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


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

* * *

Division 50.2. INTERPRETATION AND DEFINED TERMS

Section 2.1. Rules of Interpretation

The following rules of interpretation apply to this Chapter.

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

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

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

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

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

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

C. Requirements to Act by a Specific Date.

1. If the law requires or allows a person to perform an act by a specific date, but the specific date is a Saturday, Sunday, or legal holiday, the
person may perform the act on the next day that is not a Saturday, Sunday, or legal holiday.

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

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

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Sec. 2. Repeal of prior uncodified provisions.
The uncodified provisions of Ordinance Numbers 16-35, 17-04, 17-31 and 18-04 which appear in Sections 50.3 and 50.4 are repealed.

Sec. 3. Automatic Extensions.
(a) Notwithstanding any provision of portions of Section 4.3.J to the contrary, the validity period of any determination of adequate public facilities that was valid on March 31, 2009, or for which a timely application for an extension of the validity period was pending on March 31, 2009 is automatically extended for 8 years after the date when the validity period would otherwise have expired. This 8-year extension includes any extension granted automatically by any previous subdivision amendment and must be treated for all purposes as part of the validity period that was extended.

(b) Notwithstanding any provision of portions of Section 4.3.J to the contrary, the validity period of any determination of adequate public facilities that was valid on March 31, 2011, or for which a timely application for an extension of the validity period was pending on March 31, 2011, is automatically extended for 6 years after the date when the validity period would otherwise have expired. This 6-year extension includes any extension granted
automatically by any previous subdivision amendment and must be treated
for all purposes as part of the validity period that was extended.

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

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

(e) Notwithstanding any provision of portions of Section 4.3.J to the contrary,
the validity period of any determination of adequate public facilities that was
valid on July 28, 2020, or for which a timely application for an extension of
the validity period was pending on July 28, 2020, is automatically extended
for 2 years after the date when the validity period would otherwise have
expired. This 2-year extension includes any extension granted automatically
by any previous subdivision amendment and must be treated for all purposes as part of the validity period that was extended.

* * *

**Sec. 4. Automatic Extensions.**

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

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

(c) Notwithstanding any provision of Section 4.2.G to the contrary, the validity period of any preliminary subdivision plan that was valid on March 31, 2013, or for which a timely application for an extension of the validity period was pending on March 31, 2013, including any separate phase of a multi-phase plan, is automatically extended for 4 years after the date when
the validity period would otherwise have expired. This 4-year extension includes any extension granted automatically by any previous subdivision amendment and must be treated for all purposes as part of the validity period that was extended.

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

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

Sec. 5. Effective Date. This amendment takes effect when it becomes law.
Ordinance No.: 19-12

Approved:

Marc Elrich, County Executive  
Date

This is a correct copy of Council action.

Selena Mendy Singleton, Esq.  
Clerk of the Council  
Date