

APPLICATION ACCEPTANCE POLICY

SP

SPECIAL USE PERMIT

City of Wilmington
Planning and Development

PO Box 1810 | 929 N. Front St.
Wilmington, NC 28402
Telephone 910.254.0900 | Fax 910.341.3264

The policies outlined below enable planning staff to move the process along in a way that ensures that each application receives the attention it deserves. Staff desires to complete review of projects in an accurate and timely manner. Due to the volume of applications and public hearing schedules, working with incomplete materials detracts from the timely review of applications.

1. Applications are to be reviewed for completeness by staff prior to being officially accepted for review. Applications that are dropped off or mailed in cannot be accepted without prior approval from the planning director.
2. Checklists for each type of request are provided with each application package. If the application does not contain all required items on the checklist, it will be considered incomplete and shall not be accepted.
3. Upon determination by staff that an application is complete, it will be officially accepted by the planning department. Staff will complete an acceptance form and both staff and the applicant must sign the form. The application is not considered officially accepted until this form is signed by both the planner and the applicant. A copy of the signed form will be given to the applicant and a copy will be placed in the project file at the time of acceptance. Staff will not hold materials for incomplete applications.
4. Application fees must be paid at the time an application is submitted for acceptance.
5. In order to allow time to process fees, applications will not be accepted after 4:00 PM each day. On the deadline day for submittals, applications will not be accepted after 1:00 PM.
6. A pre-application meeting is required before an application can be submitted. Please call 910-254-0900 to schedule a pre-application meeting.
7. A flowchart of the Special Use Permit process is included on the last page.

The Planning Division staff looks forward to working with you during the application process. If you have questions or need further assistance, please call 254-0900.

INTERNAL USE ONLY	Date Received _____	Planner _____
CASE FILE #:	_____	Fee Paid _____

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Section A. APPLICANT INFORMATION

Application is hereby made for a special use permit to use the property at the address below for the indicated special use.

NAME OF APPLICANT: _____

MAILING ADDRESS OF APPLICANT: _____

PHONE NUMBER/E-MAIL OF APPLICANT: _____

PROPERTY OWNER INFORMATION (If different from the applicant):

Name(s) _____

Address: _____ ZIP _____

Telephone: _____ FAX: _____

Email Address: _____

PROPERTY INFORMATION: The following information is required to provide the necessary information to process the special use permit request:

ADDRESS OF PROPERTY: _____

NEW HANOVER CO. PROPERTY IDENTIFICATION # (PIN): _____

PROPOSED SPECIAL USE: _____

CURRENT ZONING DISTRICT(S): _____ **PROPOSED ZONING (if applicable):** _____

TOTAL SITE AREA: _____

Date of pre-application meeting: _____

Authority to grant special use permits is found in Section 18-589 of the Land Development Code, pursuant to North Carolina General Statutes 160D-705. City Council, when granting a special use permit, must find that all four of the following factors exist. In the spaces provided below, indicate the facts that you intend to show to demonstrate the four required conclusions.

- a. **That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the special use permit.**

- b. **That the use meets all required conditions and specifications** (See Article 7 of the Land Development Code for special use prerequisites that must be met before a special use permit may be granted).

- c. **That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.**

- d. **That the location and character of the use, if developed according to the plan as submitted and approved, would be in harmony with the area in which it is to be located and in general conformity with the *adopted comprehensive plans, the CAMA plan, and adopted special area plans* (e.g., corridor plans, neighborhood plans).**

