

**Town of
Henlopen Acres**



Comprehensive Plan

DRAFT

2014

Town of Henlopen Acres Comprehensive Plan

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TOWN, COUNTY, AND STATE OFFICIALS

Town of Henlopen Acres

Mayor and Council

David Hill, Mayor
Andrew Brittingham, Commissioner
Frank Jamison, Commissioner
David Lyons, Commissioner
Winifred Kee, Commissioner
Beatrix Richards, Commissioner
John Staffier, Commissioner

Planning Committee

John Scheurer, Chairman
Gordon Kaiser
Mary Jane Lyons
Robert Reed
Richard Thompson

Town Solicitor

Glenn C. Mandalas, Esq.

Town Staff

Thomas Roth, Town Manager
Lisa Michaels, Town Clerk
R. Lee Stewart, Security Supervisor
Alexander McClure, Public Works Manager

Sussex County

Council Representatives

The Honorable Michael H. Vincent, 1st District, President
The Honorable Samuel R. Wilson, Jr., 2nd District, VP
The Honorable Joan R. Deaver, 3rd District
The Honorable George P. Cole, 4th District
The Honorable Vance Phillips, 5th District

County Administrator

Todd Lawson

State of Delaware

Governor

The Honorable John A. Markell

Senate

Senator Ernesto B. Lopez, 6th District

House of Representatives

Representative Peter C. Schwartzkopf, 14th District

Office of State Planning

Constance S. Holland, AICP, Director

Coordination

INSTITUTE FOR PUBLIC ADMINISTRATION

The original 2004 Comprehensive Plan was prepared by the Institute for Public Administration (IPA), a unit within the College of Human Services, Education & Public Policy at the University of Delaware. IPA links the research and resources of the University of Delaware with the management and information needs of local, state, and regional governments in the Delaware Valley. IPA provides assistance to agencies and local governments through direct staff assistance and research projects as well as training programs and policy forums. Jerome R. Lewis is the director of the Institute.

TOWN GOVERNANCE

The Town Charter provides for a Commission form of government with seven (7) members with one Commissioner elected to be the Mayor and President of the Commission. The Commissioners of Henlopen Acres hold quarterly meetings. Commissioners may either be bona fide residents or non-resident property owners of the Town of Henlopen Acres, however a majority of the Board must be residents. All property owners and residents are eligible to vote in municipal elections. All other offices are by appointment. Appointments are made by the Mayor and approved by a majority of the Commissioners.

The Town Charter empowers the Town to provide government services to maintain its peace and order, its sanitation, beauty; the health, safety, convenience, comfort, and well-being of its population, and the protection and preservation of property, public and private. The commissioners of Henlopen Acres have the power to annex additional territory adjoining the corporate limits of the Town.

The Mayor of the Town is the chief executive and presides at all meetings of the Commissioners. The Mayor executes on behalf of the Town, when authorized by the majority of the Commissioners, all agreements, contracts, bonds, deeds, leases, and other documents necessary to be executed. The Mayor has the power to appoint the other six Commissioners to be in charge of any departments or divisions of town government created by the Commissioners. The Commissioners of Henlopen Acres hire and empower a Town Manager with duties prescribed by the Commissioners. The fiscal year for the Town of Henlopen Acres is from July 1st of one year to June 30th of the next year.

**COMPREHENSIVE DEVELOPMENT PLAN FOR
THE TOWN OF HENLOPEN ACRES, DELAWARE**
_____ **2014**

Background

Delaware law requires that municipalities engage in comprehensive planning activities for the purpose of encouraging “the most appropriate uses of the physical and fiscal resources of the municipality and the coordination of municipal growth, development, and infrastructure investment actions with those of other municipalities, counties and the State.” This plan was written to comply with the requirements of a municipal development strategy as described in the Delaware Code for towns with population of 2,000 or fewer.

The municipal comprehensive plan for small communities, such as the Town of Henlopen Acres, with fewer than 2,000 people is to be a “document in text and maps, containing at a minimum, a municipal development strategy setting forth the jurisdiction’s position on population and housing growth within the jurisdiction, expansion of its boundaries, development of adjacent areas, redevelopment potential, community character, and the general uses of land within the community, and critical community development and infrastructure issues.” In addition, the Town’s comprehensive planning process shall demonstrate coordination with other municipalities, the county, and the state during plan preparation. (22 Del. C. 1953, § 702)

State law requires that planning be an ongoing process and that municipalities identify future planning activities. This document is the Town of Henlopen Acres’ Comprehensive Plan as required by state law. It is intended to cover a ten-year planning period and be reviewed every five years.

