



**ANNE ARUNDEL COUNTY
OFFICE OF THE COUNTY AUDITOR**

To: Councilmembers, Anne Arundel County Council
From: Michelle Bohlayer, County Auditor
Date: March 15, 2023
Subject: Auditor's Review of Legislation for the March 20, 2023 Council Meeting

**Bill 6-23:
Subdivision and
Development – Zoning –
Accessory Dwelling Units
(As Amended)**

Summary of Legislation

This bill exempts accessory dwelling units from impact fees; amends the definitions of density and dwelling unit, accessory; repeals certain parking requirements for accessory dwelling units; amends the conditional use requirements for accessory dwelling units; and allows accessory dwelling units in use as of a certain date to be exempt from certain conditional use requirements.

We commented on this bill in our letters dated February 16, 2023 and March 1, 2023. At the March 6, 2023 Council meeting, this bill was amended to exempt accessory dwelling units from capital facility connection charges and to limit the exemption from impact fees for accessory dwelling units to only accessory dwelling units that are not part of the new construction of a principal single-family detached dwelling. This bill was also amended to allow the short-term residential rental of the principal single-family detached dwelling or accessory dwelling unit if the principal single-family detached dwelling or accessory dwelling unit is owner-occupied and to prohibit a variance for an accessory dwelling unit that reduces the minimum set back requirements to an adjacent lot located in a residential district. There was also one technical amendment to correct a reference. We have no further comments on this bill.

**Bill 10-23:
Floodplain Management,
Erosion and Sediment
Control, and Stormwater
Management –
Subdivision and
Development – Water
Quality Improvement
Projects (As Amended)**

Summary of Legislation

This bill defines water quality improvement project and exempts certain water quality improvement projects from the prohibition against development in natural feature areas.

We commented on this bill in our letter dated March 1, 2023. At the March 6, 2023 Council meeting, this bill was amended to make a stylistic change to the definition of water quality improvement project and exempt certain water quality improvement projects from the site development plan process. We have no further comments on this bill.

**Bill 12-23:
Conveyance of Surplus
Property – Improved
County-Owned Property –
Part of the Dorsey Run
Road Right-of-Way in
Annapolis Junction**

Summary of Legislation

This bill approves the conveyance of certain County-owned property comprised of approximately 2.9245 acres of land, being part of the Dorsey Run Road right-of-way, in Annapolis Junction, Maryland, to Microsoft Corporation.

The aforementioned property had two independent appraisals performed to determine the fair market value of the property, as required by County Code. The property appraised for \$1,900,925 as of November 30, 2022 and \$2,547,900 as of December 15, 2022, for an average of \$2,224,412.50.

The Office of Central Services advertised a Notice of Invitation to Bid in The Capital newspaper for three consecutive weeks. The advertisement ran starting January 7, 2023 indicating a minimum acceptable price of \$2,224,412.50. Only one bid was received by the County on January 20, 2023 from Microsoft Corporation for \$2,224,412.50.

Review of Fiscal Impact

We agree with the information presented in the Administration’s fiscal note that the County will receive a total of \$2,224,412.50 in exchange for this property.

**Bill 13-23:
Licenses and Registrations
– Special Events –
Permitting**

Summary of Legislation

This bill establishes a uniform permitting process for special events, defines certain terms, requires certain persons to obtain a permit to hold special events, requires the permit application to contain certain information, establishes the basis for granting or denying the permit application, establishes fees and fee waivers for special event permit applications, requires reimbursement of costs incurred by the County and allows for the waiver of such reimbursement, requires certain inspections to be performed, and allows for the termination of permits in certain circumstances.

We agree with the Administration's fiscal note that the impact of this bill will depend on the number of permits applied for special events and the related special services charged for those events. The revenue estimate contained in the fiscal note of \$100,000 to \$150,000 is based on the costs incurred by the Fire Department (Fire) and the Police Department (Police) in fiscal year 2022 (FY22) for special events. These costs totaled \$117,433 but were not reimbursable at that time and would become the responsibility of the applicant based on the requirements of this bill. There were also 64 events that required parade permits during FY22 which would result in application fees of \$3,200 to \$6,400 if the same number of parades were to occur with the proposed application fees, dependent upon if the \$50 or \$100 application fee is charged.

The Department of Inspections and Permits does anticipate a change in workload due to the requirements of this bill and they anticipate needing one additional Licensing Inspector. The annual salary of a Licensing Inspector ranges from approximately \$44,000 to \$67,300. Fire does not anticipate a change in workload due to this bill. They will continue to staff a special event by either taking their 24/7 in-service resources out-of-service making them unavailable to the community and reassigning that unit to the special event or by staffing reserve units at the special event and paying their employees overtime which allows the 24/7 units to remain available in the community. Police does not anticipate a change in workload due to this bill as these events are already staffed by on-duty officers, overtime officers, or secondary employment officers. The Health Department, Board of License Commissioners, Department of Recreation and Parks, Department of Public Works, and Office of Emergency Management anticipates minimal impact to workload due to this bill and do not anticipate needing additional resources to meet the requirements of this bill.

The Administration plans to create a special events workgroup. This workgroup will review applications submitted for special events, determine when to alter or waive application filing deadlines, and determine when to waive an application fee or payment requirements for all or a portion of the special services charges. Modifications to permit applications will be determined by agencies and their individual requirements. The fiscal impact of this bill will depend on whether the workgroup decides to waive or require payment of application fees and special services charges.

**Bill 14-23:
General Provisions – Fair
Housing – Denial of Rental
Application - Notice**

Summary of Legislation

This bill requires a landlord to provide a denied renter written notice of the reason for a refusal to rent or denial of the rental application within a certain number of days of a request by the denied renter, making a failure to provide a written notice a Class C civil offense.

Review of Fiscal Impact

Clarification of the enforcement provision is required to determine fiscal impact.

**Bill 15-23:
Zoning – Residential
Districts – Business
Complexes as a
Conditional Use**

Summary of Legislation

This bill allows business complexes as a conditional use in R1 residential zoning districts, adds the conditional use requirements for business complexes in a residential district, and allows a business complex in a residential district to include certain additional uses allowed in C1 or C3 commercial zoning districts.

Review of Fiscal Impact

The Office of Planning and Zoning does not anticipate a change in workload due to this bill and does not anticipate needing additional resources to meet the requirements of this bill. There are no existing applications that will be impacted by this bill. This bill has no direct fiscal impact.
