



Town of Bermuda Run
Planning Board and Board of Adjustment Agenda
120 Kinderton Boulevard, Suite 100
Bermuda Run, NC 27006
Wednesday October 18, 2023, 6:00pm

1. Call to Order

- 2. Disclosure of Conflicts of Interest**-it is the duty of every Board member to avoid conflicts of interest. Does any Board member have any known conflict of interest with respect to any matters on the agenda? If so, please identify the conflict and refrain from any participation in the matter involved.

3. Recognition of Quorum

4. Approval of Planning Board Agenda

Motion: _____ Second: _____ In Favor: _____ Opposed _____

5. Approval of Planning Board Minutes

Motion: _____ Second: _____ In Favor: _____ Opposed _____

6. Citizen Comments

7. Action Items

- A. Text Amendment 2023-03 Multifamily and Building Height.** The Board will consider amendments to Sections 3.2 G, 3.4, 3.4 E, 3.5, and 9.49 A of the Bermuda Run Zoning Ordinance.

Planning Board Action

Following review of the proposed amendments, the Board is requested to make a recommendation following a motion and a second for one of the items below:

- **Recommendation Approval:** The Board finds that the amendments is consistent with goals and objectives of the Town of Bermuda Run Comprehensive Plan and considers the action to be reasonable and in the public interest.
- **Recommend Denial:** The Board finds that the amendments is not consistent with the goals and objectives of the Town of Bermuda Run Comprehensive Plan and does not consider the action to be reasonable and in the public interest.
- **Defer:** The amendments need additional consideration.

Motion: _____ Second: _____ In Favor: _____ Opposed _____

- B. Design Waiver 2023-01.** The Board will review a design waiver requested by Ann and Ken Rothberg in accordance with Section 11.11 of the Zoning Ordinance. The applicant requests to waive portions of 5.2(B) Height and Materials and 5.2 (C) Design for fencing within front property line of 183 Tifton Street.

9. Other Business

10. Board Member Comments

11. Adjournment

Bermuda Run Planning Board/Board of Adjustment

Regular Meeting

Draft Minutes

Wednesday, September 20, 2023

6:00 PM

Bermuda Run Town Hall

I. Call to Order

Attendee Name	Title	Status
Tom Brady	Board Member	Present
Tony Krasienko	Board Member	Present
David Strand	Board Member	Present
Leigh Anne Joyce	Board Member	Present
Sharon Anderson	Board Member	Present
Howard Rush	Board Member	Present

II. Recognition of Quorum

The Chairman recognized that a quorum was met with members present.

III. Approval of Planning Board Amended Agenda

RESULT: APPROVED [UNANIMOUS]
MOVER: Tony Krasienko
SECONDER: Tom Brady
AYES: Joyce, Brady, Strand, Anderson, Krasienko
ABSENT: Hines

IV. Approval of Planning Board Minutes—March 15, 2023

RESULT: APPROVED [UNANIMOUS]
MOVER: Davie Strand
SECONDER: Tom Brady
AYES: Joyce, Krasienko, Brady, Strand, Anderson
ABSENT: Hines

V. Public Comment

None

VI. Permit Reports & Zoning Administrator's Update

Permit reports & zoning update were included in the agenda packet for reference and discussion.

VII. Town Manager's Update

Andrew Meadwell updated the Board and audience on recent projects occurring in and around Town.

VII. Review Comprehensive Plan Amendment and Update

The Board reviewed staff report for the amendment to Comprehensive Plan. The Board made a recommendation to approve amendment with Changes: removing 2-acre minimum lot language of the Rural Residential description and to forward onto Town Council.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Krasienko
SECONDER:	Tom Brady
AYES:	Joyce, Krasienko, Brady, Strand, Anderson,
ABSENT:	Hines

VIII. Other Business-None**IX. Board Member Comments**

None.

