

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2023 Legislative Session

Reference No.: CB-009-2023

Draft No.: 2

Committee: PLANNING, HOUSING AND ECONOMIC DEVELOPMENT

Date: 1/19/2023

Action: FAV (A)

REPORT:

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Ivey, Blegay, Dernoga, Olson, and Oriadha)

The Planning, Housing and Economic Development (PHED) Committee convened on January 19, 2023, to consider CB-9-2023. The PHED Committee Director summarized the purpose of the legislation and informed the Committee of written comments received on referral. As presented on December 12, 2022, Draft-1 of the bill amends the hours of operation in the Zoning Ordinance for approval of special exceptions for tobacco shops, electronic cigarette shops, or retail tobacco business uses.

The Planning Board voted to take no position with technical amendments on the bill as explained in a January 12, 2023, letter to the Council Chairman:

“Limiting the hours of operation for tobacco shops, electronic cigarette shops, or retail tobacco business uses is a policy decision of the District Council. The Planning Board notes for District Council’s consideration that changing the transitional and grandfathering provisions for certain uses and not others could lead to an inequity among businesses in the County.

The Planning Board would like to recommend two technical amendments for District Council consideration. On page 2, line 2, delete the letter ‘(a)’ and replace with the letter ‘(kkk)’ to show the correct letter for the use in the new Zoning Ordinance. Next, on line 24, remove the words ‘retail tobacco business.’ This language was inadvertently typed twice on the same line.”

The Chief Zoning Hearing Examiner (ZHE) submitted a January 9, 2023, memorandum to the PHED Committee Director with the following comments:

1. The bill should be revised on page 2, lines 1-2 to mirror the language within the current Zoning Ordinance (2019 Edition, 2022 Supplement). Line 1 should capitalize the “s” in “specific” and “special” and capitalize the “u” in “uses”.
2. On page 2, line 23 should be revised to ensure that the daily hours of operation be “between the hours of 10:00 am and 10:00 pm.” The current wording could be construed to mandate that the business operate for the entire twelve-hour period, and that does not appear to be the sponsors’ intent.

3. Finally, on page 2, line 24 should strike “or Retail Tobacco Businesses” since the Zoning Ordinance notes that the singular includes the plural. (Section 27-2100 (d))

The Committee reviewed a Proposed Draft-2 (DR-2) prepared at the bill sponsors’ request to address the comments and suggested amendments from the Planning Board and ZHE as well as additional revisions to include sign displays as a criterion for approval of a Special Exception, and to amend the use tables to prohibit the use in Non-Residential Base Zones, Transit Oriented/Activity Center Base Zones, and Planned Development Zones. Amortization and severability clauses were also included as new uncodified sections on page 8 of the bill.

Angie Rodgers, Deputy Chief Administrative Officer for Economic Development, addressed the Committee indicating that the Administration could not offer support of Proposed DR-2 at the time. Joseph Ruddy, Deputy County Attorney, requested additional time to review the amortization clause included in the revised draft.

Rana Hightower, M-NCPPC Intergovernmental Liaison, indicated that Proposed DR-2 incorporated Planning Board’s recommended amendments. Maurene McNeil, Chief ZHE, suggested further tweaking to the bill’s purpose clause to include “concerning such use”.

Former State Senator Gloria Lawlah testified in support of CB-9-2023.

On a motion by Council Member Oriadha and second by Council Member Olson, the Committee voted favorable on CB-9-2023 Proposed DR-2 including the additional revisions to the bill’s purpose clause.