ARTICLE XVIII, SPECIAL LAND USES

Section 390-131. Purpose.

This article describes procedures and standards for approval of special land uses. These uses, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards herein are designed to allow reasonable uses of land while maintaining adequate provisions for the protection of the health, safety, and welfare of the community.

Section 390-132. Application procedures.

A. Optional Pre-application Conference. Prior to the submission of an application for special land use, the applicant may meet with the Village for initial review. The purpose of this meeting is to facilitate discussion between the applicant and Village, and to identify any potential issues that will need to be addressed in the site development process.

B. Application requirements. A special land use application shall be submitted to the Zoning Administrator at least thirty (30) days prior to the next regular Planning Commission meeting. An application that is incomplete or otherwise not in compliance with this Ordinance shall be returned to the applicant. All applications shall include the following:

1. Twelve copies of the site plan containing all of the information required by Article XVII, provided that the Zoning Administrator may waive any of the submittal requirements pursuant to Section 390-124 C.

2. A legal description, either by metes and bounds or by subdivision lot and block, and a street address.

3. A completed application on a form provided by the Village.

4. Payment of an application fee, as established from time to time by resolution of the Village Council.

C. Review process.

1. Public hearing. Upon receipt of an application for approval of a special land use, the Zoning Administrator shall schedule a Planning Commission public hearing on the special land use request, in accordance with Section 390-151.

2. Planning Commission decision. Following the public hearing on the special land use request, and the Planning Commission shall approve, approve with conditions or deny the special land use request, based upon review and consideration of materials submitted with the application and comments received at the public hearing.

3. Attachment of conditions. The Planning Commission may impose reasonable conditions related to approval of a special land use which are deemed necessary to:

   a. ensure that public services and facilities will be capable of accommodating increased service and facility loads caused by the proposed special land use

   b. protect the natural environment and conserve natural resources and energy

   c. insure compatibility with adjacent uses of land, and
d. promote the use of land in a socially and economically desirable manner.

4. **Basis for decision.** In arriving at their decision, the Planning Commission shall refer to and be guided by those standards set forth in this article. The decision of the Planning Commission or Zoning Administrator, as applicable, shall be incorporated in a statement of conclusions specifying the basis of the decision and any conditions imposed. The decision and statement of conclusions, including conditions imposed on any approval, shall be kept and made a part of the minutes of the Planning Commission or as part of an official record.

D. **Issuance of permit and enforcement.** Upon approval by the Planning Commission, the Zoning Administrator shall issue the Special Land Use permit. It shall be the responsibility of the Zoning Administrator to monitor compliance with the terms, conditions, and restrictions of any Special Land Use permit and take any enforcement action necessary in the event of a violation of the Special Land Use permit. Any violation of the terms, conditions, or limitations of a Special Land Use permit shall be cause for revocation of the permit.

E. **Amendments.** Amendments to special land use permits shall be handled in the same manner as the initial special land use application. Minor non-substantive changes to a site plan in accordance with Section 390-129 may be made to an existing special land use permit with the approval of the Zoning Administrator.

F. **Appeals.** No decision or condition related to a special land use application shall be taken to the Zoning Board of Appeals.

G. **Transfers.** The special land use permit, along with any and all associated benefits, conditions, and required security may be transferred to a new owner upon the sale or transfer of the property in question. The prior owner, upon transferring the special land use permit, shall advise the Zoning Administrator of said transfer in order to insure the continued validity of the permit and compliance with the terms and conditions of the approved permit.

H. **Abandonment.** Any permitted special land use shall be considered abandoned, and such use shall not be resumed thereafter, if any of the following conditions apply:
   1. The owner declares or otherwise makes evident an intent to discontinue the special land use.
   2. When the special land use has been replaced by a different use.
   3. If the special land use has been abandoned for more than one (1) year, and the Zoning Administrator finds that one or more of the following conditions exist:
      a. Utilities, such as water, gas, and electricity to the property, have been disconnected.
      b. The property, buildings, and grounds, have fallen into disrepair.
      c. Signs or other indications of the existence of the special land use have been removed.
      d. Removal of equipment or fixtures necessary for the operation of the special land use.
      e. Other actions, which in the opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the use.
Section 390-133. Reserved.

