

Natural Resource Special Exception (NRSE)

Question and Answer Form

Date:

Property Owner:

Property Address:

Section 15-9-08.d NRSE Review Criteria

The applicant shall have the burden of proof to present evidence sufficient to support the findings required.

Criteria for Approval. A Special Exception may be granted only upon a finding by the Plan Commission:

- i. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection (i) does not apply to an application to improve or enhance a natural resource feature).

Applicant Response:

- ii. Compliance with the strict provisions of this Article will:
 - a. Be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives; or,
 - b. Unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives; and
 - c. The Special Exception, including the specific compensation measures in the Natural Resource Protection Plan and physical modifications to the site to protect other Natural Resources, including any conditions imposed under this Section will:
 - i. Enhance the overall character of the resulting development in a manner consistent with the planned character of the area and site; and
 - ii. Not effectively undermine the ability to apply or enforce the requirement with respect to other properties; and

- iii. Be in harmony with the general purpose and intent of the provisions of this Article; and
- iv. Incorporate sufficient monitoring, conditions, and financial sureties to ensure preservation and enhancement of Protected Areas and compensation areas; and
- v. Preserve or enhance the quality of the natural resources affected.

Applicant Response:

In making its recommendation, the Plan Commission shall consider factors such as:

- i. The impact on physical characteristics of the property, including but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks;

Applicant Response:

- ii. Any exceptional, extraordinary, or unusual circumstance or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district;

Applicant Response:

- iii. The proposed degree of noncompliance with the requirement of this Article to be allowed by the Special Exception;

Applicant Response:

- iv. The project's proximity to and character of surrounding property;

Applicant Response:

- v. Purpose of the zoning district of the area in which property is located and neighboring area;

Applicant Response:

- vi. Any potential for negative effects upon adjoining property from the Special Exception if authorized.

Applicant Response: