

No portion of the Property shall be used for any of the following purposes, which restrictions run with and burden the Property:

- A. Any use which emits or results in strong, unusual or offensive odors, fumes, dust or vapors, is a public or private nuisance, emits noise or sounds which are objectionable due to intermittence, beat, frequency, shrillness or loudness, creates a hazardous condition, or is used, in whole or in part, as or for warehousing or the dumping or disposing of garbage or refuse;
- B. Any operation primarily used as a commercial or multi-unit storage facility and any assembling, manufacturing, distilling, refining, smelting, or mining operation; provided, however, that abandoned and/or inoperable vehicles may be stored on the Property for up to one week and that agricultural or farming related use shall not be prohibited provided that the same does not cause a public or private nuisance;
- C. Any flea market, trader court, mobile home park or other mobile home-related business location, trailer court, labor camp or junkyard (except that this provision shall not prohibit the temporary use of construction trailers during periods of construction, reconstruction, or maintenance);
- D. Any business for sale, lease, or rental of new or used motor vehicles, boats, recreational vehicles, or motorcycles;
- E. Any dumping, disposing, incineration, or reduction of garbage (exclusive of trash compactors or trash containers located near the rear of any building);
- F. Any central laundry, dry cleaning plant, or laundromat (except that a pickup-drop off station for a dry cleaner that performs all dry cleaning and other cleaning operations outside the Property shall be permitted);

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1 Howell Road 77484 *PK*

- G. Any live performance theater, auditorium, meeting hall, sporting event, or other entertainment use;
- H. Any "Pornographic Use", which shall include, without limitation: (a) any adult book store or other store displaying for sale or exhibition books, magazines or other publications containing any combination of photographs, drawings or sketches of a sexual nature, which are not primarily scientific or educational; or (b) any adult video store or other store offering for exhibition, sale or rental video cassettes or other medium capable of projecting, transmitting or reproducing, independently or in conjunction with another device, machine or equipment, an image or series of images, the content of which has been rated or advertised generally as NC-17 or "X" or un-rated by the Motion Picture Rating Association, or any successor thereto; or massage parlor;
- I. Any feedlot, slaughterhouse, tannery, cannery or cemetery;
- J. Any so-called "head shop", or other establishment primarily selling or exhibiting drug-related paraphernalia;
- K. Any gambling facility or operation, including but not limited to: off-track or sports betting parlor; table games such as black-jack or poker; slot machines; video poker/black-jack/keno machines or similar devices; or bingo hall;
- L. Any pawn shop, gun shop, or tattoo parlor;
- M. Any carnival, amusement park or circus;
- N. Any "second hand" store or Army, Navy, or governmental type "surplus" store, except resale shops which merchandise and sell used products in a first class manner, provided, however, that no goods or products may be sold or stored outside an enclosed building; or
- O. Any bar, tavern, night club or other establishment selling alcoholic beverages for on- or off-premises consumption, except as may be incidental to an otherwise permitted restaurant provided that not more than forty percent (40%) of the gross sales of such restaurant are derived from the sale of alcoholic beverages."