

ZONING

**TOWN OF
BLACKSBURG,
SOUTH CAROLINA**

This pamphlet is a reprint of Appendix A, Zoning, of The Code of the Town of
Blacksburg, South Carolina, published by order of the Town Council.

**M
C** Municipal Code Corporation

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ZONING ORDINANCE
TOWN OF
BLACKSBURG, SOUTH CAROLINA*

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***Editor's note**—Printed herein is the Zoning Ordinance of the town, Ordinance No. 94-08-10, as adopted by the Council on August 10, 1994. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of citation to state statutes and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

Federal law references—Preservation of local zoning authority concerning wireless telecommunications facilities, 47 USC 322(c)(7); limited federal preemption of state and local zoning laws affecting amateur radio facilities, Memorandum Opinion and Order, PRB-1, 101 FCC 2d 952 (1985) and 47 CFR 97.15(b); Religious Land Use and Institutionalized Persons Act, 42 USC 2000cc et seq.

State law references—Zoning ordinances and purposes, S.C. Code 1976, § 6-29-710; zoning districts, S.C. Code 1976, § 6-29-720; board of zoning appeals, S.C. Code 1976, § 6-29-780.

BLACKSBURG MUNICIPAL CODE

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- [Sec. 1204. Limited Commercial District.]

ARTICLE I. AUTHORITY AND ENACTMENT CLAUSE

In pursuance of authority conferred by the General Statutes of South Carolina, 1976 Code of Laws, 1993 Cumulative Supplement, Volume 2, Title 6, Article 9, Section 7-710, and for the purpose of promoting the health, safety, morals or general welfare of the community; lessening congestion in the streets, securing safety from fire; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewage, schools, parks and other public improvements, protecting scenic areas and protecting areas subject to periodic flooding against development, in accordance within a Comprehensive Plan, the Town Council of the Town of Blacksburg does ordain and enact into law the following articles and sections:

Section 100. Jurisdiction.

The regulations set forth in this ordinance shall be applicable within the corporate limits of the Town of Blacksburg, South Carolina, as now or hereafter established.

Section 101. Compliance.

This ordinance shall take effect and all regulations included herein shall be in full force from and after the date of its adoption by the Blacksburg Town Council.

ARTICLE II. SHORT TITLE**[Section 200. Generally.]**

This ordinance shall be known and may be cited as "The Zoning Ordinance of the Town of Blacksburg, South Carolina."

ARTICLE III. ESTABLISHMENT OF ZONING DISTRICTS AND RULES FOR THE INTERPRETATION OF DISTRICT BOUNDARIES**Section 300. Establishment of Zoning Districts.**

For the purpose of this Ordinance, the Town of Blacksburg is hereby divided into the following zoning districts:

R-12	Single-Family Residential District
R-8	Single-Family Residential District
RG	Residential General District
RMF	Residential Multifamily District
GC	General Commercial District
CC	Core Commercial District
I	Industrial District
MHP	Mobile Home Park District

Section 301. District Boundaries.

The boundaries of the above zoning districts are hereby established as shown on the Official Zoning Map of the Town of Blacksburg, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor attested by the Town Clerk, and bearing the Seal of the Town under the words: "Official Zoning Map, Town of Blacksburg, South Carolina," together with the date of the adoption of this Ordinance.

If, in accordance with the provisions of this Ordinance and South Carolina 1976 Code of Laws, 1993 Supplement, Volume 2, Title VI, Article 9, Section 7-730, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the official zoning map promptly by the Town Clerk within seven days after the amendment has been approved by the Town Council. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change has been made on said map.

No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind, by any person or persons, shall be considered a violation of this Ordinance and punishable as provided by law.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Town Clerk, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the Town.

Section 302. Rules for Interpretation of District Boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- 302.1. Boundaries indicated as approximately following the centerlines of right-of-way lines of streets, highways, alleys or public utility easements shall be construed to follow such centerlines;
- 302.2. Boundaries indicated as approximately following platted lots or tract lines shall be construed as following such lines, whether public or private;
- 302.3. Boundaries indicated as approximately following town limits shall be construed as following such town limits;
- 302.4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- 302.5. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines;

302.6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. In the case of distances not specifically indicated on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 5 above, the Board of Adjustment shall interpret the district boundaries.

Section 303. Annexation and Other Adjustments to Town Limits.

Where town limit boundaries change by virtue of annexation or some other means, the following provisions shall apply:

- 303.1. Prior to annexation, the Planning Commission shall issue a recommendation to Town Council as to the appropriate zoning designation of new areas brought into the Town.
- 303.2. An ordinance to annex areas into the Town shall include a statement identifying the zoning designation of such areas.
- 303.3. In all cases, where additions or deletions in the Town of Blacksburg's total land area require adjustments in the Zoning District boundaries, said amendments shall be made on the Zoning Map within 60 days and the date of Council action shall be noted.

ARTICLE IV. APPLICATION OF DISTRICT REGULATIONS

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure of land, except as hereinafter provided. Except where provisions for relief are set forth elsewhere in this Ordinance, the following general standards for the enforcement of District Regulations shall apply.

Section 400. Use of Land or Structures.

- 400.1. No land or structure shall hereinafter be used or occupied, and no structure or parts [shall] hereafter be constructed, erected, altered or moved, unless in conformity with all the regulations herein specified for the district in which located.
- 400.2. No structure shall hereafter be erected or altered:
 - a) With greater height, size, bulk or other dimensions;
 - b) To convert any structure into a dwelling or to increase the number of units within a dwelling so as to accommodate a greater number of dwelling units or families than is permitted in the zoning district in which located;
 - c) To occupy a greater percentage of lot area;
 - d) To have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required; or in any other manner contrary to the provisions of this Ordinance.

400.3. No part of a yard, or other open space, off-street parking, or loading required in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

Section 401. Lot Reduction Prohibited.

No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 402. Use of Substandard Lots of Record.

Where, at the time of the adoption of this ordinance, an existing lot of record, that was recorded in compliance with all regulations in effect at the time it was recorded, does not conform to the dimensional requirements of this ordinance, it may nonetheless be used as a building site. The Zoning Administrator shall establish setbacks to conform as closely as possible to the dimensional requirements of this ordinance, but so as not to prohibit reasonable use of the parcel. If any of two or more adjoining lots under the same ownership do not conform to the dimensional requirements of this ordinance, then the lots must be combined to meet more closely, if not completely, the dimensional requirements of this ordinance.

Section 403. Street Access.

Every building, either constructed or moved to its lot, shall have safe and contiguous access to a public street upon the enactment of this Ordinance.

ARTICLE V. REQUIREMENTS BY DISTRICTS

Section 500. R-12 Single-Family Residential District.

500.1. *Intent of District.* It is the intent of this Section that the R-12 Zoning District be developed and reserved for low density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for single-family dwellings situated on lots having an area of 12,000 square feet or more and to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the residential character of the district.

500.2. *Permitted Uses.* The following uses shall be permitted in any R-12 Zoning District, subject to lot size requirements stipulated in Section 508 and buffer requirements stipulated in Section 509 of this Ordinance:

- a) One-Family dwelling (other than a mobile home).
- b) Publicly owned building, facility or land.
- c) Neighborhood and community parks and recreation facilities.

- d) Unlighted golf course, excluding miniature golf courses and driving ranges.
- e) Noncommercial horticulture or agriculture, but not including the keeping of poultry, livestock or kennels.
- f) Home occupation established under the provisions of Section 702.
- g) Accessory use in compliance with the provisions of Section 703.

500.3. *Conditional Uses.* The following uses shall be permitted in any R-12 Zoning District on a conditional basis, subject to conditions included herein.

- a) Church, synagogue, temple and other places of worship; provided that:
 - (1) Such use is housed in a permanent structure which meets all building, electrical and plumbing codes for places of public assembly;
 - (2) Such use is located on a lot not less than 20,000 square feet in area;
 - (3) No structure on the lot is closer than 25 feet to any abutting property line zoned for residential use; and
 - (4) Exterior and parking lot lights do not reflect onto adjoining residences.
- b) Private kindergarten, Day Care Center, or preschool nursery; provided that:
 - (1) Such uses meet the minimum standards set forth for such facilities by the State Board of Health;
 - (2) Such use is located on a lot not less than 40,000 square feet in area;
 - (3) No structure on the lot is closer than 25 feet to any abutting residential property line; and
 - (4) A five-foot wall or chainlink fence is constructed around any play area.
- c) Public utility substation or sub-installation including water towers; provided that:
 - (1) Such use is enclosed by a wall or chainlink fence at least six feet in height above finished grade; and
 - (2) There is neither office nor commercial operation nor storage of vehicles or equipment on the premises.
- d) Cemetery, provided that such use:
 - (1) Consists of a site of at least two acres; and
 - (2) Includes no crematorium or dwelling unit other than a caretaker and immediate family members.
- e) One mobile home per lot, subject to a minimum heated floor area of 1,300 square feet, and subject to all provisions of Section 709 of this Ordinance.
- f) Bed and breakfast inns, subject to the provisions of Section 710 of this Ordinance.
- h[g]) Funeral home, paved off-street parking must be provided.

(Ord. No. 99-04.03, 4-27-1999)

Section 501. R-8 Single-Family Residential District.

501.1. *Intent of District.* It is the intent of this Section that the R-8 Zoning District be developed and reserved for medium density single-family residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for single-family dwellings situated on lots of 8,000 square feet or more; and to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the residential character of the district.

501.2. *Permitted Uses.* The following uses shall be permitted in any R-8 Zoning District, subject to lot size requirements stipulated in Section 508 and buffer requirements stipulated in Section 509 of this Ordinance.

- a) One-family dwellings (other than a mobile home).
- b) Publicly owned building, facility or land.
- c) Neighborhood and community parks and recreation facilities.
- d) Unlighted golf course, excluding miniature golf courses and driving ranges.
- e) Noncommercial horticulture or agriculture, but not including the keeping of poultry, livestock or kennels.
- f) Home occupation established under the provisions of Section 702.
- g) Accessory use in compliance with the provisions of Section 703.

501.3. *Conditional Uses.* The following uses shall be permitted in any R-8 Zoning District on a conditional basis, subject to conditions included herein.

- a) Church, synagogue, temple and other places of worship; provided that:
 - (1) Such use is housed in a permanent structure which meets all building, electrical, and plumbing codes for places of public assembly;
 - (2) Such use is located on a lot not less than 20,000 square feet in area;
 - (3) No structure on the lot is closer than 25 feet to any abutting property line zoned for residential use; and
 - (4) Exterior and parking lot lights do not reflect onto adjoining residences.
- b) Private kindergarten, Day Care Center or preschool nursery; provided that:
 - (1) Such uses meet the minimum standards set forth for such facilities by the State Board of Health;
 - (2) Such use is located on a lot not less than 40,000 square feet in area;
 - (3) No structure on the lot is closer than 25 feet to any abutting residential property line; and
 - (4) A five-foot wall or chainlink fence is constructed around any play area.

- c) Public utility substation or sub-installation including water towers; provided that:
 - (1) Such use is enclosed by a wall or chainlink fence at least six feet in height above finished grade; and
 - (2) There is neither office nor commercial operation nor storage of vehicles or equipment on the premises.
- d) Cemetery, provided that such use:
 - (1) Consists of a site of at least two acres; and
 - (2) Includes no crematorium or dwelling unit other than a caretaker and immediate family members.
- e) One mobile home per lot, subject to a minimum heated floor area of 1,300 square feet, and subject to all provisions of Section 709 of this Ordinance. - *Amended*
- f) Bed and breakfast inns, subject to the provisions of Section 710 of this Ordinance.

Section 502. RG Residential General District.

502.1. *Intent of District.* It is the intent of this Section that the RG Zoning District be developed and reserved for low and medium density one-family and two-family residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family and two-family dwellings situated on lots of 10,000 square feet or more; and to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the residential character of the district.

502.2. *Permitted Uses.* The following uses shall be permitted in any RG Zoning District:

- a) One-family dwellings (other than a mobile home).
- b) Publicly owned building, facility or land.
- c) Neighborhood and community parks and recreation facilities.
- d) Unlighted golf course, excluding miniature golf courses and driving ranges.
- e) Noncommercial horticulture or agriculture, but not including the keeping of poultry, livestock or kennels.
- f) Home occupation established under the provisions of Section 702.
- g) Accessory use in compliance with the provisions of Section 703.
- h) One duplex or two-family dwelling unit.

502.3. *Conditional Uses.* The following uses shall be permitted in any R-8 Zoning District on a conditional basis, subject to conditions included herein.

