

6:00 P.M. - RECONVENE**5. PUBLIC HEARINGS/BILLS ELIGIBLE FOR THIRD READING – (ENACTMENT)****CB-006-2014**

Draft: 3

AN ORDINANCE CONCERNING VIDEO LOTTERY FACILITIES for the purpose of defining video lottery facility and terms related thereto, and authorizing a video lottery facility as a permitted use in the Mixed Use - Transportation Oriented (M-X-T) Zone, subject to certain requirements.

Sponsor(s): Franklin, Campos, Davis, Harrison, Toles and Turner

Attachment(s): [B2014006.doc](#)

[CB-06-2014 DR-2 Report](#)

Legislative History:

3/11/14	County Council	presented and referred to the Planning, Zoning and Economic Development Committee
3/12/14	Planning, Zoning and Economic Development Committee	Held in Committee
3/18/14	Planning, Zoning and Economic Development Committee	Favorably recommended with amendments to the County Council
3/25/14	County Council	amended
3/25/14	County Council	introduced
3/25/14	County Council	Clerk directed to expedite scheduling of public hearing

ADJOURN

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2014 Legislative Session**

Bill No. CB-6-2014

Chapter No. _____

Proposed and Presented by Council Members Franklin, Campos, Davis, Harrison, Toles,
and Turner

Introduced by Council Members Franklin, Campos, Davis, Harrison, Toles, and Turner

Co-Sponsors _____

Date of Introduction March 25, 2014

ZONING BILL

1 AN ORDINANCE concerning
2 Video Lottery Facilities
3 For the purpose of defining video lottery facility and terms related thereto, and authorizing a
4 video lottery facility use as a permitted use in the Mixed Use – Transportation Oriented (M-X-T)
5 Zone, subject to certain requirements.

6 BY repealing and reenacting with amendments:
7 Sections 27-107.01 and 27-547,
8 The Zoning Ordinance of Prince George's County, Maryland,
9 being also
10 SUBTITLE 27. ZONING.
11 The Prince George's County Code
12 (2011 Edition; 2013 Supplement).

13 BY adding:
14 Section 27-548.01.04,
15 The Zoning Ordinance of Prince George's County, Maryland,
16 being also
17 SUBTITLE 27. ZONING.
18 The Prince George's County Code
19 (2011 Edition; 2013 Supplement).

1 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
2 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
3 District in Prince George's County, Maryland, that Sections 27-107.01 and 27-547 of the Zoning
4 Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's
5 County Code, be and the same are hereby repealed and reenacted with the following
6 amendments:

7 **SUBTITLE 27. ZONING.**

8 **PART 2. GENERAL.**

9 **DIVISION 1. DEFINITIONS.**

10 **Sec. 27-107.01. Definitions.**

11 (a) Terms in the Zoning Ordinance are defined as follows:

12 * * * * *

13 (192) **Recreational or Entertainment Establishment of a Commercial Nature:** An
14 establishment which provides entertainment, recreation, or amusement for profit, (which may
15 include a Video Lottery Facility only in accordance with Section 27-548.01.04 of this Subtitle).
16 This term shall not include an "Amusement Arcade," "Reducing/Exercise Salon or Health Club,"
17 or a "Massage Establishment" but shall include any form of a "Rental Hall" or "Dance Hall" or
18 "Banquet Hall" not sanctioned by another special exception or private club.

19 * * * * *

20 (234) **Swimming Pool, Private:** A "Swimming Pool" or wading pool which is:

21 (A) Owned and maintained by an individual for the sole use of his household
22 and guests;

23 (B) Located on a "Lot" as an "Accessory Use" to the owner's residence; and

24 (C) Not operated for profit or in connection with any business operated for
25 profit.

26 (234.1) **Table Games:** As set forth in Section 9-1A-01(w-2), State Government Article,
27 Annotated Code of Maryland, means:

28 (A) roulette, baccarat, blackjack, craps, big six wheel, minibaccarat, poker, pai
29 gow poker, and sic bo, or any variation and composites of such games; and

30 (B) gaming tournaments in which players compete against one another in one or
31 more of the games authorized under paragraph (A) of this subsection.

1 (234.2) Tattoo Parlor: An establishment wherein designs, letters, figures, body piercing or
2 other marks are placed upon the skin of any person, using ink or other substances that result in
3 the permanent coloration or piercing of the skin by means of use of needles or other instruments
4 designed to contact or puncture the skin.

5 * * * * * * * * *

6 (255.1) Video lottery facility: As set forth in Sections 9-1A-01(aa), 9-1A-01(w-2),
7 and 9-1A-04(a)(11), State Government Article, Annotated Code of Maryland, for purposes of
8 this Subtitle, a facility at which players play video lottery terminals and/or table games. A
9 “Video lottery facility” shall only be permitted in accordance with an approved Detailed Site
10 Plan for a Recreational or Entertainment Establishment pursuant to Section 27-548.01.04.

11 (255.2) Video lottery operation license: As set forth in Sections 9-1A-01(bb) and
12 9-1A-04(a)(11), State Government Article, Annotated Code of Maryland, a license awarded
13 by the Video Lottery Facility Location Commission and issued by the State Lottery and
14 Gaming Control Commission to a person that allows players to operate video lottery
15 terminals and/or table games.

16 (255.3) Video lottery operator: As set forth in Section 9-1A-01(cc), State
17 Government Article, Annotated Code of Maryland, a person licensed to operate a video
18 lottery facility.

