

Introduced by: Councilmember Reisinger, *Middleton, Bullock, Dorsey, Harry, Cohen, Stokes, Sreed, Clark, ~~Reisinger~~, Burgett, Young*

At the request of: Baltimore Scrap Corporation

Address: c/o Caroline L. Hecker, Esq., 25 S. Charles St., 21st Floor, Baltimore, Md. 21201

Telephone: 410-727-6600

Prepared by: Department of Legislative Reference

Date: February 27, 2017

Referred to: **LAND USE AND TRANSPORTATION** Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 17-0031

A BILL ENTITLED

AN ORDINANCE concerning

**Zoning – Nonconforming Junk ... Yards or Vehicle Dismantling Facilities;
Recyclable Materials Recovery Facilities**

FOR the purpose of amending City Code Article 32 {"Zoning"}, as enacted by Ordinance 16-581 {"TransForm Baltimore – Zoning"}, to amend the definition of "vehicle dismantling facility", modify certain standards governing the use of lawful nonconforming vehicle dismantling facilities and lawful nonconforming junk or scrap storage and yards, and to prohibit recyclable materials recovery facilities from purchasing materials on-site from the public; clarifying and conforming related language; providing for a special effective date; and generally relating to the zoning regulations and standards governing vehicle dismantling facilities, junk or scrap storage and yards, and recyclable materials recovery facilities.

BY repealing and reordaining, with amendments

Article 32 - Zoning

Sections 1-314(q), 14-316(a), and 18-311(b) and (c)

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, without amendments

Article 32 - Zoning

Sections 14-324(c)

Baltimore City Code

(Edition 2000)

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

Baltimore City Public School System

Baltimore Development Corporation

City Solicitor

Comptroller's Office

Department of Audits

Department of Finance

Department of General Services

Department of Housing and Community Development

Department of Human Resources

Department of Planning

Other:

Other:

Other:

Department of Public Works

Department of Real Estate

Department of Recreation and Parks

Department of Transportation

Fire Department

Health Department

Mayor's Office of Employment Development

Mayor's Office of Human Services

Mayor's Office of Information Technology

Office of the Mayor

Police Department

Other:

Other:

Board of Estimates

Board of Ethics

Board of Municipal and Zoning Appeals

Comm. for Historical and Architectural Preservation

Commission on Sustainability

Employees' Retirement System

Other:

Other:

Other:

