



SPONSOR: Sen. Blevins & Rep. Gilligan & Rep. Hudson

DELAWARE STATE SENATE
146th GENERAL ASSEMBLY

SENATE BILL NO. 9

AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO ROADS WITHIN COMMUNITIES RESTRICTED TO RESIDENTS WHO ARE 55 YEARS OF AGE OR OLDER.

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

Section 1. Amend Title 17 of the Delaware Code by adding a new §531 to read as follows:

“§531. Connections to Roads within Restricted Age Communities.

“(a)The Department shall not accept for dedication a road which will make a connection to an existing road system contained within a community which restricts its residents to the age of 55 years or older. The Department shall not permit a physical connection between any road and a dedicated road contained within a community which restricts its residents to the age of 55 years or older. Nothing contained in this system shall be deemed to prohibit the Department from making a connection between a road or highway which the Department has constructed and a dedicated road contained within a community which restricts its residents to the age of 55 years or older.

(b) This section shall be applicable only to roads within communities for which ground has not been broken at the time of enactment of this section.”

SYNOPSIS

This Bill prohibits the Department from accepting as dedicated a road that makes a connection to a dedicated road within a 55 or over community. It also directs the Department not to permit a connection to a dedicated road within a 55 or over community.

Author: Senator Blevins



SPONSOR: Sen. Blevins

DELAWARE STATE SENATE
146th GENERAL ASSEMBLY

SENATE AMENDMENT NO. 1

TO

SENATE BILL NO. 9

AMEND Senate Bill 9 by striking lines 10 and 11 of the Bill and inserting in lieu thereof the following:

“(b) This section shall be applicable only to roads within communities for which ground has not been broken at the time of enactment of this section. In addition, this section shall not be applicable to connections which have been approved in writing by the Department by March 15, 2011.”

SYNOPSIS

This Amendment makes clear that its prohibition does not apply to plans to connect to existing roads which have been approved by the Department at the time of the Bill’s enactment.

Author: Senator Blevins



SPONSOR: Rep. Hudson

HOUSE OF REPRESENTATIVES
146th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1

TO

SENATE BILL NO. 9

AMEND Senate Bill No. 9, as amended by Senate Amendment No. 1, by deleting lines 3 through 11 in their entireties and by deleting Senate Amendment No. 1 in its entirety, and inserting in lieu thereof the following:

“(a) The Department shall not accept into the State maintenance system any new road or street, pursuant to its authority under § 508 of this title, if the new road or street makes a connection to an existing street right-of-way of an adjoining residential age-restricted development, defined herein as a planned residential community whose deed restrictions or similar recorded provisions limit ownership and residence to persons 55 years of age or older.

(b) Subsection (a) of this section shall not prohibit a connection to an existing street right-of-way of an adjoining residential age-restricted development, if the new road or street is to be part of a residential age-restricted development.

(c) Subsection (a) of this section shall not prohibit a connection to an existing street right-of-way of an adjoining residential age-restricted development, if the owners of the property within that adjoining development elect to permit the connection, by a majority vote under the homeowner association rules or similar self-governance provisions applicable to that development.

(d) Subsection (a) of this section shall not prohibit a connection to an existing street right-of-way of an adjoining residential age-restricted development, if the connection is limited to a sidewalk or multi-use pathway not designed for motorized vehicles and the owners of the property within that adjoining development elect to permit the connection, by a majority vote under the homeowner association’s rules or similar self-governance provisions applicable to that development.

(e) This section shall not be applicable to those roads and streets for which acceptance into the State

maintenance system under § 508 of this title has been conditioned upon agreement to potential connections to the streets and roads of an adjoining property, as evidenced by the Department's approval of the conceptual site plan or proposed entrance configuration for the development, if granted prior to March 15, 2011.”.

SYNOPSIS

This bill prohibits the Department of Transportation from permitting the construction of an interconnection from a new development to an adjoining age-restricted residential community, except under certain limited conditions, if the new streets are intended to be accepted by the State as part of its transportation network.

Non-motorized interconnections and other interconnections may be permitted when the owners of the age-restricted community vote to permit the interconnection, or if the new development is also to be an age-restricted community.

Interconnection options previously agreed between the developers and the Department would remain in effect because the Department's traffic analyses for those developments took into account the modifying influence of interconnectivity at the time of approval.