

1. Agenda

Documents:

[08-12-24_PC_MEETING_AGENDA.PDF](#)

2. Meeting Materials

Documents:

[2024-R-04 PROPOSED TEXT AMENDMENT \(BONDING VACANT COMMERCIAL IN MIXED-USE\).PDF](#)

[DRAFT GRANDFATHERED NON-CONFORMANCE PROVISIONS --- FOR DISCUSSION.PDF](#)

[2024-R-03 PROPOSED TEXT AMENDMENT - FRONT SETBACKS AND PARKING IN CP-2.PDF](#)



CITY OF
Clemson
PLANNING &
DEVELOPMENT

AGENDA

City of Clemson Planning Commission Meeting

6:00 p.m., Monday, August 12, 2024

1250 Tiger Blvd., Suite 2

City Hall – Council Chambers

The public may attend City of Clemson meetings in person at this time.

You can also view these meetings on the City of Clemson's YouTube channel within 2-business days.

How to Submit Public Comments

1. In person during appropriate portions of meetings
2. On the City's MyCivic web platform no later than 5:00 p.m. the day before the meeting.

1. *Call to Order*

2. *Public Session*

3. *Adoption of Minutes*

- a. July 8, 2024 – Regular Meeting

4. *Action Items*

- a. 2024-R-03 Proposed Text Amendment (Front Setbacks/Parking in CP-2 Dist.)
- b. 2024-R-04 Proposed Text Amendment (Bonding for Commercial in Mixed-use)

5. *Advisory Items*

6. *Discussion Items*

- a. Grandfathering of Non-conformities

7. *Staff Reports*

8. *Other Items*

- a. Planning Commission Representation at Council Meetings
- b. Future Workshops and Other Events

9. *Adjourn*

One of the primary concerns often noted by members of the public regarding the development of mixed-use projects is the inability of developers to quickly fill the new commercial space they bring. Although the reasons for this delay vary, one common cause is often related to the developer's hesitancy to spend the money needed to complete a commercial space until a particular tenant is identified and their specific needs established. And, as most of the newer projects in the City have been able to operate profitably on the residential component alone, there is sometimes little incentive to aggressively pursue commercial tenants. Instead, commercial suites are left in an incomplete 'shell' condition for future upfit, the cost of which, at least a significant portion, is passed onto the tenant, thereby limiting the list of potential tenants.

In an effort to both create more 'move-in' commercial space, and to incentivize developers of future mixed-use projects in the City to be more pro-active in seeking tenants, this proposed Code amendment would create a new conditional use standard in the C, CM, CP-2, and CP-3 Districts requiring a bond with a 2-year expiration date equal to 150% of the estimated cost of the build-out of all commercial space left unfinished at the time a certificate of occupancy is issued for the residential portion. As space is completed for viable tenants, the bond, or a proportionate amount of it, will be released. In the event there is still unfinished commercial space left after two years, the City may call the bond two weeks prior to its expiration.

Note: As drafted, his proposed amendment adds the same verbiage in three locations.

PROPOSED AMENDMENT

CODE OF ORDINANCES CHAPTER 19 ZONING

ARTICLE IV. NON-RESIDENTIAL DISTRICTS AND DISTRICT REGULATIONS

Sec. 19-405. Standards for conditional use and special exceptions for non-residential districts.

A. RESIDENTIAL USES

1. Residential Developments, Various

a. Mixed-use Structures

1. Conditional Use Standards [C District Only]

- j. A bond in an amount equal to 150% of the estimated cost for building out the commercial space (based on the current average cost for commercial construction in the area as determined by the City) shall be posted at the time of the issuance of the first Certificate of Occupancy issued for any portion of the residential**

component of the mixed-use structure. The bond, which shall have a 2-year expiration date, may be either a cash or surety bond, and shall be released upon completion of the upfit of the commercial space. In the event the commercial space upfit is completed by units or phases, the bond amount may be proportionately reduced based on square footage as the space is occupied by a viable commercial entity possessing a business license issued by the City. The City shall reserve the right to call the bond for any uncompleted commercial space two weeks prior to the expiration of the bond.

1. Conditional Use Standards *[CM District Only]*

- j. A bond in an amount equal to 150% of the estimated cost for building out the commercial space (based on the current average cost for commercial construction in the area as determined by the City) shall be posted at the time of the issuance of the first Certificate of Occupancy issued for any portion of the residential component of the mixed-use structure. The bond, which shall have a 2-year expiration date, may be either a cash or surety bond, and shall be released upon completion of the upfit of the commercial space. In the event the commercial space upfit is completed by units or phases, the bond amount may be proportionately reduced based on square footage as the space is occupied by a viable commercial entity possessing a business license issued by the City. The City shall reserve the right to call the bond for any uncompleted commercial space two weeks prior to the expiration of the bond.

