

STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383 ADDRESSING ACTION ON UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF NOVEMBER 19, 2019

Pursuant to G.S. §160A-384 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting), of a public hearing on UDO Amendments before the Town Council on the 19th day of November 2019.

The Apex Town Council held a public hearing on the 19th day of November 2019. Amanda Bunce, Current Planning Manager, presented the Planning Board's vote to recommend approval of items 2-5 by a vote of 6-0 and denial of item 1 by a vote of 6-0 at the public hearing.

All persons who desired to present information relevant to the UDO Amendments and who were residents of Apex or its extraterritorial jurisdiction were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away.

The Town Council by a vote of 5 to 0 denied the UDO amendment for Sec. 2.2.18.B.5 reviewed as item 1.

The Apex Town Council finds from information and testimony provided at the public hearing that the denial of this UDO Amendment is consistent with the Advance Apex: The 2045 Plan and reasonable and in the public interest for the following reason(s):

1. The amendments to UDO Sec. 2.2.18.B.5 *Conduct of Public Hearing, Continuance of Public Hearing* as written would not address the concerns expressed by the Town Council regarding the right of applicants to have one automatic continuance granted.

The Town Council by a vote of 5 to 0 approved the Ordinance for UDO Amendments reviewed as items 2-5.

The Apex Town Council finds from information and testimony provided at the public hearing that the approval of the UDO Amendments (items 2-5) of November 19, 2019 is consistent with the Advance Apex: The 2045 Plan and reasonable and in the public interest for the following reason(s):

1. The amendments to UDO Sec. 4.5.5.G *Home Occupation, No External Evidence* updates the standard to add websites or social media as places that the street address of a home occupation cannot be advertised.
2. The amendments to UDO Sec. 4.6.1.C.9 *Temporary Uses and Structures, Uses Allowed, Other Temporary Uses* update the wording of the standard to be consistent with the general standard recently adopted in Sec. 4.6.1.B *Temporary Uses and Structures, General Regulations*.
3. The amendments to UDO Sec. 9.1.2.B *Design Standards, General, Applicability* clarify that the design standards do not apply to one- and two-family dwellings per State law.

4. The amendments to UDO Sec. 6.3.1.1 *Small Town Character Overlay District, Adaptive Reuse of Historic Residential Structures* increases the distance between a use and shared parking from 300' to 600' to be consistent with the distance approved for all other locations as found in Sec. 8.3.9 *Off-Street Parking Alternatives*.

Lance Olive
Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk

Date