

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2024 Legislative Session

Bill 2024-03

**ZONING TEXT AMENMENT 23-177 TRANSIT ORIENTED
DEVELOPMENT ZONE (TOD)**

Introduced by Charles County Commissioners

FOR the purpose of Revising the Charles County Code to add a permitted use in the TOD Zone to allow motor fuel sales associated with commercial uses in the TOD Zone with conditions; to ensure the TOD Zone receives consistent treatment under the Code commensurate with other less dense/less intense zoning districts where motor fuel sales with commercial uses are already permitted. BY amending: Chapter 297- Zoning Ordinance Article XIII, § 212, Uses Corresponding with Table of Permissible Uses; and Chapter 297- Zoning Ordinance Attachment 1 – Figure IV, Table of Permissible Uses, *Code of Charles County, Maryland*.

Date introduced: 01/30/2024

Public Hearing: 03/19/2024 Virtual and In-Person @ 6:00 p.m.

Commissioners Action: 03/19/2024

Commissioner Votes: RBC: Y, GB: Y, TC: Y, AS: Y, 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.

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

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

* * *

(99) **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.** 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 AND TOD ZONES, 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 25% area limitations set forth in § 297-91D(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; 6-16-2020 by Bill No. 2020-04; 9-28-2021 by Bill No. 2021-08]**

A. Minimum lot size. A minimum lot area of 20,000 square feet and a minimum lot frontage of 120 feet on a public road shall be required for each gasoline service station site. In unsewered areas, the lot area must be increased sufficiently to accommodate an individual sewage disposal system approved by the County Health Officer.

B. Landscaping. Landscaping shall be established on all gasoline service station sites on a minimum of 20% of the site area.

C. Fences, walls and decorative screening. Materials, textures, colors and design of fences, walls and screening shall be compatible with the on-site development, the adjacent

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1 properties and the neighborhood. Solid walls such as masonry or wood and masonry may be
2 required when the gasoline station borders a residential zone. When solid walls are required,
3 a planting strip is required on the outside of the wall.
4

5 D. Off-street parking. All gasoline service station development shall meet County off-
6 street parking standards to ensure the safe movement of vehicles and pedestrians. The
7 arrangement of structures, islands, driveways, parking and landscaping shall be designed so
8 as to ensure maneuvering ease, to serve the community and to not adversely affect adjacent
9 properties. The development shall provide three spaces for each grease rack or working bay
10 plus one space for each employee on duty, plus a separate space for each accessory vehicle,
11 such as tow trucks, etc. Where a car wash service is being proposed as part of the normal
12 service station operation, sufficient parking and holding lane capacity shall be provided, and
13 public streets shall not be used for storage.
14

15 E. Access driveways. Access driveways shall be designed and located to ensure a safe
16 and efficient movement of traffic on and off the site from the lane of traffic nearest the curb.
17 The design, location and construction of all vehicular access driveways shall be in accordance
18 with the applicable specifications and standards of the appropriate County and/or state agency
19 with approval jurisdiction. At a minimum, the applicant shall demonstrate that the receiving
20 road network will operate safely taking into consideration all potentially conflicting traffic
21 movements, access management guidelines in § 297-302, and the cumulative impact of other
22 high traffic-generating uses in the vicinity.
23

24 F. On-site lighting. Lighting shall be designed and controlled so that any light source,
25 including interior of a structure, shall be so shaded, shielded or directed that the light intensity
26 or brightness shall not adversely affect safe vision of operators of vehicles moving on public
27 or private roads, highways or parking areas. Such lighting shall not shine on or reflect on or
28 into residential structures.
29

30 G. Lubrication equipment and outdoor storage and refuse areas. Hydraulic racks and
31 service pits shall be located within the main structure. Any outdoor storage or refuse area shall
32 be fenced or screened from view and must be approved as to location and design. The
33 petitioner's plan shall indicate the disposal methods to be used for all waste material, including
34 recycling of waste oil generated by the service station operation.
35

36 H. Structures. Convenient retail cigarette and snack dispensing areas are allowed but must
37 be effectively screened or enclosed and integrated with the architectural design of the service
38 station.
39

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1 I. Operation.

- 2
- 3 (1) The operation shall be confined to normal gasoline service station activities. Outside
- 4 operations shall be limited to the dispensing of petroleum products, oil, water,
- 5 pressurized air, the changing of tires and minor servicing; however, at a minimum, all
- 6 fuel sales facilities shall include rest rooms available to customers, pressurized air for
- 7 tires and water for radiator filling. Storage of all automotive supplies shall be within the
- 8 main structure.
- 9
- 10 (2) The sale or rental of boats, two-wheeled vehicles, trucks, cars, all types of trailers,
- 11 tractors, mowers and any other similar uses of a rental or sales nature are prohibited,
- 12 unless specifically identified in the application.
- 13
- 14 (3) The premises shall be maintained at all times in a clean and orderly condition,
- 15 including the care or replacement of plant materials required in the landscaping and
- 16 screening plan. The responsibility for compliance with this provision shall be with all
- 17 parties having a lease or ownership interest in the gasoline service station.
- 18

