

# PRINCE GEORGE'S COUNTY ZONING ORDINANCE INTERPRETATION

**Zoning Ordinance Interpretation: INT-2026-0006**

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**Applicant:** DeSilco, LLC  
**Property Address:** 11100 Baltimore Avenue and 4940 Powder Mill Road, Beltsville, Maryland 20705

## Background

This request for a Zoning Ordinance Interpretation is for two properties located in the Commercial, General and Office Zone (CGO Zone) on the official Zoning Map. The subject properties were formerly occupied by a CVS store and have remained vacant since 2023. The applicant proposes to repurpose the existing building for a service in which all grocery products sold are delivered directly to consumers.

## Request

Whether a grocery store use, as defined in Section 27-2500 of the Zoning Ordinance, and classified within the Retail Sales and Service Uses category in Section 27-2400(f)(9) constitutes a permitted use in the CGO Zone regardless of whether the grocery store is technically open to the general public. More specifically, whether the definition of "grocery store" in Section 27-2500 requires traditional physical public access to the premises as a condition for qualifying as a permitted retail grocery store use?

## Interpretation

Based on a review of Sections 27-2400 and 27-2500 of the Zoning Ordinance, in conjunction with the applicant's description of proposed operation and the products to be sold, the proposed use is classified as a grocery store. Section 27-2500 defines grocery store as "An establishment that offers a variety of unrelated, non-complementary food and non-food commodities, such as beverages, dairy, dry goods, fresh produce, meat, fish, and other perishable items, frozen foods, household products, and paper goods; may provide beer, wine, and/or liquor sales for consumption off the premises with the appropriate State of Maryland beverage license; may include a prescription pharmacy; may include a delicatessen and/or bakery, and prepare minor amounts of food on site for immediate consumption; markets the majority of its merchandise at retail prices; and may have a restaurant as an accessory use." Section 27-2500 (emphasis added). The applicant has expressly stated that the operation will sell only those products listed in the Zoning Ordinance's grocery store definition. Accordingly, the proposed operation meets the definition of a grocery store under

## Section 27-2500.

Furthermore, the Zoning Ordinance does not specify that a grocery store must provide direct, in-person customer access to the premises in order to qualify as a permitted grocery use in the retail sales and service uses category. The Zoning Ordinance focuses on the nature of the products sold and the retail character of the operation, rather than the method by which goods are distributed to consumers. Therefore, a grocery operation that conducts sales through online ordering and direct delivery to customers may still be classified as a grocery store, provided the use otherwise conforms to the applicable provisions of the Zoning Ordinance.

## Procedure

Section 27-3612 of the current Zoning Ordinance establishes a uniform mechanism for rendering formal written interpretations of any provision of the Ordinance. The Prince George's County Planning Director is responsible for making interpretations of all provisions of the Ordinance including, but not limited to: (1) interpretation of the text; (2) interpretation of zone boundaries; (3) interpretation of whether an unlisted use is comparable to a listed use or not, and should be allowed in a zone or prohibited in that zone; (4) interpretations of compliance with a condition of approval.

Textual interpretations are based on the text's relationship with other laws and considerations including, but not limited to, the plain meaning of the provision's wording, applicable definitions in Section 27-2500 of the Zoning Ordinance, common and accepted usage, and the purpose of the provision, as further described in Section 27-3612(d)(1)(B) of the current Zoning Ordinance. The Planning Director's interpretation is also guided by the cardinal rules of statutory interpretation, as defined by the Maryland Supreme Court.

## Analysis

The applicant proposes to operate an establishment that offers traditional grocery products for delivery only. The establishment will be set up like a grocery store with "retail shelving; refrigerated and freezer cases; produce and meat departments; consumer-scale inventory storage; standard checkout lanes; and limited loading facilities." See Statement of Justification p.3. However, no customers will be allowed on-site. Rather, the applicant's employees and third-party delivery services will shop for grocery orders for customers and then deliver groceries to customers. The question is whether this use is a: (a) "grocery store" in the "Retail Sales and Service Uses" category; or (b) a "Distribution Warehouse" in the "Warehouse and Freight Movement Uses" category. This interpretation concludes that the proposed use is a "grocery store" in the "Retail Sales and Service Uses" category.