2. Conditional Use Standards *[CP-2 & CP-3 Districts Only]*

- e. A bond in an amount equal to 150% of the estimated cost for building out the commercial space (based on the current average cost for commercial construction in the area as determined by the City) shall be posted at the time of the issuance of the first Certificate of Occupancy issued for any portion of the residential component of the mixed-use structure. The bond, which shall have a 2-year expiration date, may be either a cash or surety bond, and shall be released upon completion of the upfit of the commercial space. In the event the commercial space upfit is completed by units or phases, the bond amount may be proportionately reduced based on square footage as the space is occupied by a viable commercial entity possessing a business license issued by the City. The City shall reserve the right to call the bond for any uncompleted commercial space two weeks prior to the expiration of the bond.

FOR DISCUSSION ONLY

August 12, 2024 Planning Commission
Agenda Item 6.a

Proposed Text Amendment – Non-conformities

CODE OF ORDINANCES

CHAPTER 19 ZONING

ARTICLE VI. GENERAL AND SUPPLEMENTARY REGULATIONS

DIVISION 2. REGULATIONS GOVERNING LEGAL NONCONFORMITIES

Sec. 19-621. Nonconforming lots, uses, and/or structures.

- E. Any legally nonconforming structure or use (hereafter “Nonconformance”) determined to be otherwise in compliance with the provisions of this Code that is *damaged, destroyed, or caused to be relocated by any means other than the voluntary, willful, and lawful action of the owner(s) (or their duly authorized agent, employee, or subordinate)*, may be repaired, rebuilt, or otherwise restored to the state, condition, and configuration in which it existed prior to being damaged or destroyed with no restriction placed on its continuation as a legal nonconformity. The following standards shall apply:
- 1) Any renovation, restoration, and/or construction activities associated with the repair or restoration of a Nonconformance permitted by this section shall meet all applicable adopted building, fire, and life-safety codes and regulations.
 - 2) If said damage, destruction, or relocation of a Nonconformance results from an exercise of eminent domain by a duly authorized entity, it may be repaired/reconstructed or relocated, if possible, on another portion of the property on which it was situated prior to damage/destruction/relocation; or, if site conditions or other factors prohibit relocation on the same property, it may be relocated to an abutting lot under the same ownership, provided, however, said relocation does not result in the enlargement or increase of the legal nonconformance, nor does it create any safety hazard or direct negative impacts on an existing adjacent use.
 - 4) A reconstructed and/or restored Nonconformance shall possess no more volume, lot coverage, or floor space than existed prior to damage/destruction.
 - 5) A Nonconformance reconstructed or otherwise restored under the provisions of this section shall, to the extent possible, meet adopted open space requirements for such structures/uses. In no event, however, shall the total open space be less than existed prior to damage/destruction.
 - 6) Any Nonconformance located in an Architectural Overlay District shall conform to current Architectural Overlay District standards. The Board of Architectural Review (BAR) may grant waivers (with or without conditions) from standards that prohibit or otherwise negatively impact reconstruction/restoration.

FOR DISCUSSION ONLY

August 12, 2024 Planning Commission

Proposed Text Amendment – Non-conformities

Agenda Item 6.a

- 7) All activities associated with the repair, reconstruction/restoration, and relocation of a Nonconformance permitted by this section shall be completed within thirty-six (36) months after the date of damage, destruction, or relocation; the Zoning Administrator may grant an extension of up to twelve (12) months for demonstrated cause. Failure to complete such activities within the approved timeframe shall be considered to be, and shall be dealt with as, a violation of this Chapter.
- 8) The ability of an owner to relocate, reconstruct, restore, and continue use of a Nonconformance as permitted by this section shall be by right, and as such shall not be subject to the review and approval as a Special Exception, variance, or other form of relief granted by the Board of Zoning Appeals.

~~The proposed repair or reconstruction of any structure damaged as a result of any cause whatsoever, provided the cost of the repair/reconstruction of said structure is greater than fifty (50) percent of its fair market value immediately prior to damage, shall result in the loss of nonconformity rights and subject said structure to strict conformity to these standards. However, any duly permitted legally nonconforming residential structure located in the R-20, R-12, RM-1 and RM-2 Residential Districts deemed by the Zoning Administrator to have been in compliance with all applicable City standards and requirements (other than said legal nonconformity) prior to being damaged as a result of fire, or other cause beyond the control of the owner, may be granted a restoration of nonconformity rights, with or without conditions, as a Special Exception by the Board of Zoning Appeals.~~

2024-R-03 Proposed Text Amendment (Front Setbacks and Parking Requirements in CP-2 District)

Planning Commission Meeting - August 12, 2024

This proposed text amendment addresses two issues impacting properties situated in the CP-2 (Community Business) District, and streamlines existing categories of retail businesses in the district by expanding the General Merchandise Stores category.

