

ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 2.00 ACRES LOCATED ON 2708 BLAZING TRAIL DRIVE FROM RURAL RESIDENTIAL (RR) TO MEDIUM DENSITY RESIDENTIAL-CONDITIONAL ZONING (MD-CZ)

#19CZ20

WHEREAS, the application of Peter Cnossen, Jones & Cnossen Engineering, PLLC./Otha Mckoy Heirs 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 9th day of December 2019 before the Planning Board and the 17th day of December 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 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.

Permitted Uses and Limitations:

1. Single-family
2. Utility, minor
3. Accessory apartment

Conditions:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. All single-family homes shall have a crawl space or have a raised foundation which at a minimum rises at least 20 inches from average grade across the front of the house to the finished floor level at the front door.

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3. Garage doors must have windows, decorative details or carriage-style adornments on them.
4. The garage cannot protrude more than 1 foot out from the front façade or front porch.
5. All roofs shall be pitched at 5:12 or greater for 75% of the building designs.
6. The width of the garage doors shall be no more than 60% of the total width of the house and garage together.
7. Eaves shall project at least 12 inches from the wall of the structure.
8. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico
 - Balcony
 - Dormer
9. A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of three color families for siding and shall include varied trim, shutter and accent colors complementing the siding color.
10. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
11. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
12. Front porches shall be a minimum of 6 feet deep.
13. A minimum of one (1) residential dwelling in this development shall be constructed to include the installation of solar panels and a power system of at least 4 KW capacity. The lots of which these homes are located shall be identified on the Master Subdivision Plat, which may be amended from time to time. All other single-family detached homes shall be pre-configured with conduit for a solar energy system.
14. Home Owner Association covenants shall not restrict the construction of an accessory dwelling unit.
15. All single-family homes shall be built to meet or exceed the minimum standards for Energy Star certification.
16. A pedestrian connection consisting of 5' wide sidewalk within a 10' wide public access easement on Home Owners Association common area shall be provided from the stub of Lake Waccamaw Trail to the existing sidewalk within the Townes at Bella Casa Association, Inc. to the south. If an easement is not granted for this sidewalk connection by the Townes at Bella Casa Association, Inc., then the pedestrian connection consisting of 5' wide sidewalk within a 10' wide public access easement on Home Owners Association common area shall be provided from the stub of Lake Waccamaw Trail to Blazing Trail Drive.
17. The side yard setback for single-family lots shall be reduced from 6' minimum with a 16' aggregate to a 5' minimum with a 12' aggregate to accommodate the pedestrian connection from Lake Waccamaw Trail to Blazing Trail Drive.
18. Existing trees greater than 18" in diameter that are removed by site development shall be replaced by planting a 1.5" caliper native tree from the Town of Apex Design and Development Manual either on-site or at an alternative location approved by Town Planning Staff.

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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 _____ 2020.

TOWN OF APEX

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney