



## **Town of Blowing Rock**

### **Board of Commissioners Meeting**

Date: **Tuesday, April 8, 2025, 6:00 p.m.**

Location: **1036 Main Street, Blowing Rock, NC 28605**

### **Agenda**

<i>Item</i>		<i>Presenter and Participants</i>
I.	<b>CALL TO ORDER – ROLL CALL FOR ATTENDANCE</b>	Mayor Charles Sellers
II.	<b>PLEDGE OF ALLEGIANCE</b>	Madeline, Brooklyn and Colton Hubner
III.	<b>APPROVAL OF MINUTES – By Roll Call</b> 1. March 11, 2025 – Regular and Closed Session Meeting Minutes  <b>REGULAR AGENDA ADOPTION</b>	Mayor & Council  Mayor & Council
IV.	<b>CONSENT AGENDA:</b> 1. Blue Ridge Conservancy 5K 2. Memorial Park Project Ordinance - 2025-02	Mayor & Council
V.	<b>PUBLIC COMMENTS</b> <i>Comments shall be limited to three (3) minutes</i>	
VI.	<b>REGULAR AGENDA:</b> 1. Blowing Rock Tour of Homes Patron Party 2. CUP 2006-02 Hanna Family Trust – Minor Amendment - Parking 3. Workforce Housing Discussion	Billie Rogers  Planning Director Kevin Rothrock
VII.	<b>OFFICIALS REPORTS &amp; COMMENTS:</b> 1. Mayor 2. Council Members 3. Town Attorney 4. Town Manager	
VIII.	<b>CLOSED SESSION – NCGS 143-318.11. (a)(5) Discussion of potential property acquisition and NCGS 143-318.11. and NCGS 143-318.11. (a)(3) attorney client litigation</b>	

**DRAFT**  
**MINUTES**  
**Town of Blowing Rock**  
**Town Council Meeting**  
**March 11, 2025**

The Town of Blowing Rock Town Council met for their regular monthly meeting on Tuesday, March 11, 2025, at 6:00 p.m. The meeting took place at Town Hall located at 1036 Main Street, Blowing Rock, NC. Present were Mayor Charlie Sellers, Mayor Pro-Tem Doug Matheson, Council Members Cat Perry, David Harwood, Melissa Pickett and Pete Gherini. Others in attendance were Town Manager Shane Fox, Town Attorney Joey Petrack, Planning Director Kevin Rothrock, Town Engineer Doug Chapman, Public Works Director Matt Blackburn, Finance Director Tasha Brown, Parks and Recreation Director Jennifer Brown, Police Chief Nathan Kirk, Landscape Director Cory Cathcart, Emergency Services Director Kent Graham, IT Director Thomas Steele and Town Clerk Hilari Hubner, who recorded the minutes.

**CALL TO ORDER**

Mayor Sellers called the meeting to order at 6:00 p.m. and welcomed everyone. Mayor Sellers verified attendance via roll call.

**THE PLEDGE OF ALLEGIANCE**

Mayor Sellers read a statement explaining an error that occurred in calculating the attendance on the Board of Adjustment for Mr. Brandon Walker.

**MINUTE APPROVAL**

Council Member Gherini made the motion to approve the minutes from February 11, 2025, regular session, seconded by Council Member Harwood. Unanimously approved.

**REGULAR AGENDA ADOPTION**

Mayor Sellers stated the Middle Fork Greenway Easement had been removed from the consent agenda as the UNC Health wasn't ready to proceed. With the change, Council Member Harwood made a motion to adopt the regular agenda, seconded by Council Member Pickett.

**CONSENT AGENDA**

- 1. Budget Amendment – 2025-05**
- 2. Tax Advertisement Date Approval – April 16, 2025**
- 3. Reimbursement Resolution – 2025 Installment Financing**

Council Member Gherini made a motion to approve the consent agenda as presented, seconded by Council Member Perry. Unanimously approved.

## **SPEAKERS FROM THE FLOOR**

None

## **REGULAR AGENDA**

### **1. Resolution – Post Helene Support for Small Business**

Boone Chamber Director David Jackson spoke on behalf of both the Boone and Blowing Rock Chambers thanking the Council for their quick response to adopt the resolution supporting small businesses affected by hurricane Helene as well as encouraging state and local partners to continue support. He stated the area is still dealing with both the economic and physical fall outs of the hurricane. He explained the county adopted a similar resolution supporting further efforts from the State and Federal and in turn are asking the local municipalities to adopt a resolution as well.

Mayor Sellers read the resolution.

## **PUBLIC HEARING**

### **1. Shoppes on the Parkway**

Planning Director Kevin Rothrock stated Shoppes on the Parkway LLC is requesting a conditional rezoning of the Shoppes on the Parkway property from GB, General Business to Conditional Zoning – General Business (CZ-GB). The applicant is requesting to redevelop the property from a single-level retail center to a mixed-use development with retail, restaurants, and residential units in a three (3) to four (4) story building on the south end of the property along the Middle Fork New River. The Applicant is sharing the entire Master Plan with the community for future long-term expectations but anything beyond Phase 1A will require additional approval.

The Applicant purchased Shoppes on the Parkway in 2022 and have determined the property is underutilized. The Applicant proposes a community with residential, retail shops, restaurants, adequate parking, outdoor lawn and dining areas, all tied together within a walkable development with pedestrian connections to sidewalks and the future Middle Fork Greenway.

Some of the proposed buildings in the build out project will exceed thirty-five (35) feet in height so an increased forty (40) foot street and sixteen (16) foot side/rear setback will be required. Although the current plans indicate a twenty (20) foot street and eight (8) side/rear setback, the project meets all setback requirements.

The majority of the proposed residential building will be thirty-seven (37) feet in height. However, the five (5) mezzanine areas will have a maximum height of fifty-three (53) feet measured at the primary building entrance. The Applicant is asking for this as a condition of approval.

The residential building will have a combination of vertical wood siding with heavy timber beams and accents. There is substantial stucco/efis planned for the exterior walls. Staff has asked for the reduction in that type of siding material and requested wood lap siding if appropriate. The roofing will be a brown standing seam metal and natural rock will be used

for columns, accents, and the proposed chimneys.

Since this is Phase 1A only, staff has recommended a condition that if the future phases do not happen that the Applicant be required to make some exterior upgrades to the existing retail shops that blend with and compliment the proposed residential building.

The current parking lot will be adjusted to accommodate the proposed residential building once the end of the retail building is removed. Parking for the residential building will be separated somewhat from the rest of the retail center with buffering.

The Applicant proposes one (1) parking space for every one (1) bedroom unit, and two (2) parking spaces for every two (2) or three plus (3+) bedroom units plus one (1) space for every four (4) units in the residential building. The total proposed parking is seventy-four (74) spaces and the Applicant is providing seventy-seven (77) spaces.

The proposed impervious areas are being reduced with Phase 1A and the overall build out of the project. The Applicant is proposing rain gardens and bio swales to treat storm water and provide water quality benefits.

Public water and sewer currently serves the property but the Applicant will need to relocate some of the lines to accommodate the proposed building location.

All electrical services will be provided underground.

A new dumpster area will be provided and screened in the redesigned parking lot between the proposed residential building and the retail building. All other dumpsters on the property currently without screening will be required to add screening that meets the Land Use Code requirements.

With the removal of the south end units of the current retail building, the parking lot in front of the proposed residential building will be reorganized. There are additional parking lot shade trees and a line of buffer screening needs to be added. This buffer will be required in the final plan review.

The stream side of the building has an existing vegetated stream buffer that will remain and help to screen the proposed building from Hwy 321.

With an approval of the project, staff has included a section in the rezoning ordinance that addresses the correction of any site deficiencies. These may include lack of dumpster screening, inadequate or excessive site lighting, signage violations, fire access, and/or ADA parking or access issues. Any site deficiencies shall be itemized by the Town prior to issuance of any zoning or building permit, and correction is required before issuance of a Certificate of Occupancy for Phase 1A.

#### Applicant Proposed Conditions

1. Parking: one (1) space for one (1) bedroom units, two (2) spaces for each unit with two (2) or more bedrooms, and visitor spaces to remain at one (1) space per four (4) dwelling units.
2. That the maximum building height of the five (5) mezzanines to be no more than fifty-three (53) feet measured from the primary entrance.

#### Staff Proposed Conditions

1. If within two (2) years after the issuance of the final Certificate of Occupancy for the Phase one (1) condominium building the Applicant decides not to proceed with future phases of the development, then exterior modifications shall be completed on the remaining shopping center buildings. The modifications shall include painting, roofing, siding treatments, rock treatments, timber beams and similar finishes that cause the shopping center buildings to blend and/or match the materials in the Phase one (1) condominium. If the modification work is required for failure to move forward with future phases, the work shall be completed within thirty-six (36) months of the final C.O. issuance for the Phase one (1) condominium.
2. A sidewalk shall be constructed along the access road to connect the proposed Phase one (1) condominiums to the intersection of Hwy 321 (Valley Blvd) and the future Middle Fork Greenway trail head area.

#### Planning Board Proposed Conditions

1. Any future phases will need to address the parking demand of the entire built-out development, including Phase one (1).

A neighborhood meeting was held at Town Hall on February 13, 2025, where the Applicant shared their immediate and future phases for the property.

At their meeting on February 20, 2025, the Planning Board made a recommendation to approve the conditional rezoning request for Shoppes on the Parkway with the applicant-proposed conditions, additional staff conditions, and one (1) Planning Board condition.

Chris Barefoot spoke on behalf of Oakhill Management, owners of Shoppes on the Parkway and shared some facts about their company and the project. Mr. Barefoot explained that many of the Oakhill Management team are local to the area, the owner of the company is from Morganton and Mr. Barefoot is from Hudson. He further explained they have very fond memories of their times spent in Blowing Rock and want to do great things for this community.

Mr. Barefoot noted when his team began the project they knew they needed to use local resources. The applicant hired Bill Dixon with Appalachian Architecture, Mike Trew with Municipal Engineering and partnered with a local builder Jay Harrell. Mr. Barefoot further noted during the design process they have been very open with staff, taken staff's feedback and implemented it into the project to make sure they are doing the right thing. Mr. Barefoot explained they are a small firm out of Raleigh that manages a small real estate fund and

most of their investors are local investors, not a large firm out of a big city as rumor has suggested. Mr. Barefoot wanted to make that known to the public.

Mr. Barefoot explained their firm is not on a timeline of having to flip properties quickly, they are long-term holders who like to invest in their properties and do the project right. He reiterated their goal is to bring more to the area, make it a more desirable place to eat, shop and spend money. Mr. Barefoot mentioned the surrounding communities have really started to thrive and have given some competition for the Blowing Rock area and his team's goal is to bring some more competition for the area.

Mr. Barefoot cleared up the rumor by stating they do not have to redevelop the property as it performs well on their portfolio. However, the feeling is this property is very under utilized and has so much more potential. In his opinion, Mr. Barefoot feels as though his team has put forth a plan that looks like the mountains, have tried to not make it look like a hotel and the team is proud of what has been put together.

Mr. Barefoot mentioned the team has had a lot of discussion of making it not look like a stucco and went on to describe the current look is that of a beach outlet mall. He explained density is needed for the project to make sense and his team does have a master plan that makes sense. Mr. Barefoot further mentioned they don't want to make this property an eye sore as it is the first major property that you see when you come in from the north side of the town. He acknowledged the proposed building is three (3) stories, but would be shielded by the trees and mainly visible when you are inside the parking lot.

Mike Trew from Municipal Engineering stated this has been a nice project to work on and since this group is not on a timeline, they have been able to be slow and methodical. He further stated they worked on the master plan for a year and have run that plan by Town staff. In his opinion felt like what they have come up with is a good master plan for the project which is a under utilized piece of property.

Bill Dixion from Appalachian Architecture stated he felt they listened to the Planning Board and staff's recommendations and have made several changes in that process. He noted the building, as presented, meets the current ordinance, with the exception of the three (3) foot request to extend the mezzanine area. Mr. Dixion noted they have added a lot of stone and timber framing.

Mayor Sellers opened the public hearing.

John Winkler 296 Rankin Road – agreed the project looked like a mountain property, but didn't think it looked like a Blowing Rock property. He noted he's on several committees that have tried to protect Blowing Rock and felt this project does everything but protect Blowing Rock. Mr. Winkler is hopeful they can develop it into something that is Blowing Rock and further noted he was surprised the Planning Board approved this project to go onto Council. Mr. Winkler concluded with the need to protect Blowing Rock and if this project is allowed it would probably affect Blowing Rock in a way in which would never be recovered.

Bill Devereux 221 Heritage Lane – felt like there were a lot of ‘if’s” in this project and it was something that is not consistent with the look of Blowing Rock. He was concerned with this being one hundred (100) percent short-term rental and opening that up for investors to come in and make it a “free for all” to our community. Mr. Devereux explained when Shoppes on the Parkway opened in May of 1989, it was a nice addition to town with upscale stores, was off the road, blended well and when it was done you could still see Flat Top Mountain. In his opinion this project that isn’t going to be the case and thinks Council has a few more options to put some more restrictions in place. Mr. Devereux doesn’t think this is consistent with the historical architecture, while he feels the Town has been going towards this type of architecture, he doesn’t feel this is the wish of the Council. He feels the community is a gift that was given to us by the Cone family, Stringfellow family, Cannon family, Tate family, Robbins family, Davant family and they didn’t see a piece of property/land and put dollar signs on it. He concluded with we have to preserve this town, it’s up to all of us to preserve this for the future generations that are going to live and come here to Blowing Rock.

Trina McCoy 537 Main Street – stated she didn’t think this is what Blowing Rock looks like and it’s one of the first things you see when you come into town from Boone. She explained customers come into her shop and complain about other buildings in Town that have been built and don’t look like downtown Blowing Rock. She feels the town is losing that small town feel and what everyone comes up here for. In her opinion this project looks more like Raleigh, Durham, Charlotte and the things people are getting away from by coming up the mountains to go hiking, be in the woods, get that family feeling and in her opinion, this is going to make that feeling go away.

Luke Snyder – From Charlotte but owns a house in Yonahlossee – stated he grew up coming to Chetola in what they called the back forty (40) acres. He concurred with most of the people who have spoke before him. He thinks the architecture is severely lacking for what Blowing Rock is and thinks that should be improved if this project moves forward. Mr. Snyder felt there isn’t any room for the common employees that work in Blowing Rock, the waiters, the people that live here and have jobs. He noted this is a tourist Town to some extent, that is a huge development, and he just felt like the architecture is lacking.

Will Miller 370 Wonderland Drive – stated after hearing about this project, listing to the Planning Board meeting and hearing the presentation, his thinking as a businessperson is to always look at worse case scenarios. He felt there is a lot of promises, but where is the “teeth” in any of that. Mr. Miller further stated there have been several properties in town that have started developing, but then they have just stopped. He explained the town doesn’t have any way to require people to complete projects and that is not good for the community. He further explained worst case with this project it is completed, and in reality a hotel because of the short-term rentals. Mr. Miller reiterated he felt there is a lot of promises about the rest of the property, but there is no “teeth” in it and all these conditions being discussed have no “teeth” in them. He stated there is no recourse unless the town puts some sort of performance bond or something the town can go back on if they don’t follow through with the project, if not it’s opening a big can of worms. He thinks

this project should be master planned and put together a precise project. Mr. Miller's opinion is this property should be re-zoned in a cohesive manner, not piece milled. He's afraid what it will end up being is a hotel that looks like this huge building and the shops that look just like they look now. He concluded with nothing to enforce he would like for Council to have the owner come back with a master plan and put some "teeth" and/or real hard commitment, otherwise, it's going down the wrong road.

Sarah Murphy 175 Heritage Lane – Advised she wrote to Council and appreciated the responses she received back. In her opinion the biggest issue is the short-term rental. She acknowledged they could be the most beautiful architecture that everyone agrees on, but if it stays one hundred (100) percent short-term rentals it's a cultural thing. She noted if that is the case no community members are going to want to buy in there because they would be surrounded by renters all the time. She explained she had dinner a few years ago with some friends that live full time at Eagle's Nest, which is some of the most beautiful architecture around, and she asked how many live full time there and the answer was eight (8). She further explained the couple wanted to sell because of that culture of having renters around all the time. Ms. Murphy shared the quote "Once a place is destroyed it remains destroyed, once it is saved it is up to the future generations to keep fighting to preserve it." She thinks that is a sentiment that so many have about this town. She concluded with everyone wants something that is worthwhile that they want to protect and save. In her opinion people are open to compromise, but this plan still needs a whole lot of work.

