

**ORDINANCE NO. 2563**

**AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXVII, §115-213 RELATING LAPSES OF SPECIAL EXCEPTIONS AND VARIANCES**

WHEREAS, currently all special exceptions or variances granted by the Sussex County Board of Adjustment automatically lapse and become null and void if no substantial construction or change of use has occurred within one year from the date said approval was granted; and

WHEREAS, Sussex County Council recognizes that due to other needed approvals and permits, and other reasonable time factors, it is not always possible to commence construction or change use within one year from the date a special exception or variance was granted; and

WHEREAS, other approvals have greater time periods to commence construction; and

WHEREAS, Sussex County Council has determined that the time period under which substantial construction or a change of use must occur following the grant of a special exception or variance should be extended to two (2) years; and

WHEREAS, deletions to the text of the existing Code of Sussex County are shown in [brackets] and additions are shown in *italics*.

**NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1.** Amend Sussex County Code, Chapter 115, Article XXVII, §115-213 “Lapse of Special Exception or Variance” as follows:

**§115-213 Lapse of special exception or variance.**

After the Board of Adjustment has approved a special exception or granted a variance, the special exception or variance so approved or granted shall lapse after the expiration of [one year] *two years* if no substantial construction or change of use has taken place in accordance with the plans for which such special exception or variance was granted. [or if the Board does not specify some longer period that one year, for good cause shown, and the provisions of these regulations shall thereafter govern.] *The Board of Adjustment may extend the expiration date of the special use exception or variance for a period not to exceed one year upon a showing of good cause; provided however, that the extension request is submitted prior to the expiration of the existing approval. If a decision of the Board is appealed, the two years shall not begin until the decision on appeal becomes final.*

**Section 2.** Effective Date. This Ordinance shall become effective upon its adoption by a majority of all members elected to Council.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2563 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 20TH DAY OF MARCH 2018.

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ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL