

(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.

(C) (1) 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 THAT IS IN EXISTENCE AS OF JUNE 1, 2004, AND LOCATED IN THE ROCKSHIRE PLANNED RESIDENTIAL UNIT DEVELOPMENT OF THE CITY OF ROCKVILLE, IF THE FOLLOWING CONDITIONS ARE SATISFIED:

(I) THE RESTAURANT BUILDING IS ENTIRELY CONTAINED ON LAND LOCATED WITHIN THE ROCKSHIRE PLANNED RESIDENTIAL UNIT DEVELOPMENT AREA;

(II) THE ISSUANCE OF THE 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.

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2004.

Approved April 13, 2004.