Barbara Baker 171 Wonderland Trail - stated her family first came to Blowing Rock in 1954 and she has come every year since then. She further stated she is a registered voter in Blowing Rock. Having watched the town grow from a small regular normal town, the town had a movie theater, a barber shop, a few small grocery stores, drug store etc. acknowledging it was a neat little town. Now it has grown into a beautiful little town and reminded everyone it was voted the prettiest town in North Carolina, which is pretty good since there are still some pretty nice towns near here. She found the applicant's presentation a little confusing though as they showed on the diagram they got a variance for this but that isn't really what it is, so what they showed today is not very accurate. In her opinion it's certainly not an asset to the area as the architecture doesn't blend and it's completely out of the character of the town. She noted, if allowed, we will no longer be the prettiest little town in North Carolina and it would be a terrible first impression driving into town. Ms. Baker concluded with the town has always been fortunate in the past that Town Council has protected what our town looks like and she the hopes Council uses their good judgement to prevent this from being built.

Jamie Dixie 193 Norwood Circle – explained when Mr. Snyder spoke and mentioned Chetola it made her think she wanted to ask two questions people have asked her and she didn't know the answer to. At the Planning Board meeting someone from Chetola got up and spoke for twenty minutes or so advocating for the project. She stated she listened back to the meeting two (2) or three (3) times trying to figure out exactly what that was all about and she didn't know. She further explained that people have asked her if there is some connection between Chetola and this developer and she wasn't sure why

he was advocating for the developer as she would think it would be competition for Chetola.

Mayor Sellers stated he really didn't have an answer and his thoughts were the owner of Chetola spoke in favor as he has different thoughts, a different mindset and opinion to the project.

Sandy Womble 285 Misty Ridge Lane – agreed with Mr. Miller that this is a huge project and seems to be lacking a lot of detail. She mentioned right out of the gate they have asked for concessions to height and to a parking deficit which can set a precedence for future development. She concurs with Mr. Miller that if the applicant can give a full scope drawing with details that might sit better with the community. She concluded there was no FAR information on this and no agenda packet she could find for everyone to look at in the minutes and those are basic things that residents should be entitled to.

Marty Landau 193 Edgewood Path – stated this isn't really Blowing Rock, not the Blowing Rock that she was born in and grew up in. She further stated this doesn't really address the shortage of housing in Blowing Rock for working people and felt like that was a big thing that needs to be addressed in this town. Ms. Landau explained there are a lot of restaurants in this area having a hard time getting staff because they don't have a place to live close enough. She thinks that is something that should really be looking at. She noted this project doesn't fit the of Blowing Rock we are use to. She concluded with she has lived in Blowing Rock for a really long time, moved to Wilmington and this reminds her of the things being built in Wilmington. She reiterated the need to address places for people to live who work here.

Mayor Sellers read two letters that had been submitted by; Warren Cathcart, owner of Chetola and Mr. and Mrs. Greg Wilson, Elliott Circle – Hillwinds Estates.

With no further public comments, Council Member Gherini made a motion to close the public hearing, seconded by Council Perry. Unanimously approved.

Mayor Sellers stated growing up in Blowing Rock he's seen a lot of changes, and those changes will continue with growth and expansion. He feels like with going to conditional rezoning of this property, the applicant should submit a plan for the whole property, not just for the one building. Mayor Sellers stated this is strictly his opinion and not the Council's opinion, but he thinks it's too tall, it's too large, it has the appearance of an apartment complex, or a hotel and it is at the entrance of our town. He thinks the developers are smart enough to have the vision to take this back, revise and bring back something the Council likes and he is hopeful that would happen.

Council Member Harwood thanked Oakhill Management for taking on this project and noted that much like Green Park Inn this is a very under-utilized piece of property and has been for some time. He acknowledged he was glad to see someone take a stab at it. Council Member Harwood stated the applicant has assembled a really great team which has nothing but the up most respect for Mr. Trew, Ms. Coffey and Mr. Dixon. He noted they are

a stellar team.

Council Member Harwood asked Mr. Barefoot if Oakhill had done any redevelopments like this before and if so what the outcome was.

Mr. Barefoot stated they have not done anything like this on this scale before.

Council Member Gherini thanked everyone who sent emails and messages. He agreed with Mayor Sellers on the master plan and stated he wasn't ready to move forward on phase one (1)A without seeing a master plan first. He further stated he doesn't think phase one (1)A represents Blowing Rock as it's out of scale and maybe if they could come back with the buildings separated out a little that would make it more desirable. He noted personally the current proposal doesn't do anything for him.

Mayor Pro-Tem Matheson stated he would like to see it down scaled a bit as well as see a master plan. He understood the idea is to enhance the shops and he would really like to see what that plan will be. He additionally would like some part of the redevelopment to be housing that is affordable for the workforce in town as well as see a whole comprehensive plan. He explained looking at the current plan it just looks like one large building and he doesn't think there are enough trees to shade the view of that large of a building coming down Valley Blvd.

Council Member Harwood stated the master concept nearly triple the built area of what is at the shopping center now, with a seasonal economy he asked Mr. Barefoot if they had done a market study that would support this kind of demand.

Mr. Barefoot stated one of his teammates is leading up the market study and not just looking at what the demand is here in Blowing Rock, but for the whole high country. Part of their phase one (1)A is to validate and make sure they aren't missing the mark. He further explained the team has tried to give a site plan to show the overall, but without getting so deep because of the unknown. Mr. Barefoot stated it's taken them a year to get to this point and it takes time and money to do plans, they don't want to waste money on potential plans just yet as the plans could change.

Mr. Barefoot understands the desire for a master plan, but thought it had been solved with what is on the ground. He noted they are open to share more, but he doesn't have a "crystal ball" to know what is going to be needed down the road. He acknowledged the dilemma is it's a big project and not knowing all the answers yet as to how many shops and how many restaurants there will be yet until they get deeper into the project.

Mr. Barefoot explained they do have a business that is running on the property currently and his company is trying to figure out how to phase the redevelopment. He expressed the want to keep the shops alive, as they have no plans on going in and terminating leases and bulldozing the buildings. Mr. Barefoot explained they have to figure out those phases and how to keep operating while also doing construction.

Council Member Gherini spoke to Mayor Pro-Tem Matheson's point and asked if they had any thoughts or comments on workforce housing.

Mr. Barefoot stated that question had been asked of him recently and his thoughts are being open to discussing what that means. He further stated workforce housing means a lot of different things in a lot of different places, so he wanted to understand the ask and couldn't comment either way without fully understanding the request.

Council Member Harwood asked how Mr. Barefoot thought this project aligns with the Town's comprehensive plan.

Mr. Barefoot explained his understanding of the comprehensive plan is trying to work with the owners of some of the larger parcels of land, which they happened to be one of, and proactively work with them to have a plan and a vision for the future.

Council Member Perry stated she appreciated the developers taking their time to not rush through the project, having had meetings, including at least one person on the team that is local and has that local perspective. She also appreciated them listening to what the community and the planners have said for the town, however she thinks "we" can do better. Admitting she is not a developer; she thinks that the mass and scale of this first phase is not conducive with the town. She stated even though it may seem like it's on the outskirts of town, it's not, and it is a very prominent structure and piece of property coming in from the North.

Council Member Perry recognized many people have said this project is not Blowing Rock, "it doesn't look like Blowing Rock", and while many may think "what is Blowing Rock", in her opinion Blowing Rock is an eclectic mix but if you look at Main Street you can still see the thread that connects the look and creates the look and charm of Blowing Rock. She explained the town has a subcommittee that has been working since last April on revising the town's ordinances and zoning districts. She noted they are almost finished with the aesthetic nature, but still need to work on size, scale and mass.

Council Member Perry expressed her dislike for phase one (1)A as presented, she suggested tweaks that can be done such as breaking into multiple buildings and using different types of materials to make it have a more rustic look that fits in with the environment. She stated there are issues with the number of parking spaces and she's researched the short-term rental piece and felt it would draw a lot of investors that buy units to rent. She further stated that currently with all the rooms in hotels, inns and short-term rentals located in town there about 1,540 rooms that can be rented. She suggested the need for a market research and capacity of how many short term rentals town can handle.

Council Member Harwood felt there is a direction, but in his opinion Council needs to provide the developer with more of that direction. He asked for more information on the phasing and explained he would be more comfortable with Phase one (1)A if he knew more about future phases and he does understand that depends on other factors

including how well phase one (1)A does, what comes back in terms of market study etc. He further asked if any thought had been given to how phasing may play out in terms of time line with square footage, number of buildings etc., and to give a little insight into all that.

Mr. Barefoot explained in his ideal world there would be a couple of mixed use buildings North of the proposed building, to allow relocating tenants and vacate more of the shopping center. He explained they will have to entice tenants to stay and "sign up for something that is going to be later and then build that later" so they can move, tear down more and repeat. The southern portion (would be directly as you come into the property on the right) would be another space, his current thought is potentially eight (8) buildings. He further explained this factor is going to depend on tenants with strong opinions as to whether they think they can stay open with construction going on or not. This will also depend on how to configure the parking lot and safety for the public during the construction process. He stated while they don't have a "magic plan", this is best prediction right now.

Council Member Harwood asked if they were denied tonight, does Mr. Barefoot think he could come back at a future date with more information about the phases, potential percentages of different uses they would be targeting and/or commit to if there were some concessions on Council's part such as parking or other things that both parties may be able to collaborate with them on something like workforce housing in the future.

Mr. Barefoot stated he felt like all those things were on the table and he is most curious about what so many have said with it doesn't feel like Blowing Rock and he doesn't know how to go from that. He welcome feedback to get closer to the look of Blowing Rock. He referenced Mr. John Winkler's statement the previous Council meeting in regards to the Green Park Inn, stating it has to make business sense. Mr. Barefoot agreed his team feels the same with this project. Mr. Barefoot welcomed feedback and specific direction on what would make their project more desirable for the town. He noted they are open to a lot, just need some understanding what is being asked of them and asked for a chance be given to discuss internally and then come up with a plan that works.

Council Member Harwood agreed with Mr. Barefoot at least on his part with a willingness to collaborate and find a happy medium that works for the town, for the community, that is aesthetically pleasing, while understanding it is not going to please everyone. He noted he makes a living trying to figure out what Blowing Rock looks like and he can't tell him what that looks like as the town has arts and crafts, contemporary homes etc. He stated at the end of the day, the town has a design standards that tries to get to the core of that in terms of natural materials, nature blending colors things of that nature. He commended Mr. Barefoot for actually taken a stab at all those things. He suggested a larger discussion be had with staff for the fine tuning on what has already begun.

Council Member Harwood would personally love to see what intended uses they are looking at; retail, restaurants, offices and would like to see that nailed down. He thinks there is probably four (4) or five (5) use categories, sub uses, inside of those. He

explained his thoughts; restaurants with indoor dining, outdoor dining – those types of sub-categories. He would like to see a percentage with each of those uses; example retail a maximum of 40%, explaining those types of things to “zone” in on what Council can expect in future phases would be extremely helpful to him. He suggested in terms of phase one (1) A the aesthetics has already been discussed, but what he thinks people are having a hard time with is the size as it’s roughly four hundred (400) feet in length. He further suggested breaking that up into two (2) or three (3) one hundred twenty (120) foot buildings that would help bring into a scale that is more comfortable and keeping with the character of the town.

Council Member Perry asked why the developer thinks this property is underutilized.

Mr. Barefoot explained this is going to have to go vertical to have some density, as there aren’t many flat parcels of land anywhere up here in the area. He thinks this is a valuable piece of property and feels like it needs to have some density to make sense.

Council Member Perry acknowledged she knew they had looked at a lot of scenarios but asked if they had looked at adding a second story to the existing buildings to provide that density.

Mr. Barefoot stated the team discussed that when they first started planning this redevelopment, but tabled it pretty quickly as they were advised that is not the direction they should look at going.

After further discussion regarding plans for retaining current tenants and future plans for potential tenants, Council Member Gherini made a motion to table until a future date, seconded by Council Member Pickett.

Mayor Pro-Tem Matheson asked Mr. Barefoot if Council had given enough guidance to help going forward.

Mr. Barefoot stated they can provide percentages of use, a representation of architecture and narrow that into where everyone is comfortable. He feels there are things his team can provide to show the direction they are heading which seems to be what the community wants. He noted having every use specified will not be that quick and would be hard to jump forward four (4) years and know what it is going to be.

Council Member Harwood stated he would vote no on tabling the project as well as vote no on the proposal as presented and would suggest doing so to allow the applicant come back when and if they are ready. He explained his thought was it puts it back in the applicant’s court rather than keeping it on a rolling basis.

Town Attorney Joey Petrack advised he thought it would be cleaner to go with the motion to table until a future date.

Council Member Gherini's motion to table until a future date stood. For the motion: Mayor Pro-Tem Matheson, Council Members Pickett and Gherini; Against the motion: Council Members Harwood and Perry. The motion passed.

Council took a ten-minute recess

### **OFFICIAL REPORTS & COMMENTS**

- Mayor Sellers – Thanked Town staff for all their hard work.
- Council Member Perry – None.
- Council Member Harwood – None.
- Council Member Pickett – None.
- Mayor Pro-Tem Matheson – Thanked everyone who attended the High Country Council of Government Annual Banquet on March 7th.
- Council Member Gherini – Thanked Officer Gunnells and the Fire EMT's that helped him recently when he fell on the ice and got hurt. Economic Development meeting will be on March 20<sup>th</sup> at 1:00 p.m. at Appalachian Ski Mountain. Congratulations to Heather Norris who was selected as the new Chancellor of Appalachian State University.
- Town Attorney Joey Petrack – Two weeks he will be attending the North Carolina School of Government Municipal Attorney Conference.
- Town Manager Shane Fox – Gave updates on Main Street, Maple Street and 221 Water/Sewer work, FEMA update – Wonderland Trail and Valley View Road, Sunset Drive – crosswalks, Trout Derby has been moved to May 3<sup>rd</sup>, Planning Board meeting is March 20<sup>th</sup>, Memorial Park second phase will begin mid-March and traffic on Wallingford will have a different route beginning Monday, March 24<sup>th</sup>.

### **EXECUTIVE SESSION**

At 8:10 p.m. Council Member Perry made a motion to go into closed session, seconded by Council Member Pickett. Unanimously approved.

### **ADJOURNMENT**

At 8:50 p.m. Council Member Perry made a motion to adjourn, seconded by Council Member Harwood. Unanimously approved.

**MAYOR** \_\_\_\_\_  
Charlie Sellers, Mayor

**ATTEST** \_\_\_\_\_  
Hilari Hubner, Town Clerk

### **Attachments**

**Budget Amendment – 2025-05 – Attachment A**

**Reimbursement Resolution 2025 – Attachment B**

**Resolution – Post Helene Support for Small Business – Attachment C**

## **Town of Blowing Rock**

### **Request for Council Action**

---

FROM: Jennifer Brown, Director of Parks & Recreation  
SUBJECT: Blue Ridge Conservancy 5K  
TO: Town Council  
DATE: April 8, 2025  
REQUESTED BY: Blue Ridge Conservancy

---

#### **BACKGROUND:**

The Blue Ridge Conservancy is seeking to host its annual Blue Ridge Conservancy 5K (formerly known as Mayview Madness) road race on Saturday, September 20, 2025. The event will commence with setup at 6:00 am, followed by the race at 8:00 am. Cleanup operations will conclude by 11:00 am. The race will begin at the intersection of Wallingford and Laurel Lane and conclude at Bistro Roca.

The application underwent a thorough review by department heads, and no objections were raised.

#### **Attachments:**

1. Special Event Application



**Town Of Blowing Rock**  
**Special Events/Activities Application**  
(Must be submitted to Blowing Rock Parks & Recreation)

Town Of Blowing Rock  
PO Box 47  
1036 Main Street  
Blowing Rock, NC  
28605

Tel 828-295-5200

The purpose of this application is to provide information about your event or activity in order for various departments and agencies to determine if they need to be involved in the approval and/or permitting process. Depending on the specific event, a permit application and/or fee(s) from individual departments may be required.

**The applicant is responsible for providing complete and accurate information on the application, including an attached detailed site plan. The applicant is also responsible for notifying the Parks Department of any changes. Incomplete applications will not be accepted.** \*\*A complete application should be submitted at least **90 days** prior to the planned event to allow sufficient review time. Town staff may contact you with specific questions. Any official may require a pre-planning meeting.

Applications and events are prioritized based on a first come-first served basis and the Town may approve or disapprove an event's requested date based on availability of resources. Events that occur on an annual basis will receive priority the following year.

Applicant should contact the Parks Department to verify date availability prior to submission of application.

