

ARTICLE VI

PLANNED DEVELOPMENTS

Section 601.

STANDARDS AND CRITERIA

A. Intent

This section is intended to provide the means and guidelines through which tracts of land may be developed through an overall unified approach rather than the traditional lot-by-lot treatment afforded by conventional zoning districts in this Ordinance. It is intended to provide a maximum of design freedom to create a better living environment by making the best use of topography and land features, and by granting the developer an opportunity to more fully utilize the physical characteristics of the site through the reduction of lot sizes, the absence of yard and bulk restrictions and the mixing of uses. Through the requirements of a development plan, it is intended that a better environment will be achieved by the development of property through a unified design that provides continuity between the various uses and elements.

B. Criteria for Approval

1. The Board of Supervisors may, upon proper application and review, grant a Special Permit for a Planned Development to facilitate the use of flexible techniques of land development and site design by providing relief from conventional zoning requirements designed for traditional developments.
2. The Board may establish standards and procedures to ensure that the proposed uses are compatible to the area surrounding the development prior to the issuance of a Special Permit.
3. In order to obtain a Special Permit, the proposed planned development must achieve one or more of the following objectives:
 - a. Promote flexibility in design and permit planned diversification in the location of structures
 - b. Protect existing topography and natural features
 - c. Promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities
 - d. Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures
 - e. Continue and coordinate architectural styles, building forms and building relationships within the planned developments

- f. Insure a quality of construction commensurate with other developments within the County
- g. Create a safe and desirable living environment that is characterized by a unified building and site development program
- h. Provide a rational economic development program or phasing of development plan in relation to public services
- i. Provide for an efficient and effective traffic circulation both within and adjacent to the development site; utilize traffic calming techniques
- j. Create a variety of dwelling units that are compatible with surrounding neighborhoods to provide a greater choice of housing and living environment
- k. Provide attractive and appropriate locations for business and manufacturing uses in well-designed centers

C. Relationship Between Planned Developments and Zoning Districts

1. Planned Development Permitted

Planned Developments shall be permitted in all districts except for Preservation Recreation. There shall be a minimum area of three (3) acres to apply for a Planned Development.

2. Modification of District Regulations

Planned Developments may be constructed in any zoning district as described in paragraph 1. above, and subject to the standards and procedures set forth below.

- a. Except as expressly modified by the Board of Supervisors by approval of a preliminary development plan, a Planned Development shall be governed by the regulations of the zoning district or districts in which it is located.
- b. Preliminary development plan approval for the Planned Development may provide for such exceptions from the zoning district regulations governing use, area, setback, height, signage, loading, width and other bulk regulations, parking, other design features and such subdivision regulations as may be necessary or desirable to achieve the objectives of the proposed Planned Development, provided such exceptions are consistent with the standards and criteria contained in this section; no modification of the district requirements or subdivision regulations may be allowed when the modification would result in:

- (1) Inadequate or unsafe access to the development
- (2) Traffic volume exceeding the anticipated capacity of the existing or proposed street network in the vicinity of the development
- (3) An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the Planned Development
- (4) A development which will be incompatible with the purposes of this Ordinance

Such exceptions shall supersede any conflicting Subdivision Regulations and Zoning District restrictions in which the Planned Development is located. In no case shall the uses, intensities, or densities be varied, except as herein provided. All setbacks along the boundary of the Planned Development shall not be less than those allowed in the zoning district in which the Planned Development is located.

D. Coordination with Subdivision Regulations

The uniqueness of each proposal for a planned development may require that such things as the width and surfacing of streets, public ways, public utility right-of-ways, curbs and other standards may be subject to modification from the specifications established in the Subdivision Regulations adopted by the Planning Commission. Modifications may be incorporated only with the review of the Planning Commission and approval of the Board of Supervisors as a variation in the preliminary approval of the subdivision, which must be concurrent with the final approval of the plan by the Planning Commission.

