

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL
2023 Legislative Session

Bill No. CB-009-2023 (DR-3)

Chapter No. 13

Proposed and Presented by Council Members Burroughs and Oriadha

Introduced by Council Members Burroughs, Oriadha, Belgay, Dernoga, Fisher, Franklin,
Harrison, Hawkins, Ivey, Olson, Watson

Co-Sponsors _____

Date of Introduction January 31, 2023

ZONING BILL

1 AN ORDINANCE concerning

2 Tobacco Shops, Electronic Cigarette Shops, or Retail Tobacco Businesses

3 For the purpose of amending the Zoning Ordinance to include reasonable parameters as to hours
4 of operation, sign displays as a criteria for approval of Special Exceptions; amending the Zoning
5 use tables concerning such use in Non-Residential Base Zones, Transit Oriented/Activity Center
6 Base Zones, and Planned Development Zones, for Tobacco Shops, Electronic Cigarette Shops, or
7 Retail Tobacco Business uses; and providing for an amortization period by December 31, 2025,
8 in furtherance of the public safety, health, and welfare of citizens and residents of Prince
9 George's County.

10 BY repealing and reenacting with amendments:

11 Sections 27-5101 and 27-5402

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 (2019 Edition; 2022 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 27-5101 and 27-5402 of the Zoning

1 Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's
2 County Code, be and the same is hereby repealed and reenacted with the following amendments:

3 **SUBTITLE 27. ZONING.**

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

27-5101. Principal Use Tables

(c) Principal Use Table for Rural and Agricultural, and Residential Base Zones

Table 27-5101(c): Principal Use Table for Rural and Agricultural, and Residential Base Zones														
P = Permitted by Right SE = Allowed only with approval of a Special Exception X = Prohibited														
Principal Use Category	Principal Use Type	Rural and Agricultural Base Zones			Residential Base Zones								Use-Specific Standards	
		ROS	AG	AR	RE	RR	RSF-95	RSF-65	RSF-A	RMF-12	RMF-20	RMF-48		
Commercial Uses														
Retail Sales and Service Uses	Tobacco shop, electronic cigarette shop or retail tobacco business	X	X	X	X	X	X	X	X	X	X	X	X	Refer to special exception standards

(d) Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones

Table 27-5101(d): Principal Use Table for Nonresidential, Transit-Oriented/Activity Center, and Other Base Zones																		
P = Permitted by Right SE = Allowed only with approval of a Special Exception X = Prohibited																		
Principal Use Category	Principal Use Type	Nonresidential Base Zones					Transit-Oriented/Activity Center Base Zones										Other Base Zones	Use-Specific Standards
		CN	CS	CGO	IE	IH	NA	TAC		LTO		RTO-L		RTO-H		RMH		
								Core	Edge	Core	Edge	Core	Edge	Core	Edge			
Commercial Uses																		
Retail Sales and Service Uses	Tobacco shop, electronic cigarette shop or retail tobacco business	X	[SE] <u>X</u>	[SE] <u>X</u>	X	[X] <u>SE</u>	X	[SE] <u>X</u>	[SE] <u>X</u>	[SE] <u>X</u>	[SE] <u>X</u>	[SE] <u>X</u>	[SE] <u>X</u>	[SE] <u>X</u>	[SE] <u>X</u>	[SE] <u>X</u>	X	Refer to special exception standards

(e) Principal Use Table for Planned Development Zones

Table 27-5101(e): Principal Use Table for Planned Development Zones A = Permitted, unless the District Council prohibits the use in the PD Basic Plan SE = Allowed only with the approval of a Special Exception X = Prohibited									
Principal Use Category	Principal Use Type	Planned Development Zones							Use-Specific Standards
		R-PD	NAC-PD	TAC-PD	LTO-PD	RTO-PD	MU-PD	IE-PD	
Rural and Agricultural Uses									
Retail Sales and Service Uses	Tobacco shop, electronic cigarette shop or retail tobacco business	X	X	[SE] <u>X</u>	[SE] <u>X</u>	[SE] <u>X</u>	X	X	Refer to special exception standards

