

Ordinance No.: 19-12
Subdivision Regulation Amendment No.: 20-01
Concerning: [[Rules of Interpretation –
Computing Time Periods]]
Adequate Public
Facilities/Preliminary Subdivision
Plans -Validity Periods
Draft No. & Date: 7 - 7/27/2020
Introduced: June 23, 2020
Public Hearing: July 28, 2020
Adopted: July 28, 2020
Effective: July 28, 2020

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Riemer
Co-Sponsors: Councilmembers Friedson, Navarro, and Hucker

AN AMENDMENT to:

- Extend the validity period or deadlines of approved subdivisions that are unexpired at a certain date.

By amending

Montgomery County Code
Chapter 50. “Subdivision of Land”
[[Division 50.2. “Interpretation and Defined Terms”]]
[[Section 2.1. “Rules of Interpretation”]]
Division 50.3. “General Requirements”
Division 50.4. “Preliminary Plan”

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by introduced Subdivision Regulation Amendment.</i>
[Single boldface brackets]	<i>Deleted from existing law by introduced Subdivision Regulation Amendment.</i>
<u>Double underlining</u>	<i>Added to the Subdivision Regulation Amendment by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the Subdivision Regulation Amendment by amendment.</i>
* * *	<i>Existing law unaffected by Subdivision Regulation Amendment.</i>

OPINION

Subdivision Regulation Amendment (SRA) No. 20-01, Rules of Interpretation – Computing Time Periods, Lead Sponsor Councilmember Riemer and Co-Sponsors Councilmembers Friedson, Navarro, and Hucker, was introduced on June 23, 2020.

SRA 20-01 would extend the duration of all deadlines and validity periods established for previously-approved, unexpired subdivisions by 2 years. The additional time runs from the period “applicable to the approval.” The period or date applicable to the approved application would include any extensions granted by the Planning Board. The extensions apply to unexpired approved applications. Unexpired applications include those applications for which the applicant has made a request for an extension to the Planning Board in a timely manner.

In its report to the Council, the Montgomery County Planning Board recommended that the SRA be approved with an amendment to retain the core idea but to leave the current code sections concerning interpretation and defined terms unchanged and to amend uncodified sections of Subdivision Regulations to accomplish the sponsors’ objective.

The Council’s public hearing was on July 28, 2020. There was no opposition to ZTA 20-01 other than the Planning Board’s alternative text.

The District Council reviewed Subdivision Regulation Amendment No. 20-01 at a worksession held immediately after the public hearing on July 28, 2020. The Council agreed to approve SRA 20-01 with the Planning Board’s proposed amendments, with editorial corrections. Section 3 of the SRA is to be part of the uncodified text of Section 50.3. Section 4 of the SRA is to be part of the uncodified text of Section 50.4. Uncodified text is not underlined.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Subdivision Regulation Amendment No. 20-01 will be approved as amended.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following Ordinance:

1 **Sec. 1. Chapter 50 is amended as follows:**

2 * * *

3 **Division 50.2. INTERPRETATION AND DEFINED TERMS**

4 **Section 2.1. Rules of Interpretation**

5 The following rules of interpretation apply to this Chapter.

6 A. How to Compute Periods Measured in Months. If a period of time is measured
7 in months, the period begins and ends on the same day of a month; however,
8 if there are not enough days in the final month for this to be possible, the
9 period ends on the final day of the final month.

10 B. How to Compute Periods Measured in Days. If this Chapter [[establishes a
11 validity period or]] requires or allows a person to perform an act within a
12 specific time period measured in days, the person must compute the deadline
13 in the following manner:

14 1. If the period follows an event, count the day after the event as the first
15 day of the period.

16 2. Count the remaining number of calendar days in the period; however,
17 if the period is 7 days or fewer, omit Saturdays, Sundays, and legal
18 holidays.

19 3. Do not count the last day if it is a Saturday, Sunday, legal holiday, or
20 if the office where the person must file a document or perform an act
21 is not open during the regular hours of that office on that day.

22 [[4. For unexpired applications approved before {effective date}, the
23 validity period or the time period is 2 years after the period applicable
24 to the approval.]]

25 C. Requirements to Act by a Specific Date.

26 1. If the law requires or allows a person to perform an act by a specific
27 date, but the specific date is a Saturday, Sunday, or legal holiday, the

28 person may perform the act on the next day that is not a Saturday,
29 Sunday, or legal holiday.

30 2. Any action required to be taken within a specific time period is
31 measured from the date of a final agency action, or, if a party seeks
32 judicial review of the agency action, from the date the court makes a
33 final decision.

34 [[3. For unexpired applications approved before {effective date}, the
35 specific date is 2 years after the date applicable to the approval.]]

36 * * *

37 **Sec. 2. Repeal of prior uncodified provisions.**

38 The uncodified provisions of Ordinance Numbers 16-35, 17-04, 17-31 and 18-04
39 which appear in Sections 50.3 and 50.4 are repealed.

