



WHAT HAPPENS IF A REZONING IS DENIED?

If the Town Board votes to deny the zoning petition the zoning classification is not changed and the current zoning classification is still binding. If a rezoning request is denied by the Town Board the petitioner must wait six (6) months before filing another application. The second application must be completely new. Rezoning petitions that are withdrawn before the Town Board acts upon them, may be submitted as a new application without the six month penalty .

THE PLANNING BOARD

The Planning Board is an advisory board made up of appointed citizen representatives. The Board reviews rezoning petitions, subdivision regulations and community plans. The role of this Board in the rezoning process is to consider what impact the desired zoning classification would have on the community. It is the Planning Board's duty to generate a recommendation for the Town Board. It is important to note that the Planning Board is not a decision making body. The Town Board can vote to approve or deny the petition regardless of the Planning Board's recommendation.

Schedule: The Planning Board usually meets on the fourth Monday of every month. Contact the Planning Department for a Subdivision/ Rezoning Schedule.

TOWN BOARD

The Town Board is the legislative body in the Town of Fuquay-Varina. Its decisions are law and can only be appealed in a court of law. The Town Board has final say in all rezoning matters. Although the Town Board must hear citizen input and the recommendation of the Planning Board they are not required to follow the recommendation or public opinion. If the Town Board approves the rezoning petition, the property is officially rezoned at the time of that decision. If the Town Board denies the petition, the current zoning classification remains.

Schedule: The Town Board meets in regular session on the first Monday of each month and for public hearing on the Tuesday after the third Monday of each month. In most cases the Town Board will set the hearing date on the first meeting of the month, conduct the public hearing at the second meeting of the month and vote on the petition on the first meeting of the next month. Contact the Planning Department for a Subdivision/ Rezoning Schedule.

PROTEST AGAINST AN AMENDMENT.

In the case of a protest against an amendment, supplement, change, modification, or repeal signed by the owners of twenty (20) percent or more of the area of the lots included in such proposed change, or of those immediately adjacent thereto either in the rear thereof or on either side thereof; extending one hundred (100) feet there from, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendment shall not become effective except by favorable vote of three-fourths (3~4) of all members of the Town Board, after such petition is submitted at least two (2) days prior to the established hearing as required by NC. General Statutes 160A-385 and 386. (Ordinance of Dec. 6, 1965, Sec. 16-9)



The Rezoning Process



The procedure for changing the zoning of property in the Town of Fuquay-Varina.

This rezoning summary has been prepared to facilitate your knowledge and understanding of the rezoning procedure in the Town of Fuquay-Varina. For additional information please contact the Planning Department.



Town of Fuquay-Varina, NC
Planning Department
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WHAT IS REZONING?

Rezoning is the process of changing the zoning classification on a particular piece of property.

WHO CAN PETITION TO REZONE A PROPERTY?

The property owner, interested parties (such as a buyer) with the owners permission and signature, or the Town can rezone a specific piece of property.

WHY IS PROPERTY ZONED?

Zoning classifications define the kind of development and/or uses that are permitted on a property. Permitted uses for each zone are listed in the zoning ordinance. If the owner wants to be able to develop a non-permitted use on a property that parcel or portion of a parcel must be rezoned.

DO I NEED TO REZONE?

Rezoning is necessary if you wish to develop or use the property for a use that is not permitted by the current zoning classification. As the rezoning process can be expensive and time consuming, it may be best to discuss it with the Town before filing a petition. Rezoning requests are more likely to be approved when the zoning classification requested is consistent with the land use plan for the area. If other options are not available and a particular zone is still desired, a petition to rezone should be completed and filed with the Town.

WHAT ARE THE STEPS OF THE REZONING PROCESS?

1. Determine the current zoning classification of the property, see the Official Zoning Map. (Available from the Planning Department)
2. Determine the uses allowed and standards required for the current zone, see the Zoning Ordinance of the Town of Fuquay-Varina.
3. Decide if rezoning is required in order to allow the desired use on the property.
4. Request a petition for rezoning from the Planning Department

5. Return the completed application, making sure that all requested information has been provided

FEES

A fee of \$300.00 for a regular rezoning, and \$400.00 fee if a conditional use rezoning is charged to cover the costs of advertisement and administration. After the rezoning petition is checked for completeness, a public meeting with the Planning Board is scheduled based on a pre-arranged schedule.

WHAT IS CONDITIONAL-USE REZONING?

A conditional use rezoning is a rezoning with conditions attached to it that are specific to the particular property being rezoned. It gives the applicant the opportunity to attach conditions to the rezoning that may make the desired use more suitable to the property or surrounding area. Conditions may include such things as limiting the permitted uses or providing extra buffering or landscaping.

THE PLANNING BOARD MEETING

The first review of rezoning petitions is held in a public meeting before the Planning Board. The Board considers impacts the rezoning of the property might have upon the long range plans of the Town. The Board's duty is to generate a recommendation that will be given to the Town Board. They can recommend that the Board either approve the rezoning petition or that the Board deny the rezoning petition. The date of public hearing is set based on a pre-set schedule.

NEIGHBOR NOTIFICATION

The rezoning must be advertised prior to the public hearing. The Planning Department is responsible for placing a legal advertisement of the pending rezoning in a paper of local distribution. The first advertisement appears 10 days prior to the public hearing. Information about the requested rezoning is also posted on a sign placed on the property 10 days before the hearing. All adjacent property owners are also notified by mail of the public hearing's date and time.

THE PUBLIC HEARING

The second discussion of a rezoning petition occurs in a public hearing format before the Town Board. The Board hears citizen input both for and against the rezoning, and discusses the rezoning petition among its members. The Town Board will then place the petition on the agenda of the next regular meeting to consider action on the request. At the next meeting the Board will vote whether to approve or deny the rezoning petition.

WHAT HAPPENS IF A REZONING IS APPROVED?

If a rezoning is approved the new zoning classification replaces the old. The uses that are permitted in the new classification are now allowed on the properties. This does not, however, give the property owner unrestricted rights to develop the property since other town policies and ordinances, such as subdivision regulations, building permits, or site plan review, still must be met..

REZONING PETITION CHECKLIST

- Completed petition application;
- Name, address, and property information for all adjoining property owners including across the street;
- Provide legal metes and bounds description of property to be rezoned;
- All property lines with dimensions and north arrow;
- Adjoining street names with right-of-way;
- The location and use of all existing structures;
- The present use of all land petitioned to be rezoned;
- The zoning classification of all abutting property;
- Conditional use permit application, if applicable;
- Provide a general statement of what considerations have changed to make a rezoning necessary.