

# PRINCE GEORGE'S COUNTY COUNCIL

## COMMITTEE REPORT

2016 Legislative Session

---

---

**Reference No.:** CB-15-2017

**Draft No.:** 2

**Committee:** PLANNING, ZONING AND ECONOMIC DEVELOPMENT

**Date:** 4/19/2017

**Action:** FAV(A)

---

---

### REPORT:

Committee Vote: Favorable with amendments, 4-0 (In favor: Council Members Harrison, Franklin, Glaros and Toles)

Council staff summarized the purpose of the legislation and informed the committee of written referral comments that were received. CB-15-2017 amends the Zoning Ordinance to define a new use, Retail Tobacco Business, and permit the use by special exception in certain Commercial Zones.

Council Member Harrison, the bill's sponsor, informed the Committee that the legislation amends the Zoning Ordinance to create a new use to allow smoking of certain tobacco products within certain businesses in accordance with provisions of State law. Ms. Harrison also referenced CB-20-2017 which amends Subtitle 19 (Pollution) of the County Code to create exceptions to the smoking ban in eating or drinking establishments. This legislation was heard and reported out favorably by the Health, Education and Human Services Committee on April 18, 2017.

The Planning Board supports CB-15-2017 with amendments as detailed in a letter dated April 12, 2017 to the Council Chairman. The Chief Zoning Hearing Examiner (ZHE) reviewed the legislation and commented in an April 11, 2017 memorandum to the Committee Director that the language in the bill may conflict with that in the Health General Article of the Maryland Annotated Code.

The County Council's Legislative Officer presented a Proposed Draft-2A (DR-2A) of the legislation with amendments to address referral comments received concerning Proposed Draft-2.

The amendments are as follows:

On page 1, in the bill title and purpose clause, and on page 3, in Section 27-415.01, strike all references to "Tobacco Bars, Tobacco Lounges, Cigar Bars, and Cigar Lounges", and insert "Retail Tobacco Business" in lieu thereof

On page 1, in the purpose clause, strike "M-U-I (Mixed Use – Infill)

On page 2, strike all language in what were proposed definitions of the following new terms: “Cigar Lounge”, “Tobacco Lounge”, “Tobacco Shop”, and add the new defined term “Retail Tobacco Business”

On pages 4 and 5, in the Table of Uses, strike all references to “Cigar Lounge” and insert “Retail Tobacco Business” in lieu thereof

The Legislative Officer explained that the definition of the new use “Retail Tobacco Business” is consistent with State law allowing on site consumption of tobacco products if the business includes incidental sale of food or beverage that is limited in gross floor area.

Arthur Horne and Kerry Watson, representing MGM, testified in support of the legislation and requested that the Committee remove “park, recreational facility” in Section 27-415.01 on page 3 to allow an opportunity for their client to apply for a special exception for a “Retail Tobacco Business.”

The Committee voted favorably on Proposed DR-2A with additional amendments on page 2 as follows: in the definition of “Retail Tobacco Business”, after “A retail store where the primary ‘Use’ is the retail sale of tobacco products and tobacco smoking accessories”, remove the period and add “which may include on site consumption in accordance with Section 19-131 of the County Code” and at the end of Section 27-415.01 (a)(1) add a new sentence exempting a Retail Tobacco Business within a Recreational or Entertainment Establishment of a Commercial Nature with Video Lottery Facility uses from the location restrictions provided in that section.