



**Committee:** PHP  
**Committee Review:** At a future date  
**Staff:** Livhu Ndou, Senior Legislative Attorney  
**Purpose:** To introduce agenda item – no vote expected

AGENDA ITEM #2A  
May 6, 2025  
**Introduction**

## SUBJECT

Zoning Text Amendment (ZTA) 25-06, Vehicle Service - Filling Station

Lead Sponsors: Councilmembers Mink, Friedson, and Council Vice President Jawando

## EXPECTED ATTENDEES

None

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- To introduce ZTA – no vote expected

## DESCRIPTION/ISSUE

ZTA 25-06 will amend the setback requirements for a Filling Station and amend the applicability of a nonconforming use to a Filling Station.

## SUMMARY OF KEY DISCUSSION POINTS

- The current Zoning Ordinance requires any Filling Station that dispenses at least 3.6 million gallons per year to be at least 500 feet from certain residential, Civic and Institutional, and Recreation and Entertainment uses as well as certain environmentally sensitive areas.
- ZTA 25-06 will clarify that this measurement is from the fuel dispenser.
- ZTA 25-06 also amends the Zoning Ordinance so that if one of the above uses or areas is created within the 500 feet after approval of the Filling Station, the Filling Station will not become a nonconforming use, thus allowing expansion.
- A public hearing is tentatively scheduled for June 10, 2025.

### **This report contains:**

ZTA 25-06

©1

**Alternative format requests for people with disabilities.** If you need assistance accessing this report you may [submit alternative format requests](#) to the ADA Compliance Manager. The ADA Compliance Manager can also be reached at 240-777-6197 (TTY 240-777-6196) or at [adacompliance@montgomerycountymd.gov](mailto:adacompliance@montgomerycountymd.gov)

Ordinance No.: \_\_\_\_\_  
Zoning Text Amendment No.: 25-06  
Concerning: Vehicle Service –  
Filling Station  
Revised: 4/23/2025 Draft No.: 1  
Introduced: May 6, 2025  
Public Hearing: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Effective: \_\_\_\_\_

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

---

Lead Sponsors: Councilmembers Mink, Friedson, and Council Vice President Jawando

---

**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- (1) amend the setback requirements for a Filling Station;
- (2) amend the applicability of a nonconforming use to a Filling Station; and
- (3) generally amend the development requirements for a Filling Station.

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

Division 3.5.	“Commercial Uses”
Section 3.5.13.	“Vehicle Service”

**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 59-3.5 is amended as follows:**

**Division 3.5. Commercial Uses**

\* \* \*

**Section 3.5.13. Vehicle Service**

\* \* \*

**C. Filling Station**

**1. Defined**

Filling Station means a facility used primarily to dispense motor vehicle fuels or otherwise provide energy to a consumer's vehicle by any technology. Filling Station includes minor repair services as an accessory use and an accessory car wash where mechanical or hand-operated facilities used for the cleaning, washing, polishing, or waxing of motor vehicles are limited to 2 bays. Filling Station does not include storage or parking offered for rent, except for car-share space.

**2. Use Standards**

Where Filling Station is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

- a. Access to the site from a street with a residential classification is prohibited if:
  - i. it is the only access to the Filling Station, or
  - ii. it is the primary entrance to a Filling Station with more than 1 entrance.

The Hearing Examiner may allow a Filling Station with access on a residential street as a secondary entrance if it finds that the access will not have an adverse impact on neighboring residential houses.

- b. Site lighting is a maximum of 0.1 footcandles at the lot line when the subject lot abuts a Residential zone. Site lighting is a maximum of 0.5 footcandles at the lot line when the subject lot abuts all other zones.
- c. Any Filling Station [facility] designed to dispense a minimum of 3.6 million gallons per year must locate all fuel dispensers [be located] at least 500 feet from the lot line of any land with a dwelling unit; public or private school; park; playground; day care center; any outdoor use categorized as a Civic and Institutional use or a Recreation and Entertainment use; or any wetland, stream, river, flood plain, or environmentally sensitive area.
- d. If a dwelling unit; public or private school; park; playground; day care center; any outdoor use categorized as a Civic and Institutional use or a Recreation and Entertainment use; or any wetland, stream, river, flood plain, or environmentally sensitive area is constructed or established within 500 feet of a fuel dispenser at a Filling Station that dispenses a minimum of 3.6 million gallons per year after the Filling Station's conditional use approval, the Filling Station is not a nonconforming use under Section 7.7.2.
- [d]e. Product displays, parked vehicles, and other obstructions that adversely affect visibility at intersections or to station driveways are prohibited.
- [e]f. When such use occupies a corner lot, the driveways must be located a minimum of 20 feet from the intersection of the rights-of-way and must not exceed 30 feet in width.

[f]g. Each gasoline pump or other service appliance must be located on the lot a minimum of 10 feet behind the setback line; and all service, storage, or similar activities in connection with the use must be conducted entirely within the building, except for car-share space.

[g]h. There must be a minimum of 20 feet between driveways on each street, and each driveway must be perpendicular to the curb or street line. The Hearing Examiner may waive the perpendicular driveway requirement if the Department of Transportation deems the alternative safe.

[h]i. Vehicle parking that overhangs the public right-of-way is prohibited.

[i]j. If the Filling Station facility includes a car wash, it must:

- i. provide vehicle stacking space equivalent to 5 times the vehicle capacity of the automatic car wash and 3 times the vehicle capacity of the manual car wash bays; and
- ii. demonstrate that the vehicles using the car wash will not queue off-site.

[j]k. The Hearing Examiner must find there is adequate parking for all accessory uses.

\* \* \*

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

This is a correct copy of Council action.

---

Sara R. Tenenbaum  
Clerk of the Council