

**CITY OF BALTIMORE
COUNCIL BILL 14-0326
(First Reader)**

Introduced by: Councilmembers Henry, Curran

At the request of: Belvedere Holdings, LLC

Address: c/o Stacey Pack, 1040 Hull Street, Suite One, Baltimore, Maryland 21230

Telephone: 443-928-3921

Introduced and read first time: February 10, 2014

Assigned to: Land Use and Transportation Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Planned Unit Development – Amendment 5 –**
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 Ordinances 84-187, 04-858, 07-500, and 09-174, the
13 Mayor and City Council (i) approved the application to have certain property located east of
14 York Road, south of Northern Parkway, west of Clearspring Road, and north of Orkney Road
15 designated as a Business Planned Unit Development and approved the Development Plan
16 submitted by the applicant.

17 Belvedere Holdings, LLC, the owner of Belvedere Square, wishes to amend the Development
18 Plan, as previously approved by the Mayor and City Council, to reauthorize certain provisions of
19 Amendment 4 of the Development Plan, which had previously terminated, as per the provision of
20 Section 4 of Ordinance 09-174. This Planned Unit Development amendment would reauthorize
21 special events and the outdoor display and sale of merchandise as permitted uses and would
22 provide a termination date for those provisions. It would also revise Exhibit B, “Seating Plan”,
23 to modify the maximum number of outdoor tables and seats permitted.

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

Council Bill 14-0326

1 On August 8, 2013, representatives of Belvedere Square, LLC, met with the Department of
2 Planning for a preliminary conference to explain the scope and nature of the proposed
3 amendments to the Development Plan.

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

8 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
9 Section 5 of Ordinance 84-187, as amended by Ordinance 09-174, is amended to read as follows:

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

12

13 (3) Outdoor seating and outdoor table service as accessory to any permitted use in
14 the PUD is permitted upon the following conditions:

15

16 (b) Exhibit B, "Seating Plan", dated [May 16, 2007] JULY
17 8, 2013, provides the maximum number of tables and
18 seats permitted and shows the outdoor table and seating
19 Plan at Belvedere Square. The Plan would allow the
20 relocation of tables and seats within the PUD provided
21 that the maximum number of tables and seats as set
22 forth in the Plan is not exceeded.

23 (4) "SPECIAL EVENTS" ARE PERMITTED.

24 (A) A "SPECIAL EVENT" AS USED IN THIS SUBSECTION (4)
25 SHALL BE DEFINED AS A SINGLE-DAY OUTDOOR PUBLIC
26 GATHERING CONSISTING OF MUSICAL ENTERTAINMENT
27 AND MOVIES AND MULTI-DAY ARTISTIC OR SEASONAL
28 FESTIVALS.

29 (B) A MAXIMUM OF 30 SPECIAL EVENTS ARE PERMITTED
30 ANNUALLY.

31 (C) MUSICAL ENTERTAINMENT, MOVIES, AND FILMS ARE
32 PERMITTED ONLY ON FRIDAYS AND SATURDAYS.

33 (D) ANY SPECIAL EVENT HELD ON SUNDAY THROUGH
34 THURSDAY, OF WHICH A MAXIMUM OF 5 ARE PERMITTED
35 ANNUALLY, SHALL END BY SUNSET. ALL SPECIAL
36 EVENTS HELD ON FRIDAYS AND SATURDAYS SHALL END
37 NO LATER THAN 9:00 P.M., EXCEPT FOR MOVIES AND
38 FILMS, WHICH SHALL END NO LATER THAN 11:00 P.M.

39 (E) AMPLIFICATION NOISE AT THE PROPERTY LINE SHALL
40 NOT EXCEED THE CITY'S NOISE LIMIT.

Council Bill 14-0326

1 (F) TENANTS OF BELVEDERE SQUARE AND APPROVED
2 OUTSIDE VENDORS ARE PERMITTED TO SELL FOOD,
3 ALCOHOLIC BEVERAGES, AND MERCHANDISE IN
4 DESIGNATED LOCATIONS DURING SPECIAL EVENTS.

5 (G) THE MANAGEMENT/OWNERS OF BELVEDERE SQUARE
6 SHALL BE RESPONSIBLE FOR THE ESTABLISHMENT AND
7 MAINTENANCE OF A TRAFFIC AND PARKING
8 MANAGEMENT PLAN, A PEDESTRIAN SAFETY PLAN, AN
9 OUTDOOR SECURITY PLAN, AND A TRASH PICKUP AND
10 MANAGEMENT PLAN. THE TRAFFIC AND PARKING
11 MANAGEMENT PLAN AND THE PEDESTRIAN SAFETY PLAN
12 MUST BE REVIEWED AND APPROVED BY THE
13 DEPARTMENT OF TRANSPORTATION, THE PARKING
14 AUTHORITY, AND THE RIGHT-OF-WAY SECTION OF THE
15 DEPARTMENT OF PUBLIC WORKS.

16 (5) OUTDOOR DISPLAY AND SALE OF MERCHANDISE ARE PERMITTED
17 IN THE AREAS SHOWN IN EXHIBIT B OF THE PLANNED UNIT
18 DEVELOPMENT BY TENANTS OF BELVEDERE SQUARE.

19 (6) THE PUBLIC SIDEWALK ALONG BELVEDERE AVENUE SHALL REMAIN
20 UNOBSTRUCTED.

21 **SECTION 3. AND BE IT FURTHER ORDAINED,** That, with no further action of the Mayor and
22 City Council, this Ordinance (except as otherwise specified in this Section 3) automatically will
23 terminate and be of no further effect 3 years from the date of its enactment; however, this
24 termination does not apply to the following provision of Ordinance 84-187, as amended or
25 reordained by this Ordinance: Section 5(3)(b).

26 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the management/owner of Belvedere
27 Square shall annually prepare a list of planned events for the upcoming year and a list of events
28 held in the past year. These lists shall be transmitted to the neighborhood associations
29 contiguous to Belvedere Square by January 30 of each year.

30 **SECTION 5. AND BE IT FURTHER ORDAINED,** That a decision of the Zoning Administrator,
31 including the issuance of a violation notice under Zoning Code § 17-101 or the failure to issue a
32 violation notice within 15 days of receiving a 2nd violation statement under Zoning Code § 17-
33 102, may be appealed within 30 days to the Board by:

34 (1) any person aggrieved by the decision or failure to act; or

35 (2) any officer, department, board, bureau, or other unit of the City that is affected by
36 the decision or failure to act.

37 **SECTION 6. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
38 accompanying amended Development Plan and in order to give notice to the agencies that
39 administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the
40 President of the City Council shall sign the amended Development Plan; (ii) when the Mayor
41 approves this Ordinance, the Mayor shall sign the amended Development Plan; and (iii) the

Council Bill 14-0326

1 Director of Finance then shall transmit a copy of this Ordinance and the amended Development
2 Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the
3 Commissioner of Housing and Community Development, the Supervisor of Assessments for
4 Baltimore City, and the Zoning Administrator.

5 **SECTION 7. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
6 after the date it is enacted.