




Department of Land Use

**MEMORANDUM**

**To:** Council President  
New Castle County Council

**Copy:** Paul G. Clark, County Executive  
Gregg Wilson, Acting Chief Administrative Officer

**From:** David M. Culver, Land Use General Manager 

**Date:** January 19, 2011

**Subject:** Annual Redevelopment Report  
Period: Calendar Years 2002 through 2010

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The New Castle County Department of Land Use and the Office of Redevelopment are pleased to submit an annual report to County Council regarding an analysis of the use and effectiveness of the Redevelopment program in New Castle County, DE. This report is prepared pursuant to Section 40.08.130 B 6 (h) of the New Castle County Code.

**CODE AMENDMENTS**

**Ordinance 01-098.** Adopted by County Council on April 9, 2002 to provide a review and approval process for the redevelopment of previously developed sites. Subsequently, the Council has amended the Code in a continuing effort to improve a process that is determined to be in the best interest of the public and County, as follows:

**Ordinance 03-069.** Adopted October 2003, provided for a series of standards to further encourage and facilitate Brownfield redevelopment.

**Ordinance 04-054.** Adopted July 2004, provided additional incentives and flexibility to further encourage reinvestment in underutilized areas.

**Ordinance 06-007.** Adopted March 2006, provided additional incentives including a rezoning review process not dependent upon the tri-annual zoning process, a blending of the standards between Brownfields and other redevelopment areas, density bonuses, and a waiver of all impact fees except for sewer impact fees.

**Ordinance 06-060, Substitute No 3.** An Omnibus amendment adopted August 29, 2006, that included clarification language regarding the status of reconfigured improvements proposed by redevelopment plans that do not conform to the UDC.

**Ordinance 08-001.** Adopted March 25, 2008, provided former or existing extractive use sites to take advantage of the provisions of the Redevelopment Ordinance when the site is being redeveloped.

**Pending Ordinance 10-098.** An ordinance to the UDC regarding redevelopment of approved but unbuilt structures is currently pending review by County Council.

### REDEVELOPMENT PLANS

Following adoption of Ordinance 01-098 and during the period of Calendar Year '02 through '10, the New Castle County Department of Land Use received seventy-two (72) redevelopment plans. Five (5) plans were submitted in 2002, three (3) plans submitted in 2003, five (5) in 2004, nine (9) in 2005, twelve (12) in 2006, eighteen (18) in 2007, ten (10) in 2008, seven (7) in 2009, and (3) in 2010. Out of the seventy-two (72) plans received during the period, fifty-two (52) have been recorded, ten (10) remain active and under review by the Department, two (2) have been withdrawn, and eight (8) have expired. The active and recorded redevelopment plans follow:

### ACTIVE REDEVELOPMENT PLANS

ACTIVE Redevelopment Projects	Application	Work Type	Total GFA	Total Acres	Zoning District
Promenade At Christiana	2007-0722	REZN	446,850	46.31	BP-CR
Atlas Welding	2007-0771	MIN	24,535	5.04	I
New Castle Town Center	2008-0271	REZN	476,248	58.79	I - CR
Barley Mill Plaza (1)	2008-0275	MAJ	4,067,981	92.07	I/OR/S
130 S DuPont Highway	2008-0605	MIN	15,760	1.84	CR
Delaware Credit Union	2008-0609	MIN	2,800	0.45	CR
Columbia Place at Garden of Eden	2009-0201	REZN	n/a	15.4	S-ST
Governors Square Commercial Ct (2)	2010-0028	REZN	231,664	31.93	OR
Joyce Realty Corporation	2010-0342	MIN	17,284	3.02	CN
Hercules Research Center	2010-0748	MIN	260,000	110.47	OR

**Notes:**

(1) - Pending agreement with residents

(2) - Redevelopment application pending withdrawal, land development plan with rezoning only

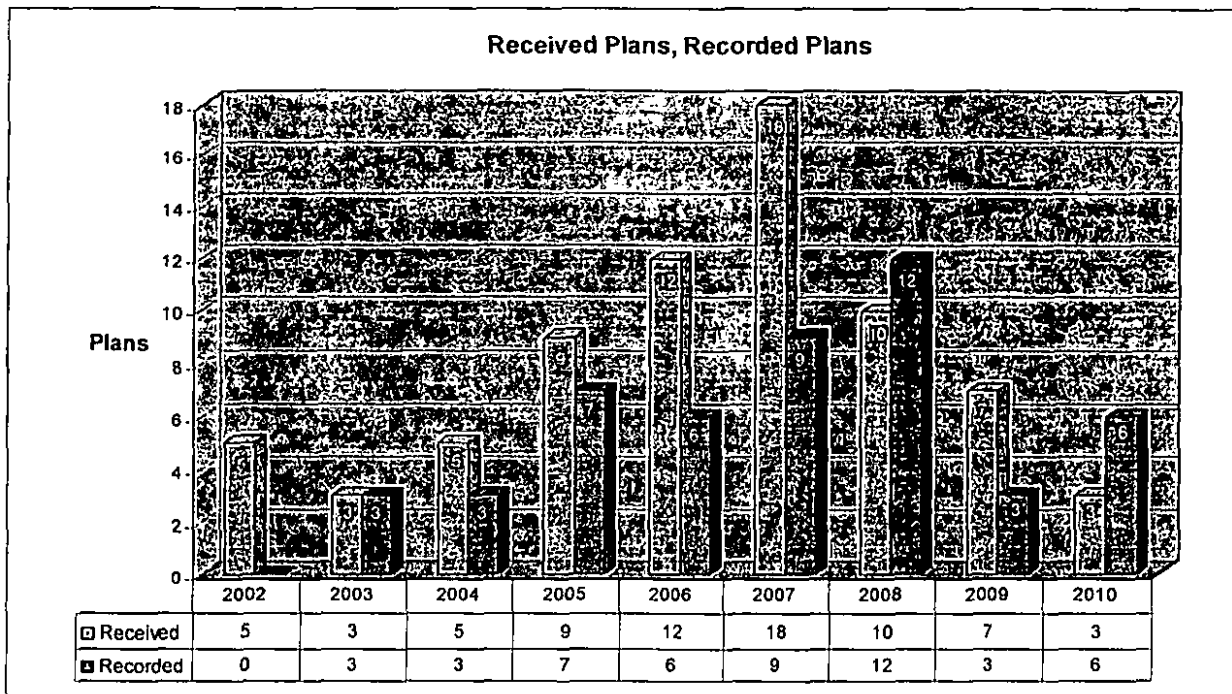
# RECORDED REDEVELOPMENT PLANS

RECORDED Redevelopment Projects	Application	Work Type	Total GFA	Total Acres	Zoning District
3206, 3208, 3210 CONCORD PIKE	2002-0308	D-MIN	8,652	0.58	CN
SOUTHWOOD FARMS	2002-0674	D-MIN	37,121	4.91	CR
TACO BELL; KIRKWOOD HIGHWAY	2002-1281	D-MIN	3,269	0.85	CR
BRUSTER'S ICE CREAM; RTE 40	2003-0714	D-MIN	1,200	0.59	CR
WALMART; PRICES CORNER	20031089	D-MIN	149,195	19.16	CR
MCDONALD'S; CLAYMONT	20040219	D-MIN	3,815	0.92	CR
FIRST UNITARIAN CHURCH	20040438	D-MIN	60,196	3.94	CN
HOCKESSIN ATHLETIC CLUB	20040538	D-REZN	118,356	11.6	S-CR
MILLER ROAD SHOPPING CENTER	20040955	D-MIN	137,187	16.4	CR
PREMCOR COKE BARN	20041109	D-MIN	56,268	50.89	HI
CREEKSIDE GALLERY	20050075	D-MIN	10,218	0.74	CN
GENERAL FLOORING	20050100	D-MIN	19,200	2	I
RIVER ROAD INDUSTRIAL PARK	20050214	D-MIN	0	85.19	HI
HAPPY HARRY'S SOUTHWOOD	20050537	D-MIN	20,986	4.95	CR
TOOLS AND MORE	20050586	D-MIN	13,980	1.25	CR
LOWE'S OF NEWARK	20050680	D-MIN	139,410	16.77	I
HOLLY OAK CROSSING	20050710	D-MIN	19,000	2.42	CR/CN
FULTON BANK	20051186	D-MIN	3,128	0.72	CR
RIVER ROAD INDUSTRIAL PARK II	20060032	D-MIN	68,354	6.25	HI
AIRPORT TOYOTA	20060033	D-MIN	72,310	14.58	CR
GREENBANK CORP, PARCEL 2	20060040	D-MIN	9,000	0.86	CR
CLAYMONT FIRE COMPANY	20060082	D-MIN	39,131	1.47	CN
TROUT PROPERTIES	20060127	D-MIN	4,876	0.43	CN
FOULK PLAZA	20060215	D-MIN	7,000	0.68	CR
DELAWARE AUTO COURT	20060298	D-MIN	65,500	6.08	CR
BPG HOTEL XVIII	20060703	D-MAJ	88,420	6.92	CR
3022 NEW CASTLE AVENUE	20060754	D-MIN	50,600	12.65	CR
CONCORD TOWERS	20060782	D-MIN	81,024	4.89	CR
AIRPORT IND PARK 166 QUIGLEY	20061075	D-MIN	24,759	2.6	I
JTA SERVICES	20070066	D-MIN	12,725	3.98	HI
LIMESTONE SHOPPING CENTER	20070172	D-MIN	43,889	4.9	CR
APPLEBEES - KIRKWOOD HWY	20070197	D-MIN	4,781	0.8	CR
2510 KIRKWOOD HIGHWAY	20070305	D-MIN	4,000	0.43	CN
RIVER ROAD IND PARK 2A & 2B	20070557	D-MIN	69,600	7.6	HI
CHRISTIANA MALL EXPANSION	20070567	D-MIN	1,449,787	127.94	CR
COMMERCE BANK - MARSH ROAD	20070622	D-MIN	3,848	0.92	CN