19 J. Public necessity. The Board of Appeals must find from a preponderance of the

20 evidence of record that the proposed use is necessary to serve the proposed existing and

21 projected growth within the surrounding neighborhood. An evidentiary presumption shall

22 exist that there is no public necessity for the proposed use if the lot or parcel on which the use

23 is proposed is located within 2,500 feet of the boundaries of any other lot or parcel containing

24 a motor vehicle fuel sale use. The presumption of the lack of public necessity may be

25 overcome only upon findings by the Board supported by a preponderance of the evidence that:

26

- 27 (1) The ratio of the total number fueling positions in the neighborhood to the resident and
- 28 employee population in the neighborhood of the proposed use is less than the ratio of
- 29 the total number of fueling positions in the County to the resident and employee
- 30 population in the County; and
- 31
- 32 (2) The ratio of the total number of fueling positions in the neighborhood to the total number
- 33 of motor vehicles owned by residents in the neighborhood is less than the ratio of the
- 34 total number of fueling positions in the County to the total number of motor vehicles
- 35 owned Countywide.

36

37 **(100) 6.03.322 Motor vehicle fuel sales not associated with commercial uses greater than**

38 **3,500 square feet or providing more than 12 fueling positions. This use is permitted**

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1 with conditions in the CV, CC, CB, IG, PEP, **TOD** and MX Zones, subject to
2 Subsections A through I for Use 6.03.321 above. This use is permitted by special
3 exception in the CN Zone, subject to Subsections A through I for Use 6.03.321 above.
4 This use is permitted with conditions in the BP Zone, subject to Subsections A through
5 I for Use 6.03.321 above, and subject to the 25% area limitations set forth in § 297-
6 91D(2). [Added 10-23-2000 by Ord. No. 00-84; amended 6-16-2020 by Bill No. 2020-
7 04; 9-28-2021 by Bill No. 2021-08]
8

9 **(101) 6.03.330 Car wash.** This use is permitted with conditions in the CN, CC, CB, CV, IG,
10 PEP, **TOD** and MX Zones, subject to the following: [Added 10-23-2000 by Ord. No.
11 00-84]
12

13 A. Principal vehicular access for such use shall be located on an arterial or collector road.
14 Within the BP Zone, access will be through an interior road network. [Amended 6-16-
15 2020 by Bill No. 2020-04]
16

17 B. Adequate storage space at the vehicular entrance and sufficient capacity for vehicular
18 ingress and egress shall be provided to prevent traffic congestion.
19

20 C. In the BP Zone, this use is subject to the following additional conditions: [Added 6-16-
21 2020 by Bill No. 2020-04]
22

23 (1) Access will be through an interior road network;
24

25 (2) This use is subject to the 25% area limitations set forth in § 297-91D(2); and [Amended
26 9-28-2021 by Bill No. 2021-08]
27

28 (3) Vehicular access for ingress and egress to car wash bays are not permitted on a side of
29 a building that faces an arterial of any classification or a major collector. Incidental
30 visibility of the vehicular access for ingress and egress to a car wash bay from an arterial
31 of any classification or a major collector shall be screened.
32

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

34 **See Attachment A**
35
36
37
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39

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

3
4 ADOPTED this 19th day of March 2024.
5

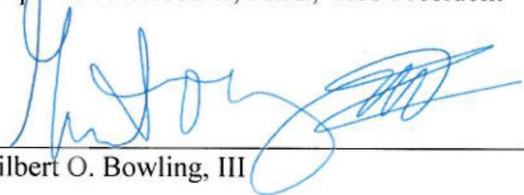
6 **COUNTY COMMISSIONERS OF**
7 **CHARLES COUNTY, MARYLAND**

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11 Reuben B. Collins, II, Esq., President

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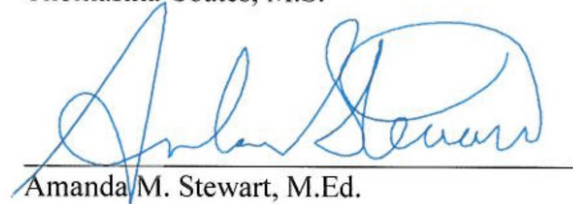
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16 Ralph E. Patterson II, M.A., Vice President

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26 Gilbert O. Bowling, III

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35 Thomasina Coates, M.S.



Amanda M. Stewart, M.Ed.

ATTEST:



Carol DeSoto, Clerk to the Commissioners

297 Attachment I

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. 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. 2008-21; 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. 2021-06; 9-29-2021 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

* * *

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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	PRD	PEP	MX	PMI	TOD			CER	CRR	CMR
6.03.090 Motor vehicle-related and service operations																										
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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