

**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**

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**Date introduced:** 03 / 03 / 2020

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

**Commissioners Action:** 06 / 16 / 2020

**Commissioner Votes:** RBC: Y, BR: Y, GB: Y, TC: Absent, AS: Y

**Pass/Fail:** Passed

**Effective Date:** 07 / 31 / 2020

**Remarks:** \_\_\_\_\_

NOTE: CAPITALS indicate matter added to existing text.  
[Brackets] indicate matter deleted from existing law.

1                   **COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

2  
3                                   **2020 Legislative Session**

4  
5 Bill No. 2020-04 (Zoning Text Amendment #19-153)

6 Chapter No. 297

7 Introduced by Board of County Commissioners

8 Date of Introduction March 3, 2020

9  
10                                   **BILL**

11 AN ACT concerning

12  
13                   **REVISIONS TO THE BUSINESS PARK ("BP") ZONE WITHIN THE ZONING**  
14                   **ORDINANCE OF CHARLES COUNTY, MARYLAND**

15  
16 FOR the purpose of

17                   *Amending certain provisions of the Zoning Ordinance of Charles County, Maryland to*  
18                   *allow additional uses within the Business Park Zone and clarifying required setbacks, building*  
19                   *restriction lines and bufferyards.*  
20

21 BY Amending:

22                   Chapter 297 –Zoning Ordinance  
23                   Article IV, Permissible Uses,  
24                   §297-63, Figure IV-1 Table of Permissible Uses  
25                   *Code of Charles County, Maryland*

26  
27 BY Amending:

28                   Chapter 297- Zoning Ordinance  
29                   Article VI, Base Zone Regulations  
30                   §297-91, Commercial Zones  
31                   *Code of Charles County, Maryland*  
32

1 BY Amending:

2 Chapter 297 – Zoning Ordinance

3 Article VI, Base Zone Regulations

4 §297-91, Commercial Zones

5 Figure VI-5: Schedule of Zone Regulations, Commercial Zones

6 *Code of Charles County, Maryland*

7  
8 BY Amending:

9 Chapter 297 – Zoning Ordinance

10 Article X, Highway Corridor (Overlay Zone),

11 §297-151, Road Buffer Standards

12 Figure X-1, Road Corridor Buffer Yard and Building Setback Requirements

13 *Code of Charles County, Maryland*

14  
15 By Amending:

16 Chapter 297 –Zoning Ordinance

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

18 Conditions

19 § 297-212. Uses Corresponding with Table of Permissible Uses

20 *Code of Charles County, Maryland*

21  
22 SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CHARLES  
23 COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as follows:

24  
25 \*\*\*\*\*

26 Chapter 297 – Zoning Ordinance

27 Article IV, Permissible Uses

28 \*\*\*\*\*  
29  
30  
31  
32



1 §297-63, Table of Permissible Uses. Figure IV-1, the Table of Permissible Uses, is included as an  
 2 attachment to this chapter.  
 3

\*\*\*\*\*

Uses Description	BP
<b>3.04.000 Homes emphasizing special services, treatment, or supervision, and residential elderly care homes</b>	
3.04.100 Group Homes *****	
3.04.220 Day-Care center, day nursery (between 9 and 30 care recipients) *****	PC *****
3.05.300 Hotels, motels, convention centers, conference centers, and similar business or institutions providing overnight accommodations *****	PC *****
<b>4.00.000 INSTITUTIONAL/UTILITIES/RECREATION</b> *****	
4.01.100 Schools (Public Schools are permitted in all zoning districts)	
4.01.110 Private elementary and secondary (included pre-school, kindergarten, associated grounds, athletic, and other facilities)	SE
4.01.120 Trade or vocational schools	P
4.01.130 Private colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.	SE
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)	SE
4.01.300 Private libraries, museums, art centers, and similar uses (including associated educational and instructional activities)	
4.01.310 Located within a building designed and previously occupied as a residence or institutional use	
4.01.320 Located within any other structure	PC
4.01.400 Social, fraternal clubs and lodges, union halls, meeting halls, and similar uses	SE
<b>4.02.000 Recreation, amusement and entertainment</b>	
4.02.110 Indoor recreation. For example, bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, indoor athletic *****	PC *****
<b>4.03.000 Institutional residence or care of confinement facilities</b>	
4.03.100 Hospital and other in-patient medical (including mental health treatment) facilities in excess of 10,000 square feet of floor area *****	PC *****
<b>4.04.000 Emergency Services</b>	
4.04.100 Fire Stations	P
4.04.200 Rescue squads, ambulance services	P
<b>4.05.000 Miscellaneous public and semi-public facilities</b>	
4.05.100 Post Office	
4.05.110 Local	P
4.05.120 Regional *****	P *****