Environmental Control Board

Fire & Police Employees' Retirement System

Labor Commissioner

Parking Authority Board

Planning Commission

Wage Commission

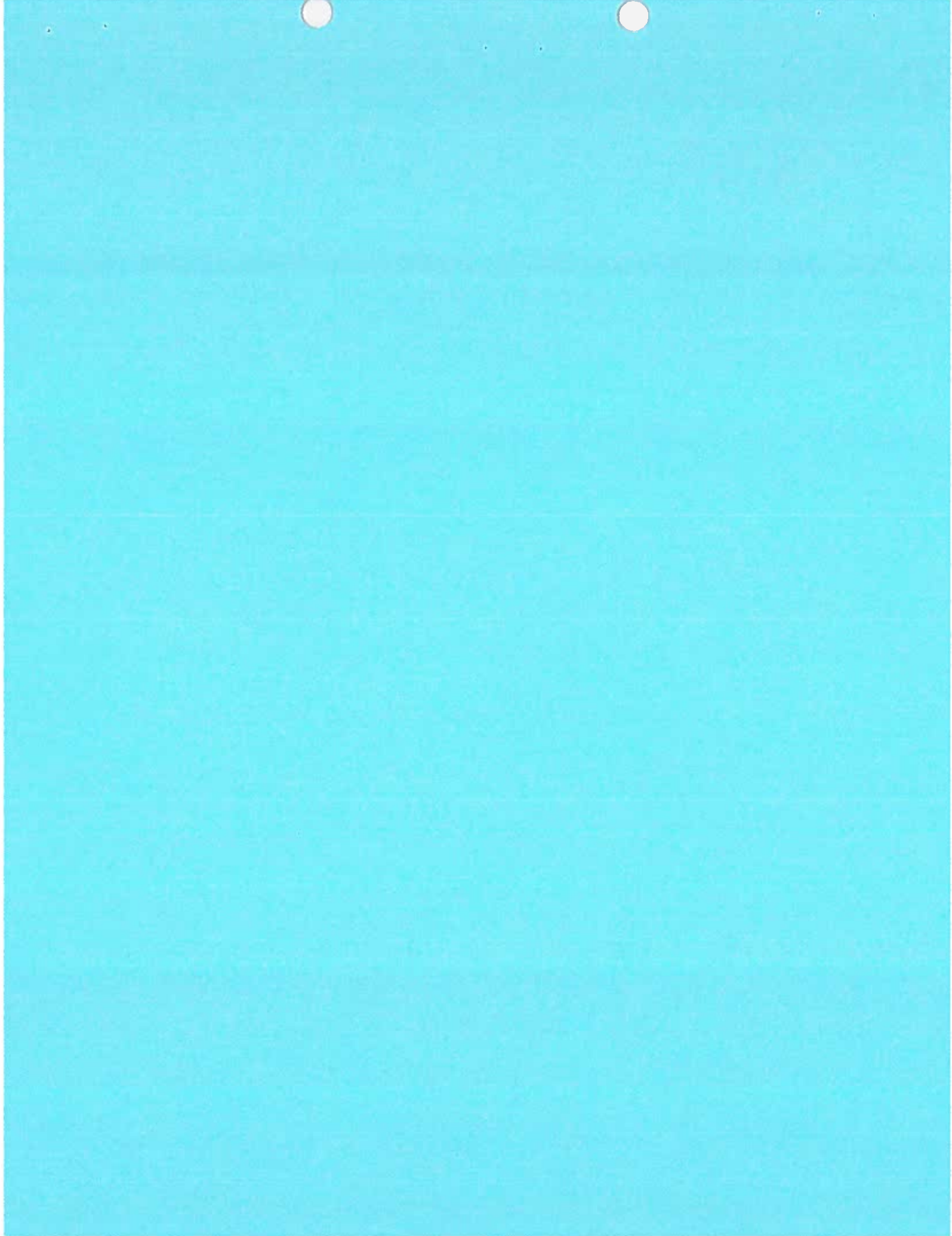
Other:


Other:

Other:

BY adding

Article 32 - Zoning
Sections 14-333(c)
Baltimore City Code
(Edition 2000)



F R O M	NAME & TITLE	Michelle Pourciau, Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0031		

TO The Honorable President and
Members of the City Council
c/o Natawna Austin
Room 400 City Hall

December 22, 2017

I am herein reporting on City Council Bill 17-0031- Zoning - Nonconforming Junk ... Yards or Vehicle Dismantling Facilities; Recyclable Materials Recovery Facilities.
For the purpose of amending City Code Article 32 {"Zoning"}, as enacted by Ordinance 16-581 {"TransForm Baltimore - Zoning"}, to amend the definition of "vehicle dismantling facility", modify certain standards governing the use of lawful nonconforming vehicle dismantling facilities and lawful nonconforming junk or scrap storage and yards, and to prohibit recyclable materials recovery facilities from purchasing materials on-site from the public; clarifying and conforming related language; providing for a special effective date; and generally relating to the zoning regulations and standards governing vehicle dismantling facilities, junk or scrap storage and yards, and recyclable materials recovery facilities.

DOT supports this bill and respectfully requests a favorable report.

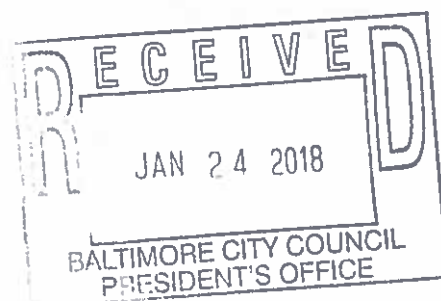
Respectfully,



Michelle Pourciau
Director

MP/lw

Cc: Kyron Banks, Mayor's Office



**CITY OF BALTIMORE
COUNCIL BILL 17-0031
(First Reader)**

Introduced by: Councilmembers Reisinger, Middleton, Bullock, Dorsey, Henry, Cohen, Stokes,
Sneed, Clarke, Burnett, President Young

At the request of: Baltimore Scrap Corporation

Address: c/o Caroline L. Hecker, Esq., 25 S. Charles St., 21st Floor, Baltimore, Md. 21201

Telephone: 410-727-6600

Introduced and read first time: March 6, 2017

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning
Appeals, Planning Commission, Department of Housing and Community Development,
Department of Public Works

A BILL ENTITLED

1 **AN ORDINANCE concerning**

2 **Zoning – Nonconforming Junk ... Yards or Vehicle Dismantling Facilities;**
3 **Recyclable Materials Recovery Facilities**

4 **FOR the purpose of amending City Code Article 32 ("Zoning"), as enacted by Ordinance**
5 **16-581 {"TransForm Baltimore – Zoning"}, to amend the definition of "vehicle dismantling**
6 **facility", modify certain standards governing the use of lawful nonconforming vehicle**
7 **dismantling facilities and lawful nonconforming junk or scrap storage and yards, and to**
8 **prohibit recyclable materials recovery facilities from purchasing materials on-site from the**
9 **public; clarifying and conforming related language; providing for a special effective date; and**
10 **generally relating to the zoning regulations and standards governing vehicle dismantling**
11 **facilities, junk or scrap storage and yards, and recyclable materials recovery facilities.**

12 **BY repealing and reordaining, with amendments**

13 **Article 32 - Zoning**
14 **Sections 1-314(q), 14-316(a), and 18-311(b) and (c)**
15 **Baltimore City Code**
16 **(Edition 2000)**

17 **BY repealing and reordaining, without amendments**

18 **Article 32 - Zoning**
19 **Sections 14-324(c)**
20 **Baltimore City Code**
21 **(Edition 2000)**

22 **BY adding**

23 **Article 32 - Zoning**
24 **Sections 14-333(c)**
25 **Baltimore City Code**
26 **(Edition 2000)**

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

Council Bill 17-0031

1 ~~[(2)] A junk or scrap storage and yard must be located, conformed, drained, and managed~~
2 ~~so that it will not constitute a source of water pollution.~~

3 ~~[(3) A pollution prevention plan approved by the City and the Maryland~~
4 ~~Department of the Environment is required. The plan must comply with all~~
5 ~~federal, state, and local environmental laws, rules, and regulations.]~~

6 **§ 14-324. Materials recovery facilities.**

7 *(c) No on-site purchases.*

8 The operator of a materials recovery facility may not purchase materials on-site from the
9 public.

10 **§ 14-333. Recyclable materials recovery facilities.**

11 *(C) NO ON-SITE PURCHASES.*

12 THE OPERATOR OF A RECYCLABLE MATERIALS RECOVERY FACILITY MAY NOT PURCHASE
13 MATERIALS ON-SITE FROM THE PUBLIC.

14 **Title 18. Nonconformities**

15 *Subtitle 3. Nonconforming Uses*

16 **§ 18-311. Junk or scrap storage and yards; Vehicle dismantling facilities; Landfills.**

17 *(b) Modifications – Junk ... yards; Vehicle dismantling.*

18 For a lawful nonconforming junk or scrap storage and yard or a lawful nonconforming
19 vehicle dismantling facility:

20 (1) structural alterations are permitted; and

21 (2) an expansion of no more than 25% in land area is allowed if, in addition to any
22 conditions and restrictions previously imposed:

23 (i) the expansion is onto a property that is no more than 750 feet from the
24 property line of the EXISTING [junk or scrap storage and] yard or [the]
25 EXISTING [vehicle dismantling] facility; [and] OR

26 [(ii) the expansion is onto the portion of that property that is closest
27 to the existing use.]

28 (II) FOR AN EXISTING YARD OR FACILITY LOCATED WITHIN AN URBAN
29 RENEWAL AREA THAT CONSISTS SOLELY OF INDUSTRIAL ZONING
30 DISTRICTS, THE EXTENSION IS ONTO A PROPERTY THAT IS:

HJM HARRIS & MALONE, LLC

2423 MARYLAND AVENUE
SUITE 100
BALTIMORE, MARYLAND 21218

SEAN R. MALONE
DIRECT DIAL: (410) 366-1500
FAX NUMBER: (410) 366-1501
sean.malone@mdlobbyist.com

April 6, 2017

VIA ELECTRONIC MAIL

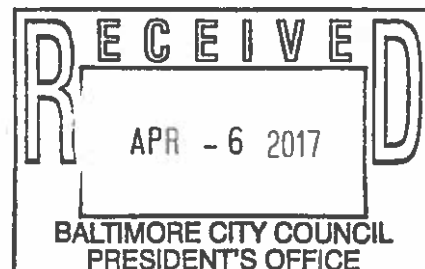
The Honorable Edward Reisinger, Chair
Land Use & Transportation Committee
Baltimore City Council
100 Holliday Street, Suite 500
Baltimore, MD 21202

