

Use Permit Application No. 19-00003

Live Entertainment 2 in Conjunction with a Micro-Brewery/Distillery

Sly Clyde Ciderworks | 207 E. Mellen Street and 3 S. Curry Street, Hampton, VA 23663

1. Issuance of Permit

The Use Permit applies only to the location at 207 E. Mellen Street [LRSN 12001143] and 3 S. Curry Street [LRSN 12001144] denoted in purple with gridded lines and attached hereto as Exhibit A and is not transferable to another location.

2. Location of Live Entertainment

Indoor:

Indoor Live Entertainment shall be limited to the location denoted as "live entertainment area" indicated on the attached floor plan denoted in orange with a checkered pattern, and attached hereto as Exhibit B. 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.

Outdoor:

Outdoor Live Entertainment shall be limited to the area indicated on the attached conceptual layout identified as "Outdoor Performance Area", attached hereto as Exhibit C.

3. Hours of Operation

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

Indoor:

- Sunday - Thursday 11AM to 11:00PM
- Friday - Saturday 11:00 AM to 1:00AM

Outdoor:

- Monday-Thursday 4:00PM to ~~8:00PM~~ 10:00PM
- Friday-Sunday 12:00PM to ~~8:00PM~~ 10:00PM

4. Capacity

During the time that live entertainment is being provided, patronage and staff shall not exceed 106 people, or the maximum capacity determined by the Building Official, whichever is fewer. Notwithstanding the foregoing, if additional legal parking spaces are provided, either through new spaces created on-site or through credits approved by the Zoning Administrator, and/or modifications to the buildings result in a different capacity permitted under the Building Code, then the Zoning Administrator and Building Official may, after consultation with the other party, increase the maximum capacity to a number that can be

accommodated by such additional available parking and/or modifications to the buildings.

5. Parking

All parking spaces shall meet the dimensional standards specified in Ch. 11, Sec. 11-7 of the Zoning Ordinance on the subject property at all times.

6. Sound

Live entertainment located at 207 E. Mellen Street [LRSN 12001143] and 3 S. Curry Street [LRSN 12001144] shall comply with the Hampton City Code, Section 22-9 (as amended) with respect to any sound or noise.

7. Security

The business shall provide security services, consisting of in-house security officers, services of a contracted security firm, or extra duty police officers at a minimum rate of one (1) per 75 patrons for the live entertainment area present on the property during any live entertainment event. At least one (1) security personnel shall be posted outside the establishment to monitor patron behavior on Mellen, Curry, and County Streets, reporting any potential criminal activity to the Hampton Police Department. Staffing shall be sufficient to monitor and control patron behavior inside as well as upon exit of the building into the surrounding area.

8. Licensing and Compliance with all Laws

When required by law, the business 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.

9. Dancing

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

10. Third Party Events

If the facility is leased, let, or used by any third party for any event, the owner/operator, or his or her employees, shall be present at all times during the event and shall be responsible for compliance with all conditions of this use permit regardless of any contract or agreement with any third party regarding the facility. Any cover charges or tickets shall be collected directly by the owner/operator.

11. Special Events

The property owner shall comply with Chapter 2 Article XIII with respect to special events.

12. 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).

13. 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.

14. Review of Live Entertainment Uses

After 12 months of operation, the Use Permit will be scheduled for review by the Director of Community Development (the "Director") to consider if the continuation of the Use Permit would not be detrimental to the public health, safety, and welfare and that to continue the activities under the Use Permit would not cause public inconvenience, annoyance, disturbance, or have an undue impact on the community or be incompatible with other uses of land in the zoning district. The review will be based, in part, upon a physical site review, traffic flow and control, access to and circulation within the property, off-street parking and loading, hour and manner of operation, noise, light, neighborhood complaints, police service calls, and any violations of any federal, state, or local law. If after review, the Director determines that the Use Permit would not be detrimental to the public health, safety, and welfare and that to continue the activities under the Use Permit would not cause public inconvenience, annoyance, disturbance, or have an undue impact on the community or be incompatible with other uses of land in the zoning district, the permit shall be scheduled for the same administrative review in 5-year increments. If the Director determines that the Use Permit would be detrimental to the public health, safety, and welfare and that to continue the activities under the Use Permit would cause public inconvenience, annoyance, disturbance, or have an undue impact on the community or be incompatible with other uses of land in the zoning district, the Director will notify the Permittee in writing and may initiate the revocation process before City Council. Nothing contained herein shall limit the City's ability to enforce City Code violations at any time during the operation.

Exhibit A – Subject Property

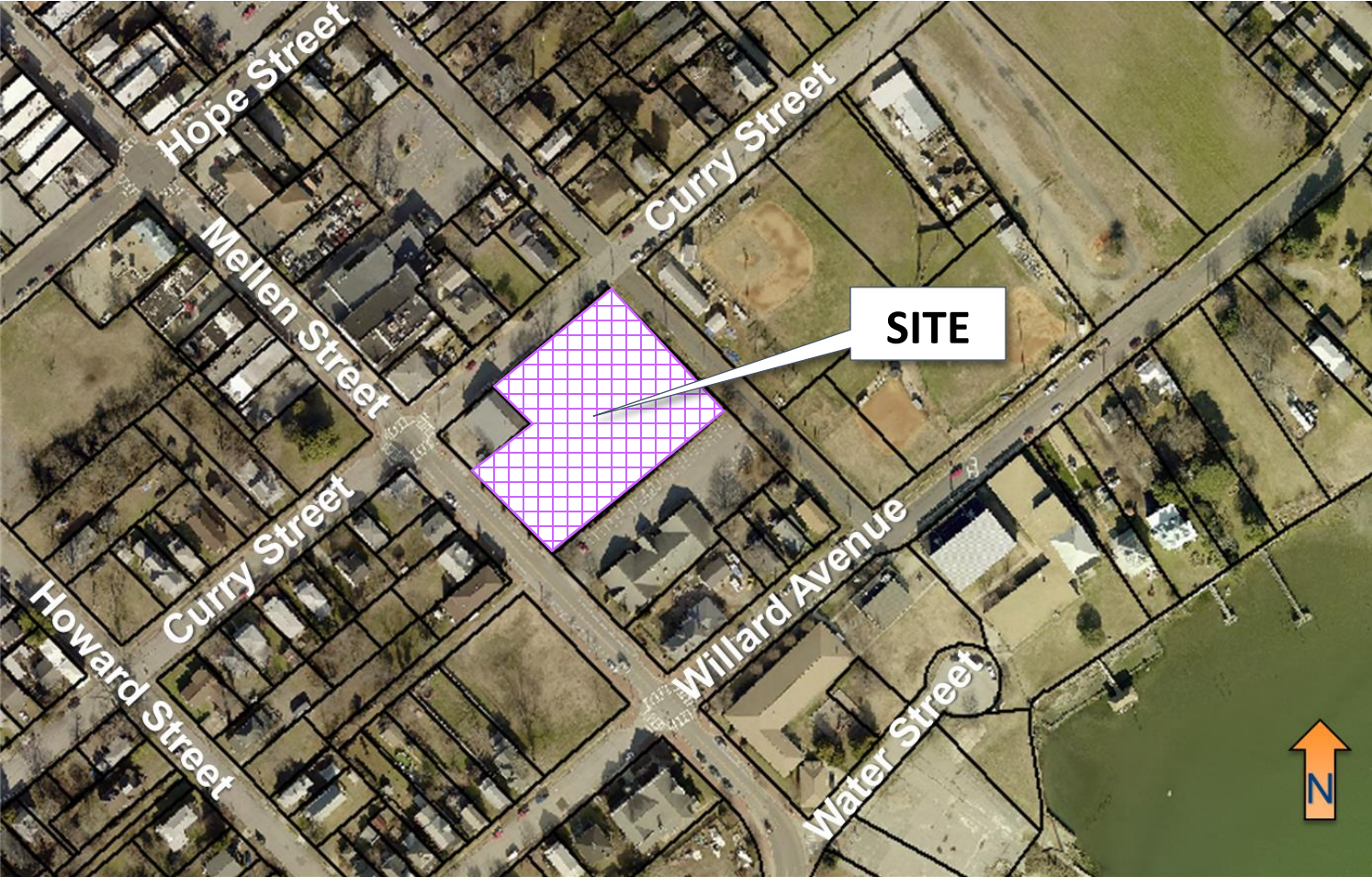


Exhibit B – Indoor Live Entertainment Area

