

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 HEAVY INDUSTRIAL (IH) AND GENERAL INDUSTRIAL (IG)
ZONES**

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 HEAVY INDUSTRIAL (IH), AND GENERAL INDUSTRIAL (IG)
ZONES.

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.

Uses Description	*	*	*	*	*	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	*	*	*	*	*	*	*	*	*
7.01.130 DATA CENTER	*	*	*	*	*	PC	*	PC	*
*****	*	*	*	*	*	*	*	*	*

Article XIII. §297-211. Alphabetical listing.

Crematoriums 4.08.200

DATA CENTER 7.01.130

Day-care centers, day nurseries, 7 to 30 care recipients 3.04.200

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

(111.1) 7.01.130 DATA CENTER.

THIS USE IS PERMITTED WITH CONDITIONS IN THE IG AND IH ZONES, SUBJECT TO THE FOLLOWING:

A. SETBACKS. THE DATA CENTER (EXCLUDING ANY ACCESSORY BUILDINGS/STRUCTURES, INCLUDING BUT NOT LIMITED TO THE GUARDHOUSE, FIBER TRANSITION HUB BUILDING, AND STORAGE TANKS) SHALL BE:

(1) SETBACK 200 FEET FROM ALL PROPERTY LINES, EXCEPT FOR ADJACENT PROPERTIES UNDER COMMON OWNERSHIP.

Asterisks *** mean intervening code language remaining unchanged

NOTE: CAPITALS indicate language added to existing law

[Brackets] indicate language deleted from existing law

1 **(2) SETBACK 500 FEET FROM ANY RESIDENTIAL BUILDING BEING**
2 **USED AS A RESIDENTIAL DWELLING OR PROPOSED HOUSE**
3 **LOCATION AS SHOWN ON AN APPROVED PRELIMINARY**
4 **SUBDIVISION PLAN. THE DISTANCE FROM ANY RESIDENTIAL**
5 **DWELLING IS TO BE MEASURED FROM THE CLOSEST PORTION**
6 **OF THE DWELLING TO THE DATA CENTER BUILDING; AND**

7
8 **B. THE PARKING AREAS AND ACCESSORY BUILDINGS/STRUCTURES**
9 **ASSOCIATED WITH THE DATA CENTER SHALL BE:**

10 **(1) SETBACK A MINIMUM OF 50 FEET FROM ALL PROPERTY LINES**
11 **WITH A RESIDENTIAL BUILDING BEING USED AS A RESIDENTIAL**
12 **DWELLING, OR PROPOSED HOUSE LOCATION AS SHOWN ON AN**
13 **APPROVED PRELIMINARY SUBDIVISION PLAN, EXCEPT FOR**
14 **ADJACENT PROPERTIES UNDER COMMON OWNERSHIP.**

15
16 **C. APPEARANCE. PRIMARY BUILDING FACADES SHALL INCLUDE AT**
17 **LEAST TWO (2) OF THE FOLLOWING TREATMENTS:**

- 18 **(1) ARTICULATED ARCHITECTURAL FEATURES.**
19 **(2) RECESSES/PROJECTIONS IN THE BUILDING FACADE TO**
20 **PROVIDE VISUAL INTEREST, CONTRAST, AND SHADOW**
21 **PATTERNS TO AVOID A CONTINUOUS UNBROKEN PLANE.**
22 **(3) CHANGES IN BUILDING MATERIAL, PATTERN, TEXTURE,**
23 **COLOR, OR ACCENT MATERIALS.**

24
25 **D. NOISE AND VIBRATION. A NOISE AND VIBRATION STUDY, WHICH**
26 **INCLUDES METHODOLOGY AND CONTROL SOLUTIONS, WILL BE**
27 **PREPARED BY AN ACCREDITED ACOUSTICS EXPERT OR QUALIFIED**
28 **PROFESSIONAL ENGINEER, AND IS SUBJECT TO THE FOLLOWING**
29 **REQUIREMENTS:**

