

## **Ordinance No. 2000M-117**

An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being that portion of Lot 5 of the subdivision of James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria County, Texas, according to the map or plat thereof recorded in Volume 83, Page 342 of the deed records of Harris County, Texas, (located at the southwest corner of Spectrum Boulevard and State Highway 288, Pearland, TX), Zone Change 2014-02Z; a request of Kevin Cole, applicant; on behalf of American Modern Green Development, LLC., owner; for approval of a zone change from the Waterlights Planned Development (PD) to the Modern Green-Ivy District PD, on approximately 48.5 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.

**WHEREAS**, Kevin Cole, applicant; on behalf of American Modern Green Development, LLC., owner; is seeking approval of a change in zoning the Waterlights PD to the Modern Green-Ivy District PD, on approximately 48.5 acres of land; said property being legally described in the original application for amendment attached hereto and made a part hereof for all purposes as Exhibit "A" and more graphically depicted in the location map identified as Exhibit "B"; and

**WHEREAS**, on the 17th day of March, 2014, a Joint Public Hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached hereto and made a part hereof for all purposes as Exhibit "C", said call and notice being in strict conformity with provisions of Section 1.2.2.2 of Ordinance No. 2000T; and

**WHEREAS**, on the 7<sup>th</sup> day of July, 2014, the Planning and Zoning Commission of the City submitted its report and recommendation to the City Council regarding the zone change application of Kevin Cole, applicant; on behalf of American Modern Green

Development, LLC., owner; for approval of a change in zoning from the Waterlights PD to the Modern Green-Ivy District PD, on approximately 48.5 acres of land, said recommendation attached hereto and made a part hereof for all purposes as Exhibit "D"; and

**WHEREAS**, upon receipt of the report from the Planning and Zoning Commission, City Council considered this application and the recommendation of the Planning and Zoning Commission at regular meetings on the 25th day of August 2014 and the 8th day of September 2014; and

**WHEREAS**, the City Council having fully heard the testimony and argument of all interested parties, and having been fully advised in the premises, finds that in the case of the application of Kevin Cole, applicant; on behalf of American Modern Green Development, LLC., owner; for seeking approval of a change in zoning from the Waterlights PD to the Modern Green-Ivy District PD, on approximately 48.5 acres of land, presented which, in the judgment of the City Council, would justify the approval of said application; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:**

**Section I.** The following described property located within the corporate City Limits of the City of Pearland, Texas, and presently located within the Waterlights PD, is hereby granted a change in zoning to the Modern Green-Ivy District PD; said PD attached hereto as Exhibit E, in accordance with all conditions and requirements of the current Unified Development Code and incorporated for all purposes, such property being more particularly described as:

That portion of Lot 5 of the subdivision of James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria County, Texas, according to the map or plat thereof recorded in Volume 83, Page 342 of the deed records of Harris County, Texas.



GENERAL LOCATION: Southwest corner of Spectrum Boulevard and State Highway 288

**Section II.** The City Council of the City of Pearland finds and determines that the recitations in the preamble hereof are true and that all necessary prerequisites of law have been accomplished and that no valid protest of the proposed change has been made. The City Council further finds and determines that there has been compliance with the mandates of law in the posting and presentation of this matter to the Planning and Zoning Commission and to the City Council for consideration and decision.

**Section III.** The City Council of the City of Pearland finds and determines that the amendment adopted herein promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

**Section IV.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section V.** All rights and remedies, which have accrued in the favor of the City under this Ordinance and its amendments thereto, shall be and are preserved for the benefit of the City.

**Section VI.** This Ordinance shall become effective after its passage and

approval on second and final reading.

PASSED, APPROVED, and ADOPTED on First Reading this 25th day of August, 2014.

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TOM REID  
MAYOR

ATTEST:

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YOUNG LORFING, TRMC  
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 8th day of September, 2014.

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TOM REID  
MAYOR

ATTEST:

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YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

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DARRIN M. COKER  
CITY ATTORNEY

**Exhibit A**  
**Legal Description**

That portion of Lot 5 of the subdivision of James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria County, Texas, according to the map or plat thereof recorded in Volume 83, Page 342 of the deed records of Harris County, Texas.

# Exhibit B Location Map



**Aerial Map**  
**Zone Change 2014-22**  
**Modern Green/  
Ivy District**

This product is for information purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

0 190 380 760 Feet



**Exhibit C  
Legal Ad**

**NOTICE OF A JOINT PUBLIC HEARING OF THE CITY COUNCIL  
AND  
THE PLANNING AND ZONING COMMISSION  
OF THE CITY OF PEARLAND, TEXAS**

**Zone Change No. 2014-2Z**

Notice is hereby given that on March 17, 2014 at 6:30 p.m., the City Council and Planning and Zoning Commission of the City of Pearland, in Brazoria, Harris and Fort Bend Counties, Texas, will conduct a joint public hearing in the Council Chambers of City Hall, located at 3519 Liberty Drive, Pearland, Texas, at the request of Steven Biegel, applicant; on behalf of America Modern Green Development, LLC., owner; for approval of a zone change from the Waterlights Planned Development (PD) to the Modern Green-Ivy District PD, on approximately 48 acres of land, more specifically described as:

Legal Description: TR 5 ML Parker U/R ABST 881 D WHITE

General Location: Southwest corner of Spectrum Boulevard  
and State Highway 288, Harris County,  
Texas

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. For additional information, please contact the Planning Department at 281-652-1765.

Johnna Matthews  
Senior Planner



**Exhibit D**  
**Planning and Zoning Commission Recommendation Letter**



# Planning & Zoning Commission

July 8, 2014

Honorable Mayor and City Council Members  
3519 Liberty Drive  
Pearland, TX 77581

Re: Recommendation on Zone Change Application No. 2014-02Z

Honorable Mayor and City Council Members:

At their meeting on July 7, 2014, the Planning and Zoning Commission considered the following:

A request of Kevin Cole, applicant; on behalf of American Modern Green Development, LLC., owner; for approval of a zone change from the Waterlights Planned Development (PD), to the Modern Green-Ivy District PD, on approximately 48.5 acres of land on the following described property, to wit:

**Legal Description:** That portion of Lot 5 of the subdivision of James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria County, Texas, according to the map or plat thereof recorded in Volume 83, Page 342 of the deed records of Harris County, Texas.

**General Location:** Southwest corner of Spectrum Boulevard and State Highway 288.

After staff presentation by the Director of Community Development, Lata Krishnarao, approval was recommended by staff.

After discussion, P&Z Commissioner Linda Cowles made the motion to recommend approval with conditions, and P&Z Vice Chairperson Mary Starr seconded. The vote passed (4-2), with Commissioners Derrick Reed and Daniel Tunstall in opposition.

Recommended conditions follow:

1. Parkland Dedication – City Council and P & Z specifically did not approve any variance to the Parkland Dedication, since this can be a payment in lieu of. Please indicate how the balance (based on \$900/unit) will be addressed. Currently a standard of \$700 sf/unit has been used in the PD.
2. Page 21 – F. Minor Deviations – line 9- “Design” was misspelled.
3. Page 27 – Marquee Sign – Flashing lights not permitted by UDC. Please remove the sentence that refers to flashing lights.
4. Page 43 – Residential Uses –The table indicates that townhomes are permitted in Public Square. Other areas of the PD indicate that townhomes will be restricted to Parkside Neighborhood. Please clarify.
5. Page 46 – as previously discussed add phasing to the Program Density to plan to indicate what can be expected in terms of land use breakdown at the end of each phase.
6. Page 48 – Please add the block numbers in Table 7.1 for better clarity.
7. Page 50, 51 – Under Utilities and Block Standards please refer to sections of the PD that address this, and replace the note– “There are no specific )
8. Page 51 – e. (10) Building Height conflicts with Table 7.2 –Building Height Standards.
9. Page 51 – C.1.c, d , and g– Refer to Chapter 8 on Building Design Standards and replace the note “There are no specific ”.
10. Page 52, Building Materials - As indicated in previous discussions, staff recommends percentage breakdown of various materials to avoid a monotonous 100% stucco/brick building.
11. Page 53 – f. (5) “windows and doors ~~or~~ and visually ” Replace.
12. Page 55 – 2.c and d – refer to sections in the PD that address this, replace “None”.
13. Page 56 – C. 2 – Public Square Sub-District Guidelines – Refer to regulatory plans and chapters in the PD.
14. Page 56, Building Materials - As indicated in previous discussions, staff recommends percentage breakdown of various materials to avoid a monotonous 100% stucco/brick building.

15. Page 57 – B. 5. – Fruge Road – Connection is shown to a section of Fruge Road that does not exist. Improvement of the road needs to be shown.
16. Page 62 – C.1.2 – Island width shown is less than 5 feet for certain streets. How will this requirement of tree being 4 feet from the curb be met?
17. Page 61 – C.2. – Guidelines – Refer to Master Streetscape Plan and Public Open Space Plan – Page 23.
- 18.2. Guidelines – Need to refer to Page 23.3. Master Plans - to be provided prior to Platting.

Sincerely,

Johnna Matthews

City Planner

On behalf of the Planning and Zoning Commission



**Exhibit E**  
**Modern Green-Ivy District PD**

See Following Pages

# THE MODERN GREEN

## IVY DISTRICT

### **The Planned Development Zoning District (PD) Document**

Submitted to the City of Pearland | November 15, 2013

Revision Submitted to the City of Pearland | January 31, 2014

Revision Submitted to the City of Pearland | May 2, 2014

Revision Submitted to the City of Pearland | June 20, 2014

Revision Submitted to the City of Pearland | August 7, 2014





# THE MODERN GREEN IVY DISTRICT

## **The Planned Development Zoning District (PD) Document**

Submitted to the City of Pearland | November 15, 2013

Revision Submitted to the City of Pearland | January 31, 2014

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The goal of the Modern Green “Ivy District” is to create a vibrant, walkable and ecological mixed-use community where residents of Pearland, Texas, can live, work, shop and play. The vision for the new district builds upon the recent growth and momentum that has shaped Pearland into one of most desirable urban centers within the Greater Houston metropolitan region. The Ivy District will set a new standard for development of a high quality urban environment for residents and visitors alike.

## 1 | PURPOSE AND INTENT

The purpose of the “Ivy District” Planned Development (referred to herein as the “Ivy District PD” or “Ivy District”), proposed by America Modern Green Development (Houston) LLC (“Modern Green”), is to capitalize on and respond to key attributes and unique characteristics of its land and location to create a distinctive, innovative and ecologically sensitive mixed-use urban community that will be a model for achieving the goals and objectives of the City of Pearland’s Comprehensive Plan. The following are key attributes and unique characteristics of the Ivy District site that warrant its classification as a PD zoning district pursuant to UDC Section 2.2.2.1(b):

- Paragraph (2): Clear Creek runs through the southern portion of the Ivy District site. With the creek and its floodway covering a large area of the site, an ecologically sensitive approach to development is required to protect this unique environmental feature.
- Paragraph (3): It is located within the proposed Lower Kirby Urban Center, which has been incorporated into the City’s Comprehensive Plan, that is envisioned as a mixed-use development with traditional neighborhood design, which requires an innovative approach to development.

- Paragraph (7): It is adjacent to and readily accessible from State Highway 288 (SH-288) to the east, and adjacent to and directly accessible from South Spectrum Drive to the north. The site is also a short distance from Kirby Drive to the west and easily accessible from Beltway 8 to the north. The proximity of the site to SH-288 and other important thoroughfares presents a unique development opportunity that calls for a distinctive, high-quality development.

To achieve its purpose, the Ivy District PD establishes a land use and development strategy focused on distinct, yet compatible and integrated neighborhood spaces within convenient walking distances for residents and easily accessible to visitors, that will be developed in a sustainable and ecologically-sensitive manner, and will adhere to high-quality design standards. The result will be a vibrant, sustainable and attractive community in which residents and visitors can engage in a wide range of public spaces and supporting amenities within a pedestrian-friendly environment.





Guided by this land use and development strategy, the intent of the Ivy District is to:

- (1) Create a diverse and multi-generational mixed-use community that includes an office complex, hotel and conference center, anchor retail establishments, a retirement community, and an urban residential neighborhood, all integrated within a street network with neighborhood-oriented retail shops in an ecologically-friendly setting of public and private open spaces.
- (2) Build a mixed-use neighborhood on the western portion of the site that is residentially oriented and organized within a setting of public parks. This neighborhood will be unique in character and offer a range of amenities for residents set within an attractive pedestrian environment.
- (3) Build a mixed-use neighborhood on the eastern portion of the site that is commercially oriented and organized around a public square. This vibrant neighborhood will be highly visible and readily accessible from the SH-288 corridor, yet integrated with the residential component of the Ivy District community and within convenient walking distance for its residents.
- (4) Build a state-of-the-art Continuing Care Retirement Community (CCRC) that will provide a high quality of life for its residents and promote their interaction with the broader Ivy District community,
- (5) Build a community center that will be an amenity accessible to both the Ivy District and broader Pearland communities that would be used for special public and private activities, events and performances.
- (6) Promote sustainable and ecologically sensitive development by establishing standards and guidelines for environmentally friendly and innovative design and construction methods.
- (7) Promote aesthetically pleasing development by establishing standards and guidelines for high-quality building and landscape design.



## 2 | DESCRIPTION OF THE PLANNED DEVELOPMENT

### A. Site Description

The Ivy District property is a 48.5-acre site generally located on the west side of State Highway 288 (SH-288), east of Kirby Drive, south of South Spectrum Boulevard, and north of Fruge Road, within the City of Pearland (City), Harris County, Texas.

The land is predominantly undeveloped grassland and wooded areas, with Clear Creek running through the southeast corner of the site. There is a partially constructed detention pond on the east side of the site, just north of Clear Creek. Access to the site is from South Spectrum Boulevard and an access driveway off the SH-288 frontage road.

Figure 2.1, “Location Map,” shows the location of Ivy District site. The following site-related information is provided in Appendix A, “Site Description”:

- Exhibit A1 – Location Map
- Exhibit A2 – Site Survey
- Exhibit A3 – Legal Description
- Exhibit A4 – CLOMR Plan
- Exhibit A5 – FEMA Letter



**Figure 2.1** Location Map

### B. Master Plan

The Master Plan for the Ivy District envisions a unique mixed-use community with extensive open space. Office, retail, hotel, a retirement community, and residential uses will be integrated into a pedestrian-oriented urban environment. Figures 2.2 through 2.7, at the end of this part, illustrate the Master Plan vision, described as follows:

**Figure 2.2, “Illustrative Master Plan”** identifies the types of buildings and other improvements proposed, and is an artistic depiction of the proposed location and arrangement of buildings and other improvements that would be effected by the complete implementation of the Ivy District PD.

**Figure 2.3, “Illustrative Perspective Keyplan”** is an artistic depiction of the scale and massing of the proposed buildings in the Ivy District.

**Figure 2.4, “Illustrative Aerial Perspective”** is an artistic depiction of the scale and massing of the proposed buildings in the Ivy District.

**Figure 2.5, “Illustrative Perspective - Clear Creek Recreational Park”** is an artistic depiction of the character of Clear Creek Recreational Park.

**Figures 2.6 and 2.7, “Illustrative Perspective - Green Ivy Drive” and “Illustrative Perspective - Jade Street”** are artistic depictions of the human-scale vision for a vibrant urban experience.

Note that the buildings depicted in these figures provide context and illustrate the proposed scale and massing, but are not representative of the proposed architectural design; see Part 8 of this PD document for building design controls and representative examples of architectural design intent.

### C. Design Plan

The “Design Plan” for the Ivy District establishes the proposed conceptual design for the PD within the framework of the PD’s zoning and land use regulations, building form and development standards, and design controls. It is the intent of the Ivy District to implement the elements of the Design Plan

as proposed and depicted on the Design Plan exhibits, which are provided in Appendix B. However, during implementation of the PD, market and other factors may influence changes to elements of the Design Plan; changes that are in compliance with PD zoning and land use regulations, building form and development standards, and design controls will be considered “Minor Deviations.” Administration of Minor Deviations are discussed further in Part 3 of this PD document.

Descriptions of each Design Plan exhibit are provided below. Allowed variations that would be considered Minor Deviations are identified in Table 3.1 in Part 3 of this PD document.

***Exhibit B1 – “Site Plan”***

Illustrates the PD site boundaries and how the basic PD framework—street network and blocks—will be arranged and interface with existing conditions.

***Exhibit B2 – “Illustrative Master Plan”***

Identifies the types of buildings and other improvements proposed, and illustrates the proposed location and arrangement of the buildings and other improvements that would be effected by the complete implementation of the Ivy District PD. The rendered elements of this plan are artistic depictions and may not reflect the actual design; see Parts 8, 9 and 11 for building, streetscape and landscape design controls and representative examples of intended architectural, streetscape and landscape design character.

***Exhibit B3 – “Street Network Plan”***

Establishes (a) the number, types and classifications of streets that will be developed within and adjacent to the Ivy District, (b) their connection points to existing or planned new streets, and (c) their conceptual alignment and configuration.

***Exhibit B4 – “Building Program Plan”***

Illustrates the conceptual location, type, configuration and program areas of proposed buildings.

***Exhibit B5 – “Setbacks Plan”***

Illustrates application of setback standards based on the proposed program.

***Exhibit B6 – “Public Open Space Plan”***

Identifies land area proposed and calculated as public open space, and identifies proposed parks, greens, plazas, squares and gardens.

***Exhibit B7 – “Parkland Landscape Plan”***

Identifies the type and character of landscaping proposed within the public open spaces.

***Exhibit B8 – “Parkland Amenities Plan”***

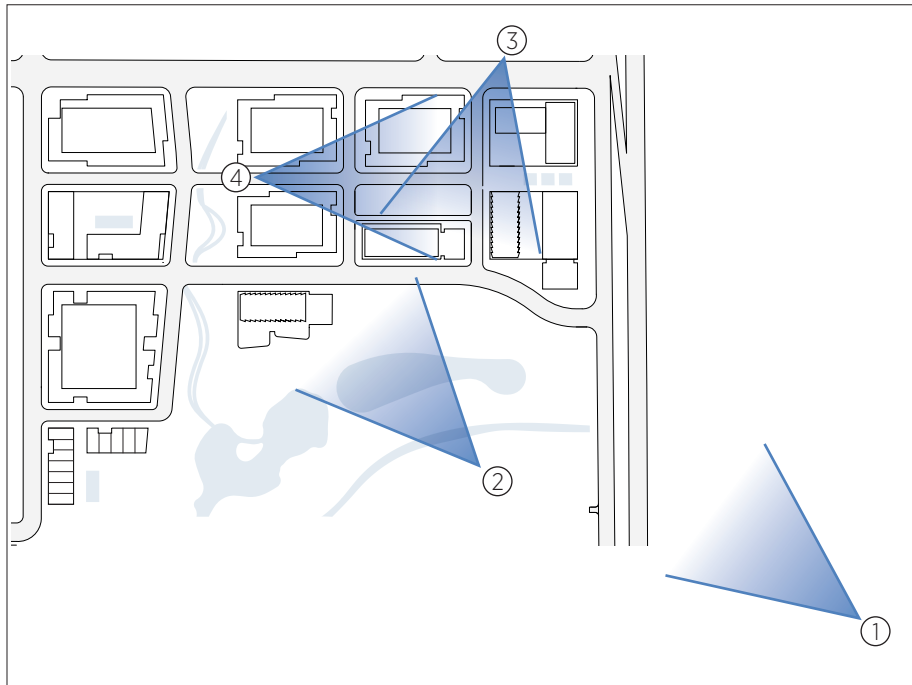
Identifies the type, locations, and quantities of amenities proposed within the public open spaces.

***Exhibit B9 – “Phasing Plan”***

Illustrates the boundaries of the proposed phases of development. See Part 3, Section H, for additional phasing information.



Figure 2.2 Illustrative Master Plan



**Figure 2.3** Illustrative Perspective Key Plan

- ① Figure 2.4 Illustrative Aerial Perspective
- ② Figure 2.5 Illustrative Perspective - Clear Creek Recreational Park
- ③ Figure 2.6 Illustrative Perspective - Green Ivy Drive
- ④ Figure 2.7 Illustrative Perspective - Jade Street





**Figure 2.4** Illustrative Aerial Perspective





Note: Renderings reflect design vision and final design may vary.





**Figure 2.5** Illustrative Perspective - Clear Creek Recreational Park





Note: Renderings reflect design vision and final design may vary.





Figure 2.6 Illustrative Perspective - Green Ivy Drive





Note: Renderings reflect design vision and final design may vary.





**Figure 2.7** Illustrative Perspective - Jade Street





Note: Renderings reflect design vision and final design may vary.

# 3 | ADMINISTRATION

## A. Components of the PD Document

The purposes of this PD document and its corresponding components are:

(1) Describe the purpose and intent of the Ivy District PD.

Part 1 – “Purpose and Intent of the Ivy District Planned Development”

(2) Provide a description of the PD site, the proposed conceptual design for the PD (the “Design Plan”), and overview of the zoning and regulatory framework.

Part 2 – “Description of the Ivy District Planned Development”

(3) Establish administrative procedures and other bases for City of Pearland officials and staff to assess development applications during the implementation phases.

Part 3 – “Administration”

(4) Establish definitions for terms that have specific application to and/or specific meaning relative to the Ivy District PD.

Part 4 – “Definitions”

(5) Establish the PD zone and zoning regulatory framework for the Ivy District PD.

Part 5 – “Zoning”

(6) Establish land use and development regulations.

Part 6 – “Land Use”

(7) Establish building form and other physical development standards.

Part 7 – “Building Form and Development Standards”

(8) Establish design controls to guide and instruct implementation of the PD.

Part 8 – “Building Design Controls”

Part 9 – “Street and Streetscape Design Controls”

Part 10 – “Signage Design Controls”

Part 11 – “Open Space Design Controls”

## B. Compliance with the Unified Development Code

The Ivy District Planned Development (PD) will be established as the City of Pearland’s “Ivy District” zoning district. Except as modified by this PD document, all development within the Ivy District shall comply with the requirements of the City of

Pearland’s (“City”) Unified Development Code, 8th Edition, January 2013, and the T-15 and T-16 amendments approved June 24, 2013, and December 16, 2013, referred to altogether throughout this PD document as “UDC.”

## C. Compliance with other City Requirements

Implementation of the Ivy District PD shall comply with all applicable City requirements, current at the time of implementation, including but not limited to, the Engineering Design Criteria Manual (EDCM).

## D. Compliance with Requirements of Authorities Having Jurisdiction

Implementation of the Ivy District PD shall comply with requirements of all authorities having jurisdiction over development of the site.

## E. Design Plan

The Design Plan established in Part 2 and Appendix B of this PD document illustrates the conceptual element of the PD, including proposed location and boundaries of the PD site and its access via the existing street network; location of buildings and other improvements; configuration and classification of the street network; location and arrangement of land uses and conceptual configuration and program for buildings; the application of setback standards based on the conceptual configuration and program for buildings; public open space and parkland landscaping and amenities; and phasing plan.

The Design Plan shall be construed in conjunction with the Ivy District zoning regulations established in Part 5 and Appendix C of this PD document, the land use provisions established in Part 6 of this PD document, building form and development standards established in Part 7 of this PD document, and the design controls established in Parts 8 through 11 of this PD document. Therefore, during implementation of the PD, changes to conceptual elements of the Design Plan due to market and other factors may be permitted as “Minor Deviations” provided that such changes are in compliance with PD zoning and land use regulations, building form and development standards, and design controls. Administration of Minor Deviations are discussed further in Section F below.



## F. Minor Deviations

During the implementation of the PD, the City Manager or his or her designee (altogether, “City Manager”) shall have the authority to approve “Minor Deviations” from the Design Plan without a public hearing process. Should the developer wish to appeal a decision of the City Manager on a proposed Minor Deviation, then the developer may apply for an appeal to the City Council for a ruling on the matter without a public hearing process. Should the developer wish to pursue a proposed change to the Design Plan that is not deemed a Minor Deviation by the City Manager, or by the City Council upon appeal, then the proposed change will be considered a “Major Deviation” administered according to the provisions in Section G below.

Allowed variations that would be considered Minor Deviations, subject to the approval processes described above, are identified in Table 3.1, on the following page.

## G. Major Deviations

“Major Deviations” from the Design Plan, development standards and design controls, and PD zoning and land-use regulations must be submitted to the City of Pearland’s Planning and Zoning Commission and City Council for approval with a public hearing as an amendment to the Ivy District PD.

Major Deviations include:

- (1) Any changes to the Ivy District zone characteristics or zoning and land-use regulating plans, and
- (2) Any variations from the Design Plan, building form, development standards, and design controls that are either (i) not listed in Table 3.1 and approved pursuant to the provisions of Section F above, or (ii) not otherwise permitted by the provisions of this PD document.

## H. Phasing

Exhibit B9 illustrates the boundaries of Phases 1 and 2. Generally, all development within Phase 1 must be complete prior to commencing development in Phase 2, as described below:

- (1) Development of the entire Clear Creek Recreational Park must be complete prior to granting of a Certificate of Occupancy by the City for the first building or groups of buildings to be completed in Phase 1.

(2) As a minimum, development of proposed buildings or other improvements must be completed on six of the eight development blocks within the Phase 1 boundaries (Blocks 1 through 7 and 12) and pad sites must be developed for the remaining two blocks before development on Blocks 8 through 11 within the Phase 2 boundaries may begin. A block shall be deemed developed when a building or other improvement is completed sufficient for its intended purpose and a Certificate of Occupancy is granted when applicable; however, usable space within a new building does not have to be fully leased or occupied.

(3) Development of the entire street network serving the area within the Phase 1 boundaries must be completed prior to commencing Phase 2 development. However, development of streets and pad sites for Phase 2 may begin and be completed during Phase 1 development.

(4) Completion of any additional on- and/or off-street improvements resulting from a traffic impact analysis (see Section I below) must be achieved for the entire 48.5 acre site during the first increment of Phase 1 development and if required will be a condition for granting of a Certificate of Occupancy for any building or facility.

(5) Drainage improvements, open space and parkland dedication requirements must be achieved proportionately as they apply to each increment of development within both primary phases and compliance must be demonstrated prior to granting of a Certificate of Occupancy for any building or improvement.

## I. Additional Requirements

### 1. Traffic Impact Analysis

A Traffic Impact Analysis (TIA) must be prepared for the Ivy District PD and approved prior to submittal of a plat application. Should the results of the TIA indicate that additional on- and/or off-site street improvements are required, then such improvements shall be incorporated as an amendment to the Ivy District PD prior to submittal of a plat application. Any additional street improvements resulting from the TIA must be completed for the entire 48.5 acre site during the first increment of development.

| <b>TABLE 3.1 MINOR DEVIATIONS</b>     |  |
|---------------------------------------|--|
| <b>Item</b>                           | <b>Allowed Variation</b>   |
| <b>Design Plan</b>                    |  |
| Site Plan (Exhibit B1)                | (a) The conceptual alignment of the streets and their connection points to existing streets where there is no existing intersection are allowed to vary during implementation of the PD, but the number of streets shall not change. (b) The general configuration of blocks are allowed to vary in correlation to permitted variations in conceptual street alignment, but the number of blocks shall not change. |
| Illustrative Master Plan (Exhibit B2) | The form, scale and design of buildings, streetscape and landscape depicted are artistic renderings of the design vision for the completed PD and the designs depicted are permitted to vary during implementation of the PD.  |
| Street Network (Exhibit B3)           | (a) The conceptual street alignment and connection points to existing streets where there is no existing intersection are allowed to vary during implementation of the PD, but the number of streets, designated street types and classifications, and connection points to existing intersections shall not change. (b) Street names are placeholders and may vary.   |
| Program Area (Exhibit B4)             | Locations, types, configurations and program of buildings are allowed to vary provided that variations are in compliance with PD zoning and land use regulations, building form and development standards, and design controls.  |
| Setbacks (Exhibit B5)                 | Setbacks depicted are allowed to vary in correlation to allowed program variations.  |
| Public Open Space (Exhibit B6)        | All proposed parks, greens, squares, plazas and gardens shall be developed in the general locations depicted, but their size and configuration are allowed to vary in correlation to permitted variations in street alignment, block configuration, buildings and structures.  |
| Parkland Landscape (Exhibit B7)       | The proposed configuration of landscaping and water bodies depicted may vary, but the general location and types of landscaping and water bodies may not vary.   |
| Parkland Amenities (Exhibit B8)       | The proposed configuration and placement of amenities depicted may vary, but the extent, types and quantities of amenities may not vary.   |
| Phasing (Exhibit B9)                  | Delineation of phases depicted is not allowed to vary; see Section H for further information on phasing.   |
| <b>Development Standards</b>          |  |
| Building Frontage                     | No more than 15% reduction in the length of the required frontage is allowed only to accommodate port cocheres for drop-off and pick-up areas.   |
| Street Cross Sections                 | Cross sections of new streets may be adjusted with respect to number of lanes, lane widths, on-street parking configuration, and pedestrian accommodation due to regulatory factors such as the results of a traffic impact analysis, to accommodate fire access, and the like.  |
| Detention / Retention Areas           | Location, configuration and/or shape of detention/retention areas may be varied due to regulatory factors such as those associated with the results of the drainage analysis.  |

## **2. Drainage Study**

A drainage study must be prepared for the Ivy District PD and approved prior to submittal of a plat application. Should the results of the drainage study indicate that additional on- and/or off-site drainage improvements are required, then such improvements shall be required to be incorporated as an amendment to the Ivy District PD prior to submittal of a plat application. Any additional drainage improvements resulting from the drainage study may be completed incrementally provided that drainage requirements are met for each increment of development.

## **3. Master Plans**

The following master plans for the entire Ivy District must be approved by the City Manager prior to submittal of a plat application:

- (1 ) Master Streetscape Plan, as prescribed in Part 9, Section C, of this PD document.
- (2) Master Signage and Wayfinding Plan, as prescribed in Part 10, Section A, of this PD document.
- (3) Master Public Open Space and Landscape Plan, as prescribed in Part 11, Section A, of this PD document.



## 4 | DEFINITIONS

In addition to Definitions in Chapter 5 of the City of Pearland UDC, 8th Edition, January 2013 and the T-15 and T-16 amendments approved June 24, 2013 and December 16, 2013, the following terms shall have the corresponding interpretations. The definitions in this subsection under the Ivy District PD document shall supersede definitions of any terms also in Chapter 5 of the UDC and shall only apply to development within the Ivy District.

