



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

August 17, 2023

Persons may address the Planning and Zoning Commission on any issue. This is the appropriate time for citizens to address the Commission on any concern whether on this agenda or not. Each member of the public who desires to address the P&Z Commission regarding an item on an agenda for an open meeting of the P&Z Commission shall have the right to address the Commission on the item before the Commission's consideration of the item. All speakers not requiring a translator are given 3 minutes to speak and may address the Commission only once on each agenda item. Non-English Speakers who require a translator are given 6 minutes to speak and may address the Commission only once on each agenda item. In accordance with the State of Texas Open Meeting Act, the board may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code. To address the Commission for any public hearing item please sign a speaker's sheet located on the tables by the front entry and submit to a Staff member.

1. **5:30 PM Work Session**

2. **6:00 PM Regular Meeting**

3. **Roll Call**

4. **Consent Agenda**

1. Discuss and take action regarding the approval of the August 3, 2023, Regular Planning and Zoning Commission Meeting Minutes.
2. **FINAL PLAT/ Gazebo Commercial Ph. 1 (FP-23-01772).** Presentation, discussion, and consideration on a request for approval of a Final Plat consisting of 1.286 acres, situated in Thomas Navo Survey, Abstract No. 964, within Little Elm's Town Limits, in order to establish one commercial lot and easements necessary for development.
 - Presentation
 - Discussion
 - Recommendation

5. **Regular Agenda**

1. **PUBLIC HEARING/ Little Elm Retail Planned Development (PD-23-01523).** Public hearing, discussion, and take action on a request to rezone approximately 1.4 acres of land, currently zoned as Light Commercial (LC), generally located 185 feet west of the intersection of FM 423 and King Road, within Little Elm's town limits, in order to establish a new Planned Development district based on Light Commercial district standards with modified uses, to allow for one "Body Art Studio" not to exceed 1,035 square feet.
 - Staff Report
 - Open Public Hearing

- Receive Public Comment
- Close Public Hearing
- Discussion and Recommendation

2. **PUBLIC HEARING/ Lakefront Text Amendment.** Public hearing, discussion, and take action on a recommendation regarding a proposed text amendment to Chapter 106, Zoning Ordinance by amending Section 106.04.02 - Lakefront District, in order to establish a definition, review criteria, and procedures for “art installations,” and enable minor corrections throughout the text.

- Staff Report
- Public Hearing
- Discussion and Recommendation

6. **Discussion of future agenda items, update on Council action, and requests for new business considerations**

7. **Adjourn**

Certificate

I certify that the above notice of the Planning & Zoning Commission meeting was posted on the bulletin board of the Town of Little Elm, Texas on August 14th, 2023, prior to 5:00 p.m. The Little Elm Town Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive service must be made 48 hours prior to this meeting. Please contact the Town Secretary’s office at 214-975-0404 or 972-377-5540 (fax) for arrangements.

Olga Chernomorets - Managing Director of Planning Services



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

08/17/2023

OVERVIEW

Project	Adoption of the August 3, 2023 Planning & Zoning Commission Meeting Minutes
P&Z Hearing	08/17/2023
Council Hearing	N/A
Size	N/A
Current Zoning	N/A
Proposed Use	N/A
Existing Use	N/A
Future Land Use Plan Designation	N/A
Applicant	N/A
Owner	N/A
Strategic Goal	

Agenda Item

Discuss and take action regarding the approval of the August 3, 2023, Regular Planning and Zoning Commission Meeting Minutes.

Location

N/A

Planning Analysis

N/A

Recommended Action

N/A

Attachments

8 3 2023 Meeting Minutes

DRAFT



Minutes

Town of Little Elm
PLANNING & ZONING COMMISSION
Regular Meeting
Thursday, AUGUST 3, 2023 - 7:00 pm

Present: Michael Bell, Chairperson; Ron Trees, Vice-Chair; Tom Ocelli, Commissioner; Jack Skinner, Commissioner; Brent Thibeaux, Commissioner; Robert Martin, Commissioner; Chip Norman, Alternate Commissioner; Debra Cadet, Alternate Commissioner

Absent: Stephen Horn, Commissioner

Staff Present: Olga Chernomorets, Managing Director of Planning
Brian Salvesen, Senior Planner

1. **5:50 PM Work Session**

2. **6:00 PM Regular Meeting**

Chairperson Bell opened the meeting at 6:00 PM.

3. **Roll Call**

Staff called roll. Due to Charter limitations of 7 votes, Debra Cadet was present but not voting.

4. **Consent Agenda**

Staff requested the two plats be pulled from the consent agenda.

Motion: Approve consent agenda without the two plats.

Motion by Vice-Chair Ron Trees, seconded by Commissioner Tom Ocelli

AYE: Chairperson Michael Bell, Vice-Chair Ron Trees, Commissioner Tom Ocelli,
Commissioner Jack Skinner, Commissioner Brent Thibeaux, Commissioner Robert
Martin, Alternate Commissioner Chip Norman

7 - 0 Passed - Unanimously

1. Discuss and take action regarding the approval of the July, 20, 2023, Regular Planning and Zoning Commission Meeting Minutes.

Minutes approved in consent agenda.

2. **FINAL PLAT/ Linden Hills Elementary School (FP-23-02551).** Presentation, discussion, and consideration on a request for approval of a Final Plat consisting of 16.045 acres, situated in J. Gonzalez Survey, Abstract No. 447, within Little Elm's Town Limits, in order to establish one lot, along with easements necessary for development.
 - Presentation
 - Discussion
 - Consideration

Plat pulled from consent agenda.

Staff received updated plat between agenda being posted and meeting date. Staff requests approval with the following conditions: 1. Update plat to reflect any changes resulting from TIA. [if applicable - coordinate with Mitch Haug] 2. Provide the Town with the updated sheets showing the private water, as well as the correspondence with MSUD.

Motion: Approve Plat with conditions by requested by staff.

Motion by Vice-Chair Ron Trees, seconded by Commissioner Robert Martin

AYE: Vice-Chair Ron Trees, Commissioner Tom Ocelli, Commissioner Jack Skinner, Commissioner Brent Thibeaux, Commissioner Robert Martin, Alternate Commissioner Chip Norman

NAY: Chairperson Michael Bell

6 - 1 Passed

Chairperson Bell objected on the grounds the plat was not included in the agenda packet.

3. **FINAL PLAT/ Spiritas Ranch Elementary School (FP-23-02559).** Presentation, discussion, and consideration on a request for approval of a Final Plat consisting of 13.166 acres, situated in M. Jones Survey, Abstract No. 662, within Little Elm's Town Limits, in order to establish one lot, along with easements necessary for development.
 - Presentation
 - Discussion
 - Consideration

Plat pulled from consent agenda. Staff received updated plat between agenda being posted and meeting date.

Staff requests approval with the following conditions:

1. Update plat to reflect any changes resulting from TIA. [if applicable - coordinate with Mitch Haug]
2. Provide the Town with the updated sheets showing the private water, as well as the

correspondence with MSUD.

Motion: Approve Plat with conditions by requested by staff.

Motion by Commissioner Robert Martin, seconded by Commissioner Brent Thibeaux

AYE: Vice-Chair Ron Trees, Commissioner Tom Ocelli, Commissioner Jack Skinner,
Commissioner Brent Thibeaux, Commissioner Robert Martin, Alternate Commissioner
Chip Norman

NAY: Chairperson Michael Bell

6 - 1 Passed

Chairperson Bell objected on the grounds the plat was not included in the agenda packet.

5. **Regular Agenda**

1. **PUBLIC HEARING/ Lakefront Text Amendment.** Public hearing, discussion, and take action on a recommendation regarding a proposed text amendment to Chapter 106, Zoning Ordinance by amending Section 106.04.02 - Lakefront District, in order to establish a definition, review criteria, and procedures for “art installations,” and enable minor corrections throughout the text.
 - Staff Report
 - Public Hearing
 - Discussion and Recommendation

Staff presented the text amendment to the commission requesting their thoughts and direction on the proposed amendment.

The commission had the following concerns of the text amendment:

- Potential to limit constitutionally protected free speech;
- Ensuring the art would be maintained; and,
- Limiting the initial review to only the Director of Development Services.

Public Hearing opened at 6:29 PM.

With no one in attendance indicating they wished to speak, the Public hearing was closed at 6:29 PM.

The commission continued to debate on the upkeep and review process.

Chip Norman left at 6:46, Debra Cadet moved to voting member.

Motion: Table the item until the August 17, 2023, Planning and Zoning Committee Meeting, for staff to provide language to clarify how the art would be maintained and update the review process.

Motion by Commissioner Jack Skinner, seconded by Commissioner Brent Thibeaux

AYE: Chairperson Michael Bell, Vice-Chair Ron Trees, Commissioner Tom Ocelli,
Commissioner Jack Skinner, Commissioner Brent Thibeaux, Commissioner Robert
Martin, Alternate Commissioner Debra Cadet

7 - 0 Passed - Unanimously

6. **Discussion of future agenda items, update on Council action, and requests for new business considerations**
7. **Adjourn**

Meeting adjourned 6:54 PM.



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

08/17/2023

OVERVIEW

Project	FINAL PLAT/ Gazebo Commercial Ph. 1 (FP-23-01772)
P&Z Hearing	08/17/2023
Council Hearing	N/A
Size	Approximately 1.286 acres
Current Zoning	Planned Development (Light Commercial Base)
Proposed Use	Commercial
Existing Use	Vacant
Future Land Use Plan Designation	Commercial/Retail
Applicant	Christian Mendez
Owner	Elaine Ford, H4 Little Elm, LP
Strategic Goal	

Agenda Item

FINAL PLAT/ Gazebo Commercial Ph. 1 (FP-23-01772). Presentation, discussion, and consideration on a request for approval of a Final Plat consisting of 1.286 acres, situated in Thomas Navo Survey, Abstract No. 964, within Little Elm's Town Limits, in order to establish one commercial lot and easements necessary for development.

- Presentation
- Discussion
- Recommendation

Location

Approximately located on the northeast corner of US Highway 380 and Gazebo Street, within Little Elm's town limits.

Planning Analysis

The purpose of a final plat is to ensure that the proposed subdivision and development of the land is consistent with all standards of the Town's Subdivision Ordinance pertaining to the adequacy of public facilities, that public improvements to serve the subdivision or development have been installed and accepted by the Town or that provision for such installation has been made, that all other requirements and conditions have been satisfied or provided to allow the final plat to be recorded.

Recommended Action

Staff recommends approval subject to the following conditions:

1. Update the revision date on plat.
2. Clarify Landscape setback.
3. Include recording information of easement prior to recording plat.
4. Ensure easements for MSUD, CoServ, etc. have been coordinated with the utility owners.

Attachments

Plat Document

OWNER'S ACKNOWLEDGEMENT AND DEDICATION

STATE OF TEXAS §

COUNTY OF DENTON §

WE, the undersigned, owners of the land shown on this plat within the area described by metes and bounds as follows:

BEING a tract of land situated in the Thomas Navo Survey, Abstract No. 964, Denton County, Texas, and being a portion of a called 757.040 acre tract of land described in a deed to H4 Little Elm, LP, as recorded in Instrument No. 2013-48961 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with plastic cap stamped "KHA" set at the south corner of a corner clip at the intersection of the northerly right-of-way line of U.S. Highway 380, a variable width right-of-way, with the easterly right-of-way line of Gazebo Street, a 74 foot wide right-of-way, as recorded in Document No. 2020-315 of the Plat Records of Denton County, Texas, same also being on the southerly line of said 757.040 acre tract;

THENCE North 42°18'49" West, departing the northerly right-of-way line of said U.S. Highway 380 and the southerly line of said 757.040 acre tract, and along said corner clip, a distance of 39.49 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for the north end of said corner clip, being on the easterly right-of-way line of said Gazebo Street;

THENCE North 02°34'48" East, along the easterly right-of-way line of said Gazebo Street, a distance of 267.06 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for the southwest corner of Lot 2R, Block A of Gazebo Street Union Park Commercial US 380 Frontage, as recorded in Document No. 2020-315 of the Plat Records of Denton County, Texas;

THENCE South 87°42'34" East, departing the easterly right-of-way line of said Gazebo Street and along the southerly line of said Lot 2R, a distance of 190.41 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner;

THENCE South 02°17'46" West, departing the southerly line of said Lot 2R and crossing said 757.040 acre tract, a distance of 295.19 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for corner on the southerly line of said 757.040 acre tract and the northerly right-of-way line of said U.S. Highway 380;

THENCE North 87°42'14" West, along the northerly right-of-way line of said U.S. Highway 380 and the southerly line of said 757.040 acre tract, a distance of 164.00 feet to the POINT OF BEGINNING and containing 1.286 acres (56,030 square feet) of land, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That H4 LITTLE ELM, LP, ("Owner") does hereby adopt this plat designating the hereinabove property as **GAZEBO COMMERCIAL PHASE 1**, an addition to the Town of Little Elm, Denton County, Texas, and does hereby dedicate in fee simple to Highway 380 Municipal Management District No. 1 (The District) to exclusive use forever, the streets and public use areas shown hereon, and does hereby dedicate the easements shown on the plat for the purposes indicated to the District's exclusive use forever, and said dedications being free and clear of all liens and encumbrances except as shown herein or subordinated to this plat. No buildings, fences, trees, shrubs or other improvements shall be constructed or placed upon, over or across the easements of said plat. At the discretion of the District and subject to its written approval. Utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use the same unless the easement limits the use to a particular utility or utilities. Said use by public utilities being subordinate to the District's use thereof. Any public utility given the right by the District to use said easements shall have the right to: remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on any of these easements; and any public utility shall at all times have the right of ingress and egress to and from and upon said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of its respective system without the necessity at any time procuring the permission of anyone. I do hereby bind myself, my successors and assigns to forever warrant and defend all and singular above described streets, alleys, easements an rights unto the District against every person whomsoever lawfully claiming or to claim the same or any part thereof by and through Owner but not otherwise. This property is not located within the extraterritorial jurisdiction of any municipality. This plat approved subject to all platting ordinances, rules, regulations and resolutions of the Town of Little Elm, Texas.

Witness, my hand this _____ day of _____, 20____.

H4 LITTLE ELM, LP, a Texas limited partnership

By: BOH Investments GP, LLC,
a Delaware limited liability company,
its general partner

BY: _____

Name: _____

Title: _____

STATE OF TEXAS §

COUNTY OF _____ §

Before me, the undersigned authority, a Notary Public in and for The State of Texas, on this day personally appeared _____, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal this _____ day of _____, 20____.

Notary Public, State of Texas

OWNER'S STATEMENT FOR FIRE LANE EASEMENT

The undersigned covenants and agrees that he/she shall construct upon the fire lane easements, as dedicated and shown hereon, a fire lane in accordance with the Fire Code and Town standards and that he shall maintain the same in a state of good repair at all times in accordance with Town Ordinance. The fire lane easement shall be kept free of obstructions in accordance with the Town Ordinance. The maintenance of pavement in accordance to Town Ordinance of the fire lane easements is the responsibility of the owner. The owner shall identify the fire lane in accordance with Town Ordinance. The Chief of Police or his/her duly authorized representative is hereby authorized to cause such fire lane and utility easements to be maintained free and unobstructed at all times for fire department and emergency use

Owner (Printed Name): _____

Owner (Signature): _____

Date: _____

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS:

I, the undersigned, a Registered Professional Surveyor in the State of Texas, do hereby declare that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

Sylviana Gunawan
Registered Professional Land Surveyor No. 6461
Kimley-Horn and Associates, Inc.
6160 Warren Parkway, Suite 210
Frisco, Texas 75034
Phone 972-335-3580

PRELIMINARY
THIS DOCUMENT SHALL
NOT BE RECORDED FOR
ANY PURPOSE AND
SHALL NOT BE USED OR
VIEWED OR RELIED
UPON AS A FINAL
SURVEY DOCUMENT

STATE OF TEXAS §

COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared Sylviana Gunawan, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 20____.

Notary Public, State of Texas

CERTIFICATE OF FINAL PLAT APPROVAL

Approved

Town Official
Town of Little Elm, Texas

Date

The undersigned, the Town Secretary of the Town of Little Elm, Texas, hereby certifies that the foregoing Final Plat of the **GAZEBO COMMERCIAL PHASE 1** Subdivision or Addition to the Town of Little Elm was submitted to the Planning and Zoning Commission on the _____ day of _____, 20____, and the Commission, by formal action, then and there accepted the Final Plat and public works improvements and infrastructure, and said Commission further authorizes Town Officials to note the acceptance thereof by signing his/her name as hereinabove subscribed.

Witness by hand this ____ day of _____, ____.

Town Secretary
Town of Little Elm, Texas

FINAL PLAT
GAZEBO COMMERCIAL PHASE 1

LOT 1, BLOCK A

BEING 1.286 ACRES SITUATED IN THE
THOMAS NAVO SURVEY, ABSTRACT NO. 964
TOWN OF LITTLE ELM, DENTON COUNTY, TEXAS

<div>Kimley»Horn</div> <div>6160 Warren Parkway, Suite 210 Frisco, Texas 75034</div> <div>Tel. No. (972) 335-3580 FIRM # 10193822</div>					
Scale	Drawn by	Checked by	Date	Project No.	Sheet
N/A	SG	KHA	AUG. 2023	063230039	2 OF 2
OWNER H4 LITTLE ELM LP 3000 Turtle Creek Blvd. Dallas, Texas 75219 972-201-2980 elaine.ford@hillwood.com Contact: Elaine Ford			ENGINEER / SURVEYOR: Kimley-Horn and Associates Two Galleria Office Tower 13455 Noel Road, Suite 700 Dallas, Texas 75240 972-770-1300 Contact: Jason Kaiser, P.E.		



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

08/17/2023

OVERVIEW

Project	PUBLIC HEARING/ Little Elm Retail Planned Development (PD-23-01523)
P&Z Hearing	08/17/2023
Council Hearing	September 19, 2023
Size	Approximately 1.40 acres
Current Zoning	Light Commercial (LC)
Proposed Use	Retail/Commercial
Existing Use	Commercial
Future Land Use Plan Designation	Commercial/Retail
Applicant	Jay Woo
Owner	Haimark Center LLC
Strategic Goal	

Agenda Item

PUBLIC HEARING/ Little Elm Retail Planned Development (PD-23-01523). Public hearing, discussion, and take action on a request to rezone approximately 1.4 acres of land, currently zoned as Light Commercial (LC), generally located 185 feet west of the intersection of FM 423 and King Road, within Little Elm's town limits, in order to establish a new Planned Development district based on Light Commercial district standards with modified uses, to allow for one "Body Art Studio" not to exceed 1,035 square feet.

