

**Adopted
AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1783

BY: Representative Fredericks

1 **AMEND** by striking all after line 6 and inserting in lieu
2 thereof the following:

3 **"SECTION 1.** (1) The Board of Supervisors of Harrison
4 County, Mississippi, is authorized to enter into one or more
5 development agreements with the developer or developers of a
6 master planned community in order to authorize, in addition to any
7 other matters to which the board of supervisors may lawfully
8 obligate the county, the master planned community, through a
9 community self-governing entity created by the owners of the
10 property, to administer, manage and enforce the land use
11 restrictions and covenants, land use regulations, subdivision
12 regulations, building codes and regulations, and any other
13 limitations and restrictions on land and buildings provided in the
14 master plan for the master planned community, in lieu of the real
15 estate and property owners within the master planned community
16 being subject to the county ordinances and regulations pertaining
17 to buildings, subdivisions, zoning, the county's comprehensive
18 plan, and any other county ordinances and regulations pertaining
19 thereto. Prior to entering into any such development agreement,
20 the board of supervisors shall review the master plan for the
21 master planned community and find that the provisions of the
22 master plan providing for regulations, restrictions, covenants and

23 limitations pertaining to building, subdivisions, zoning and
24 comprehensive planning shall be comparable to, or greater than,
25 similar provisions in the ordinances and regulations of Harrison
26 County. The term of such a development agreement may be not more
27 than thirty (30) years or the number of years allowed in the
28 county's subdivision ordinance for terms of subdivision covenants,
29 whichever is greater. The development agreement shall have
30 attached to it a boundary survey made by a registered land
31 surveyor, and upon approval of the development agreement by the
32 board of supervisors, the boundary survey shall be recorded in the
33 land records of the chancery clerk of the county. The recorded
34 boundary survey shall serve as the description of the property
35 within the master planned community which shall not be subject to
36 the county's zoning map, and the county's zoning map shall simply
37 recognize the territory described in such boundary survey as a
38 "master planned community." Whenever there may be a conflict
39 between the county ordinances and regulations pertaining to
40 buildings, subdivisions, zoning, the county's comprehensive plan,
41 and any other county ordinances and regulations pertaining
42 thereto, and the provisions of such a development agreement,
43 including the provisions of the master plan providing for
44 regulations, restrictions, covenants and limitations pertaining to
45 buildings, subdivisions, zoning and comprehensive planning, the
46 provisions of the development agreement shall prevail if the
47 provisions of the development agreement are comparable to or
48 greater than similar provisions of county ordinances and
49 regulations.

50 (2) As used in this section, the term "master planned
51 community" means a development by one or more developers of real
52 estate consisting of residential, commercial, educational, health
53 care, open space and recreational components that is developed
54 pursuant to a long-range, multiphase master plan providing

55 comprehensive land use planning and staged implementation and
56 development and the master plan must include the following minimum
57 provisions:

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

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

66 (i) Internal community self-governance by the
67 owners of the property;

68 (ii) The establishment of one or more legal
69 persons endowed with the powers, rights and duties to administer,
70 manage, own and maintain common areas, establish community
71 activities and enforce the land use restrictions on the common
72 areas and private property; and

73 (iii) The establishment of assessments and lien
74 rights to fund amenities, services and maintenance of common
75 areas.

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

80 (3) The master plan for a master planned community shall be
81 subject to modification from time to time by the original owner or
82 owners of the real estate described in the initial master plan,
83 its affiliates, successors or assigns to meet changing economic
84 and market conditions; however, any such modifications in the
85 master plan which materially change the regulations, restrictions,
86 covenants and limitations pertaining to buildings, subdivisions

87 and land use regulations approved in the development agreement, or
88 which significantly change the overall plan concept, shall be
89 subject to, and shall not take effect until, approved by the Board
90 of Supervisors of Harrison County."

91 **AMEND FURTHER** by striking lines 1 through 5 in their entirety
92 and inserting in lieu thereof the following:

93 "AN ACT TO AUTHORIZE THE BOARD OF SUPERVISORS OF HARRISON
94 COUNTY, MISSISSIPPI, TO ENTER INTO DEVELOPMENT AGREEMENTS WITH THE
95 DEVELOPERS OF A MASTER PLANNED COMMUNITY IN ORDER TO AUTHORIZE THE
96 MASTER PLANNED COMMUNITY TO ADMINISTER, MANAGE AND ENFORCE THE
97 LAND USE RESTRICTION AND COVENANTS, LAND USE REGULATIONS,
98 SUBDIVISION REGULATIONS, BUILDING CODES AND REGULATIONS, AND ANY
99 OTHER LIMITATIONS AND RESTRICTIONS ON LAND AND BUILDINGS PROVIDED
100 IN THE MASTER PLAN FOR THE MASTER PLANNED COMMUNITY, IN LIEU OF
101 THE REAL ESTATE AND PROPERTY OWNERS WITHIN THE MASTER PLANNED
102 COMMUNITY BEING SUBJECT TO THE COUNTY ORDINANCES AND REGULATIONS
103 PERTAINING TO BUILDINGS, SUBDIVISIONS, ZONING, THE COUNTY'S
104 COMPREHENSIVE PLAN, AND ANY OTHER SIMILAR COUNTY ORDINANCES AND
105 REGULATIONS; TO PROVIDE THAT THE PROVISIONS OF THE MASTER PLAN
106 PROVIDING FOR REGULATIONS, RESTRICTIONS, COVENANTS AND LIMITATIONS
107 PERTAINING TO BUILDING, SUBDIVISIONS, ZONING AND COMPREHENSIVE
108 PLANNING SHALL BE COMPARABLE TO, OR GREATER THAN, SIMILAR
109 PROVISIONS IN THE ORDINANCES AND REGULATIONS OF HARRISON COUNTY;
110 AND FOR RELATED PURPOSES."