### A. General Terms

**Assisted Living Facilities / Units (ALU)** are licensed by the State of Texas to provide personal assistance to residents. They typically have smaller accommodations than congregate or independent living facilities, and sometimes provide small kitchenettes.

**Auto-Related Sales and Service Uses** means establishments that provide retail sales and services related to automobiles including, but not limited to, cars, trucks, tires, parts, batteries, gasoline, etc.

**Balcony** is a platform projecting from a second or higher story interior or exterior wall of a building, usually enclosed for privacy and protection by a rail. A balcony usually has French or sliding glass doors leading out to it, and can be entered from a living room or bedroom.

**Block Face Dimensions** are the linear dimension of a block along one of its street frontages.

**Bioswales** are landscape elements designed to remove silt and pollution from surface runoff water. They consist of shallow, trough-like depressions with gently sloped sides (less than six percent) and filled with vegetation and/or compost. The water's flow path, along with the wide and shallow ditch, is designed to maximize the time water spends in the swale, which aids the trapping of pollutants and silt.

**Block Perimeter** means the aggregate dimension of a block along all of its street frontages.

**Block** means the aggregate of lots, pedestrian passages and rear alleys, circumscribed on all sides by streets (or the projected extension of streets, the Clear Creek floodway or other boundaries when not circumscribed on all sides by streets).

**Build-to Line** means the line at which the principal building's front façade shall be built.

**Building Form Standards** means the standards established for each Sub-District that specify the height, bulk, orientation, and elements for all new construction and development.

**Canopy** means an awning-like projection from a wall that is made of rigid materials and is permanently attached to a building's facade and allowed to project over public sidewalks.

**City Manager** means the City Manager of the City of Pearland or his/her designee.

**Colonnade** means a structure that is similar to an arcade except that it is supported by vertical columns without arches.

**Commercial or Mixed Use Building** means a building in which the first floor of the building is built to commercial ready standards and any of the floors are occupied by non-residential or residential uses.

**Commercial Ready** means space constructed at a minimum floor to floor height of 15 feet which may be used for non-commercial uses and can be converted into retail/commercial use. Prior to the issuance of a certificate of occupancy for a retail/commercial use in a Commercial Ready space, the space must comply with all building and construction codes for that use. The intent of Commercial Ready space is to provide the flexibility of occupying a space in accordance with market demand and allowing the use in such space to change to retail/commercial uses accordingly.

**Community Garden** is a small to medium size garden cultivated by members of an area for small scale agricultural uses for the benefit of the same people. It may consist of individually tended plots on a shared parcel or may be communal (everyone shares a single plot).

**Comprehensive Plan** means the City of Pearland Comprehensive Plan that establishes policy guidance for the long-term growth and development of the City as adopted on the effective date of this PD.

**Congregate Living Units (CLU)** are differentiated from independent living units (ILU) by the lack of full cooking facilities. They may have a kitchenette with refrigerator and microwave, sometimes a small cook-top, but they generally do not have an oven. They are not licensed to provide assisted living services.

**Continuing Care Retirement Community (CCRC)** means any buildings specifically designed for and occupied by senior citizens, designed to meet the physical or social needs of senior citizens, which may include: assisted living, congregate living, independent living or skilled nursing facilities, rehabilitative services, medical or personal care services, social gathering space, restaurant and dining space, assembly and entertainment space, or education and cultural space.

**Courtyard** is a landscaped open space, usually in the center of the block with no street frontage, bounded by walls or buildings on at least two sides.

**Encroachment** means any structural or non-structural element such as a sign, awning, canopy, terrace, or balcony that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public R.O.W., into an Easement, or above a height limit.

**Façade Rhythm** means the repetition of a vertical or horizontal feature, bay width or architectural element on a façade at a regular interval that provides scale and massing to a building.

**Forecourt** is a small private open space between a building facade and the Build-to Line.

**Formula Retail** means a retail business which, along with seven or more business locations, is required by contractual or other arrangement to maintain any of the following: standardized merchandise, services, décor, uniforms, architecture, colors, signs or other similar features.

**Gallery** means an extension of the main façade of the building that is at or near the front property line. The gallery or column-supported canopy-like structure may overlap the public sidewalk provided that (a) all columns remain within the property line of the building; and (b) with City approval.

**Garden Style Apartment** means a development of one or more apartment buildings in which each building is no more than four stories tall, and there are no internal hallways or stairs connecting any individual units. Entries to each apartment unit are from a common exterior stairwell or sidewalk that serve more than two units, and the buildings are typically surrounded by outdoor landscaping, hardscape, and surface parking.

**Independent Living Units (ILU)** are defined by the presence of a private living area (a room or apartment that can be locked), with full cooking facilities (oven and cooktop as well as a refrigerator and sink). Independent living for older adults may be on a campus with other types of living and care such as assisted living, or they may be limited to amenities and some services.

**Kiosk** means a small temporary or permanent structure often open on one or more sides used for sales in civic/open spaces.

**Live-Work Unit** means a mixed-use building type with a dwelling unit that may also be used for work purposes, provided that the 'work' component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level and constructed as separate units under a condominium regime or as a single unit. The 'work' component is usually located on the first floor which is built to Commercial Ready standards. The 'live' component may be located on the street level (behind the work component) or any other level of the building. Live-work unit is distinguished from a home occupation otherwise defined by this ordinance in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises, and customers may be served on site.

**Living Screen** means a Street Screen composed of landscaping in the form of vegetation.

**Master Sign Plan** means a unique sign plan to implement a specific vision for a portion or all of the development that meets Part 10 of this PD document.

**Minor Modification** means any changes to the Ivy District PD that meet the threshold criteria established in Part 3F and Table 3.1.

**Patio** is an outdoor space for dining or recreation that adjoins a residence and is often paved. It may also be a roofless inner courtyard within a residence, typically found in Mediterranean dwellings.

**Pedestrian Easement** means a grant of use of private property to the public for pedestrian access and use.

**Pedestrian Passage** is an intimate street level passage way for pedestrians from the interior of one block or building to a public sidewalk. These paths provide direct pedestrian access to residential addresses and create unique spaces for frontages to engage and enter off of.

**Playground** is a space designed and equipped for children's recreation. A playground may be fenced and may include an open shelter. Playgrounds may be located within residential areas, placed within a block, or included in other civic/open spaces.

**Private Open Space** means open space provided for all residential uses, privately accessible open spaces such as courtyards, porches, and balconies.

**Public Open Space** means publicly accessible open space in the form of parks, gardens, squares, plazas, greens, pocket parks, playgrounds, etc. that may be privately or publicly owned.

**Garden (formal)** means a Public Open Space with formal landscaping intended to be a quiet, relaxing and meditative space.

**Green** means a Public Open Space intended for unstructured recreation, spatially defined by landscaping rather than building frontages.

**Park** means a Public Open Space that is a preserve largely available for unstructured recreation.

**Plaza** means a primarily hardscaped Public Open Space with formal landscaping, available for civic purposes and commercial activities.

**Square** means a Public Open Space designed for unstructured recreation and civic purposes, spatially defined by building frontages and consisting of paths, lawns and trees, formally arranged.

**Recommended Public Open Space** means plaza, green, square, or park area identified on Exhibit B6, Public Open Space Plan, which is shown as a suggested feature within the Ivy District. A Recommended Public Open Space is not required and is at the election of an applicant or developer.

**Regulating Plan** means the Ivy District Regulating Plans attached hereto as Appendix C that shows the Sub-Districts, Land Uses, open space, general layout of the street network, and other Special Requirements applicable to the Ivy District subject to the standards in this PD document.

**Required Public Open Space** means plaza, green, square, or park area identified on Exhibit B6, Public Open Space Plan, which is shown as a mandatory feature within the Ivy District. A "Required Public Open Space Plan" shall be provided at the time of development and its design and location may be adjusted to meet the context of the development provided it meets the standards established in Part 11 of this PD document.

**Residential Building** means a building type that is built to accommodate only residential uses on all floors of the building such as townhomes, apartment buildings, duplexes, etc.

**Retail Sales** Retail establishments are the final step in the distribution of merchandise. They are organized to sell in small quantities to many customers. Establishments in stores operate as fixed point-of-sale locations, which are designed to attract walk-in customers. Retail establishments often have displays of merchandise and sell to the general public for personal or household consumption, though they may also serve businesses and institutions. Some establishments may further provide after-sales services, such as repair and installation. Included in, but not limited to this category, are durable consumer goods sales and service, consumer goods, other grocery, food, specialty food, beverage, dairy, etc., and health and personal services. Excluded from this category are formula retail establishments (refer to formula retail definition).

**Roof Terraces** are flat areas on top of a building which are accessible for use as a recreation space for the residents and users of the building.

**Senior Citizen** includes any elderly person over the age of 55 (This age criteria is the same as the City of Pearland UDC, 8th Edition, January 2013 and the T-15 and T-16 amendments approved June 24, 2013 and December 16, 2013 definition for "Assisted Living Facility")

**Service Uses** means a category for limited personal service establishments which offer a range of personal services that include (but not limited to) clothing alterations, shoe repair, dry cleaners, laundry, health and beauty spas, etc.

**Sign, Building Blade** means a pedestrian-oriented sign that is affixed perpendicular to the corner of a building or to the front façade of a building above the first floor to provide identification for the whole building.

**Sign, Marquee** means a sign structure placed over the entrance to a theatre or other public gathering venue. It has signage stating either the name of the establishment or the name of the event, artist, and other details of the event appearing at that venue. Marquee signs may often be combined with Building Blade signs.

**Sign, Monument** means any sign which is connected to the ground and which has no clear space for the full width of the sign between the bottom of the sign and the surface of the ground. A monument sign may include a sign face and sign structure, and may also include a sign base and sign cap.

**Sign, Sandwich Board** means a portable sign consisting of two panels of equal size, which are hinged at the top or one panel with a support and placed on the ground or pavement so as to be self-supporting.

**Sign, Tenant Blade** means a smaller pedestrian-oriented sign that is affixed perpendicular to the building façade under a canopy or awning or immediately over a tenant space and provides identification for individual tenants within a building.

**Skilled Nursing Facilities (SNF)** are licensed in the State of Texas. They provide 24-hour supervision and nursing/medical care.

**Street Screen** means a freestanding wall or living screen built along the BTZ or in line with the building façade line along the street. It may mask a parking lot or a loading/service area from view or provide privacy to a side yard and/or strengthen the spatial definition of the public realm.

**Street Type** means a specific designation for streets in the Ivy District that establishes a certain character and cross-sections to improve walkability within the development.

**Street Network** means the Required and Recommended network for new and existing streets within the Ivy District as established in the Street Network Plan, Exhibit B3.

**Sub-District** means an area within the Ivy District development that creates a distinct urban form different from other areas

within the Ivy District. Sub-Districts are identified in the Sub-Districts Regulating Plan, Exhibit C1.

**Tree Planting Area** means the actual ground area which is disturbed for planting a tree. It shall include the root ball and backfill soil around it. The tree planting area may be larger than the tree well which is placed over the tree planting area.

**Tree Well** means an unpaved area around the trunk of a tree within the sidewalk area that is either landscaped with ground cover or covered with a tree grate.

## B. Technical Terms

**Arcade** means a portion of the main façade of the building that is at or near the property line and a colonnade that supports the upper floors of the building. Arcades are intended for buildings with first floor commercial or retail uses and the arcade may be one or two stories.

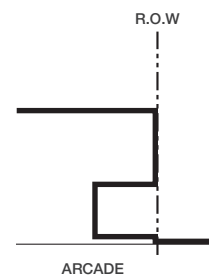


Figure 4.1 Arcade

**Build-to Zone (BTZ)** means the area between the minimum and maximum setbacks within which the principal building's

front façade (building façade line) is to be located.

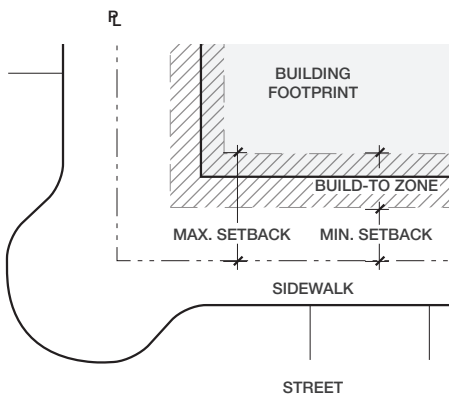


Figure 4.2 Build-to Zone

**Building Façade Line** means the vertical plane along a lot where the portion of the building's front facade closest to the street is actually located.

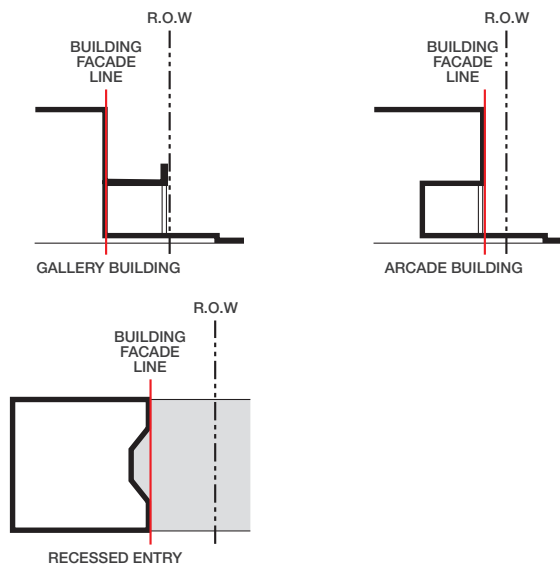


Figure 4.3 Building Façade Line

**Building Frontage** means the percentage of the building's front façade that is required to be located at the front Build-to Line or Zone as a proportion of the lot's frontage along that public street. Courtyards, forecourts, and pedestrian breezeway frontages shall be considered as building façade for the calculation of building frontage.

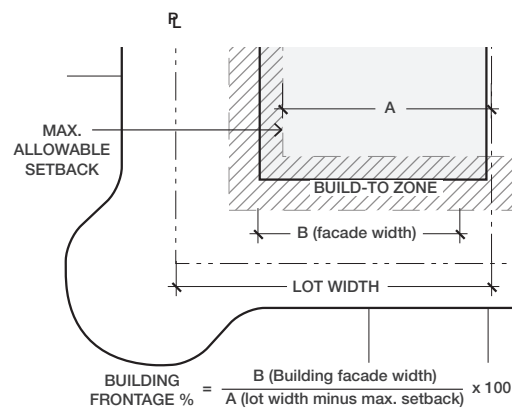


Figure 4.4 Building Frontage Calculation

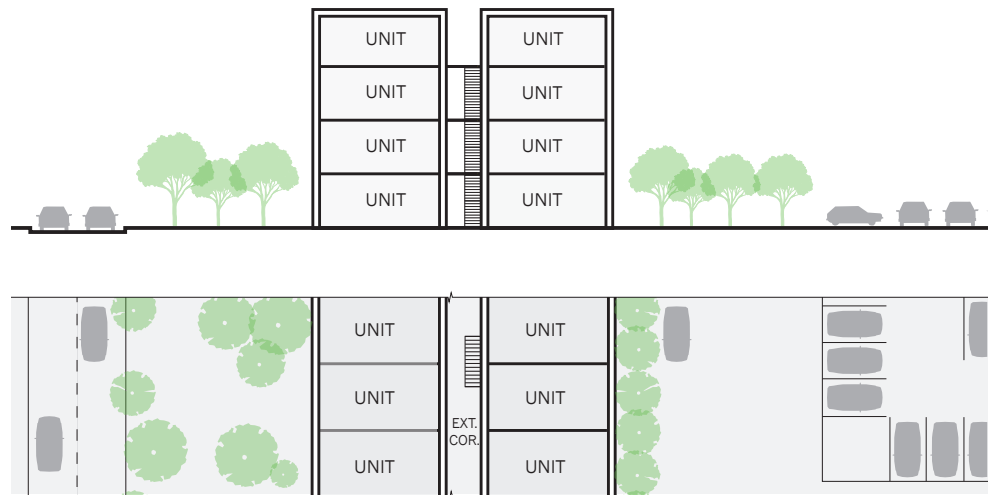
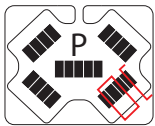
## C. Residential Building Typology

### 1. Garden Style Apartment

- a. A large development of small, clustered apartment buildings.
- b. Each building is usually two to four stories tall, and there are no internal hallways, although adjacent apartments may share a wall.
- c. Each apartment entrance is from a common stairwell or patio, and the buildings are typically surrounded by outdoor landscaping, patios, and large surface parking lots.

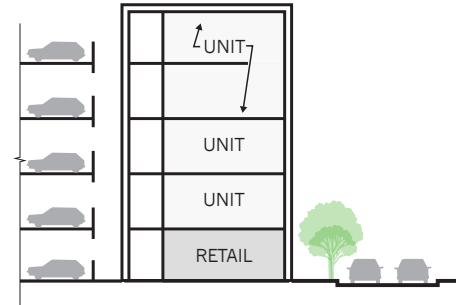
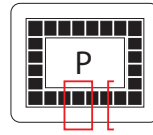
#### Typical Characteristics

Typically setbacks are between 30' and 60'.  
 Direct access to each unit is from common external circulation areas.  
 Typically there is no street level retail.  
 Surface parking areas.



## 2. Urban Style Dwellings with Internal Parking

- Self-contained dwelling units that occupy only part of a building.
- Plan organization where all the dwelling units are along one side of the access corridor.
- Residential units surround an internal parking structure.
- Buildings are usually 3- to 5-stories tall and reinforce the street edge.



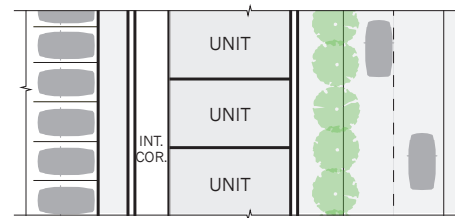
### Typical Characteristics

Setbacks are regulated to be between 5' and 15'.

Common point of entry into lobby accessing common internal circulation area (direct access to street level units is permitted if there is no street level retail).

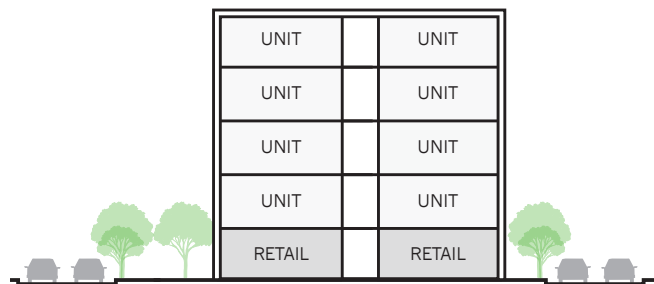
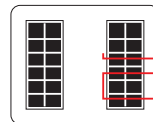
Street level retail is permitted and typical for this building type.

All parking structures must have at least 3 sides of occupiable uses and the remaining side must have an architectural screen.



## 3. Urban Style Dwellings with No Internal Parking

- Self-contained dwelling units that occupy only part of a building.
- Plan organization where all the dwelling units are along either side of a corridor.
- Buildings are usually 3- to 5-stories tall and reinforce the street edge.



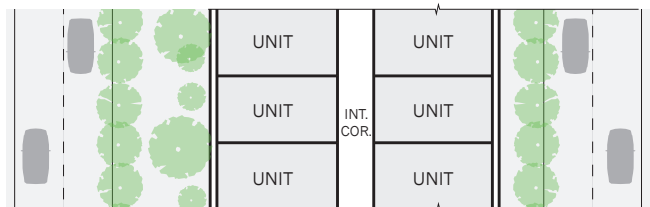
### Typical Characteristics

Setbacks are regulated to be between 5' and 15'.

Common point of entry into lobby accessing common internal circulation area (direct access to street level units is permitted if there is no street level retail).

Street level retail is permitted and typical for this building type.

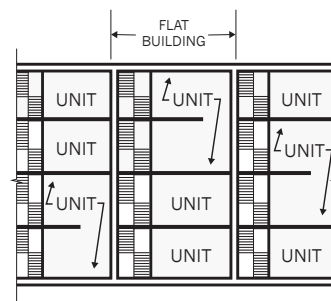
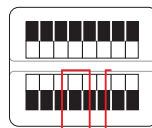
All parking structures must have at least 3 sides of occupiable uses and the remaining side must have an architectural screen.





#### 4. Flats or Lofts

- A dwelling unit having a common wall with or abutting one or more adjacent buildings, with both front and rear access to the outside.
- A flat or loft building contains multiple dwelling units organized vertically and is adjacent to other flat or loft buildings on either side, but not on its front or back.



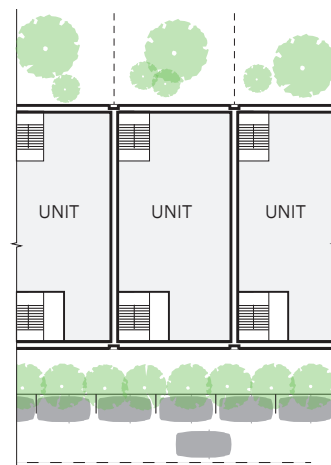
##### Typical Characteristics

Setbacks are regulated to be between 5' and 15'.

Access to each "stack" of units is from the street level leading to common internal circulation area.

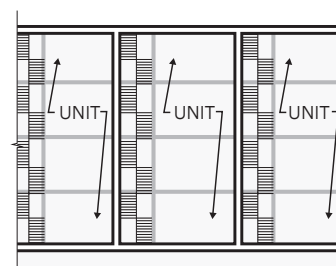
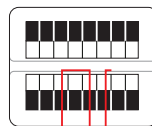
Street level retail is permitted but not typical for this building type.

All parking structures must have at least 3 sides of occupiable uses and the remaining side must have an architectural screen.



#### 5. Townhouse

- A dwelling unit having a common wall with or abutting one or more adjacent buildings and neither above nor below any other dwelling unit.
- Dedicated front and rear access to the outside.



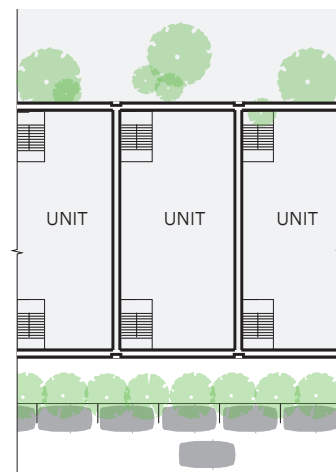
##### Typical Characteristics

Setbacks are regulated to be between 5' and 15'.

Direct access to each unit from street level with private internal circulation.

Street level retail is permitted, but not typical for this building type.

All parking structures must have at least 3 sides of occupiable uses and the remaining side must have an architectural screen.



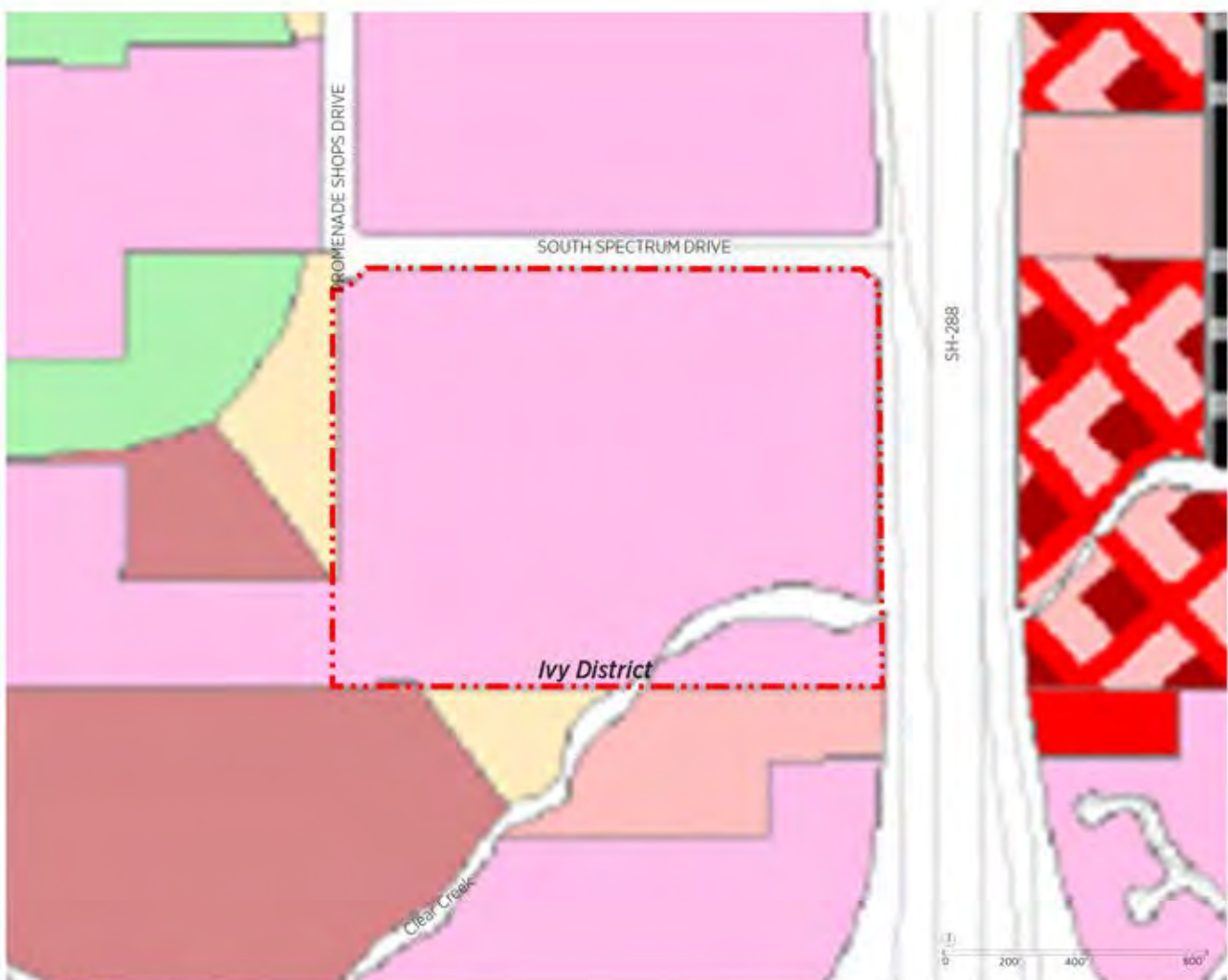
## 5 | ZONING

### **A. Relationship to the Base Zoning District**

The Ivy District site was previously zoned for another PD that was not implemented and has expired; therefore, the base zoning district for the site is now designated for an unspecified PD. Prior to designation as a PD zoning district, the site was primarily within the Spectrum zoning district; specifically, Districts S1, S2 and S3. The intended character of development within those districts is generally similar to the Ivy District. In addition, the Ivy District site is also within the area proposed for a new “Lower Kirby Urban Center,” which the City has incorporated into its Comprehensive Plan, but a corresponding

zoning district has not been established. The intended character of development with the proposed Lower Kirby Urban Center is also generally similar to the Ivy District.

In consideration of all of the above factors, The Ivy District PD will establish a new zoning district that will replace the current unspecified PD zoning district and be governed by development regulations, design controls, and administrative and other requirements established in this PD document. Figure 5.1, on the following page, illustrates the boundaries of the Ivy District superimposed on the City’s Zoning Map.



**Figure 5.1** Zoning Plan Excerpt

Source: City of Pearland Zoning Plan, 27 Jan 2014

| Zoning Districts Legend |        |
|-------------------------|--------|
| SP1                     | GB     |
| SP2                     | GC     |
| SP3                     | BP-288 |
| SP4                     | PD     |
| Ivy District Boundary   |        |

## **B. Influence of the Proposed Lower Kirby District**

The Ivy District site is also located within a portion of a proposed new “Lower Kirby Urban Center” (referred to also as the “Lower Kirby” plan) that the City has incorporated into its Comprehensive Plan. Therefore, the planning for the proposed Ivy District was influenced by the vision for the Lower Kirby plan, and the basis and template for this PD document was the “Proposed Form-based Code for Lower Kirby Urban Center,” dated November 17, 2011.

The Lower Kirby plan establishes five “Character Zones,” three of which are designated for the land within the Ivy District site. The following is a summary description of those Character Zones:

### **1. Urban Neighborhood**

Designated for land on the west/southwest portion of the Ivy District site, the Urban Neighborhood consists primarily of a residential fabric. The area is intended to have a mix of small apartments, townhomes and live-work units with commercial activity concentrated at street intersections and along the Clear Creek frontage.

### **2. Highway Commercial**

Designated for land on the east/northeast portion of the Ivy District site, Highway Commercial is intended to provide an appropriate transition in the Lower Kirby Urban Center from the Beltway 8 and SH 288 access roads. This area is intended for regional office and retail development.

### **3. Commercial Transition**

Designated for a small portion of land on the northwest corner of the Ivy District site, Commercial Transition is intended to provide for a range commercial (retail, office and live-work) and residential uses as a transition from the Mixed Use core (designated for land northwest of the Ivy District site).

In addition to the Character Zones described above, the Lower Kirby plan also designates Clear Creek and the land within its floodway in the southeast corner of the Ivy District site as required open space.

Figure 5.2, on the following page, illustrates the boundaries of the Ivy District superimposed on the Lower Kirby plan. As will be discussed further below, the Ivy District will establish sub-districts with similar qualities as the three Lower Kirby Character Zones described above.

