

THE COMMUNICATOR

Planning & Development Department
Quarterly Newsletter
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Volume II

www.highpointnc.gov/plan

Issue 1

NC DIVISION OF WATER QUALITY REVISES SURFACE WATER BUFFER RULES

All jurisdictions in the Randleman Lake Watershed are required by the NC Division of Water Quality (DWQ) to amend their local watershed regulations to conform to new rules pertaining to surface water buffers. In response to the new rules, the Department submitted proposed local ordinance changes to DWQ on December 1, 2010. Early in 2011, DWQ returned the submission with comments, and the Department staff revised the proposal accordingly and resubmitted to DWQ for their approval. On May 13, 2011 DWQ informed the City that the local changes were in compliance with the new rules and to proceed with the local ordinance amendment process. These changes to surface water buffer regulations were considered by the Planning and Zoning Commission at their July regular meeting and, approved, by the

City Council in August. A copy of the approved watershed regulations amendment is on the City's website at:

http://www.highpointnc.gov/plan/whats_new.cfm

In summary, DWQ's new rules pertain exclusively to activities in surface water (riparian) buffers. The buffers themselves will not increase in size as they will remain 50 feet wide except for those in high density development, which have a width of 100 feet. Instead the general intent of these rule changes is to allow administrative approval of certain activities within the buffers rather than following the variance process that requires City and possibly State approval to allow certain activities. Existing development or existing activities in a buffer are exempt and not affected by this rule change. *(continued on page 5)*

DID I MISS AN ISSUE OF THE NEWSLETTER?

No, our last issue was Spring 2011.

Since that time our Newsletter has been "UNDER CONSTRUCTION" and we have been unable to publish it. We intend to get back on our regular schedule with quality newsletters, so look for the Spring 2012 edition in a couple of months.

Please inform others of our newsletter, THE COMMUNICATOR", to help them stay better informed with what is going on with the City of High Point's Planning and Development Department. As well, please convey other items of interest to better serve your needs.

As always, communication is essential to improving our relationship with each other in order to provide first rate services to our customers, the Citizens of High Point.

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The Director's Corner

In 2010, the Planning & Development Department contracted with Insight Research, Inc. to conduct several surveys of our customers. The purpose of the surveys was to obtain customer opinions regarding several of the services we provide. More specifically, we wanted to identify what the Department does well, identify areas for improvement, identify the priorities of our customers, and establish a baseline of customer opinions that can be trended over time to determine if customer satisfaction and priorities are changing. Insight Research, Inc. conducted three first class mail-back surveys from specific groups of our customers.

The first survey was the Contractor Customer Survey that was sent to 1010 customers. This customer group consisted of building, electrical, mechanical and plumbing contractors that performed residential and commercial construction work in the city.

The Residential Customer Survey was sent to 600 property owners or homeowners that performed some type of construction work at their home and had building, electrical, mechanical, or plumbing work done at their home.

And the final survey was the Development Review Survey that was sent to 135 customers consisting of developers, engineers, landscape architects, land surveyors and planners that submitted development plans to the City. Development plans include site plans, subdivision plans, watershed plans and the like.

To read or download copies of these survey reports, please visit our website at http://www.highpointnc.gov/plan/customer_survey.cfm

We have used these survey reports to guide service improvements while working to make sure we retain those areas where our customers told us we performed well. If you have any questions or comments after you read these reports, please contact me at lee.burnette@highpointnc.gov or at 336-883-3328.

PLANT TO REMEMBER MEMORIAL TREE PROGRAM

The City's Urban Forestry Committee launched the Plant to Remember Memorial Tree Program in 2010 to give people the opportunity to have a tree planted in honor or memory of a loved one. Honorees receive a certificate, and have their names listed on the program's website and on a plaque displayed at the High Point Library. So far, 23 trees have been planted in parks, golf courses, and other city facilities across High Point.

Applications are accepted throughout the year, but the Parks & Recreation Department only plants trees between November and February. Donation amounts include the cost of the tree, plus the cost of any replacement tree, if necessary, within the first two years. All donations are tax deductible.

