

Introduced _____
Public hearing _____
Council action _____
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2016 Legislative Session

Legislative day # 8

BILL NO. 46 – 2016 (ZRA – 159)

Introduced by: The Chairperson at the request of
The Howard County Fueling Station Taskforce

AN ACT amending the Howard County Zoning Regulations Gasoline Service Station provisions by creating a new definition for Motor Vehicle Fueling Facility, repealing the Gasoline Service Station Conditional Use, and creating a new Motor Vehicle Fueling Facilities Conditional Use; and generally relating to Gasoline Service Stations and Motor Vehicle Fueling Facilities.

Introduced and read first time _____, 2016. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2016.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2016 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2016 at ___ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2016

Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ 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 as follows:

3
4 *By repealing:*

5 *Section 103.0: “Definitions”*

6 *“Gasoline Service Station”*

7
8 *Section 131.0: “Conditional Uses”*

9 *Subsection N. “Conditional Uses and Permissible Zoning Districts”*

10 *Number 24. “Gasoline Service Stations”*

11
12 *By amending:*

13 *Section 103.0: “Definitions”*

14 *“Parking Area, Parking Facility or Parking Use”*

15
16 *Section 113.1: “R-MH (Residential: Mobile Home) District”*

17 *Subsection C. Accessory Uses*

18 *Number 8.*

19
20 *Section 117.1: “BR (Business: Rural) District”*

21 *Subsection C. “Uses Permitted as a Matter of Right”*

22 *Numbers 14 through 18*

23
24 *Section 120.0: “SC (Shopping Center) District”*

25 *Subsection F. “Conditional Uses”*

26
27 *Section 121.1: “CR (Commercial Redevelopment) Overlay District”*

28 *Subsection E. “Integrated-Design Uses Subject to Authorization”; and*

29 *Subsection H. “Procedure for Approval of an Optional Design Project”*

30 *Number 1.*

31
32 *Section 127.0: “MXD (Mixed Use) Districts”*

33 *Subsection C. “Requirements for Mixed Use Development”*

34 *Number 4. “Permitted Uses”*

35 *Paragraph b*

36 *Item (11); and*

37

1 *Number 7. “Requirements for Employment Uses”*

2 *Paragraph c “Retail Centers”*

3 *Item (1)*

5 *Section 133.0: “Off-Street Parking and Loading Facilities”*

6 *Subsection D. “Minimum Parking Requirements for Specific Uses”*

7 *Number 4. “Commercial Uses”*

9 *By Adding:*

10 *Section 103.0: “Definitions”*

11 *“Motor Vehicle Fueling Facility”*

13 *Section 125.0: “NT (New Town) District”*

14 *Subsection A. “Definitions, Requirements and Restrictions Applicable to NT Districts.”*

15 *Number 11.*

17 *Section 131.0: “Conditional Uses”*

18 *Subsection O. “New Conditional Use Categories”*

19 *Number 1. “Motor Vehicle Fueling Facilities”*

23 **Howard County Zoning Regulations**

25 **SECTION 103.0: Definitions**

28 **M**

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

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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]]~~ 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.

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

C. Accessory Uses

- 8. Convenience establishments of a commercial nature, not including ~~[[gasoline service]]~~ 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.
- 18. MOTOR VEHICLE FUELING FACILITY, PROVIDED THE USE IS INDICATED ON THE PRELIMINARY DEVELOPMENT PLAN APPROVED BY THE ZONING

1 BOARD.

2
3 **SECTION 120.0: - SC (Shopping Center) District**

4 **F. Conditional Uses**

5
6 The following are Conditional Uses in the SC District, subject to the detailed requirements for
7 Conditional Uses given in Section 131.0. If there is a conflict between this Section and
8 Section 131.0, Section 131.0 shall prevail.

- 9 1. Cemeteries and Mausoleums
10 2. Communication Towers (Commercial)
11 3. [[Gasoline Service Stations]] MOTOR VEHICLE FUELING FACILITY
12 4. Small Wind Energy System, freestanding tower
13 5. Utility Uses, Public
14

15
16 **SECTION 121.1: - CR (Commercial Redevelopment) Overlay District**

17
18 **E. Integrated-Design Uses Subject to Authorization**

19
20 The following uses may be authorized as permitted uses in an Optional Design Project
21 provided that it is found that they are creatively integrated into the project's architectural and
22 site design and are specifically approved in the Optional Design Project.

