



# AGENDA | REGULAR TOWN COUNCIL MEETING

October 24, 2023 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

The meeting will adjourn when all business is concluded or 10:00 PM, whichever comes first

## Town Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tempore: Audra Killingsworth

Council Members: Brett D. Gantt; Terry Mahaffey; Edward Gray; Arno Zegerman

Interim Town Manager: Shawn Purvis

Assistant Town Managers: Demetria John and Marty Stone

Town Clerk: Allen Coleman | Town Attorney: Laurie L. Hohe

## COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

## CONSENT AGENDA

All Consent Agenda items are considered routine, to be enacted by one motion with the adoption of the Consent Agenda, and without discussion. If a Council Member requests discussion of an item, the item may be removed from the Consent Agenda and considered separately. The Mayor will present the Consent Agenda to be set prior to taking action on the following items:

**CN1 Annexation No. 770 - Legacy Station - 26.63 acres**

*Allen Coleman, Town Clerk*

**CN2 Council Meeting Minutes - October 10, 2023**

*Allen Coleman, Town Clerk*

**CN3 Fee Schedule Amendments - Fiscal Year 2023-2024**

*Amanda Grogan, Director, Budget and Performance Management Department*

**CN4 Ordinance Amendment - Chapter 15 Parks and Recreation, Section 15-6 - Pleasant Park Hours of Operation**

*Craig Setzer, Director, Parks, Recreation, and Cultural Resources Department*

## PRESENTATIONS

**PR1 Proclamation - American Indian Heritage Month - November 2023**

*Mayor Jacques K. Gilbert*

**PR2 Proclamation - Italian American Heritage Month - October 2023**

*Mayor Jacques K. Gilbert*

# REGULAR MEETING AGENDA

Mayor Gilbert will call for additional Agenda items from Council or Staff and set the Regular Meeting Agenda prior to Council actions.

## PUBLIC FORUM

Public Forum allows the public an opportunity to address the Town Council. The speaker is requested not to address items that appear as Public Hearings scheduled on the Regular Agenda. The Mayor will recognize those who would like to speak at the appropriate time. Large groups are asked to select a representative to speak for the entire group. Comments must be limited to 3 minutes to allow others the opportunity to speak.

## PUBLIC HEARINGS

### **PH1 Transit Plan Map Amendment - Future GoApex Route 1**

*Katie Schwing, Senior Planner - Long Range Transit, Planning Department*

### **PH2 Unified Development Ordinance (UDO) Amendments - October 2023**

*Amanda Bunce, Current Planning Manager, Planning Department*

## NEW BUSINESS

### **NB1 GoApex Bus Stop Improvement Policy**

*Katie Schwing, Senior Planner - Long Range Transit, Planning Department*

### **NB2 Ordinance Amendment - Chapter 5 - Article 1 - Section 5 - Automatic Fire Sprinkler System Requirements**

*Councilmember Terry Mahaffey*

## UPDATES BY TOWN MANAGER

## CLOSED SESSION

Council will enter into closed session pursuant to:

### **CS1 Demetria John, Assistant Town Manager, and Steve Adams Utilities Acquisition Specialist**

#### **NCGS §143-318.11(a)(5):**

*"To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract."*

# ADJOURNMENT

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 24, 2023

## Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

### Requested Motion

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution setting the Date of a Public Hearing for November 14, 2023, on the Question of Annexation - Apex Town Council's intent to annex 26.63 acres, Legacy Station, Satellite Annexation No. 770 into the Town Corporate Limits.

### Approval Recommended?

Yes

### Item Details

The Town Clerk certifies to the investigation of said annexation. Adoption of the Resolution authorizes the Town Clerk to advertise said public hearing by electronic means and on the Town of Apex's website.

## Attachments

- CN1-A1: Resolution Directing the Town Clerk to Investigate Petition
  - Certificate of Sufficiency by the Town Clerk
  - Resolution Setting Date of Public Hearing
- CN1-A2: Legal Description - Satellite Annexation No. 770
- CN1-A3: Aerial Map - Satellite Annexation No. 770
- CN1-A4: Plat Map - Satellite Annexation No. 770
- CN1-A5: Annexation Petition - Satellite Annexation No. 770





RESOLUTION DIRECTING THE TOWN CLERK  
TO INVESTIGATE PETITION RECEIVED UNDER G.S. § 160A-58.1

Satellite Annexation Petition No. 770  
Legacy Station – 26.63 acres

WHEREAS, G.S. § 160A- 58.2 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Apex deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apex, that the Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify to the Town Council the result of his investigation.

This the 24th day of October, 2023.

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Jacques K. Gilbert  
Mayor

ATTEST:

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Allen L. Coleman, CMC, NCCCC  
Town Clerk



CERTIFICATE OF SUFFICIENCY BY THE TOWN CLERK

Satellite Annexation Petition No. 770  
Legacy Station – 26.63 acres

**To: The Town Council of the Town of Apex, North Carolina**

I, Allen L. Coleman, Town Clerk, do hereby certify that I have investigated the annexation petition attached hereto, and have found, as a fact, that said petition is signed by all owners of real property lying in the noncontiguous area described therein, in accordance with G.S. § 160A-58.1 (b), as amended.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Apex, North Carolina this 24th day of October, 2023.

\_\_\_\_\_  
Allen L. Coleman, CMC, NCCCC  
Town Clerk

(Seal)



RESOLUTION SETTING DATE OF PUBLIC HEARING  
ON THE QUESTION OF ANNEXATION PURSUANT TO G.S. § 160A-58.2 AS AMENDED

Satellite Annexation Petition No. 770  
Legacy Station – 26.63 acres

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, the Town Council of Apex, North Carolina has by Resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, Certification by the Town Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apex, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Apex Town Hall at 6 o'clock p.m. on the 14th day of November, 2023.

Section 2. The area proposed for annexation is described as attached.

Section 3. Notice of said public hearing shall be published on the Town of Apex Website, [www.apexnc.org](http://www.apexnc.org), Public Notice, at least ten (10) days prior to the date of said public hearing.

This the 24th day of October, 2023.

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Jacques K. Gilbert, Mayor

ATTEST:

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Allen L. Coleman, Town Clerk

Attachment: Legal Description

Tract 1 Legal Description (PIN No. 0712949922)

Beginning at a New Iron Pipe Located on the Southern Right of Way of US Hwy 64 and having North Carolina Grid Coordinates (NAD83, 2011), N: 725,205.14', E: 2,019,726.21'; said Iron Pipe also being the Northwest corner of that parcel of land owned by Legacy Apex, LLC, Deed Book 19401, Page 999 and Book of Maps 2004, Page 1409, Wake County Registry. Thence leaving said Right of Way, South 43°21'40" East, 185.73' to an Existing Iron Pipe, said pipe being the **True Point and Place of Beginning**, Thence North 82°57'52" East, 200.03' to an Existing Iron Pipe, Thence South 00°42'10" West, 199.45' to an Existing Iron Pipe, Thence South 82°49'09" West, 199.93' to an Existing Iron Pipe, Thence North 00°39'15" East, 199.94' to an Existing Iron Pipe, the **True Point and Place of Beginning** and containing an area of 0.908 Acres (39,567 sf), more or less.

Tract 2 Legal Description (PIN No. 0722041522)

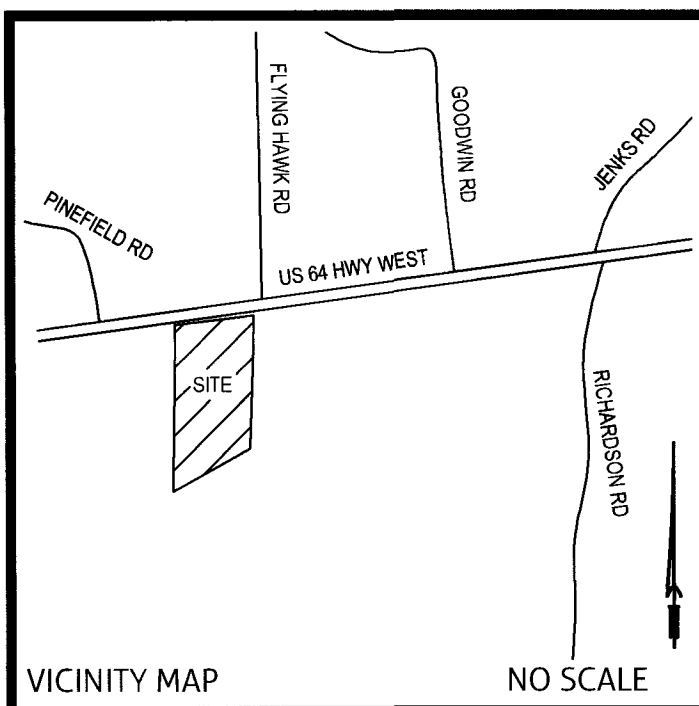
**Beginning** at a New Iron Pipe Located on the Southern Right of Way of US Hwy 64 and having North Carolina Grid Coordinates (NAD83, 2011), N: 725,205.14', E: 2,019,726.21'; said Iron Pipe also being the Northwest corner of that parcel of land owned by Legacy Apex 2, LLC, Deed Book 19401, Page 999 and Book of Maps 2004, Page 1409, Wake County Registry. Thence North 82°58'49" East, 828.63' to a New Iron Pipe, Thence South 01°36'41" West, 79.80' to an Existing Iron Pipe, Thence South 01°36'41" West, 893.94' to an Existing Iron Pipe, Thence South 01°57'07" West, 417.11' to an Existing Iron Pipe, Thence South 76°25'00" West, 820.35' to an Existing Iron Pipe, Thence North 00°38'28" East, 465.54' to an Existing Iron Pipe, Thence North 00°35'23" East, 74.24' to an Existing Iron Pipe, Thence North 00°39'29" East, 186.13' to an Existing Iron Pipe, Thence North 00°38'23" East, 755.82' to a New Iron Pipe, being the **Point and Place of Beginning** and containing an area of 26.627 Acres (1,159,991 sf), more or less.

**Save and Except the following area:**

Beginning at a New Iron Pipe Located on the Southern Right of Way of US Hwy 64 and having North Carolina Grid Coordinates (NAD83, 2011), N: 725,205.14', E: 2,019,726.21'; said Iron Pipe also being the Northwest corner of that parcel of land owned by Legacy Apex 2, LLC, Deed Book 19401, Page 999 and Book of Maps 2004, Page 1409, Wake County Registry. Thence leaving said Right of Way, South 43°21'40" East, 185.73' to an Existing Iron Pipe, said pipe being the **True Point and Place of Beginning**, Thence North 82°57'52" East, 200.03' to an Existing Iron Pipe, Thence South 00°42'10" West, 199.45' to an Existing Iron Pipe, Thence South 82°49'09" West, 199.93' to an Existing Iron Pipe, Thence North 00°39'15" East, 199.94' to an Existing Iron Pipe, the **True Point and Place of Beginning** and containing an area of 0.908 Acres (39,567 sf), more or less.







VICINITY MAP  
NO SCALE

**SURVEYOR'S CERTIFICATE**  
I, BENJAMIN E. DAYTON, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK SEE MAP, PAGE \_\_\_\_\_ THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK SEE MAP, PAGE \_\_\_\_\_ THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:40,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 11<sup>th</sup> DAY OF October, A.D., 2023.

THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

BENJAMIN E. DAYTON, PLS L-4390  
10/11/23  
NORTH CAROLINA  
PROFESSIONAL  
LAND SURVEYOR  
SEAL  
L-4390  
BENJAMIN E. DAYTON

**GENERAL NOTES**  
1. BASIS OF BEARINGS: NC STATE PLANE GRID COORDINATES, NAD83(2011)  
2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET UNLESS OTHERWISE NOTED.  
3. AREAS SHOWN HEREON WERE COMPUTED USING THE COORDINATE METHOD.  
4. LINES NOT SURVEYED ARE SHOWN AS BROKEN LINES FROM INFORMATION REFERENCED ON THE FACE OF THIS PLAT.  
5. SUBJECT PROPERTY IS NOT LOCATED WITHIN A FLOOD HAZARD AREA ACCORDING TO FLOOD INSURANCE RATE MAPS 3720072200K DATED JULY 19, 2022 AND MAP 3720071200K DATED JULY 19, 2022.

CLARA'S LEGACY, LLC  
DB 18483, PG 1288  
PIN No. 0712932588

CLARA'S LEGACY, LLC  
DB 18483, PG 1288  
PIN No. 0712932588

RENA F GOODWIN  
CALVIN GOODWIN  
DB 2841, PG 679  
BM 1980, PG 520  
PIN No. 0712945440

CLARA'S LEGACY, LLC  
DB 18483, PG 1288  
PIN No. 0712932588

**ANNEXATION AREA SUMMARY  
(HATCHED AREA)**  
PIN No. 0722041522  
25.719 ACRES (1,120,424 SF)  
PIN No. 0712949922  
0.908 ACRES (39,567 SF)  
**26.627 ACRES TOTAL (1,159,991 SF)**

PIN No. 0722031218  
LEGACY APEX, LLC  
LEGACY APEX 2, LLC  
DB 19401, PG 999  
BM 2021, PG 1819

PIN No. 0722037373  
LEGACY APEX, LLC  
LEGACY APEX 2, LLC  
DB 19401, PG 999  
BM 2021, PG 1819

SHELTON PROPERTY INVESTMENTS, LLC  
DB 18258, PG 2648  
BM 1988, PG 794  
PIN No. 0722047652

SHELTON PROPERTY INVESTMENTS, LLC  
DB 18414, PG 2323  
BM 2021, PG 522  
PIN No. 0722047141

MARTHA S CLEMENT  
DB 2741, PG 474  
PIN No. 0712923071

JOHN M CLEMENT, Jr  
JUDY CLEMENT  
DB 3185, PG 808  
BM 1980, PG 239  
PIN No. 0722022516

MARTHA S CLEMENT  
DB 09-E, PG 726  
DB 2819, PG 423  
BM 1980, PG 239  
PIN No. 0722026366

**GPS NOTE**  
THE FOLLOWING INFORMATION WAS USED TO OBTAIN NC GRID NAD 83(2011), NAVD 88 STATE PLANE COORDINATES (SPC) FOR THIS PROJECT:  
1. CLASS OF SURVEY: URBAN LAND SURVEYS (CLASS A)  
2. POSITIONAL ACCURACY: 0.03' (H), 0.05' (V)  
3. GPS FIELD PROCEDURE: VRS  
4. DATE OF SURVEY: 11/2/2020  
5. DATUM/EPOCH: NAD 83(2011), EPOCH 2010.00  
6. PUBLISHED DATE/FIXED CONTROL USED: VRS, NCRD  
7. GEOID MODEL: GEOID 12B  
8. COMBINED GRID FACTOR: 0.999868192  
9. UNITS: US SURVEY FEET  
10. GRID/GROUND POINT: Y(N) 725.284.26' X(E) 2,020,117.03'

**LEGEND**

(EIP)-EXISTING IRON PIPE  
(IPS)-IRON PIPE SET  
(PT)-COMPUTED POINT (NO MONUMENT FOUND OR SET)

**OWNER(S):**  
PIN No. 0712949922  
LEGACY APEX, LLC  
LEGACY APEX 2, LLC  
25101 CHAGRIN BLVD, STE 300  
BEACHWOOD, OH 44122

PIN No. 0722041522  
LEGACY APEX, LLC  
LEGACY APEX 2, LLC  
25101 CHAGRIN BLVD, STE 300  
BEACHWOOD, OH 44122



ANNEXATION # \_\_\_\_\_  
I, ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK, APEX, NORTH CAROLINA CERTIFY THIS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY THE TOWN COUNCIL. I SET MY HAND AND SEAL OF THE TOWN OF APEX, \_\_\_\_\_ DAY/MONTH/YEAR \_\_\_\_\_

ALLEN COLEMAN, CMC, NCCCC, TOWN CLERK

-SEAL-

DATE: 9/26/2023  
SCALE: 1"=200'  
SURVEYED BY: WR  
DRAWN BY: BD  
CHECK & CLOSURE BY: BD  
CAD FILE: ANNEXATION MAP2.DWG  
PROJECT NO: 02200685.01

SATELLITE ANNEXATION MAP for the TOWN OF APEX  
**LEGACY APEX, LLC**  
TOWNSHIP: WHITE OAK  
COUNTY: WAKE  
STATE: NORTH CAROLINA  
ZONE: PUD-CZ  
PIN Nos. 0712949922 and 0722041522

**WithersRavenel**  
Engineers | Planners | Surveyors  
115 MacKenan Drive | Cary, NC 27511 | t: 919.469.3340 | license #: F-1479 | www.withersravenel.com

PETITION FOR VOLUNTARY ANNEXATION  
Town of Apex, North Carolina



**ANNEXATION PETITION SUBMISSION:** Applications are due by 12:00 pm on the first business day of each month. See the "[Annexation Petition Schedule](#)" on the website for details.

**ANNEXATION FEE:** \$200.00

**VOLUNTARY ANNEXATION:** Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, the Town may annex an area either contiguous or not contiguous to its primary corporate limits when the area meets the standards set out under North Carolina General Statutes 160A-31 and 160A-58.1. A petition submitted pursuant to North Carolina General Statute 160A-58.1 need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations.

**HARD COPY SUBMITTAL REQUIREMENTS:**

- Town of Apex Petition for Annexation with original wet ink signatures. No photocopies or scanned images.
- Petition Fee

**ELECTRONIC SUBMITTAL REQUIREMENTS: GeoCivix (IDT Plans)**

- Town of Apex Petition for Annexation
- Written Metes and Bounds Legal Description: Submit original PDF. Scanned documents will not be accepted.
- Electronic plat submittal (18" x 24")

**REVIEW AND APPROVAL PROCESS:**

- **SUBMITTAL:** Submit hard copy application with original wet signatures (no photo copies or scanned images) and fee to the Department of Planning and Community Development and upload an electronic copy of the application, legal description and Annexation Plat via [GeoCivix](#).
- **REVIEW BY STAFF:** The Planning Department and Development Services Department review the annexation submission. Comments will be sent to the applicant via email.
- **DESIGNATION OF ANNEXATION NUMBER:** The application is assigned an annexation number once the annexation petition is received.
- **ANNEXATION PLAT SUBMISSION:** After the map and legal description are deemed sufficient by the Town of Apex, the applicant is required to submit three (3) 18"x24" Mylar annexation plats to the Planning Department by the due date on the attached Annexation Schedule.
- **1<sup>ST</sup> TOWN COUNCIL MEETING:** This Town Council Meeting is typically held the second Tuesday of each month. The Town Council will pass a resolution directing the Town Clerk to investigate the annexation petition. The Town Clerk will present to the Town Council a Certificate of Sufficiency indicating that the annexation petition is complete. A resolution setting the date of the public hearing is then approved.
- **LEGAL ADVERTISEMENT:** A legal advertisement will be published on the Town of Apex's website no more than 25 days and no less than 10 days prior to the date of the public hearing.
- **2<sup>ND</sup> TOWN COUNCIL MEETING/PUBLIC HEARING:** This Town Council Meeting is typically held the fourth Tuesday of each month. The Town Council will either adopt or deny an ordinance to extend the corporate limits of the Town of Apex.
- **RECORDATION:** If the annexation is approved by the Town Council, the Town Clerk will have the Annexation Plats recorded at the Wake County or Chatham County Register of Deeds, as appropriate. Wake County or Chatham County will keep one of the recorded plats, one copy will be returned to the Planning Department, and the surveying company is given the remaining recorded Annexation Plat.

**FOR WELL AND/OR SEPTIC FAILURES:**

If the purpose of the petition is to connect to public water and/or sewer, contact Water Resources Program Coordinator Jessica Sloan at 919-372-7478 or [jessica.sloan@apexnc.org](mailto:jessica.sloan@apexnc.org) to confirm that public water and/or sewer is available to the property. In order to receive public water and/or sewer services from the Town of Apex, refer to the checklist of items below to assist with obtaining one or both of these services:

- Apply for a plumbing permit with the Building Inspections and Permitting Department.
- The plumbing permit and associated costs for water and/or sewer will be included with the permit.

Please refer to the [Town of Apex Fee Schedule](#) for the list of current fees.

# PETITION FOR VOLUNTARY ANNEXATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: \_\_\_\_\_ Submittal Date: \_\_\_\_\_  
Fee Paid \$ \_\_\_\_\_ Check # \_\_\_\_\_

## TO THE TOWN COUNCIL APEX, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Apex,  Wake County,  Chatham County, North Carolina.
2. The area to be annexed is  contiguous,  non-contiguous (satellite) to the Town of Apex, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

## OWNER INFORMATION

Legacy Apex, LLC (Tenant in Common, 80.46%)	0722041522 & 0712949922
Owner Name (Please Print)	Property PIN or Deed Book & Page #
216-831-6100	pnintcheff@goldbergcompanies.com
Phone	E-mail Address
Legacy Apex 2, LLC (Tenant in Common, 19.54%)	0722041522 & 0712949922
Owner Name (Please Print)	Property PIN or Deed Book & Page #
216-831-6100	pnintcheff@goldbergcompanies.com
Phone	E-mail Address
Owner Name (Please Print)	Property PIN or Deed Book & Page #
Phone	E-mail Address

## SURVEYOR INFORMATION

Surveyor: Ben Dayton  
Phone: 919.238.0320 Fax: \_\_\_\_\_  
E-mail Address: bdayton@withersravenel.com

## ANNEXATION SUMMARY CHART

Property Information	Reason(s) for annexation (select all that apply)
Total Acreage to be annexed: <u>26.63</u>	Need water service due to well failure <input type="checkbox"/>
Population of acreage to be annexed: <u>0</u>	Need sewer service due to septic system failure <input type="checkbox"/>
Existing # of housing units: <u>1</u>	Water service (new construction) <input checked="" type="checkbox"/>
Proposed # of housing units: <u>351 (apartments)</u>	Sewer service (new construction) <input checked="" type="checkbox"/>
Zoning District*: <u>PUD - CZ</u>	Receive Town Services <input checked="" type="checkbox"/>

\*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department with questions.

**PETITION FOR VOLUNTARY ANNEXATION**

Application #: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

**COMPLETE IF SIGNED BY INDIVIDUALS:**

All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.)

\_\_\_\_\_  
Please Print

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Please Print

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Please Print

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Please Print

\_\_\_\_\_  
Signature

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, \_\_\_\_\_, a Notary Public for the above State and County,  
this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

SEAL

My Commission Expires: \_\_\_\_\_

**COMPLETE IF A CORPORATION:**

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its  
Secretary by order of its Board of Directors, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Corporate Name \_\_\_\_\_

SEAL

By: \_\_\_\_\_

Attest:

President (Signature)

\_\_\_\_\_  
Secretary (Signature)

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, \_\_\_\_\_, a Notary Public for the above State and County,  
this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

SEAL

My Commission Expires: \_\_\_\_\_

PETITION FOR VOLUNTARY ANNEXATION

Application #: \_\_\_\_\_ Submittal Date: \_\_\_\_\_

COMPLETE IF IN A LIMITED LIABILITY COMPANY

In witness whereof, Legacy Apex, LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 26th day of September, 2023.

Name of Limited Liability Company Legacy Apex LLC

By: [Signature]  
Signature of Member/Manager

STATE OF NORTH CAROLINA Ohio  
COUNTY OF WAKE Cuyahoga

Sworn and subscribed before me, Allison Brown, a Notary Public for the above State and County, this the 26th day of September, 2023.

Allison Brown  
Notary Public

SEAL



ALLISON BROWN  
Notary Public  
State of Ohio  
My Comm. Expires  
December 1, 2026

My Commission Expires: 12/1/2026

COMPLETE IF IN A PARTNERSHIP

In witness whereof, \_\_\_\_\_, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Name of Partnership \_\_\_\_\_

By: \_\_\_\_\_  
Signature of General Partner

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, \_\_\_\_\_, a Notary Public for the above State and County, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

SEAL

My Commission Expires: \_\_\_\_\_

**PETITION FOR VOLUNTARY ANNEXATION**

Application #: \_\_\_\_\_ Submittal Date: \_\_\_\_\_

**COMPLETE IF IN A LIMITED LIABILITY COMPANY**

In witness whereof, Legacy Apex 2, LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 26th day of September, 2023.

Name of Limited Liability Company Legacy Apex 2 LLC

By: [Signature]  
Signature of Member/Manager

STATE OF ~~NORTH CAROLINA~~ Ohio  
COUNTY OF ~~WAKE~~ Cuyahoga

Sworn and subscribed before me, Allison Brown, a Notary Public for the above State and County, this the 26th day of September, 2023.

Allison Brown  
Notary Public



ALLISON BROWN  
Notary Public  
State of Ohio  
My Comm. Expires  
December 1, 2026

My Commission Expires: 12/1/2026

**COMPLETE IF IN A PARTNERSHIP**

In witness whereof, \_\_\_\_\_ a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Name of Partnership \_\_\_\_\_

By: \_\_\_\_\_  
Signature of General Partner

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, \_\_\_\_\_, a Notary Public for the above State and County, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

SEAL

My Commission Expires: \_\_\_\_\_

**VOLUNTARY ANNEXATION-PLAT CHECKLIST**

**FOR APPLICANT USE ONLY**

**PLEASE DO NOT INCLUDE THIS CHECKLIST WITH YOUR APPLICATION SUBMITTAL**

COMMON ACRONYMS/DEFINITIONS			
<u>GeoCivix (IDT)</u>	Electronic Plan Review	<u>UDO</u>	Town's Unified Development Ordinance
TOA	Town of Apex	NCDEQ	North Carolina Dept. of Environmental Quality
RCA	Resource Conservation Area	<u>DDM</u>	Design & Development Manual
CONTACT INFORMATION			
Planning Department	(919) 249-3426	Water Resources (Utilities)	(919) 372-7478
Development Services	(919) 249-3394	Clerk's Office	(919) 249-1260

#	REQUIRED PLAT ITEMS
1	The exact boundary lines of the area to be annexed fully dimensioned by lengths and bearings, and the location of intersecting boundary lines of existing town limits, labeled and distinctly marked. Include full right-of-way if the area on both sides is or will be in the corporate limits.
2	Show and label any utility easements with metes and bounds.
3	Accurate locations and descriptions of all monuments, markers, and control points.
4	Ultimate right-of-way widths on all streets.
5	Entitle "ANNEXATION MAP for the TOWN OF APEX" or "SATELLITE ANNEXATION MAP for the TOWN OF APEX", as appropriate.
6	Name of property owner.
7	Name, seal, and registration of Professionally Licensed Surveyor (PLS).
8	Date of the survey and map preparation; a north arrow indicating whether the index is true magnetic North Carolina grid (NAD 83 or NAD 27) or deed; graphic scale; and declination.
9	Names of the township, county, and state.
10	A detailed vicinity map.
11	Include address of property if assigned.
12	Show all contiguous or non-contiguous town limits.
13	The following certification must be placed on the map near a border to allow the map to be sealed:  Annexation # _____  I, Allen Coleman, CMC, NCCCC, Town Clerk, Apex, North Carolina certify this a true and exact map of annexation adopted the _____ day of _____, 20____, by the Town Council. I set my hand and seal of the Town of Apex, _____. Day/Month/Year  _____ Allen Coleman, CMC, NCCCC, Town Clerk  -Seal-
14	Leave 2 inch by 2 inch space for the Wake County or Chatham County Register of Deeds stamp on the plat. All final plats must be stamped and signed before they can be accepted by the Town.



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 24, 2023

## Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerks Office

### Requested Motion

Motion to approve, as submitted or amended, Meeting Minutes from the following meeting:

- October 10, 2023 - Regular Town Council Meeting Minutes

### Approval Recommended?

The Town Clerk recommends the Town Council approve the meeting minutes as presented or amended.

