

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 Districts are 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-

cated district

Table 5.1 Table of Uses															
Use	Agricultural		Residential					Business					Industrial		Additional Use Conditions Cross Reference
	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	
■	Permitted														
□	Permitted with conditions														
◆	Conditional Use														
×	Not Permitted														
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 Concentrated 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

Table 5.1 Table of Uses															
Use	Agricultural		Residential					Business				Industrial		Additional Use Conditions Cross Reference	
	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
■ Permitted															
□ Permitted with conditions															
◆ Conditional Use															
× Not Permitted															
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	×	×	×	×	×	×	×	×	×	×	×	■	×	×	-

Table 5.1 Table of Uses															
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	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	
■	Permitted														
□	Permitted with conditions														
◆	Conditional Use														
*	Not Permitted														
Golf course	■	■	■	■	■	■	■	■	■	■	■	■	■	■	-
Government center/complex and offices	x	x	x	x	x	x	x	x	■	■	■	■	x	x	-
Group facility	x	x	x	x	x	x	◆	◆	◆	x	x	x	x	x	5.4.24
Group home	◆	◆	◆	◆	◆	◆	◆	x	x	x	x	x	x	x	5.4.24
Heliport	x	x	x	x	x	x	x	x	x	□	□	□	x	□	5.4.25
Home occupation	□	□	□	□	□	□	□	x	x	x	□	x	x	x	5.4.26
Horticulture— for profit and research-related	□	□	x	x	x	x	x	x	x	x	x	x	x	x	-
Horticulture— private	■	■	■	■	■	■	■	x	■	■	■	■	x	x	-
Hospital and outpatient clinic	x	x	x	x	x	x	x	x	x	□	□	□	x	x	-
Hunting camp/lodge	■	x	x	x	x	x	x	x	x	x	x	x	x	x	5.4.27
Ice machines and similar commercial accessory structures	x	x	x	x	x	x	x	x	x	□	x	□	x	x	5.4.28
Impoundment lot	x	x	x	x	x	x	x	x	x	x	x	x	■	■	-
Industry, heavy	x	x	x	x	x	x	x	x	x	x	x	x	x	■	-
Industry, light	x	x	x	x	x	x	x	x	x	x	x	x	■	■	-
Kennel	■	■	x	x	x	x	x	x	x	x	x	■	x	x	5.4.29
Laboratory, dental or medical	x	x	x	x	x	x	x	■	x	■	■	■	■	■	-
Laundromat	x	x	x	x	x	x	x	x	■	■	x	■	x	x	-
Life care communities	x	x	x	x	x	◆	◆	x	x	x	x	x	x	x	5.4.30
Lodging—bed and breakfast home	x	x	x	◆	◆	◆	◆	x	■	■	■	x	x	x	5.4.8
Lodging—bed and breakfast inn	x	x	x	◆	◆	◆	◆	x	■	■	■	x	x	x	5.4.8
Lodging—hotel, motel, tourist home	x	x	x	x	x	x	x	x	x	□	■	■	x	x	-
Machinery, tools/construction equipment, limited sales and service	x	x	x	x	x	x	x	x	x	x	x	■	■	■	-
Marine sales and service	x	x	x	x	x	x	x	x	x	x	x	■	■	x	-
Medical or dental office	x	x	x	x	x	x	x	■	x	■	■	■	x	x	-
Microbreweries	x	x	x	x	x	x	x	x	x	x	■	x	■	■	-
Mining and extraction	x	x	x	x	x	x	x	x	x	x	x	x	x	◆	-
Motor vehicle rental and sales	x	x	x	x	x	x	x	x	x	x	x	□	x	x	5.4.32
Open space, common and public	■	■	■	■	■	■	■	■	■	■	■	■	■	■	-

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Use	Agricultural		Residential					Business					Industrial		Additional Use Conditions Cross Reference
	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	
■ Permitted															
□ Permitted with conditions															
◆ Conditional Use															
× Not Permitted															
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	×	×	×	×	×	×	×	×	×	×	×	×	■	■	-

