6.2.2.1 The site triangles shall be permitted per FDOT standards, as generally depicted on any final site plan for development on the PROPERTY.

6.2.2.2 A final site plan or site plans for development on the PROPERTY shall be approved without the requirement for the retention of native vegetation.

6.2.2.3 All visible utility elements may not necessarily be required to incorporate a landscape enclosure.

6.2.2.4 Any retention areas located on the PROPERTY may be constructed with 100 % vertical walls or vaults.

6.2.2.5 Any retaining walls located on the PROPERTY may extend into the setbacks.

6.2.2.6 The CITY acknowledges that the OWNER is entitled to tree mitigation credits for the PROPERTY in the amount of four thousand seven hundred fifty-five ($4,755.00). Said credits will be applied to the first project related review costs incurred by the OWNER, until the credits are fully satisfied.

6.2.2.7 Additional building colors and/or materials may be approved by the City Manager. Upon approval of the City Manager, the additional colors and/or materials shall be considered supplemental to the colors shown on Exhibit B.

6.2.2.8 The maximum building height for the rooftop architectural features for the Retail Row building shall be 55 ft., and the maximum height of the Cinema building shall be 60 ft., excluding rooftop mechanical equipment.

6.2.2.9 Upon approval of a site plan for the PROPERTY, and prior to the transfer of Liberty Lane and 80th Avenue to the CITY, all utility providers shall be permitted to work within Liberty Lane and 80th Avenue without the need for a CITY ROW permit. Such activities shall include, but not be limited to, jack and boring, excavation, relocation, and other utility related activities. Upon dedication to the CITY of Liberty Lane and 80th Avenue, the CITY reserves the right to require a ROW permit for work proposed to be performed within these dedicated ROWs. Such approvals shall be reasonably granted by the CITY.

6.2.2.10 Notwithstanding any other provision of the CODE, any business or use located on, or proposed to be located on, the PROPERTY shall be permitted to dispense alcoholic beverages for on-premise consumption subject to CODE

limitations on the hours of dispensing. The siting of a religious institution use or school use on the PROPERTY, on abutting properties, or on adjacent properties shall not serve to prohibit any existing or future use/establishment from the dispensing of alcoholic beverages on the PROPERTY.

6.2.2.11 Within the range of permitted uses allowed on the PROPERTY per the CODE, and as may be limited by this AGREEMENT, permitted uses shall be allowed to be changed within an existing structure to another permitted use within that structure or another structure located on the PROPERTY, such as but not limited to, retail to office, retail to restaurant, etc., without the requirement for submission of a concurrency or parking ratio study or amendment to this AGREEMENT.

6.2.2.12 Food trucks and itinerant vendors shall be allowed as part of "permitted" special events.

6.2.2.13 Valet parking/commercial parking operations shall be an allowed itinerant use, with the use of a valet shade and kiosk being allowed in conjunction with said itinerant use.

6.2.2.14 The location of curb cuts on Park Blvd. and 113th Street shall be per a Pinellas County permit; the location of curb cuts on Johnson Blvd., 80th Avenue, Liberty Lane, or Temple Terrace shall be per the CITY approved site plan.

6.2.2.15 The location of all off-site improvements, including the location and operation traffic signals, within Park Blvd. or 113th Street shall be per a Pinellas County permit; the location for all off-site improvements within Johnson Blvd., 80th Avenue, Liberty Lane, or Temple Terrace shall be per a CITY permit or approved site plan.

6.2.2.16 Outdoor seating shall be allowed for all uses where customarily encountered (e.g. restaurants, cafes, bars, etc.). Outdoor smoking on the PROPERTY shall be regulated by the OWNER.

6.2.2.17 Canopies, awnings, and neon lighting elements shall be permitted per the PROJECT PLANS, or the CODE, as may be applicable.

6.2.2.18 There shall be no limit on the hours of operation for uses located on the PROPERTY; except, establishments that dispense alcoholic beverages shall comply with the CODE regulations for hours of operation for dispensing alcoholic beverages.

