AN ORDINANCE TO AMEND THE CITY OF CLEMSON ZONING ORDINANCE TO MODIFY THE REARYARD SETBACK REQUIREMENT IN ARTICLE III, RESIDENTIAL DISTRICTS, SECTION 19-304, TABLE 19-304 TO REDUCE THE REARYARD SETBACK FOR PROPERTIES ABUTTING THE CORPS OF ENGINEERS PROPERTIES.

Amend Article III, Residential Districts, Section 19-304, Table 19-304 as follows:

Section 19-304. Table of Density, Bulk, and Dimensional Requirements and Standards for Residential Districts

The density, bulk and related dimensional requirements specific to each residential zoning district are hereby established in the following table**.** Additional requirements for certain uses may be required and have been referenced by endnotes provided. Supplemental regulations for parking, landscaping, lighting, signage, and home occupations are provided in other sections of this document and are cited herein.

Table 19-304 Density, Bulk, and Dimensional Requirements

and Standards for Residential Districts.

USE	DISTRICTS							
	R-20	R-12	RM-1	RM-2	RM-3	RM-3.5	RM-4	Reference
A. RESIDENTIAL USES								
1. Single-Family Residential Dwelling								
a. Single-Family Dwelling[1]								
1) Tract area required, min. (acres)	NA	NA	NA	NA	NA	2	NA	
2) Lot area, min. (square footage)	20,000’	12,000’	7,000’	7,000’	6,000’	NA	3,000’	
3) Lot width at front building line, min.	100’	80’	60’	60’	50’	40’	40’	
4) Front setbacks, min.	25’	25’	25’/ 15’[2]	25’/15’[2]	25’/ 15’[2]	25’/15’[2]	25’/ 15’[2]	See Section 19-304 Endnote 2
5) Side setbacks, min.	10’	10’	8’	8’	5’	5’	5’	
6) Rear setbacks, min.	40’[3]	40’[3]	15’	15’	15’	15’	15’	

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USE	DISTRICTS							
	R-20	R-12	RM-1	RM-2	RM-3	RM-3.5	RM-4	Reference
7) Dwelling occupancy	2	2	2	2	3	3	4	
8) Structure height, max.	35'	35'	35'	35'	35'	35'	35'	
9) Lot area coverage, max. (percentage)	40 / 30[4]	40 / 30[3]						See Section 19-304 Endnote 3
10) Conditional use standards *[RM-3.5 District Only]:*								See Sections 19-307 19-308
b. Manufactured Home								
1) Lot area, min. (square footage)				7,000'				
2) Lot width at front building line, min.				65'				
3) Front setbacks, min.				25'				
4) Side setbacks, min.				8'				
5) Rear setbacks, min.				15'				
6) Dwelling occupancy, max.				2				
7) Structure height: max.				35'				
8) Conditional Use Standards *[RM-2 Districts Only]*								See Section 19-305
2. Two-Family Residential Dwelling								
a. Duplex Dwelling								
1) Tract area required, min. (acres)			NA	NA	NA	2	NA	
2) Density, max. (structures/acre)			5	5	6	7	10	
3) Lot area, min. (square footage)			8000'	8000'	7000'	6000'	4000'	
4) Lot width at front building line, min.			75'	75'	70'	50'	50'	

