

4. Except as provided in subparagraph (vi) of this paragraph, before July 1, 1991 may not include an off-sale privilege for sales of alcoholic beverages from 12 midnight on Saturday to 2 a.m. on Monday.

(vii) In addition to the other requirements provided for in this subsection, in the 46th [and 47th] Alcoholic Beverages [Districts] DISTRICT the restaurant shall have a minimum:

1. Except as provided in subparagraph (ix) of this paragraph, capital investment of \$500,000 for restaurant facilities not including the cost of the land, the building, or improvements that are not to the interior of a building on the licensed premises; and

2. Seating capacity of 75 persons, and, except as provided in subparagraph (ix) of this paragraph, a maximum seating capacity of 150 persons.

(viii) 1. Notwithstanding § 1-102(a)(22)(i)3 of this article and, except as provided in subparagraph (ix) of this paragraph, for a licensee who is issued a Class B beer, wine and liquor license for use in a restaurant in the 46th [or 47th] Alcoholic Beverages District, the average daily receipts from the sale of food must be at least 51% of the total daily receipts of the restaurant.

(ix) The Board of Liquor License Commissioners for Baltimore City may issue a Class B beer, wine and liquor license for use in a restaurant that has a seating capacity exceeding 150 persons if the restaurant:

1. Is located in ward 26, precinct 8, **WARD 4 PRECINCT 1, OR WARD 3, PRECINCT 3** 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;

2. Has a minimum capital investment of \$700,000; and

3. Has average daily receipts from the sale of food that are at least 65% of the total daily receipts.

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(b-3A) Notwithstanding any other provisions of this section in Baltimore City or Baltimore County, the holder of a Class B, (on-sale — hotels and restaurants) beer, wine and liquor license under this article, by making application in the regular manner and paying the usual fee may obtain an additional Class B, (on-sale — hotels