

Use Permit Application No. 18-00005
Bed and Breakfast 2
232 S Armistead Avenue, Hampton, VA 23669

1. Issuance of Permit

The Use Permit boundary applies only to the location at 232 S. Armistead Avenue [LRSN 2001912] and is not transferable to another location.

2. On-site Management

A property owner or an on-site manager is required to reside on the property.

3. Operation

- a) No more than three (3) rooms shall be used as guest bedrooms for the bed and breakfast.
- b) Room and board may only be offered to transient occupants. For the purpose of this definition, the term "transient" shall mean occupancy for periods of not more than thirty (30) days.

4. Parking

Sufficient parking shall be provided at all times to meet the minimum required parking. Prior to hosting events, a copy of the executed parking agreement created pursuant to section 11-8 of the Zoning Ordinance shall be submitted to the Community Development Department.

5. Capacity

The bed and breakfast capacity shall not exceed 26 individuals, or the number listed on the capacity certificate, whichever is fewer.

6. Ledger

The owner/operator of the bed and breakfast shall keep records of all room rentals showing the room(s) rented, the date(s) rented, and the number of persons occupying each room.

7. Events

Events may be conducted inside the building only.

8. Third Party Events

If the facility is leased, let, or used by any third party for any event, the owner/operator, or his or her employees, shall be present at all times during the event and shall be responsible for compliance with all conditions of this use permit regardless of any contract or agreement with any third party regarding the facility. Any cover charges or tickets shall be collected directly by the owner/operator.

9. Licensing and Compliance with All Laws

When required by law, the restaurant must maintain a valid license from the Virginia Department of Alcoholic Beverage Control (VABC) and comply with all restrictions or requirements imposed by VABC. In addition, this Use Permit may be terminated for any violation of federal, state, or local law.

10. Sound

Events located at 232 South Armistead Avenue [LRSN 2001912] shall comply with City Code section 22-9 with respect to any sound or noise.

11. Dancing

The property owner shall comply with section 4-16 of the Hampton City Code with respect to dancing on the premises and dance floor area.

12. Revocation

Failure to comply with any conditions of this Use Permit shall constitute a violation of the provisions of Chapter 14 of the Zoning Ordinance and shall be cause for revocation of the use permit by City Council.

13. 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.