

**PLANNING BOARD - OCTOBER 21, 2025
COUNCIL CHAMBERS - 6:00 PM**

**Joe Terranova
Greg Caulder
Angela Jones
Jeffery McLean
Mitchell Prevatte**

**Walter Smith
Lisa Douglas
Lee-Pam Odom
Randy Hammonds
Ray Britt**

AGENDA

I. Call to Order

II. Minutes Approval

- A. Planning Board - Regular Meeting - September 16th, 2025

III. Agenda Items

- A. Maria Flores Rezoning 3000 Elizabethtown Rd– P-2-PB - ArTriel Kirchner, Planning & Neighborhood Services
- B. Request from Scotty Thompson to amend the Land Use Ordinance - P5, P6, & P7-PB - ArTriel Kirchner, Planning & Neighborhood Services
- C. Request for an Ordinance Amendment - Automotive Establishments – P7 Request-PB - ArTriel Kirchner, Planning & Neighborhood Services

IV. Adjournment

MEMBERS - IF YOU ARE UNABLE TO ATTEND THE MEETING PLEASE CALL THE PLANNING DEPARTMENT AT 671-3838 BY 4 P.M.

Lumberton Planning Board

Item: II.A.

Lumberton, North Carolina



Request for Action

Meeting Date: October 21, 2025

Originated By:

Submission Date: 10/07/2025

Subject: Planning Board - Regular Meeting - September 16th, 2025

Summary/Background of Subject Matter:

Staff Recommendation:

City Manager's Comments:

Signature:

Department:

ATTACHMENTS:

1. September 16, 2025



CITY OF LUMBERTON

PLANNING BOARD

MINUTES • SEPTEMBER 16, 2025

Council Chambers	Joe Terranova	Walter Smith	6:00 PM
	Greg Caulder	Lisa Douglas	
	Angela Jones	Lee Pam Odom	
	Jeffery McLean	Randy Hammonds	
	Mitchell Prevatte	Ray Britt	

I. Call to Order

II. Minutes Approval

- A. Planning Board - Regular Meeting - August 19th, 2025

III. Agenda Items

- A. Request for Sign Ordinance Amendment-Feather Flags - P4 Request - PB2 - ArTriel Kirchner, Planning & Neighborhood Services

Planning Director, Dr. ArTriel Kirchner gave an overview of the proposed ordinance. After some questions from the board, the board heard from several business owners in support of the ordinance to allow feather flags.

Brandon Sitrhle, owner of Booty Bros, Shelly Livermore, owner of Carolls Pets, Anthony Floyd & Calvin Townsend, owners of Downsouth Food Truck, and Donald Revels -Rogers Screen printing all spoke in favor of allowing the ordinance.

After some discussion, Chairman Terranova called for a motion.

Mr. Walter Smtih made a motion to recommend approval to city council and was seconded by Mr. Jeffrey McClean.

The motion carried unamioulsy.

- B. Laura Kinder Rezoning - 304 & 306 S. Rozier Street – P-4 PB - ArTriel Kirchner, Planning & Neighborhood Services

Planning Director, Dr. Kirchner gave an overview of the rezoning request.

Ms. Kinder, the applicant presented her rezoning request to the board.

After a few questions from the board and hearing no one speak in favor or opposition, Mr. Terranova called for a motion.

Mr. Jeffrey McClean made a motion to recommend approval of the rezoning to city council and was seconded by Ms. Lisa Douglas.

The motion carried unanimously.

- C. Jason Britt Special Use Permit – Old Whiteville Road parcel #2905-01-007 - ETJ-PB -

ArTriel Kirchner, Planning & Neighborhood Services

Attorney Holt Moore swore in Dr. Kirchner and the applicant, Mr. Jason Britt Planning Director, Dr. Kirchner gave an overview of the rezoning request. Mr. Britt, the applicant, presented his special use permit request to the board. After a few questions from the board and hearing no one speak in favor or opposition, Mr. Terranova called for a motion. Ms. Angela Jones made a motion to recommend approval of the special use permit request to city council and was seconded by Mr. Mitchell Prevatte. The motion carried unanimously.

- D. William Sinclair rezoning - 3170 Elizabethtown Road – P-2 - PB - ArTriel Kirchner, Planning & Neighborhood Services

Planning Director, Dr. Kirchner gave an overview of the rezoning request. Mr. Sinclair, the applicant, presented his rezoning request to the board. After a few questions from the board and hearing no one speak in favor or opposition, Mr. Terranova called for a motion. Mr. Walter Smith made a motion to recommend approval of the rezoning to city council and was seconded by Ms. Lisa Douglas. The motion carried unanimously.

- E. Mac Adolf Montilus' request for Conditional Zoning (CZ) Amendment - 2406 N. Roberts Ave. – P3 - PB - ArTriel Kirchner, Planning & Neighborhood Services

Planning Director, Dr. Kirchner gave an overview of the rezoning request. Mr. Montilus, the applicant, presented his conditional rezoning amendment request to the board. After a few questions from the board, the board heard from Mr. Andrew Prevatte, and an adjacent neighbor who shared some concerns regarding parking and flooding, Mr. Terranova called for a motion. Ms. Angela Jones made a motion to recommend approval of the conditional rezoning amendment to city council and was seconded by Mr. Walter Smith. The motion carried unanimously.

IV. Adjournment

Hearing no other business to come before the board, Chair Terranova called for a motion to adjourn.

The motion to adjourn was made by Mr. Smith and seconded by Ms. Jones.

[MIN_SIGNATURES]

Lumberton Planning Board

Item: III.A.

Lumberton, North Carolina



Request for Action

Meeting Date: October 21, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 10/14/2025

Subject: Maria Flores Rezoning 3000 Elizabethtown Rd– P-2-PB

Summary/Background of Subject Matter:

Maria Flores is requesting to rezone property located at 3000 Elizabethtown Road (parcel # 321103001) from partially zoned B-2, Business Community and R-6, Residential-Class-‘A’ Manufactured Homes to B-2, Business Community.

Staff Recommendation:

Recommend that the Planning Board hold tonight’s public meeting, entertain public comment and make a recommendation to City Council regarding this matter.

