COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2020 Legislative Session

BILL NO. 2020-04

Introduced by: Charles County Commissioners

ZONING TEXT AMENDMENT #19-153 REVISIONS TO THE BUSINESS PARK (“BP”) ZONE WITHIN THE ZONING ORDINANCE OF CHARLES COUNTY, MARYLAND

Date introduced: 03 / 03 / 2020

Public Hearing: 05 / 19 / 2020 @ 6:00 p.m.

Commissioners Action: 06 / 16 / 2020


Pass/Fail: Passed

Effective Date: 07 / 31 / 2020

Remarks:  ____________________________________________________

NOTE: CAPITALS indicate matter added to existing text. [Brackets] indicate matter deleted from existing law.
COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2020 Legislative Session

Bill No. 2020-04 (Zoning Text Amendment #19-153)
Chapter. No. 297
Introduced by Board of County Commissioners
Date of Introduction March 3, 2020

BILL

AN ACT concerning

REVISIONS TO THE BUSINESS PARK ("BP") ZONE WITHIN THE ZONING ORDINANCE OF CHARLES COUNTY, MARYLAND

FOR the purpose of

Amending certain provisions of the Zoning Ordinance of Charles County, Maryland to allow additional uses within the Business Park Zone and clarifying required setbacks, building restriction lines and buffyards.

BY Amending:
Chapter 297 –Zoning Ordinance
Article IV, Permissible Uses,
§297-63, Figure IV-1 Table of Permissible Uses
Code of Charles County, Maryland

BY Amending:
Chapter 297- Zoning Ordinance
Article VI, Base Zone Regulations
§297-91, Commercial Zones
Code of Charles County, Maryland

Asterisks *** mean intervening code language remaining unchanged
CAPITALS mean language added to the law
[Brackets] mean language deleted from the law
BY Amending:

Chapter 297 - Zoning Ordinance
Article VI, Base Zone Regulations
§297-91, Commercial Zones
Figure VI-5: Schedule of Zone Regulations, Commercial Zones
Code of Charles County, Maryland

BY Amending:

Chapter 297 - Zoning Ordinance
Article X, Highway Corridor (Overlay Zone),
§297-151, Road Buffer Standards
Figure X-1, Road Corridor Buffer Yard and Building Setback Requirements
Code of Charles County, Maryland

By Amending:

Chapter 297 - Zoning Ordinance
Article XIII, Minimum Standards for Special Exceptions and Uses Permitted with Conditions
§ 297-212. Uses Corresponding with Table of Permissible Uses
Code of Charles County, Maryland

SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as follows:

*****************************************************************************************************************************************

Chapter 297 - Zoning Ordinance
Article IV, Permissible Uses
*****************************************************************************************************************************************
§297-63. Table of Permissible Uses. Figure IV-1, the Table of Permissible Uses, is included as an attachment to this chapter.

<table>
<thead>
<tr>
<th>Uses Description</th>
<th>BP</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.04.000 Homes emphasizing special services, treatment, or supervision, and residential elderly care homes</td>
<td></td>
</tr>
<tr>
<td>3.04.100 Group Homes</td>
<td></td>
</tr>
<tr>
<td>3.04.220 Day-Care center, day nursery (between 9 and 30 care recipients)</td>
<td></td>
</tr>
<tr>
<td>3.05.300 Hotels, motels, convention centers, conference centers, and similar business or institutions providing overnight accommodations</td>
<td></td>
</tr>
<tr>
<td>4.00.000 INSTITUTIONAL/UTILITIES/RECREATION</td>
<td></td>
</tr>
<tr>
<td>4.01.100 Schools (Public Schools are permitted in all zoning districts)</td>
<td></td>
</tr>
<tr>
<td>4.01.110 Private elementary and secondary (included pre-school, kindergarten, associated grounds, athletic, and other facilities)</td>
<td>SE</td>
</tr>
<tr>
<td>4.01.120 Trade or vocational schools</td>
<td></td>
</tr>
<tr>
<td>4.01.130 Private colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)</td>
<td>SE</td>
</tr>
<tr>
<td>4.01.200 Churches, synagogues, and temples (including associated cemeteries, associated residential structures for religious personnel and associated buildings with religious classes not including elementary or secondary school buildings)</td>
<td>SE</td>
</tr>
<tr>
<td>4.01.300 Private libraries, museums, art centers, and similar uses (including associated educational and instructional activities)</td>
<td></td>
</tr>
<tr>
<td>4.01.310 Located within a building designed and previously occupied as a residence or institutional use</td>
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</tr>
<tr>
<td>4.01.320 Located within any other structure</td>
<td>PC</td>
</tr>
<tr>
<td>4.01.400 Social, fraternal clubs and lodges, union halls, meeting halls, and similar uses</td>
<td>SE</td>
</tr>
<tr>
<td>4.02.000 Recreation, amusement and entertainment</td>
<td></td>
</tr>
<tr>
<td>4.02.110 Indoor recreation. For example, bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, indoor athletic</td>
<td>PC</td>
</tr>
<tr>
<td>4.03.000 Institutional residence or care of confinement facilities</td>
<td></td>
</tr>
<tr>
<td>4.03.100 Hospital and other in-patient medical (including mental health treatment) facilities in excess of 10,000 square feet of floor area</td>
<td>PC</td>
</tr>
<tr>
<td>4.04.000 Emergency Services</td>
<td></td>
</tr>
<tr>
<td>4.04.100 Fire Stations</td>
<td>P</td>
</tr>
<tr>
<td>4.04.200 Rescue squads, ambulance services</td>
<td>P</td>
</tr>
<tr>
<td>4.05.000 Miscellaneous public and semi-public facilities</td>
<td></td>
</tr>
<tr>
<td>4.05.100 Post Office</td>
<td>P</td>
</tr>
<tr>
<td>4.05.110 Local</td>
<td>P</td>
</tr>
<tr>
<td>4.05.120 Regional</td>
<td>P</td>
</tr>
</tbody>
</table>