6.2.2.19 Each existing use on the PROPERTY is entitled to stage special events up to four (4) times during the calendar year, as long as the special event is related to that existing use on the PROPERTY. Special events related to, connected

with, or co-sponsored by a non-profit entity shall be allowed to be held on the PROPERTY without a limit to the number of times per calendar year. Outdoor sales/displays shall be allowed in conjunction with a special event. All special events shall require a permit, but which shall be no a fee permit.

6.2.2.20 Patio umbrellas shall be allowed for all outdoor seating areas.

6.2.2.21 The number, size and location of temporary construction signage shall be as reasonably determined by the CITY.

6.2.2.22 The location, number and size of dumpsters and enclosures shall be pursuant to the approved construction plans.

6.2.2.23 The requirement for by-pass lanes and loading spaces may be waived during site plan review, at the sole discretion of the CITY, for any proposed use on the PROPERTY.

6.2.2.24 Mail boxes/kiosks shall be allowed of a size, style and location so as to comply with USPS requirements to facilitate the delivery of the mail to the PROPERTY. Newspaper racks, not individual boxed, and other site elements shall be allowed that are reasonably consistent with, related to, and complement a use on the PROPERTY.

6.2.2.25 The platting of outparcels or any other parcel from any portion of the PROPERTY consistent with the Agreement and an approved site plan shall not be interpreted so as to cause the creation of any non-conformities under the CODE, shall not serve to create any inconsistencies for any development entitlements or development approvals from the CITY or outside agencies, nor divest any other entitlements or relief granted under this AGREEMENT. Any proposed platting of a parcel(s) shall be consistent with an approved site plan(s) for said parcel, prior to the approval of a plat.

6.2.2.26 Drainage shall be per the Southwest Florida Water Management District (SWFWMD) and Pinellas County approvals.

6.2.2.27 Notwithstanding any other provision of the CODE, compliance with the site plan approved landscaping and/or any individual landscape plan approved for development on any parcel or for any use on the PROPERTY, in general compliance with Exhibit D shall be deemed to be compliant with the CODE and this AGREEMENT.

6.2.2.28 For development on the PROPERTY, as part of the site plan review and approval process:

a. Any curb cut (driveway) proposed to serve the PROPERTY shall be allowed to be up to 55 ft. in width, which width limit shall not include the driveway approach (apron, end slopes, curb return, flares, radii or sidewalk section) width. If required to comply with sound engineering design, curb cut widths may be increased above 55 ft.

b. In order to: Comply with the requirements of the National Fire Protection Act (NFPA), or any other fire code or fire safety related issues; or, Meet the requirements of the Americans with Disabilities Act (ADA) as it relates to parking spaces; or, Be consistent with sound engineering and/or sustainable design principles; or, Increase pedestrian connectivity and/or bicycle accommodation; or, Comply with CITY required landscaping/reforestation plans: 1) The number, size or location of parking and/or loading spaces may be altered; or, 2) Non-handicapped parking spaces may be reduced in size, but shall not be reduced below nine (9) ft. in width nor below eighteen (18) ft. in depth; or, 3) ADA compliant parking spaces may be reduced in depth, but shall not be reduced below eighteen (18) ft. in depth and shall not be reduced below, but may be increased above, the minimum number of CODE required ADA compliant parking spaces; or, 4) Stacking distances, turning radii, or drive up curves may be reduced; or, 5) Drive aisle by-pass lane(s) may be eliminated; 6) Cross access or parking agreements between or among parcels may be permitted, or (7) Landscaping may be modified or relocated.

c. To implement the provisions of this subsection, in the event of any conflict between an approved site plan and/or related development order and the requirements of the CODE, the approved site plan and/or associated development order issued shall prevail.

6.2.2.29 Consistent with the CITY'S intent to treat development on the PROPERTY in an integrated manner consistent with the Comprehensive Plan and this AGREEMENT:

a. The impervious surface ratio that results from the approval and development of any use(s), structure(s) or improvement(s) on the PROPERTY shall be calculated by utilizing the total acreage of the PROPERTY including the PUBLIC ROADWAY DEDICATION LOCATION whether owned by the CITY or OWNER; and notwithstanding any other provisions of the CODE to the contrary, development over the total area of the PROPERTY shall be allowed up to, but shall not exceed, the maximum ISR for the overlaying Commercial General future land use category (0.90), and all development on the PROPERTY as it relates to the ISR shall be considered vested, consistent and conforming therewith. Impervious surface area shall be transferable amongst any of the parcels shown on the PROJECT PLANS, subject to sole approval by the City staff as part of a site plan review and approval.

