

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2022 Legislative Session

BILL NO. 2022- ____

Introduced by: Charles County Commissioners

**ZONING TEXT AMENDMENT # __ - ____ INDEPENDENT LIVING SENIOR HOUSING
COMPLEX IN THE WATERSHED CONSERVATION DISTRICT (WCD) ZONE**

Date introduced: __ / __ / 2023

Public Hearing: __ / __ / 2023 __: __ p.m.

Commissioners Action: __ / __ / 2023

Commissioner Votes: RBC: __ , BR: __ , GB: __ , TC: __ , AS: __

Pass/ Fail: _____

Effective Date: __ / __ / 2023

Remarks: _____

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

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2022 Legislative Session

Bill No. Zoning Text Amendment 20 -

Chapter No. 297

Introduced by Board of County Commissioners

Date of Introduction _____

**INDEPENDENT LIVING SENIOR HOUSING COMPLEX IN THE
WATERSHED CONSERVATION DISTRICT (WCD)**

AN ACT concerning:

**THE ADDITION OF INDEPENDENT LIVING SENIOR HOUSING COMPLEX
AS A USE PERMITTED WITH CONDITIONS WITHIN THE WATERSHED
CONSERVATION DISTRICT (WCD) ZONE**

FOR the purpose of

Amending certain provisions of the Zoning Ordinance of Charles County, Maryland to add Independent Living Senior Housing Complex to Section 297-49(E), Article III, (Definition and Interpretations Section), Section 297, Article IV, Figure IV-1, (Table of Permissible Uses), Attachment 9, Figure XX-1, (Table of Off-Street Parking Requirements), Attachment 3, Figure VI-10, (Schedule of Zone Regulations: Watershed Conservation District Zone), Article VI, Section 297-98, (Base Zone Regulations, WCD Watershed Conservation District), Attachment 2, Figure V, (Residential Densities), Figure V-2, (Residential Density Ranges), Section 297-211, Article XIII, Alphabetical listing, (Minimum Standards for Special Exceptions and Uses Permitted with Conditions), and Section 297-212, Article XIII, (Uses corresponding with Table of Permissible Uses).

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

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BY Amending:

Chapter 297 - ZONING ORDINANCE
Article III, Definition and Interpretations Section
Section 297-49(E), Amending Definition and Interpretations Section
Code of Charles County, Maryland

BY Amending:

Chapter 297 - ZONING ORDINANCE
Article IV, Permissible Uses
Figure IV-1, Amending Table of Permissible Uses
Code of Charles County, Maryland

BY Amending:

Chapter 297 - ZONING REGULATIONS
297 Attachment 9
Figure XX-1
Table of Off-Street Parking Requirements
Code of Charles County, Maryland

BY Amending:

Chapter 297 - ZONING ORDINANCE
Article VI, Base Zone Regulations
Section 297-98, (B&C)
WCD Watershed Conservation District.
Code of Charles County, Maryland

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BY Amending:

Chapter 297, Attachment 3 - ZONING REGULATIONS

Figure VI-10, Schedule of Zone Regulations:

Watershed Conservation District Zone

Code of Charles County, Maryland

BY Amending:

Chapter 297, Attachment 2 - ZONING REGULATIONS

Figure V, Residential Densities

Figure V-1, (Maximum Residential Densities)

Figure V-2, Residential Density Ranges

Code of Charles County, Maryland

BY Amending:

Chapter 297 - ZONING REGULATIONS

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

Section 297-211, Alphabetical listing

Code of Charles County, Maryland

BY Amending:

Chapter 297 - ZONING REGULATIONS

Article XIII, Section 297-212, Uses corresponding with Table of Permissible Uses.

Code of Charles County, Maryland

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

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

* * * * *

Chapter 297. ZONING ORDINANCE 19

Article III, Definition and Interpretations Section

Section 297-49(E), Amending Article III, Definition and Interpretations Section

INDEPENDENT LIVING SENIOR HOUSING COMPLEX

A RESIDENTIAL FACILITY PROVIDING AFFORDABLE HOUSING FOR INDIVIDUALS WHO ARE 55 YEARS OF AGE OR OLDER AND WHO ARE ABLE TO LIVE INDEPENDENTLY. ALLOWED BUILDING TYPES INCLUDE SINGLE-FAMILY ATTACHED OR MULTIFAMILY DWELLING UNITS. SUCH INDEPENDENT LIVING FACILITIES SHALL INCLUDE COMMON RECREATION, LIBRARY, MEETING SPACE, AND OFFICE SPACE FOR MEDICAL AND PERSONAL SERVICES. THESE ANCILLARY SERVICES ARE INTENDED TO SERVE SENIORS WHO RESIDE ON THE PREMISES ONLY AND ARE NOT AVAILABLE TO THE GENERAL PUBLIC UNLESS OTHERWISE PERMITTED WITHIN THE ZONE IN WHICH THE USE IS LOCATED.

Chapter 297. ZONING ORDINANCE

Article IV, Permissible Uses

Section 297-3.04.000, Amending Figure IV-1,
Table of Permissible Uses as shown herein.

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

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Existing Code

CHARLES COUNTY CODE

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	Waldorf Central Zone (WC)	Action Urban Center Zone (AUC)
3.03.400 Commercial apartment									P	P	P	P	P						P		P	P	P		PC	PC
3.04.000 Homes emphasizing special services, treatment, or supervision, and residential elderly care homes																										
3.04.100 Group homes																										
3.04.110 Not more than eight people	PC	PC	PC	PC	PC	PC	PC	PC	PC								PC		PC	PC	PC	PC	PC	PC	PC	PC
3.04.120 With between nine and 16 people	SE	SE	SE	SE	SE	SE	SE	SE	P	P			P				SE		SE	SE	SE	SE	SE	SE	SE	SE
3.04.200 Day care																										
3.04.210 Day-care home (having fewer than nine care recipients)	P	P	P	P	P	P	P	P	P	P			P				P		P	P	P	P	P	P	P	P
3.04.220 Day-care center, day nursery (between nine and 30 care recipients)	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	P	P	*	SE		P	P	P	SE	P	P	P	SE	P	P
3.04.300 Halfway house	SE	SE	SE	SE	SE	SE	SE	SE	P								SE		SE	SE	SE			SE	SE	SE
3.04.400 Elderly care homes																										
3.04.410 Elderly care homes (1–8 people)	P	P	P	P	P	P	P	P	P								P		P	P	P	P	P	P	P	P
3.04.420 Elderly care homes (9–16 people)	SE	SE	SE	SE	SE	SE	SE	SE	SE								SE		SE	SE	SE	SE	SE	SE	SE	SE
3.04.500 Retirement housing complex								SE	SE			SE					P		P		P	P	P	P	P	P

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CHARLES COUNTY CODE

[illegible]

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2022 Legislative Session

ZONING REGULATIONS

Chapter 297, *Attachment 9*

Amending Figure XX-1

Table of Off-Street Parking Requirements

Existing Code

3.04.000 Homes emphasizing special services, treatment or supervision and residential elderly car home	
3.04.100 Group homes	1 space per sleeping room
3.04.200 Day care	
3.04.210 Day-care home (having fewer than seven care recipients)	1 space per staff, plus 2
3.04.220 Day-care center, day nursery (between seven and 30 care recipients)	1 space per staff, plus 3
3.04.300 Halfway house	2 space per sleeping room
3.04.400 Elderly car homes	0.5 space per room
3.04.500 Retirement housing complex	1 space per unit

Proposed Code

3.04.000 Homes emphasizing special services, treatment or supervision and residential elderly car home	
3.04.100 Group homes	1 space per sleeping room
3.04.200 Day care	
3.04.210 Day-care home (having fewer than seven care recipients)	1 space per staff, plus 2
3.04.220 Day-care center, day nursery (between seven and 30 care recipients)	1 space per staff, plus 3
3.04.300 Halfway house	2 space per sleeping room
3.04.400 Elderly car homes	0.5 space per room
3.04.500 Retirement housing complex	1 space per unit
3.04.600 INDEPENDENT LIVING SENIOR HOUSING COMPLEX	1 space per unit

Chapter 297. ZONING ORDINANCE
Amending Article VI, Base Zone Regulations
Section 297-98, WCD Watershed Conservation District.

Existing Code

B. General regulations.

Residential development is limited to a gross density of one unit per 20 acres. Minimum lot area, area per dwelling unit, building setback from adjacent lot lines, lot width, front yard, side yard, rear yard, and maximum building height are displayed on **Figure VI-10**,¹¹¹ shall apply, and are subject to other requirements of this chapter. Legal lots of record less than one unit per 20 acres are permitted to obtain one single-family dwelling unit building permit (and accessory use permits) per legal lot of record.

¹¹¹ Editor's Note: **Figure VI-10** is included as an attachment to this chapter

Proposed Code

B. General regulations.

Residential development is limited to a gross density of one unit per 20 acres ¹²¹. Minimum lot area, area per dwelling unit, building setback from adjacent lot lines, lot width, front yard, side yard, rear yard, and maximum building height are displayed on **Figure VI-10**,¹¹¹ shall apply, and are subject to other requirements of this chapter. Legal lots of record less than one unit per 20 acres are permitted to obtain one single-family dwelling unit building permit (and accessory use permits) per legal lot of record.

¹¹¹ Editor's Note: **Figure VI-10** is included as an attachment to this chapter

¹²¹ IN THE CASE OF AN INDEPENDENT LIVING SENIOR HOUSING COMPLEX IN THE WCD ZONE, THE DENSITY REQUIREMENTS IN FIGURE V-1 SHALL APPLY.

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

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Chapter 297. ZONING ORDINANCE

Amending Article VI, Base Zone Regulations

Section 297-98, WCD Watershed Conservation District.

Existing Code

C. Special regulations: site design.

- (1) Impervious surface restrictions. In order to protect the natural resources in this area, impervious surface coverage, such as buildings, pavement or other man-made materials, is limited to 8% of the property. Legal lots of record of three acres in size or smaller may have an impervious surface coverage up to but not to exceed 10,500 square feet. Development areas shall be designated on any site development plan, development services permit plans, clearing or grading permit or building permit. The applicant shall demonstrate how much impervious surface is located on the subject property. Calculations shall be provided to determine that impervious surface is no greater than 8% of the subject property.
- (2) Exemptions from impervious surface restrictions:
 - (a) Minor combined or cumulative additions up to 25% of the main structure, or accessory uses of existing legally permitted uses and legal lots of record. Property under three acres can build up to a maximum of 10,500 square feet even if it exceeds 25% as noted above.
 - (b) Development that utilizes best management practices (BMP), mitigates impervious surface coverage and also has an inspection and maintenance agreement may exceed the eight-percent impervious surface restriction by an equivalent area that is treated by the BMP.
 - (c) Development within the Watershed Conservation Zoning District which is not serviced by public water and sewer is required to utilize the best available technology (BAT) septic system to further reduce nitrogen entering the groundwater and streams.
 - (d) Churches and schools are exempt from impervious surface coverage.

Chapter 297. ZONING ORDINANCE
Amending Article VI, Base Zone Regulations
Section 297-98, WCD Watershed Conservation District.

Proposed Code

C. Special regulations: site design.

- (1) Impervious surface restrictions. In order to protect the natural resources in this area, impervious surface coverage, such as buildings, pavement or other man-made materials, is limited to 8% of the property. Legal lots of record of three acres in size or smaller may have an impervious surface coverage up to but not to exceed 10,500 square feet. Development areas shall be designated on any site development plan, development services permit plans, clearing or grading permit or building permit. The applicant shall demonstrate how much impervious surface is located on the subject property. Calculations shall be provided to determine that impervious surface is no greater than 8% of the subject property.
- (2) Exemptions from impervious surface restrictions:
 - (a) Minor combined or cumulative additions up to 25% of the main structure, or accessory uses of existing legally permitted uses and legal lots of record. Property under three acres can build up to a maximum of 10,500 square feet even if it exceeds 25% as noted above.
 - (b) Development that utilizes best management practices (BMP), mitigates impervious surface coverage and also has an inspection and maintenance agreement may exceed the eight-percent impervious surface restriction by an equivalent area that is treated by the BMP.
 - (c) Development within the Watershed Conservation Zoning District which is not serviced by public water and sewer is required to utilize the best available technology (BAT) septic system to further reduce nitrogen entering the groundwater and streams.
 - (d) Churches and schools are exempt from impervious surface coverage.
 - (e) IN THE CASE OF AN INDEPENDENT LIVING SENIOR HOUSING COMPLEX IN THE WCD ZONE, THE IMPERVIOUS SURFACE COVERAGE IN FIGURE V1-10 SHALL APPLY.

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

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ZONING REGULATIONS

Figure VI-10

Schedule of Zone Regulations: Watershed Conservation District Zone

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

Existing Code

	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		Lot Coverage	Intensity	Minimu m Open Space	Maximum ISR	Minimum Tract Size
Uses	Area	Square Feet per d.u.	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Feet	Stories					
WCD Zone																
Agricultural 1.00.000, Livestock 1.01.400, Forestry 1.02.000	10 acres		150	200	120	75	40	115	50			10%			8%	
Residential 3.00.000, Group homes 3.04.100	20 acres		200	200	200	50	50	100	50	40		10%			8%	
Commercial stables 1.01.500	5 acres		350	350	300	100	100	200	100	40		10%			8%	
Campgrounds 4.02.240	10 acres		350	350	350	100	100	200	100			10%			8%	
Emergency Services 4.045.000	1 acre		—	—	—	—	—	—	—	—		10%			n/a	
Residential lots less than 20 acres created before 12-31-1974	20,000 square feet		50	50	50	30	8	46	20	40		10%			n/a	
Greenhouses and kennels 1.05.000	10 acres		150	200	120	75	40	115	50			10%			8%	
All other permitted uses	20 acres		200	200	200	50	50	100	50			10%			8%	

ZONING REGULATIONS

Amending Figure VI-10 Schedule of Zone Regulations: Watershed Conservation District Zone [Added ____ by Bill No. 2022-__]

