

ENROLLED BILL

-- *Economic Matters/Education, Health, and Environmental Affairs* --

Introduced by ~~Delegate Love (Chairman, Anne Arundel County Delegation)~~
Delegation

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Anne Arundel County - Alcoholic Beverages - Deluxe Restaurant License**

3 FOR the purpose of creating a Class BLX (deluxe restaurant) (on-sale) beer, wine and
4 liquor license in Anne Arundel County; requiring that an applicant's restaurant
5 meets certain seating, parking, expenditure, capital investment, and other
6 qualifications; prohibiting certain fast-food restaurants from being issued a
7 BLX license; establishing a license fee; allowing a licensee to obtain a certain
8 number of BLX licenses and to obtain certain additional licenses if certain
9 requirements are met; limiting the number of BLX licenses in which the licensee
10 holds a direct interest; specifying certain relationships that evidence an indirect
11 interest; counting certain licenses against the maximum number of certain
12 licenses that a licensee may hold; prohibiting certain licenses from being counted
13 against the maximum number of certain licenses that a licensee may hold;
14 specifying certain areas in which the restaurants for which BLX licenses are
15 sought must be located; prohibiting certain transfers and allowing certain
16 renewals of a BLX license; providing for the hours and days of sale under a BLX

1 license; defining certain terms; requiring the Anne Arundel County Economic
2 Development ~~Commission~~ Corporation to report to the County Executive of
3 Anne Arundel County and the Anne Arundel County Delegation on or before a
4 certain date; and generally relating to the creation of a Class BLX (deluxe
5 restaurant) (on-sale) beer, wine and liquor license in Anne Arundel County.

6 BY adding to
7 Article 2B - Alcoholic Beverages
8 Section 8-202.1
9 Annotated Code of Maryland
10 (2005 Replacement Volume)

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

13 **Article 2B - Alcoholic Beverages**

14 8-202.1.

15 (A) THIS SECTION APPLIES ONLY IN ANNE ARUNDEL COUNTY.

16 (B) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
17 INDICATED.

18 (2) "BOARD" MEANS THE BOARD OF LICENSE COMMISSIONERS OF ANNE
19 ARUNDEL COUNTY.

20 (3) "CAPITAL INVESTMENT" MEANS AMOUNTS PAID FOR THE
21 ACQUISITION OF PROPERTY:

22 (I) FOR A USEFUL LIFE GREATER THAN 1 YEAR; OR

23 (II) FOR A PERMANENT IMPROVEMENT OR BETTERMENT OF THE
24 PROPERTY THAT HAS A USEFUL LIFE GREATER THAN 1 YEAR.

25 (4) "COST OF LAND" INCLUDES:

26 (I) THE PURCHASE PRICE, PLUS TAXES AND FEES INCIDENTAL TO
27 THE PURCHASE, INCLUDING COSTS RELATED TO OBTAINING APPROPRIATE ZONING
28 AND LICENSING;

29 (II) THE COST OF SITE GRADING, PREPARATION, PAVING,
30 SIDEWALKS, GUTTERS, CURBS, AND LANDSCAPING; AND

31 (III) THE COST OF THE CONSTRUCTION AND INSTALLATION OF ALL
32 UTILITIES TO THE EXTERIOR OF THE BUILDING SHELL.

33 (5) "COST OF THE BUILDING SHELL" INCLUDES THE COST
34 ATTRIBUTABLE TO A STRUCTURE WITH A ROOF, SIDEWALLS, DOORS, AND WINDOWS

1 COMPLETELY ENCLOSED AND WEATHERPROOFED ON A SLAB OR OTHER
2 SUBFLOORING.

3 (C) (1) THERE IS A 7-DAY CLASS BLX (DELUXE RESTAURANT) (ON-SALE)
4 BEER, WINE AND LIQUOR LICENSE.

5 (2) A BLX LICENSE MAY BE ISSUED ONLY FOR THE USE OF AN
6 ESTABLISHMENT THAT:

7 (I) QUALIFIES AS A RESTAURANT UNDER THE REGULATIONS OF
8 THE BOARD;

9 (II) HAS A MINIMUM SEATING CAPACITY OF ~~150~~ 100 PERSONS FOR
10 DINING;

11 (III) HAS A COCKTAIL LOUNGE OR BAR AREA SEATING CAPACITY
12 NOT EXCEEDING 25% OF THE SEATING CAPACITY FOR DINING;

13 (IV) HAS PARKING FACILITIES TO ACCOMMODATE A MINIMUM OF 75
14 VEHICLES; AND

15 (V) HAS A MINIMUM CAPITAL INVESTMENT BY THE APPLICANT OF
16 ~~\$1,000,000~~ \$800,000, EXCLUSIVE OF THE COST OF THE LAND AND BUILDINGS.

17 (D) (1) IF AN APPLICANT FOR A BLX LICENSE PURCHASES AN EXISTING
18 BUILDING, THE CAPITAL INVESTMENT ATTRIBUTABLE TO THE COST OF THE
19 BUILDING SHELL SHALL BE BASED ON THE FAIR MARKET VALUE OF THE
20 STRUCTURES FOR WHICH THE COST OF THE BUILDING SHELL WAS INCURRED,
21 DETERMINED AT THE TIME OF PURCHASE.

22 (2) THE CAPITAL INVESTMENT, EXCLUDING LAND AND BUILDING
23 SHELL, SHALL ALSO BE EVALUATED AT THE FAIR MARKET VALUE AT THE TIME OF
24 PURCHASE.

25 (3) IF THE PREMISES ARE LEASED, THE RENT PAID FOR THE LAND
26 SHALL BE CONSIDERED A COST OF LAND AND ANY RENT PAID FOR A BUILDING
27 SHALL BE CONSIDERED A COST OF A BUILDING SHELL.

28 (E) A BLX LICENSE MAY NOT BE ISSUED FOR USE IN AN ESTABLISHMENT
29 THAT IS A FAST-FOOD STYLE RESTAURANT.

30 (F) THE ANNUAL LICENSE FEE IS \$1,000.

31 (G) (1) A LICENSEE MAY HOLD NOT MORE THAN SIX LICENSES OF ANY
32 CLASS IN ACCORDANCE WITH THIS SECTION.

33 (2) OF THE LICENSES HELD BY A LICENSEE:

34 (I) NOT MORE THAN FOUR LICENSES MAY BE ONES IN WHICH THE
35 LICENSEE HOLDS A DIRECT INTEREST; AND

1 (II) THE REMAINING LICENSES SHALL BE ONES IN WHICH THE
2 LICENSEE HOLDS AN INDIRECT INTEREST, AS EVIDENCED BY ANY OF THE
3 FOLLOWING RELATIONSHIPS INVOLVING THE LICENSEE AND ANOTHER LICENSEE
4 OR THE LICENSEE AND AN APPLICANT FOR A LICENSE:

5 1. A COMMON PARENT COMPANY;
6 2. A FRANCHISE AGREEMENT;
7 3. A LICENSING AGREEMENT;
8 4. A CONCESSION AGREEMENT;
9 5. MEMBERSHIP BY THE LICENSEE AND THE OTHER PERSON
10 IN A CHAIN OF BUSINESSES COMMONLY OWNED AND OPERATED AND SO PORTRAYED
11 TO THE PUBLIC;

12 6. SHARING OF DIRECTORS OR STOCKHOLDERS OR SHARING
13 OF DIRECTORS OR STOCKHOLDERS OF PARENT COMPANIES OR SUBSIDIARIES;

14 7. COMMON DIRECT OR INDIRECT SHARING OF PROFIT
15 FROM THE SALE OF ALCOHOLIC BEVERAGES; OR

16 8. SHARING OF A COMMON TRADE NAME, TRADEMARK,
17 LOGO OR THEME, OR MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC, EXCEPT
18 HOTELS AND MOTELS.

