



September 27, 2021

Council Work Session Meeting

Mayor Bryan Hough
Mayor Pro-Tem Lauren Shoemaker
Councilwoman Phyllis Harris
Councilman Charles McCorkle
Councilman Jeff Meadows
Councilman David Moore
Councilwoman Christina Pawlish
Marie Anders, City Attorney
Miles Braswell, City Manager

**CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL WORK SESSION
Location: Council Chambers**



**September 27, 2021
6:30 P.M.
CALL TO ORDER BY THE MAYOR**

INVOCATION

SET THE AGENDA

CONSENT AGENDA

1. Appointment of Jeff High to the Planning Commission
2. Approval of Minutes from the September 13, 2021 Council Meeting Minutes

AGENDA

1. Discussion of the American Rescue Plan (ARP) Act Spending Plan
Michelle Wood, David Johnson
2. Consideration of proposed revisions to the Subdivision and Land Development Ordinance
David Johnson

CLOSED SESSION

1. Closed Session Pursuant to N.C.G.S 143-318.11 (a) (3 and 5)

ADJOURN

CONSENT AGENDA



City of Mount Holly Action Agenda Item

To: City Council From: Brian DuPont	Date: 9-20-21 Meeting Date: 9-27-21
Agenda Item to be considered: Appointment of Jeff High to the Planning Commission	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request : On August 24 th , the Planning Commission interviewed three applicants. Mr. High was recommended as the first runner up in case there were any vacancies. Recently, the City had a member resign from their appointment because they were moving out of the City limits.	
Fiscal Impact:	
Will Item affect current budget	☐ YES ☐ NO ☒ N/A
Reviewed by Finance Director	☐ YES ☐ NO ☒ N/A
Preaudit Certification required	☐ YES ☐ NO ☒ N/A
Capital Project Ordinance required	☐ YES ☐ NO ☒ N/A
Budget Transfer required	☐ YES ☐ NO ☒ N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☒ YES ☐ NO ☐ N/A
Manager/Staff Recommendation: The Planning Commission made a recommendation to City Council to appoint Jeff High to the Planning Commission/Zoning Board of Adjustment.	
Result of City Council Decision: _____	
Attachments: 1. 2. 3.	

CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL MEETING
MONDAY, September 13, 2021
COUNCIL CHAMBERS
7:00 PM

Call to Order

In the absence of Mayor Bryan Hough, Mayor Pro Tem Shoemaker called the meeting to order at 7:00 pm. The following were present:

Mayor Bryan Hough	Miles Braswell, City Manager
Mayor Pro Tem Lauren Shoemaker	Michelle Wood, Finance Director
Councilman David Moore	Don Roper, Police Chief
Councilman Jeff Meadows	Brian Reagan, Deputy Police Chief
Councilwoman Phyllis Harris	Ryan Baker, Fire Chief
Councilman Charles McCorkle	Tony Walker, Streets and Solid Waste Director
Councilwoman Christina Pawlish	David Johnson, City Engineer/Director of Utilities
Marie M. Anders, City Attorney	Mark Jusko, Recreation Supervisor
Kemp Michael, Assistant City Attorney	Greg Beal, Planning Director

Invocation

Dr. Kendall Cameron, Pastor at First Baptist Church in Mount Holly led the Council, staff and attendees in prayer.

Pledge of Allegiance

Councilman Jeff Meadows led the Council, staff and attendees in the Pledge of Allegiance.

SET THE AGENDA

With no changes to the agenda Mayor Hough entertained a motion to approve the September 13, 2021 Council Meeting agenda as presented. Councilman Moore made the motion to approve the agenda. Councilwoman Pawlish seconded the motion. All Council Members voted in favor. (Motion carried)

CONSENT AGENDA

1. Approval of Budget Amendment
 - Police/Appropriate Funds for the MHPD Memorial Plaza Sculptures
2. Approval of Liens for Weeds and Grass
 - 325 Highland Street
 - 331 North River Street
 - Lot tax parcel #123454
 - Lot tax parcel #123456
3. Approval of a Resolution Directing the City Attorney's Office to Pursue Foreclosure Actions for Nuisance Abatement Collections
4. Appointment of Alberto Gonzalez to the Planning Commission.
5. Approval of a Bid Waiver for a 900 ECO Combination Truck—Utilities
6. Approval of Fire House Subs Grant Application Process
7. Approval of a Bid Waiver for a Refuse Collection Truck—Streets and Solid Waste
8. Approval of a Resolution Declaring Surplus Property
9. Call for public hearing, regarding a request by Lehigh Holdings LLC, for a rezoning of 7.88-acre tracts of land at 300 Woodlawn Avenue, Tax Parcel #123116, 402 Meller Street, Tax Parcel #123107, and Tax Parcel #123118 from Light Industrial (L-1) to Conditional District Mixed Use.
10. Approval of Minutes of the August 23, 2021 Council Work Session Meeting

Councilwoman Harris made a motion to approve the consent agenda. Councilwoman Pawlish seconded the motion. All Council Members present voted in favor. (Motion Carried)

PUBLIC HEARING

1. Public hearing, regarding a request by Penler LLC, for a rezoning of 32.389-acre tracts of land at 55 Caldwell Drive, Tax Parcel ID 226178, ID 226181, and ID 226182 from B-3 General Business to Conditional District, comprising 315 apartment units including amenities for those units and a commercial restaurant

Mr. DuPont advised that the applicant is requesting rezoning for 315 multifamily units and a 3500 square foot restaurant. The applicant proposes architectural elements that will meet the intent of the South Gateway. He further advised that 7 people showed up at the Public Involvement Meeting with no concerns stated. The Planning Commission voted unanimously to recommend approval.

Mr. Jeff Brown a representative for Penler came before the Council and presented their 315 multifamily unit development. He advised that this is the second of this type development that Penler has bought and developed, the first being in Dawson Georgia. He further advised that Caldwell Drive will be the south gateway connector and road improvements will be made as well as curb and guttering.

At this time, Councilwoman Harris made a motion to open the public hearing on the regarding a request by Penler LLC, for a rezoning of 32.389-acre tracts of land at 55 Caldwell Drive, Tax Parcel ID 226178, ID 226181, and ID 226182 from B-3 General Business to Conditional District, comprising 315 apartment units including amenities for those units and a commercial restaurant. Councilman Moore seconded the motion. All Council Members present voted in favor. (Motion Carried) With no one signed up to speak Councilwoman Harris made a motion to come out of the public hearing. Councilman Meadows seconded the motion. All Council Members present voted in favor. (Motion Carried)

Mayor Hough asked about the greenway trail and the funding. The Developer advised that there will be a 10-foot-wide sidewalk and a pedestrian path leading to the YMCA.

Councilman Meadows made a motion to approve the request by Penler LLC, for a rezoning of 32.389-acre tracts of land at 55 Caldwell Drive, Tax Parcel ID 226178, ID 226181, and ID 226182 from B-3 General Business to Conditional District, comprising 315 apartment units including amenities for those units and a commercial restaurant. Councilman Moore seconded the motion. All Council Members voted in favor. (Motion carried)

PUBLIC COMMENT – Three (3) Minute Limit

Harper Johnson-203 North Hawthorne Street, Mount Holly. Mr. Johnson came before Council to request a lower speed on Hawthorne Street. He advised that cars speed through the area all the time and would like the speed limit to be lowered or some sort of speed reducing mechanism be installed in the area.

Megan Mims-201 North Hawthorne Street, Mount Holly. Ms. Mims advised that she is a resident that grew up in Mount Holly and moved away but came back 2 years ago. She concurred that North Hawthorne has a number of families with small children and with the number of cars that speed down the road parents are afraid to let their kids play in the yard. She requested some speed calming measures be put in place in the area. She also reported an additional issue of a grass buffer that impedes the line of site.

NEW BUSINESS

1. Consideration and Approval of Revisions to the Sewer Use Ordinance

Mr. Shoutd presented the proposed changes to the Sewer Use Ordinance. Mayor Pro Tem Shoemaker made a motion to approve the revisions to the Sewer Use Ordinance as presented. Councilman McCorkle seconded the motion. All Council Members voted in favor. (Motion carried)

2. Consideration and Approval of Revisions to the Fats, Oils and Greases Ordinance

Mr. Shoutd presented the changes to the FOG Ordinance. Councilman Moore made a motion to approve the revisions to the FOG Ordinance. Councilman McCorkle seconded the motion. All Council Members voted in favor. (Motion carried)

3. Discussion of the 2022 Special Events

Mr. Braswell advised that the Special Events Committee met and has started the planning process for next summer concert season. He advised that mainly everything would stay the same as far as road closings, timing and the market lighting. There will be 12 total concerts all with food trucks. Ms. Harris advised that there will be 6 concerts featuring top 40 bands and 6 concerts with tribute bands. Mr. Braswell also added that the committee is looking to come up with a catchy new name for the concert series. Mayor Hough advised that he believes that Cheri Love and Staff has a good handle on the planning portion of the summer concerts and the committee is no longer needed. Therefore, being that the committee is a Mayoral committee is he disbanding the committee and handing it over to staff to manage moving forward.

CLOSED SESSION

1. Closed Session Pursuant to N.C.G.S 143-318.11 (a) (3 and 5)

Mayor Pro Tem Shoemaker made the motion to enter into Closed Session Pursuant to N.C.G.S 143-318.11 (a)(3 and 5) at 8:12 pm. Councilman Moore seconded the motion. All Council Members present voted in favor. (Motion Carried)

Councilwoman Pawlish made a motion to come out of closed session and back into regular session at 8:48 pm. Councilman Moore seconded the motion. All Council Members present voted in favor. (Motion Carried)

ADJOURN

With no additional items for discussion, Mayor Hough entertained a motion to adjourn. Councilwoman Pawlish made the motion to adjourn the September 13, 2021 Council Meeting. Councilman Moore seconded the motion. All Council Members present voted in favor. (Motion Carried)

The meeting adjourned at 8:49 pm.

AGENDA



City of Mount Holly Action Agenda Item

To: Mayor and City Council	Date: September 22, 2021
From: Michelle Wood, Finance Director	Meeting Date: September 27, 2021
Agenda Item to be considered:	
Consideration and approval ARPA Funds projects	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request:	
Fiscal Impact:	
Will Item affect current budget	☐ YES ☒ NO ☐ N/A
Reviewed by Finance Director	☒ YES ☐ NO ☐ N/A
Preaudit Certification required	☐ YES ☒ NO ☐ N/A
Capital Project Ordinance required	☐ YES ☐ NO ☒ N/A
Budget Transfer required	☐ YES ☐ NO ☒ N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☐ YES ☐ NO ☒ N/A
Manager/Staff Recommendation	
Result of City Council Decision:	
Attachments: ARPA Funds presentation	



City of Mount Holly

ARPA Presentation

Michelle Wood

David Johnson

Jonathan Wilson



Summary of ARPA Funding

- State of NC allocated \$5.4 billion
- City of Mount Holly was allocated \$5,181,064.35
- First allocation was received July 13, 2021 – \$2,590,532.18
- The second allocation will be received in the calendar year of 2022



LGC Guidance for the Funds?

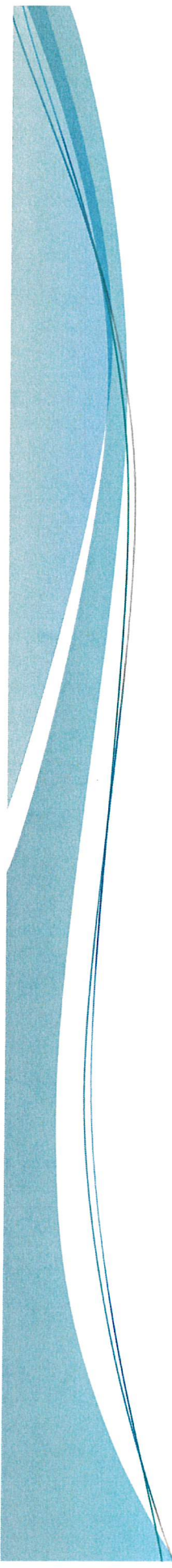
- Do not comingle funds
 - We opened a new account to house the funds separately
- Account for funds in a Special Revenue Grant Fund or a Capital Project/Reserve Fund
 - July 12, 2021 Council adopted Grant Project Ordinance
- Wait, Be Patient and Thoughtful



How can we allocate the funds?

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet

Funds must be encumbered by December 31, 2024 and
expended by December 31, 2026



Projects - Finance

- Montcross Emerge Program: \$30,000 - \$15,000 this year and evaluate next year – #2 Negative economic impact's
- Our current contributions/obligations – GBA \$20,000, Montcross membership \$260, Gaston Regional \$310, Gaston Vision 2040 \$4,634
- Justified Automated Collections Kiosk (JACK) – bilingual kiosk to facilitate contactless payments: \$30,000 - #1 COVID-19 mitigation efforts



Staff Recommendations Funded by ARPA Funds

Priority #1

Expenditure Category:

Implement Water Meter Asset Management Program

5.8 Clean Water: Water Conservation

Leak detection capabilities which will identify problems quicker and reduce the amount of lost water

5.11 Drinking Water: Transmission & Distribution

The water meter and AML register are essential components of the water distribution system

Priority #2

Expenditure Category:

Old Hickory Grove Road Water Line Extension

5.11 Drinking Water: Transmission & Distribution

This water line extension is important to provide adequate water resource to existing customers

Priority #1 Implement Water Meter Asset Management Program

Previously approved Meter Program – 7,500 meters

FY '21-'22 budget of \$1,200,000 to:

Replace **AMR (Automated Meter Reading)** registers which currently demands the attention of

- 2 ½ meter readers,
- 3 vehicles and gas
- 3 computers

About 30 meter problems per month to be addressed by field personnel
By 2030, the City could add about 3,000 meters which would require additional people/vehicles, etc.

With **AMI (Advanced Metering Infrastructure)** registers which will modernize our water service technology and enhance customer experiences.

- 1 meter reader
- 1 vehicle and gas
- 1 computer

Customer service calls reduced

By 2030, the City could add about 3,000 meters which should not require additional people/vehicles, etc.



Steps taken to date:

- During previous two fiscal year's staff has changed approximately 2,000 meter registers from AMR to AMI with the intent to fully implement an AMI system
- In the two previous fiscal year's there was a budget to change approximately 1,000 meter registers each year
- Initiated a Pilot Program for an AMI system with our current meter manufacturer and supplier in April 2021 with a May 2021 installation date
- Pilot Program was not installed until August/September 2021



Issues throughout Pilot Program Start-Up:

- Communication
- Their customer service was not acceptable even with the years we have been with Master Meter
- We discovered the register is a proprietary system that would not work on any other type of meter
- The start up of the pilot program was behind schedule
- Discovered that the registers can be damaged by moisture and readings are effected
- 2,500 registers installed in pilot program with approximately 10% problems requiring staff to rectify



Where We Are Now:

- Began conversation with SUEZ (Utility Services Inc.) regarding their Asset Management Program for meters
- Currently under Maintenance/Management Contract for Water Tanks
- SUEZ performed an AMI System Evaluation for Mount Holly
- Studied four water meters and AMI systems
 - Sensus (Flexnet) AMI System
 - Master Meter Allegro AMI System
 - Aclara Star AMI System/Diehl meter
 - Badger Orion AMI System
- Aclara Star AMI System with Diehl water meter was the selected system for Mount Holly



Next Steps:

- Continue discussions and negotiations with SUEZ to determine the best AMI and meter solutions for Mount Holly
- Annual Financial Benefit: \$808,590 (According to SUEZ)
 - Cost Savings:
 - Meter Reading Cost Savings: \$14,992 per month
 - Customer Service Call: \$5,000 per month
 - Revenue Enhancement – 7%:
 - Water Underbilling: \$21,126 per month
 - Sewer Underbilling: \$26,265 per month
- Budgetary Pricing:
 - Paid In Full: \$4.3 to \$4.5 M
 - 1-5 Year Spread: \$929,185 (each year for 5 years)
 - 1-7 Year Spread: \$683,095 (each year for 7 years)
 - 1-10 Year Spread: \$501,375 (each year for 10 years)
 - Support & Maintenance Fee - Years 1-15: \$139,000 – 145,000



Priority #2 – Old Hickory Grove Water Main Extension

Installation of 6,000 LF of 12-inch water main from Clearwater Lake Road to the City limits at the Meadowbrook subdivision.

We are experiencing significant cost increases in materials and the supply chain is affecting pipe deliveries, etc.
As an example: The cost of in-place 12" DIP increased 93% since early 2020. We are seeing 100% increase in pipe fittings in 2021.

Proceeding with this project will lock in pricing and allow materials to be secured prior to other municipalities proceeding with their shovel ready projects.

BUDGET:	Construction Costs:	\$1,900,000
	Material testing	\$ 25,000
	Construction Surveying	\$ 40,000
	15% Contingency	\$ 285,000
	TOTAL BUDGET	\$2,250,000



Summary

- Total Amount: \$5,181,064
- Emerge Program: \$30,000
- JACK: \$30,000
- Old Hickory Grove Water Main Extension: \$2,250,000
- Water Meter Replacement: \$4,300,000 (Remaining to be supplemented by \$1,200,000 in current budget for project)



City of Mount Holly Action Agenda Item

To: Mayor and City Council	Date: 9/17/2021
From: David Johnson, PE	Meeting Date: 9/27/2021
Agenda Item to be considered:	
Will this require a public hearing? YES ☒ NO	
Background/Purpose of Request :	
The Subdivision and Land Development Ordinance was last revised May 2018 which included combining the Subdivision Regulations with the Land Development Guidelines into one ordinance. The Land Development Guidelines were last revised in April 2014. The purpose of this request is to present the changes for Council review and approval. For ease of reference, the ordinance has been separated into three parts and attached:: Revisions to the Subdivision Regulations Revisions to the Land Development Guidelines Revisions to the Standard Details (only the revised or new details included) Each section has a summary listing the significant changes by section reference, page number, current regulation and justification for the change/addition. All of the proposed changes are highlighted in red.	
Fiscal Impact:	
Will Item affect current budget	☐ YES ☒ NO ☐ N/A
Reviewed by Finance Director	☐ YES ☒ NO ☐ N/A
Preaudit Certification required	☐ YES ☒ NO ☐ N/A
Capital Project Ordinance required	☐ YES ☒ NO ☐ N/A
Budget Transfer required	☐ YES ☒ NO ☐ N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☐ YES ☒ NO ☐ N/A
Manager/Staff Recommendation: <i>Recommend approval of the September 2021 revisions to the Subdivision and Land Development Ordinance</i>	
Result of City Council Decision:	
Attachments: Revisions to the Subdivision Regulations	
Revisions to the Land Development Guidelines	
Revisions to the Standard Details	

AN ORDINANCE AMENDING CHAPTER 17 OF
THE CODE OF ORDINANCES OF
THE CITY OF MOUNT HOLLY

THE CITY OF MOUNT HOLLY **SUBDIVISION** AND LAND
DEVELOPMENT ORDINANCE



Revised May 2018
Revision September 2021

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Erosion Control... http://www.gastongov.com/Documents/natural-resources/gaston-soil-erosion-sedimentation-control-ordinance.pdf	

SECTION	PG	CURRENT	REVISED TO	JUSTIFICATION
Section 1.4 Purpose A.	3	policies of the <i>Land Development Plan</i>	<i>Future Land Use Plan and other adopted plans</i>	Land Development Plan does not exist
Article II, Section 2.3 Approval	9	Site Plans does not include City Engineer	Site Plans shall be approved by the Planning & Development Department and <i>City Engineer</i>	Approved site plans are signed by the City Engineer
Section 2.5 Construction Plans	11		<i>Applicant's engineer must submit a digital set of the approved plans for the City's use</i>	added requirement for digital documentation
Section 2.7.5 As-Built Plans	14		delete the first 2-paragraphs and replace with a <i>reference to Appendix 7</i>	clarification on requirements
	14		<i>These files should be given to the Utilities Department as well as the GIS Coordinator</i>	Add to Paragraph for clarification
Article III Section 3.1 General	15	revise 2nd paragraph	add <i>sewage collection systems</i> after wetland preservation	clarification
	15	revise 4th paragraphimprovements shall be set at no cost....	improvements shall be <i>constructed</i> set at no cost....	clarification
Section 3.3 Blocks	16	Blocks shall not be more than 1,320 feet	shall not more than <i>900 feet</i>	reduces the number of garages in a row and reduces road length for traffic calming within subdivisions
	16	22 lots in a block max @60' lot width	delete this statement	900-ft maximum requirement instead of a lot count

SECTION	PG	CURRENT	REVISED TO	JUSTIFICATION
Section 3.4 Lots	16	Sidelines of lots should be at or near right angles or radial to street lines	Sidelines shall be at or near right angles or radial to the street lines	more definitive requirement
Section 3.4 Lots	16		All lots fronting a cul-de-sac shall have radial lot lines from ROW to the rear property line without a deflection until beyond the building footprint.	add sentence for clarification
	16-17		Drainage swales or closed drainage systems in the front or rear of lots connecting multiple lots shall be avoided. These drainage conveyance systems shall be encased in a 20-ft. drainage easement to be owned and maintained by the HOA and NOT by individual property owners.	Add sentence to paragraph 2
Section 3.5 2) Street Classification	18	Collector streets are required when serving more than 100 residential lots	Collector streets are required when directly serving more than 150 residential units	150 residential lots still generates traffic suitable for a local street typical section
4) Access to Adjoining Property	18	Temporary turnarounds are required for stub out streets over 200 feet long	Temporary hammerhead turnarounds are required for stub out streets over 200 feet long	clarifies acceptable design approach
7) Cul-de-sacs	19	Permanent dead end streets should not exceed 800 feet in length	Cul-de-sac streets shall not exceed 900-ft.	
13) City Street and Thoroughfare Plan	21	shown on the Plan at the width specified in this Ordinance	shown on the Plan at the width specified in this Ordinance or as identified in a Transportation Impact Analysis (TIA)	add reference consistent with current requirements

SECTION	PG	CURRENT	REVISED TO	JUSTIFICATION
Section 3.8 Oversized Water and Sewer Facilities	22	In such cases, the City shall enter into an agreement to reimburse the Subdivider for the over-sizing and/or extension upon rates agreed to by the City	In such cases, the City shall enter into an agreement to provide for the over sizing and/or extension <i>in conjunction with the subdivision construction schedule</i>	eliminates payment to subdivider and permits the City to control offsite water and sewer line extensions
Section 3.9 Storm Drainage Improvements	22	Where public and/or private easements are required, they shall be noted on the final plat	Where public and/or private easements are required, they shall be noted on the final plat <i>and construction plans</i>	important to have the final plat consistent with the construction drawings
Section 3.11 Easements	23		<i>Developments that have an existing or proposed easement that aligns with a planned greenway and is to be constructed as part of the project shall provide easement language allowing for a public greenway access in addition to the maintenance of public utilities. Even if the greenway is not required to be built as part of the approval process the easement language shall reflect that a public greenway would be permitted within the sewer easement</i>	new paragraph g) makes it easier to add a greenway within an existing easement
Section 3.12 Neighborhood Recreation Sites	24-28		<i>Section 3.12 changes were adopted by the City Council previously.</i>	left in "red" for clarification since the approval of this change was granted by the Council in 2021 by separate action.
Section 3.13 Street Name Signs	28		<i>The street name signs shall have the City's logo on the face of the signs in addition to the City's standards and specifications. The logo design will be provided to the Subdivider and/or Applicant by the Planning and Development Department</i>	add new paragraph

