

**COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

**2021 Legislative Session**

**Bill 2021-01**

**Zoning Text Amendment #20-156 Agricultural Related Uses**

**Introduced by Charles County Commissioners**

**REVISIONS TO THE ZONING ORDINANCE OF CHARLES COUNTY, MARYLAND THAT  
PRESERVE AND STRENGTHEN THE VIABILITY AND VITALITY OF THE RURAL AREAS  
WITHIN THE COUNTY**

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**Date introduced:** 01 / 12 / 2021

**Public Hearing:** 02 / 02 / 2021 @ 6:00 p.m. Virtually

**Commissioners Action:** 04 / 13 / 2021 \_\_\_\_\_

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

**Pass/Fail:** Pass

**Effective Date:** 05 / 27 / 2021

**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. 2020-01 (Zoning Text Amendment #20-156)

6 Chapter. No. 297

7 Introduced by Department of Planning & Growth Management

8 Date of Introduction January 12, 2021

9  
10   **BILL**

11 AN ACT concerning

12  
13                                   **REVISIONS TO THE ZONING ORDINANCE OF CHARLES COUNTY, MARYLAND**  
14                                   **THAT PRESERVE AND STRENGTHEN THE VIABILITY AND VITALITY OF THE**  
15   **RURAL AREAS WITHIN THE COUNTY**

16  
17 FOR the purpose of

18                   *Amending certain provisions of the Zoning Ordinance of Charles County, Maryland to*  
19 *preserve and strengthen the rural heritage and rural economy by modifying various restrictions*  
20 *and broadening the scope of permissible agricultural-related uses within the County.*  
21

22 BY Amending:

23                   CHAPTER 297 –ZONING ORDINANCE

24                   ARTICLE II, General Provisions

25                   § 297-26.A.(2) and § 297-26.B., General Yard Requirements

26                   *Code of Charles County, Maryland*  
27

28 BY Amending:

29                   CHAPTER 297 – ZONING ORDINANCE

30                   ARTICLE II, General Provisions

31                   § 297-29.B.(1)-(5) and (9) and § 297-29.C., Accessory uses and structures.

32                   *Code of Charles County, Maryland*  
33  
34

1 BY Repealing and Re-enacting with amendments:

2 CHAPTER 297 –ZONING ORDINANCE

3 ARTICLE II, General Provisions

4 § 297-29.B.(18), Accessory uses and structures.

5 *Code of Charles County, Maryland*

6  
7 BY Amending:

8 CHAPTER 297 –ZONING ORDINANCE

9 ARTICLE II, General Provisions

10 § 297-30, Temporary uses.

11 *Code of Charles County, Maryland*

12  
13 BY Amending:

14 Chapter 297 – ZONING ORDINANCE

15 Article III, Definitions and Interpretations

16 § 297-49, Word usage; definitions.

17 *Code of Charles County, Maryland*

18  
19 By Amending:

20 Chapter 297 – ZONING ORDINANCE

21 Article IV, Permissible Uses

22 § 297-63, Table of Permissible Uses

23 Figure IV-1

24 *Code of Charles County, Maryland*

25  
26 By Amending:

27 Chapter 297- ZONING ORDINANCE

28 Article VI, Base Zones

29 § 297-99, Hughesville Village Zone (HV)

30 Figure VI, Table of Permitted Uses

31 *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 XIII, Minimum Standards for Special Exception and Uses Permitted with  
Conditions

§ 297-212. USES CORRESPONDING WITH TABLE OF PERMISSIBLE USES

*Code of Charles County, Maryland*

By Amending:

CHAPTER 297 – ZONING ORDINANCE

ARTICLE XX, Parking Facilities

§ 297-335. Number of Parking Spaces Required

Figure XX-1, Table of Off-Street Parking Spaces

*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 II. General Provisions

§ 297-26. General yard requirements.

A. Front yard depth. The minimum front yard depth, as specified in this chapter, shall be  
measured in the following manner: [Amended 12-7-1993 by Ord. No. 93-100; 11-21-  
1994 by Ord. No. 94-100]

(1) From the proposed or established public road right-of-way line.

[(2) From any private road or access driveway on a line 10 feet from and parallel to the  
edge of the traveled roadway or 10 feet from and parallel to a line established as a  
private road right-of-way, whichever is greater.]



\* \* \* \* \*

B. Side and rear yard depth. The minimum side and rear yard depths, as specified in this chapter, shall be measured in the following manner:

- (1) Perpendicularly from rear or side lot lines at the closest points to the proposed or existing structure.
- (2) When measured from an alley, 1/2 of the alley width may be included as a portion of the rear or side yard.
- (3) For any project without individual lots, the side and rear yards shall be measured along the boundaries of the parcel.
- (4) Average side yard. The side yard width may be varied where the side wall of a structure is not parallel with the side lot line. In such case, the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such side yard shall not be narrower at any point than 1/2 the otherwise required minimum width or narrower than three feet in all cases, except lot line dwellings. Any minor offset, broken or irregular part of a structure which is not the same vertical plane as the portion of the side wall of the structure nearest to the side lot line shall not be included in the computation of the average side yard width.
- (5) AVERAGE REAR YARD. WHERE A STRUCTURE IS NOT PARALLEL TO THE REAR PROPERTY LINE, THE MINIMUM YARD REQUIREMENT MAY BE MET BY AVERAGING THE YARD WIDTH FROM ONE END OF THE STRUCTURE TO THE OTHER END, PROVIDED THAT THE YARD AT THE NARROWEST POINT IS NOT LESS THAN 80% OF THE MINIMUM YARD REQUIRED BY THE CHAPTER, NOT INCLUDING THE REDUCTIONS PERMITTED BY THIS SECTION.

