

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2024 Legislative Session

Bill 2023-13

Zoning Text Amendment (ZTA) #22-173

**Independent Living Senior Housing Complex in The Watershed Conservation
District (WCD)**

Introduced by Charles County Commissioners

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).

Date introduced: 11/28/2023

Public Hearing: 02/07/2024 Virtual and In-Person @ 6:00 p.m.

Commissioners Action: 03/19/2024

Commissioner Votes: RBC: Y, GB: N, TC: Y, AS: N, RP: Y

Pass/Fail: Pass

Effective Date: 05/03/2024

Remarks: _____

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

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2024 Legislative Session

Bill No.: 2023-13 ZTA #22-173

Chapter No.: 297

Introduced by: Board of County Commissioners

Date of Introduction: November 28, 2023

**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).

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

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

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.

Existing Code

CHARLES COUNTY CODE

Uses Description	Zones																							Waldorf Central Zone (WC)	Action Urban Center Zone (AUC)		
	AC	RC	WCD	RR	RV	RL	RM	RH	RO	CN	CC	CB	CV	BP	IG	HH	PRD	PEP	MX	PMH	TOD	CER	CRR			CMR	
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

Proposed Code

CHARLES COUNTY CODE

Uses Description	Zones																						Waldorf Central Zone (WC)	Action Urban Center Zone (AUC)			
	AC	RC	WCD	RR	RV	RL	RAI	RH	RO	CN	CC	CB	CV	BP	IG	HI	PRO	PEP	MX	PMH	TOD	CER			CRR	CAIR	
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	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 36 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	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	
3.04.600 INDEPENDENT LIVING SENIOR HOUSING COMPLEX			PC																								

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**,¹²¹ 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.

¹²¹ 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**,¹²¹ 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.

¹²¹ 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.

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.

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.

ZONING REGULATIONS

Figure VI-10
 Schedule of Zone Regulations: Watershed Conservation District Zone
 [Added 6-6-2017 by Bill No. 2017-03]

Existing Code

Uses	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		Lot Coverage	Intensity	Minimum Open Space	Maximum ISR	Minimum Tract Size
	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. 2023-__]

Proposed Code

Uses	Minimum Lot Criteria					Minimum Yard Requirements (feet)				Maximum Height		Lot Coverage	Intensity	Minimum Open Space	Maximum ISR	Minimum Tract Size
	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%	
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 Bonus ¹	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, 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.

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 Bonus ¹	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; __ - __ - 2023 by Bill No. 2023-__]

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.³
- 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.**¹¹¹

Permissible Use	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	4.01.310
Art centers, private, located within a building designed and previously occupied as a residence or institution	4.01.320
Art centers, private, located within any other structure	6.01.113
Art centers, private, located within any other structure	6.01.123
Art galleries, less than 15,000 square feet of floor area per parcel	7.01.280
Art galleries, more than 15,000 square feet of floor area per parcel	7.03.000
Asphalt/concrete plants	6.03.300
Asphalt/concrete plants	6.03.400
Automobile graveyards, junkyards, salvage yards and scrap materials	6.03.100
Automobile repair and maintenance, not including auto body work	6.03.200
Automobile repair and maintenance, not including auto body work	4.02.250
Automobile painting and body work	6.03.500
Automobile painting and body work	3.05.200
Automobile sales or rental	4.02.140
Automobile sales with installation of automobile parts or accessories	7.01.210
Automobile and motorcycle racing tracks	7.01.210
Automotive parks	3.05.100
Automotive parks	6.02.400
Bed-and-breakfasts, tourist homes	
Betting facilities, off-track	6.03.311
Blacksmith shops, welding shops, ornamental ironworks, machine shops and sheet metal shops	
Boardinghouses, rooming houses	1.04.000
Brewery, pub and micro	4.02.240
[Added 8-21-2000 by Ord. No. 00-64]	6.03.300
Buses, more than two, bus dispatching, storage, including parts, maintenance, washing, and service facility	1.07.000
[Added 5-7-2008 by Bill No. 2008-02]	4.08.120

