

# HOUSE BILL 687

A2

2lr0321

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By: **Montgomery County Delegation**

Introduced and read first time: February 8, 2012

Assigned to: Economic Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 13, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages License – Rock Spring Centre**

3 **MC 2–12**

4 FOR the purpose of authorizing the Montgomery County Board of License  
5 Commissioners by unanimous vote to approve an application for an alcoholic  
6 beverages license for an establishment located in a certain mixed use center in  
7 Montgomery County under certain circumstances; specifying that the license  
8 authorizes the license holder to keep for sale and sell alcoholic beverages for  
9 consumption on the premises only; and generally relating to alcoholic beverages  
10 licenses in Montgomery County.

11 BY repealing and reenacting, with amendments,  
12 Article 2B – Alcoholic Beverages  
13 Section 9–216  
14 Annotated Code of Maryland  
15 (2011 Replacement Volume)

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

18 **Article 2B – Alcoholic Beverages**

19 9–216.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

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

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

26 (6) This subsection does not apply to a special culinary school license  
27 issued under § 8–216.3 of this article.

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

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

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

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

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

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

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

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

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

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

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

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

29 (d) (1) In this subsection, "Burtonsville Town Square" means the  
30 shopping center located in Montgomery County at the northwest corner of MD 198 and  
31 US 29a.

32 (2) Notwithstanding the provisions of subsection (a) of this section, the  
33 Montgomery County Board of License Commissioners by unanimous vote may approve  
34 an application for an alcoholic beverages license of an applicant for a restaurant that  
35 is located in Burtonsville Town Square if the following conditions are satisfied:

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

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

8 (e) (1) In this subsection, "Hillandale Shopping Center" means the  
9 shopping center located in Montgomery County at the northeast corner of MD 650 and  
10 Interstate 495.

11 (2) Notwithstanding the provisions of subsection (a) of this section, the  
12 Montgomery County Board of License Commissioners by unanimous vote may approve  
13 an application for an alcoholic beverages license of an applicant for a restaurant that  
14 is located in the Hillandale Shopping Center if the following conditions are satisfied:

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

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

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

22 **(F) (1) IN THIS SUBSECTION, "ROCK SPRING CENTRE" MEANS THE**  
23 **MIXED USE CENTER LOCATED IN MONTGOMERY COUNTY BORDERED BY ROCK**  
24 **SPRING DRIVE, ROCKLEDGE DRIVE, INTERSTATE 270, AND OLD GEORGETOWN**  
25 **ROAD IN BETHESDA.**

26 **(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF**  
27 **THIS SECTION, THE MONTGOMERY COUNTY BOARD OF LICENSE**  
28 **COMMISSIONERS BY UNANIMOUS VOTE MAY APPROVE AN APPLICATION FOR AN**  
29 **ALCOHOLIC BEVERAGES LICENSE OF AN APPLICANT FOR AN ESTABLISHMENT**  
30 **THAT IS LOCATED IN THE ROCK SPRING CENTRE IF THE FOLLOWING**  
31 **CONDITIONS ARE SATISFIED:**

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

1                   **(II) EXCEPT FOR THE DISTANCE RESTRICTIONS PROVIDED**  
2 **IN SUBSECTION (A) OF THIS SECTION, THE ESTABLISHMENT OTHERWISE**  
3 **QUALIFIES UNDER THIS ARTICLE FOR THE ISSUANCE OF THE LICENSE**  
4 **REQUESTED.**

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

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

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

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 July 1, 2012.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.