City of Hattiesburg, MS

200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401

Special Called Meeting

Monday, November 28, 2016

4:00 PM

Council Chambers

City Council

1. **2016-51** Adopt an Ordinance establishing a new Land Development Code and repealing Ordinance Number 2330, adopted 12-05-1989, and all subsequent amendments thereto and any other ordinances in conflict therewith.

1. October PC Minutes (draft)
2. Staff Summary - New LDC
3. 2016 LDC - Home Builders Assoc - Letter of Support
4. Hattiesburg LDC Edits - Home Builder Comments - 2nd Round Responses 9.12
5. Hattiesburg LDC Edits - ADP 9-8-16
6. Hattiesburg Land Development Code - Final Draft (9.12.16)

City of Hattiesburg, MS

200 Forrest St.
P.O. Box 1898
Hattiesburg, MS 39401

FILE NUMBER: 2016-51 **MEETING DATE:** 11/28/2016 **MINUTE BOOK NUMBER:**

Brief Title: Adopt an Ordinance establishing a new Land Develop

Title: Adopt an Ordinance establishing a new Land Development Code and repealing Ordinance Number 2330, adopted 12-05-1989, and all subsequent amendments thereto and any other ordinances in conflict therewith.

Type: Ordinance

Drafter: Ginger Maddox

In Control: City Council

Reference: Ginger Maddox

Attachments: October PC Minutes (draft), Staff Summary - New LDC, 2016 LDC - Home Builders Assoc - Letter of Support, Hattiesburg LDC Edits - Home Builder Comments - 2nd Round Responses 9.12, Hattiesburg LDC Edits - ADP 9-8-16, Hattiesburg Land Development Code - Final Draft (9.12.16)

File Created: 11/04/2016

Budget Information:

Expenditure Type:

Purchasing Item:

Publication Information:

History of Legislative File

MINUTES OF THE

REGULAR MEETING OF THE

HATTIESBURG PLANNING COMMISSION

October 5, 2016

The Hattiesburg Planning Commission did meet in a regular session on October 5, 2016 2016 at 1:00 p.m. at the Jackie Dole Community Center, 220 West Front Street, Hattiesburg, Mississippi. Joseph White, Chairman, presided over the meeting. A quorum was indicated and the attendance was as follows:

Commissioners Present: Dick Conville
Judy Corts
Amy Hinton
Peggy Horton, Secretary
Linda McMurtrey, Vice-Chairman
Mark Miller
Jessie Wilson
Joseph White, Chairman

Commissioners Absent: Sandra Thompson
Eric Martin

Also Present: Pattie Brantley, AICP, Director of Urban Development
Ginger Maddox, Planning Division Manager
Steve Mitchell, Building Official
Armendia Esters, Planning Division
Jim Gladden, Attorney

Chairman White declared the meeting of the Hattiesburg Planning Commission open and in session at 1:12 P.M.

INVOCATION

Commissioner White gave the invocation.

AGENDA REVIEW

There came the matter of the October 2016 Agenda. A request was made by Ginger Maddox, Planning Division Manager for a motion to remove Item L from the Agenda.

A request was made by Chairman White for a motion to approve the October 2016 Agenda with Item L removed from the Agenda. A motion was made approve the October 2016 Agenda with Item L removed from the Agenda by Commissioner Corts and seconded by Commissioner Horton.

Commissioners voting aye: Dick Conville
Judy Corts
Amy Hinton
Peggy Horton, Secretary
Linda McMurtrey, Vice-Chairman
Mark Miller
Jessie Wilson

Commissioners voting nay: None

Commissioners abstaining: None

MINUTES REVIEW

There came the matter of the September 7, 2016 Minutes. A request was made by Chairman White for a motion to approve the September 7, 2016 minutes. A motion was made by Commissioner Conville to approve the minutes and seconded by Commissioner McMurtrey.

Commissioners voting aye: Dick Conville
Judy Corts
Amy Hinton
Peggy Horton, Secretary
Linda McMurtrey, Vice-Chairman
Mark Miller
Jessie Wilson

Commissioners voting nay: None

Commissioners abstaining: None

REPORTS

BUILDING REPORT

There came the matter of the Building Inspection Report. Steve Mitchell, Building Official, provided a report to the commission of monthly and YTD Permit information for September, 2016.

PLANNING REPORT

There came the matter of the Planning Report by Ginger Maddox, Planning Division Manager. Ms. Maddox reported that the public hearing was held at the September 19, 2016, City Council meeting regarding Mr. Beasley's Appeal of Mr. Busby's application for a Use Permit Upon Review for a Digital Billboard for 4041 Old Hwy 11. At the public hearing the Planning Division presented updated information that indicated the distance requirements was in fact not met by Mr. Busby's application. The City Council remanded the application back to the Planning Commission. Mr. Busby's Use Permit Upon Review application for a Digital Billboard and Variance for 4401 Hardy Street and were also remanded back to the Planning Commission to include the review of a potentially subdivided lot.

CHAIRMAN'S REPORT

There came the matter of the Chairman's Report. There was none.

PUBLIC HEARING

Chairman White declared the Public Hearing open at 1:22 P.M. and read the rules and procedures of the hearing.

There came the matter of Item A (Taken from the table), by the City of Hattiesburg, with the Mayor and Council of the City of Hattiesburg, Mississippi, to consider and adopt the proposed 2016 Land Development Code of the City of Hattiesburg, Mississippi based on the following:

"To Implement the Vision, Goals and Strategies of the 2008-2028 Comprehensive Plan."

	Name	Address	City/State
Presented by:	City of Hattiesburg		
Proponents:	City of Hattiesburg	200 Forrest Street	Hattiesburg, MS
Opponents:	Gary Fordham	723 Hardy Street	Hattiesburg, MS
	Brad Baggett	123 S. George Street	Petal, MS

Mr. Baggett presented a letter requesting a change in the Proposed Land Development Code from the Homebuilder's Association to the Commission to be forwarded to City Council. Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the petition. Commissioner Horton made a motion to approve the petition to consider and adopt the proposed 2016 Land Development Code of the City of Hattiesburg, Mississippi. The motion was seconded by Commissioner Wilson.

Commissioners voting aye: Dick Conville
Judy Corts
Amy Hinton
Peggy Horton, Secretary
Linda McMurtrey, Vice-Chairman
Mark Miller
Jessie Wilson

Commissioners voting nay: None

Commissioners abstaining: None

There came the matter of Item B (Use Permit Upon Review), by Martha Brewer, President, DAFS, INC., Applicant, DAFS, INC., Owner, as required in the Comprehensive Zoning Ordinance No. 2330, as amended, to request a Use Permit Upon Review for a "Group Care Facility" as provided in Article 4, Section 58.03 (6) for certain property located at 705 Hall Avenue (Parcel 2-038A-15-.35.00, PPIN 12842, Ward 2).

	Name	Address	City/State
Presented by:	Sara Holifield	P.O. Box 6307	Laurel, MS
Proponents:	Martha Brewer	P.O. Box 6307	Laurel, MS
	Joy Lubritz	705 Hall Avenue	Hattiesburg, MS
	Leah Frank	53 Robin's Nest	Hattiesburg, MS
	David Tisdale	300 Conti Street	Hattiesburg, MS
	Barbara Parker	P.O. Box 351	Sumrall, MS
Opponents:	None		

The organization DAFS presented a letter of support from the United Way for the requested Use Permit to the Commission to be forwarded to City Council. Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner Hinton made a motion to approve the request because there is a need to reinforce

Hattiesburg's quality of life, preserve neighborhood identity, and boost community pride. The motion was seconded by Commissioner McMurtrey.

Commissioners voting aye: Dick Conville
Judy Corts
Amy Hinton
Peggy Horton, Secretary
Eric Martin
Linda McMurtrey, Vice-Chairman
Mark Miller

Commissioners voting nay: None

Commissioners abstaining: None

There came the matter of Item C (Variance), by John Connelly, Engineer, Joe Colee, Manager, Mar-Jac Poultry Mississippi, Owner, as required in the Comprehensive Zoning Ordinance No. 2330, as amended, to request a variance from Article 4, Section 64.04 (1) which states the minimum front setback is forty (40) feet and instead allow a setback of 34.3 feet for a variance of 5.7 feet for certain property located at 1301 James Street (Parcel 2-037E-14-015.00, PPIN 26813, Parcel 2-037E-14-014.00, PPIN 26815, Ward 2).

	Name	Address	City/State
Presented by:	John Connelly - Engineer, Britt, Peters & Associates, Inc.	101 Falls Park Dr.	Greenville, SC
Proponents:	Todd Jackson - ADP	1 Convention Center Plaza	Hattiesburg, MS
Opponents:	None		

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner Wilson made a motion to approve the request because special conditions and circumstances do exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; that literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code; And that the special conditions and circumstances do not result from the actions of the applicant. The motion was seconded by Commissioner Conville.

Commissioners voting aye: Dick Conville
Judy Corts
Amy Hinton
Peggy Horton, Secretary
Eric Martin
Linda McMurtrey, Vice-Chairman
Mark Miller

Commissioners voting nay: None

Commissioners abstaining: None

There came the matter of Item D (Variance), by Scott Pipkins, Representative, Dan & Sue Reid, Owners, as required in the Comprehensive Zoning Ordinance No. 2330, as amended, to request a variance from Article 4, Section 52.04 (3) which states the minimum rear setback for an unattached accessory structures is five (5) feet and instead allow a setback of zero (0) feet for a variance of five (5) feet for certain property located at 807 Corinne Street (Parcel 029N-09-225.00, PPIN 19395, Ward 4).

	Name	Address	City/State
Presented by:	Scott Pipkins	706 Rebecca	Hattiesburg, MS
Proponents:	None		
Opponents:	None		

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner Conville made a motion to approve the request because special conditions and circumstances do exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; that literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code; that the special conditions and circumstances do result from the actions of the applicant; that granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, structures, or buildings in the same district. The motion was seconded by Commissioner Hinton.

Commissioners voting aye: Dick Conville
Judy Corts
Amy Hinton
Peggy Horton, Secretary
Eric Martin
Linda McMurtrey, Vice-Chairman
Mark Miller

Commissioners voting nay: None

Commissioners abstaining: None

There came the matter of Item E (Variance), by Rob O. Tatum, Jr, Owner, as required in the Midtown Form-Based Code, to request a variance from Article 3, Section 3.5 4. Transparency (A) which states the minimum Ground story transparency is 40% and instead allow a transparency of 8% on S. 30th Ave and 2% on Chevy Chase Drive for a variance of 32% for the Ground story Transparency requirement on S. 30th Avenue and a variance of 38% for the Ground story Transparency requirement on Chevy Chase Drive for a certain property located at 3000 Hardy Street and 301 Chevy Chase Drive (Hotel Building) (Parcel 028N-07-078.00, PPIN 20837; Parcel 028N-07-076.00, PPIN 20839, Ward 3).

	Name	Address	City/State
Presented by:	Rob Tatum	11 Parkway Blvd	Hattiesburg, MS
	David Oliver	14 Bellegrass Blvd.	Hattiesburg, MS
	Luke Chamblee	101 Northpointe Drive	Oxford, MS
	Allen Hawkins	3755 Corporate Woods Drive	Birmingham, Al
Proponents:	Todd Jackson - ADP	1 Convention Center Plaza	Hattiesburg, MS
Opponents:	None		

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner Conville made a motion to approve the request because special conditions and circumstances do exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; That literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code; that the special conditions and circumstances do not result from the actions of the applicant; that granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, structures, or buildings in the same district. The motion was seconded by Commissioner McMurtrey.

Commissioners voting aye: Dick Conville
Judy Corts
Amy Hinton
Peggy Horton, Secretary
Eric Martin
Linda McMurtrey, Vice-Chairman
Mark Miller

Commissioners voting nay: None

Commissioners abstaining: None

There came the matter of Item F (Variance), by Rob O. Tatum, Jr, Owner, as required in the Midtown Form-Based Code, to request a variance from Article 3, Section 3.5 4. Transparency (B) which states the minimum Upper story transparency is 20% and instead allow a transparency of 12% on S. 30th Ave and 5% on Chevy Chase Drive for a variance of 8% for the Upper stories Transparency requirement on S. 30th Avenue and a variance of 15% for the Upper stories Transparency requirement on Chevy Chase Drive for a certain property located at 3000 Hardy Street and 301 Chevy Chase Drive (Hotel Building) (Parcel 028N-07-078.00, PPIN 20837; Parcel 028N-07-076.00, PPIN 20839, Ward 3).

	Name	Address	City/State
Presented by:	Rob Tatum	11 Parkway Blvd	Hattiesburg, MS
	David Oliver	14 Bellegrass Blvd.	Hattiesburg, MS
	Luke Chamblee	101 Northpointe Drive	Oxford, MS
	Allen Hawkins	3755 Corporate Woods Drive	Birmingham, Al
Proponents:	Todd Jackson - ADP	1 Convention Center Plaza	Hattiesburg, MS
Opponents:	None		

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner McMurtrey made a motion to approve the request because special conditions and circumstances do exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; That literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code; that the special conditions and circumstances do not result from the actions of the applicant; that granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, structures, or buildings in the same district. The motion was seconded by Commissioner Horton.

Commissioners voting aye: Dick Conville
Judy Corts
Amy Hinton
Peggy Horton, Secretary
Eric Martin
Linda McMurtrey, Vice-Chairman
Mark Miller

Commissioners voting nay: None

Commissioners abstaining: None

There came the matter of Item G (Variance), by Rob O. Tatum, Jr, Owner, as required in the Midtown Form-Based Code, to request a variance from Article 3, Section 3.5 4. Transparency (C) which states the maximum Blank wall area allowed is 35 feet and instead allow two blank wall areas of 40 feet (vertically) for two (2) variances of 5 feet measured vertically on the Chevy Chase Drive facade for a certain property located at 3000 Hardy Street and 301 Chevy Chase Drive (Hotel Building) (Parcel 028N-07-078.00, PPIN 20837; Parcel 028N-07-076.00, PPIN 20839, Ward 3).

	Name	Address	City/State
Presented by:	Rob Tatum	11 Parkway Blvd	Hattiesburg, MS
	David Oliver	14 Bellegrass Blvd.	Hattiesburg, MS
	Luke Chamblee	101 Northpointe Drive	Oxford, MS
	Allen Hawkins	3755 Corporate Woods Drive	Birmingham, Al
Proponents:	Todd Jackson - ADP	1 Convention Center Plaza	Hattiesburg, MS
Opponents:	None		

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner McMurtrey made a motion to approve the request because special conditions and circumstances do exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; That literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code; that the special conditions and circumstances do not result from the actions of the

applicant; that granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, structures, or buildings in the same district. The motion was seconded by Commissioner Hinton.

Commissioners voting aye: Dick Conville
Judy Corts
Amy Hinton
Peggy Horton, Secretary
Eric Martin
Linda McMurtrey, Vice-Chairman
Mark Miller

Commissioners voting nay: None

Commissioners abstaining: None

There came the matter of Item H (Variance), by Rob O. Tatum, Jr, Owner, as required in the Midtown Form-Based Code, to request a variance from Article 3, Section 3.3 4. Transparency (A) which states the minimum Ground story transparency is 60% and instead allow a transparency of 28% for a variance of 32% for the Ground story Transparency requirement on Hardy Street for certain property located on a portion of 3000 Hardy Street (Building A) (Parcel 028N-07-078.00, PPIN 20837, Parcel 028N-07-079.00, PPIN 26492, Ward 3).

	Name	Address	City/State
Presented by:	Rob Tatum	11 Parkway Blvd	Hattiesburg, MS
	David Oliver	14 Bellegrass Blvd.	Hattiesburg, MS
	Luke Chamblee	101 Northpointe Drive	Oxford, MS
	Allen Hawkins	3755 Corporate Woods Drive	Birmingham, Al
Proponents:	Todd Jackson - ADP	1 Convention Center Plaza	Hattiesburg, MS
Opponents:	None		

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner McMurtrey made a motion to approve the request because special conditions and circumstances do exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; That literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code; that the special conditions and circumstances do not result from the actions of the applicant; that granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, structures, or buildings in the same district. The motion was seconded by Commissioner Horton.

Commissioners voting aye: Dick Conville
Judy Corts
Amy Hinton
Peggy Horton, Secretary
Eric Martin

Linda McMurtrey, Vice-Chairman
Mark Miller

Commissioners voting nay: None

Commissioners abstaining: None

There came the matter of Item I (Variance), by Rob O. Tatum, Jr, Owner, as required in the Midtown Form-Based Code, to request a variance from Article 3, Section 3.3 4. Transparency (A) which states the minimum Ground story transparency is 60% and instead allow a transparency of 40% for a variance of 20% for the Ground story Transparency requirement on Hardy Street for certain property located on a portion of 3000 Hardy Street (Building B) (Parcel 028N-07-078.00, PPIN 20837, Ward 3).

	Name	Address	City/State
Presented by:	Rob Tatum	11 Parkway Blvd	Hattiesburg, MS
	David Oliver	14 Bellegrass Blvd.	Hattiesburg, MS
	Luke Chamblee	101 Northpointe Drive	Oxford, MS
	Allen Hawkins	3755 Corporate Woods Drive	Birmingham, Al
Proponents:	Todd Jackson - ADP	1 Convention Center Plaza	Hattiesburg, MS
Opponents:	None		

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner Hinton made a motion to approve the request because special conditions and circumstances do exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; That literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code; that the special conditions and circumstances do not result from the actions of the applicant; that granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, structures, or buildings in the same district. The motion was seconded by Commissioner Corts.

Commissioners voting aye: Dick Conville
Judy Corts
Amy Hinton
Peggy Horton, Secretary
Eric Martin
Linda McMurtrey, Vice-Chairman
Mark Miller

Commissioners voting nay: None

Commissioners abstaining: None

There came the matter of Item J (Variance), by Rob O. Tatum, Jr, Owner, as required in the Midtown Form-Based Code, to request a variance from Article 3, Section 3.4 4. Transparency (A) which states the minimum Ground story transparency is 60% and instead

allow a transparency of 23% for a variance of 37% for the Ground story Transparency requirement on S. 31st Avenue for a portion of certain parcels located on S. 31st Avenue (Building C) (Parcel 028N-07-079.00, PPIN 26492, & Parcel 028N-07-080.00, PPIN 26493, Parcel 028N-07-081.00, PPIN 26494, respectively, Ward 3).

	Name	Address	City/State
Presented by:	Rob Tatum	11 Parkway Blvd	Hattiesburg, MS
	David Oliver	14 Bellegrass Blvd.	Hattiesburg, MS
	Luke Chamblee	101 Northpointe Drive	Oxford, MS
	Allen Hawkins	3755 Corporate Woods Drive	Birmingham, Al
Proponents:	Todd Jackson - ADP	1 Convention Center Plaza	Hattiesburg, MS
Opponents:	None		

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner Corts made a motion to approve the request because special conditions and circumstances do exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; That literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code; that the special conditions and circumstances do not result from the actions of the applicant; that granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, structures, or buildings in the same district. The motion was seconded by Commissioner Horton.

Commissioners voting aye: Dick Conville
Judy Corts
Amy Hinton
Peggy Horton, Secretary
Eric Martin
Linda McMurtrey, Vice-Chairman
Mark Miller

Commissioners voting nay: None

Commissioners abstaining: None

There came the matter of Item K (Variance), by Rob O. Tatum, Jr, Owner, as required in the Midtown Form-Based Code, to request a variance from Article 3, Section 3.4 4. Transparency (A) which states the minimum Ground story transparency is 60% and instead allow a transparency of 26% on Hardy Street and 42% on S. 31st Avenue for a variance of 34% for the Ground story Transparency requirement on Hardy Street and a variance of 18% for the Ground story Transparency requirement on S. 31st Avenue for certain property located on a portion of 3102 Hardy Street and along S. 31st Avenue (Building D) (Parcel 028N-07-079.00, PPIN 26492, Ward 3).

	Name	Address	City/State
Presented by:	Rob Tatum	11 Parkway Blvd	Hattiesburg, MS
	David Oliver	14 Bellegrass Blvd.	Hattiesburg, MS
	Luke Chamblee	101 Northpointe Drive	Oxford, MS
	Allen Hawkins	3755 Corporate Woods Drive	Birmingham, Al
Proponents:	Todd Jackson - ADP	1 Convention Center Plaza	Hattiesburg, MS
Opponents:	None		

Chairman White declared the Public Hearing closed and the Business Meeting open to vote on the request. Commissioner Wilson made a motion to approve the request because special conditions and circumstances do exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; That literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code; that the special conditions and circumstances do not result from the actions of the applicant; that granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, structures, or buildings in the same district. The motion was seconded by Commissioner Horton.

Commissioners voting aye: Dick Conville
Judy Corts
Amy Hinton
Peggy Horton, Secretary
Eric Martin
Linda McMurtrey, Vice-Chairman
Mark Miller

Commissioners voting nay: None

Commissioners abstaining: None

BUSINESS MEETING

There being no further business, Commissioner Horton made a motion to adjourn the meeting. The motion was seconded at Commissioner Miller.

_____
Joe White, Chairman

_____
Pattie Brantley, AICP, Director of Urban Development.

Planning Commission
Case Fact Sheet

A petition has been filed by the City of Hattiesburg, with the Mayor and Council of the City of Hattiesburg, Mississippi, to consider and adopt the proposed 2016 Land Development Code of the City of Hattiesburg, Mississippi based on the following:

"To Implement the Vision, Goals and Strategies of the 2008-2028 Comprehensive Plan."

Letters or Concerns stated:

As requested at the July 27, 2016, Special-Called Planning Commission Meeting, the Planning Division and Orion Consulting met with the Home Builder's Association representative on August 22, 2016 to discuss the group's comments.

As requested at the September 7, 2016, Regular Planning Commission Meeting, the Public Comment Period was reopened until Friday, September 9, 2016, at 5pm. The Planning Division and Orion Consulting Received comments from the Home Builder's Association and the Area Development Partnership. These comments were noted or incorporated into the proposed code. Comments and responses are included in this report.

GREATER HATTIESBURG HOME BUILDERS ASSOCIATION

4 October 2016

Hattiesburg Planning Commission,

A committee of the Homebuilders Association has closely reviewed the updated Hattiesburg Land Development Code. Through a series of meetings and interactions with the Planning Commission, Planning Staff and project consultants, we submitted provided input for several adjustments. Some of these were resolved through discussion and clarification. Others resulted in language changes.

Ultimately the code is to help develop a better Hattiesburg. With the understanding that future clarifications and adjustments may be needed as the new code is implemented, we would like to express our support for this project.

"Homebuilders Code Review Committee"

Our full support of this land code is contingent upon the change in 2.4.10 wording as proposed by Orion Planning Design (consultant to the city) inserting the words "site or" as shown in the attached e-mail from Mr Barker of Orion Planning Design.

BLB

Brad Baggett
GHHBA - President

RECEIVED
OCT 05 2016
BY: GM

Gary Fordham

From: Dennis Pierce <dennis@dennispierce.com>
Sent: Tuesday, October 4, 2016 4:57 AM
To: Robert Barber
Cc: Gary Fordham; Lamar Evans; Todd Jackson; Craig Flanagan; 'Kyle Hamlett'
Subject: RE: Emailing - Hattiesburg Land Development Code - Review Notes 6.3.16.pdf

Robert,
I am out of town this week. I think the change below should be OK. There is a Homebuilder meeting today where this process will likely be discussed. I will let them review the below and come up with a letter.
Thanks,
Dennis

From: Robert Barber [mailto:Bob@orionplanningdesign.com]
Sent: Monday, September 26, 2016 1:40 PM
To: Dennis Pierce <dennis@dennispierce.com>
Subject: RE: Emailing - Hattiesburg Land Development Code - Review Notes 6.3.16.pdf

Dennis,

Please see how this works. The red is added.

2.4.10 Changes of Tenancy and Ownership. Change in tenancy or ownership of an existing nonconforming use or structure shall not affect its status provided there is no change in the nature or character of such nonconforming use or structure, excluding exterior site or structure condition, except as permitted in this Section and all other applicable requirements of this Code are met (e.g., parking, screening, landscaping, et

ORION
PLANNING+DESIGN
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901-268-7566
Bob@OrionPlanningDesign.com
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Boulder, CO Huntsville, AL Sheridan, WY
Hernando, MS San Diego, CA St. Simons Island, GA

Land Use Code Discussions

Section:

1.5.3 Section should be clarified to allow for variance application process. Builders and developers need the ability to make application to the Planning Commission or other designated appeal bodies. Clarified. The statement allows for a variance.

2.1 Definition 13.2 "structure should require a permanent utility connection and a permanent foundation." The existing language is too broad. Structures include other items that do not require utility connections such as fences. We think this is okay

2.2.1 Change "may" to "will" and explain the process and time requirements Changed, administrative section sets out the procedure for this certificate. Set time at 2 days of request *"the Director will issue a Certificate of Zoning Compliance"*

2.4.4.1 Is "elimination" the word preferred in this section? Additional clarification is needed. Is the Code addressing 25% of the land, the value, the floor space, etc.? This is okay. Rebuilding after tornado is okay. Check 2.4.5.6 for tornado exception.

2.4.4.4 Time requirements need to be extended. All time periods set at 6 months.

2.4.10 Language clarification needed. Language changed *"Change in tenancy or ownership of an existing nonconforming use or structure shall not affect its status provided there is no change in the nature or character of such nonconforming use or structure, excluding exterior structure condition, except as permitted…"*

3.2.1 Clarify language. Individual residential lots should be exempt and it should be noted. Clarify for higher residential *"along the perimeter of development parcels"*

3.3.2 Section should direct user to "city standards" yes, added *"according to City standards"*

5.4.19.3 Section should be removed. The Building Code addresses this requirement. Section removed.

5.4.21.3 Language clarified to state that this applies to gated communities only. Meaning was clarified, no change needed.

5.4.2.5 "Accessory Structure" needs to be further clarified with additional examples. It should also be noted that the State Supreme Court has defined an ice vending house as a "vending machine" and not a "structure." (Section reviewed and determined okay)

6.2.3 Needs to be eliminate. A/C unites, fences, etc. may have to be placed in these areas and a variance for each one is too costly. Revised to state *"shall be allowed to encroach into setbacks proved such equipment is placed as near to the primary structure as possible and does not encroach into utility easements. "*

6.2.5 Add "driveways" Added

6.3.3 Clarify for narrow lot lines. Too restrictive as written. Changed to *"for detached single-family residential uses except in the R-3 zone"*

7.5.3.1 Eliminate vehicular requirement. *"Cross access could jeopardize property values at intersections and create traffic safety issues. Changed to state "Cross access in new development contexts is required where feasible and in existing development contexts id encouraged by mutual consent of owners."* Eliminated for I-1 and I-2.

7.5.3.4 Remove color specifications and rely on ADA requirements only. White paint will not be seen on concrete parking lots. *"white striping is encouraged"*

7.5.3.6 Change to "as specified in the applicable fire codes. Change to *"Fire lanes shall be provided as specified by the applicable fire code."*

7.5.3.9 Shorten and narrow island requirement. End parking area can become non-usable with only 1.5 feet. Island length requirement can cause safety issue as vehicles turn. Changed to *"8 feet wide and 15 feet in length"*

7.5.3.10 Remove requirement for I1 and I2 zones. Explain how roll up doors (such as at Sweet Peppers, etc.) will be accommodated. Removed overhead doors.

7.6.1.1 Remove requirement form I1, I2 and B5. Sidewalks between industrial park lots are an unnecessary expense. Removed from I-1 and I-2, not B-5.

7.6.1.3 Specify what curb this section addresses. Add language "where right-of-way and topography allow." Reviewed and remained the same.

7.6.2.2 Add "brush finished concrete" as option. Added

7.7.3.2 The maximum height of 25 feet needs to be removed. Lighting experts design parking lot lighting systems for safety and liability concerns. Lighting requirements require on many factors. Candle feet requirement would be preferred. Changed to *"not above roof line"*

7.8.1.4 Please revisit side and rear requirements. Existing requirement is costly and may not be necessary depending on building location, adjacent properties, etc. Changed to *"similar materials and colors"*

7.8.1.6 This requirement does not take into consideration present and future technological material improvements. Block can now be polished to appear as granite. Allows for *"Added "Alternatives of equal or better quality may be considered"*

7.8.1.7 Flat-roof designs are re-surging in designs and demands. This section will prevent future trending designs. Changed to clarify for where the pitch is exposed.

7.8.1.8 Language should be changed to reflect that roof top equipment cannot be visible from xx number of feet away from the building at a grade equivalent to the lowest floor of the building. Changed to 75 feet away

7.8.2.1 Unsure if the city can use this Code to "outlaw" specific building materials and suppliers. As written, this section could be a fair-trade liability issue for the city. Changed

7.8.3.3 This section is unnecessary, expensive and subjective. It should be eliminated. *"Front entrance"* (softened language)

7.9.1.3 What is the definition of "woven wire" Remove I1 & I2 from the graphic. (This is okay)

7.9.1.6 Remove from I1 & I 2. Removed

7.9.3.3 Where is the link for "city specifications"? The language in this section needs to be improved and clarified. Changed to *"Wash down, where required, areas shall be tied …."*

7.9.3.4 Remove "Storage areas and" Remove from r-3, I-1, and I-2. Removed *statement "and be constructed with wash down facilities"*

7.10.2.1 Excessive and will ruin view corridor for shopping centers hampering development. Made distance 60'

8.2.1.1 Should be removed. This requirement is likely to be problematic for residents in a developed area when their streets become through-streets causing traffic, and public safety and security concerns. Added *"where desirable and feasible".*

8.4.1 Section needs clarification. Does it address easements along roads/streets or between lots in a development? Specified dimensions struck out.

8.5 & 8.6 To eliminate additional costs and time for developers the language in these sections should read…." Sanitary Sewer and Water Systems should be designed by a professional, licensed civil engineer utilizing generally acceptable design standards." This is assumed.

9.1 Language should be inserted "should adhere to national standards." Language added.

9.6.4 An exemption should be added to this section for grading and clearing of a single residential lot. Remains. Change would conflict with existing ordinance

11.4 Who are the members of the Board of Adjustments? It is the code's intention to reinstate this Board? Answered

11.6.2 This section likely creates a conflict of interest when planning staff is allowed to "make recommendations to the Planning Commission." To avoid a potential conflict of interest the section should note that the planning staff should "provide documentation to the Planning Commission for their consideration." Staff needs to make report

11.6.3 A "minor subdivision" needs to be clarified. Changed minor to major

12.4.1 This section should specify that a variance application does not have to be numerical or dimensional related and should allow for a variance request for any section. Clarified

13.2 "Building Code" It should be "International Code Council" Changed

"Fire Code" It should be "International Code Council" Changed

Add State definition of Modular - added

City of Hattiesburg Land Development Code

ADP Economic Development Comments
September 8, 2016

- 3.2.3 – Changes to Topography Limited
  - The wording of "shall be located on site to minimize changes to existing topography" provides a situation where a developer can be prohibited from making an investment in site grading above the normal costs because they see it as valuable to their business case. While the code should "encourage" limited topography changes, it should also not limit developers from making substantial investment that they see as valuable to their development. Changed to *"Buildings and improvements shall be located on site to minimize changes to existing topography where feasible."*
  - Please consider the use of the word "encourage" in this item, as to avoid a situation where the Planning Commission is simply adhering to the code, but yet at the same time limiting development.
- Table 5.1 – Table of Uses
  - The following "uses" are prohibited in either I-1 or I-2 zones, or both, and should be considered as permitted or conditionally permitted uses within these zones:
    - Armory
      - An armory is permitted in an I-1 Light Industrial zone, but not in an I-2 Heavy Industrial Zone. This does not make sense. Added
      - Being located so close to Camp Shelby, it is feasible that future armory and military related projects could locate in Hattiesburg for the manufacturing of military equipment or ammunition. Therefore, the use of Amory should be permitted in both I-1 and I-2 zones.
    - Building Maintenance and Services
      - It seems feasible that a building maintenance company could decide to locate in the industrial park (I-1 and I-2 zone) to build a large facility and be located close to existing customers. Therefore, it seems that this use should be permitted in I-1 and I-2 zones. Added
    - Construction offices (plumbing/gas/electrical/welding – with equipment, supplies and retail sales)
      - Same as above Added
    - Construction offices (plumbing/gas/electrical/welding – office only)
      - Same as above Added
    - Fitness Centers
      - Per Andy Stetelman's comments in the Public Hearing, this use may be desired in an I-1 or I-2 zone and should be permitted. Added
    - Industry, heavy – why is this a "permitted with conditions" use in an I-2 zone? It seems by definition this would a permitted use in this zone. Added
    - Machinery, tools/construction equipment, limited sales and service
      - Same as construction items above Added
    - Microbreweries
      - If a microbrewery can be located in an I-1 zone, then its seems logical this use could be permitted in an I-2 zone as well. Added
    - Other Professional Office

            - It seems feasible that an office building could be located in an industrial zone if the company desires to do so, and should not be prohibited. Made permitted in I-1, Conditional in I-2.
        - Retail >50,000 sqft
            - If this uses similar to this, just smaller in size, are conditionally permitted within I-1 and I-2 zones, why would a larger retail center not be conditionally permitted? This is to avoid big boxes in Industrial areas
- 5.4.23 – Heliports
    - Should this section include some reference to a clearing distance that must be maintained from overhead power lines, telecommunication towers, and similar utility infrastructure? FAA rules will control distances.
- Table 6.1 Dimensional Standards
    - Maximum height:
        - For the I-1 and I-2 zones, the requirement of a maximum building height of 60 feet or 3 stories may need to be raised. Economic Development projects sometimes request building heights of 75 feet be permitted.
        - Also, in the case of chemical plants, some of the facilities may need to be more than 3 stories tall.
        - Proposed change: Increase maximum height in I-1 and I-2 zones to 75 feet and eliminate the restriction to only 3 stories. Changed as recommended
- 7.5.3.1 – Cross access to adjacent properties in industrial settings
    - While cross access is a vital part of several business districts to promote internal pedestrian and vehicular traffic circulation, this requirement does not seem feasible in an industrial setting.
    - In the current matrix, both I-1 and I-2 zones are "required" to provide cross access. Both the I-1 and I-2 zones should be modified in the matrix to "not required".
    - Furthermore, instead of this being a requirement, this language should be relaxed to state that cross access is "recommended" or "encouraged" between adjacent property owners. Changed accordingly
- 7.5.3.9 – Landscaped islands
    - The requirement for landscaped islands of 8ft wide by 15ft in length every 150 linear feet may not be feasible in an industrial setting. This certainly would increase the visual appeal of an industrial facility, and should certainly be encouraged, but for large facilities with many employees this may prove extremely costly for the company.
    - In an effort to maintain aesthetically pleasing industrial settings, while minimizing cost burdens to development of major economic development projects, can we consider the following solutions:
        - increasing the distance of these parking islands from 150 feet to 300 feet
        - making this a requirement in I-1 settings (technology park type settings) but not in I-2 settings meant for heavy industrial settings Eliminated the provision entirely for Industrial settings
    - Either of the two options above would achieve mutually beneficial outcomes.
- 7.7.1.4 – Exterior lights flashing/blinking/etc
    - THANK YOU! No other comment here…..just THANK YOU!
- 7.7.3.1 – Lighting height
    - 20 feet seems low here? This is not our area of expertise, but this seems like lighting fixtures in retail developments could be higher? Raised to 25'.

- 7.9.3.4 – Wash down facilities for outside storage areas and waste containers
    - This requirement for wash down facilities makes great sense in some applications, but requiring a wash down facility at a dumpster of a retail store seems excessive, and this is a requirement of all business zones. If the retailer is selling fabric material or furniture or things similar in nature, the requirement for a wash down facility seems like an unnecessary and costly requirement.
    - Proposed change: "and the construction of wash down facilities is required where deemed appropriate by the Planning Commission." Changed language to *"where required"*

Hattiesburg, Mississippi
Land Development Code

Final Draft - 9.12.16

Hearing Draft- September 12, 2016

Orion Planning Group

TABLE OF CONTENTS

SECTION 1. INTENT AND PURPOSE 1

1.1 Intent and Purpose.
1.2 Statutory Authorization.
1.3 Relationship to the Comprehensive Plan.
1.4 Title.
1.5 Interpretation.
1.6 Scope of Regulations.
1.7 Severability.
1.8 Effective Date.

SECTION 2. APPLICABILITY AND CONFORMITY 3

2.1 General Applicability.
2.2 Conformity.
2.3 Vested Rights and Transitional Rules.
2.4 Nonconformities.

SECTION 3. GENERAL REQUIREMENTS 9

3.1 Minimum Requirements Established.
3.2 Site Preparation.
3.3 Street Frontage and Access Required.
3.4 One Principal Building Per Lot; Exceptions.
3.5 Lot Size.
3.6 Driveways.
3.7 Negative Access Easements Prohibited.
3.8 Visibility at Intersections; Sight Triangle.
3.9 Exceptions.

SECTION 4. ZONING DISTRICTS ESTABLISHED, MAP 13

4.1 Types of Zoning Districts.
4.2 Establishment of Districts.
4.3 Official Zoning Map.
4.4 Interpreting Zoning District Boundaries.
4.5 Base Zoning Districts Described; Purpose.
4.6 Planned and Overlay Districts Described; Purpose.
4.7 Overlay Zoning Districts Described; Purpose.

SECTION 5. USE REGULATIONS AND CONDITIONS 29

5.1 Establishment of a Table of Uses for Standard Districts.
5.2 Determination of Use Category.
5.3 Table of Uses.
5.4 Additional Use Conditions.

Final Draft - 9.12.16

SECTION 6. DIMENSIONAL STANDARDS AND MEASUREMENTS 53

6.1 District Dimensional Standards.
6.2 Additional Dimensional Standards Requirements for Standard Districts.
6.3 Yard and Setback Modifications, Generally.
6.4 Yard and Setback Modifications for Infill and Redevelopment Areas.
6.5 Yard Measurements; Buildable Area.
6.6 Exception to Height Limitations for Certain Structures and Appurtenances.
6.7 How to Measure.

SECTION 7. STANDARDS OF DESIGN 59

7.1 Purpose
7.2 Applicability.
7.3 Relation to Overlay Districts.
7.4 Organizational Principles and Design Standards Table.
7.5 Parking and Traffic Circulation.
7.6 Pedestrian Circulation.
7.7 Site Lighting and Building Illumination.
7.8 Building Form and Materials.
7.9 Accessory Uses and Equipment.
7.10 Landscaping.
7.11 Plant Standards and Buffers.
7.12 Parking Requirements.

SECTION 8. INFRASTRUCTURE STANDARDS 87

8.1 Applicability.
8.2 Streets and Transportation.
8.3 Street Design Standards Illustrations.
8.4 Easements and Right-of-Ways
8.5 Sanitary Sewer Systems.
8.6 Water Supply Systems.

SECTION 9. ENVIRONMENTAL STANDARDS 97

9.1 Stormwater.
9.2 Sedimentation and Erosion Control.
9.3 Floodplain Management.
9.4 Riparian Buffers and Bank Stabilization.
9.5 Wetlands.
9.6 Grading and Clearing.
9.7 Green Development, Infill and Grayfield Development.

Final Draft - 9.12.16

SECTION 10. SIGNS 111

10.1 Purpose.
10.2 Sign Permit Required.
10.3 Sign Types Established.
10.4 Temporary Signs, including Banners, Requiring Permit.
10.5 Certain Permanent and Temporary Signs Exempt.
10.6 Signs Standards By Zoning District.
10.7 Method of Measurement
10.8 Sign Design.
10.9 Prohibited Signs.
10.10 General Sign Standards Applying to All Zones.
10.11 Maintenance of Signs.
10.12 Unlawful Cutting of Trees or Shrubs.
10.13 Digital Billboards.

SECTION 11. ADMINISTRATION AND ENFORCEMENT 123

11.1 Purpose.
11.2 City Council.
11.3 Planning Commission.
11.4 Board of Adjustment.
11.5 Historic Conservation Commission.
11.6 Site and Design Review Committee.
11.7 Director of the Department of Urban Development.
11.8 City Engineer.
11.9 Fees.
11.10 Enforcement.

SECTION 12. PROCESS AND PROCEDURES 129

12.1 Development Application Required.
12.2 Categories of Development Approvals.
12.3 Legislative Development Approvals; Process.
12.4 Quasi-Judicial Development Approvals; Process.
12.5 Administrative Development Approvals; Process.

SECTION 13. DEFINITIONS 141

13.1 Rules of Construction; Interpretation.
13.2 Definitions.

APPENDIX 161

A.1 Site Plan Standards.
A.2 Fees.

Final Draft - 9.12.16

SECTION 1. INTENT AND PURPOSE

1.1 Intent and Purpose.

The intent and purpose of this Land Development Code is to:

- promote the health, safety and welfare of the citizens of the City of Hattiesburg, Mississippi;`
- provide long term benefits by establishing procedures and standards to be followed in the development and redevelopment of land;
- promote economic development and diversification within the City;
- protect and enhance Hattiesburg's natural environment;
- maintain the aesthetics and historic character of the City;
- implement the City of Hattiesburg Comprehensive Plan 2008 – 2028, as amended;
- ensure the coordination of land uses, utilities and transportation facilities;
- ensure quality design and construction of residential, business, industrial and agricultural developments;
- assist in the coordination and efficiency of governmental actions within the City; and
- enable the City of Hattiesburg to uniformly and consistently evaluate and approve, as appropriate, new development proposals, land subdivision, changes to existing uses, and redevelopment proposals.

1.2 Statutory Authorization.

The Legislature of the State of Mississippi has, in Title 17, Chapter 1, Section 17-1-1 through 17-1-27 of the Mississippi Code, annotated, 1972, as amended, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizens. Therefore be it ordained by the Governing Authority of the City of Hattiesburg, Mississippi, that the Land Development Code Establishing Zoning Districts and Regulations for Land Development and Land Subdivision in the City of Hattiesburg be established.

1.3 Relationship to the Comprehensive Plan.

The Land Development Code is intended to implement and be consistent with the goals and strategies of the City of Hattiesburg Comprehensive Plan 2008–2028. Any amendments to this Code shall be consistent with the adopted Comprehensive Plan, as amended from time to time.

1.4 Title.

This code shall be known as the City of Hattiesburg Land Development Code and may be cited as "Land Development Code" or "LDC."

1.5 Interpretation.

This Code sets the minimum requirements necessary for the promotion of the health, safety and welfare of the citizens of Hattiesburg. In many instances, the public is best served when such minimums are exceeded.

1.5.1 In those instances when other applicable laws, rules or regulations of the city, county, state or federal government contain standards covering the same subject matter, the more restrictive requirements or higher standards will govern.

1.5.2 The provisions of this Code are interrelated and cannot be taken in isolation. All provisions and regulations must be taken within the context and intent of the entire Code.

1.5.3 The provisions of this Land Development Code will be interpreted and enforced by the Director of Urban Development unless otherwise specified (as in the case of variance and appeals requests), or by his or her designee, unless otherwise specified in this Code.

Final Draft - 9.12.16

1.6 Scope of Regulations.

The provisions of this Land Development Code shall apply to all territory, uses and facilities within the City of Hattiesburg, to all public and private lands, the uses on those lands and all structures, buildings, features and landscaping over which the City has jurisdiction.

1.6.1 New land uses or development within the City will not be allowed to proceed without first obtaining approval under the provisions of the Land Development Code.

1.7 Severability.

The provisions of the Land Development Code are severable. If a court declares any provision invalid, the effect of such decision will be limited to that provision which is expressly stated in the decision to be invalid. Such decision will not affect, impair or nullify this Code as a whole or any other part thereof.

1.8 Effective Date.

The provisions of this Land Development Code shall become effective [month/day/2016].

Final Draft - 9.12.16

SECTION 2. APPLICABILITY AND CONFORMITY

2.1 General Applicability.

No building, structure (including signs), or land shall be used, graded, excavated, occupied, or altered; nor shall any building, structure, or part thereof be erected, constructed, reconstructed, moved, enlarged, or structurally altered; nor shall any changed use be established for any building, structure, or land, unless in conformity with the general provisions of this Code and the specific provisions for the district in which it is located, except as otherwise provided by these regulations. If a building or certificate of zoning compliance is required for any of these activities, it must be lawfully obtained prior to commencement of such activity. No principal or accessory structure used for bona fide farm purposes and located more than 250 feet from the nearest property line abutting a residential use shall be subject to the design, height, or size requirements specified in this Code for such.

2.2 Conformity.

2.2.1 **Certificate of Zoning Compliance.** To authorize any use, activity or change regulated by this Code, the Director will issue a Certificate of Zoning Compliance indicating that what is proposed complies with these regulations.

2.2.2 **Building Permits.** No building permit shall be issued for construction or alteration of a new or existing structure located within the City of Hattiesburg zoning jurisdiction until the Director has issued a certificate of zoning compliance.

2.2.3 **Other Laws.** No building, structure, or land shall be used, occupied, or altered; nor shall any building, structure, or part thereof be erected, constructed, reconstructed, moved, enlarged, or structurally altered; nor shall any changed use be established for any building, structure, or land, unless in conformity with county, state and federal laws pertaining to such. Nothing herein shall require the City to check for conformity with the laws of other jurisdictions prior to issuing a local approval; however, demonstration of compliance may be required as part of the permit approval process. Furthermore, lack of compliance shall be grounds for denying a permit, and failure to remain in compliance shall be deemed a violation of this Code subject to any and all remedies and enforcement actions specified herein.

2.2.4 **No Duty to Enforce Private Restrictions.** This Code does not affect any private agreement or condition such as a deed restriction or covenant. Regardless of whether or not such private restrictions or covenants are less restrictive or impose a higher standard than the provisions of this Code, the City has no duty or right to enforce those private restrictions.

2.3 Vested Rights and Transitional Rules.

2.3.1 Any development application submitted before the effective date of the Land Development Code as amended in 2016 shall be reviewed under the provisions of the Land Development Code of 1989, as amended.

2.3.2 The rights of development applications approved prior to the adoption of this Land Development Code shall be vested and governed under Section 2.4, Nonconformities.

2.4 Nonconformities.

2.4.1 **Generally.** Any parcel of land, use, easement, structure, sign or feature lawfully existing on the date of any text change in this Code, or on the date of a zoning map change that does not conform to the requirements of the district in which it is located may be continued and maintained in accordance with the provisions of this Section and other applicable provisions of this Code. Nonconformities may continue as prescribed, but the provisions of this Section are designed to bring about their eventual conformity or elimination.

2.4.2 **Certificate of Zoning Compliance Required.**

No nonconforming structure, use, lot, or feature shall be maintained, renewed, changed, or extended until a Certificate of Zoning Compliance has been issued by the Director. The

Final Draft - 9.12.16

certificate of zoning compliance shall state specifically how nonconformity differs from the provisions of this Code. The burden of proof, based on public records, as to the legality of the nonconforming use rests with the property owner and may require a notarized affidavit submitted by the owner stating such as part of the application in the absence of satisfactory records

2.4.3 **Nonconforming Lots.**

A legal nonconforming lot is a lot 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 design or dimensions conform to the regulations of the district in which it is located. A lot 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 lot and is a violation of this Code. Legal nonconforming lots may continue only in accordance with the following provisions.

