

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 8.7, 4.5.5, 4.6, 8.6.4, and 8.6.5 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:

8.7 SIGNS

The purpose of this Section is to accomplish the following objectives:

To ensure that signs are designed, constructed, installed, and maintained so that public safety and traffic safety are not compromised;

To minimize distractions and visual obstructions that contribute to traffic hazards and endanger public safety;

To allow for adequate and effective communication while preventing visual clutter; and

To ensure a high standard for the design and size of signs so that they enhance the aesthetic appearance and attractiveness of the community, and create an aesthetic environment that has a positive impact on economic development.

8.7.1 Permitted Signs: Location, Size, and Number

All signs are subject to Sec. 8.7.9 *Definitions*, ~~and~~ 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 √ = allowed without permit

1	Awning	8.7.1.A.1	X	P	P	P	Yes
2	Reserved <u>Home Occupation</u>	<u>8.7.1.A.2</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>No</u>
3	Building Marker	8.7.1.A.3	√	√	√	√	Yes
4	Civic Club Non-profit (Off-Premise) <u>Reserved</u>	8.7.1.A.4	X	P	P	P	No
5	Directory: • Building	8.7.1.A.5	X	P	P	P	Yes
6	• Ground	8.7.1.A.6	P	P	P	P	Yes
7	Flags	8.7.1.A.7	√	√	√	√	Yes
8	Gasoline Sales	8.7.1.A.8	X	√	√	X	Yes
9	Governmental	8.7.1.A.9	√	√	√	√	Yes
10	Health/Hospital	8.7.1.A.10	X	X	X	P	Yes
11	Incidental	8.7.1.A.11	√	√	√	√	Yes
12	Marquee	8.7.1.A.12	X	√	X	X	Yes
13	Menu Board	8.7.1.A.13	X	P	X	X	Yes
14	Principal Ground:						
15	• Non-residential	8.7.1.A.14	X	P	P	P	Yes

	• Residential	8.7.1.A.15	P	X	X	X	Yes
16	Special/Historic	8.7.1.A.16	P	P	P	P	Yes
17	Suspended	8.7.1.A.17	X	P	P	P	Yes
18	Wall	8.7.1.A.18	X	P	P	P	Yes
19	Interior Sign	8.7.1.A.19	X	P	X	X	Yes
31 B.6	Window	8.7.1.A. 31 B.6	X	√	√	√	Yes
31	Window-Interactive Digital Display	8.7.1.A. 31	X	P	P	P	Yes
1	On-premise, Non-commercial Temporary Signs	8.7.1.B.1	X	√	√	√	No
20	Construction Sites/Development: —• Non-residential — or mixed-use —• Residential	8.7.1.A. 20 aB.2 8.7.1.A.20.b	X P	P X	P X	P X	No No
21	Contractor	8.7.1.A.21	√	√	√	√	No
22	Event: —• For-profit	8.7.1.A.22	X	P	P	P	No
23	—• Non-profit	8.7.1.A.23	P	P	P	P	No
24	—• Public	8.7.1.A.24	√	√	√	√	No
3	Event, commercial	8.7.1.B.3	X	√	√	√	No
4	Event, non-commercial	8.7.1.B.4	X	√	√	√	No
25	Coming Soon/Grand Opening/Closing	8.7.1.A.25	X	P	P	P	No
26	Holiday	8.7.1.A.26	√	√	√	√	Yes
27	Political	8.7.1.A.27	√	√	√	√	No
28	Public Notice	8.7.1.A.28	√	√	√	√	No
29	Real Estate	8.7.1.A.29	√	√	√	√	No
30 5	Seasonal Outdoor Sales	8.7.1.A. 30 B.5	P	P	P	P	Yes
31 6	Window	8.7.1.A. 31 B.6	X	√	√	√	No
32	Yard Sale	8.7.1.A.32	√	√	√	√	No
7	Sandwich Board Sign	8.7.1.B.7	X	√	X	√	No
See Sec. 8.7.2 Prohibited Signs							
See Sec. 8.7.7 Central Business District, Apex National Register Historic District, Small Town Character Overlay District, and Mixed Office-Residential-Retail, and Downtown Festival District							
See Sec. 2.3.4							
¹ Subject to Sec. 8.7.4.C Uniform Color Scheme, 8.6 Exterior Lighting, and 8.7.6.B Sign illumination.							

A) **Conditions-Permanent Sign Types**

Permanent signs are allowed as follows:

...

