

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 775

(Montgomery County Delegation)

Economic Matters

Education, Health, and Environmental
Affairs

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

This bill authorizes the Montgomery County Board of License Commissioners to approve an application for an alcoholic beverages license for a restaurant in the Rockshire Planned Residential Unit Development if certain conditions are met.

The bill takes effect June 1, 2004.

Fiscal Summary

State Effect: None.

Local Effect: Montgomery County revenues would increase by \$1,100 in FY 2005 and by \$475 each year thereafter. Expenditures would not be affected.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The bill: (1) requires unanimous approval by the board; (2) requires the restaurant to be in existence as of June 1, 2004 and to be entirely contained on land located within the Rockshire Planned Residential Unit Development; (3) specifies that issuance of the license cannot affect nearby schools, churches, youth centers, or the nearest residential community; (4) requires the restaurant to qualify for the issuance of the license applied for, notwithstanding distance restrictions; and (5) authorizes the

licensee to keep for sale and sell alcoholic beverages for consumption on the premises only.

Current Law: The Montgomery County Board of License Commissioners is not authorized to approve an application for an alcoholic beverages license for a restaurant that is located in the Rockshire Planned Residential Unit Development.

The board is not authorized to issue an alcoholic beverages license for an establishment within 750 feet of a secondary or elementary school, church or other place of worship, public library, or youth center, or conducted by any governmental agency unless: (1) the site on which the applicant would operate is more than 300 hundred feet from any such facilities; (2) the site is classified as a commercial or industrial zone; and (3) the board's approval is unanimous.

Background: Planned Residential Units (PRUs) are an experimental zoning concept implemented by Montgomery County in the 1960s that promoted the development of entire neighborhoods including variation in housing options, shopping facilities, nearby residential neighborhoods, open park areas, and buried utilities. The Rockshire Planned Residential Unit Development is one of the communities formed under the zoning concept and is located in the City of Rockville.

As of April 2003 there were 852 alcoholic beverages licenses issued by Montgomery County. The county advises that approximately 20 of these licenses met the distance exception for issuance – they are more than 300 feet from a secondary or elementary school, church or other place of worship, public library, or youth center, but closer than 750 feet.

Local Fiscal Effect: Montgomery County advises that it expects only one application for a Class B (on-sale) beer and light wine alcoholic beverages license to be issued in the Rockshire Planned Residential Developmental Unit and that the proposed location for the establishment is within 750 feet of but more than 300 feet from a church.

Accordingly, county revenues would increase by \$1,100 in fiscal 2005 which includes a one-time application fee of \$700 and an annual license fee of \$400 for the Class B (on-sale) beer and light wine license. County revenues would increase by \$475 annually beginning in fiscal 2006 which includes the annual license fee and a \$75 administrative renewal fee. Expenditures to monitor the new licensed establishment could be handled with existing resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County, Department of Legislative Services

Fiscal Note History: First Reader - March 4, 2004
n/ljm

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