§ 297-29. Accessory uses and structures.

A. Except as otherwise restricted by this chapter, customary accessory structures and uses shall be permitted in any zone in connection with the principal permitted use within such zone.

B. PRIOR TO THE COMMENCEMENT OF ANY ACCESSORY USE OR THE CONSTRUCTION OF ANY ACCESSORY STRUCTURE WITH AN AGRICULTURAL, RURAL, OR RESIDENTIAL ZONE, A ZONING PERMIT MUST BE OBTAINED. The STANDARDS BELOW SHALL APPLY TO accessory uses AND STRUCTURES [shall be permitted and the following restrictions shall apply] in agricultural, RURAL, and residential zones. [upon issuance of a zoning permit in accordance with the following:]

(1) In the residential zones and on lots less than three acres in agricultural and rural zones, the area of a single accessory use or structure shall not exceed 50% of the gross floor area of the principal use or structure or 1,000 square feet, whichever is greater. [Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]

(2) No accessory use or structure shall be established on any lot prior to substantial completion of the construction of the principal structures. HOWEVER, ANY PRE-EXISTING ACCESSORY STRUCTURE (E.G. SHED, GARAGE, ETC.) MAY BE PERMITTED TO REMAIN ON A PARCEL OF LAND THAT IS SUBSEQUENTLY SUBDIVIDED.

(3) No accessory use or structure on any lot shall increase any impervious surface area beyond the maximum permitted.

(4) No NEW accessory use or structure shall be established within the required front yard, WITH THE EXCEPTION OF [except agriculture, not including structures,] signs, fences, walls, [or] parking areas, OR AGRICULTURAL USES PROVIDED THAT SUCH STRUCTURES AND USES COMPLY WITH THE OTHER PROVISIONS IN THIS CHAPTER.

(5) No agricultural or residential accessory use or structure shall be established within six feet of any side or rear lot line. [Business, industrial and institutional accessory structures shall be subject to the same front, side and rear yards as required for the principal structure.]

\* \* \* \* \*



- (9) Wayside stands for the YEAR-ROUND sale of farm AND OTHER agricultural products, which are grown or produced on-site[,] ARE PERMITTED provided that:
- (a)[such uses] THE WAYSIDE STANDS are set back a minimum of 30 feet from the nearest pavement on a public right-of-way[.]; [and]
  - (b) [provide] A PARKING AREA THAT IS LARGE ENOUGH TO ACCOMMODATE THREE VEHICLES IS PROVIDED [at least three off-street parking spaces]; AND
  - (c) Entrances and exits to the required parking area shall be at least 50 feet from any intersection on a local road and 100 feet from all other road intersections.

\* \* \* \* \*

[(18) Home occupations may be permitted in accordance with the following criteria:

- (a) Delivery of inventory or materials is permitted only by the postal service, a private delivery service such as UPS or by the occupant.
- (b) Traffic shall not exceed three customers or deliveries per day and will not create an increase in traffic patterns normally associated with a residential community. Any parking required is to be limited to off-street gravel or paved parking, on the permit holder's property.
- (c) Employees are limited to members of the immediate family who reside in the dwelling.
- (d) Applications for home occupation permits will be approved or disapproved by the Zoning Officer based on the criteria of this subsection.
- (e) All business activities associated with the conduct of a home occupation shall be conducted entirely within those portions of the principal dwelling that are approved for the home occupation use. All materials, equipment, supplies, and inventory associated with the home occupation shall be stored within the principal dwelling. A home occupation shall not involve the production or improper disposal of any hazardous, toxic, or carcinogenic materials or waste. [Added 12-4-2006 by Bill No. 2006-13<sup>III</sup>]

[1] Editor's Note: This bill also redesignated former Subsection B(18)(e) and (f) as

Subsection B(18)(g) and (h).

(f) The home occupation shall not operate between the hours of 8:00 p.m. and 7:00 a.m. Business activities associated with a home occupation shall not be conducted on Sundays or federal holidays. [Added 12-4-2006 by Bill No. 2006-13]

(g) The types of businesses considered suitable as home occupations include but are not limited to:

- (1) Tailoring or dressmaking.
- (2) Catalog or mail-order sales.
- (3) Typing or word processing services.
- (4) Answering services.
- (5) Bookkeeping or accounting services.
- (6) Office space for off-site service businesses.
- (7) Woodcrafting or other home crafts.

(h) The types of businesses considered unsuitable as home occupations include but are not limited to:

- (1) Automobile sales, repair, dismantling, storage or body shops.
- (2) Engine or machine repair.
- (3) Lawn equipment repair.
- (4) Retail sales.
- (5) Barber- or beauty shops.
- (6) Medical or dental offices.
- (7) Dance studios.
- (8) Restaurants.]



(18) HOME OCCUPATIONS MAY BE [PERMITTED] CONDUCTED UPON THE  
ISSUANCE OF A HOME OCCUPATION (HO) PERMIT IN ACCORDANCE  
WITH THE FOLLOWING CRITERIA:

(A) ALL BUSINESS ACTIVITIES ASSOCIATED WITH THE CONDUCT OF A  
HOME OCCUPATION SHALL BE CONDUCTED ENTIRELY WITHIN  
THOSE PORTIONS OF THE PRINCIPAL DWELLING THAT ARE  
APPROVED FOR THE HOME OCCUPATION USE.

(B) THE BUSINESS ACTIVITIES, INCLUDING BUT NOT LIMITED TO THE  
VEHICULAR TRAFFIC GENERATED BY CUSTOMERS OR THIRD-PARTY  
DELIVERY SERVICES SHALL NEITHER CHANGE THE RESIDENTIAL  
CHARACTER OF THE DWELLING NOR THE CHARACTER OF THE  
RESIDENTIAL SUBDIVISION.

