

STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)
)
 TOWN OF CLOVER)

ORDINANCE 19-10

AN ORDINANCE AMENDING THE ZONING AND LAND DEVELOPMENT ORDINANCE OF THE TOWN OF CLOVER.

WHEREAS, on May 23, 2019, the Clover Planning Commission reviewed and recommended approval of several proposed amendments to the Zoning and Land Development Ordinance; and

WHEREAS, the amendments include changes to how setbacks are measured in certain situations, to allow craft breweries as a conditional use, and to allow tiny houses as an accessory use; and

WHEREAS, a public hearing, as required by law and after proper public notice, was held on the ____ day of _____, 2019.

WHEREAS, the Town Council finds that it is necessary to amend the following sections of the Zoning and Land Development Ordinance.

NOW, THEREFORE, BE IT ORDAINED in Council duly assembled this ____ day of _____, 2019, that the following sections of the Clover, South Carolina, Code of Ordinances, Zoning and Land Development Ordinance, is amended as follows:

A. Section 2.3 Table 1: Schedule of Permitted and Conditional Uses and Off-Street Parking Requirements, by Zoning Districts, is amended so that after amendment the following line items shall read as follows:

Zone Districts	NAICS	R-12 R-20	R-7	R-5	B-1	B-2	B-4	MU	PDD (Sec 2.5)	ID	Required Off- street Parking (a)
Sector 31-33: Manufacturing (Sec. 3.1)											
<u>Craft Breweries (Sec. 3.17)</u>	<u>312120</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>1 per 1,000 GFA</u>
Residential Uses											
<u>Tiny House (Sec.3.15)</u>	<u>N/A</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>C</u>	<u>N</u>	<u>1 per dwelling</u>

B. Section 2.4 Table 2: Dimensional Requirements: Schedule of Lot Area, Yard, Setback, Height, Density, and Impervious Surface Ratio, By Zone Districts is amended to read as follows:

Districts	R-20	R-12	R-7	R-5	B-1	B-2	B-4	MU	ID
Minimum Lot Area (per 1,000 Square Feet)									
Residential	20	12	(A)	(B)	N/A	NM	N/A	(B)	N/A
Non-residential	30	20	10	10	NM	NM	NM	NM	NM
Width at Building line (ft.)	100	80	60	50	NM	50	50	50	100
Minimum Yard & Building Setback (measurement in feet from property line) <u>(H)</u>									
<i>Front</i>									
Arterial Street (C)	50	50	50	50	NM	50	50	50	50
Collector Street	35	35	35	35	NM	35	35	35	35
Local Street	25	25	25	25	NM	25	25	25	25
<i>Side</i>									
Residential	10	10	10	7.5	N/A	5	N/A	5	N/A
Non-residential	25	25	10	10	NM	5	5	5	20
<i>Rear</i>									
Residential	20	15	15	15	NM	20	N/A	15	N/A
Non-residential	40	40	20	15	N/A	(D)	(D)	15	40
Rivers, creeks, water bodies	(E)	(E)	(E)	(E)	N/A	(E)	(E)	(E)	(E)
Maximum Height (ft.) (F)	35	35	50	40	None	None	40	40	None
Maximum Impervious Surface Area Ratio	35%	35%	45%	55%	100%	65%	65%	65%	65%
Maximum Density (G)	2	3	5	16	N/A	16	N/A	16	N/A

Notes to Table 2: N/A = Not applicable; NM= No Minimum.

- (A) 7,000 square feet for one residential unit; 2,000 additional square feet for each additional unit.
- (B) 5,000 square feet for one residential unit; 2,000 additional square feet for each additional unit.
- (C) Reference Section 2.7-7 for setbacks on SC Highway 55.
- (D) 20 feet; except where the proposed use abuts a residential district or a residential use on a local classified street, then a 40 foot setback, plus 3.5 feet for each additional floor over the first shall be required.
- (E) A riparian buffer setback not less than 40' or one-third the depth of a lot or parcel, whichever is less, shall be provided along the banks of all lakes, streams and rivers. The buffer area shall remain undeveloped, except for piers, docks, and pervious access paths to the water's edge. Any disturbance of the buffer area shall adhere to Best Management Practices, (BMP's) For Forestry, in streamside management zones, promulgated by the SC Forestry Commission.
- (F) Measurement from the average finished grade at the building line to the highest point of a flat roof or midpoint of a pitched roof.
- (G) Measurement in dwelling units per acre.
- (H) In certain situations, property lines may encroach into the street right-of-way or paved area of the street. In this case, building setbacks will be measured from the edge of sidewalk, if one is present, or edge of street pavement with reasonable accommodation to emulate the setback on a similarly situated parcel

C. Section 3.15, Accessory Apartments and Tiny Houses, is amended as follows:

Section 8.5 Accessory Buildings and Uses

Accessory apartments and tiny houses, where permitted as conditional uses, shall meet the following conditions:

1. The principal structure (dwelling) must be owner occupied.
2. The apartment or tiny house, whether attached or detached, cannot exceed 50 percent of the gross floor area of the principal dwelling, or contain more than two bedrooms.
3. The apartment or tiny house must be a complete living space, with kitchen and bathroom facilities separated from the principal unit.
4. An accessory apartment or tiny house may be accessory only to a single family dwelling, and not more than one apartment shall be allowed per dwelling or lot.
5. Minimum lot size shall be at least 50 percent greater than the minimum lot requirement for the district in which the apartment or tiny house is to be located.
6. The apartment or tiny house shall meet all yard setback requirements and, where detached from the principal dwelling, shall be setback not less than 10 feet from the principal dwelling.
7. Evidence of the accessory apartment or tiny house should not be apparent from the street.
8. An additional off-street parking space shall be required.
9. Neither the primary residence nor the accessory apartment or tiny house shall be a manufactured home.

