

CITY OF HIGH POINT

AGENDA ITEM



TITLE: Text Amendment 23-04 (City of High Point)	
FROM: Sushil Nepal, AICP Planning & Development Director	MEETING DATE: January 16, 2024
PUBLIC HEARING: Yes	ADVERTISED DATE/BY: January 3 & 10, 2023 Planning & Development
ATTACHMENTS: A. Staff Report B. Text Amendment Ordinances	

PURPOSE:

A request by the City of High Point to amend Section 2.5.10; Section 6.3.5 and Sections 9.10 & 9.10.1 pertaining to Land Disturbance and Erosion Control.

BACKGROUND:

The Planning and Zoning Commission reviewed this request at their December 12, 2023 public hearing. All members of the Commission were present. Mr. Trevor Spencer, Engineering & Facilities Director, presented the case and recommended **approval** of the request as outlined in the staff report.

Speaking on the request:

There were no speakers in opposition to the request.

BUDGET IMPACT:

There is no budget impact.

RECCOMENDATION/ACTION REQUESTED:

A. Staff Recommendation

Staff recommended **approval** of this request as outlined in the attached staff report.

B. Planning and Zoning Commission Action

1. The Planning and Zoning Commission recommended **approval** of this request, as recommended by staff, by a vote of 8-0 (*vote-count based on having one vacant seat on the commission*).

2. Consistency and Reasonableness Statements

The Planning and Zoning Commission voted 8-0 to **approve** the following statement:

That Text Amendment 23-04 is consistent with the City's adopted policy guidance because the proposed amendments support goals and objectives in the Land Use Plan to ensure development respects the natural environment and protects and preserves environmentally sensitive locations, including watershed critical areas. Furthermore, the request is in the public interest because the amendments are necessary to implement changes to comply with the General Statutes.



**CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT**

**STAFF REPORT
TEXT AMENDMENT CASE TA-04
December 12, 2023**

Request	
Applicant: City of High Point Planning & Development Department	Affected Ordinance Sections: Section 2.5.10., <i>Land Disturbance Permit</i> Section 6.3.5., <i>Mandatory Standards for Land Disturbing Activity</i>
Proposal: Amend various sections of the City of High Point Development Ordinance to address revisions to the state erosion control rules.	Section 9.10.1., <i>Soil Erosion and Sedimentation Enforcement and Penalties</i> Section 9.10., <i>Soil Erosion and Sedimentation Enforcement and Penalties</i>

Background and Introduction

As a delegated authority with the responsibility for implementing Erosion Control enforcement as set forth in the General Statutes, the City of High Point must amend its Development Ordinance to address those changes made by the State to comply with the General Statutes.

Details of Proposal

The following is a summary of the proposed amendments:

- Section 1:** Amendment to include the process for acquiring an extension for a Land Disturbance Permit.
- Section 2:** Amendment regarding the number of days to provide temporary and permanent ground cover as set forth in NCGS § 113A-57(2) and 15A NCAC 04B .0107(b).
- Section 3:** Amendment regarding correcting paragraph numbering which was inadvertently misnumbered in Text Amendment 22-04, Ordinance 7875/22-95.

Analysis

This text amendment is necessary to bring our ordinances in line with the General Statutes.

Section 1 adds the process for obtaining an extension of a Land Disturbance Permit.

Section 2 updates the number of days required to provide temporary ground cover to 21 days and to provide permanent ground cover after completion of a project to 90 days.

Section 3 involved renumbering an existing paragraph to be sequential with that section.

Consistency with Adopted Policy Guidance:

Whether and the extent to which the proposed text amendment is consistent with applicable City adopted policy guidance.

The proposed amendments support goals and objectives in the Land Use Plan to ensure development respects the natural environment and protects and preserves environmentally sensitive locations, including watershed critical areas.

Reasonableness/Public Interest:

Why a decision to approve, or to deny, the proposed text amendment is reasonable and in the public interest.

The amendments are necessary to implement changes to comply with the General Statutes.

