



City of Farmington  
354 W. Main Street  
P.O. Box 150  
Farmington, AR 72730  
479-267-3865  
479-267-3805 (fax)

***PLANNING COMMISSION AGENDA***  
***September 25, 2017***

**A meeting of the Farmington Planning Commission will be held on  
Monday, September 25, 2017 at 6:00 p.m. at City Hall  
354 W. Main Street, Farmington, Arkansas.**

1. Roll Call
2. Approval of the minutes - August 28, 2017
3. Comments from Citizens – the Planning Commission will hear brief comments at this time from citizens. No action will be taken. All comments will be taken under advisement.
4. **PUBLIC HEARING**
  - A. **Variance Request:** requesting variance from MF-2 zoning requirements – lot size  
**Property owned by:** Cedar Mountain Properties, LLC.  
**Property Location:** Old Farmington Rd.  
**Presented by:** Geoff Bates – Bates & Associates
  - B. **Variance Request:** requesting variance from height limitations  
**Property owned by:** Farmington School District #6  
**Property Location:** 12329 N. Hwy 170  
**Presented by:** Geoff Bates – Bates & Associates
  - C. **Sign Ordinance** - Billboards
5. **NEW BUSINESS**
  - A. **Large Scale Development:** Old Farmington Rd. Townhouses  
**Property owned by:** Cedar Mountain Properties, LLC.  
**Property Location:** .94 acres on Old Farmington Rd, south of Collier Drug Building  
**Presented by:** Geoff Bates - Bates & Associates
  - B. **Large Scale Development:** Farmington Public Schools  
**Property owned by:** Farmington Public Schools  
**Property Location:** 12329 N. Hwy 170  
**Presented by:** Geoff Bates – Bates & Associates

**Planning Commission Minutes**  
**August 28, 2017**

1. **ROLL CALL** – Meeting was called to order by Chairman Robert Mann. A quorum was present.

**PRESENT**

Howard Carter  
Jay Moore  
Toni Bahn  
Robert Mann, Chair  
Gerry Harris  
Judy Horne  
Bobby Wilson

**ABSENT**

Matt Hutcherson

**City Employees Present:** Melissa McCarville, City Business Manager; Rick Brammall, City Inspector; Steve Tennant, City Attorney; Chris Brackett, Engineer/ McGoodwin, Williams, Yates

2. **Approval of Minutes:** July 24, 2017 minutes were approved as written.

3. **Comments from Citizens:** No comments by citizens.

**PUBLIC HEARING**

**4A. Variance Request – Lot 9 – Twin Falls Addition, Phase 1; owners, Jeremy Scott & Jennifer Sharpshair.**

Jeremy Scott Sharpshair, owner of Lot 9, again presented his rationale for the lot split request after having been denied approval at the July 24, 2017 meeting.

- 1) Septic approval for 4 out of 5 test sites to support septic system lines.
- 2) Regarding setting precedent mentioned at the July meeting, he said Commission had approved one lot of .91 acres and in addition there are 40+ lots in the subdivision that are not one acre in size.
- 3) He does not think new home on split lot will cause more runoff on neighbor (Mr. and Mrs. Houser at 376 Eagle Ridge) to the east.

City Administrator Melissa McCarville said that conditions could be put on a variance.

City Attorney Steve Tennant noted that great concerns about drainage are always an issue, and asked Mr. Sharpshair if he would agree to such thing as an engineer's study of water flow and drainage and also having a compaction test to check about the stability of the soil since a pond had once been on this lot. Mr. Sharpshair said he would agree to such a proposal.

In Public Comment, Janette Houser, whose home is adjacent to lot in question to the east, made her appeal that the lot not be split with concerns about flooding onto her property. She also questioned how Mr. Sharpshair could bring another request back to the Planning Commission. Melissa McCarville said that he could actually bring it before the Planning Commission every month if he chose to do so. She also questioned if the .86 acre lot was a sufficient septic drain field. She said that some of the neighbors who signed the petition Mr. Sharpshair took around were given the impression that a street could be built there if a house was not put there.

After further discussion, it was determined that that stipulations could be made a part of approval of the lot split.

Chairman Robert Mann called for question to approve variance request for lot-split for Lot 9 in Twin Falls Addition, Phase 1, on Eagle Ridge, requested by Jeremy Scott and Jennifer Sharpshair, owners, contingent upon the following conditions being met before a building permit will be issued:

- 1) A Grading Permit must be obtained as per the requirements in the Farmington Grading, Erosion Control, and Stormwater Pollution Prevention Ordinance.
- 2) Builder must submit for review an engineered foundation design.

