

ORDINANCE #007-96

ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FLOWOOD, MISSISSIPPI AMENDING THE OFFICIAL ZONING ORDINANCE OF THE CITY TO ADD ZONING DISTRICT PH-1, PATIO HOME DISTRICT AND PROVISIONS RELATING THERETO

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FLOWOOD, that the Official Zoning Ordinance of the City is hereby amended to add Article III, Section 312, Patio Home District (Ph-1) to read in full as follows:

OFFICIAL ZONING ORDINANCE

ARTICLE III

SECTION 312: PATIO HOME DISTRICT (PH-1)

SECTION 312.01 –PURPOSES 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 accommodated without sacrificing usable open space, privacy or environmental quality.

SECTION 312.02 – LAND USES PERMITTED: The following uses are permitted in PH-1 districts:

- 312.02-01 Single-family detached dwelling with only one principal dwelling per lot.
- 312.02-02 Accessory uses and structures associated with the use of the land for residential purposes.
- 312.02-03 Horticultural uses not involving the sale of produce on the premises.
- 312.02-04 The keeping of animals in compliance with the City of Flowood’s Animal Control Ordinance.
- 312.02-05 Public or private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities. Lakes deeded to a homeowner’s association or dedicated (public) to the City of Flowood shall comply with the Flowood Subdivision Regulations.
- 312.02-06 Conditional uses allowed in R-1 Single Family Residential District.

SECTION 312.03 – DIMENSIONAL REQUIREMENTS/GARAGE

- 312.03.01 Maximum Building Height: 35 feet
- 312.03.02 Minimum Size of Tract to be Subdivided for Patio Homes:
Five (5) acres.

- 312.03.03 Minimum Lot Area: 6,000 square feet.
- 312.03.04 Minimum Floor Area: 1,600 square feet of heated area.
- 312.03.05 Minimum Lot Width: 60 feet.
- 312.03.06 Minimum Yards:
- (a) Front Yard: Twenty (20) feet from the right-of-way line to the building setback line.
 - (b) Side Yards: Five (5) feet, but with a minimum distance between dwellings on adjoining lots of ten (10) feet. However, if a utility or drainage easement is located between two residences, the side yard shall be measured from the easement width, so that at least 20 feet is between dwellings, including the easement width.
 - (c) Rear Yards: Twenty (20) feet.
- 312.03.07 Every home constructed within this district shall have an enclosed garage attached to the dwelling.

SECTION 312.04 – REQUIRED RESERVATION OR DEDICATION OF OPEN SPACE FOR PATIO HOME SUBDIVISION:

Where a developer proposes a patio home subdivision, 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. However, public streets, parking lots and utility easements shall not be considered in meeting the open space requirements of this Section. The Development Plan shall indicate the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities.

- 312.04.01 Maximum Amount of Common Open Space Covered by Water: No more than fifty percent (50%) of the required amount of open space may be covered by lakes or ponds.
- 312.04.02 Steep Slopes: In reviewing the preliminary subdivision plat for a proposed patio home subdivision, the City 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 Mayor or Board shall determine whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

- 312.04.03 Physical Improvements: Common open space shall be suitable 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 Mayor and Board of Aldermen as part of the preliminary subdivision plat review process. All open space improvements shall be shown on the 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.
- 312.04.04 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 one-half acre. If the second part consists of 15 acres, the developer shall reserve 10% of the second part of 1.5 acres, 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 2.5 acres.
- 312.04.05 Performance Bond: Prior to the sale of any lot in a patio home subdivision, the developer may be permitted, at the discretion of the Mayor and Board of Aldermen, to post with the City a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). The Director of Public Works and the City Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.
- 312.04.06 Maintenance/Liability in the Operation and use of Common Open Space and Recreational Areas Not Dedicated to the City of Flowood: Authority granted by the City of Flowood for the development of a patio home subdivision shall not be construed as nor constitute an obligation on the part of Flowood 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.

SECTION 312.06 – REQUIRED OFF-STREET PARKING IN R-4 DISTRICTS

See Section 205.

SECTION 312.07 – SIGNS

See Sign Ordinance of the City of Flowood, Mississippi.

The same sign provisions applicable to R-1 Residential Zoning District shall apply to this zoning district.

SECTION 312.08 – GENERAL

312.08.01 That ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP, Section 100, Zoning Districts is hereby amended to include PH-1, Patio Home District, as a Zoning District of the City.

312.08.02 That the provisions of the Zoning Ordinance relating to R-1, Residential Zoning District, to the extent not in conflict herewith shall apply in this zoning district.

312.08.03 Any person desiring to have their property rezoned to PH-1 shall file an Application to Rezone their property with the Zoning Administrator.

SO ORDAINED, this the 5th day of March, 1996.

s/signed

Gary Rhoads, Mayor

ATTEST:

S/signed

Myra Dew, City Clerk