Currently, all CP-2 properties are located in the highway commercial areas along Tiger Boulevard (US 76/123) and Old Greenville Highway (Hwy 93). In recent years, as businesses were either constructed or remodeled, staff have realized that the district's front setback requirement significantly impacts the installation of both required trees and landscaping, and items like drive-through lanes, features widely accepted and desired for many restaurants in the area. Therefore, in an effort to alleviate the issue, this proposed amendment abolishes the maximum setback requirement for the district.

In addition, this proposed amendment addresses CP-2 District parking location requirements. As noted above, a number of CP-2 District properties are situated along Tiger Boulevard, which places some of those adjacent to Corps of Engineers property around Lake Hartwell. As a result, the opportunity exists to enhance future commercial development in the area by requiring new structures near the waterfront to be oriented to the lake. As drafted, the amendment creates a new conditional use standard requiring certain uses to locate parking and storage areas behind the building, and amends Table 19-1110 of the Architectural District Standards by removing the requirement for all parking to be in front the business, therefore allowing the BAR to deal with parking on a case-by-case basis.

Proposed Text (Note: Due to length of tables, only sections proposed to be amended are shown)

CODE OF ORDINANCES

CHAPTER 19 ZONING (1)

ARTICLE IV. NON-RESIDENTIAL DISTRICTS AND DISTRICT REGULATIONS

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

A. MINIMUM DIMENSIONAL AND/OR BULK STANDARDS FOR ALL NON-RESIDENTIAL DISTRICTS

Use	C	CM	CP-1	CP-2	CP-3	OP	RIL	OR	M	Reference
1. Front <u>setback</u> , max.	3'/15' ¹	15' ²	15' ¹⁴	35' NA	35'	25'	35'			See Section 19-404-1. Endnotes 1, 2, 14

Planning Commission Meeting - August 12, 2024

Table 19-1110 Architectural District Standards									
STANDARD	AR DISTRICT								
	#1	#2	#3	#4	#5	#6	#7	#8	
1. Site Standards									
a. Site Relationships									
1. No off-street parking or service areas shall be allowed in front of the front <u>building line</u> with the exception of a porte-cochere or other similar covered areas providing short-term drop-off.	✓	✓	✗	✓	✓	✓	✓	✓	

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	
A. RESIDENTIAL USES													
Residential Developments, Various	Mixed Use Structures	NA	C	C	-	.7	.7	-	-	-	-	See Section 19-402 Endnote 7	
B. PUBLIC AND INSTITUTIONAL USES, AND UTILITIES													
Museums, Historical Sites, Other Similar Institutions	Museums, Historical Sites	712110 712120	P	P	P	P	P	P	-	P	-		
	Zoos and Botanical Gardens	712130	-	-	-	-	-	-	-	P	-		
	Nature Parks and Similar Institutions	712190	-	-	-	-	-	-	-	P	-		
Utilities	Electric Power Generation, Transmission and Distribution ¹ (Major)	2211	-	-	-	C	C	-	C	-	C	Section 19-402 Endnote 1	
	Water, Sewage, and Other Systems (Major)	2213	-	-	-	-	-	-	P	-	P		
Transportation	Rail Passenger Depot	4821	-	-	-	P ⁸	-	-	-	-	-	Endnote 8	
	Scenic and Sightseeing Transportation, Water	4872	-	-	-	P	-	-	-	P	-		
	General Freight Trucking	4841	-	-	-	-	P	-	-	-	-		
	Interurban and Rural Bus Transportation	4852	-	-	-	-	-	-	C	-	-		
	Taxi and Limousine Service	4853	-	-	-	C ⁸	-	-	-	-	-	Endnote 8	
	School and Employee Bus Transportation	4854	-	-	-	-	P	-	-	-	-		
	Charter Bus Industry	4855	-	-	-	-	P	-	-	-	-		
	Other Transit and Ground Passenger Transportation	4859	-	-	-	-	P	-	-	-	-		
Delivery Services	Postal Service	491110	P	P	P	P ⁸	P	P	P	-	-	Endnote 8	
	Couriers	492110	-	-	-	-	P	-	-	-	-		
	Local Messengers and Local Delivery	492210	P	P	P	P	P	P	P	-	-		

