

Sumter Planning Commission

June 25, 2014

Planning Commission Staff Report

OA-14-07, Private Street/Exempt Subdivisions Definitions (County)

I. THE REQUEST

Applicant: Sumter County

Request: Amend relevant portions of the Zoning Ordinance (Article VIII and Article X) to clarify the definition of private street and the definition of exempt subdivisions

II. BACKGROUND

Recent discussions by the Planning Commission regarding private street access and exempt subdivisions suggest some clarification is needed on this topic.

Sumter County has consistently held the position, as set forth in the Zoning and Development Standards Ordinance, that the subdivision of property could only take place when property met the minimum road frontage on a public street. Subdivision of parcels on private streets or private easements is not permitted under the zoning ordinance (notwithstanding the instances of a planned development or rural community drive or other exceptions as stated in the ordinance).

When it comes to Exempt Subdivisions, the definition set forth in state law says that an exempt subdivision is one which meets one of several conditions including when “dividing land into parcels of five (5) acres or more where no new street is involved” (Article 10).

Sumter County construes this to mean that for a parcel of 5 acres or more to be exempt, it must have frontage on a publically dedicated, accepted and maintained street.

The Ordinance states:

- Section 8.e.13.a “All lots shall be accessible by a public street, a private street only as provided for in a Planned Development (PD), or a rural community drive.”
- Section 8.e.1.c “All streets shall be public streets and constructed according to the provisions of Article 8...”

In an effort to further clarify the intent of Sumter County Council several additions to the zoning ordinance are recommended.

III. ZONING ORDINANCE CONSIDERATION

- Article 10 Definitions ***Private Street***—*A private street is a vehicular way not dedicated, accepted, or maintained by Sumter County Council, a municipality, the State Department of Transportation, or any other governmental entity. All such non dedicated streets, where they are permitted, shall meet the same design and construction standards for comparable public streets.*

- Article 10 Definitions ***Subdivisions, Exempt.***
 - 2. *Dividing land into parcels of five (5) acres or more where no new street is involved. A parcel of 5 acres or more is exempt if it meets the minimum frontage requirements for the zoning district on a public street. An exempt parcel may not be subdivided on a private street or easement. However, a parcel of five (5) acres or more may be subdivided even though it fronts on a private street or easement so long as the land is used only for bona fide agricultural purposes and no improvements are made to the real estate. In that case, the subdivision plat shall be annotated to indicated that limitation before it may be recorded in the Office of the Register of Deeds.*

- Section 8.e.13.a. Add new sentence: *“Accessible” shall be construed as meeting the minimum frontage requirements for the zoning district on a public street.*

- Section 8.e.13.c. New Sentence replaces old: *“All lots shall have no less than 60 feet (60 ft.) of street frontage on a public street or a private street as provided for in a Planned Development or rural community drive unless a lesser standard is allowed elsewhere in the ordinance. These standards may vary in a cul-de-sac only upon approval of the Planning Commission or Planning Staff as appropriate.*

IV. STAFF RECOMMENDATION

The draft bullet points above are recommended for consideration.

V. PLANNING COMMISSION – JUNE 25, 2014

The Sumter City-County Planning Commission at its meeting on Wednesday, June 25, 2014, voted to recommend approval for this request.

VI. COUNTY COUNCIL – JULY 8, 2014 – FIRST READING