



**PLANNING BOARD  
RESOLUTION No. 2020-0005**

**Plan Consistency Statement  
for Case #PB20-0005**

**WHEREAS**, City-initiated request to amend the Unified Development Ordinance by adding definitions under subsection 2-2 for “Determination”, “Development regulation”, “Evidentiary hearing”, and “Quasi-judicial decision” and by amending Articles 5 and 6 to comply with Chapter 160D of the North Carolina General Statutes and by amending sections 4-29, 16-8, and 16-11 to require quasi-judicial subdivision variance requests be heard by the Board of Adjustment; and

**WHEREAS**, effective October 1, 2017, North Carolina General Statute 160A-383 requires that “Prior to adopting or rejecting any zoning amendment, the governing board shall adopt one of the following statements which shall not be subject to judicial review: (1) A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest. (2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest. (3) A statement approving the zoning amendment and containing at least all of the following: (a) A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any additional request or application for amendment to the comprehensive plan. (b) An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community. (c) Why the action was reasonable and in the public interest”; and

**WHEREAS**, the ordinance amendment request was duly advertised and was the subject of a public meeting of the Morehead City Planning Board on July 21, 2020, during which the applicant, interested parties, and staff were given the opportunity to comment on the application; and

**WHEREAS**, the Planning Board has made the following findings and conclusions:

1. The proposed text amendment is consistent with the CAMA Land Use Plan Vision Statement and does appear to be consistent with the following land use and development policies:
  - Section 4.2.2 Land Use Compatibility, Policies #1 and #2
  - Section 4.2.7 Areas of Local Concern, Policies #1 and #3
2. The proposed text amendment is in the public interest because:

- The amendment would provide consistency with North Carolina General Statute 160D.
- The amendment would provide consistency with current practices in North Carolina in that it would assign quasi-judicial cases to an appointed board rather than the governing body.
- Removing the advisory component of subdivision variances will avoid confusion which occurs as a result of decisions not being permitted to be based upon: information/testimony received/discussed during the advisory board meeting or the advisory board's recommendation.

3. The proposed text amendment does not appear to conflict with other City plans.

**NOW, THEREFORE, BE IT RESOLVED**, on the basis of the foregoing findings and conclusions, that the Morehead City Planning Board does hereby find the request for text amendment to be consistent with the CAMA Land Use Plan to be in the public interest and recommends to the Morehead City Council that the text amendment request be approved.

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Tom Outlaw, Chairman

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Date