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

4.05.300 Helicopter facilities *****	
4.05.320 Helistops	SE
<b>4.06.000 Public utilities (including towers and related structures)</b>	
4.06.100 Neighborhood essential service	P
4.06.200 electric power, gas transmission, and telecommunications buildings and structures not associated with a tower	SE
4.06.300 Towers more than 50 feet tall	SE
4.06.400 Towers and antennas 50 feet tall or less	P
4.06.500 Wireless communication antennae	PC
<b>4.07.00 Satellite dishes and earth stations</b>	
4.07.100 Earth stations	SE
4.07.200 Satellite dishes *****	P *****
<b>4.09.000 Transportation</b>	
4.09.100 Bus stations, train stations	P
4.09.200 Park and ride facilities	P
<b>5.00.000 SERVICE ORIENTED COMMERCIAL</b>	
<b>5.01.000 All operations conducted entirely within fully enclosed building</b>	
5.01.111 Professional offices (examples are attorneys, architects, engineers, insurance and stockbrokers, travel agents, government office buildings, etc.)	P
5.01.112 Personal services (see definition)	PC
5.01.113 Dry cleaning/laundry and Laundromats	PC
5.01.114 Banks and financial institutions	P
5.01.115 Business services	PC
5.01.116 Office or clinics for physicians, dentist, and chiropractors *****	P *****
5.02.500 Nursery schools and day-care centers with more than 30 children	PC
<b>6.00.000 COMMERCIAL</b> *****	
6.01.111 Shoppers merchandise stores (see definition)	PC
6.01.112 Specialty shops (see definition) *****	PC *****
6.01.130 General merchandise (see definition)	PC
6.01.140 Convenience stores *****	PC *****
6.01.200 Wholesale sales (see definition)	P
<b>6.02.000 Restaurants</b>	
6.02.100 Restaurant, standard, fast food, bars, nightclubs, dinner theaters	PC
6.02.200 Restaurant, fast food carry-out and delivery	PC
6.02.300 Restaurant, fast food drive-in, and drive-through and mobile food service facilities *****	
6.02.320 Part of a <b>BUSINESS PARK OR</b> shopping center with no direct access to a public road	PC
<b>6.03.000 Motor vehicle related and service operations</b> *****	
<b>6.03.300 Motor vehicle repair and maintenance, fuel sales, car wash (not including auto body work)</b>	



*****	
6.03.320 Motor vehicle fuels sales	
6.03.321 Associated with commercial uses >3,500 sq. ft.	PC
6.03.322 All other	PC
6.03.330 Car wash	PC
*****	*****
<b>7.00.000 INDUSTRIAL</b>	
*****	
7.01.100 All operations conducted entirely within fully enclosed building	
7.01.110 Buildings <10,000 sq. ft. per parcel	P
7.01.120 Buildings >10,000 sq. ft. per parcel	P
*****	*****
7.01.240 Alcoholic beverage manufacturing	
*****	
<b>7.02.000 Storage and parking</b>	
7.02.100 Automobile parking garages or parking lots not located on a lot where there is another principal use to which the parking is related	P
*****	*****
7.02.200 Storage of goods not related to sale or use of those goods on the same lot where they are stored (warehousing)	
7.02.210 All storage within completely enclosed structures	PC
*****	*****
7.02.230 Mini-warehouses	SE
*****	*****
<b>7.04.000 Research facilities and laboratories</b>	
7.04.100 Without processing of materials	P
7.04.200 With processing or manufacturing of materials	P
*****	*****
<b>7.07.000 Alternative Energy Systems</b>	
7.07.100 Solar Energy System, Small	PC
7.07.200 Solar Energy System, Large	SE
7.07.300 Wind Energy System, Small	PC
7.07.400 Wind Energy System, Large	SE
*****	*****
*****	