- a) Church, synagogue, temple and other places of worship; provided that:
 - (1) Such use is housed in a permanent structure which meets all building, electrical, and plumbing codes for places of public assembly;

- (2) Such use is located on a lot not less than 20,000 square feet in area;
 - (3) No structure on the lot is closer than 25 feet to any abutting property line zoned for residential use; and
 - (4) Exterior and parking lot lights do not reflect onto adjoining residences.
- b) Private kindergarten, Day Care Center or preschool nursery; provided that:
- (1) Such uses meet the minimum standards set forth for such facilities by the State Board of Health;
 - (2) Such use is located on a lot not less than 40,000 square feet in area;
 - (3) No structure on the lot is closer than 25 feet to any abutting residential property line; and
 - (4) A five-foot wall or chainlink fence is constructed around any play area.
- c) Public utility substation or sub-installation including water towers; provided that:
- (1) Such use is enclosed by a wall or chainlink fence at least six feet in height above finished grade; and
 - (2) There is neither office nor commercial operation nor storage of vehicles or equipment on the premises.
- d) Cemetery, provided that such use:
- (1) Consists of a site of at least two acres; and
 - (2) Includes no crematorium or dwelling unit other than a caretaker and immediate family members.
- e) One mobile home per lot, subject to all provisions of Section 709 of this Ordinance.
- f) Bed and breakfast inns, subject to the provisions of Section 710 of this Ordinance.

Section 503. RMF Residential Multifamily District.

503.1. *Intent of District.* It is the intent of this section that the RMF Zoning District be developed and reserved for medium-to-high density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for several different types of multifamily dwellings, and to discourage unwanted encroachment of commercial, industrial or other uses capable of adversely affecting the residential character of the district.

503.2. *Permitted Uses.* The following uses shall be permitted in any RMF Zoning District, subject to the lot size requirements included in Section 508 and buffer requirements included in Section 509 of this Ordinance:

- a) One-family dwellings (other than a mobile home).
- b) Publicly owned building, facility or land.
- c) Unlighted golf course, excluding miniature golf courses and driving ranges.

- d) Noncommercial horticulture or agriculture, but not including the keeping of poultry, livestock or kennels.
- e) Home occupation established under the provisions of Section 702.
- f) Accessory use in compliance with the provisions of Section 703.
- g) Multifamily dwellings.

503.3. *Conditional Uses.* The following uses may be permitted in any RMF Zoning District on a conditional basis subject to all provisions included herein.

- a) Church, synagogue, temple and other places of worship; provided that:
 - (1) Such use is housed in a permanent structure which meets all building, electrical, and plumbing codes for places of public assembly;
 - (2) Such use is located on a lot not less than 20,000 square feet in area;
 - (3) No structure on the lot is closer than 25 feet to any abutting property line zoned for residential use; and
 - (4) Exterior and parking lot lights do not reflect onto adjoining residences.
- b) Private kindergarten, Day Care Center or preschool nursery; provided that:
 - (1) Such uses meet the minimum standards set forth for such facilities by the State Board of Health;
 - (2) Such use is located on a lot not less than 40,000 square feet in area;
 - (3) No structure on the lot is closer than 25 feet to any abutting residential property line; and
 - (4) A five-foot wall or chainlink fence is constructed around any play area.
- c) Public utility substation or sub-installation including water towers; provided that:
 - (1) Such use is enclosed by a wall or chainlink fence at least six feet in height above finished grade; and
 - (2) There is neither office nor commercial operation nor storage of vehicles or equipment on the premises.
- d) Cemetery, provided that such use:
 - (1) Consists of a site of at least two acres; and
 - (2) Includes no crematorium or dwelling unit other than a caretaker and immediate family members.
- e) One mobile home per lot, subject to all provisions of Section 709 of this Ordinance.
- f) Public or private care homes, provided such facilities conform with the requirements of the State Board of Health, provided plans for such facilities receive the written approval of the Cherokee County Board of Health prior to the issuance of any permits for construction and operation; copies of such approval of be attached to the building permit and to be retained in the files of the Zoning Administrator.

f[g]) Bed and breakfast inns, subject to the provisions of Section 710 of this Ordinance.

Section 504. MHP Mobile Home Park District.

504.1. *Intent of District.* The intent of the MHP Mobile Home Park District is to provide a sound and healthy residential environment sufficient to meet the unique needs of inhabitants living in mobile homes, and to protect mobile home parks from encroachment by incompatible uses. Any mobile home park within the Town of Blacksburg shall henceforth be located in conformance with the regulations set forth herein. Unless otherwise set forth herein, mobile home parks shall be permitted only in an officially approved MHP District for which a Certificate of Occupancy has been issued.

504.2. *Permitted Uses.* The following uses shall be permitted in any MHP district, subject to the provisions of Sections 508 and 509 of this ordinance:

a) Mobile Home Parks.

504.3. *Park Plan.* Mobile home parks permitted in MHP Districts shall conform to the following requirements:

- a) The park shall be no less than two acres in size, and be located on a well drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.
- b) The mobile home park shall not contain more than six mobile home units per acre.
- c) Mobile home spaces shall be provided consisting of an average of not less than 8,000 square feet of area, each space to be at least 50 feet wide and clearly defined.
- d) Mobile homes shall be so situated on each space so as to provide:
 - 1) a minimum of 20 feet of clearance between mobile homes and any property line bounding the park.
 - 2) a minimum of 20 feet of clearance between only those mobile homes parked end to end and any building located within the park.
- e) Mobile homes shall be so located on each space that there will be a minimum front yard setback of not less than 20 feet between the mobile home and the abutting driveway.
- f) Each mobile home park shall have a minimum area of 4,000 square feet set aside for common open space per acre included in the park; in the case of a park larger than the minimum five acres or in the case of expansion of the park, 500 square feet of common open space shall be added for each mobile home unit after the 24th unit.
- g) Streets shall conform to the subdivision regulations of the Town of Blacksburg.
- h) Each mobile home unit shall be provided with a minimum of two defined parking spaces, in conformance with Section 704.1 of this Ordinance.
- i) Each mobile home park shall have a landscaped strip adjacent to any public right-of-way bordering the park meeting the requirements of the Level Two.

- j) The site plan for a MHP District must be reviewed by the Cherokee County Board of Health, which shall advise the Planning Commission of its findings in writing prior to the Commission making a recommendation on the proposal. The Planning Commission shall be restricted from making a favorable recommendation unless the Board of Health determines that all local and State codes and standards pertaining to health and environmental sanitation in mobile home parks have been met by the applicants.

504.4. *Mobile Home Subdivision.* If spaces for mobile homes are to be offered for sale, lots proposed for sale must be recorded according to the subdivision requirements in effect in the Town of Blacksburg. Applications for subdivision may be processed in conjunction with the administrative review procedure required under this Ordinance to obtain authorization of development within an MHP Zoning District. Whether spaces are proposed for sale, rental or lease, the design of the park shall comply with the standards set forth in this Section.

504.5. *Posting and Certificate of Occupancy.* A valid Certificate of Occupancy shall be conspicuously posted in the office or on the premises of the MHP District.

504.6. *Existing Mobile Home Park.* Existing mobile home parks not in conformance with the provisions of this section shall be considered as nonconforming uses, and shall be governed by the provisions regulating such uses under Article VII.

504.7. *Mobile Home Standards.* All mobile homes located in a MHP Zone are subject to the Mobile Home Standards listed in Section 709 of this Ordinance.

Section 505. GC General Commercial District.

505.1. *Intent of District.* It is the intent of this Section that the GC Zoning District be developed and reserved for general business purposes. The regulations which apply within this district are designed to encourage the formation of continuance of a compatible and economically healthy environment for business, financial service and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment capable of adversely affecting the general commercial character of the district.

505.2. *Permitted Uses.* The following uses shall be permitted in any GC Zoning District, in compliance with lot size requirements included in Section 508 and buffer requirements included in Section 509 of this Ordinance.

- a) General retail stores, provided that any external storage of parts or machinery is established to the rear of the front line of the principal structure and provided that such storage be completely enclosed by a solid fence or wall of at least six feet in height composed of treated wood, brick or similar treated masonry surface, or is completely enclosed by a chainlink fence with slats to completely obstruct the view of stored items from off the parcel.
- b) Service businesses, including, but not limited to plumbers, electricians, barbers, beauticians, repair services, photographers, etc., provided all services take place within an enclosed building and there is no external storage of inventory, parts, machinery or equipment.

- c) Professional Offices.
- d) Banks and other financial institutions.
- e) Restaurants.
- f) Retail food stores, including general groceries, produce stands, bakeries, meat markets (without slaughtering on-site), etc.
- g) Food preparation establishments for off-premises delivery.
- h) Day care centers.
- i) Cultural and community centers, including libraries, theaters, neighborhood recreation centers, churches and other religious facilities.
- j) Hotels, motels, boarding homes [boardinghouses], bed and breakfast inns.
- k) Schools.
- l) Hospitals, clinics, nursing and convalescence homes.
- m) Veterinary offices with no external runs.
- n) Kennels, as an accessory use to a veterinary office only, with no external runs.
- o) Coin-operated laundries, dry cleaning, excluding dry cleaning plants.
- p) Funeral homes.
- q) Auto parking lots.
- r) Commercial printers.
- s) Facilities of town, county, state or federal government.
- t) Facilities of the Cherokee County School System or other public service districts.
- u) Radio or television studios.
- v) Group community residential care facilities.
- w) Public utility facilities, including offices, electric transformer stations, gas regulator stations, telephone switching stations, excluding transmission towers.
- x) Single-family dwelling units.
- y) Self storage mini-warehouse facilities.

505.3. *Conditional Uses.* The following uses shall be permitted on a conditional basis in any GC Zoning District, subject to the conditions included herein.

- a) Automobile service station, provided all fuel pumps are set back at least 25 feet from the right-of-way line of the street; provided all fuel tanks are installed underground.
- b) Garage for the repairing and servicing of motor vehicles, provided all operations are conducted within a fully enclosed building; and provided there is no open storage of wrecked vehicles; dismantled parts, or parts visible beyond the premises.

- c) Combination of residential structure with any use permitted herein, provided that all dwelling units have direct access to the street.
- d) Newspaper publishing plant provided that the requirements for parking, loading, and unloading conform to those for industrial buildings, as set forth in Article VII.
- e) Carwash, provided an off-street paved parking area capable of accommodating not less than one-half of hourly vehicle washing capacity awaiting entrance to the washing process is suitably located and maintained on the premises (such space to contain at least 200 square feet per waiting vehicle; and, provided no safety hazard or impediment to traffic movement is created by the operation of such an establishment.
- f) Animal hospital and/or boarding facility, provided all board arrangements are maintained within a building and no noise connected with the operation of the facility is audible beyond the premises.
- g) Automobile, boat, recreational vehicle dealership, open yard for the sale, rental and/or storage of materials or equipment excluding junk or other salvage.
- h) Truck terminal, provided paved acceleration and deceleration lanes are at least ten feet in width and 100 feet in length, respectively, are furnished and maintained where trucks enter at or leave terminal sites; and, provided sites for such facilities have direct access to major streets.
- i) Temporary uses in compliance with the provisions of Article VIII, Section 800.2.

Section 506. CC Core Commercial District.

506.1. *Intent of District.* The intent of the CC Core Commercial District is to encourage the maintenance of a centrally located trade and commercial service area and to provide for the orderly expansion of such uses.

506.2. *Permitted Uses.* The following uses shall be permitted in any CC Core Commercial District subject to the lot size requirements included in Section 508 and buffer requirements included in Section 509 of this Ordinance:

- a) General retail stores, provided that any external storage of parts or machinery is established to the rear of the front line of the principal structure and provided that such storage be completely enclosed by a solid fence or wall of at least six feet in height composed of treated wood or brick, or is completely enclosed by a chainlink fence with slats to completely obstruct the view of stored items from off the parcel.
- b) Service businesses, including, but not limited to plumbers, electricians, barbers, beauticians, repair services, photographers, etc., provided all services take place within an enclosed building and there is no external storage of inventory, parts, machinery or equipment.
- c) Professional and newspaper offices.
- d) Banks and other financial institutions.

- e) Restaurants.
- f) Retail food stores, including general groceries, produce stands, bakeries, meat markets (without slaughtering on-site), etc.
- g) Food preparation establishments for off-premises delivery.
- h) Day care centers.
- i) Cultural and community centers, including libraries, theaters, neighborhood recreation centers, churches and other religious facilities.
- j) Hotels, motels, boardinghouses, bed and breakfast inns.
- k) Schools.
- l) Clinics, nursing and convalescence homes.
- m) Veterinary offices with no external runs.
- n) Kennels, as an accessory use to a veterinary office only, with no external runs.
- o) Coin-operated laundries, dry cleaning, excluding dry cleaning plants.
- p) Funeral homes.
- q) Auto parking lots.
- r) Commercial printers.
- s) Facilities of town, county, state or federal government.
- t) Facilities of the Cherokee County School System or other public service districts.
- u) Public utility facilities, including offices, electric transformer stations, gas regulator stations, telephone switching stations, excluding transmission towers.
- v) Single-family dwelling units.

506.3. *Conditional Uses.* The following uses shall be permitted on a conditional basis in the CC zoning district, subject to the conditions set forth in Article VIII, Section 800.2.

- a) Automobile service stations provided all fuel pumps are set back at least 25 feet from the right-of-way line of the street; provided all fuel pumps are installed underground.
- b) Combination of residential structure with any use permitted herein provided that all dwelling units have direct access to the street.
- c) Animal hospital and/or boarding facility provided all board arrangements are maintained indoors and no noise connected with the operation of the facility is audible beyond the premises.
- d) Clinics.
- e) Temporary uses in compliance with the provisions of Article VIII, Section 800.2.
- f) Apartment units as a second story use above a retail or personal service business.

