

STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605(a) ADDRESSING ACTION ON THE UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF SEPTEMBER 26, 2023

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 26th day of September 2023.

The Apex Town Council held a public hearing on the 26th day of September 2023. Amanda Bunce, Current Planning Manager 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 26th day of September 2023 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 September 26, 2023 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. 4.2.2 *Use Table* and 4.4.5 *Supplemental Standards, Commercial Uses* change the use "Tattoo parlor and body piercing" from a Special Use to a Permitted Use where the use is currently allowed except for within the Small Town Character Overlay District in order to simply finding a location for such use. The amendments also remove the supplemental use standards related to signage for this use since the same standards exist in Sec. 8.7 *Signs*.
2. The amendments to Secs. 4.4.1 *Supplemental Use Standards, Residential Uses* and 8.2.8.B *Screening, Screening Methods* change references to dumpster enclosure screening standards from the *Town of Apex Design and Development Manual* to the *Town of Apex Standard Specifications and Standard Details* due to the relocation of those standards. Amendments to 6.1.11.I *Notification on Site Plan and Subdivision Plan and Recording of Information* change a reference from the *Town of Apex Design and Development Manual* to the Site Plan Final Plat or Master Subdivision Final Plat application to reflect the location of the information referenced and make other edits to simplify the wording of the standard.
3. The amendments to Sec. 2.3.8.D *Variance Permit, Standards* change the word "ordinance" to "regulation" in accordance with the wording in State law.
4. The amendments to Sec. 4.4.2 *Supplemental Standards, Public and Civic Uses* remove supplemental standards for the uses "Day Care Facility" and "Drop-In or Short-Term Child Care" in the Downtown Business (B2) zoning district as those uses are no longer permitted uses in that district.
5. The amendments to various sections of the UDO reflect changes to department titles and responsibilities due to the division of the former Public Works and Transportation Department into the Public Works Department and Transportation & Infrastructure Development Department; move floodplain administrator duties to the Water Resources Department; and add Water Resources Department to the list of departments included in the Technical Review

Committee. Sections affected include the following: 2.1.7.B, 2.3.7, 6.2.13.A, 7.1.7, 7.2.1, 7.5.13, 7.5.14, 7.5.16, 8.3.6.G, and 13.16.1.

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

Date