



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

**To:** Councilmembers, Anne Arundel County Council  
**From:** Michelle Bohlayer, County Auditor  
**Date:** March 29, 2024  
**Subject:** Auditor's Review of Legislation for the April 1, 2024 Council Meeting

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**Bill 1-24: Public Safety – Summary of Legislation  
Animal Care and  
Control – Potentially  
Dangerous, Dangerous,  
and Vicious Animals (As  
Amended)**

This bill authorizes the Police Department Animal Care and Control Agency to waive redemption, adoption, spay, and neuter fees; amends specified animal license fees in the second and subsequent years they are issued; and requires owners to pay specified costs associated with the care of their seized and surrendered animals in cruelty cases.

We commented on this bill in our letters dated January 31, 2024, February 16, 2024, February 29, 2024, and March 15, 2024. At the March 18, 2024 Council meeting, this bill was amended to remove provisions defining potentially dangerous, dangerous, and vicious animals. We have no further comments on this bill.

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**Bill 4-24: Personnel (As Summary of Legislation  
Amended)**

This bill repeals existing and establishes new procedures and requirements for implementing County personnel actions. This bill prohibits discrimination within County employee personnel processes on the basis of nine additional protected classes; and expands the Personnel Officer's authority to move and fill a vacant position to include filling positions of equal or higher levels of job responsibility.

This bill authorizes the Personnel Officer to modify the classification plan for all positions in the classified service and implement these modifications upon approval of the Chief Administrative Officer (CAO). If the Council ultimately rejects these modifications, the Personnel Officer is authorized to transfer employees to other specified jobs. This bill also increases the number of days of annual leave an employee may carry over into

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**Bill 4-24 (Continued)**

the next calendar year from 35 to 40 days in addition to other provisions.

We commented on this bill in our letters dated February 16, 2024, February 29, 2024, and March 15, 2024. At the March 18, 2024 Council meeting, this bill was amended to allow the Personnel Officer to transfer or fill vacant positions without Council approval if the pay grade for the vacant position does not exceed the base of the pay grade for the new position by more than 10%, the position remains in the same County department, and the Controller certifies that funds are available. This bill was also amended to require Council approval if the base of a new pay grade that is assigned to an existing job classification exceeds the base of the current pay grade by more than 10% and require a quarterly report from the Personnel Officer to the Council on changes to the classification plan. We have no further comments on this bill.

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**Bill 6-24: General Development Plan – Region 2 Plan (Public Hearing Continued) (Eligible for Vote)**

**Summary of Legislation**

The purpose of this bill is to adopt the Anne Arundel County Region 2 Plan, the region plan for Region Planning Area No. 2 (Area 2), dated January 26, 2024; amend the County’s General Development Plan (Plan2040); and require the Anne Arundel County Region 2 Plan to be kept in specified files.

We commented on this bill in our letters dated February 29, 2024 and March 15, 2024. At the March 18, 2024 Council meeting, this bill was held until the April 1, 2024 Council meeting. We have no further comments on this bill.

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**Bill 7-24: Comprehensive Zoning – Region 2 (Public Hearing Continued) (Eligible for Vote)**

**Summary of Legislation**

This bill repeals portions of the Digital Zoning Layer dated February 22, 2011, for Area 2; adopts the Digital Zoning Layer dated January 26, 2024 for Area 2; and requires specified offices to keep certified copies of the Digital Zoning Layer dated January 26, 2024 for Area 2.

We commented on this bill in our letters dated February 29, 2024 and March 15, 2024. At the March 18, 2024 Council meeting, this bill was held until the April 1, 2024 Council meeting. We have no further comments on this bill.

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**Bill 8-24: General  
Development Plan –  
Region 7 Plan (As  
Amended)**

**Summary of Legislation**

The purpose of this bill is to adopt the Anne Arundel County Region 7 Plan, the region plan for Region Planning Area No. 7 (Area 7), dated January 5, 2024; amend Plan2040; and require the Anne Arundel County Region 7 Plan to be kept in specified files.

We commented on this bill in our letters dated February 29, 2024 and March 15, 2024. At the March 18, 2024 Council meeting, this bill was amended to correct an error that removed a 1.92 acre parcel off of Old South River Road, known as Parcel 157 on Tax Map 51, from the Critical Corridor as shown on the Development Policy Area map. This bill was also amended to move a portion of Annapolis Neck, that is between US 50 and Weems Creek, as shown on the Region 7 map, to the Greater Annapolis area and remove references to the Village Center, Village Center Development Policy Overlay, Sector Study, and Sector Plan in the Ridgely Avenue area. We have no further comments on this bill.