SECTION	PG	CURRENT	REVISED TO	JUSTIFICATION
Section 3.18	30	Planning and Development Department may not	Planning and Development Department or City Engineer may not	add City Engineer
	30		Proper construction phasing will redirect construction traffic away from closed homes	add new paragraph
Section 3.19 Tree Ordinance	30		In addition to the requirements found in the Zoning Ordinance all major subdivisions are required to have a minimum fifteen (15) foot undisturbed perimeter buffer	Expand paragraph to include proposed language
	30		The construction plans shall include landscaping design features supplementing existing vegetation saved within the buffer area	Expand paragraph to include proposed language
Section 3.21 Lot Grading Permit Application	31		The Applicant shall submit a Lot Grading Permit at the same time as the Zoning permit is submitted. The lot grading plan shall be consistent with the approved engineering plans. The Lot Grading Plan shall consist of the following information: House footprint with garage, driveway, sidewalks, and patios Lot setbacks in accordance with approved plans Existing and proposed contours; spot grades as needed Proposed water, sewer, and drainage facilities with easements on the lot, if any Location of water meter and sewer cleanout Tree clearing limits Impervious surface data Road and ROW Lot, block, applicant name, and design professional	add new section to ensure builders follow approved construction plans prepared by the developer - this plan expands the information included on the current Driveway Permit Application
Section 4.4 Release of Guarantee Security	33	 Applicant may request a reduction to 30% of the total amount deposited only after 80% of the	 Applicant may request a reduction to 30% of the total amount deposited only after 80% of the homes are closed	this change more closely aligns completed infrastructure with built homes.
Section 4.8 Letter of Credit Checklist	35		The City shall provide standard forms for use in preparing the cost estimate.	expand #2 to include proposed language

AN ORDINANCE AMENDING CHAPTER 17 OF
THE CODE OF ORDINANCES
OF THE CITY OF MOUNT HOLLY

BE IT ORDAINED by the City Council of the City of Mount Holly, North Carolina, that the Code of Ordinances of the City of Mount Holly, is hereby amended by rewriting Chapter 17, Subdivision Regulations, in its entirety to read as follows:

Chapter 17
Subdivision and Land Development Ordinance
City of Mount Holly

ARTICLE I **GENERAL PROVISIONS**

Section 1.1 **Title**

This Ordinance shall be known as the Subdivision and Land Development Ordinance of the City of Mount Holly, North Carolina.

Section 1.2 **Authority**

This Ordinance is adopted under the authority and provision of the General Statutes of North Carolina, Chapter 160D, Article 8, Subdivision Regulations.

Section 1.3 **Jurisdiction**

These regulations shall govern all Subdivisions of land within the *Territorial Jurisdiction* of the City of Mount Holly as now or hereafter established.

Section 1.4 **Purpose**

The purpose of this Ordinance is to establish procedures and standards for the development and Subdivision of real property within the corporate limits of the City of Mount Holly, NC, in an effort to protect the public health, safety and general welfare and to:

- A. Promote orderly growth and development consistent with the goals, objectives, and policies of the **Future Land Use Plan and other adopted plans**.
- B. Provide for suitable residential and nonresidential subdivisions with adequate streets (see definition in **Section 1.10, Page 7**), public utilities and appropriate building sites;
- C. Provide for the distribution of population and traffic in a manner which shall avoid congestion and overcrowding;

- D. Provide for the coordination of streets within subdivisions with existing or planned streets and with other public facilities;
- E. Provide for the *dedication* or *reservation* of rights-of-ways or *easements* for street or utility purposes;
- F. Provide for the *dedication* or *reservation* of adequate areas for open space, public lands, and buildings;
- G. Protect and enhance environmental quality;
- H. Provide for the *dedication* or provision of facilities for adequate storm drainage;
- I. Provide for proper land records for the convenience of the public and for better identification and permanent location of real property boundaries.

Section 1.5 **Subdivision Defined**

For the purposes of this Ordinance "Subdivision" shall mean all divisions of a tract or parcel of land into two or more lots (see definition in **Section 1.10, Page 6**), building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the *dedication* of a new street or a change in existing streets; but the following shall not be included within this definition nor may be subject to the regulations of this Ordinance; provided, however, that any document or plat to be recorded pursuant to any such exclusion shall bear the notation "No Approval Required" and the signature of the Subdivision Administrator or his designated agent before being presented for filing with the office of the Register of Deeds:

- 1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;
- 2) The division of land into parcels greater than ten (10) acres where no street right-of-way *dedication* is involved;
- 3) The public acquisition by purchases of strips of land for the widening or opening of streets;
- 4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way *dedication* is involved and where the resultant lots are equal to or exceed the standards of this Ordinance and;
- 5) The division of land into burial plots where no street right-of-way *dedication* is involved;

- 6) The division of land solely among members of the same family, which shall include the lineal descendants or ancestors plus brothers, sisters, aunts, uncles, fathers-in-law, mothers-in-law, brothers-in-law, and sisters-in-law, by any method of transfer, provided that the grantee must retain the title for a minimum for two (2) years. Lots subdivided under this family exemption shall meet or exceed the following standards:
- a) Each lot shall meet the minimum dimensional requirements for the zoning district in which the lot is located;
 - b) Each lot shall front on a public street for a minimum distance of twenty (20) feet; or, alternatively, be connected to a public street by a minimum twenty (20) foot recorded *easement* upon which the lot has a minimum of twenty feet of frontage; and
 - c) In any case where more than one lot is to have sole frontage on the twenty (20) foot *easement*, the *easement* shall be improved to each lot with an all-weather surface defined as a well-drained travel surface composed of four (4) inches of gravel, crusher run or other similar material, have a center crown to prevent ponding of water on the travel surface, and having a minimum twelve (12) foot centered travel surface. In no case, however, shall more than ten (10) lots that have sole frontage on such an *easement* be created pursuant to this exemption. Maintenance of the *easement* shall be the responsibility of the owner(s).

Section 1.6

Compliance

From and after the adoption of this Ordinance, no real property lying within the jurisdiction of this Ordinance shall be Subdivided except in conformance with all applicable provisions of this Ordinance. In addition, after the effective date of this Ordinance, no plat for the Subdivision of land within the jurisdiction of this Ordinance shall be filed, accepted for recording or recorded, nor shall the Clerk of Superior Court order the recording of a plat until it has been submitted and approved in accordance with the provisions of this Ordinance.

Section 1.7

Planning & Development Department

This Ordinance shall be administered by the Planning & Development Department. The Planning & Development Department shall administer and enforce the provisions of this Ordinance and have such other specific powers and duties as are set forth in this Ordinance. The Planning & Development Department shall have the right to enter property at reasonable hours for the purpose of making inspection.

Section 1.8

Coordination of Plans

All plans, plats, and supporting documents to be submitted in connection with the procedures set forth in this Ordinance shall be submitted first to the Planning & Development Department. The

Planning & Development Department shall develop and maintain a set of standards to serve as a basis for the type, size, graphic media, number of copies, information to be shown, and other such matters in regard to the maps and documents, required to be submitted, in the administration of this Ordinance. Such standards may also include standards for street, storm drainage, and utility construction plans. A listing of such standards may be appended to this Ordinance and are presumed to be necessary to satisfy the requirements of this Ordinance.

To assist the Planning & Development Department in the coordination of Subdivision plan, Site Plan and Plat review and to provide for the review and approval of construction plans and other such matters as are required in the administration of the Subdivision process, the City Manager may appoint a Technical Review Committee (TRC) consisting of representatives of the various city departments. The membership and operating procedures of the TRC shall be determined by the City Manager. A representative of the Planning & Development Department shall serve as Chairman of the Technical Review Committee and shall act in all instances in regard to the administration and enforcement of this Ordinance.

Section 1.9 **Administrative Fee**

The City Council shall set a fee schedule for the administration of this Ordinance. The Planning and Development Department shall be responsible for collecting such fees. All fees relating to recording of documents shall be borne directly by the *Subdivider and/or Applicant*.

The City shall provide notice of new subdivision fees and fee increases under 160D-805 to interested parties of the imposition of or increase in fees or charges applicable solely to the construction of development at least seven (7) days prior to the first meeting where the fee amendments will be on the agenda for consideration and also meet at least two means of communication under 160D-805. However, this section shall not apply if the imposition of or increase in fees or charges is contained in a budget filed in accordance with the requirements of G.S. 159-12.

Section 1.10 **General Definitions**

Unless specifically defined in this section, words used in this Subdivision Ordinance shall have their respective customary dictionary definitions. Defined words and other important words are capitalized, italicized, and/or bold typed throughout this Ordinance. For the purpose of these regulations certain words, terms, or phrases used herein are interpreted as follows:

Words used in the **present tense** shall include the **future tense**.

Words used in the **singular** shall include the **plural** and words used in the **plural** shall include the **singular**.

The words “**shall**” and “**will**” always indicate **MANDATORY**.

The words “**should**” and “**may**” always indicate **OPTIONAL**.

The word “**lot**” includes the words “**plot**,” “**tract**,” and/or “**parcel**.”

The word “**building**” includes the word “**structure**.”

The word “**person**” includes a “**firm, association, organization, partnership, trust, company, corporation, and/or individual**.”

The word “**use**” includes the terms “**arranged**,” “**designed**,” and/or “**intended**” for use, activity, and/or purpose.

Applicant – A person who applies for subdivision or site plan approval.

Construction Plan – Plans detailing the manner a builder or contractor uses to make improvements to a property.

Dedication – A gift, by the owner, of a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, *dedication* must be made by written instrument, and is completed with an acceptance.

Easement – A grant of one or more of the property rights by the property owner of a portion of land for a specified purpose and use by the public, a corporation, or other entities.

Lot – A separate and distinct unit of land described by either a metes and bounds description and/or Subdivision plat of record and/or probated will. Lot includes a portion of a Subdivision or any other parcel of land, intended as a unit for transfer of ownership or for development of both.

Corner Lot – A lot abutting two (2) or more streets at their intersection.

Reverse Frontage Lot – A through lot which is not accessible from one of the parallel or non-intersecting streets upon which it fronts.

Through Lot – A lot abutting two (2) streets that do not intersect at the corner of the lot.

Planning Commission – The Planning Commission of the City of Mount Holly, North Carolina.

Reservation – An obligation, shown on a plat or site plan, to keep property free from development and available for public acquisition for a stated period of time. It is not a *dedication* or conveyance.

Reserve Strip – A strip of land, usually only a few feet wide, owned privately, and set aside around a Subdivision in order to prevent access to adjacent property by way of Subdivision Streets.

Site Plan – A plan detailing the proposed improvements to a given lot.

Storm Ten (10) - Year – The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten (10) years, and a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

Storm, Twenty-Five (25) - Year – The surface runoff resulting from rainfall of an intensity expected to be equaled or exceeded, on the average, once in twenty-five (25) years, and a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

Storm, One Hundred (100) - Year - – The surface runoff resulting from rainfall of an intensity expected to be equaled or exceeded, on the average, once in one hundred (100) years, and a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

Subdivider – A person engaging in the act of subdividing property.

Subdivision – See Section 1.5.

Street – A public right-of-way for vehicular travel which has been constructed and then dedicated to and accepted by the City of Mount Holly or the North Carolina Department of Transportation for public use or which has been otherwise obtained by such agencies for such use or which is proposed to be constructed and then dedicated to and accepted by such agencies as a public right-of-way for vehicular traffic for public use pursuant to this Ordinance.

Territorial Jurisdiction – The city limits of the City of Mount Holly as now or may be hereafter established.

Thoroughfare Plan – The Thoroughfare Plan as adopted by the City Council of the City of Mount Holly and as may from time to time be amended.

ARTICLE II

SUBDIVISION AND SITE PLAN REVIEW PROCEDURE

Section 2.1

Approval Levels

The Subdivision review procedure shall consist of three levels of required approval:

- Sketch Plan;
- Construction Plan and/or Site Plan; and
- Final Plat

Sketch Plan approval shall be a prerequisite to Construction Plan approval and Construction Plan and/or Site Plan approval shall be a prerequisite to Final Plat approval.

Section 2.2

Subdivision Types

The Subdivision review procedure shall consist of two types of Subdivisions:

- Major Subdivisions; and
- Minor Subdivisions

Major Subdivisions are those Subdivisions which involve more than five (5) lots or more than five (5) acres, those Subdivisions that which involve the *dedication* of new street segments (but not simply widening), those Subdivisions where special developments are involved as permitted by the Zoning Ordinance, and those Subdivisions that involve the *dedication* or *reservation* of land for open space, school sites, and other public purposes. All other Subdivisions shall be considered to be Minor Subdivisions.

Section 2.3

Approval Authority

The approval authority for the levels and types of Subdivision approval shall be as follows:

Sketch Plans –

Major subdivisions – Planning & Development Department

Minor Subdivisions – Planning & Development Department

Site Plans –

Site Plans shall be approved by the Planning & Development Department **and City Engineer** unless project involves a rezoning

Construction Plans –

Major Subdivisions – Planning & Development Department and City Engineer

Minor Subdivisions – Planning & Development Department and City Engineer

Final Plats –

Major Subdivisions – City Council after review by the Planning Commission

Minor Subdivisions – Planning & Development Department

Section 2.4

Plan and Plat Requirements

Plan and plats and supporting documents and material for the levels of Subdivision approval shall be submitted in the form as provided for in the standards for such submittals contained in the Appendix of this Ordinance and Land Development Guidelines. It is required that the *Subdivider and/or Applicant* hold a pre-submittal conference with the Planning & Development Department in order to review the Subdivision approval track, fees, and supporting document requirements for the particular case.

Section 2.5

Plan and Plat Submittal and Review Periods

Plan and plats, in the proper form, may be submitted to the Planning & Development Department for review and consideration of approval, or submission to the *Planning Commission*, for review and recommendation to the City Council. The Planning & Development Department may refuse to accept the submission of any plans, plats, or supporting documents which do not meet the standards for such submittals as contained in the Subdivision and Land Development Ordinance and/or Land Development Guidelines.

Sketch Plans- Major and Minor Subdivision Sketch Plan – may be submitted at any time. However, the subdivider and/or applicant must request a meeting with the Planning & Development Department prior to any Sketch Plan submittal to discuss the development and process. The Planning & Development Department shall approve, approve conditionally, or deny the approval of a Sketch Plan within ten (10) business days of receipt. Approval, conditional approval, or denial shall be in written and/or drawn form and dated. Typically, Sketch Plans shall be presented and discussed during a meeting with the Planning & Development Department at which time the Planning & Development Department will provide feedback regarding the presented Sketch Plan.

Site Plans – may be submitted at any time provided, however, the subdivider and/or applicant has met with the Planning & Development Department to discuss the proposed development ideas and development process moving forward. The Planning & Development Department will distribute site plans to appropriate City Departments for input and review. City Departments will have up to twenty (20) business days to complete reviews and return all necessary comments to the Planning & Development Department. It may be necessary for the subdivider and/or applicant to meet with the Planning & Development Department to discuss comments relating to the presented Site Plan. If said meeting is necessary the Planning & Development shall make arrangements to hold such meeting with the subdivider and/or applicant and all appropriate City Staff. The subdivider and/or applicant may resubmit site plans for review and approval once all comments are addressed. The review period for re-submittals shall remain the same as all initial review periods. Seven (7) sets of plans are required construction and/or site plan reviews. Three (3) sets of plans are required for all subsequent plan reviews. A signed set of approved plans must be retained at the project site by the applicant.

Once site plans have been approved by the City the applicant may request a Zoning Permit to be issued. The Zoning Permit shall enable the applicant to obtain a Building

Permit however, prior to any construction the applicant must meet with City Staff to discuss the construction schedule. The subdivider and/or applicant must resubmit two (2) signed/approved copies of the plans to the City as well as an electronic copy.

If it is determined that a Final Plat must be recorded due to the construction and installation of public facilities the Final Plat approval process must be followed as it is outlined in the Subdivision Ordinance.

Once construction is complete the applicant must request a Zoning Certificate of Compliance inspection by contacting the Planning & Development Department. At which time an inspection will take place to ensure that the site is developed in accordance with the approved Site Plan.

Construction Plans – may be submitted at any time provided, however, the subdivider and/or applicant may be required to meet with the Planning & Development Department as well as the City Engineer prior to any submission. Construction Plans shall include all necessary information required by this Ordinance or any other Ordinances of the City that may apply. City Staff shall have twenty (20) business days to complete initial reviews of Construction Plans. Once the initial City Staff reviews are complete the Planning & Development Department will schedule a Technical Review Committee (TRC) meeting with the subdivider and/or applicant and appropriate City Staff to review the submittal. Once the TRC meeting is complete the subdivider may submit revised Construction Plans, in which City Staff shall have an additional fifteen (15) business days to complete reviews. If all comments are not addressed with the re-submittal this process may continue until plans are approved by City Staff.

Construction Plan approval shall entitle the subdivider and/or applicant to commence with construction of the site. However, prior to the actual start of construction the subdivider and/or applicant must meet with City Staff to discuss the construction schedule. Seven (7) sets of plans are required for all construction plan reviews. Three (3) sets of plans are required for all subsequent plan reviews. A signed set of approved plans must be retained at the project site by the applicant. **Applicant's engineer must submit approved plans for the City's use. Refer to Appendix 7C for requirements.**

Construction Plan approval is required for subdivisions of land, civic, commercial, industrial, multi family or other type of project.

Final Plats – may be submitted at any time provided, however, in order to be eligible to be placed on the agenda of a *Planning Commission* meeting, such submittal shall have been filed with the Planning & Development Department at least fifteen (15) business days prior to that meeting. City Staff shall have a minimum of ten (10) business days to complete the initial review of Final Plats. Once Staff reviews are complete the Planning & Development Department shall direct any and all comments to the subdivider and/or applicant who shall in turn re-submit the Final Plat. The Planning & Development Department must receive all re-submitted Final Plats a minimum of five (5) business days prior to the next regularly scheduled *Planning Commission* meeting in order to be placed

on such agenda. The *Planning Commission* shall recommend approval, approval with conditions, or denial of the Final Plat within thirty-five (35) days of its first consideration. The recommendation shall be in written and/or drawn form and dated. Following *Planning Commission* action, the Planning & Development Department shall place the Final Plat on the next regular agenda of the City Council meeting. The City Council shall have sixty (60) days from its first consideration to approve, approve with conditions, or deny the Final Plat.

Special Provisions for Conditional Districts – Proposals for rezoning to any Conditional District shall be processed and considered in the same procedure as conventional rezoning proposals, except as otherwise set forth in the Zoning ordinance under Article 14.5, Conditional Districts.

Section 2.6 **Appeals**

An aggrieved person may appeal any decision of the Subdivision Administrator to the *Board of Adjustment* by filing a written notice with the Subdivision Administrator within thirty (30) days of the Subdivision Administrator action, or, his failure to act, if he failed to act within the allotted time. The *Board of Adjustment*, acting on appeal, shall have the same authority as the approval authority from which the appeal is made in regard to the subject level of Subdivision review and approval.

Section 2.7 **Effects of Approvals – Prerequisites**

Section 2.7.1 **Sketch Plan** approval shall entitle the *Subdivider and/or Applicant* to prepare for submittal of the Construction Plan, Site Plan or to move forward with any necessary rezoning request. Sketch Plans may be submitted and discussed during the initial meeting with Planning & Development Staff.

Section 2.7.2 **Site Plan** approval shall constitute approval of the development of civic, commercial and industrial projects which do not necessarily require a subdivision of land. Furthermore, when development does not require or involve a subdivision of land the Site Plan submittal shall be accompanied with a Construction Plan. If a specific project involves a Conditional District Rezoning outlined in the City of Mount Holly Zoning Ordinance then said Site Plan must be submitted during the rezoning process and accompany the Construction Plan once appropriate zoning is assigned. Once the *Subdivider and/or Applicant* has received Site Plan approval the *Subdivider and/or Applicant* may request a Zoning Permit to be issued by the Planning & Development Department. If changes occur regarding the development of the project once the Site Plan has been approved but prior to Construction Plan approval the *Subdivider and/or Applicant* must re-submit the Site Plan to the Planning and Development Department for approval.

Section 2.7.3 **Construction Plan** approval shall constitute tentative approval of the Final Plat if the Final Plat is in substantive agreement with the Construction Plan and shall entitle the *Subdivider and/or Applicant* to proceed with street, storm drainage, and utility installation, if applicable, and/or to proceed to prepare the Final Plat, if applicable. Approval of Construction

Plans shall entitle the *Subdivider and/or Applicant* to proceed with construction of the improvements for the Subdivision and/or project site. No construction, including grading, shall proceed without such approval. The Subdivider and/or Applicant shall be responsible for contacting the City's Site Inspector to schedule the City's Material Testing and Inspection Services firm for arranging testing and inspections of all public infrastructure installations. The Subdivider and/or Applicant shall be responsible for the payment of the services rendered by the Material Testing and Inspection Services Firm on behalf of the City. Building permits may be authorized to be issued after Construction Plan approval, payment of fees and issuance of Zoning Permit.

Plan Revisions – Construction drawings that are revised after being approved and signed by the City, shall be re-submitted for approval prior to construction. The City will not inspect or approve construction that is completed without signed, approved plans.

When plan revisions are necessary, it is recommended to submit only the affected plan sheets and not the entire plan set unless the revisions affect numerous plan sheets. "Minor" field revisions, as determined by the City, will not required re-submittal of plans for approval. These minor revisions shall be so noted on the final as-built plans. Revisions shall be noted on all plan submittals.

If the Final Plat of all or part of the area shown on a Construction Plan is not recorded in the Office of the Register of Deeds within eighteen (18) months of approval of the Construction Plan, or if there is a lapse of more than eighteen (18) months between the recording of sections, the Planning & Development Department may require the re-submittal of the unrecorded portion of the Sketch Plan or Construction Plan as he may determine.

Section 2.7.4 **Final Plat** approval shall entitle the *Subdivider* to record the Final Plat. A Final Plat must be recorded in the Office of the Register of Deeds within thirty (30) days of its approval by the Planning & Development Department. No Final Plat shall be regarded as finally approved until such Plat shall be recorded.

No Final Plat shall be approved for recording until all required Subdivision improvements have been installed and approved or until the *Subdivider* supplies an appropriate *Guarantee of Installation* as provided for in **Article IV** of this Ordinance.

In addition, no Final Plat shall be approved for recording unless such plat is in substantial agreement, as determined by the Planning & Development Department, with the approved Construction Plan. Final Plats not in substantial agreement shall be resubmitted with Construction Plans for review and approval.

After the Final Plat is recorded, lots as shown on the Plat may be sold or otherwise conveyed by reference to the Plat. Zoning permits may be issued by the City, Certificates of Occupancy may be authorized to be issued provided all improvements have been installed, and inspected and approved by the Planning & Development Department. The *Subdivider and/or Applicant* shall provide the Planning & Development Department with a certified copy of the recorded Final Plat.

Approval and recording of the Final Plat shall constitute *dedication* by the *Subdivider* of the right-of-way of each public street and utility and drainage public *easement* shown on such plat. Such *dedication*, however, does not constitute acceptance by the City of such right-of-way, nor does it constitute acceptance for maintenance or for other purposes of the improvements within such rights-of-way and *easements* such as pavements, sidewalk, drainage facilities, and utility lines. Such right-of-way and improvements may be accepted by the City Council by resolution upon completion by the *Subdivider and/or Applicant* and inspection by the appropriate City staff. In addition, land designated on an approved and recorded Final Plat as public open space and similar public purposes shall be considered to be offered for *dedication* until the City has by resolution accepted such *dedication* and such land is deeded to the City. Until such *dedication* has been accepted, land so offered may be used for open space purposes by its owner or his designees, and the City shall be held harmless of any liability involving such land. Land so offered for *dedication* shall not be used for any purpose inconsistent with the proposed public use without the express approval of the City Council.

