



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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November 19, 2015

TECHNICAL STAFF REPORT

*Petition Accepted on June 12, 2015
Planning Board Meeting of December 3, 2015
County Council Hearing to be scheduled*

Case No: ZRA-159

Petitioner: Howard County Chairperson at the Request of the Howard County Fueling Station Task Force

Request: Zoning Regulation Amendment to amend Section 103.0: Definitions - to delete the definition for "Gasoline Service Station", to revise the definitions for "Parking Area, Parking Facility or Parking Use", and to add a new definition for "Vehicle Fueling Station", and;

To amend Section 113.1: R-MH (Residential: Mobile Home) District, Section 117.1: BR (Business: Rural) District, Section 120.0: SC (Shopping Center) District, Section 121.1: CR (Commercial Redevelopment) Overlay District, Section 127.0: MXD (Mixed Use) District to delete the current use category term "Gasoline Service Station" used under Permitted Uses, Conditional Uses, Accessory Uses or Uses Subject to Authorization, as applicable, and to replace it with the new use category term "Vehicle Fueling Station", and;

To amend Section 125.0.A., Definitions, Requirements and Restrictions Applicable to NT Districts, of the NT (New Town) District regulations to add a new Section 125.0.A.11 which would require that newly proposed Vehicle Fueling Stations, in areas with Final Development Plans that permit such uses, are "...only permitted upon approval by the Planning Board after a public hearing where the property owner establishes that the general standards and specific requirements in Section 131 for a Conditional Use for a Vehicle Fueling Station are met.", and;

To amend Section 131.0.N., Conditional Uses and Permissible Zoning Districts, in Section 131.0: Conditional Uses to revise the current Section 131.0.N.24, Gasoline Service Stations by deleting the use of the terms "Gasoline Service Stations" and "Gasoline Service Station", replacing these terms with the new term of "Vehicle Fueling Station", revising the current specific criteria and adding new specific criteria to incorporate various recommendations made by the Fueling Station Task Force concerning requirements for a needs assessment.

Staff Recommendation: APPROVAL WITH REVISIONS

I. BACKGROUND

In May 2013 the Howard County Independent Business Association, Inc. submitted a Zoning Regulation Amendment request, ZRA-145, to significantly amend various sections of the Zoning Regulations related to Gasoline Service Stations. ZRA-145 revised the Conditional Use category for Gasoline Service Stations adding:

- A criterion requiring a finding of reasonable public need and specific evaluation procedures for such a finding;
- Setback requirements from certain land uses and environmentally sensitive areas;
- Criteria concerning car washes, convenience stores, and other uses in certain zoning districts;
- Special evaluation criteria in the PEC (Planning Employment Center) District; and
- Criteria for certain site design requirements and underground fuel storage limits.

ZRA-145 also proposed amendments to the NT (New Town) regulations. Namely, Vehicle Fueling Stations allowed by a Final Development Plan would be subject to a public hearing by the Planning Board. Additionally, the approval would be based upon the general standards and specific criteria required for Conditional Use approval for such uses outside the NT District.

On February 20, 2014 the Planning Board recommended denial of ZRA-145, which was then forwarded to the County Council, but was not acted upon. On May 5, 2014 the County Council adopted CB 39-2014 creating a Fueling Stations Task Force, “to study standards and related parking issues for locating fueling stations and to recommend standards for locating facilities.” Among their tasks was to “Make recommendations for possible amendments to the Howard County Zoning Regulations addressing the standards for conditional use approval of fueling stations.”

The Fueling Stations Task Force met from June 2014 through November 2014 and submitted recommendations to the County Council in December 2014. Some of the recommendations were consistent with those proposed in ZRA-145, while others addressed new issues, such as the potential link between fueling stations and environmentally sensitive areas.

On June 4, 2015, the Howard County Council Chairperson at the request of the Howard County Fueling Station Task Force submitted ZRA-159, which proposes to incorporate the recommendations of the Fueling Stations Task Force into the Zoning Regulations.

II. DESCRIPTION OF PROPOSAL

The proposed text amendment is attached as Exhibit A – Petitioner’s Proposed Text (CAPITALS indicates text to be added; text in [[brackets]] indicates text to be deleted). The Petitioner proposes to amend nine sections in the Zoning Regulations, described as follows:

1. Section 103.0: Definitions

The proposed text amendment replaces the current definition for *Gasoline Service Station*, with a new definition - *Vehicle Fueling Station*. The amendment also replaces the current term “Gasoline Service Station” with “Vehicle Fueling Station” within the definition of Parking Area, Parking Facility or Parking Use. For purposes of this report, this change in definition is referred to as a “Term Replacement Revision.”

II. DESCRIPTION OF PROPOSAL2. Section 113.1.C.8: R-MH (Residential: Mobile Home) District

The proposal would apply a Term Replacement Revision to this category.

3. Section 117.1.C: BR (Business: Rural) District

The proposal amends the Use Permitted as a Matter of Right list; deleting the use category for a Gasoline Service Station and replacing it with a new use category - Vehicle Fueling Station. A requirement is added that the use be depicted on the Preliminary Development Plan, which is approved by the Zoning Board.

4. Section 120.0.F: SC (Shopping Center) District

The proposal would delete the use category for a Gasoline Service Station and replace it with Vehicle Fueling Station.

5. Section 121.1.E and Section 121.1.H: CR (Commercial Redevelopment) Overlay District

For Section 121.1.E, the proposal would amend the Uses Subject to Authorization list by deleting the use category for a Gasoline Service Station and replacing it with Vehicle Fueling Station. For Section 121.1.H., the proposal is for a Term Replacement Revision.

6. Section 125.0.A.11: NT (New Town) District

The proposal adds a new Section 125.0.A.11. to Definitions, Requirements and Restrictions Applicable to the NT District. It requires that proposals for Vehicle Fueling Stations that are in the NT District and permitted in a Final Development Plan must seek approval by the Planning Board.

The text change implies that the Planning Board must find that the "property owner" has met a burden of proof that the Vehicle Fueling Station is in conformance with the same general standards and specific criteria required for the use in Conditional Use Section 131.0. for areas outside of the NT District. The proposed text is identical to that proposed in ZRA-145.

7. Section 127.0.C.4 MXD (Mixed Use) District

The proposal amends the Permitted Uses list for Mixed Use Developments larger than 75 acres. It deletes the use category Gasoline Service Station replacing it with Vehicle Fueling Station. It further retains the requirements that the use must be indicated on the Preliminary Development Plan and that the Site Development Plan must be approved by the Planning Board.

II. DESCRIPTION OF PROPOSAL

8. Section 131.0.N.24: Conditional Uses

The revisions are mainly Term Replacement Revisions, including the use category title. The amended section would be new - Section 131.0.N.57.

