

**COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

**2021 Legislative Session**

**Bill 2021-08**

**FLEX SPACE AND PERMITTING FLEX SPACE IN THE  
BUSINESS PARK ZONE**

**Introduced by Charles County Commissioners**

**Amending Chapter 297 Zoning Ordinance: Article III – Definitions and Interpretations §297-49 – Word Usage; definitions; Article IV – Permissible Uses §297-63, Permissible Uses. Figure IV-1, the Table of Permissible Uses; Article VI Base Zone Regulations § 297-91, Commercial zones; Article VI Base Zone Regulations Figure VI- Schedule of Zone Regulations; Article XIII Minimum Standards for Special Exceptions and Uses Permitted with Conditions § 297-211, Alphabetical listing; Article XIII Minimum Standards for Special Exceptions and Uses Permitted with Condition § 297-212, Uses corresponding with Table of Permissible Uses; Article XVIII § 297-298, General site design standards; Article XIX: Signs § 297-319, General Provisions; Article XX, Parking Facilities § 297-335, Figure XX-1, Table of Off-Street Parking Requirements, Code of Charles County, Maryland**

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**Date introduced:** 09 / 14 / 2021

**Public Hearing:** 09 / 28 / 2021 @ 6:00 p.m. Virtually

**Commissioners Action:** 09 / 28 / 2021 \_\_\_\_\_

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

**Pass/Fail:** Pass

**Effective Date:** 11 / 12 / 2021

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

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

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

**2021 Legislative Session**

Bill No. 2021- 08 Zoning Text Amendment #21- 164

Chapter. No. 297

Introduced by Board of County Commissioners

Date of Introduction September 14, 2021

**BILL**

AN ACT concerning

**FLEX SPACE AND PERMITTING FLEX SPACE IN THE  
BUSINESS PARK ZONE**

FOR the purpose of

*Amending certain provisions of the Zoning Ordinance of Charles County to define the use Flex Space, designating Flex Space as a permitted use in the Business Park (BP) zone, permitting certain uses in the BP Zone when located within Flex Space and in order to encourage and promote economic vitality, enhance the community's appearance, and foster flexibility and innovation of design, provided that signage, parking and landscaping within the BP Zone may vary from the strict application of the Zoning Ordinance and will be approved by the submission of an Alternative Design and Development Code submitted through the Site Design and Architectural Review (SDAR) process.*

BY Amending:

Chapter 297- Zoning Ordinance

Article III – Definitions and Interpretations

§297-49 – Word Usage; definitions –

*Code of Charles County, Maryland*

1 BY Amending:

2 Chapter 297- Zoning Ordinance

3 Article IV – Permissible Uses

4 §297-63, Permissible Uses.

5 Figure IV-1, the Table of Permissible Uses

6 *Code of Charles County, Maryland*

7  
8 BY Amending:

9 Chapter 297- Zoning Ordinance

10 Article VI Base Zone Regulations

11 § 297-91, Commercial zones.

12 *Code of Charles County, Maryland*

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14 BY Amending:

15 Chapter 297- Zoning Ordinance

16 Article VI Base Zone Regulations

17 Figure VI- Schedule of Zone Regulations:

18 *Code of Charles County, Maryland*

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20 BY Amending:

21 Chapter 297- Zoning Ordinance

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

24 § 297-211, Alphabetical listing

25 *Code of Charles County, Maryland*

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27 BY Amending:

28 Chapter 297- Zoning Ordinance

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

31 § 297-212, Uses corresponding with Table of Permissible Uses

32 *Code of Charles County, Maryland*

BY Amending:

Chapter 297- Zoning Ordinance

Article XVIII

§ 297-298, General site design standards

*Code of Charles County, Maryland*

BY Amending:

Chapter 297- Zoning Ordinance

Article XIX: Signs

§ 297-319, General Provisions

*Code of Charles County, Maryland*

BY Amending:

Chapter 297- Zoning Ordinance

Article XX, Parking Facilities

§ 297-335, Figure XX-1, Table of Off-Street Parking Requirements

*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:**

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Chapter 297-Zoning Ordinance

Article III – Definitions and Interpretations

§297-49 Word Usage; definitions

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§297-49(E) Definitions

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**FLEX SPACE: A BUILDING THAT IS DESIGNED TO ACCOMMODATE  
BUSINESSES OF VARYING SIZES, CAPABLE OF BEING USED FOR A VARIETY  
OF USES, INCLUDING OFFICES, RESEARCH AND DEVELOPMENT, LIGHT**



MANUFACTURING, SERVICE AGENCIES, CONTRACTOR'S OFFICES, MANUFACTURING, ASSEMBLY, OR WAREHOUSE AND ACCESSORY STORAGE AND SALES. ALL PRINCIPAL ACTIVITIES OF THE VARIOUS USES SHALL BE CONDUCTED WHOLLY WITHIN AN ENCLOSED BUILDING, BUT ACCESSORY OUTDOOR STORAGE MAY BE PERMITTED. FLEX SPACE BUILDINGS TYPICALLY INCLUDE ROLL-UP OVERHEAD DOORS ON THE REAR AND/OR FRONT OF THE UNITS.