19 ~~(H) A LICENSE IN WHICH A LICENSEE HOLDS A DIRECT INTEREST OR AN~~
20 ~~INDIRECT INTEREST ON OR BEFORE JUNE 30, 2006:~~

21 ~~(1) SHALL BE COUNTED AGAINST THE MAXIMUM NUMBER OF SIX~~
22 ~~LICENSES THAT THE LICENSEE MAY HOLD UNDER THIS SECTION; BUT~~

23 ~~(2) IS EXEMPT FROM SUBSECTIONS (1) THROUGH (L) OF THIS SECTION.~~

24 (H) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
25 LICENSE THAT WAS ISSUED ON OR BEFORE JUNE 30, 2006, AND IN WHICH A
26 LICENSEE HOLDS A DIRECT INTEREST OR AN INDIRECT INTEREST:

27 (1) SHALL BE COUNTED AGAINST THE MAXIMUM NUMBER OF SIX
28 LICENSES THAT THE LICENSEE MAY HOLD UNDER THIS SECTION; BUT

29 (II) IS EXEMPT FROM SUBSECTIONS (1) THROUGH (L) OF THIS
30 SECTION.

31 (2) A CLASS H LICENSE THAT WAS ISSUED IN THE PERIOD BEGINNING
32 ON MARCH 14, 2005, AND ENDING ON DECEMBER 1, 2005, MAY NOT BE COUNTED
33 AGAINST THE MAXIMUM NUMBER OF SIX LICENSES THAT THE LICENSEE MAY HOLD
34 UNDER THIS SECTION.

1 (I) A PERSON MAY BE ISSUED ONE CLASS B LICENSE, CLASS H LICENSE, OR
2 CLASS BLX ALCOHOLIC BEVERAGES LICENSE FOR A RESTAURANT LOCATED
3 ANYWHERE IN THE COUNTY.

4 (J) A LICENSEE MAY BE ISSUED A SECOND LICENSE IF:

5 (1) THE LICENSEE HOLDS A CLASS B LICENSE THAT HAS A RESTRICTION
6 PROHIBITING OFF-SALES, A CLASS H LICENSE, OR A CLASS BLX LICENSE:

7 ~~(1)~~ (2) THE LICENSE SOUGHT IS A ~~CLASS B LICENSE~~, CLASS H
8 LICENSE; OR A CLASS BLX LICENSE; AND

9 ~~(2)~~ (3) THE RESTAURANT FOR WHICH THE LICENSE IS SOUGHT IS
10 LOCATED IN:

11 (I) THE GLEN BURNIE URBAN RENEWAL AREA;

12 (II) THE PAROLE TOWN CENTER GROWTH MANAGEMENT AREA;

13 (III) THE ODENTON TOWN CENTER GROWTH MANAGEMENT AREA;

14 (IV) THE BALTIMORE-WASHINGTON INTERNATIONAL THURGOOD
15 MARSHALL AIRPORT STATE PRIORITY FUNDING AREA, AS DESIGNATED BY ANNE
16 ARUNDEL COUNTY IN ACCORDANCE WITH ARTICLE 83A, § 5-1101(K)(6) OF THE CODE;

17 (V) A SHOPPING CENTER WITH A GROSS AREA OF AT LEAST
18 1,000,000 SQUARE FEET THAT IS ZONED C3 GENERAL COMMERCIAL BY THE ZONING
19 ARTICLE OF THE ANNE ARUNDEL COUNTY CODE;

20 (VI) THE ROUTE 198 CORRIDOR, CONSISTING OF PROPERTIES
21 LOCATED WITHIN 500 FEET OF THE RIGHT-OF-WAY OF MARYLAND ROUTE 198, FROM
22 MARYLAND ROUTE 32 ON THE EAST TO THE PRINCE GEORGE'S COUNTY-ANNE
23 ARUNDEL COUNTY LINE ON THE WEST;

24 (VII) A COMMUNITY REVITALIZATION ZONE WITH A DESIGNATION IN
25 THE SERIES "A" THROUGH "P", INCLUSIVE, AS SHOWN ON THE MAP ADOPTED BY THE
26 ANNE ARUNDEL COUNTY COUNCIL BY BILL 97-01;

27 (VIII) THE SEVERN COMMERCIAL DISTRICT, CONSISTING OF
28 PROPERTIES DESIGNATED AS "COMMERCIAL ZONING" BY THE COMPREHENSIVE
29 REZONING MAPS ADOPTED BY THE ANNE ARUNDEL COUNTY COUNCIL AND LOCATED
30 ON THAT PORTION OF MARYLAND ROUTE 174 WEST OF MARYLAND ROUTE 100 AND
31 EAST OF THE RAILROAD RIGHT-OF-WAY OWNED BY THE NATIONAL RAILROAD
32 PASSENGER CORPORATION (PARCEL 117, ANNE ARUNDEL COUNTY TAX MAP 29);