- Staff Report
- Open Public Hearing
- Receive Public Comment
- Close Public Hearing
- Discussion and Recommendation

Location

Located approximately 185 feet west of the intersection of FM 423 and King Road, within Little Elm's Town Limits.

Planning Analysis

Background.

The subject property consists of one commercially developed lot totaling approximately 1.4 acres, currently zoned Light Commercial (LC) with a Specific Use Permit (SUP) for a Martial Arts Studio through Ordinance No. 908. The SUP was approved in 2008 when these types of uses were required to go through the additional zoning review process; however, Martial Arts Studios no longer require an SUP.

The property was initially annexed into the Town in 2002, through Ordinance #561, and the existing building was subsequently constructed in 2005. Most of the adjacent properties are zoned LC except the property to the southwest, which is zoned Light Industrial (LI) and developed as a Public Storage facility. The property to the east is a 7-11 convenience store and gas station, the property to the west contains a vacant commercial building, and the property to the south is currently occupied by Mission Church.

In 2009, the King Road Right-of-Way (ROW) expansion utilized a portion of the subject property, which reduced the parking and landscaping along King Road. Currently, the property has access via a direct connection to King Road along the northern boundary, and two access easements from the adjacent property to the east, connecting to FM 423.

The original 13,200 square-foot building's exterior remains unchanged and currently has 7 out of 8 suites occupied by businesses permitted in the LC district. The current property owner acquired the property in 2018 and has made limited exterior improvements, without significantly altering the existing site.

In late 2022, the property owner approached the Town about requirements for a Body Art Studio with a specific tenant in mind. The Proposed Body Art Studio, "Pin Cushion" is a family-run operation offering an all female body piercing studio combined with the Steel Paint Brush tattoo studio, with two existing locations, Frisco and Celina. They opened their Frisco location in 2014 and are currently the only tattoo shop in the City of Frisco. Communication with the City of Frisco did not indicate any filed nuisance complaints or ordinance violations.

Since the use is not allowed in the LC district, either by right or through a SUP, staff determined the best route for the applicant would be to request a new Planned Development (PD) district, based on LC standards with modified uses, by adding "Body Art Studio" as an allowed use.

Such action, if approved, would allow the Town safeguards in terms of the use location and size, by capturing the proposed suite and total area within the attached plans, so that in the future, any changes would require the tenant to come back through the zoning process for an amendment.

Proposal.

The applicant is proposing to rezone the subject property to a Planned Development district based on LC Standards with the modified use of "Body Art Studio" as allowed by right, not to exceed 1,035 sq. ft. as depicted on the attached plans. As part of this request, the applicant is also proposing to bring the landscaping closer to current Town standards, which were largely adopted in 2017, 10 years after the property was developed.

Uses.

The uses would remain the same, except for allowing one "Body Art Studio" not to exceed 1,035 square feet, as depicted on the attached plans which will be captured as part of the PD Ordinance.

"Body Art Studio" is defined by Town's Ordinance as:

Body art studio. An establishment whose services include tattooing and/or body piercing. Tattooing shall mean the placing of designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. Body piercing shall mean the creation of an opening in an individual's body, other than ear-piercing, to insert jewelry or other decoration.

As a condition of obtaining the Certificate of Occupancy, the Body Art Studio will need to follow all applicable Texas Department of Licensing and Regulations (TDLR) requirements.

The other uses on the property currently include

- Suite 100: Papa John's (Food Establishment)
- Suite 200: Impact Cuts (Personal Service)
- Suite 300: Donut Shop (Food Establishment)
- Suite 400: Curries n Cravings (Restaurant)
- Suite 500: Premier Martial Arts (Gymnastics/dance studio/martial arts)
- Suite 600: Suite Vacant (Proposed Body Art Studio Suite)
- Suite 700: S Cleaners (Dry Cleaning Pick up)
- Suite 800: Moonstone Nail and Spa (Personal Service)

Site Development Standards.

The site is currently operating as legal nonconforming given its development prior to the establishment of the most current site development standards, as well as the ROW adjustment. The establishment of this PD will capture the existing site plan and proposed landscape improvements, however any future exterior improvements to the building, landscaping, or the site in general, would have to follow the most current LC development standards at the time of the proposed improvements.

Zoning Standards

Apart from the aforementioned use change, the site development standards are not being altered for this PD request

Design Standards

The design of building already generally meets the Town's current requirements for materials, glazing, and articulations. There are no proposed design standard amendments or waivers in this PD request and the applicant is not proposing to make any exterior changes to the building at this time

Landscaping Standards

The applicant is proposing improvements in an effort to bring the current landscaping closer toward compliance with the Town's Standards. The submitted landscape plans show replanting of several shade trees, increasing shrub planting to screen vehicular areas, enhancing the entryway by providing additional planting, and improving the site irrigation in order to ensure maintenance of all plants.

These improvements would need to be completed before the Certificate of Occupancy for the Body Art Studio could be approved.

Parking

As is common with most existing older properties throughout Town, the parking spaces on this site are below the current minimum dimension requirement. Given the property is currently operating as legal nonconforming, unless the applicant was to expand or redevelop, parking space sizing is not required to be brought into compliance.

Currently, the site provides adequate parking, with a total of 69 spaces to accommodate a mix of commercial uses; utilizing a retail ratio of 1:200 and restaurant ratio of 1:100, where appropriate. It should be noted that uses like a pizza delivery operation, or a donut shop, do not typically fall under a restaurant parking ratio as they operate more within the parameters of a retail establishment and do not offer seating for dining options.

Subdivision

The property was platted in 2003 and the plat document is filed at Denton County.

Signage

This PD request would not make any amendments to the sign ordinances.

Fire/Engineering

Fire and Engineering have reviewed the proposed plans and determined them to be acceptable for the purposes of this rezoning request. Further review and approval will be required through the Site Development Permit and Building Permit processes.

Comprehensive Plan

The proposed Body Art Studio use is classified as a commercial service use and if approved, would not be in conflict with the Future Land Use Plan (FLUP), which envisions this area as Retail/Commercial.

Recommended Action

The Code or Ordinances classifies Body Art Studios as a commercial service use and permits these uses within the Heavy Commercial, Lakefront, and Industrial zoning districts, through a Specific Use Permit (SUP). However, the Code does not provide any additional criteria for the review and approval of such requests.

A lot of time, a SUP is placed as a requirement on a specific retail or service use that, at one point, may have been considered to be not in the best interest of the public health, safety, morals, and general welfare. Requiring an SUP allows additional scrutiny by the Town Council as to the appropriate location, allowing each request to be reviewed on a case by case basis, based on situational suitability. SUP requests also allow Town Council to add conditions to the use and/or site to ensure no potential nuisances result from the proposed operation onto the adjacent properties.

Different municipalities within the Town's proximity treat Body Art Studios differently, mostly allowing them within certain commercial and/or industrial areas through a similar zoning process, with different separation criteria and limitation on the number of establishments within a certain area. Most of the separation criteria, within the surrounding municipalities, deals with residential, church, and school uses. Staff believes this is a result of a certain stigma associated with Body Art Studios as they were perceived at the time of the establishment of these regulations.

While the Town's Code of Ordinances recognizes these uses as requiring additional scrutiny within certain districts, the Town's zoning map primarily consists of Light Commercial (LC), with very limited Heavy Commercial or Industrial designated areas. This is likely because the Town was initially, predominantly, developing as a bedroom community, with anticipated neighborhood level retail and commercial uses within its commercial corridors. However, as the Town has grown and evolved over the recent years, the commercial uses and their intensities have also began to expand. Staff believes this is reflected by the establishment of the Lakefront District, which was envisioned as the Town's civic and cultural center. The Lakefront District allows for a wider variety of uses which indicates the Town's intent to be more open-minded about uses in certain areas, as they become more acceptable in general.

Considering the proposed location and existing context of the surrounding area, as well as the proposed tenant Pin Cushion, Staff does not believe a Body Art Studio poses a nuisance to the adjacent properties. Staff requests the Commission to consider whether this type of use is appropriate within a Light Commercial (LC) district in general as well as how the proposed use fits into the context of its commercial surroundings. Staff requests the Commission evaluate this request and make their recommendation to Town Council based on the presented facts and the overall vision for this area.

Staff believes if the Planning and Zoning Commission considers approval of the request, it should be conditioned to the proposed tenant, Pin Cushion, requiring any subsequent tenant change-out, for the same use, to go back through the zoning process for review and approval by Town Council.

Attachments

Letter of Intent

Landscaping Plans

Existing Location Photos

Proposed Floor Plan

Shopping Center Site Plan

Dennis Dent
2163 Bledsoe Rd
Gunter, TX 75058

To Whom It May Concern:

My name is Dennis Dent. My wife, Kimberly and I are the owners of Steel Paintbrush Tattoo Co and the Pin Cushion Body Piercing Studio in Frisco and Celina. We are planning to open another retail location at 2650 King Road, Suite 600 in Little Elm, TX 75036.

I understand this would be the first tattoo studio in Little Elm. I also recognize the unfair, negative stigma that some may have associated with this business. The days of tattoos being for outlaws have instead been replaced nowadays with first responders and military personnel. Today, it's almost as common for moms and grandmas to have tattoos just as they would have nail polish on. When we opened our Frisco location 9 years ago, we encountered similar conversations. Obviously, Frisco approved us and we are proud to say that we are still the only tattoo shop in the city.

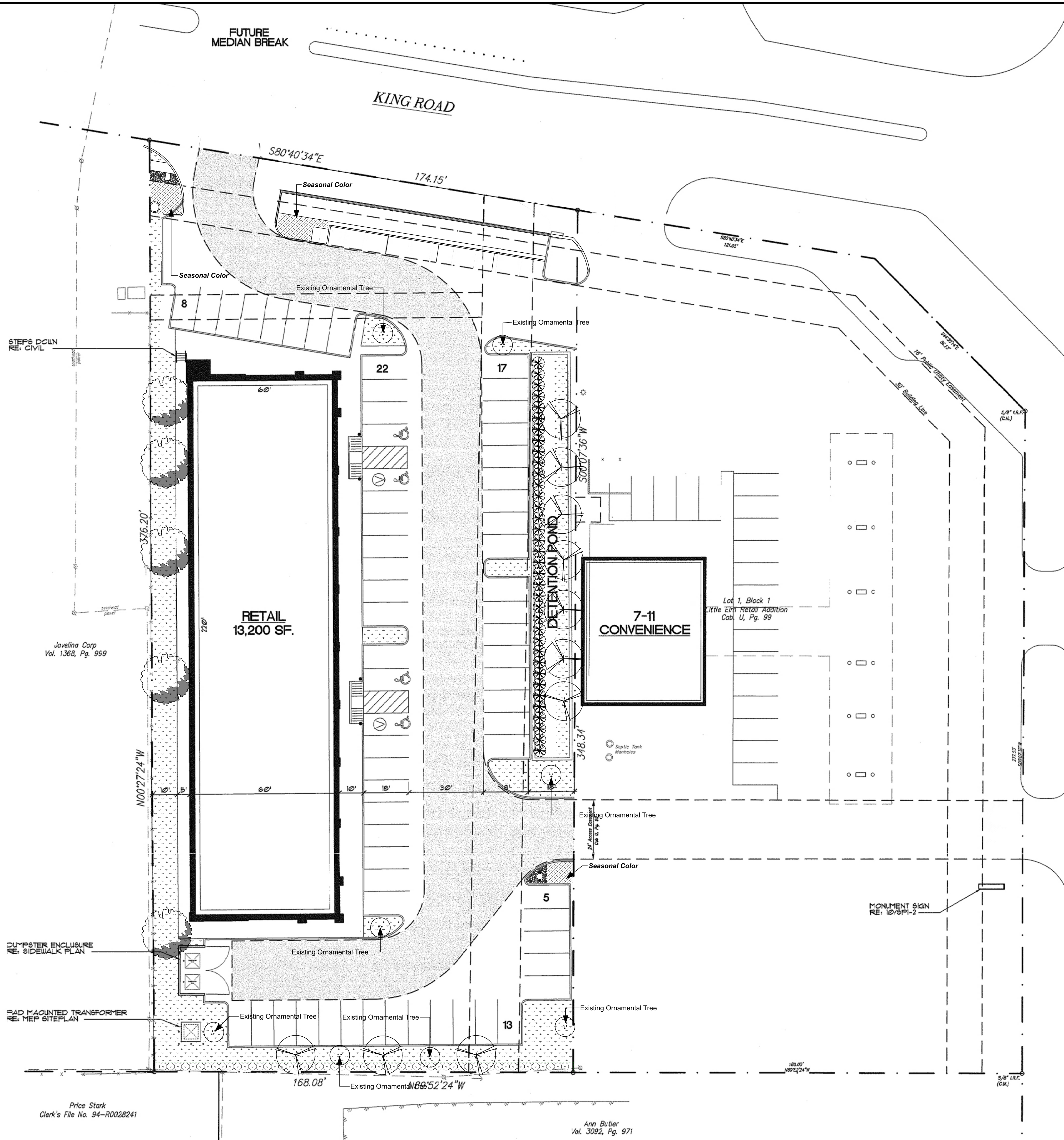
It is important to stress that a retail tattoo shop like ours is regulated by the state with random health inspections. All our artists must be certified in bloodborne pathogens to ensure that cross contamination is avoided. Cleanliness is vital to our business.

The tattoo industry accounts for over \$1.3 billion annually and we are happy to say we are a part of this growth. We are a family-run business with 20 employees and counting. If approved, the Little Elm location would employ 6-7 employees and provide tax revenues to the town instead of that revenue flowing down along FM 423 to The Colony where there are multiple retail tattoo shops.

Both the neighboring city/town of Frisco and The Colony have seen tremendous growth by being inclusive and open minded to different businesses. We have been in the area for many years and know that Little Elm is a wonderful town with a diverse community, but it's missing a tattoo shop. We care about our neighbors and have spoken to and received support from neighboring businesses including Impact Cuts Barbershop, Premiere Martial Arts, and Cork & Growler.

We would love to be a part of Little Elm and look forward to welcoming everyone into our shop. Please feel free to let us know if you have any questions.

Sincerely,
Dennis Dent
972-505-8779
Dennisdent@gmail.com



LANDSCAPE TABULATIONS

Interior Landscaping:

Gross Parking Area: 30,185 SF
Interior Landscape Required: 3,019 SF
Interior landscape provided: 3029 SF
Interior Trees Required: 3019/400 = 8 Trees
Interior Trees Provided: 9 Trees (7 Large Shade Trees, 8 Ornamental Trees)

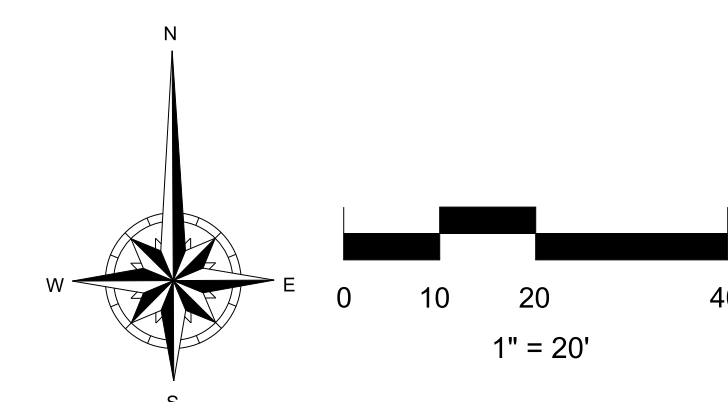
Landscape Notes

1. CONTRACTOR SHALL STAKE OUT TREE LOCATIONS AND BED CONFIGURATION FOR APPROVAL BY OWNER PRIOR TO INSTALLATION.
2. CONTRACTOR IS RESPONSIBLE FOR VERIFYING LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.
3. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ADVISE THE OWNERS REPRESENTATIVE OF ANY CONDITION FOUND ON-SITE WHICH PROHIBITS INSTALLATION AS SHOWN ON THESE PLANS.
4. ALL SHRUB AND GROUND COVER BEDS SHALL HAVE A MINIMUM OF (2") TWO INCHES OF HARDWOOD BARK MULCH.
5. LANDSCAPE EDGING SHALL BE LOCATED AS NOTED ON PLAN.
6. TREES SHALL BE PLANTED A LEAST FIVE (5') FEET FROM ANY UTILITY LINE, AND OUTSIDE ALL UTILITY EASEMENTS AND A THREE (3') CLEAR DIAMETER AROUND FIRE HYDRANTS, UNLESS PRIOR APPROVAL IS GRANTED.
7. TREES OVERHANGING WALKS AND PARKING AREAS SHALL HAVE A CLEAR TRUNK HEIGHT OF SEVEN (7') FEET.
8. TREES OVERHANGING VISIBILITY EASEMENTS OF RIGHT-OF-WAYS SHALL HAVE A MINIMUM CLEAR TRUNK HEIGHT OF SEVEN (7') FEET.
9. TREES PLANTED ON SLOPES WILL HAVE THE SOIL STAIN AT AVERAGE GRADE OF SLOPE.
10. ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY AND GROWING CONDITION, AND MUST BE REPLACED WITH PLANT MATERIAL OF SIMILAR VARIETY AND SIZE, IF DAMAGED, DESTROYED OR REMOVED.
11. LANDSCAPE AREAS SHALL BE KEPT FREE OF TRASH, LITTER AND WEEDS.
12. AN AUTOMATIC IRRIGATION SYSTEM SHALL BE PROVIDED TO MAINTAIN ALL LANDSCAPE AREAS. OVER SPRAY ON STREETS AND WALKS IS PROHIBITED.
13. 3 INCHES OF SOILS BUILDING SYSTEMS PH BALANCED COMPOST TO BE TILLES INTO EXISTING TOPSOIL TO ACHIEVE A MAXIMUM RATIO OF 50% COMPOST (I.E. 1 PART COMPOST TO 1 PART EXISTING SOIL). ALL HYDROSEEDING AND PLANTING BEDS TO HAVE BIOSOL FORTE 7-2-1 FERTILIZER APPLIED AT MANUFACTURERS RATE.

