

1



SPONSOR: Rep. Spence & Sen. DeLuca

2

HOUSE OF REPRESENTATIVES  
144th GENERAL ASSEMBLY

3

HOUSE BILL NO. 287

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO NEW CASTLE COUNTY AND THE GRANT OF AN ADMINISTRATIVE DIMENSIONAL VARIANCE.

5

6

7 WHEREAS, currently the New Castle County Department of Land Use is vested with the administrative power to  
8 grant applicants dimensional variances up to one foot of the required dimensional standard; and

9 WHEREAS, it is appropriate to vest within the Department the flexibility to grant applicants fifteen percent  
10 (15%), or one foot, of the required dimensional variance, whichever is greater.

11 NOW THEREFORE:

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

13 Section 1. Amend subsection (f) of § 1313, Title 9 of the Delaware Code by adding a new sentence at the end of  
14 the subsection to read as follows:

15 “The language that permits the Department of Land Use to administratively grant a variance of 15% or one (1)  
16 foot, whichever is greater, of the required dimensional restrictions shall be repealed within twelve (12) months after the  
17 effective date unless continued, extended or reenacted by act of the General Assembly.”.

18 Section 2. If any provision of this Act or the application thereof to any person, thing or circumstance is held  
19 invalid, such invalidity shall not affect the provisions of this Act that can be given effect without the invalid provisions or  
20 application, and to this end the provisions of this Act are declared to be severable.

21

SYNOPSIS

This amendment permits the Department of Land Use to administratively grant a variance of 15% or 1 foot, whichever is greater, of the required dimensional restrictions. This amendment shall sunset in one year absent action by the General Assembly.

22

2

3