

APPLICATION FOR SPECIAL USE PERMIT

From the Town of North Harmony

I. 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 listed below.

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, a copy of which is listed below.

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.

II. Name of Property Owner : _____

III. Address of Property Owner : _____

IV. Phone of Property Owner : _____

V. Name of Applicant: _____

Mailing Address: _____

Phone: _____ E-Mail: _____

Property Identification # (Tax Map #) _____

Property Address: _____

Property Zoning Code Classification: _____

VI. PROJECT DESCRIPTION: Provide a summary detail of the proposed nature and intensity of the operations involved in the proposed special use.

VII. List Planning Board site plan review dates, if any, decision and submit actual copies of all site plan documents reviewed by the Planning Board.

VIII. DOCUMENTS REQUIRED, SURVEY/SKETCH: Attach a land surveyor's stamped survey of property or a site plan. Show the size of the lot, adjacent streets, position of the proposed addition or change, existing structures, etc. Additionally, show slopes or other obstruction. Attach photographs of the property showing its current building locations relative to all adjoining properties.

IX. HEARING — The Zoning Board of Appeals regular hearing date is the 4th Wednesday of each month at 7:30 PM. All requests to be on the agenda must be received no later than 14 days prior to the scheduled hearing date. Written notification of the date and time will be sent to the applicant.

The undersigned hereby declares, under penalties of perjury, that the above information and all application supporting documentation, provided to the Town of North Harmony Zoning Board of Appeals, is true, correct and complete.

Date: _____

Applicant's Signature

\$100/\$250 FEE: Paid _____

Not Paid _____

NOTICE TO APPLICANT:

TEN (10) COMPLETE COPIES OF Application FOR **SPECIAL USE PERMIT TO BE HEARD BY THE ZONING BOARD OF APPEALS** MUST BE SUBMITTED TO THE ZONING OFFICER OR TOWN CLERK AT LEAST 14 DAYS PRIOR TO THE HEARING DATE. EACH COPY SHOULD INCLUDE THE FOLLOWING (COPIES MAY BE TWO SIDED AND REDUCED AS NECESSARY):

- **FULLY COMPLETED AND SIGNED APPLICATION FOR BUILDING PERMIT**
- **FULLY COMPLETED AND SIGNED APPLICATION FOR SPECIAL USE PERMIT**
- SUPPORTING DOCUMENTATION (I.E. PHOTOS, DRAWINGS, MAPS, ETC.)

The Town of North Harmony Zoning Ordinance is available online at www.townofnorthharmony.com

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.
- 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), 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.

MUNICIPAL BOARD

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.

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.