

Conditions

Use Permit Application No. 21-00020

Restaurant, with a retail alcoholic beverage license, with live entertainment 2
Rosie's Gaming Emporium | 1990-1996 Power Plant Pkwy, Hampton, VA 23666

1. Issuance of Permit

The Use Permit applies only to the location at 1990-1996 Power Plant Parkway [a portion of LRSN 13001056] and is not transferable to another location. All conditions from Use Permit No. 20-00003 shall also apply to this use permit, and shall be incorporated as if fully set forth herein.

2. Location of Live Entertainment

Live Entertainment shall be conducted inside the building only and shall be limited to the 7' x 7' area indicated on the attached floor plan identified as "Proposed Stage Location," attached hereto as Exhibit A. 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.

3. Hours of Operation

The hours of operation for live entertainment shall be limited to:

- Sunday – Thursday: 11:00 AM to 12:00 AM
- Friday – Saturday: 11:00 AM to 2:00 AM

4. Sound

Operations shall comply with City Code Section 22-9 (as amended) with respect to any sound or noise.

5. Dancing

The property owner shall comply with City Code Section 4-16 (as amended) with respect to dancing on the premises and dance floor area.

6. Licensing and Compliance with all Laws

The restaurant must maintain a valid license from the Virginia Department of Alcoholic Beverage Control (VABC) and comply with all restrictions or requirements imposed by VABC. In addition, this Use Permit may be terminated for any violation of federal, state, or local law.

7. ABC Licensee Expiration

The use permit will automatically expire upon a change of ownership of the property, a change in possession, 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.

8. Revocation

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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. 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 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