2.4.3.1 **Vacant Lots.** Vacant lots for which plats or deeds have been recorded in the office of the Chancery Clerk for Forrest/Lamar County, which fail to comply with the minimum area or other dimensional requirements of the districts in which they are located may be used for any of the uses permitted in the district in which it is located, provided that:

i. Where the lot area is not more than 20% below the minimum specified in this Code, and other dimensional requirements are otherwise complied with, the Director is authorized to issue a certificate of zoning compliance.

ii. Where the lot area is more than 20% below the minimum specified in this Code, or other dimensional requirements cannot be met, the Board of Adjustments has approved a variance establishing site-specific dimensional requirements.

2.4.3.2 Combination of Nonconforming Vacant Lots. When two or more adjacent and vacant nonconforming lots are in single ownership, and either of such lots individually has less frontage or area than the minimum requirements of the district in which they are located, these lots must be combined into a single lot of record. The property owner may choose to resubdivide such lots in conformity with this Code in order to create two or more legal lots of record.

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.

2.4.4.1 **Expansion Prohibited.** A one time expansion of 25 percent may be permitted by the Director. Expansion greater than 25 percent shall require a public hearing and Planning Commission approval. Expansion shall include an intensification of use, a physical expansion that results in increased capacity or activity associated with the use, an extension of the hours of operation or number of days of activity and any similar change in activity or location.

2.4.4.2 **Relocation Restricted.** A nonconforming use shall not be moved from one location on a site to another location on the same site unless the property owner can demonstrate to the satisfaction of the Director that the relocation of the use will not increase the impacts of such use on the public, will not adversely affect adjacent properties, and will not have the effect of making the nonconformity more permanent.

2.4.4.3 **Change of Use Must Conform.** A nonconforming use shall not be changed to any other use unless the new use conforms to the standards of the zoning district in which it is located. Once a nonconforming use is

Final Draft - 9.12.16

changed to a conforming use, a nonconforming use shall not be re-established.

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.

2.4.4.5 **Structural Alterations Restricted.** No structural changes shall be made in any structure occupied by a nonconforming use except as follows:

i. Structural changes ordered by an authorized official in order to insure the safety of the structure shall be permitted.

ii. Maintenance and repairs to keep a structure in sound condition shall be permitted.

iii. Structural changes necessary to convert the nonconforming use to a conforming use shall be permitted.

iv. An existing nonconforming residential structure may be enlarged or altered provided no additional dwelling units are created. Any such enlargement or alterations shall be in compliance with all yard requirements of the district for the use.

v. The structure and its accompanying use may be moved to another location on the lot so long as the structure meets all applicable requirements of the district.

vi. Expansion of a nonconforming use of a building or structure into portions of the structure that, at the time the use became nonconforming, were already erected and arranged or designed for such nonconforming use is permissible.

vii. A onetime expansion in accordance with 2.4.4.1.

2.4.5 **Nonconforming Structures, Excluding Signs.**

A legal nonconforming structure is a structure, including a building, 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 design or dimensions conform to the regulations of the district in which it is situated. A structure established after the passage of this Ordinance which does not conform to regulations of the district in which it is situated shall be considered an illegal nonconforming structure and is a violation of this Code. Legal nonconforming structures may continue only in accordance with all of the following provisions.

2.4.5.1 **Continuation Permitted.** A nonconforming structure devoted to a use permitted in the zoning district in which it is located, may continue only in accordance with the provisions of this Section.

2.4.5.2 **Repair and Maintenance Permitted.** Normal repair and maintenance may be performed to allow the continuation of a nonconforming structure.

2.4.5.3 **Certain Enlargements Permitted.** Any nonconforming structure may be enlarged if the expansion does not increase the nonconformity.

2.4.5.4 **Changes for Conversion Permitted.** Structural changes necessary to convert the nonconforming use to a conforming use shall be permitted.

2.4.5.5 **Movement Restricted.** A nonconforming

Final Draft - 9.12.16

structure shall not be moved unless afterwards it conforms to the standards of the zoning district in which it is located.

2.4.5.6 **Repair and Restoration Restricted.** A nonconforming structure destroyed or damaged so that more than 40 percent of its value remains, may be repaired or restored if:

i. A building permit for the repair or restoration is issued within six months of the date of the damage and remains valid until the repairs or restoration are complete.

ii. The structure conforms to the standards of the regulations for the zoning district in which it is located; however, if the structure is used for the same purpose as before the destruction, the new structure may be rebuilt using the same materials.

iii. The total amount of space devoted to a nonconforming use is not increased and the degree of nonconformity in the structure is not increased.

2.4.5.7 **Conformity.** If the Director determines that the building or structure has been damaged to such an extent that the repair costs will exceed 60 percent of the assessed tax value of the building or structure as it existed before the damage occurred, future use of the building and site must conform to the regulations of the district in which it is located. However, any building or structure listed on the National Register of Historic Places or any building certified as a state historic building may be rebuilt or restored to its original dimensions or the dimensions of the building or structure before such damage occurred, provided such restoration conforms to the Secretary of Interior Standards for Rehabilitation. For the purposes of this Section, the extent of damage or destruction shall be determined by comparing the estimated cost of repair or restoration with the current assessed tax value.

2.4.5.8 **Replacement Restricted.** A nonconforming structure shall not be replaced with another nonconforming structure regardless of the degree of nonconformity

2.4.6 **Nonconforming Signs.** A legal nonconforming sign is a sign 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 location, type, design or dimensions conform to the regulations of the district in which it is located. A sign erected or created after the passage of this Code which does not conform to the regulations of the district in which it is situated shall be considered an illegal nonconforming sign and is a violation of this Code. Legal nonconforming signs may continue only in accordance with all of the following provisions.

2.4.6.1 **Continuation Permitted.** Subject to the remaining restrictions of this Section, nonconforming signs that were otherwise lawful on the effective date of this Code may be continued.

2.4.6.2 **Increase in Nonconformity Prohibited.** No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of that statement, no nonconforming sign may be enlarged, reduced or altered in such a manner as to increase the nonconformity, nor may illumination or electronic capability be added to any nonconforming sign.

2.4.6.3 **Movement and Replacement Restricted.** A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Section.

2.4.6.4 **Reconstruction Limited.** If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this Section, and the remnants of the former sign structure shall be cleared from the land. For purposes of this Section, a nonconforming sign is "destroyed" if damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value (tax value if listed for tax purpos-

Final Draft - 9.12.16

es) of the sign before damage.

2.4.6.5 **Message Change Permitted.** The message area of a nonconforming sign may be changed so long as this does not create any new nonconformities.

2.4.6.6 **Repair Limited.** Subject to the other provisions of this Section, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed 50 percent of the value (tax value if listed for tax purposes) of such sign as calculated within any 12-month period.

2.4.6.7 **Abandonment.** If a nonconforming sign remains blank for a continuous period of 180 days, that sign shall be deemed abandoned and shall, within 90 days after such abandonment, be altered to comply with this Section or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this Section, a sign is "blank" if any of the following apply:

i. It advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted.

ii. The advertising message it displays becomes illegible in whole or substantial part.

iii. The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.

2.4.6.8 **Conformity Required.** The following types of nonconforming signs or signs that are nonconforming in any of the following ways shall be altered to comply with the provisions of this Section or removed within 90 days after its effective date:

i. Signs advertising an enterprise or activity that is no longer operating or being offered or conducted.

ii. Portable signs and temporary signs.

iii. Signs that are in violation of Section 10.

2.4.7 **Nonconforming Features.** A legal nonconforming feature is a physical characteristic 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 design or dimension conform to the regulations of the district in which it is situated. Nonconforming features include, but are not limited to, physical characteristics of development that exceed allowable maximum standards (e.g. impervious surface, structure height, etc.), and those that lack or fall short of required minimum standards (e.g. sight triangle, off-street parking and loading spaces, buffer width and lighting standards, etc.). A feature added or changed after the passage of this Code which does not conform to regulations of the district in which it is situated shall be considered an illegal nonconforming feature and is a violation of this Code. Legal nonconforming features may be continued subject to the following limitations.

2.4.7.1 **Increase In Nonconformity Prohibited.** No action shall be taken which increases the degree or extent of the nonconformity. Any enlargement, extension, structural alteration, parking changes, and other changes to lot design and access shall conform to all current requirements of this Section.

2.4.7.2 **Continuation Permitted.** For development existing (or for which a vested right had been established) before the effective date of current regulations, nonconforming features created by a change in regulations may continue to exist, and structures with such non-

Final Draft - 9.12.16

conforming features may be reconstructed if demolished or destroyed.

2.4.8 **Additional Requirement for Nonconforming Accessory Uses and Structures.** No nonconforming accessory use or accessory structure shall continue after the principal use or structure is terminated by abandonment, discontinuance, damage, or destruction unless such accessory use or accessory structure thereafter is made to conform to the standards for the zoning district in which it is located.

2.4.9 **Additional Requirements for Manufactured Home Parks.**

2.4.9.1 **Expansion Prohibited.** Nonconforming manufactured home parks may not be expanded or increased in size which shall include adding spaces to the park.

2.4.10 **Changes of Tenancy and Ownership.** Change in tenancy or ownership of an existing nonconforming use or structure shall not affect its status provided there is no change in the nature or character of such nonconforming use or structure, excluding exterior structure condition, except as permitted in this Section and all other applicable requirements of this Code are met (e.g., parking, screening, landscaping, etc.).

Final Draft - 9.12.16

SECTION 3. GENERAL REQUIREMENTS

3.1 Minimum Requirements Established.

The minimum lot area, yards, buffer areas, and open space required by the regulations for each lot, parcel or building existing at the time of the passage of this Code shall not be encroached upon or reduced, or considered as required yards or open space for any other building. Yards or lots created after the effective date of this Code shall meet at least the minimum requirements established by this Code for the district in which they are created.

3.2 Site Preparation.

3.2.1 **Natural Vegetation Preserved.** Areas of natural vegetation, especially trees and shrubs, shall be preserved along the perimeter of development parcels, including fence rows and drainage ways, and shall be incorporated into the site's landscape plan where appropriate; however, noxious and nuisance plants may be removed as identified and shown on the landscape plan. A no-grade area shall also be identified on the plan.

3.2.2 **Grading Restricted.** No site grading shall occur prior to approval through site plan review process or issuance of a grading permit according to City standards.

3.2.3 **Changes to Topography Limited.** Buildings and improvements shall be located on site to minimize changes to existing topography where feasible.

3.3 Street Frontage and Access Required.

3.3.1 Each lot or parcel shall abut a public street and shall have direct deeded vehicular and pedestrian access to such street with the following exceptions:

3.3.2 Any lot for which a use has been legally established prior to the effective date of this ordinance that is lawfully served by a private and exclusive recorded easement of at least 24 feet in width connecting the lot to a public street, may be used as if it abutted a street, provided that it is served by a driveway built to city standards located on the easement.

3.3.3 A development site consisting of one or more legal lots of record which is developed under a coordinated, approved site specific plan and which is accessed solely by driveways shall only be required to abut a public street along some portion of the development site, the minimum width of which shall be determined by the City to be adequate for public and emergency vehicle access but which shall not be less than 20 feet.

3.3.4 Lots created for utility facilities, including but not limited to water towers, electric and gas substations, telecommunication towers, and satellite receivers, may be created without frontage or deeded access as long as a legally enforceable access easement a minimum of 15 feet in width has been granted and documentation for such has been received by the Director at the time of final plat approval.

3.4 One Principal Building Per Lot; Exceptions.

Only one principal building and its customary accessory building(s) may be erected on any lot unless otherwise permitted by use and district regulations set forth in this Code.

3.5 Lot Size.

No building lot (development site), even though it may consist of one or more adjacent lots of record, shall be reduced in size such that the requirements of this ordinance cannot be met, or the performance standards for building design cannot be respected. This prohibition shall not be construed to prevent the purchase, dedication, or condemnation of narrow strips of land for public utilities or street or sidewalk right-of-way purposes.

3.6 Driveways.

3.6.1 **Permit Required.** No driveway or other point of

Final Draft - 9.12.16

access to the street shall be constructed, relocated, or altered unless the driveway has been approved by the City of Hattiesburg.

3.6.2 **Access Limited.** In order to protect public health and the function of public streets, access to a pre-existing public street system shall be determined by the location of proposed intersecting streets, topography, and other general site characteristics. No parcel of land which is a functional part of the overall development, even though it may be removed by the developer from the rest of the project area by subdivision or by metes and bounds description, shall be permitted to have driveway access to the public streets bounding the project area unless so approved by the City as part of the development project.

3.7 Negative Access Easements Prohibited.

Private negative access easements in which no driveway or other vehicle or pedestrian access is permitted to a lot from an adjacent public street shall be prohibited except those easements required by the City to limit driveways on existing public streets.

3.8 Visibility at Intersections; Sight Triangle.

3.8.1 No planting shall be placed or maintained and no fence, building, wall or other structure shall be constructed in such a manner as to obstruct visibility between a height of two and a half feet and 10 feet measured from the upper face of the nearest curb or pavement within any required sight triangle.

3.8.2 **Street intersections.** Sight triangles shall be maintained at all street intersections. These sight triangles shall be defined as a 30 x 30 foot triangle bounded on two sides by the edge of pavement or curb of the streets and on the third side by a straight line connecting the endpoints of the other two sides. Where crosswalks are provided, the edge of the crosswalk furthest from the intersection shall be used as a side in place of edge of pavement or curb.

3.8.3 **Street and railroad intersections.** Sight triangles shall be maintained at all intersections between street and rail lines. These sight triangles shall be defined as a 10 x 40 foot triangle bounded on two sides by the edge of pavement or curb of the streets or railway and on the third side by a straight line connecting the endpoints of the other two sides.

3.8.4 **Street and driveway intersections.** Sight triangles shall be maintained where driveways intersect streets. These sight triangles shall be defined as a 15 x 15 foot triangle bounded on one side by the edge of pavement or curb of the street, one side by the edge of driveway, and on the third side by a straight line connecting the endpoints of the other two sides. In the event that a driveway crosses a sidewalk, then the edge of sidewalk furthest from the street shall be used as a side in place of edge of pavement or curb.

3.9 Exceptions.

Sight distance requirements for properties in mixed-use districts shall be established along with other dimensional requirements on a project by project basis.

Final Draft - 9.12.16

Diagram 3-1 Intersection Sight Triangle

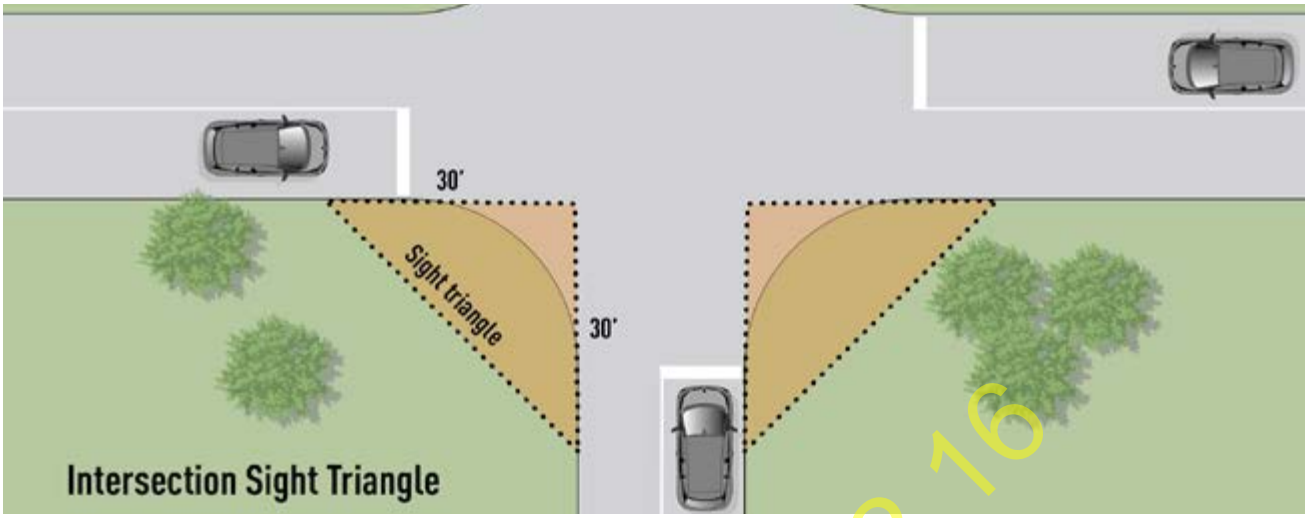
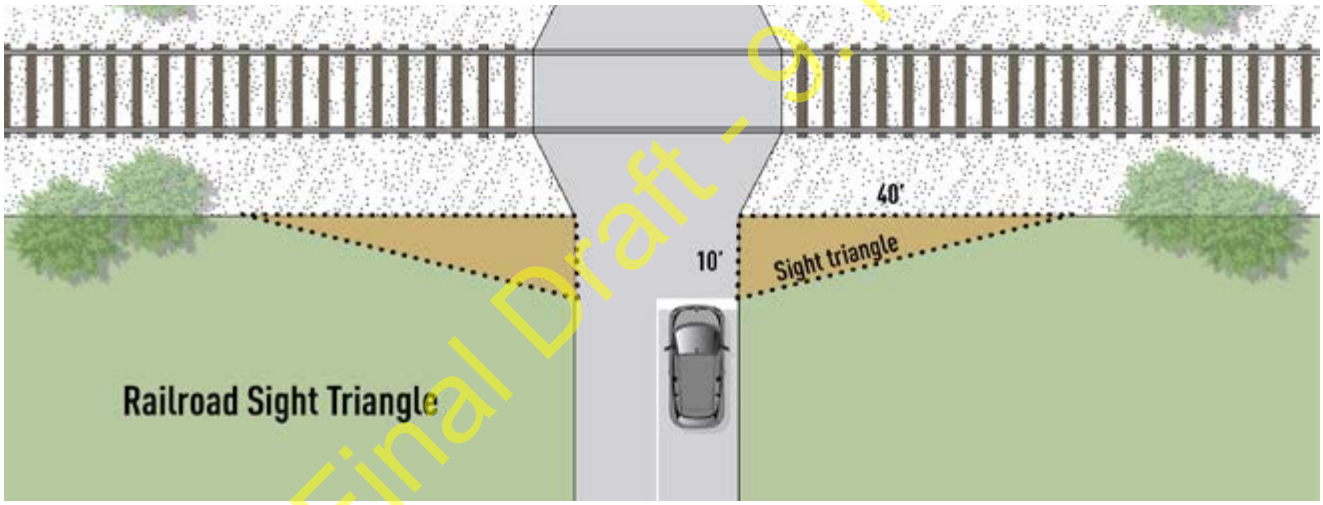
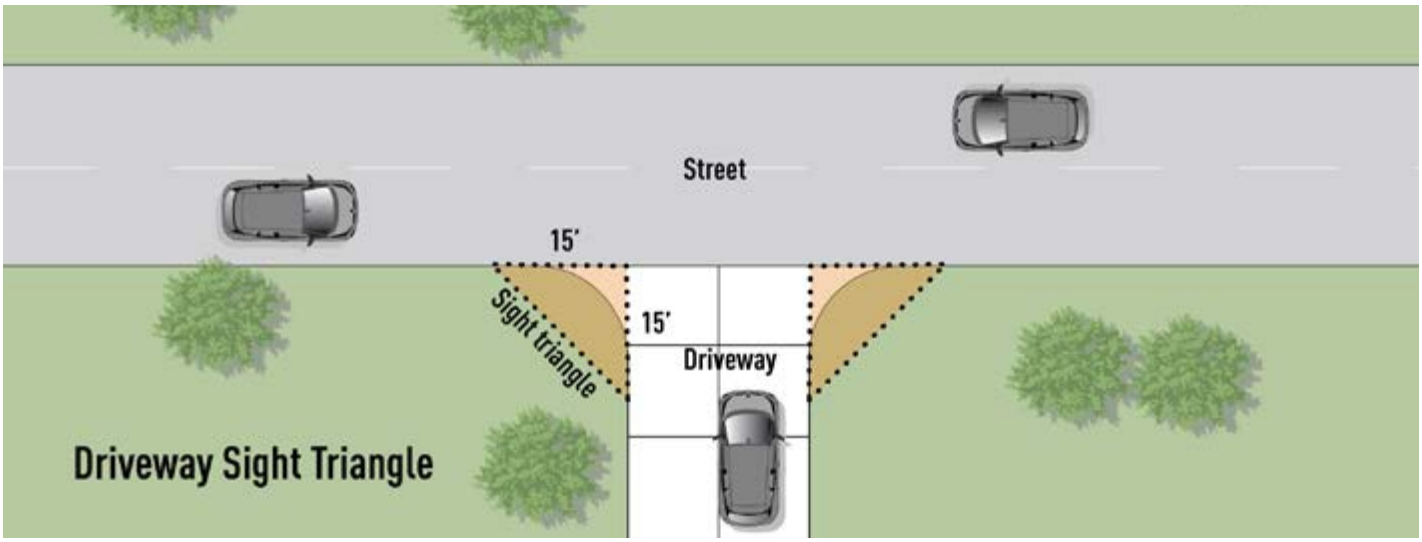


Diagram 3-2 Rail Crossing Sight Triangle



Final Draft - 9.12.16

Diagram 3-3 Driveway Sight Triangle



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Final Draft - 9.12.16

SECTION 4. ZONING DISTRICTS ESTABLISHED, MAP

4.1 Types of Zoning Districts.

4.1.1 All areas within the zoning jurisdiction of Hattiesburg are divided into zoning districts. Zoning districts within the City fall within one of the following three categories.

4.1.2 **Base Districts.** Each base district category serves a different purpose and imposes its own set of requirements and restrictions on the use of land in addition to the general requirements and restrictions imposed on all land or uses within the zoning jurisdiction. A base district may be layered with an overlay district.

4.1.3 **Special Districts.** Special districts are a type of base district established to implement detailed plans adopted by the City of Hattiesburg such as the Comprehensive Plan, area plans, and corridor plans. The regulations contained within the LDC for such districts are provided as a framework for review and approval. A significant part of the detail for each district is contained within the plan itself and must be reflected in proposed district site plans and documentation.

4.1.4 **Overlay Districts.** Overlay districts are established to provide for certain additional requirements, to permit uses not otherwise permitted in the underlying base district, to prohibit uses allowed in the underlying base district, or to establish special development requirements for uses permitted in the base district. Thus, where overlay districts exist and there is a conflict between the requirements or uses specified between the overlay and the underlying district, the standards of the overlay district shall prevail. Otherwise, the standards of the underlying district shall also be in effect for any area additionally zoned for an overlay district.

4.2 Establishment of Districts.

The following zoning districts are hereby established as follows:

Table 4.2-1 Base Districts

District Abbreviation, Name	District Category
A-1, General Agricultural	Agricultural
A-2, Agricultural Residential	Agricultural
R-1A, Single-family Residential	Residential
R-1B, Single-family Residential	Residential
R-1C, Single-family Residential	Residential
R-2, Two Family Residential	Residential
R-3, Multi-Family Residential	Residential
B-1, Professional Business	Commercial
B-2, Neighborhood Business	Commercial
B-3, Community Business	Commercial
B-4, Downtown Business	Mixed Use
B-5, Regional Business	Commercial
I-1, Light Industrial	Industrial
I-2, Heavy Industrial	Industrial
Form-Based District	Mixed-Use

Table 4.2-2 List of Special Districts

District Abbreviation, Name	District Category
PMU, Planned Mixed-Use District	Mixed-Use
CD, Corridor District	Mixed-Use
FP, Floodplain Overlay District	Overlay
HD, Historic Overlay District	Overlay

4.3 Official Zoning Map.

4.3.1 **Zoning Map Is A Part Of This Code.** The boundaries of zones established by this Land Development Code shall be shown on a map or series of maps entitled Official Zoning Map. Such map or maps together with all matters shown on such maps are adopted and approved and collectively constitute the Official Zoning Map. The Official Zoning Map is incorporated by reference and made a part of the Land Development Code.

Final Draft 9.12.16

4.3.2 **Zoning Map Filed.** The Official Zoning Map is a digital map on file in the office of the Director of Urban Development and is identified by the digital signature of the President of the Hattiesburg City Council, attested digitally by the Clerk of Council, and the digital signature of the Mayor, attested digitally by the City Clerk, and bears the seal of the City.

4.3.3 **Amendments.** All amendments to the Official Zoning Map will be made in accordance with the procedure set forth in this Code. A current record of amendments is maintained by the Director.

4.4 Interpreting Zoning District Boundaries.

4.4.1 **Boundaries Shown.** Zoning District boundaries are typically indicated as approximately following the right of way or centerlines of streets, lot and parcel boundaries, municipal limits, and the centerlines of rivers, and streams. In some cases boundaries may split a land parcel or lot.

4.4.2 **Rules For Interpretations.** Where uncertainty exists as to the location of zoning district boundaries shown on the Official Zoning Map, the following rules shall apply:

4.4.3 Boundaries indicated as approximately following the centerlines of streets, highways, railroad or alleys right-of-way shall be construed to follow such right-of-way centerlines.

4.4.3.1 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

4.4.3.2 Boundaries indicated as approximately following city limits shall be construed as following such city limits.

4.4.3.3 Boundaries indicated as approximately following the center lines of streams, rivers, lakes, or other bodies of water shall be construed to follow such center lines. In the event of change in the size or location of these water bodies, boundaries shall be construed as naturally moving with the new center line.

4.4.3.4 Boundaries indicated as parallel to or extensions of features indicated in subsections 4.4.2.1 through 4.4.2.4 shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

4.4.3.5 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Sections 4.4.2.1 through 4.4.2.5, the Board of Adjustment shall interpret the district boundaries.

4.5 Base Zoning Districts Described; Purpose.

All of the areas within the zoning jurisdiction of the City are divided into base zoning districts, within which the use of land and water areas; the location, height, bulk, appearance and use of structures; the provision of parking and loading areas; and the provision of buffers, landscaping and screening are regulated as provided in this Code. Collectively, these districts are intended to advance the purposes of the adopted Comprehensive Plan and the intent of this Code as stated in Section 1. Individually, each district is designed and intended to accomplish the following more specific objectives.

Unless otherwise stated below, permitted uses and conditional uses are listed in Section 5, Use Regulations. Similarly, dimensional standards are listed in Section 6, Dimensional Standards, and design requirements are listed in Section 7, Design Standards.

Final Draft - 9.12.16

4.5.1 A-1 Agricultural District	
Description and Purpose.	**Characteristic Development Type**
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.	
District Uses and Use Standards	See Section 5
District Dimensional Standards	See Section 6
District Development Standards	See Section 7
District Sign Standards	See Section 10

4.5.2 A-2 Agricultural Residential District	
Description and Purpose.	**Characteristic Development Type**
The purpose of the A-2 Agricultural District is to permit low density single-family residential development along with restrictive agricultural uses. This district is consistent with the Rural Residential / Agricultural District in the Comprehensive Plan. The district is intended to encourage and protect large lots, open space and low density population.	
District Uses and Use Standards	See Section 5
District Dimensional Standards	See Section 6
District Development Standards	See Section 7
District Sign Standards	See Section 10

Final Draft - 9.12.16

4.5.3 R-1A Residential District	
Description and Purpose.	**Characteristic Development Type**
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.	
District Uses and Use Standards	See Section 5
District Dimensional Standards	See Section 6
District Development Standards	See Section 7
District Sign Standards	See Section 10

4.5.4 R-1B Single-Family Residential District	
Description and Purpose.	**Characteristic Development Type**
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.	
District Uses and Use Standards	See Section 5
District Dimensional Standards	See Section 6
District Development Standards	See Section 7
District Sign Standards	See Section 10

Final Draft - 9.12.16

4.5.5 R-1C Single-Family Residential District	
Description and Purpose.	**Characteristic Development Type**
The purpose of the R-1C 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.	
District Uses and Use Standards	See Section 5
District Dimensional Standards	See Section 6
District Development Standards	See Section 7
District Sign Standards	See Section 10

4.5.6 R-2 Two-Family Residential District	
Description and Purpose.	**Characteristic Development Type**
The purpose of the R-2 District is to permit medium density residential uses including two-family, or duplex 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.	
District Uses and Use Standards	See Section 5
District Dimensional Standards	See Section 6
District Development Standards	See Section 7
District Sign Standards	See Section 10

Final Draft - 9.12.16

4.5.7 R-3 Multi-Family Residential District	
Description and Purpose.	**Characteristic Development Type**
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.	
District Uses and Use Standards	See Section 5
District Dimensional Standards	See Section 6
District Development Standards	See Section 7
District Sign Standards	See Section 10

4.5.8 B-1 Professional Business	
Description and Purpose.	**Characteristic Development Type**
The purpose of this business district is to provide areas for professional and business offices and related activities that require separate buildings and building groups surrounded by landscaped yards and open areas. The intent is to provide compact locations for business offices, medical and dental offices, as well as suburban locations near residential neighborhoods.	
District Uses and Use Standards	See Section 5
District Dimensional Standards	See Section 6
District Development Standards	See Section 7
District Sign Standards	See Section 10

Final Draft - 9.12.16

4.5.9 B-2 Neighborhood Business District.	
Description and Purpose.	**Characteristic Development Type**
The purpose of the B-2 District is to provide for retail and personal service uses in locations convenient to residential neighborhoods consistent with comprehensive planning policies. This district is consistent with the Neighborhood Business District in the Comprehensive Plan.	
District Uses and Use Standards	See Section 5
District Dimensional Standards	See Section 6
District Development Standards	See Section 7
District Sign Standards	See Section 10

4.5.10 B-3 Community Business District.	
Description and Purpose.	**Characteristic Development Type**
The purpose of the B-3 District is to provide for retail, personal service, and offices in locations with convenient access to the community consistent with comprehensive planning policies. This district is consistent with the Community Business District in the Comprehensive Plan.	
District Uses and Use Standards	See Section 5
District Dimensional Standards	See Section 6
District Development Standards	See Section 7
District Sign Standards	See Section 10

Final Draft - 9.12.16

4.5.11 B-4 Downtown District.	
Description and Purpose.	**Characteristic Development Type**
The Downtown Business District is intended to promote the concentration and vitality of commercial and business uses in the historic central business area of the City and as such, encourages a mixture of complementary uses with a pedestrian orientation. This district is characterized by wall-to-wall and lot-line-to-lot-line development, pedestrian walkways, a vertical mix of uses, upper floor residential uses, and off-street public parking lots.	
District Uses and Use Standards	See Section 5
District Dimensional Standards	See Section 6
District Development Standards	See Section 7
District Sign Standards	See Section 10

4.5.12 B-5 Regional Business District.	
Description and Purpose.	**Characteristic Development Type**
The purpose of the B-5 District is to provide for retail, personal and business services, offices, and financial services in locations with convenient access to the region's population consistent with comprehensive planning policies. This district is consistent with the Regional Business District in the Comprehensive Plan.	
District Uses and Use Standards	See Section 5
District Dimensional Standards	See Section 6
District Development Standards	See Section 7
District Sign Standards	See Section 10

Final Draft - 9.12.16

4.5.13 I-1 Light Industrial District.	
Description and Purpose.	**Characteristic Development Type**
The purpose of the I-1 District is to provide for the development of research, light industrial, office parks, warehouse, and distribution centers consistent with comprehensive planning policies. This district is consistent with the Industry and Corporate Office District in the Comprehensive Plan.	
District Uses and Use Standards	See Section 5
District Dimensional Standards	See Section 6
District Development Standards	See Section 7
District Sign Standards	See Section 10

4.5.14 I-2 Heavy Industrial District.	
Description and Purpose.	**Characteristic Development Type**
The purpose of the I-2 District is to provide for the development of manufacturing, research, warehouse, and distribution centers consistent with comprehensive planning policies. This district is consistent with the Industrial 2 District in the Comprehensive Plan.	
District Uses and Use Standards	See Section 5
District Dimensional Standards	See Section 6
District Development Standards	See Section 7
District Sign Standards	See Section 10

Final Draft - 9.12.16

4.5.15 Form Based District.	
Description and Purpose.	Characteristic Development Type
See Appendix	
District Uses and Use Standards	See Appendix
District Dimensional Standards	See Appendix
District Development Standards	See Appendix
District Sign Standards	See Appendix

Final Draft - 9.12.16

4.6 Planned and Overlay Districts Described; Purpose.

Some areas within the zoning jurisdiction of the City are divided into special zoning districts, within which the use of land and water areas; the location, height, bulk, appearance and use of structures; the provision of parking and loading areas; and the provision of buffers, landscaping and screening are regulated according to an approved plan as provided in this Code. These zoning districts are established as follows:

- PMU – Planned Mixed-Use
- CD – Corridor District
- FP – Floodplain District
- HO – Historic Overlay District

Individually and collectively, these districts are intended to advance the purposes of the adopted Comprehensive Plan, Corridor Plans and the intent of this Code as stated in Section 1.

Unless otherwise stated below, permitted uses and conditional uses are listed in Section 5, Use Regulations. Similarly, dimensional standards are listed in Section 6, Dimensional Standards, and design requirements are listed in Section 7, Design Standards unless otherwise covered below.

4.6.1 **PMU Planned Mixed-Use District.**

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

- Provide flexibility in the planning and construction of development projects by allowing a combination of uses developed in accordance with an approved plan that protects adjacent properties;
- Provide an environment within the layout of a site that contributes to a sense of community and a coherent living style;
- Encourage the preservation and enhancement of natural amenities and cultural resources; to protect the natural features of a site that relate to its topography, shape, and size; and to provide for a maximum amount of open space;
- Provide for a more efficient arrangement of land uses, buildings, circulation systems, and infrastructure; and
- Encourage infill projects and the development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility, or topography.

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

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

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

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

Final Draft - 9.12.16

4.6.1.5 **District Regulations.**

i. Permitted Uses. There are no permitted uses in the PMU district.

ii. Conditional Uses. All uses within a PMU are conditioned upon review and approval of a detailed site plan and other schematics required to prove consistency with specific regulations within this Code as well as the intent of the Comprehensive Plan. While use-specific conditions shall apply, other conditions required to mitigate incompatibilities and address site-specific conditions as imposed by the applicant or required by City Council shall apply and be binding.

iii. Conditional uses within a PMU shall conform to the acceptable uses list for the Comprehensive Plan Area that is applicable; however, customary accessory uses shall also be permitted as conditional uses. Uses not substantially similar to the uses listed, as determined by the Director, shall be prohibited.

iv. All requests for rezoning to a PMU-PD shall be accompanied by a detailed site plan indicating specific uses for each phase, parcel and structure. The site plan and the list of uses must conform to all applicable requirements of the LDC as well as rezoning application requirements and shall, once approved, be binding on the property.

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

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

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

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

*Multi-family developments are restricted to no more than 10 units if located in a PMU-NB.

Final Draft - 9.12.16

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

Land Use Category	Required Open Space
Residential	250 square feet per dwelling unit
Nonresidential	200 square feet per 1,000 square feet of gross floor area and 250 square feet per 1,000 square feet of parking and loading area

x. At its discretion, the City Council or Site and Design Committee, whichever has authority to approve the plan, may approve a decrease in the amount of required open space when the plan includes unique design features or amenities that achieve an especially attractive and desirable development such as, but not limited to, terraces, sculptures, water features, preservation and enhancement of unusual natural features, or landscape sculpture (i.e., areas that are intensely landscaped). Open space may be held in common by a property owners association, dedicated to the City for use as a public amenity, or donated to a land conservancy where it will be held and maintained for the intended use. Permanent ownership and maintenance responsibility of open space by the City is subject to approval by the City.

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

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

4.6.2 Corridor District (CD)

4.6.2.1 **Zoning Map Designation.** When approved, all Corridor District rezonings shall carry the map designation of CD along with the abbreviation for the Plan Area it is intended to implement. Such abbreviations may include, but shall not be limited to:

- CD - AE (Arts and Entertainment)
- CD - MU (Mixed-Use)
- CD - LW (Live Work)

4.6.2.2 **District Regulations.**

i. Permitted Uses. There are no permitted uses in the CD district.

ii. Conditional Uses. All uses within a CD are conditioned upon review and approval of a detailed site plan and other schematics required to prove consistency with specific regulations within this Code as well as the intent of the adopted plan. While use-specific conditions shall apply, other conditions required to mitigate incompatibilities and address site-specific conditions as imposed by the applicant or required by City Council shall apply and be binding.

Final Draft - 9.12.16

iii. Conditional uses within a CD shall conform to the acceptable uses list for the adopted plan area that is applicable; however, customary accessory uses shall also be permitted as conditional uses. Uses not substantially similar to the uses listed, as determined by the Director, shall be prohibited.

- All requests for rezoning to a CD District shall be accompanied by a detailed site plan indicating specific uses for each phase, parcel and structure. The site plan and the list of uses must conform to all applicable requirements of the LDC as well as rezoning application requirements and shall, once approved, be binding on the property.

- All requests for rezoning to any CD District shall be accompanied by sufficient information to determine compliance with all applicable requirements of this Code and the plan it implements. Site plans and specified uses presented as part of the rezoning process shall be binding on the property if the rezoning is approved and shall be prominently on any materials presented as part of a public process.

iv. Any request for a CD District that includes a neighborhood business component must demonstrate compliance with the following standards within the neighborhood business area:

- Business hours for non-residential uses shall be 6 A.M. to 11 P.M.

- Outside speakers, live music and outdoor events are prohibited and other sound generated by the use is limited to 45 decibels at the property line.

- Lighting is restricted to low level security lighting when the business is closed for the day or is no longer operating.

- Any use the Director determines is a potential nuisance to neighboring residential districts must be approved as a conditional use.

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

v. **Dimensional Standards.** The dimensional standards shall be specified at the time of rezoning and shall be consistent with the approved plan the district is implementing. Once the CD District is approved, all such standards shall be binding on the property.

vi. **Design Standards.** All uses within a CD district shall be subject to specific design standards as established by an approved plan.

vii. **Design Mitigation.** When submitting any application for rezoning to a CD District or any zoning permit request within an existing CD, the applicant shall make a particular effort to mitigate potential incompatibilities with adjacent zoning districts. Such mitigation measures may include: the addition or increase of buffers, landscaping, open space, and screens; decreasing intensity, structure height, or bulk; reducing the amount of parking and restricting loading, solid and liquid waste collection (e.g. dumpsters, grease pits, and recyclable materials) adjacent to the perimeter; restricting access to lo-

Final Draft - 9.12.16

Table 4.6-1 Base Districts

Comprehensive Plan Area	Characteristics	Acceptable Land Uses	Minimum Size*
Neighborhood Business	Moderate-density single-family residences and small scale two-family and multi-family uses; mixed-use buildings and developments; smaller, lower-intensity business developments that provide services to the neighborhood and community; and less-intensive commercial uses than are found in the Community Business District. This district includes areas designated as Neighborhood Centers in the Comprehensive Plan.	Single-family residential uses; accessory apartments; small townhome developments (six to eight units per acre; development sizes no greater than two acres); second-floor apartments over retail or service businesses; smaller, low-intensity retail and service businesses, such as specialty shops, delis and cafes; public and quasi-public uses, such as churches, schools and public offices; arts-related businesses; and small offices in converted residences or new buildings constructed to the same character as the surrounding neighborhood.	2 acres
General Business	Moderate-density single-family residences and small to moderate scale two-family and multi-family uses; mixed-use buildings and developments; campus-style uses, higher-intensity business developments that provide services to the entire community; and less-intensive commercial uses than are found in the Community and Regional Business districts.	All residential uses subject to use, density, and design guidelines; public and quasi-public uses, such as churches and schools; and general indoor retail, service and office uses that do not require the outdoor storage of goods or equipment.	2 acres
Planned Unit	A mix of building types; single-family and multi-family residences; buildings and uses connected with sidewalks and pedestrian pathways; shared parking in public lots; green space in the form of smaller public parks, plazas and courtyards; and buildings with both residential and commercial uses.	Single-family residential uses; townhomes; second-floor apartments over retail or service businesses; apartment buildings integrated into the fabric of the development (as opposed to being positioned on out-parcels); low intensity retail and service businesses, such as specialty shops, delis and cafes; public and semi-public uses such as churches, schools and public offices; arts-related businesses; and anchor businesses such as grocery stores, movie theaters, and department stores.	2 acres

Final Draft - 9.12.16

Table 4.6-2 PMU Dimensional Standards

District Area	Minimum Lot Size in SF/ Width at Setback	Maximum Dwelling Units per Acre	Maximum Floor Area Ratio	Setbacks in Feet				Maximum Height in feet	Maximum Impervious Surface Lot Coverage	Buffer from A or R-1, R-1A, R-1C in feet
				Minimum Front	Maximum Front	Minimum Side	Minimum Rear			
PMU, except PD	10,000/ 100	17*	1:.75	0	10	25	25	75	60%	20
PMU-PD	10,000/ 100	40	2:1	0	10	0	0	45	75%	30

cal streets; and integration of other relevant design features that helps to merge the districts into a cohesive whole. Mitigation measures integrated into the application at time of submittal that exceed the standards of this Code shall be noted as binding conditions imposed by the applicant.

4.7 Overlay Zoning Districts Described; Purpose.

Unless otherwise stated below, permitted uses and conditional uses are regulated by the base district as listed in Section 5, Use Regulations or by standards set forth in Section 9, Environmental Standards. Similarly, dimensional standards and design requirements are regulated by the base district or use standards as listed in Section 6, Dimensional Standards or Section 7, Design Standards respectively unless otherwise modified below.

4.7.1 **Floodplain Overlay District.** The Floodplain Overlay District is a special district that has a set of regulations detailed in Section 9 of this Code. All other standards and regulations contained within this Code not superseded by these floodplain requirements shall be in full force and effect for all properties within the overlay as specified in the base district as well as general requirements applicable to all properties within the City.

4.7.2 **Historic Overlay District.** The Historic Overlay District is a special district that has a specific plan and set of regulations that are administered separately from this Code, except that all standards and regulations not superseded by Historic District requirements shall be in full force and effect for all properties within the overlay as specified in the base district as well as general requirements applicable to all properties within the City.

Final Draft - 9.12.16

SECTION 5 USE REGULATIONS AND CONDITIONS

5.1 Establishment of a Table of Uses for Standard Districts.

The uses permitted in the standard zoning districts established by Section 3 are set forth in Table 5.1, Table of Uses and repeated in the zoning district standards. Whenever there is a conflict between what is listed in the Table of Uses and the zoning district standards, the Table of Uses shall govern.

5.2 Determination of Use Category.

The Director shall make a determination as to whether or not any proposed use is permitted within Hattiesburg's zoning jurisdiction based on the uses listed in the Table of Uses. Whenever it is not clear whether a proposed use is or is not permitted, the Director shall consult the purpose statement for each district and the latest version of the North American Industrial Classification System (NAICS) to help make a determination. Any use not specifically listed in the Permitted Uses Table and any proposed use not substantially similar to a listed use as determined by the Director after consultation shall be deemed to be prohibited.

5.3 Table of Uses.

5.3.1 **In General.** The following table lists uses permitted in each standard zoning district by a) approval by the Director with or without conditions; and, b) approval by the Planning Commission with or without conditions. The table also denotes in which districts certain uses are not permitted.

5.3.2 **Districts.** The Table of Uses lists uses for each standard district within the City's zoning jurisdiction. Planned, Overlay and Form Based Districtsare not listed in the table. The Historic District and Floodplain District are overlay districts within which uses allowed shall be governed by the underlying district. Uses within Planned Mixed-Use District are established on a case-by-case basis consistent with an adopted plan for the area if one exists, the intent of the Comprehensive Plan and the list of acceptable uses included in Section 4 of this code. The Form Based District appears as Appendix 1 attached to this code

5.3.3 **Symbols.**

5.3.3.1 Where the symbol "■" is shown, the use to which it refers is permitted as a "use by right" in the indicated district, provided it complies fully with all applicable development standards of this chapter.

5.3.3.2 Where the symbol "□" is shown, the use to which it refers is permitted subject to use specific conditions contained in this section. Further, a use with conditions may be subject to Planning Commission review.

5.3.3.3 Where the symbol "♦" is shown, the use to which it refers must be approved by the Planning Commission and is subject to any use specific conditions of this Code.

