The Maryland-National Capital Park and Planning Commission
PRINCE GEORGE'S COUNTY
Planning Department
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June 14, 2026

TECHNICAL STAFF REPORT

TO: Prince George's County Planning Board

FROM: Chad Williams, LEED AP BD+C, Master Planner – Countywide Planning Division

SUBJECT: Legislative Drafting Request LDR-152-2026
Food or Beverage Stores – Convenience Stores – Tobacco Product Sales

The Prince George's County Planning Department's legislative team reviewed the proposed legislative amendment to the Zoning Ordinance and supports the goal of improving the health of County residents and recommends the Planning Board take a position of **no position** and forward the proposed amendments to the County Council.

I. BACKGROUND

A. **Purpose:** Amend the Transitional Provisions of the Zoning Ordinance to prohibit the development of tobacco shop, electronic cigarette shop, retail tobacco business, and certain food or beverage store uses under the provisions of the prior Zoning Ordinance and prohibit the development of convenience store uses under the current Zoning Ordinance that sell tobacco or tobacco accessories.

B. **Impacted Property:** This bill would impact any property or development operating under the provisions of the prior Zoning Ordinance through Section 27-1700, Transition Provisions, that may become subject to a proposal of (1) a tobacco shop use, (2) electronic cigarette shop use, (3) retail tobacco business use, or (4) a food or beverage store use with less than 5,000 square feet of gross floor area and that sells tobacco or tobacco accessories, not including hookahs by preventing any new such uses from operating (by preventing acceptance of applications for review and approval) under the provisions of the prior Zoning Ordinance upon the effective date of LDR-152-2026.

The bill also impacts every convenience store principal use that currently operates or may be proposed under the provisions of the current Zoning Ordinance.

Staff also understand the sponsor may wish to ensure the amortization of tobacco or tobacco accessory sales in certain food or beverage stores which are operating under the provisions of the prior Zoning Ordinance as of July 1, 2027, and LDR-152-2026 also amortizes convenience stores from selling tobacco or tobacco accessory sales on the same date.

II. EVALUATION CRITERIA

Proposed legislative amendments to the Zoning Ordinance are reviewed under the requirements of Section 27-3501, Legislative Amendment, of the Prince George's County Zoning Ordinance. The Planning Department has considered the following in reviewing this proposed legislative amendment:

A. The Prince George's County Zoning Ordinance;

B. The *Plan Prince George's 2035 Approved General Plan*;

C. The current area master plans, sector plans, and functional master plans for Prince George's County;

D. The Prince George's County Climate Action Plan; and

E. Referral comments.

III. COMPLIANCE WITH LAW, ASSESSMENT OF TECHNICAL DRAFTING CONVENTIONS, AND PROPOSED AMENDMENTS

The Department has determined that the proposed bill was drafted in a manner consistent with the legislative style and conventions of the current Zoning Ordinance. Staff worked with Council Staff to incorporate revisions to LDR-152-2026 to better ensure the sponsor's intent and ensure compliance with the technical drafting conventions of the Zoning Ordinance.

IV. POLICY ANALYSIS

LDR-152-2026 is a multi-part bill focused on elimination of the sale of tobacco and tobacco accessories associated with certain uses contained in both the prior and current Zoning Ordinances.

The first part of LDR-152-2026 deals with the prior Zoning Ordinance and uses operating under the Transitional Provisions codified in Section 27-1700 of the current Zoning Ordinance. LDR-152-2026 would prohibit any new applications for the following uses from being accepted for review and approval:

1. Tobacco shop uses
2. Electronic cigarette shop uses
3. Retail tobacco business uses
4. Food or beverage store uses with less than 5,000 square feet of gross floor area that sell tobacco or tobacco accessories (not including hookahs)

LDR-152-2026 is silent as to whether existing uses operating under the provisions of the prior Zoning Ordinance may be allowed to continue with new ownership. Should Council incorporate staff's recommended amendment below to clarify the amortization clause, LDR-

152-2026 should be revised prior to Council Bill Presentation to exempt permit applications for changes in occupancy. Assuming business owners comply with the amortization requirement of LDR-152-2026, there should be no reason their existing businesses should not be allowed to continue operation under new ownership.

