

THE WOODLANDS

COMMERCIAL PLANNING AND DESIGN STANDARDS



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COMMERCIAL PLANNING AND DESIGN STANDARDS

TABLE OF CONTENTS

I.	GENERAL INFORMATION.....	1
1.1	INTRODUCTION.....	1
1.2	PURPOSES OF STANDARDS.....	1
1.3	DESIGN AND REVIEW AUTHORITIES.....	1
1.4	PLAN REVIEW COMMITTEES.....	2
1.5	CODES.....	2
1.6	USE RESTRICTIONS.....	2
1.7	LOCAL, STATE, AND FEDERAL LAW.....	3
1.8	COMMERCIAL PLANNING AND DESIGN STANDARDS.....	3
1.9	WTCOA COVENANTS.....	3
1.10	ZONE CRITERIA.....	4
1.11	DEFINITIONS.....	4
II.	PLAN REVIEW / INSPECTIONS / PERMITS.....	10
2.1	GENERAL INFORMATION.....	10
2.2	LIMITED AUTHORITY OF THE PLAN REVIEW COMMITTEES; OWNER’S RESPONSIBILITY.....	10
2.3	APPLICATIONS.....	10
2.4	PLAN REVIEW PROCESS.....	14
2.5	CERTIFICATE OF COMPLIANCE/COMPLETION.....	15
2.6	VARIANCES.....	16
2.7	AUTOMATIC DISAPPROVAL (DSC, DRC AND CSC).....	16
2.8	AUTOMATIC APPROVAL (WTCOA).....	16
III.	CONSTRUCTION.....	17
3.1	CONSTRUCTION REQUIREMENTS.....	17
3.2	OBJECTIONABLE EFFECTS OF CONSTRUCTION UPON NEIGHBORING SITES.....	20
IV.	DEVELOPMENT STANDARDS.....	20
4.1	SITE DEVELOPMENT.....	20
4.2	BUILDING DESIGN.....	25
4.3	DRIVES AND PARKING.....	26
4.4	LOADING AND MANEUVERING.....	28
4.5	STORAGE.....	28
4.6	SCREENING AND FENCES.....	29
4.7	TOWERS.....	29
4.8	SIDEWALKS AND PATHWAYS.....	30
V.	LANDSCAPING.....	30
5.1	INTRODUCTION.....	30
5.2	PRE-LANDSCAPE INSTALLATION.....	30
5.3	PLANS AND INSTALLATION.....	31
5.4	MAINTENANCE.....	31
5.5	VEHICULAR ACCESS.....	32
5.6	FOREST PRESERVES/SETBACKS.....	32
VI.	SIGN STANDARDS	34
6.1	OBJECTIVES.....	34
6.2	GENERAL REQUIREMENTS.....	34

COMMERCIAL PLANNING AND DESIGN STANDARDS

6.3	PERMANENT SIGNS.....	36
6.4	TEMPORARY SIGNS.	42
VII.	MAINTENANCE.	48
7.1	GENERAL.	48
7.2	EMERGENCY REPAIRS.....	49
VIII.	UNSAFE BUILDINGS.....	49
8.1	GENERAL.	49
8.2	CURE OF NUISANCE.	49
APPENDIX A - CODES		51
APPENDIX B - ARCHITECT OF RECORD’S LETTER OF CODE COMPLIANCE.....		53
APPENDIX C - ARCHITECT OF RECORD’S LETTER OF COMPLETION		55
APPENDIX D – CERTIFICATE OF COMPLETION/COMPLIANCE.....		57
APPENDIX E – APPROVED SPECIES FOR FOREST PRESERVE/REFORESTATION		59
APPENDIX F – APPROVED SPECIES FOR FORMAL PLANTINGS.....		61
APPENDIX G – RELEASE AND WAIVER OF LIABILITY		63
APPENDIX H – TREE PROTECTION FENCING		65
APPENDIX I – VIEW CORRIDOR, MONUMENT SIGN VIEW CORRIDOR & ENTRANCES		67
APPENDIX J – FOREST PRESERVE DIAGRAM.....		69
APPENDIX K – FOREST PRESERVE PLANT SPACING.....		71
APPENDIX L – FOREST PRESERVE EDGE AND BORDER REQUIREMENTS		73
APPENDIX M – MONUMENT SIGN “VIEW CORRIDOR”		75
APPENDIX N – “FUTURE LAND USE”, “PROJECT IDENTIFICATION” AND “FOR SALE” SIGNS		77
APPENDIX O – PARKING RATIOS		79

I. GENERAL INFORMATION.

1.1 Introduction.

- A. The Woodlands is a master planned community developed by The Woodlands Land Development Company, L.P., approximately 27 miles north of downtown Houston on Interstate Highway 45 (I-45), the main transportation corridor between Houston and Dallas. The Woodlands is a community in which people can live, work, play and learn in harmony with the environment. Careful attention has been paid to the environment, with emphasis on preserving and enhancing natural vegetation for future generations. The Covenants, these Standards and the Zone Criteria have been designed to implement The Woodlands' design philosophy and to improve quality of life in The Woodlands.
- B. These Standards apply only to Commercial Use Sites or Improvements in the areas of The Woodlands subject to the Covenants. Separate standards pertain to townhomes, condominiums and detached single family residences within the Residential Villages. Please contact the Covenant Administration Department of The Woodlands Township at 281-210-3800 if you have any questions.

1.2 Purposes of Standards.

These Standards (a) preserve and enhance the aesthetic character of The Woodlands, (b) provide for orderly development of The Woodlands, and (c) assist the Owner and its design professionals in complying with the Covenants and these Standards by providing necessary information at an early stage in the development process.

1.3 Design and Review Authorities.

A. The Covenants.

The instruments which create the Plan Review Committees and impose restrictions are collectively referred to as the "**Covenants.**" They are:

- (1) Covenants, Restrictions, Easements, Charges and Liens of The Woodlands, a copy of which is attached as Exhibit "B" to that certain Special Warranty Deed dated October 4, 1993, recorded at Clerk's File No. 9353446 in the Real Property Records of Montgomery County, Texas, (the "**DRC Covenants**");
- (2) Declaration of Covenants and Restrictions of The Woodlands Commercial Owners Association dated October 26, 1993, recorded at Clerk's File No. 9357930 in the Real Property Records of Montgomery County, Texas, (the "**CSC Covenants**");

- (3) Covenants, Restrictions, Easements, Charges and Liens of The Woodlands dated September 1, 1993, recorded at Clerk's File No. 9348561 in the Real Property Records of Montgomery County, Texas, and attached to that certain Annexation of Additional Lands dated March 25, 2002, recorded at Clerk's File No. V691732 in the Real Property Records of Harris County, Texas, (the "**DSC Covenants**"); and
- (4) Declaration of Restrictions Woodlands Trade Center attached to that certain General Warranty Deed dated October 1, 1976, from The Woodlands Trade Center Owners Association, Inc. to The Woodlands Development Corporation recorded at Volume 957, Page 259 of the Deed Records of Montgomery County, Texas, (the "**WTCOA Covenants**").

Each of the Covenants covers a specific portion of The Woodlands. A map of the jurisdictional boundaries of the Plan Review Committees is available from The Woodlands Township.

1.4 Plan Review Committees.

Generally, each of the Covenants establishes a separate committee and authorizes the committee to adopt and enforce rules and regulations imposing controls on the development of property within the jurisdiction of the appropriate committee. These committees are referred to individually as a "Plan Review Committee" and collectively as the "Plan Review Committees." The term "Plan Review Committee" means the Plan Review Committee with jurisdiction over the Site at issue. The Plan Review Committees are:

- A. Development Review Committee (the "**DRC**");
- B. Community Standards Committee (the "**CSC**");
- C. Development Standards Committee (the "**DSC**"); and
- D. Board of Directors of The Woodlands Trade Center Owners Association (the "**WTCOA Board**")

1.5 Codes.

- A. See Appendix A for a list of the building and other codes which have been adopted by the Plan Review Committees.

1.6 Use Restrictions.

- A. Recorded documents called "Initial Land Use Designations" ("ILUD") establish permissible land uses and other restrictions. Any alteration or amendment to an ILUD requires approval by the parties to the ILUD.

COMMERCIAL PLANNING AND DESIGN STANDARDS

- B. Restrictions on land use, building size and other matters may be found in other recorded instruments, such as the deed which transferred title to a particular Site.

1.7 Local, State, and Federal Law.

- A. The rules and regulations of The Woodlands Township, municipal utility districts, water control and improvement districts, other special purpose districts, as well as city, county, state and federal laws and regulations (collectively, the “**Applicable Law**”), may apply to a Site or to an Improvement.
- B. If a Site or Improvement is located in Montgomery County, the term “Applicable Law” includes the Montgomery County Fire Code.
- C. All development and construction must comply with the Covenants, these Standards and Applicable Law. The Covenants and these Standards do not permit any action prohibited by Applicable Law. Where the Covenants or these Standards contain requirements in addition to or more restrictive than Applicable Law, the Covenants or these Standards shall control.

1.8 Commercial Planning and Design Standards.

- A. Under the authority of the Covenants, the Plan Review Committees have adopted these Commercial Planning and Design Standards (the “**Standards**”) which apply to all development and construction on Sites restricted to Commercial Use.
- B. These Standards may be updated, revised or otherwise amended from time to time. The most recent version is available at <http://www.thewoodlandstownship-tx.gov> or by calling the Covenant Administration Department of The Woodlands Township at 281-210-3800.

1.9 WTCOA Covenants.

- A. The WTCOA Covenants set out detailed standards and requirements for setback lines, completion of construction, debris and trash removal, excavation, landscaping and protection of trees, Signs, parking areas, storage and loading areas, building regulations, criteria for Approval of Plans and other matters in that part of The Woodlands known as “The Woodlands Trade Center.”
- B. If there is a conflict between these Standards and the WTCOA Covenants, the WTCOA Covenants will control with respect to a Site which is subject to the WTCOA Covenants.

1.10 Zone Criteria.

- A. Zone Criteria are specific guidelines established by the Plan Review Committee for a particular geographic area based upon characteristics unique to that area.
- B. Zone Criteria may include materials, colors, roof design, Signage, setback lines, driveway access locations, coverage requirements, building heights, massing requirements, sight lines, architectural character requirements, lighting requirements, canopies and awnings, streetscape elements, cornice lines, pedestrian connections, visual corridors, and streetscape requirements that pertain to a specific Site or Sites within the area.
- C. Zone Criteria are not published as part of these Standards, but are incorporated by reference and made part of these Standards. Zone Criteria are available from the Plan Review Committee.
- D. In the event of conflict between Zone Criteria and the Standards, the Zone Criteria will control.

1.11 Definitions.

The following terms have the meanings assigned. Other defined terms can be found in other sections of these Standards. The definition of a singular term includes the plural term.

Anchor Tenant – The primary Tenant in a shopping center designated by the landlord. There may be more than one (1) Anchor Tenant.

Application Examination Fee – See Section 2.3.F.

Applicable Law – See Section 1.7.A.

Approved – Means that an item or matter must be approved by a Plan Review Committee or the Committee's authorized designee.

Architect – An architect that is licensed to practice in the State of Texas.

Architect of Record - The Architect whose seal and stamp are affixed to the final set of Plans presented to the Plan Review Committee and who, as the agent of the Owner, requests all Approvals of the Plan Review Committee.

Architect of Record's Letter of Code Compliance – A letter signed, sealed and presented by the Architect of Record to the Plan Review Committee with the final Plans prior to the Commencement of Construction that states that the Improvement has been designed in accordance with and is in compliance with the Codes, the applicable Covenants, these Standards and Applicable Law. (Please see Appendix B for the form.)

Architect of Record's Letter of Completion - A letter signed, sealed and presented by the Architect of Record to the Plan Review Committee after the completion of construction of the Improvement that certifies that the Improvement has been constructed in compliance with the Approved final Plans, the Codes, the applicable Covenants, these Standards and Applicable Law. ***No Improvement may be occupied or used until an Architect of Record's Letter of Completion is furnished to the Plan Review Committee and a Certificate of Compliance/Completion is Approved.*** (Please see Appendix C for the form.)

Building Setback - A line parallel or approximately parallel to the Street Right-of-Way or Property Line at a specified distance therefrom marking the minimum distance from the Street Right-of-Way or Property Line that any buildings may be constructed.

Building Sign – Any Sign attached to any portion of a building that is intended to identify the building name or one (1) or more Tenants of the building.

Certificate of Compliance/Completion – A written certificate issued by a Plan Review Committee after completion of construction of an Improvement and after receipt of the Architect of Record's Letter of Completion. No Certificate of Compliance/Completion shall be issued unless the Architect of Record's Letter of Completion is acceptable to the Plan Review Committee. A Certificate of Compliance/Completion may be issued on one (1) or more phases of a multi-phase Improvement or upon final completion of the Improvement. (Please see Appendix D for the form of the Certificate of Compliance/Completion.)

Clearing Plan – See Section 2.3.E.(5).

Codes –The building and related codes adopted by the Plan Review Committees. See Appendix A for a list of the Codes.

Collectors – Street Rights-of-Way that provide access and circulation between Major Thoroughfares and local streets.

Commencement of Construction – The commencement of the pouring of a slab or footers for a slab on a Site for the construction of Improvements.

Commercial Use –The use of a Site or of an Improvement for one or more of the following purposes: office, retail, light industrial, research, warehouse-distribution, religious, educational, recreational, specialty technical, medical, institutional, golf club, golf course, hospitality, apartment, and residential in Town Center. Apartments are a Commercial Use when located in a Residential Village.

Community Shopping Center – A shopping center typically containing one (1) or more big box users (discount store, junior department store or specialty store) as an Anchor Tenant and with a trade area radius of approximately seven (7) miles. (Examples: Pinecroft Center and College Park Shopping Center.)

Compliance Deposit – See Section 2.3.G.

Concept Plan Application – See Section 2.3.D.(1).

Covenants – See Section 1.3.A.

CSC – See Section 1.4.B.

CSC Covenants – See Section 1.3.A.(2).

Developer – The Woodlands Land Development Company, L.P. and its predecessors, successors and assigns.

Directional Sign – A sign that provides information about loading, delivery and service areas, fire zones and internal traffic flow patterns.

DRC – See Section 1.4.A.

DRC Covenants – See Section 1.3.A.(1).

DSC – See Section 1.4.C.

