



Department of Land Use

MEMORANDUM

TO: Karen Hartley-Nagle, President, New Castle County Council
Members, New Castle County Council

COPY: Matthew S. Meyer, County Executive
Vanessa Phillips, Chief Administrative Officer

FROM: Richard E. Hall, AICP, Land Use General Manager

DATE: July 2, 2020

SUBJECT: Annual Report: Accessory Dwelling Unit (ADU) Program
Calendar Years 2007 through 2019

The New Castle County Department of Land Use has prepared an Annual Report to County Council regarding 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*.

OVERVIEW

The Accessory Dwelling Unit (ADU) Program, in place since 2007, offers the opportunity for an additional residential unit to be constructed on a single-family lot, thereby providing additional housing options. For an ADU to be permitted, it must meet several specific conditions, and the total number of building permits issued for ADUs is capped at a small percentage of the total number of single family detached homes in so as not to oversaturate the housing inventory or become burdensome to the public. This “cap” was increased on February 28, 2017 to 0.4% (which amounts to approximately 420 permits), allowing for continued growth of permitted ADUs in the coming years.

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 introduced to the Code to expand the supply of housing types for people who live and work in New Castle County and provide options for senior homeowners, extended families, or persons with special needs as identified niche needs within the available range of housing types. While ADUs will not provide many additional housing units, they meet the needs of families seeking to house multiple generations at one location, help to make home ownership more affordable for some older 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 an affidavit of owner occupancy must be recorded in the New Castle County Office of the Recorder of Deeds prior to the issuance of an ADU building permit, 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 (based on assessment records) in the unincorporated area of the County (*see below for further information on this “cap”); and

Subsequently, the Council has amended the Code twice 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:

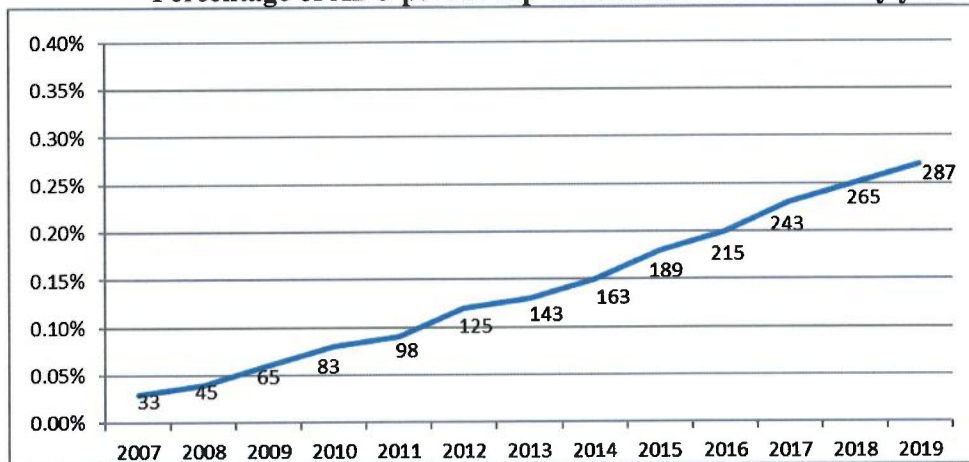
Ordinance 07-153. Adopted by County Council on April 10, 2007, the purpose of the ordinance was to recognize that accessory dwelling units or multiple domiciles existing prior to May 1, 2007, are permitted uses within the incorporated communities of Arden, Ardencroft, and Ardentown.

***Ordinance 16-117.** Adopted by County Council on February 28, 2017, the purpose of the ordinance was to increase the “cap” on ADUs from .2% to .4%. *Section 40.03.410 (H) (12)* of the UDC limits the number of ADUs permitted in New Castle County, stating that “the total number of building permits issued for ADUs shall not exceed four tenths percent (0.4%) of the total of single family detached homes in the unincorporated area of the County based on assessment records.” *As of December 31, 2016, there were 105,119 single family detached homes in unincorporated New Castle County, which limited the number of permits issued to 210 under the former cap level of 0.2%. However, the increased cap of 0.4% amounts to approximately 420 permits, allowing for continued growth of permitted ADUs in the coming years.

ADU PERMITS ISSUED TO-DATE

Department of Land Use records indicate that, since the adoption of the Accessory Dwelling Unit Ordinance in April 2007 through December 2019, a total of 287 building permits have been issued for ADUs, of which 199 are located north of the C & D Canal and 88 are south of the canal. Of the 287 ADU permits issued through 2019, only 73 were for detached dwellings (21 on sewer service and 52 on septic). A map showing the location of existing ADUs is on the following page and indicates the wide distribution throughout the county.

Percentage of ADU permit cap reached and actual units by year



*The ADU permit cap limit increase to .4% of the total number of single family detached homes in unincorporated New Castle County allows for continued growth of permitted ADUs by doubling the previous .2% cap (approximately 210 additional ADUs).

SUMMARY

In summary, the Accessory Dwelling Unit program continues to be an exercised development option enabled by legislative action 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 13 years and has not resulted in concerns or complaints from the public during the current reporting period regarding the units that have been added.

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

