

The site selection process is simplified by the Delaware Economic Development Office’s knowledge of available sites and buildings, by its ability to facilitate environmental and land use permitting, and by its assistance in obtaining necessary local permits.

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LIVABLE DELAWARE:

Under the Governor's Livable Delaware Initiative, the Delaware Economic Development Office works with new businesses to locate in established industrial parks or in areas that have been identified by the state or local governments as best suited for commercial and/or industrial development. In these locations, permitting and review processes are streamlined and the infrastructure is either already in place or planned.

Please see map on page IX-3 outlining the Strategies for State Policies and Spending. Please note this map is best viewed in color. For more information or to view this map in color, please visit [Strategies for State Policies and Spending](#), or call the Delaware Office of State Planning Coordination at 302-739-3090.

Brownfields Assistance Program

The Delaware Economic Development Office's Brownfields Assistance Program offers up to \$1 million annually in matching funds to assist with the investigation and remediation of brownfield sites. Municipalities, developers and businesses that own brownfields are eligible for individual grants of up to \$100,000. Additional funds of up to \$50,000 are available from the Department of Natural Resources and Environmental Control for brownfields remediation and cleanup.

Grants are awarded based on a project's potential to maintain or expand employment in Delaware, to diversify the state's industry base, or to increase the state's tax base. To be considered for funding, sites must be certified as brownfields by the Delaware Department of Natural Resources and Environmental Control (DNREC).

To learn more about the Brownfields Assistance Program, please call our office at (302) 739-4271.

HELP WITH SITE SELECTION:

The Delaware Economic Development Office offers a full line of services designed to assist in selecting a site and building in Delaware best suited to fit your needs. The Office is staffed by experienced professionals who can provide the most current and accurate information in the following categories:

I. Site Inventory

DEDO utilizes the CoStar Group and Loopnet computerized databases for property searches. These databases are constantly updated so that we may show you up-to-the-minute property listings.

These computerized databases can provide the following for most sites: location, parcel size, site characteristics, estimated price, zoning, utility services and transportation networks. In addition, aerial photographs, plot plans, and topographical maps are available for many sites. For a listing of sites within the state which meet your specifications, please contact the Delaware Economic Development Office.

II. Buildings Inventory

Utilizing CoStar and Loopnet computerized databases can provide you with an inventory of available buildings in Delaware which will meet your needs. The computerized building inventory includes information on location, size, type of construction, age of facility, price, support services, utilities, internal building systems, and availability for lease or purchase. Floor plans and photographs are available for many facilities. Proposed projects are also included in the inventory.

III. Site and Building Tours

The Delaware Economic Development Office is prepared to conduct confidential site and building tours for you at your convenience. Because the staff maintains an excellent relationship with all listing agents, it is possible to conduct preliminary tours of facilities without a realtor present. The office must, however, respect the terms of any listing agreement and, at the appropriate time, put you in contact with the listed agent.

IV. Business Climate Data

The Delaware Economic Development Office maintains current files on Delaware's business climate and can arrange confidential meetings with existing Delaware business executives so that you may discuss your proposals with those who know the state's business climate best. The Office expects and encourages these candid sessions and will attend these meetings only at your invitation.

In addition, the Office can provide you with a full list of support businesses located close to your proposed location, so that you may determine the availability of the critical supplies and services necessary for your business operation.

HELP WITH SITE SELECTION (continued):

V. Confidentiality

The Delaware Economic Development Office adheres to the highest professional standards of conduct in each of its development projects. Accordingly, you may be certain that any information which you share with any of the Office staff will remain completely confidential. At no time will the Delaware Economic Development Office divulge any data about your company or its plans without your prior approval.

INDUSTRIAL, OFFICE AND RESEARCH PARKS:

There are numerous industrial, office, and research parks available throughout the State. Detailed descriptions of these and other sites and buildings in Delaware can be obtained by contacting the Delaware Economic Development Office.

ECONOMIC DEVELOPMENT OFFICE FACILITATES PERMITTING:

Planning, zoning, and site selection decisions are expedited in Delaware as a result of a comparatively simple organization of both state and county governments. The [Department of Natural Resources and Environmental Control \(DNREC\)](#) administers all major environmental permits for the state. Each of Delaware's three counties maintains a central office for administering planning and zoning regulations. In addition, the office will provide trained professionals to guide a company through the state and local permit and zoning processes.

This section briefly outlines State environmental permits and county zoning processes.

STATE ENVIRONMENTAL PERMITS:

Responsibility for most major environmental permits, including air emissions, vapor recovery, ground and surface water withdrawals, water pollution, boiler safety, brownfields, and solid and hazardous wastes, are all administered by DNREC. That agency also has a Planning and Compliance Assistance Office who assists potential permittees with issues relating to small business, permitting and pollution prevention assistance. In addition, this office coordinates DNREC's "Regulatory Advisory Service" which provides a one-stop assistance service to firms requiring multiple state permits. The service informs applicants of permit requirements, schedules and standards, regulatory requirements, and arranges meetings which allow applicants to discuss their project with all relevant environmental officials at one time. The Planning and Compliance Assistance Office may be contacted at (302) 739-6400.

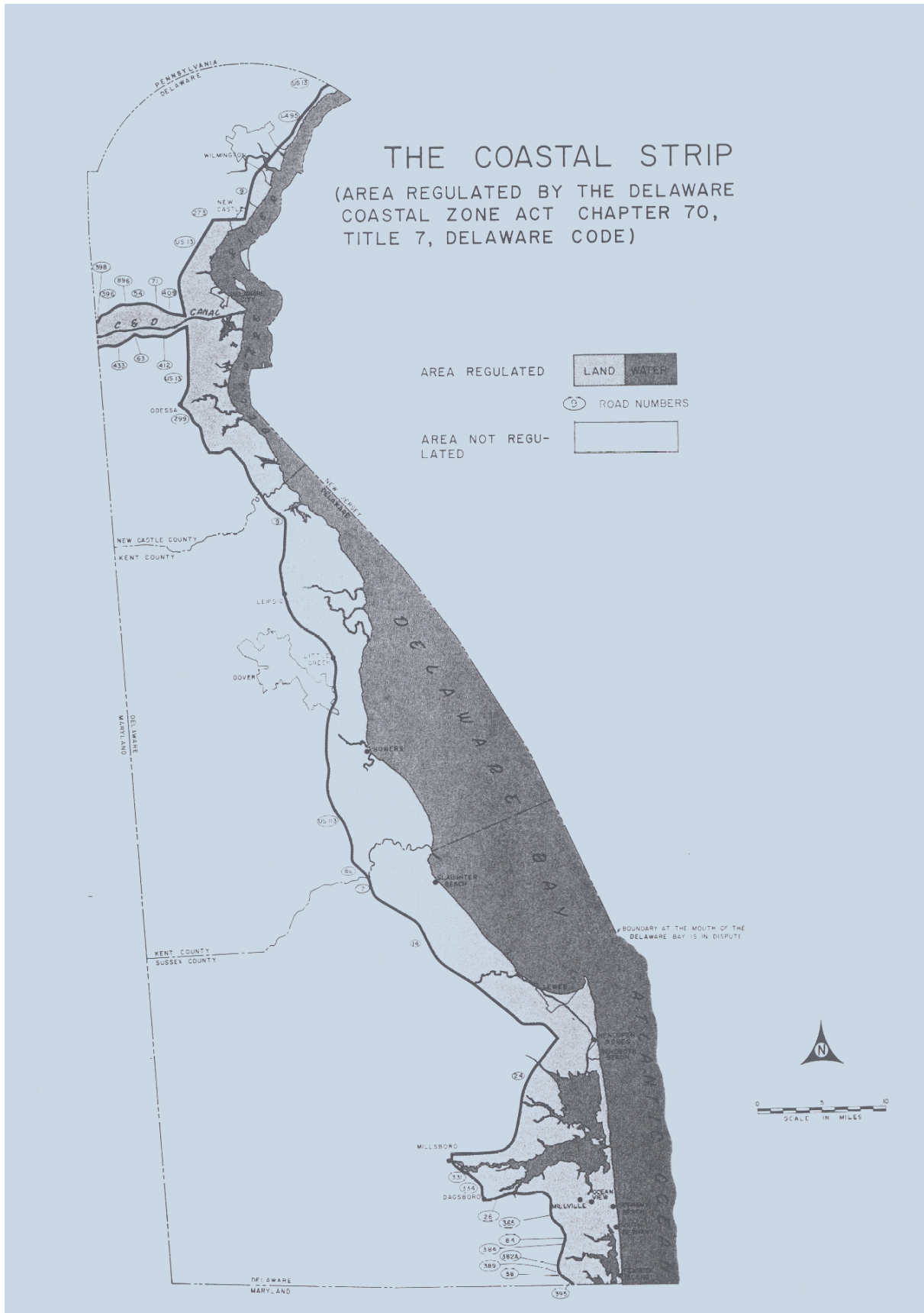
STATE LAND USE PERMITS:

In addition to state environmental permits, the Department of Natural Resources and Environmental Control administers the following statutes governing land use in Delaware:

1. The [Coastal Zone Act](#) controls the location, extent, and type of industrial development in the State's coastal zone, including lands contiguous to the Delaware River and Bay, Atlantic Ocean, and the Chesapeake and Delaware Canal. The construction of new heavy industries in the coastal zone, including oil refineries, steel manufacturing plants, cellulose pulp paper mills, and petrochemical plants, is prohibited. New bulk product transfer facilities for the movement of materials from vessel to shore or vessel to vessel are also prohibited. Pier facilities for a single permitted industrial facility and the Port of Wilmington are exempt from this prohibition.

