

ORDINANCE NO. 2288

AN ORDINANCE PROVIDING FOR THE ADDITIONAL TEMPORARY EXTENSION OF TIME FOR SUBDIVISION APPLICATIONS, CONDITIONAL USE APPLICATIONS, AND RESIDENTIAL PLANNED COMMUNITY DISTRICTS

WHEREAS, the Sussex County Council has the power to develop, adopt, amend, and revise its Subdivision and Zoning Ordinances as it shall deem necessary in order to preserve and protect the public health, safety, morals, beauty and good appearance of Sussex County and to provide for the orderly growth thereof; and

WHEREAS, the Sussex County Council has adopted Subdivision and Zoning Ordinances and a Comprehensive Land Use Plan in order to provide for the regulation and orderly approval of residential, commercial, and industrial uses with Sussex County; and

WHEREAS, on August 9, 2011, the Sussex County Council adopted Ordinance No. 2208, which extended all subdivision, Residential Planned Community and Conditional Use approvals as set forth therein; and

WHEREAS, the Sussex County Council continues to be concerned that the approvals and/or permits that have been granted by it and the County Planning and Zoning Commission may lapse due to the current economic crisis, and drastic recession affecting this County, the State and the United States, and severely impacting the County's banking, real estate, construction, and building materials businesses and employment in Sussex County; and

WHEREAS, the process of obtaining approvals and/or permits can be difficult, time consuming, and expensive for both the applicants and the County Government; and

WHEREAS, approvals and/or permits could be difficult to extend, renew, or re-obtain once lapsed or expired; and

WHEREAS, the Sussex County Council deems it appropriate to implement a temporary general extension of approvals and/or permits for Subdivision and Residential Planned community approvals; and

WHEREAS, the Sussex County Council is of the opinion that the granting of such extensions is appropriate in order to avoid unnecessary administrative issues related to repetitive applications for extensions of time for approvals and/or permits or rehearing previously approved applications, and to otherwise provide for the orderly growth of Sussex County.

NOW, THEREFORE, THE SUSSEX COUNTY COUNCIL HEREBY ORDAINS:

Section 1: Notwithstanding the time limits for validity set out in Chapter 99 of the Sussex County Code, any preliminary subdivision plat under Section 99-9 B, and any recorded subdivision plat valid under Section 99-11 and Section 99-40, valid as of January 1, 2013 shall remain valid until January 1, 2016 or the expiration of the current approval, whichever is later.

Section 2: Notwithstanding any other provisions of Chapter 115 of the Sussex County Code for any Residential Planned Community valid under Article XVI and valid as of January 1, 2013 shall remain valid until January 1, 2016 or the expiration of the current approval, whichever is later.

Section 3: Notwithstanding any other provisions of Chapter 115 of the Sussex County Code for any Conditional use action approved pursuant to the provision of Article XVI, Article XXIV, and Article XXVIII of Chapter 115 of the Sussex County Code valid as of January 1, 2013, and relating to new residential, commercial, or industrial developments, shall be valid until January 1, 2016 or the expiration of the current approval, whichever is later.

Section 4: This Ordinance shall apply retroactively to any approval valid on or before January 1, 2013.

Section 5: This Ordinance shall become effective upon its adoption by a majority of all members elected to the County Council of Sussex County.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2288 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 15TH DAY OF JANUARY 2013.

A handwritten signature in black ink, appearing to read "Re Griffith", with a stylized flourish at the end.

**ROBIN A. GRIFFITH
CLERK OF THE COUNCIL**