

Amendment 1 to Council Bill No. 11-2025

BY: Liz Walsh

**Legislative Day 3
Date: March 3, 2025**

Amendment No. 1

(This Amendment strikes the proposed language of the bill as introduced and substitutes new language in Section 129.0:- Nonconforming Uses which amends the definition of “Enlargement” and clarifying a factor the Hearing Authority must consider when authorizing an enlargement of a nonconforming use.”).

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On the Title page, strike both the Short Title and the Title, in their entirety, and substitute the following:

“SHORT TITLE: Nonconforming Uses – Enlargement.

AN ACT amending the Howard County Zoning Regulations to amend the definition of “Enlargement” within the Nonconforming Uses Section and clarifying a factor the Hearing Authority must consider when authorizing an enlargement of a nonconforming use; and generally relating to nonconforming uses.”.

Strike beginning with line 4, on page 1, through line 1, on page 4, in its entirety, and substitute the following:

By amending:

Section 129.0:- “Nonconforming Uses”.

Subsection A: “General”.

Subsection E: “Extension, Enlargement or Alteration of Nonconforming Uses”.

1 **HOWARD COUNTY ZONING REGULATIONS**

2
3 **SECTION 129.0:- Nonconforming Uses**

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5 **A. General**

6 A nonconforming use is any lawful existing use, whether of a structure or a tract of land, which
7 does not conform to the use regulations of the zoning district in which it is located, either on the
8 effective date of these Regulations or as a result of any subsequent amendment thereto. A
9 structure that is conforming in use but which does not conform to the height, setback, land
10 coverage, parking, loading space or other bulk requirements of these Regulations, shall not be
11 considered to be nonconforming within the meaning of these Regulations. No existing use shall
12 be deemed nonconforming solely because of the existence of nonconforming accessory signs.
13 The casual, temporary or illegal use of land is insufficient to establish the existence of a
14 nonconforming use.

15 For the purposes of these Regulations, "enlargement" shall mean the increase in size of any
16 structure containing a nonconforming use, the construction of an additional structure on the same
17 lot, A DECREASE IN THE NUMBER OR SIZE OF ALL COMMONLY OWNED LOTS ADJOINING AND
18 OCCUPIED BY THE NONCONFORMING USE, or an increase in the land area occupied by a
19 nonconforming use. "Extension" shall mean any change in the types of activities taking place in
20 connection with the nonconforming use.

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22 **E. Extension, Enlargement or Alteration of Nonconforming Uses**

23 1. The Hearing Authority may authorize the extension or enlargement of a
24 nonconforming use or the alteration of outdoor use areas or of a structure containing
25 a nonconforming use, with or without conditions, provided:

- 26 a. That any changes or additions to the activities taking place in connection with
27 the nonconforming use will not change the use in any substantial way;
28 b. That an enlargement may not exceed 100% of the gross floor area of structures
29 or 100% of the gross acreage in the case of nonconforming land, above that
30 which legally existed at the time the use first became nonconforming;

1 c. That the boundaries of a nonconforming use may be enlarged only to provide
2 additional parking area;

3 d. That an enlargement would not cause a violation of the bulk regulations for the
4 zoning district in which the property is located;

5 e. That the extension, enlargement or structural alteration would not cause an
6 adverse effect on vicinal properties. AN ENLARGEMENT THAT REDUCES BY MORE
7 THAN 40% OPEN AREAS ACTING AS BUFFERS AS OF THE DATE THE USE BECAME
8 NONCONFORMING SHALL BE DEEMED TO ADVERSELY AFFECT VICINAL
9 PROPERTIES.

10 2. A Decision and Order approving an extension or enlargement of a nonconforming
11 use shall become void unless a building permit conforming to the plans for which the
12 approval was granted is obtained within two years, and substantial construction in
13 accordance therewith is completed within three years from the date of the decision.
14 An approval for which a building permit is not required shall become void unless the
15 extension or enlargement is implemented within two years from the date of the
16 decision. If a decision is appealed, the time period shall be measured from the date
17 of the last decision.”.