

ARTICLE 8

SPECIAL USE PERMITS

SECTION 8.01 PURPOSE

The formulation and enactment of this Ordinance is based upon the division of the City of Chelsea into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses however, there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the City of Chelsea. Such uses, because of their peculiar location need or the nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use.

SECTION 8.02 AUTHORITY TO GRANT PERMITS

The City Planning Commission, as hereafter provided, shall have the authority to grant special use permits, subject to such conditions of design, operation, and safeguards that the City Planning Commission may determine for all special uses specified in the various district provisions of this Ordinance.

SECTION 8.03 APPLICATION AND FEE

Application for a special use permit shall be made to the City of Chelsea Planning and Zoning Administrator by filing an official special use permit application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution of the City Council; except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.

SECTION 8.04 DATA, EXHIBITS, AND INFORMATION REQUIRED IN APPLICATION

An application for a special use permit shall contain the following information as well as any other pertinent information deemed necessary by the City:

- A.** The applicant's name, address, telephone number.
- B.** Names and addresses of all record owners and proof of ownership.
- C.** The applicant's interest in the property. If the applicant is not the fee simple owner, the applicant shall also submit a signed, notarized authorization from the owner(s) for the application.

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8.04 Cont.

DATA, EXHIBITS, INFO

- D. Legal description, address, and tax parcel number of the property.
- E. A scaled and accurate survey drawing, correlated with the legal description and showing all existing and proposed buildings, and types thereof and their uses.
- F. A detailed description of the proposed use and statement supporting data, exhibits, information and evidence regarding required findings set forth in this Ordinance.
- G. A site plan as provided in Article 9 Site Plan Review herein.
- H. A vicinity sketch showing the surrounding land use and zoning.
- I. Any additional information the Planning Commission finds necessary to make the determinations required herein.

SECTION 8.05 PUBLIC HEARING NOTICE

The Planning Commission shall hold a public hearing on each application for a special use permit. Notice of the public hearing shall be made in accordance with Section 1. of Appendix A.

SECTION 8.06 PLANNING COMMISSION ACTION ON SPECIAL USE PERMIT.

The Planning Commission shall review the special use application in consideration of all information received and compliance with the standards of Section 8.07 and other applicable standards of this Ordinance. The Planning Commission shall approve, approve with conditions or deny the application by resolution. The resolution shall contain the Planning Commission's findings on the following standards. If conditions are imposed, plans or other information illustrating compliance with the conditions shall be submitted and approved by the Planning and Zoning Administrator prior to the issuance of a zoning compliance permit.

SECTION 8.07 STANDARDS FOR REVIEW

The Planning Commission shall make findings with respect to the following standards in making a determination on a special use application. The planning Commission shall approve a special use permit if all the following standards are met.

SPECIAL USES

8.07 Cont.

STANDARDS FOR REVIEW

- A. All information required in Section 8.04 has been provided.
- B. The proposed special use shall be compatible with and in accordance with the policies and objectives of the City's Comprehensive Plan.
- C. The proposed special use shall promote the intent and purpose of this Ordinance, shall insure that the use is consistent with the public health, safety, and welfare of the City, and shall comply with all applicable regulations and standards of this Ordinance.
- D. The proposed special use shall be designed, constructed, operated and maintained to be compatible with existing or planned uses of surrounding areas.
- E. The location and design of the proposed special use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation, types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points.
- F. The effects of the proposed special use on the natural environment shall be within acceptable limits in comparison to the effects that would result from uses permitted by right in the district.
- G. The proposed special use shall be adequately served by public facilities and services. The special use shall not create additional public costs for facilities and services.
- H. The proposed special use shall comply with all other applicable ordinances and State and Federal statutes and regulations.

SECTION 8.08 CONDITIONS OF APPROVAL

The Planning Commission may impose reasonable conditions on its approval of a special use permit to ensure that the preceding standards are met. Conditions imposed shall be recorded in the approval action and shall remain unchanged except upon mutual consent of the Planning Commission and landowner. Conditions imposed shall meet all the following requirements.

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CONDITIONS OF APPROVAL

- A.** Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well being, of those who will use the special use under consideration, residents and landowners immediately adjacent to the special use, and the community as a whole.
- B.** Be related to the valid exercise of the police power and purposes which are affected by the proposed special use.
- C.** Be necessary to meet the intent and purpose of zoning requirements, be related to the standards in Section 8.07, herein, and be necessary to insure compliance with these standards.

SECTION 8.09 ACTION REQUIRED

The Planning Commission shall, within thirty five days of the public hearing date, approve or deny an application. If the City Planning Commission approves a special use application, a permit shall be issued to the applicant by the Planning and Zoning Administrator. The Planning & Zoning Administrator shall forward a copy of the permit to the applicant. The Planning and Zoning Administrator shall not issue a zoning compliance permit until the special use permit has been approved by the Planning Commission.

SECTION 8.10 EFFECT OF APPROVAL

An approved special use permit shall run with the land, unless the use is specifically determined to be temporary in nature. The approved special use permit shall apply only to the land described in the permit application.

SECTION 8.11 SITE PLAN APPROVAL

Preliminary site plan review may be conducted simultaneously with review of a special use permit application. An approved preliminary site plan shall be a part of the approved special use permit.

SECTION 8.12 MAINTENANCE

The property owner shall maintain the property in accordance with the approved special use permit and site plan on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which approval was based, or until a new use or site plan is approved. A property owner who fails to maintain the property in accordance with the approved special use permit and accompanying site plan shall be deemed to be in violation of this Ordinance, subject to Article 11.

SPECIAL USES

SECTION 8.13 EXPANSIONS AND CHANGES IN USE

An expansion of a use or a change in use of any approved special use permit shall require a new special use permit. The procedure for an expansion or change of use shall be the same as for the original application.

SECTION 8.14 VOIDING OF SPECIAL USE PERMIT

An approved special use permit shall become null and void and fee forfeited unless construction and/or use is commenced within six months and completed within one year of the date of issuance. If the Planning and Zoning Administrator finds that the applicant has failed to comply with all conditions imposed by the special use permit, the Planning Commission shall hold a public hearing giving at least fifteen days notice of the hearing to the applicant and all property owners within 300 feet of the property for which the conditional use permit was issued. If the Planning Commission determines that the applicant has not complied with all conditions of the special use permit, it shall take action to see that the conditions are complied with or revoke the special use permit.

SECTION 8.15 DISCONTINUANCE

The Planning Commission may require a public hearing for an approved special use permit if the use has ceased to operate continuously for at least a one (1) year period. The Planning Commission may declare the special use permit void after the hearing if the Commission finds that the special use has changed to the extent that it no longer meets the standards in Section 8.07, herein, and any of the conditions attached to its approval.