The second part of LDR-152-2026 amends the definition for convenience store uses in the current Zoning Ordinance to explicitly prohibit the sale of tobacco or tobacco accessories, and removes prior language added by CB-31-2023 that reduced the square footage or gross floor area percentage of a convenience store use that could be dedicated to tobacco products. Hookah sales would remain permitted.

Although staff certainly recognize the negative health impacts and potential social and environmental justice issues associated with concentrations of tobacco shops, staff also recognize that tobacco and tobacco accessory sales have long been associated with convenience stores and offer businesses a major source of revenue generation for small and large businesses alike that also translates to tax revenue for the County. The proposed prohibition on tobacco and tobacco accessory sales may drive customers out of the County and decrease tax revenue.

A complete prohibition on tobacco and tobacco accessory sales may also result in a legal challenge and the Council may want to reconsider whether the reduced square footage requirement added by CB-31-2023 is sufficient to reduce/regulate tobacco sales. Staff, therefore, recommend the Council consider removing the complete prohibition on tobacco or tobacco accessory sales in convenience stores.

In general, businesses do not proliferate in a weak market. Further analysis of the tobacco market in Prince George's County may assist the County Council in advancing evidence-based approaches as recommended by the 2009 *Approved Port Towns Sector Plan* as discussed further below.

The third part of LDR-152-2026 revises the use-specific standards for convenience stores to remove the distance restriction placed on new convenience stores that sell tobacco products from locating in proximity to other tobacco sales uses. Since the proposed revised definition for convenience stores would prevent tobacco or tobacco accessory sales, this distance prohibition would no longer be necessary. Should Council retain the proposed revisions to the definition of "convenience store," staff support this deletion. Should Council choose instead to retain the current definition of "convenience store," the proposed deletion on Page 4, Lines 5-9 should be reversed and remain as law.

The final part of LDR-152-2026 that requires discussion is the amortization clause proposed as uncodified Section 2 on Page 4, Lines 12-15. This amortization clause requires any convenience store use (which means uses under the current Zoning Ordinance; the term "convenience store" is not used by the prior Zoning Ordinance and convenience store uses were classified as "food or beverage store" uses) operating on the day LDR-152-2026 becomes law to eliminate any tobacco and tobacco accessory sales component from their business before July 1, 2027.

In its coordination with Council staff, staff understood LDR-152-2026 intends the amortization clause to also apply to existing "convenience store" uses that operate under the

prior Zoning Ordinance "food or beverage store" use. As currently worded, uncodified Section 2 will not address these current uses. Should the sponsor wish to apply this amortization language to existing "convenience store" uses, Section 2 should be amended to read:

"SECTION 2. BE IT FURTHER ENACTED that to provide for a reasonable period of time to prevent unreasonable economic loss, any convenience store use or food or beverage store use with less than 5,000 square feet of gross floor area that sells tobacco or tobacco accessories operating as of the effective date of this Ordinance shall not sell tobacco or tobacco accessories, not including hookahs, after July 1, 2027.".

V. COMPLIANCE WITH EVALUATION CRITERIA

Pursuant to Section 27-3501(c)(2)(B), staff finds the following with respect to the proposed amendment:

(i) Is consistent with the goals, policies, and strategies of Plan Prince George's 2035 (or any successor General Plan), area master plans, sector plans, functional master plans, and any other applicable approved plans;

LDR-152-2026 is "consistent with the goals, policies and strategies of Plan Prince George's 2035 [Plan 2035] (or any successor General Plan), area master plans, sector plans, functional master plans, and any other applicable approved plans" pursuant to Section 27-3501(c)(2)(B)(i) of the Zoning Ordinance".

Consistency with General Plan

Modern, Streamlined, Simpler Ordinance

The first critical initiative identified in Plan 2035 is to "undertake a comprehensive update of the County's Zoning and Subdivision Ordinances to modernize, streamline, and simplify the County's regulatory environment."[1]

Strategy LU8.4 recommends Prince George's County "revise and update the Zoning Ordinance, Subdivision Ordinance, and other County regulations to ensure they help protect, strengthen, and revitalize the Established Communities."[2]

Any use of the prior Zoning Ordinance undermines implementation of Plan 2035 and any legislation to reduce or eliminate use of the prior Zoning Ordinance is consistent with Plan 2035's recommendations.

Consistency with Area Master Plans and Sector Plans

Restricting the sale of tobacco products advances the following Area Master Plan or Sector Plan recommendations:

[1] Plan 2035, p. 252.
[2] Plan 2035, p. 115.

