

ARTICLE XII

PATIO HOME DISTRICT (R-5)

SECTION 1200 - 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 R-5 shall have public sewerage.**

SECTION 1201 - LAND USES PERMITTED

The following uses are permitted in R-4 districts:

- A. Single-family detached dwellings with only one principal dwelling per lot.
- B. Accessory uses and structures associated with the use of the land for residential purposes.
- C. Home occupations in compliance with Section 405 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 1202 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2605

The only conditional uses that may be considered for location in R-5 Patio Home districts are public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Ordinance.

SECTION 1203 - DIMENSIONAL REQUIREMENTS

- 1203.01 Maximum Building Height: 40 feet or 2 ½ stories.
- 1203.02 Minimum Size of Tract to be Subdivided for Patio Homes: No minimum. However, see Section 1205 regarding minimum open space/ recreational area requirements for patio home subdivisions containing five (5) acres or more.
- (NOTE: No minimum tract size is specified here because there are some instances where patio homes are potentially appropriate as “in-fill” development, where vacant parcels of land could be used for a small patio home subdivision.)
- 1203.03 Minimum Lot Area: 7,000 square feet.
- 1203.05 Minimum Lot Width: 70 feet.
- 1203.06 Minimum Yards:
- (a) Front yard: 25 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 twenty (20) feet.* However, where a patio home would abut 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. However, where a patio home would abut 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 1204 - MAXIMUM OVERHANG FOR ROOFS IN THE PATIO HOME ZONE

No roof shall extend more than half the distance into the required side yard setback in Patio Home Zones.

SECTION 1205 - REQUIRED RESERVATION OR DEDICATION OF OPEN SPACE FOR PATIO HOME SUBDIVISIONS CONTAINING FIVE ACRES OR MORE

Where a developer proposes a patio home 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 patio home subdivision. The Development Plan shall indicate the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities.

- 1205.01 Maximum Amount of Common Open Space Covered by Water:
Lakes and ponds shall not constitute 100% of the required open space.
- 1205.02 Steep Slopes: In reviewing the preliminary subdivision plat for a proposed patio home 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.
- 1205.03 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.
- 1205.04 Staged Development of a Patio Home Subdivision: If a patio home 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 patio homes 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 (2) acres (1.5 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 three (3) acres.
- 1205.05 Performance Bond: Prior to the sale of any lot in a patio home 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.

1205.06

Maintenance/Liability in the Operation and Use of Common Open Space and Recreational Areas Not Dedicated to Adams County: Authority granted by the Board of Supervisors and Madison County for the development of a patio home 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 patio home 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 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.