### Item Details

In accordance with 160A-72 of North Carolina General Statutes (NCGS), the Governing Board has the legal duty to approve all minutes that are entered into the official journal of the Board's proceedings.

### Attachments

- CN2-A1: **DRAFT** Minutes - October 10, 2023 - Regular Town Council Meeting Minutes



**DRAFT MINUTES**  
**TOWN OF APEX**  
**REGULAR TOWN COUNCIL MEETING**  
**TUESDAY, OCTOBER 10, 2023**  
**6:00 PM**

1  
2  
3  
4  
5  
6 The Apex Town Council met for a Regular Town Council Meeting on Tuesday, October 10, 2023 at  
7 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North  
8 Carolina.

9  
10 This meeting was open to the public. Members of the public were able to attend this meeting in-  
11 person or watch online via the livestream on the Town’s YouTube Channel. The recording of this  
12 meeting can be viewed here: <https://www.youtube.com/watch?v=DgBzFUDPHKo>

13  
14 **[ATTENDANCE]**

15  
16 Elected Body

- 17 Mayor Jacques K. Gilbert (presiding)
- 18 Mayor Pro Tempore Audra Killingsworth
- 19 Councilmember Brett Gantt
- 20 Councilmember Ed Gray
- 21 Councilmember Arno Zegerman
- 22 Councilmember Terry Mahaffey
- 23 Absent: None

24  
25 Town Staff

- 26 Interim Town Manager Shawn Purvis
- 27 Assistant Town Manager Demetria John
- 28 Assistant Town Manager Marty Stone
- 29 Deputy Town Attorney Brian Meyer
- 30 Town Clerk Allen Coleman
- 31 Deputy Town Clerk Ashley Gentry
- 32 All other staff members will be identified appropriately below

# DRAFT MINUTES

1 [COMMENCEMENT]

2 [SLIDE 1]



3

4

5 **Mayor Gilbert** called the meeting to order, and said he was glad everyone was here. He then  
6 welcomed Sameer Ponshe and others with the Apex Chapter of Hindu Swayamsevak Sangh, who  
7 presented the Mayor and Council with Rakhis.

8 **Mr. Ponshe** said the Rakhis represented well-wishes to the person the Rakhis is tied around  
9 from the person who ties the bracelet. He said they were fortunate to be tying the Rakhis to the  
10 Mayor and Council, and they will be working to continue their community involvement with their  
11 support.

12 **Mayor Gilbert** then led those in attendance in a recitation of the Pledge of Allegiance.

13

14

15 [CONSENT AGENDA]

16

17 A **motion** was made by **Councilmember Zegerman**, seconded by **Mayor Pro Tempore**  
18 **Killingsworth**, to approve the Consent Agenda as presented.

19

20 **VOTE: UNANIMOUS (5-0)**

21

22 **CN1 2023 Revised Town Council Meeting Calendar (REF: OTHER-2023-098)**

23 Council voted to amend the 2023 Town Council Meeting Calendar.

24 **CN2 Budget Ordinance Amendment No. 10 - Position Reclassifications (Building Inspections**  
25 **and Permitting and Community Development and Neighborhood Connections) (REF:**  
26 **ORD-2023-105)**

27 Council voted to adopt Budget Ordinance Amendment No.10 for position reclassifications in the  
28 Building Inspections and Permitting Department and the Community Development and  
29 Neighborhood Connections Department.

30 **CN3 Community Special Event Policy (REF: PLCY-2023-010)**

31 Council voted to approve Draft No. 25 of the Community Special Event Policy.

32 **CN4 Construction Contract Award - North American Pipeline Management Inc. - Sewer**  
33 **Rehabilitation Project - Lawrence Crossing Sewer Outfall Replacement and Capital**  
34 **Project Ordinance Amendment No. 2024-7 (REF: CONT-2023-291 and ORD-2023-106)**

## **DRAFT MINUTES**

1 Council voted to award the construction contract with North American Pipeline Management, Inc., for  
2 Lawrence Crossing Sewer Outfall Placement Project, and adopt Capital Project Ordinance  
3 Amendment No. 2024-7 and to authorize the Interim Town Manager, or their designee, to execute the  
4 contract on behalf of the Town.

### **CN5 Council Meeting Minutes - Various**

5 Council voted to approve, as submitted or amended, Meeting Minutes from the following meeting:  
6 September 19, 2023 - Work Session Meeting Minutes  
7 September 26, 2023 - Regular Town Council Meeting Minutes  
8 October 3, 2023 - Special Town Council Meeting Minutes - Appointed Personnel Evaluations

### **CN6 Encroachment Agreement - 1822 Porch Swing Way, Lot 10 (REF: CONT-2023-292)**

9 Council voted to approve an encroachment agreement between the Town of Apex and property  
10 owner Lennar Carolinas, LLC to install a driveway that will encroach 28 square feet (SF) onto the  
11 Public Drainage Easement and authorize the Interim Town Manager, or their designee, to execute  
12 on behalf of the Town

### **CN7 Encroachment Agreement - 1842 Porch Swing Way, Lot 18 (REF: CONT-2023-293)**

13 Council voted to approve an encroachment agreement between the Town of Apex and property  
14 owner Lennar Carolinas, LLC to install a driveway that will encroach 18 square feet (SF) onto the  
15 Public Drainage Easement and authorize the Interim Town Manager, or their designee, to execute  
16 on behalf of the Town.

### **CN8 Human Resources (HR) Policy Updates - Town's Paid Parental Leave, Paid Caregiver 17 Leave, and Tuition Reimbursement (REF: PLCY-2023-011)**

18 Council voted to approve updates to the Town's Paid Parental Leave, Paid Caregiver Leave, and  
19 Tuition Reimbursement personnel policies.

### **CN9 Tax Report - August 2023 (REF: OTHER-2023-100)**

20 Council voted to approve the Wake County Tax Administration Tax Report for the Town of Apex  
21 dated September 10, 2023.

### **CN10 Unified Development Ordinance (UDO) Amendments - Statement - Sept. 2023 (REF: 22 OTHER-2023-101 and OTHER-2023-102)**

23 Council voted to approve the Statement(s) of the Apex Town Council pursuant to G.S. 160D-605(a)  
24 addressing action on the Unified Development Ordinance (UDO) Amendments (Items 1 & 3-6) and  
25 (Item 2) on September 26, 2023.  
26

## **[PRESENTATIONS]**

### **PR1 Proclamation - Fire Prevention Week - October 8, 2023 through October 14, 2023 27 (REF: PRO-2023-030)**

28 **Mayor Gilbert**, along with the rest of Council, read the Fire Prevention Week 2023  
29 proclamation in unity.

30 **Fire Chief Tim Herman**, and other members of the Apex Fire Department, were present to  
31 receive the proclamation.  
32

### **PR2 ADDED - Proclamation - Down Syndrome Awareness Month - October 2023 (REF: PRO- 33 2023-031)**

## DRAFT MINUTES

1 **Mayor Gilbert**, along with the rest of Town Council, read the Down Syndrome Awareness  
2 Month 2023 proclamation in unity.

3 **Cheryl Byrne** and several Apex community members, accepted the proclamation.

4 **Ms. Byrne** thanked the Mayor, Town Council, and Town Clerk Coleman, as well as thanks to  
5 people she will be meeting in the future. She said their good are good days and bad days in taking  
6 care of children, but today is a great day for her and all of them. She said she was very happy she  
7 moved to Apex, and that it is a great place for her family and for her child with special needs.

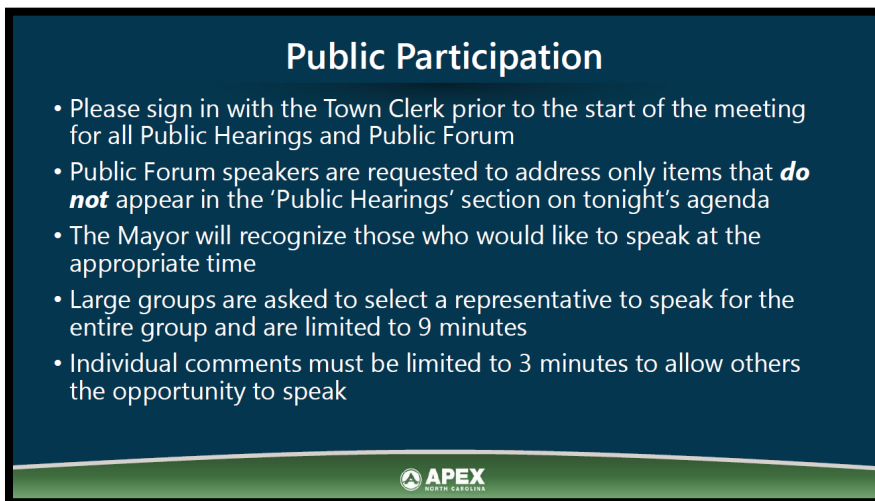
### 8 9 [REGULAR MEETING AGENDA]

10  
11 A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Gray**, to  
12 approve the Regular Meeting Agenda as presented.

13  
14 **VOTE: UNANIMOUS (5-0)**

15  
16 [PUBLIC FORUM] (**NOTE:** To view Public Forum and Public Hearing sign in sheets, please see **OTHER-**  
17 **2023-103**)

18 [SLIDE 2]



The slide is titled "Public Participation" and contains a list of five bullet points. At the bottom of the slide is the Apex North Carolina logo.

- Please sign in with the Town Clerk prior to the start of the meeting for all Public Hearings and Public Forum
- Public Forum speakers are requested to address only items that **do not** appear in the 'Public Hearings' section on tonight's agenda
- The Mayor will recognize those who would like to speak at the appropriate time
- Large groups are asked to select a representative to speak for the entire group and are limited to 9 minutes
- Individual comments must be limited to 3 minutes to allow others the opportunity to speak

19  
20  
21 First to speak was **Martha Geer** of 3729 Bosco Road:

22  
23 "Good evening and thank you for allowing me to speak. Mr. Mahaffey, one of your signs is posted at  
24 the end of Bosco Road right now. There are none of your signs a couple miles to the south or a couple  
25 miles to the north. Some think it's a "thumb in your nose" move, I prefer it to be "I hear you, and you  
26 can believe in my platform, I'm extending trust, transparency, and trees to Apex's planning  
27 jurisdiction." Trust, on your platform you say, citizens need advocates. Is that including us? With DOT  
28 and Duke Energy, some people think it does. Transparency, are you going to be open and honest  
29 with us about what the plans are and why for the force main project and basically anything that  
30 happens in the planning jurisdiction. Trees, are you going to do what you can to protect our trees too?  
31 And I want to talk about Rick and Jeannie Stone. The current force main plan is to take their trees, that  
32 shield them from US 1. Rick is a retired detective with the Wake County Sheriff's Department, Drug

## DRAFT MINUTES

1 Division, DEA, he put his life on the line, literally. With the exception of perhaps the Mayor, none of  
2 you did. This is their retirement farm. You're stripping out their trees without considering other  
3 options, some of you are not considering other options. So that gets me to politics. Rick and Jeannie,  
4 bless them, are die-hard Democrats. You all probably think there aren't any political consequences to  
5 the force main plan, and the things that are done in the planning jurisdiction, because you're elected  
6 in Apex, that's a Democrat stronghold, you're naïve. Mr. Mahaffey, I think you got elected last time by  
7 under 4,000 votes. I got elected in a horrible year for Democrats by more than a million votes. I was  
8 the only Democrat to win statewide, I was the only Democrat to win Wake County, among other  
9 counties. And what happened that year is the public decided Democrats don't care about them, so  
10 they voted Republican, including Democrats. They went right down the line on the Republican side,  
11 they crossed over for me. I won't bore you with why they believed in me, but I will say that 8 years later,  
12 in another horrible year for Democrats, I won by 20 points. And part of it was because I married a  
13 dynamite political strategist, but I also learned that people, what they told me, is that people cared  
14 what I stood for and the fact that I did what I stood for. So for you, all of you, in 2024 and 2025, people  
15 may not remember the names of any of you, but they will remember that you were Democrats, and  
16 you didn't care about them outside of the Town of Apex, and they're going to spread the word. So the  
17 consequences are the people that will get especially burned politically because of what you do will  
18 be the people running in 2024. Like legislators, how many votes will you deliver to these folks to make  
19 up for the votes that you're going to cost them? They're going to need those votes, votes they had two  
20 years ago, it's real. I've seen it. You haven't. All you have to do is what Mr. Mahaffey's platform says,  
21 Mr. Mahaffey if you'll do that and if everybody else here does that, then we may be okay. Thank you."

22

23 **Mayor Gilbert** thanked Ms. Geer for her comments.

24

25 Next to speak was **Dawn Cozzalino** of 3632 Bosco Road:

26

27 "So this is the development plan that's on Apex's website, it's even more sprawl coming in the heat  
28 map. And why is that important to my topic tonight, because we love where we live, and this impacts  
29 where we live. This is the beauty of Friendship and New Hill communities. So I was interested in  
30 transportation and accidents and things that kill or hurt or damage people's property and cause them  
31 physical or economic harm. So I thought, we're a densely developing area, so why don't I compare  
32 our traffic information to that of the State of New Jersey. Okay, so that's a densely populated state.  
33 The whole state of New Jersey is 9.2 million people, this Town of Apex is 71,000. Now square miles,  
34 we're less than a percent of New Jersey, population we're less than a percent of New Jersey, one  
35 percent. However accidents, 291% higher than the entire state of New Jersey. That's a very disturbing,  
36 alarming statistic, because it continues to go up. The whole state of New Jersey has 650 accidents,  
37 and there 1,894, I mean you can do the math on the statistics all you want, but the more and more cars  
38 that come in that corridor, the more than number is going to jack up. So what the heck are you guys  
39 going to do about it? Because inviting more development is not going to help the problem, it's going  
40 to make conditions here dangerous. Not only that, the tree canopy that was mentioned. The  
41 unincorporated area gave you your good numbers, okay. So you forget about that when you do the  
42 report, oh 540 and all this. No, we were the ones that gave you the good healthy tree numbers, and  
43 by the way you can't just plant trees anywhere you want, because they won't grow healthy. The ones  
44 you should be doing is saving the ones we have today. And then lastly, so this was an accident on

## DRAFT MINUTES

1 Bosco Road, just a couple of weeks ago, 3-car crash, okay, this shouldn't be happening. Because  
2 people are flooring it all over the place, and you know the town's Holly Spring, Chatham I see them  
3 you know there's just log trucks going all over the highways which is just saddening to me. Those  
4 developments are happening in Chatham, so it's getting squeezed, and squeezed, and squeezed.  
5 Okay and vehicles are the only ways to commute in this area, there is nothing else. Thank you."

6  
7 **Mayor Gilbert** thanked Ms. Cozzalino for her comments.

8  
9 Next to speak was **Elizabeth Stitt** of 3113 Friendship Road:

10  
11 "Mayor, Town Council, good evening. At the last Town Council meeting there was discussion  
12 about increasing the Resource Conservation Area to 50% with the opportunity for developers to  
13 reduce that requirement by offering solar. And in that conversation, there was a statement made that  
14 you can't have solar with trees. I guess presumably because the trees are going to throw shade on  
15 solar panels on people's roofs. So I am here to debunk that myth. It's really important that you know  
16 that we can have trees in the same place where there are solar panels. Case in point, if you look at  
17 pages 8-10 of the Apex Design and Development Manual put together, you will see there are 66  
18 species of trees that max out at a mature height of 30 feet. So what does that mean? So if you are a 1-  
19 story house with the average roof line at 15 feet with solar panels, there is 15 trees on there that you  
20 could plant that would never throw shade on the roof. If you are a 2-story house with a roof line of 25  
21 feet, there are 65 trees on this list that would not throw shade on your house. And if you're a 3-story  
22 townhouse, which we're building a lot of in town, none of these trees will grow tall enough to hit solar  
23 panels on top. So, when we talk about good public policy, it's important to understand that tree  
24 strategy and solar strategy both can occur in the same place, and so while we definitely need to  
25 increase the RCA, it should not be coupled with solar. It should be paired with solar to say you need  
26 to do both if you're going to go down that road, and never to say we can't have trees with solar. When  
27 you say that, you're repeating a myth that the arbor society, a lot of us tree lovers, we all just kind of  
28 cringe at it because it's like do you really understand your trees. If you do, you know there is plenty of  
29 options for shorter trees. Yes, they're never going to be telephone poles, but they're equally valuable.  
30 And the one thing that I really love about what the staff has done on this report, is if you look on the  
31 far right, it talks about late flowers, early flowers, bird friendly, pollinator friendly, all the things that it  
32 brings to our communities in addition to providing some shade. So as you drive through some of  
33 these neighborhoods, I know you may not have approved all of these original plans, but when you're  
34 looking at planting trees, understand we can do this in addition to solar. Thank you.

35  
36 **Mayor Gilbert** thanked Ms. Stitt for her comments. With no further sign ups, he closed Public  
37 Forums and moved the meeting on to Public Hearings.

### 38 39 [PUBLIC HEARING]

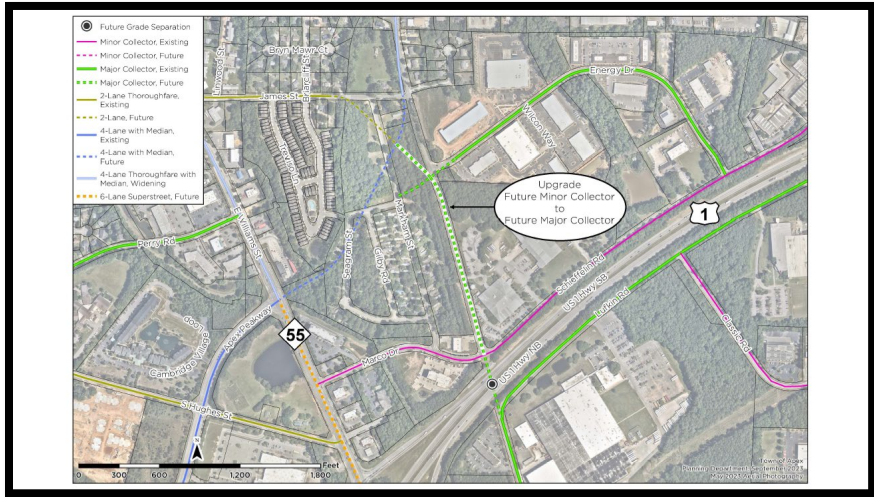
#### 40 41 **PH1 Thoroughfare and Collector Street Plan Map Amendment - Schieffelin Road Upgrade**

42  
43 **Jenna Shouse**, Senior Long-Range Planner, gave the following presentation regarding the  
44 Thoroughfare and Collector Street Plan Amendment - Schieffelin Road Upgrade.

1 [SLIDE 3]



2  
3 [SLIDE 4]



4  
5  
6 **Councilmember Mahaffey** said he was surprised this was a Minor Collector before, since  
7 there was a call for a grade-separated crossing at this intersection.

8 **Ms. Shouse** said that is what made it jump out, and it made sense to extend bike lanes as  
9 well.

10 **Councilmember Zegerman** asked if there were no plans for the grade-separated crossing  
11 there yet.

12 **Ms. Shouse** said that was correct, there was no funded project.

13 **Councilmember Gantt** said if that ever happens, there would likely be less cars than there  
14 are today because the Peakway would take some of the traffic. He asked if the major collector would  
15 be undone if the Schieffelin/US 1 overpass never happens.

16 **Ms. Shouse** said that was a good question. She said it would be needed if they wanted bike  
17 lanes and didn't want residential driveways. She said they are planning ahead in case the overpass is  
18 funded. She said they would have to see how things play out to determine if they would revert it in  
19 that case.

20 **Councilmember Mahaffey** wanted to clarify that none of this was currently funded.



## DRAFT MINUTES

1 **Ms. Shouse** said that was correct.

2 **Councilmember Gantt** said the Peakway would likely happen decades before the  
3 intersection happened.

4 **Councilmember Mahaffey** said DOT could eventually build it.

5 **Councilmember Gantt** said maybe, but he was skeptical.

6 **Councilmember Mahaffey** said maybe if they had a project for US 1.

7

8 **Mayor Gilbert** opened public hearing for this item. With no one signed up, he closed public  
9 hearing and moved discussion back to Council.

10

11 A **motion** was made by **Mayor Pro Tempore Killingsworth**, seconded by **Councilmember**  
12 **Gantt**, to approve the Thoroughfare and Collector Street Plan Map Amendment - Schieffelin Road  
13 Upgrade.

14

15 **VOTE: UNANIMOUS (5-0)**

16

17

18

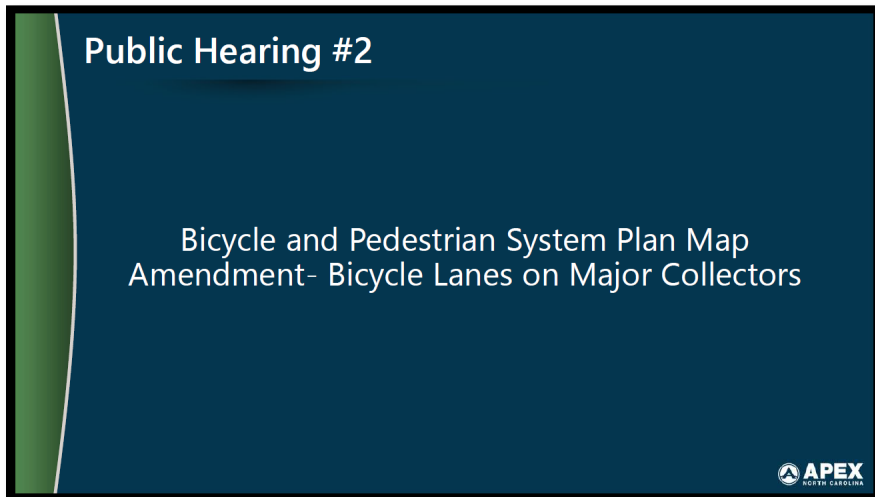
19 **PH2 Bicycle and Pedestrian System Plan Map Amendment - Bicycle Lanes on Major**

20

**Collectors**

21 **Ms. Shouse** gave the following presentation regarding the Bicycle and Pedestrian System  
22 Plan Map Amendment - Bicycle Lanes on Major Collectors.

23 **[SLIDE 5]**



24

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31

1 [SLIDE 6]

**Background**

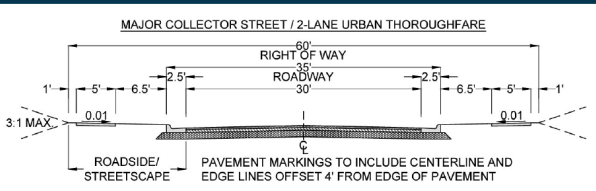

- Major Collectors on the adopted Transportation Plan were reviewed for the addition of bicycle lanes or shared lane markings to expand the Town’s bicycle network
- Table 1 in the legal ad and staff report includes a list of the proposed amendments and corresponds with the exhibit of proposed amendments



2  
3 [SLIDE 7]

**Initial considerations**


- Current Major Collector standard specification can accommodate 4' bicycle lanes without additional widening or right-of-way
- Proposed amendments guide how existing and future roadways already on the Transportation Plan would be striped and signed to accommodate cyclists

4  
5 [SLIDE 8]

**Review of Major Collectors for bicycle lanes**

- The following elements were considered:
  - Roadway status
  - Roadway width
  - Presence of curb and gutter or shoulder and ditch section
  - Presence of striping per the current Major Collector standard
  - Planned or existing side path OR parallel planned or existing bicycle facilities
  - Bicycle or pedestrian crash
  - Presence of on-street parking
  - Land uses
  - Proposed and approved development plans
  - Proposed and approved rezoning cases
  - Existing or future bus routes




6  
7  
8

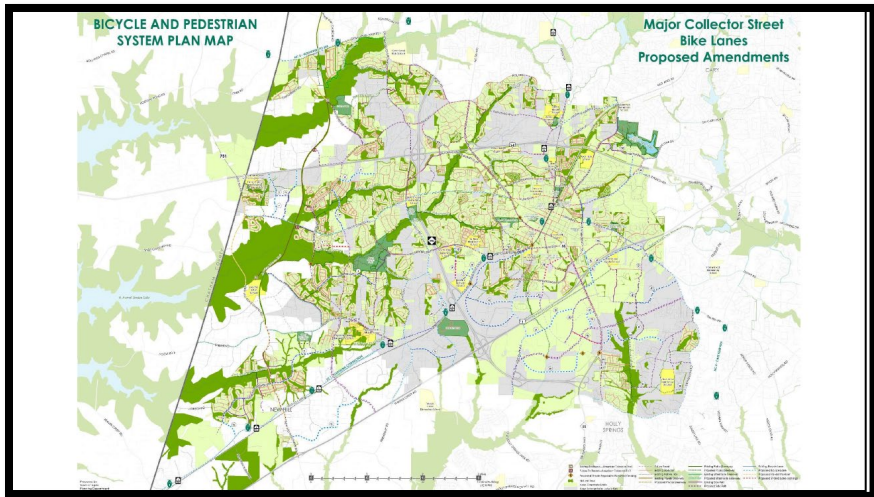
1 [SLIDE 9]

**Recommendations**

- Planning Board: Approve amendments as shown with the exception of Map IDs 11-13 in response to public comment
- Staff recommendation: Concur with Planning Board's recommendation
- Public comment to remove Transportation Plan amendments in the Western Big Branch study area until the small area plan is complete
- Map IDs 11-13
  - 11: Bosco Road collector from New Hill Holleman Road to Richardson Road extension
  - 12: Future collector street from Friendship Road to Pleasant Plains Road
  - 13: Pleasant Plains Road from Old US 1 to US-4 Boyette Street



2  
3 [SLIDE 10]



4  
5  
6 **Councilmember Gantt** asked if the public comment was opposing the amendments, or  
7 asking to delay until the study was done.

8 **Ms. Shouse** said the person who gave the public comments was going to speak tonight, but  
9 her understanding was that the recommendation was to hold off on these, after a public meeting  
10 with a draft plan early next year. She said it didn't seem like the recommendation was to remove  
11 them, but rather to look at them holistically as part of the small area plan.

12 **Councilmember Gantt** asked if there was a risk to not getting bike lanes by delaying this.

13 **Ms. Shouse** said if there was a development proposed along these roadways in the  
14 meantime, the town could require bicycle lanes, but the there could be a transportation plan  
15 amendment associated with that development, but it would be a request at that point.

16 **Planning Director Dianne Khin** said it was discussed at Planning Board about making it a  
17 zoning condition. She said they could ask for that, and if they didn't want to do it then staff would not  
18 support it. She said there isn't anything out there at this time because of the lack of sewer.

19 **Councilmember Gantt** asked if planning would suggest developers not to submit anything  
20 until the big branch study was done.

## DRAFT MINUTES

1 **Director Khin** said there are a few people who want to submit and may submit before that  
2 time, but they are aware and have attended the open houses.

3 **Councilmember Zegerman** asked if the proposal as it stands was just striping off the four-  
4 foot lanes. He asked if on major collector if it would just be striping used to create a bike lane.

5 **Ms. Shouse** said the plan is to add bike lanes along all those roadways. She said there was  
6 no currently funded project to expand the roadway to a major collector standard.

7 **Councilmember Zegerman** asked if there was any consideration given to physically  
8 separating bike lanes from motorists.

9 **Ms. Shouse** said with current standard it would be a tight fit, but they have discussed along  
10 thoroughfares having a buffer or some separation. She said they could look at that more closely in  
11 design process, but with the current collector street design, it would only be striping.

