

CONDITIONS

Use Permit Application No. 25-0196

Fishers Landing Eats | Restaurant 3
4330 Kecoughtan Rd [Portion of LRSN: 2003800]

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 4330 Kecoughtan Rd [Portion of LRSN: 2003800] ("Location") as identified on **Exhibit A** attached hereto, and is not transferable to another location. Any expansion of the use beyond the Location will require an amended Use Permit.

2. Hours of Operation

The hours of operation shall be limited to the following:

- a) General hours of operation – Monday - Sunday 5:00 AM to 12:00 AM
- b) Outdoor dining hours of operation shall not extend beyond the hours of operation of the indoor dining area, which shall comply with those identified in Condition 2(a).

3. Window Transparency & Privacy

Except for 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 while the Restaurant is in operation.

4. Capacity

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

5. Sound

The Restaurant shall comply with Hampton City Code section 22-9 (as amended) with respect to any sound or noise.

6. Licensing and Expiration

- 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, including, but not limited to, those that may be required by the Virginia Department of Alcoholic Beverage Control (VABC). Applicant shall comply with all terms and conditions imposed by VABC. In the event of a conflict between the terms and conditions required by VABC and those required by this Use Permit, the more restrictive requirements shall control.
- b. The violation of any term or condition imposed by VABC shall be deemed a violation of this Use Permit and would constitute grounds for revocation pursuant to Section 14-11 of the Zoning Ordinance.
- c. The Use Permit will automatically expire upon a change of ownership of the property, a change in possession, a change in the operation or

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management of the Restaurant, or the passage of three (3) months without an active retail alcoholic beverage control license.

7. 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 such authorization 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, cancelled or suspended at any time while this Use Permit is in effect.
- c. The Restaurant shall be established and operated in compliance with all applicable federal, state or local laws and any required permits. Violation of any applicable laws or permits shall be deemed a violation of this Use Permit and would constitute grounds for revocation of this Use Permit pursuant to Section 14-11 of the Zoning Ordinance.

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

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 of this Use Permit 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

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- 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.

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EXHIBIT A

