CC-2015-33 Text Amendment to the City of Clemson Zoning Ordinance to add Backyard Chickens and Hobby Beekeeping as Conditional Uses to Residential Districts

STATE OF SOUTH CAROLINA)
) **ORDINANCE NO: CC-2015-33**
CITY OF CLEMSON)

AN ORDINANCE TO AMEND SECTION 19-107 DEFINITIONS AND SECTION 19-303 TABLE 19-303 TABLE OF ACCESSORY USES FOR RESIDENTIAL DISTRICTS AND ARTICLE III DIVISION 2 TABLE 19-305 CONDITIONAL USES AND SPECIAL EXCEPTION STANDARDS 19-303.C. TO ADD CONDITIONAL USES FOR HOBBY BEEKEEPING AND BACKYARD CHICKENS AND TO AMEND 19-303.C.14 KEEPING OF LIVESTOCK.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CLEMSON, SOUTH CAROLINA:

Section 1. Authority and Adoption. The following ordinance is adopted pursuant to the authority granted in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code §§ 6-29-310, et seq. (1994 Supp.), and is incorporated by reference in the Code of Ordinances of the City of Clemson.

Section 2. Purpose. The purpose of the text amendments is to clarify intent, correct errors, and implement the land use element of the Comprehensive Plan and to guide land development in accordance with existing and future needs, and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare of the community, and all those purposes set forth in S.C. Code §6-29-710.

Section 3. Jurisdiction. The provisions of this ordinance shall apply to all land and improvements within the corporate limits of the City of Clemson, South Carolina.

Section 4. Effective Date. The provisions of this ordinance shall be effective on Immediately.

_____
J.C. Cook, III, Mayor

Attest:

_____
Beverly Coleman, City Clerk

File # 2015-R-21
Planning Commission Meeting: July 13, 2015
Public Hearing Date: August 17, 2015
First Reading: September 7, 2015
Second Reading: September 21, 2015
Ordinance #: CC-2015-33

CC-2015-33 Text Amendment to the City of Clemson Zoning Ordinance to add Backyard Chickens and Hobby Beekeeping as Conditional Uses to Residential Districts

AN ORDINANCE TO AMEND SECTION 19-107 DEFINITIONS AND SECTION 19-303 TABLE 19-303 TABLE OF ACCESSORY USES FOR RESIDENTIAL DISTRICTS AND ARTICLE III DIVISION 2 TABLE 19-305 CONDITIONAL USES AND SPECIAL EXCEPTION STANDARDS 19-303.C. TO ADD CONDITIONAL USES FOR HOBBY BEEKEEPING AND BACKYARD CHICKENS AND TO AMEND 19-303.C.14 KEEPING OF LIVESTOCK.

Amend Section 19-107 Definitions And Section 19-303 Table 19-303 Table Of Accessory Uses For Residential Districts And Article III Division 2 Table 19-305 Conditional Uses And Special Exception Standards 19-303.C. To Add Conditional Uses For Hobby Beekeeping And Backyard Chickens. And To Amend 19-303.C.14 Keeping Of Livestock.

DEFINITIONS:

Apiary means the assembly of one or more colonies of bees at a single location.

Beekeeper means a person who owns or has charge of one or more colonies of bees.

Beekeeping equipment means anything used in the operation of an apiary, such as hive bodies, supers, frames, tops and bottom boards and extractors.

Honey Bee means all life stages of the Western honey bee, *Apis mellifera.*

Managed Colony or ***Managed Hive*** means an aggregate of bees managed by a beekeeper consisting principally of workers, but having, when perfect, one queen at a time and at time many drones, including brood, combs, honey and the receptacle inhabited by the bees. Managed colony or hive does not include naturally occurring or feral bee colonies or hives.

Integrated Pest Management (IPM) means the protocols of IPM as defined and amended by the *Clemson University Extension Service* to combat pests while reducing any negative impacts that control methods might have on the environment.

Chicken means female chickens, including pullets and hens.

National Poultry Improvement Plan means poultry that has been tested by a South Carolina NPIP certified tester.

Predator Proof means fully enclosed, including the top of a chicken run and coop, with gaged wire no larger than chicken wire, to protect poultry from domestic animals, wild animals, and birds of prey.

Section 19-303. Table of Accessory Uses for Residential Districts

The accessory uses allowed in the residential districts of the City of Clemson Zoning Ordinance are hereby established as shown in the following table. Section endnotes are provided to clarify specific requirements that apply to the uses designated. References North American Industry Classification System (NAICS) 2007 edition.