- (1) ANY NOISE GENERATED BY THE DATA CENTER, INCLUDING ANY ACCESSORY MECHANICAL EQUIPMENT, COMPLIES WITH THE MAXIMUM ALLOWABLE NOISE LEVELS dB(A) CODIFIED WITHIN CHAPTER 260 OF THE CHARLES COUNTY CODE REGARDING NOISE CONTROL.
- (2) NO VIBRATION MAY BE PRODUCED WHICH IS TRANSMITTED THROUGH THE GROUND AND IS DISCERNIBLE WITHOUT THE AID OF INSTRUMENTS AT ANY POINT BEYOND THE PROPERTY LINE; NOR MAY ANY VIBRATION PRODUCE A PARTICLE VELOCITY OF 2 INCHES PER SECOND MEASURED AT OR BEYOND THE PROPERTY LINE. THIS PROVISION DOES NOT APPLY BETWEEN ADJOINING DATA CENTER USES.
- (3) THE NOISE AND VIBRATION STUDY MUST BE RENEWED EVERY TWO (2) YEARS AND FOUND TO BE IN COMPLIANCE WITH THE APPLICABLE STANDARDS.

E. SCREENING. TO ENHANCE SAFETY, SECURITY, AND VISUAL APPEAL, PERIMETER LANDSCAPING AND HARDSCAPING IS SUBJECT TO THE FOLLOWING REQUIREMENTS:

- (1) A 25' – 50' BUFFERYARD E IS REQUIRED ALONG ALL PROPERTY LINES, EXCEPT FOR ADJACENT PROPERTIES UNDER COMMON OWNERSHIP AND PROPERTY LINES ADJACENT TO A REGULATED PUBLIC UTILITY POWER GENERATION, TRANSMISSION, OR DISTRIBUTION FACILITY.
- (2) THE BUFFERYARD E SHALL INCLUDE A BERM WALL AND FENCING WHERE ADJACENT TO ANY ZONE THAT PERMITS RESIDENTIAL DEVELOPMENT.
- (3) FENCING IS PERMITTED TO BE CONSTRUCTED OF MASONRY, IRON, VINYL, OR WOOD, AND BE AESTHETICALLY COMPATIBLE WITH THE PRIMARY BUILDING FACADES.

1 **(4) FRONTAGE ALONG ANY PUBLIC ROAD SHALL INCLUDE A**
2 **BUFFERYARD E.**

3
4 **F. LIGHTING. ALL EXTERIOR LIGHTING SHALL BE DESIGNED AND**
5 **CONSTRUCTED AS LUMINAIRE WITH TOTAL CUTOFF**
6 **SPECIFICATIONS AND COMPLETELY SHIELDED FIXTURES THAT**
7 **DIRECT LIGHT DOWNWARD AND INTO THE INTERIOR OF THE**
8 **PROPERTY AWAY FROM ADJACENT ROADS AND PROPERTIES.**
9 **COMPLIANCE WITH APPLICABLE LIGHTING REQUIREMENTS AND**
10 **STANDARDS WILL BE DEMONSTRATED ON AN EXTERIOR LIGHTING /**
11 **PHOTOMETRIC PLAN.**

12
13 **G. WATER USAGE. IF A DATA CENTER IS DESIGNED TO USE WATER FOR**
14 **COOLING OR HUMIDIFICATION, ONLY NON-POTABLE WATER SHALL**
15 **BE USED.**

16
17 **H. PUBLIC ENGAGEMENT.**

18
19 **(1) A CONCEPTUAL SITE DEVELOPMENT PLAN IS REQUIRED TO BE**
20 **SUBMITTED FOR REVIEW PRIOR TO SITE DEVELOPMENT PLAN**
21 **APPROVAL.**

22 **(2) THE PURPOSE OF THE CONCEPTUAL SITE DEVELOPMENT PLAN**
23 **REVIEW IS TO AFFORD THE PUBLIC AN OPPORTUNITY TO**
24 **UNDERSTAND, OBTAIN INFORMATION AND COMMENT ON**
25 **GENERAL INFORMATION REGARDING THE PROPOSED**
26 **PROJECT AND TO ALLOW THE APPLICANT TO RECEIVE**
27 **INFORMATION AND MAKE ADJUSTMENTS TO A PROJECT PRIOR**
28 **TO THE DEVELOPMENT OF MORE DETAILED DESIGNS.**

