

C. THAT AREA OF ELECTION DISTRICT 1, PRECINCT 7, AS THAT ELECTION DISTRICT AND THAT PRECINCT EXISTED ON JANUARY 1, 2001, THAT IS SOUTH OF A LINE THAT RUNS ALONG THE CENTER OF PHILADELPHIA ROAD BEGINNING AT OLD MOUNTAIN ROAD AND ENDING AT WINTER'S RUN, WHICH IS THE CREEK THAT FORMS THE EASTERN BOUNDARY OF PRECINCT 7 OF ELECTION DISTRICT 1.

(V) A PERSON THAT HAS OBTAINED A CLASS BDR LICENSE UNDER SUBPARAGRAPH (IV)1 OF THIS PARAGRAPH MAY NOT APPLY FOR AND OBTAIN ANY OTHER CLASS B LICENSE OTHER THAN A LICENSE OBTAINED IN ACCORDANCE WITH SUBPARAGRAPH (IV)2 OF THIS PARAGRAPH.

~~(H)~~ (VI) THIS LICENSE MAY ONLY BE ISSUED TO RESTAURANTS THAT:

1. MEET THE DEFINITION REQUIREMENTS OF "RESTAURANT" ESTABLISHED UNDER THE REGULATIONS OF THE LIQUOR CONTROL BOARD;

2. HAVE A COCKTAIL LOUNGE OR BAR AREA SEATING CAPACITY NOT EXCEEDING 25% OF THE SEATING CAPACITY FOR DINING; AND

3. SUBJECT TO SUBPARAGRAPH ~~(H)~~ (VII) OF THIS PARAGRAPH, HAVE A MINIMUM CAPITAL INVESTMENT OF \$800,000 EXCLUSIVE OF THE COST OF THE LAND.

~~(H)~~ (VII) FOR PURPOSES OF SUBPARAGRAPH ~~(H)~~ (VI) OF THIS PARAGRAPH:

1. "CAPITAL INVESTMENT" MEANS THE AMOUNT PAID TO ACQUIRE PROPERTY:

A. FOR A USEFUL LIFE OF GREATER THAN 1 YEAR; OR

B. FOR A PERMANENT IMPROVEMENT OR BETTERMENT OF THE PROPERTY THAT HAS A USEFUL LIFE GREATER THAN 1 YEAR;

2. "COST OF LAND" INCLUDES:

A. THE PURCHASE PRICE, TAXES, AND FEES INCIDENTAL TO THE PURCHASE, INCLUDING COSTS RELATED TO OBTAINING APPROPRIATE ZONING AND LICENSING;

B. THE COSTS OF SITE GRADING, PREPARATION, PAVING, SIDEWALKS, GUTTERS, CURBS, AND LANDSCAPING; AND

C. THE COST OF CONSTRUCTION AND INSTALLATION OF ALL UTILITIES.

~~(H)~~ (VIII) 1. IF THE APPLICANT PURCHASES OR LEASES AN EXISTING BUILDING, THE CAPITAL INVESTMENT ATTRIBUTABLE TO THE COST OF THE LAND AND IMPROVEMENTS SHALL BE BASED ON THE ASSESSED VALUE OF THE