

## CUP Renewal vs. Revocation Requirements

2/17/2025

Once granted, a conditional use permit remains in effect as long as the conditions upon which the permit was issued are followed. A renewal requirement may be a condition of approval depending on the type of use to ensure compliance. Another option is to adding language allowing the revocation of conditional use permit that is non-compliant.

### § 520-121. - Conditional use permits

J. Termination of approved conditional use. Once a conditional use permit is granted, no erosion control permit, site plan approval, certificate of occupancy, zoning permit, or building permit shall be issued for any development that does not comply with all requirements of the conditional use permit and this chapter. Any conditional use found not to be in compliance with the terms of this chapter or the approved conditional use permit shall be considered in violation of this chapter and shall be subject to all applicable procedures and penalties. *A conditional use permit may be revoked for such a violation by the plan commission, following the procedures outlined for original granting of a conditional use permit.*

L. Renewals. The permit holder *may* submit an application for renewal along with the appropriate fee for renewal prior to the expiration of the time limit on the permit. No conditional use permit renewal shall be required to go through a new public hearing.

Consider adding/replacing highlighted language:

### K. Revocation of Permits

The Planning Commission shall retain continuing jurisdiction over all activities authorized by the permit to assure compliance with this ordinance, other ordinances, and the permit terms. Such authority shall be in addition to the enforcement authority of the Zoning Administrator. Upon notice to the Planning Commission of an alleged violation of any permit, in its sole discretion, the Planning Commission may hold a public hearing to consider amending, suspending, or revoking the permit. Notice of the hearing and alleged violation shall be served upon the property owner and permit holder either in person or via certified mail to the address provided on the permit application form or otherwise provided to the Department prior to conducting the public hearing. The notice shall contain the date, time, and place of the hearing, a description of the property, a description of the activity authorized by the permit, and a statement of the alleged violation(s). Notice shall also be published as a class 2 notice. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Planning Commission, at its sole discretion, may hold additional public hearings. If the Planning Commission finds after the hearing that the permit holder is not in compliance with the terms of the permit, it may amend, suspend, or revoke the permit. The decision of the Committee shall be furnished to the permit holder in writing, stating the reasons therefore.

## **§ 520-134. - Violations and penalties.**

A. Violations. It shall be unlawful to construct, develop or use any structure, land, water, or air anywhere within the village in violation of any of the provisions of this chapter or action or order taken under this chapter. In case of any violation, the village may institute appropriate action or penalty, citation, or some combination, as outlined in this section. Adoption of this section does not preclude the village board from adopting any other ordinance or providing for the enforcement of any other law or ordinances relating to the same or other matter.

The uses in red are commonly associated with a renewal requirement.

## **Allowable Uses in Rural, Open Space and Residential Zoning Districts**

### **Agricultural Land Uses**

(1) Agricultural Use

(2) Agricultural-Related Use

### **Institutional and Recreational Land Uses**

(2) Active Outdoor Public Recreation

(3) Indoor Institutional, General

(5) Outdoor Institutional

(9) Community Living Arrangement (9-15 residents)

### **Commercial Land Uses**

(4) Group Day-Care Center

(12) Commercial Animal Establishment

(13) Bed-and-Breakfast

(15) Campground

(17) Tourist Rooming House

### **Storage or Disposal Land Uses**

(3) Personal Storage Facility

(4) Junkyard or Salvage Yard

(5) Solid Waste Disposal, Composting, and/or Recycling Facility

### **Transportation Land Uses**

(2) Airport or Heliport

(5) Livestock or Farm Commodity Trucking

### **Industrial Land Uses**

(3) Communications Tower

(4) Nonmetallic Mineral Extraction

### **Accessory and Miscellaneous Land Uses**

(4) Intermediate Day-Care Home

(6) Residential Business

(7) Animal Fancier

(15) Small Exterior Communication Device

(16) Large Exterior Communication Device

(21) Private Lake (Pond)

(22) Vehicle Course or Track

(23) Donation Dropoff Box or Vending Machine

(24) Solid-fuel-fired heating devices

## **Allowable Uses in Nonresidential and Mixed-Use Zoning Districts**

### **Residential Land Uses**

- (2) Two-Family Residence
- (3) Multifamily Residence (3-16 unit building)
- (4) Multifamily Residence (17+ unit building)
- (6) Mixed-Use Dwelling Unit
- (7) Workforce Multifamily Housing

### **Agricultural Land Uses**

- (2) Agricultural-Related
- (3) Community Garden

### **Institutional and Recreational Land Uses**

- (2) Active Outdoor Public Recreation
- (3) Indoor Institutional, General
- (4) Indoor Institutional, Intensive
- (5) Outdoor Institutional
- (7) Institutional Residential
- (8) Community Living Arrangement (1-8)
- (9) Community Living Arrangement (9-15)
- (10) Community Living Arrangement (16+)

### **Commercial Land Uses**

- (1) Office
- (2) Personal or Professional Service
- (3) Artisan Studio
- (4) Group Day-Care Center

- (5) Indoor Sales or Service
- (6) Outdoor Display
- (8) Outdoor and Vehicle Repair and Maintenance
- (9) Drive-In or Drive-Through Sales or Service
- (10) Indoor Commercial Entertainment
- (11) Outdoor Commercial Entertainment
- (13) Bed-and-Breakfast
- (14) Boardinghouse
- (15) Campground
- (16) Commercial Indoor Lodging
- (17) Tourist Rooming House
- (18) Adult Entertainment or Adult-Oriented Establishment
- (19) Large Retail and Commercial Service Development
- (20) Micro beverage Production Facility

#### **Storage or Disposal Land Uses**

- (1) Indoor Storage or Wholesaling
- (2) Outdoor Storage or Wholesaling
- (3) Personal Storage Facility
- (4) Junkyard or Salvage Yard
- (5) Solid Waste Disposal, Composting, and/or Recycling Facility
- (6) Auction Yard

#### **Transportation Land Uses**

- (1) Off-Site Parking
- (2) Airport or Heliport
- (3) Freight Terminal

- (4) Distribution Center
- (5) Livestock or Farm Commodity Trucking

#### **Industrial Land Uses**

- (1) Light Industrial
- (2) Heavy Industrial
- (3) Communications Tower

#### **(4) Nonmetallic Mineral Extraction**

#### **Accessory and Miscellaneous Land Uses**

- (5) Home Occupation
- (6) Residential Business
- (7) Animal Fancier**
- (12) Light Industrial Activities Incidental to Indoor Sales or Service
- (13) Outdoor Display Incidental to Indoor Sales or Services
- (14) Outdoor Alcohol Area**
- (16) Large Exterior Communication Device
- (20) Outdoor Solid-Fuel-Fired Heating Device
- (22) Vehicle Course or Track**
- (23) Donation Dropoff Box or Vending Machine