

**STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 22.19 ACRES LOCATED AT 0 & 7104 CAMP BRANCH LANE FROM RURAL RESIDENTIAL (RR) TO MEDIUM DENSITY RESIDENTIAL-CONDITIONAL ZONING (MD-CZ)**

**#25CZ19**

**WHEREAS**, Chris Bowley, Lennar Carolinas, LLC, applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 3rd day of November, 2025 (the “Application”). The proposed conditional zoning is designated #25CZ19;

**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 #25CZ19 before the Planning Board on the 9th day of March 2026;

**WHEREAS**, the Apex Planning Board held a public hearing on the 9th day of March 2026, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning 25CZ19. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #25CZ19;

**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 #25CZ19 before the Apex Town Council on the 24th day of March 2026;

**WHEREAS**, the Apex Town Council held a public hearing on the 24th day of March 2026. Joshua Killian, Planner II, presented the Planning Board's recommendation at the public hearing;

**WHEREAS**, all persons who desired to present information relevant to the application for #25CZ19 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 Medium Density Residential. 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 conditions provided will allow the property to be developed in a manner that is consistent with the residential character of the area and limits the allowable density consistent with subdivisions within 300 feet of the rezoning. The proposed rezoning also includes dedication of right-of-way along the parcel’s frontage consistent with the Apex Transportation Plan; and

**WHEREAS**, the Apex Town Council by a vote of 5 to 0 approved Application #25CZ19 rezoning on the 12th day of May 2026 for the subject tract located at 0 & 7104 Camp Branch Lane from Rural Residential (RR) to Medium Density Residential-Conditional Zoning (MD-CZ).

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### 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 Rural Residential (RR) 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:

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              | 5. Greenway                     |
| 2. Accessory apartment        | 6. Park, active                 |
| 3. Utility, minor             | 7. Park, passive                |
| 4. Wireless support structure | 8. Recreation facility, private |

#### Zoning Conditions:

1. There shall be a maximum of fifty-eight (58) residential units on the property.
2. Minimum lot width shall be forty (40) feet.
3. The minimum side setbacks shall be five (5) feet and the minimum combined side setback shall be ten (10) feet.
4. The minimum front setback shall be twenty (20) feet.
5. There shall be a 20-foot Type B buffer and privacy fence along the shared property line with PIN 0731149410 (the “Donnelly Property”). The privacy fence shall have a minimum height of six (6) feet and be located along the west side of the buffer.
6. There shall be a privacy fence with a minimum height of six (6) feet where residential lots are adjacent to the buffer along PIN 0731038661. The privacy fence shall be located along the north side of the buffer.
7. The public right of way for the stub street to the Donnelly Property shall extend to the shared property line with the Donnelly Property (the “Property Line”), but the paved street and curb and

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gutter shall terminate approximately 25 feet west of the Property Line. Developer shall pay a fee-in-lieu for the future extension of the stub street in accordance with the UDO.

8. The development shall construct a stub street to PIN 0731038661 in a location determined by developer and coordinated with Town staff during Master Subdivision Plan and Construction Document review.
9. No more than fifty (50) units shall be permitted with one (1) point of access to the public street system. If more than fifty (50) units are developed, the project shall have a minimum of two (2) points of access to the public street system.
10. Subject to Town of Apex and North Carolina Department of Transportation review and approval, Developer shall dedicate public right-of-way for the length of the property's Holland Road frontage, measured 40 feet from the existing centerline of Holland Road, and widen and improve Holland Road for the length of the property's Holland Road frontage based on a 50-foot curb and gutter 3-lane thoroughfare section with an 11-foot turn lane, 11-foot travel lanes, and 6-foot bike lanes, and construct 5-foot sidewalk offset one foot from the right-of-way consistent with the Town of Apex Bicycle and Pedestrian System Plan Map (the "Road Widening"). There are one or more streams on the property and the Road Widening will require approval from the U.S. Army Corps of Engineers and any other applicable governing body (the "Permitting Body") to permit the stream disturbance. If the Permitting Body will not permit the stream disturbance, developer shall pay a fee in lieu for the portion of the Road Widening that cannot be completed including the estimated cost of final design and permitting plus 15% contingency subject to review and approval of an engineer's estimate.
11. A southbound left turn lane shall be provided on Holland Road to serve Camp Branch Lane. In the event the developer is unable to acquire all necessary rights of way and easements for construction of the southbound left turn lane through good faith efforts, and the Town of Apex is unable or unwilling to assist in that acquisition, then the developer shall redesign the road improvements to eliminate the turn lane and pay a fee in lieu in the amount of the estimated cost of acquisition and construction plus 15% contingency subject to review and approval of an engineer's estimate.
12. The following architectural conditions shall apply to single-family units:
  - a. Vinyl siding is not permitted; however, vinyl windows, decorative elements, and trim are permitted.
  - b. Garage doors shall have windows, decorative details, or carriage style adornments.
  - c. A varied color palette shall be used on all homes to include a minimum of three color families.
  - d. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door.
  - e. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
  - f. The garage shall not protrude more than one (1) foot out from the façade or front porch. Living space above a garage shall not be considered part of the front façade.

