

4.3.5 Use Classifications, Commercial Uses

A) *Adult Use*

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- 2) *Bar, nightclub, wine bar, or taproom.* An establishment **primarily dispensing alcoholic beverages for consumption on premises** that generates more than 49% of its quarterly gross receipts from the sale of alcoholic beverages from on-premise consumption. This use may **typically** includes live bands, other music, and dancing as well as games of skill, such as, but not limited to, pool or darts for use by the patrons of the establishment. **This use may include the on-premise sale, service, and consumption of food.**

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C) *Food and Beverage Service*

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- 2) *Restaurant, general.* ~~“Restaurant, general” means a~~ An establishment where the principal business is the sale of food and non-alcoholic beverages in a ready-to-consume state, ~~the receipts from alcohol sales do not exceed the limit stated in UDO Subsection 4.3.5.C.2.e,~~ and the design or principal method of operation consists of one or more of the following:
- a) A sit-down restaurant or café where customers normally sit at a table, are provided with an individual menu, and are generally served food and beverages in non-disposable containers by a restaurant employee. Customers may also be served food and beverages by a restaurant employee at a counter; or
 - b) A cafeteria or cafeteria-type operation where foods and beverages generally are served in non-disposable containers and consumed within the restaurant; or
 - c) A restaurant, which may have characteristics of a fast food restaurant, having floor area exclusively within a shopping or office center, sharing common parking facilities with other businesses within the center, and having access to a common interior pedestrian accessway.
 - d) An establishment primarily engaged in the retail sale of a limited variety of baked goods, candy, coffee, ice cream or other specialty food items, which may be prepared for on-premises sale and which may be consumed on the site, but excluding any service to a customer in an automobile. Typical uses include delicatessens, retail bakeries, coffee shops, donut shops, and ice cream parlors.
 - e) This use may include the on-premise sale, service and consumption of alcoholic beverages as an accessory and secondary use, ~~provided that an establishment’s quarterly gross receipts from the sale of alcoholic beverages for on-premise consumption shall not exceed 49% of the establishment’s quarterly total gross receipts from the sale of food, non-alcoholic beverages, and alcoholic beverages.~~

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E) Parking, ~~Commercial~~ **Principal Use**

- 1) *Parking garage, commercial.* A building or other structure that provides temporary parking for motor vehicles, for profit, where some or all of the parking spaces are not accessory to another principal use.
- 2) *Parking lot, commercial.* A paved area intended or used for the off-street parking of motor vehicles on a temporary basis, other than accessory to a principal use, for profit.
- 3) **Parking garage, public. A building or other structure owned and maintained by the Town that provides temporary parking for motor vehicles, where some or all of the parking spaces are not accessory to another principal use. This use shall include public-private partnerships.**
- 4) **Parking lot, public. A paved area owned and maintained by the Town intended or used for the off-street parking of motor vehicles on a temporary basis, other than accessory to a principal use. This use shall include public-private partnerships.**

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4.3.6 Use Classifications, Industrial Uses

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B) *Production*

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- 7) *Brewery.* A facility for the brewing of beer that produces greater than 15,000 barrels per year. **This use may include a tasting room and retail space to sell the beer to patrons on the site.** This use may include the on-premise sale, service, and consumption of alcoholic beverages **and food.** ~~as an accessory and secondary use, provided that an establishment's quarterly gross receipts from the sale of alcoholic beverages for on-premise consumption shall not exceed 49% of the establishment's quarterly total gross receipts.~~
- 8) *Microbrewery.* A small facility for the brewing of beer that produces more than 300 and less than 15,000 barrels per year. It may include a tasting room and retail space to sell the beer to patrons on the site. This use may include the on-premise sale, service, and consumption of alcoholic beverages and food.
- 9) *Distillery.* A facility for the distillation of spirituous liquor that produces greater than 15,000 barrels per year. This use may include the on-premise sale, service, and consumption of alcoholic beverages **and food** as an accessory and secondary use, ~~provided that an establishment's quarterly gross receipts from the sale of alcoholic beverages for on-premise consumption shall not exceed 49% of the establishment's quarterly total gross receipts.~~
- 10) *Microdistillery.* A small facility for the distillation of spirituous liquor that produces less than 15,000 barrels per year. It may include a tasting room on the site. This use may include the on-premise sale, service, and consumption of alcoholic beverages **and food** as an accessory and secondary use, ~~provided that an establishment's quarterly gross receipts from the sale of alcoholic beverages for on-premise consumption shall not exceed 49% of the establishment's quarterly total gross receipts.~~

4.4.4 Supplemental Standards, Recreational Uses

An establishment in the recreational uses category may sell unfortified wine and malt beverages provided that the establishment meets all the requirements of an Alcoholic Beverage Control Commission permit ~~and the establishment's on-premise alcohol sales do not exceed 49% of the establishment's quarterly gross receipts.~~

4.4.5 Supplemental Standards, Commercial Uses

A) *Adult Use*

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2) *Bar, nightclub, wine bar, or taproom.* ~~A Special Use Permit (Sec. 2.3.5) shall be required for all bars, nightclubs, wine bars, and taprooms. Outside serving areas and outside amplified sound shall be prohibited in bars and nightclubs located adjacent to any residential district except when approved according to the standards found in Sec. 4.6 *Temporary Uses and Structures*.~~

a) **Outside of the Downtown Festival District, outdoor operations of such use shall comply with the following:**

i) **Shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and**

ii) **Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 *Temporary Uses and Structures*.**

b) **Within the Downtown Festival District, outdoor operations of such use shall comply with the following:**

i) **Shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and**

ii) **Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 *Temporary Uses and Structures*.**

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C) *Food and Beverage Service*

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2) *Restaurant, general.* ~~Limits on sales of alcoholic beverages are found in UDO Sec. 4.3.5.C.2.e.~~

a) Restaurants in the O&I Office and Institutional District are permitted only

when the total floor area of all barber and beauty shops, gift shops, newsstands, pharmacies, and restaurants does not occupy more than 30% of the gross floor area of the building.

b) Cafeterias are allowed within a permitted use in the LI Light Industrial District if the cafeteria is provided solely for employee use, it does not provide any outside signage or advertising, and it consists of less than 20% of the gross floor area of the building.

c) **Outside of the Downtown Festival District, outdoor operations of such use shall comply with the following:**

i) **Shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and**

ii) **Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 Temporary Uses and Structures.**

d) **Within the Downtown Festival District, outdoor operations of such use shall comply with the following:**

i) **Shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and**

ii) **Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 Temporary Uses and Structures.**

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E) *Parking, ~~Commercial~~ **Principal Use***

1) *Parking garage or lot, commercial.* A commercial parking garage or lot use shall comply with the following standards:

a) A commercial parking garage or lot use shall be the principal use. Parking spaces may be rented for parking. No other business of any kind shall be conducted on the lot, including repair, service, washing, display or storage of vehicles or other goods; and

b) A commercial parking garage or lot shall not be contiguous to lands in the residential **zoning** districts.

- c) **A commercial parking lot shall not be allowed within the Downtown Festival District.**
 - d) ~~Street frontage of a commercial parking lot in the B2 Downtown Business Districts shall be limited to 100 feet.~~
 - d) **Commercial P** parking garages in the B2 Downtown Business and TND-CZ Traditional Neighborhood Districts shall have retail, office, or residential uses on the bottom floor across the entire width of street frontage except for required entrances and the attendant station.
- 2) **Parking garage or lot, public. A public parking garage or lot use shall comply with the following standards:**
- a) **Within the Downtown Festival District, new public parking garages or lots shall not be located immediately adjacent to Salem Street.**
 - b) **Within the Downtown Festival District, a public parking garage shall meet the following design standards in addition to those found in Sec. 6.3 Small Town Character Overlay District and Article 9: Design Standards:**
 - (i) **The first floor of facades along rights-of-way shall be wrapped with a non-residential use; and**
 - (ii) **At least 75% of the exterior shall be brick.**

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G)

Retail Sales and Service

An establishment in the retail sales and service category may sell unfortified wine and malt beverages provided that the establishment meets all the requirements of an Alcoholic Beverage Control Commission permit and the establishment's on-premise alcohol sales do not exceed 49% of the establishment's quarterly gross receipts.

Outside of the Downtown Festival District, outdoor operations of such uses shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not to include HDMF or MORR. Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 Temporary Uses and Structures.

Within the Downtown Festival District, outdoor operations of such use shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts. Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 Temporary Uses and Structures.

4.4.6 Supplemental Standards, Industrial Uses

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B) Production

...