(C) A HOME OCCUPATION SHALL NOT EXCEED 200 SQUARE FEET WITHIN  
A PRINCIPAL DWELLING IN ALL ZONES EXCEPT THAT IN THE AC, RC,  
AND WCD ZONES, A HOME OCCUPATION SHALL NOT EXCEED 500  
SQUARE FEET WITHIN A PRINCIPAL DWELLING.

(D) ALL MATERIALS, EQUIPMENT, SUPPLIES, AND INVENTORY  
ASSOCIATED WITH THE HOME OCCUPATION SHALL BE STORED  
WITHIN THE PRINCIPAL DWELLING.

(E) A HOME OCCUPATION SHALL NOT INVOLVE THE PRODUCTION OR  
IMPROPER DISPOSAL OF ANY HAZARDOUS, TOXIC, OR  
CARCINOGENIC MATERIALS OR WASTE.

(F) ANY PARKING REQUIRED IS TO BE LIMITED TO OFF-STREET GRAVEL  
OR PAVED PARKING, ON THE PERMIT HOLDER'S PROPERTY.

(G) EMPLOYEES ARE LIMITED TO MEMBERS OF THE IMMEDIATE FAMILY  
WHO RESIDE IN THE DWELLING.

(H) DELIVERY OF INVENTORY OR MATERIALS IS PERMITTED ONLY BY  
THE POSTAL SERVICE, A PRIVATE DELIVERY SERVICE SUCH AS UPS OR  
BY THE OCCUPANT.

(I) THE HOME OCCUPATION SHALL NOT OPERATE BETWEEN THE HOURS OF 8:00 P.M. AND 7:00 A.M. BUSINESS ACTIVITIES ASSOCIATED WITH A HOME OCCUPATION SHALL NOT BE CONDUCTED ON SUNDAYS OR FEDERAL HOLIDAYS.

(J) THE TYPES OF BUSINESSES CONSIDERED SUITABLE AS HOME OCCUPATIONS INCLUDE, BUT ARE NOT LIMITED TO: TAILORING OR DRESSMAKING, CATALOG OR MAIL-ORDER SALES, TYPING OR WORD PROCESSING SERVICES, ANSWERING SERVICES, BOOKKEEPING OR ACCOUNTING SERVICES, OFFICE SPACE FOR OFF-SITE SERVICE BUSINESSES, WOODCRAFTING OR OTHER HOME CRAFTS, AND PERSONAL SERVICES PROVIDED THAT IF STATE LICENSURE IS REQUIRED TO PROVIDE SUCH SERVICES, SAID LICENSURE SHALL BE MAINTAINED.

(K) THE TYPES OF BUSINESSES CONSIDERED UNSUITABLE AS HOME OCCUPATIONS INCLUDE, BUT ARE NOT LIMITED TO: AUTOMOBILE SALES, REPAIR, DISMANTLING, STORAGE OR BODY SHOPS; ENGINE OR MACHINE REPAIR, LAWN EQUIPMENT REPAIR, FUNERAL HOMES, MEDICAL OR DENTAL OFFICES, DANCE STUDIOS, AND RESTAURANTS.

\* \* \* \* \*

C. PRIOR TO THE COMMENCEMENT OF ANY ACCESSORY USE OR THE CONSTRUCTION OF ANY ACCESSORY STRUCTURE IN A COMMERCIAL OR INDUSTRIAL ZONE, A ZONING PERMIT MUST BE OBTAINED. The STANDARDS INCLUDED BELOW SHALL APPLY TO [The following] accessory uses AND STRUCTURES [shall be permitted upon issuance of a zoning permit] in commercial and industrial zones:

(1) [Business] COMMERCIAL, industrial and institutional accessory USES AND structures shall be subject to the same front, side and rear yards as required for the principal USE AND/OR structure.



[1] (2) Incidental repair facilities and outside storage of goods normally carried in stock, used in or produced by the [business] COMMERCIAL, [or] industrial OR INDUSTRIAL use[,] SHALL BE PERMITTED provided that no storage is within 10 feet of any side or rear lot line[;], all storage is effectively screened from any adjacent residential use or zone[;], and[;] such use is not prohibited under the applicable zone regulations of this chapter.

[2] (3) Retail sales in industrial zones shall be permitted, provided that the goods sold are manufactured or produced on the site.

[3] (4) The use of any tractor-trailer or portion of any tractor-trailer, tagged or untagged, as a storage facility for whatever purpose is permitted, provided that such storage shall not interfere with parking or rear delivery areas or impede the flow of traffic or emergency vehicles in any way. Such storage shall be adequately screened from all rights-of-way and residential properties by fencing or landscaping and shall meet the minimum setback requirements of the zone and any applicable provisions of the Charles County BOCA Code. Nothing in this section shall prohibit the use of temporary construction trailers as storage.

[4] (5) Storage of petroleum products for on-site consumption IS PERMITTED, provided that the storage vessel is not more than 20,000 gallons for commercial zones. There is no limit for accessory storage of petroleum in the industrial zones.

\* \* \* \* \*

## Chapter 297. ZONING ORDINANCE

### ARTICLE III. General Provisions

#### § 297-30. TEMPORARY USES.

Temporary uses shall be permitted upon issuance of a [temporary use] ZONING permit, subject to the [following. The specific temporary uses described below shall be subject to the following] PROVISIONS BELOW.



