

Sumter City-County Planning Commission

May 28, 2014

OA-14-05, Setbacks in the R-9 Zoning District (City)

I. THE REQUEST

Applicant: Jay Davis

Request: A request to amend *Article 3, Section 3.b.5.* to reduce the Front Setbacks for Single-Family Dwellings in the R-9 District to 25 ft. for parcels fronting on local/collector streets.

II. BACKGROUND

The applicant is requesting to reduce the front setback for single-family residential structures in the R-9 residential district from 35 ft. to 25 ft. This request was initiated in order to allow dwellings within the Heritage Bay Subdivision to be constructed closer to the internal residential streets.

Historically, developers in Sumter have simply rezoned residential developments to Planned Development in order to reduce setbacks from those established for the R-15, R-9, and R-6 residential districts. However, in 2010 the South Carolina State Supreme Court ruled that Planned Development Zoning could not be used to otherwise circumvent established requirements found elsewhere in a zoning ordinance. In effect, the Court said we can no longer use PD's as conditional zoning approvals.

Proposed Amendment

Amend Article 3, Section 3.b.5. Yard and Building Set Back Requirements front setbacks in the R-9 District as follows:

	<u>R-15 District</u>	<u>R-9 District</u>
<i>Front</i>	35 ft. (local coll.)	35 ft. (local/coll.) 25 ft. (local/coll.)
	45 ft. (all other)	45 ft. all other

III. RECOMMENDATION

Planning Staff is supportive of this request, and further recommend that the front setbacks for single-family detached dwellings in the Residential-6 (R-6) and General Residential (GR) districts be amended to 25 ft. as well. A 25 ft. front setback is compatible with the existing residential development in the core of the Sumter Community and will allow infill projects to be better integrated into the existing streetscapes.

IV. PLANNING COMMISSION – MAY 28, 2014

The Sumter City-County Planning Commission at its meeting on Wednesday, May 28, 2014, recommended approval for this request.

V. CITY COUNCIL – JUNE 17, 2014 – FIRST READING/PUBLIC HEARING