2) *Brewery.* A brewery producing more than 15,000 barrels per year must be located in a stand-alone building.

a) **Outside of the Downtown Festival District, outdoor operations of such use shall comply with the following:**

i) **Shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and**

ii) **Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 *Temporary Uses and Structures*.**

b) **Within the Downtown Festival District, outdoor operations of such use shall comply with the following:**

i) **Shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and**

ii) **Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 *Temporary Uses and Structures*.**

3) *Microbrewery.*

a) A microbrewery located in B1 or PC is permitted as an accessory use to a Restaurant, general.

b) A microbrewery located in B2 shall include a tasting room or retail space.

c) **Outside of the Downtown Festival District, outdoor operations of such use shall comply with the following:**

i) **Shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and**

ii) **Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any**

conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 Temporary Uses and Structures.

d) Within the Downtown Festival District, outdoor operations of such use shall comply with the following:

i) Shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and

ii) Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 Temporary Uses and Structures.

4) *Distillery.* A distillery producing more than 15,000 barrels per year must be located in a stand-alone building.

a) Outside of the Downtown Festival District, outdoor operations of such use shall comply with the following:

i) Shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and

ii) Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 Temporary Uses and Structures.

b) Within the Downtown Festival District, outdoor operations of such use shall comply with the following:

i) Shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and

ii) Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 Temporary Uses and Structures.

5) *Microdistillery*. A microdistillery in the TF district must be located in a stand-alone building.

a) **Outside of the Downtown Festival District, outdoor operations of such use shall comply with the following:**

i) **Shall not be located within 100 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and**

ii) **Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 *Temporary Uses and Structures*.**

b) **Within the Downtown Festival District, outdoor operations of such use shall comply with the following:**

i) **Shall not be located within 45 feet of a residential zoning district or property containing a conforming single-family detached dwelling, not including the HDMF or MORR districts; and**

ii) **Outdoor live or recorded acoustic or amplified entertainment shall not be permitted on properties directly adjacent to any conforming single-family detached dwelling with no intervening right-of-way except when approved according to the standards for a Promotional Event found in Sec. 4.6 *Temporary Uses and Structures*.**

4.6.1 Temporary Uses and Structures, Permit Required

A) *General*

A temporary use or structure for one or more of the following described uses shall be permitted in any zoning district. All temporary uses and structures shall obtain a ~~Temporary Use~~ **Temporary Use** permit pursuant to the procedures set forth in Sec. 2.3.11 *Temporary Use*.

B) *General Regulations*

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5) Temporary uses and activities ~~or special events~~ shall not jeopardize the public health or safety, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

C) *Uses Allowed*

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5) *Promotional event*. For-profit promotional events are **those events that occur outside of a building, not including outdoor service areas used on a regular basis for such business. Such events are** allowed provided that:

- a) The size and location of the promotional event shall be reasonably related to the existing business and in no case shall interfere with the day-to-day business operations of on-site or adjacent businesses. A plan showing the layout of the promotional event is required.
- b) **Outside the Downtown Festival District, the frequency and duration of the for-profit promotional event shall be permitted only under subsection (i) or (ii) as determined by the business at the time of first application in each calendar year as follows:**
 - (i) **No more than three (3) promotional events shall occur at any one development business per calendar year; the promotional event shall be limited to no more than 14 days in length;** or
 - ~~e)(ii)~~ **No more than six (6) promotional events shall occur at any one business per calendar year; the promotional event shall be limited to no more than 14 one (1) days in length.**
- c) **Within the Downtown Festival District, the following standards shall apply:**
 - (i) **No more than one (1) promotional event shall occur at any one business per calendar month.**
 - (ii) **The promotional event shall be limited to one (1) day in length.**
 - (iii) **All outdoor areas associated with a promotional event shall be located at least 45 feet from a residential zoning district or a conforming detached single-family dwelling, not to include the HDMF or MORR districts.**

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12.2 Defined Terms

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Downtown Festival District

The purpose and intent of the Downtown Festival District is to celebrate the Salem Street corridor and vicinity and encourage a diversity of activities and programming by allowing more outdoor entertainment options on public and private properties than in other areas of Town while being cognizant of the surrounding residential neighborhoods. Legal description of boundaries: Beginning at an iron pipe being the southwest property corner of the Town of Apex Police Department and being the northwest corner of the Kenneth E. and Cheryl H. Koch, Jr. property; thence along the western property line of the Town of Apex Police Department N 29°37'50" E 91.05' to a point; thence continuing along said property line N 30°23'22" E 13.01' to a point; thence along the same property line N 40°38'29" E 142.69' to a point on the northern right-of-way of Saunders Street; thence along the Saunders Street northern right-of-way S 64°28'48" E 19.44' to a point; thence S 64°15'35" E 89.31' to a point on the aforementioned right-of-way; thence leaving the northern right-of-way of Saunders Street the following three (3) calls: N 18°01'23" E 184.23', N 65°08'53" W 31.82', and N 02°37'34" W 87.12' to a point on the southern boundary of the Brittany Trace neighborhood; then along the southern boundary of Brittany

