

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 9263) TO INCLUDE DEFINITIONS, USES, RESTRICTIONS REGARDING RETAIL ESTABLISHMENTS COMMONLY KNOWN AS “HEAD SHOPS”; 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 retail establishments commonly known as “head shops”; 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

Head Shop: A retail store that specializes in the sale of paraphernalia used for the consumption of tobacco, cannabis, herbs, or recreational drugs, including by not limited to pipes, “one hitter” pipes, water pipes (also referred to as “bongs”), vaporizers, roach clips, rolling papers, rolling machines, small weighing scales, and herb grinders. Sales may also include, but not be limited to novelty items, decorative items, art, posters, and music, which may be related to or illustrative of drug culture themes. A “head shop” does not include cannabis retail sales or cannabis production/distribution facilities.

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

Section 5.26 –Head Shops

Head Shops shall be subject to the following conditions:

- A. Head Shops shall be permitted in I2 and I3 Zoning Districts.
- B. Requests for Head Shops outside of the permitted Zoning Districts shall require a

rezoning or a Special Use.

- C. Head Shops are not permitted in Residential Districts, C1, C2, C6 Commercial Districts, Public Institutional Districts and Conservation Districts.
- D. Requests for Head Shops located in a C3, C4, C5, I1 Zoning Districts shall require a Special Use.
- E. Head shops shall not be permitted within one thousand five hundred (1,500) feet of any place of worship/church or public/private school.

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 head shops 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	
Head Shop	

SECTION 5: That Appendix B, Section 3.0 of the Zoning Ordinance (Ordinance No. 9263) is hereby amended to show that head shops 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	
Head Shop	

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 Fields
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/ABF

FILED _____	A.M.	<u>2:47</u>	P.M.
By <u>email Amy Fields</u>			
DATE <u>9/22/23</u>			
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas			
RECEIVED BY _____			

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	
Head Shop (see 5.26)																	X	X				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