New nonmanufacturing business uses, such as commercial, residential, warehouse, and distribution facilities, are not covered by the Act.

New manufacturing uses begun after June 1971 are allowed by permit issued by the Secretary of the Department of Natural Resources and Environmental Control. Permitted uses must conform to the applicable local zoning ordinance. New regulations require permittees to undertake beneficial environmental offset projects for new pollution generated in the Coastal Zone. The Office will be pleased to work with you to provide early guidance on this program.



STATE LAND USE PERMITS (continued):

Examples of Coastal Zone Permits Granted:

- An air separation plant to produce oxygen, nitrogen and argon
 - A petroleum coke degasification facility with a combustion turbine and heat recovery unit for electric power production
 - A scrap metal recycling program at the Wilmington Marine Terminal
 - The production of electrical power by a public utility in the Wilmington area
 - The production of magnesium hydroxide paste in Lewes
 - A plant in Claymont to process industrial quantities of carbon dioxide
 - A manufacturer of animal vaccines near Millsboro
2. **The Subaqueous Lands Act and the Wetlands Act** protect all designated tidal wetlands and all public and private submerged lands. Approval is necessary for any structure, construction, utility crossing, dredging, filling, or excavating in any regulated wetland or subaqueous land.
 3. **The Beach Protection Act** requires written approval for any structure, construction or substantial change in the characteristics of any beach, defined as that area along the Atlantic Ocean and Delaware Bay which extends from the mean high waterline inland 1,000 feet and seaward 2,500 feet.
 4. **The Delaware Underground Storage Tank Act** regulates the location and operation of underground storage tanks containing motor fuels and liquid chemical products, and requires certification that tanks are installed in accordance with the regulations.
 5. **The Jeffrey Davis Above Ground Storage Tank Act** creates a state program for registration and regulation of above ground storage tanks (ASTs).
 6. **The Delaware Stormwater Management Act** provides for control practices to protect water quality.

LOCAL PERMITS:

Local zoning approval is required prior to submission of State permit applications. However, it is advisable to discuss the project with:

- The appropriate local planning department or commission
- The State Department of Transportation, Division of Highways
- The Office of the Fire Marshal

Local permits are granted by the individual counties and municipalities. This makes it imperative that applicants refer to the regulations established by the governing body in the area where a project will be undertaken. Each county administers its own flood plain regulations.

New Castle County

The New Castle County Department of Land Use, Planning Division, administers zoning and subdivision regulations for the County. There are four types of review procedures for non-residential development:

Site Plan Review is required for:

- New non-residential buildings, or additions to existing non-residential buildings, with a gross floor area (GFA) of 0 square feet to 999 square feet.

Minor Plan Review is required for:

- New buildings or additions with a GFA of 1,000 square feet to 19,999 square feet and meeting one or more of the following:
 1. Proposed buildings less than 20,000 square feet of GFA.
 2. For lots containing at least twenty thousand (20,000) square feet of GFA of existing development, any number of expansions are permitted (including expansions in excess of 20,000 square feet of GFA), provided the cumulative total of all the expansions does not exceed fifty thousand (50,000) square feet of GFA. Any subsequent plan submission proposing a new building or expansion exceeding fifty thousand (50,000) square feet of GFA shall be reviewed as a Major Plan.
 3. Development that would be considered major land development in industrial or office parks for which a previous record major plan has been recorded to establish lots or otherwise depict the overall limits of development provided that no special studies are required for approval (e.g., Traffic Impact Study (TIS), Critical Natural Area (CAN), environmental impact assessment report, floodplain application, Water Resource Protection Area (WRPA), and subsidence.) The project must be such that any issues or concerns are minor in nature and can be evaluated without the necessity of Technical Advisory Committee (TAC) review.
 4. Expansions of existing institutional facilities provided that no special studies are required for approval (e.g., TIS, CAN, environmental impact assessment report, floodplain application, WRPA, and subsidence.) The project must be such that any issues or concerns are minor in nature and can be evaluated without the necessity of TAC review.

