

**JACKSONVILLE PLANNING ADVISORY BOARD
REGULAR MEETING AGENDA
May 9, 2016 6:00 P.M.**

**MEETING ROOMS A & B
JACKSONVILLE CITY HALL**

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. INVOCATION**
- IV. APPROVAL OF THE AGENDA**
- V. REVIEW & APPROVAL OF THE MINUTES**
Regular Meeting – April 11, 2016
- VI. CITY COUNCIL UPDATE – Councilman Robert Warden**
- VII. OLD BUSINESS - None**
- VIII. NEW BUSINESS**
 - A. Special Use Permit and Type III Site Plan Modification – Jacksonville Fire Station #2 – 1800 Gum Branch Road
 - B. UDO Text Amendment – Article 5: Development Standards, Section 5.12 Signage and Article 9: Definitions, 9.2 Rules of Measurement and 9.4 Definitions
 - C. UDO Text Amendment - Reasonable Accommodation in Accordance with the Federal Fair Housing Act – Article 2: Administration, Section 2.1 Administrative and Decision-Making Bodies, 2.2 Common Review Procedures, and 2.3 Standards and Requirements for Development Applications
- IX. REPORTS**
 - A. Planning & Permitting Administrator
 - B. Development Services Director
- X. ADJOURNMENT**

**JACKSONVILLE PLANNING ADVISORY BOARD
REGULAR MEETING AGENDA
April 11, 2016, 6:00 p.m.**

**MEETING ROOMS A & B
JACKSONVILLE CITY HALL**

Present: Homer Spring, Doug Lesan, Theresa VanderVere, Thomasine Moore, Jim Dorn, Suzanne Nelson, Albert Burgess, and Grover Lewis.

Absent: Al Keyes.

Others Present: Bob Warden, Reginald Goodson, Ryan King, Jeremy Smith, and Pam Ramsey.

I. [CALL TO ORDER](#)

The regularly scheduled Jacksonville Planning Advisory Board workshop was called to order by Chairman Homer Spring at 6:00 pm on Monday, April 11, 2016 in Meeting Rooms A & B at Jacksonville City Hall.

II. [PLEDGE OF ALLEGIANCE](#)

Grover Lewis led the Board in reciting the Pledge of Allegiance.

III. [INVOCATION](#)

Doug Lesan gave the invocation.

IV. [APPROVAL OF THE AGENDA](#)

Theresa VanderVere moved to approve the agenda as presented. Suzanne Nelson seconded the motion.

The motion to approve the agenda as presented was unanimously approved by the Board Members present.

V. [REVIEW & APPROVAL OF THE MINUTES](#)
[Regular Meeting - March 14, 2016](#)

Jim Dorn moved to approve the minutes as presented. Grover Lewis seconded the motion.

The motion to approve the minutes as presented was unanimously approved by the Board Members present.

VI. [CITY COUNCIL UPDATE – Councilman Robert Warden](#)

Councilman Warden gave a report.

VII. [OLD BUSINESS - None](#)

There was no old business.

VIII. [NEW BUSINESS](#)

A. [Presentation – Recommended Changes to Section 5.12 Signage based on Sign Ad-Hoc Committee Meetings](#)

Ryan King gave a presentation on recommended changes to Section 5.12 Signage based on Sign Ad-Hoc Committee Meetings. The following was presented:

- 1) No changes to heights or sizes recommended. The board agreed.
- 2) Recommended that a provision that height can be measured from the finish grade of the adjacent street the sign is oriented be added. Excluding elevated facilities such as the bypass. The board agreed.
- 3) Development Signs (multi-unit buildings) – no changes recommended. The board agreed.
- 4) Eliminate the 4 inch font. There was four for and four against.
- 5) Electronic Message Centers (EMC) – Will be allowed on both freestanding and Development Entrance Signs
 - a. 50% of signage allowed. The board agreed.
 - b. Establish luminosity limit. The board asked for the language to include from sunrise to sunset.
 - c. Change hold/change time from 29 seconds to 8 seconds, no transitions/animation allowed. The board agreed.

- 6) Wall Signage – Leave 2 sq. ft. of signage per building frontage width, 1 sq. ft. of signage (sides/rear) as currently written.
 - a. Window signage is now part of this equation (the temporary window signage exemption should be eliminated). The board agreed.
 - b. EMC's prohibited on wall (and now in windows). The board agreed.
 - c. Allow as an exemption of a 4 square foot commercial door sign (purpose to allow for things such as: name, hours, age, visa/mastercard/amex, etc...). The board agreed.
- 7) Create an allowance for up to a 4 sq. ft. sign (ex: directional, but not limited to), max 4 feet in height on either side of all commercial driveways. The board agreed.
- 8) Create a new category for all other sign categories (Ancillary – Feather, Banners, portable, etc...)
 - a. Limit per lot: 1 per 50 linear feet of the building width (min of 1 per unit) for multi-tenant buildings & 1 per 50 linear feet of street frontage.
 - b. No size limit.
 - c. No spacing (can be clustered or spaced as desired by business owner).

There was some discussion among the board regarding people holding signs for advertisements. They questioned what the difference is here. Mr. King explained that there were some provisions in the city code regarding people holding signs for advertisements. He said he wasn't familiar with it because the code enforcement division is who enforces it but he would be happy to look into it.

B. [Presentation – Background information on Billboards \(overlay district, locations, standards\)](#)

Ryan King gave background information on Billboards overlay district, locations and standards.

C. [Presentation – Reasonable Accommodation Request](#)

Ryan King gave a presentation on Reasonable Accommodation Request.

IX. [REPORTS](#)

A. [Planning & Permitting Administrator](#)

Ryan King gave no report.

B. [Development Services Director](#)

Reginald Goodson gave no report.

X. [ADJOURNMENT](#)

Jim Dorn moved to adjourn at 8:00 pm. Suzanne Nelson seconded the motion.

The motion to adjourn at 8:00 pm was unanimously approved by the Board Members present.

Adopted this 9th day of May, 2016 for the 11th day of April, 2016.

Homer Spring, Chairman

ATTEST:

Pamela Ramsey
Permitting Specialist Supervisor



Request for Planning Advisory Board Recommendation

Agenda Item:	A
Date:	5/9/2016

Subject: Special Use Permit and Type III Site Plan Modification – City of Jacksonville Fire Station #2 – 1800 Gum Branch Road
Department: Development Services
Presented by: Jeremy B. Smith, Senior Planner

Issue Statement

The City of Jacksonville submitted a Special Use Permit and Site Plan application for a proposed 10,219 square foot Fire Station in August 2012, which was approved by City Council on October 2, 2012. The 2.19 acre development site is located at the corners of Sandy Drive, Indian Drive and Gum Branch Road. Since that time, the Fire f has been constructed and put into operation. In recent months, Duke Energy Progress has identified issues with their Clear Zones Policy for transmission lines easements with due to the approved buffer yard (alternative). City Staff is requesting a modification to the buffer yard that will address the concerns of Duke Energy Progress and still meet the intent of the ordinance.

Financial Impact

None

Action Needed

Receive Public Comment

Recommendation on the Special Use Permit and Site Plan

Recommendation

City staff recommends approval of revising the special use permit and site plan with the modified alternative buffer yard with Findings of Fact A thru G being found in the affirmative.

Exhibits:

- A Special Use Permit Worksheet
- B Zoning and Land Use Map
- C Landscape Plan Plan
- D Duke Energy Progress Clear Zones Policy



Staff Report

Agenda Item:	A
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Special Use Permit and Type III Site Plan Modification – City of Jacksonville Fire Station #2
– 1800 Gum Branch Road

Introduction

The City of Jacksonville submitted a Special Use Permit and Site Plan application for a proposed 10,219 square foot Fire Station in August 2012, which was approved by City Council on October 2, 2012. The 2.19 acre development site is located at the corners of Sandy Drive, Indian Drive and Gum Branch Road. Since that time, the Fire Station has been constructed and put into operation. In recent months, Duke Energy Progress has identified issues with their Clear Zones Policy for transmission lines easements with due to the approved buffer yard (alternative). City Staff is requesting a modification to the buffer yard that will address the concerns of Duke Energy Progress and still meet the intent of the ordinance.

Procedural History

- August 14, 2016 City Council approved Special Use Permit and Type III Site Plan
- On April 11, 2016 the City of Jacksonville’s Engineering Division submitted this application to modify the Special Use Permit and Site Plan
- On May 9, 2016 the Planning Advisory Board will provide a recommendation on this request.
- On May 17, 2015 the City Council will conduct a public hearing and consider this request.

Stakeholders

- City of Jacksonville – Owner/Applicant
- Duke Energy Progress
- Adjacent property owners – In accordance with the City of Jacksonville Unified Development Ordinance and the North Carolina General Statutes, adjacent property owners will be notified via first class mail. In addition, a courtesy notification was sent out informing these same owners about the Planning Advisory Board meeting.

Land Use Assessment

The CAMA Future Land Use Map identifies the subject parcel as Medium Density Residential (MDR). The properties to the north and west are designated Low Density Residential

(LDR); to the east, High Density Residential (HDR); to the South across Gum Branch Road is MDR and institutional (I).

Evaluation:

The CAMA Plan defines MDR as being composed of moderate-density residential development serving as a transition between commercial and low-density residential land uses. Mixed use residential and commercial development may occur adjacent to NC, RC and IND areas. Staff has reviewed the adopted CAMA Future Land Use Plan and has determined that the proposed use meets the future land use designation.

Zoning Assessment

The property is located within the City Limits and is currently zoned Residential Multifamily – High Density (RMF-HD). It is bordered to the north single-family and multifamily properties, RMF-LD and RMF-HD; to the west across Sandy Drive by single-family dwellings, RMF-LD; to the south across Gum Branch Road by undeveloped property and Jacksonville High School zoned RSF-7; and to the east by multifamily property, zoned RMF-HD.

Landscaping/Buffer Assessment/Modification

The City's zoning ordinance, prior to the adoption of the Unified Development Ordinance allowed applicants to proposed and negotiate an alternative design for buffer yards as part of a Special Use Permit. The previous ordinance required a Type A buffer along the eastern property line of this development due to the high density residential apartments. This 30 foot buffer is reserved for the plantings of trees and shrubs to provide buffering/setbacks from unlike adjacent land uses. Under the original approval the applicant requested a 19 foot reduction based upon the existing separation (power line easement) and an alternative design:

- 1) A 6 foot tall opaque fence;
- 2) That Leyland Cypress' be planted 5 foot on center;
- 3) That the Leyland Cypress will be a minimum of 6 foot tall at the time of planting;
- 4) That small shrubs Dwarf Yaupon Holly be planted 5 foot on center; and
- 5) That the small shrubs will be a 3 gallons size or larger at the time of planting.

The proposed design with modifications is:

- 1) A 6 foot tall opaque fence;
- 2) That Emerald Green Arborvitae (will be shorter at maturity to meet Duke Energy Progress requirements) be planted 5 foot on center;
- 3) That the Emerald Green Arborvitae will be a minimum of 6 foot tall at the time of planting;
- 4) That small shrubs Indian Hawthorne be planted 5 foot on center; and
- 5) That the small shrubs will be a 3 gallons size or larger at the time of planting.

