

STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605(a) ADDRESSING ACTION ON THE UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF MAY 10, 2022 RELATED TO FENCING AROUND STORMWATER CONTROL MEASURES IN RESOURCE CONSERVATION AREA.

Pursuant to G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning and Community Development 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 10th day of May 2022.

The Apex Town Council held a public hearing on the 10th day of May 2022. Amanda Bunce, Current Planning Manager, presented the Planning Board's vote to recommend approval by a vote of 7-0 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 speak at the public hearing before the Apex Town Council. No one who wanted to speak was turned away.

The Town Council the 10th day of May 2022 by a vote of 3 to 2, denied to amend the Ordinance related to fencing around stormwater control measures in Resource Conservation Area.

The Apex Town Council finds from information and testimony provided at the public hearing that the denial of the UDO Amendments of May 10, 2022 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 Secs. 6.1.12.B *Stormwater Control Measures (SCMs), Design, Location, and Landscaping of SCMs* and 8.2.7 *Fences, Walls, and Berms* in order to allow fences to completely enclose a Stormwater Control Measure (SCM) even if some or all of the SCM is dedicated or proposed to be dedicated as Resource Conservation Area (RCA) are not in keeping with the intent of the RCA standards. Furthermore, an SCM can be completely enclosed by a fence if is not dedicated as RCA.

Jacques K. Gilbert
Mayor

ATTEST:

Town Clerk

Date