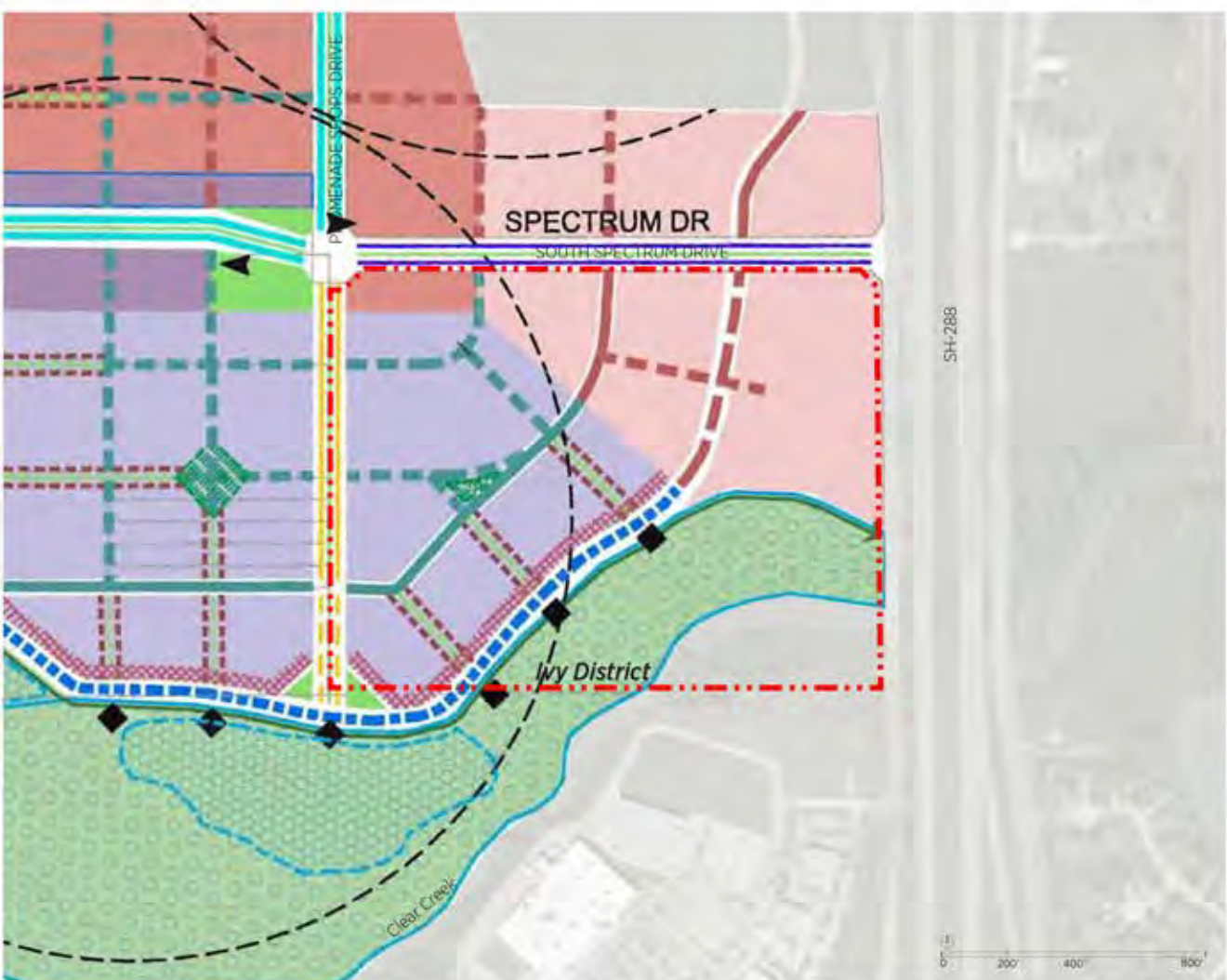


Figure 5.2 Lower Kirby Plan Excerpt

Source: City of Pearland, Lower Kirby Urban Center Development Code, 24 Jun 2011

#### Lower Kirby Legend

|  |   |                                      |
|--|---|--------------------------------------|
| <b>Character Zones</b>                 | <b>Streets</b>  | <b>Frontage Type</b>                 |
| Urban Neighborhood                     | AV-94-48 (2-Lane Avenue)  | "Promenade" Frontage                 |
| Commercial Transition                  | "Neighborhood Tributary" - ROW varies   | <b>Special Conditions</b>            |
| Highway Commercial                     | ST-62-38 (Urban Neighborhood Street - Type A)   | Recommended Civic Use                |
| <b>Open Space</b>                      | Waterfront Promenade  | Recommended Access Point to Greenway |
| Required Regional Detention / Floodway | AV-82-44 (Avenue)   | Approximate Parcel Line              |
| Designated Floodway                    | RD-44-22 (Service/Access Road)  | 1/4-mile Radius Pedestrian Shed      |
| Required Open Space                    | *** NOTE: For all street types, a dashed line denotes a recommended private street; a solid line denotes a public required street | Bike/ped-way                         |
|  |   | Ivy District Boundary                |

### **C. Proposed Ivy District**

The proposed Ivy District will include two sub-districts for which their corresponding land use characteristics and locations within the Ivy District are generally consistent with the Lower Kirby Character Zones described above. In addition, a third sub-district will be established that designates Clear Creek and the land within its floodway as required open space, also consistent with the Lower Kirby plan. Therefore, these three Ivy District sub-districts will effectively be the first increment in the development of the Lower Kirby Urban Center.

The Ivy District sub-districts are described below.

#### **1. “Public Square” Sub-district**

The Public Square Sub-district will be zoned for “Mixed Use – Predominantly Commercial.” This Sub-district will have the tallest buildings, highest density and the most pedestrian activity. This Sub-district will have the greatest variety of uses, consisting of retail, office, hotel, and potentially some residential. Required open space will also be incorporated into the development of this Sub-district, envisioned predominantly in the form of a public square that will be an organizing feature of this Sub-district. This Sub-district combines characteristics of the Lower Kirby “Highway Transition” and “Commercial Transition” zones.

A parcel of land south of Clear Creek is also a part of the Public Square Sub-District. That parcel is designated for potential development of commercial and/or retail uses; development within the parcel will comply with all zoning and land-use regulations, building form and development standards, design controls, and administrative and other requirements established in this PD document, specifically as they apply to the Public Square Sub-district.

#### **2. “Parkside Neighborhood” Sub-district**

The Parkside Neighborhood Sub-district will be zoned for Mixed Use – Predominantly High Density Residential.” This Sub-district will consist primarily of an urban residential fabric, with street-level retail in strategic areas. Commercial development compatible with the residential neighborhood would also be permitted in the eastern portion of this Sub-district. Required open space will also be incorporated into the development of this Sub-district, envisioned predominantly in the form of public parks that will be an organizing feature of this Sub-district. This Sub-district combines characteristics of the Lower Kirby “Urban Neighborhood” and “Commercial Transition” zones.

#### **3. “Clear Creek” Sub-district**

The Clear Creek Sub-district will be zoned for “Public Open Space.” This Sub-district is defined by the Clear Creek floodway and will be developed as public open space, envisioned as a recreational park.

The proposed Ivy District Sub-districts and their relationship to the proposed Lower Kirby plan are illustrated in Figure 5.3, on the following page.



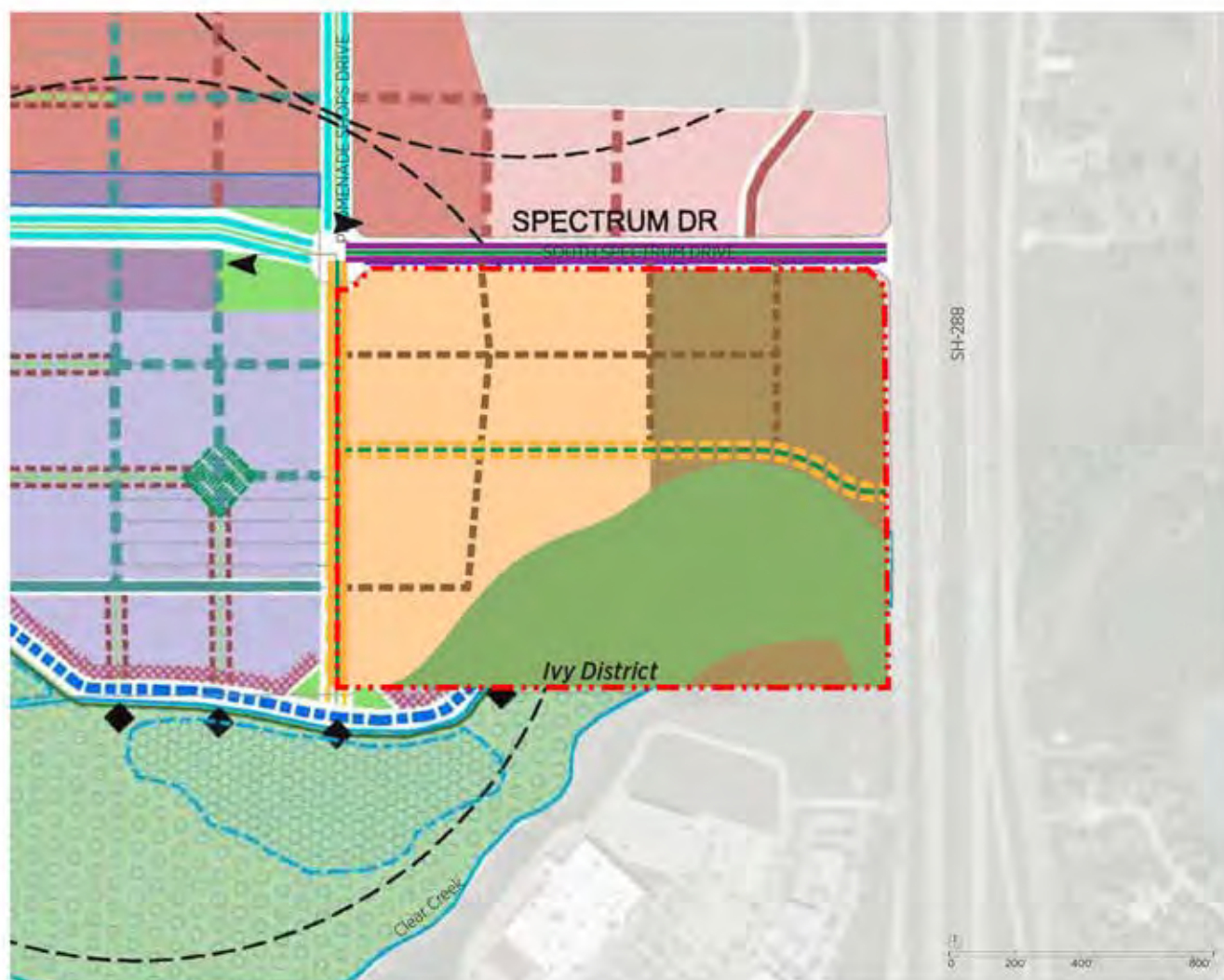


Figure 5.3 Ivy District Plan (overlying Lower Kirby Plan)

#### Ivy District Legend

##### Sub-districts

- Public Square
- Parkside Neighborhood
- Clear Creek
- Ivy District Boundary

##### Street Types

- "Boulevard" Street
- "Neighborhood Collector" Street
- "Local" Street
- Solid line denotes a Public Street, fixed alignment
- Dashed line denotes Private Street, variable alignment



#### **D. Permitted Land Use**

To further reinforce the intent of the Ivy District Sub-districts, only specified land uses will be permitted for each block that correspond to the desired characteristics of the Sub-district to which they belong. The permitted land uses, by general categories, are illustrated in Figure 5.4, on the following page, and discussed further in Part 6 of this PD document.

#### **E. Regulating Plans**

The Regulating Plans described below and included in Appendix C, “Regulating Plans,” establish the Ivy District PD zoning sub-districts and permitted land uses.

##### **1. Ivy District Sub-districts Regulating Plan**

Included in Appendix C, Exhibit C1, is the “Ivy District Sub-district Regulating Plan” that establishes the boundaries of the Ivy District and its Sub-districts as described above. No variations from this plan shall be permitted without amending the Ivy District PD.

##### **2. Ivy District Land Use Regulating Plan**

Included in Appendix C, Exhibit C2, is the “Ivy District Land Use Regulating Plan” that establishes the permitted land uses for each development block within the Public Square and Parkside Neighborhood Sub-districts, as well as the permitted land use for the Clear Creek Sub-district. Note the following:

- (1) For the Public Square and Parkside Neighborhood Sub-districts, permitted land uses are established under the following general categories: Commercial, Retail and Residential. Refer to Part 6 for more information on specific land uses permitted within these categories. For any given block, the permitted uses include all or any combination of the uses specified. Further, public open space shall also be incorporated within the development of the blocks as required to comply with open-space requirements established in Part 6 this PD document.
- (2) For the Clear Creek Sub-district, public open space is the only permitted land use. Refer to Part 6 of this PD document for more specific information on allowed development within public open space.
- (3) The street network depicted on this plan and the corresponding block configurations are provided for context and reference and may vary during implementation in accordance with the Minor Deviation provisions established in Part 3 of this PD document. However, variations from the number of blocks, their designated locations, and their permitted land uses as established by this plan shall not be permitted without amending the Ivy District PD.



Figure 5.4 Land Use Regulating Plan

#### Ivy District Legend

|                                 |                     |                       |
|---------------------------------|---------------------|-----------------------|
| Commercial, Retail              | Retail, Residential | Public Open Space     |
| Commercial, Retail, Residential | Residential         | Ivy District Boundary |

#### Notes:

1. The depicted alignment of streets and configuration of blocks are conceptual and variable pursuant to the minor deviation provisions established in this PD document.
2. Public open space is the only permitted land use where indicated on this plan; however, public open space shall also be incorporated in the development blocks as required to meet open space requirements as established in this PD document.

6 | LAND USE

A. Ivy District Area Summary

Exhibit C1, “Ivy Districts Sub-Districts Regulating Plan,” establishes the boundaries of the Sub-districts; Table 6.1 presents the gross areas of the Ivy District Sub-districts.

| TABLE 6.1 - ZONING SUB-DISTRICTS AREA |            |
|---------------------------------------|------------|
| Public Square                         | 11.7 acres |
| Parkside Neighborhood                 | 21.3 acres |
| Clear Creek                           | 15.5 acres |
| Ivy District Total                    | 48.5 acres |

B. Land Use Area Summary

1. Permitted Land Uses

Exhibit C2, “Ivy District Land Use Regulating Plan” designates the permitted land-use categories for the Ivy District Sub-districts, designated by general category—Commercial, Retail, Residential—for each block. Due to the mixed-use nature of the Ivy District PD, more than one permitted use is assigned to most blocks. Table 6.2 presents a summary of the area (acres) of each land use category.

| TABLE 6.2 - PERMITTED LAND USE AREAS        |                          |
|---|--------------------------|
| Use   | Location                 |
| Mixed Use - Commercial, Retail              | Blocks 1, 2, 4 and 12    |
| Mixed Use - Commercial, Retail, Residential | Blocks 3 and 7           |
| Mixed Use - Residential, Retail             | Blocks 5, 6 and 8        |
| Residential                                 | Blocks 9, 10 and 11      |
| Public Open Space                           | Clear Creek Sub-district |

2. Schedule of Permitted Uses

Table 6.3, on pages 42-43, establishes a schedule of specifically permitted uses for the Ivy District grouped under general land use categories, and Table 6.4, on pages 44-45, establishes use criteria. Specific uses that are not listed in the schedule but are substantially similar to specified uses may be permitted in accordance with deviation procedures established in Part 3 of this PD document.

C. Building Program

Exhibit B4, “Building Program Plan,” illustrates the proposed program for Ivy District buildings. Table 6.5, on page 46, establishes density limits, either minimum or maximum (as applicable to a specific use), in terms of either gross area (square footage) or number of units (as applicable to a specific use) for the buildings, grouped by general land use categories. Table 6.6, on page 46, provides program densities expected at the completion of each phase, as illustrated in Exhibit B9, “Phasing Plan,” and described in Section H of Part 3 of this PD document.

D. Residential

1. Residential Density

The residential component of the Ivy District will be comprised of a maximum of 1,150 residential units. Refer to Table 6.7, on page 46, for Residential Density calculations as defined by the UDC.

2. Residential Building Types

Exhibit B2, “Illustrative Master Plan,” indicates the type of residential buildings envisioned in the residential land-use locations. Thorough definitions of each proposed residential building type in the Ivy District are provided in Part 4, Section C, of this PD document. “Urban Style Dwellings” with internal parking shall comprise a minimum of 50% of all residential units.

3. Prohibition of Garden Style Apartments

A thorough definition of “Garden Style Apartment” type of residential building is provided in Part 4, Section C, of this PD document. Due to the desire to create a vibrant, “urban style” neighborhood within the Ivy District, construction of any garden style apartments within any sub-district of the Ivy District is expressly prohibited.

## E. Continuing Care Retirement Community (CCRC)

### 1. Description

The Continuing Care Retirement Community (CCRC) will be a single tall building categorized as a commercial use. The CCRC will have the following defining characteristics:

- Healthcare facilities licensed by the State of Texas
- Structured entrance fees and/or monthly fees
- Support-staff intensive
- Age-restricted population
- Aging in place benefits and resources
- Hospitality and Healthcare related staff
- Dedicated commercial dining facilities for daily meal service
- Multiple programs, services and amenities for residents

The principal elements of the CCRC will be:

- Independent living units
- Assisted living units
- Memory care units
- Skilled nursing units

### 2. Independent Living Component

Approximately 70% of the total units will be independent living units; the exact number of independent living units developed will be required to be included in the required open space calculations. For purposes of this PD document, 158 units (70% of the minimum 225 total units) is included in the calculation of open space and parkland dedication requirements in Sections G and H.

### 3. Healthcare Component

The healthcare component of the CCRC includes the assisted living, memory care and skilled nursing units. Those healthcare-related units shall comprise a minimum of 30% of all CCRC units.

## F. Community Center

The Community Center is envisioned as a space that can be used for residents living in the Ivy District community or the Greater Pearland community for public or private events, activities or performances. As illustrated on Exhibit B4, "Building Program Plan," the Community Center is proposed to be located in the street level of the residential building on Block 7.

## G. Public Open Space Requirements

### 1. The Calculation of Open Space Requirements

The total amount of open space required for the Ivy District shall be calculated as follows:

- 900 sf/residential unit
- 900 sf/independent living unit in the CCRC

Based on the proposed Design Plan, the estimated open space requirement is:

- 1,150 residential units x 900 sf = 23.8 acres
- 158 CCRC independent living units x 900 sf = 3.3 acres
- Total required = 27.1 acres

As illustrated in Exhibit B6, "Public Open Space Plan," 18.7 acres of public open space is proposed. An additional amount of private open space will also be developed, but it would be difficult to achieve program goals as well as the additional 8.4 acres of open space required by the calculation above. Further, the total requirement of 27.1 acres of public open space is 55.9% of the gross area, which is contradictory to the goals of a walkable urban neighborhood. Due to the nature of the traditional neighborhood design contemplated in the Lower Kirby Urban Center and proposed for the Ivy District, the density of residential units in the Ivy District PD zoning district will be significantly higher than any other current zoning district. Therefore, the higher residential density resulting from an urban neighborhood must be taken into account in the application of open space requirements.

|   | <i>Sub-District</i> | <i>Public Square</i> | <i>Parkside Neighborhood</i> | <i>Clear Creek</i> |
|---|---------------------|----------------------|------------------------------|--------------------|
| <b>TABLE 6.3 - SCHEDULE OF PERMITTED USES</b>   |                     |                      |                              |                    |
| <b>Commercial Uses</b>  |                     |                      |                              |                    |
| Finance, Insurance, and Real Estate establishments including banks, credit unions, real estate, and property management services, with no drive through facility  | P                   | P/C                  | NP                           |                    |
| Offices for business, professional, and technical uses such as accountants, architects, lawyers, doctors, etc.  | P                   | P/C                  | NP                           |                    |
| Research laboratory headquarters, laboratories and associated facilities  | P                   | NP                   | NP                           |                    |
| Hotels  | P/C                 | NP                   | NP                           |                    |
| Continuing Care Retirement Community (CCRC)   | P/C                 | P/C                  | NP                           |                    |
| <b>Retail Uses</b>  |                     |                      |                              |                    |
| Formula Retail  | P/C                 | P/C                  | NP                           |                    |
| Retail Sales or Service with no drive through facility (includes alcohol sales which shall meet Chapter 4 of the City of Pearland Code of Ordinances. Excluded from this category are Auto-Retail Sales and Service Uses (see Part 4 of this PD for Definition of Retail, Service uses, and Auto-related Sales and Service)   | P                   | P/C                  | NP                           |                    |
| Food Service Uses such as full-service restaurants, cafeterias, caterers, bakeries and snack bars<br>Included in this category is café seating within a public or private sidewalk area with no obstruction of pedestrian circulation. Also included in this category is the sale of alcoholic beverages which shall meet Chapter 4 of the City of Pearland Code of Ordinances. | P                   | P/C                  | P/C                          |                    |
| <b>Residential Uses</b>   |                     |                      |                              |                    |
| Home Occupations  | P/A                 | P/A                  | NP                           |                    |
| Multi-family Residential  |                     |                      |                              |                    |
| First Floor   | NP                  | P/C                  | NP                           |                    |
| Upper Floor   | P                   | P                    | NP                           |                    |
| Residential Lofts   | P                   | P                    | NP                           |                    |
| Single-family residential attached dwelling unit (Townhomes)  | NP                  | P                    | NP                           |                    |
| Live-work unit  | P                   | P                    | NP                           |                    |
| Garden Style Apartment  | NP                  | NP                   | NP                           |                    |
| <b>Other Uses</b>   |                     |                      |                              |                    |
| Art galleries   | P                   | P/C                  | NP                           |                    |
| Art, antique, furniture or electronics studio (retail, repair or fabrication; excludes auto electronics sales or service)   | P                   | NP                   | NP                           |                    |
| Games arcade establishments   | P/CUP               | NP                   | NP                           |                    |
| Theater, cinema, dance, music or other entertainment establishment  | P                   | NP                   | NP                           |                    |
| Performing arts center  | P                   | NP                   | NP                           |                    |
| Community center  | P                   | NP                   | NP                           |                    |
| Museums and other special purpose recreational institutions   | P                   | NP                   | NP                           |                    |
| Fitness, recreational sports, gym, or athletic club   | P                   | NP                   | P/C                          |                    |
| Parks, greens, plazas, squares, and playgrounds   | P                   | P                    | P                            |                    |
| Drag Strip, Fairgrounds, Gaming Establishment, Private Club or Adult Entertainment  | NP                  | NP                   | NP                           |                    |
| Business associations and professional membership organizations   | P                   | P/C                  | NP                           |                    |

|    |                    |       |  |     |                         |       |  |
|----|--------------------|-------|--|-----|-------------------------|-------|--|
| P  | Permitted by right | P/C   | Permitted with design criteria per Table 6.4 | P/A | Permitted Accessory Use | P/A/C | Permitted as an Accessory Use with design criteria per Table 6.4           |
| NP | Not Permitted      | P/CUP | Permitted with a Conditional Use Permit      | NA  | Not applicable          | A     | Accessory use to not exceed 25% of the primary use building square footage |

\*\*Model homes are limited to a time period until all homes are sold in the neighborhood.



|  | Sub-District | Public Square | Parkside Neighborhood | Clear Creek |
|--|--------------|---------------|-----------------------|-------------|
| <b>TABLE 6.3 - SCHEDULE OF PERMITTED USES, CONTINUED</b>   |              |               |                       |             |
| <b>Other Uses</b>  |              |               |                       |             |
| Child day care and preschools  | P            | P             | NP                    |             |
| Schools, libraries, and community halls  | P            | NP            | NP                    |             |
| Universities and Colleges  | P            | NP            | NP                    |             |
| Hospital   | NP           | NP            | NP                    |             |
| Clinic, Emergency Medical Center or Medical Office Building  | P            | NP            | NP                    |             |
| Civic uses   | P            | NP            | NP                    |             |
| Social services and philanthropic organizations  | P            | NP            | NP                    |             |
| Religious Institutions   | P            | NP            | NP                    |             |
| Funeral homes  | P            | NP            | NP                    |             |
| Warehouse and storage  | NP           | NP            | NP                    |             |
| Artisanal Production (included in this category are jewelry, silverware, personal metal goods, flatware, dolls, toys, games, musical instruments, medical equipment, high-tech/clean manufacturing, office supplies, and signs.) | P/C          | P/C           | NP                    |             |
| Wholesale trade establishment, Manufacturing or Assembly   | NP           | NP            | NP                    |             |
| Publishing (newspaper, books, periodicals, software)   | NP           | NP            | NP                    |             |
| Motion picture and sound recording   | P            | NP            | NP                    |             |
| Telecommunications and broadcasting (radio, TV, cable, wireless communications, telephone, etc.)   | NP           | NP            | NP                    |             |
| Information services and data processing   | P            | NP            | NP                    |             |
| Model homes for sales and promotion**  | P            | P             | NP                    |             |
| Cigars, Tobacco Shops (Retail Only)  | P/CUP        | NP            | NP                    |             |
| Parking, surface (primary use of property)   | NP           | NP            | NP                    |             |
| Parking, surface (accessory use of property)   | P/A          | P/A           | P/A                   |             |
| Parking, structure   | P            | P             | NP                    |             |
| Private attached garage  | NP           | P             | NP                    |             |
| Private detached garage  | NP           | P             | NP                    |             |
| Sales from kiosks  | P            | NP            | P                     |             |
| Community garden   | P            | P             | P                     |             |
| Antennas including cell, accessory, and mounted on top of buildings  | P/A/C        | NP            | NP                    |             |
| Solar energy equipment   | P/A/C        | P/A           | P/A                   |             |
| Special Event  | P/C          | P/C           | P/C                   |             |
| Rain harvesting equipment  | P/C          | P/C           | P/C                   |             |
| Utility equipment (includes electrical transformers, gas meters, etc.)   | P/A/C        | P/A/C         | P/C                   |             |
| Any use with a drive through facility  | NP           | NP            | NP                    |             |
| Auto-related Service, Bail Bonds, Crematorium, Travel Trailer, Home for Alcoholic, Narcotic or Psychiatric Patients or Pawn Shop   | NP           | NP            | NP                    |             |
| Veterinarian Animal Hospital (No Animal Hospital with Outside Pens)  | P            | NP            | NP                    |             |

|    |                    |       |  |     |                         |       |  |
|----|--------------------|-------|--|-----|-------------------------|-------|--|
| P  | Permitted by right | P/C   | Permitted with design criteria per Table 6.4 | P/A | Permitted Accessory Use | P/A/C | Permitted as an Accessory Use with design criteria per Table 6.4           |
| NP | Not Permitted      | P/CUP | Permitted with a Conditional Use Permit      | NA  | Not applicable          | A     | Accessory use to not exceed 25% of the primary use building square footage |

\*\*Model homes are limited to a time period until all homes are sold in the neighborhood.

| <b>TABLE 6.4 - USE CRITERIA</b>  |                                      |  |
|--|--------------------------------------|--|
| <b>Use</b>   | <b>Sub-District</b>                  | <b>Use Criteria</b>  |
| <b>Commercial Uses</b>   |                                      |  |
| Finance, Insurance, and Real Estate establishments   | Parkside Neighborhood, Clear Creek   | Building area shall not exceed 5,000 sf per instance, per block for Parkside Neighborhood. Limited to one (1) building in Clear Creek.   |
| Food Service Uses such as full-service restaurants, cafeterias, bakeries and snack bars with no drive through facilities |                                      |  |
| Offices for business, professional, and technical uses   | Parkside Neighborhood, Public Square | Shall be permitted in any live-work building where the first floor is built to Commercial Ready standards with 14' first floor clear height and handicapped access. All other buildings for office and art gallery uses shall be limited to 6,000 sf, except in Block 7. |
| Assisted Living & Skilled Nursing  | Public Square                        | Assisted living or skilled nursing units shall not exceed more than 30% of the total unit mix of the CCRC.   |
| <b>Retail Uses</b>   |                                      |  |
| Formula Retail   | Parkside Neighborhood, Public Square | No Restaurants (including shops providing one type of food, but not including Coffee Shops), Convenience Stores or Big Box retail are permitted in the development. All Formula Retail must adhere to design guidelines established in this PD.                          |
| Retail sales and service   | Parkside Neighborhood                | Building area shall not exceed 5,000 sf per instance, per block.   |
| <b>Residential Uses</b>  |                                      |  |
| Urban-style dwellings and flats or lofts   | Parkside Neighborhood, Public Square | Urban-style dwellings with internal parking shall comprise a minimum of 50% of all residential units. Efficiency units shall not exceed more the 25% of overall unit mix.  |
| Townhouses   | Parkside Neighborhood                | Minimum Lot Width - Twenty feet (20')  |

TABLE 6.4 - USE CRITERIA, CONTINUED

| Use  | Sub-District                         | Use Criteria  |
|--|--------------------------------------|---|
| <b>Other Uses</b>  |                                      |   |
| Art Galleries  | Parkside Neighborhood, Public Square | Shall be permitted in any live-work building or any commercial building where the first floor is built to Commercial Ready standards with 14' first floor clear height and handicapped access.<br>All other buildings for office and art gallery uses shall be limited to 6,000 sf.   |
| Business Associations and professional membership organizations  | Parkside Neighborhood                | Shall only be permitted on corner lots in the Parkside Neighborhood Sub-district<br>Building area shall not exceed 5,000 sf per block   |
| Miscellaneous manufacturing and assembly (included in this category are jewelry, silverware, personal metal goods, flatware, dolls, toys, games, musical instruments, medical equipment, high-tech/clean manufacturing, office supplies, and signs.) | Parkside Neighborhood, Public Square | No outdoor storage is permitted.<br>Service, loading, unloading and truck access shall be located in compliance with the Service and Loading Regulating Plan (Appendix E)<br>All buildings for manufacturing, assembly and wholesale trade uses shall be limited to 1,000 sf per unit in the Parkside Neighborhood Sub-district and 3,000 sf per user in the Public Square Sub-district.  |
| Wholesale trade establishment  |                                      |   |
| Fitness, recreational sports, gym, and athletic club   | Clear Creek                          | Building area shall not exceed 10,000 sf.   |
| Hotel  | Public Square                        | The hotel may include specific design provisions or guest services for senior citizens, such as enhanced accessibility design standards and concierge services.   |
| Antennas including cell, accessory and mounted (Excluded from this category are freestanding and commercial antennas and equipment buildings)  | Public Square                        | Antennas shall be permitted on rooftops.<br>Antennas shall be screened entirely.<br>Antennas shall not be visible from the ground and any area below 50'-0" in height.  |
| Special Events such farmers' market, holiday sales and festivals   | All sub-districts                    | Small events and outdoor activities do not need a Special Events permit. Larger events that meet the criteria of the City's Special Events ordinance shall be permitted. The Building Official shall issue a permit for special events when he finds:<br>That there is an adequate off-street parking area, approved by the City; and<br>That the location and layout of drives and parking areas, of lighting, and of temporary event signs will not constitute a hazard to the public traveling to the abutting public streets and will not obstruct the visibility along such streets. |
| Rainwater harvesting equipment   | All sub-districts                    | Rainwater harvesting equipment must be installed in buildings or below grade  |
| Utility equipment (includes electrical transformers, gas meters, etc)  | All sub-districts                    | Utility equipment shall be integrated and screened from view within buildings. All utility distribution throughout the district shall be located below grade.   |

**TABLE 6.5 - BUILDING PROGRAM DENSITY**

|  | <i>Minimum</i> | <i>Maximum</i> |
|--|----------------|----------------|
| <b>Commercial</b>                        |                |                |
| Office                                   | 140,000 sf     |                |
| Hotel                                    | 150 hotel keys |                |
| Hotel Conference Center                  | 15,000 sf      |                |
| CCRC                                     | 225 units*     |                |
| <b>Retail</b>                            |                |                |
| Restaurants, Shopping, Personal Services | 160,000 sf     |                |
| <b>Residential</b>                       |                |                |
| Individual Owner                         |                | 750 units      |
| Rental                                   |                | 400 units      |
| <b>Other</b>                             |                |                |
| Community Center                         | 10,000 sf**    |                |

\* Refer to Section E for more information.

