

**ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 4.09 ACRES LOCATED AT 1200 JAMES STREET FROM MEDIUM DENSITY RESIDENTIAL (MD) TO TECH/FLEX-CONDITIONAL ZONING (TF-CZ)
#20CZ03**

WHEREAS, the application of Patrick Kiernan, Jones & Cnossen Engineering, PLLC./Cathleen & Kenneth Watson, petitioners, 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 8th day of June 2020 before the Planning Board and the 16th day of June 2020, 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 Medium Density Residential (MD) to Tech/Flex–Conditional Zoning (TF-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.

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Permitted Uses and Limitations:

Day care facility	Repair services, limited
Drop-in or short-term day care	Retail sales, bulky goods
Government services	Studio for art
School, public or private	Tailor shop
Transportation facility	Upholstery shop
Veterinary clinic or hospital	Pet services
Vocational school	Automotive accessory sales and installation
Utility, minor	Repair and maintenance, general
Wireless support structure	Vehicle inspection center
Wireless communication facility	Vehicle sales and rental, light
Greenway	Building supplies, wholesale
Park, passive	Laboratory, industrial research
Broadcasting station (radio and television)	Machine or welding shop
Radio and television recording studio	Warehousing
Commissary	Woodworking or cabinetmaking
Dispatching office	Wholesaling, general
Medical or dental office or clinic	Brewery
Medical or dental laboratory	Distillery
Office, business or professional	Manufacturing and processing, minor
Publishing office	Microbrewery
Research facility	Microdistillery
Artisan studio	Restaurant, general
Health/fitness center or spa	Pilot plant
Personal services	Manufacturing and processing
Printing and copying service	Retail sales, general
Real estate sales	

Conditions:

1. Access to this parcel shall be served from Energy Drive. No direct access shall be permitted to Schieffelin Road or James Street.
2. The "Broadcasting station (radio and television)" and "Radio and television recording studio" shall not use towers that exceed 30 feet in height.
3. The "Building supplies, wholesale" use shall only be limited to indoor storage.
4. The "Retail sales, bulky goods" use shall only be limited to indoor storage.
5. The "Vehicle sales and rental, light" use shall be only limited to indoor storage.
6. The parcel associated to Wake County PIN 0741789012 shall be incorporated in the non-residential Master Subdivision Plan for Schieffelin Industrial Park.
7. Public art will be provided on site, by the developer, consistent with UDO Section 8.4.5.
8. The use "School, public or private" shall not exceed 9,000 square feet.
9. Building(s) shall not be addressed to James Street or Schieffelin Road.
10. Only full cutoff lighting fixtures with external house side shields on pole-mounted lighting shall be allowed along the northern property line. The lighting from these fixtures shall be extinguished no later than 11:00 p.m. or close of business, whichever is later.

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Architectural Conditions:

1. Predominant exterior building materials shall be high quality, including brick, wood, staked stone, other native stone, and tinted/textured concrete masonry units. Elevations of non-residential buildings facing public roadways and public areas within the development shall be constructed with similar materials.
2. EIFS or synthetic stucco shall not be used in the first four feet above grade and shall be limited to only 25% of each building façade.
3. The rear elevations of non-residential buildings that are not visible from parking lots or public streets may include decorative concrete masonry, metal coping, or EIFS trim.
4. The proposed building(s) shall be compatible to the existing non-residential building elevations in the Peak City Business Park Development.

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