5.3.3.4 Where an "✖" is shown on the table, the use to which it refers is not permitted in the indi-

Final Draft - 9.12.16

cated district

Table 5.1 Table of Uses

Use	Agricultural		Residential					Business					Industrial		Additional Use Conditions Cross Reference
■ Permitted □ Permitted with conditions ◆ Conditional Use × Not Permitted	A - 1	A - 2	R - 1A	R - 1B	R - 1C	R - 2	R - 3	B-1	B - 2	B - 3	B - 4	B - 5	I - 1	I - 2	
Accessory buildings and structures, excluding dwellings	□	□	□	□	□	□	□	□	□	□	□	□	□	□	5.4.2
Accessory communication antennae	□	□	□	□	□	□	□	□	□	□	□	□	□	□	5.4.1
Adult entertainment	×	×	×	×	×	×	×		×	×	×	◆	×	×	5.4.3
Agriculture-related feed, supply and equipment sales and services	×	×	×	×	×	×	×		×	×	×	■	■	■	5.4.4
Airport, public or private	□		×	×	×	×	×		×	×	×	×	■	■	
Amusement facilities	×	×	×	×	×	×	×		×	□	□	□	×	×	5.4.5
Animal husbandry—for profit and research-related, excluding CAFOs as defined by the US EPA	□	□	×	×	×	×	×		×	×	×	×	×	×	-
Animal husbandry—for profit and research-related, including Concetrated Animal Feeding Operation as defined by the US EPA	□	×	×	×	×	×	×		×	×	×	×	×	×	-
Animal shelter	■	×	×	×	×	×	×		×	×	×	■	×	×	-
Aquaculture— for profit and research-related	□	×	×	×	×	×	×		×	×	×	×	×	×	-
Armory	×	×	×	×	×	×	×		×	×	×	■	■	■	-
ATM, outdoor	×	×	×	×	×	×	×		□	□	□	□	■	■	5.4.6
Auction house	×	×	×	×	×	×	×		×	×	■	■	×	×	-
Automotive/truck and maintenance	×	×	×	×	×	×	×	■	■	■	×	×	×	×	5.4.7
Automotive/truck repair	×	×	×	×	×	×	×	×	×	■	×	×	■	×	5.4.7
Boarding house	×	×	×	×	×	◆	◆	×	×	×	×	×	×	×	5.4.9
Boat, canoe, and kayak rental	□	□	×	×	×	×	×	×	×	□	□	■	×	×	5.4.10
Broadcast studio	×	×	×	×	×	×	×	×	×	■	■	■	×	×	5.4.11
Building maintenance and services	×	×	×	×	×	×	×	×	×	×	×	■	■	■	-
Bus station	×	×	×	×	×	×	×	×	×	□	□	□	□	□	-
Care center	×	×	×	×	×	×	□	□	□	□	□	□	×	×	5.4.12
Care center, home	□	□	□	□	□	□	□	□	□	□	□	□	×	×	5.4.12
Cemeteries and columbariums accessory to a worship center	■	■	■	■	■	■	■	■	■	■	■	■	×	×	5.4.13

Final Draft - 9.12.16

Table 5.1 Table of Uses

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■ Permitted □ Permitted with conditions ◆ Conditional Use × Not Permitted	A - 1	A - 2	R - 1A	R - 1B	R - 1C	R - 2	R - 3	B-1	B - 2	B - 3	B - 4	B - 5	I - 1	I - 2	
Cemetery and columbarium as principal uses	×	×	×	×	×	×	×	×	×	■	×	■	×	×	5.4.13
Check cashing agencies	×	×	×	×	×	×	×	×	×	×	×	■	×	×	
Civic/cultural/community center	×	×	◆	◆	◆	◆	◆	□	□	□	□	□	×	×	5.4.14
Clubs and bars	×	×	×	×	×	×	×	×	×	□	□	□	×	×	5.4.15
Construction offices (plumbing/ gas/electrical /welding – with equipment, supplies and retail sales)	×	×	×	×	×	×	×	×	×	×	×	■	■	■	5.4.17
Construction offices (plumbing/ gas/electrical /welding -office only)	×	×	×	×	×	×	×	×	×	■	×	■	■	■	-
Correctional facilities and jails	×	×	×	×	×	×	×	×	×	×	×	□	×	×	-
Country club	×	×	■	■	■	■	■	×	×	×	×	×	×	×	-
Dry Cleaner	×	×	×	×	×	×	×	□	■	■	■	■			
Dwelling, manufactured (mobile) home	□	□	×	×	×	×	×	×	×	×	×	×	×	×	5.4.31
Dwelling, multi-family	×	×	×	×	×	×	□	×	×	×	■	×	×	×	5.4.18
Dwelling, single family attached	×	×	×	×	×	■	■	×	×	×	×	×	×	×	-
Dwelling, single family detached	■	■	■	■	■	■	■	×	×	×	×	×	×	×	-
Dwelling, two family	×	×	×	×	×	□	□	×	×	×	×	×	×	×	5.4.19
Dwelling, zero lot line detached	×	×	×	×	×	■	■	×	×	×	×	×	×	×	5.4.20
Exterminators	×	×	×	×	×	×	×	×	×	×	×	■	×	×	-
Fairgrounds and stadiums, public or private	□	×	×	×	×	×	×	×	×	×	×	□	□	×	-
FDIC financial institutions and mortgage companies, excluding check cashing agencies	×	×	×	×	×	×	×	×	×	■	■	■	×	×	-
Fishing, hunting and trapping	□	×	×	×	×	×	×	×	×	×	×	×	×	×	-
Fitness centers	×	×	×	×	×	×	×	■	■	■	■	■	■	■	-
Funeral home, mortuary and crematorium	×	×	×	×	×	×	×	×	×	□	■	■	×	×	5.4.22
Gallery, museum, and library	×	×	□	□	□	□	□	□	■	■	■	■	×	×	-
Gated communities	×	×		◆	◆	◆	◆	×	×	×	×	×	×	×	5.4.23
Glass repair and replacement	×	×	×	×	×	×	×	×	×	×	×	■	×	×	-

Final Draft - 9-12-16

Table 5.1 Table of Uses

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■ Permitted □ Permitted with conditions ◆ Conditional Use × Not Permitted	A - 1	A - 2	R - 1A	R - 1B	R - 1C	R - 2	R - 3	B-1	B - 2	B - 3	B - 4	B - 5	I - 1	I - 2	
Golf course	■	■	■	■	■	■	■	×	×	×	×	×	×	×	-
Government center/complex and offices	×	×	×	×	×	×	×	×	■	■	■	■	×	×	-
Group facility	×	×	×	×	×	×	◆	◆	◆	×	×	×	×	×	5.4.24
Group home	◆	◆	◆	◆	◆	◆	◆	×	×	×	×	×	×	×	5.4.24
Heliport	×	×	×	×	×	×	×	×	×	□	□	□	×	□	5.4.25
Home occupation	□	□	□	□	□	□	□	×	×	×	□	×	×	×	5.4.26
Horticulture— for profit and research-related	□	□	×	×	×	×	×	×	×	×	×	×	×	×	-
Horticulture— private	■	■	■	■	■	■	■	×	■	■	■	■	×	×	-
Hospital and outpatient clinic	×	×	×	×	×	×	×	×	×	□	□	□	×	×	-
Hunting camp/lodge	■	×	×	×	×	×	×	×	×	×	×	×	×	×	5.4.27
Ice machines and similar commercial accessory structures	×	×	×	×	×	×	×	×	×	□	×	□	×	×	5.4.28
Impoundment lot	×	×	×	×	×	×	×	×	×	×	×	×	■	■	-
Industry, heavy	×	×	×	×	×	×	×	×	×	×	×	×	×	■	-
Industry, light	×	×	×	×	×	×	×	×	×	×	×	×	■	■	-
Kennel	■	■	×	×	×	×	×	×	×	×	×	■	×	×	5.4.29
Laboratory, dental or medical	×	×	×	×	×	×	×	■	×	■	■	■	■	■	-
Laundromat	×	×	×	×	×	×	×	×	■	■	×	■	×	×	-
Life care communities	×	×	×	×	×	◆	◆	×	×	×	×	×	×	×	5.4.30
Lodging—bed and breakfast home	×	×	×	◆	◆	◆	◆	×	■	■	■	×	×	×	5.4.8
Lodging—bed and breakfast inn	×	×	×	◆	◆	◆	◆	×	■	■	■	×	×	×	5.4.8
Lodging—hotel, motel, tourist home	×	×	×	×	×	×	×	×	×	□	■	■	×	×	-
Machinery, tools/construction equipment, limited sales and service	×	×	×	×	×	×	×	×	×	×	×	■	■	■	-
Marine sales and service	×	×	×	×	×	×	×	×	×	×	×	■	■	×	-
Medical or dental office	×	×	×	×	×	×	×	■	×	■	■	■	×	×	-
Microbreweries	×	×	×	×	×	×	×	×	×	×	■	×	■	■	
Mining and extraction	×	×	×	×	×	×	×	×	×	×	×	×	×	◆	-
Motor vehicle rental and sales	×	×	×	×	×	×	×		×	×	×	□	×	×	5.4.32
Open space, common and public	■	■	■	■	■	■	■	■	■	■	■	■	■	■	-

Final Draft - 9.12.16

Table 5.1 Table of Uses

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■ Permitted □ Permitted with conditions ◆ Conditional Use × Not Permitted	A - 1	A - 2	R - 1A	R - 1B	R - 1C	R - 2	R - 3	B-1	B - 2	B - 3	B - 4	B - 5	I - 1	I - 2	
Open storage	■	×	×	×	×	×	×	×	×	×	×	□	□	□	-
Other professional office	×	×	×	×	×	×	×	■	■	■	■	■	■	□	-
Package liquor store	×	×	×	×	×	×	×	×	×	■	■	■	×	×	-
Park/playground	■	■	■	■	■	■	■	■	■	■	■	■	◆	◆	-
Parking, garage	×	×	×	×	×	×	□	×	×	□	□	□	■	■	-
Parking, surface	×	×	×	×	×	×	×	■	■	■	■	■	×	×	-
Pawn shop	×	×	×	×	×	×	×	×	×	×	×	■	×	×	-
Personal and professional services, excluding tattoo parlors	×	×	×	×	×	×	×	■	■	■	■	■	×	×	-
Places of assembly not otherwise listed	□	□	□	□	□	□	□	×	□	■	■	■	×	×	5.4.33
Product wholesale	×	×	×	×	×	×	×	×	×	×	×	□	×	×	-
Public and community utility facilities	□	□	□	□	□	□	□	□	□	□	□	□	□	□	5.4.34
Public safety station (police, fire, ambulance)	□	□	□	□	□	□	□	□	□	□	□	□	□	□	5.4.35
Railroad facilities including terminals, excluding maintenance yards	×	×	×	×	×	×	×	×	×	■	■	■	■	■	-
Railroad maintenance yard	×	×	×	×	×	×	×	×	×	×	×	×	×	■	-
Recycling center	×	×	×	×	×	×	×	×	×	×	×	×	■	■	-
Rehabilitation center, nursing care, assisted living, congregate care, palliative care, and hospice care	×	×	×	×	×	×	□	□	□	□	□	□	×	×	5.4.36
Repair shop (small appliance, shoes, excluding engine)	×	×	×	×	×	×	×	×	■	■	■	■	×	×	-
Restaurant, with drive-thru	×	×	×	×	×	×	×	×	×	□	×	□	□	□	5.4.37
Restaurant, without drive-thru	×	×	×	×	×	×	×	□	□	□	□	□	□	□	
Retail, <10,000 sq.ft.	×	×	×	×	×	×	×	□	□	□	□	■	□	□	5.4.38
Retail, >50,000 sq.ft.	×	×	×	×	×	×	×	×	×	×	×	□	×	×	5.4.38
Retail, 10,000-50,000 sq.ft.	×	×	×	×	×	×	×	×	×	□	□	□	□	□	5.4.38
Riding academy or stable	■	■	×	×	×	×	×	×	×	×	×	□	×	×	5.4.39
Sanitary landfill	×	×	×	×	×	×	×	×	×	×	×	×	×	×	-
Satellite receiving systems	×	×	×	×	×	×	×	×	×	×	×	×	■	■	-

Final Draft - 9.12.16

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■ Permitted □ Permitted with conditions ♦ Conditional Use × Not Permitted	A - 1	A - 2	R - 1A	R - 1B	R - 1C	R - 2	R - 3	B-1	B - 2	B - 3	B - 4	B - 5	I - 1	I - 2	
School, K-12	×	×	□	□	□	□	□	□	□	□	□	□	×	×	5.4.40
School, trade	×	×	×	×	×	×	×		×	□	□	□	■	■	5.4.40
School, university or college	×	×	×	×	×	×	■	×	×	■	■	■	×	×	-
Seasonal uses and markets	□	□	×	×	×	×	×	×	×	□	□	□	×	×	5.4.41
Seasonal uses and markets	□	□	×	×	×	×	×	×	×	×	×	×	×	×	-
Self-storage	×	×	×	×	×	×	×	×	×	×	×	□	×	×	5.4.42
Sewage disposal plant	×	×	×	×	×	×	×	×	×	×	×	×	×	■	-
Shopping center, <25,000 sq.ft.	×	×	×	×	×	×	×	×	×	□	×	□	×	×	5.4.43
Shopping center, >75,000	×	×	×	×	×	×	×	×	×	×	×	□	×	×	5.4.43
Shopping center, 25,000-75,000 sq.ft.	×	×	×	×	×	×	×	×	×	×	×	□	×	×	5.4.43
Silviculture— for profit and research-related	□	□	×	×	×	×	×	×	×	×	×	×	×	×	-
Storage of junk, junk vehicles, salvage materials and waste	×	×	×	×	×	×	×	×	×	×	×	×	□	□	-
Tattoo parlor	×	×	×	×	×	×	×	×	×	×	×	■	×	×	-
Taxidermist	■	×	×	×	×	×	×	×	×	×	×	■	×	×	--
Telecommunication facilities and towers, wireless	□	□	×	×	×	×	×	□	□	□	□	□	■	■	5.4.44
Theater, indoor	×	×	×	×	×	×	×	×	×	■	■	■	×	×	-
Theater, outdoor	×	×	×	×	×	×	×	×	×	■	□	■	×	×	-
Tow yards (impoundment lots)	×	×	×	×	×	×	×	×	×	×	×	×	□	□	-
Utility operation center	×	×	×	×	×	×	×	×	×	■	×	■	■	■	-
Veterinary clinic and hospital	■	■	×	×	×	×	×	×	×	□	×	□	×	×	-
Warehousing	×	×	×	×	×	×	×	×	×	×	×	■	■	■	-

Final Draft - 9.12.16

5.4 Additional Use Conditions.

Certain uses, as noted in the Table of Uses as permitted with conditions or requiring Planning Commission

approval, must meet additional conditions in order to be permitted within the City of Hattiesburg. These uses along with their applicable conditions are listed below.

5.4.1 **Accessory Communication Antenna.**

5.4.1.1 The following uses are permitted accessory uses:

i. The placement of an antenna, including other supporting equipment, on City Property that is zoned commercial or industrial.

ii. Installation of an Antenna on an existing structure excluding a tower (such as a building, light pole, water tower, or other free-standing nonresidential structure) that is 50 feet in height or greater, provided that the additional antenna adds no more than 21 feet to the height of the existing structure.

iii. Installation of an antenna on any existing tower of any height, so long as the addition of said antenna extends no more than 21 feet above the height of the existing tower or structure and the existing tower is not a legal, non-conforming tower.

iv. An antenna that is attached to a C.O.W. (Cellular on Wheels) may be located on property containing a legal conforming telecommunication tower.

5.4.1.2 Prior to the installation of any Antenna or tower covered by this ordinance the owner of such Antenna or tower shall make written application as required in Section 98.04 of this ordinance amendment and include all information required therein. If the use requires a Use Permit Upon Review then the applicant shall also comply with the application for such permit and other requirements set forth in Section 16 and 42 of the Land Development Code Ordinance.

5.4.1.3 Accessory antennas shall be concealed within or have an exterior appearance as a permitted principal or accessory structure permitted in the district where located.

5.4.2 **Accessory Uses, Buildings.**

5.4.2.1 In no event shall "accessory use" or "accessory structure" be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located.

5.4.2.2 All accessory uses and accessory structures shall conform to the applicable requirements of this ordinance, including all dimensional requirements and use, design and landscaping standards applicable to the primary use/structure. The provisions of this section establish additional requirements and restrictions for particular accessory uses and structures.

5.4.2.3 Accessory uses and structures that are clearly related to and incidental to the permitted principal use or structure on the lot are permitted in all districts.

5.4.2.4 All accessory uses and structures shall require the issuance of a certificate of zoning compliance.

5.4.2.5 Structures accessory to residential uses (except for agricultural buildings located in agricultural districts) shall have a combined floor area (aggregate of all detached accessory structures) of no more than 33% of the total floor area of the principal structure.

5.4.2.6 No accessory structure shall be located in a required front yard nor shall any accessory structure on a residential lot located in any zoning district be placed between the street and the rear building line of the principal structure except that:

i. In the A1 District, accessory structures located more than 100 feet from the primary street may be placed in the front yard; and

ii. Detached garages shall be permitted in side yards.

5.4.2.7 Temporary buildings and storage of materials and goods associated with construction

Final Draft - 9.12.10

or remodeling activity are permitted for a period not to exceed six months. One six-month extension may be granted on a case-by-case basis..

5.4.3 **Adult Entertainment Establishments.**

5.4.3.1 No adult establishment shall be located within 1,000 feet of the closest boundary line of any residential zoning district, or of the closest point on the property line of any church, school, day care, public park, residence or playground as measured by a horizontal straight line distance from the closest point on the closest boundary line of the property occupied by the adult establishment.

5.4.3.2 No adult establishment shall be located within 1,000 feet of any other adult establishment as measured by a horizontal, straight line distance from the closest point on the closest boundary line of the property occupied by each.

5.4.3.3 No more than one adult establishment may be located within the same structure.

5.4.3.4 No printed material, slide, video, photograph, written text, live show, or other visual presentation shall be visible to the public or an adjacent property or use, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.

5.4.3.5 Any retail establishment having a preponderance of materials or sexually oriented devices shall be classified an adult establishment and shall meet all of the requirements of this ordinance for such.

5.4.4 **Agriculture, including Bona fide Farms.**

5.4.4.1 No more than one animal unit for each acre of suitable agricultural land shall be allowed.

5.4.4.2 No pens, enclosures, buildings, or other structures intended or used for the containment of livestock shall be permitted within 250 feet of the property line. This shall not include pastures, riding rings, small non-commercial enclosures for female chickens or similar areas intended or used for the containment of animals in such small numbers that they do not present any significant offsite impacts related to noise, odor, or stormwater runoff. All uses deemed exempt from this standard shall meet all other minimum setbacks for principal uses of the lot.

5.4.4.3 Two or more principal buildings used as part of the bona fide farm operation may be placed on a single lot of record when such buildings meet the siting requirements of this ordinance.

5.4.5 **Amusement Facilities, Fairgrounds and Stadiums, public or private.**

5.4.5.1 Outdoor amusement facilities shall be separated by an opaque screen as provided in Section 7 from any abutting property located in a residential district or containing a legal, conforming residential use.

5.4.5.2 No permanently established outdoor amusement facilities, such as miniature golf courses, skateboard courses, or mechanical rides shall be located within 500 feet of the closest point of any abutting property line located in a residential district.

5.4.5.3 The hours of operations may be determined by the Director; however, hours shall be no earlier than 8:00 a.m. and no later than 11:00 p.m.

5.4.5.4 All facilities that have amusement rides will include mandatory ride inspections by a Level II certified ride inspector as recognized by the National Association of Ride Safety Officials and copies of these inspections shall be on file in the recreational facility office and shall be required by the City before a permit to operate is approved.

5.4.5.5 Fairgrounds and stadiums shall have direct access to a major arterial or collector.

5.4.6 **Automatic Teller Machines (ATMs).**

5.4.6.1 Automatic teller machines shall be permitted as accessory uses as either freestanding or attached facilities.

5.4.6.2 Automatic teller machines shall be permit-

Final Draft - 9.12.16

ted as freestanding facilities only when the location of such facilities do not present a hazard to the motoring public and they are lighted and located in such a manner as to maximize the safety of the public using the facility.

5.4.7 **Automotive and truck repair and maintenance.**

5.4.7.1 **Car washes, Automatic and Full Service.**

i. All exterior walls and accessory washing areas shall be constructed so that they match the principal structure in design and materials.

ii. The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.

iii. Car washes, vacuums, and similar service devices shall be a minimum of 50 feet from the nearest portion of an adjacent residential zoning district or lot containing a legal, conforming residential use for facilities that do not include an automatic dryer. Where automatic dryers are installed, separation shall be 500 feet from the nearest lot line of an adjacent residential zoning district or lot containing a legal, conforming residential use.

iv. Car washes accessory to a principal use shall be located in the side or rear yard only.

v. Hours of operation shall be no earlier than 8:00 a.m. and no later than 11:00 p.m.

5.4.7.2 **Repair.**

i. The number of outside stored vehicles awaiting repair is limited to no more than 5 or 1 per service bay, whichever is greater. Stored vehicles must have a current tag and inspection sticker.

ii. Accessory junkyards including the storage of vehicles used for parts are not permitted.

5.4.8 **Bed and Breakfast Home; Bed and Breakfast Inn.**

5.4.8.1 **Meals and Alcohol.**

i. The establishment shall serve breakfast only to registered guests of the establishment. The price of breakfast shall be included in the room rate.

ii. Food services may only be provided to overnight guests of a Bed and Breakfast facility or to the guests at a commercial meeting.

iii. The proprietor shall meet all the requirements and seek approval by the County Health Department prior to serving meals.

iv. Serving alcohol to overnight and commercial meeting guests is allowed. The proprietor must meet all requirements of the Mississippi Alcohol Beverage Control Commission as governed by the standards set forth under Section 67-1-5 of the Mississippi Code of 1972, as amended, in order to serve alcohol at a bed and breakfast facility.

5.4.8.2 **Location.** A Bed and Breakfast Home shall be located in a property located within an existing local or National Register historic district, in a property listed in the National Register of Historic Places, a designated National Historic Landmark, or a property designated a Mississippi Landmark with the Mississippi Department of Archives and History.

5.4.8.3 **Residency required.** A Bed and Breakfast Home shall be the permanent residence of the owner of the establishment. A Bed and Breakfast Inn shall be the permanent residence of the owner of the establishment or resident manager.

5.4.8.4 **Commercial meetings.** Commercial meeting privileges are considered an accessory use

Final Draft - 9.12.16

to the Bed and Breakfast Home, and will be granted in the following manner:

i. Commercial meeting privileges shall be permitted on a case-by-case basis if the physical conditions of the property—size of the property, size of the residence, buffering of activities and parking areas, volume of traffic on adjacent streets—are adequate to accommodate a commercial land use. It shall be the burden of the applicant to prove that all requirements of this ordinance can be met, and that the proposed use will not have a negative impact on the safety, welfare and convenience of neighboring properties.

ii. The facility used for commercial meetings shall comply with all applicable standards under the International Fire Code adopted by the City of Hattiesburg. The square footage of assembly space and the number or capacity of people therein who will be attending such commercial meetings must be submitted in writing to the Planning Division with the permit application.

5.4.8.5 **Guest Book.** All Bed and Breakfast Homes shall maintain a guest book for overnight guests and for commercial meetings. It should include dates of stay, origin of visitors, and the dates of commercial meeting. The guest book may serve as evidence in the event that the bed and breakfast or commercial meeting privilege is in question or under review by the Planning Commission.

5.4.8.6 **Insurance.** Each person having a permit under this ordinance shall carry general liability insurance in the minimum amount of $500,000.00 covering such operation. Proof of insurance shall be kept on file in the Tax Department of the City of Hattiesburg.

5.4.8.7 **Compatibility.** Each application for a Bed and Breakfast shall be accompanied by clear and convincing evidence that there will be no substantial interference with the health, safety and welfare of the general public, as well as, the character and integrity of the surrounding residential area. In addition, a bed and breakfast facility shall not promote the commercialization of residential neighborhoods.

5.4.8.8 **Parking.**

i. No more than two off-street parking spaces shall be provided in the front yard.

ii. Off-street parking must be within 300 feet of the facility, and proof of such parking (lease agreement, site plan, etc.) must be provided to the Department of Urban Development at the time of application.

iii. The Planning Commission may require the screening of parking (landscaping, fencing, etc.) as a condition of approval. On-street parking will be acceptable on a case-by-case basis depending on individual neighborhood parking conditions and site limitations or characteristics.

iv. A maximum of one parking space for every three commercial meeting attendees as permitted by the Fire Code shall be provided.

v. Spaces required for commercial meetings shall be surfaced according to the standards set forth under the Residential Buildings section of the Historic Hattiesburg Design Guidelines Manual.

5.4.8.9 **Rooms.** Overnight guest accommodations shall be in the principal structure only, except that the Planning Commission must authorize the use of pre-existing accessory structures or outbuildings in residential districts. Such may be approved if it can be demonstrated to the satisfaction of the commission that the accessory buildings or structures proposed had been used previously as residences, and if the use of the same would not infringe on neighboring residents' privacy and the use and enjoyment of adjacent properties.

Final Draft - 9.12.16

5.4.8.10 **Signs.** One (1), non-illuminated freestanding sign shall be permitted at bed and breakfast facilities in residential zoning districts. Signs must meet the guidelines set forth under Section 10. All other banners or flags used for advertisement or Bed and Breakfast identification purposes are prohibited. Signs identifying bed and breakfast facilities in non-residential zoning districts shall be erected according to the requirements of the individual district, as provided under Section 95 of this code.

5.4.9 **Boarding House.**

5.4.9.1 The house shall be the permanent residence of the owner of the establishment.

5.4.9.2 In any residential zoning district, no more than two off-street parking spaces shall be provided in the front yard.

5.4.9.3 Off-street parking in the side and rear yards shall be screened in accordance with parking lot landscaping and screening requirements. Parking shall be placed on the lot in a manner designed to have the least physical impact on adjoining residential uses.

5.4.9.4 At all times the character of the use shall be residential and shall be designed and maintained to appear as a single-family use.

5.4.10 **Boat, Canoe, and Kayak Rental**

5.4.10.1 Facilities must include an office for the conduct of business.

5.4.10.2 In the B4 district, all storage must be indoors.

5.4.11 **Broadcast Studios, Radio and Television.**

5.4.11.1 Broadcast studios shall be permitted only when the applicant can adequately demonstrate that any antenna and/or transmission related to the use will not interfere with the normal and customary television and radio reception enjoyed by city residents.

5.4.12 **Care Center; Care Home.**

5.4.12.1 Drop-off and pick-up areas must be shown on the site plan and approved as part of the Site Plan Review.

5.4.12.2 Outdoor play and recreation areas shall be located behind the front building line in the rear yard or side yard only.

5.4.12.3 All outdoor play and recreation areas shall be surrounded by a fence or wall at least four feet in height. A minimum of 50% of the area shall be pervious.

5.4.12.4 Outdoor activities are limited to the fenced area between 8:00 a.m. and 8:00 p.m.

5.4.12.5 Care of a person shall not exceed 12 1/2 hours for any part of the 24 hour day.

5.4.12.6 Care Home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.

5.4.12.7 A Care Home shall be staffed by persons residing in the dwelling in which the care is located except that up to one non-resident may report to work at the home.

5.4.12.8 Care Home shall be located in a structure originally constructed as and designed for a single-family dwelling which shall remain the principal use on the lot. The structure shall not be altered in any manner which diminishes its value as a single-family dwelling or which changes its exterior residential character.

5.4.12.9 The owner of a Care Home shall reside in the Care Home.

5.4.13 **Cemetery.**

5.4.13.1 Tombstones, crypts, monuments and mausoleums must be located at least 50 feet from any street right-of-way line or abutting property. Greater setbacks shall be observed if otherwise required by the zoning district in which it is located. Gravesites shall also be set back at least twenty feet from any side or rear lot lines in cemeteries (or cemetery expansions).

5.4.13.2 Sales of crypts shall be allowed as an accessory use on premises (for cemeteries as a

Final Draft - 9.12.16

principal use only). No building in conjunction with such sales shall be located closer than twenty feet from any side lot line abutting a residential district and forty feet from any such rear lot line. Greater setbacks shall be observed if otherwise required by the zoning district in which it is located.

5.4.13.3 A minimum of three acres shall be needed for any cemetery being developed as a principal use.

5.4.14 **Civic, Cultural and Community Centers.**

5.4.14.1 Facilities having a seating capacity in excess of 600 persons shall have direct access to a major thoroughfare.

5.4.15 **Clubs and Bars.**

5.4.15.1 Amplified music, loud speakers, and similar noise devices shall not be permitted outdoors. Noise emanating from the club shall not exceed ambient noise levels in the surrounding area at a distance of more than 100 feet from any point of the property containing the club.

5.4.15.2 Off-premises parking for bars in B3 is not permitted.

5.4.16 **Cluster Subdivisions.**

5.4.16.1 All lots within the development shall be accessed solely by interior streets, except that lots used for permitted non-residential uses may have driveway access to adjacent streets if approved by the City.

5.4.16.2 No non-residential use in the development shall be permitted within 150 feet of the perimeter of the development site unless the adjacent zoning district permits such use.

5.4.16.3 The overall density of the cluster subdivision shall not exceed that of an unclustered subdivision except where increased density is allowed as an incentive. Land "saved" by clustering shall be dedicated for open space.

5.4.16.4 Permanent open space conserved as part of the cluster subdivision shall be designed to serve one of the stated purposes for cluster subdivisions or shall be so arranged as to mitigate the impacts of clustering on adjoining properties.

5.4.16.5 The minimum lot size and interior lot setbacks may not be reduced to less than fifty percent of the minimum lot size and setbacks for the district in which the cluster subdivision is located.

5.4.17 **Construction Offices.**

5.4.17.1 All outdoor storage of non-passenger vehicles and building materials shall be kept at least 100 linear feet from any adjacent lot containing a legal, conforming residential use and shall be located in a side or rear yard only.

5.4.17.2 Outdoor storage shall be screened from major thoroughfares and adjacent properties in accordance with the screening requirements set forth in Section 7.9

5.4.17.3 A maximum open storage space of 50% of the side and rear lot area is allowed for business and industrial equipment and materials.

5.4.17.4 Open storage of items shall not be piled or stacked over 20 feet in height above grade.

5.4.18 **Dwelling, Multi-Family.**

5.4.18.1 On infill development sites in residential districts, multi-family buildings shall be designed to blend in with surrounding single-family residential buildings to the maximum extent practicable with regards to building design, setbacks, driveway and garage design and location, porches, and sidewalks.

5.4.18.2 Site designs shall create a sense of "neighborhood" and shall meet the following requirements:

i. Buildings shall be sited with front entrances and porches oriented toward streets, drives, and plazas, rather than clustered around parking lots.

ii. An internal vehicular circulation system for private streets, when included, shall be reflective of a single-family residen-

Final Draft - 9.12.16

tial street system.

iii. Parking lots shall be located behind buildings, except where it is deemed appropriate to use a parking lot as a buffer from an arterial street, or where such parking area will directly abut a property line exterior to the development site when located in or adjacent to a residential district.

iv. Walkways shall connect all buildings with parking areas, play areas, clubhouses, and existing public sidewalks adjacent to the development site.

v. Plazas, clubhouses, pools, and recreational facilities shall be centrally located, when provided.

5.4.18.3 Building designs that create variety and do not look monotonous if replicated throughout the development shall be required. Such designs shall include the following:

i. Side and rear building elevations, garages, carports, and all accessory structures shall have the same level of design, aesthetic quality, and architectural detailing.

ii. Porches, varied rooflines, and varied façade depths shall be provided to create variety and individuality of each building.

iii. Windows and projecting wall surfaces shall be used to break up larger wall surfaces, establish visual interest and provide visibility of the street and other public spaces encouraging social interaction.

iv. Protective entry courts, common vestibules, covered breeze ways, or enclosed stair halls shall be used to reduce the number of visible doors, unless designed in a row house or townhouse manner oriented toward the street.

v. E. Garages shall be designed to be integrated with the building design or sited so as to avoid long monotonous rows of garage doors and building walls. Garages shall be oriented so that they do not visually dominate the building façade or the streetscape.

5.4.19 **Dwelling, Zero Lot Line.**

5.4.19.1 There shall be no minimum side setback on one side and 10 feet on the opposite side except on corner lots where the minimum side yard shall be 10 feet. A five foot maintenance easement shall be required for any structure where an exterior side abuts a lot line.

5.4.19.2 No appurtenance shall hang over the property line including but not limited to awnings, windows, porches, entryways and eaves.

5.4.19.3 Where adjacent zero lot line dwellings are not constructed against a common lot line, the builder or developer must provide for a perpetual wall maintenance easement of at least five feet in width along the adjacent lot and parallel with such wall.

5.4.19.4 No zero lot line dwellings shall be constructed less than 10 feet from a parcel zoned A-1, A-2, R-1A, R-1B, or R-1C.

5.4.19.5 Manufactured homes are not permissible structures for zero lot line developments.

5.4.20 **Funeral Home, Mortuary and Crematorium.**

5.4.20.1 Funeral homes must have access to collector or arterial streets. Access to local streets is prohibited.

5.4.21 **Gated Communities.**

5.4.21.1 **Design and Approval of Gatehouses and Entry Gates.**

i. Gatehouses and entry gates shall be located outside any required buffer areas.

ii. Entry gates shall be setback sufficiently far from public street entrances to allow for stacking of at least three vehicles out of the public travel lanes.

Final Draft - 9.12.16

iii. Adequate space shall be required to allow a vehicle which is denied access to safely turn around and exit onto a public street.

iv. Pedestrian access to the gated community shall be provided at its entrance outside of the vehicle travel lanes.

v. Entry gates shall have sufficient minimum gate widths, heights and openings to allow safe passage of all vehicles permitted to use public roadways.

vi. All gatehouses and entry gates shall be subject to specific review and approval of the Planning Commission prior to the start of construction. Review and approval shall include any integral signage and illumination.

5.4.21.2 **Private Roads.** All private roads, traffic signs and markings shall meet all applicable minimum right-of-way, pavement, construction, and design standards for public roads. The city reserves the right to have streets inspected during the construction phase to insure that they are being built in accordance with all applicable standards. The developer of the subdivision shall bear all costs borne by the City in association with such inspections.

5.4.21.3 **Homeowners Association Required.** Prior to the approval of a final plat, the subdivider shall submit to the City evidence that a homeowners' association has been created whose responsibility it will be to maintain common areas, gatehouses and entry gates, private streets, curb and gutter and sidewalks within the subdivision. Such evidence shall include filed copies of the articles of incorporation, declarations, and homeowners' association bylaws.

5.4.21.4 **Access.** The subdivider and homeowners' association shall guarantee access to all private streets by emergency and law enforcement vehicles and government officials on official business. Access procedures must ensure immediate access through the entry gates for emergency and law enforcement vehicles responding to emergencies. Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area. The subdivider shall provide documentation from the appropriate law enforcement agency that proposed entry gates and access procedures meet these standards.

5.4.22 **Group Care Home; Group Care Center.**

5.4.22.1 A group home shall be located in a structure originally constructed as and designed for a single-family dwelling which shall be the principal structure on the lot. The structure shall not be altered nor the site used in any manner which diminishes its value as a single-family dwelling or which changes its exterior residential character.

5.4.22.2 Group care centers serving individuals who are deemed to be a danger to themselves or others must be identified by the applicant during Site Plan Review Care centers may not serve more than 20 residents; however, in order to protect the health and safety of the community, the Planning Commission has the right to further restrict the location of facilities and the number of residents, and to require increased buffering, screening, and fencing.

5.4.23 **Heliports.**

5.4.23.1 Heliports shall only be permitted as accessory uses to emergency medical facilities and industries.

5.4.23.2 Landing pads for on-grade heliports shall be set back a minimum of 400 feet from lots used for residential purposes, public or private schools, or public parks. These distance requirements may be reduced one foot for each one foot of the elevation above ground level for elevated heliports.

5.4.23.3 The heliport landing area shall be constructed of a material which is free of dust and loose particles which may be blown about

Final Draft - 9.12.16

by the down blast of the helicopter rotor.

5.4.23.4 Lighting is to be provided according to Federal Aviation Administration (FAA) requirements and is to be oriented as much as possible away from adjacent uses.

5.4.24 **Home Occupations**.

5.4.24.1 A customary home occupation is permitted accessory to any dwelling unit (except manufactured housing) in accordance with the following requirements:

5.4.24.2 The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the residential dwelling.

5.4.24.3 Home occupations shall not be carried out in more than 10 percent of the total dwelling building area, not to exceed 500 square feet.

5.4.24.4 Customer and client contact shall be primarily by telephone or mail, and not on the premises of the home occupation, except those home occupations, such as tutoring, counseling or personal services which cannot be conducted except by personal contact. Services or sales conducted on the premises shall be by appointment only, and shall not be oriented toward, or attract, off-the-street customer or client traffic. Barber shops and beauty shops shall be limited to one chair for clients.

5.4.24.5 There shall be no use of utilities or community facilities beyond that reasonable to the use of the property for residential purposes.

5.4.24.6 Off-street parking for customers shall not exceed one space. Vehicles used in connection with a home occupation shall not be parked overnight on a public right of way. The conduct of any home occupation shall not reduce or render unusable areas provided for the required off-street parking or prevent the number of cars intended to be parked in a garage from doing so.

5.4.24.7 Not more than one home occupation related vehicle, excluding pick-up trucks, is permitted, which must be 20 feet or less in overall length and not more than seven feet in overall height and which must be parked off any public ROW behind the residence. All exterior storage of cargo, equipment or other material shall be shielded from view at all times when such vehicle is located on a residential lot.

5.4.24.8 A home occupation located on a local street, or privately maintained road servicing three or more residences, shall not generate more than 20 vehicle trips in one day. A "trip" is a vehicle traveling in one direction to or from a source. 20 trips is equivalent to 10 round trips.

5.4.24.9 Delivery of materials to and from the premises shll not involve the use or frequency of vehicles not normally experienced in residential areas.

5.4.24.10 Primary sale of goods in connection with such home occupation shall be that which is prepared, produced or grown on the premises.

5.4.24.11 There shall be no retail, wholesale or warehousing activity other than that which is clearly incidental to the direct provision of service.

5.4.24.12 A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure typically associated with a dwelling.

5.4.24.13 The use shall employ no more than one person who is not a resident of the dwelling including volunteers.

5.4.24.14 There shall be no visible outside display of stock in trade which is sold on the premises.

5.4.24.15 There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, except equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.

5.4.24.16 Only vehicles used primarily as passenger vehicles will be permitted in connection with

Final Draft - 9.12.16

the conduct of the home occupation.

5.4.24.17 The home occupation shall not use mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, dust, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure housing the home occupation.

5.4.24.18 Home occupations shall be limited to those uses which do not draw clients to the dwelling on a regular basis except that instruction in music, dance, voice and similar activities shall be limited to two students at one time.

5.4.24.19 No advertising signs shall be permitted.

5.4.25 **Ice machines and Similar Commercial Accessory Structures.**

5.4.25.1 **Accessory Only.** Ice machines and similar structures are only permitted as accessory structures to legal, conforming principal uses.

5.4.25.2 **Location.** Such structures shall be located in a side or rear yard only.

5.4.25.3 **Design.** Such structures are subject to all of the design standards applicable to the district in which they are located as well as those that apply to all districts.

5.4.25.4 **Parking.** Parking for at least two vehicles is required to be shown on the site plan.

5.4.26 **Kennels; Veterinary Clinics and Hospitals.**

5.4.26.1 A maximum of twenty outside runs shall be permitted and shall be 250 feet from restaurants and residential uses..

5.4.26.2 Facilities shall at all times be maintained in neat and sanitary condition.

5.4.27 **Life Care Communities.**

5.4.27.1 A minimum of five acres shall be required. All land used for the community shall be contiguous and shall not be divided or transected by public roads, private roads granting easement(s) to tracts of land not included within the community, or natural features which would visually or functionally divide the development.

5.4.27.2 Accessory buildings shall only include accessory dwellings containing no more than four dwelling units or recreation centers and similar facilities, dining halls, and maintenance buildings. All other buildings shall be principal buildings the use of which shall be for single family dwellings, multi-family dwellings, congregate or nursing care.

5.4.27.3 All structures shall be limited in occupancy to persons aged 55 years or older, the physically handicapped, and their spouses except for rooms or units occupied by resident staff personnel performing duties directly related to the operation of the facility.

5.4.27.4 Driveway access to accessory structures shall be through the main entrance to the community.

5.4.27.5 Paved walkways shall be provided between accessory dwellings, the principal building, and all common facilities such as dining halls and recreation centers.

5.4.27.6 Principal and accessory buildings shall be predominately designed and constructed with architectural features common to residential structures including, but not limited to, the following features: roof pitch, façade material, and size, type and placement of windows and doors.

5.4.27.7 No single building shall be greater than 40,000 square feet if located within 500 feet, as measured in any direction from the closest point, from an adjacent residentially zoned lot.

5.4.27.8 No site shall have a density greater than eight units per acre for accessory single family dwellings. For the purposes of calculating density all land lying underneath and within twenty feet of any congregate care or nursing care facility and all loading/unloading, garbage collection, and parking areas associated with congregate care or nursing care facilities shall be excluded from the total acreage.

5.4.28 **Manufactured Home.** Manufactured homes on individual lots shall meet the following require-

Final Draft - 9.12.16

ments:

5.4.28.1 **Compatibility.** Homes shall be generally in keeping with the scale, size and texture of the residential structures in the surrounding neighborhood.

5.4.28.2 **Anchoring.** Homes shall be anchored according to International Building Code requirements.

5.4.28.3 **Labeling.** Shall bear FMHCCS Label or Seal of Compliance.

5.4.28.4 **Exterior finish.** Homes shall have horizontal siding. At a minimum, the exterior siding shall consist predominantly of vinyl or aluminum lap siding whose reflectivity does not exceed that of flat white paint, wood or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

5.4.28.5 **Roof construction and pitch.** Homes shall have a minimum of a 3/12 roof pitch with asphalt shingles.

5.4.28.6 **Placement.** All homes shall be placed on the lot in harmony with the existing site-built structures. Where no neighboring structures are available for comparison, it shall be sited with the front running parallel to the street providing access to the site.

5.4.28.7 **Equipment Removal.** The towing tongue, wheels and hitch-axle shall be removed upon final placement of the unit.

5.4.28.8 **Foundation.** All manufactured homes shall be placed on permanent masonry foundations, preferably brick, with no visible concrete block.

5.4.28.9 **Size.** Homes shall be a minimum of 24 feet in width, transportable in two or more sections.

5.4.28.10 **Porch Required.** All manufactured homes shall have either a deck or porch with steps at each entrance constructed and installed in accordance with the standards set forth by the International Building Code. The minimum square footage of the floor of such porch or deck shall measure at least 36 square feet.

5.4.28.11 **Age.** No home more than five years old may be relocated or moved onto a lot.

5.4.29 **Motor Vehicle Repair, Maintenance, Rental and Sales.**

5.4.29.1 **Display of Vehicles for Sale or Lease.**

i. Vehicles for sale or lease may be displayed in the established front yard provided that no vehicle shall be displayed within fifteen feet of the street right-of-way.

ii. All new display areas shall be paved.

5.4.29.2 **Outdoor Storage.**

i. A motor vehicle repair, service, body or paint shop which has wrecked, partially dismantled, or inoperative vehicles located on-site shall store these vehicles in an enclosed building or in a separate motor vehicle storage yard which meets the requirements of this ordinance for such yards.

ii. Storage areas are exempt from the interior landscaping requirements for parking lots. However, the perimeter landscaping requirements of parking lots shall apply to such storage areas

iii. Storage areas may only be located behind the principal building and/or its accessory buildings, and shall not be placed within 100 feet of any property line that abuts a thoroughfare or local public street

5.4.29.3 **Speakers.** Businesses are prohibited from using amplified speaker/public address systems except within fully enclosed building(s).

5.4.30 **Places of Assembly.**

5.4.30.1 Places of assembly seating more than 600 people must have direct access to a major thoroughfare Pedestrian and bicycle access is encouraged and will be required whenever

Final Draft - 9.12.16

a public sidewalk or trail abuts the property.

5.4.30.2 Accessory uses such as administrative offices, bookstores, parking lots, community centers, multi-purpose facilities, outdoor recreational facilities, and care centers on the same site or sites contiguous to the principal use shall be permitted. Similar uses on non-contiguous sites or on a site separated from the principal use by a public street shall be considered principal uses in their own right and will be regulated as such. No merchandise or merchandise display shall be visible from outside a building. No business or identification sign pertaining to an accessory use shall be visible from outside the building

5.4.30.3 Except as noted in 5.4.33.2 accessory uses not permitted as principal uses (including television stations, radio stations, printing presses, or sports complexes) are prohibited.

5.4.31 **Public and Community Utility Facilities.**

5.4.31.1 Utility distribution lines, which deliver service to the end user from a substation fed by a transmission line providing service to an area larger than the individual parcel or project area, shall be installed underground, unless subsurface conditions make underground installation not possible or practical.

5.4.31.2 All distribution and transmission equipment and structures associated with a utility shall be designed and installed to be as inconspicuous as possible; shall not interfere with the installation or enjoyment of public facilities or facilities that serve the public such as sidewalks, bike paths, and driveways; and shall be installed away from public streets and residences to the maximum extent practicable.

5.4.32 **Public Safety Station.**

5.4.32.1 Architectural drawings and site plans shall be submitted with each application for gun ranges intended for the training of law enforcement personnel demonstrating that the safe use of the property and its ability to integrate with the area in which it is located is possible.

5.4.32.2 Public safety gun ranges shall only be permitted in the A-1 district.

5.4.33 Rehabilitation Centers, Nursing Care, Assisted Living, Congregate Care, Palliative Care, and Hospice Care.

5.4.33.1 Driveway access to accessory structures shall be through the main entrance to the facility.

5.4.33.2 No single building shall be greater than 40,000 square feet if located within 500 feet, as measured in any direction from the closest point, to a lot line of an adjacent residentially zoned lot.

5.4.34 **Restaurants With and Without Drive-Through Service.**

5.4.34.1 All restaurants with drive-through service shall provide a minimum of five stacking spaces associated with each drive through window.

5.4.34.2 No required or intended stacking spaces shall block the safe flow of motoring and pedestrian traffic within the parking lot.

5.4.34.3 Drive-through facilities located closer than 300 feet to a residential use shall operate no earlier than 6:00 a.m. or later than 12:00 a.m.

5.4.34.4 No part of the active use area of a drive-through restaurant shall be located closer than 300 feet to a lot containing a legal, conforming residential use.

5.4.34.5 All restaurants located within the B-1 and B-2 districts shall be limited to a capacity of 80 seats.

5.4.34.6 All restaurants that abut residential districts shall be screened entirely from view of adjacent residential properties by an opaque fence and/or vegetative screen to a minimum height of six feet. Such screen shall meet the minimum height requirement at the time of issuance of a certificate of occupancy.

5.4.35 **Retail (all sizes).**

Final Draft - 9.12.16

5.4.35.1 No outside storage shall be permitted unless approved by the City as approved by the Site Plan Review Committee.

5.4.35.2 All proposed areas for outside display and storage shall be clearly marked on the site plan, including but not limited to, open displays of garden supplies, equipment, and other materials and any cargo containers, tractor trailers, storage buildings or similar structures used or intended to be used to contain materials for sale, maintenance, construction, etc. All outdoor storage of logs, lumber and building materials shall be kept at least 100 linear feet from any adjacent residential lot and shall be located in a side or rear yard only.

5.4.35.3 The parking of recreational vehicles overnight or camping in any manner on any portion of the lot shall be prohibited.

5.4.35.4 Any area intended for use by vendors, civic groups, and other parties either on a temporary or permanent basis for outdoor display, sales, fundraising, etc. shall be clearly marked on the approved site plan.

5.4.35.5 Should a structure and/or lot containing an approved retail establishment become vacant, the exterior of such structure and lot shall be maintained in the same manner as during occupancy including the condition of landscaping, paved surfaces, exterior lighting, façade, etc. The reuse of the structure or lot for any purpose shall be approved by the City prior to such reuse.

5.4.36 **Riding Academy and Stables.**

5.4.36.1 Facilities shall occupy a zoning lot containing not less than five acres.

5.4.37 **Schools.**

5.4.37.1 Accessory and incidental buildings shall be placed within established rear yards and side yards that do not abut a street.

5.4.37.2 Schools shall be planned, sized and sited to serve as community assets and to integrate with and complement surrounding development. Whenever possible, large schools on greenfield sites away from city should be avoided.

5.4.37.3 Truck driving schools with outdoor maneuvering areas shall not be permitted in any residential or mixed use district.

5.4.38 **Seasonal Uses and Markets.**

5.4.38.1 The sales period for temporary Christmas tree sales lots shall start no sooner than November 15.

5.4.38.2 No more than one trailer shall be used to store goods for sale. All sales structures shall meet the setback of the district in which they are located.

5.4.38.3 The use may only be located on a vacant lot, on a lot occupied by a nonresidential use, or on the site of a bona fide farm operation.

5.4.38.4 Off-street parking may be provided behind or to the side of the established use, but not forward of the required front setback.

5.4.38.5 On-site parking may be provided on a low dust, pervious surface area and need not comply with additional paving requirements.

5.4.38.6 Such uses shall not include flea markets or any sales of merchandise or products not related to the seasonal sale of agricultural produce.

5.4.38.7 Farm-type enterprises when considered as being part of bona fide farms such as plant nurseries, commercial greenhouses, fruit or vegetable packing sheds, retail sale of products grown on premises, hatcheries, and similar commercial and processing activities shall be permitted in the A districts without a certificate of zoning compliance unless new parking, driveways, or structures are required. Curb markets are exempt from zoning requirements.

5.4.39 **Self-Storage Facilities.**

5.4.39.1 Self-storage warehouse spaces shall be used for storage only. No space shall be leased or used for any other purpose. Any other use associated with the warehouse, such as office or commercial, shall meet all applicable

Final Draft - 9.12.16

standards of this ordinance for that use for the district in which it is located as well as all other local or state codes that may apply. All uses of the site shall be clearly defined and designated on the site plan prior to zoning approval.

5.4.39.2 Outside storage shall be screened and shall not be located closer than 100 feet, lot line to lot line, to a residential or mixed-use zoning district or a lot containing a legal, conforming residential use. Outside storage of recreational vehicles, boats and trailers shall be completely screened or located on the rear one half of the property and not visble form the street.

5.4.39.3 All driveways and parking areas between and around buildings shall be paved with asphalt or concrete including parking areas for the storage of boats, recreational vehicles and similar vehicles.

5.4.40 **Shopping Centers (all sizes).**

5.4.40.1 Shopping centers shall meet the additional conditions for retail uses.

5.4.41 **Telecommunication Towers.**

5.4.41.1 The following requirements shall govern the location of telecommunication towers and associated accessories which, when installed, will exceed 21 feet in height above existing grade. The height limitations applicable to buildings and non-tower structures shall not apply to towers, antennas and associated accessories.

5.4.41.2 **Purpose and intent.** The purpose of these regulations is to facilitate the reasonable needs of wireless telecommunications service providers and tower owners and to minimize potential adverse impact of such facilities on the community, aesthetic or otherwise, by:

i. Minimizing the total number of towers throughout the city and immediate surrounding area.

ii. Promoting joint use of existing and new towers for placement of antennas by multiple providers and by encouraging multiple providers to place Antennas in or on other existing structures.

iii. Encouraging placement of towers and antennas on city property, non-residential and other properties where adverse impact would be minimal.

iv. Protecting residential areas and other appropriate land uses from the potential adverse impact of towers and antennas, both aesthetic and otherwise.

v. Encouraging users of towers and antennas to place and configure them in such a way that minimizes visual impact, effects from lighting, design and signs.

vi. Avoiding potential damage to adjacent properties from tower failure, through engineering design and siting with adequate setback from adjacent properties and safety review prior to installation.

vii. Provide the minimum regulation of amateur radio antennas to insure the health, safety and welfare of adjoining landowners.

5.4.41.3 In addition to general site plan requirements as set forth in Appendix B, Site Plan Requirements, each application for a new tower shall be accompanied by site plans showing:

i. The actual dimensions of the lot to be built upon or leased. If leased, then also the dimensions of the lot on which leased portion is located.

ii. The size and height of the tower to be erected.

iii. Tower type (e.g., monopole, guyed or lattice).

iv. The location of any existing structures on the lot, if any.

v. The distance to the nearest residential structure.

Final Draft - 9.12.16

vi. Setbacks or the collapse zone. If collapse zone is used, documentation verifying the collapse zone dimensions.

vii. The location of all other towers and antennas owned by the applicant inside the City and within one mile of the City limits.

viii. Other information as may be essential and any information requested by the Planning Commission which is necessary for determining whether the provisions of this ordinance are met.

5.4.41.4 Each application for a new tower shall include a report from a qualified and licensed professional engineer that provides the following:

i. Engineer's statement that:

- Existing or approved telecommunications towers with available co-location space are not located within the search area.
- Existing or approved towers or structures are not of sufficient height to meet the provider's specifications.
- Existing or approved towers or structures do not have sufficient structural strength to support the applicant's proposed antennas.
- The provider's proposed antenna would cause objectionable radio frequency interference with existing or planned antennas on an existing or planned tower, (e.g., the spacing requirement between antennas cannot be met).Existing or approved towers lack co-location space.

i. If it is determined that an existing tower does not have the structural strength or integrity to support additional antennas and associated equipment, then documentation shall be submitted that the existing tower cannot be structurally strengthened to accommodate an additional user.

ii. The tower and/or antenna height and design, including a cross section and elevation.

iii. The height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas.

iv. The tower's capacity, including the number and type of antennas.

v. A statement of non-interference with established public safety telecommunications structures.

vi. Engineer's stamp and registration number licensed in the State of Mississippi.

vii. The estimated cost of the tower, antenna and other related equipment.

viii. Estimated costs for removal of the tower or antenna should it become abandoned or unused.

5.4.41.5 It is the intent of the City to encourage providers to co-locate facilities in an effort to reduce the number of telecommunication towers. Unless it is determined to be unfeasible, new communications towers should be capable of supporting additional communications antennas. The city requires providers to negotiate in good faith with other providers to lease space at a reasonable cost and for reasonable terms, and to publicize the fact that space is available on a lease basis as part of the certificate of zoning compliance process. Owners of all commercial towers shall file a letter of intent committing the tower owner and all successors to allow the shared use of the tower provided the additional user agrees in writing to meet reasonable terms and conditions for shared use.

5.4.41.6 **Prior to issuance of a certificate of zoning compliance, the following additional items shall be submitted:**

i. Site Plan approved by the Site Plan Re-

Final Draft - 9.12.16

view Committee.

ii. Copy of the appropriate FAA or FCC license or pending application for approval of the tower or Antenna, if applicable.

iii. Proof that the proposed tower complies with regulations administered by the FAA and FCC or that it is exempt from those requirements.

iv. If an Environmental Assessment (EA) is required as a result of FCC action granting applicant's Application for Antenna Structure Registration pursuant to the National Environmental Policy Act (NEPA), the applicant must provide a copy of the EA with the application. No permit shall be issued until the EA has been submitted to the Department of Urban Development along with the findings of the FCC regarding the EA. Specifically, the applicant must advise the board whether the FCC has issued a finding of no significant impact (FONSI) or has required the preparation of an environmental impact statement (EIS).

v. A report from a licensed professional engineer, registered in the State of Mississippi, which demonstrates the tower's compliance with all applicable codes and ordinances.

vi. An annual performance bond covering 125% of the projected cost of tower removal, including appurtenances, shall be filed with the City and renewed and refiled every twelve months thereafter along with proof of adequate insurance coverage (see Subsection 5.4.35.4.7). The amount of removal shall be determined by a removal company and certified by a qualified professional. This amount shall be updated and recertified annually as part of the bond renewal. In the event the tower shall become abandoned and the owner fail to remove the tower within ninety days the City shall be authorized to cash the performance bond and remove the tower and all of its appurtenances.

vii. Proof of liability insurance for a minimum of $1,000,000 naming the City of Hattiesburg as additional insured.

viii. A copy of all information submitted to the Mississippi Department of Archives and History for Section 106 review purposes under the National Preservation Act and 36 CFR Part 800 along with a copy of the letter or certificate clearing the tower, by the Mississippi Department of Archives and History. No permit shall be issued until the clearance letter is issued by the Mississippi Department of Archives and History and received by the Department of Urban Development.

ix. If the applicant is not a wireless telecommunication services provider holding a FCC license to provide such service then the applicant shall provide a binding letter of intent or contract with a licensed wireless telecommunication services provider to locate on the proposed tower.

x. Parameters for the wireless telecommunication service search ring and the design criteria for the entire area including the City of Hattiesburg.

5.4.41.7 Design Criteria.

i. Where a telecommunication tower is to be located on a lot with an existing principle use, the tower shall be located in the rear yard only. In addition, a recorded easement for an access road at least twelve feet wide shall be maintained by the property owner and/or the applicant from a public street to the tower for use by service and emergency vehicles.

ii. The city encourages stealth tower design and locations.

Final Draft - 9.12.16

iii. Towers are prohibited on the top of buildings or structures except that towers on roofs may be allowed when the tower height: a) does not exceed more than thirty percent of the height of the building; or b) is no more than fifty feet above the building/structure, whichever is less. Towers on roofs or walls shall be screened, constructed, and/or colored to match the structure to which they are attached.

iv. The city recognizes that telecommunications facilities (both towers and co-locators) cannot be prohibited, nor can a request for a telecommunications tower be denied on the basis of environmental or health concerns relating to radio emissions if the telecommunications equipment and facility complies with the federal radio frequency emission standards. The city requires that each applicant for a certificate of zoning compliance provide documentation proving that their telecommunications equipment complies with the federal radio frequency emission standards.

v. All accessory structures on the ground which contain switching equipment or other related equipment should be architecturally compatible with surrounding buildings and land uses in the zoning district, or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical. This means structures with pitched roofs, made of local construction materials, such as brick, wood, stone, or vinyl lapped siding.

vi. Landscape screening shall be required along the outside area of the perimeter-fenced area(s) to mitigate the visual impacts of the tower and equipment buildings from nearby viewers. All landscape materials and the planting schedule shall meet the requirements for screening listed in Section 7.10.

vii. Screening requirements shall not apply to telecommunications providers who have camouflaged (stealth towers) towers or who have located antennas within another structure (such as a steeple), or who have co-located on an existing tower. Nor shall screening apply when an antenna will be mounted on an electrical transmission tower or on structures such as a water tower/tank, grain silos, etc. or similar structures.

viii. The Planning Commission may waive any or all of the screening requirements upon determining that the existing topography or existing natural materials on site will screen the property as effectively as the required screening, provided that the spirit and intent of this subsection are met. The Commission may also waive screening on those sides of the proposed tower that are located adjacent to undevelopable property. Such a waiver may not be sought to relieve the screening requirement for towers to be located adjacent to vacant properties or along any public right-of-way. Undevelopable property shall constitute any such property or land that is unable to be used as a building site (e.g., a floodplain, etc.).

ix. Towers shall be a minimum of 300 feet from the nearest residentially zoned lot.

x. Telecommunications providers who are leasing a portion of a lot for the proposed telecommunication tower shall obtain written a signed certification from the property owner that no future development or subdivisions or leased portions will be made within the established setbacks of the telecommunication tower until such tower is removed from the site (e.g., is abandoned and removed by the provider). This does not apply to telecommunication providers seeking to co-locate on an existing tower.

Final Draft - 9.12.16

xi. Freestanding signs are prohibited. Wall signs shall be limited to: a) identification signage allowed on equipment structures or fences surrounding the telecommunication tower/structure provided it does not exceed nine square feet in size; and b) "no trespassing" signs, "danger - high voltage" signs, and other similar warning signs shall be installed to discourage trespassing by unauthorized persons. Signs shall be installed and/or mounted on the perimeter fence, and/or on the tower at its base.

5.4.41.8 Applications by providers to use co-location space on a legally conforming existing tower shall be considered an accessory antenna application permitted by right as provided in Subsection 5.4.1. The issuance of a certificate of zoning compliance shall be required.

5.4.42 **Temporary Units and Temporary Dwellings.**

5.4.42.1 A temporary certificate zoning compliance may be issued for a period of one year, according to specific use and other requirements of the zoning district in which the unit is to be located, under the following circumstances: 1) an urgent hardship situation is established upon review by the zoning enforcement officer. Such hardship shall involve loss of a principle dwelling due to disaster; 2) housing need of parents or dependents of the family occupying the principal dwelling, considering factors such as illness, need to care for elderly, lack of space within the principal dwelling; or 3) financial hardship.

5.4.42.2 Extensions shall be possible only upon administrative review by the Planning Commission establishing continued hardship, except that financial hardship alone shall not be the basis for any extension. Extensions shall be granted in one year increments. No more than two extensions shall be permitted.

5.4.42.3 The Director may approve a temporary permit for a camper or other mobile unit to be used as an office by a builder during construction in any district. Permits for two consecutive six-month periods may be issued provided that construction is carried on diligently. Any further extension of permits for temporary units shall be approved by the Planning Commission. No such temporary unit shall be used as living quarters.

Final Draft - 9.12.16

SECTION 6. DIMENSIONAL STANDARDS AND MEASUREMENTS

6.1 District Dimensional Standards.

The following dimensional standards shall apply to all development in all standard districts unless otherwise noted in this ordinance. Dimensional standards for special districts shall be set by adopted plans for those districts.

*Whichever is less

6.2 Additional Dimensional Standards Requirements for Standard Districts.

6.2.1 Roof overhangs or appurtenances not at grade may project from outside wall of residence no more than three feet, and are not considered as part of the setback.

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%	-
A-2	43,560 / 100	1 per lot	-	25	-	15	25	35 feet or 3 stories	50%	-
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%	-
B-1	0/100	-	.75	20	25	0 or 15	0	35 feet or 3 stories	80%	20
B-2	4,000/ 100	-	0.75	0	10	0 or 10	0	35 feet or 3 stories	80%	20
B-3	No minimum/ 100	-	1.00	30	-	0 or 10	0	40 feet or 3 stories	80%	30
B-4	No minimum/ none	-	No limit	0	10	0	0	135 feet or 10 stories	100%	40
B-5	No minimum/ 100	-	1.50	0	30	0 or 10	0	72 feet or 6 stories	90%	50
I-1	No minimum/ 100	-	0.75	40	40	0 or 10	0	75 feet	60%	60
I-2	No minimum/ 100	-	0.75	40	40	0 or 10	0	75 feet	60%	60

Final Draft - 9.12.16

6.2.2 Corner lots shall have two front setbacks and two side setbacks The Planning Director may waive this requirement and determine the front yard to be on the street front that is in line with the prevailing pattern of front yards on the street in order to be consistent with the established pattern of the street.

6.2.3 At grade appurtenances or mechanical equipment shall be allowed to encroach into setbacks proved such equipment is placed as near to the primary structure as possible and does not encroach into utility easements.

6.2.4 If both the front and rear yards of a lot abut public streets (known as a double frontage or through lot), then the rear building line shall respect the alignment of buildings on the back street while the front building line shall respect the alignment of buildings on the fronting street.

6.2.5 Encroachments into setbacks are permitted for uncovered decks, patios, steps, ramps stoops, driveways and similar features.

6.3 Yard and Setback Modifications, Generally.

6.3.1 **Front Yards.**

6.3.1.1 The front yard setback requirements for dwellings shall not apply on any lot where the average setback of existing buildings located wholly or in part within 100 feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback, but not less than the average of the setbacks of the existing buildings. See 6.3.2 for front yard setbacks in historic districts.

6.3.1.2 Where a lot fronts on two nonintersecting streets or two intersecting streets forming an angle of 60 degrees or less, front yards shall be provided on both streets.

6.3.2 **Setbacks in Historic Districts.** Setback requirements for dwellings shall not apply on any lot in a designated historic district where the average setback of existing buildings located on the same side of the street in the same block and, in the case of rear setbacks, on lots abutting rear lot lines, is less or greater than the minimum required setback. In such cases, the setbacks on such lot shall be established as the average of the setbacks of the existing buildings but in no case shall be less than five feet.

6.3.3 **Side Yards.** When the intersection of two streets forms a corner lot, then the following criteria for side setbacks shall apply.

6.3.3.1 For detached single-family residential uses except in the R-3 zone, the side setback on the side street shall be equal to the front setback. However if the lot is located on a short cul-du-sac, sharp curve, has three street frontages, the Director may permit a reduction of up to 25% of the required side yard setback.

6.3.3.2 For all uses other than detached single-family residential the side setback on the side street shall be not less than the required front setback.

6.4 Yard and Setback Modifications for Infill and Redevelopment Areas.

On infill and redevelopment sites, the Director may reduce side yard setbacks and lot width requirements to permit development on existing lots as follows.

6.4.1 **Side Yards.**

A minimum of five feet of green strip shall be maintained as a minimum side yard. In lieu of this requirement, a zero lot line maintenance agreement providing a minimum five foot maintenance easement may be granted by the adjacent property owner.

6.4.2 **Lot Width.**

Lot widths of less than 75 feet in a B-2 zone may be permitted provided all other dimensional standards can be met.

6.5 Yard Measurements; Buildable Area.

The required front, side and rear yards for indi-

Final Draft - 9.12.16

vidual lots, as set forth for the particular zoning district within which a given lot is located, shall be measured inward toward the center of the lot from all points along the respective front, side and rear property lines. Once the required yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side or rear lot shall be known as the buildable area within which the approved structure(s) shall be placed.

6.6 Exception to Height Limitations for Certain Structures and Appurtenances.

The height limitations of this code shall not apply to spires, belfries, cupolas, domes not intended for human occupancy, water towers, utility poles, chimneys, conveyors, or roof mounted mechanical equipment.

6.7 How to Measure.

6.7.1 **Distances.** When determining distances for setbacks, uses and structure dimensions, all distances are measured along a horizontal plane from the appropriate property line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography of the land. Measurements are also taken along the shortest distance between two points. See Diagram 6.1.

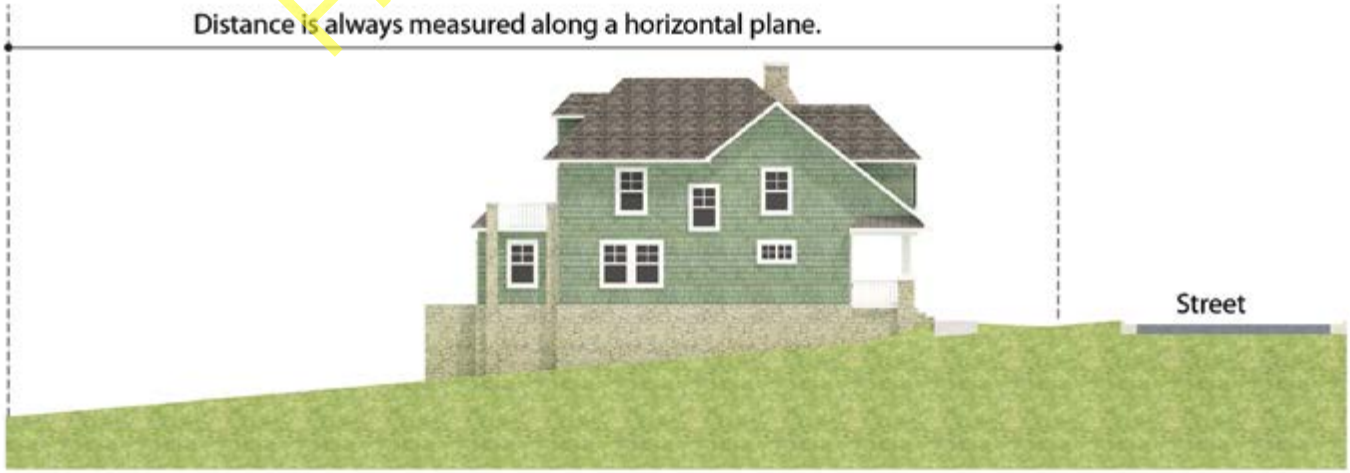
6.7.2 **Measuring Structure Distance.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate property line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography of the land. Measurements are also taken along the shortest distance between two points. See Diagram 6.2.

6.7.3 **Setback Measurement on Cul-de-Sacs and Curved Lots.** The front setback for lots on cul-de-sacs and curved lots shall be measured parallel to the arc of the street right-of-way and inward toward the center of the lot, as illustrated in diagram 6.3.

6.7.4 **Measurement of Building Height.** Building height as expressed in feet shall be measured using the following procedures.

6.7.4.1 **Measuring building height from grade.** The height of buildings is the vertical distance above grade.

Diagram 6.1



MEASUREMENT ALONG A HORIZONTAL PLANE

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Diagram 6.2

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Diagram 6.3

6.7.4.2 **Measuring building height for different roof types.**

i. Flat roof: measure to the top of the parapet, or if there is no parapet, to the highest point of the roof.

ii. Mansard roof: measure to the deck line.

iii. Pitched, hipped, or gambrel roof where roof pitch is 12 in 12 or less: measure to the average height of the top.

iv. Other roofs where the roof pitch is 12 in 12 or less: measure to the highest point.

v. Stepped or terraced building: measure to the highest point of any segment of the building.

6.7.5 **Measuring Height of Signs and other Structures.** The height in feet of other structures such as signs, flag poles and fences is the vertical distance from the ground level immediately under the structure to the top of a structure, excluding exempted portions. When chimneys and other objects are allowed to exceed the base height of the zone by a set amount, that set amount is measured to the top of these objects.

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Final Draft - 9.12.16

SECTION 7. STANDARDS OF DESIGN

7.1 Purpose

In order to fully implement the goals of the City of Hattiesburg Comprehensive Plan, supplementary development standards are required to insure that new development, renovation, and reconstruction are designed, sized, and sited to achieve functionally efficient, economically productive, pedestrian friendly, aesthetically pleasing environments. These standards are intended to contribute to the stability, vitality and long term livability of the City.

7.2 Applicability.

7.2.1 **Generally.**

The following development standards shall be applied by zoning district according to the development standards tables with the following exceptions:

i. Routine maintenance related to plumbing, mechanical, or electrical systems of buildings and sites.

ii. All plumbing, mechanical and electrical equipment when such work is entirely within the interior of a building.

iii. Construction or alteration necessary for the compliance with a lawful order of the City, Fire Department, Police Department, or Public Works Department related to the immediate public health or safety.

iv. Any interior alterations, repairs, or renovation which do not change the principal use of the structure.

v. Demolition or wrecking, repair, construction, reconstruction, alteration, rehabilitation, moving, demolition, or change in use for either land or buildings within any historic district approved by the Historic Preservation Commission.

7.3 Relation to Overlay Districts.

These standards shall also apply in all overlay districts if the standard would apply to the applicable underlying district, unless an alternative standard is set forth in the overlay district.

7.4 Organizational Principles and Design Standards Table.

The development standards are organized in Table 7.1. The symbol "■" means that the standard is required and compliance shall be determined by the Department of Urban Development. The symbol "×" means that the standard is not required. Standards are divided into the following major building and construction elements.

- Parking and Traffic Circulation
- Pedestrian Circulation
- Building Form and Materials
- Lighting and Illumination
- Fences, Walls and Screening

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Table 7.1 Design Standards

STANDARD	DISTRICT														
■ = Required × = Not required	A-1	A-2	R-1A	R-1B	R-1C	R-2	R-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2	PMU
7.5 Parking and Traffic Circulation															
7.5.1 Curb Cuts.															
7.5.1.1 Curb cuts shall be located no closer than 75 feet from the intersection of two streets as measured from the end of the radius nearest the proposed cut. Where the width of the site is less than 75 feet, the curb cut shall be placed the as far as possible from the street intersection. (See Illustration 7.5-1)	×	×	×	×	×	×	×	■	■	■	■	■	■	×	×

Illustration7.5 -1

7.5.1.2 Curb cuts, except where shared, shall be located a minimum of 10 feet from a parcel or lot line. (See Illustration 7.5-2)	×	×	×	×	×	■	■	■	■	■	■	■	■	■	■

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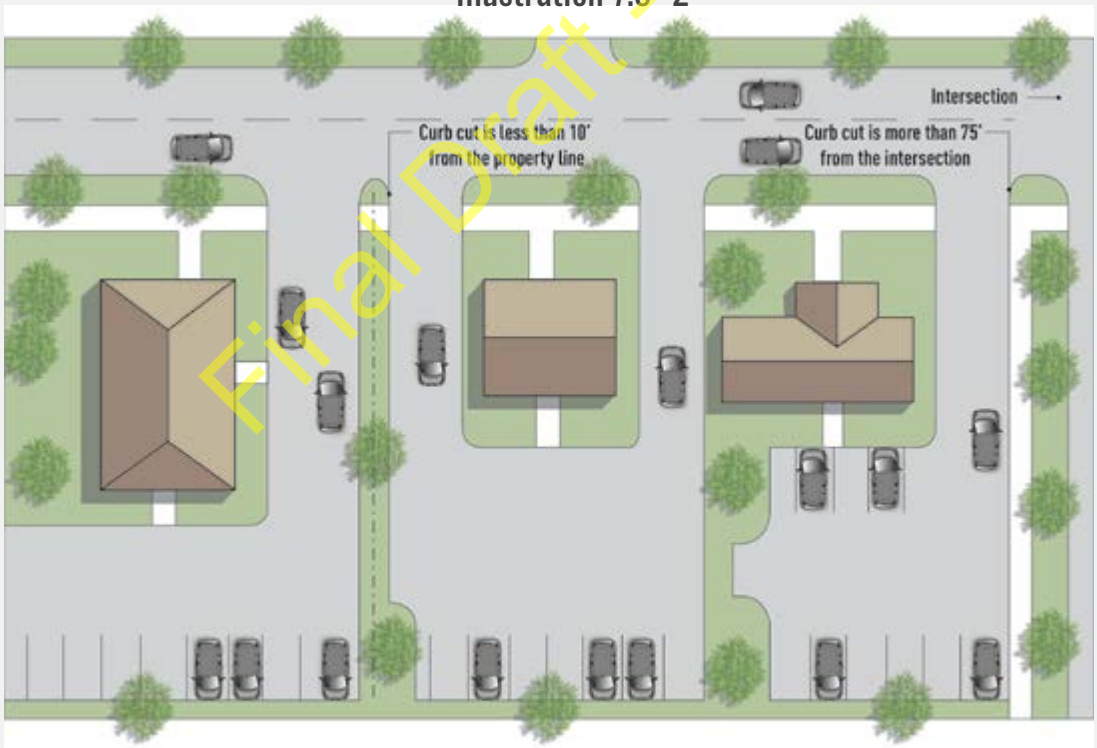
Table 7.1 Design Standards																
STANDARD	DISTRICT															
■ = Required × = Not required	A-1	A-2	R-1A	R-1B	R-1C	R-2	R-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2	PMU
7.5.1.3 Curb cuts shall be located directly opposite one another or separated by a minimum of 150 fifty feet.	×	×	×	×	×	×	×	■	■	■	×	■	■	■	■
7.5.1.4 Curb cuts shall be limited to one for every 40 feet of street frontage. Parcels with less than 40 feet of frontage shall be limited to one curb cut per street frontage.	×	×	×	×	×	×	×	■	■	■	×	■	■	■	■
7.5.2 Parking Lot and Driveway Entrances.															
7.5.2.1 Entrances and exits to the site shall be so located such that parking spaces and traffic aisles do not conflict with entering and exiting traffic. (See Illustration 7.5-2)	×	×	×	×	×	×	■	■	■	■	■	■	■	■	■

Illustration 7.5 -2



Significant number of curb cuts creates too many vehicle turning movements.
Curb cuts not aligned across the street.
Curb cuts are too close to the intersection and property lines.

7.5.2.2 One-way driveway entrances curb cuts shall be a minimum of 12 feet and a maximum 14 feet wide.	×	×	×	×	×	×	■	■	■	■	■	■	■	■	■

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Table 7.1 Design Standards

STANDARD		DISTRICT														
■ = Required × = Not required		A-1	A-2	R-1A	R-1B	R-1C	R-2	R-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2	PMU
7.5.2.3	Two-way driveway entrances shall be a maximum of 24 feet wide.	×	×	×	×	×	×	■	■	■	■	■	■	×	×	×
7.5.2.4	Three-way driveway entrances shall be a maximum of 36 feet wide.	×	×	×	×	×	×	■	■	■	■	■	■	×	×	■
7.5.2.5	Shared driveways are encouraged.	■	■	■	■	■	■	■	■	■	■	■	■	×	×	■
7.5.3	Interior Design of Parking Lots.															
7.5.3.1	Vehicular and pedestrian cross access adjacent commercial properties. in new development contexts is required where feasible and in existing development contexts is encouraged by mutual consent of owners.	×	×	×	×	×	×	×	■	■	■	×	■	×	×	■
7.5.3.2	The number of required spaces shall conform to parking space requirements in this Section.	■	■	■	■	■	■	■	■	■	■	×	■	■	■	■
7.5.3.3	No parking or loading areas may be designed to allow vehicles to back directly onto an adjacent public street.	×	×	×	×	×	×	×	■	■	■	×	■	■	■	■
7.5.3.4	Parking spaces are encouraged to be delineated by white pavement striping unless otherwise required by ADA. Reflective striping is encouraged.	×	×	×	×	×	×	■	■	■	■	■	■	■	×	×
7.5.3.5	Non-residential uses shall provide emergency vehicle access in accordance with thecurrently adopted Fire Code.	×	×	×	×	×	×	×	■	■	■	■	■	■	■	■
7.5.3.6	Fire lanes shall be provided as specified by the applicable fire code.	×	×	×	×	×	×	×	■	■	■	×	■	■	■	■
7.5.3.7	Rear access to buildings shall comply with the adopted fire code.	×	×	×	×	×	×	■	■	■	■	×	■	■	■	■

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Table 7.1 Design Standards

STANDARD		DISTRICT														
■ = Required × = Not required		A-1	A-2	R-1A	R-1B	R-1C	R-2	R-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2	PMU
7.5.3.8	All parking areas and loading areas shall be provided with a permanent concrete curb designed to permit low impact stormwater treatment as approved by the City Engineer. All landscaped areas that may be encroached upon by a motor vehicle shall be protected by a cement wheel stop appropriately anchored to the pavement, and set a minimum of 30 inches back from the edge of pavement to restrict the destruction of landscape materials by vehicles.	×	×	×	×	×	×	■	■	■	■	■	■	■	■	■
7.5.3.9	A landscaped island not less than 8 feet wide and 15 feet in length, measured from back of curb, shall be installed for each 150 lineal feet of parking area and shall cap ends of parking rows. Islands shall be landscaped in accordance with the landscape standards of this code. (See Illustration 7.5-3)	×	×	×	×	×	×	■	■	■	■	■	■	×	×	■

7.5.3.10	Loading docks and truck parking shall be positioned, or screened in such a way as to not be visible from the public street.	×	×	×	×	×	×	■	■	■	■	■	■	×	×	■

7.6 PEDESTRIAN CIRCULATION.

Final Draft - 9.12.16

SECTION 1 SECTION 2 SECTION 3 SECTION 4 SECTION 5 SECTION 6 SECTION 7 SECTION 8 SECTION 9 SECTION 10 SECTION 11 SECTION 12 SECTION 13

Table 7.1 Design Standards

STANDARD	DISTRICT														
■ = Required × = Not required	A-1	A-2	R-1A	R-1B	R-1C	R-2	R-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2	PMU
7.6.1 Circulation External to a Site.															
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. Minimum sidewalk width is five feet. Additional width may be required as determined by Site and Design Review.	×	×	■	■	■	■	■	■	■	■	■	■	×	×	■
7.6.1.2 Sidewalks shall be ADA complaint. ADA access ramps shall be constructed at street corners.	×	×	■	■	■	■	■	■	■	■	■	■	■	■	■
7.6.1.3 Where sidewalks are not yet present on adjacent sites, sidewalks shall be constructed at least five feet behind the curb to allow for landscaping and street trees. If sidewalks are present on adjacent properties, the new sidewalk shall connect to the existing sidewalk.	×	×	■	■	■	■	■	■	■	■	■	■	×	×	■
7.6.1.4 Sidewalks shall not be required to cross driveways as long as the driveway provides an ADA compliant connection between the sidewalk ends.	×	×	■	■	■	■	■	■	■	■	■	■	■	■	■
7.6.1.5 Sidewalks shall be composed of broom finished. Asphalt sidewalks are prohibited.	×	×	■	■	■	■	■	■	■	■	■	■	■	■	■
7.6.1.6 Crosswalks shall be provided to connect external pedestrian circulation systems to a site and safely convey pedestrians to the site destination.	×	×	■	■	■	■	■	■	■	■	■	■	■	■	■
7.6.1.7 Crosswalks shall be striped in conformance with the latest edition of the Manual on Uniform Traffic Control Devices.	×	×	■	■	■	■	■	■	■	■	■	■	■	■	■
7.6.2 Internal Site Circulation															

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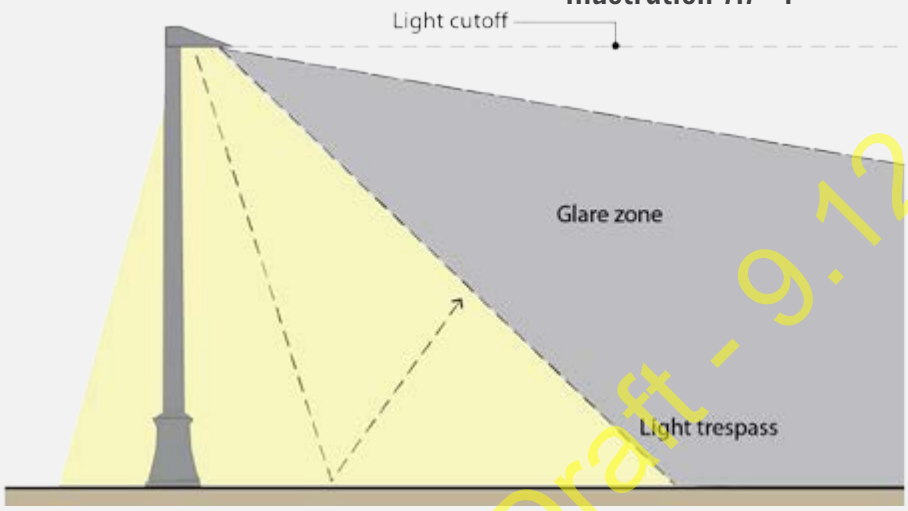
Table 7.1 Design Standards

STANDARD		DISTRICT														
■ = Required × = Not required		A-1	A-2	R-1A	R-1B	R-1C	R-2	R-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2	PMU
7.6.2.1	Internal pedestrian circulation shall be provided to create interconnected walkways safely conveying pedestrians from adjacent streets and parking areas to the site destination.	×	×	×	×	×	×	■	■	■	■	■	■	■	■	■
7.6.2.2	Material may include brick, pavers, tile, stone, or stamped or brush finished concrete. The use of asphalt, cinderblock, and gravel is prohibited.	×	×	×	×	×	×	■	■	■	■	■	■	■	■	■
7.6.2.3	Crosswalks shall be designated by white pavement striping or materials of a different color and texture from the surrounding surface but conforming to the overall color scheme of the development.	×	×	×	×	×	×	■	■	■	■	■	■	■	■	■
7.7	**Site Lighting and Building Illumination.**															
7.7.1	Lighting and Illumination Generally.															
7.7.1.1	Streets, driveways, parking lots, walks and service areas shall be adequately illuminated as evenly as possible, not exceeding an average of .3 foot-candles diminishing to zero at a site's boundary. Lighting intensity shall be demonstrated by means of a site lighting plan illustrating compliance.	×	×	×	×	×	×	×	■	■	■	■	■	■	■	■
7.7.1.2	Site lighting shall not extend beyond site boundaries. Luminaries shall be shielded, shaded, or directed to prevent light from being cast on adjacent property. (See Illustration 7.7-1)	×	×	×	×	×	×	■	■	■	■	×	■	■	■	■
7.7.1.3	No exterior lighting fixture shall be placed or directed so as to interfere with the operation of vehicles.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
7.7.1.4	No exterior light shall have any blinking, flashing, or fluttering light, or other illuminating device which has a changing light intensity or brightness of color.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

Final Draft - 9.12.16

Table 7.1 Design Standards

STANDARD		DISTRICT														
■ = Required × = Not required		A-1	A-2	R-1A	R-1B	R-1C	R-2	R-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2	PMU
7.7.1.5	Lighting fixtures shall be compatible in style with the architecture of their associated buildings and shall otherwise comply with any officially adopted streetscape plan.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
	Illustration 7.7 -1															
7.7.2	Luminaries.															
7.7.2.1	Pole mounted luminaries shall be full cut-off with shields, reflectors, or refractor panels to direct and cut-off emitted light at 90 degrees or less.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
7.7.2.2	Building mounted luminaries shall be full cut-off using shields, reflectors, or refractor panels to direct and cut-off the emitted light at a 45 degrees or less except for low intensity decorative lighting not exceeding 45 watts per bulb (incandescent equivalent). (See Illustration 7.7-2)	×	×	×	×	×	×	■	■	■	■	■	■	■	■	■
7.7.3	Mounting.															
7.7.3.1	Poles in commercial and multiple-family developments, whether mounted upon a building or independently upon a light standard, shall not exceed 25 feet in height.	×	×	×	×	×	×	■	■	■	■	×	■	×	×	×



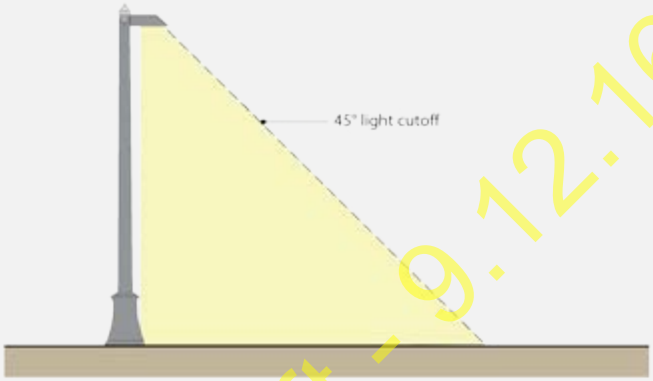
Good Lighting:
* Directs light dowan and to the sides as needed; light control.
* Reduces glare; more even illumination.
* Does not trespass onto neighboring property.
* Helps preserve the dark night sky.
* Cost efficient.

Bad Lighting:
* Contributes to the skyglow with upward direction of light, reducing the enjoyment of the night sky.
* Causes glare, light trespass, and harsh illumination.
* Wastes energy.

Final Draft - 9.12.16

Table 7.1 Design Standards																
STANDARD	DISTRICT															
■ = Required × = Not required	A-1	A-2	R-1A	R-1B	R-1C	R-2	R-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2	PMU
7.7.3.2 Lighting fixtures within industrial developments shall not exceed the height of the roof line of the associated building.	×	×	×	×	×	×	×	×	×	×	×	×	■	■	■

Illustration 7.7 -2



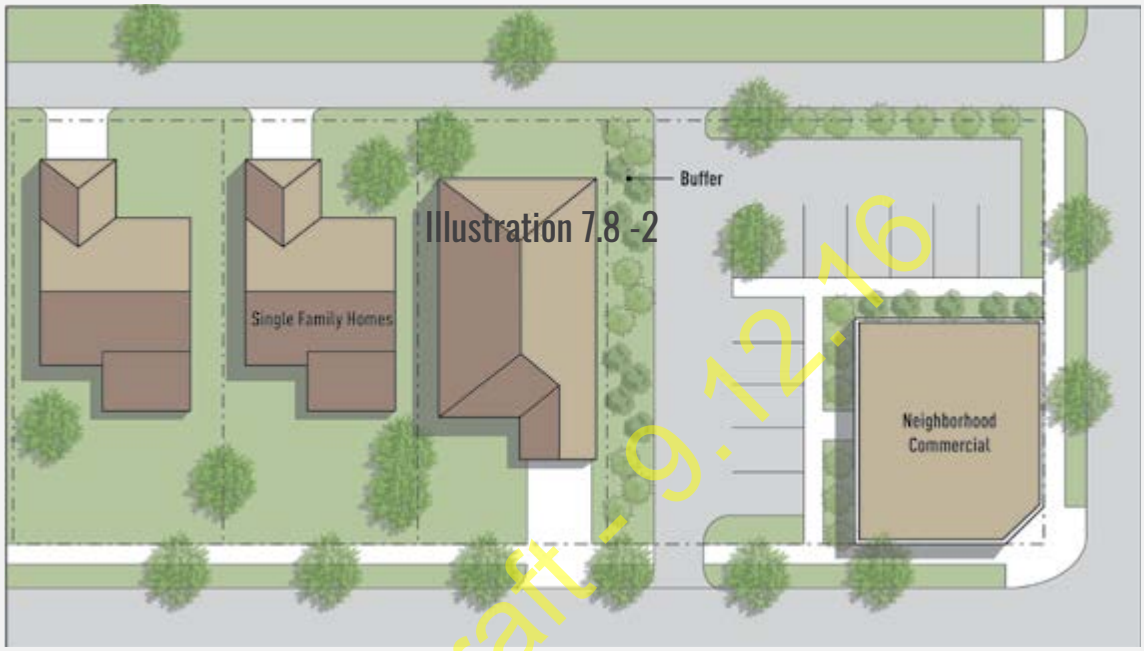
7.8 Building Form and Materials.

