

1. The expansion is necessary to accommodate the public; and
2. The licensee otherwise continues to meet the criteria for issuance or transfer of a license and whatever other conditions are imposed by the Board.†

9-108.

*(A) THIS SECTION DOES NOT APPLY IN PRINCE GEORGE'S COUNTY.*

~~(A)~~ *(B)* (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "BOARD" MEANS THE BOARD OF LICENSE COMMISSIONERS OF EACH COUNTY, THE CITY OF ANNAPOLIS, AND BALTIMORE CITY.

(3) "FOOD STORES" INCLUDES SUPERMARKETS.

(4) "OFF-SALE" MEANS THE SALE OF ALCOHOLIC BEVERAGES THAT ARE TO BE CONSUMED OFF THE LICENSED PREMISES.

(5) "ON-SALE" MEANS THE SALE OF ALCOHOLIC BEVERAGES THAT ARE TO BE CONSUMED ONLY ON THE LICENSED PREMISES.

~~(B)~~ *(C)* WITHOUT REGARD TO ITS CLASS OF LICENSE, A LICENSEE MAY NOT DEVOTE MORE THAN 10,000 SQUARE FEET OF FLOOR SPACE TO OFF-SALE USE EXCEPT AS PROVIDED IN SUBSECTIONS (E), (F), AND (G) OF THIS SECTION, A BOARD MAY NOT ISSUE AN ALCOHOLIC BEVERAGES LICENSE FOR USE IN PREMISES IN WHICH MORE THAN 10,000 SQUARE FEET OF FLOOR SPACE IS DEVOTED TO OFF-SALE USE.

~~(C)~~ *(D)* EXCEPT AS TO FOOD STORES THAT HAD AN ALCOHOLIC BEVERAGES LICENSE ON OR BEFORE OCTOBER 1, 1997, FLOOR SPACE SHALL BE CONSIDERED THE SPACE DEVOTED TO THE RETAIL SALE OF ALCOHOLIC BEVERAGES FOR OFF-SALE CONSUMPTION WHICH, IN THE CASE OF ALL LICENSES WITHOUT ON-PREMISES CONSUMPTION PRIVILEGES, IS LOCATED WITHIN THE FOUR WALLS OF THE BUILDING FROM WHICH THE LICENSED BUSINESS OPERATES OR, IN THE CASE OF LICENSES WITH ON-SALE AND OFF-SALE PRIVILEGES, IS ACTUALLY USED FOR THE SALE, DISPLAY, OR STORAGE OF THOSE BEVERAGES. IN ALL CASES, FLOOR SPACE INCLUDES:

(1) BASEMENTS ON LICENSED PREMISES; AND

(2) WHATEVER OTHER AREA OFF THE LICENSED PREMISES UPON WHICH THE BEVERAGES ARE AT ANY TIME LAWFULLY STORED.

~~(D)~~ *(E)* (1) THIS SECTION DOES NOT PROHIBIT THE RENEWAL OR TRANSFER OF OWNERSHIP OR LOCATION OF A LICENSE ISSUED IN CONJUNCTION WITH ANY BUSINESS THAT ON OR BEFORE OCTOBER 1, 1997, HAS IN EXCESS OF 10,000 SQUARE FEET DEVOTED TO OFF-SALE USE.

(2) THE SQUARE FOOTAGE OF FLOOR SPACE USED FOR THE SALE, DISPLAY, OR STORAGE OF THE BEVERAGES MAY NOT BE EXPANDED BEYOND 10,000 SQUARE FEET.