**\*\*NO MORE THAN 2 RACES WILL BE ALLOWED IN ANY GIVEN MONTH**

**\*\*If the event is to be held on public property, approval to use the property must be obtained from Town Council; therefore the application must be submitted 90 days prior to the event.**

**APPLICANT INFORMATION**

**Name of Event:** Blue Ridge Conservancy 5K

**Applicant Name & Title:** Sydney Phillips, BRC Office Manager

**Organization:** Blue Ridge Conservancy

**Mailing (Billing) Address:** PO Box 568

**City / State / Zip:** Boone, NC 28607

**Daytime Phone:** 828-264-2511 **Cell:** 252-467-5979 **Email:** sydney@blueridgeconservancy.org

**Description of the Event:** 5K run and 1 mile fun walk through the Mayview neighborhood

**Does the event have a Twitter, Facebook or other social networking page:** \_\_\_\_\_

**If yes, please list URL(s):** \_\_\_\_\_

**Event Address:** 333 Wallingford Road, Blowing Rock

**Date of Event:** Saturday, September 20, 2025

**Event Start Time:** 8:00 am **Event End Time:** 10:00 am

**Set-Up Begins:** 6:00 am **Clean-Up Ends:** 10:30 am

**Preferred Date & Time of Inspection:** \_\_\_\_\_

**Estimated Attendance:** 300

**The Event is:**  **Private (by invitation only)** or  **Open to General Public**

**APPLICANT'S SIGNATURE**

**DATE:** March 3, 2025

A pre-planning meeting may be required and will be scheduled to include the appropriate staff. The event applicant must attend the meeting. The town reserves the right to require others to attend.

## TENTS & MEMBRANE STRUCTURES

**\*\* Tent is a structure, enclosure, or shelter, with or without sidewalls or drops \*\***

Will tent(s) be used for the event?  Yes  No

Number of Tent(s) planned: \_\_\_\_\_

Size of Tent(s) planned: \_\_\_\_\_

Percentage of side walls if any to be used for each tent: \_\_\_\_\_

Detail tent location, size, percentage of side walls and spacing for each on required site plan.

**\*\* Membrane structure is an air-inflated or air supported structure \*\***

Will inflated/air Supported membrane(s) structures be used for the event?  Yes  No

Number of air inflated/air supported membrane structures planned: 1 finish line inflatable

Size(s) air inflated/air supported membrane structures planned: 12x20 ish

Detail air inflated/air supported membrane structure location(s), size and spacing for each on required Site plan.

## POWER SOURCES

Will you use electric generators?  Yes  No

If yes, will Power Distribution boxes be used?  Yes  No

Provide contact information for contractor supplying generator power:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Will you use electric power from an existing structure?  Yes  No

If yes, will direct wiring to breakers be required?  Yes  No

Provide contact information for person responsible for setup of power:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## HAZARDOUS MATERIALS

Will there be any portable heaters??  Yes  No

Will there be any deep fat fryers??  Yes  No

Will the event have any hazardous materials such as propane, butane, gasoline, diesel tanks, helium cylinders or other upright tanks?  Yes  No

If yes, all tanks must be secured in a manner to prevent accidentally being knocked over. All helium tanks not being used shall have their caps in place.

Will there be any fireworks, lasers, torches, candles or pyrotechnics?  Yes  No

If yes, contact the Blowing Rock Fire & Rescue office at 828-548-2800 for more information.

## VOICE/MUSIC AMPLIFICATION

Are there any musical entertainment features related to your event? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If no proceed to next section)
If yes, state the number of bands and type of music: Number of bands: <u>no band</u> Type(s) of music: <u>recorded music being played at finish line</u>
Will a portable or temporary stage be utilized? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes*, state the number of portable or temporary stages: _____
Will stage have canopy with frame that supports equipment (lighting, etc.)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes* state the size of canopy: _____
Provide contact information for contractor providing stage: Name: _____ Phone: _____ Email: _____
Will your event use amplified sound? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, please indicate times: Start time: <u>7:45 am</u> Finish time: <u>10:00 am</u>

## ALCOHOL

Will alcoholic beverages be served? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If yes, NC ABC permit required)
Will alcoholic beverages be sold? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If yes, NC ABC permit required)
What type of alcohol will be served? <input type="checkbox"/> Draft Beer <input checked="" type="checkbox"/> Can/Bottle Beer <input type="checkbox"/> Wine <input type="checkbox"/> Liquor
Who will be serving the alcohol? Booneshine Brewery Staff
Times for alcohol to be served: 9 am to 10 am
Locations within event site where alcohol will be served: At the finish line, parking lot of Bistro Rocca
Have you applied for a North Carolina temporary ABC permit? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

## MECHANICAL RIDES

Does the event include mechanical rides, or other similar attractions? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please describe attractions: _____
<i>Applicants contracting with amusement ride companies are required to provide the Town of Blowing Rock with a certificate of insurance, naming applicant and the Town of Blowing Rock (if applicable) as additional insured on general liability.</i>

## VENDORS

**PLEASE ATTACH COMPLETE LIST OF VENDORS IF ON PUBLIC PROPERTY.**

Does the event include food vendors?  Yes  No

If the event will have food vendors, please check the following that apply:

Served  Sold  Free  Catered  Prepared Outdoors

Does the event include food concession and/or cooking areas?  Yes  No

If yes, please list each vendor and specify cooking method (Gas, Electric, Charcoal, Other)

*(Use additional sheet if necessary)*

VENDOR	COOKING METHOD	FOOD ITEM
Stick Boy Bread	none	sweet rolls
Bald Guy Brew	none	hot coffee

*Fire Code requires a fire extinguisher at each cooking location. Event organizers are responsible for arranging health inspections for their events.*

## EVENT SCHEDULE

Provide a detailed schedule of the event including dates and times for entertainment, activities, hours of event, start time, finish time, etc. If the event requires an extended time frame for set-up, include details with a timeline listing the times and locations where streets or public property will be impacted and when dismantling will be completed. (Use additional sheet of paper if necessary)

DATE	TIME	ACTION	ADDITIONAL NOTES
9/20/2025	6:30 am	day of registration and packet pick up	rec center
9/20/2025	8 am	race start	
9/20/2025	9 am	1 mile fun walk start	
9/20/2025	9:30 am	awards	© Bistro Rocca
9/20/2025	10 am	clean up and event ends	

## TOWN SERVICES

The Town of Blowing Rock does not provide amenities such as portable washrooms, sound systems, tables, chairs, tents, canopies or other equipment.

### TRASH AND RECYCLING PLAN

In order to determine what types of containers are needed for the event, please answer the following questions: Are you requesting trash/recycle bins from the town?(Additional Fee Will Be Required) Yes  No

How many trash bins are you requesting for trash?  <sup>no</sup>

How many recycle bins are you requesting?

Date and Time for trash or recycling bins to be emptied\picked up:

Delivery Location?

*Applicants are responsible for cleaning and restoring the site after the event. The cost of any employee overtime incurred because of an applicant's failure to clean and/or restore the site following the event will be paid for by the applicant. If you reasonably believe that no litter will be generated during your event, please state this in your plan.*

### PUBLIC PROPERTY CLEAN-UP

Contracted personnel or volunteers may be used if indicated below. What is the clean-up plan for the event?

*If town personnel are needed to assist with event site clean-up the applicant will be required to hire off Duty personnel.*

If needed, please list preferred Date & Time for clean-up staff to arrive:

Will any of the following services be used for the event:

Water Service       Portable Toilet Services  
 Wastewater Service       Public Restrooms       Public Electric Power

### SAFETY AND SECURITY (CHECK TYPES OF SECURITY USED)

Beer/Alcohol Security       Stage Security       Event Area Security       Gate Security  
 Road Closure Security       Money Handling Security       Other \_\_\_\_\_  
 Overnight Security      From \_\_\_\_\_: \_\_\_\_\_ To \_\_\_\_\_: \_\_\_\_\_

Dates & Times security will be on site:  9/20/2025 7:45 am until 9:45 am

Security provided by:  BRPD      Number of Security Personnel:  2

*Applicant may be required to hire sworn off-duty Town of Blowing Rock police officers to provide security to insure public safety. The Blowing Rock Police Department will determine the number of security personnel required on site.*

## WALK, RUN, CYCLE EVENTS ON PUBLIC ROADWAYS

Number of participants expected: 300 % of participants expected under 18: 10%

\*Must be at least 100 participants and no more than 2,000 per route.

Number of volunteers expected: 20 % of volunteers expected under 18: 1%

## ADDITIONAL GUIDELINES AND REQUIREMENTS

**Please initial all guidelines below and provide the information requested at the time the application is submitted.**

Must use a pre-approved route from the Town/NCDOT and/or pre-approved neighborhood route and/or track or one of the options not on roadways that are available at a park. SP

Must include a certificate of liability insurance for walk, run, and/or cycle event if the start/finish are on public property. SP

Must include a plan for volunteers for events with an anticipated attendance of 100 participants or more (how many, their duties). SP

Must include a parking plan for participants and volunteers (can be included in site plan). SP

The provision of twenty foot (20') minimum emergency access lanes throughout the event site. SP

Temporary signs may be used to mark a course. No markings of any kind (permanent or temporary) are allowed on roadways, sidewalks, or parking lots. SP

Any unauthorized traffic control device or other sign or message placed on the highway right-of-way by a private organization or individual constitutes a public nuisance and should be removed. Any violations of this policy will result in disapproval of future event(s). SP

Do not assume, advertise, or promote your event until you have a signed permit from the Blowing Rock Police Department, along with permission from town staff and Blowing Rock Town Council. Conflicts do arise and changes to the request may be necessary. SP

Organizers to make sure race starts at the time approved on the application. Any deviated start times shall be requested no later than 30 days prior to the event. A deviated time request cannot be guaranteed approval. SP

Event organizers to assist in enforcing safe roadway rules. SP

Event volunteers standing throughout the course to direct as well as instruct participants to stay out of the roadway. SP

Cancellation of any event must be in writing/email to the permit center no later than 30 days prior to the scheduled date of the event. SP

**A VIOLATION OF ANY GUIDELINE REQUIREMENT COULD RESULT IN THE DENIAL OF FUTURE EVENTS.** SP

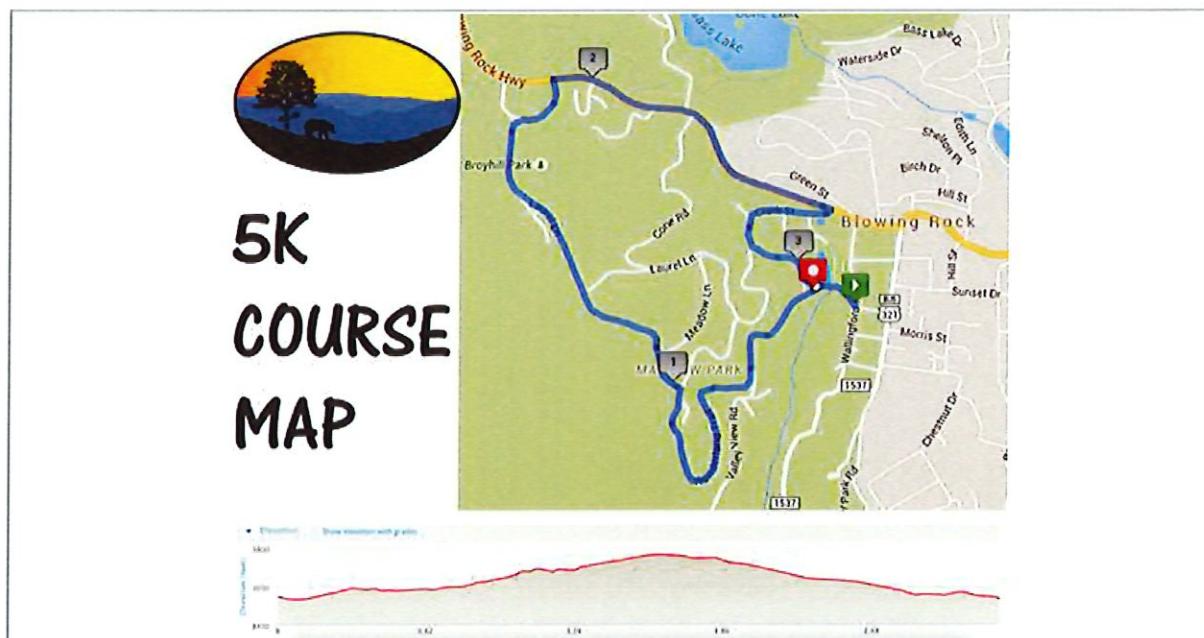
## SITE PLAN

Provide a detailed Site-Plan sketch of the event. Include maps, outline or diagram of the entire event venue including the names of all streets or areas that are part of the venue and the surrounding area. The plan should include the following information (if applicable):

- Location of the event/activity on the property with approximate distances from roads, fire hydrants, existing buildings, etc.
- Location of temporary structures that will be used during the event. Must indicate size of temporary structures, distances between temporary structures and existing buildings.
- Identify how each temporary structure will be used. Example: type of vendor, food preparation, alcohol sales, etc.
- Identify location of all cooking devices and open flames.
- Location of all fencing, barricades, or other restrictions that will impair access to and from the event or property.
- Identify all designated parking areas.
- Identify location of any generators and fuel storage.

## SITE PLAN SKETCH

Parking in Blowing Rock parking deck, starting line at corner of Wallingford and Laurel. Finish-line (20ft inflated structure) and post-race event in Bistro Roca parking lot. 5 BRC staff and approximately 20 volunteers will be responsible for set up and clean-up, locations in the recreation center, Bistro Roca parking lot, and along 5K course.



## ATTACHMENT CHECKLIST

In addition to the Special Event Application form, the following supporting documents are required to complete your application package and begin the review process:

**All Events:**

- Site Plan Sketch
- Parking Plan for participants and volunteers (May be included in site plan)
- Volunteer Plan for events with an anticipated attendance of 100 participants or more (how many, their duties)

**All Public Property Events:**

- Certificate of Insurance listing the Town of Blowing Rock as certificate holder and additional insured.

**Public Property Event at a Public Park:**

- Email from the Parks and Recreation Director indicating approval of the event date. Parks and Recreation Director may be reached at (828) 295-5222 or [jbrown@tobr.us](mailto:jbrown@tobr.us).

**Waiver Request:**

- I am requesting a waiver from the Section which prohibits animals from special events on town property. I have included the required safety plan with the application.

## USE OF PUBLIC PLACES

**\*\* THIS SECTION IS ONLY TO BE COMPLETED IF REQUESTING TO HOLD AN EVENT IN PUBLIC PLACES AND PARKS \*\***

### RULES REGULATING THE USE OF PUBLIC PLACES AND PARKS FOR SPECIAL EVENTS

- The Town Council reserves the right to reject any application as to the use of any area for any special event. If the Town Council learns that the event or vendors participating were misrepresented to the Town Council or that the event in any way fails to comply with the rules regulating the use of public places or fails to comply with any applicable local, state, or federal laws, it reserves the right to rescind any approved application up to and during the course of the event. In the case of a special event being held at a Town-owned facility for which a rental fee is usually charged, the normal rental fee shall be charged to the applicant unless the Town Council waives such rental.
- Application must be filed in the Parks & Recreation Office at least ninety (90) days prior to the time that the applicant desires to first take possession of the area to make preparations for the special event. The applicant for a special event must be a non-profit organization, organized and existing for the purpose of either some charitable or public benefit or for the promotion of business in the area of Blowing Rock. In addition, said non-profit organization may at the request of the Council be required to produce evidence of their non-profit corporation status as defined by state and federal laws. In addition, procedures to be used for selecting participants and vendors must be included with the application.
- The applicant shall provide to the Parks & Recreation Director at least two (2) weeks prior to the beginning of the public participation in the special event a list of all of the vendors or others having booths or display tables during the special event. No other persons may sell merchandise or operate any booth or display tables during the special event, unless the applicant, in writing, requests the Town Manager to amend such list accordingly and permission is granted.
- No motor vehicles or other large equipment or manufactured items or livestock will be permitted within the area unless they are clearly identified and described and the proposed location is stated in the application and specific approval is given.
- The size, type of construction and location of display tables and booths must be described generally in the application; all construction must be safe and self-sustaining; no spikes or other holding devices may be driven into the ground of any street, sidewalk or tied to any tree.
- When food preparation, painting and/or pottery making activities or similar activities are held, appropriate protective materials must be placed over any paved or brick areas for protection.

