

Town of Bermuda Run – August 22, 2023, Town Hall

Frequently Asked Questions

We sincerely value your interest and input and strive to address your concerns with openness and transparency. Below you will find the answers to the questions submitted before and during our Town Hall meeting on August 22, 2023. If you would like more information or have additional questions, please contact Town Hall at (336) 998-0906 or bermudarun@townofbr.com.

General

1. What is the Town doing about the continued traffic issues at the intersection of US 158 and NC 801?

The Town of Bermuda Run works closely with the North Carolina Department of Transportation (NCDOT) and the Winston-Salem Metropolitan Planning Organization (WSMPO) to address transportation improvements for our Town. These include roadway construction, sidewalks, bike lanes, trails, and multi-use paths. One example of this collaboration is the work at the US158/NC801 intersection to modify the existing right turn lane to a thru lane and add a new right turn lane. This project was made possible by special funding allocated by the NC Legislature and is scheduled to be completed by the end of September.

Other examples of these partnerships can be found in the [State Transportation Improvement Plan \(STIP\) 7.0](#), which includes improvements to NC 801 S and 801 N, US Hwy 158 W, and an overall US158/NC801 intersection improvement.

2. The development happening in and around our Town continues to create traffic challenges. With more growth expected, what is the town doing about traffic issues?

The town works continuously with NCDOT and WSMPO to prioritize the ongoing needs for traffic improvements. When a developer submits a development request, the Town consults with NCDOT on possible traffic impacts, driveway location, and any necessary road improvements. As a member of WSMPO, the Town has a seat at the table to influence longer-term priorities, such as the upcoming Baltimore Road interchange onto I-40. We are also constantly seeking ways to improve our traffic in the near term like the new NC801 right turn lane that will add a thru lane at the NC801/US158 intersection.

3. Who determines where stoplights, roundabouts, and other road/traffic improvements are made?

Highways NC801 and US158 and Yadkin Valley Road are NCDOT-maintained roads, so NCDOT has final authority. However, through our close partnership, we have input into prioritization and activity along those roads and continue to advocate for the Town. Please join our Constant Contact email list to stay informed of Town information [here](#).

4. As we develop more apartments, we increase the number of temporary residents. How do we maintain the goals of this town if we continue to increase the number of people here for only a short time?

The Town of Bermuda welcomes everyone to our community and promotes a mix of housing options. A diverse mix of housing types creates a broader sense of place and a stronger community. Although some residents are temporary, there are others who prefer the flexibility of apartment living and choose to be long-term renters. Additionally, respondents to surveys conducted in developing the Town's 2023 Comprehensive Plan expressed a desire for a mix of housing options.

5. I understand the town has a cap on the property tax rate (\$0.15/\$100 assessed value). Since this tax rate is applied to homes and businesses that continue to increase in value, what does the town do with this extra money?

The tax dollars that the Town receives from ad valorem property taxes are added to the Town's General Fund and used to cover the expenses of governmental functions such as street maintenance, trash pickup, recycling, and funding for a community law enforcement officer. While property values may increase over time, resulting in increased tax revenue, Town expenses also increase over time as well.

6. Now that the Blue Heron Trail is complete, what additional safety measures and signage are being considered for pedestrians who walk the path?

The Town is working to add more features and amenities to the Blue Heron Trail, including signage, pet waste stations, benches, cameras, and pedestrian crossing warning lights. It is also important to note that only Phase 1 of the Blue Heron Trail is complete. There are additional phases of this trail planned for the future. All of this is aimed at providing both a network of outdoor trails and an opportunity to connect our communities with walkable paths.

7. When the Town Council or Planning Board votes on important matters—like a rezoning—what ensures the members have no conflicts of interest in these votes?

North Carolina General Statutes establish rules regarding conflicts of interest for both the Town Council and the Planning Board.

The Town of Bermuda Run adopted a Code of Ethics policy on November 9, 2010, and reaffirmed the Code of Ethics by Resolution adopted on August 9, 2022. This Code of Ethics sets forth policies for Council members to follow as they conduct the business of the Town. In Town Council and Planning Board meetings, a statement is read requiring any member with a potential conflict to disclose the conflict prior to the adoption of the agenda.

