

ORDINANCE #10-47:

AN ORDINANCE AMENDING THE PINEHURST DEVELOPMENT ORDINANCE AS IT PERTAINS TO SECTION 10.2.14.20 SIDEWALKS AND TO SECTIONS 3 AND 5 AND DRAWINGS #3.01, 3.02-A AND 3.02-B OF THE ENGINEERING STANDARDS MANUAL.

THAT WHEREAS, the Village Council of the Village of Pinehurst adopted a new Pinehurst Development Ordinance on the 24th day of May, 2005, for the purpose of regulating planning and development in the Village of Pinehurst and the extraterritorial area over which it has jurisdiction; and

WHEREAS, the Engineering Standards Manual was incorporated as a part of the Pinehurst Development Ordinance on January 12, 2010; and

WHEREAS, said Ordinances may be amended from time to time as circumstances and the best interests of the community have required; and

WHEREAS, a Public Hearing was held at 1:00 p.m. on September 28, 2010 in the Assembly Hall of the Pinehurst Village Hall, Pinehurst, North Carolina after due notice in The Pilot, a newspaper in Southern Pines, North Carolina, with general circulation in the Village of Pinehurst, and its extraterritorial jurisdiction, for the purpose of considering proposed Pinehurst Development Ordinance and Engineering Standards Manual text changes, at which time all interested citizens, residents and property owners in the Village of Pinehurst and its extraterritorial jurisdiction were given an opportunity to be heard as to whether they favored or opposed the proposed text amendments; and

WHEREAS, the Planning and Zoning Board has recommended that the Village Council amend Section 10.2.14.20 of the Pinehurst Development Ordinance and Sections 3 and 5 and drawings #3.01, 3.02-A and 3.02-B of the Engineering Standards Manual; and

WHEREAS, the Village Council, after considering all of the facts and circumstances surrounding the proposed amendments in the text of the Pinehurst Development Ordinance and the Engineering Standards Manual, have determined that it is in the best interest of the Village of Pinehurst and the extraterritorial jurisdiction that the Development Ordinance and the Engineering Manual be further amended, making the amendments as requested;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in regular session assembled on the 28th day of September, 2010, as follows:

SECTION 1. That the Pinehurst Development Ordinance of the Village of Pinehurst and its extraterritorial zoning jurisdiction be and the same hereby is amended by adding the following text amendment to Section 10.2.14.20:

10.2.14.20 Sidewalks

Sidewalks are required on one side of all new streets in all residential developments and on both sides of all new streets in non-residential developments and subdivisions in accordance with the construction requirements set forth in the Village's Standards. Sidewalks are also required on existing street frontage of all non-residential subdivision developments.

Along private gated streets that are being added to an existing neighborhood as a subsequent phase, this requirement may be waived by the Village Council prior to preliminary plat approval if it is determined that it is in the best interest of the public to allow for the continuation of the development pattern within the existing sections of the development. In doing such the developer or property owner shall apply for such waiver on a form provided by the village. This matter shall be heard by Village Council at the next available meeting of the Village Council as determined by the Village Council. Prior to making any decision of the matter the Village Council shall receive a report from village staff on the individual waiver. Village Council may place such conditions on a granted waiver as it sees fit as long as they are determined to be fair and reasonable and acceptable to both Village Council and the applicant at the time of approval.

SECTION 2. That the Engineering Standards Manual of the Village of Pinehurst be and the same hereby is amended by adding the following text amendment to Sections 3 and 5:

SECTION 3 - STREETS

3.02 Design

a. General

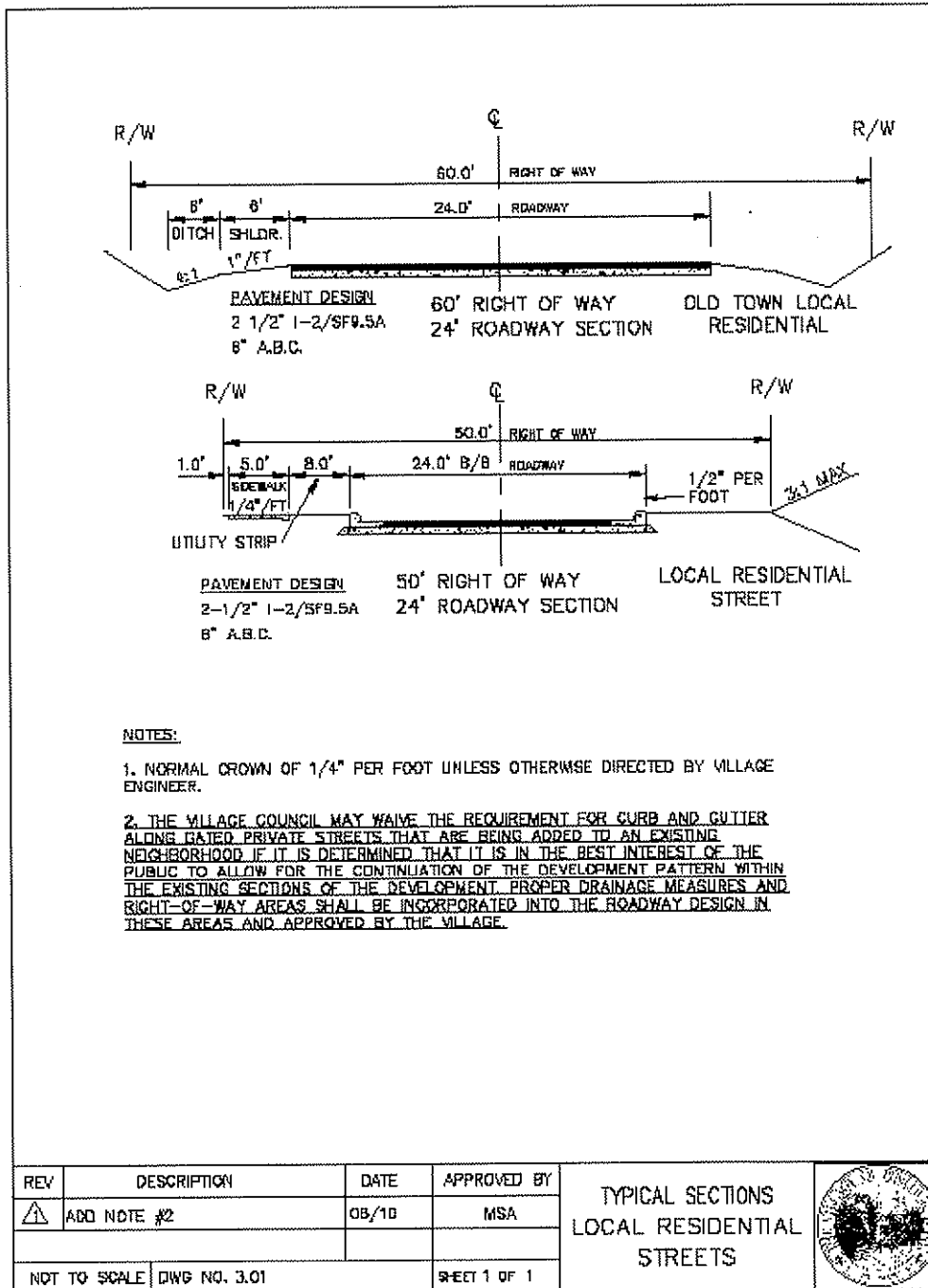
The minimum clear roadway width (exclusive of gutter width) shall be 20 feet with greater widths as required by the Village Engineer to meet roadway classification standards and traffic conditions. All streets, except those in the Old Town Overlay District, and private gated streets that are being added to an existing neighborhood as a subsequent phase and receive a waiver from the Village Council, shall have curb & gutter conforming to the standards set forth in Section 4 of this manual.

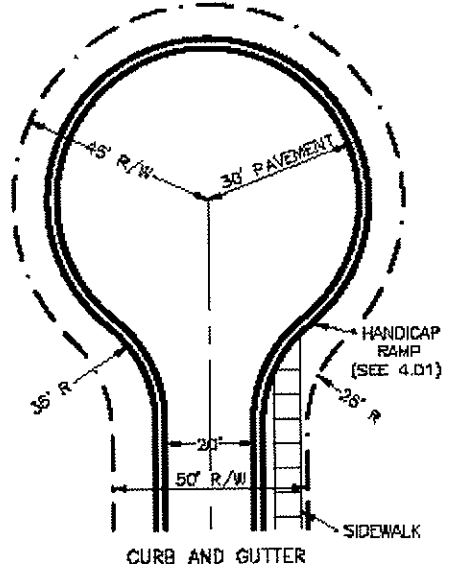
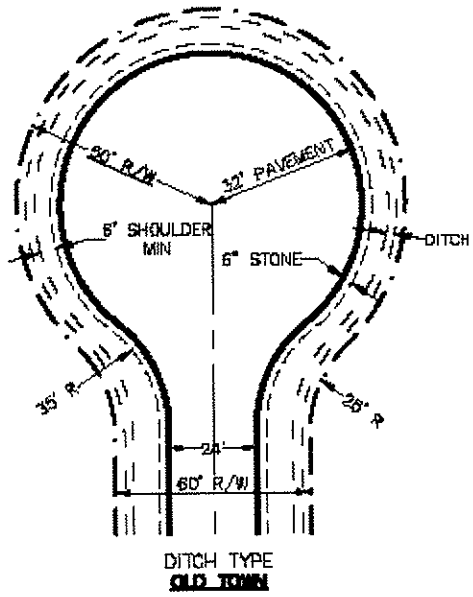
SECTION 5 - STORM DRAINAGE

5.01 Design


For shoulder section streets permitted in the Old Town Overlay District, and private gated streets that are being added to an existing neighborhood as a subsequent phase and receive a waiver from the Village Council regarding the installation of curb & gutter, the roadway swales shall be sized to handle a minimum of the 10-year storm without erosion or overtopping. Where possible, preference shall be given to utilizing grass-lines swales in lieu of rip-rap for erosion control, and the maximum front and back slopes ~~in the Old Town district~~ in these areas shall be 5:1 (H:V) to allow for routine mowing and maintenance, with flatter side slopes encouraged in all cases.

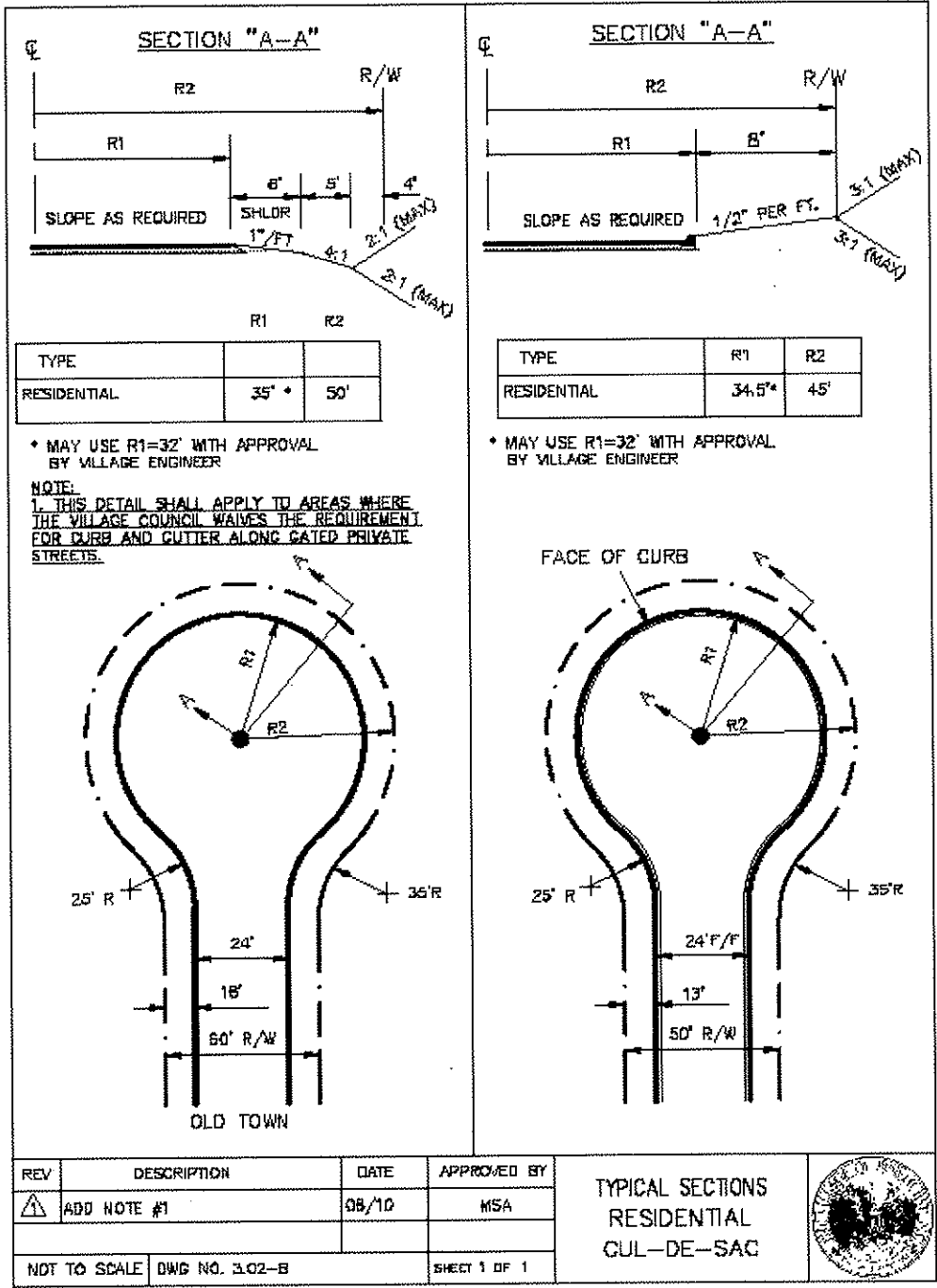
SECTION 3. That the Engineering Standards Manual of the Village of Pinehurst be and the same hereby is amended by adding the following text amendment to drawings #3.0, 3.02-A and 3.02-B:





- NOTES:**
1. CURB AND GUTTER STREETS SHALL BE 24" STANDARD CURB AND GUTTER. (SEE DETAIL 4.03).
 2. THE CROWN FOR PAVEMENT SHALL BE 1/4" PER FT FROM THE CENTER OF THE CUL-DE-SAC.
 3. MAXIMUM CUL-DE-SAC LENGTH IS 500'.
 4. THE DITCH TYPE/OLD TOWN DETAIL SHALL APPLY TO AREAS WHERE THE VILLAGE COUNCIL WAIVES THE REQUIREMENT FOR CURB AND GUTTER ALONG GATED PRIVATE STREETS.

REV	DESCRIPTION	DATE	APPROVED BY	CUL-DE-SAC LOCAL RESIDENTIAL DETAIL	
△	ADD NOTE #4	08/10	MSA		
NOT TO SCALE		DWG NO. 3.02-A	SHEET 1 OF 1		



SECTION 4. That all ordinances or sections thereof in conflict herewith are hereby repealed and declared null and void from and after the date of adoption of this ordinance.

SECTION 5. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

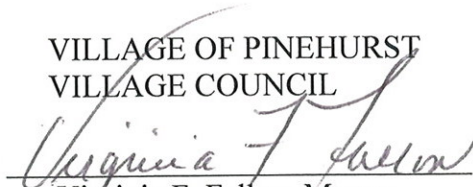
Adopted this 28th day of September, 2010.

(Municipal Seal)

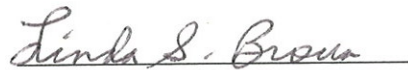


VILLAGE OF PINEHURST
VILLAGE COUNCIL

By:


Virginia F. Fallon, Mayor

Attest:


Linda S. Brown, Village Clerk

Approved as to Form:


Michael J. Newman, Village Attorney