



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

**To:** Councilmembers, Anne Arundel County Council  
**From:** Michelle Bohlayer, County Auditor  
**Date:** October 12, 2023  
**Subject:** Auditor's Review of Legislation for the October 16, 2023 Council Meeting

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**Bill 64-23:  
Subdivision and  
Development – Zoning –  
Boards, Commissions, and  
Similar Bodies – Parole  
Town Center – Parole  
Town Center Master Plan  
(As Amended)**

**Summary of Legislation**

This bill repeals the 1994 Parole Urban Design Concept Plan and adopts the Parole Town Center Master Plan, dated July 17, 2023; renames the Parole Town Center Growth Management Area the Parole Town Center; exempts certain development applicants from provisions of the bill; defines terms; establishes the Parole Town Center development requirements associated with maximum height and minimum open area, parking, setbacks, inclusionary housing, public facilities, bicycle and pedestrian access, and other specified uses; creates a public benefits incentive program for certain development; repeals restrictions on the issuance of variances for the Parole Town Center; and requires the Parole Town Center Master Plan to be kept in specified locations.

We commented on this bill in our letters dated August 30, 2023, September 13, 2023, and September 28, 2023. At the October 2, 2023 Council meeting, this bill was amended to:

- provide that a conservation public benefit for the Parole Town Center incentive program may be a site designed to meet the criteria to obtain Leadership in Energy and Environmental Design certification;
- change the requirement for noise mitigation from all development to residential development or nonresidential development with activity spaces and require noise to be at certain levels for residential development and at certain levels for nonresidential activity spaces, where possible;
- remove Westfield Annapolis Mall and part of the Annapolis Plaza properties from Parole North District subarea and add them to the Core subarea;
- replace the prohibition on indoor rifle, pistol, skeet, and archery ranges in the Parole Town Center with an outdoor prohibition;

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**Bill 64-23 (continued)**

- make revisions to the grandfathering provisions of the bill;
- provide that a development in the Parole Town Center may under certain circumstances request an offset for vehicle trips generated by any prior uses that exist or existed on the site within five years attributable to the uses and the daily trips generated by those prior uses;
- review the requirement for reservation of land for future rights-of-way or other public infrastructure to be at the point when a County or state project is funded for design and is at least 60% designed;
- add criteria for the evaluation of an incentive program application to be whether the proposed public benefits are comparable in scope and cost to the incentive requested;
- revise the applicability provisions to provide that activities exempt from the site development provisions of the Code are not subject to the Parole Town Center Master Plan or Code provisions;
- clarify that certain properties adjacent to and within 100 feet of property not in the Parole Town Center and in the RA, RLD, R1, R2, or R5 zoning districts and is a residential use are subject to a different maximum height; and
- remove the prohibition on semi-detached dwellings in the Parole Town Center and make it a conditional use.

We have no further comments on this bill.

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**Bill 66-23:  
Zoning – Outdoor  
Lighting on Piers (As  
Amended) (Hearing  
Concluded) (Eligible For  
Vote)**

**Summary of Legislation**

This bill requires outdoor lighting installed on a pier to be a full cutoff fixture mounted horizontal to the ground.

We commented on this bill in our letters dated August 30, 2023, September 13, 2023, and September 28, 2023. At the October 2, 2023 Council meeting, this bill was held until the October 16, 2023 meeting. We have no further comments on this bill.

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**Bill 67-23:  
Pensions – Personnel –  
Public Ethics – Positions in  
the Classified Service –  
Positions in the Exempt  
Service (Hearing  
Concluded) (Eligible For  
Vote)**

**Summary of Legislation**

This bill amends the County Code to create a new Assistant Chief of Police (E7) classification in the exempt service and adds one Assistant Chief of Police position in the Police Department in the Fiscal Year 2024 (FY24) Approved Budget. It also eliminates the existing Police Chief of Staff (E6) position in the exempt service from the FY24 Approved Budget upon vacancy. It amends Deferred Retirement Option Program, Employees' and Police Service Retirement plan, and Public Ethics provisions to include the new Assistant Chief of Police classification, consistent with other Police Department senior staff. This bill also provides a one-grade increase to the four following Police Department classifications: Animal Control Officer, Crime Analyst, Crime Scene Technician I, and Crime Scene Technician II. This bill

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**Bill 67-23 (continued)**

eliminates 18 classified positions and creates 18 new classified positions with all but 1 of these new positions at a higher grade. These positions are within the Fire Department, Department of Detention Facilities, Office of Planning and Zoning (OPZ), and Office of Transportation.

We commented on this bill in our letter dated September 28, 2023. At the October 2, 2023 Council meeting, this bill was held until the October 16, 2023 meeting. We have no further comments on this bill.

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**Bill 69-23:  
Zoning – General  
Provisions – Amendments  
to Comprehensive Zoning  
Ordinance (As Amended)**

**Summary of Legislation**

This bill implements a 2018 Charter Amendment by establishing a process for posting specified outdoor notice signs prior to introduction of an amendment to a comprehensive zoning ordinance not requested by application or proposed by OPZ.

We commented on this bill in our letter dated September 28, 2023. At the October 2, 2023 Council meeting, this bill was amended to require a minimum of 10 days' notice of a proposed change of zoning by amendment to a comprehensive zoning ordinance by signs on the subject property and notice on the Council website, require a property owner to submit proof of sign posting, and clarify that the requirements do not apply to a change of zoning that was requested by application to or proposed by OPZ prior to introduction of the comprehensive zoning ordinance or an emergency ordinance. It was also amended to reconcile Code to use the term comprehensive zoning ordinance. We have no further comments on this bill.

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**Bill 73-23:  
Subdivision and  
Development – Site  
Development –  
Exemptions –  
Improvements to Existing  
Structures – Cumulative  
Floor Area and  
Impervious Surface (As  
Amended)**

**Summary of Legislation**

This bill increases the maximum amount of floor area or impervious surface from 1,000 to 4,000 square feet to be exempt from the site development plan approval process. Proposed site developments above the maximum require review and approval of a preliminary plan and a subsequent final site development plan. Proposed site developments below the maximum require an exemption application that follows a separate process for an administrative decision for the exemption request.

We commented on this bill in our letter dated September 28, 2023. At the October 2, 2023 Council meeting, this bill was amended to remove the requirement that the impervious surface be reviewed and managed in a certain manner. We have no further comments on this bill.

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**Bill 75-23:  
Approval of the Lease  
between Anne Arundel  
County and Gaudenzia,  
Inc.**

**Summary of Legislation**

This bill approves an agreement to lease a part of County-owned property located at 105 and 107 Circle Drive in Crownsville, to Gaudenzia, Inc. This lease agreement is for a term of 35 years, with two 30-year renewal options. The lease requires the tenant to pay annual rent of \$1 to the County and for the tenant to pay all maintenance and operating expenses. The lease also makes the tenant responsible for real estate taxes assessed against the leased property which are directly attributable to the lessee's facilities and use. Currently, the tenant is tax exempt because of the services provided. The lease limits the use of the property to the operation of business activities related to providing behavioral health services for the citizens of the State of Maryland.

In July 2017, Gaudenzia, Inc. entered into a 10-year lease with the state that included two five-year renewal options.

**Review of Fiscal Impact**

This bill has no direct fiscal impact on the County. The tenant is responsible for maintenance and operating expenses of the leased space. The County has no plans for any County-funded improvements and the County has not funded any recent improvements to the property.

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**Bill 76-23:  
Construction and Property  
Maintenance Codes  
Supplement – Building  
Permit Exemptions –  
Detached Accessory  
Structures**

**Summary of Legislation**

This bill exempts gazebos, pavilions, and pergolas from building permit requirements if they do not exceed a specified height and floor area, and are accessory to a residential structure.

This bill also adds a height limitation to the building permit exemption for detached accessory structures that are accessory to nonresidential structures. One-story detached accessory structures meeting specified floor area are currently exempted from building permit requirements but with this bill, the detached accessory structures that are accessory to nonresidential structures will be limited to unoccupied storage sheds and also subject to a height limitation.

Also, this bill exempts specified decks from building permit requirements.

All three of these provisions specify that permits are required for accessory structures or decks located on waterfront property.

**Review of Fiscal Impact**

The Department of Inspections and Permits (I&P) anticipates that the reduction in building permits related to the gazebo, pavilion, and pergola exemption will be offset by the increase in permits related to new height requirements on all accessory structures and removing the exemption of certain nonresidential accessory structures. However, I&P

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**Bill 76-23 (continued)**

was not able to provide actual building permit data, as permits are tracked by cost rather than project type. In addition, because certain shed permits are not currently required, there is no way to estimate how many shed permits will be received for processing based on the requirements of this bill.

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**Bill 77-23:  
Zoning – Residential and  
Industrial Districts –  
Conditional and Special  
Exemption Uses – Natural  
Wood Waste Recycling  
Facilities**

**Summary of Legislation**

This bill authorizes natural wood waste recycling facilities (NWWRFs) as a conditional use in R1 residential zoning districts and authorizes the relocation or expansion of a NWWRF as a conditional use in a W2 industrial zoning district. Also, this bill establishes conditional use requirements for NWWRFs and eliminates special exception requirements for certain NWWRFs. There are currently two NWWRFs in the County.

**Review of Fiscal Impact**

OPZ does not anticipate a change in workload due to this bill and advises no additional resources are required.

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**Resolution 44-23:  
Supporting the Board of  
Education’s FY25 Public  
School Construction  
Capital Improvement  
Program Request for  
Submission to the  
Interagency Commission  
on School Construction**

**Summary of Legislation**

This resolution confirms the County Executive’s support and letter of support for the Board of Education (BOE)’s Fiscal Year 2025 (FY25) School Construction Capital Improvement Program (CIP) for submission to the Maryland State Department of Education’s Interagency Committee on School Construction. We have reviewed the letter and the BOE’s FY25 capital request. The BOE has increased their total FY25 CIP to \$234,527,000 from the \$199,197,000 included for FY25 in the FY24 CIP adopted by the County Council.

**Review of Fiscal Impact**

We agree with the Administration’s fiscal note that any fiscal impact would be considered and determined in future budget deliberations. The BOE CIP request for funding from the Interagency Committee on School Construction for FY25 is \$78.6 million.

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