Motion passed unanimously.

**4B. Variance Request From Street Improvement on Old Farmington Road Property,** Cedar Mountain Properties, LLC owner, presented by Geoff Bates – Bates & Associates

City Business Manager Melissa McCarville reminded that the City does not generally waive street improvements unless it is a rare case such as waiving street improvements for the new Farmington High School since the Highway Department will be working on Highway 170 soon.

City Engineer Chris Brackett felt that a curbed street would be necessary for that location.

There were no comments from citizens.

Chairman Mann called for question to approve variance which would allow street improvements to be waived for the Old Farmington Road development located behind Colliers Drug Store. All Commissioners presented voted “No” and the variance request was denied.

**4C. Rezoning request from A-1 to MF-1. Location: 30.19 acres at South 54<sup>th</sup> Street and Woolsey Farm Road (Farmington Heights Phase 2) -** Property owned by Indian Territory, LLC. Presented by Ferdi Fourie, Civil Design Engineers

Engineer Ferdi Fourie explained the location of proposed development which would be adjacent to recently approved Farmington Heights residential subdivision. The proposal is for duplexes on 80 lots, which would equal 160 residential units. He was asked why not ask to rezone for houses, but developer felt this would be a good fit for this area.

Steve Tennant read from a letter from the City of Fayetteville Planning Office, sent because the proposed rezoning is adjacent to Fayetteville. They were opposed to the rezoning, saying it was not an appropriate land use to fit in with what was in surrounding area.

Citizens were invited to comment and long-time resident Ashley Swaffar of 5581 Sellers Road spoke against the rezoning. She stated that such high-density housing would lower residents’ property values and the already narrow roads would become even more crowded and dangerous. Further, she was fearful that water from this high-density development would flood neighboring properties.

Chairman Mann called for question to rezone 30.19 acres of land located at South 54<sup>th</sup> Street and Woolsey Farm Road from A-1 to MF-1. Upon vote, all Commissioners voted “No.” Rezone request failed.

## **NEW BUSINESS**

### **5.A. Large Scale Development – Old Farmington Rd. Townhouses – behind 197 E. Main (Colliers Drug) , property owned by Collier Diversification Specialties, LLC.**

Representatives asked to table this item and it was agreed to.

### **5.B. Large Scale Development: Farmington Village (Briar Rose Expansion) at 60 E. Main, property owned by Larry Bowden.**

Geoff Bates explained that the proposal would include a small shopping center, patio, smoker and dining facilities.

There was lengthy discussion on this proposal and concerns were noted by City Engineer Chris Brackett. He asked for corrections and clarifications and when returned to him it still was not corrected and even at this time, Mr. Brackett had concerns and could not give his approval at this time. After more discussion it was suggested that the LSD be approved with the condition that Geoff Bates would have to work with Chris Brackett to make corrections. Gerry Harris noted that this concept had been brought to the Planning Commission many months ago and did not think one more month would be a hardship for Mr. Bates to make corrections and resubmit the Large Scale Development for Planning Commission approval.

There was no comment from citizens.

Chris Brackett’s memo with comments and conditions was presented to the Commissioners and is shown below in its entirety:

The Large Scale Development Plan for the Farmington Village has been reviewed and we cannot recommend that the Planning Commission approve the current plan based on the detention design does not meet the requirements to be considered a final design.

The Farmington Drainage Criteria Manual (DCM) states in the requirements of the Preliminary Drainage Report that the detention pond design shall be a “final” design in sufficient detail to establish a final size, depth, location and detail requirements to justify or prove the application of detention. In our opinion, the current design does not meet this requirement.

If the Planning Commission decides to approve this plan against our recommendation, this approval should be conditional on the following comments:

1. All work within the Arkansas Highway and Transportation Department (AHTD) right-of-way must be reviewed and approved by AHTD.
2. All connections to the water and sanitary sewer systems must be approved by the City of Fayetteville.

3. A Flood Plain Development Permit will be required for this project prior to construction plan approval.
4. A completed Grading Permit Application and fee must be submitted prior to final acceptance of the plans. A preconstruction conference will be required prior to any mass grading on the site. The owner, their engineering consultant, and their contractor responsible for the best management practices will be required to attend this conference.
5. After a final review set of plans and drainage report has been accepted by MWY, the applicant should submit to MWY three (3) sets of full-size plans and two (2) sets of half-size plans, and two (2) copies of the final drainage report that have been sealed by the engineer for final approval and distribution.