Conditions of Approval

In approving Special Use Permits, the City Council may impose appropriate condition(s) on the approval in accordance with Section 2.2.0, Conditions of Approval which states:

1. General

Where the express terms of this ordinance authorize a decision-making body to approve a development application with conditions, such body may impose reasonable and appropriate conditions or restrictions on the approval. The conditions may, as appropriate, ensure compliance with particular standards of this ordinance, prevent or minimize adverse effects from the proposed development on surrounding lands, or ensure conformance to the goals, objectives, policies, strategies, and actions included in City-adopted plans addressing the City's growth and development.

2. Limitations

The restrictions and conditions imposed must be related in both type and amount to the impact that the proposed development would have on the public and surrounding development. All conditions imposed shall be expressly set forth in the permit approval.

Merits of the Special Use Permit

Pursuant to Article 2: Administration, Section 2.3 Standards and Requirements for Development Applications, Subsection D: Special Use Permits, of the UDO, staff submits the following findings of fact:

- a. The proposed use is designated as an allowable special use in the zoning district where located;

Preliminary staff findings: The property is zoned Residential Multifamily – High Density (RMF-HD) and within this zoning district Fire facilities require a special use Permit.

- b. The development complies with all applicable standards in section 4.2, Use-Specific Standards;

Preliminary staff findings: City staff has determined that the Type III Site plan provided does meet all applicable standards for the proposed use.

- c. The location and character of the development conforms with all City adopted plans addressing the City's growths and development;

Preliminary staff findings: The CAMA Plan defines MDR as being composed of moderate-density residential development serving as a transition between commercial and low-density residential land uses. Mixed use residential and

commercial development may occur adjacent to NC, RC and IND areas. Staff has reviewed the adopted CAMA Future Land Use Plan and has determined that the proposed use meets the future land use designation.

Staff has reviewed the adopted CAMA Future Land Use Plan and has determined that the special use permit and site plan meets the future land use designation.

- d. The development's streets, driveways, parking lots, traffic control and any other traffic circulation features are designed or provided in accordance with current traffic engineering standards and relevant City regulations, and will be adequate for the proposed use;

Preliminary staff findings: City staff has determined that the Type III Site plan provided does meet all applicable standards.

- e. The development will not substantially injure the value of adjoining properties;

Preliminary staff findings: The property is located within the City Limits and is currently zoned Residential Multifamily – High Density (RMF-HD). It is bordered to the north single-family and multifamily properties, RMF-LD and RMF-HD; to the west across Sandy Drive by single-family dwellings, RMF-LD; to the south across Gum Branch Road by undeveloped property and Jacksonville High School zoned RSF-7; and to the east by multifamily property, zoned RMF-HD.

At the time this agenda item was being prepared, staff had neither found nor been presented with any evidence that the proposed development would substantially injure the value of adjoining properties.

- f. The development is compatible and in harmony with adjoining land uses and the development pattern of the immediate area;

Preliminary staff findings: The property is located within the City Limits and is currently zoned Residential Multifamily – High Density (RMF-HD). It is bordered to the north single-family and multifamily properties, RMF-LD and RMF-HD; to the west across Sandy Drive by single-family dwellings, RMF-LD; to the south across Gum Branch Road by undeveloped property and Jacksonville High School zoned RSF-7; and to the east by multifamily property, zoned RMF-HD.

At the time this agenda item was being prepared, staff had neither found nor been presented with any evidence that the proposed development was not compatible and in harmony with adjoining land uses and the development pattern of the immediate area.

- g. The proposed development will not materially endanger the public health or safety;

Preliminary staff findings: At the time this agenda item was being prepared, staff had neither found nor been presented with any evidence that the proposed use would materially endanger the public health or safety if located where proposed.

Options

A. Approve the Modified Special Use Permit and Site Plan as presented (RECOMMENDED).

- Pros: Allows for the buffer yard to be installed and not conflict with Duke Energy Progress' Clear Zones Policy.
- Cons: None

B. Deny the Special Use Permit and Site Plan request.

- Pros: None
- Cons: The planted buffer would be in conflict with Duke Energy Progress' Clear Zones Policy and would be routinely pruned by them.

C. Defer Consideration of the request.

- Pros: Deferral would allow staff sufficient time to address any concerns the Planning Advisory Board may have.
- Cons: Would delay fixing the conflict with Duke Energy Progress' Clear Zones Policy and the scheduled public hearing set for Tuesday May 17, 2016.

WORKSHEET FOR SPECIAL/CONDITIONAL USE PERMITS

Applicant: City of Jacksonville

Location: 1800 Gum Branch Road (Parcel ID# 339C-4)

Proposed Use of Property: Fire Facility

FINDINGS OF FACT

a.	The proposed use is designated as an allowable Special Use in the zoning district where located;	Yes	No
b.	The development complies with all applicable standards in Section 4.2, Use Specific Standards;	Yes	No
c.	The location and character of the development conforms with all City adopted plans addressing the City's growth and development;	Yes	No
d.	The development's streets, driveways, parking areas, traffic control, and other traffic control, and any other traffic circulation features are designed or provided in accordance with current traffic engineering standards and relevant City regulation, and will be adequate for the proposed use;	Yes	No
e.	The development will not substantially injure the value of adjoining properties;	Yes	No
f.	The development is compatible and in harmony with adjoining land uses and the development pattern of the immediate area; and	Yes	No
g.	The proposed development will not materially endanger the public health or safety.	Yes	No

2. GRANTING THE SPECIAL USE PERMIT

Motion to grant the Special Use permit based on items (a) through (g) found to be affirmative.

The Special Use Permit is granted, subject to the following conditions:

- 1) The applicant shall complete the development strictly in accordance with the plans submitted to an approved by City Council.
- 2) If any conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect: _____

3. DENYING THE SPECIAL USE PERMIT

motion to deny based on:

The Application is denied because, if completed as proposed, the development more probably than not: _____

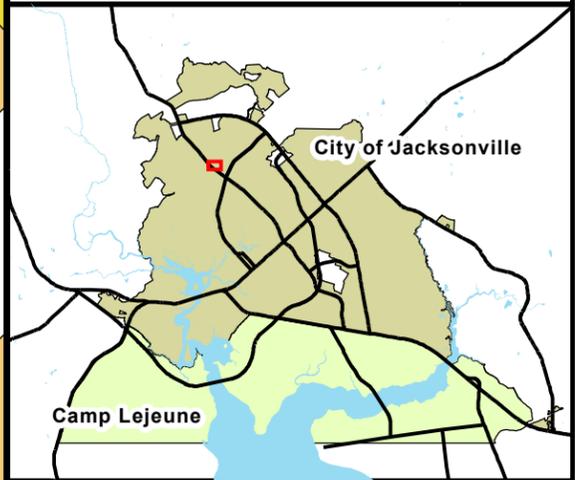
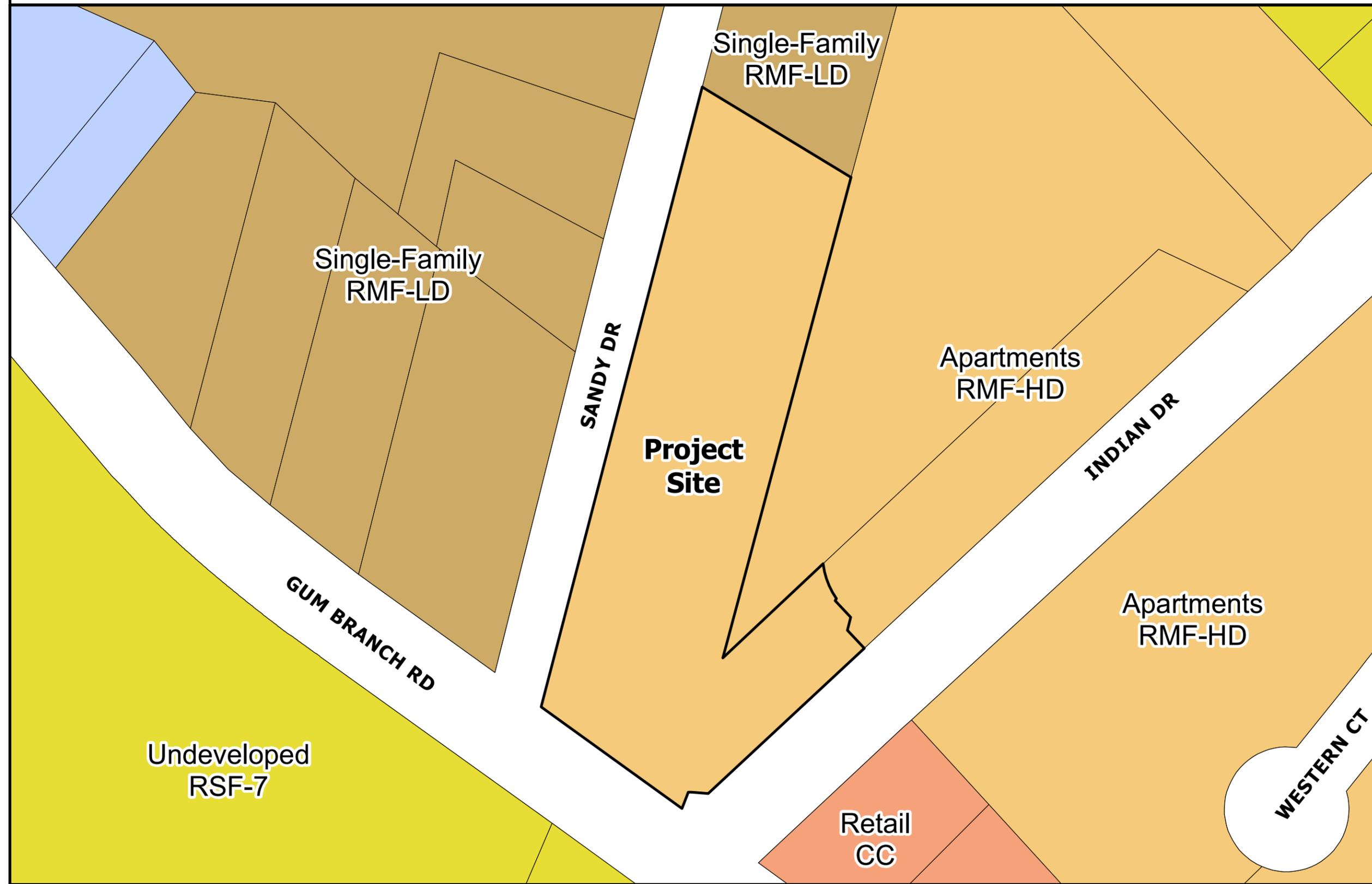
Will not be in conformity with the City's land use plan and other comprehensive plan elements for the following reasons: _____

Will substantially injure the value of adjoining or abutting properties for the following reasons: _____

Will not be compatible and not be in harmony with adjoining land uses and the development pattern of the immediate area for the following reasons: _____

Exhibit A

Fires Station #2 - 1800 Gum Branch Road



Disclaimer: This Map is intended to use for planning purposes only. City of Jacksonville or its individual departments are not liable for any data inaccuracies. Once again this map should not be used for any legal boundary determinations and data displayed on this map is collected from various different sources.



