

## Clemson Town Center

Commercial Portion of the Original Planned Development,  
Berkeley Place Planned Development adopted  
November 16, 1998  
City Council Ordinance CC-98-016

The following documents will replace in its entirety "Division 3: Commercial Parcel" of the Planned Development, Berkeley Place Planned Development which was adopted on November 16, 1998 by City Council Ordinance CC-98-016.

Clemson Town Center will be the reference name for the commercial parcel and will be governed by the adopted code that follows for the 11.4 acre commercial portion of the Berkeley Place Planned Development.

DOCUMENTS LOCATED IN NOTEBOOK  
AS PD # 15 CC-2002-01,  
CLEMSON TOWN CENTER

CITY OF CLEMSON - ORDINANCE NO. CC-98-016  
ADOPTING ORDINANCE - PLANNED DEVELOPMENT

AN ORDINANCE ADOPTING A PLANNED DEVELOPMENT FOR THE CITY OF CLEMSON,  
SOUTH CAROLINA.

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

**Section 1. Authority and Adoption.** The following planned development 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. Purposes.** The purposes of the planned development ordinance are to implement a mixture of the following different types of housing and commercial uses: 1) a Single Household Residential use located on an approximately 405,024 square foot parcel, comprised of thirty-six (36) individual lots as shown on the Site Plan, attached hereto as Exhibit C and incorporated herein by reference; 2) a Multi-Household Residential use located on an approximately 596,056 square foot parcel which will be marketed to students, comprised of four hundred eighty (480) bedrooms in eleven (11) residential buildings, a clubhouse, and supporting amenities as shown on the Site Plan (Exhibit C) and the Elevation Plan for Clubhouse and Supporting Amenities, attached hereto as Exhibit F and incorporated herein by reference; 3) a commercial use located on an approximately 520,922 square foot parcel, as shown on the Site Plan (Exhibit C).

**Section 3. Title.** This ordinance may be cited as "Berkeley Place Planned Development Ordinance, 1998."

**Section 4. Jurisdiction.** The provisions of this ordinance shall apply to all land and improvements within the area described in the Legal Description (Tax Map Parcel No.: D20-03-0560), attached hereto as Exhibit A and incorporated herein by reference.

**Section 5. Effective Date.** The provisions of this ordinance shall be effective on Nov. 16, 1998.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Public hearing:           October 19, 1998  
First reading:           November 2, 1998  
Second reading:       November 16, 1998

Ord. No.:                CC-98-016

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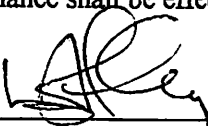
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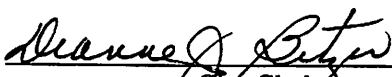
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ATTEST:

  
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City Clerk

Public hearing:           October 19, 1998  
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Ord. No.:                 CC-98-016

# **BERKELEY PLACE, A PLANNED DEVELOPMENT DISTRICT (PD) IN CLEMSON, SOUTH CAROLINA**

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## **ARTICLE I JURISDICTION, DESCRIPTION AND PHASING**

### **§ 101. Jurisdiction of the Ordinance.**

The provisions of the Ordinance shall apply to Berkeley Place, which is situated within the corporate limits of the City of Clemson, State of South Carolina, and described and shown in the Legal Description (Exhibit A), the Survey attached hereto as Exhibit B and incorporated herein by reference, the Site Plan (Exhibit C), the Landscape Plan attached hereto as Exhibit E and incorporated herein by reference, and the Elevation Plan for Clubhouse and Supporting Amenities (Exhibit F). S.C. Highway 93, a four-lane state highway, runs along the entire western boundary of the property. The eastern boundary of the property is Berkeley Drive, a two-lane secondary state road.

### **§ 102. Description of Berkeley Place, a Planned Development District (hereinafter referred to as the "PD").**

The PD shall be mixtures of the following different types of housing: 1) a Single-Household Residential use located on an approximately 405,024 square foot parcel, comprised of thirty-six (36) individual lots as shown on the Site Plan (Exhibit C); 2) a Multi-Household Residential use located on an approximately 596,056 square foot parcel which will be marketed to students, comprised of four hundred eighty (480) bedrooms in eleven (11) residential buildings, a clubhouse, and supporting amenities as shown on the Site Plan (Exhibit C); 3) a commercial use located on an approximately 520,922 square foot parcel, as shown on the Site Plan (Exhibit C).