7.8.1 Form.																
7.8.1.1 When adjoining a residential zone, structures shall be compatible with the character of single-family residential structures. Compatibility shall be determined by comparing the consistency of existing and proposed design elements, colors, materials, height, bulk and landscaping.	×	×	×	×	×	×	×	■	■	■	×	■	×	×	■

Final Draft - 9.12.16

SECTION 1
SECTION 2
SECTION 3
SECTION 4
SECTION 5
SECTION 6
SECTION 7
SECTION 8
SECTION 9
SECTION 10
SECTION 11
SECTION 12
SECTION 13

Table 7.1 Design Standards

STANDARD		DISTRICT														
■ = Required × = Not required		A-1	A-2	R-1A	R-1B	R-1C	R-2	R-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2	PMU
Illustration 7.8 -1  Illustration 7.8 -2																
7.8.1.2	Building facades shall be oriented parallel to the streets they face. Main entrances shall be visible as a means of creating continuous streetscapes.	×	×	×	×	×	×	×	■	■	■	■	■	×	×	■
7.8.1.3	Multiple buildings on a site should be clustered to create plaza or pedestrian mall areas. Where this cannot be achieved buildings shall be connected by means of pedestrian walkways defined by separate paving textures and accented by landscape areas.	×	×	×	×	×	×	×	■	■	■	×	■	×	×	■
7.8.1.4	False or stage-set facades are prohibited. Similar materials and colors used on the street façade shall be used to the sides and rear of the building where visible from a street right-of-way or adjacent residence. (See illustration 7.8-3)	×	×	×	×	×	×	×	■	■	■	■	■	×	×	■

Undesirable Design

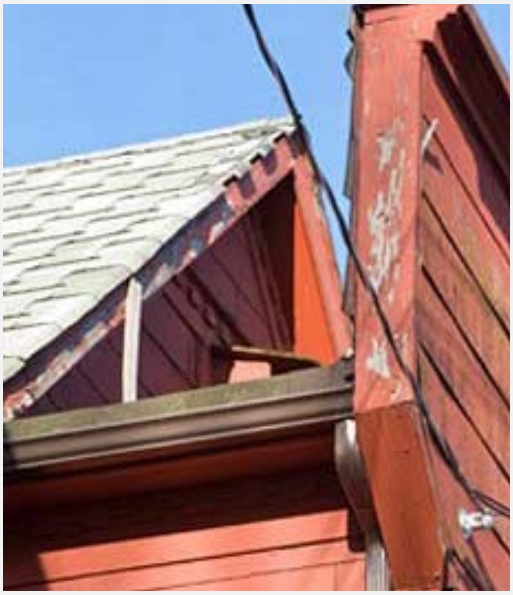
Illustration 7.8 -4

Undesirable Design

Desirable Design

Final Draft - 9.12.16

Table 7.1 Design Standards

STANDARD	DISTRICT														
■ = Required × = Not required	A-1	A-2	R-1A	R-1B	R-1C	R-2	R-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2	PMU
 Illustration 7.8 -3															
7.8.1.5 The maximum, unbroken facade plane shall be 60 feet and should be interrupted by projections, recesses, portals, courtyards, plazas, or other architectural design. Facade plane breaks shall have a minimum depth of six inches.	×	×	×	×	×	×	×	■	■	■	■	■	×	×	■

Final Draft - 9.12.16

SECTION 1
SECTION 2
SECTION 3
SECTION 4
SECTION 5
SECTION 6
SECTION 7
SECTION 8
SECTION 9
SECTION 10
SECTION 11
SECTION 12
SECTION 13

Table 7.1 Design Standards

STANDARD		DISTRICT														
■ = Required × = Not required		A-1	A-2	R-1A	R-1B	R-1C	R-2	R-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2	PMU
7.8.1.6	No flat-faced cement block or metal surfaces shall be visible upon the exterior of any building as a primary surface material or mansard. Alternatives of equal or better quality may be considered. (See illustration 7.8-3)	×	×	×	×	×	×	×	■	■	■	■	■	×	×	■
	Illustration 7.8 -5 Not Permitted															
7.8.1.7	Exposed pitched roofs, as a primary roof form, have a slope not less than 5/12. Porches shall be sloped not less than 3/12.	×	×	×	×	×	×	×	■	■	■	■	■	×	×	■
7.8.1.8	Parapet facades may be used when of unified construction with the primary surface of the wall and of the same material and color. The parapet shall be designed such that the reverse side of all elements shall not be visible to public view. False mansards are prohibited.	×	×	×	×	×	×	×	■	■	■	■	■	×	×	■
7.8.1.9	Parapets should extend above the highest level of any roof mounted equipment. In no case shall such equipment be visible from adjacent grades at a distance of 75 feet.	×	×	×	×	×	×	×	■	■	■	■	■	×	×	■

Illustration 7.8 -6

Final Draft - 9.12.16

Table 7.1 Design Standards

STANDARD	DISTRICT														
■ = Required × = Not required	A-1	A-2	R-1A	R-1B	R-1C	R-2	R-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2	PMU

7.8.2	Materials.															
7.8.2.1	Building materials shall suit the architectural style of a building and be consistent or complementary throughout. Exterior surface materials shall be selected from among the following: brick, cementitious stucco, stone, vertical board and batten, wood or cementations siding and approved architectural concrete masonry unit. EFIS may only be used in banding, decorator strips, cornice lines and wall capping.	×	×	×	×	×	×	×	■	■	■	■	■	×	×	■

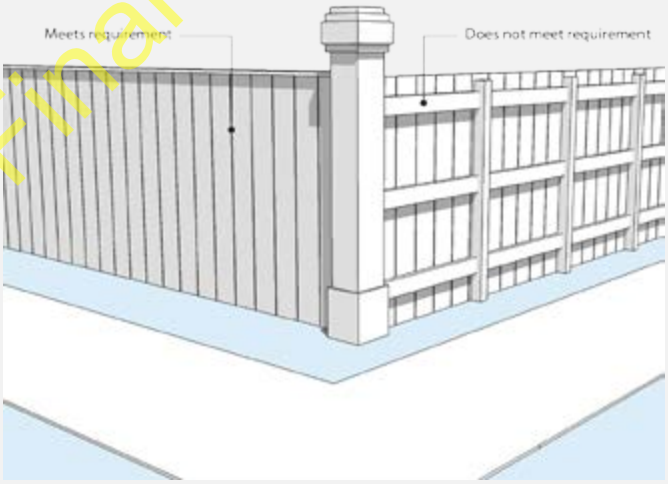
Final Draft - 9.12.16

Table 7.1 Design Standards

STANDARD		DISTRICT														
■ = Required × = Not required		A-1	A-2	R-1A	R-1B	R-1C	R-2	R-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2	PMU
Illustration 7.9 -1 Appropriate use of materials																
7.8.2.2	Roof design shall be appropriate to the architectural style of a building. Where exposed to public view, roof material shall be selected from enameled standing seam metal, concrete or clay tiles, copper metal, or wood textured (architectural grade) or composition asphalt shingles. The use of plastic, fiberglass, other metal, or glass visible to public view is prohibited.	×	×	×	×	×	×	×	■	■	■	■	■	×	×	■
7.8.3	Design Detail.															
7.8.3.1	Wall surfaces shall be composed of at least 75% a single material and color. With the exception of decorator accents, colors shall be subtle, neutral, or earth tone or relate to appropriate historic building colors found within the City.	×	×	×	×	×	×	■	■	■	■	■	■	×	×	■
7.8.3.2	Walls that can be seen from an arterial or collector street shall be treated as a building façade.	×	×	×	×	×	×	■	■	■	■	■	■	×	×	■

Final Draft - 9.12.16

Table 7.1 Design Standards

STANDARD		DISTRICT														
■ = Required × = Not required		A-1	A-2	R-1A	R-1B	R-1C	R-2	R-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2	PMU
7.8.3.3	No less than 40% of the horizontal distance of any building front entrance shall be designed with arcades, windows, entrances, awnings, or similar features.	×	×	×	×	×	×	■	■	■	■	■	■	×	×	■
7.8.3.4	Retail facades shall be glazed with clear glass no less than 30% of the first story, or 70% in the B-4 District. Other uses may provide the authentic appearance of such transparency.	×	×	×	×	×	×	×	■	■	■	■	■	×	×	■
7.9	**ACCESSORY USES AND EQUIPMENT.**															
7.9.1	Fences.															
7.9.1.1	Fences and walls within a development shall be of compatible design and materials.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
7.9.1.2	Fences and walls shall be constructed such that the "finished" part of the fence or wall is located toward and facing the exterior of the property.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
																
7.9.1.3	Barbed wire, woven wire or electrical fencing may be used in agricultural applications only.	■	■	×	×	×	×	×	×	×	×	×	×	■	■	×
7.9.1.4	Fences or walls topped with or containing metal spikes, broken glass, razor wire or similar material are prohibited.	■	■	■	■	■	■	■	■	■	■	■	×	×	×	■

Final Draft - 9.12.16

Table 7.1 Design Standards

STANDARD		DISTRICT														
■ = Required × = Not required		A-1	A-2	R-1A	R-1B	R-1C	R-2	R-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2	PMU
7.9.1.5	Uncoated chain link and other wire material fences shall not be permitted in a front setback except in the case of athletic or play surfaces.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
7.9.1.6	Chain link fencing shall be green or black vinyl coated.	×	×	×	×	×	×	■	■	■	■	■	■	×	×	■
7.9.1.7	The maximum height of fences and walls shall be four feet above grade when located in a front yard. Otherwise the maximum height of a fence is eight feet.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
7.9.2	Walls.															
7.9.2.1	Retaining walls less than three feet tall may be constructed of treated timbers, split-faced concrete block, flat-faced concrete block, or poured-in-place concrete with either a flat or decorative face.	×	×	■	■	■	■	■	■	■	■	■	■	■	■	■
7.9.2.2	Retaining walls three feet or more in height shall only be constructed of split-faced concrete block, modular block keystone systems, or poured-in place concrete with a decorative face.	×	×	■	■	■	■	■	■	■	■	■	■	■	■	■
7.9.3	Outside Storage and Waste.															
7.9.3.1	Masonry walls and buildings, or a combination thereof, shall be used to screen outside storage areas. The use of wooden fences or chain-link fences with slats as a screening device for garbage collection areas is prohibited.	×	×	×	×	×	×	■	■	■	■	■	■	■	×	■
7.9.3.2	Trash containers, oil and grease containers must be visually screened on all sides including gates. Combinations of berming, landscaping, walls, fences and buildings shall be used to screen containers and enclosures.	×	×	×	×	×	×	■	■	■	■	■	■	■	■	■
7.9.3.3	Wash down, where required, areas shall be tied into the sanitary sewer in accordance with city specifications.	×	×	×	×	×	×	■	■	■	■	■	■	■	■	■

Final Draft - 9.12.16

Table 7.1 Design Standards

STANDARD		DISTRICT														
■ = Required × = Not required		A-1	A-2	R-1A	R-1B	R-1C	R-2	R-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2	PMU
7.9.3.4	Outside storage areas and waste containers shall be located to the side or rear of principal structures.	×	×	×	×	×	×	×	■	■	■	■	■	×	×	■
7.9.3.5	Outside storage areas and waste containers shall be sited to avoid conflict with vehicular and pedestrian movement.	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
7.9.3.6	All activities related to non-residential material management, including deliveries and removal, and non-residential waste removal shall be conducted fully onsite and shall not involve the use of public streets for vehicle parking or maneuvering.	×	×	×	×	×	×	■	■	■	■	■	■	■	■	■
7.10 LANDSCAPING.																
7.10.1	Interior Site Landscaping.															
7.10.1.1	There shall be a minimum of 20 square feet of interior landscaped area provided within each parking lot for each parking space provided exclusive of landscape islands.	×	×	×	×	×	×	■	■	■	■	×	■	×	×	■
7.10.1.2	Parking lot islands shall contain a minimum of one large, shade or canopy tree per island. Parking islands directly abutting buildings shall substitute shrub plantings.	×	×	×	×	×	×	■	■	■	■	×	■	×	×	■
7.10.1.3	Landscaped areas shall be at least 75 percent covered with grass or other types of live or organic ground cover. Planting shall be established prior to building occupancy.	×	×	×	×	×	×	■	■	■	■	■	■	×	×	■
7.10.2	Perimeter Landscaping.															
7.10.2.1	A green strip 10 feet in width shall be planted with at least one large, deciduous tree per 60 feet of lineal frontage.	×	×	×	×	×	×	×	■	■	■	×	■	■	■	■
7.10.2.2	Landscaping shall comply with the Plant Standards, Installation and Maintenance in this section.	■	■	■	■	■	■	■	■	■	■	×	■	■	■	■

Final Draft - 9.12.16

7.11 Plant Standards and Buffers.

7.11.1 The standards listed in Table 7.2 shall apply to all planting required as a part of this Code.

Table 7.11-1 Plant Standards, Installation and Maintenance

Plants	Trees	At Initial Planting: "Large" trees shall be a minimum of two and one half inches in caliper or 30 gallon container. "Medium" and "Small" trees shall be two inches in caliper or 15 gallon container. Caliper shall be measured six inches above ground level at the time of planting.
		At Mature Growth: "Large" trees shall be a minimum of 40 feet tall at mature growth height. "Medium" trees shall be a minimum of 20 to 35 feet tall at mature growth height. "Small" trees shall be a minimum of 8 to 10 feet tall at mature growth height.
		Acceptable Tree Species: Both Deciduous and Evergreen species are acceptable, native trees and trees species recommended for Zone 8 are preferred. Trees listed as invasive by the Mississippi Forestry Commission and National Forest Service are prohibited. A list of recommended tree species is available from the city arborist.
	Shrubs	Shrubs are low woody plants, sometimes with multiple shoots or stems at the base. These plants may be evergreen or deciduous, and are considered unstory species but may reach up to 15 feet in height at maturity. Large shrubs shall be a minimum of 5 gallon/24 inches in size at planting. Medium shrubs shall be a minimum of 3 gallon/12 inches in size at planting. Small shrubs shall be a minimum of 2 gallon/8 inches in size at planting.
	Ground Cover	Living ground covers may be used in lieu of grass, in whole or part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage with three months after planting. Non-living ground cover such as mulch, rocks and other materials may be used to enhance the aesthetics of the landscape, up to 25% of the total green space area.
	Grass	Grass areas shall be planted and grown as permanent lawns. Grass may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in swales or other areas subject to erosion and providing that in areas where other solid sod or grass seed is used, grass seed shall be sown for immediate effect and protection until coverage is achieved.
Maintenance		Trees, shrubs and other landscaping materials approved as part of the site development plan, shall be considered binding elements of the project in the same manner as parking, building, materials and other details. The applicant, owner, subsequent owners and their agents shall be responsible for the continued maintenance of all landscaping materials. All landscaping shall be maintained in good condition with at least the same quality and quantity of the landscaping originally approved. Plant materials which exhibits evidence of insects, disease and/or damage shall be appropriately treated. Dead plants shall be removed and replaced within 30 days following notification by the city.
Credit for Existing Plant Material		If the owner/developer can demonstrate that healthy plant materials exists on a site prior to its development that meet the purposes of the landscape ordinances, the Site Plan Committee may allow credit for such plant materials in order to meet the intent of the land development code and preserve existing landscape elements. All credited landscape materials shall be clearly marked and protected from any encroachment or damage. If any credited plant dies or fails to thrive, new plant materials shall be installed to replace the lost landscape element.
Quality		Planting materials shall be nursery grown and meet ANSI Z60.1 Standards. Plants should be free of disease and insect adults, eggs, pupa or larvae. Plants should have well developed root systems and free from physical damage or other conditions that would prevent correct growth habits.

Final Draft - 9.12.16

Installation	Landscape installation shall follow the approved site plan or landscape plan, including plant species, locations, sizes, quantities and other green space requirements. All landscaping materials shall be installed in a professional manner, and according to accepted professional planting procedures. Any landscape material that fails to meet the minimum requirements at the time of installation shall be removed and replaced with acceptable materials. Planting areas that maybe compacted or poorly drained such as landscaped parking islands, planting beds around buildings and roadways, should be backfilled with quality soil and organic matter to promote better plant establishment and growth. Irrigation systems are not required but are recommended to help maintain and promote the health and quality of the landscape.

7.11.2 **Zoning Buffer Requirements.**

Table 7.11-2 Zoning Buffer Requirements

Zones	A-1	A-2	R-1A	R-1B	R-1C	R-2	R-3	B-1/B-2	B-3	B-4	B-5	I-1	I-2	Buffer Yard Specifications
R-3	10'	10'	10'	10'	10'	10'	-	-	-	-	-	-	-	Type 10 shall consist of a landscaped area a minimum of 10 feet in width, landscaped with One (1) large canopy tree (ultimate height 50± feet) for every seventy-five (75) lineal feet of buffer yard and Three (3) medium evergreen trees (planted on a 25 foot triangular staggered spacing) and one small ornamental tree for every 75 lineal feet of buffer yard.
B-1/ B-2	20'	20'	20'	20'	20'	20'	20'	20'	-	-	-	-	-	Type 20 shall consist of a landscaped area a minimum of 20 feet in width, landscaped as an opaque barrier. One large canopy tree (ultimate height 50± feet) and 2 small ornamental deciduous trees spaced 30 feet on center for every 60 lineal feet of buffer yard. An opaque wall may be substituted for landscape screening.
B-3	30'	30'	30'	30'	30'	30'	30'	-	-	-	-	-	-	Type 30 shall consist of a landscaped area a minimum of 30 feet in width, landscaped as an opaque barrier, one large canopy tree (ultimate height 50± feet) for every 60 lineal feet of buffer yard and 1 medium evergreen tree planted on a triangular staggered spacing for every 15 lineal feet of buffer yard.
B-4	40'	40'	40'	40'	40'	40'	40'	-	-	-	-	-	-	Type 40 shall consist of a landscaped area a minimum of 40 feet in width, landscaped a an opaque barrier, as required by this section and one large canopy tree (ultimate height 50± feet) and one small ornamental deciduous tree for every 60 lineal feet of buffer yard and one medium evergreen tree (planted on a triangular staggered spacing) for every 15 lineal feet of buffer yard.

Final Draft - 9.12.16

Table 7.11-2 Zoning Buffer Requirements

Zones	A-1	A-2	R-1A	R-1B	R-1C	R-2	R-3	B-1/B-2	B-3	B-4	B-5	I-1	I-2	Buffer Yard Specifications
B-5	50'	50'	50'	50'	50'	50'	50'	-	-	-	-	-	-	Type 50 shall consist of a landscaped area a minimum of 50 feet in width, landscaped as an opaque barrier with 1 large canopy tree (ultimate height 50± feet) and one small ornamental deciduous tree for every 60 lineal feet of buffer yard and 1 medium evergreen tree planted on a triangular staggered spacing for every 10 lineal feet of buffer yard.
I-1	60'	60'	60'	60'	60'	60'	60'	60'	60'	60'	-	-	-	Type 60 shall consist of a landscaped area a minimum of 60 feet in width, landscaped as an opaque barrier and 1 large canopy tree (ultimate height 50± feet) and 1 small ornamental deciduous tree for every 50 lineal feet of buffer yard and one medium evergreen tree planted on a triangular staggered spacing for every 10 lineal feet of buffer yard.
I-2	60'	60'	60'	60'	60'	60'	60'	60'	60'	60'	-	-	-	

7.12 Parking Requirements.

Off-street automobile parking or storage space shall be provided on every lot unless otherwise stated herein. All parking shall meet all of the requirements of this Section as well as design standards set forth in Section 7.5. The Site Design and Review Committee may permit the phased construction of required parking spaces or a higher or lesser number of required spaces according to the standards set forth below.

7.12.1 General Requirements.

7.12.1.1 Permanent off-street parking for all structures and uses of land, except parking for individual single-family residences, shall conform to the minimum requirements for parking as listed in the use table. These standards, to be used as a guide to the Director, are based on parking standards for general land use categories. The developer is ultimately responsible for ensuring that sufficient parking is provided.

7.12.1.2 Off-street parking is permitted in required yard and setback areas as provided in this section, but shall not be permitted in any required buffer area.

7.12.2 Calculation of Off-Street Parking Requirements.

7.12.2.1 The number of parking spaces required shall be calculated so that fractional portions of parking spaces are considered a full space (e.g. 56.12 parking spaces shall be calculated as 57 total spaces).

7.12.2.2 Calculation for required off-street parking for any bar, lounge, nightclub, or restaurant shall include all outdoor seating areas.

7.12.3 Change or Expansion of an Existing Use.

7.12.3.1 Change in the use of an existing structure or site shall require compliance with the minimum parking requirements applicable to the new use. However, if the new use also requires additional buffer or parking lot landscaping, the Director may permit a maximum 20% reduction in the required number of spaces to accommodate additional landscaping and buffering.

7.12.3.2 Any expansion of an existing building or use including addition of dwelling units, personnel, seats, chairs, and similar changes shall require review by the Director to determine

Final Draft - 9.14.16

additional off-street parking necessary to accommodate the expansion area or change.

7.12.4 **Parking for Uses Not Listed.** Parking for uses not expressly provided for shall be determined by the Director who shall apply the unit of measurement set forth in the table for a use that the Director deems to be most similar to the proposed use.

7.12.5 **Multiple Uses.** Combined parking areas serving two or more principal uses shall contain spaces equal in number to the total of spaces required for all principal uses served. This requirement is also in effect if the principal uses are the same or have the same parking requirements.

7.12.6 **Location of Parking.** Required off-street parking must be provided: 1) on the same lot or parcel or within 300 feet of the principal use for which it is required, 2) in a parking facility the title to which or easement for the use of which runs with and is appurtenant to such use, 3) off-site in an area approved by the City as shared parking, or 4) approved by the Director.

7.12.7 **Parking in the B-4, Downtown Business District.** No off-street parking shall be required, except that adequate on-street and off-street parking and unloading spaces must be demonstrated by the applicant for places of assembly, day-care centers, schools, and residences.

7.12.8 **Applicant Submitted Parking Data; Phased Parking.**

7.12.8.1 The Director may accept a higher or lower number of parking spaces than required in the Table of Parking Requirements in Section 7.13.11 (or a specific number of spaces for a use not listed) based upon a phased development plan or applicant-submitted parking data such as a shared parking analysis or appropriate standards from The Institute of Transportation Engineers (ITE) or other credible sources, provided the following requirements are met.

7.12.8.2 **Reduced and Phased Parking.** If the Director accepts a lower number of parking spaces than is otherwise required, the plan for the site must be designed to accommodate all required parking, and all areas set aside to accommodate unconstructed parking. Should the Director determine that the originally constructed parking is insufficient, they shall order that the unconstructed parking and/or loading be provided and a certificate of occupancy for such obtained within 12 months of such order. The design and location of these unconstructed parking spaces shall meet design standards as provided in this ordinance and the following:

i. The area necessary to accommodate these unconstructed spaces shall not be included as part of the site's minimum open space requirement.

ii. The area necessary to accommodate these unconstructed spaces shall be included in the impervious coverage for the site and accounted for in the drainage design.

iii. Until or unless such spaces are needed the area shall be maintained as undisturbed open space. If it is determined that grading or disturbing these areas during development is necessary, the areas shall be stabilized and re-vegetated prior to the issuance of a certificate of occupancy. Subsequent adherence to landscaping and buffer requirements shall not occur until or unless such additional parking is required to be constructed.

7.12.8.3 **Paving.**

When Maximum Exceeded. Parking that exceeds maximums must be paved with pervious pavers/pavement.

7.12.8.4 **Shared Parking.**

Any shared parking analysis shall follow the guidelines provided in the most recent edition of the Urban Land Institute's "Shared Parking" publication, a copy of which is on file in the office of the Director. Any off-site

Final Draft - 9.12.16

parking to be used shall require the recording of a perpetual easement prior to occupancy in the office of the Chanclery Clerk of the appropriate county, the form and substance of which must be approved by the Director.

7.12.8.5 **Parking Waiver.**

The Director may authorize up to a 25% reduction in the total number of parking spaces required when parking requirements cause the potential demolition of a historic structure or damage of significant tree stands The Director may issue such waiver at the request of the applicant after determining that the reduction will not unreasonably increase parking congestion. The applicant shall not disturb the structure or trees for which the waiver is granted.

7.12.9 **Number of Spaces Required.**

The following table lists the procedures for calculating parking requirements. Some uses and use groups are too variable to preset a parking standard calculation. Such are noted "by administrative review." In these cases, the Director shall determine the number of parking spaces required after consultation with the applicant, reviewing preliminary site designs, consulting publications such as ITE's "Parking Generation" publication, and observing parking demand in Hattiesburg for similar uses. GFA as used in the table means "gross floor area."

7.12.10 **Maximum Number of Spaces Allowed.**

In no case shall the minimum number of parking spaces be exceeded by five percent.

Table 7.12 - Table of Parking Requirements.

Standard District Table of Permitted Uses	Minimum Spaces Required
Accessory buildings and structures, excluding dwellings	-
Accessory communication antennae	-

Table 7.12 - Table of Parking Requirements.

Standard District Table of Permitted Uses	Minimum Spaces Required
Adult entertainment	1 per 4 seats
Agriculture-related feed, supply and equipment sales and services	1 per 300 sf GFA
Airport, public or private	1 per 4 seating accommodations for waiting passengers plus 1 per each 2 employees
Amusement facilities	1 per 6 seats or 1 per 300 sf of GFA if no permanent seats
Animal husbandry—for profit and research-related, excluding CAFOs as defined by the US EPA	1 per 1,500 sf GFA
Animal husbandry—for profit and research-related, including CAFOs as defined by the US EPA	1 per 1,500 sf GFA
Animal shelter	1 per employee
Aquaculture— for profit and research-related	1 per employee
Armory	1 per employee
ATM, outdoor	-
Auction house	1 per 4 seats
Automotive/truck repair and maintenance	1 per 375 sf GFA, including service bays, wash tunnels, and retail areas
Boarding house	1 per guest room plus 2 spaces for owner's portion
Boat, canoe, and kayak rental	-
Broadcast studio	1 per employee
Building maintenance and services	1 per employee
Bus station	1 per employee plus spaces required to satisfy projected peak parking needs

Final Draft - 9.19.16

Table 7.12 - Table of Parking Requirements.	
Standard District Table of Permitted Uses	**Minimum Spaces Required**
Care center	1 per 375 sf GFA
Care center, home	1 per 375 sf GFA
Cemeteries and columbariums accessory to a worship center	-
Cemetery and columbarium as principal uses	-
Check cashing agencies	1 per 400 sf GFA
Civic/cultural/community center	1 per 6 seats or 1 per 30 sf of GFA if no permanent seats
Clubs and bars	1 per 2 seats or 2 persons based on occupancy load whichever is greater
Construction offices (plumbing/ gas/electrical /welding – with equipment, supplies and retail sales)	1 per 500 sf GFA
Construction offices (plumbing/ gas/electrical /welding -office only)	1 per 1,000 sf GFA
Correctional facilities and jails	1 per employee on maximum shift, 1 per service vehicle
Country club	1.5 per 1,000 sf GFA
Dwelling, manufactured (mobile) home	-
Dwelling, multi-family	1.25 per DU
Dwelling, single-family attached	1 per DU
Dwelling, single-family detached	1 per DU
Dwelling, two family	1 per DU
Dwelling, zero lot line detached	1 per DU
Exterminators	1 per employee
Fairgrounds and stadiums, public or private	1 per 6 seats or 1 per 30 sf of GFA if no permanent seats

Table 7.12 - Table of Parking Requirements.	
Standard District Table of Permitted Uses	**Minimum Spaces Required**
FDIC financial institutions and mortgage companies, excluding check cashing agencies	1 per 400 sf GFA
Fishing, hunting and trapping	-
Fitness centers	1.5 per 1,000 sf GFA
Food trucks	-
Funeral home, mortuary and crematorium	1 per 4 seats
Gallery, museum, and library	1 per 1,000 sf GFA
Gated communities	-
Glass repair and replacement	1 per 375 sf GFA
Golf course	1.5 per hole
Government center/complex and offices	1 per 300 sf GFA
Group facility	0.3 per room
Group home	0.3 per room
Heliport	-
Home occupation	-
Horticulture— for profit and research-related	-
Horticulture— private	-
Hospital and outpatient clinic	1 per 400 sf GFA
Hunting camp/lodge	-
Ice machines and similar commercial accessory structures	-
Impoundment lot	-
Industry, heavy	1 per employee/maximum shift
Industry, light	1 per employee/maximum shift
Kennel	1 per 300 sf GFA

Final Draft - 9.12.16

Table 7.12 - Table of Parking Requirements.

Standard District Table of Permitted Uses	Minimum Spaces Required
Laboratory, dental or medical	1 per 1,000 sf GFA
Laundromat	1 per 500 sf GFA
Life care communities	0.3 per room
Lodging—bed and breakfast home	1 per guest room plus 2 spaces for owner's portion
Lodging—bed and breakfast inn	1 per guest room plus 2 spaces for owner's portion
Lodging—hotel, motel, tourist home	0.8 per room plus1 per 800 sf of public meeting area and restaurant space
Machinery, tools/construction equipment, limited sales and service	1 per 500 sf GFA of sales and service building
Marine sales and service	1 per 500 sf GFA of sales and service building
Medical or dental office	1 per 400 sf GFA
Mining and extraction	-
Motor vehicle rental and sales	1 per 500 sf GFA of sales and service building
Open space, common and public	-
Open storage	-
Other professional office	1 per 400 sf GFA
Package liquor store	1 per 300 sf GFA
Park/playground	1 per 1,000 sf GFA
Parking, garage	-
Parking, surface	-
Parking, surface or garage	-
Pawn shop	1 per 300 sf GFA
Personal and professional services, excluding tattoo parlors	1 per 300 sf GFA

Table 7.12 - Table of Parking Requirements.

Standard District Table of Permitted Uses	Minimum Spaces Required
Places of assembly not otherwise listed	1 per 6 seats
Product wholesale	1 per 600 sf GFA
Public and community utility facilities	-
Public safety station (police, fire, ambulance)	1 per employee + 1 per each 3 volunteer personnel on normal shift + 1 per 200 sf usable office space
Railroad facilities including terminals, excluding maintenance yards	1 per employee plus spaces required to satisfy projected peak parking needs
Railroad maintenance yard	-
Recycling center	-
Rehabilitation center, nursing care, assisted living, congregate care, palliative care, and hospice care	0.3 per room
Repair shop (small appliance, shoes, excluding engine)	1 per 400 sf GFA
Restaurant, with drive-thru	1 per 4 seats
Restaurant, without drive-thru	1 per 4 seats
Retail, <10,000 sq.ft.	1 per 300 sf GFA
Retail, >50,000 sq.ft.	1 per 300 sf GFA
Retail, 10,000-50,000 sq.ft.	1 per 300 sf GFA
Riding academy or stable	-
Sanitary landfill	-
Satellite receiving systems	-
School, K-12	2 per classroom (K-8)/1 per 2 students (9-12)
School, trade	1 per 300 sf
School, university or college	1 per 4 students

Final Draft - 9-12-16

Table 7.12 - Table of Parking Requirements.	
Standard District Table of Permitted Uses	**Minimum Spaces Required**
Seasonal uses and markets	1 per 100 sf gross public sales area
Self-storage	4 spaces plus 2 for manager's quarters
Sewage disposal plant	-
Shopping center, <25,000 sq.ft.	1 per 300 sf GFA
Shopping center, >75,000	1 per 300 sf GFA
Shopping center, 25,000-75,000 sq.ft.	1 per 300 sf GFA
Silviculture— for profit and research-related	-
Storage of junk, junk vehicles, salvage materials and waste	-
Tattoo parlor	1 per 500 sf GFA
Taxidermist	-
Telecommunication facilities and towers, wireless	-
Theater, indoor	1 per 6 seats
Theater, outdoor	1 per 6 seats or 1 per 30 sf of GFA if no permanent seats
Tow yards (impoundment lots)	-
Utility operation center	-
Veterinary clinic and hospital	1 per employee
Warehousing	1 per 1,000 sf GFA

7.12.11 **Parking or Storage in a Front or Side Yard.**

7.12.11.1 The following standards apply to all single-family and two family residential properties in all residential and mixed use districts.

7.12.11.2 No vehicle shall be parked or stored in a front or side yard of a residential property, except in:

i. A driveway made of an all weather surface not to exceed the maximum curb cut width set forth by and subject to the Land Development Code.

ii. A paved parking space composed of an all-weather surface, accessed by means of a driveway, depicted on an approved site plan, and set back a minimum of five feet from all City rights-of-way.

iii. An area adjacent to a driveway composed of an all-weather surface, set back a minimum of five feet from all City rights-of-way, and that when measured with the driveway is not wider than 50% of the minimum lot width established by the zoning district.

iv. A front yard, side yard, or rear yard for the purpose of unloading a vehicle, washing a vehicle or some other similar, temporary purpose. The vehicle, however, must be removed from the front yard, side yard, or rear yard once the purpose for temporarily parking the vehicle is accomplished.

7.12.11.3 Parking or storage of a recreational vehicle in the front yard or side yard of a residential property is subject to the standards set forth in Section 7.13.13.

7.12.11.4 The addition of impervious surfaces including driveways, parking spaces and adjacent areas may not cause total impervious surface ratio to exceed the maximums allowed by this ordinance.

7.12.11.5 Parking under this section is not prohibited for a vehicle displaying a license plate or placard issued to a disabled person under Section 27-19-56 of the Mississippi Code Annotated of 1972, as amended.

7.12.12 **Parking, Storage, or Use of Campers, Boats, Trailers, or Recreational Vehicles in Residen-**

Final Draft - 9.12.16

tial Zones and other Major Equipment. Only one such vehicle or piece of equipment may be stored or parked on a residential lot provided that the vehicle is no longer than 17 feet. Longer vehicles are prohibited. No such vehicle or equipment shall be stored in a required front or side yard. No such equipment shall be used for living, sleeping, or housekeeping purposes on any lot.

7.12.13 **Parking, Storage, and Use of Non-Recreational or Commercial Vehicles and Equipment in Residential Zones.**

7.12.13.1 All vehicles must maintain current license plates and inspection stickers. Unlicensed vehicles shall not be stored or parked on any lot zoned for residential use, unless in completely enclosed buildings.

7.12.13.2 **In residential and mixed-use districts:**

i. Only one vehicle with a capacity of one ton or greater is allowed on a residential lot and only if parked in the rear yard area or parked within an enclosed building.

ii. Vehicles with a capacity greater than one ton and used for commercial, industrial, farm, or construction purposes are prohibited on residential lots and on street or highway rights-of-way, except when actively involved in pick-up or delivery to the residence.

iii. Cars or pick-up trucks (with or without signs) which are properly licensed, inspected, and used for commercial purposes may be parked anywhere on a residential lot designed, constructed and approved for vehicle parking.

iv. Moving trailers, vans, or POD storage units may be placed no closer than five feet from adjoining residential property lines on a residential lot for a period not to exceed 90 days while owners are moving in or out of a residence.

v. Dumpsters used for debris during construction and renovation of a residence may be placed no closer than five feet from adjoining residential property lines on a residential lot for a period not to exceed period of constructoin

7.12.14 **Parking Vehicles for Sale.** In all residential zones, only one item of the property owner (motor vehicle, recreational vehicle, boat, trailer or other large item of personal property) may be offered for sale and may only be placed for a total accumulated period not exceeding 60 days per year.

7.12.15 **Bicycle Parking.**

7.12.15.1 Parking areas on lots adjacent to a marked bicycle route, bike lane, or shared use facility shall include a conveniently and safely located bike rack providing parking for a minimum of 10 bicycles unless reduced by the Director.

7.12.15.2 Bicycle parking should be provided for all uses except single-family and two family dwellings and non-residential uses with less than 2,500 square feet of gross floor area at a rate of 5% of automobile parking requirements. The Director may waive or reduce the number of bicycle parking spaces required based on the surrounding land uses of a particular development and the accessibility of a site by bicycle. (e.g. freeway interchanges with no connection to the surrounding neighborhoods.) The number of parking spaces required shall be calculated so that fractional portions of parking spaces are considered a full space.

7.12.15.3 Bicycle parking should be located along a major building approach line and clearly visible from the approach. The rack area shall be no more than 120 feet from the entrance it serves, or as close as the nearest non-handicap, off-street auto parking space, whichever is farther. Rack area(s) should be clearly visible from the entrance they serve and should be provided near each actively used entrance. In general, multiple buildings should not be served with a combined, distant rack area. It is preferred to place

Final Draft - 9.12.16

smaller rack areas in locations that are more convenient.

7.12.15.4 **Bicycle Parking Design.**

i. Bike lockers and racks shall be securely anchored to the ground and on a hard surface.

ii. Each required bicycle parking space shall be accessible without moving another bicycle

iii. Required bicycle parking spaces shall be available for residents, visitors, customers and/or employees of the use.

7.12.16 **Stacking Space.**

7.12.16.1 **Number of Spaces Required.** In addition to required parking spaces, drive-thru facilities shall provide a minimum of five stacking spaces per drive-thru facility, window, or bay, with the following exceptions. Note: the space directly in front of the facility, window or bay shall not count towards meeting the stacking requirements.

i. Fast food restaurants shall have an additional five stacking spaces. A minimum of five of the total stacking spaces shall be located at or prior to the ordering station.

ii. Non-automated car washes shall only be required to have two stacking spaces per bay, one of which is located for use as a dry down area.

iii. Automated car washes shall be required to have four stacking spaces per bay.

iv. Freestanding ATMs shall only be required to have two stacking spaces.

7.12.16.2 **Location.** Stacking spaces shall be located entirely outside of a required driveway or parking aisle needed to access required parking spaces.

7.12.16.3 **Size.** For the purposes of determining compliance, stacking spaces shall measure 9 x 18 and shall be illustrated on site plans.

Final Draft - 9.12.16

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Final Draft - 9.12.16

SECTION 8. INFRASTRUCTURE STANDARDS

8.1 Applicability.

8.1.1 This section applies to any application for any of the following:

- Subdivision plat approval
- Any application for site and design plan approval if no subdivision plat is required
- Any administrative development approval

8.2 Streets and Transportation.

8.2.1 Street Design.

The design of streets shall conform to the minimum criteria set forth herein and shall be considered in relationship to existing and planned streets, topographic conditions, public convenience and safety, and appropriate relationship to the proposed development to be served.

8.2.1.1 The arrangement of streets in a subdivision shall either:

i. Provide for the continuation of existing streets in surrounding areas where desirable and feasible, or

ii. Conform to an adopted development plan that demonstrates, due to topographical or other condition, the impracticality of such extension to adjacent properties.

8.2.1.2 Where a proposed residential subdivision abuts or contains an existing or proposed arterial street, the Site Design and Review Committee may require that the streets or lots be designed in such a way as to provide adequate protection of residential properties.

8.2.1.3 Where a proposed subdivision abuts or contains a railroad, freeway, or limited or controlled access highway right-of-way, parallel frontage roads may be required.

8.2.1.4 **Half-Streets shall be prohibited.**

8.2.1.5 **Horizontal and Vertical Alignment.**

i. The maximum length of a minor street designed to have only one end open shall be 400 feet unless a greater length is required due to unusual topographic conditions or property access limitations. A turn-around having a minimum diameter of 75 feet between curb faces and a minimum right-of-way of 100 feet shall be provided at the closed end of such streets.

ii. The minimum stopping sight distances for horizontal curves on minor residential streets shall be 200 feet.

iii. Reverse curves shall be avoided where possible. Should it become absolutely necessary to use a reverse curve, a tangent of at least 100 feet shall be used between curves.

iv. The minimum radius of curvature permitted on a horizontal curve shall depend upon design speed and corresponding friction coefficients developed by AASHTO (American Association of State Highway and Transportation Officials), but shall not be less than 175 feet.

v. All changes in street grades shall be made with vertical curves. The minimum required stopping sight distance for a vertical curve shall be computed using formulas developed by AASHTO, but shall not be less than 200 feet, except in residential areas, the minimum required shall not be less than 100 feet.

vi. The maximum gradient shall not exceed 15 percent except where steeper grades are necessary due to unusual topographic conditions and approval is granted by

Final Draft - 9.12.16

the City Engineer. The minimum grade shall be designed to conform to MDOT standards.

8.2.1.6 **Intersection Design.**

i. Streets shall be designed to intersect at approximately right angles. Skewed intersections shall be avoided and in no case shall the angle of intersection be less than 75 degrees.

ii. Street intersections and approaches shall be designed on as flat a grade as possible. Street gradients within 100 feet of intersections shall not exceed four percent, and every reasonable effort shall be made to keep the gradient below two percent.

iii. The minimum curb radius permitted at intersections shall be 20 feet for minor residential streets, and 25 feet for collector streets, and for streets serving commercial or industrial developments.

iv. Street intersections, when not aligned, shall be offset by a minimum of 125 feet from centerline.

v. Turn lanes shall be provided at heavily traveled intersections as determined by the City Engineer.

vi. When possible, intersections on sharp horizontal curves or near the vertex of crest vertical curves shall be avoided.

8.2.1.7 **Standard Street Cross Sections and Design Requirements.** Except where a Corridor, Neighborhood or Special Area Plan containing alternative street designs, or where a special zoning district requires otherwise, streets shall conform to the following standards.

i. Streets shall be designed with a crown of two percent.

ii. Street pavement designs shall be based on consideration of the anticipated traffic volumes by weight, the subgrade soil, surface drainage, ground water and climatic conditions. The pavement thickness shall be a function of the load supporting value of the subgrade soil beneath the pavement and of the load distribution characteristics of the proposed pavement structure. Soil borings by a qualified expert may be required by the City Engineer to establish street design requirements.

iii. All streets shall be designed with curb and gutter, unless proposed with alternative LEED compliant drainage provisions.

iv. Proposed streets which align with existing named streets shall continue the existing name as designated with the Forrest County Emergency Operations Center. In no case shall names of proposed streets duplicate or be confused with existing street names.

8.3 Street Design Standards Illustrations

8.3.1 **The following illustrations set forth minimum street design standards for new streets.**

8.3.2 **Private Streets.** If private street owners should request that such streets be changed to public streets, the owners shall fully agree that, before the acceptance of such streets by the City, the owners will bear full expense of any reconstruction or alteration necessary to make the streets fully conform to the requirements applicable to public streets prior to dedication and acceptance including a minimum 24-foot travel way. The owners also shall agree that these streets shall be dedicated to public use without compensation to the owners.

8.3.3 **Alleys.**

8.3.3.1 Alleys may be provided to the rear of lots when carefully integrated into the circulation system of a development.

8.3.3.2 Alley width shall be a minimum of 20 feet

Final Draft - 9.12.16

Right-of-Way (feet)	50	As the lowest-order street, the access street usually carries no through traffic. With properly designed access streets without through traffic, travel distances from residences to collector streets are short, traffic speeds are low, lane capacity and design speed are not controlling design factors, and minor delays are inconsequential considerations. Drivers and residents expect and accept both brief delays and the need to decrease speed. ADT = 0 - 250
Number of Travel Lanes	2 lanes	
Parking Lane Width (feet)	0'	
Pavement Width (feet)	24 – 32	
Corner Radius	20'	
Centerline Radius	90'	
Block Length (feet)	800'	
Sidewalk width (minimum)	5'	
Planting Strip Required?	Yes	
Bike Lanes Required?	In conformance with Complete Streets Ordinance	
Street Trees Required?	Yes	

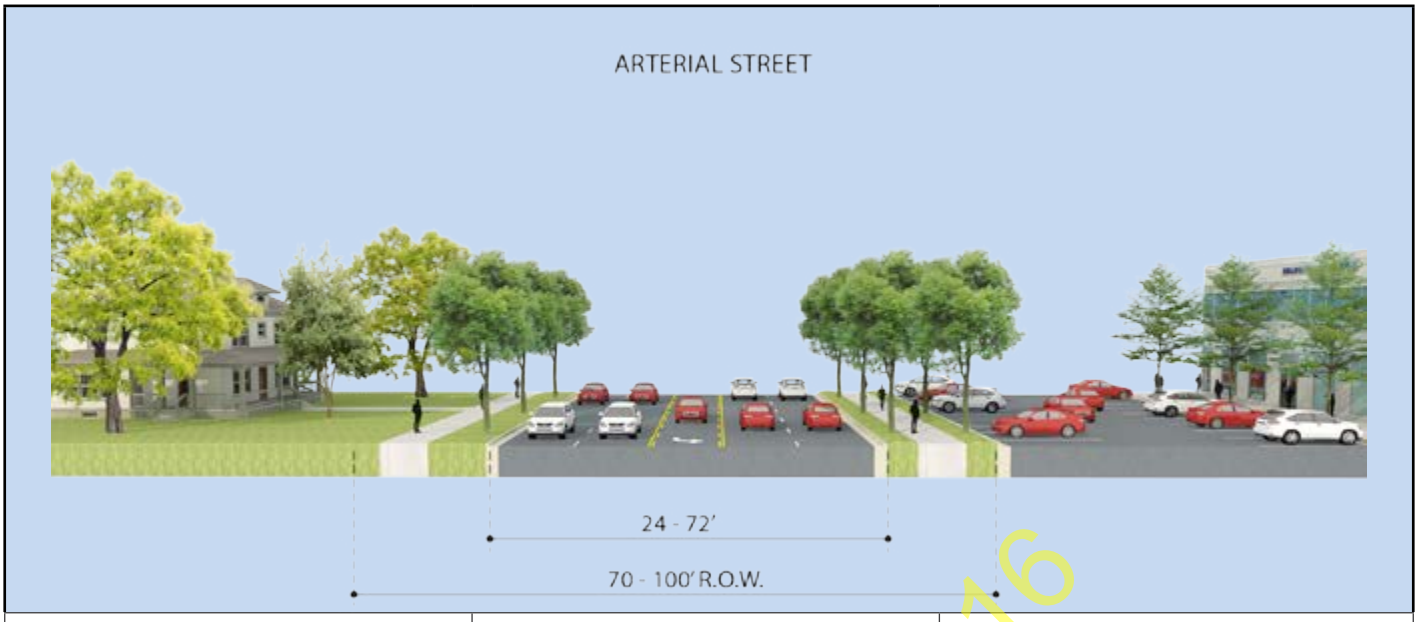
Final Draft - 9.12.16

Right-of-Way (feet)	50'	The subcollector provides passage to access streets and conveys traffic to collectors. Like access streets, the subcollector provides frontage and access to residential lots but also carries some through traffic to lower-order (access) streets. The subcollector is a relatively low-volume street. ADT = 250 - 1,000
Number of Travel Lanes	2 lanes	
Parking Lane Width (feet)	8'	
Pavement Width (feet)	30'	
Corner Radius	20'	
Centerline Radius	90'	
Block Length (feet)	400'	
Sidewalk width (minimum)	5 ft. or 6 ft. adjacent to on street parking.	
Planting Strip Required?	Yes	
Bike Lanes Required?	In conformance with Complete Streets Ordinance	
Street Trees Required?	Yes	

Final Draft - 9.12.16

Right-of-Way (feet)	50'	A high-volume street connects communities and activity centers, and connects communities to major state and interstate highways. ADT = Over 3,000
Number of Travel Lanes	2'	
Parking Lane Width (feet)	8'	
Pavement Width (feet)	27'	
Corner Radius	25'	
Centerline Radius	90'	
Block Length (feet)	400'	
Sidewalk width (minimum)	5 ft. or 6 ft. adjacent to on street parking.	
Planting Strip Required?	Yes	
Bike Lanes Required?	In conformance with Complete Streets Ordinance	
Street Trees Required?	Yes	

Final Draft - 9.12.16



Right-of-Way (feet)	Up to 70 to 100 feet	A high-volume street connects communities and activity centers, and connects communities to major state and interstate highways. ADT = Over 3,000
Number of Travel Lanes	2 to 4	
Parking Lane Width (feet)	0'	
Pavement Width (feet)	24 - 72'	
Corner Radius	25'	
Centerline Radius	250'	
Block Length (feet)	400'	
Sidewalk width (minimum)	5'	
Planting Strip Required?	Yes	
Bike Lanes Required?	In conformance with Complete Streets Ordinance	
Street Trees Required?	Yes	

Final Draft - 9.12.16

and shall conform to the construction standards of public streets.

8.3.3.3 Dead-end alleys shall be avoided. Where unavoidable, such alleys shall be provided with adequate turnaround facilities at the dead-end.

8.4 Easements and Right-of-Ways

8.4.1 Utility, drainage, transportation easements, or right-of-ways of an appropriate width as required shall be provided.

8.4.2 Where easements or right-of-ways intersect or sharp changes in alignment are necessary, corners shall be cut off sufficiently to permit equipment access, subject to the approval of the City Engineer.

8.4.3 No buildings or structures shall be placed within easements or rights-of-way. Any landscaping and fencing placed within an easement or right-of-way by a property owner is done at the risk of the property owner. If the City removes the fence or landscaping for any reason, the property owner will not be compensated and the fencing or landscaping will not be replaced by the City.

8.4.4 Any overhanging limbs, shrubbery, or other vegetation forming an obstruction may be removed if necessary from within the limits of a utility easement at the discretion of the maintenance personnel of the utility which has installed or is installing or maintaining within such easement.

8.4.5 Easements or right-of-ways which do not open at both ends upon a street, alley, or another easement, shall not be permitted unless approved by the City Engineer in limited circumstances where such easement cannot be avoided.

8.4.6 Whenever practical, agreements for utility easements shall include the ability to use the easement for a public trail as approved by the City.

8.5 Sanitary Sewer Systems

8.5.1 **Design Criteria.** The minimum design standards of the sanitary sewer system for each subdivision shall conform to the following:

8.5.1.1 **Minimum pipe size** - eight inches

8.5.1.2 **Minimum pipe slope** - 0.400% for eight inch pipe

8.5.1.3 **Minimum velocity** - two feet per second

8.5.1.4 **Maximum velocity** - nine feet per second or greater when topography dictates

8.5.1.5 **Maximum depth flow** - one-half pipe diameter after multiplying by peak factor

8.5.1.6 **Waste per person** - 120 gallons per day including infiltration

8.5.1.7 **People per dwelling unit** - four

8.5.1.8 **Peak factor** - three and one-half minimum

8.5.1.9 **Maximum manhole separation** - 400 feet with manholes required at each grade change and alignment change

8.5.1.10 **Minimum cover** - three feet

8.5.1.11 **Minimum stub out diameter** - six inches, one stubout per lot

8.5.1.12 **Top manhole elevation** - at grade in pavement or six inches above grade in unpaved areas

8.5.2 **Pump Stations.** The use of sewer lift stations should be minimized. However, when pump stations cannot be avoided, they should be designed for easy maintenance, maximum operating life, and adequate pumping capacity. The designed calculations must show flow rates and velocities for the pump station and force main. Some requirements for pump stations include:

8.5.2.1 Minimum of two pumps, each of which has capacity to handle the expected load, said pumps shall alternate

8.5.2.2 Adequate controls with overload and lightning protection and alternators

8.5.2.3 Adequate pump housing and heaters to prevent freezing

8.5.2.4 Adequate capacity for not more than 75 percent duty cycle under peak flow condi-

Final Draft - 9.12.16

tions

8.5.2.5 Necessary access road and security fencing

8.5.2.6 Minimum flow rate of two feet per second in force main, with a maximum of 12 feet per second with dual pump operation

8.5.2.7 Adequate vented wet well

8.5.2.8 Three phase pumps shall be required

8.5.2.9 An approved alarm system

8.5.2.10 Auxiliary power generators

8.5.3 All plans and specifications shall comply with appropriate state and federal regulations.

8.6 Water Supply Systems

8.6.1 Where Hattiesburg provides drinking water, mains shall be designed, constructed and properly connected with the public water supply system in such a manner as to adequately serve all lots shown on the subdivision plat for both domestic and fire protection purposes, and will adhere to the minimum requirements set forth herein below.

8.6.1.1 Water distribution systems shall be designed using the Hardy Cross Method. The Hazen-Williams formula shall be used in computing head loss.

8.6.1.2 Water distribution systems shall be designed for the peak hour flow, or the maximum day flow, plus fire flow, whichever is greater. Domestic flows and fire flows shall be determined by the Department of Health.

8.6.1.3 The water distribution system shall be designed so that the following range of dynamic pressures is provided: 50 psi to 110 psi for average daily flows; minimum 20 psi to 35 psi for peak hour flows; 35 to 50 psi for maximum daily flow plus fire flow. The minimum dynamic pressure at any point shall be 20 psi.

8.6.1.4 The maximum design velocity shall not exceed five fps.

8.6.1.5 Water distribution systems shall be laid out on a grid system with cross connections at cross streets. Dead end pipes shall be avoided whenever possible.

8.6.1.6 Valves shall be installed at each intersection or change in pipe size, and shall be placed so that no single case of pipe breakage shall require a service cutoff from an artery, or more than 800 feet of pipe in non-residential districts, or more than 1,000 feet of pipe in a residential district.

8.6.1.7 The distribution and spacing of hydrants shall be based on the following table which is subject to periodic update, but in no case shall the maximum spacing exceed 500 feet. Valves shall be installed on each fire hydrant to meet Mississippi Fire Rating Bureau specifications.

8.6.1.8 Mains shall be constructed of ductile iron and shall be a minimum of six inches in diameter where length is 800 feet or less. Mains installed for distances greater than 800 feet shall be gridded or looped with more than one source of supply. The size shall be determined by using accepted engineering calculation methods as approved by the City Engineer.