1 inch = 89 feet

Exhibit
B

LANDSCAPE CALCULATIONS

PARKING AREA: INTERIOR LANDSCAPING (SECTION 103)	BUFFERYARD (REF. SECTION 115 OF JACKSONVILLE ORDINANCE)
REQUIREMENTS: 1 INTERIOR ISLAND PER TEN (10) PARKING SPACES ON SITE NO PARKING SPACE SHALL BE SEPARATED FROM TRUNK OF LARGE TREE BY MORE THAN FIFTY (50) FEET PLANTINGS PROVIDED: 2 INTERIOR ISLANDS (19 PARKING SP.) WITH 8 SHRUBS PER ISLAND ALL PARKING SPACES WITHIN FIFTY (50) FEET OF LARGE TREE	GENERAL REQUIREMENTS (TYPE 'A' SCREEN): MINIMUM WIDTH OF 30 FEET PLANTING PER 100 LF: 4 LARGE TREES, 6 SMALL TREES, 25 LARGE SHRUBS, 6' OPAQUE FENCING PLANTING REQUIRED: EASTERN PERIMETER (ADJACENT TO PROGRESS ENERGY EASEMENT) VARIABLE (RANGES FROM 12' TO 30', PENDING SPECIAL USE PERMIT WITH CITY APPROVAL) S20' (DOES NOT INCLUDE PROPOSED DRIVEWAY) LENGTH: A 6' tall Emerald Green Arborvitae planted on center and 3-gallon small shrubs (Eleanor Taber Indian Hawthorne) planted on 5' on center.
STREET YARD LAWN (REF. SECTION 103 OF JACKSONVILLE ORDINANCE)	
REQUIREMENTS: MINIMUM 8 FEET WIDTH PARALLEL TO RIGHT OF WAY PER 100 LINEAR FEET: 3 LARGE TREES, 12 LARGE SHRUBS, 8 SMALL SHRUBS PLANTING REQUIRED: WESTERN PERIMETER (ALONG SANDY DR.) LENGTH: 451' (DOES NOT INCLUDE PROPOSED DRIVEWAY) REQUIREMENTS: 14 LARGE TREES, 55 LARGE SHRUBS, 37 SMALL SHRUBS PROVIDED: 14 LARGE TREES, 55 LARGE SHRUBS, 37 SMALL SHRUBS SOUTHERN PERIMETER (ALONG GUM BRANCH ROAD) LENGTH: 150' REQUIREMENTS: 5 LARGE TREES, 18 LARGE SHRUBS, 12 SMALL SHRUBS PROVIDED: 5 LARGE TREES, 18 LARGE SHRUBS, 12 SMALL SHRUBS EASTERN PERIMETER (ALONG INDIAN DRIVE) LENGTH: 150' (DOES NOT INCLUDE PROPOSED DRIVEWAY) REQUIREMENTS: 5 LARGE TREES, 18 LARGE SHRUBS, 12 SMALL SHRUBS PROVIDED: 5 LARGE TREES, 18 LARGE SHRUBS, 12 SMALL SHRUBS	
STORMWATER PONDS (REF. SECTION 103 OF JACKSONVILLE ORDINANCE)	
REQUIREMENTS: PER 100 LF OF PERIMETER: 20 SMALL SHRUBS PER 25 LF OF PERIMETER: 1 UNDERSTORY TREE VEGETATED SHELF POND A (280 LF): 56 SMALL SHRUBS, 11 UNDERSTORY TREES POND B (285 LF): 57 SMALL SHRUBS, 11 UNDERSTORY TREES PROVIDED: POND A: 56 SMALL SHRUBS, 11 UNDERSTORY TREES, VEGETATED SHELF POND B: 56 SMALL SHRUBS, 11 UNDERSTORY TREES, VEGETATED SHELF	

LANDSCAPE NOTES

- LOCATE ALL EXISTING UTILITIES PRIOR TO INSTALLATION OF PLANT MATERIAL. NOTIFY OWNER OF ANY DISCREPANCIES BETWEEN FIELD CONDITIONS AND THOSE SHOWN ON THE PLAN.
- VERIFICATION OF TOTAL QUANTITIES AS SHOWN ON THE PLANT LIST SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND THE TOTAL QUANTITIES SHALL BE AS SHOWN ON THE PLAN.
- THE TOP SIX INCHES OF LAWN AREAS SHALL BE AMENDED WITH 3" OF TOPSOIL. IF QUANTITY OF ON-SITE TOPSOIL IS NOT SUFFICIENT, CONTRACTOR IS TO SUPPLEMENT WITH IMPORTED TOPSOIL.
- ALL "SOD" AREAS SHALL BE SOODED WITH T-10 BERMOUDA GRASS PRIOR TO FINAL ACCEPTANCE. ALL "LAWN" AREAS AND OTHER GRASS AREAS DISTURBED DURING CONSTRUCTION SHALL BE SEEDED IN ACCORDANCE WITH THE SEEDING SCHEDULE ON SHEET C7.9.
- ALL PLANT MATERIAL SHALL CONFORM WITH THE STANDARDS SET FORTH BY THE AMERICAN ASSOCIATION OF NURSERYMEN AND THE WRITTEN SPECIFICATIONS.
- CONTACT THE LANDSCAPE ARCHITECT FOR INSPECTION AT THE FOLLOWING INTERVALS: - REVIEW OF GRADING PRIOR TO PLANT AND LAWN INSTALLATION. - REVIEW OF CONDITION OF AMENDED SOIL PRIOR TO LAWN INSTALLATION.
- ALL PLANTING BEDS TO BE DOUBLE-SHREDDED MULCHED WITH A MINIMUM OF 3" OF HARDWOOD MULCH EXCEPT WHERE NOTED ON THE PLANS, PER SPECIFICATIONS. ALL PLANT GROUPINGS SHALL BE MULCHED AS ONE BED.
- ESTABLISH POSITIVE DRAINAGE IN ALL PLANTING BEDS AND AWAY FROM BUILDINGS.
- APPLY PRE-EMERGENT HERBICIDE TO ALL NEW PLANTING BEDS AT MANUFACTURER'S RECOMMENDED RATE PRIOR TO INSTALLATION OF MULCH.
- DO NOT INSTALL PLANT MATERIAL IN IMPERVIOUS SOILS, (i.e. HOLES WHICH, WHEN FILLED WITH WATER, DO NOT COMPLETELY DRAIN WITHIN TWO HOURS.)
- THE SITE SHALL BE STABILIZED AND SEEDED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
- REMOVE OBJECTS GREATER THAN 1/2" IN DIAMETER FOR PLANTING AND GRASS SURFACE PREPARATION. CONTRACTOR SHALL CONTINUE TO REMOVE ROCKS AND DEBRIS GREATER THAN 1/2" IN DIAMETER UNTIL OCCUPANTS MOVE IN AND CONTRACTOR DEMOBILIZES.
- EACH LARGE CANOPY TREE AT TIME OF PLANTING SHALL BE A MINIMUM OF TWO (2) INCHES IN CALIPER AND TEN (10) FEET IN HEIGHT. WHEN MATURE, A LARGE CANOPY TREE SHALL BE AT LEAST FORTY (40) FEET HIGH AND HAVE A MINIMUM CROWN WIDTH OF THIRTY (30) FEET. HOWEVER, NO MORE THAN FIFTY (50) PERCENT OF THE REQUIRED LARGE CANOPY TREES MAY BE SUBSTITUTED. EACH UNDERSTORY TREE AT THE TIME OF PLANTING SHALL BE A MINIMUM OF ONE (1) INCH IN CALIPER AND EIGHT (8) FEET IN HEIGHT. EVERY TWO (2) UNDERSTORY TREES MAY BE SUBSTITUTED WITH ONE (1) LARGE CANOPY TREE. HOWEVER, NO MORE THAN FIFTY (50) PERCENT OF THE REQUIRED UNDERSTORY TREES MAY BE SUBSTITUTED. EACH SHRUB AT THE TIME OF PLANTING SHALL BE 3 GALLON SIZE OR LARGER. SUBSTITUTIONS SHOULD BE CONFIRMED WITH THE PLANNING DIVISION.

ONSLAW COUNTY BOARD OF EDUCATION
 JACKSONVILLE HIGH SCHOOL
 40.96 ACRES
 BK 3603, PG 700
 ZONING: R-7

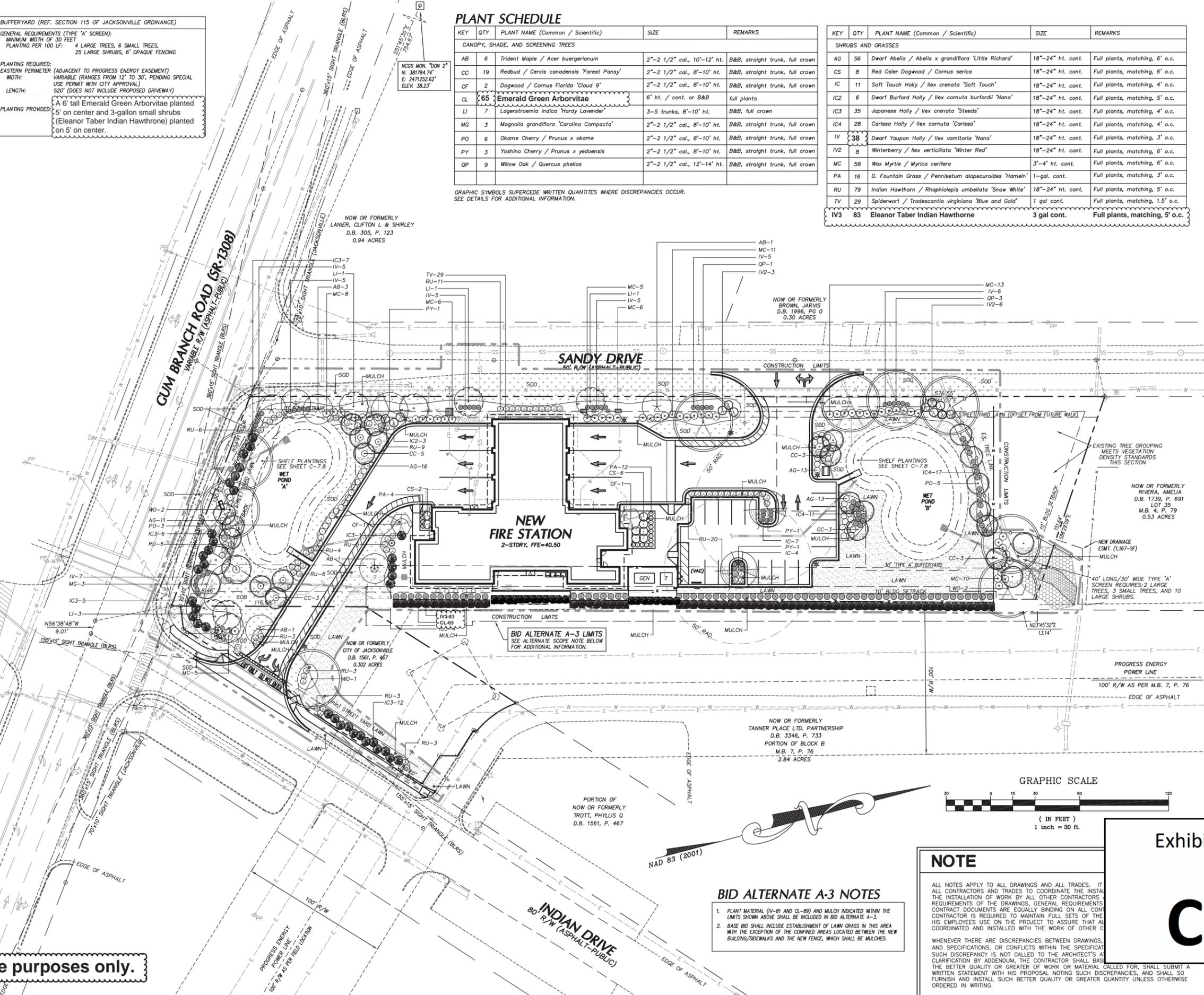
This plan is for illustrative purposes only.

