

CITY OF CLEMSON - ORDINANCE NO. CC-2001-18

**AN ORDINANCE ADOPTING A PLANNED DEVELOPMENT
TEXT AND MAP AMENDMENT FOR THE CITY OF CLEMSON, SOUTH CAROLINA.**

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

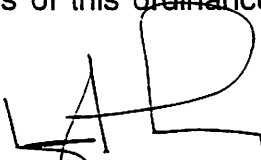
Section 1. Authority and Adoption. The following planned development ordinance is adopted pursuant to the authority granted in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code §§ 6-29-310, et seq. (1994 Supp.), and is incorporated by reference in the Code of Ordinances of the City of Clemson.

Section 2. Purpose. The purpose of this planned development ordinance is to implement a development consisting of 30 two- and three-bedroom condominium units, common areas, and parking as shown on the Site Plan, attached hereto as Exhibit A and incorporated herein by reference.

Section 3. Title. This ordinance may be cited as "Palmetto Pointe at Lake Hartwell Planned Development Ordinance."


Section 4. Jurisdiction. The provisions of this ordinance shall apply to all land and improvements within the area described in the Legal Description, attached hereto as Exhibit B and incorporated herein by reference. The property is identified as C20-02-0010 on Pickens County Tax Maps.

Section 5. Effective Date. The provisions of this ordinance shall be effective on December 4, 2001.



Larry W. Abernathy, Mayor

ATTEST:



Dianne J. Bitzer, MMC, Municipal Clerk

Public hearing: November 5, 2001
First reading: November 19, 2001
Second reading: December 3, 2001
File No.: R-00-10; PH-01-10

Ordinance No.: CC-2001-18

Palmetto Pointe at Lake Hartwell
A Planned Development District (PD), in Clemson South Carolina

Article One

Jurisdiction, Description and Phasing

101.0 Jurisdiction of the Ordinance

The Provisions of the Ordinance shall apply to Palmetto Pointe at Lake Hartwell, which is within the Corporate Limits of the City of Clemson, State of South Carolina, and described and shown in the Legal Survey and Legal Description, signed and sealed, ~~attached hereto as (Exhibit "B") and inserted herein by reference,~~ the Plan Development Plan, PD-1 attached hereto as (Exhibit "A") and incorporated herein by reference, the Landscape Plan enclosed hereto as (Exhibit "F") and inserted herein by reference, and the Floor Plans and Exterior Elevations attached hereto as (Exhibit "E") and incorporated herein by reference. U.S. Highway 123 (Tiger Boulevard) runs along the southern boundary of the property. The northern boundary runs along the 123.25 feet Right of Way of Southern Railroad, the eastern boundary extends along the property line of Lake Hartwell (U.S. Army Corps of Engineers), and the western boundary extends along the property line of Ennar Enterprises (Hampton Inn), Clemson, South Carolina.

102.0 Description of Palmetto Pointe, a Planned Development District (hereinafter referred to as the "PD").

The "PD" Plan shall comprise of (30) thirty multi-level Residential Condominiums, ~~within a Multi-household dwelling,~~ containing approximately 70,295 total square feet of building area, including balconies. The Multi-household Residential Condominiums are situated on a parcel containing approximately 68,520 S.F. (1.573 acres) of property, which will be marketed to Professionals, University Professors, and Retired Persons. The Multi-household Residential Condominiums shall contain (18) Three-bedroom Units, (12) Two-bedroom Units, each with large private balconies overlooking Lake Hartwell, a Community Gathering Room with Balconies overlooking an Outdoor Swimming Pool below, an Exercise Room, Outdoor Swimming Pool, Private Storage Facilities for each Unit, Private Electronic Controlled Entry Gate with location at the Entrance Drive attached hereto as (Exhibit "G") and incorporated herein by reference, a Feature Decorative Fountain in the Parking Area, and other Supporting Amenities as indicated on the attached Site Plan C-1, (Exhibit "C") and Floor Plans and Exterior Elevations (Exhibit "E").