Landscape

Quantity	Symbol	Description
Annals-Perennials		
401		Seasonal Color
Ground Cover-Vines		
7702		Cynodon dactylon / Bermudagrass Sq. Ft.
Shrubs Under 4 Feet		
55		Ilex cornuta 'Burfordii Nana' / Holly, Dwarf Burford 5 gal / 24"ht. min.
Trees		
5		Existing Tree 'Large' / Existing Tree 'Large' Existing
8		Existing Tree 'Small' / Existing Tree 'Small' Existing
36		Ilex x 'Nellie Stevens' / Holly, Nellie Stevens Existing
10		Taxodium ascendens / Cypress, Pond 3 in cal min
Landscape Accessories		
86.08 Sq/Ft		Large Texas Native River Rock

F.M. ROAD NO. 423



DAVID L. GARRISON
Landscape Design Studio
4445 Eldorado Drive
Plano, Texas 75093
214-668-4163
david@iPlanLandscapes.com



LANDSCAPE PLAN

ELM RIDGE CROSSING
FM 720 and FM 423
Little Elm, Texas

REVISIONS:
7-27-2023

DATE:
6/14/2023

JOB NUMBER:
230614b

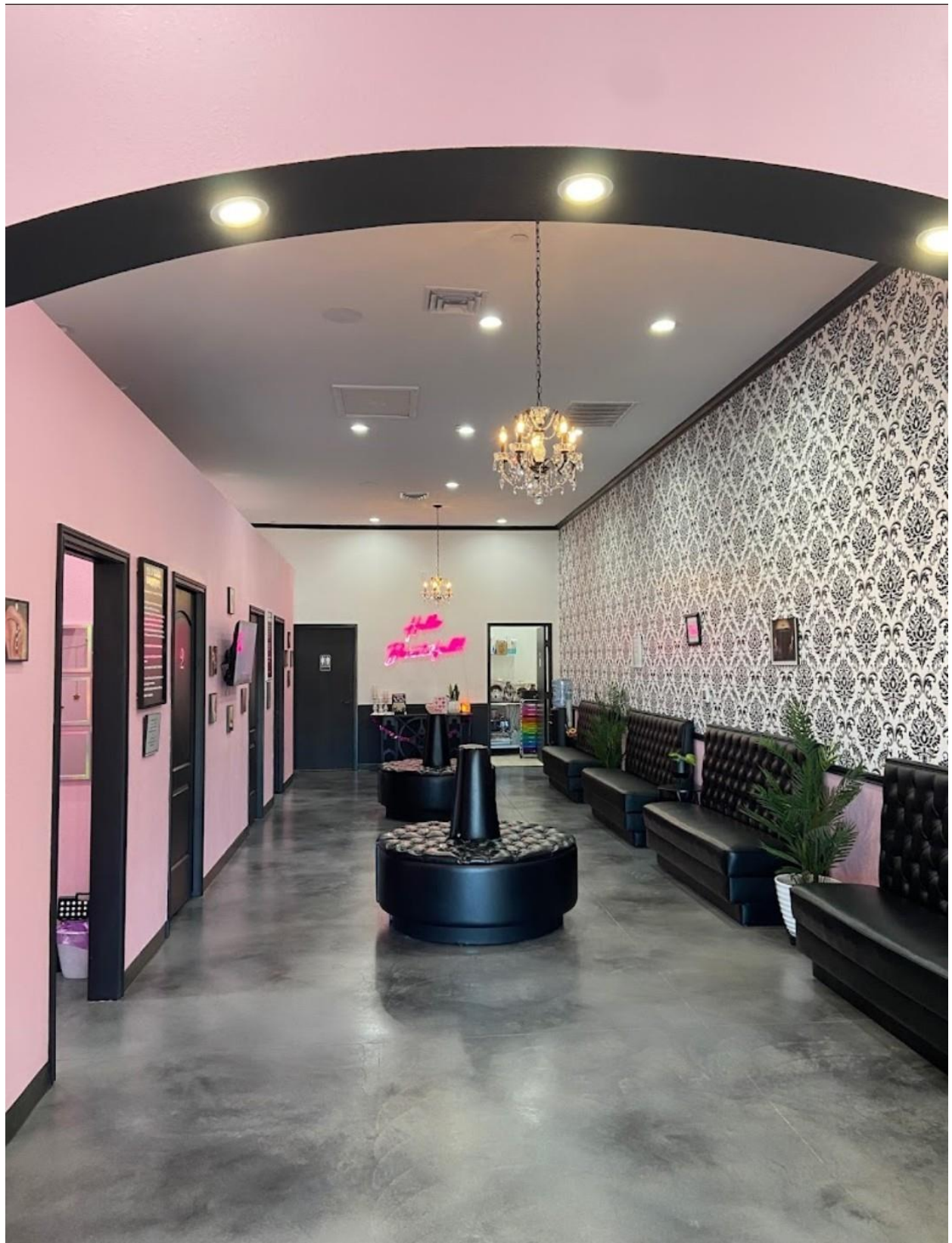
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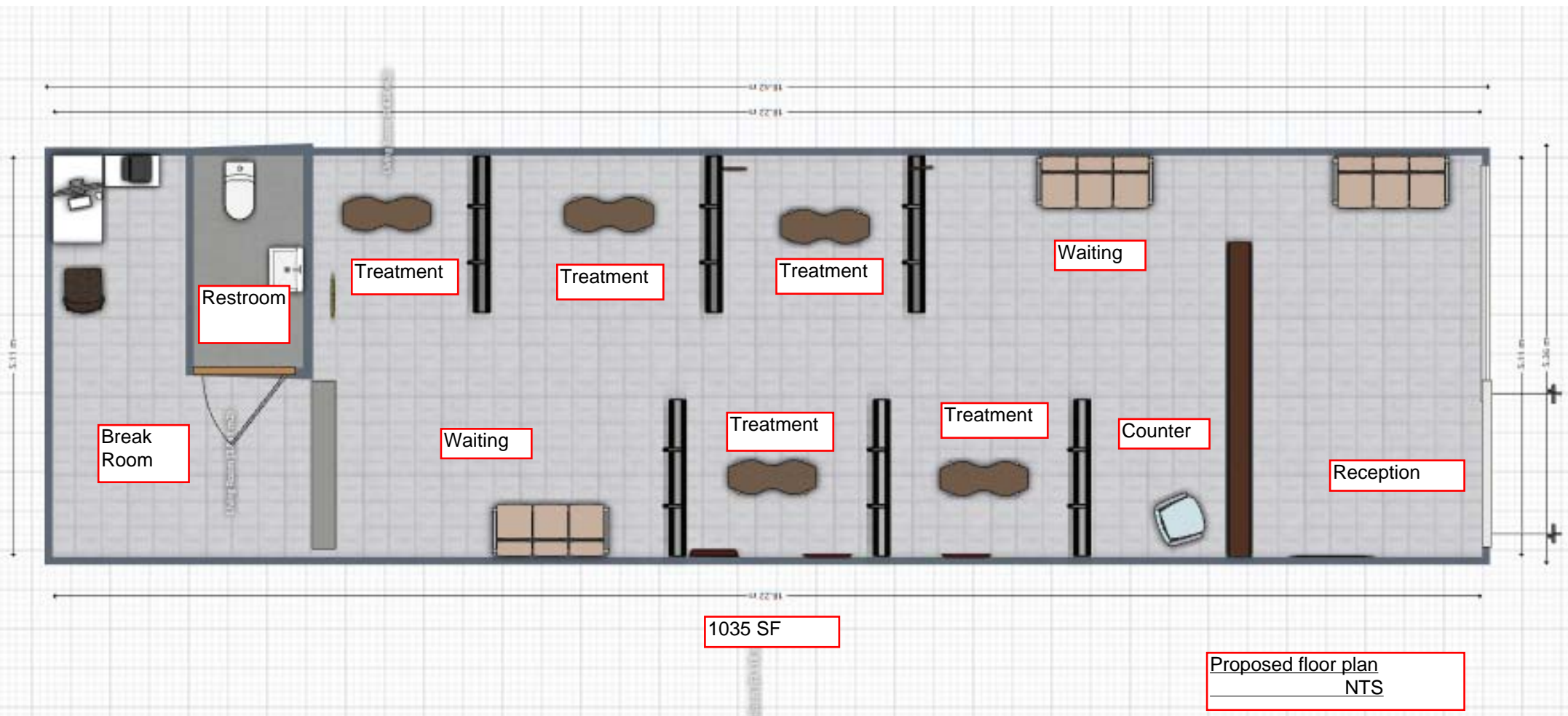
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SCALE:
1" = 20'

SHEET:
LS - 1

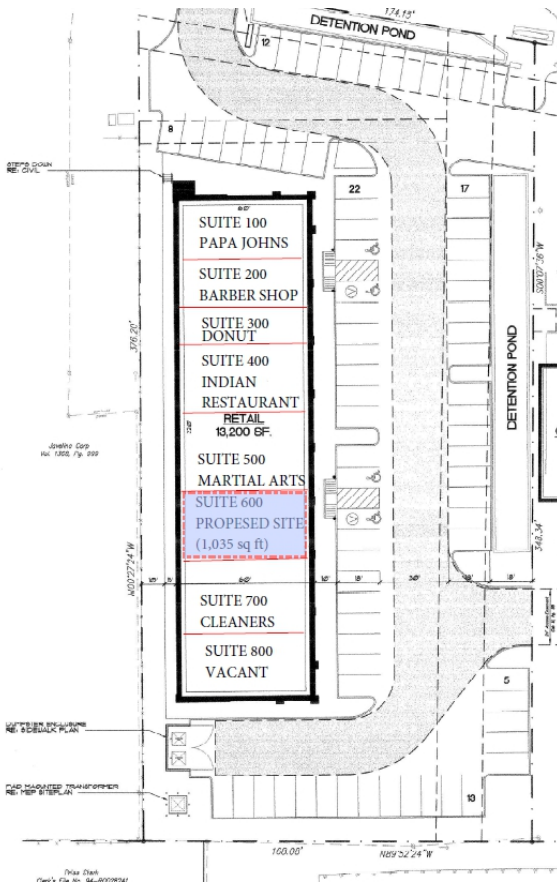






Site plan of Shopping center

The site pan attached hereto is intended only to show the general layout of the shopping center. The site plan shall not be deemed to warranty or agreement by landlord as to the shopping center, the premises, the existence of any particular tenants or other stores or occupants or any matter shown thereof:and the site plan show measurements and distances that are approximate and not scaled



S#100- PAPA JOHNS
 S#200-BARBER SHOP
 S#300-DONUTS
 S#400-INDIAN RESTAURANT
 S#500-MARTIAL ARTS
 S#600-TATTOO SHOP
 S#700-CLEANERS
 S#800-VACANT



TOWN OF LITTLE ELM PLANNING & ZONING COMMISSION

08/17/2023

OVERVIEW

Project	PUBLIC HEARING/ Lakefront Text Amendment.
P&Z Hearing	08/17/2023
Council Hearing	September 5, 2023
Size	N/A
Current Zoning	N/A
Proposed Use	N/A
Existing Use	N/A
Future Land Use Plan Designation	N/A
Applicant	N/A
Owner	N/A
Strategic Goal	

Agenda Item

PUBLIC HEARING/ Lakefront Text Amendment. Public hearing, discussion, and take action on a recommendation regarding a proposed text amendment to Chapter 106, Zoning Ordinance by amending Section 106.04.02 - Lakefront District, in order to establish a definition, review criteria, and procedures for “art installations,” and enable minor corrections throughout the text.

- Staff Report
- Public Hearing
- Discussion and Recommendation

Location

N/A

Planning Analysis

Planning and Zoning Commission deliberated this request on August 3rd, 2023 and recommended to table the item in order to allow Staff to provide additional information.

The Commission indicated the desire to include, within the Art Installation criteria, a requirement for a maintenance mechanism to ensure upkeep. The Commission also indicated that such unique requests should not be solely at the discretion of the Director of Development Services, and indicated that the Review Committee should be designated as the decision maker for Art Installation review. Additionally, the Commission discussed the potential of adding a Commissioner to the Review Committee for added

perspective.

In order to address the Commission's concerns, Staff has added/revised the following language.

Art Installation was removed from the Minor Waiver list.

Revised the Art Installation criteria as follows:

(9) Art Installations.

- *In addition to other signage, a property may be permitted an art installation with approval of a minor waiver.*

- *Must meet the definition, as well as make a positive contribution to the visual environment and the District as a whole. Must reflect the intent of the design guidelines as referenced within Appendix A.*
- *Requires professionally designed, digital, scaled plans, with an installation and maintenance agreement.*
- *May only be approved by the review committee.*

Added a Commissioner to the Review Committee:

The committee shall be comprised of the following:

- Director of development services ("Director")
- Director of economic development ("EDC rep")
- Planning manager (serving as "urban design officer" or "UDO")
- Town engineer ("engineer")
- A representative of the Town Council ("Council Liaison")
- *A representative of the Planning and Zoning Commission ("P&Z Commission Liaison")*

Staff believes the proposed revisions address the Commission's initial concerns.

Staff Report from August 3, 2023 as follows:

In 2017 the Town adopted ordinance section 106.04.2 which created special standards for the area zoned "Lakefront District" that identified a desire to establish a pedestrian-oriented lakefront which will serve as the civic and cultural heart of the town. The Section was later amended in 2021, largely to limit building heights to preserve lakefront views.

In March 2022, the Town amended Chapter 86 by passing Ordinance #1665 which amended multiple definitions and standards for signs throughout the Town. Of the definitions changed at that time, the definition of "Fine Art" was amended to:

"Fine art means sculpture, fountain, mural, or 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 is not used for advertising. Fine art is not considered as a sign."

Staff has received a number of requests from existing and new business owners for various art and sign installations that would not necessarily fit within the confines of the Fine Art definition, which has prompted staff to review the existing ordinance language. Staff believes that while not fitting everywhere in the Town, the intent and vision of a special area like the Lakefront District should allow for additional creative flexibility that would move the vision of the district forward.

As a result, Staff is proposing certain amendments to the text within Section 106.04.02 "Lakefront District" in

order to establish a definition, review criteria, and procedures for “art installations,” and also to enable minor corrections throughout the text, simply to clean up any existing errors and inconsistencies.

Staff is proposing to create the definition for "Art Installation" as: *Art Installation. A large-scale, mixed-media construction, often designed for a specific place, includes three-dimensional works designed to transform the perception of space, sculptures, murals, or other forms of creative visual art produced primarily or solely for its imaginative, aesthetic, or intellectual content reflective of the Lakefront District vision; may also contain reference to a business or its logo; is not used for sole purposes of advertising; is not used to promote political or religious views, or social causes.* In order to then facilitate the review and approval process, Staff is proposing to:

- Add "Permitted Signs" and "Art Installation" as Minor Waivers of design standards.
- Create the necessary application criteria for art installations as follows:

Art Installations.

a. In addition to other signage, a property may be permitted an art installation with approval of a minor waiver.

b. As determined by the Director, must meet the definition as well as make a positive contribution to the visual environment and the District as a whole.

c. Requires professionally designed digital plans.

d. Must reflect the intent of the design guidelines as referenced within Appendix A.

- Establish Appendix A to serve as the design guide to reference the types of installations that are more likely to align with the Town's cultural, natural, geological, and visionary elements.
- Amend the review process by allowing the Director of Development Services the discretion to require the Lakefront District Review Committee to weigh in on the decisions for Minor Waiver requests.

Minor waivers are those changes to design standards in the Lakefront Code that are determined to meet the goals and intent of this Code as stated in Division 1 and throughout this Code. Minor waivers may be approved administratively by the Director or his designee. *At the discretion of the Director, an application shall require a recommendation from the committee.*

This amendment also makes landscaping changes for the Lakefront District that more closely align with the Town's vision today and type of standards seen throughout the rest of the Town.

- Remove "Palm Trees or other hardy desert type plants" as the preferred plant material for the Lakefront District. Palm trees were previously encouraged in order to establish a certain feel within the district, however, this plant species has not proven to do well in this region and has resulted in various properties having to completely redo their landscaping.
- Change from three-inch caliper street trees to four-inch caliper street trees, which is in line with landscaping standards for the rest of the Town.
- Remove exemption from the Landscape Points System for projects within the district, which is in line with landscaping standards for the rest of the Town.

Recommended Action

Staff requests the Commission review the proposed revisions and make their recommendation accordingly.

Attachments

Sec. 106.04.02 Lakefront District. CLEAN

Sec. 106.04.02 Lakefront District. REDLINED

Appendix A - Lakefront District Art Installation Design Guide

Sec. 106.04.02 Lakefront District.

DIVISION 1. PURPOSE, GOALS AND INTENT

(a) *Purpose.*

The purpose of the Lakefront District is to implement the adopted recommendations of the comprehensive plan by establishing a pedestrian-oriented lakefront which will serve as the civic and cultural heart of the Town for generations.

(b) *Goals.* The goals of this Code are:

- (1) To build on the Town's targeted "lakeside community character," with built form and materials that are reminiscent of lakefront communities.
- (2) Make the sustainable through:
 - a. Providing for integrated mixed use;
 - b. Embodying LEED-ND (Leadership in Energy and Environmental Design Neighborhood Development) principles; and
 - c. Assuring pedestrian and bicycle friendliness;
- (3) To provide development and land use flexibility within the framework of a form-based development code;
- (4) To provide a mix of residential, retail and office uses in a pedestrian and bicycle-friendly environment; and
- (5) To encourage high quality development through providing a balance of development standards and expeditious administrative approvals for projects which meet the intent of this Code.

(c) *Intent.* The intent of this Code is:

- (1) To provide a comfortable and attractive environment for pedestrians, which include such things as buildings framing public space, interesting street walls, street trees, lighting and street furniture;
- (2) To construct buildings close to the sidewalk and street;
- (3) To construct continuous building frontage along block faces except where it is desirable to provide for pedestrian and auto pass-through to parking at mid block;
- (4) To provide shared parking that will benefit the entire District;
- (5) To encourage the use of public parks and plazas as a focus for mixed use developments;
- (6) To design and build flexible buildings that can accommodate a range of uses over time;
- (7) To design streets, access lanes and buildings that will provide a high level of connectivity between parcels and projects for pedestrians, bicycles and autos; and
- (8) To create a safe multi-modal mixed use environment.

(Ord. No. 1407, § 2, 8-15-2017)

DIVISION 2. DEFINITIONS

The following definitions shall apply within the Lakefront Code.

Access lane. Any on-site drive or lane intended to accommodate autos or pedestrians.

Art Installation. A large-scale, mixed-media construction, often designed for a specific place, includes three-dimensional works designed to transform the perception of space, sculptures, murals, or other forms of creative visual art produced primarily or solely for its imaginative, aesthetic, or intellectual content reflective of the Lakefront District vision; may also contain reference to a business or its logo; is not used for sole purposes of advertising; is not used to promote political or religious views, or social causes.

Charleston house. This is a house that is built close to the front sidewalk but also has one building edge adjacent to a shared property line, thereby creating a useable side yard. (See table 1 Building Disposition) A double Charleston house is two single-family Charleston houses which share a common wall (and property line).

Review committee. A committee constituted by the Town to advise the Director on major development waivers. (See section 106.04.02, "Lakefront District - Division 9(b) review process")

Building facade, primary. Any facade that faces a public street or open space.

District. The entire area covered by the lakefront code.

Entry, primary. The main entry to a building on a block face. There must be at least one main building entry for each ground floor use, tenant or lobby on each block face which contains the use or tenant.

Flats. Urban apartments located in a pedestrian friendly mixed use development, and usually positioned above the ground floor.

Landmark buildings. Buildings which are located on axis with a terminating street or at the intersection of streets. Such buildings shall incorporate architectural features which address height and articulation that emphasize the importance of such a location.

Live-work. A fee-simple dwelling unit that contains, to a limited extent, a separate commercial component on the ground floor. It is in the form similar to a townhouse or store with residential quarters above or behind the commercial use.

Loft. A flexible residential space which may be partially used for an artist or design studio, and which is characterized by higher than normal ceilings, open floor plans and often, exposed duct work.

Loft, mixed use. A mixed use building that includes a majority of residential use such as lofts, apartments, condominiums and offices, but contains nonresidential use in a portion of the ground floor.

Major thoroughfare. This refers to the ultimate configuration of Eldorado Parkway.

Parking, shared. Parking which is shared by tenants, visitors and the general public. Hours of availability and use may be further defined in cooperation with the Town.

Patio house. This refers to a home which occupies the boundary of the lot while defining one or more private patios. (See Table 1 Building Disposition)

Regulating plan. A plan that governs the development of a multi-phased project area as defined in. (See section 106.04.02, "Lakefront District - Division 9(c) regulating plan")

Retail use. For the purposes of the Lakefront Code, retail use is defined as a business having as its primary function, the supply of merchandise or wares to the end consumer. Such sales constitute the "primary function of the business when sales equal at least 80 percent of the gross sales of the business.

Stacked flat. A condominium, apartment or loft which is part of a building of similar units. Flats located on the ground floor must still meet the requirements for direct front door access to a stoop and a public sidewalk.

Stoop. A structure that is located approximately at the level of the first floor of the structure and intended to provide access to a residential unit.

Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling

above the floor of such story. This includes any mezzanine or loft which may comprise only a portion of a full floor plate. A standard story may range from 10 feet to 16 feet depending on the use.

Streetscape. The urban element that establishes the major part of the public realm. The streetscape is composed of thoroughfares (travel lanes for vehicles and bicycles, parking lanes for cars, and sidewalks or paths for pedestrians) as well as the visible private frontages (building facades and elevations, porches, yards, fences, awnings, etc.), and the amenities of the public frontages (street trees and plantings, benches, streetlights, etc.).

Lakefront engineering and landscape standards. Any approved Town standards which govern such items as street, streetscape, drainage, signage and other public improvements in the Lakefront District.

Town Manager. The Town Manager of the Town of Little Elm or his designee.

Townhouse. An attached dwelling unit located on a platted lot which shares at least one common wall with another such unit. Townhouses are grouped together in clusters of three to six units.

Urban design officer (UDO). The planning manager shall serve as the urban design officer for the Lakefront District.

Waiver to design standards, major (major waiver). A significant change to the standards of this Code, as identified in the District regulations and requiring Planning and Zoning Commission and Town Council approval. (See section 106.04.02, "lakefront District Division 3(g) and 9(e) regarding waivers of design standards")

Waiver to design standards, minor (minor waiver). A minor change to the standards of this Code that is not contrary to the stated goals and intent of the District. (See section 106.04.02, "lakefront District Division 3(g) and 9(e) regarding waivers of design standards")

(Ord. No. 1407, § 2, 8-15-2017; Ord. No. 1651, § 2, 12-7-2021)

DIVISION 3. GENERAL DISTRICT STANDARDS

(a) *Building and land use.*

Intent. It is intended that allowed uses will encourage pedestrian-oriented mixed use projects that are well integrated with retail and residential activities.

- (1) Retail, personal service, residential and office uses shall be allowed throughout the District in accordance with the list of authorized uses set forth in appendix 1 Lakefront Land Use. Uses which are not specifically authorized require a major waiver.
- (2) Where "required retail at-grade construction" is designated on the conceptual framework plan, the ground floor adjacent to the street should be constructed to retail building standards for a depth of at least 50 feet, however a smaller depth may be allowed if the retail is serving as a "liner" use which is masking a parking garage, by minor waiver.
- (3) All changes to access drives require a minor waiver.

(b) *Block face.*

Intent. It is intended that building walls should be continuous along block faces to create a strong edge to the street and contribute to creating an attractive and active pedestrian environment, with allowance for some limited variation and opportunities for outside dining, pocket parks and special building entry features. Buildings should also be constructed close to the street to provide a sense of enclosure.

It is also intended that blocks be as short as practical to both support pedestrian access/walkability and to facilitate the process of renewal and regeneration of buildings and frontages over the long term.

- (1) Continuous building frontage will be considered to be met if 80 percent or more of the primary building facade is located within 15 feet of the right-of-way or build-to line designated on an approved

-
- plan. This shall apply to each phase of development unless otherwise approved. However, administrative approval of a minor waiver will permit down to 70 percent, provided that the reduction results in an attractive outdoor dining area, building entry feature or other amenity which contributes to the streetscape. A greater reduction shall require approval of a major waiver.
- (2) Facades shall generally be built parallel to the street frontage, except at street intersections, where a facade containing a primary building entrance may be curved or angled toward an intersection.
 - (3) Build-to lines.
 - a. Build-to lines shall be measured from the planned street right-of-way or public easement, as established on the approved regulating plan and the standards in this chapter. The entire area between the back-of-curb and the primary building facade shall be dedicated as public right-of-way or have a public access easement placed upon it.
 - b. Exterior steps, stoops, chimneys, and bay windows may encroach beyond the build-to line by two feet, but not into a public right-of-way. Balconies ten feet or more above the sidewalk may encroach up to six feet including a public right-of-way or access lane.
 - c. Awnings may encroach above the public sidewalk without limit, but may not extend into a vehicular roadway or accessway.
 - (c) *Streets; intent.* It is the intent that public and private streets and accessways provide a framework that will facilitate the movement of pedestrians and autos in an attractive environment, and provide for incremental long term revitalization and redevelopment of parcels to meet changing market sector needs. All streets and blocks in the Lakefront Code shall conform to the provisions of this section.
 - 1. *Street standards.* Standards for streets within the District shall be approved as part of a regulating plan and shall be in generally conformity with appendix 2 thoroughfare assemblies.
 - 2. *Street pattern.* The pattern of all streets in the project area shall be based upon a small scale grid system of interconnecting streets, and shall connect to adjoining nonsingle-family properties.
 - (d) *Streetscape and landscape; intent.* It is the intent to both encourage and require streetscape and landscaping that reinforces the lakefront character of Little Elm as envisioned in the Comprehensive Plan. It is also the intent to create comfortable pedestrian environments and lower summer ambient temperature by shading sidewalks, parking areas and drive lanes.
 - 1. *Streetscape standards.* Shade trees are required along all public street rights-of-way, either within the ROW or immediately adjacent at an average of 20 feet on center.

Where buildings are not adjacent to the sidewalk, a second row of trees shall be provided in place of a building wall unless adjacent to a plaza or pocket park or approved by minor waiver as a temporary condition.
 - 2. *Site landscaping* shall include drought tolerant grasses and shrubs as listed in the Town's list of approved plant materials.
 - 3. *Residential ground floor frontages* shall be required to landscape a minimum of five feet between the edge of sidewalk and the primary building facade, excluding access to sidewalks, stairs, stoops, porches and patios. This area may be landscaped with ground cover, low shrubs, ornamental trees and street trees. In addition, street tree wells may also be landscaped. Landscaping for tree wells is limited to ground cover and low shrubs.
 - (e) *Transition from single-family zoning.* On any property in the Lakefront District which shares a lot line with a single-family zoned property:
 - (1) The setback shall be a minimum of 20 feet from the property line, and

-
- (2) Maximum building height within 50 feet shall be 35 feet. Beyond 50 feet, the height shall increase at a rate of one foot for each foot the building is set back, to the maximum allowed number of stories.
- (f) *Waivers of design standards.* The following waivers are authorized within the Code, subject to the procedures in Division 9E and as otherwise specified in this Code.

Minor waivers include:

- Requirement to line a parking garage with buildings
- Requirement for continuous building frontage
- Establishment of build-to line
- Encroachment into the build-to line
- Residential landscape requirement
- Design of buildings without tri-partite architecture
- Required frequency of building entries along a street edge
- Window detailing
- Exterior building and roof materials
- Exterior building color
- Retail at-grade design standards
- Landscape standards
- Location of bicycle parking
- Minor revisions to thoroughfare assemblies

Permitted SignsMajor waivers include:

- Required retail construction
- Building height
- Exceeding the maximum leasable retail area
- Residential at-grade design standards
- Parking requirements
- Parking garage design standards

(Ord. No. 1407, § 2, 8-15-2017; Ord. No. 1651, § 2, 12-7-2021)

DIVISION 4. BUILDINGS

- (a) *Intent.* The intent of this section is to create an attractive and active Lakefront Town style District; and the size, disposition, function and design of buildings play an important role in achieving that goal. This includes encouraging the appropriate use of:
- Landmark "lighthouse" elements
 - Cementitious fiberboard siding in the form of planks or board and batten
 - Metal or tile - (clay or cement) roofing material

It is also intended that commercial spaces are designed and constructed in a manner that allows flexibility to accommodate a range of uses over time in order to avoid the need to demolish and rebuild for successive uses. Buildings should directly contribute to the attractiveness, safety and function of the street and public areas. Buildings that accommodate retail at-grade should feature the retail activity over the building's architecture. Buildings should be constructed in a manner, and with materials, that are highly durable and will continue to endure and be attractive over a long time, especially adjacent to public and pedestrian areas.





It is intended by this section, to encourage a variety of building and design solutions in response to the standards and regulations outlined herein.

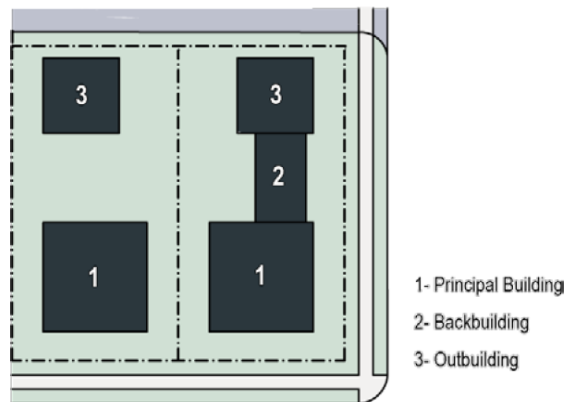
(b) *General building configuration.*

(1) *General building disposition.*

- a. Buildings shall be disposed in relation to the boundaries of their lots according to Table 1 Building Disposition.
- b. One principal building at the frontage and one outbuilding to the rear may be built on each lot. A back-building may be built between the principal building and the outbuilding on the side-frontage of corner lots as shown in Table 2 Building Location.
- c. Facades shall be built generally parallel or tangent to the principal frontage line. For lots having two frontages, the one along the more urban frontage of the two shall be the principal frontage unless otherwise determined by minor waiver.
- d. Single-Family outbuilding rear setbacks shall be a minimum of eight feet from the alley right-of-way to the garage door if there is one, or three feet to the building wall if not. Townhomes with rear patios and a detached garage may have a minimum setback of three feet. In the absence of a rear alley or lane, the rear setback shall be a minimum of three feet.
- e. Loading docks and service areas shall be permitted on frontages only when absolutely necessary, by minor waiver.

Building disposition. This table approximates the location of the structure relative to the boundaries of each individual lot, establishing suitable basic building types for each transect zone.

<p>ARTICLE IV, TABLE B</p> <p>LAKEFRONT BUILDING DISPOSITION</p>	
<p>A. Side yard: Specific Types - Charleston House, Charleston Double House. A building that occupies one side of the Lot with the Setback to the other side. A shallow Frontage Setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze. If a Side yard House abuts a neighboring Side yard House, the type is known as a twin or Charleston Double House. Energy costs, and sometimes noise, are reduced by sharing a party wall in this Disposition.</p>	
<p>B. Rear yard: Specific Types - Townhouse, Live-Work unit, loft building, Stacked Flats, Mixed Use Block, Flex Building. A building that occupies the full Frontage, leaving the rear of the Lot as the sole yard. This is a very urban type as the continuous Façade steadily defines the public Thoroughfare. The rear Elevations may be articulated for functional purposes. In its Residential form, this type is the Rowhouse. For its Commercial form, the rear yard can accommodate substantial parking. Garages may be attached or detached.</p>	
<p>C. Courtyard: Specific Types - Patio House. A building that occupies the boundaries of its Lot while internally defining one or more private patios. This is one of the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public Thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides, it is recommended for workshops, Lodging and schools. The high security provided by the continuous enclosure is useful for crime-prone areas.</p>	
<p>D. Urban: Specific Types - Stacked Flats, mixed use lofts, office, and retail. A building which occupies the entire site. This is the most urban type, and is common in downtowns. It can accommodate a wide range of functions.</p>	



(c) *Building standards.*

(1) *Building form.*

- a. Buildings shall not exceed three stories, or 45 feet, in height; additional height along Eldorado Parkway may be allowed at specific locations by major waiver.
- b. All buildings shall be designed and constructed in tri-partite architecture so that they have a distinct base, middle and top.
- c. Buildings which are located on axis with a terminating street or access lane or at the intersection of streets and/or access lanes shall be considered a landmark building. Such buildings shall be designed with landmark features which take advantage of that location, such as an accentuated entry and a unique building articulation which is off-set from the front wall planes and goes above the main building eave or parapet line.

(2) *Architectural features.* Where clearly visible from a public street, open space or access lane:

- a. *Roofs.* For buildings with hip, gable or mansard roofs (unless otherwise allowed by minor waiver):
 1. Allowed materials include standing seam, clay or concrete tile (barrel or Roman shape)
 2. Skylights and roof vents shall not be visible.
- b. Windows, except for retail at-grade, shall be vertical in proportion and have at least a three-inch reveal. Vertically proportioned windows which are joined together by a mullion shall be considered as meeting this standard.
- c. Each building and separate lease space at-grade along the street edge shall have a functioning primary entry from the sidewalk. Such entries must be inset from the front building plane by at least three feet. Functioning entries must be located no greater than 60 feet apart. Corner entries may count as a primary entry for both intersecting street frontages.

(3) *Exterior facade materials.* The following shall apply to all exterior walls of buildings and parking structures which are clearly visible from a public street, walkway or open space:

- a. *Allowed exterior materials.* Allowed exterior surface materials are categorized into three groups:
 1. Group A. Brick and stone.
 2. Group B. Stucco, architectural concrete block with integrated color, factory primed cementitious fiberboard (in the form of lap siding or board and batten). Cementitious fiberboard is limited to 20 percent of any facade.
 3. Group C. Accent; Metal, EIFS, wood and tile.
- b. *Prohibited exterior materials.* Prohibited exterior surface materials include cinderblock and aggregate finished surfaces.
- c. *Primary facades.* The following shall apply to all exterior walls of buildings which are clearly visible from a public street, open space, or active storefront:

Primary facades, excluding windows, doors, and other openings, shall be constructed of at least 80 percent group A materials and up to 20 percent group B materials. However, accent materials from group C may be allowed in limited application for architectural features.
- d. *Secondary facades.* The following shall apply to all exterior walls of buildings (15,000 square feet or larger) which are not clearly visible from a public street, open space or active storefront:

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1. Walls, excluding windows, doors, and other openings, shall be constructed of a minimum of 20 percent group A materials and up to 80 percent group B materials. However, the color of the walls shall match the primary facades.
 2. Wrapping the primary facade treatment. Secondary facades which are adjacent to the primary facade shall contain the primary facade treatment for at least ten percent of its area. This may occur as a simple continuation of the primary facade treatment, or elements such as cornices, bases and vertical elements. In all cases, however, wall surface materials shall wrap the corner.
 3. Walls which are constructed on a property line as one of a series of in-line buildings where the wall will become part of a common wall shall be subject to minor waiver approval and may include a greater distance of "wrapping" and more lenient use of other materials such as cinder block.
- e. *Two materials.* At least two materials shall be used on all exterior facades.
 - f. Windows and glazing shall be limited to a minimum of 30 percent and maximum of 70 percent of each building elevation (see 6.b below for special requirements for retail at-grade).
 - g. A variation of up to 15 percent of the standard above, and the material type may be approved by administrative approval of a minor waiver, provided that it is demonstrated that:
 1. The requested material use will result in achieving the Town's architectural goals, and
 2. The change will result in an improved architectural design without degrading the quality of public areas or increasing the need for maintenance.
- (4) *Color.*
- a. The dominant color of all buildings (including any above-grade parking structures) shall be muted shades of color. There are no restrictions on accent colors which comprise less than one percent of the building face, except that florescent colors are prohibited.
 - b. Roof colors shall be a muted shade of cool gray, warm gray, brown or red.
- (5) *Residential at-grade.*
- a. All buildings which have residential unit floor plates within six feet of grade shall include a primary front door entrance into the unit which may be accessed from the sidewalk. Any change to this standard shall be considered a major waiver.
 - b. The entry shall be located a minimum of two feet above the sidewalk elevation and include a minimum 24 square foot stoop. If pre-empted by topographic conditions, the entry may be lowered in elevation, subject to approval of the Director. However, up to 50 percent of units may be ADA accessible from the sidewalk provided there is a maximum four-foot largely transparent metal fence separating the private area from the public sidewalk area. Any change to this standard shall be considered a major waiver.
 - c. Units must also include windows which provide residents a view of the street or public access easement and sidewalk area. Any change to this standard shall be considered a minor waiver if pre-empted by topographic conditions.
 - d. Lobbies to upper stories may be located at-grade level.
 - e. Balcony and patio railings and fences shall be largely transparent and constructed of glass, wrought iron or metal. Masonry columns may be used on patios provided that they are used as accents. Wood fences and railings and chain-link fencing are prohibited.

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- f. Townhouses shall meet the Town standards for that unit type.
- (6) *Nonresidential at-grade.*
- a. The ground floor entry must be located at the approximate elevation of the adjacent sidewalk.
 - b. Retail uses adjacent to the sidewalk at-grade shall:
 - 1. Be constructed to meet fire code separation from any other uses constructed above;
 - 2. Have a minimum clear height of 16 feet between finished floor and the bottom of the structure above. Mezzanines within the retail space shall be allowed per building code;
 - 3. Have an awning or canopy which extends at least six feet over the sidewalk for at least 75 percent of the frontage on any portion of the primary facade. Such awning or canopy shall maintain a minimum seven and one-half foot clearance over the sidewalk; and
 - 4. Have highly transparent glass windows for at least 60 percent, but no greater than 80 percent, of the ground floor facade.

(Ord. No. 1407, § 2, 8-15-2017; Ord. No. 1651 , § 2, 12-7-2021)

DIVISION 5. PARKING AND ACCESSIBILITY

(a) *Vehicle parking.*

- (1) *Intent.* The following is the intent of the town's parking policies and this Code:
- a. Support the creation of shared parking in order to enable visitors to park once at a convenient location and to access a variety of commercial enterprises in a pedestrian and bicycle-friendly environment.
 - b. Manage parking so that it is convenient and efficient, and supports an active and vibrant mixed use environment.
 - c. Ensure ease of access to parking.
 - d. Provide flexibility for changes in land uses which have different parking requirements within the District.
 - e. Provide flexibility for the redevelopment of small sites.
 - f. Avoid diffused, inefficient single-purpose reserved parking.
 - g. Avoid adverse parking impacts on residential neighborhoods.
 - h. Ensure that any parking structures do not dominate the public environment, by lining the edge of structures with residential or commercial uses where visible from public roads and open space.
- (2) *Parking requirements.* Off-street facilities shall be provided in accordance with this subsection.
- a. Off-street parking spaces for the applicable use classification shall meet the following minimum number of spaces in Table 3 Parking Calculations.
 - b. *Parking location.* All off-street surface parking shall be located at least 15 feet behind the front facade which faces on a street or public open space, and shall be accessed by alley or short driveway between buildings. Any change to this standard shall be considered a minor waiver.
 - c. *At-grade parking.* All at-grade parking lots fronting roadways shall be screened from view as outlined in Division 3(e) streetscape and landscape and Division 8 landscape of this Code. Landscaping of the internal surface parking area shall not be required unless it is planned to serve as long term parking. In which case, such long term surface parking areas shall meet the

requirements of Division 7(e) parking lot landscape. For the purpose of this section, long term parking shall be determined by the Director, and may include parking which has a likelihood of being in place for a period of seven years or more.

- d. *Parking calculations.* The shared parking factor for two functions, when divided into the sum of the two amounts as listed on the required parking table below, produces the effective parking needed for each site involved in sharing. Conversely, if the sharing factor is used as a multiplier, it indicates the amount of building allowed on each site given the parking available.

ARTICLE IV, TABLE C	
LAKEFRONT PARKING CALCULATIONS	
<i>Land Use</i>	<i>Minimum Parking Requirements</i>
Residential	1 space per bedroom, up to 2 spaces per dwelling
Lodging (hotel, inn)	1 space per bedroom
Office, Retail, Restaurant	1 space per every 400 square feet
Civic and Other uses	To be determined by minor waiver

ARTICLE IV, TABLE D				
LAKEFRONT SHARED PARKING FACTOR				
	Residential	Lodging	Office	Retail
Residential	1	1.1	1.4	1.2
Lodging (hotel, inn)	1.1	1	1.7	1.3
Office	1.4	1.7	1	1.2
Retail	1.2	1.3	1.2	1

* Parking requirements are based on at least 90 percent non-reserved stalls; otherwise, the requirement shall be 1/300 square feet for office, retail or restaurant use.

Note 1. Open space and civic space do not require parking.

Note 2. Active recreation or sports facilities parking requirements shall be determined by minor waiver.

Note 3. On-street parking shall not count toward meeting residential parking requirements.

- e. *Parking garages—Where approved.*
1. Parking garages which are adjacent to a street shall be set back a minimum of 50 feet and lined with buildings containing any permitted use but parking.
 2. Off-street below grade parking is permitted to the lot lines, but must be designed to allow planting of landscape as defined in Division 7 landscape. No below grade parking beneath a building shall be visible from the sidewalk.
- f. *Shared parking.*
1. Uses may join in establishing shared parking areas if it can be demonstrated that the parking for two or more specific uses occurs at alternating time periods, or where shared

parking is massed and configured in a way that increases its efficient use. Required parking shall be determined by a parking analysis study approved by the Director.

2. Shared parking shall be clearly designated with signs and markings.

(b) *Bicycle parking.*

- (1) *Goals.* Bicycle parking is required in order to encourage the use of bicycles by providing safe and convenient places to park bicycles.
- (2) *Required bicycle parking.* Bicycle parking shall be provided based on at least one space for every ten automobile parking spaces required as part of the base parking requirement in subsection (a)(2) above.
- (3) *Bicycle parking standards.*

a. *Location.*

1. Required bicycle parking must be located within 50 feet of an entrance to the building. With approval of a minor waiver, bicycle parking may be located in the public right-of-way.
2. Bicycle parking may be provided within a building, but the location must be easily accessible to bicycles.
3. Any bicycle parking in the public right-of-way should be located within the band created by street trees and pedestrian street lights, however, it must be placed in a manner that avoids conflicts with pedestrian and vehicular paths.

- b. *Signs.* If bicycle parking is not visible from the street, then a sign must be posted indicating the location of the bicycle parking facilities.

(4) *Standards for bicycle rack types and dimensions.*

- a. *Rack type.* Bicycle rack types and standards shall be approved by the Town.

b. *Parking space dimensions.*

1. Bicycle parking spaces must be at least six feet long and two feet wide, and in covered situations, the overhead clearance must be at least seven feet.
2. An aisle for bicycle maneuvering must be provided and maintained beside or between each row of bicycle parking. This aisle must be at least five feet wide.
3. Each required bicycle parking space must be accessible without moving another bicycle.

- (c) *Accessibility throughout the District area.* All parcels within a project area shall be platted and laid out in a manner that ensures connectivity for pedestrian and automobile movement both within the project and to adjacent nonsingle-family zoned properties.

DIVISION 6. LIGHTING AND MECHANICAL

- (a) *Intent.* It is the intent of this section to provide a level and consistency of lighting that supports pedestrian activity and promotes safety, and to reduce the visual impact of mechanical equipment on the public realm.

(b) *Standards.*

- (1) Average lighting levels within project areas should be approximately:
 - a. Urban Residential three foot-candles (fc);
 - b. Urban Retail six fc;
 - c. Parking areas 1.5 fc;

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- d. Street intersections three fc;
 - e. Street centerline 1.7 fc.
 - (2) Lighting elements shall be incandescent, metal halide, halogen or LED in a white spectrum light. No HID or fluorescent lights (except fluorescent bulbs that screw into standard socket fixtures) may be used on the exterior of buildings.
 - (3) All lighting shall be focused downward or narrowly focused on its intended target such as signs, parking and pedestrian walkways. No lighting source from a commercial activity shall be visible by a residential unit.
 - (4) The entire District shall utilize the basic fixtures and furnishings in the public areas as are approved by the Town.
 - (5) Mechanical and electrical equipment, transformers, meters, garbage containers and loading areas shall meet Town standards.

(Ord. No. 1407, § 2, 8-15-2017)

DIVISION 7. LANDSCAPE

- (a) *Intent.* Landscaping within the Lakefront Code shall comply with the provisions in this section, the Town's list of approved plant materials and with the standards contained in Article VI, part two, landscaping of the Town's Zoning Ordinance. Where conflicts exist between this District and the Zoning Ordinance, the requirements in this District shall be applied.

It is the intent of this section to:

- (1) Support the Comprehensive Plan's goals for a Lakefront character;
- (2) Provide the Town with a unique and identifiable streetscape corridor;
- (3) Contribute to pedestrian safety and comfort;
- (4) Reduce the amount of solar heat gain in paved and hard surface areas.
- (b) *Street trees.*
 - (1) Street trees may be planted between the sidewalk and the curb. They may also be planted within three feet of a curb, sidewalk or other structure, provided that they are selected from the Town's urban tree list.
 - (2) All required street trees shall be:
 - a. At least four-inch caliper;
 - b. Single trunk;
 - c. Limbed-up to six feet.
- (c) *Plant material.* Front yards shall be landscaped except at building entries, seating areas and adjacent to commercial uses, where the front yard may be paved. Plant materials shall consist of shade trees, ornamental trees, shrubs, evergreen ground covers, vines, and seasonal color in conformity with the Town's list of approve plant materials and Article VI of the Town's Zoning Ordinance.
- (d) *Paving material.*
 - (1) Paving material in front yards and on sidewalks shall be warm toned, natural materials such as brick, stone and concrete.
 - (2) Asphalt and gravel as paving materials are prohibited.

(e) *Parking lot landscape.*

- (1) Surface parking lots shall be screened to a minimum height of 30 inches from all adjacent public streets and open space. The screen must extend along all edges of the parking lot and must be in conformity with screening standards set out in Article VI, Division 2, landscaping of the Town's Zoning Ordinance. It may be accomplished through the use of masonry walls, ornamental metal, evergreen plant materials, or a combination thereof. Planting beds for screen planting shall be a minimum of four feet in width.
- (2) Interior parking lot landscape shall also be consistent with Article VI, Division 2, landscaping of the Town's Zoning Ordinance. However, parking lots shall not exceed eight spaces in a row without being interrupted by a landscaped island (nine-foot minimum). Islands shall be planted with a minimum of one shade tree for every eight vehicle spaces.
- (3) No landscaping shall be required for the interior of structured parking facilities.

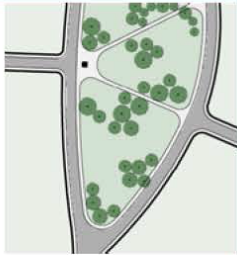
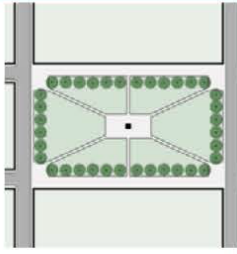
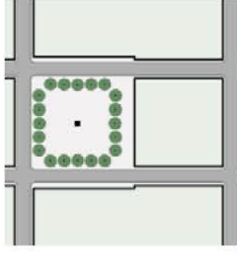
(f) *Detention/retention ponds.* Detention/retention ponds shall be designed in a manner as to be an amenity to the development and shall not require fencing.

(g) *Open space and landscaping for residential mixed use projects.*

- (1) In lieu of the Town's requirement for open space and trees for residential development, a green, square or plaza shall be provided and approved as part of the regulating or site plan. (See Table 4 Open Space)

(h) *Other landscape requirements.*

- (1)
- (2) The requirement for a ten-foot landscape buffer between parcels shall not apply except where adjacent to single-family zoned property.

ARTICLE IV, TABLE E LAKEFRONT OPEN SPACE	
<p>Green: An Open Space, available for unstructured recreation. A Green may be spatially defined by streets, landscaping and/or building frontages. Its landscape shall consist of lawn and trees.</p>	
<p>Square: An Open Space available for unstructured recreation and Civic purposes. A Square is spatially defined by building frontages or streets. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares.</p>	
<p>Plaza: An Open Space available for Civic purposes and Commercial activities. A Plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of pavement but include shade in the form of trees or structure. Plazas should be located at the intersection of important streets.</p>	

DIVISION 8. SIGN STANDARDS

- (a) *Intent.* The intent of this section is to establish architectural controls, limit clutter and regulate commercial and locational signage. It is also intended to help enliven retail and restaurant mixed use areas. These standards should not be interpreted to prevent a for-sale sign, a political sign, or a noncommercial sign that is an exercise of noncommercial freedom of speech. Commercial and locational signage within the District are limited, regulated and controlled as provided in this Code, and all other signage shall be subject to the requirements of such Town ordinances, rules and regulations that are in effect from time to time.
- (b) *Signs, general standards.*
 - (1) *General standards.*
 - a. Signage may only be externally lit with full-spectrum source, unless otherwise approved.
 - b. One address number, no more than six inches vertically, shall be attached to the building in proximity to the principal entrance.
- (c) *Prohibited signs.*
 - (1) The following signs shall not be allowed:
 - a. Off-premise signs;
 - b. Internally lit sign boxes;

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- c. Flashing or running light signs;
 - d. Pole signs;
 - (2) Signs shall not be mounted on roofs or project above roof line without approval of a minor waiver, and it is determined to make a positive contribution to the District as a whole.
- (d) *Permitted signs.*
- (1) *Wall signs.*
 - a. One wall sign per occupancy, per street frontage.
 - b. Maximum size is 30 square feet if located 12 feet or higher above grade; ten square feet if less than 12 feet above grade.
 - c. Minimum ten-foot distance between wall signs (excluding building identification sign or directory sign).
 - d. In addition, one wall-mounted sign, not exceeding six square feet in area, is permitted on any side or rear entrance open to the public. Such wall signs may only be lighted during the operating hours of business.
 - (2) *Projecting and hanging signs, including graphic or icon signs, mounted perpendicularly to the wall.*
 - a. A maximum of one per occupancy per building face.
 - b. A maximum area of six square feet per face; and a maximum of three feet in width.
 - c. Distance from the ground to the lower edge of the sign shall be seven and one-half feet or greater.
 - d. Minimum 15-foot distance between signs.
 - e. The height of the top edge of the signboard shall not exceed the height of the wall from which the sign projects, if attached to a single story building; or the height of the sill or bottom of any second story window, if attached to a multi-story building unless approved by minor waiver.
 - (3) *Window signs.*
 - a. The sign shall not exceed 30 percent of the window area.
 - b. Neon signs are allowed behind windows in commercial areas, but shall count toward the allowed window sign area.
 - (4) *Building identification signs.*
 - a. One per building face.
 - b. Must be 12 feet or higher above sidewalk level.
 - c. Maximum size 25 square feet.
 - d. Twenty-four-inch maximum height for letters or logos.
 - e. Applied letters shall be constructed of painted cast metal, bronze, brass, or anodized aluminum. Applied plastic letters are not permitted.
 - (5) *Awning signs (for ground floor uses only).*
 - a. One per occupancy per building face.
 - b. Minimum eight feet above sidewalk level for pedestrian clearance.

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- c. Ten square feet maximum sign area.
 - d. 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.
 - e. If acting as the main business sign, it shall not be in addition to a wall-mounted sign.
- (6) *Monument signs.*
- a. Monument signs shall only be allowed adjacent to the Eldorado right-of-way.
 - b. Architecturally compatible monument signs shall not exceed six feet in height or eight feet in length.
 - c. Vertically oriented monument signs may also be allowed by minor waiver where it is deemed that such signs will enliven the area.
- (7) *Building directory signs.*
- a. One per entrance.
 - b. The sign shall be located next to the entrance.
 - c. The sign shall project out from the wall to which it is attached no more than six inches.
 - d. The sign shall not extend above the parapet, eave or building facade.
 - e. Maximum size shall be eight square feet.
- (8) *Restaurants and cafes.*
- a. In addition to other signage, restaurants and cafes shall be permitted the following, limited to one of each type of sign per business:
 - b. A wall-mounted display featuring the actual menu as used at the dining table, to be contained within a shallow wood or metal case, and clearly visible through a glass front. The display case shall be attached to the building wall, next to the main entrance, at a height of approximately five feet, shall not exceed a total area of three square feet, and may be lighted.
 - c. An A-frame sidewalk sign displaying the name of the eatery, offerings and hours of operation.
 - d. Restaurant and retail areas may have a neon or special designed exterior sign, if approved by the CRC.
- (9) *Art Installations.*
- a. In addition to other signage, a property may be permitted an art installation with approval of a minor waiver.
 - b. Must meet the definition, as well as make a positive contribution to the visual environment and the District as a whole. Must reflect the intent of the design guidelines as referenced within Appendix A.
 - c. Requires professionally designed, digital, scaled plans, with an installation and maintenance agreement.

May only be approved by the review committee.(Ord. No. 1407, § 2, 8-15-2017)

DIVISION 9. LAKEFRONT PROCEDURES

(a) *Intent.* It is the intent of this section to off-set the high level of detailed standards in this Code with an expeditious approval of projects which meet its general goals and intent, and:

- (1) To ensure adequate linkages and connections within and between project areas, and
- (2) To ensure consistency and quality of design through use of professional review assistance.

(b) *Review process.*

- (1) A review committee ("committee") shall be established to provide guidance of interpretation of the Lakefront Code and make recommendations on significant issues that may arise. It is not intended to meet and review every administrative or legislative application that comes forward within the District.

The committee shall be comprised of the following:

- Director of development services ("Director")
- Director of economic development ("EDC rep")
- Planning manager (serving as "urban design officer" or "UDO")
- Town engineer ("engineer")
- A representative of the Town Council ("Council Liaison")

A representative of the Planning and Zoning Commission ("P&Z Commission Liaison") (2) The urban design officer (UDO) shall serve as a technical advisor to the Director and the committee. The UDO shall be the planning manager and a portion of the expense of the UDO's services will be borne by development fees paid to the Town for development of land within the Lakefront District.

- (3) The Director shall coordinate with the UDO and committee, and have staff administrative jurisdiction over any processes authorized under the Lakefront Code. The Director of development services, the UDO and the committee shall be expeditious in their review and advance the permitting process by undertaking any action consistent with this code, state law, and the Town Charter to facilitate the permitting process.

(c) *Regulating plan.*

- (1) Approval of a regulating plan is required prior to approval of a site plan for any portion of a multi-phased project site area.
- (2) The regulating plan provides the framework for development and serves as a conceptual layout of a project area. It shall include such things as:
 - a. Street and access lanes within the project area and connections to adjacent nonsingle-family zoned properties;
 - b. The location of general land use sites and for identification of retail at-grade;
 - c. Public open space and plazas; and
 - d. Hike and bike corridors and trails.
- (3) An application for a regulating plan shall be processed in accordance with the Town's procedures for determining whether an application is complete. Following a determination of completeness, and unless the application is accompanied by a request for a major waiver, the Director, or his designee, shall approve, approve with conditions or deny the application for a regulating plan and shall notify the applicant of his decision. In his deliberations, the Director may consider a recommendation from the UDO.

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- (4) Denial or conditional approval of a regulating plan by the Director may be initially appealed to the Planning and Zoning Commission and, following the recommendation of the commission, to the Town Council. The appeal shall be filed within 30 days of the date of the Director's action on the application for approval of a regulating plan.
 - (5) If the application includes a request for a major waiver, the Director shall request a recommendation from the UDO and if appropriate the CRC, and schedule the application for hearing before the Planning and Zoning Commission with his recommendation on the application. The Planning and Zoning Commission, following a public hearing, shall forward its recommendation to the Town Council for hearing on the application and waiver request. The Town Council, following a public hearing, shall approve, approve with conditions or deny the application for a regulating plan and the major waiver request. The notice and hearing procedures for approval of a specific use permit shall be used to process the regulating plan and major waiver application.
 - (6) The Director in making an initial decision on a regulating plan application, the Planning and Zoning Commission in making recommendations to the Town Council, or the Town Council in deciding the application for regulating plan approval, shall determine whether the plan is consistent with the comprehensive plan and meets the goals and intent of the Lakefront Code.
- (d) *Site plan.*
- (1) Prior to obtaining a building permit, a site plan must be approved by the Director or Town Council, demonstrating that the proposal meets the goals, intent and general standards contained in this Code.
 - (2) A site plan application must include the following information and documents that demonstrate compliance with the Lakefront Code:
 - a. Detailed site plan showing proposed streets, buildings, parking areas, and landscaped areas;
 - b. Proposed uses;
 - c. Building elevations and sections, along with a line of sight study referencing how the development will impact the views of the lake from off site;
 - d. Proposed parking calculations;
 - e. Any waivers being requested;
 - (3) An application for a site plan shall be processed in accordance with the Town's procedures for determining whether an application is complete. Following a determination of completeness, and unless the application is accompanied by a request for a major waiver, the Director, or his designee, shall approve, approve with conditions or deny the application for a site plan and shall notify the applicant of his decision. In his deliberations, the Director may consider a recommendation by the UDO.
 - (4) Denial or conditional approval of a site plan by the Director may be initially appealed to the Planning and Zoning Commission and, following the recommendation of the commission, to the Town Council. The appeal shall be filed within 30 days of the date of the manager's action on the application for approval of a site plan.
 - (5) If the application includes a request for a major waiver, the Director shall request a recommendation from the UDO and if appropriate the CRC, and schedule the application for hearing before the Planning and Zoning Commission with his recommendation on the application. the Planning and Zoning Commission, following a public hearing, shall forward its recommendation to the Town Council for hearing on the application and waiver request. The Town Council, following a public hearing, shall approve, approve with conditions or deny the application for a site plan and the major waiver request.

The notice and hearing procedures for approval of a specific use permit shall be used to process the site plan and major waiver application.

- (6) The Director in making an initial decision on a site plan application, the Planning and Zoning Commission in making recommendations to the Town Council, or the Town Council in deciding the application for site plan approval, shall determine whether the plan is consistent with the regulating plan for the property (if there is one), and meets the goals, intent and standards of the Lakefront Code.

(e) *Waivers of design standards.*

- (1) For the purposes of this District, there shall be two types of waivers of design standards - minor and major. Requests for waivers shall not be subject to review or decision by the board of adjustment. A waiver request may only be made in conjunction with an application for a regulating plan, a site plan or subsequent to approval of a site plan.
- (2) Minor waivers are those changes to design standards in the Lakefront Code that are determined to meet the goals and intent of this Code as stated in Division 1 and throughout this Code. Minor waivers may be approved administratively by the Director or his designee. At the discretion of the Director, an application shall require a recommendation from the committee.
- (3) Major waivers are major changes to the design standards in the Lakefront Code or which may appear to be in conflict with the goals and intent of this Code. Major waivers may only be approved by the Town Council, following a recommendation by the UDO and the Planning and Zoning Commission, in conjunction with a decision on an application for approval of a regulating plan or site plan. In order to approve a major waiver, the Town Council must find that the waiver:
- a. Meets the general intent of this District, and
 - b. Is consistent with the overall plan and vision for the District, and
 - c. Will result in an improved project which will be an attractive contribution to the Lakefront District.
- (4) The Town may impose conditions on granting any waiver in order to implement the regulating plan for the property or to mitigate negative impacts to neighboring properties or public streets or open space.

(f) *Amendments to the regulating plan.*

- (1) Amendments to an approved regulating plan or site plan may be accomplished in the same manner as approval of the original approval, and may be accompanied by a request for major or minor waivers.
- (2) An amendment to an approved regulating plan or site plan must be made prior to the time for lapse of approval provided in subsection (g) below. In the event an amended plan is approved, the approving authority amending the plan shall specify the time for lapse of such approval, consistent with subsection (g).

- (g) *Lapse of approval.* If a building permit has not been obtained within two years following approval of a regulating plan or site plan, such plan shall lapse unless the property owner requests an extension prior to the expiration of the two-year period. The request for extension shall be considered by the original approving authority in the same manner as for approval of the existing plan. The authority may grant an extension of the time for expiration of the plan for a period not to exceed two years from the date of expiration of the original application.

Every request for extension shall include a statement of the reasons why the expiration date should be extended. The approving authority may grant a request for extension upon demonstration that circumstances beyond the control of the applicant have resulted in the applicant's inability to perform the tasks necessary to prevent the plan from expiring before the lapse date.

(h) *Graphics incorporated into Code.* Any and all graphics from the approved form based codes document not supported by textual technological limitations are hereby codified as supporting material by reference.

(Ord. No. 1407, § 2, 8-15-2017; Ord. No. 1651, § 2, 12-7-2021)

Sec. 106.04.02 Lakefront District.

DIVISION 1. PURPOSE, GOALS AND INTENT

(a) *Purpose.*

The purpose of the Lakefront District is to implement the adopted recommendations of the comprehensive plan by establishing a pedestrian-oriented lakefront which will serve as the civic and cultural heart of the ~~town~~Town for generations.

(b) *Goals.* The goals of this Code are:

- (1) To build on the ~~town~~Town's targeted "lakeside community character," with built form and materials that are reminiscent of lakefront communities.
- (2) Make the sustainable through:
 - a. Providing for integrated mixed use;
 - b. Embodying LEED-ND (Leadership in Energy and Environmental Design Neighborhood Development) principles; and
 - c. Assuring pedestrian and bicycle friendliness;
- (3) To provide development and land use flexibility within the framework of a form-based development code;
- (4) To provide a mix of residential, retail and office uses in a pedestrian and bicycle-friendly environment; and
- (5) To encourage high quality development through providing a balance of development standards and expeditious administrative approvals for projects which meet the intent of this Code.

(c) *Intent.* The intent of this Code is:

- (1) To provide a comfortable and attractive environment for pedestrians, which include such things as buildings framing public space, interesting street walls, street trees, lighting and street furniture;
- (2) To construct buildings close to the sidewalk and street;
- (3) To construct continuous building frontage along block faces except where it is desirable to provide for pedestrian and auto pass-through to parking at mid block;
- (4) To provide shared parking that will benefit the entire ~~district~~District;
- (5) To encourage the use of public parks and plazas as a focus for mixed use developments;
- (6) To design and build flexible buildings that can accommodate a range of uses over time;
- (7) To design streets, access lanes and buildings that will provide a high level of connectivity between parcels and projects for pedestrians, bicycles and autos; and
- (8) To create a safe multi-modal mixed use environment.

(Ord. No. 1407, § 2, 8-15-2017)

DIVISION 2. DEFINITIONS

The following definitions shall apply within the Lakefront Code.

Access lane. Any on-site drive or lane intended to accommodate autos or pedestrians.

Art Installation. A large-scale, mixed-media construction, often designed for a specific place, includes three-dimensional works designed to transform the perception of space, sculptures, murals, or other forms of creative visual art produced primarily or solely for its imaginative, aesthetic, or intellectual content reflective of the Lakefront District vision; may also contain reference to a business or its logo; is not used for sole purposes of advertising; is not used to promote political or religious views, or social causes.

Charleston house. This is a house that is built close to the front sidewalk but also has one building edge adjacent to a shared property line, thereby creating a useable side yard. (See table 1 Building Disposition) A double Charleston house is two single-family Charleston houses which share a common wall (and property line).

Review committee. A committee constituted by the ~~town~~Town to advise the ~~director~~Director on major development waivers. (See section 106.04.02, "Lakefront District - ~~division~~Division 9(b) review process")

Building facade, primary. Any facade that faces a public street or open space.

District. The entire area covered by the lakefront code.

Entry, primary. The main entry to a building on a block face. There must be at least one main building entry for each ground floor use, tenant or lobby on each block face which contains the use or tenant.

Flats. Urban apartments located in a pedestrian friendly mixed use development, and usually positioned above the ground floor.

Landmark buildings. Buildings which are located on axis with a terminating street or at the intersection of streets. Such buildings shall incorporate architectural features which address height and articulation that emphasize the importance of such a location.

Live-work. A fee-simple dwelling unit that contains, to a limited extent, a separate commercial component on the ground floor. It is in the form similar to a townhouse or store with residential quarters above or behind the commercial use.

Loft. A flexible residential space which may be partially used for an artist or design studio, and which is characterized by higher than normal ceilings, open floor plans and often, exposed duct work.

Loft, mixed use. A mixed use building that includes a majority of residential use such as lofts, apartments, condominiums and offices, but contains nonresidential use in a portion of the ground floor.

Major thoroughfare. This refers to the ultimate configuration of Eldorado Parkway.

Parking, shared. Parking which is shared by tenants, visitors and the general public. Hours of availability and use may be further defined in cooperation with the ~~town~~Town.

Patio house. This refers to a home which occupies the boundary of the lot while defining one or more private patios. (See Table 1 Building Disposition)

Regulating plan. A plan that governs the development of a multi-phased project area as defined in. (See section 106.04.02, "Lakefront District - ~~division~~Division 9(c) regulating plan")

Retail use. For the purposes of the Lakefront Code, retail use is defined as a business having as its primary function, the supply of merchandise or wares to the end consumer. Such sales constitute the "primary function of the business when sales equal at least 80 percent of the gross sales of the business.

Stacked flat. A condominium, apartment or loft which is part of a building of similar units. Flats located on the ground floor must still meet the requirements for direct front door access to a stoop and a public sidewalk.

Stoop. A structure that is located approximately at the level of the first floor of the structure and intended to provide access to a residential unit.

Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling

above the floor of such story. This includes any mezzanine or loft which may comprise only a portion of a full floor plate. A standard story may range from 10 feet to 16 feet depending on the use.

Streetscape. The urban element that establishes the major part of the public realm. The streetscape is composed of thoroughfares (travel lanes for vehicles and bicycles, parking lanes for cars, and sidewalks or paths for pedestrians) as well as the visible private frontages (building facades and elevations, porches, yards, fences, awnings, etc.), and the amenities of the public frontages (street trees and plantings, benches, streetlights, etc.).

Lakefront engineering and landscape standards. Any approved ~~town~~Town standards which govern such items as street, streetscape, drainage, signage and other public improvements in the Lakefront District.

Town ~~manager~~Manager. The ~~town~~Town ~~manager~~Manager of the Town of Little Elm or his designee.

Townhouse. An attached dwelling unit located on a platted lot which shares at least one common wall with another such unit. Townhouses are grouped together in clusters of three to six units.

Urban design officer (UDO). The planning manager shall serve as the urban design officer for the Lakefront District.

Waiver to design standards, major (major waiver). A significant change to the standards of this Code, as identified in the ~~district~~District regulations and requiring ~~P~~planning and ~~Z~~oning ~~C~~ommission and ~~town~~ ~~council~~Town Council approval. (See section 106.04.02, "lakefront ~~district~~District ~~division~~Division 3(g) and 9(e) regarding waivers of design standards")

Waiver to design standards, minor (minor waiver). A minor change to the standards of this Code that is not contrary to the stated goals and intent of the ~~district~~District. (See section 106.04.02, "lakefront ~~district~~District ~~division~~Division 3(g) and 9(e) regarding waivers of design standards")

(Ord. No. 1407, § 2, 8-15-2017; Ord. No. 1651, § 2, 12-7-2021)

DIVISION 3. GENERAL DISTRICT STANDARDS

(a) *Building and land use.*

Intent. It is intended that allowed uses will encourage pedestrian-oriented mixed use projects that are well integrated with retail and residential activities.

- (1) Retail, personal service, residential and office uses shall be allowed throughout the ~~district~~District in accordance with the list of authorized uses set forth in appendix 1 Lakefront Land Use. Uses which are not specifically authorized require a major waiver.
- (2) Where "required retail at-grade construction" is designated on the conceptual framework plan, the ground floor adjacent to the street should be constructed to retail building standards for a depth of at least 50 feet, however a smaller depth may be allowed if the retail is serving as a "liner" use which is masking a parking garage, by minor waiver.
- (3) All changes to access drives require a minor waiver.

(b) *Block face.*

Intent. It is intended that building walls should be continuous along block faces to create a strong edge to the street and contribute to creating an attractive and active pedestrian environment, with allowance for some limited variation and opportunities for outside dining, pocket parks and special building entry features. Buildings should also be constructed close to the street to provide a sense of enclosure.

It is also intended that blocks be as short as practical to both support pedestrian access/walkability and to facilitate the process of renewal and regeneration of buildings and frontages over the long term.

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- (1) Continuous building frontage will be considered to be met if 80 percent or more of the primary building facade is located within 15 feet of the right-of-way or build-to line designated on an approved plan. This shall apply to each phase of development unless otherwise approved. However, administrative approval of a minor waiver will permit down to 70 percent, provided that the reduction results in an attractive outdoor dining area, building entry feature or other amenity which contributes to the streetscape. A greater reduction shall require approval of a major waiver.
 - (2) Facades shall generally be built parallel to the street frontage, except at street intersections, where a facade containing a primary building entrance may be curved or angled toward an intersection.
 - (3) Build-to lines.
 - a. Build-to lines shall be measured from the planned street right-of-way or public easement, as established on the approved regulating plan and the standards in this chapter. The entire area between the back-of-curb and the primary building facade shall be dedicated as public right-of-way or have a public access easement placed upon it.
 - b. Exterior steps, stoops, chimneys, and bay windows may encroach beyond the build-to line by two feet, but not into a public right-of-way. Balconies ten feet or more above the sidewalk may encroach up to six feet including a public right-of-way or access lane.
 - c. Awnings may encroach above the public sidewalk without limit, but may not extend into a vehicular roadway or accessway.
- (c) *Streets; intent.* It is the intent that public and private streets and accessways provide a framework that will facilitate the movement of pedestrians and autos in an attractive environment, and provide for incremental long term revitalization and redevelopment of parcels to meet changing market sector needs. All streets and blocks in the Lakefront Code shall conform to the provisions of this section.
1. *Street standards.* Standards for streets within the ~~district~~District shall be approved as part of a regulating plan and shall be in generally conformity with appendix 2 thoroughfare assemblies.
 2. *Street pattern.* The pattern of all streets in the project area shall be based upon a small scale grid system of interconnecting streets, and shall connect to adjoining nonsingle-family properties.
- (d) *Streetscape and landscape; intent.* It is the intent to both encourage and require streetscape and landscaping that reinforces the lakefront character of Little Elm as envisioned in the Comprehensive Plan. It is also the intent to create comfortable pedestrian environments and lower summer ambient temperature by shading sidewalks, parking areas and drive lanes.
1. *Streetscape standards.* Shade trees are required along all public street rights-of-way, either within the ROW or immediately adjacent at an average of 20 feet on center.

Where buildings are not adjacent to the sidewalk, a second row of trees shall be provided in place of a building wall unless adjacent to a plaza or pocket park or approved by minor waiver as a temporary condition.
 2. Site landscaping shall include drought tolerant grasses and shrubs as listed in the ~~town~~Town's list of approved plant materials.
 3. Residential ground floor frontages shall be required to landscape a minimum of five feet between the edge of sidewalk and the primary building facade, excluding access to sidewalks, stairs, stoops, porches and patios. This area may be landscaped with ground cover, low shrubs, ornamental trees and street trees. In addition, street tree wells may also be landscaped. Landscaping for tree wells is limited to ground cover and low shrubs.
- (e) *Transition from single-family zoning.* On any property in the Lakefront District which shares a lot line with a single-family zoned property:

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- (1) The setback shall be a minimum of 20 feet from the property line, and
- (2) Maximum building height within 50 feet shall be 35 feet. Beyond 50 feet, the height shall increase at a rate of one foot for each foot the building is set back, to the maximum allowed number of stories.
- (f) *Waivers of design standards.* The following waivers are authorized within the Code, subject to the procedures in ~~division~~[Division](#) 9E and as otherwise specified in this Code.

Minor waivers include:

- Requirement to line a parking garage with buildings
- Requirement for continuous building frontage
- Establishment of build-to line
- Encroachment into the build-to line
- Residential landscape requirement
- Design of buildings without tri-partite architecture
- Required frequency of building entries along a street edge
- Window detailing
- Exterior building and roof materials
- Exterior building color
- Retail at-grade design standards
- Landscape standards
- Location of bicycle parking
- Minor revisions to thoroughfare assemblies

← [Permitted Signs](#)

Major waivers include:

- Required retail construction
- Building height
- Exceeding the maximum leasable retail area
- Residential at-grade design standards
- Parking requirements
- Parking garage design standards

(Ord. No. 1407, § 2, 8-15-2017; Ord. No. 1651, § 2, 12-7-2021)

DIVISION 4. BUILDINGS

- (a) *Intent.* The intent of this section is to create an attractive and active Lakefront Town style ~~district~~[District](#); and the size, disposition, function and design of buildings play an important role in achieving that goal. This includes encouraging the appropriate use of:
- Landmark "lighthouse" elements
 - Cementitious fiberboard siding in the form of planks or board and batten

-
- Metal or tile - (clay or cement) roofing material

It is also intended that commercial spaces are designed and constructed in a manner that allows flexibility to accommodate a range of uses over time in order to avoid the need to demolish and rebuild for successive uses. Buildings should directly contribute to the attractiveness, safety and function of the street and public areas. Buildings that accommodate retail at-grade should feature the retail activity over the building's architecture. Buildings should be constructed in a manner, and with materials, that are highly durable and will continue to endure and be attractive over a long time, especially adjacent to public and pedestrian areas.





It is intended by this section, to encourage a variety of building and design solutions in response to the standards and regulations outlined herein.

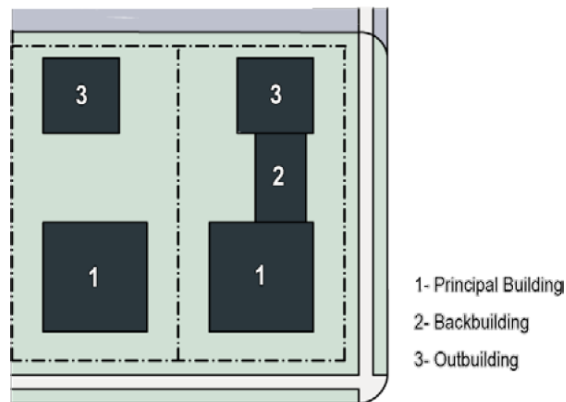
(b) *General building configuration.*

(1) *General building disposition.*

- a. Buildings shall be disposed in relation to the boundaries of their lots according to Table 1 Building Disposition.
- b. One principal building at the frontage and one outbuilding to the rear may be built on each lot. A back-building may be built between the principal building and the outbuilding on the side-frontage of corner lots as shown in Table 2 Building Location.
- c. Facades shall be built generally parallel or tangent to the principal frontage line. For lots having two frontages, the one along the more urban frontage of the two shall be the principal frontage unless otherwise determined by minor waiver.
- d. Single-Family outbuilding rear setbacks shall be a minimum of eight feet from the alley right-of-way to the garage door if there is one, or three feet to the building wall if not. Townhomes with rear patios and a detached garage may have a minimum setback of three feet. In the absence of a rear alley or lane, the rear setback shall be a minimum of three feet.
- e. Loading docks and service areas shall be permitted on frontages only when absolutely necessary, by minor waiver.

Building disposition. This table approximates the location of the structure relative to the boundaries of each individual lot, establishing suitable basic building types for each transect zone.

ARTICLE IV, TABLE B LAKEFRONT BUILDING DISPOSITION	
A. Side yard: Specific Types - Charleston House, Charleston Double House. A building that occupies one side of the Lot with the Setback to the other side. A shallow Frontage Setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze. If a Side yard House abuts a neighboring Side yard House, the type is known as a twin or Charleston Double House. Energy costs, and sometimes noise, are reduced by sharing a party wall in this Disposition.	
B. Rear yard: Specific Types - Townhouse, Live-Work unit, loft building, Stacked Flats, Mixed Use Block, Flex Building. A building that occupies the full Frontage, leaving the rear of the Lot as the sole yard. This is a very urban type as the continuous Façade steadily defines the public Thoroughfare. The rear Elevations may be articulated for functional purposes. In its Residential form, this type is the Rowhouse. For its Commercial form, the rear yard can accommodate substantial parking. Garages may be attached or detached.	
C. Courtyard: Specific Types - Patio House. A building that occupies the boundaries of its Lot while internally defining one or more private patios. This is one of the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public Thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides, it is recommended for workshops, Lodging and schools. The high security provided by the continuous enclosure is useful for crime-prone areas.	
D. Urban: Specific Types - Stacked Flats, mixed use lofts, office, and retail. A building which occupies the entire site. This is the most urban type, and is common in downtowns. It can accommodate a wide range of functions.	



(c) *Building standards.*

(1) *Building form.*

- a. Buildings shall not exceed three stories, or 45 feet, in height; additional height along Eldorado Parkway may be allowed at specific locations by major waiver.
- b. All buildings shall be designed and constructed in tri-partite architecture so that they have a distinct base, middle and top.
- c. Buildings which are located on axis with a terminating street or access lane or at the intersection of streets and/or access lanes shall be considered a landmark building. Such buildings shall be designed with landmark features which take advantage of that location, such as an accentuated entry and a unique building articulation which is off-set from the front wall planes and goes above the main building eave or parapet line.

(2) *Architectural features.* Where clearly visible from a public street, open space or access lane:

- a. *Roofs.* For buildings with hip, gable or mansard roofs (unless otherwise allowed by minor waiver):
 1. Allowed materials include standing seam, clay or concrete tile (barrel or Roman shape)
 2. Skylights and roof vents shall not be visible.
- b. Windows, except for retail at-grade, shall be vertical in proportion and have at least a three-inch reveal. Vertically proportioned windows which are joined together by a mullion shall be considered as meeting this standard.
- c. Each building and separate lease space at-grade along the street edge shall have a functioning primary entry from the sidewalk. Such entries must be inset from the front building plane by at least three feet. Functioning entries must be located no greater than 60 feet apart. Corner entries may count as a primary entry for both intersecting street frontages.

(3) *Exterior facade materials.* The following shall apply to all exterior walls of buildings and parking structures which are clearly visible from a public street, walkway or open space:

- a. *Allowed exterior materials.* Allowed exterior surface materials are categorized into three groups:
 1. Group A. Brick and stone.
 2. Group B. Stucco, architectural concrete block with integrated color, factory primed cementitious fiberboard (in the form of lap siding or board and batten). Cementitious fiberboard is limited to 20 percent of any facade.
 3. Group C. Accent; Metal, EIFS, wood and tile.
- b. *Prohibited exterior materials.* Prohibited exterior surface materials include cinderblock and aggregate finished surfaces.
- c. *Primary facades.* The following shall apply to all exterior walls of buildings which are clearly visible from a public street, open space, or active storefront:

Primary facades, excluding windows, doors, and other openings, shall be constructed of at least 80 percent group A materials and up to 20 percent group B materials. However, accent materials from group C may be allowed in limited application for architectural features.
- d. *Secondary facades.* The following shall apply to all exterior walls of buildings (15,000 square feet or larger) which are not clearly visible from a public street, open space or active storefront:

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1. Walls, excluding windows, doors, and other openings, shall be constructed of a minimum of 20 percent group A materials and up to 80 percent group B materials. However, the color of the walls shall match the primary facades.
 2. Wrapping the primary facade treatment. Secondary facades which are adjacent to the primary facade shall contain the primary facade treatment for at least ten percent of its area. This may occur as a simple continuation of the primary facade treatment, or elements such as cornices, bases and vertical elements. In all cases, however, wall surface materials shall wrap the corner.
 3. Walls which are constructed on a property line as one of a series of in-line buildings where the wall will become part of a common wall shall be subject to minor waiver approval and may include a greater distance of "wrapping" and more lenient use of other materials such as cinder block.
- e. *Two materials.* At least two materials shall be used on all exterior facades.
 - f. Windows and glazing shall be limited to a minimum of 30 percent and maximum of 70 percent of each building elevation (see 6.b below for special requirements for retail at-grade).
 - g. A variation of up to 15 percent of the standard above, and the material type may be approved by administrative approval of a minor waiver, provided that it is demonstrated that:
 1. The requested material use will result in achieving the ~~town~~Town's architectural goals, and
 2. The change will result in an improved architectural design without degrading the quality of public areas or increasing the need for maintenance.
- (4) *Color.*
- a. The dominant color of all buildings (including any above-grade parking structures) shall be muted shades of color. ~~Black and stark white shall not be used except as an accent color.~~ There are no restrictions on accent colors which comprise less than one percent of the building face, except that florescent colors are prohibited.
 - b. Roof colors shall be a muted shade of cool gray, warm gray, brown or red.
- (5) *Residential at-grade.*
- a. All buildings which have residential unit floor plates within six feet of grade shall include a primary front door entrance into the unit which may be accessed from the sidewalk. Any change to this standard shall be considered a major waiver.
 - b. The entry shall be located a minimum of two feet above the sidewalk elevation and include a minimum 24 square foot stoop. If pre-empted by topographic conditions, the entry may be lowered in elevation, subject to approval of the ~~director~~Director. However, up to 50 percent of units may be ADA accessible from the sidewalk provided there is a maximum four-foot largely transparent metal fence separating the private area from the public sidewalk area. Any change to this standard shall be considered a major waiver.
 - c. Units must also include windows which provide residents a view of the street or public access easement and sidewalk area. Any change to this standard shall be considered a minor waiver if pre-empted by topographic conditions.
 - d. Lobbies to upper stories may be located at-grade level.
 - e. Balcony and patio railings and fences shall be largely transparent and constructed of glass, wrought iron or metal. Masonry columns may be used on patios provided that they are used as accents. Wood fences and railings and chain-link fencing are prohibited.

-
- f. Townhouses shall meet the ~~town~~Town standards for that unit type.
- (6) *Nonresidential at-grade.*
- a. The ground floor entry must be located at the approximate elevation of the adjacent sidewalk.
 - b. Retail uses adjacent to the sidewalk at-grade shall:
 - 1. Be constructed to meet fire code separation from any other uses constructed above;
 - 2. Have a minimum clear height of 16 feet between finished floor and the bottom of the structure above. Mezzanines within the retail space shall be allowed per building code;
 - 3. Have an awning or canopy which extends at least six feet over the sidewalk for at least 75 percent of the frontage on any portion of the primary facade. Such awning or canopy shall maintain a minimum seven and one-half foot clearance over the sidewalk; and
 - 4. Have highly transparent glass windows for at least 60 percent, but no greater than 80 percent, of the ground floor facade.

(Ord. No. 1407, § 2, 8-15-2017; Ord. No. 1651 , § 2, 12-7-2021)

DIVISION 5. PARKING AND ACCESSIBILITY

- (a) *Vehicle parking.*
- (1) *Intent.* The following is the intent of the town's parking policies and this Code:
- a. Support the creation of shared parking in order to enable visitors to park once at a convenient location and to access a variety of commercial enterprises in a pedestrian and bicycle-friendly environment.
 - b. Manage parking so that it is convenient and efficient, and supports an active and vibrant mixed use environment.
 - c. Ensure ease of access to parking.
 - d. Provide flexibility for changes in land uses which have different parking requirements within the ~~district~~District.
 - e. Provide flexibility for the redevelopment of small sites.
 - f. Avoid diffused, inefficient single-purpose reserved parking.
 - g. Avoid adverse parking impacts on residential neighborhoods.
 - h. Ensure that any parking structures do not dominate the public environment, by lining the edge of structures with residential or commercial uses where visible from public roads and open space.
- (2) *Parking requirements.* Off-street facilities shall be provided in accordance with this subsection.
- a. Off-street parking spaces for the applicable use classification shall meet the following minimum number of spaces in Table 3 Parking Calculations.
 - b. *Parking location.* All off-street surface parking shall be located at least 15 feet behind the front facade which faces on a street or public open space, and shall be accessed by alley or short driveway between buildings. Any change to this standard shall be considered a minor waiver.
 - c. *At-grade parking.* All at-grade parking lots fronting roadways shall be screened from view as outlined in ~~division~~Division 3(e) streetscape and landscape and ~~division~~Division 8 landscape of this Code. Landscaping of the internal surface parking area shall not be required unless it is planned to serve as long term parking. In which case, such long term surface parking areas shall

meet the requirements of ~~division~~Division 7(e) parking lot landscape. For the purpose of this section, long term parking shall be determined by the ~~director~~Director, and may include parking which has a likelihood of being in place for a period of seven years or more.

- d. *Parking calculations.* The shared parking factor for two functions, when divided into the sum of the two amounts as listed on the required parking table below, produces the effective parking needed for each site involved in sharing. Conversely, if the sharing factor is used as a multiplier, it indicates the amount of building allowed on each site given the parking available.

ARTICLE IV, TABLE C	
LAKEFRONT PARKING CALCULATIONS	
<i>Land Use</i>	<i>Minimum Parking Requirements</i>
Residential	1 space per bedroom, up to 2 spaces per dwelling
Lodging (hotel, inn)	1 space per bedroom
Office, Retail, Restaurant	1 space per every 400 square feet
Civic and Other uses	To be determined by minor waiver

ARTICLE IV, TABLE D				
LAKEFRONT SHARED PARKING FACTOR				
	Residential	Lodging	Office	Retail
Residential	1	1.1	1.4	1.2
Lodging (hotel, inn)	1.1	1	1.7	1.3
Office	1.4	1.7	1	1.2
Retail	1.2	1.3	1.2	1

* Parking requirements are based on at least 90 percent non-reserved stalls; otherwise, the requirement shall be 1/300 square feet for office, retail or restaurant use.

Note 1. Open space and civic space do not require parking.

Note 2. Active recreation or sports facilities parking requirements shall be determined by minor waiver.

Note 3. On-street parking shall not count toward meeting residential parking requirements.

- e. *Parking garages—Where approved.*
1. Parking garages which are adjacent to a street shall be set back a minimum of 50 feet and lined with buildings containing any permitted use but parking.
 2. Off-street below grade parking is permitted to the lot lines, but must be designed to allow planting of landscape as defined in ~~division~~Division 7 landscape. No below grade parking beneath a building shall be visible from the sidewalk.
- f. *Shared parking.*
1. Uses may join in establishing shared parking areas if it can be demonstrated that the parking for two or more specific uses occurs at alternating time periods, or where shared

parking is massed and configured in a way that increases its efficient use. Required parking shall be determined by a parking analysis study approved by the ~~director~~Director.

2. Shared parking shall be clearly designated with signs and markings.

(b) *Bicycle parking.*

- (1) *Goals.* Bicycle parking is required in order to encourage the use of bicycles by providing safe and convenient places to park bicycles.
- (2) *Required bicycle parking.* Bicycle parking shall be provided based on at least one space for every ten automobile parking spaces required as part of the base parking requirement in subsection (a)(2) above.
- (3) *Bicycle parking standards.*

a. *Location.*

1. Required bicycle parking must be located within 50 feet of an entrance to the building. With approval of a minor waiver, bicycle parking may be located in the public right-of-way.
2. Bicycle parking may be provided within a building, but the location must be easily accessible to bicycles.
3. Any bicycle parking in the public right-of-way should be located within the band created by street trees and pedestrian street lights, however, it must be placed in a manner that avoids conflicts with pedestrian and vehicular paths.

b. *Signs.* If bicycle parking is not visible from the street, then a sign must be posted indicating the location of the bicycle parking facilities.

(4) *Standards for bicycle rack types and dimensions.*

a. *Rack type.* Bicycle rack types and standards shall be approved by the ~~town~~Town.

b. *Parking space dimensions.*

1. Bicycle parking spaces must be at least six feet long and two feet wide, and in covered situations, the overhead clearance must be at least seven feet.
2. An aisle for bicycle maneuvering must be provided and maintained beside or between each row of bicycle parking. This aisle must be at least five feet wide.
3. Each required bicycle parking space must be accessible without moving another bicycle.

(c) *Accessibility throughout the ~~district~~District area.* All parcels within a project area shall be platted and laid out in a manner that ensures connectivity for pedestrian and automobile movement both within the project and to adjacent nonsingle-family zoned properties.

DIVISION 6. LIGHTING AND MECHANICAL

(a) *Intent.* It is the intent of this section to provide a level and consistency of lighting that supports pedestrian activity and promotes safety, and to reduce the visual impact of mechanical equipment on the public realm.

(b) *Standards.*

- (1) Average lighting levels within project areas should be approximately:
 - a. Urban Residential three foot-candles (fc);
 - b. Urban Retail six fc;
 - c. Parking areas 1.5 fc;

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- d. Street intersections three fc;
 - e. Street centerline 1.7 fc.
- (2) Lighting elements shall be incandescent, metal halide, halogen or LED in a white spectrum light. No HID or fluorescent lights (except fluorescent bulbs that screw into standard socket fixtures) may be used on the exterior of buildings.
 - (3) All lighting shall be focused downward or narrowly focused on its intended target such as signs, parking and pedestrian walkways. No lighting source from a commercial activity shall be visible by a residential unit.
 - (4) The entire ~~district~~District shall utilize the basic fixtures and furnishings in the public areas as are approved by the ~~town~~Town.
 - (5) Mechanical and electrical equipment, transformers, meters, garbage containers and loading areas shall meet ~~town~~Town standards.

(Ord. No. 1407, § 2, 8-15-2017)

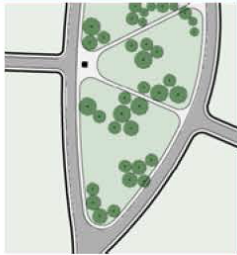
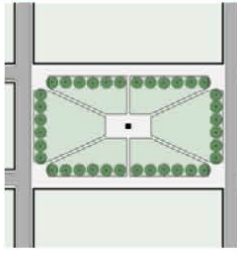
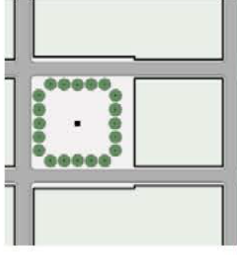
DIVISION 7. LANDSCAPE

- (a) *Intent.* Landscaping within the Lakefront Code shall comply with the provisions in this section, the ~~town~~Town's list of approved plant materials and with the standards contained in ~~article~~Article VI, part two, landscaping of the ~~town~~Town's ~~zoning ordinance~~Zoning Ordinance. Where conflicts exist between this ~~district~~District and the ~~zoning ordinance~~Zoning Ordinance, the requirements in this ~~district~~District shall be applied.

