

ORDINANCE NO. 769

INTRODUCED BY: _____

AN ORDINANCE OF THE TOWN OF DENTON AMENDING THE DENTON ZONING ORDINANCE, CHAPTER 128, TO AMEND THE DEFINITION OF ASSEMBLY AND ENTERTAINMENT USES AND PROVIDE CERTAIN STANDARDS FOR ASSEMBLY AND ENTERTAINMENT USES IN THE INDUSTRIAL DISTRICT

WHEREAS, the Town of Denton is authorized by the Land Use Article of the Maryland Annotated Code, Land Use Article to enact and administer a zoning ordinance to promote the health, safety, morals or general welfare of the community, including the location and use of buildings, structures, and land, which ordinance is Chapter 128 of the Denton Town Code; and

WHEREAS, the Town of Denton is authorized by the Md. Code Ann., Land Use Article, Section 4-204 to amend, supplement, modify or repeal sections of the zoning ordinance; and

WHEREAS, the Denton Planning Commission considered the zoning ordinance amendments at its May 26, 2026, Meeting and recommended that the Town Council approve this Ordinance; and

WHEREAS, the Denton Town Council has determined that it is desirable, in the public interest, and consistent with the 2020 Comprehensive Plan to provide for the development or assembly and entertainment uses within the Industrial District;

NOW, THEREFORE, BE IT ENACTED, the Denton Town Council hereby ordains as follows:

SECTION 1: Section 128-15, Terms Defined, is hereby amended as follows:

§ 128-15 Terms defined.

...

ASSEMBLY AND ENTERTAINMENT USE — Uses that provide gathering places for participant or spectator recreation, entertainment, or other assembly activities where the primary attraction is the activity or performance itself, rather than goods or services incidentally provided. Assembly and entertainment uses may provide incidental food or

beverage service and incidental retail merchandise sales. Typical uses include arenas, auditoriums, billiard centers, bowling centers, cinemas, concert halls, esports facilities, interactive amusement centers, escape rooms, and activity-based entertainment venues, theaters, and similar establishments.

...

SECTION 2: Article V, Permitted Uses, § 128-87, Permitted Uses Table is hereby amended as shown on Attachment A attached hereto.

SECTION 3: Article VI, Supplementary Use Regulations, is hereby amended to include a new section § 128-117 as follows:

§ 128-117. Assembly and Entertainment Uses in the (I) Industrial District.

A. Purpose. *This section is intended to allow assembly and entertainment uses to serve as compatible adaptive reuse of industrial buildings and sites in the Industrial District, while preserving the district's capacity for industrial operations and protecting neighboring industrial uses from incompatible impacts.*

B. Applicability. *This section applies to all Assembly and Entertainment Uses proposed or expanded in the (I) Industrial District, (GC) General Commercial District, (CBC) Central Business Commercial District, (RHC) Regional Highway Commercial District, and (MI) Mixed Industrial District. The category is divided into two subcategories:*

(1) Indoor Assembly and Entertainment Use: *a use in which all performances, amplified sound, and fee-based patron activity occur inside an enclosed building. Indoor uses are permitted by right (P), subject to site plan review pursuant to Subsection F.*

(2) Mixed/Outdoor Assembly and Entertainment Use: *a use in which any performance, amplified sound, or fee-based patron activity, or any amplified sound associated therewith, occurs outdoors, regardless of whether such activity also occurs indoors. Where there is any doubt as to classification, the use shall be deemed Mixed/Outdoor. Mixed/Outdoor uses require approval as a Special Exception (SE) by the Board of Appeals and are subject to all standards in this section.*

C. General Standards (Applicable to All Assembly and Entertainment Uses in all Districts).

(1) Hours of Operation. *Public access, performances, fee-based patron activity, and amplified sound shall be limited to 8:00 a.m. to 10:00 p.m. on weekdays and 8:00 a.m. to 12:00 midnight on weekends and federal holidays. For purposes of this subsection, "weekend" means Saturday and Sunday. Outdoor amplified sound, outdoor performances, and outdoor fee-based patron activity shall cease by 9:00 p.m. on all days. Patron access to outdoor areas of the premises may continue until the*

general closing hour applicable under this subsection, provided no amplified sound or active programming occurs outdoors after 9:00 p.m.

