

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2015, Legislative Day No. 2

Bill No. 7-15

Introduced by Mr. Grasso

By the County Council, January 20, 2015

Introduced and first read on January 20, 2015
Public Hearing set for and held on February 17, 2015
Bill Expires April 25, 2015

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Nonconforming Uses – Limitations – Twenty-Year
2 Registered Use

3
4 FOR the purpose of defining a “twenty-year registered use”; adding a limitations period to
5 enforcement of certain zoning use violations; adding registration criteria for certain use
6 violations; applying a requirement for the continuation of certain zoning use violations;
7 and generally relating to nonconforming uses.

8
9 BY renumbering: § 18-1-101 (117) through (130) to be 18-1-101 (118) through (131),
10 respectively
11 Anne Arundel County Code (2005, as amended)

12
13 BY adding: §§ 18-1-101(117) and 18-15-101(e)
14 Anne Arundel County Code (2005, as amended)

15
16 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
17 That § 18-1-101 (117) through (130), Anne Arundel County Code (2005, as amended), is
18 hereby renumbered to be § 18-1-101 (118) through (131), respectively.

19
20 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
21 Code (2005, as amended) read as follows:

22
23 **ARTICLE 18. ZONING**

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

1
2
3 **TITLE 1. DEFINITIONS**

4
5 **18-1-101. Definitions.**

6 Unless defined in this article, the Natural Resources Article of the State Code, or
7 COMAR, words defined elsewhere in this Code apply in this article. The following words
8 have the meanings indicated:

9 (117) "TWENTY-YEAR REGISTERED USE" MEANS A USE NOT ALLOWED AS A PERMITTED,
10 CONDITIONAL OR SPECIAL EXCEPTION USE UNDER THE LAW IN EFFECT FOR THE ZONE IN
11 WHICH THE USE IS LOCATED WHEN THE USE COMMENCED, AND FOR WHICH NO
12 ENFORCEMENT ACTION HAS BEEN INITIATED WITHIN 20 YEARS OF THE DATE THE USE
13 COMMENCED.

14
15 **TITLE 15. NONCONFORMING USES**

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17 **18-15-101. Registration of nonconforming uses.**

18
19 **(E) Limitations.**

20
21 (1) NO ENFORCEMENT ACTION UNDER TITLE 17 TO ABATE A USE OF PROPERTY IN
22 VIOLATION OF THIS ARTICLE SHALL BE INITIATED 20 YEARS OR MORE AFTER THE DATE THE
23 USE COMMENCED, IF:

24
25 (I) THE USE IS OPERATED BY THE OWNER OF THE PROPERTY AND HAS BEEN IN
26 EXISTENCE CONTINUOUSLY SINCE FIRST COMMENCED; AND

27
28 (II) THE PROPERTY ON WHICH THE USE IS LOCATED HAS BEEN OWNED BY THE
29 SAME OWNER SINCE THE USE COMMENCED.

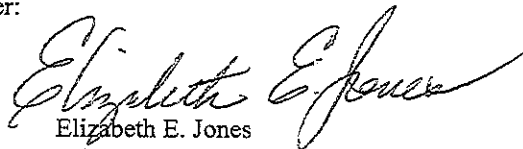
30
31 (2) A USE TO WHICH SUBSECTION (E)(1) APPLIES SHALL BE REGISTERED AND
32 CLASSIFIED BY THE OFFICE OF PLANNING AND ZONING AS A "TWENTY-YEAR REGISTERED
33 USE".

34
35 (3) A USE TO WHICH SUBSECTION (E)(1) APPLIES SHALL TERMINATE WHEN THE USE
36 CEASES OPERATION FOR 12 CONSECUTIVE MONTHS OR WHEN THE SCOPE OF THE USE IS SO
37 SIGNIFICANTLY REDUCED DURING THE 12 MONTH PERIOD AS TO CHANGE ITS NATURE OR
38 CHARACTER, OR UPON A TRANSFER OF OWNERSHIP FROM THE OWNER DESCRIBED IN
39 SUBSECTION (E)(1)(II), UNLESS THAT TRANSFER OF OWNERSHIP IS TO A CHILD OF THE
40 OWNER WHO CONTINUES TO OPERATE THE USE WITHOUT CESSATION.

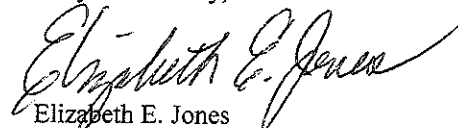
41
42 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days
43 from the date it becomes law.

44
READ AND PASSED this 17th day of February, 2015

By Order:


Elizabeth E. Jones
Administrative Officer

PRESENTED to the County Executive for his approval this 18th day of February, 2015


Elizabeth E. Jones
Administrative Officer

APPROVED AND ENACTED this 23 day of February, 2015


Steven R. Schuh
County Executive

EFFECTIVE DATE: April 9, 2015

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
7-15, THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.


Elizabeth E. Jones
Administrative Officer