PLANT SCHEDULE

KEY	QTY	PLANT NAME (Common / Scientific)	SIZE	REMARKS
CANOPY, SHADE, AND SCREENING TREES				
AB	6	Trident Maple / <i>Acer buergerianum</i>	2"-2 1/2" cal., 10'-12" ht.	B&B, straight trunk, full crown
CC	19	Redbud / <i>Cercis canadensis</i> 'Forest Pansy'	2"-2 1/2" cal., 8'-10" ht.	B&B, straight trunk, full crown
CF	2	Dogwood / <i>Cornus Florida</i> 'Cloud 9'	2"-2 1/2" cal., 8'-10" ht.	B&B, straight trunk, full crown
CL	66	Emerald Green Arborvitae	6' ht. / cont. or B&B	full plants
LI	7	Lagerstroemia indica 'Hardy Lavender'	3-5 trunks, 8'-10" ht.	B&B, full crown
MG	3	Magnolia grandiflora 'Carolina Compacta'	2"-2 1/2" cal., 8'-10" ht.	B&B, straight trunk, full crown
PO	6	Okame Cherry / <i>Prunus x okame</i>	2"-2 1/2" cal., 8'-10" ht.	B&B, straight trunk, full crown
PY	3	Yoshino Cherry / <i>Prunus x yedoensis</i>	2"-2 1/2" cal., 8'-10" ht.	B&B, straight trunk, full crown
QP	9	Willow Oak / <i>Quercus phellos</i>	2"-2 1/2" cal., 12'-14" ht.	B&B, straight trunk, full crown

GRAPHIC SYMBOLS SUPERCEDE WRITTEN QUANTITIES WHERE DISCREPANCIES OCCUR. SEE DETAILS FOR ADDITIONAL INFORMATION.

KEY	QTY	PLANT NAME (Common / Scientific)	SIZE	REMARKS
SHRUBS AND GRASSES				
AG	56	Dwarf Abelia / <i>Abelia x grandiflora</i> 'Little Richard'	18"-24" ht. cont.	Full plants, matching, 6' o.c.
CS	8	Red Osier Dogwood / <i>Cornus sericea</i>	18"-24" ht. cont.	Full plants, matching, 6' o.c.
IC	11	Soft Touch Holly / <i>Ilex crenata</i> 'Soft Touch'	18"-24" ht. cont.	Full plants, matching, 4' o.c.
IC2	6	Dwarf Burford Holly / <i>Ilex cornuta burfordii</i> 'Nana'	18"-24" ht. cont.	Full plants, matching, 5' o.c.
IC3	35	Japanese Holly / <i>Ilex crenata</i> 'Steeds'	18"-24" ht. cont.	Full plants, matching, 4' o.c.
IC4	28	Carissa Holly / <i>Ilex cornuta</i> 'Carissa'	18"-24" ht. cont.	Full plants, matching, 4' o.c.
IV	38	Dwarf Yaupon Holly / <i>Ilex vomitoria</i> 'Nana'	18"-24" ht. cont.	Full plants, matching, 3' o.c.
IV2	8	Winterberry / <i>Ilex verticillata</i> 'Winter Red'	18"-24" ht. cont.	Full plants, matching, 6' o.c.
MC	58	Wax Myrtle / <i>Myrica cerifera</i>	3'-4' ht. cont.	Full plants, matching, 6' o.c.
PA	16	D. Fountain Grass / <i>Pennisetum alopecuroides</i> 'Hahnii'	1-gal. cont.	Full plants, matching, 3' o.c.
RU	79	Indian Hawthorne / <i>Rhaphiolepis umbellata</i> 'Snow White'	18"-24" ht. cont.	Full plants, matching, 5' o.c.
TV	29	Spiderwort / <i>Tradescantia virginiana</i> 'Blue and Gold'	1 gal. cont.	Full plants, matching, 1.5' o.c.
IV3	83	Eleanor Taber Indian Hawthorne	3 gal. cont.	Full plants, matching, 5' o.c.



BID ALTERNATE A-3 NOTES

- PLANT MATERIAL (IV-81 AND CL-89) AND MULCH INDICATED WITHIN THE LIMITS SHOWN ABOVE SHALL BE INCLUDED IN BID ALTERNATE A-3.
- BASE BID SHALL INCLUDE ESTABLISHMENT OF LAWN GRASS IN THIS AREA WITH THE EXCEPTION OF THE CONFINED AREAS LOCATED BETWEEN THE NEW BUILDING/SIDEWALKS AND THE NEW FENCE, WHICH SHALL BE MULCHED.

NOTE

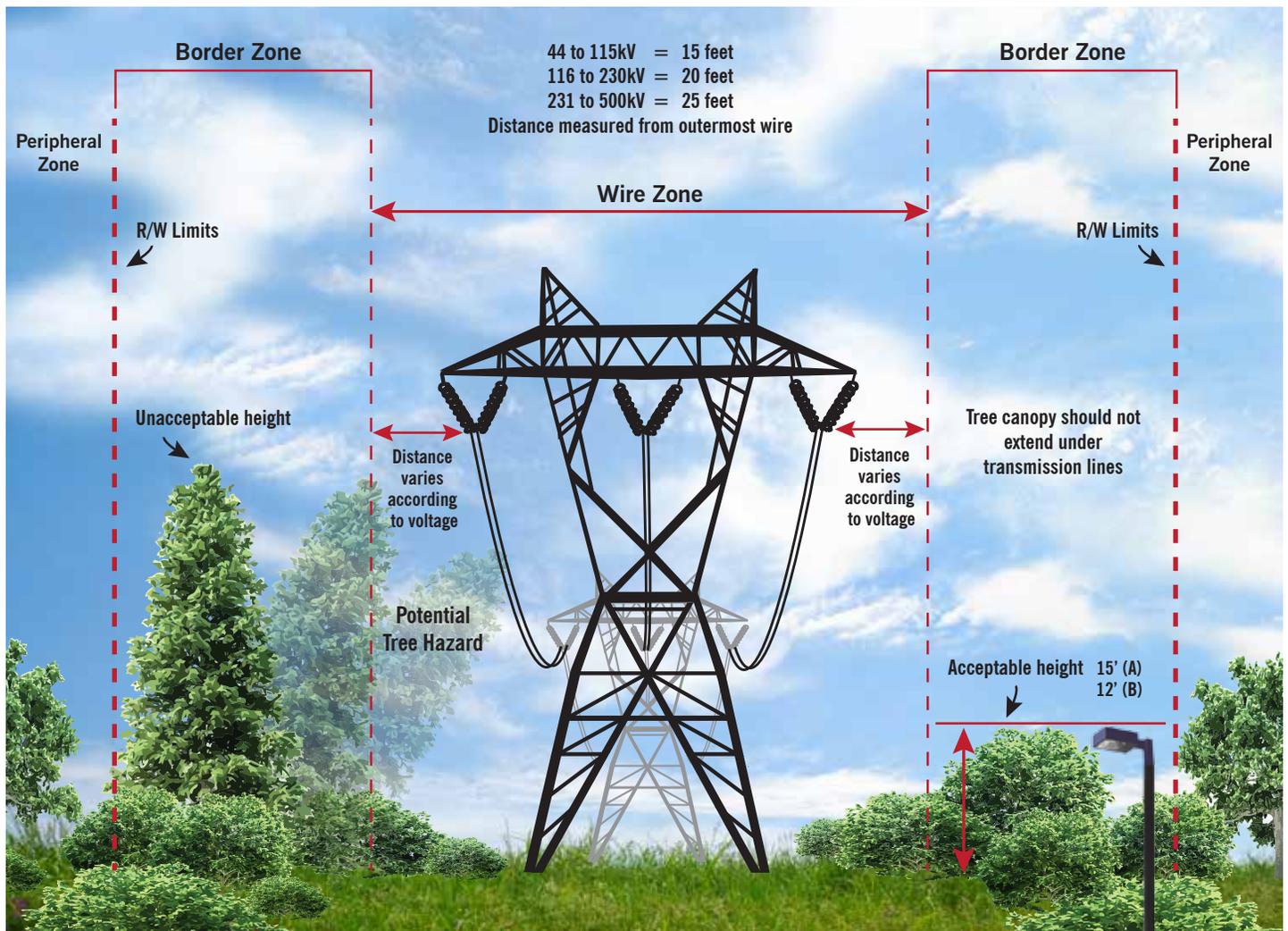
ALL NOTES APPLY TO ALL DRAWINGS AND ALL TRADES. IT ALL CONTRACTORS AND TRADES TO COORDINATE THE INSTALLATION OF WORK BY ALL OTHER CONTRACTORS REQUIREMENTS OF THE DRAWINGS, GENERAL REQUIREMENTS CONTRACT DOCUMENTS ARE EQUALLY BINDING ON ALL CONTRACTOR IS REQUIRED TO MAINTAIN FULL SETS OF THE HIS EMPLOYEES USE ON THE PROJECT TO ASSURE THAT ALL COORDINATED AND INSTALLED WITH THE WORK OF OTHER CONTRACTORS.

WHENEVER THERE ARE DISCREPANCIES BETWEEN DRAWINGS, AND SPECIFICATIONS, OR CONFLICTS WITHIN THE SPECIFICAT SUCH DISCREPANCY IS NOT CALLED TO THE ARCHITECT'S A CLARIFICATION BY ADDENDUM, THE CONTRACTOR SHALL BASE THE BETTER QUALITY OR GREATER OF WORK OR MATERIAL CALLED FOR, SHALL SUBMIT A WRITTEN STATEMENT WITH HIS PROPOSAL, NOTING SUCH DISCREPANCIES, AND SHALL SO FURNISH AND INSTALL SUCH BETTER QUALITY OR GREATER QUANTITY UNLESS OTHERWISE ORDERED IN WRITING.

Exhibit

C

Transmission Right-of-way Zones - Carolinas



Wire Zone: Extends beyond the outermost conductor on both sides. (See diagram above.)

Permitted within the Wire Zone: Low-growing plants, shrubs and grasses.

Not permitted within the Wire Zone: Tree species of any kind.

Border Zone: Extends from the edge of the Wire Zone to the outside edge of the Right of Way.

Permitted within the Border Zone: Lighting structures and plantings within the Right of Way that do not exceed a vertical height of 15 feet in Area A and 12 feet in Area B. (See Asset Protection Map for location of geographic areas) For compliant mature height species, refer to plants/ces.ncsu.edu/.

Not permitted within the Border Zone: Any object that exceeds vertical height restrictions. These restrictions are based on flat ground elevations. If the ground elevations differ, no object at any time may exceed the outermost conductor's ground elevation.