Proposed Code

	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height						
Uses	Area	Square Feet per d.u.	Width (feet)	Depth (feet)	Frontage (feet)	Front	Side	Total	Rear	Feet	Stories	Lot Coverage	Intensity	Minimum Open Space	Maximum ISR	Minimum Tract Size
WCD Zone																
Agricultural 1.00.000, Livestock 1.01.400, Forestry 1.02.000	10 acres		150	200	120	75	40	115	50			10%			8%	
Residential 3.00.000, Group homes 3.04.100	20 acres		200	200	200	50	50	100	50	40		10%			8%	
Commercial stables 1.01.500	5 acres		350	350	300	100	100	200	100	40		10%			8%	
Campgrounds 4.02.240	10 acres		350	350	350	100	100	200	100			10%			8%	
Emergency Services 4.045.000	1 acre		—	—	—	—	—	—	—	—		10%			n/a	
Residential lots less than 20 acres created before 12-31-1974	20,000 square feet		50	50	50	30	8	46	20	40		10%			n/a	
Greenhouses and kennels 1.05.000	10 acres		150	200	120	75	40	115	50			10%			8%	
INDEPENDENT LIVING SENIOR HOUSING COMPLEX 3.04.600	3 ACRES		N/A	N/A	N/A	50	50	100	50	50		25%			45%	
All other permitted uses	20 acres		200	200	200	50	50	100	50			10%			8%	

Chapter 297, Attachment 2, Charles County
Figure V, Residential Densities
Amending Figure V-1 Maximum Residential Densities

Existing Code

Residential Zones	Type of Development	Base Density	With Affordable Housing Density Bonus¹	With Maximum TDRs	Maximum TDRs Affordable Housing Density Bonus
Light Industrial (IG), Heavy Industrial (IH)	Application of a planned development - MX Zone	5.00	6.10	19.00	20.10
	Application of a planned development - TOD Zone	15.00	16.10	27.50	28.60
Watershed Conservation District (WCD)	Conventional or cluster	0.05	N/A	N/A	N/A
Hughesville Village Core (HVC), Hughesville Village Gateway (HVG)	Residential Subdivision	5.00	-	-	-
	Residential Mixed Use Building	8.00	-	-	-
Hughesville Village Residential (HVR)	Conventional	1.80	-	-	-
	With Central Water and/or Sewer	3.00	-	-	-

NOTES:

¹ The County Commissioners may grant density bonuses as set forth to § 297-243. A minimum of 10% of units shall be affordable housing to qualify for density bonus

² Density calculations in the CER, CMR and CRR Zones to achieve a density over the base density in these zones, the applicant must purchase one Transferable Development Right for each of the third, fifth, seventh and ninth lots/dwelling units per acre Density is established by dividing the number of lots/dwelling units by the number of acres devoted to residential development. The resulting density, usually a mixed number, is used to determine the number of development rights required. Any fractional portion of a number resulting from a density calculation will automatically be rounded up to the next whole number. For instance, if the resulting density calculation yields 2.01 units per acre, thus will be considered to be three units per acre, and one Transferable Development Right must be purchased for each of the lots/dwelling units. In no case may densities in these zones exceed 15 units per acre in the Core Retail Residential (CRR) and Core Employment Residential (CER) Zones or 10 units per acre in the Core Mixed Residential (CMR) Zone.

Chapter 297, Attachment 2, Charles County
Figure V, Residential Densities
Amending Figure V-1 Maximum Residential Densities

Proposed Code

Residential Zones	Type of Development	Base Density	With Affordable Housing Density Bonus¹	With Maximum TDRs	Maximum TDRs Affordable Housing Density Bonus
Light Industrial (IG), Heavy Industrial (IH)	Application of a planned development - MX Zone	5.00	6.10	19.00	20.10
	Application of a planned development - TOD Zone	15.00	16.10	27.50	28.60
Watershed Conservation District (WCD)	Conventional or cluster	0.05 ³	N/A	N/A	N/A
Hughesville Village Core (HVC), Hughesville Village Gateway (HVG)	Residential Subdivision	5.00	-	-	-
	Residential Mixed Use Building	8.00	-	-	-
Hughesville Village Residential (HVR)	Conventional	1.80	-	-	-
	With Central Water and/or Sewer	3.00	-	-	-

NOTES:

¹ The County Commissioners may grant density bonuses as set forth to § 297-243. A minimum of 10% of units shall be affordable housing to qualify for density bonus

² Density calculations in the CER, CMR and CRR Zones to achieve a density over the base density in these zones, the applicant must purchase one Transferable Development Right for each of the third, fifth, seventh and ninth lots/dwelling units per acre. Density is established by dividing the number of lots/dwelling units by the number of acres devoted to residential development. The resulting density, usually a mixed number, is used to determine the number of development rights required. Any fractional portion of a number resulting from a density calculation will automatically be rounded up to the next whole number. For instance, if the resulting density calculation yields 2.01 units per acre, this will be considered to be three units per acre, and one Transferable Development Right must be purchased for each of the lots/dwelling units. In no case may densities in these zones exceed 15 units per acre in the Core Retail Residential (CRR) and Core Employment Residential (CER) Zones or 10 units per acre in the Core Mixed Residential (CMR) Zone.