Section 2.7.5 **As-Built Plans**

SEE APPENDIX 7

Digital files (on CD) of the final, as-built construction drawings shall be submitted with all as-built plans. Digital file format shall be compatible with the latest AutoCAD version and be capable of input into ESRI Arcview, latest version. Digital files shall contain all water, sanitary sewer, storm drainage, and street design information as shown on the as-built plans. At least one digital file shall contain all improvements shown in an overall drawing (similar to AutoCAD model space) to allow input into the City's utility mapping system. **These files should be given to the Utilities Department as well as the GIS Coordinator**

The City may choose to hold construction permits, delay water meter installation, withhold CO's or take other actions as deemed appropriate if as-built plans and the corresponding digital files have not been submitted after construction permits have been released for 80% of the developable lots in a subdivision phase. For commercial, industrial, multi-family or other type projects, Certificate of Occupancy permits may be held until as-builts, corresponding digital files and all appropriate testing reports are submitted.

ARTICLE III

SUBDIVISION DESIGN STANDARDS; RESERVATION AND DEDICATIONS; REQUIRED IMPROVEMENTS

Section 3.1

General

All proposed Subdivisions subject to the regulation of this Ordinance shall comply with this Article and shall be so planned as to facilitate the most advantageous development of the entire community and shall bear a reasonable relationship to the Land Development Guidelines and Thoroughfare Plan of the City of Mount Holly or be consistent with the current Gaston-Cleveland-Lincoln MPO Standards.

The general design of the Subdivision shall take advantage of and be adjusted to the contour of the land so as to produce usable building sites and streets of reasonable gradients. Subdivision Plans shall be drawn in consideration of the suitability of the land and its capability to support and maintain the proposed development. Due consideration shall be given to such factors as water supply, watershed requirements, topography, rock outcrops, flood damage prevention, erosion control, wetland preservation, **sewage collection systems**, storm water management, solar energy, tree preservation, noise and pollution control, habitat for endangered species, areas of historical, archaeological, or architectural significance, and land use relationships in addition to other factors including those prescribed by this Ordinance.

The City Council may require the *Subdivider and/or Applicant* to prepare an Environmental Impact Statement (EIS) pursuant to **NCGS 113A-8** as part of the Preliminary Plan for any Subdivision of two (2) acres or more where in the City Council's opinion one or more of the suitability factors outlined in the paragraph above, or any similar environmental factor, is a significant issue regarding the particular Subdivision. The City Council may waive the EIS where an EIS or equivalent document is required by a state or federal agency for the same or essentially the same factor(s).

The *Subdivider and/or Applicant* shall install the improvements specified herein and such improvements shall be **constructed** at no cost to the City, except as set forth herein and except as may be otherwise provided for in the City Utilities and Public Works Extension Policies. No improvements shall be installed until Construction Plans have been approved by the City and such other agency as may be appropriate or as required by law. As provided for in **Section 2.7.4**, a Final Plat may be recorded prior to installation of any or all required improvements provided that a **financial guarantee** in a form acceptable to the City is given by the *Subdivider and/or Applicant* as provided for in **Article IV**.

Section 3.2

Names

In no case shall the name of a proposed Subdivision duplicate or be phonetically similar to an existing Subdivision name within the Jurisdiction unless the proposed Subdivision lies adjacent to or is in close proximity to the existing Subdivision.

Proposed streets, which are obviously in alignment with others already exist or proposed and named, shall bear the names of existing or proposed streets. In no case shall the names of proposed streets duplicate or be phonetically similar to other existing street names in the Jurisdiction irrespective of the addition of a prefix, suffix, or word such as street, avenue, place, drive, or court.

Section 3.3 Blocks

Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single-tier lots are required to separate residential development from through vehicular traffic or another type of use or when abutting a water area.

Blocks shall not be less than four hundred (400) feet nor more than **nine hundred (900)** feet in length.

Section 3.4 Lots

The size, shape, and orientation of lots shall be appropriate for the location of the proposed Subdivision, for the type of development contemplated, and in consideration of the method of providing water and sewer facilities to the lots.

It is the intent of this Ordinance that lot size, shape, and orientation shall be controlled by the provisions of the **Mount Holly Zoning Ordinance** and the types of development permitted by that Ordinance. The Final lot sizes may be determined on a lot by lot basis provided each meets the minimum requirements of the Zoning Ordinance for the District in which located. Every lot shall have sufficient area, dimensions, and shape to permit a principal building to be constructed thereon in conformance with the applicable provisions of the Zoning Ordinance. Such build-able area shall lie at or be elevated to at least two (2) feet above the one hundred (100) year flood elevation as provided for in **Article 16 of the Mount Holly Zoning Ordinance: Floodplain Management**. Lots shall be designed so as to provide positive drainage away from building sites and individual lots shall be coordinated with the general storm drainage plan for the Subdivision. Lot boundaries shall be made to coincide with natural and pre-existing man-made drainage ways to the extent practicable to avoid the creation of lots that can be built upon only by altering such drainage ways. Lot arrangements shall be made with due consideration given to not disturbing wetlands, rock outcrops, and other such natural features. Sidelines of lots **shall** be at or near right angles or radial to street lines. **All lots fronting a cul-de-sac shall have radial lot lines from ROW to the rear property line without a deflection until beyond the building footprint.** All lots must have public street access and frontage meeting the requirements set forth in the Zoning Ordinance except as provided for in **Section 1.5 (6)**. Parcels created through the Subdivision process, which are not intended for building purposes, shall be so designated and perpetually bound as “**not build-able**” unless subsequently released through the Subdivision process.

Drainage swales or closed drainage systems in the front or rear of lots connecting multiple lots shall be avoided. The closed storm drain systems shall be encased in a 20-ft. drainage

easement to be owned and maintained by the HOA. The drainage easement shall be maintained by the property owner.

Section 3.5

Streets and Street Improvements

The proposed street system shall extend existing and projected streets at not less than the required minimum width and shall be in conformance with the following criteria:

1) Conformance with Land Development Guidelines

The location and design of streets shall be in conformance with the Land Development Guidelines. Where the conditions warrant, right-of-way width and pavement width in excess of the minimum street standards may be allowed or required. In any case where any part of a Subdivision lies within the corridor of a thoroughfare shown on a Gaston-Cleveland-Lincoln MPO or NC DOT Map adopted pursuant to **North Carolina General Statutes Chapter 136, Article 2E**, no Subdivision approval shall be granted with respect to the property in the Roadway Corridor. Provided, however, no Subdivision Plat approval shall be delayed by the provision of the Gaston-Cleveland-Lincoln MPO or NC DOT Map procedure for more than three (3) years from the date of its original submittal.

Development that takes place along designated thoroughfares identified in local or regional planning documents should be well planned. At some point in the future, widening or construction of these roads will take place. In order to minimize any negative impacts to adjoining property owners occurring as a result of such widening projects, and to require that all new structures lying on properties along these roads be adequately set back from existing and/or projected road rights-of-way. In this manner, all structures built will be adequately set back from the road when it is widened. The thoroughfare roads are shown on the adopted thoroughfare map, not the official zoning map. This thoroughfare is addressed when a development is submitted for review.

2) Street Classification

The final determination of the classification of streets in a proposed Subdivision shall be made by the Planning & Development Department.

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, Gaston County or City of Mount Holly Thoroughfare plan. Design criteria for thoroughfare streets shall be on a case by case basis. Direct driveway access onto thoroughfares is prohibited.

Commercial Streets provide direct access to commercial property and may be served by either thoroughfare or collector streets. Design shall be on case by case basis.

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 **directly** serving more than **150** residential units, when connecting adjoining residential areas, or as determined necessary by the City.

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

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.

3) **Conformance with Adjoining Street System**

The planned street layout of a proposed Subdivision shall be compatible with existing or proposed streets and their classifications on adjoining or nearby tracts.

4) **Access to Adjoining Property**

When it is desirable to provide for street access to adjoining property, proposed streets shall be extended to the boundary of such property. 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.

5) **Reserve Strips, Half Streets, and Private Streets**

Reserve strips and non-access *easements* adjoining street right-of-way for the purpose of preventing access to or from adjacent property, (except those required to prevent access to thoroughfares) and half-streets shall not be permitted under any condition. Private streets shall be permitted only in specific developments as permitted by the Zoning Ordinance. *Easements* for sole access to lots are permitted only in accordance with **Section 1.5 (6)**.

6) **Intersections**

Streets shall be designed so as to intersect at 90 degrees unless approved by the City and no street shall intersect any other street at an angle of less than sixty (60)

degrees. Streets crossing natural areas or streams shall cross at or near to right angles as possible within limits of topographic conditions. Offset intersections are to be avoided. A minimum intersection offset of one hundred twenty-five (125) feet shall be maintained.

7) **Cul-de-sacs**

- a. Cul-de-sacs should not be used to avoid connection with an existing street, to avoid the extension of a thoroughfare or collector street, or to avoid connection to adjoining property.
- b. **Cul-de-sac streets shall not exceed 900-ft in length.** Measurement shall be from the point where the centerline of the dead end street intersects with the centerline of a through street to the center of the turnaround or the cul-de-sac. Cul-de-sacs shall be provided with a turnaround meeting City standards.
- c. Where one cul-de-sac extends from another cul-de-sac, the end of each cul-de-sac shall be no more than 500 feet from a through street as measured by the centerline of the streets.

8) **Marginal Access Streets**

Where a tract of land to be Subdivided adjoins a thoroughfare, the *Subdivider and/or Applicant* may be required to provide a marginal access street parallel to the thoroughfare or provide for through lots on a local street for the lots to be developed adjacent to the thoroughfare. Where through lots are established, such lots may be prevented from having direct access to the thoroughfare by driveways through the use of reverse strips or non-access easements.

9) **Water, Sewer, Street Lights, and Storm Drainage Within Streets**

Water, sewer, street lights, sidewalks, storm drainage, and other such facilities to be placed within the street right-of-way shall be placed in accordance with latest adopted Land Development Guidelines. All utilities shall be placed underground.

10) **Pavement, Curb and Gutter and Pavement and Side Ditch**

Pavement, curb, and gutter to be placed in public streets shall be placed in accordance with latest adopted Land Development Guidelines. All utilities shall be placed underground.

11) **Street Design Criteria**

All street designs and construction within public street right-of-way shall be in accordance with latest adopted Land Development Guidelines. All private street

designs and construction shall be in accordance with the latest adopted Land Development Guidelines. All utilities shall be placed underground.

12) **Connection to State Streets**

An approved NCDOT permit is required to connect to any existing state system street.

North Carolina General Statutes 136-102.6 “**Compliance of Subdivision Streets with Minimum Standards of the Board of Transportation Required of Developers**” requires that new public streets outside the city limits and changes to existing streets inside the city limits that are the responsibility of NCDOT be in accordance with the Minimum Right-of-Way and construction standards established by the Board of Transportation for acceptance on the state highway system. It is the intent of these standards and requirements, as set forth, to complement and not to conflict with the requirements of NCDOT as stated in **NCGS 136-102.6**. In all cases the most restrictive limitation or requirement or the requirement causing the highest standard of improvement shall govern.

All proposed streets shall be constructed in accordance with the Land Development Guidelines. All street improvements shall be designed and installed in accordance with City standards and the approved construction plan. The *Subdivider's* engineer shall furnish the City with a certified statement that all street improvements installed in the Subdivision meet the minimum standards of this Ordinance.