19 (255.4) Video lottery terminal: As set forth in Section 9-1A-01(dd), State Government
20 Article, Annotated Code of Maryland, means: (A) a machine or other device, that, on insertion of
21 a bill, coin, token, voucher, ticket, coupon, or similar item, or on payment of any consideration:

22 (i) is available to play or simulate the play of any game of chance in which the
23 results, including the options available to the player, are randomly determined by the machine or
24 other device; and

25 (ii) by the element of chance, may deliver or entitle the player who operates the
26 machine or device to receive cash, premiums, merchandise, tokens, or anything of value, whether
27 the payout is made automatically from the device or in any other manner.

28 (B) “Video lottery terminal” includes a machine or device:

29 (i) that does not directly dispense money, tokens, or anything of value to winning
30 players; and

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(ii) described under paragraph (A) of this subsection that uses an electronic credit system making the deposit of bills, coins, or tokens unnecessary.

(C) "Video lottery terminal" does not include an authorized slot machine operated by an eligible organization under Title 12, Subtitle 3 of the Criminal Law Article, Annotated Code of Maryland.

[(255.1)] 255.5 Village Buffer: Land immediately surrounding the "Village Fringe" portion of the V-M and V-L Zones which is permanently designated as open space. The Village Buffer may include passive recreational areas, including a trails system, and certain active recreation uses. The "Village Buffer" is not required to entirely surround the "Village Fringe" where there are natural barriers or topographic difficulties.

* * * * *

PART 10. MIXED USE ZONES.

DIVISION 3. USES PERMITTED.

Sec. 27-547. Uses permitted.

* * * * *

(b) TABLE OF USES.

USE	ZONE	
	M-X-T	M-X-C
(6) RECREATIONAL/ENTERTAINMENT/SOCIAL/CULTURAL:		
* * * * *	*	*
Recreational or Entertainment Establishment (commercial or noncommercial)		
<u>(A) In accordance with Section 27-548.01.04 (Recreational or Entertainment Establishment with Video Lottery Facility)</u>	P	X
<u>(B) All others</u>	P	P
* * * * *	*	*

1 SECTION 2. BE IT FURTHER ENACTED that Section 27-548.01.04 of the Zoning
2 Ordinance of Prince George’s County, Maryland, being also Subtitle 27 of the Prince George’s
3 County Code, be and the same is hereby added:

4 **SUBTITLE 27. ZONING.**

5 **PART 10. MIXED USE ZONES.**

6 **DIVISION 6. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.**

7 **Sec. 27-548.01.04. Recreational or Entertainment Establishment of a Commercial Nature**
8 **with Video Lottery Facility.**

9 (a) Requirements. A Recreational or Entertainment Establishment of a Commercial Nature
10 with a Video Lottery Facility (“Facility”) shall be permitted, subject to detailed site plan review
11 and approval, in accordance with the following additional requirements:

12 (1) Submission demonstrating that the locational requirements as set forth in Section 9-
13 1A-36(h)(1)(VI), State Government Article, Annotated Code of Maryland, are met.

14 (2) Submission demonstrating that transportation facilities in the area affected by traffic
15 generated by the Facility (“traffic study area”) will be adequate based on:

16 (A) total traffic conditions as prescribed in the most recent Transportation Review
17 Guidelines (“Guidelines”) published by the Maryland-National Capital Park and Planning
18 Commission; and

19 (B) the transportation improvements regarding the Facility submitted to the Maryland
20 Video Lottery Facility Location Commission (“Location Commission”).

21 (i) Any required on or off-site transportation improvements contained in this
22 submission shall be made prior to, or concurrent with, the construction of the Facility, and shall
23 be completed prior to the issuance of any use and occupancy permits for the Facility.

24 (3) Submission demonstrating a lighting plan that illuminates all parking areas and
25 walkways on site.

26 (4) A receipt confirming submission of a written security plan to the Chief of Police
27 demonstrating a 24-hour adequate security and surveillance plan, including plans to control
28 loitering in the parking areas.

29 (A) The security plan may be a confidential submittal.

30 (B) Review and approval by the Chief of Police or the Chief’s designee is required
31 prior to the issuance of any use and occupancy permit for the Facility.

1 (5) Submission of a written plan for daily removal of litter and refuse in the Facility and
2 on site.

3 (6) Submission of a statement acknowledging obligations pursuant to Section 9-1A-
4 10(a)(3), State Government Article, Annotated Code of Maryland, including any related
5 compliance and reporting requirements.

6 (7) Submission of a statement detailing any equity investment opportunities in relation to
7 the Facility to be made available to Prince George’s County residents via direct monetary
8 investment, ownership of independent in-line businesses, ownership of retail pad sites,
9 ownership of business franchises, ownership of service businesses, and/or ownership of any
10 other for-profit businesses.

11 (b) Full compliance with this Section by the Video Lottery Operator, including compliance
12 with any plans, commitments, or other information contained in any submissions required in this
13 Section, shall be a stated condition of approval for the Facility’s Detailed Site Plan.

14 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Ordinance are hereby
15 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
16 sentence, clause, phrase, or word of this Ordinance is declared invalid or unconstitutional by a
17 court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the
18 remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or
19 sections of this Ordinance, since the same would have been enacted without the incorporation in
20 this Ordinance of any such invalid or unconstitutional word, phrase, clause, sentence,
21 subparagraph, subsection, or section.

22

1 SECTION 4. BE IT FURTHER ENACTED that this Ordinance shall take effect on the date
2 it becomes law.

Adopted this ____ day of _____, 2014.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

BY: _____
Mel Franklin
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.