

## **Chapter 2: Review and Decision-Making Bodies**

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### **2.1 Summary of Ordinance Administration and Review Roles**

#### **2.1.1 Ordinance Administration and Review Bodies**

The following entities shall have roles in administering the provisions of this Ordinance:

- (A) Town Council;
- (B) Planning and Zoning Board;
- (C) Zoning Board of Adjustment;
- (D) Town Center Review Commission;
- (E) Parks, Recreation, and Cultural Resources Advisory Board;
- (F) Public Art Advisory Board; and
- (G) Staff departments.

Information regarding membership and operating procedures for each of these entities may be obtained from the Town Code of Ordinances.

#### **2.1.2 Summary Table of Administration and Review Roles**

Table 2.1-1 summarizes the review and decision-making responsibilities of the entities that have specific roles in the administration of the procedures set forth in Chapter 3 and Chapter 4. The notes referenced in the last column are set forth at the end of the table. Other duties and responsibilities of the entities are set forth in the following sections.

#### **2.1.3 Review by Others**

Even though not referenced in Table 2.1-1, other boards, commissions, and/or committees may be asked to review some applications, including, but not limited to: rezonings, site plans, subdivisions, and planned development master land use plans.

**TABLE 2.1-1: SUMMARY OF ORDINANCE ADMINISTRATION AND REVIEW ROLES**

*NOTE: This table summarizes the general review and decision-making responsibilities for the procedures contained in Chapter 3. Exceptions to these general rules may apply; see Chapter 3 for complete details on each procedure.*

Review = Responsible for Review and/or Recommendation    Hearing = Public Hearing Required  
 Decision = Responsible for Final Decision to Approve or Deny    Appeal = Authority to Hear and Decide Appeals

Procedure	Section	Town Council	Planning and Zoning Board	Zoning Board of Adjustment	Town Center Review Commission	PRCR Advisory Board	Staff Departments	Notes
Amendment to the Comprehensive Plan (Cosmetic)	3.2.1	Decision	Review	-	-	Review	Review/ Decision	[1]
Amendment to the Comprehensive Plan (Substantive)	3.2.2	Hearing/ Decision	Hearing/ Review	-	-	Review	Review	[1]
Amendment to LDO Text	3.3	Hearing/ Decision	Review	-	-	-	Review	
Rezoning	3.4	Hearing/ Decision	Hearing/ Review	-	-	Review	Review	[5][8][10]
Accessory Use Permit	3.5	-	-	Appeal	-	-	Review/ Decision	
Permitted Use	3.6	-	-	-	-	-	Review	
Temporary Use	3.7	-	-	Appeal	-	-	Review/ Decision	
Special Use	3.8	Hearing/ Decision	-	-	-	-	Review	
Subdivision Plan	3.9	Decision (some)/ Appeal	Review	-	Review (Town Center only)	Review -	Review/ Decision (some)	[2][3][4][5]
Site Plan	3.9	Decision (some)/ Appeal	Review	-	Review (Town Center only)	-	Review/ Decision	[6]
Minor Alterations	3.10	-	-	-	-	-	Review/ Decision	
Development in Flood Hazard Area	3.12	Appeal	-	-	-	-	Review/ Decision	
Grading Permit	3.13	Appeal	-	-	-	-	Review/ Decision	
Building Permit	3.14	Appeal	-	-	-	-	Review/ Decision	[9]

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Procedure	Section	Town Council	Planning and Zoning Board	Zoning Board of Adjustment	Town Center Review Commission	PRCR Advisory Board	Staff Departments	Notes
Certificate of Occupancy	3.15	Appeal	-	-	-	-	Review/Decision	
Sign Permit	3.16	-	-	Appeal		-	Review/Decision	
Vested Rights Certificate	3.17	Hearing/Decision	Review	-	-	-	Review	[7]
Minor Modification	3.19	Decision	Review	Appeal	-	-	Review/Decision	
Variance	3.20	-	-	Hearing/Decision	Review (Town Center only)	-	Review	[11]
Appeals from and review of any order, requirement, decision, or determination made by an administrative official including fines and penalties	3.21	Hearing/Decision (some)	-	Hearing/Decision	-	-	Review	[12]
Tree Clearing Certificate	3.22	-	-	Appeal	-	-	Review/Decision	
Adequate Public Facilities for Roads and Transportation Development Fees	3.23	-	-	Appeal	-	-	Review/Decision	
Mixed Use Center Sketch Plan	4.4.2	Decision	Review				Review/Decision	[13]

NOTES to Table 2.1-1:

[1] The Parks, Recreation, and Cultural Resources Advisory Board reviews only those proposed amendments that involve the parks/recreation element of the Comprehensive Plan.

