

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 9263) TO INCLUDE DEFINITIONS, USES, RESTRICTIONS REGARDING TOBACCO AND VAPE STORES AND PRODUCTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, on July 13, 2020, the City Council passed Ordinance No. 9263, adopting a new City of North Little Rock Zoning Ordinance (“Zoning Ordinance”)(amended by Ordinance 9391, adopted September 13, 2021; Ordinance No. 9311, adopted December 14, 2020; and Ordinance No. 9522, adopted November 28, 2022); and

WHEREAS, there is a need to clarify language and include use types and restrictions regarding tobacco and vape stores and products; and

WHEREAS, it is in the best interests of the City and its citizens to amend the Zoning Ordinance (Ordinance No. 9263) to include the subject regulations.

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

SECTION 1: That Article 2 of the Zoning Ordinance (Ordinance No. 9263) is hereby amended to add the following definitions:

Section 2.2 - Definitions

Alternative Nicotine Product: A product that consists of or contains nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing or by any other means. It does not include tobacco products or vapor products.

Retail Tobacco Store: A retail store used primarily for the sale of tobacco products, other than vapor products, alternative nicotine products, and accessories, and whose primary business is selling tobacco products and tobacco smoking accessories, as evidenced by 50% or more of completed sales transactions.

Retail Vapor Product or Alternative Nicotine Product Store: A retail store used primarily for the sale of alternative nicotine products or vapor products, and whose primary business is selling alternative nicotine products, vapor products and vapor smoking accessories, as evidenced by 50% or more of completed sales transactions.

Tobacco Products: All products containing tobacco for consumption, including without limitation cigarettes, cigars, little cigars, cigarillos, chewing tobacco, smokeless tobacco, snuff, smoking tobacco, including pipe tobacco, and smoking tobacco substitutes.

Vapor Product: An electronic oral device of any size or shape that contains a vapor of nicotine, e-liquid, or any other substance that when used or inhaled simulates smoking, regardless of whether a visible vapor is produced.

SECTION 2: That Article 5 of the Zoning Ordinance (Ordinance No. 9263) is hereby amended to include the following section:

Section 5.25 – Tobacco and/or Vape Stores

Tobacco and/or Vape Stores shall be subject to the following conditions:

- A. Tobacco and/or Vape Stores shall be permitted in I2 and I3 Zoning Districts.
- B. Requests for Tobacco and/or Vape Stores outside of the permitted Zoning Districts shall require a rezoning or a Special Use.
- C. Tobacco and/or Vape Stores are not permitted in Residential Districts, C1, C2, C6 Commercial Districts, Public Institutional Districts and Conservation Districts.
- D. Requests for Tobacco and/or Vape Stores located in a C3, C4, C5, I1 Zoning Districts shall require a Special Use.

SECTION 3: That Article 11.3 of the Zoning Ordinance (Ordinance No. 9263) is hereby amended as shown in Exhibit A.

SECTION 4: That Appendix A, Section 3.0 of the Zoning Ordinance (Ordinance No. 9263) is hereby amended to show that vape stores are not permitted in Commercial Park Hill (C-PH), included as follows:

Table 3-1: C-PH ALLOWABLE USES TABLE	
NEW USE / X = allowed / C = conditional	
Vape Store	

SECTION 5: That Appendix B, Section 3.0 of the Zoning Ordinance (Ordinance No. 9263) is hereby amended to show that vape stores are not permitted in Commercial Levy (C-L), included as follows:

Table 3-1: C-L ALLOWABLE USES TABLE	
NEW USE / X = allowed / C = conditional	
Vape Store	

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 7: That the provisions of this ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 8: That it is hereby found and determined that the amendment as provided for herein is to be in the best interests of the City, and is immediately 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 Terry C. Hartwick

SPONSOR:

ATTEST:

TERRY C. Hartwick
Mayor Terry C. Hartwick *by AF*

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

FILED	<u>10:10</u>	A.M.		P.M.
By	<u>Christina Yelding</u>			
DATE	<u>9-5-23</u>			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas				
RECEIVED BY	<u>S. Ussery</u>			

EXHIBIT A

Permitted Uses	R0	R1	R2	R3	R4	R5	R6	RT1	RU	C1	C2	C3	C4	C5	C6	I1	I2	I3	PI	CON	PT	OSS
Tobacco Store (see 5.25)																	•	•			17	
Vape Store (see 5.25)																	•	•			17	

X” means permitted by right

“•” means outdoor sales/storage is permitted

“C” means permitted subject to approval of a Conditional Use

“PT” refers to Parking Types referenced in Section 6.2.3