

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 08-0135**

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Introduced by: Councilmember Henry  
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: June 2, 2008  
Assigned to: Land Use and Transportation Committee  
Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: April 27, 2009

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**AN ORDINANCE CONCERNING**

**Planned Unit Development – Amendment 4 –  
York Road and Belvedere Avenue (Belvedere Square)**

FOR the purpose of approving certain amendments to the Development Plan of the York Road and Belvedere Avenue (Belvedere Square) Planned Unit Development; and providing for a special effective date.

By authority of  
Article - Zoning  
Title 9, Subtitles 1 and 4  
Baltimore City Revised Code  
(Edition 2000)

**Recitals**

By Ordinance 74-771, as amended by Ordinances 84-187, 04-858, and 07-500, the Mayor and City Council approved the application to have certain property located east of York Road, south of Northern Parkway, west of Clearspring Road, and north of Orkney Road designated as a Business Planned Unit Development and approved the Development Plan submitted by the applicant.

Belvedere Holdings, LLC, the owner of Belvedere Square, wishes to amend the Development Plan, as previously approved by the Mayor and City Council, to add special events and the outdoor display and sale of merchandise as permitted uses, to modify the areas in which live entertainment and dancing are permitted, to provide a termination date for this Ordinance, and to grant any neighborhood association that is contiguous to the Planned Unit Development the right to enforce the terms of this Ordinance.

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1 On May 14, 2008, 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 the  
9 Mayor and City Council approves the amendments to the Development Plan submitted by the  
10 Developer, as attached to and made part of this Ordinance, including Exhibit C, "Location Plat",  
11 dated May 14, 2008.

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

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

16 (1) those permitted in the B-1 and B-2 Zoning Districts as listed in  
17 §§ 6-206 and 6-306 of the Zoning Code.

18 (2) Restaurants and lunchrooms - including live entertainment and  
19 dancing in [Area A] AREAS A AND B only, with hours not  
20 exceeding 11:00 a.m. to 11:00 p.m. on Sunday through  
21 Thursday, 11:00 a.m. to 1:00 a.m. on Fridays and Saturdays,  
22 and 11:00 a.m. to 1:30 a.m. on days for special events, the  
23 maximum number [is] BEING 5 per year.

24 (A) The live entertainment and dancing allowed for  
25 [Area A] AREAS A AND B (Ryan's Daughter  
26 AND THE FORMER TASTE RESTAURANT location)  
27 shall be inside the premises only, AND THE  
28 DOORS SHALL REMAIN CLOSED EXCEPT FOR  
29 INGRESS AND EGRESS.

30 (B) THE MANAGEMENT/OWNERS OF BELVEDERE  
31 SQUARE, IN COOPERATION WITH THE AREA A  
32 AND AREA B TENANTS, SHALL BE RESPONSIBLE  
33 FOR THE ESTABLISHMENT AND MAINTENANCE OF  
34 A TRAFFIC AND PARKING MANAGEMENT PLAN, A  
35 PEDESTRIAN SAFETY PLAN, AN OUTDOOR  
36 SECURITY PLAN, AND A TRASH PICKUP AND  
37 MANAGEMENT PLAN. THE TRAFFIC AND PARKING  
38 MANAGEMENT PLAN AND THE PEDESTRIAN  
39 SAFETY PLAN MUST BE REVIEWED AND  
40 APPROVED BY THE DEPARTMENT OF  
41 TRANSPORTATION, THE PARKING AUTHORITY,  
42 AND THE RIGHT-OF-WAY SECTION OF THE  
43 DEPARTMENT OF PUBLIC WORKS.

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

4 (a) The path of travel adjacent to the outdoor areas for  
5 seating and table service complies with law.

6 (b) Exhibit B, "Seating Plan", dated May 16, 2007,  
7 provides the maximum number of tables and seats  
8 permitted and shows the outdoor table and seating Plan  
9 at Belvedere Square. The Plan would allow the  
10 relocation of tables and seats within the PUD provided  
11 that the maximum number of tables and seats as set  
12 forth in the Plan is not exceeded.

13 (c) Any additional tables and seats exceeding the  
14 maximum number of tables and seats in the Plan is  
15 permitted subject to final design approval by the  
16 Planning Commission. The Planning Commission's  
17 approval is limited to the use at the specific location  
18 adjoining the additional tables and seats. When such  
19 use changes, the approval for the additional tables and  
20 seats terminates. Any request for additional tables and  
21 seats for the new use would require final design  
22 approval of the Planning Commission in the manner  
23 described above.

24 (d) There will be no outdoor bar by tenants at Belvedere  
25 Square.

26 (e) The hours for outdoor seating and outdoor table service  
27 would be limited as follows: Sunday through Thursday  
28 - up to 10:00 p.m.; Friday and Saturday - up to 11:30  
29 p.m.

30 (f) Except for tables and seats adjoining a retail location in  
31 Belvedere Square fronting on York Road or a location  
32 with an alcoholic beverages license, the outdoor tables  
33 and seats may be used by patrons of Belvedere Square  
34 in any location.

35 (4) "SPECIAL EVENTS" ARE PERMITTED.

