



City of Baltimore

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

Legislation Text

File #: 07-0605, **Version:** 0

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 Harris
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 3 - 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 Ordinance 84-187 and Ordinance 04-858, 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 allow outdoor seating and table service at Belvedere Square.

On February 7, 2007, representatives of Belvedere Holdings, 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 Holdings, 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 B, (Seating Plan(, dated February 14, 2007.

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.[; and]
- (2) Restaurants and lunchrooms - including live entertainment and dancing in Area A 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 5 per year. THE LIVE ENTERTAINMENT AND DANCING ALLOWED FOR AREA A (RYAN(S DAUGHTER LOCATION) SHALL BE INSIDE THE PREMISES ONLY.
- (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 FEBRUARY 14, 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.

SECTION 3. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the property are subject to final design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

SECTION 4. AND BE IT FURTHER ORDAINED, That the Planning Department may determine what constitutes minor or major modifications of the Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance.

SECTION 5. 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 6. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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