Section 27-2400(a) of the Zoning Ordinance provides a systematic framework for identifying, describing, categorizing, consolidating, and distinguishing land uses in a way that makes it easier to determine whether a particular use, activity, or combination of activities should be considered a form or example of a use listed as an allowable principal use. This framework places the various uses in the Zoning Ordinance into categories "that have common functional, product, or physical characteristics, such as the type and amount of activity, type of occupants or users/customers, or operational characteristics." Section 27-2400(b)(2)(A). "The Retail Sales and Service Uses category

includes use types involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer.” Section 27-2400(f)(9) (emphasis added). “The Warehouse and Freight Movement Uses category includes use types involving the storage or movement of goods for themselves or other firms or businesses. Goods are generally delivered to other firms or the ultimate consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. [ . . . ] Use types include but are not limited to: [ . . . ] distribution warehouses (used primarily for temporary storage pending distribution in response to customer orders).” Section 27-2400(g)(4) (emphasis added).

As noted, the use categories are distinguished based on “common functional, product, or physical characteristics, such as the type and amount of activity, type of occupants or users/customers, or operational characteristics.” Section 27-2400(b)(2)(A). The above-quoted descriptions reveal two key distinctions between the Retail Sales and Service Uses category and the Warehouse and Freight Movement Uses category. The first key distinction is the degree to which the customer is present at the establishment. This is because uses, for which there “is little on-site sales activity with the customer present,” are in the Warehouse and Freight Movement Uses category. Section 27-2400(g)(4). This is supported by the treatment of Warehouse and Freight Movement Uses versus Retail Sales and Service Uses in other parts of the Zoning Ordinance. For example, due to the presence of customers, a grocery store requires much more parking than a distribution warehouse. (See the snips of the parking table in Section 27-6305(a) copied below.) For the applicant’s proposed 10,125 sq. ft. establishment, which is outside the Beltway, a minimum forty-one spaces would be required if it is a grocery store, whereas only a minimum of ten spaces would be required if it is a distribution warehouse.

TABLE 27-6305(a): Minimum Number of Off-Street Parking Spaces								
Principal Use Category	Principal Use Type	Off-Street Parking Standards						
		RTO and LTO Zones (Base and PD)		TAC Zone (Base and PD)		NAC (Base and PD)	Inside the Capital Beltway	All Other Areas in the County
		Core	Edge	Core	Edge			
	Grocery store or food market	No minimum	1.0 per 300 SF GFA	1.0 per 400 SF GFA	1.0 per 300 SF GFA	1.0 per 300 SF GFA	1.0 per 300 SF GFA	1.0 per 250 SF GFA

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		Core	Edge	Core	Edge			
Warehouse and Freight Movement Uses	Distribution warehouse	Not applicable			1.0 per 1,000 SF GFA	No applicable	1.0 per 1,000 SF GFA	1.0 per 1,000 SF GFA
	Motor freight facility	Not applicable					2.0 spaces per 1,000 SF GFA	2.0 spaces per 1,000 SF GFA

However, a lack of physical customer presence does not necessarily place a use outside the Retail Sales and Service Uses category. Nowhere in the description of Retail Sales and Service Uses or the grocery store use itself is a requirement for the customer’s physical presence. The phrase “goods [ . . . ] that are generally delivered or provided on the premises to a customer” means that the goods can either be delivered to the customer off-site or provided on-site. Section 27-2400(f)(9) (emphasis added). This is because term “on the premises” modifies only “provided” and not “delivered.”<sup>1</sup> Practically, this captures the more modern retail context in which retail establishments, especially

<sup>1</sup> If goods could only be provided or delivered on the premises, delivered and provided would be virtually synonymous – effectively deleting “delivered” from the code. Generally, when interpreting statutes, one must avoid the deletion of language. See *Crawford v. Cnty. Council of Prince George’s County*, 482 Md. 680, 697 (2023) (citations omitted).

grocery stores, have traditional on-site shopping and delivery services. It also captures retail establishments that necessarily entail delivery of products to customers' homes or businesses due to the nature of those products. Some of these are listed in the explanation of the Retail Sales and Service Uses category - manufactured or modular home sales and swimming pool sales and service establishments. See Section 27-2400(f)(9). Accordingly, while the customer's presence is a factor to be considered, it is not necessarily determinative, as certain retail establishments can operate through delivery.

