



SPONSOR: Rep. Bush & Rep. Michael Smith & Sen. Paradee
Rep. Q. Johnson; Sen. Hocker

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 361

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO ZONING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

Section 1. Amend Subchapter II, Chapter 26, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2663. Expedited review of a plan with job-creation impact.

(a)(1) New Castle County shall, by March 1, 2021, adopt an expedited review process of all land use plans for a property with an office, business park, manufacturing, or any industrial zoning classification, if either of the following applies:

a. More than 75,000 square feet of new space.

b. The creation or addition of at least 60 new, full-time, permanent jobs in New Castle County.

(2) The expedited review process must create a timeline that allows for review, final approval, and, if required, recordation of a land use plan within 6 months of the plan's submission, provided that all non-County permits and approvals necessary for County approval have been obtained.

(3) A residential or commercial retail project is not eligible for the expedited review process.

(b) To assist in expediting the process, an expedited review adopted under this section shall begin when the plan is submitted for review to the Office of State Planning under Chapter 92 of Title 29.

(c) A plan under expedited review has priority in the plan review process over a plan that is not under expedited review.

(d)(1) To assist in defraying additional costs associated with an expedited review, the County may charge a 1-time expedited review process fee of up to \$15,000 in addition to other plan review fees.

(2) If requested by the Office of State Planning, an applicant shall pay the Office of State Planning a 1-time fee of \$5,000, for disbursal to the appropriate state agencies. The 1-time, \$5,000 fee is in addition to other plan review fees that state agencies charge.

22 (e) A state agency that is involved in the approval process must use best efforts to timely review and comment on a
23 plan reviewed under this section.

24 (f) An applicant with a project that qualifies for expedited review is not required to request expedited review.

25 Section 2. Amend Subchapter II, Chapter 49, Title 9 of the Delaware Code by making deletions as shown by strike
26 through and insertions as shown by underline as follows:

27 § 4963. Expedited review of a plan with job-creation impact.

28 (a)(1) Kent County shall, by March 1, 2021, adopt an expedited review process of all land use plans for a property
29 with an office, business park, manufacturing, or any industrial zoning classification, if either of the following applies:

30 a. More than 75,000 square feet of new space.

31 b. The creation or addition of at least 60 new, full-time, permanent jobs in Kent County.

32 (2) The expedited review process must create a timeline that allows for review, final approval, and, if
33 required, recordation of a land use plan within 6 months of the plan's submission, provided that all non-County permits
34 and approvals necessary for County approval have been obtained.

35 (3) A residential or commercial retail project is not eligible for the expedited review process.

36 (b) To assist in expediting the process, an expedited review adopted under this section shall begin when the plan is
37 submitted for review to the Office of State Planning under Chapter 92 of Title 29.

38 (c) A plan under expedited review has priority in the plan review process over a plan that is not under expedited
39 review.

40 (d)(1) To assist in defraying additional costs associated with an expedited review, the County may charge a 1-time
41 expedited review process fee of up to \$15,000 in addition to other plan review fees.

42 (2) If requested by the Office of State Planning, an applicant shall pay the Office of State Planning a 1-time
43 fee of \$5,000, for disbursement to the appropriate state agencies. The 1-time, \$5,000 fee is in addition to other plan review
44 fees that state agencies charge.

45 (e) A state agency that is involved in the approval process must use best efforts to timely review and comment on a
46 plan reviewed under this section.

47 (f) An applicant with a project that qualifies for expedited review is not required to request expedited review.

Section 3. Amend Subchapter II, Chapter 69, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6963. Expedited review of a plan with job-creation impact.

(a)(1) Sussex County shall, by March 1, 2021, adopt an expedited review process of all land use plans for a property with an office, business park, manufacturing, or any industrial zoning classification, if either of the following applies:

a. More than 75,000 square feet of new space.

b. The creation or addition of at least 60 new, full-time, permanent jobs in Sussex County.

(2) The expedited review process must create a timeline that allows for review, final approval, and, if required, recordation of a land use plan within 6 months of the plan's submission, provided that all non-County permits and approvals necessary for County approval have been obtained.

(3) A residential or commercial retail project is not eligible for the expedited review process.

(b) To assist in expediting the process, an expedited review adopted under this section shall begin when the plan is submitted for review to the Office of State Planning under Chapter 92 of Title 29.

(c) A plan under expedited review has priority in the plan review process over a plan that is not under expedited review.

(d)(1) To assist in defraying additional costs associated with an expedited review, the County may charge a 1-time expedited review process fee of up to \$15,000 in addition to other plan review fees.

(2) If requested by the Office of State Planning, an applicant shall pay the Office of State Planning a 1-time fee of \$5,000, for disbursement to the appropriate state agencies. The 1-time, \$5,000 fee is in addition to other plan review fees that state agencies charge.

(e) A state agency that is involved in the approval process must use best efforts to timely review and comment on a plan reviewed under this section.

(f) An applicant with a project that qualifies for expedited review is not required to elect expedited review.

Section 4. This Act is known and may be cited as the "Bring New Jobs to Delaware Act."

SYNOPSIS

Time is money. The time and delay associated with the review of land use projects is often a factor in determining whether a potential employer will come to Delaware. This Act, the Bring New Jobs to Delaware Act, is intended to provide an expedited review process for projects likely to have significant economic impact and make Delaware more attractive to potential new employers. This Act applies to new office, manufacturing, and industrial uses (that is, uses which provide significant numbers of new jobs), and excludes new residential projects and commercial (i.e. retail) projects, which typically involve more community review, input, and comment and are not as much in need of an expedited review process.

Under this Act, New Castle, Kent, and Sussex Counties each must adopt, by March 1, 2021, an expedited review process for land use plans for a property with an office, business park, manufacturing, or industrial zoning classification and that involves either of the following:

- (1) More than 75,000 square feet of new space.
- (2) The creation or addition of at least 60 new, full-time, permanent jobs in the county in which the plan is submitted.

The expedited review process must include a timeline that allows for review, final approval, and, if required, recordation of a land use plan within 6 months of the plan's submission, if all non-county permits and approvals necessary for county approval have been obtained.

Residential or commercial retail projects are not eligible for the expedited review process.

The expedited review process begins when the plan is submitted for review to the Office of State Planning under Chapter 92, Title 29. A plan under expedited review has priority over a plan that is not under expedited review. An applicant that qualifies is not required to apply for an expedited review.

To assist in defraying additional costs associated with an expedited review, a county may charge a 1-time fee of up to \$15,000 in addition to other plan review fees. And, if the Office of State Planning requires it, an applicant may be required to pay the Office of State Planning a 1-time fee of \$5,000, to be disbursed to the appropriate state agencies. The 1-time, \$5,000 fee is in addition to other plan review fees that state agencies may charge.

State agencies that are involved in the approval process must use best efforts to timely review and comment on an expedited review.