Recommendation

Staff recommends approval.

Required Action

Planning and Zoning Commission:

The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

City Council:

The NC General Statutes require that the City Council also place in the official record a statement of consistency with the City's adopted plans and explain why the action taken is reasonable and in the public interest when rendering its decision in this case. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

Report Preparation

This report was prepared by Engineering Services staff member Anita Simpson, Erosion Control Inspector, and reviewed by Trevor Spencer, Director.

TEXT AMENDMENT 23-04

Ordinance # _____

Applicant: City of High Point

AN ORDINANCE AMENDING THE CITY OF HIGH POINT DEVELOPMENT ORDINANCE

WHEREAS, the City of High Point adopted the "City of High Point Development Ordinance" on May 16, 2016, with an effective date of January 1, 2017, and subsequently amended; and

WHEREAS, public hearings were held before the Planning and Zoning Commission on **December 12, 2023**, and before the City Council on **January 16, 2024** regarding Text Amendment **23-04**; and

WHEREAS, notice of the public hearings was published in the High Point Enterprise on **December 2, 2023** for the Planning and Zoning Commission public hearing, and on **January 3, 2024** and **January 10, 2024** for the City Council public hearing pursuant to N.C.G.S. §160D-601.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, NORTH CAROLINA:

SECTION 1.

(Regarding time required to apply and/or request an extension for a Land Disturbance Permit, Section 2.5.10. - Land Disturbance Permit)

That Section 2.5.10, Land Disturbance Permit, is hereby amended as follows:

G. Expiration

3. The Engineering Services Director may, on receipt of a written request for an extension filed prior to the expiration date, renew a land disturbance permit for an additional 180 days, for good cause.

SECTION 2.

(Regarding the number of days to provide temporary and permanent ground cover as set forth in NCGS § 113A-57(2) and 15A NCAC 04B .0107(b))

PART A.

That Section 6.3.5., Mandatory Standards for Land-Disturbing Activity, is hereby amended as follows:

C. **Graded Slopes and Fills**

3. In any event, slopes left exposed will, within ~~7~~ **21** calendar days of completion of any phase of grading, be planted or otherwise provided with temporary or permanent ground cover, devices, or structures sufficient to restrain erosion.

- D. **Ground Cover** Whenever land-disturbing activity is undertaken on a tract, the person conducting the land-disturbing activity shall install such sedimentation and erosion control devices and practices as are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Except as provided in Section 6.3.6 B, High Quality Water Zones, of this Ordinance, provisions for a ~~permanent~~ ground cover sufficient to restrain erosion must be accomplished within ~~44~~**90** calendar days **following completion of construction or development.**

PART B.

That Section 9.10.1, Soil Erosion and Sedimentation Enforcement and Penalties, is hereby amended as follows:

- H. **Failure to Plant Cover** Failure on a tract, when more than one contiguous acre is disturbed, to plant or otherwise provide ground cover sufficient to restrain erosion within ~~44~~ **21 calendar** days of completion of any phase of grading, **or to provide permanent ground cover sufficient to restrain erosion within 90 calendar days of completion of construction or development.**

SECTION 3.

(Regarding correcting paragraph numbering which was inadvertently misnumbered in Text Amendment 22-04, Ordinance #7875/22-95)

That Section 9.10, Soil Erosion and Sedimentation Enforcement and Penalties, is hereby amended as follows:

- ~~Q~~**N. Other Violations** Violating any other provisions of Section 6.3, Soil Erosion and Sedimentation, the North Carolina Sedimentation Pollution Control Act, or any rules or orders adopted or issued pursuant to Section 6.3, Soil Erosion and Sedimentation, or the North Carolina Sedimentation Pollution Control Act.

SECTION 4.

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6.

This ordinance shall become effective upon adoption.

Adopted by the City Council
City of High Point, North Carolina
The 16th day of **January, 2024**
Sandra Keeney, City Clerk

By: _____
Cyril Jefferson, Mayor

ATTEST:

Sandra Keeney, City Clerk