³ MAXIMUM DENSITY FOR AN INDEPENDENT LIVING SENIOR HOUSING COMPLEX IN THE WATERSHED CONSERVATION DISTRICT (WCD) SHALL BE NO MORE THAN 32 DU/ACRE AND SHALL NOT EXCEED A TOTAL OF 96 UNITS.

ZONING REGULATIONS
Amending Figure V-2
Residential Density Ranges
(Dwelling Units per Acre)

[Amended 12-11-2000 by Ord. No. 00-93; 6-16-2003 by Bill No. 2003-03;
1-25-2005 by Bill No. 2005-04; 7-25-2005 by Bill No. 2005-01; 4-13-2010 by Bill No. 2010-05;
6-6-2017 by Bill No. 2017-03; 11-28-2017 by Bill No. 2017-07; __ - __ - 2022 by Bill No. 2022-__]

Residential Zones	Density Range¹	Density Range Achieved through application of PDR, MDC or PMH²
Agricultural Conservation (AC)	0.33 to 0.40	N/A
Rural Conservation (RC)	0.10 to 0.40	N/A
Rural Residential (RR)	1.00 to 1.22	N/A
Village Residential (RV)	1.80 to 3.40	N/A
Low-Density Residential (RL)	1.00 to 3.97	1.75 to 5.72
Medium-Density Residential (RM)	3.00 to 6.56	4.00 to 10.86
High-Density Residential (RH)	5.00 to 13.10	7.00 to 20.10
Residential Office (RO)	1.00 to 3.97	1.75 to 5.72
Core Employment/Residential (CER)	2.00 ³	N/A ⁴
Core Retail/Residential (CRR)	2.00 ³	N/A ⁴
Core Mixed Residential (CMR)	2.00 ³	N/A ⁴
Watershed Conservation District (WCD)	0.05 ^{5,7}	N/A
Hughesville Village Core (HVC)	5.00 to 8.00 ⁶	N/A ⁴
Hughesville Village Gateway (HVG)	5.00 to 8.00 ⁶	N/A ⁴
Hughesville Village Residential (HVR)	1.80 to 3.00 ⁶	N/A ⁴

NOTES:

- ¹ Maximum densities allowed varies depending on the bonus densities achieved through housing and TDRs.
- ² Maximum densities allowed varies depending on the bonus densities achieved through housing and TDRs as well as the maximum allowed through performance identified in the Development Guidance System set forth in Article VIII.^a
- ³ Densities noted for the core mixed-use zones are minimum densities.
- ⁴ Application of floating zones not permitted.
- ⁵ Density bonuses are not allowed within the Watershed Conservation District (WCD).
- ⁶ Density bonuses are not allowed within the Hughesville Village Core (HVC), Hughesville Village Gateway (HVG), and Hughesville Village Residential (HVR) Zones.
- ⁷ MAXIMUM DENSITY FOR AN INDEPENDENT LIVING SENIOR HOUSING COMPLEX IN THE WATERSHED CONSERVATION DISTRICT (WCD) SHALL BE NO MORE THAN 32 DU/ACRE AND SHALL NOT EXCEED A TOTAL OF 96 UNITS.

ZONING REGULATIONS

Article XIII, Minimum Standards for Special Exceptions and Uses Permitted with Conditions
Amending Section 297-211, Alphabetical listing

§ 297-211. Alphabetical listing.

The following is an alphabetical listing of uses as they appear in the **Table of Permissible Uses**.^[1]

Use	Permissible Use Number
Agricultural processing facility, local [Added 11-28-2017 by Bill No. 2017-07]	7.08.110
Agricultural processing facility, local, slaughterhouse [Added 11-28-2017 by Bill No. 2017-07]	7.08.120
Airport, private use	4.05.210
Amphitheaters and open-air theaters	4.02.260
Amusement and theme parks	4.02.270
Antique shops, less than 15,000 square feet of floor area per parcel	6.01.113
Antique shops, more than 15,000 square feet of floor area per parcel	6.01.123
Archery ranges, outdoor	
Art centers, private, located within a building designed and previously occupied as a residence or institution	4.01.310
Art centers, private, located within any other structure	4.01.320
Art galleries, less than 15,000 square feet of floor area per parcel	6.01.113
Art galleries, more than 15,000 square feet of floor area per parcel	6.01.123
Asphalt/concrete plants	7.01.280
Automobile graveyards, junkyards, salvage yards and scrap materials	7.03.000
Automobile repair and maintenance, not including auto body work	6.03.300
Automobile painting and body work	6.03.400
Automobile sales or rental	6.03.100
Automobile sales with installation of automobile parts or accessories	6.03.200
Automobile and motorcycle racing tracks	4.02.250
Automotive parks	6.03.500
Bed-and-breakfasts, tourist homes	3.05.200
Betting facilities, off-track	4.02.140
Blacksmith shops, welding shops, ornamental ironworks, machine shops and sheet metal shops	7.01.210
Boardinghouses, rooming houses	3.05.100
Brewery, pub and micro [Added 8-21-2000 by Ord. No. 00-64]	6.02.400
Buses, more than two, bus dispatching, storage, including parts, maintenance, washing, and service facility [Added 5-7-2008 by Bill No. 2008-02]	6.03.311
Cabins, hunting and fishing	1.04.000
Campgrounds and camps	4.02.240

^[1]Editor's Note: The Table of Permissible Uses is included as an attachment to this chapter.