Table 19-303. Table of Accessory Uses for Residential Districts

P = Permitted Use C = Conditional Use SE = Special Exception Dash (–) = Use not Permitted										
USE CATEGORY	**USE TYPE**	**NAICS CODE**	**R-20**	**R-12**	**RM-1**	**RM-2**	**RM-3**	**RM-3.5[i]**	**RM-4**	**C/SE Reference**
A. RESIDENTIAL ACCESSORY USES AND/OR STRUCTURES										
Residential Accessory Uses and/or Structures	Apartment (within principal structure)	NA	C	C	C	C	C	C	C	
	Adult Care Services, Family Adult Care Home, 6 or Fewer Clients	624120	C	C	C	C	C	C	C	
	Adult Care Services, Group Adult Care Home 7 to 12 Clients	624120	–	–	C	C	C	C	C	
	Bed & Breakfast Inn	721191	SE	SE	C	C	C	C	C	
	Childcare Services, Family Child Care Home, 6 or Fewer Children	624410	C	C	C	C	C	C	C	
	Childcare Services, Group Child Care Home 7 to 12 Children	624410	–	–	C	C	C	C	C	
	Cultivation of Land, Noncommercial	NA	C	C	C	C	C	C	C	
	Customary & Typical Structures/Uses (Non-habitable) including non-commercial greenhouses, garages and storage buildings	NA	C	C	C	C	C	C	C	
	Detached Garage (non-habitable/non-commercial, serving townhouse/multi-family dwellings)	NA	–	–	–	–	C	C	C	
	Equipment for Solar Energy Generation	NA	C	C	C	C	C	C	C	
	Fences and Walls	NA	C	C	C	C	C	C	C	
	Guest Cottage	NA	C	C	C	C	C	C	C	
	Home Occupations	NA	C	C	C	C	C	C	C	

CC-2015-33 Text Amendment to the City of Clemson Zoning Ordinance to add Backyard Chickens and Hobby Beekeeping as Conditional Uses to Residential Districts

P = Permitted Use C = Conditional Use SE = Special Exception Dash (–) = Use not Permitted										
USE CATEGORY	USE TYPE	NAICS CODE	R-20	R-12	RM-1	RM-2	RM-3	RM-3.5[i]	RM-4	C/SE Reference
	Honey Bees, including offsite or online sale of honey (excluding beekeepers selling bees, queens, nuclei, etc.)	112910	C	C	–	–	–	–	–	
	Keeping of Chickens	NA	C	C	C	C	C	C	C	
	Keeping of Livestock (except chickens)	NA	SE	SE	SE	SE	SE	SE	SE	
	Parking Structure[ii], Freestanding	812930	SE	SE	SE	SE	C	C	C	See Section 19-303 Endnote 2
	Private Recreational Facilities (swimming pools, hot tubs, tennis courts, etc)	NA	C	C	C	C	C	C	C	

[i] All uses in the RM-3.5 District are subject to the basic standards found in Division 3 of this Article. Depending upon the proposed use, additional requirements may be imposed.

[ii] Parking structures serving religious organizations, educational services, and public or institutional uses shall be considered special exceptions in all districts.

Division 2: Conditional Use and Special Exception Standards for Residential Districts

Section 19-305. Purpose of Conditional Use and Special Exception Standards

Owing to the unique nature of certain types of residential developments, the City of Clemson Zoning Ordinance hereby establishes conditional use and special exception standards for the following uses for all residential districts where conditionally permitted in Table 19-302 and Table 19-303.

Table 19-305 Conditional Use and Special Exception Standards for Residential Districts

C. RESIDENTIAL ACCESORY STRUCTURES & USES[ii]	See Section 19-305
14. Honey Bees, including offsite or online sale of honey (excluding beekeepers selling bees, queens, nuclei, etc.)	
a. Conditional Use Standards *[R-20 & R-12 Zoning Districts]*	

1) The keeping of honey bees may be permitted as an accessory use of a pre-existing single-family residential use provided:

    a. An annual beekeeping permit from the City shall be required for all beekeepers.
    b. The beekeeper shall live on the premise where bees are kept. Should the beekeeper move off premise, the colonies shall be removed.
    c. All beekeepers and managed colonies shall adhere to all state inspection laws, and shall maintain apiaries that are inspectectable by the South Carolina Department of Plant Industry (DPI) Apiculture Program.
    d. There shall be a maximum of five colonies, each with one queen.
    e. All managed colonies shall be kept in hives with removable frames, which shall be kept in sound and useable condition.
    f. No beekeeping equipment shall be placed in the front of the front building line(s), and shall be situated at least 15 feet from all property lines. No managed colony shall be within 40 feet of any main building on an adjacent lot.
    g. A flyway barrier at least 6 feet in height consisting of a solid wall, fence, dense vegetation or combination thereof shall be installed parallel to the property line. The barrier shall extend 10 feet beyond the colony in each direction.
    h. Each beekeeper shall ensure that a convenient source of fresh water is available and unobstructed within 20 feet of the bees at all times.
    i. All colonies shall be maintained with queens selected from European stock bred for gentleness and nonswarming characteristics. If a hive exhibits unusual defensive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, the beekeeper shall promptly re-queen the colony. Africanized honey bees or any hybrid involving the African species shall be prohibited.
    j. The hives of bees may not be manipulated between the hours of sunset and sunrise unless the hives are being moved to or from another location.
    k. Bee colonies shall be managed with proper Integrated Pest Management (IPM) techniques to prevent invitation of pests and/or animals into the apiary. Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
    l. Swarm management techniques shall be implemented, including but not limited to required colony splitting and the removal of swarm cells to help prevent feral honeybee colonies.