Trace, also being the rear property line for Lots 38 through 47, the following three (3) calls: S 89°48'07" E 14.82', N 89°06'04" E 194.87', and S 88°48'57" E 398.32' to a point; thence N 89°04'55" E 16.80' to a point; thence S 88°02'04" E 272.91' to a point on the western right-of-way of North Salem Street; thence along the North Salem Street western right-of-way the following six (6) calls: N 14°58'41" E 62.09', N 18°22'46" E 40.83', N 18°51'26" E 493.54', N 17°19'26" E 95.95', N 12°19'09" E 53.97', and N 14°51'47" E 151.61' to a point in the centerline of Hunter Street; thence with the Hunter Street centerline S 75°57'32" E 104.78' to a point in the centerline of the mainline track for CSX Transportation; thence along the CSX Transportation mainline track centerline N 02°16'41" E 1282.52' to a point; thence leaving the centerline of the mainline track for CSX Transportation and following the northern property line of the Town of Apex Hunter Street Park property S 87°43'03" E 580.19' to a point in the centerline of Ambergate Station; thence with the Ambergate Station centerline the following five (5) calls: S 02°43'42" W 159.30', S 02°06'51" W 103.90', S 03°09'44" W 15.57', S 05°10'12" W 20.26', and S 07°23'46" W 1.63' to a point; thence leaving the centerline of Ambergate Station S 87°56'20" E 157.12' to a point on the western right-of-way of CSX Transportation; thence along the CSX Transportation western right-of-way S 26°14'00" W 1091.25' to a point on the northern right-of-way of Hunter Street; thence along the Hunter Street northern right-of-way S 76°01'18" E 103.87' and S 75°58'18" E 78.32' to a point also being the western right-of-way of Metro Station; thence leaving the northern right-of-way of Hunter Street and following the Metro Station western right-of-way the next three (3) calls: N 26°17'55" E 139.57', N 29°35'10" E 20.07', and N 36°09'34" E 20.07' to a point; thence leaving the western right-of-way of Metro Station and following the centerline of Massapequa Station S 63°41'13" E 394.10' to a point; thence leaving the Massapequa Station centerline S 26°15'45" W 14.12' to a point on the eastern right-of-way of Grand Central Station; thence leaving the Grand Central Station eastern right-of-way and following the northern property line of Lot 105 (56 Hunter Street) Villages of Apex South Village – Phase 1A S 63°44'15" E 97.58' to a corner; thence crossing the Villages of Apex South Common Area and following a property line of Lot 1 Villages of Apex South N 75°06'49" E 272.40' to a point; thence continuing with the edge of said property S 79°37'44" E 169.41' to a corner; thence crossing Lot 1 S 57°13'29" E 172.79' to a point in the centerline of Laura Duncan Road; thence along the Laura Duncan Road centerline the following seven (7) calls: S 30°28'38" W 15.53', S 36°13'57" W 28.13', S 36°18'01" W 50.25', S 38°00'41" W 69.01', S 40°05'16" W 110.45', S 39°37'43" W 106.22', and S 42°26'17" W 78.36' to the intersection of Laura Duncan Road and Hunter Street; thence leaving the intersection and continuing along the North Mason Street centerline the following twelve (12) calls: S 41°38'01" W 54.75', S 40°12'33" W 85.20', S 41°26'40" W 75.54', S 39°39'03" W 66.30', S 39°31'22" W 29.69', S 35°22'20" W 29.09', S 33°41'24" W 20.46', S 31°48'32" W 25.12', S 27°58'46" W 17.85', S 28°10'00" W 27.49', S 25°34'30" W 29.63', and S 25°01'01" W 26.26' to a point; thence leaving the centerline of North Mason Street and continuing along the northern property line of Town of Apex, also being the southern limit of an abandoned railroad easement, the following three (3) calls: S 57°30'04" E 71.43', S 51°04'36" E 36.87', and S 45°31'56" E 40.38' to a point; thence crossing the aforementioned Town of Apex property S 20°27'19" W 222.17' to its southern property line; thence along the southern property line of Town of Apex N 69°32'41" W 120.00' to a point on the eastern right-of-way of North Mason Street; thence N 22°06'06" E 34.22' to a point on the North Mason Street eastern right-of-way; thence crossing the right-of-way of North Mason Street and continuing along the southern property line of Town of Apex Town Campus N 66°08'18" W 199.31' to a corner; thence along a common line between Town of Apex and Larry Mack Jordan N 22°28'32" E 162.69' and N 77°35'02" W 96.38' to a corner; thence crossing a portion of Larry Mack Jordan, Town of Apex Town Campus, and North Hughes Street, also being collinear with the southern property line of the former Tunstall Life Estate, N 64°48'43" W 716.19' to a point in the centerline of the mainline track for CSX Transportation; thence along the CSX Transportation mainline track centerline S 26°12'58" W 2880.48' to a point on the

