

## CHAPTER 17.84

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## CHAPTER 17.84

### ADULT ACTIVITIES OVERLAY DISTRICT

#### **17.84.010** INTENT

The intent of the adult overlay district is to provide suitable locations for adult businesses as defined in this title 17.108, Definitions, based on review for impacts neighboring uses and to minimize adverse effects on the community in the best interests of the public health, safety and general welfare.

Enc Ord 433 December 5, 2012

#### **17.84.020** APPLICATION FOR ZONING DESIGNATION

Any person wishing to establish an adult use shall apply as provided in Chapter 17.28, Zoning Map Amendments.

Enc Ord 433 December 5, 2012

#### **17.84.030** AUTHORIZED USES

Authorized uses in the adult overlay district are as follows:

A. Principal uses:

1. All principal uses permitted in the C-2 district if the underlying zoning is C-2.
2. All principal uses permitted in the M-1 and M-2 district if the underlying zoning is M-1 and M-2.

B. Conditional uses:

1. Casinos
2. All conditional uses permitted in the C-2 district if the underlying zoning is C-2.
3. All conditional uses permitted in the M-1 or M-2 district if the underlying zoning is M-1 or M-2.

C. Accessory uses:

1. All accessory uses permitted in the C-2 district if the underlying zoning is C-2.
2. All accessory uses permitted in the M-1 or M-2 district if the underlying zoning is M-1 or M-2.

Enc Ord 433 December 5, 2012

**17.84.040      RESTRICTIONS**

- A.     Adult overlay districts shall be permissible only in areas zoned C-2, Commercial M-1 Light Manufacturing, or M-2 Manufacturing and Industrial District.
  - B.     Adult overlay districts shall not be located within 1,000 feet, in any direction, of the property line lots used for schools, places of worship, public parks, or open space.
- Enc Ord 433 December 5, 2012

**17.84.050      LOT COVERAGE**

The entire lot, exclusive of required yards, landscaping, loading or unloading and parking may be occupied by the principal and accessory buildings.

Enc Ord 433 December 5, 2012

**17.84.060      YARDS**

Every lot within an adult overlay district shall have the following minimum yard, as well as any requirements for certificates of appropriateness as established by overlay district regulations or guidelines. All yards shall be subject to the provisions of Title 17.

- A.     Front yard - 25 feet
  - B.     Rear yard - 10 feet
  - C.     Side yards - 10 feet on each side.
- Enc Ord 433 December 5, 2012

**17.84.070      BUILDING HEIGHT**

Maximum building height in an adult activities overlay district shall be three floors.

Enc Ord 433 December 5, 2012

**17.84.080      ADULT BUSINESS**

In addition to the requirements to be followed for all developments established in this title, the following requirements shall apply to an adult business as defined under Montana law.

- A.     An adult business must be separated by at least 1,000-foot radius measured from the closest lot line of the adult business to the closest lot line from any other adult use, residence, residential district, school, place of worship, public park, open space or any youth-oriented establishment. Subsequent establishment of one of the above listed uses with the required separation radius does not compel the relocation of an adult business.
- Enc Ord 433 December 5, 2012