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## Chapter 297-Zoning Ordinance

### Article IV – Permissible Uses

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

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#### Table of Permissible Uses

Figure IV-1

Uses Description	BP
<b>3.04.000 Homes emphasizing special services, treatment, or supervision, and residential elderly care homes</b>	
*****	
3.04.220 Day-Care center, day nursery (between 9 and 30 care recipients)	PC
*****	*****
3.04.500 Retirement housing complex	SE
*****	*****
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 Fn2
*****	
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
4.01.210 Churches, synagogues, and temples <i>without</i> cemeteries, associated residential structures for religious personnel and associated buildings with religious classes not including elementary or secondary school buildings	Fn2
*****	

<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 Fn1 *****
<b>4.03.000 Institutional residence or care of confinement facilities</b>	
*****	*****
4.03.200 Nursing care, intermediate care, handicapped, infirm, and childcare institutions *****	SE Fn2 *****
<b>5.00.000 SERVICE ORIENTED COMMERCIAL</b>	
<b>5.01.000 All operations conducted entirely within fully enclosed building</b>	
5.01.112 Personal services (see definition)	PC Fn1
5.01.113 Dry cleaning/laundry and Laundromats	PC Fn1
5.01.114 Banks and financial institutions	P
5.01.115 Business services *****	PC Fn1 *****
5.02.100 Construction services and Supplies *****	Fn1 *****
<b>6.00.000 COMMERCIAL</b> *****	
6.01.112 Specialty shops (see definition)	Fn1
6.01.113 Antique shops, art galleries less 15,000 square feet *****	Fn1 *****
<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> *****	
6.03.310 Motor vehicle repair and maintenance *****	Fn2 *****
<b>7.00.000 INDUSTRIAL</b>	
7.01.210 Blacksmith shops, welding shops, ornamental iron works, machine shops (excluding drop hammers and punch presses over 20 tons rated capacity), and sheet metal shops	Fn2
7.01.220 Bottling, confectionary, food products except fish and meat, sauerkraut, vinegar, yeast, or the rendering fats and oils *****	Fn1 *****
<b>7.02.000 Storage and parking</b>	
*****	*****
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



7.02.220 Warehouse storage *****	Fn2 *****
9.00.000 FLEX SPACE	
9.01.100 FLEX SPACE	P

**1- THIS USE IS PERMITTED WITHOUT CONDITIONS WHEN LOCATED IN FLEX SPACE**

**2 -THIS USE IS PERMITTED WITH CONDITIONS WHEN LOCATED IN FLEX SPACE**

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**§ 297-91. Commercial zones.**

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**(4) BP Business Park Zone.** This zone concentrates business and light industrial uses **ALONG WITH OTHER SUPPORTING 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 **ACCOMMODATE VARIOUS TYPES OF BUILDINGS, INCLUDING FLEX SPACE, TO PROVIDE FOR A MIX OF USES AND TO** provide on-site storage, parking and landscaped areas. These locations can be served by a complete array of community facilities, and supporting amenities, and provide for the regional transportation network.

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**D. 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.

(1) Permitted [accessory] uses with conditions (PC) are:

- (a) Day-care center, day nursery (between 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) Personal services, Use 5.01.112;
- (e) Dry cleaning, Use 5.01.113;
- (f) Business services, Use 5.01.115;

- (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
- (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] **BUILDING FLOOR AREA** containing uses **SET FORTH** in §297-91D(1) shall not exceed [Fifteen] **TWENTY-FIVE** percent [(15%)] **(25%)** of the **TOTAL BUILDING FLOOR AREA 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.] **USES PERMITTED WITH CONDITIONS BY §297-91D(1) ARE NOT SUBJECT TO THE TWENTY-FIVE PERCENT (25%) LIMITATION SET FORTH ABOVE, WHEN SUCH USES ARE LOCATED WITHIN FLEX SPACE.**

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.

**(1) ALTERNATIVE DESIGN AND DEVELOPMENT CODE. IN THE BP ZONE AND IN ORDER TO ENCOURAGE AND PROMOTE ECONOMIC VITALITY, ENHANCE THE COMMUNITY'S APPEARANCE, AND FOSTER FLEXIBILITY AND INNOVATION OF DESIGN, AS AN ALTERNATIVE TO USING THE COUNTY'S SCHEDULE OF ZONE REGULATIONS AND APPLYING THE STRICT APPLICATION OF THE ZONING ORDINANCE FOR THE PARTICULAR PROJECT, AN APPLICANT MAY SUBMIT AN ALTERNATIVE DESIGN AND DEVELOPMENT CODE. THE ALTERNATIVE DESIGN AND DEVELOPMENT CODE MAY BE SUBMITTED WITH ANY PRELIMINARY PLAN OR SITE PLAN. THE ALTERNATIVE DESIGN AND DEVELOPMENT CODE SHALL GOVERN THE LOCATION AND DESIGN OF SIGNAGE, LANDSCAPING AND PARKING WITHIN THE BUSINESS PARK.**

**(a) THE STANDARDS SET FORTH IN THE ALTERNATIVE DESIGN AND DEVELOPMENT CODE MAY NOT STRICTLY CONFORM TO AND MAY VARY FROM THE STANDARDS SET FORTH IN THE ZONING ORDINANCE. WHERE THE STANDARDS SET FORTH IN THE ALTERNATIVE DESIGN AND DEVELOPMENT CODE VARY FROM THE STANDARDS IN THE ZONING ORDINANCE, THE ALTERNATIVE DESIGN AND DEVELOPMENT CODE SHALL APPLY. WHERE THE ALTERNATIVE DESIGN AND DEVELOPMENT CODE IS SILENT, THE ZONING ORDINANCE SHALL APPLY.**

**(b) THE ALTERNATIVE DESIGN AND DEVELOPMENT CODE SHALL INCLUDE THE FOLLOWING:**

- (i) THE OVERALL PLANNED DEVELOPMENT DESIGN CONCEPT;**
- (ii) STANDARDS FOR STREET, BLOCK AND LOT LAYOUTS;**

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- (iii) STREETScape DESIGN STANDARDS;
- (iv) BUILDING AND LOT DESIGN AND DEVELOPMENT STANDARDS;
- (v) A MASTER LANDSCAPE PLAN AND LANDSCAPE STANDARDS, TO INCLUDE LANDSCAPING OF PARKING AREAS;
- (vi) ARCHITECTURAL DESIGN STANDARDS;
- (vii) MINIMUM YARD AND SETBACK REQUIREMENTS;
- (viii) A MASTER SIGN PLAN GOVERNING THE LOCATION, NUMBER, HEIGHT, ILLUMINATION, SIZE AND DESIGN OF SIGNAGE; AND
- (ix) A MASTER PARKING PLAN.

(c) THE PLANNING COMMISSION IS AUTHORIZED TO REVIEW AND APPROVE THE ALTERNATIVE DESIGN AND DEVELOPMENT CODE. ONCE APPROVED, THE PLANNING DIRECTOR IS AUTHORIZED TO APPROVE MINOR AMENDMENTS TO THE ALTERNATIVE DESIGN AND DEVELOPMENT CODE. MAJOR AMENDMENTS TO THE ALTERNATIVE DESIGN AND DEVELOPMENT CODE WOULD NEED TO BE AUTHORIZED BY THE PLANNING COMMISSION.

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§297-211 Alphabetical listing.  
The following is an alphabetical listing of uses as they appear in the Table of Permissible Uses.<sup>III</sup>

Use	Permissible Use Number
*****	
Fertilizer mixing plants	7.01.260
FLEX SPACE	9.01.100

Funeral homes 5.02.300

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§297-212 Uses Corresponding with Table of Permissible Uses

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**3.04.220 Day-care center, day nursery, between 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:

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

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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 must comply with the [15% ] **25%** area limitations set forth in §297-91(D)(2). **THE 25% AREA LIMITATION DOES NOT APPLY TO THE USE WHEN LOCATED IN FLEX SPACE.**

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**3.05.300 Hotels, motels, convention centers, conference centers and similar businesses or institutions providing overnight accommodations.** Such uses are permitted by special exception in the AC and RC Zones. [, and are permitted with conditions in the BP Zone], subject to the following:

A. The minimum area shall be 100 acres.

B. Not more than 5% of the land may be occupied by buildings.



C. Not less than 1/2 the area of the tract on which the use is located shall be used to provide recreation facilities for the use of its guests. Such recreation facilities can include such facilities as an eighteen-hole golf course, swimming pool, tennis courts and may include bridle paths and other similar or related facilities, but no outdoor amusement devices other than normal playground equipment.

