

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

**STAFF REPORT  
TEXT AMENDMENT CASE TA-21-05  
September 28, 2021**

<b>Request</b>	
<b>Applicant:</b> City of High Point	<b>Affected Ordinance Sections:</b> Section 6.3.2. ( <i>Exemptions</i> )
<b>Proposal:</b> To amend Section 6.3.2. (Soil Erosion and Sedimentation - Exemptions) of the Development Ordinance, to add an exemption to the requirements of a Land Disturbance Permit.	

**Background**

The applicant desires to add an exemption to the list of the activities that are exempted from the requirements of Section 2.5.10., Land Disturbance Permit, and other standards within Section 6.3., Soil Erosion and Sedimentation.

**Details of Proposal**

The proposed text amendment affects Section 6.3.2. (*Exemptions*), related to the list of the activities that are exempted from the requirements of Section 2.5.10., Land Disturbance Permit, and other standards within Section 6.3., Soil Erosion and Sedimentation. An exemption for land disturbing activities related to an addition, accessory building, accessory dwelling unit, or accessory structure that does not exceed 1,000 square feet of disturbed area is proposed.

**Analysis**

The Engineering Services Department determined that an exception of activities within the proposed size limit of 1,000 square feet would help the City continue to monitor land disturbance activities at the level required by the State but reduce the erosion control permitting and plan reviews required for all residential construction permit applications throughout the City. This amendment is anticipated to improve customer service through the review and issuance of residential construction permits in a timelier fashion.

**Consistency with Adopted Policy Guidance:  
Whether and the extent to which the proposed text amendment is consistent with applicable City adopted policy guidance.**

**This text amendment is neither consistent nor inconsistent with adopted policy guidance.**

**Reasonableness/Public Interest:**

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

**The proposed amendment provides relief only to specific development activities, which are minor in scope. Furthermore, this amendment allows the City to continue to monitor land disturbance activities at the level required by the State, but reduce the erosion control permitting and plan reviews required for all residential construction permit applications throughout the City. The amendments are intended to improve customer service related to residential construction permits.**

**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 considered to be 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 Christopher Andrews, Interim Planning and Development Director.

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 September 28, 2021 and before the City Council on November 1, 2021 regarding Text Amendment 21-05; and

**WHEREAS**, notice of the public hearings was published in the High Point Enterprise on September 19, 2021 for the Planning and Zoning Commission public hearing, and on October 20, 2021 and October 27, 2021 for the City Council public hearing pursuant to Chapter 160D-601 of the General Statutes of North Carolina.

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

**SECTION 1.**

*(Regarding exemptions from the requirements of Section 2.5.10, Land Disturbance Permit, and the standards in Section 6.3., Soil Erosion and Sedimentation)*

That Section 6.3.2., Exemptions, to add an exemption for specific land disturbing activities of a limited scope, is hereby amended as follows:

**6.3.2. Exemptions**

- A. through E. *(unchanged)*
- F. A land-disturbing activity undertaken by persons as defined in North Carolina General Statutes Section 113A-52(8) who are otherwise regulated by the provisions of The Mining Act of 1971, North Carolina General Statutes Section 74-46 through 74-68; ~~and~~
- G. A land-disturbing activity undertaken on lands over which the State has exclusive regulatory jurisdiction as provided in North Carolina General Statutes Section 113A-56(a)-; ~~and~~
- H. A land disturbing activity for an addition, accessory building, accessory dwelling unit, or accessory structure that does not exceed 1,000 square feet of disturbed area.**

**SECTION 2.**

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 3.**

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

**SECTION 4.**

This ordinance shall become effective upon adoption.

Adopted by the City Council  
City of High Point, North Carolina  
The **1st** day of **November, 2021**  
Lisa B. Vierling, City Clerk

By: \_\_\_\_\_

Jay W. Wagner, Mayor

ATTEST:

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Lisa B. Vierling, City Clerk