

ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 0.24 ACRES LOCATED AT 109 HOLLEMAN STREET FROM OFFICE AND INSTITUTIONAL (O&I) TO MIXED OFFICE-RESIDENTIAL-RETAIL-CONDITIONAL ZONING (MORR-CZ)

#20CZ10

WHEREAS, the application of Charles Duane Taylor, Jr & Sherry Bailey Taylor, 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 12th day of October 2020 before the Planning Board. 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. A public hearing was held on the 20th day of October 2020, before the Town Council. All public hearings were held pursuant to due notice mailed and published pursuant to G.S. § 160A-384; **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 Office and Institutional (O&I) 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:

- | | |
|-------------------------------------|---------------------------------------|
| 1. Single-family | 6. Medical or dental office or clinic |
| 2. Accessory apartment | 7. Book store |
| 3. Bed and breakfast (S) | 8. Floral shop |
| 4. Office, business or professional | 9. Newsstand or gift shop |
| 5. Studio for art | 10. Retail sales, general |

Conditions:

1. All structures listed as “contributing” to the National Register Historic District shall follow the latest edition of the “Secretary of Interior Standards of Rehabilitation and Guidelines for Rehabilitating Historic Buildings”.
2. In addition to the standards found in UDO Sec. 6.3.1 *Small Town Character Overlay District*, the following architectural standards shall apply to any new construction, exterior renovations, or additions to the front façade, or renovations of 50% or more of the entire façade are subject to this section. New construction, additions, and significant exterior renovations of an existing residential structure must be compatible with the character of quality structures located in the Small Town Character Overlay District.
 - a. Architectural Features. Residential structures shall have three (3) or more of the following features:
 - i. Wraparound porch (entire front façade and part of one or both side façades)
 - ii. Predominant porch (over 75% of front façade)
 - iii. Awnings
 - iv. Columns
 - v. Porticos
 - vi. Balconies
 - vii. Broken roof lines
 - viii. Dormers
 - ix. Arched architectural features
 - x. Brick chimney
 - xi. All brick façade
 - xii. Other architectural features as approved by the Planning Director
 - b. Decorative Features. Residential structures shall have four (4) or more of the following features:
 - i. Decorative shake
 - ii. Decorative porch railing/posts
 - iii. Shutters
 - iv. Decorative/functional air vents on roof or foundation
 - v. Trimmed Windows
 - vi. Recessed windows
 - vii. Decorative/period windows
 - viii. Decorative brick/stone
 - ix. Decorative gables
 - x. Decorative cornices
 - xi. Tin/metal roof
 - xii. Other decorative features as approved by the Planning Director
 - c. Roofs
 - i. Roof lines shall be varied to reduce the scale of structures and add visual interest.
 - ii. Roof shape (for example: flat, hip, mansard, or gable) and material shall be architecturally compatible with façade elements and the rest of the structure.

- d. Facades
 - i. Recesses and projections
The principal structure's front façade must incorporate recesses and projections along at least 50% of the length of the façade. Windows, awnings, and porch area shall total at least 50% of the façade length abutting a public street.
 - ii. Repeating design patterns
Façades shall incorporate a repeating pattern of change in color, texture, and material modules.
 - iii. Renovations
Façade renovations shall incorporate original building details to the maximum extent practicable.
 - iv. Roof cornices
If roof cornices have been removed or damaged on an existing structure, renovations of that structure must include retaining, repairing, and replacing the roof cornices.
- e. Windows
 - i. Replacement of windows on the façade of an existing structure shall be accomplished by using windows of the same trim size and character as the original.
 - ii. Blank exterior walls are prohibited; windows shall be present on all sides of the home.
 - iii. Shutters on windows shall be one half the width of the window to which they are affixed.
- f. Sides Facing Abutting Street. All sides of a principal structure that face an abutting public street shall have architectural and decorative features as described in a. and b. above.
- g. Entryways
 - i. Required features
Doors shall have built-in windows; alternatively, a solid door is allowed provided side lights (side windows) are installed immediately adjacent to the solid door.
 - ii. Variation
Variations in color schemes and textures are encouraged in order to articulate entryways so as to give greater recognition to these features.
- h. Materials
 - i. Predominant exterior building materials
Predominant exterior building materials shall be high quality materials, including brick, wood, stone, fiber cement, and/or wood composite. Where an existing home has vinyl siding, the use of vinyl siding is allowed for new additions, exterior renovations, and accessory structures on the same property. Vacant property or newly subdivided lots shall only be allowed to utilize vinyl in the form of shake and trim elements and shall not have vinyl as the siding material on principal or accessory structures.

Ordinance Amending the Official Zoning District Map #20CZ10

Page 4

ii. Foundation materials

Front and side porches with open foundations shall have brick or stone piers and openings shall be fully screened with evergreen plantings.

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