D. All buildings and parking lots shall be set back from all adjoining property lines, including publicly dedicated streets, roads and highways, not less than 200 feet.

E. The maximum height of any building shall be 120 feet.

F. The land shall have at least 200 feet of frontage on a public highway of at least collector classification designated on the Transportation Plan Map of the Comprehensive Plan, and the major point of vehicular access to and from the lands shall be provided by this collector road.

G. Public water and sewer are available and shall be used for the operation of the facilities or, in the alternative, if not available, private water and sewer facilities may be used if approved by the County Health Department.

H. Any retail businesses conducted on the premises shall be primarily for the use of the guests of the hotel, and there shall be no entrances directly from the road to such businesses and no signs or other evidence indicating the existence of such businesses visible from the outside of the building.

[I] Such uses are permitted with conditions in the BP Zone, subject to the following [conditions]:

(a) [See 6.02.100(b)] **THE USE MUST HAVE INTERNAL ACCESS SUCH THAT IT IS INCORPORATED INTO AND AS PART OF THE BUSINESS PARK.**

(b) **PUBLIC WATER AND SEWER ARE AVAILABLE AND SHALL BE USED FOR THE OPERATION OF THE FACILITIES OR, IN THE ALTERNATIVE, IF NOT AVAILABLE, PRIVATE WATER AND SEWER FACILITIES MAY BE USED IF APPROVED BY THE COUNTY HEALTH DEPARTMENT.**

[(h) The use must include banquet and conference facilities.]

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**3.04.500 Retirement housing complex.** This use is permitted by special exception in the RH, RO, [and] CB, AND THE BP Zones, subject to the following standards:

- 1 A. The minimum area shall be three acres.
- 2 B. It shall have a maximum floor area ratio (FAR) of 1.0.
- 3 C. A minimum of 40% of the property shall be devoted to green area and outdoor
- 4 recreation space.
- 5 D. All other requirements of this chapter, including yards, parking, landscaping and
- 6 protection of environmental resources, shall be met.
- 7 E. A retirement housing complex shall be located within close proximity to and have
- 8 pedestrian linkage with retail/commercial centers, restaurants and public transportation.

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10 4.01.110. Private elementary and secondary schools, including preschool, kindergarten,

11 associated grounds, athletic and other facilities. This use is permitted by special exception in the

12 WCD, HVC, HVG, HVR, AC, RC, RR, RV, RL, RM, RH, RO, CN, CC, BP and CV Zone

13 **SUBJECT TO THE CONDITIONS SET FORTH BELOW.**

14 [Amended 7-25-2005 by Bill No. 2005-01; 3-14-2007 by Bill No. 2007-05; 6-6-2017 by Bill No.

15 2017-03; 11-28-2017 by Bill No. 2017-07]

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17 A. Generally. A lot, tract or parcel of land may be allowed to be used for a private

18 educational institution upon the following findings:

- 19 (1) That, except for buildings and additions thereto completed or for which
- 20 building permits have been obtained prior to the time of adoption of this chapter,
- 21 such use will be located in buildings architecturally compatible with other
- 22 buildings in the surrounding neighborhood, and, in the event that such building is
- 23 to be located on a lot, tract or parcel of land of two acres or less, in either an
- 24 undeveloped area or an area substantially developed with single-family homes,
- 25 that the exterior architecture of such building will be of a residential home design
- 26 that is at least comparable to existing residential homes, if any, in the immediate
- 27 neighborhood.
- 28 (2) The applicant must, as part of the application, submit architectural plans that
- 29 satisfy the above standards, which will be a condition of a granted special
- 30 exception.



1 (3) That such use will not, in and of itself or in combination with other existing  
2 uses, adversely affect or change the present character of future development of the  
3 residential community in which it is located.

4 B. That such use can and will be developed in conformity with the following  
5 requirements:

6 (1) Area, frontage, setback and building coverage: as shall be reflected in a site  
7 plan of development approved by the Board, provided that in no event shall such  
8 standards be less than the area and dimensional regulations for the zone in which  
9 the private educational institution is proposed to be located.

10 (2) Access and screening: as shall be specified in a site plan of development  
11 approved by the Board, provided that such plan meets or exceeds the standards for  
12 the zone.