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[Brackets] mean language deleted from the law
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.05.300</td>
<td>Helicopter facilities</td>
</tr>
<tr>
<td>4.05.320</td>
<td>Helistops</td>
</tr>
<tr>
<td>4.06.000</td>
<td>Public utilities (including towers and related structures)</td>
</tr>
<tr>
<td>4.06.100</td>
<td>Neighborhood essential service</td>
</tr>
<tr>
<td>4.06.200</td>
<td>Electric power, gas transmission, and telecommunications buildings and</td>
</tr>
<tr>
<td></td>
<td>structures not associated with a tower</td>
</tr>
<tr>
<td>4.06.300</td>
<td>Towers more than 50 feet tall</td>
</tr>
<tr>
<td>4.06.400</td>
<td>Towers and antennas 50 feet tall or less</td>
</tr>
<tr>
<td>4.06.500</td>
<td>Wireless communication antennae</td>
</tr>
<tr>
<td>4.07.000</td>
<td>Satellite dishes and earth stations</td>
</tr>
<tr>
<td>4.07.100</td>
<td>Earth stations</td>
</tr>
<tr>
<td>4.07.200</td>
<td>Satellite dishes</td>
</tr>
<tr>
<td>4.09.000</td>
<td>Transportation</td>
</tr>
<tr>
<td>4.09.100</td>
<td>Bus stations, train stations</td>
</tr>
<tr>
<td>4.09.200</td>
<td>Park and ride facilities</td>
</tr>
<tr>
<td>5.00.000</td>
<td>SERVICE ORIENTED COMMERCIAL</td>
</tr>
<tr>
<td>5.01.000</td>
<td>All operations conducted entirely within fully enclosed building</td>
</tr>
<tr>
<td>5.01.111</td>
<td>Professional offices (examples are attorneys, architects, engineers,</td>
</tr>
<tr>
<td></td>
<td>insurance and stockbrokers, travel agents, government office buildings, etc.)</td>
</tr>
<tr>
<td>5.01.112</td>
<td>Personal services (see definition)</td>
</tr>
<tr>
<td>5.01.113</td>
<td>Dry cleaning/laundry and Laundromats</td>
</tr>
<tr>
<td>5.01.114</td>
<td>Banks and financial institutions</td>
</tr>
<tr>
<td>5.01.115</td>
<td>Business services</td>
</tr>
<tr>
<td>5.01.116</td>
<td>Office or clinics for physicians, dentist, and chiropractors</td>
</tr>
<tr>
<td>5.02.500</td>
<td>Nursery schools and day-care centers with more than 30 children</td>
</tr>
<tr>
<td>6.00.000</td>
<td>COMMERCIAL</td>
</tr>
<tr>
<td>6.01.111</td>
<td>Shoppers merchandise stores (see definition)</td>
</tr>
<tr>
<td>6.01.112</td>
<td>Specialty shops (see definition)</td>
</tr>
<tr>
<td>6.01.130</td>
<td>General merchandise (see definition)</td>
</tr>
<tr>
<td>6.01.140</td>
<td>Convenience stores</td>
</tr>
<tr>
<td>6.01.200</td>
<td>Wholesale sales (see definition)</td>
</tr>
<tr>
<td>6.02.000</td>
<td>Restaurants</td>
</tr>
<tr>
<td>6.02.100</td>
<td>Restaurant, standard, fast food, bars, nightclubs, dinner theaters</td>
</tr>
<tr>
<td>6.02.200</td>
<td>Restaurant, fast food carry-out and delivery</td>
</tr>
<tr>
<td>6.02.300</td>
<td>Restaurant, fast food drive-in, and drive-through and mobile food service</td>
</tr>
<tr>
<td></td>
<td>facilities</td>
</tr>
<tr>
<td>6.02.320</td>
<td>Part of a BUSINESS PARK OR shopping center with no direct access to a</td>
</tr>
<tr>
<td></td>
<td>public road</td>
</tr>
<tr>
<td>6.03.000</td>
<td>Motor vehicle related and service operations</td>
</tr>
<tr>
<td>6.03.300</td>
<td>Motor vehicle repair and maintenance, fuel sales, car wash (not including</td>
</tr>
<tr>
<td></td>
<td>auto body work)</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
</tr>
<tr>
<td>----------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>6.03.320</td>
<td>Motor vehicle fuels sales</td>
</tr>
<tr>
<td>6.03.321</td>
<td>Associated with commercial uses &gt;3,500 sq. ft.</td>
</tr>
<tr>
<td>6.03.322</td>
<td>All other</td>
</tr>
<tr>
<td>6.03.330</td>
<td>Car wash</td>
</tr>
</tbody>
</table>

### 7.00.000 INDUSTRIAL

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.01.100</td>
<td>All operations conducted entirely within fully enclosed building</td>
</tr>
<tr>
<td>7.01.110</td>
<td>Buildings &lt;10,000 sq. ft. per parcel</td>
</tr>
<tr>
<td>7.01.120</td>
<td>Buildings &gt;10,000 sq. ft. per parcel</td>
</tr>
<tr>
<td>7.01.240</td>
<td>Alcoholic beverage manufacturing</td>
</tr>
</tbody>
</table>

### 7.02.000 Storage and parking

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.02.100</td>
<td>Automobile parking garages or parking lots not located on a lot where there is another principal use to which the parking is related</td>
</tr>
<tr>
<td>7.02.200</td>
<td>Storage of goods not related to sale or use of those goods on the same lot where they are stored (warehousing)</td>
</tr>
<tr>
<td>7.02.210</td>
<td>All storage within completely enclosed structures</td>
</tr>
<tr>
<td>7.02.230</td>
<td>Mini-warehouses</td>
</tr>
</tbody>
</table>

### 7.04.000 Research facilities and laboratories

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.04.100</td>
<td>Without processing of materials</td>
</tr>
<tr>
<td>7.04.200</td>
<td>With processing or manufacturing of materials</td>
</tr>
</tbody>
</table>

### 7.07.000 Alternative Energy Systems

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.07.100</td>
<td>Solar Energy System, Small</td>
</tr>
<tr>
<td>7.07.200</td>
<td>Solar Energy System, Large</td>
</tr>
<tr>
<td>7.07.300</td>
<td>Wind Energy System, Small</td>
</tr>
<tr>
<td>7.07.400</td>
<td>Wind Energy System, Large</td>
</tr>
</tbody>
</table>

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§ 297-91. Commercial zones.

A. Objectives. These zones, neighborhood Commercial (CN), Community Commercial (CC), Central Business (CB) and Business Park (BP), provide distinctive standards for the range of commercial uses from neighborhood business to highway-oriented commercial uses. They direct commercial activities into commercial clusters to discourage “strip” development.

(4) BP Business Park Zone. This zone concentrates business and light industrial uses in a parklike setting to promote economic development and job creation while protecting the environment and reducing impacts on the surrounding residential neighborhoods. This zone is located where a large area of land permits horizontal expansion sufficient to provide on-site storage, parking and landscaped areas. These locations can be served by a complete array of community facilities, INCLUDING SUPPORTING AMENITIES, and provide for the regional transportation network.

D. [Accessory] Uses permitted in the BP Zone. In addition to those accessory uses allowed under §297-29C AND USES ALLOWED BY FIGURE IV-1, the following uses shall be allowed in the Business Park (BP) Zone when intended to primarily serve the employees of the business park subject to the restrictions set forth herein. [Added 10-23-2001 by Ord. No.01-87]

(1) Permitted [accessory] uses WITH CONDITIONS (PC) are:
   (a) Day-care center, day nursery (between [7] 9 and 30 care recipients), Use 3.04.220;
   (b) Indoor recreation, Use 4.02.110;
   (c) Privately owned outdoor recreational facilities, Use 4.02.210;
   (d) Helistops, Use 4.05.3207]
   [e] (D) Personal services, Use 5.01.112;
   [f] (E) Dry cleaning, Use 5.01.113;
   [g] (F) Business services, Use 5.01.115;
   [h] (G) Nursery schools and day care centers with more than 30 children, Use 5.02.500;
(H) SHOPPERS MERCHANDISE STORES, USE 6.01.111;
(I) SPECIALTY SHOPS, USE 6.01.112;
(J) CONVENIENCE STORES, 6.01.140

[i] (K) Restaurant, fast food carry-out and delivery, Use 6.02.200;
(L) RESTAURANT, FAST-FOOD DRIVE-IN, AND DRIVE-THROUGH AND
MOBILE FOOD SERVICE FACILITIES, PART OF A BUSINESS PARK OR
SHOPPING CENTER WITH NO DIRECT ACCESS TO A PUBLIC ROAD, USE
6.02.320;
(M) MOTOR VEHICLE FUEL SALES ASSOCIATED WITH COMMERCIAL
USES GREATER THAN 3,500 SQUARE FEET OR WHICH PROVIDE MORE
THAN 12 FUELING POSITIONS, USE 6.03.321;
(N) MOTOR VEHICLE FUEL SALES NOT ASSOCIATED WITH
COMMERCIAL USES GREATER THAN 3,500 SQUARE FEET OR PROVIDING
MORE THAN 12 FUELING POSITIONS, USE 6.03.322; and
(O) CAR WASH, USE 6.03.330.

(2) THE AGGREGATE LAND AREA CONTAINING USES IN §297-91D(1) SHALL
NOT EXCEED FIFTEEN PERCENT (15%) OF THE BUSINESS PARK LOT,
TRACT, OR SUBDIVISION, WHICHEVER IS GREATER.
NOTWITHSTANDING THE FOREGOING, USES PERMITTED WITH
CONDITIONS BY §297-91D(1) CAN BE OFFERED AS ACCESSORY USES
WHEN HOUSED WITH A PRINCIPAL USE, NOT TO EXCEED AN
AGGREGATE OF 15% OF THE PRINCIPAL USE’S FLOOR AREA.