<b>RECORDED (Cont.) Redevelopment Projects</b>	<b>Application</b>	<b>Work Type</b>	<b>Total GFA</b>	<b>Total Acres</b>	<b>Zoning District</b>
TACO BELL - CONCORD PIKE	20070664	D-MIN	4,800	0.54	CN
RIVER ROAD IND PARK II- LOT 3	20070973	D-MIN	44,075	3.66	HI
AIRPORT NEWS CONVENIENCE	20071080	D-MIN	12,750	0.58	CN
RIVER ROAD IND PARK II LOT 5	20071107	D-MIN	62,630	7.72	HI
PIKE CREEK NURSING HOME	20071223	D-MIN	82,400	5.32	CR/S
DE INTERSTATE IND PARK 37 & 38	20071237	D-MIN	21,500	1.71	I
DE INTERSTATE IND PK LOT 45/46	20080126	D-MIN	37,920	2.73	I
FAMOUS DAVES, BRANDYWINE	20080160	D-MIN	7,630	1.51	CR
HAPPY HARRY'S NAAMANS ROAD	20080234	D-REZN	14,727	1.79	S-CN
FOULK ROAD PARTNERS	20080310	D-MIN	14,190	1.21	ON
DUPONT HIGHWAY HOTEL	20090041	D-MIN	43,125	1.58	CR
311 RIDGE ROAD	20090398	D-MIN	1,975	0.31	CR
3816 KENNETT PIKE	20090413	D-MIN	3,000	0.63	CN
CHRISTIANA MALL	20090438	D-MIN	1,449,787	127.97	CR
AUTOZONE	20090439	D-MIN	7,360	0.92	CR
ELSMERE SHOPPING CENTER	20090631	D-MIN	106,332	16.23	CR

During the period, nineteen (19) of the seventy-two (72) redevelopment projects in New Castle County have proposed industrial uses that occur on lands in I (Industrial), HI (Heavy Industrial), or BP (Business Park) zoning districts, five of which are designated as Brownfields projects. Prior to the downturn in local, regional and national economic conditions, the following chart indicates an increasingly positive and robust trend for redevelopment activity in the County. No evidence currently exists that would preclude the level of redevelopment activity from rebounding to proportionate levels when local business conditions improve.

<b>Redevelopment Plan Summary</b>					
<b>Status</b>	<b>No.</b>	<b>Total Ac.</b>	<b>Total GFA</b>	<b>Brownfield</b>	<b>Industrial</b>
Recorded	52	602.24	4,814,986	5	13
Active	10	265.72	5,543,122		5
Withdrawn	2	1.24	8,568		
Expired	8	49.46	307,371		2
<b>Totals</b>	<b>72</b>	<b>918.66</b>	<b>10,674,047</b>	<b>5</b>	<b>20</b>



## INVESTMENT OPPORTUNITIES

Redevelopment is intended to facilitate and encourage reinvestment into an area for the purposes of retaining the viability of previously developed sites. Due to the potential for a significant return on capital investment and the increased number of redevelopment investment opportunities, the redevelopment program in New Castle County has generated considerable interest among developers and businesses. As evidenced by a marked increase in assessed value of redeveloped properties, the benefits to reinvestment on previously developed sites, Brownfield sites, or existing extractive use sites are substantial. Moreover, the review process in the Unified Development Code (UDC), the Department, and New Castle County have been very successful in creating a balance between the needs and desires of the surrounding community with the property's site capacity to provide the developer with the necessary square footage to create a financially successful venture. While the average assessed value of completed redevelopment projects in New Castle County has increased by more 400%, it should be noted that selected projects have increased in value by 1,100%, 1,800%, 1,900%, and 2,200%.