- 23 1. [[Gasoline service stations.]] MOTOR VEHICLE FUELING FACILITY
24 2. Retail and commercial service uses which include drive-through service.
25 3. Schools, private academic, including colleges and universities.
26

27 **H. Procedure for Approval of an Optional Design Project**

- 28
29 1. The owner of an interest in a tract of land zoned with the CR Overlay District
30 constituting a minimum of one acre of land or a minimum of three acres of land in
31 the event that a [[gasoline service]] MOTOR VEHICLE FUELING FACILITY is
32 proposed as a use in the Optional Design Project may submit an application for an
33 Optional Design Project. Prior to preparing a specific plan and submitting an

1 application, the Petitioner is encouraged to meet with the Department of Planning
2 and Zoning on an informal basis to discuss the overall concept for the intended
3 Optional Design Project.

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5
6 **SECTION 125.0: NT (New Town) District**
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8 **A. Definitions, Requirements and Restrictions Applicable to NT Districts.**

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

21
22 **SECTION 127.0: - MXD (Mixed Use) Districts**
23

24 **C. Requirements for Mixed Use Development**
25

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

29 4. Permitted Uses
30

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

33
34 (11) [[Gasoline service stations]] MOTOR VEHICLE FUELING FACILITY,

1 provided the use is indicated on the Preliminary Development Plan
2 approved by the Zoning Board and criteria for the use are specified in
3 the Preliminary Development Criteria approved by the Zoning Board.
4 A Site Development Plan for a [[gasoline service station]] MOTOR
5 VEHICLE FUELING FACILITY shall be subject to Planning Board
6 approval in accordance with Section 127.0.G.
7

8 7. Requirements for Employment Uses
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10 c. Retail Centers
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- 12 (1) The general location of retail centers must be established on the
13 Preliminary Development Plan. Uses permitted in retail centers shall be as
14 established in the Preliminary Development Criteria, and may include retail
15 stores, personal service establishments, and similar uses, as well as fast
16 food restaurants and [[gasoline service stations]] MOTOR VEHICLE
17 FUELING FACILITIES. Retail centers may be integrated with other uses such
18 as residences, offices and open space.
19
20

21 **SECTION 131.0: - Conditional Uses**
22

23 **O. New Conditional Use Categories**

24 Completely new Conditional Use categories established after the effective date of the current
25 Zoning Regulations are listed below along with the zoning districts in which the Conditional
26 Use category is permitted and the specific criteria required for approval.

27 1. MOTOR VEHICLE FUELING FACILITIES

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

- 30
31 A. THE USE WILL NOT ADVERSELY AFFECT THE GENERAL WELFARE OR LOGICAL
32 DEVELOPMENT OF THE NEIGHBORHOOD OR AREA IN WHICH THE MOTOR
33 VEHICLE FUELING FACILITY IS PROPOSED AND WILL NOT HAVE A BLIGHTING
34 INFLUENCE AS A RESULT OF A PROLIFERATION OF MOTOR VEHICLE FUELING

1 FACILITIES WITHIN A PARTICULAR AREA.

2 B. THE MINIMUM LOT SIZE FOR A MOTOR VEHICLE FUELING FACILITY IS 40,000
3 SQUARE FEET. IF A MOTOR VEHICLE FUELING FACILITY IS COMBINED WITH
4 ANOTHER USE ON THE SAME LOT, THE MINIMUM LOT SIZE SHALL BE
5 INCREASED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 131.0.O.1.~~K~~.

6
7 C. THE LOT SHALL HAVE AT LEAST 180 FEET OF FRONTAGE ON A PUBLIC ROAD.
8 IF AT THE INTERSECTION OF TWO PUBLIC ROADS, THE TOTAL OF THE
9 FRONTAGE ALONG BOTH ROADS MAY BE COUNTED.

