

STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383 ADDRESSING ACTION ON UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF JULY 21, 2020

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 26th day of June 2020.

The Apex Town Council held a public hearing on the 21st day of July 2020. 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 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 UDO Amendments of July 21, 2020 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. 2.3.4.F *Planned Development Districts, Standards* increase the amount of reduction to the Resource Conservation Area standard the Town Council can approve and adds additional performance standards for such reduction in the Planned Unit Development-Conditional Zoning and Traditional Neighborhood Development-Conditional Zoning districts in an effort to encourage developers to offer more environmental-focused zoning conditions.
2. The amendments to UDO Sec. 8.1.2.A *Resource Conservation Area, Establishment of RCA* remove the requirement for Town Council to approve the use of off-site RCA and instead allows off-site RCA to be used by-right if all of the criteria in the UDO are met.
3. The amendments to UDO Sec. 8.1.2.C *Resource Conservation Area, Size of the RCA* increase the amount of RCA required for single-family and townhomes developments south and west of NC 540 and decrease the amount of RCA required for any development inside existing and future Apex Peakway. The amendment to Sec. 8.2.6 updates a section reference based on changes to Sec. 8.1.2.C.
4. The amendment to UDO Sec. 4.2.1 *Use Table, General* creates a subsection to specify prohibited uses in residential districts with the purpose of prohibiting parking on residential property that is not accessory to the residential use.
5. The amendments to UDO Sec. 6.3.1.G.5 *Small Town Character Overlay District, Residential Building Standards* exempt multi-family dwellings containing over four (4) units from the prohibition on slab on grade foundations in order to provide more flexibility in design.
6. The amendments to UDO Sec. 9.1.2.B *Design Standards, Applicability* expand the applicability of the design standards for residential development to all zoning districts while maintaining the exemption for one- and two-family dwellings.

Jacques K. Gilbert
Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk

Date