

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2025 Legislative Session

Text Amendment/Bill No. ZTA #25-187/Bill No. YEAR-xx

Chapter. No. 297- Zoning Ordinance

Introduced by The Department of Planning & Growth Management

Date of Introduction Month, Day, Year

**BILL**

AN ACT concerning:

**THE INTRODUCTION OF DATA CENTER AS A USE PERMITTED WITH  
CONDITIONS IN THE BUSINESS PARK (BP), GENERAL INDUSTRIAL (IG), HEAVY  
INDUSTRIAL (IH), LOW-DENSITY RESIDENTIAL (RL), AND PLANNED UNIT  
DEVELOPMENT (PUD) ZONES DESIGNATED AS INDUSTRIAL**

FOR the purpose of:

AMENDING SPECIFIC ARTICLES OF THE ZONING ORDINANCE TO DEFINE,  
AND PERMIT WITH CONDITIONS, A NEW LAND USE DESIGNATED AS 7.01.130,  
DATA CENTER, IN THE BUSINESS PARK (BP), GENERAL INDUSTRIAL (IG),  
HEAVY INDUSTRIAL (IH), LOW DENSITY RESIDENTIAL (RL), AND PLANNED UNIT  
DEVELOPMENT (PUD) ZONES DESIGNATED AS INDUSTRIAL.

BY Amending:

Chapter 297- Zoning Ordinance

Article III, §297-49. Word usage; definitions.

*Code of Charles County, Maryland*

Chapter 297- Zoning Ordinance  
Article IV, §63, Figure IV-1, Table of Permissible Uses.  
*Code of Charles County, Maryland*

Chapter 297 – Zoning Ordinance  
Article XIII, §211. Alphabetical listing.  
*Code of Charles County, Maryland*

Chapter 297 – Zoning Ordinance  
Article XIII, §212. Uses corresponding with Table of Permissible Uses.  
*Code of Charles County, Maryland*

Chapter 297 – Zoning Ordinance  
Article XX, §335. Number of parking spaces required.  
Figure XX-1, Table of Parking Requirements  
*Code of Charles County, Maryland*

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

Article III, §297-49. Word usage; definitions.

E. Definitions.

**DATA CENTER**

**AN ESTABLISHMENT, FACILITY, BUILDING(S), OR SERIES OF BUILDINGS  
ENGAGING IN THE STORAGE, MANAGEMENT, PROCESSING, AND/OR  
TRANSMISSION OF DIGITAL DATA, AND HOUSING COMPUTER AND/OR  
NETWORK EQUIPMENT, SYSTEMS, SERVERS, APPLIANCES, AND OTHER  
ASSOCIATED COMPONENTS RELATED TO DIGITAL DATA OPERATIONS.**

Article IV. §297-63. Figure IV-1, Table of Permissible Uses.

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| Uses Description                                                          | * | RL        | * | BP        | * | IG        | * | IH        | * |
|---------------------------------------------------------------------------|---|-----------|---|-----------|---|-----------|---|-----------|---|
| *****                                                                     | * | *         | * | *         | * | *         | * | *         | * |
| 7.01.100 All operations conducted entirely within fully enclosed building |   |           |   |           |   |           |   |           |   |
| 7.01.110 Buildings <10,000 square feet per parcel                         | * | *         | * | *         | * | *         | * | *         | * |
| 7.01.120 Buildings >10,000 square feet per parcel                         | * | *         | * | *         | * | *         | * | *         | * |
| <b>7.01.130 DATA CENTER</b>                                               | * | <b>PC</b> | * | <b>PC</b> | * | <b>PC</b> | * | <b>PC</b> | * |
| *****                                                                     | * | *         | * | *         | * | *         | * | *         | * |

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Article XIII. §297-211. Alphabetical listing.

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|                                                          |                 |
|----------------------------------------------------------|-----------------|
| Crematoriums                                             | 4.08.220        |
| <b>DATA CENTER</b>                                       | <b>7.01.130</b> |
| Day-care centers, day nurseries, 7 to 30 care recipients | 3.04.200        |

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

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**7.01.130 DATA CENTER.**

**A. THIS USE IS PERMITTED WITH CONDITIONS IN THE BP, IG, IH, RL, AND PUD ZONES DESIGNATED AS INDUSTRIAL, SUBJECT TO THE FOLLOWING:**

- 1) OPEN SPACE. A MINIMUM THIRTY PERCENT (30%) OF THE GROSS TRACT AREA OF THE PARCEL(S) SHALL BE DESIGNATED OPEN SPACE (INCLUDING BUT NOT LIMITED TO BUFFER YARDS, LANDSCAPE AREAS, STORMWATER MANAGEMENT AREAS AND CONSERVATION AREAS).**

1                   **2) SETBACKS. THE DATA CENTER (EXCLUDING ANY ACCESSORY**  
2                   **BUILDINGS/STRUCTURES, INCLUDING BUT NOT LIMITED TO THE**  
3                   **GUARD HOUSE, FIBER TRANSITION HUB BUILDING, AND STORAGE**  
4                   **TANKS) SHALL BE:**

5                   **(A) SETBACK 200 FEET FROM ALL PROPERTY LINES, EXCEPT**  
6                   **FOR ADJACENT PROPERTIES UNDER COMMON**  
7                   **OWNERSHIP.**

8                   **(B) SETBACK 400 FEET FROM ANY RESIDENTIAL BUILDING**  
9                   **BEING USED AS A RESIDENTIAL DWELLING OR PROPOSED**  
10                  **HOUSE LOCATION AS SHOWN ON AN APPROVED**  
11                  **PRELIMINARY SUBDIVISION PLAN. THE DISTANCE FROM**  
12                  **ANY RESIDENTIAL DWELLING IS TO BE MEASURED FROM**  
13                  **THE CLOSEST PORTION OF THE DWELLING TO THE DATA**  
14                  **CENTER BUILDING; AND**

15                  **THE PARKING AREAS AND ACCESSORY BUILDINGS/STRUCTURES**  
16                  **ASSOCIATED WITH THE DATA CENTER SHALL BE:**

17                  **(C) SETBACK A MINIMUM OF 50 FEET FROM ALL PROPERTY**  
18                  **LINES WITH A RESIDENTIAL BUILDING BEING USED AS A**  
19                  **RESIDENTIAL DWELLING, OR PROPOSED HOUSE**  
20                  **LOCATION AS SHOWN ON AN APPROVED PRELIMINARY**  
21                  **SUBDIVISION PLAN, EXCEPT FOR ADJACENT PROPERTIES**  
22                  **UNDER COMMON OWNERSHIP.**

23  
24                  **3) APPEARANCE. PRIMARY BUILDING FACADES SHALL INCLUDE AT**  
25                  **LEAST TWO (2) OF THE FOLLOWING TREATMENTS:**

26                  **(A) ARTICULATED ARCHITECTURAL FEATURES.**

27                  **(B) RECESSES/PROJECTIONS IN THE BUILDING FAÇADE TO**  
28                  **PROVIDE VISUAL INTEREST, CONTRAST, AND SHADOW**  
29                  **PATTERNS TO AVOID A CONTINUOUS UNBROKEN PLANE.**

30                  **(C) CHANGES IN BUILDING MATERIAL, PATTERN, TEXTURE,**  
31                  **COLOR, OR ACCENT MATERIALS.**

1           **4) NOISE AND VIBRATION. A NOISE AND VIBRATION STUDY, WHICH**  
2           **INCLUDES METHODOLOGY AND CONTROL SOLUTIONS, WILL BE**  
3           **PREPARED BY AN ACCREDITED ACOUSTICS EXPERT OR**  
4           **QUALIFIED PROFESSIONAL ENGINEER, AND IS SUBJECT TO THE**  
5           **FOLLOWING REQUIREMENTS:**

6  
7                   **(A) ANY NOISE GENERATED BY THE DATA CENTER, INCLUDING**  
8                   **ANY ACCESSORY MECHANICAL EQUIPMENT, COMPLIES**  
9                   **WITH THE MAXIMUM ALLOWABLE NOISE LEVELS dB(A)**  
10                  **CODIFIED WITHIN CHAPTER 260 OF THE CHARLES COUNTY**  
11                  **CODE REGARDING NOISE CONTROL.**

12                  **(B) NO VIBRATION MAY BE PRODUCED WHICH IS**  
13                  **TRANSMITTED THROUGH THE GROUND AND IS**  
14                  **DISCERNIBLE WITHOUT THE AID OF INSTRUMENTS AT ANY**  
15                  **POINT BEYOND THE PROPERTY LINE; NOR MAY ANY**  
16                  **VIBRATION PRODUCE A PARTICLE VELOCITY OF 2 INCHES**  
17                  **PER SECOND MEASURED AT OR BEYOND THE PROPERTY**  
18                  **LINE. THIS PROVISION DOES NOT APPLY BETWEEN**  
19                  **ADJOINING DATA CENTER USES.**

20                  **(C) THE NOISE AND VIBRATION STUDY MUST BE RENEWED**  
21                  **EVERY TWO (2) YEARS AND FOUND TO BE IN COMPLIANCE**  
22                  **WITH THE APPLICABLE STANDARDS.**

23  
24           **5) SCREENING. TO ENHANCE SAFETY, SECURITY, AND VISUAL**  
25           **APPEAL, PERIMETER LANDSCAPING AND HARDSCAPING IS**  
26           **SUBJECT TO THE FOLLOWING REQUIREMENTS:**

27  
28                   **(A) A 25' – 50' BUFFERYARD IS REQUIRED ALONG ALL**  
29                   **PROPERTY LINES, EXCEPT FOR ADJACENT PROPERTIES**  
30                   **UNDER COMMON OWNERSHIP AND PROPERTY LINES**

1                   ADJACENT TO A REGULATED PUBLIC UTILITY POWER  
2                   GENERATION, TRANSMISSION, OR DISTRIBUTION FACILITY.

3                   (B) THE BUFFERYARD E SHALL INCLUDE A BERM WALL AND  
4                   FENCING WHERE ADJACENT TO ANY ZONE THAT PERMITS  
5                   RESIDENTIAL DEVELOPMENT.

6                   (C) FENCING IS PERMITTED TO BE CONSTRUCTED OF  
7                   MASONRY, VINYL, OR WOOD, AND BE AESTHETICALLY  
8                   COMPATIBLE WITH THE PRIMARY BUILDING FACADES.

9                   (D) FRONTAGE ALONG ANY PUBLIC ROAD SHALL INCLUDE A  
10                  BUFFERYARD E.

11  
12                  6) LIGHTING. ALL EXTERIOR LIGHTING SHALL BE DESIGNED AND  
13                  CONSTRUCTED AS LUMINAIRE WITH TOTAL CUTOFF  
14                  SPECIFICATIONS AND COMPLETELY SHIELDED FIXTURES THAT  
15                  DIRECT LIGHT DOWNWARD AND INTO THE INTERIOR OF THE  
16                  PROPERTY AWAY FROM ADJACENT ROADS AND PROPERTIES.  
17                  COMPLIANCE WITH APPLICABLE LIGHTING REQUIREMENTS AND  
18                  STANDARDS WILL BE DEMONSTRATED ON AN EXTERIOR  
19                  LIGHTING / PHOTOMETRIC PLAN.

20  
21                  7) WATER USAGE. NON-POTABLE WATER USE SHOULD BE  
22                  PRIORITIZED. POTABLE WATER USE SHOULD BE MINIMIZED FOR  
23                  COOLING NEEDS.

24  
25                  B. IN THE RL ZONE, THE FOLLOWING ADDITIONAL CONDITIONS SHALL  
26                  APPLY TO THIS USE:

27  
28                  1) MINIMUM ACREAGE. THE GROSS TRACT AREA OF THE PARCEL (OR  
29                  ASSEMBLAGE OF CONTIGUOUS PARCELS) THAT IS ZONED RL  
30                  SHALL BE A MINIMUM OF FIFTY (50) ACRES.

1                   **2) POWER SOURCE PROXIMITY. A PORTION OF THE PARCEL (OR**  
2                   **ASSEMBLAGE OF CONTIGUOUS PARCELS) THAT IS ZONED RL**  
3                   **SHALL INCLUDE OR BE ADJACENT TO A REGULATED PUBLIC**  
4                   **UTILITY CONSISTING OF A 230KV OR HIGHER POWER**  
5                   **GENERATION, TRANSMISSION, OR DISTRIBUTION FACILITY.**

6  
7                   **3) CONCEPTUAL SITE DEVELOPMENT PLAN.**

8  
9                   **(A) A CONCEPTUAL SITE DEVELOPMENT PLAN IS REQUIRED**  
10                  **TO BE SUBMITTED FOR REVIEW PRIOR TO SITE**  
11                  **DEVELOPMENT PLAN APPROVAL.**

