

ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 1.90 ACRES LOCATED ON 2609 NEW HILL OLIVE CHAPEL ROAD FROM WAKE COUNTY RESIDENTIAL-40W (R-40W) TO MEDIUM DENSITY RESIDENTIAL-CONDITIONAL ZONING (MD-CZ)

#20CZ16

WHEREAS, the application of Joseph D. Cusumano petitioner, for the rezoning of lands hereinafter described was duly filed with the office of the Director of Planning and Community Development and thereafter a public hearing was held hereon on the 8th day of February 2021 before the Planning Board and on the 10th day of February 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 23rd day of February 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 Wake County Residential-40W (R-40W) to Medium Density Residential-Conditional Zoning (MD-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.

1. Single-family (P)
2. Accessory apartment (P)

Conditions:

1. The exterior materials include a combination of the following building materials. The primary front façade of the main house to include:
 - a. Parged and painted block crawlspace foundation
 - b. Trex (or similar) front porch

- c. James Hardie (or similar) vertical board and batten cement board siding
 - d. James Hardie (or similar) horizontal cement board siding
 - e. PVC porch columns
 - f. Decorative gable brackets
 - g. Decorative porch column brackets
 - h. Metal roofing
 - i. Asphalt shingles
2. The main entrance of the home shall be emphasized.
 3. The garage entrance of the home is side entry.
 4. The main home shall have vertical proportions. Expanses of blank walls shall not exceed forty-three (43) feet in width without being interrupted with an architectural feature such as, but not limited to, a column, recess in or projection from the building façade, window or door.
 5. Vinyl siding will not be used, however vinyl windows and decorative elements and trim are permitted.
 6. Eaves shall project at least 12 inches from the wall of the structure.
 7. Each side of the main home shall contain at least 3 decorative elements such as but not limited to, the following elements:
 - Windows
 - Bay Windows
 - Recessed or Decorative window
 - Trim around window
 - Doors
 - Wrap around porch or side porch
 - Two or more building materials
 - Two or more siding styles
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative gable
 - Decorative air vents on gable
 - Decorative cornice
 - Columns
 - Portico
 - Balcony
 - Dormer
 8. A varied color palette shall be utilized on the homes to include a minimum of three (3) color families including roof color, siding color and front door accent color.
 9. Garages may protrude up to 5 feet from the front façade or porch.
 10. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
 11. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
 12. Front porches shall be a minimum of 6 feet deep.
 13. The existing parcel is served by two driveways accessing New Hill Olive Chapel Road. Subdivision of the parcel into two or more lots shall not increase the total number of existing driveways.
 14. The minimum front building setback shall be 40 feet from the current right-of-way.
 15. All single-family homes are to be pre-configured with conduit for a solar energy system.

Section 4: 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 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

Ordinance Amending the Official Zoning District Map #20CZ16

Page 3

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