\*\* Refer to Section F for more information.

**TABLE 6.6 - EXPECTED PROGRAM DENSITY BY PHASE**

|  | <i>Phase 1</i>           | <i>Phase 2</i>           |
|--|--------------------------|--------------------------|
| <b>Commercial</b>                        |                          |                          |
| Office                                   | 140,000 sf (minimum)     | 140,000 sf (minimum)     |
| Hotel                                    | 150 hotel keys (minimum) | 150 hotel keys (minimum) |
| Hotel Conference Center                  | 15,000 sf (minimum)      | 15,000 sf (minimum)      |
| CCRC                                     | 225 units (minimum)      | 225 units (minimum)      |
| <b>Retail</b>                            |                          |                          |
| Restaurants, Shopping, Personal Services | 120,000 sf (estimate)    | 160,000 sf (minimum)     |
| <b>Residential</b>                       |                          |                          |
| Individual Owner                         | 375 units (estimate)     | 750 units (maximum)      |
| Rental                                   | 200 units (estimate)     | 400 units (maximum)      |
| <b>Other</b>                             |                          |                          |
| Community Center                         | 10,000 sf (minimum)      | 10,000 sf (minimum)      |

**TABLE 6.7 - RESIDENTIAL DENSITY**

| <i>Use</i>                 | <i>Gross Density</i> | <i>Net Density</i> | <i>Gross Residential Density</i> |
|----------------------------|----------------------|--------------------|----------------------------------|
| <b>Primary Residential</b> | 23.7 units/acre      | 39.4 units/acre    | 29.9 units/acre                  |



Due to the higher density that will result from the Ivy District's urban residential neighborhood, a maximum requirement of 40% of the total gross area will also be established for the Ivy District. Therefore, the overall maximum open space requirement is calculated as follows:

Maximum requirement: 48.5 acres x 40% = 19.4 acres

The minimum amount of public open space developed will be 18.7 acres as proposed. In addition, private open space and potentially more public open space will be developed to comply with the minimum open space requirement.

## **2. Proportionate Development of Open Space**

Open space requirements shall be satisfied for residential and CCRC ILU development within each phase, as well as each increment of development within a phase, until the overall maximum requirement has been satisfied.

## **H. Parkland Dedication Requirements**

### **1. Calculation of Parkland Dedication Requirements**

The parkland dedication requirement for the Ivy District PD shall be based on the value of parkland amenities provided in lieu of land dedication. The required value of parkland amenities shall be calculated as follows:

- \$750/residential unit
- \$750/CCRC independent living unit

Based on the proposed Design Plan, the estimated required value of amenities will be:

- 1,150 residential units x \$750 = \$862,500
- 158 CCRC independent living units x \$750 = \$118,500
- Total value required = \$981,000

Items considered to be parkland amenities shall include:

- Shade trees
- Walking, running and bicycle trails
- Picnic and gathering areas with picnic tables and barbeque pits
- Play areas and exercise stations with playground and exercise equipment

## **2. Proportionate Development of Amenities**

Parkland amenities requirements shall be satisfied for residential and CCRC ILU development within each phase, as well as each increment of development within a phase.

Developer shall provide an estimated value of amenities as part of a plat development application and provide evidence of compliance with the required amenity value prior to receipt of a Certificate of Occupancy.

## **I. Parking Requirements**

### **1. Commercial and Retail**

- (1) Required off-street parking for non-residential use (with the exception of the CCRC) shall be one (1) space per three hundred square feet (300 sf) gross.
- (2) Required off-street parking for the CCRC shall be one (1) space per independent living unit.

### **2. Residential**

- (1) Required off-street parking for residential uses within the Public Square Sub-district shall be one (1) space per residential unit.
- (2) Required off-street parking for residential uses within the Parkside Neighborhood Sub-district shall be one and a half (1.5) spaces per unit.

## 7 | BUILDING FORM AND DEVELOPMENT STANDARDS

This part of the PD Document establishes Building Form and Development Standards for the Ivy District that apply generally to all development within the district and specifically to the Public Square and Parkside Neighborhood Sub-districts. Diagrams and reference letters are used for illustrative purposes only. Reference letters may not be in continuous sequence.

### A. General

The following Building Form and Development Standards shall apply to the entire Ivy District development.

#### 1. Standards

##### a. Building Placement

- (1) Build-to Zones (BTZ). See Sections B and C of this part for BTZ standards applicable to the Public Square and Parkside Neighborhood Sub-districts, respectively.
- (2) Setbacks. Table 7.1 establishes requirements for distance from property line to BTZ for all Sub-districts, as illustrated in Exhibit B5, "Setbacks Plan."

**TABLE 7.1 - IVY DISTRICT - SETBACK STANDARDS**

| Block      | Frontage   | Min. (ft.) | Max. (ft.) |
|------------|--|------------|------------|
| 3, 5-11    | Residential & Retail/Residential Above             | 5          | 10         |
| 4          | CCRC   | 5          | 8          |
| 1, 2, 4    | Ivy Square & Ivy Plaza (North and South Frontages) | 5          | 8          |
| 2          | Hotel (South Frontage)                             | 5          | 8          |
| 4          | Creek Lane (East Frontage)*                        | 5          | 8          |
| 1, 3, 5, 8 | Spectrum Drive*                                    | 8          | 10         |
| 1-4        | Green Ivy Drive*                                   | 10         | 15         |
| 1, 2       | Highway 288*                                       | -          | 25         |

\*These street frontages supersede any use frontages

##### b. Block Standards

- (1) There are no general block standards.

##### c. Commercial Frontage Requirements

- (1) See Sections B and C of this part for Commercial Frontage Requirements applicable to the Public Square and Parkside Neighborhood Sub-districts, respectively.

##### d. Special Frontage Requirements

- (1) See Sections B and C of this part for Special Frontage Requirements applicable to the Public Square and Parkside Neighborhood Sub-districts, respectively.

##### e. Building Height

- (1) Maximum height limits establish a predominant low-rise, neighborhood fabric and the location of taller buildings. Height zones at the Ivy District focus the greatest density near transit, provide a comfortable pedestrian environment that is visually and socially engaging, and protect views for neighbors.
- (2) The height of structures shall comply with the minimum and maximum heights as is indicated for each development block in Table 7.2.

**TABLE 7.2 - IVY DISTRICT - BUILDING HEIGHT STANDARDS**

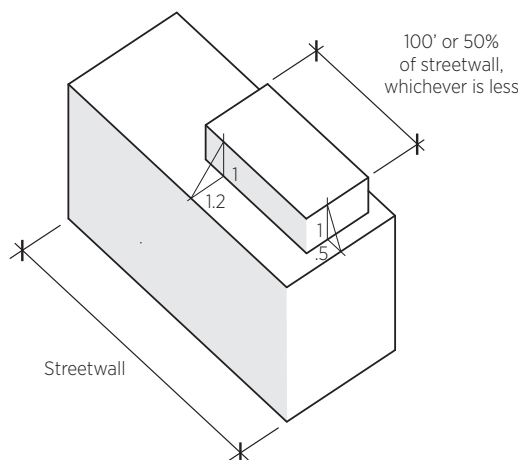
| Block | Stories (min.-max)* | Height (min.- max)* |
|-------|---------------------|---------------------|
| 1     | 2 - 17              | 25 - 210 feet       |
| 2     | 2 - 17              | 25 - 210 feet       |
| 3     | 2 - 17              | 25 - 210 feet       |
| 4     | 2 - 17              | 25 - 210 feet       |
| 5     | 2 - 5               | 25 - 70 feet        |
| 6     | 2 - 5               | 25 - 70 feet        |
| 7     | 2 - 17              | 25 - 210 feet       |
| 8     | 2 - 5               | 25 - 70 feet        |
| 9     | 2 - 5               | 25 - 70 feet        |
| 10    | 2 - 5               | 25 - 70 feet        |
| 11    | 2 - 5               | 25 - 70 feet        |
| 12    | 2 - 17              | 25 - 210 feet       |

\* For "Urban Style" and "Flats or Lofts" residential buildings, the minimum stories and height shall be 3 stories and 30 feet.

- (3) Photovoltaic and thermal solar collectors, rain water and fog collecting equipment, wind turbines and other sustainability components may project above the maximum height limit.
- (4) Those portions of a building that may project above the maximum height limit are:
  - Parapets up to four feet (4') in height.
  - Mechanical enclosures and other rooftop support facilities that occupy less than twenty percent (20%)

- of the roof area up to ten feet (10') in height.
- For buildings taller than one hundred feet (100') wall planes extensions such as those used for screening of mechanical equipment that are either fifty percent (50%) physically and visibly permeable or translucent, up to ten feet (10') in height.

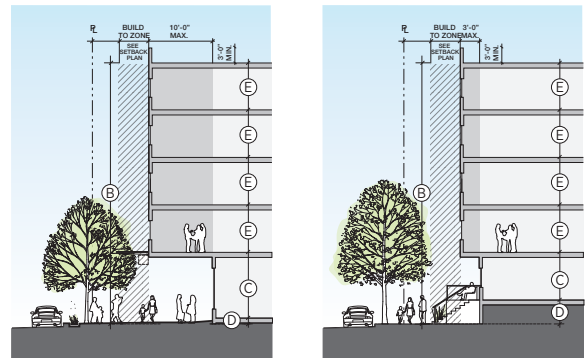
Residential common areas are permitted to project twelve feet (12') above the maximum height limit. Residential, active uses include, but are not limited to: community rooms and kitchens; recreational facilities; and greenhouses. Those portions of a building that do project above the height limit must step-back at a minimum ratio of one-point-two feet (1.2') in a horizontal dimension, from the exterior building wall facing a right-of-way, for every one foot (1') above the maximum height limit. All other sides of that projection must step-back at a minimum ratio of one-half foot (0.5') in a horizontal dimension, from the exterior wall of the habitable floor below, for every one foot (1') above the maximum height limit.



**Figure 7.1** Height Limit Exceptions

Those portions of a building that exceed the indicated maximum height limit shall be no longer than fifty percent (50%) of building length (Figure 7.1). Railings, planters and visually permeable building elements no greater than forty-two inches (42") above the roof are exempt from step-back requirements (Figure 7.2).

- (5) First floor-to-floor height shall be fifteen feet (15') minimum for non-residential use and ten feet (10') minimum for residential use. See note (C) in Figure 7.2.
- (6) First floor finish level shall be twelve inches (12") maximum above sidewalk for first floor commercial use and thirty inches (30") minimum, twenty-four to forty-eight inches (24-48") for residential use. See note (D) in Figure 7.2.
- (7) Upper floor-to-floor heights shall be ten feet (10') minimum. See note (E) in Figure 7.2.



**Figure 7.2** Commercial and Residential Buildings Heights

#### f. Parking and Service Areas

- (1) Parking driveway width shall be twenty feet (20') maximum, only to be exceeded when driveway width must address service access or fire lane standards
- (2) Shared driveways and cross access easements are required between lots to minimize curb cuts.
- (3) Spacing between driveways shall comply with UDC and EDCM standards.

#### g. Encroachments

- (1) In no case shall an encroachment be located over an on-street parking space or travel lane.
- (2) All encroachments over public right-of-way shall obtain a Waiver of Encroachment from the City of Pearland.

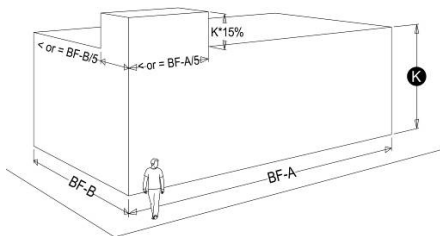
#### h. Utilities

- (1) All primary utility lines shall be located underground.
- (2) All secondary utility lines shall be located underground where practical.

- (3) Any secondary utility lines or equipment located above ground shall be approved by the City Manager or designee.

## 2. General Notes

- (1) The area between the building and the edge of the BTZ or the edge of the public sidewalk shall be paved flush with the sidewalk. This area can have landscaping and planting within tree wells and planters but shall not have lawns or landscape islands.
- (2) Attics and mezzanines less than seven feet (7') (avg.) height shall not be counted as a story.
- (3) Corner buildings may exceed the maximum building height by fifteen percent (15%) for twenty percent (20%) of the building's frontage along each corresponding street façade.



**Figure 7.3** Corner Building Height

- (4) Ground and roof mounted mechanical equipment shall be screened from direct ground level view from adjoining public rights-of-way. In addition to a parapet wall no lower than thirty-six inches (36"), the perimeter of any visible roof mounted mechanical equipment shall be circumscribed by a wall or permanent screen that is at least as tall as the equipment itself.
- (5) Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the building façade line.
- (6) Chapter 4 Site Development Section 4.2.1.3 of the City of Pearland Unified Development Code, Eighth Edition, January 2013 and the T-15 and T-16 amendments approved June 24, 2013 and December 16, 2013, shall apply for design of off-street parking areas, except as modified by this PD document.

- (7) All parking structures must have at least three (3) sides of occupiable uses (at all floor levels) and the remaining side must be clad in an architectural screen.

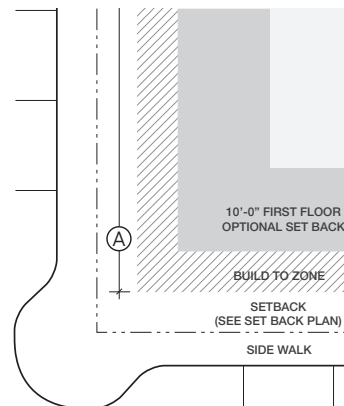
## B. Public Square Sub-district

The following Building Form and Development Standards, which complement and/or amplify corresponding standards in Section A of this part, shall apply specifically to development within the Public Square Sub-district.

### 1. Public Square Sub-district Standards

#### a. Building Placement

- (1) Refer to Figure 7.4 for Build-To Zone (BTZ) requirements (Distance from property line to the edge of the BTZ)



**Figure 7.4** Public Square Sub-district BTZ

- (2) Building Frontage required: 80% (min.). See note **A** in Figure 7.4.

#### b. Block Standards

- (1) There are no block standards that apply specifically to the Public Square Sub-district.

#### c. Commercial Frontage Requirements

- (1) First floors of Retail uses shall be built to include first floor-to-floor height of fifteen feet (15') minimum, ingress and egress, handicap access, and first floor elevation flush with the sidewalk.
- (2) Refer to Part 8 of this PD document for additional frontage design controls.



**d. Special Frontage Requirements**

- (1) First floors of all buildings fronting Ivy Square shall be occupied by Retail uses.
- (2) Refer to Part 8 of this PD document for additional frontage design controls.

**e. Building Height**

- (1) Refer to Table 7.2 for building height standards applicable to the Public Square Sub-district.

**f. Encroachments**

- (1) Canopies, signs, awnings and balconies may encroach over the sidewalk as long as the vertical clearance is a minimum of eight feet (8').

**g. Utilities**

- (1) There are no utilities standards that apply specifically to the Public Square Sub-district.

**2. Public Square Sub-district Notes**

- (1) First floor heights shall not apply to parking structures
- (2) All buildings in the Public Square Sub-district shall meet the Building Design Controls in Part 8 of this document.
- (3) One district parking structure may be allowed with all sides clad in an architectural screen, in lieu of an occupiable use.

**C. Parkside Neighborhood Sub-district**

The following Building Form and Development Standards, which complement and/or amplify corresponding standards in Section A of this part, shall apply specifically to development within the Parkside Neighborhood Sub-district.

**1. Parkside Neighborhood Sub-district Standards****a. Building Placement**

- (1) Refer to Figure 7.5 for Build-To Zone (BTZ) requirements (Distance from property line to the edge of the BTZ)
- (2) Building Frontage required: 60% (min.). See note (A) in Figure 7.4.

**b. Block Standards**

- (1) There are no block standards that apply specifically to the Parkside Neighborhood Sub-district.

**c. Commercial Frontage Requirements**

- (1) There are no commercial frontage standards that

apply specifically to the Parkside Neighborhood Sub-district.

**d. Special Frontage Requirements**

- (1) There are no special frontage standards that apply specifically to the Parkside Neighborhood Sub-district.

**e. Building Height**

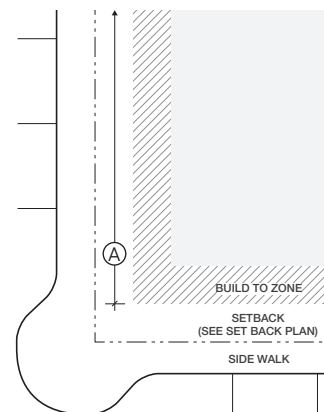
- (1) Refer to Table 7.2 for building height standards applicable to the Parkside Neighborhood Sub-district.
- (2) Any Accessory Building shall have a maximum height limit of one (1) story.

**f. Encroachments**

- (1) At corner lots, canopies, signs, awnings and balconies may encroach over the sidewalk as long as the vertical clearance is a minimum of eight feet (8').

**g. Utilities**

- (1) There are no utilities standards that apply specifically to the Parkside Neighborhood Sub-district.



**Figure 7.5** Parkside Neighborhood Sub-district BTZ

**2. Parkside Neighborhood Sub-district Notes**

- (1) All buildings in the Parkside Neighborhood Sub-district shall comply with the Building Design Controls in Part 8 of this document.
- (2) All parking structures must have at least three (3) sides of occupiable uses (at all floor levels), and the remaining side must be clad in an architectural screen.

# 8 | BUILDING DESIGN CONTROLS

## A. Introduction

The Building Design Controls for the Ivy District shall establish a coherent urban character and encourage enduring and attractive development. Development plans or site plans shall be reviewed by the City Manager or Designee for compliance with the controls below. The key design principles establish essential goals for development in the Ivy District to encourage the preservation, sustainability, and visual quality of this unique environment.

## B. General Building Design Controls

### 1. General Standards

#### a. Overall

- (1) Buildings shall be located and designed so that they provide visual interest and create enjoyable, human-scaled spaces.
- (2) New buildings shall utilize building elements and details to achieve a pedestrian-oriented public realm.
- (3) Building façades shall include appropriate architectural details to create variety and interest.
- (4) Open space(s) shall be incorporated to provide usable public areas integral to the urban environment.

#### b. Building Orientation

- (1) Primary entrance to buildings shall be located on the street along which the building is oriented.
- (2) All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access.

#### c. Design of Parking Structures

- (1) Where above-ground structured parking is located at the perimeter of a building, it shall be screened in such a way that cars on all parking levels are completely hidden from view from all adjacent public and private streets.
- (2) Parking garage ramps shall not be visible from any public street. Ramps shall not be located along the perimeter of the parking structure.
- (3) Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting. Architectural screens shall have consistent façade materials with neighboring buildings and shall be complementary in their articulation. In addition, the first-floor façade treatment (building materials,

windows, and architectural detailing) shall be continued to the second floor of a parking structure.

- (4) When parking structures are located at street intersections, corner architectural elements shall be incorporated, such as corner entrance, signage and glazing.
- (5) Parking structures and adjacent sidewalks shall be designed so pedestrians and bicyclists are clearly visible to entering and exiting automobiles.

## d. Building Materials

- (1) Primary building façade materials shall consist of the following: brick, stone, stucco utilizing a three-step process, spandrel glass shadow box, cementitious panel, colored or patterned resin-impregnated panel, or glass block. Resin-impregnated panels shall be composed of kraft paper or layers or similar material impregnated with phenolic resin which has been compressed and bonded under heat and high pressure. Primary building façade materials shall comprise no less than eighty percent (80%) of a building's façade (excluding doors and windows). The remaining twenty percent (20%) may consist of either a complementary primary façade material or an allowable accent material (see Par. 2 below). If one or more complementary primary material is used for accent or contrast, then the accenting or contrasting primary materials may exceed twenty percent (20%), as long as no single primary material exceeds eighty percent (80%).
- (2) Materials allowed exclusively as an accent material include the following: wood, modular architectural metal panel system with concealed fasteners and high-performance coating or natural-weathering face material, split-face concrete block, tile, or pre-cast concrete panels. Materials allowed exclusively as accent materials may be used on no more than twenty percent (20%) of a building's façade. More than one (1) accent material may be used as long as the total amount does not exceed twenty percent (20%).
- (3) Façades shall not be made of EIFS. EIFS shall be limited to moldings and architectural detailing on building façades. EIFS materials shall constitute less

than ten percent (10%) of any building and shall not be used on any portion of any wall that is lower than twenty feet (20') from grade, unless otherwise approved by the Building Official.

- (4) Cementitious-fiber panels with at least a fifty (50)-year warranty shall only be used on twenty percent (20%) of the upper floor.
- (5) Roofing materials visible from any public right-of-way shall be copper, zinc, factory finished standing seam metal or metal panel, terra cotta, stone, synthetic stone, or similar materials.

#### **e. Façade Composition**

- (1) Non-residential structures fifty-thousand (50,000) square feet in area or greater shall incorporate façade articulation of at least three feet (3') in depth for every twenty-five feet (25') (not cumulatively) in vertical height or horizontal length.
- (2) Non-residential structures less than fifty-thousand (50,000) square feet shall incorporate façade articulation of at least one foot (1') in depth for every ten feet (10') (not cumulatively) in vertical height or horizontal length.
- (3) Residential buildings shall incorporate façade articulation of at least four inches (4") in depth at each floor vertically and between twenty feet (20') and thirty feet (30') in horizontal length.
- (4) Buildings three (3) stories or higher shall provide façade articulation which distinguishes between the street level and the upper level of the building. This rhythm shall be expressed by changing materials, or color, or by using design elements such as fenestration, columns, or by façade articulation.
- (5) For retail storefront buildings, display window areas shall be utilized.
- (6) Storefronts on façades that span multiple tenants shall use architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures.
- (7) Building entrances shall be defined and articulated by architectural elements such as entry portals, porches, overhangs, railings, balustrades, and others as appropriate. All building elements shall be compatible with the architectural style, materials, colors, and details of the building as a whole.

#### **f. Commercial Frontage**

- (1) All primary retail entrances must meet the sidewalk at grade.
- (2) Active use first floors must have a minimum floor-to-floor height of fifteen feet (15') with a minimum of twelve foot (12') ceilings.
- (3) Active use spaces shall be expressed with façade treatments that are scaled to human activity on the street. Lower levels of the building shall include changes in materials or changes in fenestration scaled to create a comfortable pedestrian zone.
- (4) First floor retail and other commercial uses must be physically and visually oriented towards a public right-of-way or easement, such as a plaza or pedestrian passage.
- (5) At least fifty percent (50%) of the length of the first floor façade between the height of two (2) and twelve (12) feet shall be devoted to transparent windows, doors and/or visually open spaces (such as courtyards, forecourts, and pedestrian breezeways), to allow maximum visual interaction between sidewalk areas and the interior of active use spaces. The use of dark or mirrored glass is not permitted.
- (6) In order to allow for multiple storefronts, retail bays shall be no greater than thirty-five feet (35') wide, measured along the street frontage, even if initial retail tenants occupy more than one bay.
- (7) Tenant improvements of retail spaces must maintain the transparency of the storefront; this may be achieved with the placement of public areas of the proposed use adjacent to the façade and by avoiding the use of shades, curtains or displays that compromise visibility into the space.
- (8) When commercial first floor uses incorporate outdoor seating and dining, a minimum sidewalk through-way dimension of six feet (6') must be maintained.

#### **g. Residential Frontage**

- (1) Each first floor residential unit shall have an individual entry door directly from an adjacent courtyard, dedicated open space, public right-of-way or easement.
- (2) Where first floor residential units face a public right-of-way or easement residential entries shall occur

at a minimum average of one (1) door per thirty-five (35) linear feet of building frontage.

- (3) Residential entries shall be sheltered from the rain and wind and provide an entry light. First floor residential unit entries shall be recessed a minimum of eighteen inches (18") from the streetwall.
- (4) At least fifty percent (50%) of the first floor façade of residential buildings shall be devoted to transparent windows and doors to allow maximum visual interaction between sidewalk areas and the interior of residential units. The use of dark or mirrored glass is not permitted.
- (5) First floor residential units shall have a minimum floor to floor height of ten feet (10').
- (6) Along a sloped street frontage, the elevation change between the first habitable floor of a residential dwelling unit and the back of sidewalk are permitted to be up to five feet (5') in height for fifty percent (50%) of the streetwall.
- (7) A twenty-four to forty-eight inch (24–48") elevation change shall be provided between the first habitable floor of first floor residential dwelling units and the sidewalk grade in order to provide adequate separation between the interior of residential units and the public realm, while maintaining visual connection. Entries and common areas to residential buildings may be at sidewalk grade.

#### **h. Windows and Doors**

- (1) Windows and doors on street-fronting façades shall be designed to be proportional and appropriate to the specific architectural qualities of the building.
- (2) First-floor windows shall not be opaque, tinted or mirrored glass.
- (3) All first floor retail front façades of buildings shall have transparent storefront windows covering no less than fifty percent (50%) of the façade area.
- (4) Glazing must be of low reflectance (12% of visible exterior light).
- (5) All commercial building façades should have transparent windows covering at least fifty percent (50%) of the façade area for all floors.
- (6) All façades of residential buildings shall have transparent windows covering at least thirty percent (30%) of the façade area for all floors.

#### **i. Sustainability**

- (1) Guidelines for all sustainable site and building elements or systems shall meet all current sustainable industry standards and best practices.
- (2) All new Ivy District buildings shall be LEED® certified. Buildings shall be constructed to all current sustainable industry standards and best practices to contribute to the ecological sustainability and overall health and wellness of the neighborhood residents.

#### **j. Building Top**

- (1) Mechanical equipment located on top of buildings must be screened from public view and from neighboring buildings with enclosures, parapets, setbacks, landscaping, or other means. Any enclosure or screening used must be designed as a logical extension of the building, using similar materials and detailing as the rest of the building's surfaces.
- (2) A minimum of twenty percent (20%) of all building and parking structure roof area shall incorporate photovoltaic panels in the Parkside Neighborhood and Public Square Sub-Districts. Guidelines for installation of photovoltaic panels shall meet all current industry standards and best practices.
- (3) A minimum of twenty percent (20%) of all building of area shall include green roofs systems in the Parkside Neighborhood and Public Square Sub-Districts. Guidelines for green roof construction standards shall meet all current industry standards and best practices. Green roofs shall be constructed in such a way to encourage residents or visitors to inhabit them.
- (4) Where feasible, roof designs shall include systems such as vegetated roof covers, with growing media and plants which minimize heat island effect and stormwater run-off and improve thermal envelope performance.
- (5) Living roofs must incorporate regionally appropriate plant species to minimize water consumption requirements.

#### **2. General Guidelines**

The following General Building Design Guidelines complement corresponding general standards in Section B.1 of this part.



**a. Overall**

- (1) Compatibility is not meant to be achieved through uniformity, but through the use of complementary variations in building elements to achieve individual building identity.
- (2) All new buildings at Ivy District should use a high quality, contemporary design vocabulary to provide the neighborhood with an overall modern aesthetic
- (3) Residential units should be designed to maximize opportunities for residents to enjoy a more seamless connection between indoor and outdoor spaces. This may be reflected in the design of the building façade by including terraces, decks, balconies and roof gardens.
- (4) Building designs should incorporate modulation and articulation such as massing reveals, changes of textures, materials, and/or colors, or shifts of the façade plane in order to create a pedestrian-scaled façade. Any façade articulation should be based on the overall building size and height in order to be legible at an urban scale.

**b. Building Orientation**

- (1) At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection.
- (2) Secondary and service entrances may be located from internal parking areas or alleys.

**c. Design of Parking Structures**

- (1) There are no general building design guidelines that apply specifically to parking structures.

**d. Building Materials**

- (1) There are no general building design guidelines that apply specifically to building materials.

**e. Façade Composition**

- (1) Entrances to upper level uses may be defined and integrated into the design of the overall building façade.
- (2) Corner emphasizing architectural features, awnings, blade signs, arcades, colonnades and balconies may be used along commercial storefronts to add pedestrian interest.
- (3) Blank walls of more than twelve feet (12') in length are discouraged.

- (4) Frontages used for utilities, storage, and services should be minimized and integrated into the overall articulation and fenestration of the façade by continuing design elements across these areas and therefore enhancing the visual interest of the service areas for pedestrians.
- (5) Buildings which are located on axis with a terminating street or at the intersection of streets may be considered as feature buildings. Such buildings may be designed with features which take advantage of that location, such as an accentuated entry and a unique building articulation, which is offset from the front wall planes and goes above the main building eave or parapet line.

**f. Commercial Frontage**

- (1) Active-use frontages should be designed in a manner that promotes a sense of vitality and liveliness in order to focus social activity at the Ivy District.
- (2) Commercial and storefront entrances should be easily identifiable and distinguishable from residential entrances. Recessed doorways, awnings, transparencies, changes in color or materials are encouraged to identify and enhance retail entrances.

**g. Residential Frontage**

- (1) To foster a pedestrian-focused neighborhood, building bases should convey a sense of activity and liveliness.
- (2) Residential buildings should make every effort to activate and enliven the building base as the interface between the public and private realm.

**h. Windows and Doors**

- (1) Punched windows in a predominantly solid wall should be recessed a minimum of two inches (2") in order to give building façades a sense of substance and depth.

**i. Sustainability**

- (1) All new Ivy District buildings are intended to be constructed using ecologically sustainable materials and technologies in order to contribute to the reduction of natural resource consumption and waste production.
- (2) Ivy District will develop goals and strategies

for building energy and water use, construction activities, and the selection of building materials, utilities and appliances.

**j. Building Top**

- (1) Buildings should provide usable rooftop and/ or terraced open spaces such as rooftop gardens and decks accessible to all units in the building.
- (2) Green roofs may sustain a variety of plants and invertebrates, as well as provide a habitat for various bird species that enhance biodiversity within the Ivy District and the region as a whole.