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USE	DISTRICTS							
	R-20	R-12	RM-1	RM-2	RM-3	RM-3.5	RM-4	Reference
5) Front setbacks, min.			25'/15'[2]	25'/15'[2]	25'/15'[2]	25'/15'[2]	25'/15'[2]	See Section 19-304 Endnote 2
6) Side setbacks, min.			8'	8'	8'	8'	8'	
7) Rear setbacks, min.			15'	15'	15'	15'	15'	
8) Dwelling occupancy, max.			2	2	3	3	4	
9) Structure height, max.			35'	35'	35'	35'	35'	
10) Conditional Use Standards *[RM-3.5 District Only]*								See Section 19-309
3. Residential Developments, Various								
a. Patio Home Development								
1) Development tract requirements								
a) Tract Acreage, min.			1	1	1	2	1	
b) Density[5], max. (dwellings/acre)			10	10	14	17	21	See Section 19-304 Endnote 4
2) Development requirements for individual lots								
a) Lot area per dwelling unit[6], min. (square footage)			4000'	4000'	3000'	2500'	2000'	See Section 19-304 Endnote 5
b) Lot width at front building line, min.			None	None	None	None	None	
c) Front setbacks, min.			25'/15'[2]	25'/15'[2]	25'/15'[2]	25'/15'[2]	25'/15'[2]	See Section 19-304 Endnote 2
d) Side setbacks, min.			5' 1-story 8'	5' 1-story 8'	5' 1-story 8'	5' 1-story 8'	5' 1-story 8'	

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USE	DISTRICTS							
	R-20	R-12	RM-1	RM-2	RM-3	RM-3.5	RM-4	Reference
			2-story	2-story	2-story	2-story	2-story	
e) Rear setbacks, min.			15’	15’	15’	15’	15’	
f) Dwelling occupancy, max.			2[7]	2[6]	3	3	4	See Section 19-304 Endnote 6
g) Structure height, max.			35’	35’	35’	35’	35’	
3) Conditional Use Standards *[RM-1, RM-2, RM-3, & RM-4 Districts Only]*								See Section 19-305
4) Conditional Use Standards *[RM-3.5 District Only]*								See Section 19-309
b. Zero-Lot-Line Development								
1) Development tract requirements								
a) Tract Acreage, min.			1	1	1	2	1	
b) Gross Density, max. (dwellings/acre)[8]			10	10	14	17	21	See Section 19-304 Endnote 7
2) Development requirements for individual lots								
a) Lot width at front building line, min.			None	None	None	None	None	
b) Lot area per dwelling unit, min. (square footage)			4000’	4000’	3000’	2500’	2000’	
c) Front setbacks, min.			25’/15’[2]	25’/15’[2]	25’/15’[2]	25’/15’[2]	25’/15’[2]	See Section 19-304 Endnote 2
d) Side setbacks[9], min.			0’/5’ 1-story 0/8’	0’/5’ 1-story 0’/8’	0’/5’ 1-story 0’/8’	0’/5’ 1-story 0’/8’	0/5’ 1-story 0’/8’	See Section 19-304 Endnote 8

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USE	DISTRICTS							
	R-20	R-12	RM-1	RM-2	RM-3	RM-3.5	RM-4	Reference
			2-story	2-story	2-story	2-story	2-story	
e) Rear setbacks, min.			15'	15'	15'	15'	15'	
f) Dwelling occupancy, max.			2[6]	2[6]	3	3	4	See Section 19-304 Endnotes 6
g) Structure height, max.			35'	35'	35'	35'	35'	
3) Conditional Use Standards *[RM-1, RM-2, RM-3, & RM-4 Districts]*								See Section 19-305
4) Conditional Use Standards *[RM-3.5 District Only]*								See Section 19-309
c. Conservation Development								
1) Conditional Use Standards *[RM-1, RM-2, RM-3, & RM-4]*								See Section 19-305
2) Conditional Use Standards *[RM-3.5 District Only]*[10]								See Section 19-304 Endnote 9 & Section 19-307
3) Special Exception Standards *[R-20 & R-12 Districts Only]*								See Section 19-305
d. Townhouse Development								
1) Development tract requirements								
a) Tract area required, min. (acres)					NA	2	NA	
b) Density, max. (dwelling units/acre)					21	29	29	

