

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 24

Bill No. 116-21

Introduced by Ms. Rodvien, Chair
(by request of the County Executive)

By the County Council, December 20, 2021

Introduced and first read on December 20, 2021
Public Hearing set for and held on January 18, 2022
Public Hearing on AMENDED bill set for and held on February 7, 2022
Bill Expires March 25, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Nonconforming Uses – Termination
2
3 FOR the purpose of allowing a nonconforming use or structure to be repaired under certain
4 circumstances; amending the method of calculating termination of a nonconforming
5 use; and generally relating to zoning.
6
7 BY repealing and reenacting, with amendments: §§ 18-15-102(c) and (d); and 18-15-
8 104(a)
9 Anne Arundel County Code (2005, as amended)

10
11 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
12 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:
13

ARTICLE 18. ZONING

TITLE 15. NONCONFORMING USES

14
15
16
17
18 **18-15-102. Nonconforming uses generally.**
19

20 ~~(e) **Reconstruction, repair, or relocation.** A nonconforming use or a structure in~~
21 ~~which the use is located may be reconstructed, REPAIRED, or relocated. Except to the extent~~
22 ~~permitted by subsection (d) and § 18-15-103, the reconstruction or relocation may not~~

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Underlining indicates matter added to bill by amendment.
~~Strikethrough~~ indicates matter removed from bill by amendment.

1 increase the nonconforming status of the property or result in a greater nonconformance
2 than previously enjoyed. Reconstruction, REPAIR, or relocation may not occur on a lot other
3 than the one on which the nonconforming use was originally located.
4

5 ~~(d) **Nonconforming single-family dwellings.** The Office of Planning and Zoning may~~
6 ~~allow the expansion of a nonconforming USE single-family dwelling if the expansion is set~~
7 ~~back at least seven feet from each side lot line and 25 feet from the front and rear lot lines~~
8 ~~and if the expansion does not cause the structure to exceed a height of 35 feet. The Office~~
9 ~~of Planning and Zoning also may allow structures accessory to the nonconforming USE~~
10 ~~dwelling if the accessory structure is located in a side or rear yard, set back at least seven~~
11 ~~feet from side and rear lot lines, and does not exceed a height of 25 feet or the height of the~~
12 ~~principal structure, whichever is less.~~

13
14 (c) **Reconstruction, repair, or relocation.** A nonconforming use or a structure in
15 which the use is located may be reconstructed, REPAIRED, or relocated.
16

17 (1) Except to the extent permitted by subsection (d) and § 18-15-103, the
18 reconstruction or relocation may not increase the nonconforming status of the property or
19 result in a greater nonconformance than previously enjoyed.
20

21 (2) Reconstruction, REPAIR, or relocation may not occur on a lot other than the one
22 on which the nonconforming use was originally located.
23

24 (3) NONCONFORMING STRUCTURES THAT HAVE BEEN DAMAGED BUT NOT
25 DESTROYED BY FIRE OR NATURAL CATASTROPHE MAY BE RECONSTRUCTED, REPAIRED,
26 OR RELOCATED WITHIN 20 YEARS OF THE DAMAGE IN ACCORDANCE WITH SUBSECTIONS
27 (C)(1) AND (2).
28

29 (d) **Nonconforming single-family dwellings.** The Office of Planning and Zoning may
30 allow:
31

32 (1) the expansion of a nonconforming USE single-family dwelling if the expansion
33 is set back at least seven feet from each side lot line and 25 feet from the front and rear lot
34 lines and if the expansion does not cause the structure to exceed a height of 35 feet[.];
35

36 (2) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS CODE, THE
37 REGISTRATION AND USE OF A NONCONFORMING DWELLING RECONSTRUCTED, REPAIRED,
38 OR RELOCATED PURSUANT TO SUBSECTION (C) AS A NONCONFORMING DWELLING UNIT
39 USE IF THE STRUCTURE WAS PREVIOUSLY USED AS A DWELLING UNIT PRIOR TO BEING
40 DAMAGED BY FIRE OR NATURAL CATASTROPHE; OR
41

42 (3) [The Office of Planning and Zoning also may allow] structures accessory to
43 the nonconforming USE dwelling if the accessory structure is located in a side or rear yard,
44 set back at least seven feet from side and rear lot lines, and does not exceed a height of 25
45 feet or the height of the principal structure, whichever is less.
46

47 **18-15-104. Termination of nonconforming uses.**
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49 (a) **Generally.** A nonconforming use terminates when the use ceases operation for 12
50 consecutive months or when the scope of the use is so significantly reduced during the 12-
51 month period as to change its nature or character. [In calculating the cessation of use, the

1 Planning and Zoning Officer may not include periods of time of]] THE PLANNING AND
2 ZONING OFFICER SHALL CALCULATE THE CESSATION OF THE USE, AND, PROVIDED THE
3 CESSATION WAS NOT CAUSED BY THE PROPERTY OWNER, MAY EXCLUDE IN THE
4 CALCULATION ANY CESSATION UP TO:
5

6 (1) [[not more than]] two years in which the use ceased because of government
7 action, OR DESTRUCTION DUE TO fire[[,]] or natural catastrophe; [[,provided that the
8 cessation was not caused by the property owner]] OR
9

10 (2) TWENTY YEARS IN WHICH THE USE OF A NONCONFORMING USE STRUCTURE
11 CEASED BECAUSE OF DAMAGE, BUT NOT DESTRUCTION, CAUSED BY FIRE OR NATURAL
12 CATASTROPHE.
13

14 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days
15 from the date it becomes law.

AMENDMENTS ADOPTED: January 18, 2022

READ AND PASSED this 7th day of February, 2022

By Order:



Laura Corby
Administrative Officer

PRESENTED to the County Executive for his approval this 8th day of February, 2022



Laura Corby
Administrative Officer

APPROVED AND ENACTED this 11th day of February, 2022



Steuart Pittman
County Executive

EFFECTIVE DATE: March 28, 2022

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I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 116 -21 THE ORIGINAL OF WHICH IS RETAINED IN THE
FILES OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to read "Laura Corby". The signature is written in a cursive style with a long, sweeping underline.

Laura Corby
Administrative Officer