

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 3 ACRES LOCATED AT 8905 AND 0 CASTLEBERRY ROAD FROM WAKE COUNTY RESIDENTIAL-80 WATERSHED (R-80W) TO RURAL RESIDENTIAL-CONDITIONAL ZONING (RR-CZ)

#26CZ01

WHEREAS, William Norton, Jones & Crossen Engineering, PLLC (the “Applicant”), submitted a completed application for a conditional zoning on the 18th day of February 2026 (the “Application”). The proposed conditional zoning is designated #26CZ01.

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 #26CZ01 before the Apex Planning Board on the 13th day of April 2026.

WHEREAS, the Apex Planning Board held a public hearing on the 13th day of April 2026, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #26CZ01. A motion was made by the Apex Planning Board to recommend denial with a vote of 6-2 for the application for #26CZ01.

WHEREAS, pursuant to 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 #26CZ01 before the Town Council on the 28th day of April 2026.

WHEREAS, the Apex Town Council held a public hearing on the 28th day of April 2026. 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 #26CZ01 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 not consistent with the 2045 Land Use Map and other adopted plans in the that the 2045 Land Use Map designates the site as Rural Density Residential classification and approval of this rezoning will automatically amend the 2045 Land Use Map to Rural Transition Residential. This designation on the 2045 Land Use Map includes the zoning district Rural Residential-Conditional Zoning (RR-CZ) and the Apex Town Council has further considered that the proposed rezoning to Rural Residential (RR-CZ) will provide the flexibility to accommodate one additional single-family lot.

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that the rezoning will implement stricter environmental conditions than the UDO requires and will allow single-family lots that are compatible with the surrounding neighborhood character, as it provides a transition between more rural density areas and low density residential areas (Lake Castleberry subdivision). Furthermore, the proposed rezoning requires improvements to the Castleberry Road infrastructure from the end of the existing pavement on Castleberry Road to Council Drive

WHEREAS, the Apex Town Council by a vote of ___ to ___ approved Application #26CZ01 rezoning the subject tract located at 8905 and 0 Castleberry Road from Wake County Residential-80 Watershed (R-80W) to Rural Residential-Conditional Zoning (RR-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.”

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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-80W to Rural Residential-Conditional Zoning (RR-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. Single-family dwelling
2. Accessory Apartment
3. Utility, minor
4. Park, active
5. Park, passive
6. Greenway

Design Standards:

1. A maximum of 3 lots.
2. The minimum lot size shall be 35,000 sf. And average lot size shall be 42,000 sf after the R/W dedication of approximately 1,200 sf.
3. A 40 ft undisturbed Type B Landscape Buffer shall be located along the eastern and southern property line, adjacent to existing residential lots. Each lot containing a buffer shall have a deed restriction recorded that states “Buffers shall be undisturbed in perpetuity.”
4. The home builder shall install a 6-ft high privacy fence outside of the required landscape buffer along the southern property line, adjacent to existing residential lots, prior to each home Certificate of Occupancy. The fence material shall be either wood or composite wood, such as but not limited to Trex brand.
5. The home builder shall install a single row of evergreen trees outside the required landscape buffer along the eastern property line adjacent to the neighboring primary residence consistent with the height and spacing requirements per the Type A buffer standards in Section 8.2.6.B.5.
6. Any Homeowners Association covenants shall not restrict the construction of accessory dwelling units.
7. Any accessory dwelling unit, whether attached or detached, shall be limited to one bedroom and shall not exceed a heated square footage of 1,500 square feet or 40% of the heated square footage of the primary dwelling unit, whichever is less.

Transportation/Infrastructure:

8. Developer shall construct and dedicate an extension of Castleberry Road from the existing terminus of state maintenance to the western boundary frontage of Castleberry Road as a 22-foot wide public street in a minimum 50-foot-wide Right of Way based on the Town of Apex rural

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residential street standard and also construct a 5-foot sidewalk along the project frontage. Developer shall terminate Castleberry Road with a public cul-de-sac.

9. Each lot shall be served by a single driveway and all driveways shall exclusively access the public street extension of Castleberry Road.
10. Construction activities shall be restricted to Monday – Saturday, no later than 7 pm.
11. Construction vehicles shall not use Sleepy Valley Rd to access the properties.

Environmental:

12. At least 75 percent of the plant species used in the landscape design shall be native species to the eastern U.S.
13. Perimeter buffers and HOA maintained areas may be planted with clover or warm season grasses for drought resistance.
14. Homeowner Association covenants shall permit clover lawns throughout the neighborhood.
15. Signage and other common owned elements that include outdoor lighting shall utilize full cutoff fixtures that have a maximum color temperature of 3,000K.
16. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electronic vehicles.
17. All homes shall include solar conduits for future rooftop solar installation. Additionally, 2 of the 3 proposed residential homes shall be constructed with active 3.5kW systems.
18. No single species of vegetation shall constitute more than 20% of the plant material of its type within a single development site, not including lawns.
19. HOA covenants shall not require that fallen leaves or dormant plants be removed during the winter on areas without turf grass, including individual homes and HOA owned common areas.

Architectural:

20. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
21. Eaves shall project at least 12 inches from the wall of the structure.
22. Garage doors shall have windows, decorative details or carriage-style adornments on them.
23. Garages on the front façade of a home that faces the street shall not exceed 50% of the total width of the house and garage together.
24. 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:
 - Windows
 - Bay window
 - Recessed window
 - Decorative window
 - Trim around the windows
 - Wrap around porch or side porch
 - Two or more building materials
 - Decorative brick/stone
 - Decorative trim
 - Decorative shake
 - Decorative air vents on gable
 - Decorative gable
 - Decorative cornice
 - Column
 - Portico

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- Balcony
 - Dormer
25. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
 26. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
 27. Front porches shall be a minimum of 6 feet deep.

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 _____ 2026.

TOWN OF APEX

Jacques K. Gilbert
Mayor

ATTEST:

Allen Coleman, CMC, NCCCC
Town Clerk

APPROVED AS TO FORM:

Town Attorney