

<b>FROM</b>	NAME & TITLE	TJA THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 <sup>th</sup> FLOOR
	SUBJECT	CITY COUNCIL BILL #09-0368/ ZONING- JUNK OR SCRAP STORAGE AND YARDS – CRITICAL AREA OVERLAY DISTRICT

CITY of  
BALTIMORE  
**MEMO**



**TO**

DATE:  
September 25, 2009

The Honorable President and  
Members of the City Council  
City Hall, Room 400  
100 N. Holliday Street

At its regular meeting of September 24, 2009 the Planning Commission considered City Council Bill #09-0368, for the purpose of defining "junk or scrap storage and yards" to clarify the scope of that term; expressly prohibiting the storage of junk or scrap on barges, docks, piers, and belt conveyor systems in the Critical Area Overlay District, but excepting certain activities limited to unloading and loading; prohibiting construction- and demolition-debris processing facilities in the Critical Area Overlay District; and generally relating to prohibited and permitted uses in the Critical Area Overlay District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendments to and approval of City Council Bill #09-0368. Also, the Commission recommended an additional amendment that removes item "(11) Construction- and demolition- debris processing facilities." on line 12 on page 3 from City Council Bill 09-0368. Thus, the Commission adopted the following resolution, seven members being present (six in favor, one abstained).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff and added an amendment and recommends that City Council Bill #09-0368 be amended and passed by the City Council.

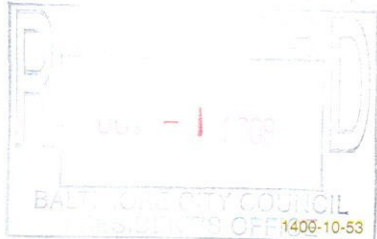
If you have questions, please contact Mr. Wolde Ararsa, Chief of Land Use and Urban Design Division, at 410-396-4488.

TJS/WYA/ttl

Attachments

- cc:
- Mr. Andrew Frank, Deputy Mayor
  - Mr. Demuane Milliard, Chief of Staff
  - Ms. Angela Gibson, Mayor's Office
  - The Honorable Rochelle "Rikki" Spector, Council Rep. for Planning Commission
  - Mr. David Tanner, BMZA
  - Mr. Geoffrey Veal, Zoning Administration
  - Ms. Nikol Nabors-Jackson, DHCD
  - Mr. Larry Greene, Councilmanic Services

F/A





Sheila Dixon  
Mayor

## PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

### STAFF REPORT



Thomas J. Stosur  
Director

September 24, 2009

**REQUEST:** City Council Bill #09-0368/Zoning – Junk or Scrap Storage and Yards – Critical Area Overlay District

For the purpose of defining "junk or scrap storage and yards" to clarify the scope of that term; expressly prohibiting the storage of junk or scrap on barges, docks, piers, and belt conveyor systems in the Critical Area Overlay District, but excepting certain activities limited to unloading and loading; prohibiting construction- and demolition-debris processing facilities in the Critical Area Overlay District; and generally relating to prohibited and permitted uses in the Critical Area Overlay District.

**RECOMMENDATION:** Approval with amendments that define "scrap," "processed metal" and "unprocessed metal." Planning Department amendments are shown on the "Unofficial Reprinted" version of the bill, which is attached to this report.

*(Please Note: If this bill is passed, it must go to the Critical Area Commission for approval.)*

**STAFF:** Gary Letteron

**PETITIONERS:** Baltimore Metal Recycling Association, LLC c/o AB Associates

**SITE/GENERAL AREA:**

The Critical Area is a statewide environmental zone that is the strip of land stretching 1,000 feet from the mean high tide landward with the first 100 feet designated as the Critical Area Buffer.

**HISTORY**

- Resolution # 87-0107, approved December 4, 1987 established the Baltimore City Critical Area Management Program (CAMP)
- Ordinance #87-1130, approved December 4, 1987, amendment to the City Code, Article 26-Streets and Highways-Stormwater Management
- Ordinance #87-1131, approved December 4, 1987, amendment to the City Code, Article 32-Building Code
- Ordinance #87-1132, approved December 4, 1987, amendment to the City Code, Article 30-Zoning
- Ordinance #94-0356, approved June 22, 1994, amending the CAMP
- Ordinance #95-0517, approved March 21, 1995, amending the CAMP

**ANALYSIS:**

In 1986, the State of Maryland General Assembly passed the Critical Area Criteria (COMAR 27.01). The main purpose of the CAMP is to:

- Improve the water quality of the Chesapeake Bay by controlling pollution from stormwater runoff, and
- To conserve and protect wildlife habitat along the shoreline of the Bay.

The State CAMP mandates that each local jurisdiction abutting the Chesapeake Bay and its tidal tributaries implement its own CAMP regulations to meet the State mandated goals. The City established its program in 1987. Each jurisdiction must reevaluate its local program every six years; the City's last reevaluation was in 2002. The Planning Department is currently preparing to update the Baltimore City program. The Planning Department staff will work closely with the State Critical Area Commission staff throughout the process.

Currently, "Junk or scrap storage and yards" are prohibited in the Critical Area. Scrap is allowed to be moved through the Critical Area and loaded directly onto a waiting ship. This is the only way scrap has been allowed in the CA, unless as a grandfathered use.

City Council Bill # 09-0368 is for clarification only, it clarifies and expressly re-enforces the existing Critical Area Law. This bill is at the request of the 3 largest recycling businesses in Baltimore. They represent over 150 direct jobs and have a combined investment of over \$200 million. By requesting this bill, the industry is saying that the recycling business is viable under current law. By reaffirming the current law, this bill will protect the waterfront and the port from storage of scrap, and protect the environment--the prohibition of scrap was enacted in 2002 to protect water quality.

Scrap can have negative environment impacts. Storm water runoff from scrap can carry toxic metals, such as zinc, copper, lead, cadmium, and chromium. It can carry paint and pigments, oil and lubricants, hydraulic fluids and heavy metals. Additionally, scrap can contain dust particles, including hazardous materials that can become airborne and contaminate air, soil and water.

The terms scrap, processed metal and unprocessed metal have been defined in the amendments to the bill, then "unprocessed metal, processed metal" inserted throughout the bill, where "scrap metal" appears. Please see the Unofficial Reprint to Show Context of Planning Department's Amendments from Legislative Reference."

**NOTIFICATIONS:** Staff mailed to a GIS generated database of M-3 property owners in the Critical Area (scrap and junk yards are a conditional use in M-3 zones), plus mailed to interested parties from the MIZOD database. City owned properties were excluded from this mailing.



**Thomas J. Stosur,  
Director**