

**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383 ADDRESSING ACTION ON UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF OCTOBER 15, 2019**

Pursuant to G.S. §160A-384 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 15<sup>th</sup> day of October 2019.

The Apex Town Council held a public hearing on the 15<sup>th</sup> day of October 2019. Amanda Bunce, Current Planning Manager, presented the Planning Board's vote to recommend approval by a vote of 5-0 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 by a vote of 4 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 UDO Amendments of October 15, 2019 is 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. 2.3.7.F.1 *Master Subdivision Final Plat, General* allow for fewer than 15 lots to be platted before the last phase in nonresidential subdivisions and in residential subdivisions with the approval of the Planning Director, the Public Works and Transportation Director, and the Water Resources Director.
2. The amendments to UDO Sec. 4.6.1.B *Temporary Uses and Structures, General Regulations* require that all temporary uses and structures not jeopardize the public health or safety, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.
3. The amendments to UDO Secs. 2.3.5.B *Special Use, Authorization* and 4.6.1.C *Temporary Uses and Structures, Uses Allowed* repeal Sec. 4.6.1.C.7 *Temporary Use Permits issued under a Special Use Permit* and removes references to said subsection in Sec. 2.3.5.B. The amendments also remove the reference to Planning Board reviewing Special Use Permits.
4. The amendments to UDO Sec. 8.3 *Off-Street Parking and Loading* provide flexibility in the surfacing materials permitted for the parking areas of uses associated with Landmark and other historic structures.
5. The amendments to UDO Sec. 8.7.1.A.13 *Menu Boards* set a minimum distance between two menu boards located on the same drive-through lane.

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Lance Olive  
Mayor

ATTEST:

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Donna B. Hosch, MMC, NCCMC  
Town Clerk

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Date