12 **Councilmember Zegerman** said he was referring to more new roads having the physical  
13 separation, and that is very common in other places in the world. He said that could be a safer  
14 solution overall. He said it may widen the road, but they may could do some tree separations in  
15 those areas as well.

16 **Councilmember Mahaffey** said any physical separation was good. He said the proposal is to  
17 update the Major Collector Street design, and asked if that was something that they could do.

18 **Chris Johnson, Director of Transportation and Infrastructure Development**, said major  
19 collectors here would typically be speed limits of 25-35 miles per hour maximum, and lots of times  
20 they do separated facilities on major thoroughfares, and the industry standard for the speed limit of  
21 these collectors would be the limit of where striped bike lanes would still be.

22 **Councilmember Gantt** asked to clarify if there were existing or planned side paths on many  
23 of the town's thoroughfares.

24 **Ms. Shouse** said that was correct.

25 **Councilmember Zegerman** said he thinks there is some middle ground between a major  
26 collector and a thoroughfare. He said with new roads, they could start separating different modes of  
27 traffic. He said he was for this amendment, he is just asking for more with future roadway designs.

28 **Councilmember Mahaffey** said this is in response to something they asked staff to look at a  
29 month ago, and they already put this together and are bringing it to them.

30 **Ms. Shouse** said they started it earlier this summer.

31 **Councilmember Mahaffey** asked if they should be asking for an initial right of way  
32 dedication for minor collectors, in case they found it necessary in the future to add bike lanes.

33 **Ms. Shouse** said the right of way requirement was the same for major and minor collectors,  
34 both 60 feet, the roadway width is what differs.

35 **Councilmember Mahaffey** said they would probably be upset if they increased the  
36 pavement width, because there would be no difference in a minor and major collector then. He  
37 asked if the town got right of way on a minor collector, if they could come in and add pavement as a  
38 project.

39 **Councilmember Zegerman** said for major collectors the town has sidewalks on both sides,  
40 so for a minor collector there could still be a separated bike lane, with both directions on one side of  
41 the road.

42 **Councilmember Mahaffey** said he thought there were minor collectors on both sides of the  
43 road as well.

## DRAFT MINUTES

1 **Ms. Shouse** said they do, and it's a narrower utility strip on the major collector, since it is a  
2 wider roadway.

3 **Councilmember Mahaffey** asked what it would look like to implement some of these things.  
4 He said they were likely relatively cheap compared to some other projects. He asked if there was a  
5 plan to identify the highest usage areas for bicyclists. He also asked if they didn't do it proactively,  
6 would the next time be when the road was re-paved in the next 15-20 years.

7 **Councilmember Gantt** said there was a South Salem bike way on the CIP that costs more  
8 than he thinks it should.

9 **Councilmember Mahaffey** said he doesn't understand that either. He said some of these  
10 were just re-striping and it wouldn't be a big deal.

11 **Director Johnson** said they could do this through a resurfacing program if it would be safe  
12 to add them, as some neighborhoods with major collectors already have the edge lines in place,  
13 they just do not have the bicycle symbols. He said the minor collector streets are narrower, and in  
14 most of those situations there would either be no bike accommodations, or they would just be  
15 sharing the road. He said all of these roads were 25 miles-per-hour.

16 **Councilmember Mahaffey** said he thinks it should always be the town's policy to do bike  
17 lanes when they re-pave, but he would also like to have some budget to identify some of the high-  
18 traffic areas and go out and re-stripe them early without having to wait for re-paving.

19 **Ms. Shouse** said they noted in their review that was something they could ask developers for,  
20 and the next step would be to ask for funding to stripe road locations that are ready for those  
21 markings.

22 **Councilmember Mahaffey** said he would give her the funding through Council.

23 **Councilmember Gantt** asked why the cost of the South Salem Bikeway was so expensive.

24 **Interim Town Manager Purvis** said widening would have to occur with that project, and it  
25 was a bit more complicated because of the railroad and other factors.

26 **Councilmember Zegerman** asked if it would be a new path or just striping.

27 **Interim Town Manager Purvis** said he was not sure if that was part of the bike plan.

28 **Ms. Shouse** said there isn't a design for the bike lane yet, but she imagines that it will be  
29 buffered in the higher speed areas.

30 **Director Johnson** said he was not sure if they would be buffered, but there are plans for  
31 them to be on-street. He said some areas may be side pathed.

32 **Councilmember Zegerman** asked if there were plans to extend the multi-use path from  
33 Depot 499.

34 **Ms. Shouse** said not on the north because of 540, but there are plans for connections on the  
35 south side. She said bike lanes would be along the entire corridor.

36 **Councilmember Gantt** said it would be striped without a connection, which would be  
37 annoying. He said if they had already done this the developers would have done that one.

38 **Director Johnson** said that would require DOT approval as a state road, and they typically  
39 don't like marking roads unless there are connections.

40  
41 **Mayor Gilbert** opened up Public Hearing for this item.

42  
43 First to speak was **Elizabeth Stitt** of 3113 Friendship Road:  
44

## DRAFT MINUTES

1 "So I was the one that made the public comment yesterday. You know, all of this happened really  
2 fast. I signed up for public notices and all. I don't get them all of the time for various reasons,  
3 sometimes it goes spam folder, and I declassify them to go back etc. So, if you look at this particular  
4 case, it shows up on Planning Board agenda on Wednesday of last week for a vote on Monday, and  
5 then it showed up on the Town Council agenda technically Friday for tonight. So, it went for a vote in  
6 front of Planning Board last night, and then a vote tonight for a vote in front of the Town Council, and  
7 I ask for these three roads to be pulled out partly because we have the study area being done, and  
8 most of my neighbors, I did a quick telephone call to various ones and they're like, they were  
9 surprised, because their assumption was we have the open houses, we saw the plans, we thought  
10 there wouldn't be any changes to the plans in our area until something was brought back, so some  
11 people were not paying attention. And so, having the little extra caution of making sure that we don't  
12 have the wrong impression, I asked if they could be removed, it's not necessarily an objection to it,  
13 but that's what people were thinking the open houses were, saying hey here's where we're starting,  
14 we're going to go back in a couple months and we're all going to have this conversation. And so that  
15 was the overall reason for the ask. And I bring up the Wednesday to Tuesday, there is a perception,  
16 there is a perception that anything that goes from Wednesday to Tuesday, in less than a week, in  
17 front of two boards for a vote, that it's getting rammed through. Now this is low risk, if it had been  
18 rammed, okay, nobody is going to be really upset. But it's case in point of where people get  
19 frustrated, they're like they don't even want us to get involved, they set up the process so quick and  
20 so tight there's no way to get involved. And that's one of those things I've been trying to tell my  
21 community, is you have to get involved, but when it's this tight, it just kills people's morale. So I put  
22 my to come and all that tonight, and I'm very grateful that Dianne and Planning Board and  
23 everybody pulled it off and understood that. But when it's this tight, we need more time for the  
24 public to respond, I happen to work from home, I have a global job which means sometimes I work  
25 at night, because my teams are global, so I have flex time and I was able to break free yesterday and  
26 show up here and talk for my community, because a lot of my neighbors can't. But we need more  
27 time. Even for me, a week is difficult, and I can't just totally clear my schedule and make my life all  
28 about Town Council and Planning Board meetings. So, if there's a way we can add a little more time  
29 to the process it would be helpful, thank you."

30  
31 **Mayor Gilbert** thanked Ms. Stitt for her comments. He then moved discussion back to  
32 Council.

33  
34 A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember**  
35 **Mahaffey**, to approve the Bicycle and Pedestrian System Plan Map Amendment for Bicycle Lanes on  
36 Major Collectors with the removal of Map IDs 11-13.

37  
38 **Councilmember Gantt** said it was worth noting they don't do back-to-backs for Public  
39 Hearings because they can be controversial, but he supposes this one was not. He said there isn't  
40 much of an anti-bike movement in Apex. He added they don't typically do the process this way, but  
41 this one was something more non-controversial.

42  
43 **VOTE: UNANIMOUS (5-0)**  
44

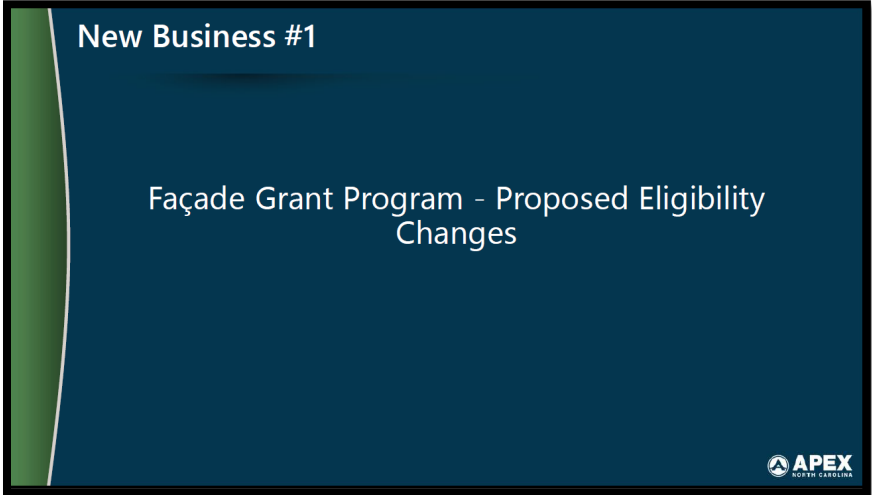
# DRAFT MINUTES

1 [NEW BUSINESS]

2  
3 **NB1 Façade Grant Program - Proposed Eligibility Changes**

4 **Planning Director Dianne Khin** gave the following presentation regarding Façade Grant  
5 Program - Proposed Eligibility Changes.

6 [SLIDE 11]



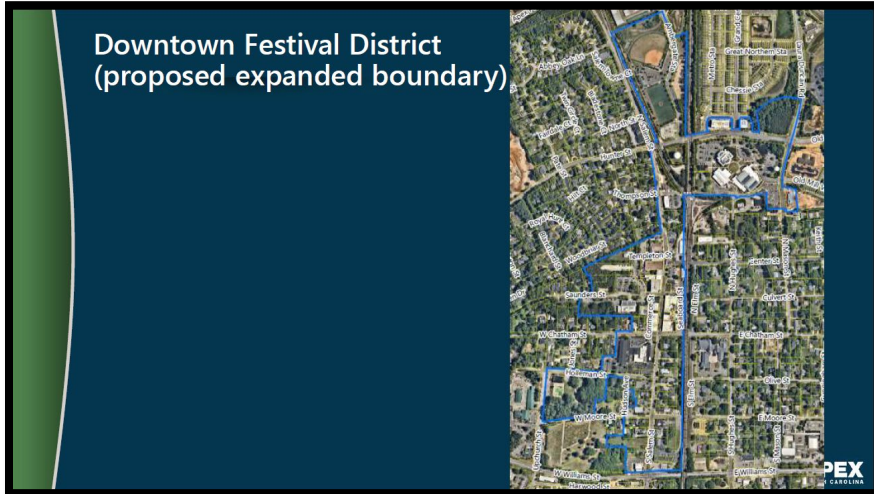
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8 [SLIDE 12]



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## DRAFT MINUTES

1 [SLIDE 13]



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3

4 **Councilmember Mahaffey** asked if the proposed expanded boundary is the existing  
5 downtown festival district.

6 **Director Khin** said yes.

7 **Councilmember Mahaffey** asked if she has gotten any feedback from business owners  
8 about this.

9 **Director Khin** said they someone on Chatham Street that will applying as soon as this is  
10 approved. In the past, the town had been asked about the Tap Station. She said properties need to  
11 be there for three years to request.

12 **Councilmember Mahaffey** said there was concern expressed that Apex Baptist is in this  
13 area, but there are two other churches nearby that are just outside of the boundary.

14 **Director Khin** said they can specify that churches are not eligible. She said these are  
15 supposed to be businesses.

16 **Councilmember Mahaffey** asked if a church would not qualify.

17 **Director Khin** said it's an economic development project, and they can clarify that it's only  
18 businesses that are eligible.

19 **Councilmember Mahaffey** said he wanted to express the feedback that only one church was  
20 in this area.

21 **Director Khin** said that was not the intent.

22 **Councilmember Zegerman** asked how many new businesses would be eligible, and how  
23 many of those are in historical structures. He said these boundaries include brand new buildings,  
24 and he doesn't think this fund was meant to address that. He said he feels like they are  
25 overcorrecting a bit.

26 **Director Khin** said they have to be there for three years before they can request funds. She  
27 said there is already one business in the Central Business District that will be requesting funds when  
28 they are eligible. She added that the other issue is that it has to be a very defined boundary. She said  
29 they don't have anything in between.

30 **Councilmember Zegerman** asked if they could make the program more attractive by  
31 covering more of the cost and keeping it in the area they want to target, like the downtown areas



## DRAFT MINUTES

1 and some of the Chatham properties. He said expanding to this range and including brand new  
2 properties was not the intent of this plan.

3 **Councilmember Gantt** asked if the intent was to make downtown look more appealing, not  
4 just for older buildings.

5 **Director Khin** said it is for any buildings.

6 **Councilmember Mahaffey** said they could debate percentages, but it is important for  
7 property owners to have some skin in the game.

8 **Councilmember Zegerman** said he agrees.

9 **Councilmember Mahaffey** said they want to invest in the downtown appearance to enhance  
10 the economy of the town. He said the money is not getting out there.

11 **Councilmember Gantt** said this was a first step to expand the area, and if the utilization was  
12 still too low, they could look at other ways to address it.

13 **Councilmember Mahaffey** said they may find out they get too many applications from  
14 expanding it. He asked if there was a process in place to determine where the funds would go if  
15 there were too many applications.

16 **Director Khin** said it's first come first served, but so far this year there have been zero  
17 applicants.

18 **Councilmember Mahaffey** asked how they rated them.

19 **Director Khin** said they don't, they review them for compliance, and they get turned down if  
20 they don't meet all the standards.

21 **Mayor Gilbert** asked how far south of 55 this overlaid.

22 **Director Khin** said it ends at West Williams Street.

23 **Mayor Gilbert** said there are businesses south of 55 that could really use this grant. He asked  
24 why those wouldn't be included.

25 **Director Khin** said they would have to do a completely different district.

26 **Councilmember Zegerman** said this boundary was already recognized as a district so it is  
27 easier to transport over.

28 **Mayor Gilbert** said he understands that, but they have an opportunity to bring more people  
29 in, and there are many businesses they could help south of 55.

30 **Councilmember Mahaffey** asked if he was talking about 55 down South Salem.

31 **Mayor Gilbert** said yes.

32 **Councilmember Gantt** said 55 needs a lot of work, but said that was the plan at some point.

33 **Mayor Gilbert** said he just wants to think about how they can help the businesses south of  
34 55.

35 **Mayor Pro Tempore Killingsworth** said she agreed with the Mayor. She thinks this needs to  
36 be expanded south.

37 **Councilmember Gantt** said there would be the 55 widening that may cause some of the  
38 investments to be lost.

39 **Councilmember Gray** asked about the amount and kinds of questions staff had received  
40 from businesses outside the current façade grant district.

41 **Director Khin** said they have been asked if there are grants available for those properties.  
42 She said specifically there was one property outside of the current central business district.

43 **Councilmember Mahaffey** asked why the small-town character site plan was necessary.

## DRAFT MINUTES

1 **Director Khin** said that is a pretty simple process that staff can assist with, and applicants  
2 don't need to hire any external help.

3 **Councilmember Mahaffey** was trying to look at other barriers to the application.

4 **Director Khin** said usually this is just some simple drawings or picture comparisons. She said  
5 this was usually awnings.

6 **Councilmember Mahaffey** asked if they could draw a map right now, or if it would need to  
7 come back.

8 **Director Khin** said they couldn't draw it right now, because there were legal issues.

9 **Deputy Town Manager Purvis** said grants have to be very narrowed and tailored to ensure  
10 the town meets statutory guidelines. He said this is typically tied with economic development  
11 purposes, and there almost always has to be defined districts. He said getting out of the downtown  
12 area may become a broader program, and may not be allowed to use grants. He said they also have  
13 to consider resources limitations. He added that arbitrary guidelines do not work. He said it  
14 essentially has to be downtown or everybody, and they would need to look at what program they  
15 could develop for that. He said this more of an incremental step for downtown, but it does not  
16 improve other small business improvement programs.

17 **Mayor Pro Tempore Killingsworth** requested to include the area of the First Baptist Church  
18 in the Downtown Festival District, expanding south of West Williams Street all the way down to  
19 potentially St. Mary's Church.

20 **Director Khin** said they wanted an UDO Amendment to change the boundaries of the  
21 Downtown Festival District instead of changing the façade grant program.

22 **Councilmember Gray** said that may not be necessarily the request. He said it seems they are  
23 trying to expand the applicant pool, but there are other businesses they could add to that. He said  
24 they wanted to expand what was in the small-town overall district. He would like to see a criterion for  
25 review of these proposals. He said he doesn't think they should have only the downtown be a part of  
26 the downtown character. He said expanding it would be an equitable way of addressing it.

27 **Councilmember Mahaffey** said the small-town character overall district was different, and it  
28 had its own statutory implications. He said some of the property owners may not want to be in the  
29 small-town overlay district. He said this would be matching it to the festival district, and some  
30 property owners may have some feedback about being included in that.

31 **Director Khin** is mainly for businesses to have special events for private property.

32 **Councilmember Mahaffey** said they have to have boundaries for this program, and the  
33 festival district would expand the currently used map for this program. He said he thinks they should  
34 expand the festival district and make it a selling point that it would be included in the façade  
35 program as well.

36 **Councilmember Gray** said they could maybe make a third map that would allow properties  
37 included to apply for façade grants. He said they are making decisions based on reasoning and  
38 study, but it seems they could make maps to accommodate a grant they aren't getting enough  
39 applications for, and they have places that can't access those funds that could use them.

40 **Director Khin** said there would need to be a study done for those areas. She said those  
41 studies would take years for the area south of 55. She said this was an interim thought.

42 **Councilmember Zegerman** said they look at the festival district first, then look at that district  
43 and see if it was the right district.

## DRAFT MINUTES

1           **Director Khin** said they should look at the festival district before making decisions on this  
2 matter.

3           **Deputy Town Manager Purvis** said he recommends they table this, and they bring this back  
4 after looking at the potential of expanding the festival district. He said there needs to be a reason for  
5 all the things to do with grant money.

6           **Mayor Pro Tempore Killingsworth** said she sees a lot of historic Black businesses and  
7 churches south of the area that needs to be included in the festival district.

8           **Councilmember Mahaffey** asked if they wanted to keep this coupled with the festival district  
9 or not.

10          **Mayor Pro Tempore Killingsworth** said she would suggest that they follow Deputy Town  
11 Manager Purvis' recommendation of looking at the festival district, and then bringing this back.

12          **Councilmember Gantt** said the bad part about that would be the businesses that want it now  
13 are not going to be able to get it.

14          **Councilmember Mahaffey** asked why wouldn't they approve this tonight, if they know what  
15 they ultimately wanted to do would be a superset of this. He said there are people waiting to apply  
16 having watched this develop.

17          **Deputy Town Manager Purvis** said they could approve this as-is, and then direct staff to still  
18 look at the festival district.

19          **Mayor Gilbert** said he is good with that, and to go ahead and approve this. He said he is  
20 good as long as staff then looks at expanding the festival district.

21          **Councilmember Gray** said he thinks it is not a good look to have properties north and south  
22 of Williams Street looked at differently.

23          **Director Khin** said a whole plan in place needs to be in place for those areas before looking  
24 at expanding the façade grant into them. She said these things have been on the list for a while. She  
25 added that the widening of 55 being delayed has been an issue as well.

26          **Mayor Pro Tempore Killingsworth** said to go straight down Salem for now, and they can  
27 talk further when they know more information.

28  
29          A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember Gray**, to  
30 approved the Façade Grant Program Eligibility Changes as presented, and to direct staff to look at  
31 potentially expanding the Downtown Festival District and present proposals to Council.

32  
33          **VOTE: UNANIMOUS (5-0)**

### 34 35 **[UPDATES BY INTERIM TOWN MANAGER]**

36  
37          **Interim Town Manager Purvis** said they recently had their Love Local event downtown  
38 which went very well. He said they are looking at that being an annual event. He said last night was  
39 also the Indigenous People's Day celebration which was very well attended. He said last week they  
40 went to the bond market for about 20 million in bonds, mostly for the Peakway project. He said they  
41 will close on those in about 2 weeks. He said next week there is a finance Work Session, and then a  
42 Strategic Planning update on the 27<sup>th</sup>. He said they want to get ahead on the budget process with  
43 things. He said the West Street Park RFP is posted. He added that November 4<sup>th</sup> would be the ribbon  
44 cutting for Pleasant Park at 10 AM.

**DRAFT MINUTES**

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**Mayor Gilbert** recognized a member of the scouts in attendance, as well as some members of the Mayor’s Internship Program. He said Diwali 2023 would be happening at the Koka Booth Amphitheater on Saturday, and Councilmember Gantt would be dancing.

**Councilmember Gantt** said he was not very good, but it would be fun and there would be plenty of good food.

**[ADJOURNMENT]**

**Mayor Gilbert** adjourned the meeting at 7:33 p.m.

Jacques K. Gilbert  
Mayor

Allen Coleman, CMC, NCCCC  
Town Clerk to the Apex Town Council

Submitted for approval by Town Clerk Allen Coleman and approved on \_\_\_\_\_.

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 24, 2023

## Item Details

Presenter(s): Amanda Grogan, Director

Department(s): Budget & Performance Management

### Requested Motion

Motion to approve amended Fee Schedule for Fiscal Year 2023-2024 to include addition of mattress and box spring disposal fee and increase to wholesale water rates and columbarium rates.

### Approval Recommended?

Yes

### Item Details

The Finance Committee unanimously approved the following changes at the September 21<sup>st</sup> meeting:

#### **Solid Waste**

South Wake landfill requires mattresses and box springs be separated from MSW, implementing a mattress shredder program with an additional \$10 fee per item in September 2023.

**Request:** Amend the fee structure to allow cost recovery of SWLF mattress tipping fee (Pass-through)

#### **Water Utility**

Implemented gradual increase since 2018 to match commercial rate structure for water & sewer

**Request:** Amend the fee structure increasing water base and volumetric rates to match commercial rates

WATER & SEWER RATES			
Water Rates	Commerical	Wholesale	Diff
<b>Water Base Charge</b>	6.00	5.45	0.55
<b>Water Volumetric Rates*</b>	4.42	4.09	0.33
Sewer Rates	Commercial	Wholesale	Diff
<b>Sewer Base Charge</b>	11.18	11.18	-
<b>Sewer Volumetric Rates*</b>	7.75	7.75	-

#### **Cemetery Columbarium**

Single Urn: \$1,400 & add an option for Double Urn at \$2,000

Option	Construction	Niche Cost	Cost Recovery
Full project & niches at buildout	\$1,435,000	\$195,000	\$2,100
Remaining cost & niches at buildout	\$814,000	\$195,000	\$1,300
Full project & niches at buildout with escalation	\$1,475,700	\$214,500	\$2,200
Remaining cost & niches at buildout with escalation	\$854,700	\$214,500	\$1,400

\* Escalation estimated at 5% for the project and 10% for the niches; cost recovery round to the nearest 100

#### **Attachments**

- CN3-A1: Fiscal Year 2023-2024 Amended Fee Schedule





## Town of Apex, North Carolina Fee Schedule - Effective 7/1/2023

Schedule subject to change upon approval by Town Council

TAXES & FEES					
Tax Rate	\$0.44/\$100 valuation of property	Vehicle Fee (pursuant to NCGS 20-97 (b1)	\$30/vehicle		
DOCUMENT / COPY FEES					
Copying up to 11" x 17" (black and white)	\$0.10/sheet	Document Recording / E-Recording	At cost		
Copying and maps up to 11" x 17" (color)	\$0.40/sheet	3 ring or spiral bound documents/plans	\$35		
Copying larger than 11" x 17" (black and white)	\$5/sheet	Unified Development Ordinance	\$40		
Copying larger than 11" x 17" (color)	\$20/sheet	Design and Development Manual	\$15		
Printed 24" x 36"	\$20/sheet	DVD Copy	\$0.50/disc		
Printed 36" x 48" maps	\$40/sheet				
MISCELLANEOUS					
Rain Barrel	\$88.00	<b>Cemetery</b>	<b>Resident</b>	<b>Non – Resident</b>	<b>Military Rate*</b>
		– Cemetery Plots	\$800	\$1200	\$640 (resident)
		– Columbarium Niches	<b>Single Urn: \$1,400</b>	<b>Double Urn: \$2,000</b>	\$960 (non-resident)
			<del>\$800</del>		\$640
*20% cemetery discount-Military rate applies to current and retired military personnel only					

### Development Fees

PUBLIC RIGHT-OF-WAY CLOSURE					
<i>Submit request and fees to Administration</i>					
Right-of-Way Closure Application Fee	\$100	Right-of-Way Closure Processing Fee	\$600		
Due with request/application/non-refundable		Due prior to Council considering request; refundable if request is withdrawn prior to advertising.			
DEVELOPMENT SUBMITTAL FEES					
<i>For Zoning/Subdivision/Site Activity - Calculated and collected by the Planning Department</i>					
Administrative Adjustment	\$150	Sign, Master Plan	\$150		
Administrative Approval (Small Town Character Overlay)	No Charge	Sign, Permanent	\$75 + \$5/add'l sign		
Annexation Petition	\$200	Sign, Temporary	\$25		
Appeal (Board of Adjustment)	\$650	Site Inspections (Non-residential lot) <sub>2</sub>	\$500		
		Site Inspections (Residential lot) <sub>3</sub>	\$35		
Certificate of Zoning Compliance (CZC) <sub>1</sub>	\$100	Site Plan, Major	\$1,100 + \$5/acre		
Consultant Fees	As required	Site Plan, Minor	\$800		
Development Name Change	\$500	Special Use Permit	\$700		
Exempt Site Plan – enlargement of a structure	\$250	Temporary Use Permits (Non - Event):	\$100		
Exempt Site Plan – all other exempt site plans	\$150	Temporary Use Permits (Event):			
Home Occupation	\$50	For Profit	\$50	For Profit Express Review	\$75
Late Fee – Site Plans/Master Subdivision	\$300	Non-Profit	\$0	Non-Profit Express Review	\$25
<i>Plan/PUD/Rezoning/Conditional Zoning (and resubmittals)</i>					
Master Subdivision Plans Residential & Non-Residential	\$750 + \$10/lot	Text Amendments (UDO)	\$600		
Planned Unit Development (PUD-CZ)	\$1,600 + \$10/acre	Transportation Impact Analysis Review <sub>4</sub>			
PUD-CZ not requiring full TRC Review	\$600	Sites & Subdivisions	\$500	PUD	\$1,000
Plat, Easement & Exempt	\$200	Revised Sites & Subdivisions	\$250	PUD	\$500
Plat, Master Subdivision Final	\$300 + \$10/lot	Tree Protection Fencing Inspection (Site Plan):			
Plat, Recombination	\$200	- less than 2 acres:	\$50	- 2-15 acres:	\$75
Plat, Site Plan Final	\$300	- 15 up to 25 acres:	\$150	- 25+ acre:	\$200
Pond Drainage Plan	\$500	Tree Protection Fencing Inspection (Master Subdivision Plan):			
Quasi-Judicial Public Hearing- Town Council Only	\$500	- up to 15 acres:	\$75	- 15-50 acres:	\$150
Re-submittal Fees – Site Plans: 3 <sup>rd</sup> submittal; Master Subdivision Plans; 4 <sup>th</sup> submittal	½ Original Fee	- 51+ acres:	\$300		
		Tree Removal Plan	\$500		
Rezoning/Conditional Zoning	\$700/\$1000	Variance Permit	\$650		
Sustainable Development Conditional Zoning (SD-CZ)	\$1,600 + \$10/acre	Zoning Verification Letter	\$125		
1. No charge for the first tenant in a new building 2. Charged at Site Plan Final Plat 3. Charged at permit 4. Projects inactive for one year require new TIA and full submittal fee					

**RECREATION FEES<sub>1</sub>**

*For New Residential Developments Assessed after 1/1/2023 - Collected by the Planning Department*

Housing Type	Fee Per Unit	Acreage Per Unit	Decimal Multiplier
Single Family Detached	\$4,016.66	1/30 acre	0.0333
Single Family Attached	\$2,705.23	1/45 acre	0.0223
Multi-Family Attached	\$2,381.87	1/51 acre	0.01964

Existing Town ordinances require either the dedication of open space for public recreation or the payment of a fee in lieu per unit. The requirement regarding land dedication or fee in lieu will be based, in large part, on the Town's adopted Parks, Recreation, Greenways, and Open Space Master Plan. Recommendations regarding the acceptance of land or fee in lieu are made to the Town Council by the Parks, Recreation, and Cultural Resources Advisory Commission.

1. Annually on January 1, the fee amount shall be automatically adjusted in accordance with UDO §14.7.1(B).

**ENCROACHMENT AGREEMENT**

*Submit to Development Services*

Encroachment agreement preparation and recording	\$250 + eRecording Fee at Cost
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**CONSTRUCTION FEES/BONDS**

*Calculated and collected by Development Services*

Bond Administration Fee:	- Cash/check: \$100	- Surety Bond/Letter of Credit \$300	- Reduction/Amendment \$100
Fee in Lieu Administration Fee:	\$100		
Construction Plan Submittal Fees (Subdivisions)			\$700 + \$10/Lot
Construction Plan Submittal Fees (Sites, Utility Extensions, etc.)			\$700 + \$15/Sheet
Re-submittal Fees – Construction Plans (3 <sup>rd</sup> submittal and every other subsequent submittal (3 <sup>rd</sup> , 5 <sup>th</sup> , 7 <sup>th</sup> , etc.)			½ Original Fee
Late Fee – Construction Plan Submittal and Resubmittal			\$300
Construction Plan Revisions (after initial approval)			\$75/sheet
Water Extension Permit Application			\$200
Sewer Extension Permit Application			\$480
Water and/or Sewer Extension Permit Amendment			\$100 each
Infrastructure Extension Record Drawing Review (1 <sup>st</sup> & 2 <sup>nd</sup> reviews)			\$200
Infrastructure Extension Record Drawing Review (3 <sup>rd</sup> , 5 <sup>th</sup> , 7 <sup>th</sup> , etc. reviews)			\$100
Infrastructure Extension Record Drawing Review (after initial approval/field changes)			\$100

**Construction Inspection Fees:**

Water Lines	\$1.50 per linear foot	Fire Lanes	\$1.75 per linear foot
Sewer Lines	\$1.50 per linear foot	Sidewalks/Greenways	\$1.50 per linear foot
New Streets (public)	\$1.75 per linear foot per lane	Infill/Outparcel Lots	\$350 per lot
Curb & Gutter (All New/replaced public)	\$0.50 per linear foot	Driveway, residential	Per Building Permit Schedule
Storm Drains (public)	\$1.50 per linear foot	Driveway, not ready	Per Building Permit Schedule
Pump Station Review and Inspection	\$2,500 each	Driveway, reinspection	Per Building Permit Schedule
Warranty Bonds	25% of cost of installed and approved Infrastructure		
Performance Bonds	125% of cost of uninstalled Improvements		

\*Repairs to damages water/sewer lines caused by construction shall be billed to the responsible party and include the cost of materials + 10% and current equipment and labor rates.

**STORMWATER PLAN REVIEW FEES/BONDS**

*Submit to Development Services*

Project Size (disturbed acres)	Stormwater Plan Review Fee
< 1 acre	\$0
1 - 5 acres	\$500
5 - 50 acres	\$500 + \$50 per additional disturbed acre
<p>\$500 base review fee for projects disturbing up to 5 acres. Add \$50 per additional disturbed acre beyond 5 acres. Development projects that disturb less than 1 acre of land are not subject to the stormwater plan review fees since they are exempt from stormwater controls. The stormwater plan review fee will be limited to a maximum of 50 acres.</p>	
SCM Maintenance Bond	25% of cost of installed and approved Infrastructure
SCM Performance Bond	125% of cost of uninstalled Improvements
SCM As-Built Review Fee:	\$200 per SCM

**SOIL AND EROSION CONTROL FEES/GUARANTEES**

*Submit to Development Services*

Application for S&E Plan Approval	\$500 per disturbed acre
Future Lot Grading*	\$50 per acre of remaining building lot acreage
S&E Performance Guarantee**	\$2,500 per disturbed acre

\*The future lot grading fee provides coverage under an erosion control permit and ensures compliance with NPDES stormwater regulations. Only the additional land disturbance associated with future building lots needs to be included.

\*\*Performance guarantee must be in the form of a certified check, cash, or irrevocable letter of credit approved by the Town. The performance guarantee is due prior to the Town issuing a Letter of S&E Plan Approval and must be provided after the issuance of the certificate of completion.

**COMMERCIAL BUILDING PERMIT FEES**

*Calculated and collected by Building Inspections and Permitting*

**NEW STRUCTURES, ADDITIONS AND ALTERATIONS (Base Fee) 1,2,3**

Total Gross Building Floor Area of Construction	Fee Computation	
0 - 500	Per Trade (see schedule below)	1. Alterations to existing structures, with no footprint increase, are charged at a rate of .60 of the Permit Fee or the minimum per trade fee based upon the Single Trade Fee Schedule, whichever is greater. 2. Permits for "shell" buildings are charged at a rate of .60 of the Permit Fee, based upon a Business Occupancy, or the minimum per trade fee based upon the Single Trade Fee Schedule, whichever is greater. Area within the building shell, which is intended to be occupied, will have the permit fees for the occupied area computed per footnote #1 above. 3. Additional Miscellaneous Fees, listed below, will be added to the permit fees as applicable.
501 - 5,000	A x B = Permit Fees	
5,001 - 10,000	(A x B X .80) + (1,000 X B) = Permit Fee	
10,001 - 15,000	(A x B X .70) + (3,000 X B) = Permit Fee	
15,001 - 20,000	(A x B X .60) + (4,500 X B) = Permit Fee	
20,001 - above	(A x B X .50) + (6,500 X B) = Permit Fee	
<b>A=Total Gross Building Floor Area</b>	<b>B= Fee Per Square Foot Based Upon Occupancy</b>	

Single Trade Fee Schedule		Fee Per Square Foot of Floor Area Based on Occupancy					
Building/Pool/Hot Tub Building	\$150	<b>Occupancy</b>	<b>Fee</b>	<b>Occupancy</b>	<b>Fee</b>	<b>Occupancy</b>	<b>Fee</b>
Electrical/Pool/Hot Tub Electrical	\$75	Assembly	0.55	Factory/Industrial	0.40	Mercantile	0.50
Mechanical/Pool/Hot Tub Mechanical	\$75	Business	0.60	Hazardous	0.50	Residential	0.55
Plumbing/Pool/Hot Tub Plumbing	\$75	Educational	0.60	Institutional	0.60	Storage/Utility	0.30
Grading	\$75						

**MISCELLANEOUS FEES**

Change of General Contractor	\$50
Conditional Electrical Power Inspection (Apex and Duke)	Optional Inspection
Conditional Mechanical Systems Inspection	Optional Inspection
Demolition (All Trades)	\$120
Dumpster Enclosure	\$150 (Single Trade Building)
Electric Vehicle Parking	\$75 per site (No fee when at an existing development)
Elevator	\$50 per elevator
Fire Alarm	\$75
Fire Pumps, each	\$250
Fire Sprinkler System	\$0.03 per square feet
Fire Suppression	\$50
Grease/Oil Interceptor	\$50
Hood Suppression	\$75
Irrigation System	See Irrigation Meters (pg 5) + Capital Reimbursement Fees (pg 6)
Refrigeration	\$75
Retaining Wall Permit	\$1 per linear foot
Sales/Construction Trailer/Modular Classroom	Per Single Trade Fee Schedule
Sign – New	\$150 + \$75 if electrical needed
Site Lighting	\$75
Solar PV System	No Fee
Spray Paint Booth, each	\$150
Storage Tank, each	\$50 Plus Associated Single Trade Fees
Temporary Power (Town of Apex)	\$125
Water and Sewer Capital Reimbursement Fees and Water Meters	Refer to Capital Reimbursement Fee Schedule (pg 6)
Work Without a Permit	Double Permit Fees
Stop Work Order	\$150 (May Require Extra Trip Fee)
Expired Permit	½ Cost of Original Permit Fee

**PLAN REVIEW FEES (Non-refundable)**

Per Trade (Not applied toward cost of permit)	\$100 (no fee for Electric Vehicle Parking at an existing development)
Plan Modification (Not applied toward cost of permit)	½ Review Fee or ½ per trade fee for single trade modifications
Re-review fee (Not applied toward cost of permit)	½ Review Fee @ 3 <sup>rd</sup> , 5 <sup>th</sup> , 7 <sup>th</sup> , etc.
Re-stamp Plans, Per Trade	\$75
Retaining Wall, per submitted grouping (at least one per project/subdivision)	\$100

**EXPRESS PLAN REVIEW (2 hr. min) \***

EXPRESS PLAN REVIEW (2 hr. min) *		ADMINSTRATIVE FEES	
First Hour	\$1,000	Duplicate Building Record Card	\$10
Each additional 15 minutes	\$250	General Records Research, Archive Files	\$3/page
Cancellation Fee (3 days prior notice)	\$200	General Records Research, Current Files over 10 pages	\$0.50/page

\*when service is available



<b>INSPECTION FEES</b>			
Water Resources Certificate of Occupancy - Water/Sewer Final	\$100	Job not ready for inspection or installation of tap, meter, etc.	\$150
Standard re-inspection fee (Building, Electrical, Mechanical, Plumbing, Driveway, Water, and/or Sewer)	\$75	Cancelled Inspection fee (not cancelled by 8:00 am of scheduled day)	\$75
Previous violations not corrected (all trades)	\$150		
<b>ONE AND TWO FAMILY DWELLING PERMIT FEES</b>			
<i>Calculated and collected by Building Inspections and Permitting</i>			
<b>NEW STRUCTURES (Single Family/Duplex/Townhomes)</b>		<b>\$/SQ. FT.</b>	<b>MIN/\$/UNIT</b>
3,000 Gross SF and Less		0.35	\$500
>3,000 Gross SF:(3000SFx \$0.35/SF)+(Additional SF x \$0.35/SF x.75) = Permit Fee		Per Formula	
<b>ADDITIONS/ALTERATIONS 800 SQUARE FEET AND GREATER</b>		<b>ADDITIONS/ALTERATION LESS THAN 800 SQUARE FEET</b>	
	<b>\$/SQ. FT.</b>	<b>MIN/\$/UNIT</b>	
Building	\$0.19	\$150	Building \$150
Electrical	\$0.09	\$75	Electrical \$75
Plumbing	\$0.09	\$75	Plumbing \$75
Mechanical	\$0.09	\$75	Mechanical \$75
<b>ACCESSORY STRUCTURES</b>		<b>MIN/\$/UNIT</b>	<b>SINGLE TRADE FEE SCHEDULE</b>
Decks, Sheds, Roof Additions & Detached Garages, 400 sq. ft. or less		\$75	Building/Pool/Hot Tub Building \$150
Decks, Sheds, Roof Additions & Detached Garages > 400 sq. ft.		\$150	Electrical/Pool/Hot Tub Electrical \$75
Trellis (Attached to a structure)		\$40	Mechanical/Pool/Hot Tub Mechanical \$75
Retaining Wall Plan Review		\$100	Plumbing/Pool/Hot Tub Plumbing \$75
Retaining Wall		\$1 per linear foot	Grading \$75
<b>MISCELLANEOUS</b>			
Change of General Contractor		\$50	
Change of Lot		\$50	
Demolition (All Trades)		\$150	
Driveway		\$100/lot	
House Moved		\$375	
Irrigation		See Irrigation Meters (pg 5) + Capital Reimbursement Fees (pg 6)	
Mobile Home (All Trades)		\$150	
Modular Home (All Trades)		\$375	
Solar PV System		No Fee	
Temporary Power (Town of Apex Only)		\$125	
Work Without Permit		Double Permit Fees	
Expired Permit		½ Cost of Original Permit Fee	
<b>PLAN REVIEW FEES (Non-refundable)</b>			
Initial Fee for New Single Family and Townhome Construction (Not applied to cost of permit)		\$110	
Initial Fee All Other Construction (Not applied toward cost of permit)		\$100	
Plan Modification Fee (Not applied toward cost of permit)		½ Review Fee	
Re-review Fee (Not applied toward cost of permit)		½ Review Fee @ 3 <sup>rd</sup> , 5 <sup>th</sup> , 7 <sup>th</sup> , etc.	
Re-stamp Plans		\$60	
<b>INSPECTION FEES</b>			
Water Resources Certificate of Occupancy - Water/Sewer Final		\$100	
Standard re-inspection fee (Building, Electrical, Mechanical, Plumbing, Water, and/or Sewer)		\$75	
Job not ready for inspection or installation of tap, meter, etc.		\$150	
Previous Building, Electrical, Mechanical, Plumbing violations not corrected		\$150	
<b>EXPRESS PLAN REVIEW (2 HOUR MINIMUM) – When service is available</b>			
First Hour		\$600 + \$150 each additional 15 minutes	
Cancellation Fee without (3 days prior notice)		\$200	

**ELECTRICAL UNDERGROUND AND SERVICE LATERAL FEES**

*Calculated by the Electric Department*

Primary Facilities: <i>Collected by Electric Department</i> <b>Based on cost difference of normal overhead facilities and the requested underground facilities.</b>	Service Laterals: <i>Collected by Building Inspections Permitting</i> <b>Charges are for the first 100 feet of service length. An excess footage charge, if applicable, is billed separately by the Electric Utilities Division at \$4.25/foot over 100 feet.</b>
Single-Family 2,722/lot	Single-Family \$776/service lateral
Townhomes 1,914/unit	Townhomes \$776/service lateral
Apartments 1,914 point of delivery	Apartments Apartments are typically served with multiple meter bases at approved locations; service laterals are usually installed in conjunction with the primary facilities and service lateral charges do not apply
EV Chargers @ cost determined at submittal request	

**WATER TAPS AND METER FEES\*\***

*Submit Tap fees to Water Resources and Water Meter fees to Building Inspections and Permitting*

Fees are based on 60 foot right-of-way roads and lateral lengths less than 100 feet. Special cases, wider rights-of-way, special or complex boring and items not shown shall be at cost.

Size	Base Cost	Add Bore	Add Street Cut	Meter Only*
¾ inch	\$2,300	\$550	\$1,000	\$315
1 inch	\$2,600	\$550	\$1,000	\$450
1 ½ inch	N/A	N/A	N/A	\$785
2 inch	N/A	N/A	N/A	\$960
3 inch	N/A	N/A	N/A	\$3,255
4 inch	N/A	N/A	N/A	\$4,265

\*If meter setter is not readily accessible or not functional when town staff arrives onsite, the meter will not be installed. Owner will be required to reschedule and pay fee as noted under "Inspection Fees" section (pgs 3 and 4) of this document. The Town will reschedule work within 7 days of receipt of the "Inspection Fees".

**SEWER TAPS\*\***

Size	Base Cost	Add Bore	Add Street Cut
4 inch	\$2,100	Not available	\$1,000

\*\*The Town of Apex does not install water or sewer taps for commercial development or new residential construction.

**WATER BACTERIOLOGICAL SAMPLE FEE**

Samples collected by Water Resources Department. Fees collected by Development Services	\$175
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**SEWER AND STORMWATER RE-INSPECTION FEES**

*Submit to Water Resources Department*

Sewer and Storm drain re-inspection fee	\$325 remobilization fee plus \$0.25 per linear foot over 1,000'
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**IRRIGATION METERS**

*Submit to Building Inspections & Permitting (Irrigation meter **required** for ALL irrigation systems)*

	Single-Family Residential (Includes duplex and townhomes)	Multi-Family and Commercial
<b>Permit Fee</b>	\$75	\$75
<b>Meter Fee</b>	Based on meter size; see "Water Meter Fees" (pg 6)	Based on meter size; see "Water Meter Fees," (pg 6)
<b>Meter Tap</b>	\$800 (See condition 7 below)	See condition 6 below
<b>Capital Reimbursement Fees</b>	Based on meter size; see "Capital Reimbursement Fees" (pg 6)	Based on meter size; see "Capital Reimbursement Fees" (pg 6)

**Conditions:**

- All irrigation meters will require payment of capital reimbursement fees.
- NCGS requires a second meter for in-ground irrigation systems and that systems be protected by an approved backflow preventer.
- A plumbing permit is required for installation of the system from the meter to the backflow preventer.
- All associated fees will be collected by the Building Inspections & Permitting Department prior to issuance of a permit.
- All other non-single family customers (subdivision entrances and commercial sites) require a second meter.
- The Water Resources – Water & Sewer Utility Operations Division will only install the tap for meters for existing single-family customers; all other taps must be installed by a private contractor and inspected by Water Resources Infrastructure Inspections Division.
- Single family Meter Tap Fee includes installing a split tap at an existing meter. If the split tap is already installed, see "Meter Only" fees under the "Water Taps & Meter Fees."

**WATER AND SEWER CAPITAL REIMBURSEMENT FEES**

*Calculated and collected by Inspections and Permitting & Planning*

The purpose of Capital Reimbursement Fees are one-time capital charges assessed against new development as a way to provide or cover a proportional share of the costs of capital facilities. These treatment facilities provide the system capacity that each new development will demand when connected to the water and sewer systems. Additional fee assessments shall be required of nonresidential customers who, after paying a Capital Reimbursement Fees fee, expand their service requirements. A 75% grant may be available in the Central Business District.

Meter Size (inches)	Water Fee	Sewer Fee	Total Fees
3/4	\$1,788	\$4,290	\$6,078
1	\$2,980	\$7,150	\$10,130
1.5	\$5,960	\$14,300	\$20,260
2	\$9,536	\$22,880	\$32,416
3	\$19,072	\$45,760	\$64,832
4	\$29,800	\$71,500	\$101,300
6	\$59,600	\$143,000	\$202,600
8	\$95,360	\$228,800	\$324,160
10	\$250,320	\$600,600	\$850,920
12	\$315,880	\$757,900	\$1,073,780

**Utility Rates & Fees**

**CUSTOMER DEPOSITS**

Residential Electric Deposit	\$200	Commercial Deposit	2 times monthly average for service location or minimum of \$200*
Residential Water Deposit	\$50		

*\*NCGS 160A-314 (a); North Carolina Utilities Commission Guidelines: R8-33*

**FEES**

Application/Service Initiation Fee	\$15	Pretreatment Program Charges	
Returned Check/Draft Fee	\$25	- Permitted Flow (per 1,000 gallons)	\$0.33
Non-Payment Service Fee	\$25	Surcharge Rates (quarterly)	
After Hours Service Fee	\$75	- BOD	\$0.278 per lb.
Late Fee for Charges Unpaid by Due Date	1% of unpaid balance	- COD	\$0.278 per lb.
Extension Fee	\$0	- TSS	\$0.051 per lb.
Reconnect Disconnected Meter	\$25	Analytical Testing Charges	
Backflow Testing	At cost	- BOD	\$20
Meter Testing Fees		- TSS	\$12
- Meter Test Fee (one test per year at no cost; additional reads are charged only if the meter read is correct)	\$50	- Ammonia	\$12
- Meter Test (under 2 inch meter)	\$50	- COD	\$20
- Meter Test (2+ inch meter)	At cost + 10 %	- Cyanide	\$25
Damaged Water Meter*	\$53 + cost of meter	- Oil & Grease	\$30
Damaged ERT Holder Replacement Fee*	\$16.25	- Total Phosphorus	\$16
Pedestal Replacement (Electric)	\$149 + cost of pedestal	- Total Nitrogen	\$40
Septic Tank Pump Fee (per 1991 annexation agreements; only available in certain locations)	At cost	- Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Molybdenum, Nickel, Selenium, Silver, Zinc	\$13 each

*\* fees would only be applied to active building permits that require a replacement meter, ERT holder or pedestal due to contractor damage*

**SOLID WASTE FEES**

Yard Waste Collection	\$7.83/month	Dumpster Service	
Residential Roll-Out Cart	\$9.85/month	- 4 CY Dumpster	\$145.86/month
Commercial Roll-Out Cart	\$20.62/month	- 6 CY Dumpster	\$173.32/month
Recycling (Per Bin or Cart)	\$5.24/month	- 8 CY Dumpster	\$198.85/month
Bulk items	\$11/each	Bulk Items - Half Load / Full Load	\$22 / \$40
White Goods	\$18/each	<b>Mattress / Box Spring Disposal*</b>	<b>\$10 for each item</b>

*\*Mattress / Box Spring Disposal charge is in addition to the existing single item bulk fee; \$21 minimum*

**STREET SIGN FEES**

Replacement sign costs			
- Street sign only (1 blade)	\$37	- Street sign replacement + install	\$152
- Street sign only (2 blades)	\$74	- Stop sign replacement + install	\$105.75
- Stop Sign only	\$28	- Street/Stop sign combination + install	\$180

*\* Original installation of all safety, regulatory, and street signs is the responsibility of the developer prior to plat.*

STORMWATER FEES	
Stormwater fees are effective January 2022. (Tier 5 effective January 1, 2024). Stormwater utility fees are based on the total amount of impervious surface on an individual lot or parcel.	
<b>Residential</b> - Detached single-family homes, a duplex, or a manufactured home located on an individual lot or parcel.	
Tier 1: 400-1,500ft <sup>2</sup>	\$1.50
Tier 2: 1,501-3,000ft <sup>2</sup>	\$5.00
Tier 3: 3,001-4,000ft <sup>2</sup>	\$7.50
Tier 4: 4,001ft <sup>2</sup> -5,400ft <sup>2</sup>	\$10.00
Tier 5: >5,400ft <sup>2</sup>	\$5.00 per ERU (Total Impervious Area/2,700ft <sup>2</sup> * \$5)
<b>Non-Residential</b> - Parcels that contain more than two residential units, public/private institutional buildings, commercial buildings, parking lots, churches, etc.	
	\$5.00 per ERU (Total Impervious Area/2,700ft <sup>2</sup> * \$5)
<i>*ERU (Equivalent Residential Unit) is the GIS analysis of average impervious surface (rooftops, driveways, sidewalks, parking lots) per residential property. Approximately 2,700 ft<sup>2</sup>.</i>	
<i>*Properties with less than 400ft<sup>2</sup> of impervious surface are exempt.</i>	

WATER & SEWER RATES			
Water Rates		Inside Town Limits	Outside Town Limits
<b>Water Base Charge</b>		\$6.00	\$12.00
<b>Water Volumetric Rates (per 1,000 gallons)</b>			
Commercial		\$4.42	\$8.84
Residential	Tier 1: 0 - 6,000 gal	\$4.42	\$8.84
	Tier 2: 6,001 - 12,000 gal	\$5.09	\$10.18
	Tier 3: > 12,000 gal	\$6.85	\$13.70
<i>*Farmpond Area: Per Interlocal Agreements with the Town of Cary, the Apex special published rate shall be based on the Cary published residential base rate and per thousand gallons plus an Apex charge of \$2 per thousand gallons."</i>			
<b>Wholesale Water Base Charge</b>	\$5.45-6.00	<b>Wholesale Water Volumetric Rates (per 1,000 gallons)</b> \$4.09 4.42	
Sewer Rates		Inside Town Limits	Outside Town Limits
<b>Sewer Base Charge</b>		\$11.18	\$22.36
<b>Sewer Volumetric Rates (per 1,000 gallons)</b>			
Commercial & Residential		\$7.75	\$15.50
Colvin Park/White Oak *		\$12.55	N/A
<i>*Per the Alternative Sewer Agreement, "the Apex special published rate shall be based on the Cary published residential rate per thousand gallons plus an Apex charge of \$2 per thousand gallons."</i>			
<b>Wholesale Sewer Base Charge</b>	\$11.18	<b>Wholesale Sewer Volumetric Rates (per 1,000 gallons)</b> \$7.75	
<b>Flat Rate Sewer</b>	\$40.00/month		
Irrigation Rates		Inside Town Limits	Outside Town Limits
<b>Irrigation Base Charge</b>		\$6.00	\$6.00
<b>Irrigation Volumetric Rates (per 1,000 gallons)</b>		\$6.59	\$13.18
Bulk Water			
Hook Up Fee (per connection)	\$12	Hydrant meter	
Volumetric Rates (per 1,000 gallons)	\$7.20	- Set up/Relocate/Pickup	\$50/event
		- Rental Fee	\$12/day
		- Hydrant Meter replacement and/or repair	At cost + 10%

ELECTRIC RATES					
Service	Base Charge	Energy Charge (per kWh) All			
Residential	\$26.38	\$0.0994			
Service	Base Charge	Energy Charge (per kWh) ALL			
Small General Service	\$28.50	\$0.1019			
Service	Base Charge	Energy Charge (per kW)			
		On Peak	Off Peak	Bilateral Credit On Peak	Bilateral Credit Off Peak
Residential-Time of Use-TOU	\$26.38	\$0.2057	\$0.0546	\$0.1375	\$0.0327
Small General Service-TOU	\$28.50	\$0.2048	\$0.0564	\$0.1368	\$0.0326
Service	Base Charge	Energy Charge (per kWh) ALL		Demand Charge (per kW) ALL	
Medium General Service	\$90.00	\$0.0780		\$8.20	
Medium General Service-TOU	\$90.00	\$0.0739		\$12.25	
Large General Service	\$175.00	\$0.0622		\$11.00	
Large General Service-TOU	\$175.00	\$0.0607		\$12.75	

Service	Base Charge	Energy Charge (per kWh) ALL	Demand Charge (per kW)	
			All Coincident Demand	All Excess Demand
Large General Service-Coincident Peak	\$350.00	\$0.0476	\$21.00	\$4.19

**ELECTRIC RATES**

**Outdoor Lighting**

**Standard Lighting Service Basic Rate** The basic rate does not include the monthly charges for additional facilities, outdoor lighting poles, underground service, or any contribution required under this Schedule.

