



**WORKSHOP & REGULAR MEETING
OF THE TOWN COUNCIL**

Tuesday, April 19, 2022

6:00 PM

Little Elm Town Hall

100 W Eldorado Parkway, Little Elm, TX 75068

1. **Call to Order Council Workshop at 6:00 p.m.**
 - A. Present and Discuss the **Little Elm Youth Council**.
 - B. Present and Discuss **Updates to the Little Elm Governance Policy**.
 - C. Present and Discuss **Proposed Amendments to Chapter 86 - Sign Code (in general), Chapter 106 - Zoning Code (Sec. 106.02.01 - Planning and Zoning Commission and Sec. 106.02.02 Board of Adjustment), and Chapter 26 - Business (Sec. 26-283. Special Events)**.
 - D. Discuss **Holding a Special Council Meeting in September 2022**.
2. **Roll Call/Call to Order Regular Town Council Immediately Following Council Workshop**.
 - A. Invocation.
 - B. Pledge to Flags.

- C. Items to be Withdrawn from Consent Agenda.
- D. Emergency Items if Posted.
- E. Request by the Town Council for Items to be Placed on a Future Agenda for Discussion and Recognition of Excused Absences.
- F. Presentation of Monthly Updates.
- G. Town Council to Highlight Items on the Agenda Needing Further Discussion or Comments Prior to the Regular Session.

3. **Presentations.**

- A. Present a **Proclamation Recognizing Debra Liva as Mayor of Little Elm, TX for a Day.**
- B. Present a **Proclamation Declaring April 23 through April 29 as Disability Book Week.**
- C. Present a **Proclamation Declaring May 2022 as Mental Health Month and May 7, 2022 as Children's Mental Health Awareness Day.**
- D. Present a **Proclamation Declaring April 10 through 16, 2022 as Animal Care and Control Appreciation Week.**

4. **Public Comments**

Persons may address the Town Council on any issue. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meeting Act, the council may not comment or deliberate such statements during this period, except as authorized by Section 551.072, Texas Government Code.

5. **Consent Agenda**

All matters listed under the Consent Agenda are considered to be routine by the Town Council and require little or no deliberation. There will not be a separate discussion of these items and the agenda will be enacted by one vote. If the Council expresses a desire to discuss a matter listed, that item will be removed from the consent agenda and considered separately.

- A. Consider Action to Approve the **Minutes from the April 5, 2022, Regular Town Council Meeting.**

- B. Consider Action to Authorize a **Letter of Intent for a Pierce Custom Velocity PUC Pumper Truck from Siddons Martin Emergency Group, LLC in the amount of \$839,776.66.**
- C. Consider Action to Approve the **Cost Share Agreement for the Frisco Hills Lift Station.**

6. **Convene in Executive Session pursuant to Texas Government Code:**

- Section 551.071 for private consultation with the Town Attorney to discuss the COVID-19 pandemic and municipal authority to respond to the COVID-19 outbreak and to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the Town Attorney has a duty under the Texas Rules of Discipline and Professional conduct regarding confidential communication with the Town Council.
- Section 551.072 to discuss certain matters regarding real property.
- Section 551.074 of the Texas Government Code to discuss and deliberate personal matters to evaluate performance duties, of a public officer or employee(s).
- Section 551.076 to discuss security matters.
- Section 551.087 to discuss Economic Development.

7. **Reconvene into Open Session**

Discussion and consideration to take any action necessary as the result of the Executive Session:

- COVID-19 Pandemic and the Town's response thereto, including the consideration of an emergency declaration ordinance.
- Section 551.071 for private consultation with the Town Attorney to discuss the COVID-19 pandemic and municipal authority to respond to the COVID-19 outbreak and to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the Town Attorney has a duty under the Texas Rules of Discipline and Professional conduct regarding confidential communication with the Town Council.
- Section 551.072 to discuss certain matters regarding real property.
- Section 551.074 of the Texas Government Code to discuss and deliberate personal matters to evaluate performance duties, of a public officer or employee(s).
- Section 551.076 to discuss security matters.
- Section 551.087 to discuss Economic Development.

8. **Adjourn.**

Pursuant to the Texas Open Meeting Act, (Chapter 551, Texas Government Code), one or more of the above items will be taken or conducted in open session following the conclusion of the executive closed session.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aide of service such as interpreters for the hearing impaired, reader or large print are requested to contact the secretary at 214-975-0452 two days prior to the meeting so appropriate arrangements can be made.
BRaille IS NOT PROVIDED.

Respectfully,

Town Secretary

This is to certify that the above notice was posted on the Town's website this 15th day of April 2022 before 5:00 p.m.



Date: 04/19/2022
Agenda Item #: 1. A.
Department: Administrative Services
Strategic Goal: Ensure strong relationship within the community and region
Staff Contact: Caitlan Biggs, Director of Administrative Services/Town Secretary

AGENDA ITEM:

Present and Discuss the **Little Elm Youth Council**.

DESCRIPTION:

Staff will present a proposal to establish the Little Elm Youth Council.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Staff requests direction from Town Council.



Date: 04/19/2022
Agenda Item #: 1. B.
Department: Administrative Services
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Caitlan Biggs, Director of Administrative Services/Town Secretary

AGENDA ITEM:

Present and Discuss **Updates to the Little Elm Governance Policy.**

DESCRIPTION:

Staff will present recommended updates to the Little Elm Governance Policy. Some of the notable recommendations include:

- Addition of Governance Guidelines and Principles
- Separate sections for the roles of Mayor Pro Tem and Council Liaison
- Defining a Council Liaison term for one year
- Adding in a questionnaire to assist in the selection of liaison assignments
- Addition of Attendance & Training section
- Addition of protocols for Proclamation Requests and Council Commendations
- Clarification of Staff and Council Relations with Advisory Boards, Commissions, and Committees
- Addition of a 4A/4B Corporations section

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Staff requests direction from Town Council.

Attachments

Governance Policy - Redline



LITTLE ELM GOVERNANCE POLICY **HANDBOOK**

FORM OF GOVERNMENT

Refer to Section 2.01 in Form of Government and Powers in the Little Elm Code of Ordinances.

PURPOSE

The Little Elm Town Council, including Council Members and the Mayor, is the governing body for the Town of Little Elm. Therefore, it must bear the initial responsibility for the integrity of governance. The Council is responsible for its own development (both as a body and as individuals), its own discipline and its own performance. By adopting this policy, the Council acknowledges its responsibility to each other, to the professional Staff, and to the public.

GOVERNANCE GUIDELINES

The Town Council will govern the Town in a manner associated with a commitment to the preservation of the values and integrity of representative local government and democracy, and a dedication to the promotion of efficient and effective governing. The following statements will serve as a guide and acknowledge the commitment being made in this service to the community.

The Town Council shall:

- be responsive to the needs of the residents and the Little Elm Community by providing pro-active visionary and strategic leadership and focusing on the future rather than the past;
- recognize its responsibility to the future generations by developing goals that address the interrelatedness of the social, cultural, and natural characteristics of the community;
- communicate and serve with respect, dignity and courtesy in relations with Staff, all Council Members, members of the boards, commissions, committees, and the public;
- endeavor to keep the community informed on municipal affairs and encourage communication between residents and the Town Council;
- strive to develop strong working relationships among Little Elm, Denton County, Little Elm ISD, Frisco ISD, Denton ISD, Little Elm Chamber of Commerce, and other community and civic organizations;
- be committed to improve the quality of life for the individual and the community; and
- be dedicated to the faithful stewardship of the public trust and seek to improve the quality and image of public service.

VALUES IMPORTANT FOR GOVERNANCE GOVERNANCE PRINCIPLES

~~The Town of Little Elm (here and after referred to as the Town) prides itself in offering to its citizenresidents, an equitable form of governance by respectfully maintaining efficient and professional policy making for its stakeholders. This form of government is carried out by the ethical actions of the town council, and assists the residentscitizens by acting as a voice for individuals to freely express their needs and involvement in policy formation, lessening the imbalance of involvement among administration, and the public. Transparency and integrity maintained by the cCouncil will aid in effective delivery of representative democracy desired by both administration and the residents of the Town of Little Elm.~~

The office of elected official is one of trust and service to the residents of Little Elm. This position creates a special responsibility for the Little Elm Council Members, and the following principles shall govern the conduct of each Council Member. A Council Member shall:

- be loyal to the interests of the residents of Little Elm, superseding conflicting loyalty to advocacy or interest groups, membership on other boards, employment with other organizations, and personal interests as an individual resident of the Town;
- be dedicated to the highest ideals of honor and integrity in all public and personal relationships and conduct themselves, both inside and outside the Town's service, so as to give no occasion for the distrust of their integrity, impartiality or of their devotion to the best interests of the Town and the public trust, to merit the respect and confidence of the residents of Little Elm;
- refrain from any activity or action that may hinder the ability to be independent, objective, and impartial on any matter coming before the Council, such as accepting gifts or special favors;
- not condone any unethical or illegal activity, such as using confidential information for personal gain or misusing public funds or time;
- recognize that public and political policy decisions, based on the approved Strategic Plan, are ultimately the responsibility of the Town Council;
- comply with the Town's Ethics Ordinance (Chapter 2 Article VI of the Little Elm Code of Ordinances) and other applicable rules governing the conduct of elected officials; and
- conduct business in open meetings for transparency and direct accountability to the residents of Little Elm.



TOWN COUNCIL

MAYOR: ROLES AND RESPONSIBILITIES

The Mayor presides at Council meetings and formally exercises a legislative role equal to that of his or her colleagues. In conjunction with legislative roles, the Mayor may be involved in the preparation of the eCouncil agenda. The Mayor is a member of the Town Council with a vote equal to other members. As part of his or her role, the Mayor shall perform the following duties:

- Preside over the [TownCity](#) Council and serve as the Chair at meetings
- Work to minimize conflict between Council Members and seek to accommodate common ground and consensus among Members when possible
- Represent the Town in meetings with other governmental entities, businesses, community groups, developers, and other entities but realize that the Town is not obligated to any course of action without consideration from the full Council
- Ensure that all members of the Council have the opportunity to be heard during discussion of issues or agenda items
- Issue proclamations to provide groups or individuals special recognition

COUNCIL MEMBER: ROLES AND RESPONSIBILITIES

The main responsibility of the Town Council is to make policy. By definition, a policy is a course of action for a community. The Town Council serves as the legislative body and adopts policies that determine the broad functions of the Town of Little Elm. The Council has the power to enact ordinances and policies, consistent with state law, usually through the enactment of ordinances and resolutions. In the process of policy making the Council shall:

- Focus on the Vision, Strategic Goals, and Long Term Objectives identified in the Council Strategic Plan
- Analyze community needs, program alternatives, and available resources and arrive at meetings well-informed and prepared
- Make timely and courageous decisions
- Make decisions based on community goals and interest, and not based on personal or political ambitions
- Provide the Town Manager clear direction and expectations to achieve Town goals and objectives
- Give [the](#) Town Manager adequate authority to take administrative actions and not interfere with personnel decisions or management functions of the Town
- Hold the Town Manager responsible for the administration of eCouncil policies
- Participate in meetings

- ~~**Mayor Pro Tem**—One person will be elected by the Council to perform the duties of the Mayor shall the Mayor become unable to perform the requisite duties~~
- ~~**Board, Commission, and/or Committee Liaison**—Serves as the primary two-way communications channel between Council and the board, commission, or committee~~

MAYOR PRO TEM: ROLES, RESPONSIBILITIES, AND SELECTION

Within 30 days of the General Election, the Town Council shall elect one of its Members as Mayor Pro Tem, who shall perform the duties of Mayor in the case of the absence or inability of the Mayor to perform the duties of the Mayor's office, and who shall, during that time, be vested with all the powers belonging to the Mayor. The term shall be for a period of one year and approved by resolution.

COUNCIL LIAISON: ROLES, RESPONSIBILITIES, AND SELECTION

Within 30 days of the General Election, the Council shall select its liaisons to boards, commissions, or committees. Liaisons shall serve a term of one year. Prior to each selection process, each Council Member shall submit a questionnaire expressing their desired appointments and availability. Council Liaisons should review the agendas of their board, commission, or committee, understand its projects and activities, and provide reports to the Town Council as necessary. The Council Liaison shall:

- Serve as the primary contact and two-way communications channel between Council and the board, commission, or committee
- Help resolve questions the board, commission, or committee may have about the role of Council, the Council's goals and objectives, municipal government, and the board, commission, or committee
- Establish formal or informal contact with the chairperson of the board, commission, or committee and effectively communicate the role of the liaison
- Provide procedural direction and relay Council's position or previous action to the board, commission, or committee, and communicate to the board, commission, or committee that the liaison's role is not to direct the board, commission, or committee in its activities or work
- Serve as Council contact rather than as an advocate for or ex-officio member of the board, commission, or committee
- Identify and help resolve any problems that may exist with respect to the functioning of the board, commission, or committee
- Facilitate training of new board, commission, or committee members by providing suggestions and relevant information to the Town staff members responsible for providing such training

ATTENDANCE & TRAINING

A Council Member or the Mayor shall forfeit his or her office if the official lacks at any time during the official's term of office any qualification for the office prescribed by the Charter or by State law, or if the official violates any express prohibition of this section or any other provision of the Charter, or if the official fails to attend three (3) consecutive regular Town Council meetings without being excused by the Town Council. The Town Council shall be the final judge in matters involving forfeiture of office by a Council Member or the Mayor. (Town Charter, Section 3.05)

The Town Manager's Office shall coordinate and facilitate the orientation of new Council Members and continuing education for the Mayor and Council Members.

GUIDELINES FOR INTERACTION BETWEEN MAYOR AND COUNCIL

The Mayor and Town Council members must work as a team and maintain positive and effective relationships with each other in order to provide effective governance to the Little Elm community. It is the duty of the members to promote dialogue; frank, honest, and open communication; consensus; and a good governing environment in which Council Members, including the Mayor, as well as Town staff members can better fulfill their roles as public servants. The Mayor and Council shall treat one another with respect both in Council meetings and in the community. Refrain from undermining your constituents in community forums or discussions with residents, seek to keep one another informed, and avoid hidden agendas. In order to promote a team-oriented environment of professional conduct, the Council shall:

- Refrain from yelling, name calling, and personal attacks
- Act within legal and ethical guidelines
- Avoid grandstanding or promoting a personal agenda
- Be brief and concise
- Consider an issue, debate it, vote on it, and move on without letting issues carry over
- Look for common ground before seeking out disagreements
- Agree to disagree, when necessary
- Treat everyone with respect and elude resentment

MAYOR AND COUNCIL ROLES IN THE COMMUNITY

The Mayor and Town Council Members serve as a resource to citizens, as well as representatives of citizen preferences. Each stakeholder should feel they are treated with respect, that their voice is heard, and that the Town has handled the interaction with efficiency. If the Town or Council is unable to meet a stakeholder's needs, the citizen or business representative should leave better educated and with an understanding of the barriers the Town faces. In order to facilitate this, Council Members should:

- Treat citizens and stakeholders with respect
- Act within the roles defined above and in the Town Charter and remain accountable to citizens
- Keep open communication with citizens, and listen and understand concerns before responding
- Be accessible to citizens and the Town of Little Elm community overall
- Serve as an advocate for the Town and the decisions made by the Council
- Become familiar with the community and its needs
- Develop strong working relationships with partners, such as citizens or organizations who serve on Boards or Commissions, publicly support and defend the will of Council, rather than one's individual preferences

DECISION-MAKING GUIDELINES

Each decision must be made by considering what is best for the municipality as well as the public interest and shall incorporate, to every extent, the overall fundamental approach to democratic governance. Including specialists in various fields and soliciting the opinion of citizen committees may be necessary for reaching a consensus, particularly when introducing new policies or making significant policy change. It is of the responsibility of the Council, as representatives, to convey the preferences of citizens but ultimately to make a decision on what is best for the Town. Any special interest or special interest group impartial to public concerns must not take precedence on any agenda. Decision-making should take place in

accordance with:

- The adopted Strategic Plan
- Utilizing an unbiased approach
- Developing well thought out means to achieving the good of the public
- A focus on the issue at hand rather than personalities
- Comprehensive understanding of all sides of the issue before issuing a judgment
- Council members should always ask, "Is this consistent with Council's adopted Strategic Plan?"

GUIDELINES FOR COUNCIL INTERACTION WITH ADMINISTRATIVE STAFF

Employees should feel as though they are valuable and important to executing the will of the people. Council Members should remain professional and never exceed the authority and relationship guidelines outlined in the Town Charter. The Town Manager should be aware of all requests to town employees, as these employees do not report to Council Members directly.

If a Council Member questions a decision, he or she shall immediately take that concern or disagreement to the Town Manager in a confidential and diplomatic format. Likewise, the Town Manager shall agree to the same commitment. Respect for each other shall remain constant.

- Council Members must not give orders to department heads or to other town employees. If the Council needs operational information, the Town Manager will provide appropriate information in a timely fashion, either directly or through other Town staff
- Action items requested by Council Members of Town employees shall be channeled through the Town Manager's office. A Council Member may make an informational request of a Town employee directly; however the Town Manager should be aware of all communication and copied on all emails
- Council Members should not harass or make unreasonable inquiries of Town employees
- The Town Manager will intervene if such activities are taking place
- Requests for meetings with Town staff shall be coordinated through the Town Manager
- Members of the Town Council do not have the authority to terminate or discipline Town employees other than those who they are responsible for under the Town Charter. Termination and discipline decisions are the sole responsibility of the Town Manager

BEHAVIORAL GUIDELINES AND SOCIAL MEDIA

The Mayor and members of the Town Council shall always remember they are representatives of the Town of Little Elm at all times and in all circumstances, and, as public officials, their actions are a direct reflection of the Town. Elected officials shall conduct themselves in a professional manner and not engage in any behavior that will paint the Town in a negative light. The Mayor and members of the Town Council are expected to:

- Conduct themselves with dignity
- Refrain from any behavior that may cause embarrassment to the Town
- Refrain from any activity that may give the perception of impropriety or unethical behavior
- Refrain from social media activities that are profane, untruthful, or unnecessarily argumentative
- Refrain from posting or reposting (forwarding) information on social media before facts are verified or an issue has been researched

- Keep it G rated, if there is any question, the answer is probably NO

ETHICAL RESPONSIBILITIES AND CONFLICT OF INTEREST

Representatives of the Town of Little Elm have a strong ethical responsibility. The Mayor and Council shall be aware of Little Elm's Ethics Ordinance and ensure that they maintain compliance. Officials should also refrain from activities that may be perceived as unethical in nature.

All members of the Town Council, Boards, Commissions, and Corporations shall be familiar with the requirements of the Town's Ethics [e](#)Ordinance. The Code of Ethics is located on the Town's webpage (*Little Elm Code of Ordinances, Article VI. Code of Ethics*), or a copy can be requested through the Town Manager's Office.

Below are some ethical dilemmas to avoid:

- Using the position as an elected official to secure special privileges or exemptions for himself, herself, or others
- Directly or indirectly, giving or receiving any compensation, gift, gratuity, or reward from any sources, except the employing city, for a matter related to the official's services
- Accepting employment or engaging in business that the employer might reasonably expect would require the elected official to disclose confidential information acquired due to his or her position as an elected official
- Disclosing confidential information gained due to position as an elected official, or use of such information for personal gain

AGENDA RULES AND MEETING PROTOCOL

The Town Council Agenda is the official working guide from which the Council conducts its regular and special meetings. The Agenda, which is prepared by the Town staff and in consultation with the Mayor includes items that require [e](#)Council action and that deal with policy issues that require [e](#)Council review and discussion.

Items are usually placed on the agenda at the request of the Town staff. Council Members can work with the Town Manager to have an item placed on the agenda. Below are general guidelines & protocols for meetings and inquiries:

AGENDA ITEM INQUIRIES

Contact:	• Town Manager's Office
Best Method of Communication:	• Email and/or Phone
Basic Guidelines/Considerations:	<ul style="list-style-type: none"> • Questions regarding specific agenda items should be provided to the Town Manager prior to the meeting so that appropriate time is provided for any research • The Town Manager may consult with the Town Attorney or other Town staff and will provide feedback as quickly as possible

REQUEST FOR A NEW AGENDA ITEM

- | | |
|----------------------------------|--|
| Contact: | • Town Manager's Office |
| Best Method of Communication: | • Email and/or Phone |
| Basic Guidelines/Considerations: | <ul style="list-style-type: none"> • Contact the Town Manager or present the request at a Council workshop • The Town Manager may consult with the Mayor regarding the request • Requests for agenda items shall occur no later than noon on the Wednesday preceding the Council meeting. |

OPEN MEETINGS ACT

- | | |
|----------------------------------|---|
| Basic Guidelines/Considerations: | <ul style="list-style-type: none"> • The Open Meetings Act generally applies when a quorum of a governmental body is present and discusses public business • By State Law, the Town Council Agenda must be posted 72 hours in advance of the meeting • A governmental body must post notice of an open meeting when it receives a briefing from staff unless a specific statutory exception allows an executive session • The Town Manager will consult with the Town Attorney if direction is needed |
| Training: | <ul style="list-style-type: none"> • Elected and appointed public officials are required by State Law to receive training in Texas open government laws. Online training can be obtained by visiting the Texas Attorney General's Website:
 https://www.texasattorneygeneral.gov/faq/og-open-government-training-information |
| Reference: | <ul style="list-style-type: none"> • Texas Government Code § 551.001 (4)(A) |

PARLIAMENTARY AUTHORITY

- | | |
|----------------------------------|---|
| Basic Guidelines/Considerations: | <ul style="list-style-type: none"> • Roberts Rules of Order shall be consulted regarding parliamentary procedure • Town Secretary, Town Attorney, and Town Manager can be consulted for questions regarding parliamentary procedure |
| Reference: | <ul style="list-style-type: none"> • Roberts Rules of Order Newly Revised, Latest Edition |

GENERAL COUNCIL MEMBER COMMUNICATION PROTOCOL

The following protocols can help guide elected officials regarding communications with constituents and staff. In some cases, some basic considerations will help guide the Council Member on the best course of action. The information in the following section is general in nature. If there are any questions or if clarification is needed please consult the Town Manager for additional information.

BASIC INFORMATION REQUEST (Information Easily Accessible)

Contact:	<ul style="list-style-type: none"> Town Manager's Office
Best Method of Communication:	<ul style="list-style-type: none"> Email and/or Phone
Basic Guidelines/Considerations:	<ul style="list-style-type: none"> Give clear and concise expectations Provide an outline for the information desired Provide a timeline for the request

INFORMATION REQUEST REQUIRING RESEARCH

Contact:	<ul style="list-style-type: none"> Town Manager's Office
Best Method of Communication:	<ul style="list-style-type: none"> Email and/or Phone
Basic Guidelines/Considerations:	<ul style="list-style-type: none"> Same steps as the "Basic Information Request" Future Council Agenda Item for direction/action for Town/City Manager

COUNCIL POLICY INITIATIVE

Contact:	<ul style="list-style-type: none"> Town Manager's Office Mayor
Best Method of Communication:	<ul style="list-style-type: none"> Email and/or Phone
Basic Guidelines/Considerations:	<ul style="list-style-type: none"> Contact the Mayor and Town Manager's Office concerning the policy initiative for consideration Provide as much detail as possible

PROCLAMATION REQUEST

<u>Contact:</u>	<ul style="list-style-type: none"> <u>Town Manager's Office</u>
<u>Process:</u>	<ul style="list-style-type: none"> <u>Submit online form at least one month in advance of the date the proclamation is needed. Mayor has final approval.</u>

COUNCIL COMMENDATION

Contact:

- Town Manager's Office
- Mayor

Best Method of Communication:

- Email

Basic Guidelines/Considerations:

- Contact the Mayor and Town Manager's Office concerning the recognition for consideration.
- Provide as much detail as possible.

COMMUNICATION: COUNCIL AND ADMINISTRATIVE STAFF

Communication from Administration:

- Communication from Town staff and administration goes to Mayor and all Council Members through the Town Manager's Office

Communication to Administration:

- Communications from Mayor & Council to staff administration goes through the Town Manager and not directly to members of the staff

STAFF CONTACT

Employee Initiated:

- Send communication to Town Manager
- Refer to section regarding communications with staff

Council Initiated:

- Beware of legal violation (State Law)

COMMUNICATION: EMAIL

General:

- If responding, do not copy other Council Members
- If directed to the Mayor & Council, the Mayor will respond "On behalf of: Mayor & Council"
- Each individual has a choice:
 - Whether to respond or not
 - Method of the response

Consideration:

- Written communication, including emails, can be requested via the Texas Open Records Act
- Any deliberation or discussion should take place in a compliant meeting and not through email communication

Reference:

- Texas Government Code § 552



BOARDS, COMMISSIONS, AND COMMITTEES

STAFF AND COUNCIL RELATIONS WITH ADVISORY BOARDS, COMMISSIONS, AND COMMITTEES

Staff support and assistance may be provided to advisory boards, commissions, and committees. Advisory bodies, however, do not have supervisory authority over Town employees. While Staff may work closely with advisory bodies, Staff members remain responsible to their immediate supervisors and, ultimately, the Town Manager. The members of the commissions, boards, or committees are responsible for the functions of the advisory body. The chairperson is responsible for committee compliance with the municipal code and/or bylaws. Staff members are to assist the advisory boards to ensure appropriate compliance with the Charter, ordinances, state and local laws, and regulations.

Staff support includes: preparation of an agenda; preparation of reports providing a brief background of the issues, a list of alternatives, recommendations, and appropriate backup materials, if necessary; and preparation and maintenance of permanent minutes of advisory body meetings. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues. It is important to note that Town Staff seeks to not influence boards, commissions, and committees in their decision making process. Staff should provide information on options considered along with a summary of pros and cons of each option. Staff should provide any prior direction by Town Council on a particular issue to any board, commission, or committee considering the issue.

The role of the Town's boards, commissions, and committees is to perform the specific functions established in state statutes, Town ordinances, resolutions, or minute orders as applicable and to advise the Town Council about the topics assigned.