City Manager's Comments:

Signature:

Department: Planning & Neighborhood
Services

ATTACHMENTS:

1. Flores staff report cpc rezoning PLANNING COPY

City of



Lumberton

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES APPLICATION FOR ZONING MAP AMENDMENT

TO: THE CITY COUNCIL OF THE CITY OF LUMBERTON

The undersigned hereby respectfully requests that the Official Zoning Map of the City of Lumberton, North Carolina be amended as hereinafter described:

(NOTE: Please complete this application by typing or printing legibly.)

1. **Applicant:**

Owner:

Full Legal Name: Maria Eugenia Dircio Flores Full Legal Name: Joel B Gonzalez Lopez

Physical Home Address: 355 Hearty Rd

Physical Home Address: 3040 E E-town Rd

Lumberton, NC 28358

Mailing Address: 355 Hearty Rd Lumberton Mailing Address:

NC 28358

Telephone: 910-733-5481

Telephone: 910 785 1945*

Legal Name of Business:

EMAIL: mariaadircio.1984@gmail.com

2. **Description of Property:**

3000 E Elizabethtown Rd

(Address)

1631
(Deed Book)

825
(Page)

6
(Map Book)

33
(Page)

84 feet
(Frontage)

6,534
(Area)

3. **Tax Map Identification Number (parcel number):**

3211-03-001

4. **Existing Zoning District Designation of Property:**

B.6

5. **Requested Zoning District Designation of Property:**

B.2

6. **Applicant's Interest In Property (check one):** ☐ Owner ☐ Owner's Agent ☐ Lease-to-Own

☒ Tenant ☐ Family member ☐ Other (explain)

7. **Legal Description of Property:** Attach a running description of the portion of the property to be rezoned in metes and bounds sufficient to reconstruct the same on the property.

8. **Site Map:** Attach a map of the property in question.

9. **Application Fee:** Submit the fee payment with application. The application fee is nonrefundable.

1 of 3

All property owners must provide a physical address and sign their application. Additional signature page(s) are available upon request.

File # U.237

2/6/2014

Updated 4/5/2012

P.O. Box 1388 ♦ 500 N. Cedar Street ♦ Lumberton, NC 28359 ♦ Phone: 910-671-3838 ♦ Fax: 910-671-3975

City of



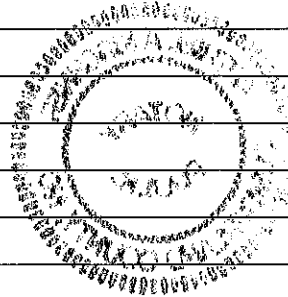
Lumberton

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
APPLICATION FOR ZONING MAP AMENDMENT

10. Applicant's Intended Use of Property (Applicant should attach a detailed business plan which includes the intended use of the property):

3,110 Beauty Salon

10,210 Inside Storage



2 of 3

All property owners must provide a physical address and sign their application. Additional signature page(s) are available upon request.

File #

2/6/2014

Updated 4/5/2012

P.O. Box 1388 ♦ 500 N. Cedar Street ♦ Lumberton, NC 28359 ♦ Phone : 910-671-3838 ♦ Fax : 910-671-3975

City of



Lumberton

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
APPLICATION FOR ZONING MAP AMENDMENT

11. Notarized Signatures:

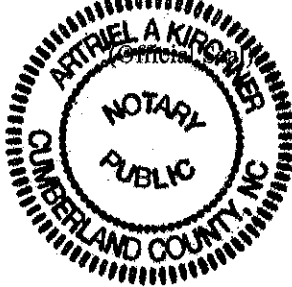
Applicant: Naria Eujenia Divcio Flores 355 Hearty Rd, Lumberton NC 28358
Full Legal Name (type or print) Home Address

STATE OF North Carolina COUNTY OF Robeson

I, Artiel A. Kirchner, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Applicant: [Signature]
Signature

WITNESS my hand and official seal, this the 25 day of September, 2025



[Signature]
Official Signature of Notary

Artiel A. Kirchner, Notary Public
Notary's printed or typed name

My Commission Expires: October 4, 2025

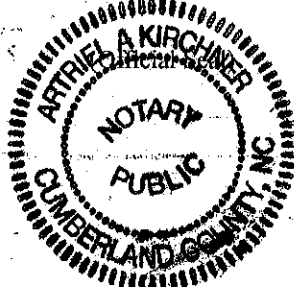
Owner: Joel Benjamin Gonzalez Lopez 3040 E E-town rd
Full Legal Name (type or print) Home Address

STATE OF NC COUNTY OF Robeson

I, Joel Gonzalez Lopez, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Owner: Joel Gonzalez Lopez
Signature

WITNESS my hand and official seal, this the 7 day of August, 2025



[Signature]
Official Signature of Notary

Artiel A. Kirchner, Notary Public
Notary's printed or typed name

My Commission Expires: October 4, 2025

3 of 3

All property owners must provide a physical address and sign their application. Additional signature page(s) are available upon request.

File # _____
2/6/2014
Updated 4/5/2012

City of



Lumberton

Planning & Neighborhood Services

Authorization to appear before City Council/Planning Board/Board of Adjustment on the behalf of the property owner(s).

Application File No.: 6.237

Property address: 3000 E E-town rd Parcel #: 3211 03 001

I, Joel Benjamin Gonzalez Lopez (property owner), give Dr./Mr./Ms. Maria Eusebia Dircio Flores the authority to appear before City Council/Planning Board/Board of Adjustment on my behalf.

Authorized Person (print/type full name): Maria Eusebia Dircio Flores

Signature: Joel Benjamin Gonzalez Lopez (Authorized Person)

Authorized Actions: Appear before City Council/Planning Board/Board of Adjustment on property owner's behalf; Answer questions of the board(s) on property owner's behalf; Appear as the applicant.

1. The North Carolina State Bar has opined on more than one occasion, that non-lawyers representing someone else at a quasi-judicial hearing (such as variances and special use permits) constitutes the unauthorized practice of law (The City Attorney can provide copies of these opinions). Simply providing factual or expert testimony as a witness does not violate this rule.
2. If the applicant is not present and the representative does not have sufficient knowledge regarding the application to satisfy the Planning Board or Board of Adjustment, this may cause the request to the tabled or denied.

I, the undersigned, (owner of the above described property), do hereby acknowledge: (1) that I give authority to the authorized person listed above to appear before City Council/Planning Board/Board of Adjustment on my behalf, (2) that this authorization will not waive my rights as the property owner.

STATE OF North Carolina COUNTY OF Robeson

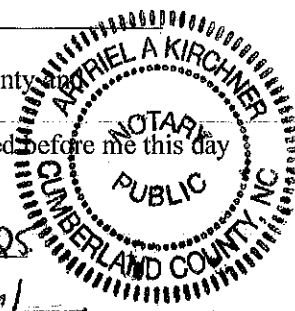
I, Artriel A. Kirchner, a Notary Public in and for said County,

State, do hereby certify that Joel Benjamin Gonzalez Lopez personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this 7 day of August, 2025

My Commission Expires: October 4, 2025

Artriel A. Kirchner
Notary Public



Planning & Neighborhood Services

Request for Rezoning
6.237 Joel Lopez

PETITIONER(S):	OWNER(S):
Petitioner: Maria Flores 355 Hearty Rd; Lumberton, NC 28358	LOPEZ JOEL BENJAMIN GONZALES MEJIA ANA CANDELARIA AGUILAR Owner's Mailing Address 3040 E ELIZABETHTOWN RD LUMBERTON, NC 28358
Rezoning: Maria Flores Rezoning 3000 Elizabethtown Rd– P-2 Maria Flores is requesting to rezone property located at 3000 Elizabethtown Road, parcel # 321103001, Deed Bk. 01631, Pg. #0825, from partially zoned B-2, Business Community and R-6, Residential-Class-‘A’ Manufactured Homes to B-2, Business Community.	

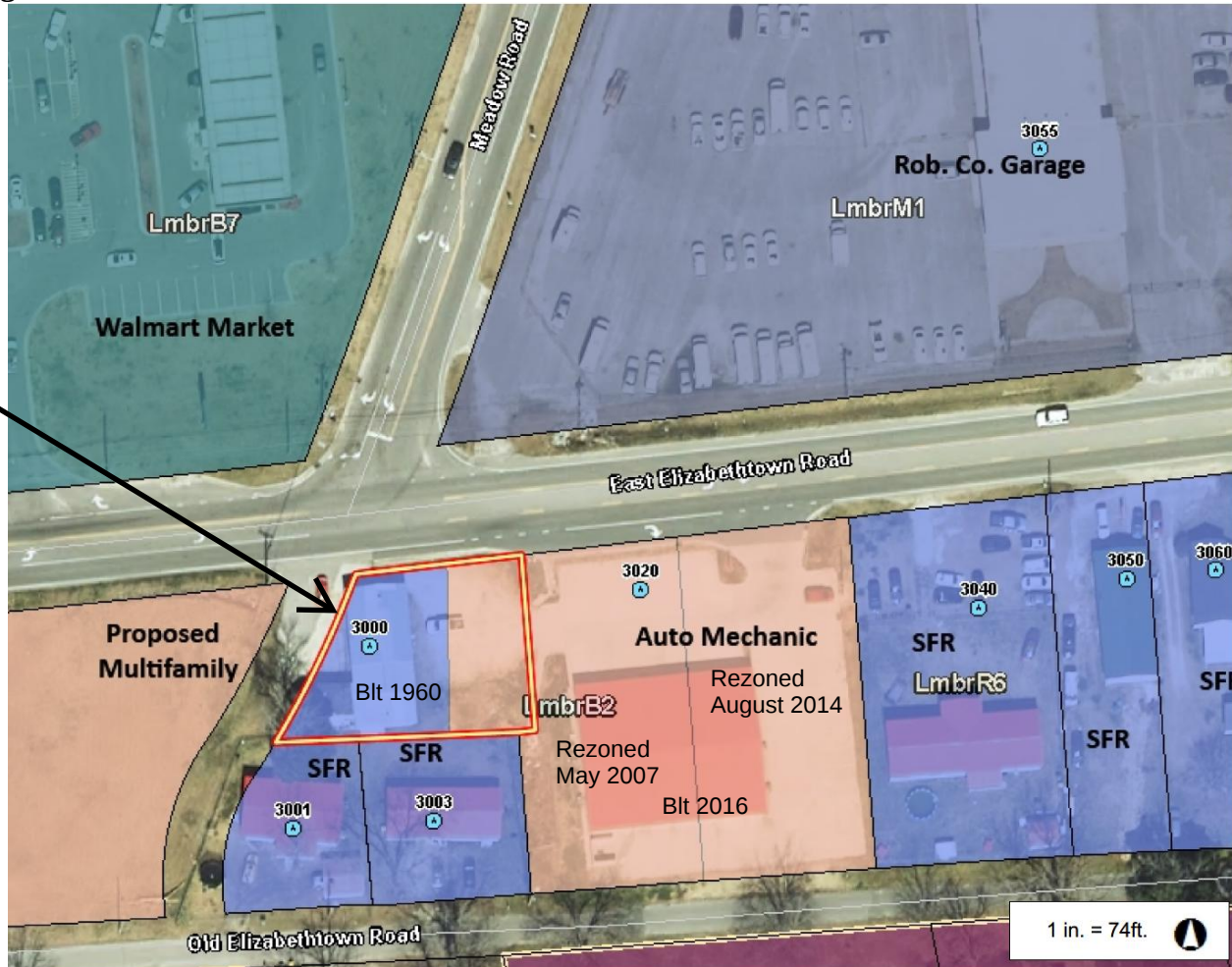
LOCATION: 3000 Elizabethtown Road, parcel # 321103001



City of Lumberton

Planning & Neighborhood Services

Zoning: B-2 & R-6



PARCEL INFORMATION

Owner	Parcel #(s)	Zoning	Area
LOPEZ JOEL BENJAMIN GONZALES MEJIA ANA CANDELARIA AGUILAR	321103001	B-2 & R-6	6,534 square feet

