SPONSOR: Sen. McDowell & Sen. Bonini & Rep. Osienski & Rep. Keeley
Sens. Blevins, Cloutier, Hall-Long, Henry, Lopez, Poore, Sokola, Townsend; Reps. Barbieri, Baumbach, Briggs King, Heffernan, Longhurst, Mitchell, Mulrooney, Ramone, B. Short, D. Short

DELAWARE STATE SENATE
148th GENERAL ASSEMBLY

SENATE BILL NO. 130

AN ACT TO AMEND TITLE 2, TITLE 9 AND TITLE 22 OF THE DELAWARE CODE RELATING TO TRANSPORTATION AND LAND USE.

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

Section 1. Amend Title 2, Delaware Code, by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 21. Complete Community Enterprise District.

§ 2101 Findings and declaration of policy.

(a) Findings. The General Assembly hereby finds that:

(1) It is essential for the economic well-being of the State that the people of the State receive the highest possible economic return on both existing and new transportation system investments made by State government.

(2) The State has limited resources to fund the operation, maintenance and expansion of the State transportation system.

(3) Most household spending on transportation leaves Delaware's local economy. Lowering the total cost of transportation for new and existing households can therefore mean more income for Delaware businesses and more Delaware jobs and is a critical economic development strategy for the State.

(4) Reducing road congestion by shifting trips made by new and existing households to non-automotive modes is a lower cost strategy for the State in the long run than building new road capacity.

(5) Traditional communities, built before 1910 in Delaware, are a model for both efficient use of public infrastructure and of households with lower transportation costs.

(6) The relatively high population density of traditional communities permits a more efficient and cost- effective use of public infrastructure and services.

(7) New high density development in downtown or urban core areas, traditional towns or villages, or regional activity centers is a pre-requisite for the State to be able to economically expand transit service.

(8) Households in traditional communities can use less energy and produce less air pollution per capita while still enjoying a level of mobility and access equal or superior to that which is only available at much higher cost to households where most daily travel destinations are spread out over large distances.

(9) The average housing cost burden in Delaware can be reduced by encouraging housing development that is less directed by local regulations and restrictions and more market-driven.

(b) Policy. It is the policy of this State to:

(1) Encourage new development that maximizes the economic value to the citizens and the government of the State of both existing and new transportation infrastructure.

(2) Strategically deploy limited transportation funds in ways that meet the mobility needs of the people of the State at the lowest total economic cost to the people and government of the State.

(3) Provide transportation solutions that enable the formation of new households in the State that have less than one vehicle per adult worker.

(4) Invite municipal and county governments to identify opportunities for local and state government to cooperate in developing communities in Delaware that have land use characteristics that are economically consistent with expanded multimodal transportation systems.

§ 2102 Definitions.

As used in this chapter, unless the context indicates a different intent:

(a) “Complete Community Enterprise District” means an area of a city and/or county that meets the criteria set forth in § 2103 and 2104 of this title.

(b) "Department" means the Department of Transportation.

(c) “District” means a Complete Community Enterprise District, as defined by the criteria set forth in § 2104 of this title.

(d) “Farebox recovery ratio” is the fraction of a transit system’s operating expenses which are met by the fares paid by passengers.

(e) “Housing cost burden” is the percent of income spent on housing, commonly measured by the ratio of median house prices and rents to median household income.

(f) “Isoperimetric quotient” is a measure of how compact a particular defined District is. It is the ratio of the area of the District to the area of a circle with the same perimeter as the District.

(g) "Parcel of land" means any quantity of land capable of being described with such definiteness that its locations and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

(h) “Project” means any capital-related improvement and addition to the State's transportation infrastructure, including but not limited to transit systems, facilities, stations and equipment, sidewalks, multi-use paths, protected bike lanes and bicycle boulevards.

(j) “Traditional community” refers to the patterns of land usage that characterized cities and towns built before 1910 in the United States.

§ 2103 District designation.

(a) Any municipality, county or municipality/county partnership may enter into an agreement with the Department of Transportation to create a District.

(b) The municipality and/or county and the Department will agree on the boundaries of the District and create a Master Development Plan for the District that will subsequently be reviewed through the PLUS process and adopted into their Comprehensive Plan. The Master Development Plan may include the following:

1) A mix of parcels of land zoned for residential, commercial, light industrial and institutional uses, and a guide for the specific design of the physical form, public spaces and amenities of the District so that transit, walking and cycling are safe and comfortable modes of travel for all the residents of the District.

2) An agreement to modify the level of service requirements.

§ 2104 District requirements.

A Complete Community Enterprise District must meet all of the following requirements:

(a) The District is contiguous.

(b) The District is more than one square mile but less than nine square miles in area. (c) The District has a compact shape with an isoperimetric quotient of at least 0.7.

(d) All parcels of land zoned for residential use included in the District are zoned and otherwise regulated such that they may be developed at a density that is high enough to enable the provision of frequent transit service to the residents of the District.

(e) All development on all parcels of land included in the District is exempted from any municipal or county requirements for the provision of off-street parking.

(i) The total area of the District that is zoned for residential use is greater than the total area that is zoned for commercial or other uses.

§ 2105 District policies.

Once a District has been created, the Department shall:

(a) Develop transit capital improvement projects with the goal of increasing transit ridership in the District that would result in a greater farebox recovery ratio.

(b) Identify the most significant barriers to more trips via walking and cycling in the District and develop capital improvement projects to overcome those barriers.

(c) Assign department capital improvement projects within a District the highest weight for Multi-Modal Mobility, Flexibility/Access, as well as the weight equivalent to projects in Transportation Improvement Districts through the Department's project prioritization process pursuant to Title 29 § 8419.

(d) Establish an engineering design goal of free flowing 85th percentile motor vehicle traffic speeds of 25 mph or less for all streets and roads that are not limited access in the District.

(e) Refrain from developing any projects that expand road capacity in the District unless the Department can demonstrate that such projects will have no negative effect on transit access, pedestrian safety or on the percentage of trips that can be made by bicycle under low traffic stress conditions.

Section 2. Amend Chapter 26 of Title 9 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strikethrough as follows:

§ 2662 Highway capacity.

Except as provided in § 2663 of this chapter, the County Council shall not approve any proposed change in the zoning classification for land (i.e., any "rezoning request") without first complying with the following procedures:

§ 2663 Complete Community Enterprise Districts.

The County Council may approve a packet of changes in zoning classifications for parcels of land as part of a Complete Community Enterprise District established in § 2103 and 2104 of Title 2.

Section 3. Amend Chapter 49 of Title 9 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strikethrough as follows:

§ 4962 Highway capacity.

Except as provided in § 4963 of this chapter, the county government shall not approve any proposed change in the zoning classification for land (i.e., any "rezoning request") without first complying with the following procedures:

§ 4963 Complete Community Enterprise Districts.

The Levy Court may approve a packet of changes in zoning classifications for parcels of land as part of a Complete Community Enterprise District established in § 2103 and 2104 of Title 2.

Section 4. Amend Chapter 69 of Title 9 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strikethrough as follows:

§ 6962 Highway capacity.

Except as provided in § 6963 of this chapter, the county government shall not approve any proposed change in the zoning classification for land (i.e., any "rezoning request") without first complying with the following procedures:

§ 6963 Complete Community Enterprise Districts.

The County Council may approve a packet of changes in zoning classifications for parcels of land as part of a Complete Community Enterprise District designation established in § 2103 and 2104 of Title 2.

Section 5. Amend Chapter 3 of Title 22 of the Delaware Code by making insertions as shown by underlining as follows:

§ 312 Complete Community Enterprise Districts.

For any or all the purposes provided in § 301 of this title, the legislative body of the municipality may amend its zoning regulations for parcels of land as part of a Complete Community Enterprise District established in § 2103 and 2104 of Title 2.

SYNOPSIS

This bill defines criteria for any local government to promote economic development by entering into an agreement with the Department of Transportation to create transit-oriented development districts, called "Complete Community Enterprise Districts". Complete Community Enterprise Districts may be designated in downtown or urban core areas, traditional towns or villages, or regional activity centers. They are characterized by their mix of land uses, efficient use of public infrastructure, efficient use of public services and multiple modes of public transportation combined with environmentally friendly private transportation.

Author: Senator McDowell