The second key distinction between Warehouse and Freight Movement and Retail Sales and Service Uses is their primary focus. While Warehouse and Freight Movement Uses are primarily focused on "storage or movement of goods", Retail Sales and Service Uses are primarily focused on delivering or providing those goods to customers. Storing means "to place or leave in a location (such as a warehouse, library, or computer memory) for preservation or later use or disposal." Storing, Merriam Webster, (May 27, 2026) <https://www.merriam-webster.com/dictionary/storing>. Thus, an establishment falls in the Warehouse and Freight Movement Uses category if it is primarily used to hold goods. However, it fits in the Retail Sales and Service Uses category if the goods are more immediately being handed over to the ultimate consumer.

Based on the two key distinctions identified, the proposed establishment more closely matches Retail Sales and Service Use category. With respect to the presence of customers, in this instance, customers will not visit the establishment. Rather, various grocery delivery services and the applicant's employees will "shop" at the establishment on behalf of the customer. In this sense, while the customers are not physically present, their proxies are. Thus, more akin to traditional retail, as the customers are the primary driver of human activity at the establishment.

Additionally, the establishment is more focused on providing goods to customers than on holding those goods for future use. The goods are placed on shelving a manner typical of a grocery store for the customer's proxy to pick up and check out. They are not held in bulk or another format that is more consistent with storage. Furthermore, at only 10,125 square feet in size, the establishment is relatively small and, likely, only capable of holding the limited quantity of items needed to meet customers' immediate needs. This indicates that the establishment is more focused on providing goods to customers than it is on storing those goods. This further indicates that the use is a Retail Sales and Service use.

In sum, this use fits best in the Retail Sales and Service category due to the following key characteristics:

1. The fact that customers drive activity at the site because they send their proxies to shop for them; and
2. Goods are held in a quantity and manner conducive to furnishing them to customers rather than storage.

Both characteristics indicate a level of activity that is more akin to retail than to a warehouse.

Given the items proposed to be sold, the use is a grocery store. This is because grocery store is defined as "A grocery store is an establishment that offers a variety of unrelated, non-complementary food and non-food commodities, such as beverages, dairy, dry goods, fresh produce, meat, fish, and other perishable items, frozen foods, household products, and paper goods; may provide beer, wine, and/or liquor sales for consumption off the premises with the appropriate State of Maryland beverage license; may include a prescription pharmacy; may include a delicatessen and/or bakery, and prepare minor amounts of food on site for immediate

consumption; markets the majority of its merchandise at retail prices; and may have a restaurant as an accessory use.” Section 27-2500 (emphasis added). The applicant expressly plans to sell only the products listed in the Zoning Ordinance’s grocery store definition. Therefore, the use is a grocery store.

Section 27-3612(d)(1)(B) of the current Zoning Ordinance outlines the uniform mechanism in which formal written interpretations are rendered. The provisions have been replicated below in **bold** text, and an analysis of the relevant findings follow below in plain text.

### **Section 27-3612. Interpretation (Text, Uses, and Zoning Map).**

#### **(i) Any purpose statement in the section(s) where the text is located;**

Section 27-2400 provides a systematic framework for identifying, describing, categorizing, consolidating, and distinguishing land uses in a manner that facilitates determining whether a particular use, activity, or combination of activities constitute a listed allowable principal use. Section 27-2500 establishes definitions for terms used in the Zoning Ordinance to ensure consistent interpretation and application. Accordingly, the definition of grocery store cannot be read individually, but rather must be interpreted in the context of the Zoning Ordinance as a whole, including Section 27-2400.

In this case, grocery store is a use within in the retail sales and service uses category, which includes uses involving goods and commodities that are “generally delivered or provided on the premises to a consumer.” Section 27-2400(f)(9). This inclusion of the term “generally” indicates that the Zoning Ordinance contemplates flexibility in how goods are furnished to consumers and does not necessarily require physical customer presence as the exclusive operational model. A delivery-only, retail model can fit in the retail sales and service uses category, so long as the activity at the site remains customer-driven, and the use focuses on furnishing goods to customers rather than storing them. In this case, the applicant’s proposed use meets that test. See the “Analysis” section above for a more detail.

