

STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605(a) ADDRESSING ACTION ON THE UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF AUGUST 25, 2026

Pursuant to G.S. §160D-601 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 25th day of August 2026.

The Apex Town Council held a public hearing on the 25th day of August 2026. Bruce Venable, Planner III, 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 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 on the 25th day of August 2026, by a vote of 5-0 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 August 25, 2026, 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 Secs. 2.3.4.F.2 *Traditional Neighborhood District (TND-CZ)*; 4.2.2 *Use Table*; 4.3.1 *Use Classifications, Residential Uses*; 4.5.6 *Accessory Uses and Structures, Accessory Apartment*; 5.2.2.B.4 *Permitted Encroachments into Required Setbacks*; 5.2.7.E *Encroachments into Setbacks*; and 8.3.4.E *Residential Driveway Standards* promote clarity and consistency in the regulation of residential uses by changing the term "accessory apartment" to "accessory dwelling unit" and removing the use from the Use Table, as it is an accessory and not a principal use. The amendments align the UDO's terminology with common usage and correct the ordinance's classification of the use.
2. The amendments to Sec. 8.7.1.B.7.d *Signs, Permitted Signs: Location, Size, and Number, Temporary Sign Types, Sandwich Board Sign* promote pedestrian safety and accessibility by requiring four (4) feet of unrestricted pedestrian movement instead of three (3) feet around sandwich board signs. The amendments bring the standard into compliance with PROWAG guidelines .
3. The amendments to Sec. 2.2.8.B *Common Review Procedures, Application Submission, Determination of Compliance* promote clarity and consistency in the application review process by clarifying that re-submittals of applications shall occur no more than one (1) year from the date of the latest submittal or re-submittal date, rather than no less than one (1) year. The amendments align the ordinance's text with current practice.

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

Date