X. Adjournment

RESULT:	ADJOURNMENT [UNANIMOUS]
MOVER:	Tom Brady
SECONDER:	Sharon Anderson
AYES:	Krasienko, Joyce Brady, Strand, Strand, Anderson,
ABSENT:	Hines



TO: Planning Board
FROM: Town Staff
Date: October 4, 2023
RE: TA-2023-03 Multi-family Residential and Building Height Text Amendments

Basic Information

Applicant: Town of Bermuda Run

Applicable Sections: Chapter 3 Zoning District 3.2-G
Chapter 3 Zoning Districts 3.4 Dimensional Requirements
Chapter 3 Zoning Districts 3.4 E Height Limitations
Chapter 3 Zoning Districts 3.5 Table of Uses
Chapter 9 Additional Conditions for Certain Uses 9.49 (A)

Purpose of Text Amendments Background Information:

After the adoption and publication of the Bermuda Run Comprehensive Plan Town Staff, working with Benchmark Planning, began studying current state of land uses and future land uses and ways to bring better alignment with what we heard from residents in the Comprehensive Plan surveys and public input.

A focal point of the group was identifying what qualities, characteristics, uses, activities, or other elements should be replicated in the Town to meet the Comprehensive Plan Land Use Goal to “Promote development that is compatible with the Town’s character, while preserving environmentally sensitive areas, open spaces, and recreational opportunities.

As a result of this work the Town is proposing the following amendments regarding multi-family development of the Bermuda Run Zoning Ordinance to meet this goal:

- Remove “multi-family” as permitted use within the General Business Zoning District (3.2) and (3.5)
- Reduce maximum building heights in all zoning districts to a maximum of 45 feet and 3 stories (3.4)
- Add exception to maximum building heights, per increase of 1 foot in height all required setbacks are increased by an additional 5 feet linear distance. (3.4. E)
- Require Townhomes to be permitted with conditions subject to section 9.49 (3.5)
- Amend Residential Multi-family maximum number of residential units table by deleting Open Space and General Business districts (9.49A)

The amendments are supported by the following Objectives and strategies of the Bermuda Run Comprehensive Plan:

- Objective 1 Strategy 1.1 Utilize the Future Land Use Map to guide growth and development that is compatible with the existing characteristics of the community, surrounding land uses, and available infrastructure and services.
- Objective 1-Strategy 1.2 Evaluate the Town’s land use regulations and zoning map for consistency with the Comprehensive Plan and update as necessary.
- Objective 3-Strategy 3.2 Continue to utilize building prototype designs to guide new infill and master-planned development, helping to ensure architectural compatibility and cohesiveness
- Objective 3 Strategy 3.4 Engage the community in conversations regarding policies and regulations to help maintain unique areas of the Town while unifying architectural elements, signage, landscaping, pedestrian connections, vehicular connections, and geographic nomenclature.

The following Chapters and sections are proposed to be amended. ~~Language with strikethrough and Highlighted are to be deleted.~~ **Language that is red and in bold is being added.**

Chapter 3 Zoning Districts 3.2 (G) General Business District (GB and GB-CD)

(1) Intent

The General Business district is established to accommodate heavy business and light industrial uses on individual tracts of land and within coordinated business/industrial parks. ~~The General Business district may also accommodate higher density multi-family residential uses.~~

Chapter 3 Zoning Districts 3.4 Dimensional Requirements

Table 1. General Requirements

District	Maximum Residential Density (units per acre) ³	Minimum Non-Residential Lot size (sq feet) ³	Minimum Lot Width (feet) ¹	Minimum Public Street Frontage (feet)	Maximum Building Height (feet) ^{2,4}
OS	1 – 3 See section 3.2.(A)	20,000	120 unless in a cluster subdivision - see section 3.2.(A)	25	60 45
CR	4	20,000	85	25	60 45
RM	8	none	50	25	60 45
VM	15	none	25	25	60 45
CM	8	none	50	25	60 45
GB	15	none	50	25	60 45
MH-O	same as the underlying district	none	same as the underlying district	25	same as the underlying district
GC-O	same as the underlying district	none	same as the underlying district	25	same as the underlying district
MP-O	subject to Conditional District standards	subject to Conditional District standards	subject to Conditional District standards	subject to Conditional District standards	subject to Conditional District standards

¹ Minimum lot width shall not apply to townhouse developments. No lot width below 60 feet shall have a driveway directly accessing the fronting street. All driveways for lots of less than 60 feet shall access rear-loaded alleyways.

