

# NOTICE

Issued by:

## Office of Planning & Zoning

Notice #:

OPZ-20-12-Rev

Release Date:

Original: 7/2/20  
Revised: 11/1/21

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### COVID-19 Computation of Legal Time Requirements

Anne Arundel County Executive Stuart Pittman suspended any legal or procedural deadline, due date, time of default, time expiration, period of time, or other time of an act or event described within any County Charter provision, ordinance, rule, or regulation, with the exception of any legal time requirement established in Article 12, Title 4 ("Animal Control") of the Anne Arundel County Code, with Executive Order Number 17 on March 16, 2020.

Effective as of 5:00 p.m. on June 12, 2020, Executive Order Number 25 terminates Executive Order Number 17. The full text of Executive Order Number 25 is available online:

<https://www.aacounty.org/departments/county-executive/executive-orders/stuart-pittman/SP-25.pdf>

Steve Kaii-Ziegler,  
AICP

*Planning & Zoning  
Officer*





M A R Y L A N D

Office of Planning and Zoning

Steve Kaii-Ziegler AICP, Planning and Zoning Officer

## MEMORANDUM

TO: MBIA, Review Agencies, and the General Public

FROM: Steve Kaii-Ziegler, AICP, Planning and Zoning Officer *SKZ*

SUBJECT: Executive Order Number 25 Timing Guidance

DATE: July 2, 2020

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The Office of Planning and Zoning offers the following guidance regarding the computation of timing requirements following Executive Order No. 25:

### SCENARIO #1

As the timing suspension terminated on June 12, 2020, any legal or procedural deadline, due date, time of default, time expiration, period of time, or other time of an act or event described within any Anne Arundel County Charter provision, ordinance, rule, or regulation issued between March 16 and June 12, 2020, will commence with the regular allotted timing beginning June 12, 2020.

#### **Development Example:** *Sketch Plan comments were issued on May 7, 2020.*

Per Article 17-3-203(c), within 60 days after the date the report is mailed, the developer shall file a Sketch Plan resubmittal. The due date for this Sketch Plan resubmittal would be 60 days from June 12, 2020, resulting in a revised due date of August 11, 2020.

#### **Zoning Example:** *The Administrative Hearing Officer granted a variance on May 7, 2020.*

Per Article 18, Section 18-16-405 (a), within 18 months of the granting, a variance or special exception not extended or tolled expires by operation of law unless the applicant (1) obtains a building permit or (2) files an application for subdivision. In this case, the applicant would have 18 months remaining from June 13, 2020, to obtain a building permit or file an application for subdivision.

Thereafter, the variance or special exception shall not expire so long as (1) construction proceeds in accordance with the permit or (2) a record plat is recorded among the land records pursuant to the application for subdivision, the applicant obtains a building permit within one year after recordation of the plat, and construction proceeds in accordance with the permit.

#### **Enforcement Example:** *Under a Consent Order issued on March 1, 2020, a property owner has 60 days to remove an unregistered vehicle.*

Fifteen days of this period passed by the date of the March 16, 2020, when Executive Order No. 17 suspended the running of time periods; the remaining 45 days began to run on June 12, 2020, with the termination of Executive Order No. 17. The owner would have until July 27, 2020, to cure the violation. If the violation is not

cured by July 27, 2020, the owner runs the risk of being held in contempt of court for failing to comply with the Consent Order.

For any deadlines that arose after March 16, 2020, the entirety of the time to take action begins running after June 12, 2020. If a notice or court order was issued on April 1, 2020, granting 30 days for compliance, then the entire 30 days would start running after June 12, 2020, making the compliance date July 12, 2020. Court Orders or notices of violation with compliance dates before Executive Order No. 17 remain unchanged.

## SCENARIO #2

When a legal or procedural deadline, due date, time of default, time expiration, period of time, or other time of an act or event described within any Anne Arundel County Charter provision, ordinance, rule, or regulation arose before the Executive Order No. 17 effective date of March 16, 2020, the new deadline, time of default, or other as described above will be computed by deducting the time lapsed prior to March 16, 2020, and adding the remaining “unused” days to June 12, 2020.

**Development Example:** *Sketch Plan comments were issued on March 1, 2020.*

Per Article 17-3-203(c), within 60 days after the date the report is mailed, the developer shall file a Sketch Plan resubmittal. The original due date for this Sketch Plan resubmittal was 60 days from March 1, 2020. Fifteen days lapsed from March 1 to March 16, 2020; therefore, 45 days remain “unused”. The new due date for this application would be 45 days from June 12, 2020, or July 27, 2020.

**Zoning Example:** *The Administrative Hearing Officer granted a variance on February 14, 2020.*

Per Article 18, Section 18-16-405 (a), within 18 months of the granting, a variance or special exception not extended or tolled expires by operation of law unless the applicant (1) obtains a building permit or (2) files an application for subdivision. In this case, the applicant would have 17 months remaining from June 13, 2020, to obtain a building permit or file an application for subdivision.

Thereafter, the variance or special exception shall not expire so long as (1) construction proceeds in accordance with the permit or (2) a record plat is recorded among the land records pursuant to the application for subdivision, the applicant obtains a building permit within one year after recordation of the plat, and construction proceeds in accordance with the permit.

**Enforcement Example:** *The deadline to comply with a Court Order or notice of violation issued on March 1, 2020, was 30 days.*

Fifteen days passed prior to the issuance of Executive Order No. 17 on March 16, 2020, and the remaining 15 days started running after June 12, 2020. Compliance would therefore be required by June 27, 2020. Court Orders or notices of violation with compliance dates before Executive Order No. 17 remain unchanged.