



BUSINESS LICENSE AFFIDAVIT

**CITY OF MYRTLE BEACH, P O BOX 2468, MYRTLE BEACH, SC 29578
PHONE (843) 918-1200 FAX (843) 918-1210**

This is to certify that I, (printed name) _____, being a responsible agent for (business name) _____, do certify that I have received and read a copy of the City of Myrtle Beach's

- **Adult Business**

I understand that it is unlawful to place any form of advertisement or solicitation for business in or on a mailbox receptacle. I agree not to place such solicitation or advertisement on a mailbox receptacle.

PRINTED NAME

DATE

SIGNATURE

ARTICLE IX. SUPPLEMENTAL DEVELOPMENT PROVISIONS

Section 913. Regulated adult business.

913.1 *Generally.* A regulated adult business shall be defined as any business activity, club or other establishment which permits its employees, members, patrons or guests on its premises to exhibit any specified anatomical areas before any other person or persons.

913.2 *Location.* No regulated adult business shall be permitted:

- (a) On any lot or parcel within 500 feet of any zoning district within which residential uses are permitted;
- (b) On any lot or parcel within 500 feet of any other lot or parcel on which a regulated adult business is located;
- (c) On any lot or parcel within 500 feet of any lot or parcel on which a church or other house of worship is located;
- (d) On any lot or parcel within 500 feet of any lot or parcel on which a primary or secondary school is located;
- (e) On any lot or parcel within 500 feet of any lot or parcel on which a public playground, public swimming pool or public park is located.

913.3 *Definition of anatomical areas.* For the purposes of this section 913, specified anatomical areas are defined as less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.

913.4 *Parking requirements.* Regardless of the zoning district within which it is located, regulated adult businesses shall be required to provide one on-premises parking space for each 100 square feet of gross floor space within its building.

913.5 *Signs and other visible messages.* All regulated uses shall be permitted signs and visible messages based on the allowable sign area of the zoning district in which they are located: provided:

913.5.1 *Signs.*

- (1) Sign copy shall be limited to verbal description of material or services available on the premises; and
- (2) Sign copy may not include any graphic or pictorial depiction of material or services available on the premises.

913.5.2 *Other visible messages.*

- (1) Messages which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display materials, items, publications, pictures, films, or printed material available on the premises; or pictures, films, or live presentation of persons performing or services offered on the premises.

913.6 *Prohibited conduct.* Nothing contained in this section 913 shall be construed to permit any activity or conduct which is prohibited or regulated in chapter 14 of the Code of Ordinances of the City of Myrtle Beach.

Section 914. Regulated sexually oriented adult business.

914.1 *Generally*. A regulated sexually oriented business shall be defined as any business activity, club or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. Regulated businesses shall include, but are not limited to: adult arcades, adult markets, adult motion picture theaters, adult theaters, and adult video rental/sale stores as hereinafter defined in Section 914.3.

914.2 *Location*. No regulated sexually oriented business shall be permitted:

- (a) On any lot or parcel within 500 feet of any zoning district within which residential uses are permitted;
- (b) On any lot or parcel within 500 feet of any other lot or parcel on which a regulated sexually oriented business or a regulated adult business is located;
- (c) On any lot or parcel within 500 feet of any lot or parcel on which a church or other house of worship is located;
- (d) On any lot or parcel within 500 feet of any lot or parcel on which a state-licensed day care center or school (grades kindergarten through 12) is located;
- (e) On any lot or parcel within 500 feet of any lot or parcel on which a public playground, public swimming pool or public park is located.

914.[3] *Definitions*. For the purposes of this Section 914, the following definitions apply: (a) *Adult arcade*. An establishment where, for any form of consideration, one or more machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic, electronic or computer generated reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas as defined hereinafter.

(b) *Adult market*. An establishment that has as a substantial portion (over 25 percent of total retail space) of its stock-in-trade and offers for sale or rent, for any consideration, any one or more of the following: (1) books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

(c) *Adult motion picture theater*. An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion (25 percent) of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

(d) *Adult theater*. A theater, concert hall, auditorium or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or by specified sexual activities. (e) *Specified anatomical areas*. Less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.

(f) *Specified sexual activities*. As herein 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 breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth in subdivisions 1 through 3 of this subsection.

914.4 *Parking requirements.* Regardless of the zoning district within which it is located, a regulated sexually oriented business shall be required to provide one on-premises parking space for each 100 square feet of gross floor space within its building.

914.5 *Signs and other visible messages.* All regulated uses shall be permitted signs and or visible messages based on the allowable sign area of the zoning district in which they are located; provided:

914.5.1 *Signs.*

(1) Sign copy shall be limited to alphanumeric description of material or services available on the premises; and

(2) Sign copy shall not include any graphic or pictorial depiction of material or services available on the premises.

914.5.2 *Other visible messages.*

(1) Messages which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display materials, items, publications, pictures, films, or printed material available on the premises; or pictures, films, or live presentation of persons performing or services offered on the premises.

Section 915. Nonconforming sexually oriented businesses.

Notwithstanding any conflicting provisions of Article VII of this zoning ordinance, any regulated sexually oriented business which was lawfully operating in the city immediately prior to the effective date of this ordinance that is thereafter found to be in violation of Section 914 shall be deemed a nonconforming use. Any sexually oriented business which is lawfully operating within Horry County immediately prior to the date it is annexed into the City of Myrtle Beach that is thereafter found in violation of Section 914 shall also be deemed a nonconforming use. Any use which is determined to be nonconforming by application of the provisions of this section shall be permitted to continue for a period not to exceed two years from the initial date of nonconformity. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If a nonconforming use is discontinued for a period of ninety days or more it may not be re-established. If two or more sexually oriented businesses are within 500 feet of one another and are otherwise in a permitted location, the sexually oriented business which was first established and continually operating at its present location shall be considered the conforming use and the later-established business shall be considered nonconforming. A sexually oriented business lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a church, house of worship, day care center, school, playground, public swimming pool, or public park within 500 feet of the sexually oriented business.