

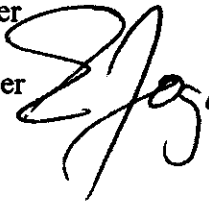


Department of Land Use

MEMORANDUM

To: Christopher Bullock, President, New Castle County Council
Members, County Council

Copy: Thomas P. Gordon, County Executive
David Grimaldi, Chief Administrative Officer

From: Eileen P. Fogarty, Land Use General Manager 

Date: March 25, 2014

Subject: Annual Report: Accessory Dwelling Unit (ADU) Program
Period: Calendar Years 2007 through 2013

The New Castle County Department of Land Use is pleased to submit an Annual Report to County Council regarding an analysis of the use and effectiveness of the Accessory Dwelling Unit Program in New Castle County, Delaware. This report is prepared pursuant to Section 40.03.410.H of the New Castle County Code.

DEFINITION

As defined by the Unified Development Code, an accessory dwelling unit ("ADU") is a second, subordinate dwelling unit added to or created within a single-family detached dwelling, which provides independent living, sleeping, eating, cooking, and sanitation facilities.

CODE AMENDMENTS

Ordinance 07-001. Adopted by County Council on April 10, 2007, the purpose of the ordinance was to create conditions that provided property owners the ability to construct ADUs on single family parcels. Modification to the County Code included the following conditions:

1. One (1) ADU is permitted per property, and
2. The property owner must reside in one of the units, and
3. The unit must be included within the principal structure, and
4. One (1) separate guest house may be built on lots greater than two (2) acres.

Subsequently, the Council amended the Code in a continuing effort to clarify and improve a process that is determined to be in the best interest of the public and County, as follows:

Ordinance 07-153. Adopted by County Council on April 10, 2007, the purpose of the ordinance was to recognize that accessory dwelling units or multiple domiciles existing prior to May 1, 2007 are permitted uses within the incorporated communities of Arden, Ardencroft, and Ardentown.

ADU PERMITS ISSUED TO-DATE

The types of residential building permits issued relate to Residential Addition, Single Family by Developer, or Single Family by Homeowner. Department of Land Use records indicate that since the adoption of the Accessory Dwelling Unit Ordinance in April 2007, a total of one hundred thirty-nine (139) residential building permits (“Permits”) and one hundred sixteen (116) Certificates of Occupancy (“CO’s”) have been issued for properties containing an ADU. The Table shown indicates that number of Permits and CO’s that were issued each year.

ADU by Type	No. Permits Issued	No. CO's Issued
2007	25	21
2008	10	9
2009	12	11
2010	14	14
2011	8	7
2012	23	17
2013	14	7
Total	106	86
2007	6	6
2008	0	0
2009	3	3
2010	2	2
2011	3	3
2012	3	2
2013	2	1
Total	19	17
2007	2	2
2008	1	1
2009	3	3
2010	6	6
2011	0	0
2012	1	1
2013	1	0
Total	14	13
Grand Total	139	116

LITIGATION

Following the adoption of Ordinance 07-001, several property owners in the Centerville area of New Castle County raised concerns regarding the proliferation of multiple, detached dwelling units on properties intended for residential use. Litigation ensued, however all parties to the suit subsequently agreed to dismiss the court action on June 28, 2010. The Department is cognizant of the concerns previously raised by neighboring property owners, and therefore strives to respond accordingly when reviewing any development application that involves detached ADU units.

SUMMARY

In summary, the Council has adopted a successful program that provides an opportunity for an additional residential unit to be constructed on a single family lot. While only one hundred thirty-nine (139) Permits and one hundred six teen (116) CO's have been issued during the period for properties containing an ADU, it is the opinion of the Department that the program has been successful. The Department's review process associated with issuance of a building permit is not burdensome to the public and has functioned smoothly. With the sole exception of litigation from Centerville residents that was ultimately dismissed, the review process has operated without comment or complaint from the public. The Department appreciates the opportunity to report on the activity of the Accessory Dwelling Unit Program in New Castle County.