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**Bill 9-24:  
Comprehensive Zoning  
– Region 7 (Public  
Hearing Continued)  
(Eligible for Vote)**

**Summary of Legislation**

This bill repeals portions of the Digital Zoning Layer dated May 16, 2011, for Area 7; adopts the Digital Zoning Layer dated January 5, 2024 for Area 7; and requires specified offices to keep certified copies of the Digital Zoning Layer dated January 5, 2024 for Area 7.

We commented on this bill in our letters dated February 29, 2024 and March 15, 2024. At the March 18, 2024 Council meeting, this bill was held until the April 1, 2024 Council meeting. We have no further comments on this bill.

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**Bill 14-24: Subdivision  
and Development –  
Zoning – Small Business  
Districts (As Amended)**

**Summary of Legislation**

This bill modifies architectural feature requirements for development in Small Business Districts (SBD), sign use requirements in SBDs, and minimum lot size requirements applicable to SBDs.

We commented on this bill in our letter dated March 15, 2024. At the March 18, 2024 Council meeting, this bill was amended to correct an error; provide for an exception from certain architectural features for religious facilities located in a SBD; and remove dry cleaning and laundry establishments, including pick-up stations, package plants, and coin-operated facilities, with less than 4,000 square feet of floor area as a permitted use in SBDs. We have no further comments on this bill.

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**Bill 15-24: Current  
Expense Budget –  
Capital Budget and  
Program –  
Supplementary  
Appropriations**

**Summary of Legislation**

The Administration initially advised that a \$1,000,000 state grant for the Brooklyn Park Outdoor Rec Imps (Project #P576500) capital project was budgeted in both the Fiscal Year 2020 Approved Capital Budget and Program and also in the Fiscal Year 2021 Approved Capital Budget and Program. Subsequently, the Administration advised that an anticipated contribution from a project partner did not occur. Due to appropriating \$1,000,000 in unsupported revenue, capital project estimated expenditures exceed available funding. According to the Administration, the total estimated capital project cost is \$11,058,900, which is \$817,900 more than the \$10,241,000 in estimated available revenues. This bill amends the Fiscal Year 2024 (FY24) Approved Budget and FY24 Capital Budget and Program by making a \$1,000,000 supplementary appropriation to provide general fund PayGo for the Brooklyn Park Outdoor Rec Imps capital project from the CAO contingency account.

These changes to the FY24 Capital Budget and Program have been reviewed by the Planning Advisory Board, and they have offered an advisory recommendation of approval.

**Review of Fiscal Impact**

This \$1,000,000 supplemental appropriation for developing athletic facilities at Brooklyn Park Middle School is for anticipated capital project construction costs and potential unexpected expenses associated with surface settlement or subgrade failure, storm damage, or utility failures.

The Controller certified that these funds are available for appropriation.

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**Bill 16-24: Zoning – Uses  
– Food Service Facilities  
– Outdoor Seating  
Related to Food and  
Beverage Service**

**Summary of Legislation**

In response to the COVID-19 pandemic, the County authorized restaurants to operate outdoor seating as a temporary use without requiring specified approval. This temporary authority was given to certain restaurants that were in operation as of May 20, 2021 and it currently expires June 1, 2024. This bill permanently authorizes specified restaurants that were in operation as of May 20, 2021 to offer outside seating if they submit a specified application that is approved by the Planning and Zoning Officer. A list of the restaurants that have been authorized was requested, but the Administration was not able to report the number of restaurants operating outdoor seating with the temporary authority.

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**Bill 16-24 (continued)****Review of Fiscal Impact**

The Office of Planning and Zoning (OPZ) anticipates an increase in workload due to this bill, but advises this work will be absorbed and additional resources are not required.

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**Bill 17-24: Zoning –  
Adult Independent  
Dwelling Units****Summary of Legislation**

This bill modifies the definition of an adult independent dwelling unit (AIDU); modifies residential zoning district uses for AIDUs, multifamily dwellings, and townhouse dwellings; and establishes and modifies conditional use requirements and bulk regulations for multifamily and townhouse dwellings in specified residential zoning districts. This bill authorizes multifamily dwellings in R1, R2, and R5 residential zoning districts only if they are AIDUs and specifies related requirements. This bill also authorizes townhouses in R1 and R2 residential zoning districts only if they are AIDUs and specifies related requirements. The OPZ advises this bill impacts at least one pending subdivision plan.

**Review of Fiscal Impact**

OPZ and the Department of Inspections and Permits (I&P) do not anticipate a significant change in workload due to this bill and advise no additional resources are required. To the extent the bill results in additional residential development, impact and permit fees and taxes collected by the County and associated expenditures may increase; however, this is dependent upon the actual development projects and cannot be determined.