2) **Reserved-Home Occupation Signs**

Signs advertising home occupations shall be permitted where a home occupation has been approved per Sec. 4.5.5 Home Occupation. Home Occupation signs shall be permitted as follows:

- a) A Home Occupation sign permit is required and shall be obtained from the Planning Department;
- b) In addition to meeting the requirements of Sec. 8.7.4 Sign Design and Color, plastic and/or acrylic sign faces are prohibited;
- c) A sign is permitted on the home where a Home Occupation has been approved, provided:
 - (i) The sign shall be no larger than 12 inches by 12 inches;
 - (ii) The sign shall be placed no higher than six (6) feet at the front door; and
 - (iii) The sign shall not be internally lit; external lighting shall be limited to traditional residential lighting fixtures.
- d) Where a home occupation exists on a lot with a minimum of 300 feet of linear road frontage, one (1) permanent sign may be placed in the front yard, provided:
 - (i) The sign shall be no larger than 18 inches by 24 inches;
 - (ii) The maximum height of the sign shall be four (4) feet;
 - (iii) The sign shall not be internally lit;
 - (iv) The sign shall not be located in the right-of-way and shall be located so that it does not obscure vision at driveway sight triangles.

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4) Civic Club Non-Profit (Off-Premise) Reserved

A sign (emblem or insignia) advertising for a non-profit organization (charitable, civic, fraternal, patriotic, religious, or similar organization) and meets the conditions below:

The emblem or insignia shall be allowed provided that:

- a) Limited to three (3) signs per organization.
- b) Located a minimum of 15 feet from any public right-of-way.
- c) A maximum of two (2) square feet in size and a maximum of four (4) feet in height.
- d) Not displayed in connection with a commercial promotion or as an advertising device.
- e) Shall obtain property owner permission through a letter.

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B) Temporary Sign Types

Temporary signs are allowed as follows provided that no temporary signs are permitted within Town rights-of-way abutting Town-owned property with the exception of banners that hang above the street which are in accordance with Sec. 8-7:

1) On-premise, Non-commercial Temporary Signs

A temporary sign with a non-commercial message that is not associated with an event nor located on residential property shall be allowed as follows:

- a) Only one (1) sign shall be permitted on-site.**
- b) Such sign shall not exceed 16 square feet and four (4) feet in height if freestanding or 32 square feet if affixed to the building.**
- c) The permit for such sign shall be limited to 60 days each.**
- d) Such sign shall be located on private property.** Written permission from the property owner shall be obtained.

2) Construction Sites/Development

An on-site ~~premise~~ temporary sign erected during the active construction of a development project that meets the conditions below:

~~a) Non-Residential or Mixed-Use (including both non-residential and residential uses) Construction/Development signs shall be allowed provided that:~~

~~(i) a) One (1) sign is allowed per major full-service vehicular entrance. If there is no full-service vehicular entrance, then such sign may be located at one (1) limited-service vehicular entrance.~~

~~(ii) b) No such temporary signs shall not exceed 64-32 square feet or a maximum height of five (5) feet.~~

~~(iii) Permits for such temporary signs shall be limited to six (6) months with renewable option upon written request for an additional six (6) month period.~~

~~(iv) c) Construction Plan approval is required prior to approval of the sign permitting.~~

~~(v) d) Sign shall be removed prior to approval of the Certificate of Occupancy for the final building in a non-residential, multi-family, or mixed-use development and no later than the time at which 100% of the properties within a residential subdivision have initially been sold to a private owner or initially leased to the first resident.~~

~~b) Residential Construction/Development signs shall be allowed provided that:~~

- (i) ~~— A maximum of one (1) such sign per development at a residential development entrance shall be permitted.~~
- (ii) ~~— Such sign shall not exceed 32 square feet and five (5) feet in height.~~
- (iii) ~~— Construction Plan approval is required prior to sign permitting.~~
- (iv) ~~— The sign shall be removed no later than the time at which 100% of the properties within the residential development have initially been sold to a builder or private owner.~~

~~21) Contractor~~

~~An on-site temporary sign identifying the name of the contractor performing a service such as but not limited to painters, building contractor, roof cleaning, landscaper, and meets the conditions below:~~

- a) ~~Contractor sign shall be allowed provided that:~~
- b) ~~Contractor signs shall be no larger than five (5) square feet and four (4) feet tall.~~
- c) ~~One (1) sign per a contractor per a site shall be allowed.~~
- d) ~~Such sign may be displayed during the time and on-site that the service is being performed.~~



Figure 8.7.1.A.21: This contractor sign is of appropriate size.