33 (IX) THE EDGEWATER/MAYO COMMERCIAL DISTRICT, CONSISTING
34 OF THOSE PROPERTIES THAT ARE DESIGNATED "COMMERCIAL ZONING DISTRICTS"
35 ON THE COMPREHENSIVE REZONING MAPS ADOPTED BY THE ANNE ARUNDEL
36 COUNTY COUNCIL FOR THE EDGEWATER/MAYO SMALL AREA PLANNING DISTRICT;

1 (X) THE PASADENA COMMERCIAL DISTRICT, CONSISTING OF
2 THOSE PROPERTIES THAT ARE DESIGNATED "COMMERCIAL ZONING AREAS",
3 INCLUDING LAKE SHORE CROSSING, LAKE SHORE PLAZA, AND THE MOUNTAIN
4 MARKETPLACE SHOPPING CENTER ON THE COMPREHENSIVE ZONING MAPS
5 ADOPTED BY THE ANNE ARUNDEL COUNTY COUNCIL FOR THE PASADENA SMALL
6 AREA PLANNING DISTRICT; OR

7 (XI) THE AREA IN PASADENA KNOWN AS THE BRUMWELL
8 PROPERTY.

9 (K) A LICENSEE MAY BE ISSUED A THIRD LICENSE IF:

10 (1) THE LICENSE SOUGHT IS A CLASS BLX LICENSE; AND

11 (2) THE RESTAURANT FOR WHICH THE LICENSE IS SOUGHT IS LOCATED
12 IN:

13 (I) THE GLEN BURNIE URBAN RENEWAL AREA;

14 (II) THE PAROLE TOWN CENTER GROWTH MANAGEMENT AREA;

15 (III) THE ODENTON TOWN CENTER GROWTH MANAGEMENT AREA;

16 (IV) THE BALTIMORE-WASHINGTON INTERNATIONAL THURGOOD
17 MARSHALL AIRPORT STATE PRIORITY FUNDING AREA, AS DESIGNATED BY ANNE
18 ARUNDEL COUNTY IN ACCORDANCE WITH ARTICLE 83A, § 5-1101(K)(6) OF THE CODE;

19 (V) A SHOPPING CENTER WITH A GROSS AREA OF AT LEAST
20 1,000,000 SQUARE FEET THAT IS ZONED C3 GENERAL COMMERCIAL BY THE ZONING
21 ARTICLE OF THE ANNE ARUNDEL COUNTY CODE;

22 (VI) THE ROUTE 198 CORRIDOR, CONSISTING OF PROPERTIES
23 LOCATED WITHIN 500 FEET OF THE RIGHT-OF-WAY OF MARYLAND ROUTE 198, FROM
24 MARYLAND ROUTE 32 ON THE EAST TO THE PRINCE GEORGE'S COUNTY-ANNE
25 ARUNDEL COUNTY LINE ON THE WEST;

26 (VII) A COMMUNITY REVITALIZATION ZONE WITH A DESIGNATION IN
27 THE SERIES "A" THROUGH "P", INCLUSIVE, AS SHOWN ON THE MAP ADOPTED BY THE
28 ANNE ARUNDEL COUNTY COUNCIL BY BILL 97-01;

29 (VIII) THE SEVERN COMMERCIAL DISTRICT, CONSISTING OF
30 PROPERTIES DESIGNATED AS "COMMERCIAL ZONING" BY THE COMPREHENSIVE
31 REZONING MAPS ADOPTED BY THE ANNE ARUNDEL COUNTY COUNCIL AND LOCATED
32 ON THAT PORTION OF MARYLAND ROUTE 174 WEST OF MARYLAND ROUTE 100 AND
33 EAST OF THE RAILROAD RIGHT-OF-WAY OWNED BY THE NATIONAL RAILROAD
34 PASSENGER CORPORATION (PARCEL 117, ANNE ARUNDEL COUNTY TAX MAP 29);

35 (IX) THE EDGEWATER/MAYO COMMERCIAL DISTRICT, CONSISTING
36 OF THOSE PROPERTIES THAT ARE DESIGNATED "COMMERCIAL ZONING DISTRICTS"

