

# ARTICLE 17: SEXUALLY ORIENTED BUSINESSES

## Section

17:1 General Provision

17:2 Regulations

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### § 17:1 GENERAL PROVISIONS.

#### 17:1.1 Purpose.

Whereas the Jasper County Council is aware of studies done by other cities and counties throughout the United States which document the secondary effects that result from sexually oriented businesses, particularly when those businesses are concentrated together, it is the purpose of this Ordinance to regulate sexually oriented businesses to safeguard the health, safety, morals, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the County. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented materials. Similarly, it is not the intent or effect of this Ordinance to deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this Ordinance to condone or legitimize the distribution of obscene material nor to legalize any form of prohibited or illegal activities.

#### 17:1.2 Description of Sexually Oriented Business.

Sexually oriented business(es) include, but are not limited to: adult arcade, adult bookstore/ video store, adult cabaret/ nightclub, adult escort service, adult model studio, adult motel, adult motion picture theater, adult peep show, adult sexual encounter center, adult theater, as defined herein; and any other establishment which contains activities characterized by the performance, depiction, or description of “nudity or state of nudity,” “semi-nudity or state of semi-nudity,” “specified sexual activities,” or “specified anatomical areas.” Each sexually oriented business is considered a separate business regardless of ownership and must meet separation requirements.

## **§ 17:2 REGULATIONS.**

### **17:2.1 Location.**

Sexually oriented business shall be located in accordance with the following:

1. Only in the General Commercial (GC) District, provided the business also meets the location requirements for the principal activity to which it is assigned.
2. At least one thousand feet (1,000') from any residential use, church, day care center, public or private elementary or secondary education school, public park, public library, cemetery, or motion picture establishment which shows G-rated or PG-rated movies to the general public on a regular basis, regardless of jurisdiction.
3. At least two thousand feet (2,000') from any other sexually oriented business, regardless of jurisdiction. Each sexually oriented business is considered a separate business regardless of ownership.
4. Measurements of distance separation shall be in a straight line from the closest points of the buildings or outdoor areas in which the sexually oriented business activity takes place to either:
  - a. the closest point of the building in which the residential use, public library, motion picture establishment or other sexually oriented business is located, or
  - b. the closest point of the property line of a church, day care center, public or private elementary or secondary education school, public park, or cemetery.

### **17:2.2 Signage & Exterior Decoration/Design (Repealed 12-14-09)**

### **17:2.3 Permits.**

Sexually oriented businesses shall be required to obtain the following permits:

1. Sexually Oriented Business Zoning Permits shall be required in addition to Zoning Permits issued for their principal activities.
2. Property owners where sexually oriented businesses are located may not sign a Zoning Wavier to relax any of the restrictions applicable to another sexually oriented business.
3. Representation of the Sheriff's Department, Department of Planning and Development, Department of Public Safety, or other County departments or agencies shall be allowed to inspect the premises of sexually oriented business for

the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

4. An application for a Sexually Oriented Business Zoning Permit must be accompanied by a site plan drawn to designated scale or drawn with marked dimensions. The site plan need not be professionally prepared, but must be drawn to an accuracy of plus or minus six (6) inches. The site plan must include information and exhibits as deemed necessary by the DSR in order to determine that the proposed use complies with this Ordinance.
5. The fact that a person possesses other type of State or County permits and/ or licenses does not exempt that person from the requirement of obtaining a Sexually Oriented Business Zoning Permit.

#### **17:2.4 Nonconformity for Sexually Oriented Business.**

A nonconforming sexually oriented business shall be as follows:

1. Any sexually oriented business lawfully operating prior to the adoption date of this ordinance that is in violation of any requirements of this Article shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not exceed five (5) years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to conforming use. If two (2) sexually oriented businesses are within two thousand (2,000) feet of one another and otherwise is a permissible location, the sexually oriented business which is currently in longest continuous operation at a particular location is considered to be the conforming use and the other business is considered to be the nonconforming use.
2. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the issuance of it's Sexually Oriented Business Zoning Permit, of a residential use, church, day care center, public or private elementary or secondary school, public park, public library, cemetery, or motion picture establishment within one thousand (1,000) feet of the sexually oriented business. This provision applies only to the initial issuance of a valid Sexually Oriented Business Zoning Permit, and does not apply after a Sexually Oriented Business Zoning Permit has been revoked.
3. All existing sexually oriented business must apply for a Sexually Oriented Business Zoning Permit within six (6) months of the enactment of this Ordinance, for the purpose of establishing the extent of any non conformity which must be corrected within five (5) years as required in paragraph "a". The Permit will note the degree of nonconformity, if any, as determined by the circumstances at the time from which the sexually oriented business has been in continuous operation

at that location. Sufficient information to make such a determination must be provided to the satisfaction of the DSR.