In addition, street improvements, in accordance with the Street Design Guidelines shall be installed in the following situations:

- 1) Any existing street segment that has not been accepted for maintenance by either the City or North Carolina Department of Transportation, and that is to serve as the required frontage for one or more lots created pursuant to this Ordinance, shall be improved, dedicated, and accepted for public use to the public, as provided for above, in such a way that the street segment meets the standards of this Ordinance for the particular classification of street, including right-of-way width. Such street segment shall be directly connected to the existing public street system by way of at least one public street accepted for maintenance by either the City or North Carolina Department of Transportation. No Subdivision shall be permitted on any street that is an “island” not connected directly to the public street system.
- 2) Subdivisions that adjoin existing streets maintained by either the City or the NCDOT shall dedicate additional street right-of-way necessary to meet the minimum width requirements for the type of classification of the adjoining street. When any part of the subdivision is on both

State of North Carolina. The *Subdivider's* engineer shall be responsible for all designs and permitting associated with water system extensions.

All Subdivisions shall be required to extend the City public water system throughout the Subdivision to each lot located therein. All required water line extensions shall include the appropriate valves, hydrants, taps, and service to the property line of each lot as required by City standards.

Section 3.7 **Sanitary Sewer Improvements**

All sewer facilities extending or connecting to the City of Mount Holly systems shall be designed and constructed in accordance with the Land Development Guidelines of the City. All public systems shall be approved and permitted for construction, by the appropriate agency of the State of North Carolina. The *Subdivider's* engineer shall be responsible for all designs and permitting associated with sewer system extensions.

All Subdivisions shall be required to extend the City public sewer system throughout the Subdivision to each lot located therein. All required sewer line extensions shall include the appropriate manholes, lift stations, pumps, clean outs, taps, and service to the property line of each lot as required by City standards.

Section 3.8 **Oversized Water and Sewer Facilities**

The City may, in order to serve future development, require the *Subdivider* to install certain oversized water and sewer improvements and/or to increase such improvements to a size and/or extent beyond that necessary for the needs created by the Subdivision. In such cases, the City shall enter into an agreement to **provide for the oversizing and/or extension in conjunction with the subdivision construction schedule.**

Section 3.9 **Storm Drainage Improvements**

A comprehensive storm drainage system shall be planned and implemented for each Subdivision in accordance with the Land Development Guidelines. The storm water management plan, storm drainage system plan and the best management practices design plan shall be submitted as part of the Construction Plan requirements including all calculations. Where public and/or private *easements* are required, they shall be noted on the final plat **and construction plans.**

Storm drainage plans shall be considered on an individual basis depending upon the situation within a given subdivision. The requirements of the Flood Damage Prevention Ordinance shall apply to storm drainage design where applicable.

Section 3.10 **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:

- 1) 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.
- 2) 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 five hundred (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.
- 3) In any case where a Subdivision creates a new public street, the Subdivider shall construct five (5) foot wide sidewalks on each side of the street and around cul-de-sacs. Handicap ramps are required wherever sidewalks intersect curb and gutter.

Section 3.11 **Easements**

To provide for electric, telephone, and gas service, community antenna television distribution systems, water and sewer lines, and other such facilities within the Subdivision, appropriate utility *easements* not to exceed thirty (30) feet shall be provided on the Final Plat. The locations of such *easements* shall be determined by the Subdivision Administrator and based upon the approved Construction Plans. All utilities shall be placed underground. In addition, storm drainage *easements* may be required in order to carry out the storm drainage improvements as required in the Land Development Guidelines.

- a) Maintenance *easements* may be required depending upon the size of the drainage way and the maintenance responsibility as determined by the City.
- b) In any case where maintenance is to be the responsibility of the property owner, the City may require a right to enter for maintenance purposes where the City Council determines that the public health, safety, or general welfare constitutes a public necessity for such maintenance.
- c) Storm drainage easements must encircle the water quality facility/SCM and/or SWM facility. Easement must be shown 10 feet from the top of the berm of the facility or ten feet from the toe of slope for the facility's embankment, whichever is greater. A storm drainage easement must be shown for any pipe system or channel leading to or draining from the facility.
- d) A minimum 15 feet wide SCM maintenance access easement must be shown from the street right-of-way to the SCM facility.
- e) All SCM and/or SWM devices shall be maintained by the property owner or homeowner's association. The devices shall be inspected and maintained by the developer/owner/HOA in accordance with the approved design plans. Costs for maintenance and repairs shall be borne by the property owner or homeowner's association.

- f) All storm drainage easements beyond the public road right-of-way shall be shown on the Construction Plans and labeled, "Private Storm Drainage Easement." Easement width shall be 20 feet minimum unless otherwise approved by the City. Larger pipes may require wider easements.
- g) **Developments that have an existing or proposed easement that aligns with a planned greenway and is to be constructed as part of the project shall provide easement language allowing for a public greenway access in addition to the maintenance of public utilities. Even if the greenway is not required to be built as part of the approval process the easement language shall reflect that a public greenway would be permitted within the sewer easement**

Section 3.12

Neighborhood Recreation Sites

The Subdivider and/or Applicant of any Subdivision for residential purposes shall dedicate to the City of Mount Holly, or otherwise provide for, land for park, recreation, and/or open space designed to serve the residents of the subdivision.

In any case where a Subdivision is to be developed in phases, the full open space/recreation dedication may be required to be made in the first phase. Annexation proposals should reflect the open space requirements identified in the Strategic Vision Plan.

OPEN SPACE DEDICATION

All residential developments with more than 8 total units shall be required to dedicate open space. To encourage development of residential units in the Downtown District, all such residential development shall be exempt from these provisions. The amount of useable open space required for dedication shall be determined using the Open Space Dedication Matrix. These figures are based upon similar dedication requirements throughout the State of North Carolina with three minor adaptations:

- **First, the matrix was designed to base open space requirements on the number of bedrooms in a given development rather than the usual dedication based upon the dwelling unit. This more accurately reflects the needs of the residents, as the number of bedrooms within a given development is a better representation of the actual number of residents who would use open space.**
- **Second, the matrix is established to encourage the preservation of land. By allowing for an increase in densities, the matrix provides for an increasing requirement in open space dedication. For example, a 50-acre subdivision of 100 lots developed at a density of 2 units per acre would generally require 3.44 acres or 7% of dedicated open space. In contrast, this same tract of land subdivided into 400 lots (or condos) at a density of 8 units per acre would require 15.15 acres or 30% of dedicated open space. These figures are based upon an average of 3 bedrooms per unit.**

- Third and final, this matrix has been developed with regard to the availability of accessible open space in close proximity to the proposed development. Developments within a ½ mile (10 minute) walk (along sidewalks or other pedestrian access) to existing publicly dedicated open space (parks, greenbelts, etc.) are granted a reduction in required open space dedication of 25%. Similarly, developments that are adjacent to existing publicly dedicated open space are granted a 50% reduction in required dedication.

Because the open space dedication requirements are based upon preliminary estimations of bedroom units in a given development, changing market conditions and final build-out of a project may yield a different bedroom count. In order to accommodate for variations, this code will permit variations to the estimated number of bedrooms up to 10%. Variations in excess of 10% may allow a payment in lieu of additional dedication. Variations in excess of 25% will require the dedication of additional open space.

For the purposes of good faith estimation, all single family developments will dedicate open space at a rate of 3.5 bedrooms per unit unless otherwise stipulated. Attached homes and apartments will dedicate open space at a rate of 2-4 bedrooms in accordance with building specifications.

Open Space Dedication Matrix						
Estimated Number of Bedrooms	X	Gross Dwelling Units per Acre				Proximity to Parks
		0-2	2-6	6-10	+10	
		500	520	550	580	
		375	390	413	435	
		250	260	275	290	Adjacent
All figures are in square feet						

How to use this matrix:

1. Determine average density for proposed development (Gross Dwelling Units per Acre).
2. Determine average number of bedrooms per dwelling unit (good faith estimate).
3. Multiply number of bedrooms by the number of units to get to the estimated number of bedrooms.
4. Multiply the estimated number of bedrooms by figures shown in the matrix which relate to the density of the site and its proximity to existing open space.

EXAMPLE:

A developer wants to subdivide a 50 acre tract of land into 120 lots. The average number of bedrooms per lot is 3.5 (some 3 bedroom, some 4 bedroom). The tract is not within ¼ mile

walking distance to any publicly dedicated open space. How much open space is required for dedication?

The density (in dwelling units per acre) is 2.4. There are an estimated 420 bedrooms. Using the multiplier of 520 as shown in the matrix, the required amount of useable open space to be required is 218,400 square feet or 5.01 acres or 10% of the total area.

PAYMENT IN LIEU OF OPEN SPACE DEDICATION

If open space within a development is physically impractical due to unusual topographic conditions then the City Council may, at its discretion, accept either an equitable amount of land in another location or a fee paid to the City in lieu of dedication. The following formula shall be used to determine the fee:

(Assessed Value of On-Site Property) X ((Yearly Adjusted Inflation Rate) (# of Years Since Last Revaluation)+1) = Payment in Lieu of Open Space Dedication Fee

- Assessed Value of On-Site Property equals the value of the required amount of land to be dedicated as a percentage of the assessed valuation of the site prior to subdivision. (i.e. If the total acreage is 100 and the total assessed value equals \$500,000 and the required open space dedication is 15 acres, then the Assessed Value of the Open Space Dedication would be 15% of \$500,000 or \$75,000.
- Yearly Adjusted Inflation Rate is based upon prevailing inflation rates as reported annually in the Wall Street Journal or other reliable financial reporting medium. (i.e. 3%)
- Number of Years Since Last Revaluation is the total number of years since the last revaluation was conducted by the taxing authority.

Example:

Assessed Valuation: \$75,000
Inflation Rate: 3%
Yrs Since Last Revaluation: 6
Cost of Off-Site Open Space: \$88,500

$(75,000) \times ((.03 \times 6) + 1) =$
\$88,500

Payments in lieu of dedication shall be approved as part of the Schematic. Any disagreement in the amount of required payment shall be resolved by conducting a professional appraisal of the fair market value of the property. The professional appraiser shall be mutually agreed upon by the City or appointed by the City should an agreement not be reached. All payments made in lieu of dedication shall be made at the time of Construction Document approval. Failure to submit the required fee along with such applications will delay approval of such submissions until payment is rendered. All funds received for payment in lieu of dedication shall be used for the acquisition, development, or redevelopment of public open space within the same general area of the new development; within the City.

OPEN SPACE GENERAL PROVISIONS

1. Open space is defined as all areas not covered by building or parking lots, dry detention structures, streets, required setbacks, or golf courses.
2. Open space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and may contain one or more of the following improvements: landscaping, walls, fences, walks, statues, utilities, irrigation, fountains, ball fields, and/or playground equipment.
3. Significant stands of trees, stream bed areas, and other valuable topographic features shall be preserved within the required open space areas where practical. Areas noted on any adopted Master Plan as open space shall be preserved and dedicated where practical and feasible and may be left unimproved in accordance with the Plan.
4. Playground equipment, statues, and fountains should be located toward the interior of squares and parks away from the public right-of-way to provide for adequate safety of the user.
5. Walls and fences shall be made of brick, stone, wrought iron, or wood and shall not exceed 4 feet in height. (Exception: Fences used in conjunction with ball fields.) Watershed District development shall allocate required open space in the form of one or more of the types listed in this Chapter.
6. Waterfront development shall provide 50% of the required open space as waterfront parks along its shoreline. This requirement may be reduced to a minimum of 25% if off-water open space is dedicated with an area equal to 1 ½ times the required waterfront dedication. The design shall be such as to form a central public space or esplanade for the neighborhood to provide waterfront access and views to residents. A minimum of 30% of the perimeter of the park shall be bordered by the water.
7. Open space should provide focal points for the neighborhood and City. A central square or green, for example, may comprise a majority of the area required for dedication.
8. Dedicated open space shall be separately deeded to either a homeowner's association, a non-profit land trust or conservancy, Gaston County, or to the City of Mount Holly (upon approval by the City Council) or it may be held in private ownership with conservation easements recorded in the Gaston County Register of Deeds in a form approved by the City.

Emergency Response Requirements for Trail System:

The purpose of the trail system requirements is to assure that when off road amenities are provided by a development that public health, safety, and welfare are appropriately assured during the review and approval by the City of Mount Holly.

If a developer proposes or is required to provide any trail system or network as part of the development, then the following items will be required at a minimum and will be included as part of the Greenway Response Map for the City of Mount Holly:

1. Private greenways or trails need to be a minimum of eight (8) feet wide and at a minimum gravel surface for emergency response trucks or all-terrain vehicles. If dirt or natural surface trails are proposed the developer will need to provide other measures in order to assure appropriate response can be maintained.
2. If foot bridges are proposed it is required that a vehicle access point is provided if the distance between them exceeds two miles.
3. Trail marking on routes will be required with a maximum of ¼-mile between markers, and;
4. Signage for trail makers will be assigned a specific labeling system to be used based on the projects location on the Greenway Response Map. (Example: Project is in Zone Red (R) and they are the 2nd development in that Zone (B), then all Trail Makers for that development will begin with RB followed by the mile marker based on Item 3 above, RB-0.25 or RB-1.75)
5. Developer will provide global positioning system (GPS) coordinate of the trail to be placed on the Greenway Response Map, which is maintained by the GIS Department.
6. Developer is required to provide a kiosk at all trail heads referencing specific information to that trail including but not limited to how markers on the trail can be used when contacting Emergency 911 Services, provide map of trail with reference to kiosk location ('You are Here' indicator), map will need to show access points along the trail to be used for emergency services.
7. All trail markers and kiosks will be constructed and placed in a permanent nature in order to assure high visibility and awareness for all users of the trails.
8. The City may require other information be provided that is specific to the project.
9. Any associated signage be maintained by the developer or home owners association.

Section 3.13

Street Name Signs

In Subdivisions located outside the City Limits, the *Subdivider and/or Applicant* shall install street name signs at appropriate locations in accordance with the standards and specifications of Gaston County. Inside the City Limits, the *Subdivider and/or Applicant* shall install standard street name signs at appropriate locations in accordance with the City's standards and specifications. The *Subdivider and/or Applicant* shall obtain approval of the street names from the Planning and Development Department.

The street name signs shall have the City's logo on the face of the signs in additon to the City's standards and specifications. The logo design will be provided to the Subdivider and/or Applicant by the Planning and Development Department

Section 3.14

Traffic Control Signs and Markings

In Subdivisions outside the City Limits, the *Subdivider and/or Applicant* shall install traffic control signs and pavement markings in accordance with the standards and specifications of the North Carolina Department of Transportation. Inside the City Limits, the *Subdivider and/or*

Applicant shall install standard traffic control signs and pavement markings in accordance with the City's standards and specifications.

Section 3.15 **Street Lights**

The *Subdivider and/or Applicant* shall be responsible for submitting a Lighting Plan. The Lighting Plan must show decorative light poles of a type supplied, installed, and maintained by Duke Energy. The developer must make financial arrangements with Duke Energy prior to Final Plat approval, requiring Duke Energy to install, perpetually maintain, and replace such decorative poles. The developer shall maintain consistency throughout the entire Subdivision so that all light poles will be of the same type. All installations shall require underground wiring and shall be installed by Duke Energy to City Standards, according to the Duke Energy Lighting Plan. (Adopted on December 13, 1999). The developer shall submit the Lighting Plan with the Construction Plan package and shall be approved as a part of the Construction Plans.

Section 3.16 **Monuments**

The *Subdivider and/or Applicant* shall install such monuments and other property markers as are required by **North Carolina General Statutes Chapter 39, Article 5A** and as are specified by the "Standards of Practice for Land Surveying" in North Carolina."

Note: Electric power, telephone, cable television, natural gas lines, and other utilities which are proposed to be installed in the Subdivision, and which are required to be shown on Construction Plans are not "Required Improvements" within the context of this Article. Since the installation of such improvements are by agreement between the *Subdivider and/or Applicant* and the appropriate utility company, the execution of such agreements between the *Subdivider and/or Applicant* and the utility companies are deemed to satisfy the construction and installation requirements of this Ordinance as long as they are installed in the public right-of-way or *easement* in accordance with City standards for such installations.

Section 3.17 **Subdivision Entrance Signs and Landscape Medians**

The City Council may permit Subdivision entrance markers and landscaped median within the public right-of-way on a case-by-case basis subject to the following conditions and any additional conditions the City Council may find to be appropriate in the individual circumstance:

- 1) The City will not be responsible for maintenance.
- 2) An entity responsible for maintenance shall be created.
- 3) No such improvements shall interfere with sight distance or with normal maintenance requirements.
- 4) In the event of loss, damage, or lack of maintenance, the City may remove all improvements and maintain the area in accordance with City standards.
- 5) The median or island and its associated travel way are designed to accommodate the anticipated traffic for the type of street section in accordance with the standards of AASHTO. Medians in cul-de-sacs shall be designed to accommodate all design vehicles as defined by AASHTO.

Outside the City Limits such signs and medians shall be subject to the approval of NCDOT.

Section 3.18 **Phasing & Lot Numbering**

Subdivisions may be designed to be constructed and platted in phases. Provided, however, the Planning & Development Department **or City Engineer** may not approve a phasing plan when in its opinion such phasing will not provide for adequate public facilities to support any such phase or phases independent of the overall Subdivision plan. In approving phases, the Planning & Development Department may require that additional streets, water and sewer facilities, or other required public facilities be constructed as part of the phase or phases in order to ensure that sufficient public facilities will be in place to support such phase or phases independent of any future Subdivision development.

If turn lanes or road widening of existing roads are required as a condition of the development, only the initial phase of a development may be platted and the first CO issued until the roadway improvements are complete. **Proper construction phasing will redirect construction traffic away from closed homes**

Developments may be platted in phases as long as each phase represents a minimum of 20% of the total area to be developed; self-contained phases served by public utilities and public rights-of-ways. Lot numbering shall be sequential throughout the whole development, with no repeated lot numbers in subsequent phases. If transportation improvements are required as a condition of the development, only the initial phase of a development may be platted and the first CO issued until the roadway improvements are complete.

Section 3.19 **Tree Ordinance**

All proposed landscaping improvements as part of an approved set of plans must comply with Article 10, Landscaping and Tree Protection Ordinance of the Mount Holly Zoning Ordinance.

In addition to the requirements found in the Zoning Ordinance all major subdivisions are required to have a minimum fifteen (15) foot undisturbed perimeter buffer and designated as common open space (COS).

The construction plans shall include landscaping design features supplementing existing vegetation saved within the buffer area

Landscape Plan: **The Developer shall be required to submit for approval, a landscape plan, to address the tree regulations as part of the Construction Plan.**

Section 3.20 **Mailbox Clusters**

The Subdivider and/or Applicant shall comply with the United States Postal Service regulations and standards for Centralized Delivery/Cluster Box Units. It shall be the responsibility of the Subdivider and/or Applicant to contact the Mid Carolinas District of the United States Postal Service for more information. The Subdivider and/or Applicant shall provide the City of Mount

Holly with information detailing compliance with the United States Postal Service regulations and standards for Centralized Delivery/Cluster Box Units for all subdivisions regulated by this Ordinance. Additional requirements for mailbox clusters can be found in Section 3.11 of the City of Mount Holly Zoning Ordinance.

Section 3.21 **Lot Grading Permit Application**

The Applicant shall submit a Lot Grading Permit at the same time as the Zoning permit is submitted. The lot grading plan shall be consistent with the approved engineering plans.

The Lot Grading Plan shall consist of the following information:

- House footprint with garage, driveway, sidewalks, and patios**
- Lot setbacks in accordance with approved plans**
- Existing and proposed contours; spot grades as needed**
- Proposed water, sewer, and drainage facilities with easements on the lot, if any**
- Location of water meter and sewer cleanout**
- Tree clearing limits**
- Impervious surface data**
- Road and ROW**
- Lot, block, applicant name, and design professional**

ARTICLE IV

GUARANTEE OF REQUIRED IMPROVEMENTS; WARRANTY AGAINST DEFECTS

Section 4.1

Financial Guarantee in Lieu of Immediate Installation for Approval

In lieu of requiring the completion, installation, and inspection of all or any part of the required improvements as described in **Article IV** prior to final plat approval, the City may enter into a contract with the *Subdivider and/or Applicant* whereby the *Subdivider and/or Applicant* shall agree to complete all required improvements. Once said agreement is signed by both parties, and the security required herein is provided, the final plat may be approved if all other requirements of this Ordinance are met. To secure this contract, the *Subdivider and/or Applicant* shall provide either of, or a combination of, the following guarantees to cover the costs of the proposed improvements:

1) Security

- a) The *Subdivider and/or Applicant* shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the City or in escrow with a financial institution. The amount of deposit shall be equal to one hundred twenty percent (120%) of the estimated cost as approved by the Planning & Development Department, of installing all required improvements. The initial cost estimate shall be the responsibility of the *Subdivider and/or Applicant* and certified by his engineer, but the approval of the final cost estimate shall be made by the City Engineer.
- b) If other instrument is deposited in escrow with a financial institution as provided above, then the *Subdivider and/or Applicant* shall file with the City an agreement between the financial institution and himself guaranteeing the following:
 - 1) That said escrow account shall be held in trust until released by the City Council and may not be used or pledged by the *Subdivider and/or Applicant* in any other matter during the term of the escrow; and
 - 2) That in the case of a failure on the part of the *Subdivider and/or Applicant* to complete said improvements within the time allotted, the financial institution shall, upon notification by the City and submission by the City to the financial institution of an estimate of the amount needed to complete the improvements, immediately either pay to the City the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the City any other instruments fully endorsed or otherwise made payable in full to the City.

- c) The irrevocable letter of credit shall be in the form of an “evergreen” or “automatic renewal” letter of credit and the *Subdivider and/or Applicant* may request a reduction to 30% of the total amount deposited only after 80% of the homesites are developed and may reissue the “evergreen” letter of credit upon approval by the City Council.

2) Governmental Guarantee

In any case where a required improvement is to be provided by the State of North Carolina or any local government other than the City, the *Subdivider and/or Applicant* may provide, in lieu of the types of financial guarantee as provided for above, a letter from the appropriate state or local government official guaranteeing the installation of the improvement in the required manner and within the time allotted. Provided, however, in any case where the cost of such improvement exceeds ten thousand dollars (\$10,000) as determined by the City, such governmental guarantee shall be in the form of an approved Project Budget Ordinance where local government is to be the provider and an equivalent document where the State is to be the provider.

Section 4.3 Default

- 1) Upon Default, meaning failure on the part of the *Subdivider and/or Applicant* to complete the required improvements in a timely manner as specified in the escrow agreement, the surety or the financial institution holding the escrow account shall, if requested by the City, pay all or any portion of the escrow fund to the City up to the amount needed to complete the improvements based on an estimate by the City. Upon payment, the City, at its discretion, may expend such portion of said funds as deemed necessary to complete all or any portion of the required improvements. The City shall return to the *Subdivider and/or Applicant* any funds not spent in completing the improvements.

Default on a project does not release the *Subdivider and/or Applicant* from liability/responsibility, financial or otherwise, for the completion of the improvements.