Car wash	6.03.300
Cat boarding facility	1.07.000
[Added 9-10-1996 by Ord.No. 96-88]	
Cemeteries, commercial	4.08.120
Cemeteries, private	4.08.110
Child care, nursing care, intermediate care,handicapped or infirm institutions	4.03.200
Clubs and lodges, social, fraternal	4.01.400
Coliseums and stadiums with seating capacity morethan 1,000	4.02.123
Commercial assembly and repair of all equipmentnormally used in agriculture	1.01.430
[Added 11-28-2017by Bill No. 2017-07]	
Commercial greenhouse operations with medical cannabis dispensary	1.05.300
[Added 3-15-2016 by Bill No. 2016-01]	
Concrete mixing, retail, operations conductedwithin and/or outside fully enclosed building	5.02.200
Convenience stores	6.01.140
Convention centers, conference centers	3.05.300
Country inn	3.05.400
[Added 10-31-1995 by Ord. No. 95-96]	
Crematoriums	4.08.200
Day-care centers, day nurseries, 7 to 30 care recipients	3.04.220
Day-care centers, nursery schools, more than 30 children	5.02.500
Earth stations	4.07.100
Elderly care homes (9 to 16 people)	3.04.420
Energetics research and development	7.04.210
Farm incubator	1.01.800
[Added 11-28-2017 by Bill No. 2017-07]	
Fertilizer mixing plants	7.01.260
Funeral homes	5.02.300
General merchandise	6.01.130
Gasoline station (motor vehicle fuel sales)	6.03.300
Golf courses, miniature	4.02.280
Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses	4.02.280
Greenhouses, commercial, with on-premises sales permitted	1.05.200
Group homes less than or equal to eight people	3.04.110
Group homes, nine to 16 people	3.04.120
Halfway house	3.04.300
Heliports	4.05.310
Helistops	4.05.320
Hog operations with six or more hogs	1.01.450
Horticultural sales with outdoor display	1.03.200
Horses on less than or equal to five acres	1.01.310

Hospitals and other inpatient medical facilities more than 10,000 square feet	4.03.100
Hotels, motels	3.05.300
Hunting and fishing cabins	1.04.000
INDEPENDENT LIVING SENIOR HOUSING COMPLEX	3.04.600
Junkyards, salvage yards, scrap materials and automobile graveyards	7.03.000
Kennel, commercial	1.06.000
Libraries, private, located within a building designed and previously occupied as a residence or institution	4.01.310
Libraries, private, located within any other structure	4.01.320
Livestock on less than or equal to five acres	1.01.300
Livestock on a parcel greater than five acres	1.01.200
[Added 12-7-1993 by Ord. No. 93-100; amended 11-21-1994 by Ord. No. 94-100]	
Livestock as pets, 4-H or school projects on less than or equal to five acres	1.01.310
Livestock for sales, cattle, etc., on less than or equal to five acres	1.01.320
Livestock markets	1.03.300
Lodges and clubs, social, fraternal	4.01.400
Machine shops, blacksmith shops, ornamental ironworks, welding shops and sheet metal shops	7.01.210
Machinery, heavy cultivation machinery, sprayplanes or irrigating machinery	1.01.700
Manufacturing, etc., with all operations conducted entirely within fully enclosed building, buildings less than 10,000 square feet per parcel	7.01.110
Manufacturing, etc., with all operations conducted entirely within fully enclosed building, buildings more than 10,000 square feet per parcel	7.01.120
Marina	2.01.000
Marine terminal	2.03.000
Markets, livestock	1.03.300
Markets, open-air produce	1.03.120
Medical cannabis dispensary operation	6.04.200
[Added 3-15-2016 by Bill No. 2016-01]	
Medical cannabis processing operation	6.04.100
[Added 3-15-2016 by Bill No. 2016-01]	
Meeting halls, union halls	4.01.400
Mental health treatment facilities more than 10,000 square feet	4.03.100
Migrant workers' housing	3.07.000
Mining, wells for oil, natural gas or petroleum	7.05.200
Mining, surface	7.05.100
Mobile food services facilities	6.02.330
[Added 9-20-2016 by Bill No. 2016-06]	
Motels, hotels	3.05.300

¹¹Editor's Note: The Table of Permissible Uses is included as an attachment to this chapter.

