

CONDITIONS

Use Permit Application No. 24-0028
Restaurant 3 | Chance's Restaurant & Lounge
555 Settlers Landing Rd. Suite M & N

1. Issuance of Permit

The Use Permit is for a Restaurant 3, as that use is defined in the Hampton Zoning Ordinance, applies only to the location at 555 Settlers Landing Road, Suite M & N [portion of LRSN: 2002950] ("Location") as identified on **Exhibit A** attached hereto, and is not transferable to another location. Any expansion beyond the area designated on **Exhibit A** will require an amended use permit.

2. Hours of Operation and Indoor Live Entertainment

The hours of operation for the restaurant shall be limited to the following:

- Sunday – Thursday 5:00 AM to 12:00 AM
- Friday – Saturday 5:00 AM to 2:00 AM

3. Location of Live Entertainment

Live Entertainment may be conducted inside the building only and shall be limited to the area indicated on the floor plan attached hereto as **Exhibit B** and further identified as "Live Entertainment Area". The layout of tables and chairs shall be as depicted in **Exhibit B** so as not to allow for a dance floor or similar open space. The set up and use of any equipment shall not interfere with required clear space for safe exit in the case of emergency, per the Uniform Statewide Building Code and/or the Statewide Fire Prevention Code.

4. Window Transparency

No window treatment or finish shall be installed that would impede visibility into the restaurant from the outside, notwithstanding allowable window signage per Chapter 10 of the Hampton Zoning Ordinance.

5. Capacity

During operation, patrons and staff shall not exceed the maximum capacity determined by a City building official.

6. Sound

The business shall comply with Section 22-9 of the Hampton City Code (as amended) with respect to any sound or noise.

7. Security

The business shall provide security services, consisting of in-house security, services of a contracted security firm, or extra duty police officers at a minimum of one (1) located in and monitoring the inside restaurant and bar area, and one (1) posted outside monitoring activity on the property during the hours of 10 PM

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until closing. Any criminal activity shall be reported to the Hampton Police Division, and security shall cooperate with the Hampton Police Division in their investigation into the criminal activity. Staffing shall be sufficient to monitor and control patron behavior inside as well as upon exit of the building into the surrounding area.

8. Dancing

The business shall comply with Chapter 4, Article II of the Hampton City Code (as amended) with respect to dancing on the premises and dance floor area.

9. ABC 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 Alcoholic Beverage Control Authority (VABC). Applicant shall comply with all restrictions or requirements imposed by VABC.
- b. This Use Permit will automatically expire upon a change of ownership of the property, a change in the operation or management of a facility, or the passage of three (3) months without an active retail alcoholic beverage control license.

10. Compliance with Laws

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.

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

11. 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).

12. Nullification

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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 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

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EXHIBIT A



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EXHIBIT B

