

STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605(a) ADDRESSING ACTION ON THE UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF MAY 24, 2022

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 24th day of May 2022.

The Apex Town Council held a public hearing on the 24th day of May 2022. Dianne Khin, Director of Planning and Community Development, presented the Planning Board's vote to recommend approval by a vote of 8 to 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 24th day of May 2022 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 various UDO Amendments of May 24, 2022 are 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. 2.2.7 *Neighborhood Meeting*; 2.2.11 *Public Notification, Timing of Notice*; 2.3.3.D *Conditional Zoning Districts, Required Neighborhood Meeting*; 2.3.4.E *Planned Development Districts, Procedures*; 2.3.16 *Sustainable Development Conditional Zoning District, Procedures*; 4.2.2 *Use Table*; and 4.4.2 *Public and Civic Uses, School, public or private* increase the amount of public notice for certain Minor Site Plans. Specifically, the amendments change the name of Sec. 2.2.7 to *Neighborhood Notice* in several sections; require applicants of Minor Site Plans for various high-intensity land uses to hold a neighborhood meeting prior to the submittal of the application; require applicants of Minor Site Plans for remaining non-high intensity land uses located on land that has not had a rezoning approval in the previous two years and that is located within 300' of a residential land use to send a letter explaining the project and providing their contact information to property owners and tenants within 300' of the subject property; and move the current neighborhood meeting requirement for *School, public or private* from Sec. 4.4.2.H to Sec. 2.2.7.
2. The amendment to UDO Sec. 4.4.1.E *Supplemental Standards, Residential Use, Manufactured Home* removes the requirement for a continuous masonry wall under the perimeter of the home in accordance with recent changes to State law and adds a requirement an opaque or semi-opaque skirting material.
3. The amendments to UDO Sec. 4.4.2.C *Supplemental Standards, Public and Civic Uses, Day Care* amend the standards for day care facilities in the Light Industrial (LI) zoning district to provide more flexibility in how the use is allowed and add a separation standard from the use *Gas and fuel, wholesale*.
4. The amendments to UDO Sec. 4.2.2 *Use Table*, 4.3.6.A.3 *Use Classifications, Industrial Service, Gas and fuel, wholesale*, and Sec. 4.4.6.A *Supplemental Standards, Industrial Uses* modify the definition of the use *Gas and fuel, wholesale* and add a separation requirement from the uses *Day care facility*; *School, public or private*; *Hospital*; and *Nursing or convalescent facility*.

5. The amendment to UDO Sec. 5.2.7 *Dimensional Standards for Detached Accessory Structures* allows detached accessory structures or buildings to be no more than five (5) feet taller than the principal building or structure.
6. The amendments to UDO Sec. 7.5.1.B *Required Improvements, Exemptions* clarify which driveway-related improvements are not exempt from public road improvements.

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

Date