

2016-R-04: Text Amendment to Allow 65' Height for Hotels in the CM, Commercial Mixed-Use District

**An Ordinance to Amend the City of Clemson Zoning Ordinance to Allow Hotels (excluding Casino Hotels) and Motels Between 41' and 65' as a Conditional Use in the CM, Commercial Mixed-Use District as follows:**

- 1) Amend Section 19-402. Table of Uses for Non-residential Districts to add as a Conditional Use, Hotels and Motels between 51' and 65' in Height as follows:

**Table 19-402 Table of Uses for Non-residential Districts**

P = Permitted Use C = Conditional Use SE = Special Exception A=Accessory Dash (-) = Use not Permitted												
USE CATEGORY	USE TYPE	NAICS Code	C	CM	CP-1	CP-2	CP-3	OP	RIL	OR	M	C/SE Reference
<b>F. SERVICES</b>												
Accommodation and Food Services	Hotels (except Casino Hotels) and Motels not exceeding height limit of district	721110	C <sup>4</sup>	C	-	P	P	-	P	A <sup>3</sup>	A <sup>5</sup>	Section 19-402 Endnotes 3,5
	Hotels (except Casino Hotels) and Motels between 41' and 65' in height	721110	-	-	-	C	-	-	-	-	-	Section 19-405 F.1.a.1) Table 19-404-1 Endnote 11
	Hotels (except Casino Hotels) and Motels between 51' and 65' in height	721110	-	C	-	-	-	-	-	-	-	Section 19-405 F.1.a.2) Table 19-404-1 Endnotes 9 & 11
	Full-service Restaurants	722110	P	P	P	P	P	-	P	A <sup>3</sup>	A <sup>5</sup>	Section 19-402 Endnotes 3,5

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USE CATEGORY	USE TYPE	NAICS Code	C	CM	CP-1	CP-2	CP-3	OP	RIL	OR	M	C/SE Reference
	Limited-service Restaurants	722211	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P	P	P <sup>2</sup>	P	A <sup>3</sup>	A <sup>5</sup>	Section 19-402 Endnotes 2,3,5
	Cafeteria, Grill Buffet, and Buffet	722212	P	-	-	P	P	-	-	-	A <sup>5</sup>	Section 19-402 Endnote 5
	Drinking Places	722410	P	C	C	P	P	-	-	A <sup>3</sup>	A <sup>5</sup>	Section 19-402 Endnotes 3,5
	Snack and Beverage Bars	722213	A	A	A	A	A	A	A	A <sup>3</sup>	A <sup>5</sup>	Section 19-402 Endnotes 3,5
	Caterers	722320	P	P	P	P	P	P	P	-	-	
	Special Food Services (Mobile food trucks)	7223	C	C	C	C	C					
	Mobile Food Services	722330	-	-	-	-	P	-	P	-	-	
<b>Automotive Repair and Maintenance</b>	Automotive Mechanical and Electrical Repair and Maintenance	811111 to 811113 and 811118	-	-	-	SE	C	-	-	-	-	
<b>Automotive Body, Paint, Interior, and Glass Repair</b>	Automotive Body, Paint, and Interior Repair and Maintenance	811121 and 811198	-	-	-	-	C	-	-	-	-	
	Automotive Glass Replacement Shops	811122	-	-	-	-	C	-	-	-	-	

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USE CATEGORY	USE TYPE	NAICS Code	C	CM	CP-1	CP-2	CP-3	OP	RIL	OR	M	C/SE Reference
	Automotive Oil Change and Lubrication Shops	811191	-	-	-	C	C	-	-	-	-	
	Car Washes	811192	-	-	-	C	C	-	-	-	-	
<b>Electronic and Precision and Commercial and Industrial Machinery and Equipment (except Automotive) Repair and Maintenance</b>	Consumer Electronics, Computer and Office Machine, and Other Electronic and Precision Equipment Repair and Maintenance	81121	P	-	-	P	P	-	-	-	-	
	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	8113	-	-	-	-	P	-	-	-	-	
<b>Personal and Household Goods Repair and Maintenance</b>	Home and Garden Equipment Repair and Maintenance	811411	-	-	-	-	P	-	-	-	-	
	Appliance Repair and Maintenance	811412	-	-	-	P	P	-	-	-	-	
	Reupholstery and Furniture Repair	811420	-	-	-	P	P	-	-	-	-	
	Footwear and Leather Goods Repair	811430	P	P	P	P	P	-	-	-	-	

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USE CATEGORY	USE TYPE	NAICS Code	C	CM	CP-1	CP-2	CP-3	OP	RIL	OR	M	C/SE Reference
	Other Personal and Household Goods Repair and Maintenance (except motorcycles and boats)	811490	P	P	P	P	P	-	-	-	-	
	Other Personal and Household Goods Repair and Maintenance (motorcycles, motorboats, canoes, sailboats, and other recreational boats)	811490	-	-	-	-	P	-	-	-	-	
<b>Personal and Laundry Services</b>	Barbershops, Beauty Salons, Nail Salons, and Other Personal Care Services (except tattoo & body art parlors)	812111 to 812113 81219	P	P	P	P	P	P	-	-	-	
	Other Personal Care Services (tattoo and body art parlors)	81219	-	-	-	C	C	-	-	-	-	
<b>Death Care Services</b>	Funeral Homes and Funeral Services (except Crematories)	812210	-	-	-	P	P	-	-	-	-	
	Cemeteries and Crematories	812220	-	-	-	-	C	-	-	-	-	

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USE CATEGORY	USE TYPE	NAICS Code	C	CM	CP-1	CP-2	CP-3	OP	RIL	OR	M	C/SE Reference
<b>Drycleaning and Laundry Services</b>	Drycleaning and Laundry Services (except Coin-operated)	812320	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>	P	P	-	-	-	-	Reference Section 19-402 Endnote 6
	Coin-operated Laundromats	812310	P	P	P	P	P	-	-	A <sup>3</sup>	-	Reference Section 19-402 Endnote 3
	Linen Supply	812331	-	-	-	P	P	-	-	-	-	
	Industrial Launderers	812332	-	-	-	-	P	-	-	-	-	
<b>Other Personal Services</b>	Pet Care (except Veterinary and Boarding Kennels) Services	812910	-	-	C	C	P	-	-	-	-	
	Boarding Kennels	812910	-	-	SE	SE	SE	-	-	-	-	
	Other Personal Services	812990	P	-	P	P	P	-	-	-	-	
	Parking Lots	812930	C	-	-	-	-	-	-	-	-	
	Freestanding Parking Structures	812930	C	C	-	-	-	-	-	-	-	

<sup>1</sup> Minor utility distribution equipment routinely provided to connect individual structures and/or customers to the utility system are permitted by right in all zoning districts.

<sup>2</sup> No drive-thru windows permitted in RLC, C, CM, CP-1, or OP districts.

<sup>3</sup> Use allowed as part of an approved recreational facility, RV park, or campground per Section 19-405 H 2.

<sup>4</sup> Require on-site parking in C district.

<sup>5</sup> Use permitted as accessory use in a Scientific Research and Development Park or Campus per Section 19-405 E.1. and Industrial and/or Research Park or Campus per Section 19-405 C.1.b.2).

<sup>6</sup> No on site cleaning services allowed.

2016-R-04: Text Amendment to Allow 65' Height for Hotels in the CM, Commercial Mixed-Use District

- 2) Amend Section 19-404. Density, Bulk, and Dimensional Requirements for Principal and Accessory Uses and/or Structures in the Non-residential Districts, Table 19-404-1. Density, Bulk, and Dimensional Requirements for Principal and Accessory Uses and/or Structures in the Non-residential Districts A.8, Endnote 11 to Allow 65' for Hotels in the CM, Commercial Mixed-use District.