**3. General Examples**

See Appendix D, Building Examples for images of building tops that are representative of the building character for green roofs.

**C. Public Square Sub-district Building Design Controls**

The following Building Design Controls complement and/or amplify General Building Design Standards and Guidelines in Sections A and B of this part.

**1. Public Square Sub-district Standards**

**a. Building Materials**

- (1) Side and rear façades shall be of finished quality and of the same color that blends with the front of the building
- (2) Accessory buildings, enclosed garages, or carports shall be designed and constructed of the same material as the primary building.

**2. Public Square Sub-district Guidelines**

There are no building design guidelines that apply specifically to the Public Square Sub-district.

**3. Public Square Sub-district Examples**

See Appendix D, Building Examples for images of elevations that are representative of the intended design character for proposed buildings in the Public Square Sub-district.

**D. Parkside Neighborhood Sub-district Building Design Controls**

The following Building Design Controls complement and/or amplify General Building Design Standards and Guidelines in Sections A and B of this part.

**1. Parkside Neighborhood Sub-district Standards**

**a. Building Materials**

- (1) Side and rear façades shall be of finished quality and of the same color that blend with the front of the building.
- (2) Accessory buildings, enclosed garages or carports shall be designed and constructed of the same material as the primary building.

**b. Façade Composition**

- (1) At least one of the following—porches, bay windows, stoops, eaves or balconies—shall be added every thirty feet (30') along the front residential façades to add pedestrian interest along the street.
- (2) Porches must be a minimum of five feet (5') by eight feet (8') and covered with a roof. Bay windows must be at least a two foot (2') projection, four feet (4') wide and eight feet (8') tall.
- (3) Stoops are elevated entrances and must be at least five feet (5') by five feet (5') at the entry level.
- (4) Eaves must be at least one foot (1') deep.
- (5) Balconies must be five feet (5') by eight feet (8') and are not required to be covered.
- (6) Any façade articulation shall be based on the overall building size and height in order to be legible at an urban scale.
- (7) For residential buildings the grade of the slab or first floor elevation shall be elevated at least thirty inches (30") above the grade of the sidewalk.

**2. Parkside Neighborhood Sub-district Guidelines**

There are no building design guidelines that apply specifically to the Parkside Neighborhood Sub-district.

**3. Parkside Examples**

See Appendix D, Building Examples for images of elevations that are representative of the intended design character for proposed buildings in the Parkside Neighborhood Sub-district.

## 9 | STREET AND STREETScape DESIGN CONTROLS

### A. Introduction

Streets in the Ivy District need to support the overall goal of a mixed use, compact, pedestrian oriented district. They balance all forms of mobility while maximizing convenience for residents and visitors. The Street Network Plan (Exhibit B3) designates the street network within the Ivy District. This part of the PD document specifies the typical configuration of streets within the Ivy District. The specifications address vehicular lane width, parkway widths, right-of-way (R.O.W.) widths, number of travel lanes, on-street parking, and pedestrian and bicycle accommodation. The character of streets in the Ivy District will vary based on the location. This part of the PD document also establishes streetscape design controls.

### B. Street Design Controls

This portion of the PD document specifies design standards for Ivy District streets.

#### 1. Public Streets

Major perimeter streets serving the Ivy District shall be public streets dedicated to and maintained by the City of Pearland.

#### 2. Private Streets

Interior streets within the Ivy District shall be private streets owned and maintained by the developer.

#### 3. South Spectrum Drive

The intersection of South Spectrum Drive and SH-288 frontage road, as well as portion of the street continuing west, has been constructed and the existing street section will be extended westward to the intersection of Promenade Shops Drive to serve the Ivy District. Therefore, the proposed "Boulevard" street type (see Table 9.1 and Section 2.a of this Part 9), which applies to South Spectrum Drive, will be conformed to match existing conditions.

#### 4. SH 288

Access to the Ivy District from the SH 288 west frontage road will be via the existing South Spectrum Drive intersection; therefore, no modifications to the SH 288 frontage road are proposed.

#### 5. Fruge Road

A connection to Fruge Road from Promenade Shops Drive will be made as illustrated in Exhibit B1, "Site Plan" in Appendix B.

#### 6. Street Classification

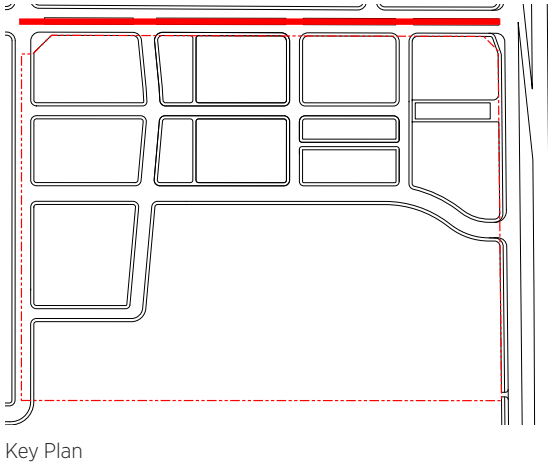
Table 9.1 and associated cross sections shall establish the cross sections for each street type. The proposed cross sections may be adjusted prior to plat approval to meet the requirements of the Ivy District Traffic Impact Analysis Report in order to ensure that all roads comply with applicable engineering requirements and traffic policies of the City of Pearland in compliance with Texas Municipal Uniform Traffic Control Devices and AASHTO, latest edition, as well as all other applicable codes in place at the time of development.

TABLE 9.1 - STREET GUIDELINES

| Street Classification                        | Street Width (Recommended min. R.O.W) | Number of Vehicular Lanes | Vehicular Lane Widths | Number of Bike Lanes* | Bike Lane Widths | Turn Radius (max.) | Median       | On-Street Parking | Pedestrian Sidewalk Width (min.) | Parkway/ Tree Well |
|--|---------------------------------------|---------------------------|-----------------------|-----------------------|------------------|--------------------|--------------|-------------------|----------------------------------|--------------------|
| Boulevard Street Type (Public)               | 82 feet                               | 4                         | 11 feet               | 0                     | None             | 30 feet            | Yes, 14 feet | None              | 7' wide                          | 5' wide            |
| Neighborhood Collector Street Type (Public)  | 94 feet                               | 2                         | 11 feet               | 2                     | 5 feet           | 20 feet            | Yes, 14 feet | Yes               | 11' wide                         | 5' wide            |
| Neighborhood Collector Street Type (Private) | 76 feet                               | 2                         | 11 feet               | 2                     | 6 feet           | 20 feet            | None         | Yes               | 6'-6" wide                       | 4'-6" wide         |
| Local Street Type (Private)                  | 56 feet                               | 2                         | 11 feet               | 0                     | None             | 15 feet            | None         | Yes               | 6'-0" wide                       | 4'-0" wide         |

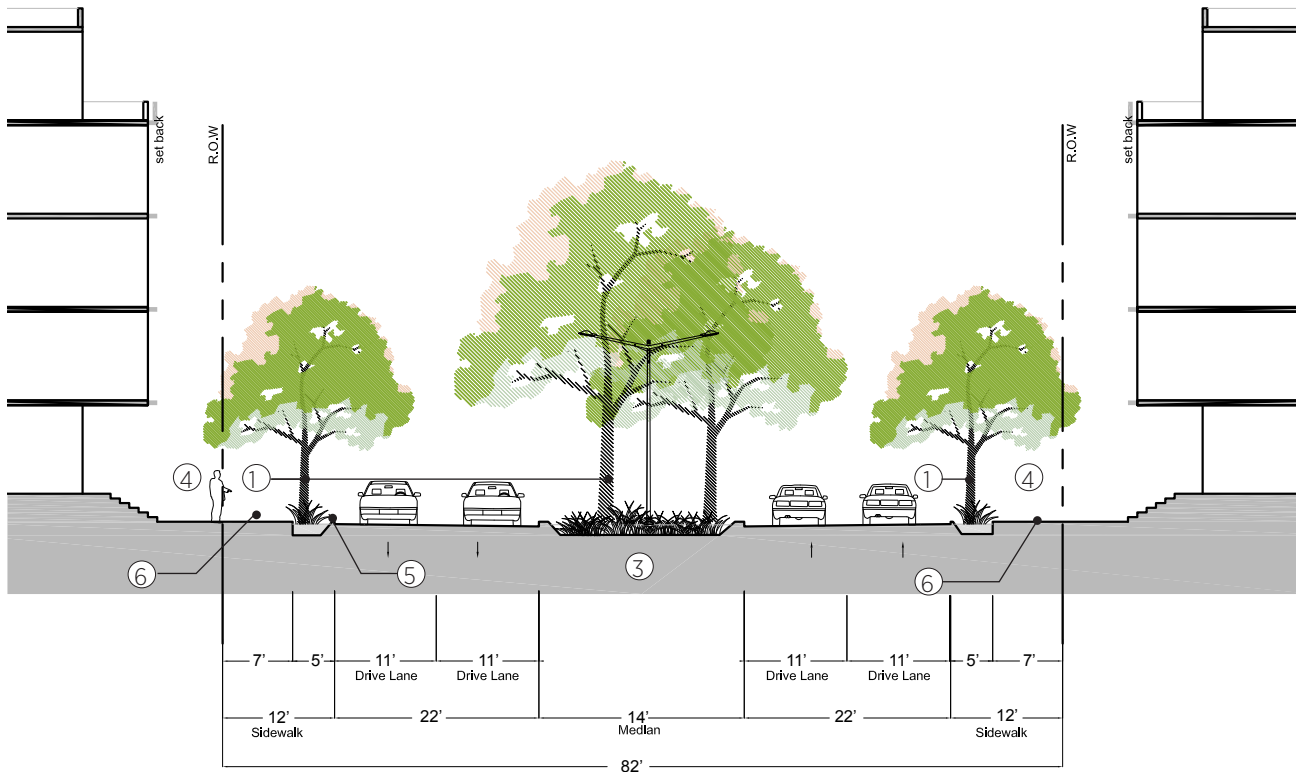
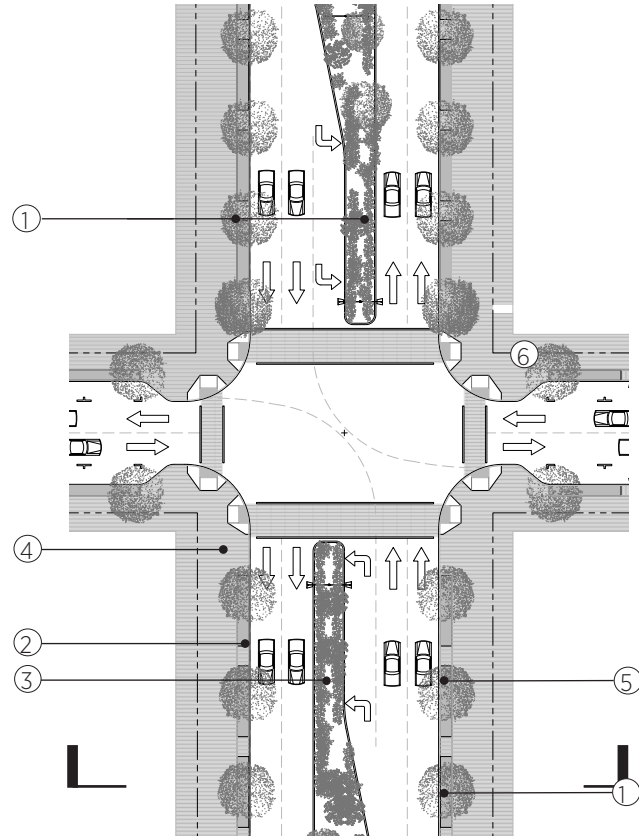
\* The Ivy District shall encourage the extension of bike lanes into adjoining future developments. If such extension does not happen, the Ivy District shall provide an alternate connection to any future bike lanes that are part of Spectrum Drive.

a. Boulevard Street Type (Public) - 82' R.O.W.



**Boulevard Design Features**

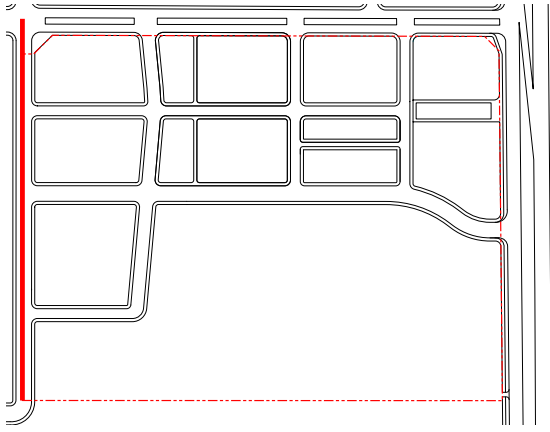
1. Street tree
2. Seating zone
3. Planted median
4. Paved pedestrian zone
5. Tree grate
6. Concrete sidewalk



\*Lane width established for a WB-50 design vehicle.



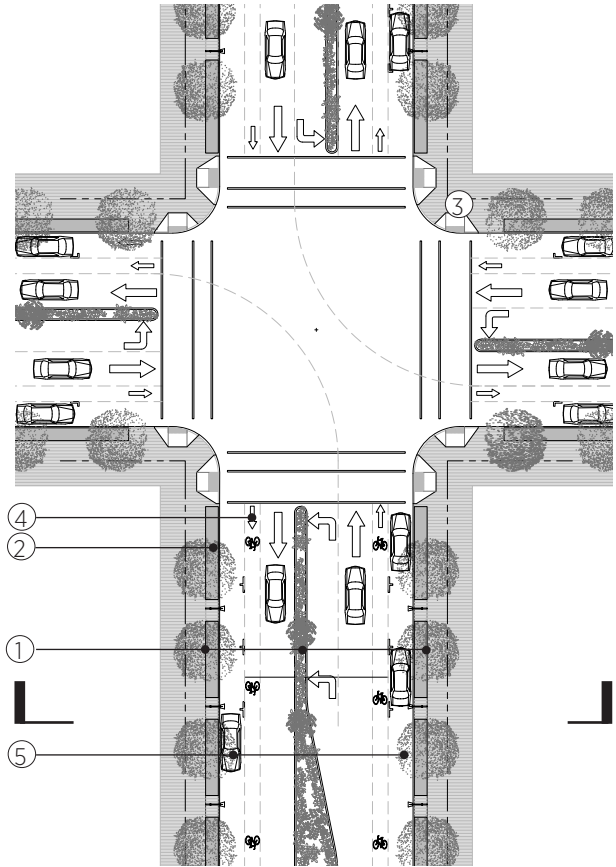
**b. Neighborhood Collector Street Type (Public) - 94' R.O.W.**



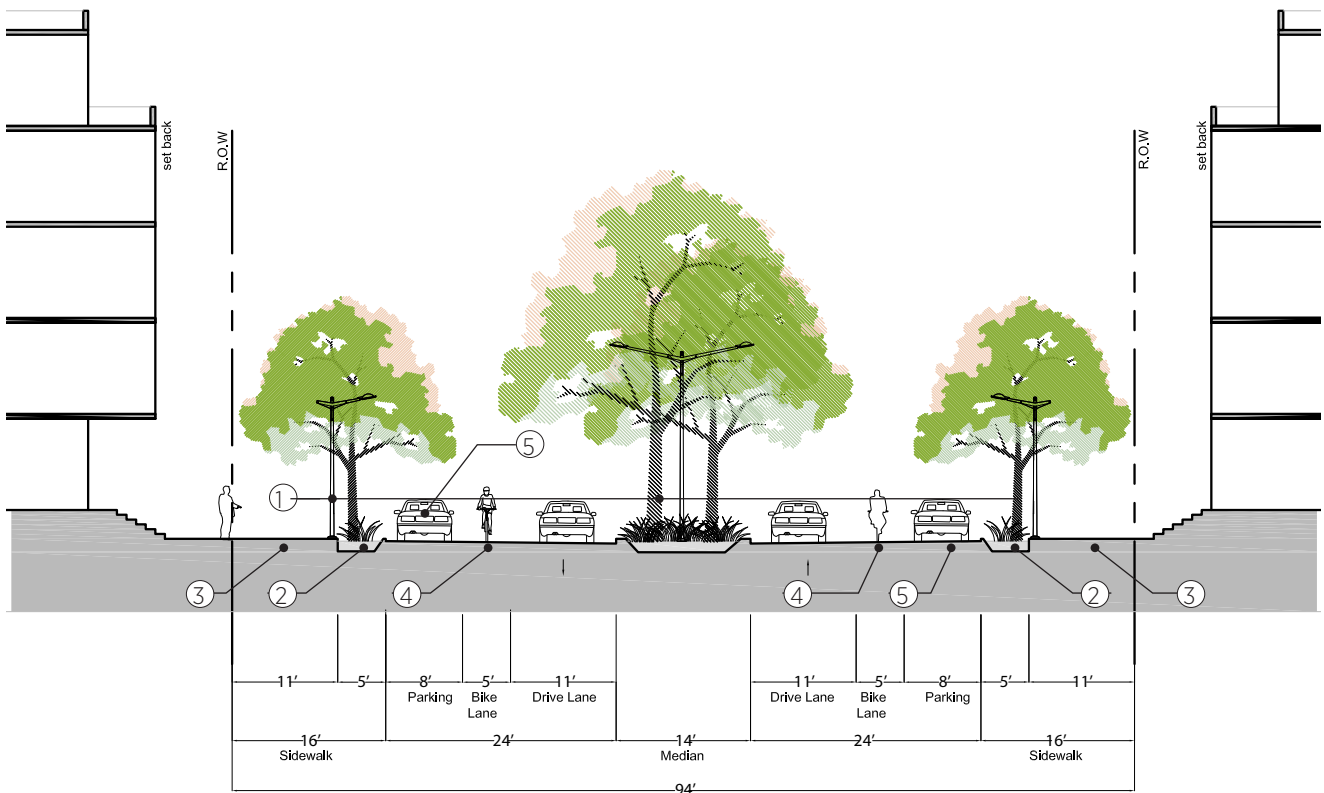
Key Plan

**Neighborhood Collector Street Design Features**

1. Street trees
2. Tree grate
3. Concrete sidewalk
4. Bike Lane
5. On-street parking



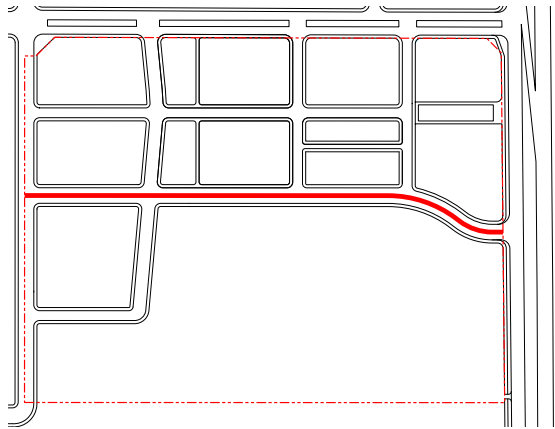
Illustrative Plan



Typical Section

\*Lane width established for a WB-50 design vehicle.

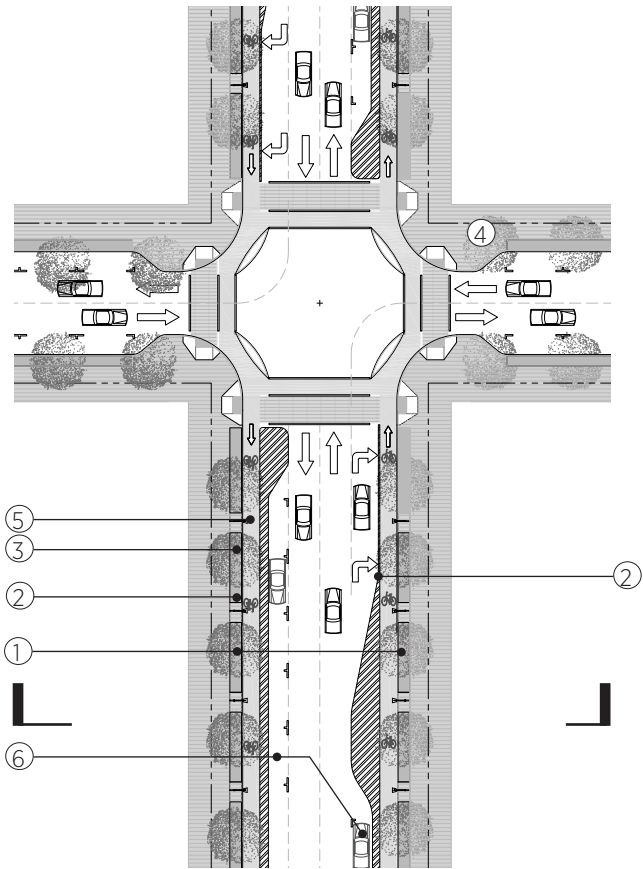
c. Neighborhood Collector Street Type (Private) - 76' R.O.W.



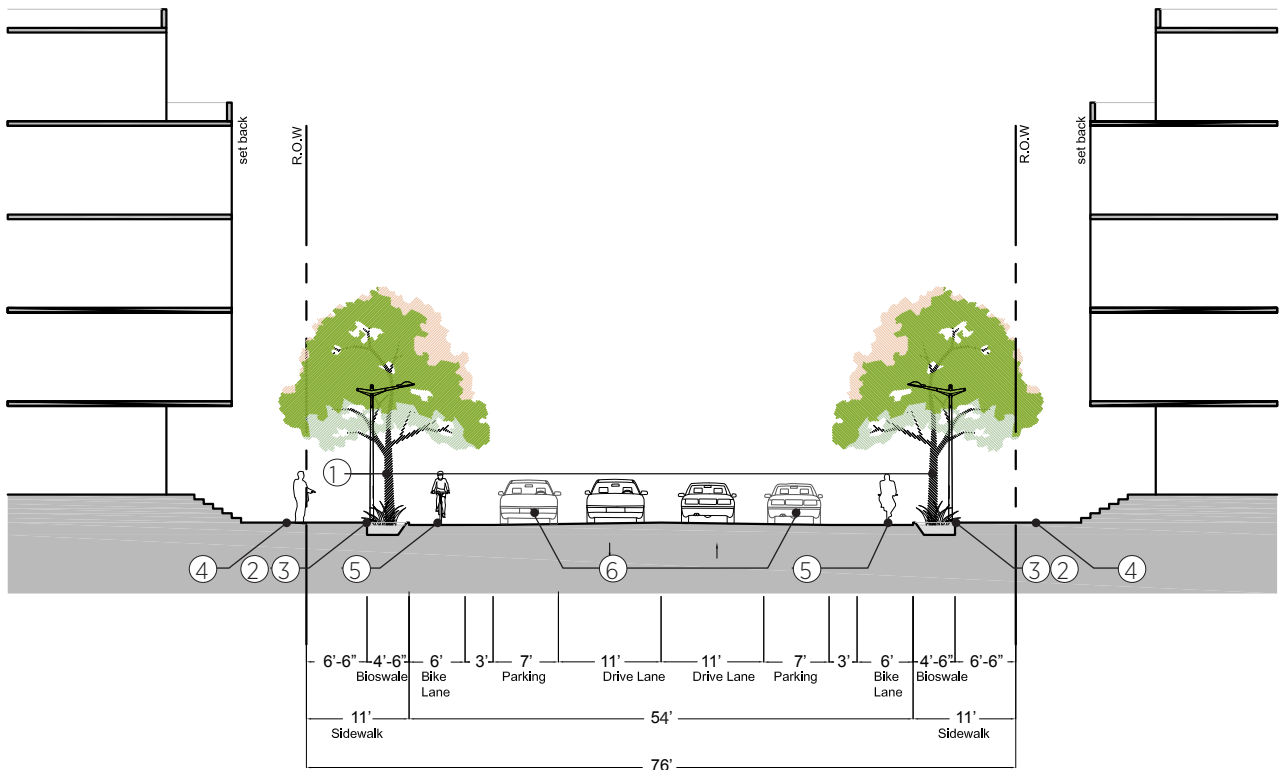
Key Plan

Neighborhood Collector Street Design Features

- 1. Street trees
- 2. Planted bioswale
- 3. Tree grate
- 4. Concrete sidewalk
- 5. Bike Lane
- 6. On-Street Parking



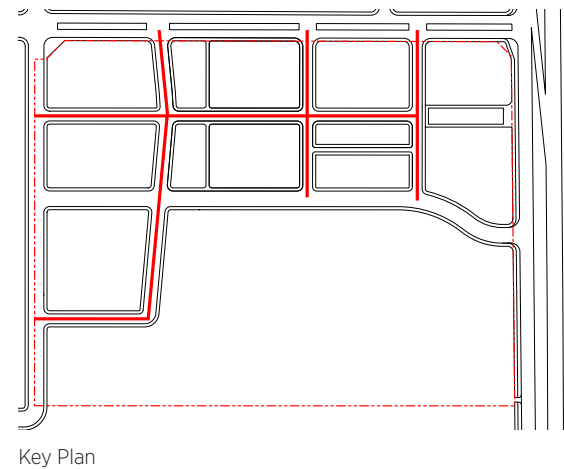
Illustrative Plan



Typical Section

\*Lane width established for a WB-50 design vehicle.

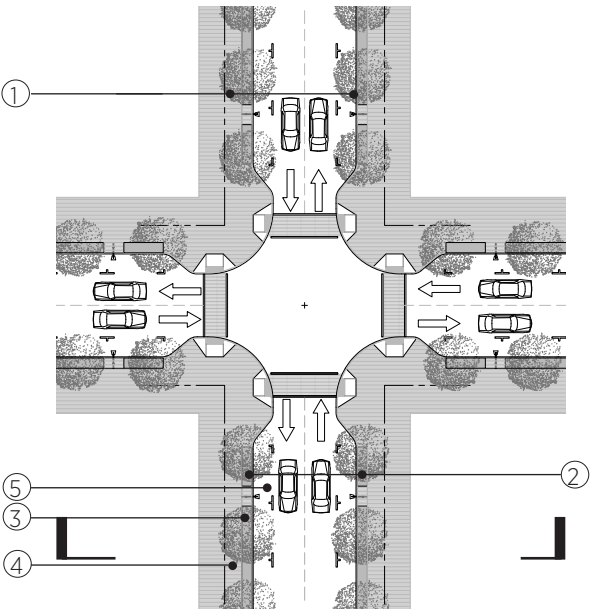
d. Local Street Type (Private) - 56' R.O.W.



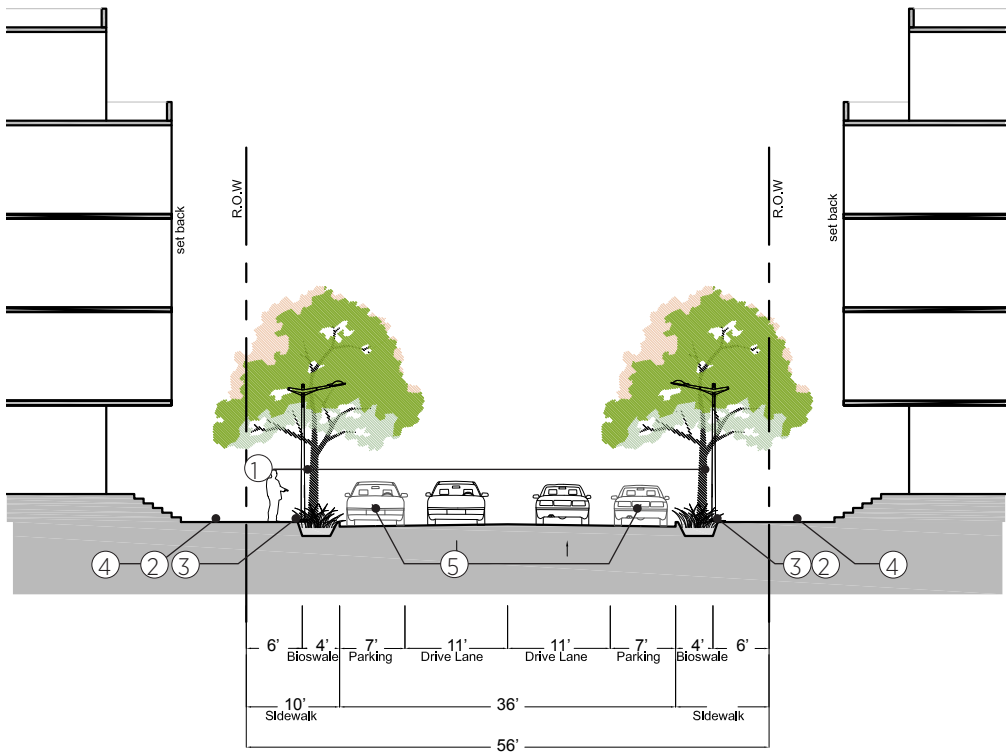
Key Plan

**Local Street Design Features**

1. Street trees
2. Planted bioswale
3. Tree grate
4. Concrete sidewalk
5. On-Street Parking



Illustrative Plan



Typical Section

\*Lane width established for a WB-50 design vehicle.

### C. Streetscape Design Controls

Streetscape standards and guidelines shall apply to all streets within Ivy District. Streetscape standards shall address all elements between the building face and edge of the curb. Typical streetscape elements addressed are street trees, lighting, street furniture and pedestrian amenities, and materials. A "Master Streetscape Plan" shall be prepared based on the design controls, which include standards, guidelines and examples, in this section and shall be approved by the City Manager prior to submittal of a plat application.

#### 1. Standards

##### a. Street Trees

- (1) Street trees shall be required on streets in the Ivy District (except on alleys).
- (2) Street trees shall be planted approximately four feet (4') behind the curb line.
- (3) Street tree spacing shall be an average of 30 feet (30') on center (measured per block face) along all streets.
- (4) The minimum caliper size (caliper size for a multi trunk tree shall be the total of the diameter of the largest trunk and one half (½) of the diameter of each additional trunk, measured at a height of four and a half feet (4.5') above the ground) for each tree shall be 3 in. and shall be a minimum of 12 feet in height at planting. Each tree shall be planted in a planting area no less than 40 sf. However, the tree well area shall be no smaller than 16 sf.
- (5) Boulevard trees shall be required in the median and spacing and species type shall be maintained along a street. The minimum caliper size for each boulevard tree shall be 3 in. and shall be a minimum of 12 feet in height at planting. Each tree shall be planted in a planting area no less than 40 sf. However, the tree well area shall be no smaller than 16 sf.
- (6) Development of City standards and standards of other agencies having jurisdiction over public streets and SH 288 frontage roads for street trees and landscape are in progress; therefore, developer will coordinate with the City and other agencies to incorporate their requirements for street trees along public streets and the SH 288 frontage road into the Ivy District's Master Public Open Space and Landscape Plan.

- (7) Street trees shall not conflict with the Utility Easements as defined in the Pearland Engineering Design Criteria Manual, June 2007.

##### b. Planted Areas

- (1) When visible from the street and alleys, all unpaved ground areas shall be planted with low growing shrubs or ground cover, ornamental grasses, or a combination thereof. Turf grass must be installed as solid sod and not seeded on.
- (2) Species shall include plants from the approved list of ground cover, vines, perennials, shrubs, and xeriscape plant list in Chapter 4 Site Development Section 4.2.2.5 and the Replacement Tree List in Chapter 4 Site Development Section 4.2.3.9 of the City of Pearland Unified Development Code, Eight Edition, January 2013 and the T-15 and T-16 amendments approved June 24, 2013 and December 16, 2013, except as modified by this PD document.
- (3) Developer will coordinate with the City and other agencies to incorporate their requirements for planted areas along public streets and the SH 288 frontage road into the Ivy District's Master Public Open Space and Landscape Plan.

##### c. Maintenance

- (1) Developer will maintain all street trees and planted areas along public streets from the back of the curb that is adjacent to the Ivy District site.
- (2) Developer will maintain all street trees and planted areas along the SH 288 frontage road west of the site's eastern boundary.
- (3) Developer will maintain all street trees and planted areas along and within the R.O.W. of all private streets.

#### 2. Guidelines

There are no design guidelines established by this PD document that complement the standards established in the previous Subsection C.1 or the examples presented in the



following Subsection C.3 that apply specifically to streetscape and the development of the required Master Streetscape Plan.

### 3. Examples

See Appendix E, Streetscape Examples for images that are representative of the intended streetscape design character.

## D. Street Furniture, Lighting, and Materials Design Controls

Street furniture, lighting, and materials standards and guidelines shall apply to all streets and streetscape within the Ivy District. Street furniture, lighting, and materials shall be incorporated into the Master Streetscape Plan.

### 1. Standards

#### a. Overall

- (1) The specific terms related to the maintenance of light standards, street furniture, and sidewalk paving materials located within the sidewalks and roads dedicated to the city shall be outlined in the Development Agreement between the Ivy District and the City of Pearland. The Development agreement shall be in place prior to submittal of a development application.
- (2) All utility service lines shall be located underground along all streets.

#### b. Street Furniture

- (1) Street furniture and pedestrian amenities such as benches are required along all streets.
- (2) All street furniture shall be located in such a manner as to allow a clear sidewalk passageway of a minimum of six feet (6').
- (3) Trash receptacles and bike racks shall be required along streets. A minimum of one each per block face shall be required.

#### c. Lighting

- (1) Ivy District shall use energy efficient bulbs and fixtures.
- (2) All lighting must be shielded to prevent glare to private and public uses, especially residential units. The angle of maximum candela from each interior luminaire as located in the building shall intersect opaque building interior surfaces and not exit out

through the windows.

- (3) Lighting in Commercial Areas shall illuminate drive lanes and pedestrian areas. See Figure 9.1.
- (4) Lighting types shall be modern, minimal and urban in character and shall not include historic replications.
- (5) Lighting levels and fixture types shall be selected according to the use of each fixture type. For instance, bollards and other lighting fixtures that illuminate the ground plane but do not directly illuminate adjacent residential units shall be used in courtyards.



Figure 9.1 Commercial Lighting Typical Section

- (6) Lighting in Residential Areas shall illuminate streetscape and pedestrian areas. See Figure 9.2.



Figure 9.2 Residential Lighting Typical Section

- (7) Pedestrian scale lighting, with the top of fixture being no more than 20 feet from the ground, shall be provided along all streets except alleyways.

- (8) Street lights shall be placed at 50 feet (min.) on center, approximately 2 feet behind the curb line.
- (9) The light standard selected shall be compatible with the design of the street and buildings.

**d. Materials**

- (1) Materials for all public and private streets are required to be concrete paving and are required to meet the minimum design performance specifications per the Pearland Engineering Design Criteria Manual, June 2007. Permeable paving zones are not permitted for either public or private streets.
- (2) Materials for sidewalk paving shall be pavers or concrete paving that will meet the minimum design performance specifications per the Pearland Engineering Design Criteria Manual, June 2007.
- (3) Materials selected for street furniture shall be of durable quality and require minimal maintenance.

**2. Guidelines**

The following guidelines complement Street Furniture, Lighting, and Materials Design Standards in Section D.1 of this part.

**a. Overall**

- (1) There are no design guidelines that apply overall to street furniture, lighting, and materials.

**b. Street Furniture**

- (1) There are no design guidelines that apply specifically to street furniture.

**c. Lighting**

- (1) Security should primarily be provided through lighting and increased visibility, in place of armoring of windows and doorways.
- (2) Certain areas of the Ivy District neighborhood are intended to have lower lighting levels, such as the Clear Creek Recreational Park where it is important to minimize light pollution so as not to disturb wildlife and maintain a natural setting.

**d. Materials**

- (1) There are no design guidelines that apply specifically to materials.

**3. Examples**

See Appendix E, Streetscape Examples for images that are representative of furniture, lighting, and materials that would comply with the corresponding design controls.

# 10 | SIGNAGE DESIGN CONTROLS

## A. Introduction

Signage helps to highlight the identity of businesses while enhancing the appearance of the streetscape and should be of a creative and engaging nature at the Ivy District. Except as specifically listed below, and in Table 10.1 in the following page, all other signage and sign standards must comply with Chapter 4 Site Development, Article 2, Division 5 Signage, as amended, of the City of Pearland UDC, 8th Edition, January 2013 and the T-15 and T-16 amendments approved June 24, 2013 and December 16, 2013, as amended, City Standards and the Texas Municipal Uniform Traffic Control Devices, latest edition. The signage standards and guidelines in this part shall apply to all signs in the Ivy District. A “Master Signage and Wayfinding Plan” shall be prepared based on the design controls in this part.

## B. Signage Design Controls

### 1. Standards

#### a. Overall

- (1) No billboards, roof signs, back-lit box signs, flashing, moving or video signs are permitted. Where possible, exposed junction boxes, lamps, tubing, conduits, or raceways are not permitted.
- (2) Signage is intended to address the pedestrian level and no portion of any sign may extend more than twenty-five (25') above sidewalk grade.

#### b. Signage Area

- (1) Sign area is defined as the area of a sign that is used for display purposes excluding small supports. Sign area shall be computed on the basis of a rectangle large enough to frame the display or text.
- (2) Retail wall signs on buildings shall not exceed three square feet (3 sf) per linear foot of retail frontage or forty-five square feet (45 sf), whichever is lower, for each street frontage. Wall signs related to a full service grocery store may be up to one hundred fifty square feet (150 sf) per building face along a public right-of-way.

## c. Signage Types

- (1) One projecting sign per every thirty linear feet (30') of retail is permitted. Each primary projecting sign for retail tenants shall not exceed twenty-four square feet (24 sf) in area, and if a single tenant maintains more than thirty linear feet (30') of street frontage, each additional sign shall not exceed ten square feet (10 sf). Corner businesses are allowed one primary projecting sign per street frontage. Three-dimensional projecting signs shall not exceed forty-eight cubic feet (48 cf) in volume. Parking directional signs shall not exceed an area of fifteen square feet (15 sf).
- (2) Signage on awnings is permitted in lieu of projecting signs and must not exceed thirty square feet (30 sf) of sign area.
- (3) Residential wall signs shall not exceed twenty square feet (20 sf). Residential projects may utilize signage on awnings over the primary multi-unit entryway. Copy areas on awnings shall not exceed thirty square feet (30 sf).

### 2. Guidelines

The following guidelines complement Signage Design Standards in Section B.1 of this part.

#### a. Overall

- (1) Consistency among signs within the Ivy District is encouraged to create visual harmony between signs, buildings, and other components of the district.
- (2) Compatibility between signage, architectural and site design features are encouraged within the Ivy District.
- (3) Signage that is in character with planned and existing uses is encouraged to create a unique sense of place.
- (4) Multi-tenant commercial uses are encouraged to develop a unique set of sign regulations in conjunction with development standards.

### 3. Examples

See Appendix F, Signage Examples for images that are representative of signs that would comply with the signage design controls.

**TABLE 10.1**

| <b>Sign Type</b>                  | <b><i>Predominately<br/>Non-residential<br/>Areas</i></b> | <b><i>Predominately<br/>Residential<br/>Areas</i></b> | <b><i>Standard</i></b>  |
|-----------------------------------|---|---|---|
| Wall (Building or Attached) Signs | P   | P<br>(Commercial and live-work uses only)             | <p>For all first floor commercial uses (retail, office, and restaurant): One sign per tenant space; area to be calculated at 1.5 sq. feet per linear foot of public street frontage for the tenant space with a maximum of 100 sq. ft per tenant.</p> <p>Second and upper floor commercial uses may also be permitted one second floor wall sign per tenant space per public street frontage; area to be calculated at 1.5 sq. feet per linear foot of second or upper floor frontage along that public street with a maximum of 125 sq. feet.</p> <p>Institutional uses (non-profits and churches): One sign per tenant space; area to be calculated at 1.5 sq. feet per linear foot of public street frontage with a maximum of 100 sq. feet.</p> <p>Live-Work and Home occupations: One sign limited to an area of 20 sq. feet max.</p> <p>Building sign may encroach a maximum of 12" on to a sidewalk while maintaining a vertical clearance of 8 feet from the finished sidewalk.</p> <p>Building signs may be externally lit.</p> <p>Marquee signs as only permitted as specified below.</p> |
| Monument Signs                    | P   | NP  | <p>One monument sign at the project entry for the purposes of identifying the project or district.</p> <p>Shall be in compliance with the Pearland Unified Development Code, 8th Edition, January 2013 and the T-15 and T-16 amendments approved June 24, 2013 and December 16, 2013, except as modified by this PD document.</p>   |
| Window Signs                      | P   | P<br>(Commercial and live-work uses only)             | <p>Limited to 20% of the window area.</p> <p>The following shall be exempt from this limitation:</p> <p>Addresses, closed/open signs, hours of operation, credit card logos, real estate signs, and now hiring signs;</p> <p>Mannequins and storefront displays of merchandise sold; and</p> <p>Interior directory signage identifying shopping aisles and merchandise display areas.</p> <p>Shall be in compliance with the Pearland Unified Development Code, 8th Edition, January 2013 and the T-15 and T-16 amendments approved June 24, 2013 and December 16, 2013, except as modified by this PD document.</p>  |
| Building Blade Signs              | P   | P<br>(Commercial and live-work uses only)             | <p>One per building (commercial and mixed use buildings only).</p> <p>Area = 30 sq. feet maximum per sign face.</p> <p>May encroach a maximum of 6 feet over a sidewalk, but shall not encroach over any parking or travel lane.</p> <p>Building blade signs may be attached to the building at the corners of building or along any street facing façade above the first floor facade.</p>   |
| Tenant Blade Signs                | P   | P<br>(Commercial and live-work uses only)             | <p>One per commercial tenant space (retail, office, or restaurant use).</p> <p>Area = 16 sq. feet maximum per sign face.</p> <p>May encroach a maximum of 4 feet over a public sidewalk, but shall not encroach over any parking or travel lane.</p> <p>Tenant blade signs shall be oriented perpendicular to the building façade and hung under the soffit of an arcade or under a canopy/awning or attached to the building façade immediately over the first floor tenant space while maintaining a vertical clearance of 8 feet from the finished sidewalk.</p>   |

| <b>Sign Type</b>             | <b><i>Predominately<br/>Non-residential<br/>Areas</i></b> | <b><i>Predominately<br/>Residential<br/>Areas</i></b> | <b><i>Standard</i></b>  |
|------------------------------|---|---|---|
| Marquee Signs                | P   | NP  | <p>Permitted for theaters, auditoriums, and other public gathering venues of 100 persons or more. Marquee signs shall be attached to the building or located above or below a canopy only. Area = 100 sq. feet maximum.</p> <p>Message board may be changeable copy (electronic and non-electronic) and shall be limited to 50% of the sign area. Electronic message boards shall be non-flashing, nor shall flashing lights of any kind be permitted.</p> <p>Electric Marquee signs shall have an accessible disconnect switch and shall be labeled to indicate the voltage and amperage of electrical circuits connected to the sign.</p> |
| For Sale/For Lease Signs     | P   | P   | Same as City of Pearland Sign Regulations   |
| Address Signs                | P   | P   | Same as City of Pearland Sign Regulations   |
| Temporary Construction Signs | P   | P   | Same as City of Pearland Sign Regulations   |
| Banners                      | P   | P   | Same as City of Pearland Sign Regulations   |
| Sandwich Board Signs         | P   | P<br>(Commercial and live-work uses only)             | <p>Permitted only for retail, service, or restaurant uses.</p> <p>Limited to 12 sq. feet per sign face per storefront.</p> <p>Sign may not exceed 4 feet in height.</p> <p>A minimum of 6 feet of sidewalk shall remain clear.</p> <p>Chalkboards may be used for daily changing of messages.</p> <p>Readerboards (electronic and non-electronic) shall be prohibited.</p> <p>Sign shall be removed every day after the business is closed</p> <p>Sign shall remain out of the public R.O.W.</p>  |
| Light Pole Banners           | P   | P   | <p>Permitted only with approval of the City.</p> <p>Must allow for 8 ft. clear height below banner.</p> <p>Max. 10 sq. feet per sign face.</p> <p>Limited to one per light pole.</p> <p>All light pole banners shall be approved by the appropriate utility company prior to consideration by the City.</p> <p>Light pole banners shall be limited to publicize community-wide events, holiday celebrations, public art, and other city sponsored events.</p> <p>Light pole banners shall have a unified design for the entire district.</p>  |
| Directory Signs              | P   | P<br>(Commercial and live-work uses only)             | <p>Shall be allowed for all multi-tenant commercial and mixed use buildings only.</p> <p>One directory sign per multi-tenant building limited to 12 sq. feet in area.</p> <p>Design of the sign shall be integral to the façade on which the sign is to be affixed.</p>   |
| Pole Signs                   | NP  | NP  |   |
| LED Signs                    | NP  | NP  |   |

P = Permitted

NP = Not Permitted



# 11 | OPEN SPACE DESIGN CONTROLS

## A. Introduction

This part establishes the Public Open Space and Private Open Space Design Controls for Ivy District. The Public Open Space Design Plan, Exhibit B6, designates several areas for proposed Public Open Space types within Ivy District. The detailed Public Open Space Design Controls for each type are included in this portion of the PD document. A “Master Open Space and Landscape Plan” shall be prepared based on the design controls in this part.

## B. Public Open Space Design Controls

The design of Public Open Space shall be regulated by the Public Open Space standards herein which shall create a network of open spaces that recognizes the natural qualities of the area while providing a range of both passive and active recreational opportunities. These opportunities are accommodated in a variety of spaces ranging from larger parks to neighborhood-scaled greens to urban squares, plazas, and gardens. The open space network will be serviced by an interconnected network of trails and paths for pedestrians and bicyclists alike. Open space designs shall adhere to the standards and guidelines, contained within this section, for specific, open space types illustrated in Exhibit B6, Public Open Space Plan.

### 1. Standards

#### a. Overall

- (1) Areas designated as publicly accessible open space at the Ivy District are illustrated in Exhibit B6, Public Open Space Plan. Publicly Accessible Open Space at The Ivy District, excluding tower areas and courtyards, must be publicly accessible at all times, subject to reasonable maintenance, operations, and repair and security rights.
- (2) Building structures may be permitted within areas designated as Dedicated Open Space in Exhibit B6, Public Open Space Plan. Some permitted buildings include public restrooms no greater than 500 square feet; and open-air park pavilions, and buildings and uses specifically permitted within Tables 6.3 and 6.4.
- (3) All amenities located in the Public Open Spaces shall also meet the standards of the Harris and Brazoria County Flood Control District. Public use of amenities that overlap with the Harris and Brazoria

County Flood Control District water shed space shall be approved by both the Harris and Brazoria County Flood Control Districts prior to submittal of a plat application.

- (4) Public Open Spaces shall include a rainwater detention area for street and roof runoff.

#### b. Clear Creek Recreational Park

- (1) The Clear Creek Recreational Park shall be defined by multi-use pathways, as well as landscaped open space.
- (2) The Clear Creek Recreational Park shall include limited hardscape areas with benches and areas for casual seating.
- (3) Restroom facilities shall be provided in a convenient location for users of the Clear Creek Recreational Park.
- (4) Water Drinking fountains shall be provided in a convenient location for users of the Clear Creek Recreational Park.
- (5) Where necessary, Clear Creek shall be lined to reduce erosion and protect the existing slope south of the stream.

#### c. Art & Culture Green

- (1) Art & Culture Green shall include a rainwater detention pond, fed by rainwater runoff from adjacent streets.
- (2) In order to allow overland flows of rainwater from the street to the detention pond Art & Culture Green shall be curbless. Bollards or other visually attractive barriers must be incorporated to separate and define vehicle and pedestrian zones.

#### d. Parkside Green

- (1) Parkside Green shall primarily be naturally landscaped with many shaded places to sit.
- (2) Parkside Green shall incorporate an active or structured recreational component such as, but not limited to, a playground, community gardens or bocce court.

#### e. Ivy Square

- (1) The square shall have a more urban, formal character and be defined by the surrounding building frontages and adjacent tree-lined streets.

- (2) All buildings adjacent to the square shall front onto the square.
- (3) Adjacent streets shall be lined with appropriately scaled trees that help to define the square.
- (4) The landscape shall consist of lawns, trees, and shrubs planted in formal patterns and furnished with paths and benches.
- (5) Shaded areas for seating shall be provided.

**f. Ivy Plaza**

- (1) Size shall range from 0.25 acre to 1 acre. Shall front on at least one (1) street.
- (2) Building frontages shall define these spaces.
- (3) The landscape shall consist primarily of hardscape. If trees are included, they shall be formally arranged and of appropriate scale.
- (4) Planting, including trees and shrubs, are required.
- (5) Casual seating, along with tables and chairs, shall be provided.

**g. Ivy Garden**

- (1) Ivy Garden shall be defined by a formal pattern of walkways.
- (2) Lawns, trees, and ornamental plants shall be planted in formal patterns.
- (3) Shaded areas with seating shall be provided.

**h. Ancillary Structures**

- (1) Ancillary structures within public Public Open Spaces shall be formal in character and generally related to, but clearly subordinate to surrounding buildings.
- (2) Each individual structure shall keep in character or complement the style of nearby buildings.
- (3) Ancillary structures shall have one or more open sides or covered area that provides shade and shelter.

## 2. Guidelines

The following guidelines complement Public Open Space Design Standards in Section B.2 of this part.

**a. Overall**

- (1) The open space network should provide a wide range of activities including, but not limited to: active recreation areas such as sports courts and playgrounds; social activity and gathering areas such as outdoor dining and seating areas; food production areas such as community gardens and the organic

farm; and natural settings such as the stream corridor.

- (2) Public Open Spaces should be planted with native or acclimated tree and plant species.
- (3) Tree planting should follow the optimal growth of each tree species chosen and defined by a certified arborist at the time of planting.
- (4) Rainwater detention areas should incorporate a water feature as an amenity for residents.
- (5) Public Open Spaces should include seating, bike racks, trash and recycling bins where needed.
- (6) Separately defined areas within Public Open Spaces may be defined by distinct planting schemes.

**b. Clear Creek Recreational Park**

- (1) Clear Creek should have a natural look, with a meandering channel.
- (2) Once established, vegetation within the Clear Creek Corridor should not require irrigation and should require only minimal maintenance.

**c. Art & Culture Green**

- (1) The use of Art & Culture Green is unstructured and passive recreation, casual seating/picnicking, outdoor concerts and special events
- (2) The character of Art & Culture Green should be of a large, open space defined by landscaping and building frontages; detention and retention, paths, trails, open shelters, lawns, trees and shrubs naturally disposed to provide space for special events.
- (3) The multi-purpose lawn should be planted with low maintenance, acclimated lawn alternative species which have low water needs.
- (4) A space for community events, gatherings and festivities such as farmer's markets or outdoor concerts should be provided within Art & Culture Green. Areas with tree plantings may be included in this space.
- (5) Areas with seating should be provided and be carefully integrated into the overall design of Art & Culture Green.
- (6) The bike lane along Art & Culture Green should be paved with pervious unit pavers.
- (7) Art & Culture Green should be planted with native or acclimated plant species.

**d. Parkside Green**

- (1) Parkside Green should be available for civic purposes, commercial activity, unstructured recreation and other passive uses.
- (2) Appropriate paths, civic elements, fountains or open shelters may be included and shall be formally placed within the green.
- (3) An open area, either paved or lawn, should be provided in Parkside Green to accommodate social gatherings, informal play and sitting.
- (4) Parkside Green should include clearly defined areas for programmed activities such as, but not limited to, a picnic area, a community garden, a bocce ball court, a mini soccer field, basketball or tennis court, a playground or an outdoor dining area.
- (5) Ground floor active uses are encouraged to open onto and occupy parts of the Parkside Green adjacent to buildings with outdoor spaces.
- (6) Parkside Green should include ample seating. Trees should provide maximum wind protection, and seating should be located to offer sunny, wind protected places to sit and gather.
- (7) Rainwater detention areas should incorporate a water feature as an amenity for residents.
- (8) Separately defined areas within Parkside Green should be defined by distinct planting schemes.

**e. Ivy Square**

- (1) A civic element or small structure such as an open shelter, pergola, or fountain may be provided within the square.
- (2) An open area, either paved or lawn, should be provided to accommodate social gatherings, informal play and sitting.
- (3) Ivy Square should include ample seating. Trees should provide maximum wind protection, and seating should be located to offer sunny, wind protected places to sit and gather.

**f. Ivy Plaza**

- (1) Plazas typically should be located at the intersection of important streets. Plazas are appropriate in the Public Square Sub-District.
- (2) Typical uses are commercial and civic uses; casual seating; outdoor dining; retail and food kiosks.

**g. Ivy Garden**

- (1) Ivy Garden is intended to be a quiet, relaxing and meditative space.
- (2) A predominate feature will be a bosque of shade trees planted in a formal, orchard-like arrangement.

**h. Ancillary Structures**

- (1) Typically, these structures are located at prominent locations within an appropriate Public Open Space.
- (2) Ancillary structures located in the Public Square Sub-District may have minor commercial uses, such as small food or news vendors, but may also serve as civic elements for general public use with more passive activities.
- (3) Small, stand alone structure may be located within a Park, Green, Square or Plaza.
- (4) Primary uses should be civic or minor commercial uses.
- (5) Casual seating/picnicking, or recreational support facilities should be provided.

**3. Examples**

See Appendix G, Open Space Examples for images representative of the intended design character for public open spaces.

**C. Private Open Space Design Controls**

Given the mixed use nature of the Ivy District, all residential development within Ivy District shall meet the Private Open Space standards established in this portion of the PD document.

**1. Standards****a. Overall**

- (1) At least fifty percent (50%) of all residential units fronting on a street, public Public Open Space, forecourt, or courtyard shall provide one balcony or patio; or one playground or other Private Open Space amenity
- (2) All other Private Open Spaces are optional.

**b. Balconies**

- (1) Balconies that are not flush shall be a minimum of 5 feet clear in depth and a minimum of 8 feet in width.

**c. Patios**

- (1) Patios shall be a minimum of 150 square feet.
- (2) Patios shall have a clear sense of enclosure and separation from the public realm.

**d. Courtyards**

- (1) Courtyards shall be bounded on at least two sides by buildings with at least one pedestrian connection to an adjoining building or public sidewalk.
- (2) The courtyard shall be a minimum of one hundred-fifty (150) square feet.

**e. Forecourts**

- (1) A Forecourt is a small private open space between a building facade and the Build-to Line.

**f. Pedestrian Passages**

- (1) The minimum width shall be fifteen feet (15') wide.

**g. Playgrounds**

- (1) Playgrounds shall be a minimum of four hundred (400) square feet.
- (2) Playground equipment and design must be reviewed and approved by the City prior to installation.
- (3) Playgrounds shall be permitted in parks and greens to provide open space designed and equipped for the recreation of children.
- (4) These playgrounds shall serve as quiet, safe places – protected from the street – and typically located where children do not have to cross major roads to access them.

**h. Community Gardens**

- (1) Maximum size shall be one (1) acre.
- (2) Gardens shall be enclosed by a fence on all open sides.
- (3) Fences shall be installed straight and plumb, with vertical supports at a minimum of eight feet (8') on center.
- (4) Fencing Materials Permitted: pressure treated wood (must be painted or stained medium to dark color), wrought iron, painted galvanized steel
- (5) Fencing Materials not permitted: chicken wire, chain link, bobbed wire, vinyl, un-painted/stained pressure treated wood, plywood.

**i. Roof Terraces**

- (1) A Roof Terrace shall be at least be fifty percent (50%) of the building footprint area.

- (2) A Roof Terrace shall provide landscaping in the form of potted plants, seating, and other amenities for the users of the building.

**2. Guidelines**

The following guidelines complement Public Open Space Design Standards in Section C.1 of this part.

**a. Overall**

- (1) Drinking fountains should be provided at all active recreation areas. Lighting should be provided in some of the active recreation areas to allow for evening use.
- (2) Outdoor dining areas should be located in sunny, wind-protected locations. Outdoor cooking facilities are encouraged.

**b. Balconies**

- (1) Balconies may be semi-recessed or recessed. Projecting metal or slab balconies are only permitted if they have some means of visible support.

**c. Patios**

- (1) There are no guidelines that apply specifically to patios.

**d. Courtyards**

- (1) Courtyards should be large enough to allow for public activities and have sunlight during midday.
- (2) Courtyards should be designed to connect to adjacent buildings or to the public sidewalk through a pedestrian passage.

**e. Forecourts**

- (1) There are no guidelines that apply specifically to forecourts.

**f. Pedestrian Passages**

- (1) A pedestrian passage may be used to visually reduce the impact of a large development block. Building edges may accommodate active uses such as shops and restaurants.
- (2) Pedestrian passages shall consist of a hardscape pathway activated by frequent entries and exterior stairways.
- (3) The edges may simply be landscaped with minimal planting and potted plants.

**g. Playgrounds**

- (1) Playgrounds may be fenced.
- (2) An open shelter, play structures or interactive art and fountains may be included with landscaping between. Shaded areas and seating shall be provided. A larger playground may be incorporated into the park, whereas a more intimate playground may be incorporated into the green.
- (3) Separate play areas should be provided for toddlers (2-5 year old) and older children (5-12 year old). Play equipment that allows for multiple uses and encourages free-play is desirable.
- (4) The design, color, and material of play and recreation equipment should relate to the overall modern design aesthetic of the specific space in which it is located.

**h. Community Gardens**

- (1) There are no guidelines that apply specifically to community gardens.

**i. Roof Terraces**

- (1) A Roof Terrace may also include a portion of the roof as a green roof which may or may not have public access.

**3. Examples**

See Appendix G, Open Space Examples for images representative of the intended design character for private open spaces.



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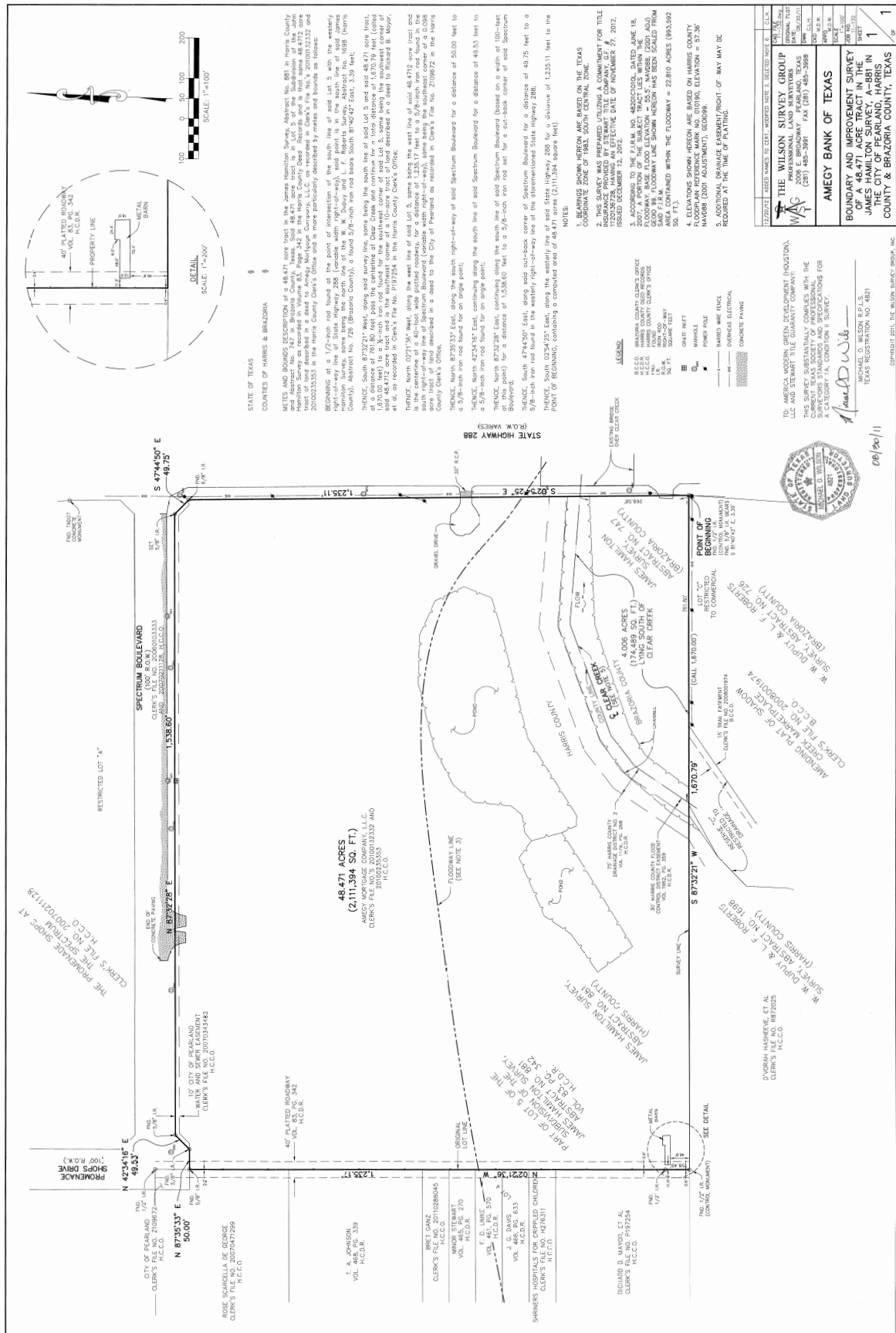
An architectural rendering of a modern building complex. The main building is a multi-story structure with a grid-like facade of windows. In the foreground, there is a courtyard area with several trees, a paved walkway, and a classic convertible car. The entire image is overlaid with a semi-transparent green filter.

