

# Conditions

## Use Permit Application No. 25-0149

Multifamily Dwellings - Orchard Oaks LLC

183 E. Mercury Blvd, 183A E. Mercury Blvd, 261 Woodland Rd, 265 Woodland Rd  
[LRSN: 12003432, 12003433, 12003435, 12003434]

### 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 183 E. Mercury Blvd, 183A E. Mercury Blvd, 261 Woodland Rd, and 265 Woodland Rd [LRSNs: 12003432, 12003433, 12003435, 12003434] ("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 25-0148 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. Dumpster Screening

All trash dumpsters shall be screened with an appropriate dumpster enclosure constructed of building materials that complement the primary building materials of the Multifamily Dwellings and enhanced with landscaping as approved by the Director of Community Development or their designee.

### 5. Certificate of Occupancy

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

### 6. 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 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.

# Conditions

## Use Permit Application No. 25-0149

Multifamily Dwellings - Orchard Oaks LLC

183 E. Mercury Blvd, 183A E. Mercury Blvd, 261 Woodland Rd, 265 Woodland Rd

[LRSN: 12003432, 12003433, 12003435, 12003434]

- 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.

### 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

Notwithstanding section 14-12 of the Hampton Zoning Ordinance, this Use Permit shall automatically expire and become null and void in the event the development timeline set forth in Condition 6 of the Proffer Agreement for Rezoning 25-0148 is not achieved.

# Conditions

## Use Permit Application No. 25-0149

Multifamily Dwellings - Orchard Oaks LLC

183 E. Mercury Blvd, 183A E. Mercury Blvd, 261 Woodland Rd, 265 Woodland Rd  
[LRSN: 12003432, 12003433, 12003435, 12003434]

## EXHIBIT A

