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FAULKNER COUNTY CIRCUIT CLERK

262678

ORDINANCE NO. O-05-139

AN ORDINANCE AMENDING ARTICLES 301; 601.1, SECTION 601.3; AND ADDENDUM A OF THE CONWAY ZONING ORDINANCE; TO DEFINE AND CLARIFY THE DEFINITIONS FOR KENNEL, ANIMAL SHELTERS, AND WILDLIFE REHABILITATOR AND DEFINE PERMITTED LAND USE ZONES; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

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

SECTION 1: That Article 301 Definitions of the Conway Zoning Ordinance O-94-54 be amended as follows:

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| <u>Agricultural – Commercial:</u> Farms and general farming, including but not limited to: | |
| Agricultural Services | Greenhouse |
| Apiary | Nursery (plants) |
| Boarding or training animals | Public stable |
| Farming; all legal plants and all animals excluding pigs | Retail sale of farm products raised on premises |
| Fishery | Truck garden |
| Forestry; growing, harvesting or preserving trees and/or forest products | Wholesaling or warehousing of farm products and/or by-products |

SECTION 2: That Article 301 Definitions of the Conway Zoning Ordinance O-94-54 be amended as follows:

The definition for “Animal Pound or Kennel” is changed to “Animal Shelter: Animal shelters are either governmental or private organizations that provide temporary homes for stray, surrendered, or abandoned pet animals. The animals is kept at the shelter until it is reclaimed by the owner, adopted to a new owner, placed with another organization, or euthanized.

The definition of “Kennel” be added in the proper alphabetized sequence as follows:
“Kennel: An establishment wherein any person, business, or organization engages in the practice of boarding, breeding, buying, grooming, letting for hire, training for a fee, or selling dogs or other animals.

The definition of “Wildlife Rehabilitator” be added in the proper alphabetized sequence as follows: “Wildlife Rehabilitator: One who provides aid to injured, orphaned, displaced, or distressed wild animals in such a way that they may survive when released to their native habitats. Activities may include direct care of wildlife to arranging suitable release sites. Rehabilitators must possess current licensing from the Arkansas Game and Fish Department and must comply with all State, County, and Municipal laws and ordinances.”

SECTION 3: That Article 601, Section 601.3 “Animals: Keeping or Handling of (Other Than Small Animals Kept As Household Pets)” of the Conway Zoning Ordinance O-94-54 be amended as follows:

“Animals and fowls, where permitted in a district, shall be kept only in accordance with Conway City Ordinances and Codes. Proponents of such uses shall show that adequate measures will be taken to prevent odor, dust, noise or drainage from becoming a nuisance to uses on other properties. No incineration of animal refuse shall be permitted on the premises. Kennels, Animal Rescue Shelters, and Wildlife Rehabilitators, if located in any residential zoning district, shall be located in an undivided property of not less than (2) two acres. In no circumstance shall a commercial kennel be operated within any residential zoning district.”

SECTION 4: That Addendum A, Uses Allowed in the Various Zoning Districts of the Conway Zoning Ordinance O-94-54 be amended as follows in the proper alphabetized sequence:

Allowed Uses	R-1	R-2A	R-2	SR	MF-1	MF-2	MF-3	RMH	HR	C-1	C-2	C-3	C-4	O-1	O-2	O-3	I-1	RU-1	I-3	A-1	S-1	S-2	
Animal Shelter	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Kennel	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Wildlife Rehabilitator	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

SECTION 5: That Addendum A, Uses Allowed in the Various Zoning Districts of the Conway Zoning Ordinance O-94-54 be amended as follows Striking “Boarding or Training of Animals”:

Allowed Uses	R-1	R-2A	R-2	SR	MF-1	MF-2	MF-3	RMH	HR	C-1	C-2	C-3	C-4	O-1	O-2	O-3	I-1	RU-1	I-3	A-1	S-1	S-2
Boarding or training animals	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	X	C	X

SECTION 6: That all ordinances in conflict herewith are repealed to the extent of the conflict.

SECTION 7: 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 11th day of October, 2005.

Approved:



Mayor Tab Townsell

Attest:


Michael O. Garrett, City Clerk/Treasurer