

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2017, Legislative Day No. 9

Bill No. 50-17

Introduced by Mr. Grasso, Chairman
(by request of the County Executive)
and by Mr. Walker and Mr. Grasso

By the County Council, May 1, 2017

Introduced and first read on May 1, 2017
Public Hearing set for and held on June 5, 2017
Bill Expires August 4, 2017

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Nonconforming Use Questionnaire

2
3 FOR the purpose of repealing the requirement for completion of an annual
4 questionnaire by property owners with registered nonconforming uses; and
5 generally relating to nonconforming uses.

6
7 BY repealing and reenacting, with amendments: § 18-15-104
8 Anne Arundel County Code (2005, as amended)

9
10 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
11 *Maryland,* That Anne Arundel County Code (2005, as amended) read as follows:

12
13 **ARTICLE 18. ZONING**

14
15 **TITLE 15. NONCONFORMING USES**

16
17 **18-15-104. Termination of nonconforming uses.**

18
19 (a) **Generally.** A nonconforming use terminates when the use ceases operation for 12
20 consecutive months or when the scope of the use is so significantly reduced during the
21 12-month period as to change its nature or character. In calculating the cessation of use,
22 the Planning and Zoning Officer may not include periods of time of not more than two
23 years in which the use ceased because of government action, fire, or natural catastrophe,
24 provided that the cessation was not caused by the property owner.

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

1 **(b) Extension of nonconforming use.** The Planning and Zoning Officer may extend
2 the 12-month period set forth in subsection (a) to a maximum of 18 months upon a
3 written application for extension received before the termination date. The application
4 shall demonstrate unusual or exceptional circumstances beyond the control of the
5 property owner that prevented continuance of the nonconforming use. The Planning and
6 Zoning Officer's decision on the application shall be in writing and shall specify the
7 reason for the decision.
8

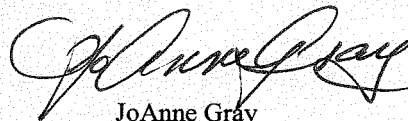
9 **[(c) Yearly questionnaire.** At least once each year, the Office of Planning and Zoning
10 shall send to each person who has registered a nonconforming use a questionnaire
11 requesting information about the current status of the property. The person's failure to
12 return the questionnaire within 90 days after the date of mailing creates a rebuttable
13 presumption that the use is terminated. The Office of Planning and Zoning shall mail a
14 notice by certified mail informing a person who has failed to return the questionnaire that
15 the nonconforming use is presumed terminated and that future use of the property shall
16 conform to the requirements of this article.]
17

18 **[(d)] (C) Conformance with article after termination.** After a nonconforming use is
19 terminated, any further use of the site shall be in conformance with this article.
20

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

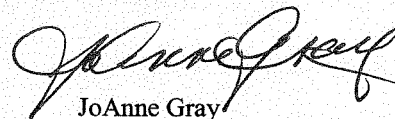
READ AND PASSED this 5th day of June, 2017

By Order:



JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 6th day of June, 2017



JoAnne Gray
Administrative Officer

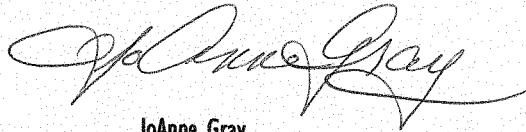
APPROVED AND ENACTED this 9th day of June, 2017



Steven R. Schuh
County Executive

EFFECTIVE DATE: July 24, 2017

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
50-17 . THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.

A handwritten signature in cursive script, appearing to read "JoAnne Gray".

JoAnne Gray
Administrative Officer