

ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 5.50 ACRES LOCATED ON 7213 ROBERTS ROAD FROM RURAL RESIDENTIAL (RR) TO OFFICE & INSTITUTIONAL-CONDITIONAL ZONING (O&I-CZ)

#19CZ24

WHEREAS, the application of Cara Powell/Capital Area Preservation, Inc., 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 13th day of January 2020 before the Planning Board and the 21st day of January 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) to Office & Institutional–Conditional Zoning (O&I-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. Assembly hall, nonprofit | 12. Medical or dental office or clinic |
| 2. Assembly hall, for profit | 13. Office, business or professional |
| 3. Church or place of worship (P/S) | 14. Barber and beauty shop |
| 4. Government service | 15. Floral shop |
| 5. Veterinary clinic or hospital | 16. Real estate sales |
| 6. Vocational school | 17. Studio for art |
| 7. Botanical garden | 18. Tailor shop |
| 8. Greenway | 19. Pet services |
| 9. Park, active | 19. Restaurant, general (%) |
| 10. Park, passive | 20. Personal service (%) |
| 11. Youth or day camps | |

Conditions:

1. The sidewalk and parking for this historic landmark property shall be constructed with materials such as Exposed Aggregate Concrete or similar material.
2. All renovations on historic buildings requiring site plan approval shall follow the Secretary of the Interior’s guidelines for Rehabilitation of Historic Structures and applicable regulations in the UDO Section 6.3 Small Town Character Overlay District. If a historic building is designated as a Wake County Landmark, then a Certificate of Appropriateness from Wake County Historic Preservation Commission shall be required.
3. New development, construction or renovations to non-historic buildings shall comply with the applicable sections of the UDO and the following conditions:
 - a. EIFS or synthetic stucco shall not be used in the first four (4) feet above grade and shall be limited to only 25% of each building façade.
 - b. Predominate exterior building materials shall be high quality materials, including brick, wood, stacked stone, other native stone, and tinted/textured concrete masonry units.
 - c. Building exterior shall have more than one (1) material color.

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