

## SUBCHAPTER 10 SPECIAL USES

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5-10-1 SPECIAL PERMIT. Upon Receipt of application and payment of the \$50.00 fee, the Board of Adjustment may, by special permit, after Public Hearing and subject to such reasonable conditions and protective restrictions as are deemed necessary, authorize the following special uses in any district from which they are otherwise prohibited:

1. Retail stores in buildings which are classified as non-conforming uses, provided that the property owner designates the specific type of retail store. If the ownership of the property changes or if a different type of retail use is proposed, then the special use permit shall be null, and void and the owner shall be required to apply for anew special use permit. The granting of a special use permit shall not exempt the owners of such properties from complying with other provisions of this zoning Ordinance including the parking space requirements.
2. Bed and Breakfast Lodging Facilities.
3. Temporary light manufacturing in B-1 Business District or B-2 Business District Zones for a period not to exceed three years. This permit is not transferable but may be renewable on a case by case basis subject to Section 5-1M-3.
4. Sales and Service of mobile homes including the storage and display of mobile home units and rental of spaces for recreational vehicles.
5. Racetracks and motorcycle/ATV/snowmobile tracks in I-3 Heavy Industrial Districts.

5-10-2 MAILING TO PROPERTY OWNERS. Notice of hearing on a request for a special permit shall be mailed to the owners of record of all lots within five hundred feet (500') of the boundaries of the premises at least five (5) days before the hearing.

5-10-3 WRITTEN PROTEST. If a written protest against a proposed special permit shall be presented to the Board of Adjustment, signed by owners of twenty percent or more of the lots, by area, within two hundred feet (200') of the premises, the special permit shall not be effective, except by a favorable vote of at least three-fourths ( $\frac{3}{4}$ ) of the members of the Board. A majority vote shall be required if no written protest as defined in this section is presented.

5-10-4 HAZARDOUS SUBSTANCES. Any use of premises involving the storage, processing, or manufacturing of hazardous substances shall be reviewed by the City Manager. In reviewing the plans for the use of such substances, the City Manager shall consult with state and federal agencies to determine that the proposed use does not endanger the public health and safety. If the City Manager believes that the applicant has shown that adequate measures will be taken to protect the public a use permit shall be issued. Any denial of a use permit may be appealed by the applicant to the Council within ten day of the denial.

**5-10-5 CHANGE OF OWNERSHIP.** If the ownership of the property changes or if a different type of use is proposed, then the special use permit shall be null, and void and the owner shall be required to apply for a new special use permit. The granting of a special use permit shall not exempt the owners of such properties from complying with the other provisions of this zoning ordinance including the parking space requirements.

**5-10-6 CHANGES TO BUILDING.** If the owner of a building changes the exterior dimensions of such building, then, the special use permit shall be null, and void and the owners shall be required to apply for a new special use permit.

TITLE V LAND USE REGULATIONS

CHAPTER 1 ZONING REGULATIONS