Applications, along with additional information, are available on the program's website:

http://www.highpointnc.gov/plan/memorial_tree.cfm

The application includes a list of sites that can be selected as a preferred location, and also lists the three donation levels, which are based on the

following types of trees Shade Trees and Flowering Trees – \$100

- *Standard Crape Myrtles – \$75*
- *Dwarf Crape Myrtles – \$50*

While every effort will be made to honor the requested location and type of tree, the City of High Point reserves the right to make the final determination on location and variety.

Completed applications along with a check payable to "Plant to Remember" should be mailed to:

*Plant to Remember
1301 Brentwood St.
High Point, NC 27260*



For questions please contact Andy Piper in the City of High Point Planning & Development Department at 336-883-3328 or by e-mail at andy.piper@highpointnc.gov

YOUR OPTIONS WHEN THE DEVELOPMENT ORDINANCE SAYS “NO”

Many times during the course of an average day a developer, business owner or home owner walks into the Planning and Development Department and talks to a planner about a proposed development project.

The planner might be asked about the legality of a proposed use, the location of a proposed building on a property, or the amount of parking or landscaping that is needed. Sometimes, the answers are what the person wants to hear – that the proposed project will meet the Development Ordinance requirements. Other times, however, the news is not so good – the proposal does not comply with all the requirements.

Often a slight adjustment in the proposed plan is all that is needed to bring the plan into compliance, but sometimes the discrepancy is too major to be fixed by a minor adjustment on the site plan. In such cases the planner is often asked, “Is there anything I can do to allow this project as submitted?”

Similar to the justice system, which allows an appeal to most court decisions, the development review process offers some potential remedies when the Development Ordinance says “no.” While there is no guarantee of success, it is helpful to know what alternatives are available.

Variance

Sometimes, a zoning regulation cannot be met because of a physical constraint or problem on the site, or other unique circumstance that causes the property owner or developer a hardship. In these instances it might be better to request a variance from the Board of Adjustment. Unlike a text amendment, a variance authorizes relief, or a variation, from an Ordinance requirement (usually a building setback) for one specific property. The applicant in a variance request must demonstrate that certain criteria, or findings, have been met in order for the Board of Adjustment to grant relief. A variance request can be difficult to justify, particularly if the relief requested is not minimal or is not relatively critical to making use of the property itself. The Board reviews variance requests at a public hearing, and the process takes about a month.

Rezoning

If a proposed use is not permitted at a desired location then the property owner (or an applicant on behalf of the property owner) can request a change (or rezoning) to a zoning district that permits the proposed use. Such a request is reviewed by the Planning and Zoning Commission and decided upon by City Council.

City Council does not take rezoning requests lightly; however. They utilize the adopted Land Use Plan as a guide in all rezoning decisions as required by state law, so an applicant should review the plan before requesting a rezoning. If the zoning request does not conform to the adopted Plan, it may still be requested, often with an amendment to the Land Use Plan, but it would likely be more difficult to justify. It should also be noted that a rezoning request is not a quick process, requiring at least two public hearings and generally taking three to four months from start to finish.

Text Amendment

An alternative to a rezoning request is a request for a text amendment, which is a change to the text of the Development Ordinance. Such an amendment might propose to change the ordinance so as to allow a requested use in the zoning district in which the site is located, thereby eliminating the need for a rezoning; or an amendment might add, delete or modify a regulation or group of regulations so that a proposed development can proceed. As with a rezoning request, a text amendment is reviewed by the Planning and Zoning Commission and decided upon by City Council, and may take a few months to complete.

However, a text amendment change affects all properties throughout the city that the regulation is applied to; so if a new land use is added to the General Business (GB) zoning district, it is added to all GB districts in the city. Likewise, if a setback is changed for a property zoned RS-7; it is changed for all RS-7 zoned properties in the City. City Council, therefore; considers any proposed change very carefully before taking action. *(continued on page 11)*

CORE CITY TREE INVENTORY LOOKS AT THE FOREST FOR THE TREES

The City of High Point received an urban and community forestry grant from the NC Division of Forest Resources in 2010-2011 to conduct a tree inventory in High Point's core city area. Over 4,400 trees on publicly owned or controlled property within an 11 square mile area were identified and entered into a GIS database that can be updated as conditions change.

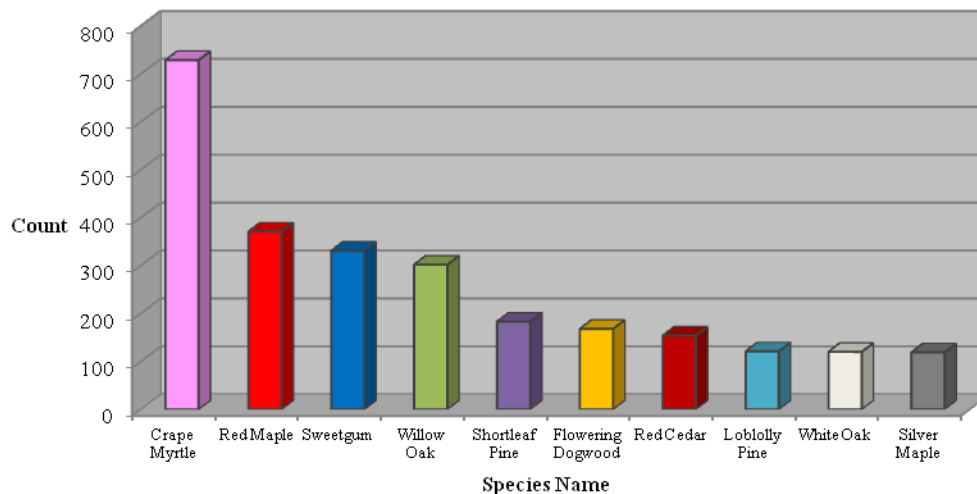
The City selected Treefull Communities, LLC as a lead consultant, but the project would not have been possible without the help of almost 40 volunteers who collected data in April and May. The volunteers participated in training sessions at the Piedmont Environmental Center to learn about what information to collect, including the type of tree, size, general condition, problematic conditions, and maintenance recommendations. In addition, approximately 250 potential planting spaces were identified for future tree projects.

Over the long term, the project was designed to develop the City's urban forestry program by building community support and demonstrating the value of trees to a wider audience. However, more immediate benefits include the identification of potentially hazardous trees, improved response to public enquiries, more efficient scheduling of labor and equipment, and improved coordination between municipal services and private contractors. The information gathered will also be used to analyze the Core City trees' environmental benefits, such as energy conservation, air quality improvement, carbon dioxide reduction, and storm water control.

A [Tree Inventory Report and Analysis](#) with a breakdown of the types of trees and their condition is available on the Planning & Development Department's webpage, along with an [Urban Forest Management Plan](#), which makes recommendations about coordinating future tree activities and improving long range planning for the urban forestry program.

For more information, contact Andy Piper at 336-883-3328 or by e-mail at: andy.piper@highpointnc.gov

Top 10 Species Distribution



EFFECTIVE INSULATION TECHNIQUES



Window jambs must be sealed around rough openings to prevent air leakage. To start, windows caulked and taped to house wrap provide a moisture and air barrier. Inside there are several possible choices. While spray foam provides a good fill between the jamb and rough opening, there have been cases where operation of window sashes has been hindered. Caulking backer rod has become a popular choice. It comes in different sizes and is approved for energy star homes. Densely packed batt insulation is still approved and eliminates the need for stocking different materials.

Wall and floor insulation must be supported adequately. Floor insulation must maintain permanent contact with the underside of the subfloor decking. Care should be taken not to over compress the insulation and maintain constant contact with the subfloor.

