

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

Bill No. CB-031-2023
Chapter No. 45
Proposed and Presented by Council Members Blegay, Ivey, and Oriadha
Introduced by Council Members Blegay, Ivey, Oriadha, Dernoga, Watson, Harrison,
Burroughs, Fisher and Olson
Co-Sponsors Council Member Hawkins
Date of Introduction April 18, 2023

ZONING BILL

1 AN ORDINANCE concerning
2 Convenience Stores—Gas Stations—Tobacco Shops—Tobacco Product Display and Sales Area
3 For the purpose of modifying the definitions of Convenience Store, Gas Station, and Tobacco
4 Shop uses in the Zoning Ordinance to clarify the percentage of certain uses that may be
5 dedicated to the display and sales of tobacco and cannabis-related products; and providing for a
6 transition period to ensure compliance.

7 BY repealing and reenacting with amendments:

8 Section 27-2500,
9 The Zoning Ordinance of Prince George's County, Maryland,
10 being also
11 **SUBTITLE 27. ZONING.**
12 The Prince George's County Code
13 (2019 Edition; 2022 Supplement).

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18 be and the same is repealed and reenacted with the following amendments:

19 **SUBTITLE 27. ZONING.**

PART 27-2 INTERPRETATION AND DEFINITIONS

SECTION 27-2500 DEFINITIONS

* * * * *

Convenience store

A retail sales and service store with less than 5,000 square feet of floor area that primarily sells grocery or deli items and miscellaneous day-to-day goods, such as bottled drinks, candy, canned foods, bread, milk, cheese, beer, wine, papers and magazines, general hardware articles, and the incidental sales of tobacco or tobacco accessories not to include hookahs, provided that the area of the tobacco products is not more than [sixty-four (64) square feet (8' x 8')] or twenty-five percent (25%)] thirty-two (32) square feet or five percent (5%) of the gross floor area, whichever is less. Quick-service food may be offered as an accessory use. A convenience store may also contain another principal use, such as a restaurant if such other use is also permitted in the same zone. A convenience store shall not sell gas or have gas pumps.

* * * * *

Gas station

A building or lot where gasoline or other similar fuel, stored only in underground tanks, is dispensed directly to users of motor vehicles. The following activities are permitted as accessory uses to a gas station:

- (A) Sales and servicing of spark plugs, batteries, and distributors and distributor parts; tune-ups;
- (B) Tire servicing and repair, but not recapping or regrooving;
- (C) Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
- (D) Washing and polishing, and sale of automotive washing and polishing materials;
- (E) Greasing, lubrication, and radiator flushing;
- (F) Minor servicing and repair of carburetors, fuel, oil and water pumps and lines, and minor engine adjustments not involving removal of the head or crank case or racing the engine;
- (G) Emergency wiring repairs;
- (H) Adjusting and repairing brakes;

1 (I) Retail sale of convenience items such as cold drinks, packaged foods, tobacco,
2 prepared foods, and similar convenience goods, provided that the area of the tobacco products is
3 not more than thirty-two (32) square feet or five percent (5%), whichever is less, of the gross
4 floor area of the overall retail sales area;

5 (J) Retail sale of road maps and other informational material to customers;

6 (K) Provision of restroom facilities; and

7 (L) Electric vehicle charging stations.

8 Services allowed at a gas station do not include major chassis or body work; repair of
9 transmissions or differentials; machine shop work; straightening of body parts; or painting,
10 welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent
11 greater than normally found in gas stations.

12 * * * * *

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

14 A retail store where the primary use is the retail sale of tobacco products, tobacco smoking
15 accessories, any device or paraphernalia that can be used to deliver nicotine or other substances,
16 including cannabis, to the person inhaling from the device, or any cartridge, component, or
17 accessory of the device, and which may include on site consumption in accordance with Section
18 19-131 of the County Code and the incidental sale of food or beverage provided the gross floor
19 area of the food or beverage area does not exceed 49 percent of the gross floor area.

20 Any “convenience store” or “gas station” which provides more than thirty-two (32) square feet
21 or five percent (5%) of the gross floor area of the use for tobacco products or cannabis-use
22 products shall also be considered a tobacco shop, electronic cigarette shop, or retail tobacco
23 business.

24 * * * * *

25 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Ordinance are
26 hereby declared to be severable; and, in the event that any section, subsection, paragraph,
27 subparagraph, sentence, clause, phrase, or word of this Ordinance is declared invalid or
28 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall
29 not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs,
30 subsections, or sections of this Ordinance, since the same would have been enacted without the
31 incorporation in this Ordinance of any such invalid or unconstitutional word, phrase, clause,

1 sentence, paragraph, subparagraph, subsection, or section.

2 SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five
3 (45) calendar days after its adoption.

Adopted this 18th day of July, 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.