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**Bill 18-24: Board of  
Appeals – Compensation  
– Per Diem Allowance****Summary of Legislation**

This bill increases a per diem allowance for the Board of Appeals (BOA) members from \$75 to \$125 per specified day and applies retroactively on or after January 1, 2024.

**Review of Fiscal Impact**

This bill increases the per diem allowance reimbursement rate by \$50 per day. Assuming seven BOA members work all 97 eligible days annually, expenditures would increase by a maximum of \$34,000 annually. The BOA's FY24 Approved Budget provides funding for this proposed increase.

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**Bill 19-24: Zoning –  
Requirements for  
Conditional Uses –  
Workforce Housing**

**Summary of Legislation**

This bill amends conditional use requirements for Workforce Housing (WFH) to permit WFH in R5 and R10 zoning districts that do not have direct vehicular access to a collector or higher classification road and reduces income-based occupancy requirements from 40% to 25% for homeownership and from 60% to 25% for rental units for those properties. Also, this bill decreases the maximum density of WFH from 22 dwelling units per acre to 10 dwelling units per acre in an R5 zoning district and to 15 dwelling units per acre in an R10 zoning district.

**Review of Fiscal Impact**

OPZ and I&P do not anticipate a change in workload due to this bill and advise no additional resources are required. Arundel Community Development Services (ACDS), which administers the County’s WFH program, anticipates this bill will result in additional workload, but could not specify the extent of this impact because the amount of future applications is unknown. ACDS has requested County funding for fiscal year 2025 in anticipation of this additional workload. To the extent the bill results in additional residential development, impact and permit fees and taxes collected by the County and associated expenditures may increase; however, this is dependent upon the actual development projects and cannot be determined. WFH is exempt from 50% of the capital facility connection charges (CFCC) which are deposited into the Water and Wastewater Sinking Fund. The reduced charges may necessitate future rate increases to CFCC and Environmental Protection fees that support this fund.

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**Bill 20-24: Zoning –  
Mixed Use Districts –  
Requirements for  
Conditional Uses –  
BWI/Fort Meade  
Growth Area –  
Multifamily Residential  
Uses**

**Summary of Legislation**

This bill permits multifamily dwellings in place of nonresidential uses on certain sites in the BWI/Fort Meade Growth Area (Area) located in a C3 or mixed-use zoning district under certain conditions. This bill also establishes new conditional use requirements for multifamily dwellings in a C3 commercial or mixed-use zoning districts located in the Area. This bill impacts an estimated 6,260 acres in the Area.

**Review of Fiscal Impact**

OPZ and I&P do not anticipate a change in workload due to this bill and advise no additional resources are required. ACDS anticipates this bill will result in additional workload but could not specify the extent of this impact or the additional funding that may be required.

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**Bill 20-24 (continued)**

To the extent the bill results in additional residential development, impact and permit fees and taxes collected by the County could increase; however, since the additional residential development might replace non-residential development, the amount of these increases cannot be determined. Any additional residential development could impact school capacity; however, OPZ advises the development plans would be required to pass school adequate public facilities testing and therefore, would be considered as a part of the development application.

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**Resolution 8-24:  
Establish an Ad Hoc  
Committee to Study and  
Make Recommendations  
on Personnel Policies for  
the Legislative Branch of  
Anne Arundel County  
Government**

**Summary of Legislation**

This resolution establishes an ad hoc committee to study and make recommendations on personnel policies for the County's Legislative Branch. The committee must submit a final report to the Council by December 31, 2024.

We commented on this resolution in our letter dated March 15, 2024. At the March 18, 2024 Council meeting, this resolution was amended to clarify that workplace provisions will potentially be revised and to remove a representative of the County Executive from the membership of the committee. We have no further comments on this resolution.

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**Resolution 9-24:  
Confirming  
Appointment of a  
Member of the Anne  
Arundel County  
Agricultural  
Preservation Advisory  
Board**

**Summary of Legislation**

This resolution confirms the appointment of Richard W. Catterton to serve on the Anne Arundel County Agricultural Preservation Advisory Board (Board) for a term expiring on March 17, 2029.

While state law requires three Board members to be owner-operators of commercial farms who earn 50% or more of their income from farming, the Administration does not verify that these ownership and income requirements as stipulated in state law are met. They have received confirmation from Mr. Catterton that he is a full-time farmer. As a result, we are unable to determine compliance with state law.

**Review of Fiscal Impact**

This resolution has no fiscal impact.

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