# Appendix A: Site Description

|            |                   |
|------------|-------------------|
| Exhibit A1 | Location Map      |
| Exhibit A2 | Survey            |
| Exhibit A3 | Legal Description |
| Exhibit A4 | CLOMR Plan        |
| Exhibit A5 | FEMA Letter       |

Exhibit A1 Location Map







## Exhibit A3 Legal Description

## LEGAL DESCRIPTION

No. 4748 P. 7

That portion of Lot 5 of the Subdivision of the James Hamilton Survey, Abstract No. 881, a portion lying within Harris County, Texas and the remainder lying within Brazoria, Texas, according to the map or plat thereof recorded in Volume 83, Page 342 of the Deed Records of Harris County, Texas, being described by metes and bounds description as follows;

Being a tract of land containing 48.4712-acres (2,111,404 square feet) out of 50.4429-acre tract situated in the James Hamilton Survey, A-881 in Harris County, Texas and said 50.4429-acre tract being all of a tract described as a 50.4589-acre tract as conveyed unto Ruth Y. Fruge, Dennis D. Fruge, Paul Fruge Jr. And Gary A. Fruge as recorded in Volume 63, Page 342 D.R.H.C. deed and also being out of a called 80.00-acre tract conveyed unto Paul Fruge as recorded in Volume 3298, Page 117 D.R.B.C. and Volume 683, Page 471 D.R.B.C. and all being out of Harris County and Brazoria County, Texas. Said 48.4712-acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found for the Southwest corner of said 50.4429-acre tract and for a point in the North line of a 39.0027-acre tract of land as conveyed unto Elizabeth M. Powers in File No. R564784 O.P.R.R.P.H.C. and for a the Southeast corner of a 10-acre tract as conveyed unto E.A. Mayor et Al as recorded in Volume 5775, Page 89 D.R.H.C. and for the Southwest corner of said tract herein described;

THENCE North 02° 18' 30" West coincident with the East line of said 10-acre tract and the West line of said 50.4429-acre tract, a distance of 1,235.18 feet to a 1/2-inch iron rod set for the Southwest corner of a 1.9718-acre tract as conveyed unto the City of Pearland in a deed as recorded in File no. 20060103333 O.P.R.R.P.H.C. and for the Southernmost Northwest corner of said tract herein described;

THENCE North 87° 38' 49" East coincident with the South line of said 1.9718-acre tract, a distance of 50.00 feet to a 1/2-inch iron rod set for a cutback corner of said 1.9718-acre tract and for a corner of said tract herein described;

THENCE North 42° 37' 02" East coincident with the South line of said 1.9718-acre tract, a distance of 49.53 feet to a 1/2-inch iron rod set for a the northernmost Southwest cutback corner of said 1.9718-acre tract and for a corner in the North line of said tract herein described;

THENCE North 87° 35' 14" East coincident with the South line of said 1.9718-acre tract, a distance of 1,538.60 feet to a 1/2-inch iron rod set for a Northernmost Southeast cutback corner in the South line of said 1.9718-acre tract and for the Northernmost Northeast corner of said tract herein described;

THENCE South 47° 42' 04" East coincident with said South line of said 1.9718-acre tract, a distance of 49.75 feet to a 1/2-inch iron rod set for the Southernmost Southeast cutback corner of said 1.9718-acre tract and for a point in the West right-of-way line of State Highway 288 being a 10.105-acre as conveyed unto the Texas State Highway Department in Volume 7709, Page 340 D.R.H.C. and for the Southernmost Northeast corner of said tract herein described;

THENCE South 02° 51' 39" East coincident with said West right-of-way of State Highway 288, a distance of 1235.11 feet to a 1/2-inch iron rod set for the Southeast corner of said 50.4429-acre tract and for the Northeast corner of said Powers tract and for the Southeast corner of said tract herein described;

THENCE South 87° 35' 07" West coincident with the South line of said 50.4429-acre tract and the North line of said Powers tract, a distance of 1,670.00 feet to the POINT OF BEGINNING, containing in all 48.4712-acre (2,111,404 square feet) of land, more or less.

Note: The Company is prohibited from insuring the area or quantity of land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

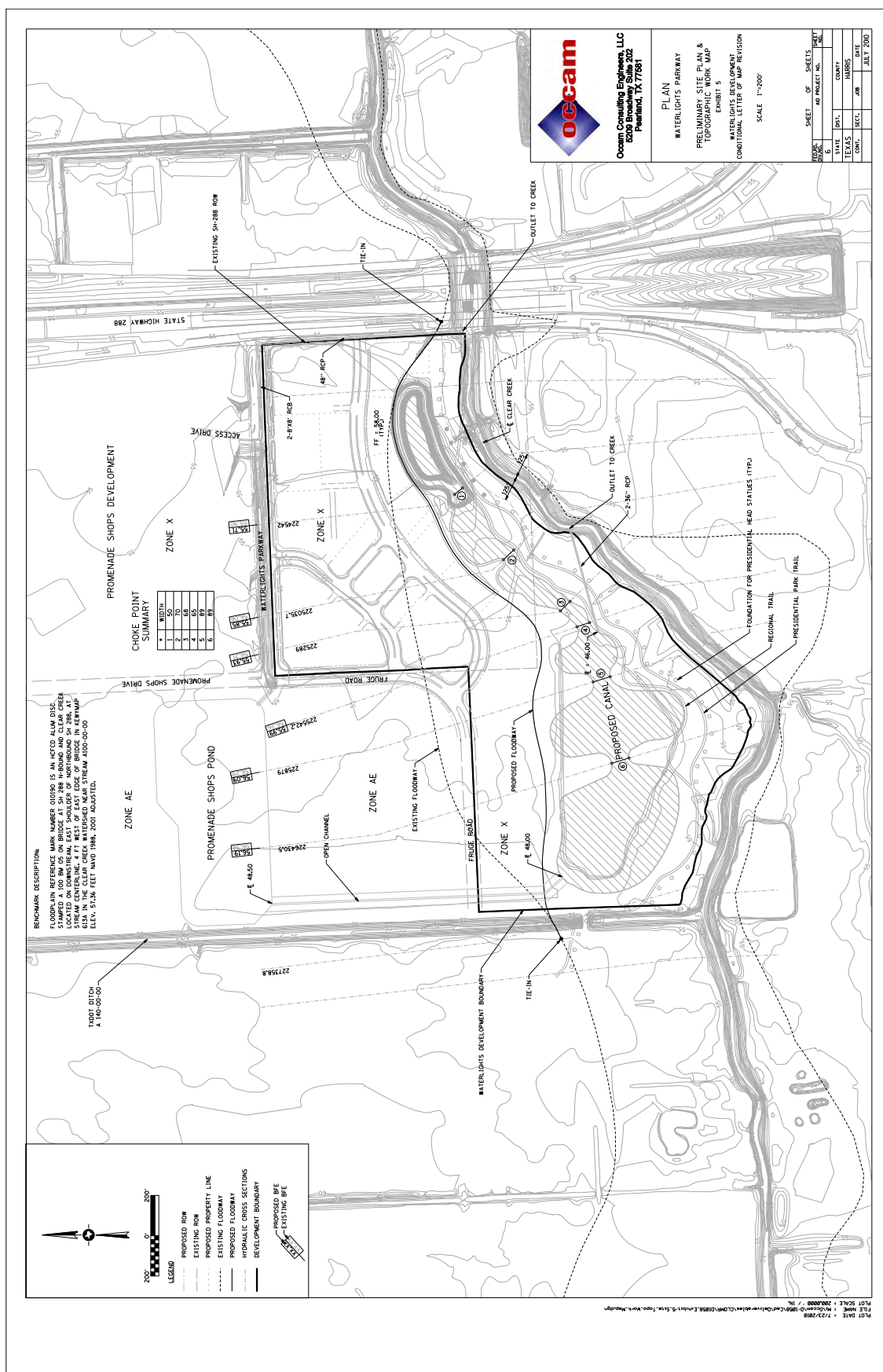
ANY PRODUCTION HEREON WHICH PERTAINS TO THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLLUSION OR FRAUD IS VOID AND UNENFORCEABLE UNDER PERSONAL LAW OF THE STATE OF TEXAS  
COUNTY OF HARRIS  
I hereby certify that this instrument was FILED in the recorder's Office on this date and all fees charged herein by me and was duly RECORDED in the Official Public Records of said County of Harris County, Texas on

FEB 26 2007

Return To  
Texas Nations Title  
3 Riverway, Suite 725  
Houston, TX 77056



*County Clerk*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS



## Exhibit A5 FEMA Letter



## Federal Emergency Management Agency

Washington, D.C. 20472

**May 31, 2011**

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:  
Case No.: 10-06-3168R

The Honorable Tom Reid  
Mayor, City of Pearland  
3519 Liberty Drive  
Pearland, TX 77581

Community: City of Pearland, TX  
Community No.: 480077

104

Dear Mayor Reid:

This responds to a request that the Department of Homeland Security's Federal Emergency Management Agency (FEMA) comment on the effects that a proposed project would have on the effective Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Brazoria and Harris Counties, Texas, and Incorporated Areas (the effective FIRM and FIS report for your community), in accordance with Part 65 of the National Flood Insurance Program (NFIP) regulations. In a submitted report dated July 2010, Mr. Peter A. Polk, P.E., Occam Consulting Engineers, Inc., requested that FEMA evaluate the effects that proposed Waterlights Development project along A100-00-00 (Clear Creek), from approximately 8,150 feet downstream of State Route 288 to approximately 8,670 feet upstream of State Route 288, would have on the flood hazard information shown on the effective FIRM and FIS report. The proposed project will include excavation, placement of fill and a detention basin along the left overbank of A100-00-00 (Clear Creek), from approximately 200 feet upstream of State Route 288 to approximately 3,820 feet upstream of State Route 288. The area of the proposed revision is shown on Brazoria County, Texas, and Incorporated Areas, FIRM Panel numbers, 48039C0010 I and 48039C0030 I both dated September 22, 1999 and on Harris County, Texas, and Incorporated Areas, FIRM Panel numbers, 48201C1010 L and 48201C1030 L, both dated June 18, 2007.

All data required to complete our review of this request for a Conditional Letter of Map Revision (CLOMR) were submitted with letters from Mr. Polk.

Because this revision request also affects the unincorporated areas of Brazoria and Harris Counties, Texas, separate CLOMRs for those communities were issued on the same date as this CLOMR.

We reviewed the submitted data and the data used to prepare the effective FIRM for your community and determined that the proposed project meets the minimum floodplain management criteria of the NFIP. The submitted existing conditions HEC-RAS hydraulic computer model, dated March 4, 2010, based on updated topographic information, was used as the base conditions model in our review of the proposed conditions model for this CLOMR request. We believe that, if the proposed project is constructed as shown on the submitted topographic work map, entitled "Exhibit 5, Waterlights Development Conditional Letter of Map Revision Topographic Work Map," prepared by Occam Consulting Engineers, Inc., dated February 2011, and the data listed below are received, a revision to the FIRM and FIS report would be warranted.



### **Area Within Brazoria County**

The effective Harris County modeling for A100-00-00 (Clear Creek) is being used as the basis of the preliminary modeling and mapping currently in progress for Brazoria County. Therefore, Harris County A100-00-00 (Clear Creek) modeling was used as the base conditions for the development of corrected effective/existing conditions model.

Our comparison of existing conditions to the effective flood hazard information revealed that the Base (1-percent-annual-chance) Flood Elevations (BFEs) increased and decreased compared to the effective BFEs for Clear Creek. The maximum increase in BFE for the project area and your community, 0.4 foot, occurred approximately 4,130 feet upstream of State Route 288. The maximum decrease in BFE for the project area and your community, 1.0 foot, occurred approximately 5,100 feet downstream of State Route 288. The increases and decreases in BFEs are due to updated topography and revised hydrology.

As a result of the proposed project, the BFEs will decrease compared to the existing conditions BFEs for Clear Creek. The maximum decrease in BFE for the project area and your community, 0.2 foot, will occur approximately 1,700 feet upstream of State Route 288.

As a result of the proposed project and updated topographic information, the BFEs will increase and decrease compared to the effective BFEs for Clear Creek. The maximum increase in BFE for the project area and your community, 0.3 foot, will occur approximately 4,130 feet upstream of State Route 288. The maximum decrease in BFE, 1.0 foot for the project area and your community, will occur approximately 5,100 feet downstream of State Route 288.

As a result of the proposed project and updated topographic information, the width of the Special Flood Hazard Area (SFHA), the area that would be inundated by the base flood, will increase and decrease compared to the effective SFHA width along Clear Creek. No increase in SFHA width will occur for your community. The maximum increase in SFHA width for the project area, approximately 5,730 feet, will occur approximately 790 feet upstream of State Route 288. The maximum decrease in SFHA width for the project area, approximately 1,810 feet, will occur approximately 3,070 feet downstream of State Route 288. No decrease in SFHA width will occur for your community.

As a result of the updated topographic information and the proposed project, the width of the regulatory floodway will increase and decrease compared to the effective floodway width along Clear Creek. The maximum increase in floodway width for the project area, approximately 1,200 feet, will occur approximately 6,550 feet upstream of State Route 288. The maximum increase in floodway width for your community, approximately 120 feet, will occur approximately 2,740 feet upstream of State Route 288. The maximum decrease in floodway width for the project area, approximately 510 feet, will occur approximately 1,130 feet downstream of State Route 288. The maximum decrease in floodway width for your community, approximately 130 feet, will occur approximately 5,100 feet downstream of State Route 288.

### **Area Within Harris County**

Our comparison of existing conditions to the effective flood hazard information revealed that the BFEs increased and decreased compared to the effective BFEs for A100-00-00 (Clear Creek). The maximum increase in BFE for the project area and your community, 0.2 foot, occurred approximately 4,480 feet upstream of State Route 288. The maximum decrease in BFE for the project area and your community, 0.2 foot, occurred approximately 900 feet upstream of State Route 288. The increases and decreases in BFEs are due to updated topography and revised hydrology.

As a result of the proposed project, the BFEs will decrease compared to the existing conditions BFEs for A100-00-00 (Clear Creek). The maximum decrease in BFE for the project area and your community, 0.2 foot, will occur approximately 1,700 feet upstream of State Route 288.

As a result of the proposed project and updated topographic information, the BFEs will increase and decrease compared to the effective BFEs for A100-00-00 (Clear Creek). The maximum increase in BFE for the project area and your community, 0.1 foot, will occur approximately 4,480 feet upstream of State Route 288. The maximum decrease in BFE for the project area and your community, 0.4 foot, will occur approximately 900 feet upstream of State Route 288.

As a result of the proposed project and updated topographic information, the SFHA width will decrease compared to the effective SFHA width along A100-00-00 (Clear Creek). The maximum decrease in SFHA width for the project area and your community, approximately 4,200 feet, will occur approximately 2,290 feet upstream of State Route 288.

As a result of the updated topographic information and the proposed project, the width of the regulatory floodway will decrease compared to the effective floodway width along A100-00-00 (Clear Creek). The maximum decrease in floodway width for the project area and your community, approximately 630 feet, will occur approximately 2,170 feet upstream of State Route 288.

Upon completion of the project, your community may submit the data listed below and request that we make a final determination on revising the effective FIRM and FIS report.

- Detailed application and certification forms must be used for requesting final revisions to the maps. Therefore, when the map revision request for the area covered by this letter is submitted, Form 1, entitled “Overview and Concurrence Form,” must be included. (A copy of this form is enclosed.)
- The detailed application and certification forms listed below may be required if as-built conditions differ from the preliminary plans. If required, please submit new forms (copies of which are enclosed) or annotated copies of the previously submitted forms showing the revised information.

Form 2, entitled “Riverine Hydrology and Hydraulics Form”

Hydraulic analyses, for as-built conditions, of the base flood; the 10-percent-, 2-percent-, and 0.2-percent-annual-chance floods; and the regulatory floodway must be submitted with Form 2.

- As-built plans, certified by a registered Professional Engineer, of all proposed project elements.
- A topographic work map showing the revised and effective floodplain and floodway boundaries.
- A copy of the annotated FIRM, at the scale of the effective FIRM, showing the revised floodway and base floodplain boundary delineations and a clear tie-in with the effective delineations at the upstream and downstream ends of the revised reach.



- A copy of the public notice distributed by your community stating its intent to revise the regulatory floodway, or a statement by your community that it has notified all affected property owners and affected adjacent jurisdictions.
- Documentation of individual legal notices that were sent to property owners affected by any widening or shifting of the SFHA, and any increases in BFEs.
- An officially adopted maintenance and operation plan for the detention pond. This plan, which may be in the form of a written statement from the community Chief Executive Officer, an ordinance, or other legislation, must describe the nature of the maintenance activities, the frequency with which they will be performed, and the title of the local community official who will be responsible for ensuring that the maintenance activities are accomplished.
- We are preparing a revised countywide FIRM and FIS report for Brazoria County. Preliminary copies of the revised FIRM and FIS report will be distributed for review in next several months. The ongoing preliminary study encompasses a portion of the reach for which this CLOMR is being issued. Upon completion of the project for which this CLOMR is issued, the BFEs and SFHA/floodway boundary delineations must tie into the revised flood hazard information.

Effective January 13, 2010, FEMA revised the fee schedule for reviewing and processing requests for conditional and final modifications to published flood information and maps. In accordance with this schedule, the current fee for this map revision request is \$5,000 and must be received before we can begin processing the request. Please note, however, that the fee schedule is subject to change, and requesters are required to submit the fee in effect at the time of the submittal. Payment of this fee shall be made in the form of a check or money order, made payable in U.S. funds to the National Flood Insurance Program, or by credit card (Visa or MasterCard only).

The payment, along with the revision application, must be forwarded to the following address:

FEMA LOMC Clearinghouse  
7390 Coca Cola Drive, Suite 204  
Hanover, MD 21076

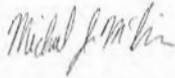
After receiving appropriate documentation to show that the project has been completed, FEMA will initiate a revision to the FIRM and FIS report. Because the BFEs would change as a result of the project, a 90-day appeal period would be initiated, during which community officials and interested persons may appeal the revised BFEs based on scientific or technical data.

This CLOMR is based on minimum floodplain management criteria established under the NFIP. Your community is responsible for approving all floodplain development and for ensuring all necessary permits required by Federal or State law have been received. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If the State, county, or community has adopted more restrictive or comprehensive floodplain management criteria, these criteria take precedence over the minimum NFIP criteria.

5

If you have any questions regarding floodplain management regulations for your community or the NFIP in general, please contact the Consultation Coordination Officer (CCO) for your community. Information on the CCO for your community may be obtained by calling the Director, Mitigation Division of FEMA in Denton, Texas, at (940) 898-5127. If you have any questions regarding this CLOMR, please contact the FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627).

Sincerely,



Michael J. McGinn, Program Specialist  
Engineering Management Branch  
Federal Insurance and Mitigation Administration

For: Luis Rodriguez, P.E., Chief  
Engineering Management Branch  
Federal Insurance and Mitigation  
Administration

#### Enclosures

cc: The Honorable Ed Emmett  
Harris County Judge

The Honorable Joe King  
Brazoria County Judge

Mr. Narciso Lira III, P.E.  
City Engineer, City of Pearland

Ms. Kelly Hamby, CFM  
Floodplain Administrator, Brazoria County

Mr. Raymond Anderson, P.E., CFM  
Manager of Permits, Harris County

Mr. Mark Loethen, P.E., CFM  
City Engineer, City of Houston

Mr. Peter A. Polk, P.E.  
Occam Consulting Engineers, LLC

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An architectural rendering of a modern building complex, overlaid with a semi-transparent green filter. The scene features a multi-story building with a grid-like window pattern, a lower-level glass-fronted structure, and a parking area with a car. Bare trees are in the foreground, and a paved walkway leads towards the buildings. The overall tone is professional and modern.

# Appendix B:

## Design Plan

|            |                          |
|------------|--------------------------|
| Exhibit B1 | Site Plan                |
| Exhibit B2 | Illustrative Master Plan |
| Exhibit B3 | Street Network Plan      |
| Exhibit B4 | Building Program Plan    |
| Exhibit B5 | Setbacks Plan            |
| Exhibit B6 | Public Open Space Plan   |
| Exhibit B7 | Parkland Landscape Plan  |
| Exhibit B8 | Parkland Amenities Plan  |
| Exhibit B9 | Phasing Plan             |



Exhibit B1 Site Plan

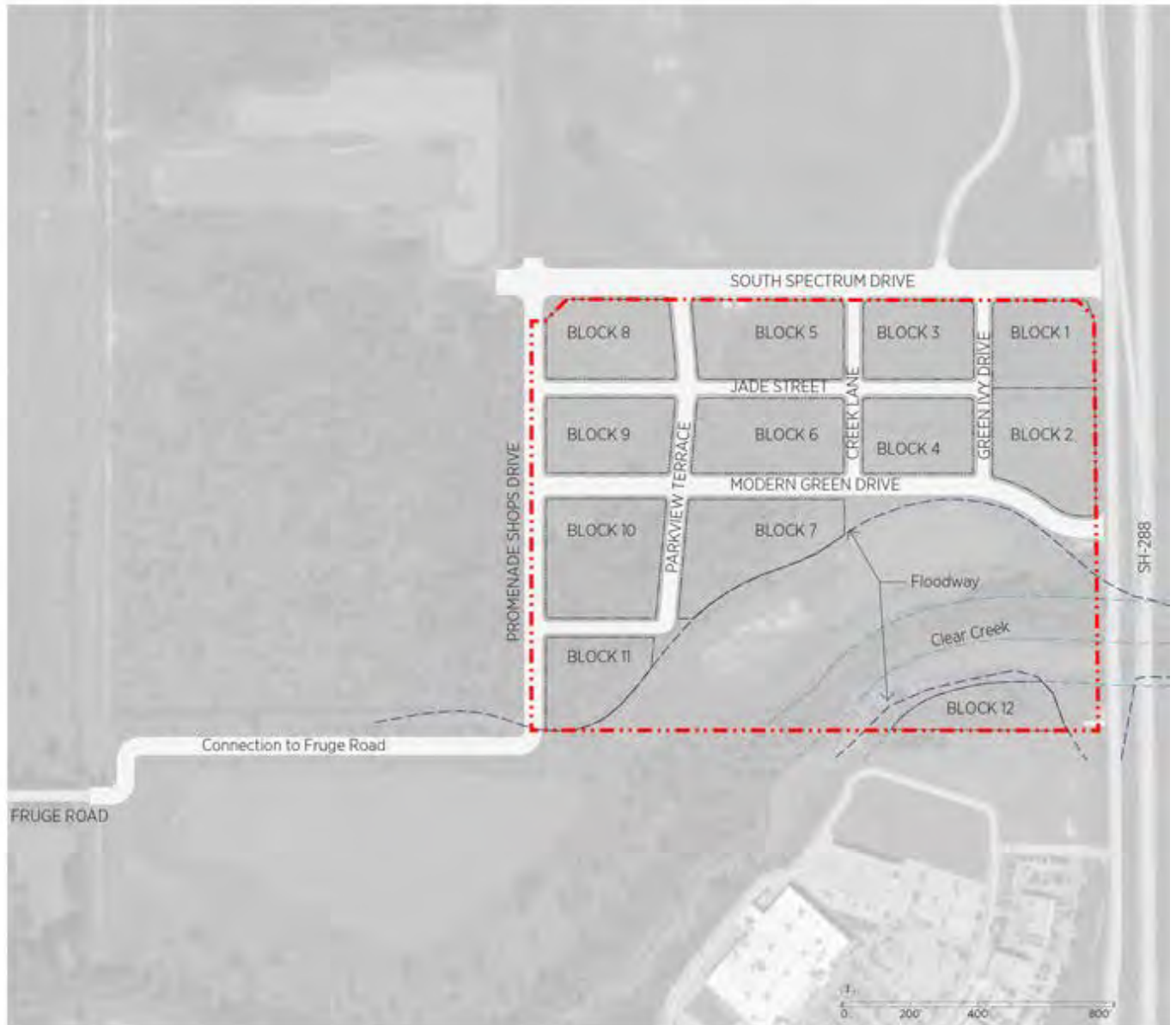
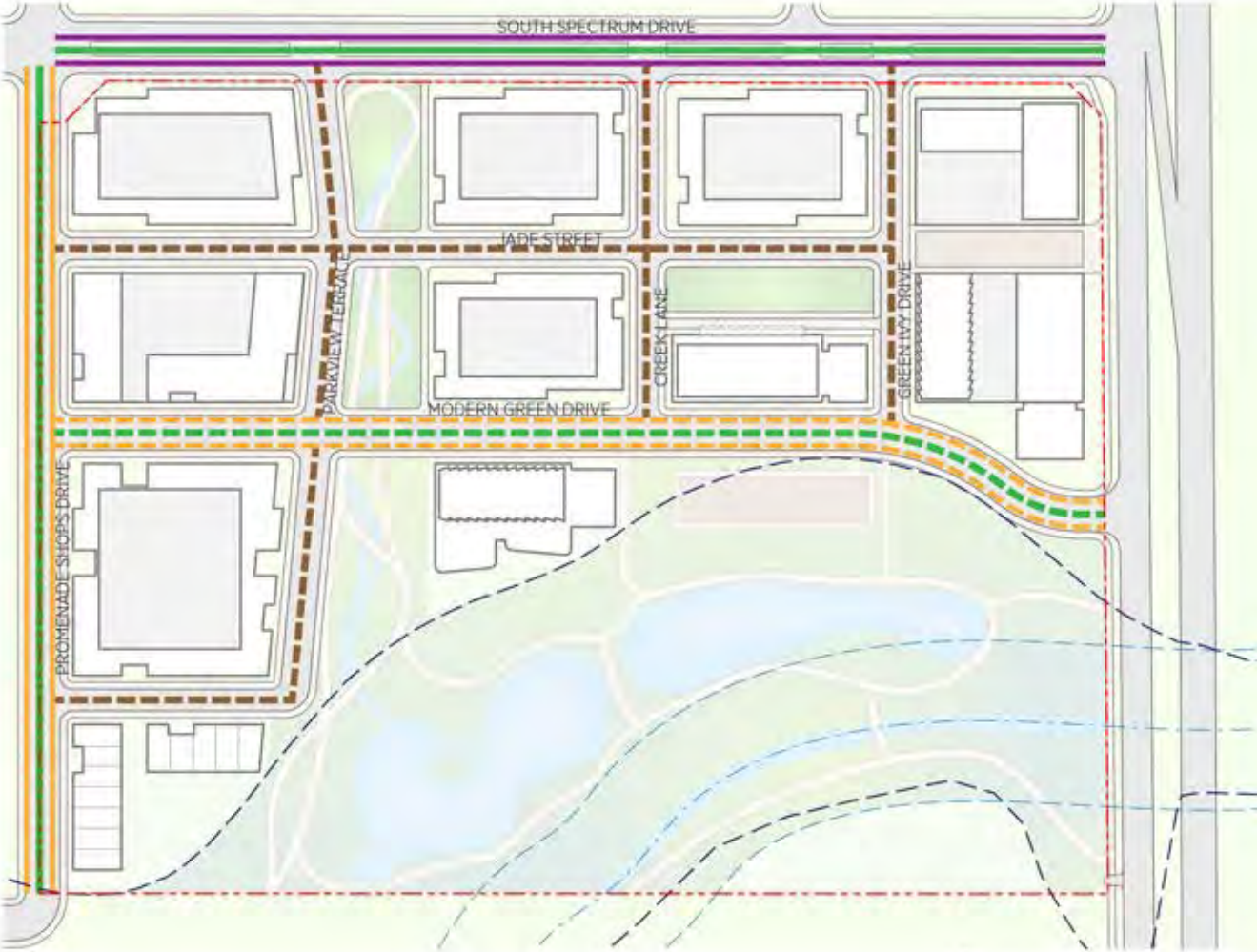


Exhibit B2 Illustrative Master Plan



Exhibit B3 Street Network Plan



**Street Types**

- "Boulevard" Street
- "Neighborhood Collector" Street
- "Local" Street
- - - Dashed line denotes a Private Street, with variable alignment
- Solid line denotes a Public Street, with fixed alignment



Exhibit B4 Building Program Plan



Exhibit B5 Setbacks Plan



- 25' max. setback
- 10' min. - 15' max. setback
- 8' min. - 10' max. setback
- 5' min. - 10' max. setback
- 5' min. - 8' max. setback



Exhibit B6 Public Open Space Plan



Note: Total area of public open space identified is 18.7 acres.