13 (3) Intensity.

14 (a) Intensity is the allowable number of pupils per acre permitted to  
15 occupy the premises at any one time, which will be specified by the Board  
16 based on the following factors:

17 [1] Traffic patterns, including:

18 [a] Impact of increased traffic on residential streets.

19 [b] Existence of arterial highways; access shall be from a  
20 major collector or arterial highway at a minimum.

21 [2] Noise or type of physical activity.

22 [3] Character, percentage and density of existing development and  
23 zoning within the surrounding community.

24 [4] Topography of the land.

25 (b) In no event shall a special exception be granted for a density in excess  
26 of 87 pupils per acre.

27 C. In the BP Zone, the use is also subject to the following:

28 (1) The use is allowed in support of one or more existing office, manufacturing or  
29 institutional uses within the BP Zone.]

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31 **IN THE BP ZONE THIS USE SHALL BE PERMITTED IN FLEX SPACE SUBJECT TO**  
32 **THE FOLLOWING CONDITIONS:**



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- A. SUFFICIENT OFF-STREET SCHOOL BUS LOADING AREAS SHALL BE PROVIDED IF BUS SERVICE IS PROVIDED FOR STUDENTS.
- B. BUILDINGS, PARKING AREAS AND OUTDOOR ACTIVITY AREAS WILL BE AT LEAST 50 FEET FROM ADJOINING RESIDENTIALLY ZONED PROPERTIES.

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**4.01.210 CHURCHES, SYNAGOGUES, AND TEMPLES WITHOUT CEMETERIES, ASSOCIATED RESIDENTIAL STRUCTURES FOR RELIGIOUS PERSONNEL AND ASSOCIATED BUILDINGS WITH RELIGIOUS CLASSES NOT INCLUDING ELEMENTARY OR SECONDARY SCHOOL BUILDINGS**

**IN THE BP ZONE THIS USE SHALL BE PERMITTED IN FLEX SPACE BUT SHALL NOT EXCEED 30,000 SQUARE FEET.**

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**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%] 25% area limitations set forth in §297-91(D) (2).

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1 **4.03.200 Nursing care, intermediate care, handicapped, infirm and child care**  
2 **institutions. A nursing home is permitted by special exception in the HVR, AC, RC, RR,**  
3 **RV, RL, RM, RH [and] RO Zones AND THE BP ZONE, subject to the following**  
4 **standards:**

5 A. That such use will not cause negative impacts to the adjacent neighborhoods  
6 because of traffic, noise or number of patients or people being cared for.

7 B. That such use will be housed in buildings architecturally compatible with other  
8 buildings in the surrounding neighborhood.

9 C. That such use will not adversely affect the present character or future  
10 development of the surrounding residential community; and that such use can and will be  
11 developed in conformity with the following minimum area, density, coverage, frontage,  
12 setback, access and screening requirements, where specified.

13 D. All such facilities and all additions to existing facilities where 10 or more people are  
14 cared for shall comply with the following:

15 (1) The minimum area shall be 20,000 square feet.

16 (2) Minimum setbacks.

17 (a) Front yards: as specified for the applicable zone.

18 (b) Side yards.

19 [1] The following minimums are in addition to those otherwise  
20 required in the various zones:

21 [a] One and one-half feet for each bed in the AC, RC, RL  
22 and RR Zones.

23 [b] One foot for each bed in the HVR, RM and RV Zones.

24 [c] One-half foot for each bed in the RH and RO Zones.

25 [2] In no case shall any minimum side yard be required to be  
26 greater than 50 feet more than would otherwise be required in the  
27 applicable zone.

28 (c) Rear yards. One-half of the total of both side yards as required in  
29 Subsection D(2)(b) above, but not less than the minimum required in the  
30 applicable zone.

1 (3) Minimum screening, as determined by the Board, with special emphasis given  
2 to off-street parking and loading areas in accordance with Articles XX through  
3 XXIII.

4 (4) The Board shall increase the number of off-street parking spaces required for  
5 nursing or care homes under Article XX where the operation or method of  
6 operation or type of care to be provided indicates the need for such an increase.

