

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

2
3 **2023 Legislative Session**

4
5 Bill No. 2023- / Zoning Text Amendment 23-177

6 Chapter. No. 297

7 Introduced by: _____

8
9 Date of Introduction: _____

10
11 **BILL**

12 AN ACT concerning:

13
14 Motor vehicle fuel sales:

15 Use 6.03.321 Motor vehicle fuel sales associated with commercial uses greater than
16 3,500 square feet or which provide more than 12 fueling positions

17 Use 6.03.322 Motor vehicle fuel sales not associated with commercial uses greater
18 than 3,500 square feet or providing more than 12 fueling positions

19 Use 6.03.330 Car wash

20
21
22 FOR the purpose of:

23
24 Revising the Charles County Code to add a permitted use in the TOD Zone to allow
25 motor fuel sales associated with commercial uses in the TOD Zone with conditions;
26 to ensure the TOD Zone receives consistent treatment under the Code commensurate
27 with other less dense/less intense zoning districts where motor fuel sales with
28 commercial uses are already permitted.

1 BY amending:

2
3 Chapter 297- Zoning Ordinance

4 Article XIII, § 212, Uses Corresponding with Table of Permissible Uses

5 *Code of Charles County, Maryland*

6
7 Chapter 297- Zoning Ordinance

8 Attachment 1 – Figure IV, Table of Permissible Uses

9 *Code of Charles County, Maryland*

10
11
12 **SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF**
13 **CHARLES COUNTY, MARYLAND,** that the Laws of Charles County, Maryland read as
14 follows:

15
16 *****

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

18 * * *

19 **(99) 6.03.321 Motor vehicle fuel sales associated with commercial uses greater than**
20 **3,500 square feet or which provide more than 12 fueling positions.** This use is further
21 described as motor vehicle fuel sales associated with or on the same lot as retail,
22 restaurant, or service-oriented commercial uses greater than 3,500 square feet or where
23 facilities have more than six multi-product dispenser (pumps) or 12 fueling positions to
24 accommodate up to 12 vehicles. This use is permitted with conditions in the CV **AND**
25 **TOD ZONES**, subject to Subsections A through I. This use is permitted by right in any
26 zone, where permitted with conditions or by special exception, if it is replacing an
27 existing conforming or legally nonconforming motor vehicle fuel sales use which
28 existed as of October 23, 2000. This use is permitted with conditions in the BP Zone,
29 subject to Subsections A through I, and subject to the 25% area limitations set forth in
30 § 297-91D(2). This use is permitted by special exception in the CN, CC, CB, IG, PEP,
31 and MX Zones, subject to all of the following: **[Added 10-23-2000 by Ord. No. 00-84;**

1 **amended 12-11-2001 by Ord. No. 01-90; 6-16-2020 by Bill No. 2020-04; 9-28-2021**
2 **by Bill No. 2021-08]**
3

- 4 A. Minimum lot size. A minimum lot area of 20,000 square feet and a minimum lot
5 frontage of 120 feet on a public road shall be required for each gasoline service
6 station site. In unsewered areas, the lot area must be increased sufficiently to
7 accommodate an individual sewage disposal system approved by the County Health
8 Officer.
9
- 10 B. Landscaping. Landscaping shall be established on all gasoline service station sites
11 on a minimum of 20% of the site area.
12
- 13 C. Fences, walls and decorative screening. Materials, textures, colors and design of
14 fences, walls and screening shall be compatible with the on-site development, the
15 adjacent properties and the neighborhood. Solid walls such as masonry or wood and
16 masonry may be required when the gasoline station borders a residential zone. When
17 solid walls are required, a planting strip is required on the outside of the wall.
18
- 19 D. Off-street parking. All gasoline service station development shall meet County off-
20 street parking standards to ensure the safe movement of vehicles and pedestrians.
21 The arrangement of structures, islands, driveways, parking and landscaping shall be
22 designed so as to ensure maneuvering ease, to serve the community and to not
23 adversely affect adjacent properties. The development shall provide three spaces for
24 each grease rack or working bay plus one space for each employee on duty, plus a
25 separate space for each accessory vehicle, such as tow trucks, etc. Where a car wash
26 service is being proposed as part of the normal service station operation, sufficient
27 parking and holding lane capacity shall be provided, and public streets shall not be
28 used for storage.
29
- 30 E. Access driveways. Access driveways shall be designed and located to ensure a safe
31 and efficient movement of traffic on and off the site from the lane of traffic nearest
32 the curb. The design, location and construction of all vehicular access driveways
33 shall be in accordance with the applicable specifications and standards of the
34 appropriate County and/or state agency with approval jurisdiction. At a minimum,
35 the applicant shall demonstrate that the receiving road network will operate safely
36 taking into consideration all potentially conflicting traffic movements, access
37 management guidelines in § 297-302, and the cumulative impact of other high
38 traffic-generating uses in the vicinity.

