

Article 2B - Alcoholic Beverages

9-216.

(a) 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, public library or youth center sponsored or conducted by any governmental agency. 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, public library or youth center. 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, public library, 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 and/or contiguous to other land which is similarly classified under said zoning ordinance. 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 said license a school, church or other place of worship, public library or youth center was erected within 750 feet of the establishment. For the purposes of this section, reissuance shall be limited to a new license for the establishment issued within one (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.

(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, 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