

Sumter City-County Planning Commission

April 22, 2015

OA-15-03/OA-15-04, Final Platting Requirements (City/County)

I. THE REQUEST

Applicant: Planning Staff

Request: Request to amend Article 7, Section 7.d.5. in order to delete the minimum 10 lot/10 acre final platting requirement in order to allow the approval and recording of individual lots on final plats in Major Subdivisions.

II. BACKGROUND

This Ordinance amendment has been initiated by Planning staff. There has been an increasing trend for developers/builders to seek final approval and recording for an individual lot or a small number of lots within larger developments or phases thereof. Currently, the Ordinance prohibits the approval and recordation of an individual lot or group of lots in increments of less than ten (10). With cyclical changes in the housing market relative to supply and demand, it is important that the community's regulatory policies are able to accommodate such changes without unreasonably compromising the overall intent of the Ordinance to facilitate orderly development.

III. DRAFT ORDINANCE AMENDMENT

It is Staff's intent to add clarity to *Section 7.d.5.* of the Ordinance. Below is the proposed amendment to *Article 7, Section D: Major Subdivision and Major Site Plan* of the City and County Zoning Ordinances. The following is a strikethrough version of the proposed amendment.

7.d.5. Effect of Preliminary Plat or Site Plan Approval: *Preliminary approval of a major subdivision and/or a major site plan shall confer upon the applicant the following rights:*

- a. *The approval of the preliminary plat or site plan constitutes approval of the subdivision or the land development as to its character, intensity of development, general lay-out, and the approximate dimensions of streets, lots, and other planned features. Such approval binds the developer to the general scheme of the subdivision or land development, and permits the subdivider or developer to proceed with the installation of site improvements, subject to obtaining other necessary permits;*
- b. *The ~~approval of the~~ preliminary ~~plat~~ or site plan must be approved in its entirety or in phases as shown on the plat and does not constitute approval of the final plat or cause*

the issuance of a certificate of occupancy; and accordingly, does not authorize the sale of lot(s) or the occupancy or use of a parcel of land;

- c. *The applicant may request final plat approval for the whole or, in ~~sections~~ phases of an approved preliminary plat; however, ~~sections of a preliminary plat shall be approved in increments of not less ten (10) lots and/or ten (10) acres of land whichever is greater. A final plat may only be approved as a whole unless specific phased approval by sections is granted by the Planning Commission; entire subdivision,~~ or in phases as shown on the approved preliminary plat, or for individual lots within an approved phase. ~~If a developer records a final plat on an individual lot basis~~ For all final plat recordation, all infrastructure and required bonding or guarantees must be in place within the given phase of development prior to final plat approval.*

- d. *Preliminary plan or site plan approval for a major site plan or major subdivision shall expire two (2) years from the date of approval by the Planning Commission as a vested right. This vested right shall receive up to five (5) one year extensions upon application to the Planning Commission by the landowner in writing in each year that an extension is desired. The vested right for the site specific plan shall not attach until all plans have been received, approved, and all fees paid. Any appeal to this process shall follow the procedures set upon in Section 1.g.5 of this Ordinance. Variances and Special Exceptions do not create a vested right (SC Law 6-29-1510 through 6-29-1560).*

IV. STAFF RECOMMENDATION

Staff recommends continued discussion.

V. PLANNING COMMISSION – MAY 27, 2015

The Sumter City-County Planning Commission at its meeting on Wednesday, May 27, 2015, voted to recommend approval for this request.

VI. CITY COUNCIL – JUNE 16, 2015 – FIRST READING/PUBLIC HEARING

VII. COUNTY COUNCIL – JUNE 9, 2015 – FIRST READING