Motor vehicle fuel sales	6.03.300
Motor vehicle painting and body work	6.03.400
Motor vehicle parks	6.03.500
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]	6.03.321
Motor vehicle fuel sales not associated with commercial uses greater than 3,500 square feet or providing more than 12 fueling positions [Added 10-23-2000 by Ord. No. 00-84]	6.03.322
Motor vehicle repair and maintenance [Amended 10-23-2000 by Ord. No. 00-84]	6.03.310
Motor vehicle sales or rental in the CB Zone on more than three acres [Amended 12-7-1993 by Ord. No. 93-101]	6.03.110
Motor vehicle sales or rental, all other, mobile home sales [Amended 12-7-1993 by Ord. No. 93-101]	6.03.120
Motor vehicle sales with installation of motor vehicle parts or accessories	
Movie theater, drive-in	4.02.260
Movie theaters, theaters, coliseums and stadiums with seating capacity of up to 1,000 [Added 11-28-2017 by Bill No. 2017-07]	4.02.122
Museums, private, located within a building designed and previously occupied as a residence or institution	4.01.310
Museums, private, located within any other structure	4.01.320
Nursery schools and day-care centers, more than 30 children	5.02.500
Nursing care, intermediate care, handicapped, infirm and child care institutions	4.03.200
Parking, automobile parking garages or parking lots not located on a lot where there is another principal use to which the parking is related	7.02.100
Parking, one motor vehicle greater than 15,000 pounds gross vehicle weight [Added 2-22-2000 by Ord. No. 00-10]	7.02.410
Parking, more than one motor vehicle greater than 15,000 pounds gross vehicle weight [Added 2-22-2000 by Ord. No. 00-10]	7.02.420
Parking, outside, where vehicles are owned and used by the person making use of the lot and parking occupies more than 75% of the developed area	7.02.300
Petroleum products storage	7.02.240
Post office, local	4.05.110
Poultry houses	1.01.450
Racing tracks, automobile and motorcycle	4.02.250
Recreation facilities, indoor	4.02.110
Recreation facilities, outdoor, privately owned and not constructed pursuant to a permit authorizing the construction of some residential development	4.02.210

Recreational vehicle park	4.02.230
Research facilities and laboratories with processing or manufacturing of materials	7.04.200
Research facilities and laboratories without processing of materials	7.04.100
Residential, multifamily: garden apartment	3.03.100
Residential, multifamily: high-rise	3.03.300
Residential, multifamily: mid-rise	3.03.200
Residential, single-family attached: duplex	3.02.100
Residential, single-family attached: multiplex	3.02.300
Residential, single-family attached: townhouse	3.02.200
Residential, single-family detached: accessory apartment	3.01.700
Residential, single-family detached: lot line dwelling	3.01.200
Residential, single-family detached: manufactured home, Class B	3.01.500
Residential, single-family detached: patio/court/ atrium	3.01.300
Residential, single-family detached: single-family dwelling	3.01.100
[Added 8-2-1993 by Ord. No. 93-82]	
Residential, single-family detached: tenant house	3.01.600
Restaurant, fast-food, carry-out and delivery	6.02.200
Restaurant, fast-food, drive-in and drive-through with direct highway access to a public road	6.02.310
Restaurant, standard, fast-food, bars, nightclubs and dinner theaters	6.02.100
Retirement housing complex	3.04.500
Rifle and pistol ranges, indoor	4.02.130
Rifle and pistol ranges, outdoor	4.02.290
Rooming houses, boardinghouses	3.05.100
Salvage yards, automobile graveyards, junkyards and scrap materials	7.03.000
Sand and gravel washing, crushing and screening	7.01.280
Satellite dishes	4.07.200
Sawmills [Added 12-11-2000 by Ord. No. 00-93]	7.01.230
Seafood processing and seafood operations with products raised on the premises	2.02.200
Seafood processing and seafood operations with products raised or harvested off-site	2.02.100
Schools, private elementary and secondary	4.01.110
Schools, private colleges, universities, community colleges	4.01.130
Schools, trade or vocational	4.01.120
Shelters, permanent	3.06.000
Shoppers merchandise store, more than 15,000 square feet of floor area per parcel	6.01.121
Skateboard parks	4.02.280
Slaughterhouses	1.01.460
Small-scale craft winery [Added 11-28-2017 by Bill No. 2017-07]	6.02.500
Solar energy system, large [Added 5-6-2014 by Bill No. 2014-02]	7.07.200
Solar energy system, small [Added 5-6-2014 by Bill No. 2014-02]	7.07.100

