

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2009, Legislative Day No. 37

Bill No. 81-09

Introduced by Ms. Vitale and Mr. Jones

By the County Council, October 19, 2009

Introduced and first read on October 19, 2009
Public Hearing set for December 7, 2009
Bill Expires January 22, 2010

By Order: Judy C. Holmes, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning—Video Lottery Facilities

2
3 FOR the purpose of defining gaming position, video lottery facility and video lottery
4 terminal; providing parking space requirements for video lottery facilities; allowing
5 video lottery facilities as a conditional use in the W1 Industrial Park zoning district;
6 amending requirements for certain conditional uses; amending requirements for
7 certain special exception uses; and generally relating to zoning.

8
9 BY renumbering: §18-1-101(108) through (115) to be 18-1-101(110) through (117),
10 respectively; and §§ 18-10-136 and 18-10-137 to be §§ 18-10-137 and 18-10-138,
11 respectively
12 Anne Arundel County Code (2005, as amended)

13
14 BY adding: §§ 18-1-101(37A), (110), and (111); and 18-10-136
15 Anne Arundel County Code (2005, as amended)

16
17 BY repealing and reenacting, with amendments: §§ 18-3-104; 18-6-103; 18-10-101; 18-
18 10-102; and 18-11-134
19 Anne Arundel County Code (2005, as amended)

20
21 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
22 *Maryland,* That §§18-1-101(108) through (115); 18-10-136; and 18-10-137 of the Anne
23 Arundel County Code (2005, as amended) are hereby renumbered to be §§ 18-1-101(110)
24 through (117); 18-10-137; and 18-10-138, respectively.

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.

1 SECTION 2. *And be it further enacted*, That Section(s) of the Anne Arundel County
2 Code (2005, as amended) read as follows:

3
4 **ARTICLE 18 ZONING**
5 **TITLE 1. DEFINITIONS**

6
7 **18-1-101. Definitions.**

8
9 Unless defined in this article, words defined elsewhere in this Code apply in this
10 article. The following words have the meanings indicated:

11
12 (37A) "GAMING POSITION" MEANS A SINGLE SEAT AT A VIDEO LOTTERY
13 TERMINAL.

14
15 (108) "VIDEO LOTTERY FACILITY" HAS THE MEANING SET FORTH IN THE STATE
16 GOVERNMENT ARTICLE, § 9-1A-01, OF THE STATE CODE.

17
18 (109) "VIDEO LOTTERY TERMINAL" HAS THE MEANING SET FORTH IN THE STATE
19 GOVERNMENT ARTICLE, § 9-1A-01, OF THE STATE CODE.

20
21 **TITLE 3. PARKING, NONRESIDENTIAL OUTDOOR LIGHTING, AND**
22 **SIGNAGE**

23
24 **18-3-104. Parking space requirements.**

25
26 The minimum onsite required parking spaces are listed in the chart below. They may
27 be increased based on site development plan review or special exception approval,
28 reduced as provided in § 18-3-105, or superseded by a parking program allowed by this
29 Code. The Planning and Zoning Officer may determine reasonable and appropriate onsite
30 parking requirements for structures and land uses that are not listed on the chart based on
31 requirements for similar uses, comments from reviewing agencies, and the parking needs
32 of the proposed use.

Use	Parking

Veterinary offices, clinics, and hospitals	1 space for every 200 square feet of floor area, excluding overnight rooms for animals
VIDEO LOTTERY FACILITIES	1 SPACE FOR EVERY 2 GAMING POSITIONS AT A VIDEO LOTTERY TERMINAL

33
34
35 **TITLE 6. INDUSTRIAL DISTRICTS**

36
37 **18-6-103. Permitted, conditional, and special exception uses.**

38
39 The permitted, conditional, and special exception uses allowed in each of the
40 industrial districts are listed in the chart in this section using the following key: P =
41 permitted use; C = conditional use; SE = special exception use; and A = auxiliary use to a
42 business complex use. A blank means that the use is not allowed in the district. Except as

1 provided otherwise in this article, uses and structures customarily accessory to permitted,
 2 conditional, and special exception uses also are allowed, except that outside storage as an
 3 accessory use in W1 is limited to 15% of the allowed lot coverage.
 4

Permitted, Conditional, and Special Exception Uses	W1	W2	W3

Veterinary clinics if overnight stays are limited to those necessary for medical treatment, without outside runs or pens	P		
VIDEO LOTTERY FACILITIES	C		

5

6 **TITLE 10. REQUIREMENTS FOR CONDITIONAL USES**

7

8 **18-10-101. Adult bookstores.**

9

10 An adult bookstore shall comply with all of the following requirements.

11

12 (1) The use shall be located at least 1,000 feet from the boundary line of any
 13 residential district, dwelling, school, library, park, playground, child care center, religious
 14 facility, VIDEO LOTTERY FACILITY, or other adult bookstore or adult movie theater. For
 15 purposes of this subsection, distance shall be measured in a straight line from the closest
 16 part of the lot on which the adult bookstore or adult movie theater is located to the nearest
 17 boundary line of any residential district or the nearest lot line on which any dwelling,
 18 school, library, park, playground, child care center, religious facility, VIDEO LOTTERY
 19 FACILITY, or other adult bookstore or adult movie theater is located.
 20

21 (2) The use shall have all windows, doors, and other apertures blackened or
 22 obstructed to prevent anyone outside the establishment from viewing its interior.
 23

24 (3) The proprietor, owner, and employees of the establishment shall prohibit
 25 access to the premises by anyone under the age of 18.
 26

27 **18-10-102. Adult movie theater.**

28

29 An adult movie theater shall comply with all of the following requirements.

30

31 (1) The use shall be located at least 1,000 feet from the boundary line of any
 32 residential district, dwelling, school, library, park, playground, child care center, religious
 33 facility, VIDEO LOTTERY FACILITY, or other adult bookstore or adult movie theater. For
 34 purposes of this subsection, distance shall be measured in a straight line from the closest
 35 part of the lot on which the adult bookstore or adult movie theater is located to the nearest
 36 boundary line of any residential district or the nearest lot line on which any dwelling,
 37 school, library, park, playground, child care center, religious facility, VIDEO LOTTERY
 38 FACILITY, or other adult bookstore or adult movie theater is located.
 39

40 (2) The use shall have all windows, doors, and other apertures blackened or
 41 obstructed to prevent anyone outside the establishment from viewing its interior.
 42

1 (3) The proprietor, owner, and employees of the establishment shall prohibit
2 access to the premises by anyone under the age of 18.

3
4 (4) A viewing booth in an adult film arcade:

5
6 (i) shall have at least one side open to an adjacent public room so that the area
7 inside the viewing booth is visible to persons in the adjacent public room;

8
9 (ii) may not be equipped with a curtain, door, or other device that allows the
10 interior of the viewing booth to be screened from the view of persons in the adjacent
11 public room;

12
13 (iii) shall have lighting of sufficient intensity that a person in the viewing
14 booth is visible by persons in the adjacent public room; and

15
16 (iv) shall be separated from an adjacent viewing booth by a wall or other solid
17 partition sufficient to prevent sexual activity with a person in the adjacent viewing booth.

18
19 **18-10-136. Video lottery facilities.**

20
21 (A) **Master plan for development.** THE VIDEO LOTTERY FACILITY LICENSEE SHALL
22 PROVIDE TO THE LOCAL DEVELOPMENT COUNCIL A MASTER PLAN AS REQUIRED BY THE
23 STATE GOVERNMENT ARTICLE, § 9-1A-31, OF THE STATE CODE, AND SHALL ASSIST THE
24 COUNTY IN PREPARATION OF A TRANSPORTATION MANAGEMENT PLAN THAT DETAILS
25 INTERNAL CIRCULATION SYSTEMS, EXTERNAL ACCESS POINTS, AND PEDESTRIAN FLOWS
26 TO AND FROM PARKING FACILITIES.

27
28 (B) **Requirements.** A VIDEO LOTTERY FACILITY SHALL COMPLY WITH ALL OF THE
29 FOLLOWING REQUIREMENTS.