Public Participation

In 2002, the Town of Henlopen Acres established a Planning Commission to develop the Town comprehensive plan. A draft of the plan was presented to the Town Commission in January 2004 for public review and comment. The plan was approved at the July 2004 Town Commission meeting and certified by the State of Delaware on July 9, 2004.

In 2012, the Planning Commission began work on the ten year comprehensive plan update holding several meetings, (xxxxxxxxdatesxxxxxxxxxxxx), a workshop, (xxxxxxx), and a public hearing, (xxxxxxx), in preparation for submission to the State of Delaware PLUS system. Residents and non-residents submitted written comments. *(This section to be updated as review process proceeds.)*

Community Overview

Location

The Town of Henlopen Acres, Delaware, is located in eastern Sussex County. It is north of the City of Rehoboth Beach, east of the Lewes and Rehoboth Canal, and west of the Atlantic Ocean.

History

The land comprising Henlopen Acres was first brought into legal jurisdiction in 1675 as part of the Young's Hope patent granted by Governor Sir Admond Andros of New York. It appears to have remained under that patent until 1743, when it passed to the Marsh family. The property again changed hands in 1871, when it came into the Dodd family. It was not again transferred until 1930, when W. S. Corkran took title and began development into a residential development. When he took over the old farm, one of the first questions to be settled was the selection of a suitable name. Inevitably, the old local name "Henlopen" came to mind as one of the greatest distinction. Nothing could be more fitting than to name the development after that world-known old Henlopen Light, which had stood for 200 years within sight of the property and less than half-a-dozen miles away, across moorland and dunes. Having once decided upon "Henlopen," the word "Acres" naturally fell into place, for these lands have been real acres of peace and prosperity to their owners since 1675.

The initial residential plots laid out by Corkran himself, had a frontage of approximately 150 feet and depth of 170 feet. The variation in the lot sizes permitted the natural placement of roads and houses on the land in relation to the terrain, trees, and views, avoiding monotonous and unsightly rows of houses on a definite set-back line while ensuring ample spaces of light, air, and planting, permanently protected against encroachments. Each home site was planned as a park within a park. The advantages of the Henlopen Acres residential site developed in 1930 were defined by its owner as follows:

1. An exclusive residential park
2. A combined country and seashore community—a pinewoods setting on an ocean beach
3. It enjoys the pleasures of both sea and inland waters—bathing, sailing, motor boating, fishing, canoeing, etc.
4. Firmly protected by all essential restrictions of 1930—ample size of lots, with one family residence only on each lot, areas specified for community garage, stable, clubs, etc.

In 1970, the Charter of the Town of Henlopen Acres was approved by the State of Delaware. It has set forth the territorial limits of the Town as follows:

All three adjoining pieces or parcels of land and premises situate, lying, and being in Lewes and Rehoboth Hundred, Sussex County and State of Delaware, north of the City of Rehoboth Beach and east of the United States Inland Waterway known as the Lewes and Rehoboth Canal, bounded on the north by the lands of Daniel G. Anderson; on the northwest and west by lands of said United States Inland Waterway; and on the south and southeast, in part by the north boundary line of the City of Rehoboth Beach, in part by the north line of Henlopen Avenue, and in part by certain State lands; and on the east and northeast by the mean high-tide water line of the Atlantic Ocean.

Historic and Significant Properties³

Peter Marsh House or “Homestead”

The Peter Marsh House was listed on the National Register of Historic Places in November 1977. It is significant as an example of an eighteenth-century Sussex County farmhouse, which has retained much of its original detail² It was about this time “The Homestead” was built and called in the deeds, “The Mansion House of the Plantation”. It remained intact and was occupied continuously from that date until its remodeling and enlargement in 1930.

Peter Marsh built his cypress-shingled house after 1743, when he purchased portions of a tract of land called Young’s Hope, originally granted in 1675 to George Young by the Duke of York.

Marsh was an ensign in the Sussex County Regiment for the southern district of Lewes and Rehoboth Hundred during the French and Indian wars. When he died in 1769, he left a large estate of more than 2,000 acres in Sussex County. To his son, Thomas Purnell, he left the tract of the land called Young’s Hope and 300 acres. When Thomas Purnell died in 1821, he left the northwestern portion of his inherited tract of land, together with the mansion house, to his son, also named Thomas Purnell Marsh.

The house and surrounding land remained in the Marsh family until 1871, when it was sold to the Dodd family. During most of the Dodd ownership the house was occupied by tenants. In 1930, Colonel and Mrs. Wilbur Corkran purchased the house and restored it. Where original material was beyond salvage, they carefully replaced it with eighteenth-century building material from houses about to be demolished in the area. The house retained its original floor plan and exterior.

Henlopen Acres Beach Club

The Henlopen Acres Beach Club is located at the northern beachfront property. This property comprises 3.813 acres. The original deed that conveyed the property for the use of the Henlopen Acres Beach Club, Inc., set specific conditions on the use and regulation of the property for use as beach club for the enjoyment of its members who may be residents. The Commissioners of the Town of Henlopen Acres have the authority to regulate the erection, maintenance, and use of buildings, structures, or other erections in a manner consistent with the use of the property as a community beach club. The Henlopen Acres Beach Club property is Sussex County tax parcel number 3-34 14.05 121. The beach club assesses its own dues and initiation fees and pays County and Town taxes.

Block W Property – Henlopen Acres Property Owners Association

The property commonly referred to as Block W is the oceanfront property south of the Henlopen Acres Beach Club. This property is Sussex County tax parcel identification number 3-34 14.05 120. The property comprises 8.82 acres.

The property is subject to the following deed conditions. The Henlopen Acres Property Owners Corporation (HAPOC) must be and remain a Delaware corporation, and all Henlopen Acres property owners are members. Property owners are, however, responsible for an assessment not to exceed one hundred dollars, to be used to maintain the property and defray administrative expenses. The Block W property must be kept tidy and in its natural state, and all federal and state filings must be completed annually and taxes paid if any. The HAPOC retains the enjoyment of this property as long as the conditions of the deed are met. If the HAPOC becomes defunct, or if it fails to file or pay the taxes on the property or fails to keep the property reasonably tidy, then ownership shall revert to the University of Delaware. If the conditions of the deed are not met, and the property transfers to the University of Delaware, the property cannot be transferred or sold and must be still kept in its natural state; the erection of a public bathhouse, restrooms, or other facilities can be done only with the approval of the HAPOC, which annually supplies a copy of tax returns to the Town to ensure compliance.

Community Marina

The Town has a community marina on Tidewaters along the Rehoboth and Lewes Canal. This property is Sussex County tax parcel identification number 3-34 14.09 10.00 in Block Q, consisting of 2.38 acres. This property is operated for residents and non-residents as defined by the Henlopen Acres Board of Commissioners. A portion of the property designated in the 1930 deed has been subdivided into residential lots 3-34 14.09 10.01, 3-34 14.09 10.02, and 3-34 14.09 10.03. On October 21, 1998, a revision to the deed was filed changing the boundaries of the marina site.

Rehoboth Art League and The Homestead

The Rehoboth Art League, Inc. is located on Dodds Lane. It occupies three and one-half acres and was founded by Louise Chambers Corkran, the wife of the founder of Henlopen Acres, Col. W.S. Corkran. It is comprised of five buildings including the Homestead. The League holds exhibits, classes and other activities. The use of the Homestead by the Rehoboth Art League, Inc., is governed by the covenants of 1930 and 1982, deed restrictions and by the Zoning Code.

The properties controlled by the Rehoboth Art League, Inc., are Sussex County tax parcels number 3-34 14.09 56.00 and 3-34 14.09 57.00. These properties are exempt from Sussex County and Town taxes.⁴ The property was willed to the University of Delaware by Colonel Wilbur S. Corkran. On May 18, 1979, the Delaware Chancery Court approved the transfer of the Homestead property subject to the restriction that the property be “maintained in such condition as will respect its authentic character and furnishing as a colonial Sussex County Seat.”

The plan recommends that this property only be used as art gallery, art school, or community purpose, consistent with its nonconforming status. If the Rehoboth Art League, Inc. ceases to exist the property reverts to residential use only. The Town further recommends that the Homestead, accessory structures, landscape, and gardens, consistent with restrictions imposed by the Chancery Court, not be modified significantly as to diminish the historic characteristics of the property or as a departure from the residential character of Henlopen Acres.