E. Site design and architectural review (“SDAR”) of site plans and buildings for all
commercial construction in the CN, CC, CB and BP Zones must be obtained. All new
construction, renovation and expansion projects shall comply with all applicable sections
of the site design and architectural commercial and industrial guidelines and standards.
Projects that do not add more than 2,000 square feet of gross floor area or alter more than
25% of the building facade or site area are exempt. The guidelines and standards shall
conform to appropriate planning principles and to the purposes stated for the specific zone.
IN THE BP ZONE, INGRESS AND EGRESS TO INDIVIDUAL USES IN A
BUSINESS PARK SHALL BE VIA AN INTERNAL ROAD NETWORK OF THE
BUSINESS PARK.

F. Ancillary equipment, facilities, and utilities necessary to support a general aviation airport.
[Added 10-22-2008 by Bill No. 2008-12]

**************************************************************************
Chapter 297 – Zoning Ordinance
Article VI, Base Zone Regulations
**************************************************************************
§297-91, Commercial Zones, Figure VI-5: Schedule of Zone Regulations, Commercial Zones
**************************************************************************
NOTES:
1 Minimum lot sizes may be reduced to 10,000 square feet when created as part of a subdivision
with consolidated access and an internal traffic network.
2 Minimum lot sizes may be reduced to 30,000 square feet when created as part of a subdivision
with consolidated access and an internal traffic network.
3 May be increased as set forth in § 297-27, Article II.
4 May be reduced as per § 297-91 B., general regulations for Commercial Zones.
5 The maximum height for mini-warehouse facilities, Permissible Use No. 7.02.230, in the CC
Zone and in the development district, as provided in the Charles County Comprehensive Plan, is
60 feet, five stories.
6 The intensity for mini-warehouse facilities, Permissible Use 7.02.230, in the CC Zone and in
the development district, as provided in the Charles County Comprehensive Plan, and in the CB
Zone, is 1.0 FAR. In the CC Zone exterior to the development district, the maximum intensity is
0.6 FAR.
7 THE PERIMETER OF THE BP ZONED TRACT SHALL BE IDENTIFIED VIA A
PLAN OR PLAT, AND THE COUNTY REQUIRED SETBACKS, BUILDING
RESTRICTION LINES, AND BUFFERYARDS SHALL BE APPLICABLE TO THIS
PERIMETER BOUNDARY.
§297-26(A)(2), WHICH REQUIRES AN ADDITIONAL 10 FOOT OFFSET FROM THE
RIGHT-OF-WAY LINE, IS NOT APPLICABLE TO THE BP ZONE.

Chapter 297 - Zoning Ordinance
Article X, Highway Corridor (Overlay Zone)

§297-151, Road Buffer Standards, Figure X-1, Road Corridor Buffer Yard and Building Setback
Requirements (Buffer yard by type and setback in feet)

<table>
<thead>
<tr>
<th>Road Classification</th>
<th>BP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal arterial</td>
<td>C [100] D</td>
</tr>
<tr>
<td>Parkway</td>
<td>C [75] 40</td>
</tr>
<tr>
<td>Other arterials</td>
<td>C [75] 40</td>
</tr>
<tr>
<td>Collector</td>
<td>B [50] 30</td>
</tr>
</tbody>
</table>

NOTES:
1 'A' through 'E' designates type of Buffer required as illustrated in Article XVII, Part II.
2 Numbers given are the building setback requirements in feet.
3 Single-family residential lots and minor subdivisions will be exempt from the buffer requirements above.
4 Setbacks may be reduced to 30 feet if located in Community Mixed-Use Areas, Business Corridor Mixed-Use Areas, Opportunity Mixed-Use Areas or Employment Areas as defined by adopted subarea plans.

5 IN THE BP ZONE, EVERGREEN AND CONIFEROUS TREES SHALL BE EXEMPT FROM THE REQUIREMENTS OF BUFFER YARD D.

6 IN THE BP ZONE, CANOPIES ASSOCIATED WITH MOTOR VEHICLE FUEL SALES, WHICH COVER FUEL STATION PRODUCT DISPENSERS, ARE NOT DEFINED AS A BUILDING FOR APPLICABILITY OF BUILDING RESTRICTION

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LINES, NOR ARE THEY RESTRICTED BY §297-26 C(1)(A) WHICH LIMITS PROJECTIONS OF CANOPIES INTO YARDS TO A MAXIMUM OF THREE FEET. BY WAY OF EXAMPLE SEE TABLE BELOW:

FUEL CANOPY MINIMUM SETBACK TABLE: BP ZONE

<table>
<thead>
<tr>
<th>Road Classification</th>
<th>Principal Arterial Bufferyard</th>
<th>Parkway Bufferyard C</th>
<th>Other Arterial Bufferyard C</th>
<th>Collector Bufferyard B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bufferyard Type</td>
<td>D</td>
<td>C</td>
<td>C</td>
<td>B</td>
</tr>
<tr>
<td>Buffer yard Variable Depth Options §297-385:</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>10</td>
<td></td>
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<tr>
<td>15</td>
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<td>25</td>
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<td>30</td>
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<tr>
<td>40</td>
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</tbody>
</table>

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Chapter 297 -Zoning Ordinance

Article XIII, Minimum Standards for Special Exceptions and Uses Permitted with Conditions

§ 297-212 Uses corresponding with Table of Permissible Uses. The following uses are listed according to the numbering system on the Table of Permissible Uses and establish the specific minimum requirements for uses permitted with conditions or special exception uses.

