

B. Land Use Restrictions. Land uses shall be limited to the North Project (mix of apartments and commercial space). The commercial space of the project shall be governed by the Downtown Commercial (CD) zoning district.

Section 5.02. Conditions. As a condition of the City issuing a temporary or permanent certificate of occupancy for the North Project, the Developer shall have completed the construction of the Public Improvements and the City shall have accepted the Public Improvements.

* **Section 5.03. Operation of Project.**

A. The Project shall comply with all applicable building and zoning, health, environmental and safety resolutions and laws and all other applicable laws, rules and regulations. The Developer shall, at its own expense, secure or cause to be secured any and all permits which may be required by the City and any other governmental agency having jurisdiction for the construction and operation of the Project, including but not limited to, obtaining all necessary rental licenses and paying any necessary fees to obtain required permits and licenses.

B. Developer and their employees, agents, officers, directors, and managers shall ensure that all persons or entity(ies) who carry on, conduct or operate a business in or upon the North Project Area shall comply with and cause to be enforced, all federal, state and local rules, regulations and laws that apply to the such business operations. Without limitation, the following shall be considered violations of the terms and conditions of this Agreement:

1. Allowing underage persons to consume beer, wine, spirits or alcoholic beverages in, upon or around the North Project Area;

2. Failing to remove or have removed from the buildings and premises any person who has committed a violation of K.S.A. 2013 Supp. 21-6203, (disorderly conduct) and amendments thereto;

3. Maintaining a public nuisance or permitting a public nuisance as set forth and defined in K.S.A. 2013 Supp. 21-6204, and amendments thereto, in, on and about the North Project Area;

4. Failing to remove or have removed and to immediately report to the proper authorities any person possessing illegal drugs or controlled substances in, on or about the North Project Area;

5. Failing to remove or have removed and to immediately report to the proper authorities any person who has committed aggravated assault or battery or other violent crimes against persons in, on, or about the North Project Area;

6. Permitting any other conduct or operation which does or may adversely affect the health, safety and welfare of the City's central business district, the adjacent residential neighborhood, or the residents, guests, or invitees thereof.

A violation of any of the conditions herein stated shall be sufficient for the Governing Body of the City to revoke, modify or suspend this Agreement, and withhold any reimbursements from the Tax Increment Fund and/or TDD Sales Tax Fund.

Section 5.04. Copies of All Leases and Agreements. The City and its duly authorized agents shall have the right at reasonable times (during business hours), and upon reasonable notice to inspect copies