

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2009, Legislative Day No. 37

Bill No. 82-09

Introduced by Mr. Dillon and Mr. Benoit
and
by Ms. Vitale, Chairman
(by request of the County Executive)

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, video lottery
4 terminal, and regional commercial complex; providing parking space requirements
5 for video lottery facilities; allowing video lottery facilities as a conditional use in the
6 W1 Industrial Park zoning district and in regional commercial complexes; amending
7 requirements for certain conditional uses; amending requirements for certain special
8 exception uses; and generally relating to zoning.
9
10 BY renumbering: § 18-1-101(80) through (107), and 18-1-101(108) through (115) to be
11 § 18-1-101(81) through (109), and 18-1-101(112) through (119), respectively; and §§
12 18-10-136 and 18-10-137 to be §§ 18-10-137 and 18-10-138, respectively
13 Anne Arundel County Code (2005, as amended)
14
15 BY adding: §§ 18-1-101(37A), (80), (110), and (111); and 18-10-136
16 Anne Arundel County Code (2005, as amended)
17
18 BY repealing and reenacting, with amendments: §§ 18-3-104; 18-6-103; 18-10-101; 18-
19 10-102; 18-11-134; and 18-12-301
20 Anne Arundel County Code (2005, as amended)

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 1. *Be it enacted by the County Council of Anne Arundel County,*
 2 *Maryland,* That §§ 18-1-101(80) through (107), and 18-1-101(108) through (115); 18-10-
 3 136; and 18-10-137 of the Anne Arundel County Code (2005, as amended) are hereby
 4 renumbered to be §§ 18-1-101(81) through (109), and 18-1-101(112) through (119); 18-
 5 10-137; and 18-10-138, respectively.

6
 7 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
 8 Code (2005, as amended) read as follows:

9
 10 **ARTICLE 18 ZONING**
 11 **TITLE 1. DEFINITIONS**

12
 13 **18-1-101. Definitions.**

14
 15 Unless defined in this article, words defined elsewhere in this Code apply in this
 16 article. The following words have the meanings indicated:

17
 18 (37A) "GAMING POSITION" MEANS A SEAT AT A VIDEO LOTTERY TERMINAL.

19
 20 (80) "REGIONAL COMMERCIAL COMPLEX" MEANS A DEVELOPMENT IN EXISTENCE
 21 ON SEPTEMBER 7, 2004, THAT WAS CREATED UNDER BILL NO. 62-98 AS AMENDED BY BILL
 22 NO. 80-98.

23
 24 (110) "VIDEO LOTTERY FACILITY" HAS THE MEANING SET FORTH IN THE STATE
 25 GOVERNMENT ARTICLE, § 9-1A-01, OF THE STATE CODE.

26
 27 (111) "VIDEO LOTTERY TERMINAL" HAS THE MEANING SET FORTH IN THE STATE
 28 GOVERNMENT ARTICLE, § 9-1A-01, OF THE STATE CODE.

29
 30 **TITLE 3. PARKING, NONRESIDENTIAL OUTDOOR LIGHTING, AND**
 31 **SIGNAGE**

32
 33 **18-3-104. Parking space requirements.**

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 35 The minimum onsite required parking spaces are listed in the chart below. They may
 36 be increased based on site development plan review or special exception approval,
 37 reduced as provided in § 18-3-105, or superseded by a parking program allowed by this
 38 Code. The Planning and Zoning Officer may determine reasonable and appropriate onsite
 39 parking requirements for structures and land uses that are not listed on the chart based on
 40 requirements for similar uses, comments from reviewing agencies, and the parking needs
 41 of the proposed use.
 42

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

TITLE 6. INDUSTRIAL DISTRICTS

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

The permitted, conditional, and special exception uses allowed in each of the industrial districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use; and A = auxiliary use to a business complex use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to permitted, conditional, and special exception uses also are allowed, except that outside storage as an accessory use in W1 is limited to 15% of the allowed lot coverage.

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		

TITLE 10. REQUIREMENTS FOR CONDITIONAL USES

18-10-101. Adult bookstores.

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

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

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

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

18-10-102. Adult movie theater.

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

(1) The use shall be located at least 1,000 feet from the boundary line of any residential district, dwelling, school, library, park, playground, child care center, religious facility, VIDEO LOTTERY FACILITY, or other adult bookstore or adult movie theater. For

1 purposes of this subsection, distance shall be measured in a straight line from the closest
2 part of the lot on which the adult bookstore or adult movie theater is located to the nearest
3 boundary line of any residential district or the nearest lot line on which any dwelling,
4 school, library, park, playground, child care center, religious facility, VIDEO LOTTERY
5 FACILITY, or other adult bookstore or adult movie theater is located.

6
7 (2) The use shall have all windows, doors, and other apertures blackened or
8 obstructed to prevent anyone outside the establishment from viewing its interior.

9
10 (3) The proprietor, owner, and employees of the establishment shall prohibit
11 access to the premises by anyone under the age of 18.

12
13 (4) A viewing booth in an adult film arcade:

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

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

21
22 (iii) shall have lighting of sufficient intensity that a person in the viewing
23 booth is visible by persons in the adjacent public room; and

24
25 (iv) shall be separated from an adjacent viewing booth by a wall or other solid
26 partition sufficient to prevent sexual activity with a person in the adjacent viewing booth.