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13. A minimum of five percent (10%) of the total units on the property shall be affordable housing units. The affordable units may be for sale or for rent units, at the election of developer prior to issuance of building permits for the affordable units. Final affordable housing unit floor plan selection which includes unit size and bedroom size will be at the discretion of the developer. If the affordable units calculation results in a fraction between 0.50 and 0.99, the affordable units shall be rounded up to the nearest whole number. If the affordable units calculation results in a fraction between 0.01 and 0.49, the affordable units shall be rounded down to the nearest whole number.

For sale affordable units (the "For Sale Units") shall be subject to the following terms and conditions:

- The For Sale Units shall be constructed on-site and sold (includes unit price and lot price) at a mutually agreeable maximum affordable median income ownership initial sales price (the "Initial Sales Price").
- The For Sale Units shall be occupied by households earning no more than one-hundred twenty (120%) of the Raleigh NC Metropolitan Statistical Area (MSA), Area Median Income (AMI) as most recently published by HUD (the "Income Limit"). For purposes of calculating the Initial Sales Price for the For Sale Units, affordable shall mean a reasonable down payment and monthly housing costs expected during the first calendar year of occupancy, including utilities or utility allowances, mortgage loan principal and interest, mortgage insurance, property taxes, homeowner's insurance, homeowner's association dues, if any, and all other property assessments, dues and fees assessed as a condition of property ownership (the "Housing Costs"). For purposes of the calculation, monthly Housing Costs shall not exceed thirty percent (30%) of the Income Limit divided by twelve (12).
- A restrictive covenant (i.e. resale deed restriction) with a minimum affordability period of twenty (20) years (the "Affordability Period") shall be recorded in the Wake County Registry against the For Sale Units concurrently at the close of escrow upon the sale of each For Sale Unit.
- Following the first sale of the For Sale Units to a buyer for use as a residence, Developer shall not be responsible for managing the For Sale Units or performing marketing, applicant screening, and selection related to future sales of the For Sale Units.

For rent affordable units (the "Rental Units") shall be subject to the following terms and conditions:

- The Rental Units shall be occupied by low-income households earning no more than eighty percent (80%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income, as most recently published by the U.S. Department of Housing and Urban Development (HUD) for a period of thirty (30) years starting from the date of issuance of the first residential Certificate of Occupancy (the "Affordability Period").
- Prior to issuance of the first Certificate of Occupancy for the Rental Units, a restrictive covenant between the Town and property owner shall be executed and recorded in the Wake County Registry to memorialize the affordable housing terms and conditions.
- During the Affordability Period, the property owner shall submit annual compliance reports to the Town to verify compliance with the affordable housing terms and conditions.

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- Following expiration of the Affordability Period, this affordable housing condition shall expire, and the property owner shall be relieved of all obligations set forth in this affordable housing condition, and the Rental Units may be freely marketed and leased at market rate rents.
14. Homeowner Association covenants shall not restrict the construction of accessory dwelling units.
  15. The development shall install at least one pet waste stations per twenty-five (25) residential units residential units in locations that are publicly accessible, such as adjacent to amenity centers, SCMs, sidewalks, greenways, or side paths. If there are fewer than 25 homes, at least one pet waste station shall be installed.
  16. The development shall install one (1) sign per Stormwater Control Measure to reduce pet waste and prohibit fertilizer in a location that is publicly accessible, such as adjacent to a sidewalk.
  17. At least 75% of the landscaping shall be native species which shall provide diverse and abundant pollinator and bird food sources. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision review.
  18. No single species of native or adaptive vegetation shall constitute more than 20% of the plant material of its type within a single development site.
  19. The HOA Declaration of Covenants shall not prohibit clover or native grass mixed species lawns.
  20. The HOA Declaration of 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.
  21. A solar PV system of at least 3.5kW shall be installed on at least 10% of single-family homes in the development. Solar installation shall be under construction prior to issuance of 90% of the building permits for the development.
  22. Each unit shall have at least one electrical receptacle suitable for electric vehicle charging with minimum voltage of 220V.

**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."

**Ordinance Amending the Official Zoning District Map #25CZ19**

This the \_\_\_\_ day of \_\_\_\_\_ 2026.

**TOWN OF APEX**

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Jacques K. Gilbert  
Mayor

**ATTEST:**

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Allen Coleman, CMC, NCCCC  
Town Clerk

**APPROVED AS TO FORM:**

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Town Attorney