\* \* \* \* \*

A. Public events, such as carnivals, circuses, decorator's showcases or theme festivals, shall be allowed for a maximum period of 30 days, provided that no structure or equipment shall be located within 200 feet of any residential lot less than five acres. When a public event accommodates more than 300 people, it shall be subject to the following additional requirements: [Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]

- (1) The temporary use permit shall specify the use, dates and hours of operation of the event.
- (2) Adequate arrangements for temporary sanitary facilities must be approved by the County Department of Health.
- (3) No permanent or temporary electrical power for lighting or other uses shall be installed without an electrical permit demonstrating compliance with the County's electrical code. [Amended 1-28-2002 by Ord. No. 02-06]
- (4) The site shall be cleared of all debris at the end of the event and cleared of all temporary structures within three days thereafter. A bond or guarantee in a sufficient amount as determined by the Zoning Officer shall be provided to [i]Ensure that the premises shall be cleared of all debris. For an event of 1,000 or more attendees per day, the bond or guarantee in a sufficient amount as determined by the Zoning Officer shall be provided to [i]Ensure that all public emergency service agencies will be paid for the provision of agreed upon services. [Amended 1-28-2002 by Ord. No. 02-06]
- (5) Adequate off-street parking shall be provided and a stabilized drive to the parking area shall be maintained.
- (6) It shall be the responsibility of the applicant to guide traffic to parking areas. The applicant shall notify the local enforcement authority and shall provide adequate traffic control.

B. Christmas tree displays and sales shall be permitted in any zone for a maximum period of 45 days. [Amended 12-7-1993 by Ord. No. 93-100; 11-21-1994 by Ord. No. 94-100]

C. Contractor's offices and construction equipment sheds or accommodations for security shall be permitted in any zone if the use is incidental to a construction project. The office or shed shall be removed upon completion of the project.

- 1 D. A real estate sales office shall be permitted in any zone for rental or sale of dwellings in the project.  
2 The office shall be removed upon initial sales of all units. A rental office may be permanently  
3 maintained in a rental project.
- 4 E. Wayside stands for the sale of agricultural products, Christmas trees, shellfish, and fish in their  
5 unpreserved and natural condition shall be permitted on a seasonal basis, provided that the parcel  
6 used has sufficient road frontage to ensure safe ingress and egress. The sales area, including produce  
7 stands, shall be set back a minimum of [20] 30 feet from the nearest PAVEMENT ON A public  
8 [road] right-of-way and [in no case shall be less than 30 feet from the edge of pavement] SHALL  
9 INCLUDE A PARKING AREA THAT IS LARGE ENOUGH TO ACCOMMODATE THREE  
10 VEHICLES. Entrances and exits to the required parking area shall be at least 50 feet from any  
11 intersection on a local road and 100 feet from all other road intersections.
- 12 F. Temporary manufactured homes.
- 13 (1) When a fire or natural disaster has rendered a single-family detached unit unfit for  
14 human habitation, the temporary use of a manufactured home located on the lot  
15 during rehabilitation of the original residence or construction of a new residence is  
16 permitted. Any temporary manufactured home located during the rehabilitation or  
17 construction period must meet the following conditions. The temporary  
18 manufactured home shall:
- 19 (a) Be removed within 12 months of the date of the fire or natural disaster unless  
20 an extension is granted as specified below;
- 21 (b) Be served by water and sanitary facilities approved by the Charles County  
22 Health Department;
- 23 (c) Meet all yard and setback requirements for a single-family detached dwelling;  
24 and,
- 25 (d) Be subject to a building permit approved by the Zoning Officer for the  
26 temporary location of a manufactured home.
- 27 (2) The Zoning Officer may approve the location of the temporary manufactured home  
28 for a period not to exceed 60 days beyond the time specified in  
29 Subsection F(1)(a) above if a building permit for the new or renovated residence  
30 has been issued and construction has commenced. Any extension beyond 60 days  
31 shall require approval by the [Planning Commission] ZONING OFFICER. The  
32 temporary manufactured home shall be removed from the property upon



completion of the new or rehabilitated residence and issuance of a use and occupancy permit or upon the expiration of the temporary building permit, with extensions, if any, whichever shall first occur. The property owner shall agree, in writing, to remove the temporary manufactured home, in accordance with the provisions of this subsection, prior to the issuance of any building permit authorizing the location of such a temporary manufactured home. Failure to remove a manufactured home in compliance with these provisions constitutes a violation of this chapter.

G. Any sales or trade of goods, wares or merchandise, including but not limited to furniture, clothing, tools, implements, works of art and any tangible personal property of whatever kind, from a motor vehicle or temporary stand, is prohibited, except as provided in this section, or sales in conjunction with a permanent business when such vehicles or stand is located on the premises or adjacent to the premises used by said permanent business, or as otherwise allowed by this chapter.

\* \* \* \* \*

## Chapter 297. ZONING ORDINANCE

### ARTICLE III. Definitions and Interpretations

Add definitions for new uses to § 297-49. Word usage; definitions.

§ 297-49. Word usage; definitions.

E. Definitions.

\* \* \* \* \*

[AGRICULTURE: The use of land for agricultural purposes, including dairying, pasturage, agriculture, apiaries, horticulture, floriculture, orchards, agricultural nurseries, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, processing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities; and provided further, that the above uses shall not include the acceptance or disposal of land clearing debris or rubble which originates off-site



1 or the commercial feeding of garbage or offal to swine or other animals. The breeding, raising,  
2 training and general care of livestock for uses other than food, such as sport or show purposes, as  
3 pets or for family recreations, shall be considered a normal farming function, but kennels are  
4 excluded from this definition.]