9. Section 133.0 Off-Street Parking and Loading Facilities

The proposal implies amending Section 133.0. with Term Replacement Revisions, as applicable.

The most significant changes to ZRA-159 are for the specific criteria related to the Gasoline Service Station Conditional Use category. There are eight such substantive amendments.

Substantive Amendment No. 1 to Section 131.0.N.24.a. requires finding that the proposed use "...will serve a public need for a vehicle fueling station to serve the population of the general neighborhood considering the present availability of gas stations in that neighborhood." Such a finding would be based on a needs assessment submitted by the petitioner applying "objective criteria" to establish an "...adequate demand in the proposed neighborhood."

Substantive Amendment No. 2 adds Section 131.0.N.57.b. requiring that a proposed vehicle fueling station be separated from an existing vehicle fueling station by at least 2,500 feet. An exception to this requirement would be for a vehicle fueling station located "...on a Principal Arterial highway."

Substantive Amendment No. 3 adds Section 131.0.N.57.c. requiring a proposed vehicle fueling station to be at least 500 feet from "...any schools, parks, playgrounds, day care, assisted living facility or any outdoor use categorized as cultural, entertainment or recreational..." ("Environmentally Sensitive Uses"). A proposed vehicle fueling station located between 501 feet and 1,000 feet from Environmentally Sensitive Uses would require a study addressing "...any potential air quality impact that may be the result of approving the proposed fueling station."

Substantive Amendment No. 4 adds Section 131.0.N.57.d. requiring a proposed vehicle fueling station to be at least 500 feet from "...any wetlands, streams, rivers, flood plains or environmentally sensitive areas" ("Environmentally Sensitive Areas").

Substantive Amendment No. 5 amends Section 131.0.N.24.b. to become Section 131.0.N.57.e. It would require a minimum lot size for a vehicle fueling station to be 40,000 square feet.

Substantive Amendment No. 6 amends existing Section 131.0.N.24.c. to become Section 131.0.N.57.f. It would require a minimum lot frontage on a public road for a vehicle fueling station to be 180 feet.

Substantive Amendment No. 7 would add a new Section 131.0.N.57.g. that would permit vehicle fueling stations "...with [fuel] throughputs of 3.6 million gallons of fuel or greater per year..." "to only be located on appropriate parcels which adjoin or are adjacent to..." an interstate highway (I-70 and I-95).

II. DESCRIPTION OF PROPOSAL

Substantive Amendment No. 8 amends existing Section 131.0.N.24.g. to become Section 31.0.N.57.k. It would require a site plan for a vehicle fueling station to "...show that efficient traffic flow and queuing at the pump islands may be accommodated".

III. HISTORY OF EXISTING REGULATIONS

The Technical Staff Report associated with ZRA 145 is attached to this report and contains the history of Howard County's Zoning Regulations pertaining to gasoline stations since 1949.

IV. SCOPE OF PROPOSED AMENDMENTS

The proposed amendments to the Conditional Use criteria for a Gasoline Service Station would affect properties in the B-2, SC, M-1, M-2 and PEC Districts meeting the minimum lot size and frontage requirements and other proposed Conditional Use bulk requirements. ZRA-159 would also affect all NT District properties where an FDP allows Gasoline Service Stations or where such a use is proposed.

Existing gasoline service stations would also be affected by ZRA-159. Section 129.0. of the Zoning Regulations provides a process and criteria for nonconforming uses. If the ZRA is adopted as proposed, many existing gasoline stations would likely become nonconforming or noncomplying uses. In the event that any future extension, alteration, or enlargement of an existing gasoline station is proposed, the proposal would be subject to the provisions within Section 129.0.

Non-conforming use designation is the typical means to address uses that exist prior to regulatory code changes. Consistent with this practice and with regular application of the Howard County Zoning Code, DPZ recommends that Section 129.0. be applied to existing gasoline stations, when appropriate.

V. AGENCY COMMENTS

The following agencies had no objections to the proposal:

1. State Highway Administration
2. Department of Recreation & Parks
3. Bureau of Environmental Health
4. Department of Inspections, Licenses and Permits

VI. EVALUATIONS AND CONCLUSIONS

Relation to the General Plan

The Petitioner asserts ZRA-159 is in harmony with Policy 10.4 of PlanHoward 2030 (General Plan) - "*Review and update all County development regulations to respond to County General Plan development goals and changing market conditions, and to improve the efficiency of the County's review process.*" The Implementing Action specified is "*Review and, as appropriate, amend the County's conditional use regulations to reflect updated land use policies. The regulations should reflect current best practices and policies to minimize the impact of development on the environment. For example, the regulations regarding gasoline service stations need to reflect changes in the gasoline industry in the last decade and the challenges of blight and environmental mitigation required for redevelopment of abandoned gasoline stations.*"

VI. EVALUATIONS AND CONCLUSIONS

The Department of Planning and Zoning (DPZ) concurs that ZRA-159 is in harmony with Policy 10.4 of the PlanHoward 2030 General Plan, as some of the proposed revisions reflect changes in the gasoline industry.

Relation to the Zoning Regulations

There are three distinct areas of evaluation with respect to ZRA-159;

- 1) Revisions to Section 103.0. Definitions- which are minor in nature and constitute a Term Replacement Revision, as described below;
- 2) Section 125.0. NT (New Town) District- applies Conditional Use Criteria to gasoline stations in New Town;
- 3) Section 131.0.N.24.- Conditional Use specific criteria for Gasoline Service Stations in all zoning districts.

1. Evaluation of the amendments to Section 103.0: Definitions

Staff recommends inclusion with revisions

DPZ proposed to delete the definition for Gasoline Service Station during the 2013 CZP process, and replace it with the following, which is similar to the definition proposed in ZRA-159:

MOTOR VEHICLE FUELING FACILITY: A FACILITY THAT DISPENSES MOTOR VEHICLE FUELS THROUGH RETAIL SALES TO THE GENERAL PUBLIC OR FLEET SALES. THIS TERM DOES NOT INCLUDE PRIVATE MOTOR VEHICLE FUEL DISPENSING THAT IS ACCESSORY TO A PERMITTED PRINCIPAL USE. THIS TERM DOES INCLUDE FACILITIES PREVIOUSLY APPROVED UNDER THE GASOLINE SERVICE STATION USE CATEGORY.

The major difference between the two amendments is the title of the use category. "Motor Vehicle Fueling Facility" is recommended so that consistent terms are used. "Motor Vehicle" is defined in the Code; therefore, when used as part of another defined term it relates to other code sections; the term "Vehicle" does not. The terms "Facility" and "Facilities" are typically used to describe developments or uses; therefore, "Facility" would be more appropriate than "Station."

2. Evaluation of the amendment to Section 125.0.A. NT (New Town) District

Staff recommends inclusion with revisions

As noted above, the proposed amendment is identical to that in ZRA-145. While DPZ recommended denial of this proposal in ZRA 145, we have reassessed that position in light of the Fueling Station Task Force's deliberations and now recommend inclusion of the proposal with minor revisions.

Currently, certain Final Development Plans include criteria for gasoline service stations, which are considered by the Planning Board. Many of the criteria are similar to those applicable to Conditional Use approval of gasoline service stations in other areas of the County. Requiring fueling stations in the NT District to be evaluated using identical requirements for such uses outside the NT District, would standardize use allowances for this particular use category.

DPZ's recommended revision is to better clarify certain provisions in the amendment. These text revisions are noted in Exhibit B – DPZ Recommended Text.

VI. EVALUATIONS AND CONCLUSIONS

3. Evaluation of the amendments to Section 131.0.N.24: Conditional Uses

Substantive Amendment No. 1: Public Need criterion

Staff does not recommend inclusion

As noted in the History of Existing Regulations Section (see attached staff report for ZRA 154), provisions to prove public need for gasoline stations have historically been included in the Zoning Regulations. However, public needs analyses have been difficult to implement as a matter of practice. Previously, when a market study was required to prove public need the burden of proof rested on the Petitioner. Opposition would present a contradictory analysis and the decision would be left to the Board of Appeals to determine the merits of each. Since the attempt to gain a Conditional Use in the first place was based on a recognized opportunity to enter the market, it would be difficult to dispute that a reasonable opportunity does not exist. Therefore, Staff does not recommend including a public needs test, since it has not served its purpose in the past.

Further, a determination of whether there is “a public need for a vehicle fueling station to serve the population of the *general neighborhood* considering the present availability of gas stations in that neighborhood” will be difficult to prove. The key question will be the definition of “the general neighborhood;” the scale and boundaries of which may vary greatly given the context of a particular development site, the type of fueling facility, and the ancillary uses proposed, as well as shifts in vehicle fueling station markets and economics. The definition of *general neighborhood* may well ebb and flow with the unique circumstances of each site and each proposed fueling station. These circumstances will make the test very challenging, potentially open to broad interpretation from all perspectives, and difficult to apply consistently.

Substantive Amendment No. 2: Minimum Use Separation criterion

Staff does not recommend inclusion

While previous Howard County Zoning Regulations did include Distance Tests for gasoline service stations, they were associated with proving Public Need and did not actually specify minimum separation requirements. The current proposal would require a minimum separation of 2,500 feet between stations. However, no discussion of intent, or a reference to studies, market research, or analysis is provided to show a connection between closely spaced fueling stations and deleterious impacts to warrant such a requirement. Consequently, Staff do not believe this test can be supported. In fact, such distance requirements, when applied to commercial corridors with older existing gasoline service stations may result in hampering or preventing their redevelopment or improvement.

Substantive Amendment No. 3: Minimum Separation from Environmentally Sensitive Uses criterion (i.e. schools, parks, playground, etc.)

Staff recommends inclusion with revisions

Rather than submitting an Environmental Study, the Department of Planning and Zoning, recommends establishing minimum separation distances between vehicle fueling stations and

VI. EVALUATIONS AND CONCLUSIONS

certain Environmentally Sensitive Uses. However, the currently proposed separation distance of greater than 500 feet appears excessive given that the M-2 (Manufacturing: Heavy) District currently allows uses such as an asphalt plant to be 150 feet from a residential district. Consequently, a lesser distance between 150 and 300 feet is recommended.

Also, separation requirements for existing vehicle fueling stations should only be triggered when an expansion actually adds pumps - Multiple Product Dispensers (MPDs). Expert testimony before the Fueling Stations Task Force showed that air pollution associated with a gas station increases exponentially as the number of MPDs increases. Other types of expansions or additions, such as the sale of convenience goods, are not related to such environmental impacts and, therefore, should not be constrained by this requirement.

Substantive Amendment No. 4: Minimum Separation from Environmentally Sensitive Areas criterion (i.e. wetlands, streams, rivers, etc.)

Staff does not recommend inclusion

Separation distances from the listed environmental areas are already addressed in Section 16.116 of the Subdivision and Land Development Regulations and would be evaluated during the Site Development Plan review process. In addition, the 500 foot separation distance appears excessive and is not supported by any referenced studies, reports or findings. The requirement would also be duplicative since vehicle fueling stations, related equipment and safety features are already governed by extensive MDE regulations and federal requirements.

Substantive Amendment No. 5: Minimum Lot Size criterion

Staff recommends inclusion as proposed

DPZ agrees that the current minimum lot size, 20,000 square feet, does not reflect the characteristics of a typical modern vehicle fueling station. Larger sites are necessary to achieve the site design recommendations by the Fueling Stations Task Force. Most new stations with multiple MPDs, a convenience store, and other ancillary uses would typically require sites of at least 40,000 square feet. Therefore, Staff agrees with the proposed change.

Substantive Amendment No. 6: Minimum Lot Frontage criterion

Staff recommends inclusion as proposed

This proposed change to increase lot frontage to 180 feet is related to the proposed increase in the minimum lot size requirement. The added frontage would provide additional flexibility in locating curb cuts and site access, especially important for larger scale fueling facilities.

Substantive Amendment No. 7: High-volume Gas Station criterion

Staff does not recommend inclusion as proposed

Multiple aspects of this amendment make it difficult to monitor and enforce. Rather than using gallons of annual fuel throughput as a defining criterion, which would require continual and

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annual monitoring, Staff recommends using a defined number of MPDs as a way to classify the scale of a fueling facility. For example, using six MPDs to define a high volume facility would be a much simpler measurement.

Limiting high volume facilities to locations that “adjoin or are adjacent to” I-70 and I-95 is also impractical and does not consider unanticipated consequences. While such sites may be visible from an interstate, access could be quite convoluted, impractical, and undesirable – negatively impacting intervening properties and neighborhoods through which fueling station traffic would have to pass. In addition, based on an assessment of aerial photographs there do not appear to be viable sites currently available to achieve this goal, certainly not without rezoning property. The terms “adjoin or are adjacent to” also lack clarity and suggest that direct proximity of a fueling station to an interchange, for example, would be desirable. The reality is quite different as high traffic generators like fueling stations should be located a sufficient distance away from an interchange or major intersection and should have frontage on and direct access to an Arterial or Major Collector highway. This would allow fueling station traffic to be directed away from an interchange or major intersection, rather than concentrating traffic impacts to potentially already congested facilities.

Substantive Amendment No. 8: Circulation and Queuing criterion

Staff recommends inclusion as proposed

This evaluation is already implied in the current specific criteria and queuing is already addressed in the Design Manual. Staff supports this recommendation.

VII. RECOMMENDATION APPROVAL WITH REVISIONS

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-159 as noted above, be APPROVED, with the revisions as noted in the attached Exhibit B – DPZ Recommended Text.