[2] Both the Town Council and the Planning Director have final decision-making authority on subdivision plans; see Section 3.9.

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Procedure	Section	Town Council	Planning and Zoning Board	Zoning Board of Adjustment	Town Center Review Commission	PRCR Advisory Board	Staff Departments	Notes
[3]								The Town Council hears appeals of decisions of the Planning Director regarding subdivisions plans that are administratively approved by staff; see Section 3.9.
[4]								The Town Council hears appeals of decisions of the Planning Director regarding applications for changes to approved subdivision plats; see Section 3.9.
[5]								The Parks, Recreation, and Cultural Resources Advisory Board's review of subdivision plans is limited to proposed dedications of land or fees-in-lieu of dedication.
[6]								The Town Council hears appeals of decisions of the Planning Director regarding initial site plan applications that are approved by staff, and also requests for changes to approved site plans; see Section 3.9.
[7]								The Planning and Zoning Board reviews vested rights certificates only if site plan approval also is needed.
[8]								Testimony during the public hearing for a rezoning before the Planning and Zoning Board is limited to aspects of the rezoning which have changed since the public hearing before the Town Council.
[9]								Appeal of Building Permit related issues goes to the North Carolina Building Code Council.
[10]								The Parks Recreation and Cultural Resources Advisory Board reviews the recreation land dedication proposals associated with PDD rezonings.
[11]								Variance requests from the Downtown Signage provisions (Section 9.6) must be reviewed by the Town Center Review Commission prior to review and decision by the Board of Adjustment.
[12]								The Town Council hears appeals related to development within the Flood Hazard Area and Grading Permits.
[13]								Mixed Use Center sketch plans may be reviewed by staff as defined in Section 4.4.2.

#### **2.1.4 Membership and Procedures**

Detailed information on membership criteria and review body procedures for each of the review bodies is located within Chapter 2 of the Town Code of Ordinances.

### **2.2 Town Council**

#### **2.2.1 Review and Decision-Making Responsibilities**

Without limiting any authority granted to the Town Council by State law or by other ordinances of the Town, the Town Council shall, with respect to this Ordinance, have the powers and duties set forth in Table 2.1-1, to be carried out in accordance with the terms of this Ordinance.

### **2.3 Planning And Zoning Board**

#### **2.3.1 Review Responsibilities**

The Planning and Zoning Board shall have the review responsibilities set forth in Table 2.1-1, to be carried out in accordance with the terms of this Ordinance.

#### **2.3.2 Other Powers and Duties**

In addition, the Planning and Zoning Board shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

- (A) To perform studies and surveys of the present conditions and probable future development of the Town and its environs, including, but not limited to, studies and surveys of land uses, population, economic base, school needs, park and recreation needs, traffic, parking, and redevelopment needs;
- (B) To formulate and recommend to the Town Council the adoption or amendment of a Comprehensive Plan and other plans for the Town and its environs for the purpose of achieving the coordinated and harmonious development of the Town, in accordance with present and future needs;
- (C) To review the terms of this Ordinance from time to time, as it deems appropriate, and to recommend to the Town Council any changes that the Board considers necessary to properly regulate the development and use of land, buildings, and structures;
- (D) Such additional powers and duties as may be set forth for the Planning and Zoning Board elsewhere in this Ordinance and other ordinances of the Town.

### **2.4 Zoning Board of Adjustment**

#### **2.4.1 Review and Decision-Making Responsibilities**

The Zoning Board of Adjustment shall have the review and decision-making responsibilities set forth in Table 2.1-1, to be carried out in accordance with the terms of this Ordinance.

