

STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383 ADDRESSING ACTION ON UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF MAY 5, 2020

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 17th day of March 2020. The public hearing was continued to the 5th day of May 2020.

The Apex Town Council held a public hearing via remote participation pursuant to G.S. §166A-19.24 on the 5th day of May 2020. Amanda Bunce, Current Planning Manager, presented the Planning Board's vote to recommend approval with recommendations 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 prior to the public hearing and up to 24 hours after the close of the public hearing. No one who wanted to provide comment was turned away, and no written comments were submitted within 24 hours of the close of the public hearing.

The Town Council by a vote of 5 to 0 approved the Ordinance for UDO Amendments.

The Apex Town Council finds from information and testimony provided at the public hearing that the approval of the UDO Amendments of May 5, 2020 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. 2.1.2.B *Planning Board, Membership* and 2.1.2.D *Quorum* accomplish the following:
 - a. increases the number of voting members to nine (9) in order to add a member residing outside of the corporate limit and ETJ and within the area covered by the 2045 Land Use Map;
 - b. adds a non-voting member who is a member of the Apex Historical Society in order to provide input on sites with historical significance;
 - c. provide new criteria for the composition of the Board in order to address residency requirements for the new members added;
 - d. reduces the number of members with special training or experience in planning, real estate development, architecture, landscape architecture, and the law from a majority to half in order to allow more people without such training to serve;
 - e. reduces the length of term to two (2) years in order for the terms to more closely align with the Council election cycle and increases the number of terms allowed to five (5) in order to add an additional year to the maximum length of service; and
 - f. removes the requirement for a public hearing when removing a Planning Board member in order to rely solely on the criteria for removal.
2. The amendments to Secs. 2.1.2.I *Planning Board, Compensation*; 2.1.3.H *Board of Adjustment, Compensation*; and 2.1.4.I *Transit Advisory Committee, Compensation* and the addition of Secs. 2.1.5.C *Parks, Recreation, and Cultural Resources Advisory Commission, Compensation* and 2.1.9.C *Apex Environmental Advisory Board, Compensation* allow for members of said groups to receive compensation as authorized by the Town Council in the annual budget in order to encourage residents to apply to said groups who may not otherwise due to financial obligations.
3. The amendments to UDO Secs. 4.2.2 *Use Table* and Sec. 4.4.5.F *Supplemental Standards, Commercial Uses, Public Accommodation* add the use "Hotel or motel" to the Neighborhood

Business (B1) zoning district and update the supplemental standards by removing antiquated standards currently applicable in all districts and adding new standards applicable only in the B1 and B2 districts that ensure the use's compatibility with others in those districts.

4. The amendments to UDO Sec. 7.1.7 *Substitution of Fees in Lieu of Public Improvements* removes references to the Planning Board that are no longer applicable based on past amendments to the subdivision process and makes minor formatting changes.

Jacques K. Gilbert
Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk

Date