3.04.220 Day-care center, day nursery, between [seven] NINE and 30 care recipients. A day-care center for nine to 30 individuals is permitted by special exception in the AC, RC, RR, RV, RL, RM, RH, IG, PMH and CMR Zones subject to the following:


A. The facility will be in accordance with all applicable county, state and federal rules and regulations.
B. An applicant must submit an affidavit of compliance, on the form provided by the Zoning Officer, to the effect that all of the requirements of the state's licensing procedure will be satisfied.

C. The building and play area facilities shall be at least 50 feet from any adjacent residential lot or use.

D. The proposed site will have road access adequate for the traffic expected to be generated by the proposed development.

E. Any such use will not have a detrimental impact in terms of traffic, noise, etc., on the surrounding properties.

F. The hours of operation will be established by the Board of Appeals.

G. New facilities constructed for this purpose shall be architecturally compatible with the surrounding area.

**A DAY-CARE CENTER FOR NINE TO 30 INDIVIDUALS IS PERMITTED WITH CONDITIONS IN THE BP ZONE, SUBJECT TO THE FOLLOWING:**

A. THE FACILITY WILL BE IN ACCORDANCE WITH ALL APPLICABLE COUNTY, STATE AND FEDERAL RULES AND REGULATIONS.

B. AN APPLICANT MUST SUBMIT AN AFFIDAVIT OF COMPLIANCE, ON THE FORM PROVIDED BY THE ZONING OFFICER, TO THE EFFECT THAT ALL OF THE REQUIREMENTS OF THE STATE'S LICENSING PROCEDURE WILL BE SATISFIED.

C. THE BUILDING AND PLAY AREA FACILITIES SHALL BE AT LEAST 50 FEET FROM ANY ADJACENT RESIDENTIAL LOT OR USE.

D. THE USE IS IN COMPLIANCE WITH THE 15% AREA LIMITATIONS SET FORTH IN §297-91(D)(2).

**************

4.01.130 Private colleges, universities and community colleges, including associated facilities such as dormitories, office buildings, athletic fields, etc. This use is permitted by special exception in the AC, RC, RR, RV, RL, RM, RH, RO, CN, CV, BP, and PRD Zones, based on the requirements contained in 4.01.110 above. **WITHIN THE BP ZONE, DORMITORIES AND**
ATHLETIC FIELDS SHALL NOT BE ALLOWED AS PART OF THIS USE. [Amended 6-6-2017 by Bill No. 2017-03]

4.01.400 Social, fraternal clubs and lodges, union halls, meeting halls and similar uses. Such uses are permitted by special exception in the AC, BP, RC, RV and CN Zones provided that:

[Amdended 6-6-2017 by Bill No. 2017-03]

A. Any structure shall be located at a distance of not less than 100 feet from any lot line, except that not less than 50 feet at commercial or industrial zone lot lines shall be allowed. The front setback shall be at least 100 feet, except when bordering highways of eighty-foot rights-of-way or more, where the setback shall be 50 feet.

B. The provision of food, refreshments and entertainment for club or organization members and their guests may be allowed in connection with such use.

C. All outdoor lighting shall be located, shielded, landscaped or otherwise buffered so that no direct light shall intrude into any adjacent residential area.

4.02.110 Indoor recreation activities conducted entirely within a building or substantial structure.

A. This use is permitted with conditions in the IG Zone if the structure or building is not less than 20,000 square feet in size.

B. This use is permitted by special exception in the CN Zone if the structure or building is not greater than 15,000 square feet in size.

C. This use is permitted with conditions in the CRR Zone if the structure or building is not greater than 15,000 square feet in size. [Added 7-25-2005 by Ord. No. 05-01]

D. This use is permitted by special exception in the HVC and HVG Subzones, provided that the use is located entirely within a building and occupies no more than 10,000 square feet of floor area. [Added 11-28-2017 by Bill No. 2017-07]

E. THIS USE IS PERMITTED WITH CONDITIONS IN THE BP ZONE IF IT IS FOCUSED FOR PRIMARY USE BY THE USERS OF THE BUSINESS PARK AND IS IN COMPLIANCE WITH THE 15% AREA LIMITATIONS SET FORTH IN §297-91(D) (2).
5.01.112 Personal services. This use is permitted with conditions in the CER Zone, provided that this use is limited to a maximum of 20% of the floor area of a development. THIS USE IS PERMITTED WITH CONDITIONS IN THE BP ZONE SUBJECT TO THE 15% AREA LIMITATIONS SET FORTH IN §297-91(D)(2). [Added 4-13-2010 by Bill No. 2010-05]

5.01.113 DRY CLEANING/LAUNDRY AND LAUNDROMATS. THIS USE IS PERMITTED WITH CONDITIONS IN THE BP ZONE SUBJECT TO THE 15% AREA LIMITATIONS SET FORTH IN §297-91(D)(2).

