

SECTION 91- SPECIAL USE EXCEPTIONS

91.1 PURPOSE AND INTENT

The **Zoning Board of Appeals** (ZBA) shall have exclusive jurisdiction over those matters which are permitted under these Regulations by **Special Use Exception** and shall apply to those instances where the property is being requested to be used for specific, regulated purposes. It is recognized that occasion will arise wherein property may be requested to be put to use on a permanent or non-permanent basis where the use if not further regulated would not be in harmony with the Plan of Conservation and Development. It is also recognized that these special circumstances are such as to be inappropriate for a request for a variance of these regulations, but such request may nonetheless be meritorious.

Within specific guidelines set forth in these Regulations the **Board** may issue a **Special Use Exception** which would permit a use of property which would not otherwise be permitted in the applicable zoning district. Further, the uses permitted by a Special Use Exception shall not be subject to creation or expansion by variance, but may be permitted only by the procedures provided herein.

91.2 GENERAL REQUIREMENTS

In addition to those uses enumerated within the specific district regulations, the **Zoning Board of Appeals** may grant a **Special Use Exception** subject to making the required findings and establishing appropriate safeguards and conditions for the following uses:

1. The granting of a **Special Use Exception** shall be recorded in the West Haven Land Records setting forth the use permitted, and condition attached by the Commission to the Use and the following limitation:
"This Special Use Exception use shall not run with the land, but shall be personal to the current owner, shall expire upon the transfer of title or possession of the property, and shall continue to exist only so long as the Grantee utilizes the property in the manner and under the conditions as contained in this Grant of Special Use Exception." In making its decision on any application for a Special Use Exception, the **Zoning Board of Appeals** shall make a determination as to each of the following:
 1. The impact of the proposed use to the surrounding neighborhood and properties, including the impact of the property values of the adjoining lots;
 2. The impact of the proposed use on the health, safety, and welfare of the community, specifically the adjoining neighborhoods;
 3. The impact of any potential traffic to be generated by the proposed use where appropriate;
 4. The appropriateness of any such proposed use when located on a minor (local) street and adequacy of an on-site reservoir and/or parking space(s) to avoid traffic congestion;
 5. The conformity of the petition with the specific guidelines, control and standards for the Special Use Exception being requested as same are set forth in the specific zoning district regulations;

The **Zoning Board of Appeals** may only grant **special use exceptions** for **uses** listed for the specific zoning district. No **Special Use Exceptions** (other than those listed) may be granted for a **use** that is not permitted in a zoning district.