

**STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY .426 ACRES LOCATED AT 1016 N SALEM STREET FROM RESIDENTIAL AGRICULTURAL (RA) TO MEDIUM DENSITY-CONDITIONAL ZONING (MD-CZ)**

**#21CZ19**

**WHEREAS**, Courtney Landoll, WithersRavenel, applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of September 2021 (the "Application"). The proposed conditional zoning is designated #21CZ19;

**WHEREAS**, the Director of Planning and Community Development for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #21CZ19 before the Planning Board on the 13th day of December 2021;

**WHEREAS**, the Apex Planning Board held a public hearing on the 13th day of December 2021, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #21CZ19. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #21CZ19;

**WHEREAS**, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Director of Planning and Community Development caused proper notice to be given (by publication and posting), of a public hearing on #21CZ19 before the Apex Town Council on the 11th day of January 2022;

**WHEREAS**, the Apex Town Council held a public hearing on the 11<sup>th</sup> day of January 2022. Liz Loftin, 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 #21CZ19 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, 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 Mixed Use: Medium Density Residential/Office Employment/Commercial Services. This designation on the 2045 Land Use Map includes the zoning district Medium Density Residential-Conditional Zoning (MD-CZ) and the Apex Town Council has further considered that the proposed rezoning to Medium Density Residential-Conditional Zoning (MD-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by 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 ensure preservation of the historic structure; and

**WHEREAS**, the Apex Town Council by a vote of 5 to 0 approved Application #21CZ19 rezoning the subject tract located at 1016 N. Salem Street from Residential Agricultural (RA) to Medium Density Residential-Conditional Zoning (MD-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."

**Ordinance Amending the Official Zoning District Map #21CZ19**

**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 Residential Agricultural (RA) to Medium Density Residential-Conditional Zoning (MD-CZ) District, subject to the conditions stated herein.

**Section 3:** The Director of Planning and Community Development 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. Single Family Residential
- 2. Accessory Apartment

**Zoning Conditions:**

- 1. The existing historic home will remain on the property.
- 2. Any renovations to the primary structure will follow the latest edition of the "Secretary of Interior Standards of Rehabilitation and Guidelines for Rehabilitating Historic Buildings". All other structures or new development shall comply with the applicable sections of the UDO.

**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.

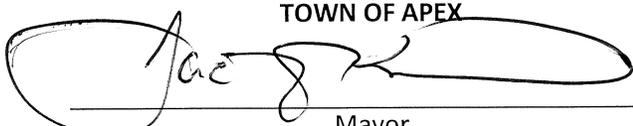
Motion by Council Member Edward Gray

Seconded by Council Member Cheryl Stallings

With 5 Council Member(s) voting "aye."

With 0 Council Member(s) voting "no."

This the 8<sup>th</sup> day of February 2022.

**TOWN OF APEX**  
  
\_\_\_\_\_  
Mayor

Ordinance Amending the Official Zoning District Map #21CZ19

ATTEST:

Justine Silver  
Title: Deputy Town clerk

APPROVED AS TO FORM:

[Signature]  
Town Attorney

"Attachment A"

**AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION**

Application #: 21CZ19

Submittal Date: 9/1/2021

**Insert legal description below.**

Beginning at an Existing Iron Pipe located at the Northwest corner of Lot 4-1A, "Apex Mule and Supply Co", Recorded at Book of Maps 1885, Page 119, Wake County Registry. Said Existing Iron Pipe having North Carolina Geodetic Coordinates (NAD 83; 2011) N: 725,445.26', E: 2,044,527.61', said Iron Pipe also being located on the Eastern Public Right of Way of North Salem Street, Thence leaving said Right of Way, North 69°43'32" East a distance of 122.93' to a Point; Thence South 21°02'26" East a distance of 149.35' to a Point; Thence South 69°38'26" West a distance of 125.71' to an Existing Iron Pipe located on the Eastern Public Right of Way of North Salem Street; Thence along said Public Right of Way, North 19°58'29" West a distance of 149.53' to an Existing Iron Pipe, being the point and place of Beginning, and having an area of 0.426 Acres, 18,578 Square Feet, more or less.