CC-2016-03: An ordinance <u>TO DENY</u> a text amendment to the City of Clemson Zoning Ordinance to Allow 65' Structure Height on Keowee Trail in the CM District

STATE OF SOUTH CAROLINA)
) **<u>ORDINANCE NO: CC-2016-03</u>**
CITY OF CLEMSON)

ORDINANCE TO <u>DENY</u> A PROPOSED TEXT AMENDMENT TO SECTION 19-404 DENSITY, BULK, DIMENSIONAL REQUIREMENTS FOR PRINCIPAL AND ACCESSORY USES AND/OR STRUCTURES IN THE NON-RESIDENTIAL DISTRICTS TO ALLOW 65' OF HEIGHT FOR STRUCTURES IN THE CM, COMMERCIAL MIXED-USE DISTRICT FOR PROPERTIES ABUTTING KEOWEE TRAIL.

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-28
Planning Commission: November 9, 2015
Public Hearing: December 7, 2015
First Reading: January 4, 2016
Second Reading: January 19, 2016
Ordinance #: CC-2016-03

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An ordinance TO DENY the following text amendment to the City of Clemson Zoning Ordinance:

Section 19-404. Density, Bulk, and Dimensional Requirements for Principal and Accessory Uses and/or Structures in the Non-residential Districts

A. The minimum standards for density, bulk, and other related dimensional requirements are hereby established in Table 19-404-1 for all non-residential districts. Section endnotes are provided to clarify specific requirements that apply to the uses designated.

B. In addition to the requirements of Table 19-404-1, the design requirements in Article XI Architectural Review Districts may also apply.

Table 19-404-1. Density, Bulk, and Dimensional Requirements for Principal and Accessory Uses and/or Structures in the Non-residential Districts

USE	DISTRICTS									
	C	CM	CP-1	CP-2	CP-3	OP	RIL	OR	M	Reference
A. MINIMUM DIMENSIONAL AND/OR BULK STANDARDS FOR ALL NON-RESIDENTIAL DISTRICTS										
1. Front setback, max.	3'/15'[1]	20'[2]	8'	35'	35'	25'	35'			See Section 19-404-1. Endnote 1 & 2
2. Front setback, min.	0'	8'/10'[2]	8'	8'	15'	8'	35'	25'	50'[3]	See Section 19-404-1. Endnote 2 & 3
3. Side setback, min.	0'	0'	0'	0'	0'	0'	25'	10'	50'[3]	See Section 19-404-1. Endnote 3
4. Side setback, max.	0'[4]	0'[4]								See Section 19-404-1. Endnote 4
5. Rear setback, min.	10'	10'[5]	25'	25'[6]	25'	25'	35'	25'	100'[3]	See Section 19-404-1. Endnotes 3,5,6
6. Lot area, min. (acres)							1	2	25 [3, 7]	See Section 19-404-1. Endnotes 3,7
7. Lot width at front building Line, min.							100'[8]		500'[7]	See Section 19-404-1. Endnotes 7,8
8. Structure height,	65'	40'/65'[9,]	40'	40'/65'[11]	40'	35'	50'		65'[7]	See Section

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USE	DISTRICTS									
	C	CM	CP-1	CP-2	CP-3	OP	RIL	OR	M	Reference
max.		10,11								19-404-1. Endnotes 7,9,10,11
9. Structure height, min.	24'	24'								
10. Gross floor area for retail establishments per floor[12], max. (square feet)			3,000			2,500				See Section 19-403-1. Endnote 12
11. Gross floor area for retail establishments for all floors occupied by a single business[13], max. (square feet)			12,000							See Section 19-403-1. Endnote 13
12. Dwelling occupancy	4	4	4	4	4	3				
13. Drive-in or drive-thru services - Conditional Use Standards [CP-2, CP-3, & OP Districts Only]				C	C	C	C			
	a. A minimum stacking distance of 120 feet shall be provided to accommodate vehicles queuing in the drive-in/thru lanes. b. Entrances to drive-in/thru lanes shall be a minimum of 25 feet from the parcel entrance onto the public right-of-way. c. Drive-in/thru lanes shall be a minimum of 11 feet in width. d. Operation of drive-in/thru lanes, other than those accessing an ATM, shall be limited to the hours if 7 a.m. to 10 p.m. if the property abuts a residential use or district.									
12. Impervious surface ratio, max.							60%		60%	
13. Access requirements, min.										See Section 19-611
14. Parking/Bike Requirements										See Section 19-802-K.
15. Signage Requirements										See Article VII.
16. Lighting Requirements										See Article X

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USE	DISTRICTS									
	C	CM	CP-1	CP-2	CP-3	OP	RIL	OR	M	Reference
17. Landscape and/or Bufferyard Requirements										See Article IX
18. Dumpsters and Solid Waste Collection Receptacles										See Section 19-905-I
19. Utilities										See Article VI 19-607
20. Architectural Design Standards										See Article XI.

[1] The maximum front setback in the C District shall be three feet in C, except that the maximum front setback may be 20 feet if a porte-cochere or similar covered area serving a hotel's main entrance is provided. A five foot maximum articulation may be provided that exceeds the maximum setbacks.

