

MXD Rezoning Process

Step 1
Required Pre-Application Meeting

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Prior to the submittal of the MXD rezoning application to the Development Customer Service Center, applicants are required to participate in a pre-application meeting with members of the Development Review Committee (DRC). This process was developed to improve communication between applicants and Town staff and is intended to provide the applicant with clear direction and understanding of the MXD process, schedule, fees and submittal requirements. This typically results in a more efficient application process. It is at this meeting where the appropriate mix of uses is discussed as well as other requirements associated with a MXD application such as a traffic study.

Step 2
Formal Application Submittal

Step 2 Application Submittal

The applicant shall submit the completed application form, fees and any other supporting documents deemed necessary by the applicant or staff. After receipt, staff will review the application for completeness. Incomplete applications will be returned to the applicant. A checklist of the required materials for a "complete" Rezoning application is provided on the Town's Web site (www.townofcary.org/Departments/Planning_Department/Forms).

Step 3
Case Manager Assigned

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Once the application is deemed complete, a case manager is assigned as the point of contact for the applicant. The case manager will review and analyze the proposed request. The case manager is responsible for coordinating comments from Town staff regarding the proposed rezoning and preparing reports to the Planning & Zoning Board and Town Council.

Step 4
Required Neighborhood Meeting

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A neighborhood meeting will be held within approximately 4 weeks of the published submittal deadline, with the meeting date, time and location established and scheduled by staff. Staff will begin the meeting with an overview of the rezoning process. Following that, each applicant will conduct a meeting with any attendee interested in that proposed rezoning. The purpose of this neighborhood meeting is to ensure that nearby property owners are aware of the request and have an opportunity to inform the applicant of issues and concerns prior to the public hearing.

Step 5
Staff Review of Preliminary Development Plan

Step 5 Staff Review of Preliminary Development Plan (PDP)

Upon submittal, staff reviews the plan against the MXD requirements of the LDO as well as all other applicable requirements. Prior to scheduling Town Council public hearing, member of the DRC will review the PDP and provide comments to the applicant. The applicant will provide a response to the review comments. Typically, PDPs require at least two (2) reviews before a public hearing on the rezoning is schedule.

Step 6
Optional Staff/Applicant DRC Meeting

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Following the review period, the applicant may request a meeting with the DRC to discuss comments from staff to work out any issues or changes needed to proceed with the PDP prior to the Public Hearing.

Step 7
Public Hearing Notification

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Approximately 2-3 weeks prior to the hearing, staff will mail notification of the proposed rezoning to property owners within 800 feet of the site. A sign advertising the public hearing will be posted on the site of the proposed rezoning and notices are published on the Town's website at www.townofcary.org/Departments/Town_Clerk_s_Office/publicnoticesportal.htm.

Step 8
Town Council Public Hearing

Step 8 Town Council Public Hearing

Public hearings are generally held on the second and fourth Thursday of each month. At the public hearing, staff introduces the facts of the proposed MXD rezoning. Town Council then opens the public hearing and hears comments from the applicant and anyone in favor of or opposed to the request. Following the public hearing, Town Council forwards the case to the Planning & Zoning Board for their consideration and recommendation. The Council may also send the request to a community design workshop to allow the applicant, staff and interested citizens to work together to discuss design aspects of the project. If the Council votes for a community workshop, then Step 9 (below) would be applicable. If the request is not sent to a community workshop, skip to Step 10.

Step 9
Community Design Workshop

Step 9 Community Design Workshop

If the Council votes this option, a workshop will be conducted within 60 days of the public hearing (or longer as may be approved by Council) by the Planning Department with support from a staff team with representatives from DRC member departments. Notice of the workshop will be sent to property owners within 800 feet of the area proposed to be rezoned. The purpose of the workshop is for the applicant to hear any concerns from area property owners and consider making changes to address the design related concerns. It is intended to be a less-formal and more interactive meeting.

Step 10
Planning & Zoning Board Meeting

Step 10 P&Z Board Meeting (Public Hearing)

The Planning & Zoning Board generally meets the third Monday of each month. The P&Z meetings are generally NOT public hearings unless the request has been modified or if the MXD rezoning was sent to a Community Workshop by Town Council (Step 9). The P&Z Board will review the MXD rezoning request and make a recommendation to the Town Council to approve or deny the proposed rezoning. The P&Z meeting will be a public hearing unless there have been no changes since the Town Council public hearing and a community design workshop was not required.

Step 11
Town Council Action

Step 11 Town Council Action

Within 90 days of the P&Z Board meeting, the Town Council will either approve, deny the rezoning request, table the request or send the request back to P&Z or to a committee of the Town Council for further consideration.

Step 12
Letter of Approval/Denial

Step 12 Letter of Approval/Denial

Shortly following the Town Council Action, Staff provides a letter to the applicant stating the official action by the Town Council.

Notes

Information required on a MXD application is found in Section 4.4.2(I) of the LDO, or by contacting staff at (919) 469-4082.



MXD Rezoning are subject to protest petitions under NC General Statutes. If a protest is deemed to be valid (Section 3.4.1(F), LDO), a supermajority vote (3/4) is required. This translates to six of the seven Council members.