

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 4.80 ACRES LOCATED AT 2224 NEW HILL OLIVE CHAPEL ROAD FROM WAKE COUNTY RESIDENTIAL-80W (R-80W) & WAKE COUNTY RESIDENTIAL-40W (R-40W) TO LOW DENSITY RESIDENTIAL-CONDITIONAL ZONING (LD-CZ)

#25CZ13

WHEREAS, D. Stephen and Lisa K. Scruggs, owners/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 14th day of August 2025 (the "Application"). The proposed conditional zoning is designated #25CZ13;

WHEREAS, 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 #25CZ13 before the Planning Board on the 8th day of December 2025;

WHEREAS, the Apex Planning Board held a public hearing on the 8th day of December 2025, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #25CZ13. A motion was made by the Apex Planning Board to recommend approval; the motion passed by a vote of 8-0 for the application for #25CZ13;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on #25CZ13 before the Apex Town Council on the 13th day of January 2026;

WHEREAS, the Apex Town Council held a public hearing on the 13th day of January. June Cowles, Senior Planner, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #25CZ13 were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that: The 2045 Land Use Map designates this area as Low Density Residential. This designation on the 2045 Land Use Map includes the zoning district Low Density Residential-Conditional Zoning (LD-CZ) and the Apex Town Council has further considered that the proposed rezoning to Low Density Residential-Conditional Zoning (LD-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The proposed zoning district and conditions allow the existing single-family residential to be consistent with the surrounding area. In addition, the proposed rezoning will allow the property to connect to Town water and sewer services; and

WHEREAS, the Apex Town Council by a vote of ___ to ___ approved Application #25CZ13 rezoning the subject tract located at 2224 New Hill Olive Chapel Road from Wake County Residential-80W (R-80W) & Wake County Residential-40W (R-40W) to Low Density Residential-Conditional Zoning (LD-CZ).

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX

Section 1: The lands that are the subject of the Ordinance are those certain lands described in Attachment "A" – Legal Description which is incorporated herein by reference, and said lands are hereafter referred to as the "Rezoned Lands."

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the "Rezoned Lands" from Wake County Residential-80W (R-80W) & Wake County Residential-40W (R-40W) to Low Density Residential-Conditional Zoning (LD-CZ) District, subject to the conditions stated herein.

Ordinance Amending the Official Zoning District Map #25CZ13

Section 3: The Planning Director is hereby authorized and directed to cause the said Official Zoning District Map for the Town of Apex, North Carolina, to be physically revised and amended to reflect the zoning changes ordained by this Ordinance.

Section 4: The “Rezoned Lands” are subject to all of the following conditions which are imposed as part of this rezoning:

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply.

Permitted Uses and Limitations:

1. Accessory apartment
2. Single-family
3. Botanical garden

Use Conditions:

1. The property shall be served by no more than one (1) driveway from New Hill Olive Chapel Rd.
2. The front yard setback from New Hill Olive Chapel Rd shall be a minimum of 60 feet from the right-of-way as of the date of this rezoning.
3. Future development shall include right-of-way dedication consistent with the Apex Transportation Plan.
4. Any future development shall be limited to a maximum residential density of two dwelling units per acre.

Section 5: The “Rezoned Lands” shall be perpetually bound to the conditions imposed including the uses authorized, unless subsequently changed or amended as provided for in the Unified Development Ordinance. Site plans for any development to be made pursuant to this amendment to the Official Zoning District Map shall be submitted for site plan approval as provided for in the Unified Development Ordinance.

Section 6: This Ordinance shall be in full force and effect from and after its adoption.

Motion by Council Member _____

Seconded by Council Member _____

With _____ Council Member(s) voting "aye."

With _____ Council Member(s) voting "no."

This the _____ day of _____ 2026.

TOWN OF APEX

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

Ordinance Amending the Official Zoning District Map #25CZ13

APPROVED AS TO FORM:

Town Attorney