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INDEXING INSTRUCTIONS:

**ORDINANCE NUMBER _____
OF THE
CITY OF HATTIESBURG, MISSISSIPPI**

**AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE,
ORDINANCE NUMBER 3209, AS AMENDED, SECTION 5, USE REGULATIONS AND
CONDITIONS, SECTION 11, ADMINISTRATION AND ENFORCEMENT, SECTION 12,
PROCESS AND PROCEDURES, AND SECTION 13, DEFINITIONS
FOR THE CITY OF HATTIESBURG, MISSISSIPPI.**

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

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

That the Title of Section 5.1 be amended to read "Establishment of a Table of Uses for Base Zoning Districts."

That Section 5.1 be amended to read "The uses permitted in the base zoning districts established by Section 4 are set forth in Table 5.1, Table of Uses and repeated in the base zoning district. Whenever there is a conflict between what is listed in the Table of Uses and the base zoning district, the Table of Uses shall govern."

That Section 5.2 be amended such that the third sentence shall read "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 may be considered a "Conditional Use" and will require review by the Hattiesburg Planning Commission."

That Section 5.3.2 be amended such that the first sentence shall read "The Table of Uses lists uses for each base zoning district within the City's zoning jurisdiction."

That Section 5.3.3.1 be amended to be titled "Permitted."

That Section 5.3.3.2 be amended to be titled “Permitted with Conditions.”

That Section 5.3.3.2 be amended to strike the following sentence: “Further, a use with conditions may be subject to Planning Commission review.”

That Section 5.3.3.3 be amended to be titled “Conditional Use.”

That Section 5.3.3.4 be amended to be titled “Not Permitted.”

That Table 5.1 be amended such that the Additional Use Conditions Cross Reference column is updated to accurately reflect the applicable condition section within Section 5.4 based upon these amendments.

That Table 5.1 be amended to clarify that the following uses are Not Permitted in a B-1 zoning district: “Adult entertainment,” “Agriculture related feed, supply and equipment sales and service,” “Airport, public or private,” “Amusement facilities,” “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,” and “Auction house.”

That Table 5.1 be amended to show “Airport, public or private” as Permitted in A-1 zoning districts and Not Permitted in A-2 zoning districts.

That Table 5.1 be amended to show “Animal husbandry – for profit and research related, excluding CAFOs as defined by the US EPA” as Permitted in A-1 and A-2 zoning districts.

That Table 5.1 be amended to show “Animal husbandry – for profit and research related, including Concentrated Animal Feeding Operation as defined by the US EPA as defined by the US EPA” as Permitted in A-1 zoning districts, and that this use be amended to be titled “Animal husbandry – for profit and research related, including Concentrated Animal Feeding Operation as defined by the US EPA.”

That Table 5.1 be amended to show “Aquaculture – for profit and research related” as Permitted in A-1 zoning districts.

That Table 5.1 be amended to add “Automotive filling station” as a new use to be Permitted in B-3, B-5, I-1, and I-2 zoning districts; to be a Conditional Use in B-2 and B-4 zoning districts; and to be Not Permitted in all other zoning districts.

That Table 5.1 be amended by changing the title of the use “Automotive/truck and maintenance” to “Automotive, truck, and small engine maintenance” and that it be further amended to show as Not Permitted in B-1 zoning districts and shown as Permitted in I-1 and I-2 zoning districts.

That Table 5.1 be amended by changing the title of the use “Automotive/truck repair” to “Automotive, truck, and small engine repair” and that it be further amended to show as Permitted in I-1 and I-2 zoning districts.

That Table 5.1 be amended to show “Bus stations” as Permitted in B-3, B-4, B-5, I-1, and I-2 zoning districts.

That Table 5.1 be amended to show “Care center, home” as Conditional Use in R-1A, R-1B, R-1C, R-2, and R-3 zoning districts.

That Table 5.1 be amended to show “Correctional facilities and jails” as Conditional Use in B-5, I-1, and I-2 zoning districts.

That Table 5.1 be amended to show “Dry cleaner” as Permitted in I-1 and I-2 zoning districts.

That Table 5.1 be amended to show “Dwelling, single family attached” as Permitted in B-1 zoning districts.

That Table 5.1 be amended to show “Dwelling, single family detached” as Permitted in B-1 zoning districts.

That Table 5.1 be amended to show “Dwelling, two family” as Permitted with Conditions in B-1 zoning districts and to correct the cross reference to the applicable code section within Section 5.4.

That Table 5.1 be amended to add “Dwelling, mixed use” as a new use to be Permitted with Conditions in B-4 zoning districts, Conditional Use within B-2 and B-3 zoning districts, and Not Permitted in all other zoning districts.

That Table 5.1 be amended to show “Dwelling, zero lot line detached” as Permitted in B-1 zoning districts.

That Table 5.1 be amended to show “Fairgrounds and stadiums, public or private” as Permitted in B-5 and I-1 zoning districts, and as Conditional Use in A-1 and A-2 zoning districts.

That Table 5.1 be amended to show “FDIC financial institutions and mortgage companies, excluding check cashing agencies” as Permitted in B-2 zoning districts.

That Table 5.1 be amended to show “Gallery, museum, and library” as a Conditional Use in R-1A, R-1B, R-1C, R-2, R-3, and B-1 zoning districts.

That Table 5.1 be amended to show “Gated communities” as Conditional Use in R-1A zoning districts.

That Table 5.1 be amended to show “Government center/complex and offices” as Permitted in B-1, I-1, and I-2 zoning districts.

That Table 5.1 be amended to show “Hospital and outpatient clinic” as Permitted in B-3, B-4, and B-5 zoning districts.

That Table 5.1 be amended to show “Lodging – hotel, motel, tourist home” as Permitted in B-3 zoning districts.

That Table 5.1 be amended to show “Medical or dental office” as Permitted in B-2 zoning districts.

That Table 5.1 be amended to add “Methodone maintenance facility” as a new use, shown as a Conditional Use in B-3 and B-5 zoning districts and as Not Permitted in all other zoning districts.

That Table 5.1 be amended by changing the title of the use “Motor vehicle rental and sales” to “Automotive rental and sales” which shall be moved ordered among uses alphabetically in the table and shall show as Not Permitted in B-1 zoning districts and changed to Permitted with Conditions in B-3 zoning districts.

That Table 5.1 be amended by striking the use “Open storage.”

That Table 5.1 be amended to show “Other professional office” as Permitted in I-2 zoning districts.

That Table 5.1 be amended to show “Parking garage” as Permitted in R-3, B-3, B-4, and B-5 zoning districts.

That Table 5.1 be amended to add “Plasma collection facility” as a new use, shown as a Conditional Use in B-5 zoning districts and Not Permitted in all other zoning districts.

That Table 5.1 be amended to show “Places of assembly not otherwise listed” as Conditional Use in R1-A, R-1B, R1-C, R-2, and R-3 zoning districts.

That Table 5.1 be amended to show “Product wholesale” as Permitted in B-5, I-1, and I-2 zoning districts.

That Table 5.1 be amended to correct coloration on the chart for “Railroad maintenance yard,” “Recycling center,” “Sanitary landfill,” “Satellite receiving systems,” and “Sewage disposal plant.”

That Table 5.1 be amended to show “Restaurant, without drive-thru” as Conditional Use in B-1 and B-2 zoning districts and to include the appropriate cross reference to the applicable conditions in Section 5.4.

That Table 5.1 be amended to show “Retail, <10,000 sq. ft.” as Not Permitted in B-1 zoning districts.

That Table 5.1 be amended to show “Sanitary landfill” as Conditional Use in I-2 zoning districts.