Section 4.4 Release of Guarantee Security

The *Subdivider and/or Applicant* may request a reduction to 30% of the total amount deposited only after 80% of the **homes are closed** and may reissue the “evergreen” letter of credit upon approval by the City Council. The City Council may release the any remaining portion of all or any security posted as the improvements are completed and approved by the City Engineer. The City Manager shall reserve the right to release any remaining portion of all or any security posted as the improvements are completed and approved by the City Engineer if said security is less than 20% of the total amount deposited and less than fifty-thousand dollars (\$50,000.00). Prior to such release the *Subdivider and/or Applicant* shall provide the City Engineer with a set of “as-built” drawings certified by his engineer.

Section 4.5

Warranty Against Defects

Prior to the approval of the final plat or acceptance by the City of any improvements in any Subdivision, the *Subdivider and/or Applicant* shall furnish to the City a written warranty against defects which shall guarantee the material and workmanship for a period of not less than one (1) year from the date of such acceptance. Such warranty shall be accompanied by a financial guarantee payable to the City equal to at least fifteen percent (15%) of the cost of the installation of such improvements as determined by the City Engineer.

Such financial guarantee shall be in the form of financial guarantee as provided for in **Section 4.1.1 (a)** or **4.1.1 (b)** and **Section 4.1.1 (c)** of the Ordinance.

Upon successful performance of the improvements, as determined by the City Council, for the one-year period, the financial guarantee shall be returned to the *Subdivider and/or Applicant*. Upon the failure of an improvement to perform within the generally accepted standards for the type of improvement as determined by the City Council, the *Subdivider and/or Applicant* shall be notified and given a reasonable period of time to correct the defects. Should the *Subdivider and/or Applicant* fail to act in a timely manner, or otherwise fail to correct the defect(s), the City Engineer shall find the *Subdivider and/or Applicant* in default and proceed in the same manner as provided for in **Section 4.3** of this Ordinance.

Section 4.6

Final Acceptance

The City will not maintain any newly installed infrastructure until final acceptance of the project is granted by City Council. The one-year warranty period will not begin until final acceptance. The developer may not request final acceptance until all deficiencies have been satisfactorily addressed as determined by the City. It shall be the responsibility of the developer to request the final acceptance.

All construction and installation of improvements shall be in accordance with all the city rules, regulations and requirements and the construction plans approved and on file with the City.

All construction and installation of improvements shall be inspected and certified by the Applicant's Engineer as being completed in accordance with the approved plans and specifications. This signed and sealed certification by the Applicant's Engineer shall be for all infrastructure improvements as shown on the approved construction plans and be accompanied with the following information:

1. A set of water, sewer and drainage "as-built" drawings (paper copy) certified by the Engineer of Record and a digital file for use by the City.
2. Asphalt pavement core sampling report signed and sealed by a certified material testing company.
3. Asphalt compaction tests for the surface course; signed and sealed by a certified material testing company
4. Hydrostatic testing shall be in accordance with AWWA C600 standards, latest revision and in the presence of City Inspectors

5. Chlorine and bacteriological purity for water mains shall be tested by the owners at state approved laboratories and the certified test results furnished to the City.
6. Air testing, mandrel testing of sewer lines and vacuum testing of sewer manholes shall be done in accordance with current industry standards and requirements.

The City Inspector shall be present during the entire testing process.

Section 4.7 **Correction of Construction Deficiencies**

All deficiencies in construction shall be corrected by the Developer as soon as practical after notification from the City. The City reserves the right to withhold issuance of building permits or Certificates of Occupancy, or refuse platting of future phases, if all deficiencies or repair items are not complete after 50% of the lots have been permitted for construction in any phase of a subdivision development or site plan. For commercial, industrial, or other type projects, Certificate of Occupancy may be held until all deficiencies are corrected. A construction checklist to be completed by the developer can be found in the appendix of this standards manual.

Section 4.8 **Letter of Credit checklist**

The Mount Holly Subdivision and Land Development Ordinance allows for final plat approval so that the developer may begin selling lots and/or houses before completing construction of the required infrastructure, i.e. streets, sidewalks, streetlights, water and sewer extensions, and other subdivision requirements. In order to obtain final plat approval before the infrastructure is completed, the developer must enter into a Subdivision Agreement with the City setting forth the yet to be completed subdivision requirements and the expected costs to complete the remaining requirements. The developer's engineer must provide a written, detailed cost estimate and provide it to the City, which will in turn have it reviewed by the City's engineer for completeness and accuracy of the cost estimate. The Subdivision Agreement will make reference to the remaining subdivision requirements and the estimated costs as finally agreed upon by the developer and the City. The Letter of Credit is required to be 1.2 times or 120% of the cost estimate, to allow for unforeseen contingencies and inflation. Below is a checklist for this process:

1. The developer pays the City the application fee for final plat approval of all or a portion of a subdivision.
2. The developer's engineer prepares a detailed cost estimate, including all incomplete requirements as outlined in the City Subdivision Ordinance. **The City shall provide standard forms for use in preparing the cost estimate**
3. Upon receipt of the developer's engineer's estimate, the City's engineer will review the same and discuss any modifications he believes necessary to the developer's estimate.

4. The Planning and Zoning Department will have the City Attorney prepare the Subdivision Agreement. This will be handled between the Planning and Zoning Department and the City Attorney, and all inquiries by the developer will be made to the Planning and Zoning Department, and not directly with the City Attorney.
5. Upon completion of the Subdivision Agreement and approval by the developer, the developer will give the Subdivision Administrator the name and phone number of the bank which the developer would like to use to issue the Letter of Credit. **DO NOT HAVE THE BANK ISSUE ANY LETTER OF CREDIT UNTIL ADVISED TO DO SO BY THE SUBDIVISION ADMINISTRATOR.** Letters of Credit will need to be issued only after the City Attorney and the banking representative discuss the matter to be sure that the bank meets the City's requirements and uses the correct language and dates in the Letter of Credit.
6. After the Subdivision Agreement has been signed by the City and developer, and a proper Letter of Credit has been issued in accordance with City requirements, then the developer may proceed to develop his subdivision and obtain Zoning Compliance Permit.

ARTICLE V

LEGAL PROVISIONS

Section 5.1

Interpretation, Purpose, Conflict

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any *easements*, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction or imposes higher standards than those required by other ordinances, rules, regulations, or by *easements*, covenants, or agreements the provisions of this Ordinance shall govern so that, in all cases, the most restrictive limitation or requirement, or the requirement causing the highest standard of improvement shall govern. Provided, however, in any case where the Zoning Ordinance specifically permits a development type not otherwise provided for in this Ordinance, the Zoning Ordinance shall prevail.

Section 5.2

Repeal and Reenactment of Existing Subdivision Ordinance

The rewriting of this Chapter in part carries forth by reenactment some of the provisions of the existing Subdivision Ordinance of the City of Mount Holly and is not intended to repeal but rather to reenact and continue in force such existing provisions so that all rights and liabilities that have been accrued are preserved and may be enforced. All provisions of the Subdivision Ordinance, which are not reenacted, herein, are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of the Subdivision Ordinance in effect, which are now pending in any of the Courts of this State or the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance, but shall be prosecuted to their finality the same as if this existing Ordinance had not been adopted; and any and all violations of the existing Ordinance, prosecutions for which have not been instituted, may be filed and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may have been instituted or prosecuted.

Section 5.3

Effect Upon Outstanding Construction Plans

Nothing herein contained shall require any change in any Construction Plan which has received approval by the City of Mount Holly prior to the time of the adoption of this Ordinance provided that such Construction Plan has been prosecuted to completion and a Final Plat recorded in the Office of the Register of Deeds within eighteen (18) months after the time of the adoption of this Ordinance. If the Final Plat of all or part of the area shown on any previously approved construction plan is not recorded in the Office of the Register of Deeds within eighteen (18) months after the time of the adoption of this Ordinance, such non-recorded area shall be subject to all the provisions of this Ordinance.

After the effective date of this Ordinance, any Final Plat to be recorded based upon any outstanding Construction Plan shall follow the final plat approval procedures of this Ordinance including the Guarantee of Installation provisions.

In addition, nothing, herein contained shall require any change in the Final Plat, which has received approval by the City of Mount Holly prior to the time of the adoption of this Ordinance, provided that such a final plat is prosecuted to completion in accordance with the terms of approval. In the event of default or the failure of the *Subdivider and/or Applicant* to perform in accordance with the conditions as approved, the City of Mount Holly may, at its option, take lawful action pursuant to the Subdivision Ordinance in existence at the time of the final plat approval or this Ordinance.

Section 5.4 **Effect Upon New Territory Added to Jurisdiction**

At any time when new territory is added to the Jurisdiction of this Ordinance, such new territory shall immediately become subject to the provisions of this Ordinance. Any proposed Subdivision or any Subdivision in progress within such new territory shall proceed only in accordance with the following:

- 1) Any Subdivision for which a Final Plat has been recorded in the Register of Deeds Office pursuant to the approval of another local government, but which is subject to an outstanding guarantee to such local government for the installation of Subdivision improvements, shall remain under the Subdivision control of such local government until such time as such Subdivision shall have been prosecuted to completion. Provided, however, the City may not accept the *dedication* of any street or street improvements unless such street and street improvements meet the standards of this Ordinance and the City's Policy for Acceptance of Streets for use and maintenance by the City.
- 2) All other Subdivisions shall meet all of the requirements of this Ordinance and it shall be the responsibility of the *Subdivider and/or Applicant* of any proposed Subdivision or Subdivision in progress to receive approval as provided for in this Ordinance before proceeding with any development. The *Subdivider and/or Applicant* shall arrange a conference with the Planning & Development Department who shall determine the level and type of approval required and provide the *Subdivider and/or Applicant* with an approval track for the particular case.

Section 5.5 **Modifications**

The City Council may modify the requirements of this Ordinance where, because of the size or shape of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause an unusual and unnecessary hardship on the *Subdivider*. In granting modifications, the Council may require such conditions as will secure, insofar as practicable, the objectives or requirements modified. In no case however, shall the Council, acting pursuant to this Section, modify the terms or requirements of the Zoning Ordinance or the Floodplain Management Ordinance. Violation of any condition shall constitute a violation of this Ordinance. A modification granted as part of a plan approval shall have the same duration as the plan approval.

Section 5.6

Amendment

The City Council may from time to time amend the terms of this Ordinance after a public hearing has been held and notice given as required by North Carolina General Statutes 160D-601. However, any proposed amendment shall be submitted to the Planning Commission for review and recommendation prior to the City Council action. The Planning Commission shall have forty-five (45) days from the date such amendment is first submitted for review to the Commission to make its recommendation. If the Planning Commission fails to make its recommendation within the specified time, it shall be deemed to have recommended in favor of the amendment.

Section 5.7

No Liability

Acceptance of *dedication* of lands or facilities located within the Jurisdiction of this Ordinance but outside the City Limits shall not place on the City any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the City shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside its Corporate Limits.

Section 5.8

Violations; Penalty

After the effective date of this Ordinance, no Subdivision plat of land within the Jurisdiction of this Ordinance shall be filed or recorded until it shall have been submitted to and approved by the appropriate authority.

The Register of Deeds shall not file or record a plat of Subdivision of land subject to this Ordinance that has not been approved in accordance with this Ordinance nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with the provisions of this Ordinance.

After the effective date of this Ordinance, any person who, being the owner or agent of the owner of any land within the Jurisdiction of this Ordinance, thereafter subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of plat showing a Subdivision of land before the plat has been properly approved under this Ordinance and recorded in the Office of the Register of Deeds shall be guilty of a misdemeanor. The description by metes and bonds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from such penalty.

Any violation of the terms of this Ordinance shall subject the violator to the penalties and remedies, civil, criminal, or both, as set forth in Section 1-8 of the Code of the City of Mount Holly.

Section 5.9

Validity

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 5.10

Effective Date

This Ordinance shall become effective upon its adoption by the City Council of the City of Mount Holly, North Carolina.

ADOPTED this the 14th day of May, 2018 by the City Council of the City of Mount Holly, North Carolina.

Attest

City Clerk

Mayor