1. It is the intent of the Ordinance that subdivision review required by the Subdivision Regulations is carried out simultaneously with the review of a Planned Development under this section of the Zoning Ordinance.
2. The development plans submitted under this Section must be submitted in a form that will satisfy the requirements of the Subdivision Regulations for preliminary, construction and final plats.
3. The requirements for this section of the Zoning Ordinance and those of the Subdivision Regulations shall apply to all Planned Developments. All actions of the Board of Supervisors pertaining to Planned Developments shall be based upon a recommendation by the Planning Commission.

E. General Standards and Criteria

The Board of Supervisors may grant a Special Permit which modifies the applicable zoning and subdivision regulations upon written findings and recommendations by the Planning Commission which shall be forwarded pursuant to the provisions contained in this section.

1. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the Tunica County Comprehensive Plan and current development policies.
2. Water supply, wastewater treatment and disposal and storm water drainage facilities are available and adequate to serve the proposed development.
3. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses. Any part of the proposed development not used for structures, parking, loading areas or access ways shall be landscaped or otherwise improved except where natural features are such as to justify preservation.
4. Any modification of the zoning or other regulations that would otherwise be applicable to the site are warranted by the design of the preliminary development plan and the amenities incorporated therein, and are not inconsistent with the public interest.
5. Homeowners' or property owners' associations or some other responsible party shall be required to maintain any and all common and open space and/or common elements, unless conveyed to a public body which agrees to maintain such areas.

F. General Provisions

The following general provisions shall apply to any Planned Developments created by Special Permit by the Board of Supervisors.

1. Application for Planned Development Permit Required

Each application for a Special Permit for a planned development shall be submitted in accordance with requirements of this Ordinance and the requirements of the Subdivision Regulations. Variations to the requirements of both regulations may be granted upon review and recommendation by the Planning Commission and approval by the Board of Supervisors.

2. Waiver of Board of Zoning Appeals Action

No action of the Board of Zoning Appeals shall be required in the approval of a Special Permit for a Planned Development.

3. Professional Design

The preliminary and final development plans shall contain a certification that the services of one or more of the following professionals were utilized in the design and planning process.

- a. An urban planner who possesses the education and experience to qualify for membership in a recognized professional planning association.
- b. A practicing landscape architect licensed by the State of Mississippi.
- c. A practicing architect licensed by the State of Mississippi.
- d. A practicing civil engineer licensed by the State of Mississippi.

4. Completion Period

The Planning Commission may recommend and the Board of Supervisors may establish a reasonable period of time for the completion of the Planned Development at the time that the Special Permit is granted.

Each stage shall be planned and related to existing surrounding and available facilities and services such that failure to proceed to subsequent stages will not have an adverse impact on the development or its surroundings at any stage of the development.

- a. If no actual construction has begun or no use has been established in the Planned Development within the approved time period, the Board of Supervisors may, in its discretion, terminate the final development plan by giving written notice to the applicant. Actual construction is defined to include the placing of construction materials in a permanent position and fastened permanently or extensive grading including demolition or removal of existing structures necessary for the development. If actual construction is not commenced within this approved time period, the final development plan may be terminated as provided herein.
- b. Upon the request of the applicant and review and recommendation of the Planning Commission, the Board of Supervisors may extend for a reasonable time, not to exceed one (1) year, the period for the commencement of actual construction or the establishment of a use of the Planned Development.

If a final development plan is terminated under the provisions of this section, the planned development designation shall be removed from the Official Zoning Map and a notice of revocation shall be filed on the recorded development plan. The zoning regulations applicable before the development was approved shall then be in effect. However, if any portion of the property is constructed or developed as provided by the approved Planned Development, the remaining portion(s) of the

property shall be in conformance with the approved Planned Development regardless of the existing conventional zoning district of the property.

5. Common Open Space and Public Facilities

The requirements of common open space and public facilities shall be in accordance with the provisions of this Section.

