

### **11.11 Expiration of Special Use Permit**

- A. A Special Use Permit shall be valid for a period of one (1) year from the date of Planning Commission approval. If construction or the permitted use has not commenced and proceeded meaningfully toward completion by the end of this one (1) year, the Special Use Permit shall expire. The Planning Commission may, at its discretion, extend the Special Use Permit for one (1) additional year if requested to do so in writing by the applicant and if there is good reason to believe that the applicant will in fact commence construction or the permitted use and proceed meaningfully toward completion by the end of the second year. Such extension must be requested in writing by the applicant and granted by the Planning Commission prior to the Special Use Permit expiring pursuant to this section. No extension of approval shall be granted to a Special Use Permit that has expired.
- B. Once construction has been completed and the special use has been established, a Special Use Permit shall be valid for as long as the approved special use continues in accordance with the terms and conditions of the approved permit. The Special Use Permit will expire on the occurrence of any one of the following conditions:
1. If replaced or superseded by a subsequent Special Use Permit;
  2. If replaced or superseded by a permitted use;
  3. If the applicant requests that the Special Use Permit be rescinded;
  4. If the use is moved, is not used, or is vacated for a period of twelve (12) continuous months.

### **11.12 Reapplication**

No application for a Special Use Permit which has been denied wholly or in part shall be re-submitted for a period of one (1) year after such denial. The Planning Commission may, on the grounds of newly discovered evidence or proof of substantially changed conditions, waive this one (1) year period. The determination of the Planning Commission shall be final.

### **11.13 Appeals**

No decision or condition related to an application for a Special Use Permit shall be taken to the Zoning Board of Appeals. An appeal of a Special Use Permit or condition shall only be taken to the Circuit Court.

### **11.14 Pre-existing Special Use**

- A. These are uses that were permitted as a special use under the Clark Township Zoning Ordinance in effect immediately prior to the effective date of this Ordinance that are not permitted uses under this Ordinance. Those that are listed as potential special uses in this Ordinance shall be designated as "Pre-existing Special Uses" and shall not be considered nonconforming uses.