



## ANNE ARUNDEL COUNTY OFFICE OF LAW

### Legislative Summary

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

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

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

**Date:** April 14, 2023

**Subject:** Bill No. 22-23 – Zoning – General Provisions – Digital Zoning Layer

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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. 22-23.

### Background

The zoning districts in the County are as shown on the digital map entitled the “Anne Arundel County Digital Zoning Layer” adopted by the County Council (the “Digital Zoning Layer”). County Code § 18-2-106. Once adopted, the Digital Zoning Layer cannot be changed except as authorized by § 18-2-106(b).

There are constant updates or edits to the County’s mapping system and parcel layers using geographic information system (GIS) software. Updates can occur when parcel boundaries are corrected with more precise data or when new parcels or lots are added due to development. Over time, these updates cause the digital parcel map layer and the Digital Zoning Layer to become misaligned. Sometimes, a shift in a parcel line or other map updates can result in leaving a small portion of a property in a different zoning district when the zoning district line was originally aligned with the parcel line or other natural boundary.

Currently, the County Code does not provide for an administrative method that is conducive to fixing and correcting the Digital Zoning Layer in an efficient manner when there are parcel or other updates. There are currently three methods to correct these misalignments if the misalignments meet certain specified criteria: the Office of Planning and Zoning (“OPZ”) may present changes to the County Council for their approval (§ 18-2-107); OPZ may make adjustments in limited circumstances when more accurate parcel information becomes available (§ 18-2-108); or a property owner may request by the Administrative Hearing Officer (§ 18-16-303). Each of these methods is overly burdensome to address the consistent maintenance that is necessary to keep the Digital Zoning Layer in sync with the maps.

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

### **Purpose**

The purpose of Bill No. 22-23 is to provide for a method to maintain and update the Digital Zoning Layer. The Bill would allow OPZ to administratively correct the Digital Zoning Layer to keep it up to date when parcel and other lines are updated.

### **Bill No. 22-23**

#### **SECTION 1.**

This section repeals § 18-2-108, which allows administrative adjustment of zoning district lines by OPZ in limited circumstances when more accurate parcel information becomes available. This method of adjustment is now made a part of revised § 18-2-107.

#### **SECTION 2.**

Subsection **18-2-106(b)** is revised to correct references to reflect the other changes made in the Ordinance.

Subsection **(e)** is new and sets forth parameters for determining precise locations of a zoning district line shown on the Digital Zoning Layer. Specifically, zoning district lines are construed to follow the limits of any municipal corporation; the center lines of roads and streets; the boundary lines of a railroad right-of-way; except for platted floodplains, the center line of nontidal waters, or the landward edge of tidal waters; or platted lot lines or other property lines.

Section **18-2-107** is revised. This section currently provides that the Council may adopt changes to the Digital Zoning Layer to follow a lot line, road, river, or other clear boundary. That authority remains in place and is expanded. As revised, the section provides that OPZ may either submit those proposed changes to the Council for adoption by Ordinance, or certify changes to the Digital Zoning Layer to correct minor or technical changes to a zoning district line.

The errors that may be corrected are specifically set forth in subsection **(a)**. Item **(1)** allows for changes to correct a zoning district line to follow the natural boundaries established in § 18-2-106(e)(1) through (4).

Item **(2)** allows minor or technical corrections to a zoning district line to follow a platted lot line or property line if there is a clear indication that the zoning district line was intended to match the property boundary established in § 18-2-106(e)(5). These corrections are allowed in two circumstances. The first, set forth in sub-item **(i)**, is when more accurate or updated parcel information becomes available due to development activity, a recorded plat, or sealed survey. The second category in sub-item **(ii)** allows for a correction when minor drafting or other technical errors identified in the GIS mapping system are corrected for a parcel and the correction results in the zoning district line falling inside or outside the parcel boundary.

Lastly, item **(3)** allows for a correction to a zoning district line when written text or a map exhibit adopted by comprehensive or other rezoning clearly indicates a discrepancy between the zoning district line as shown on the Digital Zoning Layer and the adopted district.

Subsection **(b)** clarifies that any change made in accordance with subsection (a) is not intended to be construed as a rezoning. That is because the purpose of the entire section is make corrections to errors in the Digital Zoning Layer to reflect the adopted zoning district of a property, not to rezone any property.

**SECTION 3.**

This section 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  
Christine Anderson, Chief Administrative Officer  
Jeff Amoros, Chief of Staff  
Peter Baron, Chief Strategy Officer  
Chris Trumbauer, Budget Officer  
Janssen Evelyn, Deputy Chief Administrative Officer  
Jenny Jarkowski, Planning and Zoning Officer  
Christina Pompa, Deputy Planning and Zoning Officer  
Lynn Miller, Assistant Planning and Zoning Officer  
Mark Burt, Office of Planning and Zoning

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