

By: Representatives Fredericks, Dedeaux,
Guice, Ishee, Janus, Palazzo, Patterson,
Peranich, Simpson, Upshaw

To: Local and Private
Legislation

HOUSE BILL NO. 1783
(As Passed the House)

1 AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF HARRISON
2 COUNTY, MISSISSIPPI, TO ENTER INTO DEVELOPMENT AGREEMENTS WITH THE
3 DEVELOPERS OF A MASTER PLANNED COMMUNITY IN ORDER TO AUTHORIZE THE
4 MASTER PLANNED COMMUNITY TO ADMINISTER, MANAGE AND ENFORCE THE
5 LAND USE RESTRICTION AND COVENANTS, LAND USE REGULATIONS,
6 SUBDIVISION REGULATIONS, BUILDING CODES AND REGULATIONS, AND ANY
7 OTHER LIMITATIONS AND RESTRICTIONS ON LAND AND BUILDINGS PROVIDED
8 IN THE MASTER PLAN FOR THE MASTER PLANNED COMMUNITY, IN LIEU OF
9 THE REAL ESTATE AND PROPERTY OWNERS WITHIN THE MASTER PLANNED
10 COMMUNITY BEING SUBJECT TO THE COUNTY ORDINANCES AND REGULATIONS
11 PERTAINING TO BUILDINGS, SUBDIVISIONS, ZONING, THE COUNTY'S
12 COMPREHENSIVE PLAN, AND ANY OTHER SIMILAR COUNTY ORDINANCES AND
13 REGULATIONS; TO PROVIDE THAT THE PROVISIONS OF THE MASTER PLAN
14 PROVIDING FOR REGULATIONS, RESTRICTIONS, COVENANTS AND LIMITATIONS
15 PERTAINING TO BUILDING, SUBDIVISIONS, ZONING AND COMPREHENSIVE
16 PLANNING SHALL BE COMPARABLE TO, OR GREATER THAN, SIMILAR
17 PROVISIONS IN THE ORDINANCES AND REGULATIONS OF HARRISON COUNTY;
18 AND FOR RELATED PURPOSES.

19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

20 SECTION 1. (1) The Board of Supervisors of Harrison County,
21 Mississippi, is authorized to enter into one or more development
22 agreements with the developer or developers of a master planned
23 community in order to authorize, in addition to any other matters
24 to which the board of supervisors may lawfully obligate the
25 county, the master planned community, through a community
26 self-governing entity created by the owners of the property, to
27 administer, manage and enforce the land use restrictions and
28 covenants, land use regulations, subdivision regulations, building
29 codes and regulations, and any other limitations and restrictions
30 on land and buildings provided in the master plan for the master
31 planned community, in lieu of the real estate and property owners
32 within the master planned community being subject to the county
33 ordinances and regulations pertaining to buildings, subdivisions,
34 zoning, the county's comprehensive plan, and any other county
35 ordinances and regulations pertaining thereto. Prior to entering

36 into any such development agreement, the board of supervisors
37 shall review the master plan for the master planned community and
38 find that the provisions of the master plan providing for
39 regulations, restrictions, covenants and limitations pertaining to
40 building, subdivisions, zoning and comprehensive planning shall be
41 comparable to, or greater than, similar provisions in the
42 ordinances and regulations of Harrison County. The term of such a
43 development agreement may be not more than thirty (30) years or
44 the number of years allowed in the county's subdivision ordinance
45 for terms of subdivision covenants, whichever is greater. The
46 development agreement shall have attached to it a boundary survey
47 made by a registered land surveyor, and upon approval of the
48 development agreement by the board of supervisors, the boundary
49 survey shall be recorded in the land records of the chancery clerk
50 of the county. The recorded boundary survey shall serve as the
51 description of the property within the master planned community
52 which shall not be subject to the county's zoning map, and the
53 county's zoning map shall simply recognize the territory described
54 in such boundary survey as a "master planned community." Whenever
55 there may be a conflict between the county ordinances and
56 regulations pertaining to buildings, subdivisions, zoning, the
57 county's comprehensive plan, and any other county ordinances and
58 regulations pertaining thereto, and the provisions of such a
59 development agreement, including the provisions of the master plan
60 providing for regulations, restrictions, covenants and limitations
61 pertaining to buildings, subdivisions, zoning and comprehensive
62 planning, the provisions of the development agreement shall
63 prevail if the provisions of the development agreement are
64 comparable to or greater than similar provisions of county
65 ordinances and regulations.

66 (2) As used in this section, the term "master planned
67 community" means a development by one or more developers of real
68 estate consisting of residential, commercial, educational, health

69 care, open space and recreational components that is developed
70 pursuant to a long-range, multiphase master plan providing
71 comprehensive land use planning and staged implementation and
72 development and the master plan must include the following minimum
73 provisions:

74 (a) The real estate described in the master plan must
75 consist of at least eight hundred (800) acres.

76 (b) The real estate described in the master plan must
77 be subjected to a set of land use restrictions imposed by deed
78 restriction or restrictive covenants recorded by the developer in
79 the land records of the chancery clerk of the county as land is
80 developed and sold in phases to users. Such restrictions shall
81 include design guidelines and standards that provide for:

82 (i) Internal community self-governance by the
83 owners of the property;

84 (ii) The establishment of one or more legal
85 persons endowed with the powers, rights and duties to administer,
86 manage, own and maintain common areas, establish community
87 activities and enforce the land use restrictions on the common
88 areas and private property; and

89 (iii) The establishment of assessments and lien
90 rights to fund amenities, services and maintenance of common
91 areas.

92 (c) The real estate described in the master plan must
93 be within the territorial boundaries of one or more public utility
94 districts established by the county for the provision of water and
95 sewer facilities and water and sewer services.

96 (3) The master plan for a master planned community shall be
97 subject to modification from time to time by the original owner or
98 owners of the real estate described in the initial master plan,
99 its affiliates, successors or assigns to meet changing economic
100 and market conditions; however, any such modifications in the
101 master plan which materially change the regulations, restrictions,

102 covenants and limitations pertaining to buildings, subdivisions
103 and land use regulations approved in the development agreement, or
104 which significantly change the overall plan concept, shall be
105 subject to, and shall not take effect until approved by the Board
106 of Supervisors of Harrison County.

107 **SECTION 2.** This act shall take effect and be in force from
108 and after its passage.