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

USE	DISTRICTS									Reference
	C	CM	CP-1	CP-2	CP-3	OP	RIL	OR	M	
<b>A. MINIMUM DIMENSIONAL AND/OR BULK STANDARDS FOR ALL NON-RESIDENTIAL DISTRICTS</b>										
1. Front setback, max.	3'/15' <sup>1</sup>	20' <sup>2</sup>	8'	35'	35'	25'	35'			See Section 19-404-1. Endnote 1 & 2
2. Front setback, min.	0'	8'/10' <sup>2</sup>	8'	8'	15'	8'	35'	25'	50' <sup>3</sup>	See Section 19-404-1. Endnote 2 & 3
3. Side setback, min.	0'	0'	0'	0'	0'	0'	25'	10'	50' <sup>3</sup>	See Section 19-404-1. Endnote 3
4. Side setback, max.	0' <sup>4</sup>	0' <sup>4</sup>								See Section 19-404-1. Endnote 4
5. Rear setback, min.	10'	10' <sup>5</sup> , <sup>6</sup>	25'	25' <sup>6</sup>	25'	25'	35'	25'	100' <sup>3</sup>	See Section 19-404-1. Endnotes 3,5,6
6. Lot area, min. (acres)							1	2	25 <sup>3, 7</sup>	See Section 19-404-1. Endnotes 3,7
7. Lot width at front building Line, min.							100' <sup>8</sup>		500' <sup>7</sup>	See Section 19-404-1. Endnotes 7,8
8. Structure height, max.	65'	40'/65' <sup>9</sup> , 10, 11	40'	40'/65' <sup>11</sup>	40'	35'	50'		65' <sup>7</sup>	See Section 19-404-1. Endnotes 7,9,10, 11
9. Structure height, min.	24'	24'								

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USE	DISTRICTS									Reference
	C	CM	CP-1	CP-2	CP-3	OP	RIL	OR	M	
10. Gross floor area for retail establishments per floor <sup>12</sup> , 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 <sup>13</sup> , 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			
	<p>a. A minimum stacking distance of 120 feet shall be provided to accommodate vehicles queuing in the drive-in/thru lanes.</p> <p>b. Entrances to drive-in/thru lanes shall be a minimum of 25 feet from the parcel entrance onto the public right-of-way.</p> <p>c. Drive-in/thru lanes shall be a minimum of 11 feet in width.</p> <p>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.</p>									
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
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.

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<sup>1</sup> 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.

<sup>2</sup> In the CM District:

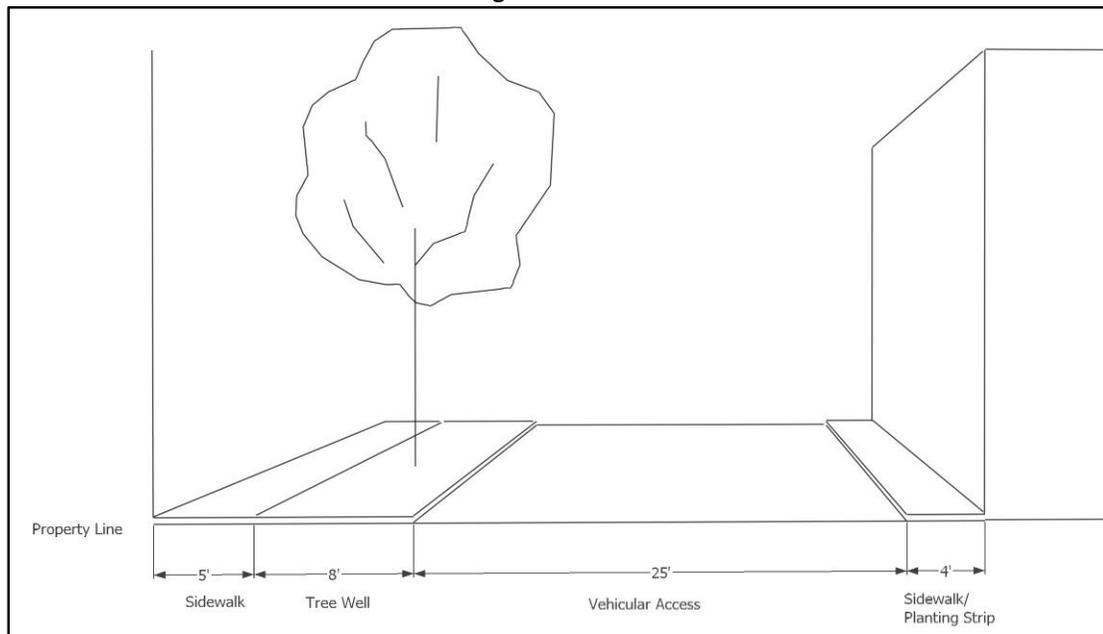
- a) Properties abutting any public right-of-way other than College Avenue shall have a minimum front setback of 8 feet;
- b) Properties along College Avenue shall have a minimum front setback of 10 feet;
- c) The maximum front setback for all CM District properties shall be 15 feet, unless a public 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.