DSC Covenants – See Section 1.3.A.(3).

Easement – See Section 4.1.D.(1).

Engineer – A structural, mechanical, electrical, plumbing or civil engineer licensed to practice in the State of Texas.

Final Plan Application – See Section 2.3.D.(3).

Forest Preserve/Forest Reserve – A strip of land between a Property Line and a Paving Setback Line imposed by these Standards wherein existing natural vegetation must be retained, augmented, and/or Reforested as required by the Plan Review Committee. Please note that other Forest Preserves or Forest Reserves may be imposed on the Site by a deed or other recorded instrument and will be subject to different and additional requirements. For this document the terms Forest Preserve and Forest Reserve have the same meaning.

Gross Building Area – The total constructed area of a building measured as provided in The Standard Method for Measuring Floor Area in Office Buildings (ANSI/BOMA Z65.1-1996) published by the Building Owners and Managers Association.

ILUD – See Section 1.6.A.

Improvement – This term has the same meaning assigned in the Covenants.

Interior Lot Line – This term has the same meaning assigned in the WTCOA Covenants.

Initial Construction – The first construction of an Improvement on an undeveloped Site.

Landscape Architect – A landscape Architect licensed to practice in the State of Texas.

Landscape Pocket – Those areas on a Site where additional landscaping is required by the Plan Review Committee as a condition of Plan Approval to meet open space requirements.

Major Thoroughfares – Street Rights-of-Way designated by a county and/or the City of Houston as a Major Thoroughfare; including, but not limited to, Woodlands Parkway, Lake Woodlands Drive, Research Forest Drive, Sawmill Road, Grogan's Mill Road, Gosling Road, Kuykendahl Road, College Park Drive (State Highway 242), Farm to Market Road 2978 (FM 2978) and Farm to Market Road 1488 (FM 1488).

Multi-Tenant Retail Site – A shopping center without an Anchor Tenant that is comprised primarily of convenience stores such as a Stop N Go or a gas station. (Examples: Terramont Plaza and Marcel Crossing).

Neighborhood/Village Shopping Center – A shopping center with a supermarket and/or drugstore and other service or convenience retail business as the Anchor Tenant and with a trade area radius of approximately two (2) to five (5) miles.

Owner – The Person holding record title to a Site.

OSR - Open space reserve.

Pad Site – A tract located within a shopping center that has different ownership from the shopping center and typically has only one (1) Tenant. The buildings on a Pad Site are not physically connected to other buildings in the shopping center.

Paving Setback - A line parallel or approximately parallel to the Street Right-of-Way or to a Property Line at a specified distance therefrom marking the minimum distance from the Street Right-of-Way or Property Line that any impervious cover, such as pavement, parking lots and necessary maneuvering areas, may be constructed.

Permitted Construction – Construction of drainage facilities, utility facilities, landscaping (including landscaped earthen berms), illumination, pathways, fences, directional and identification Signs, streets, driveways providing access to Improvements from adjacent public streets and selective thinning of the Forest Preserves for the creation of "view corridors" constructed or developed pursuant to Plans Approved by the Plan Review Committee.

Person - A natural person or a legal entity such as a corporation, limited partnership or limited liability company.

Plan Review Committee and **Plan Review Committees** – See Section 1.4.

Plans – Plans and specifications for an Improvement.

Preliminary Plan Application - See Section 2.3.D.(2).

Primary Entrance – The main entrance into a Site which is typically divided by a landscape median.

Property Line – See Section 4.1.E.(1).

Reforestation – To replant a depleted forest or to supplement a forested area that has less than the minimum required density of plant material.

Regional Shopping Center – A shopping center with one (1) or more Anchor Tenants and with a trade area radius of approximately 20 miles. (Example: The Woodlands Mall.)

Religious Institutions – churches, synagogues, mosques, temples and similar institutions.

Residential Village – A geographic area of The Woodlands which is predominantly residential as described in the General Plan of The Woodlands, including, but not limited to, Grogan's Mill, Panther Creek, Indian Springs, Cochran's Crossing, Alden Bridge, College Park, Sterling Ridge and Creekside Park. Areas which are not Residential Villages include, but are not limited to, Town Center, Research Forest and Trade Center.

Review Period – See Section 2.5.C.

Setback Lines – See Section 4.1.E.

Sign - A display of a message, picture and/or logo located on a Site or on or in a building. Although the Covenants give the Plan Review Committees the authority to regulate all Signs, at this time the Plan Review Committees only regulate:

- (i). Signs located on an undeveloped Site,
- (ii). Directional Signs located on a Site,
- (iii). Signs located on the exterior of a building (including Signs located on the exterior or interior of the windows of a building) and
- (iv). Signs located on or in the interior of a building (including Signs which are and are not attached to the building) which can be clearly seen from the exterior of the building.

By limiting the current Standards to the regulation of the Signs described herein, the Plan Review Committees do not waive the right to regulate all Signs.

Single Family Lot – A Site used or restricted for use for a structure designed for residential use by a single family, but excluding apartments.

Site - This term has the same meaning as the word “Lot” as defined in Section 1.12 of the DSC Covenants and in Section 1.24 of the CSC Covenants, as the word “Tract” as defined in Section 1.16 of the DRC Covenants and as the word “Site” as defined in Section 2.02(d) of the WTCOA Covenants.

Staff – Person or Persons designated by the Plan Review Committee to review and act upon an item or matter Submitted for consideration to the Plan Review Committee.

Street Lot Line – This term has the same meaning assigned in the WTCOA Covenants.

Street Right-of-Way – The area between platted lot lines on one (1) side of a street and platted lot lines on the opposite side of the street, including the paved roadway, any median, islands or drainage ditch, if any, which has been dedicated to a county or other public body for public access, drainage, and/or utility purposes.

Submitted – Means that an item or matter must be presented to the Plan Review Committee for consideration.

Subsequent Construction – Changes to existing Improvements on a Site, including changes to landscaping and existing Signs, and installation of new Signs, which occur subsequent to Initial Construction.

Subsequent Inspection – An inspection following an initial inspection during which a violation was noted, or after a notice of violation is sent and the cure period set out in the notice, if any, has expired, to determine if the violation has been cured.

Subsequent Inspection Fee – A fee established by the Plan Review Committees paid by the Owner prior to the commencement of a Subsequent Inspection.

Tenant – Holder of a leasehold estate in a Site pursuant to a written or oral lease agreement.

The Woodlands Township – A special purpose district created by the Texas Legislature with jurisdiction over the area in south Montgomery County, Texas, commonly known as “The Woodlands.” Please contact The Woodlands Township for information regarding its exact boundaries.

Tower – A communication tower, cell tower or water tower.

Town Center – That part of The Woodlands between I-45 on the east, the east shore of Lake Woodlands on the west, Research Forest Drive on the north and Woodlands Parkway on the south. Town Center includes that part of The Woodlands known as East Shore.

WTCOA Board – See Section 1.4.D.

WTCOA Covenants – See Section 1.3.A.(4).

Zone Criteria – See Section 1.10.

II. PLAN REVIEW / INSPECTIONS / PERMITS.

2.1 General Information.

- A.** The Covenants provide that no Improvement will commence unless a complete set of Plans has been Submitted and Approved. Notwithstanding this general requirement, minor Subsequent Construction may be Approved by Staff without Plan Review Committee action upon receipt of a completed application and Staff verification that the proposed Improvement is in compliance with these Standards and any applicable Zone Criteria.
- B.** All Approvals, including those which are to be granted on a case-by-case basis under these Standards, shall be given on a consistent and non-discriminatory basis, and are based upon, among other things, conformity and harmony of external design with neighboring structures, effect of location and use of Improvements on neighboring Sites, proper orientation of main elevation with respect to nearby streets, traffic, parking, circulation, landscaping and conformity of Plans to the intent of the Standards.
- C.** All Improvements must be designed and built in accordance with the Covenants, the Codes, these Standards and Applicable Law.
- D.** The Plan Review Committees have the authority to stop construction in the event any requirement of the Covenants or these Standards has been violated.

2.2 Limited Authority of the Plan Review Committees; Owner's Responsibility.

- A.** The Plan Review Committees have the authority to determine if Improvements comply with the Covenants and these Standards.
- B.** The Plan Review Committees have no authority to determine if Improvements comply with the Codes and Applicable Law.
- C.** The Owner is solely responsible for ensuring that Improvements comply with the Codes and Applicable Law and with obtaining all approvals and inspections required thereby.

2.3 Applications.

COMMERCIAL PLANNING AND DESIGN STANDARDS

- A. The Owner must Submit the appropriate application to the Plan Review Committee for all proposed Initial Construction and Subsequent Construction; provided, however, that interior alterations which are not visible from the exterior of a building are not required to be Submitted or Approved, but are required to comply with the Codes and the requirements of Applicable Law.
- B. Applications are available online at www.thewoodlandstownship-tx.gov and at The Woodlands Township offices.
- C. Applications must be completed and presented in accordance with the instructions in these Standards and on the promulgated application forms to the Covenant Administration Department of The Woodlands Township or its designee, and must be received at least ten (10) days in advance of a meeting of the Plan Review Committee in order to be placed on the agenda for the meeting. Any missing or incomplete information or documents may delay review of an application.
- D. **Types of Applications.** The following applications are required for Initial Construction and may be required for Subsequent Construction:
 - (1) Concept Plan Application
 - (2) Preliminary Plan Application
 - (3) Final Plan Application
- E. **Required Information and Documents.** Each application must include the following information or documents and must satisfy the following requirements:
 - (1) All information and attachments required by these Standards and noted on the appropriate application must be provided and attached thereto.
 - (2) A master plan for a Site is required for projects with more than one (1) phase of construction (example: schools, religious institutions, shopping centers) and must be presented with the Concept Plan Application. Subsequent applications must include the originally Approved master plan and any proposed changes.
 - (3) Landscape Plans and irrigation plans (if applicable) must be prepared and sealed by a Landscape Architect.
 - (4) The official seal and signature of the Architect of Record, Engineer, or Landscape Architect must appear on the final Plans.

- (5) A “**Clearing Plan**” must be Submitted and Approved prior to any clearing. This plan should be included with the Final Plan Application as an attachment. The Clearing Plan should show the clearing limits (See Section 3.1.D) and proposed location of the protective fencing (See Section 3.1.G).
- (6) The Site grading plan will be reviewed in connection with the Preliminary Plan Application to ensure that no clearing will occur in any Forest Preserve due to grade changes required from building or parking areas.
- (7) The final construction Plans must demonstrate that Forest Preserves will not be cleared, except for Permitted Construction.
- (8) Plans for the following types of construction must be prepared by an Architect:
 - (a) Initial Construction;
 - (b) Subsequent Construction of Improvements greater than 1,000 square feet in Gross Building Area; and
 - (c) Subsequent Construction of Improvements of less than 1,000 square feet in Gross Building Area where the project includes:
 - (i) living areas or the conversion of non-living areas to living areas,
 - (ii) Improvements attached to an existing building with a roofed area that is greater than 200 square feet,
 - (iii) a floored area elevated more than 30 inches above natural grade,
 - (iv) structural remodeling.

NOTE: The Architect, assisted by Engineers, if any, shall be solely responsible for the acceptability, sufficiency and safety of structural, mechanical, and electrical systems in the Improvements. The Plan Review Committees do not review or Approve these elements.

F. Application Examination Fee.

- (1) The Owner shall pay the Plan Review Committee an Application Examination Fee at the time the Owner Submits a Final Plan Application for Initial Construction.

COMMERCIAL PLANNING AND DESIGN STANDARDS

- (2) An Application Examination Fee is not required for Subsequent Construction of Improvements of less than 1,000 square feet in Gross Building Area.
- (3) The Application Examination Fee as of the Effective Date of these Standards is the greater of \$200.00 or \$0.10 times the number of square feet of Gross Building Area of the Improvements as determined by the Architect of Record and Approved.
- (4) Please contact the Covenant Administration Department of The Woodlands Township at 281-210-3800 for the current Application Examination Fee.
- (5) A check in the amount of the Application Examination Fee must be made payable to the Plan Review Committee that will review the application.

G. Compliance Deposit.

- (1) In addition to the Application Examination Fee, the Plan Review Committee may require the Owner to post a Compliance Deposit for both Initial Construction and Subsequent Construction.
- (2) The Plan Review Committee shall determine the amount of the deposit based on the complexity of the project.
- (3) Within sixty (60) days following the issuance of a Certificate of Completion/Compliance by the Plan Review Committee, the Plan Review Committee shall refund the Compliance Deposit to the Owner less such amounts as the Plan Review Committee may determine are necessary to penalize the Owner for non-compliance with the Covenants, these Standards, conditions of Approval or Approved Plans, failure to obtain required inspections, and/or occupancy of the Improvement prior to the issuance of a Certificate of Compliance/Completion.
- (4) No interest shall be payable on the Compliance Deposit, the deposit may be co-mingled with other funds of the Plan Review Committee and need not be deposited in a separate or escrow account.
- (5) A Compliance Deposit differs from a Development Deposit which may be imposed by the Developer upon the sale of a Site.

H. Release and Waiver of Liability.

- (1) Each Owner Submitting an application for Approval of Plans must execute and deliver a Release and Waiver of Liability in the form attached as

Appendix G to the Plan Review Committee before the Plan Review Committee will consider the application.

- (2) If an Owner does not execute and deliver a Release and Waiver of Liability to the Plan Review Committee, the Owner, by Submitting an application for Approval of Plans, shall be deemed to have agreed to and accepted the Release and Waiver of Liability set out above as if the Owner had executed same and to have appointed the Plan Review Committee as the Owner's attorney-in-fact with the power to execute a Release and Waiver of Liability on behalf of the Owner and to deliver same to the Plan Review Committee.

2.4 Plan Review Process.

Construction of an Improvement may not commence without the required plan review and Approval.

A. Initial Construction.

Initial Construction requires the following plan review and Approval by the Plan Review Committee. Each plan review requires the submission of the appropriate application and all supporting documentation. (A copy of the Commercial Project Initial Construction Approval Process Checklist is available from The Woodlands Township).

