

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2022 Legislative Session

Bill No. CB-103-2022

Chapter No. 53

Proposed and Presented by Council Member Franklin

Introduced by Council Members Franklin, Harrison, Streeter and Medlock

Co-Sponsors _____

Date of Introduction September 20, 2022

ZONING BILL

1 AN ORDINANCE concerning

2 Tobacco shops, electronic cigarette shops or a retail tobacco business

3 For the purpose of modifying the definition and increasing the Special Exception distance
4 requirements for tobacco shops, electronic cigarette shops or retail tobacco businesses that sell
5 products for offsite use.

6 BY repealing and reenacting:

7 Sections 27-2500 and 27-5402,

8 The Zoning Ordinance of Prince George's County, Maryland,

9 being also

10 SUBTITLE 27. ZONING.

11 The Prince George's County Code

12 (2021 Edition).

13 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
14 Maryland, sitting as the District Council for that part of the Maryland-Washington Regional
15 District in Prince George's County, Maryland, that Sections 27-2500 and 27-5402, being also
16 Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and
17 reenacted with amendments:

SUBTITLE 27. ZONING.

PART 27-1. GENERAL PROVISIONS.

18
19
20 **Sec. 27-1704. Transitional Provisions.**

1 * * * * *

2 (m) Notwithstanding the provisions specified within this section, no tobacco shop,
 3 electronic cigarette shop, or retail tobacco business that sells tobacco or electronic cigarette
 4 products for offsite use may be approved if it is located within a five-mile radius of another
 5 tobacco shop, electronic cigarette shop, or retail tobacco business that also sells tobacco or
 6 electronic cigarette products for offsite use.

7 **PART 27-2. INTERPRETATIONS AND DEFINITIONS.**

8 **Sec. 27-2500. Definitions**

9 **Tobacco shop, electronic cigarette shop, or retail tobacco business**

10 A retail store where the primary use is the retail sale of tobacco products, tobacco smoking
 11 accessories, any device that can be used to deliver nicotine or other substances to the person
 12 inhaling from the device, or any cartridge, component, or accessory of the device, and which
 13 may include on site consumption in accordance with Section 19-131 of the County Code and the
 14 incidental sale of food or beverage provided the gross floor area of the food or beverage area
 15 does not exceed 49 percent of the gross floor area.

16 **PART 27-5. USE REGULATIONS.**

17 **27-5402. Additional Requirements for Specific Special Exception Uses**

18 **(kkk) Tobacco shops, electronic cigarette shops or a retail tobacco business.**

19 (1) Tobacco shops, electronic cigarette shops, or a retail tobacco business may be
 20 permitted by special exception, subject to the following:

21 (A) The structure in which the use is proposed shall be located at least three hundred
 22 (300) feet from any school, library, park, recreational facility, and historic site, resource, or
 23 district identified on any applicable Historic Sites and District Plan, a National Register Site, or
 24 an Historic District. This provision shall not apply to a retail tobacco or electronic cigarette
 25 business within a recreational or entertainment establishment of a commercial nature with video
 26 lottery facility uses in accordance with Section 27-5102(e)(7)(D), Recreational or Entertainment
 27 Establishment of a Commercial Nature with a Video Lottery Facility, of this Subtitle.

28 (B) 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 (C) No special exception shall be permitted for a tobacco shop, electronic cigarette shop,
2 or a retail tobacco business located within 2,000 feet of another tobacco shop, electronic cigarette
3 shop, or a retail tobacco business.

4 (D) No special exception shall be permitted for a tobacco shop, electronic cigarette
5 shop or retail tobacco business that sells tobacco or electronic cigarette products for offsite use if
6 it is located within a 5-mile radius from another tobacco shop, electronic cigarette shop or retail
7 tobacco business that sells tobacco or electronic cigarette products for offsite use, measured from
8 property line to property line.

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

Adopted this 25th day of October, 2022.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Calvin S. Hawkins, II
Chair

ATTEST:

Donna Brown
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.