5.01.115 BUSINESS SERVICES. THIS USE IS PERMITTED WITH CONDITIONS IN THE BP ZONE SUBJECT TO THE 15% AREA LIMITATIONS SET FORTH IN §297-91(D)(2).

5.02.500 Nursery schools and day-care centers with more than 30 children. This use is permitted by special exception in the WCD, HVR, AC, RC, RR, RV, RL, PM, RH, IG, PRD, PMH and CMR Zones, subject to the following standards: [Amended 7-25-2005 by Bill No. 2005-01; 6-6-2017 by Bill No. 2017-03; 11-28-2017 by Bill No. 2017-07]

A. The facility shall be in accordance with all applicable County, state and federal rules regulations.

B. An applicant must submit an affidavit of compliance, on the form provided by the Zoning Officer, to the effect that all of the requirements of the state's licensing procedure will be satisfied.

C. Building and play area facilities shall be at least 100 feet from any residential zone or use.

D. The proposed site will have road access adequate for the traffic expected to be generated by the proposed development.

E. Any such use shall not have a detrimental impact on the surrounding properties.

F. The hours of operation may be established by the Board of Appeals

G. New facilities constructed for this purpose shall be architecturally compatible with the surrounding neighborhood.
H. Adequate areas shall be provided for classrooms and play areas.

NURSERY SCHOOLS AND DAY-CARE CENTERS WITH MORE THAN 30 CHILDREN ARE PERMITTED WITH CONDITIONS IN THE BP ZONE, SUBJECT TO THE FOLLOWING:

A. THE FACILITY SHALL BE IN ACCORDANCE WITH ALL APPLICABLE COUNTY, STATE AND FEDERAL RULES AND REGULATIONS.

B. AN APPLICANT MUST SUBMIT AN AFFIDAVIT OF COMPLIANCE, ON THE FORM PROVIDED BY THE ZONING OFFICER, TO THE EFFECT THAT ALL OF THE REQUIREMENTS OF THE STATE'S LICENSING PROCEDURE WILL BE SATISFIED.

C. BUILDING AND PLAY AREA FACILITIES SHALL BE AT LEAST 100 FEET FROM ANY RESIDENTIAL ZONE OR USE.

D. THE USE IS FOCUSED FOR PRIMARY USE BY THE USERS OF THE BUSINESS PARK, AND THE USE IS IN COMPLIANCE WITH THE 15% AREA LIMITATIONS SET FORTH IN §297-91(D)(2).

6.01.111 SHOPPERS MERCHANDISE STORES WITH BUILDING FLOOR SPACE LESS THAN 15,000 SQUARE FEET PER PARCEL. THIS USE IS PERMITTED WITH CONDITIONS IN THE BP ZONE SUBJECT TO THE 15% AREA LIMITATIONS SET FORTH IN §297-91(D)(2).

6.01.112 SPECIALTY SHOPS WITH BUILDING FLOOR SPACE LESS THAN 15,000 SQUARE FEET PER PARCEL. THIS USE IS PERMITTED WITH CONDITIONS IN THE BP ZONE SUBJECT TO THE 15% AREA LIMITATIONS SET FORTH IN §297-91(D)(2).

6.01.140 Convenience stores. [Amended 7-25-2005 by Ord. No. 05-01]

This use is permitted by special exception in the CN, CV, CER, CMR and CRR Zones, subject to the following: [Amended 7-25-2005 by Bill No. 2005-01]
A. Where a residence is located within 100 feet of the property and is not located across a public road right-of-way from the subject property, Bufferyard E is required. Road Buffer standards set forth in § 297-151 shall apply along public road rights-of-way.

B. Lighting of parking areas shall meet the minimum standard established in Article XX.

C. All business, service, and storage shall be primarily located within a completely enclosed building, and all refuse shall be contained in completely enclosed facilities.

D. A traffic and road condition study shall be submitted by the applicant to determine the adequacy of the road network serving the site for traffic to be generated by the use.

**THIS USE IS PERMITTED WITH CONDITIONS IN THE BP ZONE SUBJECT TO THE 15% AREA LIMITATIONS SET FORTH IN §297-91(D)(2).**

6.02.200 Restaurant, fast food, carry-out and delivery. This use is permitted with conditions in the HVC, HVG, and BP Zones and by special exception in the CN and CV Zones, subject to the following: [Amended 11-28-2017 by Bill No. 2017-07]

A. In the BP Zone, the use must be oriented and have access internally so that it is incorporated as part of the business park, AND THE USE IS SUBJECT TO THE 15% AREA LIMITATIONS SET FORTH IN §297-91(D)(2).

B. In the CN and CV Zones, this use is subject to the following:

1. The use at the proposed location will not create a traffic hazard or safety problem because of its location in relation to similar uses, necessity of turning movements in relation to its access to public roads and intersections or its location in relation to other buildings or proposed buildings.

2. Materials, textures, colors and design of fences, walls and screening shall be compatible with on-site development, the adjacent property and the neighborhood. When solid walls are required, a planting strip five feet wide shall also be provided. Such planting shall include trees or shrubs at least two...
feet tall at time of planting, which may be expected to form a year-round dense
screen within three years.

