

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.

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

By order _____
Sheila Tolliver, Administrator to the County Council

*Withdrawn before introduction
April 7, 2014
Sheila M. Tolliver*

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.*