Attachment - Technical Staff Report- ZRA-145- Howard County Independent Business Association, Inc

Report Drafted By:


J Robert Lalush, Planning Supervisor 11/17/15
Date

Approved by:


Valdis Lazdins, Director 11-17-15
Date

NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.

Exhibit A – Petitioner’s Proposed Text

SECTION 103.0: Definitions

[[Gasoline Service Station: A facility offering retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aids, and minor automobile accessories. A gasoline service station may also provide motor vehicle service, repairs and maintenance, including painting and bodywork.]]

Parking Area, Parking Facility or Parking Use: Any area of a lot or structure used for off-street parking and circulation of motor vehicles, including the area occupied by parking spaces, driveways, and vehicle stacking lanes (e.g. for a car wash or drive-through window). The following are not part of a parking area or parking use: loading docks; areas designated to be occupied by a vehicle during loading operations; fuel servicing spaces at a [[gasoline service]] VEHICLE FUELING station; parking lot islands, any area used for outdoor display or storage of merchandise for sale or rent, including motor vehicles; and any area used for storage of inoperative motor vehicles.

VEHICLE FUELING STATION: A FACILITY OFFERING RETAIL SALES TO THE PUBLIC OF VEHICLE FUELS, GASOLINE, MOTOR OIL, LUBRICANTS, MOTOR FUELS, TRAVEL AIDS, AND MINOR AUTOMOBILE ACCESSORIES. A VEHICLE FUELING STATION MAY ALSO PROVIDE MOTOR VEHICLE SERVICE, REPAIRS AND MAINTENANCE, INCLUDING PAINTING AND BODYWORK.

SECTION 113.1: R-MH (Residential: Mobile Home) District

C. Accessory Uses

- 8. Convenience establishments of a commercial nature, not including [[gasoline service]] VEHICLE FUELING stations but including stores, day care centers, coin-operated laundries and dry cleaners, beauty and barber shops, may be permitted in mobile home parks, provided that such establishments and the parking areas primarily related to their operations:

SECTION 117.1: BR (Business: Rural) District

C. Uses Permitted as a Matter of Right

The following uses are permitted as a matter of right, subject to limitations imposed by the preliminary development criteria.

- [[14. Gasoline service station, provided the use is indicated on the Preliminary Development Plan approved by the Zoning Board.]]
- [[15]]14. Government structures, facilities and uses, including public schools and colleges.
- [[16]]15. Horse tack and saddlery shop.
- [[17]]16. Lawn and garden equipment sales, service and repair.

- [[18]]17. Livestock sales and auction markets.
- [[19]]18. Nonprofit clubs, lodges or community halls.
- [[20]]19. One square foot of residential space is permitted for each square foot of commercial space and must be located within the same structure.
- [[21]]20. Processing and storage of agricultural products, including grain, fruit, vegetables, meat or animal products.
- [[22]]21. Religious facilities, structures and land used primarily for religious activities.
- [[23]]22. Restaurant, standard, and beverage establishments including those serving beer, wine, and liquor provided the site has direct access to and frontage on a collector or arterial road designated in the General Plan.
- [[24]]23. Retail greenhouse, garden center or nursery.
- [[25]]24. Sawmills.
- [[26]]25. School bus storage.
- [[27]]26. Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
- [[28]]27. Underground pipelines; electric transmission and distribution lines and transformers; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
- 28. VEHICLE FUELING STATION, provided the use is indicated on the Preliminary Development Plan approved by the Zoning Board.
- 29. Volunteer fire departments.
- 30. Welding service.

SECTION 120.0: - SC (Shopping Center) District

F. Conditional Uses

The following are Conditional Uses in the SC District, subject to the detailed requirements for Conditional Uses given in Section 131.0. If there is a conflict between this Section and Section 131.0, Section 131.0 shall prevail.

- 1. Cemeteries and Mausoleums
- 2. Communication Towers (Commercial)
- [[3. Gasoline Service Stations]]
- [[4]]3. Small Wind Energy System, freestanding tower
- [[5]]4. Utility Uses, Public
- 5. VEHICLE FUELING STATIONS

SECTION 121.1: - CR (Commercial Redevelopment) Overlay District

E. Integrated-Design Uses Subject to Authorization

The following uses may be authorized as permitted uses in an Optional Design Project provided that it is found that they are creatively integrated into the project's architectural and site design and are specifically approved in the Optional Design Project.

- [[1. Gasoline service stations.]]
- [[2]] 1. Retail and commercial service uses which include drive-through service.
- [[3]]2. Schools, private academic, including colleges and universities.
- 3. VEHICLE FUELING STATIONS.

H. Procedure for Approval of an Optional Design Project

- 1. The owner of an interest in a tract of land zoned with the CR Overlay District constituting a minimum of one acre of land or a minimum of three acres of land in the event that a [[gasoline service]] VEHICLE FUELING station is proposed as a use in the Optional Design Project may submit an application for an Optional Design Project. Prior to preparing a specific plan and submitting an application, the Petitioner is encouraged to meet with the Department of Planning and Zoning on an informal basis to discuss the overall concept for the intended Optional Design Project.

SECTION 125.0: NT (New Town) District

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

- 11. NOTWITHSTANDING ANY OTHER PROVISIONS IN THIS SECTION 125, IF THE CRITERIA IN A RECORDED FINAL DEVELOPMENT PLAN IDENTIFIES A GASOLINE SERVICE STATION OR VEHICLE FUELING STATION AS A SPECIFIC PERMITTED USE, A NEWLY PROPOSED VEHICLE FUELING STATION IS PERMITTED ONLY UPON APPROVAL BY THE PLANNING BOARD AFTER A PUBLIC HEARING WHERE THE PROPERTY OWNER ESTABLISHES THAT THE GENERAL STANDARDS AND SPECIFIC REQUIREMENTS IN SECTION 131 FOR A CONDITIONAL USE FOR A VEHICLE FUELING STATION ARE MET. TO THE EXTENT THERE IS ANY CONFLICT BETWEEN THE CRITERIA IN THE RECORDED FINAL DEVELOPMENT PLAN AND THE GENERAL STANDARDS AND SPECIFIC REQUIREMENTS FOR A CONDITIONAL USE FOR A VEHICLE FUELING STATION IN SECTION 131, THE MORE RESTRICTIVE PROVISION SHALL APPLY.

SECTION 127.0: - MXD (Mixed Use) Districts

C. Requirements for Mixed Use Development

The requirements given below apply to land in the MXD-3 and MXD-6 Districts at the Preliminary Development Plan stage and subsequent stages of plan processing and development.

