

**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605(a) ADDRESSING ACTION ON THE UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF JUNE 28, 2022**

Pursuant to G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Director of Planning and Community Development 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 3<sup>rd</sup> day of June 2022.

The Apex Town Council held a public hearing on the 28<sup>th</sup> day of June 2022. 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 on the 28<sup>th</sup> day of June 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 June 28, 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 Sec. 8.1.6 *Retaining Structures* provide standards for retaining structures associated with walk-out basements.
2. The amendments to UDO Table 5.2.2.B.4 *Permitted Encroachments into Required Setbacks* remove HVAC and mechanical units from the appurtenances section and allows them to be placed anywhere in the side yard or rear yard to be consistent with state building code provisions.
3. The amendments to UDO Secs. 4.3.2.N *Use Classifications, Public and Civic Uses*; 4.3.5.G *Use Classifications, Retail Sales and Service*; and 4.4.5.G *Supplemental Standards, Commercial Uses, Retail Sales and Service* allow "pet crematory" as an accessory use in "Kennel", "Pet services", and "Veterinary Clinic or Hospital".
4. The amendments to UDO Sec. 4.5.6.C *Accessory Apartment* allow accessory apartments outside of the Small Town Character Overlay District to be up to 40% of the heated square footage of the principal single-family dwelling.
5. The amendment to UDO Table 8.3-1: *Off-Street Parking Schedule "A"* removes "outdoor" from the use "Kennel, outdoor" in order to be consistent with the "Kennel" use listed in Article 4: *Use Regulations*.
6. The amendments to UDO Sec. 8.3.6 *Parking Lot Design Standards* specify when wheel stops are required in parking lots and provide an exception to the standard concrete wheel stop on historic properties with gravel parking.

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Jacques K. Gilbert  
Mayor

ATTEST:

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Allen Coleman, CMC, NCCCC  
Town Clerk

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Date