

COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND

BILL 20-7

BY: Commissioners Bertino, Bunting, Church, Elder, Mitrecic, Nordstrom and Purnell
INTRODUCED: August 18, 2020
AMENDED: October 6, 2020

A BILL ENTITLED

AN ACT Concerning

Zoning - Casino Entertainment District

For the purpose of amending the Zoning and Subdivision Control Article to allow the Casino Entertainment District in the A-2 Agricultural District as a permitted use and to set forth the regulations for the Casino Entertainment District as an overlay district.

Section 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing § ZS 1-103(b) be amended by the addition of a new definition to read as follows:

CASINO - A building or structure in which one or more gaming tables, wagering devices or machines, or other games of chance are present and available for persons to wager money or something of value on an uncertain outcome, with an unassured prospect of winning money or other stakes, prizes or something of value, including but not limited to video lottery terminals, roulette, card games, dice, sports betting and off-track simulcast horse race wagering. This definition does not apply to games of chance operated by charitable organizations licensed under County law.

Section 2. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing § ZS 1-103(b) be amended by the addition of a new definition to read as follows:

GAMING FACILITY - A casino with table games and/or video lottery terminals as regulated under COMAR Title 36 as from time to time amended and any buildings, facilities or rooms functionally or physically connected to the casino, including but not limited to any bar, restaurant, hotel, cocktail lounge, nightclub, retail establishment, exhibition hall, or arena or any other facility located under the control of a casino licensee or affiliated company.

Section 3. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that existing § ZS 1-202(b) be amended by the addition of a new subsection § ZS 1-202(b)(20) to read as follows:

(20) Casino entertainment district, subject to the provisions of § ZS 1-352 hereof.

Section 4. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that a new § ZS 1-352 be enacted to read as follows:

§ ZS 1-352. Casino Entertainment District.

- (a) Purpose and intent. The purpose and intent of this section is to encourage comprehensively planned gaming facilities or casinos and associated uses under a unified plan of development that allows for flexibility while also requiring harmonious design within the development and ensuring compatibility with and minimum impact upon existing and future development in the surrounding area. The casino entertainment district (CED) is intended to encourage economic growth and tourism in Worcester County and shall include a gaming facility that will serve as a local and regional draw. Although development of the entire CED may not occur at one time and may instead be phased, its development is intended to be accomplished in a manner which will ensure compatible, integrated development with provisions being made for safe internal traffic circulation, sufficient parking, appropriate access to public roadways, appropriate pedestrian circulation, and adequate screening, buffering and landscaping, as the lands are developed. The first phase of any CED development shall consist of, at a minimum, the fully licensed and constructed casino building with all necessary and appropriate approvals for legal operation.
- (b) Location and area requirements. The CED is permitted in the A-2 Agricultural District upon review and approval by the Planning Commission. The minimum required lot area for a CED is fifty acres which in no case may be reduced by action of the Board of Zoning Appeals notwithstanding the provisions of § ZS 1-116(c)(4) hereof. Any CED must be located such that it is directly served by a major collector or arterial highway as identified by § ZS 1-326 of the Zoning and Subdivision Control Article or by a service road as defined in § ZS 1-103 of the Zoning and Subdivision Control Article and in accordance with § ZS 1-319 of the Zoning and Subdivision Control Article to provide access from such a highway. The location and construction standards for such service road shall be as determined and approved by resolution of the County Commissioners.
- (c) Permitted uses and structures. The following uses and structures may be permitted in a Casino Entertainment District:
- (1) Fairgrounds and commercial race tracks licensed by the Maryland State Racing Commission.
 - (2) Commercial boarding stables for three or more animals, used in conjunction with fair grounds or commercial race tracks licensed by the Maryland State Racing Commission.
 - (3) Gaming facilities and casinos licensed under the Maryland Video Lottery Facility Location Commission.
 - (4) Off street parking garage or structure.
 - (5) Restaurants, bars, nightclubs and banquet halls.
 - (6) A single motel or hotel, not to exceed a maximum of 150 guest rooms.
 - (7) Retail or service establishments.
 - (8) Stadiums and arenas for outdoor entertainment.

- (9) Theaters, including movie and/or performing arts.
 - (10) Health clubs and fitness centers.
 - (11) Places of assembly for exhibitions.
 - (12) Public commercial, cultural, social and recreational areas and centers, including playgrounds, parking and outdoor areas utilized for tents and other temporary uses selling any item brought to the location for such purpose.
- (d) Area limitations for uses. Within a CED a minimum of twenty percent of the total gross lot area [as defined in § ZS 1-305(a) hereof] but excluding state wetlands [as defined in § ZS 1-103(b) hereof] shall be devoted to open space. Such open space shall not include utility and other service areas, roads, parking lots or loading areas, except underground utility areas, nor shall it include buildings except those specifically intended for recreational use. Where possible, those areas contained in the one-hundred-year floodplain should be dedicated as open space. At least twenty-five percent of the required open space shall be provided for common use such as landscaped pedestrian plazas or pedestrian greenways with seating, picnic areas and similar facilities and may include walking paths, except for those connecting principal and/or accessory buildings. Proposed common use open space areas must be specified on the site plan for review and approval by the Planning Commission.
- (e) Lot and road frontage requirements. For individual structures, there shall be no minimum lot area, bulk, lot width, area or road frontage requirements. Such standards shall be as approved by the Planning Commission on a site plan prepared in accordance with § ZS 1-325 hereof. Notwithstanding the Planning Commission's determinations herein, in no instance may a principal structure be constructed closer than one hundred feet to the perimeter property line of the CED. Where adjoining the A-1, A-2, E-1, V-1, RP and all R Districts, such setback shall be increased to a minimum of two hundred feet.
- (f) Parking requirements. The following provisions shall apply to all uses within the CED:
- (1) Notwithstanding the provisions of § ZS 1-320, the required amount of off-street parking for all uses in the CED shall be a minimum of one space for each two hundred and fifty square feet of gross floor area. There shall be a maximum of one space per two hundred square feet of gross floor area allowed.
 - (2) Bicycle spaces shall be provided in accordance with § ZS 1-320(a) for the individual uses.
 - (3) All other standards for the design of the off-street parking areas shall be as provided for in § ZS 1-320.
 - (4) The CED shall be served by internal driveways or roads of sufficient capacity and design to ensure that traffic congestion does not occur on the major collector or arterial highway that serves as access to the site, either