~~22) 3) Event, for-profit **commercial**~~

~~Temporary on-premise signs for **erected during commercial** events shall be allowed provided that:~~

- a) ~~Only one (1) **No more than three (3)** signs advertising promotional **or other commercial** events or fairs, carnivals, horse shows, and similar events shall be permitted on-site.~~
- b) ~~**The combined sign area for the number of signs permitted** Such sign shall not exceed 16 square feet and four (4) feet in height **if freestanding or 32 square feet if affixed to the building. Freestanding signs shall not exceed four (4) feet in height.**~~

- c) ~~The effective date for a Permit~~ permits for such temporary sign(s) shall be limited to no ~~not be~~ sooner than ~~one~~**two (2)** weeks prior to the commencement of the event. ~~Such sign(s) and~~ shall be removed no later than two **(2)** days after the end of the event.
- d) See Sec. 4.6 *Temporary Uses and Structures*.



Figure 8.7.1.A.22: This on-premise sign meets size requirements.

~~23)~~ **4)** *Event, non-profit non-commercial (on-premise and off-premise)*

- a) ~~On-premise~~
Temporary, on-premise signs for **erected during non-profit commercial** events shall be allowed provided that:
 - (i) ~~a)~~ Signs advertising non-profit events shall be limited to **No more than three (3) signs per lot for such event shall be permitted on-site.**
 - b)** **The combined sign area for the number of signs permitted and individually or cumulatively shall not exceed 32 square feet and five (5) feet in height. 16 square feet if freestanding or 32 square feet if affixed to the building. Freestanding signs shall not exceed four (4) feet in height.**
 - (ii) ~~c)~~ Such signs shall be permitted no sooner than one ~~The effective date for a permit for such sign(s) shall not be sooner than two (2) weeks~~ prior to the commencement of the event. **Such sign(s) and** shall be removed no later than two **(2)** days after the end of the event.
 - (iii) If the sign display area is permanent but the message displayed is subject to periodic changes, then the sign shall be regarded as permanent.
 - (iv) ~~d)~~ Signs shall be non-illuminated only.
 - (v) ~~e)~~ ~~The One (1) structure holding the banners sign, such as a banner,~~ may remain between events and shall not be used to display banners or signs between events and shall not exceed a maximum of five (5) feet in height.
 - (vi) ~~f)~~ See Sec. 4.6 *Temporary Uses and Structures*.

- b) ~~Off-premise~~
~~Temporary off-premise signs for non-profit events shall be allowed provided that:~~
- ~~(i) Signs advertising fund raisers, school events, fairs, revivals and other similar events shall be limited to 30 signs-event and each shall not exceed five (5) square feet in size and four (4) feet in height.~~
 - ~~(ii) Such signs shall be permitted no sooner than one week prior to the commencement of the event and shall be removed no later than two (2) days after the end of the event.~~
 - ~~(iii) Written permission from the property owner shall be obtained.~~
 - ~~(iv) See Sec. 4.6 Temporary Uses and Structures.~~

~~24) Event public (on-premise and off-premise)~~

~~Public event signs or banners shall be allowed provided that:~~

- ~~a) Such signs or banners shall be permitted only for public events proclaimed by the Town Council.~~
- ~~b) Such signs may be located in the public right-of-way but outside of the sight triangles.~~
- ~~c) Such signs shall be removed within 48 hours after the end of the event.~~

~~25) Coming Soon/Grand Opening/Closing~~

~~A sign advertising the permitted during the initial opening or closing of a business and meets the conditions below:~~

~~Coming Soon/Grand Opening/Closing signs shall be allowed provided that:~~

- ~~a) Such signs shall be attached to the building wall.~~
- ~~b) The total signage shall not exceed 32 square feet.~~
- ~~c) Permits for such temporary signs shall be limited to 60 days each.~~



Figure 8.7.1.A.25: This banner meets the maximum size requirement.

26) ~~Holiday~~

~~Displays erected on a seasonal basis in observance of religious, national, or state holidays, which are not intended to be permanent and contain no commercial message and meets the conditions below:~~

~~Holiday displays as a part of customary holiday decorations shall be allowed provided that:~~

- ~~a) No temporary signs, banners, lighting, or displays shall be on display for more than 60 days.~~
- ~~b) Such signs shall display no commercial message.~~



Figure 8.7.1.A.26: Customary holiday display

27) ~~Political~~

~~A temporary sign of a candidate, party, or group supporting the candidacy of an individual for office or expressing or soliciting public support of, or opposition to, any public issues and meets the conditions below:~~

~~Political signs shall be allowed provided that:~~

- ~~a) Such sign(s) may be placed within Town of Apex public street rights of way during the period 45 days prior to election to which the sign is directed, provided that no such signs shall be:
 - ~~(i) Located within a sight triangle,~~
 - ~~(ii) Located in a way to obscure vision or obstruct traffic,~~
 - ~~(iii) Located or installed in a manner that creates a hazard,~~
 - ~~(iv) Located on utility poles or within street medians,~~
 - ~~(v) Located on other Town owned property.~~~~
- ~~b) Such sign(s) shall not exceed five (5) square feet and a height of four (4) feet.~~
- ~~c) Where such signs refer to an election or other political event, they shall be removed within 10 days after the election or political event.~~

28) ~~Public Notice~~

~~A temporary sign advertising official notices or advertisements posted under the direction of a public official.~~

~~Official notices or advertisements posted or displayed by or under the direction of a public official in the performance of official duties, or by trustees under deeds of trusts or other similar instruments, or court appointed commissioners shall be allowed.~~

29) ~~Real Estate~~

~~A temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale and meets the conditions below:~~

~~Real estate signs shall be allowed provided that:~~

~~a) Single family, duplex, triplex, quadplex, townhome, condo or residential lot or dwelling;~~

~~(i) A maximum of one (1) real estate sign per lot frontage advertising for rent, sale, or lease.~~

~~(ii) A maximum of one (1) real estate sign per lot frontage advertising an Open House. Such sign shall be displayed no longer than 36 hours before the event and shall be removed at the conclusion of the event.~~

~~Such signs shall not exceed five (5) square feet and four (4) feet in height and shall be located on the property to which the advertisement is referring. The signs shall be removed when property is sold by the transfer of title to the new owner. Signs are not allowed off-premise or in private common areas.~~

~~b) No multi-family apartment leasing signage allowed except as specifically stated in Sec. 8.7.1.A.15.b.vi.~~

~~c) Residential subdivision sales center~~

~~(i) One (1) residential subdivision "sales center" sign, not to exceed 16 square feet or five (5) feet in height is permitted on the lot on which the sales center is located. The sign shall be removed no later than the time at which 100% of the properties within the residential development have initially been sold to a builder or private owner.~~

~~(ii) Directional signs shall be permitted at the first crossroad beyond the entrance of the subdivision within the subdivision directing traffic to the residential subdivision "sales center". Directional signs shall be a maximum of four (4) square feet with a maximum height of four (4) feet.~~

- d) — A maximum of one (1) real estate sign per lot frontage advertising the rent, sale or lease of a non-residential lot or structure including tenant spaces located within a structure. Such sign shall not exceed 16 square feet and five (5) feet in height and shall be located on the property to which the advertisement is referring. The sign shall be removed when the rented or leased property is occupied by the new tenant or when the property is sold by the transfer of title to the new owner. Signs are not allowed off premise or in private common areas.

30) — *Seasonal Outdoor Sales*

a) Seasonal Agricultural Signs for Products Sold Where They Are Grown

- (i) — *Definitions.* (a) “Seasonal Agricultural Signs” are signs that advertise seasonal agricultural products which were grown on the property where they are offered for sale and that contain no other messages; (b) “On-Site Agricultural Products” are seasonal agricultural products which were grown on the property where they are offered for sale; and (c) “Off-Site Agricultural Products” are seasonal agricultural products that were not grown on the property where they are offered for sale.
- (ii) — *On-Premises Signs.* Pursuant to UDO Sec. 1.4.4, on a private property where On-Site Agricultural Products are sold, Seasonal Agricultural Signs are not regulated by the Town of Apex.
- (iii) — *Off-Premises Signs.* For each private property where On-Site Agricultural Products are sold, 30 Off-Premises Seasonal Agricultural Signs that advertise the products shall be allowed. Off-premises signs allowed by this subsection may be displayed only on private property and only with the permission of the off-premises private property owner. Only one off-premises sign is allowed per off-premises private property.
- (iv) — *Duration.* For each private property where On-Site Agricultural Products are sold, Off-Premises Seasonal Agricultural Signs may be displayed only while the advertised products are actually for sale, and only during one 45 consecutive day period per calendar year per On-Site Agricultural Product. The signs shall be removed immediately upon the sooner of the end of the 45 day period or the end of the sale of the products. At no time shall more than 30 Off-Premises Seasonal Agricultural Signs be displayed for a given property regardless of the number of agricultural products being sold on that property.
- (v) — *Physical Characteristics.* Each Off-Premises Seasonal Agricultural Sign shall not exceed five (5) square feet in area and four (4) feet in height. Off-Premises Seasonal Agricultural Signs may only be ground signs.

- (vi) ~~Limitation on Off-Site Agricultural Products.~~ Off-Site Agricultural Products shall not be a majority of the agricultural products offered for sale on a property during any time that an Off-Premises Seasonal Agricultural Sign is being displayed related to the property.
- (vii) ~~Contiguous Properties.~~ Contiguous properties owned by the same person, family, establishment, or entity shall be treated as one property for the purposes of the Section.
- (viii) ~~Limitations Are Comprehensive.~~ The limitations on Off-Premises Seasonal Agricultural Signs stated in Subsections i-vii of this Section shall apply regardless of the number of persons, family members, establishments, or entities that sell the products on a property and regardless of the number of booths, stands, tables, tents, or the like that are located on a property.
- (ix) See Sec. 4.6 *Temporary Uses and Structures* and Sec. 8.7.6.B *Sign Illumination*.