Cabins, hunting and fishing	4.08.110
Campgrounds and camps	4.03.200
Car wash	
Cat boarding facility	4.01.400
[Added 9-10-1996 by Ord.No. 96-88]	4.02.123
Cemeteries, commercial	1.01.430
Cemeteries, private	
Child care, nursing care, intermediate care,handicapped or infirm institutions	1.05.300
Clubs and lodges, social, fraternal	
Coliseums and stadiums with seating capacity morethan 1,000	5.02.200
Commercial assembly and repair of all equipmentnormally used in agriculture	
[Added 11-28-2017by Bill No. 2017-07]	6.01.140
Commercial greenhouse operations with medicalcannabis dispensary	3.05.300 3.05.400
[Added 3-15-2016 by Bill No. 2016-01]	
Concrete mixing, retail, operations conductedwithin and/or outside fully enclosed building	4.08.200 3.04.220
Convenience stores	5.02.500
Convention centers, conference centers	4.07.100
Country inn	3.04.420
[Added 10-31-1995 by Ord. No. 95-96]	7.04.210
Crematoriums	1.01.800
Day-care centers, day nurseries, 7 to 30 care recipients	7.01.260
Day-care centers, nursery schools, more than 30 children	5.02.300
Earth stations	6.01.130
Elderly care homes (9 to 16 people)	6.03.300
Energetics research and development	4.02.280
Farm incubator	4.02.280
[Added 11-28-2017 by Bill No. 2017-07]	
Fertilizer mixing plants	1.05.200
Funeral homes	3.04.110
General merchandise	3.04.120
Gasoline station (motor vehicle fuel sales)	3.04.300
Golf courses, miniature	4.05.310
Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses	4.05.320
Greenhouses, commercial, with on-premises sales permitted	1.01.450
Group homes less than or equal to eight people	1.03.200
Group homes, nine to 16 people	1.01.310
Halfway house	4.03.100
Heliports	
Helistops	3.05.300
Hog operations with six or more hogs	1.04.000

Horticultural sales with outdoor display	3.04.600
Horses on less than or equal to five acres	7.03.000
Hospitals and other inpatient medical facilities more than 10,000 square feet	1.06.000 4.01.310
Hotels, motels	
Hunting and fishing cabins	4.01.320
INDEPENDENT LIVING SENIOR HOUSING COMPLEX	1.01.300
Junkyards, salvage yards, scrap materials and automobile graveyards	1.01.200
Kennel, commercial	
Libraries, private, located within a building designed and previously occupied as a residence or institution	1.01.310
Libraries, private, located within any other structure	1.01.320
Livestock on less than or equal to five acres	1.03.300
Livestock on a parcel greater than five acres	4.01.400
[Added 12-7-1993 by Ord. No. 93-100; amended 11-21-1994 by Ord. No. 94-100]	7.01.210
Livestock as pets, 4-H or school projects on less than or equal to five acres	1.01.700
Livestock for sales, cattle, etc., on less than or equal to five acres	7.01.110
Livestock markets	
Lodges and clubs, social, fraternal	7.01.120
Machine shops, blacksmith shops, ornamental ironworks, welding shops and sheet metal shops	
Machinery, heavy cultivation machinery, sprayplanes or irrigating machinery	2.01.000 2.03.000
Manufacturing, etc., with all operations conducted entirely within fully enclosed building, buildings less than 10,000 square feet per parcel	1.03.300 1.03.120 6.04.200
Manufacturing, etc., with all operations conducted entirely within fully enclosed building, buildings more than 10,000 square feet per parcel	6.04.100
Marina	4.01.400
Marine terminal	4.03.100
Markets, livestock	3.07.000
Markets, open-air produce	7.05.200
Medical cannabis dispensary operation	7.05.100
[Added 3-15-2016 by Bill No. 2016-01]	6.02.330
Medical cannabis processing operation	
[Added 3-15-2016 by Bill No. 2016-01]	3.05.300
Meeting halls, union halls	6.03.300
Mental health treatment facilities more than 10,000 square feet	6.03.400
Migrant workers' housing	6.03.500
Mining, wells for oil, natural gas or petroleum	6.03.321

Mining, surface	
Mobile food services facilities	
[Added 9-20-2016 by Bill No. 2016-06]	6.03.322
Motels, hotels	
Motor vehicle fuel sales	
Motor vehicle painting and body work	6.03.310
Motor vehicle parks	
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]	6.03.110
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]	6.03.120
Motor vehicle repair and maintenance	4.02.260
[Amended 10-23-2000 by Ord. No. 00-84]	4.02.122
Motor vehicle sales or rental in the CB Zone on more than three acres [Amended 12-7-1993 by Ord. No. 93-101]	
Motor vehicle sales or rental, all other, mobile home sales	4.01.310
[Amended 12-7-1993 by Ord. No. 93-101]	
Motor vehicle sales with installation of motor vehicle parts or accessories	4.01.320
	5.02.500
Movie theater, drive-in	4.03.200
Movie theaters, theaters, coliseums and stadiums with seating capacity of up to 1,000	7.02.100
[Added 11-28-2017 by Bill No. 2017-07]	
Museums, private, located within a building designed and previously occupied as a residence or institution	7.02.410
Museums, private, located within any other structure	
Nursery schools and day-care centers, more than 30 children	7.02.420
Nursing care, intermediate care, handicapped, infirm and child care institutions	
Parking, automobile parking garages or parking lots not located on a lot where there is another principal use to which the parking is related	7.02.300
Parking, one motor vehicle greater than 15,000 pounds gross vehicle weight	7.02.240
[Added 2-22-2000 by Ord. No. 00-10]	4.05.110
Parking, more than one motor vehicle greater than 15,000 pounds gross vehicle weight	1.01.450
[Added 2-22-2000 by Ord. No. 00-10]	4.02.250
	4.02.110
	4.02.210
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	
	4.02.230
Petroleum products storage	7.04.200
Post office, local	