Chapter 297 – Zoning Ordinance

Article VI, Base Zone Regulations

§ 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;

1           **(H) SHOPPERS MERCHANDISE STORES, USE 6.01.111;**

2           **(I) SPECIALTY SHOPS, USE 6.01.112;**

3           **(J) CONVENIENCE STORES, 6.01.140**

4           **[i] (K) Restaurant, fast food carry-out and delivery, Use 6.02.200;**

5           **(L) RESTAURANT, FAST-FOOD DRIVE-IN, AND DRIVE-THROUGH AND**  
6           **MOBILE FOOD SERVICE FACILITIES, PART OF A BUSINESS PARK OR**  
7           **SHOPPING CENTER WITH NO DIRECT ACCESS TO A PUBLIC ROAD, USE**  
8           **6.02.320;**

9           **(M) MOTOR VEHICLE FUEL SALES ASSOCIATED WITH COMMERCIAL**  
10           **USES GREATER THAN 3,500 SQUARE FEET OR WHICH PROVIDE MORE**  
11           **THAN 12 FUELING POSITIONS, USE 6.03.321;**

12           **(N) MOTOR VEHICLE FUEL SALES NOT ASSOCIATED WITH**  
13           **COMMERCIAL USES GREATER THAN 3,500 SQUARE FEET OR PROVIDING**  
14           **MORE THAN 12 FUELING POSITIONS, USE 6.03.322; and**

15           **(O) CAR WASH, USE 6.03.330.**

16  
17           **(2) THE AGGREGATE LAND AREA CONTAINING USES IN §297-91D(1) SHALL**  
18           **NOT EXCEED FIFTEEN PERCENT (15%) OF THE BUSINESS PARK LOT,**  
19           **TRACT, OR SUBDIVISION, WHICHEVER IS GREATER.**  
20           **NOTWITHSTANDING THE FOREGOING, USES PERMITTED WITH**  
21           **CONDITIONS BY §297-91D(1) CAN BE OFFERED AS ACCESSORY USES**  
22           **WHEN HOUSED WITH A PRINCIPAL USE, NOT TO EXCEED AN**  
23           **AGGREGATE OF 15% OF THE PRINCIPAL USE'S FLOOR AREA.**

24  
25           E. Site design and architectural review (“SDAR”) of site plans and buildings for all  
26           commercial construction in the CN, CC, CB and BP Zones must be obtained. All new  
27           construction, renovation and expansion projects shall comply with all applicable sections  
28           of the site design and architectural commercial and industrial guidelines and standards.  
29           Projects that do not add more than 2,000 square feet of gross floor area or alter more than  
30           25% of the building facade or site area are exempt. The guidelines and standards shall  
31           conform to appropriate planning principles and to the purposes stated for the specific zone.





**8 §297-26(A)(2), WHICH REQUIRES AN ADDITIONAL 10 FOOT OFFSET FROM THE  
2 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)**

Road Classification	BP
Principal arterial	[C] <b>D</b> [100] <b>50</b>
Parkway	C [75] <b>40</b>
Other arterials	C [75] <b>40</b>
Collector	B [50] <b>30</b>

**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**

Asterisks \*\*\* mean intervening code language remaining unchanged

CAPITALS mean language added to the law

[Brackets] mean language deleted from the law

1 LINES, NOR ARE THEY RESTRICTED BY §297-26 C(1)(A) WHICH LIMITS  
2 PROJECTIONS OF CANOPIES INTO YARDS TO A MAXIMUM OF THREE FEET. BY  
3 WAY OF EXAMPLE SEE TABLE BELOW:  
4

5 FUEL CANOPY MINIMUM SETBACK TABLE: BP ZONE  
6

7

Road Classification	Principal Arterial Bufferyard D	Parkway Bufferyard C	Other Arterial Bufferyard C	Collector Bufferyard B
Buffer yard Type				
Buffer yard Variable Depth Options §297-385:				
10				
15				25
20		30	30	30
25	35	35	35	30
30	40	40	40	30
40	50			

10  
11  
12  
13  
14  
15  
16

17 \*\*\*\*\*

18 Chapter 297 –Zoning Ordinance

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

20 \*\*\*\*\*

21 § 297-212 Uses corresponding with Table of Permissible Uses. The following uses are listed  
22 according to the numbering system on the **Table of Permissible Uses** and establish the specific  
23 minimum requirements for uses permitted with conditions or special exception uses.

24 \*\*\*\*\*

25 **3.04.220 Day-care center, day nursery, between [seven] NINE and 30 care recipients.** A day-  
26 care center for nine to 30 individuals is permitted by special exception in the AC, RC, RR, RV,  
27 RL, RM, RH, IG, PMH and CMR Zones subject to the following:

28 [Amended 7-25-2005 by Bill No. 2005-01;8-29-2005 by Bill No. 2005-13; 6-6-2017 by Bill No.  
29 2017-03; 11-28-2017 by Bill No. 2017-07]

30  
31 A. The facility will be in accordance with all applicable county, state and federal rules and  
32 regulations.



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

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

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

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

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

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

13  
14 **A DAY-CARE CENTER FOR NINE TO 30 INDIVIDUALS IS PERMITTED WITH**  
15 **CONDITIONS IN THE BP ZONE, SUBJECT TO THE FOLLOWING:**  
16

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

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

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

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

27 \*\*\*\*\*  
28 **4.01.130 Private colleges, universities and community colleges, including associated facilities**  
29 **such as dormitories, office buildings, athletic fields, etc.** This use is permitted by special  
30 exception in the AC, RC, RR, RV, RL, RM, RH, RO, CN, CV, **BP**, and PRD Zones, based on the  
31 requirements contained in 4.01.110 above. **WITHIN THE BP ZONE, DORMITORIES AND**

1     **ATHLETIC FIELDS SHALL NOT BE ALLOWED AS PART OF THIS USE.** [Amended 6-  
2     6-2017 by Bill No. 2017-03]

3     \*\*\*\*\*

4     **4.01.400 Social, fraternal clubs and lodges, union halls, meeting halls and similar uses.** Such  
5     uses are permitted by special exception in the AC, BP, RC, RV and CN Zones provided that:  
6     [Amended 6-6-2017 by Bill No. 2017-03]

- 7
- 8           A.     Any structure shall be located at a distance of not less than 100 feet from any lot  
9                 line, except that not less than 50 feet at commercial or industrial zone lot lines shall  
10                be allowed. The front setback shall be at least 100 feet, except when bordering  
11                highways of eighty-foot rights-of- way or more, where the setback shall be 50 feet.
- 12          B.     The provision of food, refreshments and entertainment for club or organization  
13                 members and their guests may be allowed in connection with such use.
- 14          C.     All outdoor lighting shall be located, shielded, landscaped or otherwise buffered so  
15                 that no direct light shall intrude into any adjacent residential area.

16

17     **4.02.110 Indoor recreation activities conducted entirely within a building or substantial**  
18     **structure.**

- 19
- 20           A.     This use is permitted with conditions in the IG Zone if the structure or building is not  
21                 less than 20,000 square feet in size.
- 22           B.     This use is permitted by special exception in the CN Zone if the structure or building  
23                 is not greater than 15,000 square feet in size.
- 24           C.     This use is permitted with conditions in the CRR Zone if the structure or building is  
25                 not greater than 15,000 square feet in size. [Added 7-25-2005 by Ord. No. 05-01]
- 26           D.     This use is permitted by special exception in the HVC and HVG Subzones, provided  
27                 that the use is located entirely within a building and occupies no more than 10,000  
28                 square feet of floor area. [Added 11-28-2017 by Bill No. 2017-07]
- 29           **E. THIS USE IS PERMITTED WITH CONDITIONS IN THE BP ZONE IF IT IS**  
30           **FOCUSED FOR PRIMARY USE BY THE USERS OF THE BUSINESS PARK AND**  
31           **IS IN COMPLIANCE WITH THE 15% AREA LIMITATIONS SET FORTH IN**  
32           **§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.



