

CONDITIONS

Use Permit Application No. 24-0490

Restaurant 3 | Raising Cane's
1044 W. Mercury Blvd (LRSN: 7001551)

1. Issuance of Permit

This Use Permit is for a Restaurant 3 ("Restaurant"), as that use is defined in the Hampton Zoning Ordinance, and shall apply only to the location at 1044 W. Mercury Boulevard [LRSN: 7001551] ("Location") as identified on **Exhibit A** attached hereto, and is not transferable to another location. Any expansion beyond the designated area will require an amended Use Permit.

2. Hours of Operation

The hours of operation shall be limited to the following:

- a) General operation – Sunday-Saturday 5:00 AM to 3:00 AM
- b) Outdoor dining hours of operation shall not extend beyond the hours of operation of the indoor dining area

3. Window Transparency & Privacy

Notwithstanding allowable window signage in accordance with Chapter 10 of the Hampton Zoning Ordinance, no window treatment or finish shall be installed that would impede visibility into the Restaurant from the outside.

4. Capacity

During operation, patrons and staff shall not exceed the maximum capacity as determined by the City Building Official or their designee for the Restaurant.

5. Alcohol Sales and Service

The Restaurant is not permitted to sell and/or service alcohol. Future sale and/or service of alcohol will require an amended Use Permit, as well as compliance with all requirements and licensing of the Virginia Department of Alcoholic Beverage Control (VABC).

6. Licensing and Compliance with Laws

- 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.
- b. 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 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.

CONDITIONS

Use Permit Application No. 24-0490

Restaurant 3 | Raising Cane's
1044 W. Mercury Blvd (LRSN: 7001551)

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

7. 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).

8. Nullification

The Use Permit shall automatically expire and become null and void under any of the following conditions:

- a. 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;
- b. 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
- c. 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.

CONDITIONS

Use Permit Application No. 24-0490

Restaurant 3 | Raising Cane's

1044 W. Mercury Blvd (LRSN: 7001551)

EXHIBIT A

