

Baltimore County

ARTICLE 4. SPECIAL REGULATIONS

SECTION 405. Fuel Service Stations

[Bill No. 172-1993^u]

[1]:

Editor's Note: This bill also repealed former Section 405, which was part of BCZR 1955, as amended by Resolution, November 21, 1956, and Bill Nos. 40-1967; 69-1968.

§ 405.1. Statement of legislative findings and policy.

A.

Bill No. 40-1967 enacted six commercial districts (C.N.S., C.C.C., C.T., C.S.A., C.S.-1 and C.S.-2) and one industrial district (I.M.). One of the main purposes of the new commercial districts was to control the location of service stations and the uses associated with them. In 1975, the C.R. District was added to govern service stations and other commercial uses in rural areas.

B.

While the C.T., C.C.C., C.R. and I.M. Districts have special use and bulk regulations which make each one unique, the remaining districts (C.N.S., C.S.A., C.S.-1 and C.S.-2) do not include provisions which make them distinct. As a consequence, the C.S.A., C.N.S., C.S.-1 and C.S.-2 Districts are consolidated into the automotive services (A.S.) District.

C.

The design and operation of service stations has changed significantly and the provisions set forth in Bill No. 40-1967 no longer reflect contemporary business practices. Due to the rise of self-service stations, the number of businesses that "service" motor-vehicles by providing repair facilities has been steadily declining, while the number of stations with convenience stores or car wash operations has been increasing. To better reflect the evolving role of this use, the name of "automotive service station" is being changed to "fuel service station," and regulations which govern the permitted ancillary uses are being amended to reflect contemporary business practices and to facilitate the upgrading of existing stations.

D.

It is the intent of this section to permit fuel service stations in accordance with the goals of the Master Plan and duly adopted community plans by requiring performance standards that will regulate their location and appearance as well as the additional uses which may be developed at such sites.

§ 405.2. Locations in which fuel service stations are permitted.

A.

A fuel service station is permitted by right subject to Section 405.4, provided that no part of the lot is within 100 feet of a residentially zoned property and is integrated with and located:

1.

In a planned shopping center of which at least 20% has been constructed at the time the building permit for the fuel service station is issued, but not to exceed one station for each 60,000 square feet of gross floor area of the planned shopping center;

2.

In an approved planned industrial park of a minimum net area of 50 acres, but not to exceed one for each 50 acres of net area; or

3.

In a planned drive-in cluster.

B.

Fuel service stations on individual sites which do not comply with the requirements of Section 405.2.A are permitted by special exception, as provided below and subject to Sections 405.3 and 405.4.

1.

Within the urban-rural demarcation line (URDL), in C.C.C., A.S., I.M. or MD 43 Districts, provided no part of the lot is in an M.R. Zone.
[Bill No. 78-2002]

2.

Outside the URDL with C.R. District designation only in B.L., B.M. or B.R. Zones, subject to Section 259.3.B.2.

§ 405.3. Condition for disapproving special exception.

In addition to the findings required under Section 502.1, the Zoning Commissioner, prior to granting any special exception for a fuel service station, shall consider the presence of abandoned fuel service stations in the vicinity of the proposed site. A finding by the Zoning Commissioner of the presence of one abandoned fuel service station, as defined in Section 405.7, within a one-half-mile radius, or two such stations within a one-mile radius of the proposed fuel service station establishes that there is no need for the proposed use, unless rebutted to the Zoning Commissioner's satisfaction by market data.

§ 405.4. Standards.

A.

Site development.

1.

Site dimensions. The area of any fuel service station site shall be no less than 15,000 square feet or 1,500 times the number of fuel service spaces (as defined in Section 101), whichever is greater. If any use permitted under Section 405.4.D or 405.4.E is added to the fuel service station, the area of the site shall be increased in accordance with the provisions of those sections.

2.

Setbacks.

a.

No main structure of a service station shall be set back less than 35 feet from any street right-of-way; no fuel pump shall be set back less than 25 feet from any street right-of-way; no canopy shall be set back less than 15 feet from any street right-of-way.

b.