**Re: Council Bill 17-0031- Zoning – Nonconforming Junk ... Yards or Vehicle
Dismantling Facilities; Recyclable Materials Recovery Facilities**

Dear Councilman Reisinger,

This letter is submitted on behalf of Joseph Smith & Sons, one of the oldest and largest scrap processors in the Mid-Atlantic region, located in Capitol Heights, MD. We are writing with regard to Council Bill 17-003, entitled, "Zoning – Nonconforming Junk ... Yards or Vehicle Dismantling Facilities; Recyclable Materials Recovery Facilities", to draw your attention to a number of issues with the impetus for the bill, as well as the bill's implications if passed. It is unsurprising that this bill was introduced at the request of Baltimore Scrap Corporation ("Baltimore Scrap"), as it is our position that the bill is narrowly tailored to substantially benefit their business to the detriment of City residents and businesses. We strongly urge the Land Use & Transportation Committee to consider the concerns outlined below when assessing the merits of Council Bill 17-0031 in the coming weeks.

As drafted, Council Bill 17-0031 has the potential to effectively release Baltimore Scrap from their statutory obligations to protect the environment and Baltimore's waterways. The proposed bill removes current language in the Baltimore City Zoning Code that requires junk yards to, "comply with all federal, state, and local environmental laws, rules and regulations..." through the adoption of legally-compliant pollution prevention plans. While this proposed change has obvious negative implications for the health and safety of Baltimore's residents by eliminating wide-ranging environmental protections, this concern is exacerbated by the fact that the MD Department of the Environment (MDE) is currently reviewing numerous potential violations by Baltimore Scrap resulting from no less than 7 inspections in the past year since MDE discovered discharge of contaminated storm water directly into the City's storm drains. We submit to you that this fact alone should be cause for concern regarding the motivation for the bill.



Councilman Edward Reisinger
April 6, 2017
Page 2 of 2

Furthermore, Council Bill 17-0031 relaxes the requirements for expansion of a nonconforming junk or scrap yard in the City to the benefit of Baltimore Scrap. In 2012, the Baltimore City Board of Municipal and Zoning Appeals approved an expansion of Baltimore Scrap's conditional use as a junk yard on the condition that Baltimore Scrap install a 6 foot opaque fence with perimeter landscaping bordering the area of expansion. Despite the fact that this condition was never met, the proposed bill would allow Baltimore Scrap to *again* expand, potentially to non-contiguous properties within an arbitrary 3,000 feet from their property.

Finally, Council Bill 17-0031 seeks to limit competition of recycling facilities in the City by preventing operators of a recyclable materials recovery facility from purchasing materials on-site from the public. This anomalous provision amending Section 14-333 of the Zoning Code should draw the Committee's concern when coming at the request of one particular scrap metal yard. We submit to you that this proposed change is nothing more than an attempt to benefit a particular business model to the disadvantage of other businesses in the scrap metal industry.

We are keenly aware of your Committee's dedication to being business-friendly while adopting prudent measures to preserve the health and safety of Baltimore's citizens- we appreciate your efforts in this regard. We do believe, however, that passage of Council Bill 17-0031 would be contrary to both the interests of City residents *and* businesses for the reasons set forth above.

Again, we respectfully request your deliberation of these points when considering potential passage of Council Bill 17-0031.

Respectfully submitted,


Sean R. Malone

cc: Council President Jack Young
Council Vice-President Sharon Green Middleton
Councilman John Bullock
Councilman Kristerfer Burnett
Councilman Zeke Cohen
Councilman Ryan Dorsey
Councilman Bill Henry
Councilwoman Shannon Sneed
Councilman Robert Stokes
Councilwoman Mary Pat Clarke

**CITY OF BALTIMORE
COUNCIL BILL 17-0031
(First Reader)**

Introduced by: Councilmembers Reisinger, Middleton, Bullock, Dorsey, Henry, Cohen, Stokes,
Sneed, Clarke, Burnett, President Young

At the request of: Baltimore Scrap Corporation

Address: c/o Caroline L. Hecker, Esq., 25 S. Charles St., 21st Floor, Baltimore, Md. 21201

Telephone: 410-727-6600

Introduced and read first time: March 6, 2017

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning
Appeals, Planning Commission, Department of Housing and Community Development,
Department of Public Works

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Nonconforming Junk ... Yards or Vehicle Dismantling Facilities;**
3 **Recyclable Materials Recovery Facilities**

4 FOR the purpose of amending City Code Article 32 {"Zoning"}, as enacted by Ordinance
5 16-581 {"TransForm Baltimore – Zoning"}, to amend the definition of "vehicle dismantling
6 facility", modify certain standards governing the use of lawful nonconforming vehicle
7 dismantling facilities and lawful nonconforming junk or scrap storage and yards, and to
8 prohibit recyclable materials recovery facilities from purchasing materials on-site from the
9 public; clarifying and conforming related language; providing for a special effective date; and
10 generally relating to the zoning regulations and standards governing vehicle dismantling
11 facilities, junk or scrap storage and yards, and recyclable materials recovery facilities.

12 BY repealing and reordaining, with amendments

13 Article 32 - Zoning
14 Sections 1-314(q), 14-316(a), and 18-311(b) and (c)
15 Baltimore City Code
16 (Edition 2000)

17 BY repealing and reordaining, without amendments

18 Article 32 - Zoning
19 Sections 14-324(c)
20 Baltimore City Code
21 (Edition 2000)

22 BY adding

23 Article 32 - Zoning
24 Sections 14-333(c)
25 Baltimore City Code
26 (Edition 2000)

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

Council Bill 17-0031

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 32. Zoning

Title 1. General Provisions

Subtitle 3. Definitions

§ 1-314. “Tavern” to “Wholesale Goods”.

(q) *Vehicle dismantling facility.*

(1) *In general.*

“Vehicle dismantling facility” means an establishment for the buying, selling, trading, storing, or otherwise dealing in vehicles for the purpose of dismantling the vehicles and buying, selling, storing, or trading their integral parts or component materials.

(2) *Inclusions.*

“Vehicle dismantling facility” includes:

(I) pull-or-pick-apart facilities, salvage pools, salvage auctions, and businesses and individuals that handle salvage vehicles; AND

(II) AS AN ACCESSORY USE ONLY, AUTOMOBILE FLATTENING AND CRUSHING.

(3) *EXCLUSIONS.*

“VEHICLE DISMANTLING FACILITY” DOES NOT INCLUDE ANY SCRAP-METAL SHREDDING OR ANY OTHER FORM OF SCRAP-METAL PROCESSING.

Title 14. Use Standards

Subtitle 3. Use Standards

§ 14-316. Junk or scrap storage and yards.

(a) *[Pollution] WATER-POLLUTION prevention.*

[(1) A junk or scrap storage and yard must comply with all federal, state, and local environmental laws, rules, and regulations, including those involving the management of stormwater run-off and the development and maintenance of a pollution prevention plan.]

Council Bill 17-0031

1 [(2)] A junk or scrap storage and yard must be located, conformed, drained, and managed
2 so that it will not constitute a source of water pollution.

3 [(3) A pollution prevention plan approved by the City and the Maryland
4 Department of the Environment is required. The plan must comply with all
5 federal, state, and local environmental laws, rules, and regulations.]

6 **§ 14-324. Materials recovery facilities.**

7 (c) *No on-site purchases.*

8 The operator of a materials recovery facility may not purchase materials on-site from the
9 public.

10 **§ 14-333. Recyclable materials recovery facilities.**

11 (C) *NO ON-SITE PURCHASES.*

12 THE OPERATOR OF A RECYCLABLE MATERIALS RECOVERY FACILITY MAY NOT PURCHASE
13 MATERIALS ON-SITE FROM THE PUBLIC.

14 **Title 18. Nonconformities**

15 *Subtitle 3. Nonconforming Uses*

16 **§ 18-311. Junk or scrap storage and yards; Vehicle dismantling facilities; Landfills.**

17 (b) *Modifications – Junk ... yards; Vehicle dismantling.*

18 For a lawful nonconforming junk or scrap storage and yard or a lawful nonconforming
19 vehicle dismantling facility:

20 (1) structural alterations are permitted; and

21 (2) an expansion of no more than 25% in land area is allowed if, in addition to any
22 conditions and restrictions previously imposed:

23 (i) the expansion is onto a property that is no more than 750 feet from the
24 property line of the EXISTING [junk or scrap storage and] yard or [the]
25 EXISTING [vehicle dismantling] facility; [and] OR

26 [(ii) the expansion is onto the portion of that property that is closest
27 to the existing use.]

28 (II) FOR AN EXISTING YARD OR FACILITY LOCATED WITHIN AN URBAN
29 RENEWAL AREA THAT CONSISTS SOLELY OF INDUSTRIAL ZONING
30 DISTRICTS, THE EXTENSION IS ONTO A PROPERTY THAT IS:

Council Bill 17-0031

(A) NO MORE THAN 3,000 FEET FROM THE PROPERTY LINE OF THE
EXISTING YARD OR FACILITY; AND

(B) LOCATED WITHIN THE SAME URBAN RENEWAL AREA.

(c) Modifications – Landfills.

For a lawful nonconforming landfill:

(1) structural alterations are permitted; and

(2) an expansion of no more than 35% in land area is allowed if, in addition to any
conditions and restrictions previously imposed:

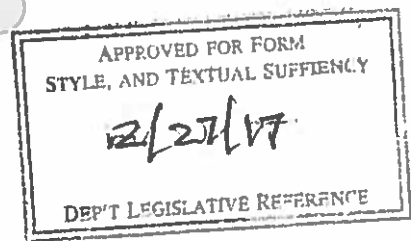
(i) the expansion is onto a property that is no more than 750 feet from the
property line of the EXISTING landfill; and

(ii) the expansion is onto the portion of that property that is closest to the
existing [use] LANDFILL.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance
are not law and may not be considered to have been enacted as a part of this or any prior
Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on (i) the date
on which Ordinance 16-581 becomes effective or (ii) if later, the date on which this Ordinance is
enacted.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



Introduced by: Councilmember Reisinger
At the request of: Baltimore Scrap Corporation
Address: c/o Caroline L. Hecker, Esq., 25 S. Charles St., 21st Floor, Baltimore, Md. 21201
Telephone: 410-727-6600

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AN ORDINANCE concerning

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BY repealing and reordaining, with amendments

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Sections 14-333(c)
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EXPLANATION: CAPITALS indicate matter added to existing law.
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* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

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[(2)] A junk or scrap storage and yard must be located, conformed, drained, and managed so that it will not constitute a source of water pollution.

[(3) A pollution prevention plan approved by the City and the Maryland Department of the Environment is required. The plan must comply with all federal, state, and local environmental laws, rules, and regulations.]

§ 14-324. Materials recovery facilities.

(c) *No on-site purchases.*

The operator of a materials recovery facility may not purchase materials on-site from the public.

§ 14-333. Recyclable materials recovery facilities.

(C) *NO ON-SITE PURCHASES.*

THE OPERATOR OF A RECYCLABLE MATERIALS RECOVERY FACILITY MAY NOT PURCHASE MATERIALS ON-SITE FROM THE PUBLIC.

Title 18. Nonconformities

Subtitle 3. Nonconforming Uses

§ 18-311. Junk or scrap storage and yards; Vehicle dismantling facilities; Landfills.

(b) *Modifications – Junk ... yards; Vehicle dismantling.*

For a lawful nonconforming junk or scrap storage and yard or a lawful nonconforming vehicle dismantling facility:

(1) structural alterations are permitted; and

(2) an expansion of no more than 25% in land area is allowed if, in addition to any conditions and restrictions previously imposed:

(i) the expansion is onto a property that is no more than 750 feet from the property line of the EXISTING [junk or scrap storage and] yard or [the] EXISTING [vehicle dismantling] facility; [and] OR

[(ii) the expansion is onto the portion of that property that is closest to the existing use.]

(II) FOR AN EXISTING YARD OR FACILITY LOCATED WITHIN AN URBAN RENEWAL AREA THAT CONSISTS SOLELY OF INDUSTRIAL ZONING DISTRICTS, THE EXTENSION IS ONTO A PROPERTY THAT IS:

(A) NO MORE THAN 3,000 FEET FROM THE PROPERTY LINE OF THE EXISTING YARD OR FACILITY; AND

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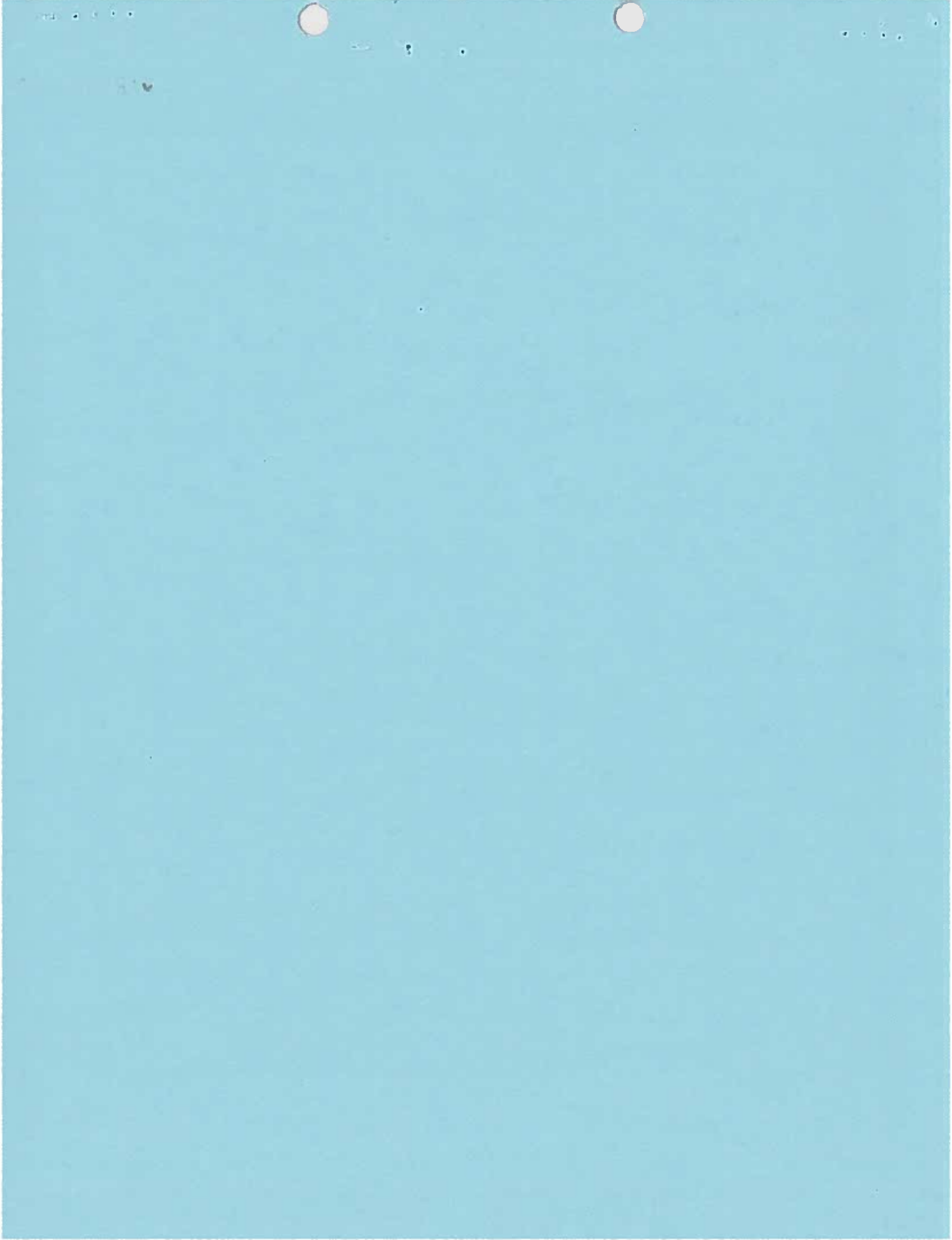
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SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on (i) the date on which Ordinance 16-581 becomes effective or (ii) if later, the date on which this Ordinance is enacted.



ACTION BY THE CITY COUNCIL

MAR 06 2017

FIRST READING (INTRODUCTION) _____ **20** _____

PUBLIC HEARING HELD ON _____ **20** _____

COMMITTEE REPORT AS OF _____ **20** _____

_____ **FAVORABLE** _____ **UNFAVORABLE** _____ **FAVORABLE AS AMENDED** _____ **WITHOUT RECOMMENDATION**

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for
Third Reading on:

_____ **20** _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ **20** _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ **20** _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ **20** _____

WITHDRAWAL _____ **20** _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn
from the files of the City Council.

President

Chief Clerk