

ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 1.60 ACRES LOCATED AT 2309 OLD US 1 HIGHWAY FROM RURAL RESIDENTIAL (RR) AND TECH/FLEX CONDITIONAL ZONING (TF-CZ #15CZ25) TO MIXED OFFICE-RESIDENTIAL-RETAIL-CONDITIONAL ZONING (MORR-CZ) #20CZ07

WHEREAS, the application of Jeff Roach, Peak Engineering/ Rich Levert, petitioners, 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 14th day of September 2020 before the Planning Board and the 6th 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 Rural Residential (RR) and Tech/Flex Conditional Zoning (TF-CZ #15CZ25) to Mixed Office-Residential-Retail-Conditional Zoning (MORR-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:

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|---|--------------------------------------|
| 1. Accessory apartment | 19. Bed and breakfast (S) |
| 2. Condominium | 20. Barber and beauty shop |
| 3. Family care home | 21. Book store |
| 4. Nursing or convalescent facility (S) | 22. Convenience store |
| 5. Single-family | 23. Dry cleaners and laundry service |
| 6. Day care facility | 24. Financial institution |
| 7. Government services | 25. Floral Shop |
| 8. Veterinary clinic or hospital | 26. Greenhouse or nursery, retail |
| 9. Utility, minor | 27. Grocery, specialty |
| 10. Wireless support structure | 28. Health/fitness center or spa |
| 11. Botanical garden | 29. Newsstand or gift shop |
| 12. Greenway | 30. Personal service |
| 13. Park, active | 31. Pharmacy |
| 14. Park, passive | 32. Real estate sales |
| 15. Restaurant, drive-through | 33. Studio for art |
| 16. Restaurant, general | 34. Tailor shop |
| 17. Medical or dental office or clinic | 35. Pet services |
| 18. Office, business or professional | |

Conditions:

1. For uses proposing new construction the following shall apply:
 - a. The exterior materials for nonresidential product include a combination of building materials. The primary (front) façade of the main buildings to be considered include:
 - i. Brick masonry.
 - ii. Decorative concrete block (either integrally colored or textured).
 - iii. Stone accents.
 - iv. Aluminum storefronts with anodized or pre-finished colors.
 - v. EIFS cornices and parapet trim. 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.
 - vi. Precast concrete.
 - b. The main entrance to the building shall be emphasized.
 - c. No more than one double-loaded bay of parking shall be provided in front of the building.
 - d. Buildings shall have vertical proportions. Expanses of blank wall shall not exceed sixty (60) 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. Windows and storefront glazing shall be divided to be either square or vertical in proportion so that each section is taller than it is wide. Permitted setbacks can be used to articulate bays of a building to break up its width. Architectural features such as, but not limited to, columns, piers, rooflines, and brick patterns can be used to divide and create vertical orientation on building facades.
 - e. The building façade shall have an identifiable base, body, and cap with horizontal elements separating these components. The body of the building shall constitute a minimum of fifty (50%) percent of the total building height. Buildings shall not have blank side walls creating a false front appearance. In addition, corner buildings shall have two façades which maintain a relationship to each other although they do not need to be identical.

Ordinance Amending the Official Zoning District Map #20CZ07
Page Three

2. For purposes of access, at time when the property is redeveloped, the following shall apply:
 - a. The residential driveway access shall be removed.
 - b. Access and cross-access for redevelopment shall be provided by the Humie Olive Road extension and the signal on Old US 1 Highway.
3. The existing nonconforming structure on the property shall be corrected prior to the first site plan submittal either by removing the structure from the property or by moving the structure or providing a recombination plat so that the structure is made conforming.
4. Residential density shall be limited to 0.69 units/acre.

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