

*Town of Lenox, NY
Friday, March 22, 2019*

Chapter 134. Zoning

Article VII. Enforcement; Administration; Amendments

§ 134-64. Special use permits.

- A. Issuance of permits. In every case where a special use permit is required by this chapter, the Planning Board shall act on a request for such a permit only after:
- (1) Owners of property within 200 feet of the property on which the special permit is required shall be notified by mail at the same time the public hearing notice is given to the newspaper prior to public hearing.
 - (2) A public hearing has been held pursuant to the Town Law.
 - (3) No final action shall be taken in certain special use permit cases until the County Planning Board referral requirements of Article 12-B, § 239-m, of the General Municipal Law have been met.
- B. Required plan. An application for a special use permit shall be accompanied by three sets of preliminary site plans and other descriptive matter to portray clearly the intentions of the applicant. These documents shall become a part of the record. Such plans shall show location of all buildings, parking, access and circulation, open space, landscaping and other information necessary to determine if the proposed special use meets the requirements of this chapter.
- C. Standards for special uses. The Planning Board may impose additional standards on the special use to provide adequate safeguards to protect the health, safety, morals or general welfare of the public, to preserve the general character of the neighborhood in which such proposed special use is to be placed and to minimize possible detrimental effects of use on adjacent property.
- D. Standards applicable to all special uses. The Planning Board may issue a special use permit only after it has found that all the following standards and conditions have been satisfied:
- (1) The location, size of use and structure, nature and intensity of operations involved, size of site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with orderly development of the district.
 - (2) 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 their value.

- (3) Proposed parking facilities shall be adequate for present and future needs to ensure the orderly development of the district.
 - (4) Proposed sanitation facilities (i.e., sewage facilities, garbage storage, etc.) shall be sufficient and adequate for all proposed uses to protect health and property values of the district.
- E. Special uses shall not conflict with any master plan or part thereof. Operations of any special use shall not be more objectionable to nearby properties than would be the operations of any permitted use. A special use permit shall not be issued for a use on a property where there is an existing violation of this chapter. Special use permits are not transferable and shall have an expiration date determined by the Planning Board.