4. Permitted Uses

- b. For Mixed Use Developments larger than 75 acres, the permitted uses shall be drawn from the following list:

- [[11) Gasoline service stations, provided the use is indicated on the Preliminary Development Plan approved by the Zoning Board and criteria for the use are specified in the Preliminary Development Criteria approved by the Zoning Board. A Site Development Plan for a gasoline service station shall be subject to Planning Board approval in accordance with Section 127.0.G.]]

- [[12]]11) Movie theaters, legitimate theaters, dinner theaters.

- [[13]]12) Public utility uses, including substations and commercial communication towers.

- [[14]]13) Other uses, similar to those above, approved by the Zoning Board on the Preliminary Development Plan.

- (15) VEHICLE FUELING STATIONS, PROVIDED THE USE IS INDICATED ON THE PRELIMINARY DEVELOPMENT PLAN APPROVED BY THE ZONING BOARD AND CRITERIA FOR THE USE ARE SPECIFIED IN THE PRELIMINARY DEVELOPMENT CRITERIA APPROVED BY THE ZONING BOARD. A SITE DEVELOPMENT PLAN FOR A VEHICLE FUELING STATION SHALL BE SUBJECT TO PLANNING BOARD APPROVAL IN ACCORDANCE WITH SECTION 127.0.G.

7. Requirements for Employment Uses

C. Retail Centers

- (1) The general location of retail centers must be established on the Preliminary Development Plan. Uses permitted in retail centers shall be as established in the Preliminary Development Criteria, and may include retail stores, personal service establishments, and similar uses, as well as fast food restaurants and [[gasoline service]] VEHICLE FUELING stations. Retail centers may be integrated with other uses such as residences, offices and open space.

SECTION 131.0: - Conditional Uses**N. Conditional Uses and Permissible Zoning Districts****[[24. Gasoline Service Stations]] 57. Vehicle Fueling Station**

A Conditional Use may be granted in the B-2, SC, M-1, M-2, or PEC Districts for [[gasoline service stations]] VEHICLE FUELING STATIONS, provided that:

- a. The use will not adversely affect the general welfare or logical development of the neighborhood or area in which the station is proposed, [[and]] will not have a blighting influence as a result of a proliferation of [[gasoline service]] VEHICLE FUELING stations within a particular area[[.]], AND WILL SERVE A PUBLIC NEED FOR A VEHICLE FUELING STATION TO SERVE THE POPULATION OF THE GENERAL NEIGHBORHOOD CONSIDERING THE PRESENT AVAILABILITY OF GAS STATIONS IN THAT NEIGHBORHOOD. A NEEDS ASSESSMENT TO DETERMINE WHETHER A FUELING STATION IS NEEDED AS PROVIDED ABOVE SHALL BE CONDUCTED AND SUBMITTED BY THE PETITIONER. THE ASSESSMENT SHALL USE OBJECTIVE CRITERIA TO DETERMINE IF THERE IS ADEQUATE DEMAND IN THE PROPOSED NEIGHBORHOOD.
- B. THE PROPOSED USE SHALL NOT BE LOCATED WITHIN 2,500 FEET OF THE BOUNDARIES OF ANY OTHER LOT OR PARCEL CONTAINING A MOTOR VEHICLE FUEL SALE USE, EXCEPT IF IT IS TO BE LOCATED ON A PRINCIPAL ARTERIAL HIGHWAY AS DEFINED IN THE HOWARD COUNTY DESIGN MANUAL.
- C. THE PROPOSED USE IS LOCATED AT LEAST 500 FEET FROM ANY SCHOOLS, PARKS, PLAYGROUNDS, DAY CARE OR ASSISTED LIVING FACILITY, OR ANY OUTDOOR USE CATEGORIZED AS CULTURAL, ENTERTAINMENT OR RECREATIONAL. ANY PROPOSED FUELING STATION USE THAT IS LOCATED WITHIN AN AREA BETWEEN 501 AND 1,000 FEET OF THE USES LISTED IN THIS SUBSECTION ABOVE SHALL BE REQUIRED TO SUBMIT AN ENVIRONMENTAL STUDY WHICH ADDRESSES ANY POTENTIAL AIR QUALITY IMPACT THAT MAY BE THE RESULT OF APPROVING THE PROPOSED FUELING STATION.
- D. THE PROPOSED USE IS LOCATED AT LEAST 500 FEET FROM ANY WETLANDS, STREAMS, RIVERS, FLOOD PLAINS, OR ENVIRONMENTALLY SENSITIVE AREAS.
- [[b]] E. The minimum lot size for a [[gasoline service station]] VEHICLE FUELING STATION is [[20,000]] 40,000 square feet. If a [[gasoline service station]] VEHICLE FUELING STATION is combined with another use on the same lot, the minimum lot size shall be increased in accordance with the provisions of Section 131.0.N. [[24.i]] 57.M(2).
- [[c]] F. The lot shall have at least [[120]] 180 feet of frontage on a public road. If at the intersection of two public roads, the total of the frontage along both roads may be used if ingress or egress is provided to both roads.
- G. VEHICLE FUELING STATIONS WITH THROUGHPUTS OF 3.6 MILLION GALLONS OF FUEL OR GREATER PER YEAR SHALL ONLY BE LOCATED ON APPROPRIATE PARCELS WHICH ADJOIN OR ARE ADJACENT TO THE RIGHT-OF-WAY LINE OF ANY HIGHWAY WHICH IS PART OF THE INTERSTATE HIGHWAY SYSTEM.
- [[d]] H. At least 20 percent of the site area shall be landscaped. The landscaping plan shall include plantings which enhance the appearance of the site from public roads and provide appropriate buffering for adjacent uses.

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

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

[[g]]K. A PROPOSED SITE PLAN SHALL SHOW THAT EFFICIENT TRAFFIC FLOW AND QUEUING AT THE PUMP ISLANDS MAY BE ACCOMMODATED. Access driveways and on-site paved areas shall be designed and located to ensure safe and efficient movement of traffic and pedestrians.

[[h]]L. Operation

- (1) Outside operations shall be limited to the dispensing of gasoline, oil, water, pressurized air, the changing of tires and minor servicing. Storage of all automotive supplies shall be within the main structure.
- (2) Vending machines and the sale of propane are permitted as accessory uses, provided these uses are screened or enclosed if required by the Hearing Authority.
- (3) The premises shall be maintained at all times in a clean and orderly condition, including the care or replacement of plant materials required in the landscaping plan. The responsibility for compliance with this provision shall be with all parties having a lease or ownership interest in the [[gasoline service station]] VEHICLE FUELING STATION.
- (4) Where a [[gasoline service station]] VEHICLE FUELING STATION is adjacent to a residential district, its hours of operation and a detailed lighting plan shall be approved by the Hearing Authority.