~~b)5)~~ **Other Seasonal Outdoor Sales Signs**
 Outdoor temporary sales signs advertising a product of a particular season not located on a bona fide farm shall be permitted on sites with a temporary use permit allowing seasonal outdoor sales provided that:

- ~~(i)~~ Such signs shall advertise the sale of seasonal products such as, but not limited to, Christmas trees, pumpkins, and fireworks.
- ii) **a)** Such signs shall be limited to 32 square feet and ~~four (4)~~ **five (5)** feet in height.
- iii) **b)** Such signs shall be permitted for no more than 30 days.
- ~~iv) c)~~ See Sec. 4.6 *Temporary Uses and Structures* and Sec. 8.7.6.B *Sign Illumination*.
- v) **d)** ~~Such signs authorized by this Subsection 8.7.1.A.30.b may~~ **shall** be displayed only on the premises where the seasonal products are being sold.



Figure 8.7.1.A.30: This seasonal sign is located in the right-of-way.

~~3)6)~~ **Window**
 Any sign, picture, symbol, or combination thereof that is placed on the outside or inside of a window or door and is visible from the exterior and meets the conditions below:

- a) Signs shall be allowed on the show window glass of non-residential buildings provided that all such commercial and incidental signs (both temporary and permanent) do not exceed a combined maximum of 25% of the total window area per facade.
- b) Temporary window signs shall only be installed on the inside of a window or door.
- c) An Interactive Digital Display is a digital window sign that is placed on the inside of a window or door and has a display area that changes at a predetermined frequency and upon a person interacting directly with the sign. This type of window sign shall meet the conditions listed above in addition to the following:
 - (i) Such sign shall only be placed on a window that is angled at least 45 degrees from the street.
 - (ii) The display area shall not exceed three (3) square feet.
 - (iii) The display area of the sign shall remain static for at least five (5) minutes unless a person is actively using the interactive features of the display area.
 - (iv) Such sign shall be equipped with automatic dimming technology that adjusts the sign's brightness in direct correlation with natural ambient light conditions.
 - (v) The brightness shall not exceed six (6) foot-candles from dusk to dawn when measured one (1) foot from the center of the display area.

~~32) Yard Sale~~

~~A sign advertising the sale of household articles in a residential yard or garage and meets the conditions below:~~

~~Yard sale signs shall be allowed provided that:~~

- ~~a) Such signs shall be no larger than five (5) square feet and four (4) feet in height.~~
- ~~b) Such signs shall be displayed no longer than 36 hours before the event and shall be removed at the conclusion of the event.~~
- ~~c) Such signs shall be allowed one (1) on-site and two (2) off-site on private property only with permission of property owners.~~



Figure 8.7.1.A.32: This sign is located in the public right-of-way.

7) Sandwich Board Sign

A sign consisting of two panels joined together at the top and configured in the shape of an inverted “V” so that the bottom of the sign rests upon or near the ground and meets the conditions below.

Sandwich Board Signs shall be allowed provided that:

- a) The total area of the signboard (including both sides) shall not exceed 14 square feet.**
- b) Any sandwich board sign shall not exceed two (2) linear feet in width, with a maximum height of 42 inches.**
- c) The sign must be constructed of materials that present a finished appearance. Rough cut plywood is not acceptable. The sign’s lettering should be professionally painted or applied.**
- d) The sign shall not interfere with vehicular circulation and shall be placed to allow for at least three (3) feet of sidewalk width for unrestricted pedestrian movement;**
- e) The sign shall be removed at the end of the business day.**
- f) Any person erecting a sandwich board sign shall indemnify and hold harmless the Town and its officers, agents, and employees from any claim arising out of the presence of the sign on Town property or public right-of-way.**

B) Home Occupation Signs

~~Signs advertising home occupations shall be permitted where a home occupation has been approved per UDO Sec. 4.5.5 Home Occupation. Home Occupation signs shall be permitted as follows:~~

- ~~1) A Home Occupation sign permit is required and must be obtained from the Planning Department;~~
- ~~2) In addition to meeting the requirements of Sec. 8.7.4 Sign Design and Color, plastic and/or acrylic sign faces are prohibited;~~
- ~~3) A placard is permitted on the home where a Home Occupation has been approved, provided:
 - ~~a) — The sign shall be no larger than 12 inches by 12 inches;~~
 - ~~b) — The placard shall be placed no higher than 6’ at the front door; and~~
 - ~~c) — The sign shall not be internally lit; external lighting shall be limited to traditional residential lighting fixtures.~~~~
- ~~4) Where a home occupation exists on a lot with a minimum of 300 feet of linear road frontage, one sign may be placed in the front yard, provided:
 - ~~a) — The sign shall be no larger than 18 inches by 24 inches;~~~~

- b) — The maximum height of the sign shall be 4 feet;
- c) — The sign shall not be internally lit;
- d) — The sign must be permanent and affixed to a permanent pole(s);
and
- e) — The sign shall not be located in the right-of-way and must be located so that it does not obscure vision at driveway sight triangles.