- (2) Noise Standards. All amplified music, public address systems, or performances shall comply with the Town's noise ordinance. In addition, amplified sound from any assembly and entertainment use shall not exceed 55 dBA measured at any property line of the subject parcel. Where ambient noise levels from surrounding industrial uses exceed 55 dBA, the applicant shall submit a pre-event baseline sound study conducted by a qualified acoustical engineer, and the Planning Commission may adjust the applicable limit based on that study.*
- (3) Traffic and Event Management Plan. The applicant shall submit, and the Planning Commission shall approve as a condition of site plan approval, a Traffic Impact Study (TIS) prepared by a licensed traffic engineer and an Event Management Plan. The Event Management Plan shall address patron access and circulation, ride-share and shuttle options, staggered arrival and departure procedures, and, if needed, off-site parking arrangements. Patron vehicle access shall be physically separated from industrial truck loading and unloading areas. Any material change to operations after initial approval shall require an amended Event Management Plan subject to Planning Commission review.*
- (4) Parking and Loading.*

 - a. Parking shall be provided at the higher of the assembly use ratio (at a minimum, 1 space per 3 seats or per applicable Institute of Transportation Engineers (ITE) rates, whichever is greater).*
 - b. The Planning Commission may approve shared parking agreements with adjacent industrial uses. Any approved shared parking arrangement shall be memorialized in a recorded instrument binding on the affected parcels, in a form approved by the Town Attorney, before issuance of a certificate of occupancy.*
 - c. A parking analysis shall be submitted as part of the site plan application, demonstrating adequate on-site parking or approved shared parking with no spillover into other areas of any District.*
- (5) Buffering, Screening, and Lighting. Perimeter buffering and screening shall be provided in the type, quantity, and location required by the Planning Commission as a condition of site plan approval. All exterior lighting shall be fully shielded, downward-directed, and dark-sky compliant. No light spillover onto adjacent properties is permitted.*

D. Additional Standards for Mixed/Outdoor Assembly and Entertainment Uses (Special Exception). *In addition to the standards in Subsection C, the Board of Appeals shall, as a condition of special exception approval, require:*

- (1) Written findings of compatibility with surrounding industrial operations, including at minimum an analysis of setbacks from active loading docks and truck access areas, limits on simultaneous outdoor event attendance, and any noise wall or vegetative buffer required to achieve compatibility;*
- (2) More stringent traffic mitigation measures as determined by the Board based on the TIS;*
- (3) Security plans, waste management plans, and annual operational reporting as deemed necessary by the Board; and*
- (4) Any other conditions necessary to protect the industrial character of the district.*

All conditions of special exception approval shall be set out in writing and recorded as a condition against the subject property in the land records of Caroline County before issuance of any permit.

E. Expansion of Existing Uses. Any expansion of an existing Assembly and Entertainment Use in any District, whether in floor area, outdoor area, seating capacity, or operating hours, shall require a new or amended site plan approval under this section, and, for Mixed/Outdoor uses, an amended special exception.

F. Site Plan Review. All Assembly and Entertainment Uses in any District, whether permitted by right or by special exception, shall be subject to full site plan review and approval by the Planning Commission pursuant to Article XVI of this ordinance.

SECTION 4: If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Denton Town Council hereby declares that it would have passed this Ordinance and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 5: In accordance with § C3-12 of the Town Charter, this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect seven (7) days from and after the date of its final passage and adoption, except that in accordance with Md. Code Ann., Land Use § 4-203(b)(3), this Ordinance shall not be effective until at least ten (10) days after a public hearing is held.

ENACTED THIS _____ DAY OF _____, 2026.

DENTON TOWN COUNCIL:

Abigail McNinch, Mayor

Dallas Lister, Councilperson

Lester L. Branson, Councilperson

Walter Keith Johnson, Councilperson

Frank Taylor, Councilperson

ATTEST:

Karen L. Monteith, Clerk-Treasurer

Approved for legal sufficiency this _____ day of _____, 2026.

Lyndsey Ryan, Town Attorney

Date Introduced _____

Date Amendments Introduced _____

Date Passed _____

Effective Date _____

Text that is ~~stricken~~ reflects language omitted from the Town Code

Text in ***bold and italicized*** reflects additions to the Town Code

ATTACHMENT A

<p>Key: P – Permitted Use within a zoning district (all uses require site plan approval by the Planning Commission or staff as provided in Article XVI and may be subject to supplemental use standards as provided in Article VI) SE – Special Exception from the Board of Appeals IRD – Infill & Redevelopment Overlay Zone (site plan review and approval required)</p>												
§ 128-87. Permissible Uses Tables.	Zoning District											
Permitted Use Categories and Subcategories	SR	TR	MR	UR	GC	CBC	CM	RHC	I	PN	MI	RA
Assembly and entertainment												
Assembly and entertainment establishments <i>Indoors only</i>	----	----	----	----	P	P	----	P	P	----	P	----
Assembly and entertainment establishments, Mixed outdoors or in combination with indoors	----	----	----	----	SE	SE	----	P	SE		SE	