

## **ARTICLE X**

### **PATIO HOME DISTRICT (PH)**

#### **SECTION 1000 - PURPOSE OF THIS DISTRICT**

The purpose of this district is to provide areas for the development of single-family detached houses on small lots in which site use efficiency is achieved by relaxing one side yard requirement. Through design and planning controls, higher densities can be accommodate without sacrificing usable open space, privacy or environmental quality. All areas zoned PH shall have public sewerage.

#### **SECTION 1001 - LAND USES PERMITTED**

The following uses are permitted in PH districts:

- A. Single-family detached dwellings with only one principal dwelling per lot.
- B. Modular housing as defined by this Ordinance.
- C. Accessory uses and structures associated with the use of the land for residential purposes.
- D. Home occupations in compliance with Section 405 of this Ordinance.
- E. Common open space or recreational facilities approved as part of the subdivision approval process, excluding country clubs and the like which shall be regulated as public/quasi public facilities and utilities subject to the provisions of Section 402 of this Ordinance. All lakes associated with this or any other usage shall comply with the Lamar County Subdivision Regulations.
- F. Public roads and highways, excluding Federal Interstate highways and other limited access highways which are regulated as special uses in SU-1 districts.
- G. Railroads or railroad facilities existing at the effective date of this Ordinance.

#### **SECTION 1002 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2805**

- A. Public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Ordinance.
- B. Proposed new railroads or railroad facilities NOT existing at the effective date of this Ordinance

**SECTION 1003 - DIMENSIONAL REQUIREMENTS**

1003.01 Maximum Building Height: 70 feet, unless greater height is approved by the Board of Supervisors.

1003.02 Minimum Size of Tract to be Subdivided for Patio Homes: Three (3) acres.

1003.03 Minimum Lot Area: 4,500 square feet

1003.04 Minimum Lot Width: 40 feet.

1003.05 Minimum Yards:

- (a) Front yard: 20 feet from the right-of-way line to the building setback line.
- (b) Side yards: 5 feet, but with a minimum distance between dwelling units on adjoining lots of ten (10) feet. However, where a patio home would abut an R-E, R-1 or R-2 district, then ten (10) feet; which shall remain open with a buffer.
- (c) Rear yard: 20 feet. However, where a patio home would abut an R-E, R-1 or R-2 district, then twenty (20) feet, which shall remain open with a buffer.

**SECTION 1004 - REQUIRED RESERVATION OF OPEN SPACE FOR PATIO HOME (PH) SUBDIVISIONS CONTAINING FIVE ACRES OR MORE**

Where a developer proposes a Patio Home (PH) that will ultimately contain five acres or more according to the required development plan or sketch plat, the developer shall provide common open space amounting to one (1%) of the total gross area of the subdivision. However, a lesser amount may be permitted for larger developments, subject to reviewed by Plan Commission and final approval by Board of Supervisors Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the Patio Home (PH) subdivision . The

Development Plan shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.

1004.01 Maximum Amount of Common Open Space Covered by Water: Lakes and ponds shall not constitute 100% of the required open space.

1004.02 Steep Slopes: In reviewing the preliminary subdivision plat for a proposed Patio Home (PH) , the Board of Supervisors shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Board of Supervisors shall decide whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

1004.03 Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Board of Supervisors as part of the preliminary subdivision plat review process. All open space improvements shall be shown on the sketch subdivision plat or development plan (approximate locations and dimensions and proposed use) and the preliminary and final plats (precise locations and dimensions and proposed use). Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

1004.04 Performance Bond: Prior to the sale of any lot in a Patio Home (PH) subdivision the developer may be permitted, at the discretion of the Board of Supervisors to post with the County a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and permitted to do business in the State of Mississippi. The County Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements. This performance bond can be combined with the performance bond required for street improvements if desired by the County.

1004.05 Maintenance/Liability in the Operation and Use of Common Open Space and Recreational Areas : Authority granted by the Board of Supervisors and Lamar County for the development of a Patio Home (PH) subdivision shall not be construed as nor constitute an obligation on the part of Lamar County either for maintenance or liability in the operation and use of common open space and recreational facilities located in the subdivision.

At the time the final subdivision plat is submitted for the Patio Home (PH) subdivision, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the responsibility for liability insurance, taxes, and maintenance of open space and other common facilities

shall rest with the owners of the several lots or parcels of land located within the Patio Home (PH) subdivision. In order to insure the integrity of the open space so that it will remain genuinely open, the legal instrument(s) shall specify that the open space restrictions are permanent, not just for a period of years.

1004.06 Waivers for Requirements of This Section: Where there are practical difficulties not created by the developer that would make it difficult or impossible to comply with the provisions of this Section, he/ she may apply for a waiver from the development standards specified herein. The Planning Commission shall review the application for a waiver and make a recommendation to the Board of Supervisors as to whether the waiver should or should not be approved. The Board of Supervisors shall render the final decision regarding the requested waiver.

### **SECTION 1005-HOMEOWNER'S ASSOCIATION REQUIRED FOR ALL PATIO HOME (PH) SUBDIVISIONS**

A Homeowner's Association shall be required for ALL Patio Home (PH) subdivisions. The Homeowners Association shall be responsible for maintenance of all common open space and sidewalks. If the Homeowner's Association fails for any reason, the County shall have the right to assess the residents of the subdivision for all maintenance costs, and the deed (title) to all property in the subdivision shall include statements to that effect.