[2] In the CM District:

a) Properties abutting any public right-of-way other than College Avenue shall have a minimum front setback of 8 feet;

b) Properties along College Avenue shall have a minimum front setback of 10 feet;

c) The maximum front setback for all CM District properties shall be 15 feet, unless a public plaza is provided as per subsection e) of this endnote, then the maximum front setback shall be 10 feet;

d) The outdoor gathering space created by the public sidewalks along College Avenue shall be extended into the area between the front building façade and the public right-of-way and shall be similarly provided along any other public right-of-way, sidewalk, or property owned by the City of Clemson or the US Army Corps of Engineers. The space may be used as a sidewalk, patio, courtyard, or outdoor café to serve the businesses occupying the building;

e) A plaza having a minimum depth of 25 deep and a maximum depth of 50 feet may be provided fronting a public street, sidewalk, City of Clemson property, or land owned by the US Army Corps of Engineers provided it is accessible to the general public and is a minimum of 25 feet wide up to a maximum width of 30 percent of the building frontage occupancy requirement, provided however, that all sides of the building abutting the plaza shall have retail, office, or service uses having a minimum depth of 35 feet; and

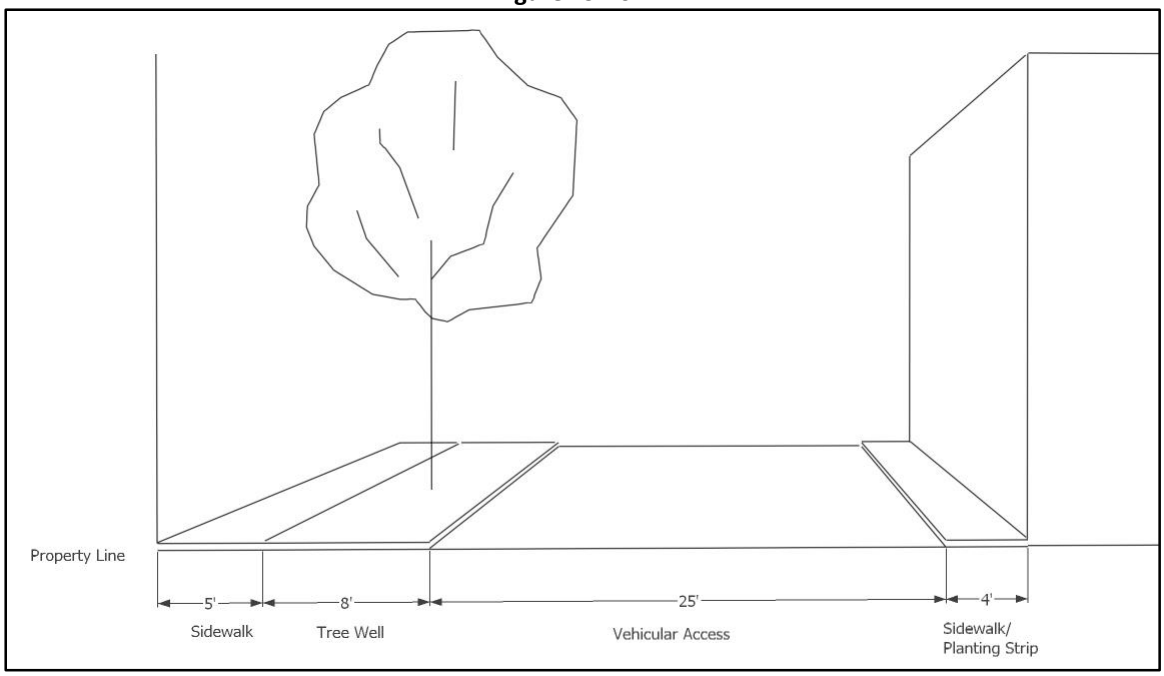
f) A five foot maximum articulation may be provided that exceeds the maximum setbacks but shall not occupy more than 30 percent of the total frontage occupancy.

[3] Minimum lot size applies to both a standalone industrial facility or a multi-tenant business or development park/campus.

[4] All properties in the C or those fronting College Avenue in the CM district shall be constructed side lot-line to side lot-line with a 0' side setback for the first 50 feet of depth, except for where an entrance is required to provide access to the interior of the site and is designed as per Figure 19-202-A, or as per required bufferyard standards. No more than one vehicular entrance, not exceeding 25 feet in width, may be allowed to provide access through the building to

the interior of the building or site and whereas an additional five feet of width for a pedestrian sidewalk shall be provided.

Figure 19-404-A



[5] Parcels in the CM District whose rear property line abuts a public alley or right-of-way shall provide a 15 foot Type "E" Bufferyard directly abutting the alley or right-of-way. Frontages along Addison Lane and Knox Lane shall be considered rearyards.

[6] Minimum rear setback for properties abutting US Army Corp of Engineers' land or an active railroad right-of-way shall be five feet.

[7] All dimensional standards shall be set by the Board of Zoning Appeals for any proposed manufacturing use classified as special exception petition in the M District or any special exception in the OR District, but shall be no less than the standard indicated.

[8] Minimum Lot Width at Front Building Line shall apply to standalone uses on one acre parcels

[9] Principal use structures in the CM District shall have a maximum 40 foot height unless a) the rear bufferyard is expanded by 10 feet where such parcels shall have a maximum height of 50 feet. Where ~~or~~ b) the parcel is entirely contained in the CM District, fronts College Avenue, and abuts property owned by the U.S. Army Corps of Engineers or c) the parcel has frontage along Keowee Trail and does not have frontage along any other public right-of-way, ~~where~~ such parcels shall have a maximum height of 65 feet.

[10] For CM parcels fronting College Avenue, height shall be measured at the average grade of the sidewalk along College Avenue;

[11] Hotels may be permitted to have a maximum height of 65 feet in CP-2 District subject to the approval of a conditional use in the CP-2 District.

[12] Maximum gross floor area for retail establishments shall not exceed the permitted square feet on any one floor.

[13] Maximum gross floor area of a single business occupying more than one floor of a building.