

## STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605(a) ADDRESSING ACTION ON THE UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF AUGUST 24, 2021

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 24<sup>th</sup> day of August 2021.

The Apex Town Council held a public hearing on the 24<sup>th</sup> day of August 2021. Amanda Bunce, Current Planning Manager, presented the Planning Board's vote to recommend approval by a vote of 6-0 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 present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away.

The Town Council the 24<sup>th</sup> day of August 2021 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 August 24, 2021 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. 2.1.1 *Town Council*; 2.1.3.A *Board of Adjustment, Powers and Duties*; 2.1.7.A *Technical Review Committee, Powers and Duties*; 2.2.11.E *Public Notification, Timing of Notice*; 2.2.15 *Action by the Town Council*; 2.3.1 *Development Approvals, General Overview*; 2.3.5 *Special Use Permit*; 2.3.6 *Site Plan*; 2.3.7.E *Construction Plans for Master Subdivision Plans*; 8.3.9.E *Parking – Other Eligible Alternatives*; 8.6.2 *Lighting Plan*; 14.1.1 *Dedication Generally; Fee in Lieu of Dedication Generally; Construction of Public Recreation Facilities with Fee-in-Lieu Monies Generally*; and 14.1.5 *Procedure for Determination of Choice Between Land Dedication, Payment of Fee-in-Lieu, Construction of Public Recreation Facilities with Fee-in-Lieu Monies, or Combination Thereof; Performance Guarantees* redefine Major Site Plans to reduce the number of site plans that are classified as major and move the approval authority of these plans from Town Council to the Technical Review Committee due to the removal of the compatibility standard. In addition, the amendments move the approval authority for Special Use Permits to the Board of Adjustment as that body already handles quasi-judicial public hearings. Finally, the amendments provide an update to the position title for the Development Services Manager.
2. The amendments to UDO Secs. 4.2.2 *Use Table*, 4.3 *Use Classifications*, 4.4 *Supplemental Standards* changes the approval type of certain uses from Permitted to Special Use Permit or from Special Use Permit to Permitted, removes certain uses from zoning districts in which those uses are no longer deemed appropriate, and amend the use definition and supplement standards for certain uses based on changes to the Use Table.
3. The amendments to UDO Secs. 8.3.2 *Off-Street Parking Requirements*, 8.3.6.D *Parking Lot Design Standards, Surfacing and Maintenance* and 4.4.5.H *Supplemental Standards, Commercial Uses* amends the parking standards for the uses “Repair and maintenance, general” and “Automotive

paint or body shop” in order to better reflect the current parking needs of such uses, requires screening for vehicle storage areas associated with the use “Automotive paint or body shop”, and provides flexibility for the surface material for parking associated with the use “Land clearing and inert debris landfill”.

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Jacques K. Gilbert  
Mayor

ATTEST:

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Donna B. Hosch, MMC, NCCMC  
Town Clerk

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Date