## PLAN REVIEW COMPONENTS

When the Department receives a redevelopment plan, it undergoes scrutiny with respect to the design improvement table and the types and amount of improvements proposed. The Department has been very capable of anticipating the expected land use concerns of the surrounding community.

The proportional design element improvement table is working and we have received no complaints with its use and function. Its flexibility allows improvements to be tailored to the circumstances and needs of each property so that site improvements can be made while not

impinging upon the financial or physical needs of the existing or proposed land use. The majority of improvements consist of landscaping; however, buffers, parking, curbing and stormwater management are also common improvements.

One of the most important steps in the redevelopment process is the submission of a completed individual Design Elements Improvement Table along with the exploratory sketch plan. The design elements improvement table provides an important "improvement value" measure for each various design element which when added together with other improvement design elements gives the county and the community a certain level of comfort that the project will be a big improvement over the existing situation. To date, most applicants and the county have been successful in the review, completion, and approval of the design elements improvements table. And, while the percent aggregate improvements as calculated initially by the applicant have ranged from below 500% to over 1500% improvement, the final approved aggregate improvement is generally well-above the minimum 400% required by Code.

## SUMMARY

Since April of 2002 when the redevelopment process was first introduced into the Unified Development Code, reaction to the final product has been very positive. Numerous sites have successfully undergone the metamorphosis from a previously developed site into a productive business organization that has the capability to create and retain more employment opportunities, provide a greater property assessment, and stimulate other reinvestment opportunities in the neighboring communities.

The Department remains confident that the results of the redevelopment ordinance remain positive and that the interests of both the applicant and the community have not been compromised. As with any provision of the Unified Development Code, the Department will continue to carefully monitor its usage and application and will offer appropriate enhancements, as needed. The Department will continue the research and development new ideas to improve the local program and investigate regional and national models to encourage better utilization of this valuable planning concept.


The Department appreciates this opportunity to report on the activities of New Castle County's redevelopment process. We believe the process has been successful and continues to provide business the opportunity to encourage reinvest in our established communities by guaranteeing a fair and predictable review process, while balancing the needs and desires of the surrounding community.



Department of Land Use

**MEMORANDUM**

**To:** Council President, New Castle County Council

**From:** David M. Culver, Land Use General Manager 

**Copy:** Paul G. Clark, County Executive  
Gregg Wilson, Acting Chief Administrative Officer

**Date:** January 19, 2011

**Subject:** Accessory Dwelling Unit (ADU) Program  
Period: Calendar Years 2007, 2008, 2009, 2010

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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 eighty-three (83) residential building permits (“Permits”) and sixty-eight (68) Certificates of Occupancy (“COs”) have been issued for properties containing an ADU. As described below, thirty-three (33) Permits were issued during Calendar Year (“CA”) 2007, eleven (10) Permits during CY 2008; nineteen Permits during CY 2009, and twenty-one (21) Permits during CY 2010. COs were subsequently issued for the projects as shown in the following Table:

<i>Permit Type</i>	<i>Permits Issued</i>	<i>COs Issued</i>
<b>RES ADDITION</b>		
2007	25	21
2008	9	9
2009	12	9
2010	15	10
<b>SFD By Developer</b>		
2007	6	6
2008	0	0
2009	3	3
2010	1	1
<b>SFD by Homeowner</b>		
2007	2	2
2008	1	1
2009	4	3
2010	5	3
<b>Totals</b>	<b>83</b>	<b>68</b>



Parcel ID	Parcel ID	Parcel ID	Parcel ID	Year
100000001	100000002	100000003	100000004	2008
100000005	100000006	100000007	100000008	2008
100000009	100000010	100000011	100000012	2008
100000013	100000014	100000015	100000016	2008
100000017	100000018	100000019	100000020	2008
100000021	100000022	100000023	100000024	2008
100000025	100000026	100000027	100000028	2008
100000029	100000030	100000031	100000032	2008
100000033	100000034	100000035	100000036	2008
100000037	100000038	100000039	100000040	2008
100000041	100000042	100000043	100000044	2008
100000045	100000046	100000047	100000048	2008
100000049	100000050	100000051	100000052	2008
100000053	100000054	100000055	100000056	2008
100000057	100000058	100000059	100000060	2008
100000061	100000062	100000063	100000064	2008
100000065	100000066	100000067	100000068	2008
100000069	100000070	100000071	100000072	2008
100000073	100000074	100000075	100000076	2008
100000077	100000078	100000079	100000080	2008
100000081	100000082	100000083	100000084	2008
100000085	100000086	100000087	100000088	2008
100000089	100000090	100000091	100000092	2008
100000093	100000094	100000095	100000096	2008
100000097	100000098	100000099	100000100	2008
100000101	100000102	100000103	100000104	2008
100000105	100000106	100000107	100000108	2008
100000109	100000110	100000111	100000112	2008
100000113	100000114	100000115	100000116	2008
100000117	100000118	100000119	100000120	2008
100000121	100000122	100000123	100000124	2008
100000125	100000126	100000127	100000128	2008
100000129	100000130	100000131	100000132	2008
100000133	100000134	100000135	100000136	2008
100000137	100000138	100000139	100000140	2008
100000141	100000142	100000143	100000144	2008
100000145	100000146	100000147	100000148	2008
100000149	100000150	100000151	100000152	2008
100000153	100000154	100000155	100000156	2008
100000157	100000158	100000159	100000160	2008
100000161	100000162	100000163	100000164	2008
100000165	100000166	100000167	100000168	2008
100000169	100000170	100000171	100000172	2008
100000173	100000174	100000175	100000176	2008
100000177	100000178	100000179	100000180	2008
100000181	100000182	100000183	100000184	2008
100000185	100000186	100000187	100000188	2008
100000189	100000190	100000191	100000192	2008
100000193	100000194	100000195	100000196	2008
100000197	100000198	100000199	100000200	2008
100000201	100000202	100000203	100000204	2008
100000205	100000206	100000207	100000208	2008
100000209	100000210	100000211	100000212	2008
100000213	100000214	100000215	100000216	2008
100000217	100000218	100000219	100000220	2008
100000221	100000222	100000223	100000224	2008
100000225	100000226	100000227	100000228	2008
100000229	100000230	100000231	100000232	2008
100000233	100000234	100000235	100000236	2008
100000237	100000238	100000239	100000240	2008
100000241	100000242	100000243	100000244	2008
100000245	100000246	100000247	100000248	2008
100000249	100000250	100000251	100000252	2008
100000253	100000254	100000255	100000256	2008
100000257	100000258	100000259	100000260	2008
100000261	100000262	100000263	100000264	2008
100000265	100000266	100000267	100000268	2008
100000269	100000270	100000271	100000272	2008
100000273	100000274	100000275	100000276	2008
100000277	100000278	100000279	100000280	2008
100000281	100000282	100000283	100000284	2008
100000285	100000286	100000287	100000288	2008
100000289	100000290	100000291	100000292	2008
100000293	100000294	100000295	100000296	2008
100000297	100000298	100000299	100000300	2008

### ADU Permits Issued

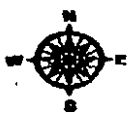
#### Legend

83 ADU permits

#### Type

- RESIDENTIAL ADDITION
- SINGLE FAMILY DWELLING

Map printed 1/18/2011



## **DISMISSAL OF 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 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. While only eighty-three (83) Permits and sixty-eight (68) COs have been issued to-date 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.




Department of Land Use

MEMORANDUM

To: New Castle County Council Members

CC: Paul G. Clark, County Executive  
Gregg Wilson, Acting Chief Administrative Officer  
Chair and Members, Rental Housing Advisory Committee

From: David M. Culver, Land Use General Manager 

Date: January 19, 2011

Subject: Annual Rental Registration and Inspection Report for 2010

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The New Castle County Department of Land Use is pleased to submit this annual report for the rental property registration and inspections program.

**Reporting Requirement.** This report is prepared pursuant to Section 2 of Ordinance No. 05-039, which requires an annual report to be submitted regarding the implementation and effectiveness of the Chapter 19 Residential Rental Property Code.