D. Section 3.17, Craft Breweries shall be created as follows:

Section 3.17 Craft Breweries

1. **Maximum Annual Production:** Craft breweries are limited to production of 15,000 barrels (465,000 US gallons) per year.
2. **Facility Size:** The overall facility size is limited to 10,000 square feet of production area, up to 3,000 square feet of tasting room/brewpub, and up to 3,000 square feet of outside seating and activity area. All support functions (restrooms, storage, offices, etc.) must be contained within this overall space limitation.
3. **Loading, Unloading, and Circulation:** There must be specific provisions to accommodate truck loading and unloading compatible with the circulation of customer parking. Space for food trucks or similar vendors must be provided independent of customer parking and circulation, and is considered part of the overall facility area.
4. **Parking:** Tasting room/brewpubs must provide parking as required for a restaurant, including provision of spaces to serve outside seating or activity areas.
5. **Pedestrian connections:** Shall be provided between the public sidewalks and the primary entrance(s).

- 6. Screening:** All mechanical equipment visible from the street (excluding alleys), an adjacent residential use or residential zoning district shall be screened using architectural features consistent with the principal structure.
- 7. Outdoor storage:** Shall not be allowed, including the use of portable storage units, cargo containers and tractor trailers.
- 8. Setback from Residential District for Outdoor Seating:** Any outdoor seating/activity area must be located no closer than 100 feet from any single-family attached or detached dwelling.
- 9. Hours of Operation:** Deliveries or outside production operations are limited to between 6 a.m. and 6 p.m. Hours of operation for tasting room/brewpubs are limited to between 11 a.m. to midnight.
- 10. With Outdoor Areas:** Craft breweries having outdoor areas for seating, music/live entertainment, or outdoor games must comply with the following standards:

 - a. The outdoor area must be designed and located so as not to obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
 - b. The outdoor area must be located at least 100 feet from all existing residential uses, all undeveloped residential zoning districts, and all undeveloped portions of a Planned Development District (PDD) zoning district designated for residential use.
 - c. This standard does not apply when the use that necessitates the separation is located in the Central Commercial District (B-1), Highway Commercial (B-2) or Mixed Use (MU) zoning district, or a Planned Development District (PDD) where the Terms and Conditions contemplate a mix of uses.
 - d. Outdoor areas located within 200 feet of any of the following must not operate the outdoor portions of the use after 10 p.m.: any existing residential uses, any undeveloped residential zoning districts, and any undeveloped portions of a Planned Development District (PDD) zoning district designated for residential use. [This standard does not apply when the use that necessitates the separation is located in the Central Commercial District (B-1) or Mixed Use (MU) zoning district, or a Planned Development District (PDD) where the Terms and Conditions contemplate a mix of uses.]
 - e. The outdoor area must provide parking using the restaurant standard.
- 11. Music or Entertainment:** Small-scale entertainment can be provided as an accessory use, but may not be located or amplified to the degree that it creates a nuisance to adjoining properties.
- 12. Exceptions to These Standards:** Establishments wishing to have exceptions to these standards, such as to exceed public area size limitations or to stay open after the above hours, must meet the requirements for a bar or for an extended hours restaurant serving alcohol, whichever is applicable. Establishments wishing to exceed production size requirements must meet the standards of limited manufacturing.
- 13. Management of Impacts Plan:** Craft breweries must provide a written plan to manage potential impacts on the surrounding neighborhoods and businesses, including:

 - a. Acknowledgement of the Town noise ordinance standards and monitoring noise created by the establishment and its patrons.
 - b. Provision of lighting to secure parking lots and other outside areas while complying with the lighting standards of Article 6.
 - c. Provision of appropriate security to control crowds based on size and type of activity, including the discouragement of parking lot loitering.

d. Advising patrons to park only in appropriate locations on the establishment's property or neighboring properties where written permission has been granted.

E. Article 11 Definitions shall be amended by adding the following definitions:

Craft Breweries - Also known as "Micro Breweries", means a facility operated by a manufacturing brewery or brewpub duly licensed by the South Carolina Department of Health and Environmental Control to brew ales, beers, meads, and/or similar beverages within the limits established by the State of South Carolina in section 61-4 of the South Carolina Code of Laws.

Dwelling, Tiny House - A single-family detached dwelling unit. It is built as an accessory structure with a permanent foundation on a lot with a principal structure (dwelling) that is owner occupied. The maximum heated floor area is 400 square feet.

Micro-Brewery - see "Craft Brewery"

Effective Date. This ordinance is effective immediately upon its adoption.

Severability. If any part of this Ordinance is held to be invalid or unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such invalid or unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

AND IT IS SO ORDAINED.

Mayor

Council:

(Town Seal)

Attest:

Town Clerk

First Reading: _____

Second Reading: _____