Section B. SUBMITTAL INFORMATION AND PROCEDURE

- (1) Supplementary information is **REQUIRED** as part of the application. See Section C below for required information.
- (2) The petition **MUST** be reviewed by the planning department for completeness **PRIOR** to the acceptance of any application or petition. Please **do not leave your application** materials without speaking to a planner. If you do, your application may not be processed and your request may not be considered at the next City Council meeting.
- (3) A receipt for a fee in accordance with the approved fee schedule must accompany the application (see fee schedule on page 34).
- (4) Complete applications and supplemental information must be submitted by the deadlines established by city council to be scheduled for an evidentiary hearing (see approved schedule). Evidentiary hearings are typically scheduled on third Tuesday of each month at 6:30 p.m. in council chambers, City Hall, 102 N. 3rd Street, Wilmington, NC.
- (5) The applicant should appear to testify at the scheduled city council meeting. Meetings are usually held in Council Chambers, City Hall, 102 N. 3rd Street. Applicants will be informed of any change in date, time or location of meetings.
- (6) An affidavit certifying at least one neighborhood meeting (Sec. 18-567), for which notification was sent to property owners within 300 feet of the subject site, was held by the applicant must be submitted to the city clerk before an application will be accepted.
- (7) Conceptual site plan review by the city's technical review committee (TRC) is required for all special use permit applications. To avoid potential processing and scheduling delays, applicants are advised to have completed a conceptual review with the TRC prior to SUP application submittal. If a conceptual review has not occurred at time of application, planning staff will automatically schedule the item for conceptual review at the next available TRC meeting.

Section C. SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION

- Agent form if the applicant is not the property owner;
- Detailed project narrative describing the proposed site and request;
- One digital copy (pdf) of the site plan, drawn to scale, that includes, at minimum, the site and building information as indicated in Section D below;
- Receipt for application fee;
- Receipt of mailing fee;
 - An invoice will be emailed for the mailing fee at a cost of \$0.85 per notice. Note that this cost will include two mailings, one mailing notifying property owners for planning commission review and a second mailing notifying property owners of city council review. Payment must be made within 5 business days of the invoice
- Copy of the current New Hanover County tax map delineating the subject property.
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Section D. REQUIRED INFORMATION TO BE INCLUDED ON THE SITE PLAN

- The present zoning classification(s) of the tract;
- Adjoining property lines;
- The location, height, size and location of structure(s);
- Proposed uses;
- Building elevation drawings;
- Proposed planting areas, including walls and fences and the treatment of any existing natural features;
- The names and deed references of current adjoining property owners;
- All existing easements, reservations, rights-of-way and all yards required for the special use and zoning district;
- General location of on-site utilities and proposed tie-in to existing public utilities (including water, sewer, culverts, drainage, etc);
- General location and type of stormwater facilities;
- Delineation of areas along streams on which the 100-year flood has been determined by the floodplain regulations;
 - For residential uses, this shall include number of dwelling units and outline of area within which buildings and structures would be located;
 - For nonresidential uses, this shall include approximate square footage of buildings and structures and outline of area within which the buildings and structures would be located; and
 - Parking and circulation plan, showing existing and proposed location, arrangement and number of parking spaces, and ingress and egress to adjacent areas.
- Proposed dimension and number of signs and their locations;
- Proposed phasing and approximate completion time of the project;
- Survey of regulated and significant trees and the number of trees proposed for removal and reasons why those trees would be removed;

OWNER'S SIGNATURE*: *In filing this application for a special use permit I/we as the property owner(s), hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I hereby designate _____ to act on my behalf regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to speak for me in any public meeting regarding this application.*

Signature/Date: _____

**AFFIDAVIT OF NEIGHBORHOOD MEETING PRIOR TO PUBLIC HEARING
ON PETITION FOR SPECIAL USE PERMIT**

_____ (*please print*), appearing before the undersigned notary public and being duly sworn, says that:

1. I have a legal interest in the property located at

_____, Wilmington, North Carolina, which is the subject property of a petition for special use permit to be heard by City Council on the _____ day of _____, 20____.

2. A neighborhood meeting was scheduled on the _____ day of _____, 20 _____ with regard to this petition.

3. I further certify that I notified all property owners within a 300-foot-wide buffer of the property (*in accordance with Chapter 18, Article 7, Section 18-567 of the Land Development Code*) prior to this meeting.

4. The neighborhood meeting was held on the _____ day of _____, 20____; (*or*) The community meeting was not held because (*you must provide details of your attempts and why the meeting was not held*):

(Affiant Signature)

STATE OF NORTH CAROLINA

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____.

(Official Seal)

(Notary Public)

My commission expires: _____

(Printed Name of Notary Public)

Figure 18-589: Special use permit process