29 **(3) THE CONCEPTUAL SITE DEVELOPMENT PLAN SHALL:**

30 **(a) DEMONSTRATE HOW THE PROPOSED PROJECT IS**
31 **ABLE TO COMPLY WITH THE APPLICABLE**
32 **CONDITIONS REQUIRED BY THE CODE INCLUDING**

1 GENERAL DESIGN, ZONING CRITERIA AND
2 COMPATABILITY WITH THE SURROUNDING AREA.

3 (b) BE PRESENTED AT A PUBLIC MEETING BEFORE THE
4 PLANNING COMMISSION AND SHALL BE
5 ADVERTISED FOLLOWING THE PUBLIC NOTICE,
6 POSTING, MAILING AND PUBLICATION
7 REQUIREMENTS AS ESTABLISHED IN § 297-448 OF
8 THE ZONING ORDINANCE.

9 (4) CONCEPTUAL SITE DEVELOPMENT PLAN COMMENTS

10 (a) COMMENTS AND CONCERNS SHOULD FOCUS ON
11 DEVELOPMENT STANDARDS, CRITERIA AND
12 COMPATIBILITY INCLUDING:

13 (i) PROPOSED SITE LAYOUT,

14 (ii) IMPACTS ON NATURAL RESOURCES,

15 (iii) TRAFFIC IMPACTS AND ACCESS LOCATION,

16 (iv) STORMWATER MANAGEMENT STRATEGIES,

17 (v) BUFFERING STRATEGIES

18 (vi) LIGHTING AND NOISE MITIGATION
19 STRATEGIES

20 (vii) IMPACTS ON CULTURAL AND HISTORIC
21 RESOURCES,

22 (viii) INFRASTRUCTURE IMPROVEMENTS, AND

23 (ix) COMPLIANCE WITH OTHER APPLICABLE
24 CODE REQUIREMENTS.

25 (b) COMMENTS AND CONCERNS ARTICULATED AT THE
26 PUBLIC MEETING WILL BE COMPILED BY THE
27 COUNTY STAFF AND PRESENTED TO THE
28 APPLICANT AND PLANNING COMMISSION FOR
29 CONSIDERATION AS PART OF THE SITE
30 DEVELOPMENT REVIEW AND APPROVAL PROCESS.

I. THE APPLICANT/OWNER SHALL BE RESPONSIBLE FOR THE FULL COST OF DESIGN, PERMITTING, CONSTRUCTION, AND INSPECTION OF ALL ON-SITE AND OFF-SITE PUBLIC INFRASTRUCTURE IMPROVEMENTS REQUIRED BY APPLICABLE STATUTE OR REGULATION IN ORDER TO SERVE THE DATA CENTER, INCLUDING BUT NOT LIMITED TO WATER, WASTEWATER, STORMWATER, AND ROADWAY IMPROVEMENTS.

J. ALL STATIONARY DIESEL GENERATORS SERVING THE DATA CENTER'S SERVER ROOMS, INCLUDING EMERGENCY/STANDBY GENERATORS, SHALL BE CERTIFIED TO MEET U.S. EPA TIER 4 FINAL EMISSION STANDARDS OR EQUIVALENT EMISSIONS PERFORMANCE (OR SUCCESSOR STANDARD), WHERE SUCH CERTIFICATION IS AVAILABLE FOR THE APPLICABLE ENGINE SIZE/CLASS, AND SHALL COMPLY WITH ALL MARYLAND DEPARTMENT OF THE ENVIRONMENT AIR QUALITY PERMITTING REQUIREMENTS.

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
7.01.130 DATA CENTER	NO REQUIRED MINIMUM. 2.5 SPACES PER 1,000 SQUARE FEET MAXIMUM

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

Thomasina O. Coates, M.S.

Amanda M. Stewart, Ed.D.

Gilbert O. Bowling, III

ATTEST:

Carol A. DeSoto, CAP, OM, Clerk