





## DEPARTMENT OF PLANNING SERVICES

### **Addendum to Application: Conditions of Approval for Accessory Dwelling Units**

**Application Number:** \_\_\_\_\_

The following are the applicable sections of the Kent County Code, Vol. II, Chapter 101 Accessory Dwelling Units are permitted by-right in all residential zoning districts (AC, AR, RS-1, RS-5, RM, and RMH), subject to the following definitions and conditions:

#### Accessory Dwelling Unit (ADU)

A self-contained dwelling unit that is secondary to the principal dwelling unit on a property and includes independent living facilities, such as a separate entrance, bathroom, and kitchen. The dwelling unit may be attached to the principal dwelling (accessory apartment) or detached on the same lot (cottage).

#### Floor Area

The sum of the gross horizontal areas of the several floors of a dwelling, exclusive of garages, basements, cellars, attics and open porches, measured from the exterior faces of the exterior walls.

#### §101-3. General Provisions

- A. Accessory dwelling units shall be permitted in all residential zones subject to compliance with other applicable regulations and building codes.
- B. Each property is limited to one accessory dwelling unit, either attached or detached.
- C. Manufactured homes shall not be permitted as accessory dwelling units.
- D. One dwelling unit on the property shall be owner-occupied. A notice and declaration of land use restriction to this effect shall be signed and recorded prior to issuance of a certificate of use and/or building permit for the accessory dwelling unit.
- E. Any request for an accessory dwelling unit shall conform to all provisions of the Delaware State Plumbing Code, and no dwelling unit that is served by an on-site wastewater disposal system shall be modified to create an accessory dwelling unit until a permit for such has been secured by the Department of Natural Resources and Environmental Control.

#### §101-4 Development Standards.

- A. The maximum size of the accessory dwelling unit shall not exceed 50% of the floor area of the principal dwelling unit. Square footage required to meet accessibility standards shall not count toward the total square footage limit.
- B. Detached accessory dwelling units shall be constructed on a slab or crawl space. Basements are not permitted.
- C. Setbacks

- 1. Attached accessory dwelling units shall comply with the same setbacks as the principal structure.
  - 2. Detached accessory dwelling units shall be placed behind the principal structure and maintain one-half of the principal structure’s side and rear setbacks.
- D. Total lot coverage (impervious cover) is limited to fifty (50) percent.
- E. Applications for accessory dwelling units shall also include:
- 1. Full building plans for entire new structure or addition/renovation
  - 2. Separate floor layout of all finished levels
  - 3. Use of all rooms
  - 4. All entrances/exits.

I agree to comply with the above referenced conditions of approval, as applicable, for an accessory dwelling unit on my property. I understand that failure to comply with the regulations, and any other conditions of approval as may be applied by the Director of Planning Services, will result in enforcement action and may cause the revocation of the approval of this accessory dwelling unit.

Printed Name of Applicant: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name of Applicant: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_