

**ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 3.86 ACRES LOCATED ON 5920 AND 0 OLD SMITHFIELD ROAD FROM RURAL RESIDENTIAL (RR) AND HIGH DENSITY SINGLE-FAMILY RESIDENTIAL (HDSF) TO LIGHT INDUSTRIAL-CONDITIONAL ZONING (LI-CZ)**

**#20CZ15**

**WHEREAS**, the application of Spencer B. Terry III, P.E, Carolina Land Development Group, Inc., petitioner, for the rezoning of lands hereinafter described was duly filed with the office of the Planning Director and thereafter a public hearing was held hereon on the 11<sup>th</sup> day of January 2021 before the Planning Board and on the 13<sup>th</sup> day of January 2021 the Planning Board voted. Thereafter, the Planning Board submitted its final report to the Town Council recommending approval of said application for the rezoning of the lands hereinafter described, all in accordance with the requirements of the Town of Apex Unified Development Ordinance and the provisions of Chapter 160A, Article 19, of the North Carolina General Statutes. A public hearing was held on the 26<sup>th</sup> day of January 2021, before the Town Council. All public hearings were held pursuant to due notice mailed and published pursuant to G.S. § 160A-384; **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 Rural Residential (RR) and High Density Single-Family Residential (HDSF) to Light Industrial-Conditional Zoning (LI-CZ) District, subject to the conditions stated herein.

**Section 3:** The “Rezoned Lands” are subject to all of the following conditions which are imposed as part of this rezoning:

**Zoning Conditions:**

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.

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#### Permitted Uses and Limitations:

1. Security or caretaker quarters (P)
2. Government service (P)
3. Transportation facility (P)
4. Veterinary clinic or hospital (P)
5. Vocational school (P)
6. Communication tower, commercial (S)
7. Communication tower, constructed stealth (S)
8. Communication tower, camouflage stealth (S)
9. Communication tower, public safety (S)
10. Electrical power facility (S)
11. Recycling collection station (P)
12. Utility, minor (P)
13. Wireless support structure (P)
14. Wireless communication facility (P)
15. Botanical garden (P)
16. Entertainment, indoor (P)
17. Entertainment, outdoor (S)
18. Greenway (P)
19. Park, active (P)
20. Park, passive (P)
21. Broadcasting station (radio and television) (P)
22. Radio and television recording studio (P)
23. Commissary (P)
24. Dispatching office (P)
25. Medical or dental office or clinic (P)
26. Medical or dental laboratory (P)
27. Office, business or professional (P)
28. Research facility (P)
29. Artisan Studio (P)
30. Gas and fuel, retail (P)
31. Glass sales (P)
32. Kennel (P)
33. Repair services, limited (P)
34. Retail sales, bulky goods (P)
35. Self-service storage (P)
36. Studio for art (P)
37. Upholstery shop (P)
38. Pet services (P)
39. Automotive Accessory Sales and Installation (P)
40. Automotive paint or body shop (P)
41. Automotive parts (P)
42. Automotive service station (P)
43. Car wash or auto detailing (P)
44. Repair and maintenance, general (P)
45. Towing service (P)
46. Towing service storage (P)
47. Truck terminal (P)
48. Vehicle sales and rental, heavy (P)
49. Building supplies, wholesale (P)
50. Contractor's office and storage yard (P)
51. Gas and fuel, wholesale (P)
52. Laboratory, industrial research (P)
53. Machine or welding shop (P)
54. Warehousing (P)
55. Woodworking or cabinetmaking (P)
56. Wholesaling, general (P)
57. Brewery (P)
58. Distillery (P)
59. Manufacturing and processing (P)
60. Manufacturing and processing, minor (P)
61. Microbrewery (P)
62. Microdistillery (P)

#### Conditions:

1. Predominant exterior building materials shall be high quality, including brick, wood, staked stone, other native stone, and tinted/textured concrete masonry units. Elevations of non-residential buildings facing public roadways and public areas within the development shall be constructed with similar materials.
2. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade.
3. The rear elevations of non-residential buildings that are not visible from parking lots or public streets may include decorative concrete masonry, metal coping, or EIFS trim.
4. A 100' riparian buffer shall be provided for all perennial streams in accordance with the requirements of UDO Sec.6.1 as of November 2, 2020.

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**Section 4:** 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 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 \_\_\_\_\_ 2021.

**TOWN OF APEX**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
Town Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Town Attorney