Sodium Vapor Units* <b>Obsolete – no longer installed</b>	Wattage	Monthly Charge	Monthly kWh
5,800 lumen-semi	70	\$8.230/Fixture	29/Fixture
9,500 lumen-semi	100	\$9.15/Fixture	46/Fixture
9,500 lumen-enclosed/post/flood	100	\$10.42/Fixture	46/Fixture
27,500 lumen-enclosed	250	\$18.67/Fixture	99/Fixture
27,500 lumen flood	250	\$19.86/Fixture	109/Fixture
50,000 lumen-enclosed	400	\$25.17/Fixture	152/Fixture
50,000 lumen flood	400	\$27.55/Fixture	168/Fixture

**LED Units**

Acorn Fixture (Obsolete, no new installs)	51	\$19.36/Fixture	29/Fixture
Shoebox – 1	61	\$12.17/Fixture	29/Fixture
Shoebox – 2	151	\$19.57/Fixture	29/Fixture
Area Light	51	\$8.71/Fixture	29/Fixture
Cobrahead – 1	51	\$11.38/Fixture	29/Fixture
Cobrahead – 2	151	\$17.51/Fixture	29/Fixture
Lantern – 1 w/ Lens (Obsolete, no new installs)	51	\$15.19/Fixture	29/Fixture
Lantern – 2 w/o Lens	51	\$18.29/Fixture	29/Fixture

**Special Contract Lights** (residential dedicated public streets outside corporate limits)

	Monthly Charge
Wood	\$ 2.51/pole
18' Fiberglass	\$ 3.51/pole
Square metal	\$13.01/pole

\*Maintenance only; no new installs

**Underground (UG) Service:** For Underground service, the monthly bill will be increased by \$3.50 per pole or, in lieu thereof, a one-time contribution of \$175.17 per pole. The monthly UG charge, if selected, may be terminated at any time upon payment by Customer of the one-time contribution. The UG charge will be waived if the lighting facilities are installed during the installation of the main electric facilities. The monthly pole charge defined below will also be applicable to underground service.

**Additional Facilities**

- Multiple area lighting fixtures may be installed per pole subject to town review and approval. The monthly charge for each additional fixture will be the charge in accordance with the Monthly Rate for that fixture.

**VENDOR FEES**

*Obtain Permit from the Town of Apex Police Department*

Solicitor/Peddler/Park Concessioner*	Transient/Mobile Food Vendors
30-day Permit \$50	Annual Permit \$150
90-day Permit \$100	*Anyone selling anything, including food, in a Town of Apex Park must obtain a Park Concessions Permit.
180-day Permit (Park Concessions Only) \$175	

- Solicitor** - Anyone going door-to-door to take orders for products, share information or seek donations.
- Peddler** - Anyone transporting goods door-to-door for sale (i.e. ice cream truck).
- Park Concessioner** - Anyone selling merchandise, food, and or beverages in a town park.
- Transient Vendor** - Anyone selling goods or services from a temporary business location (i.e. parking or vacant lot).
- Mobile Food Vendor** - Anyone selling food and/or beverages from a readily movable food unit

**FIRE DEPARTMENT FEES**

*Submit request and fees to Customer Service*

Inspection Fees	\$0	False Alarm Fines (per Calendar Year)	
Reinspection (charged for 2nd and all subsequent reinspections)	\$75	4 false alarms	\$150
Fire Inspections Violation Fines:		5 false alarms	\$200
Imminent hazard violation	\$250	6 + false alarms	\$250 each
Hazardous Materials Consumable Items	At Cost	Fire Flows	\$75

**PARKS & RECREATION**

Fees are paid to Parks & Recreation

**Withdrawal<sup>1</sup>**

Cancellation	
- Less than 7 business days prior to rental	No credit or refund in any amount excluding rental deposit <sup>1</sup>
- 7-59 business days prior to rental	50% refund <sup>2</sup>
- 60 or more business days prior to rental	90% refund <sup>2</sup>

**Date Change Request**

- Less than 7 business days prior to rental	No date change requests accepted <sup>1</sup>
- 7 or more business days prior to rental <sup>3</sup>	All fees and deposits may be transferred <sup>4</sup>

1. Including rentals made within 7 business days of the rental date
2. Issued upon written request
3. Reschedule dates may occur no later than 30 calendar days from original.
4. Subject to room availability and the availability of required staff.

	<b>Resident</b>	<b>Non-Resident</b>		<b>Resident</b>	<b>Non-Resident</b>
Fishing Licenses			Senior Exercise Membership (55+)	\$0 for unlimited	\$10 for 20 visits
- 12 years & under	\$0	\$10/year	Splash Pad Session Pass (2 hours)	\$2	\$4
- 13-54 years old	\$0	\$25/year	Open Gym Pass - Basketball/Volleyball/Senior Pickleball (for 10 visits)		
- 55 +	\$0	\$6/year	- Age 0-7	\$0	\$5
- Guest Pass	\$0	\$5/visit	- Age 8-17	\$5	\$20
Dog Park Passes			- Age 18-54	\$10	\$30
- Single Dog	\$30	\$60	- Age 55+	\$0	\$20
- Multiple Dogs	\$50	\$100	Vessel Permits (Jan - Dec)	\$5/year	\$40/year
- Additional Passes	\$10/pass	\$10/pass			

**Pleasant Park Tournament Packages**

	<b>Package Cost</b>
Full Day Event (cost per field)	\$650/day
Additional field preparation	\$100/field
Use of Scoreboard (cost per field)	\$100/day
Use of Team Rooms (cost per room)	\$100/day
Use of Referee Room	\$50/day
Signature Field 4-Hr Game Package	\$400
Pickleball Event all-day Rental (6 courts)	\$650/day

**Facility Rentals**

All reservations for 100 persons or more require Director approval and may require additional attendants, police and other requirements as deemed necessary by APRCR

	<b>Resident</b>	<b>Non-Resident</b>	<b>Other Amenity Rentals Continued</b>	<b>Resident</b>	<b>Non-Resident</b>
Facility Deposit (Refundable)	\$250	\$250	Disc Golf Course (full day)	\$250	\$375
Amphitheater Deposit (Refundable)	\$200	\$200	Amphitheater (1/2 day)	\$125	\$190
After Hours Attendant Fee	\$40/hour	\$40/hour	Amphitheater (whole day)	\$250	\$375
<b>Community Center</b>			Extra Table Fee	\$3/table	\$3/table
Summit Room	\$35/hour	\$52.50/hour	<b>Halle Cultural Arts Center</b>		
Summit Room Projector Fee	\$15/hour	\$15/hour	Auditorium	\$100/hour	\$150/hour
Pinnacle Room	\$35/hour	\$52.50/hour	Sound/Light Booth	\$50/hour	\$75/hour
Zenith Room	\$35/hour	\$52.50/hour	Overnight Storage	\$50/night	\$75/night
Catering Kitchens	\$21/hour	\$31.50/hour	Studio Gallery	\$50/hour	\$75/hour
Arts & Crafts Room	\$21/hour	\$31.50/hour	Studio A	\$35/hour	\$52.50/hour
<b>Senior Center</b>			Piano (separate \$200 deposit required)	\$25/hour	\$37.50/hour
Salem Meeting Room (108)	\$100/hour	\$150/hour	Portable Projector Fee	\$15/hour	\$15/hour
Saunders Meeting Room (110)	\$100/hour	\$150/hour	4 Hour Auditorium Package	\$600	\$900
Seaboard Meeting Room (112)	\$100/hour	\$150/hour	4 Hour Gallery Package	\$400	\$600
Projector Fee (108,110 or 112)	\$15/hour	\$15/hour	<b>Field &amp; Gym Rentals<sup>6</sup></b>		
Large Projector (108,110 & 112)	\$30/hour	\$30/hour	Athletic Field - natural turf (no lights)	\$40/hour	\$40/hour
Kitchen Room (120)	\$30/hour	\$45/hour	Athletic Field - natural turf (w/ lights)	\$60/hour	\$60/hour
Chatham Classroom (131)	\$35/hour	\$52.50/hour	Athletic Field - synthetic turf (no lights)*	\$75/hour	\$75/hour
Friendship Classroom (133)	\$35/hour	\$52.50/hour	Athletic Field - synthetic turf (w/ lights)	\$95/hour	\$95/hour
Arts & Crafts Room (202)	\$35/hour	\$52.50/hour	Gym - Whole	\$75/hour	\$75/hour
Hunter Exercise Room (210)	\$30/hour	\$45/hour	<b>Shelter Rentals</b>		
Hughes Exercise Room (215)	\$30/hour	\$45/hour	Apex Community Park - small	\$20/hour	\$30/hour
Salem, Saunders & Seaboard	\$1,200/4 hours	\$1,500/4 hours	Apex Community Park - large	\$30/hour	\$40/hour
<b>Pleasant Park</b>			Hunter Street Park - small	\$20/hour	\$30/hour
Pleasant Park Meeting Room	\$35/hour	\$52.50/hour	Jaycee Park - small	\$20/hour	\$30/hour
<b>Other Amenity Rentals</b>			Kelly Road Park - small	\$20/hour	\$30/hour
Tennis Courts	\$15/hour/court	\$22.50/hour/court	Nature Park - small	\$20/hour	\$30/hour
Pickleball Courts	\$15/hour/court	\$22.50/hour/court	Nature Park - large	\$30/hour	\$40/hour
Sand Volleyball Court	\$15/hour/court	\$22.50/hour/court	Pleasant Park Amenity Shelter - large	\$30/hour	\$40/hour
Disc Golf Course	\$45/hour	\$67.50/hour	Pleasant Park Shelter - large	\$30/hour	\$40/hour
Disc Golf Course (1/2 day)	\$125	\$190	Farm Park - small	\$20/hour	\$30/hour

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 24, 2023

## Item Details

Presenter(s): Craig Setzer, Director

Department(s): Parks, Recreation, and Cultural Resources

### Requested Motion

Motion to approve an Ordinance Amendment amending Chapter 15 Parks and Recreation, Section 15-6 of the Town Code to include Pleasant Park opening and closing times.

### Approval Recommended?

Yes

### Item Details

With the approaching grand opening of Pleasant Park operating hours need to be established per Town Ordinance. In an effort to be consistent with our larger Town Parks we are recommending that Pleasant Park operate 6:30am until 10:00pm daily.

### Attachments

- CN4-A1: Ordinance - Chapter 15 Parks and Recreation, Section 15-6 - Pleasant Park Hours of Operation



**ORDINANCE NO. 2023-0808-\_\_**

**AN ORDINANCE TO AMEND SECTION 15-6  
OF APEX TOWN CODE**

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX AS FOLLOWS:

**Section 1.** Subsection (a) of Section 15-6 of the Town of Apex Code of Ordinances is hereby amended to read as follows with additions shown as bold underlined text and deletions shown as strikethrough text:

**Sec. 15-6. Opening and closing town parks; remaining in parks after closing; forfeiture of right to use park.**

(a) Parks shall be open to the public daily during the times specified in this section. These times may be extended to accommodate programs offered by the town at the direction of the director of parks, recreation and cultural resources. Provided, however, the director of parks, recreation and cultural resources may close one or more parks or recreational facilities temporarily at any time if in the director's judgment a sufficient reason exists on account of severe weather or other emergency that would endanger persons using these facilities.

(1) *Apex Community Park, Apex Jaycee Park, Hunter Street Park, Kelly Road Park, **Pleasant Park**, Salem Pond Park, Nature Park and Seymour Athletic Fields:*

6:30 a.m. until 10:00 p.m.

Provided, however, the Rogers Family Skate Plaza located within the Hunter Street Park shall be open year round, 24 hours a day. These extended hours shall apply exclusively to the Rogers Family Skate Plaza and no other areas of Hunter Street Park. Also provided that Apex Community Park shall be open for purposes of public boating pursuant to subsection 15-7(1) and fishing pursuant to subsection 15-7(q) on the pond therein from 6:30 a.m. until sunset, as defined by the National Weather Service, unless otherwise ordered by the director of parks, recreation and cultural resources.

(2) *Clairmont Park:*

Sunrise until 9:00 p.m.

(3) *Seagrove's Farm Park:*

6:30 a.m. until 9:00 p.m.



(4) *West Street Park, Sue Helton Park, Kelly Glen Park, and all other town parks not listed above:*

Sunrise until Sunset

**Section 2.** It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and the sections of this ordinance may be renumbered to accomplish such intention.

**Section 3. Severability, Conflict of Laws.** If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 4. Effective Date.** This ordinance shall be effective November 4, 2023.

Introduced by Council Member: \_\_\_\_\_

Seconded by Council Member: \_\_\_\_\_

This the 24th day of October, 2023.

\_\_\_\_\_  
Jacques K. Gilbert  
Mayor

ATTEST:

\_\_\_\_\_  
Allen L. Coleman, CMC, NCCCC  
Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Laurie L. Hohe  
Town Attorney



*"The Peak of Good Living"*

TOWN OF APEX  
NORTH CAROLINA

## *Proclamation*

### **American Indian Heritage Month 2023**

*from the Office of the Mayor*

WHEREAS, Since 1990, the month of November has been designated as American Indian Heritage Month, and the Town of Apex acknowledges it as a time to celebrate the rich cultural heritage and traditions of American Indian communities; and,

WHEREAS, Present-day North Carolina is situated on ancestral lands that Indigenous people have called home for more than 12,000 years; and,

WHEREAS, North Carolina is home to eight state-recognized tribes, which include the Coharie, Eastern Band of Cherokee, Haliwa-Saponi, Lumbee, Meherrin, Occaneechi Band of the Saponi Nation, Saponny, and Waccamaw-Siouan; and,

WHEREAS, We also acknowledge North Carolina's four urban American Indian Organizations, consisting of the Triangle Native American Society, the Cumberland County Association for Indian People, and the Guilford and Metrolina Native American Associations; and,

WHEREAS, The Town of Apex is proud to be home to members of the American Indian Community, and we will continue to celebrate and cherish their culture, contributions, and character.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of Apex, North Carolina, do hereby proclaim the month of November 2023, "American Indian Heritage Month" in the Town of Apex, and encourage all residents to take time to learn more about the rich history and culture of the communities who have made these lands home for thousands of years.

I hereby set my hand and have caused the Seal of the Town of Apex, North Carolina, to be affixed this the 24th day of October 2023

Jacques Gilbert, Mayor



*"The Peak of Good Living"*

TOWN OF APEX  
NORTH CAROLINA

## *Proclamation*

### **Italian American Heritage Month 2023**

*from the Office of the Mayor*

WHEREAS, The Town of Apex is recognizing the month of October 2023 as Italian American Heritage and Culture Month, which first received national recognition in 1989 with the first proclamation issued by the United States Congress and Former President George H. W. Bush; and,

WHEREAS, Italian heritage is richly entwined in the history of the United States. Italians and individuals of Italian descent have made remarkable contributions to the development of this country; and,

WHEREAS, Italian Americans make up the fifth largest ethnic groups in the country and the United States has been fortified by the talents and culture of its residents of Italian descent; and,

WHEREAS, the Town of Apex is home to a proud and vibrant Italian American community that has undoubtedly impacted culture and industry by influencing the arts and education, business and government, social service, and scientific and technological advancements near and far; and,

WHEREAS, October has been designated Italian American Heritage Month to celebrate the cultural heritage, achievements, and contributions Italian Americans have made in Apex, in North Carolina, and across the country.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of Apex, North Carolina, do hereby proclaim the month of October 2023, "Italian American Heritage Month" in the Town of Apex, and encourage all residents to celebrate and observe this month with appropriate programs, ceremonies, and activities.

I hereby set my hand and have caused the Seal of the Town of Apex, North Carolina, to be affixed this the 22nd day of October 2023

Jacques Gilbert, Mayor

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: October 24, 2023

## Item Details

Presenter(s): Katie Schwing, Senior Planner - Long Range Transit

Department(s): Planning

### Requested Motion

Public hearing and possible motion to amend the Transit Plan Map of the Town's Transportation Plan to add routing for Future GoApex Route 1 from North Mason Street to the main entrance of the Apex Senior Center.

### Approval Recommended?

Planning staff recommend adoption of the proposed amendment.

The Planning Board considered the proposed amendment at their October 9, 2023 meeting and unanimously recommended approval.

The Transit Advisory Committee considered the proposed amendment at their October 11, 2023 meeting and unanimously recommended approval.

### Item Details

The amendment to the Transportation Plan would revise the Transit Plan map in order to allow GoApex Route 1 to serve the main entrance of the Senior Center. Please see Attachment 1 for additional details.

### Attachments

- PH1-A1: Staff Report - Transit Plan Amendment - Future GoApex Route 1
- PH1-A2: Planning Board Report to Town Council - Transit Plan Amendment - Future GoApex Route 1
- PH1-A3: Transit Advisory Committee Report to Town Council - Transit Plan Amendment - Future GoApex Route 1





The Apex Transportation Plan was developed to provide guidance on what is likely to be suitable to support long term growth, connectivity, recreation, and multimodal travel. It includes a Transit Plan map that represents current and future public transit and passenger rail facilities in the Town. The Transportation Plan does not require a schedule for implementation, nor does it set aside funding for improvements. The purpose of the public hearing is to consider proposed amendments to the Transit Plan map in order to make a recommendation to Town Council. The Transit Plan map was last amended on February 28, 2023.

The proposed amendment is to add additional routing within the Town Hall campus to the front entrance of the Apex Senior Center. Figure 1 shows the proposed change on the Transit plan map, and Figure 2 shows a close-in diagram of the proposed amendment along with some additional context.

The proposed amendment shows additional Future GoApex Route 1 routing entering the Apex Town Hall campus from N Mason Street, traveling to the Apex Senior Center entrance, turning around through the porte-cochère, and returning to North Mason Street to connect to the Existing GoApex Route 1 line. The below inset diagram (Figure 2) also shows a temporary routing through the Town Campus area to Hunter Street. This temporary routing is provided for context to show how the current GoApex Route 1 service operates in this area. This temporary routing will not be served once the permanent bus stop on Mason Street (#1452, N Mason St at Old Mill Village Dr (Town Hall) (NB)) reopens and the permanent off-street layover location at the new Mason Street Municipal Building is complete. This is currently estimated to be complete in Spring, 2024. Of note, the Transit Plan map does not show individual bus stops.

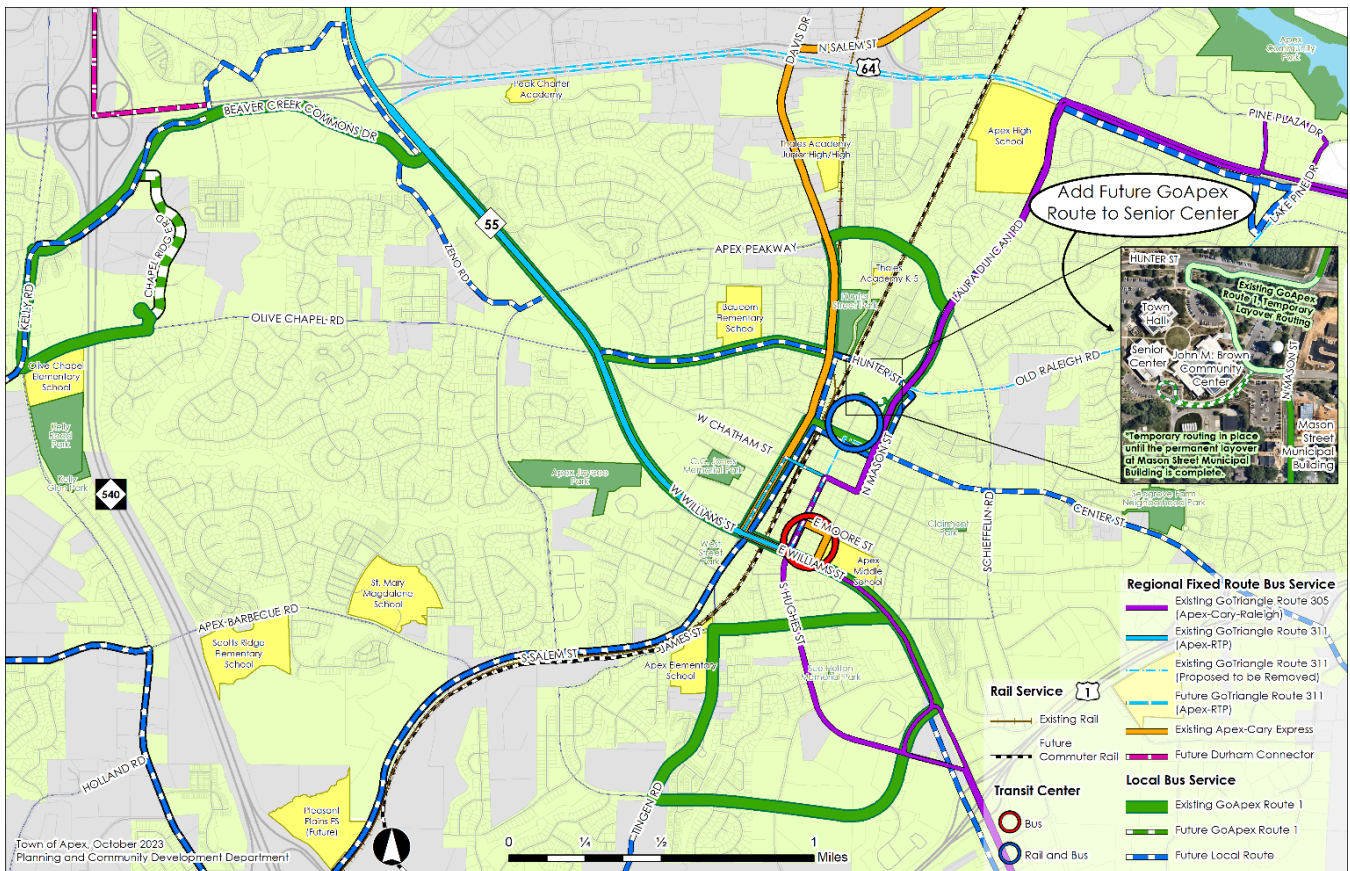


Figure 1. Proposed amendments to the Transit Plan map



Figure 2. Close-in diagram of proposed amendment

**Programmed Projects:**

If approved, the proposed routing change is intended to be implemented with the GoApex Route 1 service at the earliest available service update, coordinated with the Town’s contracted service operator, GoCary. This change is not anticipated to have an impact on the cost to Operate GoApex Route 1, as the fixed-route service is charged at an hourly rate, and it is expected that the change will be accommodated within the existing route run-time. It is also not anticipated to increase costs for the GoApex Door to Door complementary ADA paratransit service, as it will not increase its existing service area.

If approved, Staff plan to install a bus stop sign and bench for public use near the entrance to the Apex Senior Center, in coordination with relevant Town departments, and paid for through local funding already included in the adopted Capital Improvement Plan, as well as operating and/or bus stop improvement funding awarded through the Wake Transit Community Funding Area program.

**Planning Board Recommendation:**

The Planning Board unanimously recommended approval of the proposed amendment during their October 9, 2023 meeting.

**Transit Advisory Committee Recommendation:**

The Transit Advisory Committee unanimously recommended approval of the proposed amendment during their October 11, 2023 meeting.

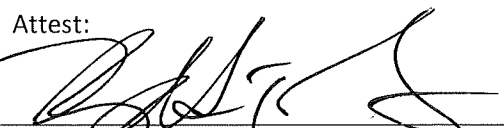
**Staff Recommendation:**

Planning staff recommend supporting the proposed amendment. Transportation, Infrastructure and Development staff and Parks, Recreation, and Cultural Resources staff are supportive as well.

**PLANNING BOARD REPORT TO TOWN COUNCIL**  
**Long Range Plan Amendments**

Planning Board Meeting Date: October 9, 2023



<b>Long range plan(s) proposed to be amended:</b>	
Transit Plan Map	
<b>Description of the proposed amendment(s):</b>	
Amend the Transit Plan Map to show additional routing for Future GoApex Route 1 from N Mason Street into the Town Hall Campus driveway to the front entrance of the Apex Senior Center, and back to N Mason Street.	
<b>Planning Board recommendation:</b>	
Motion: To recommend approval as presented.	
Introduced by Planning Board member: Keith Braswell	
Seconded by Planning Board member: Sarah Soh	
<input checked="" type="checkbox"/> Approval of the proposed amendment(s) as presented	
<input type="checkbox"/> Approval of the proposed amendment(s) with the following conditions or changes:	
<input type="checkbox"/> Denial of the proposed amendment(s)	
With <u>8</u> Planning Board member(s) voting "aye"	
With <u>0</u> Planning Board member(s) voting "no"	
<b>Reason(s) for dissenting votes:</b>	
This report reflects the recommendation of the Planning Board, this the <u>9th</u> day of <u>October</u> 2023.	
Attest:	
 Reginald Skinner, Planning Board Chair	<b>Dianne Khin</b> Digitally signed by Dianne Khin Date: 2023.10.09 16:41:46 -04'00' Dianne Khin, Planning Director



**TRANSIT ADVISORY COMMITTEE  
REPORT TO PLANNING BOARD AND TOWN COUNCIL**

Transit Advisory Committee Meeting Date: 10-11-2023



**Action item title:**

Transit ~~Plan~~ Plan Map Amendment

**Action item description:**

Proposal to amend the Transit Plan Map to show routing to the Apex Senior Center main entrance

**Transit Advisory Committee recommendation:**

Motion: Recommend approval of proposed Transit Plan Map amendment.

Introduced by committee member: Andy Werking

Seconded by committee member: Kurt Pfeiffer

Approval of the proposed action(s) as presented

Approval of the proposed action(s) with the following conditions or changes:

Denial of the proposed action(s)

With 4 Committee member(s) voting "aye"

With 0 Committee member(s) voting "no"

**Reason(s) for dissenting votes:**

This report reflects the recommendation of the Transit Advisory Committee, this the 11 day of October 2023.

Attest:

Stuart Wagner, Transit Advisory Committee Chair

Katie Schwing, Senior Transit Planner

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: October 24, 2023

## Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning

### Requested Motion

Public Hearing and possible motion regarding amendments to the outdoor lighting standards in the Unified Development Ordinance (UDO).

### Approval Recommended?

The Planning Department recommends approval.

The Planning Board heard these amendments at their October 9, 2023 meeting and unanimously recommended approval.

### Item Details

Requested by the Apex Environmental Advisory Board and Planning Staff:

1. Amendments to Sec. 8.6 *Exterior Lighting* in order to modernize lighting standards for LED lights; restrict non-cutoff light fixtures; create standards to reduce backlighting, uplighting, and glare; lower the maximum lighting allowed for bicycle parking; change wattage standards to lumens; create standards for lighting levels after business hours; and add definitions applicable to this Section.

### Attachments

- PH2-A1: Staff Report - Unified Development Ordinance (UDO) Amendments - October 2023
- PH2-A2: Planning Board Report to Town Council - Unified Development Ordinance (UDO) Amendments - October 2023
- PH2-A3: Public Notice - Unified Development Ordinance (UDO) Amendments - October 2023
- PH2-A4: Ordinance - Unified Development Ordinance (UDO) Amendments - October 2023



## STAFF REPORT

### Amendments to the Unified Development Ordinance

October 24, 2023 Town Council Meeting



**Requested by the Apex Environmental Advisory Board and Planning Staff:**

**Amendments to Sec. 8.6 *Exterior Lighting* in order to modernize lighting standards for LED lights; restrict non-cutoff light fixtures; create standards to reduce backlighting, uplighting, and glare; lower the maximum lighting allowed for bicycle parking; change wattage standards to lumens; create standards for lighting levels after business hours; and add definitions applicable to this Section.**

**Note:** The proposed effective date of these revision, if adopted, is January 1, 2024 in order to allow time for staff to be trained, applications to be updated, and revisions to be shared with the development community.

**Background:** The Apex Environmental Advisory Board (EAB) created a work group of three members plus staff to work on modernizing the UDO's Exterior Lighting standards and implementing many of the recommendations from the International Dark Sky Association. The three EAB members were Kimberly Pierson, John Garrison, and Patrick Adams. The subcommittee and staff met roughly every 3-4 weeks for about seven months to work on the draft. The EAB reviewed the draft in November 2022 and recommended sending it to staff. Staffing shortages and an increase in projects delayed review until April 2023 when Planning and Electric Utilities Department staff began working on identifying what recommendations could be implemented at this time. In September 2023, Planner II Shelly Mayo presented staff's proposal to the EAB who were supportive of the amendments moving forward as proposed.

