

ARTICLE III

CONDITIONAL USE REGULATIONS

Section 3-1. Application

The requirements of this Article shall apply to all conditional uses listed on Table I, as applicable.

Section 3-2. Manufactured Housing

Manufactured housing, where permitted by this Ordinance, shall:

- (1) Be installed in accord with the installation requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations.
- (2) Be covered with a non-reflective exterior material customarily used on conventional dwellings. The exterior material must extend to the ground; however where a solid brick or masonry perimeter foundation is used, the exterior covering need not extend below the top of the foundation.
- (3) Have a pitched roof with a minimum of two inch vertical rise for each 12 inches of horizontal run. Said roof shall consist of shingles or comparable roofing material customarily used for conventional dwellings. (Exception Mobile Home Parks)
- (4) Be not less than 18 feet wide unless located in an approved Manufactured Housing Park, and have a roof overhang of not less than eight inches, measured from the vertical side of the structure.
- (5) Have installed, constructed and attached firmly to the manufactured home and anchored securely to the ground in accord with applicable building codes, stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home.
- (6) Be placed on the lot in such a manner that is compatible with and reasonably similar in orientation to neighboring site built housing.

- (7) Have all moving or towing apparatus removed or concealed, including hitch, wheels and axles.
- (8) Be maintained in habitable condition, as defined in Section 3-3.

Section 3-3. Mobile Homes

Mobile homes, as defined by this Ordinance, shall not be permitted, established or reestablished in the City of Loris. Where in existence at the time of adoption of this Ordinance, such uses may be continued, provided they are maintained in habitable condition.

The term "habitable" means that there is no defect, damage, or deterioration to the home that creates a dangerous or unsafe situation or condition; that the plumbing, heating and electrical systems are in safe working order; that the walls, floor, and roof are free from any holes, breaks, loose or rotting boards and are structurally sound; and that all exterior doors and windows are in place. Further, the term habitable includes the provision of the following facilities:

- (1) **Sanitary Facilities.** Every mobile/manufactured home shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and free from defects, leaks, and obstructions.
- (2) **Hot and Cold Water Supply.** Every mobile/manufactured home shall have connected to the kitchen sink, lavatory, and tub or shower cold and hot running water. All water shall be supplied through an approved distribution system connected to a potable water supply.
- (3) **Heating Facilities.** Every mobile/manufactured home shall have heating facilities which are properly installed and maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms and bathrooms. Where a central heating system is not provided, each home shall be provided with an alternative system, approved by the Zoning Administrator.

- (4) **Cooking and Heating Equipment.** All cooking and heating equipment and facilities shall be installed in accordance with Federal Manufactured Home Construction and Safety Standards.
- (5) **Smoke Detector.** Every mobile/manufactured home shall be provided with an approved listed smoke detector, installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm.
- (6) The Building Codes Officer shall periodically inspect existing mobile/manufactured homes for compliance with the provisions of this Section.

Section 3-4. Manufactured Home Parks

The establishment and operation of a manufactured home park in the City of Loris shall comply with the following design and development standards:

- (1) The park site shall be not less than two (2) acres, and have not less than 200 feet frontage on a public dedicated and maintained street or road.
- (2) The park shall be served by public water and sewer systems, a system of storm drainage, and refuse disposal facilities, plans of which shall be approved by local DHEC officials.
- (3) All dwelling spaces shall abut upon an all-weather surface driveway of not less than eighteen (18) feet in width which shall have unobstructed access to a public street.
- (4) A description of the procedures of any proposed home owners association or other group maintenance agreement must be submitted to and approved by the City of Loris Attorney.
- (5) All on-site roadway intersections shall be provided with a street light, and interior lights shall be provided at not less than 400-foot intervals.
- (6) Each individual home site shall be at least 30 feet from any other site.
- (7) All homes shall be installed in accord with the installation requirements of Section 19-425.39 of the South Carolina Manufactured Housing Board Regulations.

- (8) Not less than 10 percent of the park site shall be set aside and developed for common open space and recreation usage.
- (9) Space Numbers: Permanent space numbers shall be provided on each mobile home space and shall be located so as to be visible from the street or driveway. Signs identifying space locations shall be provided at each street or driveway intersection.
- (10) The maximum number of manufactured home spaces shall not exceed seven (7) per acre.
- (11) Two parking spaces shall be provided for each designated manufactured home space. Parking may be provided at the designated space or in community parking areas.
- (12) In the development of a park, existing trees and other natural site features shall be preserved to the extent feasible.
- (13) License Required, Revocation: A license shall be requisite to the opening or operation of a manufactured home park and shall be subject to annual renewal.

Said license may be revoked by the Zoning Administrator for a violation of this Ordinance or other applicable ordinances and regulations governing the operation of such uses.
- (14) Site Plan Required: A Site Plan showing the above required data, and in all other respects meeting the minimum requirements for a Building Permit shall accompany all applications to establish a manufactured home park.

Section 3-5. Townhouses

Due to the unique design features of townhouses, the dimensional requirements of Table II are hereby waived and the following design requirements imposed for all such projects:

- (1) Such projects shall have a minimum of 0.5 acres.

- (2) Not more than eight (8) nor fewer than three (3) townhouses may be joined together, with approximately the same (but staggered) front line.
- (3) Side yard setbacks at the end unit shall be as required for the district in which the project is to be located, with not less than 20 foot distance between buildings in the project area.
- (4) Rear yard setbacks shall be 20 feet.
- (5) Minimum lot width shall be 18 feet.
- (6) Sidewalks not less than three (3) feet in width shall be provided along the front property line of each project, building.
- (7) Impervious surface area shall not exceed 65 percent of a townhouse lot, on average; except where common open space is provided in the amount of 20 percent or more. In such instances, impervious surface areas may increase to 85 percent of a townhouse lot, on average.
- (8) Maximum height of buildings shall not exceed 35 feet.
- (9) Front yard setbacks shall be as prescribed by Table II, but may be waived or modified by the Board of Zoning Appeals due to the unique style of such housing.
- (10) Rear yards shall be enclosed by a six-foot wall or fence, unless used for parking, and may include one accessory building no greater than 500 square feet in GFA.

Section 3-6. Patio and Zero Lot Line Housing

Due to the unique design features of patio and zero lot line housing, the dimensional requirements of Table II are hereby waived and the following requirements imposed on all such projects:

- (1) Such projects shall have a minimum of 1.5 acres.
- (2) Minimum lot area shall be 3,000 square feet per unit, on average.
- (3) Minimum lot width shall be 40 feet.

- (4) Maximum height of buildings shall not exceed 35 feet.
- (5) Where a unit is to be constructed at or on the property line, a five-foot maintenance easement shall be provided on the adjoining lot.
- (6) A minimum patio or yard area of 700 square feet shall be provided on each lot, not more than 15 percent of which shall be impervious to water.
- (7) At least one side yard extending not less than 5 feet from the property line shall be provided. Where a second side yard is provided, though not required, it too shall have a minimum width of 5 feet.
- (8) The side yard of the exterior units shall be five (5) feet from the "outside" property line.
- (9) Rear yard setbacks shall be not less than 10 feet.
- (10) Front yard setbacks shall be as prescribed by Table II, but may be waived or modified by the Board of Zoning Appeals due to the unique style of such housing.

Section 3-7. Bed and Breakfast Inns (SIC 7011)

Bed and Breakfast Inns are intended to provide a unique transit lodging experience in predominantly residential environs. As a result, care should be taken to protect the environs that contribute to the experience of such lodging while promoting their use. Toward this end, Bed and Breakfast Inns, where permitted by this Ordinance, shall:

- (1) Be located no closer than 400 feet from an existing Bed and Breakfast Inn.
- (2) Be occupied by the resident / owner.
- (3) Only be permitted in older residential structures that are recognized as architecturally, historically, and culturally significant and that, through renovation and use as a bed and breakfast inn, will contribute significantly to the ambience, character, or economic revitalization of the area and / or continued use of the property in question for residential purposes.
- (4) Serve no scheduled meal other than breakfast; however, lunch and dinner

meals may be prepared and served for business meetings, clubs, social gatherings, private parties, together with catering for parties on and off the premises.