² No single-family residential building shall exceed 45 feet or two (2) stories plus a walk-out basement and no other building shall exceed five ~~(5)~~ **(3)** stories.

³ For areas lying within a state regulated watershed, maximum residential density and non-residential development built-upon limits shall be as established within the watershed regulations listed in section [10.1](#)

⁴ **Existing non-residential structures and expansions to those structures shall be allowed to build to their current building heights.**

Chapter 3 Zoning Districts 3.5 Table of Uses

P = Permit from Zoning Administrator	DISTRICTS								Additional Conditions
S = S.U.P. from Board of Adjustment									
P/C = Permit from Zoning Administrator; use must meet additional conditions									
S/C = S.U.P from Board of Adjustment; use must meet additional conditions									
"-" = Not permitted									
"U" = Uses determined by underlying district	RESIDENTIAL			OVERLAY		MIXED-USE		BUS.	
USES	OS	CR	RM	MH-O	GC-O	VM	CM	GB	
RESIDENTIAL USES									
Residential, multi-family	-	S/C	S/C	U	U	P/C	P/C	P/C	9.49
Residential, townhouse	-	P/C	P/C	U	U	P/C	P/C	-	9.49

Chapter 9 Additional Conditions for Certain Uses 9.49 Residential, Multi-Family

- (A) The maximum number of multi-family and **town home** residential units per zoning district shall not exceed the percentage shown in the table below of the maximum number of total units based on the allowable maximum dwelling units per acre. The following table shows the calculations based on the total acreage of each zoning district at the time of adoption of this subsection **November 10, 2015** (**November 2023**):

Zoning District	Total Acres	Maximum Dwelling Units per Acre (DUA)	Maximum Total Units	Maximum % of Multi-family dwelling units	Maximum Multi-family dwelling units
CR	1013.8	4	4,055	10	406
RM	485.1	8	3,880	20	776
CM	465.3	8	3,722	20	744
VM	286	15	4,290	20	858
Total	2,250	n/a	15,947	n/a	2,784

At any time that a zoning map amendment reclassifies an area of land, the maximum number of multi-family residential dwelling units shall be recalculated for each of the affected zoning districts

Zoning District	Total Acres	Maximum Dwelling Units per Acre (DUA)	Maximum Total Units	Maximum % of Multi-family dwelling units	Maximum Multi-family dwelling units
OS	468	3	1,404	10	140
CR	980	4	3,920	10	392
RM	415	8	3,320	20	664
CM	466	8	3,728	20	745
VM	260	15	3,900	20	780
GB	245	15	3,675	20	735
Total	2,834	n/a	19,982	n/a	3,456

Chapter 3.4 (E) Height Limitation Exceptions

- (4) **The maximum allowed height may be exceeded to a height of 50 ft., if an additional increase of twenty five linear ground foot in each direction for the required front, rear, and side setbacks.**

Planning Board Recommendation

Following review of the proposed text amendments, the Planning Board is requested to take action following a motion and a second for one of the items below:

- **Recommend Approval:** The Planning Board finds that the amendments are consistent with the Town of Bermuda Run Comprehensive Plan and considers the action to be reasonable and in the public interest.
- **Recommend Approval with changes:** The Planning Board finds that the amendments are not fully consistent with the Town of Bermuda Run Comprehensive Plan, but the changes agreed upon will make it fully consistent and considers the action to be reasonable and in the public interest.
- **Recommend Denial:** The Planning Board finds that the amendment is not consistent with the Town of Bermuda Run Comprehensive Plan and does not consider the action to be reasonable and in the public interest.
- **Defer:** The amendments need additional consideration.



120 Kinderton Boulevard, Suite 100 • Bermuda Run, NC 27006
(336) 998-0906 • Fax (336) 998-7209 • www.townofbr.com

TO: Planning Board
FROM: Staff
DATE: October 5, 2023
RE: Design Waiver 2023-01

Basic Information

Applicant(s)/Owner: Ann & Ken Rothberg
Location: 183 Tifton Street
Bermuda Run NC 27006

Zoning: CR Club Residential

Applicant Request

The applicant request a design waiver in accordance with Section 11.11 of the Zoning Ordinance. The applicant and residents reside along the southern property boundary of the Town of Bermuda Run. The design waiver option is provided as an extension of the Ordinance Administrator's function to approve development requests that are uses permitted by right within the Table of Uses and meet all other requirements of the Ordinance. In order to encourage creative design and address unique circumstances, these administrative design waivers may be approved by the Planning Board for any of the building or site design standards of Chapter 4, landscaping standards of Chapter 5, exterior lighting standards of Chapter 6, sign standards of Chapter 7, the Gateway Corridor Overlay (GC-O) standards of Section 3.3 (B) and Section 3.4 (Table 2), or pedestrian infrastructure standards, as long as the request meets the specific parameters set forth in Section 11.11.