#### **2.4.2 Other Powers and Duties**

The Zoning Board of Adjustment shall have the following additional powers and duties, to be carried out in accordance with the terms of this Ordinance:

- (A) To interpret zoning maps, district boundary lines, and similar questions as they arise as appeals from the Planning Director's interpretation of this Ordinance; and
- (B) Such additional powers and duties as may be set forth for the Zoning Board of Adjustment elsewhere in this Ordinance and other ordinances of the Town.

### **2.5 Town Center Review Commission**

#### **2.5.1 Review and Decision-Making Responsibilities**

The Town Center Review Commission shall have the review and decision-making responsibilities set forth in Table 2.1-1, to be carried out in accordance with the terms of this Ordinance.

#### **2.5.2 Other Powers and Duties**

The Town Center Review Commission shall have the following additional powers and duties, to be carried out in accordance with the terms of this Ordinance:

- (A) To review proposed plans for development approval within the boundaries of the Town Center District;
- (B) To review proposed public enhancement projects like public art or streetscapes in the Town Center; and
- (C) To administer the Downtown Design Guidelines; and
- (D) To make a recommendation on variance requests from the downtown sign regulations of Section 9.6; and
- (E) Such additional powers and duties as may be set forth for the Town Center Review Commission elsewhere in this Ordinance and other ordinances of the Town.

## **2.6 Parks, Recreation, and Cultural Resources Advisory Board**

### **2.6.1 Review and Decision-Making Responsibilities**

The Parks, Recreation, and Cultural Resources Advisory Board shall have the review and decision-making responsibilities set forth in Table 2.1-1, to be carried out in accordance with the terms of this Ordinance.

### **2.6.2 Other Powers and Duties**

The Parks, Recreation, and Cultural Resources Advisory Board shall have the following additional powers and duties, to be carried out in accordance with the terms of this Ordinance:

- (A) To develop and implement the Parks, Greenways, and Bikeways Master Plan and other park-related, plans, policies, and programs;
- (B) Upon request of the Town Council, Planning and Zoning Board, or a staff department, to review proposed amendments to this Ordinance, proposed rezonings of property under this Ordinance, proposed master land use plans for planned developments, proposed subdivision plans, and proposed site plans, and to make recommendations to the Town Council and/or Planning and Zoning Board for final action thereon;
- (C) To report to the Town Council the recommendations of its various committees as they relate to Land Use and Development; additional powers and duties as may be set forth for the Board elsewhere in this Ordinance and other ordinances of the Town.

## **2.7 Public Art Advisory Board**

### **2.7.1 Review and Decision-Making Responsibilities**

The Public Art Advisory Board shall advise the Town Council on all matters related to public art, including the acquisition and placement of works of art as well as the maintenance, removal, relocation, or alteration of existing works of art in the Town's possession and perform all duties with respect to implementing a public art program in Cary, North Carolina.

### **2.7.2 Other Powers and Duties**

The Public Art Advisory Board shall have the following additional powers and duties, to be carried out in accordance with the terms of this Ordinance:

- (A) Review and make recommendations regarding proposed gifts of public art to the Town of Cary, as well as loans and long term exhibitions of public art on Town-owned property;
- (B) Based on recommendations brought forward by the Program Staff, periodically review and recommend changes to the Public Art Ordinance, guidelines, policies, and procedures.

## **2.8 Staff Departments**

### **2.8.1 Review and Decision-Making Responsibilities**

Town staff departments shall have the review and decision-making responsibilities set forth in Table 2.1-1, to be carried out in accordance with the terms of this Ordinance. The departments and agencies also shall have such additional powers and duties as may be set forth elsewhere in this Ordinance and other ordinances of the Town.

### **2.8.2 Development Review Committee**

The Development Review Committee is composed of multiple Town staff departments working together to render decisions on applications as a single decision-making body. The Town staff departments with review and decision-making responsibilities under this Ordinance include, but are not necessarily limited to, the: Planning, Administration, Engineering, Inspections and Permits, Fire, Parks Recreation and Cultural Resources, and Public Works & Utilities Departments.