- (5) Maintain the interior architectural integrity and arrangement of the structure and shall not increase the number of guest rooms above the number of rooms in the original structure.
- (6) Maintain the exterior architectural integrity of the structure and grounds and make changes only if compatible with the character of the surrounding area.
- (7) Provide off-street parking on the basis of one space per guest room, plus two spaces for the residential innkeeper, further provided that sufficient off-street parking space shall be available on site to accommodate business and club meetings, social gatherings, and private parties, where proposed by the applicant.
- (8) Be permitted one non-illuminated identification sign, not to exceed four square feet in area.

Section 3-8. Accessory Apartments

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

- (1) The principal structure (dwelling) must be owner occupied.
- (2) The apartment, whether attached or detached, cannot exceed 50 percent of the gross floor area of the principal dwelling, or contain more than two bedrooms.
- (3) The apartment must be a complete living space, with kitchen and bathroom facilities separated from the principal unit.
- (4) An accessory apartment may be accessory only to a single unit dwelling, and not more than one apartment shall be allowed per dwelling or lot.
- (5) Minimum lot size shall be at least 50 percent greater than the minimum lot requirement for the district in which the apartment is to be located.

- (6) The apartment shall meet all yard setback requirements and, where detached from the principal dwelling, shall be setback not less than 10 feet from the principal dwelling.
- (7) Evidence of the accessory apartment should not be apparent from the street.
- (8) A third off-street parking space shall be required.

Section 3-9. Manufacturing Uses (Division D); Refuse Systems (SIC 4953)

The following performance standards shall be used to ensure that all conditionally permitted manufacturing uses and refuse systems in the IN District shall produce no injurious or obnoxious conditions related to the operation of such uses sufficient to create a nuisance beyond the premises.

- (1) **Vibration.** No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the lot line; nor shall any vibration produced exceed the following particle velocity levels, measured with a vibration monitor in inches per second at the nearest:
 - (a) Residential property line: 0.02
 - (b) Non-residential property line: 0.10

Vibration emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these regulations.

- (2) **Fire and Explosives.** All activities and all storage of flammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosion, including adequate fire fighting and fire suppression equipment.
- (3) **Noise.** All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound pressure level of noise radiated continuously from a facility exceed at the lot line the values given in Tables III and IV in any octave band or frequency. Sound pressure level shall be measured with a Sound Level Meter and an Octave Band Analyzer that conforms to specifications published by the American Standards Association.

Table III
Night Time Schedule

Maximum permissible sound pressure levels at the lot line for noise radiated continuously from a facility between the hours of 9 p.m. and 7 a.m.

Frequency Band (In Cycles Per Second)	Sound Pressure Levels (In Decibels)	
	At Non-Residential Lot Line	At Residential Lot Line
20 - 75	69	65
75 - 150	60	50
150 - 300	56	43
300 - 600	51	38
600 - 1,200	42	33
1,200 - 2,400	40	30
2,400 - 4,800	38	28
4,800 - 10,000	35	20

Table IV
Day Time Schedule

Maximum permissible sound pressure levels at the lot line for noise radiated from a facility between the hours of 7 a.m. and 9 p.m. shall not exceed the limits of the preceding table except as specified and corrected below.

<u>Type of Operation in Character of Noise</u>	<u>Correction In Decibel*</u>
Daytime operation only	plus 5
Noise source operates less than 20% of any one-hour period	plus 5
Noise source operates less than 5% of any one-hour period	plus 10
Noise source operates less than 1% of any one-hour period	plus 15
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, speech, etc.)	minus 5

* Apply to the preceding table one of these corrections only.

Noises emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these requirements.

(4) **Air Pollution.** The emission of visible smoke, dust, dirt, fly ash,

particulate matter from any pipes, vents, or other openings, or from any other source into the air, shall comply with the regulations of the South Carolina Pollution Control Authority.

Air pollution emanating from construction activities between 7:00 a.m. and 9:00 p.m. shall be exempt from these requirements.