5  
6 AGRICULTURAL OPERATIONS SHALL MEAN AND INCLUDE BUT IS NOT LIMITED TO,  
7 THE CULTIVATION, MANAGEMENT AND TILLAGE OF SOIL FOR COMPOSTING,  
8 PRODUCTION, HARVESTING AND PROCESSING OF AGRICULTURAL CROPS  
9 (INCLUDING PICK-YOUR-OWN); BREEDING AND CARING FOR LIVESTOCK AND  
10 POULTRY, PRODUCTION OF EGGS; DAIRYING, APICULTURE; AQUACULTURE,  
11 PRODUCTION OF FRUIT, VEGETABLES AND OTHER HORTICULTURAL CROPS,  
12 INCLUDING VITICULTURE, PRODUCTION OF AQUATIC PLANTS; AQUICULTURE;  
13 ACTIVITIES CONDUCTED WITHIN A FARM ALCOHOL PRODUCTION FACILITY AND  
14 ASSOCIATED LANDS; FORESTRY OPERATIONS; OTHER AGRICULTURAL PROCESSES  
15 PERFORMED INCIDENT TO OR IN CONJUNCTION WITH SUCH OPERATIONS  
16 INCLUDING PREPARATION FOR MARKET, DELIVERY TO STORAGE OR TO MARKET  
17 OR TO CARRIERS FOR TRANSPORTATION TO MARKET; AND USAGE OF  
18 AGRICULTURAL OR RURAL LAND IN FURTHERANCE OF EDUCATIONAL AND  
19 SOCIAL GOALS (SUCH AS BUT NOT LIMITED TO 4-H CLUBS AND FUTURE FARMERS  
20 OF AMERICA). AN AGRICULTURAL OPERATION MAY INCLUDE BUT IS NOT LIMITED  
21 TO VALUE-ADDED ON OR OFF-SITE PROCESSING OF AGRICULTURAL PRODUCTS IN  
22 ORDER TO INCREASE ITS MARKET VALUE, INCLUDING CANNING, MILLING,  
23 GRINDING, FREEZING, HEATING, FERMENTING AND DISTILLING AND THE SALE OF  
24 ORIGINAL OR VALUE-ADDED PRODUCTS.

25  
26 [AGRICULTURAL TOURISM (AG TOURISM) – An ag tourism facility is an agricultural-  
27 related business located on a farm that is open for customers and tourists for at least six months  
28 of the year, for at least four days a week, and which provides tours and on-site sales or samples  
29 of primarily Charles County agricultural products.]

AGRITOURISM SHALL MEAN ANY ACTIVITY CONDUCTED IN CONJUNCTION WITH  
 “AGRICULTURAL OPERATIONS” (LOCATED ON THE SAME PARCEL OR PARCEL THAT  
 IS CONTIGUOUS TO A PARCEL UPON WHICH AN AGRICULTURAL OPERATION IS  
 CONDUCTED) THAT IS INTENDED TO ATTRACT MEMBERS OF THE PUBLIC FOR  
 RECREATIONAL, ENTERTAINMENT, HISTORICAL, OR EDUCATIONAL PURPOSES TO  
 VIEW AND/OR PARTICIPATE IN ONE OR MORE FUNCTIONS OF THE AGRICULTURAL  
 OPERATION, INCLUDING BUT NOT LIMITED TO, HAY RIDES, PICNICS, LECTURES  
 AND PRESENTATIONS, CAMPING, FARM OR CABIN STAYS, OR OTHER ACTIVITIES  
 AND ATTRACTIONS. AN ECOTOURISM ACTIVITY MAY BE AGRITOURISM IF IT IS  
 CONDUCTED IN CONJUNCTION WITH AN AGRICULTURAL OPERATION. AN  
 ACTIVITY MAY BE CONSIDERED AGRITOURISM REGARDLESS OF WHETHER THE  
 PARTICIPANT PAID TO PARTICIPATE.

\* \* \* \* \*

AQUACULTURAL OPERATIONS SHALL MEAN ANY ACTIVITY CONDUCTED UPON  
 LAND OR IN/OVER THE WATER EITHER WITHIN OR OUTSIDE OF COMMERCIAL  
 WATER-DEPENDENT FACILITIES, INCLUDING BUT NOT LIMITED TO, PACKING,  
 PROCESSING, CANNING OR FREEZING OF FINFISH, SHELLFISH, AND AMPHIBIANS  
 AND REPTILES, WHOLESALE AND RETAIL SALES, SAMPLING AND TASTING,  
 TOURS, PRODUCT STORAGE, CRAB SHEDDING, DOCKS, AND SHELLFISH CULTURE  
 OPERATIONS.

\* \* \* \* \*

ECOTOURISM SHALL MEAN ANY RECREATIONAL, ENTERTAINMENT, HISTORICAL  
 OR EDUCATIONAL ACTIVITY FEATURING NATURAL RESOURCES THAT IS  
 CONDUCTED ON PUBLIC OR PRIVATE PROPERTY THAT IS HELD OPEN TO THE  
 MEMBERS OF THE PUBLIC. ECOTOURISM INCLUDES BUT IS NOT LIMITED TO NON-  
 MOTORIZED BOATING, BIRDWATCHING, CAMPING, HUNTING, FISHING, HIKING,  
 BICYCLING, STARGAZING, AND BEACHCOMBING.

\* \* \* \* \*

FORESTRY OPERATIONS SHALL MEAN ANY ACTIVITY RELATED TO THE CARE, USE, AND CONSERVATION OF FORESTS INCLUDING BUT NOT LIMITED TO, SUSTAINABLE HARVEST OF TIMBER, THE USE OF FOREST PRODUCTS SUCH AS FRUITS OR NUTS, MANAGEMENT OF FORESTS FOR RECREATION, WILDLIFE MANAGEMENT, STABILIZATION OF WATER, CLEAN AIR AND OTHER HUMAN USES.

SHELLFISH SHALL MEAN ANY SHELLED MOLLUSK OR CRUSTACEAN.