ADJACENT PROPERTY SITE DATA

	Zoning	Land Use
Subject Property	B-2, Business Community and R-6, Residential-Class-‘A’ Manufactured Homes	Vacant
North	M-1, Light Manufacturing	Robeson County Garage

City of *Lumberton*

Planning & Neighborhood Services

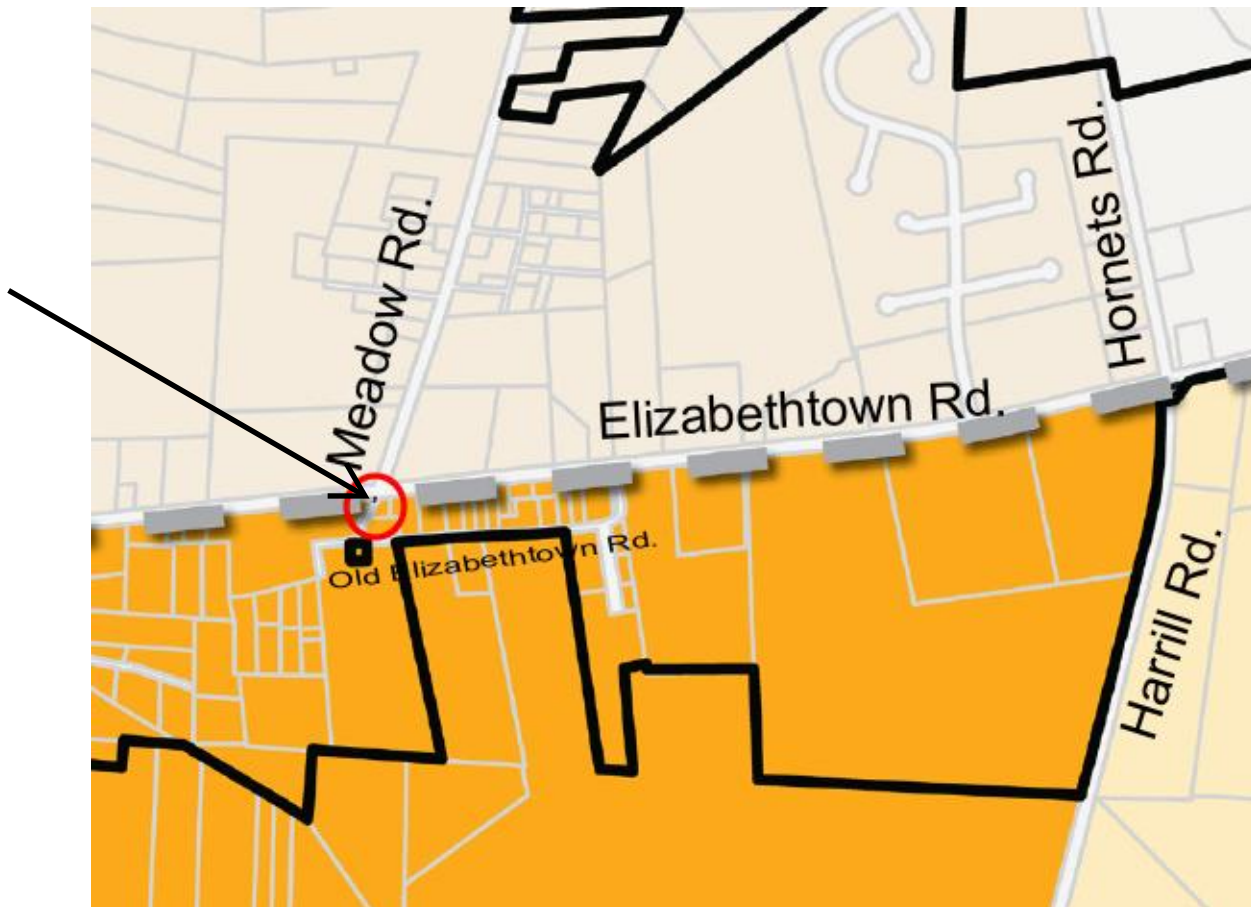
South	R-6, Residential-Class-‘A’ Manufactured Homes	Residential Single-family
East	B-2, Business Community	Auto mechanic shop
West	B-2, Business Community	Proposed Multi-family residential

STAFF ANALYSIS

Analysis: The owner is requesting to rezone the portion of the property zoned R-6 to B-2 to open a beauty salon and barber shop in addition to storage. If this rezoning is approved, the parcel will no longer be split zoned. Currently, the property is not being used.

PLANNING & ZONING

Land Use Plan: The Land Use Plan designates the future use of this parcel as medium intensity and is located in Precinct 2.



*Planning & Neighborhood Services***MEDIUM INTENSITY**

The Medium Intensity land use category is intended to accommodate medium density residential development (up to 10 dwelling units / acre), including both single family residences and larger scale multi-family dwellings. This land use category is also intended to accommodate the use and development of land for medium intensity nonresidential uses, such as churches, schools, neighborhood scale retail, professional offices and similar uses when sited in a manner that does not negatively impact adjoining residential uses located within this or an adjacent lower intensity land use category. In general, these areas are intended to provide a transition between low and high intensity land uses, as well as to facilitate redevelopment in areas where increased density and/or intensity of use is desired.

Setback and Lot Size:

Zoning District	Min. Lot Size	Min. Lot Width	Min. Front Setback (right of way)	Min. Side & Rear Setbacks (unless a right of way borders it, then right-of-way min setbacks are observed).	Maximum Height
Existing – R-6	7,000 sq.ft.	70'	20'	8'	35'
Requested B-2	3,000 sq.ft.	50'	20'	10'	35'

Screening Requirement:

Type "A" Screen
1.110- Single-family residences other than mobile homes
1.130-Single-family residences with accessory apartment



Opaque screen, type "C." A screen that is opaque to a height of at least eight (8) feet. An opaque screen is intended to exclude completely all visual contact between uses and to create a strong impression of spacial separation. The opaque screen may be composed of a wall, fence or earth berm.

City of Lumberton

Planning & Neighborhood Services

Parking - 1 space per 200 square feet of gross floor area. Building – 2,296 sq.ft.

Required - 11 parking spaces

Flood Zone ‘X’ Not in 100-YR Floodplain: Area of minimal risk and determined to be outside the 100 and 500-year floodplains.



PLANNING STAFF RECOMMENDATION TO COUNCIL

Recommend that the Planning Board hold tonight’s public meeting, entertain public comment and make a recommendation to City Council regarding this matter.

Lumberton Planning Board

Item: III.B.

Lumberton, North Carolina



Request for Action

Meeting Date: October 21, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 10/14/2025

Subject: Request from Scotty Thompson to amend the Land Use Ordinance - P5, P6, & P7-PB

Summary/Background of Subject Matter:

The Planning Department received a request from Scotty Thompson, to amend the Land Use ordinance to allow certain single family residential uses within the B-1 (Business Downtown) zoning district and the City of Lumberton Downtown Design Overlay District.

Staff Recommendation:

Recommend that the Planning Board hold tonight's public meeting, entertain public comment and make a recommendation to City Council regarding this matter.

City Manager's Comments:

Signature:

Department: Planning & Neighborhood
Services

ATTACHMENTS:

1. Ordinance Draft 1 9-24-2025
2. e City of Lumberton Downtown Design Overlay District.
3. Overlay & Zoning
4. Overlay & Zoning-Locations where Ordinance will Apply

Scotty Thompson
Lumberton, NC

September 16, 2025

City of Lumberton
Lumberton, NC

Dear Sirs and Madams:

I would like to request a text amendment to the Land Use Plan which will allow me to use the property I have purchased at 206 E. 5th Street as a residence.

Very truly yours,


Scotty Thompson
910-734-9878

Sec. 35-180.1. Single-Family Residences in the B-1 (Business Downtown) Zoning District.

(a) Regulations for single-family residences in the B-1 (Business Downtown) zoning district:

- (1) Must be a single building that was in existence on the effective date of this ordinance and that was originally designed, constructed and occupied as a single-family residence.
- (2) Must be located within the City of Lumberton Downtown Design Overlay District.
- (3) Special Use Permit is required.
- (4) Must comply with the provisions of Section 35-141.10 Downtown Design Overlay District.

Use Description	A	R-20	R-15	R-11	PR-11	R-7	R-6	R-3	B-1	B-2	B-3	B-4	B-5	B-6	B-7	M-1	M-2	M-3
1.000 Residential																		
1.100 Single-family residences																		
1.110 Other than Manufactured Homes	Z	Z	Z	Z	Z	Z	Z	Z			Z							
1.111 in existence on the effective date of this ordinance, originally designed, constructed and occupied as a single-family residence (Sec. 35-180.1)	Z	Z	Z	Z	Z	Z	Z	Z	S		Z							
1.120 Manufactured Homes																		
1.121 Class A	Z				Z		Z											
1.122 Class B	Z																	
1.130 Single- family residences with accessory apartment	S	S	S	S	S	S	S	S			S							
1.200 Two-family residences																		
1.210 Duplex						Z	Z	Z	Z	Z	Z							
1.220 Two-family conversion				S	S	Z	Z	Z	Z	Z	Z							

Editor's note--Ord. No. 1762, adopted Dec. 13, 1999, amended the Code by adding provisions intended for use as § 35-171. Inasmuch as there were already provisions so designated, the provisions have been added as § 35-179 at the discretion of the editor.

Sec. 35-180. Display of goods outside fully enclosed building in the B-1 (Business Downtown) Zoning District.

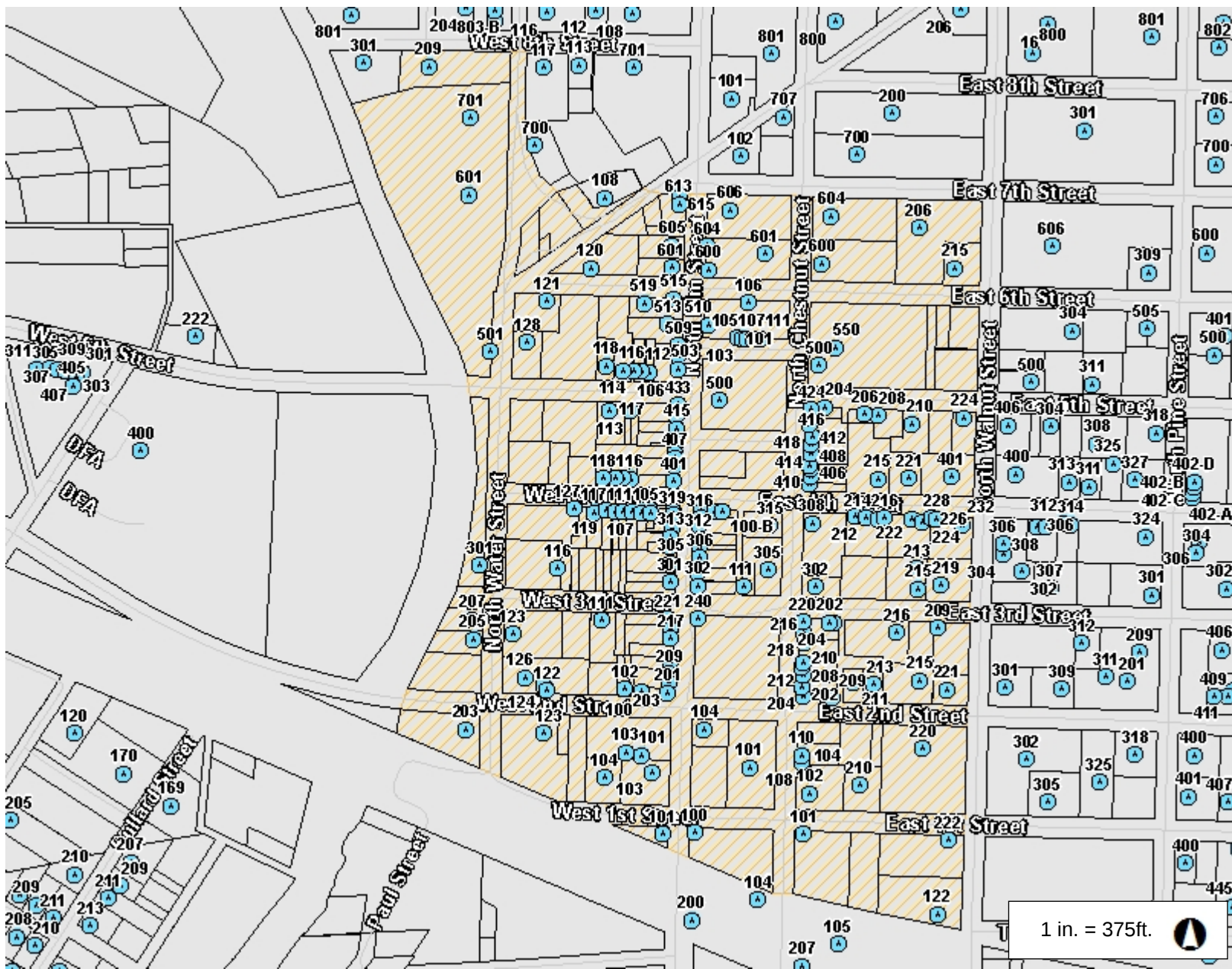
- (a) Regulations for the display of goods outside fully enclosed building in the B-1 (Business Downtown) Zoning:
 - (1) Merchandise and the fixtures or devices on which it is displayed shall be located so that they do not impede, endanger or interfere with pedestrian or vehicular traffic.
 - (2) Merchandise and the fixtures or devices on which it is displayed shall be located so that a minimum of five feet of passage for pedestrian traffic shall be provided at all times.
 - (3) No fixtures or devices on which outdoor merchandise is displayed shall be attached to the sidewalk or other public area.
 - (4) Outdoor merchandise areas will be permitted only adjacent to the building or structure in which the retail business is located. Outdoor merchandise areas shall not be permitted next to the curb of the street or in the middle of the sidewalk or in any roadways.
 - (5) Merchandise and the fixtures or devices on which the merchandise is displayed must not block regulatory signs, crosswalks or intersections and shall be sufficiently noticeable during times of low light in order to provide for safe pedestrian passage alongside the outdoor merchandise area.
 - (6) All merchandise and the fixtures or devices on which the merchandise is displayed shall be moved inside the building or structure wherein the retail business is located during hours the retail business is not operated and during inclement weather, including, but not limited to, heavy rain, wind, ice or snow.
 - (7) All merchandise and the fixture or devices on which the merchandise is displayed must be secured so that it may not be dislodged by slight windy conditions or the passing of pedestrian or vehicular traffic.
 - (8) In the event of a declared emergency or in a situation where exigent circumstances arise, a permit holder shall remove all articles from the sidewalk when directed to do so by any law enforcement officer, fire official or emergency medical personnel.
 - (9) The permit holder for the outdoor merchandise area shall be responsible for the maintenance, upkeep and security of the fixtures or devices on which the merchandise is displayed and the city shall not be responsible for the same.

- (10) The permit holder for the outdoor merchandise area shall be responsible for keeping the outdoor merchandise area clean of garbage, trash, paper, cups, cans or litter associated with the operation of the outdoor merchandise area.
- (11) The permit holder for the outdoor merchandise area shall not have on the premises any devices to attract the attention of possible customers nor shall the permit holder use any such devices to attract attention.
- (12) Signs used in the outdoor merchandise area shall be affixed to the item for sale or display or to the display device and limited to the price of the object for sale, affixed to the item for sale and shall not exceed a size two square feet.
- (13) Outdoor merchandise areas shall not contain any live animals.
- (14) A zoning permit (or Use Permit) issued by the Planning Department is required.
- (15) Fees for this permit shall be set forth, annually, by City Council, in the city's budget ordinance.
- (16) The erection or display of tents for outdoor sales is not permitted.
- (17) Outdoor sales shall only be associated with existing retail businesses located in the downtown area, and shall be located adjacent to the associated retail business.
- (18) Outdoor sales is not permitted on vacant lots.
- (19) This article shall not create liability on the part of the City of Lumberton or by any officer or employee thereof for any damages that result from reliance on this article or any administrative decision lawfully made hereunder.
- (20) Sanctioned City functions are exempt.
(Ord. No. 2016.08.06, 08-08-2016)

Sec. 35-180.1. Single-Family Residences in the B-1 (Business Downtown) Zoning District.

- (a) Regulations for single-family residences in the B-1 (Business Downtown) zoning district:
 - (1) Must be a single building that was in existence on the effective date of this ordinance and that was originally designed, constructed and occupied as a single-family residence.
 - (2) Must be located within the City of Lumberton Downtown Design Overlay District.
 - (3) Special Use Permit is required.
 - (4) Must comply with the provisions of Section 35-141.10 Downtown Design Overlay District.

e City of Lumberton Downtown Design Overlay District.



