
By: **Montgomery County Delegation**
Introduced and read first time: February 6, 2004
Assigned to: Economic Matters

Committee Report: Favorable
House action: Adopted
Read second time: March 16, 2004

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County - Alcoholic Beverages License - Rockshire Planned**
3 **Residential Unit**
4 **MC 413-04**

5 FOR the purpose of authorizing the Montgomery County Board of License
6 Commissioners by unanimous vote to approve an application for an alcoholic
7 beverages license for a restaurant establishment located in the Rockshire
8 Planned Residential Unit development in the City of Rockville under certain
9 circumstances; specifying that the license authorizes the license holder to keep
10 for sale and sell alcoholic beverages for consumption on the premises only; and
11 generally relating to alcoholic beverages licenses in Montgomery County.

12 BY repealing and reenacting, with amendments,
13 Article 2B - Alcoholic Beverages
14 Section 9-216
15 Annotated Code of Maryland
16 (2001 Replacement Volume and 2003 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article 2B - Alcoholic Beverages**

20 9-216.

21 (a) The Montgomery County Board of License Commissioners may not issue
22 any license to sell alcoholic beverages within 750 feet of any secondary or elementary

1 school, church or other place of worship, public library or youth center sponsored or
2 conducted by any governmental agency. Measurement of the required distance shall
3 be made from the nearest point of the building of the proposed establishment for
4 which the license is requested to the nearest point of the building of the school, church
5 or other place of worship, public library or youth center. The Board of License
6 Commissioners may within its discretion and by unanimous action of the Board
7 approve the application for any license to sell alcoholic beverages more than 300 feet
8 from any elementary or secondary school, church or other place of worship, public
9 library, or youth center sponsored or conducted by any governmental agency provided
10 that the land upon which the building is situated in which the licensee would operate
11 is classified in a commercial or industrial zone under the applicable zoning ordinance
12 and is adjacent and/or contiguous to other land which is similarly classified under
13 said zoning ordinance. Nothing in this section shall apply to or affect or prohibit, in
14 any manner, the renewal, transfer, or reissuance of a prior license of any license of
15 any establishment where subsequent to the original granting of said license a school,
16 church or other place of worship, public library or youth center was erected within
17 750 feet of the establishment. For the purposes of this section, reissuance shall be
18 limited to a new license for the establishment issued within one (1) year from the date
19 of expiration or revocation of a prior license provided the revocation did not result
20 from acts of the owner of the establishment.

21 (b) (1) In this subsection, "Takoma Park Transit Impact Area" means the
22 Takoma Park Transit Impact Area as approved and adopted in the sector plan for
23 Takoma Park, Montgomery County, Maryland.

24 (2) Notwithstanding the provisions of subsection (a) of this section, the
25 Montgomery County Board of License Commissioners by unanimous vote may
26 approve an application for an alcoholic beverages license of an applicant for a
27 restaurant establishment which is located on land classified in or near a CBD zone
28 (central business district zone), in or near the Rockville Town Center Performance
29 District, or in or near the Takoma Park Transit Impact Area, if the following
30 conditions are satisfied:

31 (i) 1. If the restaurant building is outside the respective zone,
32 district, or area the measurement of the distance of the nearest point of the
33 restaurant building to the nearest boundary line of the respective zone, district, or
34 area is 500 feet or less; or

35 2. The restaurant building is entirely contained in land
36 classified in the respective zone, district, or area;

37 (ii) The issuance of the requested license will not adversely affect
38 nearby schools, churches, youth centers or the nearest residential community; and

39 (iii) Except for the distance restrictions provided in subsection (a) of
40 this section, the restaurant otherwise qualifies under this article for the issuance of
41 the license requested.

1 (3) Any license issued under this subsection authorizes its holder to keep
2 for sale and sell alcoholic beverages for consumption on the premises only.

3 (C) (1) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF THIS
4 SECTION, THE MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS BY
5 UNANIMOUS VOTE MAY APPROVE AN APPLICATION FOR AN ALCOHOLIC BEVERAGES
6 LICENSE OF AN APPLICANT FOR A RESTAURANT THAT IS IN EXISTENCE AS OF JUNE 1,
7 2004, AND LOCATED IN THE ROCKSHIRE PLANNED RESIDENTIAL UNIT
8 DEVELOPMENT OF THE CITY OF ROCKVILLE, IF THE FOLLOWING CONDITIONS ARE
9 SATISFIED:

10 (I) THE RESTAURANT BUILDING IS ENTIRELY CONTAINED ON
11 LAND LOCATED WITHIN THE ROCKSHIRE PLANNED RESIDENTIAL UNIT
12 DEVELOPMENT AREA;

13 (II) THE ISSUANCE OF THE LICENSE WILL NOT ADVERSELY AFFECT
14 NEARBY SCHOOLS, CHURCHES, YOUTH CENTERS, OR THE NEAREST RESIDENTIAL
15 COMMUNITY; AND

16 (III) EXCEPT FOR THE DISTANCE RESTRICTIONS PROVIDED IN
17 SUBSECTION (A) OF THIS SECTION, THE RESTAURANT OTHERWISE QUALIFIES
18 UNDER THIS ARTICLE FOR THE ISSUANCE OF THE LICENSE REQUESTED.

19 (2) ANY LICENSE UNDER THIS SUBSECTION AUTHORIZES ITS HOLDER
20 TO KEEP FOR SALE AND SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE
21 PREMISES ONLY.

22 [(c)] (D) (1) Subject to the provisions of paragraph (2) of this subsection, the
23 Montgomery County Board of License Commissioners may not issue any class of
24 alcoholic beverages license for use in a business establishment that sells motor
25 vehicle fuel to motorists from a fuel pump that is located on the premises.

26 (2) The Montgomery County Board of License Commissioners may
27 renew an alcoholic beverages license that has been issued for use in a business
28 establishment that sells motor vehicle fuel to motorists from a fuel pump that is
29 located on the premises if the license was in existence on January 1, 1989.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
31 effect June 1, 2004.