



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

To: Councilmembers, Anne Arundel County Council
From: Michelle Bohlayer, County Auditor
Date: May 3, 2024
Subject: Auditor's Review of Legislation for the May 6, 2024 Council Meeting

**Bill 6-24: General
Development Plan –
Region 2 Plan (As
Amended)**

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, March 15, 2024, March 29, 2024, and April 11, 2024. At the April 15, 2024 Council meeting, this bill was amended to:

- change the planned land use for the property known as Parcels 296 and 298 on Tax Map 8, located on 7549 Teague Road and 7553 Teague Road, Hanover from Open Space to Public Use;
- change the planned land use for 11 properties known as Parcels 86, 108, 166, 383, 467, and 543 on Tax Map 14 for certain properties located on and portions of Youse Avenue, Jessup and Rae Road, Hanover from Low-Medium Density Residential to Low Density Residential;
- change the planned land use for a portion of the property known as part of Lots 13 and 14, Parcel 219 on Tax Map 7, located on 7246 Forest Avenue, Hanover from Low Density Residential to Parks and Open Space;
- change the planned land use for a portion of the property known as Parcel 179 on Tax Map 7, located on 7230 Forest Avenue, Hanover from Low Density Residential to Parks and Open Space;
- change the planned land use for a portion of the property known as Parcel 277 on Tax Map 7, located on 7199 Ohio

Bill 6-24 (continued)

Avenue, Hanover from Low Density Residential to Parks and Open Space; and

- change the planned land use for the property known as Parcel 68 on Tax Map 13, located on 2820 Jessup Road and 2822 Jessup Road from Commercial to Low Density Residential.

At the May 1, 2024 Council meeting, there were an additional two amendments to change the planned land use for specific properties and two technical amendments to correct errors. We have no further comments on this bill.

**Bill 7-24:
Comprehensive Zoning
– Region 2 (As
Amended)****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, March 15, 2024, March 29, 2024, and April 11, 2024. At the April 15, 2024 Council meeting, this bill was amended to:

- change the zoning for the 11 properties known as Parcels 86, 108, 166, 383, 467, and 543 on Tax Map 14 for certain properties located on and portions of Youse Avenue, Jessup and Rae Road, Hanover from R5 Residential to R1 Residential;
- change the zoning for an approximately 52-acre portion of the property known as Parcel 372 on Tax Map 29 identified as Lease Parcel Z of the United States of America Fort George G. Meade, Reece Road, Ft. Meade, from R1 Residential to C2 Commercial Office;
- change the zoning for a portion of the properties known as part of Lots 13 and 14, Parcel 219 on Tax Map 7, located on 7246 Forest Avenue, Hanover from R1 Residential to Open Space;
- change the zoning for a portion of the property known as Parcel 179 on Tax Map 7, located on 7230 Forest Avenue, Hanover from R1 Residential to Open Space;
- change the zoning for a portion of the property known as Parcel 277 on Tax Map 7, located on 7199 Ohio Avenue, Hanover from R1 Residential to Open Space;
- change the zoning for a property known as part of Lots 12 and 39, Parcel 265 on Tax Map 13, located on 2874 Jessup Road, Jessup from C1 Local Commercial to Small Business; and

Bill 7-24 (continued)

- change the zoning for the property known as Parcel 68 on Tax Map 13, located on 2820 Jessup Road and 2822 Jessup Road, Jessup from C1 Local Commercial to R1 Residential.

At the May 1, 2024 Council meeting, there were an additional three amendments to change the zoning for specific properties. We have no further comments on this bill.

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, March 15, 2024, March 29, 2024, and April 11, 2024. At the April 15, 2024 Council meeting, this bill was amended to change the planned land use for the properties known as Parcels 158 and 159 on Tax Map 45H, located at (no number) Willow Road and 2 Willow Road, Annapolis from Low Density Residential to Commercial and to require a Sector Plan for Ridgely Avenue to include input from residents and other stakeholders. This bill was also amended to correct erroneous or missing words in the Region 7 Plan. We have no further comments on this bill.