b. The floor area ratio ("FAR") that results from the approval and development of any use(s) or building(s) shall be calculated utilizing the total acreage of the PROPERTY including the PUBLIC ROADWAY DEDICATION LOCATION, and notwithstanding any other provisions of the CODE to the contrary, development over the total area of the PROPERTY shall be allowed up to, but shall not exceed, the maximum FAR for the overlaying Commercial General future land use category (0.55), and all development on the PROPERTY as it relates to the FAR shall be considered vested, consistent and conforming therewith. Floor area shall be transferable amongst any of the parcels shown on the PROJECT PLANS, subject to sole approval by the City staff as part of a site plan review and approval.

c. The City Manager, notwithstanding any other provisions of the CODE, shall be permitted to implement the SIGNAGE PLANS that are part of this AGREEMENT, as they relate to the number, location, and size of any free-standing or attached signage for a particular use, so long as the total amount of free-standing or attached signage to be located on the PROPERTY when aggregated, allocated, and added together shall not exceed the total maximum amount of freestanding and attached signage permitted by the SIGNAGE PLANS & the DESIGN GUIDELINES as shown on Exhibit C and Exhibit E, respectively, and the other signage related terms of this AGREEMENT, as they relate to the allocation and allowance of signage on the PROPERTY.

d. All development on the PROPERTY shall be developed in a manner that is guided by the requirements of the PROJECT PLANS and the DESIGN GUIDELINES as shown on Exhibit E. Notwithstanding any other provisions of the CODE, or above, with the exception of free-standing sign height, number or size, at the sole discretion of the City Manager, the City Manager shall be permitted to waive or reduce the above requirements when the City Manager reasonably determines that a proposed development or signage on the PROPERTY is proposed to be designed in such a way that the proposal materially and positively advances an architectural style that is consistent and complementary with the PROJECT PLANS and the DESIGN GUIDELINES as shown on Exhibit E, with the colors and materials proposed to be used for all structures being determined to be complementary to one another, and the development proposal is accompanied by a landscaping plan that is consistent with and furthers any required canopy tree reforestation requirements as outlined in this AGREEMENT.

e. Notwithstanding any other provisions of the CODE, the number, location, size, and allocation of parking spaces that results from the approval and development of any use(s) generally consistent with the CONCEPT SITE PLAN shall be allowed to be aggregated, and cross parking used for calculation purposes to determine the sufficiency of parking for the PROPERTY, with the parking for all development on the PROPERTY as it relates to the parking requirements being considered vested, consistent and conforming therewith. The parking allocation shall be transferable amongst any of

the parcels shown on the CONCEPT SITE PLAN, subject to sole approval by the City Manager, as part of a site plan review and approval. Notwithstanding any other provisions of the CODE as they relate the required number of parking spaces, the City Manager shall be permitted without limitation to approve the required number of parking spaces for each parcel or use above or below the required maximum or minimum limit, upon demonstration by the OWNER that the proposed number of parking spaces is reasonably adequate to serve a use proposed to be located on the PROPERTY. For clarity, notwithstanding any other provisions of the CODE, the minimum parking requirements for the PROPERTY shall be no greater than 1 space per 250 sq.ft. of retail/office/restaurant space and the greater of (i) 1 space per 5 seats and (ii) 1 space per 250 sq.ft. for a cinema use with each space being not less than 9' wide by 18' deep.

6.2.2.30 In recognition that the PROPERTY may be developed in phases, the OWNER shall be permitted to submit a development phasing schedule for review and approval by the City Manager. Upon approval of this AGREEMENT and approval by the City Manager of the phasing schedule, the OWNER shall be permitted to install the infrastructure and site related elements necessary to support vertical building construction under the phasing schedule. The OWNER shall be permitted to amend the phasing schedule with the approval of the City Manager. Such approval for a phasing schedule change will not be unreasonably withheld by the City Manager. Infrastructure installation and vertical construction on the PROPERTY shall be allowed to be phased as part of a Development Order or Development Orders.