15. Keeping of Chickens	
a. **Conditional Use Standards** *[All Residential Districts]*	
1) The keeping of chickens may be permitted as an accessory use of a pre-existing single-family detached residential use provided: a) Only female chickens (hens and pullets) shall be allowed. Roosters and other types of poultry shall be prohibited; b) The owner of the chickens shall live on premise where the chickens are kept. Should the owner of the chickens move off premise, the chickens shall be removed; c) A zoning permit shall be required for the keeping of chickens, coops, and outside runs; d) No more than five (5) chickens shall be kept per single-family detached dwelling. All chickens shall have documentation that they are free of disease prior to the issuance of the zoning permit. National Poultry Improvement Plan (NPIP) female chickens (hens and pullets) are preferred; e) All chicken hens shall be housed in a predator proof, single-roofed coop that is secure and fully enclosed. The coop shall provide a minimum of 4 square feet per chicken. The maximum coop size shall not exceed 32 square feet; f) A predator proof outside run shall be provided. It shall be completely enclosed and securely attached to the coop. The run shall provide a minimum of 10 square feet per chicken and shall not exceed 80 square feet; g) No coop or run shall be placed in the front of the front building line(s), and shall be subject to all setbacks for accessory structures. In addition, no coop or outside run shall be within 40 feet of any main building on an adjacent lot. h) Coops and runs shall be kept clean and reasonably odor free. Each property owner is allowed one warning for maintenance per calendar year. Any additional maintenance violations will render the zoning permit null and void and the keeping of chickens on that property shall be prohibited for a period of one year (12 months). The keeping of chickens shall be prohibited by that property owner should a subsequence maintenance offense occur. i) Chickens shall be housed within the coop and run at all times. Free range chickens are prohibited.	See Section 19-318

16. ~~14~~ Keeping of Livestock (except chickens)	
a. **Special Exception** *[All Residential Districts]*	
1) The keeping of noncommercial, non-intensive livestock, including horses, cows, sheep or goats (but not including ratites swine or poultry, except for female chickens as specified in 19-305.C.15) may be permitted as an accessory use of a pre-existing residential use. 2) Accessory structures, such as barns, stables, pens, corrals, equipment storage facilities and workshops, may be provided subject to the following requirements: a) A minimum of two contiguous acres on a single parcel shall be utilized for agricultural use; and b) The maximum number of permitted animals shall not exceed: i. Horses or cows: one animal for the first two acres and one additional animal per every additional acre thereafter; and ii. Sheep or goats: three animals for the first two acres and two additional animals per every additional acre thereafter. 3) All livestock areas shall have vegetative ground cover and be enclosed within a permanent fence. 4) No lagoons shall be allowed for raising or keeping of livestock. 5) Boarding of animals may be permitted if approved by the Board of Zoning Appeals.	
17. ~~15~~ Parking Structure, Freestanding	
a. **Conditional Use Standards** *[RM-3, RM-3.5, & RM-4 Districts Only]*	
1) Freestanding parking structures serving a multi-family development must be located behind the front building line of the principal structure(s) and shall otherwise comply with the dimensional standards for the principal structure(s). 2) All exterior walls of parking structures shall be architecturally designed to be integrated with the primary building on the site, including consistent architectural design elements and building materials. 3) No more than one entrance, not exceeding 25 feet in width per street frontage, shall be allowed to provide vehicular access to the interior of the building or site. An additional five feet of width for a pedestrian sidewalk shall be provided. 4) One eight foot wide entrance doorway providing pedestrian access to the interior of the principal use structure may be permitted per street frontage. 5) Facades visible from any exterior property line or along any public right-of-way shall be designed to obscure the view of parked vehicles. 6) Parking structures shall not exceed 20 feet in height, including parapet or screening walls.	

7) All interior lighting shall be shielded and buffered so as not to project light or glare beyond the structure walls on to any public right-of-way or adjacent property. 8) A 25 foot type "C" buffer shall be required along any property line that abuts an R District property.	
18. ~~16~~ Parking Structures, Freestanding	
a. **Special Exception Standards** *[R-20, R-12, RM-1, & RM-2 Districts Only]*	
1) Freestanding parking structures must be located behind the front building line of the principal structure(s) and shall otherwise comply with the dimensional standards for the principal structure(s). 2) All exterior walls of parking structures shall be architecturally designed to be integrated with the primary building on the site, including consistent architectural design elements and building materials. 3) Facades visible from any exterior property line or along any public right-of-way shall be designed to obscure the view of parked vehicles. 4) Parking structures shall not exceed 20 feet in height, including parapet or screening walls. 5) All interior lighting shall be shielded and buffered so as not to project light or glare beyond the structure walls on to any public right-of-way or adjacent property. 6) A 25 foot type "C" buffer shall be required along any property line that abuts an R District property.	
19. ~~17~~ Private Recreational Facilities (such as Swimming Pools, Hot Tubs, Tennis Courts, etc.)	
a. **Conditional Use Standards** *[All Residential Districts]*	
1) Shall be located behind the front building line. 2) Minimum side setback – 10 feet (including entire pool structure/deck/apron). 3) Minimum rear setback – 10 feet (including entire pool structure/deck/apron).	