The following comments were not fully addressed from the Technical Plat Review. These items can be addressed in the construction plan submittal.

No. 1 Note that the instructions above say that the technical plat comments must be addressed prior to re-submission, and that a narrative for each comment must also be submitted along with the revised plat.

No. 6 Show the 100-Year Flood Boundary from the 1996 Corp Flood Hazard Study on this plat.

No. 7 The ADA requires 1 handicap space per 25 parking spaces provided up to 100 spaces. Add one additional handicap space to meet this requirement.

No. 8 Label the greenspace and width for the new sidewalk along Highway 62.

No. 9 The extension of Valley Drive will have to be built to City Street Standards up to this property. I assume the lines shown on the plat are the existing Right-of-Way for Valley Drive; please label.

Chairman Mann called for question to approve Large Scale Development for Farmington Village (Briar Rose Expansion) located at 60 East Main contingent upon:

City Engineer's and conditions recommendations 1. through 5. and No. 1, No. 6, No. 7, No. 8, and No. 9 in memo dated August 28, 2017 be met

AND, that Chris Brackett meet with project engineer Geoff Bates to carefully work out details to Chris Brackett's satisfaction.

Voting "Yes": Howard Carter, Jay Moore, Toni Bahn, Bobby Wilson. Voting "No": Gerry Harris and Judy Horne.

**6. Adjournment:** Having no further business, meeting was adjourned.

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Judy Horne - Secretary

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Robert Mann - Chair

# City of Farmington Application for Variance



Please fill out this form completely, supply all necessary information to support your request. Your application will not be placed on the agenda for Planning Commission/Board of Adjustment until all information is furnished.

Applicant: Jerry Coyle - Coyle Enterprises Day Phone: 479-267-5847

Address: 930 East Parks Street, Prairie Grove Fax: \_\_\_\_\_

Representative: Geoff Bates - Bates & Associates Day Phone: 479-442-9350

Address: 7230 S. Pleasant Ridge Dr, Fayetteville Fax: \_\_\_\_\_

Property Owner: Cedar Mountain Properties, LLC Day Phone: \_\_\_\_\_

Address: P.O. Box 1194, Fayetteville, AR Fax: \_\_\_\_\_

Indicate where correspondence should be sent (circle one): Applicant — **Representative** — Owner

Describe Proposed Property In Detail (Attach additional pages if necessary)

### Property Description

Site Address - East Old Farmington Rd

Current Zoning -- MF-2

Attach legal description and site plan (a scaled drawing of the property showing accurate lot lines, surrounding zoning, adjacent owners and a north arrow is required.) Attach photos if they are helpful in describing your request.

Type of variance requested and reason for request:

The Applicant requests a variance from the MF-2 Zoning District's density requirement of 6,000 sq. ft. per unit. This property underwent a Property Line Adjustment to meet the density requirement. Master Street Plan Right-of-Way Dedication was not considered in the attempt to meet the density requirements. The resulting density is 1 unit per 5,311 sq. ft. However, the proposed development will have a lot coverage of 20%, while the requirement is that it shall not exceed 40%

Responsibilities of the Applicant:

1. Complete application and pay a \$25.00 application fee.
2. Provide a copy of the deed for the property. If the property is rented, provide written permission from the owner that the variance is allowable.
3. Written authorization from the property owner if someone other than the owners will be representing the request.
4. Publish the following notice in a newspaper of general circulation in the City no later than 7 days prior to the meeting, A copy of the proof of publication from the newspaper must be provided to the City 3 days before the meeting:

**NOTICE OF PUBLIC MEETING**

A petition for a variance at the property described below has been filed with the City of Farmington on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

***PLACE LEGAL DESCRIPTION HERE AND DESCRIPTION OF THE VARIANCE HERE***

A public meeting to consider this request for variance at the above described property will be held on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at 6:00 p.m. at Farmington City Hall, 354 West Main, Farmington, Arkansas. All interested persons are invited to attend.

