

□ **Development Regulations**

1. The following uses are permitted by right, unless expressly prohibited below in Subsection 2 below:
  - a. All "Commercial Type, Retail, and Service uses" listed in Appendix F, Section F-4, Schedule of Uses, of the Zoning Ordinance, including restaurants (with or without drive-in or drive-through service), hotels, movie theaters (indoor), medical office uses, and clinics.
  - b. Financial institutions.
  - c. Service station or motor vehicle fuel stations, including associated convenience stores and car wash uses.
  - d. Indoor recreation facilities, including, but not limited to, indoor commercial amusement, gymnasium, fitness club, exercise area, and other similar uses.
  - e. School, business or trade.
  - f. Hospital.
  - g. Museum, library, or art gallery.
  - h. Local utility line or utility distribution lines, telephone exchange (no garage or shop).
  - i. Park or playground.
  - j. Swimming pool (private or public).
  - k. Parking incidental to a main use, including surface and structured parking.
  - l. Communications antennas, satellite dishes and support structures/towers, subject to the regulations of Section 146-137 of the Zoning Ordinance applicable to property in a "C" Planned Center zoning district.
  - m. Temporary uses, subject to Section 146-42 of the Zoning Ordinance. Temporary construction-related uses, including, but not limited to, a temporary asphalt or concrete batch plant, may be approved by the chief building official for extended periods of time in excess of the maximum period of 90 days permitted by Section 146-42.

2. The following uses are prohibited: truck fueling stations; automobile, truck, motorcycle, or recreational vehicle sales, service, and repair uses; payday loan or cash advance uses; game rooms for slot machines, 8-liners, and related machines; residential uses; all "Industrial and Manufacturing Uses" listed in Appendix F, Section F-4, Schedule of Uses, of the Zoning Ordinance; sexually oriented businesses; tattoo parlors; mini-warehouses; pawn shops; funeral homes and mortuaries; heavy machinery sales and storage; mobile home display and sales; pet store, kennel, or animal boarding with outside runs; psychic/paranormal readings; and veterinarian clinics with outside runs.
3. Restaurants that will sell alcohol under a Private Club Permit (N or NB) and derive at least 50 percent of their gross receipts from the sale of food are permitted by right, subject to the following requirements: (A) payment of a City permit fee equal to that collected for a Mixed Beverage Restaurant Permit fee; (B) 50 percent or more of the gross receipts shall be derived from the sale of food, and (C) the permittee shall comply with the applicable provision of the Texas Alcoholic Beverages Code, as amended, and have obtained a Private Club Permit from the Texas Alcoholic Beverage Commission prior to selling alcohol.
4. All other uses that are not expressly permitted or prohibited above in Section 2 are permitted if approved by the City Council in conjunction with its approval of a site plan for such use(s); however private clubs selling alcohol and which derive at least 35 percent of their gross receipts from the sale of food, are permitted only pursuant to an SUP approved by the City Council in conjunction with its approval of a site plan for such private club.
5. Buildings are permitted to be a maximum of 180 feet in height, except that portions of buildings, located within 115 feet of the boundary of the Property or within 115 feet of a public right-of-way, shall be a maximum of 90 feet in height. There is no maximum number of stories.
6. Lot coverage may be a maximum of 50 percent, except that lot coverage may be a maximum of 75 percent for any lot "served by" structured parking, regardless of whether the structured parking is on the same lot as the building it serves. The term "coverage" includes only the building footprint. There shall be no restrictions on floor area or floor area ratio. In this subsection, "served by" shall mean a structured parking improvement that is within 500 feet of the building containing the use requiring improved parking.
7. The minimum front yard setback shall be 25 feet. The minimum side and rear yard setbacks shall be zero, except that any side or rear yard setback adjacent to the boundary of the Property shall be 25 feet. Minimum setback requirements shall always be measured from the property line.

8. The vehicle parking requirements in Section 146-30 of the Zoning Ordinance shall apply, except a business or trade school shall meet the same parking requirement as a professional office use.
9. The portion of the Property described in the Drainage Easement attached as Exhibit E-1 to the development agreement and the Temporary Construction Easement attached as Exhibit E-2 to the development agreement, shall not be subject to any regulations related to the preservation of trees or requiring any type of mitigation or payment for removal of any trees, including, but not limited to Section 146-136 of the Zoning Ordinance. Section 146-136 of the Zoning Ordinance shall apply to the balance of the Property, and shall serve as the tree preservation/mitigation regulations applicable to the Property.
10. Except as otherwise provided in this paragraph, the Property shall be subject to Section 146-139 of the Zoning Ordinance (Architectural and Site Standards). Buildings with four or more stories shall be required to meet the following criteria in lieu of complying with Section 146-139: (A) each wall of each building shall be finished with masonry as specified in subsections (B) through (D) of this paragraph; (B) each wall on buildings 60 to 90 feet in height shall be finished with at least 25 percent masonry; (C) each wall on buildings 105 to 135 feet in height shall be finished with at least ten percent masonry; and (D) no masonry finishing materials shall be required on buildings over 135 feet in height. For purposes of this paragraph, masonry shall be defined as brick, stone and/or synthetic stone materials, including, but not limited to, slate, flagstone, granite, limestone, and marble.