

## CONDITIONS (AMENDED 7/8/2021)

Use Permit Application No. 21-00005

Private Club/Lodge

Best Kept Secret-Stop the Violence | 20 W Mercury Boulevard, Hampton, VA 23669

### 1. Issuance of Permit

The Use Permit applies only to the location at 20 W Mercury Boulevard [LRSN 8001841] as denoted and attached hereto as Exhibit A and is not transferable to another location.

### 2. Live Entertainment

The primary use of this property shall be a private club/lodge as defined by the Zoning Ordinance. All accessory uses, including live entertainment, shall comply with the definition of accessory use in the Zoning Ordinance. 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. Gaming Operations

Any gaming operations must comply with Chapter 4 of the City Code, as amended, regarding Amusements.

### 4. Hours of Operation

The hours of operation for the private club/lodge shall be limited to the following:

- o Sunday – Thursday: 8:00 AM until 12:00 AM
- o Friday – Saturday: 8:00 AM until 2:00 AM

### 5. Capacity

*Capacity shall not exceed 48 people or the maximum capacity determined by the Building Official whichever is lower. Notwithstanding the foregoing, a request may be made to increase the number of available parking spaces through the alternatives set forth in Section 11-8 of the Zoning Ordinance. If additional parking is approved by the Zoning Administrator, the Zoning Administrator may, in consultation with the Building Official, increase the maximum capacity to a number that can be accommodated by such additional available parking.* ~~The lodge capacity shall not exceed the number listed on the capacity certificate.~~

### 6. Ledger

The owner/operator of the private club/lodge shall maintain a daily ledger, containing the names of all guests or visitors to the establishment.

### 7. Parking

~~Applicant shall comply with the provisions of the shared parking and access agreement, dated July 18, 2019, which includes the use of twenty five (25) parking spaces, located at 1109 N. King Street, for temporary parking by the establishment at 20. W. Mercury Blvd. If this agreement is terminated for any reason, the operator shall cease operation of the private club/lodge until such time as the use conforms to all parking requirement as specified in Chapter 11 of the City of Hampton Zoning~~

~~Ordinance. Prior to commencing the operation of the private club/lodge, the operation shall conform to the parking requirements as specified in Chapter 11 of the City of Hampton Zoning Ordinance which may include shared parking agreement(s).~~

#### **8. Security**

The business shall provide security services, consisting of in-house security, services of a contracted security firm, or extra duty police officers at a minimum of one (1) such individual located in and monitoring the lounge area, one (1) located in and monitoring the bar area, and one (1) posted outside monitoring activity on the property during the hours of 10 PM until closing. Any criminal activity shall be reported to the Hampton Police Division, and security will cooperate with the Hampton Police Division in their investigation into the criminal activity. Staffing shall be sufficient to monitor and control patron behavior inside as well as upon exit of the building into the surrounding area.

#### **9. Sound**

All events located within 20 Mercury Blvd [LRSN 8001841] shall comply with the Hampton City Code, Section 22-9 (as amended) with respect to any sound or noise.

#### **10 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.

#### **11. Licensing and Compliance with all Laws**

When required by law, the business 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.

#### **12. 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).

#### **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.

EXHIBIT A

