CITY OF BALTIMORE **ORDINANCE** Council Bill 14-0326

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

Committee Report: Favorable with amendments

Council action: Adopted

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Read second time: April 28, 2014

AN ORDINANCE CONCERNING

1 2	Planned Unit Development – Amendment 5 – York Road and Belvedere Avenue (Belvedere Square)			
3 4 5	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.			
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.			

Belvedere Holdings, LLC, the owner of Belvedere Square, wishes to amend the Development Plan, as previously approved by the Mayor and City Council, to reauthorize certain provisions of Amendment 4 of the Development Plan, which had previously terminated, as per the provision of Section 4 of Ordinance 09-174. This Planned Unit Development amendment would reauthorize special events and the outdoor display and sale of merchandise as permitted uses and would provide a termination date for those provisions. It would also revise Exhibit B, "Seating Plan", 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. 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 2 3	On August 8, 2013, representatives of Belvedere Square, LLC, met with the Department of Planning for a preliminary conference to explain the scope and nature of the proposed amendments to the Development Plan.					
4 5 6 7	The representatives of Belvedere Square, LLC, have now applied to the Baltimore City Council for approval of these amendments, and they have submitted amendments to the Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.					
8 9	SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE , That Section 5 of Ordinance 84-187, as amended by Ordinance 09-174, is amended to read as follows					
10 11 12	SECTION 5. AND BE IT FURTHER ORDAINED, That only the following uses are allowed on the site:					
13 14	(3) Outdoor seating and outdoor table service as accessory to any permitted use in the PUD is permitted upon the following conditions:					
15 16 17	(b) Exhibit B, "Seating Plan", dated [May 16, 2007] JULY 8, 2013, provides the maximum number of tables and					
18 19	seats permitted and shows the outdoor table and seating 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 24	(4) "SPECIAL EVENTS" ARE PERMITTED.					
25	(A) A "SPECIAL EVENT" AS USED IN THIS SUBSECTION (4)					
26	SHALL BE DEFINED AS A SINGLE-DAY OUTDOOR PUBLIC					
27	GATHERING CONSISTING OF MUSICAL ENTERTAINMENT					
28 29	AND MOVIES AND MULTI-DAY ARTISTIC OR SEASONAL FESTIVALS.					
30	(B) A MAXIMUM OF 30 SPECIAL EVENTS ARE PERMITTED					
31	ANNUALLY.					
32	(C) MUSICAL ENTERTAINMENT, MOVIES, AND FILMS ARE					
33	PERMITTED ONLY ON FRIDAYS AND SATURDAYS.					
34	(D) ANY SPECIAL EVENT HELD ON SUNDAY THROUGH					
35	THURSDAY, OF WHICH A MAXIMUM OF 5 ARE PERMITTED					
36	ANNUALLY, SHALL END BY SUNSET. ALL SPECIAL					
37 38	EVENTS HELD ON FRIDAYS AND SATURDAYS SHALL END NO LATER THAN 9:00 P.M., EXCEPT FOR MOVIES AND					
38 39	FILMS, WHICH SHALL END NO LATER THAN 11:00 P.M.					
40	(E) AMPLIFICATION NOISE AT THE PROPERTY LINE SHALL					
41	NOT EXCEED THE CITY'S NOISE LIMIT.					

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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
1	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 General Services.
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 2 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 $\frac{3}{2}$) 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 3 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 4 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 2 nd 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 5 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
10	President of the City Council shall sign the amended Development Plan; (ii) when the Mayor
11	approves this Ordinance, the Mayor shall sign the amended Development Plan; and (iii) the

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1 2 3 4	Director of Finance then shall transmit a copy of this Ordinance and the amended Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.				
5 6	SECTION <u>6</u> 7. AND BE IT FURTHER ORDAINED , That this Ordinance takes effect on the 30 th day after the date it is enacted.				
	Certified as duly passed this	day of	, 20		
	Certified as duly delivered to	o Her Honor, the	President, Baltimore City Council Mayor,		
	this day of	, 20			
			Chief Clerk		
	Approved this day of	·			
			Mayor, Baltimore City		