- (1) **Concept Plan Review.** Upon receipt of a complete Concept Plan Application and all required information and documentation, the Plan Review Committee will review the application. A conceptual front elevation may be required. The Concept Plan Application must be Submitted and Approved prior to proceeding to Preliminary Plan Review.
- (2) **Preliminary Plan Review.** After Approval of the Concept Plan Application and upon receipt of a complete Preliminary Plan Application and all required information and documentation, the Plan Review Committee will review the application. The Preliminary Plan Application must be Submitted and Approved prior to proceeding with the Final Plan Review.
- (3) **Final Plan Review.** After Approval of the Preliminary Plan Application and upon receipt of a complete Final Plan Application, all required information and documentation, including electrical, plumbing, structural, architectural and landscape plans for all proposed exterior and interior Improvements, the Architect of Record's Letter of Code Compliance, and the Application Examination Fee, the Plan Review Committee will review the Final Plan Application. The Final Plan Application must be Submitted and Approved before the

Commencement of Construction on the Site. A Compliance Deposit may be required as a condition to the Approval of the plan.

B. Subsequent Construction.

Plan review by the Plan Review Committee is required for Subsequent Construction; however, minor Improvements subsequent to Initial Construction may be Approved by Staff without Plan Review Committee action upon receipt of a completed application and Staff verification that the Improvement is in compliance with these Standards and any applicable Zone Criteria. Concept Plan Review and/or Preliminary Plan Review for a specific project, as well as payment of an Application Examination Fee and/or a Compliance Deposit, may be required by the Plan Review Committee.

2.5 Certificate of Compliance/Completion.

- A.** The Plan Review Committee will issue a Certificate of Compliance/Completion if it determines (1) that the Architect of Record's Letter of Completion for an Improvement is in the form required by Appendix C attached hereto and (2) that the exterior aesthetic portion of the Improvement complies with the Approved Plans.
- B.** It is the responsibility of the Owner to deliver the Architect of Record's Letter of Completion to the Plan Review Committee.
- C.** After the Plan Review Committee receives an Architect of Record's Letter of Completion, the Plan Review Committee shall have ten (10) days (the "**Review Period**") in which (1) to determine if the Architect of Record's Letter of Completion complies with Appendix C and if the exterior aesthetic portion of the Improvement complies with the Approved Plans and (2) to notify the Owner of its decision.
- D.** If the Plan Review Committee does not notify the Owner of its decision within the Review Period, then the Plan Review Committee will be deemed to have Approved the issuance of a Certificate of Compliance/Completion and shall issue the Certificate upon the Owner's request.
- E.** If the Plan Review Committee determines that the Architect of Record's Letter of Completion does not comply with Appendix C and/or that the exterior aesthetic portions of the Improvement do not comply with the Approved Plans and (b) notifies the Owner of its decision prior to the expiration of the Review Period, no Certificate of Compliance/Completion shall issue unless the Owner cures the deficiencies set out in the notice to the reasonable satisfaction of the Plan Review Committee.

COMMERCIAL PLANNING AND DESIGN STANDARDS

- F.** The Plan Review Committee may charge the Owner a \$200.00 fee for each Subsequent Inspection of the Improvements or for consideration of any revisions to the Architect of Record's Letter of Completion.
- G.** No Improvement may be occupied or opened to the public for business without a Certificate of Compliance/Completion issued by the Plan Review Committee.
- H.** If an Improvement is opened to the public for business or is occupied without the Owner first obtaining a Certificate of Compliance/Completion, the Plan Review Committee may cause the Owner to forfeit all or part of the Compliance Deposit and/or may impose a Subsequent Inspection Fee for each day the Improvement is open to the public or is occupied without a Certificate of Compliance/Completion in addition to pursuing its legal remedies.

2.6 Variances.

- A.** The Plan Review Committee may grant variances to these Standards at the sole discretion of the Plan Review Committee when strict compliance would create an undue hardship by depriving the Owner or Tenant reasonable utilization of the Site, when unusual characteristics affect the Site making strict compliance unreasonable or when the variance constitutes a design improvement.
- B.** The Plan Review Committee will grant a variance only if the general purposes of these Standards are maintained.
- C.** A variance shall only apply to the specific Site or Improvement and conditions for which the variance was granted, and will in no respect constitute a change in or affect the terms or conditions of these Standards as they apply to other Sites, Improvements or conditions. All variances must be shown on the Final Plan Application.
- D.** The Plan Review Committee shall use and apply the considerations in this Section 2.6 when considering any request for a variance to these Standards on a consistent and non-discriminatory basis.

2.7 Automatic Disapproval (DSC, DRC and CSC).

If the DSC, DRC or CSC does not take action on a completed application or if all required supporting information required by the application has not been presented as required by the application within forty-five (45) days of receipt by the Plan Review Committee of the application, the application shall be deemed disapproved.

2.8 Automatic Approval (WTCOA). See Section 4.03 of the WTCOA Covenants.

III. CONSTRUCTION.

3.1 Construction Requirements.

A. Commencement of Construction.

- (1)** If Commencement of Construction of a specific Improvement Approved by a Plan Review Committee has not occurred within one (1) year from the date the Plan Review Committee Approved the final Plans, Approval of the final plans shall be automatically deemed revoked at the end of the one (1) year period.
- (2)** An Owner may apply to the Plan Review Committee for an extension of the one (1) year deadline for the Commencement of Construction no later than 60 days prior to the deadline.
- (3)** If Plan Approval is automatically disapproved as provided in Section 2.7 or Section 2.8, the Owner must re-apply for Approval of the Plans and may be charged an additional Application Examination Fee. In addition, the Plans must comply with the Codes in effect at the time the new application is presented.

B. Completion of Construction.

- (1)** After Commencement of Construction, the Owner must diligently pursue construction to completion within a reasonable time. Failure to complete construction within a reasonable time may result in forfeiture of all or part of the Compliance Deposit.

C. Construction Hours.

- (1)** Hours of construction for exterior work are limited to:
 - (a)** Monday through Friday: 6 a.m. to 8 p.m.
 - (b)** Weekends and Holidays: 8 a.m. to 8 p.m.
- (2)** The Plan Review Committee must grant written Approval to exceptions to these construction hours. All requests for exceptions will be considered on a case-by-case basis.

D. Clearing Limits.

- (1)** Clearing is not allowed more than three (3) feet from the edge of the on-Site paving, ten (10) feet beyond a building face or wall, and inside Landscape Pockets.

- (2) No clearing is permitted within a Forest Preserve or Building Setback except clearing for driveways or for utilities that cross the area perpendicular to the applicable Setback line and other Permitted Construction.
- (3) Utility lines should be grouped together where possible in order to minimize the number of crossings of a Forest Preserve.
- (4) The Architect, Engineer or contractor shall determine the distance required for construction and to slope back to natural grade to ensure that any natural vegetation is not disturbed within the Forest Preserve and Paving Setback.
- (5) The contractor shall ribbon off the Approved clearing limits with continuous white tape and call for a Site inspection prior to the commencement of actual clearing.
- (6) The clearing permit/Approval is normally issued subsequent to Approval of the Final Plan Application. However, if special circumstances are shown, a clearing permit/Approval may be issued after Approval of the Preliminary Plan Application.
- (7) The Owner is responsible for contacting the Plan Review Committee to arrange a time to review the clearing tape in the field, and obtaining the issuance of a clearing permit/Approval by the Plan Review Committee prior to any clearing activity.

E. Building Materials; Construction Debris and Trash Storage and Removal.

- (1) All building materials shall be placed inside the setbacks at the Site, but not within the Forest Preserves, and shall either be used or removed from the Site within the normal construction schedule.
- (2) All construction debris and trash shall be stored in Approved enclosed containers.
- (3) All construction debris and trash shall be removed from the Site to a proper disposal location at least once every two (2) weeks.

F. Demolition; Demolition Deposit.

- (1) Exterior demolition must be Approved since such work may result in noise, dust, visual and other impacts.

- (2) The Plan Review Committee may require a Demolition Deposit to ensure compliance with any requirements or restrictions placed on the demolition by the committee.
- (3) Within sixty (60) days following the completion of the demolition and the removal of all debris from the Site, the Plan Review Committee shall refund the Demolition Deposit to the Owner less such amount as the Plan Review Committee may determine is necessary to penalize the Owner for non-compliance with the Covenants, these Standards, conditions of Approval or Approved Plans, and/or failure to comply with any requirements or restrictions placed on the demolition.
- (4) No interest shall be payable on the Demolition Deposit, the deposit may be co-mingled with other funds of the Plan Review Committee and need not be deposited in a separate or escrow account.

G. Protective Fencing.

- (1) Prior to demolition of any buildings on the Site or if no demolition is necessary, within ten (10) days after clearing the Site and prior to any other Site work, the Owner must furnish and install a six (6) foot tall chain link protective fence around the entire interior edge of the perimeter Forest Preserves and around any interior Landscape Pockets (or such other area as Approved).
- (2) Additional fencing around the exterior perimeter may also be required in certain cases in order to protect vegetation from construction activities on the street.
- (3) Protective fencing must remain in place throughout the construction process or until the Plan Review Committee permits its removal.

H. Inspections.

- (1) The Covenants give the Plan Review Committees and agents of the Plan Review Committees the right, but not the obligation, to enter upon a Site to make inspections to determine if the demolition or construction work is in compliance with the Covenants, these Standards and Approved Plans.
- (2) These inspections are for the sole and exclusive benefit of the Plan Review Committees and no other Person is entitled to rely on the Plan Review Committees' inspections as evidence of the safety of the Improvements or their compliance with the Covenants, these Standards, Approved Plans or Applicable Law.

- (3) THE OWNER IS SOLELY RESPONSIBLE FOR CONDUCTING INSPECTIONS REQUIRED BY APPLICABLE LAW AND NECESSARY TO DETERMINE THAT THE IMPROVEMENT AND ITS SYSTEMS, SUCH MECHANICAL AND ELECTRICAL, COMPLY WITH THE CODES AND ARE FREE FROM DEFECTS.

I. Landscape/Irrigation Plans; Inspections.

- (1) Every Site shall be landscaped in accordance with Approved landscape plans. The Plan Review Committee may require redistribution of Approved landscape material to accommodate conditions at the Site.
- (2) The Owner is responsible for notifying the Plan Review Committee prior to the installation of landscaping or irrigation so that the Plan Review Committee can conduct an inspection to determine if modifications to the Approved landscape plan are required due to construction problems, unexpected natural conditions at the Site, etc.

3.2 Objectionable Effects of Construction upon Neighboring Sites.

- A. Offensive or inappropriate light, odor or other objectionable effects of construction upon neighboring Sites must be avoided and will be addressed by the Plan Review Committee on a case-by-case basis.
- B. Construction illumination or lights must not exceed 0.1 foot candles at the Property Line or create glare or a level of illumination that is offensive when viewed from residential Sites which are adjacent to the Site under construction.
- C. Special attention must be paid to exterior illumination when the adjacent Site is a Single Family Lot.

IV. DEVELOPMENT STANDARDS.

4.1 Site Development.

A. Grading and Drainage.

- (1) Site grading must be kept to a minimum where practical. Paving and Improvements must be designed for maximum preservation of the natural grade and vegetation.
- (2) Drainage systems must be designed to minimize runoff, erosion, siltation and vegetation removal.
- (3) Surface drainage must not cause damage to adjacent Sites or existing vegetation as a result of development either during or after construction.

- (4) Erosion and siltation control methods must be employed during and after construction and must comply with Applicable Law.

B. Utilities.

- (1) Unless above ground installation is required for the functioning of a utility service or fixture, utility services and fixtures, including all pipelines, cables, fittings and appurtenances for such utilities, must be installed and maintained underground.
- (2) To minimize disturbances of the landscape system, where appropriate, all Site utility service access must be located beneath or directly adjacent to vehicular drives where they penetrate the Forest Preserve.
- (3) Utilities and fixtures which must be installed above ground, including irrigation backflow preventers, gas meters, telecommunication and electric pedestals, and light fixtures taller than twelve (12) inches above ground, must be screened from view and/or painted a color to blend with the native planting or building color.

C. Construction Noise.

- (1) Noise absorptive fencing and other noise abatement measures may be required by the Plan Review Committee for Improvements located near residential Sites.

D. Easements.

- (1) An Easement is the right of a third party (e.g. the developer, a utility company, governmental authority, The Woodlands Township, WTCOA or other Person) to use a portion of a Site for a limited purpose, as set out in a Plat, the Covenants, or an Easement agreement recorded in county real property records.
- (2) The Covenants create Easements in favor of the Developer which are ten (10) feet wide at the front and rear of a Site, and five (5) feet wide at each side of the Site.
- (3) Many Sites are also affected by Drainage Easements (D.E.), Storm Sewer Easements (S.S.E.), Sanitary Sewer Easements (S.E.), Utility Easements (U.E.), Access and Utility Easements (A.U.E.), and Pathway Easements (P.E.).
- (4) The Owner must determine if the approval of the Owner of an Easement affecting a Site is required. If such approval is necessary, the Owner is

solely responsible for obtaining approval prior to the commencement of any construction.

- (5) **Approval of Plans by the Plan Review Committee does not constitute approval of the Plans or the construction contemplated therein by the Owner of an Easement affecting a Site.**

E. Setbacks.

- (1) **Property Lines.** “Property Lines” are the boundary lines of a Site separating it from adjacent Sites. Property Line types include:
 - (a) **Front Property Line:** The Property Line of a Site fronting on or bordering any street, unless the Site is on a corner, in which case the Front Property Line will be designated by the Developer or by the Plan Review Committee.
 - (b) **Side Property Line:** The Property Lines which intersect a Front Property Line.
 - (c) **Rear Property Line:** The Property Line which connects the Side Property Lines and never intersects with a Front Property Line.
- (2) **Forest Preserve.**
 - (a) No clearing, excavation, paving, construction, or storage of materials, buildings, or other Improvements shall be conducted upon or placed within the Forest Preserves except for Permitted Construction.
 - (b) In addition to the Forest Preserves created by these Standards or by the Covenants, Sites may be subject to other Forest Preserves created by the Developer or by other Persons in a recorded instrument such as a deed.
 - (c) Modifications of Forest Preserves established by the Developer and set out in the deed require approval by the Developer, such other Person or their respective successors or assigns. Modifications of Forest Preserves established by the Plan Review Committee require Approval of the Plan Review Committee.
- (3) **Front Setbacks.**
 - (a) Front Setbacks vary according to the type of street on which a particular Site has frontage.