The applicant requests 2 waivers from Section 5.2 (B) and 5.2 (C) regarding, materials and design requirements as follows:

5.2 Fences and Walls

(B) Height and Materials Fences and walls shall meet the height and material requirements in the table below:

	CR, RM Districts		VM District		CM, GB Districts	
	Front Yards	Side & Rear Yards	Front Yards	Side & Rear Yards	Front Yards	Side & Rear Yards
Min. Height	2 feet	n/a	2 feet	n/a	n/a	n/a
Max. Height¹	3 feet	6 feet	3 feet	6 feet	4 feet	8 feet
Permitted Materials²	<ul style="list-style-type: none">• black aluminum• brick• stone• stucco• vinyl• wrought iron	<ul style="list-style-type: none">• black aluminum• brick• composite wood• stone• stucco• vinyl• wrought iron	<ul style="list-style-type: none">• black aluminum• brick• stone• stucco• vinyl• wrought iron	<ul style="list-style-type: none">• black aluminum• brick• composite wood• stone• stucco• vinyl• wrought iron	<ul style="list-style-type: none">• black aluminum• brick• coated chain link• composite wood• stone• vinyl• wrought iron	<ul style="list-style-type: none">• black aluminum• brick• coated chain link• composite wood• stone• vinyl• wrought iron

1: Unless a higher fence exists on a common property line of an adjacent lot, in which case the proposed fence can be no higher than that fence

2: The following uses may use coated chain link within any zoning district: recreation facilities, public facilities, utilities.



**Aluminum Fence and Brick Columns with
Decorative Caps**



**Vinyl Fence and Columns with
Decorative Caps**



Fence with no Visual Breaks

(C) Design

- (1) Materials may include a combination of the listed permitted materials for each fence type. Residential front yard fences shall not be opaque.
- (2) Coated chain link fences shall be supplemented with landscaping to the outside of the fence.
- (3) Barbed wire on top of chain link fences is permitted for rear yard fences not visible from a street in the GB district only.
- (4) Fences and walls shall incorporate decorative caps.
- (5) Columns shall serve as visual breaks in the fence or wall and shall be incorporated a minimum of every 20 feet.

Request: The applicant requests a waiver from the permitted materials and design listed to include wood without columns/decorative caps as a permitted fence material. They have stated, “the installed fence ties the existing wood fences on each of the adjoining property lines and is preferred as it is in similar design and material.

Board Review

The design waiver parameters in Section 11.11 of the Zoning Ordinance are proposed for consideration by the Planning Board. The Planning Board shall review the application for a waiver in the context of the spirit and intent of the requirements of this ordinance; existing, proposed, and planned development in the immediate area; similar properties and situations in other areas of the town's jurisdiction; and all other applicable regulations affecting the property.

The Planning Board Action:

No design waiver shall be approved by the Planning Board unless the following general considerations are made concerning the proposed design:

1. The proposed project represents a design in site and/or architecture which will result in a development that is equivalent to or superior to that achievable under the applicable regulations,
Approve: _____
Deny: _____
Defer: _____
2. The proposed project will be compatible with adjoining property,
Approve: _____
Deny: _____
Defer: _____
3. The proposed project is consistent with the intent of this ordinance and substantially meets the requirements herein.
Approve: _____
Deny: _____
Defer: _____
4. The proposed project is consistent with adopted plans and policies of the Town
Approve: _____
Deny: _____
Defer: _____



TOWN OF BERMUDA RUN

120 Kinderton Blvd., Suite 100 • Bermuda Run, NC 27006 • Phone 336-998-0906 • Fax 336-998-7209

Land Development Application-Please fill out completely, or application will not be processed.