103.0 Development Phases and Timetables for Initiation and Completion.

The Developer intends to commence Development of the Multi-household Residential Condominiums on or about December 15, 2001. The Developer intends to commence Marketing Condominium Units on or about the Date for Commencement of Construction, and shall continue Marketing Activities throughout the Construction until all Condominium Units have been "Sold". The Development Process shall entail approximately Twelve (12) months construction timeframe for Building and Site Development, with anticipated Construction Completion on or about December 15, 2002.

Palmetto Pointe at Lake Hartwell, A Planned Development District (PD), in Clemson, South Carolina

(Continued from page 1)

104.0 Legal Description of the Property.

The Provisions of the Ordinance shall apply to Palmetto Pointe at Lake Hartwell, which is in the Corporate Limits of the City of Clemson, State of South Carolina, and further described on the Legal Survey and Legal Description attached hereto as (Exhibit "B"), and inserted herein by reference.

Article Two

District Regulations Division One: Multi-household Residential Parcel

201.0 Description

The Multi-household Residential Condominium Parcel consisting of approximately 68,520 square feet is intended for Multi-household Residential Condominium use and shall be marketed to Professionals, University Professors, and Retired Persons. The Parcel contains a total of (30) Thirty Condominium Units, within a Multi-household dwelling, of which (18) Eighteen Units shall be three bedroom units and (12) twelve shall be Two Bedroom Units. The Three Bedroom Unit shall contain 1,623 S.F., in addition to balconies, and (9) of the Two Bedroom Unit shall contain 1,271 S.F., in addition to the balconies, and (3) Two Bedroom Units, shall contain 1,352 S.F., in addition to balconies. Amenities shall include a Community Gathering Room, Exercise Room, Outdoor Swimming Pool and Sunning Area, Private Individual Storage Facilities on site, an Electronic Controlled Entrance Gate to the Parking Area (Exhibit "G"), and a Feature Decorative Fountain, and other Supporting Amenities as described on the Plan Development Plan, PD-1, attached hereto as (Exhibit "A") and incorporated herein by reference, and the Floor Plans and Exterior Elevations attached hereto as (Exhibit "E") and incorporated herein by reference.

202.0 Landscape

The Buffer yard and Landscape Areas are set on the Landscape Plan enclosed hereto as (Exhibit "F") and inserted herein by reference, and the Planned Development Plan, PD-1, attached hereto as (Exhibit "A") and incorporated herein by reference. All buffers shall be landscaped with Trees and Low-level plant materials as Described on the Landscape Plan (Exhibit "F") inserted herein by reference. All disturbed areas will be grassed and mulched. The Owner(s) of the Multi-household Condominiums, and/or the Homeowner's Association, shall be responsible for removal of undesirable vegetation from the landscape and buffer area, including but not limited to, kudzu, poison ivy, poison oak, and other poisonous plant materials. The proposed Site Plan, C-1, (Exhibit "C"), and all supporting Civil Engineering Documents shall meet and exceed all standards and ordinances as required by State and Local Governing Authority having jurisdiction over Soil Erosion and Sediment Control.

Palmetto Pointe at Lake Hartwell, A Planned Development District (PD), in Clemson, South Carolina

203.0 Open Space

“Open Space” consists of approximately 25,215 square feet, which equates approximately thirty-six and eight tenths (36.8%) percent of the total Multi-household Residential Parcel. The “Open Space” is shown more fully on the Planned Development Plan attached hereto as (Exhibit “A”) and incorporated herein by reference.

204.0 Impervious Surface

Approximately 40,769 square feet of the Multi-household Residential Condominium Parcel will be impervious under the Planned Development Plan attached hereto as (Exhibit “A”) and incorporated herein by reference. This represents an impervious area of approximately fifty-nine and five tenths (59.5%) percent of the Multi-household Residential Condominium Parcel.

205.0 Maintenance

The Dumpster location and screening for the Multi-household Residential Condominium Parcel as shown on the Site Plan, C-1, attached hereto as (Exhibit “C”) and incorporated herein by reference. The Roads and the Parking Areas within the Multi-household Residential Condominium Parcel will be owned and ultimately maintained by the Homeowner’s Association. Trash Collection shall be provided by the City of Clemson. Access codes through the Electronic Entry Gate shall be issued to the Police, Fire, Utility, and City Sanitation Departments, as required. The Developers shall provide all Maintenance and (“PD”) compliance until (Seventy-Five) 75% Percent of the Condominium Units have been sold. Thereafter, The Homeowners Association shall be formed to carry out the Responsibilities of Maintenance and (“PD”) Compliance.