1 H. Adequate areas shall be provided for classrooms and play areas.

2  
3 **NURSERY SCHOOLS AND DAY-CARE CENTERS WITH MORE THAN 30 CHILDREN**  
4 **ARE PERMITTED WITH CONDITIONS IN THE BP ZONE, SUBJECT TO THE**  
5 **FOLLOWING:**

6  
7 **A. THE FACILITY SHALL BE IN ACCORDANCE WITH ALL APPLICABLE**  
8 **COUNTY, STATE AND FEDERAL RULES AND REGULATIONS.**

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

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

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

18  
19 **6.01.111 SHOPPERS MERCHANDISE STORES WITH BUILDING FLOOR SPACE**  
20 **LESS THAN 15,000 SQUARE FEET PER PARCEL. THIS USE IS PERMITTED WITH**  
21 **CONDITIONS IN THE BP ZONE SUBJECT TO THE 15% AREA LIMITATIONS SET**  
22 **FORTH IN §297-91(D)(2).**

23  
24 **6.01.112 SPECIALTY SHOPS WITH BUILDING FLOOR SPACE LESS THAN 15,000**  
25 **SQUARE FEET PER PARCEL. THIS USE IS PERMITTED WITH CONDITIONS IN**  
26 **THE BP ZONE SUBJECT TO THE 15% AREA LIMITATIONS SET FORTH IN §297-**  
27 **91(D)(2).**

28 \*\*\*\*\*  
29 **6.01.140 Convenience stores. [Amended 7-25-2005 by Ord. No. 05-01]**

30 This use is permitted by special exception in the CN, CV, CER, CMR and CRR Zones, subject  
31 to the following: [Amended 7-25-2005 by Bill No. 2005-01]  
32

1 A. Where a residence is located within 100 feet of the property and is not located  
2 across a public road right-of-way from the subject property, Bufferyard E is required.  
3 Road Buffer standards set forth in § 297-151 shall apply along public road rights-of-  
4 way.

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

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

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

12  
13 **THIS USE IS PERMITTED WITH CONDITIONS IN THE BP ZONE SUBJECT TO THE**  
14 **15% AREA LIMITATIONS SET FORTH IN §297-91(D)(2).**

15 \*\*\*\*\*

16 **6.02.200 Restaurant, fast food, carry-out and delivery.** This use is permitted with conditions in  
17 the HVC, HVG, and BP Zones and by special exception in the CN and CV Zones, subject to the  
18 following: [Amended 11-28-2017 by Bill No. 2017-07]

19  
20 A. In the BP Zone, the use must be oriented and have access internally so that it is  
21 incorporated as part of the business park, **AND THE USE IS SUBJECT TO THE**  
22 **15% AREA LIMITATIONS SET FORTH IN §297-91(D)(2).**

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

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

28 (2) Materials, textures, colors and design of fences, walls and screening shall be  
29 compatible with on-site development, the adjacent property and the  
30 neighborhood. When solid walls are required, a planting strip five feet wide  
31 shall also be provided. Such planting shall include trees or shrubs at least two

1 feet tall at time of planting, which may be expected to form a year-round dense  
2 screen within three years.

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

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

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

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

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

15 \*\*\*\*\*

16 **6.02.320 RESTAURANT, FAST-FOOD DRIVE-IN, AND DRIVE-THROUGH AND**  
17 **MOBILE FOOD SERVICE FACILITIES, PART OF A BUSINESS PARK OR**  
18 **SHOPPING CENTER WITH NO DIRECT HIGHWAY ACCESS TO A PUBLIC**  
19 **ROAD. THIS USE IS PERMITTED IN THE BP ZONE SUBJECT TO THE**  
20 **FOLLOWING CONDITIONS:**

21  
22 **i. THE USE MUST HAVE ACCESS INTERNALLY SO THAT IT**  
23 **IS INCORPORATED AS PART OF THE BUSINESS PARK;**

24  
25 **ii. MENU AND ORDERING BOARDS ARE NOT PERMITTED**  
26 **ON A SIDE OF A BUILDING THAT FACES AN ARTERIAL OF**  
27 **ANY CLASSIFICATION OR A MAJOR COLLECTOR.**  
28 **INCIDENTAL VISIBILITY OF A MENU OR ORDERING**  
29 **BOARD FROM AN ARTERIAL OF ANY CLASSIFICATION**  
30 **OR A MAJOR COLLECTOR SHALL BE SCREENED.**  
31 **ORDERING WINDOWS AND PICK-UP WINDOWS ARE**  
32 **PERMITTED TO FACE ROADS OF ANY CLASSIFICATION,**