### **§ 103. Development phases and timetable for initiation and completion.**

The developer shall commence development of the Multi-Household Residential Parcel and the Single-Household Residential Parcel immediately upon final approval of this ordinance. The developer will sell the lots located on the Single-Household Residential Parcel to one or more builders after the lots are appropriately graded, and utilities, curbs, gutters and the street have been installed. Thereafter, the actual development of the homes on the single-family lots will be a function of market absorption for the finished homes. The developer anticipates completion of the multi-family housing by August, 1999. The commercial development will be submitted for the review and approval of the City of Clemson Planning Commission as an amendment to this PD ordinance, following the procedures commencing with Section 314(d)d. of the City of Clemson Zoning Ordinance.

ARTICLE II  
DISTRICT REGULATIONS

*Refer to Village article*

DIVISION 1: SINGLE-HOUSEHOLD RESIDENTIAL PARCEL

§ 201. Description.

The Single-Household Residential Parcel, consisting of approximately 405,024 square feet, is intended for individual dwellings on a maximum of thirty-six (36) individual lots. There will be two twenty-five (25') foot buffers, one located on the western side of the parcel, consisting of approximately 36,000 square feet, and the other located on the eastern side of the parcel, consisting of approximately 39,461 square feet, shown more fully on the Site Plan (Exhibit C). There will be an eight (8') foot high privacy fence as shown on the Site Plan (Exhibit C). Along Berkeley Drive, the privacy fence is at the "inside" edge of the twenty-five (25') foot buffer, thereby ensuring the lack of visibility of the single-family homes from Berkeley Drive.

§ 202. Landscape.

The bufferyard and landscaped areas are set out on the Site Plan (Exhibit C) and the Landscape Plan (Exhibit E). All buffers will be undisturbed outside the eight (8') foot high privacy fence as shown on the Site Plan (Exhibit C). All landscaped areas will utilize as many existing trees as possible. All disturbed areas will be grassed or mulched. The Homeowners Association shall be responsible for removing undesirable vegetation from the landscape and buffer areas, including, but not limited to, kudzu, poison ivy, poison oak and poison sumac. The detention ponds for the Single-Household Residential Parcel are shown on the site plan (Exhibit C). The soils analysis, hydrology study and plan proposed to comply with sediment control will be part of the final civil engineering for the development.

§ 203. Open Space.

Open space consists of approximately 75,461 square feet, which equals approximately eighteen point six (18.6%) percent of the total area of the Single-Household Residential Parcel. Please refer to Site Plan (Exhibit C) for location of open space.

§ 204. Impervious Surface.

Approximately 129,238 square feet of the Single-Household Residential Parcel will be impervious under the plan of development as shown on the Site Plan (Exhibit C). The impervious surface includes the roadway, sidewalk and driveways to houses. The minimum width of said driveways shall be twelve (12') feet. The maximum width of said driveways shall be twenty-two (22') feet. The impervious surface represents an area of approximately thirty-two (32%) percent of the Single-Household Residential Parcel.

§ 205. Maintenance.

The street within the Single-Household Residential Parcel will be dedicated to the City of Clemson upon acceptance by the City of Clemson during the second half of the year 1999. The single-family homes will have a homeowners' association that will be responsible for the oversight and maintenance of the common areas within the Single-Household Residential Parcel, including the buffer areas and the privacy fence. The homeowners' association will also be responsible for enforcing any applicable covenants and restrictions of record.

§ 206. Permitted uses.

The following uses are permitted:

PERMITTED USES	SIC CODE	SIC DESCRIPTION	PARKING SPACES REQUIRED
Single-household dwelling, detached.	88	Private households.	All parking shall be off-street. Not less than two (2) spaces per residential unit. Any additional parking (beyond the above-mentioned two (2) spaces) shall be on the side or rear of the single-household dwelling as approved for location by Homeowners Association.
<p><b>Accessory uses on same lot with principal use, as follows:</b></p> <ul style="list-style-type: none"> <li>a. private garage for motor vehicles;</li> <li>b. shed for storage of building or lot maintenance equipment;</li> <li>c. private swimming pool, deck, bath house;</li> <li>e. private garden.</li> </ul>			

