



Conditional Zoning (CZ) Rezoning Review Process

Contact Information

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Franklin, NC 28734		

A Conditional Zoning District (CZ) is a zoning district in which the development and the use of the property included in the district is subject to the predetermined Ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. A Conditional Zoning District shall not require the issuance of a conditional use or special use permit or permitting process apart from the establishment of the district and its application to particular properties.

Section 152.034 of the Zoning Ordinance details the requirements for a Conditional Zoning District (CZ) Rezoning. If the CZ Rezoning request involves a new structure of greater than 15,000 square feet of interior floor space or constitutes a Major Development as defined in Section 152.034 (A) 2 of the Town of Franklin Unified Development Ordinance. A CZ Rezoning is required regardless of present zoning district.

An amendment for the reclassification of property to a conditional zoning district may be initiated only by the owners of all of the property or consent of the owners to be included in the district and shall be accompanied by an official petition, the established fee, and documentation as required in this checklist.

A petition requesting the reclassification of property to a conditional zoning district or overlay district must be accompanied by a site plan and any necessary supporting documents, which shall include all data specified in the checklist that are applicable to the project. Where the type of use or scale of proposal makes providing any of the checklist items unnecessary or impractical, the Town Planner may waive individual items.

The site plan, building elevations, perspectives, sections and any supporting text shall constitute part of the petition for all purposes under these regulations.

It is the responsibility of the applicant to ensure all requirements are met by designated timelines to remain on the projected schedule for Final Action.

Step 1 Pre-Application Meeting

A project pre-application meeting is a recommended meeting to discuss potential projects and land development requirements. There are no minimum requirements to schedule a meeting of this type. However, the more information submitted prior to this meeting allows Staff to provide adequate feedback for the proposed development. Multiple project pre-application meetings may be held for a project. Common points of discussion include site layout, transportation elements, Transportation Impact Analysis, compatibility of adopted plans, connectivity, density, and land use. Applicants may request feedback on CZ Rezoning proposals prior to officially submitting a rezoning application with the Pre-Development Group.

Step 2 Traffic Impact Analysis (Section 152.105)

The Traffic Impact Analysis (TIA) Determination of Need form shall be completed for all projects. The TIA Determination of Need form should be submitted prior to the pre-submittal meeting and is available on the Town website. If the TIA Determination of Need analysis determines if scoping is required, the scoping package should be submitted on or before the first plan review cycle, if required. The first draft of the TIA should be submitted before the second plan review cycle. Acceptance of the TIA by the Town must occur before final plan approval.

Please note, plan approval may be delayed if TIA process and/or results require changes to the proposed sketch plan.

The applicant is responsible for routing all plans to NCDOT and Town roads, as applicable, for review and feedback.

Step 3 Application Requirements

Submit all required documents in person to staff at Town Hall or electronic documents to the Town of Franklin staff member you are working with and has provided their contact info.

The TIA Determination of Need Form completed by the Town Planning Department shall be included with submitted files.

See Conditional Zoning District Rezoning Checklist, and Fee Schedule for required documents, plans, and fees.

Step 4 Neighborhood Compatibility Meeting

Coordinating the neighborhood compatibility meeting is facilitated by Town Staff. This meeting is held so neighbors can ask the applicant questions about the request and the applicant can collect feedback from the community. The community meeting shall not be held on regularly scheduled Town Council and Planning Board meeting days.

The neighborhood compatibility meeting may be held in close proximity to the project location at a venue of choice. Coordinate with the Town Planner if Town facilities are needed for the community/neighborhood meeting. The developer must attend the meeting or their authorized agent. Failure to do so shall lead to automatic annulment of the application. Below are who will be notified of the neighborhood meeting. Mailed notice should be sent to required adjoining property owners **no less than 10 days prior to the community meeting.**

Per the Town of Franklin Unified Development Ordinance Section 152.034(E), notice of the neighborhood compatibility meeting shall be provided to all of the following via certified mail using the parcel ownership information listed in the current Macon County tax records:

Who to Notify

- Owner of each property petitioned for rezoning
- Owner of each abutting property
- Owner of each property within 400 feet of the petitioned property
- Owner of each property directly across a street, easement, or right-of-way (public or private) from the petitioned property
- Owner of each property across a street, easement, or right-of-way (public or private) and within 400 feet of the right-of way boundary opposite the petitioned property

Also, please notify the following:

- At least 1 on-site sign to inform the public placed in a conspicuously place
- Planning Department

The list of adjoining property owners is provided by the applicant in the initial submittal. The list of Adjoining Property Owners is produced using the most current Macon County Tax Records.

