

Kershaw County Planning and Zoning Department

515 Walnut Street, Room 160, Camden, SC 29020 803-425-7233



SEXUALLY ORIENTED BUSINESSES

Section 3:3.21, Kershaw County Unified Code of Zoning and Land Development Regulations

3:3.21-1 Sexually Oriented Business

For purposes of the Kershaw County Unified Code of Zoning and Land Development Regulations, sexually oriented business operations shall mean and include the following:

- A. **Adult Arcade** means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
- B. **Adult Bookstore or Adult Video Store** means a commercial establishment, which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - 1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, digital video discs, or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas," or;
 - 2. instruments, devices, or paraphernalia, which are designed for use in connection with "specified sexual activities." A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as: One (1) of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas."
- C. **Adult Cabaret** means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - 1. Persons who appear in a state of nudity; or
 - 2. live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or
 - 3. films, motion pictures, videocassettes, digital video discs, slides, or other photographic reproductions, which are characterized by the description of "specified sexual activities" or "specified anatomical areas."
- D. **Adult Motel** means a hotel, motel, or similar commercial establishment which:
 - 1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," and has a sign visible from the public right-of-way which advertises the availability of this adult-type of photographic reproductions; or
 - 2. offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - 3. allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- E. **Adult Motion Picture Theater** means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, digital video discs, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- F. **Adult Theater** means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- G. **Sexual Encounter Center** means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
 - 1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - 2. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

3:3.21-2 Definitions of Specified Anatomical Areas and Specified Sexual Activities

- A. **Specified Anatomical Areas** means the male or female genitals including the vulva or more intimate parts of the female genitals, or bare human buttocks, anus, or the areola or nipple of the female breast.
- B. **Specified Sexual Activities** means and includes any of the following:
 - 1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast.
 - 2. Sex acts, normal or perverted, actual or simulated including intercourse, oral copulation, or sodomy.
 - 3. Masturbation, actual or simulated.
 - 4. Excretory functions as a part of or in conjunction with any of the activities set forth in A through C above.

3:3.21-3 Location

Owing to potentially objectionable operational characteristics of sexually oriented or adult uses, and the deleterious effect of such uses on existing businesses and/or residential areas around them, the location of such uses where permitted by Table 3-3 of the ZLDR, shall be tempered by the supplemental siting criteria of this section.

No such use shall be located within 2,000 feet (measured in a straight line) of:

- A. A residence or a residential zone;
- B. a church or religious institution;
- C. public or private schools and educational facilities;
- D. public parks and recreational facilities;
- E. U. S. Highways 1, 601 and 521, SC Highways 34 and 97, Springdale Drive, Interstate 20; or
- F. any other adult or sexually oriented business. In addition, no more than one sexually oriented business shall be allowed in the same building.

3:3.21-4 Operation Requirements

It shall be a violation of the ZLDR for a person to operate a sexually oriented business without having first received a use permit as required by the ZLDR.

3:3.21-5 Inspection

- A. The operator of a sexually oriented business shall permit representatives of the Planning and Zoning Department, police, sheriff's, health, or fire department, or other governmental department or agency involved in code enforcement to inspect the premises from time to time for the purpose of ensuring compliance with the law.
- B. The operator commits a misdemeanor if he refuses to permit such lawful inspection of the premises.

3:3.21-6 Revocation

The Planning Official may revoke the use permit and declare the operator in violation of the requirements of the ZLDR if he determines that:

- A. The operator has knowingly allowed possession, use, or sale of controlled substances on the premises.
- B. The operator has knowingly allowed prostitution on the premises.
- C. The operator has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted premises.