

Ordinance -# 14

Certification Process for Leaseholds with ADUs

Adopted March 2008

Section 1 – Introduction and statement of purpose.

The purpose of this ordinance is to specify the notification and procedure to leaseholders of this one time opportunity which will be used by the Village of Arden to certify pre-existing Accessory Dwelling Units (ADUs). In order to be eligible for certification a leaseholder's pre-existing multiple domiciles must comply with the following requirements: [a] the domicile meets the New Castle County ADU definition and [b] the domicile was built prior to May 1, 2007. Leaseholders who wish to build ADUs after this process is completed will need to obtain approval by the Trustees, the Village and go through the normal process with the county to obtain legal approval.

Section 2- Notification to Leaseholders and New Castle County Department of Land Use about certified pre-existing Multiple Domiciles.

The Village and the Trustees shall notify leaseholders in writing of the procedure to certify existing ADUs and provide a declaration of eligibility within 90 days of County Council approval of amendment section 13 to Chapter 40 of the New Castle County Code and approval by the Village of this ordinance. Leaseholders must sign and submit the declaration of eligibility to the Village Secretary within 30 days of the date of the notification letter in order to be considered for certification. Once certified, a written notification of leaseholds shall be made to New Castle County Department of Land Use via a joint written communication by the Town Assembly Chair and at least two Village of Arden Trustees.

Section 3 – Procedure of Leaseholds with pre-existing ADUs for certification.

The Village Secretary will notify the Village, the Trustees and the Community Planning Committee of those leaseholders who have signed the declaration of eligibility letter. Members of the Community Planning Committee will verify that they have met the requirements as defined in section 1. Leaseholder's that meet the requirements in section 1 and fall in one of the four categories listed below will be certified by the Village Chair and the Trustees. A final list of leaseholders with the privilege of having a certified ADU will be sent to the Board of Assessors.

An acceptable situation of current categories for certification of pre-existing ADUs whether or not they have obtained county approval is as follows:

1. Current leaseholders who have an ADU and paid the B rate assessment 2006-2007 and have an active ADU.
2. Current leaseholders who have an ADU and have not paid the B rate assessment for 2006-2007, but have paid for another year and have an inactive ADU.
3. Current leaseholders who have an ADU and have not paid the B rate assessment 2006-2007 or any year and have an inactive ADU.
4. Current leaseholders who have an ADU and have not paid the B rate assessment for 2006-2007 and have an active ADU.

Leaseholds with existing ADUs who choose not to obtain certification and are not approved by the county will not be recognized as a legal Accessory Dwelling Unit by New Castle County and the Village.