

# Town of Little Elm

SEPTEMBER 19, 2023

TOWN COUNCIL

INTEGRITY | CUSTOMER SERVICE | EFFICIENCY | INNOVATION

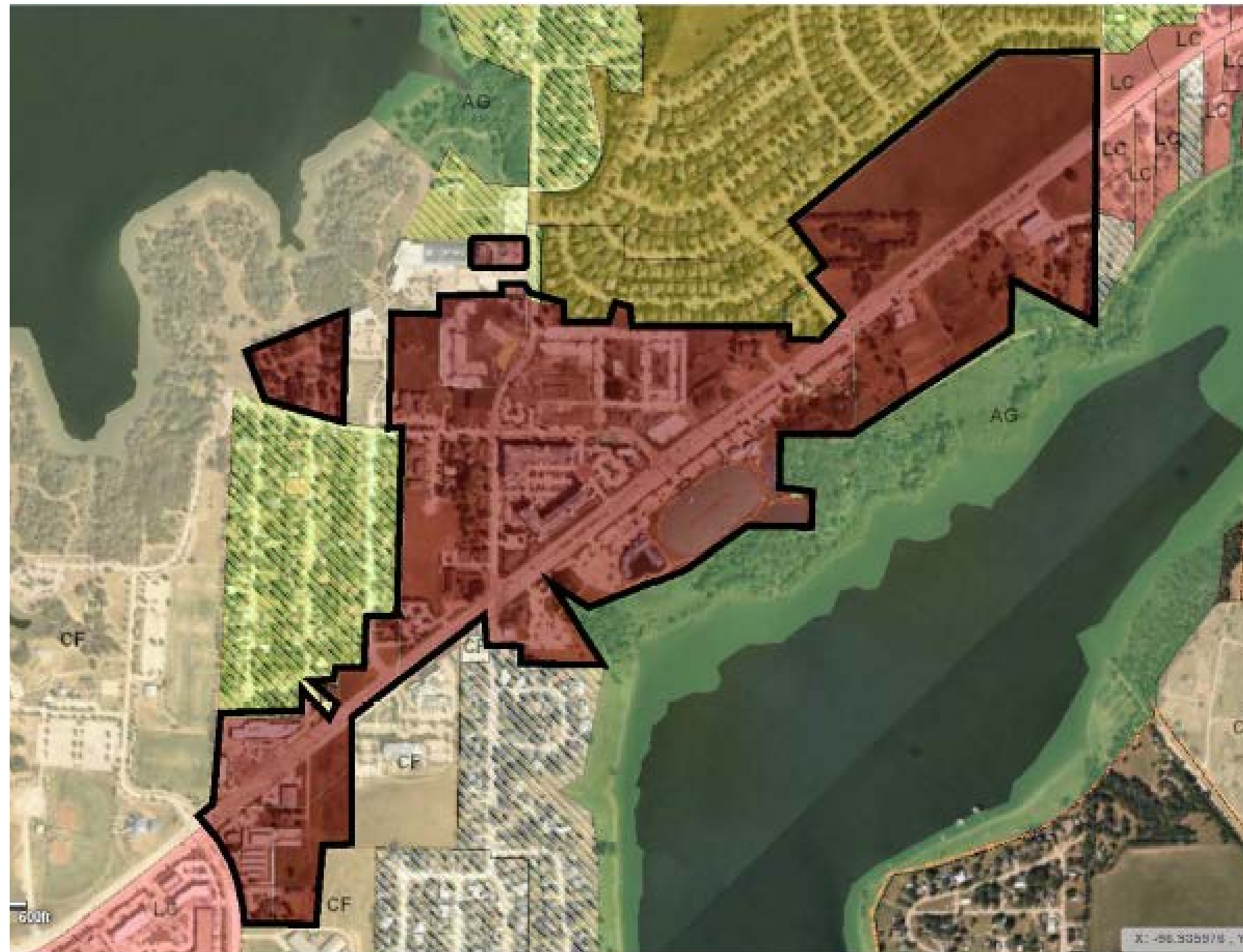


LITTLE ELM

# PUBLIC HEARING

## Lakefront Text Amendment

# Location



# Background

## Lakefront District

In 2017 the Town created the "Lakefront District" and identified the desire to establish a pedestrian-oriented lakefront which would serve as the civic and cultural heart of the town.