C) The following are exempt from the standards in this Section:

- 1) **Any official or public notice or warning sign required by a valid and applicable federal, state, or local law, regulation or chapter; by a public utility company; or by order of a court of competent jurisdiction.**
- 2) **Any sign located within the right-of-way or on private property that is used as a traffic control device. This includes, but is not limited to, any sign that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard, regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).**
- 3) **Signs erected by or on behalf of a governmental or quasi-governmental agency including, but not limited to, noncommercial signs identifying a government building or service, traffic control signs, street name signs, street address signs, warning signs, safety signs, informational signs, traffic or other directional signs, public notices of events, public notice of government actions, proposed changes of land use, any proposed rezoning, or any other governmental sign.**
- 4) **Seasonal Agricultural Signs erected on a property where seasonal agricultural products were grown and are offered for sale. "On-Site Agricultural Products" are seasonal agricultural products which were grown on the property where they are offered for sale. Pursuant to UDO Sec. 1.4.4 Bona Fide Farms Exempt, on a private property where On-Site Agricultural Products are sold, Seasonal Agricultural Signs are not regulated by the Town of Apex.**
- 5) **Non-commercial signs on a residential property.**

8.7.2 Prohibited Signs

The following signs are expressly prohibited within all zoning districts:

- A) **Commercial and non-commercial signs within the public right-of-way. The only type of signs permitted in the public right-of-way are with the exception of**

~~those permitted by NCGS 136-32, governmental or city-sponsored civic signs, or unless specifically authorized elsewhere in this sSection.~~

- B) ~~Unless specifically authorized elsewhere in this oOrdinance, no **Commercial** off-premise signs, as defined in Sec. 8.7.9 *Definitions*, are permitted.~~
- ...
- F) ~~Abandoned **Obsolete** signs, as defined in Sec. 8.7.9 *Definitions*.~~
- G) ~~Portable signs, as defined in Sec. 8.7.9 *Definitions*, except signs authorized by Sec. 8.7.7 *Central Business District* **sandwich board signs**.~~
- H) ~~Animated Signs or Attracting Devices as defined in Sec. 8.7.9 *Definitions*, except decorative banners on residential property displayed by the resident with non-commercial messages are allowed. Banners are permitted only in accordance with the specific authorizations provided in Sec. 8.7.1.A.20-32B *Temporary Signs Types*. This shall not include Interactive Digital Displays permitted under Sec. 8.7.1.A.31.c.~~
- I) ~~Illuminated tubing or strings of lights on trees and landscaping or outlining property lines or open sales areas, rooflines, or wall edges of a building. This requirement shall not apply to reasonable and customary holiday decorations as authorized by Sec. 8.7.1.A.26 *Holiday Reserved*.~~
- J) ~~Signs comprised in whole or in part of exposed **neon-lighted** tubing. This requirement shall not prohibit the use of **neon-lighted** tubing when it is fully contained within a sign fixture or element thereof, or if it is a two (2) square foot or smaller sign displaying the word "OPEN" with or without a logo.~~
- ...
- L) ~~Tourist Oriented Directional Signs (TODS). North Carolina General Statutes Chapter 136 Article 11B.~~
- ...
- N) ~~Changeable copy sign(s) as defined in Sec. 8.7.9 *Definitions*, except for gasoline sales sign, menu boards, and marquee that comply with this Ordinance. This shall not include Interactive Digital Displays permitted under Sec. 8.7.1.A.31.c.~~

...

8.7.4 Sign Design and Color

- A) ~~***Items of Information Finishes***
In order to increase readability and to decrease confusion, the number of items of information per sign shall be kept to a minimum. All signs requiring permits must be constructed of materials that present a finished appearance. Rough cut plywood is not acceptable. The sign's lettering should be professionally painted or applied; a "yard sales" or "graffiti" look with hand painted or paint stenciled letters is not acceptable.~~

...

...

8.7.6 Installation Requirements

...

B) Sign Illumination

...

- 3) Flashing or intermittent lights. No sign shall contain or be illuminated by flashing or intermittent light or lights of changing degrees of intensity. ~~This shall not include Interactive Digital Displays permitted under Sec. 8.7.1.A.31.c.~~

...

