

**RESOLUTION NO. 2021-0727-19**

**RESOLUTION NOTING SCRIVENER'S ERROR AND APPROVING CORRECTION  
OF ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE  
TOWN OF APEX (REZONING CASES #17CZ04 AND #18CZ02)**

WHEREAS, public hearings were held on June 12, 2017 before the Planning Board and on June 20, 2017 before the Town Council, pursuant to due notice mailed and published pursuant to N.C.G.S. §160D-602, for the rezoning of lands described in the application of Friendship Station, LLC, petitioner, in the rezoning case #17CZ04; and

WHEREAS, the Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zone District Map, were amended by changing the zoning classification of the lands described in said application and rezoning case #17CZ04 from Rural Residential (RR) & R-40W District to Planned Unit Development-Conditional Zoning (PUD-CZ); and

WHEREAS, an Attachment "B" setting forth the allowed uses in said zoning classification was attached in error to the above described Ordinance Amending the Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map, in that it was missing a zoning condition that was described to the Town Council members, recorded during the public presentation, and reflected in the Town minutes; and

WHEREAS, public hearings were held on March 12, 2018 before the Planning Board and on March 20, 2018 before the Town Council, pursuant to due notice mailed and published pursuant to N.C.G.S. §160D-602, for the rezoning of lands described in the application of Friendship Station, LLC, petitioner, in the rezoning case #18CZ02; and

WHEREAS, the Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map, were amended by changing the zoning classification of the lands described in said application and rezoning case #18CZ02 from Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ04) to Planned Unit Development-Conditional Zoning (PUD-CZ); and

WHEREAS, the changes to the zoning conditions approved in rezoning case #18CZ02 were unrelated to zoning condition missing in the ordinance for rezoning case #17CZ04; and

WHEREAS, the ordinance for rezoning case #18CZ02 would have included the missing zoning condition if the error in the ordinance for #17CZ04 had not been made; and

WHEREAS, the Town Council of the Town of Apex wishes to recognize the scrivener's error and correct the Attachment "B" attached to the above referenced Ordinances Amending the Official Zoning District Map of The Town of Apex #17CZ04 and #18CZ02.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Apex as follows:

1. The Attachment “B” that was attached to each ordinance referenced above are deleted and hereby replaced with the Attachment “B” attached to this Resolution along with the original Ordinances.
2. Except to the extent corrected by this Resolution, Rezoning Cases #17CZ04 #18ZC02 remain in full force and effect.

Motion made by Council Member \_\_\_\_\_

Motion seconded by Council Member \_\_\_\_\_

With \_\_\_\_\_ Council Members voting “aye”.

With \_\_\_\_\_ Council Members voting “no”.

Adopted and effective this the 27th day of July 2021.

\_\_\_\_\_  
Jacques K. Gilbert  
Mayor

ATTEST:

\_\_\_\_\_  
Donna B. Hosch, MMC, NCCMC  
Town Clerk