It is the intent of this section to:

- (1) Support the Comprehensive Plan's goals for a Lakefront character;
 - (2) Provide the ~~town~~Town with a unique and identifiable streetscape corridor;
 - (3) Contribute to pedestrian safety and comfort;
 - (4) Reduce the amount of solar heat gain in paved and hard surface areas.
- (b) *Street trees.*
 - (1) Street trees may be planted between the sidewalk and the curb. They may also be planted within three feet of a curb, sidewalk or other structure, provided that they are selected from the ~~town~~Town's urban tree list.
 - (2) All required street trees shall be:
 - a. At least ~~three~~four-inch caliper;
 - b. Single trunk;
 - c. Limbed-up to six feet.
 - (c) *Plant material.* Front yards shall be landscaped except at building entries, seating areas and adjacent to commercial uses, where the front yard may be paved. Plant materials shall consist of shade trees, ornamental trees, shrubs, evergreen ground covers, vines, and seasonal color in conformity with the ~~town~~Town's list of approve plant materials and ~~article~~Article VI of the ~~town~~Town's ~~zoning ordinance~~Zoning Ordinance. ~~Applicants are encouraged to use palm trees or other hardy desert type plants to enhance the lakefront character.~~
 - (d) *Paving material.*

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- (1) Paving material in front yards and on sidewalks shall be warm toned, natural materials such as brick, stone and concrete.
 - (2) Asphalt and gravel as paving materials are prohibited.
 - (e) *Parking lot landscape.*
 - (1) Surface parking lots shall be screened to a minimum height of 30 inches from all adjacent public streets and open space. The screen must extend along all edges of the parking lot and must be in conformity with screening standards set out in ~~article~~Article VI, ~~division~~Division 2, landscaping of the ~~town~~Town's ~~zoning ordinance~~Zoning Ordinance. It may be accomplished through the use of masonry walls, ornamental metal, evergreen plant materials, or a combination thereof. Planting beds for screen planting shall be a minimum of four feet in width.
 - (2) Interior parking lot landscape shall also be consistent with ~~article~~Article VI, ~~division~~Division 2, landscaping of the ~~town~~Town's ~~zoning ordinance~~Zoning Ordinance. However, parking lots shall not exceed eight spaces in a row without being interrupted by a landscaped island (nine-foot minimum). Islands shall be planted with a minimum of one shade tree for every eight vehicle spaces.
 - (3) No landscaping shall be required for the interior of structured parking facilities.
 - (f) *Detention/retention ponds.* Detention/retention ponds shall be designed in a manner as to be an amenity to the development and shall not require fencing.
 - (g) *Open space and landscaping for residential mixed use projects.*
 - (1) In lieu of the ~~town~~Town's requirement for open space and trees for residential development, a green, square or plaza shall be provided and approved as part of the regulating or site plan. (See Table 4 Open Space)
 - (h) *Other landscape requirements.*
 - (1) ~~The landscape point system shall not apply to projects within the Lakefront District.~~
 - (2) The requirement for a ten-foot landscape buffer between parcels shall not apply except where adjacent to single-family zoned property.

ARTICLE IV, TABLE E LAKEFRONT OPEN SPACE	
<p>Green: An Open Space, available for unstructured recreation. A Green may be spatially defined by streets, landscaping and/or building frontages. Its landscape shall consist of lawn and trees.</p>	
<p>Square: An Open Space available for unstructured recreation and Civic purposes. A Square is spatially defined by building frontages or streets. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares.</p>	
<p>Plaza: An Open Space available for Civic purposes and Commercial activities. A Plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of pavement but include shade in the form of trees or structure. Plazas should be located at the intersection of important streets.</p>	

DIVISION 8. SIGN STANDARDS

- (a) *Intent.* The intent of this section is to establish architectural controls, limit clutter and regulate commercial and locational signage. It is also intended to help enliven retail and restaurant mixed use areas. These standards should not be interpreted to prevent a for-sale sign, a political sign, or a noncommercial sign that is an exercise of noncommercial freedom of speech. Commercial and locational signage within the ~~district~~District are limited, regulated and controlled as provided in this Code, and all other signage shall be subject to the requirements of such ~~town~~Town ordinances, rules and regulations that are in effect from time to time.
- (b) *Signs, general standards.*
 - (1) *General standards.*
 - a. Signage may only be externally lit with full-spectrum source, unless otherwise approved.
 - b. One address number, no more than six inches vertically, shall be attached to the building in proximity to the principal entrance.
- (c) *Prohibited signs.*
 - (1) The following signs shall not be allowed:
 - a. Off-premise signs;

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- b. Internally lit sign boxes;
 - c. Flashing or running light signs;
 - d. Pole signs;
- (2) Signs shall not be mounted on roofs or project above roof line without approval of a minor waiver, and it is determined to make a positive contribution to the ~~district~~[District](#) as a whole.
- (d) *Permitted signs.*
- (1) *Wall signs.*
- a. One wall sign per occupancy, per street frontage.
 - b. Maximum size is 30 square feet if located 12 feet or higher above grade; ten square feet if less than 12 feet above grade.
 - c. Minimum ten-foot distance between wall signs (excluding building identification sign or directory sign).
 - d. In addition, one wall-mounted sign, not exceeding six square feet in area, is permitted on any side or rear entrance open to the public. Such wall signs may only be lighted during the operating hours of business.
- (2) *Projecting and hanging signs, including graphic or icon signs, mounted perpendicularly to the wall.*
- a. A maximum of one per occupancy per building face.
 - b. A maximum area of six square feet per face; and a maximum of three feet in width.
 - c. Distance from the ground to the lower edge of the sign shall be seven and one-half feet or greater.
 - d. Minimum 15-foot distance between signs.
 - e. The height of the top edge of the signboard shall not exceed the height of the wall from which the sign projects, if attached to a single story building; or the height of the sill or bottom of any second story window, if attached to a multi-story building unless approved by minor waiver.
- (3) *Window signs.*
- a. The sign shall not exceed 30 percent of the window area.
 - b. Neon signs are allowed behind windows in commercial areas, but shall count toward the allowed window sign area.
- (4) *Building identification signs.*
- a. One per building face.
 - b. Must be 12 feet or higher above sidewalk level.
 - c. Maximum size 25 square feet.
 - d. Twenty-four-inch maximum height for letters or logos.
 - e. Applied letters shall be constructed of painted cast metal, bronze, brass, or anodized aluminum. Applied plastic letters are not permitted.
- (5) *Awning signs (for ground floor uses only).*
- a. One per occupancy per building face.

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- b. Minimum eight feet above sidewalk level for pedestrian clearance.
 - c. Ten square feet maximum sign area.
 - d. 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.
 - e. If acting as the main business sign, it shall not be in addition to a wall-mounted sign.
- (6) *Monument signs.*
- a. Monument signs shall only be allowed adjacent to the Eldorado right-of-way.
 - b. Architecturally compatible monument signs shall not exceed six feet in height or eight feet in length.
 - c. Vertically oriented monument signs may also be allowed by minor waiver where it is deemed that such signs will enliven the area.
- (7) *Building directory signs.*
- a. One per entrance.
 - b. The sign shall be located next to the entrance.
 - c. The sign shall project out from the wall to which it is attached no more than six inches.
 - d. The sign shall not extend above the parapet, eave or building facade.
 - e. Maximum size shall be eight square feet.
- (8) *Restaurants and cafes.*
- a. In addition to other signage, restaurants and cafes shall be permitted the following, limited to one of each type of sign per business:
 - b. A wall-mounted display featuring the actual menu as used at the dining table, to be contained within a shallow wood or metal case, and clearly visible through a glass front. The display case shall be attached to the building wall, next to the main entrance, at a height of approximately five feet, shall not exceed a total area of three square feet, and may be lighted.
 - c. An A-frame sidewalk sign displaying the name of the eatery, offerings and hours of operation.
 - d. Restaurant and retail areas may have a neon or special designed exterior sign, if approved by the CRC.
- (9) *Art Installations.*
- a. In addition to other signage, a property may be permitted an art installation with approval of a minor waiver.
 - b. Must meet the definition, as well as make a positive contribution to the visual environment and the District as a whole. Must reflect the intent of the design guidelines as referenced within Appendix A.
 - c. Requires professionally designed, digital, scaled plans, with an installation and maintenance agreement.
 - a.—May only be approved by the review committee.

(Ord. No. 1407, § 2, 8-15-2017)

DIVISION 9. LAKEFRONT PROCEDURES

- (a) *Intent.* It is the intent of this section to off-set the high level of detailed standards in this Code with an expeditious approval of projects which meet its general goals and intent, and:
- (1) To ensure adequate linkages and connections within and between project areas, and
 - (2) To ensure consistency and quality of design through use of professional review assistance.
- (b) *Review process.*
- (1) A review committee ("committee") shall be established to provide guidance of interpretation of the Lakefront Code and make recommendations on significant issues that may arise. It is not intended to meet and review every administrative or legislative application that comes forward within the ~~district~~District.
 - The committee shall be comprised of the following:
 - Director of development services ("~~director~~Director")
 - Director of economic development ("EDC rep")
 - Planning manager (serving as "urban design officer" or "UDO")
 - Town engineer ("engineer")
 - A representative of the ~~town council~~Town Council ("~~council liaison~~Council Liaison")
 - ~~A representative of the Planning and Zoning Commission ("P&Z Commission Liaison")~~
 - (2) The urban design officer (UDO) shall serve as a technical advisor to the ~~director~~Director and the committee. The UDO shall be the planning manager and a portion of the expense of the UDO's services will be borne by development fees paid to the ~~town~~Town for development of land within the Lakefront District.
 - (3) The ~~director~~Director shall coordinate with the UDO and committee, and have staff administrative jurisdiction over any processes authorized under the Lakefront Code. The ~~director~~Director of development services, the UDO and the committee shall be expeditious in their review and advance the permitting process by undertaking any action consistent with this code, state law, and the ~~town~~Town Charter to facilitate the permitting process.
- (c) *Regulating plan.*
- (1) Approval of a regulating plan is required prior to approval of a site plan for any portion of a multi-phased project site area.
 - (2) The regulating plan provides the framework for development and serves as a conceptual layout of a project area. It shall include such things as:
 - a. Street and access lanes within the project area and connections to adjacent nonsingle-family zoned properties;
 - b. The location of general land use sites and for identification of retail at-grade;
 - c. Public open space and plazas; and
 - d. Hike and bike corridors and trails.
 - (3) An application for a regulating plan shall be processed in accordance with the ~~town~~Town's procedures for determining whether an application is complete. Following a determination of completeness, and

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- unless the application is accompanied by a request for a major waiver, the ~~director~~Director, or his designee, shall approve, approve with conditions or deny the application for a regulating plan and shall notify the applicant of his decision. In his deliberations, the ~~director~~Director may consider a recommendation from the UDO.
- (4) Denial or conditional approval of a regulating plan by the ~~director~~Director may be initially appealed to the ~~planning and zoning commission~~Planning and Zoning Commission and, following the recommendation of the commission, to the ~~town council~~Town Council. The appeal shall be filed within 30 days of the date of the ~~director~~Director's action on the application for approval of a regulating plan.
 - (5) If the application includes a request for a major waiver, the ~~director~~Director shall request a recommendation from the UDO and if appropriate the CRC, and schedule the application for hearing before the ~~planning and zoning commission~~Planning and Zoning Commission with his recommendation on the application. The ~~planning and zoning commission~~Planning and Zoning Commission, following a public hearing, shall forward its recommendation to the ~~town council~~Town Council for hearing on the application and waiver request. The ~~town council~~Town Council, following a public hearing, shall approve, approve with conditions or deny the application for a regulating plan and the major waiver request. The notice and hearing procedures for approval of a specific use permit shall be used to process the regulating plan and major waiver application.
 - (6) The ~~director~~Director in making an initial decision on a regulating plan application, the ~~planning and zoning commission~~Planning and Zoning Commission in making recommendations to the ~~town council~~Town Council, or the ~~town council~~Town Council in deciding the application for regulating plan approval, shall determine whether the plan is consistent with the comprehensive plan and meets the goals and intent of the Lakefront Code.
- (d) *Site plan.*
- (1) Prior to obtaining a building permit, a site plan must be approved by the ~~director~~Director or ~~town council~~Town Council, demonstrating that the proposal meets the goals, intent and general standards contained in this Code.
 - (2) A site plan application must include the following information and documents that demonstrate compliance with the Lakefront Code:
 - a. Detailed site plan showing proposed streets, buildings, parking areas, and landscaped areas;
 - b. Proposed uses;
 - c. Building elevations and sections, along with a line of sight study referencing how the development will impact the views of the lake from off site;
 - d. Proposed parking calculations;
 - e. Any waivers being requested;
 - (3) An application for a site plan shall be processed in accordance with the ~~town~~Town's procedures for determining whether an application is complete. Following a determination of completeness, and unless the application is accompanied by a request for a major waiver, the ~~director~~Director, or his designee, shall approve, approve with conditions or deny the application for a site plan and shall notify the applicant of his decision. In his deliberations, the ~~director~~Director may consider a recommendation by the UDO.
 - (4) Denial or conditional approval of a site plan by the ~~director~~Director may be initially appealed to the ~~planning and zoning commission~~Planning and Zoning Commission and, following the recommendation of the commission, to the ~~town council~~Town Council. The appeal shall be filed within 30 days of the date of the manager's action on the application for approval of a site plan.

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- (5) If the application includes a request for a major waiver, the ~~director~~[Director](#) shall request a recommendation from the UDO and if appropriate the CRC, and schedule the application for hearing before the ~~planning and zoning commission~~[Planning and Zoning Commission](#) with his recommendation on the application. the ~~planning and zoning commission~~[Planning and Zoning Commission](#), following a public hearing, shall forward its recommendation to the ~~town council~~[Town Council](#) for hearing on the application and waiver request. The ~~town council~~[Town Council](#), following a public hearing, shall approve, approve with conditions or deny the application for a site plan and the major waiver request. The notice and hearing procedures for approval of a specific use permit shall be used to process the site plan and major waiver application.
- (6) The ~~director~~[Director](#) in making an initial decision on a site plan application, the ~~planning and zoning commission~~[Planning and Zoning Commission](#) in making recommendations to the ~~town council~~[Town Council](#), or the ~~town council~~[Town Council](#) in deciding the application for site plan approval, shall determine whether the plan is consistent with the regulating plan for the property (if there is one), and meets the goals, intent and standards of the Lakefront Code.
- (e) *Waivers of design standards.*
- (1) For the purposes of this ~~district~~[District](#), there shall be two types of waivers of design standards - minor and major. Requests for waivers shall not be subject to review or decision by the board of adjustment. A waiver request may only be made in conjunction with an application for a regulating plan, a site plan or subsequent to approval of a site plan.
- (2) Minor waivers are those changes to design standards in the Lakefront Code that are determined to meet the goals and intent of this Code as stated in ~~division~~[Division](#) 1 and throughout this Code. Minor waivers may be approved administratively by the ~~director~~[Director](#) or his designee. [At the discretion of the Director, an application shall require a recommendation from the committee.](#)
- (3) Major waivers are major changes to the design standards in the Lakefront Code or which may appear to be in conflict with the goals and intent of this Code. Major waivers may only be approved by the ~~town council~~[Town Council](#), following a recommendation by the UDO and the ~~planning and zoning commission~~[Planning and Zoning Commission](#), in conjunction with a decision on an application for approval of a regulating plan or site plan. In order to approve a major waiver, the ~~town council~~[Town Council](#) must find that the waiver:
- Meets the general intent of this ~~district~~[District](#), and
 - Is consistent with the overall plan and vision for the ~~district~~[District](#), and
 - Will result in an improved project which will be an attractive contribution to the Lakefront District.
- (4) The ~~town~~[Town](#) may impose conditions on granting any waiver in order to implement the regulating plan for the property or to mitigate negative impacts to neighboring properties or public streets or open space.
- (f) *Amendments to the regulating plan.*
- (1) Amendments to an approved regulating plan or site plan may be accomplished in the same manner as approval of the original approval, and may be accompanied by a request for major or minor waivers.
- (2) An amendment to an approved regulating plan or site plan must be made prior to the time for lapse of approval provided in subsection (g) below. In the event an amended plan is approved, the approving authority amending the plan shall specify the time for lapse of such approval, consistent with subsection (g).

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- (g) *Lapse of approval.* If a building permit has not been obtained within two years following approval of a regulating plan or site plan, such plan shall lapse unless the property owner requests an extension prior to the expiration of the two-year period. The request for extension shall be considered by the original approving authority in the same manner as for approval of the existing plan. The authority may grant an extension of the time for expiration of the plan for a period not to exceed two years from the date of expiration of the original application.

Every request for extension shall include a statement of the reasons why the expiration date should be extended. The approving authority may grant a request for extension upon demonstration that circumstances beyond the control of the applicant have resulted in the applicant's inability to perform the tasks necessary to prevent the plan from expiring before the lapse date.

- (h) *Graphics incorporated into Code.* Any and all graphics from the approved form based codes document not supported by textual technological limitations are hereby codified as supporting material by reference.

(Ord. No. 1407, § 2, 8-15-2017; Ord. No. 1651 , § 2, 12-7-2021)

APPENDIX A.

Lakefront District – Art Installations Design Guide

Purpose.

This design guide serves as a reference for the Lakefront District for the Town of Little Elm is intended primarily for use by those property owners interested in establishing an art installation on their property. This guide is intended to reflect the types of creative expressions that fit the definition of an art installation as defined and adopted within Sec. 106.04.02 Lakefront District.

The images within this guide are not intended to be specifically replicated, but instead serve as samples of the type of flexibility and creativity, as well as intended reference to the Town's natural, geological, cultural, and visionary elements, that could be allotted to interested applicants.

Art Installation, as defined and adopted within Sec. 106.04.02 Lakefront District, is a large-scale, mixed-media construction, often designed for a specific place, includes three-dimensional works designed to transform the perception of space, sculptures, murals, or other forms of creative visual art produced primarily or solely for its imaginative, aesthetic, or intellectual content reflective of the Lakefront District vision; may also contain reference to a business or its logo; is not used for sole purposes of advertising; is not used to promote political or religious views, or social causes.