**Background and Notable Trends.** In 2006, the Department registered 35,000 units, approximately 93% of which were re-registered in 2007. In 2008, in anticipation of a change to the registration procedure, only new rental units were registered. In 2009, all known rental units were again re-registered and, after removing 750 units from the former Brookview Apartments and 123 units in the former Courtyard Apartments, a total of 34,866 rental units were registered for 7,948 parcels. Beginning in 2010, with the passage of Substitute No. 1 to Ord. 10-015, rental units are now being re-registered biennially.

When a landlord enters into a new lease, a copy of the "Tenants' Rights and Responsibilities Guide" is required to be given to tenants. This document is available in both English and Spanish and may be downloaded from the County web page. The guide, which identifies common code violations, and includes important contact information, is one driver of complaints received from renters.

The Department is required by code to randomly inspect five percent (5%) of the registered rental units annually. Code Enforcement inspected 1,881 rental units in 2010, averaging 36 inspections per week and exceeding that requirement by 107 inspections. Of that total, 1,026 (54%), of the units failed the first inspection generating a reinspection. Code Enforcement performed a total of 1,772 reinspections, finding 66% to be in compliance with County law.

**Random Inspections:** The 1,026 failed units produced 2,863 code violations. Apartment complexes were issued 1,874 violations and single-family rentals generated 989 violations.

The categories representing the most common violations, include:

1. missing or defective smoke detectors (632)
2. mechanical appliances (215)
3. plumbing system & fixture gen. (253)
4. interior surfaces (436)
5. electrical system hazards (244)
6. clothes dryer exhaust (145)
7. duct systems – general (74)
8. interior doors (117)

Of the 1,874 violations issued for apartment complexes, the top violations included:

1. missing or defective smoke detectors (388)
2. plumbing system & fixtures – general (186)
3. interior surfaces (313)
4. mechanical appliances (149)
5. electrical system hazards (177)
6. duct systems – general (64)

Of the 989 violations issued for single-family rentals, the top violations included:

1. missing or defective smoke detectors (246)
2. clothes dryer exhaust (76)
3. mechanical appliances (66)
4. interior surfaces (123)
5. electrical system hazards (67)
6. plumbing system & fixtures – general (67)

**Rental Inspections Synopsis:**

Number of failed inspections down 7%

Number of Code Violations down 11%

Number of Code Violation Apartment Complex down 10%

Number of Code Violations Single Family down 13%

Eight Most Common Violations down 15%

Top Six Violations Apartment Complex down 15%

Top Six Violations Single Family down 19%

**Cost:** Staffing costs for the Rental Program decreased 15% over the prior year to \$271,592, representing salary and benefits (2 code officers, 1 administrative aide, 25% of the time of a customer relations technician, 50% of the time of a complaint specialist for 10 months and 5% of the time for an assistant land use administrator). Postage and printing costs totaled approximately \$15,000. In addition to the time devoted to scheduling and performing inspections, staff time was also devoted to processing registrations and violations, making telephone calls, responding to inquiries, providing staff support to the Rental Housing Advisory

Committee and other miscellaneous tasks related to the inspection and enforcement process. There was no revenue to offset these expenses.

**Observations:** Several code violations have been discovered since the rental inspection program's inception that may not otherwise have been found. The most serious safety violations include missing or inoperable smoke detectors to alert occupants of a fire in the unit and disconnected vent pipes on heater units that discharge poisonous flue gases into the unit. Old, poorly maintained equipment and fixtures, including disconnected bath fans that remove mold spores, have also been found that can be hazardous to the tenants. The inspectors have also found improperly connected dishwashers which may cause a backflow of gray water into the potable water system.

Structural and safety deficiencies that have been discovered include improperly installed and maintained exit doors, tripping hazards on walking surfaces, missing guardrails on stairway entrances, unlit hallways and poor or missing lighting at exterior entrances. The exterior of the building is important to maintain in order to have a safe environment.

**Recommendations and Discussion.** The Rental Code Advisory Committee has met periodically since 2006. The Committee is charged with advising the County Executive, County Council and the Department of Land Use on the implementation of the Rental Code. Consistent with these responsibilities, the Committee recommended several code amendments.