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USE	DISTRICTS							
	R-20	R-12	RM-1	RM-2	RM-3	RM-3.5	RM-4	Reference
c) Impervious surface coverage, max.					60%	60%	60%	
d) Open space requirements, min.					25%	25%	25%	
e) Common open space requirements, min.					3%	4%	4%	
2) Development requirements for individual lots/dwellings								
a) Lot area, min. (square footage)					2000'	1500'	1500'	
b) Front setbacks, min.					25'/15'[2]	25'/15'[2]	25'/15'[2]	See Section 19-304 Endnotes 2
c) Side setbacks, min.					0' interior; 15' exterior	0' interior; 15' exterior	0' interior; 15' exterior	
d) Rear setbacks, min.					15'	15'	15'	
e) Dwelling occupancy, max.					3	3	4	
f) Structure height, max					40'	40'	40'	
3) Conditional Use Standards *[RM-3 & RM-4 Districts Only]*								See Section 19-305
4) Conditional Use Standards *[RM-3.5 District Only]*								See Section 19-310
e. Multi-Family Development								
1) Development tract requirements								
a) Tract area required, min. (acres)						2		
b) Lot width at front building line, min.					80'	80'	80'	

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USE	DISTRICTS							
	R-20	R-12	RM-1	RM-2	RM-3	RM-3.5	RM-4	Reference
c) Density, max. (bedrooms/acre)					18	See Section 19-311	56	See Section 19-311
d) Impervious surface coverage, max.					60%	60%	60%	
e) Open space requirements, min.					25%	25%	25%	
f) Common open space requirements, min.					3%	4%	4%	
g) Building spacing, min.					30’	30’	30’	
h) Front setbacks, min.					15’	15’	15’	
i) Side setbacks, min.					15’	15’	15’	
j) Rear setbacks, min.					25’	25’	25’	
k) Dwelling occupancy, max.					3	4	4	
l) Structure height, max.					40’	See Section 19-311	40’	See Section 19-311
2) Conditional Use Standards *[RM-3 & RM-4 Districts Only]*								See Section 19-305
3) Conditional Use Standards *[RM-3.5 District Only]*								See Section 19-311
4. Group Homes								
a. Group Home								
1) Lot area, min. (acres)	1	1	1	1	1	1	1	
2) Lot width at front building line, min.	150’	150’	150’	150’	150’	150’	150’	

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USE	DISTRICTS							
	R-20	R-12	RM-1	RM-2	RM-3	RM-3.5	RM-4	Reference
3) Front setbacks, min.	40'	40'	40'	40'	40'	40'	40'	
4) Side setbacks, min.	40'	40'	40'	40'	40'	40'	40'	
5) Rear setbacks, min.	40'	40'	40'	40'	40'	40'	40'	
6) Structure height, max.	35'	35'	35'	35'	35'	35'	35'	
7) Impervious surface coverage, max.	30%	30%	30%	30%	30%	30%	30%	
8) Conditional Use Standards *[RM-3, RM-3.5, & RM-4 Districts only]*								See Section 19-305
9) Special Exception Standards *[R-20, R-12, RM-1, & RM-2 Districts only]*								See Section 19-305
b. Group Home for the Care of Individuals with Physical Handicaps and/or Special Needs								
1) Conditional Use Standards *[RM-3, RM-3.5, & RM-4 Districts only]*								Subject to the requirements of SC Code of Laws, Section 6-29-770, as and if amended.
2) Special Exception Standards *[R-20, R-12, RM-1, & RM-2 Districts only]*								Subject to the requirements of SC Code of Laws, Section 6-29-770, as and if amended.
B. OTHER USES								
1. Amenity and Support Uses Serving a Neighborhood or Residential Complex								
a. Private Recreational Facilities Serving a Neighborhood or Residential Complex								
1) Lot area, min. (square footage)	20,000'	12,000'	7,500'	7,500'	7,500'	6,000'	6,000'	
2) Lot width at front setback line, min.	100'	80'	60'	60'	60'	50'	50'	

