

**ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO  
CHANGE THE ZONING OF APPROXIMATELY 5.762 ACRES LOCATED AT 7901 HUMIE OLIVE ROAD  
FROM PLANNED UNIT DEVELOPMENT – CONDITIONAL ZONING (PUD-CZ) TO RURAL RESIDENTIAL  
– CONDITIONAL ZONING (RR-CZ)**

**#20CZ08**

**WHEREAS**, the application of Wake County Public School System, 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 14<sup>th</sup> day of September 2020 before the Planning Board and the 6<sup>th</sup> day of October 2020, 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 Planned Unit Development - Conditional Zoning (PUD-CZ) to Rural Residential - Conditional Zoning (RR-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:

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. School, public or private                | 7. Wireless support structure     |
| 2. Day care facility                        | 8. Youth or day camps             |
| 3. Communication tower, constructed stealth | 9. Church or place of worship     |
| 4. Communication tower, camouflage stealth  | 10. Assembly hall, for profit     |
| 5. Communication tower, public safety       | 11. Assembly hall, not for profit |
| 6. Wireless communication facility          | 12. Government service            |

**Zoning Conditions:**

1. The project shall preserve trees of equal to or larger than 18-inches in diameter at breast height to the maximum extent reasonably possible.
2. In compliance with UDO Section 8.2.2.E.1.b and to optimize landscaping survival, installing the landscaping may be delayed by up to 6 months after a Certificate of Occupancy would otherwise be required.
3. To support the re-establishment of forest, this project shall utilize a reforestation seed mix on any disturbed areas which have slopes of 3:1 or less and are not located with RCA or SCMs.

**Ordinance Amending the Official Zoning District Map**

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4. Provide a 20-foot Public Greenway Easement for future connection from the Apex Friendship Elementary School campus to the Little Beaver Creek greenway, consistent with a proposed amendment to the Town of Apex Bicycle and Pedestrian System Plan Map.

**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