8. How can residents stay updated on various town projects and initiatives?

All Town Council and Planning Board meetings are open to the public. Notifications and agendas are posted on the Town's website as well as included in newsletters and constant contact emails. Please join our Constant Contact email list to stay informed of Town information [here](#). Meeting minutes can also be found on the website the following month.

9. **Where can I get information on various social events and activities within the town and in the county? Today it seems This information is spread across multiple websites and social media pages. Could the town and county consider partnering to share all of this information to make it easier to find?**

The towns, the County, and the Chamber of Commerce work hard to share information about events and activities on their websites and Facebook pages. Please see the links below:

<https://www.townofbr.com/>

<https://www.daviechamber.com/>

<https://www.daviecountync.gov/>

<https://www.discoverdaviecounty.com>

<https://www.mockvillenc.gov>

<https://www.cooleemee.org>

Please join our Constant Contact email list to stay informed of Town information [here](#). Also, consider attending our Town Council Meetings, where information is often shared regarding events in and around our Town.

Zoning

1. **We have a Zoning Ordinance that defines what uses are permitted, so why are developers allowed to ask for a change to that zoning? Why can't we just force developers to follow the existing zoning?**

As with any action taken by the Town, we are obligated to follow due process as required by law. Under North Carolina General Statutes, property owners and prospective purchasers must have a mechanism to ask the governing body for changes to established ordinances, and this mechanism is set forth in the Town's Zoning Ordinance.

2. **Can the Zoning Ordinance be revised so that some uses are no longer permitted in a particular zoning category? For example, can a multi-family residential be removed from CM (Commercial Mixed)?**

The Town's Zoning Ordinance can be amended. Amendments can be made to add or remove specific uses or change the zoning classification of a parcel of property.

The Town's Zoning Ordinance, which has been in place since soon after the Town's inception, is periodically updated to reflect the evolving needs of the Town. This work is accomplished by staff, the Planning Board, and the Town Council.

When a zoning change is requested, the Town follows a two-step process required by the North Carolina General Statutes and the Town's Zoning Ordinance. First, the Planning Board considers the matter at a meeting open to the public and makes a recommendation to the Town Council. Then the

Town Council reviews the information submitted by staff and the applicant at an open meeting and schedules a public hearing on the proposed zoning change. This hearing is duly published according to NC law. During the public hearing, the Council hears from the applicant and others interested in the matter, considers the Planning Board recommendation, and then makes the final decision to approve or deny the requested change.

3. What is the ETJ, and how does it impact those who live in that area?

The Extra-Territorial Jurisdiction (ETJ) is an area that is outside of The Town of Bermuda Run town limits but is subject to Town zoning and building regulations. North Carolina state law allows counties to grant ETJ areas to cities and towns so that they may more effectively regulate development and plan for infrastructure like water and sewer.

4. What representation do those living in the ETJ have in decision-making?

While residents living in the ETJ cannot serve on the Town Council, we have a statutory requirement and a desire to have them participate as a member of our Planning Board. Additionally, all Town Council Meetings are open to the public, and we set aside time at each meeting for public comment. Finally, the mayor, town council members, and staff are always willing to engage with residents on matters affecting the Town and ETJ.

5. Does the Town tell developers what type of developments they can and cannot build?

Town representatives do not tell developers what types of developments they can and cannot build. Town staff directs the property owner or developer to the Table of Uses in the Town's Zoning Ordinance, which describes the uses for each parcel of land across our Town and ETJ. Developers can reference the Zoning Ordinance to determine if their plans are compatible with existing zoning. If a developer seeks to rezone a parcel(s) of land to better meet their needs, they must go through a rezoning process that involves town/county staff, the Planning Board, and the Town Council for approval.

6. Does the town require developers to disclose the source of the project funding--like investor names, banks providing the loans, and other such information?

The Town does not require developers to disclose the source of project funding on any project, be it residential, commercial, or industrial. The Town lacks the legal authority to require such disclosures.

