



Legislation Details (With Text)

File #: 08-0135 **Version:** 0 **Name:** Planned Unit Development - Amendment 4 - York Road and Belvedere Avenue (Belvedere Square)

Type: Ordinance **Status:** Enacted

File created: 6/2/2008 **In control:** City Council

On agenda: **Final action:** 6/1/2009

Enactment date: **Enactment #:** 09-174

Title: 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.

Sponsors: Bill Henry

Indexes: Amendment, PUD (Planned Unit Development)

Code sections:

Attachments: 1. 08-0135 - 1st Reader.pdf, 2. DPW - 08-0135.pdf, 3. BDC - 08-0135.pdf, 4. Planning - 08-0135.pdf, 5. HCD - 08-0135.pdf, 6. Law - 08-0135.pdf, 7. Parking Authority - 08-0135.pdf, 8. Fire - 08-0135.pdf, 9. Transportation - 08-0135.pdf, 10. BMZA - 08-0135.pdf, 11. 08-0135 - 3rd Reader.pdf

Date	Ver.	Action By	Action	Result
6/1/2009	0	Mayor	Signed by Mayor	
5/18/2009	0	City Council	Approved and Sent to the Mayor	
5/4/2009	0	City Council	Advanced to 3rd Reader, for Final Passage	
4/27/2009	0	City Council	Advanced to 3rd Rdr., Adopted Comm. Report	
4/27/2009	0	Land Use & Transportation Committee	Recommended Favorably with Amendment	
4/27/2009	0	City Council	Amended	
7/15/2008	0	Land Use & Transportation Committee	Advertised at Introduction	
7/1/2008	0	Land Use & Transportation Committee	Sign Posting	
6/13/2008	0	Land Use & Transportation Committee	Advertising	
6/9/2008	0	Land Use & Transportation Committee	Scheduled for a Public Hearing	
6/5/2008	0	The City Council	Referred for a Report	
6/5/2008	0	The City Council	Referred for a Report	
6/5/2008	0	The City Council	Referred for a Report	
6/5/2008	0	The City Council	Referred for a Report	
6/5/2008	0	The City Council	Referred for a Report	
6/5/2008	0	The City Council	Referred for a Report	
6/5/2008	0	The City Council	Referred for a Report	

6/5/2008	0	The City Council	Referred for a Report
6/5/2008	0	The City Council	Referred for a Report
6/2/2008	0	City Council	Assigned
6/2/2008	0	City Council	Introduced

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

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THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.
INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

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

A BILL ENTITLED

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.

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.

On May 14, 2008, 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.

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.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the amendments to the Development Plan submitted by the Developer, as attached to and made part of this Ordinance, including Exhibit C, "Location Plat", dated May 14, 2008.

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

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

- (1) those permitted in the B-1 and B-2 Zoning Districts as listed in §§ 6-206 and 6-306 of the Zoning Code.
- (2) Restaurants and lunchrooms - including live entertainment and dancing in [Area A] AREAS A AND B only, with hours not exceeding 11:00 a.m. to 11:00 p.m. on Sunday through Thursday, 11:00 a.m. to 1:00 a.m. on Fridays and Saturdays, and 11:00 a.m. to 1:30 a.m. on days for special events, the maximum number [is] BEING 5 per year.
 - (A) The live entertainment and dancing allowed for [Area A] AREAS A AND B (Ryan's Daughter AND THE FORMER TASTE RESTAURANT location) shall be inside the premises only, AND THE DOORS SHALL REMAIN CLOSED EXCEPT FOR INGRESS AND EGRESS.
 - (B) THE MANAGEMENT/OWNERS OF BELVEDERE SQUARE, IN COOPERATION WITH THE AREA A AND AREA B TENANTS, SHALL BE RESPONSIBLE FOR THE ESTABLISHMENT AND MAINTENANCE OF A TRAFFIC AND PARKING MANAGEMENT PLAN, AN OUTDOOR SECURITY PLAN, AND A TRASH PICKUP AND MANAGEMENT PLAN.
- (3) Outdoor seating and outdoor table service as accessory to any permitted use in the PUD is permitted upon the following conditions:
 - (a) The path of travel adjacent to the outdoor areas for seating and table service complies with law.
 - (b) Exhibit B, "Seating Plan", dated May 16, 2007, provides the maximum number of tables and seats permitted and shows the outdoor table and seating Plan at Belvedere Square. The Plan would allow the relocation of tables and seats within the PUD provided that the maximum number of tables and seats as set forth in the Plan is not exceeded.
 - (c) Any additional tables and seats exceeding the maximum number of tables and seats in the Plan is permitted subject to final design approval by the Planning Commission. The Planning Commission's approval is limited to the use at the specific location adjoining the additional tables and seats. When such use changes, the approval for the additional tables and seats terminates. Any request for additional tables and seats for the new use would require final design approval of the Planning Commission in the manner described above.
 - (d) There will be no outdoor bar by tenants at Belvedere Square.
 - (e) The hours for outdoor seating and outdoor table service would be limited as follows: Sunday through Thursday - up to 10:00 p.m.; Friday and Saturday - up to 11:30 p.m.

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

(4) "SPECIAL EVENTS" ARE PERMITTED.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 7. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying amended Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the amended Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the amended Development Plan; and (iii) the 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.

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

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