

Conditions

Use Permit Application No. 25-0195

Multifamily Dwellings - Trilogy Developers, LLC

Unaddressed parcel at the intersections of LaSalle Avenue and West Pembroke Avenue, West Pembroke Avenue and West Queen Street, and West Queen Street and Michigan Drive [LRSN: 2000401]

1. Issuance of Permit

The Use Permit is for the development of multifamily dwellings, as that use is defined in the City's Zoning Ordinance, applies only to the location at the intersections of LaSalle Avenue and West Pembroke Avenue, West Pembroke Avenue and West Queen Street, and West Queen Street and Michigan Drive [LRSN: 2000401] ("Location"), is further limited and confined to the designated area as identified on **Exhibit A** attached hereto ("Multifamily Dwellings"), and is not transferable to another location. Any expansion beyond the area designated on **Exhibit A** will require an amended use permit.

2. Compliance with Rezoning

All the proffered conditions from Rezoning 22-0347 shall also apply to this use permit, and shall be incorporated as if fully set forth herein.

3. Management

The Multifamily Dwellings shall have established on-site management with regular business hours 9 AM-5 PM Monday to Friday, at a minimum.

4. Conversion of Commercial Spaces

The conversion of the commercial spaces within Building 4, as shown on Exhibit A, into multifamily dwellings shall require an amendment to this use permit.

5. Age-Restricted Development

Occupancy of the residential units developed upon the property within Building 4 shall be age-restricted to persons at least fifty-five (55) years of age or older, in accordance with all federal and state fair housing laws. Upon request of the Zoning Administrator, the on-site property manager shall provide such data or information as may be necessary to verify compliance with this condition.

6. Certificate of Occupancy

The applicant must obtain a Certificate of Occupancy prior to commencing operation.

7. Compliance with Laws

- a. If the applicant is a legal entity, other than a person or persons, including, but not limited to a limited liability company or corporation, applicant shall be authorized to transact business in Virginia as a domestic or foreign business entity and shall provide proof of registration to the Zoning Administrator, upon request. Applicant shall not allow its existence to

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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.

- b. This Use Permit may be terminated for any violation of federal, state, or local law.
- c. The Multifamily Dwellings shall be subject to the provisions of the Hampton Zoning Ordinance and the Hampton City Code, to include, but not limited to, noise, setbacks, building code, and taxation requirements.

8. 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).

9. Expiration/Nullification

Notwithstanding section 14-12 of the Hampton Zoning Ordinance, this Use Permit shall automatically expire and become null and void under any of the following conditions:

- i. If the multi-family dwellings have not been erected, with doors, windows, roof covering and exterior finish materials in place within five (5) years of the issuance of the use permit;
- ii. No building permit to construct the multi-family dwellings has been issued within 24 months of the date of approval of this use permit by the city council; or
- iii. 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.

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