2024-R-03 Proposed Text Amendment (Front Setbacks and Parking Requirements in CP-2 District)

Planning Commission Meeting - August 12, 2024

Hospitals	General and Specialty Hospitals	622	-	-	-	P ⁸	P	-	P	-	-	Endnote 8
Nursing and Residential Care	Nursing Care and Other Residential Care Facilities	623	-	-	-	P ⁸	P	-	P	-	-	Endnote 8
Social Assistance	Individual, Family, and Other Services	6241 6242	P	-	-	P	P	-	P	-	-	
	Vocational Rehabilitation Services	6243	P	-	-	P	P	-	P	-	-	
	Child Day Care Services	624410	P	C	P	P	P	C	C	-	A	
	Adult Day Care Services	624120	P	P	P	P	P	P	P	-	-	
Educational Services	Preschools	611110	P	P	-	-	-	-	-	-	-	
	Kindergarten, Elementary and Secondary Schools	6111	-	-	C	-	-	-	-	-	-	
	Colleges, Universities, other Professional, Technical and Trade Schools, and Educational Support Services	6112 to 6117	C	-	-	P ⁸	P	-	P	-	-	Endnote 8
Religious, Civic, and Similar Organizations	Religious Organizations (except student fellowship areas)	8131	P	P	P	P ⁸	P	P	P	-	-	Endnote 8
	Student fellowship areas	813110	P	P	-	-	-	-	-	-	-	
	Student Fellowship Areas (with caretaker apartment)	813110	C	C	-	-	-	-	-	-	-	
	Civic, Business, Professional, Labor, Political, and Similar Organizations	8134 8139	P	P	-	P	-	-	-	-	-	
Public Recreational Facilities	Public Recreational Facilities, Passive	NA	P	P	P	P	P	P	P	P	-	
	Public Recreational Facilities, Active	NA	-	P	P	P	P	-	-	P	-	

F. SERVICES

Accommodation and Food Services	Hotels (except Casino Hotels) and Motels not exceeding height limit of district	721110	C ⁴	C	-	P ⁸	P	-	P	A ³	A ⁵	Section 19-402 Endnotes 3,5,8
	Hotels (except Casino Hotels) and Motels between 41' and 65' in height	721110	-	-	-	C ⁸	-	-	-	-	-	Endnote 8
	Full-service Restaurants	722110	P	P	P	P	P	-	P	A ³	A ⁵	Section 19-402 Endnotes 3,5
	Limited-service Restaurants	722211	P ²	P ²	P ²	P	P	P ²	P	A ³	A ⁵	Section 19-402 Endnotes 2,3,5
	Cafeteria, Grill Buffet, and Buffet	722212	P	-	-	P	P	-	-	-	A ⁵	Section 19-402 Endnote 5
	Banquet Facilities	531120	-	C	C	P	P ⁸	-	-	C	-	Endnote 8
	Drinking Places	722410	P	C	C	P	P	-	-	A ³	A ⁵	Section 19-402 Endnotes 3,5
	Snack and Beverage Bars	722213	A	A	A	A	A	A	A	A ³	A ⁵	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	-	-	

2024-R-03 Proposed Text Amendment (Front Setbacks and Parking Requirements in CP-2 District)

