



**AN ORDINANCE APPROVING TEXT AMENDMENTS TO THE TOWN OF
ROBBINS UNIFIED DEVELOPMENT ORDINANCE**

THAT WHEREAS, the Town of Robbins has enacted a set of development regulations that control land development and construction within the Town’s incorporated and extraterritorial jurisdiction areas; and

WHEREAS, in order to promote the public health, safety and general welfare and to promote the best interests of the Town and community, it is necessary from time to time for the Planning Board and Town of Commissioners to consider appropriate revisions, modifications and updates to the Town’s Regulations; and

WHEREAS, the Town staff identified a need to amend *Section 152.103 C2 Permissible uses and specific exclusions; Section 152.100 Accessory Structures; Section 152.101*; and

WHEREAS, the Planning Board has recommended adoption of the Unified Development Ordinance text amendment described herein. The Planning Board made its recommendation because the amendments further purpose of the Town’s 2014 Land Use Plan (Land Use Plan 2014-2030), which states that, “The area has the potential to attract first time homeowners and small businesses, horse farms and passive recreational enthusiasts. Town of Robbins planned housing and downtown restoration initiatives can provide a short-term stimulus for local construction and remodeling jobs.”; and

WHEREAS, pursuant to N.C. General Statutes and Town ordinances, a public hearing, properly noticed, was held on September 14, 2023, where public comment was heard and considered by the Robbins Board of Commissioners on the proposed amendments; and

WHEREAS, the Commissioners for the Town of Robbins hereby find that proposed Unified Development Ordinance text amendments are (i) consistent with the Town’s 2014 Land Use Plan, and (ii) are reasonable and in the public’s interest because it will advance the public health, safety, and/or welfare of the Town of Robbins through updated statutory procedures and requirements for development within the Town’s planning jurisdiction.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of the Town of Robbins that:

Section 1. Unified Development Ordinance § 152.004 is amended as follows:

§ 152.004 AUTHORITY.

~~(A) This chapter is adopted pursuant to the authority vested in the town by its Charter and by G.S. Ch. 160A, Art. 19, Part 3.~~

(A) This ordinance is adopted pursuant to authority granted by Part 6, Article 21 of Chapter 143; Chapter 160A; and Chapter 160D of the North Carolina General Statutes, and other applicable laws.

(B) Whenever any provision of this chapter refers to or cites a section of the state statutes and that section is later amended or superseded, this chapter shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

Section 2. Unified Development Ordinance § 152.100, “Definitions,” is amended as it pertains to the definition of “accessory structure” as follows:

~~**ACCESSORY STRUCTURE.** A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.~~

ACCESSORY STRUCTURE. A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure. that comprises not more than 25 percent of the gross floor area of the building or unit that comprises not more than 25 percent of the gross floor area of the building nor more than a total of 750 square feet.

Section 3. Unified Development Ordinance § 152.103 is amended as follows:

§ 152.103 PERMISSIBLE USES AND SPECIFIC EXCLUSIONS.

(A) The presumption established by this chapter is that all legitimate uses of land are permissible within at least one zoning district in the town’s planning jurisdiction. Therefore, because the list of permissible uses set forth in the Table of Permissible Uses, which is available for inspection in the office of the Town Clerk, cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.

(B) Notwithstanding division (A) above, all uses that are not listed in the Table of Permissible Uses, which is available for inspection in the office of the Town Clerk, even given the liberal interpretation mandated by division (A) above, are prohibited. Nor shall the Table of Permissible Uses be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.

(C) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:

(1) Any use that involves the manufacture, handling, sale, distribution or storage of any highly combustible or explosive materials in violation of the town's Fire Prevention Code;

~~(2) Stockyards, slaughterhouses, rendering plants;~~

(2) Stockyards;

(3) Slaughterhouse and rendering operations are limited to the slaughtering, harvesting or butchering of cattle and processing of animal products fit for human consumption as outlined by the United States Department of Agriculture ("USDA"). Further processing of animal renderings is prohibited within the Town limits.

~~(3) (4)~~ Use of a travel trailer as a temporary or permanent residence (Situations that do not comply with this subdivision on the effective date of this chapter are required to conform within one year.); and

~~(4) (5)~~ Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted. (Situation that do not comply with this subdivision on the effective date of this chapter are required to conform within 30 days).

Section 4. Unified Development Ordinance § 152.109, "Table of Permissible Uses," is amended so that uses permitted of right ("P"), by a special use permit ("S"), or a conditional use permit ("C") in the Heavy Industrial ("H-I") zoning district are authorized on the same bases as uses in the Light Industrial ("L-I") zoning district. The Table of Permissible Uses, as amended, is shown in the attached Attachment A

Section 5. All provisions of any town ordinance or resolution in conflict with this ordinance are repealed.

Section 6. If any section, part of a section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances

Section 7. This ordinance shall become effective upon adoption.

Adopted this on the 14th day of September 2023.

Ayes: _____

Noes: _____

Absent or Excused: _____

Cameron Dockery, Mayor

Attest:

Jessica C. Coltrane, CMC, Town Clerk