

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE PROVIDING FOR THE ADDITIONAL TEMPORARY EXTENSION OF TIME FOR SUBDIVISION APPLICATIONS, CONDITIONAL USE APPLICATIONS, AND RESIDENTIAL PLANNED COMMUNITY DISTRICTS, WITH A PROVISION FOR FURTHER EXTENSION UPON WRITTEN REQUEST.**

**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 Conditional Uses to allow all such projects that remain viable to seek, in writing, an additional time extension of their approval; 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, with a date of approval of January 1, 2009 or later shall be valid until June 1, 2013 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 outstanding as of January 1, 2009 or later shall be valid until June 1, 2013 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 and outstanding as of January 1, 2009 or later, and relating to new residential, commercial, or industrial developments, shall be valid until June 1, 2013 or the expiration of the current approval, whichever is later.

**Section 4:** Any applicant holding a valid approval as set forth in the preceding Sections 1, 2 or 3 may request an additional extension of time for the validity of said approval until January 1, 2014. Such a request must be in writing, delivered to the Director of Planning and Zoning on or before June 1, 2013. At a minimum, the written request must include the following information:

- A. A development schedule or phasing plan for the project.
- B. The minimum percentage of the project that the applicant expects to complete during the first five years after the Final Site Plan is approved.
- C. A list of all governmental agency approvals that have been obtained, and for any that remain outstanding, the anticipated time frame for obtaining them.
- D. A detailed explanation of the grounds, and reasons in support of the applicant's request for the time extension.

The Planning and Zoning Commission shall consider any written request submitted pursuant to this Ordinance at any regular meeting. Requests for time extensions shall be granted by the Planning and Zoning Commission only upon a finding that all of the information required herein has been supplied and that there is good cause for the granting of the requested extension.

**Section 5:** This Ordinance shall apply retroactively to any approval valid on or before January 1, 2013.

**Section 6:** 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. \_\_\_\_\_ ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

Robin A. Griffith  
Clerk of the Council