

Introduced \_\_\_\_\_  
Public hearing \_\_\_\_\_  
Council action \_\_\_\_\_  
Executive action \_\_\_\_\_  
Effective date \_\_\_\_\_

## County Council of Howard County, Maryland

2014 Legislative Session

Legislative day # 4

**BILL NO. 15 – 2014 (ZRA – 145)**

**Introduced by the Chairperson  
at the request of the  
Howard County Independent Business Association, Inc.**

**AN ACT** amending the Howard County Zoning Regulations' NT (New Town) zoning district's Definitions, Requirements and Restrictions pertaining to Gasoline Service Stations; amending the criteria for Conditional Use Gasoline Service Stations; and generally related to Gasoline Service Stations.

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Introduced and read first time \_\_\_\_\_, 2014. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Sheila Tolliver, Administrator to the County Council

Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2014 and concluded on \_\_\_\_\_, 2014.

By order \_\_\_\_\_  
Sheila Tolliver, Administrator to the County Council

This Bill was read the third time \_\_\_\_\_, 2014 and Passed \_\_, Passed with amendments \_\_, Failed \_\_.

By order \_\_\_\_\_  
Sheila Tolliver, Administrator to the County Council

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_\_ day of \_\_\_\_\_, 2014 at \_\_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Sheila Tolliver, Administrator to the County Council

Approved/vetoed by the County Executive on \_\_\_\_\_, 2014.

\_\_\_\_\_  
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law. ~~Strikeout~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be it enacted** by the County Council of Howard County, Maryland, that the Howard  
2 County Zoning Regulations are hereby amended to read as follows:

3  
4 1. *By amending:*  
5 *Subsection A, Definitions, Requirements and Restrictions Applicable to NT Districts.*  
6 *Section 125.0: "NT (New Town) District"*

7  
8 2. *By amending:*  
9 *Number 24. Gasoline Service Stations*  
10 *Subsection N. Conditional Uses and Permissible Zoning Districts*  
11 *Section 131.0: "Conditional Uses"*

12  
13 **Howard County Zoning Regulations**

14  
15 **SECTION 125.0: NT (New Town) District**

16 A. Definitions, Requirements and Restrictions Applicable to NT Districts.

17 7. Except as otherwise provided in the Final Development Plan, the following restrictions shall be  
18 applicable to NT Districts:

19 a. Access shall be provided from every use site to a public street or to a system of common streets  
20 and ways connecting with the public street system.

21 b. The off-street parking requirements of Section 133 of these Regulations shall be  
22 applicable.

23 c. The accessory use provisions of Section 110 shall be applicable to all residential uses  
24 within the NT District.

25 d. The provisions of Section 128 (Supplementary Zoning District Regulations) shall apply to  
26 the NT District except for those provisions which specifically exclude the NT District.

27 e. NOTWITHSTANDING ANY OTHER PROVISIONS IN THIS SECTION 125, IF THE CRITERIA IN A  
28 RECORDED FINAL DEVELOPMENT PLAN IDENTIFIES A GASOLINE SERVICE STATION AS A  
29 SPECIFIC PERMITTED USE, A NEWLY PROPOSED GASOLINE SERVICE STATION IS PERMITTED

1 ONLY UPON APPROVAL BY THE PLANNING BOARD AFTER A PUBLIC HEARING WHERE THE  
2 PROPERTY OWNER ESTABLISHES THAT THE GENERAL STANDARDS AND SPECIFIC  
3 REQUIREMENTS IN SECTION 131 FOR A CONDITIONAL USE FOR A GASOLINE SERVICE  
4 STATION ARE MET. TO THE EXTENT THERE IS ANY CONFLICT BETWEEN THE CRITERIA IN  
5 THE RECORDED FINAL DEVELOPMENT PLAN AND THE GENERAL STANDARDS AND  
6 SPECIFIC REQUIREMENTS FOR A CONDITIONAL USE FOR A GASOLINE SERVICE STATION IN  
7 SECTION 131, THE MORE RESTRICTIVE PROVISION SHALL APPLY.

8 Subject to any additional specific permitted uses of land which may be designated on an  
9 approved final development plan pursuant to Section 125.C.3.d of these Regulations, if an  
10 approved final development plan designates POR, B-1, B-2, SC or M-1 District uses or any  
11 combination thereof for a specific area, then the general permitted uses for such area shall be  
12 those uses permitted as a matter of right in those districts,[[. However, the]] EXCEPT AS  
13 OTHERWISE PROVIDED IN THIS SECTION 7. THE bulk regulations for those districts regulating  
14 the location of structures, height limitations, setback provisions, minimum lot sizes, and  
15 coverage requirements shall not apply inasmuch as the controls therefore shall be included in  
16 the final development plan approved by the Planning Board as provided under these  
17 Regulations.

## 18 SECTION 131.0: Conditional Uses

### 19 N. Conditional Uses and Permissible Zoning Districts

#### 20 24. Gasoline Service Stations

21 A conditional use may be granted in the B-2, SC, M-1, M-2, or PEC Districts for gasoline service  
22 stations, provided that:

- 23 a. The use will not adversely affect the general welfare or logical development of the  
24 neighborhood or area in which the station is proposed and [[will not have a blighting  
25 influence as a result of a proliferation of gasoline service stations within a particular area]]  
26 THE USE WILL NOT HAVE A BLIGHTING INFLUENCE BECAUSE THERE EXISTS A  
27 REASONABLE PUBLIC NEED WITH THE DESIGNATED AREA FOR THE PROPOSED GASOLINE  
28 SERVICE STATION.
- 29 b. IF THE PROPOSED GASOLINE SERVICE STATION IS DESIGNED TO DISPENSE MORE THAN 1.8  
30 MILLION GALLONS PER YEAR, AS DETERMINED BY THE PROPOSED USE OF FOUR (4) OR  
31 MORE MULTI-PRODUCT DISPENSERS, AND IS LOCATED WITHIN 1,000 FEET OF THE LOT

1 LINE OF AN EXISTING GASOLINE SERVICE STATION ALSO DESIGNED TO DISPENSE MORE  
2 THAN 1.8 MILLION GALLONS PER YEAR, AS DETERMINED BY THE USE OF FOUR (4) OR  
3 MORE MULTI-PRODUCT DISPENSERS, THE PROPOSED GASOLINE SERVICE STATION SHALL  
4 NOT BE LOCATED WITHIN 500 FEET OF ANY PUBLIC OR PRIVATE SCHOOL, OR ANY PARK,  
5 PLAYGROUND, DAY CARE CENTER, OR ANY OUTDOOR USE CATEGORIZED AS A CULTURAL,  
6 ENTERTAINMENT AND RECREATION USE.

7 C. A 500 FOOT SETBACK SHALL BE REQUIRED OF A GASOLINE SERVICE STATION THAT IS  
8 PROPOSED TO BE LOCATED NEAR AN ENVIRONMENTALLY SENSITIVE AREA, INCLUDING  
9 WETLANDS, STREAMS, RIVERS OR FLOOD PLAINS.

10 D. The minimum lot size for a gasoline service station is 20,000 square feet. If a gasoline  
11 service station is combined with another use on the same lot, the minimum lot size shall be  
12 increased in accordance with the provisions of Section 131.N.25.i.

13 E. [[c.]]The lot shall have at least 120 feet of frontage on a public road. If at the intersection of  
14 two public roads, the total of the frontage along both roads may be used if ingress or egress  
15 is provided to both roads.

16 F. [[d.]] At least 20 percent of the site area shall be landscaped. The landscaping plan shall  
17 include plantings which enhance the appearance of the site from public roads and  
18 provide appropriate buffering for adjacent uses.