1. Neighborhood Commercial Character Area Goal 1 of the 2004 *Approved Sector Plan for the Prince George's County Gateway Arts District*, to "[t]o facilitate the development, redevelopment, and renovation of small businesses and institutions compatible with the surrounding neighborhoods, but discourage stores whose primary goods include beer, wine, cigarettes, and lottery tickets."[3]

2. Community Health and Wellness Policy 1, Strategy 2 of the 2009 *Approved Port Towns Sector Plan,* which recommends Prince George's County "[e]stablish a healthy balance of liquor stores or other retailers that sell alcohol and tobacco for off-site consumption, in conformance with national best practices and, where applicable and available, introduce evidence-based approaches." [4]

(ii) Addresses a demonstrated community need;

"Identified community need" is not defined by the Zoning Ordinance and is subjective. There is no identified community need addressed by this legislation.

(iii) Is consistent with the purpose and intent of the zones in this Ordinance, or would improve compatibility among uses and ensure efficient development within the County;

LDR-152-2026 is consistent with the purpose and intent of the zones in this Ordinance and does not negatively impact compatibility among uses and does not impact efficient development within the County. Staff notes that LDR-152-2026 may prohibit some number of potential tobacco shop uses, electronic cigarette shop uses, and retail tobacco business uses from locating in the County and will likely result in some level of adaptation by potential food or beverage store uses with less than 5,000 square feet of gross floor area, but this does not equate to inefficient development within the County.

(iv) Is consistent with the implementation of the strategies and priority recommendations of the Prince George's County Climate Action Plan;

Staff find that LDR-152-2026 is neutral with regard to the strategies and priority recommendations of the Prince George's County Climate Action Plan.

(v) Is consistent with other related State and local laws and regulations; and

The pure zoning aspects of LDR-152-2026 (as opposed to more operational aspects such as permitted goods offered for sale) are consistent with State and local laws and regulations.

However, staff are unable to fully evaluate this criterion as it pertains to LDR-152-2026. Staff recognize State enabling laws allow local jurisdictions to create and modify laws but are unsure if there are any State restrictions that touch on the sale

[3] 2004 *Approved Sector Plan for the Prince George's County Gateway Arts District*, p. 27.
[4] 2009 *Approved Port Towns Sector Plan*, p. 103.

of tobacco and tobacco accessories or the imposition of amortization clauses.

(vi) Would avoid creating significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Staff find that LDR-152-2026 has minor positive impacts on the natural environment, most particularly with regard to air quality. This proposed legislation will not create significant adverse impacts on the natural environment.

VI. PLANNING BOARD PUBLIC HEARING

Section 27-3501(c)(2)(D) requires the Prince George's County Planning Board to hold a public hearing and make comments on the proposed legislative amendment within 30 days of the date of the transmittal of the Clerk of the Council. Said public hearing must be noticed by electronic mail at least 21 days prior to the public hearing, sent to every community organization in the County registered pursuant to Section 27-3407(b)(3) of the Zoning Ordinance, and to any person or organization registered pursuant to Section 27-3402(d) of the Zoning Ordinance.

Notice for the public hearing on LDR-13-2026 was sent on July 9, 2026, as required by the Zoning Ordinance. The Planning Board public hearing will be held on July 30, 2026, thus meeting the notice requirement of the Zoning Ordinance.

Comments offered by the public prior to and during the Planning Board's public hearing will be summarized, along with the Planning Board's comments, in the Board's recommendation to Clerk of the Council.

VII. PROPOSED AMENDMENTS

Following review of LDR-152-2026 the Department refers to the policy discussion of Section IV, above, as to whether the Council may wish to:

1. Provide an exemption/clarification to allow changes in occupancy permits to be accepted and processed so that existing business may continue operation after sale to a potential new owner;
2. Retain the current definition for "convenience store" uses and associated use-specific standard language; and
3. Clarify uncodified Section 2's proposed amortization clause should the sponsor still intend to apply the amortization to existing convenience store uses operating under the provisions of the prior Zoning Ordinance.

VIII. RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Planning Department's legislative team recommends that the Planning Board adopt the findings of this report and recommend the Planning Board take **NO POSITION WITH AMENDMENTS** on LDR-152-2026 and forward staff's recommendations and proposed amendments.