- a. Common open space must be usable for recreational purposes or must provide visual, aesthetic environmental amenities. The uses authorized for the common open space must be appropriate to the scale and character of the Planned Development considering its size, density, expected population, topography and the number and type of structures to be provided.
- b. Common open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any building, structure or improvement to be located in the common open space must be appropriate to the uses which are authorized therefore, and must conserve and enhance the amenities of the common open space with regard to its topography and the intended function.
- c. The development phasing sequence that is part of the preliminary development plan must coordinate the improvements of the common open space, the construction of the buildings, structures and improvements in the common open space, the construction of public improvements and the construction of residential dwellings, but in no event shall occupancy permits for any phase of the final development plan be issued unless and until the open space that is part of that phase has been dedicated or conveyed and improved.
- d. No common open space of a residential Planned Development shall be conveyed or dedicated by the developer or any other person to any public body, homeowners/property owners association or other responsible party unless the Planning Commission has determined that the character and quality of the tract to be conveyed make it suitable for the purpose for which it was intended.
- e. All land shown on the final development plan as common open space may be either:
 - (1) Conveyed to a public body, if said public body agrees to accept conveyance and to maintain the common open space and any buildings, structures or improvements which have been placed on it; or
 - (2) Conveyed to an organization for ownership and maintenance subject to the following:

- (i) The Planning Commission and Board of Supervisors may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise, (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the Tunica County and the said dedication be approved by the Board of Supervisors.
- (ii) In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the adopted final development plan, the County may serve written notice upon such organization and/or the owners or residents of the Planned Development. After 30 days when the deficiencies of maintenance are not corrected, the County may call upon any public or private agency to maintain the common open space for a period of one (1) year. When the County determines that the agency is prepared for the maintenance of the common open space such agency shall continue maintenance for yearly periods.
- (iii) The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned development that have a right of enjoyment of the common open space and shall become a lien on said properties.
- (iv) If the common open space is deeded to a Homeowners' and/or Property Owners' Association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include, but not be limited to the following:
 - (a) The Association must be set up before the homes or property are sold.
 - (b) Membership must be mandatory for each home or property buyer, and any successive buyer.
 - (c) The open space restrictions must be permanent, not just for a period of years.
 - (d) The Association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.

- (e) Homeowners/Property owners must pay their pro rata share of the cost of the assessment levied by the association to meet changed needs.

G. Dedication of Public Facilities

In addition to the normal dedications required in the Subdivision Regulations and other County Ordinances, the Planning Commission and the Board of Supervisors may, as a condition of approval and adoption and in accordance with the final development plan, require that additional suitable areas for streets, public rights-of-way, schools, parks and other public areas be set aside, improved and/or dedicated for public use.

H. Relation to Utilities and Public Facilities

Planned Developments shall be located in relation to sanitary sewers, water lines, storm and surface drainage systems and other utility systems and installations so that neither extension nor enlargement of such systems will be required in manner, form character, location, degree, scale, or timing resulting in higher net public cost or earlier incursion of public cost than would development in a form generally permitted in the area. Such planned developments shall be located with respect to schools, parks, playgrounds and other public facilities required so as to have access in the same degree as would development in a form generally permitted in the area.

I. Relation to Major Transportation Facilities

Planned Developments shall be located with respect to major arterials, collector streets, or other transportation facilities to provide access without creating unnecessary traffic along minor streets in residential neighborhoods outside such developments.

J. Vehicular Movement and Standards

The street design should include a clearly defined hierarchical street system. Streets, drives, parking and service areas must provide a safe and convenient access to development and project facilities, and for service and emergency vehicles. Streets will not be laid out as to encourage outside traffic to traverse the development on minor streets or occupy more land than is required to provide access as needed or create unnecessary fragmentation of the development into small tracts.

1. Principal vehicular access points - shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic.
2. Private streets - The methods for designing and constructing private streets are flexible. If no agreement between the developer and the County Engineer can be reached, then private streets must be designed and built according to the Tunica County's "Subdivision

Standards" unless modified by the Planning Commission; construction plans are subject to approval by the County Engineer.

3. Traffic Calming Techniques – Certain flexibility will be allowed for the use of generally accepted traffic calming techniques within the Planned Development. Acceptable techniques include but are not limited to such things as speed humps, chicanes, raised crosswalks, roundabouts/traffic circles, traffic diverters, curb extensions or radius reductions and raised median islands.