\* \* \* \* \*

## 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.

\* \* \* \* \*



**FIGURE IV-1: TABLE OF PERMISSIBLE USES**

P = Permitted; PC = Permitted with Conditions; SE = Special Exception; Blank = Not Permitted

Zones																										
AC	RC	WCD	RR	RV	RL	RM	RH	RO	CN	CC	CB	CV	BP	IG	IH	PRD	PEP	MX	PMH	TOD	CER	CRR	CMR	WC	AUC	
1.00.000 AGRICULTURE																										
1.01.000 Agricultural Operations; [farming]																										
1.01.100 AGRICULTURAL OPERATIONS AS DEFINED IN § 297-49, Excluding livestock, FARM ALCOHOL PRODUCTION, FORESTRY OPERATIONS, AQUACULTURE OPERATIONS, AGRITOURISM, AND ECOTOURISM [horticultural, hydroponic, chemical, or general farming, truck gardens, cultivation of field crops, orchards, groves, or nurseries for growing or propagation of plants, trees and shrubs]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P							
1.01.200 [Including] Livestock on a parcel greater than five acres [-dairy farming, keeping or raising for sale large or small animals, reptiles, fish, birds, poultry, or aquaculture]	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC							
1.01.300 Keeping of livestock on less than or equal to 5 acres																										
1.01.310 Horses, livestock maintained as pets, and 4-H or school projects	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC		PC						
1.01.320 Cattle, swine, goats and sheep, rabbits, poultry or fowl raised for sale	SE		SE	SE																						
1.01.400 Uses located greater than 200 feet from the nearest boundary line of the land on which located																										
1.01.410 Grain dryers and related structures	P									P		P		P	P											
1.01.420 Fertilizer storage in bags or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building	P									P		P		P	P											
1.01.430 Commercial assembly and repair of all equipment normally used in agriculture	P											P		P	P		P									

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

CAPITALS mean language added to the law

[Brackets] mean language deleted from the law

Uses Description	Zones																									
	AC	RC	WCD	RR	RV	RL	RM	RH	RO	CN	CC	CB	CV	BP	IG	IH	PRD	PEP	MX	PMH	TOD	CER	CRR	CMR	WC	AUC
1.01.440 Accessory petroleum storage, not to exceed 20,000 gallons and subject to applicable safety codes, ordinances, and statutes	P												P		P	P		P								
1.01.450 Poultry houses, hog operations with 6 or more hogs	PC																									
1.01.460 Slaughterhouses	SE															SE										
1.01.470 Processing and selling products raised on-site	P	P	P																							
1.01.500 Commercial Stables	P	P	P	SE		SE	SE			P	P		SE				SE		SE							
1.01.600 Farrier services	P	P	P							P	P	P	P													
1.01.700 Use of heavy cultivating machinery, spray planes, or irrigating machinery	P	P	P	P		PC	PC																			
1.02.000 Forestry OPERATIONS	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P		P						
1.03.000 Open-air markets and horticultural sales																										
1.03.100 Open-air markets																										
1.03.110 Farm and craft markets, flea markets			P							P	P	P	P						P		P		P		P	P
1.03.120 Open-air produce markets	PC	PC	PC	PC						P	P	P	P						P		P		P		P	P
1.03.200 Horticultural sales with outdoor display	SE	SE	SE								P	P	P						P		P					
1.03.300 Livestock markets	SE	SE														PC										
1.04.000 Hunting and fishing cabins	PC		PC																							
1.05.000 Commercial green house operation																										
1.05.100 No on-premise sale	P	P	P	P						P	P		P		P	P										
1.05.200 On-premise sales permitted	P	SE	SE	SE						P	P		P		P	P										
1.05.300 Medical Cannabis Dispensary											PC	PC		PC	PC	PC		PC								
1.06.000 Kennel, commercial	PC	SE	SE			SE				PC	PC		PC													
1.07.000 Cat boarding facility	PC	PC	PC	PC		PC																			P	P
1.08.000 AGRITOURISM/ ECOTOURISM	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC	PC	PC		PC					PC	PC

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

CAPITALS mean language added to the law

[Brackets] mean language deleted from the law

Uses Description	Zones																										
	AC	RC	WCD	RR	RV	RL	RM	RH	RO	CN	CC	CB	CV	BP	IG	IH	PRD	PEP	MX	PMH	TOD	CER	CRR	CMR	WC	AUC	
2.00.000 MARINE																											
2.01.000 Marina, including boat sales and repair and boat rental including sailboards and jet skis											PC		PC					PC	PC								
2.02.000 [Seafood processing] AQUACULTURAL OPERATIONS																											
2.02.100 Seafood processing and seafood operations with products raised or harvested off-site											PC		P		P			SE	PC								
2.02.200 Seafood processing and seafood operations with products raised on the premises	PC	PC	PC																								
2.02.300 SHELLFISH OPERATIONS	PC	PC	PC																								
2.03.000 Marine terminal													SE		P	P		P	SE								
2.04.000 Commercial fishing	P	P	P		P																						

\* \* \*

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

CAPITALS mean language added to the law

[Brackets] mean language deleted from the law



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**FIGURE IV-15: TABLE OF PERMISSIBLE USES**

P = Permitted; PC = Permitted with Conditions; SE = Special Exception; Blank = Not Permitted

(see pages that follow)

