

LIBER 0031 FEB 04 10

Subject: An ordinance to repeal Ordinance 2025-22 and amend Chapter 285 of the *Code of St. Mary's County, Maryland* to allow Use Type 28 in the RCA Overlay District

Page 1 of 4

ORDINANCE

TO REPEAL ORDINANCE 2025-22 AND TO AMEND § 51.3.28 AND SCHEDULE 50.4 OF CHAPTER 285 OF THE *CODE OF ST. MARY'S COUNTY, MARYLAND*, TO ALLOW USE TYPE 28 - DAY CARE, NON-MEDICAL IN THE RESOURCE CONSERVATION AREA (RCA) OVERLAY DISTRICT

WHEREAS, pursuant to § 4-101 through § 4-104 of the *Land Use Article* of the *Annotated Code of Maryland*, the Commissioners of St. Mary's County are authorized to establish zoning districts and prescribe and amend regulations applicable in such districts;

WHEREAS, Use Type 28 - Day Care, Non-Medical is currently allowed in the Limited Development Area (LDA) Overlay District and the Intensely Developed Area (IDA) Overlay District;

WHEREAS, a request was made to allow Use Type 28 - Day Care, Non-Medical in the Resource Conservation Area (RCA) Overlay District, which was subject to a public hearing by the Commissioners of St. Mary's County as Ordinance 2025-22;

WHEREAS, a notice of the public hearing was advertised on August 22, 2025 and August 29, 2025 in the *Southern Maryland News*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on September 9, 2025 to receive public comment and consider the proposed amendment of § 51.3.28 and Schedule 50.4 of Chapter 285 of the *Code of St. Mary's County, Maryland*;

WHEREAS, the Commissioners of St. Mary's County approved Ordinance 2025-22 on September 30, 2025;

WHEREAS, on December 17, 2025, the Critical Area Commission conducted a public meeting to consider Ordinance 2025-22;

WHEREAS, on December 23, 2025, the Critical Area Commission notified the County that Ordinance 2025-22 needed to be revised to reflect certain concerns raised by the Program Committee and the Critical Area Commission;

WHEREAS, a notice of a second public hearing was published on February 6, 2026 and February 13, 2026 in the *Southern Maryland News*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on February 24, 2026 to receive public comment and consider the proposed amendment of § 51.3.28 and Schedule 50.4 of Chapter 285 of the *Code of St. Mary's County, Maryland*; and

1000031 FEB 04 11

Subject: An ordinance to repeal Ordinance 2025-22 and amend Chapter 285 of the *Code of St. Mary's County, Maryland* to allow Use Type 28 in the RCA Overlay District

Page 2 of 4

WHEREAS, the Commissioners of St. Mary's County find that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to amend § 51.3.28 and Schedule 50.4 of Chapter 285 of the *Code of St. Mary's County, Maryland*, to allow Use Type 28 - Day Care, Non-Medical in the RCA Overlay District.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of St. Mary's County, pursuant to § 4-101 through § 4-104 of the *Land Use Article* of the *Annotated Code of Maryland*, that:

SECTION I. Ordinance 2025-22 shall be repealed and shall have no further force or effect.

SECTION II. Section 51.3.28 of Chapter 285 of the Code of St. Mary's County, Maryland, is hereby amended to read as follows:

28. Day Care, Non-Medical.

a. General Standards:

- (1) Site plan approval shall be required.
- (2) The facility shall be certified, permitted, or licensed by the State of Maryland.
- (3) The facility shall have fenced open space for the use and recreation of the individuals served by the facility. Facilities for children shall have fenced outdoor play areas and equipment for children of the age and number served by the facility.
- (4) If proposed on a site in the RCA, the facility shall be considered a limited use and must satisfy all limited standards.

b. Limited Standards:

- (1) Within the RCA, the following standards shall apply:
 - (a) The use shall be restricted to the utilization of buildings legally existing as of October 14, 2025 only.
 - (b) The number of persons served by a facility must not exceed forty-two (42) persons, or the maximum permitted based on the capacity of the existing building, as determined in accordance with the applicable requirements the Maryland Department of Health, Office of Health Care Quality (for adult

BER003 / FOLIO 12

Subject: An ordinance to repeal Ordinance 2025-22 and amend Chapter 285 of the *Code of St. Mary's County, Maryland* to allow Use Type 28 in the RCA Overlay District

daycare), or the Maryland Department of Education, Office of Child Care (for early childhood education facilities and daycare), whichever is less.

