

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

BE IT ORDAINED by the Town Council of the Town of Apex as follows:

Section 1. Sections 8.6.3 and 8.6.4 of the Unified Development Ordinance are amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

8.6.3 Illumination Standards

...

C) Alternative Compliance

The Planning Director may approve an alternative form of compliance to Secs. 8.6.3 Illumination Standards and 8.6.4 Design Requirements when it has been clearly demonstrated on a lighting plan submitted by a licensed lighting professional holding the PE, LC, CLEP, or similar certification that the proposed deviations are necessary in order to improve the safety and/or functionality of the site. The lighting plan shall show compliance with all other sections of this Ordinance, including Sec. 8.5.5 Operational/Physical Compatibility, which may be invoked in the event the alternative form of compliance garners zoning complaints once installed.

The Planning Director shall consider the following factors in determining whether any such proposed alternative is acceptable:

- 1) Existing and proposed uses on-site;**
- 2) Adjacent uses;**
- 3) Existing and proposed topography;**
- 4) Location and configuration of buildings on-site and on adjoining properties;**
- 5) Existing and proposed evergreen screening;**
- 6) Proposed house-side shields;**
- 7) Size and configuration of the parcel;**
- 8) Proximity to public rights-of-way;**
- 9) Proximity to residentially-zoned properties;**
- 10) Proximity to Resource Conservation Areas and all state and/or federal designated environmentally sensitive areas;**
- 11) Consistency with the intent of this Ordinance.**

8.6.4 Exterior Lighting, Design Requirements

Exterior lighting, such as that used in and around buildings, recreation areas, parking lots, and signs, shall be designed to prevent the excessive spillover of light onto adjacent properties. It shall also be designed to protect against glare onto public rights-of-way thereby impairing the vision of motorists and adversely impacting adjoining properties. All exterior lighting shall be shielded from adjacent properties by existing vegetation, thick evergreen vegetated buffers, berms, walls, or fences, and/or the use of directional lighting, lighting shields, special fixtures, timing devices, appropriate light intensities, luminaries, and mountings at appropriate heights. External and/or internal shields are required on all lights in vehicular use areas and lights mounted to buildings where they are immediately adjacent to residential uses (such as along the edges of parking lots

or mounted to the rear of buildings close to residential uses). All outdoor lighting shall conform to the following design standards **of this Section. When the standards of this Section cannot be reasonably met, the applicant may submit an alternative form of compliance per Sec. 8.6.3.C Alternative Compliance.**

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E) *Lumens*
Lamps for full cut-off **pole mounted** fixtures shall not exceed 15,500 lumens.

F) *Building, Ground Mounted Fixtures and Accent Lighting*
Lighting shall not be mounted to buildings or used to illuminate buildings or other site features unless approved as integral elements on the development plan. Lighting will not be approved unless the light fixtures are carefully selected, located, aimed, and shielded so that light is directed only onto limited parts of the building façade, specimen landscape, and site features, and spillover light is minimized (see also Secs. 8.6.4.C *Architectural/Site Compatibility*, 8.6.4.D *Spillover Light and Glare Control*, and 8.6.4.E *Lumens*. Building, ground mounted fixtures and accent lighting must meet the following criteria:

- 1) Lights ~~must~~ **shall** not be used to illuminate entire portions of building(s), landscape, or site features.
- 2) Building mounted lights such as wall-pack and goose-neck type fixtures shall be fully shielded, full cut-off type fixtures (concealed lamp/light source). The lighting ~~must~~ **shall** be directed downward, and the **lamps shall** ~~must~~ not exceed 2,500 lumens; **provided, however, that Industrial Service or Production uses within the TF Tech/Flex, or LI Light Industrial Districts may have building mounted light fixtures with lamps up to 15,500 lumens only within a designated loading dock area.**
- 3) Accent lights ~~must~~ **shall** be low-lumen or low-voltage and the maximum illumination on any surface shall not exceed 5.0 average initial foot-candles.

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Section 2. Section 12.2 of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

12.2 TERMS DEFINED

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Built-Upon Area

For the purposes of complying with the standards and requirements of the Watershed Protection Overlay Districts, calculation of the built-upon area within the proposed development shall include, but not be limited to, all existing public and private streets, proposed public streets, sidewalks, driveways, rooftops, parking lots, patios, and all other impervious and partially impervious surfaces, including CABC and gravel within the development. In accordance with NCGS 143-214.7D, built upon area does not include the water area of swimming pools; slatted decks; and a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; a trail as defined in

G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); ~~or~~ landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle; **or artificial turf, manufactured to allow water to drain through the backing of the turf, and installed according to the manufacturer’s specifications over a pervious surface.** The owner or developer of a property may opt out of any of the exemptions from built-upon area set out in this section.

...

Section 3. Section 8.7.1, Table 8.7.1 of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

8.7.1 Permitted Signs: Location, Size, and Number

All signs are subject to Sec. 8.7.9 *Definitions*, Article 12: *Definitions*, and Sec. 8.7.2 through 8.7.6. The sections listed specifically in Sec. 8.7.1 have been included for emphasis and user convenience and shall not be construed to exclude other sections of the Ordinance. Any sign permitted by these regulations may display or publish a non-commercial message. This includes both signs that require and do not require a permit. Exemptions from Sec. 8.7.1 are found in subsection 8.7.1.C.

Table 8.7.1

P = allowed with permit X = not allowed V = allowed without permit

Sign Type	Conditions	Residential Uses	Commercial Uses	Industrial Uses	Office & Institutional Uses	Illumination ¹	
Permanent Sign Types							
...							
Temporary Sign Types							
1	On-premise, Non-commercial Temporary Signs	8.7.1.B.1	X -V	V -P	V P	V P	No
...							

Section 4. The Planning Director and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the terms of this ordinance.

Section 5. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 6. The ordinance shall be effective upon enactment on the ____ day of _____2025.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

TOWN OF APEX

Allen Coleman, CMC, NCCCC
Town Clerk

Jacques K. Gilbert
Mayor

Approved as to Form:

Laurie L. Hohe
Town Attorney