Section 507. I Industrial District.

507.1. *Purpose.* The intent of the I Zoning District is to provide areas for industrial purposes which are not significantly objectionable in terms of noise, odor, fumes, smoke, gas, dust, fire hazard, dangerous radiation or other obnoxious conditions, to surrounding properties. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment for uses generally classified to be industrial in nature; protect and reserve undeveloped areas in the Town of Blacksburg, which are suitable for such industries; and discourage encroachment by those residential, commercial or other uses capable of adversely affecting the basic industrial character of the district.

507.2. *Permitted Uses.* The following uses, or those uses similar in nature shall be permitted in any I Zoning District, subject to the lot specification requirements included in Section 508 and buffer requirements included in Section 509 of this Ordinance:

- a) Research or experimental laboratory.
- b) Transportation terminal, excluding truck terminals which shall be permitted as conditional uses subject to the requirements of Section 506.3.
- c) Public building, facility or land other than a school, playground, hospital, clinic, care home or cultural facility.
- d) Public utility installation.
- e) Agricultural farm.
- f) Horticultural nursery.
- g) Radio and/or television station and/or transmission tower.
- h) Office building and/or offices for governmental, business, professional or general purposes.
- i) Commercial, trade or vocational school.
- j) Off-street commercial parking lot or garage, as well as off-street parking or storage area for customer, client or employee-owned vehicles.
- k) Restaurants, delicatessens and other eating establishments.
- l) Food preparation establishments for off-premises delivery.
- m) General merchandise stores, convenience stores and other retail businesses.

507.3. *Conditional Uses.* The following uses, or those uses similar in nature shall be permitted on a conditional basis in any I Zoning District, subject to the conditions set forth herein.

- a) Warehouse or other storage facility, provided that any external storage is fully enclosed by a solid fence or wall.
- b) Wholesale business outlet, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.

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- c) Automobile service station, provided that all fuel pumps are set back at least 25 feet from the right-of-way line of any street; provided all fuel tanks are installed underground; and, provided that there is no open storage of any type in conjunction with the operation.
- d) Animal hospital and/or boarding facility, provided all boarding arrangements are maintained within a building and no noise connected with the operation of the facility is audible beyond the premises.
- e) Manufacturing facilities, provided that any exterior storage of parts inventory, or materials, is fully enclosed by a solid fence or wall.
- f) Truck terminal provided that paved acceleration and deceleration lanes of at least 12 feet in width and 100 feet in length, respectively, are furnished and maintained at every point where trucks enter or leave terminal sites located adjacent to major streets, provided no safety hazard or impediment to traffic movement is reduced on any access road, and provided no open storage of any type is conducted in connection with the operation.
- g) Watchman or caretaker's one-family dwelling provided that such a dwelling is located on the premises of a permitted use; and, provided a member of the household is employed by the industry as a watchman or caretaker.
- h) Dwelling incidental to a permitted agricultural or horticultural use provided that such related dwellings are occupied only by persons employed directly on the premises.
- i) Garage or shop for the repair and servicing of motor vehicles, equipment or machine parts provided any open yard storage incidental to such an operation conforms to the provisions of Subsection 505.3(g); and, provided no objectionable sound, vibration, heat, glare or electrical disturbance is created which is perceptible beyond the premises.
- j) Temporary use in compliance with the provisions of Article VIII, Section 800.2.
- k) Sexually oriented businesses, subject to the following conditions:
 - (1) Sexually oriented businesses are classified as follows:
 - (a) Adult arcades.
 - (b) Adult bookstores or adult video stores.
 - (c) Adult novelty shop.
 - (d) Adult cabaret.
 - (e) Adult motel.
 - (f) Adult motion picture theatre.
 - (g) Adult theatres.
 - (h) Escort(s) or escort agencies.
 - (i) Nude model studios.
 - (j) Sexual encounter centers.

(2) *Permit and/or license required.*

- (a) A person commits a misdemeanor if he operates a sexually oriented business without a valid permit and/or license, issued by the city for the particular type of business.
- (b) An application for a permit and/or license must be made on a form provided by the zoning administrator. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
- (c) The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the health department, fire department and building official.
- (d) If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for the permit and/or license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten percent or greater interest in the business must sign the application for a permit and/or license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having ten percent or greater interest in the corporation must sign the application for a permit/license as applicant.
- (e) The fact that a person possesses other types of state, county or city permits and/or licenses does not exempt him from the requirement of obtaining a sexually oriented business permit and/or license.

(3) *Issuance of permit.*

- (a) The city zoning administrator shall approve the issuance of a permit and/or license to an applicant within 30 days after receipt of an application unless he/she finds one or more of the following to be true:
 - (1) An applicant is under 16 years of age.
 - (2) An applicant or applicant's spouse is overdue in their payment to the city of taxes, fines or penalties assessed against him or imposed upon him in relation to a sexually oriented business.
 - (3) An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the applicant form.
 - (4) An applicant is residing with a person who has been denied a permit and/or license by the city to operate a sexually oriented business within

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- the preceding 12 months, or residing with a person whose permit and/or license to operate a sexually oriented business has been revoked within the preceding 12 months.
- (5) The premises to be used for the sexually oriented business have not been approved by the health department, fire department, police department, zoning official and the building official as being in compliance with applicable laws and ordinances.
 - (6) The permit and/or license fee required by this ordinance has not been paid.
 - (7) An applicant of the proposed establishment is in violation of or is not in compliance with any provisions of this ordinance.
- (b) The permit and/or license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
- (4) *Fees.* The annual fee for a sexually oriented business permit and/or license is \$1,000.00. This is in addition to the city's required business license fee.
 - (5) *Inspection.*
 - (a) An applicant or permitted and/or licensee shall permit representatives of the police department, health department, fire department, planning and codes administration or other city departments or agencies to inspect the premises of the sexually oriented business for the purpose of ensuring compliance with the law at any time it is occupied or open for business.
 - (b) A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is occupied for business.
 - (6) *Expiration of permit.*
 - (a) Each permit and/or license shall expire one year from the date of issuance and may be renewed only by making application as provided in section[s] 2 and 3. Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the permit and/or license will not be affected.
 - (b) When the zoning administrator denies renewal of a permit and/or license, the applicant shall not be issued a permit and/or license for one year from the date of denial. If subsequent to denial, the zoning administrator finds that the basis for denial of the renewal permit and/or license has been corrected and abated, the applicant may be granted a permit and/or license if at least 90 days have elapsed since the date denial became final.

(7) *Suspension of permit.*

- (a) The zoning administrator shall suspend a permit and/or license for a period not to exceed 30 days if it is determined that a permittee and/or licensee or an employee of a permittee and/or licensee has:
 - (1) Violated or is not in compliance with any section of this ordinance;
 - (2) Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;
 - (3) Refused to allow an inspection of the sexually oriented business premises as authorized by this section; or
 - (4) Knowingly permitted gambling or any other unlawful activity by any person on the sexually oriented business premises.

(8) *Revocation of permit.*

- (a) The zoning administrator shall revoke a permit and/or license if a cause for suspension as listed in section 7, suspension of permit, occurs and the permit has been suspended within the preceding 12 months.
- (b) The zoning administrator shall revoke a permit if he determines that:
 - (1) A permittee and/or licensee knowingly gave false or misleading information in the application submitted to the zoning department during the application process;
 - (2) A permittee and/or licensee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises;
 - (3) A permittee and/or licensee or an employee has knowingly allowed prostitution on the premises;
 - (4) A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee and/or licensee's permit was suspended;
 - (5) A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sexual conduct to occur in or on the permitted premises; or
 - (6) A permittee and/or licensee is delinquent in payments to the city, county or state for any taxes or fees past due related to the sexually oriented business.
- (c) When the zoning administrator revokes a permit, the revocation shall continue for one year, and the permittee shall not be issued a sexually oriented business permit for one year from the date revocation became effective. If, subsequent to revocation the zoning administrator finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least 90 days have elapsed since the date the revocation became effective.

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- (9) *Transfer of permit.* A permittee and/or licensee shall not transfer his permit and/or license to another, nor shall a permittee and/or licensee operate a sexually oriented business under the authority of a permit and/or license at any place other than the address designated in the application.
- (10) *Location.*
- (a) A sexually oriented business may not be located within 1,000 feet of:
 - (1) A religious institution;
 - (2) A school;
 - (3) A Boundary Of A Residential District;
 - (4) A Property Line Of A Lot Devoted To Residential Use;
 - (5) A Public Park Or Recreation Area;
 - (6) A Child Care Center;
 - (7) A Public Building; or
 - (8) A Youth Activity Center.
 - (b) The establishment, substantial enlargement or transfer of ownership or operation of a sexually oriented business is prohibited within 1,000 feet of another sexually oriented business.
 - (c) The establishment or operation of more than one sexually oriented business in the same building, structure or portion thereof, or the increase in floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business is prohibited.
- (11) *Measurement of distance.* The distance between any two sexually oriented businesses shall be measured in a straight line without regard to intervening structures or objects, from the closest property lines of the pertinent premises. The distance between any sexually oriented business and any religious institution, a school, a boundary of a residential district, a public park or recreation area, a property line of a lot devoted to residential use, a public building or a youth activity center shall also be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the premises where the sexually oriented business is conducted or proposed to be conducted, to the nearest property line of the premises of a religious institution, a school, a boundary of a residential district, a property line of a lot devoted to residential use, a public park or recreation area, a public building or a youth activity center.
- (12) *Signs.* Sexually oriented business shall not display a sign or signs visible from public streets or sidewalks or outside the premises, which are pictorial, illustrative of or depicting of sexually oriented entertainment, services or merchandise offered on the premises.
- (13) *Nonconforming sexually oriented businesses.*
- (a) A sexually oriented business lawfully operating as of the date of this ordinance's adoption that is in violation of section 10 through section 12 of

this section shall be deemed a nonconforming use. The nonconforming use will be allowed to continue until but not beyond one year from the passage of this ordinance, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 650 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later established business is nonconforming.

- (b) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit and/or license, of a religious institution, school, boundary of a residential district, property line of a lot devoted to residential use, public park, or recreation area, public building, or youth activity center. This provision applies only to the renewal of a valid permit and/or license, and does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked.

(14) *Additional regulations for adult motels.*

- (a) Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten hours creates a rebuttal presumption that the establishment is an adult motel as that term is defined in this chapter.
- (b) A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel or similar commercial establishment that does not have a sexually oriented permit and/or license, he rents or sub-rents a sleeping room to a person and within ten hours from the time the room is rented, he sub-rents the same sleeping room again.
- (c) For purposes of subsection (b) of this section, the terms "rent" and "sub-rent" mean the act of permitting a room to be occupied for any form of consideration.

(15) *Regulation for exhibition of sexually explicit films or videos.*

- (a) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette or other video reproduction which depicts "specified sexual activities; or "specified anatomical areas," shall comply with the following requirements:
 - (1) Upon application for a sexually oriented permit and/or license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's

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stations and the locations of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area, the diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented toward the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The zoning administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

- (2) The application shall be sworn to be true and correct by the applicant.
- (3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the zoning administrator or his designee.
- (4) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- (5) The interior of the premises shall be configured in such manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be the direct line of sight from the manager's station.
- (6) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in subsection (5) of this section remains unobstructed by any walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (1) of this section.
- (7) No viewing room may be occupied by more than one person at a time.

- (8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one-foot candle as measured at the floor level.
- (9) It shall be the duty of the owners and operator and it shall be the duty of any agents and employees present in the premises to ensure that the illumination described above, is maintained at all times any patron is present in the premises.
- (b) A person having a duty under subsection (1) through (9) of subsection (a) above commits a misdemeanor if he knowingly fails to fulfill that duty.

(16) *Exemptions.*

- (a) It is a defense to prosecution under section[s] 3 and 10 through 13 that a person appearing in a State of nudity did so in a modeling class operated:
 - (1) By a proprietary school, licensed by the State of South Carolina; a junior college or university supported entirely or partially by taxation;
 - (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university which maintains and operated educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or
 - (3) In a structure:
 - (a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - (b) Where, in order to participate in a class a student must enroll at least five days in advance of the class; and
 - (c) Where no more than one nude model is on the premises at any one time.

- (17) *Injunction.* A person who operates or causes to be operated a sexually oriented business without a valid permit and/or license or in violation of section 3 of this ordinance is subject to a suit for injunction as well as prosecution for criminal violations. Such violations shall be punishable as described in section 801.2.

In establishing the criteria for sexually oriented business and amending the zoning ordinance to include sexually oriented business as a conditional use in the I Industrial District, the adoption of this ordinance excludes the establishment of sexually oriented business from all other zoning districts.

- 1) Video poker. The adoption of this ordinance excludes the installation of video poker from all other zoning districts.

(Ord. No. 99-04.04, 4-27-1999; Ord. No. 99-04.05, 4-27-1999)

Section 508. Lot Requirements By District.

