

City of Highland

Planning Commission Meeting

June 06, 2023

AGENDA

1. Call to Order
2. Roll Call
3. Consideration of Minutes from April 04, 2023
4. Welcome Guests
5. Unfinished Business: - Lighting Ordinance
6. New Business: - Rezoning Request , Brandon Holmes
with Hammer Head & Contracting
7. Open for Discuss
8. Announcements/Comments: Our next meeting should be on July 04, 2023 so
we need to decide what we want to do .
9. Motion to Adjourn

CITY OF HIGHLAND
PLANNING COMMISSION MEETING
April 4, 2023

The regular meeting of the Planning and Zoning Commission for Tuesday, April 04, 2023, was called to order at 6:02 pm by Chairperson Kenneth Massey. During roll call the following Commissioners answered to their names: Kenneth Massey , Michael Burton , Jamie Orosz, Ramona Lindley, Tim Evans and Joey Cooper . Also present was Clerk Jazmine Orosz . Absent were Commissioner Lamb

Consideration of March 07, 2023 , Minutes :

Chairperson Massey asked for approval of the March 07, 2023, minutes. Commissioner Evans made a motion to accept the minutes, which was seconded by Commissioner Lindley . Minutes were passed and accepted with a voice vote.

Old Business

None.

New Business

Cleatus Wiles is needing approval to move his billboard to new property. Planning and Zoning looking into directional lighting ordinance.

Discussion

Cleatus Wiles is wanting to move his billboard from existing property to 2530 Hwy 62/412. Commissioners voted and approved a variance to put up his billboard. Commissioner Evans made a motion to approve the variance , seconded by Lindley.

Votes of motion: 6 Yea's , 0 Nay's , 1 Absent.

Commissioner Burton brought up directional lighting and brought in some drafts for the commissioners to look over. Wanted the city attorney to look over the drafts, and vote and approve it at the May 04, 2023 meeting and present it to council on May 09, 2023 council meeting.

Announcements:

The Next Meeting is May 04, 2023

Motion to adjourn made by Commissioner Cooper and seconded by Commissioner Burton.
The meeting adjourned at 7:28 pm.

Submitted by Clerk, Jazmine Orosz

Passed and approved this _____ Day Of _____ 2023.
Minutes approved by:

Secretary, Jamie Orosz

Chairperson, Kenneth Massey

City of Highland

1662 Hwy 62-412
Highland, AR 72513
870-856-6199

Rezoning Request Form

Date: May 19, 2023

Name: Mandy Vaughan Phone: 870-612-3400
Owner of Property: First Community Bank Current Zone: R1
Address of Property: 2 tracts 62/412
Legal Description of Property: See Attached

Requested Zoning: R2
Reason for request of zone change: Buyer to build multi-family units.

Parcel number(s): 001-06980-000 & 001-07023-001

Please include a map of the affected property.

Please include any information not mentioned above that may pertain to request.

Please list any property owners adjacent to said property (include address and phone number)

<u>James & Martha Russell</u>	<u>Jim Felix</u>
<u>PO Box 151, Hardy, AR 72542</u>	<u>All Pro Glass</u>
	<u>2272 Hwy 62/412, Hardy, AR 72542</u>
<u>David & Georgia Harris</u>	
<u>1948 Hwy 62/412, Hardy, AR 72542</u>	

Mandy Vaughan for

Signature Property Owner

First Community Bank

City Official

For Official Use Only

Approved

Denied

Ordinance number (if applicable) _____

Filed by _____

Filed on _____

TRACT 1 LEGAL DESCRIPTION

A 3.40 ACRE TRACT OF LAND BEING PART OF THE E 1/2 OF THE SE 1/4 OF SECTION 28, TOWNSHIP 19 NORTH, RANGE 5 WEST, SHARP COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND STATE MONUMENT, REPRESENTING THE SE CORNER OF SAID SECTION 28;

THENCE N 54°12'56" W A DISTANCE OF 1284.07 FEET TO A FOUND 1/2" REBAR, REPRESENTING THE POINT OF BEGINNING; THENCE N 49°15'01" W A DISTANCE OF 377.00 FEET TO A FOUND 1/2" REBAR ON THE SOUTH LINE OF HIGHWAY #62; THENCE, ALONG SAID SOUTH RIGHT OF WAY, N 58°15'56" E A DISTANCE OF 107.94 FEET TO A CALCULATED POINT; THENCE, ALONG SAID SOUTH RIGHT OF WAY, N 34°49'54" E A DISTANCE OF 45.28 FEET TO A CALCULATED POINT; THENCE, ALONG SAID SOUTH RIGHT OF WAY, N 19°22'14" E A DISTANCE OF 134.62 FEET TO A CALCULATED POINT; THENCE, ALONG SAID SOUTH RIGHT OF WAY, N 41°17'56" E A DISTANCE OF 135.00 FEET TO A FOUND 1/2" REBAR; THENCE, LEAVING SAID SOUTH RIGHT OF WAY, S 45°06'18" E A DISTANCE OF 400.99 FEET TO A FOUND 1/2" REBAR; THENCE S 41°12'00" W A DISTANCE OF 379.35 FEET BACK TO THE POINT OF BEGINNING OF SAID 3.40 ACRE TRACT.

TRACT 2 LEGAL DESCRIPTION

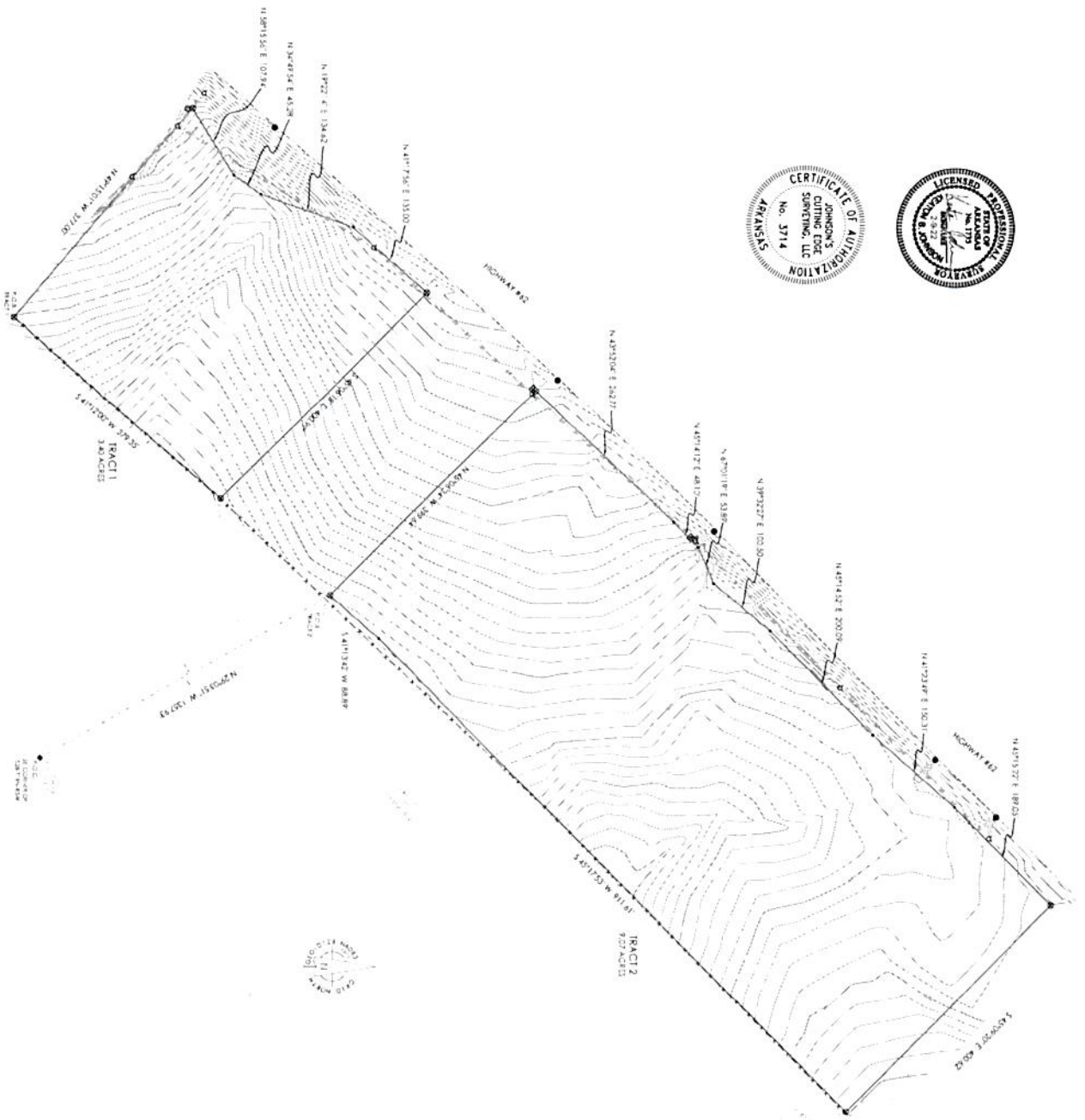
A 9.07 ACRE TRACT OF LAND BEING PART OF THE E 1/2 OF THE SE 1/4 OF SECTION 28 AND PART OF THE NW 1/4 OF THE SW 1/4 OF SECTION 27 ALL IN TOWNSHIP 19 NORTH, RANGE 5 WEST, SHARP COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND STATE MONUMENT, REPRESENTING THE SE CORNER OF SAID SECTION 28;

THENCE N 29°03'51" W A DISTANCE OF 1357.93 FEET TO A FOUND 1/2" REBAR, REPRESENTING THE POINT OF BEGINNING; THENCE N 45°06'34" W A DISTANCE OF 399.64 FEET TO A FOUND 1/2" REBAR ON THE SOUTH RIGHT OF WAY OF HIGHWAY #62; THENCE, ALONG SAID SOUTH RIGHT OF WAY, N 43°52'04" E A DISTANCE OF 262.77 FEET TO A CALCULATED POINT;

THENCE, ALONG SAID SOUTH RIGHT OF WAY, N 45°14'12" E A DISTANCE OF 48.10 FEET TO A CALCULATED POINT; THENCE, ALONG SAID SOUTH RIGHT OF WAY, N 67°01'19" E A DISTANCE OF 53.89 FEET TO A CALCULATED POINT; THENCE, ALONG SAID SOUTH RIGHT OF WAY, N 39°32'27" E A DISTANCE OF 100.50 FEET TO A CALCULATED POINT; THENCE, ALONG SAID SOUTH RIGHT OF WAY, N 45°14'52" E A DISTANCE OF 200.09 FEET TO A CALCULATED POINT; THENCE, ALONG SAID SOUTH RIGHT OF WAY, N 41°23'49" E A DISTANCE OF 150.31 FEET TO A CALCULATED POINT; THENCE, ALONG SAID SOUTH RIGHT OF WAY, N 45°15'22" E A DISTANCE OF 189.05 FEET TO A FOUND 1/2" REBAR; THENCE, LEAVING SAID SOUTH RIGHT OF WAY, S 45°09'20" E A DISTANCE OF 400.62 FEET TO A FOUND 1/2" REBAR; THENCE S 45°17'53" W A DISTANCE OF 91.61 FEET TO A CALCULATED POINT;

THENCE S 41°13'42" W A DISTANCE OF 88.89 FEET BACK TO THE POINT OF BEGINNING OF SAID 9.07 ACRE TRACT

- [illegible]



FIRST COMMUNITY BANK

Date:	Drawn:
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2013	2012
2013	2012

0-1735-00357	1
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Johnson's

ing Edge Survey

www.elsevier.com/locate/jmb

100	200
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and I received an original K&A!

SURVEY CODE:

5511-19-002-92-0-AASD-PN-03W-0-28-200-67-1735

ORDINANCE NO. _____

AN ORDINANCE DEFINING AND LIMITING OUTDOOR NIGHTTIME LIGHTING
WITHIN THE CITY LIMITS OF THE CITY OF HIGHLAND, ARKANSAS; PROVIDING
FOR ENFORCEMENT AND PENALTIES FOR VIOLATION; DECLARING AN
EMERGENCY TO EXIST; AND FOR OTHER PURPOSES

THEREFORE BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF HIGHLAND,
ARKANSAS THAT:

LIGHTING ORDINANCE

City of Highland

Whereas, we understand that good outdoor lighting at night benefits all citizens.

Whereas, we understand that good lighting increases safety, creates a town's evening character, and provides security.

Whereas, we understand that new lighting technologies, such as LED lights, have produced lights that are extremely powerful, and when improperly installed, create problems of excessive glare, light trespass, and higher energy usage.

Whereas, we understand that Excessive Glare can be annoying and may cause safety problems.

Whereas, we understand that Light Trespass reduces everyone's privacy and reduces enjoyment of all properties.

Whereas, we understand that Higher Energy use results in increased cost for everyone.

This ordinance is intended to reduce the problems created by improperly designed and installed outdoor lighting. It is intended to eliminate problems of glare, minimize light trespass, and help reduce the energy and financial costs of outdoor lighting by establishing regulations which limit the area that certain kinds of outdoor-lighting fixtures can illuminate and by limiting the total allowable illumination of lots located in the City of Highland. All businesses, residential, and community driveway, sidewalk, and property luminaires should be installed with the idea of being a "good neighbor", with attempts to keep unnecessary direct light from shining onto abutting properties or streets.

Article 1

1.1 DEFINITIONS: For the purposes of this Ordinance, terms used shall be defined as follows:

Direct Light: Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire

Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Flood or Spot light: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Fully-shielded lights: outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Glare: Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

Grandfathered luminaires: Luminaires not conforming to this code that were in place at the time this code was voted into effect. When an ordinance "grandfathers" a luminaire, it means that such already-existing outdoor lighting does not need to be changed unless a specified period is specified for adherence to the code.

[change code to Ordinance]

Height of Luminaire: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

Indirect Light: Direct light that has been reflected or has scattered off of other surfaces.

Lamp: The component of a luminaire that produces the actual light.

Light Trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Lumen: A unit of luminous flux. One footcandle is one lumen per square foot. For the purposes of this Ordinance, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.

Luminaire: This is a complete lighting system, and includes a lamp or lamps and a fixture.

Outdoor Lighting: The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Off-Site Sign: Any sign which directs attention to a business, profession, product, or service which is not sold, conducted, or offered on the premises or at the location where the sign is located.

Temporary outdoor lighting: The specific illumination of an outside area of object by any man-made device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.

Article 2

2.1 REGULATIONS: All public and private outdoor lighting installed in the City of Highland shall be in ~~conformance~~ ^{comply} with the requirements established by this Ordinance. All previous language in Highland bylaws and ordinances regarding outdoor lighting is replaced with this ordinance.

2.2 CONTROL OF GLARE – LUMINAIRE DESIGN FACTORS:

- A. Any luminaire with a lamp or lamps rated at a total of MORE than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.
- B. Any luminaire with a lamp or lamps rate at a total of MORE than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire may not exceed 25 feet.

2.3 EXCEPTIONS TO CONTROL OF GLARE:

- A. Any luminaire with a lamp or lamps rated at a total of 1800 lumens or LESS, and all flood or spot luminaires with a lamp or lamps rated at 900 lumens or LESS, may be used without restriction to light distribution or mounting height, except that if any spot of flood luminaire rated 900 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward ~~residential buildings on~~ adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions.

⑦

Exceptions: Any light source used for such events that shall be turned-off at the conclusion of the event.

2.6 PROHIBITIONS.

- A. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.
- B. Searchlights. The operation of searchlights for advertising purposes is prohibited.
- B. Outdoor Advertising Off-Site Signs. Electrical illumination of outdoor advertising off-site signs is prohibited between the hours of 11:00 p.m. and sunrise.

2.7 TEMPORARY OUTDOOR LIGHTING.

- Which*
- A. Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the Highland Planning Commission or Code Enforcement Officer after considering: (1) the public and/or private benefits that will result from the temporary lighting; (2) any annoyance or safety problems that may result from the use of the temporary lighting; and (3) the duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Highland Planning Commission, who shall consider the request at a duly called meeting. Prior notice of the meeting of the Highland Planning Commission shall be given to the applicant and to the City of Highland Mayor's office. The Highland Planning Commission shall render its decision on the temporary lighting request within two weeks of the date of the meeting. A failure by the Highland Planning Commission to act on a request within the time allowed shall constitute a denial of the request.

ARTICLE 3

3.1 EFFECTIVE DATE AND GRANDFATHERING OF NONCONFORMING LUMINAIRES:

- A. This ordinance shall take effect immediately upon approval by the Highland City Council and shall supersede and replace all previous ordinances pertaining to outdoor lighting.
- B. All luminaires lawfully in place prior to the date of the Ordinance shall be granted a 2 year grace period to allow time to conform with this ordinance. Advertising signs shall be grandfathered only for a period of ten years, as specified in section 2.4.C.
- C. Luminaires that direct light toward streets or parking lots that cause disability glare to motorists or cyclists should be either shielded or re-directed within 180 days of notification, so that the luminaires do not cause a potential hazard to motorists or cyclists.

ARTICLE 4

4.1. NEW SUB-DIVISION CONTRUCTION.

- A. Submission Contents. The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall

B. Luminaires used for public-roadway illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property.

used

C. All temporary emergency lighting ~~need~~ by the Police or Fire Departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this article.

D. All hazard warning luminaires required by Federal regulatory agencies are exempt from the requirements of this article, except that all luminaires used must be red and must be shown to be as close as possible to the Federally required minimum lumen output requirement for the specific task.

E. Luminaires used primarily for sign illumination may be mounted at any height to a Maximum of 25 feet, regardless of lumen rating.

city

F. Law Governing Conflicts. Where any provision of federal, state, county, or town statutes, codes, or laws conflicts with any provision of this code, the most restrictive shall govern unless otherwise regulated by law.