This requires wire supports two feet on center. Wall insulation does not require support when it's encapsulated. Kraft paper vapor retarder can be used, but it's not required. Kraft paper vapor retarder is not allowed in fireplace chases or left exposed in an unfinished wall. There are many ways to support wall insulation in a fireplace chase. Wire supports, strapping, fiberglass mesh and sheathing panels are some of the many products used. Performance of wall insulation has been under discussion. The widely accepted practice to achieve maximum performance of wall insulation is to encapsulate it by fastening sheathing panels to the open side of an insulated wall in fireplace chases and attics. While wire supports, strapping and mesh are accepted, encapsulation should be seriously considered.

If you have any questions, call Darrell Long, Building Supervisor at 336 883-3323.

NC Division of Water Quality Revisions

(continued from page 1)

Under the new rules, new development and activities in the surface water buffers will be classified as:

- Exempt – e.g. pedestrian. access trails less than 4 ft. wide; canoe access points that don't remove trees;
- Potentially allowable – e.g. airline activities necessary to comply with FAA requirements like radar uses; water wells other than single-family wells as long as these uses meet certain standards;
- Potentially allowable with mitigation – e.g. driveway impacts other than crossing a stream; wet detention ponds, bioretention cells and constructed wetlands in Zone 1.

Activities that are potentially allowable or potentially allowable with mitigation will require a finding by the Technical Review Committee (TRC) that there is no practical alternative to the proposed development or activity. Such a finding requires a determination that the project can't be done with a smaller impact through a reduced footprint, by moving the project to a different location, or by some other measure. In order to obtain a finding of no practical alternative, the applicant must submit a watershed development plan with an explanation of why there is no practical alternative.

If the project is required to be mitigated, there are three avenues to do so:

- Payment to the NC Ecosystem Enhancement Fund;
- Physical restoration or enhancement of a riparian buffer;
- Donation of real property or contribution of a permanent easement.

Development in buffers that is not allowed by the new regulations or development that is allowed but doesn't meet the new rule standards would require a variance approval either from the City Council or the NC Environmental Management Commission, depending on the proposed development's location within the surface water buffer. A variance approval is the only method for development or activities in surface water buffers under the current rules.

For further information, contact Mark Schroeder TRC Coordinator at 336-883-3336 or mark.schroeder@highpointnc.gov.

CHANGES IN THE 2011 ELECTRICAL CODE

The 2011 National Electrical Code should be adopted in June 2012 or January 2013. Here are a few of the new code changes that will go into effect.

In Article 210.8 “Ground Fault Circuit Interrupters” a change was made to require GFCI’s to be readily accessible. Readily accessible means capable of being reached quickly for operation, renewal, or inspections without climbing over or removing obstacles to be accessed for testing. These devices are recommended to be tested monthly and being readily accessible will make this process easier. There is an exception for receptacles that are installed behind water fountains.

Another change in Article 210 is 210.52(I). This change is for large foyers that are greater than sixty square feet and not part of a hallway. The new change would require a receptacle on each wall of the foyer with a wall space of three feet or more in width. This would keep the homeowner from running cords under rugs or across doorways. This would be permanent wiring for receptacles for lamps and other uses.

In Chapter 300 there is a new change in Article 314.27(C), Boxes at Ceiling Fans. In single or multifamily dwellings where a multi wire cable is run to the ceiling mounted outlet box an approved fan box or system listed for ceiling fan is required. In residential construction switches and three wires would be installed for future paddle fans but would not be completed at the time of inspection. The homeowner, at some point, would replace the light with a paddle fan but would not know to replace the standard box with a listed fan box. The fan box provides support that keeps improperly installed paddle fans attached to the ceiling so they will not fall.

There are two new changes in Chapter 400 for replacement receptacles. These are Article 406.4(D) (4) and Article 406.4(D) (5). Article 406.4(D)(4) will require receptacles that are replaced in bedrooms, sunrooms, living rooms, family rooms and similar areas to be arc fault circuit interrupter protected. This requirement will make existing homes safer. AFCI protection can be done with breakers or arc fault receptacles. Since arc fault receptacles are not yet available, and could require a service change, this article will not be effective until January 1, 2014. Along with this requirement is article 406.4(D)(5), which requires replacement receptacles to be tamper resistant. This will follow the requirement for GFCI’s replacement. If a receptacle is replaced that is now required to be tamper resistant, a new tamper resistant receptacle must be installed. This will make existing homes safer for children who may insert foreign objects into receptacles.

If there are any questions, please call Phil Barham, Electrical Supervisor at 336-883-3319.



PERMITS ARE NEEDED ON ALMOST ALL WATER HEATER REPLACEMENTS

It is time to dispel a very large myth, or what can be referred to as a new urban legend, about all replacement water heaters not needing to be permitted. The replacement of most water heaters **REQUIRES** a permit, regardless of the word on the street

Last year, legislation was submitted and approved to allow “**some**” water heaters to be replaced without having to get permits or inspections. What the word on the street is not saying is that most of the replacements will require a permit. We have worked numerous complaints against licensed contractors who have performed water heater replacements from single family structures to commercial structures, where permits were not obtained in direct violation of this new legislation. These contractors have been disciplined for listening to the word on the street and not actually confirming the language in the legislation. In addition, there are some inspection departments who are telling licensees that permits are not required based again on the word on the street and not the actual legislation. This newsletter article is an effort to dispel this myth. In order for a water heater replacement to be installed without a permit, all of the following items have to happen (if one of the following requirements is missing, then **a permit is required**):

- The work is restricted to one or two-family dwellings only (no buildings with three or more dwelling units and no commercial buildings);
- The work has to be performed by a North Carolina Licensed Plumbing Contractor (or a bona-fide employee of a North Carolina Licensed Plumbing Contractor);
- The licensee is required to personally examine the work at completion;
- The licensee is required to ensure that a leak test has been performed on the gas piping;
- The energy use rate or thermal input is not greater than the water heater which is being replaced;
- The replacement is required to be installed in accordance with the current edition of the State Building Code (plumbing section);
- There is no change in fuel;
- There is no change in energy source;
- There is no change in location;
- There is no change in capacity; or
- There is no change in routing or sizing of venting or piping.



Only if all of the above listed items are true on each water heater replacement can a contractor be allowed to refrain from obtaining a permit or inspection for the water heater replacement. If any of the items listed above is missing or not accomplished on a water heater replacement then **A PERMIT IS REQUIRED**. If it is brought to the attention of the North Carolina Plumbing Board, or someone files a complaint against a licensee for performing a water heater installation without a permit, we will investigate each complaint to make sure all of the requirements listed above have been met. Any jobs where all of the above requirements are not met will result in a verified complaint against the licensee, and sanctions will be instituted. If you have any doubt about the need for a permit it is always better to err on the side of caution and secure the permit before commencing the work. You are encouraged to contact the administrative officer in your area. Visit <http://www.nclicensing.org/> and click on the Administrative Officers button to see a list of the administrative officers, the counties in their respective regions, and their contact information.

If you should have any questions, please call Jim Lawson, Plumbing Supervisor at 336-883-3275.

WHAT'S THAT SIGN DOING IN MY NEIGHBORHOOD?

When I was driving home yesterday I saw a PUBLIC HEARING sign posted on a property across the street from my house. What are these signs, who puts them up and why?



These signs are posted by the City of High Point Planning & Development Department to advertise an upcoming public hearing regarding the property which the sign is posted. There are various public hearings held by the City Council, Planning & Zoning Commission and Board of Adjustment.

The posting of these signs is required, either by the North Carolina General Statutes or by the City of High Point's Development Ordinance. There are three types of public hearing signs used by the City. The color of the sign provides information as to the reason for the hearing.

RED "Z-SIGN" This sign is used to advertise a **ZONING** related public hearing on that property. It is typically used for Planning & Zoning Commission and City Council related public hearings.



BLUE "V-SIGN" This sign is used to advertise that a **VARIANCE** to a Development Ordinance requirement has been requested on that property.



GREEN "PH-SIGN" This is an all purpose sign that may be used to advertise any **PUBLIC HEARING**. It is typically used to advertise street abandonments.