[[i]]M. Other Uses

- (1) Other uses may be located on the same lot as a [[gasoline service station]] VEHICLE FUELING STATION, including uses permitted in the zoning district as well as car washes and convenience stores, provided that all uses are approved by the Hearing Authority and the
- (2) Minimum lot area is increased to accommodate the combination of uses. At a minimum, the minimum lot size of [[20,000]] 40,000 square feet must be increased by an area equal to the gross square footage of floor area, parking area and loading or stacking areas required for the additional uses.
- (3) In the PEC, M-1 and M-2 Districts, the gross floor area of convenience stores shall not exceed 3,500 feet.

[[j]]N. Abandonment

- (1) The premises (including landscaping) of any [[gasoline service station]] VEHICLE FUELING STATION which is not in continuous operation or is abandoned shall be maintained in the same manner as is required under these Regulations for operating [[gasoline service stations]] VEHICLE FUELING STATIONS.
- (2) A Conditional Use for a [[gasoline service station]] VEHICLE FUELING STATION shall become void upon notice of abandonment by the owner. If notice of abandonment is not received, but it is determined by the Department of Planning and Zoning that a [[gasoline service station]] VEHICLE FUELING STATION has not been in continuous

operation for a period of twelve months, a revocation hearing shall be initiated by the Department of Planning and Zoning in accordance with the procedures set forth in Section 131.0.L. For purposes of this subsection, "continuous operation" shall mean operation as a [[gasoline service station]] VEHICLE FUELING STATION at least eight hours per day, five days per week.

- (3) If a [[gasoline service station]] VEHICLE FUELING STATION is abandoned and the Conditional Use becomes void as provided above, all gasoline pumps, pump island canopies and other improvements (not including buildings) shall be removed from the site within six months of the date the Conditional Use becomes void.

SECTION 133.0: - Off-Street Parking and Loading Facilities

Instruction needed to change the D.4 items h & I Commercial Uses chart.

End of Exhibit A – Petitioner’s Proposed Text

Exhibit B – DPZ Recommended Text

SECTION 103.0: Definitions

[[Gasoline Service Station: A facility offering retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aids, and minor automobile accessories. A gasoline service station may also provide motor vehicle service, repairs and maintenance, including painting and bodywork.]]

Parking Area, Parking Facility or Parking Use: Any area of a lot or structure used for off-street parking and circulation of motor vehicles, including the area occupied by parking spaces, driveways, and vehicle stacking lanes (e.g. for a car wash or drive-through window). The following are not part of a parking area or parking use: loading docks; areas designated to be occupied by a vehicle during loading operations; fuel servicing spaces at a [[gasoline service]] [[VEHICLE FUELING station]] MOTOR VEHICLE FUELING FACILITY; parking lot islands, any area used for outdoor display or storage of merchandise for sale or rent, including motor vehicles; and any area used for storage of inoperative motor vehicles.

[[VEHICLE FUELING STATION: A FACILITY OFFERING RETAIL SALES TO THE PUBLIC OF VEHICLE FUELS, GASOLINE, MOTOR OIL, LUBRICANTS, MOTOR FUELS, TRAVEL AIDS, AND MINOR AUTOMOBILE ACCESSORIES. A VEHICLE FUELING STATION MAY ALSO PROVIDE MOTOR VEHICLE SERVICE, REPAIRS AND MAINTENANCE, INCLUDING PAINTING AND BODYWORK.]]

MOTOR VEHICLE FUELING FACILITY: A FACILITY THAT DISPENSES VEHICLE FUELS THROUGH RETAIL SALES TO THE GENERAL PUBLIC OR FLEET SALES. THE FACILITY MAY INCLUDE OTHER USES THAT ARE EITHER PERMITTED AS A MATTER OF RIGHT IN THE ZONING DISTRICT IN WHICH THE FACILITY IS LOCATED, OR AS MAY BE PERMITTED IN THE CONDITIONAL USE PROCESS, AS WELL AS THE ACCESSORY SALE OF ITEMS TYPICALLY ASSOCIATED WITH THE CLEANING, OPERATION, AND MAINTENANCE OF MOTOR VEHICLES. THIS TERM DOES NOT INCLUDE PRIVATE VEHICLE FUEL DISPENSING THAT IS EXCLUSIVELY ACCESSORY TO A PERMITTED PRINCIPAL USE. THIS TERM DOES INCLUDE EXISTING FACILITIES PREVIOUSLY APPROVED UNDER THE GASOLINE SERVICE STATION USE CATEGORY.

SECTION 113.1: R-MH (Residential: Mobile Home) District

C. Accessory Uses

- 8. Convenience establishments of a commercial nature, not including [[gasoline service]] [[VEHICLE FUELING stations]] MOTOR VEHICLE FUELING FACILITY but including stores, day care centers, coin-operated laundries and dry cleaners, beauty and barber shops, may be permitted in mobile home parks, provided that such establishments and the parking areas primarily related to their operations:

SECTION 117.1: BR (Business: Rural) District

C. Uses Permitted as a Matter of Right

The following uses are permitted as a matter of right, subject to limitations imposed by the preliminary development criteria.

- [[14. Gasoline service station, provided the use is indicated on the Preliminary Development Plan approved by the Zoning Board.]]

- [[15]]14. Government structures, facilities and uses, including public schools and colleges.
- [[16]]15. Horse tack and saddlery shop.
- [[17]]16. Lawn and garden equipment sales, service and repair.
- [[18]]17. Livestock sales and auction markets.
- [[19]]18. Nonprofit clubs, lodges or community halls.
- [[20]]19. One square foot of residential space is permitted for each square foot of commercial space and must be located within the same structure.
- [[21]]20. Processing and storage of agricultural products, including grain, fruit, vegetables, meat or animal products.
- [[22]]21. Religious facilities, structures and land used primarily for religious activities.
- [[23]]22. Restaurant, standard, and beverage establishments including those serving beer, wine, and liquor provided the site has direct access to and frontage on a collector or arterial road designated in the General Plan.
- [[24]]23. Retail greenhouse, garden center or nursery.
- [[25]]24. Sawmills.
- [[26]]25. School bus storage.
- [[27]]26. Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
- [[28]]27. Underground pipelines; electric transmission and distribution lines and transformers; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
- 28. [[VEHICLE FUELING STATION]] MOTOR VEHICLE FUELING FACILITY, provided the use is indicated on the Preliminary Development Plan approved by the Zoning Board.
- 29. Volunteer fire departments.
- 30. Welding service.

SECTION 120.0: - SC (Shopping Center) District

F. Conditional Uses

The following are Conditional Uses in the SC District, subject to the detailed requirements for Conditional Uses given in Section 131.0. If there is a conflict between this Section and Section 131.0, Section 131.0 shall prevail.