K. Pedestrian Movement

1. Internal pedestrian and bicycle paths shall be provided within Planned Developments and provide linkages. Access for pedestrian and cyclists shall be arranged to provide safe, convenient routes and need not be limited to the vehicular access points.
2. Walkways shall form a logical, safe and convenient system for pedestrian access to all dwelling units, to all project facilities and to off-site destinations likely to attract substantial pedestrian traffic. Walkways to be used by substantial numbers of children as play areas or routes to school or other principal destinations shall be so located and safeguarded as to minimize contacts with normal automobile traffic. Street crossings shall be held to a minimum on such walkways, located and designed to promote safety, appropriately marked and otherwise safeguarded. If substantial bicycle traffic is anticipated, bicycle paths shall be incorporated in the walkway system. Pedestrian ways, appropriately located, designed and constructed, may be combined with other easements.

L. Relationships with Adjoining Developments

1. The design of any Planned Development shall illustrate how land uses within the Planned Development will blend harmoniously with adjacent land uses.
2. Screening such as fences, walls or vegetative screening shall be provided along the edges of Planned Developments where needed to protect residents from undesirable views, lighting, noise, or other off-site influences or to protect occupants of adjoining residential districts from similar adverse influences within the Planned Development. Screening requirements may be waived where terrain makes protection against overview impracticable.

M. Specific Standards and Criteria for Residential Planned Developments

It is the intent and purpose of residential Planned Developments to permit innovative design, and to enhance the environmental quality of residential development beyond what can be achieved under conventional zoning districts and standard subdivision development. The clustering of lots, protection of significant environmental features of the land, and the

provision of public benefit features are important features of residential Planned Developments.

A development shall be considered a residential planned development if it contains a single residential use or a combination of residential uses, including multi-family residential, in accordance with the permitted use provisions in this chapter.

In addition to the general standards and general provisions set forth above, planned residential developments shall comply with the following requirements and standards:

1. Permitted Uses

Within Residential Planned Developments, any permitted use, accessory use, or conditional use permitted in any residential district may be allowed, subject to review of the Planning Commission and approval of the Board of Supervisors.

2. Evaluation criteria

The following factors shall be considered in the evaluation of residential Planned Developments:

- a. Preservation of existing major environmental features of the site including but not limited to major stands of trees, significant historical features, protection of scenic corridors, and protection of drainageways.
- b. Provision of additional recreational uses and facilities, or imagination in recreation design such as providing club houses, swimming pools, tennis courts and other major facilities.
- c. Providing land for parks, recreation areas, schools, police and fire protection and other public facilities that serve or are proposed to serve the Planned Development. Such facilities shall be in addition to required facilities or dedication of land under conventional subdivisions.
- d. Development of a system of pedestrian walkways for safe circulation to schools, churches, shopping and other traffic generators.
- e. Exceptional design of the automobile circulation system to include a minimum of paved surfaces.
- f. The inclusion of traffic calming techniques such as speed humps, chicanes, raised crosswalks, traffic circles, curb extensions or radius reductions, traffic diverters and raised median islands in the road design.

- g. Combining distinctiveness and excellence in architectural setting and design.
- h. Provision of subdivision entrance and fencing treatments along roadways.
- i. Providing a comprehensive fencing or screening system, which offers the greatest possible degree of privacy.
- j. Providing enclosed or sub-surface parking where applicable.

3. Accessibility of Site

All proposed streets and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the residential Planned Development, but may be designed to discourage outside through traffic from traversing the development. The location of the entrance points of the streets and driveways upon existing public roadways shall be subject to the approval of the Planning Commission.

4. Off-Street Parking

Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs, berms and/or hedges and screening walls.

The pedestrian circulation system and its related walkways shall be separated from the vehicular street system wherever possible in order to provide an appropriate degree of separation of pedestrian and vehicular movement.

N. Specific Standards and Criteria for Non-residential Planned Developments (Office, Commercial, Industrial)

A development shall be considered a Non-residential Planned Development if it contains office, commercial or industrial uses or any combination thereof. In addition to the general standards and criteria outlined in this Section, Non-residential Planned Developments shall comply with the following standards:

1. Limits of Residential Uses

Except for hotels and motels, no buildings within a Non-residential Planned Development shall be designed, constructed, structurally altered or used for dwelling purposes except to provide, within permitted buildings, facilities for a custodian, caretaker or watchman employed on the premises. This provision shall not be applicable in Planned Development Special Permits approved for mixed uses.