- No tents may be placed in the area without being described and exhibited to the Fire Prevention Inspectors of the Blowing Rock Fire & Rescue Department and special approval by the Town Council.
- Public address systems can be used only if specifically requested in the application and special permission given, including limitations as to use.
- Sufficient portable toilets shall be provided for the expected number of participants.
- A first-aid station shall be provided, staffed by competent Emergency Medical Technicians, unless a waiver is requested and granted by the Town.
- The applicant shall be responsible for providing trash receptacles of the number and size as the town shall require in order to eliminate litter.
- If the applicant desires to sell alcoholic beverages, it shall specifically so state in its application and shall provide a sketch of the area where the same will be sold and consumed. The area shall be delineated by barricades, with the entrance to be clearly marked and so constructed as to allow ready control of patrons, including viewing of identification to avoid underage persons being within the barricaded area. Signs shall be posted stating that no one shall leave the barricaded area with alcoholic beverages.
- Application must be made to proper State authorities for special permit for sale of alcoholic beverages. Special permit shall be available for inspection by the Town at any time.
- The applicant shall assume full liability for all accidents or claims of accidents as a result of activities taking place at the special event and during the time the area is being readied for the event and while it is being cleaned up following the event. A copy of the insurance policy must be submitted to the Town Manager's office prior to the event. The policy is to be one of comprehensive general liability in the amount of not less than Three Hundred Thousand Dollars (\$300,000.00) for bodily injury per person and One Million Dollars (\$1,000,000.00) per occurrence and not less than One Hundred Thousand Dollars (100,000.00) for property damage per occurrence.
- The applicant will be responsible for the security or protection of any articles, items, merchandise, display tables, booths or other property owned by the applicant or others participating in the special event.
- Applicants must obtain any special use permits required by the Blowing Rock Fire Inspector, must comply with all applicable provisions of the North Carolina Fire Code and must at all times insure that all fire lanes in the area to be used remain unobstructed.
- Applicants must comply with all applicable Health Department regulations pertaining to the scheduled event.
- Applicants must comply with the requirements of the Blowing Rock Sign Ordinance.
- Applications must comply with any and all local, state, and federal laws pertaining to equal opportunity and should make every effort to make events accessible to the disabled public. In addition, applicants shall not deny access or a vendor's booth to any group based on national origin, race, religion, age, sex, or disability.

Blue Ridge Conservancy

**NAME OF NON-PROFIT ORGANIZATION**

**BRIEFLY DESCRIBE THE PURPOSE OF THE NON-PROFIT ORGANIZATION:**

BRCC is a non-profit land trust that partners with landowners and local communities to permanently protect natural resources with agricultural, cultural, recreational, ecological, and scenic value in northwest North Carolina.

**LIST ORGANIZATIONS OFFICERS:**

Kadie Dean, Board Chair

828-264-2511

Charlie Brady, Executive Director

TELEPHONE

828-264-2511

TELEPHONE

TELEPHONE

**CHAIRPERSON OF THE SPECIAL EVENT:**

Sydney Phillips

828-264-2511

NAME

TELEPHONE

PO Box 568, Boone, NC 28607

ADDRESS

*The undersigned Applicant is aware of the rules regulating the use of public places and parks for special events, and will abide with the same; and further understands that the Town of Blowing Rock will not be responsible for the security or protection of any articles, items, merchandise, display tables, booths or other property owned by the applicant or others participating in the special event. The undersigned Applicant agrees to reimburse the Town of Blowing Rock for the additional cost of providing police department and/or fire department personnel to supervise the event, including services rendered both before, during and after the event itself, to ensure the compliance with all laws and ordinance, to direct traffic and to promote the safety and welfare of participants and other citizens.*

March 3, 2025

Date

  
President Executive Director  
Blue Ridge Conservancy  
Non-Profit Organization

Approved by:

TOWN MANAGER

DATE

DATE APPROVED BY BLOWING ROCK TOWN COUNCIL:

NORTH CAROLINA

**RELEASE AND INDEMNITY AGREEMENT**

WATAUGA COUNTY

THIS RELEASE AND INDEMNITY AGREEMENT, entered into by THE TOWN OF BLOWING ROCK, a North Carolina Municipal Corporation, party of the first part, and the Blue Ridge Conservancy, a non-profit organization with its principal place of operation being Watauga County, North Carolina, party of the second part:

**WITNESSETH**

WHEREAS, the party of the first part is desirous of allowing the party of the second part to conduct a special event within the Town Limits of Blowing Rock, North Carolina, pursuant to the Blowing Rock Town Code; and

WHEREAS, the party of the second part is desirous of conducting a special event within the Town Limits of Blowing Rock, North Carolina; and

WHEREAS, to this end, said party of the second part has heretofore filed with the Town of Blowing Rock an application for approval of said event, and wishes to enter into this Release and Indemnity Agreement pursuant to the Blowing Rock Town Code and the administrative rules of the Town of Blowing Rock;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein contained, and for other good and sufficient consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. That the party of the second part hereby completely and unequivocally releases the party of the first part, the officials of the party of the first part, and all employees of said party of the first part, and their families, from any and all claims, damages, injuries or rights of action which the party of the second part may incur by reason of the special event being conducted by the party of the second part.
2. That the party of the second part hereby agrees to indemnify and hold harmless the party of the first part for any liability, injury or claim which may arise to the benefit of the party of the second part as a result of the special event being conducted by the party of the second part.
3. That the parties to this Release and Indemnity Agreement stipulate and acknowledge that there exists sufficient consideration for the execution of this instrument.

This the 3rd day of March, 2025.

President

John A. Grady III  
Executive Director

Witness



# *Town of Blowing Rock*

1036 Main Street ★ Post Office Box 47 ★ Blowing Rock, North Carolina 28605

To: Mr. Shane Fox, Mayor Sellers, and Members of Town Council  
From: Tasha Brown, Finance Officer  
Subject: Project Ordinance # 2025-02  
Date: April 8, 2025

---

Attached please find for your consideration a Project Ordinance for the Memorial Park Improvement Project – Phase 2.

**ORDINANCE**  
**MEMORIAL PARK IMPROVEMENTS PHASE 2**  
**PROJECT ORDINANCE**

BE IT ORDAINED by the Town of Blowing Rock that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section I. The project authorized includes the Town of Blowing Rock's Memorial Park Improvements Project Phase 2

Section II. The officers of the Town of Blowing Rock are hereby directed to proceed with the project within the terms of the rules and regulations and the budget contained herein.

Section III. The following revenues are anticipated to be available to complete the project:

Installment Loan Proceeds	\$ 999,823
Part F Grant	\$ 500,000
Phase 1 Budget Remaining	\$ 20,750
<u>\$ 1,520,573</u>	

Section IV. The following amounts are appropriated for the project:

Construction	\$ 1,356,573
Contingency	\$ 50,000
Engineering Fees	\$ 93,250
Engineering Fees (From Original Contract Phase 1)	\$ 20,750
<u>\$ 1,520,573</u>	

Section V. The finance officer is hereby directed to maintain sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement, Federal and State regulations.

Section VI. Funds may be advanced from other Town of Blowing Rock fund accounts for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency following the regulations and rules of the grant.

Section VII. The finance officer is directed to report as requested on the financial status of the project element in Section IV and on the total revenues received or claimed.

Section VIII. The budget officer is directed to include an analysis of costs and revenues on this project as requested by the Council.

Section IX. Copies of this Project Budget Ordinance shall be made available to the budget officer for direction in carrying out this project.

This ordinance shall become effective upon adoption.

Adopted as submitted this 8th<sup>th</sup> day of April 2025 at Blowing Rock, North Carolina.

---

Charles Sellers, Mayor

Attest:

---

Hilari Hubner, Town Clerk

## **Town of Blowing Rock**

### **Request for Council Action**

---

FROM: Jennifer Brown, Director of Parks & Recreation  
SUBJECT: Blowing Rock Tour of Homes Patron's Party  
TO: Town Council  
DATE: April 2, 2025  
REQUESTED BY: Billie Rogers

---

#### **BACKGROUND:**

The Blowing Rock Tour of Homes is requesting the use of the lower level of the parking deck at BRAHM on Tuesday, July 15, 2025. They would like to set up early on the fifteenth and have it reopened on July 16th by noon.

The upper parking deck will be open for public parking, and Rumple Memorial Church will also permit them to use their parking lot during the event.

The application has been reviewed by department heads. If generators are used, they will need to be inspected and permits will be required for alcohol consumption.



**Town Of Blowing Rock**  
**Special Events/Activities Application**  
(Must be submitted to Blowing Rock Parks & Recreation)

Town Of Blowing Rock  
PO Box 47  
1036 Main Street  
Blowing Rock, NC  
28605  
Tel 828-295-5200

The purpose of this application is to provide information about your event or activity in order for various departments and agencies to determine if they need to be involved in the approval and/or permitting process. Depending on the specific event, a permit application and/or fee(s) from individual departments may be required.

**The applicant is responsible for providing complete and accurate information on the application, including an attached detailed site plan. The applicant is also responsible for notifying the Parks Department of any changes. Incomplete applications will not be accepted.** \*\*A complete application should be submitted at least **90 days** prior to the planned event to allow sufficient review time. Town staff may contact you with specific questions. Any official may require a pre-planning meeting.

Applications and events are prioritized based on a first come-first served basis and the Town may approve or disapprove an event's requested date based on availability of resources. Events that occur on an annual basis will receive priority the following year.

Applicant should contact the Parks Department to verify date availability prior to submission of application.

**\*\*NO MORE THAN 2 RACES WILL BE ALLOWED IN ANY GIVEN MONTH**

**\*\*If the event is to be held on public property, approval to use the property must be obtained from Town Council; therefore the application must be submitted 90 days prior to the event.**

**APPLICANT INFORMATION**

Name of Event: Blowing Rock Tour of Homes Patron's Party  
Applicant Name & Title: Billie Rogers, Co-chair of Tour of Homes  
Organization: St. Mary of the Hills Episcopal Church  
Mailing (Billing) Address: P.O. Box 14 Blowing Rock, NC 28605-0014  
City / State / Zip: Blowing Rock, NC 28605-0014  
Daytime Phone: 828-964-0741 Cell: 828-964-0741 Email: billie.rogers@kw.com  
Description of the Event: Outreach project to raise money for the community.  
Does the event have a Twitter, Facebook or other social networking page: No  
If yes, please list URL(s): \_\_\_\_\_

Event Address:	<u>BRAHM</u>		
Date of Event:	<u>Tuesday, July 15, 2025</u>		
Event Start Time:	<u>5:30pm</u>	Event End Time:	<u>9:30pm</u>
Set-Up Begins:	<u>8:00am</u>	Clean-Up Ends:	<u>12:00 pm 7-16-25</u>
Preferred Date & Time of Inspection:	<u>7-15-25 1:00pm</u>		
Estimated Attendance:	<u>200 pp</u>		
The Event is:	<input checked="" type="checkbox"/> Private (by invitation only) or <input type="checkbox"/> Open to General Public		

APPLICANT'S SIGNATURE Billie D. Rogers DATE: 3-04-25

A pre-planning meeting may be required and will be scheduled to include the appropriate staff. The event applicant must attend the meeting. The town reserves the right to require others to attend.

## TENTS & MEMBRANE STRUCTURES

**\*\* Tent** is a structure, enclosure, or shelter, with or without sidewalls or drops \*\*

Will tent(s) be used for the event?  Yes  No

Number of Tent(s) planned: \_\_\_\_\_

Size of Tent(s) planned: \_\_\_\_\_

Percentage of side walls if any to be used for each tent: \_\_\_\_\_

Detail tent location, size, percentage of side walls and spacing for each on required site plan.

**\*\* Membrane structure** is an air-inflated or air supported structure \*\*

Will inflated/air Supported membrane(s) structures be used for the event?  Yes  No

Number of air inflated/air supported membrane structures planned: \_\_\_\_\_

Size(s) air inflated/air supported membrane structures planned: \_\_\_\_\_

Detail air inflated/air supported membrane structure location(s), size and spacing for each on required

Site plan.

## POWER SOURCES

Will you use electric generators?  Yes  No

If yes, will Power Distribution boxes be used?  Yes  No

*-This is contingent  
on approval of space  
usage.*

Provide contact information for contractor supplying generator power:

Name: Appalachian State Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Will you use electric power from an existing structure?  Yes  No

If yes, will direct wiring to breakers be required?  Yes  No

Provide contact information for person responsible for setup of power:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## HAZARDOUS MATERIALS

Will there be any portable heaters??  Yes  No

Will there be any deep fat fryers??  Yes  No

Will the event have any hazardous materials such as propane, butane, gasoline, diesel tanks, helium cylinders or other upright tanks?  Yes  No

**If yes, all tanks must be secured in a manner to prevent accidentally being knocked over. All helium tanks not being used shall have their caps in place.**

Will there be any fireworks, lasers, torches, candles or pyrotechnics?  Yes  No

**If yes, contact the Blowing Rock Fire & Rescue office at 828-548-2800 for more information.**

## VOICE/MUSIC AMPLIFICATION

Are there any musical entertainment features related to your event? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If no proceed to next section)
If yes, state the number of bands and type of music: Number of bands: _____
Type(s) of music: <u>acoustic instruments-(violins, harps etc)</u>
Will a portable or temporary stage be utilized? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes*, state the number of portable or temporary stages: _____
Will stage have canopy with frame that supports equipment (lighting, etc.)? <input type="checkbox"/> Yes <input type="checkbox"/> No
If yes* state the size of canopy: _____
Provide contact information for contractor providing stage: Name: _____ Phone: _____ Email: _____
Will your event use amplified sound? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please indicate times: Start time: _____ Finish time: _____

## ALCOHOL

Will alcoholic beverages be served? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If yes, NC ABC permit required) ✓
Will alcoholic beverages be sold? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If yes, NC ABC permit required) ✓
What type of alcohol will be served? <u>included w/ ticket price</u> <input type="checkbox"/> Draft Beer <input checked="" type="checkbox"/> Can/Bottle Beer <input checked="" type="checkbox"/> Wine <input checked="" type="checkbox"/> Liquor
Who will be serving the alcohol? <u>either BRAHM bartenders or private</u>
Times for alcohol to be served: <u>5:30 - 9:00 pm. - depending on</u>
Locations within event site where alcohol will be served: <u>permit</u> <u>lower level of parking deck at BRAHM</u>
Have you applied for a North Carolina temporary ABC permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## MECHANICAL RIDES

Does the event include mechanical rides, or other similar attractions? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please describe attractions: _____
<b><u>Applicants contracting with amusement ride companies are required to provide the Town of Blowing Rock with a certificate of insurance, naming applicant and the Town of Blowing Rock (if applicable) as additional insured on general liability.</u></b>

## VENDORS

PLEASE ATTACH COMPLETE LIST OF VENDORS IF ON PUBLIC PROPERTY.

Does the event include food vendors?  Yes  No

If the event will have food vendors, please check the following that apply:

Served  Sold  Free  Catered  Prepared Outdoors

Does the event include food concession and/or cooking areas?  Yes  No

If yes, please list each vendor and specify cooking method (Gas, Electric, Charcoal, Other)

(Use additional sheet if necessary)

VENDOR	COOKING METHOD	FOOD ITEM

*Fire Code requires a fire extinguisher at each cooking location. Event organizers are responsible for arranging health inspections for their events.*

## EVENT SCHEDULE

Provide a detailed schedule of the event including dates and times for entertainment, activities, hours of event, start time, finish time, etc. If the event requires an extended time frame for set-up, include details with a timeline listing the times and locations where streets or public property will be impacted and when dismantling will be completed. (Use additional sheet of paper if necessary)

DATE	TIME	ACTION	ADDITIONAL NOTES
7/15	8:00am	set up	
7/15	5:30pm	doors open to ticketed guests	
7/15	9:00pm	event ends	clean up follows
7/16	9:00am	clean up; if necessary	

## TOWN SERVICES

The Town of Blowing Rock does not provide amenities such as portable washrooms, sound systems, tables, chairs, tents, canopies or other equipment.

### TRASH AND RECYCLING PLAN

In order to determine what types of containers are needed for the event, please answer the following questions: Are you requesting trash/recycle bins from the town?(Additional Fee Will Be Required) Yes No

How many trash bins are you requesting for trash? \_\_\_\_\_

How many recycle bins are you requesting? \_\_\_\_\_

Date and Time for trash or recycling bins to be emptied\picked up:

Delivery Location?

Applicants are responsible for cleaning and restoring the site after the event. The cost of any employee overtime incurred because of an applicant's failure to clean and/or restore the site following the event will be paid for by the applicant. If you reasonably believe that no litter will be generated during your event, please state this in your plan.

### PUBLIC PROPERTY CLEAN-UP

Contracted personnel or volunteers may be used if indicated below. What is the clean-up plan for the event? Catering staff & volunteers to clean up.

If town personnel are needed to assist with event site clean-up the applicant will be required to hire off Duty personnel.

