

City of Olean
Department of Fire, Buildings, & Emergency Services
Code Enforcement Division

Olean Municipal Building, Rm. 212
P.O. Box 668, 101 E. State Street
Olean, NY 14760
716-376-5683, 716-376-5707 (fax)

Application for Special Use Permit

Date Received in Codes: _____

Date Forwarded to C.D.: _____

Application #: _____

Forwarded By: _____

1. APPLICATION:

I, _____, hereby apply for a Special Use permit for property located at _____ . The present use of this property is _____ . The proposed special use request is for the following:

I have read, and am familiar with Article 9, Section 9.0 of the Olean Zoning Ordinance.

Signature of Applicant *Date Signed and Submitted*

2. ACTION TAKEN BY THE PLANNING BOARD:

(a) On _____ the City of Olean Planning Board reviewed this application and set a public hearing for _____, _____, _____ .
(date) (time) (location)

3. FINAL ACTION TAKEN BY OLEAN PLANNING BOARD:

On _____, at _____, a public hearing was held. On _____
(date) (location) (date)

the Planning Board **Approved** **Disapproved** the Special Use request for application #: _____

CONDITIONS FOR SPECIAL USE PERMIT:

4. FORWARDED TO THE BUILDING DEPARTMENT ON: _____

Section 9.0 Special uses.

9.0.1 Purpose and intent. The purpose of special use approval is to allow the proper integration into the community of uses which may be suitable only under certain conditions and at appropriate locations. Because of their unusual characteristics, or the special characteristics of the area in which they are to be located, special uses require special consideration so that they may be properly located with respect to the objectives of this zoning chapter and their effect on nearby properties.

9.0.2 Authorization to grant or deny special uses. The planning board is hereby authorized to approve special uses. The special uses listed in this zoning law may be permitted, enlarged, or otherwise altered upon authorization by the planning board in accordance with the standards and procedures set forth in this section. In permitting a special use or the modification of a special use, the planning board may impose those standards and requirements expressly specified by this law and any additional conditions which the planning board considers necessary and reasonable to protect the best interests of the surrounding property, the neighborhood, or the city as a whole. These conditions may include, but are not limited to, size or controlling the location and number of vehicle access points, increasing the street width, limiting the number, size and location of signs, limiting hours of operation, and required fencing, screening and landscaping or other facilities to protect adjacent or nearby property. In the case of a use existing prior to the effective date of this law change in use or in lot area or an alteration of structure shall conform with the requirements dealing with special uses.

The duration of an approved special use permit shall be six months or such greater period not to exceed one year as may be specified in the approval by the planning board. Special use permit approval may be renewed by the planning board for a period of six months upon written application to the planning board and copies to the code enforcement officer, such application to be submitted prior to the expiration of the special use permit approval period.

On application, and after public notice and hearing, the planning board may authorize the issuance by the code enforcement officer of permits for any of the special uses for which this law requires such permits.

9.0.3 Procedures for special uses.

a. A property owner(s) or his agent(s) may initiate a request for a special use or modification of a special use by filing an application which includes a legal description of the property, a proposed current site plan showing the size and location of the lot, the location of all buildings and proposed facilities, including access drives, parking areas and all streets within 250 feet of the lot, plans and elevations necessary to show the proposed development, other drawings or information necessary to an understanding of the proposed use and its relationship to surrounding properties and a filing fee.

b. In the case where a special use has been approved a building permit shall be issued after the granting of the special use by the planning board, and then only in accordance with the terms and conditions of the special use permit.

c. Before a special use is permitted the proposed special use shall be subject to public notice and a public hearing, pursuant to the procedures specified in section 9.1.6.

d. The planning board, on its own motion, may revoke any special use permit for non-compliance with conditions set forth in the granting of said permit after first holding a public hearing and giving notice of such hearing. The forgoing shall not be the exclusive remedy and it shall be unlawful and punishable for any person to violate any condition imposed by a special use permit. In such cases a period of 60 days shall be granted the applicant for full compliance prior to revocation of the said permit. In cases where there is imminent danger to the public health, safety or welfare, the revocation of the special use permit shall be immediate.

e. The planning board may require that special use permits be periodically renewed after notice and a public hearing to determine if the original conditions have been complied with or whether conditions have changed since the original special use permit was granted.

f. The planning board may, at its discretion, waive any submission requirements which it deems to be not relevant to the proposed use and site.

9.0.4 Standards governing special uses. A special use shall comply with the standards of the district in which it is located. In approving such uses, the planning board shall take into consideration the public health, safety and welfare and comfort and convenience of the public in general and of the residents of the immediate neighborhood in general and shall, to the maximum extent possible further the expressed intent of this law and the accomplishment of the following objectives:

a. In order to grant any special use, the planning board shall find that the request is in harmony with the general purpose and intent of this zoning law, taking into account the location and size of use, the nature and intensity of the operations involved in or conducted in connection with the use and the size of the site with respect to streets giving access thereto.

b. In order to grant any special use, the planning board shall find that the establishment, maintenance, or operation of the use applied for, under the circumstances of the particular case, will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or will not be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the city.

c. The proposal will not result in the destruction, loss, or damage of any natural, scenic or significant historical resource.

d. The proposal will not create excessive additional requirements of public cost for public facilities and services; and will not be detrimental to the economic welfare of the community.

e. The proposal will be served adequately by essential public facilities such as highways, streets, police and fire protection, stormwater drainage, water and sewer, schools or that the applicant for the proposed special use shall otherwise provide that these services be adequately obtained.

f. The proposal essentially conforms with the comprehensive development plan.

g. All proposed structures, equipment or material shall be readily accessible for fire and police protection.

h. The proposed use shall be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and shall not be detrimental to the orderly development of adjacent properties, in accordance with the zoning classification of such properties.

i. The proposal conforms to all applicable requirements of article 10, "Development guidelines".

In addition to the above, in the case of any use located in, or directly adjacent to, a residential district:

a. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to existing streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said residential district or conflict with the normal traffic of the neighborhood.

b. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.