

**CITY OF BALTIMORE
COUNCIL BILL 08-0135
(First Reader)**

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

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, 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 4 –**
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, and 07-500, 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 add special events
19 and the outdoor display and sale of merchandise as permitted uses, to modify the areas in which
20 live entertainment and dancing are permitted, to provide a termination date for this Ordinance,
21 and to grant any neighborhood association that is contiguous to the Planned Unit Development
22 the right to enforce the terms of this Ordinance.

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

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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,
35 AN OUTDOOR SECURITY PLAN, AND A TRASH
36 PICKUP AND MANAGEMENT PLAN.

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

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

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

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

19 (d) There will be no outdoor bar by tenants at Belvedere
20 Square.

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

25 (f) Except for tables and seats adjoining a retail location in
26 Belvedere Square fronting on York Road or a location
27 with an alcoholic beverages license, the outdoor tables
28 and seats may be used by patrons of Belvedere Square
29 in any location.

30 (4) "SPECIAL EVENTS" ARE PERMITTED.

31 (A) A "SPECIAL EVENT" AS USED IN THIS SUBSECTION (4)
32 SHALL BE DEFINED AS A SINGLE-DAY OUTDOOR PUBLIC
33 GATHERING CONSISTING OF MUSICAL ENTERTAINMENT
34 AND MOVIES AND MULTI-DAY ARTISTIC OR SEASONAL
35 FESTIVALS.

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

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

40 (D) ANY SPECIAL EVENT HELD ON SUNDAY THROUGH
41 THURSDAY, OF WHICH A MAXIMUM OF 5 ARE PERMITTED
42 ANNUALLY, SHALL END BY SUNSET. ALL SPECIAL

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1 EVENTS HELD ON FRIDAYS AND SATURDAYS SHALL END
2 NO LATER THAN 9:00 P.M., EXCEPT FOR MOVIES AND
3 FILMS, WHICH SHALL END NO LATER THAN 11:00 P.M.

4 (E) AMPLIFICATION NOISE AT THE PROPERTY LINE SHALL
5 NOT EXCEED 100 DB OR THE CITY'S NOISE LIMIT,
6 WHICHEVER IS GREATER.

7 (F) TENANTS OF BELVEDERE SQUARE AND APPROVED
8 OUTSIDE VENDORS ARE PERMITTED TO SELL FOOD,
9 ALCOHOLIC BEVERAGES, AND MERCHANDISE IN
10 DESIGNATED LOCATIONS DURING SPECIAL EVENTS.

11 (G) THE MANAGEMENT/OWNERS OF BELVEDERE SQUARE
12 SHALL BE RESPONSIBLE FOR THE ESTABLISHMENT AND
13 MAINTENANCE OF A TRAFFIC AND PARKING
14 MANAGEMENT PLAN, AN OUTDOOR SECURITY PLAN, AND
15 A TRASH PICKUP AND MANAGEMENT PLAN.

16 (5) OUTDOOR DISPLAY AND SALE OF MERCHANDISE ARE
17 PERMITTED ON THE SIDEWALK AND COMMON AREAS OF THE
18 PLANNED UNIT DEVELOPMENT BY TENANTS OF BELVEDERE
19 SQUARE.

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

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

29 **SECTION 5. AND BE IT FURTHER ORDAINED,** That the management/owner of Belvedere
30 Square shall annually prepare a list of planned events for the upcoming year and a list of events
31 held in the past year. These lists, along with a copy of the plans specified in Section 5(2)(b),
32 shall be transmitted to the neighborhood associations contiguous to Belvedere Square by January
33 30 of each year.

34 **SECTION 6. AND BE IT FURTHER ORDAINED,** That any neighborhood association that is
35 contiguous to Belvedere Square shall have the right to enforce the terms of this Ordinance.

36 **SECTION 7. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
37 accompanying amended Development Plan and in order to give notice to the agencies that
38 administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the
39 President of the City Council shall sign the amended Development Plan; (ii) when the Mayor
40 approves this Ordinance, the Mayor shall sign the amended Development Plan; and (iii) the
41 Director of Finance then shall transmit a copy of this Ordinance and the amended Development
42 Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the

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1 Commissioner of Housing and Community Development, the Supervisor of Assessments for
2 Baltimore City, and the Zoning Administrator.

3 **SECTION 8. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
4 after the date it is enacted.