

## **SPECIAL EXCEPTION DEVELOPMENT CONDITIONS**

**SE 2016-HM-012**

**July 20, 2016**

The Board of Supervisors approved SE 2016-HM-012 for a fast food restaurant and a quick service food store proposed on Tax Map 18-1 ((5)) 8A1 and 8A2 and conditioned the approval by requiring conformance with the following development conditions.

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose, structure and/or use indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plan, as may be determined by the Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the PRC Plan/SE Plat entitled "Tall Oaks," prepared by Urban, Ltd., dated September 8, 2015 and revised through June 20, 2016, consisting of 54 sheets (the "Plan"). Minor modifications may be permitted pursuant to Par. 8 of Sect. 16-203 of the Zoning Ordinance.
4. No more than 2,500 square feet of fast food uses shall be permitted and no more than 4,000 square feet of quick service food store uses shall be permitted. No other Category or Group use shall be permitted without the approval of a special permit or special permit except as provided in Sects. 6-303 and 6-304 of the Zoning Ordinance or amendment to the development plan.
5. All trash dumpsters shall be screened on all sides. The screening shall be consistent with the color and style of the building. Doors shall consist of materials that are opaque and fully screen the dumpsters.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, 30 months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of a Non-Residential Use Permit for the fast food and/or quick-service food store use(s). The Board of Supervisors may

grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.