40 **Sec. 3. Automatic Extensions.**

41 (a) Notwithstanding any provision of portions of Section 4.3.J to the contrary,
42 the validity period of any determination of adequate public facilities that was
43 valid on March 31, 2009, or for which a timely application for an extension
44 of the validity period was pending on March 31, 2009 is automatically
45 extended for 8 years after the date when the validity period would otherwise
46 have expired. This 8-year extension includes any extension granted
47 automatically by any previous subdivision amendment and must be treated
48 for all purposes as part of the validity period that was extended.

49 (b) Notwithstanding any provision of portions of Section 4.3.J to the contrary,
50 the validity period of any determination of adequate public facilities that was
51 valid on March 31, 2011, or for which a timely application for an extension
52 of the validity period was pending on March 31, 2011, is automatically
53 extended for 6 years after the date when the validity period would otherwise
54 have expired. This 6-year extension includes any extension granted

55 automatically by any previous subdivision amendment and must be treated
56 for all purposes as part of the validity period that was extended.

57 (c) Notwithstanding any provision of portions of Section 4.3.J to the contrary,
58 the validity period of any determination of adequate public facilities that was
59 valid on March 31, 2013, or for which a timely application for an extension
60 of the validity period was pending on March 31, 2013, is automatically
61 extended for 4 years after the date when the validity period would otherwise
62 have expired. This 4-year extension includes any extension granted
63 automatically by any previous subdivision amendment and must be treated
64 for all purposes as part of the validity period that was extended.

65 (d) Notwithstanding any provision of portions of Section 4.3.J to the contrary,
66 the validity period of any determination of adequate public facilities that was
67 valid on March 31, 2015 or for which a timely application for an extension
68 of the validity period was pending on March 31, 2015, is automatically
69 extended for 2 years after the date when the validity period would otherwise
70 have expired. This 2-year extension must be treated for all purposes as part
71 of the validity period that was extended.

72 (e) Notwithstanding any provision of portions of Section 4.3.J to the contrary,
73 the validity period of any determination of adequate public facilities that was
74 valid on July 28, 2020, or for which a timely application for an extension of
75 the validity period was pending on July 28, 2020, is automatically extended
76 for 2 years after the date when the validity period would otherwise have
77 expired. This 2-year extension includes any extension granted automatically

78 by any previous subdivision amendment and must be treated for all purposes
79 as part of the validity period that was extended.

80 * * *

81 **Sec. 4. Automatic Extensions.**

82 (a) Notwithstanding any provision of Section 4.2.G to the contrary, the validity
83 period of any preliminary subdivision plan that was valid on March 31,
84 2009, or for which a timely application for an extension of the validity
85 period was pending on March 31, 2009, including any separate phase of a
86 multi-phase plan, is automatically extended for 8 years after the date when
87 the validity period would otherwise have expired. This 8-year extension
88 includes any extension granted automatically by any previous subdivision
89 amendment and must be treated for all purposes as part of the validity period
90 that was extended.

91 (b) Notwithstanding any provision of Section 4.2.G to the contrary, the validity
92 period of any preliminary subdivision plan that was valid on March 31,
93 2011, or for which a timely application for an extension of the validity
94 period was pending on March 31, 2011, including any separate phase of a
95 multi-phase plan, is automatically extended for 6 years after the date when
96 the validity period would otherwise have expired. This 6-year extension
97 includes any extension granted automatically by any previous subdivision
98 amendment and must be treated for all purposes as part of the validity period
99 that was extended.

100 (c) Notwithstanding any provision of Section 4.2.G to the contrary, the validity
101 period of any preliminary subdivision plan that was valid on March 31,
102 2013, or for which a timely application for an extension of the validity
103 period was pending on March 31, 2013, including any separate phase of a
104 multi-phase plan, is automatically extended for 4 years after the date when

105 the validity period would otherwise have expired. This 4-year extension
106 includes any extension granted automatically by any previous subdivision
107 amendment and must be treated for all purposes as part of the validity period
108 that was extended.

109 (d) Notwithstanding any provision of Section 4.2.G to the contrary, the validity
110 period of any preliminary subdivision plan that was valid on March 31,
111 2015, or for which a timely application for an extension of the validity
112 period was pending on March 31, 2015, including any separate phase of a
113 multi-phase plan, is automatically extended for 2 years after the date when
114 the validity period would otherwise have expired. This 2-year extension
115 must be treated for all purposes as part of the validity period that was
116 extended.

117 (e) Notwithstanding any provision of Section 4.2.G to the contrary, the validity
118 period of any preliminary subdivision plan that was valid on July 28, 2020,
119 or for which a timely application for an extension of the validity period was
120 pending on July 28, 2020, including any separate phase of a multi-phase
121 plan, is automatically extended for 2 years after the date when the validity
122 period would otherwise have expired. This 2-year extension must be treated
123 for all purposes as part of the validity period that was extended.

124 **Sec. 5. Effective Date.** This amendment takes effect when it becomes law.
125

126 *Approved:*

127

128



8/7/2020

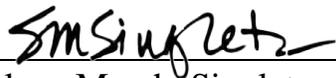
129 Marc Elrich, County Executive

Date

130

131 *This is a correct copy of Council action.*

132



8/9/2020

Selena Mendy Singleton, Esq.
Clerk of the Council

Date