

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY .53 ACRES LOCATED AT 3521 OLD US 1 HWY FROM NEIGHBORHOOD COMMERCIAL-CONDITIONAL ZONING (B1-CZ #11CZ04) TO PLANNED COMMERCIAL-CONDITIONAL ZONING (PC-CZ)

#25CZ16

WHEREAS, Sadik Bourousse, applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 1st day of October 2025 (the “Application”). The proposed conditional zoning is designated #25CZ16;

WHEREAS, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #25CZ16 before the Planning Board on the 8th day of December 2025;

WHEREAS, the Apex Planning Board held a public hearing on the 8th day of December 2025, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #25CZ16. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #25CZ16;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on #25CZ16 before the Apex Town Council on the 13th day of January 2026;

WHEREAS, the Apex Town Council held a public hearing on the 13th day of January 2026. Joshua Killian, Planner II, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #25CZ16 were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that the 2045 Land Use Map designates this area as Office Employment/Commercial Services. This designation on the 2045 Land Use Map includes the zoning district Planned Commercial-Conditional Zoning (PC-CZ) and the Apex Town Council has further considered that the proposed rezoning to Planned Commercial-Conditional Zoning (PC-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in economy, infrastructure, and commercial services consistent with that contemplated by the 2045 Land Use Map.;

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: the proposed zoning district and conditions will allow the property to be used in a manner consistent with its original use; and

WHEREAS, the Apex Town Council unanimously approved Application #25CZ16 rezoning the subject tract located at 3521 Old US 1 Hwy from Neighborhood Commercial-Conditional Zoning (B1-CZ #11CZ04) to Planned Commercial-Conditional Zoning (PC-CZ).

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.”

Ordinance Amending the Official Zoning District Map #25CZ16

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 Neighborhood Commercial-Conditional Zoning (B1-CZ #11CZ04) to Planned Commercial-Conditional Zoning (PC-CZ) District, subject to the conditions stated herein.

Section 3: 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 4: 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.

- Permitted Uses

- | | |
|---------------------------------------|----------------------------------|
| a. Vehicle sales and rental, light | r. Convenience store |
| b. Drop-in or short-term daycare | s. Financial institution |
| c. Veterinary clinic or hospital | t. Greenhouse of nursery, retail |
| d. Entertainment, indoor | u. Health/fitness center of spa |
| e. Park, active | v. Personal service |
| f. Restaurant, general | w. Real estate sales |
| g. Office, business or professional | x. Studio for art |
| h. Book store | y. Day care facility |
| i. Grocery, specialty | z. Botanical garden |
| j. Newsstand or gift shop | aa. Greenway |
| k. Printing and copying service | bb. Youth or day camps |
| l. Retail sales, general | cc. Barber and beauty shop |
| m. Drycleaners and laundry service | dd. Floral shop |
| n. Church or place of worship | ee. Laundromat |
| o. Government service | ff. Pharmacy |
| p. Park, passive | gg. Tailor shop |
| q. Medical or dental office or clinic | |

1. No existing non-conformities shall be expanded; maintenance of existing improvements shall be allowed.
2. No more than 8 vehicle spaces shall be dedicated to display, sales, or storage are allowed.
3. The use *Vehicle sales and rental, light* shall be limited to an establishment engaged in the retail sale or rental, from the premises, of new or used motorized vehicles to include cars, vans, pick-up trucks, and sport utility vehicles. No accessory uses shall be allowed when the primary use is *Vehicle sales and rental, light*.
4. The only signage allowed on the vehicle shall be located on window of a door for sale or rent and shall be limited to 8.5” X 11”.
5. In the event of new construction, exterior renovations, and/or additions be made, the building shall conform to the following conditions:
 - a. The predominant exterior building material shall be high quality materials, including:

Ordinance Amending the Official Zoning District Map #25CZ16

- i. Brick masonry
 - ii. Decorative concrete block (either integrally colored or textured)
 - iii. Stone accents
 - iv. EIFS cornices, and parapet trim
 - v. Precast concrete
- b. EIFS or synthetic stucco shall not be used in the first forty inches above grade.
- c. The building exterior shall have more than one material color.
- d. The building shall have more than one parapet height.
- e. The main entrance to the building shall be emphasized.

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 _____ 2026.

TOWN OF APEX

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney