

(3) FOOD STORES HAVING AN ALCOHOLIC BEVERAGES LICENSE ON OR BEFORE OCTOBER 1, 1997, MAY NOT EXPAND THE ACTUAL SQUARE FOOTAGE OF THEIR ALCOHOLIC BEVERAGES DEPARTMENTS, INCLUDING SALES, DISPLAY, AND STORAGE AREAS, BEYOND A TOTAL OF 10,000 SQUARE FEET. THIS SIZE SHALL BE DETERMINED WITHOUT REGARD TO THE TOTAL AREA AVAILABLE WITHIN THE FOUR WALLS OF THE BUSINESS PREMISES.

(4) THERE IS NO PRESUMPTION IN FAVOR OF OR WHICH OTHERWISE REQUIRES THE BOARD TO APPROVE REQUESTS BY LICENSEES TO EXPAND THE AMOUNT OF SPACE DEVOTED TO THE RETAIL SALE OF BEVERAGES FOR OFF-SALE CONSUMPTION UP TO 10,000 SQUARE FEET, UNLESS THE BOARD FINDS, BASED UPON THE EVIDENCE PRESENTED TO IT, THAT:

(I) THE EXPANSION IS NECESSARY TO ACCOMMODATE THE PUBLIC; AND

(II) THE LICENSEE OTHERWISE CONTINUES TO MEET THE CRITERIA FOR ISSUANCE OR TRANSFER OF A LICENSE AND WHATEVER OTHER CONDITIONS ARE IMPOSED BY THE BOARD.

(F) BEFORE A BOARD MAY ISSUE A LICENSE FOR USE IN PREMISES IN WHICH MORE THAN 10,000 SQUARE FEET OF FLOOR SPACE IS DEVOTED TO OFF-SALE USE, THE BOARD SHALL:

(1) HOLD A PUBLIC HEARING AND MAKE A DETERMINATION THAT THE ISSUANCE OF THE LICENSE WOULD SERVE THE PUBLIC NEED;

(2) MAKE A DETERMINATION THAT THE ISSUANCE OF THE LICENSE WOULD NOT ADVERSELY IMPACT EXISTING RETAIL LICENSEES IN THE IMMEDIATE VICINITY OF THE PREMISES, INCLUDING THOSE LICENSEES THAT MAY BE IN A CONTIGUOUS COUNTY OR CITY; AND

(3) OBTAIN THE APPROVAL OF THE COMPTROLLER, AS PROVIDED UNDER SUBSECTION (G) OF THIS SECTION.

(G) (1) IF A BOARD DETERMINES THAT THE ISSUANCE OF A LICENSE WOULD MEET THE CRITERIA UNDER SUBSECTION (F)(1) AND (2) OF THIS SECTION, THE BOARD SHALL OBTAIN A WRITTEN REVIEW AND APPROVAL FROM THE STATE COMPTROLLER BEFORE TAKING FINAL ACTION ON THE APPLICATION.

(2) THE BOARD MAY ISSUE THE LICENSE IF, ON RECEIPT OF AN APPLICATION FROM A BOARD UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMPTROLLER:

(I) MAKES A DETERMINATION THAT THE ISSUANCE OF THE LICENSE WOULD NOT ADVERSELY AFFECT THE ORDERLY DISTRIBUTION OF ALCOHOLIC BEVERAGES IN THE STATE;

(II) MAKES A DETERMINATION THAT THE ISSUANCE OF THE LICENSE WILL COMPLY WITH ALL APPLICABLE PROVISIONS OF THIS ARTICLE RELATING TO THE ISSUANCE OF MULTIPLE LICENSES; AND