That Table 5.1 be amended by striking the uses “Seasonal uses and markets.”

That Table 5.1 be amended to show “Siviculture – for profit and research-related” as Permitted in A-1 and A-2 zoning districts.

That Table 5.1 be amended to show “Storage of junk, junk vehicles, salvage materials, and waste” as Conditional Use in A-1 zoning districts and to include the appropriate cross reference to the applicable conditions in Section 5.4.

That Table 5.1 be amended to add “Solar farm” as a new use, shown as Conditional Use in R-1A, R-2, A-1, A-2, I-1, and I-2 zoning districts and to include the appropriate cross reference to the applicable conditions in Section 5.4.

That Table 5.1 be amended to show “Tattoo parlor” as Permitted in B-3 and B-4 zoning districts.

That Table 5.1 be amended to include applicable cross reference for conditions for “Tow yards (impound lots),” the same as those referenced for “Storage of junk, junk vehicles, salvage materials and waste” uses.

That Section 5.4.1.2 be amended to read “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 and include all information required therein.” All other language in Section 5.4.1.2 to be stricken.

That Section 5.4.2.6 be amended by adding paragraph (iii) to read “Accessory residential structures shall be five (5) feet from the rear property line and five (5) feet from the side property line. No accessory structure on a corner lot shall project beyond the front yard line of the lots in the rear.”

That Section 5.4.5.4 be deleted in its entirety.

That Section 5.4.7.1 be amended by adding paragraph (vi) to read “Any mobile detailing service must utilize a water containment system to prevent stormwater system pollution.”

That Section 5.4.7.2, paragraph (i) be amended to delete the second sentence: “Stored vehicles must have a current tag.”

That Section 5.4.8.5 be amended such that the third sentence shall read “The guest book may serve as evidence in the event that the bed and breakfast or commercial meeting privilege is in question.”

That Section 5.4.16 be deleted in its entirety.

That the Title of Section 5.4.18 be amended to read “Dwelling, Two-Family and Multi-Family.”

That Section 5.4 be amended by adding a new subsection of conditions entitled “Dwelling, Mixed-Use.” Conditions shall include that “Non-residential uses must be uses permitted within the zoning district,” “Dwelling in conjunction with uses permitted within the same zoning district provided that mixed residential and non-residential uses are located within the same structure,” and “No more than 50% of the ground floor of a building may be a dwelling use.”

That the Title of Section 5.4.28 shall be amended to read “Dwelling, manufactured (mobile) home.”

That Section 5.4.28 shall be amended such that the text following the title shall read “One Dwelling, manufactured (mobile) home allowed per lot. Manufactured homes on individual lots shall meet the following requirements:”.

That Section 5.4.28.2 shall be amended to read “Anchoring and Foundation. Homes shall be installed and anchored according to State Fire Marshal requirements.”

That Section 5.4.28.6 shall be amended to read “Placement. All homes shall meet setbacks and be placed on the lot in harmony with the existing structures.”

That Section 5.4.28.8 shall be amended to read “Skirting. Skirting or other solid screen shall be installed to enclose the foundation of the structure and crawl space and shall be complimentary to the design of the structure.”

That Section 5.4.28.9 shall be deleted in its entirety.

That Section 5.4.28.10 shall be amended to read “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 current building codes. The minimum square footage of the floor of such porch or deck shall measure at least 36 square feet.”

That Section 5.4.28.11 shall be amended to read “Age. No home not meeting current codes may be relocated or moved onto a lot.”

That Section 5.4.38 shall be deleted in its entirety.

That Section 5.4 be amended by adding a new subsection of conditions entitled “Storage of junk, junk vehicles, salvage materials and waste.” Conditions shall include that “The storage area shall be screened from view of the neighbors and the public by solid fencing or natural terrain of trees or vegetation, a minimum of six (6) feet in height.”

That Section 5.4.42 shall be deleted in its entirety.

That Section 5.4 be amended by adding a new subsection of conditions entitled “Dry cleaner.” Conditions shall include that “No processing on site for zones listed as Permitted with Conditions.”

That Section 11.2.7 be amended to read “Hear and decide requests for preliminary plats and final plats for major subdivisions.”

That Section 11.2.8 be amended to read “Hear and decide recommendations of, or appeals from, the recommendations of the Planning Commission, Board of Adjustment, and Historic Conservation Commission.”

That Section 11.2 be amended to add a new subsection to read “Hear and decide requests for appeal to interpretations of this Code made by the Director.”

That Section 11.3 shall be deleted in its entirety and replaced with the following: “11.3 Planning Commission. The Hattiesburg Planning Commission has been created by the Mayor and City Council as an advisory committee to the City of Hattiesburg in zoning matters and is vested with the rights and responsibilities as provided in Mississippi Code Annotated Section 17-1-17 (1972), and established in the City of Hattiesburg Ordinance No. 1490. 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 and final plats (when changes have been proposed) for major subdivisions. 11.3.3 Composition and terms: 11.3.3.1 That the Planning Commission shall be composed of eleven (11) members, residents of the City appointed by the Mayor and ratified by the City Council. Each appointee shall be appointed for a period of 5 years. Vacancies shall be filled by the governing authorities and appointments to fill vacancies shall be for unexpired terms only. Each member shall be eligible for reappointment. All members of the commission shall serve without pay. The continued absence of any member of the commission from three (3) regularly scheduled meetings without excuses shall be just cause for the removal of said member from the commission by the governing authorities. Upon receipt of written notice from the chairman of the planning commission to the governing authorities of the City of Hattiesburg, stating that a member has been absent for three (3) meetings in any one year without a

written and accepted excuse, the governing authorities may remove the absent member from the commission and appoint a new member to fill the vacancy. 11.3.3.2 Officers. The commission shall elect from among the members its own chairman, vice-chairman, and secretary and provide from time to time such rules and regulations not inconsistent with the ordinances of said city, for its own organization and procedure as it may deem proper. A simple majority of appointed and ratified members shall constitute a quorum for the transaction of business. 11.3.4 Procedure: The Planning Commission shall adopt rules in accordance with the provision of these Regulations. Meetings of the Planning Commission shall be held the first Wednesday of each month at 1 pm. All meetings of the Planning Commission shall be open to the public. The Planning Commission shall keep minutes of its meetings.”

That Section 11.4 shall be amended such that the second sentence of the text following the title shall read “At its discretion, the city council may decide to delegate any or all such duties and responsibilities to another board.”

That Section 11.4.2 be amended to read “Composition and terms: 11.4.2.1 Membership: The Hattiesburg Board of Adjustment shall be composed of eleven (11) members, residents of the City appointed by the Mayor and ratified by the City Council for a term of three (3) years. Vacancies shall be filled by the governing authorities and appointments to fill vacancies shall be for unexpired terms only. Each member shall be eligible for reappointment. All members of the commission shall serve without pay. The continued absence of any member of the commission from three (3) regularly scheduled meetings without excuses shall be just cause for the removal of said member from the commission by the governing authorities. Upon receipt of written notice from the chairman of the planning commission to the governing authorities of the City of Hattiesburg, stating that a member has been absent for three (3) meetings in any one year without a written and accepted excuse, the governing authorities may remove the absent member from the commission and appoint a new member to fill the vacancy. 11.4.2.2 Officers: The Board of Adjustment shall elect from among the members its own chairman, vice-chairman, and secretary and provide from time to time such rules and regulations not inconsistent with the ordinances of said city, for its own organization and procedure as it may deem proper. A simple majority of appointed and ratified members shall constitute a quorum for the transaction of business. 11.4.3 Procedure: The Board of Adjustment shall adopt rules in accordance with the provision of these Regulations. Meetings of the Board shall be held the first Wednesday of each month following the close of the Planning Commission public hearing. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its meetings.”