7. In the past few years, most residential development in and around the town has been apartments. Why does the town continue to approve apartments and not push for single-family homes and townhomes?

Builders/developers determine what projects meet the market's needs and seek land to accommodate them. Property owners and developers decide what to build - single-family houses, condominiums, townhomes, or apartments.

Since 2019, there have been two apartment projects. The 224-unit Comet apartment complex was completed in 2020, and the 98-unit Ariston Place complex will be completed in 2024. During the same time, Kinderton Village Phase 3 added 72 single-family homes, and several other single-family

or duplex units were built. Construction of the Brayden single-family subdivision is currently underway. The Town has established various zoning districts, with specific uses in each. These zoning districts have mostly stayed the same during the past two decades.

Survey feedback from the 2023 Comprehensive Plan indicated that a majority of residents supported all housing types--including single-family, condominiums, townhomes, and apartments - provided we can maintain the quality and image outlined in our Comprehensive Plan.

8. Is there a cap/limit on the number of apartments that can be built in the town and ETJ?

There are caps/limits for the development of multi-family housing by district. They are stated in terms of the maximum number of multi-family residential units as a percentage of the available usage in that zoning district. For example, the Village Mixed (VM) zoning district allows for a maximum of 15 dwelling units per acre. If the Town and ETJ have a total of 260 acres in the VM zoning district, that would allow for up to 3,900 units (260 x 15). Several years ago, the Town placed a cap of 20% of multi-family dwelling units that could be built in the VM zoning district. This cap would allow 780 multi-family dwelling units (3,900 x 20%) to be built in the VM zoning district.

9. If a developer wants to build multi-family housing on a 10-acre tract of land, how many units could they build?

The answer depends on the zoning jurisdiction where the 10-acre tract is located. The following represents the majority of the land in the Town/ETJ:

- In VM (Village Mixed) @ up to 15 dwelling units per acre (DUA) - 150 units
- In CM (Commercial Mixed) @ up to 8 DUA - 80 units
- In RM (Residential Mixed) @ up to 8 DUA - 80 units

10. While I understand and support a reasonable number of residential developments of all types, at what point does this growth become too much for our small town?

Objective 1 of our Town's Comprehensive Plan states: "Maintain and build upon the established character of the community." Our Town, ETJ, and county are facing significant opportunities and challenges in managing the heightened development interest in our area. Based on this interest and feedback from residents, we are carefully reviewing our Future Land Use Plan and current zoning. Immediately after the 2023 Comprehensive Plan was adopted, a working group began to take a fresh look at our Future Land Use Map in order to define what we wanted as the future design of our Town.

Although large areas of our Town and ETJ are already developed, there are many areas yet to be developed and still other areas that may be considered for redevelopment. As the work in defining our future land use unfolds, more information will be shared in town meetings and through our other communications channels.

11. When there is new development proposed for an area in the town or the ETJ, what is done to ensure stormwater issues are not created for other nearby homes and businesses?

The Town has a documented Stormwater Policy. Proposed projects in our Town or ETJ go through a technical review process. This process includes evaluating information related to transportation, utilities, emergency services, schools, safety, law enforcement, building design standards (excluding single-family dwellings), landscaping, building setbacks, and building height. Additionally, the Town's zoning ordinance dedicates Chapter 10 to environmental protection and covers specific rules for the following:

- Compliance with Watershed Rules
- Floodways, Floodplains, Drainage, Erosion
- Stormwater Mitigation
- Tree Preservation, Protection, and Removal

12. Does the Town have regulations on how businesses and residential developments are designed?

Yes, our Town's Zoning Ordinance clearly outlines requirements for construction materials, setbacks, height, landscaping, environmental protection (including stormwater management), and lighting. In North Carolina, towns may not adopt design standards for single-family houses, duplexes, and townhomes built under the NC Building Code for one and two-family dwellings. Additionally, our Town's Subdivision Ordinance outlines requirements for the development and design of subdivisions.