206.0 Provided Amenities

The following amenities shall be provided on the Multi-household Residential Condominium Parcel:

PROVIDED AMENITIES	SIC CODE	SIC DESCRIPTION	PARKING SPACES REQUIRED
Multi-Household Residential Condominium Units	88	Private Households	60

- a. Community Gathering Room
- b. Exercise Room
- c. Outdoor Swimming Pool and Sunning Area
- d. Individual Storage Units for each Condominium Unit
- e. Garden Fountain in the Parking Area
- f. Amenities regulated and maintained by the Homeowner’s Association

Palmetto Pointe at Lake Hartwell, A Planned Development District (PD), in Clemson, South Carolina

207.0 Multi-Household Residential Parcel Regulations

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

- | | | |
|----|---|--|
| a. | Lot Area: | Approximately 68,520 S.F. |
| b. | Minimum lot width at front building line: | See Planned Development Plan (Exhibit "A") |
| c. | Minimum front, side and rear setbacks: | See Planned Development Plan (Exhibit "A") |
| d. | Maximum Occupancy: | * One (1) Family defined as two (2) or more persons related by blood, adoption, marriage, or guardianship, or two (2) Occupants as defined by the Clemson Zoning Ordinance. |
| e. | Maximum Development and Spacing of Building | See Planned Development Plan (Exhibit "A") |
| f. | Maximum Structure Height | Multi-household structure: Not to exceed fifty (50) feet as permitted by Fire Regulations, and the City of Clemson Building Requirements. Building Height shall be dimensioned from the Ground Floor to the top of Roof Elevation. Mechanical Screens and Parapets may be extended above the Roof Line. See Exterior Elevations (Exhibit "E"). |
| g. | Accessory Uses allowed in Setbacks: | Signs: Ground Sign mounted at the Front Entrance Drive directly off U.S. Highway 123 (Tiger Boulevard). See Sign Elevations on (Exhibit "D"). |
| h. | Elevation requirements: | Front, Rear, and Side Exterior Elevations. See (Exhibit "E") attached hereto and incorporated herein by reference. Building Colors are referenced herein on the attached (Exhibit "E"). |
| i. | * Maximum Height / Site Lighting Fixtures: | * The maximum height of Outdoor Site Lighting Fixtures shall not exceed (18') Eighteen Feet. |

Palmetto Pointe at Lake Hartwell, A Planned Development District (PD), in Clemson, South Carolina

208.0 Conditional Uses

The following conditional uses shall be permitted:

CONDITIONAL USES	SIC CODE	SIC DESCRIPTION	PARKING SPACES REQUIRED
Approved by Zoning Administrator If conditions are met.			
1. Temporary Contractor Office and Equipment Storage Building	1521	General Contractors	One (1) Space for each 300 square feet of Office Area.
a. Used in conjunction with Construction on Premises.			
b. Must not cause a traffic congestion.			
c. For a term up to one (1) year, with an additional maximum one (1) year as required for Construction Completion			
2. Home Occupation within the Dwelling and clearly incidental thereto, carried out by a member of the household residing on the Premises, provided:			
a. No exterior Indication of Use is evident, and no Business Signs shall be permitted.			
b. Use does not change the exterior character of the Condominium Unit.			
c. There are no Employees or Animals involved in the Use of the Premises.			
d. No Stock trade or Commodity shall be displayed or sold on the Premises.			
e. No Professional Service(s) shall be rendered directly to customers or clients on the Premises.			
f. No activity shall be conducted which involves or creates a nuisance, hazardous materials, noise, offensive emissions, unsightly conditions, or which adversely affects the health, safety and welfare of the Owners or it's Guests.			
g. No activity shall be conducted which increases vehicular traffic above the normal Residential levels.			