**§ 207. Conditional Uses.**

The following conditional uses are permitted:

<b>CONDITIONAL USES</b> [approved by Zoning Administrator if all conditions are met]	<b>SIC CODE</b>	<b>SIC DESCRIPTION</b>	<b>PARKING SPACES REQUIRED</b>
<p><b>1. Temporary contractor office and equipment shed:</b></p> <p>a. Used in connection with construction on premises;</p> <p>b. Must not cause traffic congestion or nuisance;</p> <p>c. For term up to one (1) year; may be renewed once.</p>	<p>1521</p>	<p>General contractors, single-family houses.</p>	<p>One (1) for each 300 square feet of office area.</p>
<p><b>2. Home occupation</b> within a dwelling and clearly incidental thereto, carried on by a member of the household residing on the premises, provided:</p> <p>a. No exterior indication of use is evident, and no business signs are permitted;</p> <p>b. Use does not change the exterior character of the dwelling;</p> <p>c. There are no employees or animals involved in the use on the premises;</p> <p>d. No stock in trade or commodity shall be displayed or sold on the premises;</p> <p>e. No service shall be rendered directly to customers or clients on premises, except teaching of not more than three (3) students;</p> <p>f. No activity shall be conducted which involves or creates a nuisance, hazardous materials, noise, offensive emission, unsightly condition, or which adversely affects health or safety; and</p> <p>g. No activity shall be conducted which increases vehicular traffic above normal residential levels.</p>			

**§ 208. Single-Household Residential Parcel Regulations.**

The following regulations apply:

<p>Minimum lot area:</p>	<p><u>Single-household</u> : A maximum of thirty-six (36) lots. Minimum square footage of 6400 square feet. Refer to Site Plan (Exhibit C). The option exists to subdivide lots and combine the subdivided portions with adjacent lots.</p>
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Density for single-household residential area:	Each lot will have one (1) single-family dwelling consisting of a minimum of 1,500 square feet of heated floor space, and a maximum of 2,500 square feet of heated floor space.
Minimum lot width at front building line:	Refer to Site Plan (Exhibit C).
Minimum residential front setbacks:	Twenty-five (25') feet.
Minimum residential side setbacks:	Zero (0') feet from one side line, provided a five (5') foot maintenance and drainage easement on property adjoining the zero setback is recorded and a five (5') foot setback is provided from the opposite side line.
Minimum residential rear setbacks:	Twenty-five (25') feet for lots 19 and 20, and fifteen (15') feet for all other lots other than lots 1 and 2, as indicated on the Site Plan (Exhibit C).
Common walls:	Housing units, where permitted by the Building and Fire Codes, may share common walls with units on the same lot only.
Side openings:	The wall of a zero-lot-line dwelling shall have no windows, doors, or other openings on the side located on the lot line.
Maximum occupancy:	One (1) family (defined as Two (2) or more persons related by blood, marriage, adoption or guardianship) plus not more than two (2) unrelated persons, or not more than three (3) unrelated persons per dwelling unit.
Maximum structure height:	<u>Single-household dwelling:</u> Not to exceed thirty (30') feet when permitted by fire regulations. <u>Accessory structure:</u> Not to exceed fifteen (15') feet when permitted by fire regulations.
Accessory uses	<u>Signs:</u> As described in Section 434 of the City of Clemson Zoning Ordinance. <u>Other permitted accessory structures:</u> Location and design shall be controlled by the Homeowners Association.
Elevation requirements and architectural features:	Subject to Homeowners Association approval.



## DIVISION 2: MULTI-HOUSEHOLD RESIDENTIAL PARCEL

### § 209. Description.

The Multi-Household Residential Parcel, consisting of approximately 596,056 square feet, is intended for multi-household use and shall be marketed to students. The Parcel shall contain 480 bedrooms in 11 residential buildings, a clubhouse, and supporting amenities as shown on the Site Plan (Exhibit C) and the Elevation Plan for Clubhouse and Supporting Amenities (Exhibit F). Lighting requirements shall be set out on the Site Plan (Exhibit C). There will be 132 units. One Hundred Eight (108) units will be four bedroom/four bathroom units. Twenty-four (24) units will be two bedroom/two bathroom units. The four bedroom/four bathroom unit configuration consists of 1,368 square feet. The two bedroom/two bathroom configuration consists of 882 square feet.

