



# City of Baltimore

City Council  
City Hall, Room 408  
100 North Holliday Street  
Baltimore, Maryland 21202

## Legislation Text

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**File #:** 14-0326, **Version:** 0

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

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INTRODUCTORY\*

CITY OF BALTIMORE  
COUNCIL BILL

Introduced by: Councilmember Henry  
At the request of: Belvedere Holdings, LLC  
Address: c/o Stacey Pack, 1040 Hull Street, Suite One, Baltimore, Maryland 21230  
Telephone: 443-928-3921

A BILL ENTITLED

AN ORDINANCE concerning  
**Planned Unit Development - Amendment 5 - 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, 07-500, and 09-174, the Mayor and City Council (i) 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 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.

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.

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 Section 5 of Ordinance 84-187, as amended by Ordinance 09-174, is amended to read as follows:

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

.....

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

.....

(b) Exhibit B, "Seating Plan", dated [May 16, 2007] JULY 8, 2013, 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.

(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 THE CITY'S NOISE LIMIT.

(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, A PEDESTRIAN SAFETY PLAN, AN OUTDOOR SECURITY PLAN, AND A TRASH PICKUP AND

MANAGEMENT PLAN. THE TRAFFIC AND PARKING MANAGEMENT PLAN AND THE PEDESTRIAN SAFETY PLAN MUST BE REVIEWED AND APPROVED BY THE DEPARTMENT OF TRANSPORTATION, THE PARKING AUTHORITY, AND THE RIGHT-OF-WAY SECTION OF THE DEPARTMENT OF PUBLIC WORKS.

(5) OUTDOOR DISPLAY AND SALE OF MERCHANDISE ARE PERMITTED IN THE AREAS SHOWN IN EXHIBIT B OF THE PLANNED UNIT DEVELOPMENT BY TENANTS OF BELVEDERE SQUARE.

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

SECTION 3. 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 3) automatically will terminate and be of no further effect 3 years from the date of its enactment; however, this termination does not apply to the following provision of Ordinance 84-187, as amended or reordained by this Ordinance: Section 5(3)(b).

SECTION 4. 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 shall be transmitted to the neighborhood associations contiguous to Belvedere Square by January 30 of each year.

SECTION 5. AND BE IT FURTHER ORDAINED, That a decision of the Zoning Administrator, including the issuance of a violation notice under Zoning Code § 17-101 or the failure to issue a violation notice within 15 days of receiving a 2nd violation statement under Zoning Code § 17-102, may be appealed within 30 days to the Board by:

- (1) any person aggrieved by the decision or failure to act; or
- (2) any officer, department, board, bureau, or other unit of the City that is affected by the decision or failure to act.

SECTION 6. 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 7. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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