All public hearings are held at City Hall (Municipal Office Building) located at 211 South Hamilton Street, and each sign will note a Case Number, Date and Time of the hearing. All public hearing signs also include the City of High Point Planning & Development Department's web address and phone number. Call or visit our website <http://www.highpointnc.gov/plan> for more information about the advertised hearing.

The Final Tidbit

When a public hearing is scheduled that pertains to a particular property, it is advertised in multiple ways to inform citizens:

1. A Legal Ad published in a local newspaper (High Point Enterprise);
2. A 1st class mailed notice to adjacent property owners within 100 – 300 feet of the subject property.
3. On the City of High Point's web page; and
4. Posting of a public hearing sign on the property.

ANNEXATION AGREEMENTS HELP DETERMINE CITY'S GROWTH

High Point contains roughly 55.38 square miles within its city limits, but the City's planning area is much larger – about 92 square miles. High Point's Land Use Plan Map illustrates this planning area with an array of bright colors representing a variety of land use designations (for example, Low Density Residential [yellow], Office [blue], Restricted Industrial [light purple] and so on), which indicate planned future land uses. How were the borders of the City's planning area drawn? What gives High Point the right to plan for the area's future rather than some other city? For that matter, what gives a city any right at all to plan for an area not within its corporate limits? The answer to these three questions is the same—annexation agreements. High Point entered into a series of agreements with neighboring communities over the past two and a half decades and was, in fact, one of the first cities in North Carolina to do so. This occurred through a local act, a bill passed by the state legislature applying only to a specific situation peculiar to a particular location. A couple of years later, the legislature provided state-wide authorization for these agreements.

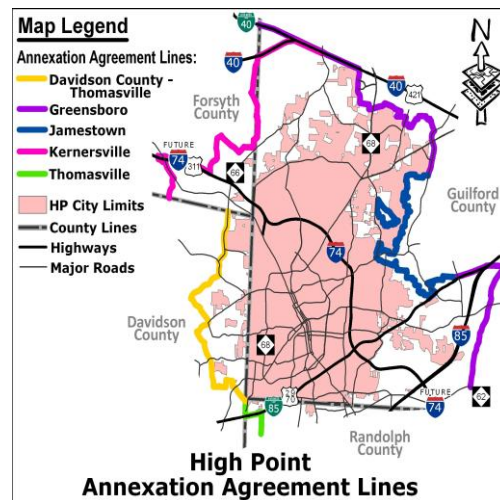
Annexation agreements establish lines beyond which participating cities agree not to annex property, either voluntarily or involuntarily, for a specified period of time. High Point's first annexation agreement was with Greensboro in 1988. The agreement terminates in 2018, at which time it can be renegotiated if both parties so desire. Since 1988, the city has joined in similar agreements with Jamestown, Thomasville (two of them, one of which includes Davidson County as a participating jurisdiction), Kernersville and Archdale (see map). In 2010, the agreement with Thomasville was renewed, and a similar renewal of the Archdale agreement is being pursued. Trinity has also been queried as to its interest in concluding an annexation agreement with High Point.

Annexation agreements offer a number of benefits to local governments and also to the community's citizens. They promote orderly growth and the efficient provision of municipal services like sewer, water and garbage collection; and they reduce uncertainty among residents and property owners alike about the direction growth will eventually take.

What these agreements don't do is equally important. They don't grant authority to a city over properties in unincorporated parts of a county. Authority only comes with annexation, with the limited exception of extraterritorial jurisdiction (ETJ).¹