- (b)** The following Front Setbacks, measured from the Front Property Line, apply unless modified by Zone Criteria:
 - (i)** Interstate Highway 45 (I-45):
 - (a)** Forest Preserve and Paving Setback – sixty (60) feet
 - (b)** Building Setback – seventy (70) feet
 - (ii)** State Highway 242 (SH 242), Farm to Market Road 1488 (FM 1488) and Farm to Market Road 2978 (FM 2978):
 - (a)** Forest Preserve & Paving Setback – fifty (50) feet
 - (b)** Building Setback – sixty (60) feet
 - (iii)** Other Major Thoroughfares:
 - (a)** Forest Preserve and Paving Setback – forty (40) feet
 - (b)** Building Setback – fifty (50) feet
 - (iv)** Collectors:
 - (a)** Forest Preserve and Paving Setback – thirty (30) feet
 - (b)** Building Setback – forty (40) feet
 - (v)** Local Streets: Varies

(4) Side and Rear Setbacks.

Note: These distances may be increased when utility Easements are adjacent to Property Lines.

- (a) Adjacent Sites with Same Land Use:**
 - (i)** Forest Preserve & Paving Setback – fifteen (15) feet
 - (ii)** Building Setback – twenty-five (25) feet
 - (iii)** A building that is three (3) stories or greater may have additional Setback requirements.
- (b) Adjacent Sites with Different Land Uses (Commercial / Residential):**

- (i) The minimum on-Site Forest Preserve and Paving Setback line for Commercial Uses is fifteen (15) feet from the Side Property Line and Rear Property Line.
- (ii) When a Commercial Use Site is located adjacent to a Single Family Lot, additional Paving Setbacks and Building Setbacks may be required.
- (iii) If a Site is subject to an OSR which is fifty (50) feet or more in depth, the Forest Preserve or Reforested area must be at least fifteen (15) feet deep and the Building Line must be at least twenty-five (25) feet from the Property Line. In addition, if the building is three (3) stories or greater, an additional twenty (20) feet must be added to the Building Line for each additional story.
- (iv) If a Site is subject to an OSR which is less than fifty (50) feet in depth, the Forest Preserve or Reforested area must be at least thirty (30) feet deep and the Building Line must be at least forty (40) feet from the Property Line. In addition, if the building is three stories or greater, an additional twenty (20) feet must be added to the Building Line for each additional story.

F. Exceptions.

With respect to any Site, the following structures and Improvements are specifically excluded from these provisions, unless otherwise provided by the Board:

- (1) Roof overhangs.
- (2) Steps and walks.
- (3) Paving and associated curbing necessary to provide access to buildings, docks and parking areas.
- (4) Fences, except that no fence shall be placed within the street setback area.
- (5) Landscaping.
- (6) Planters.
- (7) Railroad spur tracks, switches and bumpers.

4.2 Building Design.

A. Design Criteria.

- (1) All initial structural, mechanical, and electrical/ plumbing system Plans must be stamped with the seal, and signed by the Architect of Record or an Engineer. Minor Improvements subsequent to Initial Construction may not require an Architect or Engineer, as determined by Staff.
- (2) The architectural design must be consistent with accepted design principles of the profession, compatible with surrounding development, and in harmony with the environment in the sole judgment of the Plan Review Committee. Elements to be considered include the building placement, size, shape, height, style, exterior materials and colors, and its relationship to all proposed Site Improvements.
- (3) Buildings should be considered as three-dimensional objects, and attention should be given to the compatible treatment of all exterior surfaces.
- (4) The considerations contained in this section are to be applied on a consistent and non-discriminatory basis.

B. Building Heights.

Heights in the Residential Villages are limited to a maximum of six (6) stories unless otherwise restricted.

C. Architectural Character.

- (1) Exterior building materials, textures and colors must be carefully selected so as to be in harmony with the surrounding environment. In general, buildings should be predominantly of one (1) to three (3) exterior materials.
- (2) Architectural detail (such as change of plane, texturing, ribbing, fluting, banding, etc.) should be considered to give large surfaces interest where appropriate. In general, colors must be in harmony with the environment. Accent colors may be considered on a case-by-case basis.
- (3) While innovative architectural designs are encouraged, the Plan Review Committees reserve the right to restrict the architectural style, materials and colors of a building within certain zones to specific materials, palette or style.

D. Additional Considerations.

- (1) Roof top surfaces and equipment, including antennas which are visible from the street, public way or neighboring Site must be Approved and of a design, location and color acceptable to the Plan Review Committee. Appropriate screening devices may be required.
- (2) Energy conservation should be considered in the building design when determining such things as orientation, shape, thermal mass, colors, shading, reflectivity, air infiltration and ventilation. The incorporation of an alternate energy source (solar, etc.) is encouraged.

4.3 Drives and Parking.

A. Vehicular Access.

- (1) The number, location, and width of access drives will be determined by the Plan Review Committee as part of plan review and Approval. Sites are generally limited to a maximum of two (2) access drives; however, smaller Sites are permitted only one (1) access point.
- (2) Location of any driveway(s) shall be Approved subject to evaluation of Site access considerations relative to any roadway(s) adjacent to the Site.
- (3) Shared drives are encouraged and may be required.
- (4) Criteria for driveways vary depending upon their intended usage. Divided driveways require eighteen (18) foot wide lanes with a twenty-five (25) foot to thirty (30) foot turning radius. Larger radii may be required for truck access.
- (5) Undivided driveways require widths ranging from twenty-four (24) feet to thirty (30) feet with a twenty-five (25) foot to thirty (30) foot return radius, depending on the anticipated land use.
- (6) When crossing a roadside drainage ditch, driveways must have a properly sized culvert as required by the governmental authority having jurisdiction. Headwall design must meet the requirements of the county in which the Site is located and must be Submitted and Approved.

B. Parking Requirements.

- (1) Adequate off-street parking must be provided for each Site to accommodate parking needs for employees, visitors and company vehicles, except for specific areas where shared parking is Approved or

where Zone Criteria allows on-street and/or shared parking. The intent of this provision is to eliminate any non-Approved on-street parking.

- (2) All parking must be in designated parking areas.
- (3) Parking is not permitted on access drives between the Street Right-of-Way and the Paving Setback line.
- (4) The minimum parking ratios required for typical land uses noted in Appendix O – Parking Ratios.

C. Screening of Parking, Loading and Service Areas.

- (1) These areas must be screened from view from adjacent Sites and from Street Rights-of-Way.
- (2) Mid-growth and groundcover vegetation can be used to screen these areas.
- (3) If vegetation cannot be used, earthen berms may be Approved on a case-by-case basis. If Approved, berms must average three (3) feet in height and be supplemented with planting at their lowest points to maintain a positive screen.

D. Layout and Landscaping for At-Grade Off-Street Parking.

- (1) Parking areas must be designed and landscaped to break up the monotony of a single large paved area. The minimum design requirements are as follows:
 - (a) A landscaped median having a minimum width of fifteen (15) feet and running the length of the aisle will be provided for every three (3) contiguous double-loaded parking aisles.
 - (b) Landscaping islands having a minimum width of ten (10) feet will be provided along parking aisles at maximum intervals of twenty (20) parking spaces.
 - (c) Parking aisles must not exceed forty (40) cars in a row. The total parking area must be broken into sections not to exceed 400 cars. The maximum number of cars per acre is 110.
 - (d) For standard size autos, the minimum stall width must be nine (9) feet.
 - (e) The minimum double-loaded aisle dimensions, assuming no overhang, must be:

- (i) Sixty (60) feet (when parking at ninety (90) degrees); and
 - (ii) Fifty-five (55) feet (when parking at sixty (60) degrees).
- (f) The minimum single-loaded aisle dimensions, assuming no overhang, must be:
 - (i) Forty-five (45) feet (when parking at ninety (90) degrees); and
 - (ii) Thirty-five (35) feet (when parking at sixty (60) degrees).

E. Construction.

- (1) All parking areas and driveways must be paved using reinforced concrete or asphalt.
- (2) A curb or other wheel stop must be provided at the perimeter of planted areas to prevent vehicular intrusion.
- (3) Where curb and gutter are used at the pavement edge, the top of the curb must be placed at natural grade. Where no curb is utilized, the pavement must terminate with a suitable edging to ensure stability of the pavement edge, and to direct drainage away from landscaped areas.

4.4 Loading and Maneuvering.

- A. Adequate area must be provided on Site for all loading and maneuvering of trucks and other vehicles in order that such operations will not be carried out in any street.
- B. Truck loading and service areas must be located and/or screened using vegetation and/or walls as Approved so that such areas are not visible from any street or from an adjoining Site.
- C. Truck loading and service areas must be located to the side or rear of the building. Loading doors that are located on the side of a building will be set back a minimum distance of sixty (60) feet from the front Building Line.
- D. Encroachments into any Forest Preserves will not be permitted.

4.5 Storage.

- A. Materials, supplies, items for sale, or equipment on a Site must be kept inside a closed building or behind a suitable permanent structure that is compatible with the building aesthetics and out of sight of the general public or adjoining Site.

COMMERCIAL PLANNING AND DESIGN STANDARDS

- B.** Permanent outside storage units or containers may be allowed on a case-by-case basis by the Plan Review Committee.
- C.** Temporary outside storage buildings and containers are allowed for short term use on a case-by-case basis as Approved. Such storage buildings must be screened as required by the Plan Review Committee and must be Approved pursuant to an executed agreement between the Plan Review Committee and the Owner to ensure timely removal and to establish penalties for non-compliance.
- D.** Recreational vehicles, mobile homes, tractors, boats, semi-truck tractors or trailers, or other similar vehicles or equipment, may not be parked for more than forty-eight (48) consecutive hours on any street or on any Site where visible at ground level from a street or adjacent Site.
- E.** A limited display of seasonal products may be allowed under the existing permanent canopy of a store's front façade on a case-by-case basis. Signs will be limited to showing only prices and information and shall be intended for viewing in close proximity to the merchandise.

4.6 Screening and Fences.

- A.** No wall, screen or fence of any kind may be constructed unless specifically Approved. The design, materials, textures, and colors of such items must be architecturally compatible with those of the building, and where possible, are to be integrated with the building so as to be an extension thereof. Screening devices which face a street must not extend closer to an adjacent street than the Building Setback Line.
- B.** Screening devices must be of a height at least equal to that of the materials or equipment being screened.
- C.** Fences used for security purposes must be designed and located on a Site to be as inconspicuous as possible.
- D.** All refuse must be properly contained within refuse containers located and screened so as not to be visible from any street or from an adjoining Site.

4.7 Towers.

- A.** All Towers and/or modification of Tower structures and/or equipment must be Approved prior to Commencement of Construction.
- B.** New communication and cell Towers must utilize the mono pole design as of the Effective Date of these Standards.

- C. If a Tower adjoins a Single Family Lot, a minimum thirty (30) foot uncleared Forest Preserve Setback shall be provided between the Property Line of the Single Family Lot and the cleared area of the Tower.
- D. Towers less than sixty (60) feet in height must be set back at least one (1) times the height of the Tower measured from the Building Setback Line of the nearest Single Family Lot to the center of the Tower base.
- E. Towers sixty (60) feet or more in height must be located at least one and one-half (1½) times the height of the Tower measured from the Building Setback line of the nearest Single Family Lot to the center of the Tower base.

4.8 Sidewalks and Pathways.

Sidewalks and Pathways located within a Site, including within any Forest Preserve, which connect to sidewalks or pathways located outside of the Site must be at least six (6) feet wide and must be constructed of concrete with a minimum thickness of four (4) inches with mesh reinforcing. All Sidewalks and Pathways must be constructed so as not to obstruct the flow of natural drainage and in compliance with the provisions of the Americans with Disabilities Act (“ADA”).

V. LANDSCAPING.

5.1 Introduction.

The purpose of these landscape standards (the “Landscape Standards”) is to ensure that landscape areas within commercial Sites carry forward The Woodlands design philosophy of preserving and enhancing the natural environment and comply with the requirements and restrictions of recorded deeds and the Covenants.

5.2 Pre-Landscape Installation.

Pre-Landscape Installation techniques are employed to protect existing forest areas from further decline during the construction process and include:

- A. **Removal of Debris and Dead Trees.** Remove dead trees and debris and maintain a good cover of pine straw mulch to dress up the appearance of a Site.
- B. **Tree Protection Fencing.** Six foot high chain link fencing must be installed around the complete drip line of trees to be saved during construction. (Please see Appendix H.) Additional fencing may be required by the Plan Review Committee.
- C. **Erosion Control Fencing.** Erosion control fencing may be required to prevent excessive siltation over the root zones of existing trees.

- D. Root Pruning.** All root pruning must be done by a licensed arborist and must occur at least six (6) inches behind the curb.
- E. Tree Inoculation.** Owners are encouraged to treat trees to lessen stress from construction activities. All tree inoculation must be done by a licensed arborist.

5.3 Plans and Installation.

An Approved and comprehensive Landscape Plan prepared and sealed by a Landscape Architect is required for new Landscape installations and major changes to existing landscape installations.

- A.** Owners are required to implement, complete and maintain Reforestation and landscape Plans.
- B.** A Clearing Plan, as well as a Reforestation Plan, must be reviewed and Approved by the Committee before any construction begins.
- C.** Compliance with clearing and coverage ratios, as well as limiting the removal of trees, mid-growth vegetation and understory vegetation during construction, is required.
- D.** Additional or replacement plantings may be required to ensure compliance with the Landscape Standards and Reforestation.
- E.** Bermuda grass sod is required for lawn areas. A ground cover of native grasses and wildflowers is required for open areas not otherwise improved.
- F.** New plant material must be primarily of native varieties. (See Appendix E for Approved Species for Forest Preserve/Reforestation and Appendix F for Approved Species for Formalized Plantings.) Automatic irrigation systems must be installed and maintained for all newly landscaped areas, including the land between the Site and the roadway pavement. Irrigation system information may be included as part of the landscape plan or may be shown on a separate plan.
- G.** Landscape will be inspected and must be completed concurrent with the completion of the building unless otherwise Approved.

5.4 Maintenance.

Owners are responsible for maintenance and irrigation of all landscaping, including Forest Preserves, and the land between the Site and the roadway pavement.

- A. Pruning.** Trees and shrubs must be pruned as needed and with such frequency as is consistent with safety and good property management. Pruning shrubs into

rigid shapes is discouraged in landscaped areas and prohibited in Forest Preserves.

