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HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE BILL NO. 420

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:

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

3 § 9202. Definitions.

4 For the purpose of this chapter:

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

9 § 9203. Local land use planning actions subject to review process.

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

12 (2) Any nonresidential subdivision involving structures or buildings with a total floor area exceeding 50,000  
13 square feet, excluding any previously approved and recorded non-residential subdivision regardless of floor area size,  
14 or any site plan review involving structures or buildings with a total floor area exceeding 50,000 square feet, excluding  
15 any previously approved and recorded non-residential site plan review regardless of floor area size. Notwithstanding  
16 this paragraph, economic development projects are exempt from the pre-application meeting and review process,  
17 unless required by a local jurisdiction, through a memorandum of understanding between a local jurisdiction and the  
18 Office of State Planning Coordination or otherwise, or where an applicant voluntarily requests to participate under  
19 subsection (b) of this section.

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

## SYNOPSIS

The state's pre-application process for land use process, known as PLUS, was created 20 years ago and has served to increase coordination among state and local agencies. In doing so, it has fulfilled its intent of providing predictability and consistency for the development community, especially in the area of major projects. Given that success, this bill assists in expediting the process for economic development projects in the State of Delaware with some exemptions from the PLUS process. A project located in Investment Level 1 or 2 under the Strategies for State Policies and Spending that is consistent with local zoning and any local comprehensive plan that will create full-time jobs is exempt from the pre-application process unless required by the local government or requested by the applicant.