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

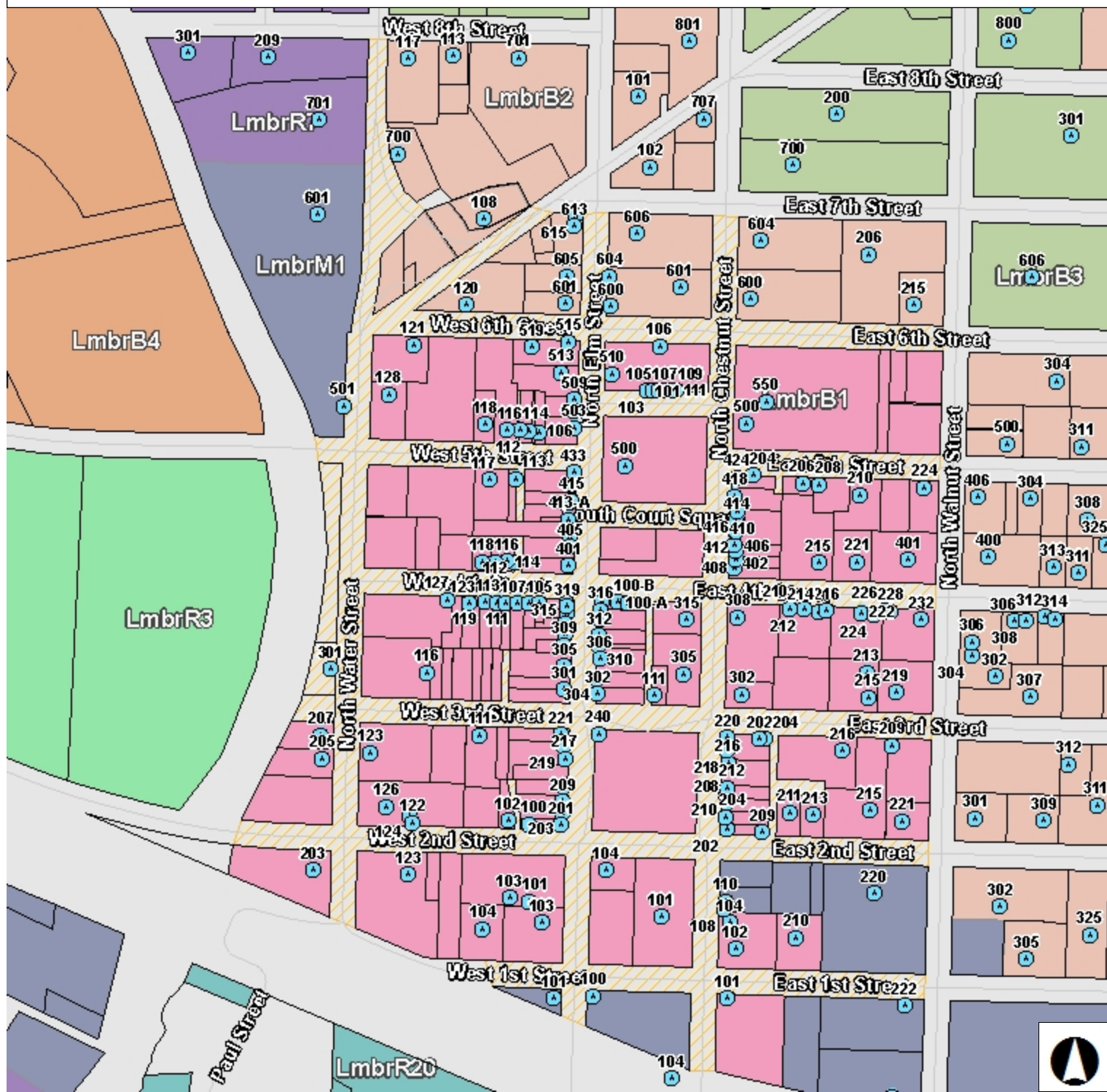


Legend

-  Site Address
-  Road
-  Parcel
-  City Limit
-  Downtown Design Overlay
-  City Limit Basemap

Notes

Overlay & Zoning



Legend

-  Site Address
 Road
 Parcel
 City Limit
Zoning
 CntyC1
 CntyH1

-  Lmbr CZ B3
 Lmbr CZ B4
 Lmbr CZ B6
 Lmbr CZ R6
 Lmbr SUP A
 Lmbr SUP B2
 Lmbr SUP B3

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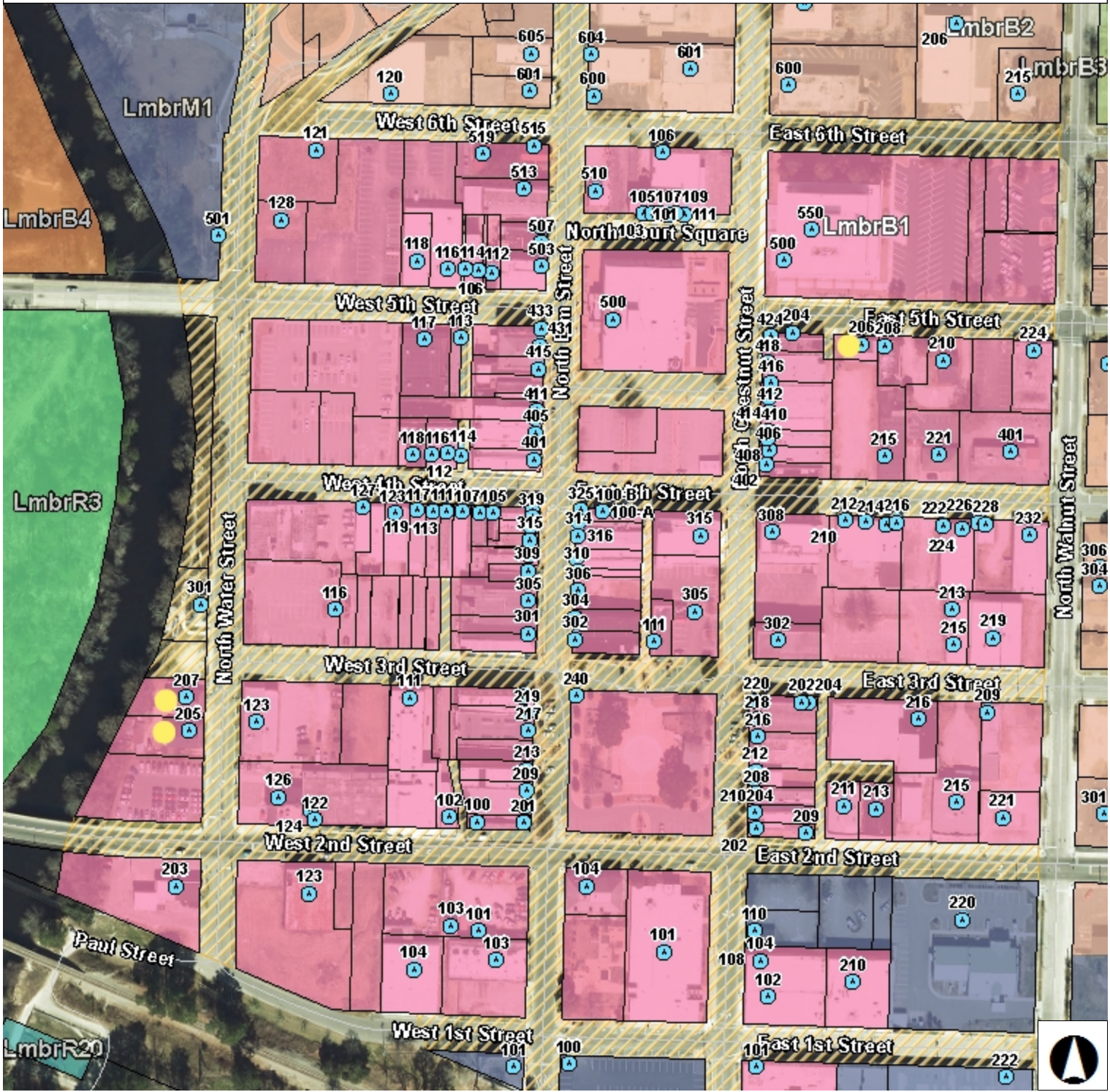
Notes