2. Screening

When structures or uses in a Non-residential Planned Development about a residential district or residential buildings are permitted in the same development, screening shall be provided as required in Article IV of this Ordinance.

3. Display of Merchandise

All business, manufacturing and processing and all merchandise and materials shall be conducted, displayed or stored within a completely enclosed building or within an open area that is completely screened from the view of adjacent properties and public rights-of-way. However, where automobile service stations or gasoline sales are permitted, gasoline may be sold from pumps outside of a structure.

4. Accessibility

The site shall be accessible from the existing and proposed street network in the vicinity. The street network shall be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located therein and may be designed to discourage outside through traffic from traversing the development. Shared driveways or access points shall be encouraged.

5. Landscaping

Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. Buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining buildings.

O. Mixed Use Planned Developments

Planned Developments which do not qualify as a Residential Planned Developments and that are not exclusively for Office, Commercial or Industrial uses shall be considered Mixed Use Planned Developments and shall be subject to all of the applicable standards contained in this Article.

Section 602.

APPLICATION AND PROCEEDURES

A. Procedures for Planned Development Approval

The provisions of this Section govern the procedures for approval of all Planned Developments (residential, non-residential, mixed use) provided herein.

1. Pre-Application Conference

At least one (1) month prior to filing an application for a Planned Development, the prospective applicant shall request a Pre-

application Conference with the Tunica County Planning and Development staff. The purpose of the Pre-application Conference is to afford the developer an opportunity to avail him/herself of the advice and assistance of the professional staff of the Planning Commission before the planned development is formally submitted for approval.

Such request shall include a brief and general narrative description of the nature, location and extent of the proposed Planned Development and a list of professional consultants advising the prospective applicant.

The Pre-application submittal shall include the following:

- a. A map showing property lines and dimensions;
- b. A written statement generally describing the proposed planned development and the market it is intended to serve
- c. Schematic drawings at an appropriate scale for the size of the project.

The Pre-application Conference shall, at minimum, consist of the developer, their consulting engineers and/or planners and the following representatives from the Tunica County:

- a. County Engineer or their designee
- b. County Administrator or their designee
- c. Planning Director and/or any other members of the Planning Staff

The response from the Tunica County Staff shall not be binding upon the Tunica County Planning Commission or Board of Supervisors.

2. Preliminary Development Plan

A preliminary development plan shall be submitted to the Planning Commission with the application for the Planned Development within six (6) months of the Pre-application Conference. A final development plan that includes all of the requirements of a preliminary development plan, may be submitted as a single application when the proposed development plan contains all items required by this Ordinance and those items that the Planning Commission specifies in rules published from time to time, as well as the following:

a. *Written Documents*

- (1) A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning.
- (2) A statement of planning objectives to be achieved by the Planned Development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
- (3) A development schedule that indicates the approximate date that construction of the Planned Development or stages of the Planned Development can be expected to begin and end. If the Planned Development is proposed for construction in stages or units during a period extending beyond a single construction season, a development schedule indicating the following shall be submitted:
 - (a) The approximate date when construction of the project can be expected to begin
 - (b) The order in which the phases of the project will be built
 - (c) The minimum area and the approximate location of common open space and public improvements that will be required at each stage.
- (4) A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the Planned Development, such as land areas, dwelling units, etc.
- (5) Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; approximate residential densities; total amount of open space (including a separate figure for usable open space); total amount of nonresidential construction (including separate figure for commercial or industrial facilities); economic feasibility studies or market analysis where necessary and other studies as required by the Planning Commission.
- (6) A statement setting forth in detail either, (1) the exceptions which are required from the zoning and subdivision regulations, otherwise applicable to the property to permit the development of the proposed Planned Development or, (2) permitted uses, the bulk

regulations, transportation facilities, staging of development, landscaping and screening provisions, signage provisions, public facility infrastructures and any other conditions under which the Planned Development is proposed.

- (7) A tabulation setting forth:
 - (a.) Maximum total square feet of building floor area proposed for commercial uses and for industrial uses, by general type of use;
 - (b) Maximum total land area, expressed in acres and as a percent of the total development area, proposed to be devoted to commercial or industrial uses; minimum public and private open space; streets; and, off-street parking and loading areas.

b. *Preliminary Plan and Supporting Maps*

A Preliminary Plan and any maps necessary to show the major details of the proposed Planned Development must, at minimum, contain the following information:

- (1) The existing site conditions, including contours at one (1) foot intervals, water courses, floodplains, unique natural features and forest cover
- (2) Proposed lot lines and plot designs
- (3) The location and floor area of all existing and proposed buildings, structures and other improvements including maximum heights, types of dwelling units, density per type and nonresidential structures, including commercial or industrial facilities to include preliminary elevations and/or architectural renderings of typical structures and improvements. Such drawings should be sufficient to relay the basic architectural intent of the proposed improvements, but should not be encumbered with final detail at this stage.
- (4) The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space, public parks, recreational areas, school sites and similar public and semi-public uses
- (5) The differentiation between park, open space and other facilities required under conventional zoning and subdivision regulations, and that provided by the Planned Development.

- (6) The existing and proposed circulation system of arterial, collector and local streets including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way, (including major points of ingress and egress to the development). Notations of proposed ownership, public or private, should be included where appropriate. (Detailed engineering drawings of cross sections and street standards shall be required in the final development plan stage.
- (7) The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict
- (8) The existing and proposed utility systems including sanitary sewers, storm sewers, water lines and drainage. (Detailed drainage plan and calculations shall be required at the final development plan stage.)
- (9) A general landscape plan indicating the treatment of materials used for private and common open spaces.
- (10) Enough information on land areas adjacent to the proposed Planned Development to indicate relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of landscape.
- (11) The proposed treatment of the perimeter of the Planned Development, including materials and techniques used such as screen, fences, walls, existing trees, and grading concepts.
- (12) Any additional information as required by the Planning Commission necessary to evaluate the character and impact of the proposed Planned Development.
- (13) The relationship of the Planned Development to the Tunica County Comprehensive Plan and Major Road Plan. The County may in its discretion, modify or waive any of requirements contained in this subsection items (1) through (12) to reasonably adopt these requirements to a particular Planned Development to facilitate an orderly application process. If any informational requirement is waived, however, provisions shall be made to supply such information in a form satisfactory to the County prior to final development plan approval.

3. Preliminary Development Plan Approval Process and Effect of Approval

- a. At least sixty (60) days prior to the Planning Commission meeting at which it is to be considered, the owner of the property or their agent shall submit to the Planning Commission the Preliminary Development Plan, a completed application form, and all other information required under this Section. The Planning Commission shall review the application and shall recommend to the Board of Supervisors to approve, disapprove or approve the Planned Development subject to conditions. The Planning Commission may also defer a decision or take the matter under advisement until its next meeting.
- b. Any owner or their agent may appeal to the Board of Supervisors any recommendation or condition of the Planning Commission by filing written notice of appeal at least ten (10) days prior to review by the Board of Supervisors. However, the applicant shall submit a preliminary development plan incorporating any and all conditions not appealed within ninety (90) days after the Planning Commission's decision on the requested Planned Development or the application shall be deemed withdrawn.
- c. The Board of Supervisors shall hold a public hearing on the application for the Planned Development and the preliminary plan after receipt of recommendations from the Planning Commission and any notice of appeal. The Board of Supervisors shall establish a date for a public hearing and shall provide written notice and publication in accordance with this Ordinance. The Board of Supervisors shall render a decision on any appeal and shall approve, disapprove, or approve the proposed Planned Development and preliminary development plan subject to conditions. If approved the Board shall set forth the conditions imposed.
- d. The approved preliminary development plan shall bind the applicant, owner and mortgagee, if any, with respect to the contents of such plan.
- e. The preliminary development plan shall be used in lieu of a Master Subdivision Plan to comply with the provisions of the Subdivision Regulations pertaining to Master Plans.
- f. The Planning Commission may amend or waive a development schedule upon submission of written justification by the applicant.