If a Council Member attends a meeting of a board, commission, or committee, the member shall not take part in the meeting nor address the board in any manner, whether by questions or statements. A Council Member shall not attempt to influence the decisions of boards, commissions, and committees, either directly or indirectly, nor express an opinion to a board, commission, or committee about its actions unless at a Town Council meeting. This policy provision does not apply to a Council Member who is participating as a duly appointed member of a board, commission, or committee.

All instructions to board, commissions, and committees by the Town Council shall be in writing or made on the record at a Town Council meeting.

CURRENT BOARDS AND COMMISSIONS

The Planning & Zoning Commission is the primary advisory board to the Town Council on development issues. These land use matters include rezoning requests, ordinance revisions, approving plats, comprehensive planning, tree preservation, and other issues regarding new growth and existing development in the Town and extraterritorial jurisdiction (ETJ).

The Board of Adjustment (BOA) consists of five members and is a quasi-judicial board. It is not a legislative body; thus, it has no authority to amend ordinances, create new laws, nor grant use variances. The board conducts hearings and makes determinations on requests for variances from and special exceptions to the Town of Little Elm Zoning Ordinance, as specified in the ordinance. Historically, the board has made rulings on substandard buildings and amortization cases, although recent state law changes may require revisions to procedure and venue. The board also has the authority to hear and decide appeals where it is alleged that there is an error in an order, requirement, decision, or determination made by any administrative official of the town in the enforcement of the Zoning Ordinance.

The Little Elm Animal Shelter Advisory Committee make recommendations to animal services regarding policies and procedures of the animal shelter operations, making recommendations to town council on

revisions to chapter 18 (Animals) of the Little Elm Code of Ordinances, making recommendations to town council on revisions to applicable fees, and general discussion of animal related issues within the town.

4A/4B CORPORATIONS

4A/4B Corporations exist in the Town of Little Elm to further growth and development in the community. The board members of the corporations are appointed by Town Council and, while they serve in an autonomous fashion, are expected to uphold the goals and objectivities identified by the Council and the adopted Strategic Plan.

If either corporation utilizes Town staff for administrative purposes, Staff members remain responsible to their immediate supervisors and, ultimately, the Town Manager. If either corporation hires its own staff, those staff members are responsible to the board of directors.

The Little Elm Economic Development Corporation (EDC, 4A) is charged with attracting new commercial business, new tourism opportunities and new jobs to Little Elm.

The Little Elm Community Development Corporation (CDC, 4B) is tasked with the promotion and development of new or expanded business enterprises, parks, and other community projects.

COUNCIL APPOINTED COMMITTEES

From time to time, Council will appoint advisory committees and/or task forces on specific topics to offer citizens an extraordinary opportunity to participate in the Town's governmental affairs and influence public policy in many areas.

ROLES AND RESPONSIBILITIES

Board, Commission, and Committee Members shall:

- Focus on the Vision, Strategic Goals, and Long Term Objectives identified in the Council Strategic Plan
- Analyze community needs, program alternatives, and available resources and arrive at meetings well-informed and prepared
- Make timely and courageous decisions that are based on community goals and interest, and not based on personal or political ambitions
- Participate in meetings



Date: 04/19/2022
Agenda Item #: 1. C.
Department: Development Services
Strategic Goal: Promote and expand Little Elm's identity
Staff Contact: Fred Gibbs, Director of Development Services

AGENDA ITEM:

Present and Discuss **Proposed Amendments to Chapter 86 - Sign Code (in general), Chapter 106 - Zoning Code (Sec. 106.02.01 - Planning and Zoning Commission and Sec. 106.02.02 Board of Adjustment), and Chapter 26 - Business (Sec. 26-283. Special Events).**

DESCRIPTION:

Current Chapter 86 - Sign Ordinance was adopted in 2004, with modifications in 2009 and 2015. Since that time, many driving forces have indicated a need to further review and revamp the current standards in order to enhance the quality of certain types of signs, as well as clarify and enhance existing language for consistency and ease of interpretation throughout the chapter.

Such influences include lessons learned from applying the current standards over the past 7 years, input from the community, developers, and staff, and performance observations of all the new commercial development constructed under the current code. Additional influences include the desire to provide a more informed and balanced decision-making process with regard to sign variance requests.

It should be noted that this is not a complete overhaul of the Sign Ordinance, but a general clean up of certain areas that have proven challenging over the years. The proposed revisions also address some of the major recurring concerns regarding the quality of the visual environment throughout the Town. Most revisions are anticipated to clarify confusing language, provide visual exhibits for sign area calculations and sign types in general, codify internal policy, re-organizing the submittal process, and other general clean-up.

Some of the major proposed amendments are outlined below.

- While the Sign Ordinance is a standalone chapter within the Town's Code of Ordinances, it is symbiotic with the Zoning Ordinance in terms of ensuring quality and aesthetic of the visual environment. For this reason, it is very common for the Planning and Zoning Commission to have authority over Sign Ordinance variance requests, as they are very in tuned with the

most current goals and visions of the developed environment. Currently, the Planning and Zoning Commission and the Town Council have authority of amendments to the Sign Ordinance, and the Board of Adjustments has decision-making authority over sign variance requests, with an appeal process through the District Court. Staff is proposing that the decision-making authority over sign variance requests be delegated to the Planning and Zoning Commission, with the appeal process through Town Council.

This proposed amendment affects Sec. 106.02.01 - Planning and Zoning Commission and Sec. 106.02.02 Board of Adjustment, identifying each entity's roles and responsibilities. Therefore, the following listed responsibility is proposed to be relocated from the Board of Adjustments to the Planning and Zoning Commission:

To hear and decide upon only such variances or modifications of the ordinance requirements relating to the size, shape or nature of a sign as the board is specifically authorized to pass on pursuant to the terms of chapter 86 of the Code of Ordinances.

- Another proposed amendment deals with special events and the current sign code not providing a distinction between grand opening events for new occupancies and other special events that are permitted within the Town. Staff is proposing to create, and define, grand opening events as their own section, following the requirements and definitions already established within the Business Ordinance for grand opening events. Additionally, in an effort to continue the Town's identity as a business friendly municipality, in response to concerns voiced by the business community, Staff is proposing to increase the duration of grand opening banner allowance, from three days to 14 days.

Currently, Sec. 86-8 - Permit Required, reads as follows:

(f). Promotional events. With a town approved promotional event, special, temporary sign privileges may be granted upon discretionary approval by the director at time of application, generally for a weekend or three days. Longer periods of time may be considered by the director.

Proposed, Sec. 86-8 - Permit Required, reads as follows:

(f) Promotional events. With a town approved promotional event (Section 26-283), special, temporary sign privileges may be granted upon discretionary approval by the director at time of application, generally for a weekend or three days, with the exception of Grand Opening signs. Longer periods of time may be considered by the director.

(g) Grand opening events. Through a special event permit (Section 26-283d), temporary permission is granted, as a special privilege to on-site business owners, to hold one grand opening event within 30 days of receiving their certificate of occupancy. In conjunction with a grand opening event permit a business may have a grand opening sign or banner for up to fourteen consecutive days. Longer periods of time may be considered by the director.

- Staff is also proposing to add the requirement for a unified sign plan for developments that have multiple tenants across multiple buildings within a commercial or mixed-use center which result in multiple detached signs. Such developments would be required to provide for review and approval a unified sign plan ensuring cohesive and consistent sign designs as well as locations across the entirety of the development. The following definition and requirements are being proposed throughout the appropriate sections of Chapter 86.

Unified Sign Plan means a graphic representation showing all proposed signage for the area of a site with multiple tenants containing a minimum of the following:

- a) A site plan showing the location of proposed signs;
- b) Signs dimensioned and showing the distance from the nearest public Right-of-Way, and
- c) Elevations, dimensioned and labeled, including text, materials, material finishes, colors, lighting and proposed landscaping.

Sites intended, and appropriate, for multiple monument signs with multiple tenants must submit and obtain approval of a Unified Sign Plan during the Site Development process. No permit for multi-tenant monument shall be issued until the Unified Sign Plan is approved.

- The current Sign Ordinance does not provide any specific requirements with regard to thickness of signs, nor their direct attachment to the building facade. Staff is proposing to amend Sec. 86-11. Prohibited signs to include the following:

No flat display surface, such as, but not limited to, aluminum or acrylic panels, attached directly onto the exterior façade of the building.

And amending the requirements for wall signs to include the following:

Signs must be designed with a depth of at least three inches, contain a structural frame, and be installed with metal backing. A flat display surface or panel may not be attached directly to an exterior wall.

Aluminum display panel only allowed if using .080 minimum aluminum panel with 3 inch folds, affixed to the exterior wall with angle iron for sturdiness.

An exhibit showing several examples of how this should be achieved would also be included within this particular section of the Sign Ordinance.

- Currently, no visual aids or diagrams exist within the sign code. Staff has established exhibits, assigned to specific sign types, in an effort to help guide applicants through the sign code requirements. Proposed exhibits are attached for reference.

Full detail of all proposed revisions is attached as red-lined and clean versions of Chapter 86, as well as affected sections of Chapter 106 - Zoning Ordinance, Sec. 106.02.01 and Sec. 106.02.02, and Chapter 26 - Business Ordinance, Sec. 26-283.

Staff believes that these amendments will improve the review process as well as the quality of the visual environment throughout the Town.

BUDGET IMPACT:

This item has no budget impact.

RECOMMENDED ACTION:

Information only, no action required.

Attachments

Chapter 86 - Sign Ordinance (red-lined)

Chapter 86 - Sign Ordinance Exhibits

Sec. 106.02.01 - P&Z and Sec. 106.02.02 - BOA ((red-lined)

Sec. 86-1. Title.

This chapter, 86, of the Town of Little Elm Code of Ordinances shall be known as "Signs."

(Ord. No. 1282, § 2(Att.), 7-7-2015)

Sec. 86-2. First Amendment rights.

This Code shall not be construed, applied, interpreted nor enforced in a manner to violate the First Amendment rights of any person, and the director shall seek the advice and recommendation of the town manager and town attorney prior to taking any action to enforce any provision of this Code with respect to any non-commercial sign on private property.

(Ord. No. 1282, § 2(Att.), 7-7-2015)

Sec. 86-3. Authority.

The provisions of this Code are adopted pursuant to V.T.C.A., Local Government Code ch. 216 and the Town Charter, and the town's authority as a home rule city. Notwithstanding any other provision of this Code, no sign legally erected shall be required to be relocated, reconstructed or removed except in compliance with V.T.C.A., Local Government Code ch. 216.

(Ord. No. 1282, § 2(Att.), 7-7-2015)

Sec. 86-4. Purpose.

The purpose of this Code is to promote the health, safety and welfare of the public. It is the town's intent to achieve this goal by enacting a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory standards and requirements for signs within the town and its extraterritorial jurisdiction. It is further determined that the provisions of this Code cannot achieve the end result desired unless the community voluntarily cooperates in upholding these provisions.

With these concepts in mind, this Code is adopted for the following purposes: to preserve and protect the public health, safety and welfare of the citizens of the Town of Little Elm; to balance public and private objectives by allowing adequate signage for business identification, to maintain and enhance the aesthetic environment and the town's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape which affects the image of the Town of Little Elm; and to enable the fair and consistent enforcement of these sign regulations.

(Ord. No. 1282, § 2(Att.), 7-7-2015)

Sec. 86-5. Applicability—Effect.

- (a) A sign may not be erected, constructed, placed, painted, created, enlarged, moved, or converted within the Town of Little Elm or its extraterritorial jurisdiction except in compliance with the standards, procedures, exemptions, and other requirements of this Code.
- (b) The intent of this Code as more specifically set forth herein, is to:

- (1) Provide functional flexibility, encourage variety, and create an incentive to relate signing to basic principles of good design;
- (2) Provide an improved visual environment for the citizens of, and visitors to, the Town of Little Elm;
- (3) Establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Code;
- (4) Allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Code, but without requirements for permits; and
- (5) Provide cost recovery measures supporting the administration and enforcement of this Code.

(Ord. No. 1282, § 2(Att.), 7-7-2015)

Sec. 86-6. Definitions.

As used in this chapter, the following terms shall have the meaning indicated below unless the context clearly indicates otherwise. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise:

"A" frame sign means a sandwich board sign constructed in such a manner as to form an "A" or tent-like shape that is hinged or not hinged at the top with each angular face held at an opposite distance by a supporting member.

Announcement sign means a residential sign that publicly displays a notice, usually located on a fence or a window of the structure that makes an announcement, such as, "no trespassing", "beware of dog", or "children/animals inside" for police or fire.

Architectural element means an uninhabitable structure or building intended solely as an artistic or architectural embellishment of a landscaped area.

Awning means a shelter constructed of materials on a supporting framework that projects from and is supported by the exterior wall of a building.

Balloon means any object filled with lighter-than-air gasses, which are designed to float or fly over any given location.

Bandit signs means temporary signs, usually of cardboard or foam board and mounted on angle iron or a wooden stake, **do not include permitted stake signs as defined below.**

Commented [OC1]: Revised for clarification.

Banner means a sign having characters, letters, or illustrations applied to plastic, fabric, canvas or any non-rigid material, where the only purpose for such non-rigid material is for background.

Big box. Stores greater than 50,000 square feet in size.

Commented [OC2]: New definition to clarify wall sign requirements.

Billboard means a sign advertising products not made, sold, used or served on the premises upon which the sign is located.

Building directory sign means a small wall-mounted display featuring, for restaurants and cafes, the actual menu as used at the dining table; or for businesses, official directory information and/or legal notices regarding the premises.

Building official means the building official of the Town of Little Elm and includes the building official's designee, or other official administering the chapter.

Canopy means a freestanding structure with a roof but no walls.

Civic sign means a temporary stake sign that publicizes times or locations of meetings or special events of property owners associations or religious organizations. This definition excludes directional signs for regularly scheduled religious events. A civic sign may also publicize times or locations of special events for schools and athletic team registrations.

Clearance (of a sign) means the smallest vertical distance between the grade of the adjacent street curb, sidewalk and/or other paved surface and the lowest point of any sign, including framework and embellishments, but excluding sign supports.

Development information sign means any onsite temporary residential subdivision development sign that identifies the developer or any related party for such building or land.

Directional sign means any sign relating solely to internal pedestrian and vehicular traffic circulation, warning of obstacles or overhead clearance, or designating permissible parking within a complex or project without any form of advertising.

Director means the Director of Development Services~~director of development services~~ of the Town of Little Elm and includes his or her designee.

Earth tone is a color scheme that draws from a color palette of browns, tans, greys, greens, oranges, whites, blues, and some reds. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees, and rocks.

Electronic message (L.E.D.) sign means an on-site, non-temporary sign that uses light bulbs or light emitting diodes to display messages of advertisement as announcements, to include all digital signs.

Facade means all building wall elevations, including any vertical extension of the building wall (parapet), but not including any part of the building roof.

Face change means the replacing or revision of the logos, wording, etc., included on the front of the sign by means of replacing the physical material or by repainting or similar process. A "face change" includes the change of a sign face when a new business or tenant/owner wishes to locate a sign on the premises; however, it does not include reader boards or changeable copy signs.

Fine art means sculpture, fountain, mural, or ~~similar object~~ another form of creative visual art produced to be appreciated primarily or solely for its imaginative, aesthetic, or intellectual content, containing no reference to or image of a business or its logo, ~~and~~ and is not used for advertising, ~~and reflects the Town's vision and goals for that specific area~~. Fine art is not considered as a sign.

Flag means fabric containing distinctive colors and patterns that represent an official symbol of a nation, state, school, religious group, or other type of public institution. Corporate and builder flags are prohibited.

Flashing means to light suddenly or intermittently, including rotating, pulsating or a light source that changes or alternates the color of the light in sequence. "Flashing" does not include an electronic message (L.E.D.) sign as defined herein when operated in compliance with this Code.

Freestanding sign means a sign that is not attached to a building but is placed on or anchored in the ground and intended to be permanent.

Frontage means a boundary line separating public right-of-way from the lot or tract.

Future development sign (commercial or development sign) means a temporary freestanding sign advertising the construction, remodeling, development, sale, or lease of a commercial building or the land on which the sign is located that indicates the developer or any related party having a role or interest with respect to the structure or project.

Garage sale sign means a sign, issued by the town, usually a stake sign, used for a "garage", "yard", "estate" or other types of residential sale of used tangible personal property such as clothing, household effects, tools,

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Commented [OC3]: Revised definition for more clear interpretation.

garden implements, toys, recreation equipment or other used or second hand items customarily found in and about the home and advertised in a manner to provide notice such that the public at large is, or can be, aware of such sale.

Government sign means:

- (1) A sign installed, maintained, or used by the town, county, State of Texas or the federal government that is required or specifically authorized for the public purpose pursuant to regulations promulgated by the state or federal government;
- (2) A traffic-related sign installed by any government agency within public right-of-way; or
- (3) A sign installed to convey information to the public regarding town, state, or federal government activities and events.

Grand Opening sign means a temporary sign or banner that can be installed on-site during a grand opening event for a business, within 30 days of receiving their certificate of occupancy.

Commented [OC4]: New definition.

HAGL means height above ground level and is commonly used to describe the distance between the ground and the bottom of a sign of non-monument style signs on posts.

Home improvement sign means a temporary stake sign that displays the name of a roofing, fence, pool, paint, landscape, or other home improvement contractor.

Human sign means a sign held or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product. A person dressed in costume for the purpose of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product shall also be construed as a human sign.

Illuminated sign means any sign which has characters, letters, figures, designs, or outlines illuminated directly or indirectly by electric lights, luminous tubes, or other means.

Incidental sign means a small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises (e.g., a credit card sign or a sign indicating hours of business), or identifying emergency telephone numbers, hours, and security information, generally located on a window or door. Incidental signs shall count toward allowed window signage.

Inflatable sign is any hollow sign expanded or enlarged by the use of gas or air.

Information signs means and includes bulletin boards, changeable copy directories, signs relating solely to publicly owned institutions (town, county, state, school district), or non-profit organizations (churches, homeowners associations) intended for use by the institution or organization that owns or is located on the property on which the sign is located to provide information to the public of a general nature or of general interest.

Logo means any registered trademark or insignia of a company or product that is commonly used in advertising to identify that company or product.

Mansard roof means the style of roof where there are two slopes to the roof structure.

Memorial signs or tablets means and includes freestanding historical markers in accordance with state historical standards, and/or cornerstones with names and dates of construction of a building when cut into a building surface or inlaid upon it to become part of the building.

Menu board means a freestanding or wall sign used for the purpose of informing patrons of food which may be purchased on the premises.

Model home sign is a temporary real estate sign placed in front of a group of model homes that is removed from the premises upon sale of the last model.

Monument sign means a sign that is supported from the grade to the bottom of the sign and is surrounded and supported on all sides with a masonry framework.

Multi-tenant sign means a monument sign for a building complex or center that contains multiple businesses that share the same site and have common building architecture, color, and materials, landscaping, and parking.

Municipal board on sign control means the board of adjustment, appointed by the mayor pursuant to V.T.C.A., Local Government Code § 216.004 to consider certain matters related to the relocation, reconstruction or removal of a sign legally erected within the town's corporate limits or extraterritorial jurisdiction.

Nameplate is a non-electrical, on-premises sign which communicates only the name of the residential occupant, name of a model home, or the address of the premises.

Nonconforming sign face means an illuminated sign face that does not conform to the regulations that impact the face of the sign prescribed in this Code, including but not limited to color of background and/or letters, and that existed lawfully on the date of adoption of this Code or applicable amendment hereto.

Nonconforming sign structure means a sign that does not conform to the regulations that impact the structure of the sign prescribed in this Code, including but not limited to sign type, height, size, or location, and that existed lawfully on the date of adoption of this Code or applicable amendment hereto.

Off-premises sign means a sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

Opaque means a material that does not transmit light from the internal illumination source.

Parapet means the extension of a false front or wall above a roof line.

Pole or pylon signs means freestanding signs that are supported by a structure extending from and permanently attached to the ground by a foundation or footing, with a clearance between the ground and the sign face.

Political sign means a sign relating to the election of a person to a public office, relating to a political party, relating to a matter to be voted upon at an election called by a public body, or contains primarily a political message.

Portable signs means signs not permanently affixed to a building, structure, or the ground; designed or installed in a manner allowing the sign to be moved or relocated without any structural or support changes. This definition includes, but is not limited to, "A" and "T" frame signs.

Projecting sign means a sign attached to and projecting out from a building face or wall more than 12 inches, generally at a right angle, including graphic or icon signs mounted perpendicularly to the wall.

Reader board or manual changeable copy sign means a sign or part of a sign where the copy is replaceable and can be changed manually at will.

Real estate signs, residential or commercial, means temporary signs placed upon property indicating that particular property [is] for sale, rent, or lease.

Roof sign means any sign installed over or on the roof of a building.

Scoreboards means signs erected at an athletic field or stadium and which are generally used to maintain the score or time expired in an event at the field or stadium. This definition shall also include signs mounted or applied to the outfield wall within a baseball field.

Searchlight means a searchlight used to direct beams of light upward for advertising purposes.

Sight triangle means the area within a right triangle formed by extending the curb lines of intersecting streets from the point of intersection for a distance of 45 feet to the hypotenuse, or for streets intersecting a driveway or alley for a distance of 20 feet to the hypotenuse.

Sign means any device, including its structure and component parts, which conveys messages for visual communication, notice or advertising that is used for the purpose of attracting attention of the public but not including any lawful display of merchandise. The term "sign" shall also mean and include any display of one or more of the following:

- (1) Any letter, numeral, figure, emblem, picture, outline, character, lights, announcement, trademark, or logo.
- (2) Multicolored bands, stripes, patterns, fabrics, pennants, ribbons, outlines, or delineations displayed for the purpose of commercial identification or attracting attention.
- (3) Anything specified above in part or in combination by any means whereby the same are made visible from beyond the boundaries of the lot or parcel of property on which the same are displayed for the purpose of attracting attention outdoors to make anything known, to include paint/color schemes or any illuminating device on buildings or other site features.

Sign area means the actual area of the face of the sign determined from the outside edge of the letters, words or symbols, or, if within a frame, the outside edge of the frame itself, including the area of the base and any surrounding masonry border (for monument signs), unless the shape of the sign is irregular. ~~(square, rectangle, triangle, or circle).~~

- (1) In the case of an irregular-shaped sign, the sign area shall be calculated by enclosing the extreme limits of the sign and forming a rectangle, which shall be measured by the overall height and width of the rectangle.
- (2) In the event two or more signs share a single structure, each sign or panel may be considered separately for square footage purposes, except that the combined footage of such signs cannot exceed the total maximum square footage allowed ~~for the sign per tenant, per facade~~. In the case of a monument sign, square footage shall be measured by the overall height and width of the sign, including the base/structure.
- (3) Double-faced signs shall be calculated as the area of one side only and three-dimensional or multi-faced signs shall be calculated as the sum of all visible sides.

Commented [OC5]: Minor edits for clarity.

Special events sign is a sign of a temporary nature other than those established by a business; for the purpose of advertising a special event pertaining to drives or events of a civic, philanthropic, cultural, educational, sporting events, concerts or religious organization, excluding events that occur more frequently than once a month.

Stake sign means a temporary sign that utilizes the support structure to anchor the sign to the ground by inserting the support structure into the ground, recognized only as the four types identified in Sec. 86-13 (a)(13), civic, home improvement, open house, yard signs, ~~or any temporary sign attached to utility poles, street signs, or other objects. Also commonly called "bandit" signs.~~

Commented [OC6]: Revised to avoid confusion as bandit signs are prohibited but four types of stake signs are allowed.

Subdivision means, for purposes of this Code, the subdivision in its entirety, not a phase, section, village, unit, or product line.

Subdivision entrance sign means a sign authorized for each major project entry into a legally recorded, multi-lot, multi-sectioned, master-planned residential subdivision, and contains only the name of the subdivision with no other information. There are three types of subdivision development entrance signs: (1) primary, (2) secondary, and (3) tertiary used to define various entries of a subdivision.

"T" frame sign means a temporary sign that is constructed in such a manner as to form an inverted "T."

Town means the Town of Little Elm, Texas.

Unified Sign Plan means a graphic representation showing all proposed signage for the area of a site with multiple tenants containing a minimum of the following:

- a) A site plan showing the location of proposed signs;
- b) Signs dimensioned and showing the distance from the nearest public Right-of-Way, and
- c) Elevations, dimensioned and labeled, including text, materials, material finishes, colors, lighting and proposed landscaping.

Vehicle sign means a sign that is attached to or placed in or on a truck, bus, car, trailer, boat, recreations vehicle, or any other vehicle used for routine business. Vehicle signs shall exclude bumper stickers, license plates, and state required registration/inspection stickers.

Vending machine sign means a sign that is attached to a vending machine or gasoline pump and which generally advertises the products dispensed from the vending machine or gasoline pump or associated convenience store.

Wall sign means a sign attached to the facade of a building or a canopy. Wall signs include signs on or affixed to walls, awnings, or other parts of the exterior of a building or canopy including walls.

Wind-driven sign means any sign consisting of one or a series of two or more banners, flags, feather flags, pennants, ribbons, spinners, captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

Window or door surface signs means signs visible from the public street or sidewalk and are installed or applied on or in a window or door, an incidental sign, or a sign that is located within three feet of a window on a building's interior.

Yard sign means a temporary stake sign that publicizes a celebratory event specific to the household occupants, such as but not limited to, the arrival of a newborn, birthdays, or anniversaries, the participation of a family member in a school activity or sport, or other personal celebratory events as determined by the director. Yard signs shall also include signs that advertise the presence of a home security system.

(Ord. No. 1282, § 2(Att.), 7-7-2015)

Commented [OC7]: New definition to go with new requirements for multitenant properties.

Commented [OC8]: Consider additional language for other celebratory events. Birthdays, anniversaries...

Sec. 86-7. Land use categories.