7 **THIS USE SHALL BE PERMITTED IN THE BP ZONE WHEN LOCATED IN FLEX**  
8 **SPACE, SUBJECT TO THE FOLLOWING CONDITIONS:**

9  
10 **A. IN ALL SUCH FACILITIES AND ALL ADDITIONS TO EXISTING**  
11 **FACILITIES WHERE 10 OR MORE PEOPLE ARE CARED FOR THE**  
12 **MINIMUM AREA SHALL BE 10,000 SQUARE FEET.**

13 **B. APPROPRIATE SETBACKS OR SCREENING SHALL BE**  
14 **DETERMINED THROUGH THE CHARLES COUNTY ARCHITECTURAL AND**  
15 **SITE DESIGN GUIDELINES AND STANDARDS (A.S.D.G.S.) OR THE**  
16 **APPROVAL OF AN ALTERNATIVE DESIGN AND DEVELOPMENT CODE.**

17 \*\*\*\*\*

18 **5.01.112 Personal services.** This use is permitted with conditions in the CER Zone, provided  
19 that this use is limited to a maximum of 25% of the floor area of a development. This use is  
20 permitted with conditions in the BP Zone subject to the [15%] **25%** area limitations set forth in  
21 §297-91(D)(2). [Added 4-13-2010 by Bill No. 2010-05]

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23 **5.01.113 Dry cleaning/laundry and laundromats.** This use is permitted with conditions in the  
24 BP Zone subject to the [15%] **25%** area limitations set forth in §297-91(D)(2).

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26 **5.01.115 Business services.** This use is permitted with conditions in the BP Zone subject to the  
27 [15%] **25%** area limitations set forth in §297-91(D)(2).

28 \*\*\*\*\*

29 **5.02.500 Nursery schools and day-care centers with more than 30 children.** This use is  
30 permitted by special exception in the WCD, HVR, AC, RC, RR, RV, RL, PM, RH, IG, PRD,  
31 PMH and CMR Zones, subject to the following standards: [Amended 7-25-2005 by Bill No.  
32 2005-01; 6-6-2017 by Bill No. 2017-03; 11-28-2017 by Bill No. 2017-07]

33 \*\*\*\*\*



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%] **25%** 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%] **25%** 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%] **25%** 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%] **25%** 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%] **25%** area limitations set forth in §297-91(D)(2).

\*\*\*\*\*

**6.03.310 Motor vehicle repair and maintenance.**

\*\*\*\*\*

**THIS USE IS PERMITTED WITH CONDITIONS IN THE BP ZONE SUBJECT TO THE FOLLOWING:**

**A. THE USE IS ONLY PERMITTED IN FLEX SPACE.**

**B. ALL ACTIVITY AND STORAGE OF PARTS SHALL OCCUR ENTIRELY WITHIN A COMPLETELY ENCLOSED BUILDING.**

**C. ON-SITE VEHICLE STORAGE IS PROHIBITED.**

**D. NO OUTDOOR DISPLAY OF MERCHANDISE SOLD, SERVICED OR RENTAL IS PERMITTED.**

\*\*\*\*\*

**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%] 25% area limitations set forth in §297-91(D)(2).

\*\*\*\*\*

**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%] 25% 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]

\*\*\*\*\*

**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%] **25%** 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%] **25%** 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.

\*\*\*\*\*  
**7.01.210 BLACKSMITH SHOPS, WELDING SHOPS, ORNAMENTAL IRON WORKS, MACHINE SHOPS (EXCLUDING DROP HAMMERS AND PUNCH PRESSES OVER 20 TONS RATED CAPACITY), AND SHEET METAL SHOPS)**

**THIS USE IS PERMITTED BY IN THE BP ZONE. PROVIDED THAT THE FOLLOWING REQUIREMENTS ARE MET:**

1           A.     **SHOPS SHALL BE LIMITED IN THE BP ZONE TO NO GREATER**  
2                   **THAN 20,000 SQUARE FEET OF FLOOR AREA WITHIN ANY FLEX**  
3                   **SPACE BUILDING.**

4           \*\*\*\*\*

5     **7.02.220 Warehouse storage inside or outside completely enclosed structures where**  
6     **the storage of goods is not related to sale or use of those goods on the same lot where they**  
7     **are stored. This use is permitted by special exception in the BP Zone, subject to the following:**

- 8           A.     The total lot coverage, shall not exceed 35% of total lot area.
- 9           B.     The exterior storage shall not exceed 75% of the square footage of the floor area  
10               of the principal structure. No exterior storage shall occur on the lot without a principal  
11               structure.
- 12          C.     Any exterior storage shall be screened from any adjacent residential zones or  
13               uses.