2.4 OUTDOOR ADVERTISING SIGNS.

A. Top Mounted Fixtures Required. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of Section 2.2. Bottom-mounted outdoor advertising-sign lighting shall not be used.

B. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less than 41 watts.

C. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this Code within ten years from the date of adoption of this provision.

D. Prohibitions. Electrical illumination of outdoor advertising off-site signs between the hours of 11:00 p.m. and sunrise is prohibited.



2.5 RECREATIONAL FACILITIES.

A. Any light source permitted by this Code may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:

a. All fixtures used for event lighting shall be fully shielded as defined in Section 2.2 of this Code, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.

b. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

submit (as part of the application for permit) evidence that the proposed work will comply with this Code. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the laws of this jurisdiction upon application for the required permit:

Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;

description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required);

photometric data, such as that furnished by manufacturers, or similar showing the angle of cut off or light emissions.

B. Additional Submission. The above required plans, descriptions and data shall be sufficiently complete to enable the plans examiner to readily determine whether compliance with the requirements of this Code will be secured. If such plans, descriptions and data cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.

C. Subdivision Plat Certification. If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying that the applicable provisions of the City of Highland Outdoor Lighting Code will be adhered to.

D. Lamp or Fixture Substitution. Should any outdoor light fixture, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the building official for his approval, together with adequate information to assure compliance with this code, which must be received prior to substitution.

ARTICLE 5

5.1. NOTIFICATION REQUIREMENTS:

A. The City of Highland building permit shall ~~include a statement asking whether the planned project will include any outdoor lighting.~~ *require disclosure of*

C. Within 60 days of the enactment of this ordinance, the Code Enforcement Officer or Mayor's office shall send a copy of the Outdoor Lighting Ordinance, with a cover letter to all local electricians and local electric utility (including at least those in the City of Highland, and may also send the same to those in the Cities of Ash Flat, Cherokee Village, and Hardy).

ARTICLE 6

6.1. VIOLATIONS, LEGAL ACTIONS, AND PENALTIES:

- ordinance* ~~It shall be a civil infraction~~ *unlawful or entity*
- A. Violation. ~~It shall be a civil infraction~~ for any person to violate any of the provisions of this Code. Each and every day during which the violation continues shall constitute a separate offense.
- B. Violations ~~and Legal Actions~~ *g*. If, after investigation, the Code Enforcement Officer finds that any provision of the Ordinance is being violated, he shall give notice by hand delivery or by certified mail, return-receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that violation be abated within sixty (60) days of the date of hand delivery or of the date of mailing of the notice. If the violation is not abated within the sixty-day period, the Code Enforcement Officer may institute actions and proceedings, ~~either legal or equitable~~ *2*, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.
- C. Penalties: A violation of this Ordinance, or any provision thereof, shall be punishable by a civil penalty of not less than fifty dollars nor more than one thousand dollars ~~for any individual (and not more than five thousand dollars for any corporation, association, or other legal entity)~~ *2* for each violation. The imposition of a fine under this Code shall not be suspended. Each day of violation after the expiration of the sixty-day period provided in paragraph B shall constitute a separate offense for the purpose of calculating the civil penalty.
- NCW*

6.1 C. Penalties: A violation of this Ordinance, or any provision thereof, shall be punishable by a penalty of not less than \$50.00 (Fifty Dollars) nor more than \$1,000.00 (One Thousand Dollars) for a first violation. Subsequent violations shall be punishable by a penalty of not less than \$100.00 (One Hundred Dollars) nor more than \$2,000.00 (Two Thousand Dollars). A continuous violation of this Ordinance will be punishable by a penalty of \$500.00 (Five Hundred Dollars) for each day the violation continues. The imposition of a penalty under this Ordinance shall not be suspended.

7.0. Repealer Clause

All ordinances or resolutions or any parts thereof in conflict with the hereinabove are repealed to the extent of the conflict.

8.0. Severability Clause

If any provision of this ordinance or the application thereof or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

EMERGENCY CLAUSE. It being necessary for the continued planning for the orderly development of the City of Highland and for certainty for its citizens in planning, the City Council of the City of Highland, Arkansas, recognizes and declares an emergency to exist, and this Ordinance, being necessary for the preservation of the public peace, health, comfort, convenience, morals, safety and welfare of the City of Highland, Arkansas, shall be in full force and effect from the date of its adoption.

Passed and approved this the _____ day of _____, 2023.

APPROVED:

Kyle Crawford, Mayor

ATTEST:

Mary Ruth Wiles, Clerk/Recorder