

# CONDITIONS

Use Permit Application No. 26-0117  
Day Care 2, Commercial | West End Baptist Church  
2413 Shell Rd (LRSN 1002232)

## 1. Issuance of Permit

This Use Permit is for a Commercial Day Care 2 ("Day Care") as that use is defined in the Hampton Zoning Ordinance, and shall apply only to the location at 2413 Shell Rd [LRSN: 1002232] ("Location") as identified on **Exhibit A** attached hereto, and is not transferable to another location. Any expansion beyond the areas designated in Exhibit A as "Classroom 1," "Classroom 2," and "Future Classrooms" will require an amended Use Permit.

## 2. Hours of Operation

The hours of operation shall be limited to the following: 6:00 AM to 6:00 PM, Monday through Friday.

## 3. Traffic Circulation

Loading and unloading of passengers from vehicles shall be conducted at the Location and not on any public street or right-of-way.

## 4. Certificate of Occupancy

The Day Care operator must obtain a Certificate of Occupancy prior to commencing operation.

## 5. Capacity

During operation, patrons and staff shall not exceed the maximum capacity determined by the City Building Official or their designee in the Certificate of Occupancy for the Day Care, as the maximum capacity in such Certificate of Occupancy may be amended from time to time.

## 6. Age of Children

The Day Care shall care for children no younger than 30 months and one day old, unless the Building Official determines the Certificate of Occupancy for the Day Care that caring for children younger than that age is permitted by the Building Code, in which case the Day Care may care for children no younger than the minimum age set by the Building Official. The Day Care shall not, in any case, care for children older than five (5) years old.

## 7. Ledger

The Day Care must maintain a daily ledger containing the names of clients cared for and their respective times in and times out. This ledger shall be made available for review by the Zoning Administrator or their designee upon request.

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## 8. Licensing

Day Care shall obtain and maintain all credentials required by law to conduct the business authorized by this Use Permit prior to engaging in any such business, including, but not limited to, those that may be required by applicable Virginia regulatory authorities for the operation of a day care center. If the Day Care is exempt from any such licensing requirement under an exception for religious organizations, the Day Care must remain eligible at all times for that exception.

## 9. Compliance with Laws

If the Day Care is a legal entity, other than a person or persons, including, but not limited to a limited liability company or corporation, the Day Care 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. The Day Care 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.

## 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 herein contained as set forth in chapter 14 of the Hampton Zoning Ordinance (as amended).

## 11. 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 Day Care does not use the property for the permitted purpose for a continuous two-year period unless otherwise specified in the zoning ordinance. In making this

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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