Poultry houses	7.04.100
Racing tracks, automobile and motorcycle	3.03.100
Recreation facilities, indoor	3.03.300
Recreation facilities, outdoor, privately owned and not constructed pursuant to a permit authorizing the construction of some residential development	3.03.200 3.02.100 3.02.300
Recreational vehicle park	3.02.200
Research facilities and laboratories with processing or manufacturing of materials	3.01.700 3.01.200
Research facilities and laboratories without processing of materials	3.01.500 3.01.300
Residential, multifamily: garden apartment	3.01.100
Residential, multifamily: high-rise	
Residential, multifamily: mid-rise	3.01.600
Residential, single-family attached: duplex	6.02.200
Residential, single-family attached: multiplex	6.02.310
Residential, single-family attached: townhouse	
Residential, single-family detached: accessory apartment	6.02.100
Residential, single-family detached: lot line dwelling	3.04.500
Residential, single-family detached: manufactured home, Class B	4.02.130 4.02.290
Residential, single-family detached: patio/court/ atrium	3.05.100
Residential, single-family detached: single-family dwelling [Added 8-2-1993 by Ord. No. 93-82]	7.03.000 7.01.280
Residential, single-family detached: tenant house	4.07.200
Restaurant, fast-food, carry-out and delivery	7.01.230
Restaurant, fast-food, drive-in and drive-through with direct highway access to a public road	
Restaurant, standard, fast-food, bars, nightclubs and dinner theaters	2.02.200 2.02.100
Retirement housing complex	4.01.110
Rifle and pistol ranges, indoor	4.01.130
Rifle and pistol ranges, outdoor	4.01.120
Rooming houses, boardinghouses	3.06.000
Salvage yards, automobile graveyards, junkyards and scrap materials	6.01.121
Sand and gravel washing, crushing and screening	4.02.280
Satellite dishes	1.01.460
Sawmills [Added 12-11-2000 by Ord. No. 00-93]	6.02.500
Seafood processing and seafood operations with products raised on the premises	7.07.200 7.07.100
Seafood processing and seafood operations with products raised or harvested off-site	6.01.122
Schools, private elementary and secondary	1.01.500
Schools, private colleges, universities, community colleges	4.02.123

Schools, trade or vocational	7.02.250
Shelters, permanent	7.08.200
Shoppers merchandise store, more than 15,000 square feet of floor area per parcel	7.02.300
Skateboard parks	
Slaughterhouses	
Small-scale craft winery [Added 11-28-2017 by Bill No. 2017-07]	7.02.240
	7.02.220
Solar energy system, large [Added 5-6-2014 by Bill No. 2014-02]	7.02.230
	7.01.290
Solar energy system, small [Added 5-6-2014 by Bill No. 2014-02]	7.05.100
	4.02.260
Specialty shops, more than 15,000 square feet of floor area per parcel	4.06.300
	4.06.200
Stables, commercial	
Stadiums and coliseums with seating capacity more than 1,000	
Storage, consolidated [Added 10-2-2018 by Bill No. 2018-06]	4.06.300
Storage and distribution of local agricultural products [Added 11-28-2017 by Bill No. 2017-07]	5.02.400
	7.02.220
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	7.02.230
	4.02.280
	7.05.200
Storage, petroleum products	7.07.400
Storage, warehouse	7.07.300
Storage, warehouse, mini	7.01.250
Stump/wood grinding [Added 12-7-1993 by Ord. No. 93-100; amended 11-21-1994 by Ord. No. 94-100]	4.06.500
Surface mining	
Theaters, open-air and amphitheaters	
Towers more than 50 feet tall [Added 9-7-1999 by Ord. No. 99-85]	
Utilities, public: electric power, gas transmission and telecommunications buildings and structures, not associated with a tower	
Utilities, public: towers and antennas more than 50 feet tall	
Veterinarians and veterinary hospitals	
Warehouse storage	
Warehouse, mini-	
Water slide parks	
Wells for oil, natural gas or petroleum	
Wind energy system, large [Added 5-6-2014 by Bill No. 2014-02]	
Wind energy system, small [Added 5-6-2014 by Bill No. 2014-02]	

Winery
Wireless communications antennas
[Added 9-7-1999 by Ord. No. 99-85]

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 ADJACENT 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.

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

ADOPTED this 19th day of 2024.

**COUNTY COMMISSIONERS
CHARLES COUNTY, MARYLAND**



Reuben B. Collins, II, Esq. President



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

Declined to Sign

Gilbert O. Bowling, III



Thomasina O. Coates, M.S.

Declined to Sign

Amanda M. Stewart, M.Ed.

ATTEST:



Carol A. DeSoto, Clerk to the Commissioners