



*Gregory J. Swain, County Attorney*

## MEMORANDUM

**To:** Council Members, Anne Arundel County Council

**From:** Kelly Phillips Kenney, Supervising County Attorney /s/

**Through:** Gregory J. Swain, County Attorney /s/

**Date:** December 20, 2021

**Subject:** Bill No. 116-21, Zoning – Nonconforming Uses – Nonconforming Uses Generally

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### Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Bill No. 116-21.

**Background.** A “nonconforming use means a use that was allowed when it came into existence but that is no longer allowed under the law in effect in the zoning district in which the use is located.” Anne Arundel County Code, § 18-1-101(89). The provisions of Article 18, Title 15, govern the registration of nonconforming uses. Section 18-15-104(a) provides that a nonconforming use terminates when the use ceases for 12 consecutive months or when the scope of the use is significantly reduced during the 12-month period so as to change its nature or character, except that two years are not counted if the use ceased because of government action, fire, or natural catastrophe.

**Purpose.** The main purpose of the Bill is to provide for a longer period of time that will not be counted when determining whether a nonconforming use terminates in certain circumstances.

Section **18-15-102(c)** is revised to include the word “repaired” in the provision that currently allows a nonconforming use or structure to be reconstructed or relocated. In subsection **(d)**, the word “use” is added to clarify that section pertains to the use, not the dwelling that is nonconforming.

In § **18-15-104(a)**, existing language is revised for clarity, with a portion being placed in new **(a)(1)**. New **(a)(2)** provides that a period of twenty years in which the use of a nonconforming

**Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.**

use structure ceased because of damage, but not destruction, caused by fire or natural catastrophe is excluded when calculating whether a nonconforming use ceased. In other words, a structure may be registered as a nonconforming use (or an existing nonconforming use may not terminate) if the use of the structure ceased for up to twenty years due to damage caused by fire or natural catastrophe. Existing language that provides the cessation cannot be caused by the property owner is moved for clarity.

**Section 2.** of the Bill provides that the Ordinance shall take effect 45 days from the date it becomes law.

The Office of Law is available to answer any additional questions regarding this Bill.

Thank you.

cc: Honorable Steuart Pittman, County Executive  
Matthew Power, Chief Administrative Officer  
Dr. Kai Boggess-de Bruin, Chief of Staff  
Peter Baron, Legislative Liaison  
Steve Kaii-Ziegler, Planning and Zoning Officer  
Lori Rhodes, Assistant Planning and Zoning Officer  
Chris Trumbauer, Budget Officer