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Specialty shops, more than 15,000 square feet of floor area per parcel	6.01.122
Stables, commercial	1.01.500
Stadiums and coliseums with seating capacity more than 1,000	4.02.123
Storage, consolidated [Added 10-2-2018 by Bill No. 2018-06]	7.02.250
Storage and distribution of local agricultural products [Added 11-28-2017 by Bill No. 2017-07]	7.08.200
Storage, outside, where stored equipment is owned and used by the person making use of the lot and storage occupies more than 75% of the developed area	7.02.300
Storage, petroleum products	7.02.240
Storage, warehouse	7.02.220
Storage, warehouse, mini	7.02.230
Stump/wood grinding [Added 12-7-1993 by Ord. No. 93-100; amended 11-21-1994 by Ord. No. 94-100]	7.01.290
Surface mining	7.05.100
Theaters, open-air and amphitheaters	4.02.260
Towers more than 50 feet tall [Added 9-7-1999 by Ord. No. 99-85]	4.06.300
Utilities, public: electric power, gas transmission and telecommunications buildings and structures, not associated with a tower	4.06.200
Utilities, public: towers and antennas more than 50 feet tall	4.06.300
Veterinarians and veterinary hospitals	5.02.400
Warehouse storage	7.02.220
Warehouse, mini-	7.02.230
Water slide parks	4.02.280
Wells for oil, natural gas or petroleum	7.05.200
Wind energy system, large [Added 5-6-2014 by Bill No. 2014-02]	7.07.400
Wind energy system, small [Added 5-6-2014 by Bill No. 2014-02]	7.07.300
Winery	7.01.250
Wireless communications antennas [Added 9-7-1999 by Ord. No. 99-85]	4.06.500

ZONING REGULATIONS

Article XIII, Minimum Standards for Special Exceptions and Uses Permitted with Conditions Amending Section 297-212, Uses corresponding with Table of Permissible Uses

(137) 3.04.600 INDEPENDENT LIVING SENIOR HOUSING COMPLEX. THIS USE IS PERMITTED WITH CONDITIONS IN THE WCD ZONE PROVIDED THAT THE FOLLOWING ARE MET:

- A. THE MINIMUM AREA SHALL BE THREE ACRES.
- B. AN INDEPENDENT LIVING SENIOR HOUSING COMPLEX SHALL ABUT A PROPERTY OWNED BY A CHURCH THAT IS A MINIMUM OF 10 ACRES IN SIZE AND THAT HAS DIRECT ACCESS TO A ROADWAY OF ARTERIAL OR HIGHER CLASSIFICATION.
- C. ALLOWED BUILDING TYPES INCLUDE SINGLE-FAMILY ATTACHED OR MULTIFAMILY DWELLING UNITS.
- D. INDEPENDENT LIVING FACILITIES SHALL INCLUDE COMMON RECREATION, LIBRARY, MEETING SPACE AND OFFICE SPACE FOR MEDICAL AND PERSONAL SERVICES. THESE ANCILLARY SERVICES ARE INTENDED TO SERVE SENIORS WHO RESIDE ON THE PREMISES ONLY AND ARE NOT AVAILABLE TO THE GENERAL PUBLIC UNLESS OTHERWISE PERMITTED WITHIN THE ZONE IN WHICH THE USE IS LOCATED.
- E. THE PROJECT SHALL COMPLY WITH THE 2020 ENTERPRISE GREEN COMMUNITIES REQUIREMENTS, AS AMENDED FROM TIME TO TIME, OR COMPARABLE NATIONALLY RECOGNIZED STANDARD APPROVED FOR MULTIFAMILY PROJECT USE BY THE MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT. THE APPLICANT SHALL PROVIDE DOCUMENTATION DEMONSTRATING COMPLIANCE WITH THIS REQUIREMENT PRIOR TO THE ISSUANCE OF A FINAL USE & OCCUPANCY PERMIT.
- F. ALL RESIDENTIAL UNITS SHALL BE LIMITED TO AFFORDABLE HOUSING FOR INDIVIDUALS WHO ARE 55 YEARS OF AGE AND OLDER ONLY, AND WHO ARE ABLE TO LIVE INDEPENDENTLY. THE TERM “AFFORDABLE” SHALL MEAN THAT THE AVERAGE HOUSEHOLD INCOME IN THE PROJECT MAY NOT EXCEED 60% OF THE AREA MEDIAN INCOME AS DEFINED FROM TIME TO TIME BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.
- G. THE MAXIMUM DENSITY FOR AN INDEPENDENT LIVING SENIOR HOUSING COMPLEX SHALL NOT EXCEED 96 UNITS.
- H. ONLY ONE INDEPENDENT LIVING SENIOR HOUSING COMPLEX SHALL BE APPROVED ON A TRACT OF LAND, REGARDLESS OF WHETHER THE PROPERTY IS FURTHER SUBDIVIDED IN THE FUTURE.

* * * * *

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

ADOPTED this ____th day of _____ 2023.

COUNTY COMMISSIONERS
CHARLES COUNTY, MARYLAND

Reuben B. Collins, II, Esq. President

Bobby Rucci, Vice President

Gilbert O. Bowling, III

Thomasina O. Coates, M.S.

Amanda M. Stewart, M.Ed.

ATTEST:

Carol DeSoto
Clerk to the Commissioners