

# CONDITIONS

Use Permit Application No. 23-00011  
Short-Term Rental | 136 S Second St  
FUM Properties, LLC

## 1) Issuance of Permit

The Use Permit applies only to the location at 136 S Second St (LRSN: 13004183) and is not transferable to another location.

## 2) Responsible Local Person

- a. The operator of the short-term rental must provide the name and contact information of a Responsible Local Person ("RLP"), who shall be responsible for addressing complaints related to the use of the property as a short-term rental. The RLP must reside in the Commonwealth of Virginia and shall address, as soon as reasonably practicable, complaints related to noise, capacity, suspected criminal activity on the property, unpermitted parking, events, and other similar violations.
- b. The RLP must respond to any call from the City of Hampton regarding any notification of such an issue within one (1) hour of the notification by the City.
- c. The RLP shall be considered a responsible party under section 1-11 of the zoning ordinance, shall accept service of any notices of violation and summonses upon request of the City, and shall be responsible for abating any violation of these conditions.
- d. In the event the RLP contact information needs to be updated or changed, the newly assigned RLP shall contact and inform the Zoning Administrator, in writing, and shall also update the "Short-Term Rental Fact Sheet" to include the appropriate contact information.

## 3) Floor Plan

The first, second, and third floor safety plans, attached hereto as **Exhibit A**, shall be posted in a conspicuous location within the dwelling unit and visible at all times to transient guests and residents showing the exit plan, location(s) of rentable bedrooms, fire extinguishers, smoke detectors, and carbon monoxide detectors. Any alteration or renovation that modifies the floor plan shall not create additional bedrooms or overnight sleeping areas, and shall be subject to review and approval by the Zoning Administrator and the Building Official.

## 4) Capacity & Operation

- a. Based upon Sec. 404.4.1 of the Virginia Property Maintenance Code (VPMC) and the bedroom square footage provided, the maximum number of overnight lodgers shall not exceed ten (10).

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- b. No more than four (4) bedrooms, as indicated in **Exhibit A**, shall be rented to overnight lodgers or offered for rent by the operator of the short-term rental.
- c. A common space (e.g., living room, game room, family room) shall not be offered or advertised as an overnight sleeping area.

## 5) Parking

Sufficient on-site parking shall be provided at all times to meet the minimum required parking for all uses at the property pursuant to Sec. 11-8 of the Zoning Ordinance. All parking in conjunction with the short-term rental use shall be on an improved surface, as defined in Sec. 2-2 of the Zoning Ordinance. The drive aisle in the rear of the property shall be used solely to access the on-site parking on the subject property. No parking shall be permitted within the drive aisle at any time.

## 6) Additional Posted Information

In addition to the floor plan, the document titled "Short-Term Rental Fact Sheet" shall be posted in the same conspicuous location as the floor plans within the dwelling units and visible at all times to overnight lodgers and residents. In the event that the document is amended or modified by the City, staff will provide an updated copy to the property owner(s), operator, and RLP who shall replace the previous version.

## 7) Signage

No exterior signage in conjunction with a short-term rental shall be permitted at any time.

## 8) Business License & Registry

- a. The short-term rental shall maintain compliance with all license and tax requirements administered by the Commissioner of the Revenue pursuant to Chapter 18.1 of the City Code.
- b. Upon the City of Hampton implementing a short-term rental registry, the operator of the short-term rental shall, within thirty (30) days of notice given by the City, register the property and keep registration up-to-date.

## 9) Ledger

The operator of the short-term rental shall keep records of all rentals showing the date(s) rented, the name of the primary person(s) who booked the

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reservation, and the number of overnight lodgers featured in the reservation. This list shall be available to the Zoning Administrator or their designee within one (1) day upon request.

## 10) Events & Gatherings

- a. Events, as that term is defined in Chapter 2 of the Zoning Ordinance, shall not be conducted on the property unless a special event permit is obtained.
- b. The maximum number of people on the property between the hours of 7:00 AM and 10:00 PM shall not exceed twenty (20). Only authorized overnight lodgers not exceeding the approved capacity limit are allowed on the property between the hours of 10:00 PM and 7:00 AM.

## 11) Inspections

- a. Prior to operation of a short-term rental, the operator of the short-term rental property shall schedule an inspection and provide the City of Hampton consent to inspect the dwelling to ascertain compliance with all applicable standards and codes. The operator shall also provide the RLP contact and consent on such form as may be required by the Zoning Administrator.
- b. Upon a change of ownership of the property or an approved modification of the floor plan, a new inspection shall be scheduled by the operator to inspect any dwelling used for the short-term rental to ascertain compliance with all applicable standards.

## 12) Advertising

All advertising of the short-term rental shall be consistent with all Use Permit conditions, and the "Short-Term Rental Fact Sheet" shall be posted in the advertisement or listing of the short-term rental.

## 13) Licensing, Compliance with Laws, Authority to Transact Business

- a. Applicant shall obtain and maintain all applicable licenses to conduct the business authorized by this Use Permit prior to engaging in any such business. In addition, if the applicant is a legal entity, other than an individual person or persons, including, but not limited to a limited liability company or corporation, applicant shall also be authorized to transact business in Virginia as a domestic or foreign business entity prior to engaging in the permitted use; and shall provide proof of registration to

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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. This Use Permit may be terminated for any violation of federal, state, or local law.

- b. The short-term rental shall be subject to the provisions of the Hampton Zoning Ordinance and Hampton City Code, to include, but not limited to, noise, setbacks, and building code requirements.

## 14) 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).

## 15) 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.

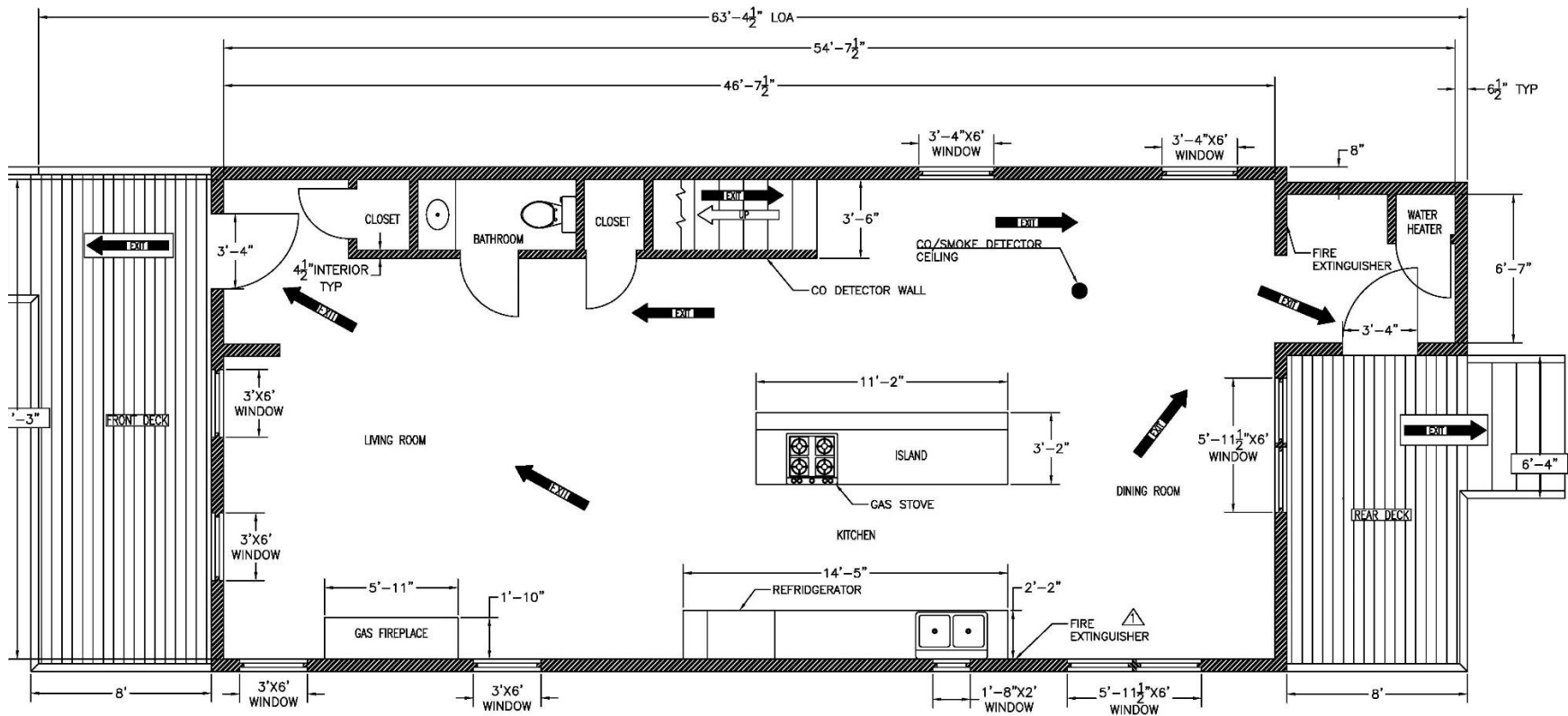
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## EXHIBIT A