- B. Mowing.** Lawn areas of the landscape must be mowed regularly to achieve a maintained appearance.
- C. Weed Control.** Owners are required to prevent excessive weed growth in formal planting beds by weeding and maintaining a two (2) inch layer of hardwood mulch. Red or other unnatural mulch colors are not allowed.
- D. Plant/Tree Removal and Replacement.** If a plant or tree is removed or dies, complete removal, disposal, and replacement are required. Replacements must be at least two (2) inch caliper size for trees and fifteen (15) gallon size for shrubs.

5.5 Vehicular Access.

- A.** Landscaped areas within parking lots must be protected from automobiles by the use of curbs, wheel stops or bollards.
- B.** Landscaping flanking a driveway entrance and areas within a Street Right-of-Way must not interfere with vehicular sight lines.
- C.** Primary and Secondary Entrances should preserve as much of the existing forest vegetation as possible with minimal disturbance.
- D.** Primary Entrance landscape treatment should be more formal or orderly than Secondary Entrances.
- E.** Secondary Entrances should have a more naturalistic arrangement of plants than Primary Entrances.

5.6 Forest Preserves/Setbacks.

Forest Preserves in The Woodlands have been implemented and required along roadways, buildings and parking Setbacks (please see Appendix J); other areas may have been imposed by deed or other conveyance upon the Site.

A. General Requirements.

- (1)** Every 300 square feet of Forest Preserve area must have a minimum of one (1) hardwood, one (1) evergreen pine and one (1) shrub planted a maximum of ten (10) feet on center on a triangular grid. (Please see Appendix K.)

- (2) A minimum two (2) inch caliper size is required for newly planted trees. Mid-growth shrubs must be of fifty (50) percent fifteen (15) gallon and fifty (50) percent thirty (30) gallon minimum size.
- (3) Within newly planted forest areas, the forest floor should transition from an edge of pine straw six (6) feet wide against the shovel cut bed edge to the existing forest floor. (Please see Appendix L.)
- (4) Forest Preserve borders should have a two (2) foot to five (5) foot width of Bermuda grass sod between the Forest Preserve and the Paving Setback and an undulating shovel cut edge for clean separation, ease of maintenance, and to create a more natural form. (Please see Appendix L.)
- (5) Irrigation will not be required for unaltered natural forest areas. When existing forest needs to be supplemented to meet the Landscape Standards, all newly planted areas will require irrigation.
- (6) Native existing plant material that fulfills the minimum size and spacing for Reforestation may be used in lieu of new planting material.
- (7) Clearing, excavation, paving, construction, storage of materials, buildings or other Improvements are prohibited within the Forest Preserve unless Approved as Permitted Construction.
- (8) Limited mid growth pruning may be permitted to allow for visibility of primary façade(s) and will be considered on a case-by-case basis by the Plan Review Committee.
- (9) Alterations to Forest Preserves created by any recorded instrument other than the Covenants must be approved by the party or its successors or assigns who created the Forest Preserves in the instrument.
- (10) Any unauthorized alteration, deforestation, clearing or pruning of Forest Preserve vegetation without first being Submitted and Approved may result in legal action.

B. Forest Preserve Maintenance Requirements.

All appropriate action must be taken to preserve and further enhance the existing natural forest. Areas that are of poor quality, non-existent, or that have been damaged, must be reforested with native varieties as needed to maintain Forest Preserve requirements.

- (1) Pruning shrubs into rigid shapes, mowing, and weedwacking are prohibited in Forest Preserves and may require replacement of the altered or removed vegetation.
- (2) If a plant or tree is removed or dies, complete removal, disposal, and replacement with a native variety is required to maintain Forest Preserve requirements. Trees must be replaced with one (1) caliper inch of removed tree with one (1) caliper inch of new tree. Replacements must be at least two (2) inch caliper size for trees and fifteen (15) gallon size for shrubs.
- (3) Replacements must be maintained as necessary to promote healthy growth. For the Approved species list refer to Appendix E Approved Species for Forest Preserve/Reforestation.

C. View Corridors.

- (1) Monument Signs are allowed “view corridors” of approximately sixty (60) degrees from the Sign face. (Please see Appendix M.)

VI. SIGN STANDARDS

6.1 Objectives.

The objectives of the Sign Standards are (A) to permit a limited number of Signs which aid orientation and identify activities or uses, (B) to restrict private Signs which overload the public’s capacity to receive information, (C) to restrict private Signs which hinder public safety by increasing the probability of an accident, either by distracting attention or by obstructing vision and (D) to maintain aesthetics.

6.2 General Requirements.

- A.** All Signs, temporary or permanent, which can be clearly seen from the exterior of the building, are subject to Plan Review Committee review and Approval prior to fabrication and installation.
- B.** All Signs must be appropriate for viewing by the general public and professional in appearance.
- C.** Signs must be kept in good repair and must be in keeping with the character of The Woodlands.
- D.** Business names on monument Signs must be the same as business names on building mounted Signs.

COMMERCIAL PLANNING AND DESIGN STANDARDS

- E.** Signs cannot be supported in trees, held by Person(s), hung or nailed to other structures not designed for the display of Signs.
- F.** Signs, Sign holders and fixtures, except as provided herein, that move, make noise, are accompanied by music or sound, scroll, employ blinking lights, balloons, pennants or similar devices, or utilize inflatables of any type are prohibited.
- G.** Sub-leased departments, specific brands, products for sale, concessionaires, and services, whether offered within a business or off-site, will not be allowed unless the identification is part of the registered business name and Approved.
- H.** Signs on exterior fixtures, such as gas pumps and light poles, which advertise a service or product are not allowed. Inclusion of a monitor type screen for advertising purposes that is incorporated into the gas pump structure may be considered by the Plan Review Committee on a case-by-case basis.
- I.** Contact information, including phone numbers, websites, tag lines, and hours of operation are not permitted on any Sign unless specifically allowed in these Standards.
- J.** Signs, including unapproved graphics, paintings, and posters, are not allowed in exterior windows or doors where they can be seen from outside the building unless specifically allowed in these Standards except as follows:
 - (1)** One (1) illuminated “Open” Sign that does not exceed two (2) square feet in size is permitted per occupied Tenant space.
 - (2)** One (1) white vinyl die-cut or “engraved look” window graphic of the registered name and/or logo of the Tenant is permitted on the interior surface of the glass adjacent to or on the Tenant’s primary entry door and must not exceed two (2) square feet in area.
 - (3)** One (1) set of white vinyl die-cut or “engraved look” letters noting the hours of operation and emergency contact information and one (1) set of credit card identification stickers are permitted per Tenant. The combined size must not exceed one (1) square foot in area.
- K.** Signs displayed within a business must be placed a minimum of three (3) feet from any exterior glass or other transparent exterior building material.
- L.** Illuminated Signs displayed within a business must be placed on a wall in a location where they are not primarily visible from the outside of the building.
- M.** All Signs must be removed within thirty (30) days after the business vacates the location.

- N.** Signs required for compliance with Applicable Laws or Codes are permitted without application or Plan Review Committee Approval.

6.3 Permanent Signs.

A. Monument Signs.

(1) General Requirements.

- (a)** Each Site may have no more than one (1) Sign oriented to each street on which the Site has frontage with a maximum of two (2) Signs per Site. In lieu of these two (2) Signs, one (1) corner monument Sign may be Approved, as determined on a case-by-case basis, for Sites fronting two (2) intersecting streets.
- (b)** Pad Sites may be allowed separate monument Signs; however, names of Tenants of the Pad Site are not allowed on the monument Sign which identifies the shopping center.
- (c)** Street address numbers must be included on Signs located on streets identified in the street address and must be centered or located in the upper corner closest to the street.
- (d)** Tenant names must not exceed two-thirds (2/3) of the size of the name of the building or project.
- (e)** The use of natural materials is encouraged. These selections, however, are subject to the Approval of the Plan Review Committee. Such material may either duplicate those of the building or otherwise be complementary (but in harmony) with the building.
- (f)** Signs must be ground-mounted and structurally sound. Finish materials must extend to natural grade. The base must not be raised more than eighteen (18) inches above natural grade, unless restricted by the physical conditions of the Site.
- (g)** All Signs must be designed and constructed for low maintenance. Higher initial cost for materials is preferable to lower initial cost with high maintenance.
- (h)** The Sign background should be of one (1) neutral color and material and the verbiage of one (1) color. Black or white may be used as a second color.

- (i) A registered logo and/or logotype may be allowed if Approved; however, the logo must occupy no more than ten (10) percent of the overall Tenant's message area.
- (j) Signs must be placed perpendicular to the street unless restricted by the physical conditions of the Site.
- (k) Tenant panels are not required to be the same on both sides of two-sided Signs.
- (l) Signs in residential villages must be ground illuminated and cannot have exterior fluorescent lamps.
- (m) LED messages, where permitted, must not move, scroll or change more than once a day. Illumination must not be offensive.
- (n) Monument Signs must be placed at least one (1) foot behind the Property Line and located to minimize removal of mature vegetation.
- (o) Vegetation may be removed near the monument Sign to provide a view corridor of approximately sixty (60) degrees from each side of the Sign face.
- (p) A formal planting area, not more than eight (8) feet wide, must be installed, irrigated, and maintained around any new monument Sign.
- (q) A variance permitting a larger monument Sign may be allowed by the Plan Review Committee for Sites fronting state highways, for State Highway 242 (College Park Drive) between Gosling Road and Interstate Highway 45, and for Sites along the Interstate 45 frontage road.

(2) Office, including Medical Office and Service Centers.

- (a) Office and multiple Tenant monument Signs may be permitted a maximum of four (4) Tenant panels in addition to the name of the project/building and address.
- (b) Signs must be of a horizontal format and not exceed six (6) feet high from natural grade by ten (10) feet wide.
- (c) All Tenant panels must be of equal size.

(3) Retail.

- (a) **Neighborhood/Village Shopping Centers** (Examples: Indian Springs Village Center, Grogan's Mill Village Center, Panther Creek Village Center, Woodlands Crossing).
 - (i) Signs must be of a horizontal format and not exceed six (6) feet high from natural grade by twelve (12) feet wide.
 - (ii) No more than two (2) Tenant names may be included on the Sign.
- (b) **Community Shopping Centers** (Examples: Pinecroft and College Park Centers).
 - (i) Community Shopping Centers may be allowed one (1) primary monument Sign that shall not exceed twelve (12) feet high from natural grade by ten (10) feet wide.
 - (ii) No more than four (4) names are permitted on the Sign.
- (c) **Regional Shopping Centers** (Example: Woodlands Mall).
 - (i) Free-standing entry identification Signs for a Regional Shopping Center will be determined on a case-by-case basis by the Plan Review Committee.
 - (ii) Tenant names are not allowed on Regional Shopping Center monument Signs.
- (d) **Specialty/Mixed Use Centers** (Examples: Waterway, Market Street). Specific zones or districts have been established for these areas that allow Sign elements such as size, color, materials, motion, and lighting methods that may be different from these Standards.
- (e) **Multi-Tenant Retail Sites** (Examples: Glenloch, Woodridge, Marcel Crossing Centers and Research Forest Strip Centers).
 - (i) Signs must be of a horizontal format and not exceed six (6) feet high from natural grade by ten (10) feet wide.
 - (ii) A maximum of four (4) names of Tenants, per Sign side, may be listed on the Sign.

(f) Single Tenant Retail Buildings.

- (i)** Separate monument Signs may be allowed; however, if the Site is peripheral to and part of a defined shopping center, inclusion on the Sign which identifies the overall Center will not be permitted.
- (ii)** Signs must be of a horizontal format and not exceed six (6) feet high from natural grade x ten (10) feet wide.
- (iii)** Gas Stations may be permitted to display a maximum of two (2) gasoline prices and a generic name for one (1) additional service, i.e. Food Mart or Car Wash. Sign panel backgrounds for gas prices and/or an additional service must match the overall Sign background.

(4) Schools and Religious Institutions.

- (a)** Signs must be ground mounted, ground illuminated, and of a horizontal format not to exceed six (6) feet, six (6) inches high from natural grade by twelve (12) feet wide.
- (b)** Message boards may be allowed at schools provided that the school must be the primary user of the Site.
 - (i)** Signs with message boards must be framed with at least one (1) foot of Sign base material.
 - (ii)** The message insert must not exceed four (4) lines, with school-related messages only.

(5) Industrial (Example: Trade Center properties). Monument Signs will be reviewed by the Plan Review Committee on a case-by-case basis.

(6) Residential (Examples: Apartments, Condominiums and attached Single Family Residences). Monument Signs will be reviewed by the Plan Review Committee on a case-by-case basis.

B. Building-Mounted Signs.

(1) General Requirements.

- (a)** The maximum horizontal dimension for building-mounted Signs must not exceed seventy (70) percent of the total storefront width.

- (b) The maximum total vertical height must not exceed one and a half (1½) times the maximum single letter height.
- (c) The Sign design is limited to individually mounted, fabricated metal channel letters and/or graphics with an internal closed face using acrylic or similar material on the letter face.
- (d) Returns of letters and graphics must be dark bronze, black, or match the color of the letter face. Return color, depth and material must be consistent for all Tenants of a multi-Tenant building.
- (e) A registered logo and/or logotype may be allowed if Submitted and Approved; however, the logo must occupy no more than ten (10) percent of the overall Tenant's message area.
- (f) Signs must be mounted and centered horizontally on the face of the building in the portion of the fascia band dedicated to the Tenant, preferably centered over the Tenant entrance door except when the architecture of the Tenant façade prohibits centering of the Sign.
- (g) No exposed wireways, raceways, crossovers, exterior florescent lamps, transformers or conduit will be permitted unless Approved by the Plan Review Committee.
- (h) Signs identifying separate and private primary entrances for Tenants of multiple Tenant buildings must comply with the building's overall Sign program.

(2) Office, including Medical and Service Centers.

- (a) Multi-Tenant office buildings are allowed one building mounted Sign.
- (b) Where allowed, Signs identifying separate and private primary entrances for Tenants of multiple Tenant buildings must comply with the building's overall Sign program.

(3) Retail.

- (a) A building on a single Tenant Pad Site and each Tenant space in a multi-Tenant building may have no more than one (1) Sign oriented to each street on which the building or Tenant has frontage, with a maximum of two (2) Signs per Tenant.

