

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 92.9 ACRES LOCATED AT 3400 PLEASANT PLAINS ROAD FROM RURAL RESIDENTIAL (RR) TO CONSERVATION BUFFER-CONDITIONAL ZONING (CB-CZ).

#23CZ05

WHEREAS, Town of Apex, owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 1st day of March 2023 (the “Application”). The proposed conditional zoning is designated #23CZ05;

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 #23CZ05 before the Planning Board on the 8th day of May 2023;

WHEREAS, the Apex Planning Board held a public hearing on the 8th day of May 2023, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #23CZ05. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously by a vote of 6 to 0 for the application for #23CZ05;

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 #23CZ05 before the Apex Town Council on the 28th day of April 2023;

WHEREAS, the Apex Town Council held a public hearing on the 23rd day of May 2023. June Cowles, Senior Planner, presented the Planning Board’s recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #23CZ05 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 Park-Public or Private. This designation on the 2045 Land Use Map includes the zoning district Conservation Buffer-Conditional Zoning (CB-CZ) and the Apex Town Council has further considered that the proposed rezoning to Conservation Buffer-Conditional Zoning (CB-CZ) is consistent with 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 rezoning will update the zoning for the parcel to be consistent with other Town parks, and will improve the health and wellness of residents by providing additional recreation programs and open space for residents.; and

WHEREAS, the Apex Town Council by a vote of 5 to 0 approved Application #23CZ05 rezoning the subject tract located at 3400 Pleasant Plains Road from Rural Residential (RR) to Conservation Buffer- Conditional Zoning (CB-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.”

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

Ordinance Amending the Official Zoning District Map #23CZ05

zoning classification of the “Rezoned Lands” from Rural Residential (RR) to Conservation Buffer-Conditional Zoning (CB-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.

- | | |
|-------------------|---------------------|
| 1. Park, active | 4. Botanical garden |
| 2. Park, passive | 5. Greenway |
| 3. Utility, minor | |

Zoning Conditions:

1. The maximum number of colors on wayfinding signage shall be 6 (not including black/white) that utilize the Town of Apex Branding Standard Colors and reflect the Parks, Recreation and Cultural Resources Standard Specifications and Details.
2. The maximum height of Wayfinding signage shall be 120” (10 feet).
3. The maximum height of the entry monument signage for the park shall be 93” (7 feet 9 inches).
4. The entry monument maximum sign area square footage of sign face shall be 124 square feet.
5. Deciduous shade trees shall be planted on the southern side of buildings.
6. The project shall include installation of tree, shrub, and perennial species with special attention to providing diverse and abundant pollinator and bird food sources, including plants that bloom in succession from spring to fall.
7. No invasive species shall be permitted.
8. No single species of tree or shrub shall constitute more than 20 percent of the plant material of its type within the project site.
9. The project shall include drought tolerant plants, with 75 percent of the selection being native, and shall select warm season grasses.
10. Electrical Vehicle charging spaces shall not reduce the width of adjacent sidewalks to less than 5 feet and shall be located so that cords do not create trip hazards.
11. The parking lot and exterior lighting shall be LED.

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.

Ordinance Amending the Official Zoning District Map #23CZ05

Motion by Council Member _____

Seconded by Council Member _____

With ____ Council Member(s) voting "aye."

With ____ Council Member(s) voting "no."

This the ____ day of _____ 2023.

TOWN OF APEX

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney