**APPLICATION FOR TEXT AMENDMENT**

**CITY OF MOUNT HOLLY, NORTH CAROLINA**

Date Filed: **7-27-26** Application Number: **TA-26-7**

I, the undersigned, do hereby respectfully make a formal application for your review of my request concerning the text amendment described below:

1. The amendment is found in the City of Mount Holly Subdivision Ordinance relating to:
   **Amend Appendix A and Section 153.082A(10) of the Subdivision and Land Development Ordinance and Chapter 10 of the Zoning Ordinance.**

2. The following statement best describes what you would like the text amendment to reflect:
   **This proposed amendment submitted by staff would amend Appendix A and Section 153.082A(10) of the Subdivision and Land Development Ordinance and Chapter 10 of the Zoning Ordinance to update the location of street tree placement.**

3. Name: **Brandon Livingston, Planner II**

   Address: **400 E. Central Avenue Mount Holly, NC 28120.**

**704-951-3017**
Phone Number

*Brandon Livingston*
Signature of Applicant

**INSTRUCTIONS:** Applications must be TYPED or LEGIBLE and filed with the City of Mount Holly Planning and Zoning Department, together with the application fee in the amount of ~~**$250.00**~~ **(See Fee Schedule)** at least 30 days prior to the Planning Commission meeting for initial consideration.

**Proposed Redlines**

Subdivision and Land Development Ordinance

§ 153.082 ROADWAY.

(A) *Generally.*

A State Professional Engineer must sign and seal all roadway construction plans and revisions submitted for city review. A P.L.S. or P.E. may certify as-built drawings verifying that the construction was completed according to plans. Street designs shall be consistent with the NCDOT Subdivision Roads Minimum Construction Standards, except as modified herein or as directed by the city.

(2) (a) Curb and gutter is required for all new street construction but may be waived at the discretion of the City Engineer, and roadside ditches or combination thereof used for storm water quality and conveyance.

(b) Five-foot wide sidewalks are required on each side of the street and around cul-de-sacs. Handicap ramps are required wherever sidewalks intersect curb and gutter.

(3) (a) Thoroughfare streets provide for movement of high volumes of traffic throughout the city. In general, thoroughfare streets consist of numbered state roads and other major streets as described in the NCDOT, County or City Thoroughfare Plan. Design criteria for thoroughfare streets shall be on a case-by-case basis. Direct driveway access onto thoroughfares is prohibited.

(b) Commercial streets provide direct access to commercial property and may be served by either thoroughfare or collector streets. Design shall be on a case-by-case basis.

(c) Collector streets connect the residential and commercial streets to thoroughfare streets, and may supplement the thoroughfare system by providing a limited amount of through traffic. Collector streets are required when serving more than 150 residential units, when connecting adjoining residential areas or as determined necessary by the City Engineer.

(d) Residential streets provide a dual service of lot access and traffic movement between local residential streets and collector streets.

(e) Private streets may be used within commercial and multi-family developments. Design requirements will vary depending on utility and vehicular traffic needs and should be sufficient for service and emergency vehicles. Private streets within subdivided single-family developments are generally prohibited. Private streets shall be designed to public street standards or as otherwise directed by the City Engineer.

(4) Retaining walls are not allowed in the right-of-way. Retaining walls are also not allowed to hold up roadway fill. Any proposed retaining walls must be beyond the theoretical two-to-one slope from the right-of-way line.

(5) All sewer mains and storm drains shall be located within the paved street area. Sewer shall be located in the center of the street; storm drainage shall be located under the curb line. Water mains shall be located four feet back of curb.

(6) Streets that are multi-lane and/or divided will require special design reviews.

(7) For stub out streets, roads shall be built to the property line. Temporary hammerhead turnarounds are required for stub out streets over 200 feet long.

(8) All privately owned common open space shall be accessible for maintenance purposes.

(9) Cleared and graded areas beyond the end of public streets shall be barricaded with guardrail or gates to prevent vehicular access. Barrier details shall be provided on the construction drawings.

(10) Street trees shall be planted along both sides of the street on 40-ft c-c. As referenced in Appendix A/Sheet R-100 in the Subdivision and Land Development Ordinance, these trees shall be planted on the other side of the sidewalk, which is opposite of the street and planting strip, not located inside of the traditional planting strip. There will be a 6-foot shaded tree easement. The purpose of the street tree placement is to avoid conflicts with maintenance vehicles and garbage collection activities. The trees shall be a minimum of three-inch caliper, and the preferred tree species are those recommended by the Urban Forestry Administration's Recommended Street Tree List, latest version.

Zoning Ordinance

(C) *Other buffer yard standards.*

(1) *Prohibited uses.* The construction of any building or the placement of any mechanical equipment within a buffer yard shall not be permitted, except for equipment necessary for the provision of utilities. Active recreational uses, such as ball fields, swimming pools and tennis courts or other active structured recreational uses, or circulation drives or parking lots shall not be allowed within the buffer yard area.

(2) *Permitted uses.* The following other uses may be permitted in a buffer yard area provided that none of the required plant material is eliminated, the intended screening is accomplished, the total width of the buffer yard is maintained, and all other requirements of this chapter are met:

(a) Sculpture, outdoor furniture;

(b) Open space areas (provided that, none of the uses listed in division (C)(1) above are located within the buffer yard area); and

(c) Walls, fences and driveways connecting to an adjoining property.

(3) *Existing vegetation.* Existing healthy vegetation may be counted toward the required buffer yard. The landscape plan submitted for approval shall indicate the number, type, size and location of such plant materials. Existing vegetation that the Administrator deems "unhealthy" and not likely to materially serve as a screening agent for the foreseeable future may be disqualified as counting towards the required buffer.

