

CHAPTER 184

(Senate Bill 496)

AN ACT concerning

Baltimore City – Alcoholic Beverages Licenses – Restaurants in Business Planned Unit Development

FOR the purpose of authorizing the Board of Liquor License Commissioners of Baltimore City to issue a certain number of Class B beer, wine and liquor restaurant licenses in a business planned unit development in a specified area in Baltimore City; requiring the restaurants to have a certain minimum capital investment, seating capacity range, and average daily receipts from the sale of food that are at least a certain percentage of the total daily receipts of the restaurant; prohibiting sales for off-premises consumption; and generally relating to alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–204.1(c)(1)(iii) and (2)(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Article 2B – Alcoholic Beverages

9–204.1.

(c) (1) Except as provided in paragraph (2)(i) and (ii) of this subsection and subsection (h) of this section, the prohibitions in this section do not apply to special 1–day licenses or to Class B beer, wine and liquor restaurant licenses to bona fide restaurants having:

(iii) 1. In the following areas of the 46th alcoholic beverages district, average daily receipts from the sale of food that are at least 51% of the total daily receipts of the restaurant:

- A. Ward 1, precincts 2 and 3;
- B. Ward 2 in its entirety;
- C. Ward 3, precinct 3; and

D. Ward 26, precinct 10;

2. For a restaurant in ward 26, precinct 8 of the 46th alcoholic beverages district, which at all times shall be coterminous with the 46th Legislative District in the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21, 2002, if the restaurant has a minimum capital investment of \$700,000 and a seating capacity exceeding 150 persons, average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant;

3. For a restaurant anywhere in ward 4, precinct 1 or ward 22, precinct 1 of the 46th alcoholic beverages district, which at all times shall be coterminous with the 46th Legislative District in the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21, 2002, if the restaurant has a minimum capital investment of \$750,000, a seating capacity that exceeds 70 persons, average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant, and no sales for off-premises consumption; [and]

4. For not more than three restaurants in a residential planned unit development for Silo Point as approved by the Mayor and City Council of Baltimore City in Ordinance 04-697 on June 23, 2004, if the restaurant has a minimum capital investment of \$600,000, a seating capacity that exceeds 70 persons, average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant, and no sales for off-premises consumption; and

5. FOR NOT MORE THAN THREE RESTAURANTS IN A BUSINESS PLANNED UNIT DEVELOPMENT IN WARD 24, PRECINCT 5 OF THE 46TH ALCOHOLIC BEVERAGES DISTRICT, WHICH AT ALL TIMES SHALL BE COTERMINOUS WITH THE 46TH LEGISLATIVE DISTRICT IN THE LEGISLATIVE DISTRICTING PLAN OF 2002 AS ORDERED BY THE MARYLAND COURT OF APPEALS ON JUNE 21, 2002, IF EACH RESTAURANT HAS A MINIMUM CAPITAL INVESTMENT OF ~~\$600,000~~ \$700,000, A SEATING CAPACITY THAT EXCEEDS ~~70~~ 75 PERSONS BUT IS NOT MORE THAN 150 PERSONS, AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 65% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT, AND NO SALES FOR OFF-PREMISES CONSUMPTION; AND

(2) (i) The Board of Liquor License Commissioners for Baltimore City may not issue or transfer an alcoholic beverages license under paragraph (1) of this subsection for use in:

1. ~~{Ward} EXCEPT AS PROVIDED IN PARAGRAPH (1)(H)5 OF THIS SUBSECTION, WARD~~ 1, precinct 4 or 5 of the 46th alcoholic beverages district, which at all times shall be coterminous with the 46th Legislative

District in the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21, 2002; or

2. ~~Ward~~ **EXCEPT AS PROVIDED IN PARAGRAPH (1)(III)5 OF THIS SUBSECTION, WARD** 24, precinct 5 of the ~~47th~~ 46th alcoholic beverages district, which at all times shall be coterminous with the 46th Legislative District in the Legislative Districting Plan of 2002 as ordered by the Maryland Court of Appeals on June 21, 2002.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2008.

Approved by the Governor, April 24, 2008.