

Conditions

Use Permit Application No. 24-0529

Retail Sales, General – Site B

Magruder Holdings LLC | 3200 Magruder Blvd [portion LRSN 6000997]

1. Issuance of Permit

- a. This Use Permit shall apply only to the location at 3200 Neil Armstrong Blvd, Site B [portion LRSN 6000997] ("Location"), as further limited and confined to the designated area as identified on **Exhibit A** attached hereto ("Retail Sales, General"), and is not transferable to another location. Any expansion beyond the area designated on **Exhibit A** will require an amended use permit.
- b. The Use Permit shall be for the development of retail sales, general, as that use is defined in the City's Zoning Ordinance, except that the following uses shall not be permitted:
 - i. appliance store;
 - ii. auto parts store;
 - iii. boating supply store;
 - iv. drapery store;
 - v. furniture and floor covering store; and
 - vi. hardware store

2. Compliance with Rezoning

All the proffered conditions from Rezoning No. 24-0526 shall also apply to this Use Permit, and shall be incorporated as if fully set forth herein.

3. Compliance with Laws

- a. If the applicant is a legal entity, other than a person or persons, including, but not limited to a limited liability company or corporation, applicant shall be authorized to transact business in Virginia as a domestic or foreign business entity and shall provide proof of registration to the Zoning Administrator, upon request. Applicant shall not allow its existence to lapse or its certificate of authority or registration to transact business in Virginia to be revoked or cancelled at any time while this Use Permit is in effect.
- b. This Use Permit may be terminated for any violation of federal, state, or local law.
- c. The Storage Facility 1 shall be subject to the provisions of the Hampton Zoning Ordinance and the Hampton City Code, to include, but not limited to, noise, setbacks, and building code, and taxation requirements.

4. Revocation

Notwithstanding any condition or provision of this Use Permit to the contrary, the Use Permit may be revoked for violation of any terms or conditions of the Use Permit as set forth in chapter 14 of the Hampton Zoning Ordinance (as amended).

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5. Nullification

The Use Permit shall automatically expire and become null and void under any of the following conditions:

- (1) If, in the case of new construction, the building has not been erected, with doors, windows, roof covering and exterior finish materials in place within two (2) years of the issuance of the use permit;
- (2) No building permit to construct the authorized improvements has been issued within twelve (12) months of the date of approval by the City Council, or if no building permit is required, if the use is not established within twelve (12) months of the date of approval by the city council;
or
- (3) Once the property may be occupied, if the property is not used for the permitted purpose for a continuous two-year period unless otherwise specified in the zoning ordinance. In making this determination the city may consider such matters as the issuance of a building permit, a business license, utility connections and such related factors.

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EXHIBIT A