10
11 D. FUEL DISPENSERS SHALL BE LOCATED AT LEAST 300 FEET FROM ANY
12 SCHOOL, PARK, OR DAY CARE OR ASSISTED LIVING FACILITY. THIS CRITERION
13 IS NOT APPLICABLE TO EXISTING MOTOR VEHICLE FUELING FACILITIES,
14 EXCEPT THAT IT SHALL BE APPLICABLE IF AN EXISTING MOTOR VEHICLE
15 FUELING FACILITY PROPOSES AN ENLARGEMENT THAT INCLUDES ADDITIONAL
16 FUEL DISPENSERS.

17
18 E. THE PROPOSED USE SHALL BE LOCATED AT LEAST 100 FEET FROM ANY
19 STREAMS, RIVERS OR FLOODPLAINS. THIS CRITERION IS NOT APPLICABLE TO
20 EXISTING MOTOR VEHICLE FUELING FACILITIES, EXCEPT THAT IT SHALL BE
21 APPLICABLE IF AN EXISTING MOTOR VEHICLE FUELING FACILITY PROPOSES AN
22 ENLARGEMENT THAT INCLUDES ADDITIONAL FUEL DISPENSERS.

23
24 F. AT LEAST 20 PERCENT OF THE SITE AREA SHALL BE LANDSCAPED. THE
25 LANDSCAPING PLAN SHALL INCLUDE PLANTINGS WHICH ENHANCE THE
26 APPEARANCE OF THE SITE FROM PUBLIC ROADS AND PROVIDE APPROPRIATE
27 BUFFERING FOR ADJACENT USES.

28
29 G. SOLID WALLS SUCH AS MASONRY OR WOOD AND MASONRY MAY BE
30 REQUIRED BY THE HEARING AUTHORITY WHEN THE SITE BORDERS A
31 RESIDENTIAL DISTRICT. WHEN SOLID WALLS ARE REQUIRED, LANDSCAPE
32 PLANTING IS REQUIRED ON THE OUTSIDE OF THE WALL.

33
34 H. REFUSE AREAS SHALL BE FENCED OR SCREENED FROM VIEW. THE PLAN
35 SHALL INDICATE THE DISPOSAL METHODS TO BE USED FOR ALL WASTE
36 MATERIAL GENERATED BY ANY VEHICLE REPAIR OPERATIONS.

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I. 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.

~~J. IN THE NT DISTRICT THE PROPOSED USE SHALL NOT BE LOCATED WITHIN 1000 FEET OF THE BOUNDARIES OF ANY OTHER LOT OR PARCEL CONTAINING A MOTOR VEHICLE FUEL FACILITY. 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.~~

~~K.~~ 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.~~ MOTOR VEHICLE FUELING FACILITY.
- (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.

~~L.~~ 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

1 STORES, PROVIDED THAT ALL USES ARE APPROVED BY THE HEARING
2 AUTHORITY, AND;

- 3 (2) THE MINIMUM LOT AREA IS INCREASED TO ACCOMMODATE THE
4 COMBINATION OF USES. AT A MINIMUM, THE MINIMUM LOT SIZE OF
5 40,000 SQUARE FEET MUST BE INCREASED BY AN AREA EQUAL TO THE
6 GROSS SQUARE FOOTAGE OF FLOOR AREA, PARKING AREA AND
7 LOADING OR STACKING AREAS REQUIRED FOR THE ADDITIONAL USES.
8 (3) IN THE PEC, M-1 AND M-2 DISTRICTS, THE GROSS FLOOR AREA OF
9 CONVENIENCE STORES SHALL NOT EXCEED 3,500 FEET.

