

ACCESSORY DWELLING UNIT GUIDELINES

Revised 02/06/24

CONDITIONAL USE REQUIREMENTS

1. Accessory Dwelling Units (ADUs) are permitted as conditional uses within the R-1, R-2, R-3 and R-8 zoning districts on properties containing single-family detached dwellings. A conditional use application requires approval from City Council. City Council may approve the application, approve the application with conditions or deny the application.
2. There is a \$700 non-refundable conditional use application fee.
3. The application requires public hearings with both the Planning Commission and City Council.
4. An ADU is defined as an Accessory Cottage or an Accessory Apartment.
5. An Accessory Cottage is defined as a separate and subordinate dwelling unit that is located on the same lot as a single-family detached dwelling but is contained in a detached garage or other outbuilding.
6. An Accessory Apartment is defined as a separate complete housekeeping unit that is contained within the structure of a single-family detached dwelling.
7. One dwelling unit on the property shall be owner-occupied. A notice and declaration of land use restriction shall be signed and recorded with the County recorder of deeds office prior to the issuance of a building permit.
8. Only one ADU is permitted per property.
9. Accessory Apartments cannot exceed 35% of the floor area for the single-family detached dwelling.
10. Accessory Cottages must have at least 220 square feet and cannot exceed 40% of the floor area of the single-family detached dwelling or 1,200 square feet, whichever is greater.
11. For an Accessory Cottage which will be a new structure, the exterior materials, roof form, and window spacing and proportions of the Accessory Cottage shall approximate those of the existing or proposed single-family detached dwelling.
12. For an Accessory Cottage located within an existing garage or other outbuilding, the structure is not required to approximate the exterior features of the existing single-family detached dwelling, but any exterior modifications should be consistent with the architectural style of that structure unless the building is upgraded per the requirements for a new structure.
13. Accessory Cottages shall comply with the principal structure setbacks for the respective zoning district, unless the accessory cottage is located within an existing garage or other outbuilding, for which the structure must meet the accessory structure setbacks for the respective zoning district.
14. If approved by City Council, the Conditional Use approval expires in 18 months unless construction has commenced.
15. Prior to submitting the Conditional Use application, it is recommended that the applicant begin coordination with the Electric Department and Public Works Department to understand the requirements and costs associated with providing water, sewer and electric service to the proposed ADU.
16. The ADU will be subject to payment of the City Building Permit Fee, Water Impact Fee, Sewer Impact Fee, Carlisle Enhancement Fund Charge, Municipal Enhancement Fund Charge and Kent County Sewer Impact Fee for the additional dwelling unit. An electric utility impact fee and other utility charges may apply depending on the type and size of services being requested. See City Fee Schedule for more information.

ELECTRIC, SEWER AND WATER UTILITY REQUIREMENTS

1. Electric Service
 - a. Electric Service may be from either the existing dwelling (after the meter) or have a dedicated service and meter.
 - i. If electric service is to be from existing dwelling service (after the meter), no resale of electricity is permitted.
 - ii. A utility service application is required for any new dedicated service with all associated costs to be borne by the applicant.
 - iii. New service connections must follow all applicable City codes.
2. Sewer Service
 - a. Sewer service may not be connected to the existing dwelling and shall be connected at or near the right-of-way where the sewer main is located per City of Milford Code § 185-13.
 - b. Sewer laterals may be no smaller than 6" per City code § 185-13.
 - c. Connecting sewer lateral must meet the City Construction Standards and be inspected per the City requirements.
 - d. Sewer laterals may not encroach on neighboring properties without an easement dedicated to the property intending to use the sewer.
 - e. No more than a single property can be connected to a sewer lateral.
 - f. The minimum slope for a sewer lateral between the right-of-way cleanout and the building cleanout is 2% and no greater than 10%.
 - g. A wye connection must be used at all cleanouts. T connectors are not permitted.
 - h. A cleanout must be placed within 5' of the proposed building.
3. Water Service
 - a. Water service may be connected to the existing dwelling but must have an accessible shutoff valve to allow for emergency shutoff.
 - b. Connecting service line must meet the City Construction Standards and be inspected per the City requirements.
 - c. If requesting a separate meter and pit the meter and pit shall be located at or near the right-of-way line per City of Milford Code and shall be located within the sidewalk where applicable.
 - d. Meter pits may not be installed within the driveway apron as the lids are not trafficable by vehicles.
 - e. Water line may not be within 3' of any other utility and not within 10' of sewer laterals per City Code § 222-9.D.

BUILDING PERMIT REQUIREMENTS

1. **Two** copies of Construction Plans indicating architectural & structural details to include:
 - a. Side elevations of proposed build depicting overall height and finished ceiling height.
 - b. Roof framing details depicting size of rafters and layout (or truss layout), sheathing thickness, roofing material, pitch of roof.
 - c. Framing details including wall construction, sizes, location of windows and doors, siding material, floor material, joist dimensions and layout, wall stud dimensions and layout, flashing details.
 - d. Footers and foundations to include the size of footers (width and depth), location and size of piers (if applicable), description of re-enforcing, type of foundation, anchor bolt size and location, foundation vent locations.
 - e. Electrical and plumbing, types of fixtures.
 - f. Steps and handrails to include height of handrail, size of treads and risers, type of guardrail (balusters and spacing), post anchoring, type of handrail (size for grasp ability).

2. **Two** copies of the Survey/Plot Plan indicating the size and location of the proposed improvements, providing the distances between the proposed improvements and the property lines, indicating the location of the driveway, and indicating the size and location of the existing and proposed utilities.
3. Model Energy Compliance Sheet.
4. Kent or Sussex Conservation District Permit (*if applicable*)
5. DelDOT Entrance Approval (*if applicable*)
Approval is required for construction of entrances, curbing and sidewalk along a State maintained road.
6. Utility/Right of Way Permit Application Form
7. Residential Building Permit Application Form

BUILDING INSPECTION REQUIREMENTS

All building inspection requests must be called in before 4pm the day prior. Inspection requests shall provide the permit number, requested date, address, contact name, phone number and type of inspection.

1. Footer
2. Foundation
3. Slab/Pre Pour
4. As-Built Survey
5. Framing – scheduled upon completion of work and after all third-party electrical and plumbing inspections are completed
6. Energy – Blower door test
7. Final - scheduled upon completion of work and after all third-party plumbing and electrical inspections are completed