(f) Principal Use Table for Overlay Zones

<p align="center">Table 27-5101(f): Principal Use Table for Overlay Zones</p> <p align="center">A blank cell means the use is allowed only if allowed in underlying base zone</p> <p align="center">X = Prohibited, irrespective of treatment by underlying base zone</p> <p align="center">SE* = Allowed only with approval of a Special Exception, irrespective of treatment by underlying base zone</p> <p align="center">P* = Permitted by right, irrespective of treatment by underlying base zone</p>															
Principal Use Category	Principal Use Type	CBCAO Zones (1)			APAO Zones							MIO Zones (2)			Use Specific Standards
		RCO	LDO	IDO	APA-1	APA-2	APA-3S	APA-3M	APA-4	APA-5	APA-6	APZ	CZ	HINA	
Rural and Agricultural Uses															
Retail Sales and Service Uses	Tobacco shop, electronic cigarette shop or retail tobacco business	X													Refer to special exception standards

1 * * * * *
2 **Sec. 27-5402. Additional requirements for Specific Special Exception Uses.**

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

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

- 6 (A) The structure in which the use is proposed shall be located at least three
7 hundred (300) feet from any school, library, park, recreational facility, and
8 historic site, resource, or district identified on any applicable Historic Sites
9 and District Plan, a National Register Site, or an Historic District. This
10 provision shall not apply to a retail tobacco or electronic cigarette business
11 within a recreational or entertainment establishment of a commercial nature
12 with video lottery facility uses in accordance with Section 27-5102(e)(7)(D),
13 Recreational or Entertainment Establishment of a Commercial Nature with a
14 Video Lottery Facility, of this Subtitle.
- 15 (B) In its final decision to approve a special exception for the use, the Council
16 may impose other reasonable requirements deemed necessary to safeguard the
17 health, safety, morals, and general welfare of the community, taking into
18 account the character of surrounding properties and the general neighborhood,
19 and any other uses on the subject property.
- 20 (C) No special exception shall be permitted for a tobacco shop, electronic
21 cigarette shop, or a retail tobacco business located within 2,000 feet of
22 another tobacco shop, electronic cigarette shop, or a retail tobacco business.
23 In addition, the use shall be limited to specified daily hours of operation,
24 which shall be between the hours of 10:00 a.m. and 8:00 p.m. This provision
25 shall not apply to a Retail Tobacco Business within a Recreational or
26 Entertainment Establishment of a Commercial Nature with Video Lottery
27 Facility uses.
- 28 (D) Any displays or signs with LED, bright, flashing lights, or any lights
29 prohibited pursuant to Section 27-61503, are not permitted. Other illuminated
30 displays or signs shall only be limited to the hours of operation for the use
31 which shall be no earlier than 10:00 a.m. and no later than 8:00 p.m.

1 * * * * *

2 SECTION 2. BE IT FURTHER ENACTED that to provide for a reasonable period of
3 amortization and to prevent unreasonable economic loss, any existing Tobacco shop, electronic
4 cigarette shop or retail tobacco business uses in all zones except for IH as of December 31,2023,
5 may not be deemed compliant and must cease operations on or before December 31, 2025.

6 SECTION 3. BE IT FURTHER ENACTED that the provisions of this Ordinance are
7 hereby declared to be severable; and, in the event that any section, subsection, paragraph,
8 subparagraph, sentence, clause, phrase, or word of this Ordinance is declared invalid or
9 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall
10 not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs,
11 subsections, or sections of this Ordinance of any such invalid or unconstitutional word, phrase,
12 clause, sentence, paragraph, subparagraph, subsection, or section.

13 SECTION 4. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five
14 (45) calendar days after its adoption.

Adopted this 7th day of March, 2023.

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: _____
Thomas E. Dernoga
Chair

ATTEST:

Donna J. 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.

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