
§2.6.07 GCD: General Commercial District

1. Purpose.

The intent of this district is for business development on major roadways for the convenience of local residents and for the traveling public.

2. Permitted Uses.

The following uses shall be permitted in the GCD Zoning District:

- a. Any use, together with the conditions attached thereto permitted in the NCD, Zoning District.
- b. General retail stores, provided that any external storage of inventory, 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.
- c. Service businesses, including, but not limited to plumbers, electricians, small engine machine shops, repair services, and similar uses, provided all services take place within an enclosed building and any external storage of inventory, parts, or machinery is established to the rear of the front line of the principal structure and provided that such storage is completely enclosed by a solid fence or wall of at least six feet in height composed of treated wood or brick.
- d. Restaurants (with or without drive-in window).
- e. Food stores, including general grocers, produce stands, bakeries, meat markets (without slaughtering on-site).
- f. Food preparation establishments for off-premise delivery.
- g. Schools.
- h. Care homes.
- i. Funeral homes.
- j. Miniature golf course and driving range.
- k. Mini-warehouses.
- l. Horticulture nurseries.

3. Conditional Uses.

The following uses shall be permitted in any GCD Zoning District subject to conditions of this section, unless otherwise noted.

- a. Machine Service and repair and automobile gas station, body shop, and garage, provided:

- 1) there is no open storage of wrecked vehicles; dismantled parts, or parts visible beyond the premises,
 - 2) such facilities shall be arranged so that all servicing is conducted on the premises and out of the public right-of-way, and
 - 3) gasoline pumps shall be no closer than twenty-five (25) feet to the right-of-way line of the street and all fuel tanks shall be installed underground.
- b. Combination of residential units with any use permitted herein provided that all dwelling units have direct access to the outside of the structure. Parking provisions shall be complied with for each use.
 - c. Newspaper publishing plant provided that the requirements for parking, loading, and unloading conform to those for industrial buildings, as set forth in Article III, Off-Street Parking and Loading.
 - d. Car wash, provided an off-street paved parking area accommodating at least one-half of the hourly vehicle washing capacity for vehicles awaiting entrance to the washing process is suitably located and maintained on the premises. Such space shall contain at least two hundred (200) square feet per waiting vehicle and no safety hazard or impediment to traffic movement shall be created by the operation of such an establishment.
 - e. Animal hospital or animal 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.
 - f. Automobile, farm equipment, boat and/or recreational vehicle sales, open yard for the sale, rental, and/or storage of materials or equipment excluding junk or other salvage.
 - g. Hospitals or clinics including any functions that relate directly to the operation of the hospitals or clinics and are contained within the confines of said hospital or clinic.
 - h. Truck terminal, provided paved acceleration and deceleration lanes are at least ten (10) feet in width and one hundred (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. Cemetery, provided that such use
 - 1) consists of a site at least five (5) acres in size,
 - 2) includes no crematorium or dwelling unit other than for a caretaker and immediate family members,
 - 3) has a front setback of at least seventy (70) feet from the center line of the street right-of-way.
 - j. Radio and television stations provided that the requirements for parking, loading, and unloading, conform to those for industrial buildings as set forth in Article III, Off-Street Parking and Loading.
 - k. Multi-family residence, provided (1) it is in existence at the time of this ordinance.

- I. 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 theater
 - g) Adult theaters
 - h) Escort(s) agencies
 - i) Nude model studios
 - j) Sexual encounter centers
 - 2) Permit and/or License Required
 - a) A person must have a license, issued by the City for the particular type of business to operate a sexually oriented business.
 - b) An application for a permit and/or license 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 6 inches.
 - c) 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 an entity who wishes to operate a sexually oriented business is other than an individual, each individual who has a 10 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 that wishes to operate such a business, each individual having 10 percent or greater interest in the corporation must sign the application for a permit/license as applicant.
 - d) The fact that a person possesses other types of state, City, 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 finds one or more of the following to be true:
 - 1) The applicant is under 18 years of age;
 - 2) An applicant or applicant's spouse is overdue in his payment to the City taxes, fees, 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 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; and
 - 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 five hundred dollars (\$500). This is in addition to the City's required business license fee.
- 5) Inspection
- a) An applicant 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 a 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. 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 he determines that an applicant and/or licensee or an employee of an applicant 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, or
 - (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 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) An applicant and/or licensee knowingly gave false or misleading information in the application submitted to the zoning department during the application process, or
 - (2) An applicant and/or licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises, or
 - (3) An applicant and/or licensee or an employee has knowingly allowed prostitution on the premises, or
 - (4) An applicant and/or licensee or an employee knowingly operated the sexually operated business during a period of time when the applicant and/or licensee's permit was suspended, or
 - (5) An applicant and/or licensee or an employee had 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) An applicant and/or licensee is delinquent in payments to the City, City 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 applicant 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.

9) Transfer of Permit

An applicant and/or licensee shall not transfer his permit and/or license to another, nor shall an applicant 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 six hundred fifty (650) 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 six hundred fifty (650) 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 businesses 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 this section shall be deemed a nonconforming use. The nonconforming use will be allowed to continue until but not beyond one (1) calendar year from the passage of this Ordinance, 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 a conforming use. If two (2) or more sexually oriented businesses are within six hundred fifty (650) 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 (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this Section.
- 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 10 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) Regulations 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 managers 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 6 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 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, than 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 by 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 any 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 that 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 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 college, 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 3 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 this Section is subject to a suit for injunction as well as prosecution for criminal violations. Such violations shall be punishable as described this Ordinance

4. Dimensional Requirements.

Unless otherwise specified elsewhere in this ordinance, uses permitted in the GCD Zoning District shall be required to conform to the following standards:

Table 2.8

GCD Dimensional Criteria	
Minimum Lot Area:	6,000 square feet
Minimum Lot Width:	50 feet @ the building line
Setbacks:	Minimum Front Setback: 30 feet* for local roads 40 feet* for collector roads
	Minimum Side Setback: 6 feet* for residential uses 10 feet * for non-residential uses
	Minimum Rear Setback: 15 feet* for residential uses 6 feet* for non-residential uses
Maximum Building Height:	50 feet* (except upon Fire Chief's written approval with conditions stated therein.)
Maximum Impervious Surface Ratio	0.92
Maximum Residential Density	7.0
Maximum F.A.R. (Non-Res. Only)	NA

* Front setback may be used for parking and service drives but must remain unobstructed by structures or buildings, and must be designed in conformance with Article III, Off-Street Parking and Loading, if used for parking. For exceptions to this requirement, see General Supplementary Provisions.

** Rear setback may be used for parking and service drives but must remain unobstructed by structures or buildings, and must be designed in conformance with Article III, Off-Street Parking and Loading, if used for parking. For rear yard requirements pertaining to double frontage lots see General Supplementary Provisions.

5. Parking and Loading.

Uses permitted in the GCD Zoning District shall meet the parking and loading standards set forth in Article III, Off-Street Parking and Loading.

6. Signs.

Signs permitted in the GCD Zoning District, including the conditions under which they may be located are set forth in Article IV, Sign Regulations.

7. Buffer yard Requirements.

Where this district abuts any residential district not separated by a street right-of-way, a buffer yard in compliance with Article 5, Landscaping and Buffering, shall be required along abutting property lines.

8. General and Supplementary Regulations.

Uses permitted in the GCD Zoning District shall meet standards set forth in the General Supplementary Provisions.

9. Street Planting Strips.

In all front setbacks, a strip not less than six (6) feet in width shall be provided along the right of way line on the property, which shall be planted and maintained in grass with street trees or in shrub planting or as may be required in approval of the site plans. Signs shall not be erected in this area with the exception of official traffic and regulatory signs.
