

**CITY OF BALTIMORE
COUNCIL BILL 07-0605
(First Reader)**

Introduced by: Councilmembers Harris, Curran, President Rawlings-Blake
At the request of: Belvedere Holdings, LLC
Address: c/o Stanley S. Fine, Esquire, 25 South Charles Street, Suite 2115, Baltimore,
Maryland 21201
Telephone: 410-727-6600
Introduced and read first time: February 26, 2007
Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: Board of Municipal and Zoning Appeals, City Solicitor, Planning Commission, Department of Housing and Community Development, Department of Public Works, Fire Department, Baltimore City Parking Authority Board, Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Planned Unit Development – Amendment 3 –**
3 **York Road and Belvedere Avenue (Belvedere Square)**

4 FOR the purpose of approving certain amendments to the Development Plan of the York Road
5 and Belvedere Avenue (Belvedere Square) Planned Unit Development.

6 BY authority of
7 Article - Zoning
8 Title 9, Subtitles 1 and 4
9 Baltimore City Revised Code
10 (Edition 2000)

11 **Recitals**

12 By Ordinance 74-771, as amended by Ordinance 84-187 and Ordinance 04-858, the Mayor
13 and City Council approved the application to have certain property located east of York Road,
14 south of Northern Parkway, west of Clearspring Road, and north of Orkney Road designated as a
15 Business Planned Unit Development and approved the Development Plan submitted by the
16 applicant.

17 Belvedere Holdings, LLC, the owner of Belvedere Square, wishes to amend the
18 Development Plan, as previously approved by the Mayor and City Council, to allow outdoor
19 seating and table service at Belvedere Square.

20 On February 7, 2007, representatives of Belvedere Holdings, LLC, met with the Department
21 of Planning for a preliminary conference to explain the scope and nature of the proposed
22 amendments to the Development Plan.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 The representatives of Belvedere Holdings, LLC, have now applied to the Baltimore City
2 Council for approval of these amendments, and they have submitted amendments to the
3 Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 4 of the
4 Baltimore City Zoning Code.

5 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
6 Mayor and City Council approves the amendments to the Development Plan submitted by the
7 Developer, as attached to and made part of this Ordinance, including Exhibit B, “Seating Plan”,
8 dated February 14, 2007.

9 **SECTION 2. AND BE IT FURTHER ORDAINED,** That Section 5 of Ordinance 84-187 is
10 amended to read as follows:

11 SECTION 5. AND BE IT FURTHER ORDAINED, That only the following uses are
12 allowed on the site:

13 (1) those permitted in the B-1 and B-2 Zoning Districts as listed in
14 §§ 6-206 and 6-306 of the Zoning Code.[; and]

15 (2) Restaurants and lunchrooms - including live entertainment and
16 dancing in Area A only, with hours not exceeding 11:00 a.m.
17 to 11:00 p.m. on Sunday through Thursday, 11:00 a.m. to 1:00
18 a.m. on Fridays and Saturdays, and 11:00 a.m. to 1:30 a.m. on
19 days for special events, the maximum number is 5 per year.
20 THE LIVE ENTERTAINMENT AND DANCING ALLOWED FOR AREA
21 A (RYAN’S DAUGHTER LOCATION) SHALL BE INSIDE THE
22 PREMISES ONLY.

23 (3) OUTDOOR SEATING AND OUTDOOR TABLE SERVICE AS
24 ACCESSORY TO ANY PERMITTED USE IN THE PUD IS PERMITTED
25 UPON THE FOLLOWING CONDITIONS:

26 (A) THE PATH OF TRAVEL ADJACENT TO THE OUTDOOR
27 AREAS FOR SEATING AND TABLE SERVICE COMPLIES
28 WITH LAW.

29 (B) EXHIBIT B, “SEATING PLAN”, DATED FEBRUARY 14,
30 2007, PROVIDES THE MAXIMUM NUMBER OF TABLES AND
31 SEATS PERMITTED AND SHOWS THE OUTDOOR TABLE
32 AND SEATING PLAN AT BELVEDERE SQUARE. THE PLAN
33 WOULD ALLOW THE RELOCATION OF TABLES AND SEATS
34 WITHIN THE PUD PROVIDED THAT THE MAXIMUM
35 NUMBER OF TABLES AND SEATS AS SET FORTH IN THE
36 PLAN IS NOT EXCEEDED.

37 (C) ANY ADDITIONAL TABLES AND SEATS EXCEEDING THE
38 MAXIMUM NUMBER OF TABLES AND SEATS IN THE PLAN
39 IS PERMITTED SUBJECT TO FINAL DESIGN APPROVAL BY
40 THE PLANNING COMMISSION. THE PLANNING
41 COMMISSION’S APPROVAL IS LIMITED TO THE USE AT
42 THE SPECIFIC LOCATION ADJOINING THE ADDITIONAL

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1 TABLES AND SEATS. WHEN SUCH USE CHANGES, THE
2 APPROVAL FOR THE ADDITIONAL TABLES AND SEATS
3 TERMINATES. ANY REQUEST FOR ADDITIONAL TABLES
4 AND SEATS FOR THE NEW USE WOULD REQUIRE FINAL
5 DESIGN APPROVAL OF THE PLANNING COMMISSION IN
6 THE MANNER DESCRIBED ABOVE.

7 (D) THERE WILL BE NO OUTDOOR BAR BY TENANTS AT
8 BELVEDERE SQUARE.

9 (E) THE HOURS FOR OUTDOOR SEATING AND OUTDOOR
10 TABLE SERVICE WOULD BE LIMITED AS FOLLOWS:
11 SUNDAY THROUGH THURSDAY - UP TO 10:00 P.M.;
12 FRIDAY AND SATURDAY - UP TO 11:30 P.M.

13 (F) EXCEPT FOR TABLES AND SEATS ADJOINING A RETAIL
14 LOCATION IN BELVEDERE SQUARE FRONTING ON YORK
15 ROAD OR A LOCATION WITH AN ALCOHOLIC BEVERAGES
16 LICENSE, THE OUTDOOR TABLES AND SEATS MAY BE
17 USED BY PATRONS OF BELVEDERE SQUARE IN ANY
18 LOCATION.

19 **SECTION 3. AND BE IT FURTHER ORDAINED,** That all plans for the construction of
20 permanent improvements on the property are subject to final design approval by the Planning
21 Commission to insure that the plans are consistent with the Development Plan and this
22 Ordinance.

23 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the Planning Department may determine
24 what constitutes minor or major modifications of the Plan. Minor modifications require approval
25 by the Planning Commission. Major modifications require approval by Ordinance.

26 **SECTION 5. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
27 accompanying amended Development Plan and in order to give notice to the agencies that
28 administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the
29 President of the City Council shall sign the amended Development Plan; (ii) when the Mayor
30 approves this Ordinance, the Mayor shall sign the amended Development Plan; and (iii) the
31 Director of Finance then shall transmit a copy of this Ordinance and the amended Development
32 Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the
33 Commissioner of Housing and Community Development, the Supervisor of Assessments for
34 Baltimore City, and the Zoning Administrator.

35 **SECTION 6. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
36 after the date it is enacted.