All future development within the Town of Blacksburg shall conform to the requirements included in this section, subject to exceptions provided within this Ordinance.

508.1. *Front Yard Setback for Dwelling Units.* The front yard setback requirements of this Ordinance for dwellings shall not apply on any lot where the average setback of the existing building located wholly or partially within 100 feet on each side of such lot within the same block and zoning districts and fronting on the same side of the street is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setbacks shall be the average setback of other dwellings within 100 feet on the same side of the street.

508.2. *Corner Lots.* Minimum side yards for corner lots in residential districts shall conform to the minimum front yard requirements for any side abutting a public street.

<i>District</i>	<i>Minimum Lot Area (Sq. Ft.)</i>	<i>Minimum Lot Width (Ft.)</i>	<i>Minimum Front</i>	<i>Setbacks Side</i>	<i>(Ft.) Rear</i>	<i>Maximum Units Per Acre</i>	<i>Maximum Height (Ft.)</i>
R-12	12,000	70	30	10	15	3.6	35
R-8	8,000	50	20	10	15	5.4	35
RG							
One-Family	8,000	50	20	10	15	5.4	35
Two-Family	10,000	60	20	10	15	8.5	35
RMF	20,000	80	30	20	25	16.0	35
MHP	87,120	120	30	20	30	6.0	35
GC	15,000	75	25	15	25	N/A	35
CC	0	0	0	0	0	N/A	35
I	20,000	100	40	15	40	N/A	35

Section 509. Buffers.

509.1. *Purpose.* The purpose of a buffer is to ameliorate the relationship between adjacent land uses including:

- (1) Minimizing nuisances; and
- (2) Promoting compatibility.

The buffer requirements offer several options, each of which will buffer to an equivalent degree by varying distance (setback) and/or density (mass).

509.2. *Definitions.* A buffer is a permanent unit of land, together with planting, fences, berms, walls and other screening devices required thereon.

509.3. *Location.* Buffers shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffers shall not be located on any portion of an existing public or private right-of-way.

509.4. *Determination of Buffer Requirements.* To determine the buffer required between two adjacent parcels, the following procedure shall be followed:

- (1) Identify the proposed land use;
- (2) Identify the use of lands adjacent to the proposed use;
- (3) Determine the buffer required on each boundary (or segment thereof) of the proposed land use by referring to the Table of Buffer Requirements and Illustrations contained herein which specify the buffer options required between a proposed use and the existing adjacent uses.

509.5. *Responsibility for Buffer/Screening.* When a use is first to develop on two adjacent vacant parcels, the first use shall provide the buffer, specified by the Table of Buffer Requirements for vacant land.

The second use to develop shall at the time it develops, provide all additional plant material structures and/or land necessary to provide the total buffer required between the two uses, as specified by the Table of Buffer Requirements.

726.6[509.6]. *Buffer Specifications.* The attached illustrations specify the type and quantity of plant materials required by each buffer. The requirements are stated in terms of width of the buffer and the number of plants required per 100 feet of buffer. The requirements of a buffer may be specified by any one of the options illustrated. The "plant unit multiplier" is a factor by which the basic number of plant materials required for a given buffer is determined given a change in the width of that yard. Each illustration depicts the total buffer required between two uses. Whenever a wall, fence or berm is required within a buffer, these are shown as "structures" in the following illustrations wherein their respective specifications also are shown.

The exact placement of required plants shall be the decision of the developer except that evergreen (or conifer) plant materials shall be planted in clusters rather than singly in order to maximize their chances of survival and increase screening.

All buffer areas shall be seeded with lawn grass or suitable ground cover.

509.7. *Minimum Plant Size.* Plants shall be sufficiently sized to ensure buffering and screening at the time of installation. Where the Buffer Illustration indicates a mass or line of plants parallel the length of the property line, the plant materials shall be sufficiently sized to ensure obscurity at the time of installation. However, seedling plants may be used where berms or structures are required as part of the buffer.

<i>Plant Material Type</i>	<i>Planting in Buffers Abutting Structures, Fences, Berms</i>	<i>All Other Plants</i>
Canopy Tree		
Single Stem	1/2" caliper	2 1/2" caliper
Multistem		
Clump	6' (height)	10' (height)
Understory Tree	4' (height)	1 1/2" caliper
Evergreen Tree	3' (height)	5' (height)
Shrub		
Deciduous	15" (height)	24" (height)
Evergreen	12" (height)	18" (height)

509.8. Buffer Substitutions.

- (1) Any existing healthy, well-formed plant materials which are greater than or equal to the recommended buffer and which otherwise satisfy the requirements of this section may be counted towards satisfying all such requirements.
- (2) Structures, where required, may be substituted with approval of the Planning Commission.

509.9. Use of Buffers. A buffer may be used for passive recreation; however, no plant material may be removed and such use shall not be a nuisance.

509.10. Containers and Dumpsters. All exterior dumpsters or exterior garbage containers (excluding containers of groups of containers with a combined capacity of less than six cubic yards) shall be screened on all but one side by an F3 or F4 fence or wall, intensive landscaping or other suitable opaque enclosure. The average height of the enclosure shall be one foot more than the height of the container but shall not be required to exceed eight feet in height. The open side shall not be visible from the street.

509.11. Fences and Walls—Appearance. All fences and walls used as part of the buffer requirements must have a finished side that is facing adjoining property. The interior side of the fence or wall may be finished as owner deemed appropriate. Where fences or walls are applicable buffer requirements, they shall be established along the inside line of the buffer, toward the proposed use, except for ornamental fences, which may be built on the property line.

509.12. Berms. Where required, berms may be located anywhere within the buffer, provided they parallel the property line.

509.13. Required Maintenance. The maintenance of required buffers shall be the responsibility of the property owner. And all such yards shall be properly maintained so as to ensure continued buffering. Failure to do so is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

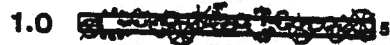
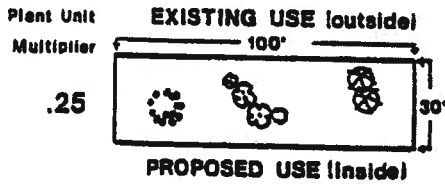
Bufferyard Requirements

Existing Land Use

<i>Proposed Land Use</i>	<i>Single- Family Res- idential</i>	<i>Multifamily Residential</i>	<i>Mobile Home Park</i>	<i>Office, In- stitutional</i>	<i>Commercial</i>	<i>Industrial</i>
Single-Fam- ily Residen- tial	None	None	None	None	None	None
Multifamily, Office, Insti- tutional	3	None	2	1	None	None
Mobile Home Park	4	3	1	3	2	2
Commercial	4	3	3	1	None	None
Industrial	5	5	4	3	2	None

BUFFERYARD ILLUSTRATIONS

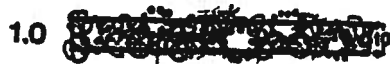
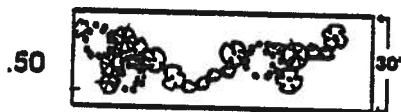
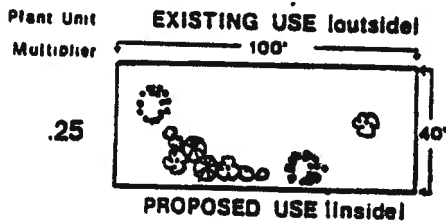
BUFFERYARD 1



REQUIRED PLANT UNITS/100'

2	Canopy Trees	
5	Understorey Trees	
5	Evergreens/Conifers	
8	Shrubs	
20	TOTAL	

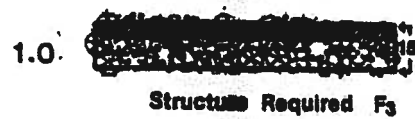
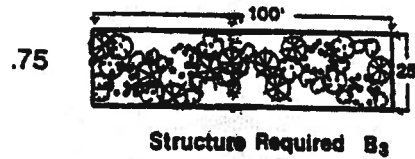
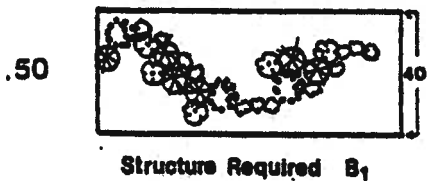
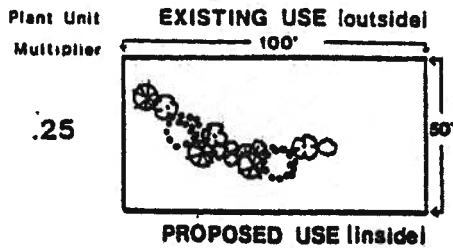
BUFFERYARD 2







REQUIRED PLANT UNITS/100'

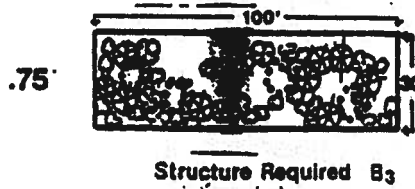
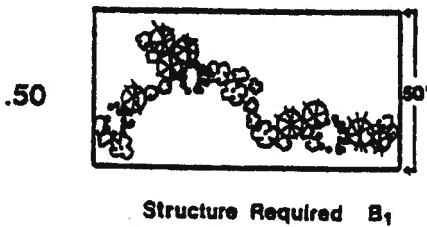
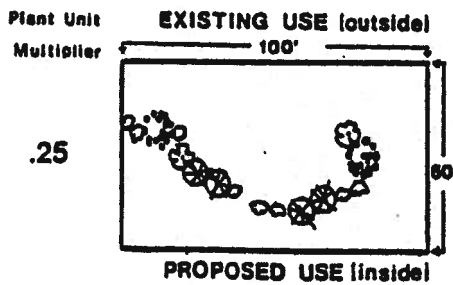
5	Canopy Trees	
10	Understorey Trees	
9	Evergreens/Conifers	
15	Shrubs	
39	TOTAL	





BUFFERYARD 3



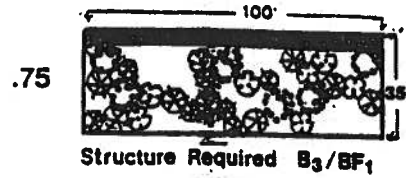
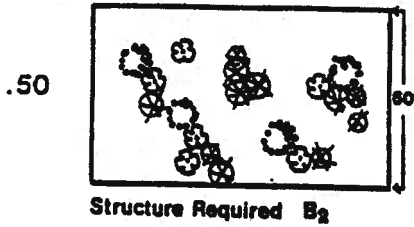
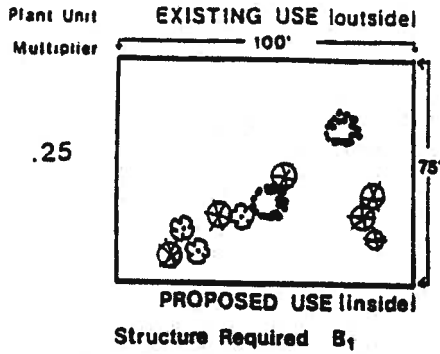
REQUIRED PLANT UNITS/100'	
5	Canopy Trees 
10	Understory Trees 
12	Evergreens/Conifers 
24	Shrubs 
51	TOTAL

BUFFERYARD 4



REQUIRED PLANT UNITS/100'	
5	Canopy Trees 
10	Understory Trees 
15	Evergreens/Conifers 
30	Shrubs 
50	TOTAL

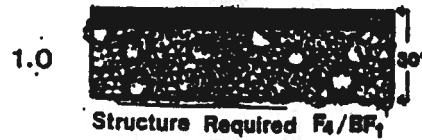
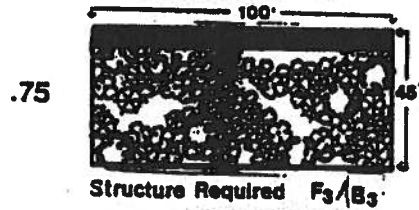
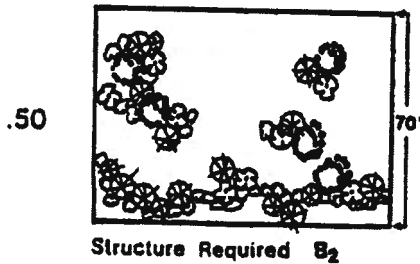
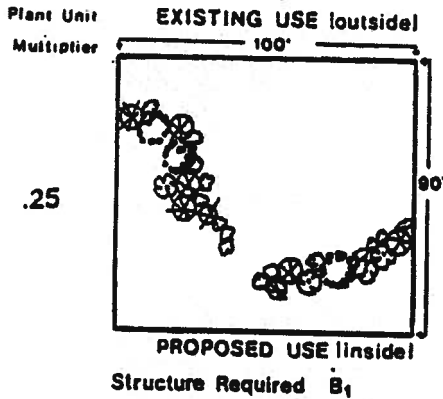
BUFFERYARD 5



REQUIRED PLANT UNITS/100'

8	Canopy Trees	
12	Understory Trees	
22	Evergreens/Conifers	
45	Shrubs	
87	TOTAL	

BUFFERYARD 6



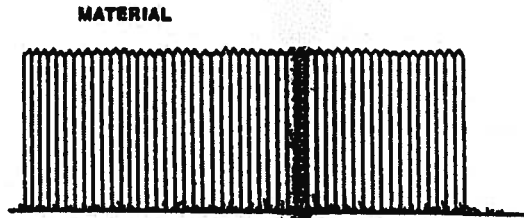
REQUIRED PLANT UNITS/100'

3	Canopy Trees	
1	Understory Trees	
30	Evergreens/Conifers	
84	Shrubs	
118	TOTAL	

STRUCTURES

FENCES

SYMBOL	HEIGHT
F ₁	3'
F ₂	4'
F ₃	6'

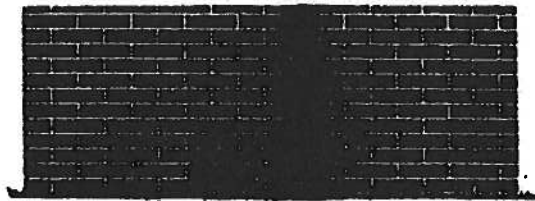


Wood Stockade/Opaque Fence
(non-perishable supports)

WALLS

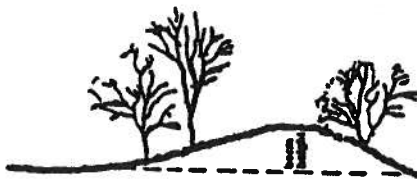
F ₄	6'
F ₅	8'

(Any combination of berm and masonry wall)



Masonry Wall
(poured concrete, stucco, concrete block, brick, et)

BERMS



BERM FENCES



SY	HEIGHT	MATERIAL
B ₁	3'	EARTH
B ₂	4'	"
B ₃	5'	"

SYMBOL	HEIGHT	Berm	Stockade Fence
BF ₁	3'	Berm	Stockade Fence
BF ₂	4'	Berm	Stockade Fence
BF ₃	5'	Berm	Stockade Fence

ARTICLE VI. SIGN REGULATIONS

The regulations herein shall apply and govern all Zoning Districts. No sign shall be erected or maintained unless it is in compliance with the regulations of this Article, except that a nonconforming sign which shall comply with the provisions set forth in Article VII, may be maintained if in existence prior to the adoption of this ordinance.

Section 600. General Provisions.

The following regulations shall apply to all signs in the Town of Blacksburg erected and displayed for view from the public right-of-way.

- 600.1. Signs must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated.

Section 601. Prohibited Signs.

The following signs are prohibited in the Town of Blacksburg:

- 601.1. *Signs Imitating Warning Signals.* No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance or rescue vehicles, nor shall any sign use the words "stop," "danger," or any other word, phrase, symbol or character in a manner that might mislead or confuse the driver of an automobile.
- 601.2. *Signs Within Street or Highway Right-of-Way.* Except as herein provided, no sign whatsoever, whether temporary or permanent except traffic signs and signals and information signs erected by a public agency, is permitted within any street or highway right-of-way.
- 601.3. *Certain Attached and Painted Signs.* Signs painted on or attached to trees, fence posts and telephone or other utility poles or signs painted on or attached to rocks or other natural features or painted on the roofs of buildings are prohibited.
- 601.4. *Roof Signs.* Signs attached, mounted or painted on a roof structure are prohibited.

Section 602. Permitted Signs, General.

The following types of signs are permitted in any Zoning District.

- 602.1. Traffic, directional, warning or information signs authorized by any public agency.
- 602.2. Official notices issued by any court, public agency or office.
- 602.3. One nonilluminated "for sale," "for rent," or "for lease" sign not exceeding six feet in area in residential districts and 20 square feet in other than residential districts and located not less than ten feet back from the street right-of-way line, unless attached to the front wall of a building.

- 602.4. Entrance, exit and instructional signs, so long as they do not exceed four square feet in area, are no higher than three feet above adjacent pavement and contain no advertisement.
- 602.5. Identification signs indicating the name and street number or owner or occupant of a parcel, so long as such signs do not exceed four square feet of copy area.
- 602.6. Bulletin boards, which are defined as permanent signs which primarily displays the name of a noncommercial place of public assembly and announces the upcoming events of that organization. To not require a permit, such a sign shall not exceed 36 square feet of copy area or five feet in height. Signs of this type shall be restricted to one per parcel.
- 602.7. Signs identifying projects under construction which denote the name of the project, the architect, engineer, contractor, owner, etc., so long as such signs do not exceed 25 square feet in residential districts, or 100 square feet in nonresidential zones, are not illuminated, and are removed within seven days of completion of the project.
- 602.8. Signs attached or integrated into a gasoline pump, automatic bank teller machine or drive through component of a fast food restaurant, which give operational instructions to users, the price of the product, the brand name of the product or descriptive information about the product.

Section 603. Regulations Applying to Specified Types of Signs.

The following regulations apply to the following specified types of signs:

- 603.1. *Wall Signs.* Signs on the walls of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:
- a) *Signs on the Front Surface of a Building.* The total area of signs on the exterior front surface of a building shall not exceed 20 percent of the front surface of the building, so long as the figure does not exceed the total amount of sign area permitted within the Zoning District where the sign or signs are to be located.
 - b) *Signs on the Side and Rear Surface of a Building.* The total area of signs on a side or rear surface of a building shall not exceed 25 percent of the exterior side or rear surface of the building, respectively, so long as this figure does not exceed the total amount of sign area permitted within the Zoning District where the sign or signs are to be located.
 - c) *Projecting Signs.* Wall signs attached flat against a wall may extend not more than 24 inches from the wall. Signs projecting from a wall may extend outward from the wall of a building not more than 6½ feet and may be located not closer than 18 inches to a vertical plane at the street curbline. A projecting sign shall not extend above the roof line a distance greater than the height of the roof above the ground level. In no case shall signs project beyond property lines except that signs may project over public sidewalks in CC Districts provided that the minimum height above grade or sidewalk level of such signs shall be no less than ten feet.

603.2. *Signs on Work Under Construction.* One nonilluminated sign, not exceeding 25 square feet in residential districts, or 100 square feet in nonresidential districts, displaying the name of the building, the contractors, the architects, the engineers, the owners and the financial, selling and development agencies, is permitted upon the premises of any work under construction, alteration or removal. Such sign shall be removed from the site within seven days after the completion of the project.

603.3. *Subdivision Entrance Signs.* One or two signs shall be permitted at each entrance of a residential subdivision, provided that such signs do not exceed a total of 100 square feet at any subdivision entrance. Provided further that such signs shall have a maximum height of six feet. If illuminated, only indirect lighting shall be permitted. If such subdivision entrance sign is built into a decorative wall or fence, the maximum copy area and setback requirements shall comply with regulations for fences contained herein.

603.4. *Private Directional Signs.* Signs indicating the location and direction of premises available for or in the process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder or agency, may be erected and maintained, provided:

- a) The size of any such sign is not in excess of six square feet, and not in excess of four feet in length;
- b) Not more than one such sign is erected for each 500 feet of street frontage.

603.5. *Freestanding Signs.* Freestanding signs shall meet Building Code structural provisions and UL (Underwriter's Laboratories) electrical requirements.

Section 604. Signs Permitted in Residential Districts.

604.1. *Permitted Signs and Conditions.* The following types of signs are permitted in R-12, R-8, RG and RMF Districts:

- a) For multiple-family dwellings, hotels, group dwellings and for buildings other than dwellings, a single nonilluminated business identification sign or bulletin board not exceeding 60 square feet in area. Such sign or bulletin board shall be set back not less than ten feet from any street right-of-way line.
- b) Subdivision signs and private directional signs, under the provisions of Subsections 603.4 and 603.5.

Section 605. Signs Permitted in Commercial and Industrial Districts.

605.1. *Permitted Signs and Conditions.* The following types of signs are permitted in GC, CC and I Districts:

- a) All signs permitted in residential districts are permitted in commercial and industrial districts.

- b) Within the front or side setback area of any parcel in a GC, CC or I Zone, a maximum of one permanently mounted detached sign shall be permitted for each 300 feet of road frontage for each road fronted, except that one such sign shall be permitted if total road frontage is less than 300 feet. The maximum allowable sign copy area for signs permitted under this provision shall be 150 square feet multiplied by the number of signs permitted. No such sign shall be located closer than ten feet to any street right-of-way. The maximum height of detached signs shall be 30 feet, as measured from the base of the sign, except that detached signs within 1,000 feet of an interstate highway right-of-way and intended for view from the interstate highway are permitted to have a maximum height of 150 feet.
- c) Wall signs or wall [projecting] signs shall, in no case, exceed the requirements of Section 603.
- d) On any lot in a commercial or industrial district on which no business enterprise is located, one freestanding sign structure having a total sign area not exceeding 600 square feet is permitted. Additional sign structures, each of which does not exceed 600 square feet in combined total sign area, are permitted provided they are spaced not closer than 500 linear feet from any other sign structure of greater than 150 square feet. Any off-premises sign of greater than 150 square feet shall be required to be spaced a minimum of 300 feet from any residentially zoned parcel or parcel.
- e) Signs in any commercial or industrial district may be illuminated.

Section 606. Signs Permitted in Mobile Home Park Districts.

606.1. *Permitted Signs and Conditions.* The following types of signs are permitted in MHP Districts:

- a) One nonilluminated professional or business name plate not exceeding one square foot in area mounted flat against the wall of a building in which there is conducted a permitted home occupation;
- b) Signs, illuminated or nonilluminated, not to exceed a combined total sign area of 300 square feet per mobile home park.

ARTICLE VII. GENERAL PROVISIONS

Section 700. Location of Buildings on Lots.

700.1. *Street Access.* Except as herein provided, no building shall be erected, constructed, moved or relocated on a lot not located on a publicly dedicated, publicly accepted or publicly maintained street with a right-of-way of not less than 30 feet.

700.2. *Corner Lots.* On lots having frontage on more than one street at an intersection, the minimum street side yard requirement shall be equal to the minimum front yard requirements.

700.3. *Location of Buildings on Lots and Residential Limitations.* Every building or use hereafter erected or established shall be located on a Lot of Record, and every one- and two-family residential structure, except as herein provided, shall be located on an individual Lot of Record. In all cases, the principal buildings on a lot shall be located within the area formed by the building lines at outer boundaries, and in no case shall such buildings infringe beyond the building lines into the respective front, side, rear yard or other setbacks required for the district in which the lot is located.

700.4. *Double Frontage Lots.* On lots having frontage on two streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this Ordinance. On lots having frontage on more than two streets, the minimum front yard shall be provided in accordance with the regulations set forth in this Ordinance on all of the street frontages.

700.5. *Front Yard Requirements.* The setback requirements of this Ordinance shall not apply to any lot where the average setback on already built upon lots, located wholly or in part within 100 feet of each such lot and within the block and zoning district and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on such a lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots. However, in no case shall setbacks be less than 15 feet.

700.6. *Measurement of Front, Side, Rear Yards; Determination of Buildable Area.* The required front, side and rear yards for individual lots, as set forth for the particular Zoning District within which a given lot is located, shall be measured inward toward the center of said lot from all points along the respective front, side and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side or rear lot shall be known as the "Buildable Area."

Section 701. Nonconforming Buildings or Uses.

Nonconforming buildings or uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. However, to avoid undue hardship, the lawful use of any building or land uses at the time of the enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance except that the nonconforming building or land use or portions thereof, shall not be:

- (1) Changed to another nonconforming use;
- (2) Reused or reoccupied after discontinuance of use or occupancy for a period exceeding 12 months;
- (3) Re-established, reoccupied or replaced with the same or similar building, or land use after physical removal or relocation from its specific site location at the time of passage of this Ordinance;
- (4) Repaired, rebuilt or altered after damage exceeding 50 percent of its replacement cost at the time of destruction. Reconstruction or repair, when legal, must begin within 12 months after damage is incurred;

- (5) Enlarged or altered in a way which increases its nonconformity.

Nothing in this section shall be meant to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official lawfully charged with protecting the public safety, upon order of such official.

701.1. *Exceptions.* A nonconforming mobile home in any zoning district may be replaced by another mobile home so long as the replacement is made within 120 days of the date of removal or damage to the original mobile home, subject to all provisions of Section 709 of this Ordinance.

Section 702. Home Occupation.

A home occupation shall be permitted in any residential district, provided such occupation:

- (1) Is conducted by no other person than members of the family residing on the premises;
- (2) Utilizes not more than 25 percent of the total floor area of the principal building; a home occupation activity may take place in a garage or shed, provided such structure has the appearance of a residential accessory building;
- (3) Produces no alteration or change in the character or exterior appearance of the principal building from that of a dwelling;
- (4) No display of products shall be visible from the street and only articles made on the premises may be sold; except that nondurable articles (consumable products) that are incidental to a service, which service shall be the principal use in the home occupation, may be sold on the premises;
- (5) Creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition;
- (6) Is not visibly evident from outside the dwelling except for a sign of three square feet or smaller in size and mounted against a wall of the principal building;
- (7) Provides off-street parking commensurate with its occupation type as cited in Article VII, Section 704.

Section 703. Accessory Uses.

In addition to the principal uses, each of the following uses is considered to be a customary accessory use, and as such may be situated on the same lot with the principal use or uses to which it serves as accessory.

703.1. Uses Customarily Accessory to Dwellings.

- a) Private garage not to exceed the following storage capacities: one- or two-family dwelling — 4 automobiles; multifamily dwelling — 2 automobiles per dwelling unit; board house — 1.5 automobiles per dwelling unit.
- b) Open storage space or parking area for motor vehicles provided that such space does not exceed the maximum respective storage capacities listed under Subsec-

tion 703.1(a) above; and provided that such space shall not be used for more than one commercial vehicle licensed as one ton or less in capacity per family residing on the premises.

- c) Shed or tool room for the storage of equipment used in grounds or building maintenance.
- d) Private kennels. Kennels used for commercial purposes are prohibited.
- e) Private swimming pool and bath house or cabana.
- f) Structures designed and used for purposes of shelter in the event of manmade or natural catastrophes.
- g) Noncommercial flower, ornamental shrub or vegetable garden, greenhouse or slat house.

703.2. Uses Customarily Accessory to Church Building.

- a) Religious education buildings.
- b) Parsonage, parsonium or parish house, together with any use accessory to a dwelling as listed under Subsection 703.1.
- c) Off-street parking area for the use, without charge, of members and visitors of the church.

703.3. Uses Customarily Accessory to Retail Businesses, Office Use and Commercial Recreation Facilities.

- a) Off-street parking or storage area for customer, client or employee owned vehicles.
- b) Completely enclosed building for the storage of supplies, stock or merchandise.
- c) Light manufacturing and/or repair facility incidental to the principal use provided that dust, odor, smoke, noise, vibration, heat or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.

703.4. Setback and Other Yard Requirements for Accessory Uses. The minimum front setback of the zoning district in which the parcel is located shall serve as the minimum front setback for accessory uses. For accessory structures of not greater than 600 square feet in area, or 15 feet in height and swimming pools, the minimum rear setback shall be ten feet and the minimum side setback shall be ten feet. The accessory use shall occupy not more than 30 percent of the required rear and side yard. For any accessory use of greater than 600 square feet in area or 15 feet in height, except swimming pools, the minimum setbacks of the zoning district in which the use is located shall apply.

Section 704. Off-Street Parking.

Areas suitable for parking or storing automobiles in off-street locations shall hereafter be required in all zoning districts, except in the CC Core Commercial area, at the time of the initial construction or any principal building producing an increase in dwelling units, guest rooms, floor area, seating or bed capacity or when a conversion in use occurs. Such off-street parking areas shall have direct access to a street or alley, and shall be provided and maintained in accordance with the following requirements:

<i>USE</i>	<i>PARKING SPACES REQUIRED</i>
Automobile repair garages	1 space per 150 square feet of net floor area
Automobile sales lots	1 space per 50 square feet of net floor area for customer and employee parking
Automobile service stations	3 spaces for each service bay, with a minimum of 5 spaces required. Self service gasoline sales: Minimum of 2 permanent parking spaces
Banks and other financial institutions	1 space per 300 square feet of net floor area
Business and professional offices, government offices	1 space per 200 square feet of net floor area
Boarding and lodging houses	1 space per bedroom, plus 3 additional spaces
Churches and other places of worship	1 space per 3 seats in main auditorium
Clinics and similar operations	1.25 space per 200 square feet of net floor area
Dwellings, single- and two-family	2 spaces per dwelling unit
Food stores, equal to or less than 3,500 square feet	1 space per 150 square feet of net floor area
Food stores, greater than 3,500 square feet	1 space per 100 square feet of floor area
Funeral homes	1 space per each 4 seats in main chapel or parlor
General business, commercial or personal service establishments catering to retail trade, but not including food stores, service and repair businesses	1 space per 200 square feet of net floor area used for retail sales or display
Homes for the aged, rest homes, personal care homes and similar institutional uses	1 space per 3 beds
Hospitals, sanitariums and nursing homes	1 space per 2 beds
Lodges, fraternal or social organizations	1 space per 200 square feet of net floor area
Motels, hotels, tourist homes and transient hotels	1.25 spaces per unit
Mobile homes	2 spaces per each mobile home lot
Multifamily apartment and condominium communities	1.75 parking space for each dwelling unit
Nonsimple dwelling units, attached or detached	2 spaces per dwelling units

USE

PARKING SPACES REQUIRED

Restaurants, delicatessens, etc.
Shopping centers

1 space per 300 square feet of net floor area
1 space per 200 square feet of net floor area for all stores other than supermarkets or grocery stores. 1 space per 100 square feet of net floor area for supermarkets or grocery stores.

Schools, elementary, junior high
Schools, secondary
Schools, college, trade or vocational
Community recreation centers, swimming pools, golf courses and similar uses
Theaters, auditoriums, funeral homes, gymnasiums, stadiums and other places of assembly
Wholesale, warehousing operation

2 spaces per classroom
5 spaces per classroom
8 spaces per classroom
12 spaces

1 space per 4 seats

Manufacturing facilities

1 space per 200 square feet of net area devoted to sales or display. 1 space per 500 square feet of net manufacturing area. 1 space per 5,000 square feet of net floor area devoted to storage.

1 space per 200 square feet of net area devoted to sales or display. 1 space per 500 square feet of net manufacturing area. 1 space per 5,000 square feet of net floor area devoted to storage.

704.1. *Parking Space Area Requirements.* Parking lot design shall conform with the following standards.

a)

<i>Angle of Parking Space</i>	<i>Width of Stall</i>	<i>Depth of Stall</i>	<i>Area of Stall</i>	<i>Minimum Driveway Width</i>	<i>Length of Curb</i>
Parallel	9'	23' 0"	207' 0"	12' - 24'	23' 0"
30 degree	9'	17' 4"	156' 0"	11' - 24'	18' 0"
45 degree	9'	19' 10"	178' 6"	13' - 24'	12' 9"
60 degree	9'	20' 0"	189' 0"	18' - 24'	10' 5"
90 degree	9'	20' 0"	180' 0"	24' - 24'	9' 0"

b) All parking lots within NC, GC and CC zones shall be paved.

704.2. *Location on Other Property.* If the required automobile space cannot reasonably be provided on the same lot on which the principal use is conducted, such spaces may be provided on other off-street property provided such property lies within 400 feet of the

main entrance to such principal use. Such automobile parking space shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner.

704.3. *Common Off-Street Parking Areas.* Two or more principal uses may utilize a common area in order to comply with off-street parking requirements, providing that the total number of individual spaces available in such common area is not less than the sum of the spaces required for the individual uses as separately computed in accordance with the provisions of this section, and provided that the owner of said lot relinquishes his development rights over the property until such time as parking space is provided elsewhere. If activities sharing combined parking are not in operation at the same time, each parking space may be counted for each activity.

704.4. *Use of Public Rights-of-Way for Maneuvering.* When determining parking area requirements for uses other than residential, portions of the public right-of-way on streets may not be considered as permissible for maneuvering incidental to parking. Parking facilities shall provide space outside the public rights-of-way for maneuvering incidental to parking.

Section 705. Off-Street Loading and Unloading Spaces.

Except in CC Core Commercial District every lot on which a business, trade or industry is hereafter established, shall provide space as indicated herein for the loading and unloading of vehicles off the street. Such space shall have access to an alley, or if there is no alley, to a street. For the purpose of this section an off-street loading space shall have minimum dimensions of 12 feet by 40 feet and be clear and free of obstructions at all times. Required space shall be considered as follows:

1. *Retail Business.* One space for each 5,000 square feet of gross floor area.
2. *Wholesale, industrial, governmental and institutional uses, including public assembly places, hospitals and educational institutions.* One space for the first 25,000 square feet of total floor space area. For anything in excess of 25,000 square feet, such uses shall provide loading spaces according to the following schedule:

<i>Square Feet</i>	<i>No. of Spaces</i>
25,001—99,999	2
100,000—159,999	3
160,000—239,999	4
240,000—349,999	5
For each additional 100,000 or fraction thereof	1 additional

3. *Multifamily residences with ten or more dwelling units:* One space.

Section 706. Spacing Requirements for Curb Cuts.

Curb cuts for service drives, entrances, exits and similar facilities shall not be located closer than 50 feet to the intersection of any public street right-of-way lines. Private curb cuts shall be no greater than 40 feet in width and shall be placed no closer than ten feet to any property or lot line.

Section 707. Visibility at Intersections.

707.1. *Visibility at Street Intersections.* In all zoning districts established by this Ordinance, except the CC Core Commercial District, no fence, wall, terrace, sign, shrubbery, planting or other structure or object capable of obstructing driver vision between the heights of three and ten feet above the finished street level shall be permitted on a corner lot within 25 feet of the point formed by the intersection of the street right-of-way lines (or such lines extended in case of a rounded corner) which bound said lot.

707.2. *Visibility at Private Drives and Entrances Intersecting with Public Streets.* At the intersection of any private drive or entrance or exit with a public street, no fence, wall, hedge or other planting or sign forming a material impediment to visibility between a height of 2½ feet and seven feet shall be erected, planted, placed or maintained within 15 feet of the intersection.

Section 708. Parking and Storage of Certain Vehicles.

It shall be unlawful for any person, partnership, corporation or other legal entity to permit, park or store a truck, automotive vehicle or trailer of any kind or type, on any residentially zoned property within the municipal corporate limits except within a completely enclosed building:

- (1) That is not operable;
- (2) That does not display a lawful and current license tag;
- (3) That does not display a current and valid South Carolina inspection sticker; and
- (4) That does not have current liability insurance thereon.

This Ordinance excludes bona fide classic automobiles currently undergoing restoration, and are covered with factory-made automobile covers, and trailers not required by law to display a license tag.

If in violation of this Ordinance, written notice shall be submitted to the owner or permittee of the parked or stored vehicle that such vehicle shall be removed within 20 days from the date of such notice.

Section 709. Mobile Home Standards.

709.1. *[Compliance with each requirement.]* All mobile homes brought into the Town of Blacksburg or relocated within the Town subsequent to the adoption of this ordinance, whether placed in a mobile home park or on an individual parcel, shall be required to be in compliance with each of the requirements listed in Section 709.2 of this ordinance.

STATE OF SOUTH CAROLINA)
COUNTY OF CHEROKEE)
TOWN OF BLACKSBURG)

ORDINANCE

AN ORDINANCE OF THE TOWN OF BLACKSBURG, SOUTH CAROLINA AMENDING SECTION 709 AND SECTION 802 OF BLACKSBURG ZONING ORDINANCE RELATING TO MOBILE HOME STANDARDS AND NON-CONFORMING USES; AND OTHER MATTERS RELATING THERETO.

NOW THEREFORE BE IT ORDAINED by the Mayor and Town Council of Blacksburg, South Carolina as its governing body, as follows:

1. Amend Section 709. Mobile Home Standards as follows:

Section 709. Manufactured Home Standards.

709.1 All manufactured homes as defined in S.C. Code Section 27-47-210 which were brought into the Town of Blacksburg or relocated within the Town subsequent to the enactment of this ordinance, whether placed in a mobile home park or on an individual parcel, shall be required to be in compliance with each of the requirements listed in Section 709.2 of this ordinance.

709.2 Manufactured Home Requirements: All manufactured homes subject to this ordinance shall meet standards of the Cherokee County Manufactured Housing Permitting and Installation Guide and the South Carolina Residential Code and the standards set forth as follow:

- A. Shall have a minimum width of 24 feet and a maximum length not to exceed four times its width and a minimum gross floor area of 900 square feet.
- B. The roof shall have a vertical rise of at least three inches for each 12 inches of horizontal run (three to twelve pitch) and the roof finish shall be a class 'C' or better material that is commonly used in conventional residential construction.
- C. The manufactured home shall have permanent masonry foundation walls that are unpierced except for normal ventilation and access openings. Exposed common concrete blocks shall be finished with stucco, z-brick, or equivalent finish, except that single-wide manufactured homes renting a space in a mobile home park may finish the underpinning with vinyl underpinning kits.

- D. The towing apparatus, wheels, axles, and transporting lights shall be removed after placement on the lot and before occupancy and shall not be included in the length and width measurements of the manufactured home.
- E. When the manufactured home is more than six feet off the ground, an engineer must design the footings. The design must be sealed by a South Carolina registered engineer. In no case can a manufactured home setup exceeding six feet in height be underpinned with vinyl.
- F. Manufactured homes must meet any applicable flood plain ordinance requirements.
- G. All manufactured homes located on an individual lot must provide off-street parking space for all cars domiciled at the residence. Parking spaces are to be located at the side or rear of the home. If the lot is grandfathered or non-conforming and does not have sufficient space in the side or rear yard for parking, the Planning Commission shall determine the location of parking space(s) prior to occupancy.
- H. The longest axis dimension of the single-family home shall be oriented parallel or within a 15-degree deflection of being parallel with the front property line along a street. In the case of lots having property lines on a radius along the street, the longest axis dimension of the home shall be parallel or within a 15-degree deflection of being parallel with an imaginary straight line connecting the two front corners of the lot. For grandfathered, non-conforming lots, the Planning Commission shall determine the orientation that best reflects the existing lot lines.

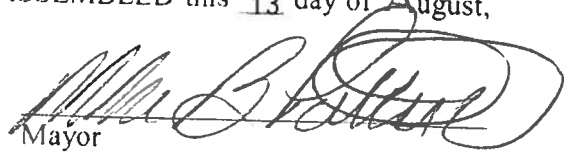
2. Amend Section 802. Non-Conforming Uses as follows:

Section 802. Non-Conforming Uses. Any use or structure lawfully in existence and operation at the time of adoption of this Ordinance that does not conform with all requirements of this Ordinance shall be permitted to remain in use; however, such use or structure shall be brought into full compliance with all requirements of this Ordinance if such use or structure shall be altered, enlarged, or damaged to an extent that repair would cost greater than fifty percent (50%) of the replacement cost of the use; or discontinued for a period in excess of twelve (12) months. Nothing in the provision is intended to prohibit routine maintenance and upkeep of any buildings or grounds.

Any manufactured home subject to this provision located on an individual parcel and not in a mobile home park shall be required to comply with the requirements of Section 709.

BE IT ORDAINED by the Town Council duly assembled that the Zoning Ordinance is hereby amended to incorporate the above-referenced changes and additions.

DONE AND RATIFIED BY COUNCIL DULY ASSEMBLED this 13 day of August, 2019.


Mayor

ATTEST:


Town Clerk

First Reading: July 9, 2019
Second Reading: August 13, 2019

700.2.[709.2] *Mobile Home Requirements.* All mobile homes subject to this ordinance shall meet or exceed the construction standards promulgated by the U. S. Department of Housing and Urban Development, as well as the South Carolina Manufactured Housing Board.

- a) Permanent steps, composed of either precast concrete, mortar, brick, wood or metal are to be installed.
- b) If steps are 30 inches or greater in height, permanent handrails are to be installed.
- c) All corners are to be supported by double piers, and additional piers are to be spaced no greater than ten feet apart.
- d) Corner piers and all other piers of at least 40 inches in height are to have minimum length and width dimensions of 16 inches × 16 inches, are to be composed of interlocking masonry units, and are to be capped with a minimum of four-inch thick solid masonry unit.
- e) All piers are to be set in a concrete base with dimensions of at least 16 inches × 16 inches × four inches.
- f) Either over-the-top or frame based tie-downs are to be installed and maintained.
- g) Solid skirting of either wood, brick, vinyl, metal or masonry is to be installed prior to the issuance of a Certificate of Occupancy, and is to be painted, unless composed of brick or stone.
- h) Skirting is to be constructed and maintained in a manner so as not to create a fire hazard or to harbor trash or rodents.
- i) Skirting material is to be maintained in a sound state of repair, is to be vented, and is to have an access door.
- j) Wheels and axles are to be removed unless in a mobile home park.

Section 710. Regulations Pertaining to Bed and Breakfast Inns Within Residential Districts.

710.1. Bed and breakfast inns shall be permitted within any R-12, R-8, RG or RMF Zoning District, subject to the following restrictions:

- a) A maximum of one bed and breakfast inn shall be permitted on any parcel.
- b) The inn must be operated by members of the household residing on the premises.
- c) The inn must be operated in a structure constructed prior to January 1, 1994.
- d) The inn shall have no more than eight guestrooms.
- e) The inn shall not require any alteration or change in the essential residential character of the dwelling and must be compatible with a quiet residential environment.
- f) The operation of the inn shall involve no exterior storage of materials or supplies.

- g) There shall be no exterior display or signs, except for one on-site sign no larger than 20 square feet stating the name of the inn.
- h) The inn shall provide at least one paved parking space on the property for each guest room. Parking spaces shall be located behind the front line of the main structure.
- i) The resident owner of the inn shall keep a current guest register, including the names, addresses and occupancy dates of all guests.
- j) No guest shall occupy the inn for more than seven consecutive nights.

ARTICLE VIII. ADMINISTRATION, ENFORCEMENT, APPEAL, COMPLAINTS AND REMEDIES

Section 800. Administration and Enforcement.

The duly appointed Zoning Administrator shall hereby be given the authority and responsibility to administer and enforce the provisions of this Ordinance.

If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicate the nature of the violation, and order the action necessary to correct it. He shall order discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with its provisions.

800.1. *Building Permits Required.* No building or other structure shall be erected, moved, added to or structurally altered without a permit therefor, issued by the Zoning Administrator. No building permit shall be issued unless it shall have been determined by the Zoning Administrator that the proposed building or structure is in full compliance with the provisions of this Ordinance, unless a variance is granted as provided by this Ordinance.

800.2. *Temporary Uses.* The Zoning Administrator is authorized to issue a temporary Certificate of Zoning Compliance for temporary uses, as follows:

- a) Rodeo, carnival or circus for a period not to exceed 21 days, subject to the approval of the Town Council.
- b) Religious meeting in a tent or other temporary structure in GC, CC and I Districts, for a period not to exceed 60 days.
- c) Open lot sale of Christmas trees, in the GC, CC and I Districts for a period not to exceed 45 days.
- d) Real estate sales office, in any district, for a period not to exceed one year, provided no cooking or sleeping accommodations are maintained in the structure.
- e) Contractor's office and equipment sheds, in any district, for a period of one year, provided that such office be placed on the property to which it is appurtenant.

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Section 801. Enforcement.

801.1. *[Written Complaint.]* Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator, who shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

801.2. *Penalties for Violation.* Any person charged with violating any provisions of this Ordinance shall be charged with a misdemeanor and, upon conviction, shall be fined, as determined by the Court, for each offense.

Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

801.3. *Remedies.* If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or if any building, structure, or land is used in violation of this Ordinance, the Zoning Administrator, or any party affected by the violation, in addition to other remedies, may institute an injunction or other appropriate action or proceedings to prevent, suspend or terminate the violation.

801.4. *Appeal from the Decision of the Zoning Administrator.* It is the intention of this Ordinance that all questions arising in connection with the enforcement of the Ordinance shall be presented first to the Zoning Administrator and that such question shall be presented to the Zoning Board of Adjustment only on appeal from the decision of the Zoning Administrator.

Section 802. Nonconforming Uses.

Any use or structure lawfully in existence and operation at the time of adoption of this Ordinance that does not conform with all requirements of this Ordinance shall be permitted to remain in use; however, such use or structure shall be brought into full compliance with all requirements of this Ordinance if such use or structure shall be altered, enlarged or damaged to an extent that repair would cost greater than 50 percent of the replacement cost of the use; or discontinued for a period in excess of 12 months. Nothing in the provision is intended to prohibit routine maintenance and upkeep of any building or grounds.

Section 803. Zoning Board of Adjustment.

803.1. *Establishment of Zoning Board of Adjustment.* A Zoning Board of Adjustment is hereby established. Said Board shall consist of five members, who shall be citizens of the Town of Blacksburg and shall be appointed by the Blacksburg Town Council for overlapping terms of three years. Initial appointment shall be as follows: One member for a term of three years; two members for a term of two years; and two members for a term of one year. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Board.

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803.2. *Proceedings of the Zoning Board of Adjustment.* The Zoning Board of Adjustment shall elect a chairman and a vice-chairman from its members, who shall serve for one year or until re-elected or until their successors are elected. The Board shall appoint a secretary, who may be an employee of the Town or a member of the Board of Adjustment. The Board shall adopt rules and bylaws in accordance with the provisions of this Ordinance and of the General Statutes of South Carolina, 1976 Code of Law, 1993 Cumulative Supplement, Vol. 2, Chapter 7, Article 9, Section 740. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public.

803.3. *Decisions of the Zoning Board of Adjustment.* The concurring vote of three members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation of this Ordinance. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. On all appeals, applications and matters brought before the Board of Adjustment, the Board shall inform in writing all the parties involved of this decisions and the reasons therefor.

803.3.[803.4] *Appeals, Hearing and Notice.* Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing an appeal with the officer from whom the appeal is taken and with the Board of Adjustment notice of appeal specifying the ground thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate of stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings and not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, within 30 days of when the appeal was filed, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.

803.4.[803.5] *Powers and Duties of the Board of Adjustment.* The Zoning Board of Adjustment shall have the following powers and duties:

803.4.1.[803.5.1] To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this act.

803.4.2.[803.5.2] To authorize, upon appeal in specific cases, a variance from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual cases as unnecessary hardship upon a finding by the Board of Adjustment that:

- a) there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
- b) the application of the Ordinance on this particular piece of property would create an unnecessary hardship;
- c) such conditions are peculiar to the particular piece of property involved;
- d) relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance or the comprehensive plans; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district.

803.4.3.[803.5.3] To decide on other such matters where a decision of the Board of Adjustment may be specifically required by the provisions of the Ordinance.

In exercising the above powers, the Board of Adjustment may, in conformity with the provisions of this act: reverse or affirm wholly or in part, or may modify the order, requirements, decision or determination; and, to that end, shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, in the execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the circuit court in and for the County of Cherokee.

803.5.[803.6] *Appeals from Decisions of the Board of Adjustment.* Any person who may have a substantial interest in any decision of the Board of Adjustment may appeal any decision of the Board to the Circuit Court in and for the County of Cherokee by filing with the clerk of such court a petition in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 days after the decision of the Board is rendered.

Section 804. Amendments.

This Ordinance, including the Official Zoning Map of Blacksburg, South Carolina, may be amended from time to time by the Town Council as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Planning Commission for review or recommendation. The Planning Commission shall have 30 days within which to submit its report. If the Planning Commission fails to submit a report within the 30-day period, it shall be deemed to have approved the proposed amendment.

804.1. *Requirements for Change.* When the public necessity, convenience, general welfare or good zoning practice justifies such action, and after the required review and report by the Planning Commission, the Town Council may undertake the necessary steps to amend the Zoning Ordinance.

804.2. *Procedure for Amendments.* Requests to amend the Zoning Ordinance shall be processed in accordance with the following requirements:

804.2.1. *Initiation of Amendments.* A proposed amendment to the Zoning Ordinance may be initiated by the Town Council, the Planning Commission or by application filed with the Zoning Administrator by the owner or owners of the property proposed to be changed, provided, however, that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property, or any part thereof, and requesting the same change in district classification by a property owner or owners more often than once every 12 months.

804.3.2.[804.2.2] *Application Procedure.* Application form for amendment requests shall be obtained from the Zoning Administrator. Completed forms, together with an application fee, to be established by Town Council in the form of a resolution, to cover administrative costs, plus any additional information the applicant believes to be pertinent, will be filed with the Zoning Administrator. Any communication purporting to be an application for an amendment shall be regarded as mere notice made in the form required.

804.2.3. *Hearing by the Planning Commission.* All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the Planning Commission.

The Planning Commission, at a regular meeting shall review the application, conduct a public hearing, and prepare a report, including its recommendation, for transmittal to the Town Council.

All meetings of the Planning Commission shall be open to the public. At a meeting, any party may appear in person, or by agent, or by attorney.

No member of the Planning Commission shall participate in a matter in which he has any pecuniary or special interest.

The Planning Commission shall hold a public hearing regarding any proposed amendments.

Following action by the Planning Commission, all papers and data pertinent to the application shall be transmitted to the Town Council for final action.

804.2.4. *Public Hearing by the Town Council.* Before enacting an amendment to this Ordinance, the Town Council may at its option hold a public hearing thereon at least 15 day's notice of the time and place of which shall be published in a newspaper of general circulation in the municipality.

804.2.5. *Changes in the Zoning Map.* Following final action by the Town Council, any necessary changes shall be made in the Zoning Map. A written record of the type and date of such change shall be maintained by the Town Clerk. Until such change is made, no action by the Town Council on map amendments to the Zoning Ordinance shall be considered official, unless the Town Clerk fails to make the change within seven days after formal action by the Town Council. In the latter

event, action by the Town Council shall be considered official seven days after the date of action even if the Town Clerk has failed to make the appropriate changes.

ARTICLE IX. DEFINITION OF TERMS USED IN THIS ORDINANCE

Section 900. Interpretation of Certain Terms or Words.

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. For the purpose of this ordinance, certain words or terms used herein are defined as follows:

The word "shall" is mandatory.

The word "may" is permissive.

The word "lot" includes the word "plot" or "parcel".

The word "structure" includes the word "building".

The word "person" includes a firm, association, organization, partnership, trust company or corporation as well as an individual.

The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words intended, arranged or designed to be used or occupied.

The word "map" or "zoning map" shall mean the Official Zoning Map of the Town of Blacksburg, South Carolina.

The term "Planning Commission" refers to the Central Planning Commission. The term "Council," "Town Council," or "Mayor and Council" refer to the legally constituted and elected governing body of the Town of Blacksburg. The term "Building Official" refers to that person so designated by the Council and so employed as the Building Official for the Town of Blacksburg. The term "Board of Adjustment" refers to the Zoning Board of Adjustment of the Town of Blacksburg.