- (b)** The maximum vertical dimensions for Signs with one (1) line of copy are:
 - (i)** 50,000 square feet of Gross Building Area or larger (example: grocery stores) – six (6) feet.
 - (ii)** 20,000 to 49,999 square feet of Gross Building Area (example: department stores) – four (4) feet.
 - (iii)** 10,000 to 19,999 square feet of Gross Building Area (example: drug stores) – three (3) feet.
 - (iv)** Under 10,000 square feet of Gross Building Area (example: fast food/restaurant Sites, gas stations) – two (2) feet.
 - (v)** In-line retail stores – two (2) feet.
 - (vi)** The maximum vertical dimension for Signs with two (2) lines of copy, including space between lines, is one and a half (1 ½) times the height allowed for one line of copy.
 - (vii)** Box Signs in special circumstances may be permitted on a case-by-case basis to supplement individual channel letters for unusually long business names.
 - (viii)** Building Signs are not allowed above the first floor for buildings more than one (1) story in height.

(4) Schools and Religious Institutions.

Building mounted Signs must comply with standards of Office, Medical and Service Center Signs in all respects.

(5) Industrial.

Building mounted Signs must comply with standards of Office, Medical and Service Center Signs in all respects.

(6) Permanent Directional Signs.

Directional Signs are Signs which provide information about loading, delivery and service areas, fire zones and internal traffic flow patterns. Directional Signs:

- (a)** Must be as few in number as is functionally practical and be consolidated where possible.

- (b) Must be permanently mounted on a pole, post or other permanent structure.
- (c) Sign faces must not exceed six (6) square feet in area.
- (d) Ground mounted Directional Signs must not exceed four (4) feet above natural grade in total installed height.
- (e) Letter height must not exceed four (4) inches and must be of a single neutral color.
- (f) Must have a single neutral color background. A dark or black background with white letters is preferred.
- (g) No logo or business name is allowed.
- (h) May be ground illuminated in Residential Villages and internally illuminated in non-residential areas.

C. Parking Lot Signs.

Parking lot Signs, including designated parking, “No Parking,” “No Trucks,” “Handicap Parking”, and “Tow Away”, must comply with the requirements of the Texas Transportation Code, which may be amended from time to time. Signs conforming to the Texas Transportation Code are permitted without application or Plan Review Committee Approval.

6.4 Temporary Signs.

A. General.

- (1) All temporary Signs must be placed on the Site to which they pertain.
- (2) Existing vegetation must not be disturbed or removed solely for the display of a temporary Sign.
- (3) Ground mounted temporary Signs must be mounted no more than five (5) feet above natural grade in overall height, and cannot be more than thirty-two (32) square feet in area.
- (4) Temporary Signs must have a single neutral background and not more than two (2) letter colors. Letters must not exceed twelve (12) inches in height. Registered company logos are allowed, but must not exceed twenty (20) percent of the Sign size.
- (5) Temporary event Signs may be displayed for the event duration and for seven (7) days immediately before the event.

- (6) With the exception of temporary Signs for Approved events and Signs specifically addressed below, no temporary Sign may contain product, price or other advertising message.
- (7) Temporary event Signs displayed on-site and not visible from any public street or neighboring property are pre-Approved and do not require application or Plan Review Committee Approval.

B. Future Land Use Identification Signs.

One (1) Sign which identifies future land uses may be installed prior to installation of a “project identification” Sign for a particular Site.

- (1) The Sign’s design must comply with example shown in Appendix N and the following:
 - (a) The Sign must be constructed of one-half (1/2) inch or larger exterior grade plywood, sealed and painted with exterior grade paint.
 - (b) The maximum panel size is four (4) feet high and eight (8) feet wide.
 - (c) Letters must be white vinyl with a maximum of nine (9) inch capital height in Helvetica Medium Stroke.
 - (d) The bottom edge of the Sign cannot exceed two (2) feet above the ground.
- (2) The Sign must be removed before installation of the Project Identification Sign.
- (3) Signs complying with this Standard are pre-Approved and are not required to be Submitted or Approved. All other Signs must be Submitted and Approved.

C. Project Identification Signs.

- (1) The Owner of the Site is **required** to install on that Site one (1) temporary project identification Sign.
- (2) The Sign must be Submitted as part of the Preliminary Design Application and Approved before installation.
- (3) The message must be limited to (a) the name of the project, (b) a brief project description and opening date, broker name and telephone

number, and (c) the name and contact information for the developer and contractor for the Site.

- (4) A logo, graphic or rendering is permitted on the Sign.
- (5) The Sign's design must comply with example shown in Appendix N and the following:
 - (a) The Sign must be constructed of one-half (1/2) inch or larger exterior grade plywood, sealed and painted with exterior grade paint.
 - (b) The maximum panel size is four (4) feet high and eight (8) feet wide.
 - (c) Letters must be white vinyl with a maximum of nine (9) inch capital height in Helvetica Medium Stroke.
- (6) The Sign must be installed with the bottom edge of the Sign no more than two (2) feet above the ground.
- (7) The Sign must be removed upon the earlier to occur of (a) occupancy of the individual building, (b) placement of a permanent Sign on the Site for the individual building, or (c) final inspection.

D. For Sale Signs.

- (1) One (1) Sign is permitted on each Site.
- (2) The Sign may have a logo no larger than two (2) feet by two (2) feet.
- (3) The Sign's design must comply with example shown in Appendix N and the following:
 - (a) The Sign must be constructed of one-half (1/2) inch or larger exterior grade plywood, sealed and painted with exterior grade paint.
 - (b) The maximum panel size is four (4) feet high and eight (8) feet wide.
 - (c) Letters must be white vinyl with a maximum of nine (9) inch capital height in Helvetica Medium Stroke.
- (4) The Sign must be removed within seven (7) days of the close of sale.

- (5) Signs complying with this Standard are pre-Approved and do not require application or Plan Review Committee Approval. Otherwise, Approval of the Plan Review Committee is required.

E. For Lease and For Rent Signs.

- (1) Each available Tenant space may have no more than one (1) Sign oriented to each street on which the Site has frontage with a maximum of two (2) Signs per Site.
- (2) The Sign(s) must be placed in a window or door of the available Tenant space, preferably closest to the primary entrance of the available space.
- (3) The Sign cannot exceed four (4) square feet in size.
- (4) The Sign must be removed within seven (7) days after the rental or lease contract is signed.
- (5) Signs complying with this Standard are pre-Approved and are not required to be Submitted or Approved.

F. Political Campaign Signs.

These Signs must comply with the standards set out in The Woodlands Residential Development Standards which are incorporated herein by reference. A copy of these Standards is available online at <http://www.thewoodlandstownship-tx.gov> and from the Covenant Administration Department of The Woodlands Township.

G. On-Site Decorative Banners.

- (1) Banners are allowed in retail center, church and school properties, provided that the design relates to the theme or holiday décor, and is integrated into the overall design of the property.
- (2) Messages relating to the sale or promotion of merchandise, events or individual stores are prohibited.
- (3) The design, color, size, location and number must be appropriate for the individual retail center, church or school.
- (4) Banners complying with this Standard are pre-Approved and do not require application or Plan Review Committee Approval.

H. Banners and Signs Announcing New Businesses.

Banners and Signs are allowed only for announcement of the opening or “Now Hiring” for a new business, and must meet the following requirements:

- (1)** Cannot be displayed for more than the two (2) weeks before and two (2) weeks after initial opening of a new business.
- (2)** May be attached to the surface or hung below the temporary construction Sign, the permanent Sign, the Building Sign band, or in the window of the business.
- (3)** Cannot exceed three (3) feet high x eight (8) feet wide.
- (4)** Must have a single neutral background color (white, gray, or black) and no more than two (2) letter colors. Registered logos may be Approved on a case-by-case basis.

I. “Now Hiring” Signs for Established Businesses.

- (1)** These Signs are limited to one (1) Sign no larger than four (4) square feet in size, per location, and may be placed in a window or door visible from the outside of the store.
- (2)** Signs complying with this Standard are pre-Approved and do not require application or Plan Review Committee Approval.

J. Restaurant Menu Boards.

- (1)** Restaurant menu boards are limited to one (1) Sign no larger than four (4) square feet in size, per location, and may be placed in a window, on an easel or otherwise displayed outside near the front door or patio area of the business. Overall Sign height, including any stand or base, cannot exceed five (5) feet. The Sign must have a single neutral background color and may include neatly handwritten menu items and prices.
- (2)** Signs complying with this Standard are pre-Approved and do not require application or Plan Review Committee Approval.

K. Valet Parking Signs.

- (1)** Valet Parking Signs are limited to one (1) Sign no larger than four (4) square feet in size, per location. Overall height, including any stand or base, cannot exceed five (5) feet.
- (2)** Signs complying with this Standard are pre-Approved and do not require application or Plan Review Committee Approval.

L. Schools and Religious Institutions.

Schools and Religious Institutions may install one (1) temporary banner or Sign per main entrance, with a maximum of two (2) Signs, for up to four (4) events per calendar year for a maximum of fourteen (14) days per event.

- (1) Banners or Signs located on an existing temporary or permanent Sign must be attached to the surface or hung below the Sign and cannot exceed three (3) feet high x eight (8) feet wide.
- (2) Free-standing banners or Signs must be placed near the monument Sign, cannot exceed three (3) feet high x eight (8) feet wide, and must be installed no more than two (2) feet above grade.
- (3) Temporary banners or Signs must have a single neutral background color (white, gray, or black) and no more than two (2) letter colors. Logos may be Approved on a case-by-case basis.
- (4) A religious institution that holds services at a temporary location may display one (1) temporary Sign with a maximum size of four (4) feet high and four (4) feet wide beginning after 5 p.m. the day before the service and until one (1) hour after the time of the service. The Sign background must be of a neutral color with white or black letters.
- (5) Signs complying with this Standard are pre-Approved and are not required to be Submitted or Approved.

M. Flag Poles.

- (1) A maximum of three (3) flag poles for the display of state of Texas, United States of America, and/or company flags may be Approved if they do not exceed two-thirds (2/3's) the height of the building or a maximum of thirty-two (32) feet high, and are not located within a Forest Preserve.

N. Use of Street Rights-of-Way, Islands and Medians.

- (1) The Street Rights-of-Way are subject to the applicable Covenants, these Standards and Applicable Law.
- (2) No temporary or permanent Improvement may be constructed or placed in a Street Right-of-Way without being Approved and if required, approved by the appropriate governmental authorities. The Person requesting use of a Street Right-of-Way is responsible for determining if the approval of governmental authorities is required and for providing the Plan Review Committee proof of such approval. Approval of a use by the Plan Review Committee does not mean that the use has been

approved by governmental authorities or that the Approved use complies with Applicable Law.

- (3) The requirements and standards regarding the use of Street Rights-of-Way found in The Woodlands Residential Development Standards and are incorporated herein by reference. The Woodlands Residential Development Standards are available online at <http://www.thewoodlandstownship-tx.gov> or from The Woodlands Township.
- (4) Texas law prohibits placing Signs in the right of way of state highways and public roads except for certain temporary directional Signs and “kiosks.” The Texas Highway Department should be contacted for an application for a permit to place a temporary directional Sign or “kiosk” in the right of way of a state highway or of a public road. Please contact The Woodlands Township for information on which rights of way in The Woodlands are state highways or public roads.

O. Light Pole Banners.

Light pole banners must be Submitted for review and Approval by the Plan Review Committee prior to fabrication and installation.

- (1) Light Pole Banners:
 - (a) May be displayed only for holidays and major events which take place in The Woodlands.
 - (b) Must be eighty-four (84) inches high by thirty (30) inches wide and hung from existing banner brackets on light poles.
 - (c) Can be displayed no more than one (1) month prior to the event and must be removed immediately following the event.
 - (d) Must be installed and removed by authorized Staff at a per banner fee established by the Plan Review Committees.

VII. MAINTENANCE.

7.1 General.

- A. Each Owner shall keep all Sites owned by the Owner, and all buildings and other Improvements therein or thereon, in good order and repair, including but not limited to, seeding, watering, mowing, and maintaining all lawns and landscaping; pruning, maintaining and replacing all trees and shrubbery; maintaining all Forest Preserves; maintaining all Street Rights-of-Way from the

Property Line to the street pavement edge if not regularly maintained by another entity; and painting (or other appropriate external care) of all buildings and other Improvements, all in a manner and with such frequency as is consistent with good property management.

7.2 Emergency Repairs.

- A.** All damaged Improvements or landscaping shall be repaired or replaced as promptly as reasonably possible.
- B.** No Approval of the Plan Review Committee is required to make emergency repairs to the exterior of the damaged Improvement or landscaping to the same condition and appearance as existed prior to the event that caused the repair.

VIII. UNSAFE BUILDINGS.

8.1 General.

Keeping or maintaining a building or structure which is structurally unsafe, or not provided with adequate egress, or which constitutes a fire hazard or is otherwise dangerous to human life, is declared a nuisance and is prohibited.

8.2 Cure of Nuisance.

If the responsible Owner or Tenant fails to cure the nuisance, the Plan Review Committee may pursue its rights and remedies to cure the nuisance.

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APPENDIX A - CODES

2006 International Plumbing Code published by the International Code Council

2006 International Mechanical Code published by the International Code Council

2006 International Electrical Code published by the International Code Council

2006 International Building Code

2006 Adopted Montgomery County Fire Code

2006 Energy Conservation code

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APPENDIX B - ARCHITECT OF RECORD'S LETTER OF CODE COMPLIANCE

TO: PLAN REVIEW COMMITTEE ☐ DRC ☐ DSC ☐ CSC ☐ WTCOA

Improvement: _____

Type: _____ Sq. Ft.: _____

Parcel/Lot: _____ Village: _____

Street Address: _____

Use: _____

Owner's Name: _____

The undersigned Architect of Record certifies that the Improvement has been designed in accordance with and is in compliance with the Codes, the applicable Covenants, the Commercial Planning and Design Standards and Applicable Law. All capitalized terms not defined herein shall have the meaning assigned in the Commercial Planning and Design Standards effective as of the date hereof.

Dated: _____

ARCHITECT:

(Architect's Seal)

By: _____

Name: _____

Its Authorized Representative

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on the ____ day of

_____, 20____.

Notary Public, State of Texas

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APPENDIX C - ARCHITECT OF RECORD'S LETTER OF COMPLETION

TO: PLAN REVIEW COMMITTEE ☐ DRC ☐ DSC ☐ CSC ☐ WTCOA

Improvement: _____

Type: _____ Sq. Ft.: _____

Parcel/Lot: _____ Village: _____

Street Address: _____

Use: _____

Owner's Name: _____

Plans on file with the Plan Review Committee pursuant to which the Improvement were erected or made: _____

The undersigned Architect of Record certifies that the Improvement has been completed in accordance with the Plans Approved by the Plan Review Committee and is in compliance with the Codes, the applicable Covenants, the Commercial Planning and Design Standards and Applicable Law. All capitalized terms not defined herein shall have the meaning assigned in the Commercial Planning and Design Standards effective as of the date hereof.