30
31 (1) THE FACILITY SHALL BE SITUATED ON A LOT OF AT LEAST 50 ACRES IN A W1
32 INDUSTRIAL PARK DISTRICT LOCATED SOUTH OF MARYLAND ROUTE 32 AND SHALL BE
33 ACCESSIBLE TO AN ARTERIAL OR HIGHER CLASSIFICATION ROAD WITHIN TWO MILES OF
34 MARYLAND ROUTE 295.

35
36 (2) THE FACILITY SHALL COMPLY WITH ALL APPLICABLE BULK REGULATIONS
37 FOR THE ZONING DISTRICT IN WHICH THE FACILITY IS LOCATED.

38
39 (3) THE FACILITY SHALL COMPLY WITH A TRANSPORTATION MANAGEMENT PLAN
40 THAT IS APPROVED BY THE OFFICE OF PLANNING AND ZONING.

41
42 (4) THE FACILITY SHALL COMPLY WITH A TRAFFIC STUDY THAT ASSESSES THE
43 IMPACTS OF NEW TRAFFIC GENERATED BY THE PROPOSED USE ON MAJOR ROADS AND
44 INTERSECTIONS AS REQUIRED BY ARTICLE 17 OF THIS CODE AND THAT IS APPROVED BY
45 THE OFFICE OF PLANNING AND ZONING.

46
47 (5) THE FACILITY SHALL CONFORM TO AN APPROVED SITE DEVELOPMENT PLAN
48 IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 17 OF THIS CODE.

49
50 (6) THE FACILITY SHALL CONFORM TO APPROVED PLANS FOR OFF-STREET
51 PARKING THAT SHOW ALL DESIGNATED PARKING AREAS, INCLUDING HANDICAPPED
52 SPACES, BUS PARKING, LOADING, AND DELIVERY AREAS.

1 (7) THE FACILITY SHALL INCLUDE LIGHTING THAT ILLUMINATES ALL PARKING
2 AREAS AND WALKWAYS AND IS FOCUSED SO AS TO PREVENT GLARE UPON
3 SURROUNDING AREAS.
4

5 (8) THE FACILITY SHALL PROVIDE 24-HOUR SECURITY FOR THE FACILITY AND
6 ADJACENT PARKING AREAS, SEPARATE FROM SECURITY PROVIDED BY OTHER
7 COMMERCIAL OR INDUSTRIAL ESTABLISHMENTS IN THE VICINITY OF THE FACILITY.
8

9 (9) THE FACILITY SHALL COMPLY WITH A WRITTEN PLAN APPROVED BY THE
10 PLANNING AND ZONING OFFICER TO CONTROL LOITERING AND CONSPICUOUSLY POST
11 "NO LOITERING" SIGNS IN ALL PARKING AREAS.
12

13 (10) THE FACILITY, INCLUDING ADJACENT PARKING AREAS, SHALL BE CLEARED
14 OF LITTER AND REFUSE DAILY.
15

16 (11) THE FACILITY SHALL ENSURE THAT NOISE FROM THE FACILITY DOES NOT
17 EXCEED A DAYTIME LEVEL OF 67 DBA OR A NIGHTTIME LEVEL OF 62 DBA AT THE LOT
18 LINES.
19

20 (12) THE FACILITY SHALL BE LICENSED BY THE STATE AND SUBJECT TO STATE
21 REGULATION AND ENFORCEMENT.
22

23 (C) **Alcoholic beverages.** A VIDEO LOTTERY FACILITY MAY OPERATE ALCOHOLIC
24 BEVERAGE USES ACCESSORY TO OTHER USES IN THE W1 INDUSTRIAL PARK DISTRICT
25 SUBJECT TO THE REQUIREMENTS OF § 18-10-103 AND STATE LAW AND REGULATION.
26

27 **TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES**
28

29 **18-11-134. Pawnshops.**
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31 A pawnshop shall comply with all of the following requirements.
32

33 (1) The use shall be located at least 1,000 feet from the nearest lot line of any
34 school, library, park, [or] religious facility, OR VIDEO LOTTERY FACILITY.
35

36 (2) The facility's customer entrance and any onsite parking areas shall be located
37 at least 300 feet from any residential structure.
38

39 (3) Hours of operation shall be established by the Administrative Hearing Officer
40 as part of the special exception approval.
41

42 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days
43 from the date it becomes law.