8.6.1.9 Fire hydrant nozzles shall be three-way nozzles. The fire hydrant's lowest nozzle shall be a minimum of 18 inches and a maximum of 30 inches above street or curb grade.

8.6.2 The calculating method for areas of higher density development potential, based upon the zoning of the properties to be served, shall reflect the highest density development possible and the main size increased, if conditions warrant.

8.6.3 The requirements for water distribution systems serving commercial and industrial developments shall be determined by engineering analysis based on specific water requirements for the type of use intended or those required by the height and density permitted by the zoning classification of the property, whichever is greater.

8.6.4 Newly installed systems shall be pressure test-

Final Draft - 9.12.16

ed at 125 pounds for eight hours under the inspection of the City of Hattiesburg Engineer.

8.6.5 All newly installed systems shall be sterilized and must pass bacteriological test to the satisfaction of the City of Hattiesburg's Water Department and the Mississippi State Board of Health, prior to placing said system in service, or accepted by City.

8.6.6 All water used in hydrostatic tests shall be potable water; containers holding water shall be sterile.

8.6.7 The City Engineer shall be notified prior to the beginning of any project in order that the installation can be made under the inspection of the appropriate technical personnel of that office.

8.6.8 It shall be the responsibility of the developer, or his contractor, to reimburse the City of Hattiesburg for tie-ins to existing mains, if made by the City, and sterilizing based upon the adopted Fee Schedule.

8.6.9 The Developer shall provide the Fire Department with residual flow pressure, static pressure and gallons per minute (gpm) flows for each fire hydrant installed.

8.6.10 All plans and specifications shall comply with appropriate state and federal regulations.

8.6.11 There shall be 10 feet of separation between water and sewer lines.

8.6.12 Upon completion of utility work, the contractor shall submit electronic as-built drawings to the City Engineer.

Final Draft - 9.12.16

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Final Draft - 9.12.16

SECTION 9. ENVIRONMENTAL STANDARDS

9.1 Stormwater.

9.1.1 Purpose. The purpose of these regulations is to safeguard persons, protect property, prevent damage to the environment and promote the public welfare by guiding, regulating, and controlling the design, construction, use and maintenance of all stormwater facilities and development. It is more specifically the intent of these regulations to address requirements under the federal Clean Water Act, National Pollution Discharge Elimination System Phase II or any appropriate national standard.

9.1.2 Definitions

9.1.2.1 Best Management Practices (BMPs) - schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater , receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

9.1.2.2 Clearing - any activity which removes part or all of the vegetative ground cover and/or trees including, but not limited to, root mat removal and/or topsoil removal.

9.1.2.3 Design Storm - design criteria used for sizing stormwater management facilities and their conveyance. Design storms are a combination of the design storm return period (which refers to the frequency) and the storm duration (which defines the rainfall depth or intensity). A prescribed hyetograph and total precipitation amount (for a specific duration recurrence frequency) are used to estimate runoff for a hypothetical storm for the purposes of analyzing existing drainage, designing new drainage facilities, or assessing other impacts of a proposed project on the flow of surface water.

9.1.2.4 Fill - the deposit of soil, rock or other material placed by man.

9.1.2.5 Grading - any excavating or filling of earth materials or any combination thereof.

9.1.2.6 Illicit Discharge - any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in this Ordinance.

9.1.2.7 Land Disturbance Activity - any clearing, filling, excavation or grading activity on one or more contiguous undeveloped lots.

9.1.2.8 Low Impact Design (LID) - an approach to land development/redevelopment that works with nature to manage stormwater as close to its source as possible. It includes principles such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.

9.1.2.9 National Pollution Discharge Elimination System (NPDES) permit - a permit issued pursuant to 33 U.S.C. Chapter 26 Water Pollution Prevention and Control, Subchapter IV Permits and Licenses, Section 1342 that authorizes the discharge or pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

9.1.2.10 Stormwater Pollution Prevention Plan (SWPPP) - a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

9.1.2.11 Stormwater - water induced or created from precipitation whether rain, snow or ice and either stored, collected, detained, absorbed, or discharged.

9.1.3 Post Development Discharge. Post-devel-

Final Draft - 9.12.16

opment discharge rates shall not exceed pre-development discharge rates from any development site. Engineering detail and documentation including a stormwater plan for the site shall be required at the time of application as specified herein.

9.1.4 Illicit Discharges and Connections.

9.1.4.1 It shall be unlawful for any person to allow discharges to the city stormwater drainage system that are not composed entirely of stormwater runoff, or to contribute to increased non-point source pollution and degradation of receiving waters.

9.1.4.2 It shall be unlawful for any person, or to allow others under its control, to throw, deposit, empty, drain, discharge or to permit to be thrown, deposited, emptied, drained or discharged into the city stormwater drainage system or watercourses located within the city limits any materials, including but not limited to pollutants or waters containing pollutants that cause or contribute to a violation of applicable water quality standards, or stormwater.

9.1.4.3 Discharge exemptions.

1. Discharges specified in writing by the city or other authorized enforcement agency as being necessary to protect public health and safety;
2. Water line flushing performed by a government agency or utility authority; and
3. The following activities and discharge of any other water source not containing pollutants:
   a. Landscape irrigation or lawn watering;
   b. Rising groundwater;
   c. Ground water infiltration to storm drains;
   d. Uncontaminated pumped ground water;
   e. Foundation or footing drains (not including active groundwater dewatering systems);
   f. Crawl space pumps;
   g. Air conditioning condensation;
   h. Springs;
   i. Non-commercial washing of vehicles;
   j. Natural riparian habitat or wetland flows;
   k. Swimming pools;
   l. Firefighting activities; and
   m. External building wash down.
   n. The prohibition shall not apply to any non-stormwater discharge permitted under NPDES permit, waiver, or waste discharge order issued to the discharger and administrated under the authority of the Federal Environmental Protection Agency, provided that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the stormwater drainage system.

9.1.4.4 Illegal Connections.

a. The construction, connection, use, maintenance or continued existence of any illegal connections to the city stormwater drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

b. A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the city's stormwater drainage system, or allows such a connection to continue.

c. Improper connections in violation of this section must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval by the appropriate city department or other authorized enforcement agency.

   1. Any drain or conveyance that has not been documented in plans, maps or

Final Draft - 9.12.16

equivalent, and which may be connected to the city's stormwater drainage system, shall be located by the owner or occupant of that property upon receipt of a written notice of violation from the city requiring that such locating be completed; and

2. The format in which the written results of the investigation will be provided to the city shall include, but not be limited to, the following:

- Identification of the drain or conveyance as storm sewer, sanitary sewer or other;
- Identification of the outfall location or point of connection to the stormwater drain system, sanitary sewer system or other discharge point; and
- Information regarding sizing, content and volume of outfall, and date of connection to the city system.
- Specify a reasonable time period, within which the location of the drain or conveyance is to be completed.

9.1.5 Notification of Spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials from that facility or operation that are resulting or may result in illegal discharges or pollutants discharging into stormwater, the city stormwater drainage system, state or United State waters, said person shall take all necessary steps to ensure the discovery, containment, and clean-up of such release.

9.1.5.1 In the event of a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.

9.1.5.2 In the event of a release of non-hazardous materials, said person shall notify the Director of Engineering or his/her representative in person or by telephone or e-mail no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed, certified receipt required, to the Engineering Department within three business days of the verbal notice.

9.1.5.3 If the discharge of prohibited material emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Said person also shall take immediate steps to ensure no recurrence of the discharge or spill.

9.1.5.4 Any violation of this section is subject to the violations and penalties and prosecution found in the Hattiesburg Land Development Code.

9.1.6 Low Impact Design Encouraged. In order to balance growth needs with environmental protection, reduce municipal infrastructure and utility maintenance costs (e.g. streets, curbs, gutters, sidewalks, storm sewer), reduce stormwater management costs, preserve the integrity of ecological and biological systems, protect water quality by reducing sediment, nutrient, and toxic loads to water bodies, and to preserve trees and natural vegetation, low impact design is encouraged for all non-residential projects and all residential projects containing more than 10 dwelling units. All projects are encouraged to meet the following criteria.

9.1.6.1 Site design. Site design shall minimize impervious surface and alteration of natural vegetation and topography, and shall meet the following requirements:

i. Clearing and re-grading on a development site shall be minimized.

ii. Clearing shall be done in phases to minimize the amount of bare ground at any one time.

9.1.6.2 New streets, whether dedicated to the public or private internal drives serving multiple tenants on a single parcel, shall be designed

Final Draft - 9.12.16

in such a way as to minimize the total amount of impervious surface.

9.1.6.3 Curb and guttering that directs the first one inch of rainfall to an offsite stormwater conveyance shall be prohibited unless such conveyance is designed to discharge to an adjacent bioretention island or detention pond that has been approved by the City and is part of an approved stormwater plan.

9.1.6.4 Shared parking shall be used whenever possible.

9.1.6.5 Open space areas set aside in residential cluster developments may be used for onsite treatment of stormwater consistent with an approved stormwater plan.

9.1.7 Storm Drainage System Design. All storm drainage systems shall meet the following standards. For design elements not covered by the following standards, the standards approved by MDOT or AASHTO, whichever is most stringent, shall prevail.

9.1.7.1 General Standards.

1. The design of stormwater drainage systems shall insure adequate control of stormwater runoff through the use of properly sized and positioned drainage structures including both conventional and low impact development structures.

2. The design of stormwater drainage systems shall be compatible with a stormwater drainage plan approved for the site by the City Engineer at a site plan review meeting. Minimum right-of-way required by the plan shall be dedicated.

3. Drainage facilities shall be designed to prevent damage to adjacent properties.

- Accommodation of Upstream Drainage Areas: A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from the entire upstream drainage area as determined by the design engineer. The City Engineer shall approve the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development.

- Effect on Downstream Drainage Areas: The Developer's Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the development

- Design Storm Frequency: Projects shall be designed for the twenty-five (25) year, twenty-four 24 hour frequency storm event. Peak discharge rates for fifty (50) and one hundred (100) year frequency storm events shall be calculated and the effect of these storms on the stormwater system shown. This shall be submitted as part of the Land Disturbance Permit application.

9.1.7.2 Low Impact System Design. Natural and vegetated stormwater management systems such as swales, constructed wetlands, and bioretention cells may be used to manage stormwater and comply with federal and local stormwater regulations. All low impact stormwater systems shall meet the intent and specifications specified in Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas, Volume 2, Stormwater Management, published by the Mississippi Department of Environmental Quality (MDEQ) or current version thereof, unless otherwise specified in these regulations.

9.1.7.3 Storm Drainage Pipe and Culverts.

1. Pipe and culvert sizes shall be selected by use of computed hydrological and hydraulic data. Design flows shall be based on climatic factors such as rainfall intensity, duration, frequency and distribution and physiographic factors such as size, shape, and slope of drainage area, anticipated land use or cover, surface infiltration condition, soil type and topographical condition. Pipe selection

Final Draft - 9.12.16

shall be based on its hydraulic capacity considering size, slope, and roughness characteristics as well as its tendency to become choked and the ability to clean and remove obstructions. Selection is subject to Engineer's approval.

2. Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit construction of a full width roadway including side slopes. Headwalls or flared end sections as well as channel bottom and slope protection shall be provided at the upstream and discharge end of the cross drain as required by the City Engineer.

3. Pipe material must be approved by the City Engineer, however, corrugated metal pipe is prohibited.

9.1.7.4 Streets, Curb and Gutter, Inlets and Parking.

1. The horizontal and vertical alignment of streets shall be compatible with the storm water runoff system and drainage design.

2. Street grades shall be coordinated with lot drainage as proposed in the grading plan.

3. The hydraulic capacity of the curb and gutter shall be determined by accepted engineering procedure taking into consideration roughness, street cross-slope, and street gradient, and allowable spread of water over the travel line.

4. Curb inlets shall be designed in accordanced with MDOT standards.

9.1.7.5 Detention and Retention Areas.

1. Retention and Detention areas shall be landscaped. A vegetated green space shall be placed and maintained around stormwater runoff storage areas.

2. Retention and Detention areas with a water surface area smaller than 1,000 sq. ft. shall have a five foot vegetated green space around the perimeter and a 10 foot vegetated green space around the perimeter of areas larger than 1,000 sq. ft.

3. Design of vegetated green space required by this subsection, including materials to be used shall be submitted on a landscaping plan for the site and shall be subject to site plan approval as part of a land development permit application.

9.1.7.6 Maintenance Agreements.

1. A legally binding Maintenance Agreement specifying the parties responsible for the proper operation and maintenance for all permanent stormwater management facilities shall be included as part of the Land Disturbance Permit application and secured prior to the issuance for any permits for land disturbance activities.

2. Enforceable operations and maintenance agreements included as part of the covenant are required to ensure the system will function as designed during and after construction. The Maintenance Agreement will include any and all maintenance easements required to access and inspect the stormwater treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater treatment practices. The parties responsible for the documented SWPPP BMPs shall make records of the installation, maintenance and repairs of the facility and shall retain these records for at least 5 years. These records shall be made available to the City of Hattiesburg during inspection of the facility and at other reasonable times upon request.

3. Failure of the owner or operator to

Final Draft - 9.12.16

maintain the premises shall be cause for the city to take action and to remedy the violation. If the owner fails to perform the maintenance the City of Hattiesburg may complete the work with the owner responsible for all the costs.

9.1.7.7 Additional Site Plan Requirements. In addition to all other site plan or subdivision plat submittal requirements, the following information shall be shown on or submitted along with applications for land development or land subdivision where there are additions or alterations to existing natural or man-made stormwater infrastructure.

1. The location of all private drainageways.

2. Ownership, intended or actual, of all private drainageways.

9.1.7.8 Box Culverts and Bridges. The structural design of all box culverts or bridges shall conform to the standards established by MDOT. Bridges requiring spans greater than 19 feet shall be constructed of reinforced concrete or structural steel with a reinforced concrete deck. No mud sills or timber grills will be permitted for bridge foundations. All bridges shall be provided with substantial guard rails on both sides of two five foot sidewalks.

9.1.7.9 Additional Site Plan Requirements. In addition to all other site plan or subdivision plat submittal requirements, the following information shall be shown on or submitted along with applications for land development or land subdivision where there are additions or alterations to existing natural or man-made stormwater infrastructure.

i. The location of all private drainage ways.

ii. Ownership, intended or actual, of all private drainage ways.

iii. A proposed maintenance plan for all private stormwater infrastructure. Such plan shall be required to be recorded in the Chancery Clerk's office after approval by the City prior to issuance of a certificate of occupancy or other use of the property.

iv. The location of all maintenance easements providing access to any stormwater structure such as detention ponds and bioretention areas.

9.2 Sedimentation and Erosion Control.

In order to safeguard persons, protect property, and prevent damage to the natural environment, habitat and stormwater systems in Hattiesburg the following regulations are hereby established to guide and control the design, construction, use, and maintenance of any development or other activity that disturbs the topsoil or alters the flow of stormwater as a result from land disturbance activity within the City.

9.2.1 Land Disturbance Permit Required. No land disturbance, construction or land development activity may commence, and no land owner or land developer shall receive Site Plan Approval, preliminary plat approval, or any building, grading or other land development permits required for land disturbance activities without first meeting the requirements of this ordinance. Permits for land disturbance and storm water pollution prevention plans (SWPPP) are required as follows.

9.2.1.1 Less Than One-Half Acre (21,780 square feet) of Land Disturbed. Land disturbance activity on a site from one-half acre to 0.999 acres shall require a Land Disturbance Permit and shall follow best management practices. If the site has, at a minimum, one-half acre (21,780 square feet) of impervious area, a SWPPP and storm water calculations shall be required. Additional information may be requested at site plan review.

9.2.1.2 One-Half Acre to 0.999 Acre of Land Disturbed. A City of Hattiesburg Land Disturbance Permit is required. A SWPP is not required.

9.2.1.3 One Acre to 4.999 Acres of Land Disturbed.

Final Draft - 9.12.16

A City of Hattiesburg Land Disturbance Permit, a Small Construction General Permit, a Notice of Intent (NOI) and SWPPP are required. The application packets are available from the City of Hattiesburg's Department of Urban Development. (MDEQ's approval of the Small Construction General Permit application is not required, unless deemed necessary.).

9.2.1.4 Five Acres or Greater. A City of Hattiesburg Land Disturbance Permit, a MDEQ Large Construction Permit, NOI and SWPPP are required. The Large Construction General Permit package must be submitted directly to MDEQ, Jackson, MS. No permits will be issued pending MDEQ approval of a Large Construction General permit. Copies of the permit application and subsequent modifications and approvals shall be submitted to the City of Hattiesburg Site and Design Review Committee.

Table 9.2 Land Disturbance Permit Requirements

Acre(s) Disturbed	Land Disturbance Permit Required from the City	Construction Permits (including Notice of Intent & SWPPP) Required	Submittal and Approval Required by:
Less than ½ acre (21,780 sq. ft.)	Yes	No	City
0.5 (½) acre to 0.999 acre	Yes	No	City
1 acre to 4.999 acres	Yes	Small Construction General Permit	City
5 acres or greater	Yes	MDEQ Large Construction General Permit	MDEQ

9.2.2 Land Disturbance Permit Exceptions. No land disturbance permit is required for the following activities.

9.2.2.1 Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

9.2.2.2 Existing nursery, agricultural or silvicultural operations conducted as a permitted main or accessory use.

9.2.2.3 Activities not requiring a permit from the City of Hattiesburg are subject to fines for not complying with BMPs.

9.2.2.4 If waters of the United States are being filled, rerouted or dammed, the applicant shall provide proof of issuance of applicable permits/approvals from the U.S. Army Corps of Engineers.

9.2.2.5 No land disturbance or construction related permits will be issued by the City of Hattiesburg for developments five acres or larger without MDEQ approval of the Large Construction General permit. Subsequent plan modifications and approvals shall be made available to the City.

9.2.3 Area Limited. Clearing and grading shall be limited to that portion of a lot or development tract for which a valid land disturbance permit has been issued.

9.2.4 Stabilization Required. All lots or tracts cleared or graded shall be stabilized with manmade or vegetative cover.

9.2.4.1 Soil must be stabilized within seven days of clearing or inactivity in construction.

9.2.4.2 If vegetative erosion control methods, such as seeding, have not become established within two weeks, the City of Hattiesburg may require the site to be reseeded, or that a non-vegetative option be employed.

9.2.4.3 Any temporary soil stockpiles shall be stabilized or protected with sediment trapping measures to prevent erosion.

9.2.4.4 Selected permanent or temporary erosion control measures should be appropriate for the time of year, site conditions and estimated duration of use.

9.2.5 Installation of BMP's required prior to land disturbance activities.

9.2.5.1 Installation of BMPs, which address stormwater runoff, shall be required for all projects involving land disturbance activities within the City of Hattiesburg. BMPs shall be in place upon commencement of con-

Final Draft - 9.12.16

struction.

1. Utilization of pre-construction BMPs is required prior to the commencement of demolition or development/redevelopment activities.

2. Utilization of construction BMPs are required throughout demolition or development/redevelopment until such time as a certificate of occupancy is issued or until permanent vegetation is established.

3. Post-Construction BMPs are required to be installed and maintained until such time as either title transfers or the approved use of the subject property changes. A new SWPPP must be submitted by the new owner at any time there is a change in use of the property.

9.2.5.2 BMP selection is site specific, dependent upon site conditions and proposed activities, thus each project's MDEQ or city-approved SWPPP, if required, will identify appropriate pre-construction, construction and post-construction BMPs that will be subject to ongoing inspection by the city.

9.2.5.3 The Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas manual, prepared by the Mississippi Department of Environmental Quality, identifies BMPs acceptable to the City of Hattiesburg and related standards for the prevention, treatment and control of non-point sources (NPS).

9.2.5.4 Acceptable methods for accomplishing the installation and maintenance of site specific BMPs is provided in detail in the Erosion Control, Sediment Control and Storm water Management an Construction Sites and Urban Areas, Volume 2, Storm Water Management, published by the Mississippi Department of Environmental Quality (MDEQ) or current version thereof.

9.2.6 Permit Procedures.

9.2.6.1 Responsibilities. The following responsibilities will apply to this ordinance:

a. Site Design and Review Committee. The City of Hattiesburg Site Design and Review Committee shall be responsible for reviewing and approving SWPPPs and BMPs when part of an applicable development.

b. Director of Engineering. The Director of Engineering or his/her designee shall be responsible for review of all Land Disturbance Permits. The Director of Engineering or his/her designee shall also be responsible for monitoring and inspecting construction projects in accordance with this Ordinance. This shall include enforcement of properties found non-compliant with this ordinance. The Engineering Department will coordinate with the Department of Urban Development on enforcement issues.

c. Building Official. The Building Official, acting as a representative of the Urban Development Department, or his/her designee shall be responsible for receiving and issuing land disturbance permits, subject to approval. Other responsibilities may include monitoring and inspecting, as required of properties with approved Land Disturbance Permits.

9.2.6.2 Application. Applications for a Land Disturbance Permit may be obtained at the City of Hattiesburg's Building Office in the Department of Urban Development and shall be returned to this office when the application is completed.

9.2.6.3 Review. The Land Disturbance Permit application will be reviewed by the Director of Engineering or his/her designee in accordance with all the requirements of this Ordinance. If required, the Director of Engineering or his/her designee shall submit his recommendation for the application to the Site Design and Review Committee for review.

9.2.6.4 Permit Issuance. Upon approval by the Director of Engineering and the Site Design and Review Committee, if required, the City of Hattiesburg's Building Office in the Department of Urban Development shall issue

Final Draft - 9.12.16

a Land Disturbance Permit to the applicant.

9.2.6.5 Inspection. The City of Hattiesburg Engineering Department will inspect all projects issued a Land Disturbance Permit upon initial installation of all erosion and sedimentation control devices. The Engineering Department will also conduct random inspections throughout the construction of the project to ensure proper maintenance of BMPs is occurring and the requirements of this ordinance are being met.

9.2.6.6 Enforcement. The City of Hattiesburg Engineering Department will provide enforcement of the Stormwater Ordinance in coordination with the Department of Urban Development.

9.2.7 Stormwater Pollution Prevention Plan (SWPPP). A SWPPP shall be developed and implemented by the owner or operator of Small and Large Construction General permit projects or as requested by the City Engineer. The Stormwater Pollution Prevention Plan (SWPPP) shall at a minimum, be in accordance with the standards set forth in the "MS Storm Water Pollution Prevention Plan (SWPPP) Guidance Manual for Construction Activities" or MDEQ equivalent. The planning and design manual can be obtained from the Mississippi Department of Environmental Quality, Jackson, Mississippi.

9.2.7.1 The SWPPP must include a description of the appropriate control measures (i.e., BMPs) that will be implemented as part of the construction activity to control pollutants in stormwater discharges.

a. The SWPPP shall be retained at the permitted site or locally available. A copy of the SWPPP and all inspections reports must be made available to the City of Hattiesburg and/or MDEQ inspectors for review at the time of an on-site inspection.

b. BMPs shall be in place upon commencement of construction.

c. The Director of Engineering or their designated representative may notify the owner or operator at any time that the SWPPP does not meet the minimum requirements of this permit. After notification, the owner or operator shall amend the SWPPP, implement the changes and certify in writing to the Director of Engineering that the requested changes shall be made within 5 business days.

d. The owner or operator shall amend the SWPPP and implement the changes before there is a change in land disturbance, construction, operation, or maintenance, which may potentially affect the discharge of pollutants to State waters.

9.2.7.2 The owner or operator shall amend the SWPPP and implement the changes if the SWPPP proves to be ineffective in controlling stormwater pollutants including, but not limited to, significant sediment leaving the site and non-functioning BMPs.

9.2.8 Inspections.

9.2.8.1 Right of Entry for Inspections.

a. When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to the city the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property whenever there is a reasonable basis to believe that a violation of this Ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or corrections of a violation of this Ordinance.

b. All drainage facilities located on private property, whether dedicated to the city or not, shall be accessible at all times for inspection by the city.

9.2.8.2 City Inspections. The Director of the Engineering Department or his/her designated representative shall coordinate all inspections required by this ordinance and shall notify the permittee wherein the work fails

Final Draft 9.12.16

to comply with this ordinance or their approved Storm Water Pollution Prevention Plan.

9.2.8.3 Plans bearing the stamp of approval of the Site Design and Review Committee shall be maintained at the project site and made available for periodic inspection by the City of Hattiesburg and/or MDEQ during the progress of the work.

9.2.8.4 To obtain inspections, the permittee shall notify the Director of Engineering after installation of sediment and erosion measures and at least two days prior to any land disturbance activities.

9.2.8.5 Permittee Inspection Requirements.

a. The permittee or his/her representative shall make regular weekly inspections of all control measures in accordance with the inspection schedule outlined on the approved Storm Water Pollution Prevention Plan. The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form.

b. Inspection of all erosion controls and other SWPPP requirements shall be performed by the permittee or his/her representative during land disturbing activities. Inspections shall be performed as follows.

1. At least once a week.

2. Within 24 hours of the end of a storm event of a half-inch or greater.

3. As often as is necessary to ensure that appropriate erosion and sediment controls have been properly constructed and maintained and determine if additional or alternative control measures are required.

4. All inspections associated with a Small Construction or Large Construction General Permit must be documented and certified, as required by the permit.

5. Documentation must include the day and time the inspection was performed, who performed the inspection, any deficiencies noted, and corrective action needed. Documentation of all inspections must be kept with the SWPPP. Inspections must continue until such time that planned construction activities have been completed, land disturbing activities have ceased and disturbed areas have been stabilized with no significant erosion occurring.

9.3 Floodplain Management.

The City of Hattiesburg Floodplain Management Ordinance adopted as Chapter 10 of the City's Code of Ordinances, as amended, shall be a part of this Land Development Code as fully as if set forth herein in its entirety. All regulations within that ordinance shall apply to any lands for which a Floodplain Overlay District has been established.

9.4 Riparian Buffers and Bank Stabilization.

9.4.1 Riparian Buffer Required. A minimum 25 foot undisturbed vegetated buffer is required along all perennial streams and around all other water bodies including wetlands. A minimum 10 foot undisturbed vegetated buffer is required along all intermittent streams.

9.4.1.1 Exceptions. Ephemeral streams, ditches, and manmade ponds and lakes located outside of natural drainageways shall not be subject to the provisions of this subsection.

9.4.2 Measurement. The buffer shall be measured landward from the top of bank of streams, the mean high water line of all ponds and lakes, and the upland edge of wetlands.

9.4.3 Permitted Uses and Activities. The following uses and activities shall be permitted by right in all riparian buffers subject to any other conditions required by this Code.

9.4.3.1 Natural or pervious footpaths no more than four feet in width providing a homeowner direct access to the stream or water body.

Final Draft - 9.12.16

9.4.3.2 Passive recreational and educational uses that require limited areas of disturbance and minimal impervious surfaces including non-motorized recreational and greenway trails constructed of natural or pervious surfaces located no closer than 25 feet from the stream or water body within existing or planned public or private easements, approved as part of a site specific development plan.

9.4.3.3 Buffer planting that does not require grubbing or grading of more than 100 square feet or the removal of natural cover for more than 48 hours.

9.4.3.4 Streambank stabilization including live staking and other natural planting techniques to control erosion.

9.4.3.5 Maintenance of plant materials as needed, including pruning, trimming and removal of dead or dying plant materials, including underbrush, invasive plant management, and removal of hazardous trees where owners' property or adjacent properties, or the health and safety of the general public or employees are in danger of damage or where slope stabilization could be negatively affected where otherwise consistent with the requirements of this Code.

9.4.3.6 Maintenance, operation and reconstruction of existing roads, streets, railroad lines, utilities and associated structures undertaken pursuant to best management practices, provided activities shall not increase the impervious area by more than two hundred square feet and disturbed areas are restored to an acceptable usable condition as required by the City Engineer.

9.4.3.7 Normal maintenance, repair and reconstruction of private or publicly-owned structures undertaken pursuant to City Engineer approved best management practices; provided, that reconstruction of any structures shall not significantly impact the performance of buffers, and shall not increase structural footprint.

9.4.3.8 Site investigation work and studies necessary to prepare land use applications, including soils tests, water quality studies, wildlife studies and similar tests and investigations; provided, that any disturbance of the buffer shall be the minimum necessary to carry out the work or studies.

9.4.3.9 Education activities, scientific research, and outdoor recreational activities, including but not limited to, interpretive field trips, bird watching and hiking and associated interpretive signage that will not have a significant effect on the buffer.

9.4.3.10 Emergency activities that are required due to acts of nature or emergency utility repairs that are necessary to prevent an immediate threat to public health, safety or property.

9.4.4 Prohibited Uses and Activities. Any use or activity not expressly permitted by 9.4.3 shall be prohibited.

9.4.5 Protection During Development and Construction. Existing vegetation in riparian buffers shall be protected during all development and construction activities unless expressly permitted by the City for removal. Buffers shall be effectively demarcated in the field to prevent accidental disturbance. The drip line of trees within the buffer shall be protected even when they lie outside the minimum buffer and shall be included in the demarcated area. The method of demarcation shall be approved by the City Arborist and must at minimum be consistent with generally accepted best management practices.

9.4.6 Discharge. No stormwater shall be directly discharged into a jurisdictional wetland without onsite pretreatment.

9.4.7 Use of Natural Streambank and Shoreline Stabilization Required. Unless otherwise approved by the City Engineer, only natural streambank and shoreline stabilization may be used along any perennial stream or water body. Natural stabilization includes bioengineering techniques such as live staking, root wads, tree revetments and the limited, strategic use of large rocks. Loose gravel, sand, rip rap, wire mesh and similar materials not commonly used in bio-

Final Draft - 9.12.16

engineering shall not be used.

9.5 Wetlands

9.5.1 **Purpose.** The purpose of these regulations is to protect public health, safety and general welfare by protecting the integrity of jurisdictional wetlands. Wetlands perform important biological and physical functions such as helping to maintain water quality, storing and conveying stormwater and floodwater, recharging groundwater, and providing important wildlife habitat.

9.5.2 **Activities Limited.** The following activities shall not be permitted within or adjacent to any wetland unless otherwise approved as part of a Land Development or Floodplain Permit.

9.5.2.1 Removing, excavating, disturbing or dredging soil, sand, gravel, minerals, organic matter or materials of any kind.

9.5.2.2 Dumping, discharging or filling any material.

9.5.2.3 Draining, flooding or disturbing the water level or water table.

9.5.2.4 Alteration, construction, reconstruction, or demolition of any structure or infrastructure, including driving pilings or placing obstructions.

9.5.2.5 Destroying or altering wetland vegetation through clearing, harvesting, shading or planting vegetation that would alter the wetland or buffer character; provided, that these activities are not part of a permitted siviculture use.

9.5.2.6 Activities that result in significant changes in water temperature, physical or chemical characteristics of the wetland or buffer, including water quantity and quality, soil flow, or natural contours.

9.5.2.7 Any other activity potentially affecting a wetland or wetland buffer not otherwise exempt from this Code.

9.5.3 **Activities Exempted.** The following activities are exempt from the requirements of this section.

9.5.3.1 Work such as mowing, maintenance, cleaning, excavation, or repair/replacement of flow control structures of artificially created wetlands intentionally created from non-wetland sites, including but not limited to grass-lined swales, irrigation and drainage ditches, detention facilities, and landscaping features. In those cases where stormwater control structures or devices were previously permitted in regulated wetlands, the only exempt activity shall be allowed and it shall be limited to the minimum necessary to maintain the outlet or inlet structure. If the wetland requires additional work to maintain storage capacity as envisioned per the original permit approval, a report shall be prepared by a qualified wetland specialist that analyzes the extent, type, and function of wetland to determine the extent of the regulated or exempt activity.

9.5.3.2 Work in wetlands unintentionally created as a result of road, street, or highway construction.

9.5.3.3 Maintenance, operation and reconstruction of existing roads, streets, railroad lines, utilities and associated structures undertaken pursuant to best management practices, provided activities shall not increase the impervious area by more than two hundred square feet and disturbed areas are restored to an acceptable usable condition as required by the City Engineer.

9.5.3.4 Normal maintenance, repair and reconstruction of private or publicly-owned structures undertaken pursuant to City Engineer approved best management practices; provided, that reconstruction of any structures shall not impact more than 1,000 square feet of wetlands, including their associated buffers, and shall not increase the structural footprint.

9.5.3.5 Site investigation work and studies necessary to prepare land use applications, including soils tests, water quality studies, wildlife studies and similar tests and investigations; provided, that any disturbance of the wetland shall be the minimum necessary

Final Draft - 9.12.16

to carry out the work or studies.

9.5.3.6 Education activities, scientific research, and outdoor recreational activities, including but not limited to, interpretive field trips, bird watching and hiking and associated interpretive signage that will not have a significant effect on the wetland.

9.5.3.7 Emergency activities that are required due to acts of nature or emergency utility repairs that are necessary to prevent an immediate threat to public health, safety or property.

9.5.3.8 Minor activities such as invasive plant management; snagging of dead, dying, or diseased vegetation; and removal of hazardous trees where owners' property or adjacent properties, or the health and safety of the general public or employees are in danger of damage or where slope stabilization could be negatively affected that are determined by the City to have minimal impacts to wetlands and wetland buffers.

9.5.3.9 Construction of new utility facilities or improvements to existing utility facilities that take place within existing improved right-of-way or existing impervious surface that does not increase the amount of impervious surface, or the use of trenchless technology that would not disturb the wetland or wetland buffer such as boring, tunneling or jacking under a wetland.

9.6 Grading and Clearing.

9.6.1 Permit. No lot shall be graded or disturbed prior to issuance of a Land Development Permit.

9.6.2 Area Limited. Clearing and grading shall be limited to that portion of a lot or development tract for which a valid building permit has been issued or for which a preliminary plat has been approved.

9.6.3 Stabilization Required. All lots or tracts cleared or graded shall be stabilized with manmade or vegetative cover as required by the landscaping provisions of this Code.

9.6.4 Activities Exempted. Any activities related to commercial tree harvesting, bona fide agricultural operations, and the creation or extension of public infrastructure or other activities occurring within a public right-of-way for which a Land Development Permit is not required shall not be subject to the grading and clearing regulations, but shall meet any and all other applicable regulations contained within this Code.

9.7 Green Development, Infill and Grayfield Development

9.7.1 Purpose. The City encourages the creation of green development, infill development and grayfield development and establishes incentives for such in order to:

- Promote energy independence
- Conserve natural resources
- Encourage clean energy
- Improve environmental quality
- Maximize public investment and minimize public cost
- Reduce sprawl and greenfield development

9.7.2 Definitions. As used in this Section, green development shall mean any one or a number of sustainable land development or building construction practices certified by the US Green Building Council or comparable organization approved by the City. Infill development shall mean the location of new development on parcels, whether or not previously developed, that are surrounded on two or more sides by existing development or development-related infrastructure. Grayfield development is a particular type of infill development that occurs on previously developed parcels that are underused, obsolete, or in a state of disrepair or decline.

9.7.3 Applications and Review. Developers, homeowners and contractors may apply for one or more of the following incentives. The Director shall review each application and shall determine whether or not the project is eligible for these incentives. Applications shall be submitted prior to construction.

Final Draft - 9.12.16

9.7.4 Incentives Available. The following incentives shall be available for eligible projects as noted.

9.7.4.1 Density Bonus. All eligible residential developments shall be granted a density bonus equal to 130% of the maximum dwelling units per acre permitted in the zoning district in which they are located. All eligible non-residential and mixed use buildings shall be granted a density bonus equal to 130% of the maximum floor area ratio permitted in the zoning district in which they are located. In no case shall such bonuses permit the building or development to encroach upon any required buffer or open space; however, minimum setbacks may be reduced by up to 20% to accommodate the increased density.

9.7.4.2 Fee Waiver. All fees related to land development approval shall be waived for all eligible development.

9.7.4.3 Tax Abatement. Abatement of any taxes as specified by City policy for any green, development, infill, or grayfield development located within an adopted Central Business District or Redevelopment Area.

Final Draft - 9.12.16

10. SIGNS

10.1 Purpose.

10.1.1 The purpose of sign control in the City of Hattiesburg is to:

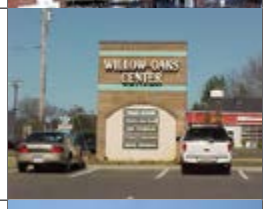
- Provide for identification, information and advertisement in an orderly manner
- Protect the public health, safety and welfare of the City
- Improve the visual quality of gateways and corridors and protect the integrity of adjacent neighborhoods
- Implement the City of Hattiesburg Comprehensive Plan

The following signage rules facilitate improvements in the visual quality of Hattiesburg's streetscapes through the establishment of standards related to the type, size, location, il-

Final Draft - 9.12.16

Table 10.1 Allowed Sign Types

Type and Definition	Category	Illustrative Examples
Ground Sign – A sign suspended or supported by one or more uprights or braces anchored in the ground with no more than 30 inches clearance from the bottom of the sign to the ground below.	On-premises freestanding sign	
Pole Sign – As sign that is mounted on a freestanding pole or other support so that the bottom edge of the face is six feet or more above grade.	On-premises freestanding sign	
Neighborhood Entrance Sign - A sign located at the entrance to the subdivision for the purpose of a permanent identification of the subdivision.	On-premises freestanding sign	
Wall Sign - A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than teninches from such building or structure.	On-premises attached sign	
Projecting Sign - A sign that is wholly or partly dependent upon a building for support and which projects at an angle away from the building.	On-premises attached sign	
Marquee Sign - A permanent structure attached to the front of a building which incorporates a large message center. Typically illuminated and often ornate in design, a marquee sign projects over the entrance of the building and provides a canopy over at least a portion of the sidewalk or street.	On-premises attached sign	

Canopy Sign - Awnings and canopies are roof-like covers that project from the wall of a building or are freestanding for the purpose of shielding from the elements. Canopies may also be freestanding, such as a covering over a service station island. Canopy does not include marquee signs.	On-premises attached sign	
Shopping Center and Multi-Tenant Sign – A freestanding sign that provides space for major tenants in a multi-tenant location, including shopping centers to advertise their business.	On-premises freestanding sign	
Billboard Sign– A sign which directs attention to a business, product, service or entertainment conducted, sold, or offered as a location other than on the premises on which the sign is located.	Off-premises freestanding sign	
Billboard Sign, Digital - An off-premise sign capable of displaying static electronic images, graphic or pictures, with or without textual information that can be changed by remote or automatic means.	Off-premises freestanding sign	

Final Draft - 9.12.16

lumination and design of signs.

10.2 Sign Permit Required.

Except for certain exempt permanent and temporary signs as explicitly noted in this Section, no sign may be constructed, installed, erected, moved, enlarged, illuminated, substantially altered or otherwise established including the changing of a sign face without first having been issued a City of Hattiesburg Sign Permit demonstrating that such activity conforms to the provisions of this ordinance.

10.3 Sign Types Established.

10.3.1 Table 10.1 establishes, sets forth and illustrates the allowed sign types in the standard districts in the City of Hattiesburg.

10.4 Temporary Signs, including Banners, Requiring Permit

10.4.1 A single sign advertising special events provided that such sign shall be displayed not more than 45 days in a calendar year, is not larger than 32 square feet and is mounted on an associated building. Such signs, including banners, shall be securely mounted flat against the building, shall be made of durable all-weather material, and shall not contain any advertising for products or services not directly related to the purpose of the event.

10.5 Certain Permanent and Temporary Signs Exempt.

10.5.1 The following signs are exempt from regulation under this section:

10.5.1.1 Signs Customarily Associated with Residential Use. Signs not exceeding two (2) square feet in area that are not of a commercial nature, such as:

- Address signs not larger than one square foot
- Mail box signs
- Signs posted on private property relating to private parking or warning the public against trespassing or danger from animals

10.5.1.2 Signs Associated with Public Bodies, Public

and Private Universities and Schools. Such signs include:

- Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs
- Official signs of a noncommercial nature erected by public utilities
- Flags, pennants, or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device

10.5.1.3 Signs Designating Historic Resources provided such signs have been approved by the Hattiesburg Historic Conservation Commission.

10.5.1.4 Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.

10.5.1.5 Signs directing and guiding traffic on private property that do not exceed four square feet each, and that do not exceed three feet in height, bear no advertising message, and are limited to one per driveway. Such signs may include a corporate logo or icon.

10.5.1.6 Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs, not parked adjacent to the street and are street legal with the sign affixed.

10.5.1.7 Real estate signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent provided that such signs do not exceed four square feet in area and are removed immediately after sale, lease, or rental. For lots of less than two acres, a single sign on each street frontage may be erected. An exception to this regulation is that lots of two acres or more in area and having a street frontage in excess of 400 feet may have one sign not exceeding 32 square feet in area erected per street frontage.

10.5.1.8 Window signs provided not more than 20% of a window area is covered, whether interior or exterior.

10.5.1.9 Temporary displays, including lighting, erected in connection with the observance of holidays that are removed within 30 days following the holidays.

10.5.1.10 Political signs erected in connection with elections or political campaigns. Such signs shall be placed no more than 60 days before the election and be removed within three days following the election or conclusion of the campaign. No such sign may exceed 16 square feet in surface area and is prohibited on public rights-of-way.

10.5.1.11 Construction signs associated with land development or building construction provided such signs are no larger than 32 square feet in size and do not exceed eight feet in height and number not more than two per project. Such signs shall be displayed no sooner than 60 days prior to the commencement of construction and shall be removed within 10 days of completing construction.

10.5.1.12 Carport, garage and yard sale signs not exceeding four square feet in size or four feet in height placed not more than three days in advance of the sale and removed within one day of the completion of the sale.

10.5.1.13 Public and semi-public signs advertising public and semi-public affairs such as civic, school, charitable and other non-profit events and affairs provided that such signs do not exceed 32 square feet in size, are posted not more than 14 days prior to the event, and are removed within three days

Final Draft - 9 12 16

after the event's conclusion.

10.6 Signs Standards By Zoning District.

Table 10.6-1 sets forth the list of permitted signs by zoning distict.

Table 10.6 - 1 Permitted Signs By Zoning District

■= Permitted ×= Not Permitted		Zone													
		Agricultural		Residential					Business					Industrial	
		A-1	A-2	R-1A	R-1B	R-1C	R-2	R-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2
Sign Type	On Premises Freestanding Sign														
	Ground*	×	×	■	■	■	■	■	■	■	■	×	■	■	■
	Pole	×	×	×	×	×	×	×	×	×	■	×	■	■	■
	Subdivision or Multi-family Sign	■	■	■	■	■	■	■	×	×	×	×	×	×	×
	On Premises Building Sign														
	Wall	×	×	■	■	■	■	■	■	■	■	■	■	■	■
	Projecting	×	×	×	×	×	×	×	×	×	×	■	×	×	×
	Marquee	×	×	×	×	×	×	×	×	×	■	■	■	×	×
	Canopy (door or window)	×	×	×	×	×	×	×	■	■	■	■	■	×	×
	Off Premises Freestanding Sign														
	Billboards	×	×	×	×	×	×	×	×	×	×	×	■	■	■
	Billboards, Digital	See Section 10.12													
	Off Premises Building Sign - Off Premises Building Signs are Not Permitted														
	Wall	×	×	×	×	×	×	×	×	×	×	×	×	×	×
	Projecting	×	×	×	×	×	×	×	×	×	×	×	×	×	×
	Roof	×	×	×	×	×	×	×	×	×	×	×	×	×	×
	Marquee	×	×	×	×	×	×	×	×	×	×	×	×	×	×
	Canopy	×	×	×	×	×	×	×	×	×	×	×	×	×	×
Notes	* Ground signs in residential districts are limited to non-residential uses. See section 10.8.2.5 for electronic message boards as a conditional use in the R-1A district.														

Final Draft - 9-12-16

Table 10.6 - 2 Dimensional Requirements By Sign Type

Sign Type	Sign Height/Width (max)	Sign Message Area (max) (sq. ft.)	Setback (min.)		Additional Criteria
			Front	Side	
On Premises Signs Freestanding					
Ground Sign	8'/8'	32	5'	15'	1 per lot/2 on corner lot (1 per street) with 150' min. frontage
Pole Sign	35'/16'	For B-3 – 1' sign size/ 1' frontage up to 200'	10'	15'	1 per 500' of parcel frontage/2 on corner lot (1 per street) with 150' min. frontage; maximum width 16'
		B-5, I-1, I-2 - 2' sign size /1' frontage up to 400'			
Subdivision or Multi-family Sign	6'/8'	32	5'	2'	2 per entrance
On Premises Signs Building					
Wall Sign	Wall signs shall not extend above roof line	For B-2 - 1' sign area/1' front facade width – 100'	n/a	n/a	2 per structure
		For B-4 - 1' sign area/1' front facade width up to 150'	n/a	n/a	3 per structure
		For B-3, B-5, I-1, I-2 - maximum of 15% of the single wall 350' max or for canopy 5% not to exceed 50'	n/a	n/a	3 per structure
Projecting Sign	8' min above sidewalk	5% of Façade Area/ 45 square feet for 2 stories	n/a	n/a	1/ May not project into public ROW, except sidewalks, or impede traffic
Marquee	10' min above sidewalk	200	n/a	n/a	No higher than roof line of 2nd story
Canopy	10' min above sidewalk	10	n/a	n/a	Under or on the face of the canopy only
Off Premises Free Standing (Billboards)					
Billboard Signs - B5, I-1 and I-2 Only	10' (min)/35' (max) Height 40' width	400	25' (Front and Rear)	15'	1 per lot, 1000' from any other off premises sign, maximum of 2 faces, and not within 100' of A or R zones
Billboards, Digital	See Section 10.12				

Final Draft - 9.12.16

10.7 Method of Measurement

10.7.1 The message area of a sign shall be the entire width within a single, continuous perimeter enclosing the outer dimensions of the actual message or copy area including decorative trim, customary extensions or embellishments, any structural elements outside the limits of such display surface.

10.7.2 If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

10.7.3 With respect to two-sided, multi-sided, or three-dimensional signs, the sign message area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point. Without otherwise limiting the generality of the foregoing the sign message area of a double-faced, back to back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed five (5) feet.

10.8 Sign Design

10.8.1 Design of Ground Signs. Ground signs shall have a minimum of 18 inches and maximum of 30 inches separation between the ground and the sign face. This separation may consist of a solid base of masonry material or consist of landscaping.

10.8.2 Illumination. The City of Hattiesburg recognizes that for signs to be fully effective, illumination may be preferred in certain development contexts and but should be restricted in other contexts generally related to proximity to residential areas, development intensity and specific planning goals for particular areas. Accordingly, illumination of signs shall conform to the following criteria:

10.8.2.1 All external sign illumination shall shield point sources of light from any public right-of-way or adjacent residential uses.

10.8.2.2 Signs within 150 feet of any residential zone district may not be illuminated between the hours of 11 p.m. and 6 a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential.