- 1. Cemeteries and Mausoleums
- 2. Communication Towers (Commercial)
- [[3. Gasoline Service Stations]]
- [[4]]3. Small Wind Energy System, freestanding tower

[[5]]4. Utility Uses, Public

5. [[VEHICLE FUELING STATIONS]] MOTOR VEHICLE FUELING FACILITY

SECTION 121.1: - CR (Commercial Redevelopment) Overlay District

E. Integrated-Design Uses Subject to Authorization

The following uses may be authorized as permitted uses in an Optional Design Project provided that it is found that they are creatively integrated into the project's architectural and site design and are specifically approved in the Optional Design Project.

[[1. Gasoline service stations.]]

[[2]] 1.Retail and commercial service uses which include drive-through service.

[[3]]2. Schools, private academic, including colleges and universities.

3. [[VEHICLE FUELING STATIONS.]] MOTOR VEHICLE FUELING FACILITY

H. Procedure for Approval of an Optional Design Project

1. The owner of an interest in a tract of land zoned with the CR Overlay District constituting a minimum of one acre of land or a minimum of three acres of land in the event that a [[gasoline service]] [[VEHICLE FUELING station]] MOTOR VEHICLE FUELING FACILITY is proposed as a use in the Optional Design Project may submit an application for an Optional Design Project. Prior to preparing a specific plan and submitting an application, the Petitioner is encouraged to meet with the Department of Planning and Zoning on an informal basis to discuss the overall concept for the intended Optional Design Project.

SECTION 125.0: NT (New Town) District

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

11. NOTWITHSTANDING ANY OTHER PROVISIONS IN THIS SECTION 125.0, IF THE CRITERIA IN A RECORDED FINAL DEVELOPMENT PLAN IDENTIFIES A GASOLINE SERVICE STATION OR [[VEHICLE FUELING STATION]] MOTOR VEHICLE FUELING FACILITY AS A SPECIFIC PERMITTED USE, A NEWLY PROPOSED [[VEHICLE FUELING STATION]] MOTOR VEHICLE FUELING FACILITY IS PERMITTED ONLY UPON APPROVAL BY THE PLANNING BOARD AFTER A PUBLIC HEARING WHERE THE [[PROPERTY OWNER]] PETITIONER ESTABLISHES THAT THE GENERAL STANDARDS AND SPECIFIC [[REQUIREMENTS]] CRITERIA IN SECTION 131.0 WHICH ARE APPLICABLE TO A CONDITIONAL USE FOR A [[VEHICLE FUELING STATION]] MOTOR VEHICLE FUELING FACILITY ARE MET. TO THE EXTENT THERE IS ANY CONFLICT BETWEEN THE CRITERIA IN THE RECORDED FINAL DEVELOPMENT PLAN AND THE GENERAL STANDARDS AND SPECIFIC [[REQUIREMENTS]] CRITERIA FOR A CONDITIONAL USE FOR A [[VEHICLE FUELING STATION] MOTOR VEHICLE FUELING FACILITY IN SECTION 131.0, THE MORE RESTRICTIVE PROVISION SHALL APPLY.

SECTION 127.0: - MXD (Mixed Use) Districts**C. Requirements for Mixed Use Development**

The requirements given below apply to land in the MXD-3 and MXD-6 Districts at the Preliminary Development Plan stage and subsequent stages of plan processing and development.

4. Permitted Uses

- b. For Mixed Use Developments larger than 75 acres, the permitted uses shall be drawn from the following list:

- [[11] Gasoline service stations, provided the use is indicated on the Preliminary Development Plan approved by the Zoning Board and criteria for the use are specified in the Preliminary Development Criteria approved by the Zoning Board. A Site Development Plan for a gasoline service station shall be subject to Planning Board approval in accordance with Section 127.0.G.]
- [[12]11) Movie theaters, legitimate theaters, dinner theaters.
- [[13]12) Public utility uses, including substations and commercial communication towers.
- [[14]13) Other uses, similar to those above, approved by the Zoning Board on the Preliminary Development Plan.
- (15) [[VEHICLE FUELING STATIONS]] MOTOR VEHICLE FUELING FACILITY, PROVIDED THE USE IS INDICATED ON THE PRELIMINARY DEVELOPMENT PLAN APPROVED BY THE ZONING BOARD AND CRITERIA FOR THE USE ARE SPECIFIED IN THE PRELIMINARY DEVELOPMENT CRITERIA APPROVED BY THE ZONING BOARD. A SITE DEVELOPMENT PLAN FOR A [[VEHICLE FUELING STATION]] MOTOR VEHICLE FUELING FACILITY SHALL BE SUBJECT TO PLANNING BOARD APPROVAL IN ACCORDANCE WITH SECTION 127.0.G.

7. Requirements for Employment Uses

C. Retail Centers

- (1) The general location of retail centers must be established on the Preliminary Development Plan. Uses permitted in retail centers shall be as established in the Preliminary Development Criteria, and may include retail stores, personal service establishments, and similar uses, as well as fast food restaurants and [[gasoline service]] [[VEHICLE FUELING stations]] MOTOR VEHICLE FUELING FACILITIES. Retail centers may be integrated with other uses such as residences, offices and open space.

SECTION 131.0: - Conditional Uses**N. Conditional Uses and Permissible Zoning Districts**

24. [[Gasoline Service Stations]] RESERVED

[Delete the entire current text in Section 131.0.N.24]

O. New Conditional Use Categories

1. MOTOR VEHICLE FUELING FACILITIES

A CONDITIONAL USE MAY BE GRANTED IN THE B-2, SC, M-1, M-2, OR PEC DISTRICTS FOR MOTOR VEHICLE FUELING FACILITIES, PROVIDED THAT:

- A. THE USE WILL NOT ADVERSELY AFFECT THE GENERAL WELFARE OR LOGICAL DEVELOPMENT OF THE NEIGHBORHOOD OR AREA IN WHICH THE MOTOR VEHICLE FUELING FACILITY IS PROPOSED AND WILL NOT HAVE A BLIGHTING INFLUENCE AS A RESULT OF A PROLIFERATION OF MOTOR VEHICLE FUELING FACILITIES WITHIN A PARTICULAR AREA.
- B. THE MINIMUM LOT SIZE FOR A MOTOR VEHICLE FUELING FACILITY IS 40,000 SQUARE FEET. IF A MOTOR VEHICLE FUELING FACILITY IS COMBINED WITH ANOTHER USE ON THE SAME LOT, THE MINIMUM LOT SIZE SHALL BE INCREASED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 131.0.O.1.J.
- C. THE LOT SHALL HAVE AT LEAST 180 FEET OF FRONTAGE ON A PUBLIC ROAD. IF AT THE INTERSECTION OF TWO PUBLIC ROADS, THE TOTAL OF THE FRONTAGE ALONG BOTH ROADS MAY BE USED IF INGRESS OR EGRESS IS PROVIDED TO BOTH ROADS.
- D. THE PROPOSED USE SHALL BE LOCATED AT LEAST 200 FEET FROM ANY SCHOOLS, PARKS, PLAYGROUNDS, DAY CARE OR ASSISTED LIVING FACILITY, OR ANY OUTDOOR USE CATEGORIZED AS CULTURAL, ENTERTAINMENT OR RECREATIONAL. THIS CRITERION IS NOT APPLICABLE TO EXISTING MOTOR VEHICLE FUELING FACILITIES, EXCEPT THAT IT SHALL BE APPLICABLE IF AN EXISTING MOTOR VEHICLE FUELING FACILITY PROPOSES AN ENLARGEMENT THAT INCLUDES ADDITIONAL FUEL DISPENSERS.
- E. AT LEAST 20 PERCENT OF THE SITE AREA SHALL BE LANDSCAPED. THE LANDSCAPING PLAN SHALL INCLUDE PLANTINGS WHICH ENHANCE THE APPEARANCE OF THE SITE FROM PUBLIC ROADS AND PROVIDE APPROPRIATE BUFFERING FOR ADJACENT USES.
- F. SOLID WALLS SUCH AS MASONRY OR WOOD AND MASONRY MAY BE REQUIRED BY THE HEARING AUTHORITY WHEN THE SITE BORDERS A RESIDENTIAL DISTRICT. WHEN SOLID WALLS ARE REQUIRED, LANDSCAPE PLANTING IS REQUIRED ON THE OUTSIDE OF THE WALL.
- G. REFUSE AREAS SHALL BE FENCED OR SCREENED FROM VIEW. THE PLAN SHALL INDICATE THE DISPOSAL METHODS TO BE USED FOR ALL WASTE MATERIAL GENERATED BY ANY VEHICLE REPAIR OPERATIONS.

- H. A PROPOSED SITE PLAN SHALL SHOW THAT EFFICIENT TRAFFIC FLOW AND QUEUING AT THE PUMP ISLANDS MAY BE ACCOMMODATED. ACCESS DRIVEWAYS AND ON-SITE PAVED AREAS SHALL BE DESIGNED AND LOCATED TO ENSURE SAFE AND EFFICIENT MOVEMENT OF TRAFFIC AND PEDESTRIANS.
- I. OPERATION
- (1) OUTSIDE OPERATIONS SHALL BE LIMITED TO THE DISPENSING OF MOTOR VEHICLE FUEL, OIL, WATER, PRESSURIZED AIR, THE CHANGING OF TIRES AND MINOR SERVICING. STORAGE OF ALL AUTOMOTIVE SUPPLIES SHALL BE WITHIN THE MAIN STRUCTURE.
 - (2) VENDING MACHINES AND THE SALE OF PROPANE ARE PERMITTED AS ACCESSORY USES, PROVIDED THESE USES ARE SCREENED OR ENCLOSED IF REQUIRED BY THE HEARING AUTHORITY.
 - (3) THE PREMISES SHALL BE MAINTAINED AT ALL TIMES IN A CLEAN AND ORDERLY CONDITION, INCLUDING THE CARE OR REPLACEMENT OF PLANT MATERIALS REQUIRED IN THE LANDSCAPING PLAN. THE RESPONSIBILITY FOR COMPLIANCE WITH THIS PROVISION SHALL BE WITH ALL PARTIES HAVING A LEASE OR OWNERSHIP INTEREST IN THE GASOLINE SERVICE STATION.
 - (4) WHERE A MOTOR VEHICLE FUELING FACILITY IS ADJACENT TO A RESIDENTIAL DISTRICT, ITS HOURS OF OPERATION AND A DETAILED LANDSCAPING AND SCREENING PLAN AND A LIGHTING PLAN SHALL BE APPROVED BY THE HEARING AUTHORITY.
- J. OTHER USES
- (1) OTHER USES MAY BE LOCATED ON THE SAME LOT AS A MOTOR VEHICLE FUELING FACILITY, INCLUDING USES PERMITTED IN THE ZONING DISTRICT AS WELL AS CAR WASHES AND CONVENIENCE STORES, PROVIDED THAT ALL USES ARE APPROVED BY THE HEARING AUTHORITY, AND;
 - (2) THE MINIMUM LOT AREA IS INCREASED TO ACCOMMODATE THE COMBINATION OF USES. AT A MINIMUM, THE MINIMUM LOT SIZE OF 40,000 SQUARE FEET MUST BE INCREASED BY AN AREA EQUAL TO THE GROSS SQUARE FOOTAGE OF FLOOR AREA, PARKING AREA AND LOADING OR STACKING AREAS REQUIRED FOR THE ADDITIONAL USES.
 - (3) MOTOR VEHICLE REPAIR SERVICES ARE ONLY PERMITTED IN THE B-2, M-1, AND M-2 DISTRICTS.
- K. ABANDONMENT
- (1) THE PREMISES (INCLUDING LANDSCAPING) OF ANY MOTOR VEHICLE FUELING FACILITY WHICH IS NOT IN CONTINUOUS OPERATION OR IS ABANDONED SHALL BE MAINTAINED IN THE SAME MANNER AS IS REQUIRED UNDER THESE REGULATIONS FOR OPERATING MOTOR VEHICLE FUELING FACILITIES.
 - (2) A CONDITIONAL USE FOR A MOTOR VEHICLE FUELING FACILITY SHALL BECOME VOID UPON NOTICE OF ABANDONMENT BY THE OWNER. IF NOTICE OF ABANDONMENT IS NOT RECEIVED, BUT IT IS DETERMINED BY THE DEPARTMENT OF PLANNING AND ZONING

THAT A MOTOR VEHICLE FUELING FACILITY HAS NOT BEEN IN CONTINUOUS OPERATION FOR A PERIOD OF TWELVE MONTHS, A REVOCATION HEARING SHALL BE INITIATED BY THE DEPARTMENT OF PLANNING AND ZONING IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN SECTION 131.0. FOR PURPOSES OF THIS SUBSECTION, "CONTINUOUS OPERATION" SHALL MEAN OPERATION AS A MOTOR VEHICLE FUELING FACILITY AT LEAST EIGHT HOURS PER DAY, FIVE DAYS PER WEEK.

- (3) IF A MOTOR VEHICLE FUELING FACILITY IS ABANDONED AND THE CONDITIONAL USE BECOMES VOID AS PROVIDED ABOVE, ALL MULTIPLE-PRODUCT DISPENSERS, CANOPIES AND OTHER IMPROVEMENTS INCLUDING BUILDINGS SHALL BE REMOVED FROM THE SITE WITHIN SIX MONTHS OF THE DATE THE CONDITIONAL USE BECOMES VOID.

SECTION 133.0: - Off-Street Parking and Loading Facilities

Instruction needed to change the D.4 items h & I Commercial Uses chart.