36 (A) A "SPECIAL EVENT" AS USED IN THIS SUBSECTION (4)  
37 SHALL BE DEFINED AS A SINGLE-DAY OUTDOOR PUBLIC  
38 GATHERING CONSISTING OF MUSICAL ENTERTAINMENT  
39 AND MOVIES AND MULTI-DAY ARTISTIC OR SEASONAL  
40 FESTIVALS.

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

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

3 (D) ANY SPECIAL EVENT HELD ON SUNDAY THROUGH  
4 THURSDAY, OF WHICH A MAXIMUM OF 5 ARE PERMITTED  
5 ANNUALLY, SHALL END BY SUNSET. ALL SPECIAL  
6 EVENTS HELD ON FRIDAYS AND SATURDAYS SHALL END  
7 NO LATER THAN 9:00 P.M., EXCEPT FOR MOVIES AND  
8 FILMS, WHICH SHALL END NO LATER THAN 11:00 P.M.

9 (E) AMPLIFICATION NOISE AT THE PROPERTY LINE SHALL  
10 NOT EXCEED ~~100 DB~~ OR THE CITY'S NOISE LIMIT;  
11 ~~WHICHEVER IS GREATER.~~

12 (F) TENANTS OF BELVEDERE SQUARE AND APPROVED  
13 OUTSIDE VENDORS ARE PERMITTED TO SELL FOOD,  
14 ALCOHOLIC BEVERAGES, AND MERCHANDISE IN  
15 DESIGNATED LOCATIONS DURING SPECIAL EVENTS.

16 (G) THE MANAGEMENT/OWNERS OF BELVEDERE SQUARE  
17 SHALL BE RESPONSIBLE FOR THE ESTABLISHMENT AND  
18 MAINTENANCE OF A TRAFFIC AND PARKING  
19 MANAGEMENT PLAN, A PEDESTRIAN SAFETY PLAN, AN  
20 OUTDOOR SECURITY PLAN, AND A TRASH PICKUP AND  
21 MANAGEMENT PLAN. THE TRAFFIC AND PARKING  
22 MANAGEMENT PLAN AND THE PEDESTRIAN SAFETY PLAN  
23 MUST BE REVIEWED AND APPROVED BY THE  
24 DEPARTMENT OF TRANSPORTATION, THE PARKING  
25 AUTHORITY, AND THE RIGHT-OF-WAY SECTION OF THE  
26 DEPARTMENT OF PUBLIC WORKS.

27 (5) OUTDOOR DISPLAY AND SALE OF MERCHANDISE ARE  
28 PERMITTED ~~ON THE SIDEWALK AND COMMON AREAS~~ IN THE  
29 AREAS SHOWN IN EXHIBIT B OF THE PLANNED UNIT  
30 DEVELOPMENT BY TENANTS OF BELVEDERE SQUARE.

31 (6) THE PUBLIC SIDEWALK ALONG BELVEDERE AVENUE SHALL REMAIN  
32 UNOBSTRUCTED.

33 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the Development Plan is to be revised to  
34 show Area A, 600 E. Belvedere Avenue (the Ryan's Daughter location) and an Area B, 510 E.  
35 Belvedere Avenue (the former Taste Restaurant location).

36 **SECTION 4. AND BE IT FURTHER ORDAINED,** That, with no further action of the Mayor and  
37 City Council, this Ordinance (except as otherwise specified in this Section 4) automatically will  
38 terminate and be of no further effect 3 years from the date of its enactment. This termination  
39 does not apply, however, to the following provisions of Ordinance 84-187, as amended or  
40 reordained by this Ordinance: Section 5(2), as it relates to Ryan's Daughter; and Sections 5(1)  
41 and 5(3).

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1       **SECTION 5. AND BE IT FURTHER ORDAINED,** That the management/owner of Belvedere  
2 Square shall annually prepare a list of planned events for the upcoming year and a list of events  
3 held in the past year. These lists, along with a copy of the plans specified in Section 5(2)(b),  
4 shall be transmitted to the neighborhood associations contiguous to Belvedere Square by January  
5 30 of each year.

6       **SECTION 6. AND BE IT FURTHER ORDAINED,** That ~~any neighborhood association that is~~  
7 ~~contiguous to Belvedere Square shall have the right to enforce the terms of this Ordinance a~~  
8 ~~decision of the Zoning Administrator, including the issuance of a violation notice under Zoning~~  
9 ~~Code § 17-101 or the failure to issue a violation notice within 15 days of receiving a 2<sup>nd</sup> violation~~  
10 ~~statement under Zoning Code § 17-102, may be appealed within 30 days to the Board by:~~

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

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

14       **SECTION 7. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the  
15 accompanying amended Development Plan and in order to give notice to the agencies that  
16 administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the  
17 President of the City Council shall sign the amended Development Plan; (ii) when the Mayor  
18 approves this Ordinance, the Mayor shall sign the amended Development Plan; and (iii) the  
19 Director of Finance then shall transmit a copy of this Ordinance and the amended Development  
20 Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the  
21 Commissioner of Housing and Community Development, the Supervisor of Assessments for  
22 Baltimore City, and the Zoning Administrator.

23       **SECTION 8. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on ~~the 30<sup>th</sup> day~~  
24 ~~after~~ the date it is enacted.

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Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City