For purposes of this Code, all territory within the town's jurisdiction is classified into a land use (L.U.) category. Those properties within the town limits are classified based upon their zoning district classification. Those properties located within the extraterritorial jurisdiction (ETJ) shall be classified by the director based upon the future land use map (FLUP) of the comprehensive plan. Identification by a L.U. category is for the purposes of determining allowable signage only and in no manner shall be interpreted as the town zoning property within the extraterritorial jurisdiction or establishing vested rights regarding applicable zoning should the property be annexed into the town limits of Little Elm.

- (1) *Low-density residential L.U. category* includes any residential site in an AG, SF-RE, A1, A2, SF1, SF2, SF3, SF4, MH1, TH, or D zoning district or equivalent use in the town's extraterritorial jurisdiction ("ETJ"). Nonresidential uses permitted in this low-density residential L.U. category shall be included in the commercial L.U. category below.
- (2) *Multi-family residential L.U. category* includes any site in an MF or MH2 zoning district or equivalent use in the ETJ. Nonresidential uses permitted in this multi-family residential L.U. category shall be included in the commercial L.U. category below.

- (3) *Commercial L.U. category* includes any site that is located within the boundaries of an O, NS, LC, HC, TC, LI, or HI zoning district or equivalent use in the ETJ.

(Ord. No. 1282, § 2(Att.), 7-7-2015)

Sec. 86-8. Permit required.

- (a) *Permit required.* No sign, other than those exceptions listed in section 86-12 and indicated on Table 86.1, shall be erected, constructed, placed, painted, replaced, repaired, attached, enlarged, moved, converted, altered (including face changes), or secured to the ground, any building, or any structure, until a permit for such sign has been issued by the development services department. The director shall approve or deny an application for a sign permit within 30 days of the town's receipt of a complete application. A permit will be issued if a proposed sign conforms to all town ordinances and the associated fee has been paid. The town will not issue a new sign permit for property where illegal signs or sign violations exist. Each individual sign on a site must receive a permit to be installed, unless otherwise exempted in this Code or on Table 86.1.
- (b) *To whom issued.* No permit for the erection of any sign shall be issued to any person other than the property owner or the property owner's designated and authorized representative. In the case of a special event or permitted vendor, the permit shall be issued to the individual authorized by the town for said activity.
- (c) *Fees.* The fee for sign permits shall be as established in the town's current fee schedule. The fee for a permit for a sign that was constructed without a permit shall be double the applicable permit fee to cover additional administrative costs in connection therewith. Non-profit/charitable organizations are exempt from paying permit fees for temporary signs requiring a permit.
- (d) *Interpretation and administration.* The director shall be responsible for interpreting and administering this Code.
- (e) *Violation.* A person is responsible for a violation, as specified within, if the person is the permit holder, owner, agent, or person having the beneficial use of the sign and a citation may be issued.
- (f) *Promotional events.* With a town approved promotional event ([Section 26-283](#)), special, temporary sign privileges may be granted upon discretionary approval by the director at time of application, generally for a weekend or three days, [with the exception of Grand Opening signs](#). Longer periods of time may be considered by the director.
- (g) *Grand opening events.* Through a special event permit ([Section 26-283d](#)), temporary permission is granted, [as a special privilege to on-site business owners, to hold one grand opening event within 30 days of receiving their certificate of occupancy. In conjunction with a grand opening event permit a business may have a grand opening sign or banner for up to fourteen consecutive days. Longer periods of time may be considered by the director.](#)

(Ord. No. 1282, § 2(Att.), 7-7-2015)

Sec. 86-9. Applications.

- (a) An application for a sign permit must be accompanied by the permit fee and shall include, [as separate documents](#), such information as is necessary to assure compliance with all appropriate laws and regulations of the Town of Little Elm, including:
- (1) The name and address of the owner of the sign(s).
 - (2) The name and address of the owner or the person in possession of the premises where the sign(s) is located or to be located.

Commented [OC9]: •Reference and link to special events section.

•Adding language to clarify grand opening vs promotional. All grand opening signs are promotional, but not all promotional are grand opening signs.

(3) A general site plan illustrating the location of the building, structure, or tract of land to which or upon which the sign is to be located and attached, as well as the position of the sign in regard to Right-of-Way, easements, buildings, structures, and existing signs on the same premises (whose construction or placement requires permits).

(4) Clear and legible drawings of the proposed sign that illustrate dimensions associated with the sign, elevations, construction supports, sizes, foundation, electrical wiring, and components, materials of the sign, method of attachment, and character of structure members to which attachment is to be made, with description definitively showing the location of the sign(s) which is the subject of the permit and all proposed signs whose construction or placement requires permits, when such signs are on the same premises. Any existing sign on the premises must also be depicted on the drawings.

~~(4) Drawings showing the dimensions, elevations, construction supports, sizes, foundation, electrical wiring, and components, materials of the sign and method of attachment and character of structure members to which attachment is to be made. The design, quality, materials and loading shall conform to the requirements of the building code. If required by the director, engineering data certified by a licensed structural engineer shall be supplied on submitted plans.~~

(5) Approval of property owner is required for all tenant spaces.

(6) A Unified Sign Plan, as required for multi-tenant properties, Planned Developments, and as otherwise specified in these regulations, which shall provide the following:

a) Location of proposed sign(s); dimensioned and showing distance from the nearest public Right-of-Way, and

b) Elevations (dimensioned and labeled), including text, materials, material finishes, colors, lighting and proposed landscaping).

(7) Proof of compliance with all applicable building codes (building, plumbing, foundation, electrical, etc.) The design, quality, materials and loading shall conform to the requirements of the building code. If required by the director, engineering data certified by a licensed structural engineer shall be supplied on submitted plans.

Commented [OC10]: Additional language to clarify and provide items for a more streamlined review process.

(b) *Expiration of sign permits.* A sign permit shall expire and become void unless a request for final inspection of the sign is made no later than 60 days after the date the permit is issued.

(c) *Subordinate.* A sign permit shall be considered a subordinate project for all new construction and tenant finish-outs. Proposed signage must pass a final sign inspection prior to the associated business or building receiving a certificate of occupancy.

(d) *Revocation.* All rights and privileges acquired under the provisions of this chapter or any amendment hereto are mere licenses, revocable at any time by the director, even if reviewed and approved, if it is determined that the sign is in violation of this chapter, the application was incomplete, or the application contained misleading or false information. After receiving notice, the owner may re-apply for a new permit or voluntarily comply by bringing the sign into conformance, or the enforcement process ensues.

(Ord. No. 1282, § 2(Att.), 7-7-2015)

Sec. 86-10. General provisions.

(a) *Sign measurement criteria.*

(1) Sign area measurement. Sign area for all sign types is measured as follows:

Commented [OC11]: Adding Exhibits for reference.

a. Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained

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within the sum of the smallest rectangle(s) that will enclose the sign copy, the background, the structure, masonry border and base. [Exhibit A](#)

- b. Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign. [Exhibit B](#)
- c. Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy. Such elements may include, but are not limited to lit canopy fascia signs; cabinet signs; and/or interior lit awnings. [Exhibit C](#)
- d. Temporary signs mounted on posts or other objects are measured by the area of space the sign occupies, not the entire structure the temporary sign is affixed to.
- e. Multi-face signs are measured as follows:
 - 1. Two-face signs: The sum of all visible sides on three-dimensional signs. [Exhibit D](#)
 - 2. Three- or four-face signs: The sign area is 50 percent of the sum of the areas of all sign faces. [Exhibit E](#)
- f. Irregular-shaped sign copy, the sign area shall be calculated by enclosing the extreme limits of the sign and forming a rectangle, which shall be measured by the overall height and width of the rectangle. [Exhibit F](#)
- d. Spherical, free-form, sculptural, or other non-planar sign area is 50 percent of the sum of the areas using only the four vertical sides of the smallest ~~four~~five-sided polyhedron that will encompass the sign structure. [Exhibit G](#)

(2) *Sign height measurement.* Sign height is measured as follows:

- a. Freestanding signs: The height of a freestanding sign shall be computed as the distance from the base of the sign at finished grade to the top of the highest attached component of the sign. The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height. If a sign is located on a mound, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign.
- b. Building mounted signs: The height of wall, fascia, mansard, parapet or other building mounted signs is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure.

(b) *Sign illumination.* All permanent signs may be non-illuminated, illuminated by internal, internal indirect (halo), or lit by external indirect illumination, unless otherwise specified. Signs shall have no:

Flashing copy or lights;

Revolving beacon lights;

Chasing, blinking, or stroboscopic lights;

Fluttering, undulating, swinging, or otherwise moving parts.

For purposes of this Code an electronically controlled changeable-copy sign is not considered a flashing sign unless it directly falls under the definition of "flashing" as defined in this Code.

Commented [OC12]: This does not make sense. A four-sided polyhedron is known as a tetrahedron, which only has three vertical sides. It should say five-sided polyhedron. Adding Exhibit for reference.

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- (1) *Internal illumination.* Outdoor, internally illuminated advertising signs including but not limited to awning/canopy signs, cabinet signs (whether freestanding or building mounted, electronic message panels, reader boards, or service island signs) shall either be constructed with:
- An opaque background and translucent letters and symbols (color of opaque backgrounds or translucent letters and symbols are not restricted); or
 - A translucent background with either translucent or opaque letters and symbols that are lighter than the background.
 - Where a translucent background lighter than the letters is required for a registered logo, the logo will be allowed as long as it does not represent more than 50 percent of the total sign area.
- (2) *External indirect illumination.* Externally lit signs are permitted to be illuminated only with steady, stationary, down directed and shielded light sources directed solely onto the sign. Monument signs may have ground mounted lighting when said lighting is in compliance with this section. Light bulbs or light tubes, excluding neon, used for illuminating a sign shall not be visible from adjacent public rights-of-way or residential properties.
- (3) *No traffic interference.* An illuminated sign must not interfere with traffic or traffic devices. A sign lighted by incandescent light shall be installed to protect the driver of a vehicle from dangerous glare and to maintain visual clearance of all official traffic signs, signals, and devices.
- (4) *Neon.* Exposed neon tube illumination, to include string lights, pod lights, strand tube, and any other similar luminous device, utilized as a sign copy projection, border, frame, or other embellishment of sign copy, or on other site/building features or a window consistent with the definition of "sign" in this Code is prohibited.
- (5) *Electronic message (L.E.D.) signs:*
- May be incorporated into a permitted monument sign on each tract or parcel of land, as provided herein. Digital signs oriented to motorists or the public right-of-way are not allowed on building walls or windows.
 - Shall not exceed 50 percent of the area of the sign within the one-foot masonry border on monument signs. Multi-tenant monument signs are limited to one panel/blade or 20 square feet in area.
 - Any change of pictures or information on said sign shall not produce the illusion of moving objects, expanding or contracting shapes, rotation or any similar effect of animation.
 - Any change of pictures or information on the sign shall not change more often than once each three seconds for all displays on the sign.
- (6) *Reader board or manual changeable copy signs.*
- Shall be incorporated into a permitted monument sign on each tract or parcel of land, as provided herein. The director may allow incorporation into a wall sign or multi-tenant sign per his/her discretionary review and approval.
 - Shall not exceed 50 percent of the area of the sign.
 - Reader boards are not required to comply with the same internal lighting restrictions as indicated in section 86-10(b)(1).
- (7) *Residentially-zoned areas.* An illuminated sign is not allowed to face a residentially zoned area if it is within 150 feet of the residential property line and is not separated by a public street.

(c) *Location.*

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- (1) *Private property.* All signs shall be located on private property and outside of public right-of-way with no setback unless otherwise specified.
- (2) *Sight triangle.* All signs shall be located outside of the sight triangle as defined within this Code.
- (3) *Developed property.* All signs shall be located on developed property or property to which a building permit has been issued for construction of the use or building to which the sign is for, unless otherwise specified herein.
- (d) *Construction and maintenance.* All signs shall be constructed and maintained in accordance to the following standards:
- (1) *Construction.*
- a. All signs shall comply with the applicable provisions of the town adopted versions of the International Building Code, International Electrical Code, and International Property Maintenance Code.
- b. Any sign as defined in this Code, shall be designed and constructed to withstand wind pressures and receive dead loads as required in the building code adopted by the Town of Little Elm. Any sign, other than a wall sign, shall be designed, installed, and maintained so that it will withstand a horizontal pressure of 30 pounds per square foot of exposed surface.
- c. Signs attached directly to an exterior wall shall utilize galvanized or non-corrosive screws.
- (2) *Maintenance.*
- a. All signs shall be maintained in proper working order and good structural condition, in compliance with all building, electrical, and property maintenance codes, and in conformance with this Code, at all times.
- b. The director shall have the authority to order the painting, repair, or replacement of a sign and accompanying landscaping.
- (e) *Removal.*
- (1) *Illegal sign.* Any sign erected or constructed after the effective date of this Code in violation of this Code must be removed or brought into compliance with the provisions of this Code.
- a. Upon a determination that any sign has been constructed or placed or is maintained in violation of the provisions of this Code, the town code enforcement officer ("code enforcement officer") shall give written notice of the violation to the owner or person entitled to possession of the sign and the owner(s) of the property where the sign is located by certified and regular mail, or by personal delivery. The notice must identify (legal description not required) the property where the sign is located, identify the provisions of the Code violated, and state that the sign must be removed or brought into compliance with the Code within 30 days of the date of the notice. If the illegal sign is a hazardous sign, as identified in section 86-16 of this Code, the notice must state that the sign must be removed within 72 hours of the date of receipt of the notice. If the town is unable to contact the owner(s) or person entitled to possession of the sign by mail or personal delivery, the requirements of written notice shall be fulfilled by publishing notice in the newspaper.
- b. If the person or owner fails to remove the sign or bring it into compliance with this Code within 30 days after notice has been given, the code enforcement officer may, in accordance with the provisions contained herein, cause the sign to be removed at the expense of the owner or person entitled to possession of the property or sign, and shall, upon the determination of the expenses, certify them to the town. The decision of the code enforcement officer to cause a sign to be removed may be appealed in accordance with subsection 86-10(e)(1)c. below.

Commented [OC13]: Adding requirement for higher quality screws into the exterior façade.

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- c. If appealed, this decision shall be subject to review by the board of adjustment, acting as the sign control board, in accordance with the provisions contained herein. Except as may be otherwise provided herein, appeal must be made in writing and submitted to the director's office no later than ten days after the date of the notice issued by the code enforcement officer under subsection (e)(1)a. of this section. Notification of the date, time and location scheduled for the review of the board of adjustment shall be by certified mail. The board of adjustment may: (1) reverse the code enforcement officer's decision if it finds that the sign is in compliance with this Code; (2) uphold the decision of the code enforcement officer; or (3) issue its own removal or maintenance orders with respect to the sign. If removal or maintenance orders upheld or issued by the board of adjustment are not complied with within 15 days after the board's decision, or within 30 days after the decision of the date of the notice issued by the code enforcement officer, as set forth in subsection (e)(1)a. of this section, if no appeal is taken, the code enforcement officer may order the sign removed at the owner's expense under the provisions of this Code.
- d. If the code enforcement officer orders the removal of an illegal sign and the sign is removed at the expense of the town, the code enforcement officer shall notify the property owner, the person entitled to possession of the sign or property, and each mortgagee and lienholder identified through a diligent effort, of the total costs incurred by the town for the removal of the sign within ten days after removal is accomplished. If the persons notified fail within 30 days after the date of notification to pay the entire costs and expenses of the removal, such costs and expenses shall be assessed on and the town shall have a lien against the property on which the sign was located. The lien is extinguished if the person entitled to the sign or property, the property owner or another person having an interest in the title to the property reimburses the town for the costs and expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the sign was located, the amount of expenses incurred by the town, and the balance due.
- e. The town satisfies the requirements of this section to make a diligent effort or a reasonable effort to determine the identity and address of an owner, a lienholder, or a mortgagee if the town searches the following records:
1. County real property records of the county in which the property is located;
 2. Appraisal district records of the appraisal district in which the property is located;
 3. Records of the secretary of state; and
 4. Utility records of the town.
- f. When the town mails a notice in accordance with this section to a property owner, lienholder, or mortgagee and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.
- (2) *Abandoned conforming sign.* An on-premises sign or sign structure must be removed on the first anniversary of the date the business or activity that the sign or sign structure identifies or advertises ceases to operate on the premises on which the sign or sign structure is located. If the premises containing the sign or sign structure is leased, the sign must be removed on the second anniversary after the date the most recent tenant ceases to operate on the premises. For purposes of this subsection, an "on-premises sign" means a freestanding sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person, or activity.

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- (3) *Nonconforming signs.* Removal of all other signs shall be accomplished by order of the municipal board on sign control in accordance with V.T.C.A., Local Government Code ch. 216, including the determination of compensation (if any) in connection therewith by the municipal board on sign control, refer to section 86-15.

(Ord. No. 1282, § 2(Att.), 7-7-2015)

Sec. 86-11. Prohibited signs.

Any sign not specifically authorized by this Code is prohibited unless required by law. The following signs and conditions are prohibited:

- (1) Signs shall have no: flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts. For purposes of this Code an electronically controlled changeable-copy sign is not considered a flashing sign unless it directly falls under the definition of "flashing" as defined in this Code;
- (2) No billboards shall be permitted;
- (3) No off-premises signs shall be permitted, except as specifically authorized in this Code;
- (4) Any sign located within, on, or projecting over a property line which borders a public or private street, highway, alley, lane, parkway, avenue, road, sidewalk, or other right-of-way, except as provided in this Code. The code enforcement officer may cause to be removed any temporary or portable sign erected or displayed upon, or projecting into public property;
- (5) Any sign attached to any public utility pole or structure, street light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property, except as provided herein;
- (6) Any sign placed, which by reason of its location, will obstruct the view of any authorized traffic sign, signal or other traffic control device or which by reason of shape, color, or position interferes with or could be confused with any authorized traffic signal or device;
- (7) Any sign which constitutes a traffic hazard including but not limited to signs containing words such as "stop," "look," "danger;"
- (8) Any sign placed within a sight triangle;
- (9) Any sign which is placed so as to prevent or inhibit free ingress to or egress from any door, window, or any exit way required by the International Building Code, or by town fire department regulations;
- (10) Any sign which emits audible sound, odor, smoke, steam, laser or hologram lights, or other visible matter, including any sign that employs any stereopticon, or motion picture projection;
- (11) Any sign placed, mounted, attached or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on the public right-of-way or private premises in a manner intended to attract the attention of the public. This provision expressly excludes business signs that are permanently painted on, or magnetically attached to motor vehicles or rolling stock that are regularly and consistently used to conduct normal business activities;
- (12) The canopy band face shall be flat with no projections or stripes, be non-plastic and generally a metal or masonry based material, be primarily one earth-tone color that matches or accents the primary building, may not be backlit or otherwise illuminated or used as signage, and should generally be no greater than four feet in size, except as follows:
 - a. The canopy band face may utilize one small button logo on each face that can be internally illuminated, as long as each button logo does not exceed 15 square feet for bands three feet in

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size and 20 square feet for bands four feet in size, is generally as tall as it is wide, and does not protrude more than 18 inches from the canopy in any direction.

- b. The canopy band face may utilize an external LED halo type light, if properly shielded/recessed and oriented downward/upward so that only the "wash" is visible.
 - c. The canopy band face may utilize internally illuminated rings, as long as the source is LED, it is flush with the band face and only protrudes nominally (up to a maximum of six inches), and the size of the ring does not exceed more than 25 percent for single rings and 50 percent for multiple rings of the thickness of the canopy band face.
- (13) Roof signs, excluding mansard roofs when constructed in compliance with this Code;
 - (14) Banners, pennants, ribbons, balloons, feather flags, temporary signs, inflatable signs, signs with arrows, and wind-driven signs except as provided herein;
 - (15) Signs or banners erected or affixed within or projecting over any public right-of-way except as provided herein;
 - (16) Bandit signs;
 - (17) Pole or pylon signs;
 - (18) Searchlights, or other unpermitted lighting that draws attention or is a nuisance;
 - (19) Any digital billboard located, relocated, or upgraded along a regulated highway within the corporate limits or ETJ of the town, unless otherwise authorized in an approved agreement by town council that requires the support pole to be encased in masonry and any associated lateral electric service lines to be buried; and
 - (20) Any sign on commercial property designating reserved business or "no parking" spaces, except with director approval. All non-white parking lot striping.

(21) No flat display surface, such as, but not limited to, aluminum or acrylic panels, attached directly onto the exterior façade of the building.

Commented [OC14]: Prohibiting flat displays. Adding sign depth requirements to appropriate section below.

(Ord. No. 1282, § 2(Att.), 7-7-2015)

Sec. 86-12. Exempt signs.

The following signs shall be exempt from obtaining a sign permit, but must meet the standards of this Code:

- (1) Any public notice, or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;
- (2) Any sign inside a building, not attached to a window or door, that is located more than three feet from the window or door;
- (3) Works of fine art;
- (4) Holiday lights and decorations that do not meet definition of a sign;
- (5) Government signs erected by the town, county, state, or federal government in furtherance of their governmental responsibility;
- (6) Memorial signs or tablets and building markers displayed on public or private buildings and tablets or headstones in cemeteries;

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- (7) Signs prepared by or for the local, state or federal government marking sites or buildings of historical significance;
 - (8) Nameplates as defined herein;
 - (9) Announcement signs as defined herein;
 - (10) Incidental signs as defined herein;
 - (11) Signs for vendors that are exempt under the town's solicitor-vendors ordinance; and,
 - (12) Blades/panels on multi-tenant monument signs.

(Ord. No. 1282, § 2(Att.), 7-7-2015)

Sec. 86-13. Permitted signs.

The following sign types are permissible upon issuance of a sign permit, unless exempted by section 86-12 of this Code or Table 86.1, subject to the following conditions and specifications listed in this section. Signs that do not comply with the following conditions and specifications are considered prohibited, including exempted signs. Table 86.1 identifies signs by type and land use category.

(a) *Temporary signs.*

(1) *"A" and "T" frame signs.*

a. *Manner:*

- 1. The maximum sign area is 12 square feet.
- 2. The maximum height is four feet.
- 3. No more than one per business or tenant on the property is allowed.

b. *Place:*

- 1. Signs shall be placed on an internal sidewalk or within the landscaping directly in front of the building or lease space in which the business is located and the property the business is located on. "A" and "T" frame signs are not permitted within the public right-of-way or the perimeter landscape buffer and sidewalk adjacent to the right-of-way.
- 2. An unobstructed pedestrian clearance of at least four feet in width must be provided adjacent to the sign.
- 3. Shall not be located in required parking spaces.
- 4. Shall be placed no closer than 20 feet from other "A" or "T" frame signs.

c. *Time:* During business hours only.

(2) *Banner signs.*

a. *Manner:*

- 1. Maximum sign area is 48 square feet, not to exceed 75 percent of the building or lease space width upon which the sign is to be located.
- 2. Maximum height is four feet.

b. *Place:* All four corners of a banner sign shall be securely attached to the building.

- c. *Time:* One banner sign may be placed on a building for up to two weeks two times per calendar year. The periods may be combined. Each tenant space or building located on a single lot or in a complex shall be allowed an individual banner as allowed per this Code.

(3) *Banner policy (non-profit organizations).* For non-profit organizations, the use of temporary signs or banners shall be permitted in conformance with the provisions and standards set forth. Non-profits must comply with the following guidelines but are not required to obtain a sign permit.

a. *Manner:*

1. Maximum sign area for wall banner is 48 square feet, with a maximum height of four feet.
2. Freestanding banners may not be higher than six feet measured at ground level.

b. *Place:*

1. Temporary signs and banners shall not ~~to~~ be displayed within the public right-of-way or otherwise obstruct the vision of any driveways or intersections.
2. Banners must be located on property owned by the non-profit organization.

Commented [OC15]: Typo correction.

c. *Time:*

1. One freestanding banner and one wall banner sign may be placed on a property for up to 30 days prior to and during a special event before they must be replaced or removed.
2. No more than one freestanding banner sign and one banner sign placed on a building may be located on a property at a time.

(4) *Development information signs (residential).*

a. *Manner:*

1. Maximum sign area is 40 square feet.
2. Can be freestanding with a ~~two~~ up to four-foot clear space above the ground (HAGL).
3. Maximum height is eight feet.
4. The allowed signage is based upon the number of lots each builder controls. If less than 100 lots, two signs. If between 100 and 500 lots, three signs. If between 500 lots and 1,000 lots, four signs. If greater than 1,000 lots, five signs.
5. Materials must be weather and fade resistant.

Commented [OC16]: Adding allowance for 4-foot clearance between grade and bottom of the sign face. This is the typical measurement for these types of signs. Overall sign height does not increase.

b. *Place:*

1. Development information signs shall be located on property within the project subdivision to which the signs pertain, or with HOA permission, can be located on HOA common area.
2. Development information signs shall be placed no closer than 100 feet apart and must not be located within the public right-of-way.

c. *Time:*

1. Displayed once the plat is recorded and shall be removed when 90 percent completion of each phase to which the sign is a part of.

(5) *Future development signs (commercial).*

a. *Manner:*

1. May be freestanding with a maximum four-foot HAGL:
- A property of five acres or less may have a sign with a maximum square footage of 48 square feet and 10 feet in height.
- A property between five and 20 acres may have a sign with a maximum square footage of 64 square feet and 10 feet in height.
- A property over 20 acres may have a sign with a maximum square footage of 96 square feet and 12 feet in height.

b. *Place:*

1. On the property where the activity is to occur.
2. One freestanding sign per street frontage.
3. One banner sign per building.

c. *Time:*

1. Displayed no earlier than 30 days before the commencement of the activity and must be removed no later than 30 days after the activity is completed, or the installation of a permanent sign, whichever occurs first, unless otherwise approved by the director for a longer period of time.