13. Why does the Planning Board exist if the Town Council can overrule its recommendations?

The Planning Board is appointed by the Town Council, per North Carolina General Statute, to evaluate rezoning requests, amendments to the Zoning Ordinance, and administrative changes related to zoning. They research and vet these requests, compare them to the Town's Zoning Ordinances and Comprehensive Plan, and then make a recommendation to the Town Council to approve or deny the request.

The Town Council, as the Town's elected board, is ultimately responsible for zoning decisions. It takes action after further review and following a public hearing where additional information may be brought before the Council. The Town Council considers all information it receives, including but not limited to the Planning Board's recommendation, and takes action based upon analysis of all information received.

14. Why does the Town wait until an actual development request is in front of the Planning Board before informing residents that this is coming?

At any given time, developers and other interested parties are searching the area (not just Bermuda Run) for land to invest in for development. It could be for single-family homes, apartments, townhomes, commercial endeavors, or industrial development. Many of these searches do not result in further action. Until an actual development application is made to the Town, there is nothing for the Town to share. Once an application is made, it becomes public record.

Annexation

1. How does the annexation process work? Can I be forced to be annexed into the town?

There are two methods of annexation that are permitted under North Carolina law: first, Annexation by Petition, and second, Annexation Initiated by the North Carolina General Assembly.

Annexation by Petition is when all owners of real property petition the town to be annexed into the town. Each petition is considered on a case-by-case basis. Following a public hearing, as required by the North Carolina General Statute, the Town Council will decide whether or not to annex the property based on the merits of the case.

The North Carolina General Assembly has the legal authority to annex areas into the municipal limits of a town.

2. Why would a developer of an apartment complex want to be annexed into the town?

Developers consider what services and amenities can be provided to a proposed project. In most residential projects, these include street ownership/maintenance, snow removal, sidewalks, streetlights, garbage/recycling services, yard waste, and public safety. These services may be borne wholly or partially by an HOA or by the local government. An HOA is typically not equipped or adequately funded to address such tasks. If an annexation request is made, the Town considers the cost of providing these services as it projects anticipated revenues vs. expenses.

3. When the town approves an annexation, where do those new tax revenue dollars go? Who benefits from this new money?

The tax dollars received from property that has been annexed into the Town are added to the Town's General Fund and used to cover the expenses of governmental functions, such as street maintenance, trash pickup, recycling, and funding for a community law enforcement officer. The benefit of these services extends to all residents of the Town.

Additionally, the Town of Bermuda Run can offer public services in an efficient, consistent, equitable, and cost-effective manner, bringing high-quality and low-cost services to citizens, businesses, and property owners. The residents and property owners of newly annexed areas benefit from having improved municipal traffic management and street maintenance, street lights, solid waste (garbage, recycling, leaf, and brush) collection, and other municipal services provided by the Town.

10/70 Provision

1. What is the 10/70 Provision? How does it prevent environmental impact from a project?

The Water Supply Watershed 10/70 provision is a tool that allows land to be developed in a productive and economic fashion by minimizing the volume and pollutant load of stormwater runoff,

limiting the amount of impervious cover, requiring vegetative buffers, requiring stormwater controls, and prohibiting certain types of uses. The State requires any local government having land-use jurisdiction within a water supply watershed (areas where stormwater run-off flows to a drinking water intake) to adopt and implement water supply watershed protection ordinances, maps, and management plans. The purpose of the State program is to protect the quality of the drinking water supply for residents across North Carolina.

2. Why would a developer make a 10/70 allocation request?

A developer or property owner may petition for a 10/70 allocation when a portion of their undeveloped land is located within the water supply watershed area and the desired development density is expected to exceed the low-density option.

Without a 10/70 provision, a maximum of 24% of the property could be developed. This means, for example, a 10-acre development may only have 2.4 acres (24%) of impervious surface. With the 10/70 provision, a local government can use 10% of the non-critical area of each watershed within its jurisdiction for new development and expansions to existing development, up to a 70% built-upon area limit -- without stormwater control -- if using the low-density option throughout the remainder of the watershed. So, using the 10-acre example from above, this would permit up to 7 acres (70%) to be built upon.