Exhibit B7 Parkland Landscape Plan

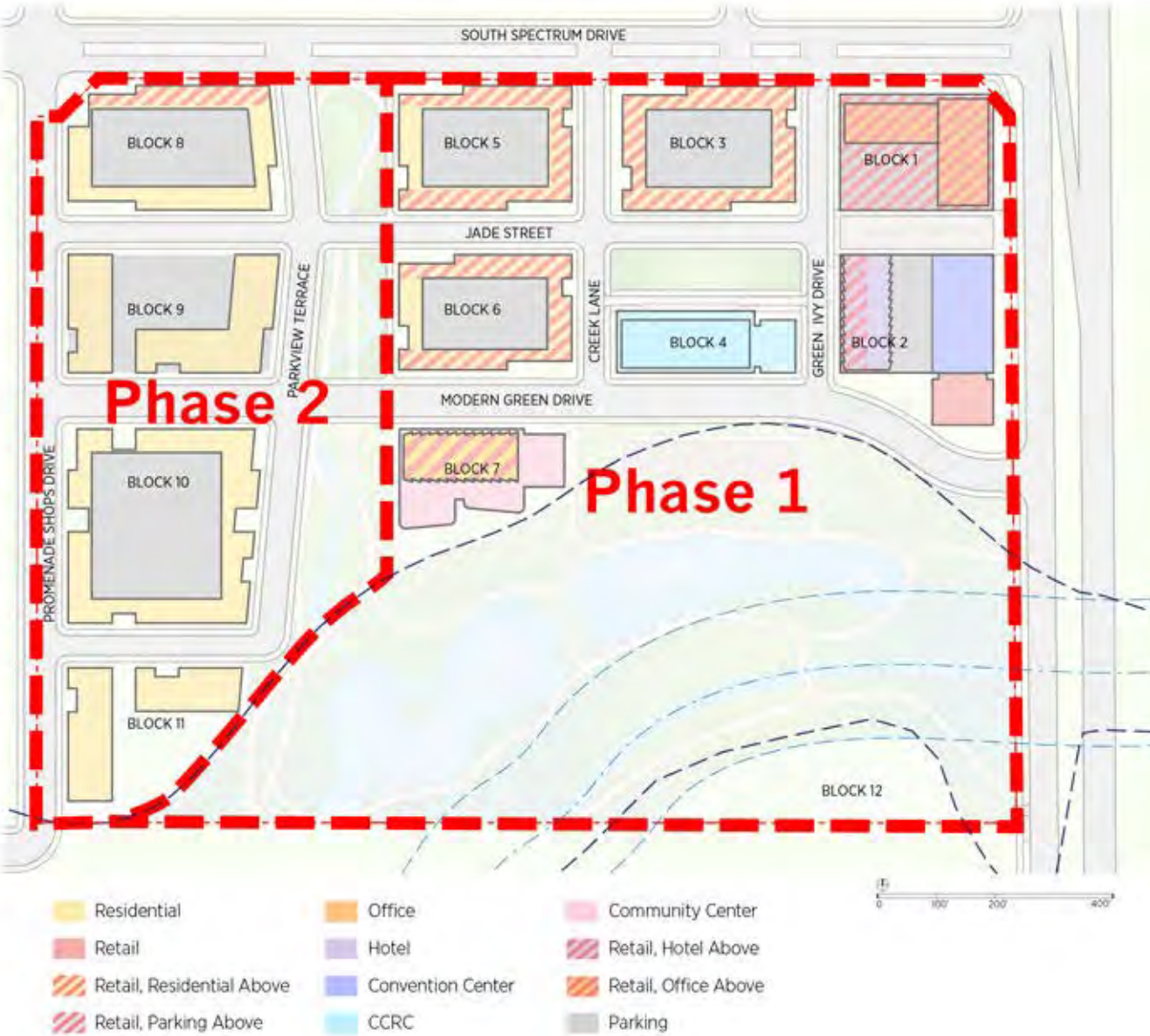


Exhibit B8 Parkland Amenities Plan





Exhibit B9 Phasing Plan



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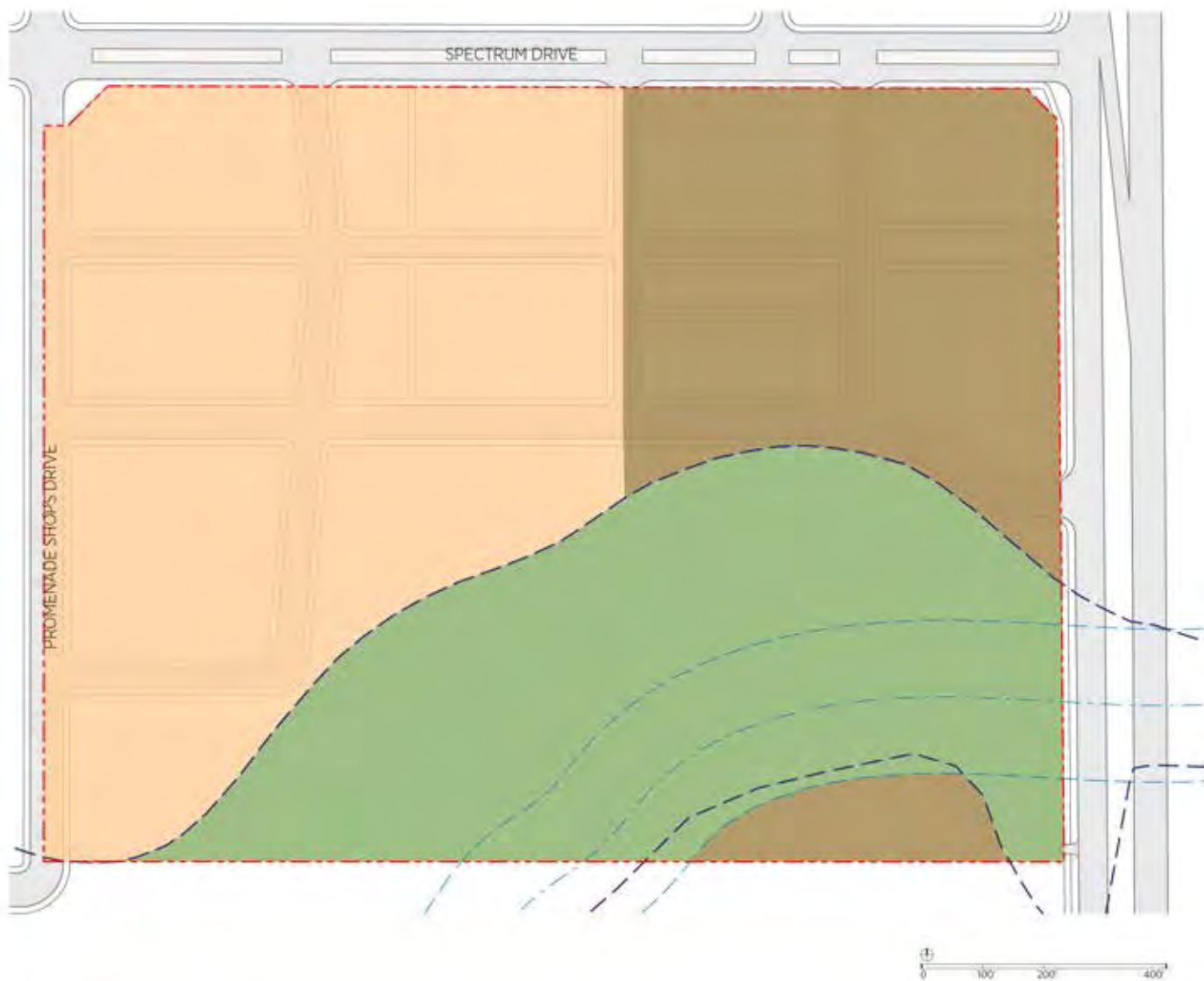


# Appendix C:

## Regulating Plans

- Exhibit C1 Sub-Districts Regulating Plan
- Exhibit C2 Land Use Regulating Plan

Exhibit C Sub-Districts Regulating Plan



**Sub-District Legend**

- Public Square
- Parkside Neighborhood
- Clear Creek

Exhibit C2 Land Use Regulating Plan

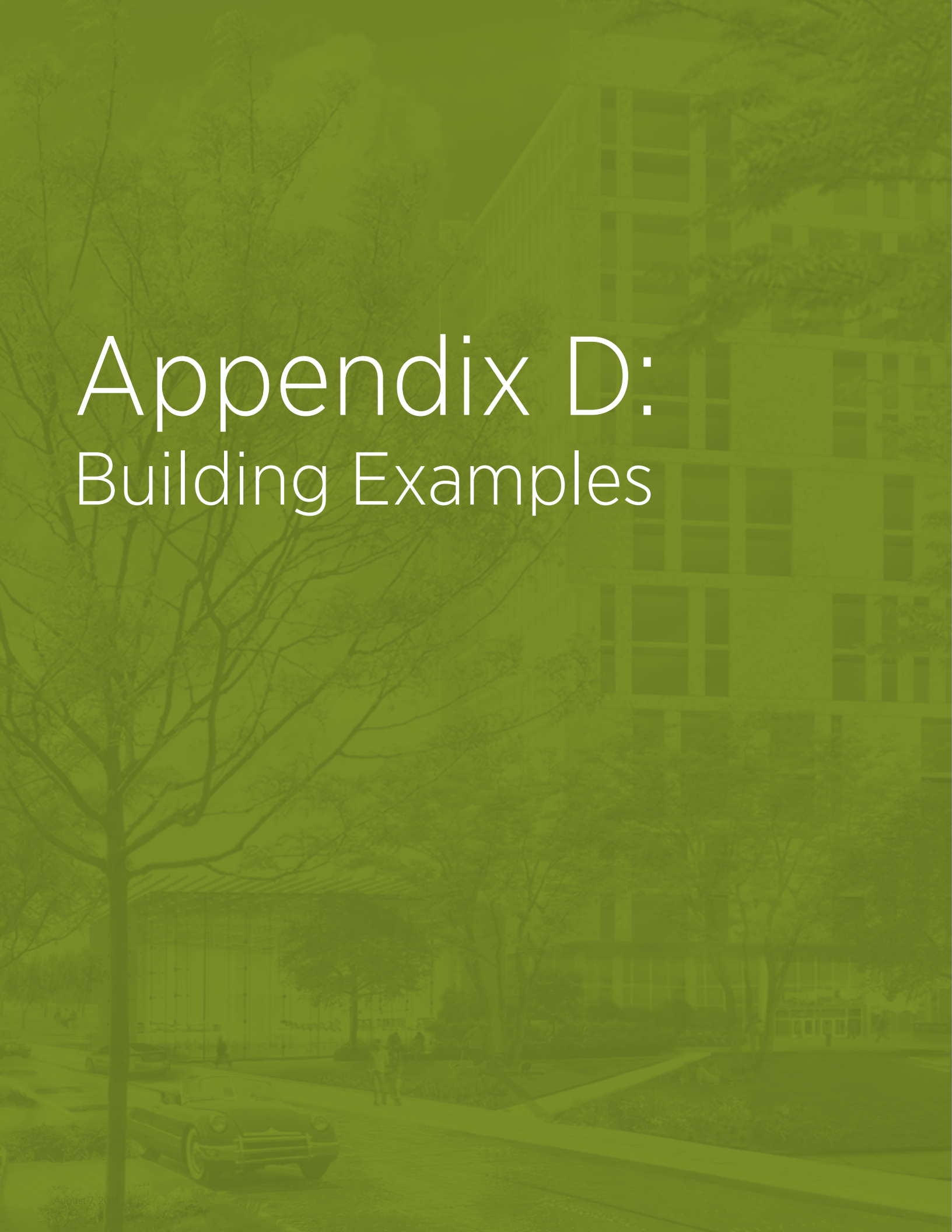
**Land Use Legend**

|                                 |                     |                   |
|---------------------------------|---------------------|-------------------|
| Commercial, Retail              | Retail, Residential | Public Open Space |
| Commercial, Retail, Residential | Residential         |                   |

**Notes:**

1. The depicted alignment of streets and configuration of blocks are conceptual and variable pursuant to the minor deviation provisions established in this PD document.
2. Public open space is the only permitted land use where so indicated on this plan; however, public open space shall also be incorporated in the development blocks as required to meet open space requirements as established in this PD document.



An architectural rendering of a modern building complex. The main building is a multi-story structure with a grid-like facade of windows. In the foreground, there is a courtyard area with several trees, a paved walkway, and a classic convertible car. The entire image is overlaid with a semi-transparent green filter.

# Appendix D: Building Examples

|            |  |
|------------|--|
| Exhibit D1 | Office Building Examples                             |
| Exhibit D2 | Hotel and Conference Center Examples                 |
| Exhibit D3 | Continuing Care Retirement Community (CCRC) Examples |
| Exhibit D4 | Community Square Examples                            |
| Exhibit D5 | Anchor Retail Examples                               |
| Exhibit D6 | Residential - Urban Style Dwellings Examples         |
| Exhibit D7 | Residential - Flats or Lofts Examples                |
| Exhibit D8 | Residential - Townhouse Examples                     |
| Exhibit D9 | Building Top Examples                                |

### Exhibit D1 Office Building

Office buildings in the Ivy District will help promote a community where one can both live and work. The inclusion of office program will also help activate the neighborhood during office hours. The images shown are representative of the intended design character for office buildings and illustrate appropriate application of design standards for building elevations.



Key Plan





## Exhibit D2 Hotel and Conference Center

A hotel and conference center will help draw non-residents to the community, activate the retail center and provide additional hospitality amenities to the Pearland area. The images shown are representative of the intended design character for hotel and conference center buildings and illustrate appropriate application of design standards for building elevations.



Key Plan





### Exhibit D3 Continuing Care Retirement Community (CCRC)

A Continuing Care Retirement Community (CCRC) means any buildings specifically designed to meet the physical or social needs of senior citizens. The images shown are representative of the intended design character for CCRC building and illustrate appropriate application of design standards for building elevations.



Key Plan



## Exhibit D4 Community Center

The community center is intended to support the creation of smaller community gathering places and is meant to create a hub of activity and social engagement at the Ivy District. Located adjacent to the Clear Creek Recreational Park, the community center should foster a strong relationship between the interior of buildings and the outdoors. The images shown are representative of the intended design character for Community Center building and illustrate appropriate application of design standards for building elevations.



Key Plan





### Exhibit D5 Anchor Retail

To create a vibrant neighborhood commercial center, Anchor Retail is intended to support and serve the entire Ivy District neighborhood and broader Pearland community. The images shown are representative of the intended design character for Anchor Retail building and illustrate appropriate application of design standards for building elevations.



Key Plan



## Exhibit D6 Residential - Urban Style Dwellings

Urban-style residential buildings are intended to include a range of dwelling unit types in order to encourage a diversity of households within the Ivy District. Non-residential uses within these buildings are intended to support and serve the surrounding residential population with small-scale, community oriented spaces and services. The images shown are representative of the intended design character for Urban Style residential buildings and illustrate appropriate application of design standards for building elevations.



Key Plan





### Exhibit D7 Residential - Flats or Lofts

Flats or lofts are intended to include a range of dwelling unit types in order to encourage a diversity of households within the Ivy District. The images shown are representative of the intended design character for Flats or Lofts residential buildings and illustrate appropriate application of design standards for building elevations.



Key Plan



## Exhibit D8 Residential - Townhouse

Townhouses are intended to include a range of dwelling unit types in order to encourage a diversity of households within the Ivy District. The images shown are representative of the intended design character for Townhouse residential buildings and illustrate appropriate application of design standards for building elevations.



Key Plan





### Exhibit D9 Building Top Examples

The tops of buildings at Ivy District should be designed to support stated goals of sustainability. The images shown represent examples of how those goals may be achieved by providing space for alternative energy production, incorporating vegetated roof covers, addressing rainwater run-off, and allowing residents to inhabit them.



Key Plan







The background image is a photograph of a city street scene, tinted in a solid green color. It shows a multi-story building with many windows, bare trees in the foreground and midground, and a dark-colored car parked on the street. The overall atmosphere is urban and somewhat muted due to the monochromatic tint.

# Appendix E: Streetscape Examples

|            |                                    |
|------------|------------------------------------|
| Exhibit E1 | Streetscape - Mixed Use Examples   |
| Exhibit E2 | Streetscape - Residential Examples |
| Exhibit E3 | Bioswale Examples                  |
| Exhibit E4 | Paving Examples                    |
| Exhibit E5 | Bicycle Parking Examples           |
| Exhibit E6 | Site Furnishings Examples          |
| Exhibit E7 | Lighting Examples                  |
| Exhibit E8 | Material and Color Examples        |
| Exhibit E9 | Pedestrian Bridges Examples        |

## Exhibit E1 Streetscape - Mixed Use Examples

Retail signage, street trees and planting areas, and accommodations for bike and pedestrian traffic should be provided. Outdoor seating areas are encouraged.



Key Plan





## Exhibit E2 Streetscape - Residential Examples

Planting should not obscure stoops and entryways. Sidewalks should be kept clear for pedestrian traffic.



Key Plan





### Exhibit E3 Bioswale Examples

Bioswales located within the sidewalks throughout the Ivy District street network are designed for storm water runoff conveyance that provides an alternative to storm sewers. They can absorb low flows or carry runoff from heavy rains to storm sewer inlets or directly to surface waters. Bioswales improve water quality by infiltrating the first flush of storm water runoff and filtering the large storm flows they convey. The maintenance of bioswales will be the responsibility of the owner.



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## Exhibit E4 Paving Examples

The ground plane within the public realm plays a critical role in both maximizing site permeability as well as enhancing the character of the Ivy District as a pedestrian focused neighborhood. In order to encourage a modern, simple neighborhood aesthetic, the paving palette is intended to be limited to a small range of textures and colors. The use of recycled or renewable materials, when possible, is encouraged. Materials for sidewalks are permitted to be pavers or concrete paving that will meet the minimum design performance requirements per the Pearland Engineering Design Criteria Manual, June 2007. All streets must be concrete and meet the minimum strength requirement of the Pearland Engineering Design Criteria Manual, June 2007 and a Geotech Report signed and sealed by a Texas Professional Engineer.





## Exhibit E5 Bicycle Parking Examples

Bicycle parking and other public amenities are intended to support the design and function of streets and open spaces and enhance the character of the Ivy District as a pedestrian and bicyclist focused neighborhood. Bicycle parking shall be made of durable and vandal-resistant materials such as stainless steel or other heavy duty materials where appropriate.



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## Exhibit E6 Site Furnishings Examples

Materials, site furnishings and other public amenities described in this section are intended to support the design and function of streets and open spaces, while aesthetically enhancing the public character of the Ivy District as a pedestrian focused neighborhood. Bollards and trash and recycling bins are intended to have a consistent design vocabulary throughout the neighborhood.



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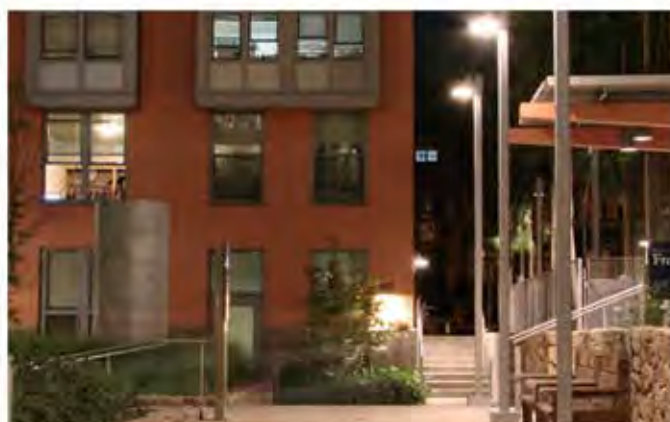


## Exhibit E7 Lighting Examples

Lighting is intended to be attractive and visually engaging, while providing public safety and enhancing the character of the Ivy District as a pedestrian focused neighborhood. Certain areas of the Ivy District neighborhood are intended to have lower lighting levels, such as the Clear Creek Recreational Area where it is important to minimize light pollution so as not to disturb wildlife and maintain a natural setting. The Ivy District shall develop a "Master Lighting Plan" for review and approval by the city manager and the city council before submittal of a development application.



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## Exhibit E8 Material and Color Examples



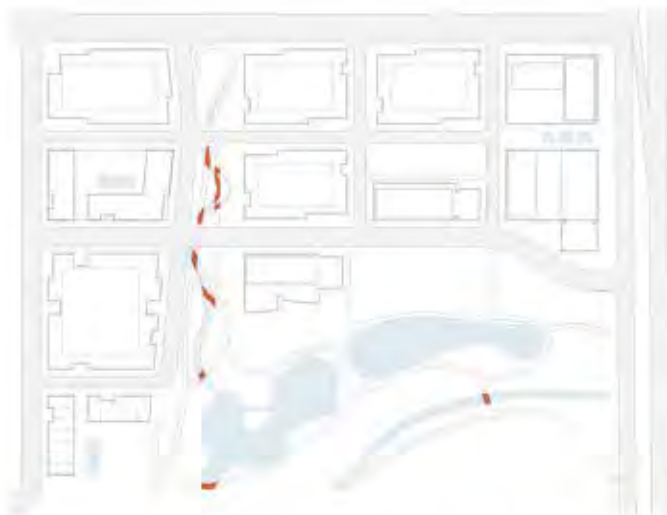
The use of materials and colors help to define the quality and nature of a place. Individual buildings at Ivy District are encouraged to use a variety of material and color palettes, weaving together a vibrant neighborhood tapestry.





### Exhibit E9 Pedestrian Bridge Examples

Pedestrian bridges shall be located within Public Open Space. Design of pedestrian bridges in the Ivy District shall take the urban context into consideration including pedestrian amenities, architectural detailing, railings, and appropriate materials. The images in this section are intended to provide examples of pedestrian bridges. The incorporation of public art is also encouraged to provide a unique sense of place and identity to the landscaped open space.

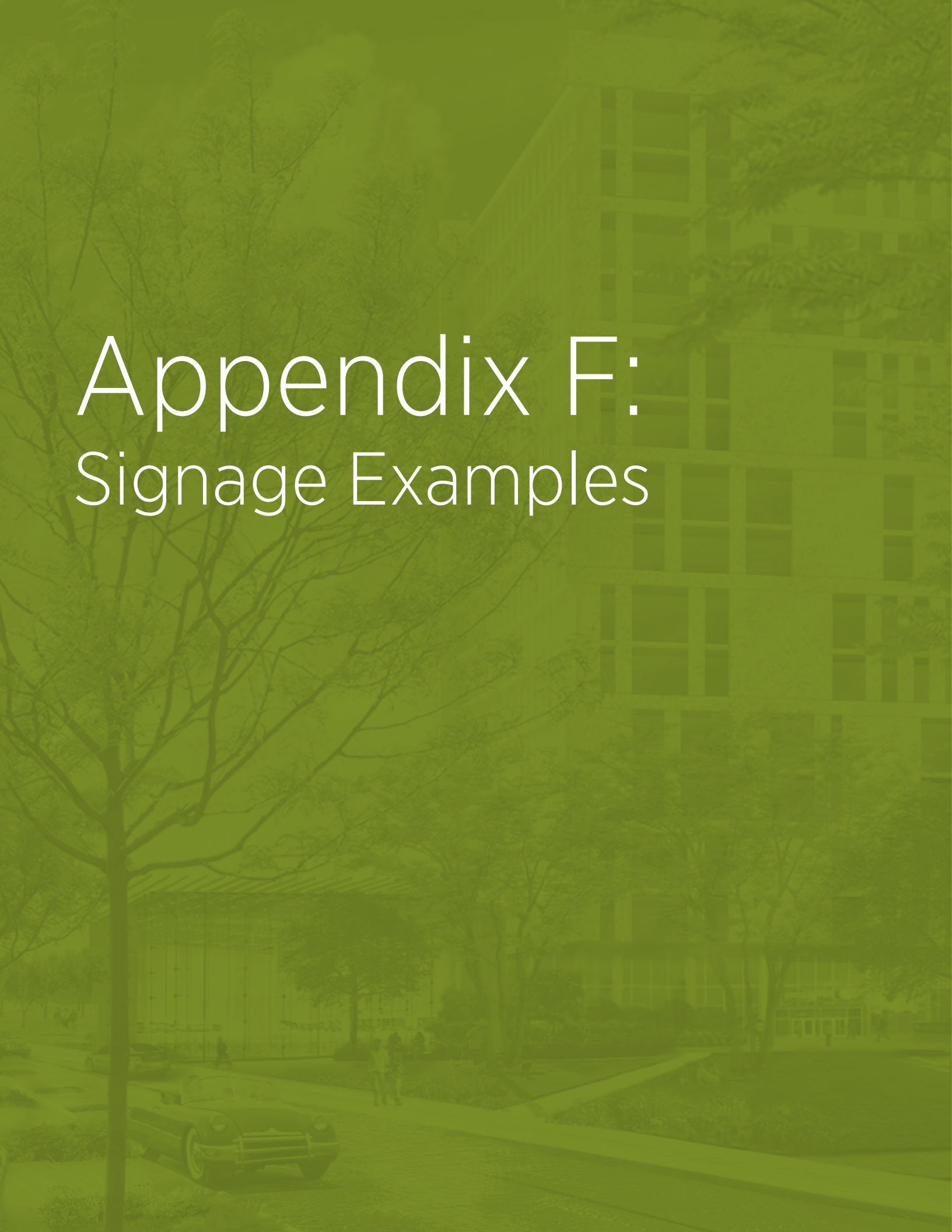


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The background of the page is a photograph of a modern, multi-story building with a grid-like window pattern. In the foreground, there are several trees with bare branches, suggesting a late autumn or winter setting. A paved area with a few people and a car is visible at the bottom. The entire image is covered with a semi-transparent green filter.

# Appendix F: Signage Examples

Exhibit F1 Signage Examples

Exhibit F1 Signage Examples











# Appendix G: Open Space Examples

|             |                                      |
|-------------|--------------------------------------|
| Exhibit G1  | Clear Creek Recreation Park Examples |
| Exhibit G2  | Art and Culture Green Examples       |
| Exhibit G3  | Parkside Green Examples              |
| Exhibit G4  | Ivy Square Examples                  |
| Exhibit G5  | Plaza Examples                       |
| Exhibit G6  | Ancillary Structure Examples         |
| Exhibit G7  | Balcony Examples                     |
| Exhibit G8  | Patio Examples                       |
| Exhibit G9  | Courtyard Examples                   |
| Exhibit G10 | Forecourt Examples                   |
| Exhibit G11 | Pedestrian Passage Examples          |
| Exhibit G12 | Playground Examples                  |
| Exhibit G13 | Community Garden Examples            |
| Exhibit G14 | Roof Terrace Examples                |
| Exhibit G15 | Other Private Open Space Examples    |

### Exhibit G1 Clear Creek Recreational Park Examples

The Clear Creek Recreational Park is intended to provide an active open space along Clear Creek at the southern edge of the project. The area is also a significant element of the regional detention strategy for the Ivy District and takes advantage of the Clear Creek Floodway, as well as the city's proposed "Lower Kirby Regional Detention Facility", study dated July 2013, which is located on the south western edge of the 48.5 acre Ivy District site.

The intent is to create a vibrant and active edge along the creek and regional detention area with recreational activities. The Clear Creek Recreational Park provides a casual place for residents and visitors to the Ivy District to walk, bike, or jog. The Clear Creek Recreational Park shall be defined by multi-use pathways, as well as landscaped open space.



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## Exhibit G2 Art and Culture Green Examples

The Art and Culture Green will create an important public space that connects the Clear Creek Recreational Park with the Ivy District and allows for active and passive recreation, as well as provides space for outdoor music and special events. The Art and Cultural Green shall primarily be naturally landscaped with many places to sit on benches or low walls. Passive recreation activities in the park includes grassy lawn for unstructured and informal active recreational activities. Appropriate civic elements, fountains or open shelters may be included.



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### Exhibit G3: Parkside Green Examples

The Parkside Green will serve as an important public space for the Ivy District. The green will be available for civic purposes, commercial activity, unstructured recreation and other passive uses. The green shall primarily be naturally landscaped with many shaded places to sit. Appropriate paths, civic elements, fountains or open shelters may be included and shall be formally placed within the green. The Parkside Green is the heart of the Parkside Neighborhood Sub District.



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## Exhibit G4 Ivy Square Examples



Ivy Square serves as an open space available for civic purposes, commercial activity, unstructured recreation and other passive uses. The square shall have a more urban, formal character and be defined by the surrounding building frontages and adjacent tree-lined streets. All buildings adjacent to the square shall front onto the square. Adjacent streets shall be lined with appropriately scaled trees that help to define the square. The landscape shall consist of lawns, trees, and shrubs planted in formal patterns and furnished with paths and benches. Shaded areas for seating shall be provided. A civic element or small structure such as an open shelter, pergola, or fountain may be provided within the square. Ivy Square is located at the heart of the Public Square Sub-District.

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## Exhibit G5 Plaza Examples

Plazas add to the vibrancy of streets within the more urban districts and create formal open spaces available for civic purposes and commercial activity. Building frontages shall define these spaces. The landscape shall consist primarily of hardscape. If trees are included, they shall be formally arranged and of appropriate scale. Casual seating, along with tables and chairs, shall be provided. Plazas typically should be located at the intersection of important streets. Plazas are appropriate in the Public Square Sub-District.



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## Exhibit G6 Ancillary Structures Examples

Ancillary structures within public Public Open Spaces shall be formal in character and generally related to, but clearly subordinate to surrounding buildings. Each individual structure shall keep in character or complement the style of nearby buildings. Typically, these structures are located at prominent locations within an appropriate Public Open Space. Ancillary structures located in the Public Square Sub-District may have minor commercial uses, such as small food or news vendors, but may also serve as civic elements for general public use with more passive activities.



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# Exhibit G7 Balcony Examples

A balcony is a platform projecting from a second or higher story interior or exterior wall of a building, usually enclosed for privacy and protection by a rail. A balcony usually has French or sliding glass doors leading out to it, and can be entered from a living room or bedroom.



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## Exhibit G8 Patio Examples

A Patio is an outdoor space for dining or recreation that adjoins a residence and is often paved. It may also be a roofless inner courtyard within a residence, typically found in Mediterranean dwellings.



## Exhibit G9 Courtyard Examples

A Courtyard is a landscaped open space in the center of the block, usually with no street frontage, bounded by walls or buildings on at least two sides. It shall be large enough to allow for public activities and have sunlight during midday. It shall be designed to connect to adjacent buildings or to the public sidewalk through a pedestrian passage.



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## Exhibit G10 Forecourt Examples

A Forecourt is a small private open space between a building facade and the Build-to Line.



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## Exhibit G11 Pedestrian Passage Examples

A Pedestrian Passage is an intimate street level passage way for pedestrians from the interior of one block or building to a public sidewalk. These paths provide direct pedestrian access to residential addresses and create unique spaces for frontages to engage and enter off of. A pedestrian passage may be used to visually reduce the impact of a large development block.



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## Exhibit G12 Playground Examples

Playgrounds shall be permitted in parks and greens to provide open space designed and equipped for the recreation of children. These playgrounds shall serve as quiet, safe places – protected from the street and typically located where children do not have to cross major streets to access.



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### Exhibit G13 Community Garden Examples

A Community Garden is a small to medium size garden cultivated by members of an area for small scale agricultural uses for the benefit of the same people. It may consist of individually tended plots on a shared parcel or may be communal (everyone shares a single plot).



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#### Exhibit G14 Roof Terrace Examples

Roof terraces are flat areas on top of a building which are accessible for use as a recreation space for the residents and users of the building.



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Exhibit G15 Other Private Open Space Examples

Other Private Open Space could include a pool (swimming, lap pool, spa area), play courts (basketball, volleyball), or picnic areas with shade structures.



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