19 G. [[e.]] Solid walls such as masonry or wood and masonry may be required by the Hearing  
20 Authority when the site borders a residential district. When solid walls are required,  
21 landscape planting is required on the outside of the wall.

22 H. [[f.]] Refuse areas shall be fenced or screened from view. The plan shall indicate the  
23 disposal methods to be used for all waste material generated by vehicle repair  
24 operations.

25 I. [[g.]] Access driveways and on-site paved areas shall be designed and located to ensure safe  
26 and efficient movement of traffic and pedestrians, AND SHALL PROVIDE FOR THE  
27 FOLLOWING:

- 28 (1) STACKING FOR AT LEAST FOUR (4) CARS ON EACH SIDE OF A GASOLINE DISPENSING  
29 ISLAND; AND

1 (2) SUFFICIENT AREA TO PROVIDE FOR THE DELIVERY OF MOTOR FUEL WITHOUT IMPEDING  
2 THE FLOW OF TRAFFIC ON THE SITE.

3 J. [[h.]]Operation

4 (1) Outside operations shall be limited to the dispensing of gasoline, oil, water, pressurized  
5 air, the changing of tires and minor servicing. Storage of all automotive supplies shall be  
6 within the main structure.

7 (2) Vending machines and the sale of propane are permitted as accessory uses, provided  
8 these uses are screened or enclosed if required by the Hearing Authority.

9 (3) The premises shall be maintained at all times in a clean and orderly condition, including  
10 the care or replacement of plant materials required in the landscaping plan. The  
11 responsibility for compliance with this provision shall be with all parties having a lease  
12 or ownership interest in the gasoline service station.

13 (4) Where a gasoline service station is adjacent to a residential district, its hours of operation  
14 and a detailed lighting plan shall be approved by the Hearing Authority.

15  
16 L. [[i.]] Other Uses

17 (1) Other uses may be located on the same lot as a gasoline service station, including uses  
18 permitted in the zoning district as well as car washes and convenience stores, provided that  
19 all uses are approved by the Hearing Authority[[]; and the]].

20  
21 (2) The minimum lot area is increased to accommodate the combination of uses. At a  
22 minimum, the minimum lot size of 20,000 square feet must be increased by an area equal  
23 to the gross square footage of floor area, parking area and loading or stacking areas  
24 required for the additional uses.

25 (3) In the PEC, M-1 and M-2 districts, the gross floor area of convenience stores shall not  
26 exceed 3,500 feet.

27 M. [[j.]]Abandonment

28 (1) The premises (including landscaping) of any gasoline service station which is not in  
29 continuous operation or is abandoned shall be maintained in the same manner as is  
30 required under these regulations for operating gasoline service stations.

1 (2) A conditional use for a gasoline service station shall become void upon notice of  
2 abandonment by the owner. If notice of abandonment is not received, but it is determined  
3 by the Department of Planning and Zoning that a gasoline service station has not been in  
4 continuous operation for a period of twelve months, a revocation hearing shall be  
5 initiated by the Department of Planning and Zoning in accordance with the procedures  
6 set forth in Section 131.L. For purposes of this subsection, "continuous operation" shall  
7 mean operation as a gasoline service station at least eight hours per day, five days per  
8 week.

9 (3) If a gasoline service station is abandoned and the conditional use becomes void as  
10 provided above, all gasoline pumps, pump island canopies and other improvements (not  
11 including buildings) shall be removed from the site within six months of the date the  
12 conditional use becomes void.

13  
14  
15 ***Section 2. Be it further enacted*** by the County Council of Howard County, Maryland, that the Director  
16 *of the Department of Planning and Zoning is authorized to publish this Act, to correct obvious errors*  
17 *in section references, numbers and references to existing law, capitalization, spelling, grammar,*  
18 *headings and similar matters.*

19  
20 ***Section 3. And Be It Further Enacted*** by the County Council of Howard County, Maryland, that this Act  
21 *shall become effective 61 days after its enactment.*