

**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605(a) ADDRESSING ACTION ON THE UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF APRIL 28, 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 28<sup>th</sup> day of April 2026.

The Apex Town Council held a public hearing on the 28<sup>th</sup> day of April 2026. Bruce Venable, Planner III, presented the Planning Board's vote to recommend approval by a vote of 8-0 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 28<sup>th</sup> day of April 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 April 28, 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. 8.2.2.B.1 *General Landscaping Design Standards, Plant Materials, Use of Native or Adaptive Plant Materials* and 12.2 *Definitions, Terms Defined* promotes environmental stewardship, sustainable development practices, and the preservation of natural resources, particularly through the use of native vegetation to support habitat, water conservation, and reduced maintenance impacts. The amendment is reasonable and in the public interest. In addition, the amendments establish a clear and uniform standard for landscaping on Town-owned property, reduce long-term operational costs, improve ecological resilience, and adds a definition for native plants to ensure clarity and consistent application of the standard.
2. The amendment to Sec. 4.3.5.D.2 *Use Classifications, Commercial Uses, Office and Research* allows for the limited ability for overnight stays for a particular medical use, providing clarity to applicants and staff and reducing the potential for misinterpretation or inconsistent enforcement.
3. The amendments to Sec. 7.2.1.B *Subdivisions, Design Standards, Streets, Street Rights-of-Way* protects the long-term functionality and maintainability of public rights-of-way, reduces potential environmental impacts such as heat retention and runoff, and establishes a clear standard for new development.
4. The amendment to Sec. 6.2.17.B *Flood Damage Prevention Overlay District, Standards for Streams without Established Base Flood Elevations, Floodways, and/or Non-Encroachment Areas, Provide Flood Data* provides a cost-effective and flexible alternative to site-specific hydraulic studies while maintaining appropriate evaluation of flood risk, thereby streamlining the development review process without compromising public safety.

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Jacques K. Gilbert  
Mayor

ATTEST:

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Allen Coleman, CMC, NCCCC  
Town Clerk

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Date