	HV ZONE			
	HVR Residential	HVC Core	HVG Gateway	HVE Employment
<b>1.00 [AGRICULTURAL] AGRICULTURE</b>				
<b>1.01.000 Agricultural Operations[: farming]</b>				
1.01.100 AGRICULTURAL OPERATIONS AS DEFINED IN § 297-49, Excluding livestock, FARM ALCOHOL PRODUCTION, FORESTRY OPERATIONS, AQUACULTURE OPERATIONS, AGRITOURISM, AND ECOTOURISM [horticultural, hydroponic, chemical, or general farming, truck gardens, cultivation of field crops, orchards, groves, or nurseries for growing or propagation of plants, trees and shrubs]	P	P	P	P
1.01.200 [Including]Livestock on a parcel greater than five acres [-dairy farming, keeping or raising for sale large or small animals, reptiles, fish, birds, poultry, or aquaculture]	PC	PC	PC	PC
<b>1.01.300 Keeping of livestock on less than or equal to 5 acres</b>				
1.01.310 Horses, livestock maintained as pets, and 4-h or school projects	PC	PC	PC	
1.01.320 Cattle, swine, goats and sheep, rabbits, poultry or fowl raised for sale				
<b>1.01.400 Uses located greater than 200 feet from the nearest boundary line of the land on which located</b>				
1.01.410 Grain dryers and related structures				
1.01.420 Fertilizer storage in bags or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building				
1.01.430 Commercial assembly and repair of all equipment normally used in agriculture		PC	PC	PC
1.01.440 Accessory petroleum storage, not to exceed 20,000 gallons and subject to applicable safety codes, ordinances, and statutes				
1.01.450 Poultry houses, hog operations with 6 or more hogs				
1.01.460 Slaughterhouses				
1.01.470 Processing and selling products raised on-site				

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

CAPITALS mean language added to the law

[Brackets] mean language deleted from the law

	HV ZONE			
	HVR Residential	HVC Core	HVG Gateway	HVE Employment
1.01.500 Commercial stables				
1.01.600 Farrier services				
1.01.700 Use of heavy cultivating machinery, spray planes, or irrigating machinery				
1.01.800 Farm incubator			PC	PC
<b>1.02.000 Forestry OPERATIONS</b>	P	P	P	P
<b>1.03.000 Open-air markets and horticultural sales</b>				
1.03.100 Open-air markets				
1.03.110 Farm and craft markets, flea markets		P	P	
1.03.120 Open-air produce markets		P	P	
1.03.200 Horticultural sales with outdoor display		P	P	
1.03.300 Livestock markets				
<b>1.04.000 Hunting and fishing cabins</b>				
<b>1.05.000 Commercial greenhouse operation</b>				
1.05.100 No on-premise sale				
1.05.200 On-premise sales permitted		P	P	
<b>1.06.000 Kennel, commercial</b>				
<b>1.07.000 Cat boarding facility</b>				
<b>1.08.000 AGRITOURISM/ECOTOURISM</b>	PC	PC	PC	PC

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

CAPITALS mean language added to the law

[Brackets] mean language deleted from the law



	HV ZONE			
	HVR Residential	HVC Core	HVG Gateway	HVE Employment
<b>2.01.000 Marina, including boat sales and repair and boat rental including sailboards and jet skis</b>		PC	PC	PC
<b>2.02.000 <del>[Seafood processing]</del> AQUACULTURAL OPERATIONS</b>				
2.02.100 Seafood processing and seafood operations with products raised or harvested off-site			PC	PC
2.02.200 Seafood processing and seafood operations with products raised on the premises			PC	PC
<b>2.02.300 SHELLFISH OPERATIONS</b>			PC	PC
<b>2.03.000 Marine terminal</b>				
<b>2.04.000 Commercial fishing</b>				

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

CAPITALS mean language added to the law

[Brackets] mean language deleted from the law

\* \* \* \* \*

## 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.

\* \* \* \* \*

(1) 1.01.200 Livestock on a parcel greater than five acres. This use is permitted [in all zones] WITH CONDITIONS in [all zones] the following zones: AC, RC, WCD, RR, RV, RL, RM, RH, RO, CN, CC, CB, CV, IG, IH, PRD, PEP, and PMH zones. HOWEVER, [provided that] any AND ALL areas of animal confinement less than one acre, manure storage or feed storage shall be minimum distance of 75 feet from any public RIGHT OF WAY [street or highway] and in no case closer than 250 feet from any existing residential dwellings on an adjoining parcel.

(14.1) 1.00.800 AGRITOURISM/ECOTOURISM. THIS USE IS PERMITTED WITH CONDITIONS IN THE FOLLOWING ZONES: AC, RC, WCD, RR, RV, RL, RM, RH, RO, CN, CC, CB, CV, IG, IH, PRD, PEP, AND PMH. UNLESS OTHER PROVISIONS OF THIS CHAPTER REQUIRE OTHERWISE, PRIOR TO THE COMMENCEMENT OF THIS USE, A SKETCH PLAN SHALL BE SUBMITTED DEMONSTRATING THAT ALL CONDITIONS HAVE BEEN SATISFIED. UNLESS DEFINED ELSEWHERE IN THIS CHAPTER, A SKETCH PLAN IS A DIAGRAM THAT RELIES UPON THE DEPARTMENT'S INTERACTIVE GIS MAP OR OTHER MAPPING TOOL AND SHOWS THE APPROXIMATE LOCATION OF ALL PROPERTY LINES, EXISTING STRUCTURES, LOCATION OF DRIVEWAY ACCESS (APPROXIMATE LENGTH AND WIDTH) AND ENVIRONMENTAL FEATURES SUCH AS STREAMS AND TREE LINES. THE CONDITIONS ARE AS FOLLOWS:

