

CHAPTER 432

(House Bill 763)

AN ACT concerning

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

MC 702–07

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

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

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 9–216(b)(3)
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Article 2B – Alcoholic Beverages

8-216.

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

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

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

C. The west side of University Boulevard West;

D. Dupont Avenue, west of Connecticut Avenue;

E. Plyers Mill Road, west of Metropolitan Avenue;

F. Summit Avenue between Knowles Avenue and Howard Avenue;

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

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

I. EAST HOWARD AVENUE;

J. ARMORY AVENUE BETWEEN HOWARD AVENUE AND KNOWLES AVENUE; OR

K. MONTGOMERY AVENUE BETWEEN HOWARD AVENUE AND KENSINGTON PARKWAY.

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

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

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

9-216.

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

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

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

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

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

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

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

Approved by the Governor, May 8, 2007.