

ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 4.33 ACRES LOCATED ON 3605 & 3700 OLD US 1 HIGHWAY FROM WAKE COUNTY HIGHWAY COMMERCIAL AND WAKE COUNTY RESIDENTIAL-40W TO MIXED OFFICE-RESIDENTIAL-RETAIL-CONDITIONAL ZONING

#19CZ19

WHEREAS, the application of Jennifer Crank and Michael Pfeifer, S&ME, 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 12th day of Novmeber 2019 before the Planning Board and the 19th day of November 2019, 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 Wake County Highway Commercial (HC) and Wake County Residential-40W (R-40W) 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.

3605 Old US 1 Hwy – Heidinger property

Permitted Uses and Limitations:

- | | | |
|------------------------|-------------------------------------|---------------------------|
| 1. Single-family | 8. Medical or dental office | 15. Personal service |
| 2. Accessory Apartment | 9. Office, business or professional | 16. Real estate sales |
| 3. Family Care Home | 10. Bed and breakfast | 17. Retail sales, general |
| 4. Utility, Minor | 11. Barber and beauty shop | 18. Art studio |
| 5. Park, active | 12. Floral Shop | 19. Tailor shop |
| 6. Park, passive | 13. Greenhouse or nursery (retail) | 20. Pet services |
| 7. Restaurant, general | 14. Newsstand or gift shop | |

Conditions:

1. If the existing structure is used for anything other than a single-family dwelling, the following shall apply:
 - a. Parking shall be provided to the side or rear of the principal building.

2. 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:

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- 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 uses in the first four feet above grade and shall be limited to only 25% of each building facade.
 - vi. Precast concrete
 - vii. Hardiplank or similar.
 - 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 facades which maintain a relationship to each other although they do not need to be identical.
3. The density of the property shall be limited to 1.75 dwelling units per acre.

3700 Old US 1 Hwy – New Hill Baptist Church property

Permitted Uses and Limitations:

- | | | |
|-------------------------------|-------------------------------------|---------------------------|
| 1. Church or place of worship | 8. Office, business or professional | 15. Real estate sales |
| 2. Day care facility | 9. Bed and breakfast | 16. Retail sales, general |
| 3. Utility, minor | 10. Barber and beauty shop | 17. Art studio |
| 4. Park, active | 11. Floral Shop | 18. Tailor shop |
| 5. Park, passive | 12. Greenhouse or nursery (retail) | 19. Pet services |
| 6. Restaurant, general | 13. Newsstand or gift shop | |
| 7. Medical or dental office | 14. Personal service | |

Conditions:

- 1. All renovations on historic buildings requiring Site Plan approval shall follow the Secretary of the Interior’s Guidelines for Rehabilitation of Historic Structures. If a historic building is designated as a Wake County Landmark, then a Certificate of Appropriateness from the Wake County Historic Preservation Commission shall be required.
- 2. The following shall apply for any new construction:
 - 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 uses in the first four feet above grade and shall be limited to only 25% of each building facade.

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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 _____ 2019.

TOWN OF APEX

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney