

CONDITIONS

Use Permit Application No. 24-0325

Day Care 2, Commercial

Amazing Childcare & Learning Academy | 1416 Todds Lane (LRSN: 3001227)

1. Issuance of Permit

This Use Permit is for a Day Care 2, Commercial ("Day Care"), as that use is defined in the Hampton Zoning Ordinance, and shall apply only to the location at 1416 Todds Lane [LRSN: 3001227] ("Location") as identified on Exhibit A attached hereto, and is not transferable to another location. Any expansion beyond the designated area will require an amended use permit.

2. Hours of Operation

- a) The general operating hours of the Day Care shall be limited to:
Monday – Sunday 6:00 AM to 10:00 PM
- b) The hours of operation for the outdoor play activities associated with the Day Care shall be limited to:
Monday – Sunday 8:00 AM to 6:00 PM

3. Traffic Circulation

Loading and unloading of vehicles shall be conducted on site and not on any public street or right-of-way.

4. Capacity

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

5. Certificate of Occupancy

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

6. Screening of Outdoor Play Area

Any outdoor play area established in the front yard of the Location shall be screened on the north, east, and west sides by landscaping and/or fencing as described as follows:

- a) Any proposed landscaping shall be low evergreen shrubs capable of achieving a minimum 36 inches in height, with a minimum plant height of 24 inches at installation.
- b) Any proposed fencing shall be decorative opaque fencing and shall not be greater than four (4) feet in height.
- c) A planting/fencing plan shall be submitted with the Certificate of Occupancy permit application for review and approval by the Director of Community Development or their designee.

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7. Floor Plan Inspection Condition

A floor plan of the Day Care shall be submitted as part of the application for the Certificate of Occupancy. Prior to issuance of the Certificate of Occupancy, the Day Care shall be inspected for compliance with the submitted floor plan.

8. Ledger

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

9. Licensing & 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, including, but not limited to, those that may be required by the Virginia Board of Social Services for the operation of a day care center.
- 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 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.
- c. This Use Permit may be terminated for any violation of federal, state, or local law, including, but not limited to, failure to comply with the Virginia Uniform Statewide Building Code.

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 of the use permit 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:

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- (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.

EXHIBIT A