27
28 **18-10-136. Video lottery facilities.**

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

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37 (B) **Requirements.** A VIDEO LOTTERY FACILITY SHALL COMPLY WITH ALL OF THE
38 FOLLOWING REQUIREMENTS.

39
40 (1) THE FACILITY SHALL COMPLY WITH THE LOCATIONAL REQUIREMENTS
41 IMPOSED BY ARTICLE XIX, § 1(C)(3)(I) OF THE CONSTITUTION OF MARYLAND.

42
43 (2) THE FACILITY SHALL BE LOCATED ON A LOT OF AT LEAST 50 ACRES IN A W1
44 INDUSTRIAL PARK DISTRICT OR A REGIONAL COMMERCIAL COMPLEX AND SHALL BE
45 ACCESSIBLE TO AN ARTERIAL OR HIGHER CLASSIFICATION ROAD.

46
47 (3) THE FACILITY SHALL COMPLY WITH ALL APPLICABLE BULK REGULATIONS
48 FOR THE ZONING DISTRICT IN WHICH THE FACILITY IS LOCATED.

49
50 (4) THE FACILITY SHALL COMPLY WITH A TRANSPORTATION MANAGEMENT PLAN
51 THAT IS APPROVED BY THE OFFICE OF PLANNING AND ZONING.

1 (5) THE FACILITY SHALL COMPLY WITH A TRAFFIC STUDY THAT ASSESSES THE
2 IMPACTS OF NEW TRAFFIC GENERATED BY THE PROPOSED USE ON MAJOR ROADS AND
3 INTERSECTIONS AS REQUIRED BY ARTICLE 17 AND THAT IS APPROVED BY THE OFFICE OF
4 PLANNING AND ZONING.
5

6 (6) THE FACILITY SHALL CONFORM TO AN APPROVED SITE DEVELOPMENT PLAN
7 IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 17.
8

9 (7) THE FACILITY SHALL CONFORM TO APPROVED PLANS FOR OFF-STREET
10 PARKING THAT SHOW ALL DESIGNATED PARKING AREAS, INCLUDING HANDICAPPED
11 SPACES, BUS PARKING, LOADING, AND DELIVERY AREAS.
12

13 (8) THE FACILITY SHALL INCLUDE LIGHTING THAT ILLUMINATES ALL PARKING
14 AREAS AND WALKWAYS AND IS FOCUSED SO AS TO PREVENT GLARE UPON
15 SURROUNDING AREAS.
16

17 (9) THE FACILITY SHALL PROVIDE 24-HOUR SECURITY FOR THE FACILITY AND
18 ADJACENT PARKING AREAS, SEPARATE FROM SECURITY PROVIDED BY OTHER
19 COMMERCIAL OR INDUSTRIAL ESTABLISHMENTS IN THE VICINITY OF THE FACILITY.
20

21 (10) THE FACILITY SHALL COMPLY WITH A WRITTEN PLAN APPROVED BY THE
22 PLANNING AND ZONING OFFICER TO CONTROL LOITERING AND CONSPICUOUSLY POST
23 "NO LOITERING" SIGNS IN ALL PARKING AREAS.
24

25 (11) THE FACILITY, INCLUDING ADJACENT PARKING AREAS, SHALL BE CLEARED
26 OF LITTER AND REFUSE DAILY.
27

28 (12) THE FACILITY SHALL ENSURE THAT NOISE FROM THE FACILITY DOES NOT
29 EXCEED A DAYTIME LEVEL OF 67 DBA OR A NIGHTTIME LEVEL OF 62 DBA AT THE LOT
30 LINES.
31

32 (13) THE FACILITY SHALL BE LICENSED BY THE STATE AND SUBJECT TO STATE
33 REGULATION AND ENFORCEMENT.
34

35 (C) **Alcoholic beverages.** A VIDEO LOTTERY FACILITY MAY OPERATE ALCOHOLIC
36 BEVERAGE USES ACCESSORY TO OTHER USES IN THE W1 INDUSTRIAL PARK DISTRICT
37 AND IN A REGIONAL COMMERCIAL COMPLEX SUBJECT TO THE REQUIREMENTS OF § 18-
38 10-103 AND STATE LAW AND REGULATION.
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40 **TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES**

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42 **18-11-134. Pawnshops.**

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44 A pawnshop shall comply with all of the following requirements.
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46 (1) The use shall be located at least 1,000 feet from the nearest lot line of any
47 school, library, park, [or] religious facility, OR VIDEO LOTTERY FACILITY.
48

49 (2) The facility's customer entrance and any onsite parking areas shall be located
50 at least 300 feet from any residential structure.
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52 (3) Hours of operation shall be established by the Administrative Hearing Officer
53 as part of the special exception approval.

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TITLE 12. SPECIAL USES

18-12-301. Permitted uses; applicability.

A regional commercial complex [in existence on September 7, 2004, created under Bill No. 62-98 as amended by Bill No. 80-98,] may include the uses set forth in § 18-5-102 for C2 and C3 Districts and the uses set forth in § 18-6-103 for a W1 District. Other consistent provisions of this article also apply.

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