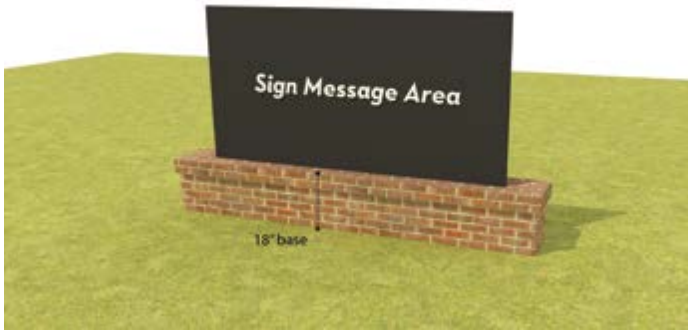
10.8.2.3 Internally illuminated signs are not permitted in any Agricultural or Residential district.

10.8.2.4 Illuminated strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar area are prohibited.

10.8.2.5 No sign may contain or be illuminated with flashing or intermittent lights or lights of changing degrees of intensity except electronic message boards or historic signs under the following conditions and restrictions:

i. The restoration or operation of historic signs within a local historic conservation district or a district listed in the National Register of Historic Places.

ii. Electronic message board lighting may be provided by right in the B-3 and B-5



Final Draft - 9.12.16

Districts or in the R-1A District as a conditional use as follows:

iii. Flashing, blinking, animated or scrolling messages are prohibited.

iv. Messages shall post for a minimum time of 30 seconds and the minimum elapsed times between messages shall be 3 seconds;

v. Messages consisting of time or alphabetic or numeric characters on a background that may not include any video or moving images;

vi. The use of red lights is discouraged in electronic message board signs;

vii. An electronic message is considered accessory to a larger static sign. The electronic message portion of such sign shall constitute no more than 40% of sign area of a freestanding sign and shall be limited to one such sign per lot.

viii. Electronic message boards shall be separated from the nearest lot line of any residential use by a minimum 200 feet.

10.8.3 Measuring Sign Height. For directions on how to measure sign height, please refer to section 6.7.5 of this Code.

10.9 Prohibited Signs

The following signs are prohibited in Hattiesburg in all zoning districts.

10.9.1 Any sign not expressly permitted by this Section.

10.9.2 Any sign that it interferes with the sight triangle (clear view area) necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets, private roads or driveways.

10.9.3 Banners, streamers, animated displays, moving signs that rotate, flutter or use similar moment, pennants, and propellers are prohibited unless expressly permitted in Section 10.4.

10.9.4 Any sign that by its location, color, size, shape, nature, or message would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.

10.9.5 Any sign which bears or contains statements, words or pictures of an obscene, pornographic, or which contains advertising matter that is untruthful.

10.9.6 Signs which emit audible sound, odor or visible matter.

10.9.7 Any sign or advertising material written on or affixed upon any tree, bush, shrubbery, utility pole, traffic sign, hydrant, fence or street marker.

10.9.8 Any sign placed on, in, or over any public property, including public right-of-way, without the written consent of the public authority having jurisdiction over the property. Such signs shall be subject to forfeit without notice.

10.9.9 Signs painted on or otherwise permanently attached to motor vehicles or trailers and conspicuously and routinely parked adjacent to or near a street are prohibited and shall be parked or stored as remotely as possible from public streets.

10.9.10 Signs installed over a drive aisle.

10.9.11 Tri-vision signs.

10.10 General Sign Standards Applying to All Zones.

10.10.1 Free standing signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property. The sign shall be designed to be removable at the sign structure base or foundation. The free standing sign shall meet the adopted building code specifications for wind load and design.

10.10.2 Building mounted signs shall be securely fastened to the building structure so that there is

Final Draft - 9.12.16

no danger that either the sign or the support structure may be moved by the wind or other forces of nature and cause injury to persons or property. These signs shall be designed to be removable. The building mounted signs shall meet the adopted building code specifications for wind load.

10.10.3 Billboard signs shall be in a separate lease area with a clear zone radius where parking, storage and other uses are prohibited. The lease area must be landscaped. No part of the billboard sign can overhang the boundaries of the lease area.

10.11 Maintenance of Signs.

10.11.1 All signs and all components thereof, including supports, braces, and anchors, shall be maintained in finished condition.

10.11.2 If a sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall, within 90 days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign.

10.11.3 If the message portion of a sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within ninety days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign.

10.11.4 The immediate area around a freestanding sign shall be kept clear of all debris and maintained by the landowner, or by the sign owner as agent of the landowner, in an attractive manner so as not to create visual blight.

10.11.5 The Director of Urban Development may cause to be removed any sign if on which the advertising message becomes illegible in whole or in part.

10.12 Unlawful Cutting of Trees or Shrubs.

10.12.1 No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

10.12.1.1 Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the City or other agency having jurisdiction over the streets; or

10.12.1.2 In any area where such trees or shrubs are required to remain by City Code.

10.13 Digital Billboards

10.13.1 General Provisions: The use of digital technology is allowed for billboards, subject to the following limitations, restrictions and perm its which are in addition to and intended to supplement all other applicable requirements. Digital billboards shall only be allowed along certain business corridors within the city, namely Regional and Community as defined below. Corridors are considered to be groups of commercial properties that are identified by the street or highway along which they are located. Corridors are also identified by transportation elements, land use, building mass, building form, pedestrian ways and streetscape.

10.13.2 Permit Review: A Permit approved by the City Council after review by the Hattiesburg Planning Commission and Site Design and Review Committee is required for all new Digital Billboards or replacement static billboards, including billboard supports and/or faces.

10.13.3 Digital Billboard-New: Shall be limited to B-5, Regional Business District, I-1 and I-2 Industrial Districts located within the Regional and Community Business Corridors as defined in this section.

10.13.4 Primary Structure: A new digital billboard will be considered as a primary structure and will require a legal description of the property

Final Draft - 9.12.16

whether leased or purchased, and no other uses shall co-exist on the same property as the primary structure. The site is to be grassed and landscaped as approved by the Site Design and Review Committee. New structures shall be designed to complement the surrounding businesses and/or residential properties.

10.13.5 Accessory Structure: A new digital billboard will be considered as an accessory structure when constructed on a site that is occupied with a primary structure(s) which may include parking areas, buildings, and similar uses except for other off-premise or on-premise free standing signs. The area immediately adjacent to the billboard shall be landscaped as approved by the Site Design and Review Committee. This landscaped area shall extend ten (10) feet from the face(s) of the billboard. If a billboard has only one face (single sided), the landscaped area shall extend ten (10) feet from the rear or back of the sign. This landscaped area should extend ten (10) from the outer most edges (street edge and opposite edge) of the sign. The intent of this regulation is to provide a landscaped area around the entire perimeter of the proposed digital billboard. Flexibility for this buffer area may be provided and permitted by the Site Design and Review Committee if the total required area is not reduced and landscaped area extends beyond the perimeter of the sign to the greatest extent possible. No parking shall be allowed in the required landscaped area. If the landscaped area is adjacent to a parking area, concrete curbing shall be provided along all edges of the perimeter that abut parking areas or lanes. Variances shall not be allowed for a reduction in parking spaces for the placement of a new digital billboard as an accessory structure.

10.13.6 Replacing a Static Billboard with a Digital Billboard:

a. Billboard replacement, of all or any part thereof, shall require the removal of two additional static billboard structures. A building permit for the removal of three static billboards and installation of one digital billboard (location of sites as approved under the Use Permit Upon Review) for the conversion of an existing static billboard structure to a digital bill board structure. Confirmation of the removal of the required number of existing static bill board structures shall be on file with the Land Development Code Administrator prior to the issuance of a permit to convert an existing static billboard structure to a digital billboard structure.

b. After an existing billboard structure, digital or static, has been removed of the Land Development Code, no other billboard structure, digital or static, shall be placed on that parcel for a minimum of 24 months.

c. The applicant shall provide an inventory of their outdoor advertising sign locations with in the city. A company that converts an existing static billboard to a digital billboard must provide, with each permit application, a complete current inventory of is billboards located within the corporate limits of the city of Hattiesburg. The inventory shall include per structure: location (longitude/latitude), size, number of faces and type of illumination.

d. No person shall convert an existing static billboard structure to a digital billboard structure, without first obtaining a sign permit as required by this section.

e. Digital billboards shall be the same size or smaller than the static billboard being replaced, but shall not exceed the dimensions contained herein whichever is smaller.

f. A digital billboard replacing a non-conforming static billboard may be exempt from the Land Development Code, tables 10.12-1 and 10.12-2, if approved by the City Council after review by the Hattiesburg Planning Commission and Site Plan Review Committee.

g. Movement: The image will change instantaneously as seen by the human eye, and shall not use blinking, fading, rolling, shading, dissolving, or similar effects as part of the change.

h. Light levels: All digital billboards shall be equipped with light sensing devices or a scheduled dimming timer that will automatically dim the intensity of the light emitted by the sign during ambient low-light conditions and at night so

Final Draft - 9.12.16

that the sign does not exceed the maxi mum brightness levels allowed in this section.

i. Maximum brightness shall not exceed 465 lumens when measured from the sign's face at its maximum brightness during daylight hours and shall not exceed 46 lumens when measured from the sign's face at its maximum brightness at night.

j. If such sign is located within 100 feet of a property with residential zoning, the sign must be oriented such that no portion of the electronic sign face is visible from a residentially-zoned property or the brightness is reduced to no more than 23 lumens at night.

k. Prior to the issuance of a permit for such sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified above.

l. Malfunctions: Any malfunction shall be repaired or disconnected with in 48 hours by the owner or operator of such billboard.

m. Prohibited Locations: Digital billboard signs are prohibited in any designated local historic districts, or along Veteran's Memorial Blvd. and Classic Drive.

10.13.7 Corridor Designations:

10.13.7.1 Regional Business Corridors: The Regional Business District is primarily a non-residential district located along major arterial streets and highways. The land uses i n this district may generate a higher volume of regional traffic and/or require frequent

Table 10.12 - 1 Area and Setback Regulations Chart: Billboard-New

1. Area and Setback regulations	**Regional Business Corridors**	**Community Business Corridors**
2. Use Permit Required	Yes	Yes
3. Spacing between Digital Billboards (primary structures)	Minimum 1000 lineal feet measured radially	Minimum 2500 lineal feet measured radially
4. Spacing between Digital Billboards (accessory structures)	Minimum 1000 lineal feet measured radially	Not permitted
5. Spacing between Digital Billboards (primary structures) and Static Billboards	Minimum radius of 1,000 feet measured radially	Minimum radius of 1,250 feet
6. Spacing between Digital Billboards (Accessory Structures) and Static Billboards	Minimum radius of 1,250	Not permitted
7. Distance from residentially zoned districts	Minimum 1000 lineal feet measured from leading edge of billboard	Minimum 1250 lineal feet measured from leading edge of billboard
8. Face Area	Maximum 400 Square feet	Maximum 230 square feet
9. Face Width	Maximum 40 feet	Maximum 23 feet
10. Face Height	Maximum 10 feet	Maximum 10 feet
11. Structure Height	Maximum 35 feet	Max i m u m 21 feet
12. Clearance above ground	Minimum 10 feet	Minimum 10 feet
13. Front Setback	Minimum 25 feet (measured from leading edge of billboard)	Minimum 25 feet (measured from leading edge of billboard)
14. Side Setback	Minimum 15 feet (measured from leading edge of billboard)	Minimum 15 feet (measured from leading edge of billboard)
15. Rear Setback	Minimum 25 feet (measured from leading edge of billboard)	Minimum 25 feet (measured from leading edge of billboard)
17. Static Display time for east message	Minimum 8 seconds	Minimum 8 seconds
18. Off time for each message change	Maximum 2 seconds	Maximum 2 seconds

Final Draft - 9 12 16

access by large trucks and commercial vehicles. The characteristics of this district include the following: suburban-style commercial centers and bigbox buildings; high-density residential developments such as apartment complexes; large, private parking areas; and light industrial campuses and employment centers.

a. U.S. Highway 49: From Northern city limit southward to intersecti on with Old Highway 42;

b. U.S. Highway 49: From intersection at Edwards Street and Elk's Lake Road south to southern city limit.

c. Old Highway 42: From intersection at U.S. High way 49 to Main Street.

d. U.S. Highway 98: From Western city limit eastward to intersection with I-59

e. U.S. Highway 98: From Eastern city limit westward to intersection with I- 59;

f. Interstate 59

10.13.8 Community Business Corridors: The Community Business District is primarily a non-residential corridor surrounded by single and multi-family residential districts located along the city's interior road ways. In this district, certain residential and non- residential land uses may be found that exhibit suburban development patterns, as well as development patterns that complement the residential, pedestrian-oriented character of surrounding neighborhoods. The characteristics of this district include less-intensive commercial uses than are found in the Regional Business District.

a. U.S. Highway 49: From intersection at Old Highway 42 southward to intersection with Edwards Street.

Final Draft - 9.12.16

Table 10.12 - 2 Area and Setback Regulations Chart: Billboard-Replacement

1. Area and Setback regulations	**Regional Business Corridors**	**Community Business Corridors**
2. Use Permit Required	Yes	Yes
3. Primary Structure	Does not apply	Does not apply
4. Spacing between Digital Billboards	Minimum 1000 lineal feet measured radially	Minimum 2500 lineal feet measured radially
5. Spacing between Digital Billboards and Static Billboards	Minimum 1000 lineal feet measured radially	Minimum 1250 lineal feet measured radially
6. Distance from residentially zoned districts	Does not apply	Does not apply
7. Face Area	Maximum 400 Square feet	Maximum 230 square feet
8. Face Width	Maximum 40 feet	Maximum 23 feet
9. Face Height	Maximum 10 feet	Maximum 10 feet
10. Structure Height	Maximum 35 feet	See section
11. Clearance above ground	Minimum 10 feet	Minimum 10 feet
12. Front Setback	Does not apply	Does not apply
13. Side Setback	Does not apply	Does not apply
14. Rear Setback	Does not apply	Does not apply
15. Static Display time for east message	Minimum 8 seconds	Minimum 8 seconds
16. Off time for each message change	Maximum 2 seconds	Maximum 2 seconds

b. Old Highway 42: From intersection at Main Street eastward to city limit.

c. Broadway Drive: From intersection at West Pine Street southwesterly to intersect ion with U.S. Highway 49.

d. Hardy Street: From intersection at Interstate 59 eastward to intersection with U.S. Highway 49.

e. Bouie Street: From intersection at Old Highway 42 south to intersection with East 4th Street.

f. James Street (north): From the intersection at Edwards Street south to intersection with J. M. Tatum Industrial Drive.

g. WSF Tatum Boulevard: From U .S. Highway 11 to U .S. Highway 49.

h. Old Highway 11 from US Highway 98 to the city limits.

i. Old Hwy 11: From intersection at Hwy 98 south to the City limits.

Final Draft - 9.12.16

SECTION 11. ADMINISTRATION AND ENFORCEMENT

11.1 Purpose.

City entities responsible for the administration of the Land Development Code, in whole or in part, include the Mayor, City Council, Planning Commission, Board of Adjustment, Historic Conservation Commission, Site and Design Review Committee, Director of Urban Development and the City Engineer. The purpose of this section is to set forth their respective responsibilities and duties.

11.2 City Council.

The City Council shall have certain duties and responsibilities related to this Land Development Code including, but not necessarily limited to, the following:

11.2.1 Ratify membership of the Planning Commission and Board of Adjustment appointed by the Mayor.

11.2.2 Decide, adopt and amend the Hattiesburg Comprehensive Plan, special area plans, corridor plans, neighborhood plans, the Land Development Code, and any other plans and policies effecting growth and development of the City.

11.2.3 Designate historic districts and landmarks.

11.2.4 Establish all fees associated with development applications required by this Code.

11.2.5 Hear and decide requests for annexations and changes to the corporate limits.

11.2.6 Hear and decide requests for changes to the Official Zoning Map.

11.2.7 Hear and decide requests for preliminary plats for major subdivisions.

11.2.8 Hear and decide appeals to decisions of the Planning Commission, Board of Adjustment, and Historic Conservation Commission.

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

11.2.10 Decide requests for rights-of-way, street and utility acceptance.

11.3 Planning Commission.

The Planning Commission shall have certain duties and responsibilities related to this Land Development Code including, but not necessarily limited to, the following:

11.3.1 Hear and make recommendations to the City Council regarding the adoption or amendment of the Hattiesburg Comprehensive Plan, special area plans, corridor plans, neighborhood plans, the Land Development Code, the Official Zoning Map, and any other plans and policies impacting growth and development of the City.

11.3.2 Hear and make recommendations to the City Council all requests for preliminary plats for major subdivisions.

11.4 Board of Adjustment.

The Board of Adjustment shall have certain duties and responsibilities related to this Land Development Code including, but not necessarily limited to, the following. At its discretion, the city council may decide to delegate either or both of these duties and responsibilities to another board.

11.4.1 Hear and decide requests for variances to the requirements of this Code.

11.4.2 Hear and decide requests for appeal to interpretations of this Code made by the Director.

11.5 Historic Conservation Commission.

The Historic Conservation Commission shall decide all requests for site and building design approval for properties located in a designated historic district.

11.6 Site and Design Review Committee.

11.6.1 The Site and Design Review Committee shall have certain duties and responsibilities related to this Land Development Code including, but not necessarily limited to, the following.

11.6.2 Review and make recommendations for preliminary plats for minor subdivisions.

Final Draft - 9.12.16

11.6.3 Decide requests for preliminary and final plats of major subdivisions.

11.6.4 Decide requests for final plats for all subdivisions.

11.6.5 Decide requests for uses permitted with conditions.

11.6.6 Hear and decide appeals to decisions of the Director regarding site and building design for properties located outside a designated historic district.

11.6.7 Review and make recommendations to the Planning Commission on requests for changes to the Official Zoning Map and requests for preliminary plats for major subdivisions.

11.6.8 Review and make recommendations to the Board of Adjustment on findings for requests for variances and appeals.

11.6.9 Review and decide any staff-approved site plans as requested by the Director.

11.6.10 Review and decide any requests for administrative waivers.

11.7 Director of the Department of Urban Development.

The Director shall have certain duties and responsibilities related to this Land Development Code including but not limited to, the following:

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

11.7.2 Decide all requests for interpretation of the intent or meaning of provisions of this Code.

11.7.3 Decide all requests for interpretation of zoning district boundaries in certain instances where:

11.7.3.1 Zoning district boundaries divide a single lot.

11.7.3.2 Actual street layouts differ from street layouts on the Official Zoning Map and street layouts reflect zoning district boundaries.

11.7.4 Administer the functions required by the Land Development Code which include but are not limited to:

11.7.4.1 Serve as staff to the City Council, Planning Commission and Board of Adjustment, coordinating the placement of land use items on agendas, providing information regarding any agenda items brought before them as required by this Code, and providing a professional recommendation as noted in this section.

11.7.4.2 Serve as Chair of the Site and Design Review Committee, establish meeting agendas and protocol, and forward committee recommendations to the decision making body as described in the code.

11.7.4.3 Establish submittal requirements, review procedures and application forms for all development applications in the Land Development Code.

11.7.4.4 Ensure all public notice requirements are met as required by this Code.

11.7.4.5 Make recommendations on changes to the schedule of fees related to all development applications.

11.7.4.6 Maintain the Official Zoning Map and record on the Map all amendments to the Land Development Code that change zoning district boundaries.

11.7.4.7 Conduct inspections of buildings, structures and use of land to determine compliance with the Code.

11.7.4.8 Enforce the rules and regulations of the Code.

11.7.4.9 Issue Certificates of Zoning Compliance (CZC) certifying the proposed use of land or a new or altered structure is in compliance with the provisions of the Land Development Code within 2 days of such request. A Temporary CZC may be issued when a structure has met the requirements of the applicable building code but elements of an approved site plan have not yet been completed. A certified letter stating a completion date of all remaining site plan requirements shall be submitted by the builder or developer and

Final Draft - 9.12.16

accepted by the Director. Items remaining to be completed shall, in general, be limited to landscaping and security posted with the City guaranteeing compliance within the stated completion date.

11.7.4.10 Create and make available any applications and other forms necessary for applications required by this Code

11.7.4.11 Maintain records and maps of nonconforming uses, structures and lots.

11.7.4.12 Maintain a map of existing land uses in the City.

11.7.4.13 Perform any other ministerial review and approval required to ensure compliance with this Code.

11.7.5 Develop public information materials regarding the content, purpose and procedures of the Land Development Code.

11.8 City Engineer.

The City Engineer shall have certain duties and responsibilities related to this Land Development Code including, but not necessarily limited to, the following:

11.8.1 To review, recommend and approve proposals of development infrastructure specified in this code.

11.8.2 To review, recommend and approve proposals for development under the environmental standards set forth in Section 9, Environmental Standards.

11.8.3 To review, recommend and approve any other development matter set forth in the Land Development code in which duties and responsibilities are assigned to the City Engineer.

11.9 Fees.

The City Council shall establish a schedule of fees and a collection procedure covering the processing of applications, notices, and enforcement actions necessary to implement this Code. No action will be taken on any development application until applicable fees are paid.

11.10 Enforcement.

11.10.1 Remedies. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure, land subdivision/ platting, land re-subdivision or re-platting, or land is used in violation of this Code, the City, in addition to other remedies, may institute any appropriate action or proceedings under City Ordinance and/or State Law to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct, or abate such violation, to prevent occupancy of said building, structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Specific remedies include the following as well as any other remedies permitted under Mississippi State Law.

11.10.1.1 Specific Remedies. Specific remedies for the violation of any provision of this Code include the following:

11.10.1.2 Permit Revocation. The Director may revoke any zoning permit issued by staff after written notification to the permit holder when violations of this Code have occurred, when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, or a permit has been mistakenly issued in violation of this Code.

11.10.1.3 Stop Work Orders. Whenever a building, structure or part thereof is being constructed, demolished, renovated, altered, or repaired in substantial violation of any applicable provision of this ordinance, the Director may order the specific part of the work that is in violation, or would be when the work is completed, to be immediately stopped. The stop work order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work.

11.10.1.4 Criminal Penalties. Any person violating

Final Draft - 9.12.16

any provision of this Code shall upon conviction be guilty of a misdemeanor and shall be fined $500, or an amount as otherwise determined by the court, for each offense.

11.10.1.5 Injunction. When a violation occurs, the Director may, either before or after the institution of other authorized action, apply to the appropriate division of court for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.

11.10.1.6 Order of Abatement. In addition to an injunction, the Director may apply for and the court may enter into an order of abatement as part of the judgment in the case. An order of abatement may direct any or all of the following actions:

i. Buildings or other structures on the property be closed, demolished, or removed.

ii. Fixtures, furniture or other moveable property be moved or removed entirely.

iii. Improvements, alterations, modifications or repairs be made or removed.

iv. Any other action be taken that is necessary to bring the property into compliance with this Code.

11.10.1.7 Withholding Approvals. Any violation of this Code shall constitute grounds for withholding new building permits directly related to the violation until the violation has been corrected, including the payment of all fines and fees and the planting of all trees and vegetation required as mitigation.

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.

11.10.1.10 Continuing Violations. If a violation is repeated within a two year period from the date of the initial violation, it shall be considered to be a continuation of the initial violation and shall be subject to additional penalties and remedies. A repeat violation is one which is identical to or reasonably similar to a previous violation for which a warning citation or civil citation has been issued by the City.

11.10.2 Enforcement Actions. The following procedures shall be used related to enforcement actions:

Final Draft - 9.12.16

Table 11-10 Table of Enforcement Actions		
Steps	WHAT (Action)	WHO - WHERE
Step 1:	A. Discovery of alleged violation	A. Public B. Other City Staff or Officials
Step 2:	A. Verification of violation B. Prepare recommendation or decision C. Action or clearance of alleged violation	A. Support Staff B. Director of Urban Development
Step 3:	A. Issue citation for violation/ designated time 1. Verbally/sticker 2. Certified mail	A. Support Staff B. Director of Urban Development
Step 4:	A. Reinspection B. (Optional) 1. Refer to appropriate board/ commission for confirmation when special conditions apply 2. Action or clearance of alleged violations	A. Support Staff B. Director of Urban Development C. Appropriate Board/Commission
Step 5:	A. Sign affidavit	A. Concerned Citizen B. Director of Urban Development C. Support Staff
Step 6:	A. Pursue decision through the Courts B. Clearance or specific legal penalty	A. City Attorney B. Director of Urban Development C. City Judge

Final Draft - 9.12.16

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Final Draft - 9.12.16

SECTION 12. PROCESS AND PROCEDURES

12.1 Development Application Required.

No development or redevelopment shall be allowed to proceed unless all approvals applicable to the proposed development are issued in accordance with this section. Development approvals are required for all development, unless otherwise excepted, to ensure compliance with various adopted codes, standards and laws, and to ensure consistency with the Comprehensive Plan and other policies of the City of Hattiesburg.

12.2 Categories of Development Approvals.

There are three basic categories of development approvals required by this Code: legislative development approvals, quasi-judicial development approvals, and administrative development approvals. These include the following specific approvals addressed in this Section:

Approval Category	Approval Type
Legislative Development Approvals	Zoning map and code text amendments Preliminary plat approval for major subdivisions Street closings
Quasi-Judicial Development Approvals	Variances Appeals Uses requiring Planning Commission Approval
Administrative Development Approvals	Minor subdivision approval Final plat approval Uses permitted with conditions Staff approved site plans Administrative waivers Administrative development approvals

12.3 Legislative Development Approvals; Process.

12.3.1 Zoning Map and Code Text Amendments.

12.3.1.1 The Official Zoning Map will only be amended if public and community facilities are adequate to serve the type and scope of land use proposed and at least one of the following conditions is met:

i. Events subsequent have invalidated the original premises and findings upon which the zoning category was established;

ii. The character or condition of the area has changed such that the amendment is consistent with the Hattiesburg Comprehensive Plan. If a proposed amendment does not conform to the City's Comprehensive Plan, the applicant shall be required to offer proof with regard to what major economic, zoning, physical, or social changes, if any, have occurred in the vicinity of the property which were not anticipated by the Comprehensive Plan and have altered the basic character of the area to make the amendment appropriate.

iii. An inadequate supply of suitably designated and sited land is available in the community to accommodate the proposed land use as presented by the applicant.

12.3.1.2 Initiating a Text Amendment. A request for an amendment to the text of this Code may be initiated by the City Council, Planning Commission, staff, a citizen of Hattiesburg upon filing an official application and proof of residency, or an authorized representative.

12.3.1.3 Initiating a Map Amendment. A request for an amendment to the Official Zoning Map may be initiated by the City Council, Planning Commission, staff, the owner of the parcel for which the rezoning is requested upon filing an official application and proof of residency, or an authorized representative of such owner.

Final Draft - 9.12.16

12.3.1.4 Application Requirement; Action. Any application for an amendment to the text of the Land Development Code or Zoning Map shall address in writing the reason for the proposed amendment. City Council shall consider the request and, if it approves the request, may ask staff to begin drafting the text amendment for consideration, or to amend the Official Zoning Map, whichever action is relevant.

12.3.1.5 Application Forms. Application forms are created and maintained in the office of the Department of Urban Development and must be filled out completely, including any required additional material, and all fees paid prior to any request being scheduled for hearing.

12.3.1.6 Withdrawal or Amendment of an Application. An application may be withdrawn by the applicant at any time up to the scheduling of the date of the public hearing for the request. If the applicant wishes to withdraw the application after the scheduling of the public hearing a request may be filed with the Director and the Director may determine that withdrawal will not be detrimental to the interests of citizens affected by the application. Changes to an application for amendment may only be made if the change causes a request to be more restrictive. Otherwise, no changes to an application may be made after a public hearing is scheduled.

12.3.1.7 An application for a map amendment that has been denied in whole or in part shall not be re-submitted within one year of the date of the City Council's action on the original petition. The City Council may, however, allow re-submission of a petition within the one-year restricted period if it determines that, since the date of action on the prior petition, one of the following criteria has been met:

i. There has been a similar change in the zoning district classification of an adjacent property.

ii. The City Council has adopted a new or amended plan for the area that changes public policy regarding how the property affected by the amendment should be developed.

iii. Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred or is to occur in such a time frame as to serve the property and comfortably accommodate the intensity of development allowed under the proposed classification, if the lack of such infrastructure capacity was the reason for previous denial.

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.

12.3.2.2 Construction Plans and Specifications.

i. Approval Criteria. Construction Plans shall meet all engineering standards and requirements related to the actual construction of infrastructure and legal identification of building lots.

ii. Decision Maker. The City Engineer shall make the final determination of acceptance of construction plans.

Final Draft - 9.12.16

iii. Application and Review Procedures. Submittal form and requirements are established by the City Engineer who will be the final authority approving construction plans.

12.3.2.3 As-Built Construction Plans and Specification; Drawings.

i. Approval Criteria. As-built drawings shall depict the actual construction of all required improvements based on an inspection by City staff.

ii. Certification of the as-built drawings by a registered engineer both by stamp on the drawings and by letter to the City Engineer.

iii. Application and Review Procedures. Submittal form and requirements are established by the City Engineer who will be the final authority accepting as-built plans.

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 Commissoin.

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

12.3.3 Uses Requiring Planning Commission Approval.

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

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

i. Determination that adequate public facilities and services will be available concurrent with the impacts of the development as evidenced by letters of sufficiency from utilities and schools and a determination by the city engineer that the available capacity of existing streets can safely provide access to the site.

ii. The proposed development will be compatible with surrounding uses and will protect adjacent properties through the following measures:

- Protection of privacy. The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and / or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants.

- Protection of use and enjoyment. The proposed plan shall be designed and arranged to have minimal negative impact

Final Draft - 9.12.16

on the use and enjoyment of adjoining property.

- Compatible design and integration. The use meets all design criteria required by this Code that apply and is designed to integrate well both on and off site.

12.3.3.3 Application and Review Procedures. Applications shall be made on forms created and maintained by the Director.

12.3.4 Approved Site Plans. Whenever a site plan is required for an appeal, the site plan shall be reviewed for conformity with the requirements of this Code and, if approved, shall be binding on the property. The Site and Design Review Committee may approve minor variations to the site plan during construction to accommodate unforeseen onsite issues provided that those variations do not alter the location, character, use, function, capacity or offsite impacts of the project as determined by the Committee. Any significant change in a site plan shall require the applicant to apply for board approval using the same process and procedures required for original approval. Approved site plans are good for a maximum of one year unless a valid building permit exists for construction according to the site plan.

12.3.5 Application Requirements for Legislative Approval.

12.3.5.1 Pre-Application Review.

i. A pre-application review allows the staff to review and discuss a project with an applicant to provide general feedback and ideas. After a pre-application review, a development application may be submitted. If the Director determines there is little value to the applicant or staff for the requirement for a pre-application review, the Director may waive this requirement.

ii. A pre-application review will:

- Help the City understand the project and the applicant's objectives;
- Identify required project approvals and processes;
- Identify submittal requirements including required documents, drawings, special studies, fees and other materials necessary for a complete application, and,
- Identify significant issues including Code related issues and physical constraints.

iii. The Site and Design Review Committee conducts the pre-application review.

12.3.5.2 Application Requirements.

i. During the pre-application review, required submittal materials to begin review of the project will be identified in checklist form including fees.

ii. The Director will determine if an application is complete. If it is not complete, the applicant will be notified and the submittal will be returned.

12.3.5.3 General Approval Criteria. No application will be approved unless all of the following criteria are satisfied.

i. Compliance with the Hattiesburg Comprehensive Plan.

ii. Compliance with this Code.

iii. Conditions of any prior approvals.

iv. The availability of adequate public facilities and utilities concurrent with the development.

v. The receipt of any applicable local, state and federal permits.

12.3.5.4 Procedures.

i. Once the Director determines an application is complete, the Site and Design Review Committee and representatives from City departments and divisions for compliance with City codes and policies

Final Draft - 9.12.16

will review applications. Upon completion of this review, staff and the Site and Design Review Committee will provide comments to the applicant.

ii. Review by other agencies. Copies of completed applications will be forwarded to appropriate agencies outside the City for comments when applicable as determined by the Director.

iii. Department and Agency Comments. All comments will be forwarded to the applicant for response.

iv. Applicant Response.

- Within 60 calendar days of the mailing of the City's review comments on any submittal (or resubmittal), the applicant must resubmit revised documents to address City department and agency comments. If the resubmittal does not occur within this time period, the development application will become null and void.
- The Director may grant two extensions of this resubmittal time period not to exceed a total of 30 days.

v. Review of Response.

- The Site and Design Review Committee and representatives from City departments and divisions will determine if sufficient information has been provided to schedule the application for a hearing. If the application is insufficient, the applicant will be notified. The applicant is allowed additional resubmittals and responses before the application is scheduled for a hearing.
- At any time during the review process, the applicant can request that the application be scheduled for a hearing.

vi. Notice.

- A notice setting forth the date, time, place of the hearing, the name of the applicant, identification of the subject property and proposed City action shall be at least 15 days prior to any public hearing.
- The Director is responsible for providing such notice.
- All notices will be published in an official newspaper recognized by the City.
- The applicant will post a sign provided by the City on each street frontage of the property at least 15 days prior to the date of the hearing. The sign will show the time, date and place of the hearing, the reason for the hearing, the date of the notice and signature of the Director, and a telephone number that can be called for information. The applicant is required to maintain the sign(s) on the subject property until the day after the final public hearing.

vii. Public Hearing and Planning Commission Meeting Procedure.

- The Director will schedule an application for Public Hearing only after it has been determined the application is complete.
- A Public Hearing shall be advertised 15 days prior to the date of the hearing in accordance with state law. At least 7 days prior to a Public Hearing or Planning Commission Meeting, the Director will provide a staff report and recommendation to the public hearing body.
- The staff report will provide a complete description of the application, analysis of the review criteria describing compliance with the Land Development Code, other required regulations and all relevant information associated with the application.
- The Director will provide a recommendation for approval, approval with conditions or denial based on compliance with review criteria from the Land Development Code.
- The staff report will be made available

Final Draft - 9.12.16

for public review at the Department of Urban Development.

viii. Conditions.

- Conditions may be imposed on any application to ensure compliance with the Land Development Code and other rules and regulations and to protect the neighborhood. Such conditions shall be reasonable and related to the expected impacts of the development.

ix. Post Decision Making Procedures.

- Any aggrieved person with standing may request a rehearing or file an appeal of any final action.
- The Director or the Site and Design Review Committee may approve corrections and revisions deemed minor to an approved application, in writing, subject to appeal to the decision maker. A minor revision is one necessary in light of technical considerations that does not substantially change the character of the development approval.
- For any minor corrections or revisions, the Director shall give five days notice of such corrections or revisions by posting at the City Clerk's office.

12.3.6 Planned Developments and Master Plans.

12.3.6.1 Planned Developments. Whenever a planned development is proposed submittal requirements include a detailed site plan reviewed by the Site and Design Review Committee and approved by the City Council. If the planned development site plan is for any portion of the site less than the whole, a master plan must be submitted according to the requirements for master plans.

12.3.6.2 Master Plans. Whenever any portion of a large site is proposed for development, a master plan must accompany the detailed site plan. The master plan must indicate phase lines and show the approximate location and size of future public improvements, open space, recreational areas, buffers, and uses for each phase. Each phase of a master plan must be in general conformity with the master plan and is subject to approval by the City Council. Demonstrating conformity with the master plan as well as any and all local, state and federal requirements is the responsibility of the applicant.

12.4 Quasi-Judicial Development Approvals; Process.

12.4.1 Variances. Variances are departures from the standards of the Land Development Code, except land use, which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of the action of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.

12.4.1.1 Approval Criteria. A variance is not a right, but a privilege that property owners meeting the following criteria may request. These criteria are to be used to consider all variance requests. It shall be the burden of the applicant to prove that the request meets these criteria.

i. Hardship.

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

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

iii. Literal Interpretation. The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other prop-

Final Draft - 9.12.16

erties in the same zoning district and would cause unnecessary and undue hardship on the applicant.

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

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

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

12.4.1.2 Conditions of Approval. In granting a variance, the Board of Adjustment may require appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this Code.

12.4.1.3 Application and Review Procedures. The application and review of variances to the requirements of this Code shall follow the procedures in Section 12.3.2 of this Code.

12.4.2 Appeals. Appeals may be made from any order, requirement, decision, or determination made by the Director, the Site and Design Review Committee, the Historic Conservation Commission or the Planning Commission pertaining to this Code. An appeal may be taken by any person aggrieved by such order, requirement, decision or determination. An appeal shall be made within 10 days of the order, requirement, decision, or determination. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer or board from whom the appeal is taken certifies to the appeals body that by reason of facts stated in the certificate a stay would, in their opinion, cause imminent peril to life and property. Appeals must be made in writing and shall specify the grounds for the appeal. All appeals shall be heard within 60 days of filing. The appeals body may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination that is the subject of the appeal.

12.4.3 Application Requirements for Quasi-Judicial Approvals. Applications for quasi-judicial approval shall meet all requirements set forth for applications for legislative approval

12.4.3.1 Application Requirements.

i. Required submittal materials to initiate the request will be identified in checklist form, including fees, created and maintained in the office of the Director.

ii. The Director will determine if the application is complete. If it is not complete, the applicant will be notified and the submittal will be returned.

12.4.3.2 Procedures.

i. Scheduling. Once the Director determines an application is complete, the hearing will be placed on the next available Board/Commission agenda.

ii. Notice.

- A notice setting forth the date, time, place of the hearing, the name of the applicant, identification of the subject property and proposed City action shall be at least 15 days prior to any public hearing.
- The Director is responsible for providing such notice.
- All notices will be published in an official newspaper recognized by the City.
- The applicant will post a sign provided by the City on each street frontage of the property at least 15 days prior to the date of the hearing. The sign will show the time, date and place of the hearing, the reason for the hearing, the date of the notice and signature of the Director, and a telephone number that can be

Final Draft - 9.12.16

called for information. The applicant is required to maintain the sign(s) on the subject property until the day after the final public hearing.

iii. Staff Report. At least 7 days prior to a hearing , the Director will provide a staff report to the Board and the applicant. The staff report will provide a complete description of the application and relevant facts for consideration by the Board.

iv. Appeals and Rehearings. Any aggrieved person with standing may request a rehearing or file an appeal of any final action. Rehearings shall only be permitted when it can be shown that relevant information was omitted from the previous hearing, or that new information has been discovered that materially changes, or could change, the decision of the Board. A request for a rehearing shall be accompanied by a written explanation and explicit description of such omitted or new information.

12.5 Administrative Development Approvals; Process.

12.5.1 Subdivisions.

12.5.1.1 Minor Subdivision Approval.

i. Approval Criteria.

- Conformance with the Comprehensive Plan.
- Conformance with the standards of the zoning district.
- Conformance with other standards and requirements of this Code and other City policies and regulations that apply.
- Determination that adequate public facilities and services will be available concurrent with the impacts of the subdivision as evidenced by letters of sufficiency from utilities and schools and a determination by the city engineer that the available capacity of existing streets can safely provide access to the site.

ii. Options If Denied. If the application is denied, the applicant may then proceed to make application for consideration as a major subdivision, if the reason for denial was that it does not meet the definition of a minor subdivision, or appeal the decision to City Council.

12.5.1.2 Final Plat Approval For Major Subdivisions.

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 by the Site and Design Review Committee.

ii. Significant Change. Final plats that exhibit any significant deviation from the approved preliminary plat, as determined by the Site and Design Review Committee, shall require approval by the City Council.

12.5.1.3 Recording. In order to be an official and legal plat, final approved plats must be recorded with the Chancery Clerk of Forrest or Lamar County, as appropriate. The Director shall ensure that the City records this information in a timely fashion.

12.5.2 Uses Permitted With Conditions. Uses permitted with conditions, as noted in the Table of Uses in Section 5 of this Code, shall be approved subject to this Section. Any application for a permitted use with conditions must comply with all applicable standards that apply to similar uses and properties in the zoning district in general in addition to the specific conditions listed for that use. Where conflicts exist, the most stringent regulation shall apply.

12.5.3 Staff Approved Site Plans. Whenever a permit request before the Director or Site and Design Review Committee requires a site plan, the site plan shall be reviewed for conformity with the requirements of this Code and, if approved

Final Draft - 9.12.16

along with the request, shall be binding on the property for that permit. Staff may approve minor variations to the site plan during construction to accommodate unforeseen onsite issues provided that those variations do not significantly alter the approved plan. Any significant change in a site plan shall require the applicant to reapply for approval and pay all fees associated with the application process. Approved site plans are good for a maximum of one year unless a valid building permit exists for construction according to the site plan.

12.5.4 Administrative Waivers.

In order to encourage creative design, to avoid undue hardship, to allow minimal variations in approved plans to accommodate unforeseen site conditions, and to expedite the development approval process for projects within the City, a waiver of certain Code requirements may be approved by the Site and Design Review Committee provided the waiver meets the following criteria.

12.5.4.1 Waivers shall be limited to requirements regarding dimensional standards, parking, sign setbacks and landscaping.

12.5.4.2 The waiver is needed to address unique conditions of the property, to preserve significant trees or site features, to connect pedestrian facilities, to protect historic features, or to promote consistency of design that meets the intent of this Code.

12.5.4.3 No waiver may deviate more than 10 percent from any measurable standard of this Code.

12.5.4.4 The waiver granted is the minimal waiver needed to address the site or design issue.

12.5.4.5 The applicant has provided information sufficient to prove the need for and allow the Committee to assess the impacts of the requested waiver.

12.5.4.6 The authority given to the Site and Design Review Committee to grant such waiver shall be construed to be permissive and not mandatory and the Committee may decline to make such waiver. In the event this occurs, the applicant shall have the right to appeal such decision to the Board of Adjustment or to request a variance to any requirement of this Code. The standards and requirements for applying for and granting such variances shall apply to any such request.

12.5.5 Administrative Development Approvals. An administrative approval is any decision on a development approval application rendered by an administrative official, such as the Director or the Site and Design Review Committee that does not require legislative or quasi-judicial discretion, is not subject to a public hearing or public process, and is not otherwise covered by one of the administrative approvals outlined in this subsection. Examples may include code compliance review for building permits and certificates of occupancy as well as other determinations of code compliance. Such applications and notices associated with them shall be on forms created and maintained by the Director.

12.5.6 Application Requirements for Administrative Review and Approval.

12.5.6.1 Pre-Application Review.

i. A pre-application review is required to allow the staff the opportunity to review and discuss the project with the applicant and to provide general feedback and ideas. After a pre-application review, a development application may be submitted. The Director of Urban Development may waive the requirement for a pre-application review if it is determined there is little value to the applicant or staff.

ii. The Site and Design Review Committee shall conduct the pre-application review.

12.5.6.2 Application Requirements.

i. During the pre-application review, required submittal materials and fees to begin review of the project will be identified in checklist form.

Final Draft - 9-12-16

ii. The Director will determine if an application is complete. If it is not complete, the applicant will be notified and the submittal will be returned

12.5.6.3 General Approval Criteria. No application will be approved unless all of the following criteria are satisfied.

i. Compliance with the Comprehensive Plan.

ii. Compliance with this Code.

iii. Conditions of any prior approvals.

iv. The availability of adequate public facilities and utilities concurrent with the development.

v. The receipt of any applicable local, state and federal permits required.

12.5.7 Site Plan Review.

12.5.8 When Required.

Site Plan Review review is required for any of the following actions or whenever, in the opinion of the Director, a review is necessary to determine an applicant's intent to comply with these regulations.

12.5.8.1 Any subdivision, re-subdivision or re-platting of land subject to this Code.

12.5.8.2 All new development, expansions, or redevelopment except single-family detached dwellings.

12.5.8.3 Any change in use that results or will need to result in a physical alteration of the property including but not limited to façade changes, parking, and landscaping.

12.5.8.4 Any hazardous development or use within the I-2, Heavy Industrial zoning district.

12.5.8.5 Any Planned Mixed-Use District.

12.5.8.6 Manufactured Home Parks.

12.5.8.7 Parking lots and garages, new, expanded or redeveloped.

12.5.8.8 Any development or redevelopment in a regulated floodplain or adjacent to an identified wetland, perennial stream, or lake including single-family dwellings.

12.5.8.9 Any development or redevelopment for which a Land Disturbance Permit is required.

12.5.8.10 The existence of a legal nonconformity on a development site.

12.5.9 Approval Criteria.

12.5.9.1 Conformance with the Hattiesburg Comprehensive Plan.

12.5.9.2 Compliance with all other applicable plans and regulations, including this Code, regarding, any site, use and structure requirements including but not limited to:

i. Traffic circulation, ingress and egress, emergency access.

ii. Drainage with particular reference to the impacts of the proposed development on adjacent properties and the consequences of drainage on overall City capacities.

iii. Ownership, use and maintenance of open space and common lands to ensure preservation of such lands for their intended purposes.

iv. Provision of utilities in conformance with requirements of utility providers.

v. Off-street parking and loading areas.

vi. Recreation areas and facilities.

vii. Landscaping, screening and setbacks.

viii. Waste disposal and pollution control standards.

ix. Noise.

12.5.10 Forms. Any forms required for Site Plan Review review shall be created and maintained in the office of the Director.

Final Draft - 9.12.16

12.5 Summary Table—Roles By Approval Type

Approval Type	Staff	Public Body				
	Dept. of Urban Development	Site and Design Review Committee	Historic Conservation Commission	Planning Commission/ Board of Adjustments		City Council
				Planning Com-mission Meeting Only	Public Hearing	
Site and Building Design Outside Historic District	Reviews, Advises, Recommends	Decides		Appeal		Appeal
Site and Building Design In Historic District	Reviews, Advises, Recommends	Decides	Decides			Appeal
Variance	Reviews, Advises, Recommends	Recommends			Decides	Appeal
Conditional Use	Reviews, Advises, Recommends				Decides	Appeal
Rezoning (Text or Map)	Reviews, Advises, Recommends				Recommends	Decides
Preliminary Subdivi-sion, Minor	Reviews, Advises, Recommends	Decides				Appeal
Preliminary Subdivi-sion, Major	Reviews, Advises, Recommends	Recommends		Recom-mends		Decides
Final Subdivision, Without Changes	Decides	Recommends				
Final Subdivision, With Changes	Reviews, Advises, Recommends	Recommends		Recom-mends		Decides

Final Draft - 9.12.16

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Final Draft - 9.12.16

SECTION 13. DEFINITIONS

13.1 Rules of Construction; Interpretation.

To help interpret and apply this Code, the following rules shall apply:

- The particular controls the general.
- The words "shall" or "must" are always mandatory and not permissive. The words "may" and "should" are permissive not mandatory and are at the discretion of the decision-makers.
- Words used in the present tense include the future tense; words used in the future tense include the present tense.
- Words in the singular include the plural; words used in the plural include the singular.
- Words of one gender include the other gender, unless the context clearly indicates otherwise.
- Unless otherwise indicated, the term "days" means days the City is open for business.
- In computing any period of time prescribed or allowed by this Code, the day of the notice or final application, after which the designated period of time begins to run, is not to be included. Further, the last day is to be included unless it is not a working day, in which event the period runs until the next working day.
- The word "structure" includes the words "building" and "accessory structure."
- The word "street" includes the words "road" and "highway."
- The word "person" includes an individual, firm, association, organization, partnership, corporation, company, trust, governmental unit, and any combination thereof.
- The words "Land Development Code," "Code," and "LDC" shall mean the Official Land Development Code of the City of Hattiesburg.
- The words "zoning map" or "Official Zoning Map" shall mean the Official Zoning Map of the City of Hattiesburg.
- Use of words like "City Council," "Planning Commission," "Director," "Administrator," "Urban Forester" and "Engineer" indicates City of Hattiesburg officials and staff as well as their designees.
- The word "city" capitalized or not means the City of Hattiesburg, MS.
- The word "Director" shall mean the City of Hattiesburg Director of Urban Development or their designee.
- The words "ordinance" or "this ordinance" mean the Land Development Code unless otherwise specified or implied in the context of the reference.
- Within the LDC, sections prefaced "purpose and findings" are intended as official statements of legislative finding or purpose. These "purpose and findings" statements are legislatively adopted, together with the formal text of the LDC. They are intended as a guide to the administration and interpretation of the LDC and shall be treated in the same manner as other aspects of legislative history; however, they are not binding standards.
- Any term not herein defined shall be as defined elsewhere in the Municipal Code or, if not defined there, shall have their customary dictionary meaning.