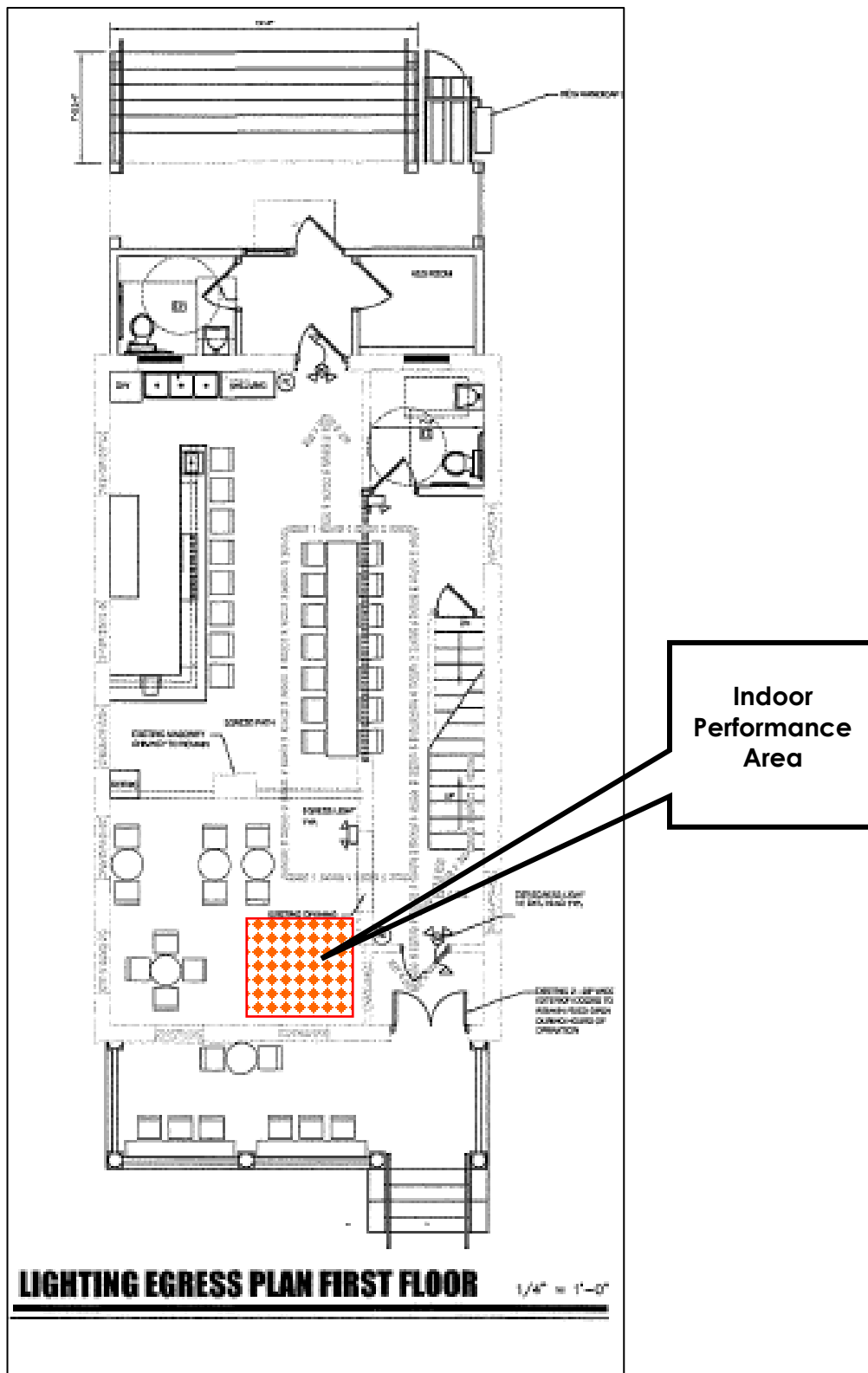


Exhibit C – Outdoor Live Entertainment Area