While the Committee could not reach consensus on the issue of whether to include common areas when performing random rental unit inspections, the Committee did agree on the following proposed changes to the Rental Code: (1) making violations of Chapter 19 misdemeanors with minimum and maximum fines for the first, second and subsequent offenses; (2) adding a new definition of twenty-four hour contact and requiring landlords to provide the Department with contact information; (3) amending the definition of Delaware authorized agent to distinguish the authorized agent from the twenty-four hour contact; (4) changing the registration process from annual to biennial; (5) providing for a refund of the required Board of License Inspection & Review application fee if the applicant is successful on appeal; and (6) adding discovered unregistered rental units to the current list of random inspections. These amendments were included within Substitute No. 1 to Ordinance 10-015 which was signed into law on February 24, 2010.

The Committee also recommended hiring an outside group to evaluate the rental inspections process and analyze the collected data. The County is partnering with the University of Delaware to study the data and determine if changes need to be made to ensure the process is a truly random one and how resources may be better allocated.

Lastly, the Department and Committee have discussed the inefficiency of inspecting occupied structures only after a signed consent form has been returned to the Department from the renter. More discussion is anticipated in 2010.

*The Department is available to discuss the contents of this report and the recommendations of the Rental Housing Advisory Committee upon the request of any Council member.*

**Data and Tables.**

**INSPECTIONS ANALYSIS**


<b><u>Units</u></b>	<b><u>Status</u></b>	<b><u>Percent</u></b>
5377	First Inspections	-----
1881	Inspected	35%
855	Passed	45%
1026	Failed	54%
2178	No One Home	40%
739	Tenant Refused Access	14%
382	Vacant	7%
190	Section 8	8%
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1772	Reinspections	-----
1169	Passed	66%
262	Failed	15%
211	No access	17%
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3653	Total Inspections	-----
2024	Passed	55%
1372	Failed	41%



Department of Land Use

**MEMORANDUM**

**To:** Council President  
New Castle County Council Members

**From:** David M. Culver, Land Use General Manager 

**Copy:** Paul G. Clark, County Executive  
Gregg Wilson, Acting Chief Administrative Officer

**Date:** January 19, 2011

**Subject:** Annual Report of Workforce Housing Program  
Period: Calendar Years 2008, 2009, 2010

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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 Workforce Housing Program in New Castle County, Delaware. This report is prepared pursuant to Section 40.07.353 of the New Castle County Code.

**CODE AMENDMENTS**

**Ordinance 07-150.** Adopted by County Council on February 26, 2008, the purpose of the ordinance was to encourage the construction of a more diverse selection of housing types throughout New Castle County that will accommodate a wide range of income levels and enable more residents to live and work in the county. The ordinance provided a voluntary Workforce Housing Program that included developer incentives in the Unified Development Code to add certainty to the development process and remove impediments that may have previously discouraged developers from constructing new workforce housing units.

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

**Ordinance 08-113.** Adopted December 9, 2008, the ordinance provided a temporary stay on submission of land development applications that proposed the creation of new workforce housing units until County Council had an opportunity to revisit the workforce housing incentives.

**Ordinance 08-121.** Adopted February 24, 2009, the ordinance clarified and improved the workforce housing legislative initiatives intended when County Council previously adopted Ordinance 07-150. Specifically, the workforce housing legislation was amended to

- 1) require that units priced for low or moderate income households be owner-occupied; and
- 2) require that an existing record plan proposing more than a 50% increase in lots or more than 100 lots (whichever is less) will be considered a major land development plan; and
- 3) prohibit attached, semi-attached and multi-family dwelling units in plans that are not open space planned developments; and
- 4) remove the Department's ability to permit some flexibility in the site development incentives; and
- 5) remove the provisions for an expedited plan review process; and
- 6) clarify the affordability period.

**Pending Ordinance 10-059.** County Council is currently reviewing an ordinance that will repeal the provisions of the Workforce Housing Program in New Castle County. Existing applications utilizing former workforce housing rules, regulations and processes will continue to be reviewed and processed by the Department of Land Use.

## PLAN SUBMISSIONS

Following the adoption of Ordinance 07-150, the New Castle County Department of Land Use received development applications that proposed construction of new workforce housing units, only one of which has been submitted to the Department since December 8, 2008. Two (2) of the applications were under review by the Department prior to the adoption of the ordinance and subsequently revised to include workforce housing incentives, seven (7) applications contained previously recorded lots plus newly proposed workforce housing units, and eight (9) applications were new development proposals, and. In total, the Department has received 18 workforce housing development applications that propose 4,824 dwelling units, 735 of which are designated as workforce housing units for households of low and moderate income levels.