C) *Sign maintenance*

...

- ~~2) *Abandonment of signs.* If a sign advertises any enterprise or activity, including but not limited to a business, service, commodity, accommodation, or attraction that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall, within 90 days of the enterprise or activity ceasing, be removed by the sign owner, owner of the property where the sign is located or other party having control over the sign.~~

- ~~32) ...~~

...

8.7.7 Central Business District, Apex National Register Historic District, Small Town Character Overlay District, ~~and Mixed Office-Residential-Retail,~~ and Downtown Festival District

A) *Sign Types*

...

2) *Sandwich Board Sign*

~~A sign consisting of two panels joined together at the top and configured in the shape of an inverted "V" so that the bottom of the sign rests upon or near the ground and meets the conditions below:~~

~~Sandwich Board Signs shall be allowed provided that:~~

- ~~a) The total area of the signboard (including both sides) shall not exceed 14 square feet.~~
- ~~b) Any sandwich board sign shall not exceed two (2) linear feet in width, with a maximum height of 42 inches. Within these specified maximum dimensions, creative shapes that reflect the theme of the business are encouraged (i.e. ice cream shops may display a sign in the shape of an ice cream cone).~~
- ~~c) The sign must be constructed of materials that present a finished appearance. Rough cut plywood is not acceptable. The sign's lettering should be professionally painted or applied; a "yard sales" or "graffiti" look with hand painted or paint stenciled letters is not acceptable, however, chalkboard signs shall be permitted. The written message of the sign should be kept to the minimum necessary to communicate the name of the business or a special message of the business.~~

- d) ~~The sign shall be located within four (4) feet of the main building entrance to the business and its location shall not interfere with pedestrian or vehicular circulation;~~
- e) ~~The sign shall be removed at the end of the business day.~~
- f) ~~Any person erecting a sandwich board sign shall indemnify and hold harmless the Town and its officers, agents, and employees from any claim arising out of the presence of the sign on Town property or public right of way.~~
- g) **In addition to the standards in Sec. 8.7.1.B.7 such** Sandwich boards **signs** located in the Central Business District shall either be located in the designated area for outdoor storage, display, and sales/rentals for that business or on the brick utility strip in front of the business.

...
...

8.7.9 Definitions

Abandoned Sign

~~Any sign that advertises any enterprise or activity, including but not limited to a business, service, commodity, accommodation, or attraction that is no longer operating or being offered or conducted and has been vacated for a period of more than 90 days of the enterprise or activity ceasing.~~

Animated Sign or Attracting Device

Any sign that uses movement or change of lighting to depict action or create a special effect, scene, or attract attention, including beacons, pennants, hand-held signs, **feather signs**, streamers, balloons or other inflatables used as signs, spot lights and search lights, high-intensity illuminated signs, electronic or mechanical indications of time and temperature, or other moving or flashing signs. ~~This shall not include Interactive Digital Displays permitted under Sec. 8.7.1.A.31.c.~~

...

Changeable Copy

A sign or portion of a sign with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. ~~This shall not include Interactive Digital Displays permitted under Sec. 8.7.1.A.31.c.~~

...

Feather Sign

A sign extending in a sleeve-like fashion down a telescoping or fixed pole that is mounted in the ground or on a building or stand. A feather sign is usually shaped like a sail or feather, and attached to the pole support on one (1) vertical side.

~~Major~~ **Full-Service Vehicular** Entrance

The principal vehicular full access point from which to enter and exit.

...

Internal Illumination

A light source concealed or contained within the sign itself, such as fluorescent, ~~or~~ neon tubing, **or LED**, which lights the sign but where the light source is not visible.

...

Master Sign Plan

Sign criteria established per UDO Sec. 8.7.5 for design consistency among all signs within an integrated development, multiple use development, or mixed-use development.

...

Obsolete Sign

A sign relating to or identifying a business or activity that has not been conducted on the premises for six (6) months or to a transpired election or event, or to a political party or non-profit organization that no longer exists. This also includes the structure for a sign that is not allowed under this Ordinance if such structure cannot be used for a legal use or does not comply with the height, size, or other physical requirements of the Ordinance.

...

Permanent Sign

A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises and that is permanently affixed or attached to the ground or a structure or which cannot be removed without special handling.

...

Portable Sign

A sign that is not permanently affixed to a building, structure, or the ground or other permanent structure including but not limited to; sandwich board signs/A-frame, T-frame signs, products, costumed characters, hand-held signs, umbrellas that are not associated with a restaurant seating area, hot air or gas-filled balloons, or a sign designed to be transported, including, but not limited to the following: signs designed to be transported by means of wheels, signs attached to or painted on vehicles or trailers parked and visible from any public right-of-way.

