

Article IX- Supplementary Regulations
Section 908 - Special Land Uses (continued)

- iii. State when and where the special land use request will be considered;
- iv. Indicate when and where written comments will be received concerning the request;
- v. Indicate that a public hearing, on the special land use request may be requested by any property owner or the occupant of any structure located within 300 feet of the boundary of the property being considered for a special land use.

C. The Planning Commission shall review the application and after a public hearing at any regular or special meeting, may deny, approve, or approve with conditions, the request for a special land use. The decision on a special land use shall be incorporated in a statement containing the conclusions relative to the special land use under consideration which specifies the basis for the decision, and any conditions imposed, and will notify the petitioner and the Zoning Enforcement Officer.

3. General Provisions:

A. In hearing a request for any special land use, the Planning Commission shall be governed by the following principles and conditions:

i. The applicant for a special land use shall have the burden of proof, which shall include the burden of presenting all evidence to the Zoning Enforcement Officer and the Planning Commission, and the burden of persuasion on all questions of fact, which are to be determined by the Planning Commission. The Planning Commission may deny a request for a special land use permit for one of the three reasons set further below, and by presenting such denial and reasons, in writing, to the Zoning Enforcement Officer and the Applicant, stating the following language verbatim from one of the three sections:

a) The proposed use will adversely affect the development plan for the physical development of Clark Township as embodied in the Clark Township Zoning Ordinance, and in the Master Plan or portion thereof adopted by the Clark Township Board.

or

b) The proposed use would adversely affect the health and safety of the residents and/or workers in the area and will be detrimental to the use and/or development of adjacent properties and/or the general neighborhood.

or

c) The proposed use was not supported by any evidence, forms, documents, or otherwise any other information to such an extent that the plan was properly thought out, properly planned, and properly prepared for. The Township Planning Commission cannot allow such an operation to begin without further documentation and proof that, to our satisfaction, this proposed use will not adversely affect the development plan for the physical development of Clark Township as embodied in the Clark Township Zoning Ordinance, and in the Master Plan or portion thereof adopted by the Clark Township Board, or that the proposed use would adversely affect the health and safety of the residents and/or workers in