1 ON THE COMPREHENSIVE REZONING MAPS ADOPTED BY THE ANNE ARUNDEL
2 COUNTY COUNCIL FOR THE EDGEWATER/MAYO SMALL AREA PLANNING DISTRICT;

3 (X) THE PASADENA COMMERCIAL DISTRICT, CONSISTING OF
4 THOSE PROPERTIES THAT ARE DESIGNATED "COMMERCIAL ZONING AREAS",
5 INCLUDING LAKE SHORE CROSSING, LAKE SHORE PLAZA, AND THE MOUNTAIN
6 MARKETPLACE SHOPPING CENTER ON THE COMPREHENSIVE ZONING MAPS
7 ADOPTED BY THE ANNE ARUNDEL COUNTY COUNCIL FOR THE PASADENA SMALL
8 AREA PLANNING DISTRICT; OR

9 (XI) THE AREA IN PASADENA KNOWN AS THE BRUMWELL
10 PROPERTY.

11 (L) (1) A LICENSEE MAY BE ISSUED A FOURTH LICENSE IF THE LICENSE
12 SOUGHT IS A CLASS BLX LICENSE.

13 (2) THE RESTAURANT FOR WHICH THE LICENSE IS SOUGHT MAY BE
14 LOCATED ANYWHERE IN THE COUNTY.

15 (M) A LICENSEE MAY BE ISSUED A FIFTH LICENSE IF:

16 (1) THE LICENSE SOUGHT IS A CLASS BLX LICENSE; AND

17 (2) THE RESTAURANT FOR WHICH THE LICENSE IS SOUGHT:

18 (I) IS LOCATED IN A COMMUNITY REVITALIZATION ZONE WITH A
19 DESIGNATION IN THE SERIES "A" THROUGH "P", INCLUSIVE, AS SHOWN ON THE MAP
20 ADOPTED BY THE ANNE ARUNDEL COUNTY COUNCIL BY BILL 97-01; OR

21 (II) IS LOCATED ANYWHERE ELSE IN THE COUNTY, IF AT LEAST
22 ONE RESTAURANT FOR WHICH A LICENSE WAS ISSUED TO THE LICENSEE IS
23 ALREADY LOCATED IN A COMMUNITY REVITALIZATION ZONE.

24 (N) (1) A LICENSEE MAY BE ISSUED A SIXTH LICENSE IF THE LICENSE
25 SOUGHT IS A CLASS BLX LICENSE.

26 (2) THE RESTAURANT FOR WHICH THE LICENSE IS SOUGHT MAY BE
27 LOCATED ANYWHERE IN THE COUNTY.

28 (O) THE HOURS AND DAYS THAT A LICENSEE MAY EXERCISE THE PRIVILEGES
29 OF SALE UNDER A BLX LICENSE ARE THE SAME AS THOSE FOR A CLASS B (ON-SALE)
30 BEER, WINE AND LIQUOR LICENSE IN ANNE ARUNDEL COUNTY.

31 (P) (1) THIS SUBSECTION DOES NOT APPLY TO A TRANSFER OF LICENSEES
32 FOR THE SAME PREMISES OR A RENEWAL OF A BLX LICENSE.

33 (2) A BLX LICENSE MAY NOT BE TRANSFERRED FROM THE LOCATION
34 SITE OF ITS FIRST ISSUANCE.

35 (Q) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Anne Arundel County
2 Economic Development ~~Commission~~ Corporation, in consultation with
3 representatives of the retail alcoholic beverage industry and the Board of License
4 Commissioners of Anne Arundel County, shall ~~create a plan that divides~~ conduct a
5 study on dividing the county into alcoholic beverages districts, with each district
6 assigned a population quota for every class of alcoholic beverages license. The study
7 shall take into account the needs of county residents and visitors to the county. The
8 ~~plan shall~~ study may be used to determine the number of licenses that may be issued
9 in each district. The Anne Arundel County Economic Development ~~Commission~~
10 Corporation shall provide a final report on the ~~plan~~ study required under this section
11 along with recommendations for legislation to the County Executive of Anne Arundel
12 County and, in accordance with § 2-1246 of the State Government Article, to the Anne
13 Arundel County Delegation on or before December 31, 2006.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 July 1, 2006.