

ORDINANCE NO. O-17-10

AN ORDINANCE TO AMEND OF CHAPTER 24 OF THE CITY CODE (CITY ZONING ORDINANCE), ARTICLE III, ENTITLED, "REGULATIONS APPLICABLE TO PARTICULAR ZONES," DIVISION 11, "C-1 ZONE, LOCAL COMMERCIAL," §24-111, ENTITLED, "USES PERMITTED BY RIGHT," TO CREATE SUBSECTION § 24-111(14) TO ESTABLISH AUTOMOBILE FILLING STATIONS AS A PERMITTED USE IN THE C-1 ZONE

**Text Amendment T-397**

BE IT ORDAINED, by the Mayor and Council of the City of Gaithersburg in public meeting assembled, that Chapter 24, §24-111 of Article III of the City Code is hereby amended to read as follows:

**ARTICLE III. REGULATIONS APPLICABLE TO PARTICULAR ZONES**

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**DIVISION 11. C-1 ZONE, LOCAL COMMERCIAL**

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**Sec. 24-111. Uses permitted by right.**

The following uses are permitted by right in the C-1 Zone:

- (1) Retail stores and shops such as grocery stores, drugstores, ice cream shops, variety store and bakeries; provided, that goods baked on the premises shall be sold only on the premises and at retail.
- (2) Personal service businesses such as shoe repair shops, beauty parlors and barber-shops, and laundries and dry-cleaning establishments which are self-service or pickup stations only.
- (3) Banks, offices, restaurants (Class A), bars and similar services.

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(14) Automobile filling stations, subject to the following provisions:

a. Uses permitted in conjunction with an automobile filling station are limited to:

1. Incidental automotive repair, limited to four (4) bays, and not including repair involving painting, burning, welding, body or machine shop work.
  2. Incidental snack shop/food mart, not to exceed one thousand (1,000) square feet in area.
  3. Incidental car wash.
- b. Minimum lot or parcel frontage: One hundred seventy-five (175) feet. For corner lots, all sides of a lot adjacent to streets shall be considered frontage. This requirement shall not apply to the location of this use within a shopping center.
- c. Minimum lot or parcel size:
1. Filling station use only: Twenty thousand (20,000) square feet.
  2. Filling station and snack shop/food mart: Twenty thousand (20,000) square feet.
  3. Filling station and incidental car wash (with or without snack shop/food mart): Forty thousand (40,000) square feet.
- d. Maximum lot coverage: Thirty-five (35) percent.
- e. Minimum yard requirements: No yards are required; provided, that where a side or rear yard adjoins property in a residential zone, no building, structure or gasoline pump islands shall be erected or maintained within (30) feet of any property line or within one hundred (100) feet of any residential building, and shall be screened by a six-foot high solid decorative fence, wall, compact evergreen plantings or other suitable buffer, as determined by the planning commission.
- f. Safety restrictions: All buildings and all structures, including, but not limited to, storage tanks, gasoline pumps and pump islands, shall conform to all applicable fire safety and building code regulations, as well as other applicable state and federal laws and regulations with respect to such use. There shall be no discharge of any petroleum or chemical products into any public or private sewage disposal system, stream, or into the ground. Lighting facilities shall be so arranged or screened that they neither disturb the occupants of nearby residential properties nor interfere with traffic movement.
- g. Addition parking, loading and access requirements:
1. When a use enumerated in this section occupies a corner lot, the ingress and egress driveways shall be located at least seventy-five (75) feet from the point of intersection of the street line and the corner arc.

2. Outdoor storage of motor vehicles or trailers, except those currently being serviced or temporarily awaiting service within the next twenty-four (24) hours, is prohibited.
3. Vehicular access to any residential street is prohibited.
- h. Additional standards and findings applicable to all automobile filling stations, accessory uses thereto, and all buildings or structures in connection with this use, must not:
  1. Preempt frontage on a major highway in such a manner as to substantially reduce the visibility and accessibility of an interior commercial area zoned or proposed for commercial use which is oriented to the same highway.
  2. Impair the movement of through traffic along an adjoining thoroughfare through congestion and reduction of street capacities or cause the storage or backup of vehicles in the public right-of-way while awaiting service on the property in question.
  3. Cause frequent turning movements across sidewalks and pedestrian ways, thereby disrupting pedestrian circulation within a concentration of retail activity.
  4. Result in a fragmentation of the development pattern, thereby creating unnecessary additional points of vehicular conflict with an adjoining highway and adversely affecting the orderly development of the surrounding neighborhood.
  5. Preempt the use of any parking spaces on-site driveways or cause vehicles to back up into adjacent service drives or public roads by vehicles waiting for service.
  6. By approval of this use at the location proposed, result in a multiplicity or situation of similar uses in the same general neighborhood.

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ADOPTED by the City Council of Gaithersburg, Maryland, this 2<sup>nd</sup> day of August, 2010.

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SIDNEY A. KATZ, MAYOR and  
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this 2nd day of August, 2010. APPROVED by the Mayor of the City of Gaithersburg, this 2nd day of August, 2010.

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SIDNEY A. KATZ, MAYOR

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the 2nd day of August, 2010, and the same was approved by the Mayor of the City of Gaithersburg on the 2nd day of August, 2010. This Ordinance will become effective on the 23rd day of August, 2010.

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Angel L. Jones, City Manager