13.2 Definitions.

Unless otherwise defined within the text of this Code, the following definitions shall be used for interpretation. Words and terms used but not defined within this Code shall have their customary dictionary meaning.

Abandoned Vehicle or Junked Vehicle: Any vehicle which is without current license tag and/or which is (a) wrecked, (b) dismantled, (c) partially dismantled, or (d) inoperative. Storage shall mean being on or occupying the premises for 30 days or more.

Final Draft - 9.12.16

Abandoned Personal Property or Junk: Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

Abandonment: Unless otherwise defined within the context of the regulation, this word shall mean the discontinuance of nonconformity voluntarily for a period of 12 months with an intent to abandon, or the commission of an overt act of substantial discontinuance for a period of 12 months with or without voluntary intent.

Abut or Abutting: Having property lines in common.

Accessory Structure: Any structure on the same lot with and customarily incidental and secondary to the main structure or use, including structures such as liquid petroleum gas storage tanks and ice vending machines.

Accessory Use: A use of land or building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

Addition: A completely new structure or new component to an existing structure.

Adjacent: Two properties, lots, or parcels are "adjacent" where they abut, or where they are separated by a roadway or street, right-of-way, or railroad line, or any stream, river, canal, lake or other body of water.

Administration, Director of /City Clerk: That person designated by the Mayor and ratified by the City Council who is responsible for the activities and functions of the Department of Administration, or their designated representative.

Adult Arcade: An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines, for viewing by five or fewer persons are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" or specified anatomical areas."

Adult Bookstore: An establishment which has a substantial portion of its stock-in-trade and offers for sale for any form of consideration, any one or more of the following:

- Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas," or
- Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

Adult Cabaret: A nightclub, bar, restaurant, theater, or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult Entertainment Establishment: An adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, or similar establishment which regularly features or depicts behavior which is characterized by the exposure of "specified anatomical areas," or where any employee, operator or owner exposes his/her "specified anatomical area" for viewing by patrons.

Adult Motel: means a motel, hotel, or similar commercial establishment which:

- Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, other photographic reproductions, or live performances which are characterized by the display of "specified sexual activities" or "specified anatomical areas"; and which advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any on or off-premises advertising, including but not limited to, newspapers, magazines, pamphlets

Final Draft - 9.12.16

or leaflets, radio or television; and

- Offers a sleeping room for rent for a period of time that is less than ten hours; or
- Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

Adult Motion Picture Theater: An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adverse Effect/Impact: A negative change in the quality of the historical, architectural, archaeological, environmental or cultural significance of a resource, or in the characteristics that qualify the resource as historically, architecturally, archaeologically, environmentally or culturally important.

Affordable Housing: Housing that is affordable to very low-income, low-income, or moderate-income persons as defined by the Department of Housing and Urban Development regulation for Hattiesburg, and is maintained for occupancy exclusively for such very low income, low-income, or moderate-income person or persons for a period of at least 30 years, through the use of a covenant or deed restriction, by a development agreement, or by transferring an interest to a state or municipal housing agency or nonprofit housing organization.

Agriculture: The raising or growing of crops, fowl, or livestock, provided such use does not constitute a nuisance or health hazard. Also, sale of agricultural products grown on the premises.

Alley: A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Alcoholic Beverage: Any alcoholic liquid capable of being consumed as a beverage by a human being, but shall not include wine containing not more than five percent of alcohol by weight and shall not include beer containing not more than eight percent alcohol by weight.

Alteration, Building or Site: Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building, any addition to a building or movement of a building from one location to another, and any change in the physical properties of a site.

Americans with Disabilities Act: 42 U.S.C. Subsection 1281 et seq., Pub. L. 101-336 and implementing regulations at 28 C.F.R. parts 35 and 36, as amended.

Amusement facilities, fairgrounds and stadiums: Permanent or temporary establishments engaged in providing amusement or entertainment for a fee or admission charge and include such activities as dance halls; studios; theatrical producers; bands, orchestras, and other musical entertainment; bowling alleys and billiard and pool establishments; commercial sports such as arenas, auto racetracks, public golf courses and coin-operated devices; amusement parks, membership sports, and recreation clubs; amusement and bathing beaches; swimming pools, riding academies, carnival operations, expositions, game parlors, circuses, bingo parlors and horse shows. These operations may be of either a permanent or temporary nature.

Antenna: a rod, wire, dish, array or similar device used to transmit or receive cellular, radio and other wireless signals.

Apartment House or Multi-Family Dwelling: A building designed or used to contain more than two dwelling units not including hotels, motels, or life care communities.

Appurtenance: Any accessory or ancillary building, object, structure, fence, street furniture, fixture, vending machine, fountain, public artwork, or bicycle rack located on the grounds of an historic landmark, in an historic district, on public property, or in the public right-of-way.

Assembly: Structures and land designed for 50 or more people to congregate for civic, social, religious, or recreational functions. This definition includes but is not limited to theaters, arenas, coliseums, and worship centers.

Final Draft - 9.12.16

Automobile-Junk Area or Automobile Graveyard: An area used for the dismantling or wrecking of used automobiles or the storage, sale or dumping of dismantled, partially dismantled, inoperative, or wrecked automobiles or their parts.

Automobile Maintenance

Automobile Repair

Auto Wrecking: The collecting, dismantling or wrecking of used motor vehicles, wheeled or track laying equipment, or trailers; or the storage, sale or dumping of dismantled, partially dismantled, obsolete or inoperative or wrecked motor vehicles, wheeled or track laying equipment or trailers or their parts. The dismantling and rebuilding, other than repair, of more than one motor vehicle, piece of wheeled or track laying equipment, or trailer at a time, even though not for profit or a principal use of a parcel of land, shall be defined as auto wrecking. The storage of a partially dismantled motor vehicle, piece of wheeled or track laying equipment or trailer shall be considered auto wrecking.

Bar: An establishment licensed to sell alcoholic beverages to be consumed on the premises.

Base Flood: The flood having a 1 percent chance of being equaled or exceeded in any given year (also called "100-year frequency flood").

Base Flood Elevation: The elevation for which there is a 1 percent chance in a given year that flood levels will equal or exceed it.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides

Bed and Breakfast: A residential establishment wherein units are rented to transient guests on an overnight basis, and wherein breakfast is the only meal served to these guests.

Bed and Breakfast Home: A bed and breakfast facility operated by a resident owner that contains a maximum of five bedrooms for rent.

Bed and Breakfast Inn: A bed and breakfast facility operated by a resident owner or resident manager that contains six or more bedrooms for rent.

Best Management Practices: An effective integration of stormwater management systems, with appropriate combinations of landscape conservation, enhancement, structural controls, impervious cover, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices that provide an optimum way to convey, store, and release run-off, in order to reduce peak discharge, remove pollutants, and enhance the environment.

Bicycle Lane: A designated portion of a street pavement for the exclusive use of bicycles. Bicycle signs and pavement markings designate the presence and limits of a bicycle lane.

Bike Path: A designated paved travelway intended for bicycle use, to the exclusion of routine motor vehicle use. Typically used by two-way bicycle traffic.

Billboard, Digital: An off-premise sign capable of displaying static electronic images, graphic or pictures, with or without textual information that can be changed by remote or automatic means.

Billboard-Digital New Primary Structure: New construction of a digital billboard as a primary structure on an undeveloped site

Billboard-Digital New Accessory Structure: New construction of a digital billboard as an accessory structure on a developed site.

Billboard-Replacement: Converting an existing static billboard to a digital billboard. This means changing static faces to digital faces only; or completely removing the existing static billboard (supports and faces) and constructing new supports and faces in the exact location of the "removed/replaced" static billboard.

Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of- way, shorelines of waterways, or boundary lines of local governments.

Boarding House: Any dwelling unit other than a hotel where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for not more than three patrons.

Buffer Area/Strip: An area with sufficient planting and/or screening which acts as a separation

Final Draft - 9.12.16

area between two or more incompatible uses and/or districts.

Buildable Area: That portion of a lot remaining after required yards have been provided. See district diagram.

Buildable Width: Width of the building site left after the required yards have been provided.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building Code: The current Building Code promulgated by the International Code Council and adopted by the City.

Building Elevation: The view of any building or other structure from any one of four sides showing features, such as construction materials, design, height, dimensions, windows, doors, other architectural features, and the relationship of grade to floor level.

Building Height: The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip, or gambrel roof.

Building Official: The official designated by the Director and charged with the responsibility of enforcing the Building Code and issuing building permits.

Building, Main: A building in which is conducted the principal use of the lot on which it is situated.

Building Permit: An official document or certificate issued by the Building Official authorizing performance of a specified activity.

Building Setback Line: The distance required by this Code to be maintained between a given lot line, easement or right-of-way line and any structure foundation: front, rear, or side, as specified.

Building Site: A single parcel of land or any portion of such that is occupied or intended to be occupied by a building or structure, and appropriate accessory building or uses.

Camp/Lodge (Fish, Deer, Hunting): An area of land used for temporary occupancy and owned, rented or leased by the owner including and limited to cabins, camper trailers, boats and accessory structures or uses, but excluding manufactured homes.

Canopy: Any structural protective cover that is not enclosed on any of its four sides and is provided for a service area designated for the dispensing or installation of gasoline, oil, antifreeze, headlights, wiper blades, and similar products.

Care Center: Any home, center, agency or place, however styled, where children or adults not related to the operator are received for custodial care, apart from their parents or guardians, whether for compensation, reward, or otherwise during part or all of the day or night and upon any number of successive days or nights. Includes the terms "child daycare and adult daycare.

Care Center, Home: A care center enrolling up to four persons located in the primary residence of the care giver. A Home Care Center is a home occupation. (Amended by Ord. 2434, Sec. 1, 11/17/92)

Care Center Facility: A care center enrolling five or more persons. Excluded from this definition is any facility operating as a kindergarten, nursery school or Head Start in conjunction with an elementary and/or secondary school system, whether it be public, private or parochial, whose primary purpose is a structured school readiness program. Also excluded is any medical facility.

Cemetery, Animal: A tract of private land divided into plots for interment of the animal dead in compliance with applicable State statutes and City ordinances.

Cemetery, Human: A tract of land, private or public, divided into plots for interment of the human dead in compliance with applicable State statutes and City ordinances.

Certificate of Zoning Compliance: A permit issued by the Director indicating that the use of the building or land in question is in conformity with this Code, is a use permitted by right or a use permitted with conditions, or is a legal nonconforming use, or that there has been a legal variance

Final Draft - 9.12.16

granted, as provided by the Code. This is a check and balance system on the zoning procedure. It means that an inspection has indicated that the use is being carried on at the time of occupancy and the condition of the structure or lot at the time of occupation meets all the requirements and legitimately can continue. No structure or lot shall be occupied until a certificate of zoning compliance has been issued when such is required in the Land Development Code.

Certified Sanitary Sewer: A public sewage disposal system of a type approved by the Mississippi Air and Water Pollution Control Commission, or individual sewage disposal systems of a type approved by State.

Clinic, Dental, or Medical: A building in which physicians and/or dentists and their allied professional assistants carry on their profession. This term shall not include inpatient care or operating rooms for major surgery.

Clinic, Veterinary: A building in which veterinarians and their allied professional assistants carry on their profession.

Club: A group of people organized for a common purpose to pursue common goals, interests, or activities. Usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, a constitution, and by-laws.

Clubhouse: A building and related facilities used by a club, fraternal organization, or a membership organization. See assembly.

Cluster Development: A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, or preservation of environmentally sensitive features.

Common Area: A parcel or parcels of land, or an area of water, or a combination of land and water, and/or developed facilities and complimentary structures and improvements, including, but not limited to, areas for vehicular and pedestrian access and recreational facilities within the site.

Complete Message: A complete message contains all the necessary components to understand the message in its entirety; it is not necessary for the reader to await additional information to understand the meaning of the message or to receive additional the information related to the message.

Comprehensive Plan and Planning Process: The officially adopted plan and comprehensive planning process that contains the elements that provide long range development policies for the City of Hattiesburg and the area subject to urbanization in and around the city.

Conforming Use: Any lawful use of a building or lot which complies with the provisions of this Code.

Contiguous: Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

Courtyard: A space, open and unobstructed to the sky, located at or above grade level on a lot, and bounded on three or more sides by the walls of a building.

Crosswalk: That part of a street at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street (public, private, or safety lane) measured from the curbs, in the absence of curbs from the edges of the traversable roadway; any portion of a street (public, private, or safety lane) at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the street surfaces.

Curb Market: A curbside location at which Mississippi produce is sold to the end consumer including any product of the soil (e.g. fruit, vegetables, herbs, etc.) or animals (e.g. meats, hides, etc.).

Day Care Center: A place which provides shelter and personal care for six or more children.

Demolition: Any act or process that destroys or razes in whole or in part, or permanently impairs the structural integrity, or allows deterioration by neglect of a building or structure, wherever located, or a building, object, site, or structure, including interior spaces, located within an historic district, on public property, or on the public right-of-way.

Density: The intensity of the use of land observing all yard, height and lot coverage provisions of this Code.

Final Draft - 9.12.16

Developed: A site that contains manmade structures including but not limited to buildings, parking lots and signs for the purposes of Section 95.10 (3.1) of the Land Development Code."

Developer: Any person engaging in developing or improving a lot or group of lots or placing structures thereon for use or occupancy.

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.

Development Plan: A proposal for development approval, including such drawings, documents, and other information necessary to illustrate completely the proposed development.

Diameter at Breast Height (DBH): The measurement of the width of the trunk of the tree at four and one-half feet above the existing grade. For multi-trunk trees the DBH shall be the sum of the diameter of the trunks.

District: Any zoning district established by this Code.

Drainage System, Storm: The facility to carry off large amounts of water produced from rain and which meets or exceeds the requirements to control stormwater runoff for the minimum 25 year flood level.

Dwelling: One or more rooms providing complete living facilities for one family, including kitchen facilities or equipment for cooking or provisions for same, and including a room or multiple rooms for living, sleeping, bathing, and eating. Also known as a "dwelling unit."

Dwelling, Attached: A one-family dwelling attached to two or more one-family dwellings by common walls.

Dwelling, Detached: A one-family dwelling which is not attached to any other dwelling by any means.

Dwelling, Manufactured (Mobile) Home: A factory-built single-family structure that is manufactured under the authority of 42 U.S.C., Sec. 5401, the National Federal Manufactured Home Construction and Safety Standards Act, is transportable in two or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent non-removable hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have non-removable wheels or hitch-axles, permanently attached to its body or frame.

Dwelling, Multi-Family: A dwelling designed and intended to be occupied by three or more families living independently of each other but which may include joint services or facilities.

Dwelling, Single-Family: A single dwelling designed and occupied exclusively by not more than one family.

Dwelling, Two-Family: A dwelling designed and intended to be occupied by two families living independently of each other.

Dwelling, Condominium: A building or group of buildings in which dwelling units are owned individually and the exterior structure, common areas and facilities are owned in common.

Dwelling Unit: See "Dwelling."

Easement: A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.

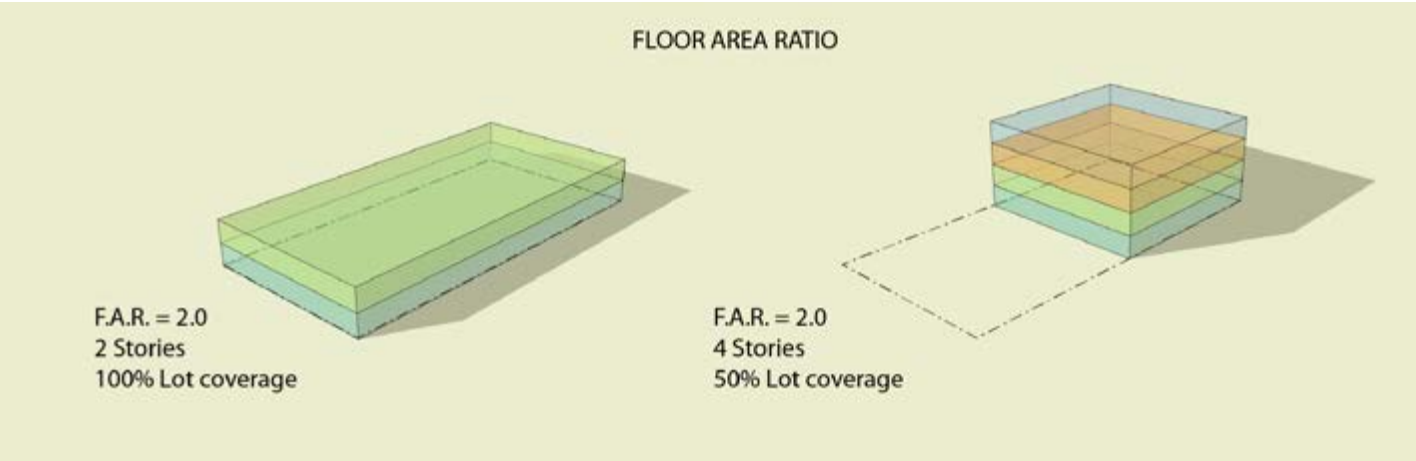
Excavate: Means to dig out, scoop out, hollow out, or otherwise make a hole or cavity by removing soil, sand, gravel, or other material from any property so as to change the grade of such property.

Facade: Any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in the direction within 45° of one another, they are to be considered as part of a single façade.

Face: The area of a billboard where the advertisement is displayed.

Face Frame: The area directly behind the face on

Final Draft - 9.12.16



a billboard structure to which the face is attached.

Family: One or more persons occupying a dwelling and living together as a separate housekeeping unit in one or more rooms with complete living facilities, including kitchen facilities or equipment for cooking or provisions for same, and including a room or rooms for living, sleeping, bathing, and eating. Any household employees residing on the premises shall not be considered as a separate family for purposes of this Code.

Fill: The placing, storing or dumping of any materials such as earth, clay, sand, concrete, rubble or non-decomposable waste of any kind upon the surface of the ground, which results in increasing the natural surface elevation.

Final Subdivision Plat: A map of a subdivision to be recorded after official approval and any accompanying material as described in these regulations

Fire Code: The current Standard Fire Prevention Code as promulgated by the International Code Council and adopted by the City.

Flammable Liquids: Any liquid which gives off flammable vapors, as determined by the flash point from an open cup tester as used for test of burning oils, at or below a temperature of 80 degrees Fahrenheit, is flammable.

Floodplain: The land area adjoining a river, stream, watercourse, or lake that has been or may be covered by flood water.

Flood Damage Prevention Code: An overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and land use and control measures, and Flood Damage Prevention Code.

Floodproofing: Structural and/or nonstructural adjustments to a building which make it watertight below the base flood level and which enable the building to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood level. Said adjustments are to be certified by a registered professional engineer or architect.

Floodway: The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area: The sum of the gross horizontal areas of all floors of a structure, including interior balconies and mezzanines, measured from the exterior face of exterior walls or from the centerline of a wall separating two structures. This term shall include the area of roofed porches having more than one wall and of accessory structures on the same lot. Stairwells and elevator shafts shall be excluded.

Floor Area Ratio: The ratio of the total building floor area in square feet to the total land area in square feet, based upon a 1:0 ratio, constituting a one-story building or structure occupying 100 percent of the underlying land.

Food Truck: A service establishment operated from a licensed and moveable vehicle (with or

Final Draft - 9.12.16

without an attached trailer) that vends or sells food or drink processed or prepared on-site to walk-up customers.

Frontage: That distance where a property line is common with a street right-of-way line.

Future Land Use Plan: That part of the Comprehensive Plan now and hereafter adopted which includes the adopted Future Land Use Plan, and which sets forth identification, location, area and classifications of proposed land uses.

Garage Apartment: A dwelling unit above a private garage.

Garage, Private: A privately owned and restricted accessory building or part of a main building used for storage purposes for one or more automobiles. This term also includes carports.

Garage, Public: Any garage not defined as a private garage.

Gasoline, Service or Filling Station: Any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuels, and installation of other minor automobile accessories, and which may or may not include facilities for maintenance, washing or cleaning, but not including storage,rental of vehicular equipment, or vehicle repair.

Gated Community: A residential area in which access to the subdivision streets is restricted by the use of a guard house or electronic arms, and in which residents may gain entry by using electronic cards, identification stickers, codes, or remote control devices.

Glare: The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

Governing Authorities: Mayor and Council of the City of Hattiesburg, Mississippi.

Grade or Grade Level: The slope of a road, street, or other public way specified in percentage terms.

Gross Floor Area: See "Floor Area."

Ground Elevation: The height of the ground above sea level expressed in terms of NAVD88.

Group Care Facility: A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group household. A group care facility may include half-way houses, recovery homes, and homes for orphans, foster children, the elderly, battered children and women. It would include a specific treatment providing less than primary health care by staff appropriately certified or licensed to provide such treatment.

Group Care Home: A dwelling unit housing up to six persons unrelated by blood or marriage and operating as a family-based household. A group care home provides less than primary health care by staff appropriately certified or licensed to provide such treatment for persons who are not a danger to themselves or others.

Grubbing: The effective removal of undesirable under story vegetation and tree stumps.

Hardship: An unusual situation on the part of an individual property owner that will not permit the full use of their property as is allowed others within the community. A hardship exists only when it is not self-created or when it is not economic in nature. In other words, a true hardship exists only when the literal interpretation of the requirements of the Code would place an individual in an unusual circumstance and would deny the right to use property for any purpose, or create an unnecessary burden unless relief is granted.

Heliport: That area used by helicopters or other steep gradient aircraft for take-offs and landings. Such area may include passenger, cargo, maintenance, and overhaul facilities, plus fueling service, storage space, tie-down area, hangars, and other accessory buildings and open spaces.

Historic Conservation Code: The Hattiesburg Historic Conservation Code, an overall program of protection, enhancement and perpetuation of landmarks, landmark sites and historic districts along with standards and requirements as established and adopted by the City and administered by the Historic Conservation Commission.

Final Draft - 9.12.16

Home Care Center: See Care Center.

Home Occupation: Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit.

Homeowners Association: An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision— whether a lot, parcel site, unit plot, condominium, or any other interest—is automatically a member as a condition of ownership, and each such member is subject to a charge or assessment for a prorated share of expense of the association, which may become a lien against the lot, parcel, unit, condominium, or other interest of the member.

Hospital: A facility that provides medical, diagnostic, and treatment services that include physician, nursing, and other health services to inpatients and the specialized accommodation services required by inpatients including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

Hotel: A building containing rooms intended or designed to be used or that are used, rented, or hired out to be occupied or that are occupied for sleeping purposes by guests, and where only a general kitchen and dining room are provided within the building or in an accessory building. See "Motel."

Improvement: Any one or more of the following that is required for land development: streets, roadways, and bicycle paths; sidewalks and pedestrian paths; signage for traffic control and other governmental purposes, including street name, signs, and other traffic control devices on streets, roadways, and pedestrian and bicycle paths; lighting of streets and pedestrian and bicycle paths; water mains and connections, including facilities and connections for the suppression of fires; sanitary sewers and storm drainage sewer mains and connections; utility lines and poles, conduits, and connections; off-street parking and access; landscaping and contouring of land and other provisions for drainage, sedimentation, and erosion control; open space, parks, recreation facilities, and playgrounds; and public elementary and secondary school sites

Industry, light: A manufacturing business where: 1) all processing, fabricating, assembly, or disassembly of items takes place wholly within an enclosed building, and 2) offsite impacts, especially nuisance impacts, related to light, noise, odor, dust, vibration, and traffic are minimal if present. This use category includes science laboratories that meet the use criteria including polymer sciences.

Industry, heavy: Any manufacturing use that, due to its appearance, noise, odor, risk of toxic emissions, or fire and explosion hazards are incompatible with residential, commercial, and other land Uses.

Infill development: Development designed to occupy scattered or vacant parcels of land that remain after the majority of development has occurred in an area.

Infrastructure: Any physical system or facility that provides essential services, such as transportation, utilities, energy, telecommunications, waste disposal, parklands, sports, buildings, housing facilities, and the management and use of resources regarding same. Includes drainage systems, irrigation systems, sidewalks, roadways, sewer systems, water systems, driveways, trails, parking lots, and other physical systems or facilities as generally described above that may not be specifically enumerated in this definition.

Intermittent Stream: A stream in which surface water is absent during a portion of the year, as shown on the most recent 7.5- minute topographic quadrangle published by the United States Geologic Survey as confirmed by field verification.

Junk: Any worn-out, cast-off, or discarded article or material that is ready for destruction or has been collected or stored for salvage or conversion to some use. This does not include any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new.

Junk Yard: Any area, lot, land, parcel, building or structure or part thereof used for the storage,

Final Draft - 9.12.16

collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or wrecked, dismantled, partially dismantled or inoperative motor vehicles or other type of junk.

Kennel: An establishment in which more than three domesticated animals are housed, groomed, bred, boarded or trained for compensation or offered for sale.

Laboratory, Dental or Medical: Facilities primarily engaged in providing analytic or diagnostic services, including body fluid analysis, generally to the medical profession or to the patient on referral from a health practitioner, and dental, orthopedic, and optical laboratories engaged in making dentures, artificial teeth, and orthodontic appliances, lenses and orthopedic or prosthetic appliances to prescription.

Land Clearing: Those operations where trees and vegetation are removed and which normally occur prior to building; e.g., road right-of-way excavation, lake and drainage system excavation, utility excavation, grubbing, and any other necessary or approved clearing operations.

Level of the 100-Year Flood: The highest level of flooding that has a one (1.0) percent chance of occurring each year.

Life Care Community: Senior housing including provides independent living, assisted living and/or nursing home care requiring a long-term, upfront financial commitment that, in turn, guarantees housing, services and nursing care all in one location through the end of life.

Livestock: A domestic animal normally raised on a farm such as poultry, swine, cattle, horses, sheep, goats, or similar animals, but not wildlife.

Lot: A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession, or for building development.

Lot, Corner: A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

Lot, Double Frontage: A lot, other than a corner lot which has frontage on more than one street. Also referred to as a through lot.

Lot, Interior: A lot other than a corner lot.

Lot Area: The total area included within the front, side and rear lot lines.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line.

Lot Frontage: Construed to be the portion nearest the street right-of-way extending from lot line to lot line. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered frontage.

Lot Lines: The lines bounding a lot as defined herein.

Lot Line, Front: In the case of an interior lot, the line separating said lot from the street right-of-way. In the case of a corner or through lot, the line separating said lot from the street which the house will face, to be determined from the request for a building permit. Front lot line is synonymous with street right-of-way line.

Lot Line, Side: The side lot line is the property boundary line between the front and rear lot lines.

Lot of Record: A lot which is part of a subdivision recorded in the Office of the County Chancery Clerk, or a lot or parcel of land described by metes and bounds, the description of which has been recorded in the office of the County Chancery Clerk and that at the time of recording was a legal, conforming lot.

Lot Width: The width of a lot at the front building setback line. See Building Setback Line, Section 6.1.

Low impact design: An innovative stormwater management approach that seeks to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source.

Final Draft - 9.12.16

Luminary: A complete lighting unit, consisting of the light source and all necessary mechanical, electrical and decorative parts

Marina: A boat basin, harbor or dock, with facilities for berthing and servicing boats, including associated bait and fishing tackle shops and eating establishments.

Manufactured Home: A structure defined by, and constructed in accordance with, the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.), and manufactured after June 14, 1976. With or without a permanent foundation. Does not include a "recreational vehicle." Also known as "manufactured housing."

Manufactured Home Park: A parcel of land in which spaces are rented or leased for placement of two or more manufactured homes.

Manufacturing: Operations required in the mechanical, biological, or chemical transformation of materials or substances into new products, including the assembling of component parts; the manufacture of products; and the blending of materials, such as lubricating oils, plastics, resins, or liquors. Covers all mechanical, biological, or chemical transformations, whether the new product is finished or semi-finished as raw materials in some other process.

Master Site Plan: A conceptual development plan for a phased development site that has been approved by the City.

Mayor: Mayor (Chief Executive) of the City of Hattiesburg.

Medical Facilities: Facilities and clinics, including dental, that provide health care services directly or indirectly to ambulatory patients, but which do not provide inpatient services. See NAICS code group 621 for a list of such facilities.

Message: See definition in Section 5.150 (9) of the Land Development Code.

Mitigation: A system by which a developer causing some adverse agricultural, environmental, or fiscal impact is required to counterbalance that impact by creating an equivalent benefit through dedication, payments, offsets, and alternative construction of self-imposed restrictions.

Mixed-Use Building: A building that contains two or more of the following major use types: residential, office, or retail.

Mobile Home: A manufactured home that does not conform to the United States Department of Housing and Urban Development Code (HUD Code) or the local building code.

Modular Home: A structure transportable in one or more sections, is designed to be used as a dwelling when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems with the home; and certified by its manufacturers as being constructed in accordance with a nationally recognized building code.

Motel: A building or group of detached, semidetached, or attached buildings on a lot containing guest dwellings, each of which has a separate outside entrance leading directly to rooms, with a garage or parking space conveniently located with each unit, and which is designed, used, or intended to be used primarily for the accommodation of automobile transients. See "Hotel."

North American Industry Classification System (NAICS): The standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. All references in this code to the NAICS shall mean the 2012 edition.

New Construction: New construction refers to site preparation for, and construction of, entirely new structures and/or significant extensions to existing structures whether or not the site was previously occupied. Significant extensions shall be interpreted to mean any change in the façade, size or footprint of a structure that effects more than, or results in new constructions that exceeds, 50% of the existing facade, structure size or footprint."

Nit: The unit of measurement most commonly used to measure luminance (brightness of a surface which is emitting light) is candelas per square meter, often referred to as nits in the U.S. (1 nit = 1 cd/m2). The nocturnal appearance and environmen-

Final Draft - 9.12.16

tal effect of objects such as internally lit signs may be analyzed both by total light output (lumens) and by their surface brightness (nits).

Nursing Home: An establishment primarily engaged in providing primary inpatient nursing and rehabilitative services usually on an extended basis.

Open Space: An area that is intended to provide light and air, and is designed, depending upon the particular situation, for environmental, scenic, or recreational purposes. May include, but need not be limited to, lawns, decorative plantings, bikeways, walkways, outdoor recreation areas, wooded areas, greenways, and water courses. The computation of open space shall not include driveways, parking lots, or other surfaces designed or intended for motorized vehicular traffic, or to buildings. The term "open space" also includes any land, water, or submerged land that is provided for, preserved for, or used for park or recreational purposes; conservation of land or other natural resources; cultural, historic, or scenic purposes; assisting in the shaping of the character, direction, and timing of community development; or wetlands.

Open Space, Common: Open space that is available to, accessible to, and maintained in a suitable state for the shared use by the owners of property within a particular development.

Open Storage: The keeping, in an unroofed area, of any goods, junk, material, or merchandise in the same place for more than 24 hours.

Overlay District: A district that is superimposed over one or more zoning districts or parts of districts and that imposes specified requirements in addition to those applicable in the underlying base zoning district.

Owner: The record owners of land or facilities or a vendee or lessee in possession, including any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided or developed under the definition of same ownership.

Parking Lot: An off-street, ground-level open area for the temporary parking of motor vehicles. This term does not include an area used exclusively for the display of motor vehicles for sale as part of an automobile dealership.

Parking Space: A space located on private or public property sufficient in size to store one (1) automobile and meeting the requirements of this Code and the ADA Parking Code.

Pawn Shop: A business that lends money on the security of pledged goods. May also purchase merchandise for resale from dealers and traders.

Perennial Stream: A stream that contains surface water throughout an average rainfall year, as shown on the most recent 7.5-minute topographic quadrangle published by the United States Geologic Survey, as confirmed by field verification

Permit: Written governmental permission issued by an authorized official, empowering the holder to undertake some aspect of land development as defined within the scope of this ordinance.

Personal Services: Refers collectively to commercial services, such as catering and cleaning, that supply the personal needs of customers.

Phased Development: Land development that occurs in planned phases or stages each of which and as a whole meet the requirements of this ordinance.

Phased Development Plan: A plan for one portion, or phase, of a phased development for which a master site plan has been approved by the City.

Planned Development: A development constructed on a tract of minimum size under single ownership planned and developed as an integral unit and consisting of a combination of residential and/or nonresidential uses on the land.

Planned Residential Development: A residential planned development.

Planned Unit Development: A mixed-use planned development.

Final Draft - 9.12.16

Plat: A complete and exact map representing a tract of land, showing the boundaries and location of individual lots, easements, and streets, which has been approved by the planning commission and recorded in the office of the county clerk. Includes a replat.

Plot: See "tract" or "lot."

Preliminary Plat: The preliminary drawing or drawings, described in this ordinance, indicating the proposed manner or layout of the subdivision to be submitted to the appropriate official for city approval.

Premises: Land together with the structure or structures occupying it.

Principal Building: See principal structure.

Principal Dwelling: A dwelling unit that constitutes the principal building or principal structure on a lot or parcel.

Principal Structure: A structure or, where the context so indicates, a group of structures, in which the principal use of a lot or parcel is conducted. This includes any buildings that are attached to the principal structure by a covered structure.

Principal Use: The primary or main use of land or structures, as distinguished from a secondary or accessory use.

Private Driveway: A driveway located on a lot or development site that serves only that lot or development site, and which is not otherwise defined as a private street.

Private Street: See "street, private."

Property Owner: The person, entity, corporation, or partnership in whose name a certificate of occupancy is issued; the current owner of the property if a certificate of occupancy is no longer valid; or, if the current owner cannot be contacted after due diligence, the lessee/occupant of the property who is in apparent control of such property.

Public Property: Property that is owned by the City or any agency of the state or federal government.

Proposed Development: The uses, structures, and buildings contained in the application for development approval.

Public Tree: A tree located on any property owned by the City, such as street and alley rights of way, parks and other public areas

Public Use: A use owned and/or operated by the City or any agency of the state or federal government for the benefit and wellbeing of the general public.

Public or Private Utility: Any person, firm, corporation, city department or board duly authorized under state or municipal regulations to furnish public services such as electricity, gas, water, sewer, telephone, television cable, fiber optic, transportation or other public services to its subscribers or customers.

Reconstruction: The act or process of reassembling, reproducing, or replacing by new construction the form, detail, and appearance of property and its setting as it appeared at a particular period of time by means of the removal of later work, by the replacement of missing earlier work, or by the reuse of original materials.

Recreational Vehicle: A vehicle that is built on a single chassis; 400 square feet or less when measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recycling Centers: A facility for the recycling and sorting of paper, bottles, cans, or other materials, including small collection facilities and reverse vending machines. This definition specifically excludes junkyards.

Registered Architect: A professional architect properly licensed and registered in the State of Mississippi.

Registered Engineer: A professional engineer properly licensed and registered in the State of Mississippi.

Registered Land Surveyor: Shall mean a profes-

Final Draft - 9.12.16

sional land surveyor licensed in the State of Mississippi.

Relocation: Any change of the location of a building, object, site feature or structure in its present setting or to another setting.

Residential Structure: A building or portion thereof designed or used exclusively for residential occupancy not including hotels and motels.

Restaurant: A business establishment whose primary service is the providing of food for patrons for consumption on the premises or for take-out. Beverages containing alcohol may also be sold and consumed within the confines of the structure in conjunction with the food service and shall meet Mississippi Code 67-1-5 and City ordinances and this Code. See Section 73, Alcoholic Beverage Sales. Examples of these types of restaurants include but are not limited to the following: Cafes, cafeterias, delicatessen, fast food drive-ins, fast food with counter service, and drive through.

Retail Trade: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Characteristics of retail trade establishments include the following: the establishment is usually a place of business and is engaged in activity to attract the general public to buy; the establishment buys and receives as well as sells merchandise; the establishment may process some of the products, but such processing is incidental or subordinate to the selling activities; and retail establishments sell to customers for their own personal or household use.

Retail Use: Any use engaged in retail trade, including any use listed under the category "Commercial Buildings" in the Table of Uses.

Sanitary Landfill: A controlled area of land upon which solid waste is disposed of in accordance with standards, rules, or orders established by the state of Mississippi.

School: A public or private institution at which persons are instructed in the specifics of learning for purposes of this Code including kindergarten, but does not include business schools, colleges, or universities. Included in this definition is any facility operating as a kindergarten, nursery school, Head Start, or like facility in conjunction with an elementary and/or secondary school system, whether it be public, private, or parochial, whose primary purpose is a structured school readiness program.

Self-Storage Facility: Any building or group of buildings that is composed of contiguous individual rooms, which are rented to the public for the storage of personal property and which have independent access and locks under the control of the tenant.

Semi-Public Use: A use owned, operated or maintained by a private, charitable institute or other group generally for the benefit of a selected public group and the community (e.g. religious group).

Setback Line: The distance between a building and the street right-of-way line nearest to the building. Establishes the minimum required yard and governs the placement of structures and uses on the lot.

Shared Driveway: A driveway providing access to two adjacent properties.

Scrolling Message: The traveling or moving of lines of text horizontally or vertically across the electronic message board.

Shopping Center: An integrated grouping of commercial activity, primarily of a retail and personal service nature, in a single building complex having the individual establishments joined by a common covered pedestrian mall. Also known as a shopping mall or strip center.

Sidewalk: A paved, surfaced or leveled area, usually paralleling and separated from the street, used as a pedestrian walkway.

Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Sign Height: As applied to a sign, shall be measured as the vertical distance between the highest part of the sign or its supporting structure, which-

Final Draft - 9.12.16

ever is higher, and the ground.

Sign Message Area: Means the area enclosed by the minimum imaginary rectangle of vertical and horizontal lines which fully contains all extremities of the sign, exclusive of its supports. This rectangle is to be calculated from an orthographic projection of the sign viewed horizontally. Also called sign area or surface area. A viewpoint for this projection is to be taken which gives the largest rectangle of that kind, as the viewpoint is rotated horizontally around the sign. If elements of the sign are movable or flexible, as a flag or string of lights, the measurement shall be taken when the elements are fully extended and parallel to the plan of view. The effective area for attached signs shall mean the sum of the areas of the minimum imaginary rectangles enclosing each word attached to any particular facade.

Sign Message Off-Time: The length of time between two message times when an electronic message board is blank/displays no part of any message.

Sign Message On-Time: The length of time that the text of a message is visible on an electronic message board.

Sign Support/Structure: Any pole, strut, cable, or other structural fixture or framework necessary to hold and secure a sign, providing that said fixture or framework is not imprinted with any picture, symbol or word using characters, nor is internally or decoratively illuminated.

Sign, Billboard/Outdoor Advertising: An outdoor advertising structure which advertises a use, product, or service.

Sign, Blinking: A means of animation on electronic message board signs whereby the message winks or flashes on and off.

Sign, Electronic Message Board: A sign or portion thereof with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

Sign, Flashing: A change in light intensity at regular intervals, including repeated brightening or dimming of lights, change in contrast or hue, or turning them on and off in a manner in which the duration of light is less than the duration of darkness.

Sign, Free Standing: Means any sign connected to the ground which is not an attached sign, inclusive of signs on movable objects, except signs on vehicles which are moving or are parked only temporarily. A freestanding sign may display on and off premise information.

Sign, Off-Premise: A sign advertising activities conducted off the property, or principal products sold off the property on which the sign is located.

Sign, On-Premise: A sign advertising activities conducted on, or principal products sold on the property on which the sign is located.

Sign, Projecting: A sign that is wholly or partly dependent upon a building for support and which projects at an angle away from the building.

Sign, Roof: A sign erected and constructed wholly on or above the roof of a building and supported by the roof structure.

Sign, Wall: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than six (6) inches from such building or structure.

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.

Sight Triangle: A triangle formed by the intersection of two streets, or a street and a driveway, and a third line, which must be kept clear of obstructions such as hedges and fences so that people on one approach can see vehicles on the other.

Solar Farm: Energy generation facility that converts sunlight into electricity by multiple photovoltaics (PV) solar panels mounted on stationary poles and considered as a primary land use

Special Flood Hazard Area: The land in the flood-

Final Draft - 9.12.16

plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area is designated as a Federal Emergency Management Agency Zone A, AE, AH, AO, A1-99, VO, V1-30, VE, or V on the Flood Insurance Rate Maps.

Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or less than fifty percent (50%) of the female breast below a point immediately above the top of the areolae; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts; flagellation or torture in the context of a sexual relationship; masochism, erotic or sexually oriented torture, beating or the infliction of physical pain; erotic touching, fondling or other such contact with an animal by a human being; or human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in this ordinance.

Story: That part of a building between the surface of a floor and the ceiling immediately above.

Street, Major Arterial: A street with access control, channelized intersections, restricted parking, and which collects and distributes traffic to and from minor arterials.

Street, Minor Arterial: A street with signals at important intersections and stop signs on the side streets, and which collects and distributes traffic to and from collector streets.

Street, Collector: A street designed to facilitate traffic movement between minor arteries and minor streets and indirect access to abutting properties.

Street, Cul-de-sac, Court, or Dead-end Street: A short street of a maximum of 800 feet in length having one end open to traffic and the other permanently terminated by a vehicular turn-around.

Street, Curb Line Radius: The radius used to join two intersecting streets or the curve of a street.

Street, Dedicated: A street with its right-of-way which has been given by the owner for public use and has been accepted by the responsible political entity in which the street is located and is so dedicated and recorded in the Office of the County Chancery Clerk.

Street Grade: The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street at the center of the street shall be considered as the street grade.

Street, Half: One half of the right-of-way of a street.

Street, Intersection: The place where a street joins or crosses another street at an angle.

Street Line: Public right-of-way line of a street.

Street, Minor: A street designed primarily to provide access to abutting properties.

Street, Private: A privately owned and maintained right-of-way that gives vehicular access to two or more lots or development sites.

Street, Public: A publically owned and maintained right-of-way that gives vehicular access to two or more lots or development sites constructed to City specifications and accepted by the City.

Street or Alley, Vacated: A dedicated right-of-way which has been officially closed and abandoned by ordinance.

Streetscape: The general appearance of a block or group of blocks with respect to the structures, setbacks from public rights-of-way, open space, and the number and proportion of trees and other vegetation.

Structure: Anything constructed or a combination of materials that form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.

Structure, Detached: A structure having no party wall or common wall with another structure unless it is an accessory structure.

Structural Alterations: Any change in the roof, exterior walls or supporting members of a build-

Final Draft - 9.12.16

ing.

Subdivider: Any person who: having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision; engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unit, or plat in a subdivision; or is directly or indirectly controlled by, or under direct or indirect common control with, any of the foregoing.

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

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

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

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the actual cash value of the structure either: (1) before the improvement is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is defined to be started when the first alteration of any structural part of the building commences.

Telecommunications Facilities and Towers, Wireless: (see Wireless Telecommunication Ordinance)

Through Traffic: The continuous movement of traffic from one general area to another general area.

Townhouse: A building that has single-family dwelling units erected in a row as a single building on adjoining lots, each being separated from the adjoining unit or units by a fire wall (to be constructed in accordance with city codes and ordinances), along the dividing lot line, and each such building being separated from any other building by space on all sides.

Tow Yard: A holding place for motor vehicles until they are either placed back in the control of the owner, or auctioned off for the benefit of the impounding agency. This definition specifically does not include junkyards or service lots associated with automotive maintenance and repair.

Tract: A lot.

Tract, Large: A tract of property of one acre or more in size.

Tract, Small: A tract of property of less than one acre in size.

Trailer, Camper: A portable or mobile dwelling used for temporary occupancy, intended for camping purposes and not for extended or permanent occupancy. This term includes recreational vehicles and pop-up campers.

Tree Contractors: Any business or individual who receives compensation for tree pruning or removal.

Tree protection: On the ground visible protection of desirable trees from mechanical and other injury during land disturbing and construction activity.

Undeveloped: In its natural state, free of manmade structures including but not limited to buildings, parking lots and signs for the purposes of Section 95.10 (3.1) of the Land Development Code."

University/College/Business School: An institution at which persons are instructed in post-secondary vocational, career and academic learning for preparation for employment and education. Examples include The University of Southern Mississippi, Pearl River Community College and Wil-

Final Draft - 9.12.16

liam Carey University.

Variance: A modification of the literal provisions of this code when strict enforcement of these provisions would cause undue hardship as determined by the authority vested with approval of the variance as outlined in Section 12 of this code.

Veterinary Clinic/Hospital: A commercial facility where sick or injured animals are given medical care, and in the course of same may be housed overnight, fed, and provided related services. This use may include temporary boarding as an accessory use.

Vicinity Map: A map of the general surrounding area indicating the location of the property being subdivided or proposed for development.

Water Supply System: Any system approved by the State Health Department and City of Hattiesburg which provides a source, means or process of supplying potable water.

Wetland: Those areas that are inundated or saturated by surface or ground water (hydrology) at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation (hydrophytes) typically adapted for life in saturated soil conditions (hydric soils). Wetlands generally include swamps, marshes, bogs, and similar areas.

Wind Device: Means any flag, banner, pennant, streamer, or similar device that moves freely in the wind.

Yard: An area on a lot between the lot line and the nearest principal structure, unoccupied and unobstructed by any portion of a structure from the ground upward.

Yard, Front: An area extending the full width of a lot between the front lot line and the nearest principal structure.

Yard, Rear: An area extending the full width of a lot between the rear lot line and the nearest principal structure.

Yard, Side: An area extending the depth of a lot from the front yard to the rear yard between the side lot line and the nearest principal structure.

Zero Lot Line: The location of a building on a lot in such a manner that one or more of the building's sides rests directly on or immediately adjacent to the lot line.

Final Draft - 9.12.16

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Final Draft - 9.12.16

APPENDIX

A.1 Site Plan Standards.

To Insert

A.2 Fees.

To Insert

Final Draft - 9.12.16