- 1 A. ALL AGRITOURISM AND/OR ECOTOURISM ACTIVITIES MUST OCCUR ON  
2 THE SAME PARCEL OF LAND AS AN AGRICULTURAL OPERATION, UNLESS  
3 AN ADJACENT PARCEL OF LAND IS UNDER COMMON OWNERSHIP OR  
4 CONTROL, IN WHICH CASE, AGRITOURISM ACTIVITIES MAY BE  
5 CONDUCTED ON THE ADJACENT PARCEL OF LAND. HOWEVER, IF EITHER  
6 PARCEL CEASES TO REMAIN UNDER COMMON OWNERSHIP OR CONTROL,  
7 THE AGRITOURISM ACTIVITIES MUST BE CONFINED TO THE PARCEL OF  
8 LAND UPON WHICH THE AGRICULTURAL OPERATION IS BEING  
9 CONDUCTED.
- 10 B. THIS USE SHALL ONLY BE CONDUCTED ON PARCELS OF LAND THAT HAVE  
11 APPROPRIATE VEHICULAR INGRESS AND EGRESS TO A PUBLIC ROAD,  
12 WHICH REQUIRES:  
13 (1) DIRECT ACCESS TO A PUBLIC ROAD; OR  
14 (2) A PRIVATE ROADWAY OR DRIVEWAY THAT PROVIDES ACCESS TO A  
15 PUBLIC ROAD, PROVIDED THAT ALL PROPERTY OWNERS WITH THE  
16 RIGHT TO USE THE PRIVATE ROADWAY OR DRIVEWAY HAVE  
17 CONSENTED TO THE USE, IN WRITING AND RECORDED IN THE LAND  
18 RECORDS.
- 19 C. THIS USE SHALL CONFORM TO ALL CHAPTERS OF THE COUNTY CODE  
20 INCLUDING, BUT NOT LIMITED TO RESTRICTIONS PLACED UPON  
21 LIGHTING, NOISE, AND ANY OTHER FEATURE OR EFFECT OF THE USE THAT  
22 WOULD CONSTITUTE A NUISANCE OR DISTURBANCE IN THE USE AND/OR  
23 ENJOYMENT OF ADJACENT PROPERTY.
- 24 D. THIS USE SHALL COMPLY WITH ALL REQUIREMENTS OF FEDERAL, STATE  
25 AND LOCAL REGULATIONS, INCLUDING BUT NOT LIMITED TO NUTRIENT  
26 MANAGEMENT, SEDIMENT AND EROSION CONTROL.
- 27 E. IN THE EVENT THAT A PROPERTY OWNER DESIRES TO CONDUCT  
28 ECOTOURISM ACTIVITIES THAT ARE NOT ASSOCIATED WITH AN  
29 AGRICULTURAL OPERATION, THEN THE PROVISIONS OF § 297-30 SHALL  
30 APPLY.  
31



\* \* \* \* \*

(17.1) 2.02.300. SHELLFISH OPERATIONS. THIS USE IS PERMITTED WITH CONDITIONS IN THE AC, RC, AND WCD ZONES SUBJECT TO THE FOLLOWING CONDITIONS:

- A. ALL ACTIVITIES ASSOCIATED WITH THIS USE SHALL BE A MINIMUM OF 100 FEET FROM THE NEAREST BOUNDARY LINE.
- B. THIS USE SHALL ONLY BE CONDUCTED ON PARCELS OF LAND THAT HAVE APPROPRIATE VEHICULAR INGRESS AND EGRESS TO A PUBLIC ROAD, WHICH REQUIRES:
  - (1) DIRECT ACCESS TO A PUBLIC ROAD; OR
  - (2) A PRIVATE ROADWAY OR DRIVEWAY THAT PROVIDES ACCESS TO A PUBLIC ROAD, PROVIDED THAT ALL PROPERTY OWNERS WITH THE RIGHT TO USE THE PRIVATE ROADWAY OR DRIVEWAY HAVE CONSENTED TO THE USE, IN WRITING AND RECORDED IN THE LAND RECORDS.

\* \* \* \* \*

#### FIGURE XX-1

##### Table of Off-Street Parking Requirements

[Amended 10-31-1995 by Ord. No. 95-96; 5-7-2008 by Bill No. 2008-01; 10-16-2012 by Bill No. 2012-10]


Uses Description	Off-Street Parking Requirements
1.00.000 AGRICULTURE[ <del>AL</del> ]	
1.01.100 Agricultural operations[, farming]	

\* \* \* \* \*

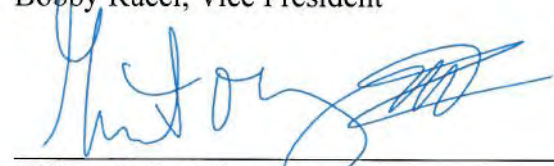
1 **SECTION 2.** BE IT FURTHER ENACTED, that this act shall take effect forty-five (45)  
2 calendar days after it becomes law.


3  
4 ADOPTED this 13<sup>th</sup> day of April 2021.

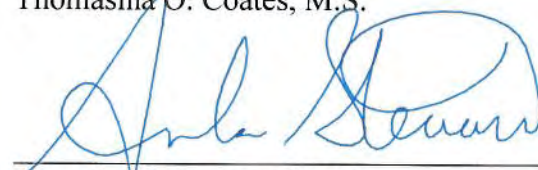
5  
6 COUNTY COMMISSIONERS  
7 CHARLES COUNTY, MARYLAND  
8

9  
10   
11 \_\_\_\_\_  
12 Reuben B. Collins, II, Esq., President


13  
14   
15 \_\_\_\_\_  
16 Bobby Rucci, Vice President

17  
18   
19 \_\_\_\_\_  
20 Gilbert O. Bowling, III

21  
22   
23 \_\_\_\_\_  
24 Thomasina O. Coates, M.S.

25  
26   
27 \_\_\_\_\_  
28 Amanda M. Stewart, M.Ed.

29  
30  
31  
32  
33  
34  
35 ATTEST:

36   
37 \_\_\_\_\_  
38 Carol A. DeSoto, CAP, OM, Clerk  
39