

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2017 Legislative Session**

Bill No. CB-15-2017

Chapter No. 20

Proposed and Presented by Council Members Harrison and Turner

Introduced by Council Members Harrison, Turner, Davis and Franklin

Co-Sponsors _____

Date of Introduction May 2, 2017

ZONING BILL

1 AN ORDINANCE concerning

2 Special Exceptions for a Retail Tobacco Business

3 For the purpose of providing a definition for retail tobacco business uses in the Zoning
4 Ordinance; amending the Commercial Zones Table of Uses and Mixed Use Table of Uses to
5 permit retail tobacco business uses by Special Exception in the C-A (Ancillary Commercial), C-
6 S-C (Commercial Shopping Center), C-W (Commercial Waterfront), C-R-C (Commercial
7 Regional Center), M-X-T (Mixed Use – Transportation Oriented), and M-X-C (Mixed Use –
8 Community) Zones; providing approval criteria for approval of Special Exceptions for retail
9 tobacco business uses

10 BY repealing and reenacting with amendments:

11 Sections 27-107.01, 27-415.01, 27-461, 27-515, and 27-547,
12 The Zoning Ordinance of Prince George's County, Maryland,
13 being also
14 SUBTITLE 27. ZONING.
15 The Prince George's County Code
16 (2015 Edition, 2016 Supplement).

17 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
18 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
19 District in Prince George's County, Maryland, that Sections 27-017.01, 27-415.01, 27-461, 27-
20 515, and 27-547 of the Zoning Ordinance of Prince George's County, Maryland, being also

1 Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and
2 reenacted with the following amendments:

3 **SUBTITLE 27. ZONING.**

4 **PART 2. GENERAL.**

5 **DIVISION 1. DEFINITIONS.**

6 **Sec. 27-107.01. Definitions.**

7 (a) Terms in the Zoning Ordinance are defined as follows:

8 * * * * *

9 (202.1) **Retail Tobacco Business:** A retail store where the primary use is the retail sale of
10 tobacco products and tobacco smoking accessories which may include on site consumption in
11 accordance with Section 19-131 of the County Code and the incidental sale of food and or
12 beverage provided the gross floor area of the food and or beverage area does not exceed forty-
13 nine percent (49%) of the gross floor area.

14 * * * * *

15 **SUBTITLE 27. ZONING.**

16 **PART 4. SPECIAL EXCEPTIONS.**

17 **DIVISION 3. ADDITIONAL REQUIREMENTS FOR SPECIFIC SPECIAL**
18 **EXCEPTIONS.**

19 **Sec. 27-415.01. Tobacco shops, electronic cigarette shops or a retail tobacco business.**

20 (a) Tobacco shops, [or] electronic cigarette shops, or a retail tobacco business may be
21 permitted by Special Exception, subject to the following:

22 (1) The structure in which the use is proposed shall be located at least three hundred
23 (300) feet from any school, library, park, recreational facility, and historic site, resource, or
24 district identified on any applicable Historic Site and District Plan, a National Register Site, or an
25 Historic District. This provision shall not apply to a Retail Tobacco Business within a
26 Recreational or Entertainment Establishment of a Commercial Nature with Video Lottery
27 Facility uses in accordance with Section 27-548.01.04 of this Subtitle.

28 (2) In its final decision to approve a Special Exception for the use, the Council may
29 impose other reasonable requirements deemed necessary to safeguard the health, safety, morals,
30 and general welfare of the community, taking into account the character of surrounding
31 properties and the general neighborhood, and any other uses on the subject property.

1 (3) No Special Exception shall be permitted for a tobacco shop, [or] electronic
2 cigarette shop, or a retail tobacco business located within 2,000 feet of another tobacco shop, [or]
3 electronic cigarette shop, or a retail tobacco business.

**SUBTITLE 27. ZONING
PART 6. COMMERCIAL ZONES.
DIVISION 3. USES PERMITTED.**

Sec. 27-461. Uses permitted.

(b) TABLE OF USES I.

USE	ZONE					
	C-O	C-A	C-S-C	C-W	C-M	C-R-C
(1) COMMERCIAL:						
* * * * *	*	*	*	*	*	*
(E) Trade (Generally Retail):						
* * * * *	*	*	*	*	*	*
<u>Retail Tobacco Business</u>	<u>X</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>X</u>	<u>SE</u>
* * * * *	*	*	*	*	*	*
* * * * *	*	*	*	*	*	*
* * * * *	*	*	*	*	*	*

**PART 8. COMPREHENSIVE DESIGN ZONES.
DIVISION 3. USES PERMITTED.**

Sec. 27-515. Uses permitted.

(b) TABLE OF USES.

USE	ZONE								
	M-A-C	L-A-C	E-I-A	R-U	R-M	R-S	R-L	V-L	V-M
(1) COMMERCIAL:									
* * * * *	*	*	*	*	*	*	*	*	*
(E) Trade (Generally Retail, Consistent with the Purposes of the Zone) such as:									
* * * * *	*	*	*	*	*	*	*	*	*
<u>Retail Tobacco Business</u>	<u>SE</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
* * * * *	*	*	*	*	*	*	*	*	*

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PART 10. MIXED USE ZONES.

DIVISION 3. USES PERMITTED.

Sec. 27-547. Uses permitted.

(a) No use shall be allowed in the Mixed Use Zones, except as provided for in the Table of 4 Uses. In the table, the following applies:

						ZONE	
USE						M-X-T	M-X-C
(1) COMMERCIAL:							
*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*
<u>Retail Tobacco Business</u>						<u>SE</u>	<u>SE</u>
*	*	*	*	*	*	*	*

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45) calendar days after its adoption.

Adopted this 13th day of June , 2017.

COUNTY COUNCIL OF PRINCE GEORGE’S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE’S COUNTY,
MARYLAND

BY: _____
Derrick Leon Davis
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.