eastern right-of-way of East Williams Street (NC Highway 55); thence with the NC Highway 55 eastern right-of-way N 66°53'40" W 628.99' to a point on the eastern right-of-way of West Williams Street, also being the southeast corner of A.T. Seymour Heirs; thence along the eastern property line of A.T. Seymour Heirs the following three (3) calls: N 26°16'51" E 166.66', S 64°40'27" E 3.99', and N 27°36'14" E 109.53' to a point on the southern property line of Thomas E. Seymour; thence along the property lines of Thomas E. Seymour the following three (3) calls: N 64°44'27" W 209.92', N 29°11'13" E 116.32', and S 63°52'04" E 170.02' to the southeast corner of Eric D. and Patricia Pollock Creta; thence along the eastern property line of Eric D. and Patricia Pollock Creta N 26°07'32" E 184.96' to a point on the southern right-of-way of West Moore Street; thence along the West Moore Street southern right-of-way S 63°57'53" E 10.10' to a point; thence leaving the southern right-of-way of West Moore Street and following the eastern right-of-way of Hudson Avenue N 28°53'12" E 130.24' to a point; thence leaving the Hudson Avenue eastern right-of-way S 61°06'48" E 109.23' to a point; thence N 28°09'08" E 80.92' to a point; thence N 60°52'34" W 33.18' to a point; thence N 30°30'46" E 85.93' to a point; thence N 62°41'01" W 76.03' to a point; thence N 28°25'56" E 128.57' to a point being on the eastern right-of-way of Hudson Avenue and the southern right-of-way of Holleman Street; thence crossing Hudson Avenue N 56°56'16" W 20.07' to the northeast corner of William J. Evans, Jr.; thence along the Holleman Street southern right-of-way, also being the northern property line of William J. Evans, Jr., N 60°00'00" W 192.72' to the northeast corner of Carey C. Jones Memorial Park; thence leaving the southern right-of-way of Holleman Road and following the eastern edge of Carey C. Jones Memorial Park the following six (6) calls: S 29°51'00" W 150.00', N 60°03'08" W 5.20', S 26°14'24" W 99.23', N 63°24'21" W 11.54', N 65°03'26" W 89.86', and S 29°57'39" W 162.25' to a point on the northern right-of-way of West Moore Street; thence with the West Moore Street northern right-of-way N 71°38'54" W 546.63' to a point on the eastern right-of-way of Upchurch Street; thence along the Upchurch Street eastern right-of-way N 30°10'39" E 558.38' to a point on the northern right-of-way of Holleman Street; thence along the Holleman Street northern right-of-way S 61°48'47" E 284.70' and S 59°01'13" E 289.14' to a corner of Apex Baptist Church; thence leaving the northern right-of-way of Holleman Street and following along the western edge of Apex Baptist Church the next four (4) calls: N 28°31'39" E 174.53', S 65°08'57" E 67.87', S 65°34'53" E 64.94', and N 29°20'38" E 256.34' to a point on the northern right-of-way of West Chatham Street; thence along the West Chatham Street northern right-of-way S 64°49'33" E 156.08' to a point; thence leaving the northern right-of-way of West Chatham Street N 27°15'51" E 159.33' to a point on the southern property line of the Town of Apex Police Department; thence along the southern property line of the Town of Apex Police Department the following four (4) calls: N 64°05'39" W 289.37', N 64°18'46" W 80.73', N 64°41'58" W 94.64', and N 64°14'26" W 103.74' to the point and place of beginning.

...

Outdoor Operations

Area designated for seating, food or beverage service, entertainment, or other similar activities located outside the primary business.

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- Section 2.** The Director of Planning and Community Development and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the terms of this ordinance.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 4. The ordinance shall be effective upon enactment on the ____ day of _____ 2022.

Introduced by Council Member _____

Seconded by Council Member _____

Attest: TOWN OF APEX

Interim Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney