

Bill No.: \_\_\_\_\_

Requested: \_\_\_\_\_

Committee: \_\_\_\_\_

Drafted by: Stamper

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Stored – 10/22/10

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Checked by \_\_\_\_\_

By: **Montgomery County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Alcohol Sales – Burtonsville Towne Square and**  
3 **Hillandale Shopping Center**

4 **MC 2–11**

5 FOR the purpose of authorizing the Montgomery County Board of License  
6 Commissioners by unanimous vote to approve applications for alcoholic  
7 beverages licenses for restaurant establishments located in certain shopping  
8 centers in Montgomery County under certain circumstances; specifying that the  
9 license authorizes the license holder to keep for sale and sell alcoholic beverages  
10 for consumption on the premises only; and generally relating to alcoholic  
11 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 (2005 Replacement Volume and 2010 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**Article 2B – Alcoholic Beverages**

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9–216.

(a) (1) The Montgomery County Board of License Commissioners may not issue any license to sell alcoholic beverages within 750 feet of any secondary or elementary school, church or other place of worship, or youth center sponsored or conducted by any governmental agency.

(2) Measurement of the required distance shall be made from the nearest point of the building of the proposed establishment for which the license is requested to the nearest point of the building of the school, church or other place of worship, or youth center.

(3) The Board of License Commissioners may within its discretion and by unanimous action of the Board approve the application for any license to sell alcoholic beverages more than 300 feet from any elementary or secondary school, church or other place of worship, or youth center sponsored or conducted by any governmental agency provided that the land upon which the building is situated in which the licensee would operate is classified in a commercial or industrial zone under the applicable zoning ordinance and is adjacent or contiguous to other land which is similarly classified under said zoning ordinance.

(4) Nothing in this section shall apply to or affect or prohibit, in any manner, the renewal, transfer, or reissuance of a prior license of any license of any establishment where subsequent to the original granting of the license a school, church or other place of worship, or youth center was erected within 750 feet of the establishment.

(5) For the purposes of this section, reissuance shall be limited to a new license for the establishment issued within 1 year from the date of expiration or revocation of a prior license provided the revocation did not result from acts of the owner of the establishment.

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

1           (2)     Notwithstanding the provisions of subsection (a) of this section, the  
2 Montgomery County Board of License Commissioners by unanimous vote may approve  
3 an application for an alcoholic beverages license of an applicant for a restaurant  
4 establishment which is located on land classified in or near a CBD zone (central  
5 business district zone), in or near the Rockville Town Center Performance District, in  
6 or near the Takoma Park Transit Impact Area, or in or near the Kensington  
7 commercial areas specified in § 8–216(a)(2)(iv)1 of this article, if the following  
8 conditions are satisfied:

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

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

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

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

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

23           (c)     (1)     Notwithstanding the provisions of subsection (a) of this section, the  
24 Montgomery County Board of License Commissioners by unanimous vote may approve  
25 an application for an alcoholic beverages license of an applicant for a restaurant that  
26 is in existence as of June 1, 2004, and located in the Rockshire Planned Residential  
27 Unit development of the City of Rockville, if the following conditions are satisfied:

28                                 (i)     The restaurant building is entirely contained on land located  
29 within the Rockshire Planned Residential Unit development area;

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

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

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

8 **(D) (1) IN THIS SUBSECTION, "BURTONSVILLE TOWNE SQUARE"**  
9 **MEANS THE SHOPPING CENTER LOCATED IN MONTGOMERY COUNTY AT THE**  
10 **NORTHWEST CORNER OF MD 198 AND US 29A.**

11 **(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF**  
12 **THIS SECTION, THE MONTGOMERY COUNTY BOARD OF LICENSE**  
13 **COMMISSIONERS BY UNANIMOUS VOTE MAY APPROVE AN APPLICATION FOR AN**  
14 **ALCOHOLIC BEVERAGES LICENSE OF AN APPLICANT FOR A RESTAURANT THAT**  
15 **IS LOCATED IN BURTONSVILLE TOWNE SQUARE IF THE FOLLOWING**  
16 **CONDITIONS ARE SATISFIED:**

17 **(I) THE ISSUANCE OF THE LICENSE WILL NOT ADVERSELY**  
18 **AFFECT NEARBY SCHOOLS, CHURCHES, YOUTH CENTERS, OR THE NEAREST**  
19 **RESIDENTIAL COMMUNITY; AND**

20 **(II) EXCEPT FOR THE DISTANCE RESTRICTIONS PROVIDED**  
21 **IN SUBSECTION (A) OF THIS SECTION, THE RESTAURANT OTHERWISE QUALIFIES**  
22 **UNDER THIS ARTICLE FOR THE ISSUANCE OF THE LICENSE REQUESTED.**

23 **(3) ANY LICENSE UNDER THIS SUBSECTION AUTHORIZES ITS**  
24 **HOLDER TO KEEP FOR SALE AND SELL ALCOHOLIC BEVERAGES FOR**  
25 **CONSUMPTION ON THE PREMISES ONLY.**

26 **(E) (1) IN THIS SUBSECTION, "HILLDALE SHOPPING CENTER"**  
27 **MEANS THE SHOPPING CENTER LOCATED IN MONTGOMERY COUNTY AT THE**  
28 **NORTHEAST CORNER OF MD 650 AND INTERSTATE 495.**

1           **(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF**  
2 **THIS SECTION, THE MONTGOMERY COUNTY BOARD OF LICENSE**  
3 **COMMISSIONERS BY UNANIMOUS VOTE MAY APPROVE AN APPLICATION FOR AN**  
4 **ALCOHOLIC BEVERAGES LICENSE OF AN APPLICANT FOR A RESTAURANT THAT**  
5 **IS IN EXISTENCE AS OF JUNE 1, 2011, AND LOCATED IN THE HILLANDALE**  
6 **SHOPPING CENTER IF THE FOLLOWING CONDITIONS ARE SATISFIED:**

7           **(I) THE ISSUANCE OF THE LICENSE WILL NOT ADVERSELY**  
8 **AFFECT NEARBY SCHOOLS, CHURCHES, YOUTH CENTERS, OR THE NEAREST**  
9 **RESIDENTIAL COMMUNITY; AND**

10           **(II) EXCEPT FOR THE DISTANCE RESTRICTIONS PROVIDED**  
11 **IN SUBSECTION (A) OF THIS SECTION, THE RESTAURANT OTHERWISE QUALIFIES**  
12 **UNDER THIS ARTICLE FOR THE ISSUANCE OF THE LICENSE REQUESTED.**

13           **(3) ANY LICENSE UNDER THIS SUBSECTION AUTHORIZES ITS**  
14 **HOLDER TO KEEP FOR SALE AND SELL ALCOHOLIC BEVERAGES FOR**  
15 **CONSUMPTION ON THE PREMISES ONLY.**

16           **[(d)] (F) (1)** Subject to the provisions of paragraph (2) of this subsection,  
17 the Montgomery County Board of License Commissioners may not issue any class of  
18 alcoholic beverages license for use in a business establishment that sells motor vehicle  
19 fuel to motorists from a fuel pump that is located on the premises.

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

24           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 June 1, 2011.