CC-2016-05: Text Amendment to the City of Clemson Zoning Ordinance to Eliminate the 3' setback requirement for vehicular use areas directly abutting an active railroad right-of-way per Article VIII, Section 19-807, Table 19-807 E.2.

STATE OF SOUTH CAROLINA)

) ORDINANCE NO: CC-2016-05

CITY OF CLEMSON)

AN ORDINANCE TO AMEND THE CITY OF CLEMSON ZONING ORDINANCE ARTICLE VIII, SECTION 19-807, TABLE 19-807 E.2. TO ELIMINATE THE 3' SETBACK REQUIREMENT FOR VEHICULAR USE AREAS DIRECTLY ABUTTING AN ACTIVE RAILROAD RIGHT-OF-WAY.

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-26
Planning Commission: October 12, 2015
City Council Public Hearing: December 14, 2015
First Reading: January 4, 2016
Second Reading: January 19, 2016
Ordinance #: CC-2016-05

CC-2016-05: Text Amendment to the City of Clemson Zoning Ordinance to Eliminate the 3' setback requirement for vehicular use areas directly abutting an active railroad right-of-way per Article VIII, Section 19-807, Table 19-807 E.2.

AN ORDINANCE TO AMEND THE CITY OF CLEMSON ZONING ORDINANCE ARTICLE VIII, SECTION 19-807, TABLE 19-807 E.2. TO ELIMINATE THE 3' SETBACK REQUIREMENT FOR VEHICULAR USE AREAS DIRECTLY ABUTTING AN ACTIVE RAILROAD RIGHT-OF-WAY.

Section. 19-807. Vehicular Use Area Design Standards for Uses Other Than Single-Family or Duplex Uses.

The following design standards for parking areas shall be met when applicable:

Table 19-807 Vehicular Use Area Design Standards for Uses Other Than Single-Family or Duplex Uses

A. Drainage and Maintenance
1. Off-street parking shall be properly graded for drainage to prevent damage to abutting property and/or public streets and alleys. 2. Off-street parking shall be maintained in a clean, and weed-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling or servicing of any vehicles, equipment, materials, or supplies.
B. Separation from Walkways, Streets, and Buildings
1. Off-street parking spaces shall be separated from walkways, sidewalks, streets, alleys, landscape buffers, or landscape materials and required setbacks where stipulated by a wall, fence, curbing, or other approved protective device. This shall be designed to prevent any portion of a vehicle to protrude over or into any walkway, sidewalk, street, alley, landscape buffer or material. 1. Where no bufferyard is required parking shall not be located closer than three feet from any property line. Properties directly abutting an active railroad right-of-way shall be exempted from this requirement only for the property line contiguous to the right-of-way. 2. The minimum separation between off-street parking areas and principal buildings shall be five feet and protected by a concrete wheel stop or curb.

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C. Entrances and Exits

1. Landscaping, curbing or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles.
2. Parking facilities shall be designed so that all existing movements onto a public street are in a forward motion with the exception of townhouses with an attached garage.
3. Entrance and exit driveways at other locations or at intersections not covered by the above restrictions will be evaluated by the City Engineer before approval can be considered.
4. Where front property lines are located within the right-of-way, the right-of-way line shall be used to determine the distance from the nearest intersection.

D. Site Plan

1. Parking layout and materials shall be depicted on the site plan submitted with the permit application.

E. Location

2. In all districts except as noted, required parking shall be provided on-site. Shared parking areas shall be permitted according to the standards set forth in Section 19-804 whenever the Zoning and Codes Administrator determines that the minimum parking requirements can be met for each use.
3. Parking and driveways, other than shared driveways, shall not be located closer than three feet from any property line and shall not encroach into a landscape buffer or required open space. Properties directly abutting an active railroad right-of-way shall be exempted from this requirement only for the property line contiguous to the right-of-way.
4. Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys, and required setbacks by a wall, fence, curbing, or other approved protective device. Required off-street parking, where permitted to occur within setback areas, shall not intrude into required bufferyards. Also, where no bufferyard is required for a new or re-developed use, required parking shall not be located closer than three feet from any property line. The minimum separation between off-street parking areas and all principle buildings shall be five feet so as to allow for pedestrian use of appropriate walkways.

F. Paving

1. Vehicular use areas surfaced with asphalt, concrete, bituminous, or other alternative paving material, including grass pavers, porous concrete, and other similar materials, subject to approval by City Engineer; however gravel or similar material are not allowed except for areas used for occasional parking as permitted in Table 19-802. Off-street parking facilities shall be surfaced with concrete, asphalt, brick or paving stones.
2. Off-street parking areas shall be maintained in a clean, orderly, dust-free, and weed-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling or servicing of any vehicles, equipment, materials, or supplies.
3. All access ways and aisles shall be clearly identified.
4. Any barriers associated with occasional parking shall be no closer than six feet from any tree.

G. Spaces

1. Parking spaces shall be clearly marked on the ground for all uses by painted lines, curbs or other means to indicate individual spaces. Parking spaces for compact cars shall be individually and clearly identified as compact spaces.
2. Wheel stops shall be required two and one-half (2.5) feet from the end of all spaces adjacent to a landscaped buffer, required planting area, and sidewalks even where curbing is provided.
3. Off street parking spaces shall be not less than nine feet by 19 feet, except that:

a. A maximum of 30 percent of the total number of spaces may be designed as compact spaces measuring eight feet by 16 feet;

b. Space length can be reduced to 16.5 feet when the wheel stop or curb is located adjacent to a landscaping buffer and the encroachment of the vehicle into the landscaped buffer will not damage plants.

4. The dimensions of all parallel parking spaces shall be not less than nine feet by 22 feet.
5. Minimum aisle width shall be 22 feet for two-way traffic and 10 feet for one-way traffic.
6. All parking spaces shall be located so as to provide off-street maneuvering space as set forth in the transportation and traffic engineering handbook.
7. Adequate onsite turnaround area shall be provided for all parking spaces.