(3) Lighting, including permitted illuminated signs, shall be arranged so as not to
reflect or cause glare into any residential zone.

(4) The Board may regulate hours of operation so as to prevent adverse impact on
adjoining properties.

C. In the HVC and HVG Subzones, this use is subject to the following:

(1) The use at the proposed location will not create a traffic hazard or safety
problem because of its location in relation to similar uses, necessity of turning
movements in relation to public streets and intersections or its location in
relation to other buildings or proposed buildings.

(2) The use is located within a building that has a front facade and primary
customer entrance oriented toward the public street frontage and designed for
convenient and attractive pedestrian access.

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6.02.320 RESTAURANT, FAST-FOOD DRIVE-IN, AND DRIVE-THROUGH AND
MOBILE FOOD SERVICE FACILITIES, PART OF A BUSINESS PARK OR
SHOPPING CENTER WITH NO DIRECT HIGHWAY ACCESS TO A PUBLIC
ROAD. THIS USE IS PERMITTED IN THE BP ZONE SUBJECT TO THE
FOLLOWING CONDITIONS:

i. THE USE MUST HAVE ACCESS INTERNALLY SO THAT IT
IS INCORPORATED AS PART OF THE BUSINESS PARK;

ii. MENU AND ORDERING BOARDS ARE NOT PERMITTED
ON A SIDE OF A BUILDING THAT FACES AN ARTERIAL OF
ANY CLASSIFICATION OR A MAJOR COLLECTOR.
INCIDENTAL VISIBILITY OF A MENU OR ORDERING
BOARD FROM AN ARTERIAL OF ANY CLASSIFICATION
OR A MAJOR COLLECTOR SHALL BE SCREENED.
ORDERING WINDOWS AND PICK-UP WINDOWS ARE
PERMITTED TO FACE ROADS OF ANY CLASSIFICATION,
AND ARE REQUIRED TO BE ARCHITECTURALLY INTEGRATED INTO A BUILDING’S FAÇADE; AND

iii. THE USE IS SUBJECT TO THE 15% AREA LIMITATIONS SET FORTH IN §297-91(D)(2).

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6.03.321 Motor vehicle fuel sales associated with commercial uses greater than 3,500 square feet or which provide more than 12 fueling positions. [Added 10-23-2000 by Ord. No. 00-84; amended 12-11-2001 by Ord. No. 01-90] This use is further described as motor vehicle fuel sales associated with or on the same lot as retail, restaurant, or service-oriented commercial uses greater than 3,500 square feet or where facilities have more than six multi-product dispenser (pumps) or 12 fueling positions to accommodate up to 12 vehicles. This use is permitted with conditions in the CV, subject to Subsections A through I. This use is permitted by right in any zone, where permitted with conditions or by special exception, if it is replacing an existing conforming or legally nonconforming motor vehicle fuel sales use which existed as of October 23, 2000. THIS USE IS PERMITTED WITH CONDITIONS IN THE BP ZONE, SUBJECT TO SUBSECTIONS A THROUGH I AND SUBJECT TO THE 15% AREA LIMITATIONS SET FORTH IN §297-91(D)(2). This use is permitted by special exception in the CN, CC, CB, IG, PEP, and MX Zones, subject to all of the following: [Added 10-23-2000 by Ord. No. 00-84; amended 12-11-2001 by Ord. No. 01-90]

A. Minimum lot size. A minimum lot area of 20,000 square feet and a minimum lot frontage of 120 feet on a public road shall be required for each gasoline service station site. In non-sewered areas, the lot area must be increased sufficiently to accommodate an individual sewage disposal system approved by the County Health Officer.

B. Landscaping. Landscaping shall be established on all gasoline service station sites on a minimum of 20% of the site area.

C. Fences, walls and decorative screening. Materials, textures, colors and design of fences, walls and screening shall be compatible with the on-site development, the adjacent properties and the neighborhood. Solid walls such as masonry or wood and masonry may be required when the gasoline station borders a residential zone. When solid walls are required, a planting strip is required on the outside of the wall.
D. Off-street parking. All gasoline service station development shall meet county off-street parking standards to ensure the safe movement of vehicles and pedestrians. The arrangement of structures, islands, driveways, parking and landscaping shall be designed so as to ensure maneuvering ease, to serve the community and to not adversely affect adjacent properties. The development shall provide three spaces for each grease rack or working bay plus one space for each employee on duty, plus a separate space for each accessory vehicle, such as tow trucks, etc. Where a car wash service is being proposed as part of the normal service station operation, sufficient parking and holding lane capacity shall be provided, and public streets shall not be used for storage.

E. Access driveways. Access driveways shall be designed and located to ensure a safe and efficient movement of traffic on and off the site from the lane of traffic nearest the curb. The design, location and construction of all vehicular access driveways shall be in accordance with the applicable specifications and standards of the appropriate county and/or state agency with approval jurisdiction. At a minimum, the applicant shall demonstrate that the receiving road network will operate safely taking into consideration all potentially conflicting traffic movements, access management guidelines in § 297-302, and the cumulative impact of other high traffic-generating uses in the vicinity.

