

## Conditions

### Use Permit No.22-00018

Hampton Yacht Club, Inc.

Marina

4710, 4712, and 4719 Victoria Boulevard [LRSNs: 13004507, 13004508 & 2003822] along with a to be vacated portion of Victoria Boulevard east of Bridge Street

#### 1. Issuance of Permit

The Use Permit applies only to the parcels consisting of the to be vacated portion of Victoria Boulevard east of Bridge Street (see attached Exhibit A titled As-Built Survey Exhibit Hampton Yacht Club, prepared by LRI, Land Resources Inc., and dated 02/11/2019), 4710, 4719, and 4712 Victoria Boulevard (LRSNs 13004507, 13004508, and 2003822).

Use of the property as described in this use permit shall be permitted only in conjunction with the adjacent marina use currently in operation on 519, 525, 529, and 531 Bridge Street and 4701, 4707, 4709, 4710, and 4712 Victoria Boulevard. If the marina operation on the above-referenced lots should cease, then use of the subject property as described in this use permit shall also cease.

#### 2. Operation

- a. As depicted on attached Exhibit B, with base survey dated 02/11/2019 and exhibit prepared 12/20/2022, activities on Parcel A shall be limited to entry way, vehicle parking, and access for guests and vehicles and a plaza to be used in association with the marina and Yacht Club. Boat and trailer storage shall not occur on Parcel A.
- b. As depicted on attached Exhibit B, with base survey dated 02/11/2019 and exhibit prepared 12/20/2022, activities on Parcel B shall be limited to small boat (less than 20' in length) storage and boating equipment storage, limited boat or boating equipment repair, launching of boats, and similar activities typically associated with a marina.
  - i. Limited repair shall not include engine repair, sanding, painting, or other repairs which emit noise exceeding Hampton City Code section 22-9(as amended), dust, smoke, or noxious odors.

#### 3. Site Improvements

- a. Improvements on Parcel A of Exhibit B, with base survey dated 02/11/2019 and exhibit prepared 12/20/2022, may include and is limited to passenger vehicle parking, drive aisle, sidewalks and similar pedestrian access, paver plaza, decking, green area and landscaping, fencing, including decorative pillars, and signage.
  - i. Passenger vehicle parking shall not extend any further east (toward the Hampton River) than currently exists as depicted on Exhibit B.
  - ii. Any decking shall be setback a minimum of 180' from the Bridge Street right-of-way.
  - iii. In order to maintain the viewshed to the Hampton River from the neighborhood, fencing, including any gate but excluding pillars, shall be decorative wrought iron or aluminum style and not be more than 50% opaque. Chain link, wood, and vinyl fencing is expressly

prohibited. All improvements shall adhere to all other applicable codes and ordinances.

- b. Improvements to Parcel B of Exhibit B shall be limited to pavers, decking, boat launch equipment, utility hook-ups typical of a marina, not to include fuel pumps, and racks no taller than six (6') in height for the storage of boats and boating equipment.
- c. Any new lighting shall be limited to pedestrian scale light fixtures, not exceeding 15' in height from ground level to the top of the fixture. The lights shall be full cutoff fixtures and installed and maintained to focus downward and inward from the property lines to prevent spillover onto neighboring properties.

#### **4. Sound**

The business shall comply with Hampton City Code section 22-9 (as amended) with respect to any sound or noise.

#### **9. 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).

#### **10. 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.