- (5) **Odor.** There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the property line. Any process which may involve the creation or emission of any such odor shall be provided with both a primary and a secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system.
- (6) **Glare.** There shall be no direct or sky reflected glare, whether from floodlights, high temperature processing, combustion, welding or otherwise, so as to be visible in any residence.
- (7) **Fumes and Vapors.** There shall be no emission of any fumes or vapors of a noxious, toxic or corrosive nature which can cause damage or irritation to health, animals, vegetation, or to any form of property.
- (8) **Heat, Cold, Dampness or Movement of Air.** Activities which could produce any adverse affect on the temperature, motion or humidity of the atmosphere beyond the lot line shall not be permitted.
- (9) **Toxic Matter.** The measurement of toxic matter shall be at ground level or habitable elevation and shall be the average of any 24-hour sampling period. The release of any airborne toxic matter shall not exceed the quantities permitted for those toxic materials currently listed in Threshold Limit Values, adopted by the American Conference of Governmental Industrial Hygienists. If a toxic substance is not contained in said listing, the applicant shall satisfy the Zoning Administrator that the proposed levels will be safe to the general population.
- (10) **Exterior Illumination.** All operations, activities, and uses shall be conducted so as to comply with the performance standards governing exterior illumination prescribed below.

In general, the pattern of light pooling from each light source shall be

carefully considered to avoid throwing light onto adjacent properties. Light sources visible in residential or medical areas shall comply with light intensities indicated in Column A below. Light sources visible in commercial or industrial areas shall comply with light intensities indicated in Column B below.

Maximum Intensity of Light Sources

	<u>Column A</u>	<u>Column B</u>
Bare Incandescent Bulbs	15 watts	40 watts
Illuminated Buildings	15 ft. candles	30 ft. candles
Back lighted or luminous background signs	150 ft. lamberts	250 ft. lamberts
Outdoor Illuminated Signs & Poster Panels	25 ft. candles	110 ft. candles
Any other unshielded sources, intrinsic brightness	50 candela per square centimeter	50 candela per square centimeter

Illumination shall be measured from any point outside the property. Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

- (11) **Compliance Guarantee.** The applicant of a permit for a manufacturing or processing plant which would produce any of the above “objectionable elements” shall acknowledge in writing his understanding of the

performance standards applicable to the proposed use and shall submit with the permit application, an agreement to conform with such standards at all times. Any violation of the agreement shall constitute a violation of this Ordinance and shall be treated accordingly.

Where there is a potential problem in meeting any one of the performance

criteria in this section, the applicant may request a variance before the Board of Zoning Appeals in accord with the provisions of Section 8-9.

Section 3-10. Mini-warehouses (SIC 4225)

Due to the need to better integrate mini-warehouses into the urban fabric of the community, the following standards shall be observed:

- (1) **Size.** Mini-warehousing sites shall not exceed two acres.
- (2) **Lot Cover.** Lot coverage of all structures shall be limited to 50 percent of the total area.
- (3) **In/Out.** Vehicular ingress-egress shall be limited to one point for each side of property abutting any street lot line.
- (4) **Storage Only.** No business activities other than rental of storage units shall be conducted within or from the units.
- (5) **Storage Space.** The storage space or gross floor area of a single unit shall not exceed 300 square feet.

Section 3-11. Communication Towers and Antennas (SIC 48)

Where conditionally permitted by Table I, communication towers and antennas shall adhere to the following regulations.

- (1) All new towers shall be mounted on mono poles, without need for guy wires, and designed to accommodate additional antennas equal in number to the applicant's present and future requirements.
- (2) All applicable safety code requirements shall be met, including requirements for lighting, except that strobe lights shall not be installed for night usage.
- (3) Towers or antennas shall not be painted or illuminated unless otherwise required by state or federal regulations. However, if painted, they shall be done so in muted gray colors.
- (4) No tower or antenna shall be located within 1,000 feet of an existing tower or antenna, except where the applicant certifies that the existing tower does not meet the applicant's structural specifications and applicant's technical

design requirements, or that a collocation agreement could not be obtained.

