

## ARTICLE XI

### TOWNHOUSE RESIDENTIAL DISTRICT (R-4)

#### SECTION 1100 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the development of two to four-family townhouse subdivisions within moderately spacious surroundings. The use of this district is appropriate as a transition between lower density residential districts (R-1, R-1A, R-1B, or R-2) and higher density (R-3) districts, commercial uses, or arterial streets that are not compatible with low density residential environment. **All areas zoned R-4 shall have public sewerage.**

#### SECTION 1101 - LAND USES PERMITTED

- A. Two-family, three-family or four-family townhouses (i.e., townhouses that are part of a townhouse subdivision in which the occupant owns both the individual townhouse unit and the lot on which the townhouse is constructed; property lines between such townhouses extend through the center of party walls separating the individual single-family dwellings).
- B. Accessory uses and structures associated with the use of the land for residential purposes.
- C. Home occupations in compliance with Section 406 of this Ordinance.
- D. 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 Madison County Subdivision Regulations.
- E. Public roads and highways, excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.
- F. *Public* recreational or open space facilities.

#### SECTION 1102 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2504

The only conditional uses that may be considered for location in R-4 Town House Residential districts are public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Ordinance.

**SECTION 1103 - DIMENSIONAL REQUIREMENTS FOR TOWNHOUSE  
SUBDIVISIONS**

1103.01 Minimum Size of Tract to be Subdivided for Two-Family Townhouses:  
No minimum. However, see Section 1104 regarding minimum open space/ recreational area requirements for townhouse subdivisions containing five (5) acres or more.

(NOTE: No minimum tract size is specified here because there are some instances where townhouses are potentially appropriate as “in-fill” development, where vacant parcels of land could be used for a small townhouse subdivision.)

1103.02 Maximum Building Height: 40 feet or 2 ½ stories.

1103.03 Minimum Lot Area Each Townhouse Unit:

- (a) End townhouses: 6,000 square feet.
- (b) Interior townhouses: 3,500 square feet.

1103.04 Minimum Lot Width:

- (a) End townhouses: 45 feet.
- (b) Interior townhouses: 30 feet.

1103.05 Minimum Yards:

- (a) Front yard: 40 feet from the street right-of-way line to the building setback line.
- (b) Side yards (**end unit**): 10 feet from each side lot line, except where abutting an R-1, R-1A or R-1B district, then 40 feet, which shall remain open with no encroachments by driveways, patios or other paved areas.
- (c) Rear yard: 20 feet, except where abutting an R-1, R-1A or R-1B district, then 40 feet, which shall remain open with no encroachments by driveways, patios or other paved areas.

**SECTION 1104 - REQUIRED RESERVATION OR DEDICATION OF OPEN SPACE FOR TOWNHOUSE SUBDIVISIONS CONTAINING FIVE ACRES OR MORE**

Where a developer proposes a townhouse 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 ten percent (10%) of the total gross area of the subdivision. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the townhouse subdivision. The Development Plan shall indicate the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities.

- 1104.01        Maximum Amount of Common Open Space Covered by Water:  
Lakes and ponds shall not constitute 100% of the required open space.
- 1104.02        Steep Slopes: In reviewing the preliminary subdivision plat for a proposed townhouse subdivision, 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.
- 1104.03        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.
- 1104.04        Staged Development of a Townhouse Subdivision: If a townhouse subdivision is to be developed in stages or parts, ten percent (10%) of EACH PART must be reserved for open space. However, in order to provide usable open space, the amount reserved shall not be less than one (1) acre. Thus, if a developer proposes to ultimately develop 20 acres of land for townhouses and the first phase will only contain five acres, the developer must reserve at least one (1) acre for open space for the first part--- even though 10% of 5 acres is only 1/2 acre. If the second part consists of 15 acres, the developer shall reserve 10% of the second part or two acres (1.5 acres rounded), in addition to the one acre reserved for the first phase; thus, the total open space reserved for the 20 acre tract developed in two phases would be 3.00 acres.

1104.05      Performance Bond: Prior to the sale of any lot in a townhouse 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.

1104.06      Maintenance/Liability in the Operation and Use of Common Open Space and Recreational Areas Not Dedicated to Madison County: Authority granted by Madison County for the development of a townhouse subdivision shall not be construed as nor constitute an obligation on the part of Madison 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 townhouse 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 townhouse 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.

1104.07      Maintenance and Liability with Regard to Private Driveways in Townhouse Subdivisions - If a proposed townhouse subdivision is to contain two-to-four townhouses that will be served by a common private driveway, the developer of the subdivision (i. e., not the individual townhouse builders) shall submit with his application for final subdivision plat approval a legal instrument or instruments which state that the responsibility of liability insurance, taxes, and maintenance of all private driveways shall rest with the owners of the several lots or parcels of land within the subdivision and not Madison County.

Approval of a final subdivision plat and/ or issuance of a building permit for construction of townhouses that will be served by common private driveways shall not be construed as nor constitute an obligation on the part of Madison County to maintain such private driveways or to be liable with regard to use of such driveways.

## **SECTION 1105 - PROPERTY LINES BETWEEN ADJOINING TOWNHOUSES**

Any person desiring to construct townhouses shall prepare a preliminary plat and final plat indicating the approximate location of property lines between dwelling units. Following approval of the final plat, the builder who proposes such townhouses shall submit a plot diagram in accordance with the adopted building code to the Zoning Administrator prior to the issuance of a building permit; said plot diagram shall indicate *as nearly as possible the exact location of the property lines between the townhouses.*

## **SECTION 1106 - UNDERGROUND UTILITY CONNECTIONS FOR TOWNHOUSES**

All underground utilities (including water, sanitary sewer, electrical, natural gas, telephone, and cable television) shall be installed in such a manner that the utility lines do not cross the lots of adjoining townhouses, except where the utility line is placed in a utility easement required by the Madison County **Subdivision Regulations**. This provision is intended to prevent the need for excavation of the yards of adjoining townhouses for utility repairs. The construction drawings submitted by builders of townhouses shall indicate the proposed location of all utility lines on each lot, and these locations shall comply with this Section prior to issuance of a building permit.

## **SECTION 1107 - REQUIRED OFF-STREET PARKING FOR TOWNHOUSES**

Each townhouse shall have a fully-enclosed garage of adequate size to house at least two (2) full-size automobiles; or each townhouse shall have a carport in the rear of each townhouse of adequate size for at least two (2) full-size automobiles.

## **SECTION 1108 - SIGNS**

See Article XXV for sign regulations.