#### **(ii) The provision’s context and consistency with surrounding and related provisions;**

As mentioned above, the provision analyzed in this interpretation is consistent with Section 27-2400 Principal Use Classification, more specifically with the intent of the Retail Sales and Service Uses category. Additionally, this interpretation is also consistent with the general purposes of the nonresidential base zones which includes, but is not limited to, “provid[ing] a wide range of retail, office, service, employment, light industrial, heavy industrial, and related uses to meet the needs of County residents and the region, and more specifically to: (1) Provide appropriately located lands for the full range of business uses needed by the County’s residents, businesses, and workers, consistent with the goals and policies of the General Plan and the applicable Area Master Plan or Sector Plan to support quality economic growth.” See Section 27-4203(a). The proposed use contributes to the range of businesses within nonresidential zones, by providing a delivery-only grocery store. The Department agrees with the applicant’s determination that “[t]he growth of online grocery ordering and delivery reflects a fundamental and increasingly commonplace evolution in the manner in which retail grocery services are provided to consumers (...) [n]othing in the Ordinance suggests an intent to exclude contemporary grocery delivery with online ordering models that continue to function as direct-to-consumer retail sales”. See Statement of Justification

p.9. The Department finds this reasoning persuasive and consistent with the overall structure and intent of the Zoning Ordinance.

**(iii) Any legislative history related to the provision's adoption;**

There is no applicable legislative history.

**(iv) The general purposes served by this Ordinance, as set forth in Section 27-1300, General Purpose and Intent; and**

In general, this interpretation is consistent with the general purposes and intent of the Zoning Ordinance, including promoting compatible commercial development, supporting economic vitality, encouraging efficient land use patterns, advancing public convenience and welfare, and implementing flexible land use regulations capable of adapting to changing market conditions in business models.

The proposed use represents a contemporary form of retail grocery service that continues to function as a direct to customer retail operation. In this manner, interpreting "grocery store" to encompass the applicant's proposed delivery-only model provides a flexible response to changing market conditions and advances public convenience and welfare. In addition, the applicant will utilize an existing commercial property within an established commercial corridor for the proposed use, which has activity levels that are consistent with retail sales and service use. Therefore, treating the proposed use as a grocery store promotes compatible commercial development and supports economic vitality.

**(v) The applicable comprehensive plans.**

This request for interpretation is also consistent with Plan Prince George's 2035 Approved General Plan. Specifically, supports Policy 9 of the Land Use Element which seeks to limit the expansion of new commercial zoning outside of the Regional Transit Districts and Local Centers to encourage reinvestment and growth in designated centers and in existing commercial areas. It also advances Policy 6 of the Economic Prosperity Element which aims to promote entrepreneurship, small business development, and innovation. The use of an existing, but vacant, 10,125 square foot retail building as a grocery delivery with online-ordering location serving County residents aligns with these planning goals by activating existing commercial space, supporting consumer access to essential goods, and accommodating evolving retail and delivery trends within established commercial areas rather than shifting such activity into industrial districts ill-suited for neighborhood-serving retail operations. See Statement of Justification p.10

## **Conclusion**

The Planning Director finds that the applicant's proposal to repurpose a vacant commercial building for an establishment offering a variety of unrelated, non-complementary food and non-food commodities, such as beverages, dairy, dry goods, fresh produce, meat, fish, and other perishable items, frozen foods, household products, and paper goods; may provide beer, wine, and/or liquor sales for consumption off the premises with the appropriate State of Maryland beverage license; may include a prescription pharmacy; may include a delicatessen and/or bakery, and prepare minor amounts of food on site for immediate consumption; markets the majority of its

merchandise at retail prices; and may have a restaurant as an accessory use, constitutes the permitted grocery store used within the CGO zone.

The planning director further concludes that a grocery store use does not lose its retail character solely because groceries are ordered online and delivered directly to consumers, rather than purchase through traditional walk-in shopping. Accordingly, the proposed use is properly classified as a permitted grocery store use in the retail sales and service use category and not as a warehouse or distribution facility in the warehouse and freight movement use category.

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**This written interpretation is binding on subsequent decisions by the Planning Director or another Maryland-National Capital Park and Planning Commission (M-NCPPC) or Prince George's County administrative officials in applying the same provision of this Ordinance or the Official Zoning Map to the project at the Subject Property, unless the interpretation is modified in accordance with the requirements of the Ordinance or the text of the Ordinance impacting the interpretation is amended.**

**This written interpretation is a final decision of the Planning Director and may be appealed to the Prince George's County Board of Zoning Appeals within thirty (30) days following receipt of this interpretation by the Applicant.**

*James R. Hunt*

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James Hunt, MPA  
Acting Planning Director

**06/01/2026**

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Date






# INT-2026-0006\_

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