




Department of Land Use

**MEMORANDUM**

**To:** Hon. Thomas H. Kovach, Council President  
Members, 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:** February 9, 2012

**Subject:** Annual Report: Accessory Dwelling Unit (ADU) Program  
Period: Calendar Years 2007 through 2011

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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 ninety-four (94) residential building permits (“Permits”) and eighty-one (81) Certificates of Occupancy (“CO’s”) have been issued for properties containing an ADU. As described below, thirty-two (32) Permits were issued during Calendar Year (“CY”) 2007, eleven (11) during CY ‘08, eighteen (18) during CY ‘09, twenty (20) during CY ‘10, and eleven (11) during CY ‘11. CO’s were subsequently issued for the projects as shown in the following Table:

<b>ADU Permit Type</b>	<b>Permits Issued</b>	<b>CO's Issued</b>
<b>Residential Addition</b>		
2007	24	21
2008	10	9
2009	12	10
2010	14	13
2011	8	4
<i>Total</i>	<i>68</i>	<i>57</i>
<b>Single Family by Developer</b>		
2007	6	6
2008	0	0
2009	3	3
2010	2	2
2011	3	2
<i>Total</i>	<i>14</i>	<i>13</i>
<b>Single Family by Homeowner</b>		
2007	2	2
2008	1	1
2009	3	3
2010	6	5
2011	0	0
<i>Total</i>	<i>12</i>	<i>11</i>
<b>Grand Total</b>	<b>94</b>	<b>81</b>



## **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. While only ninety-four (94) Permits and eighty-one (81) CO's 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.