


Introduction

MEMORANDUM

April 13, 2012

TO: County Council

FROM: Jeffrey L. Zyontz, Legislative Attorney 

SUBJECT: Introduction -- Zoning Text Amendment 12-07,
Special Exceptions -- Automobile Filling Station

Zoning Text Amendment (ZTA) 12-07, sponsored by Councilmembers Elrich, Ervin, and Navarro, is scheduled for introduction on April 17, 2012. A public hearing on ZTA 12-07 will be scheduled for June 19, 2012 at 7:30 p.m.

ZTA 12-07 would add standards for the Board of Appeal's approval of new automobile filling stations. A new automobile filling station designed to dispense more than 3.6 million gallons of fuel per year would be allowed if it was located at least 1,000 feet from any public or private school or any park, playground, or hospital, or other public use, or any use categorized as a cultural, entertainment and recreation use. The size and distance standards would implement the Environmental Protection Agency's recommendation for school siting.¹ A filling station designed to dispense less than 3.6 million gallons a year would not have a minimum distance requirement from other land uses.

Under §59-G-2.06(a)(2), a site near a vehicular or pedestrian entrance or crossing to a public or private school, park, playground or hospital, or other public use or place of public assembly, is given special consideration for traffic movements. ZTA 12-07 requires those land uses (with a clear definition of the places of public assembly affected) be a minimum distance from high volume filling stations.

In addition, the ZTA would clarify that lighting from the site of an automobile filling station could produce only .1 footcandle on adjacent residentially zoned property. Other changes in the provision would make the code more concise, precise, and decisive.

This Packet Contains
ZTA 12-07

© number
1 – 5

¹ School Siting Guidelines, Office of Children's Health Protection, EPA, October 2011.

Zoning Text Amendment No.: 12-07
Concerning: Special Exceptions –
Automobile Filling Station
Draft No. & Date: 1 – 4/10/12
Introduced:
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmembers Elrich, Ervin and Navarro

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- revise the special exception standards for the approval of an automobile filling station.

By adding the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-G-2. SPECIAL EXCEPTIONS—STANDARDS AND REQUIREMENTS.
Section 59-G-2.06. Automobile filling station.

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-G- 2 is amended as follows:

DIVISION 59-G-2. SPECIAL EXCEPTIONS—STANDARDS AND REQUIREMENTS

* * *

Sec. 59-G-2.06. Automobile filling stations.

(a) In addition to findings required in division 59-G-1, [An] an automobile filling station may be permitted[, upon a finding , in addition to findings required in division 59-G-1,] if the Board of Appeals finds that:

(1) [The] the use will not constitute a nuisance because of noise, fumes, odors, or physical activity in the location proposed[.];

(2) [The] the use at the proposed location will not create a traffic hazard or traffic nuisance because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads or intersections, or its location in relation to other buildings or proposed buildings on or near the site and the traffic pattern from such buildings, or by reason of its location near a vehicular or pedestrian entrance or crossing to a public or private school, park, playground, or hospital, or other public use or place of public assembly[.]; and

(3) [The] the use at the proposed location will not adversely affect nor retard the logical development of the general neighborhood or of the industrial or commercial zone in which the station is proposed, considering service required, population, character, density, and number of similar uses.

(b) In addition, the following requirements must be [complied with] satisfied:

(1) After {effective date}, a new automobile filling station designed to dispense more than 3.6 million gallons per year must be located at least 1,000 feet from any public or private school or any park,

28 playground, or hospital, or other public use, or any use categorized as
29 a cultural, entertainment and recreation use.

30 [(1)](2) When such use abuts a residential zone or institutional premises
31 not recommended for reclassification to commercial or industrial zone
32 on an adopted master plan and is not effectively screened by a natural
33 terrain feature, the use [shall] must be screened by a solid wall or a
34 substantial, [sightly,] solid fence, not less than 5 feet in height,
35 together with a 3-foot planting strip on the outside of such wall or
36 fence, planted in shrubs and evergreens. Location, maintenance,
37 vehicle sight distance provisions, and advertising pertaining to
38 screening [shall be as provided for in article] must satisfy Article 59-
39 E. Screening [shall] must not be required on street frontage.

40 [(2)](3) Product displays, parked vehicles, and other obstructions
41 [which] that adversely affect visibility at intersections or to station
42 driveways are prohibited.

43 [(3)](4) Lighting [is] must not [to] reflect or cause glare into any
44 residential zone. Lighting levels along the side and rear lot lines
45 adjacent to a residential zone must not exceed 0.1 footcandles.

46 [(4)](5) When such use occupies a corner lot, the ingress or egress
47 driveways [shall] must be located at least 20 feet from the intersection
48 of the front and side street lines of the lot as defined in [section]
49 Section 59-A-2.1, and such driveways [shall] must not exceed 30 feet
50 in width]; provided, that in areas where no master plan of highways
51 has been adopted, the street line shall be considered to be at least 40
52 feet from the center line of any abutting street or highway].

53 [(5)](6) Each gasoline pump or other service appliance must be located
54 on the lot at least 10 feet behind the building line; and all service,

55 storage, or similar activities in connection with the use must be
56 conducted entirely within the building. There must be at least 20 feet
57 between driveways on each street, and each driveway must be
58 perpendicular to the curb or street line.

59 [(6)](7) Light automobile repair work may be done at an automobile
60 filling station[; provided, that no] but major repairs, spray paint
61 operation or body [or] and fender repair [is permitted] are prohibited
62 uses.

63 [(7)](8) Vehicles [shall not] must be parked [so as to overhang]
64 completely off of the public right-of-way.

65 [(8)](9) In a C-1 zone, an automobile, light truck, and light trailer rental,
66 as defined in [section] Section 59-G-2.07, and in a C-2 zone, an
67 automobile, truck, and trailer rental lot, as defined in [section] Section
68 59-G-2.09, may be permitted as a part of the special exception[,
69 subject to the provisions set forth for such uses in] if the requirements
70 of this section are satisfied. In addition, a car wash with up to 2 bays
71 may be allowed as an accessory use as part of the special exception.

72 [(9)](10) In a Rural Village Overlay Zone, the following additional
73 standards apply for new development:

- 74 (A) Car wash is prohibited.
- 75 (B) Pump canopies must not exceed 35 feet in height.
- 76 (C) Any structure approved for the use must not exceed the scale
77 and bulk of existing commercial structures in the village.

78
79 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
80 date of Council adoption.

82 This is a correct copy of Council action.

83

84 _____

85 Linda M. Lauer, Clerk of the Council