If needed, please list preferred Date & Time for clean-up staff to arrive: \_\_\_\_\_

Will any of the following services be used for the event:

Water Service       Portable Toilet Services      None  
 Wastewater Service       Public Restrooms       Public Electric Power

### SAFETY AND SECURITY (CHECK TYPES OF SECURITY USED)

Beer/Alcohol Security     Stage Security     Event Area Security     Gate Security  
 Road Closure Security     Money Handling Security     Other \_\_\_\_\_  
 Overnight Security    From \_\_\_\_\_ : \_\_\_\_\_ To \_\_\_\_\_ : \_\_\_\_\_

Dates & Times security will be on site: 7/15 5:30-9:00pm

Security provided by: \_\_\_\_\_ Number of Security Personnel: 2

Applicant may be required to hire sworn off-duty Town of Blowing Rock police officers to provide security to insure public safety. The Blowing Rock Police Department will determine the number of security personnel required on site.

WALK, RUN, CYCLE EVENTS ON PUBLIC ROADWAYS

N/A

Number of participants expected: 200 % of participants expected under 18: 50

\*Must be at least 100 participants and no more than 2,000 per route.

Number of volunteers expected: 50 % of volunteers expected under 18: 50

ADDITIONAL GUIDELINES AND REQUIREMENTS

N/A

**Please initial all guidelines below and provide the information requested at the time the application is submitted.**

Must use a pre-approved route from the Town/NCDOT and/or pre-approved neighborhood route and/or track or one of the options not on roadways that are available at a park. \_\_\_\_\_

Must include a certificate of liability insurance for walk, run, and/or cycle event if the start/finish are on public property. \_\_\_\_\_

Must include a plan for volunteers for events with an anticipated attendance of 100 participants or more (how many, their duties). 50

Must include a parking plan for participants and volunteers (can be included in site plan). 50

The provision of twenty foot (20') minimum emergency access lanes throughout the event site. \_\_\_\_\_

Temporary signs may be used to mark a course. No markings of any kind (permanent or temporary) are allowed on roadways, sidewalks, or parking lots. \_\_\_\_\_

Any unauthorized traffic control device or other sign or message placed on the highway right-of-way by a private organization or individual constitutes a public nuisance and should be removed. Any violations of this policy will result in disapproval of future event(s). \_\_\_\_\_

Do not assume, advertise, or promote your event until you have a signed permit from the Blowing Rock Police Department, along with permission from town staff and Blowing Rock Town Council. Conflicts do arise and changes to the request may be necessary. BT

Organizers to make sure race starts at the time approved on the application. Any deviated start times shall be requested no later than 30 days prior to the event. A deviated time request cannot be guaranteed approval. \_\_\_\_\_

Event organizers to assist in enforcing safe roadway rules. \_\_\_\_\_

Event volunteers standing throughout the course to direct as well as instruct participants to stay out of the roadway. \_\_\_\_\_

Cancellation of any event must be in writing/email to the permit center no later than 30 days prior to the scheduled date of the event. \_\_\_\_\_

**A VIOLATION OF ANY GUILTY LINE REQUIREMENT COULD RESULT IN THE DENIAL OF FUTURE EVENTS. \_\_\_\_\_**

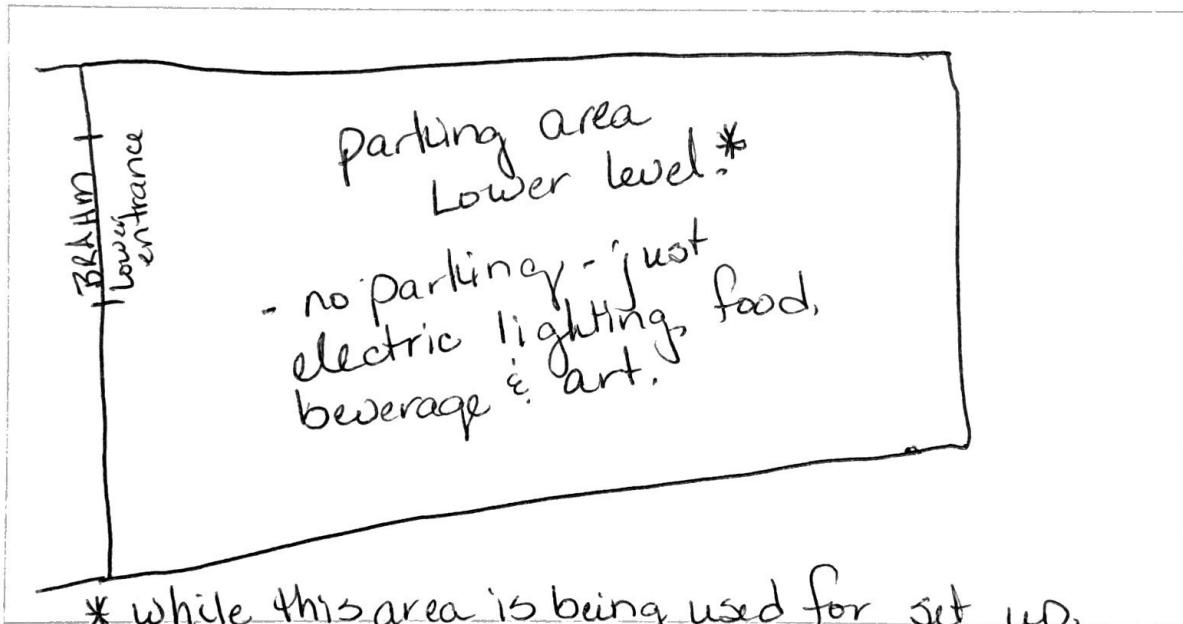
## SITE PLAN

Provide a detailed Site-Plan sketch of the event. Include maps, outline or diagram of the entire event venue including the names of all streets or areas that are part of the venue and the surrounding area. The plan should include the following information (if applicable):

- Location of the event/activity on the property with approximate distances from roads, fire hydrants, existing buildings, etc.
- Location of temporary structures that will be used during the event. Must indicate size of temporary structures, distances between temporary structures and existing buildings.
- Identify how each temporary structure will be used. Example: type of vendor, food preparation, alcohol sales, etc.
- Identify location of all cooking devices and open flames.
- Location of all fencing, barricades, or other restrictions that will impair access to and from the event or property.
- Identify all designated parking areas.
- Identify location of any generators and fuel storage.

## SITE PLAN SKETCH

Please provide a site plan and describe details here.



\* while this area is being used for set up,  
Rumble Church has offered their parking lot to  
offset loss of parking spaces.

## ATTACHMENT CHECKLIST

In addition to the Special Event Application form, the following supporting documents are required to complete your application package and begin the review process:

**All Events:**

- Site Plan Sketch
- Parking Plan for participants and volunteers (May be included in site plan) *- parking at Rumpel's  
3 month lot  
upper deck*
- Volunteer Plan for events with an anticipated attendance of 100 participants or more (how many, their duties)

**All Public Property Events:**

- Certificate of Insurance listing the Town of Blowing Rock as certificate holder and additional insured. *- will acquire once site use is approved*

**Public Property Event at a Public Park:**

- Email from the Parks and Recreation Director indicating approval of the event date. Parks and Recreation Director may be reached at (828) 295-5222 or [jbrown@tobr.us](mailto:jbrown@tobr.us).

**Waiver Request:**

- I am requesting a waiver from the Section which prohibits animals from special events on town property. I have included the required safety plan with the application.

## USE OF PUBLIC PLACES

**\*\* THIS SECTION IS ONLY TO BE COMPLETED IF REQUESTING TO HOLD AN EVENT IN PUBLIC PLACES AND PARKS \*\***

### RULES REGULATING THE USE OF PUBLIC PLACES AND PARKS FOR SPECIAL EVENTS

- The Town Council reserves the right to reject any application as to the use of any area for any special event. If the Town Council learns that the event or vendors participating were misrepresented to the Town Council or that the event in any way fails to comply with the rules regulating the use of public places or fails to comply with any applicable local, state, or federal laws, it reserves the right to rescind any approved application up to and during the course of the event. In the case of a special event being held at a Town-owned facility for which a rental fee is usually charged, the normal rental fee shall be charged to the applicant unless the Town Council waives such rental.
- Application must be filed in the Parks & Recreation Office at least ninety (90) days prior to the time that the applicant desires to first take possession of the area to make preparations for the special event. The applicant for a special event must be a non-profit organization, organized and existing for the purpose of either some charitable or public benefit or for the promotion of business in the area of Blowing Rock. In addition, said non-profit organization may at the request of the Council be required to produce evidence of their non-profit corporation status as defined by state and federal laws. In addition, procedures to be used for selecting participants and vendors must be included with the application.
- The applicant shall provide to the Parks & Recreation Director at least two (2) weeks prior to the beginning of the public participation in the special event a list of all of the vendors or others having booths or display tables during the special event. No other persons may sell merchandise or operate any booth or display tables during the special event, unless the applicant, in writing, requests the Town Manager to amend such list accordingly and permission is granted.
- No motor vehicles or other large equipment or manufactured items or livestock will be permitted within the area unless they are clearly identified and described and the proposed location is stated in the application and specific approval is given.
- The size, type of construction and location of display tables and booths must be described generally in the application; all construction must be safe and self-sustaining; no spikes or other holding devices may be driven into the ground of any street, sidewalk or tied to any tree.
- When food preparation, painting and/or pottery making activities or similar activities are held, appropriate protective materials must be placed over any paved or brick areas for protection.

- No tents may be placed in the area without being described and exhibited to the Fire Prevention Inspectors of the Blowing Rock Fire & Rescue Department and special approval by the Town Council.
- Public address systems can be used only if specifically requested in the application and special permission given, including limitations as to use.
- Sufficient portable toilets shall be provided for the expected number of participants.
- A first-aid station shall be provided, staffed by competent Emergency Medical Technicians, unless a waiver is requested and granted by the Town.
- The applicant shall be responsible for providing trash receptacles of the number and size as the town shall require in order to eliminate litter.
- If the applicant desires to sell alcoholic beverages, it shall specifically so state in its application and shall provide a sketch of the area where the same will be sold and consumed. The area shall be delineated by barricades, with the entrance to be clearly marked and so constructed as to allow ready control of patrons, including viewing of identification to avoid underage persons being within the barricaded area. Signs shall be posted stating that no one shall leave the barricaded area with alcoholic beverages.
- Application must be made to proper State authorities for special permit for sale of alcoholic beverages. Special permit shall be available for inspection by the Town at any time.
- The applicant shall assume full liability for all accidents or claims of accidents as a result of activities taking place at the special event and during the time the area is being readied for the event and while it is being cleaned up following the event. A copy of the insurance policy must be submitted to the Town Manager's office prior to the event. The policy is to be one of comprehensive general liability in the amount of not less than Three Hundred Thousand Dollars (\$300,000.00) for bodily injury per person and One Million Dollars (\$1,000,000.00) per occurrence and not less than One Hundred Thousand Dollars (100,000.00) for property damage per occurrence.
- The applicant will be responsible for the security or protection of any articles, items, merchandise, display tables, booths or other property owned by the applicant or others participating in the special event.
- Applicants must obtain any special use permits required by the Blowing Rock Fire Inspector, must comply with all applicable provisions of the North Carolina Fire Code and must at all times insure that all fire lanes in the area to be used remain unobstructed.
- Applicants must comply with all applicable Health Department regulations pertaining to the scheduled event.
- Applicants must comply with the requirements of the Blowing Rock Sign Ordinance.
- Applications must comply with any and all local, state, and federal laws pertaining to equal opportunity and should make every effort to make events accessible to the disabled public. In addition, applicants shall not deny access or a vendor's booth to any group based on national origin, race, religion, age, sex, or disability.

Blowing Rock Tour of Homes Patrons Party.  
NAME OF NON-PROFIT ORGANIZATION

BRIEFLY DESCRIBE THE PURPOSE OF THE NON-PROFIT ORGANIZATION:

To raise money for local non-profits who aid those in the area - We serve about 30 organizations w/ approximately \$100,000 raised annually

LIST ORGANIZATIONS OFFICERS:

Andrew Hege, priest/rector

828-295-7323  
TELEPHONE

TELEPHONE

TELEPHONE

CHAIRPERSON OF THE SPECIAL EVENT:

Billie Rogers  
NAME

828-964-0746  
TELEPHONE

409 Monte Verde Rd. Deep Gap NC 28618  
ADDRESS

*The undersigned Applicant is aware of the rules regulating the use of public places and parks for special events, and will abide with the same; and further understands that the Town of Blowing Rock will not be responsible for the security or protection of any articles, items, merchandise, display tables, booths or other property owned by the applicant or others participating in the special event. The undersigned Applicant agrees to reimburse the Town of Blowing Rock for the additional cost of providing police department and/or fire department personnel to supervise the event, including services rendered both before, during and after the event itself, to ensure the compliance with all laws and ordinance, to direct traffic and to promote the safety and welfare of participants and other citizens.*

3-4-2025

Date

President Co-Chair  
BR Tour of Homes  
Non-Profit Organization

Approved by:

TOWN MANAGER

DATE

DATE APPROVED BY BLOWING ROCK TOWN COUNCIL:

NORTH CAROLINA

**RELEASE AND INDEMNITY AGREEMENT**

WATAUGA COUNTY

THIS RELEASE AND INDEMNITY AGREEMENT, entered into by THE TOWN OF BLOWING ROCK, a North Carolina Municipal Corporation, party of the first part, and the Blowing Rock Tour of Homes, a non-profit organization with its principal place of operation being Watauga County, North Carolina, party of the second part:

**WITNESSETH**

WHEREAS, the party of the first part is desirous of allowing the party of the second part to conduct a special event within the Town Limits of Blowing Rock, North Carolina, pursuant to the Blowing Rock Town Code; and

WHEREAS, the party of the second part is desirous of conducting a special event within the Town Limits of Blowing Rock, North Carolina; and

WHEREAS, to this end, said party of the second part has heretofore filed with the Town of Blowing Rock an application for approval of said event, and wishes to enter into this Release and Indemnity Agreement pursuant to the Blowing Rock Town Code and the administrative rules of the Town of Blowing Rock;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein contained, and for other good and sufficient consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. That the party of the second part hereby completely and unequivocally releases the party of the first part, the officials of the party of the first part, and all employees of said party of the first part, and their families, from any and all claims, damages, injuries or rights of action which the party of the second part may incur by reason of the special event being conducted by the party of the second part.
2. That the party of the second part hereby agrees to indemnify and hold harmless the party of the first part for any liability, injury or claim which may arise to the benefit of the party of the second part as a result of the special event being conducted by the party of the second part.
3. That the parties to this Release and Indemnity Agreement stipulate and acknowledge that there exists sufficient consideration for the execution of this instrument.

This the 4<sup>th</sup> day of March, 2025.

J. D. Fenn  
Witness

Bilie Smith Rogers  
President Co-chair

TO: Mayor Charlie Sellers and the Blowing Rock Town Council  
FROM: Kevin Rothrock, Planning Director  
SUBJECT: CUP 2006-02 Hanna Family Trust @ Sunset Cafe  
APPLICANT: Dr. John Hanna  
DATE: April 2, 2025

## **REQUEST**

Dr. John Hanna is requesting a minor amendment to the original CUP 2006-02 approved for the Hanna Family Trust project. When approved the project required 21 parking spaces and none could be provided on site. The CUP authorized the Hanna Family to pay \$180,000 into the Town's Parking Fund for the 18 retail parking spaces and set aside 3 satellite parking spaces for the residential units. Those 3 parking spaces were originally reserved on the former Snips property off Laurel Lane owned by the Hanna Family. Eventually that property was sold and the 3 spaces were reserved at the Hanna home property at 1126 Main Street.

Dr. Hanna is requesting the opportunity to allow payment into the Parking Fund for the 3 parking spaces at \$15,000 per space for a total of \$45,000 and eliminate the residential parking requirement included as condition No. 12 of the original CUP.

Others that have paid into the Parking Fund in addition to the Hanna Family include:

- Gaines Kiker \$30,000 for 3 spaces at Morris St project
- Rob Dyer \$10,000 for one space at former Maple Lodge

## **ATTACHMENTS**

1. CUP 2006-02
2. Letter from Chelsea Garrett on behalf of Dr Hanna

Exhibit B

Hanna Family Trust @ Sunset Cafe

Conditional Use Permit No. 2006-02

NORTH CAROLINA

WATAUGA COUNTY

**TOWN OF BLOWING ROCK CONDITIONAL USE PERMIT**  
**Hanna Family Trust @ Sunset Cafe**  
**CUP No. 2006-02**

On the date listed below the Board of Commissioners of the Town of Blowing Rock met and held a public hearing to consider the following application:

Applicant: John E. Hanna, M.D. for Hanna Family Trust

Project Name: Hanna Family Trust @ Sunset Cafe

Property Location: 1107 Main Street

Tax Parcel Nos.: 2807-97-1761-000

Property Owners of Record: Jane K. Hanna Revocable Trust

Proposed Use of Property: Combination Use (Office/Retail and Residential)

Current Zoning Classification of Property: CB, Central Business

Meeting Date: May 9, 2006

Having heard all of the evidence and arguments presented at the above-referenced hearing, the Board finds that the application complies with all applicable requirements of the Code of Ordinances of the Town of Blowing Rock, and that, therefore, the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable conditions of the Land Use Code and the following additional conditions:

1. The Applicant shall complete the development of the subject property in accordance with the architectural plans (dated 12-28-05), and site plans (dated 12-19-05, and revised 2-1-06) submitted and approved by the Board, except as amended by the following conditions. Where said plans are in conflict with the provisions of the Land Use Code, the provisions of the Land Use Code shall prevail, except as specifically provided herein. Copies of said plans are made a part hereof as if fully rewritten herein, and shall be maintained in the Conditional Use Permit file in the Town Clerk's office. Any deviations from or changes in the plans must be pointed out to the Administrator in writing and specific written approval must be obtained as provided in the Blowing Rock Land Use Code.

2. The Applicant is hereby authorized to construct a two-story, three-level, multi-use building. The basement and main level floors are permitted to have office or retail use. The second or upper floor is permitted to have a one-bedroom apartment and a two-bedroom apartment.

3. The Applicant made a request to reduce the applicable green space area in front of the building from 75% to 48%. The Town Council hereby approves the green space reduction based on approval of the following findings of fact:

The green space area as proposed:

- (a) Will not materially endanger the public health or safety;
- (b) Will not substantially injure the value of adjoining or abutting property;
- (c) Will be in harmony with the area in which it is to be located;
- (d) Will be in general conformity with the Master Plan or other plan officially adopted by the Board; and
- (e) Will be in substantial conformity with the intent of the regulations contained in this Article.

4. The Applicant is hereby authorized to develop the project with a Special Intensity Allocation of 68% net impervious.

5. Any utilities on the site shall be installed at the Applicant's expense and shall be underground utilities installed in accordance with the Land Use Code. Materials shall be subject to approval by the Town Engineer and the Director of Public Works. No building shall be constructed over any part of any utility easement.

6. The Snips property staging area shall be restored back to its original condition (except for the three (3) new parking spaces and loading zone) once the project is completed and no later than 30 days after the issuance of a Certificate of Occupancy.

Trees to be removed on the Snips property shall be limited to only those necessary for sight distance purposes. The Zoning Administrator shall determine the trees that may be removed for staging and access to the property.

7. The Applicant shall have a soil erosion control plan approved by Watauga County and Blowing Rock prior to the commencement of any grading activities on the property. No work shall be permitted on the property until all erosion control measures have been installed, with the exception of specific work that may be required in order to complete the installation of the erosion control measures.

8. Prior to the commencement of any land disturbing activity, the Applicant shall be required to submit to the Town Engineer and receive approval of a grading plan and storm water management plan. The storm water management plan shall provide that the storm water generated by the proposed building shall be

detained on the site, and shall be piped to a new storm water drainage system in Main Street, connected to the existing pipe in Morris Street. The new drainage in Main Street must be authorized by a NCDOT encroachment agreement.

The storm water utilities to be installed in Main Street and Morris Street shall begin no earlier than January 1, 2007, and the connection to the catch basin on Morris Street shall be coordinated with the Gaines Kiker building project storm water utilities installation.

Storm water detention is not required for the satellite parking lot of Laurel Lane if the property is limited to three (3) parking spaces and the required loading zone.

9. The primary exterior building material shall be stone and stucco in warm, natural colors or equivalent as approved by the Administrator. The roof shall be a flat roof, not exceeding 28' 7", as shown on the building design plans. The proposed building designs, as shown on the plans dated December 28, 2005, are hereby approved. Exterior colors, signage, and retaining wall materials for the proposed project must be approved by the Zoning Administrator. All signage shall conform to the requirements of the Town's sign code.

10. Any rooftop mechanical and electrical equipment shall be screened from the view of streets and adjacent property.

11. The project shall be required to have a trash containment area or movable containers and the size and location shall be specifically approved by the Zoning Administrator and the Public Works Director. Solid waste collection and receptacle removal will be determined by the normal collection schedule for Main Street properties.

12. The Land Use Ordinance requires a total of 21 parking spaces for the proposed project. Eighteen (18) spaces are required for the office and/or retail space in the basement and main levels of the proposed building. Three (3) spaces are required for the one (1)-bedroom and two (2)-bedroom living units in the upper floor. The Applicant shall provide three (3) satellite parking spaces in the existing gravel lot on the former Snips property for the proposed residential use, exclusively. These satellite spaces are within the required 400 feet of the proposed building. These parking spaces shall be clearly designated with signage that conforms to the Town's sign ordinance. The Applicant must also make a payment into the Town of Blowing Rock Parking Fund in the amount of \$180,000.00. This amount is \$10,000.00 per space in lieu of each of the 18 parking spaces required for the office and/or retail space in the proposed building. This payment is required prior to commencement of earth disturbing activities or other forms of construction.

Section 16-300 of the Land Use Ordinance requires a loading/unloading space for the proposed development. The required loading/unloading area to serve this property shall be provided and clearly marked on the former Snips property. The loading zone shall be shown on the approved site plan and shall be perpetually maintained for use by the tenants and merchants of the proposed development.

13. Exterior lighting for all the driveways, parking area, and sidewalk shall use the same coach-style lights that have been selected as the lighting standard for the Town (available from Blue Ridge Electric). The resulting diffused or otherwise visible light on adjacent properties shall not be more than one foot-candle at the common lot line separating the properties.

14. The Applicant shall fully implement the landscape plan included with the site plans (dated 12-19-05, and revised 2-1-06), or as revised herein. All landscaping shall be consistent with the species identified in Appendix Section E-13 in the Land Use Ordinance.

15. The large double maple at the rear of the project may be removed. Measures must be taken to ensure that the other off-site trees are protected through out the construction process and after completion of the project.

16. The Applicant shall be responsible for the perpetual maintenance of all trees, plants and landscaping required herein. Any dead, unhealthy, or missing vegetation, or any vegetation disfigured by severe pruning, shall be replaced with new vegetation.

17. Prior to the commencement of earth disturbing activities, a performance bond or letter of credit shall be provided to cover 125% of the installation of the storm water detention and drainage facilities, and the proposed site landscaping. A cost estimate shall be provided from the project engineer to determine the bond amount.

18. Prior to the commencement of any earth disturbing activities or the issuance of any building permit, the Applicant shall provide the Town Attorney with a title opinion on the subject property that there are no easements, right-of-ways, restrictions, or any other matters of record that would prevent the Applicant from completing the project as proposed.

19. Before any building permit is issued, the Applicant shall submit a revised site plan, in such form as shall be required by the Zoning Officer, that incorporates the terms and conditions of this Conditional Use Permit.

20. Failure to comply with any provision herein shall subject the Applicant to forfeiture of the Permit and a stop work order on any further construction.

21. The Applicant shall reimburse the Town for all required legal advertising and the cost of mailing notices to all adjoining property owners. Two site plan reviews are included in the basic permit fees. An additional amount of \$100.00 will be charged for each additional review of the same site plan. The review by the Town Engineer of the basic site plan is included in the basic permit fee structure. However, the applicant shall reimburse the Town for the Engineer's design or review of storm water management plans, water supply plans, erosion control plans, grading plans, or other detailed plans. The Applicant shall also reimburse the Town for all on-site inspections conducted by the Town Engineer.

22. In the event it is determined by the Town that the Applicant is in violation of its erosion control plan or any other condition of this Permit, thereby causing the Town to employ the Town Engineer to review and inspect the project, the Applicant shall be obligated to pay the Town Engineer for all time associated with his work on the project.

23. Prior to issuance of any permits and/or commencement of any land-disturbing activity, the Applicant shall provide a construction procedures and staging plan (i.e. logistics plan). This logistics plan shall be reviewed and approved by the Town Manager, Public Works Director, Planning Director, Building Inspector, Police Chief, Director of Emergency Services, and Town Council. Approval of the logistics plan will not require further Public Hearing. In the event that this plan or the ongoing construction procedures are unacceptable to the Town Administration or Town Council, the Applicant shall coordinate and make adjustments that are satisfactory to the Town officials. This plan shall outline all

anticipated construction procedures and penalties for noncompliance. This plan shall consider impacts on adjacent businesses to minimize interruptions and any negative impacts. The approved logistics plan shall be incorporated into this conditional use permit.

24. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this Permit shall be void and of no effect.

IN WITNESS WHEREOF, the Town of Blowing Rock has caused this Permit to be issued in its name and the undersigned being property owner(s) and/or agent(s) of the property owner(s) does hereby accept this Conditional Use Permit, together will all of its conditions as binding upon them and their successors in interest.

TOWN OF BLOWING ROCK

By: \_\_\_\_\_  
J.B. Lawrence, Mayor

ATTEST: \_\_\_\_\_  
Sharon H. Greene, Town Clerk

(CORPORATE SEAL)

Jane K. Hanna Revocable Trust (owner)

By: \_\_\_\_\_  
Jane K. Hanna, Trustee

By: \_\_\_\_\_  
John E. Hanna, M.D., Trustee

By: \_\_\_\_\_  
Rosalie Shmalo, Trustee

By: \_\_\_\_\_  
Northern Trust Bank, NA, Trustee

**Addendum to Application for Minor Amendment  
to Special Use Permit (fka CUP) 2006-02  
Hanna Family Building: 1107 Main Street**

In 2005, when the project was initially approved, the Town of Blowing Rock required that it have 21 parking spaces. Thus, the Hanna Family had to provide either (i) the number of spaces prescribed by the Land Use Code or (ii) pay \$10,000.00 per space into the parking fund. Therefore, \$180,000.00 was paid into the parking fund (for 18 spaces). The additional 3 spaces were designated on other property owned by an affiliated entity, (1126/1128 Main St.- the old "Snips" property) and are located behind the building where Blowing Rock Real Estate and the Funky Tulip are located now. The spaces are in a gravel/dirt area and accessible from south side of Laurel Lane (by the landscaped median).

The Hanna Building located at 1107 Main Street (for which the minor amendment is requested) is a mixed-use building with 2 retail business on the Main Street level, 2 office/professional uses on the ground/ below ground level (accessed from the back of the building), and 2 second floor residential spaces. One is a 1-bedroom/one bath, about 900 sf. Suite F is a two bedroom/two bath unit about 1,000 sf. Both apartment units are on long-term leases of over one year with options for renewal.

Based on the current circumstances of the property and current town parking options and regulations, the Applicant does not believe that removing the 3 spaces (which are satellite spaces) from the Special Use Permit will create a hardship for anyone.

TO: Mayor Charlie Sellers and the Blowing Rock Town Council  
FROM: Kevin Rothrock, Planning Director  
SUBJECT: Workforce Housing  
DATE: April 2, 2025

Staff would like Council to openly discuss Workforce Housing and options that may be available for the Town to study and consider.

The Towns of Chapel Hill and Davidson comprehensive plans and development ordinances require workforce housing to be integrated in various residential development proposals.

Other communities across NC use overlay districts to encourage or incentivize the reservation of workforce housing in development projects. Still others add flexibility to their zoning ordinances allowing a wider range of housing choices in traditionally single-family zoning districts. For example, allowing accessory dwelling units in all zoning districts or allowing duplex or triplex in lower density zoning districts. Some have even removed any residential density limitations across their entire jurisdiction.

Additionally, representatives in the NC General Assembly have recently introduced bills that would allow “middle housing” in all zoning districts in all local government jurisdictions, thus forcing cities and towns to follow directives of the legislators.

Town staff seeks your direction in this important topic of workforce housing that might ensure the local workforce has some affordable housing options in the future.

#### **ATTACHMENTS**

1. Town of Davidson Planning Code – Section 5 - Affordable Housing
2. Town of Chapel Hill Town Code – Section 3.10 – Inclusionary Zoning

# 5

## AFFORDABLE HOUSING

### 5.1 GENERAL GOALS

The section is hereby adopted consistent with the goals adopted by the Town Board as follows:

- A.** At any point in time, a minimum of 12½% of the housing units in Davidson shall be affordable as defined by this Ordinance.
- B.** The Town is willing to assist in the provision of affordable housing in order to secure the benefits from a diverse housing stock.
- C.** The owners/occupants of such affordable housing will also participate in the provision of the affordable housing, although the means of that participation will vary with the method of its provision. For example, the property owner may accept less-than-market rate property appreciation or a tenant may accept fewer amenities.
- D.** The Town, affordable housing providers, and developers will employ a variety of tools to meet the affordability goals, to match the characteristics of each project, to fulfill the town's housing needs, to maintain the Town's investment, and to eliminate substandard housing.
- E.** Affordable housing will be dispersed throughout the Town.
- F.** The location of affordable housing should be supported by pedestrian & bicycle facilities and public transit that connect the owners/occupants to activity centers that may include places for employment, shopping, recreation, and/or education. It is acknowledged that very low income individuals/families are statistically the most transit- dependent population.

### SECTIONS

5.1 GENERAL GOALS	PAGE 5-1
5.2 COVERED DEVELOPMENT PROJECTS	PAGE 5-2
5.3 AFFORDABLE HOUSING PLAN	PAGE 5-4
5.4 APPROVED AFFORDABLE HOUSING PROVIDERS	PAGE 5-6
5.5 GENERAL PROVISIONS	PAGE 5-7

- G.** Affordable housing will be designed to be complementary to the neighborhood.
- H.** The affordable housing program will acknowledge the value of homeownership; accommodate the need for rental housing; and direct development in order to maintain stable neighborhoods.

## 5.2 COVERED DEVELOPMENT PROJECTS

---

The provisions of this ordinance apply to all new developments that result in or contain two (2) or more residential lots or dwelling units, which includes the subdivision of an existing lot which results in one or more lots.

### **A. Development Options**

There are two options for the provision of affordable housing based on the number of units proposed in the development that do not qualify as affordable units.

#### **1. Seven (7) or Fewer Units**

Developments with 7 or fewer residential units must either provide one affordable unit or make a payment in lieu to the Town. The payment in lieu must be paid at the time an application for a building permit on any of the lots or units is made. If the payment is in lieu of providing a fraction of one unit, the calculation shall be prorated as appropriate.

##### **a. Subdivision to Evade Requirement Not Permitted**

For purposes of determining whether an applicant may make a payment in lieu pursuant to this subsection, all adjacent parcels under common ownership shall be considered. Parcels shall not be subdivided in order to avoid compliance with this Section.

#### **2. Eight (8) or More Units**

Developments with 8 or more units shall provide all required affordable units in accordance with Section 5.2.

#### **3. When the use of the property is for single-family residential and does not meet the definition of subdivision as described in Section 23, it is excluded from the provisions of Section 5.**

### **B. Compliance with this requirement shall be demonstrated as follows:**

#### **1. Master Plan**

The applicant shall include notes on the Master Plan showing compliance with the requirements of this section and indicating the total number and distribution of required affordable units in accordance with Section 5.2 B.

#### **2. Site Construction Documents/Preliminary Plat**

The submittal shall include either an affordable housing plan with the details described

in Section 5.3.A or an agreement signed by the developer and the authorized representative of an approved affordable housing provider with the details described in Section 5.3 B.

### 3. Final Plat

The Final Plat, as defined in Section 14.15.9, shall indicate which lots or units are to be constructed as affordable units. Except as provided in Section 5.2.A.1, any payment in lieu fees shall be paid to the Town prior to each final plat approval, for the affordable units in that plat, unless otherwise specified in the affordable housing plan approved by the Town.

## C. Percentage and Distribution of Affordable Units

Required affordable housing units will be provided as follows.

### 1. General Requirement

Except as otherwise provided, 12.5% of the total number of residential units within any development shall be affordable housing units and shall be located on the site of the development.

### 2. Calculation

To calculate the number of affordable housing units, the total number of proposed units, including the affordable units, shall be multiplied by 12.5%. If the product contains a fraction, a fraction of .5 or more shall be rounded up, and a fraction of less than .5 shall be rounded down, except as provided in Section 5.2.A.1.

Table 5-1: Distribution Table

5 of Area Median Income (AMI)	Percentage
Total Required Amount	12.5%
Very Low Income (Between 50% of AMI)	30% - 100%
Low Income (Between 50% and 80% of AMI)*	0 - 70%
Moderate Income (Between 80% and 120% of AMI)	0 - 20%

\*Income limits can be exceeded by 10% upon approval of the Town Manager.

**Waiver Option:** Projects that elect to construct on-site affordable housing units may receive a reduction in the required amount of affordable housing as follows: For every unit constructed on-site, the payment-in-lieu for one unit will be waived. All units constructed on-site using the waiver option shall be priced as affordable to households that earn between 80%-100% AMI.

### **3. Distribution**

Affordable housing units shall be distributed as follows below:

A copy of the Adjusted Median Income by Income Status, revised annually, is available upon request from the Planning Director or any Approved Affordable Housing Provider.