Section 390-134. Standards for approval.

The Planning Commission shall approve, or approve with conditions, a special land use request only upon a finding that all of the following standards for approval are satisfied:

A. That the use is designed and constructed, and will be operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the area in which it is proposed.

B. The Special Land Use shall be consistent with the adopted Spring Lake Village Master Plan.

C. The Special Land Use authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use.

D. The use is, or will be, served adequately by public services and facilities, including, but not limited to streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities and schools.

E. The use does not involve activities, processes, materials and equipment or conditions of operation that will be unreasonably detrimental to any persons, property or the general welfare by reason of excessive traffic, noise, smoke, fumes, glare, or odors.

F. That the buildings, structures, and entrances thereto proposed to be located upon the premises are so situated and so designed as to minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.

G. The site plan and special land use shall comply with the applicable specific special land use requirements contained in section 390-137 of this article.

Section 390-135. Approval term and expiration.

A. A special land use approval granted pursuant to this article shall be valid for one (1) year from the date of approval, unless approval is revoked as provided in Section 390-136. If the special land use has been initiated or construction necessary for such use has been initiated and is proceeding meaningfully toward completion, approval shall remain valid indefinitely, unless the use is abandoned pursuant to section 390-132 G.

B. If after one (1) year following approval, the special land use has not been initiated or the construction necessary for such use has not been initiated or, if construction has been initiated, it is not proceeding meaningfully toward completion, then the special land use approval shall be deemed expired and no longer valid.

C. A special land use approval, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land.

D. Applications for re-approval of an expired special land use approval shall be considered in the same manner as the original approval in accordance with the procedures in this article.
Section 390-136. Revocation of special land use approval.

The Planning Commission may revoke any special land use approval, or take any other action allowed by law, if the applicant fails to comply with any of the applicable requirements in this article, any conditions placed on the original approval by the Planning Commission, or any other applicable provisions of this Chapter. Prior to revoking a special land use approval, the Planning Commission shall conduct a public hearing and give notice of such hearing in accordance with Section 390-151. The applicant shall be given a reasonable opportunity to correct the violation(s).

Section 390-137. Requirements for specific special land uses

The general standards and requirements of Sections 390-134 to 390-136 apply to all special land uses. The specific and detailed requirements set forth in this section relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements.

The following requirements shall apply to any special land use approved after the effective date of this Chapter. Uses lawfully in existence on the effective date of this Chapter shall not be considered nonconforming uses or nonconforming structures by reason of noncompliance with the following requirements; provided, however, that the Planning Commission may, as a condition of approval of any special land use request for expansion or modification of such an existing use, require reasonable measures to be taken to eliminate existing noncompliance with these requirements.

Section 390-137.01. Accessory Dwellings.

A. An accessory dwelling shall not be used for short term rental purposes.

B. All structures designed and/or used for the temporary or permanent dwelling of a person or persons and not integrated into the primary residence on a lot shall be considered an accessory dwelling unit (ADU).

C. The ADU shall be connected to public water and wastewater systems.

D. The ADU shall include a kitchen, bathroom, and sleeping area separate from the primary residence, and shall meet all provisions of the Building Code and regulations.

E. The exterior design of an ADU, whether attached or detached to the principal dwelling, including the primary dwelling unit, shall be compatible with the existing residence on the lot. The building form, height, construction materials, dimensions, and landscaping shall remain consistent with the principal structure and in harmony with the character and scale of the surrounding neighborhood.

F. The ADU shall not result in excessive traffic, parking congestion, or noise.

G. The design and location of the ADU shall maintain a compatible relationship to adjacent properties and shall not significantly impact the privacy, light, air, or parking of adjacent properties.

H. Where applicable, the ADU shall be located and designed to protect neighboring views of the lakeshore and scenic coastal areas.

I. No more than one ADU shall be permitted on a single parcel.