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

- 1
- 2 F. On-site lighting. Lighting shall be designed and controlled so that any light source,
- 3 including interior of a structure, shall be so shaded, shielded or directed that the light
- 4 intensity or brightness shall not adversely affect safe vision of operators of vehicles
- 5 moving on public or private roads, highways or parking areas. Such lighting shall
- 6 not shine on or reflect on or into residential structures.
- 7
- 8 G. Lubrication equipment and outdoor storage and refuse areas. Hydraulic racks and
- 9 service pits shall be located within the main structure. Any outdoor storage or refuse
- 10 area shall be fenced or screened from view and must be approved as to location and
- 11 design. The petitioner's plan shall indicate the disposal methods to be used for all
- 12 waste material, including recycling of waste oil generated by the service station
- 13 operation.
- 14
- 15 H. Structures. Convenient retail cigarette and snack dispensing areas are allowed but
- 16 must be effectively screened or enclosed and integrated with the architectural design
- 17 of the service station.
- 18
- 19 I. Operation.
- 20
- 21 (1) The operation shall be confined to normal gasoline service station activities.
- 22 Outside operations shall be limited to the dispensing of petroleum products,
- 23 oil, water, pressurized air, the changing of tires and minor servicing; however,
- 24 at a minimum, all fuel sales facilities shall include rest rooms available to
- 25 customers, pressurized air for tires and water for radiator filling. Storage of all
- 26 automotive supplies shall be within the main structure.
- 27
- 28 (2) The sale or rental of boats, two-wheeled vehicles, trucks, cars, all types of
- 29 trailers, tractors, mowers and any other similar uses of a rental or sales nature
- 30 are prohibited, unless specifically identified in the application.
- 31
- 32 (3) The premises shall be maintained at all times in a clean and orderly condition,
- 33 including the care or replacement of plant materials required in the landscaping
- 34 and screening plan. The responsibility for compliance with this provision shall
- 35 be with all parties having a lease or ownership interest in the gasoline service
- 36 station.
- 37

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

- 9
- 10 (1) The ratio of the total number fueling positions in the neighborhood to the
11 resident and employee population in the neighborhood of the proposed use is
12 less than the ratio of the total number of fueling positions in the County to the
13 resident and employee population in the County; and
- 14
- 15 (2) The ratio of the total number of fueling positions in the neighborhood to the
16 total number of motor vehicles owned by residents in the neighborhood is less
17 than the ratio of the total number of fueling positions in the County to the total
18 number of motor vehicles owned Countywide.

19

20 **(100) 6.03.322 Motor vehicle fuel sales not associated with commercial uses greater than**
21 **3,500 square feet or providing more than 12 fueling positions.** This use is permitted
22 with conditions in the CV, CC, CB, IG, PEP, **TOD** and MX Zones, subject to
23 Subsections A through I for Use 6.03.321 above. This use is permitted by special
24 exception in the CN Zone, subject to Subsections A through I for Use 6.03.321 above.
25 This use is permitted with conditions in the BP Zone, subject to Subsections A through
26 I for Use 6.03.321 above, and subject to the 25% area limitations set forth in § 297-
27 91D(2). **[Added 10-23-2000 by Ord. No. 00-84; amended 6-16-2020 by Bill No. 2020-**
28 **04; 9-28-2021 by Bill No. 2021-08]**

29

30 **(101) 6.03.330 Car wash.** This use is permitted with conditions in the CN, CC, CB, CV, IG,
31 PEP, **TOD** and MX Zones, subject to the following: **[Added 10-23-2000 by Ord. No.**
32 **00-84]**

33

34 A. Principal vehicular access for such use shall be located on an arterial or collector
35 road. Within the BP Zone, access will be through an interior road network.
36 **[Amended 6-16-2020 by Bill No. 2020-04]**

37

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

3
4 C. In the BP Zone, this use is subject to the following additional conditions: **[Added 6-
5 16-2020 by Bill No. 2020-04]**

6
7 (1) Access will be through an interior road network;

8
9 (2) This use is subject to the 25% area limitations set forth in § 297-91D(2); and
10 **[Amended 9-28-2021 by Bill No. 2021-08]**

11
12 (3) Vehicular access for ingress and egress to car wash bays are not permitted on
13 a side of a building that faces an arterial of any classification or a major
14 collector. Incidental visibility of the vehicular access for ingress and egress to
15 a car wash bay from an arterial of any classification or a major collector shall
16 be screened.