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USE	DISTRICTS							
	R-20	R-12	RM-1	RM-2	RM-3	RM-3.5	RM-4	Reference
3) Front setbacks, min.	25’	25’	25’	25’	25’	25’	25’	
4) Side setbacks, min.	10’	10’	10’	10’	10’	10’	10’	
5) Rear setbacks, min.	25’	25’	25’	25’	25’	25’	25’	
6) Structure height, max.	35’	35’	35’	35’	35’	35’	35’	
7) Lot area coverage, max.	45%	45%						
8) Conditional Use Standards for New Developments *[All Residential Districts]*								See Section 19-305
9) Special Exception Standards for Facilities Serving an Existing Development/Neighborhood Not Previously Deeded to a Homeowners Association *[All Residential Districts]*								See Section 19-305
b. Storage of Watercraft and Utility Trailers on Commonly Owned Property								
1) Conditional Use Standards *[RM-3, RM-3.5, and RM-4 Districts only]*								See Section 19-305
c. Management Office Serving a Duplex, Townhouse, or Multi-family Development								
1) Conditional Standards *[RM-1, RM-2, RM-3, RM-3.5, and RM-4 Districts]*								See Section 19-304-A.3.
2. Public Utilities								
a. Electric Power Generation, Transmission and Distribution (Minor)								
1) Front setbacks, min.	25’	25’	25’	25’	25’	25’	25’	
2) Side setbacks, min.	25’	25’	25’	25’	25’	25’	25’	
3) Rear setbacks, min.	25’	25’	25’	25’	25’	25’	25’	
4) Structure height, max.	35’	35’	35’	35’	35’	35’	35’	
b. Natural Gas Distribution (Minor)								
1) Front setbacks, min.	25’	25’	25’	25’	25’	25’	25’	
2) Side setbacks, min.	25’	25’	25’	25’	25’	25’	25’	
3) Rear setbacks, min.	25’	25’	25’	25’	25’	25’	25’	
4) Structure height, max.	35’	35’	35’	35’	35’	35’	35’	
c. Water, Sewage and Other Systems (Major), including water towers but excluding treatment facilities								

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USE	DISTRICTS							
	R-20	R-12	RM-1	RM-2	RM-3	RM-3.5	RM-4	Reference
1) Front setbacks, min.	50’	50’	50’	50’	50’	50’	50’	
2) Side setbacks, min.	25’	25’	25’	25’	25’	25’	25’	
3) Rear setbacks, min.	25’	25’	25’	25’	25’	25’	25’	
4) Structure height, max.	Set by the Zoning and Codes Administrator upon receipt and review of the Project Engineer’s Report.							
5) Conditional Use Standards *[All Districts]*								See Section 19-305
d. Water, Sewage and Other Systems (Minor), including pump/lift stations								
1) Front setbacks, min.	25’	25’	25’	25’	25’	25’	25’	
2) Side setbacks, min.	25’	25’	25’	25’	25’	25’	25’	
3) Rear setbacks, min.	25’	25’	25’	25’	25’	25’	25’	
4) Structure height, max.	35’	35’	35’	35’	35’	35’	35’	
3. Public Services								
a. Telecommunication Facilities								
1) Special Exception Conditions *[All Residential Districts]*								See Article VI. Division 3.
4. Nursing Residential Care Facilities								
a. Nursing Care Facilities								
1) Lot area, min. (acres)					2	2	2	
2) Lot width at front building line, min.					150’	150’	150’	
3) Front setbacks, min.					50’	50’	50’	
4) Side setbacks, min.					25’	25’	25’	
5) Rear setbacks, min.					40’	40’	40’	
6) Structure height, max.					35’	35’	40’	
8) Conditional Use Standards *[RM-3, RM-3.5, & RM-4 Districts Only]*								See Section 19-305
b. Community Care Facilities for the Elderly								
1) Lot area, min. (acres)			1	1	1	1	1	

