

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2018 Legislative Session

Reference No.: CB-086-2018

Draft No.: 2

Committee: PLANNING, ZONING, AND ECONOMIC DEVELOPMENT

Date: 09/19/2018

Action: FAV (A)

REPORT:

Committee Vote: Favorable as amended, 5–0 (In favor: Council Members Harrison, Franklin, Glaros, Patterson, and Toles)

The Council's Zoning and Legislative Counsel summarized the purpose of the legislation and informed the committee that, since the bill had been recently presented by the Council at its September 18, 2018, legislative session-day, no formal comments had been received regarding the subject legislation prior to the committee's final work session. This legislation amends the Part 4, Special Exceptions, in the Zoning Ordinance to provide additional requirements for the approval of a special exception for Tobacco shop, Electronic cigarette shop, and Retail tobacco business uses in furtherance of the public safety, health, and welfare of the citizens and residents of the County. Council Member Toles, the bill's sponsor, indicated that this bill is intended to provide hours of operation applicable to the operation of these uses, as well as to provide that the use shall not be an accessory use.

At the direction of the bill's sponsor, the Council's Zoning and Legislative Counsel proffered two amendments to the legislation, as follows: (1) on Page 2, after Line 19, insert an additional sentence stating:

“This provision shall not apply to a Retail Tobacco Business within a Recreational or Entertainment Establishment of a Commercial Nature with Video Lottery Facility uses.”

Council Member Franklin inquired as to the potential application of the provisions of the bill to uses colloquially known as “Cigar lounges” in the County. The Zoning and Legislative Counsel responded that the proposed amendment to the bill would provide an exemption to the requirements for “Retail Tobacco Business within a Recreational or Entertainment Establishment of Commercial Nature with Video Lottery Facility” uses, and would *not* extend to all “Retail Tobacco Business” uses in the County. Council Member Harrison stated that she had sponsored legislation previously to address cigar lounges and was desirous of ensuring that the bill would not affect those uses. In response, Counsel offered a further amendment to the proposed change after Line 19 on Page 2, as follows:

“This provision shall not apply to Retail Tobacco Businesses or Retail Tobacco Business within a Recreational or Entertainment Establishment of a Commercial Nature with Video Lottery Facility uses.”

Council Member Harrison also offered a further amendment to the bill in Line 19 on Page 2, to extend the hours of operation from 8:00 pm. to 10:00 p.m. as a closing time.

Arthur Horne, of Shipley & Horne, P.A., spoke in favor of the legislation with the proposed amendment.

Council Member Franklin made a motion for favorable recommendation on the legislation as amended, seconded by Council Member Toles.

The committee unanimously voted for a favorable recommendation as to CB-092-2018, as amended.