



ANNE ARUNDEL COUNTY  
OFFICE OF THE COUNTY AUDITOR

To: Members of the County Council  
From: Susan L. Smith, County Auditor  
Date: May 29, 2020  
Subject: Legislation to be heard or eligible for vote on June 1, 2020: Bill Nos. 14-20, 16-20, 20-20, 21-20, 22-20, and 23-30.

---

**Bill No. 14-20: Finance, Taxation, and Budget and Zoning – Commercial Revitalization Area Program – Designation of a Commercial Revitalization Area in Marley in Glen Burnie, Maryland (as Amended)**

This bill proposes the adoption of a map and a designation of an area along Ritchie Highway and Mountain Road in Glen Burnie as Commercial Revitalization Area 11 for tax credit and zoning purposes. This bill was commented on in our letter dated May 13, 2020. This bill was amended to change Exhibit A to Exhibit A1 to add an additional area as Commercial Revitalization Area 11. We have no further comments on this bill.

**Bill No. 16-20: Zoning – Residential Districts – Community Based Assisted Living Facilities I and II, Group Homes I and II, Recovery Residences I and II, and Rooming Houses (as Amended)**

This bill defines community based assisted living facilities I and II, group homes I and II, recovery residences I and II and distinguishes category I and II based on the number of residents. Category Is have 8 or fewer residents, and category IIs have between 9 and 16 residents. This bill establishes and changes the zoning for non-community based assisted living facilities, community based assisted living facilities, group homes, and rooming houses; establishes conditional requirements for those zoned conditional use; and changes the parking requirements for these residences.

This bill was commented on in our letter dated May 13, 2020. This bill, as originally drafted, added assisted living facilities as a special exception use in RA districts. This added special exception use was not the intent of the sponsor. This bill was amended to eliminate it. We have no further comments on this bill.

**Bill No. 20-20: Public Ethics – Conflicts of Interest**

This bill changes the employee restrictions on providing representation or assistance to a person in any matter before any governmental unit or County employee or in a matter that the County has an interest. Currently, this is only allowed if it is within the course of the employee's official duties, is for usual and customary constituent services without additional compensation, if it is an employment-related

matter by an employee other than an elected or appointed employee without compensation, or if it is authorized by law or contract.

Under this bill, employees are prohibited from assisting or representing parties for contingent compensation in any matter before the County, and this bill removes the exceptions in the current law. This change would allow employees to receive compensation to assist or represent parties in any matter before the County as long as the compensation is not contingent on the outcome. According to the Administration, the current law has been problematic for appointed members of boards and commissions, who are deemed “employees” under the County’s Ethics laws but most of whom are engaged in full-time employment that often involves representing others before the County government or boards.

The Anne Arundel County Ethics Commission has reviewed and approved this legislation. This change was submitted to the Maryland State Ethics Commission for approval, as required by law, and the Maryland State Ethics Commission approved this change. This bill has no fiscal impact.

**Bill No. 21-20: Finance, Taxation, and Budget – Use or Occupancy Tax – Licenses and Registrations – Short-term Residential Rentals**

This bill clarifies the definition of rent subject to the use or occupancy tax to include both monetary and non-monetary consideration. It adds to the existing definition of rent the full short-term rental rate applicable to the public when an occupant does not provide any monetary consideration or provides monetary consideration less than the rate applicable to the general public. This bill also clarifies that the use or occupancy tax is due regardless of collection. We do not expect this to result in any material increase in use or occupancy tax.

**Bill No. 22-20: Subdivision and Development – Forest Conservation**

This bill prohibits the application of Bill No. 68-19, which amended the County’s forest conservation laws, to all applications associated with an application for a special exception submitted prior to December 15, 2019. Anne Arundel County Code § 17-2-101(b) currently provides a grandfathering provision for an application for a special exception filed on or before December 15, 2019. This bill further specifies that all applications associated with those special exception filings are also grandfathered. This bill codifies the Administration’s agreed upon implementation of the grandfathering provision and thus has no fiscal impact.

**Bill No. 23-20: Zoning – Farm Breweries and Wineries**

This bill amends the conditional use requirements for farm breweries and wineries to provide consistency in the vehicular access requirements. Under the proposed, conditional use requirements will require direct vehicular access:

- to be located on an arterial or collector road, except that the Planning and Zoning Officer shall allow access from a private road if access from a public road is not feasible and the applicant submits affidavits of consent and maintenance agreements with those who share the private road;
- to be sufficient to prevent traffic congestion on roads in adjoining residential areas; and
- not be closer than 40 feet to the lot line of a residentially zoned adjoining lot that is not part of the farm brewery or winery unless the applicant submits affidavits of consent from all owners of the residentially owned lot.

Under current law, farm breweries in RLD or R1 districts are required to be located on a minor arterial road or higher classification road, whereas, all wineries are required to be on an arterial or collector road. Under current law, both farm breweries and wineries require that direct vehicular access be sufficient to prevent traffic congestion on roads in adjoining residential areas. Under current law, access to wineries cannot be within 40 feet of the lot line of a residentially zoned property, but farm breweries are not currently subject to that restriction.

The Office of Planning and Zoning is aware of one property that may be impacted by this legislation if the applicant cannot provide an alternative location for vehicular access from a private road that complies with these provisions. This bill has no fiscal impact to the County.

**Resolution No. 15-20: Charter Amendment**

This resolution proposes an amendment to the Charter of Anne Arundel County to allow the use of an emergency ordinance to address a situation that needs immediate action. It further allows the emergency ordinance to take effect from the date it becomes law instead of forty-five days after it becomes law. The current Charter of Anne Arundel County allows an emergency ordinance necessary for the immediate preservation of public peace, health, safety, and welfare to take effect from the date it becomes law.

This resolution also changes the term “shall not” to “may not” to clarify that an emergency ordinance may not levy taxes, create revenue, grant franchise or special privilege, abolish or create any office, change any salary, term, or duty of an officer, create any vested right or interest, or create or expand any Capital Project, or increase the funding for a Capital Project unless the increase in funding is required solely to meet cost escalation and does not affect the scope of the project as originally budgeted. This resolution has no fiscal impact.



---

Susan L. Smith, CPA, CFE  
County Auditor