### § 210. Landscape.

The bufferyard and landscaped areas are set out on the Site Plan (Exhibit C) and Landscape Plan (Exhibit E). All buffers will be undisturbed outside the eight (8') foot privacy fence as shown on the Site Plan (Exhibit C). All landscaped areas will utilize as many existing trees as possible. All disturbed areas will be grassed or mulched. The owner(s) of the Multi-Housing Residential Parcel shall be responsible for removing undesirable vegetation from the landscape and buffer area, including, but not limited to, kudzu, poison ivy, poison oak and poison sumac. The detention ponds for the Multi-Household Residential Parcel are shown on the Site Plan (Exhibit C). The soils analysis, hydrology study and plan proposed to comply with sediment control will be part of the final civil engineering for the development.

### § 211. Open Space.

Open space consists of approximately 286,517 square feet, which equals approximately forty-eight (48.00%) percent of the total area of the Multi-Household Residential Parcel. The open space is shown more fully on the Site Plan (Exhibit C).

### § 212. Impervious Surface.

Approximately 309,539 square feet of the Multi-Household Residential Parcel will be impervious under the plan of development as shown on the site plan (Exhibit C). This represents an impervious area of approximately fifty-two (52%) percent of the Multi-Household Residential Parcel.

### § 213. Maintenance.

The dumpster locations and screening for the Multi-Household Residential Parcel are shown on the Site Plan (Exhibit C). The road(s) within the Multi-Household Residential Parcel will be owned and maintained by the owner. Maintenance of that portion of the access road off of S.C. 93 which will be shared by the tenants in the Multi-Household Residential Parcel and the customers of the commercial site will be shared by the owners of the Multi-Household Residential Parcel and the commercial development. The oversight and maintenance of the Multi-Household Residential development will be the owner's responsibility.

**§ 214. Permitted Uses.**

The following uses are permitted on the Multi-Household Residential Parcel:

PERMITTED USES	SIC CODE	SIC DESCRIPTION	PARKING SPACES REQUIRED
Multi-household dwellings	88	Private households	504 spaces.
<p>9. Accessory uses on same lot with principal use, as follows:</p> <p>a. Shed for storage of building or maintenance equipment;</p> <p>b. Private swimming pool, deck, bath house, cabana, clubhouse;</p> <p>c. Private tennis outdoor recreation and picnic facilities.</p>			

**§ 215. Multi-Household Residential Parcel Regulations.**

The following regulations apply to all uses in the Multi-Household Residential Parcel:

Lot area:	Approximately 596,056 square feet.
Minimum lot width at front building line:	See Site Plan (Exhibit C)
Minimum front, side and rear setbacks:	See Site Plan (Exhibit C)
Maximum occupancy:	One (1) family (defined as two (2) or more persons related by blood, marriage, adoption or guardianship) plus not more than two (2) unrelated persons; or not more than four (4) unrelated persons per dwelling unit consisting of four bedrooms/ four bathrooms; or not more than two (2) unrelated persons per dwelling unit consisting of two bedrooms/ two bathrooms.
Maximum development and spacing of buildings:	See Site Plan (Exhibit C)
Maximum structure height:	<u>Multi-household structure</u> : Not to exceed fifty (50) feet when permitted by fire regulations. <u>Accessory structure</u> : Not to exceed thirty (30) feet when permitted by fire regulations.
Accessory uses allowed in setbacks:	<u>Signs</u> : As described in Section 434 of the City of Clemson Zoning Ordinance.
Elevation requirements:	For front elevations, see Exhibit D attached hereto and incorporated herein by reference.

### **DIVISION 3: COMMERCIAL PARCEL**

#### **§ 216. Description.**

The Commercial Parcel consists of approximately 520,922 square feet, as shown on the Site Plan (Exhibit C). Open space will consist of approximately 71,685 square feet. The developer intends to sell the commercial parcel, either to an end user or to a commercial developer who will develop the parcel. The commercial development will be submitted for the review and approval of the City of Clemson Planning Commission as an amendment to this PD ordinance, following the procedures commencing with Section 314(d)d. of the City of Clemson Zoning Ordinance. The submitted proposal will include site development plans, uses, access, elevations, landscaping, signage, lighting plan, and such other information as may be appropriate for review by the City of Clemson Planning Commission.