(4) *Application toward setback requirements.* Buffer yard areas shall be counted towards meeting applicable building setback areas.

(5) *Standards for walls and fences.* Fences used for buffering purposes shall be constructed in a durable fashion with weather resistant wood and be of consistent pattern. All materials used in the construction of a fence shall be designed and intended for such use. Notwithstanding the foregoing, the Administrator may approve a buffer fence constructed of other materials; provided, the materials and finish used will provide generally the same degree of opacity, durability and aesthetic compatibility with adjoining residential areas as weather resistant wood. A finished side of all walls or fences shall face the common property line boundary. No wall or fence used as part of a buffer shall be less than six feet or more than eight feet in height above grade unless approved by the Administrator.

(6) *Standards for berms.* All berms shall be planted with both shrubs and ground covers so as to leave no bare earth. All shrubs shall be a species that can be expected to materially buffer the development site within five years of planting. The slope of a berm shall be of a grade so that it is suitable for maintenance and soil stability while taking into consideration the type of plantings and ground cover that will be utilized, but in no case shall a berm be less than three feet in height. The use of Pueraria lobata (kudzu) for berm ground cover is not permitted, nor is any other nuisance veining plants that have a tendency to spread to other properties.

(7) *Location of buffer yard.* With the exception of buffering required for open storage any buffer yard required by this section shall be located along the side and/or rear property lines of the lot(s) containing the use subject to buffering. If buffering is required along the right-of-way, it shall be located behind such right-of-way.

(8) *Evergreen shrubs.* For all buffer yards, at least 50% of the required shrubs must be of an evergreen species.

(9) *Interior plantings of parking lots.*

(a) This requirement shall be met for all parking areas with more than ten parking spaces.

(b) The parking lot shall be landscaped with canopy trees as required by this section at the rate shown below.

This requirement shall be initiated by the initial use or development of the property. Canopy trees shall be provided at a rate of one canopy tree for each ten parking spaces. After the first two trees, any fractional remaining number of spaces over five shall require one additional tree. Required canopy trees shall be distributed throughout the parking area and shall be located within or adjacent to parking lots as tree islands, at the end of parking bays, inside medians or between rows of parking spaces. Canopy trees must be a minimum of ten feet in height and two inches in diameter, measured six inches above grade a planting. When mature, a canopy tree should be at least 50 feet in height and have a minimum crown width of 30 feet. A list of approved tree species can be found in § 10.4 of this ordinance.

(c) In addition, in any case where ten parking spaces are added, whether required or not, the entire parking lot including existing parking areas shall be landscaped if the total number of parking spaces on the lot equals more than ten parking spaces. Canopy trees must be planted directly adjacent to parking areas or located in a parking lot planting strip. If a parking lot planting strip is constructed, then the strip must be a minimum of 274 square feet with a minimum width of eight feet.

(d) If parking lot lighting is installed in a landscaped island, then the lighting should be designed to accommodate the trees planted in the island.

(e) The use of differing species around the parking area is encouraged to promote diversity in the overall urban tree canopy. The use of existing vegetation to satisfy this requirement is encouraged. Existing trees may receive this credit however; they must meet the requirements stated above for species and minimum diameter and height requirements. Supplemental plantings may be required in addition to native materials.

(10) *Street tree canopy.*

(a) Developers shall plant canopy trees along all public and private streets. The spacing of street trees will be in accordance with the three species size classes listed in § 10.4 of this ordinance, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by a landscape architect.

(b) The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in § 10.4 of this ordinance, and no trees may be planted closer to any curb or sidewalk than the following: small trees, two feet; medium trees, three feet; large trees, four feet.

(c) No street trees shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planter closer than ten feet of any fire hydrant.

(d) No street trees other than those species listed as small trees in § 10.4 of this ordinance may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(e) If street trees are part of the plan or tree preservation is shown, then residential tree canopy may be waived upon review by the Planning Director.

(f) Street trees shall be planted in the 6-foot shaded tree easement that is provided in Appendix A/Sheet R-100 of the Subdivision and Land Development Ordinance. (See appendix A for more details).

(11) *Residential tree canopy.*

(a) Each lot shall provide canopy trees selected from § 10.4 in accordance with the following schedule:

| ***Lot Size*** | ***Required # of Canopy Trees*** |
|---|---|
| Less than 7,999 sq. ft. | 1 front yard, 1 rear yard |
| 8,000 - 20,000 sq. ft. | 2 front yard, 2 rear yard |

| | |
|---|---|
| More than 20,000 sq. ft. | 3 front yard, 3 rear yard |

(b) The use of differing species to be planted in residential yards is encouraged to promote diversity in the overall urban tree canopy. The use of existing vegetation to satisfy this requirement is encouraged. Supplemental plantings may be required in addition to native materials. Existing healthy canopy trees over six inches in caliper may be counted towards fulfilling this requirement; provided that, tree protection measures are used and maintained during construction. If there is a question regarding the health of a tree that cannot be resolved between the City of Mount Holly and the developer, the city may require that the developer hire a certified arborist to examine the tree in question. Required street trees may be counted towards the fulfillment of this requirement. All other trees required under this division (C)(11) shall be planted within the private lot.

(c) The developer shall submit a landscaping plan when said developer submits any required plans for development which will take place within the city limits or ETJ of the City of Mount Holly. A developer will not receive any permits or plan approvals from the City of Mount Holly until they have satisfied all provisions found within this ordinance.