F. On-site lighting. Lighting shall be designed and controlled so that any light source, including interior of a structure, shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on public or private roads, highways or parking areas. Such lighting shall not shine on or reflect on or into residential structures.

G. Lubrication equipment and outdoor storage and refuse areas. Hydraulic racks and service pits shall be located within the main structure. Any outdoor storage or refuse area shall be fenced or screened from view and must be approved as to location and design. The petitioner's plan shall indicate the disposal methods to be used for all waste material, including recycling of waste oil generated by the service station operation.

H. Structures. Convenient retail cigarette and snack dispensing areas are allowed but must be effectively screened or enclosed and integrated with the architectural design.
of the service station.

I. Operation.

(1) The operation shall be confined to normal gasoline service station activities. Outside operations shall be limited to the dispensing of petroleum products, oil, water, pressurized air, the changing of tires and minor servicing; however, at a minimum, all fuel sales facilities shall include restrooms available to customers, pressurized air for tires and water for radiator filling. Storage of all automotive supplies shall be within the main structure.

(2) The sale or rental of boats, two-wheeled vehicles, trucks, cars, all types of trailers, tractors, mowers and any other similar uses of a rental or sales nature are prohibited, unless specifically identified in the application.

(3) The premises shall be maintained at all times in a clean and orderly condition, including the care or replacement of plant materials required in the landscaping and screening plan. The responsibility for compliance with this provision shall be with all parties having a lease or ownership interest in the gasoline service station.

J. Public necessity. The Board of Appeals must find from a preponderance of the evidence of record that the proposed use is necessary to serve the proposed existing and projected growth within the surrounding neighborhood. An evidentiary presumption shall exist that there is no public necessity for the proposed use if the lot or parcel on which the use is proposed is located within 2,500 feet of the boundaries of any other lot or parcel containing a motor vehicle fuel sale use. The presumption of the lack of public necessity may be overcome only upon findings by the Board supported by a preponderance of the evidence that:

(1) The ratio of the total number fueling positions in the neighborhood to the resident and employee population in the neighborhood of the proposed use is less than the ratio of the total number of fueling positions in the county to the resident and employee population in the county; and

(2) The ratio of the total number of fueling positions in the neighborhood to the total number of motor vehicles owned by residents in the neighborhood is less than the ratio of the total number of fueling positions in the County to the total number of motor vehicles owned countywide.
6.03.322 Motor vehicle fuel sales not associated with commercial uses greater than 3500 square feet or providing more than 12 fueling positions. [Added 10-23-2000 by Ord. No. 00-84] This use is permitted with conditions in the CV, CC, CB, IG, PEP and MX Zones, subject to Subsections A through I for Use 6.03.321 above. This use is permitted by special exception in the CN Zone, subject to Subsections A through I, for Use 6.03.321 above. THIS USE IS PERMITTED WITH CONDITIONS IN THE BP ZONE SUBJECT TO SUBSECTIONS A THROUGH I FOR USE 6.03.321 ABOVE AND SUBJECT TO THE 15% AREA LIMITATIONS SET FORTH IN §297-91(D)(2). [Added 10-23-2000 by Ord. No. 00-84]

6.03.330 Car wash. [Added 10-23-2000 by Ord. No. 00-84]

This use is permitted with conditions in the CN, CC, CB, CV, IG, BP, PEP and MX Zones, subject to the following: [Added 10-23-2000 by Ord. No. 00-84]

A. Principal vehicular access for such use shall be located on an arterial or collector road. WITHIN THE BP ZONE, ACCESS WILL BE THROUGH AN INTERIOR ROAD NETWORK.

B. Adequate storage space at the vehicular entrance and sufficient capacity for vehicular ingress and egress shall be provided to prevent traffic congestion.

C. IN THE BP ZONE, THIS USE IS SUBJECT TO THE FOLLOWING ADDITIONAL CONDITIONS:

i. ACCESS WILL BE THROUGH AN INTERIOR ROAD NETWORK;

ii. THIS USE IS SUBJECT TO THE 15% AREA LIMITATIONS SET FORTH IN §297-91(D)(2); AND

iii. VEHICULAR ACCESS FOR INGRESS AND EGRESS TO CAR WASH BAYS ARE NOT PERMITTED ON A SIDE OF A BUILDING THAT FACES AN ARTERIAL OF ANY CLASSIFICATION OR A MAJOR COLLECTOR.
INCIDENTAL VISIBILITY OF THE VEHICULAR ACCESS
FOR INGRESS AND EGRESS TO A CARWASH BAY FROM
AN ARTERIAL OF ANY CLASSIFICATION OR A MAJOR
COLLECTOR SHALL BE SCREENED.

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SECTION 2. BE IT FURTHER ENACTED that this act shall take effect forty-five (45) calendar days after it becomes law.

ADOPTED this 16th day of June 2020.

COUNTY COMMISSIONERS
CHARLES COUNTY, MARYLAND

Reuben B. Collins, II, Esq., President
Bobby Rucci, Vice President
Gilbert O. Bowling, III
Thomasina O. Coates, M.S.
Amanda M. Stewart, M.Ed.

ATTEST:
Carol A. DeSoto, Clerk to the Commissioners

Asterisks *** mean intervening code language remaining unchanged
CAPITALS mean language added to the law
[Brackets] mean language deleted from the law