#### 8.6 EXTERIOR LIGHTING

##### 8.6.1 Purpose and Intent

**The purpose of this Ordinance is to provide regulations for outdoor lighting that will:**

- A) Permit the use of outdoor lighting that will heighten nighttime safety, utility, security, productivity, enjoyment, and commerce.**
- B) Minimize adverse offsite impacts of lighting such as light trespass and obtrusive light.**
- C) Curtail light pollution.**
- D) Help protect wildlife and habitat from the adverse effects of night lighting.**
- E) Conserve energy and resources.**

~~The provision of outdoor lighting heightens nighttime safety and visibility, and is used to enhance the security of property and people. Lighting should be provided in areas of heavy vehicle and pedestrian use, and areas that are dangerous if unlit such as stairs, intersections, or changes in grade. It is important to set clear guidelines so that lighting~~  
**Outdoor lighting should** adequately serves the site while minimizing negative impacts on surrounding properties.

## 8.6.2 Lighting Plan

Any ~~development~~ **Site Plan and Nonresidential Master Subdivision Plan** that proposes exterior lighting shall include a detailed exterior lighting plan as part of the plan submission. This plan shall include:

- A) Specifications for the lighting fixtures such as: type of unit (cutoff, ~~non-cutoff~~, glare shields, etc.), **BUG rating**, lamps (~~wattage~~**lumens**, etc.), correlated color temperature of lamps (Kelvin), electrical load requirements, utility company involved, method of wiring, routing/location of lines, location of lights, and mounting heights. **All lighting fixtures proposed shall be high efficiency and possess LED lamp technology.**
- B) An isofootcandle plan that shows typical foot-candle contours or a point photometric grid that indicates foot-candle levels measured at grade across the site. A point photometric plan is required for Minor and Major Site Plans with more than two (2) light poles. Other information such as: maximum, average, and minimum site foot-candles and uniformity ratio (average/minimum) should also be included. Foot-candle levels shall be shown at initial **published levels for each fixture.**
- C) Cross-sections of all lighted perimeter areas immediately adjacent to existing residential properties indicating how all exterior lighting (site and building mounted lighting) will be designed to limit spillover light and control off-site glare (see Sec. 8.6.4.D.4). A cross-section ~~must~~ **shall** be provided for each adjoining single-family residential property. Where the developing site adjoins multi-family residential property, a typical cross-section must be provided at 100-foot intervals along the common property line. The cross-sections must accurately represent existing site topography of the residential properties, sections of the residential units, and proposed topography and site/architectural elements (buildings, retaining walls, lights, landscape screening, etc.) of the developing site (see Sec. 8.6.4.A). **It is not necessary to produce or overlay foot-candle readings on the cross-section drawings. The intent is to identify areas where fixture placement may introduce potential glare and require mitigation through shielding if mitigation is not provided through protected or proposed vegetation.**
- D) Plan certification by a licensed lighting professional holding the PE, LC, or CLEP certification or similar certification that indicates proficiency in the design of outdoor lighting, a lighting manufacturer, or the local electric utility. The certification must verify that the plans meet the Town's design requirements and illumination standards.

## 8.6.3 Illumination Standards

- A) The tables below set forth standards for lighting intensity based upon the land use or activity involved. Values are presented in initial foot-candles measured at grade. Site lighting shall not exceed these initial average foot-candle levels. Average values must be calculated using the levels found within the lighted area; for example, a parking lot must be calculated using the levels found within the curb to curb or paved parking area only. **The developer shall provide the name of the software program used to determine the lighting parameters as**

well as the summary sheets indicating the average illuminance and uniformity ratios achieved in their layouts.

Table 8.6-1: Lighting Standards for General Parking with Pedestrian Areas (initial foot-candles)

Use	Horizontal Illuminance <u>Average</u>	Uniformity Ratio (Average/minimum)
- Multi-family residential or condominium (stacked flat)	<u>4.0</u>	8/1
- Retail	<u>4.0</u>	4/1
- Office - Industrial - Educational - Cultural, civic, and recreational - Church or place of worship - Townhomes and other attached residential	<u>2.0</u>	4/1

Table 8.6-2: Other Exterior Lighting Standards (initial foot-candles)

Location	Horizontal Illuminance <u>Average</u>	Uniformity Ratio (Average/minimum)
*Vital locations (entry/exit doors, service areas, ATMs, <del>bicycle parking</del> , etc.)	5.0	4/1
<b>Bicycle parking</b>	<b><u>3.0</u></b>	<b><u>4/1</u></b>
Sidewalks	1.0	4/1
Vehicular use area other than parking (service areas, drives and approach ways, private access roads, etc.)	1.0	4/1
Storage yards	4.0	4/1
Loading/unloading docks and platforms	15.0	4/1
Auto sales yard/enclosed outdoor display	10.0	8/1
General recreational areas (fields**, playgrounds, courts**, pools)	10.0	4/1

\*Average initial levels for vital locations shall be generally based on an area 10 feet by 10 feet or the limits of the specific area.

\*\*See 8.6.4.I-J for specific exceptions to this standard.

B) *Color Temperature*

The correlated color temperature (CCT) of lamps in exterior lighting shall not exceed 3,500 Kelvins. Athletic field lighting shall be exempt from this requirement.

8.6.4 Design Requirements

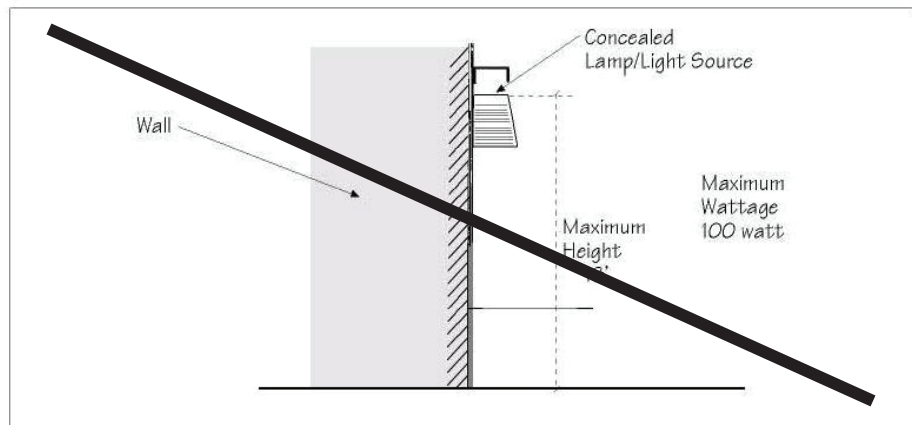
Exterior lighting, such as that used in and around buildings, recreation areas, parking lots, and signs, shall be designed to prevent the excessive spillover of light onto adjacent properties. It shall also be designed to protect against glare onto public rights-of-way thereby impairing the vision of 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:

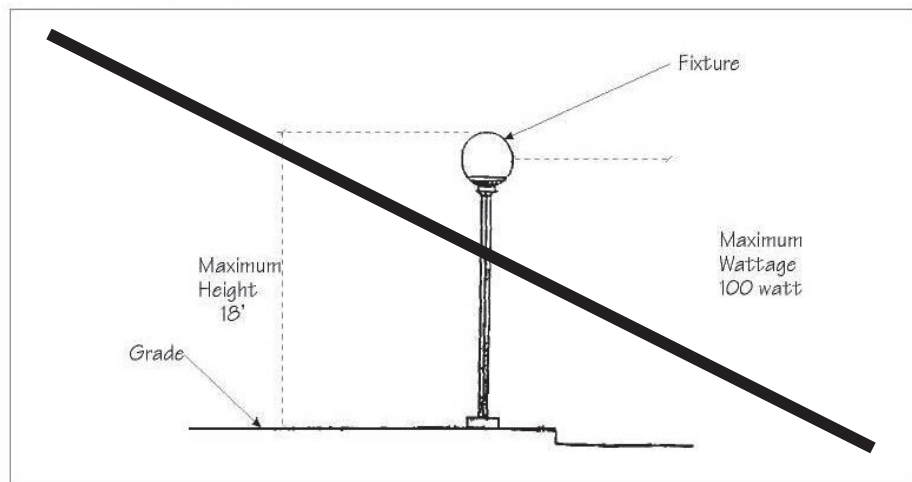
A) *Mounting Heights*

Outdoor lighting fixtures shall be designed, located and mounted at heights shown to be appropriate in cross-section (see also Sec. 8.6.2.C), but in no case shall be greater than:

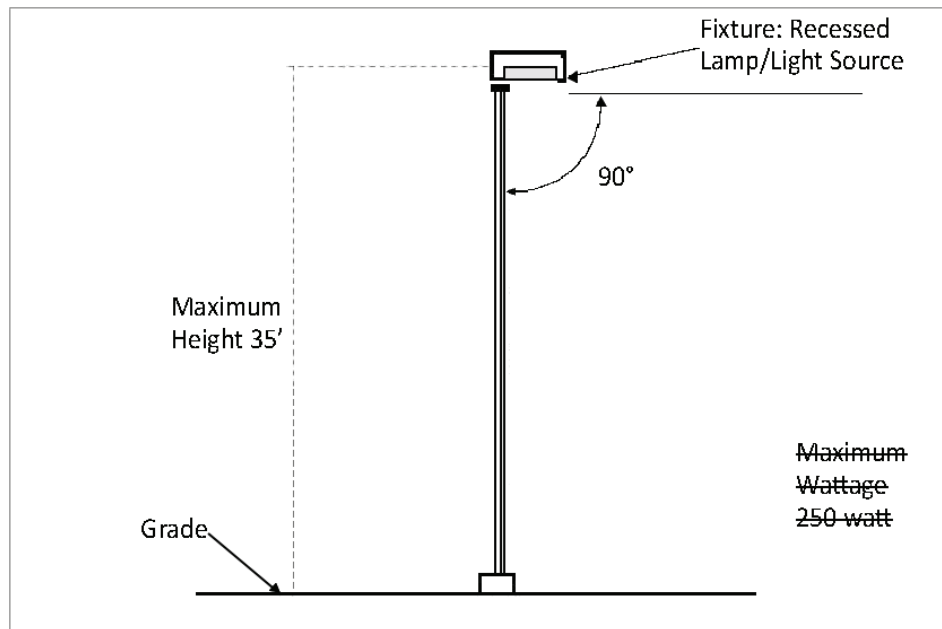
- 1) 18 feet above grade for *non-cutoff* lights (see Sec. 8.6.4.D.2);
- 2) **1) 35 feet above grade for full cutoff fixtures (see Sec. 8.6.4.D.3), except as stated elsewhere in this Section. The height for full cutoff lights fixtures along the perimeter of non-residential sites where they are immediately adjacent to adjoining residential properties shall be designed based on cross-sections as required by Sec. 8.6.2.C). House-side shields are required based on cross-sections to avoid glare produced by lamp sources that is visible from the edge of residential building(s) and not fully shielded by existing or proposed vegetation shown on the landscape plan.**
- 3) **2) Mounting height is measured from the finished grade or surface and includes the total height of the fixture, pole, and any base or other supporting structure required to mount the light(s).**



WALL-PACK LIGHT FIXTURES



NON-CUTOFF LIGHT FIXTURE



Full Cutoff Pole Mounted Fixture

**Figure 8.6.4.A Mounting Height for Pole Mounted Fixture**

B) *Location*

- 1) All outdoor lighting fixtures shall be located a minimum of 10 feet from a property or right-of-way line, and should be kept out of and at least two (2) feet away from any required perimeter or streetscape buffer, and tree save area.
- 2) The layout of lighting shall be designed so that poles do not interfere with other elements of the approved site such as trees, landscaping, and parking. ~~In general, poles should~~ **shall** be kept at least 20 feet away from the trunk of any large type tree and at least 10 feet away from the trunk of any small type tree, **except in cases where the Planning Director determines it is not reasonable and practical.**
- 3) Lighting for outdoor display areas, such as auto dealerships, must be located inside the illuminated area or no more than 10 feet away from the outside edge of the illuminated area so that the amount of direct glare and the visual field of view does not present a safety hazard to the passing motorist.

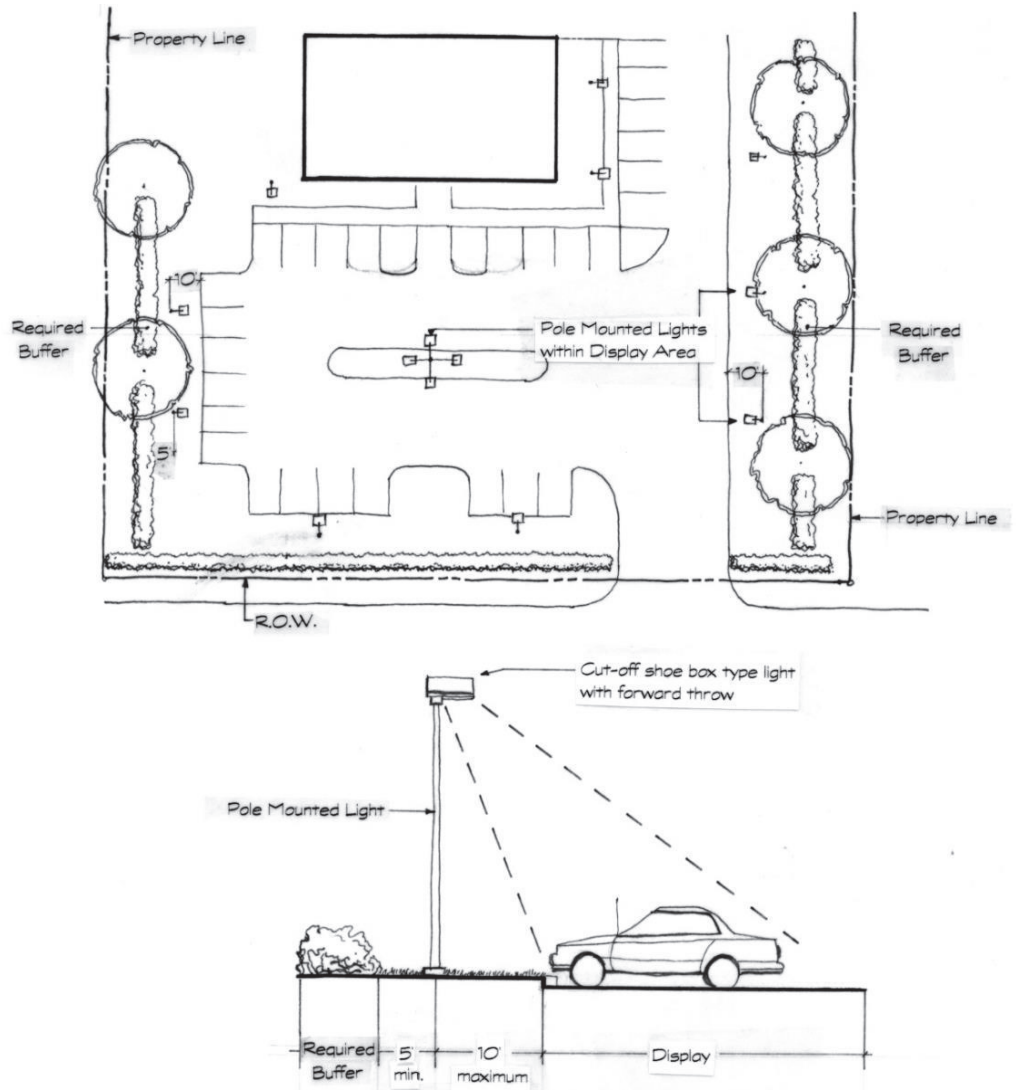


Figure 8.6.4.B Location/Lighting for Outdoor Display

C) *Architectural/Site Compatibility*

Lighting fixtures shall be of a design and size compatible with the principal building of a development and adjacent areas, and shall be designed to be an integral part of the entire development site. Light fixtures and poles will be considered neutral elements of the site and must be finished in black, dark brown, or architectural bronze. All light fixtures/poles on site including building mounted lighting shall be the same color throughout the development. Bright colors or white are prohibited.

D) *Spillover Light and Glare Control*

- 1) All outdoor lighting shall be designed and located such that the maximum illumination measured in initial foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent non-residential sites and public rights-of-way.
- 2) ~~Non-cutoff lights are prohibited along the perimeter of non-residential sites where they are immediately adjacent to adjoining residential~~



properties. Non-cutoff lights may require external caps and/or internal shields to control glare.

- 3) ~~Cutoff lights shall be full cutoff with no sag type lenses;~~
- 4) ~~Cutoff lights used along the perimeter of non-residential sites where they are immediately adjacent to adjoining residential properties must be fitted with externally mounted shields placed on the residential side. The shields must be appropriately sized to sufficiently limit visible glare from the light onto the residential properties. Additional internal shields or other devices may be required to direct the light away from residential properties.~~

2) **All fixtures shall be fully shielded, full cutoff type fixtures with a concealed lamp/light source, except as otherwise stated within this Section.**

3) **Backlight, Uplight, and Glare (BUG)**

**The three components of BUG ratings are based on IES TM-15-07 "Luminaire Classification System for Outdoor Luminaires" from the Illuminating Engineering Society, as amended (see Figure 8.6.4.D). The rating system is assigned a value between 0 and 5 for each component with lower numbers indicating less light in a given direction.**

a) **Backlight (B) creates light trespass onto adjacent sites. The B rating accounts for the amount of light 0 to 90 degrees vertical from the ground in the direction opposite from the area intended to be lit. Except as otherwise stated in this Section, the maximum permitted backlight (B) rating shall be:**

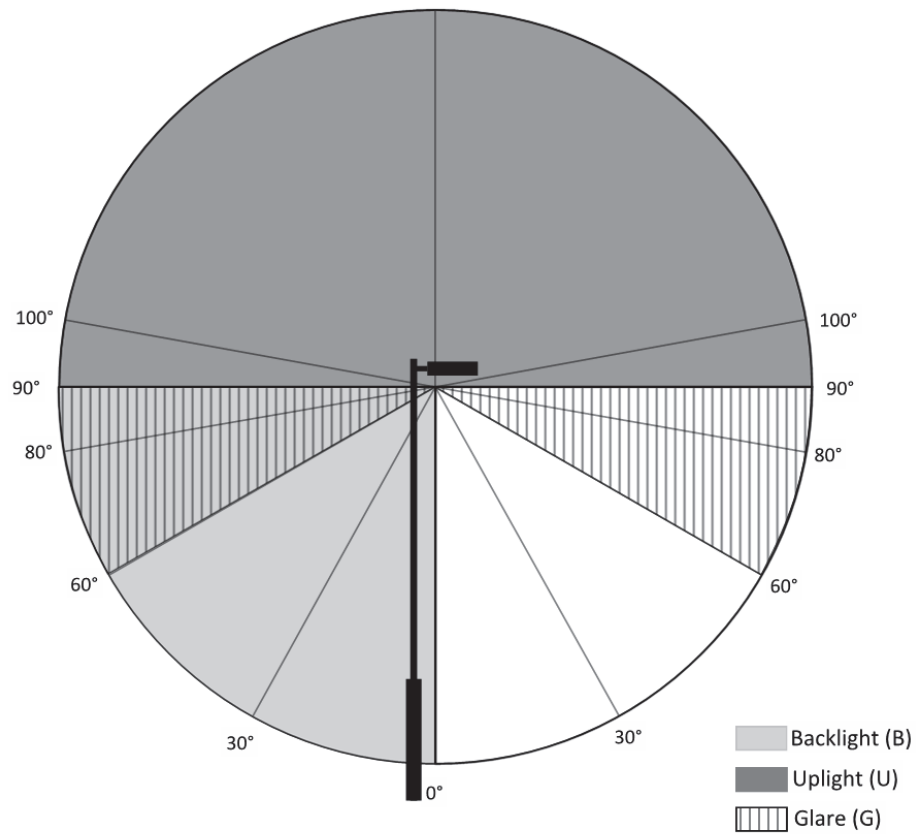
- (i) **3 for fixtures located 20 feet or less from a public right-of-way.**
- (ii) **2 for fixtures located 20 feet or less from the property line of a residential use or a vacant property in a residential zoning district.**

b) **Uplight (U) contributes to artificial sky glow. The U rating defines the amount of light into the upper hemisphere 90 to 180 degrees vertical from the ground. Except as otherwise stated in this Section, the maximum permitted uplight (U) rating is 0, since all fixtures should be full cutoff.**

c) **Glare (G) is the component of light that can be annoying or visually disabling. The G rating accounts for the amount of front light and backlight 60 to 90 degrees vertical from the ground. Except as otherwise stated in this Section, the maximum permitted glare (G) rating shall be:**

- (i) **1 for fixtures located 20 feet or less from a public right-of-way.**

- (ii) 0 for fixtures located 20 feet or less from the property line of a residential use or a vacant property in a residential zoning district.



**Figure 8.6.4.D BUG Rating Zones**

- E) ~~Wattage~~ **Lumens**  
~~Lamps for non-cutoff fixtures shall not exceed 100 watts. Lamps for full cut-off fixtures shall not exceed 250 watts.~~ **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 ~~Wattage~~ **Lumens**. Building, ground mounted fixtures and accent lighting must meet the following criteria:
- 1) Lights must 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, ~~true full~~ **full** cutoff type fixtures (concealed lamp/light source). The lighting must be directed downward, and the ~~wattage~~ **lumens** must not exceed ~~75 watts~~ **2,500 lumens**.

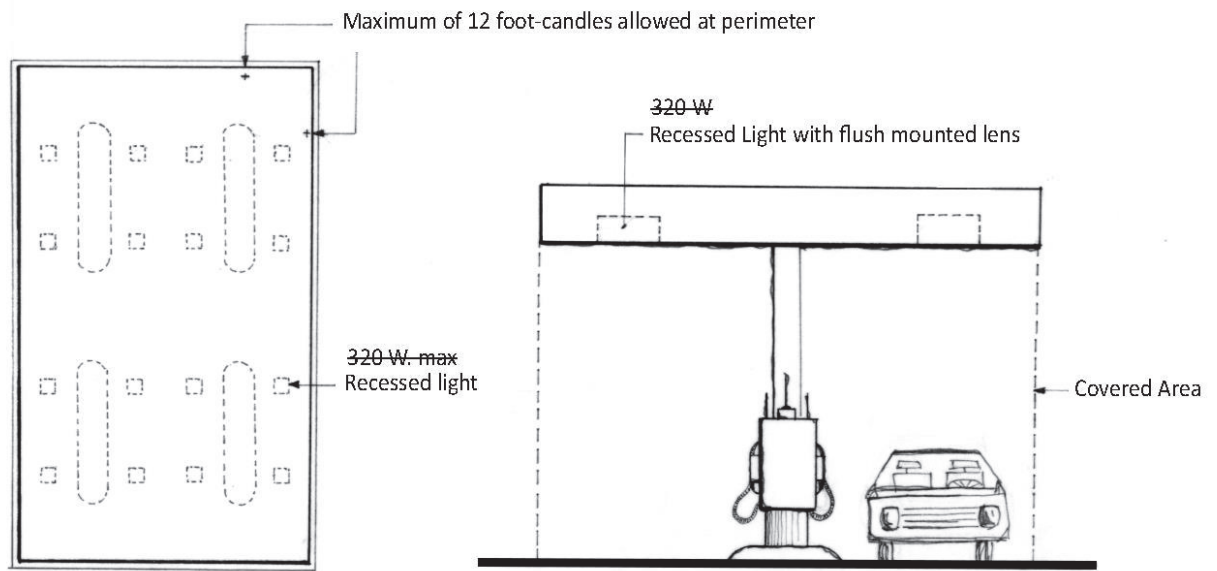
- 3) Accent lights must be low-~~wattage~~ **lumen** or low-voltage and the maximum illumination on any surface shall not exceed 5.0 average initial foot-candles.
- 4) Awnings and canopies used for building accents over doors, windows, ~~and~~ etc. shall not be internally lit (i.e., from underneath or behind). If lit from above, the lighting must be spaced sparingly so that only limited portions of awnings and canopies are accented.
- 5) Lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation are prohibited. Continuous lighting such as, but not limited to tubes or strings of lights on rooflines and building edges are prohibited (see also Sec. 8.7.2.I Prohibited Signs).

G) *Floodlights*

Floodlights or similar types of directional lighting attached to light poles or buildings to illuminate large portions of the site and/or building(s) are prohibited unless the Planning Director gives special permission and approval is given through the development review process. The use of floodlights or similar types of directional lighting will only be considered for special approval for Industrial type uses or where it can be demonstrated that extreme site or design constraints warrant their use.

H) *Lighting for Gas Station/Convenience Store Canopies*

Lighting for canopies for service stations and similar uses shall be restricted to no more than two **(2) 320-watt 11,000 lumen** recessed lighting fixtures (including lenses) mounted flush with the bottom of the canopy on each side of a gasoline pump island, or any other design that meets the standards of this ~~e~~**O**rdinance. Lighting for canopies for service stations and other similar uses such as but not limited to bank and pharmacy drive through, and large covered main entrance canopies shall not exceed an initial maximum level of 12 foot-candles as measured at ground level at the inside of the outside edge of the canopy and an initial average level of 25 foot-candles under the canopy.



Canopy Plan View

Gas Pump Island/Canopy

#### 8.6.4.H Exterior Lighting Design Requirements – Lighting for Gas Stations & Convenience Store Canopies

##### I) *Sports and Athletic Field Lighting*

Lighting for ball fields and sports courts may need to exceed illumination standards for general recreational needs in order to meet higher standards required for tournament play. The Planning Director must approve any deviations from the illumination standards; however, before any changes will be considered the sports lighting must meet these minimum standards:

- 1) Fixtures ~~must~~ **shall** not exceed 80 feet in mounting height (this includes bases and/or other mounting structures).
- 2) Fixtures ~~must~~ **shall** be fitted with the manufacturer's glare control package. If the manufacturer does not have a glare control package, the fixture specification must be changed to a manufacturer that offers a glare control package.
- 3) Fixtures ~~must~~ **shall** be designed and aimed so that their beams fall within the primary playing area and the immediate surroundings, so that off-site direct illumination is significantly restricted. Spillover levels at the property line must not exceed 0.3 foot-candles onto residential properties.
- 4) Lighting shall be extinguished no later than one (1) hour after the event ends.

##### J) *Private Recreation Facility Lighting*

Lighting for ball fields and sports courts at a private recreation facility may exceed illumination standards set forth in this Section in order to meet higher standards required for active recreation. The Planning Director must approve any deviations from the illumination standards; however, before any changes will be considered the proposed lighting ~~must~~ **shall** meet these minimum standards:

- 1) Fixtures ~~must~~ **shall** not exceed 35 feet in mounting height (this includes bases and/or other mounting structures).
  - 2) Fixtures ~~must~~ **shall** be fitted with the manufacturer's glare control package. If the manufacturer does not have a glare control package, the fixture specification ~~must~~ **shall** be changed to a manufacturer that offers a glare control package.
  - 3) Fixtures ~~must~~ **shall** be designed and aimed so that their beams fall within the primary playing area and the immediate surroundings, so that off-site direct illumination is significantly restricted. Spillover levels at the property line ~~must~~ **shall** not exceed 0.3 foot-candles onto residential properties.
  - 4) Lighting shall be extinguished no later than 10:00 pm.
  - 5) A 10-foot Type A buffer shall be required along any property line of the private recreation facility when such lighting fixture is within 100 feet of a residential use.
  - 6) Such lighting shall be proposed at the time of Master Subdivision Plan or Site Plan approval for new private recreation facilities. Approval of a Special Use Permit and a revised Site Plan Lighting Sheet and Landscape Sheet are required for any proposal to exceed illumination standards of this Section at an existing private recreation facility.
- 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.25 *Holiday*. 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.
- L) *Illumination for a Regional Recreation Complex*
- 1) Unless specifically exempted or amended below, all exterior lighting must meet the standards found in Sec. 8.6 *Exterior Lighting*. Structures erected to support and function as operational elements of outdoor amusements such as, but not limited to, bungee jumping, ropes courses, and zip-lines may be illuminated.
  - 2) Lights shall not be used to illuminate entire portions of building(s), landscape, or site features.
  - 3) Building-mounted lights such as wall-pack and goose-neck type fixtures shall be fully shielded, ~~true full~~ **full** cutoff type fixtures (concealed lamp/light source). The lighting must be directed downward, and ~~the wattage~~ **lumens must shall** not exceed ~~100 watts~~ **2,500 lumens**.