Peripheral Zone: Outside the Right of Way and adjacent to Border Zones.

Permitted within the Peripheral Zone: Trees may be planted in the Peripheral Zone. Duke Energy recommends customers exercise caution selecting and planning trees in this zone.

Not permitted in the Peripheral Zone: Trees with canopies are subject to routine trimming and possible removal.

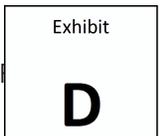
In all zones:

When an outage risk is identified, Duke Energy will attempt to notify the affected customer. However, the company may need to take immediate action if trees cannot be pruned to appropriate levels. This may include trees and shrubs that are within 20 feet of the power line at the maximum peak load or during weather conditions that create line sag and sway.

Written approvals by Duke Energy are required for all plans.

We hope this is useful information. If you have additional questions on line voltages or plan any activity not mentioned above, please contact the Asset Specialist for your area. (See Map)

*Right of Way is intended to reference the easement rights granted to Duke Energy. Actual zone size may vary based upon the particular Right of Way.





Request for Planning Advisory Board Recommendation

Agenda	B
Item:	
Date: 5/9/2016	

Subject: Unified Development Ordinance Text Amendment – Article 5:
Development Standards, Section 5.12 Signage and Article 9:
Definitions, Sections 9.2 Rules of Measurement and 9.4 Definitions

Department: Development Services

Presented by: Ryan King, Planning & Permitting Administrator

Issue Statement

Staff has initiated a Unified Development Ordinance (UDO) text amendment as a result of meetings held with the 2015 Ad Hoc Sign Committee. The proposed language would amend Article 5, Section 5.12 Signage and Article 9: Definitions, Sections 9.2 Rules of Measurement and 9.4 Definitions.

Financial Impact

None

Action Needed

Consideration of the Zoning Text Amendment

Recommendation

Staff advises the Planning Board move to recommend approval of the zoning text amendment found in Attachment A.

Attachments:

- A Proposed Zoning Text Amendment Ordinance



Staff Assessment

Agenda Item:	B
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Unified Development Ordinance Text Amendment – Article 5: Development Standards, Section 5.12 Signage & Article 9: Definitions, Section 9.4 Definitions

Introduction

Staff has initiated a Unified Development Ordinance (UDO) text amendment as a result of meetings held with the 2015 Ad Hoc Sign Committee. The proposed language would amend Article 5, Section 5.12 Signage and Article 9: Definitions, Sections 9.2 Rules of Measurement and 9.4 Definitions.

Highlights of the proposed amendments include the following: 1) Adjust the frequency in which electronic message boards can change from 30 seconds to 8 seconds; 2) Increase the allotment of electronic message boards from 30% to 50% for single tenant locations; 3) Limit the brightness of electronic message boards; 4) Add a location and height maximum for directional signs; 5) Eliminate the permit exclusion for temporary window signage and include it within the wall sign calculation; 6) Establish regulations for feather flags; 7) Eliminate the 4 inch minimum font size; 8) Establish new method of measuring sign height; and 9) Modify existing language to add clarity in multiple locations within the code.

Notable Dates

- On January 6, 2015 City Council pulled a staff initiated a text amendment to Article 5.12 Signage from their agenda. In doing so, Council began the process of establishing an Ad Hoc Committee to discuss the City's sign regulations. The agenda item at that time included changes that would 1) Reduce the maximum allowable height for freestanding signs from 35 feet to 20 feet in the Corridor Commercial and Industrial districts; 2) Adjust the frequency in which electronic message boards can change from 30 seconds to 15 seconds; 3) Increase the allotment of electronic message boards from 30% to 50% for single tenant locations; 4) Limit the brightness of electronic message boards; and 5) Modify existing language to add clarity.
- Following the January 6, 2015 Council meeting, 25 citizens were appointed to serve on the Ad Hoc Sign Committee. This group included business owners, sign companies, an architect and an engineer.
- On May 28th, October 1st 2015 and on March 10th 2016 City staff and the Ad Hoc Sign committee met and discussed possible amendments to the sign regulations.

- The committee had until March 18, 2016 to look over the synopsis of changes that would be brought forward for consideration.
- On April 11, 2016 City staff presented a synopsis of the changes to the Planning Advisory Board.
- On May 3, 2016 City staff presented the synopsis of the changes to City Council.
- On May 9, 2016 the Planning Board will provide a recommendation on the proposed zoning text amendment.
- On May 17, 2016 City Council will conduct a public hearing and consider this request.

Public Hearing Notification Assessment

“Before adopting, amending, or repealing any ordinance authorized by this Article, the City Council shall hold a public hearing on it. A notice of the public hearing will be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. 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.” Notifications in accordance with North Carolina General Statutes will be followed.

Options:

1) Recommend approval of the zoning text amendment found in Attachment A. **(Staff Recommended)**

- Pros: Staff and the sign committee vetted the proposed changes and believe that the ordinance amendment is a step in the right direction and will added some needed clarity to certain aspects of the code.
- Cons: None

2) Defer action on the zoning text amendment.

- Pros: None
- Cons: None

3) Deny the zoning text amendment

- Pros: None
- Cons: The clarity for parts of the code found in this amendment will not be added to the UDO.

ORDINANCE (# 2016-)

AN ORDINANCE AMENDING THE CITY OF JACKSONVILLE UNIFIED DEVELOPMENT ORDINANCE

BE IT ORDAINED by the Jacksonville City Council that Unified Development Ordinance Text Amendment – Article 5: Development Standards, Section 5.12 Signage be amended, Article 9: Definitions, Section 9.4 Definitions. Underlining indicates a proposed addition to the text. ~~Strikethrough~~ indicates the deletion of existing text.

5.12 Signage

A. Purpose

Signs are herein regulated in the interest of promoting traffic safety, safeguarding public health and comfort, facilitating police and fire protection, preventing adverse community appearance and the overcrowding of land, and protecting and promoting the character of the area in which they are located. In general, it is intended that signs of a general commercial nature be prohibited in areas where commercial activities are prohibited and that signs in less restrictive business and industrial areas be regulated to the extent necessary to protect or improve the character of the area and to conserve property values. Further, that because aesthetic value of the total environment does affect economic values of the community, and the unrestricted proliferation of signs can and does detract from the economic value of the community, it is the intent of this chapter to provide limiting controls, where necessary, to preserve or improve and upgrade community scenic, economic, and aesthetic values.

B. Applicability

The regulations stipulated in this section shall apply to all signs that are constructed, erected, moved, enlarged, illuminated, substantially altered or otherwise maintained within the City of Jacksonville's jurisdiction except for signs expressly or implicitly regulated elsewhere in this Ordinance.

C. Permit Required for Signs

1. Except as otherwise provided in Section 5.12.D, *Signs Excluded from Regulation*, and Section 5.12.E, *Certain Temporary Signs: Permit Exceptions and Additional Regulations*, no sign may be constructed, erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this section. Mere repainting or changing the message of a sign shall not, in and of itself, be considered a substantial alteration.
2. Sign permit applications and Sign Permits shall be governed by the standards in Section 2.3.H, Zoning Permits.
3. Signs exempted under the provisions referenced in paragraph (1) above may be constructed, erected, moved, enlarged, illuminated or substantially altered only in accordance with a sign permit issued by the

Development Services Director.

4. Additional permit requirements that are applicable for billboard permits are specified in Section 5.12.M, *Billboards*.
5. Signs located in the DTR and DTB districts shall also conform to the standards described in their respective sections in Article 3: *Zoning Districts*.

D. Signs Excluded From Regulation

The following signs are exempt from the standards in Section 5.12, Signage except for those stated in Sections 5.12 c & 5.12 e.

1. Signs not exceeding four square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as (1) signs giving property identification names or numbers or names of occupants, (2) signs on mailboxes or newspaper tubes, and (3) signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.
2. Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.
3. Official signs of a noncommercial nature erected by public utilities.
4. Flags or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.
5. Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.
6. ~~Signs directing and guiding traffic on private property that do not exceed four square feet each~~ Signs, up to 4 feet in height and 4 square feet in area on both sides of the driveway. Maximum of one per each side of the driveway, regardless of the number of tenants that use the driveway.
7. Church bulletin boards, church identification signs, and church directional signs that do not exceed one per abutting street and 15 square feet in area and that are not illuminated.
8. Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.
9. Signs proclaiming religious, political, or other noncommercial messages (other than those regulated in Section 5.12.E that do not exceed one per abutting street and 15 square feet in area and that are not illuminated.
10. Sign face replacement utilizing an existing frame/sign.

E. Certain Temporary Signs: Permit Exemptions and Additional Regulations

1. The following temporary signs are permitted without a Zoning Permit or Special Use Permit. However, such signs shall conform to the requirements set forth below as well as all other applicable requirements of this section except those contained in Section 5.12.I, *Wall Sign Surface Area*, and Section 5.12.L, *Number of Freestanding Signs*.
 - (a) In residential zoning districts, temporary signs erected for the purpose of sale, lease, or rent of the real estate on which the sign is located (including buildings), may not exceed 6 square feet in area. In non-residential districts, such signs may not exceed 15 square feet in area. All

such signs shall be removed immediately after sale, lease, or rental of the property on which the sign is located and where applicable, before a Certificate of Occupancy is issued for the subject structure. For lots of less than 5 acres, a single sign on each street frontage may be erected. For lots of 5 acres or more in area and having a street frontage in excess of 400 feet, a second sign may be erected.

- (b) Temporary construction site identification signs may be erected during the construction period of a structure in all zoning districts, for the purpose of identifying the project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources and related information including but not limited to sale or leasing information. Such signs may not exceed 32 square feet in area. All such signs shall not be erected prior to the issuance of a Building Permit, and must be removed from the subject site before the issuance of a Certificate of Occupancy.
- ~~(c) Temporary signs attached temporarily behind and/or on a building window or door. Such signs, individually or collectively, may not cover more than 75 percent of the surface area of the transparent portion of the window or door to which they are attached.~~
- (d) Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within 10 days following the holidays.
- (e) Signs erected in connection with elections or political campaigns. Such signs shall be removed within 3 days following the election or conclusion of the campaign.
- (f) Signs erected in connection with festivals, special events, and fund-raising campaigns for civic clubs and other bona-fide non-profit organizations. Such signs shall be removed within 3 days following the conclusion of the event or fund-raising campaign.
- (g) Banner signs and advertising inflatables (balloons) indicating that a special event such as a grand opening, fair, carnival, circus, festival, or similar event is to take place on the lot where the sign is located. No more than 2 such signs may be displayed per lot or business premises at any given time.
- (h) Banner signs indicating "Welcome Home" or similar signs pertaining to the return of military forces from deployment elsewhere. Such signs may not be erected more than five days before and must be removed within five days after

the return of the specified military unit.