*Applicant/Representative: I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incomplete, incorrect or false information is grounds for invalidation of the application. I understand that the City of Farmington may not approve my application or may set conditions on approval.*

 \_\_\_\_\_ Date 9-5-17

Applicant Signature

*Property Owner/Authorized Agent: I certify under penalty of perjury that I am the owner of the property that is the subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating the agent is authorized to act on their behalf.)*

\_\_\_\_\_ Date \_\_\_\_\_

Owner/Agent Signature

**RECEIPT**

DATE 9-13-17

No. 564600

RECEIVED FROM Bates & Associates \$25.00

Twenty five & no / 100. DOLLARS

FOR RENT

FOR for variance for density requirements

ACCOUNT	
PAYMENT	<u>25.00</u>
BAL. DUE	

- CASH
- CHECK
- MONEY ORDER
- CREDIT CARD

FROM \_\_\_\_\_ TO \_\_\_\_\_  
BY B. Coleman



01



Doc ID: 014571230003 Type: REL  
Kind: WARRANTY DEED  
Recorded: 05/02/2012 at 03:45:44 PM  
Fee Amt: \$25.00 Page 1 of 3  
Washington County, AR  
Bette Stamps Circuit Clerk

File **2012-00012509**

WARRANTY DEED  
LIMITED LIABILITY COMPANY

KNOW ALL MEN BY THESE PRESENTS:

That Collier Landholdings, LLC, an Arkansas limited liability company, hereinafter called Grantor, duly authorized by proper operating agreement of its members, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to it in hand paid by Collier Diversification Specialties, LLC, an Arkansas limited liability company, hereinafter called Grantee, do hereby grant, bargain and sell unto the said Grantee and Grantee's successor and assigns forever, the following described land situate in Washington County, Arkansas, to-wit:

20246-11

Description being the same as shown on Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the same unto the said Grantee, and unto its successor and/or assigns, forever. And the said Grantor hereby covenants that it is lawfully seized of said land and premises, that the same is unencumbered, and that it will forever warrant and defend the title of said lands against all legal claims whatsoever.

IN TESTIMONY WHEREOF the name of the Grantor is hereby affixed this 2 day of May, 2012

Collier Landholdings, LLC, an  
Arkansas limited liability company

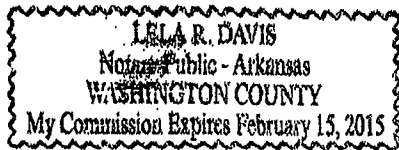
By: C. M. Collier  
Managing member

**ACKNOWLEDGMENT**

STATE OF ARKANSAS )  
COUNTY OF Washington ) ss.

On this 25<sup>th</sup> day of April, 2012, before me a notary public, personally appeared C. Mel Collier, known to me to be the person whose name is subscribed to the foregoing instrument and who acknowledged that he had executed the same in his capacities for the purposes and considerations therein set forth.

In witness whereof I hereunto set my hand and official seal.



Lela R. Davis  
Notary Public

*mailing statement to: Collier Diversification Specialists, LLC*

*100 W. Dickson  
Fayetteville, AR 72701*

I certify under penalty of false swearing that the legally correct amount of documentary stamps have been placed on this instrument.

Grantee Bonnie Elizabeth Agent  
Address 380 Brent Street Dr  
Fayetteville, AR

EXHIBIT "A"

Lot 2 of Willow Creek Addition, Phase 1 to the City of Johnson as per the final plat recorded on survey plat record 23A-16 in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas. Subject to easements and rights-of-way of record.

ALSO

Part of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of Section 21, Township 17 North, Range 30 West, of the Fifth Principal Meridian, Washington County, Arkansas, being more particularly described as follows: Commencing at the Northwest corner of said Section 21, thence along the North line of Section 21, South 87 degrees 29 minutes 50 seconds East -2174.50 feet, thence South 7 degrees 31 minutes 01 seconds West-233.68 feet to the point of beginning, said point being on the East right of way line of Willow Creek Drive, thence South 86 degrees 49 minutes 41 seconds East-223.05 feet; thence South 3 degrees 10 minutes 19 seconds West -10.00 feet to a point on the North line of Lot 7, Phase 3, Willow Creek Addition; thence along said North line North 86 degrees 49 minutes 41 seconds West 223.81 feet to a point on the East right of way line of Willow Creek Drive; thence along said East right of way line North 7 degrees 31 minutes 01 seconds East -10.03 feet to the point of beginning, containing 0.05 acres, more or less. Subject to easements, rights-of-ways, and protective covenants of record.

ALSO

A part of the Northeast Quarter (NE1/4) of the Northwest Quarter (NW1/4) of Section 21, Township 17 North, Range 30 West, as described in Warranty Deed Recorded as Land Document No. 99-46708 and shown on survey plat record 23A-16 (replat of Tract 1 of Plat 2000-5738) in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, being more particularly described as follows: Beginning at the SW corner of Lot 2 Willow Creek Addition, Phase 1 as shown on survey plat record 23A-16, thence South 86 degrees 49 minutes 41 seconds East along the South line of said Lot 2 a distance of 200.01 feet to the SE corner of said Lot 2; thence North 3 degrees 10 minutes 19 seconds East along the East line of said Lot 2 a distance of 150.00 feet to the NE corner of said Lot 2, said point being on the South right of way of Great House Springs Road; thence South 86 degrees 49 minutes 53 seconds East along said South right of way line a distance of 20.00 feet; thence South 3 degrees 10 minutes 19 seconds East 190.00 feet; thence North 86 degrees 49 minutes 41 seconds West 223.05 feet to a point on the East right of way line of Willow Creek Drive; thence North 7 degrees 31 minutes 01 seconds East along said East right of way line a distance of 40.11 feet to the point of beginning, containing 0.27 acres, more or less. Subject to easements and right-of-way of record.

ALSO

Part of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 23, Township 16 North, Range 31 West, being more particularly described as follows, to-wit: Beginning at a point which is North 25.00 feet from the Southeast corner of said Section 23, and running thence West 264.00 feet, thence North 283.61 feet to the South right-of-way of U.S. Highway 62 and running thence along said right of way North 50 degrees 16 minutes 16 seconds East 206.74 feet; thence South 280.00 feet; thence East 105.00 feet; thence South 135.75 feet to the point of beginning, containing 69,853.44 sq. ft. or 1.60 acres, more or less. Subject to easements, rights-of-way, and protective covenants of record.

# City of Farmington Application for Variance



Please fill out this form completely, supply all necessary information to support your request. Your application will not be placed on the agenda for Planning Commission/Board of Adjustment until all information is furnished.

Applicant: Farmington Public Schools Day Phone: 479-266-1860

Address: 278 W. Main Street Fax: \_\_\_\_\_

Representative: Geoff Bates - Bates & Associates Day Phone: 479-442-9350

Address: 7230 S. Pleasant Ridge Dr, Fayetteville Fax: \_\_\_\_\_

Property Owner: Farmington School District #6 Day Phone: \_\_\_\_\_

Address: 42 S. Double Springs Rd Fax: \_\_\_\_\_

Indicate where correspondence should be sent (circle one): Applicant — **Representative** — Owner

Describe Proposed Property In Detail (Attach additional pages if necessary)

### Property Description

Site Address - 12329 N Hwy 170

Current Zoning -- School

Attach legal description and site plan (a scaled drawing of the property showing accurate lot lines, surrounding zoning, adjacent owners and a north arrow is required.) Attach photos if they are helpful in describing your request.

Type of variance requested and reason for request:

The Applicant requests a variance from height limitations for this development. Due to the required capacity of the football stadium bleachers, the Press Box will exceed the restriction of 40' in height. The proposed maximum height of the Press Box is approximately 70'.

Responsibilities of the Applicant:

1. Complete application and pay a \$25.00 application fee.
2. Provide a copy of the deed for the property. If the property is rented, provide written permission from the owner that the variance is allowable.
3. Written authorization from the property owner if someone other than the owners will be representing the request.
4. Publish the following notice in a newspaper of general circulation in the City no later than 7 days prior to the meeting, A copy of the proof of publication from the newspaper must be provided to the City 3 days before the meeting:

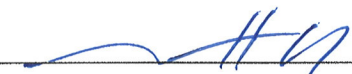
**NOTICE OF PUBLIC MEETING**

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***PLACE LEGAL DESCRIPTION HERE AND DESCRIPTION OF THE VARIANCE HERE***

A public meeting to consider this request for variance at the above described property will be held on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at 6:00 p.m. at Farmington City Hall, 354 West Main, Farmington, Arkansas. All interested persons are invited to attend.

*Applicant/Representative: I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incomplete, incorrect or false information is grounds for invalidation of the application. I understand that the City of Farmington may not approve my application or may set conditions on approval.*

 \_\_\_\_\_ Date 9-5-17

Applicant Signature

*Property Owner/Authorized Agent: I certify under penalty of perjury that I am the owner of the property that is the subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating the agent is authorized to act on their behalf.)*

\_\_\_\_\_ Date \_\_\_\_\_

Owner/Agent Signature

# RECEIPT

DATE 9-13-17No. 540301RECEIVED FROM Bates & associates\$25.00Twenty five & no / 100 DOLLARS FOR RENT  
 FOR variance - height limitations

ACCOUNT	
PAYMENT	<u>25.00</u>
BAL. DUE	

- CASH
- CHECK
- MONEY ORDER
- CREDIT CARD

FROM \_\_\_\_\_ TO \_\_\_\_\_  
BY B. Coleman

ORDINANCE NO. 2017-\_\_\_\_\_

AN ORDINANCE TO \_\_\_\_\_

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FOR THE CITY OF FARMINGTON

WHEREAS,

WHEREAS,

WHEREAS, .

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

Section 1: Digital billboards (smartboards) shall be permitted subject to acquiring a conditional use permit and meeting the following regulations.

A. Placement. Digital billboards shall only be permitted to replace existing legally nonconforming off-site signs. The existing off-site signs shall be removed prior to installation of the digital billboard that is replacing is replacing the off-site signs being removed.

B. Location.

a. Signs Per Lot. Only one (1) digital billboard sign structure shall be permitted per lot. Double sided signs shall be permitted.

b. Zoning. Digital billboards shall only be permitted in districts.

c. Setback. Digital billboards shall be placed behind the front, side and rear setback of the district and shall not be placed within 250 feet of a residential zone.

50' from closest part of sign

C. Dimensions.

a. Maximum Height. Digital billboards shall not exceed 45' in height when adjacent to Hwy 62. Digital billboard height is measured from the street grade that the sign is oriented toward.

b. Maximum Sign Area. Digital billboards shall not exceed 300 sq. ft. in sign area when adjacent to Hwy. 62. The size of the replacement digital billboard may not exceed the size of the existing off-site sign removed.

D. Display.

a. Static Messages. Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, during the static display period, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination of the flashing, scintillating or the varying of light intensity during the static display period.

b. Dwell Time and Transition Time. Messages on digital billboards shall be displayed for a minimum dwell time of eight (8) seconds and maximum transition time between messages shall not exceed one (1) second.

E. Lighting.

a. Maximum Brightness. Digital billboards shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a distance of 150' for a 12 X 24 board. Documentation shall be provided to the City at a time of permit issuance certifying the digital billboard has been set to be incapable of exceeding .3 foot candles above ambient light.

b. Light Sensing Device. Each display must have a light sensing device that will adjust the brightness as ambient light conditions change.

F. Landscaping. All digital billboards shall be landscaped in accordance with Sec. 801.9D.3 Freestanding Signs - Nonresidential District, Sign Landscaping and meet the following requirement: Trees and shrubs shall be selected such that the mature height of the selected species



is tall enough to reach the base of the sign face. For monument style boards, low lying shrubs may be used in place of tree requirements at a ratio of 1:1.

G. Malfunction Default. Each digital billboard shall have a default mechanism built in to either turn the display off or show "full black" on the display in the event of a malfunction.

H. Display Technology. The technology currently being deployed for digital billboards is LED (light emitting diode), but there may be alternate, preferred and superior technology available in the future. Any other technology that operated under the maximum brightness stated in F(a) above shall not require an ordinance change for approval.

I. Display of Emergency Information. Owners of digital billboards are encouraged to coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or emergency management information.

J. Public Service and Community Charitable Advertisements

K. Maintenance. The maintenance, repair, cleaning and replacements of parts of the digital component shall be expressly allowed regardless of the conformity of the structure or site. This also applies should the sign and/or digital components become damaged.

L. Sign Support. Digital billboards shall be independent of support from any building and shall be structurally erected as a freestanding pole sign only, unless proposed support is approved by Planning Commission. Horizontal sign anchoring, such as torsion bars, shall be located behind the sign face(s). No skirting of support arms shall be permitted. Pole and sign frame shall be rust free and free of peeling paint.

PASSED AND APPROVED this \_\_\_\_ day of September, 2017.

APPROVED:

By: \_\_\_\_\_  
Ernie Penn, Mayor

ATTEST:

By: \_\_\_\_\_  
Kelly Thomas, City Clerk