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Use	Agricultural		Residential					Business					Industrial		Additional Use Conditions Cross Reference
	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	
■	Permitted														
□	Permitted with conditions														
◆	Conditional Use														
*	Not Permitted														
School, K-12	x	x	□	□	□	□	□	□	□	□	□	□	x	x	5.4.40
School, trade	x	x	x	x	x	x	x	□	x	□	□	□	■	■	5.4.40
School, university or college	x	x	x	x	x	x	■	x	x	■	■	■	x	x	-
Seasonal uses and markets	□	□	x	x	x	x	x	x	x	□	□	□	x	x	5.4.41
Seasonal uses and markets	□	□	x	x	x	x	x	x	x	x	x	x	x	x	-
Self-storage	x	x	x	x	x	x	x	x	x	x	x	□	x	x	5.4.42
Sewage disposal plant	x	x	x	x	x	x	x	x	x	x	x	x	x	■	-
Shopping center, <25,000 sq.ft.	x	x	x	x	x	x	x	x	x	□	x	□	x	x	5.4.43
Shopping center, >75,000	x	x	x	x	x	x	x	x	x	x	x	□	x	x	5.4.43
Shopping center, 25,000-75,000 sq.ft.	x	x	x	x	x	x	x	x	x	x	x	□	x	x	5.4.43
Silviculture— for profit and research-related	□	□	x	x	x	x	x	x	x	x	x	x	x	x	-
Storage of junk, junk vehicles, salvage materials and waste	x	x	x	x	x	x	x	x	x	x	x	x	□	□	-
Tattoo parlor	x	x	x	x	x	x	x	x	x	x	x	■	x	x	-
Taxidermist	■	x	x	x	x	x	x	x	x	x	x	■	x	x	--
Telecommunication facilities and towers, wireless	□	□	x	x	x	x	x	□	□	□	□	□	■	■	5.4.44
Theater, indoor	x	x	x	x	x	x	x	x	x	■	■	■	x	x	-
Theater, outdoor	x	x	x	x	x	x	x	x	x	■	□	■	x	x	-
Tow yards (impoundment lots)	x	x	x	x	x	x	x	x	x	x	x	x	□	□	-
Utility operation center	x	x	x	x	x	x	x	x	x	■	x	■	■	■	-
Veterinary clinic and hospital	■	■	x	x	x	x	x	x	x	□	x	□	x	x	-
Warehousing	x	x	x	x	x	x	x	x	x	x	x	■	■	■	-

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 AI 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

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-

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

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.

- 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

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-

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.

- 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

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 shall 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

- 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-

	ments:		porch or deck shall measure at least 36 square feet.
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.	5.4.28.11	Age. No home more than five years old may be relocated or moved onto a lot.
5.4.28.2	Anchoring. Homes shall be anchored according to International Building Code requirements.	5.4.29	Motor Vehicle Repair, Maintenance, Rental and Sales.
5.4.28.3	Labeling. Shall bear FMHCCS Label or Seal of Compliance.	5.4.29.1	Display of Vehicles for Sale or Lease.
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.		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.
5.4.28.5	Roof construction and pitch. Homes shall have a minimum of a 3/12 roof pitch with asphalt shingles.		ii. All new display areas shall be paved.
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.	5.4.29.2	Outdoor Storage.
5.4.28.7	Equipment Removal. The towing tongue, wheels and hitch-axle shall be removed upon final placement of the unit.		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.
5.4.28.8	Foundation. All manufactured homes shall be placed on permanent masonry foundations, preferably brick, with no visible concrete block.		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
5.4.28.9	Size. Homes shall be a minimum of 24 feet in width, transportable in two or more sections.		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
5.4.28.10	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	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

- 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).**

- 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

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 visible from 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.

- 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-

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.

- 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.

- 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.

secutive 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.

- 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 con-