- (i) Flags, other than those described in Section 5.12.D.4, of a commercial or non-commercial nature provided they comply with the following standards:
 - (1) Location: Off premise flags are prohibited
 - (2) Maximum height: 15 feet
 - (3) Maximum width: 5 feet
 - (4) Maximum number allowed
 - i. Single tenant sites - 1 flag per 50 linear feet of street frontage for which the sites address is derived from.
 - ii. Multi-tenant sites - 1 flag per 50 linear feet of building façade width (minimum of 1 per tenant space).
 - (5) Such flags may be displayed for indefinite periods of time provided that they remain in good physical condition and are not tattered, torn or otherwise deteriorated to the point that they become aesthetically detrimental by virtue of their poor physical condition.
 - (6) In no case may such flags extend over or otherwise encroach upon public rights-of-way.
 - (j) Temporary signs not covered in the foregoing categories, so long as such signs meet the following restrictions:
 - (1) Not more than one such sign may be located on any lot.
 - (2) No such sign may exceed four square feet in surface area.
 - (3) Such sign may not be displayed for longer than three consecutive days nor more than 10 days out of any 365-day period.
2. Other temporary signs not listed in Section 5.12.E.1 above shall be regarded and treated in all respects as permanent signs, except that temporary signs shall not be included in calculating the total amount of permitted sign area.

F. Special Provisions for Certain Signs

1. Schools, Cemeteries, and Church Signs

- (a) Signs located within residential zoning districts shall comply with the following standards:
 - (1) **Freestanding Signs**

Shall be a monument type sign not exceeding 32 square feet in area and 8 feet in height. The maximum number of signs allowed shall be 1 per street frontage.

(2) **Wall Signs**

Shall comply with Section 5.12.1, *Wall Sign Surface Area*.

- (b) Signs located within nonresidential zoning districts shall not be subject to (a) above.

2. **College and University Signage**

Signage associated with a college or university shall be coordinated in terms of design features and comply with the following standards when located on 30 or more acres housing 10 or more buildings.

(a) **Freestanding Signs**

- (1) Primary entrance(s)/driveway(s) are allowed to have a monument sign(s) on one or both sides of the entrance/driveway, provided:

- i. These signs identify the college or university. A single side of such sign face may not exceed 250 square feet.
- ii. In no case may any portion of supporting structural elements of the sign exceed a height greater than 15 feet. Sign height is measured from ground level at the base of the sign structure.

- (2) Secondary entrance(s)/driveway(s) are allowed to have a monument sign(s) on one or both sides of the entrance/driveway, provided:

- i. These signs identify the college or university. A single side of such sign face may not exceed 150 square feet.
- ii. In no case may any portion of supporting structural elements of the sign exceed a height greater than 15 feet. Sign height is measured from ground level at the base of the sign structure.

(b) **Wall Signs**

Wall signs shall be subject to Section 5.12.1, *Wall Sign Surface Area*.

(c) **Signs Excluded from Regulation:**

- (1) Signs directing and/or guiding traffic on private property that do not exceed 16 square feet.
- (2) Interior campus and/or directional signs.

- (3) Alphanumeric parking lot identification that does exceed 8 square feet.

G. Determining the Number of Signs

1. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.
2. A two-sided, double face (back to back), or multi-sided sign shall be regarded as one sign so long as the distance between the backs of each face of the sign does not exceed three feet

H. Computation of Sign Area

1. The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.
2. If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.
3. With respect to two-sided, multi-sided, or three-dimensional signs, the sign surface area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point. Without otherwise limiting the generality of the foregoing:
 - (a) The sign surface area of a double faced, back to back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed three feet.
 - (b) The sign surface area of a double faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference), so long as the angle of the "V" does not exceed 30 degrees and at no point does the distance between the backs of such sides exceed five feet.

I. Wall Sign Surface Area

1. Subject to the other provisions of this section, the maximum wall sign surface area permitted on any building in a non-residential district shall be determined as follows:

- (a) **Front ~~Primary Elevation~~ Facade**

The maximum sign surface area permitted ~~on~~ for the front ~~elevation~~ facade of an individual building shall not exceed 2 square feet of sign surface area per linear foot of primary building ~~frontage~~ facade. In the case of a multi-tenant building the store front shall be used as the building frontage facade. An additional five (5) square feet may be applied directly to primary entrances (doors).

- (b) **Secondary ~~Elevations~~ Facade (Side and Rear)**

The maximum sign surface area permitted ~~on~~ for the side and rear ~~elevations~~ facades of a building shall not exceed 1 square feet of sign surface area per linear foot of ~~primary building~~ frontage facade.

2. ~~Electronic message boards~~ Changeable copy's are not permitted as wall signs.
3. The provisions of this subsection shall not apply to billboards. The placement and dimensional requirements of billboards shall be governed by Section 5.12.M, *Billboards*.

J. Development Entrance Signs

1. For purpose of this section, development entrance signs shall meet the following requirements:
 - (a) Signs shall be monument style (structure/supports do not count as sign area unless logos, text, etc. are located on the base).
 - (b) Sign height is measured from ground level at the base of the structure.
 - (c) The base of the monument shall be no more than 1/3 the size height of the sign ~~area~~.
 - ~~(d) Text on the sign shall not be smaller than 4 inch letters.~~
 - (e) Allotment may be divided between 2 signs but no more than 2 signs are permitted at each entrance.
2. **Developments of a commercial use shall also meet the requirements below:**
 - (a) For the primary entrances, the allotted square footage is equal to the linear footage of the front primary elevation of the largest building.
 - (b) For the secondary entrances, the allotted square footage is equal to half the linear footage of the front primary elevation of the largest building.
 - (c) A maximum of 150 square feet is permitted per primary entrance and 75 square feet per secondary entrance.
 - (d) The maximum percentage of the total sign area for a changeable copy ~~Electronic message boards~~ cannot shall not exceed 50% of the sign area allowed.
 - (e) In no case may any portion of supporting structural elements of the sign exceed 20 feet in width nor be erected to a height greater than 15 feet.
3. **Developments of a residential use shall also meet the requirements below:**
 - (a) A single side of any such sign may not exceed 32 square feet.

- (b) If two signs are erected the total surface area of all such signs located at a single entrance shall not exceed 64 square feet.
- (c) In no case may any portion of supporting structural elements of the sign exceed 10 feet in width nor be erected to a height greater than 6 feet.
- (d) Electronic message boards are prohibited.

K. Freestanding Sign Surface Area

1. For purposes of this section, a side of a freestanding sign is any plane or flat surface included in the calculation of the total sign surface area as provided in Section 5.12.H, *Computation of Sign Area*. For example, wall signs typically have one side. Freestanding signs typically have two sides (back to back), although four-sided and other multi-sided signs are also common.
2. A single side of a freestanding sign may not exceed 0.75 square feet in surface area for every linear foot of street frontage along the street toward which such sign is primarily oriented. In addition, the maximum total surface area for a single side of a freestanding sign shall not exceed 150 square feet. The maximum percentage of the total allowed sign area for an ~~electronic message board~~ changeable copy shall not exceed 350% percent of the sign area allowed. A recent survey (within 3 years), most current deed or other acceptable method as determined by the Development Services Director will be utilized for determining the amount of street frontage.
3. Whenever a lot is situated such that it has no street frontage on any lot boundary and an applicant desires to install on such a lot a freestanding sign, the applicant may utilize the development entrance sign option.
4. With respect to freestanding signs that have no discernible sides, such as spheres or other shapes not composed of flat planes, no such freestanding sign may exceed the maximum total surface area allowed for a single side of a freestanding sign.
5. The provisions of this section shall not apply to billboards. The placement and dimensional requirements of billboards shall be governed by Section 5.12.M, *Billboards*.

L. Number of Freestanding Signs

1. Except as authorized by this section, no development may have more than one freestanding sign. Development Entrance Signs are not counted as freestanding signs for the purpose of this part.
2. If a development is located on a corner lot that has at least 100 feet of frontage on each of the two intersecting public streets, then the development may have not more than one freestanding sign along each

side of the development bordered by such streets. The signs must be separated by at least 100 feet.

3. If a development is located on a lot that is bordered by two public streets that do not intersect at the lot's boundaries (double front lot), then the development may have not more than one freestanding sign on each side of the development bordered by such streets.
4. For developments that have more than 300 linear feet of frontage along a single right-of-way boundary, a second freestanding sign may be established. For developments that have more than 500 feet of frontage, a maximum of three freestanding signs may be established. Multiple freestanding signs established in the same development must be separated by a minimum of 100 feet. The total amount of area for all freestanding signs erected for a single development may not exceed 0.75 square feet in surface area for every linear foot of street frontage along the street toward which such sign is primarily oriented. In no case may any such freestanding sign exceed 150 square feet in size.
5. Freestanding signs are prohibited in all residential districts, except as otherwise provided by this section.
6. The provisions of this section shall not apply to billboards. The placement and dimensional requirements of billboards shall be governed by Section 5.12.M, *Billboards*.

M. Billboards

1. Billboards shall be permitted only in the Billboard Overlay Zone as shown on the Official Zoning Map for the City of Jacksonville and its extraterritorial jurisdiction. For the purposes of this Chapter, Billboards constitute a separate and distinct land use due to their size and prominence upon the landscape, and are therefore subject to the following separate regulatory provisions. It is recognized that billboards provide the opportunity to advertise products, services, and ideas; however, because of their sheer size, location in proximity to buildings, and potential for storm damage these signs can be aesthetically undesirable, create traffic hazards, and present dangers to adjoining properties. Therefore, it is the purpose of this ordinance to allow for the establishment of billboards under specific, limited circumstances.

2. No two billboards shall be spaced less than 2000 feet apart on the same side of the roadway on all streets and rights-of-way where they are allowed. In addition, no two billboard structures shall be placed within 1000 feet in either direction of the nearest point on the opposite side of the same right-of-way from an existing billboard. When determining the distance between signs the measurement shall be from the nearest points of the respective signs (including braces, overhang, etc.).
3. No billboards shall be allowed within 750 feet of the center point of an intersection where both roads allow billboards nor within 750 feet of the interior apex of an angle intersection, where both roads allow billboards.
4. All billboard structures, including overhangs and all other components, shall be set back at least 20 feet from the nearest road right-of-way.
5. The maximum allowable height for a billboard shall be 40 feet.
6. No one copy area of any billboard structure shall exceed four hundred square feet, and there shall be no more than one copy area facing any one side of the traveled roadway on any sign structure.
7. Changeable message signs are prohibited. This includes but is not limited to digital displays (electronic/LED), mechanical rotating panels or other similar methods of changing the message shown on the sign.
8. All billboards shall be plainly marked with the name of the person, firm, or corporation erecting and maintaining such sign and shall have affixed the firm number issued for said sign by the building inspector.
9. All owners of billboards are required to obtain and maintain an annual billboard permit in order for the billboard to be considered a conforming use. Billboard permits shall only be issued for billboards that are in complete conformance with the requirements of this ordinance. If a billboard permit expires, the billboard shall be deemed non-conforming until a new permit is obtained. For the purposes of this subsection, a billboard shall be considered "destroyed" if damaged to an extent that the cost of repairing the billboard to its former stature or replacing it with an equivalent billboard equals or exceeds 50 percent of the tax value, as listed in the Onslow County Tax Office, of the billboard so damaged.

N. Location and Height Requirements

1. No sign or supporting structure shall be established within an existing right-of-way boundary or future right-of-way boundary as depicted on the amended City of Jacksonville Thoroughfare Plan or other officially adopted plan; unless the sign is attached to a structural element of a building and an encroachment permit has been obtained by the appropriate agency or agencies. The property owner is responsible for ensuring this standard is met. If it is determined that a sign has been placed within an existing or future right-of-way, it shall be the property owner's responsibility to remove such sign within 90 days of an official

notice.

2. No sign or supporting structure may be located within or over any easement unless an encroachment has been obtained from the easement holder.
3. No sign attached to a building may project more than 18 inches from the building wall.
4. No part of a freestanding sign may exceed a height, measured from ground level at the base of the sign, of 35 feet in the CC and IND districts and 15 feet in all other districts where they are allowed.

O. Sign Illumination and Signs Containing Lights

1. Unless otherwise prohibited by this chapter, signs may be illuminated if such illumination is in accordance with this section.
2. No sign within 150 feet of a residential zone (including those within) may be illuminated beyond 0.5 footcandles at the property line.
3. Changeable copy signs when permitted are required to provide proof that the sign has either a photocell or software to automatically reduce the signs output between sunset and sunrise. The maximum luminosity output between sunset and sunrise should not exceed 0.3 foot-candles above ambient light conditions when measured at an appropriate distance. All white backgrounds should be avoided.
4. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.
5. Subject to (6) below, illuminated tubing or strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar areas are prohibited.
6. Subject to (6) below, no sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity.
7. Sections 5.12.O.4 & 5 do not apply to temporary signs erected in connection with the observance of holidays.

P. Miscellaneous Restrictions and Prohibitions

Where applicable, all signs shall be constructed in accordance with the requirements of the North Carolina State Building Code, as amended. The following signs and situations are specifically prohibited within the City of Jacksonville and its extra-territorial jurisdiction.

1. No sign may be located so that it substantially interferes with the view or vision necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads. All signs located near intersections or driveways shall be situated to provide a minimum vehicular site triangle as depicted in the MSSD for the purpose

of ensuring traffic safety.

2. Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public are prohibited. Signs that only move occasionally because of wind are not prohibited if their movement (1) is not a primary design feature of the sign, and (2) is not intended to attract attention to the sign. The restriction of this section shall not apply to signs specified in flags or insignia excluded from sign regulations, "welcome home" banners, or to signs indicating the time, date, or weather conditions.
3. No sign may be erected so that by its location, color, size, shape, nature, or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.
4. Freestanding signs that are not securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property are prohibited.
5. Portable signs are prohibited.
6. Flashing signs are prohibited.
7. Painted-on-building signs are prohibited.
8. Signs located within public rights-of-way (except governmental and informational signs as exempted in Section 5.12.D, *Signs Excluded from Regulation*, are prohibited.
9. Signs that are posted on any telegraph pole, telephone pole, electric light pole, or any tree along any street are prohibited.
10. Signs that obstruct ingress or egress to any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress for any room or building as required by law are prohibited.
11. Strings of lighting, pennants and similar devices are prohibited.
12. All other signs not permitted within this section are prohibited.

Q. Maintenance of Signs

1. All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. With respect to freestanding signs and billboards, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.
2. If the message portion of a sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors, or similar

components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not allow the replacement of a nonconforming sign, see Section 7.6 *Non-Conforming Signs and Billboards*. Nor shall this subsection be construed to prevent the changing of the message of a sign.

3. The area within 10 feet in all directions of any part of a freestanding sign shall be kept clear of all debris and all undergrowth more than 8 inches in height. This requirement shall not apply to well-maintained landscaping that may include decorative shrubs, bushes, flowering plants and other managed types of flora.

R. Unlawful Cutting of Trees or Shrubs

No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

1. Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the City of Jacksonville;
2. On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located; and
3. In any area where such trees or shrubs are required to remain under a permit issued under this Ordinance.

S. Adult Business Signage

1. Window Signage: The main entrance (door) or window adjacent to the main entrance, may contain a one square foot sign that state hours of operation and admittance to adults only, no signs shall be placed in any window;
2. Ground Sign: All lots (both corner and interior) on which an adult establishment is located upon shall be limited to one (1) ground sign not to exceed twenty-five (25) feet in height. The size of the sign shall be limited to 0.3 square feet for every linear foot for every linear foot of road frontage that the sign fronts. In no case shall the size of the sign exceed seventy-five (75) square feet; and
3. Wall Signage: All buildings or unit, whichever is applicable, within which an adult establishment is located shall be limited to one (1) sign not to exceed seventy-five (75) square feet. This wall sign shall include any sign that is painted or attached to any wall or any portion of the building façade. No roof signs shall be

permitted.

T. Amortization of Painted-On-Building Signs

Subject to other applicable provisions of this Ordinance, all painted-on-building signs as defined by this Ordinance existing on April 19, 2011 shall, within five years of April 19, 2011, be altered to comply with the provisions of this section or be removed.

9.2 Rules of Measurement

A.8. Height Measurement

(c) Sign height (including billboards) shall be measured vertically from the adjacent edge of pavement of the street from which the site derives its street address to the top portion of the sign.

A.10. Changeable Copy Sign Illuminance

For the purpose of changeable copy signs, the measurement shall be taken at a distance equal to the square root of the changeable copy area multiplied by 100.

9.4 Definitions

Sign, Flashing

Any sign which contains a light source and maintains the same appearance or copy display for ~~29~~ 8 seconds or less. Electronic message boards whose copy display or message does not change more frequently than every ~~30~~ 9 seconds shall not be considered flashing.

Sign, Changeable Copy

A sign or portion of a sign (or billboard) that is devoted to and designed for manually or automatically changeable copy, text and graphics.

Sign, Monument

A freestanding sign which stands directly on the ground and where supporting poles or structures and cabinet, if any, are fully enclosed by decorative covers from the top of the sign to the ground. The width of the base should be equal to or wider than the cabinet width.

Adopted by the Jacksonville City Council in regular session on this 17th day of May, 2016.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

Attachment

A



Request for Planning Advisory Board Recommendation

Agenda	C
Item:	
Date: 5/9/2016	

Subject: Unified Development Ordinance Text Amendment for Reasonable Accommodation in accordance with the Federal Fair Housing Act (FFHA) – Article 2: Administration, Section 2.1 Administrative and Decision-Making Bodies, 2.2 Common Review Procedures, and 2.3 Standards and Requirements for Development Applications

Department: Development Services

Presented by: Ryan King, Planning & Permitting Administrator

Issue Statement

Staff has initiated a Unified Development Ordinance (UDO) text amendment to move the adopted Reasonable Accommodation Policy into the UDO. The proposed language would be added to the following Articles within the ordinance: Article 2: Administration, Section 2.1 Administrative and Decision-Making Bodies, 2.2 Common Review Procedures, and 2.3 Standards and Requirements for Development Applications

Financial Impact

None

Action Needed

Consideration of the Zoning Text Amendment

Recommendation

Staff advise the Planning Board move to recommend approval of the zoning text amendment found in Attachment A.

Attachments:

- A Proposed Zoning Text Amendment Ordinance



Staff Assessment

Agenda Item:	C
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Unified Development Ordinance Text Amendment for Reasonable Accommodation in accordance with the Federal Fair Housing Act (FFHA) – Article 2: Administration, Section 2.1 Administrative and Decision-Making Bodies, 2.2 Common Review Procedures, and 2.3 Standards and Requirements for Development Applications

Introduction

Staff has initiated a Unified Development Ordinance (UDO) text amendment to move the adopted Reasonable Accommodation Policy into the UDO. The policy was created to provide reasonable accommodation for persons with disabilities seeking fair access to housing in the application of its zoning requirements. The policy language would be moved to the following Articles within the ordinance: Article 2: Administration, Section 2.1 Administrative and Decision-Making Bodies, 2.2 Common Review Procedures, and 2.3 Standards and Requirements for Development Applications

Notable Dates

- In April 2016, staff initiated this text amendment at the direction of the City Attorney.
- May 9, 2016 the Planning Board will provide a recommendation on the proposed zoning text amendment.
- June 21, 2016 City Council will conduct a public hearing and consider this request.

Public Hearing Notification Assessment

“Before adopting, amending, or repealing any ordinance authorized by this Article, the City Council shall hold a public hearing on it. A notice of the public hearing will be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. 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.” Notifications in accordance with North Carolina General Statutes will be followed.

Options:

1) Recommend approval of the zoning text amendment found in Attachment A. **(Staff Recommended)**

- Pros: Moving the adopted policy into the Unified Development Ordinance (UDO) will allow our citizens to quickly find that the City has a policy pertaining to fair housing

and zoning laws. This is because policies like this one are typically found within the City Codes and/or Unified Development Ordinances.

- Cons: Wouldn't follow the thought process of having all ordinances like this one found in one unified document. May cause citizens to wonder if we provide a process and where they would go to find out about the process and application process.

2) Defer action on the zoning text amendment.

- Pros: None
- Cons: None

3) Deny the zoning text amendment

- Pros: None
- Cons: Wouldn't follow the thought process of having all ordinances like this one found in one unified document. May cause citizens to wonder if we provide a process and where they would go to find out about the process and application process.

ORDINANCE (# 2016-)

AN ORDINANCE AMENDING THE CITY OF JACKSONVILLE UNIFIED DEVELOPMENT ORDINANCE

BE IT ORDAINED by the Jacksonville City Council that Unified Development Ordinance Text Amendment – Article 2: Administration, Section 2.1 Administrative and Decision-Making Bodies, 2.2 Common Review Procedures, and 2.3 Standards and Requirements for Development Applications be amended. Underlining indicates a proposed addition to the text. ~~Strikethrough~~ indicates the deletion of existing text.

2.1 Administrative and Decision-Making Bodies

B. Summary Table of Permit Review Procedures

Table 2.1.B, *Development Review Structure*, summarizes the review and decision-making bodies that have specific permit review roles under this ordinance, and their responsibilities.

TABLE 2.1.B: DEVELOPMENT REVIEW STRUCTURE					
PROCEDURE	REVIEW AND DECISION-MAKING BODIES				
	CITY COUNCIL [1]	PLANNING ADVISORY BOARD	BOARD OF ADJUSTMENT [1]	TECHNICAL REVIEW COMMITTEE	DEVELOPMENT SERVICES DIRECTOR
AMENDMENTS					
CAMA Land Use Plan Amendment [2]	Public Hearing & Decision	Recommendation		Comment	Recommendation
Rezoning or Text Amendment	Public Hearing & Decision	Recommendation		Comment	Recommendation
Conditional Rezoning	Public Hearing & Decision	Recommendation		Comment	Recommendation
Planned Development	Public Hearing & Decision	Recommendation		Comment	Recommendation
SITE PLANS AND SUBDIVISIONS					
Type II Site Plan [4]	Decision			Recommendation	
Type I Site Plan [4]	Appeal			Decision	
Subdivision Exemption	Appeal				Decision
Sketch Plat	Appeal	Recommendation on Appeals		Decision	
Preliminary Plat	Appeal	Recommendation on Appeals		Decision	
Preliminary Plat with Approved PD District	Appeal			Decision	
Final Plat	Appeal			Decision	
PERMITS					
Type III Special Use Permit & Site Plans	Public Hearing & Decision	Recommendation		Comment	Recommendation
Zoning Permit			Public Hearing & Appeal		Decision

TABLE 2.1.B: DEVELOPMENT REVIEW STRUCTURE

PROCEDURE	REVIEW AND DECISION-MAKING BODIES				
	CITY COUNCIL [1]	PLANNING ADVISORY BOARD	BOARD OF ADJUSTMENT [1]	TECHNICAL REVIEW COMMITTEE	DEVELOPMENT SERVICES DIRECTOR
Building Permit [3]					Decision
Floodplain Development Permit/Certification	Decided by the Public Services Director				
REASONABLE ACCOMMODATIONS, ADJUSTMENTS, AND OTHER PROCEDURES					
Reasonable Accommodation			Public Hearing & Decision		
Administrative Adjustment					Decision
Interpretation			Public Hearing & Appeal		Decision
Appeal			Public Hearing & Decision		
Vested Right Determination	Public Hearing & Decision	Recommendation		Recommendation	
Development Agreement	Public Hearing & Decision				Recommendation
<u>Reasonable Accommodations under the Federal Fair Housing Act (FFHA)</u>			<u>Public Hearing and Decision</u>		

NOTES:

- [1] Decisions of the City Council and Board of Adjustment are appealable to Onslow County Superior Court.
- [2] Plan Amendments involve amendments to the CAMA Land Use Plan. Amendments to the CAMA Land Use Plan require review and approval by the state before implementation.
- [3] In accordance with Section 160A-434 of the North Carolina General Statutes and the State Building Code, decisions on applications for Building Permits, as well as other matters pertaining to the State Building Code, are appealable to the North Carolina Commissioner of Insurance.
- [4] Site plans associated with a Conditional Rezoning or Special Use Permit shall be decided by the decision-making body deciding the Conditional Rezoning or Special Use Permit application.

