

ORDINANCE 2900
AN ORDINANCE IMMEDIATELY
ESTABLISHING INTERIM ZONING
PROHIBITING GAMBLING/CASINO
ESTABLISHMENTS IN CERTAIN ZONING
DISTRICTS IN THE CITY OF GREAT FALLS

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS,
MONTANA:

WHEREAS, pursuant to 76-1-306 MCA, a city may adopt an interim zoning ordinance as an urgency measure, to be effective immediately upon passage, prohibiting any use in certain areas of a city pending the adoption of a permanent zoning code; and,

WHEREAS, pursuant to 23-5-171 MCA, a city may prohibit gambling in certain zoned districts within its incorporated limits; and,

WHEREAS, the citizens of Great Falls and the City Commission have expressed their concern regarding the degradation of the appearance of the City of Great Falls brought about through the proliferation of signage and outdoor advertising by casino gambling establishments; and,

WHEREAS, within six months, the City Commission contemplates the adoption of a new and comprehensive land development and zoning code inclusive of permanent zoning for gambling uses; and,

WHEREAS, it is deemed urgent and in the public interest to adopt interim zoning prohibiting casino gambling in all zoning districts except in the B-3 District (Central Business District) and in First and Second Industrial District to protect the aesthetic appearance and values of the City pending the completion and adoption of the new land development and zoning code; and,

WHEREAS, all other forms of gambling, except casino establishments, are deemed *de minimis* and therefore should be prohibited in all zoning districts except in the General Commercial Districts, the B-3 District, and in First and Second Industrial Districts;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

1. That interim zoning, as delineated on Exhibit A attached hereto and made a part hereof, prohibiting casino gambling in all zoning districts in the City of Great Falls except in the B-3 District (Central Business District) and in First and Second Industrial Districts, be immediately in effect upon adoption of this interim zoning ordinance; and,
2. All other forms and locations of authorized gambling are deemed *de minimis* and are prohibited in all zoning districts except in General Commercial Districts, the B-3 District (Central Business District) and in First and Second Industrial Districts.
3. That a public hearing has been held hereon before final adoption of said interim zoning ordinance and that notice of such public hearing has been published in the Great Falls Tribune at least seven (7) days before such hearing pursuant to 76-2-306 MCA.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on the 1st day of February, 2005.

Randall H. Gray, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

Approved for Legal Content: City Attorney

State of Montana)
County of Cascade :ss
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance 2900 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 1st day of February, 2005, and approved by the Mayor of said City on the 1st day of February, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 1st day of February, 2005.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

State of Montana)
County of Cascade :ss
City of Great Falls)

Peggy J. Bourne, being fist duly sworn, deposes and says: That on the 1st day of February, 2005, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 2900 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building
On the Bulletin Board, first floor, Cascade County Court House
On the Bulletin Board, Great Falls Public Library

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

EXHIBIT A

Zoning Prohibiting Casinos in Certain Zoning Districts

Section 1. Purpose.

Interim Zoning Ordinance# 2900 prohibiting casino gambling in certain zoning districts in the City of Great Falls is intended to promote public health, safety and welfare by preserving the aesthetic appearance and values within the City pending the adoption of a new and comprehensive land development and zoning code inclusive of permanent zoning for gambling uses.

Section 2. Definition.

For purposes of this interim zoning ordinance, “casino” means: Any and all establishments that offer legalized gambling authorized under Title 23, Chapter 5, Part 1, et. seq., MCA and where any one of the following characteristics apply:

- a. The establishment is referenced as a “casino” or “gambling establishment”, or substantial equivalent, by signage, advertisement or by name; and/or
- b. Five or more gambling machines are on the premises; and/or
- c. A card table is on the premises.

Section 3. Zoning Districts.

Immediately upon the adoption of this interim zoning ordinance, casinos shall be prohibited in all zoning district in the City of Great Falls except in the B-3 District (Central Business District) and in First and Second Industrial Districts.

All other forms and locations of authorized gambling, except casinos, are deemed *de minimis* and are prohibited in all zoning districts except in General Commercial Districts, the B-3 District, and in First and Second Industrial Districts.

Section 4. Restrictions.

- a. Casinos shall not locate within 350 feet of any residentially zoned property, distance to be measured by direct line between closest zoning boundaries; and,
- b. Casinos shall not locate within 600 feet of an educational facility (K through post-secondary), worship facility, park or

- playground, distance to be measured by direct line between closest property boundaries; and,
- c. Casinos shall not locate within 350 feet of any another casino, distance to be measured by direct line between closet property boundaries; and,
 - d. Casinos shall not locate on premises operating a sexually oriented business.

Section 5. Design Review Board Approval.

Consistent with Chapter 2.30 of the City Code, the Design Review Board shall review and approve the exterior building design and finishes; and landscaping, signage, lighting and parking plan for any new casino, or for an expansion of an existing casino. The DRB will ensure current City ordinances are met for landscaping, signage and parking.

Section 6. Nonconformities.

Any casino or other authorized gambling establishment in existence as of the effective date of this ordinance that does not meet the standards of this ordinance shall be allowed to continue and exist as a nonconforming use under Section 17.78 of the City Code.

Section 7. Exemptions.

Any application currently in process for annexation, zone change, building or occupancy permit submitted to the City prior to the adoption of Interim Ordinance#2900, on February 1, 2005, is exempt from this ordinance and shall be reviewed under the regulations in effect at the time of submittal.