

Mr. John O. Colonna, Director
Department of Aviation

(continued)

the above uses. In addition, Section 35-39 prohibits from farm and agricultural use districts all commercial and industrial uses, and specifically all uses other than those previously above stated.

It is significant to note that since the Airport was opened for business on July 23, 1950, and since the presently codified Zoning Ordinance of Anne Arundel County did not become effective until July 1, 1952, the existence of Friendship International Airport within an agricultural use district must be considered to be a nonconforming use. Section 35-10 of the Anne Arundel County Zoning Code provides that a lawful nonconforming use existing on the effective date of the adoption of such Code may continue. Thus, the Friendship International Airport is a continuing nonconforming use within an agricultural use district. Ordinarily, a nonconforming use will not be extended or expanded and most zoning ordinances are construed as intending to stop the expansion of nonconforming uses. Lapidus vs. Mayor and City Council of Baltimore, 222 Md. 260, and Knox vs. Mayor and City Council of Baltimore, 180 Md. 88.

Taking into consideration the law as codified in Chapter 35 of the Anne Arundel County Code and the applicable case law as cited, the questions which you raise can be answered in the following manner:

1. A motel cannot be built on Airport property under the existing land use zoning. A motel is not one of the uses permitted within an agricultural use area and the Airport itself is located in such an agricultural use area.
2. Permission to build a motel on the Airport cannot be secured by way of a special exception. Although the Board of Appeals has the right to grant special exceptions, and although a motel is one of the special exceptions that may be granted, the Board's power to grant this special exception is limited