LOCAL PERMITS (continued):

New Castle County (continued):

Review for Resubdivisions

- Proposed revisions to previously approved plans that will not result in any new lots or additional gross floor area shall be considered resubdivisions and shall be reviewed as minor plans for any of the following purposes:
 1. Lot line changes
 2. Establishment, elimination or relocation of any easements depicted on a record plan
 3. Changes to parking, loading and access configurations
 4. Changes in the design or shape of a building which do not materially affect the original design concept
 5. Minor changes to stormwater management areas or open space configurations which do not materially affect the original design concept
 6. Corrections or amendments to notes or other data shown on a plan

Major Plan Review is required for:

- New non-residential buildings with a gross floor area of more than 20,000 square feet which do not otherwise meet the definition for minor land review.
- Any development involving the establishment of a new public or private street, or dedication to public use of an existing street.

The New Castle County Department of Land Use, Licensing Division, issues permits for all building activity in unincorporated areas. A typical new construction project requires a lines and grades plan; drainage plan; sedimentation and erosion control plans; sewage disposal plan; and building, mechanical, and plumbing permits.

New Castle County operates under the IBC building, mechanical, and plumbing codes with local amendments. For additional information contact:

The New Castle County Department of Land Use
Division of Licensing
87 Read Way
New Castle, DE 19720
Phone: (302) 395-5400

LOCAL PERMITS (continued):

Kent County

The Kent County Department of Planning Services – Planning Division, reviews all applications for rezoning; conditional uses; residential subdivisions and requires site plans for all commercial and industrial buildings containing 5,000 or more square feet of floor area (as well as any addition, expansion or alteration which causes the total floor area to exceed 5,000 square feet). The Division of Inspections and Enforcement enforces the Kent County Zoning Ordinance, the Kent County Housing Code and the BOCA and CABO Building Codes. Certificates of Occupancy are issued upon satisfactory completion of construction or changes in use. For additional information contact:

The Kent County Department of Planning Services
414 Federal Street
Dover, Delaware 19901
Phone: (302) 744-2471

The Kent County Division of Inspections and Enforcement
414 Federal Street
Dover, Delaware 19901
Phone: (302) 744-2452

Sussex County

The Sussex County Planning and Zoning Commission requires a site plan review for all multi-family residential, commercial, and industrial development in the unincorporated areas of Sussex County. A minor review is undertaken by the Planning and Zoning Office and may be completed in one day. The major reviews are made by the Planning and Zoning Office and the County Planning Commission. These reviews usually require more time. The Sussex County Assessment Department issues building permits. The County has adopted the Southern Building Code Congress International (SBCCI) for multi-family structures of more than two units as well as structures for commercial and industrial use. The County adopted the Council of American Building Officials (CABO) Code for single-family detached dwellings in September 1993. When necessary, permits for bulkheading must be obtained from the Army Corps of Engineers and the Delaware Department of Natural Resources and Environmental Control. For additional information, contact:

The Sussex County Planning and Zoning Office
County Administrative Office Building
2 The Circle
P.O. Box 417
Georgetown, Delaware 19947
Phone: (302) 855-7878
Fax: (302) 854-5079

MUNICIPAL PERMITS:

Individual municipalities within Delaware may enact planning and zoning requirements; within these municipalities, the parent county zoning requirements are not applicable. Information on these municipal requirements may be obtained through the assistance of the Delaware Economic Development Office or the appropriate local planning department or commission.

The planning and zoning requirements of Wilmington, Delaware's largest city, are summarized below:

- The Wilmington Department of Licenses and Inspection issues permits for all building features. The City has adopted the 1996 BOCA building, mechanical and plumbing code and plans to convert to the 2003 IBC Code by mid-year, 2004.
- Zoning variance applications are handled through the Department of Licenses and Inspection.
- Special review procedures for development in Waterfront Zoning Districts, Urban Renewal Areas, City Historic Districts and manufacturing/industrial districts are required by the Department of Licenses and Inspection and handled through the Department of Planning.
- Applications for rezonings and subdivisions are required by the Department of Planning. Subdivisions are classified as major or minor. Major subdivision review and approval is required if the proposed subdivision is located in a floodplain; is entirely bound by streets or right-of-ways; is larger than 2.5 acres; involves the dedication of land for public purposes; or is a condominium declaration. Minor subdivisions constitute any division of a parcel, of and which does not meet the criteria of a major subdivision. Minor subdivisions are administratively reviewed and endorsed by the Department of Planning.

For additional information contact:

The Wilmington Department of Planning
Louis L. Redding City/County Building
800 French Street
Wilmington, Delaware 19801
Phone: (302) 576-3100

or

The Department of Licenses and Inspections
Louis L. Redding City/County Building
800 French Street
Wilmington, Delaware 19801
Phone: (302) 576-3030

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