Except at the required access driveways, a landscape transition area shall be provided along the entire perimeter of fuel service stations. Such area shall have a minimum width of 10 feet if the fuel service station abuts a public right-of-way, and six feet in all side and rear yards abutting nonresidentially zoned land, except that service stations located within 50 feet of any residentially zoned property (other than a residential zone line in a public right-of-way) shall provide a buffer measuring no less than 15 feet from that property line.

c.

The landscape transition area shall be vegetated and screened in accordance with the Landscape Manual requirements for automotive uses.

d.

Other setbacks shall be as required by these regulations.

3.

Access, internal circulation and vehicle reservoir capacity.

a.

The number and location of access driveways shall be determined by the hearing officer or Zoning Commissioner based upon the recommendations of the Director of Public Works and the Department of Planning.

[Bill No. 55-2011]

b.

All internal paved areas of a fuel service station site used for parking, driveway, aisles and stacking purposes shall comply with Section 409 and shall be laid out to preclude vehicles waiting on the street or blocking the right-of-way before gaining entrance.

c.

In addition to the fuel service space, at least one stacking space shall be provided:

(1)

For each pump island side, at pump islands that contain multiproduct dispensers (MPD) and where a bypass lane serves each MPD;

(2)

For each MPD in cases where there is no bypass lane or where a convenience store is located on the same lot; or

(3)

For each pump, if the pump dispenses a single fuel type.

d.

Parking spaces on the site of any fuel service station shall be provided as follows:

(1)

One space per employee on the largest shift.

(2)

Three spaces per 1,000 square feet of gross floor area for a convenience store up to 1,500 square feet. (Convenience stores larger than 1,500 square feet shall be subject to the parking requirements for retail uses in accordance with Section 409, including the first 1,500 square feet).

(3)

Three spaces per service bay, not counting service spaces in the bays.

(4)

One space per self-service air or vacuum cleaner unit.

(5)

One space per automatic teller machine.

B.

All fuel service stations shall provide a rest room facility, water and compressed air for customers.

C.

Appearance.

1.

General design.

a.

Any structure on the site that is converted to an ancillary use or to a use in combination with a fuel service station must be upgraded to create a unifying architectural theme with other structures on the site.

b.

The rear and sides of buildings on lots abutting residentially zoned properties shall be finished with materials that in texture and color resemble the front of the building. The type of facade treatment shall be indicated on the site plan or an accompanying elevation drawing and is subject to review by the Director of Planning.

c.

Except for the temporary outdoor sale of items permitted under Section 230.1.A.9, the outside display of merchandise is permitted only under the canopy, or if there is no canopy, on or between the pump island or in an area immediately adjacent to the cashier's kiosk. Such goods may not block access drives, stacking spaces or interfere with the site's circulation pattern.

d.

If the fuel service station is located within 50 feet of a residentially zoned property, lighting standards on site may not exceed a height of 18 feet and shall be directed away from any residentially zoned properties.

e.

To increase compatibility with surrounding buildings or to enhance the attractiveness of the site of fuel service stations for which a special exception is required, the Zoning Commissioner may specify additional requirements, including:

(1)

Changes in building or site plan design;

(2)

Restrictions on hours of operations; or

(3)

Other requirements deemed necessary for compliance with this section.

2.

Signs. Signs are permitted, subject to Section 450.

[Bill No. 89-1997]

3.

Maintenance. At all times, the premises shall be maintained in a clean and orderly condition. All landscaped areas shall be irrigated as needed and dead plants replaced. The responsibility for compliance with these provisions lies with all parties that individually or collectively have a lease or ownership interest in the fuel service station.

D.

Ancillary uses. The uses listed below, only, are permitted by right in conjunction with any fuel service station. The minimum area of the site as determined under Section 405.4.A.1 shall be increased each ancillary use by at least the number of square feet indicated below, which includes land for required parking and stacking spaces:

1.

Minor vehicle repair or diagnostic services to vehicles, except those which are unlicensed or which have a State Motor Vehicle Administration transporter or a dealer license. Additional site area of 1,300 feet per service bay shall be provided.

a.

Type of service and repairs include but are not limited to the sale and installation of mufflers, small auto parts and accessories and shall remain accessory to the fuel service station operation.

b.

All service and repairs shall take place within completely enclosed buildings.

c.

The combined area for sales, display and customer waiting room may not exceed 500 square feet.

d.

Storage of tow trucks, damaged or disabled vehicles or parts is subject to Section 405A.

2.

Convenience store with a sales area of up to 1,500 square feet inclusive of accessory storage. An additional site area of four times the square footage of the convenience store's sales area shall be provided.

3.

Automatic teller machine, but no drive-through facilities. Additional site area of 1,000 square feet for each device shall be provided.

4.

Self-service vacuum stations. All such stations shall be located at least 30 feet from a residentially zoned property. No additional site area is required.

5.

Temporary outdoor sale of Christmas trees, firewood, cut flowers or live plants as limited by Section 230.1.A.9.

6.

The sale of cigarettes, candy, drinks, snacks and similar items from vending machines or the cashier's kiosk. No additional site area is required if vending machines do not exceed a total of five machines, otherwise the area shall be considered a convenience store.

7.

The retail sale of automotive service items such as motor oil, antifreeze or allied products. No additional site area is required.

E.

Uses in combination with fuel service stations. The minimum area of the site as determined by Section 405.4.A.1 shall be increased for each use in combination with a fuel service station by at least the number of square feet indicated below:

Type of Use	Integral Planned Development	Individual Site
(SE = Special Exception and P = Permitted by Right)		
1. Convenience store with a sales area larger than 1,500 square feet inclusive of accessory storage. Additional site area of four times the square footage of the convenience store's sales area must be provided.	SE	SE
2. Roll-over car wash. No specific additional site area required, provided that the stacking, parking and buffer requirements of Section 419 are met.	P	SE
3. Full service car wash. No specific additional site area required, provided that the stacking, parking and buffer requirements of Section 419 are met.	SE	SE

4. Service garages providing services other than those listed in Section 405.4.D, subject to the provisions of Section 405.4.C.1.a through 1.e.	SE	SE	<u>§ 405.5. Plan approvals.</u>
5. Automobile rental, with a maximum stock of 12 cars. Additional site area of 4,000 square feet must be provided.	SE	SE	<u>A.</u> Conversion of any conforming fuel service station building to another use, permitted in the basic zone or district in which the site is located, shall require approval of the overall plan of the entire site by the Directors of Planning, Public Works and Permits, Approvals and Inspections or, in the case of a special exception, the Zoning Commissioner. [Bill No. 122-2010]
6. Trailer rental, for trailers not exceeding 3/4 ton chassis weight, with a maximum stock of 20 trailers. Additional site area of 5,000 square feet must be provided.	SE	SE	
7. Light-truck rental, including rental of trucks equipped with campers, for trucks not exceeding 1 1/2 tons' capacity, with a maximum stock of eight trucks. Additional site area of 4,000 square feet must be provided.	SE	SE	
8. Parking of not more than six school buses. Additional site area of 2,600 square feet must be provided.	SE	SE	
9. Self-service car washes. No additional site area required, provided that the stacking, parking and buffer requirements of Section 419 are met.	SE	Not Permitted	
10. Restaurant, including fast food, fast food drive-through only, and carry-out restaurants. Additional site area of six times the gross square footage of the restaurant must be provided.	SE	SE	

B.

For all service station sites requiring a special exception, any amended plan shall constitute a new plan and be subject to the same requirements of these regulations.

§ 405.6. Fuel service stations existing prior to effective date of Bill No. 172-1993.

A.

Expansion, reconstruction or addition of uses.

1.

Any fuel service station which legally existed by right or by special exception on the effective date of Bill No. 172-1993 may be expanded or reconstructed, and any ancillary use listed in Section 405.4.D may be added, provided that the project is confined to the limits of the site as it existed on the effective date of Bill No. 172-1993; and

a.

Conforms with a plan for the entire site as reviewed by the Directors of Planning, Public Works, and Permits, Approvals and Inspections; and

[Bill No. 122-2010]

b.

Is located in a B.L., B.R., B.M., M.L. or M.H. Zone or a PUD; and

c.

Meets the requirements set forth in Section 405.4 or, in the judgment of the Director of Permits, Approvals and Inspections, would be done in such a manner that the station would be improved to be more in keeping with the purposes of Section 405.4; and

[Bill No. 122-2010]

d.

In cases where a provision of Bill No. 172-1993 conflicts with the terms or conditions of a prior special exception, the project may be subject to special hearing at the discretion of the Director of Permits, Approvals and Inspections.

[Bill No. 122-2010]

2.

After a public hearing, the Zoning Commissioner may authorize expansion of the station beyond the confines of the site, subject to the provisions of 405.6.A.1 above.

3.

Any of the "uses in combination with" fuel service stations listed in Section 405.4.E may be added to any such station, provided that a special exception is granted and the provisions of Section 405.4 are met.

4.

Any structure or expansion of the use that is shown on a plan approved prior to the effective date of Bill No. 172-1993 shall be considered as being in compliance with Section 405.4.A.2.a.

B.

Portable "A" or "sandwich board" signs shall be removed within three months of the adoption of this provision.

§ 405.7. Abandoned fuel service stations.

A.

Finding. The County Council recognizes that at times the public need for fuel service stations at particular locations ceases, and those stations become abandoned. An abandoned fuel service station is one which, intentionally, is not in actual and continuous operation as defined in Section 405.7.B. The County Council further recognizes that an abandoned fuel service station which is left to deteriorate can become a threat to the health, safety and welfare of the community, can have a blighting influence on surrounding properties and can cause a deterioration of the use, value and enjoyment of property in the immediate neighborhood.

B.

Notice of presumption of abandonment. Whenever the owner or agent of any fuel service station has ceased or terminated the use of the premises as a fuel service station, the owner or agent shall

notify the Director of Permits, Approvals and Inspections within 30 days after the termination. Notwithstanding the failure of the owner to notify the Director, any fuel service station which has not been in actual and continuous operation as a station for a period of 12 consecutive months shall be presumed to be abandoned and right to resume the use is thereby terminated. For purposes of this section, "continuous operation" shall mean operation as a fuel service station at least eight hours per day, five days per week.

[Bill No. 122-2010]

C.

Termination of special exception. Any special exception for the operation of a fuel service station shall become void upon notice of abandonment by the owner or upon proof of abandonment after notice and hearing pursuant to Section 500.7 of the zoning regulations. Any special exception for a fuel service station shall terminate at the time of the conversion to another use.

D.

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

E.

Proceedings to require removal.

1.

Whenever it shall be determined by the Director of Permits, Approvals and Inspections that a fuel service station has not been in continuous operation and that the premises have not been continuously maintained, the Director shall issue a notice to the owner or agent to repair, correct or take other appropriate action to remedy the specific deficiencies enumerated in the notice.

[Bill No. 122-2010]

2.

If the deficiencies have not been corrected within a period of 90 days following the date of the notice, the Director of Permits, Approvals and Inspections shall refer the matter to the Zoning Commissioner for a hearing, pursuant to Section 500.7, to require removal.

[Bill No. 122-2010]

3.

If, after notice and hearing pursuant to Section 500.7 of the zoning regulations, it is determined that a fuel service station has not been in continuous operation and not continuously maintained and corrected according to prior notice, and if it is further found that by reason of the continued vacancy, the structure and grounds lack reasonable or adequate maintenance, thereby causing deterioration and blighting influence on nearby properties and thereby depreciating the enjoyment, use or value of the property in the immediate vicinity to such an extent that it is harmful to the public health, welfare, safety, comfort or convenience of the neighborhood in which the station is situated, the Zoning Commissioner shall order the station's removal. For purposes of the subsection, "removal" shall mean the removal by the owner of all aboveground structures, including paving, and removal or abandonment in place of underground tanks in compliance with the provisions of COMAR 26.10.10.02 and § 33-7-103 of the Baltimore County Code.

[Bill No. 137-2004]

§ 405.8. Conversions of abandoned stations.

One of the purposes of this subsection is to promote the conversion of vacated fuel service stations to other uses; therefore, if a fuel service station has been abandoned as such, but is converted to another use, no fuel service station structure, equipment or appurtenances necessary or appropriate to the new use need be removed.