That Section 11.6.2 be amended to read “Decides requests for preliminary plats for minor subdivisions.”

That Section 11.6.3 be amended to read “Recommends requests for preliminary and final plats of major subdivisions.”

That Section 11.6.4 be amended to read “Recommends requests for final plats for all subdivisions.”

That Section 11.6.5 be amended to be removed from Section 11.6 and placed appropriately into Section 11.7 and to read “Recommends requests for uses permitted with conditions.”

That Section 11.6.6 be deleted in its entirety.

That Sections 11.6.7 and 11.6.8 be amended to be removed from Section 11.6 and placed appropriately into Section 11.7.

That Section 11.6.10 be amended to read “Review and decide any requests for administrative waivers. See 12.5.4.”

That Section 11.7.1 be amended to be removed from Section 11.7 and placed appropriately into

Section 11.6.

That Section 11.7.4.9 be amended to read “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 10 working 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.

That Sections 11.7.4.11 and 11.7.4.12 be deleted in their entirety.

That Section 11.10.1.4 be amended by deleting the word “Criminal” in the title and changing the \$500 fine referenced therein to \$100.

That Section 11.10.1.7 be amended to read “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.”

That Section 12.3.1.1 be amended by deleting the content of paragraphs (i), (ii), and (iii) and replacing them with “(i) There was a mistake in the original zoning. (ii) The character of the neighborhood has changed substantially so that rezoning is clearly justified and there is a public need for the rezoning. (iii) Annexation.”

That Section 13.2 be amended to change “Automobile Maintenance” to “Automotive, truck, and small engine maintenance” and to establish a definition to read “An establishment primarily engaged in the maintenance of motor vehicle, engines, and similar mechanics, including brakes, upholstery work, tire repair and change, lubrication, tune ups, diagnosing of malfunctions, auto-sound shops, auto upholstery shops, wheel alignment shops and tune-up, battery and similar maintenance work.”

That Section 13.2 be amended to change “Automobile Repair” to “Automotive, truck, and small engine repair” and to establish a definition to read “An establishment primarily engaged in the repair of motor vehicle, engines, and similar mechanics, including paint, body, collision work, auto dismantling operations, and major engine or transmission work and engine part overhaul.”

That Section 13.2 be amended to insert “Methadone Maintenance Facility” as a new definition to read “A clinic, medical dental office or other medical facility that wholly, or in part, is used for the prescription of methadone as more than an ancillary activity and may include other support services such as, but not limited to, a methadone pharmacy, the provision of counseling services, and/or laboratories, but does not include a hospital. For purposes of this definition, an ancillary activity shall mean prescribing methadone to a maximum of 40 clients per day.”

That Section 13.2 be amended such that the definition of “Mobile Home” reads “A manufactured home that does conform to the United States Department of Housing and Urban Development Code (HUD Code) but not the local building code.”

That Section 13.2 be amended to insert “Plasma Collection Facility” as a new definition to read “A building and premises used primarily for the performance of plasmapheresis, which is the procedure whereby whole blood is removed from a plasma donor by venipuncture or phlebotomy, the plasma is separated therefrom for sale or transfer, and the formed elements of the blood are returned to the donor. “Plasma collection facility” does not include donation centers in which primarily whole blood is extracted from donors and used, transferred or sold, such as blood donation centers sponsored by the American Red Cross.”

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

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

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

YEAS:

NAYS:

THE President thereby declared the motion carried and the foregoing Ordinance adopted and approved, this the _____ day of _____ A.D., 2017.

(S E A L)

ATTEST:

ADOPTED:

CLERK OF COUNCIL

PRESIDENT

THE above foregoing Ordinance having been submitted to and approved by the Mayor, this the _____ day of _____ A.D., 2017.

ATTEST:

APPROVED:

CITY CLERK

MAYOR