

## **ARTICLE VIII**

### **LOW DENSITY RESIDENTIAL DISTRICT (R-1)**

#### **SECTION 800 - PURPOSE OF THIS DISTRICT**

The purpose of this district is to provide areas for the development of low density, single-family detached dwellings and related compatible uses in relatively spacious surroundings which provide ample, usable open space for leisure time activities. No area shall be zoned R-1 unless it has either public sewer service or a central wastewater treatment facility. These zones are sometimes used as a transitional residential density between Residential Estate areas and smaller lot residential areas.

#### **SECTION 801 - LAND USES PERMITTED**

- 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 802 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2805**

- A. Public or quasi-public facilities and utilities in conformance with Section 402 and other regulations of this Ordinance are the only uses that may be considered as conditional uses in R-1 districts.

- B. Proposed new railroads or railroad facilities NOT existing at the effective date of this Ordinance.
- C. Manufactured homes or mobile homes. Persons proposing to locate a manufactured/ mobile home in an R-1 district shall demonstrate a genuine hardship to the Board of Supervisors. A genuine hardship shall only consist of:
  - (a) The need to place a manufactured/ mobile home on a lot as a temporary dwelling while a site-built residence that was destroyed by fire, tornado or other disaster is being rebuilt or repaired; or
  - (b) Medical hardship which requires the person to live near a relative in order that the relative can assist in meeting the needs of the person having a medical hardship. A physician's statement confirming such hardship shall accompany the application for a conditional use permit.

## **SECTION 803 - DIMENSIONAL REQUIREMENTS**

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

803.02 Minimum Lot Area: 10,000 square feet.

803.03 Minimum Lot Width: 50 feet at the front yard setback.

803.04 Minimum Yards:

- (a) Front yard: 25 feet from the street or road right-of-way line to the building setback line. See Section 401.02 regarding double-frontage and corner lots.
- (b) Side yards: 10 feet.
- (c) Rear yard: 25 feet.

803.05 Accessory Buildings: Accessory buildings shall be set back a minimum of 50 feet from the street or road right-of-way line on which the lot and main building fronts and a minimum of 10 feet from the side lot line and/or rear lot line. No accessory building shall occupy more than 25 percent of a required rear yard. No accessory

building shall be used as a permanent dwelling. No accessory building shall be located in the front yard of any lot.

## **SECTION 804 - REQUIRED RESERVATION OF OPEN SPACE FOR LOW DENSITY RESIDENTIAL (R-1) SUBDIVISIONS CONTAINING FIVE ACRES OR MORE**

Where a developer proposes a Low Density Residential (R-1) subdivision 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 percent (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 Low Density Residential (R-1). The Development Plan shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.

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

804.02 Steep Slopes: In reviewing the preliminary subdivision plat for a proposed Low Density Residential (R-1), 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 developers 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.

804.03 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, playground equipment (swings, sliding boards, etc.), recreational buildings and swimming pools or similar facilities.

804.04 Performance Bond: Prior to the sale of any lot in a Low Density Residential (R-1), 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.

804.05 Maintenance/Liability in the Operation and Use of Common Open Space and Recreational Areas Not Dedicated to Lamar County: Authority granted by the Board of Supervisors and Lamar County for the development of a Low Density Residential (R-1) 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 Low Density Residential (R-1), 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 Low Density Residential (R-1). 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.

804.06 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 805-HOMEOWNERS ASSOCIATION REQUIRED FOR LOW DENSITY (R-1) SUBDIVISIONS**

A Homeowner's Association shall be required for ALL Low Density Residential (R-1) 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.