

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 1.22 ACRES LOCATED AT 1522 SALEM CHURCH ROAD FROM RESIDENTIAL AGRICULTURAL (RA) TO HIGH DENSITY SINGLE-FAMILY RESIDENTIAL-CONDITIONAL ZONING (HDSF-CZ)

#22CZ11

WHEREAS, Philip and Michele Blackley/Joshua Blackley, owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 2nd day of May 2022 (the “Application”). The proposed conditional zoning is designated #22CZ11;

WHEREAS, 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 #22CZ11 before the Planning Board on the 11th day of July 2022;

WHEREAS, the Apex Planning Board held a public hearing on the 11th day of July 2022, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #22CZ11. A motion was made by the Apex Planning Board to recommend approval; the motion passed by a vote of 6-1 for the application for #22CZ11;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Director of Planning and Community Development caused proper notice to be given (by publication and posting), of a public hearing on #22CZ11 before the Apex Town Council on the 26th day of July 2022;

WHEREAS, the Apex Town Council held a public hearing on the 26th day of July 2022. Amanda Bunce, Current Planning Manager, presented the Planning Board’s recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #22CZ11 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, 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 Medium/High Density Residential. This designation on the 2045 Land Use Map includes the zoning district High Density Single-Family Residential-Conditional Zoning (HDSF-CZ) and the Apex Town Council has further considered that the proposed rezoning to High Density Single-Family Residential-Conditional Zoning (HDSF-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 proposed rezoning is reasonable and in the public interest because it will allow for development that is consistent in density and architectural design with the subdivision to the east. Approval of the rezoning will also allow for the New Derby Lane street stub to be extended and serve the proposed development; and

WHEREAS, the Apex Town Council by a vote of 3 to 1 approved Application #22CZ11 rezoning the subject tract located at 1522 Salem Church Road from Residential Agricultural (RA) to High Density Single-Family Residential-Conditional Zoning (HDSF-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.”

Ordinance Amending the Official Zoning District Map #22CZ11

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 Residential Agricultural (RA) to High Density Single-Family Residential-Conditional Zoning (HDSF-CZ), subject to the conditions stated herein.

Section 3: The Director of Planning and Community Development 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:

Limitation of Uses:

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. Townhouse
- 2. Accessory apartment

Conditions:

- 1. At least 1 pet waste station shall be installed.
- 2. Where possible, the main roof areas shall be oriented north and south.
- 3. Protrusions on south facing roofs shall be minimized or grouped to the extent possible.
- 4. A mix of brick, wood, stone, fiber cement and/or wood composite materials shall be used.
- 5. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
- 6. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
- 7. The garage shall not protrude more than 1 foot out from the front façade and front porch.
- 8. Garage doors shall have windows, decorative details or carriage-style adornments on them.
- 9. The roof shall be pitched at 5:12 or greater.
- 10. The roofline cannot be a single mass; it must be broken up horizontally and vertically between every unit.
- 11. All dwelling units shall be pre-configured with conduit for a solar energy system.

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 _____

Ordinance Amending the Official Zoning District Map #22CZ11

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

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

This the ____ day of _____ 2022.

TOWN OF APEX

Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney