

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 7697 TO PERMIT CERTAIN NONCONFORMING USES; ACKNOWLEDGING CONVENT ENTERTAINMENT, INC., D/B/A GENTLEMEN'S CLUB 70 AS A PERMISSIBLE NONCONFORMING USE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Ordinance No. 7454 was adopted on May 28, 2002 regulating the location of sexually oriented businesses and fully incorporated into the North Little Rock "Zoning Ordinance" (Ordinance No. 7696) at Section 12.11; and

WHEREAS, Section 12.11(E) of the Ordinance No. 7696 (the "Zoning Ordinance") requires all existing sexually oriented businesses to comply with specific location restrictions; namely, to be located within zones classified as I-2 to I-3 and a distance of 1,000 feet or more from certain facilities such as, churches, schools, residential zones, hospitals, parks, historic places and day care centers; and

WHEREAS, Act 387 of 2007 places similar restrictions on the operation of certain adult-oriented businesses, as that term is defined within the Act, but entirely exempts such businesses that were lawfully operating on the effective date of the Act; and

WHEREAS, the City has been involved in litigation with Convent Entertainment, Inc., known as Gentlemen's Club 70, and located at 6615 E. Hwy. 70 in the City of North Little Rock which was in operation for many years prior to the time Ordinance Nos. 7454 and 7696 were passed by the City Council and has remained in operation during the pendency of the litigation; and

WHEREAS, the City should provide for an exemption similar to Act 387 of 2007 that would allow the Gentlemen's Club 70 to continue in operation at its present location, thereby avoiding hardships on the business owners by forcing them to relocate and avoiding hardships on businesses that prefer not to have a sexually oriented business move nearby.

WHEREAS, it is in the best interests of the citizens and residents of North Little Rock that Convent Entertainment, Inc., d/b/a Gentlemen's Club 70, be exempted from the provisions of Ordinance No. 7454 and allowed to continue its business operations at 6615 E. Hwy. 70.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That Section 12.11(E)(1) is hereby amended to read as follows:

“E. Non-Conforming Sexually Oriented Businesses

1. Any sexually oriented business lawfully operating on May 28, 2002 and continuing to operate through December 1, 2008, which is in violation of part D of this Section 12.11 ~~of this ordinance~~ shall be deemed a NON-CONFORMING USE. The non-conforming use will be permitted to continue ~~for a period not to exceed 2 years from the date of the passage of this ordinance~~, unless ~~sooner~~ terminated for any reason or discontinued for a period of 90 days or more.”

Editor's Note: Underline indicates additional language. ~~Strikethrough~~ indicates deleted language.

SECTION 2: That Convent Entertainment, Inc., known as Gentlemen's Club 70, and located at 6615 E. Hwy. 70 in the City of North Little Rock is hereby recognized and deemed to be a Non-Conforming Use in continual lawful operation within the City of North Little Rock.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4: It is hereby found and determined that the passage of this Ordinance is necessary in order to insure the proper and orderly growth of this land and of the City of North Little Rock, Arkansas, and being necessary for the immediate preservation of the public health, safety and welfare; THEREFORE, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Patrick H. Hays

SPONSOR:

Alderman Charlie Hight

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b