14

15     **THIS USE IS PERMITTED WITH CONDITIONS IN THE BP ZONE WHEN**  
16     **LOCATED IN FLEX SPACE, SUBJECT TO THE FOLLOWING:**

17           A.     **THE EXTERIOR STORAGE SHALL NOT EXCEED 50% OF THE**  
18               **SQUARE FOOTAGE OF THE FLOOR AREA OF THE PRINCIPAL**  
19               **STRUCTURE IF THE FLEX BUILDNG IS USED BY A SINGLE TENANT OR**  
20               **USER.       THE EXTERIOR STORAGE SHALL NOT EXCEED 25% OF THE**  
21               **SQUARE FOOTAGE OF THE FLOOR AREA OF THE PRINCIPAL**  
22               **STRUCTURE IF THE FLEX BUILDING IS A MULTI-TENANTED BUILDING.**  
23               **NO EXTERIOR STORAGE SHALL OCCUR ON THE LOT WITHOUT A**  
24               **PRINCIPAL STRUCTURE.**

25           B.     **ANY EXTERIOR STORAGE SHALL BE SCREENED FROM ANY**  
26               **ADJACENT RESIDENTIAL ZONES.   THE TYPE AND DESIGN OF**  
27               **SCREENING WILL BE DETERMINED THROUGH THE CHARLES COUNTY**  
28               **ARCHITECTURAL AND SITE DESIGN GUIDELINES AND STANDARDS**  
29               **(A.S.D.G.S) OR THE APPROVAL OF AN ALTERNATIVE DESIGN AND**  
30               **DEVELOPMENT CODE.**

\*\*\*\*\*

## Chapter 297-Zoning Ordinance

### ARTICLE XVIII

#### Site Design

\*\*\*\*\*

#### **§297-298 General site design standards.**

- A. The applicant shall submit a site analysis of the characteristics of the development site, such as site context, geology and soil, topography, climate, natural features, visual features, past and present use of the site, historic features, existing vegetation, structures and road networks.
- B. The Charles County Site Design and Architectural single-family dwelling and commercial and industrial guidelines and standards shall guide: [Added 5-2-2005 by Bill No. 2005-08; amended 10-22-2008 by Bill No. 2008-13; 11-28-2017 by Bill No. 2017-07]
- (1) The approval of preliminary plans and architectural elevations for all single-family subdivisions in the RL, RM, RH, RO, RR, PRD, MX, PUD, WPC, TOD, PEP, PMH, CER, CRR, CRM, HVC, HVG, and HVR Zones that are greater than 10 lots and within sewer service areas S-1, S-3, S-5.
- (2) The approval of site plans and buildings for all commercial construction in the CV, CN, CC, CB, BP, IG, IH, CER, CRR, CRM, HVC, HVG, and HVE Zones. All new construction, renovation and expansion projects shall comply with all applicable sections of the 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.
- C. **NOTWITHSTANDING THE ABOVE, IF AN ALTERNATIVE DESIGN AND DEVELOPMENT CODE HAS BEEN SUBMITTED AND APPROVED IN THE PRD, PEP, MX, PUD, WPC, PMH, TOD, OR THE BP ZONE THE ALTERNATIVE DESIGN AND DEVELOPMENT CODE SHALL GOVERN**



**SITE DESIGN. THE STANDARDS SET FORTH IN THE ALTERNATIVE DESIGN AND DEVELOPMENT CODE MAY NOT STRICTLY CONFORM TO AND MAY VARY FROM THE STANDARDS SET FORTH IN THE ZONING ORDINANCE. WHERE THE STANDARDS SET FORTH IN THE ALTERNATIVE DESIGN AND DEVELOPMENT CODE VARY FROM THE STANDARDS IN THE ZONING ORDINANCE, THE ALTERNATIVE DESIGN AND DEVELOPMENT CODE SHALL APPLY. WHERE THE ALTERNATIVE DESIGN AND DEVELOPMENT CODE IS SILENT, THE ZONING ORDINANCE SHALL APPLY.**

**D. Subdivision and site design**

- (1) Design of the development shall take into consideration all existing local and regional plans for the surrounding community.
- (2) Development of the site shall be based on the site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity and to minimize negative impacts and alteration of natural features.
- (3) The following specific areas include but are not limited to areas that shall be preserved as undeveloped open space, to the extent consistent with the

\*\*\*\*\*

**Chapter 297-Zoning Ordinance**

**Article XIX Signs**

**§297-319 General Provisions**

\*\*\*\*\*


**C. SIGNS IN THE BP ZONE. SIGNS LOCATED IN THE BUSINESS PARK (BP) ZONE MAY VARY FROM THE NORMAL REQUIREMENTS OF THIS ARTICLE. TO ENCOURAGE AND PROMOTE ECONOMIC VITALITY, ENHANCE THE COMMUNITY'S APPEARANCE, AND ENCOURAGE THE EFFECTIVE USE OF SIGNS IN THE COMMUNITY FLEXIBILITY OF DESIGN, THE NUMBER, PLACEMENT, HEIGHT, SIZE, ILLUMINATION**

