

Montgomery County, Maryland

Special Exception Standards for Filling Stations

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

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

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

(2) 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 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 satisfied:

(1) After August 13, 2012, the area identified by a special exception application for a new automobile filling station designed to dispense more than 3.6 million gallons per year must be located at least 300 feet from the lot line of any public or private school or any park, playground, day care center, or any outdoor use categorized as cultural, entertainment and recreation use.

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

(3) Product displays, parked vehicles, and other obstructions that adversely affect visibility at intersections or to station driveways are prohibited.

(4) Lighting must not reflect or cause glare into any residential zone. Lighting levels along the side and rear lot lines adjacent to a residential zone must not exceed 0.1 footcandle.

(5) When such use occupies a corner lot, the ingress or egress driveways must be located at least 20 feet from the intersection of the front and side street lines of the lot as defined in Section [59-A-2.1](#), and such driveways must not exceed 30 feet in width.

(6) Each gasoline pump or other service appliance must be located on the lot at least 10 feet behind the building line; and all service, storage, or similar activities in connection with the use must be conducted entirely within the building. There must be at least 20 feet between driveways on each street, and each driveway must be perpendicular to the curb or street line.

(7) Light automobile repair work may be done at an automobile filling station, but major repairs, spray paint operation or body and fender repair are prohibited uses.

(8) Vehicles must be parked completely off of the public right-of-way.

(9) In a C-1 zone, an automobile, light truck, and light trailer rental, as defined in Section [59-G-2.07](#), and in a C-2 zone, an automobile, truck and trailer rental lot, as defined in Section [59-G-2.09](#), may be permitted as a part of the special exception if the requirements of this section are satisfied. In addition, a car wash with up to 2 bays may be allowed as an accessory use as part of the special exception.

(10) In a Rural Village Overlay Zone the following additional standards apply for new development:

(A) Car wash is prohibited.

(B) Pump canopies must not exceed 35 feet in height.

(C) Any structure approved for the use must not exceed the scale and bulk of existing commercial structures in the village.

(Legislative History: Ord. No. 10-32, § 18; Ord. No. 12-1, § 1; Ord. No. 12-10, § 5; Ord. No. 13-76, §1; Ord. No. [15-71](#), § 1; [Ord. No. 16-55](#), § 2; [Ord. No. 17-19](#), § 1.)

Editor's note—Section [59-G-2.06](#) is cited and quoted in Purich v. Draper Properties, Inc., 395 Md. 694, 912 A.2d 598 (2006). In American Oil Company v. Board of Appeals of Montgomery County, 270 Md. 301, 310 A.2d 796 (1973) the court affirmed the denial of a special exception for a gasoline station, ruling that Amoco had not demonstrated a present need by the neighborhood population for the station. In Pemberton v. Montgomery County, 275 Md. 363, 340 A.2d 240 (1975) the court affirmed the granting of a special permit for a gasoline station. In B.P. Oil, Inc. v. County Board of Appeals for Montgomery County, 42 Md. App. 576, 401 A.2d 1054 (1979), the court sustained the County's denial of a special exception for a filling station.