Planning Commission Meeting - August 12, 2024

Death Care Services	Funeral Homes and Funeral Services (except Crematories)	812210	-	-	-	P ⁸	P	-	-	-	-	Endnote 8
	Cemeteries and Crematories	812220	-	-	-	-	C	-	-	-	-	
G. RETAIL TRADE												
Motor Vehicle and Parts Dealers	New Car	441110	-	-	-	-	C	-	-	-	-	
	Used Car	441120	-	-	-	-	C	-	-	-	-	
	Recreational Vehicle, Motorcycle, ATV, Personal Watercraft, Boat	441210 441221 441222	-	-	-	C ⁸	C	-	-	-	-	Endnote 8
	Other Motor Vehicle Dealers	441229	-	-	-	-	C	-	-	-	-	
Automotive Parts, Accessories, and Tire Stores	Automotive Parts and Accessories Stores (excluding repair or installation services)	441310	-	-	-	P	P	-	-	-	-	
	Tire Dealers	441320	-	-	-	SE	C	-	-	-	-	
Furniture and Home Furnishings Stores	Furniture and Home Furnishings Stores	442	-	-	-	P	P	-	-	-	-	-
	All Other Home Furnishings Stores	442299	P	P	P	P	P	P	P	-	-	
Electronics and Appliance Stores	Household Appliance, Radio, Television, Computer and Software, Camera and Photographic, and Other Electronics Stores	443	P	P	P	P	P	-	-	-	-	-
Building Material and Garden Equipment and Supplies Dealers	Home Centers	444110	-	-	-	P	P	-	P	-	-	
	Paint and Wallpaper Stores	444120	-	P	P	P	P	-	-	-	-	
	Hardware Stores	444130	-	-	-	P	P	-	-	-	-	
	Other Building Materials	444190	-	-	-	-	P	-	-	-	-	
	Outdoor Power Equipment Stores	444210	-	-	-	-	P	-	-	-	-	
	Nursery, Garden Center, and Farm Supply Stores	444220	-	-	-	P	P	-	-	-	-	
Food and Beverage Stores	Supermarkets and Other Grocery (except Convenience) Stores	445110	-	-	-	P	P	-	-	-	-	
	Convenience Stores	445120	P	P	P	P	P	P	P	A ³	A ⁵	Section 19-402 Endnotes 3,5
	Miscellaneous Specialty Food Stores and Markets	4452	P	P	P	P	P	P	P	A ³	A ⁵	Section 19-402 Endnotes 3,5
	Beer, Wine, and Liquor Stores	445310	P	-	-	P	P	-	-	-	-	
Health and Personal Care Stores	Miscellaneous Health and Personal Care Stores (except Pharmacies and Drug Stores - 446110)	4461	P	P	P	P	P	P	-	-	-	
	Pharmacies and Drug Stores	446110	P	P	P	P	P	P	-	-	-	
Gasoline Stations	Gasoline Stations with Convenience Stores (except Automotive Repair Services)	447110	-	C	C	C	C	-	C ⁵	-	C ⁵	Section 19-402 Endnote 5
	Other Gasoline Stations (retailing automotive fuels only)	447190	-	-	C	C	C	-	C	-	-	
Clothing and Clothing Accessories Stores	Clothing, Shoe, Jewelry, Luggage, and Leather Goods Stores	448	P	P	P	P	P	-	-	-	-	-

2024-R-03 Proposed Text Amendment (Front Setbacks and Parking Requirements in CP-2 District)

Planning Commission Meeting - August 12, 2024

Sporting Goods, Hobby, Book, and Music Stores	Book, Periodical, Music, Hobby, Toy, and Supplies Stores	45114 4512	P	P	P	P	P	-	-	-	-	-
	Sporting Goods Stores	45111	P	-	-	P	P	-	P	-	-	-
General Merchandise Stores	Department Stores	452111 to 452112	P	P	-	P	P	-	-	-	-	-
	Warehouse Clubs and Supercenters-General Merchandise Store over 6,000 sq/ft	452910	P	P	P	P ⁸	P	P	-	-	-	Endnote 8
	All-Other General Merchandise Stores under 6,000 sq/ft	452990	P	P	P	P	P	P	-	-	-	
Miscellaneous Store Retailers	Florists	4531	P	P	P	P	P	P	-	-	-	-
	Office Supplies and Stationery Stores	4532	P	P	P	P	P	P	-	-	-	-
	Gift, Novelty, and Souvenir Stores	453220	P	P	P	P	P	P	-	A ³	-	Section 19-402-Endnote 3
	Used Merchandise Stores	453310	P	P	P	P	P	P	-	-	-	-
	Pet and Pet Supplies Stores	453910	P	P	P	P	P	-	-	-	-	-
	Tobacco Stores	453991	P	P	P	P	-	-	-	-	-	-
	All-Other Miscellaneous Store Retailers (except Tobacco Stores)	453998	P	-	P	P	P	-	-	-	-	-

¹ 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.

² No drive-thru windows permitted in RLC, C, CM, CP-1, or OP district.

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

⁴ Require on-site parking in C district.

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

⁶ No on-site cleaning services allowed.

⁷ Properties with direct vehicular access (ingress/egress) to two separate arterial roads may be permitted as conditional uses subject to the same conditional use standards as those applicable in the CP-2 and CP-3 Districts.

⁸ With the exception of Handicap Parking Spaces all parking and Storage of Vehicles or Equipment will be behind the Building.

(Ord. No. CC-2014-05, § 1, 8-18-14; Ord. No. CC-2016-04, § II, 1-19-16; Ord. No. CC-2017-04, 3-6-17, Ord. No. CC-2019-06, 5-6-19; Ord. No. CC-2021-32, 12/06/2021; Ord. No. CC-2022-23, 11/21/2022; Ord. No. CC-2022-26, 12/05/2022) Ord. No XX-XXX, XX/XX/XXXX

Effective on: 12/5/2022