1 AND ALL OTHER REQUIREMENTS FOR SIGNS WITHIN THE BP ZONE  
2 MAY BE APPROVED AS PART OF AN ALTERNATIVE DESIGN AND  
3 DEVELOPMENT CODE APPROVED IN ACCORDANCE WITH §297-91(E).  
4 WHERE THE STANDARDS SET FORTH IN THE ALTERNATIVE DESIGN  
5 AND DEVELOPMENT CODE VARY FROM THE STANDARDS IN THE  
6 ZONING ORDINANCE, THE ALTERNATIVE DESIGN AND DEVELOPMENT  
7 CODE SHALL GOVERN. WHERE THE ALTERNATIVE DESIGN AND  
8 DEVELOPMENT CODE IS SILENT, THE ZONING ORDINANCE SHALL  
9 GOVERN.

10  
11 SECTION 2. BE IT FURTHER ENACTED, that this act shall take effect forty-five (45)  
12 calendar days after adoption.


13  
14 ADOPTED this 28th day of September 2021.

15  
16 COUNTY COMMISSIONERS  
17 CHARLES COUNTY, MARYLAND

18  
19   
20 Reuben B. Collins, II, Esq., President


21  
22   
23 Bobby Rucci, Vice President

24  
25   
26 Gilbert O. Bowling, III

27  
28   
29 Thomasina O. Coates, M.S.

30  
31   
32 Amanda M. Stewart, M.Ed.

33 ATTEST:

34   
35  
36 Carol DeSoto, Clerk to the Commissioners

# ZONING REGULATIONS

297 Attachment 9

**Figure XX-1**

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

\*\*\*\*\*

<b>Uses Description</b>	<b>Off-Street Parking Requirements</b>
6.03.500 Automotive parks	1 space per 300 square feet of enclosed sales area, plus one space per 2,000 square feet of open display area, plus one space per employee, plus two spaces per service bay
<b>7.00.000 INDUSTRIAL</b>	
<b>7.01.000 Manufacturing, processing, creating, repairing, renovating, painting, cleaning and assembling of goods, merchandise and equipment</b>	
7.01.100 All operations conducted entirely within fully enclosed building	1 space per 300 square feet office space and display area, plus one space per employee at maximum shift
7.01.200 Operations conducted within and/or outside fully enclosed building	1 space per 300 square feet office space and display area, plus one space per employee at maximum shift
7.01.241 Farm alcohol production facility	2 spaces per 1,000 square feet of gross floor area for manufacturing and office space; 10 spaces per 1,000 square feet of gross floor area for tasting room space
7.01.242 Alcohol production facility	2 spaces per 1,000 square feet of gross floor area for manufacturing and office space; 10 spaces per 1,000 square feet of gross floor area for tasting room space
<b>7.02.000 Storage and parking</b>	
7.02.200 Storage of goods not related to sale or use of those goods on the same lot where they are stored (warehousing)	1 space per 300 square feet office space and display area, plus one space per employee at maximum shift
7.02.250 Consolidated storage	1 space per 200 square feet of gross floor area of office space. 1 space per 50 storage units having direct access only from within a building. 1 space specifically designated for loading and 2 spaces for the resident manager.
7.02.300 Parking of vehicles or storage of equipment outside enclosed structures where vehicles or equipment are owned and used by the person making use of the lot and parking or storage occupies more than 75% of the developed area (contractor's yard)	1 space per 300 square feet office space and display area, plus one space per employee at maximum shift
<b>7.03.000 Scrap materials, salvage yards, junkyards, automobile graveyards</b>	1 space per 300 square feet office space, plus one space per employee at maximum shift
<b>7.05.000 Mineral extraction</b>	1 space per 300 square feet office space, plus one space per employee at maximum shift
<b>9.01.000 FLEX SPACE</b>	<b>1 SPACE PER 300 SQUARE FEET OFFICE SPACE, PLUS ONE SPACE PER EMPLOYEE AT MAXIMUM</b>



	<b>SHIFT. AN APPLICANT MAY VARY FROM THIS REQUIREMENT BY PROVIDING AN PARKING ANALYSIS OR CALCULATION IN ACCORDANCE WITH §297-340, JOINT USE OF REQUIRED PARKING SPACES.</b>
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