- 4) Awnings and canopies used for building accents over doors and windows shall not be internally lit (e.g. from underneath or behind). If lit from above, the lighting must be spaced sparingly so that only limited portions of awnings and canopies are accented.
- 5) Critical areas associated with an outdoor amusement activity, such as, but not limited to, entrances and exits, approaches and mounting areas, queue and waiting areas, ticket booths or similar service facilities, and observation areas must be reasonably sized for the purpose they serve and identified and laid out on plans in close proximity to the outdoor amusement activities that they serve. Illumination standards for these areas shall not exceed a horizontal illuminance average of 5.0 foot-candles and a uniformity ratio of 4/1 (average/minimum) and height of 35 feet.
- 6) Except as allowed under Sec. 8.6.4.F *Building, Ground Mounted Fixtures and Accent Lighting*, all up-lighting, spot lights, and floodlights are prohibited.
- 7) Lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation are prohibited. Continuous lighting such as, but not limited to, tubes or strings of lights on rooflines, building edges, and outdoor amusement activities are allowed (see also Sec. 8.7.2.1 *Prohibited Signs*).

**M) Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system, or lighting energy management system, all with battery or similar backup power or device.**

**N) For non-residential uses, the lumens for each fixture shall be reduced by at least 30% no later than one (1) hour after the business is closed to the public except that lighting reductions are not required for the following:**

- 1) **When a site contains no more than two (2) fixtures.**
- 2) **Code required lighting for steps, stairs, walkways, and building entrances.**
- 3) **Motion activated lighting.**
- 4) **Lighting approved by a Special Use Permit in which times of operation are specifically identified.**
- 5) **Businesses that operate on a 24-hour basis.**
- 6) **When in the opinion of the Technical Review Committee, lighting levels must be maintained to ensure the health, safety, and welfare of the community.**

#### 8.6.5 Exemptions

The standards of this sSection shall not apply to:

- A) Individual residential lighting that is not reviewed as part of a development plan, except for a Single-Family Recreational Use as defined in Sec. 4.5.4.
- B) Lighting associated with temporary uses that have been permitted, provided that the lighting meets the general standards of this sSection.
- 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.25 *Holiday*.
- D) Lighting associated with sign illumination as set forth in Sec. 8.7.6.B *Sign Illumination*.
- E) ~~Municipal~~**Street** lighting installed within public rights-of-way or on Town-owned property for the benefit of public health, safety, and welfare.

#### 8.6.6 Final Inspection

Before certificates of occupancy are released, the owner/builder must supply the Town with a final letter of certification from the lighting engineer, qualified lighting professional (Sec. 8.6.2.C), or lighting manufacturer verifying that all site lighting is installed according to Town standards, the approved plans, and any applicable conditions. The certification must include a report indicating that all site and exterior mounted building lighting was inspected and the light levels measured and recorded (including spillover lighting). Any irregularities or deviations from the approved site plan, Town standards, or applicable conditions must be pointed out in the report.

#### 8.6.7 Lighting Definitions

**Astronomic Time Switch: An automatic lighting control device that switches outdoor lighting relative to time of solar day with time of year correction.**

**Backlight: For an exterior fixture, lumens emitted in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the fixture. For fixtures with symmetric distribution, backlight will be the same as front light.**

**BUG: A fixture classification system that classifies backlight (B), uplight (U) and glare (G).**

**Foot-candle: The unit of measure expressing the quantity of light received on a surface. One (1) foot-candle is the illuminance produced by a candle on one (1) square foot of surface area measured from a distance of one (1) foot.**

**Glare: Light entering the eye directly from fixtures or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.**

**Lamp: A generic term for a source of optical radiation (i.e. "light"), often called a "bulb" or "tube". Examples include incandescent, fluorescent, high-intensity discharge (HID)**

lamps, and low-pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays.

Landscape Lighting: Lighting of trees, shrubs, or other plant material as well as ponds and other landscape features.

LED: Light Emitting Diode.

Light Pollution: Any adverse effect of artificial light including, but not limited to, glare, light trespass, sky glow, energy waste, compromised safety and security, and impacts on the nocturnal environment.

Light Trespass: Light that falls beyond the property it is intended to illuminate.

Lighting: "Electric" or "man-made" or "artificial" lighting. See "lighting equipment".

Lighting Equipment: Equipment specifically intended to provide gas or electric illumination, including but not limited to, lamp(s), luminaire(s), ballast(s), poles, posts, lens(es), and related structures, electrical wiring, and other necessary or auxiliary components.

Photoelectric Switch: A control device employing a photocell or photodiode to detect daylight and automatically switch lights off when sufficient daylight is available.

Sales area: Uncovered area used for sales of retail goods and materials, including but not limited to automobiles, boats, tractors and other farm equipment, building supplies, and gardening and nursery products.

Sky Glow: The brightening of the nighttime sky that results from the scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Sky glow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.

Time Switch: An automatic lighting control device that switches lights according to time of day.

Uplight: For an exterior luminaire, flux radiated in the hemisphere at or above the horizontal plane.

**APEX ENVIRONMENTAL ADVISORY BOARD RECOMMENDATION:**

The Apex Environmental Advisory Board reviewed the proposed amendments at their September 21, 2023 meeting and were supportive of the amendments moving forward as proposed.

**PLANNING STAFF RECOMMENDATION:**

Planning staff recommends approval of the proposed amendments.

**PLANNING BOARD RECOMMENDATION:**

The Planning Board heard these amendments at their October 9, 2023 meeting and unanimously recommended approval.



**PLANNING BOARD REPORT TO TOWN COUNCIL**  
**Unified Development Ordinance Amendments**

Planning Board Meeting Date: October 9, 2023



**Report Requirements:**

Per NCGS §160D-604, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

**Planning Board Recommendation:**

Motion: To recommend approval as presented.

Introduced by Planning Board member: Tina Sherman

Seconded by Planning Board member: Steven Rhodes

- Approval of the proposed UDO amendment(s)
- Approval of the proposed UDO amendment(s) with the following conditions:

- Denial of the proposed UDO amendment(s)

With 8 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 9th day of October 2023.

Attest:

  
Reginald Skinner, Planning Board Chair

**Dianne Khin** Digitally signed by Dianne Khin  
Date: 2023.10.09 17:18:06  
-04'00'  
Dianne Khin, Planning Director



## TOWN OF APEX

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

## PUBLIC NOTIFICATION OF PUBLIC HEARING AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

Pursuant to the provisions of North Carolina General Statutes §160D-601 and to the Town of Apex Unified Development Ordinance (UDO) Sec. 2.2.11, notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance that are applicable Town-wide:

### **Requested by the Apex Environmental Advisory Board and Planning Staff:**

Amendments to Sec. 8.6 *Exterior Lighting* in order to modernize lighting standards for LED lights; restrict non-cutoff light fixtures; create standards to reduce backlighting, uplighting, and glare; lower the maximum lighting allowed for bicycle parking; change wattage standards to lumens; create standards for lighting levels after business hours; and add definitions applicable to this Section.

**Public Hearing Location:** Apex Town Hall  
Council Chamber, 2<sup>nd</sup> Floor  
73 Hunter Street, Apex, North Carolina

### **Town Council Public Hearing Date and Time: October 24, 2023 6:00 PM**

You may attend the meeting in person or view the meeting through the Town's YouTube livestream at: <https://www.youtube.com/c/townofapexgov>.

If you are unable to attend, you may provide a written statement by email to [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), or submit it to the Office of the Town Clerk (73 Hunter Street or USPS mail - P.O. Box 250, Apex, NC 27502), at least two business days prior to the Town Council vote. You must provide your name and address for the record. The written statements will be delivered to the Town Council members prior to their vote. Please include the Public Hearing name in the subject line.

The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP  
Planning Director

Published Dates: October 2-24, 2023



## TOWN OF APEX

POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
TEL. 919-249-3426

## NOTIFICACIÓN PÚBLICA DE AUDIENCIAS PÚBLICAS

### Modificación de la Ordenanza de Desarrollo Unificado (UDO)

De conformidad con las disposiciones de los Estatutos Generales de Carolina del Norte §160D-601 y con la sección 2.2.11 de la Ordenanza de Desarrollo Unificado (UDO) del pueblo de Apex, por la presente se notifican las audiencias públicas ante el Consejo Municipal del pueblo de Apex a fin de solicitar comentarios relativos a la siguiente modificación de la Ordenanza de Desarrollo Unificado que se aplican a toda la ciudad:

#### **Solicitado por la Junta Asesora Ambiental de Apex y el personal de planificación**

Enmiendas a la Sección. 8.6 *Iluminación exterior* con el fin de modernizar los estándares de la iluminación con emisores de luz LED; restringir los accesorios sin corte eléctrico; crear estándares para reducir la retroiluminación, extremada iluminación y el resplandor; bajar la iluminación máxima permitida para el estacionamiento de bicicletas; cambiar los estándares de potencia en watts a lúmenes; crear estándares para los niveles de iluminación fuera del horario de trabajo; y agregar definiciones aplicables a esta Sección.

**Lugar de la audiencia pública:** Ayuntamiento de Apex  
Cámara del Consejo, 2º piso  
73 Hunter Street, Apex, Carolina del Norte

#### **Fecha y hora de la audiencia pública del Consejo Municipal: 24 de octubre de 2023 6:00 PM**

Puede asistir a la reunión de manera presencial o seguir la transmisión en directo por YouTube a través del siguiente enlace: <https://www.youtube.com/c/townofapexgov>.

Si no puede asistir, puede enviar una declaración escrita por correo electrónico a [public.hearing@apexnc.org](mailto:public.hearing@apexnc.org), o presentarla a la Oficina del Secretario Municipal (73 Hunter Street o por correo USPS a P.O. Box 250, Apex, NC 27502), al menos dos días hábiles antes de la votación del Consejo Municipal. Debe proporcionar su nombre y dirección para que conste en el registro. Las declaraciones escritas se entregarán al Consejo Municipal antes de la votación. No olvide incluir el nombre de la audiencia pública en el asunto.

Se puede acceder a la UDO en línea en: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP  
Directora de Planificación

Fechas de publicación: 2-24 de octubre de 2023

## 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. Section 8.6 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:**

### 8.6 EXTERIOR LIGHTING

#### 8.6.1 Purpose and Intent

The purpose of this Ordinance is to provide regulations for outdoor lighting that will:

- A) Permit the use of outdoor lighting that will heighten nighttime safety, utility, security, productivity, enjoyment, and commerce.
- B) Minimize adverse offsite impacts of lighting such as light trespass and obtrusive light.
- C) Curtail light pollution.
- D) Help protect wildlife and habitat from the adverse effects of night lighting.
- E) Conserve energy and resources.

~~The provision of outdoor lighting heightens nighttime safety and visibility, and is used to enhance the security of property and people. Lighting should be provided in areas of heavy vehicle and pedestrian use, and areas that are dangerous if unlit such as stairs, intersections, or changes in grade. It is important to set clear guidelines so that lighting~~  
**Outdoor lighting should** adequately serves the site while minimizing negative impacts on surrounding properties.

#### 8.6.2 Lighting Plan

~~Any development~~ **Site Plan and Nonresidential Master Subdivision Plan** that proposes exterior lighting shall include a detailed exterior lighting plan as part of the plan submission. This plan shall include:

- A) Specifications for the lighting fixtures such as: type of unit (cutoff, ~~non-cutoff~~, glare shields, etc.), **BUG rating**, lamps (~~wattage~~ **lumens**, etc.), correlated color temperature of lamps (Kelvin), electrical load requirements, utility company involved, method of wiring, routing/location of lines, location of lights, and mounting heights. **All lighting fixtures proposed shall be high efficiency and possess LED lamp technology.**
- B) An isofootcandle plan that shows typical foot-candle contours or a point photometric grid that indicates foot-candle levels measured at grade across the site. A point photometric plan is required for Minor and Major Site Plans with more than two (2) light poles. Other information such as: maximum, average, and minimum site foot-candles and uniformity ratio (average/minimum) should also be included. Foot-candle levels shall be shown at initial **published levels for each fixture.**

- C) Cross-sections of all lighted perimeter areas immediately adjacent to existing residential properties indicating how all exterior lighting (site and building mounted lighting) will be designed to limit spillover light and control off-site glare (see Sec. 8.6.4.D-4). A cross-section ~~must~~ **shall** be provided for each adjoining single-family residential property. Where the developing site adjoins multi-family residential property, a typical cross-section must be provided at 100-foot intervals along the common property line. The cross-sections must accurately represent existing site topography of the residential properties, sections of the residential units, and proposed topography and site/architectural elements (buildings, retaining walls, lights, landscape screening, etc.) of the developing site (see Sec. 8.6.4.A). **It is not necessary to produce or overlay foot-candle readings on the cross-section drawings. The intent is to identify areas where fixture placement may introduce potential glare and require mitigation through shielding if mitigation is not provided through protected or proposed vegetation.**
  
- D) Plan certification by a licensed lighting professional holding the PE, LC, or CLEP certification or similar certification that indicates proficiency in the design of outdoor lighting, a lighting manufacturer, or the local electric utility. The certification must verify that the plans meet the Town’s design requirements and illumination standards.

8.6.3 Illumination Standards

- A) The tables below set forth standards for lighting intensity based upon the land use or activity involved. Values are presented in initial foot-candles measured at grade. Site lighting shall not exceed these initial average foot-candle levels. Average values must be calculated using the levels found within the lighted area; for example, a parking lot must be calculated using the levels found within the curb to curb or paved parking area only. **The developer shall provide the name of the software program used to determine the lighting parameters as well as the summary sheets indicating the average illuminance and uniformity ratios achieved in their layouts.**

Table 8.6-1: Lighting Standards for General Parking with Pedestrian Areas (initial foot-candles)

- Multi-family residential or condominium (stacked flat)	<u>4.0</u>	8/1
- Retail	<u>4.0</u>	4/1
Office Industrial Educational Cultural, civic, and recreational Church or place of worship Townhomes and other attached residential	<u>2.0</u>	4/1

Table 8.6-2: Other Exterior Lighting Standards (initial foot-candles)

*Vital locations (entry/exit doors, service areas, ATMs, bicycle parking, etc.)	5.0	4/1
<b>Bicycle parking</b>	<b>3.0</b>	<b>4/1</b>
Sidewalks	1.0	4/1
Vehicular use area other than parking (service areas, drives and approach ways, private access roads, etc.)	1.0	4/1
Storage yards	4.0	4/1
Loading/unloading docks and platforms	15.0	4/1
Auto sales yard/enclosed outdoor display	10.0	8/1
General recreational areas (fields**, playgrounds, courts**, pools)	10.0	4/1

\*Average initial levels for vital locations shall be generally based on an area 10 feet by 10 feet or the limits of the specific area.

\*\*See 8.6.4.I-J for specific exceptions to this standard.

B) Color Temperature

The correlated color temperature (CCT) of lamps in exterior lighting shall not exceed 3,500 Kelvins. Athletic field lighting shall be exempt from this requirement.

8.6.4 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:

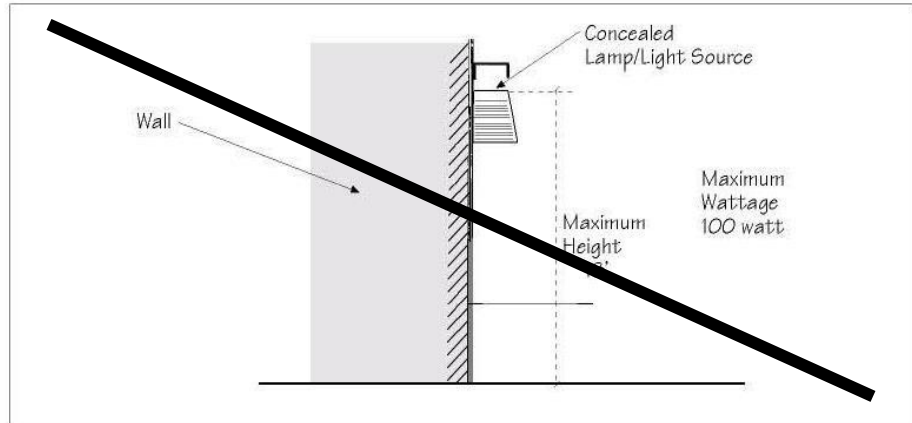
A) Mounting Heights

Outdoor lighting fixtures shall be designed, located and mounted at heights shown to be appropriate in cross-section (see also Sec. 8.6.2.C), but in no case shall be greater than:

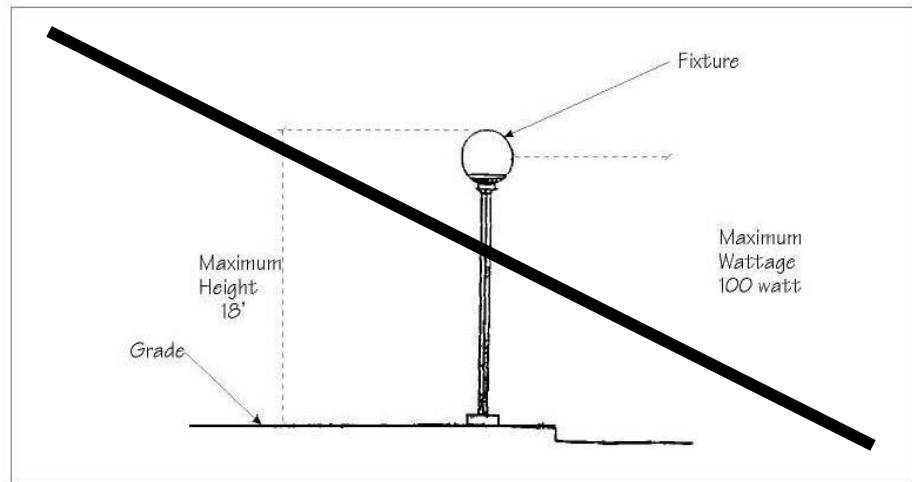
- 1) ~~18 feet above grade for non-cutoff lights (see Sec. 8.6.4.D.2);~~
- 2) **1) 35 feet above grade for full cutoff fixtures (see Sec. 8.6.4.D.3), except as stated elsewhere in this Section.** The height for full cutoff lights fixtures along the perimeter of non-residential sites where they are immediately adjacent to adjoining residential properties shall be designed based on cross-sections as required by Sec. 8.6.2.C). **House-side shields are required based on cross-sections to avoid glare produced by lamp**

sources that is visible from the edge of residential building(s) and not fully shielded by existing or proposed vegetation shown on the landscape plan.

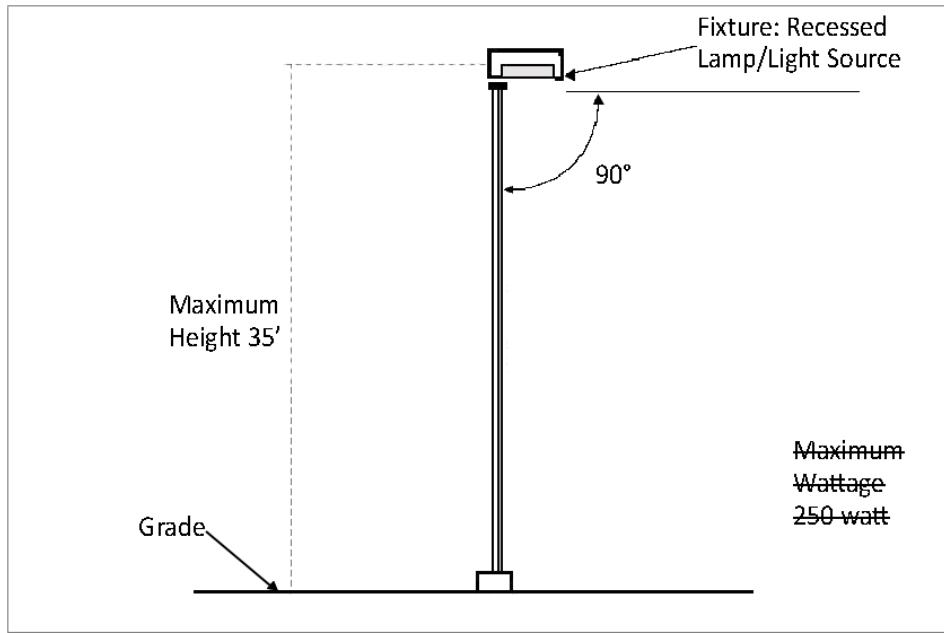
- 3-2) Mounting height is measured from the finished grade or surface and includes the total height of the fixture, pole, and any base or other supporting structure required to mount the light(s).



WALL-PACK LIGHT FIXTURES



NON-CUTOFF LIGHT FIXTURE



Full Cutoff Pole Mounted Fixture

**Figure 8.6.4.A Mounting Height for Pole Mounted Fixture**

B) *Location*

- 1) All outdoor lighting fixtures shall be located a minimum of 10 feet from a property or right-of-way line, and should be kept out of and at least two (2) feet away from any required perimeter or streetscape buffer, and tree save area.
- 2) The layout of lighting shall be designed so that poles do not interfere with other elements of the approved site such as trees, landscaping, and parking. ~~In general, poles should~~ **shall** be kept at least 20 feet away from the trunk of any large type tree and at least 10 feet away from the trunk of any small type tree, **except in cases where the Planning Director determines it is not reasonable and practical.**
- 3) Lighting for outdoor display areas, such as auto dealerships, must be located inside the illuminated area or no more than 10 feet away from the outside edge of the illuminated area so that the amount of direct glare and the visual field of view does not present a safety hazard to the passing motorist.



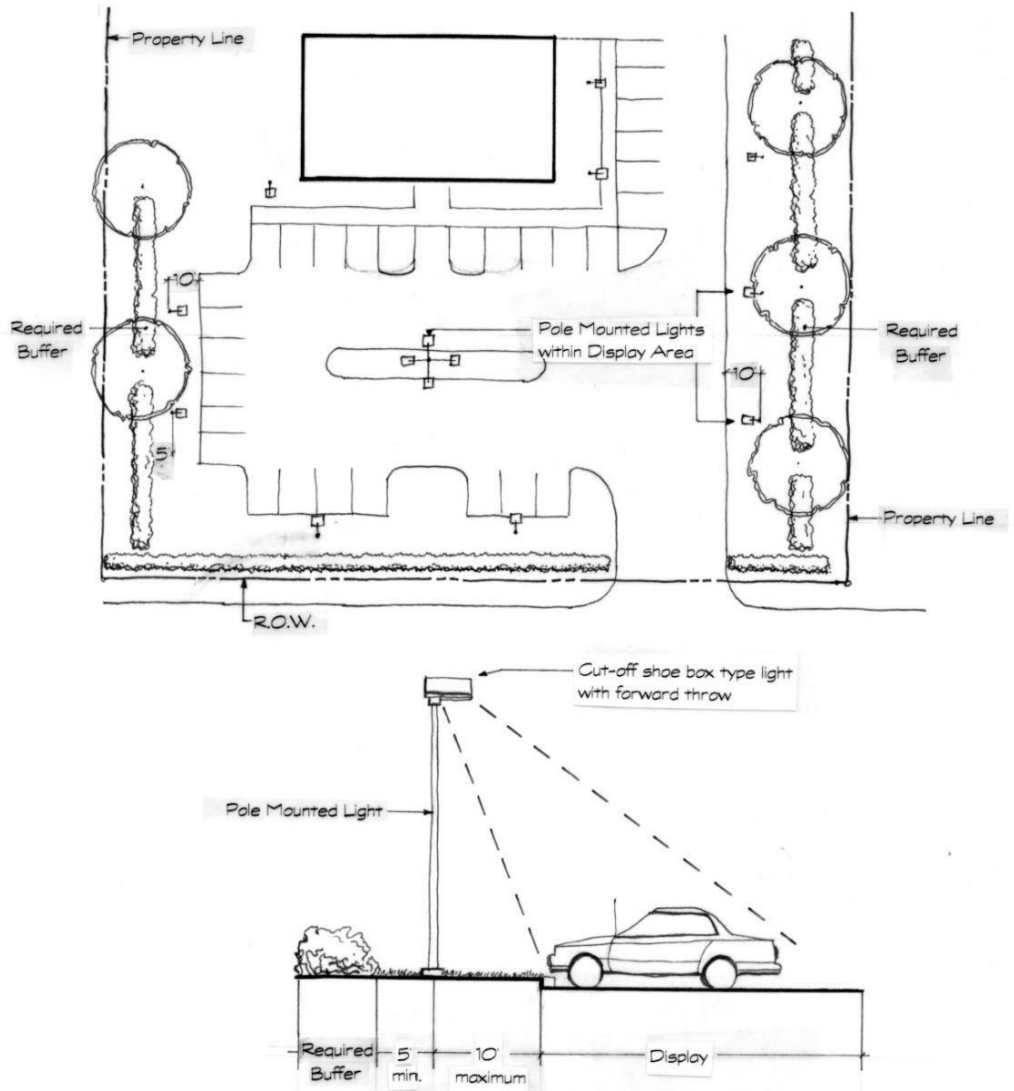


Figure 8.6.4.B Location/Lighting for Outdoor Display

C) Architectural/Site Compatibility

Lighting fixtures shall be of a design and size compatible with the principal building of a development and adjacent areas, and shall be designed to be an integral part of the entire development site. Light fixtures and poles will be considered neutral elements of the site and must be finished in black, dark brown, or architectural bronze. All light fixtures/poles on site including building mounted lighting shall be the same color throughout the development. Bright colors or white are prohibited.

D) *Spillover Light and Glare Control*

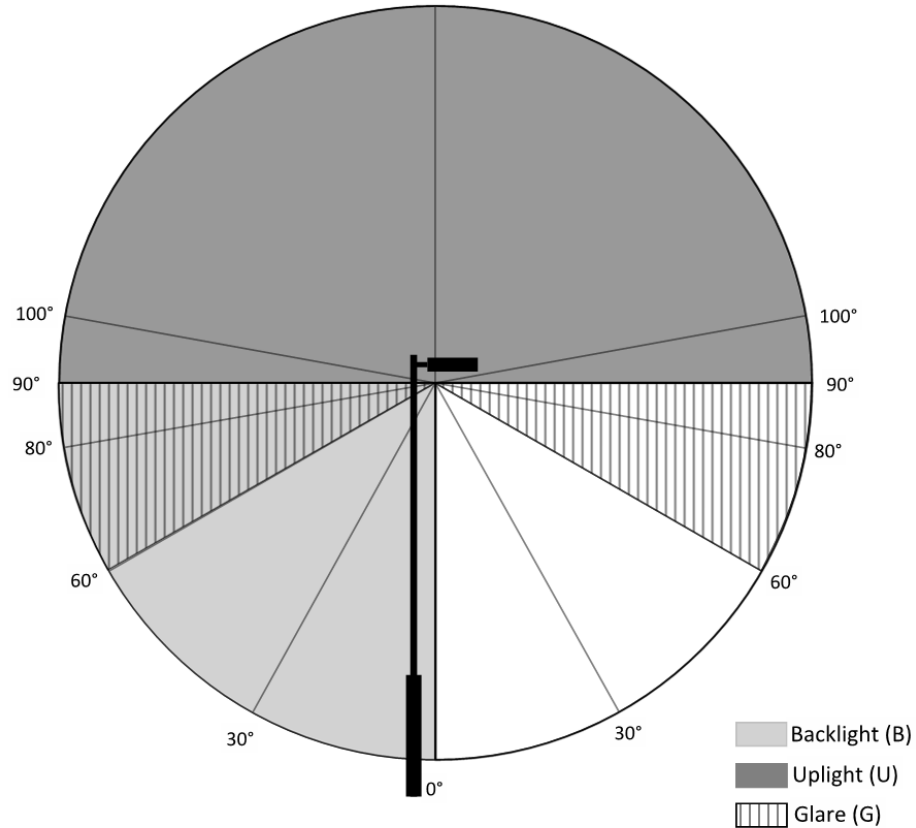
- 1) All outdoor lighting shall be designed and located such that the maximum illumination measured in initial foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent non-residential sites and public rights-of-way.
- 2) ~~Non cutoff lights are prohibited along the perimeter of non residential sites where they are immediately adjacent to adjoining residential~~

properties. Non-cutoff lights may require external caps and/or internal shields to control glare.

