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By: **Delegate Love (Chairman, Anne Arundel County Delegation)**

Introduced and read first time: February 10, 2006

Assigned to: Economic Matters

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A BILL ENTITLED

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; specifying certain areas in which the restaurants for which BLX  
12 licenses are sought must be located; prohibiting certain transfers and allowing  
13 certain renewals of a BLX license; providing for the hours and days of sale under  
14 a BLX license; defining certain terms; requiring the Anne Arundel County  
15 Economic Development Commission to report to the County Executive of Anne  
16 Arundel County and the Anne Arundel County Delegation on or before a certain  
17 date; and generally relating to the creation of a Class BLX (deluxe restaurant)  
18 (on-sale) beer, wine and liquor license in Anne Arundel County.

19 BY adding to

20 Article 2B - Alcoholic Beverages

21 Section 8-202.1

22 Annotated Code of Maryland

23 (2005 Replacement Volume)

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

26 **Article 2B - Alcoholic Beverages**

27 8-202.1.

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

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

3 (2) "BOARD" MEANS THE BOARD OF LICENSE COMMISSIONERS OF ANNE  
4 ARUNDEL COUNTY.

5 (3) "CAPITAL INVESTMENT" MEANS AMOUNTS PAID FOR THE  
6 ACQUISITION OF PROPERTY:

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

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

10 (4) "COST OF LAND" INCLUDES:

11 (I) THE PURCHASE PRICE, PLUS TAXES AND FEES INCIDENTAL TO  
12 THE PURCHASE, INCLUDING COSTS RELATED TO OBTAINING APPROPRIATE ZONING  
13 AND LICENSING;

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

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

18 (5) "COST OF THE BUILDING SHELL" INCLUDES THE COST  
19 ATTRIBUTABLE TO A STRUCTURE WITH A ROOF, SIDEWALLS, DOORS, AND WINDOWS  
20 COMPLETELY ENCLOSED AND WEATHERPROOFED ON A SLAB OR OTHER  
21 SUBFLOORING.

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

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

26 (I) QUALIFIES AS A RESTAURANT UNDER THE REGULATIONS OF  
27 THE BOARD;

28 (II) HAS A MINIMUM SEATING CAPACITY OF 150 PERSONS FOR  
29 DINING;

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

32 (IV) HAS PARKING FACILITIES TO ACCOMMODATE A MINIMUM OF 75  
33 VEHICLES; AND

34 (V) HAS A MINIMUM CAPITAL INVESTMENT BY THE APPLICANT OF  
35 \$1,000,000, EXCLUSIVE OF THE COST OF THE LAND AND BUILDINGS.

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

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

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

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

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

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

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

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

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

24 1. A COMMON PARENT COMPANY;

25 2. A FRANCHISE AGREEMENT;

26 3. A LICENSING AGREEMENT;

27 4. A CONCESSION AGREEMENT;

28 5. MEMBERSHIP BY THE LICENSEE AND THE OTHER PERSON  
29 IN A CHAIN OF BUSINESSES COMMONLY OWNED AND OPERATED AND SO PORTRAYED  
30 TO THE PUBLIC;

31 6. SHARING OF DIRECTORS OR STOCKHOLDERS OR SHARING  
32 OF DIRECTORS OR STOCKHOLDERS OF PARENT COMPANIES OR SUBSIDIARIES;

33 7. COMMON DIRECT OR INDIRECT SHARING OF PROFIT  
34 FROM THE SALE OF ALCOHOLIC BEVERAGES; OR

1                                   8.       SHARING OF A COMMON TRADE NAME, TRADEMARK,  
2 LOGO OR THEME, OR MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC, EXCEPT  
3 HOTELS AND MOTELS.

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

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

8                   (2)     IS EXEMPT FROM SUBSECTIONS (I) THROUGH (L) OF THIS SECTION.

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

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

13                   (1)     THE LICENSE SOUGHT IS A CLASS B LICENSE, CLASS H LICENSE, OR  
14 CLASS BLX LICENSE; AND

15                   (2)     THE RESTAURANT FOR WHICH THE LICENSE IS SOUGHT IS LOCATED  
16 IN:

17                               (I)     THE GLEN BURNIE URBAN RENEWAL AREA;

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

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

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

23                               (V)     A SHOPPING CENTER WITH A GROSS AREA OF AT LEAST  
24 1,000,000 SQUARE FEET THAT IS ZONED C3 GENERAL COMMERCIAL BY THE ZONING  
25 ARTICLE OF THE ANNE ARUNDEL COUNTY CODE;

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

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

33                               (VIII) THE SEVERN COMMERCIAL DISTRICT, CONSISTING OF  
34 PROPERTIES DESIGNATED AS "COMMERCIAL ZONING" BY THE COMPREHENSIVE  
35 REZONING MAPS ADOPTED BY THE ANNE ARUNDEL COUNTY COUNCIL AND LOCATED  
36 ON THAT PORTION OF MARYLAND ROUTE 174 WEST OF MARYLAND ROUTE 100 AND

1 EAST OF THE RAILROAD RIGHT-OF-WAY OWNED BY THE NATIONAL RAILROAD  
2 PASSENGER CORPORATION (PARCEL 117, ANNE ARUNDEL COUNTY TAX MAP 29);

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

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

13 (XI) THE AREA IN PASADENA KNOWN AS THE BRUMWELL  
14 PROPERTY.

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

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

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

19 (I) THE GLEN BURNIE URBAN RENEWAL AREA;

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

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

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

25 (V) A SHOPPING CENTER WITH A GROSS AREA OF AT LEAST  
26 1,000,000 SQUARE FEET THAT IS ZONED C3 GENERAL COMMERCIAL BY THE ZONING  
27 ARTICLE OF THE ANNE ARUNDEL COUNTY CODE;

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

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

35 (VIII) THE SEVERN COMMERCIAL DISTRICT, CONSISTING OF  
36 PROPERTIES DESIGNATED AS "COMMERCIAL ZONING" BY THE COMPREHENSIVE

1 REZONING MAPS ADOPTED BY THE ANNE ARUNDEL COUNTY COUNCIL AND LOCATED  
2 ON THAT PORTION OF MARYLAND ROUTE 174 WEST OF MARYLAND ROUTE 100 AND  
3 EAST OF THE RAILROAD RIGHT-OF-WAY OWNED BY THE NATIONAL RAILROAD  
4 PASSENGER CORPORATION (PARCEL 117, ANNE ARUNDEL COUNTY TAX MAP 29);

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

9 (X) THE PASADENA COMMERCIAL DISTRICT, CONSISTING OF  
10 THOSE PROPERTIES THAT ARE DESIGNATED "COMMERCIAL ZONING AREAS",  
11 INCLUDING LAKE SHORE CROSSING, LAKE SHORE PLAZA, AND THE MOUNTAIN  
12 MARKETPLACE SHOPPING CENTER ON THE COMPREHENSIVE ZONING MAPS  
13 ADOPTED BY THE ANNE ARUNDEL COUNTY COUNCIL FOR THE PASADENA SMALL  
14 AREA PLANNING DISTRICT; OR

15 (XI) THE AREA IN PASADENA KNOWN AS THE BRUMWELL  
16 PROPERTY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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