(6) *Garage sale signs.*

- a. *Manner:* The town shall issue five signs per garage sale per permit. All other signs shall be prohibited. Garage sales are regulated by chapter 26, article III, of the Little Elm Code of Ordinances.

b. *Place:*

1. Signs shall be located on private property and signs located on private property away from the sale site shall have permission from property owner. The permission of the property owner must be indicated by the property owner's signature on the back of the sign.
2. Signs are not allowed on utility poles, in easements, on public fences or buildings, or any right-of-way, public or private.

c. *Time:*

1. Signs shall be displayed no sooner than 24 hours prior to the first day of the sale.
2. All signs must be removed by 8:00 a.m. on the day following the last day of the sale. Signs removed by the town may be subject to a fine of \$10.00 per sign removed due and payable by the owner of the property on which the sale occurred.

(7) *Government signs.* Per general provisions, section 86-10.

(8) *Human signs.* All human signs shall be located on-site on private property, out of the right-of-way, not utilize any luminous device or other item that will distract or otherwise interfere with motorists, and obtain a permit from the town.

- (9) *Inflatable signs* are only allowed in association with a valid promotional event permit from the town.
- a. *Manner:*
1. Shall not exceed 20 feet in height or ten feet in width.
 2. Must be secured to the ground and not float above the ground.
 3. Unprotected extension cords cannot cross pedestrian or vehicular access ways, unless otherwise authorized by the fire marshal and building official.
- b. *Place:* May not be placed on a roof or suspended from a building, located in required parking spaces, driveways that provide access to parking spaces, or fire lanes, nor may the sign encroach into the right-of-way. The director has final discretionary approval authority on the location of inflatables.
- (10) *Model home signs.*
- a. *Manner:*
1. Maximum sign area is 40 square feet with monument style and no HAGL.
 2. Maximum height is eight feet.
 3. One sign per cluster of model homes per builder.
 4. A nameplate sign that identifies the individual product name is exempt if it does not exceed three square feet or three feet in height.
- b. *Place:* Must be placed in front of a cluster of one or more model homes per builder.
- c. *Time:* All model home signage must be removed from the premises upon sale of the last model in the cluster.
- (11) *Real estate signs, residential.*
- a. *Manner:*
1. Maximum of one sign per street frontage.
 2. Maximum of six square feet in area.
- b. *Place:* Must be located only on the lot/property that is for sale or lease.
- c. *Time:* No restrictions.
- (12) *Real estate signs, commercial.*
- a. *Manner:*
1. Maximum of one sign per street frontage.
 2. Maximum of 40 square feet in area, can be freestanding, with a maximum height of eight feet and a maximum HAGL of ~~two~~ up to four feet.
- b. *Place:* Must be located only on the lot/property that is for sale or lease.
- c. *Time:* Up to one year following the issuance of the final certificate of occupancy. Thereafter, a "for lease" or "for sale" banner may be securely attached to the building, one per street frontage or lease space, and up to 32 square feet in area.
- (13) *Stake signs.* Only the four types as identified below. All stake signs are subjected to the following area and height restrictions unless otherwise specified:

Commented [OC17]: Adding allowance for 4-foot clearance between grade and bottom of the sign face. This is the typical measurement for these types of signs. Overall sign height does not increase.

Commented [OC18]: Suggested for clarification since bandit signs are not allowed, and stake signs definition includes bandit signs. Also added as exception to bandit signs under prohibited signs section.

a. *Manner:*

1. Maximum sign area is six square feet, except for signs identifying the presence of a home security system, which shall not exceed one square foot.
2. Maximum height is three feet, excluding yard signs.

b. *Place:*

1. *Civic:* Signs may be located in the right-of-way, excluding medians, or on private property. Signs located on private property away from the activity site shall have permission from the property owner.
2. *Home improvement:* Signs shall be placed on the lot to which home improvement is occurring. In general, signage shall not be located closer than ten feet to the edge of street pavement.
3. *Open house:* Signs shall be located on private property. Signs located on private property away from the activity site shall have permission from property owner. In general, signage shall not be located closer than ten feet to the edge of street pavement. Spacing of 75 feet shall be maintained between individual signs.
4. *Yard signs:* Shall be located only on lots with an occupied single-family, two-family, or multi-family dwelling generally within ten feet of the building footprint.

Commented [OC19]: Adding language to prevent overcrowding of signs, mirroring typical detached signage spacing requirements through the rest of the code.

c. *Time:*

1. *Civic:* Signs shall be erected no more than seven days prior to the meeting or event and removed no more than 48 hours after the meeting or event.
2. *Home improvement:* Shall be removed no later than 7 days after work is completed. Signs shall be removed no later than 30 days after installation.
3. *Open house:* Signs shall be erected no earlier than two hours prior to the time of the open house and shall be removed no later than two hours after the open house.
4. *Yard sign:* No restriction.

Commented [OC20]: Revised per Code Enforcement request.

(b) *Permanent signs.*

(1) *Awning and canopy signs.*

a. *Manner:*

1. One per occupancy per building face.
2. Minimum eight feet pedestrian clearance above sidewalk level.
3. Ten square feet maximum sign area.
4. If acting as the main business sign, it shall not be in addition to a wall-mounted sign.
5. If acting as an auxiliary business sign, it shall be located on the valance only, and the height of the lettering shall not exceed four inches, unless it is a "ghosted-in" silhouette on the awnings.

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- 6. Awnings shall not be internally illuminated, unless acting as the main business sign.
 - 7. Awnings are subordinate to architectural masonry requirements in that awnings should be functional and decorative enhancements to a building and not a method to achieve additional branding beyond what is intended by this Code.
- b. *Place:* Supporting structure of an awning or canopy may not encroach into or over the street right-of-way.
 - c. *Other.* Fuel canopies and similar structures shall abide by the sign restrictions within section 86-11 and not display prices. A canopy shall have its support structure (columns) encased in masonry with a pitched roof of standing seam metal. Associated exhaust valves for underground storage tanks shall be located outside the perimeter landscape area and painted an earth tone, non-white color.
- (2) *Building directory.*
- a. *Manner:*
 - 1. Shall be contained within a shallow metal or wood case and the contents clearly visible through a glass front.
 - 2. The display case shall be attached to the building wall, next to the main entrance, approximately five feet above ground level, and shall not project out from the wall more than six inches.
 - 3. Maximum size shall be eight square feet.
 - 4. It may be lighted.
- (3) *Directional.*
- a. *Manner:*
 - 1. Maximum sign area is six square feet.
 - 2. Maximum height is three feet.
 - 3. Style of signs shall be consistent with building materials and architecture of building within the project site with a monument style base.
 - 4. The director, or his or her designee, has the final discretion to approve or not approve a proposed directional sign based on its wording, location, or necessity.
 - b. *Place:*
 - 1. Shall be located a minimum of 25 feet from street right-of-way.
- (4) *Flags.*
- a. *Manner:*
 - 1. Maximum area is 60 square feet per site, excluding the American flag. Area measured using overall height and width of a flag, not by individual flag face.
 - 2. The maximum height of a flagpole or other supporting structure in the low-density residential L.U. category shall not exceed 20 feet. The maximum height in all other L.U. categories shall not exceed 35 feet.

Commented [OC21]: Clarification added.

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3. Maximum of three flags per project site.
 - b. *Place:* Shall be located on the property and setback a minimum distance equal to the height of the pole from any property line.
 - c. *Restrictions:* Corporate and builder flags are prohibited.
- (5) *Information.*
- a. *Manner:*
 1. Maximum sign area is 12 square feet.
 2. Maximum height is five feet.
 3. A maximum of one information sign shall be allowed for each publicly owned institution or non-profit organization. An information sign shall not be considered a pylon sign in this Code.
 - b. *Place:*
 1. At a public building or church, such sign shall be located at or near the building entrance and not oriented towards motorists nor the right-of-way.
 2. For a neighborhood, such sign shall be located within the subdivision at a commonly traveled location, for example, near the neighborhood park or amenity center, the main mail station, or the main entrance to the neighborhood. Such sign shall be located on property maintained by the neighborhood/homeowners association or with a written agreement between the property owner and the association. Such sign shall not be placed closer than 150 feet from the intersection of a collector street and a major or principal thoroughfare, as defined in the Little Elm Master Thoroughfare Plan.
- (6) *Menu board signs.*
- a. *Drive-through menu board.*
 1. *Manner:*
 - Shall be a monument-style sign and does not have to meet illumination standards.
 - The design, materials, and finish shall match the front facade of the building(s) on the same lot.
 - One drive-through menu board per drive-through lane.
 - Maximum area is 60 square feet.
 - Maximum height is eight feet.
 2. *Place:* Shall be located to the side or rear of the primary building(s) on the lot.
 - b. *Drive-through pre-order sign.*
 1. *Manner:*
 - Shall be a monument-style sign.
 - The design, materials, and finish shall match the front facade of the building(s) on the same lot.
 - One sign per drive-through lane.

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- Maximum area is 36 square feet.
 - Maximum height is six feet.
 - 2. *Place:*
 - Shall be located at the beginning of the drive-through lane.
 - Shall be located to the side or rear of the primary building(s) on the lot.
 - c. *Drive-in menu board.*
 - 1. *Manner:*
 - Shall be a monument-style sign or attached directly to support columns of a canopy that covers the drive-in stalls.
 - The design, materials, and finish shall match the front facade of the building(s) on the same lot.
 - One drive-in menu board per ordering station.
 - Maximum area is nine square feet.
 - Maximum height is six feet.
 - 2. *Place:* Shall be located adjacent to the drive-in stall or attached directly to support columns of a canopy that covers the drive-in stalls.
 - (7) *Monument signs.*
 - a. *Manner:*
 - ~~1. The maximum area is 60 square feet. Tracts with 380 overlay zoning may go up to 100 square feet.~~
 - ~~2. The maximum height is eight feet, and ten feet for U.S. 380 tracts.~~
 - ~~3. One per lot or pad site.~~
 - ~~4. A corner lot or lot with a total frontage of 400 feet shall be allowed one additional monument sign up to 40 square feet in size, including the masonry border.~~
 - ~~51.~~ The base of the sign shall be protected by a landscaped area to be maintained in a healthy condition.
 - ~~62.~~ Sign structure and base shall be masonry. The design and construction of monument signs shall be compatible with the architecture and style of the development of the project site.
 - ~~73.~~ Signs shall contain a minimum one-foot masonry (brick/stone) border around all sides of the sign. A sign constructed entirely of masonry materials shall satisfy the border requirement. The one-foot masonry border is included in the maximum area of a sign.
 - ~~84.~~ The street address shall be included on the sign and be a minimum eight inches in height, decorative metal, and of contrasting color with the monument. Shall also include the name of the development when practical, as determined by the director.
 - b. *Place:*

1. Shall be located behind the property line.
2. Spacing of 75 feet shall be maintained between all monument signs.

~~(8)~~ c. Single tenant monument sign. Exhibit H

1. The maximum area is 60 square feet. Tracts with 380 overlay zoning may go up to 100 square feet.
2. The maximum height is eight feet, and ten feet for U.S. 380 tracts.
3. One per lot or pad site.
4. A corner lot or lot with a total frontage of 400 feet shall be allowed one additional monument sign up to 40 square feet in size, including the masonry border.

d. Multi-tenant monument sign.

a. Manner:

- ~~1. Shall include the name and address of the development when practical, as determined by the director.~~
- ~~2. The base of the sign shall be protected by a landscaped area to be maintained in a healthy condition.~~
- ~~3. Sign structure and base shall be masonry. The design and construction of monument signs shall be compatible with the architectural style, design, color, and material of the development(s) on the project site.~~
4. The maximum area shall be based upon the size of the development and its number of tenant lease spaces.
 - Buildings with three or fewer tenant lease spaces, 80 square feet.
 - Five acres or less is 100 square feet with more than three tenant lease spaces.
 - For every acre over five acres, the sign size may be increased by ten square feet with the maximum allowed area of 200 square feet, except for signs located on property with 380 overlay zoning, in which case a maximum allowed area of 240 square feet is permitted.
2. All blank panels shall be opaque and black, white, or earth tone in color. Business identifications on panels should generally occupy a panel size that proportionally corresponds to its presence within the commercial development. For example, a small individual tenant lease space should not occupy a larger panel, and a big box should occupy a larger panel.
- ~~5. The maximum area shall be based upon the size of the development and its number of tenant lease spaces.~~
 - ~~• Buildings with three or fewer tenant lease spaces, 80 square feet.~~
 - ~~• Five acres or less is 100 square feet with more than three tenant lease spaces.~~
 - ~~• For every acre over five acres, the sign size may be increased by ten square feet with the maximum allowed area of 200 square feet, except for signs located on property with 380 overlay zoning, in which case a maximum allowed area of 240 square feet is permitted.~~

~~63.~~ The maximum height shall not exceed ten percent of the sign's maximum allowed area.

~~7.~~ Signs shall contain a minimum one foot masonry (brick/stone) border around all sides of the sign. A sign constructed entirely of masonry materials shall satisfy the border requirement. The one foot masonry border is included in the maximum area of a sign.

~~84.~~ A multi-tenant monument sign shall be located within a development that consists of multiple businesses with exterior entrances which are united through common building architecture, color, and materials, landscaping, and parking.

~~95.~~ One multi-tenant monument sign is permitted per street frontage of a development. One additional multi-tenant monument sign is permitted along a street for each additional 750 linear feet of street frontage that exceeds 750 linear feet of street frontage. No more than four signs shall be allowed per development, with a minimum separation of 375 linear feet between each sign.

~~10.~~ Shall be located behind the property line.

~~146.~~ Where exists a contiguous and unified commercial development larger than five acres in size, multi-tenant signs will be allowed to advertise any off-site business residing in said development, with owner permission, so long as the business does not already have its own monument sign. Interior commercial pad sites can also elect to install an off-site monument within a unified commercial development if within a sign easement and not already on a multi-tenant sign.

~~7.~~ Sites intended, and appropriate, for multiple monument signs with multiple tenants must submit and obtain approval of a Unified Sign Plan during the Site Development process. No permit for multi-tenant monument shall be issued until the Unified Sign Plan is approved.

Commented [OC22]: Adding requirement for unified sign plans for multiple on-site monuments in order to ensure cohesive signage throughout the site.

(9) *Projecting sign.*

a. General.

1. A maximum of one per occupancy per building face.

2. A maximum area of six square feet ~~in area~~, and a maximum of three feet in width.

Commented [OC23]: Typo correction.

i. The director may waive this requirement when projection signs are proposed with uses outlined in item 7. below.

3. Distance from the sidewalk to the lower edge of sign shall be higher than eight feet.

4. Minimum 15 foot distance between projecting signs.

5. The sign shall not project above the top edge of the wall it is attached to.

i. The ~~D~~director may waive this requirement when projection signs are proposed with uses outlined in item 7. below.

6. Maximum sign area is included as part of the maximum area for wall signs.

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- i. The director may waive this requirement when projection signs are proposed with uses outlined in item 7. below.
 7. The director may allow up to a maximum area of 200 square feet when proposed for structures with the following uses:
 - i. Theater, indoor (single tenant).
 - ii. Theater, drive-in (single tenant).
 - iii. Commercial amusement, indoor (single tenant).
 - iv. Mixed-use building.
 - v. Hotel.
 - b. *Place.* Located on the building in which the business or use is conducted or on the wall attached to said building.
 - c. *Time.* No restrictions.
 - (10) *Scoreboards.* Shall be located within the limits of and face into the athletic field or stadium.
 - (11) *Subdivision entrance sign.*
 - a. *General.*
 1. *Manner:*
 - Shall be a monument sign constructed of stone, brick, or other maintenance free material.
 - The design and construction must be compatible with surrounding development.
 - Signage may appear on both sides of the entrance roadway within the recorded or master-planned subdivision. The maximum allowable sign face size limitations will apply separately to each side of the street.
 - Lighting shall be ground lights or lights attached to the top of the sign focused downward directly on the sign.
 - The developer shall represent in writing to the town its plan for perpetual maintenance of such signs by the homeowner's association or similar entity before a permit will be issued for such signs.
 2. *Place:*
 - Shall be located outside sight triangles.
 - The town may enter into a license agreement to permit a subdivision identification sign to be located within public right-of-way. The license agreement shall be in a form acceptable to the town.
 3. *Time:* A permit shall not be issued until the final plat is recorded.
 - b. *Primary standards.*
 1. *Manner:*
 - Maximum sign area is 32 square feet for subdivisions containing 100 lots or less. For every 100 lots in the subdivision in addition to the first 100, the size can increase an additional ten square feet to a maximum size of 64 square feet of total sign face area. If the sign face is incorporated into landscape features, a

wall, or architectural feature, the size of the sign face is determined by the area of the smallest rectangle within which the face of the sign can be enclosed.

- When signage is incorporated into a wall, landscape or architectural feature, in addition to the allowed signage on both sides of a street pursuant to subsection (b)(11)a.1. above, a third location may be permitted within a landscaped median of the subdivision entrance street subject to a license agreement as specified in subsection (b)(11)a.2. above. The maximum square footage of primary subdivision entrance signage allowed may be distributed between the three signs.
- The maximum height of signage shall be eight feet including any berms or landscape features or on an architectural element. The maximum height of an architectural element shall be 20 feet.

2. *Place:*

- Located at the primary entrance into the subdivision. Primary entrance signage is permitted at only one entrance for each subdivision, except that a second location for primary subdivision entrance signage shall be permitted if two entrances to the subdivision are located on two different primary thoroughfare roadways, as designated in the Little Elm Master Thoroughfare Plan. In such case, primary entrance signage may be placed at each of the primary thoroughfare roadway entrances in accordance with this chapter.
- A subdivision primary entrance sign must be located within the subdivision or at an off-premises location adjacent to an arterial roadway within 150 feet of the primary entrance to the subdivision.
- An architectural element shall be located on private property and have a set back from the right-of-way line equal to its height.

c. *Secondary standards.*

1. *Manner:* Maximum sign area is 16 square feet.
2. *Place:* They are to be placed at an on-premises location within the subdivision and at entrances into the subdivision other than at the primary entrance.

d. *Tertiary standards.*

1. *Manner:*
 - Located at the entryway into sections within a subdivision that are 25 acres or greater in size, where the entire subdivision is equal to or greater than 50 acres.
 - Shall be comprised entirely of stone or masonry, with engraved lettering set within the stone.
 - They shall be monument signs only and shall be limited to a total monument size of ten square feet.

(12) *Vending machine signs.*

a. *Manner:*

1. Maximum sign area is restricted to the surface area of the vending machine or gasoline pump.

2. One four-square foot sign per machine or pump may project a maximum of two feet above the top of said machine or pump.
- b. *Place:* Shall be located on the vending machine or pump, or placed at approximately eye level on the associated columns, within a frame or with durable backing, so as to be oriented to on-site customers and not the right-of-way.
- c. *Time:* No restriction.

(13) *Wall.*

a. *Manner:*

1. One primary use sign allowed per tenant occupancy, per façade. For each one linear foot of the primary building face, or tenant-leased facade/storefront, two square feet ~~of wall sign are is allowed~~, up to—A a maximum of 200 square feet of wall signage ~~is allowed~~ per building or tenant. Big box primary tenants may use a total of 400 square feet. Exhibits J-1
2. Sign area allowance shall be calculated/applied cumulatively for all proposed wall signage. Secondary use wall signs shall not be installed without the primary use first having a compliant wall sign. Exhibit J-2 and Exhibit J-3 The director can discretionarily provide minor waivers to area for corner locations with multiple fronts or in other similar situations.
3. Maximum height shall not project above the roof line, or top edge of parapet wall or mansard roof.
4. Signs that project three inches or more from the wall shall maintain a minimum clearance of nine feet from the ground.
5. Signs must be designed with a depth of at least three inches, contain a structural frame, and be installed with metal backing. A flat display surface or panel may not be attached directly to an exterior wall. Exhibit J-4
 - a. Aluminum display panel only allowed if using .080 minimum aluminum panel with 3 inch folds, affixed to the exterior wall with angle iron for sturdiness. Exhibit J-5
- 5.6. The Director of Development Services director-director shall have discretion over minor modifications in order to ensure adequate proportion, separation, and scale for wall signs.

- b. *Place:* Located on the building in which the business or use is conducted or on the wall attached to said building. Tenants within a shell strip building shall install the sign on the wall of the lease space they occupy and not elsewhere on the strip building.
- c. *Time:* No restrictions.

(14) *Window.*

a. *Manner:*

1. Maximum sign area is 30 percent of the window area per wall. Signs exceeding 30 percent shall be calculated against the maximum wall sign area permitted, upon discretionary review and approval by the director.

Commented [OC24]: Since we are adding the requirement to design wall signs with least three inches in depth, all signs shall be placed at least nine feet above ground.

Commented [OC25]: Adding sign depth requirements and exhibit.

Commented [OC26]: JUST A SUGGESTION

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2. Incidental signs shall count towards the maximum window sign area. "Open" signs are limited to one per primary business entrance.
 3. Neon signs are allowed behind windows in commercial districts, but shall count toward the total window sign area.
 4. Incidental signs, neon signs, and all other wall/window signage shall be static with no blinking, strobing, revolving, flashing, chasing, or other moving elements, to include "Open" signs.

b. *Place:* Per general provisions, section 86-10.

c. *Time:* No restrictions.

(Ord. No. 1282, § 2(Att.), 7-7-2015; Ord. No. 1449, § 2, 3-6-2018)

Sec. 86-14. Political signs.

- (a) Political signs may be erected in accordance with this Code upon private premises. Political signs are not allowed on utility poles, in public easements, on public fences or buildings, or any town property or town right-of-way. Political signs located on private property, which is not the property of the owner of the sign, shall have permission from property owner.
- (b) Political signs may not:
 - (1) Have an effective area greater than 36 feet;
 - (2) Be more than eight feet in height;
 - (3) Be illuminated; or
 - (4) Have any moving elements.
- (c) Notwithstanding the provisions of subsection (a) of this section, two political signs per candidate (or per measure or proposition) may be lawfully erected on any town-owned property that has been designated as an election polling place for the time period beginning with early voting by personal appearance and continuing through the completion of the election contest including, if applicable, any runoff election. The placement of such sign must comply with the Texas Election Code's location requirements and may not:
 - (1) Have an effective area greater than four feet;
 - (2) Be more than two feet in height;
 - (3) Be illuminated; or
 - (4) Have any moving elements.

(Ord. No. 1282, § 2(Att.), 7-7-2015)

Sec. 86-15. Nonconforming signs.

- (a) *Nonconforming sign structure.* A sign that does not conform to the regulations relating to the structure of the sign prescribed in this Code, including but not limited to sign type, height, size, or location, and that existed lawfully on the date of adoption of this Code or amendment hereto (as applicable) shall be deemed a nonconforming sign structure. A nonconforming sign structure may be maintained in its current location until one of the conditions outlined in subsection (e) of this section occurs at which time the sign structure must be removed in accordance with this section or modified to bring the sign structure into conformance with

current ordinances. The sign structure must be maintained and the degree of nonconformity may not be increased; however, a face change may occur without altering the nonconforming status of the sign structure and without the need to bring the structure into compliance with this Code, unless otherwise provided for herein.

- (b) *Nonconforming sign face.* An internally illuminated sign face that does not conform to the regulations that impact the face of the sign prescribed in this Code, including but not limited to color of background and/or letters, and that existed lawfully on the date of adoption of this chapter or amendment hereto shall be deemed a nonconforming sign face. A nonconforming sign face may be maintained in its current location until one of the conditions outlined in subsection (d) of this section occurs at which time the sign face must be removed in accordance with this section or modified to bring the sign face into conformance with current ordinances. The sign face must be maintained and not moved, altered, removed, reinstalled or replaced until it is made to conform with this Code.
- (c) *Billboards.* When a property with an existing billboard, whether legal nonconforming, illegal, legal, or any other status, applies for a permit from the town, the billboard shall have its support pole encased in masonry and any associated lateral electric service lines buried prior to any certificate of occupancy being issued for the parent project.
- (d) *Removal of nonconforming sign faces.* The right to continue all nonconforming sign faces shall cease and such sign face shall be removed whenever:
 - (1) An approved application for certificate of occupancy or a certificate of occupancy for a change of business is issued as provided in the comprehensive zoning ordinance and the existing sign face is associated with the previous business.
 - (2) A change of occupancy classification occurs as described in the building code and the sign face is associated with the classification change.
 - (3) The business advertised on the sign ceases to operate on the premises on which the sign is located.
 - (4) A sign face is altered, repaired or reinstalled without a permit pursuant to the provisions of the chapter.
 - (5) A sign face, or a substantial part of the sign face, is blown down or otherwise destroyed, damaged or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign face; for purposes hereof, a sign or substantial part of it is considered to have been destroyed if the cost to repair the sign face exceeds 60 percent of the cost of erecting a new sign face at the same location.
 - (6) A sign face has been blown down, dismantled, deteriorated or dilapidated, or has been otherwise deemed unsafe.
 - (7) An empty blade/panel on a multi-tenant sign with no advertising shall, upon notice by the town, convert any internally illuminated panels without opaque film to be compliant with the dark sky ordinance provisions of subsection 86-10(b).
- (e) *Removal of nonconforming sign structures.* The right to continue all nonconforming sign structures shall cease and such sign structure and sign face shall be removed (compensation, if required for such removal, as determined by the board of adjustment in accordance with V.T.C.A., Local Government Code ch. 216, may be awarded) whenever:
 - (1) The property is rezoned and the existing business ceases to operate on the premises on which the sign structure is located, and the sign is no longer allowable in the new zoning classification.