12                  **(B) THE PURPOSE OF THE CONCEPTUAL SITE DEVELOPMENT**  
13                  **PLAN REVIEW IS TO AFFORD THE PUBLIC AN**  
14                  **OPPORTUNITY TO UNDERSTAND, OBTAIN INFORMATION**  
15                  **AND COMMENT ON GENERAL INFORMATION REGARDING**  
16                  **THE PROPOSED PROJECT AND TO ALLOW THE APPLICANT**  
17                  **TO RECEIVE INFORMATION AND MAKE ADJUSTMENTS TO**  
18                  **A PROJECT PRIOR TO THE DEVELOPMENT OF MORE**  
19                  **DETAILED DESIGNS.**

20                  **(C) THE CONCEPTUAL SITE DEVELOPMENT PLAN SHALL:**

21                    **1. DEMONSTRATE HOW THE PROPOSED PROJECT IS**  
22                    **ABLE TO COMPLY WITH THE APPLICABLE**  
23                    **CONDITIONS REQUIRED BY THE CODE INCLUDING**  
24                    **GENERAL DESIGN, ZONING CRITERIA AND**  
25                    **COMPATABILITY WITH THE SURROUNDING AREA.**

26                    **2. BE PRESENTED AT A PUBLIC MEETING BEFORE THE**  
27                    **PLANNING COMMISSION AND SHALL BE ADVERTISED**  
28                    **FOLLOWING THE PUBLIC NOTICE, POSTING, MAILING**  
29                    **AND PUBLICATION REQUIREMENTS AS ESTABLISHED**  
30                    **IN § 297-448 OF THE ZONING ORDINANCE.**

**(D) CONCEPTUAL SITE DEVELOPMENT PLAN COMMENTS**

**1. COMMENTS AND CONCERNS ARTICULATED AT THE PUBLIC MEETING WILL BE COMPILED BY THE COUNTY STAFF AND PRESENTED TO THE APPLICANT AND PLANNING COMMISSION AS PART OF THE SITE DEVELOPMENT REVIEW AND APPROVAL PROCESS.**

**2. COMMENTS AND CONCERNS SHOULD FOCUS ON DEVELOPMENT STANDARDS, CRITERIA AND COMPATIBILITY INCLUDING:**

- a. DRAINAGE AREA INFORMATION,**
- b. IMPACTS ON NATURAL RESOURCES,**
- c. TRAFFIC AND ACCESS LOCATION,**
- d. LOCATION OF THE PROPOSED DEVELOPMENT,**
- e. BUFFERING,**
- f. LIGHTING AND NOISE,**
- g. CULTURAL AND HISTORIC RESOURCES,**
- h. INFRASTRUCTURE, AND**
- i. COMPLIANCE WITH OTHER APPLICABLE CODE REQUIREMENTS.**

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Figure XX-1, Table of Parking Requirements.

| Use Description                                                                                                                            | Parking Requirement                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| *****                                                                                                                                      | *****                                                                                                   |
| INDUSTRIAL                                                                                                                                 | *****                                                                                                   |
| 7.01.000 Manufacturing, processing, creating, repairing, renovating, painting, cleaning and assembling of goods, merchandise and equipment | *****                                                                                                   |
| 7.01.100 All operations conducted entirely within fully enclosed building                                                                  | 1 space per 300 square feet office space and display area, plus one space per employee at maximum shift |
| <b>7.01.130 DATA CENTER</b>                                                                                                                | <b>NO REQUIRED MINIMUM. 2.5 SPACES PER 1,000 SQUARE FEET MAXIMUM</b>                                    |

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**SECTION 2.** BE IT FURTHER ENACTED THAT THIS ACT SHALL TAKE EFFECT  
FORTY-FIVE (45) DAYS FROM THE DATE IT IS ADOPTED.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 202\_\_.

COUNTY COMMISSIONERS  
CHARLES COUNTY, MARYLAND

\_\_\_\_\_  
Reuben B. Collins, II, Esq. President

\_\_\_\_\_  
Ralph E. Patterson II, M.A., Vice President

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Thomasina O. Coates, M.S.

\_\_\_\_\_  
Amanda M. Stewart, Ed.D.

\_\_\_\_\_  
Gilbert O. Bowling, III

ATTEST:

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Carol A. DeSoto, CAP, OM, Clerk