directly or via a service road.

- (g) Pedestrian circulation. The CED shall be designed to provide a site-wide comprehensive pedestrian network fully accessible to all structures on the property but shall not be used to comply with the calculation of the common use open space required in subsection (d) above. Such sidewalks shall be landscaped as required by the Worcester County “Design Guidelines and Standards for Commercial Uses.”
- (h) Architectural design. A coordinated architectural design shall be established for the site consistent with one or more of the architectural traditions contained within the Worcester County “Design Guidelines and Standards for Commercial Uses.”
- (l) Landscaping, buffering and screening requirements. In addition to the requirements set forth in Subsection (d) herein, the CED shall comply with all pertinent landscaping, buffering and screening requirements set forth in § ZS 1-322 hereof. Buffering shall be required along all perimeter property lines, except screening shall be required where adjoining any residentially zoned or used property, and all such perimeter buffering or screening shall be installed in the first phase of development.
- (j) Height. No structure shall exceed either four stories or forty-five feet in height. However, notwithstanding the provisions of § ZS 1-305(n), the Planning Commission may allow an increase above the maximum permitted height or number of stories where they find that such an increase is reasonably necessary for the proposed purpose and no neighborhood adverse effects or safety hazards will be created.
- (k) Review and approval procedure. Any CED application shall be reviewed by the Technical Review Committee and the Planning Commission in a two-step process. Each step must be completed in its entirety prior to initiating the next step.
 - (1) In Step I, a schematic concept plan generally identifying the type, location, and acreage of all proposed land uses, a preliminary traffic study and any other pertinent documents or plans necessary to sufficiently address the items identified in this section as the Planning Commission criteria shall be submitted for review and approval by the Technical Review Committee and the Planning Commission. This plan shall also include general information relative to the applicable architectural traditions contained in the *Design Guidelines and Standards for Commercial Use*.
 - (2) In Step II, a master site plan prepared in accordance with § ZS 1-325 hereof. It shall include a final traffic study, an outline of the proposed protective covenants, lease and management and maintenance agreements by which the applicant proposes to operate the development, and all other pertinent documents or plans necessary to fully address the items identified in this section as the Planning Commission criteria shall be submitted for review and approval by the Technical Review Committee and the Planning Commission. Minor revisions to the Step II plan may be approved by the Department as provided for in § ZS 1-325(h).


- (l) Planning Commission criteria. The Planning Commission shall not approve a CED until it shall find that each of the following criteria have been met:
- (1) The proposed development will not be detrimental to or endanger the public health, safety or general welfare and is consistent with the goals and objectives of the Comprehensive Plan. This evidence shall take the form of a community impact statement covering such topics as highway capacity, traffic congestion and traffic safety, the capacity and availability of public services, including water and sewer service, air and water pollution, the effect on County revenues and expenditures, jobs created, and such additional information as may be requested to adequately understand and review the application.
 - (2) The proposed development is sufficient in size to provide gaming and entertainment facilities and services to the marketing area which may be expected to use the development, yet is not of such a size as to overwhelm the site or be a detriment to the surrounding community.
 - (3) The proposed development is at a location where traffic congestion does not exist on the roads to be used for access to the development or where such congestion can be obviated by committed public road improvement projects or by projects to be undertaken by the applicant at his expense.
 - (4) The proposed development will consist of structures of an integrated and harmonious design, provided with adequate vehicular, pedestrian and bicycle circulation, parking, service, utility services, and landscaping.
- (m) Other regulations. In regulating the development of the CED, the provisions of this section shall first apply, but when a matter is not specifically regulated by this section, then the other provisions of this Title and of the district in which the development is located shall apply, as well as any Acts of the Maryland Legislature.
- (n) Permits. No permit shall be issued for any work in connection with a CED or any permitted uses designated in this section until all required review by the Planning Commission shall have been completed and approved. Construction and development of the CED shall be in accordance with the site plan as approved by the Planning Commission pursuant to § ZS 1-325 hereof.

Section 4. BE IT FURTHER ENACTED BY THE COUNTY COMMISSIONERS OF WORCESTER COUNTY, MARYLAND, that this Bill shall take effect forty-five (45) days from the date of its passage.

PASSED this 20th day of October, 2020.

ATTEST:

COUNTY COMMISSIONERS OF
WORCESTER COUNTY, MARYLAND

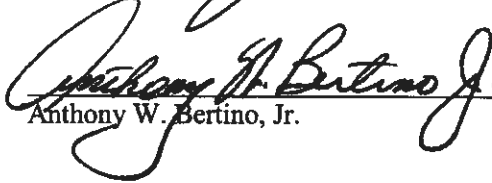


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