

## Prince George's County Council Agenda Item Summary

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**Meeting Date:** 10/20/2015  
**Reference No.:** CB-092-2015  
**Draft No.:** 3  
**Proposer(s):** Toles  
**Sponsor(s):** Toles, Lehman, Harrison  
**Item Title:** An Ordinance concerning Mixed Use and Commercial Zones – Table of Uses – Tobacco and Electronic Cigarette Shops For the purpose of providing a definition for tobacco shop and electronic cigarette shop uses in the Zoning Ordinance; amending the Mixed Use Zones Table of Uses to prohibit tobacco shop and electronic cigarette shop uses in the M-U-TC (Mixed-Use Town Center) Zone; providing an amortization period by June 1, 2017, for tobacco shop and electronic cigarette shop uses in the M-U-TC Zone that are not in compliance with the requirements of the Zoning Ordinance; amending the Commercial Zones Table of Uses to permit new and existing tobacco shop and electronic cigarette shop uses by Special Exception in the C-A (Ancillary Commercial), C-S-C (Commercial Shopping Center), C-W (Commercial – Waterfront), and C-R-C (Commercial Regional Center) Zones; providing approval criteria for approval of Special Exceptions for tobacco shop and electronic cigarette shop uses; and providing that Special Exception applications for tobacco shop or electronic cigarette shop uses legally existing on January 1, 2016, must be accepted for filing by the Planning Board on or before June 1, 2017.

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**Drafter:** Karen T. Zavakos, Zoning and Legislative Counsel  
**Resource Personnel:** Dwayne B. Mingo, Legislative Aide Council District 7

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### LEGISLATIVE HISTORY:

<b>Date Presented:</b>	9/29/2015	<b>Executive Action:</b>	
<b>Committee Referral:</b>	9/29/2015 - PZED	<b>Effective Date:</b>	11/17/2015
<b>Committee Action:</b>	10/13/2015 - FAV(A)		
<b>Date Introduced:</b>	10/20/2015		
<b>Public Hearing:</b>	11/17/2015 - 10:00 AM		
<b>Council Action (1)</b>	11/17/2015 - ENACTED		
<b>Council Votes:</b>	DLD:A, MRF:A, DG:AB, AH:A, ML:A, OP:A, DT:A, KT:A, TT:A		
<b>Pass/Fail:</b>	P		
<b>Remarks:</b>			

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### AFFECTED CODE SECTIONS:

27-547

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**COMMITTEE REPORTS:****Planning, Zoning and Economic Development****Date 10/13/2015**

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Harrison, Davis, Glaros, Taveras, and Toles)

Council staff summarized the purpose of CB-92-2015 and informed the committee of written referral comments that were received. The legislation amends the Zoning Ordinance concerning tobacco shop and electronic cigarette shop uses in the M-U-TC (Mixed Use Town Center) Zone.

Council Member Toles, the bill's sponsor, requested the committee's support of the bill to assist with regulating tobacco shops in the County due to the Department of Permitting, Inspections, and Enforcement's (DPIE) concern that the locations of these uses in the County have been increasing.

The Planning Board took no position on CB-92-2015. Susan Hubbard, Bill Edelen, and Ruby Sherrod, representing DPIE, testified in support of the legislation as a means to regulate these uses expeditiously. The DPIE representatives and Council's Zoning and Legislative Counsel responded to Council Members' questions concerning the current "specialty shop" use provided in the Zoning Ordinance and if CB-92-2015 is adequate in addressing the types of uses that could be included in this classification.

The Committee reviewed a Proposed Draft-2 (DR-2) prepared at the bill sponsor's request to include definitions for "Electronic Cigarette Shop" and "Tobacco Shop" and the Commercial Zone Table of Uses, to make amendments to the table related to these uses, to include approval criteria for a Special Exception within a new Section 27-415.01, and to provide an amortization period in Section 3 of the bill.

The Committee voted favorable including the amendments in Proposed DR-2.

**BACKGROUND INFORMATION/FISCAL IMPACT:**

(Includes reason for proposal, as well as any unique statutory requirements)

This bill amends the table of uses permitted for the Mixed Use Zones in Part 10 of the Zoning Ordinance to prohibit tobacco and electronic cigarette shops in the M-U-TC (Mixed-Use Town Center Zone).

10/20/2015: CB-92-2015 (DR-2) was amended on the floor as follows:

1. On page 2, in lines 31 □ 32, strike the following language: "May also include the retail sale of, for off-site consumption, tobacco products and tobacco smoking accessories. Does not include a cigar lounge."
2. On page 3, in lines 5 □ 8, strike the following language: "May also include the sale of, for off-site consumption, electronic cigarette products, or any cartridge or other component of the electronic cigarette device or related product. Does not include a cigar lounge."
3. On page 5, after line 6, insert the following language in the Mixed Use Zone Table of Uses:

(1) COMMERCIAL:

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Book (except adult book store), camera, gift, jewelry, music, souvenir, or other specialty store not specifically listed", excluding tobacco shops or electronic cigarette shops."

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"Tobacco shop or electronic cigarette shop SE SE"

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4. On page 5, in the first line of proposed footnote 5, strike "Tobacco shop uses and".
5. On page 5, in line 8, insert a new SECTION 2 to reflect the repeal and reenactment for, for illustrative purposes, Section 27-546.17 of the Zoning Ordinance concerning permitted use requirements for M-U-I (Mixed Use – Infill) Zone; renumber the remaining sections of the bill accordingly.
6. On page 6, in line 5, strike "tobacco shop uses and".

7. On page 7, in lines 1 □ 2, “forty-five (45) calendar days after” and insert “on the date of” in lieu thereof. (CB-92-2015 (DR-3) was introduced.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**

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