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

<sup>4</sup> 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.

2016-R-04: Text Amendment to Allow 65' Height for Hotels in the CM, Commercial Mixed-Use District

Figure 19-404-A



<sup>5</sup> 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.

<sup>6</sup> Minimum rear setback for properties abutting US Army Corp of Engineers’ land or an active railroad right-of-way shall be five feet.

<sup>7</sup> 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.

<sup>8</sup> Minimum Lot Width at Front Building Line shall apply to standalone uses on one acre parcels

<sup>9</sup> 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 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, where such parcels shall have a maximum height of 65 feet.

<sup>10</sup> For CM parcels fronting College Avenue, height shall be measured at the average grade of the sidewalk along College Avenue;

<sup>11</sup> 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 and CM Districts per Section 19-405 F. a) 1 & 2.

<sup>12</sup> Maximum gross floor area for retail establishments shall not exceed the permitted square feet on any one floor.

<sup>13</sup> Maximum gross floor area of a single business occupying more than one floor of a building.

2016-R-04: Text Amendment to Allow 65' Height for Hotels in the CM, Commercial Mixed-Use District

- 2) Amend Section 19-405. Table 19-405. Table of Standards for Conditional Uses and Special Exceptions in Non-Residential Districts to add the CM, Commercial Mixed-Use District to Subsection F. Services 1.a. Hotels (except Casino Hotels) and Motels between 41' and 65' in Height.

**Table 19-405. Table of Standards for Conditional Uses and Special Exceptions in Non-residential Districts**

<b>F. SERVICES</b>	
<b>1. Accommodation and Food Services</b>	
<b>a. Hotels (except Casino Hotels) and Motels not exceeding 65' in height</b>	
<b>1) Conditional Use Standards for Hotels (except Casino Hotels) and Motels between 41' and 65' in height must comply with the following: {CP-2 District Only}</b>	
<ul style="list-style-type: none"> <li>a) Minimum lot size: One <del>(1) and one-half (1.5)</del> contiguous acres</li> <li>b) Bufferyards shall apply as follows:                             <ul style="list-style-type: none"> <li>i. When use abuts an R-20, R-12, RM-1, RM-2, RM-3, or RM-4 zoned district, the required bufferyard depth and amount of landscape materials between these uses shall be increased by:                                     <ul style="list-style-type: none"> <li>(a) For every one foot increase in structure height over 40 feet, the required bufferyard depth and amount of landscape materials shall increase by two and one-half (2.5) percent.</li> <li>(b) Recreational amenities, if provided, may be located only in the extended bufferyard area, subject to approval by the Zoning and Codes Administrator.</li> <li>(c) A six to eight foot high masonry wall shall be provided in lieu of the six to eight foot high fence/wall within the required bufferyard. Walls greater than 50 feet in length shall have a change in plane, height, material, material texture and/or significant landscape massing.</li> </ul> </li> <li>ii. In addition to the bufferyard requirements between uses, when any portion of the property is across a street from an R-20, R-12, RM-1, RM-2, RM-3, or RM-4 zoned district, an eight foot wide landscape bufferyard along the street shall be provided in lieu of perimeter landscape bufferyard requirements. The street bufferyard shall consist of:                                     <ul style="list-style-type: none"> <li>(a) One upper-story tree, a minimum of two-inch caliper at the time of planting, for every 30 lineal-feet of required bufferyard;</li> </ul> </li> </ul> </li> </ul>	