- (5) Towers or antennas shall be exempt from the maximum height requirements of this Ordinance, except as provided in Section 7-5.
- (6) Permit requirements for the erection or placement of a tower or antenna shall be accompanied by the following:
 - (a) \$200 processing fee.
 - (b) One copy of typical specifications for proposed structures and antennae, including description of design characteristics and material.
 - (c) A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing land uses on adjacent property; [site plan not required if antenna is to be mounted on an approved existing structure].
 - (d) A current map or update of an existing map on file, showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the city.
 - (e) A report from a structural engineer registered in South Carolina showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards.
 - (f) Identification of the owners of all antennae and equipment to be located on the site.
 - (g) Written authorization from the site owner for the application.
 - (h) Evidence that a valid FCC license for the proposed activity has been issued.

- (i) A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
- (j) A written agreement to remove the tower and/or antenna within 180 days after cessation of use. The agreement must include a closure plan and financial guarantees ensconcing removal within a said time frame.
- (k) A certificate from a registered engineer showing that the proposed facility will contain only equipment meeting FCC rules, together with a written indemnification of the municipality and proof of liability insurance or financial ability to respond to claims up to \$1,000,000 in the aggregate which may arise from operation of the facility during its life, at no cost to the city, in form approved by the town attorney.

Section 3-12. Scrap and Waste Material (SIC 5093/5015)

The location of these uses, where permitted by Table I, shall be regulated by the following:

- (1) No such use shall be located closer than 500 feet to any residential use, church, school, historical place or public park.
- (2) No material because it is discarded and incapable of being reused in some form shall be placed in open storage.
- (3) No material shall be placed in open storage in such a manner that it is capable of being transferred out by wind, water or other causes.
- (4) All paper, rags, cloth and other fibers, and activities involving the same other than loading and unloading shall be within fully enclosed buildings.
- (5) All materials and activities not within fully enclosed buildings shall be enclosed by an opaque fence or wall or vegetative material, excluding points of ingress or egress, at least eight (8) feet in height.

Section 3-13. Sexually Oriented Business (SIC 5999/7299)

3-13.1 Location

Owing to potentially objectionable operational characteristics of sexually oriented

or adult uses, and the deleterious affect of such uses on existing businesses and/or residential areas around them, the location of such uses shall be tempered by the supplemental siting criteria of this section.

No such use shall be located within 600 feet (measured in a straight line) of the nearest property line of:

- (1) a residentially zoned lot,
- (2) a church or religious institution,
- (3) a public or private school or educational facility,
- (4) a public park or recreational facility, or
- (5) any other adult or sexually oriented business.

3-13.2 License Required

It shall be a misdemeanor for a person to operate a sexually oriented business without a valid Permit and/or License, issued by the city for the particular type of business.

- (1) An application for a permit and/or license must be made on a form provided by the Office of the Zoning Administrator.
- (2) The premises must be inspected and found to be in compliance with the law by health, fire and building officials.

3-13.3 Expiration of License

Each permit and/or license shall expire one year from date of issuance and may be renewed only by making application as provided herein.

3-13.4 Fees

The annual fee for a sexually oriented business permit and/or license is a minimum of five hundred dollars (\$500).

3-13.5 Inspection

- (1) An applicant or permittee and/or licensee shall permit the Zoning Administrator and representatives of the police, health or fire departments or other city departments or agencies involved in code enforcement 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.

- (2) 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 or open for business.

3-13.6 Suspension

The Zoning Administrator shall suspend a permit and/or license for a period not to exceed thirty (30) days if 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.
- (4) Knowingly permitted gambling by any person on the sexually oriented business premises.

3-13.7 Revocation

- (1) The Zoning Administrator shall revoke a permit and/or license if a cause of suspension occurs and the permit and/or license has been suspended within the preceding twelve (12) months.
- (2) The Zoning Administrator shall revoke a permit and/or license if determined that:
 - (a) A permittee and/or licensee gave false or misleading information in the material submitted to the building department during the application process.
 - (b) A permittee and/or licensee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises.
 - (c) A permittee and/or licensee or an employee has knowingly allowed prostitution on the premises.

- (d) A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended.
- (e) 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 and/or licensed premises.
- (f) A permittee and/or licensee is delinquent in payment to the city or state for any taxes or fees past due.

Section 3-14 Camps and Recreational Vehicle Parks (SIC 703)

Camps and recreational vehicles (RV) parks, where permitted by this Ordinance, shall comply with the following site and design standards.

