

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: March 10, 2026

## Item Details

Presenter(s): Laurie Hohe, Town Attorney  
Allen Coleman, Town Clerk  
Department(s): Legal Services Department  
Town Clerk's Office

### Requested Motion

Motion to adopt an amendment to the Apex Town Council's Rules of Procedures to clarify the interpretation and applicable of Rules 28 and 29 as they relate to the adoption of ordinance introduction and adoption.

### Approval Recommended?

Yes

### Item Details

In the Apex Town Council's Rules of Procedures:

- Rule 28 defines the "date of introduction" as the date the proposed subject matter is first voted on.
- Rule 29 requires a two-thirds (2/3) vote for adoption of ordinances on first reading.

The concern is that, when read together, these rules may now require a 2/3 vote for adoption of Unified Development Ordinance (UDO) amendments and zoning ordinances at the first vote, rather than only applying that threshold to Town Code ordinances, as may have been the prior practice.

North Carolina General Statutes (NCGS) 160D, requires a two-thirds (2/3) vote for adoption of zoning ordinances at first reading. However, NCGS does not explicitly define "date of introduction" as the first vote on the proposed subject matter. Under the current language of Rule 28, any 3-2 vote on a UDO amendment or zoning ordinance would not constitute adoption and would instead require consideration at a subsequent meeting.

### Attachments

- CN15-A1: Proposed Amendment: Apex Town Council Rules of Procedures - Clarify Introduction and Adoption of Ordinances