Information Included on Invitation to Meeting

- Date, Time, and Location of the meeting
- Name of the subdivision/project and Project # (if applicable)
- Address/Parcel number of the property petitioned for subdivision (location)
- Property owner names and applicant names (if different)
- Statement describing the purpose of the meeting and brief summary of the project
- Zoning District – Current and Proposed
- Add a link to the Town's website for project site plans <https://www.franklinnc.com/planning-department-franklin-nc.html>

Information to Include in the Community Meeting Report

- completed Town Neighborhood Compatibility Meeting Attendance Form
- the date, time, and location of the meeting
- a list of the persons in attendance at the meeting
- a copy of any materials presented at the meeting
- a summary of issues discussed at the meeting, including changes suggested by the participants and a description of any changes agreed upon to the petition made by the petitioner as a result of the meeting

At least 10 days prior to the Planning Board meeting, Town Staff will file with the Planning Department a written report of the agreed upon proposals and counter-proposals and where disagreements still exist.

Step 5 Determination of Completeness and Review Section 152.034 (F)

After the neighborhood compatibility meeting, a preliminary development plan with updated plans, submitted, the Town must accept intake. The Town has 2 working days to review the materials for completeness. Once Intake has been accepted, the review “time clock” begins, and plans are routed to applicable reviewers. Town Staff has **15 working days** to complete reviews. Results may be posted by Town Staff at any time during the review timeline. **Other agencies are not subject to the review timeframes set by the Town of Franklin.**

If the development abuts a state-maintained road or a road regulated by the Town of Franklin, it is also reviewed by the North Carolina Department of Transportation (NCDOT) or the Town of Franklin Public Works (FPW) respectively. **The applicant is responsible for routing all plans to NCDOT and FPW, as applicable, for review and feedback. Please note: As previously stated, NCDOT and/or FPW does not review plans within the same time frame as Town Staff.**

Step 6 Incomplete Plan (Optional) 152.034 (F) (2)

Town Staff may determine that the incompleteness of the application renders it out of compliance with the requirements of this chapter and that therefore it will not receive further consideration by the town. The Land Use Administrator shall notify the applicant of this decision in writing. The Land Use Administrator’s determination that an application is incomplete may be appealed to the Board of Adjustment pursuant to § 152.075.

Step 7 Planning Board Recommendation

Planning staff present the rezoning plan to the Planning Board for their recommendation. Applicants and any representatives are encouraged to attend the Planning Board meeting to answer questions the Board may have about the project. It is strongly recommended the applicant is present during the public comment section of the meeting to hear feedback from the public. If the applicant wishes to make a presentation to the Planning Board, materials are due to Planning Department Staff by noon the day of the meeting.

Step 8 Final Staff Review 152.034 (H) (1)

Town Staff shall review the development plan one final time for completeness. Town Staff will provide a detailed report with any recommended changes to the development to bring it into compliance.

Step 9 Call Public Hearing

Town Staff calls a public hearing with the Town Council. The item is placed on the agenda. The applicant is not required to attend this meeting.

Step 10 Legal Ads and Adjoining Property Notification

Planning staff is responsible for notifying a newspaper of general circulation and adjoining property owners of the public hearing date and posting zoning signs on the property once the Town Council has called the public hearing. The public hearing must be advertised in a paper with local circulation at least 10 days prior to the public hearing and no more than 25 days prior to the public hearing date. Additionally, staff must send letters through first-class mail to all property owners within 400 feet (Same as step 4) at least 10 days prior to the public hearing and no more than 25 days prior to the public hearing date. Property Owners of the properties are generated through the most current Macon County Tax Records.

Step 11 Public Hearing

Public Hearings are held by the Town Council at their first Monday meeting of the month. Planning staff will present the staff report to the public and submits a recommendation on the request. The Planning Board and public are invited to attend. The applicant is strongly encouraged to attend the public hearing to answer any questions the Council or public may have about the project. Changes to the request can be offered by the applicant at the public hearing. The Town Council may make a decision at this meeting.

Step 12 Town Council Final Action

In response to the Planning Board's recommendations, the applicant may modify the application prior to submission to the Town Council, and staff may likewise revise its recommendations. If the plan is revised, the applicant shall coordinate with Planning Department Staff about review processes and submission requirements for revised plan sets for Final Action. The Town Council renders a decision to approve or deny the rezoning plan based on the Ordinance as to whether the proposed zoning is consistent with all long-range plans, adjacent neighborhood development, as well as the Zoning Ordinances.

Step 13 Approval of Plans

If final action is taken to approve plans, Town Planning Department Staff will send the approval letter to the applicant and accept conditions of the conditional rezoning. Afterward, staff will approve and stamp the rezoning plans.

Resources

Town of Franklin Unified Development Ordinance

https://codelibrary.amlegal.com/codes/franklinnc/latest/franklin_nc/0-0-0-3670#JD_Chapter152

Town of Franklin Comprehensive Land Use Plan

https://www.franklinnc.com/pdf/planning/Franklin%20Town%20Plan_FINAL_ADOPTED_20200601_reduced.pdf

North Carolina Department of Transportation (NCDOT)

<https://www.ncdot.gov>