

D. The area within the corporate limits of the municipality of Aberdeen.

(vi) A person that has obtained a Class BDR license under subparagraph (v)1 of this paragraph may not apply for and obtain any other Class B license other than a license obtained in accordance with subparagraph (v)2 of this paragraph.

(vii) 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 (viii) of this paragraph, have a minimum capital investment of \$800,000 exclusive of the cost of the land.

(viii) For purposes of subparagraph (vii) 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.

(ix) 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 land and improvements in accordance with