

# Building Permit Requirements Accessory Dwelling Unit



NEW CASTLE COUNTY

DEPARTMENT OF LAND USE  
87 READS WAY, NEW CASTLE, DE 19720  
PHONE: 302-395-5400 • WWW.NCCDEL.U.ORG

REV. 10/30/2020

An Accessory Dwelling Unit (ADU) may be constructed within the home or as an attached addition to the home. The unit will be considered a separate dwelling unit where a bedroom and separate kitchen are provided. Additionally, the total number of building permits issued for ADUs shall not exceed 0.4% of the total of single family detached homes in the County based on assessment records.

To make an existing accessory dwelling unit legal and conforming with *New Castle County Code*, an Accessory Dwelling Unit Building Permit must be issued and a certificate of occupancy granted for the additional dwelling unit. All permit requirements listed below may be required for this process and the dwelling unit must be in conformance with *New Castle County Code* Chapter 6 and *New Castle County Code* Chapter 12 at time of permit issuance.

Please be aware of the following requirements concerning applications for Accessory Dwelling Unit Permits as defined in *New Castle County Code* Chapter 40 (UDC) Section 03.410(I):

- Only one (1) accessory dwelling unit is permitted per single-family residential detached lot.
- Only one (1) home occupation is permitted per residential lot.
- Once an accessory dwelling unit is established, the primary structure shall not be used for apartment conversion and only one (1) of the dwelling units may be rented.
- The property owner must occupy and reside in either the principal dwelling unit or the ADU as his or her principal legal residence.
- One (1) additional off-street parking space is required for the ADU, in addition to the number of spaces required for the existing single-family detached dwelling.
- On any lot greater than two (2) acres, one (1) freestanding accessory structure may be constructed or used as an accessory dwelling unit. The free standing dwelling unit may be located in any yard, provided that it meets the same front, street, side and rear yard setbacks as required for the principal dwelling.

## REQUIRED PAPERWORK

All New Castle County forms are available via the County website or Land Use customer service.

- Property Owner Affidavit for an Accessory Dwelling Unit Recorded in the New Castle County Office of the Recorder of Deeds** This affidavit of owner occupancy is provided by the Department of Land Use and must be signed and notarized prior to recordation at the Recorder of Deeds Office. The Department will only accept a recorded, stamped-in copy with a visible notary seal.
  - **Please Read – (1)** The Department will only accept a recorded, stamped-in copy with a visible notary seal of the affidavit. A customer receipt for recording services will NOT be accepted. Please bring a copy of your document to Recorder of Deeds to receive a stamped-in copy at time of recordation to present to the Department of Land Use. No permit application submission will be accepted without the affidavit. **(2)** The entire affidavit needs to be completed prior to recordation. This includes item 3(c) which requires the owner the check a yes or no box.
- Rental Code Registration** If the Property Owner Affidavit identifies the ADU as a rental unit, the property owner shall register the ADU pursuant to the requirements of *New Castle County Code* Chapter 19 prior to the issuance of a Certificate of Occupancy. Please contact the Office of Customer Relations and Assistance at 302-395-5555 to register the unit.
- For Attached Accessory Units** all requirements defined on the Residential Addition and Accessory Structure Building Permit Requirement Sheet may apply. Please contact the Department for more information.
- For Detached Accessory Units** all requirements defined on the Single Family Dwelling Building Permit Requirement Sheet may apply. Please contact the Department for more information.