STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 8.93 ACRES LOCATED AT 1409 GOODWIN ROAD FROM WAKE COUNTY RESIDENTIAL-80 WATERSHED (R-80W) TO RURAL RESIDENTIAL-CONDITIONAL ZONING (RR-CZ)

#26CZ08

WHEREAS, Patrick Kiernan, Jones & Cnossen Engineering, PLLC, authorized agent (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of July 2026 (the "Application"). The proposed conditional zoning is designated #26CZ08;

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 #26CZ08 before the Planning Board on the 12th day of October 2026;

WHEREAS, the Apex Planning Board held a public hearing on the 12th day of October 2026, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #26CZ08. A motion was made by the Apex Planning Board to recommend approval if an additional condition requested by staff was added; the motion passed unanimously for the application for #26CZ08;

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 #26CZ08 before the Apex Town Council on the 27th day of October 2026;

WHEREAS, the Apex Town Council held a public hearing on the 27th day of October 2026. Thomas Rayle, 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 #26CZ08 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 Plan and other adopted plans in that the 2045 Land Use Map designates this property as Rural Density Residential 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). The Apex Town Council has further considered that the proposed rezoning to Rural Residential-Conditional Zoning (RR-CZ) will 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: it provides a transition between the non-residential uses to the south and east and the large-lot residential properties primarily west of the American Tobacco Trail corridor. Furthermore, the rezoning provides stricter architectural conditions than the UDO requires, provides stormwater measures above UDO standards, and incorporates typical suggested conditions from the Apex Environmental Advisory Board; and

WHEREAS, following the public hearing on October 27, 2026, the Apex Town Council by a vote of ___ to ___ approved Application #26CZ08 rezoning the subject tract located at 1409 Goodwin 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."

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 Residential-80 Watershed (R-80W) to Rural Residential-Conditional Zoning (RR-CZ), subject to the conditions stated herein.

Section 3: 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.

Permitted Uses:

- Single-Family
- Accessory Apartment
- Utility, minor
- Park, active
- Park, passive
- Greenway

Architectural Conditions:

1. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
2. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
3. Eaves shall project at least 12 inches from the wall of the structure.
4. The garage shall not protrude more than 1 foot out from the front façade or front porch. Living space above a garage shall not be considered part of the front façade.
5. Garages on the front façade of a home that faces the street shall not exceed 40% of the total width of the house and garage together.
6. Garage doors shall have windows, decorative details or carriage-style adornments on them.
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:
   - 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
   - Balcony
   - Dormer
8. A varied color palette shall be utilized 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 garages shall have a prominent covered porch/stoop area leading to the front door.
10. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around any non masonry set windows.
11. Front porches shall be a minimum of 6 feet deep.

Additional Zoning Conditions:

1. The number of resultant residential lots of this rezoning shall be limited to 8 single family units, equivalent to approximately 0.9 dwelling units per acre.
2. Signage shall be provided in HOA areas surrounding SCMs, regarding the need to eliminate and reduce fertilizer and pet waste near SCMs.
3. Developer shall install pollinator-friendly and native flora within SCM planting areas.
4. At least 75% of the plant species used in the landscape design shall be native species to the eastern U.S. The project shall increase biodiversity within perimeter buffers, common owned open space, and other landscape areas by providing a variety of native and adaptive species for canopy, understory and shrub levels. Refer to the Town of Apex Design and Development Manual for further guidance.
5. 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.
6. Perimeter buffers, SCMs, and other HOA maintained areas may be planted with clover or warm season grasses for drought resistance.
7. HOA covenants, conditions, and restrictions shall not prohibit clover or native grass mixed species lawns.
8. In order to support nesting and overwintering wildlife and pollinators, 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.
9. HOA covenants shall not restrict the construction of accessory dwelling units.
10. All homes shall include solar conduit in the building design to facilitate future rooftop solar installations. Developer shall emphasize the availability of solar by providing the statement “Solar Options Available” on the development sign at the front of the subdivision.
11. All garages shall be wired with a 220-volt outlet inside the garage to facilitate charging of electric vehicles.
12. For stormwater management, post-development peak runoff shall not exceed pre-development peak runoff conditions for the 1-year, 10-year, and 25-year 24-hour storm events.
13. For any new subdivision streets built within this development, overhead street lighting shall not be installed in an effort to preserve the rural identity of the Goodwin Road community. Wall-mounted exterior light fixtures on homes directly adjacent to residential properties shall include house-side shields where necessary to minimize illumination beyond the project boundary. In order to preserve public safety and welfare, this condition shall not prohibit the illumination of any required crosswalks within public right-of-way. Any crosswalk lighting shall be installed with house-side shields where necessary to minimize illumination towards adjacent residential properties.
14. Construction vehicles shall be prohibited from parking along Goodwin Road. Contractor shall follow the approved Staging Plan for determination on where construction vehicle parking shall be located.
15. Per the Town of Apex Bicycle and Pedestrian System Plan Map, a 10’ wide multi-use path shall be constructed along the project frontage on Goodwin Road.
16. A 6’ wooden privacy fence shall be erected along the shared property line with PIN #0722-27-7037 in order to provide visual screening to supplement the required perimeter buffer. The width of this perimeter buffer (adjacent to PIN #0722-27-7037) shall be increased to 20’ wherever new residential lots directly abut the buffer.
17. A 15-foot wide streetscape easement containing a minimum 3’ high landscaped berm shall be recorded along the project frontage, outside of the Goodwin Road right-of-way. While the easement may be located within private residential lots, maintenance of the berm and associated landscaping shall be the responsibility of the HOA.
18. In order to provide visual screening and minimize the potential for headlight exposure from vehicles exiting the proposed development, a row of evergreen trees shall be planted along the

road frontage of 1420 Goodwin Road (PIN# 0722-26-5931), outside the Public R/W or any existing easements, and directly across from the proposed site drive. This additional off-site landscaping shall be installed only upon access rights being granted by the owner(s) of 1420 Goodwin Road.

19. Construction shall be restricted to Monday – Saturday, no later than 7pm, to allow for a reprieve from construction noise in the evenings and on Sundays. The allowable construction times shall be posted on a physical sign at the entrance to the neighborhood.

Section 4: 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 5: 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:

_____
Brian Meyer
Interim Town Attorney