- To build on the town's targeted "lakeside community character," with built form and materials that are reminiscent of lakefront communities.
- Make the sustainable through:
  - Providing for integrated mixed use;
  - Embodying LEED-ND (Leadership in Energy and Environmental Design Neighborhood Development) principles; and
  - Assuring pedestrian and bicycle friendliness;
- To provide development and land use flexibility within the framework of a form-based development code;
- To provide a mix of residential, retail and office uses in a pedestrian and bicycle-friendly environment; and
- 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.

# Background Sign Ordinance

In 2022, the Town amended the Sign Ordinance.

Among 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."

# Proposal

Over the last few months, staff has received a number of requests, from existing and new business owners (Lakefront District specifically), for various art and sign installation requests.

- Not having an existing tool within the Lakefront District, the proposed sign variance requests would not meet the Fine Art definition, and would not really have another proper route through the existing Code of Ordinances.

Staff believes that while not fitting everywhere in the Town, the intent of a special area like the Lakefront District envisions additional creative flexibility within the visual environment.

- Proposing certain amendments to the text within Section 106.04.02 "Lakefront District" in order to:
  - establish a definition, review criteria, and procedures for these types of unique "art installations,"
  - enable minor corrections throughout the text (clean up any existing errors and inconsistencies)

# P&Z Commission Discussion

Planning and Zoning Commission deliberated this request on August 3rd, 2023 and indicated the desire to include the following items:

- Within the Art Installation criteria, a requirement for a maintenance mechanism to ensure upkeep
- Review Committee should be designated as the decision maker for Art Installation review
- Adding a Commissioner to the Review Committee for added perspective

Staff has revised the proposed language to address the Commission's concerns.

# Art Installations

## Creation of the term and the definition for "Art Installation":

**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.



# Review and Approval Process

In order to then facilitate the review and approval process:

- Add "Permitted Signs" in general as Minor Waivers of design standards
- Create the necessary application criteria for art installations as follows:

## Art Installations.

- In addition to other signage, a property may be permitted an art installation. **(staff report error, minor waiver removed)**
- 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.

# Review and Approval Process

- 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.
- A Commissioner is being added 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")*

# Art Installation Design Guide

## 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.

“This design guide serves as a reference for the Lakefront District for the Town of Little Elm and 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 Design Guide Appendix



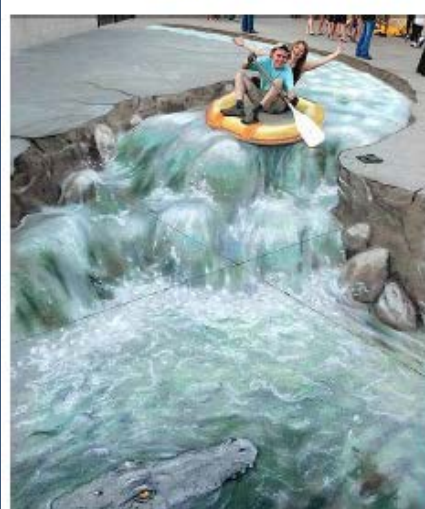


# Art Installation Design Guide Appendix





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# Art Installation Design Guide Appendix





## Additional Changes

Changes to the landscape requirements that more closely align with the Town's vision today, and the 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 inline with landscaping standards for the rest of the Town.

Removes height transition for development located within proximity to single family residential uses, which is no longer relevant as the maximum numerical height across the Lakefront District is 35 feet.

# **Commission Findings and Recommendation**

Staff believes that the proposed text amendment, with revisions as proposed by the Commission, will allow for additional creative opportunities for property owners and businesses to be able to contribute to and further the vision of the Lakefront District by creating interesting and interactive commercial outdoor spaces.

This would also allow businesses to establish creative branding mechanisms, while simultaneously promoting the Town's cultural and district vision, in order to create welcoming and attractive visual environments that draw people to the special district.

On August 17, 2023, the Planning and Zoning Commission unanimously (6-0) approved the Staff initiated text amendment as presented.