Dated: _____

ARCHITECT:

(Architect's Seal)

By: _____

Name: _____

Its Authorized Representative

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on the ____ day of _____, 20____.

Notary Public, State of Texas

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APPENDIX D – CERTIFICATE OF COMPLETION/COMPLIANCE

THIS CERTIFICATE DOES NOT WARRANT THE SUFFICIENCY, ACCEPTABILITY, OR APPROVAL BY THE PLAN REVIEW COMMITTEE OF THE DESIGN, CONSTRUCTION, WORKMANSHIP, MATERIALS OR EQUIPMENT OF ANY IMPROVEMENTS UPON THE LOT OR USE THEREOF.

CERTIFICATE OF COMPLIANCE/COMPLETION

Improvement: _____

Type: _____ Sq. Ft.: _____

Parcel/Lot: _____ Village: _____

Street Address: _____

Use: _____

Owner's Name: _____

Plans on file with the Plan Review Committee pursuant to which the Improvement were erected or made: _____

The Owner has furnished the Plan Review Committee with an Architect of Record's Letter of Completion certifying that the Improvement has been completed in accordance with the Plans Approved by the Plan Review Committee and is in compliance with the Codes, the applicable Covenants, the Commercial Planning and Design Standards and Applicable Law. All capitalized terms not defined herein shall have the meaning assigned in the Commercial Planning and Design Standards effective as of the date hereof.

Dated: _____

PLAN REVIEW COMMITTEE:

Community Standards Committee By: _____ Name: _____ Its Authorized Representative	Development Review Committee By: _____ Name: _____ Its Authorized Representative	Development Standards Committee By: _____ Name: _____ Its Authorized Representative
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APPENDIX E – APPROVED SPECIES FOR FOREST PRESERVE/REFORESTATION

Canopy		
Scientific Name	Common Name	Size
<i>Magnolia grandiflora</i>	Southern Magnolia	See Forest Preserve/ Reforestation Requirements for appropriate size and spacing
<i>Pinus elliottii</i>	Slash Pine	
<i>Pinus taeda</i>	Loblolly Pine	
<i>Quercus shumardii</i>	Shumard Oak	
<i>Quercus nigra</i>	Water Oak	
<i>Quercus nuttallii</i>	Nuttall Oak	
<i>Taxodium distichum</i>	Bald Cypress	
<i>Ulmus alata</i>	Winged Elm	
Mid-growth/Understory		
<i>Myrica cerifera</i>	<i>Southern Waxmyrtle</i>	<i>15 gal.</i>
<i>Crataegus marshallii</i>	<i>Parsley Hawthorne</i>	<i>15 gal.</i>
<i>Ilex opaca</i>	<i>American Holly</i>	<i>15 gal.</i>
<i>Ilex decidua</i>	<i>Possumhaw</i>	<i>15 gal.</i>
<i>Ilex vomitoña</i>	<i>Yaupon</i>	<i>15 gal.</i>
<i>Myrica pusilla</i>	<i>Dwarf Southern Waxmyrtle</i>	<i>15 gal.</i>

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APPENDIX F – APPROVED SPECIES FOR FORMAL PLANTINGS

CANOPY		
Scientific Name	Common Name	Size
<i>Pinus elliottii</i>	Slash Pine	65 gal.
<i>Pinus taeda</i>	Loblolly Pine	65 gal.
<i>Quercus virginiana</i>	Live Oak	65 gal.
<i>Quercus shumardii</i>	Shumard Oak	65 gal.
<i>Quercus nigra</i>	Water Oak	65 gal.
<i>Quercus nuttallii</i>	Nuttall Oak	65 gal.
<i>Taxodium distichum</i>	Bald Cypress	65 gal.
<i>Ulmus parvifolia</i> 'Drake'	Drake Elm	65 gal.
<i>Magnolia grandiflora</i>	Southern Magnolia	30 gal.
MID-GROWTH/UNDERSTORY		
<i>Cercis</i> spp.	Redbud (Eastern, TX & OK)	30 gal.
<i>Lagerstroemia indica</i>	Crape myrtle	30 gal.
<i>Myrica cerifera</i>	Southern Waxmyrtle	15 gal.
<i>Crataegus marshallii</i>	Parsley Hawthorne	15 gal.
<i>Ilex opaca</i>	American Holly	15 gal.
<i>Ilex decidua</i>	Possumhaw	15 gal.
<i>Azalea</i> spp.	Azaleas	5 gal.
<i>Ilex vomitoria</i>	Yaupon	5 gal.
<i>Myrica pusilla</i>	Dwarf Southern Waxmyrtle	5 gal.
<i>Raphiolepis indica</i>	Indian Hawthorne	5 gal.
GROUND COVER		
<i>Dietes</i> 'Bicolor'	Bicolor Iris	3 gal.
<i>Muhlenbergia capillaries</i> 'Gulf Coast'	Gulf Coast Muhly	1 gal.
<i>Muhlenbergia lindheimeri</i>	Lindheimer's Muhly	1 gal.
<i>Pennisetum alopecuroides</i> 'Cassian'	Pennisetum Cassian	1 gal.
<i>Lonicera japonica</i>	Honeysuckle	1 gal.
<i>Heimerocallis</i> spp	Daylily	1 gal.
<i>Pennisetum alopecuroides</i> 'Hameln'	Dwarf Fountain Grass	1 gal.
<i>Miscanthus</i> 'Adagio'	Dwarf Maiden Grass 'Adagio'	1 gal.
<i>Lantana</i> sp.	Lantana	4' pot
<i>Liriope muscari</i> 'Big Blue'	Big Blue Liriope	6' pot
<i>Trachelospermum asiaticum</i>	Asian Jasmine	6' pot

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APPENDIX G – RELEASE AND WAIVER OF LIABILITY

The Woodlands Land Development Company, L.P., The Woodlands Commercial Properties Company, L.P., The Woodlands Township, the CSC, the DSC, the DRC and all Residential Design Review Committees, and all of their respective employees, shareholders, directors, officers, agents and any of their respective successors and assigns (individually, a **“Released Party,”** and collectively, the **“Released Parties”**) shall not be liable in damages to any Person in connection with the Covenants or the Standards for any reason whatsoever, including without limitation, any Person Submitting Plans to any of the Released Parties, or to an Owner or Tenant of the Site, because of a mistake in judgment, negligence, nonfeasance, or omission arising out of, or in connection with (1) the Approval or disapproval or failure to Approve any such Plans, or (2) the inspection, failure to inspect, issuance of a Certificate of Compliance/Completion or the failure to issue such certificate. Every Person who Submits Plans to a Released Party agrees (1) not to make any claim or bring any action or suit against any of the Released Parties and (2) to pay all the costs and expenses including, without limitation, court costs and attorneys’ fees incurred by the Released Parties in connection with any such claim, action or suit brought in violation of this Release.

In addition to the forgoing, the Released Parties shall not be liable (1) for soil conditions, drainage or other general Site work, (2) for any defects in the Plans or (3) for the manner or quality or other circumstances of the construction of any Improvement or Structure conducted on any Lot or Site. This Release of Liability does not waive or modify the Waiver of Liability in Section 16.09 of the DRC Covenants or the Waiver of Liability in Section 15.01 of the CSC Covenants.

The Owner agrees and acknowledges (1) that the Released Parties are not responsible for ensuring the structural integrity or soundness of any Improvement or Structure or for ensuring compliance with the Codes, these Standards and other Applicable Laws and regulations and (2) that it is the duty of the Owner to determine if any proposed Structure or Improvement is structurally and mechanically sound and otherwise safe and to determine that the proposed Structure or Improvement is designed and constructed in accordance with the applicable Covenant, these Standards, the Codes, all Applicable Laws and sound practices.

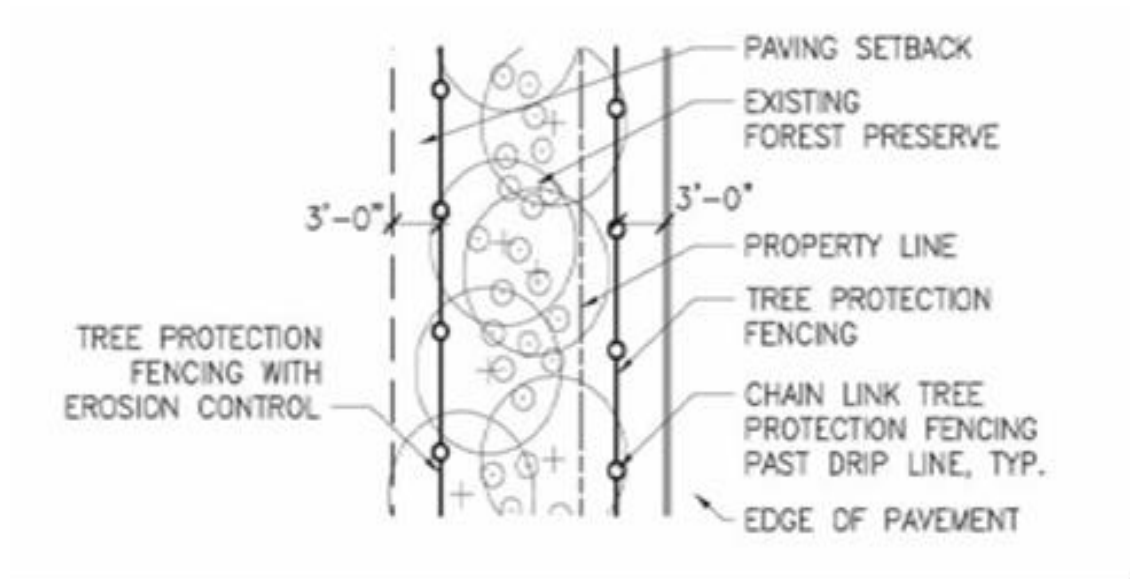
All capitalized terms, unless defined herein, shall have the meanings assigned in the Commercial Planning and Design Standards.

Executed on the _____ day of _____, 20_____.

OWNER: _____

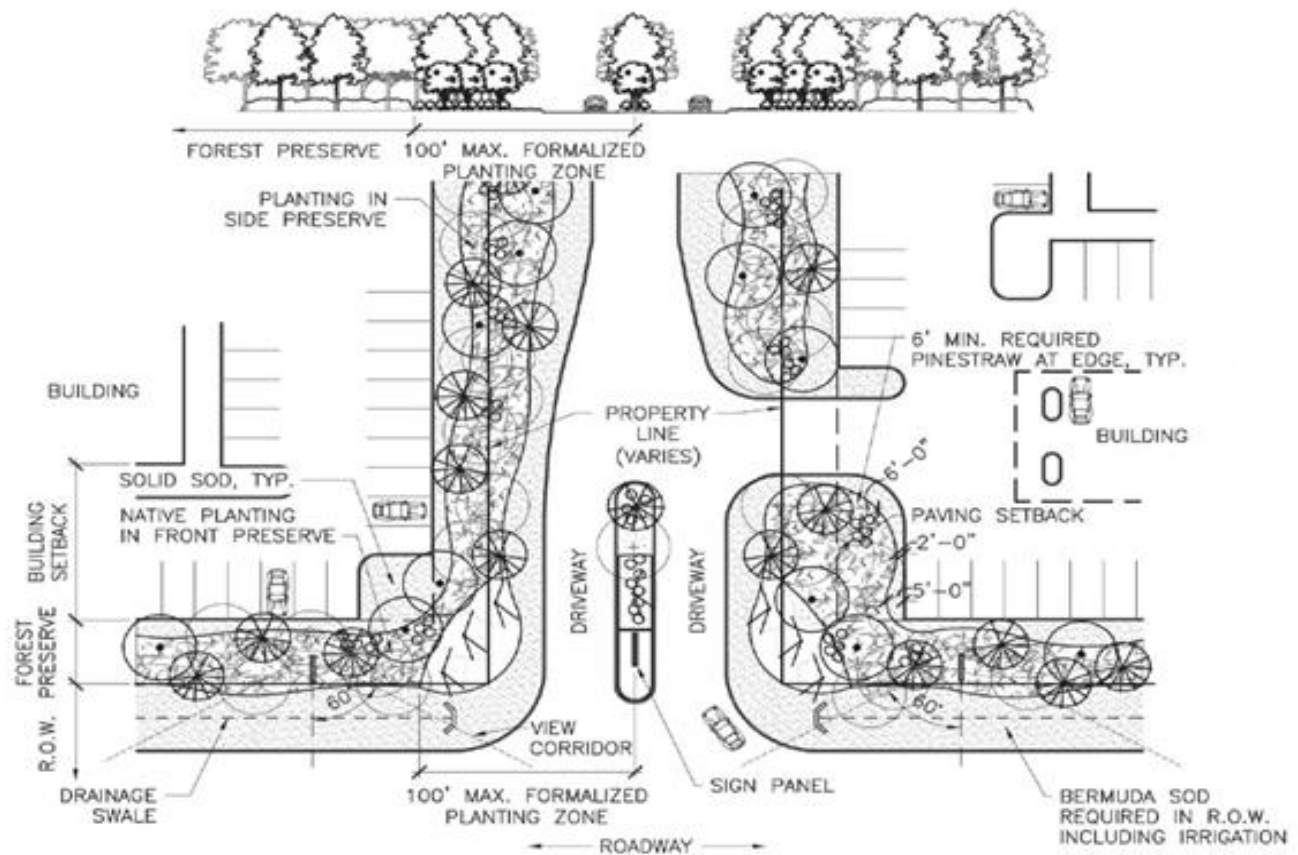
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APPENDIX H – TREE PROTECTION FENCING