900.1. *Alley*. A secondary way which affords access to the side or rear of abutting property.

900.2 *Board House*. Any dwelling in which three or more persons either individually or as families are housed for rent with or without meals.

900.3. *Buildable Area*. That portion of any lot which may be used or built upon in accordance with the regulations governing the given zoning district, within which the particular lot is located once the various front, side and rear yard requirements for the District have been subtracted from the total lot area. For instructions related to the determination of Buildable Area, see Section 707.

- 900.4. *Building*. A structure which is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced an unbroken line for the complete circumstance of the structure, which is permanently affixed to a lot or lots, and used or intended for the shelter, support or enclosure of persons, animals or property of any kind.
- 900.5. *Building, Principal*. A building in which is conducted the principal use of the lot on which said building is situated.
- 900.6. *Building Line*. That line which represents the distance from which a building or structure must be set back from a lot boundary line or a street right-of-way line or a street centerline according to the terms of this Ordinance. In all cases, the building lines of a lot shall be determined to run parallel to and set back the appropriate distance required within the district in which the lot is located from street right-of-way lines, street centerlines or other boundary lines.
- 900.7. *Care Homes*. A rest home, nursing home, convalescent home, home for the aged or similar use established and operated on a profit or nonprofit basis to provide lodging and/or meals and/or domiciliary care for aged, infirm, chronically ill or convalescent persons.
- 900.8. *Density*. The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this Ordinance are expressed in dwelling units per net acre, that is per acre of land devoted to residential use exclusive of land utilized for streets, alleys, parks, playgrounds, school grounds or other public uses.
- 900.9. *District*. The term applied to various geographical areas of the Town of Blacksburg for the purpose of interpreting the provisions of this Ordinance. The districts are designated with the use of symbols on the Official Zoning Map. Regulations controlling land use in the various districts within the Town of Blacksburg are set forth in Article V of this Ordinance. The terms "district" and "zoning district" are synonymous and are used interchangeably throughout this Ordinance.
- 900.10. *Dwelling*. A building or portion of a building arranged or designed to provide living quarters for one or more families, but not to include a tent, travel trailer, tourist home, hotel or motel.
- 900.11. *Dwelling, One-Family*. A detached dwelling other than a mobile home designed or occupied exclusively by one-family on a single lot.
- 900.12. *Dwelling, Two-Family*. A dwelling arranged or designed to be occupied by two families in separate dwelling units living independently of each other on a single lot.
- 900.13. *Dwelling, Multifamily*. A building or series of buildings on the same lot or portions thereof used or designed as dwellings for three or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided. The terms "multiple-family" and "multifamily" are synonymous and are used interchangeably throughout this Ordinance.

- 900.14. *Dwelling Unit.* One or more rooms connected together and constituting a separate, independent housekeeping establishment for use on a basis with provisions for cooking, eating, sleeping and physically set apart from any other rooms and dwelling units in the same structure or another structure.
- 900.15. *External Storage.* Storage of materials, inventory, parts, machinery or equipment outside of primary building.
- 900.16. *Home Occupation.* Any use conducted entirely within a dwelling and carried on by the occupants, thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof, and no person, not a resident of the premises, is employed specifically in connection with the activity. Provided further that no mechanical equipment is installed or used except such as is normally used for domestic or professional purposes, that not over 25 percent of the total floor space of any structure is used for home occupation, and that adequate off-street parking is allowed for in accordance with Article VII, Section 712.
- 900.17. *Hotel.* A building or buildings in which lodging, with or without meals, is provided and offered to the public for compensation, which is open to transient or permanent guest. The word "hotel" includes the terms "motel" and "tourist court."
- 900.18. *Loading Space, Off-Street.* Space logically and conveniently located for pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.
- 900.19. *Lot.* An area designated as a separate and distinct parcel of land on a legally recorded deed as filed in the official records of Cherokee County, as maintained in the Cherokee County Court House.
- The terms "lot," "plot," "lot of record," "property," or "tract" whenever used in this Ordinance, are interchangeable.
- 900.20. *Lot, Corner.* A lot located at the intersection of two or more streets.
- 900.21. *Lot, Double Frontage.* A lot which has frontage on more than one street, provided, however, that no corner lot shall qualify as a double frontage lot unless said corner lot has frontage on three or more streets.
- 900.22. *Lot, Interior.* A lot, other than a corner lot, which has frontage on only one street other than an alley.
- 900.23. *Lot Depth.* The mean horizontal distance between front and rear lot lines.
- 900.24. *Lot of Record.* An area designed as a separate and distinct parcel of land on a legally recorded subdivision plot or in a legally recorded deed as filed in the official records of Cherokee County, as maintained in the Cherokee County Court House.
- The terms "lot," "plot," "lot of record," "property," or "tract" whenever used in this Ordinance, are interchangeable.
- 900.25. *Lot Width.* The distance between side lot lines measured at the front building line.

- 900.26. *Major Recreational Equipment.* Equipment or vehicles used for recreational purposes, including but not limited to motor homes, recreational vehicles, campers, trailers, motorboats, sailboats, boat trailers, all-terrain vehicles, off-road vehicles, motorcycles, snowmobiles and bicycles.
- 900.27. *Mobile Homes.* "Mobile Homes" means a movable or portable dwelling on wheels or on a permanent foundation of masonry units cemented together and supported on concrete footings; conforming to typical construction standards for the area of location. The unit is constructed to be towed on its own chassis and designed for year-round occupancy, which includes two or more units Separately towable but designed to be joined into one integral unit, as well as a portable dwelling composed of a single unit. All mobile homes under the jurisdiction of this Ordinance shall comply with the standards for mobile homes by the American National Standards Institute, Inc. (ANSI), A119.1 - 1969.
- 900.28. *Mobile Home Park.* Premises where two or more mobile homes are parked for living or sleeping purposes, or where spaces are set aside or offered for sale or rent for use for mobile homes for living or sleeping purposes, including any land, building, structure or facility used by occupants or mobile homes on such premises.
- 900.29. *Mobile Home Space.* A plot of ground within a mobile home park designed for the accommodation of one mobile home.
- 900.30. *Motel.* A building or buildings in which lodging, with or without meals, is provided and offered to the public for compensation, which is open to transient or permanent guests.
- The word "motel" includes the terms "hotel" and "tourist court."
- 900.31. *Nonconforming Use.* A structure of land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this Ordinance or as the result of subsequent amendments to this Ordinance.
- 900.32. *Permanently Mounted.* Attached securely to a building, wall, canopy or the ground or pavement; by means of concrete, bolts, metal braces, treated wood or cedar.
- 900.33. *Residence.* A building or portion of a building arranged or designated to provide living quarters for one or more families.
- The terms "dwelling" and "residence" shall be interchangeable.
- 900.34. *Sign.* The term "sign" shall mean and include every sign, billboard, poster panel, freestanding ground sign, roof sign, projecting sign, pylon sign, illuminated sign, sign painted on a wall, window, marquee, awning or canopy and shall include any announcement, declaration, demonstration, display, ribbon, banner, illustration or insignia used to advertise or promote the interests of any person when the same is placed in view of the general public, traveling along a public street right-of-way.
- a) *Freestanding Sign Structure.* A freestanding sign structure may contain a sign or signs on one side only, or it may be a V-shaped structure or one containing signs back to back. A freestanding sign structure is one sign.

- b) *Sign Area.* The area of a sign is the area of the face of the sign formed by a perimeter consisting of a series of straight lines enclosing all parts of the sign. The area of a freestanding sign structure is the area of the face or faces on one side only.
- c) *Business Identification Sign.* A business identification sign is a sign that contains the name of the business enterprise located on the same premises as the sign and the nature of the business conducted there.
- d) *Business Identification Pylon Sign.* A business identification sign is a sign erected on a single pole or multiple poles which contains only the name or the nature of the business conducted on the premises on which it is located.
- e) *Illuminated Signs.* A sign in which illumination techniques are used in any fashion to project the message on a sign.
- f) *Portable Sign.* Temporary, moveable sign.

900.36. *Structure.* Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something having more or less permanent location on the ground. A "building," as defined in [section] 900.7, is a "structure."

900.37. *Subdivision.* "Subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, legacy or building development, and includes all division of land involving a new street or a change in existing streets, and includes resubdivision and, where appropriate, to the process of subdividing or to the land or area subdivided; provided, however, that the following exceptions are included within this definition only for the purpose of requiring that the local planning commission be informed and have record of such subdivisions:

- 1) The combination or recombination of portions or previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority.
- 2) The division of land into parcels of five acres or more where no new street is involved.

900.38. *Tract.* See "Lot," [section] 900.19.

900.39. *Trailer.* Any vehicle or structure capable of moving, or being moved, over streets and highways on its own wheels or on flat beds or other carriers, which is designed or utilized to:

- 1) Provide temporary or permanent quarters for the conduct of business, profession, trade or occupation;
- 2) Serve as a carrier of people, new or used goods, products or equipment;

- 3) Be used as a selling, advertising or display device. For purposes of this Ordinance, the term "trailer" shall not include the term "camper," "mobile home," or "house trailer."

900.40. *Trailer, House.* The term "house trailer," for purposes of this Ordinance, shall be interchangeable with the term "Mobile Home," as defined in [section] 900.27.

900.41. *Use, Principal.* The primary purpose for which a lot is occupied and/or used.

900.42. *Variance.* A modification of the strict terms of this Ordinance granted by the Board of Adjustment where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not as the result of any action on the part of the property owner, a literal enforcement of the Ordinance would result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located.

ARTICLE X. LEGAL STATUS PROVISIONS

Section 1000. Conflict with Other Laws.

Whenever the regulations of this Ordinance require a greater width or size of yards, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statutes, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

Section 1001. Validity.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 1002. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

Section 1203. [1003.] Effective Date.

This Ordinance shall take effect and be in force from and after the date of its adoption by the Blacksburg Town Council.

[Section 1204. [1004.] Limited Commercial District.]

(a) The following district is hereby created as an addition to the residential and commercial districts currently in place and the boundaries for the new district are hereby established as shown on the official zoning map of the Town of Blacksburg, South Carolina.

1. The district hereby created is known as a limited commercial district and is established to provide for the transitional areas from residential to office and limited commercial retail services which do not generate large volumes of traffic, noise or other harmful effects and which are compatible with nearby residential uses. Moreover, this district provides for development along major thoroughfares, especially between more intensely developed and higher traffic generating areas and residential areas, in order to permit a reasonable use of land along such thoroughfares without the inherent ill effects of commercial strip development. This district also encourages conservation and preservation of structurally sound residences in these neighborhoods. No exterior storage is permitted in this zone.
2. Conditional use designation in a limited commercial district; in order to meet the intent of the limited commercial district, land uses specifically identified in the table of permitted uses shall be permitted on a conditional basis, subject to a finding by the planning commission that such use:
 - a. Are of an appropriate scale for the transitional nature of the property;
 - b. Are compatible with the character of the area;
 - c. Do not generate excessive evening activity;
 - d. Do not generate excessive traffic, noise or odor;
 - e. Do not negatively impact adjoining or abutting residential properties; and
 - f. Do not require exterior gas pumps or exterior storage of parts, supplies or inventory.
3. Final determination: The planning commission shall make a recommendation to town council as to a conditional use. Advertisement of such proposed use shall be published at least 15 days prior to the meeting at which the application will be reviewed.
4. Temporary nature of the use: A conditional use shall be subject to review by the planning commission if the use ceases to be in conformity with the requirements of the zone or in the event of change of ownership or change in the nature of the use.
5. Conditional uses in a limited commercial district are as follows:
 - A. Antique store.
 - B. Automatic teller machine (freestanding).
 - C. Bank, credit union.
 - D. Beauty or barber shop.
 - E. Bookstore.

- F. Bus shelter.
 - G. Clothing, sale or rental.
 - H. Clothing storage.
 - I. Community center.
 - J. Copy, blueprint, fax, engraving or mail box center (commercial).
 - K. Day care center.
 - L. Delicatessen and food specialty store.
 - M. Day cleaner.
 - N. Drug store.
 - O. Drug and alcohol treatment center.
 - P. Furniture store.
 - Q. Government building except repair or industrial operations.
 - R. Hardware store.
 - S. Interior design or decorative art galleries.
 - T. Nursing home.
 - U. Office equipment or supply.
 - V. Park, athletic field or playground.
 - W. Plumbing and heating supply.
 - X. Repair shop (inside, small items excludes automobile, boats, farm equipment or other large items).
 - Y. Residential two-family dwelling or bed and breakfast inn.
 - Z. Tanning salon.
 - AA. Theatres (excluding motion picture theatres).
6. Permitted uses in a limited commercial district are as follows:
- A. Insurance agency.
 - B. Church or other place of worship.
 - C. Dental office.
 - D. Doctor office.
 - E. Library.
 - F. Single-family dwelling which meets R-8 criteria.
 - G. Offices: professional, businesses having no storage or heavy equipment and no sales of commodities on the premises.

- H. Personal services including but not limited to the following: tailor, dressmaker, travel agency, photographer and diet center.
(Ord. No. 99-02.01, 2-23-1999)

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