- (c) The maximum amount of lot coverage for a lot or parcel upon which the use will be conducted shall be limited to:
1. 15%;
 2. 3.5% above existing grandfathered, nonconforming lot coverage on a lot of 50,000 square feet or less; or
 3. Existing grandfathered, nonconforming lot coverage on a lot greater than 50,000 square feet.
- (d) Variance requests to the lot coverage limitations set forth in (c) above shall be prohibited.

SECTION III. Schedule 50.4 of Chapter 285 of the *Code of St. Mary's County, Maryland*, is hereby amended to read as follows:

Use Type	Description	Use Intensity	RPD	RSC	RCL	RL-T	RL	RM	RH	RNC	RMX	VMX	TMX	CMX	MXH	MXM	MXL	LCI	I	OBP	CM	Critical Area Overlay	AICUZ Overlay and FAR
			P	P	P	P	P	P	P	P	C	P	P	P	P	P	P	P	-	P	P		
28. <i>Day Care, Non-Medical.</i>	Day care facility licensed or approved by a governmental agency to provide nonmedical care for nine or more children or adults on less than 24-hour basis. Includes nursery schools, preschools and social adult day care that provides a safe and supervised daytime program of meals, recreational activities, and socialization for adults 18 years or over who require a safe controlled environment but who do not meet the need for health care services required by the Medical Adult Day Service programs.	Low	P	P	P	P	P	P	P	C	P	P	P	P	P	P	P	-	P	P	-	LDA IDA RCA	-

JDR003 / PWD4 / 3

Subject: An ordinance to repeal Ordinance 2025-22 and amend Chapter 285 of the Code of St. Mary's County, Maryland to allow Use Type 28 in the RCA Overlay District

SECTION IV: This Ordinance shall be effective upon the date written below.

Those voting Aye: 5

Those voting Nay: 0

Those Abstaining: 0

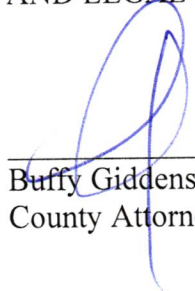
Date of Adoption: March 10, 2024

Effective Date: April 15, 2024

ATTEST:

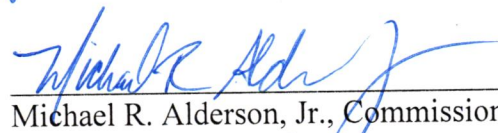

 David A. Weiskopf
 County Administrator

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


 Buffy Giddens
 County Attorney

COMMISSIONERS OF ST. MARY'S COUNTY


 James R. Guy, Commissioner President


 Michael R. Alderson, Jr., Commissioner


 Eric S. Colvin, Commissioner


 Michael L. Hewitt, Commissioner


 Scott R. Ostrow, Commissioner

000031 0426 16

DOCUMENT VALIDATION

Agency Name : CSMC/CSMC
Instrument List : Other
Describe Other : ORDINANCE
2026-05
Ref : MM/JULIE BURCH CSMC
0031/0410
Government Instrument Amount :
\$0.00
Total Amount : \$0.00
Transaction Amount : \$0.00
04/24/2026 11:55:54 AM - 235
0#24261804001000
MARY-18-CLLR

Circuit Court for St. Mary's County
PO Box 676
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Leonardtown, MD 20650
(301) 475-7844