

**Use Permit Application No. 15-00012**  
**David Leonardi DBA Papa Ciccio's Italian Family Restaurant**  
**87 Lincoln Street, Hampton, VA 23669**

**1. Issuance of Permit**

The Use Permit applies only to 87 Lincoln Street [LRSN 2003249] and is not transferable to another location.

**2. Location of Live Entertainment**

Live Entertainment shall be limited to the 8'x 12' area indicated on the attached floor plan identified as "Stage," attached hereto as Exhibit A. The set up and use of any equipment shall not interfere with required clear space for safe exit in the case of emergency, per the Uniform Statewide Building Code and/or the Statewide Fire Prevention Code.

**3. Hours of Operation**

The hours of operation for live entertainment shall be limited to the following:

Indoor

- Sunday –Thursday 11:00AM to 12:00AM
- Friday - Saturday 11:00 AM to 2:00 AM

**4. Capacity**

During the time that live entertainment is being provided, patronage and staff shall not exceed 125 occupants, or the maximum capacity determined by a City building official, whichever is less.

**5. Sound**

Live entertainment located at 87 Lincoln Street shall comply with City Code section 22-9 with respect to any sound or noise.

**6. Staffing**

Sufficient staff shall be provided to monitor patron behavior upon their exit of the building into the surrounding areas.

**7. 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.

**8. 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.

**9. Third Party Promoters**

Neither the facility nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event at the facility.

#### **10. 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.

#### **11. 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.

#### **12. Review of Live Entertainment Uses**

After 12 months of operation, the Use Permit will be scheduled for review by the Director of Community Development (the "Director") to consider if the continuation of the Use Permit would not be detrimental to the public health, safety, and welfare and that to continue the activities under the Use Permit would not cause public inconvenience, annoyance, disturbance, or have an undue impact on the community or be incompatible with other uses of land in the zoning district. The review will be based, in part, upon a physical site review, traffic flow and control, access to and circulation within the property, off-street parking and loading, hour and manner of operation, noise, light, neighborhood complaints, police service calls, and any violations of any federal, state, or local law. If after review, the Director determines that the Use Permit would not be detrimental to the public health, safety, and welfare and that to continue the activities under the Use Permit would not cause public inconvenience, annoyance, disturbance, or have an undue impact on the community or be incompatible with other uses of land in the zoning district, the permit shall be scheduled for the same administrative review in 5-year increments. If the Director determines that the Use Permit would be detrimental to the public health, safety, and welfare and that to continue the activities under the Use Permit would cause public inconvenience, annoyance, disturbance, or have an undue impact on the community or be incompatible with other uses of land in the zoning district, the Director will notify the Permittee in writing and may initiate the revocation process before City Council. Nothing contained herein shall limit the City's ability to enforce City Code violations at any time during the operation

Exhibit A

# Papa Cecilio's Banquet Room

