

ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 10.16 ACRES LOCATED ON 5131 & 5145 CHURCH ROAD FROM WAKE CO. R-30 TO MEDIUM DENSITY RESIDENTIAL-CONDITIONAL ZONING (MD-CZ).

#20CZ09

WHEREAS, the application of Alonzo Wilson for ATM Development, LLC, 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 9th day of November 2020 before the Planning Board and the 17th day of November 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 Wake County R-30 to Medium Density Residential-Conditional Zoning (MD-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:

Uses:

The rezoned lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations stated.

- | | |
|------------------|---------------------------------|
| 1. Single-family | 5. Utility, minor |
| 2. Park, active | 6. Accessory apartment |
| 3. Park, passive | 7. Family care home |
| 4. Greenway | 8. Recreation facility, private |

Conditions:

1. If this subdivision is developed as a part of the approved Holleman Hills Subdivision, no buffer shall be provided along the northern property line adjacent to Holleman Hills.
2. A 20-foot Type B Buffer will be provided along the eastern boundary at the 2 residential properties PIN 0619-99-3364 & 0619-99-6238. The remaining length of the eastern boundary of the project shall be a 10-foot Type B Buffer.
3. A 10-foot Type B Buffer will be provided along the southern boundary of the project adjacent to PIN 0619-79-6350 (Western Wake Regional Water Reclamation Facility).
4. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.

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5. Garage doors must have windows, decorative details, or carriage-style adornments on them.
6. Eaves shall project at least 12 inches from the wall of the structure.
7. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:
 - a. Windows
 - b. Bay window
 - c. Recessed window
 - d. Decorative window
 - e. Trim around the window
 - f. Wrap around porch or side porch
 - g. Two or more building materials
 - h. Decorative brick/stone
 - i. Decorative trim
 - j. Decorative shake
 - k. Decorative gable
 - l. Decorative air vents on gable
 - m. Decorative cornice
 - n. Column
 - o. Portico
 - p. Balcony
 - q. Dormer
8. A varied color palette shall be utilized on homes throughout the subdivision, to include a minimum of three color families for siding and shall include varied trim, shutter and accent colors complementing the siding color.
9. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
10. The garage cannot protrude more than 1 foot out from the front façade or front porch.
11. Homes will be pre-wired for solar panels.
12. A 100-foot riparian buffer shall be provided for all perennial streams in accordance with the requirements of UDO Sec. 6.1 as of August 3, 2020.
13. In support of the Town of Apex’s mission to provide affordable housing, the development shall support this mission with the following condition:

Prior to recordation of the first Final Plat for the property, the developer shall provide a donation to the Town of Apex’s Affordable Housing Fund (the “FUND”) in the amount of \$215/dwelling unit. If at the time of the first Final Plat, the FUND is yet to be established, the developer shall contribute said funds to a non-profit organization participating in the development and construction of affordable housing units. The developer will work with the Town of Apex to identify a mutually acceptable non-profit organization to receive these funds.

If, at any point prior to recordation of the first Final Plat, the developer records with Wake County Register of Deeds an Option in favor of The White Oak Foundation, Habitat for Humanity of Wake County, Inc. (“Habitat Wake”) or other qualifying non-profit affordable housing provider for one (1) or more lots within the development, the donation to the FUND shall no longer be a requirement.

For purposes of this condition, affordable housing is defined as housing that on average is affordable to a household with an annual income that is no greater than 80% of the Area Median Income for the respectively-sized household in the Raleigh, NC MSA, as determined by the United States Department of Housing and Urban Development (HUD).

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.

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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

ATTEST:

Mayor

Town Clerk

APPROVED AS TO FORM:

Town Attorney