- (1) The site shall be at least two (2) acres.
- (2) The site shall be developed in a manner that preserves natural features and landscape.
- (3) The following dimensional requirements shall serve as parameters beyond which development shall not exceed.
 - (a) Maximum impervious surface ratio shall not exceed 15 percent of the project site.
 - (b) Minimum setbacks for all structures and recreational vehicles shall be:

Street Frontage	50'
All other property lines	25'
 - (c) Maximum density shall not exceed 12 vehicles per acre.
 - (d) Buffer areas shall be as specified by Section 4-1.
- (4) Areas designated for parking and loading or for traffic ways shall be physically separated from public streets by suitable barriers against unchanneled motor vehicle ingress and egress. All drives shall be

located at least one hundred fifty (150) feet from any street intersection and shall be designated in a manner conducive to safe ingress and egress.

- (5) All streets within RV Parks shall be private and not public.
- (6) Each park site shall be serviced by public water and sewer systems approved by DHEC.

Section 3-15 Coin Operated Amusement Devices (SIC 7993)

No coin operated amusement device which provides payouts authorized by Section 17-19-60 of the South Carolina Code of Laws shall be located within three hundred feet of a public or private elementary, middle, or secondary school; a public or private kindergarten; a public playground or park; a public vocational trade school or technical educational center; a public or private college or university; or house of worship; nor shall such device be operated in a non-permanent structure such as a tent, mobile home, trailer, or temporary structure. The provisions of this section shall not apply to any location with machines licensed before May 30, 1993, or any machines not engaged in payouts.

Section 3-16 Temporary Services

3-16.1 Permit Required

The Zoning Administrator is authorized to issue a permit for temporary uses as specified herein. No temporary use may be established without receiving such permit.

Temporary use permits may be renewed no more than twice within one calendar year, provided that said use will not create traffic congestion or constitute a nuisance to surrounding uses. Any temporary use that is determined to be creating a nuisance or disruption may have its temporary permit revoked by the Zoning Administrator.

3-16.2 Type and Location

The following temporary use and no others may be permitted by the Zoning Administrator, subject to the conditions herein.

- (1) Religious meetings in a tent or other temporary structure in the C-2 District for a period not to exceed sixty (60) days.
- (2) Open lot sales of Christmas trees in the C-1 and C-2 Districts for a period not to exceed forty-five (45) days.

- (3) Contractor's office and equipment shed, in any district, for a period covering construction phase of a project not to exceed one (1) year unless re-permitted; provided that such office be placed on the property to which it is appurtenant.
- (4) Temporary "sale" stands in the C-1 and C-2 Districts for a period not to exceed sixty (60) days.
- (5) Portable classrooms in any district for cultural or community facilities, educational facilities or religious complexes, for an indefinite period provided all required setbacks for the district in which the structures are to be located shall be observed and maintained.
- (6) Temporary office trailers in any commercial or industrial district where the principal building is being expanded, rebuilt, or remodeled for the conduct of business while the principal building is under construction.
- (7) Fairs and carnivals shall be located no closer than 500 feet of a residential zoning district and shall operate no later than 11:00 P.M.

3-16.3 Removal

Temporary uses and structures from which temporary uses are operated shall be removed from the site after the temporary permit has expired.

3-16.4 Off-Street Parking

Unless specified by Table I for a specific use, a minimum of five off-street parking spaces shall be required, and ingress/egress areas shall be clearly marked.

Section 3-17 Apartments in the C-1 District

Use of the upper floors of commercial buildings in the C-1 District may be converted to residential apartments; provided ground floors remain for business and/or commercial use; further provided that off-street parking requirements shall not apply to apartment uses, but may be provided in contiguous zone districts, notwithstanding restrictions against off-street parking facilities in such districts.

Section 3-18 Open Storage

Open storage as an accessory use may be permitted where indicated by Table I; provided such storage area does not occupy over 20 percent of the building area, is not located in the required setback area, and is relatively obscured from public view by screening or placement on the lot.

Section 3-19 Livestock and Animal Specialties

Livestock and animal pens and areas designated for keeping and/or raising livestock and other animals shall be located no closer than 500 feet to the nearest residential property line in a residential zone.

Section 3-20 Existing Cemeteries:

(Amendment added 11 / 4 / 2002)
(Ordinance No. 18-02)

Existing cemeteries shall be allowed to expand as needed into adjoining Zoning Districts.

Section 3-21 Retail Store and Single-family:

(Amendment added 1 / 7 / 2002)
(Ordinance No. 25-01)

A retail store located in a Mixed-Use zoning district may be allowed to have single-family dwellings occupying the same building.

PROPOSED AMENDMENTS 5-2004

Section 3-22. Tattooing/Tattoo Parlor:

Tattooing nor tattooing parlors shall not be permitted as a principle use in any zoning district and shall only be permitted as an accessory use in health care establishments engaging in the science and art of preventing, curing or alleviating disease, including medical, surgical, psychiatric, chiropractic, osteopathic, and dentistry offices, hospitals, clinics, but excludes gymnasiums, health clubs, veterinary clinics, and associated uses.

A. Location:

In addition to the above permitted locations, no such use shall be located within **1000 feet** (measured in a straight line) from property line to property line of:

- (1) a residentially zoned lot,
- (2) a church or religious institution,
- (3) a public or private school or educational facility,
- (4) a public park or recreational facility,
- (5) an Adult Entertainment Establishment
- (6) a Body Piercing location
- (7) any other Tattooing/Tattoo Parlor.

3-22.1 Fees

The annual fee for a **Tattooing/Tattoo Parlor** permit and/or license is a minimum of five hundred dollars **(\$500)** in addition to the required Business/Privilege License fees.

3-22.2 Regulations

Tattooing/Tattoo Parlor shall meet and maintain at all times all City Ordinances and/or State laws and/or regulations. Failure to comply with this section shall constitute grounds for revoking the permit and/or license.

PROPOSED AMENDMENTS 5-2004

Section 3-23. Body Piercing:

Body piercing shall not be permitted as a principle use in any zoning district and shall only be permitted as an accessory use in health care establishments engaging in the science and art of preventing, curing or alleviating disease, including medical, surgical, psychiatric, chiropractic, osteopathic, and dentistry offices, hospitals, clinics, but excludes gymnasiums, health clubs, veterinary clinics, and associated uses.

A. Location:

In addition to the above permitted locations, no such use shall be located within **1000 feet** (measured in a straight line) from property line to property line of:

- (1) a residentially zoned lot,
- (2) a church or religious institution,
- (3) a public or private school or educational facility,
- (4) a public park or recreational facility,
- (5) an Adult Entertainment Establishment
- (6) a Tattooing/Tattoo Parlor
- (7) any other Body Piercing.

3-23.1 Fees

The annual fee for a **Body Piercing** permit and or license is a minimum of five hundred dollars (**\$500**) in addition to the required Business/Privilege License fees.

3-23.2 Regulations

Body Piercing shall meet and maintain at all times all City Ordinances and/or State laws and/or regulations. Failure to comply with this section shall constitute grounds for revoking the permit and/or license.

PROPOSED AMENDMENTS 5-2004

Section 3-13. Adult Entertainment Establishments. (SIC 5999/7299)

Adult entertainment establishments include, but are not limited to: cabarets, bookstores, drive-in-theaters, theaters, peep shows, adult model studios, sexual encounter centers, escort services and motels, as defined herein, and **ay** other establishment which contains activities characterized by the performance, depiction or description of “specified sexual activities” or “specified anatomical areas”. Adult entertainment establishments shall be permitted as conditional uses in the **Industrial District (IND)** provided the following requirements are met:

A. Number:

No more than one (1) adult use as classified above shall be located on any lot.

B. Location:

Adult entertainment establishments shall not be located closer than:

1. 1,000 feet from the following residential zoning districts: **R-1, R-2**

2. 1,000 feet from any religion institution, day care facilities, public or private education facility, public park, public library, cemetery, or any motion picture establishment which shows G, PG, **R, or X** rated movies to the general public.

3. 2,000 feet from any other adult use.

Measurements of distance separation shall be in a straight line from the closest point of the property line on which the adult uses are located.

C. Ownership Disclosure:

- If a person who applies to operate an adult entertainment business is an individual, he must sign the application for a permit and/or license as applicant.
- If a person who applies to operate an adult entertainment 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 an adult business, or as entity which wishes to operate such business, each individual having a (10%) percent or greater interest in the corporation must sign the permit and/or license as applicant. All corporate officers shall also sign the application. The fact that an individual or

corporation possesses other types of state or county permits and/or licenses does not exempt an individual or corporation from the requirement of obtaining an adult entertainment business permit and/or license.

D. Sale and/or Consumption of Alcohol Prohibited:

The sale and/or consumption of alcoholic beverages in conjunction with any adult entertainment establishment shall be prohibited.

E. Age Requirements:

The adult entertainment establishment shall neither employ nor permit the admittance / patronage of any person who is under 18 years of age.

F. Inspections:

The management of any adult entertainment establishment shall permit representatives of the Police, Building, Fire, Planning Departments or other City or State Agencies to inspect the premises at any time it is open for business. G

Revocation of Zoning Compliance:

The City Planner shall revoke a Certificate of Zoning Compliance, thereby suspending the operation of any adult entertainment establishment for any of the following:

1. The giving of false or misleading information by the applicant at any time in the application process;
2. For the illegal sale of any controlled substance on the premises;
3. For the arrest and conviction of any owner or employee (unless said employee is discharged immediately) for any violation of Title 44 of the Code of Laws of South Carolina, 1976 as amended, relating to controlled substances, and/or violation of any State or Federal crime involving moral turpitude and/or violation of Title XVI, Chapters 3, 15, 23, and 25 of the Code of Laws of South Carolina, 1976, as amended; and/or for the arrest and conviction of any owner or employee for any violation of Title 16 of the Code of Laws of South Carolina, 1976, as amended.
4. Failure to permit inspections by authorized City and/or State agencies or personnel.
5. Violation of the age restrictions as set forth herein.

H. Exterior Portions of Regulated Establishments:

1. It shall be unlawful for an owner or operator of a regulated establishment to allow the merchandise or activities of the regulated establishment to be visible from any point outside such regulated establishment.

2. It shall be unlawful for the owner or operator of a regulated establishment to allow the exterior portions of the regulated establishment to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of Section 3-13.I and Article V.
3. It shall be unlawful for the owner or operator of a regulated establishment to allow exterior portions of the regulated establishment to be painted any color other than a single achromatic color. This provision shall not apply to any regulated establishment if the following conditions are met:
 - a. The regulated establishment is a part of a commercial multi-unit center; and
 - b. The exterior portion of each individual unit in the commercial multi-unit center, including the exterior portions of the regulated establishment are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.
4. Nothing set forth herein shall be construed to require the painting of an otherwise unpainted exterior portion of a regulated establishment.

I. Signage:

1. It shall be unlawful for the owner or operator of any regulated establishment or any other person to erect, construct, or maintain any sign for the regulated establishment other than one sign as provided herein.
2. Signs shall have no more than two (2) display surfaces. Each such display surface shall:
 - a. Not contain any flashing lights;
 - b. Be a flat plane, rectangular in shape;
 - c. Not exceed twenty (20) square feet in area; and
 - d. Not exceed ten (10) feet in height or ten (10) feet in length.
3. Signs shall contain no photographs, drawings, silhouette, or pictorial representations of any manner, and may contain only the following:
 - a. The name of the regulated establishment; and/or
 - b. One or more of the following phrases:
“Adult Bookstore”

“Adult Movie Theater”

“Adult Cabaret”

“Adult Entertainment”

“Adult Model Studio”

- c. Signs for Adult Movie Theaters may contain the additional phase, “Movie Title Posted on Premises”.

J. Design Review Criteria:

In addition to the design requirements set forth in Section 3-13.I Adult Entertainment Facilities shall be subject to the requirements of The Architectural Review Board as set forth in Article XII.

K. Parking:

Adult entertainment establishments shall be required to provide one (1) on-premise parking space for each 100 square feet of gross floor area of the structure, or one (1) on-premise parking space per every three (3) persons of maximum seating capacity, whichever is greater: plus one (1) space per employee. Maximum seating capacity shall be determined by the City of Lorain Building Department and/or Fire Department.