Example: A development with a total of 125 proposed units shall ensure that 16 of the 125 are affordable units ( $125 \times .125 = 16$ ) In this example; no more than 109 units shall be market rate. ( $109 + 16 = 125$ ) (Affordable units do not count towards maximum density standards in Section 4). An example of possible distribution of these units:

- Required number of Affordable Units: 16
- Very Low Income Units:  $30\% \times 16 = 4.8$  rounded to 5
- Low Income Units:  $30\% \times 16 = 4.8$  rounded to 5
- Moderate Income Units:  $20\% \times 16 = 3.2$  rounded to 3
- Middle Income Units:  $20\% \times 16 = 3.2$  rounded to 3

### **D. Payment in Lieu (PIL)**

Where permitted by this ordinance, the applicant may make a cash payment in lieu of providing some or all of the required affordable housing units. The Town shall establish the in-lieu per-unit cash payment on written recommendation of the Town Manager and adopt it as part of the Town's fee schedule. At least once every three years, the Town Board shall, with the written recommendation of the Town Manager, review the per unit payment and, if necessary, amend the fees.

### **E. Town Reservation of Funds**

The Town shall receive payments in lieu and place them in a separate fund that shall be used solely and exclusively for affordable housing activities including the acquisition of land for, or the construction and marketing of, affordable dwelling units.

These funds shall not be commingled with the Town's General Fund.

## **5.3 AFFORDABLE HOUSING PLAN**

The developer shall provide an affordable housing plan either as a private transaction or as a contract with an approved affordable housing provider to be approved by the Town Board prior to the release of the Preliminary Plat.

### **A. Private Plan**

If provided as a private plan, the plan shall contain the following:

1. A general description of the development, including whether the development will contain rental units or individually owned units, or both.
2. The total number of market rate units and affordable units in the development.
3. The number of bedrooms in each affordable unit. The bedroom mix of affordable units shall be in equal proportion to the bedroom mix of the market rate units.
4. The square footage of each affordable unit.
5. The location within any multiple-family residential structure and any single-family

residential development of each market rate unit and each affordable unit. Affordable housing units shall not be segregated and should be interspersed among the market rate units throughout the development.

**6.** The pricing for each affordable unit and the income classes served. Pricing of units shall comply with the following:

**a. Pricing Schedule.**

The Town, through the Town Manager, shall publish a pricing schedule of rental and sales prices for affordable units in accordance with the following provision that shall be updated annually:

**i.** In calculating the rental and sales prices of affordable units, the following relationship between unit size and household size shall apply:

- Efficiency units: 1-person
- One-bedroom units: 2-person
- Two bedroom units: 3- person
- Three bedroom units: 4-person
- Four bedroom and larger units: 5-person

**ii.** With respect to affordable units offered for sale, prices will be calculated on the basis of:

- An available fixed rate thirty year mortgage, consistent with the average rate published from time to time by Freddie Mac;
- A down payment of no more than 5 percent of the purchase price;
- A calculation of property taxes;
- A calculation of homeowner insurance;
- A calculation of condominium or homeowner association fees.

**iii.** With respect to affordable units offered for rent, rental prices will be calculated on the basis of 30 percent of gross monthly income, adjusted for household size, minus a utility allowance. The rental amount shall be determined on an annual basis and shall be in accordance with the rental schedule published by the Department of Housing and Urban Development (HUD) and incorporated herein by reference.

**7.** The phasing and construction schedule for each market rate unit and each affordable unit. The phasing of the affordable units should be proportional to the market rate units and the certificates of occupancy (CO) for the last 20% of the market rate units will not be issued until the CO's have been issued for all of the affordable units. The phasing plan shall also provide that the affordable units shall not be the last units to be built in the development.

**8.** A description of how the affordable housing will be designed to be complementary to the neighborhood.

**9.** A description of the marketing plan that the applicant proposes to utilize and implement to promote the sale or rental of the affordable units within the development.

**10.** The total amount of the payment in lieu, if any and the estimated date the payment will be made.

**11.** Deed restrictions that ensure that the affordable units are and remain available for

occupancy by eligible households for a minimum of 99 years. The deed to the property shall state that the property is income and price restricted.

**12.** The restrictive covenants for the subdivision should include language that provides for reduction of homeowners dues in order to comply with the definition of affordable housing. Capital assessments shall be paid by the developer.

**B. Contract with Approved Affordable Housing Provider.**

The following components will be required in the agreement between the developer and the Approved Affordable Housing Provider:

**1. Provider to Assume Ordinance Obligations**

The Approved Affordable Housing Provider agrees to assume the obligations of the developer to provide affordable housing under this ordinance.

**2. Financial Arrangement**

The terms of financial arrangement shall be disclosed to ensure that the Developer will compensate the Provider adequately for meeting those obligations including but not limited to property acquisition, unit construction, unit subsidy, marketing expenses, and homeowner education.

**3. Penalty for Failure to Perform**

Upon the determination that the Developer has failed to fulfill the agreement with the Provider, in addition to any other legal consequences, the Town has the right to deny issuance of building permits or revoke certificates of occupancy for any unoccupied units. The Planning Director for the Town may determine whether the Developer has failed to comply with this section.

**C. Completeness Review**

Neither the affordable housing plan or the contract with an affordable housing provider shall be accepted by the Planning Director unless it contains all of the information that is necessary for the Town to determine whether or not the development, if completed as proposed, will comply with all of the requirements of this section.

## **5.4 APPROVED AFFORDABLE HOUSING PROVIDERS**

Non-profit organizations, governmental agencies, or quasi-governmental agencies may be certified by the Town Board as an "Approved Affordable Housing Provider" subject to the following provisions:

- A.** They shall be a non-profit organization under section 501(c)(3) of the US Tax Code or shall be a directly funded agency of a unit of government; and
- B.** They shall present a plan indicating how the organization will participate in meeting the Town's affordable housing goals as stated in Section 5.1 above; and
- C.** On an annual basis, they shall report to the Town Board their progress in meeting the plan in (b) above as well as its progress in fulfilling the obligations it has undertaken under contracts with developers under Section 5.3.

## 5.5 GENERAL PROVISIONS

---

These provisions are applicable to affordable units provided under an affordable housing private plan.

### A. Minimum Standards for Affordable Units

#### 1. Functionally Equivalent

Affordable units shall be "functionally equivalent" to market rate units. This means that when features are included in market rate units, such as kitchen cabinets, countertops, dishwasher, etc., then equivalent features are included in the permanently affordable units. This does not mean that the features need to be identical. The Town will consider variations that result in an equivalent livability outcome.

#### 2. Affordable Housing Guidelines and Standards

The Town shall adopt written guidelines and standards from time to time in order to provide objective, enforceable construction requirements for affordable units. The Affordable Guidelines and Standards, adopted by the Town Board, are hereby incorporated by this reference.

### B. Affordable Units for Eligible Households Only

No person shall sell, rent, purchase, or lease an affordable unit created pursuant to this Ordinance except to eligible households and in compliance with the provisions of this Ordinance. The Town shall adopt and review, at least every three years, asset limitations.

1. A "certificate of qualification" must be provided to the Town of Davidson confirming that eligibility guidelines have been met.
2. Priority will be given to households in which the head of the household or the spouse or domestic partner is a former Davidson resident, or who works, lives or has relatives in Davidson.
3. A developer or owner may select a low income purchaser after completing a good faith marketing and selection process approved by the Town Manager. Upon request, the Town may provide the developer or owner of an affordable unit with a list of households certified by the Town as eligible to purchase the unit. However, a developer or property owner may select a low-income purchaser who is not on a furnished list so long as the Town can verify that eligibility guidelines have been met, as evidenced by the certificate of qualification, and that the unit is sold at an affordable price as described in this Ordinance.
4. A non-eligible household may occupy an affordable unit if an eligible household is not available to purchase or rent the unit on the date which is the later of 120 days after the Town's receipt of the Notice of Availability or 60 days after the issuance of the Certificate of Occupancy on the unit or if the unit is being resold, within 90 days after the Town's receipt of the Resale Notice or if the unit is being offered for lease, within 60 days of the Town's receipt of the Release Notice.
5. A homebuyer education and counseling fee shall be paid by the developer to the Town at the time of the closing of each affordable unit if the purchaser of the unit is required to participate in homebuyer education and counseling services provided through the Town's approved non-profit affordable housing provider.

### **C. Rental Restrictions for Affordable Units**

No person shall rent an affordable unit, except as follows:

#### **1. Notice**

The owner shall provide notice to the Town prior to renting of the affordable unit of its intent to rent the unit.

#### **2. Lease Documentation**

Any lease or rental agreement for the lease or rental of an affordable unit pursuant to this Section shall be in writing. The lease or rental agreement shall state the monthly rent charged.

#### **3. Prior Approval:**

Before the date upon which it becomes effective, a copy of any lease or rental agreement for an affordable unit shall be provided to the Town, along with those documents which the Town finds to be reasonably necessary in order to determine compliance with this Section.

#### **4. Rental Rates**

Rents charged for an affordable unit must not exceed the rental rate limitations published annually by HUD for the Charlotte-Gastonia-Concord NC-SC HUD Metro FMR Area.

#### **5. Maximum Income for Tenants**

Except as otherwise provided in this Ordinance, a household renting an affordable unit shall not have an income which exceeds 80% of the Area Median Income. A "certificate of qualification" must be provided to the Town confirming that eligibility guidelines have been met.

#### **6. Scope**

The provisions of this Section shall apply to all rental or lease arrangements under which any person, other than the owner, his or her spouse, his or her domestic partner and dependent children or parents, occupies any part of the property for any period of time.

### **D. Affordability Controls**

#### **1. For Sale Affordable Housing Units**

##### **a. Town of Davidson Purchases**

The Town, or a not-for-profit agency designated by the Town, shall have the preemptive option and right, but not an obligation, to purchase each of the for-sale affordable housing units prior to any sale of any such unit. If the Town, or the designated not-for-profit, exercises the option and purchases the affordable housing unit, the affordable housing unit shall be subject to such documents deemed necessary by the Town, including without limitation, restrictive covenants and other related instruments, to ensure the continued affordability of the affordable housing units in accordance with this Ordinance.

##### **b. Private Party Purchases**

In all other sales of for-sale affordable housing units, the parties to the transaction shall execute and record such documentation as required by Section 5.5.F to ensure

the provision and continuous maintenance of the affordable housing units. The affordable housing unit shall be available for sale to an eligible household.

## **2. Rental Affordable Units**

- a.** For developments that contain affordable rental units, the owner of the development shall execute and record such documentation as required by this Ordinance to ensure the provision and continuous maintenance of the affordable housing units. The affordable rental units must be leased and occupied by eligible households. Subleasing of affordable units shall not be permitted without the express written consent of the Town Manager area median income over the term of ownership.

## **3. Affordable Housing Capital Improvement and Update Policy**

The Town desires to encourage homeowners to improve and update the affordable housing units while, concurrently, the Town recognizes the need to retain affordability of the homes. Therefore, the Town shall adopt a written policy to provide a means for homeowners to improve and update an affordable housing unit. As set forth in the deed restrictions, only those capital improvements that have been previously approved by the Town may be included in the resale price. The Affordable Housing Capital Improvement and Update Policy, adopted by the Town Board is incorporated by this reference.

## **E. Resale Price for Affordable Units**

The resale price of any affordable unit shall not exceed the purchase price paid by the owner of that unit with the following additions:

1. Customary closing costs and costs of sale initially paid by the buyer (now seller) of the unit;
2. Costs of real estate commissions paid by the seller if a licensed real estate agent is employed and if that agent charges commissions at a rate customary in Mecklenburg County;
3. Cost of permanent capital improvements installed by the seller and previously approved by the Town Manager; and
4. An inflationary factor equal to the percentage increase in the area median income over the term of ownership.

## **F. Deed Restriction Required**

Every person selling an affordable unit shall reference in the Deed conveying title to any such unit, and record with the county recorder, a Covenant or Declaration of Restrictions in a form approved by the Town. Such Covenant or Declaration of Restrictions shall reference applicable contractual arrangements, restrictive covenants, and resale restrictions as are necessary to carry out the purposes of this chapter. The Deed shall state that the property is income and price restricted.

## **G. Monitoring of Resale**

The resale of an affordable unit shall be monitored by the Town to ensure compliance with the provisions of this chapter and the deed restrictions.

---

### **3.10 Inclusionary zoning.**

*Purpose statement.* This section promotes the public health, safety and welfare of the town by promoting housing of high quality located in neighborhoods throughout the community for households of a variety of income levels, ages and sizes in order to meet the town's goal of preserving and promoting a culturally and economically diverse population in our community.

Based upon the review and consideration of reports and analyses of the housing supply in the town, the town finds and determines that the diversity of its housing stock has declined for many reasons including increasing property values and construction costs. The town recognizes the need to provide affordable housing to households of a broad range of income levels in order to maintain a diverse population and to provide housing for those who live or work in the town. Without intervention, the trend toward rising housing prices will result in an increasingly inadequate supply of affordable housing for town residents and local employees, which will have a negative impact upon the ability of local employers to maintain an adequate local work force and will otherwise be detrimental to the public health, safety and welfare of the town and its residents. Since the remaining land appropriate for new residential development within the town is limited, it is essential that a reasonable proportion of such land be developed into housing units affordable to low- and moderate-income households and working families. The town finds and determines that additional market rate development would displace and eliminate opportunities for additional affordable housing in the town unless the restrictions on use established by this section are included. This displacement would create the following threats to the health, safety, or the general welfare of the community:

- Increases in travel time and distances for persons who provide services or are employed in the town, but who cannot find decent, affordable shelter, which in turn increases traffic congestion, reduces air and water quality, and has an adverse impact on public health resulting from excessive commuting; and
- An imbalance in population diversity; and
- Inconsistency with the vision for future development and the specific policies of the town's comprehensive plan.

The regulations set forth in this section further a key goal of the town's comprehensive plan: to create and preserve affordable housing opportunities. The regulations also support other goals of the town including the reduction of traffic congestion and associated air pollution; and the prevention of sprawl through the maintenance of the urban services boundary. Documentation exists demonstrating that the construction of residential dwelling units in Chapel Hill generates need for affordable housing for workers and families. These regulations are intended to provide a structure for cooperative participation by the public and private sectors in the production of affordable housing.

#### *3.10.1 Applicability and Minimum Project Size.*

- (a) *Single-family and two-family units.* This section applies to all development that includes:
  - (1) At least five (5) single-family dwelling units or two-family dwelling units; or
  - (2) At least five (5) single-family lots; or
  - (3) Two-family lots in which six (6) or more residential units are allowed by the Chapel Hill Land Use Management Ordinance, either individually or as part of the same subdivision.
- (b) *Multifamily units.* This section applies to all development that includes:
  - (1) New development that creates at least five (5) multifamily dwelling units; or
  - (2) Any vertical mixed use building that creates at least five (5) multifamily dwelling units; or

- (3) Renovation or reconstruction of an existing building that contains multifamily dwelling units, and that increases the number of dwelling units from the number of dwelling units in the original structure by at least five (5); or
- (4) Any change in use of all or part of an existing building from a nonresidential use to a residential use that has at least five (5) dwelling units.

**3.10.2 Affordable Dwelling Units or Lots Required.**

- (a) *General requirement.* A development that is subject to this section shall provide the number of affordable dwelling units required by Table 3.10-1, below.

**Table 3.10-1 Inclusionary Zoning Requirements**

	(A)	(B)
	Town Center: TC-1, TC-2, and TC-3	Balance of Planning Area (Town Limits, ETJ, Joint Planning Chapel Hill Transition Area)
Description	TC-1, TC-2, and TC-3 zoning districts	All other zoning districts
Set-aside requirement	10% <sup>(1)</sup>	15%
Density bonus (see subsection (d), below)	not applicable	15% with the exception of R-SS-CZD and MU-V, MU-V-CZD zoning districts
Floor area bonus for two-family or multifamily dwelling units (see subsection (e), below)	3,400 square feet per affordable dwelling unit if building has no interior common elements; or 4,400 square feet per affordable dwelling unit for buildings with interior common elements.	3,400 square feet per affordable dwelling unit if building has no interior common elements; or 4,400 square feet per affordable dwelling unit for buildings with interior common elements, with the exception of R-SS-C and MU-V zoning districts

<sup>(1)</sup> The set-aside requirement for the town center is reduced in order to address differences in development potential, development style, development costs, and to accommodate the town's policies relating to urban form.

