restrictions on B-1 and B-2 Districts:

| | |
|-------------|--|
| Section 5.4 | <p><i>Insert and adjust the numbering in alphabetical order</i></p> <p>Short-Term Rental</p> <ol style="list-style-type: none"> 1. In Agricultural and Residential districts, the use must be located at least 300 150 feet from another Short-Term Rental. This distance is measured from property line to property line. 2.—In B-1, and B-2 districts, 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. 3. Uses approved by the Planning Commission may require additional parking spaces. |
|-------------|--|

Please contact the Planning Division at 601-545-4599 or email planning@hattiesburgms.com. Public comments are also welcome at the Planning Commission's public hearing or via email.

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)a. _____ 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)b. _____ 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)c. _____ 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)d. _____ 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)~~e. 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)~~f. 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 ~~threeone~~ hundred ~~seventy-five~~ thirty dollars (~~\$375~~130.00) will be assessed for any approved licenses. The most recent fee established by the City Council shall take precedence.

~~Other~~Total applicable fees include:

- \$50 Fire inspection
- \$25 Certificate of Zoning Compliance (CZC)
- \$20 Privilege Tax License for a Home Occupation
- ~~\$375~~130 Short-Term Rental License Fee
- \$25 Short-Term Rental Application 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 ~~threeone~~ hundred ~~seventy-five~~ dollars ~~\$375~~100.00 through the City Tax Department. ~~other applicable fees will be required at this time and include but are not limited to a Fire Inspection fee and Privilege Tax License.~~

a. Total Renewal Fees:

- \$50 Fire inspection
- \$20 Privilege Tax License for a Home Occupation
- \$100 Short-Term Rental License Fee

~~E.b.~~ 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

H. 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)~~a. _____ 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)~~b. _____ 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. Inspections shall focus on these items:

A. Maximum occupancy is two (2) persons per sleeping room, plus an additional four (4) per dwelling. For residential properties with more than 3,250 square feet of conditioned living space, the maximum occupancy shall be two (2) persons per sleeping room plus an additional six (6). This section shall apply if in conflict with any other code or occupancy regulation adopted by the City. The maximum occupancy of a short-term rental shall be determined at the time a short-term rental permit is issued or renewed. That capacity shall not be increased by subsequent construction of any addition to the structure covered by the permit or by construction of any other structure located on the property without an inspection and approval by building official and submission of an amended registration form;

B. Inspections shall primarily focus on these items:

- a. Smoke detectors
- b. Carbon Monoxide detectors (if applicable)
- c. Fire extinguishers located appropriately throughout the building
- d. Windows that do not have plexiglass
- e. No bars on windows or doors
- f. Safety of utility connections and outlets including electrical, water, sewer, gas, etc.

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

E. 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.

Short-Term Rentals shall be reviewed under the International Residential Code of the currently adopted building code year.

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., 20242025.

(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., 20242025.

ATTEST:

APPROVED:

CITY CLERK

MAYOR

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 | Pre-existing Short-Term Rentals. 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>
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>
Short-Term Rental <ol style="list-style-type: none">In Agricultural and Residential districts, the use must be located at least 300150 feet from another Short-Term Rental. This distance is measured from property line to property line.In B-1, and B-2 districts, 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.Uses approved by the Planning Commission may require additional parking spaces. |
| Section 13.2 | <i>Insert in the correct alphabetical order</i>
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. |

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. 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., 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

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**

- 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.
 - a. 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.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. 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.
- f. 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 one hundred thirty dollars (\$130.00) will be assessed for any approved licenses. The most recent fee established by the City Council shall take precedence. Total applicable fees include:
 - \$50 Fire inspection
 - \$25 Certificate of Zoning Compliance (CZC)
 - \$20 Privilege Tax License for a Home Occupation
 - \$130 Short-Term Rental License Fee
 - \$25 Short-Term Rental Application 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 one hundred dollars \$100.00 through the City Tax Department, other applicable fees will be required at this time and include but are not limited to a Fire Inspection fee and Privilege Tax License.
 - a. Total Renewal Fees:
 - \$50 Fire inspection
 - \$20 Privilege Tax License for a Home Occupation
 - \$100 Short-Term Rental License Fee
 - b. 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.

- a. 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.
- b. 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. Inspections shall focus on these items:

- A. Maximum occupancy is two (2) persons per sleeping room, plus an additional four (4) per dwelling. For residential properties with more than 3,250 square feet of conditioned living space, the maximum occupancy shall be two (2) persons per sleeping room plus an additional six (6). This section shall apply if in conflict with any other code or occupancy regulation adopted by the City. The maximum occupancy of a short-term rental shall be determined at the time a short-term rental permit is issued or renewed. That capacity shall not be increased by subsequent construction of any addition to the structure covered by the permit or by construction of any other structure located on the property without an inspection and approval by building official and submission of an amended registration form;
- B. Inspections shall primarily focus on these items:
 - a. Smoke detectors
 - b. Carbon Monoxide detectors (if applicable)
 - c. Fire extinguishers located appropriately throughout the building
 - d. Windows that do not have plexiglass
 - e. No bars on windows or doors
 - f. Safety of utility connections and outlets including electrical, water, sewer, gas, etc.

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.

Short-Term Rentals shall be reviewed under the International Residential Code of the currently adopted building code year.

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., 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

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 | Pre-existing Short-Term Rentals. 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>
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>
Short-Term Rental
1. In Agricultural and Residential districts, the use must be located at least 150 feet from another Short-Term Rental. This distance is measured from property line to property line. |
| Section 13.2 | <i>Insert in the correct alphabetical order</i>
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. |

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. 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., 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

- 1) Permitting: A onetime fee of \$250 is charged to obtain a Short term rental license. To receive such a permit the following information will be provided to the City Clerk: The address/location of the short term rental, the number of rooms contained therein, the number of person said residence will accommodate, the name of the property owner, the name of the local property manager or management company with the name and phone number of the local individual who is to be contacted to discuss any issues with the short term rental. The name and address of the local contact person will be distributed by the City Clerk to Code Enforcement, Tax Department and Police Department. Once a short-term rental license is given it is good for 2 years from date of issuance and can be renewed with a \$50 fee for a biennial fire inspection. All existing short-term rentals will be grandfathered in and will receive a permit upon paying the one-time fee of \$_____ and by providing the aforementioned date to the City Clerk.
- 2) Each short-term rental will also need a Hattiesburg Privilege Tax License for home occupation.
- 3) The property will be subject to all current parking, noise, garbage and other residential ordinances in place within the City of Hattiesburg.
- 4) The short-term lodging permit does not legalize any non-permitted use or structure, nor can it be used to distribute retail products or personal services, nor are any outdoor displays of goods or merchandise for sale permitted.
- 5) Fire Inspections: The property is subject to a biennial inspection by the Hattiesburg Fire Department to confirm the existence of working smoke detectors, carbon monoxide detectors if natural gas is in use and a working fire extinguisher in the kitchen in accordance with local fire code.
- 6) Posting of Rules: Short term rental unit rules shall be posted inside the rental unit in a location readily available to all tenants.
- 7) Permit Capacity will be the total number of permits issued for residential short term rental shall not exceed 2.5% of the total number of residential structures in the city at any given time. This number will be tabulated from the existing residential water meters at the start of the fiscal year. The Permit Capacity will not apply to Hattiesburg Conservation Districts for the purpose of not limiting investment in under invested neighborhoods.