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11 **ML.** ABANDONMENT

- 12 (1) THE PREMISES (INCLUDING LANDSCAPING) OF ANY MOTOR VEHICLE
13 FUELING FACILITY WHICH IS NOT IN CONTINUOUS OPERATION OR IS
14 ABANDONED SHALL BE MAINTAINED IN THE SAME MANNER AS IS
15 REQUIRED UNDER THESE REGULATIONS FOR OPERATING MOTOR
16 VEHICLE FUELING FACILITIES.
17 (2) A CONDITIONAL USE FOR A MOTOR VEHICLE FUELING FACILITY
18 SHALL BECOME VOID UPON NOTICE OF ABANDONMENT BY THE
19 OWNER. IF NOTICE OF ABANDONMENT IS NOT RECEIVED, BUT IT IS
20 DETERMINED BY THE DEPARTMENT OF PLANNING AND ZONING THAT
21 A MOTOR VEHICLE FUELING FACILITY HAS NOT BEEN IN
22 CONTINUOUS OPERATION FOR A PERIOD OF TWELVE MONTHS, A
23 REVOCATION HEARING SHALL BE INITIATED BY THE DEPARTMENT OF
24 PLANNING AND ZONING IN ACCORDANCE WITH THE PROCEDURES SET
25 FORTH IN SECTION 131.0. FOR PURPOSES OF THIS SUBSECTION,
26 "CONTINUOUS OPERATION" SHALL MEAN OPERATION AS A MOTOR
27 VEHICLE FUELING FACILITY AT LEAST EIGHT HOURS PER DAY, FIVE
28 DAYS PER WEEK.
29 (3) IF A MOTOR VEHICLE FUELING FACILITY IS ABANDONED AND THE
30 CONDITIONAL USE BECOMES VOID AS PROVIDED ABOVE, ALL
31 MULTIPLE-PRODUCT DISPENSERS, CANOPIES AND OTHER
32 IMPROVEMENTS INCLUDING BUILDINGS SHALL BE REMOVED FROM
33 THE SITE WITHIN SIX MONTHS OF THE DATE THE CONDITIONAL USE
34 BECOMES VOID.

SECTION 133.0: - Off-Street Parking and Loading Facilities

D. Minimum Parking Requirements for Specific Uses

In the following text, "sf" refers to gross square feet of floor area unless net floor area is approved by the Department of Planning and Zoning. "DPZ" refers to the Department of Planning and Zoning. The parking for multiple uses shall be calculated cumulatively unless otherwise noted or unless approved in accordance with Section 133.0.F.

4. Commercial Uses

a. Animal hospitals	4.0 spaces per 1,000 sf
b. Banks and similar financial institutions	3.3 spaces per 1,000 sf
c. Car washes (principal or accessory use)	1 space per employee and 1 space for customers. Must always provide a minimum of 2 spaces total.
d. Commercial schools (driving, trade, business, etc.)	5 spaces per 1,000 sf
e. Convenience stores	5.0 spaces per 1,000 sf
f. Day spas and similar uses	3.3 spaces per 1,000 sf
g. Furniture or carpet store	2.5 spaces per 1,000 sf
[[h. Gasoline service stations without service bays, with or without car washes]]	[[3.0 spaces without car wash; 4.0 spaces with car wash.]]
[[i. Gasoline service stations with service bays]]	[[3.0 spaces plus 3.0 spaces per service bay]]
[[j]] H. Hotels, motels, bed and breakfast inns, guest houses, and country inns	1.0 space per guest room. Additional spaces provided shall be as required by this section or as determined by the Director of Planning and Zoning based on a parking needs study provided with the Site Development Plan submission (see Subsection D.8.).
I. MOTOR VEHICLE FUELING	3.0 SPACES WITHOUT CAR WASH; 4.0 SPACES WITH CAR WASH.

FACILITIES WITHOUT SERVICE BAYS, WITH OR WITHOUT CAR WASHES	
J. MOTOR VEHICLE FUELING FACILITIES WITH SERVICE BAYS	3.0 SPACES PLUS 3.0 SPACES PER SERVICE BAY
k. Personal service establishments	5.0 spaces per 1,000 sf

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~~**Section 2. Be it further enacted** by the County Council of Howard County, Maryland, that the provisions of subsections 125.0.A.11 and 131.0.O.1.J shall not apply to a property for which any site development plan for a gasoline service station was submitted prior to June 27, 2016.~~

Section 2. Be it further enacted by the County Council of Howard County, Maryland, that the provisions of subsections 125.0.A.11, 131.0.O.1.B, 131.0.O.1.C, 131.0.O.1.D, 131.0.O.1.E, and the first sentence of 131.0.O.1.I as enacted by Section 1 of this Act, shall not apply to a property for which any Conditional Use application for a gasoline service station was filed or for which any site development plan for a gasoline service station was submitted prior to June 27, 2016.

Section 3. Be it further enacted by the County Council of Howard County, Maryland, that the publisher of the Howard County Zoning Regulations is authorized hereby to amend the Conditional Uses and Permissible Zoning Districts chart attached to Section 131 of the Zoning Regulations in order to reflect the substantive changes made by this Act.

Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.