

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

2022 Legislative Session

Bill No. CB-076-2022

Chapter No. 47

Proposed and Presented by Council Members Dernoga, Burroughs, Ivey

Introduced by Council Members Dernoga, Burroughs, Ivey, Hawkins, Harrison, Glaros,
Streeter, Taveras and Medlock

Co-Sponsors _____

Date of Introduction September 27, 2022

ZONING BILL

1 AN ORDINANCE concerning

2 Gas Stations

3 For the purpose of requiring special exception approval for Gas Stations in certain zones, and
 4 revising the requirements for approval of a special exception for Gas Stations.

5 BY repealing and reenacting with amendments:

6 Section 27-5101, 27-5402

7 The Zoning Ordinance of Prince George's County, Maryland,
 8 being also

9 SUBTITLE 27. ZONING.

10 The Prince George's County Code

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 12 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
 13 District in Prince George's County, Maryland, that Section 27-5101 and 27-5402 of the Zoning
 14 Ordinance of Prince George's County, Maryland, is hereby repealed and reenacted with the
 15 following amendments:

SUBTITLE 27. ZONING.

PART 27-5. USE REGULATIONS.

18 **Sec. 27-5101. Principal Use Table for Nonresidential, Transit-Oriented/Activity Center,**
 19 **and other Base Zones.**

20

Table 27-5101(c): Principal Use Table for Rural and Agricultural, and Residential Base Zones

P = Permitted by Right SE = Allowed only with approval of a Special Exception X = Prohibited

Principal Use Category	Principal Use Type	Rural and Agricultural Base Zones			Residential Base Zones								Use-Specific Standards	
		ROS	AG	AR	RE	RR	RSF-95	RSF-65	RSF-A	RMF-12	RMF-20	RMF-48		
Commercial Uses														
Vehicle Sales and Service Uses	Commercial fuel depot	X	X	X	X	X	X	X	X	X	X	X	27-5102(e)(10)(A)	
	Commercial vehicle repair and maintenance	X	X	X	X	X	X	X	X	X	X	X		
	Commercial vehicle sales and rental and Personal vehicle sales and rental	X	X	X	X	X	X	X	X	X	X	X	27-5102(e)(10)(D)	
	Gas station	X	X	X	X	X	X	X	X	X	X	X	[27-5102(e)(10)(B) and refer to special exception standards]	
	Personal vehicle repair and maintenance	X	X	X	X	X	X	X	X	X	X	X	27-5102(e)(10)(C)	
	Taxi or limousine service facility	X	X	X	X	X	X	X	X	X	X	X	27-5102(e)(10)(E)	

Table 27-5101(d): Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones**P = Permitted by Right SE = Allowed only with approval of a Special Exception X = Prohibited**

Principal Use Category	Principal Use Type	Nonresidential Base Zones					Transit-Oriented/Activity Center Base Zones								Other Base Zones	Use-Specific Standards	
							NAC	TAC		LTO		RTO-L		RTO-H			
		CN	CS	CGO	IE	IH		Core	Edge	Core	Edge	Core	Edge	Core	Edge		RMH
Commercial Uses																	
Vehicle Sales and Service Uses	Gas station	X	[P] <u>SE</u>	SE	SE	SE	SE	X	[P] <u>SE</u>	X	[P] <u>SE</u>	X	[P] <u>SE</u>	X	[P] <u>SE</u>	X	[27-5102(e)(10)(B) and] refer to special exception standards

Table 27-5101(e): Principal Use Table for Planned Development Zones**A = Permitted, unless the District Council prohibits the use in the PD Basic Plan****SE = Allowed only with the approval of a Special Exception X = Prohibited**

Principal Use Category	Principal Use Type	Planned Development Zones							Use-Specific Standards
		R-PD	NAC-PD	TAC-PD	LTO-PD	RTO-PD	MU-PD	IE-PD	
Commercial Uses									
Vehicle Sales and Service Uses	Gas station	X	X	[A]SE	X	X	SE	SE	[27-5102(e)(10)(B) and] refer to special exception standards

Table 27-5101(e): Principal Use Table for Planned Development Zones**A = Permitted, unless the District Council prohibits the use in the PD Basic Plan****SE = Allowed only with the approval of a Special Exception X = Prohibited**

Principal Use Category	Principal Use Type	Planned Development Zones							Use-Specific Standards
		R-PD	NAC-PD	TAC-PD	LTO-PD	RTO-PD	MU-PD	IE-PD	
Commercial Uses									
Vehicle Sales and Service Uses	Commercial fuel depot	X	X	X	X	X	X	X	27-5102(e)(10)(A)
	Commercial vehicle repair and maintenance	X	X	X	X	X	X	X	
	Commercial vehicle sales and rental and Personal vehicle sales and rental	X	X	X	X	X	X	X	27-5102(e)(10)(D)
	Gas station	X	X	A	X	X	SE	SE	[27-5102(e)(10)(B) and] refer to special exception standards

