

**SOME KEY DIFFERENCES BETWEEN LEGISLATIVE  
AND QUASI-JUDICIAL ZONING DECISIONS ATTACHMENT 17**

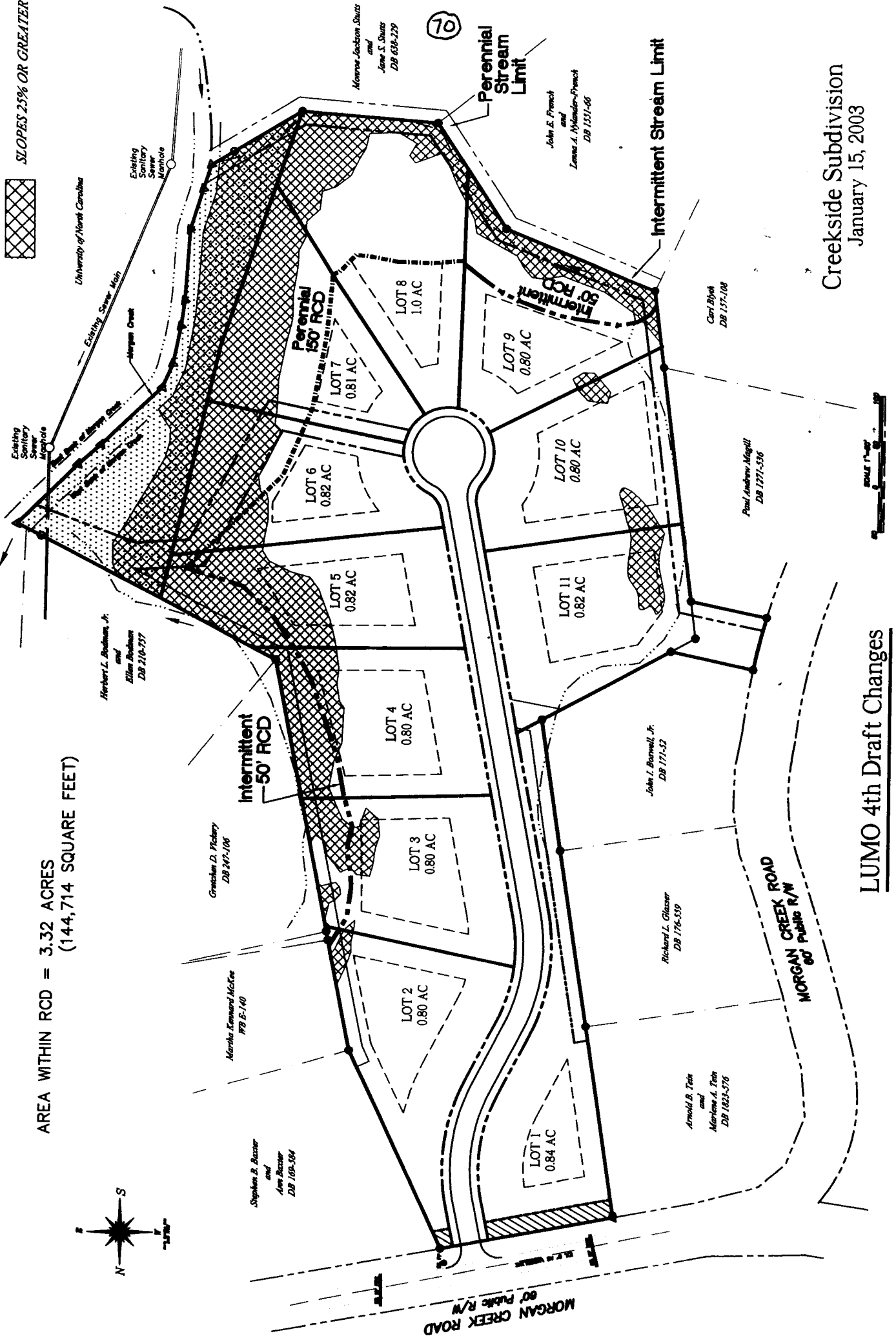
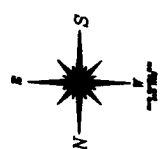
	<u>Legislative</u>	<u>Quasi-Judicial</u>
<b>Decision-maker</b>	Only governing board can decide (others may advise)	Can be board of adjustment, planning board, or governing board
<b>Notice of hearing</b>	Newspaper and mailed notice to owners and neighbors required	Only notice to parties required unless ordinance mandates otherwise
<b>Type of hearing</b>	Legislative	Evidentiary
<b>Speakers at hearings</b>	Can reasonably limit number of speakers, time for speakers	Witnesses are presenting testimony, can limit to relevant evidence that is not repetitious
<b>Evidence</b>	None required; members free to discuss issue outside of hearing	Written findings of fact required
<b>Voting</b>	Simply majority, but ¾ required if protest petition filed or rezoning	4/5 to decide in favor of applicant, but if special/conditional use permit is issued by governing board, only a simple majority required
<b>Standard for decision</b>	Creates standard	Can only apply standards previously set in ordinance
<b>Conditions</b>	Not allowed	Allowed if based on standard in ordinance
<b>Time to initiate judicial</b>	Two months to file challenge	30 days to file challenge
<b>Conflict of interest</b>	Requires direct financial interests	Any financial interest or personal bias disqualifies
<b>Creation of vested right</b>	None	Yes, if substantial expenditures are made in reliance on it

Source: David Owens, Institute of Government

SLOPES 2% OR GREATER



AREA WITHIN RCD = 3.32 ACRES  
(144,714 SQUARE FEET)



University of North Carolina  
Existing Sanitary Sewer Main  
Morgan Creek  
Existing Sanitary Sewer Manhole

Existing Sanitary Sewer Manhole  
Morgan Creek

Herbert L. Bushman, Jr.  
and  
Ellen Bushman  
DB 210-277

Gracien D. Vickery  
DB 247-106

Martha Kennard McGee  
FB E-140

Stephen B. Beizer  
and  
Ann Beizer  
DB 169-584

MORGAN CREEK ROAD  
60' Public R/W

Monroe Jackson Suitts  
and  
Jane S. Suitts  
DB 638-279

Perennial Stream Limit

Perennial 50' RCD

Intermittent 50' RCD

Intermittent Stream Limit

LOT 1  
0.84 AC

LOT 2  
0.80 AC

LOT 3  
0.80 AC

LOT 4  
0.80 AC

LOT 5  
0.82 AC

LOT 6  
0.82 AC

LOT 7  
0.81 AC

LOT 8  
1.0 AC

LOT 9  
0.80 AC

LOT 10  
0.80 AC

LOT 11  
0.82 AC

Perennial Stream Limit

Intermittent Stream Limit

John L. Barwell, Jr.  
DB 171-52

Richard L. Glasser  
DB 176-539

John E. French  
and  
Lenna A. Windsor-French  
DB 1551-66

Carl Blyth  
DB 137-108

Paul Andrew McGill  
DB 1271-536

Arnold B. Tein  
and  
Marlene A. Tein  
DB 1823-576

MORGAN CREEK ROAD  
60' Public R/W

MORGAN CREEK ROAD  
60' Public R/W

MORGAN CREEK ROAD  
60' Public R/W

MORGAN CREEK ROAD  
60' Public R/W

MORGAN CREEK ROAD  
60' Public R/W

MORGAN CREEK ROAD  
60' Public R/W

Creekside Subdivision  
January 15, 2003

LUMO 4th Draft Changes

