

# HOUSE BILL 763

A2

71r0381

---

By: **Montgomery County Delegation**

Introduced and read first time: February 9, 2007

Assigned to: Economic Matters

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Town of Kensington – Alcoholic Beverages – Special**  
3 **B–K Licenses and Restaurant Licenses**

4 **MC 702–07**

5 FOR the purpose of altering the number and providing for the description of  
6 commercial areas in the Town of Kensington in Montgomery County in which  
7 the Board of License Commissioners may issue special B–K alcoholic beverages  
8 licenses for use on the premises of restaurants located in those areas; altering  
9 the percentage of overall average daily receipts from the sale of food for  
10 on–premises consumption that must be maintained by restaurants that hold  
11 special B–K alcoholic beverages licenses; prohibiting restaurants that are issued  
12 special B–K alcoholic beverages licenses only under this Act from serving  
13 alcoholic beverages after a certain hour; authorizing the Board of License  
14 Commissioners to approve in a certain manner applications for alcoholic  
15 beverages licenses for restaurants located within certain areas; and generally  
16 relating to alcoholic beverages in the Town of Kensington in Montgomery  
17 County.

18 BY repealing and reenacting, with amendments,  
19 Article 2B – Alcoholic Beverages  
20 Section 8–216(a)(2)(iv) and 9–216(b)(2)  
21 Annotated Code of Maryland  
22 (2005 Replacement Volume and 2006 Supplement)

23 BY repealing and reenacting, without amendments,

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article 2B – Alcoholic Beverages  
 2 Section 9–216(b)(3)  
 3 Annotated Code of Maryland  
 4 (2005 Replacement Volume and 2006 Supplement)

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

7 **Article 2B – Alcoholic Beverages**

8 8–216.

9 (a) (2) (iv) 1. In the town of Kensington, the Montgomery County  
 10 Board of License Commissioners may issue a special B–K beer and wine license or a  
 11 special B–K beer, wine and liquor license for use on the premises of a restaurant  
 12 located in the following commercial areas:

13 A. The west side of Connecticut Avenue between  
 14 Knowles Avenue and Perry Avenue;

15 B. The east side of Connecticut Avenue between Knowles  
 16 Avenue and Dupont Street and between University Boulevard and Perry Avenue;

17 C. The west side of University Boulevard West;

18 D. Dupont Avenue, west of Connecticut Avenue;

19 E. Plyers Mill Road, west of Metropolitan Avenue;

20 F. Summit Avenue between Knowles Avenue and  
 21 Howard Avenue;

22 G. Detrick Avenue between Knowles Avenue and  
 23 Howard Avenue; [or]

24 H. The southwest side of Metropolitan Avenue between  
 25 North Kensington Parkway and Plyers Mill Road;

26 **I. EAST HOWARD AVENUE;**

27 **J. ARMORY AVENUE BETWEEN HOWARD AVENUE**  
 28 **AND KNOWLES AVENUE; OR**

1                                   **K. MONTGOMERY AVENUE BETWEEN HOWARD**  
2 **AVENUE AND KENSINGTON PARKWAY.**

3                                   2. A special B–K beer, wine and liquor license or a  
4 special B–K beer and wine license authorizes the holder to keep for sale and sell  
5 alcoholic beverages for consumption on the premises only.

6                                   3. A licensee shall maintain average daily receipts from  
7 the sale of food, not including carryout food, of at least [70%] **50%** of the overall  
8 average daily receipts.

9                                   **4. IN ADDITION TO THE RESTRICTIONS IN**  
10 **SUBSUBPARAGRAPHS 2 AND 3 OF THIS SUBPARAGRAPH, THE HOLDER OF A**  
11 **SPECIAL B–K BEER AND WINE LICENSE OR A SPECIAL B–K BEER, WINE AND**  
12 **LIQUOR LICENSE IN THE COMMERCIAL AREAS SPECIFIED IN ITEMS I, J, AND K**  
13 **OF THIS SUBSUBPARAGRAPH MAY NOT SERVE ALCOHOLIC BEVERAGES AFTER**  
14 **11 P.M.**

15 9–216.

16                   (b) (2) Notwithstanding the provisions of subsection (a) of this section, the  
17 Montgomery County Board of License Commissioners by unanimous vote may approve  
18 an application for an alcoholic beverages license of an applicant for a restaurant  
19 establishment which is located on land classified in or near a CBD zone (central  
20 business district zone), in or near the Rockville Town Center Performance District,  
21 [or] in or near the Takoma Park Transit Impact Area, **OR IN OR NEAR THE**  
22 **KENSINGTON COMMERCIAL AREAS SPECIFIED IN § 8–216(A)(2)(IV)1 OF THIS**  
23 **ARTICLE**, if the following conditions are satisfied:

24                                   (i) 1. If the restaurant building is outside the respective  
25 zone, district, or area the measurement of the distance of the nearest point of the  
26 restaurant building to the nearest boundary line of the respective zone, district, or  
27 area is 500 feet or less; or

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

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

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

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

6                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2007.