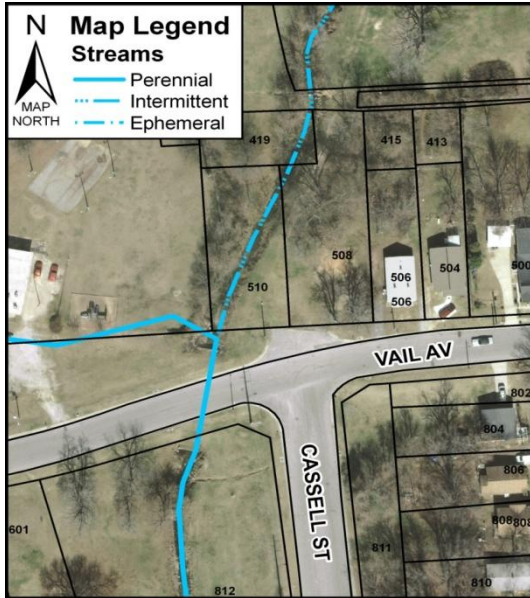
The ability to enter into annexation agreements gives High Point and its neighbors the capacity to maintain some control over their eventual boundaries and a certain sense of surety as to what the future might hold. The agreements have proven to be a valuable tool in urban planning, especially in our area, where several cities are in the process of physically growing together.

For questions, please contact Heidi Galanti, AICP Planning Administrator at 336-883-3328 or email to <http://www.highpointnc.gov>



1. ETJ - counties can grant such jurisdiction to cities for zoning, subdivision and building code purposes only so that rural-scale development in the county does not occur in an area where the city will eventually need to provide municipal services, thus rendering future service delivery less efficient due to the establishment of large lot, rural-style subdivisions. Some of High Point's ETJ lies between NC 68 and Penny Rd., but most of it borders the city's corporate limits on the east. The Planning and Zoning Commission contains one member who lives in the ETJ.

WHAT KIND OF STREAM IS IT?



The Planning & Development Department in cooperation with the Public Services Department's Water Mains Division recently completed the Streams Geographic Information Systems (GIS) Project. The Streams GIS Project entailed the process of graphically aligning linear features based on our 2-ft and 10-ft contours and the 0.25-ft resolution color aerial photography acquired through the Base Mapping Program in 2008. This project covered the entire area within the High Point Planning Area Boundary. All stream classifications are reflected as perennial, intermittent, or ephemeral. Original authentication was generated using U.S. Geological Survey (USGS) Quad and U.S. Department of Agriculture (USDA) Soil Survey Maps for Guilford County by the Piedmont Council of Governments and approved by the N.C. Division of Water Quality (DWQ). Definitions: Perennial stream – a body of water flowing in a natural or man-made channel year-round, except during periods of drought. The water table is located above the streambed for most of the year and groundwater is the primary source for stream flow, flows more than 90% of the time; Intermittent stream – a body of water flowing in a natural or man-made channel, contains water

only part of the year. During the dry season and periods of drought these streams will not exhibit flow, flows 30-90% of the time; Ephemeral stream – short-lived, never intersects the water table, flows only during storms. May or may not have a well-defined channel. Upon a citizen's request, city engineering staff trained and certified by the State of North Carolina will conduct an inspection to establish a stream classification. Stream identifications are based on site-specific conditions (i.e., vegetation structure, soil type, and streambed biology). Using N.C. DWQ Stream Identification Form Version 4.0, detailed category indicators and a weighted point system help staff identify the stream's classification. Thereafter, the updates are maintained by City planning/GIS staff and applied to GIS to ensure data integrity.

The stream layer can be viewed on CHP Map, the City of High Point's website mapping application, website address: http://pdweb.high-point.net/website/chp_map. This layer, by default remains visible at all zoomed in scales. For questions, please contact Carmen Cannon at 336-883-3328 or email her at carmen.cannon@highpointnc.gov.

When the Ordinance says “No”

(continue from page 3)

Modification

For some regulations in the Development Ordinance, particularly those related to subdivision development, a modification can be requested. The Technical Review Committee (TRC) has the authority to grant modifications and the extent of this authority is written in the Development Ordinance in the form of a list of provisions the TRC may modify. Modifications are reviewed and decided by the staff of the TRC, without a public hearing, but decisions are appealable to the City Council.

However the applicant must demonstrate need for the modification and must show that the new standard proposed achieves equal or better performance than what would be achieved through meeting the required standards.

So when the Development Ordinance says “no”, make sure you review your options with a planner. There just might be a way to turn that “no” into a “yes”.