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USE	DISTRICTS							
	R-20	R-12	RM-1	RM-2	RM-3	RM-3.5	RM-4	Reference
2) Lot area per dwelling unit[5], min. (square footage)			4,000'	4,000'	4,000'	4,000'	4,000'	See Section 19-304 Endnote 5
3) Density[11], max. (dwellings/acre)			11	11	14	17	21	See Section 19-304 Endnote 10
4) Lot width at front building line, min.			100'	100'	100'	100'	100'	
5) Front setbacks, min.			25'	25'	25'	25'	25'	
6) Side setbacks, min.			10'	10'	10'	10'	10'	
7) Rear setbacks, min.			25'	25'	25'	25'	25'	
8) Structure height, max.			35'	35'	35'	35'	35'	
9) Residential occupancy, max.			2	2	3	4	4	
10) Conditional Use Standards *[RM-1, RM-2, RM-3, RM-3.5, & RM-4 Only]*								See Section 19-305
5. Educational Services								
a. Kindergarten (with Academic Program) and Elementary & Secondary Schools								
1) Lot area, min. (acres)	5	5	5	5	5	5	5	
2) Front setbacks, min.	50'	50'	50'	50'	50'	50'	50'	
3) Side setbacks, min.	50'	50'	50'	50'	50'	50'	50'	
4) Rear setbacks, min.	50'	50'	50'	50'	50'	50'	50'	
5) Structure height, max.	40'	40'	40'	40'	40'	40'	40'	
6) Impervious surface coverage, max.	30%	30%	30%	30%	60%	60%	60%	
7) Conditional Use Standards *[RM-3.5 District Only]*								See Section 19-305

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USE	DISTRICTS							
	R-20	R-12	RM-1	RM-2	RM-3	RM-3.5	RM-4	Reference
8) Special Exception Standards *[R-20, R-12, RM-1, RM-2, RM-3, RM-4 Districts Only]*								See Section 19-305
6. Religious, Civic, and Similar Organizations								
a. Religious Organizations								
1) Lot area, min. (acres)	3	3	3	3	1.5	1.5	1.5	
2) Front setbacks[12], min.	50'	50'	50'	50'	25'	25'	25'	See Section 19-304 Endnote 11
3) Side setbacks[11, min.]	50'	50'	50'	50'	15'	15'	15'	See Section 19-304 Endnote 11
4) Rear setbacks[11], min.	50'	50'	50'	50'	30'	30'	30'	See Section 19-304 Endnote 11
5) Structure height, max.	40'	40'	40'	40'	40'	40'	40'	
6) Open space requirement, min.	20%	20%	20%	20%	20%	20%	20%	
7) Conditional Use Standards for Expansion of Existing Religious Organizations (expansion on existing land) *[All Districts]*								See Section 19-305
8) Conditional Use Standards for Religious Organizations (expansion of land assemblage of existing religious organization) *[All RM Districts]*								See Section 19-305
9) Special Exception Standards for Religious Organizations (expansion of land assemblage of existing religious organization) *[R-20 & R-12 Districts Only]*								See Section 19-305
10) Special Exception Standards for New Religious Organizations *[All Residential Districts]*								See Section 19-305

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USE	DISTRICTS							
	R-20	R-12	RM-1	RM-2	RM-3	RM-3.5	RM-4	Reference
7. Public Recreational Facilities								
a. Public Recreational Facilities, Passive								
1) Front setbacks, min.	25’	25’	25’	25’	25’	25’	25’	
2) Side setbacks, min.	25’	25’	25’	25’	25’	25’	25’	
3) Rear setbacks, min.	25’	25’	25’	25’	25’	25’	25’	
4) Structure height, max. (excluding lighting structures/poles which are subject to *Article IX*)	15’	15’	15’	15’	15’	15’	15’	See Article X
b. Public Recreational Facilities, Active								
1) Front setbacks, min.	50’	50’	50’	50’	50’	50’	50’	
2) Side setbacks, min.	50’	50’	50’	50’	50’	50’	50’	
3) Rear setbacks, min.	50’	50’	50’	50’	50’	50’	50’	
4) Structure height, max. (excluding lighting structures/poles which are subject to *Article IX)*	40’	40’	40’	40’	40’	40’	40’	See Article X
5) Conditional Use Standards *[All RM Districts]*								See Section 19-305
6) Special Exception Standards *[R-20 & R-12 Districts Only]*								See Section 19-305
8. General Government								
a. Library, Public								
1) Building size, max. (gross floor area)					4,000’	4,000’	4,000’	
2) Front setbacks, min.					50’	50’	50’	
3) Side setbacks, min.					50’	50’	50’	
4) Rear setbacks, min.					50’	50’	50’	
5) Structure height, max.					40’	40’	40’	
6) Conditional Use Standards *[RM-3.5 District only]*								See Section 19-305