17
18 Chapter 297- Zoning Regulations. Figure IV: Table of Permissible Uses.

19 **See Attachment A**

20
21
22 **SECTION 2.** BE IT FURTHER ORDAINED that this ORDINANCE shall take effect forty-five
23 (45) calendar days after it is adopted.

24
25 ADOPTED this _____ day of _____, 2023.

26
27 COUNTY COMMISSIONERS OF
28 CHARLES COUNTY, MARYLAND

29
30 _____
31 Reuben B. Collins, II, Esq., President
32
33 _____

1 Ralph E. Patterson II, M.A., Vice President

2
3
4 _____
5 Thomasina Coates, M.S.

6
7 _____
8 Amanda M. Stewart, M.Ed.

9
10 _____
11 Gilbert O. Bowling, III

12 ATTEST:

13 _____
14 Carol DeSoto, CAP, OM, Clerk to the Commissioners
15
16
17

Charles County

Figure IV-1
Table of Permissible Uses

[Amended 8-2-1993 by Ord. No. 93-82; 12-7-1993 by Ord. No. 93-100; 12-7-1993 by Ord. No. 93-101; 12-7-1993 by Ord. No. 94-4; 9-12-1994 by Ord. No. 94-83; 11-21-1994 by Ord. No. 94-100; 10-31-1995 by Ord. No. 95-96; 11-7-1995 by Ord. No. 95-97; 2-13-1996 by Ord. No. 96-7; 9-10-1996 by Ord. No. 96-88; 5-5-1997 by Ord. No. 97-44; 7-8-1997 by Ord. No. 97-83; 3-1-1999 by Ord. No. 99-16; 3-30-1999 by Ord. No. 99-32; 3-30-1999 by Ord. No. 99-33; 10-25-2000 by Ord. No. 99-92; 2-22-2000 by Ord. No. 00-10; 5-2-2000 by Ord. No. 00-37; 8-21-2000 by Ord. No. 00-64; 10-23-2000 by Ord. No. 00-84; 12-11-2000 by Ord. No. 00-93; 10-23-2001 by Ord. No. 01-87; 5-21-2002 by Ord. No. 02-58; 9-23-2002 by Ord. No. 02-80; 3-21-2005 by Bill. No. 2005-03; 7-25-2005 by Bill. No. 2005-01; 8-9-2005 by Bill. No. 2005-13; 1-10-2006 by Bill. No. 2005-11; 3-14-2007 by Bill No. 2007-05; 5-7-2008 by Bill No. 2008-02; 9-3-2008 by Bill No. 2008-11; 10-22-2008 by Bill No. 2008-12; 10-22-2008 by Bill No. 2008-21; 4-13-2010 by Bill No. 2010-02; 4-13-2010 by Bill No. 2010-05; 4-13-2010 by Bill No. 2010-06; 3-30-2011 by Bill No. 2011-02; 6-19-2012 by Bill No. 2012-08; 5-6-2014 by Bill No. 2014-02; 3-15-2016 by Bill No. 2016-01; 9-20-2016 by Bill No. 2016-06; 6-13-2017 by Bill No. 2017-01; 6-6-2017 by Bill No. 2017-03; 9-11-2018 by Bill No. 2018-04; 10-2-2018 by Bill No. 2018-05; 10-2-2018 by Bill No. 2018-06; 7-9-2019 by Bill No. 2019-01; 6-16-2020 by Bill No. 2020-04; 4-13-2021 by Bill No. 2021-01; 10-5-2021 by Bill No. 2021-04; 9-29-2021 by Bill No. 2021-06; 9-28-2021 by Bill No. 2021-08; 11-17-2021 by Bill No. 2021-10]

KEY:
P = Permitted
PC = Permitted with Conditions
SE = Special Exception
Blank = Not Permitted
* = See § 297-91D, Commercial

* * *

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)
6.03.000 Motor vehicle-related and service operations																										

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6.03.320 Motor vehicle fuel sales																								
6.03.321 Associated with commercial uses > 3,500 square feet									SE	SE	SE	PC	PC	SE			SE	SE		PC				
6.03.322 All other									SE	PC	PC	PC	PC	PC			PC	PC		PC				
6.03.330 Car wash									PC	PC	PC	PC	PC	PC			PC	PC		PC				
6.03.400 Motor vehicle painting and body work										PC		PC		PC			PC							
6.03.500 Automotive parks										PC				PC			PC	PC						

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