

CITY OF BALTIMORE  
ORDINANCE \_\_\_\_  
Council Bill 07-0605

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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  

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Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: July 16, 2007  

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AN ORDINANCE CONCERNING

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

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

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

10                                **Recitals**

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

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

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

**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 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~~ May 16, 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 MAY 16, 2007, PROVIDES THE MAXIMUM NUMBER OF  
31 TABLES AND SEATS PERMITTED AND SHOWS THE  
32 OUTDOOR TABLE AND SEATING PLAN AT BELVEDERE  
33 SQUARE. THE PLAN WOULD ALLOW THE RELOCATION  
34 OF TABLES AND SEATS WITHIN THE PUD PROVIDED  
35 THAT THE MAXIMUM NUMBER OF TABLES AND SEATS AS  
36 SET FORTH IN THE 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 30<sup>th</sup> day  
36 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\_\_

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Mayor, Baltimore City