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USE	DISTRICTS							
	R-20	R-12	RM-1	RM-2	RM-3	RM-3.5	RM-4	Reference
7) Special Exception Standards *[R-20, R-12, RM-1, RM-2, RM-3, RM-4 Districts Only]*								See Section 19-305
b. Public Safety Facilities (including Police, Fire and EMS, but excluding Jails And Detention Centers)								
1) Lot area, min. (acres)	3	3	3	3	3	3	3	
2) Lot width at front building line, min.	250'	250'	250'	250'	250'	250'	250'	
3) Front setbacks, min.	25'	25'	25'	25'	25'	25'	25'	
4) Side setbacks, min.	25'	25'	25'	25'	25'	25'	25'	
5) Rear setbacks, min.	40'	40'	40'	40'	40'	40'	40'	
6) Structure height, max.	40'	40'	40'	40'	40'	40'	40'	
7) Impervious surface coverage, max.	60%	60%	60%	60%				
8) Conditional Use Standards *[RM-3.5 District Only]*								See Section 19-305
9) Special Exception Conditions *[R-20, R-12, RM-1, RM-2, RM-3, RM-4 Districts Only]*								See Section 19-305
9. Other Services								
a. Cemetery (excluding Crematory)								
1) Lot area, min. (acres)	2	2	2	2	1	1	1	
2) Lot width at front building line, min.	250'	250'	250'	250'	250'	250'	250'	
3) Front setbacks, min. (including graves)	25'	25'	25'	25'	25'	25'	25'	
4) Side setbacks, min. (including graves)	10'	10'	10'	10'	10'	10'	10'	
5) Rear setbacks, min. (including graves)	10'	10'	10'	10'	10'	10'	10'	
6) Structure height, max.	15'	15'	15'	15'	15'	15'	15'	
7) Special Exception Standards *[All Residential Districts]*								See Section 19-305

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[1] No more than one principal use structure shall be permitted per lot with the exception of permitted accessory apartment or guest cottage per Section 19-305 C.1 or 19-303 C.12.

[2] The front setback shall be 25 feet unless rear yard parking or rear alleys loading driveways are provided. In such cases, the front setback may be reduced to 15 feet.

[3] The rearyard setback for properties abutting lands owned by the US Army Corps of Engineers shall be five feet.

[4] For parcels containing less than one acre, the maximum lot area coverage shall be 40 percent. For lots equal to or over one acre, the maximum lot area coverage shall be 30 percent. See Section 19-107 for definition of lot area coverage.

[5] Maximum density calculations shall be applied for detached single household horizontal property regimes/condominium developments.

[6] Minimum lot area shall apply for developments subdivided as fee simple lots.

[7] Patio home and zero-lot-line developments shall be permitted to have an occupancy rate of three if onsite management services are provided. If onsite management is discontinued, the occupancy will revert to two.

[8] Maximum density calculations shall be applied for detached single household horizontal property regimes/condominium developments.

[9] Side setback on the "zero side" shall be measured at the drip-line of the roof overhang. The entire structure must be contained on the lot containing the zero-lot-line structure.

[10] Base development standards for all uses shall be used as the conditional standards for conservation developments in the RM-3.5 District.

[11] Maximum density calculations shall be applied for detached single household horizontal property regimes/condominium developments or if the property shall be owned and managed by a single legal entity.

[12] The minimum setbacks for new structures serving a religious organization established before July 1, 1998 shall be 25 feet on the front, 25 feet on the side, and 40 feet on the rear.