



September 17, 2025

FISCAL AND POLICY NOTE

TO: Colette R. Gresham, Esq.
Acting Council Administrator

Karen T. Zavakos
Associate Council Administrator

THRU: Lavinia Baxter 
Senior Budget and Policy Analyst

FROM: Alex Hirtle 
Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement
CB-069-2025 Quick Service Restaurants With Drive-Through

CB-069-2025 (*proposed by: Councilmembers Dernoga, Oriadha, Olson, and Fisher*)

Assigned to the Planning, Housing and Economic Development Committee (PHED)

AN ORDINANCE CONCERNING USE REGULATIONS - PERMITTED USES - QUICK SERVICE RESTAURANTS WITH DRIVE-THROUGH for the purpose of limiting the location of new fast-food restaurants with drive-throughs by prohibiting such uses in residential zones and allowing such uses by special exception in certain commercial zones to address the unique impacts associated with quick-service drive-through restaurants.

Fiscal Summary

Direct Impact:

Expenditures: Probable modest expenditures.

Revenues: Possible decrease in revenues.

Indirect Impact:

Potentially favorable.

Legislative Summary:

CB-069-2025¹ was presented on September 9th, 2025, and referred to the Planning, Housing, and Economic Development Committee (PHED). This bill would limit the location of new quick-service restaurants with drive throughs by prohibiting such uses in residential, Multifamily-20 (RMF-20) and Multifamily-48 (RMF-48), Industrial Employment (IE), Town Activity Center-Edge (TAC-E), and Industrial/Employment Planned Development (IE-PD) zones and require special exception approval in Commercial Service (CS), Commercial General and Office (CGO), and Residential Planned Development (R-PD) zones to address the unique impacts associated with quick-service restaurants with drive throughs.

Current Law/Background:

This legislation seeks to amend Sections 27-5101, 27-5102, and 27-5402 of Subtitle 27 of the Zoning Ordinance of Prince George's County, Maryland.

The legislation cites the abundance of fast-food drive-through establishments in the County, and notes that they create unique impacts on the surrounding neighborhoods, including traffic, congestion, discourage walking and transit use, as well as visits to nearer neighborhood businesses. The Bill also cites safety concerns with fast-food drive-throughs in accidents with pedestrians, cyclists, and other vehicles, and unfettered development of such drive-throughs contributes to prolonging a car-centric culture which opposed the County's Plan 2035 (which promotes walkable communities). The legislation also notes the concerns of health among the County's residents, including high obesity and heart disease rates, and high exposure to pollution such as vehicle exhaust, as well as the residents' desire for more vibrant, walkable communities.²

Resource Personnel:

- Eric Irving, Fiscal & Legislative Specialist
 - Andrea Crooms, Legislative & Policy Director, Council District 1
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Discussion/Policy Analysis:

On letterhead dated July 24th, 2025, Maryland National Capital Park & Planning released their Technical Staff Report, which included section "Compliance with Law, Assessment of Technical Drafting Conventions, and Proposed Amendments". The report reads that Section 27-3501 (c)

¹ [Prince George's County Council - Reference No. CB-069-2025](#)

² CB-069, page 1, lines 14-20 and page 2, lines 1-8.

(2) (A) of the County's Zoning Ordinance states that "the Council's Legislative Counsel shall prepare the proposed amendments in consultation with the Planning Director". The Planning Department determined that the previous LDR submitted by the Council (LDR-71-2025, which consequently was drafted into CB-069-2025) "was not drafted in a manner consistent with the legislative style and conventions of the current Zoning Ordinance." Thereas, the Council should consider the nine broader points outlined on the letter dated July 25th, 2025 from the Planning Board Chairman to the Council Chair for amendments to the currently written legislation.

With that said, there are finer points of concerns that the Technical Staff Report outlines and are discussed below:

- This legislation only regulates whether quick service restaurants may have a drive-through. It does not limit fast-food restaurants more generally. It is important to distinguish that the term "Restaurant, Quick Service" includes traditional fast-food restaurants such as McDonalds, Popeyes, etc., as well as what are considered more healthier restaurants such as Panera Bread, Chipotle, Potbelly's Sandwich Shop, and Noodles & Company. If the purpose of the Bill is to limit traditional fast-food restaurants allowed previously through "unfettered development", there should be text distinguishing the two types of quick service restaurants.
- CR-054-2025 called for the publication of an "Health Atlas Study" that would enable a more comprehensive analysis of strategies for improved planning of public health and land use throughout the County. Ideally, this legislation would have been proposed after this study was released to coordinate the study's findings with the legislative text. At the very least the Council should re-visit any passed legislation and consider amending based on recommendations of the Health Atlas Study.
- The hours of operation text in the Bill should be thoroughly reviewed: the current text proposes the hours of operation for a quick-service restaurant "shall be limited to ...6:00am to 11:00pm", with no considerations or exceptions mentioned. The Technical Staff Report cites several concerns with this provision, from not deciding this on a case-by-case basis (which could be accomplished via the Zoning & Hearing Examiner [ZHE] process), or contingent on proximity to residential properties; such hourly limitations could effectively create a notable loss of revenue for the County, in that locations that see significant interstate traffic such as I-95, US 50, and US 301 that are profitable in staying open for extended hours with a drive-through, would be forced to close early per the Bill's limitations (assuming the interstate location meets the Bill's zoning requirements).
- Subjective terms such as "...constitute a nuisance because of noise, illumination, fumes, odors, or physical activity in the location proposed..." need to be amended or removed. The text neither carries quantitative parameters (such as decibels [dB]) readings for noise or other nuisance externality measurements of a quick service restaurant drive-through, nor indicates a just process (such as the ZHE) to determine *nuisance* as such. From a legal standpoint, subjective language may be challenged in court based on its arbitrary or capricious nature.

- The Bill's text needs to be altered in Sec. 27-5402 (z) SECTION 2, noting that the date provided for being subject to the provisions of the Bill (July 1, 2025) has already passed; a new date will need to be inserted contingent on when and if this legislation is enacted.

Despite the many amendments and points provided for revisions with this legislation, the overall intent of the Bill is admirable. The legislation is consistent with the General Plan³, aligns with several approved master and sector plans⁴, is consistent with the implementation of the strategies and priority recommendations of the Prince George's County Climate Action Plan in achieving a carbon-free county through greenhouse gas emission reductions, and is consistent with other related State and local laws and regulations.

Fiscal Impact:

- *Direct Impact*

Enactment of CB-069-2025 will probably result in a modest negative fiscal impact in the form of additional expenditures due to the increased staff training, increased hearings by the Zoning & Hearing Examiner, and the associated costs tied to the ZHE's office related to this. Additionally, there could be a negative effect on the County's tax base in reaction to more stringent regulation of drive-throughs, given some fast-food restaurants only operate their drive-through during late night/early morning hours to maximize profitability.

- *Indirect Impact*

Enactment of CB-069-2025 could have a favorable indirect impact on the County by increasing the safety of traffic, especially concerning pedestrians at fast food locations. Additionally, the elimination of drive-through externalities, such as noise and fumes for nearby residents could increase the quality of life and health for those residents, and provide an overall reduction in Greenhouse gasses for the County and planet as a whole.

- *Appropriated in the Current Fiscal Year Budget*

No.

Effective Date of Proposed Legislation:

The proposed Bill shall be effective forty-five (45) calendar days after it becomes law.

³ Plan Prince George's 2035, pg. 222.

⁴ See Chart on page 7 of the Technical Staff Report.

If you require additional information, or have questions about this fiscal impact statement, please reach out to me via phone or email.