

Use Permit No. 19-00012

Vui Thanh Nguyen

199 E Mercury Boulevard [LRSN 12003535]

Hampton, VA 23669

Conditions**1) Issuance of Permit**

- a. The Use Permit boundary applies only to 199 E. Mercury Boulevard [LRSN 12003535] and is not transferable to another location.

2) Site Design

- a. The vehicle storage area shall not be located between any building and any public right-of-way on the site.
- b. A fence meeting the requirements of Sec. 3-3(18) of the City of Hampton Zoning Ordinance shall be installed inside of all required landscape buffers described in condition 2(d). Chain link fencing shall be prohibited.
- c. A landscape plan shall be provided for review and approval by the Director of Community Development or designee prior to landscape installation and prior to commencement of the vehicle storage use. Landscaping shall be installed according to the plan prior to commencement of the vehicle storage use and maintained in perpetuity. After installation, any deviations from the approved landscape plan may be permitted by the Director of Community Development or designee based upon site specific characteristics and whether the revisions achieve the required buffering of the site.
- d. The landscape buffers shall be consistent with the applicable additional standards in Chapter 3 of the City of Hampton Zoning ordinance (Sec. 3-3(18)), the City of Hampton Landscape Design Guidelines (2015, as amended) and shall adhere to the following standards, the strictest of which shall apply in the event of a conflict between said provisions:
 1. The rear buffer shall be 35 feet deep and consist of a combination of evergreen shrubs, understory or small canopy trees, and large canopy trees, which are evenly distributed to fully screen the fence and storage area. There shall be two rows of large canopy trees, which are offset. Understory or small canopy trees shall be appropriately sited to allow for mature growth and provide screening between the rear property line and the fence. All new trees within the rear buffer shall be a combination of deciduous shade trees and evergreen trees. No more than fifty percent (50%) of the required new trees shall be of any one type, nor shall more than twenty-five percent (25%) of the required shrubs be of any single species.
 2. There shall be a side yard buffer of a minimum of 15 feet in depth between the side property lines and the fence. An exception to this requirement is made where the main building sits between the storage area, and the side property line. All new trees within side buffers shall be a combination of deciduous shade trees and evergreen trees. No more than fifty percent (50%) of the required new trees shall be of any one type, nor shall more than twenty-five percent (25%) of the required shrubs be of any single species.
 3. There shall be a landscaped buffer of 15 feet between the fence and the front property line. An exception to this requirement is made where the main building sits between the storage area and the front property line, as well as where the gate to the storage area is placed. All new trees within the front buffer shall be a combination of deciduous shade trees and evergreen trees. No more than fifty

percent (50%) of the required new trees shall be of any one type, nor shall more than twenty-five percent (25%) of the required shrubs be of any single species.

3) Storage of Vehicles

- a. All storage of vehicles must occur within the fenced area.
- b. All vehicles must be parked or stored on an improved surface.

4) Ledger

The vehicle storage operator must maintain a ledger containing all vehicles stored, and the date which storage begins and ends, which shall be made available to City officials upon request.

5) Length of Storage

Vehicles shall not be stored longer than sixty (60) days.

6) Salvage & Vertical Stacking

No salvage, wrecking, or vertical stacking of vehicles shall occur in conjunction with the storing of vehicles.

7) Lighting

All outdoor lighting shall be focused downward and inward in a way that prevents a spillover effect on adjoining properties.

8) Compliance with Applicable Laws

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

9) 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.

10) 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 zoning ordinance.