

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 7697 (“THE ZONING ORDINANCE”) TO ADD MEDICAL MARIJUANA CULTIVATION FACILITY TO THE TABLE OF PERMITTED USES IN ARTICLE TWENTY-ONE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, on November 8, 2016, voters approved Amendment 98 to the Arkansas Constitution, known as the “Arkansas Medical Marijuana Amendment of 2016”; and

WHEREAS, during the 2017 regular session of the 91st General Assembly of the State of Arkansas, several Acts were adopted to implement the provisions of the Arkansas Medical Marijuana Amendment of 2016; and

WHEREAS, both the Arkansas Medical Marijuana Amendment of 2016 and Acts adopted during the 2017 regular session of the 91st General Assembly of the State of Arkansas preserved the right of the City to properly zone Medical Marijuana Cultivation Facilities; and

WHEREAS, the City of North Little Rock, Arkansas controls the harmonious use of property through Ordinance 7697, as amended, (“the Zoning Ordinance”), in accordance with the purposes stated therein; and

WHEREAS, it is proper to restrict Medical Marijuana Cultivation Facilities to areas zoned I-2 and I-3 in the City’s Zoning Ordinance.

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

SECTION 1: That Medical Marijuana Cultivation Facilities shall be permitted in all I-2 and I-3 zones of the City of North Little Rock, subject to the application of such distance limitations and other restrictions as may apply by law. Further, Article Twenty-One (Table of Permitted Uses) of Ordinance No. 7697 (“the Zoning Ordinance”) is hereby amended to *add* the new zoning category “**Medical Marijuana Cultivation Facility**” with a corresponding “X” placed in the I-2 and I-3 columns.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3: 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 4: It is hereby found and determined that the proper zoning of Medical Marijuana Cultivation Facilities will enhance the economic development of the City of North Little Rock in a harmonious manner, 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 Joe A. Smith

SPONSORS:

ATTEST:

Mayor Joe A. Smith

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED <u>11:55</u> A.M. _____ P.M.
By <u>City Atty Jason Carter</u>
DATE <u>9-5-17</u>
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas
RECEIVED BY <u>H. Thomas</u>