Paimetto Pointe at Lake Hartwell, A Planned Development District (PD), in Clemson, South Carolina

209.0 Multi-household Residential Condominium Regulations

The following regulations shall apply:

- a. **Common Walls:** Condominium Units shall be shared by a Common Wall. Each Individual Homeowner shall not be allowed to Modify the Common Wall in any way. The Common Wall Shall be designed and constructed as a Fire Separation Walls.
- b. **Side Walls and Openings:** The Homeowner and/or the Homeowner's Association shall not be allowed to modify the Integrity of any Exterior Wall, Exterior Door, Window or Opening without first obtaining the initial approval of the Homeowner's Association, then obtain approvals from the City of Clemson, Zoning and Building Officials. Such changes may require a Zoning Amendment to the ("PD").
- c. **Exterior Elevations and Architectural Features:** Exterior Elevations, Architectural Features, Finishes, and all Colors are "Approved" by the Planning Commission. Major or minor changes from "Approved Components of the Building and/or Site shall require a formal amendment of the Zoning Ordinance, as required by the City of Clemson, State of South Carolina.
- d. **Accessory Uses:** Signs: As described on (Exhibit "D") attached hereto and incorporated herein by reference.

210.0 Exhibits to Ordinance


The following Exhibits shall be incorporated herein by reference.

- Exhibit "A"** Planned Development Plan Sheet PD-1
- Exhibit "B"** Legal Survey and Legal Description
(inserted herein with the folder)
- Exhibit "C"** Site Plan Sheet C-1
- Exhibit "D"** Entrance Sign (Ground Mounted)
- Exhibit "E"** Floor Plans and Front, Rear, and Side Exterior Building Elevations
- Exhibit "F"** Landscape Plan
(inserted herein with the folder)
- Exhibit "G"** Electronic Entrance Gate (Plan and Elevation)

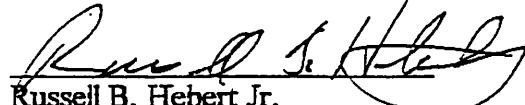
Mr. Lamar Greene
J & P Enterprises of the Carolina's, Inc.
P. O. Box 977
Gastonia, NC 28053

September 21, 2001

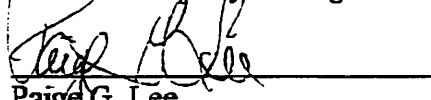
Dear Mr. Greene,

 For ~~Two~~^{one} Thousand dollars (\$1,000.00) per annum, and other valuable considerations, we hereby grant that Clemson Towers Condo Complex may use our parking spaces on special occasions (such as Clemson University home football games) on an as needed basis. This agreement to be renewable and paid annually prior to football season. We reserve the right to increase the rent from time to time.

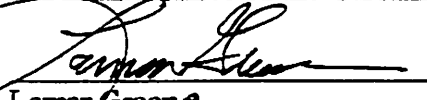
RE/MAX Foothills Real Estate


Russell B. Hebert Jr.
President

Foothills Property Management


Paige G. Lee
President

J & P Enterprises of the Carolina's, Inc.

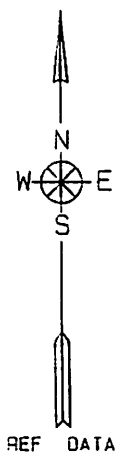

Lamar Greene
President

Description of property.

This 1.57 acre property situated on the north side of US hwy 123 in Clemson SC is described as:

Beginning at concrete monument at the intersection of US hwy 123 and US Army Corps of Engineers Lake Hartwell , then running n 58 25 53 w for 148.52 ft to concrete monument SC 97Q ; then n 20 58 00 w for 150.16 ft; then n 00 19 00 w for 75.94 ft to property of Southern Railway; then s 88 12 14 e for 290.39 ft to property of Ennar Enterprises property ; then s 03 54 42 w for 291.48 ft to Hwy 123 ; then n 86 10 28 w for 89.87 ft to concrete monument.

