

---

---

**TOWN OF TROY**

**REGULATIONS GOVERNING ADULT-ORIENTED BUSINESSES**

---

---

ADOPTED MARCH 13, 2001

---

---

**I. PURPOSE AND INTENT**

It is the purpose of this regulation to establish reasonable and uniform provisions in accordance with RSA 674:16 & 17 to regulate the secondary effects of sexually-oriented businesses within the Town of Troy in the interests of public health, safety and welfare, including but not limited to: protection of property values; separation of incompatible land use; location of such uses relative to public facilities; and the prevention of blight and crime.

It is the intent of this regulation to prevent problems that are commonly associated with sexually-oriented businesses. Further, the provisions of this regulation have neither the purpose nor the effect of imposing limitations or restrictions on the content of any communicative materials, including sexually-oriented materials; and it is not the intent nor effect of this regulation to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually-oriented materials to their intended market. It is neither the intent nor effect of this regulation to condone or legitimize the distribution of obscene material.

**II. DEFINITIONS**

**ADULT BOOKSTORE/VIDEO STORE** (hereinafter known as Adult Business): A business that involves the display, sale and/or rental of adult publications, defined as:

Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, computer disks, CD-ROM's or other forms of audio-video representations that meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

**III. APPLICABILITY**

Within the Town of Troy, the only adult businesses that are permitted are those that comply with the definition contained in Section II above. Nothing herein shall be construed to permit the display, sale or rental of materials in any district that would otherwise violate state or federal law.

**IV. WHERE ALLOWED**

A. Adult businesses shall only be permitted in the Highway Business District along Route 12, by Special Exception of the Board of Adjustment, subject to Article XIII, C.2., and the following conditions:

- 
- 
1. No such use shall be permitted within 2,000 feet of the property line of a church, cemetery, school, day care center, any public buildings, or the Village District zoning boundaries.
  2. No such use shall be permitted within 250 feet of a residential property line.
  3. No adult business shall be permitted within 1,000 feet of another such use, or within a building in which such a use already exists.
- B. The distance requirements above shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall or temporary or permanent physical divider of each business.

**V. ADDITIONAL REASONABLE REQUIREMENTS**

- A. The Planning Board is empowered hereunder to review and approve permit applications for adult businesses, and impose reasonable restrictions for the following:
- setbacks, buffering, outdoor lighting, parking;
  - adequate ingress and egress from the site off of and onto public roads pedestrian movement;
  - appropriate landscaping and building aesthetics;
  - site development layout, which may result in negative environmental impacts.
- B. Notwithstanding additional requirements imposed by Site Plan Review, the following provisions shall apply:
1. Setbacks shall be consistent with those of the Highway Business District, and buildings shall be suitably screened by either vegetation or some other type, as determined by the Planning Board during Site Plan Review.
  2. No sexually explicit or suggestive materials or advertising shall be visible from outside the building.
  3. No private viewing rooms or booths shall be allowed.
  4. No more than 40% of the materials in stock shall deal with adult publications as defined by the definition of "Sexually-Oriented" in Article XIX, Definitions (2001). Of the remaining 60%, children's materials shall not be included.
  5. No other use other than those defined herein shall be permitted in the building(s) or on the property.