

PONDELLA RD. & HANCOCK BRIDGE SQUARE DR. NORTH FORT MYERS, FL 33903

RESTRICTIONS

A. No portion of the Remaining Property may be used:

- (a) for any unlawful purpose or in any way which would constitute a legal nuisance to an adjoining owner or occupant
- (b) as a discotheque, dance hall or night club;
- (c) as a massage parlor;
- (d) funeral parlor;
- (e) bingo parlor;
- (f) car wash;
- (g) any use which emits a strong, unusual, offensive or obnoxious odor, fumes, dust or vapors, or any sound which can be heard outside of any buildings on the Property or the Remaining Property, except that any usual paging system be allowed;
- (h) any assembling, manufacturing, distilling, refining, smelting, agricultural, or mining operation;
- (i) any "second hand" store or liquidation outlet;
- (j) any mobile home park, trailer court, labor camp, junk yard, recycling facility or stock yard;
- (k) any dumping, disposing, incineration or reduction of garbage (exclusive of garbage compactors located near the rear of any building);
- (l) any dry cleaners performing on-site cleaning services;
- (m) any automobile, truck, trailer or recreational vehicles sales, leasing, storage, display or body shop repair operation;
- (n) any living quarters, sleeping apartments or lodging rooms;
- (o) any veterinary hospital or animal raising facilities (except this provision shall not prohibit pet shops and shall not prohibit the provision of veterinary services in connection with pet shops or pet supplies business);
- (p) any establishment selling or exhibiting paraphernalia for use with illicit drugs, and establishment selling or exhibiting materials or devices which are adjudicated to be pornographic by a court of competent jurisdiction, and any adult bookstore, adult video store or adult movie theater;
- (q) any bar or tavern; provided however, a bar within a restaurant shall be permitted;
- (r) any pool or billiard hall, gun range or shooting gallery, or amusement or video arcade; and
- (s) any use which creates fire, explosives or other hazards.

B. The Remaining Property shall not be leased, rented, or occupied for the purpose of conducting business as, or for use as a Family Dollar Store; Bill's Dollar Store; Fred's; Dollar Tree; Ninety-Nine Cents Only; Deals; Big Lots; Walgreens; CVS; Rite Aid; or any "Wal-Mart" branded retail store concept (including but not limited to Wal-Mart; Super Wal-Mart; Wal-Mart Neighborhood Market and Wal-Mart Express).

**US 41 & HARBORAGE DRIVE
FORT MYERS, FL 33908**

PERMITTED USES

- aa. Pet shops and pet grooming shops
- bb. Photographic service and supplies
- cc. Printing shop
- dd. Recreational facilities - indoor
- ee. Restaurants - excluding drive-in and fast order food establishments, but permitting the consumption-on-premises of alcoholic beverages
- ff. Secondhand stores - when entirely within a building
- gg. Sporting goods
- hh. Taxidermists
- ii. Theaters - indoor
- jj. Veterinarian or clinic - with overnight boarding limited to those receiving medical treatment
- kk. Bicycle sales, retail and repair