

Date:	_____
Fee: \$	_____
☐ Cash	☐ Check # _____

SPECIAL USE APPLICATION - \$50/\$100

(See Instructions and Procedures Attached)

Town of North Harmony Code Enforcement Department

5350 Stow Rd
Ashville, NY 14710

Bradley N. Lawson

Office: (716) 789-3445 ext. 3
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SPECIAL USE PERMIT DEFINED –

Special Use Permit applications for non-commercial projects and commercial projects under 5000 sq. ft. are reviewed by the Zoning Board of Appeals pursuant to the provisions of Section 905 of the Town of North Harmony Zoning Law, a copy of which is attached to this application.

Special Use Permit applications for all commercial projects over 5000 sq. ft. and residential projects involving more than five residential units, shall be reviewed by the Town Board of the Town of North Harmony, pursuant to Section 1101 of the Zoning Law, which is attached to this application.

A Special Use Permit with appropriate conditions shall only be granted for permitted uses specifically listed in the Zoning Law for the zoning district in which the property in question is located. Please review the Zoning Law to confirm your intended property use is a listed permitted use.

All requested uses by issuance of a Special Use Permit shall be, in nature and in intensity of operations, in harmony with the orderly development of the zoning district. Such uses shall not impair the value of or be more objectionable to nearby properties, by reason of noise, fumes, vibrations, or lights than would be the operations of any permitted use.

1. LOCATION:

Property identification # (Tax Map #) _____ Zoning District: _____

Property Address: _____

Mailing Address: _____

2. OWNER: _____ Telephone: _____

Address: _____ Zip _____

APPLICANT: _____ Telephone: _____

Address: _____ Zip _____

If the applicant is not the owner or if there is an applicant/agent, please explain:

3. DESCRIBE SPECIFICALLY THE NATURE OF THE REQUESTED USE:

4. DESCRIBE IN DETAIL THE SEPARATE ACTIVITIES TO BE CONDUCTED ON THE PROPERTY WITH PROPOSED HOURS AND SEASONS OF OPERATION FOR EACH:

5. DESCRIBE WHY YOU BELIEVE THAT PROPOSED USE WILL NOT BE DETRIMENTAL TO THE CHARACTER OF THE NEIGHBORHOOD AND WILL BE IN HARMONY WITH THE INTENT OF THE TOWN OF NORTH HARMONY ZONING LAW (in relation to existing noise, light, and traffic conditions, for example):

USES IN TOURIST/COMMERCIAL AND COMMERCIAL DESIGN AND DEVELOPMENT STANDARDS (TC-1, TC-2, TC-3, TC-4 and C-1) DISTRICTS WILL BE REFERRED TO THE PLANNING BOARD PRIOR TO APPROVAL BY THE ZONING BOARD OF APPEALS

- Refer to Section 404 of the Zoning Law for more information.

NOTICE TO APPLICANT

HEARING: The Zoning Board of Appeals hearing dates are the 4th Wednesday of each month at 7:00 p.m. All requests to be heard by the Zoning Board of Appeals must be **submitted to the Zoning Officer or Zoning Clerk at least 30 days prior to hearing date to allow time for processing with the County Planning Board** and must include the following documents:

- 10 Copies of Fully Completed, Signed and Notarized Application for Special Use Permit
- 10 Copies of **Plan for the Proposed Development of the Site**
- 10 Copies of **Supporting Documents** (i.e. photos, drawings, maps, etc.)
- Short Environmental Assessment Form

By signing this declaration, you are also agreeing to allow the Zoning Board of Appeals to enter the property listed on this application for a site review upon request and that you have received a copy of the Town of North Harmony Sections 905 & 1101 for your review.

DECLARATION

Under penalty of perjury, I swear that to the best of my knowledge and belief the statements contained in this application are a true and complete statement of all proposed work to be completed on the described premises and that all provisions of the NYS Building Codes and the Town of North Harmony Zoning Codes and all other law pertaining to the proposed work shall be complied with, whether specified or information relating to the applicant's zoning district has been reviewed.