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THIS MAP IS NOT TO BE USED FOR NAVIGATION



Overlay & Zoning-Locations where Ordinance will Apply



Legend

- Site Address
- Road
- Parcel
- City Limit
- Zoning
- CntyC1
- CntyH1

- Lmbr CZ B3
- Lmbr CZ B4
- Lmbr CZ B6
- Lmbr CZ R6
- Lmbr SUP A
- Lmbr SUP B2
- Lmbr SUP B3

Notes

- 205 Water Street
- 207 Water Street
- 206 East 5th Street

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Lumberton Planning Board

Item: III.C.

Lumberton, North Carolina



Request for Action

Meeting Date: October 21, 2025

Originated By: Planning & Neighborhood
Services

Submission Date: 10/14/2025

Subject: Request for an Ordinance Amendment - Automotive Establishments – P7 Request-PB

Summary/Background of Subject Matter:

The Planning Department was tasked with creating an ordinance that will regulate automotive establishments. We conducted research, looking at various municipalities that regulate automotive establishments. Based on the research, we have developed a draft ordinance suitable for the City of Lumberton. Please review and return any comments or concerns to your next scheduled meeting in November. Subsequent meetings will be public, inviting the community to comment on the draft.

Staff Recommendation:

Review and make comments at the next scheduled public meeting.

City Manager's Comments:

Signature:

Department: Planning & Neighborhood
Services

ATTACHMENTS:

1. Automotive Establishments DRAFT 2

Sec. 35-161.6. Automotive Establishments

- (a) Automotive establishments are limited in function to dispensing gasoline, oil, grease, antifreeze, tires, batteries, and automobile accessories directly related to motor vehicles; to washing, polishing and servicing motor vehicles, only to the extent of installation of the above-mentioned items; and to selling at retail the items customarily sold by service stations. These establishments may overhaul motors, provide upholstery work, auto glass work, painting, welding, bodywork, tire recapping, or auto dismantling.
- (b) Where permitted, the following shall apply to all new and existing automotive establishments:
 - 1. Automotive establishments, accessory buildings, and structures (i.e., gasoline, oil pump, accessory car wash facilities, EV charging stations, etc.) must comply with the lot boundary setbacks set forth in Section 35-184, but shall be required to observe a street right-of-way setback of twenty (20) feet. Notwithstanding the foregoing, a canopy, awning, or marquee may observe a street right-of-way setback of ten (10) feet only if the supporting members observe the otherwise required setback.
 - 2. Existing automotive establishments, accessory buildings, and structures (i.e., gasoline, oil pump, accessory car wash facilities, EV charging stations, etc.) that does not meet the setbacks set forth in this section or in Section 35-184 will be considered legal non-conforming and must comply with Article VIII Nonconforming Situations of the Land Use Ordinance.
 - 3. Automotive establishments engaged in repair work shall be prohibited from the storage of vehicles on-site for more than 30 consecutive days, otherwise such use shall be deemed a salvage operation. In cases where a vehicle is abandoned by its lawful owner before or during the repair process, the vehicle may remain on site as long as is necessary after the 20-day period, provided the vehicle is located behind or to the side of the principal structure, and screened in accordance with Section 35-312. Recyclable materials storage areas may be used alone or in conjunction with another principal use.
 - 4. No parking or storage of vehicles on or over any public right-of-way, sidewalk, or within a designated site triangle, as identified in Section 20 – Streets and Sidewalks and Section 14-180. - Where stopping, standing and parking prohibited generally of the City of Lumberton Code.
 - 5. The storage of recyclable materials shall be screened in accordance with Section 35-312. Recyclable materials storage areas may be used alone or in conjunction with another principal use. Recyclable material is

reusable material, including but not limited to, metals (including vehicles and trailers,) glass, rubber, (including tires), plastic, paper and scrap, which is intended for reuse or reconstitution for the purpose of using in the original or in the altered form. Recyclable materials shall not include hazardous materials and waste (as defined in 40 CFR 261.3 to 261.33, or if the same may be amended by law).

- a) The intent of this section of the land use ordinance is to ensure that all new and existing development be in compliance with the requirements of Section 35-161.6(b)(7) to the maximum practicable extent. Notwithstanding any other provision of this section, a nonconforming Automotive Establishments that does not meet or exceed the standards set forth in this article, shall, within two (2) years following the effective date of this section, comply with its provisions. Any automotive establishment, that does not comply with the provisions of this section, within the amortization period, shall be in violation and shall subject the offender to a civil penalty of two hundred dollars (\$200.00) per day per violation until the unlawful condition(s) is/are abated and shall also be subject to enforcement and penalties outlined in Article VII. Enforcement and Review, of the Code of the City of Lumberton.
6. EV charging stations shall be installed in accordance with any necessary separation requirements from fuel pumps and all applicable Federal, State, and local permits must be obtained.
7. Must comply with applicable Federal, State, and local codes and ordinances.