

---

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

Introduced and read first time: February 10, 2006  
Assigned to: Economic Matters

---

Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 24, 2006

---

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; 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~~ Corporation to report to the County  
16 Executive of Anne Arundel County and the Anne Arundel County Delegation on  
17 or before a certain date; and generally relating to the creation of a Class BLX  
18 (deluxe restaurant) (on-sale) beer, wine and liquor license in Anne Arundel  
19 County.

20 BY adding to  
21 Article 2B - Alcoholic Beverages  
22 Section 8-202.1  
23 Annotated Code of Maryland  
24 (2005 Replacement Volume)

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

3 **Article 2B - Alcoholic Beverages**

4 8-202.1.

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

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

8 (2) "BOARD" MEANS THE BOARD OF LICENSE COMMISSIONERS OF ANNE  
9 ARUNDEL COUNTY.

10 (3) "CAPITAL INVESTMENT" MEANS AMOUNTS PAID FOR THE  
11 ACQUISITION OF PROPERTY:

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

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

15 (4) "COST OF LAND" INCLUDES:

16 (I) THE PURCHASE PRICE, PLUS TAXES AND FEES INCIDENTAL TO  
17 THE PURCHASE, INCLUDING COSTS RELATED TO OBTAINING APPROPRIATE ZONING  
18 AND LICENSING;

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

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

23 (5) "COST OF THE BUILDING SHELL" INCLUDES THE COST  
24 ATTRIBUTABLE TO A STRUCTURE WITH A ROOF, SIDEWALLS, DOORS, AND WINDOWS  
25 COMPLETELY ENCLOSED AND WEATHERPROOFED ON A SLAB OR OTHER  
26 SUBFLOORING.

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

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

31 (I) QUALIFIES AS A RESTAURANT UNDER THE REGULATIONS OF  
32 THE BOARD;

33 (II) HAS A MINIMUM SEATING CAPACITY OF ~~450~~ 100 PERSONS FOR  
34 DINING;

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

3 (IV) HAS PARKING FACILITIES TO ACCOMMODATE A MINIMUM OF 75  
4 VEHICLES; AND

5 (V) HAS A MINIMUM CAPITAL INVESTMENT BY THE APPLICANT OF  
6 ~~\$1,000,000~~ \$800,000, EXCLUSIVE OF THE COST OF THE LAND AND BUILDINGS.

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

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

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

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

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

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

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

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

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

30 1. A COMMON PARENT COMPANY;

31 2. A FRANCHISE AGREEMENT;

32 3. A LICENSING AGREEMENT;

33 4. A CONCESSION AGREEMENT;

1                                   5.       MEMBERSHIP BY THE LICENSEE AND THE OTHER PERSON  
2 IN A CHAIN OF BUSINESSES COMMONLY OWNED AND OPERATED AND SO PORTRAYED  
3 TO THE PUBLIC;

4                                   6.       SHARING OF DIRECTORS OR STOCKHOLDERS OR SHARING  
5 OF DIRECTORS OR STOCKHOLDERS OF PARENT COMPANIES OR SUBSIDIARIES;

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

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

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

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

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

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

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

20               (1)     THE LICENSEE HOLDS A CLASS B LICENSE THAT HAS A RESTRICTION  
21 PROHIBITING OFF-SALES, A CLASS H LICENSE, OR A CLASS BLX LICENSE;

22               ~~(1)~~   (2)     THE LICENSE SOUGHT IS A ~~CLASS B LICENSE~~, CLASS H  
23 LICENSE, OR A CLASS BLX LICENSE; AND

24               ~~(2)~~   (3)     THE RESTAURANT FOR WHICH THE LICENSE IS SOUGHT IS  
25 LOCATED IN:

26                               (I)     THE GLEN BURNIE URBAN RENEWAL AREA;

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

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

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

32                               (V)     A SHOPPING CENTER WITH A GROSS AREA OF AT LEAST  
33 1,000,000 SQUARE FEET THAT IS ZONED C3 GENERAL COMMERCIAL BY THE ZONING  
34 ARTICLE OF THE ANNE ARUNDEL COUNTY CODE;

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

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

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

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

18 (X) THE PASADENA COMMERCIAL DISTRICT, CONSISTING OF  
19 THOSE PROPERTIES THAT ARE DESIGNATED "COMMERCIAL ZONING AREAS",  
20 INCLUDING LAKE SHORE CROSSING, LAKE SHORE PLAZA, AND THE MOUNTAIN  
21 MARKETPLACE SHOPPING CENTER ON THE COMPREHENSIVE ZONING MAPS  
22 ADOPTED BY THE ANNE ARUNDEL COUNTY COUNCIL FOR THE PASADENA SMALL  
23 AREA PLANNING DISTRICT; OR

24 (XI) THE AREA IN PASADENA KNOWN AS THE BRUMWELL  
25 PROPERTY.

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

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

28 (2) THE RESTAURANT FOR WHICH THE LICENSE IS SOUGHT IS LOCATED  
29 IN:

30 (I) THE GLEN BURNIE URBAN RENEWAL AREA;

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

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

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

1 (V) A SHOPPING CENTER WITH A GROSS AREA OF AT LEAST  
2 1,000,000 SQUARE FEET THAT IS ZONED C3 GENERAL COMMERCIAL BY THE ZONING  
3 ARTICLE OF THE ANNE ARUNDEL COUNTY CODE;

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

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

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

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

21 (X) THE PASADENA COMMERCIAL DISTRICT, CONSISTING OF  
22 THOSE PROPERTIES THAT ARE DESIGNATED "COMMERCIAL ZONING AREAS",  
23 INCLUDING LAKE SHORE CROSSING, LAKE SHORE PLAZA, AND THE MOUNTAIN  
24 MARKETPLACE SHOPPING CENTER ON THE COMPREHENSIVE ZONING MAPS  
25 ADOPTED BY THE ANNE ARUNDEL COUNTY COUNCIL FOR THE PASADENA SMALL  
26 AREA PLANNING DISTRICT; OR

27 (XI) THE AREA IN PASADENA KNOWN AS THE BRUMWELL  
28 PROPERTY.

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

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

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

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

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

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

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

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

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

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

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

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

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Anne Arundel County  
17 Economic Development ~~Commission~~ Corporation, in consultation with  
18 representatives of the retail alcoholic beverage industry and the Board of License  
19 Commissioners of Anne Arundel County, shall ~~create a plan that divides~~ conduct a  
20 study on dividing the county into alcoholic beverages districts, with each district  
21 assigned a population quota for every class of alcoholic beverages license. The study  
22 shall take into account the needs of county residents and visitors to the county. The  
23 ~~plan shall~~ study may be used to determine the number of licenses that may be issued  
24 in each district. The Anne Arundel County Economic Development ~~Commission~~  
25 Corporation shall provide a final report on the ~~plan~~ study required under this section  
26 along with recommendations for legislation to the County Executive of Anne Arundel  
27 County and, in accordance with § 2-1246 of the State Government Article, to the Anne  
28 Arundel County Delegation on or before December 31, 2006.

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