APPLICATION FOR TEXT AMENDMENT

CITY OF MOUNT HOLLY, NORTH CAROLINA

Date Filed: **8-27-26** Application Number: **TA-26-9**

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 Sections 153.054 and 153.082 of the Subdivision and Land Development Ordinance and Chapter 10 Section 10.5C to require sidewalks & landscaping for infill houses.

2. The following statement best describes what you would like the text amendment to reflect:
   This proposed amendment submitted by staff would amend Sections 153.054 and 153.082 of the Subdivision and Land Development Ordinance and Chapter 10 Section 10.5C of the Zoning Ordinance to require sidewalks & landscaping for infill houses.

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

§ 153.054 SIDEWALK IMPROVEMENTS.

The subdivider and/or applicant shall install a sidewalk within the street right-of-way, constructed in accordance with city standards, in the following situations.

(A) In any case where a subdivision adjoins and has legal access to, or will have legal access to, an existing or proposed road or street, the subdivider shall construct a sidewalk along the frontage of such road or street.

(B) In any case where a subdivision adjoins a street or will adjoin an extension of a street, which has a sidewalk on one or both sides within 500 feet of the boundary of the land to be subdivided, the subdivider shall construct a sidewalk along the adjoining frontage of such street in such a way that the existing sidewalk pattern will be extended.

(C) In any case where a subdivision creates a new public street, the subdivider shall construct five-foot wide sidewalks on each side of the street and around cul-de-sacs. Handicap ramps are required wherever sidewalks intersect curb and gutter.

(D) In any case where an infill lot is being proposed for either a single-family home or multifamily (duplex or triplex), a five-foot wide sidewalk or an eight-foot wide sidewalk on major thoroughfares (Hwy 27 or Hwy 273/Beatty Road) will need to be provided along the frontage from property line to property line.

(Ord. passed 9-27-2021) Penalty, see § 153.999

§ 153.082 ROADWAY.

(A) *Generally.*

(1) 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.

(c) In any case where an infill lot is being proposed for either a single-family home or multifamily (duplex or triplex), a five-foot wide sidewalk or an eight-foot wide sidewalk on major thoroughfares (Hwy 27 or Hwy 273/Beatty Road) will need to be provided along the frontage from property line to property line.

(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.

Zoning Ordinance

§ 10.5 REQUIRED LANDSCAPING/BUFFER YARDS.

(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.

(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.

(12) *Residential Landscaping*

(a) For infill and individual residential lots, whether they be single-family or multifamily in nature, landscaping in the form of trees and shrubs will be provided at the following rate based on lot size.

Lot Size	**Required # of Landscaping**
Less than 7,999 sq. ft.	Four shrubs in addition to 1 front yard and 1 rear yard canopy tree in Table 11(a)
8,000 - 20,000 sq. ft.	Six shrubs in addition to 2 front yard and 2 rear yard canopy trees in Table 11(a)
More than 20,000 sq. ft.	Eight shrubs in addition to 3 front yard and 3 rear yard canopy trees in Table 11(a)

(b) These shrubs will be located along the front facade of the homes.

(C) All plant materials used would need to meet the planting standards and species types found in the Zoning Ordinance under Chapter 10 Section 10.4.

(Ord. passed 5-13-1996; Ord. passed 8-14-2023)