2016-R-04: Text Amendment to Allow 65' Height for Hotels in the CM, Commercial Mixed-Use District

<p>(b) One evergreen shrub, a minimum of 36 inches in height at the time of planting, for every three lineal-feet of required bufferyard; and</p> <p>(c) Regular perimeter landscape bufferyard requirements shall apply to properties adjacent to US Highways 123, 93, 76 and the railroad right-of-way.</p> <p>(d) <del>No balconies shall be allowed on any façade directly abutting a residentially zoned property.</del></p>	
<p><b>1) Conditional Use Standards for Hotels (except Casino Hotels) and Motels between 51' and 65' in height shall comply with the following: [CM District Only]</b></p>	
<p>a) Minimum lot size: One (1) <del>and one-half (1.5)</del> contiguous acres;</p> <p><del>a) Bufferyards shall apply as follows:</del> <b>Newly adopted AR Standards meets or exceeds these standards.</b></p> <p style="padding-left: 40px;"><del>When use abuts an R-20, R-12, RM-1, RM-2, RM-3, or RM-4 zoned district, the required bufferyard depth and amount of landscape materials</del></p> <p>b) <del>Only passive recreational amenities, if provided, may be located only in the extended rear bufferyard area, subject to approval by the Zoning and Codes Administrator.</del></p> <p><del>b) A six to eight foot high masonry wall shall be provided in lieu of the six to eight foot high fence/wall within the required bufferyard. Walls greater than 50 feet in length shall have a change in plane, height, material, material texture and/or significant landscape massing.</del> <b>Newly adopted AR Standards meets or exceeds these standards.</b></p> <p>iii. <del>In addition to the bufferyard requirements between uses, when any portion of the property is across a street or public alley from an R-20, R-12, RM-1, RM-2, RM-3, or RM-4 zoned district, an eight foot wide landscape bufferyard along the street shall be provided, subject to the approval of the Board of Architectural Review in lieu of perimeter landscape bufferyard requirements. The street bufferyard shall consist of:</del></p> <p style="padding-left: 40px;"><del>a) One upper-story tree, a minimum of two-inch caliper at the time of planting, for every 30 lineal-feet of required bufferyard;</del></p> <p style="padding-left: 40px;"><del>b) One evergreen shrub, a minimum of 36 inches in height at the time of planting, for every three lineal-feet of required bufferyard; and</del></p> <p style="padding-left: 40px;"><del>c) Regular perimeter landscape bufferyard requirements shall apply to properties adjacent to US Highways 123, 93, 76 and the railroad right-of-way.</del></p>	<p>See Section 19-908</p>

2016-R-04: Text Amendment to Allow 65' Height for Hotels in the CM, Commercial Mixed-Use District

<ul style="list-style-type: none"><li>c) A restaurant, open to the general public, having a minimum of 40 seats and having an entrance oriented to the primary façade, lakefront, or rooftop shall be provided as part of the hotel development;</li><li>d) Properties abutting College Avenue or Keowee Trail shall have outdoor seating facing the public right-of-way and lakefront property owned by US Army Corps of Engineers incorporated as part of a 15' front sidewalk;</li><li>e) Provision of space for public art shall be required, subject to the locational approval of the Board of Architectural Review. Content shall be coordinated with the Arts and Cultural Commission;</li><li>f) When available due to hotel occupancy, underused parking spaces may be leased for general public use; and</li><li>g) Properties abutting College Avenue or Keowee Trail shall provide a bus stop shelter incorporated into the frontage design subject to the operational needs of CAT.</li><li>h) No balconies shall be allowed on any façade directly abutting a residentially zoned property.</li></ul>	
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