E. Board of Adjustment

The Board of Adjustment is hereby established in accordance with Chapter 160A, Article 19, of the North Carolina General Statutes and this Unified Development Ordinance.

1. Powers and Duties

(a) Application Review

The Board of Adjustment shall review and decide applications for:

- (1) **Reasonable Accommodation;**
- (2) **Reasonable Accommodations;**
- (3) **Appeals on the following decisions:**
 - i. Zoning Permit
 - ii. Interpretations by the Development Services Director;

- iii. All other decisions, determinations, and orders of the Technical Review Committee, Development Services Director, or other City official in administering or enforcing this ordinance in accordance with Table 2.1.B Development Review Structure.

2.2 Common Review Procedures

E. Pre-Application Conference

1. Purpose

The purpose of a pre-application conference is to familiarize the applicant and the City staff with the provisions of this ordinance relevant to the proposed development, inform the applicant about the preparation of the application, and discuss the application and review process.

2. Pre-Application Conference & Concept Plan

Except for development applications initiated by City staff, the Planning Advisory Board, or the City Council, a pre-application conference between the applicant (owner/developer), their agent and the Technical Review Committee is encouraged before submission of the following types of applications. In addition, the applicant shall submit an appropriate number of copies of the preliminary concept plan for review:

- a. CAMA Land Use Plan Amendments;
- b. Amendments to the official zoning map;
- c. Amendments to the official zoning text;
- d. Planned Developments;
- e. Type III Special Use Site Plans;
- f. Type II Site Plans;
- g. Special Use Permits;
- h. Reasonable Accommodation (FFHA)
- i. Reasonable Accommodations; and
- j. Other

K. Scheduling Public Hearing(s)

1. Application to be Scheduled for Meeting

When an application is subject to a public hearing (see Table 2.2.K, *Required Public Hearings*), the Development Services Director shall ensure that the public hearing on the application is scheduled for either:

- (a) A regularly scheduled meeting of the decision-making body; or
- (b) A meeting specially called for that purpose by the decision-making body.

2. **Timing**

The public hearing on the application shall be scheduled so there is sufficient time for a staff report to be prepared and satisfaction of the public notification requirements in this ordinance and the North Carolina General Statutes.

3. **Public Hearings**

Table 2.2.K, *Required Public Hearings*, depicts the decision-making body responsible for conducting public hearings on development applications, and where public hearings are required, the type of public hearing (legislative or quasi-judicial).

TABLE 2.2.K: REQUIRED PUBLIC HEARINGS		
APPLICATION TYPE	BODIES CONDUCTING HEARING	
	CITY COUNCIL	BOARD OF ADJUSTMENT
CAMA Plan Amendment	Legislative Public Hearing	
Rezoning or Text Amendment	Legislative Public Hearing	
Conditional Rezoning	Legislative Public Hearing	
Planned Development	Legislative Public Hearing	
Type III Special Use Permit & Site Plan	Quasi-Judicial Public Hearing	
Zoning Permit Appeal		Quasi-Judicial Public Hearing
Reasonable Accommodation		Quasi-Judicial Public Hearing
Interpretation Appeal		Quasi-Judicial Public Hearing
Other Appeal		Quasi-Judicial Public Hearing
<u>Reasonable Accommodation (FFHA)</u>		<u>Quasi-Judicial Public Hearing</u>
Vested Right Determination	Quasi-Judicial Public Hearing	
Development Agreement	Quasi-Judicial Public Hearing	

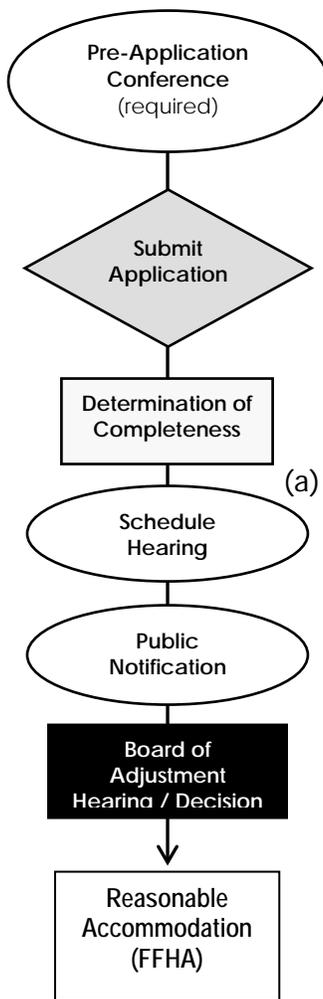
L. Public Notification

TABLE 2.2.L.7: PUBLIC HEARING NOTICES [1]			
APPLICATION TYPE	NOTICE REQUIREMENT		
	PUBLISHED	MAILED	POSTED
Plan Amendment (to Future Land Use Map)	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing	At least 10 days before hearing
Plan Amendment (to text)	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing		
Rezoning	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing	At least 10 days before hearing
Text Amendment	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing		
Conditional Rezoning	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing	At least 10 days before hearing
Planned Development	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing	At least 10 days before hearing
Special Use Permit	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing	At least 10 days before hearing
Reasonable Accommodation	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing	At least 10 days before hearing
Appeal before Board of Adjustment	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing	Between 10 and 25 days before hearing [2]	At least 10 days before hearing [2]
<u>Appeal before Board of Adjustment</u>	<u>Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing</u>	<u>Between 10 and 25 days before hearing [2]</u>	<u>At least 10 days before hearing [2]</u>
Vested Right Determination	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing		
Development Agreement	Once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before hearing		

TABLE 2.2.L.7: PUBLIC HEARING NOTICES [1]			
APPLICATION TYPE	NOTICE REQUIREMENT		
	PUBLISHED	MAILED	POSTED
[1] Application types not listed do not require public notification. [2] Mailed and posted notices are required only if the appeal is on application of a provision of this ordinance to a specific parcel of land.			

2.3 Standards and Requirements for Development Applications

J. Reasonable Accommodation



1. **Purpose**

The Zoning Board of Adjustment is authorized to grant Reasonable Accommodation under the Federal Fair Housing Act for the circumstances set forth in this section.

2. **Authority**

The Board of Adjustment shall review and decide any applications for Reasonable Accommodation from the requirements of this ordinance in accordance with this section.

3. **Applicability**

The Board of Adjustment shall grant a Reasonable Accommodation to any provision of the UDO if the Board finds by the greater weight of the evidence that the proposed reasonable accommodation is both reasonable and necessary, in accordance with the following:

(a) “Reasonable”

An accommodation will be determined to be reasonable if it would not undermine the legitimate purposes and effects of existing zoning regulations, and if it will not impose significant financial and administrative burdens upon the City and/or constitute a substantial or fundamental alteration of the City’s UDO provisions; and

(b) “Necessary”

An accommodation will be determined to be necessary if it would provide direct or meaningful therapeutic amelioration of the affects of the particular disability or handicap, and would afford handicapped or disabled persons equal opportunity to enjoy and use housing in residential districts in the City.

4. **Effect of Approval or Denial**

(a) After the Zoning Board of Adjustment approves a Reasonable Accommodation, the applicant shall follow all applicable UDO procedures for the approval of any permits, certificates, or other approvals required in order to proceed with development or use of the property. All orders, decisions, determinations, and interpretations made by administrative officers under those procedures shall be consistent with the reasonable accommodation granted by the Zoning Board of Adjustment.

(b) The Zoning Board of Adjustment shall refuse to hear a reasonable accommodation request that has been previously denied except as provided for in the Waiver of Time Limit provisions in UDO Section 2.2 U.

5. **Initiation**

An application for a Reasonable Accommodation may be initiated by any person who may submit applications in accordance with Section 2.2.A, Authority to File Applications.

6. **Procedure**

(a) **Basic Procedures**

Except as modified by Sections 2.3.J.6(b-e) below, procedures and requirements for the submission, determination of completeness, review, recommendation, hearing, and decision on applications for a Reasonable Accommodation are as established in Section 2.2, Common Review Procedures.

(b) **Review and Action by Board of Adjustment**

(1) Following receipt of the application from the Development Services Director, the Board of Adjustment shall conduct a quasi-judicial public hearing in accordance with Section 2.2.L, Public Notification, and Section 2.2.M, Public Hearing Procedure. After close of the hearing, the Board of Adjustment shall consider the application, relevant support materials, and any testimony or evidence given at the hearing and included in the record. The Board of Adjustment shall take one of the following actions based on the standards in Section 2.3.J.3, Applicability:

- i. Approval of the application as submitted;
- ii. Approval of the application subject to conditions; or
- iii. Denial of the application.
- iv. Granting a Reasonable Accommodation shall require an majority vote of the members of the Board of Adjustment who are eligible to vote.

(c) **Conditions of Approval**

In approving a Reasonable Accommodation, the Board of Adjustment may impose appropriate conditions on the approval in accordance with Section 2.2.O, Conditions of Approval.

(d) **Appeal**

Any appeal from a decision by the Board of Adjustment on a Reasonable Accommodation application shall be to the Superior Court for Onslow County by petition for a writ of certiorari. Any petition to the Superior Court shall be filed with the Clerk of Court no later than 30 days after the date the decision of the Board of Adjustment is filed in the Planning and Development Services Department, or after the date a written copy of the decision is delivered (via personal delivery or by registered or certified mail, return receipt requested) to every aggrieved party who has filed a written request for such copy with the Board of Adjustment at the public hearing, whichever is later.

(e) **Expiration**

Reasonable Accommodations issued relative to the "land" shall run with the land. Reasonable Accommodations issued relative to "structures" built upon the land shall expire when the structure is demolished or altered to the extent that the Reasonable Accommodation is eliminated or no longer necessary.

Adopted by the Jacksonville City Council in regular session on this 21st day of June, 2016.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

