

Debra Bowen  
Town Clerk

APPENDIX A—ZONING

§ 530

specifying the grounds thereof. The town planner shall forthwith transmit to the planning commission all the papers constituting the record upon which the action appealed from was taken.

3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the planning commission certifies to the planning commission after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of planning commission cause imminent peril to life or property. In such case, proceedings shall not be stayed except by the order of the planning commission on notice to the planning commission and on due cause shown.
4. The planning commission shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
5. The planning commission may, in conformity with the provisions of this section reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as may be appropriate under the circumstances.

K. *Judicial review.* Any person aggrieved, or any taxpayer affected, by any decision of the planning commission, may appeal first to the Town of Tunica Mayor and Board of Aldermen and then to Chancery Court.

L. *Penalties.* Each violation of this ordinance or of any regulations, order, or ruling promulgated hereunder shall constitute a misdemeanor and shall be subject to fines and/or imprisonment in accordance with the penalties established by the Mayor and Board of Aldermen and the laws of the Town of Tunica, Mississippi. Each day a violation continues to exist shall constitute a separate offense.

M. *Conflicting regulations.* Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

**Section 530. Preservation overlay district.**

A. *Purpose and authorization.* The Town of Tunica has adopted "An Ordinance to create a Preservation Commission; to establish the membership, officers, terms of office of its members and duties of such Commission; providing for a procedure for adoption of ordinances to establish Preservation Districts and to designate archaeological, architectural, cultural and historic landmarks and landmark sites; providing that the Preservation Committee shall serve as a review body to review proposed work in Preservation Districts and on landmarks and landmark sites; providing the criteria for evaluating a proposed activity; providing standards

and a procedure to prevent demolition of landmarks by intent or neglect; providing a procedure for the issuance of certificates of appropriateness and related purpose." This ordinance was adopted on July 17, 2001, and is incorporated herein by reference.

B. *Preservation district boundary.* There is currently only one preservation district established in the Town of Tunica. That district is bounded by Highway 61 on the east, Mockingbird Street on the north, Old Highway 61 (Main Street) on the west, and Peabody Street on the south. The district includes all area within these streets or fronting on these streets.

C. *Rules of procedure.* All rezoning requests, map amendments, or site plans within the preservation district boundary to be reviewed by the planning commission shall, first be submitted to the Town of Tunica Preservation Commission for review and issuance of a "certificate of appropriateness" prior to review and consideration by the planning commission. In the event of a rejection of a "certificate of appropriateness" by the preservation commission the planning commission shall not take action on the application or request.

## ARTICLE VI. PLANNED DEVELOPMENTS

### Section 600. 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 mayor and board of aldermen may, upon proper application and review and recommendation from the planning commission, 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 planning commission may recommend and the mayor and 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.