Additionally, five (5) applications were submitted as major land development plans, two (2) as major land development plans with rezoning, six (6) as major open space plans, and five (5) as minor land development plans. To-date, four (4) of the workforce housing applications are recorded, seven (7) applications are active and currently under review of the Department, and seven (7) applications have expired. All workforce applications are shown in the tables below.



## RECORDED WORKFORCE HOUSING APPLICATIONS

Application	Project Name	Worktype	School District	Prev. Recrd. Lots	Total Lots	Total WFH Lots	Total Acres	Res. Density	Total Open Space Acres
2008-0421	Marra Landing	MAJ OS	Red Clay	n/a	27	5	10.45	2.58	5.02
2008-0789	Reserve at Becks Pond	MAJ	Christina	n/a	240	48	27.10	8.86	20.76
2008-0798	Goldsborough Farm	MIN	Appoquin	80	144	13	65.03	2.21	24.08
2008-0829	Bayberry North - WFH	MIN	Appoquin	757	951	39	463.42	2.05	175.84

## ACTIVE WORKFORCE HOUSING APPLICATIONS

Application	Project Name	Worktype	School District	Prev. Recrd. Lots	Total Lots	Total WFH Lots	Total Acres	Res. Density	Total Open Space Acres
2006-0188	Spring Oaks	MAJ	Appoquin	n/a	247	49	101.96	2.42	78.80
2007-0438	High Hook Farms	MAJ OS	Appoquin	n/a	390	78	200.43	1.96	132.64
2008-0287	Ironside Crossing	MAJ OS	Christina	n/a	20	4	9.73	2.06	58.68
2008-0313	Preserve at Robinson Farm	MAJ	Appoquin	150	476	65	183.59	2.59	114.5
2008-0917	Ponds of Odessa	MIN	Appoquin	180	280	20	164.29	1.70	107.87
2008-0941	Churchmans Meadows	MIN	Colonial	145	245	20	29.44	8.32	18.04
2010-0198	Churchtown Manor	MAJ	Appoquin	n/a	273	55	139.88	1.95	73.00

## EXPIRED WORKFORCE HOUSING APPLICATIONS

Application	Project Name	Worktype	School District	Prev. Recrd. Lots	Total Lots	Total WFH Lots	Total Acres	Res. Density	Total Open Space Acres
2008-0073	Cook Property	MAJ	Appoquin	n/a	401	80	156.66	2.56	99.25
2008-0288	Boyds Corner Farm	REZN	Appoquin	n/a	349	70	62.45	4.60	12.15
2008-0624	Churchtown Manor	MAJ	Appoquin	n/a	378	126	193.38	1.95	101.78
2008-0795	Atlantic Business Park	REZN	Christina	n/a	192	39	11.72	16.38	
2008-0826	Wescoast	MAJ	Christina	16	43	6	25.97	1.66	16.63
2008-0841	Maria's Court	MAJ	Christina	n/a	19	4	7.89	2.41	6.88
2008-0907	Estates at Long Branch	MIN	Appoquin	70	149	16	110.19	1.35	80.20

## 2010 Discussions

The legislation was an immediate success within the development community; however, the recent downturn in the economy has negatively impacted the continued development of residential communities. The Department has continued to explore a variety of proposals that are intended to advance a workforce housing program that is clearly in the best interests of County residents. Discussions have taken place with certain members of the development community to modify and refine the existing ordinance and develop a program that is consistent with current and projected real estate market conditions.

## SUMMARY

In summary, the Council has successfully adopted and revised a residential program intended to provide an adequate and diverse supply of housing opportunities to local residents who desire to live and work in New Castle County. To date, the Workforce Housing Program has generated great interest and a significant amount of development activity; whereupon the Department received 18 development applications that proposed a total of 4,824 lots, including 735 lots to be priced for households of low to moderate income. Because residents were initially concerned about a significant increase in residential density and the ensuing burden placed upon local infrastructure capacity, the Council temporarily postponed the program to review and recommend changes to the program. The average density for all workforce projects is 2.46 units per acre.

**Workforce Housing Summary**

Status	No. Plans	Approved At Stage	Total Lots	WFH Lots
Active	7		1,931	291
Pre-Exploratory	0	0	0	0
Exploratory	1	0	273	55
Preliminary	0	0	0	0
Record	6	0	1,658	236
Expired	7		1,531	339
Recorded	4		1,362	105
<b>Totals</b>	<b>18</b>		<b>4,824</b>	<b>735</b>

The Department appreciates the opportunity to report on the Workforce Housing Development Program in New Castle County.