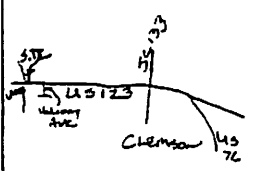
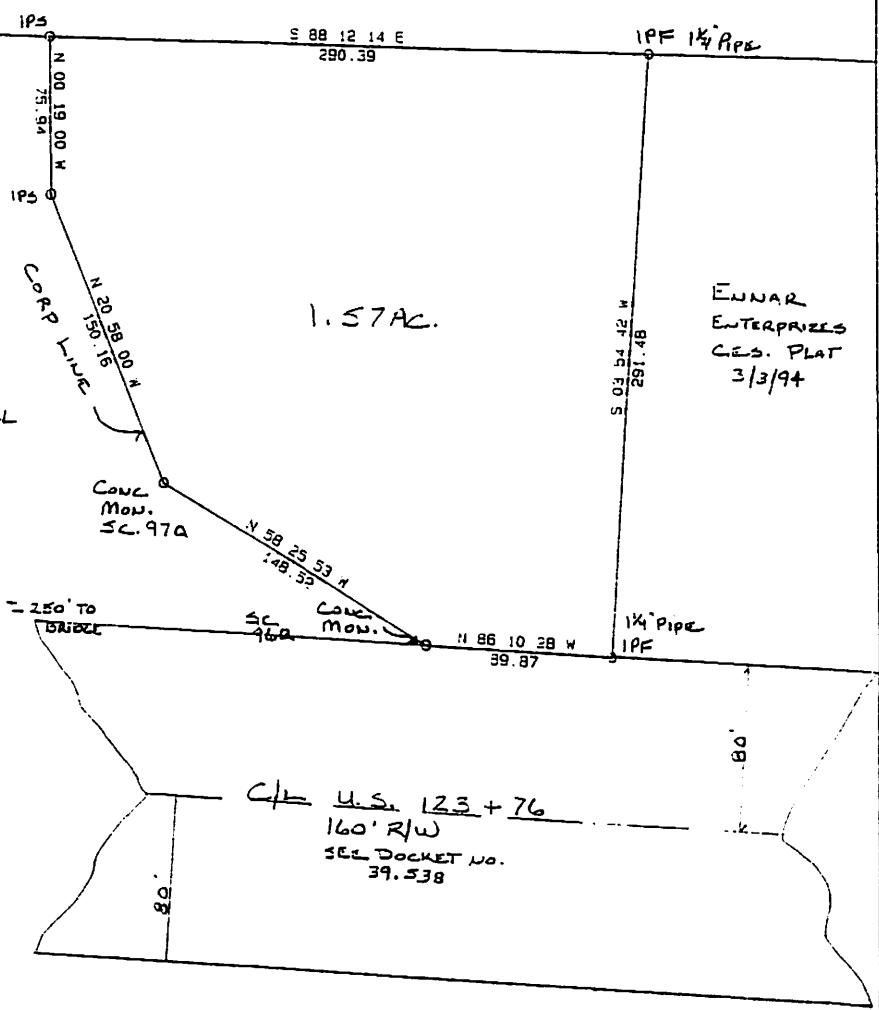
SOUTHERN RAILWAY
123.25' R/W SEE REF PLAT 19/633



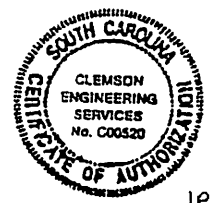
LAKE HARTWELL

1.57 AC.

ENRAR
ENTERPRISES
C.E.S. PLAT
3/3/94



I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN.



430' TO
HOLONY
AVE.

CLEMSON ENGINEERING SERVICES

<p>ACREAGE - 1.573 (DMD) PLAT OF UNBALANCED TRAVERSE PRECISION OF FIELD SURVEY - 1:10000 SCALE 1 IN. = 60 FT.</p>	<p>DATE: FEBRUARY 11, 2000 STATE OF SOUTH CAROLINA COUNTY OF PICKENS TOWNSHIP OF CLEMSON ON U.S. 123</p>
<p>PLAT PREPARED FOR J + P ENTERPRISES</p>	<p>AREA WAS CALCULATED BY THE DMD METHOD <i>R. Jay Cooper</i> R. JAY COOPER P.E., S.L.S. #682 PHONE 864-654-2573</p>

PROPERTY SUBJECT TO ANY AND ALL RIGHTS-OF-WAY, EASEMENTS, OR RESTRICTIONS OF RECORD.
REF. PLAT BY: HENDERSON 6-25-88 FIELD WORK BY CARTEE-COOPER