Signature of Owner: _____ Date: _____

The foregoing statement was acknowledged before me

this _____ day of _____, 20____

by _____ Notary Public

Town of North Harmony Zoning Ordinance

SECTION 905 - Special Use Permits

A. Applicability - The Zoning Board of Appeals shall hear all requests for Special Use Permits for commercial projects involving 5,000 or less square feet of floor space and for residential projects involving 5 or less residential units, including projects which may also require an Area or Use Variance. Projects requiring review under Section 404 of this law, shall be referred to the Planning Board for review and application of the design and development standards prior to approval by the Zoning Board of Appeals.

B. General Provisions - The special uses listed in this zoning law for which conformance to additional standards are required shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of all requirements and standards set forth herein, in addition to all other requirements of this zoning law. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

C. Standards - The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district and the location, nature and height of the buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or lights, than would be the operations of any permitted use.

D. Conditions -

1. In granting of Special Use Permits, the Permitting Board shall attach such conditions and safeguards as it deems appropriate under this law.
2. The supplemental section of this Law entitled, General Development Conditions (Section 601), and Tourist/Commercial and Commercial Design and Development Standards, will be referred to and used as a checklist of possible conditions to be attached to the Special Use Permit being requested and this section is not all-inclusive.
3. A plan for the proposed development of a site for designated special use shall be submitted with an application for a Special Use Permit and the plan shall show the location of all buildings, lots, parking areas, traffic access, and circulation drives, open spaces, landscaping, and any other pertinent information that the Permitting Board deems necessary.

E. Administrator -

1. **Procedures** - The Permitting Board shall act in strict accordance with procedure specified by law and by the Zoning Law with regard to public hearings, notices, publications, etc.
2. **Expiration** - A Special Use Permit shall be deemed to authorize only one particular use and shall expire if the special use shall cease for more than one year for any reason.
3. **Existing Violations** - No Special Use Permit shall be issued for a property where there is an existing violation of this law.

SECTION 1101 - Duties: Amendments & Special Use

The Municipal Board shall have the following duties with respect to the Zoning Law.

A. Amendments -

1. The Municipal Board may from time to time on its own motion, or on petition, or on recommendation of the Planning Board, amend, supplement or repeal the regulations and provisions of this Law after public notice and hearing.
2. The Municipal Board by resolution adopted at a scheduled meeting shall fix the time and place of a public hearing on the proposed amendment and cause notice to be given in accordance with applicable Law.

B. Special Use Permit -

1. **Applicability** - The Municipal Board shall hear all requests for Special Use Permits/ Site Plan Reviews for commercial projects involving over 5,000 square feet of floor space and for residential projects involving more than 5 residential units. Projects requiring under Section 404 of this law, shall be referred to the Planning Board for review and application of the design and development standards prior to approval by the Municipal Board.

2. Special Use Permit Provisions –

- a. **General Provisions** - The special uses listed in this Zoning Law for which conformance to additional standards are required shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this Zoning Law. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.
- b. **Standards** - The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district and the location, nature and height of buildings, walls, and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or lights, than would be the operations of any permitted use.
- c. **Conditions** -
 - (1) In the granting of Special Use Permits, the Permitting Board shall attach such conditions and safeguards as it deems appropriate under this law.
 - (2) The supplemental section of this law entitled, General Conditions, will be referred to and used as a checklist of possible conditions to be attached to the Special Use Permit being requested. It should not be assumed that this section is all inclusive.
 - (3) A plan for the proposed development of a site for designated special use shall be submitted with an application for a Special Use Permit, and plan shall show the location of all buildings, lots, parking areas, traffic access, and circulation drives, and any other pertinent information that the Permitting Board deems necessary.
- d. **Procedures** - The Permitting Board shall act in strict accordance with procedure specified by Law and by the Zoning Law with regard to public hearings, notices, publications, etc.
- e. **Expiration** - A Special Use Permit shall be deemed to authorize only one particular use and shall expire if the special use shall cease for more than one year.
- f. **Existing violation** - No Special Use Permit shall be issued for a property where there is an existing violation of this Law.

C. Site Plan Review -

1. **Applicability** – The Municipal Board shall retain the approval power for conducting the site plan review and approval process for all commercial uses involving more than 5,000 square feet of floor space or residential uses involving more than five (5) residential units. Projects requiring under Section 404 of this law, shall be referred to the Planning Board for review and application of the design and development standards prior to approval by the Municipal Board.
2. **Basis for Review and Approval** – The Municipal Board shall utilize the site plan review process contained in Article X, Section 1004 of this Law.