3. When the town reviews a 10/70 allocation request, what factors are considered in granting this request?

The Town Council follows State law and Chapter 10.1(C)(7) of the Bermuda Run Zoning Ordinance for 10/70 provision requests. The factors the Town Council considers include: the amount of 10/70 acreage remaining to be allocated, the type and location of development, the type and location of required pervious surfaces, stormwater impacts, and any other factor that the Town Council views as significant to the development and future of Bermuda Run.

4. If a developer does not receive a 10/70 allocation, what are the options available to them?

Without a 10/70 provision, the portion of the development lying in our water supply watershed can only be built upon to a maximum impervious surface of 24%.

5. Unlike zoning requests that always come first to the Planning Board, I noticed our Zoning Ordinance states that 10/70 Provision requests “may” be reviewed by the Planning Board. Why did the town choose to make this optional?

The adoption of water supply watershed protection guidelines is granted to Bermuda Run by state statute. Years ago, the Town of Bermuda Run chose to place responsibility on the Town Council for determining the allocation of 10/70. The Town Council considers many factors in its decision-making and always has the ability to request the Planning Board to review and make a recommendation on these requests.

Comprehensive Plan/Future Land Use

1. With all of the new residential construction (or proposed construction), how do we keep this Town the "collection of charming, walkable neighborhoods" as described in our Comprehensive Plan?

Our Town's Zoning Ordinance requirements are specific about the look, construction, and materials allowed for any development - residential or commercial - that maintains our high standards for appearance. The Town's Subdivision Ordinance also sets forth requirements for the size and location of sidewalks in new residential developments. The Town works with developers to ensure that our goals of connecting our neighborhoods and other areas with pedestrian pathways are accomplished.

Landowners and developers often consult with the town manager and mayor to understand the Town's Comprehensive Plan and the vision and growth strategies of the Town. These discussions help them understand our desire to consider impacts on current residents and alignment with our shared goals of a connected, walkable, diverse set of communities.

2. With so much development occurring, how does the town expect to achieve the goal of having greenways and more outdoor recreation?

The vision of our Town, as clearly outlined in our current and previous Comprehensive Plans, is to create walkable, connected communities with pedestrian pathways and to embrace greenways that enable outdoor recreational activities. We accomplish this by having business partners like NC Fusion and RISE, but also in seeking grants and other funding opportunities like was done for Phase 1 of the Blue Heron Trail. We also work with new developers who are seeking to build in our Town and ETJ to leverage the inclusion of greenspace, landscaping, and, where possible, further the goal of walkable and connected communities.

3. Why does the town ignore residents when we say we do not want more apartments?

In reviewing the survey feedback from the 2023 Comprehensive Plan, a majority of respondents supported all housing types-- single-family, townhomes, and apartments. Opposition to residential growth was limited to concerns about high-density housing (up to 15 units per acre). Although there have been two recent apartment developments in recent years--Ariston Place and Comet--the Brayden subdivision is an example of a single-family development that is currently underway. Ultimately, most residents support our Town and ETJ having a diversity of housing types--provided we are able to maintain the quality and image outlined in our Comprehensive Plan. The work underway to evaluate our Future Land Use Plan, along with potential zoning changes, is core to balancing our future growth with maintaining what makes this area such a desirable place to work, live, and play.

4. Any updates on whether the town will continue to seek an additional hotel?

Our Comprehensive Plan, Strategy 5.5, states: "Continue to evaluate opportunities to develop a hotel to expand overnight lodging capacity for potential visitors." With the continued growth of our sports venues (NC Fusion and RISE), our outstanding hospital and medical facilities, and our close proximity to Winston-Salem, our Town and ETJ are strong candidates for hotel-based growth. We

continue to receive interest in such a development opportunity and are working closely with the Town's Tourism Development Authority and Davie County's Economic Development Commission to further this effort.

5. Explain how the Town's leaders define the future of the Town in the years to come.

Our Comprehensive Plan helps us define the future vision of our Town. This vision and the related objectives and strategies for future growth, development, and other initiatives come from the critical feedback we received from our input surveys during our Comprehensive Plan development. In other words, the people who live in and near our town help drive the vision for our town.