1 * * * * *

2 **Sec. 27-5102. Requirements for Permitted Principal Uses**

3 * * * * *

4 **(e) Commercial Uses**

5 * * * * *

6 **(10) Vehicle Sales and Service Uses**

7 **(A) Commercial Fuel Depot**

8 * * * * *

9 **(B) Reserved. [Gas Station**

- 10 (i) The subject property shall have at least 150 feet of frontage on, and direct
- 11 vehicular access to, a street with a right-of-way width of at least 70 feet.
- 12 (ii) Driveways shall be at least 30 feet wide unless a lesser width is allowed
- 13 for a one-way driveway by the Maryland State Highway Administration,
- 14 the County Department of Public Works and Transportation, or the
- 15 relevant municipal public works department, whichever is applicable.
- 16 (iii) On a corner lot, a driveway may begin at a point not less than 20 feet
- 17 from the point of curvature (PC) of the curb return or the point of
- 18 curvature of the edge of paving at an intersection without curb and
- 19 gutter.
- 20 (iv) Driveways shall be defined by curbing.
- 21 (v) Gasoline pumps and other service appliances shall be set back at least 25
- 22 feet from the street right-of-way.
- 23 (vi) The storage or junking of wrecked motor vehicles (whether capable of
- 24 movement or not) is prohibited.
- 25 (vii) No storage or parking space shall be offered for rent.
- 26 (viii) Canopies over gas pumps shall have a maximum clearance height of 15
- 27 feet above grade except where State or Federal law requires higher
- 28 clearance.]

29 * * * * *

30 **Sec. 27-5402. Additional Requirements for Specific Exception Uses.**

31 **(cc) Gas Station**

32 **(1) A gas station may be permitted, subject to the following:**

- 33 **(A) The subject property shall have at least one hundred and fifty (150) feet of**

frontage on and direct vehicular access to a street with a right-of-way width of at least seventy (70) feet; and

(B) The site plan shall demonstrate that the subject property is of sufficient size that the proposed layout provides adequate ingress, egress and circulation for large fuel transport vehicles and demonstrate clear line-of-sight.

(C) The subject property shall be located at least [three] five hundred ([3]500) feet from any lot on which a school, outdoor playground, library, or hospital is located;

[(C)] (D) The use shall not include the display and rental of cargo trailers, trucks, or similar uses, except as a special exception in accordance with the provisions of Section 27-5402(nnn), Vehicle and Trailer Rental Display;

[(D)] (E) The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited;

[(E)] (F) Access driveways shall be not less than thirty (30) feet wide unless a lesser width is allowed for a one-way driveway by the Maryland State Highway Administration or the County Department of Permitting, Inspections, and Enforcement, whichever is applicable, and shall be constructed in compliance with the minimum standards required by the County Road Ordinance or Maryland State Highway Administration regulations, whichever is applicable. In the case of a corner lot, a driveway may begin at a point not less than twenty (20) feet from the point of curvature (PC) of the curb return or the point of curvature of the edge of paving at an intersection without curb and gutter. A driveway may begin or end at a point not less than twelve (12) feet from the side or rear lot line of any adjoining lot;

[(F)] (G) Access driveways shall be defined by curbing;

[(G)] (H) A sidewalk at least [five (5)] eight (8) feet wide shall be provided in the area between the building line and the curb in those areas serving pedestrian traffic;

[(H)] (I) Gasoline pumps and other service appliances shall be located at least [twenty]thirty-five ([25]35) feet behind the street line;

[(I)] (J) Repair service shall be completed within forty-eight (48) hours after the vehicle is left for service. Discarded parts resulting from any work shall be removed promptly from the premises. Automotive replacement parts and accessories shall be stored either inside the main structure or in an accessory building used solely

for the storage. The accessory building shall be wholly enclosed. The building shall either be constructed of brick (or another building material similar in appearance to the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The type of screening shall be shown on the landscape plan; and

[(J)] (K) Details on architectural elements such as elevation depictions of each facade, schedule of exterior finishes, and description of architectural character of proposed buildings shall demonstrate compatibility with existing and proposed surrounding development. The Gas Station Brand and Price Sign shall be a monument sign not exceeding 16 feet in height.

(L) The Special Exception application shall include a plan for remediation of the site upon abandonment, including a schedule for allocation of reserves sufficient to fund the remediation plan. The Technical Staff report shall include comment on the sufficiency of the allocation as well as the viability of the remediation plan.

(M) An acoustic analysis shall demonstrate that nighttime noise from operations (including the truck noise from refueling operations) will not violate the County noise control ordinance (§27-6810, et seq.)

(2) In addition to what is required by Section 27-3604(c), Special Exception Submittal Requirements, the site plan shall show the following:

(A) The topography of the subject lot and abutting lots (for a depth of at least fifty (50) feet);

(B) The location and type of trash enclosures; and

(C) The location of exterior vending machines or vending area.

(3) Upon the abandonment of a gas station, the special exception shall terminate and all structures exclusively used in the business (including underground storage tanks), except buildings, shall be removed by the owner of the property. For the purpose of this Subsection, the term "abandonment" shall mean nonoperation as a gas station (including cessation of the sale of motor vehicle fuel) for a period of fourteen (14) months after the retail services cease.

(4) When approving a special exception for a gas station, the District Council shall

find that the proposed use:

(A) Is necessary to the public in the surrounding area; and

(B) Will not unduly restrict the availability of land, or upset the balance of land use, in the area for other trades and commercial uses.

(5) In determining whether a Special Exception is necessary, the District Council may consider the number of existing or proposed gas stations within a 3-mile radius of the subject property.

(6) Gas Stations legally operating prior to April 1, 2022 shall not be considered nonconforming uses.

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SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45) calendar days after its adoption.

Adopted this 25th day of October, 2022.

COUNTY COUNCIL OF PRINCE GEORGE’S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE’S COUNTY,
MARYLAND

BY: _____
Calvin S. Hawkins, II
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.

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