



ORDINANCE 2025-01

AMENDING CHAPTER 7.9 OF THE TOWN OF PINEVILLE CODE OF ORDINANCES REGARDING ACCESSORY STRUCTURES AND USES

WHEREAS, NCGS § 160D-701 and NCGS § 160D-702 grant the local government the power to enact zoning regulations to regulate development, density, prevent the overcrowding of land;

WHEREAS, Town desires to promote the character of the district and to conserve the value of the property to encourage the appropriate use of land throughout the Town;

WHEREAS, Town Council voted to update the Town of Pineville's Zoning Ordinance to change "Secondary Dwelling" to "Accessory Dwelling" in keeping with common word usage used for the classification and to remove the owner occupancy provision from "Accessory Dwelling" requirements in reference to legal case precedent. He also motioned to remove "Accessory Dwellings" from the Zoning Ordinance as a permitted use from this date moving forward, and that any legally existing and permitted accessory dwelling units that are place prior to this meeting (March 11, 2025) remain following the legal non-conforming section of the Zoning Ordinance.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE TOWN COUNCIL OF PINEVILLE, that the Code of Ordinances be amended as set forth below:

The Town's Zoning Ordinance is edited to change all references to "Secondary Dwelling" to "Accessory Dwelling" in keeping with common word usage used for the classification and to remove the owner occupancy provision from "Accessory Dwelling" requirements in accordance with legal precedent.

6.5.35 Dwelling Unit, Accessory. Accessory Dwellings are prohibited in the Town of Pineville. "Accessory Dwellings" built, legally existing, and permitted by the Town of Pineville prior to March 11, 2025, are grandfathered in as a non-conforming use and must follow the non-conforming provisions of this ordinance.

If any section, phrase, sentence, or portion of this ordinance is held void, invalid, unconstitutional or unenforceable for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

That all ordinances in conflict with the provisions of this ordinance are hereby repealed or amended to the extent of such conflict.

Adopted this ____ day of October, 2025. Effective on date of signing.

Mayor

ATTEST:

Lisa Snyder, Town Clerk