

LAWS OF DELAWARE
VOLUME 84
CHAPTER 47
152nd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 104
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO LAND USE PLANNING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 92, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 9202. Definitions.

For the purpose of this chapter:

(3) “Economic development project” means a development project creating full-time jobs, that is consistent with an adopted local government comprehensive plan and local land development and zoning ordinances, and the economic development project is located at least partially in Investment Levels 1 or 2 as set forth under the Strategies for State Policies and Spending, promulgated under § 9101 of this title.

§ 9203. Local land use planning actions subject to review process.

(a) All projects meeting any 1 of the following criteria shall undergo a pre-application meeting and review process as set forth in this chapter:

(2) Any nonresidential subdivision involving structures or buildings with a total floor area exceeding 50,000 square feet, excluding any previously approved and recorded non-residential subdivision regardless of floor area size, or any site plan review involving structures or buildings with a total floor area exceeding 50,000 square feet, excluding any previously approved and recorded non-residential site plan review regardless of floor area size. Notwithstanding this paragraph, economic development projects are exempt from the pre-application meeting and review process, unless required by a local jurisdiction, through a memorandum of understanding between a local jurisdiction and the Office of State Planning Coordination or by ordinance.

(b) Any applicant may voluntarily request to participate in the pre-application review process and shall make such requests in writing to the Office of State Planning Coordination.

Approved June 20, 2023