

Section 118. Special and Conditional Use Permits.

(Amended 2/3/98)

A. **Generally.** Special and conditional uses are uses that are not permitted by right in any zoning district in the City of Jacksonville, but may only be granted after due consideration by City Council. The consideration of special and conditional use permits is a quasi-judicial function requiring evidentiary hearings and specific findings of fact. Special/ Conditional use permits may only be granted by City Council following Planning Board recommendation and the quasi-judicial review process as stipulated in this section.

B. Special/Conditional Use Permit Application Procedures.

1. A written application for a special/conditional use permit in all zones shall be submitted to the Planning Department in accordance with the requirements of this ordinance and all applicable administrative regulations. The application shall include:
 - a. A proposed use site plan that contains all of the following information:
 1. A vicinity map and survey of the parcel that shall include the zoning and use of all adjacent properties,
 2. A legend identifying all symbols on the map,
 3. A preliminary design of the proposed use that shows all existing and proposed structures, parking layouts, driveways, buffering, points of ingress and egress, easements, minimum building lines, and street rights-of-way,
 4. A Site Data Block of Features that includes the proposed use(s), square footage of the proposed and existing building(s), site zoning, total acreage, number of lots, minimum lot size, and average lot size,
 5. The map book and page number and deed book,
 6. A note stating whether any portion of the property is included in any adopted city plan, and
 7. Any other related information requested by the City Staff, Planning Board, or City Council.
 - b. The special/conditional use permit sought; and
 - c. Information supporting the existence of the required findings, and providing such plans or other relevant data as may be required by the City.
2. Whenever an application is submitted for a special/conditional use permit in a residential zone, the applicant shall also include:
 - a. A narrative that illustrates the appropriateness of the proposed use in a residential zone. This narrative shall also describe all the architectural

(Amended 5/5/99)

Section 118. Special and Conditional Use Permits.

design features that make the proposed use and associated building more compatible with the urban character of the residential neighborhood;

- b. The submitted site plan shall also include all street front architectural elevation drawings to insure the building(s) compatibility with the surrounding residential structures; and
 - c. Additionally, City Council and/or staff may require artist's rendering or any other graphic illustration of the proposed structure.
3. The application shall be reviewed by the staff and submitted with staff comments and recommendation to the Planning Board for review. After the Planning Board makes its recommendation, the application shall be forwarded to City Council for consideration.

C. Public Hearing Notification Requirements.

The City Manager shall schedule the application for public hearing and Council consideration, after reasonable opportunity for staff and Planning Board review, by providing public notice as follows:

1. All property owners within two hundred (200) feet of the lot boundaries on all sides of the subject lot as listed in the Onslow County Tax records shall be notified about the proposed special use/conditional use by first class mail. These notices shall identify the location and briefly describe the proposed special/conditional use. The notice shall be deposited in the mail at least 10 days but not more than 25 days prior to the date of the public hearing. The person or persons mailing such notices shall certify to the City Council that fact, and such certificate shall be deemed conclusive in the absence of fraud.
2. A notice of public hearing shall also be given once a week for two successive calendar weeks in a newspaper having general circulation in Jacksonville. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.
3. In addition to (1) and (2) above, the City shall also post one or more prominent signs on or immediately adjacent to the subject area reasonably calculated to give public notice of the proposed special use/conditional use application.

Section 118. Special and Conditional Use Permits.

D. Council Procedures on Special/Conditional Use Applications.

In considering whether to approve an application for a special/conditional use permit, the City Council shall proceed as follows:

1. City Council shall hold the public hearing and consider relevant information regarding whether the required findings under subsection E exist and whether the special/conditional use is appropriate in the proposed location. The Council shall hear relevant information from the applicant, adjoining property owners, City Manager, planning officials, and any interested or affected members of the public. Parties may appear in person or by agent or attorney to present information relevant to the requirements of the ordinance.
2. Council shall consider whether the application complies with each individual required finding specified in subsection E of this section. Council need not make the required findings at the time of the hearing and may call for additional information if needed. If the special/conditional use permit application is approved, council's motion shall contain language that all the required findings under subsection E have been met, and in the absence of specific findings, it shall be conclusively presumed that the application complies with all the findings in subsection E.
3. The council shall render a decision within a reasonable period of time. After holding the public hearing for the proposed special/conditional use permit application. The council need not issue a decision at the time of the hearing and if additional information is needed may continue said hearing until a later date.
4. If the application is found not to be in compliance with one or more of the required findings of subsection E of this section or any other applicable section of the ordinance, the application shall be denied. Such motion shall specify the particular findings the application fails to meet. It shall be conclusively presumed that the application complies with all requirements not found by the Council to be unsatisfied through this process.
5. Notwithstanding the specific requirements of the zoning ordinance, Council may impose additional conditions and reasonable requirements upon the requested special/conditional use permit in order to ensure that the use is consistent with the required findings for approval as specified under subsection E. Further, Council may also place an expiration date on the special/conditional use permit so that if a building permit for a project is not secured within a certain time, or if the special/conditional use permit is not renewed periodically, the special/conditional use permit will automatically expire.

Section 118. Special and Conditional Use Permits.

6. After Council renders its decision on the special/conditional use permit application, the reasons for granting or denying the application shall be made in writing. A written copy of Council's conclusions about the facts of the case and their corresponding determination shall be forwarded to the applicant within ten (10) days.

E. Required Findings.

1. In addition to any other findings or requirements as specified by any other section of the Zoning Ordinance, before any application for a special/conditional use may be granted or denied, City Council shall make each of the following findings:
 - a. The proposed use is an allowable special/conditional use in the zoning district it is being located in;
 - b. The application is complete;
 - c. The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements;
 - d. Streets, driveways, parking lots, traffic control and any other traffic circulation features shall be designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be adequate for the proposed special/conditional use;
 - e. The proposed special/conditional use will not substantially injure the value of adjoining or abutting properties; and
 - f. The proposed special/conditional use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area.
 - g. The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
2. **Compatibility Standards for Special/Conditional Uses in Residential Zones:** In deciding whether the architectural elements of the proposed special/conditional use in a residential zone will be compatible with the adjoining buildings, City Council shall review the said proposal in reference to the following architectural elements:
 - Size (footprint)
 - Height
 - Proportion and Scale
 - Roof Shapes
 - Setbacks

Section 118. Special and Conditional Use Permits.

- Location, Size, and Number of Openings (Doors and windows)
- Materials
- Color
- Texture

Sections 119-120. Reserved