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- (2) The structure is altered, remodeled, removed, or rebuilt and the costs of the alteration, remodel or rebuild exceeds 60 percent of the value of the altered structure, prior to the alteration, remodel or rebuild. Values shall be based upon Denton County Appraisal District records.
 - (3) The sign structure is altered, moved, repaired, or relocated without a permit pursuant to the provisions of the chapter.
 - (4) The sign, or a substantial part of the sign, is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign; for purposes hereof, a sign or substantial part of it is considered to have been destroyed if the cost to repair the sign exceeds 60 percent of the cost of erecting a new sign of the same type at the same location.
 - (5) The sign leans such that an angle between the sign and the ground is 70 degrees or less.
 - (6) The sign has been blown down, dismantled, deteriorated, hit by motorist, or dilapidated, or has been otherwise deemed structurally unsafe.
 - (7) An occupancy change occurs as described in subsections (d)(1), (2) or (3) of this section and the non-conforming sign structure is an off-premises or on-premises wall sign.
- (f) *Signs on property acquired by the town.*
- (1) A nonconforming sign situated on property which has been acquired by the town via a town-initiated process may be relocated on the site provided the sign is removed or rebuilt to conform to the ordinances which were applicable to the sign when erected within two years of the date of acquisition by the town. Relocation is limited to the same physical sign with no increase in height, area, or change in other physical attributes. The setback of the sign shall comply with the visibility standards. For the purposes of this provision, "a property acquisition initiated by the town" does not include right-of-way dedication in the subdivision plat process.
 - (2) In the event that any property in the Town of Little Elm upon which a billboard is located is fully or partially acquired by a governmental unit for the widening or reconstruction of a roadway, the billboard shall be allowed to be moved from its original location to another location along the same roadway in accordance with this subsection. The new location must comply with the following conditions and all other codes and ordinances of the town and all applicable laws and regulations of the State of Texas:
 - a. An application for the new location shall be made to the town's building safety department together with an application fee as required for building permits. The owner of the proposed tract of land shall sign the application.
 - b. The billboard shall be located no further than 1,000 feet from the original sign to be moved, except that no billboard may be placed within 250 feet of a residence.
 - c. The reconstructed billboard shall be limited to a sign with the same physical characteristics as the original sign with no changes in area or other physical attributes. A billboard currently constructed with wooden poles may be reconstructed using a single metal pole.
 - d. The billboard shall be located on the new site so as to provide the maximum development potential of the site.
 - e. Electronically displayed messages, flashing or strobe lights shall be prohibited.
 - f. Nothing contained herein shall be construed to change the legal status of any relocated commercial billboard from its current nonconforming or illegal status.

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- g. All relocated structures shall have their support poles encased in masonry and any associated lateral electric service lines buried.

(Ord. No. 1282, § 2(Att.), 7-7-2015)

Sec. 86-16. Hazardous signs.

- (a) Except as otherwise provided by law or this Code, no person may install, maintain, or use a sign that:
- (1) Obstructs a fire escape, required exit, window, or door used as a means of escape.
 - (2) Interferes with a ventilation opening, except that a sign may cover a transom window if otherwise in compliance with the International Building and Fire Codes.
 - (3) Substantially obstructs the lighting of public right-of-way or other public property, or interferes with a public utility or traffic control device;
 - (4) Contains or utilizes a supporting device placed on public right-of-way or other public area within the town limits or the extraterritorial jurisdiction of the town, unless the use of the public right-of-way or other public area has been approved by the town and a right-of-way joint use agreement and/or license agreement has been filed and approved.
 - (5) Is illuminated in such a way as to create a hazard to pedestrian, bicycle, or vehicular traffic.
 - (6) Creates a traffic hazard for pedestrians, bicyclists, or motorists, by restricting visibility at a curb cut or adjoining public street.
 - (7) Has less than 16 feet of clearance above street pavement grade and/or is located outside public right-of-way and within the sight triangle at an intersection that results in impaired sight distance of users of the intersection.
 - (8) Violates a requirement of the electrical code.
 - (9) Is determined by the building official to be dangerous.
- (b) Notice that removal of a hazardous sign is required shall be given by the director in accordance with section 86-10(e) of this Code. Once notice is provided, the sign must be removed or appeal taken within 72 hours after receipt of such notice.
- (1) If after such time the sign is not removed and no appeal is taken, the director may enter the premises and abate the hazardous condition. The reasonable cost of abating the hazardous sign, together with interest on the unpaid balance at the interest rate of ten percent, shall be taxed as a lien against the property on which the sign is located. Such lien shall attach in accordance with section 86-10(e).
 - (2) A sign removed under this provision shall be held for a period of no less than 60 days after its removal before disposal of the removed sign. If during this period the owner of the sign pays the storage fee, the director shall return the sign to its owner. This provision is not exclusive and in no way restricts or modifies any method authorized by law to seize evidence of a crime.

(Ord. No. 1282, § 2(Att.), 7-7-2015)

Sec. 86-17. Notification.

Notification of violations of this chapter shall be consistent with the requirements of V.T.C.A., Government Code.

(Ord. No. 1282, § 2(Att.), 7-7-2015)

Sec. 86-18. Variances.

- (a) ~~(a)~~ A variance to the provisions of this Code shall be considered an exception to the regulations, rather than a right.
- (b) Planning and Zoning Commission may consider appeals on the basis that strict application of the requirements contained in this Code would result in substantial unnecessary hardship, practical difficulty, or inequity, by reason of exceptional circumstances or surroundings, or due to the unusual size, shape, type, or nature of the sign, and/or on the basis that the proposed improvement, although falling under the definition of a "sign," constitutes a work of fine art that makes a positive contribution to the visual environment. Whenever a sign to be erected is of such unusual size, shape or nature that the strict application of the requirements contained in this Code would result in substantial hardship or inequity, the board of adjustment,
- ~~(a)(c)~~ Planning and Zoning Commission, acting as the sign control board, may vary or modify, except as otherwise indicated, such requirements in accordance with the provisions listed below, so that the developer may erect a sign in a reasonable manner, but so that, at the same time, the public welfare and interests of the town are protected and the general intent and spirit of this Code is preserved. In no event, however, may a variance be granted to the administrative process, to the permit requirements, or allowing a prohibited sign as contained in this Code.
- (1) Jurisdiction. Application for a variance request shall be applied for by the responsible party of the premises and the owner of the premises shall consent to such exception. When a written request for a variance from the design requirements of this Code is filed:
- a. After conducting a public hearing concerning such requested variance(s), ~~the board of adjustment~~ the Planning and Zoning Commission may approve or deny a request for a variance to the design standards and such variance(s), if granted, shall also be considered to be a modification of the sign regulations, applicable to that particular sign, and /or unified sign plan, ~~and~~ the specified property within such development within the town limits ~~or ETJ.~~
- (2) Approval. In granting approval of a request for variance, ~~the board of adjustment~~ the Planning and Zoning Commission shall conclude that the variance is not contrary to the public interest and, due to special conditions; a literal enforcement of this Code would result in unnecessary hardship, ~~and/or constitutes a work of fine art that makes a positive contribution to the visual environment,~~ and so that the variance observes the spirit of this Code and concludes that substantial justice is done. The ~~board of adjustment~~ Planning and Zoning Commission shall meet these requirements by making findings that:
- a. The public convenience and welfare will be substantially served;
- b. The appropriate use of surrounding property will not be substantially or permanently impaired or diminished;
- c. The applicant has not created the hardship from which relief is sought;
- d. The variance will not confer upon the applicant a special right or privilege not commonly shared or available to the owners of similar and surrounding property;
- e. The hardship from which relief is sought is not solely of an economic nature;
- f. The variance is not contrary to the public interest;
- g. Due to special conditions, the literal enforcement of this Code would result in an unnecessary hardship; ~~and~~

Commented [OC27]: Changing variance process to make the Planning and Zoning Commission the decision maker instead of the Board of Adjustments.

Adding additional language about the variance request process.

h. In granting the variance, the spirit of this Code is observed and substantial justice is done; ~~and/or-~~
~~The proposed sign constitutes a work of fine art that makes a positive contribution to the visual environment.~~

- (3) ~~Appeal.~~ The ~~board of adjustment's~~ Planning and Zoning Commission decision can be appealed ~~to the Town Council, in accordance with the provisions set forth in V.T.C.A., Local Government Code ch. 216 following the board's decision.~~

(Ord. No. 1282, § 2(Att.), 7-7-2015)

Commented [OC28]: Adding an option for variance allowance for fine art, as long as its not actual advertising, per the newly added definition.

Commented [OC29]: Changing the appeal process from district court to Town Council.

Sec. 86-19. Amendments.

The council may, from time to time, adopt, amend and make public rules and regulations for the administration of this Code. This Code may be ~~enlarged or~~ amended by the council after recommendation by the public hearings before the planning and zoning commission and the town council, due notice of which shall be given as required by law.

(Ord. No. 1282, § 2(Att.), 7-7-2015)

Commented [OC30]: Removing confusing language and allowing Sign Code amendment without holding a public hearing.

Sec. 86-20. Enforcement.

- (a) *Penalty.* Any person, firm or corporation who shall violate any of the provisions of this Code or cause or permit the same to be done in violation of this Code shall be guilty of a class C misdemeanor and, upon conviction, shall be subject to a fine not to exceed the maximum permissible fine allowed by state law and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- (b) *Administrative action.* The town and/or the town manager shall enforce this Code by appropriate administrative action, including but not limited to the rejection of plans, maps, plats, and specifications not found to be in compliance with this Code and good engineering practices, and the issuance of stop work orders.
- (c) *Court proceedings.* Upon the request of the town council, the town attorney or other authorized attorney shall file an action in the district courts to enjoin the violation or threatened violation of this Code, or to obtain declaratory judgment, and to seek and recover court costs and attorney fees, and/or recover damages in an amount sufficient for the town to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the property and established pursuant to this Code.

(Ord. No. 1282, § 2(Att.), 7-7-2015)

Table 86.1
Allowed Sign Types by Land Use Category

Sign Type	Land Use Category		
	SF Residential	Multi-Family	Commercial
Temporary Signs			
"A" and "T" Frame	X	X	C
Banner	X	P	P
Development Information	P	X	X
Future Development	X	P	P
Garage Sale	P	P	X
Government	C	C	C

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(Supp. No. 43)

Human	X	P	P
Inflatable	X	X	X
Model Home	P	X	X
Real Estate, Commercial	X	P	P
Real Estate, Residential	C	X	X
Stake Signs	C	C	C
Permanent Signs			
Awning/Canopy	X	P	P
Building Directory	X	C	C
Directional	X	P	P
Flags	C	C	C
Information	C	C	C
Menu	X	X	P
Monument	X	P	P
Multi-Tenant Monument	X	X	P
Multi-Tenant Panel	X	X	C
Projecting	X	X	P
Scoreboard	P	P	P
Subdivision Entrance	P	X	X
Vending	X	C	C
Wall	X	P	P
Window	X	X	C
X	Not allowed		
P	Allowed only with permit		
C	Allowed in compliance with Code; no permit required		

(Ord. No. 1282, § 2(Att.), 7-7-2015)

Chapters 87—89 RESERVED

Little Elm Sign Guide

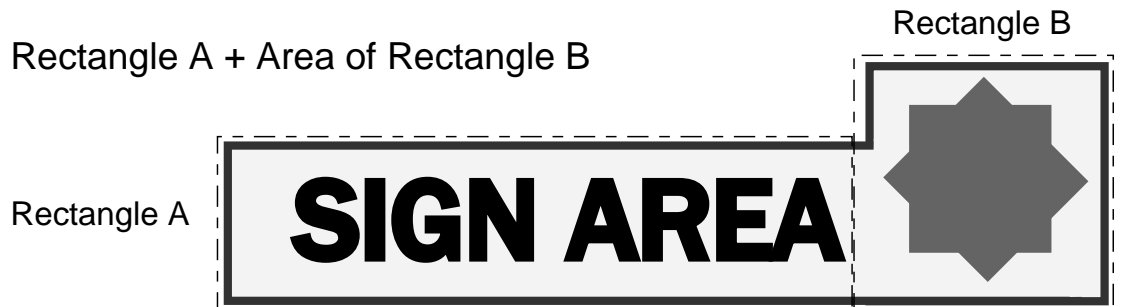
Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that will enclose the sign copy, the background, the structure, masonry border and base.

EXHIBIT A

Sign Area = Height x Width



Sign Area = Area of Rectangle A + Area of Rectangle B



Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign.

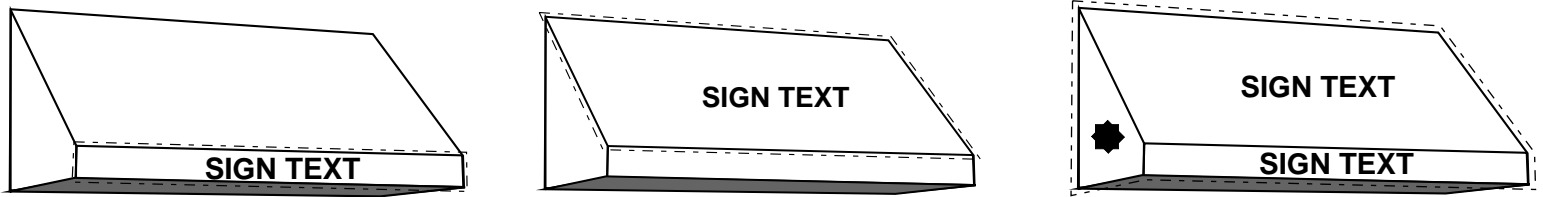
EXHIBIT B



Little Elm Sign Guide

Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy. Such elements may include, but are not limited to lit canopy fascia signs; cabinet signs; and/or interior lit awnings.

EXHIBIT C

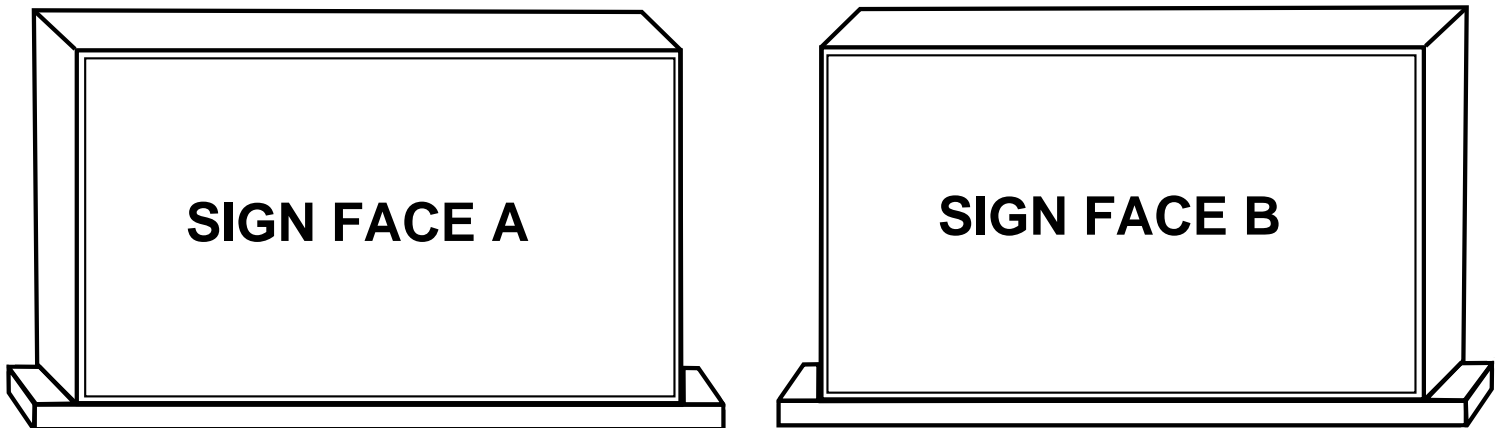


Illuminated Awning

Two-face signs: The sum of all visible sides on three-dimensional signs.

EXHIBIT D

Sign Area = Sign Face A + Sign Face B

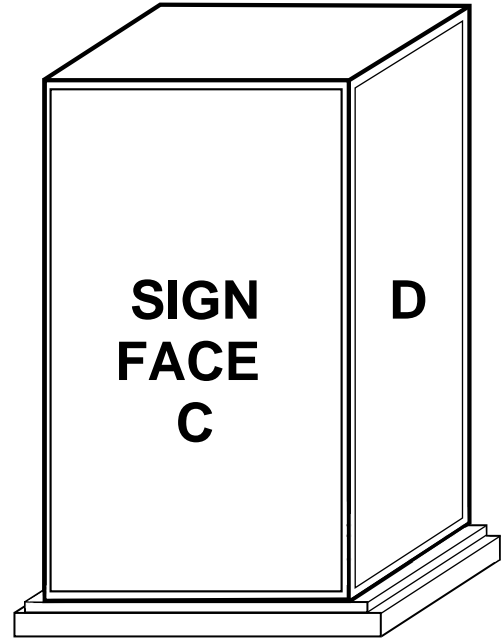
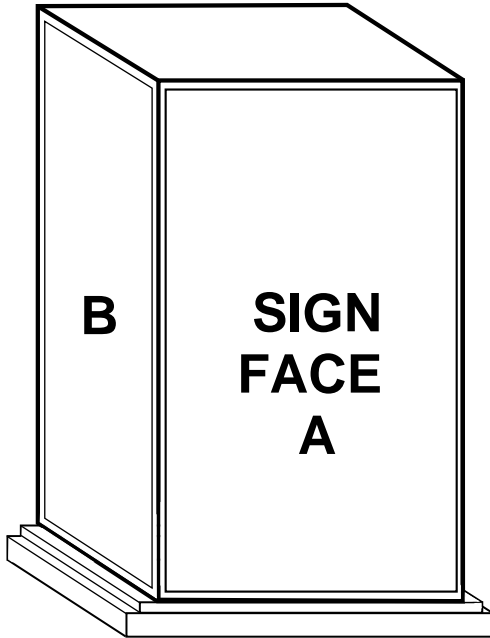


Little Elm Sign Guide

Three- or four-face signs: The sign area is 50 percent of the sum of the areas of all sign faces

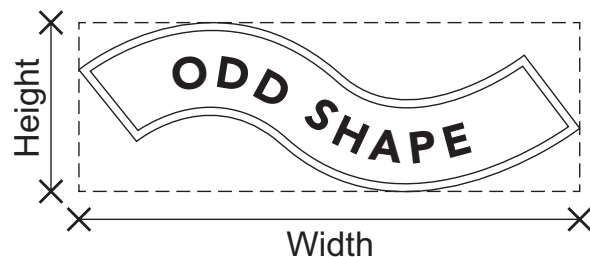
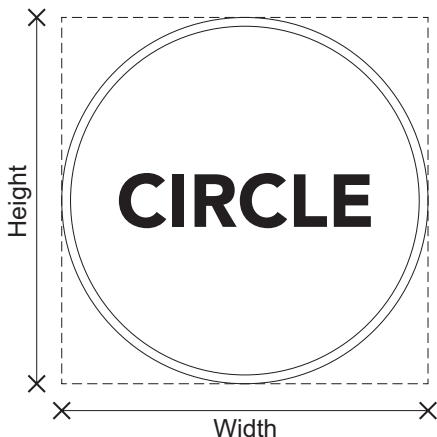
EXHIBIT E

$$\text{Sign Area} = \frac{\text{Sign Face A} + \text{B} + \text{C} + \text{D}}{2}$$



Irregular-shaped sign copy, the sign area shall be calculated by enclosing the extreme limits of the sign and forming a rectangle, which shall be measured by the overall height and width of the rectangle.

EXHIBIT F

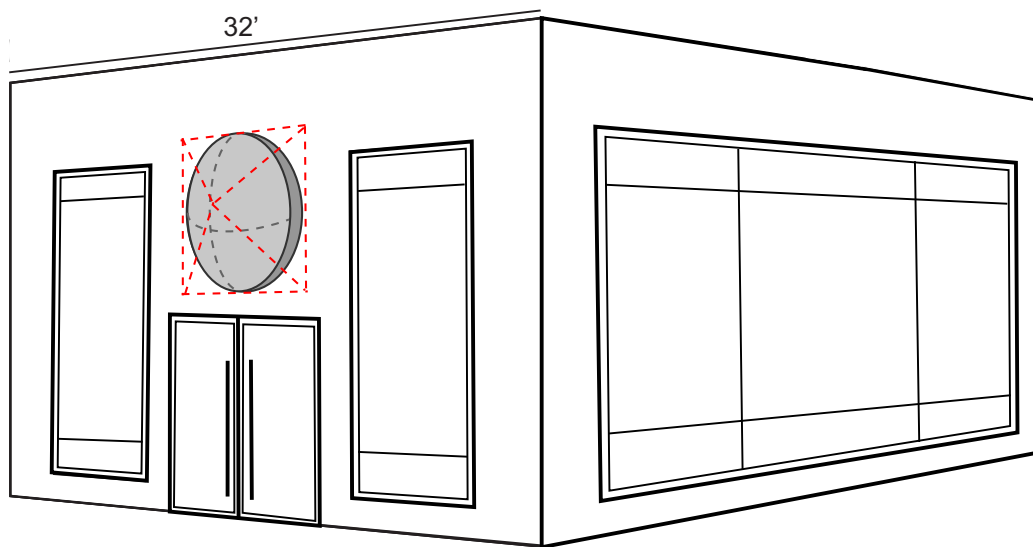


Little Elm Sign Guide

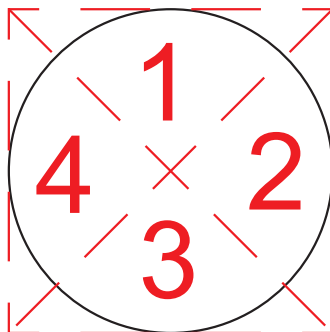
Spherical, free-form, sculptural, or other non-planar sign area is 50 percent of the sum of the areas using only the four vertical sides of the smallest five-sided polyhedron that will encompass the sign structure.

EXHIBIT G

Maximum Allowed Area: 64 sq.ft. (32' x 2)



Maximum Area Shown (*not to exceed 64 sq.ft.*):
$$\frac{(\text{Area 1} + \text{Area 2} + \text{Area 3} + \text{Area 4})}{2}$$



Little Elm Sign Guide

Monument Signs

The base of the sign shall be protected by a landscaped area to be maintained in a healthy condition.

Sign structure and base shall be masonry. The design and construction of monument signs shall be compatible with the architecture and style of the development of the project site.

Signs shall contain a minimum one-foot masonry (brick/stone) border around all sides of the sign. A sign constructed entirely of masonry materials shall satisfy the border requirement. The one-foot masonry border is included in the maximum area of a sign.

The street address shall be included on the sign and be a minimum eight inches in height, decorative metal, and of contrasting color with the monument. Shall also include the name of the development when practical, as determined by the director.

Shall be located behind the property line.

Spacing of 75 feet shall be maintained between all monument signs.

Little Elm Sign Guide

Single Tenant Monument Signs

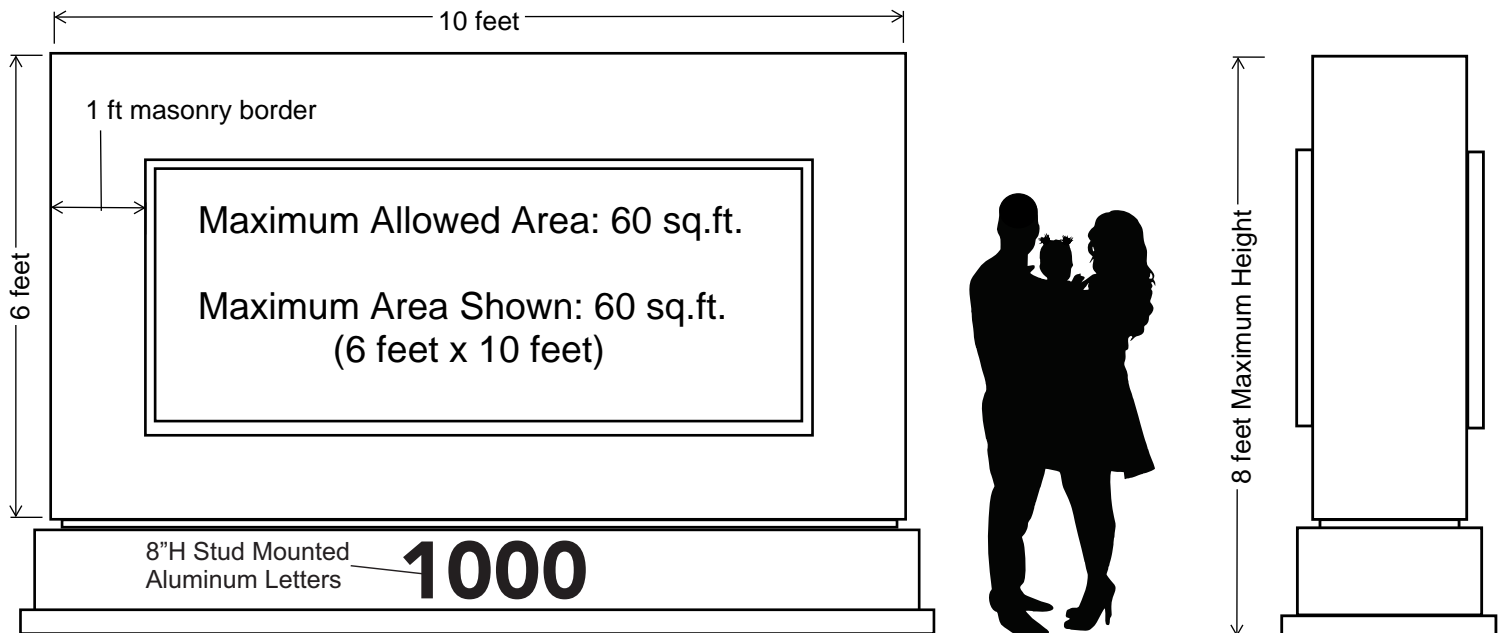
The maximum area is 60 square feet. Tracts with 380 overlay zoning may go up to 100 square feet. Area is inclusive of the required 1-foot masonry border.

Signs shall contain a minimum 1-foot masonry (brick/stone) border around all sides of the sign. A sign constructed entirely of masonry materials shall satisfy the border requirement. The 1-foot masonry border is included in the maximum area of a sign.

The maximum height is 8 feet, and 10 feet for U.S. 380 tracts.

One monument sign per lot or pad site. A corner lot or lot with a total frontage of 400 feet shall be allowed one additional monument sign up to 40 square feet in size, including the masonry border.

Exhibit H



Little Elm Sign Guide

Multi-Tenant Monument Signs

The maximum area shall be based upon the size of the development and its number of tenant lease spaces.

- Buildings with three or fewer tenant lease spaces, 80 square feet.
- Five acres or less is 100 square feet with more than three tenant lease spaces.
- For every acre over five acres, the sign size may be increased by ten square feet with the maximum allowed area of 200 square feet, except for signs located on property with 380 overlay zoning, in which case a maximum allowed area of 240 square feet is permitted.

All blank panels shall be opaque and black, white, or earth tone in color. Business identifications on panels should generally occupy a panel size that proportionally corresponds to its presence within the commercial development. For example, a small individual tenant lease space should not occupy a larger panel, and a big box should occupy a larger panel.

The maximum height shall not exceed ten percent of the sign's maximum allowed area.

A multi-tenant monument sign shall be located within a development that consists of multiple businesses with exterior entrances which are united through common building architecture, color, and materials, landscaping, and parking.

One multi-tenant monument sign is permitted per street frontage of a development. One additional multi-tenant monument sign is permitted along a street for each additional 750 linear feet of street frontage that exceeds 750 linear feet of street frontage. No more than four signs shall be allowed per development, with a minimum separation of 375 linear feet between each sign.

Where exists a contiguous and unified commercial development larger than five acres in size, multi-tenant signs will be allowed to advertise any off-site business residing in said development, with owner permission, so long as the business does not already have its own monument sign. Interior commercial pad sites can also elect to install an off-site monument within a unified commercial development if within a sign easement and not already on a multi-tenant sign.

Sites intended, and appropriate, for multiple monument signs with multiple tenants must submit and obtain approval of a Unified Sign Plan during the Site Development process. No permit for multi-tenant monument shall be issued until the Unified Sign Plan is approved.

Little Elm Sign Guide

Wall Signs

One primary use sign allowed per tenant occupancy, per facade.

For each 1 linear foot of the primary building face, or tenant-leased facade/storefront, 2 square feet are allowed, up to a maximum of 200 square feet of wall signage per building or tenant. Big box primary tenants may use a total of 400 square feet.

Maximum height shall not project above the roof line, or top edge of parapet wall or mansard roof.

Signs shall maintain a minimum clearance of 9 feet from the ground.

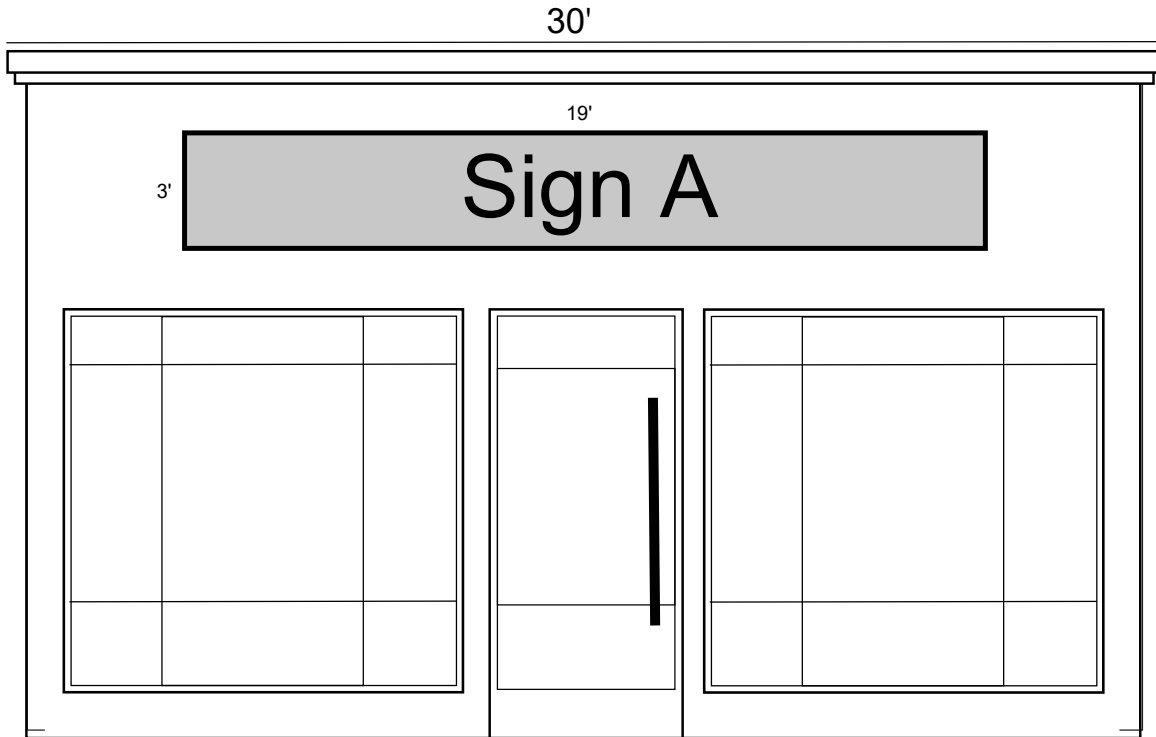
Little Elm Sign Guide

Exhibit J-1

Maximum Sign Area allowance is 2x the linear footage of a primary building facade.

Maximum Allowed Area for Sign A: 60 sq.ft. (30' x 2')

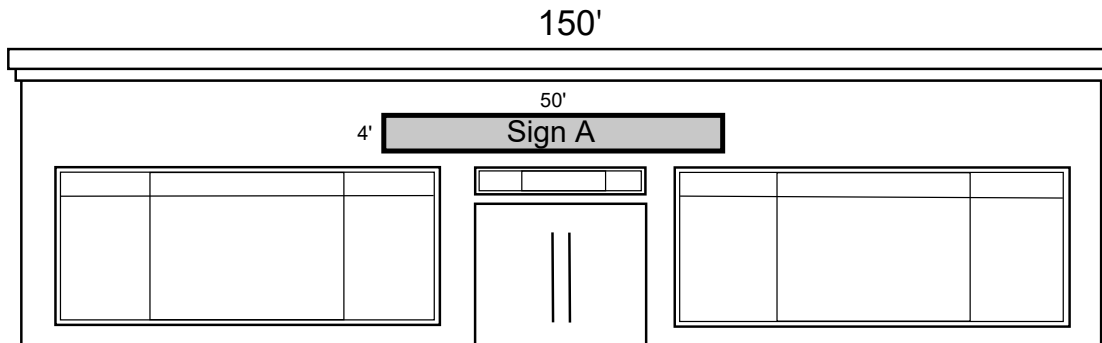
Measured Area Shown for Sign A: 57 sq.ft. (19' x 3')



Maximum Sign Area allowance cannot exceed 200 sq.ft. per building, per tenant.

Maximum Allowed Area for Sign A: 200 sq.ft.

Measured Area Shown for Sign A: 200 sq.ft. (50' x 4')



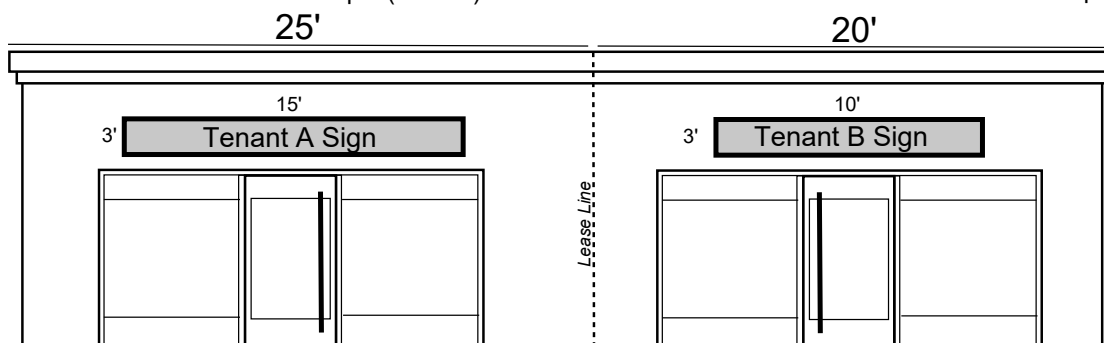
Maximum Sign Area allowance is 2x the linear footage of a tenant leased storefront.

Maximum Allowed Area for Tenant A: 50 sq.ft. (25' x 2')

Maximum Allowed Area for Tenant B: 40 sq.ft. (20' x 2')

Measured Area Shown for Tenant A: 45 sq.ft. (15' x 3')

Measured Area Shown for Tenant B: 30 sq.ft. (10' x 3')

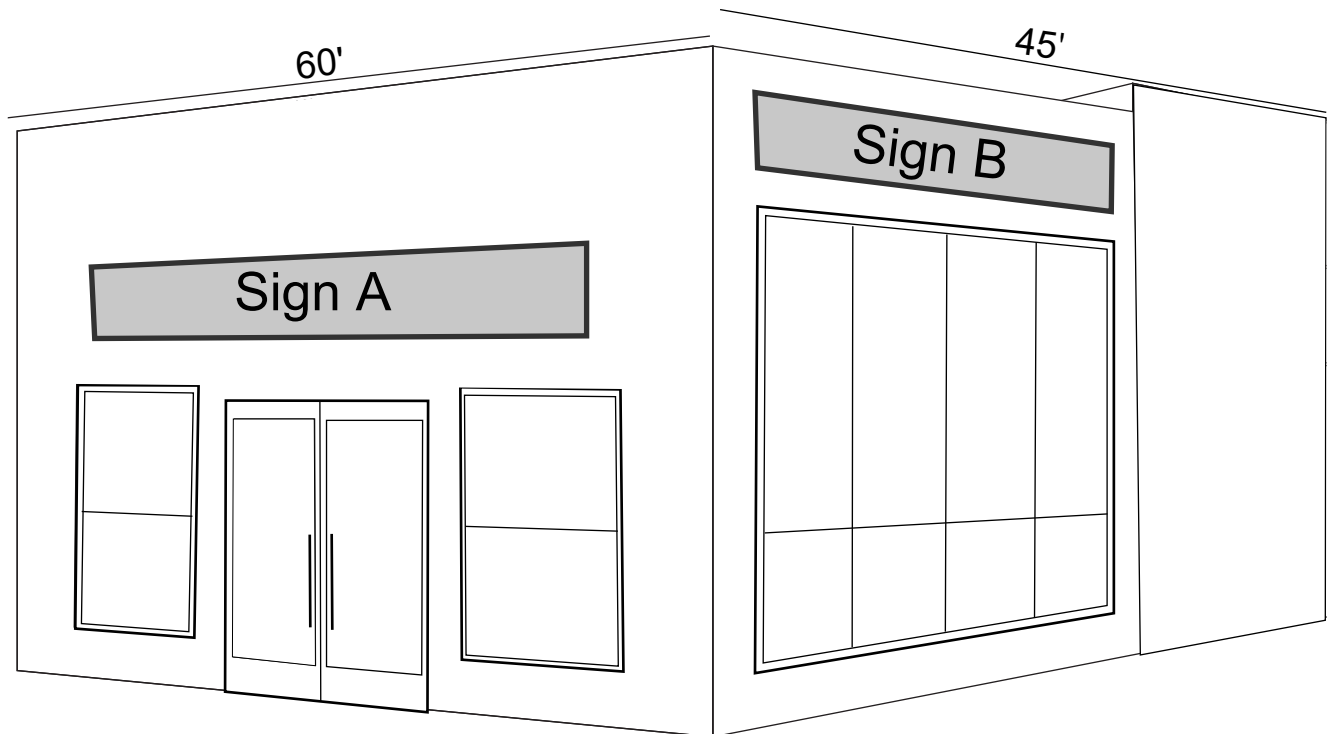


Little Elm Sign Guide

Sign area allowance shall be calculated/applied cumulatively for all proposed wall signage.

Exhibit J-2

Single-tenant building. Maximum Allowed Area 200 sq.ft for all facades.



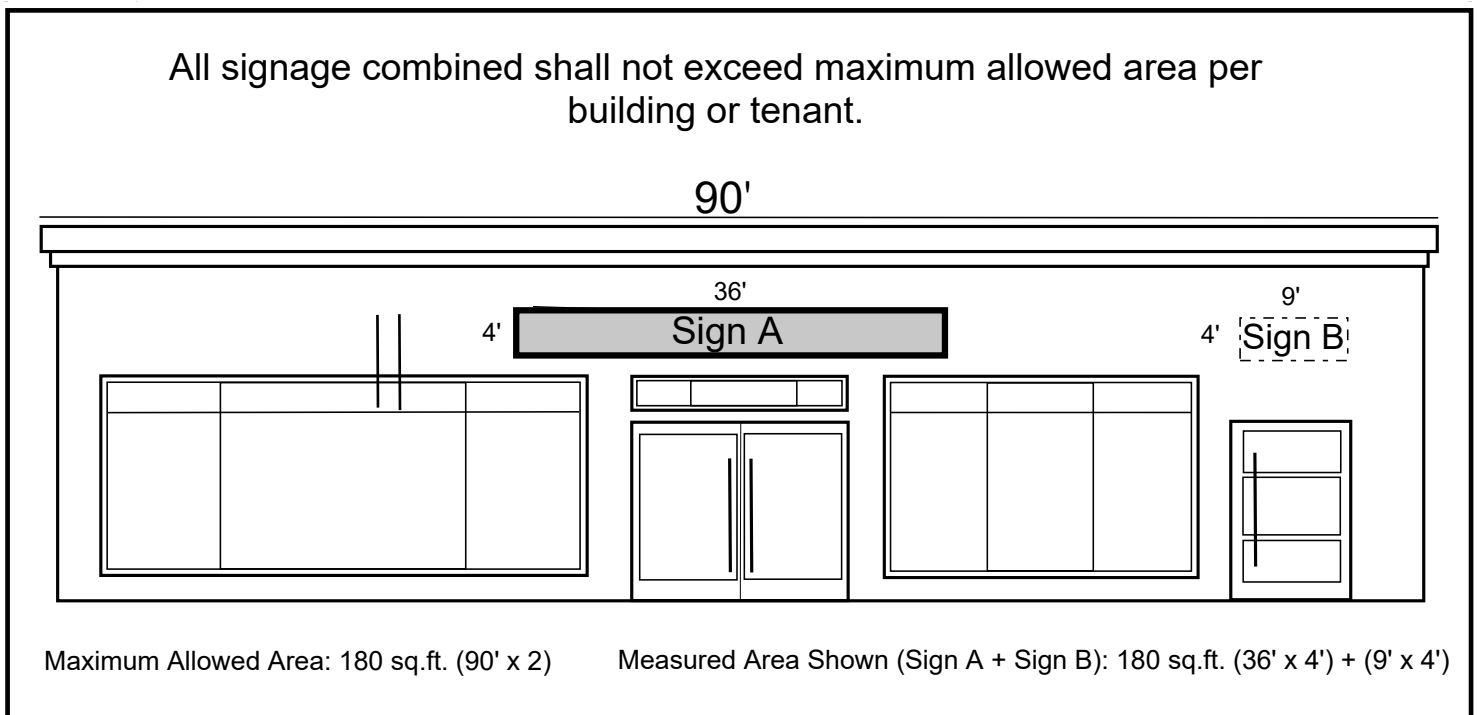
Maximum Allowed Area for Sign A: 120 sq.ft. (60' x 2) **OR** Maximum Allowed Area for Sign B: 90 sq.ft. (45' x 2)

Both signs cannot be installed per individual facade maximum allowance. Total combined area of Sign A and Sign B cannot exceed 200 sq.ft.

Little Elm Sign Guide

Secondary use wall signs shall not be installed without the primary use first having a compliant wall sign.

Exhibit J-3

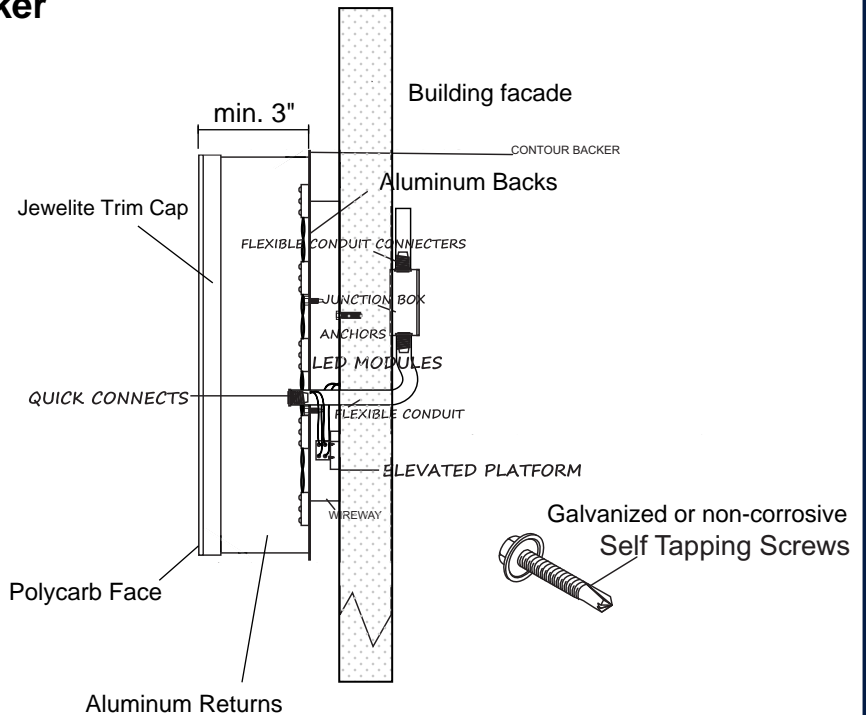


Little Elm Sign Guide

Signs must be designed with a depth of at least three inches, contain a structural frame, and be installed with metal backing. A flat display surface or panel may not be attached directly to an exterior wall.

EXHIBIT J-4

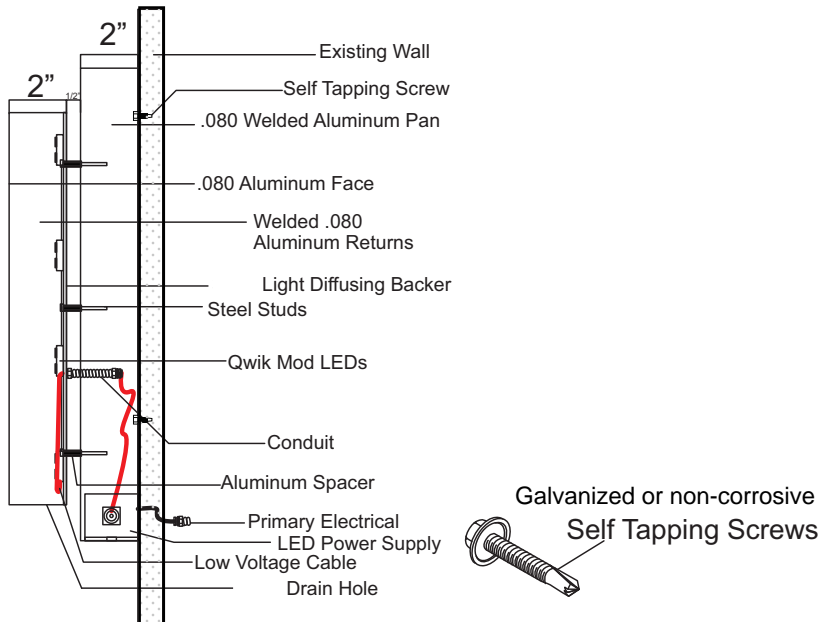
Front Lit Cloud Channel on Backer



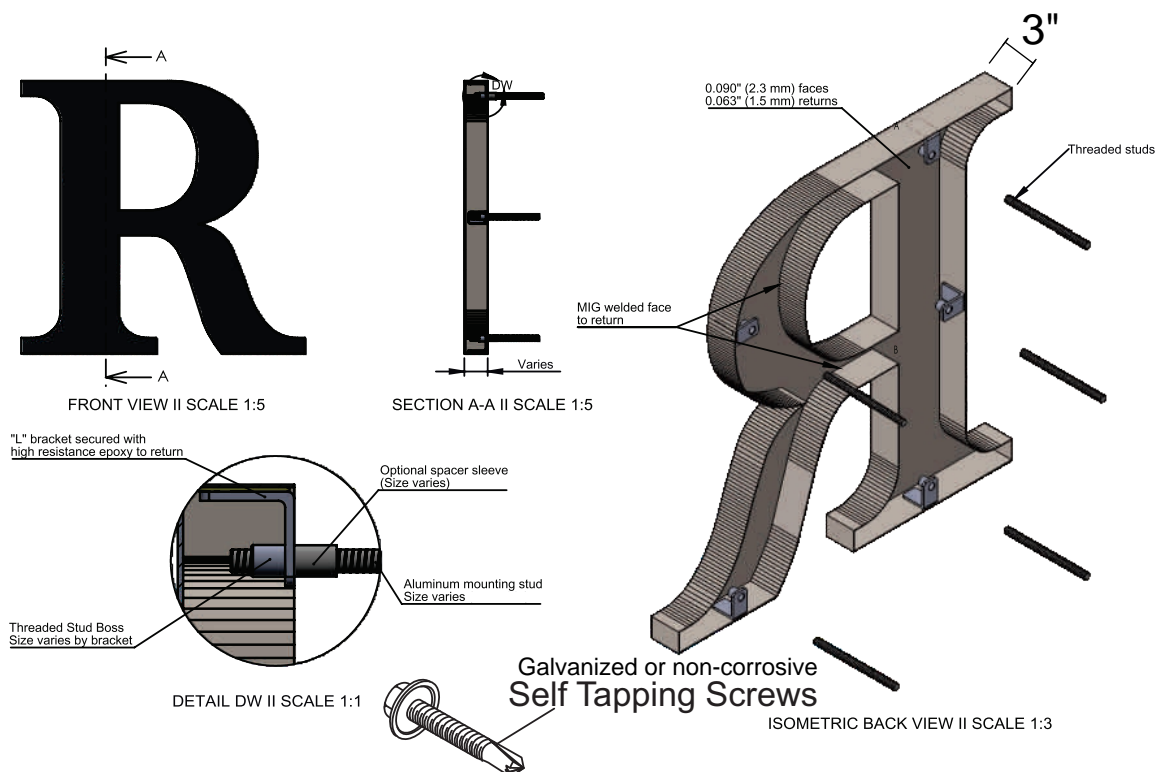
Little Elm Sign Guide

Exhibit J-4

Reverse Halo Channel Letters on Backer



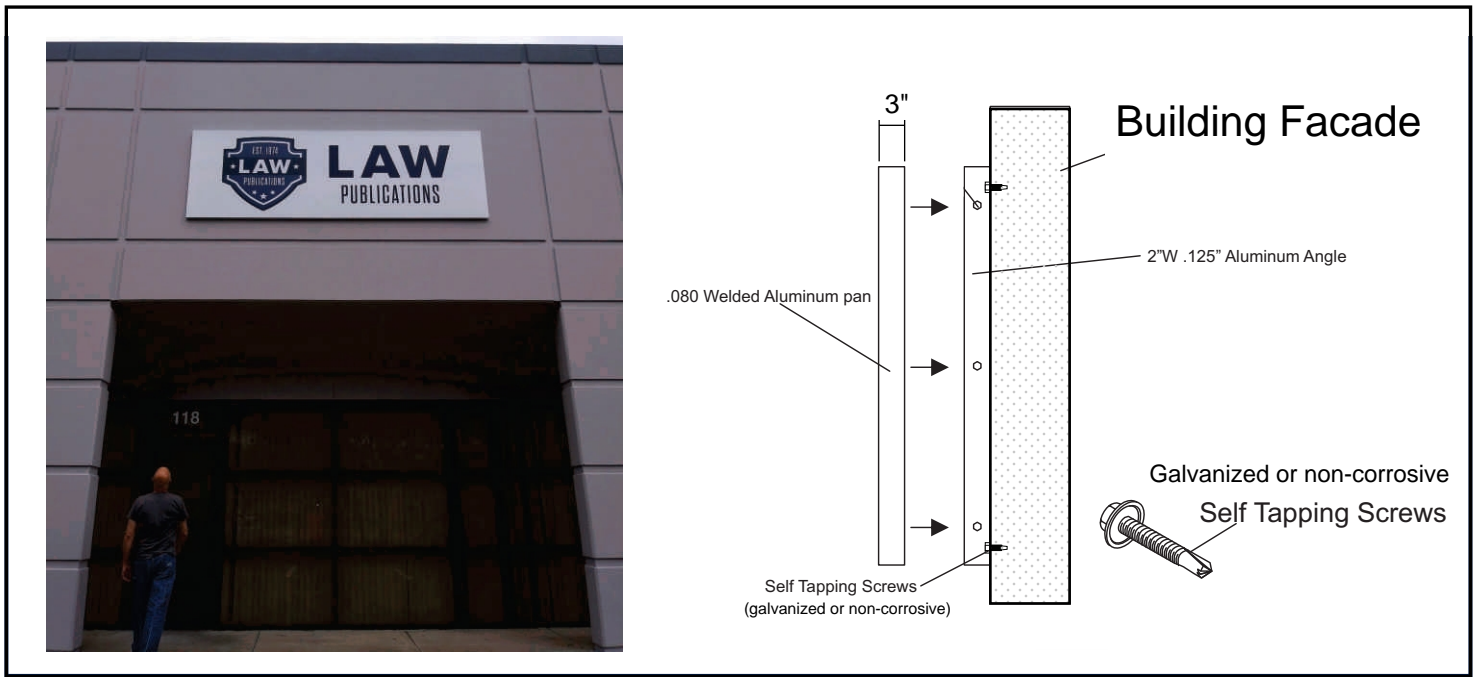
Non-Lit Channel Letters on Backer



Little Elm Sign Guide

Aluminum display panel only allowed if using .080 minimum aluminum panel with 3 inch folds, affixed to the exterior wall with angle iron for sturdiness.

EXHIBIT J-5



Sec. 106.02.01 Planning and zoning commission.

- (a) *Authority, duties and responsibilities.* In addition to any authority granted to the planning and zoning commission by state law or other ordinances of the town, the planning and zoning commission shall have the following powers and duties under the provisions of these regulations:
- (1) To make recommendations to the town council concerning adoption, modification, and implementation of the comprehensive plan and supporting studies.
 - (2) To make recommendations to the town council concerning amendments to the zoning ordinance and the creation or modification of zoning districts, as provided in V.T.C.A., Local Government Code ch. 211, as amended or superseded.
 - (3) To make recommendations to the town council concerning the rezoning of land, the approval of development plans, and specific use permits.
 - (4) To make recommendations to the town council concerning regulations and modifications to the subdivision regulations governing the platting and development of land.
 - (5) To approve or disapprove all plats pursuant to the terms of V.T.C.A., Local Government Code ch. 212 and the subdivision ordinance.
 - (6) To perform the following functions, mandated under state impact fee enabling legislation, as the town's designated capital improvements program advisory committee. Ad hoc voting member(s) will be added as necessary to meet state requirements when acting as this committee.
 - a. To make recommendations to the town council concerning the development and adoption of land use assumptions;
 - b. To review and file written comments with the town council on the impact fee capital improvements plans;
 - c. To monitor and evaluate implementation of the impact fee capital improvements plans;
 - d. To advise the town council of the need to update or revise the land use assumptions, impact fee capital improvements plans, the impact fee ordinance, and fee rates; and
 - e. To file a semiannual report evaluating the progress of the town in achieving the impact fee capital improvements plans and identifying any problems in implementing the plans or administering impact fees.
 - (7) To make recommendations to the town council concerning amendments to the thoroughfare plan.
 - (8) To make recommendations to the town council concerning amendments to the sign ordinance.
 - (9) To make recommendations to town council concerning the annexation of land into the corporate limits of the town.
 - (10) To hear and decide upon only such variances or modifications of the ordinance requirements relating to the size, shape or nature of a sign as the board is specifically authorized to pass on pursuant to the terms of chapter 86 of the Code of Ordinances.
 - (11) To gather information and make recommendations to the town council in cooperation with the park board and similar organizations concerning recreation areas, the development and improvement of parks and boulevards, the extension and opening of streets and other public rights-of-way, and the general town plans and improvements.
 - (12) To keep itself informed concerning the progress of town planning in all areas and conduct studies and provide recommendations for the improvement of the town with a view to the present and future

Commented [OC1]: Adding the Sign Code variance as a function of P&Z

movement of traffic, and the convenience, health, recreation, safety, general welfare, and needs of the town dependent on such plans.

(132) To consider and report to the town council with reference to all facts bearing upon all new public ways, lands, buildings, bridges, extensions, or opening of streets and their relation to the adopted comprehensive plan.

(143) To act as an advisory board to the town council relating to all nature of public utilities, controlling and regulating traffic upon the public streets of the town, and such other matters relating to civic improvements as the commission may deem beneficial and in the best interests of the town.

(154) To conduct related business and make other recommendations on matters that may be specifically assigned or required by the town council or director of development services.

(165) Submit in March of each year a written progress report to the town council summarizing its activities, major accomplishments for the past year, and proposed work program for the coming year. The report shall contain the attendance record of all members and the identity of the commission members and officers for the preceding year.

(176) All current and alternate members are required to attend a recognized class regarding planning and zoning rules and procedures within 12 months of appointment or the first available class.

(187) Staff shall provide commission members with periodic workshops regarding the subject of planning, zoning, comprehensive plans, open meetings, or other subjects of benefit to the members and the functioning of the commission.

(b) *Composition of commission and terms of service.* The planning and zoning commission shall be composed of seven regular members. Each regular member shall be appointed by the town council, and shall occupy a place on the planning and zoning commission, such places being numbered places one, two, three, four, five, six and seven, respectfully. In addition, two alternate members shall be appointed to places eight and nine, who shall serve in the absence of one or more of the regular members of the commission when requested to do so by the director. Each member and alternate shall be a resident citizen of the town and must forfeit his office should he cease to reside in the town during his term of office. The town council will consider for appointment to the commission only citizens who have demonstrated civic interest, general knowledge of the community, independent judgment, interest in planning and zoning matters, and availability to prepare for and attend meetings. It is the intent of the town council that members and alternates shall, by reason of diversity of their individual occupations, be broadly representative of the community.

(1) Terms shall be staggered to expire on February 28 of every year, with places one, four, and seven grouped, places two, five, and eight grouped, and places three, six, and nine grouped so that each group's terms expire every third year.

(2) Members shall serve at the will and pleasure of the town council. The terms of office for members of the commission, whether regular or alternate, shall be three years. Vacancies shall be filled for unexpired terms. Newly appointed members shall be installed at the first regular commission after their appointment.

(3) No person shall serve as a regular member of the commission for more than three successive terms of office. For purposes of this section, the phrase "terms of office" shall not include any unexpired portion of any three-year term. Alternate members shall have no term limits.

(4) Members and alternates of the commission shall serve without compensation and may not hold any elective office of the State of Texas or any other political subdivision thereof during their terms.

(c) *Meetings and procedure.* The commission shall hold an organizational meeting in March of each year or as soon thereafter as is possible and shall elect a chairman and vice-chairman from among its members before proceeding to any other matters of business. The secretary of the commission will be the development

services director or his designee. Meetings of the planning and zoning commission may be held as often as necessary to conduct the business of the commission at the call of the chairman and as such other times the commission may determine. The commission shall adopt its own rules of procedure and keep records of its proceeding consistent with the provisions of this section and the requirements of law.

- (1) *Meetings.* All meetings and hearings of the commission shall be open to the public in accordance with applicable law and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure adopted by the commission. Any action calling for a formal vote shall take place only at a public meeting. Executive sessions shall not be open to the public and shall be conducted in accordance with the procedures consistent with the laws of the State of Texas.
- (2) *Rules of procedure.* The commission shall have the power to adopt its own rules of procedure insofar as same are consistent with the laws of the State of Texas and the ordinances of the Town of Little Elm, and shall keep a written record of all of its proceedings. The development services director shall have the duty of care, custody, and control of all records of the commission.
- (3) *Regular and special meetings.* The commission shall hold meetings regularly at least twice each month within the corporate limits of the town, and shall designate the time and place of such meetings. The commission may hold special meetings as necessary, with all rules for regular meetings applicable.
- (4) *Expenses.* Whenever deemed necessary by the commission to incur any expenses in the performance of duties assigned to the commission, an estimate of such proposed expenses shall be submitted to the development services director, who must obtain approval from the town manager. No debts of any kind or character shall be made or incurred by the commission, or anyone acting for the commission, unless and until such expenditures have been specifically authorized in writing by the town manager prior to the time such obligations are incurred.
- (5) *Quorum.* Four members of the commission shall constitute a quorum for the transaction of business.
- (6) *Chairman's duties.* The chairman shall preside over meetings. If a question regarding procedures arises, Robert's Rules of Order, Newly Revised, shall apply.
- (7) *Vice-chairman's duties.* The vice-chairman shall assist the chairman in directing the affairs of the board of adjustment. In the absence of the chairman, the vice-chairman shall assume the duties of the chairman.
- (8) *Alternate member rights.* An alternate sitting as a regular member has all the rights and privileges as a regular member.
- (9) *Motions.* A motion may be made by any member other than the presiding officer.
- (10) *Voting.* Approval of all matters and motions before the commission shall require the affirmative vote of a majority of all members of the commission present and voting, unless otherwise provided by law or the adopted by rules of procedure.
- (11) *Minutes.* The commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which are public records and shall be immediately filed in the office of the commission.
- (12) *Voluntary disqualification for cause.* A member shall disqualify himself from voting whenever he finds that he has a personal or monetary interest in the property under review, or that he will be directly affected by the decision of the commission.

(Ord. No. 1407, § 2, 8-15-2017)

Sec. 106.02.02 Board of adjustment.

(a) *Authority, duties and responsibilities.*

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the development services director in the enforcement of this chapter, including any appeal from a vested rights determination by the town manager pursuant to the town's vested rights policy, originally adopted by Resolution No. 11210602, and as amended by Resolution No. 03050801, and detailed in section 106.02.07, "vested rights," and any other applicable amendments.
- (2) To hear and decide only such special exceptions as the board of adjustment is specifically authorized to pass on by the terms of this chapter; to decide such questions as are granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter, or to deny special exceptions when not in harmony with the purpose and intent of this chapter.
- (3) To hear and decide upon only such variances or modifications of the height, yard, area, coverage and parking regulations as the board is specifically authorized to pass on pursuant to the terms of this chapter.
- (4) To hear and decide upon the existence of any nonconforming use and to enforce the amortization provisions as set forth in this chapter.
- (5) To provide a reasonable interpretation of the provisions of chapter 22, article III, of the Code of Ordinances relating to substandard structures, to mitigate specific provisions of the substandard structure ordinances which create practical difficulties in their enforcement and to hear cases and make determinations relating to substandard structures.

~~(6) To hear and decide upon only such variances or modifications of the ordinance requirements relating to the size, shape or nature of a sign as the board is specifically authorized to pass on pursuant to the terms of chapter 86 of the Code of Ordinances;~~

Commented [OC2]: Removing the Sign Code variance as a function of P&Z

(b) *Composition of the board and terms of service.*

- (1) The board shall consist of five regular members who shall be appointed by the town council. Two of the regular members shall be appointed in one year and the remaining three members shall be appointed in the following year, with terms expiring on February 28 of the year the term ends.
- (2) In addition to the five regular members of the board of adjustment, two alternate members of the board, who shall serve in the absence of one or more regular members, shall be appointed by a majority vote of the town council so that all cases heard by the board will always be heard by a minimum of four members. The initial term of office of two of the alternate members shall be one year while the initial term of the other two alternates shall be two years. Thereafter, all of the alternates shall be appointed for two-year terms. In determining which of the two alternate members shall serve in the absence of a member, the alternate members shall be contacted to serve on a rotating basis starting first with the alternate member having the longest tenure. If for any reason more than one member must be absent, more than one (alternate may serve consistent with the provisions of this section.
- (3) Each member or alternate member of the board shall be a resident citizen and qualified voter of the town, at the time of his appointment. A member or alternate member who ceases to reside in the town during his term of office must immediately forfeit his office.
- (4) The term of office for all members shall be two years. All vacancies on the board shall be filled by the town council.

-
- (5) A regular member may not serve more than two consecutive full terms. This term limitation shall not apply to alternates.
 - (6) Members of the board may be removed by the town council in accordance with V.T.C.A., Local Government Code ch. 211.
 - (7) Members and alternates shall serve without compensation.
- (c) *Meetings and procedures.* The board shall adopt procedures and rules necessary to the conduct of its affairs and in keeping with the provisions of this chapter and in accordance with state law.
- (1) *Meetings.* Meetings shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be conducted in accordance with the Texas Open Meetings Act.
 - (2) *Quorum.* Each case before the board must be heard by at least four members. The concurring vote of at least four members of the board shall be necessary to reverse any order, requirement, decision or determination of the director, or to decide in favor of the applicant on any matter upon which the board is required to act under this Code or to grant any variance authorized by this chapter.
 - (3) *Election of officers.* At the first scheduled board meeting in March of each year, or as soon thereafter as practicable, the first item of business shall be the selection of the board of adjustment's chairman and vice-chairman by the regular members of the board. The alternate members of the board are not eligible to serve as the board chairman or vice-chairman or to participate in the selection of such chairman or vice-chairman.
 - (4) *Chairman's duties.* The chairman shall preside over meetings. If a question regarding procedures arises, Robert's Rules of Order, Newly Revised, shall apply.
 - (5) *Vice-chairman's duties.* The vice-chairman shall assist the chairman in directing the affairs of the board of adjustment. In the absence of the chairman, the vice-chairman shall assume the duties of the chairman.
 - (6) *Minutes.* The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which are public records and shall be immediately filed in the office of the board.
 - (7) *Voluntary disqualification for cause.* A member shall disqualify himself from voting whenever he finds that he has a personal or monetary interest in the property or case under review, or that he will be directly affected by the decision of the board.
- (d) *Appeal of director's decision.* In exercising its powers, the board may, in conformity with the provisions of the state statutes, as existing or hereafter amended, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from and make such order, requirement, decision or determination, in the board's opinion, as ought to be made and shall have all the powers of the officer from whom the appeal is taken.
- (1) Appeals to the board concerning interpretation or administration of this chapter that is not related to a specific application, address, or project may be taken by any person aggrieved or by any officer, department, or board of the town affected by any decision of the director. Appeals to the board concerning interpretation or administration of this chapter that is related to a specific application, address, or project may be taken by a person who (i) filed the application that is the subject of the director's decision, (ii) is the owner or representative of the owner of the property that is the subject of the director's decision, or (iii) is aggrieved by the director's decision and is the owner of real property within 200 feet of the property that is the subject of the director's decision. Additionally, any officer,

department, board, or bureau of the town may appeal any director's decision concerning interpretation or administration of this chapter. Such appeals shall be taken within a reasonable time, not to exceed 20 days, after the decision has been rendered by the director by filing with the official and the board a notice of appeal specifying the grounds thereof. The director shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

- (2) The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney. The board shall decide the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed.
- (3) An appeal stays all proceedings in furtherance of the action appealed from, unless the director from whom the appeal is taken certifies to the board after the notice of appeal is filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the board or by a court of record on application, on notice to the director from whom the appeal is taken and on due cause shown.

(e) *Appeals resulting from board action.*

- (1) Any persons, jointly or severally, aggrieved by a decision of the board under this section, or any taxpayer or any officer, department, or board of the municipality may present to a court of competent jurisdiction a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the board and not thereafter.
- (2) Any owner, lienholder, or mortgagee of record of property, jointly or severally, aggrieved by the final decision of the board issued under this section, may file in district court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the date a copy of the final decision is personally delivered or mailed via first class mail, certified mail return receipt requested, to the owner, lienholder, or mortgagee and not thereafter.
- (3) Any person aggrieved by a decision of the board issued under this section, may file in district court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 20 days after the date the decision is rendered by the board and not thereafter.

(f) *Special exceptions.*

- (1) A special exception shall not be granted by the board unless and until:
 - a. Written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested;
 - b. Notice must be given at least 15 days in advance of the public hearing. The owner of the property for which special exception is sought or his agent shall be notified by mail. Notice of such hearings must be posted on the property for which the special exception is sought, at the town hall, and notice must be provided in one other public place, such as a newspaper, at least 15 days prior to the public hearing;
 - c. A public hearing must be held. Any party may appear in person or by agent or attorney;
 - d. The board shall make a finding that it is empowered under the section of this chapter described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

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- (2) In granting any special exception, the board may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter and the penalties set forth in section 106.01.11, "penalties and enforcement," shall apply. The board shall prescribe a time limit within which the action for which the special exception is required shall begin or be completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception, without necessity of further action by the board.

(g) *Variances.*

- (1) To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship and so that the spirit of this chapter is observed and substantial justice is achieved. A variance from the terms of this chapter shall not be granted by the board unless and until a written application for a variance is submitted demonstrating the following:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district or area;
 - b. That a literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district or area under the terms of this chapter;
 - c. That the special conditions and circumstances do not result from the actions of the applicant; and
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district or area.
- (2) Nonconforming use of neighboring lands, structures, or buildings in the same district, and permitted use of lands, structures, or buildings in other districts shall not be considered grounds for the issuance of a variance.
- (3) Notice of public hearing must be given as set forth in this section;
- (4) A public hearing must be held. Any party may appear in person, or by agent or attorney;
- (5) The board shall make findings that the requirements of this section have been met by the applicant for a variance;
- (6) The board shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- (7) The board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (8) In granting any variance, the board may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and the penalties set forth in section 106.01.11, "penalties and enforcement," shall apply.
- (9) Under no circumstances shall the board grant a variance to allow a use not permissible under the terms of this chapter in the district involved or any use expressly or by implication prohibited by the terms of this chapter in said district.

(h) *Nonconforming uses.*

- (1) The board, on its own motion or at the direction of the town council or an interested property owner, may inquire into the existence of any nonconforming use in the Town of Little Elm, and after public hearing and investigation into the conditions created by the use, fire or health hazards created by the use, and any other danger or nuisance to the public due to or created by any condition or use existing on the property, require the discontinuance or termination of such use. The owner of the use under investigation by the board shall have not less than ten days written notice prior to the day of the public hearing. The board, after having heard from any affected parties and the public, shall prescribe a reasonable time period for compliance, discontinuance and termination of the nonconforming use that allows for amortization of the owner's actual investment in the use that occurred before the time that the use became nonconforming.
 - a. In prescribing said time period, the board shall consider the following factors:
 1. The capital investment in structures, fixed equipment, and other assets (excluding inventory and other assets that may be feasibly transferred to another site) on the property at the time the use became nonconforming;
 2. Any costs that are directly attributable to the establishment of compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages;
 3. Any return on investment since inception of the use, including net income and depreciation; and
 4. The anticipated annual recovery of investment, including net income and depreciation.
 - b. If the board establishes an amortization (or compliance) date for a nonconforming use, the use must cease operation on that date and it may not operate thereafter unless it becomes a conforming use.
 - c. For purposes of this section, "owner" means the owner of the nonconforming use at the time of the board's determination of an amortization (or compliance) date for the nonconforming use.
 - d. The board shall have the power to subpoena witnesses, documents and things; administer oaths; punish for contempt; and may require the production of documents and other things, under such regulations as it may establish or deem appropriate.

(Ord. No. 1407, § 2, 8-15-2017; Ord. No. 1527, § 2, 10-15-2019)

Sec. 26-283. Special events.

(a) *Tent sale—Parking lot sale.*

- (1) Temporary permission is granted, as a special privilege to on-site business owners, to hold two parking lot or two tent sales annually, or a combination thereof, but no more than two events in the aggregate. Individual events cannot exceed a two-week period.
- (2) A permit is required.
- (3) All tents must comply with the fire code and a flame-retardant certificate must be provided.
- (4) A 30-foot buffer space must be clear around the tent at all times.
- (5) If the event is to be held in a shopping center, a letter from the shopping center owner, granting permission for the use of the parking lot, must accompany the permit application.
- (6) No parking spaces which are required in order to meet the requirements of this Code may be used to hold the sale.
- (7) If the event is not held in a shopping center, the business holding the sale must be the owner or tenant of the premises being used.

(b) *Sidewalk sales.*

- (1) Temporary permission may be granted to on-site business owners abutting a sidewalk adjacent to their business to hold a sidewalk sale up to four times per calendar year. Individual sidewalk sales may not exceed five days per event.
- (2) A permit is required.
- (3) The sidewalk shall remain open to pedestrian traffic and may not be obstructed. A minimum of a six-foot clearance aisle must be maintained.
- (4) Displays or sale items cannot exceed a vertical height of four feet.
- (5) Items located under the store canopy and displayed on a permanent basis, on the business property are exempt from this article.

(c) *Town-sponsored events.*

- (1) Temporary permission to solicit on town property may be granted during a town event within the location of the town sponsored event. The term of a town sponsored event permit shall be for the length of the town sponsored event.
- (2) A permit is required.
- (3) The applicant must follow all procedures set forth by the coordinator of the town sponsored event.

(d) *Grand opening.*

- (1) Temporary permission is granted, as a special privilege to on-site business owners, to hold one grand opening event within 30 days of receiving their certificate of occupancy.
- (2) A grand opening event may be held once for up to fourteen ~~three~~ consecutive days.
- (3) A special event permit is required.
- (4) If the event is to be held in a shopping center, authorization from the owner must be submitted at time of application in the form of a letter granting permission to use the parking lot.

Commented [OC1]: Revised to match new language in Sec. 86-8.

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- (5) The event may make use of stationary carts, outside amusements, signs, and entertainment, if the activity's location and scope of operation is included in a letter at time of application.
 - (6) No more than 50 percent of the required parking may be used.
 - (7) In conjunction with a grand opening event permit, the business may use streamers, balloons and banners for a period of time not to exceed the duration of the event.

(e) *Special event—Other.*

- (1) Other special events may be permitted at the discretion of the director of community development, if the extent of its operations, duration, and location are clearly described and identified.
- (2) The event may make use of stationary carts, outside amusements, signs, and entertainment, if the activity's location and scope of operation is included in a letter at time of application.
- (3) A special event permit is required.

(Ord. No. 1008, § 2, 5-4-2010)



Date: 04/19/2022
Agenda Item #: 1. D.
Department: Administrative Services
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Matt Mueller, Town Manager

AGENDA ITEM:

Discuss **Holding a Special Council Meeting in September 2022.**

DESCRIPTION:

Town Manager Matt Mueller will discuss the schedule for Council meetings in September 2022.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Staff requests direction on adding a Special Council Meeting.



Date: 04/19/2022
Agenda Item #: 3. A.
Department: Administrative Services
Strategic Goal: Ensure strong relationship within the community and region
Staff Contact: Kate Graham, Assistant to the Town Manager

AGENDA ITEM:

Present a **Proclamation Recognizing Debra Liva as Mayor of Little Elm, TX for a Day.**

DESCRIPTION:

At the Little Elm Friends of the Library Trivia Night, Debra Liva won the opportunity to be recognized as Mayor of Little Elm for a Day. Mayor Cornelious will recognize her at this meeting and she will call the Council meeting to order.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Information only, no action required.

Attachments

Mayor for a Day



Certificate of Recognition

This certificate is hereby awarded to

DEBRA LIVA

for being Mayor of the Town of Little Elm for a Day.

April 19, 2022

CURTIS J. CORNELIOUS

Mayor



Date: 04/19/2022
Agenda Item #: 3. B.
Department: Administrative Services
Strategic Goal: Ensure strong relationship within the community and region
Staff Contact: Kate Graham, Assistant to the Town Manager

AGENDA ITEM:

Present a **Proclamation Declaring April 23 through April 29 as Disability Book Week.**

DESCRIPTION:

Mayor Cornelious will present a proclamation recognizing April 23 through April 29 as Disability Book Week.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Information only, no action required.

Attachments

2022 Disability Book Week Proclamation



Proclamation

WHEREAS, the disability experience is a natural part of life and is valued as a part of our rich diversity, yet the disabled community is underrepresented in literary works; and

WHEREAS, disability is a social construct. The issue at hand is not the presence of a medical condition residing within the individual, but that society does not create a welcoming, supportive environment for all. Inclusion is essential at all levels; and

WHEREAS, while the public is aware of inclusion of race, religion, political persuasion, and other identifiers, there is a limited awareness of disability inclusion in literature, and the burden of awareness has fallen to the shoulders of those impacted by disabilities, either directly or indirectly; and

WHEREAS, the most effective way to increase awareness is through everyone's openness to learn and acknowledge that there are systemic barriers that reduce the likelihood of those with disabilities enjoying equitable experiences; and

WHEREAS, through the advocacy effort, Disability Book Week is dedicated to increasing awareness and inclusion of authors with disabilities and books featuring characters with disabilities, and provide the opportunity for all to identify with, and see themselves represented in published literary works; and

WHEREAS, Disability Book Week provides an opportunity for schools, libraries, and the public in general to raise awareness of the underrepresented disability population. It is costly to our communities when awareness remains limited because society misses out on the rich talents and experiences those with disabilities have to offer; and

NOW, THEREFORE, we declare April 23 through April 29 as **Disability Book Week** and call on all residents to create ways to include everyone, especially those with developmental disabilities.

Given under my hand and Seal of the Town of Little Elm, Texas, this 19th day of April, 2022.

Curtis J. Cornelious, Mayor of Little Elm



Date: 04/19/2022
Agenda Item #: 3. C.
Department: Administrative Services
Strategic Goal: Ensure strong relationship within the community and region
Staff Contact: Kate Graham, Assistant to the Town Manager

AGENDA ITEM:

Present a **Proclamation Declaring May 2022 as Mental Health Month and May 7, 2022 as Children's Mental Health Awareness Day.**

DESCRIPTION:

Mayor Cornelious will present a proclamation declaring May 2022 as Mental Health Month and May 7, 2022 as Children's Mental Health Awareness Day.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Information only, no action required.

Attachments

2022 Mental Health Month Proclamation



Proclamation

WHEREAS, addressing the complex mental health needs of children, youth, and families today is fundamental to the future of the Town of Little Elm; and

WHEREAS, the residents of the Town of Little Elm value their overall health and that of their families and fellow citizens and are proud to support observances such as Mental Health Month and Children's Mental Health Awareness Day; and

WHEREAS, one in five adults has a diagnosable mental health condition; and

WHEREAS, each citizen, local business, school, government agency, healthcare provider, and faith-based organization shares the burden of mental health concerns and has a responsibility to promote mental wellness, recovery, and support prevention efforts; and

WHEREAS, the Denton County Behavioral Health Leadership Team, Denton County MHMR Center, United Way of Denton County and the Wellness Alliance for Total Children's Health of Denton County led by Cook Children's Hospital, through their unique partnership and prevention-based approach to serving children and adolescents, are effectively addressing the mental health needs of children, youth and families in our community; and

WHEREAS, it is appropriate that time should be set apart each year for the direction of our thoughts toward mental health education and the support of treatment and recovery; and

NOW, THEREFORE, we declare May 2022 as **Mental Health Month** and May 7, 2022 as **Children's Mental Health Awareness Day** and call upon our residents and all agencies and organizations interested in meeting every person's mental health needs to unite this month in increasing awareness and understanding of mental health, taking the steps to protect mental health, and understanding the need for appropriate and accessible services for all people with mental health conditions.

Given under my hand and Seal of the Town of Little Elm, Texas, this 19th day of April, 2022.

Curtis J. Cornelious, Mayor of Little Elm



Date: 04/19/2022
Agenda Item #: 3. D.
Department: Administrative Services
Strategic Goal: Provide a safe and welcoming environment for Little Elm residents and visitors
Staff Contact: Kate Graham, Assistant to the Town Manager

AGENDA ITEM:

Present a **Proclamation Declaring April 10 through 16, 2022 as Animal Care and Control Appreciation Week.**

DESCRIPTION:

Mayor Cornelious will present a proclamation declaring April 10 through 16, 2022 as Animal Care and Control Appreciation Week to the animal services staff of the Town.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Information only, no action required.

Attachments

Animal Care and Control Appreciation Week Proclamation



Proclamation

WHEREAS, animal services play a significant role in preserving public safety and promoting quality of life in Texas; and

WHEREAS, animal services staff care for a variety of animal breeds and species; and

WHEREAS, the National Animal Care and Control Association designated the second full week of April as National Animal and Control Appreciation Week; and

WHEREAS, every day, Animal Control Officers and Animal Control Technicians put themselves in potentially dangerous situations to protect the health and welfare of all kinds of animals and the public; and

WHEREAS, The Town recognizes and commends the Animal Services Division personnel who answer calls for assistance, capture roaming, and potentially dangerous animals, rescue animals, investigate reports of animal abuse, educate pet owners about responsible care, and mediate disputes between neighbors regarding pets.

NOW, THEREFORE, we declare the week of April 10 through 16 2022 as **Animal Care and Control Appreciation Week** in recognition of the Little Elm Animal Services staff.

Given under my hand and Seal of the Town of Little Elm, Texas, this 19th day of April, 2022.

Curtis J. Cornelious, Mayor of Little Elm



Date: 04/19/2022
Agenda Item #: 5. A.
Department: Administrative Services
Strategic Goal: Maintain operational integrity and viability
Staff Contact: Caitlan Biggs, Director of Administrative Services/Town Secretary

AGENDA ITEM:

Consider Action to Approve the **Minutes from the April 5, 2022, Regular Town Council Meeting.**

DESCRIPTION:

The minutes from the April 5, 2022, regular Town Council meeting are attached for approval.

BUDGET IMPACT:

There is no budget impact for this item.

RECOMMENDED ACTION:

Staff recommends approval.

Attachments

Minutes - April 5, 2022

DRAFT

Minutes
Town of Little Elm
100 W Eldorado Parkway
Little Elm, Texas 75068
214-975-0404
<http://www.littleelm.org>

REGULAR TOWN COUNCIL MEETING TUESDAY APRIL 5, 2022 - 6:00 p.m.

Present: Mayor Curtis J. Cornelious; Mayor Pro Tem Neil Blais; Council Member Jamell Johnson; Council Member Tony Singh; Council Member Lisa Norman; Council Member Jeremy Lukas; Council Member Michael McClellan

Staff Present: Caitlan Biggs, Director of Administrative Services/Town Secretary; Joe Florentino, Assistant Town Manager; Matt Mueller, Town Manager; Chad Hyde, Director of Community Services; Doug Peach, Deputy Town Manager; Fred Gibbs, Director of Development Services; Jason Shroyer, Director of Public Works; Jennette Espinosa, EDC Executive Director; Kate Graham, Assistant to the Town Manager; Kelly Wilson, Chief Financial Officer; Paul Rust, Fire Chief; Rebecca Hunter, Purchasing Manager; Robert Brown, Town Attorney; Rodney Harrison, Police Chief; Erin Mudie, Managing Director of Communications; Wesley Brandon, Assistant Director of Development Services/Town Engineer

1. Call to Order Council Workshop at 6:00 p.m.

Meeting was called to order at 6:00 p.m.

A. Invocation.

Mayor Pro Tem Neil Blais gave the invocation.

B. Pledge to Flags.

C. Items to be Withdrawn from Consent Agenda.

None.

D. Emergency Items if Posted.

None.

- E. Request by the Town Council for Items to be Placed on a Future Agenda for Discussion and Recognition of Excused Absences.

None.

- F. Presentation of Monthly Updates.

Town Manager Matt Mueller introduced Kate Graham, who introduced Joyce Litchfield, the Town's new Customer Service Specialist. He also introduced Fred Gibbs who introduced Rachel Mendoza, the Town's new Development Manager.

- G. Town Council to Highlight Items on the Agenda Needing Further Discussion or Comments Prior to the Regular Session.

Director of Administrative Services/Town Secretary Caitlan Biggs clarified that item 6D qualifies as a sole source purchase.

2. Presentations.

- A. Present **Certificates of Completion for Class 6 of Citizens Government Academy.**

Town Manager Matt Mueller and Mayor Curtis Cornelious presented certificates and challenge coins to the CGA Class 6 Graduates.

- B. **Team Member Recognition.**

Town Manager Matt Mueller recognized Officer Brianda Valdivia and Officer Seth Blackard for displaying the core value of customer service when they assisted residents in changing a tire and fixing a bicycle.

3. Workshop.

- A. Present and Discuss the **Sex Offender Registration Program.**

Police Chief Rodney Harrison gave an overview of the item in the attached presentation.

- B. Present an **Update on U.S. Highway 380.**

Town Engineer Wesley Brandon gave an overview of the item in the attached presentation.

4. Roll Call/Call to Order Regular Town Council Immediately Following Council Workshop.

5. **Public Comments**

Persons may address the Town Council on any issue. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meeting Act, the council may not comment or deliberate such statements during this period, except as authorized by Section 551.072, Texas Government Code.

None.

6. **Consent Agenda**

All matters listed under the Consent Agenda are considered to be routine by the Town Council and require little or no deliberation. There will not be a separate discussion of these items and the agenda will be enacted by one vote. If the Council expresses a desire to discuss a matter listed, that item will be removed from the consent agenda and considered separately.

Motion by Council Member Tony Singh, seconded by Council Member Michael McClellan **to approve the Consent Agenda.**

Vote: 7 - 0 - Unanimously

- A. Consider Action to Approve the **Minutes from the March 15, 2022, Regular Town Council Meeting.**
 - B. Consider Action to Approve the **First Amendment to the Spiritas Ranch Development Agreement between the Town of Little Elm and MM Little Elm 548, LLC.**
 - C. Consider Action to Approve the **First Amendment to the Spiritas East Development Agreement between the Town of Little Elm and MM Little Elm 43, LLC.**
 - D. Consider Action to Approve the **Purchase of Dippin' Dots for The Cove at The Lakefront®.**
 - E. Consider Action to Award **Bid 2022-03 for Demolition of 651 Lakeshore Drive to Hawkins Construction, LLC, in the estimated amount of \$50,000.**
 - F. Consider Action to Approve a **Sales Order to Zachry Construction in the amount of \$168,649.80 for Powder Coating Enhancements to Traffic Signals along U.S. 380.**
 - G. Consider Action to Approve an **Agreement between the Town of Little Elm and Highway 380 Municipal Management District (MMD) regarding the Relocation of Existing Electrical Vaults within Phase 6B-1 of the Union Park Subdivision.**
 - H. Consider Action to Approve a **Developers Agreement between the Town of Little Elm, Little Elm Economic Development Corporation and Palladium Little Elm Phase 2, LTD for the Construction of a Masonry Screening Wall located within Lot 1 Block A of the Palladium II Addition.**
7. **Convene in Executive Session pursuant to Texas Government Code:**

- Section 551.071 for private consultation with the Town Attorney to discuss the COVID-19 pandemic and municipal authority to respond to the COVID-19 outbreak and to seek legal advice with respect to pending and contemplated litigation and including all matters on this

agenda to which the Town Attorney has a duty under the Texas Rules of Discipline and Professional conduct regarding confidential communication with the Town Council.

- Section 551.072 to discuss certain matters regarding real property.
- Section 551.074 of the Texas Government Code to discuss and deliberate personal matters to evaluate performance duties, of a public officer or employee(s).
- Section 551.076 to discuss security matters.
- Section 551.087 to discuss Economic Development.

Council convened into Executive Session at 6:47 p.m.

8. Reconvene into Open Session

Discussion and consideration to take any action necessary as the result of the Executive Session:

- COVID-19 Pandemic and the Town's response thereto, including the consideration of an emergency declaration ordinance.
- Section 551.071 for private consultation with the Town Attorney to discuss the COVID-19 pandemic and municipal authority to respond to the COVID-19 outbreak and to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the Town Attorney has a duty under the Texas Rules of Discipline and Professional conduct regarding confidential communication with the Town Council.
- Section 551.072 to discuss certain matters regarding real property.
- Section 551.074 of the Texas Government Code to discuss and deliberate personal matters to evaluate performance duties, of a public officer or employee(s).
- Section 551.076 to discuss security matters.
- Section 551.087 to discuss Economic Development.

Council reconvened into Open Session at 7:26 p.m. No action was taken.

9. Adjourn.

Meeting was adjourned at 7:26 p.m.

Respectfully,

Caitlan Biggs
Town Secretary

Passed and Approved this 19th day of April 2022.



Date: 04/19/2022
Agenda Item #: 5. B.
Department: Finance
Strategic Goal: Ensure excellence in public services while keeping up with the growth in the community
Staff Contact: Joe Florentino, Assistant Town Manager

AGENDA ITEM:

Consider Action to Authorize a **Letter of Intent for a Pierce Custom Velocity PUC Pumper Truck from Siddons Martin Emergency Group, LLC in the amount of \$839,776.66.**

DESCRIPTION:

The purchase of this unit is projected for Fiscal Year 2023 for the future Fire Station 4. Staff has been notified of a significant price increase on May 1, 2022, increasing the cost for the Town. In order to take advantage of lower pricing, the Town may commit to purchase now, issuing the PO at a later date.

Siddons Martin Emergency Group, LLC holds a cooperative agreement with BuyBoard, contract # 651-21. Pricing includes a full pre-payment discount, with an overall savings of \$36,044.34 for the unit. Delivery is expected in approximately twenty-two (22) months.

The Town maintains an executed Interlocal Agreement with BuyBoard. Chapter 271 of the Local Government Code authorizes cooperative purchases, meeting procurement requirements.

BUDGET IMPACT:

A budget amendment will be presented by Finance on May 3, 2022. Once budgeted, a purchase order will be issued to commit the funds.

RECOMMENDED ACTION:

Staff recommends approval.

Attachments

Quote/Letter of Intent

Siddons Martin Emergency Group, LLC
3500 Shelby Lane
Denton, TX 76207
GDN P115891
TXDOT MVD No. A115890

March 28, 2022

Jeremy Wilson, Assistant Chief
LITTLE ELM FIRE DEPARTMENT
100 W. EL DORADO PARKWAY
LITTLE ELM, TX 75068-5060



Proposal For: 2022 Little Elm Pumper

Siddons-Martin Emergency Group, LLC is pleased to provide the following proposal to LITTLE ELM FIRE DEPARTMENT. Unit will comply with all specifications attached and made a part of this proposal. Total price includes delivery FOB LITTLE ELM FIRE DEPARTMENT and training on operation and use of the apparatus.

Description	Amount	
Qty. 1 - 701 - Pierce-Custom Velocity Pumper, PUC		
(Unit Price - \$874,321.00)		
Delivery within 21-22 months of order date		
QUOTE # - SMEG-0003591-1		
	Vehicle Price	\$874,321.00
	Chassis Prepay Discount	(\$13,471.62)
	Full Prepay Discount	(\$22,572.72)
	701 - UNIT TOTAL	\$838,276.66
	SUB TOTAL	\$838,276.66
	BuyBoard 651-21	\$1,500.00
	TOTAL	\$839,776.66

Price guaranteed until 4/29/2022

Additional: Price includes 1 trip to Pierce for final inspection for 3 personnel, delivery and 3 days of training. This proposal is for Bid #701.

Taxes: Tax is not included in this proposal. In the event that the purchasing organization is not exempt from sales tax or any other applicable taxes and/or the proposed apparatus does not qualify for exempt status, it is the duty of the purchasing organization to pay any and all taxes due. Balance of sale price is due upon acceptance of the apparatus at the factory.

Late Fee: A late fee of .033% of the sale price will be charged per day for overdue payments beginning ten (10) days after the payment is due for the first 30 days. The late fee increases to .044% per day until the payment is received. In the event a prepayment is received after the due date, the discount will be reduced by the same percentages above increasing the cost of the apparatus.

Cancellation: In the event this proposal is accepted and a purchase order is issued then cancelled or terminated by Customer before completion, Siddons-Martin Emergency Group may charge a cancellation fee. The following charge schedule based on costs incurred may be applied:

- (A) 10% of the Purchase Price after order is accepted and entered by Manufacturer;
- (B) 20% of the Purchase Price after completion of the approval drawings;
- (C) 30% of the Purchase Price upon any material requisition.

The cancellation fee will increase accordingly as costs are incurred as the order progresses through engineering and into manufacturing. Siddons-Martin Emergency Group endeavors to mitigate any such costs through the sale of such product to another purchaser; however, the customer shall remain liable for the difference between the purchase price and, if applicable, the sale price obtained by Siddons-Martin Emergency Group upon sale of the product to another purchaser, plus any costs incurred by Siddons-Martin to conduct such sale.

Acceptance: In an effort to ensure the above stated terms and conditions are understood and adhered to, Siddons-Martin Emergency Group, LLC requires an authorized individual from the purchasing organization sign and date this proposal and include it with any purchase order. Upon signing of this proposal, the terms and conditions stated herein will be considered binding and accepted by the Customer. The terms and acceptance of this proposal will be governed by the laws of the state of Texas. No additional terms or conditions will be binding upon Siddons-Martin Emergency Group, LLC unless agreed to in writing and signed by a duly authorized officer of Siddons-Martin Emergency Group, LLC.

Sincerely,

Brian Peters

Brian Peters

I, _____, the authorized representative of LITTLE ELM FIRE DEPARTMENT, agree to purchase the proposed and agree to the terms of this proposal and the specifications attached hereto.

Signature & Date



Date: 04/19/2022
Agenda Item #: 5. C.
Department: Administrative Services
Strategic Goal: Provide a safe and welcoming environment for Little Elm residents and visitors
Staff Contact: Doug Peach, Deputy Town Manager

AGENDA ITEM:

Consider Action to Approve the **Cost Share Agreement for the Frisco Hills Lift Station.**

DESCRIPTION:

The Town and Frisco West WCID have been working together to develop an agreement for the cost sharing for repair, maintenance, and operation expenses for Frisco Hills Lift Station. This lift station is located in Frisco Hills and owned and operated by Frisco West WCID. The lift station collects wastewater from the Frisco Ranch, Frisco Hills, and Valencia subdivisions and pumps the wastewater to the Town's wastewater treatment plant. This agreement will set a process for the Town to reimburse the Frisco West WCID for the repair, maintenance, and operation of the lift station for the amount of wastewater flow from the Valencia subdivision. Frisco West will track lift station costs and bill the Town quarterly based on our utilization of the Frisco Hills Lift Station. This agreement has been reviewed by the Town Attorney and has been previously approved by the Frisco WCID Board.

BUDGET IMPACT:

This agreement will set a process for the Town to reimburse the Frisco West WCID for the repair, maintenance and operation of the lift station for the amount of wastewater flow from the Valencia subdivision. It is unknown what the budget impact will be at this time.

RECOMMENDED ACTION:

Staff recommends approval.

Attachments

Cost Share Agreement (Frisco Hills Station)

**AGREEMENT FOR COST SHARING FOR THE REPAIR, MAINTENANCE AND
OPERATION EXPENSES FOR FRISCO HILLS LIFT STATION**

This AGREEMENT FOR COST SHARING FOR THE REPAIR, MAINTENANCE AND OPERATION EXPENSES FOR FRISCO HILLS LIFT STATION (this “Agreement”) is entered on the ____ day of _____, 2022, to be effective as of the Effective Date (hereinafter defined), by and between Frisco West Water Control and Improvement District of Denton County, a political subdivision of the State of Texas organized and operating pursuant to the provisions of Chapter 49, 51 and 53 of the Texas Water Code, acting by and through its governing body (the “District”), and the Town of Little Elm, Texas, a municipal subdivision and home rule city of the State of Texas, acting by and through its Town Council (the “Town”). The District and the Town are sometimes collectively referred to herein as the “Parties” and individually as a “Party.”

RECITALS

WHEREAS, the Town currently operates a wastewater treatment plant (the “Existing WWTP”) under TPDES Permit No. WQ0011845002 (the “Discharge Permit”) that has a current capacity of 4.0 million gallons per day (“MGD”); and

WHEREAS, the District entered into a wholesale wastewater collection agreement with the Town in order for the Town to provide wastewater treatment capacity for all of the land located within the boundaries of the District; and

WHEREAS, the wastewater for the District is collected by a gravity collection system leading to various lift stations which then pump the wastewater via force mains to the Town’s collection system and ultimately to the Town’s treatment plant; and

WHEREAS, the District constructed a lift station (the “Frisco Hills Lift Station”) with capacity to provide wastewater service for the District’s Frisco Hills development, the District’s Frisco Ranch development, and out-of-District future development (“Valencia”); and

WHEREAS, the Frisco Hills Lift Station will provide lift station capacity for 1,920 lots for Frisco Ranch and Frisco Hills at full build out and Valencia will require lift station capacity for 1,433 lots at full build out (the “Total Capacity Requirement”); and

WHEREAS, the Parties now desire to establish a definitive basis for the allocation of expenses related to the Frisco Hills Lift Station and for making appropriate payments for the costs and expenses related to the maintenance and operation of the Frisco Hills Lift Station; and

WHEREAS, the Parties have determined and hereby represent that they are authorized and empowered to make, execute and deliver this Agreement; that the terms, conditions and provisions of this Agreement are mutually agreeable, fair and advantageous to the Parties; and that they desire

to enter into this Agreement for the purpose of setting forth the specific allocation of funding of the costs related to maintenance and operation of the Frisco Hills Lift Station.

AGREEMENT

NOW, THEREFORE, for and in consideration of the mutual promises, covenants, benefits and obligations contained herein, the Parties hereby contract, covenant and agree as follows:

ARTICLE I ALLOCATION OF WASTEWATER TREATMENT CAPACITY

Section 1.1 Pro-Rata Share. The Town has determined that the Frisco Hills Lift Station will provide wastewater service for 3,353 lots (the “Total Capacity”) at full build out of the District and Valencia. At full build out, the District will account for 57% of the wastewater flow for the Frisco Hills Lift Station and Valencia will account for 43% of the wastewater flow for the Frisco Hills Lift Station. However, the Parties acknowledge that full build out for Valencia will take time and the Total Capacity will not be obtained in the immediate future. Therefore, the Parties agree that the costs for the Frisco Hills Lift Station should be billed on a pro-rata basis between the Town and District. The pro-rata billing for the Parties will be based on the flow from the meter readings taken by the Town for the monthly wastewater usage by the District. The difference in the flow of the Valencia flow compared to the Total flow of the Frisco Hills Lift Station shall determine the percentage of Town cost for operation and maintenance of the Frisco Hills Lift Station..

ARTICLE II FUNDING OF COSTS:

Section 2.1 Monthly Usage. Throughout the term of this Agreement, the Town will operate the Master Meter pursuant to the Wholesale Wastewater Agreement previously entered into between the Parties. The Town at its sole cost and expense will operate the Master Meter and will calibrate the Master Meter once every twelve (12) months, or more frequently at the request and expense of the District. A meter read registering not more than two percent (2%) above or below the test result will be considered accurate. If the Master Meter fails to register accurately, the amount of wastewater collected will be estimated by using the collection for a corresponding number of days based on data from the most recent billing cycle in which the Master Meter was known to be registering accurately, or in the alternative, the Town and the District may agree on another suitable method for calculating the wastewater collection during the period of meter failure.

Section 2.2 Reports and Invoicing. The Town will provide a written summary of the monthly usage to the General Manager for the District quarterly so that the General Manager can present the usage summary at the District meeting. The General Manager for the District will work with District consultants to prepare a quarterly summary of the repair, maintenance and operation costs incurred for the Frisco Hills Lift Station. The General Manager for the District will provide

the Little Elm Chief Financial Officer the quarterly summary of costs for the District related to the Frisco Hills Lift Station.

Section 2.3 Quarterly Billing. The District shall provide the Town on a quarterly basis an invoice for the Town's pro-rata share of the costs for the Frisco Hills Lift Station (the "Quarterly Bill"). The General Manager for the District shall deliver the Quarterly Bill to the Little Elm Chief Financial Officer. The Town shall have a period of three (5) business days to review and approve or object to the Quarterly Bill. In the event the Town delivers a detailed objection to the Quarterly Bill within the three (5) business day period, the Parties shall promptly attempt to address and resolve the objection. In the event that the Parties cannot agree on the Quarterly Bill, the dispute shall be submitted to an independent engineering firm that is agreed upon by the Parties. The independent engineering firm will provide a report and analysis of the Quarterly Bill and the decision from the independent engineering firm shall be binding on the Parties for the given Quarterly Bill. The costs associated with a review of the Quarterly Bill by an independent engineering firm shall be split equally among the Parties.

ARTICLE III MISCELLANEOUS

Section 3.1 Amendments. This Agreement may be changed, amended, or modified only by written instrument.

Section 3.2 Default. In the event any Party (the "Non-Defaulting Party") reasonably believes that another Party (the "Defaulting Party") is in violation or default of any of the terms of this Agreement, the Non-Defaulting Party shall provide written notice of such default to the Defaulting Party with notice of the specific terms and conditions of the violation or default and the requirements to remedy such violation (each, a "Notice of Default").

Upon receipt of a Notice of Default, the Defaulting Party shall have thirty (30) days from the date of receipt of such Notice of Default to remedy the alleged violation by taking appropriate actions. Such notice or cure period shall not be justification for the Defaulting Party to cease any of the obligations that might not be the subject of the Notice of Default. In the event the Defaulting Party fails to reasonably cure an alleged violation of this Agreement within the cure period set out above, the violation or default shall be deemed a "Default" hereunder. Notwithstanding the foregoing, if the Defaulting Party has commenced curing any alleged violation or default within said thirty (30) day period and is diligently prosecuting the same, then the cure period will be extended for an amount of time reasonably necessary to cure such violation or default, subject to extension for Force Majeure. If any violation or default remains uncured after the thirty (30) day remedy period, as same may be extended as provided above, the Non-Defaulting Party may exercise the right to self-help set forth below.

Section 3.3 Notice. Any notice, request, demand, instruction or other communication required or permitted to be given to the Town or the District under this Agreement shall be in writing and shall be either (i) personally delivered to the parties named below by a commercial

messenger service regularly retaining receipts for such delivery; (ii) sent by registered or certified mail, return receipt requested, effective upon deposit; (iii) delivered by a reputable overnight courier service, effective upon delivery thereof to the carrier; or (iv) sent by electronic mail with confirmation of transmission, and shall be addressed to the parties as listed below:

To the District: Frisco West WCIDDC
1230 Brendan Drive
Little Elm, TX 75068
Attn: Alison Nugent , General Manager
Email: anugent@friscowest.org

With Copy to: Winstead PC
2728 N. Harwood St, Suite 500
Dallas, TX 75201
Attn: Ross Martin
Email: rmartin@winstead.com

To the Town : Town of Little Elm
100 West Eldorado Pkwy
Little Elm, TX 75068
Attn: Doug Peach
Email: dpeach@littleelm.org

With Copy to: Brown & Hofmeister, L.L.P
740 East Campbell Road, Suite 800
Richardson, Texas 75081
Attn: Robert Brown
Email: rbrown@bhlaw.net

Section 3.4 Further Acts; Cooperation. Each of the Parties hereto shall execute and deliver all such documents and perform all such acts as reasonably necessary, from time to time, to carry out the matters contemplated by this Agreement.

Section 3.5 No Partnership; Third Parties. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any owner-contractor, contractor-subcontractor, employer-employee, partnership, joint venture or other arrangement between or among any or all of the Parties hereto. No term or provision of this Agreement is intended to, or shall, be for the benefit of any person, firm, organization or corporation not a Party hereto, and no such other person, firm, organization or corporation shall have any right or cause of action hereunder.

Section 3.6 Remedies. The Parties shall have all rights and remedies at law or in equity under this Agreement for a breach or default under this Agreement.

Section 3.7 Entire Agreement. This Agreement contains the entire agreement of the Parties with respect to the subject matter hereof, and this Agreement can be amended only by written agreement signed by all of the Parties hereto.

Section 3.8 Attorneys' Fees. In the event any Party to this Agreement should bring suit against another Party in respect of any matters provided for herein, the prevailing Party shall be entitled to recover from such other Party(ies) its costs of court, legal expenses and reasonable attorneys' fees in connection with such suit.

Section 3.9 Severability. If any provision of this Agreement is declared void or unenforceable, such provision shall be severed from this Agreement.

Section 3.10 Applicable Law. The construction and validity of this Agreement shall be governed by the laws of the State of Texas.

Section 3.11 Paragraph Headings. The paragraph headings contained in this Agreement are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof.

Section 3.12 Force Majeure. If any Party is unable to perform an obligation under this Agreement (other than monetary obligations) by reason of Force Majeure, then the obligation of such Party, as appropriate, shall be extended or postponed for the period of the actual delay caused by such Force Majeure. The phrase "Force Majeure" shall mean the inability to perform a duty or an obligation due to causes or occurrences which are outside of the control of the Party whose obligation is postponed and could not be avoided by the exercise of due care on the part of such Party, such as acts of God, pandemics, fires, floods, labor disputes or strikes.

Section 3.13 Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The signature pages from one or more counterparts may be removed from such counterparts and such signature pages all attached to a single instrument so that the signatures of all Parties may be physically attached to a single document.

Section 3.14 Effective Date. The Effective Date of this Agreement shall be the date signed by the last Party whose signature makes this Agreement fully executed.

Executed by the District and the Town to be effective on the Effective Date

ATTEST:

TOWN OF LITTLE ELM, TEXAS

Name: Caitlan Biggs
Title: Town Secretary

By: _____
Name: Curtis J. Cornelius
Title: Mayor

THE STATE OF TEXAS §
 §
COUNTY OF DENTON §

This instrument was acknowledged before me on the _____ day of _____, 2022, by Curtis J. Cornelius, Mayor of the Town of Little Elm, on behalf of said Town and as the act and deed of the Town.

(SEAL)

Notary Public, State of Texas

ATTEST:

FRISCO WEST WCIDDC

Name: Billy Logsdon
Title: District Secretary

By: _____
Name: Jenifer Robison
Title: President

THE STATE OF TEXAS §
 §
COUNTY OF DENTON §

This instrument was acknowledged before me on the _____ day of _____, 2022, by Jenifer Robison, President of Frisco West WCIDDC, on behalf of said District and as the act and deed of the District.

(SEAL)

Notary Public, State of Texas