

ARTICLE XI

TOWNHOUSE RESIDENTIAL DISTRICT (TH)

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-E, R-1, 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 TH 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. 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 scenic parkways, which are regulated as special uses in SU-1 districts.
- G. Railroads or railroad facilities existing at the effective date of this Ordinance.

SECTION 1102 - 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 1103 - DIMENSIONAL REQUIREMENTS FOR TOWNHOUSE SUBDIVISIONS

- 1103.01 Minimum Size of Tract to be Subdivided for Townhouse Subdivisions:
Three (3) acres.
- 1103.02 Maximum Building Height: 70 feet, unless greater height is approved by the Board of Supervisors.
- 1103.03 Minimum Lot Area Each Townhouse Unit:
 - (a) End townhouses: 3,000 square feet.
 - (b) Interior townhouses: 2,500 square feet.
- 1103.04 Minimum Lot Width:
 - (a) End townhouses: 25 feet.
 - (b) Interior townhouses: 20 feet.
- 1103.05 Minimum Yards:
 - (a) Front yard: 15 feet from the street right-of-way line to the building setback line.
 - (b) Side yards (end unit): 10 feet from one side lot line of each end unit, except where abutting an R-E, R-1 or R- 2 district, then 20 feet with a buffer.

- (c) Rear yard: 20 feet, except where abutting an R-E, R-1 or R-2 district, then 20 feet, which shall remain open with a buffer.

SECTION 1104 - REQUIRED RESERVATION OF OPEN SPACE FOR TOWNHOUSE SUBDIVISIONS

Where a developer proposes a townhouse subdivision, 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 townhouse subdivision. The Development Plan shall indicate the location and area (in acres) to be so reserved 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 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. This performance bond can be combined with the performance bond required for street improvements if desired by the County.

- 1104.05 Maintenance/Liability in the Operation and Use of Common Open Space and Recreational Areas: Authority granted by Lamar County for the development of a townhouse 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 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.

- 1104.06 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 Lamar County.

Approval of a final subdivision plat and/or issuance of a Land Use 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 Lamar County to maintain such private driveways or to be liable with regard to use of such driveways.

- 1104.07 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 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 site plan for each group of townhouses in accordance with Sections of this Ordinance indicating *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 Lamar County Subdivision Regulations. This provision is intended to prevent the need for excavation of the yards of adjoining townhouses for utility repairs. The site plans submitted by builders of townhouses in accordance with Sections 2707 through 2710 shall indicate the proposed location of all utility lines on each lot.

SECTION 1107 - HOMEOWNER’S ASSOCIATION REQUIRED FOR ALL TOWNHOUSE SUBDIVISIONS

A Homeowner’s Association shall be required for ALL proposed Townhouse (TH) subdivisions. The Homeowner’s 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.