4. Construction Plans

The Planning Commission in accordance with the Subdivision Regulations and/or this Ordinance shall review the construction

plans for the entire development or a phase of the development, as applicable.

5. Final Development Plan Approval Process

- a. An application for approval of final development plan of the entire Planned Development, if it is to be completed in one phase, or of a portion of the Planned Development, if it consists of more than one phase, shall be submitted by the applicant at least thirty (30) days prior to the Planning Commission meeting and in sufficient time so that the applicant may develop the Planned Development in accordance with the phasing schedule, if any, of the approved preliminary development plan.
- b. The application for final development plan approval shall be filed with the Planning Commission and shall include, but not be limited to the following:
 - (1) A plan suitable for recording with the Tunica County Chancery Clerk's Office.
 - (2) Proof referred to on the plan and satisfactory to the County Attorney as to the provision and maintenance of common open space
 - (3) All certificates, seals and signatures required for the dedication of land and recordation of documents
 - (4) Tabulations of each separate use area, including land area, bulk regulations and number of dwelling units per gross acre and gross floor area for commercial and industrial uses
 - (5) Location and type of existing and proposed landscaping
 - (6) Location and dimensions of utility and drainage facilities
 - (7) All other requirements of a Final Plan under the Tunica County Subdivision Regulations and/or this Ordinance
- c. The Planning Commission shall review the plan and determine whether the final plan substantially conforms or substantially deviates from an approved preliminary development plan in accordance with the following:
 - (1) A final plan shall be found to conform substantially to an approved preliminary development plan if:
 - (a) It provides for less density than the approved preliminary plan; or

- (b) It provides greater open space by the elimination of a reduction in the size of residential, commercial or industrial buildings.
 - (2) A final development plan with other minor changes from the approved preliminary development plan may be found to be in substantial conformity and approved for further processing and final action provided, however, that any increase in density or intensity of use, any decrease in open and recreational space, any deviation from the approved conditions and/or any modification of the development staging shall be deemed to be a substantial deviation and require such final plan to be rejected by the Planning Commission.
- d. The Planning Commission shall render a decision on a final development plan. If a final plan is disapproved by the Planning Commission, the applicant may file a final development plan, which substantially conforms to the approved preliminary plan or the applicant may file for an amendment to the approved preliminary development plan.
- e. After a final development plan is approved by the Planning Commission, the plan shall be recorded in the Tunica County Chancery Clerk's Office after receipt of any necessary bonds, fees and contracts to provide improvements required in the Tunica County Subdivision Regulations and the required signatures for a recordation have been secured.

6. Site Plan Review

All site plan reviews required under the provisions of this Zoning Ordinance shall be completed prior to application for approval of any final development plan for any Planned Development.

7. Zoning Administration - Permits

The Building Official may issue building permits for the area of the Planned Development covered by the approved final development plan for work in conformity with the approved final development plan and with all other applicable Ordinances and regulations. However, the Building Official shall not issue an occupancy permit for any building or structure shown on the final development plan of any stage of the Planned Development unless the open spaces and public facilities allocated to that stage of the development schedule have been conveyed to the designated public agency or Homeowner's Association or a responsible party. The Building Official shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan, if the completed building or structures conforms to the requirements of

the approved final development plan and all other applicable regulations and Ordinances.

8. Reapplication if Denied

If any application for a Planned Development is denied by the Board of Supervisors, a reapplication pertaining to the same property and requesting the same Planned Development may not be filed within twelve (12) months of the date final action was taken on the previous application, unless such reapplication is initiated by the Planning Commission or authorized by the Board of Supervisors.

9. Procedure for Amendment

A Planned Development and the approved preliminary development plan may be amended in accordance with the procedure which governed its approval as set forth in this Section.

10. Post Completion Certificate

Upon completion of a Planned Development in accordance with the approved final development plan, the Building Official shall issue a certificate certifying its completion.