

FILE NO. 107324

May 1, 1963

Mr. John O. Colonna, Director
Department of Aviation
Friendship International Airport

Re: Zoning at Friendship International Airport-
Is rezoning required for a motel?

Dear Colonel Colonna:

You recently wrote to this office relative to revisions of the zoning classifications on Friendship International Airport property. You specifically asked, "Can a motel be built on Airport property under the existing land use zoning or would the motel area (1) have to be rezoned, or (2) require a special exception." It is understood that it is tentatively contemplated to construct a motel on Airport property in the vicinity of the Martin Company Executive Office Building.

Acquisition of land for the Friendship International Airport was begun in 1945 and the Airport itself was opened for business on July 23, 1950. The presently codified Zoning Ordinance of Anne Arundel County did not become effective until July 1, 1952, which is approximately two years after the Airport itself was opened for business. The Airport is completely located within Anne Arundel County and within an area zoned agricultural.

In answering your question it is particularly important to note the following excerpts of Chapter 35 of the Anne Arundel County Code (1957 Edition), which chapter contains the Zoning Code for Anne Arundel County:

Sec. 35-10. Nonconforming use -

"A lawful nonconforming use existing on the effective date of the adoption of this chapter may continue; * * *"

Sec. 35-113. Special exceptions - Generally.

"The board of appeals shall have the power to hear and decide, in accordance with the provisions of this chapter, requests for special exceptions or for interpretation of the zoning map or for decisions upon other special questions upon which