

**Preliminary Land Use Service (PLUS)
Comprehensive Plan Amendments and Municipal Ordinances**

Delaware State Planning Coordination
122 William Penn Street • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

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|---|--|-------------------|
| Name of Municipality: New Castle County Land Use Department | | 2012-06-01 |
| Address: 87 Reads Way New Castle, DE 19720 | Contact Person: David Culver | |
| | Phone Number: 302-395-5463 | |
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| | E-mail Address: krbieri@nccde.org | |

Date of Most Recently Certified Comprehensive Plan: July 31, 2007

Application Type:

Comprehensive Plan Amendment: Not applicable

Ordinance: Ord. 12-057, Universal Design Standards Text Amendment to Chapter 40 UDC

Other: _____

| | |
|---|------------------------|
| Comprehensive Plan Amendment or Municipal Ordinance prepared by: | |
| Address: ---- same as above ---- | Contact Person: |
| | Phone Number: |
| | Fax Number: |
| | E-mail Address: |

| | |
|------------------------------|------------------------|
| Maps Prepared by: NA. | |
| Address: | Contact Person: |
| | Phone Number: |
| | Fax Number: |
| | E-mail Address: |

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Please describe the submission:

The purpose of this text amendment is to encourage universal design standards in new construction and renovation. Universal design standards are recognized as enabling greater accessibility for the elderly and special needs population who have a great desire to remain in their homes for as long as possible. Incorporating universal design standards into new dwelling units is a very efficient way to ensure adequate housing stock in the future for all segments of the County's population.

See attached Ordinance 12-057.

Introduced by: Ms. Diller
Date of introduction: May 8, 2012

ORDINANCE NO. 12 - 057

TO REVISE ARTICLE 25 (“DESIGN”) OF CHAPTER 40 OF THE *NEW CASTLE COUNTY CODE* (ALSO KNOWN AS THE “UNIFIED DEVELOPMENT CODE” OR “UDC”) REGARDING UNIVERSAL DESIGN STANDARDS

WHEREAS, on December 31, 1997, New Castle County Council adopted and the County Executive approved the Unified Development Code (“UDC”); and

WHEREAS, New Castle County desires to promote fair housing opportunities throughout our County and to ensure that every segment of the housing market has the opportunity for housing that meets individual needs; and

WHEREAS, all residents, especially seniors and special needs citizens, desire to remain in their homes for as long as possible; and

WHEREAS, Universal Design Standards are recognized as enabling greater accessibility for the elderly and special needs population; and

WHEREAS, incorporating Universal Design Standards into new dwelling units is the most efficient way to ensure adequate housing stock in the future for all segments of our population; and

WHEREAS, County Council has determined that the provisions of this ordinance substantially advance, and are reasonably and rationally related to, legitimate government interests (i.e., promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the present and future inhabitants of this State).

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 40 (“Unified Development Code” or “UDC”), Article 25 (“Design”), is hereby amended by adding the material that is underscored and deleting the material that is bracketed, as set forth below:

Division 40.25.500. Universal design standards.

Sec. 40.25.510. Purpose.

The purpose of Universal Design Standards is to attempt to meet the short and long term housing needs of every segment of the population in New Castle the County. By encouraging the integration of Universal Design Standards into new or substantially renovated housing stock, many of these needs may be achieved with the inclusion of minor design changes and improvements. This division encourages designers and builders to integrate Universal Design

Standards into every housing type to ensure availability of this housing in New Castle the County.

Sec. 40.25.520. Design standard options.

- A. All dwelling units that are designed to Universal Design Standards shall be in compliance with the applicable sections of Chapter 6 of the *New Castle County Code*.
- B. For any new age-restricted community, the developer shall present each buyer with the option to have the unit designed utilizing Universal Design Standards, including, but not limited, to the following items:
 - 1. Step-less main entry;
 - 2. Offset tub/shower controls with adjacent clear floor space;
 - 3. Wide blocking installed in walls around tub/shower and toilet for future grab bars;
 - 4. Lever type door handles;
 - 5. Single lever faucets; and
 - 6. Utilization of minimum and maximum heights for switches and outlets.
- C. For non-age restricted communities, projects are encouraged to include Universal Design Standards as enumerated in Subsection B above.

Section 2. New Castle County Council finds that the provisions of this Ordinance are consistent with the spirit and intent of the New Castle County Comprehensive Development Plan.

Section 3. All ordinances or parts of ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed except to the extent they remain applicable to land use matters reviewed under previous Code provisions as provided in Chapter 40 of the *New Castle County Code*.

Section 4. The provisions of this Ordinance shall be severable. If any provision of this Ordinance is found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that County Council would have enacted the remaining valid provisions without the unconstitutional or void one; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with County Council's intent. If any provision of this Ordinance or any zoning map or portion thereof is found to be unconstitutional or void all applicable former ordinances, resolutions, zoning maps or portions thereof shall become

applicable and shall be considered as continuations thereof and not as new enactments regardless if severability is possible.

Section 5. This ordinance shall become effective upon passage by New Castle County Council and signature of the County Executive, or as otherwise provided in 9 *Del.C.* § 1156.

Adopted by County Council of
New Castle County on:

President of County Council

Approved on:

County Executive

SYNOPSIS: The purpose of this text amendment is to encourage Universal Design Standards in new construction and renovation.

FISCAL NOTE: The fiscal impact upon the adoption of this legislation will be negligible.