1                   AND ARE REQUIRED TO BE ARCHITECTURALLY  
2                   INTEGRATED INTO A BUILDING'S FAÇADE; AND  
3

4                   iii. THE USE IS SUBJECT TO THE 15% AREA LIMITATIONS  
5                   SET FORTH IN §297-91(D)(2).  
6

\*\*\*\*\*

7     **6.03.321 Motor vehicle fuel sales associated with commercial uses greater than 3,500**  
8     **square feet or which provide more than 12 fueling positions. [Added 10-23-2000 by Ord.**  
9     **No. 00-84; amended 12-11-2001 by Ord. No. 01-90]** This use is further described as motor  
10    vehicle fuel sales associated with or on the same lot as retail, restaurant, or service-oriented  
11    commercial uses greater than 3,500 square feet or where facilities have more than six multi-  
12    product dispenser (pumps) or 12 fueling positions to accommodate up to 12 vehicles. This use  
13    is permitted with conditions in the CV, subject to Subsections A through I. This use is permitted  
14    by right in any zone, where permitted with conditions or by special exception, if it is replacing  
15    an existing conforming or legally nonconforming motor vehicle fuel sales use which existed as  
16    of October 23, 2000. **THIS USE IS PERMITTED WITH CONDITIONS IN THE BP**  
17    **ZONE, SUBJECT TO SUBSECTIONS A THROUGH I AND SUBJECT TO THE 15%**  
18    **AREA LIMITATIONS SET FORTH IN §297-91(D)(2).** This use is permitted by special  
19    exception in the CN, CC, CB, IG, PEP, and MX Zones, subject to all of the following: [Added  
20    10-23-2000 by Ord. No. 00-84; amended 12-11-2001 by Ord. No. 01-90]

- 21           A. Minimum lot size. A minimum lot area of 20,000 square feet and a minimum lot  
22           frontage of 120 feet on a public road shall be required for each gasoline service station  
23           site. In non-sewered areas, the lot area must be increased sufficiently to accommodate  
24           an individual sewage disposal system approved by the County Health Officer.
- 25           B. Landscaping. Landscaping shall be established on all gasoline service station sites on  
26           a minimum of 20% of the site area.
- 27           C. Fences, walls and decorative screening. Materials, textures, colors and design of  
28           fences, walls and screening shall be compatible with the on-site development, the  
29           adjacent properties and the neighborhood. Solid walls such as masonry or wood and  
30           masonry may be required when the gasoline station borders a residential zone. When  
31           solid walls are required, a planting strip is required on the outside of the wall.

- 1 D. Off-street parking. All gasoline service station development shall meet county off-  
2 street parking standards to ensure the safe movement of vehicles and pedestrians. The  
3 arrangement of structures, islands, driveways, parking and landscaping shall be  
4 designed so as to ensure maneuvering ease, to serve the community and to not  
5 adversely affect adjacent properties. The development shall provide three spaces for  
6 each grease rack or working bay plus one space for each employee on duty, plus a  
7 separate space for each accessory vehicle, such as tow trucks, etc. Where a car wash  
8 service is being proposed as part of the normal service station operation, sufficient  
9 parking and holding lane capacity shall be provided, and public streets shall not be  
10 used for storage.
- 11 E. Access driveways. Access driveways shall be designed and located to ensure a safe  
12 and efficient movement of traffic on and off the site from the lane of traffic nearest  
13 the curb. The design, location and construction of all vehicular access driveways shall  
14 be in accordance with the applicable specifications and standards of the appropriate  
15 county and/or state agency with approval jurisdiction. At a minimum, the applicant  
16 shall demonstrate that the receiving road network will operate safely taking into  
17 consideration all potentially conflicting traffic movements, access management  
18 guidelines in § 297- 302, and the cumulative impact of other high traffic-generating  
19 uses in the vicinity.
- 20 F. On-site lighting. Lighting shall be designed and controlled so that any light source,  
21 including interior of a structure, shall be so shaded, shielded or directed that the light  
22 intensity or brightness shall not adversely affect safe vision of operators of vehicles  
23 moving on public or private roads, highways or parking areas. Such lighting shall not  
24 shine on or reflect on or into residential structures.
- 25 G. Lubrication equipment and outdoor storage and refuse areas. Hydraulic racks and  
26 service pits shall be located within the main structure. Any outdoor storage or refuse  
27 area shall be fenced or screened from view and must be approved as to location and  
28 design. The petitioner's plan shall indicate the disposal methods to be used for all  
29 waste material, including recycling of waste oil generated by the service station  
30 operation.
- 31 H. Structures. Convenient retail cigarette and snack dispensing areas are allowed but  
32 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.