(updated 1/6/16)

Case #:

1. Application Type

Subdivision: ☒ Fee _____

Major Subdivision

Sketch Plan ☐ _____

Preliminary Plat ☐ _____

Construction Plans ☐ _____

Final Plat ☐ _____

Minor Subdivision

Final Plat ☐ _____

Site Plans:

Level II Site Plan ☐ _____

Board Review Items:

Rezoning (Map Amendment)

Standard Rezoning ☐ _____

Conditional District Rezoning ☐ _____

Text Amendment

Special Use Permit

Design Waiver:

Other: _____

☒ Fee

Fee Total _____

2. Project Information

Date of Application Sept 15, 2023 Name of Project Fence Front yard Phase # _____

Location 183 Tifton St Property Size (acres) 1.0 # of Units (residential) 1

Current Zoning Single Family home Proposed Zoning N/A

Current Land Use Single Family home Proposed Land Use N/A

Tax Parcel Number(s) D8060A0024 Lot 202 Bermuda Run C.C.

3. Contact Information

Piedmont Fence Inc

Developer 163 South Village Dr Winston Salem NC 27127

Developer Address 336 764 1163 City, State Zip 5 Fleetwood @ piedmontfence.com

Telephone Brent Fleetwood Email _____

Signature _____ Print Name _____ Date _____

N/A

Agent (Registered Engineer, Designer, Surveyor, etc.)

Address

City, State Zip

Telephone

Email

Signature

Print Name

Date

Ann + Ken Rothberg

Property Owner

183 Tifton St

Address

Address

Advance Nc 27006

City, State Zip

City, State Zip

336 909 3872

Telephone

kenrothberg@gmail.com

Email

Kenneth Rothberg

Signature

Kenneth Rothberg

Print Name

Sept 15, 2023

Date

4. Description of Project

a. Briefly explain the nature of this request:

we are asking for a design waiver for a fence already built. There was existing fences along both sides of our property. We matched the same design and enclosed front yard adding to existing fence.

b. For All Text Amendments: State the section(s) of the Zoning or Subdivision Ordinance you wish to amend and attach the proposed text change. Section (s): N/A of the _____ Ordinance.

c. For All Rezoning and Text Amendments: Provide a statement regarding the consistency of this request with the Comprehensive Plan and the surrounding land uses.

N/A

d. For Conditional District Rezoning: Provide a statement regarding the reasonableness of the rezoning request.

N/A

e. For Special Use Permits: Please also fill out the supplemental form for Special Use Permits.

Staff Use Only:

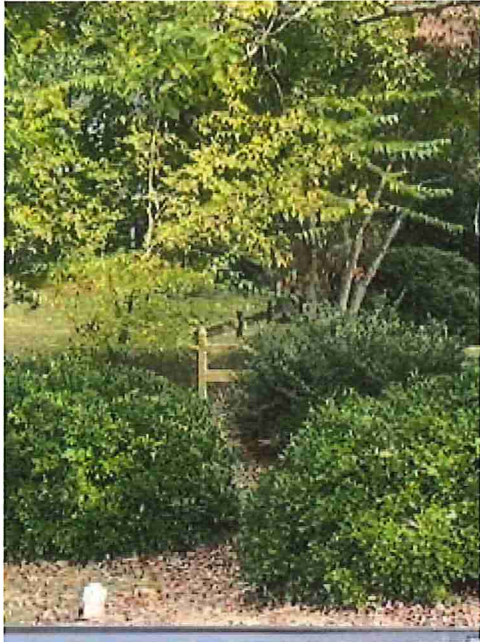
Date Application Received: _____

Received By: _____

Fee Paid: \$ _____

Case #: _____

Notes: _____



183 Tifton Street



October 10, 2023

Address

Driveways

Parcels

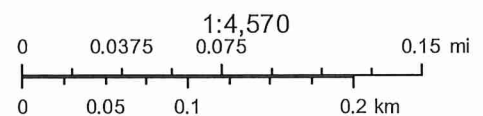
Watershed Structure

City Limit

MOCKSVILLE

COOLEEMEE

BERMUDA RUN



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,