

Sumter City-County Planning Commission

March 27, 2024

OA-24-01, Non-Conforming Lots of Record (City)

I. THE REQUEST

Applicant: City of Sumter

Request: Amend *Article 6.d.1* of the City of Sumter Zoning & Development Standards to clarify requirements pertaining to nonconforming lots of record.

II. BACKGROUND

On November 7, 2023, City Council adopted significant changes to residential zoning development standards via Ordinance Amendment (OA-22-13) in an effort to remove barriers to the creation of “missing middle” housing types in the historic core of the city. Adopted changes included modifications to the provisions of *Article 6.d.1*. that pertain to non-conforming lots of record. The intent of the recently adopted modifications to this section were to 1) allow more flexibility on the range of housing types that could be established on non-conforming lots of record and 2) allow certain exceptions for combining non-conforming lots of record when adjoining property is owned by the same individual(s)/entity(s). The modifications to *Article 6.d.1* adopted under OA-22-13 inadvertently omitted key wording needed to properly administer this section. The purpose of this ordinance amendment is to add in the wording required to carry out the proper intent of this section.

Proposed Text Amendment

A strike-through of the proposed text amendment is attached as Exhibit 1.

III. STAFF RECOMMENDATION

Staff recommends approval of this request.

IV. PLANNING COMMISSION – March 7, 2023

Exhibit 1

**OA-24-01, Non-Conforming Lots of Record
Ordinance Amendment**

Amend Article 6.d.1., as follows:

~~6.d.1. If the Property Owner does not own sufficient land to enable him to conform to the dimensional requirements, such as minimum lot area or minimum lot width, such lot may be used for by-right permitted uses as a building site provided the minimum yard and building setback requirements can be met, with the following exception:~~

~~a. R-6 Zoning District: Qualifying lots must have at least 5,000 sq. ft. of lot area, and do not have to meet the minimum lot width standards can be met (i.e., minimum building setbacks).~~

~~a.b. R-9 Zoning District: Qualifying lots must have at least 8,000 sq. ft. of lot area, and do not have to mee the minimum lot width standards can be met (i.e., minimum building setbacks).~~

~~If an existing lot of record is not of sufficient size to conform to the dimensional requirements of the zoning district (minimum lot area, minimum lot width) such lot may be used for by-right permitted uses as a building site without need for a variance from the Board of Zoning Appeals provided the minimum yard area and building setback requirements can be met.~~

~~If an existing lot of record is not of sufficient size to conform to the dimensional requirements of the zoning district (minimum lot area, minimum lot width) and cannot meet minimum yard area and building setback requirements to construct a project, but the owner of the lot also owns an adjacent lot that shares a common parcel boundary unseparated by public right-of-way that could be combined with the nonconforming lot in such a manner as to allow compliance with minimum yard area and building setback requirements, the owner must combine the two lots into a single lot prior to undertaking a building project.~~

~~If an existing lot of record is not of sufficient size to conform to the dimensional requirements of the zoning district (minimum lot area, minimum lot width) and cannot meet minimum yard area and building setback requirements to construct a project, and the owner of the lot does not own additional land that can be combined with the nonconforming lot of records, development variances approved by the Board of Zoning Appeals shall be required prior to issuance of any building permits.~~