- (b) *Calculation of units required.*

(1) *For development of multifamily dwelling units:*

- A. The required number of affordable dwelling units is based on the total number of dwelling units that are approved by the town.
- B. To calculate the number of affordable dwelling units required in a development subject to these regulations, the total number of approved unrestricted units shall be multiplied by the percentage established in subsection 3.10.2(a), above. If the product includes a fraction, the fraction of a unit shall be provided in the form of a payment in lieu of providing dwelling units, as described in section 3.10.3.
- C. If the property is redeveloped or expanded, additional affordable dwelling units shall be provided and shall be based upon the additional units approved by the town. A requirement to provide

---

affordable dwelling units shall be triggered if the resulting number of units is five (5) or more greater than what already exists.

- (2) *For subdivision proposals:*
  - A. Each lot that is large enough for only one (1) single-family dwelling unit or that is limited by restrictive covenants to development only with a single-family dwelling unit is counted as one (1) single-family dwelling unit.
  - B. In zoning districts where a two-family dwelling unit is a permitted use, each lot that is large enough for a two-family dwelling unit is counted as two (2) dwelling units.
  - C. The minimum number of affordable dwelling units for a subdivision is determined by multiplying the number of dwelling units permitted on lots in the approved subdivision, as calculated according to subsections 3.10.2(b)2.A. and 3.10.2(b)2.B, above, by the percentage specified in subsection 3.10.2(a). If the product includes a fraction, the fraction of a unit shall be provided in the form of a payment in lieu of providing dwelling units, as described in section 3.10.3.
- (c) *Location of affordable dwelling units.* Except as otherwise specifically authorized by this section, the affordable dwelling units shall be located within the development subject to these regulations.
- (d) *Development bonuses.* It is the intent of the town to facilitate the provision of affordable housing and compliance with these requirements by incorporating development bonuses to accompany and support the affordable housing requirements. These bonuses are described as follows, and set out in Table 3.10.1:
  - (1) The density bonus is computed by multiplying the maximum number of dwelling units approved in the zoning district (see section 3.8, Table 3.8-1, Maximum Density) by the density bonus percentage established in Table 3.10-1, above.
  - (2) For subdivisions, if the applicant elects to use a density bonus, the minimum lot size required by section 3.8 may be reduced by up to twenty-five (25) percent to accommodate the additional lots.
  - (3) The floor area bonus for single-family and multifamily dwelling units is calculated by multiplying the bonus for affordable dwelling units established in Table 3.10-1 by the total number of affordable dwelling units including any fractions.
- (e) *Rental units.* Nothing required by section 3.10 shall be construed to establish rent control. Where the zoning district allows multifamily dwelling units, the applicant may substitute rental units for units intended for sale, pursuant to an approved affordable housing performance agreement (see section 3.10.4, below). If rental units are added, they are added voluntarily by the developer/property owner.
- (f) *Floor area.* The suitability of the proposed livable square footage for the affordable dwelling units shall be evaluated when considering the Affordable Housing Plan required in 3.10.4. For the purposes of this section, livable square footage is defined as the portion of the dwelling unit that is heated and/or cooled space."

### **3.10.3 Alternatives to On-Site Development of Affordable Housing Units.**

- (a) This section 3.10.3 provides alternatives to the construction of affordable dwelling units onsite as a way to comply with this section. The alternatives are listed in subsection (d), below.
- (b) The alternatives must be:
  - (1) Approved by the town council, or approved by the planning commission in circumstances where the planning commission has final approval authority; and
  - (2) Agreed to by the applicant in an affordable housing performance agreement (see section 3.10.4).
- (c) This section does not apply unless the applicant demonstrates to the satisfaction of the town council or the planning commission, in circumstances where the planning commission has final authority, the following:

---

- (1) The alternative provides an equivalent amount of affordable dwelling units in a way that the town council or planning commission determines better achieves the goals, objectives and policies of the comprehensive plan than providing them on-site; or
- (2) Providing on-site affordable dwelling units is not economically feasible and the alternative means of compliance:
  - A. Will further affordable housing opportunities in the town to an equivalent or greater extent than constructing affordable dwelling units on-site as required by section 3.10.2; and
  - B. Will not cause the town to incur any net cost as a result of the alternative compliance mechanism; or
- (3) It is impossible to provide the units on-site because of federal or state law.

(d) The town council, or the planning commission, in circumstances where the planning commission has final authority, may approve one or more of the following options to providing affordable dwelling units that are required by this section.

- (1) *Land dedication.* Obligations may be satisfied by dedication of land in lieu of providing affordable housing on-site, as follows:
  - A. The land shall be dedicated to the town or its designee.
  - B. The land shall be located within the Town of Chapel Hill's urban services boundary, and shall be suitable for development as determined by the town council.
  - C. The value of land to be dedicated in satisfaction of this alternative means of compliance and its suitability shall be determined, at the cost of the developer, by an independent certified appraiser and by such alternative and means of valuation as approved by the town council, or the planning commission, in circumstances where the planning commission has final authority.
  - D. Land deeded to the town must be zoned such as to allow construction of at least that number of dwelling units for which the obligation of construction is being satisfied by the dedication of land. Land so deeded to the town or its designee shall be of equivalent or greater value than the payment in lieu contribution that would be required under this section; or, if the land is of lesser value, dedication of the land shall be accompanied by a payment in lieu equivalent to the difference. The land shall be served by adequate infrastructure (water, sewer, roads) to allow construction of residential dwelling units. The deed shall convey a fee simple interest at no cost to the town.
- (2) *Dedication of existing units.* Restricting existing dwelling units which are approved by the town council, or the planning commission, in circumstances where the planning commission has final authority, as suitable affordable housing dwelling units through covenants, contractual arrangements, or resale restrictions. The town manager shall determine whether the form and content of the restrictions comply with this section. Off-site units shall be located within the Town of Chapel Hill or its extraterritorial jurisdiction or joint planning area. The restriction of such existing units must result in the creation of units that are of equivalent value, quality, and size of the permanently affordable dwelling units which would have been constructed on-site if this alternative had not been utilized. Where a proposed development consists of ownership units, units created under this section shall be ownership units. The value of dwelling units created pursuant to this section as a way of meeting the permanently affordable dwelling unit requirement shall be determined, at the expense of the developer, by a certified appraiser or by such alternative means of valuation as approved by the town council, or the planning commission, in circumstances where the planning commission has final authority.

---

- (3) *Off-site construction of affordable housing within the incorporated areas of the town joint planning area or its extraterritorial jurisdiction.* Off-site construction of units should be located in proximity to public transit service. Such construction should not be located in environmentally sensitive areas, including property that would only be built upon with approval of an RCD variance or steep slope variance.
- (4) *A payment in lieu of housing.* The town council may approve a payment in lieu (hereinafter a "payment") of providing affordable dwelling units, in accordance with the criteria established below. The town council shall establish the payment amounts by resolution.
  - A. *Applicability.* The town council, or the planning commission, in circumstances where the planning commission has final authority, may accept a payment for all or part of the affordable housing obligation imposed by this section. A payment may be approved if:
    - 1. The calculation of the housing obligation results in a fractional number of units, in which case the fractional amount shall be fulfilled with a payment in lieu; or
    - 2. The payment provides opportunity for an equivalent or greater amount of affordable dwelling units in a way that the town council, or the planning commission, in circumstances where the planning commission has final authority, determines better achieves the goals, objectives, and policies of the comprehensive plan.
  - B. *Amount of payment.*
    - 1. Each year, affordable housing agencies actively involved in producing affordable housing will be asked to provide the town council with a list of new affordable units from the past fiscal year and to specify for each unit the dollar amount of subsidy needed to make each unit affordable. The per unit average of the subsidies will be calculated, and this average will be multiplied by the average percent increase in the cost of new homes constructed in the Town of Chapel Hill for that fiscal year. The result will be the payment in lieu fee for the coming year.  
The council shall annually establish the per unit payment amount.
    - 2. For purposes of determining the total payment amount, the per unit amount established by the town pursuant to paragraph B.1, above, shall be multiplied by fifteen (15) percent of the number of units approved in the development. For purposes of this calculation, fractional amount shall be taken to the second decimal point and shall not be rounded up or down. If the cash payment is in lieu of providing one or more but not all of the required units, the calculation of required affordable dwelling units shall be prorated.
  - C. *Use of payment.* The payment shall be made to the town and reserved to be used for affordable housing purposes.
- (5) *An alternative proposed by the applicant that directly provides or enables the provision of affordable housing units within the town extra territorial jurisdiction or joint planning area.* The alternative shall be approved by the town council, or the planning commission, in circumstances where the planning commission has final authority, and made a condition of approval of the application.

#### *3.10.4 Affordable Housing Plan.*

- (a) *Applicability.* Applications that are subject to this section shall include an affordable housing plan as described below. An affordable housing plan describes how the application complies with each of the applicable requirements of this section.
- (b) *Approval.*
  - (1) The affordable housing plan shall be approved along with the application.

---

(2) Minor modifications to the plan are subject to approval by the town manager. Major modifications are subject to approval by the town body that originally approved the application and will be considered upon petition from the applicant. Items that are considered major and minor may be designated in the affordable housing plan.

(c) *Contents.* The affordable housing plan shall include at least the following:

- (1) General information about the nature and scope of the development subject to these regulations.
- (2) For applicants that request an alternative to on-site provision of affordable housing, evidence that the proposed alternative will further affordable housing opportunities in the town to an equivalent or greater extent than compliance with the otherwise applicable on-site requirements of this section.
- (3) The total number of market rate units and affordable dwelling units in the development.
- (4) The number of bedrooms and bathrooms in each affordable dwelling unit.
- (5) The approximate square footage of each affordable and each unrestricted, market rate dwelling unit.
- (6) The approximate location within any multifamily residential structure, or any subdivision of land, of each affordable dwelling unit.
- (7) The pricing for each affordable dwelling unit or lot. The pricing of each unit or lot shall be determined at time of approval. At time of sale this price may be adjusted if there has been a change in the median income or a change in the formulas used in this ordinance.
- (8) The order of completion of market rate and affordable dwelling units.
- (9) Documentation and specifications regarding the exterior appearance, materials and finishes of the development for each of the affordable dwelling units, unless it is stated that market rate units and affordable dwelling units shall have identical exterior finishes. It is strongly encouraged that the appearance of affordable units be comparable to the appearance of market-rate units.
- (10) Documentation of features incorporated into the design of the affordable dwelling units that accommodate lifelong living and aging in place. Examples of such features, also referred to as components of "universal design," are elements that provide increased accessibility to and throughout the dwelling such as accessible points of entrance to the dwelling, wider doorways, and bedrooms accessible without steps.
- (11) Documentation of the extent to which construction of the affordable units incorporates energy-efficient and durable design and materials, to minimize ongoing maintenance costs for those units.
- (12) Any and all other information that the town manager may require that is needed to achieve the council's affordable housing goals.

### *3.10.5 Recorded Agreements, Conditions and Restrictions.*

(a) An affordable housing performance agreement shall be executed between the town and an applicant, in a form approved by the town attorney, based on the affordable housing plan described in section 3.10.5, which formally sets forth development approval and requirements to achieve affordable housing in accordance with this ordinance and location criteria. The agreement shall identify:

- The location, number, type, and size of affordable housing units to be constructed;
- Sales and/or rental terms; occupancy requirements;
- A timetable for completion of the units; and
- Restrictions to be placed on the units to ensure their permanent affordability and any other terms contained in the approval resolution by the town council or planning commission as applicable.

---

- If land is to be conveyed as part of compliance with these requirements, the agreement will identify the land to be conveyed, its fair market value, and the time at which the land will be conveyed.
- If a payment in lieu of housing fee is to be part of compliance with these requirements, the agreement shall identify the amount of fees to be paid and the time of payment.

(b) The applicant or owner shall execute any and all documents deemed necessary by the town manager, including, without limitation, restrictive covenants and other related instruments, to ensure the permanent affordability (see section 3.10.10) of the affordable housing units or lots in accordance with this section.

(c) The applicant or owner must prepare and record all documents, restrictions, easements, covenants, and/or agreements that are specified by the town council (or planning commission, as appropriate) as conditions of approval of the application prior to issuance of a zoning compliance permit for any development subject to this section.

(d) Documents described above shall be recorded in the Orange or Durham County Registry of Deeds as appropriate.

#### *3.10.6 Development Cost Offsets.*

(a) *Development cost offsets.* Along with provisions outlined in subsection 3.10.2(d) related to density bonuses accompanying these inclusionary housing requirements, the town also agrees to waive certain development-related fees for projects that are subject to these requirements. If an application proposes development in compliance with the provisions of section 3.10 of this ordinance, otherwise applicable town application fees, building permit fees, plan review fees, inspection fees, and such other development fees and costs which would otherwise be due shall be waived for the affordable dwelling units component of the application. If application fees are paid for a proposed development that subsequently adds additional affordable dwelling units to the development plan, a pro rata refund of such fees shall be provided to the applicant upon approval of the development to reflect the additional affordable units. This waiver does not apply to any market rate units, or to any fees associated with water, wastewater, or stormwater.

(b) *Application.* Waiver requests must be submitted in writing and can only be granted when the affordable housing agreement is fully executed.

#### *3.10.7 Integration of Affordable Housing Units.*

(a) *Location of affordable housing units.* The affordable housing performance agreement (as described in subsection 3.10.4(a)) shall include description of the location of affordable housing units. Affordable housing units or lots shall be located within the development subject to these regulations, unless the applicant is granted an exception or alternative to providing on-site housing as described in section 3.10.3. Affordable units shall be sited in multiple locations within the development subject to these regulations. The locations shall be approved by the town manager.

(b) *Phasing of construction.* The affordable housing plan and the affordable housing performance agreement shall include a phasing plan that provides for the timely and integrated development of the affordable housing units as the development project subject to these regulations is built out. The phasing plan shall provide for the development of the affordable housing units concurrently with the market rate units. Zoning compliance permits shall be issued for the development project based upon the phasing plan. The phasing plan shall be approved by the town manager prior to the issuance of any zoning compliance permit. Subsequent to approval, the phasing plan may be adjusted by the town manager when necessary in order to account for the different financing and funding environments, economies of scale, and infrastructure needs applicable to development of the market rate and the affordable housing units.

(c) *Exterior appearance.* The exterior appearance of the affordable housing units in any development subject to these regulations shall be compatible in style and quality with the market rate units in the development, subject to town manager approval.

---

(d) *Number of bedrooms in the affordable units.* The affordable housing units shall have a number of bedrooms in the approximate same proportion as the market rate units. Where this calculation results in a fraction in the number of affordable units having a specified number of bedrooms, the number of bedrooms in the affordable units shall be established in the affordable housing plan to be approved by the manager. In any such plan, the number of units with the higher fraction shall be favored. (By way of illustration, if a calculation based on the first sentence of this paragraph results in three and one-quarter (3.25) three-bedroom affordable units and three and three-quarters (3.75) two-bedroom affordable units, the approved plan shall include three (3) three-bedroom affordable units and four (4) two-bedroom affordable units.)

**3.10.8 Target Income Levels for Pricing of Affordable Housing Units or Lots.**

- (a) In development projects subject to these regulations, at least one affordable housing unit or lot and at least fifty (50) percent of the affordable housing units or lots shall be offered for sale to low-income households at a price that on average is affordable to a household with an annual income that is at or below sixty-five (65) percent of area median income, based on household size for the Durham-Chapel Hill Metropolitan Statistical Area, as determined by the United States Department of Housing and Urban Development (HUD).
- (b) Any remaining affordable units or lots shall be sold to low-income households at a price that is affordable to a household with an annual income that is at or below eighty (80) percent of area median income, based on household size for the Durham-Chapel Hill Metropolitan Statistical Area, as determined by the United States Department of Housing and Urban Development (HUD).
- (c) At the time of first sale of an affordable housing unit or lot, the developer shall be required to execute and record any documents necessary to ensure and maintain the number and sales conditions of affordable housing units or lots as specified in section 3.10.10 and required by this chapter.

**3.10.9 Price of Affordable Dwelling Units or Lots.** The price of affordable dwelling units offered by the developer shall be established such that the total cost of mortgage principal and interest, property taxes, homeowners and condominium association fees, any mandatory maintenance fees, and homeowner's insurance does not exceed thirty (30) percent of the maximum specified income levels of purchasers, as established in section 3.10.8. Calculation of housing costs shall be based on projected tax obligations, a thirty-year fixed rate mortgage, a five (5) percent down payment, and projected mortgage rates.

**3.10.10 Period of Affordability.** In developments subject to these regulations that contain for-sale units or lots, affordable housing units or lots shall be resold to low- and moderate-income households for a period of at least ninety-nine (99) years or as long as permissible by law. The owner shall execute and record all documents required by this section to ensure compliance with this subsection.

(Ord. No. 2010-06-21/O-11, § 2; Ord. No. 2014-03-10/O-2, § 3; Ord. No. 2020-10-28/O-10, § 13; Ord. No. 2021-05-19/O-1, §§ 35, 36)