### Safety Plan

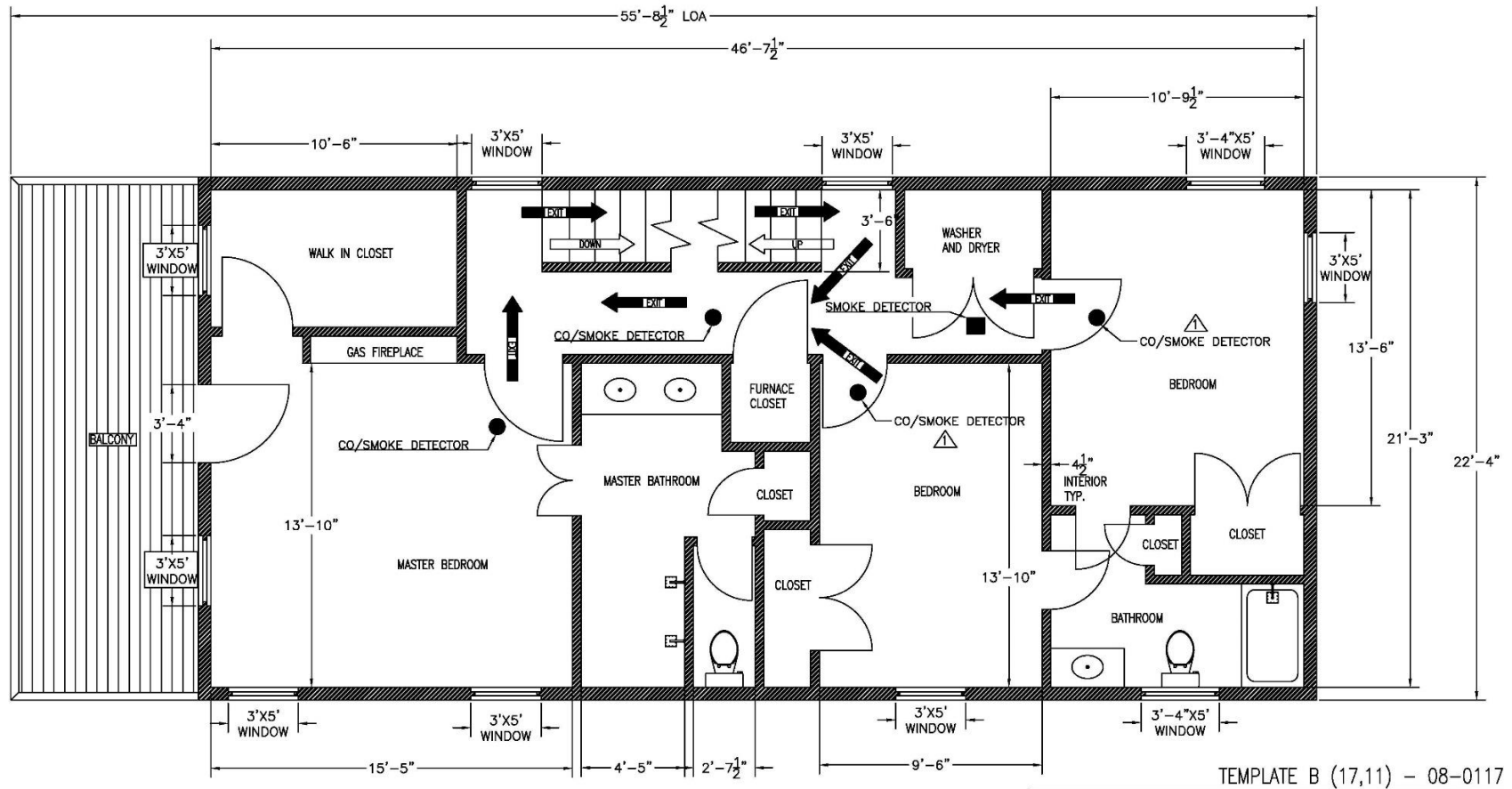
First Floor



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## Second Floor



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## Third Floor

