



DEPARTMENT OF LAND USE

MEMORANDUM

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

COPY: Thomas P. Gordon, County Executive
Timothy P. Mullaney, Sr., Chief Administrative Officer

FROM: George O. Haggerty, Jr., Acting Land Use General Manager

DATE: June 28, 2016

SUBJECT: Annual Report: Accessory Dwelling Unit (ADU) Program
Calendar Years 2007 through 2015

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.

PURPOSE OF PROGRAM

ADUs were legalized to expand the supply of housing types for people who live and work in New Castle County, including “mother in law” or rental units within a home as an identified niche need within the range of housing types. While ADUs will not provide a large number of housing units, they meet the needs of families seeking to house multiple generations under one roof, help to make home ownership affordable for some property owners, and contribute to creating a balance of housing options in New Castle County.

CODE HISTORY

Ordinance 07-001. Adopted by County Council on April 10, 2007, the purpose of the ordinance was to create conditions that provided property owners with 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, with the exception of
4. One (1) separate guest house may be built on lots greater than two (2) acres; and
5. The total number of building permits issued for accessory dwelling units in unincorporated New Castle County shall not exceed 0.2% of the total of single family detached homes in the unincorporated area of the County (based on assessment records.)

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 New Castle 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, through December 2015, a total of 187 building permits have been issued and 162 Certificates of Occupancy have been issued for properties containing an ADU. This includes 29 certificates of occupancy issued in 2015 – sixteen (16) within the principal structure and thirteen (13) guest houses. A map showing the location of ADUs is attached to this report.

Section 40.03.410 (H) (12) limits the total number of ADUs permitted in New Castle County; stating that the total number of building permits issued for ADUs shall not exceed 0.2% of the total number of single family detached homes in unincorporated New Castle County. Based on County assessment records, there are 104,808* single family detached homes in unincorporated New Castle County, thereby limiting the number of permits to be issued to 209. The number of permits issued (187) is still within the tolerance level of 0.2%.

*Note: This total has been adjusted from previous reports to utilize the Assessment Division definition of single family detached dwelling.

SUMMARY

In summary, the Accessory Dwelling Unit program continues to be successful and to provide an opportunity for an additional residential unit to be constructed on a single family lot. The Department's review process associated with issuance of a building permit is not burdensome to the public and has functioned smoothly. The program has now been in place for nine (9) years and has not resulted in concerns or complaints from the public during the current reporting period regarding the units that have been added.

Given the program's success, should the number of ADUs as a percentage of single-family detached dwellings increase, Council may wish to consider raising the permissible percentage.

The Department appreciates this opportunity to report on the activity of the Accessory Dwelling Unit Program.