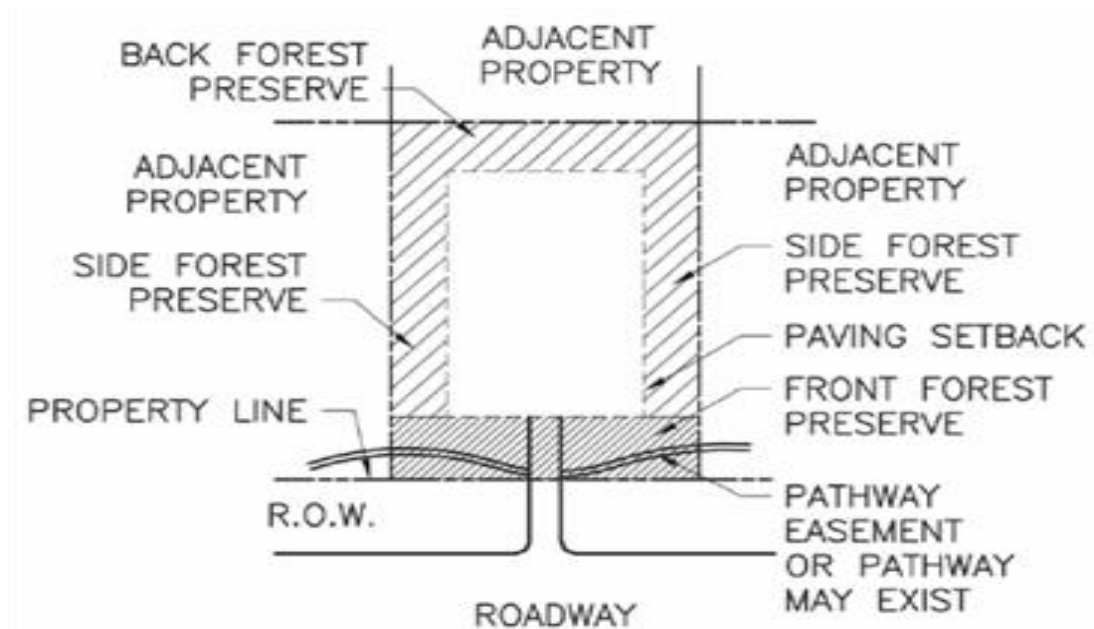
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APPENDIX I – VIEW CORRIDOR, MONUMENT SIGN VIEW CORRIDOR & ENTRANCES



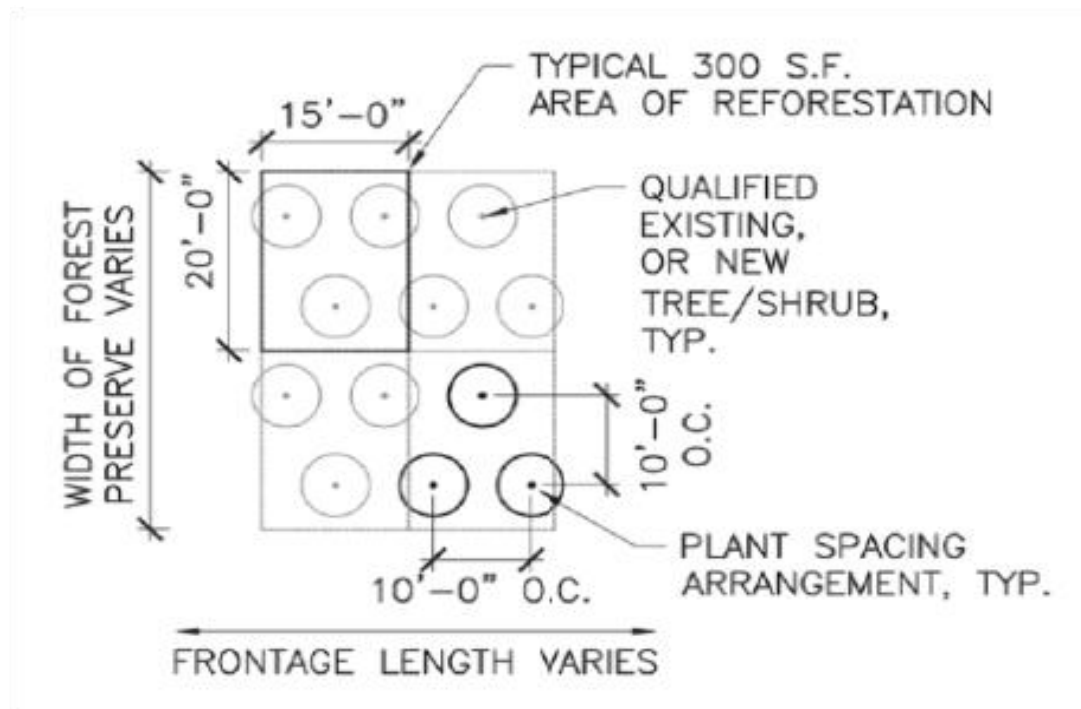
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APPENDIX J – FOREST PRESERVE DIAGRAM



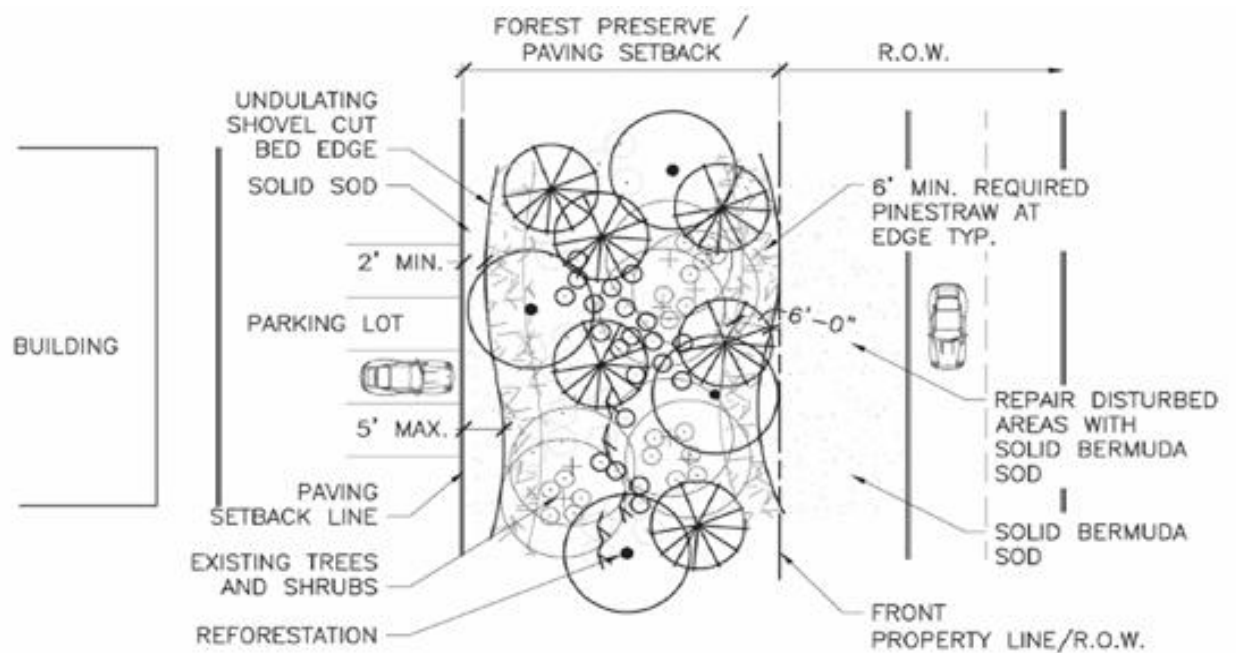
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APPENDIX K – FOREST PRESERVE PLANT SPACING



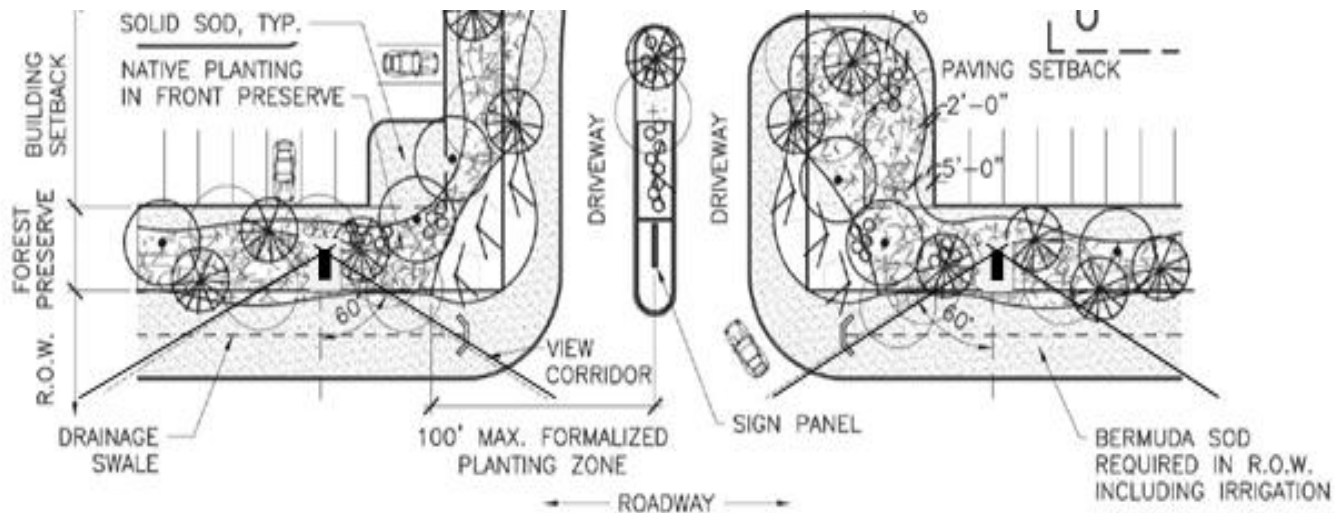
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APPENDIX L – FOREST PRESERVE EDGE AND BORDER REQUIREMENTS



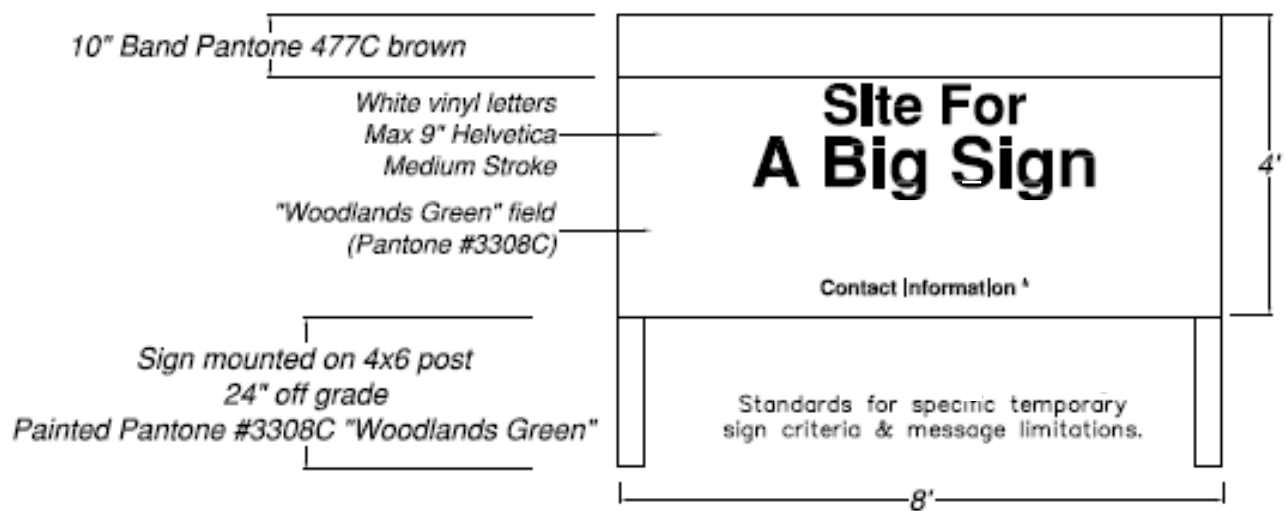
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APPENDIX M – MONUMENT SIGN “VIEW CORRIDOR”



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**APPENDIX N – “FUTURE LAND USE”, “PROJECT IDENTIFICATION” AND “FOR SALE”
SIGNS**



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APPENDIX O – PARKING RATIOS

Commercial Parking Ratios			
Land Use		Land Use	Parking Ratio
General Office	3 spaces/1,000 sq. ft.	Multi-family or Condominium	
Convenience Storage (Mini-warehouse)	1 space/4,000 sq. ft.	• Efficiency	1.0 spaces/unit
Bulk Warehouse		• One bedroom	1.5 spaces/unit
• Office Use	2.5 spaces/1,000 sq. ft.	• Two bedroom	2.0 spaces/unit
• Warehouse Use	1 space/7,000 sq. ft.	• Three bedroom	2.5 spaces/unit
Medical Office/Clinic	5 spaces/1,000 sq. ft.	• Each add'l bedroom	0.5 space per bedroom per unit
Research Laboratory	2.5 spaces/1,000 sq. ft.	Duplex or Single Family Attached (Standard)	2 spaces/dwelling unit
Financial Services	4 spaces/1,000 sq. ft.	Duplex or Single Family Attached (Greater than 4,000 sq. ft. or more than 6 bedrooms)	1 space per bedroom
• Drive-In	8 queue spaces/lane	Single Family Residential	2 spaces/dwelling unit
Hospitality	1.1 spaces/room	Convalescent Services	1 space per 4 beds patient cap. plus 1 per 2 employees max. shift
• Other uses within hospitality	• If not an accessory use, 80% of parking otherwise required by the Code	Hospital Services	1 space per 4 beds patient cap. plus 1 space per 2 employees max. shift
Restaurant		Food Sales/Conv. Store	4 spaces/1,000 sq. ft.
• < 5,000 sq. ft.	10 spaces/1,000 sq. ft.	Furniture/Carpet Store	2 spaces/1,000 sq. ft.
• 5,000+ sq. ft.	15 spaces/1,000 sq. ft.	Service Station/Lube	3 spaces/bay plus 3 queuing spaces/bay
• Drive-thru lanes	8 queue spaces/lane		
Retail Supermarket	5 spaces/1,000 sq. ft.		
Shopping Center/ General Retail	4 spaces/1,000 sq. ft.		
Cocktail Lounge			
• Up to 5,000 sq. ft.	10 space/1,000 sq. ft.		
• 5,000 to 10,000 sq. ft.	20 space/1,000 sq. ft.		
Day Care	1 space/per 9 Students + 1 space/each employee		
Religious Assembly	1 space/per 3 sanctuary seats		