Bill 9-24: Comprehensive Zoning – Region 7 (As Amended)

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, March 15, 2024, March 29, 2024, and April 11, 2024. At the April 15, 2024 Council meeting, this bill was amended to change the zoning of the property known as Parcels 158 and 159 on Tax Map 45H, located at (no number) Willow Road and 2 Willow Road, Annapolis from R2 Residential to Small Business. We have no further comments on this bill.

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

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 unable to report the number of restaurants operating outdoor seating with the temporary authority.

We commented on this bill in our letters dated March 29, 2024 and April 11, 2024. At the April 15, 2024 Council meeting, this bill was amended to remove the prohibition on outdoor seating at food service facilities that are less than 100 feet from a residential property. We have no further comments on this bill.

**Bill 17-24: Zoning –
Adult Independent
Dwelling Units (As
Amended)**

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 Office of Planning and Zoning (OPZ) advises this bill impacts at least one pending subdivision plan.

We commented on this bill in our letters dated March 29, 2024 and April 11, 2024. At the April 15, 2024 Council meeting, this bill was amended to remove minimum site area requirements for R10, R15, and R22 zoning districts. This bill was also amended to correct a typographical error. We have no further comments on this bill.

Bill 22-24: Subdivision and Development – Adequate School Facilities – School Utilization Chart (As Amended)

Summary of Legislation

This bill approves the School Utilization Chart, 2024. This proposed school utilization chart does not reflect a recently approved redistricting plan. The Council last approved the School Utilization Chart in Bill 90-22.

We commented on this bill in our letter dated April 11, 2024. At the April 15, 2024 Council meeting, this bill was amended to substitute the exhibit to include an explanatory footnote. We have no further comments on this bill.

Bill 24-24: Current Expense Budget – Third Quarter Fund Transfer and Supplementary Appropriations

Summary of Legislation

This bill transfers appropriation of funds between certain offices, departments, institutions, boards, commissions, or other agencies in the General Fund and makes supplementary appropriations from unanticipated revenues to the Grants Special Revenue Fund for the current fiscal year.

Review of Fiscal Impact

This bill transfers \$9,224,100 of appropriations from the Chief Administrative Officer’s (CAO) contingency account. This is the second request to adjust the CAO’s contingency account appropriation in fiscal year 2024 (FY24), which has an available appropriation of \$12,000,000 and is sufficient to cover this transfer.

The purpose of the transfer is to fund the following:

- \$5,000,000 for the Board of Education (BOE) for Fixed Charges associated with additional estimated health care claim payments for employees and retirees. This is the second request to adjust BOE’s Health Care Fund appropriation in FY24. This transfer was initiated by the Administration.
 - \$150,000 for the CAO for the Anne Arundel Economic Development Corporation (AAEDC) to obtain consulting assistance from the Maryland Economic Development Corporation or other contractors to solicit and evaluate proposals for a mixed-use development project located at 7409 Baltimore Annapolis Boulevard, Glen Burnie. The Administration has entered into an agreement with Anne Arundel Community Development, LLC to market this County-owned property to third-parties to facilitate disposition and redevelopment as a mixed-use residential development.
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Bill 24-24 (continued)

- \$760,000 for the Department of Detention Facilities for expenses related to a rebid medical services contract for inmate medical, dental, mental health, and pharmaceutical services.
- \$471,300 for the Office of Transportation for fixed, on-demand, and paratransit transportation services costs remaining after the available grant funding has been applied (\$190,400) and to support direct charge vehicle costs (\$280,900).
- \$2,842,800 for the Department of Public Works for the Bureau of Highways' expenses associated with annual winter snow removal operations (\$2,288,800), estimated streetlight electricity charges (\$350,000), and replacement of equipment lost due to a fire at a traffic maintenance facility in March 2024 (\$204,000).