- ~~3) Cutoff lights shall be full cutoff with no sag-type lenses;~~
- ~~4) Cutoff lights used along the perimeter of non-residential sites where they are immediately adjacent to adjoining residential properties must be fitted with externally mounted shields placed on the residential side. The shields must be appropriately sized to sufficiently limit visible glare from the light onto the residential properties. Additional internal shields or other devices may be required to direct the light away from residential properties.~~
- 2) **All fixtures shall be fully shielded, full cutoff type fixtures with a concealed lamp/light source, except as otherwise stated within this Section.**
- 3) ***Backlight, Uplight, and Glare (BUG)***  
**The three components of BUG ratings are based on IES TM-15-07 "Luminaire Classification System for Outdoor Luminaires" from the Illuminating Engineering Society, as amended (see Figure 8.6.4.D). The rating system is assigned a value between 0 and 5 for each component with lower numbers indicating less light in a given direction.**
  - a) **Backlight (B) creates light trespass onto adjacent sites. The B rating accounts for the amount of light 0 to 90 degrees vertical from the ground in the direction opposite from the area intended to be lit. Except as otherwise stated in this Section, the maximum permitted backlight (B) rating shall be:**
    - (i) **3 for fixtures located 20 feet or less from a public right-of-way.**
    - (ii) **2 for fixtures located 20 feet or less from the property line of a residential use or a vacant property in a residential zoning district.**
  - b) **Uplight (U) contributes to artificial sky glow. The U rating defines the amount of light into the upper hemisphere 90 to 180 degrees vertical from the ground. Except as otherwise stated in this Section, the maximum permitted uplight (U) rating is 0, since all fixtures should be full cutoff.**
  - c) **Glare (G) is the component of light that can be annoying or visually disabling. The G rating accounts for the amount of front light and backlight 60 to 90 degrees vertical from the ground. Except as otherwise stated in this Section, the maximum permitted glare (G) rating shall be:**

(i) 1 for fixtures located 20 feet or less from a public right-of-way.

(ii) 0 for fixtures located 20 feet or less from the property line of a residential use or a vacant property in a residential zoning district.



**Figure 8.6.4.D BUG Rating Zones**

E) ~~Wattage~~**Lumens**  
~~Lamps for non cutoff fixtures shall not exceed 100 watts. Lamps for full cut-off fixtures shall not exceed 250 watts.~~ **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 ~~Wattage~~**Lumens**. Building, ground mounted fixtures and accent lighting must meet the following criteria:

- 1) Lights must not be used to illuminate entire portions of building(s), landscape, or site features.

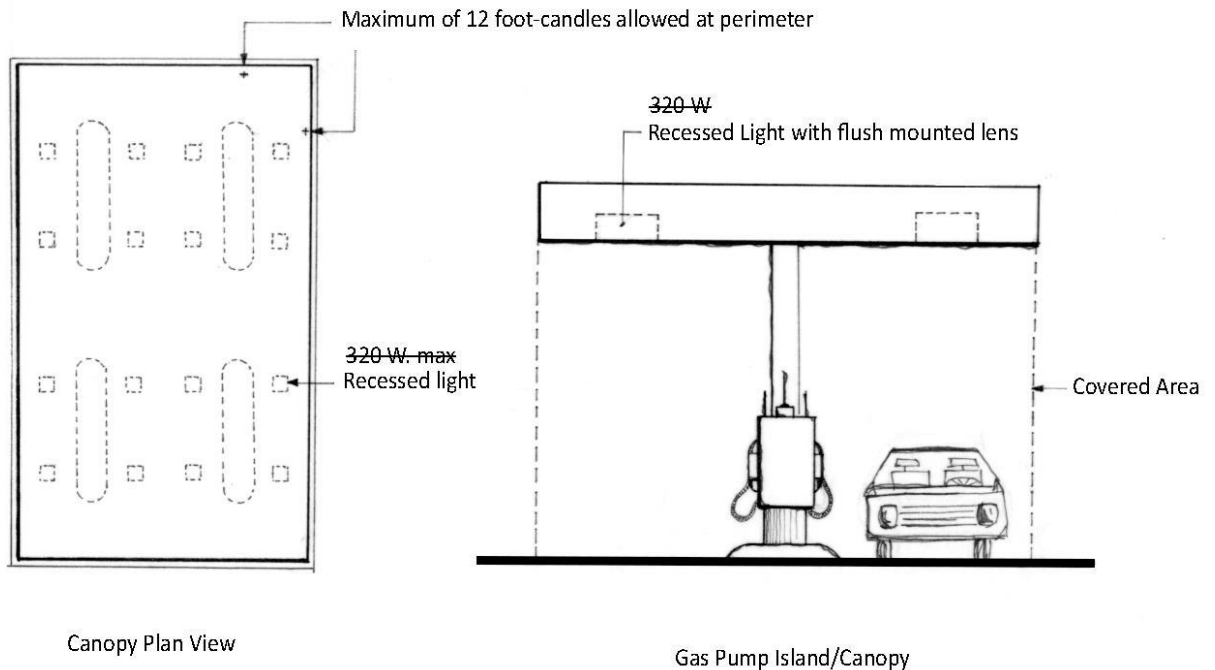
- 2) Building mounted lights such as wall-pack and goose-neck type fixtures shall be fully shielded, ~~true full~~ cutoff type fixtures (concealed lamp/light source). The lighting must be directed downward, and the ~~wattage~~ **lumens** must not exceed ~~75 watts~~ **2,500 lumens**.
- 3) Accent lights must be low-~~wattage~~ **lumen** or low-voltage and the maximum illumination on any surface shall not exceed 5.0 average initial foot-candles.
- 4) Awnings and canopies used for building accents over doors, windows, ~~and~~ etc. shall not be internally lit (i.e., from underneath or behind). If lit from above, the lighting must be spaced sparingly so that only limited portions of awnings and canopies are accented.
- 5) Lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation are prohibited. Continuous lighting such as, but not limited to tubes or strings of lights on rooflines and building edges are prohibited (see also Sec. 8.7.2.1 Prohibited Signs).

G) *Floodlights*

Floodlights or similar types of directional lighting attached to light poles or buildings to illuminate large portions of the site and/or building(s) are prohibited unless the Planning Director gives special permission and approval is given through the development review process. The use of floodlights or similar types of directional lighting will only be considered for special approval for Industrial type uses or where it can be demonstrated that extreme site or design constraints warrant their use.

H) Lighting for Gas Station/Convenience Store Canopies

Lighting for canopies for service stations and similar uses shall be restricted to no more than two ~~(2) 320-watt~~ **11,000 lumen** recessed lighting fixtures (including lenses) mounted flush with the bottom of the canopy on each side of a gasoline pump island, or any other design that meets the standards of this ~~o~~**O**rdinance. Lighting for canopies for service stations and other similar uses such as but not limited to bank and pharmacy drive through, and large covered main entrance canopies shall not exceed an initial maximum level of 12 foot-candles as measured at ground level at the inside of the outside edge of the canopy and an initial average level of 25 foot-candles under the canopy.



#### 8.6.4.H Exterior Lighting Design Requirements – Lighting for Gas Stations & Convenience Store Canopies

- I) **Sports and Athletic Field Lighting**  
 Lighting for ball fields and sports courts may need to exceed illumination standards for general recreational needs in order to meet higher standards required for tournament play. The Planning Director must approve any deviations from the illumination standards; however, before any changes will be considered the sports lighting must meet these minimum standards:
- 1) Fixtures ~~must~~ **shall** not exceed 80 feet in mounting height (this includes bases and/or other mounting structures).
  - 2) Fixtures ~~must~~ **shall** be fitted with the manufacturer's glare control package. If the manufacturer does not have a glare control package, the fixture specification must be changed to a manufacturer that offers a glare control package.
  - 3) Fixtures ~~must~~ **shall** be designed and aimed so that their beams fall within the primary playing area and the immediate surroundings, so that off-site direct illumination is significantly restricted. Spillover levels at the property line must not exceed 0.3 foot-candles onto residential properties.
  - 4) Lighting shall be extinguished no later than one (1) hour after the event ends.
- J) **Private Recreation Facility Lighting**  
 Lighting for ball fields and sports courts at a private recreation facility may exceed illumination standards set forth in this Section in order to meet higher standards required for active recreation. The Planning Director must approve any deviations

from the illumination standards; however, before any changes will be considered the proposed lighting ~~must~~ shall meet these minimum standards:

- 1) Fixtures ~~must~~ shall not exceed 35 feet in mounting height (this includes bases and/or other mounting structures).
  - 2) Fixtures ~~must~~ shall be fitted with the manufacturer's glare control package. If the manufacturer does not have a glare control package, the fixture specification ~~must~~ shall be changed to a manufacturer that offers a glare control package.
  - 3) Fixtures ~~must~~ shall be designed and aimed so that their beams fall within the primary playing area and the immediate surroundings, so that off-site direct illumination is significantly restricted. Spillover levels at the property line ~~must~~ shall not exceed 0.3 foot-candles onto residential properties.
  - 4) Lighting shall be extinguished no later than 10:00 pm.
  - 5) A 10-foot Type A buffer shall be required along any property line of the private recreation facility when such lighting fixture is within 100 feet of a residential use.
  - 6) Such lighting shall be proposed at the time of Master Subdivision Plan or Site Plan approval for new private recreation facilities. Approval of a Special Use Permit and a revised Site Plan Lighting Sheet and Landscape Sheet are required for any proposal to exceed illumination standards of this Section at an existing private recreation facility.
- 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.25 *Holiday*. 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.
- L) Illumination for a Regional Recreation Complex
- 1) Unless specifically exempted or amended below, all exterior lighting must meet the standards found in Sec. 8.6 *Exterior Lighting*. Structures erected to support and function as operational elements of outdoor amusements such as, but not limited to, bungee jumping, ropes courses, and zip-lines may be illuminated.
  - 2) Lights shall not be used to illuminate entire portions of building(s), landscape, or site features.
  - 3) Building-mounted lights such as wall-pack and goose-neck type fixtures shall be fully shielded, ~~true~~ full cutoff type fixtures (concealed lamp/light

source). The lighting must be directed downward, and ~~the wattage~~ **lumens** must **shall** not exceed ~~100 watts~~ **2,500 lumens**.

- 4) Awnings and canopies used for building accents over doors and windows shall not be internally lit (e.g. from underneath or behind). If lit from above, the lighting must be spaced sparingly so that only limited portions of awnings and canopies are accented.
- 5) Critical areas associated with an outdoor amusement activity, such as, but not limited to, entrances and exits, approaches and mounting areas, queue and waiting areas, ticket booths or similar service facilities, and observation areas must be reasonably sized for the purpose they serve and identified and laid out on plans in close proximity to the outdoor amusement activities that they serve. Illumination standards for these areas shall not exceed a horizontal illuminance average of 5.0 foot-candles and a uniformity ratio of 4/1 (average/minimum) and height of 35 feet.
- 6) Except as allowed under Sec. 8.6.4.F *Building, Ground Mounted Fixtures and Accent Lighting*, all up-lighting, spot lights, and floodlights are prohibited.
- 7) Lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation are prohibited. Continuous lighting such as, but not limited to, tubes or strings of lights on rooflines, building edges, and outdoor amusement activities are allowed (see also Sec. 8.7.2.1 *Prohibited Signs*).

**M) Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system, or lighting energy management system, all with battery or similar backup power or device.**

**N) For non-residential uses, the lumens for each fixture shall be reduced by at least 30% no later than one (1) hour after the business is closed to the public except that lighting reductions are not required for the following:**

- 1) **When a site contains no more than two (2) fixtures.**
- 2) **Code required lighting for steps, stairs, walkways, and building entrances.**
- 3) **Motion activated lighting.**
- 4) **Lighting approved by a Special Use Permit in which times of operation are specifically identified.**
- 5) **Businesses that operate on a 24-hour basis.**

- 6) **When in the opinion of the Technical Review Committee, lighting levels must be maintained to ensure the health, safety, and welfare of the community.**

8.6.5 Exemptions

The standards of this ~~s~~Section shall not apply to:

- A) Individual residential lighting that is not reviewed as part of a development plan, except for a Single-Family Recreational Use as defined in Sec. 4.5.4.
- B) Lighting associated with temporary uses that have been permitted, provided that the lighting meets the general standards of this ~~s~~Section.
- 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.25 *Holiday*.
- D) Lighting associated with sign illumination as set forth in Sec. 8.7.6.B *Sign Illumination*.
- E) ~~Municipal~~**Street** lighting installed within public rights-of-way or on Town-owned property for the benefit of public health, safety, and welfare.

8.6.6 Final Inspection

Before certificates of occupancy are released, the owner/builder must supply the Town with a final letter of certification from the lighting engineer, qualified lighting professional (Sec. 8.6.2.C), or lighting manufacturer verifying that all site lighting is installed according to Town standards, the approved plans, and any applicable conditions. The certification must include a report indicating that all site and exterior mounted building lighting was inspected and the light levels measured and recorded (including spillover lighting). Any irregularities or deviations from the approved site plan, Town standards, or applicable conditions must be pointed out in the report.

**8.6.7 Lighting Definitions**

**Astronomic Time Switch: An automatic lighting control device that switches outdoor lighting relative to time of solar day with time of year correction.**

**Backlight: For an exterior fixture, lumens emitted in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the fixture. For fixtures with symmetric distribution, backlight will be the same as front light.**

**BUG: A fixture classification system that classifies backlight (B), upright (U) and glare (G).**

**Foot-candle: The unit of measure expressing the quantity of light received on a surface. One (1) foot-candle is the illuminance produced by a candle on one (1) square foot of surface area measured from a distance of one (1) foot.**



**Glare: Light entering the eye directly from fixtures or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.**

**Lamp: A generic term for a source of optical radiation (i.e. "light"), often called a "bulb" or "tube". Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low-pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays.**

**Landscape Lighting: Lighting of trees, shrubs, or other plant material as well as ponds and other landscape features.**

**LED: Light Emitting Diode.**

**Light Pollution: Any adverse effect of artificial light including, but not limited to, glare, light trespass, sky glow, energy waste, compromised safety and security, and impacts on the nocturnal environment.**

**Light Trespass: Light that falls beyond the property it is intended to illuminate.**

**Lighting: "Electric" or "man-made" or "artificial" lighting. See "lighting equipment".**

**Lighting Equipment: Equipment specifically intended to provide gas or electric illumination, including but not limited to, lamp(s), luminaire(s), ballast(s), poles, posts, lens(es), and related structures, electrical wiring, and other necessary or auxiliary components.**

**Photoelectric Switch: A control device employing a photocell or photodiode to detect daylight and automatically switch lights off when sufficient daylight is available.**

**Sales area: Uncovered area used for sales of retail goods and materials, including but not limited to automobiles, boats, tractors and other farm equipment, building supplies, and gardening and nursery products.**

**Sky Glow: The brightening of the nighttime sky that results from the scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Sky glow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky.**

**Time Switch: An automatic lighting control device that switches lights according to time of day.**

**Uplight: For an exterior luminaire, flux radiated in the hemisphere at or above the horizontal plane.**

**Section 2.** 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 on the 1<sup>st</sup> day of January 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

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: NEW BUSINESS

Meeting Date: October 24, 2023

## Item Details

Presenter(s): Katie Schwing, Senior Planner - Long Range Transit

Department(s): Planning

### Requested Motion

Possible motion to approve the draft GoApex Bus Stop Improvement Policy.

### Approval Recommended?

Planning staff recommend adoption of the draft Policy.

The Transit Advisory Committee (TAC) considered the draft Policy at their October 11, 2023 meeting and unanimously recommended approval.

### Item Details

This Policy would provide guidance on the qualification and prioritization of bus stops for improvements using Town funds. Please see Attachment 1.

The Policy defines Standard and Enhanced bus stop improvements. All GoApex bus stops would qualify for Standard bus stop improvements, which are listed as a GoApex bus stop sign, concrete or asphalt landing pad and amenity pad, adequate lighting, bench, and information boxes with route map and schedule. The Policy prioritizes bringing bus stops to a Standard level.

Bus stops would also undergo a review process to qualify and be prioritized for Enhanced bus stop improvements, which are listed as a covered shelter with seating, and bicycle racks. The Policy lists the qualification criteria and the considerations for prioritization.

Other types of improvements are listed as being warranted on a case-by-case basis. Further, the Policy allows for deviations based on certain circumstances.

The development of such a policy is considered a best practice for transit providers and was a factor in receiving a Wake Transit program funding match for bus stop improvements earlier this year. If approved, staff plan to complete the qualification and prioritization process and move forward with installation of initial improvements. It is anticipated that further improvements would be installed over time.

## Attachments

- NB1-A1: Draft GoApex Bus Stop Improvement Policy
- NB1-A2: Transit Advisory Committee Report to Town Council - GoApex Bus Stop Improvement Policy



# Draft GoApex Bus Stop Improvement Policy

version 10/4/2023

It shall be the policy of the Town of Apex to seek to increase the safety and convenience of GoApex bus stops for customers. Specifically, this policy is intended to inform the qualification and prioritization of bus stops for improvements using Town funds.

This policy shall apply to all bus stops serving GoApex fixed route transit services, such as GoApex Route 1. Stops served by other providers, such as GoTriangle or GoCary, shall be considered for improvements on a case-by-case basis in coordination with their providing agencies. Mobility hubs and stops serving other types of transit services are outside of the scope of this policy.

## Deviations

Deviation from the priority order that results from application of this policy is allowable in certain circumstances, such as:

- To accelerate improvements by leveraging grants or other funds.
- To delay improvements where a programmed project (e.g. roadway improvement) may be expanded to address the need.
- In consideration of long-term plans affecting the area.
- Due to technical infeasibility.

## Bus Stop Descriptions

GoApex bus stops should meet requirements of the Americans with Disabilities Act (ADA), the Public Right-of-Way Accessibility Guidelines (PROWAG), and follow the Apex bus stop standard engineering specifications available at: <https://www.apexnc.org/197/Engineering-Specifications>. Premium materials may be considered on a case-by-case basis.

## Standard Bus Stop

Standard bus stops include:

- GoApex bus stop sign
- Concrete or asphalt landing pad and amenity pad
- Adequate lighting
- Bench
- Information boxes with route map and schedule

## Enhanced Bus Stop

Enhanced bus stops may include:

- Covered shelter with seating
- Bicycle racks

## Other Types of Bus Stop Improvements

Other types of bus stop improvements may be warranted on a case-by-case basis. These include several categories:

- Trash receptacles.
- Bicycle and pedestrian accessibility infrastructure.
- Enhanced information and connectivity.
- Infrastructure to improve bus reliability, address point-level traffic issues, or alleviate stop area constraints. Infrastructure improvements that affect the public travel lane should be considered in coordination with the Town’s Transportation, Infrastructure, and Development Department and in consideration of the Town’s Transportation Plan.
- Public art - Public art should be placed in coordination with the Town’s Transit Advisory Committee and Public Art Committee, and in consideration of safety, visibility, and compatibility with the surrounding area.
- Alternative designs - In certain cases, different stop or improvement designs shall be considered where the improvements have been offered as a condition of development or as part of a Town project. Such designs shall be vetted through the development review process and reviewed by the Transit Advisory Committee prior to installation approval. Additionally, they shall meet or exceed the standard bus stop improvements.
- Landscaping and enhanced public spaces.

### Prioritization

#### Qualification Criteria

The following criteria will be considered in the prioritization of active bus stops for improvements: ridership, nearby land uses, stop function, presence of transit-reliant populations, presence of historically underserved populations, site context, and community requests.


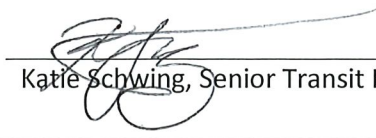
#### Prioritization Process

Prioritization is the process of setting out an order for future installation of improvements to ensure the most benefit to the community in light of limited funding availability. The highest priority is bringing all active GoApex bus stops up to the Standard Bus Stop level of improvements. Installation of Enhanced Bus Stop features is subject to qualification and prioritization. A process shall be conducted annually to prioritize stops for improvements based on their qualification criteria and installation feasibility. Staff shall develop and maintain a technical process for assigning points for qualification factors and prioritizing stops for improvements and shall make the results available to the public.

TRANSIT ADVISORY COMMITTEE  
REPORT TO PLANNING BOARD AND TOWN COUNCIL

Transit Advisory Committee Meeting Date: 10-11-2023



<b>Action item title:</b>
Bus Stop Improvement Policy
<b>Action item description:</b>
Proposal to recommend approval of Bus Stop Improvement Policy
<b>Transit Advisory Committee recommendation:</b>
Motion: Recommend approval of revised Bus Stop Improvement Policy
Introduced by committee member: Andy Werking
Seconded by committee member: Linda Barnett
<input checked="" type="checkbox"/> Approval of the proposed action(s) as presented
<input type="checkbox"/> Approval of the proposed action(s) with the following conditions or changes:
<input type="checkbox"/> Denial of the proposed action(s)
With <u>4</u> Committee member(s) voting "aye"
With <u>0</u> Committee member(s) voting "no"
<b>Reason(s) for dissenting votes:</b>
This report reflects the recommendation of the Transit Advisory Committee, this the <u>11<sup>th</sup></u> day of <u>October</u> 2023.
Attest:
 Stuart Wagner, Transit Advisory Committee Chair
 Katie Schwing, Senior Transit Planner

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: NEW BUSINESS

Meeting Date: October 24, 2023

## Item Details

Presenter(s): Councilmember Mahaffey

Department(s): Governing Body

### Requested Motion

Possible motion to adopt an Ordinance Amendment amending Chapter 5 - Section 5-9 - State Building Code, Fire Code.

### Approval Recommended?

Yes

### Item Details

This is the first step in the approval process for changing the Fire Code that applies to Apex. The North Carolina Building Code Council and/or Residential Building Code Council (new) will have to approve of the change before fire sprinkler systems can be required in Apex. It is anticipated that review and approval of the proposed ordinance will take several months. The Building Code Council meets quarterly and the next meeting is scheduled for Monday, December 11, 2023.

### Attachments

- NB2-A1: Ordinance Amendment - Chapter 5 - Article 1 - Section 5 - Automatic Fire Sprinkler System





**ORDINANCE NO. 2023-1024-\_\_**

**AN ORDINANCE TO AMEND SECTION 5-9 OF THE CODE OF ORDINANCES OF  
THE TOWN OF APEX**

WHEREAS, North Carolina General Statutes (“NCGS”) § 143-138 provides that the fire prevention code provisions of the North Carolina State Building Code: Fire Prevention Code are considered the minimum standards necessary to preserve and protect health and safety, and that municipalities and counties may submit more stringent provisions for approval by the North Carolina Building Code Council;

WHEREAS, NCGS § 143-138 further provides that fire prevention standards exceeding the state minimum standards require official approval from the Building Code Council and that they provide adequate minimum standards to preserve and protect health and safety; and

WHEREAS, the Town Council of the Town of Apex finds it in the best interest of its citizens to provide fire prevention standards that exceed the standards mandated by the State of North Carolina.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Apex as follows:

**Section 1. Section 5-9 of the Code of Ordinances of the Town of Apex is hereby amended to read as follows, with additions shown as bold, underlined text and deletions as struck through text:**

**Sec. 5-9. – State building code, fire code.**

**(a)** The North Carolina State Building Code, Fire Code, as adopted by the North Carolina Building Code Council as amended from time to time, is hereby incorporated by reference into this Code as if fully set forth herein, and Appendices B, C, D, E, F, G, and H are specifically adopted and incorporated herein by reference.

**(b) Notwithstanding the exception to applicability for occupancy of one- and two-family dwellings in Section 102.13 of the North Carolina State Building Code: Fire Prevention Code, Section 903.2.8 and Section 903.2.8.1 of the North Carolina State Building Code: Fire Prevention Code, as amended, shall be amended and apply within the Town of Apex, as follows:**

**903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.**

**Exceptions:**

- 1. An automatic sprinkler system is not required in new adult and child day care facilities located in existing Group R-3 and R-4 occupancies.**
- 2. An automatic sprinkler system is not required in temporary overflow shelters.**
- 3. An automatic sprinkler system is not required in camping units located within a campground where all of the following conditions exist.**
  - 3.1 The camping unit is limited to one story in height.**
  - 3.2 The camping unit is less than 400 square feet (37 m<sup>2</sup>) in area.**
  - 3.3 The camping unit does not have a kitchen.**
- 4. An automatic sprinkler system is not required in an open air camp cabin that complies with the following:**
  - 4.1 The open air camp cabin shall have at least two remote unimpeded exits. Lighted exit signs shall not be required.**
  - 4.2 The open air camp cabin shall not be required to have plumbing or electrical systems, but if the cabin has these systems, then the provisions of the code otherwise applicable to those systems shall apply.**
  - 4.3 Smoke detectors and portable fire extinguishers shall be installed as required by other sections of this code.**
- 5. Temporary sleeping units for disaster relief workers as allowed by Section 321.4.5.**

**903.2.8.1 Group R-3.**

**An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be required in Group R-3 occupancies and townhouses.**

**Section 2.** It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and the sections of this ordinance may be renumbered to accomplish such intention.

**Section 3. Severability, Conflict of Laws.** If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 4. Effective Date.** This ordinance shall be effective six months after approval by the North Carolina Building Code Council.

Introduced by Council Member: \_\_\_\_\_

Seconded by Council Member: \_\_\_\_\_

This the \_\_\_\_ day of \_\_\_\_\_, 2023.

Attest:

TOWN OF APEX, NORTH CAROLINA

\_\_\_\_\_  
Allen Coleman, CMC, NCCCC  
Town Clerk

\_\_\_\_\_  
Jacques K. Gilbert  
Mayor

Approved As To Form:

\_\_\_\_\_  
Laurie L. Hohe  
Town Attorney

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: October 24, 2023

## Item Details

Presenter(s): Demetria John, Assistant Town Manager  
Steve Adams, Real Estate/Utilities Acquisition Specialist

Department(s): Town Manager's Office  
Transportation and Infrastructure Development

### Requested Motion

Possible motion to enter into closed session pursuant to NCGS § 143-318.11(a)(5) to discuss matters related to acquisition of real property.

### Approval Recommended?

N/A

### Item Details

#### **NCGS § 143-318.11(a)(5)**

"To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract."

### Attachments

- N/A