...

Roof Sign

A sign attached to and extending above a roof of a building or other structure, ~~but shall not include emblems of religious orders or institutions.~~

~~Sandwich Board Sign~~

~~A sign consisting of two panels joined together at the top and configured in the shape of an inverted "V" so that the bottom of the sign rests upon or near the ground.~~

~~Series Signs~~

~~A message, copy, or announcement, which uses a series of two (2) or more signs placed in a line generally parallel to a street, highway, or expressway carrying a single message, copy, or announcement, a part of which is contained on each sign.~~

...

Sign

An identification, description, animation, illustration, or attention getting device, illuminated or non-illuminated, which is visible from a public right-of-way and which directs attention to a realty, product, service, place, activity, person, institution, performance, commodity, firm, business or solicitation, including permanently installed or situated merchandise or an emblem, logo, painting, banner, poster, bulletin board, pennant, placard, or temporary sign designed to identify or convey information, with the exception of state, municipal, national, and religious **governmental and non-commercial** flags.

...

Temporary Sign

A sign that is used in connection with a circumstances, situation, or event that is designed, intended, or expected to take place or to be completed within a definite period of time after the erection of such sign. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary. **For the purposes of this Section, a sign which is intended for use of one (1) year or less shall be deemed a temporary sign.**

4.5.5 Home Occupation

...

G) External Evidence

Signs shall be limited to those permitted by Sec. 8.7.1.BA.2 *Home Occupation Signs*. No further external evidence or sign shall advertise, display, or otherwise indicate the presence of the home occupation, nor shall the street address of the home occupation be advertised through signs, billboards, television, radio, newspapers, websites, or social media;

4.6 Temporary Uses and Structures

4.6.1 Permit Required

A) *General Regulations*

The general regulations of this subsection shall apply to all allowed temporary uses unless otherwise expressly stated.

- 1) *Temporary signs*. No temporary signs shall be permitted in a public right-of-way or off-premises of the temporary use. ~~All temporary signs associated with the temporary use shall be displayed no sooner than one week prior to the commencement of the temporary use and shall be removed no later than two days after the end of the temporary use.~~ All temporary signs shall meet the requirements of 8.7.1 *Signs, Permitted Signs: Location, Size, and Number*.

...

4.6.2 Temporary Uses and Structures, No Permit Required

A) *Residential Yard Sales*

...

- 3) Signs shall meet the requirements in Sec. 8.7 ~~Signs-1.A.32 Yard Sale.~~

8.6.4 Exterior Lighting, Design Requirements

...

K) Illuminated Tubing or Strings of Light

Illuminated tubing or strings of light on trees and landscaping or outlining property lines or open sales areas, rooflines or wall edges of buildings are prohibited except as ~~provided in Sec. 8.7.1.A.26 Holiday~~ **for reasonable and customary holiday decorations.** This prohibition does not apply to Town of Apex owned trees provided that the illuminated tubing or strings of lights on trees are not permanently installed and are removed from the tree and reinstalled or replaced at least twice per year.

8.6.5 Exterior Lighting, Exemptions

The standards of this Section shall not apply to:

...

- C) Seasonal lighting that is part of customary holiday decorations and annual civic events, provided that it meets all the requirements of ~~Sec. 8.7.1.A.26 Holiday~~.

...

Section 2. Section 5.1.1 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:

5.1.1 Table of Intensity and Development Standards, Residential Districts

Use	Average Lot Size	Minimum Lot Width (Feet)	Minimum Setbacks (Feet)				Max. Height (Feet)	Max. Built-Upon Area (%)*	Max. Density (Gross Units per Acre)	Additional Regulations
			Front	Side	Rear	Corner Side				
MD										
Townhouses, detached	—	26	10 min./15 max.	3	5	15	36	65	7	Sec. 4. 14 <u>14</u> .1.J
HDSF										
Townhouses, detached	—	26	10 min./15 max.	3	5	15	36	65	7	Sec. 4. 14 <u>14</u> .1.J
HDMF										
Townhouses, detached	—	26	10 min./15 max.	3	5	15	36	65	7	Sec. 4. 14 <u>14</u> .1.J
MORR										
Townhouses, detached	—	26	10 min./15 max.	3	5	15	36	65	7	Sec. 4. 14 <u>14</u> .1.J
*See Sec 6.1 Watershed Protection Overlay Districts.										
**These setbacks are for the perimeter of entire project only.										
***Projects submitted prior to April 1, 2008 shall be governed by the Minimum Front Setbacks in place at										

Section 3. These amendments shall not apply to projects for which an application for development approval has been submitted before the effective date of this ordinance.

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 1st day of April 2024.

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