

City of Conway ③
RBHS 3

ORDINANCE NO. O-04-26

AN ORDINANCE AMENDING THE CONWAY ZONING ORDINANCE TO CONSTRAIN SEXUALLY ORIENTED BUSINESSES TO 1-3 ZONING DISTRICTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:

WHEREAS; it is preferable to constrain sexually oriented businesses to 1-3 Intensive Industrial Districts, and;

WHEREAS; C-3 Highway Service & Open Display Districts have been inadvertently included as a district in which sexually oriented businesses may be placed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

Section 1: That **SECTION 1201.14 – LOCATION RESTRICTIONS** of the City of Conway Zoning Ordinance as adopted by Ordinance No. 0-94-54 as amended is hereby amended to read as follows:

SECTION 1201.14 – LOCATION RESTRICTIONS

Sexually oriented businesses not already lawfully operating on the effective date of this Ordinance shall be permitted only in zoning district 1-3 Intensive Industrial District, subject to the following:

- (1) the sexually oriented business may not be operated within:
 - a) one thousand (1,000) feet of a church;
 - b) one thousand (1,000) feet of a public or private elementary, secondary or post-secondary school;
 - c) one thousand (1,000) feet of a public park;
 - d) one thousand (1,000) feet of a licensed day-care center;
 - e) one thousand (1,000) feet of an entertainment business that is oriented primarily toward children;
 - f) five hundred (500) feet of a boundary of any residential district; or
 - g) one thousand (1,000) feet of another sexually oriented business.
- (2) A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business classified pursuant to Section 1201.3.
- (3) For the purpose of this Ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the premises where sexually oriented business is conducted, to the nearest property line of a church; public or private elementary, secondary or post-secondary school; public park; licensed day care center; entertainment business that is oriented primarily toward children; boundary of any residential district or other sexually oriented business.”

Section 2: That all ordinances in conflict herewith are hereby repealed to the extent of that conflict.

Section 3: That this ordinance is necessary for the protection of the public peace, health and safety, and 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 this 23RD day of March, 2004.

APPROVED:

Tab Townsell

Mayor Tab Townsell

ATTEST:

Michael O. Garrett

City Clerk Michael O. Garrett

CERTIFICATE

STATE OF ARKANSAS)
COUNTY OF FAULKNER)
CITY OF CONWAY)

I, Michael Garrett, the duly elected, qualified, and acting: Clerk-Treasurer of the City of Conway, Arkansas, do hereby certify that the attached and foregoing is a true and correct copy of an ordinance pass by the City Council of the City of Conway, Arkansas, at a meeting of that body held on the 23RD day of MARCH 2003, same is duly recorded in the minutes of meeting of said Council.

Witness, my hand and seal of the City of Conway, Arkansas, this 25TH day of MARCH, 2004

Michael Garrett
CITY CLERK-TREASURER

Seal

Doc#2004- 6395
Date 04/02/2004
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Filed & Recorded in
Official Records of
Faulkner County
SHARON RIMMER
FAULKNER COUNTY CIRCUIT CLERK
Fees \$14.00
by an D.C.

CERTIFICATE OF RECORD
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04/02/2004
03:24:40 PM
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FAULKNER COUNTY
SHARON RIMMER
FAULKNER COUNTY CIRCUIT CLERK
by Sharon Rimmer D.C.