This bill also increases the Grants Special Revenue Fund by \$105,000 due to grant funds awarded to the Partnership for Children, Youth, and Families by the Maryland Community Health Resources Commission for the Maryland Consortium on Coordinated Community Supports Partnerships (\$80,000) and Maryland State Department of Education for the Local Early Childhood Advisory Council Quality Improvement grant (\$25,000). These grant awards provide funding to build capacity and professional development within the Local Early Childhood Advisory Council; increase capacity to serve infants, toddlers, and their families; increase access to resources for infants, toddlers, and their families; and support the behavioral health needs of families of school age children in Brooklyn Park, West County, and South County. There are no matching funds required from the County for these grants.

The net impact of these supplementary appropriations is an increase of \$9,329,100. The Controller certified that \$9,224,100 in general fund transfers and \$105,000 in supplementary appropriations are available for appropriation.

Bill 25-24: Construction and Property Maintenance Codes – Codes and Supplements

Summary of Legislation

This bill adopts and modifies the nine following construction codes and specified amendments and supplements to those codes: 2021 International Building Code; 2021 International Residential Code for One- and Two-Family Dwellings; 2021 International Energy Conservation Code; 2021 International Existing Building Code; 2021 International Fuel Gas Code; 2021 International Plumbing Code; 2021 International Mechanical Code; 2021 International Swimming Pool and Spa Code; and the National Electrical Code (NFPA 70), 2020 Edition.

This bill also establishes County-specific residential, electrical, and swimming pool and spa code requirements, including: modifying the time frames for renewals and extensions of building permits; altering requirements related to guards on open-sided stairs, ramps, and landings; requiring under-floor vapor retarders in crawl spaces between air-permeable insulation and the ground; requiring fittings to be installed on the plumbing system in new houses that are served by a well; modifying requirements related to receptacle outlets serving certain countertops or work surfaces; requiring outside emergency disconnects for electrical feeders supplied to homes; adding an exception to clarify that existing service equipment in compliance with previous editions of the Code is not required to be upgraded; requiring sump pump and sewer ejector pumps to be on individual branch circuits; and requiring permanent barriers around swimming pools.

Review of Fiscal Impact

All of the construction codes being adopted, except the 2021 International Fuel Gas Code, are currently required in state law and regulations. The Department of Inspections and Permits (I&P) advises bill provisions unique to the County are not anticipated to affect County expenditures or permit revenues.

I&P is in the process of notifying approximately 3,500 license holders about these changes to construction codes in accordance with the County Code specified public notification requirements, the cost of which will be absorbed in their existing FY24 Approved Budget.

**Bill 32-24: Zoning –
General Provisions –
Uses and Structures –
Temporary Uses –
Outdoor Dining Areas
(Emergency Ordinance)**

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 after June 1, 2024.

This emergency bill extends the temporary use authorization for outdoor seating at restaurants established by Bill 55-21, as amended by Bills 83-21, 1-23, and 85-23. The provisions of this emergency ordinance will remain in effect until August 1, 2024, and unless the food service facility obtains all authorizations and permits and permission required by law, the outdoor seating facilities must be removed no later than August 11, 2024.

Review of Fiscal Impact

This bill has no direct fiscal impact.

**Resolution 15-24:
Proposing a Charter
Amendment for
Procurement Thresholds**

Summary of Legislation

This resolution proposes an amendment to the Charter of Anne Arundel County to increase the minimum value of purchases and contracts subject to a simplified competitive procurement process from greater than \$5,000 to greater than \$10,000 and alters associated County website contract award notification requirements to apply to contracts greater than \$10,000, an increase from the current threshold of \$5,000 or greater.

Review of Fiscal Impact

According to the Office of Central Services, during fiscal year 2023 (FY23), the Purchasing Division had a total of 292 procurements that were each between \$5,000 and \$10,000. These small procurements had a total value of \$2.0 million and represented 0.54% of the County's overall transaction value of \$373.2 million in FY23.

The Office of Central Services does not anticipate any fiscal impact from this Charter amendment if enacted but advises it will reduce workload.
