

**ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 3.11 ACRES LOCATED ON 2213 EAST WILLIAMS STREET FROM RURAL RESIDENTIAL (RR) TO NEIGHBORHOOD BUSINESS-CONDITIONAL ZONING (B1-CZ)**

**#19CZ13**

**WHEREAS**, the application of Olive Chapel West Associates, LLC, petitioner, for the rezoning of lands hereinafter described was duly filed with the office of the Planning Director and thereafter public hearings were held hereon on the 12<sup>th</sup> day of August 2019 before the Planning Board and the 20<sup>th</sup> day of August 2019, before the Town Council, respectively, pursuant to due notice mailed and published pursuant to G.S. § 160A-384. 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; **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) to Neighborhood Business-Conditional Zoning (B1-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.

**Ordinance Amending the Official Zoning District Map #19CZ13**  
**Page Two**

- |  |                                   |
|--|-----------------------------------|
| 1. Accessory Apartment                 | 22. Barber and beauty shop        |
| 2. Day Care Facility                   | 23. Book store                    |
| 3. Drop-in or Short-term day care      | 24. Convenience store             |
| 4. Government Services                 | 25. Farmer's Market               |
| 5. School, Public or Private           | 26. Financial Institution         |
| 6. Veterinary clinic or hospital       | 27. Floral shop                   |
| 7. Utility, Minor                      | 28. Greenhouse or nursery, retail |
| 8. Wireless support structure          | 29. Grocery, general              |
| 9. Wireless communication facility     | 30. Grocery, specialty            |
| 10. Botanical Garden                   | 31. Health/fitness center or spa  |
| 11. Entertainment, indoor              | 32. Laundromat                    |
| 12. Greenway                           | 33. Newsstand or gift shop        |
| 13. Park, Active                       | 34. Personal service              |
| 14. Park, Passive                      | 35. Printing and copy service     |
| 15. Youth or day camps                 | 36. Real estates, general         |
| 16. Restaurant, drive-through          | 37. Retail sales, general         |
| 17. Restaurant, general                | 38. Studio for art                |
| 18. Medical or dental office or clinic | 39. Tailor shop                   |
| 19. Medical or dental laboratory (S)   | 40. Upholstery shop               |
| 20. Office, business or professional   | 41. Pet Services                  |
| 21. Artisan studio (S)                 | 42. Microbrewery                  |

**Conditions:**

1. EIFS or synthetic stucco shall not be used in the first four (4) feet above grade.
2. The building exterior shall have more than one (1) color.
3. A private cross-access easement will be extended to the southern property line subject to the review and approval of the future Site Plan.
4. The use on the property as a "school, public or private" shall not exceed 10,000 SF.
5. A health/fitness center or spa shall be limited to 50% of the total building area with indoor activities only.
6. The "restaurant, drive-through" use shall be designated for beverage service only.
7. The building shall include the installation of a minimum of 4 kilowatt solar PV system.

**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.

**Ordinance Amending the Official Zoning District Map #19CZ13  
Page Three**

**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 \_\_\_\_\_ 2019.

**TOWN OF APEX**

\_\_\_\_\_  
Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

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