1 **6.03.322 Motor vehicle fuel sales not associated with commercial uses greater than 3500**  
2 **square feet or providing more than 12 fueling positions. [Added 10-23-2000 by Ord. No.**  
3 **00- 84] This use is permitted with conditions in the CV, CC, CB, IG, PEP and MX Zones,**  
4 **subject to Subsections A through I for Use 6.03.321 above. This use is permitted by special**  
5 **exception in the CN Zone, subject to Subsections A through I, for Use 6.03.321 above. THIS**  
6 **USE IS PERMITTED WITH CONDITIONS IN THE BP ZONE SUBJECT TO**  
7 **SUBSECTIONS A THROUGH I FOR USE 6.03.321 ABOVE AND SUBJECT TO THE**  
8 **15% AREA LIMITATIONS SET FORTH IN §297-91(D)(2).**

9 [Added 10-23-2000 by Ord. No. 00-84]

10  
11 **6.03.330 Car wash. [Added 10-23-2000 by Ord. No. 00-84]**

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

14  
15 A. Principal vehicular access for such use shall be located on an arterial or  
16 collector road. **WITHIN THE BP ZONE, ACCESS WILL BE THROUGH**  
17 **AN INTERIOR ROAD NETWORK.**

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

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

22  
23 i. **ACCESS WILL BE THROUGH AN INTERIOR ROAD**  
24 **NETWORK;**

25  
26 ii. **THIS USE IS SUBJECT TO THE 15% AREA**  
27 **LIMITATIONS SET FORTH IN §297-91(D)(2); AND**

28  
29 iii. **VEHICULAR ACCESS FOR INGRESS AND EGRESS TO**  
30 **CAR WASH BAYS ARE NOT PERMITTED ON A SIDE OF**  
31 **A BUILDING THAT FACES AN ARTERIAL OF ANY**  
32 **CLASSIFICATION OR A MAJOR COLLECTOR.**

1                               **INCIDENTAL VISIBILITY OF THE VEHICULAR ACCESS**  
2                               **FOR INGRESS AND EGRESS TO A CARWASH BAY FROM**  
3                               **AN ARTERIAL OF ANY CLASSIFICATION OR A MAJOR**  
4                               **COLLECTOR SHALL BE SCREENED.**

5 \*\*\*\*\*  
6

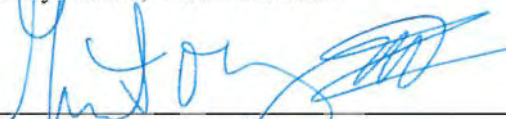
7               **SECTION 2.** BE IT FURTHER ENACTED that this act shall take effect forty-five (45)  
8 calendar days after it becomes law.

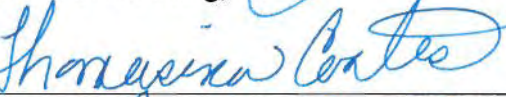
9                       ADOPTED this 16<sup>th</sup> day of June 2020.

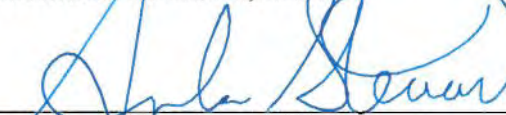
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11   COUNTY COMMISSIONERS  
12   CHARLES COUNTY, MARYLAND  
13  
14

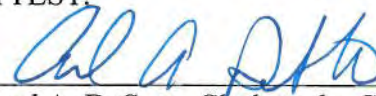
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16     
17   Reuben B. Collins, II, Esq., President

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19     
20   Bobby Rucci, Vice President

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22     
23   Gilbert O. Bowling, III

24  
25     
26   Thomasina O. Coates, M.S.

27  
28     
29   Amanda M. Stewart, M.Ed.

30  
31  
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33  
34       ATTEST:  
35         
36       Carol A. DeSoto, Clerk to the Commissioners  
37