

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.