Bridle Paths

There are easements associated with specific properties in the Town of Henlopen Acres that are known as “bridle paths.” These are easements that provide potential public access for Town residents. A barrier has been constructed at the terminus of Easton Street and First Street on the border between the Town of Henlopen Acres and the City of Rehoboth Beach to prevent through traffic.

The 1982 covenants states that “no modification or variation shall take place that will change the location of such “bridle paths” to any other location other than at the rear of the lot, unless the consent of a lot owner whose land is to be used for such relocated bridle path shall be first secured.”⁵

Community Character, Natural Features and Environmental Concerns

Community Character and Design

Henlopen Acres is a small beach town with primarily residential properties. The community character of the Town should not change due to small size and limited availability of land for development. The Town wishes to maintain its current character and retain the current design of houses as the remaining undeveloped lots are built out. The Town has limited the height of buildings to 30 feet and two stories, restricted building area to 20 percent of lot area, limited dwelling unit size to 6,000 square feet, regulated obstructions of view on corner lots, and set a minimum of open space to 60 percent of lot area.

Map 2. Environmental Features describes the location of the Town in relation to surrounding state and federally-identified wetlands, Federal Emergency Management Agency (FEMA) 100-year flood plains, and hydrologic features.

Wetlands

Federally identified wetlands may exist along the Rehoboth and Lewes Canal, (National Wetlands Inventory, Appendix A). Regulatory Protection of wetlands is mandated under Federal 404 provisions of the Federal Clean Water Act. Additionally, tidally-influenced wetlands are accorded additional regulatory protection under Title 7, Chapter 66 provisions of the Delaware Code. Compliance with these statutes may require an Army Corps of Engineers approved field wetlands delineation and/or Delaware Department of Natural Resources and Environmental Control, (DNREC), approval. Two properties along the north side of Tidewaters may include state-identified wetland areas. These properties are already developed residential. Conversely, under the U.S. Army Corps of Engineers 1987 method, an area is a wetland only when it meets, under normal circumstances, all three of the following criteria: wetland hydrology, the presence of hydric soils and the predominance of hydrophytic vegetation. The U.S. Dept. of Agriculture, Natural Resources Conservation Service in a 1974 Soil Survey⁶ identified the soils of Henlopen Acres to consist of soil classes EvA, EvB, SaA, SaB and Ft. None of these classes comprise hydric soils. As such, areas of possible wetlands should be delineated by a licensed professional wetlands consultant in accordance with the “Federal Manual for Identifying and Delineating Jurisdictional Wetlands”.

Floodplains

The FEMA 100-year flood plain is a significant natural feature that covers the area from Zwaanendael to the beach and a portion of Broad Hollow and Tidewaters. Development within the FEMA 1% annual chance flood plain (also known as the 100-year flood plain) is governed by the flood plain regulations that the Town has adopted and agreed to enforce as a participating community in the National Flood Insurance Program. The Town has received and reviewed the preliminary revised Flood Insurance Rate Maps that reflect minor changes to the 100-year flood plain. These plans have been reviewed by the Town, residents and property owners have been notified and maps made available for public review. The potential effective date for these maps is March 2015.

Key Wildlife Habitat⁷

Map No. 10 identifies Key Wildlife Habitat within the town limits of Henlopen Acres

Construction within the areas identified as Key Wildlife Habitat is prohibited, with the exception of repair and upkeep of existing walking paths and structures or construction measures or practices endorsed by DNREC.

Endangered Species⁶

Tier 1 Species

Species that are most in need of conservation action in order to sustain or restore their populations.

The Delaware Wildlife Action Plan (DEWAP) focuses on Tier 1 species to analyze threats to their populations and habitats. Conservation actions should be developed to eliminate or minimize identified threats.

CLASS	Scientific Name	Common Name
Insect	<i>Cicindela dorsalis media</i>	white tiger beetle
Insect	<i>Cicindela lepida</i>	little white tiger beetle
Reptiles	<i>Malaclemys terrapin terrapin</i>	Northern diamondback terrapin
Birds	<i>Charadrius melodus</i>	piping plover
Birds	<i>Haematopus palliatus</i>	American oystercatcher
Birds	<i>Arenaria interpres</i>	ruddy turnstone
Birds	<i>Calidris canutus</i>	red knot
Birds	<i>Calidris alba</i>	sanderling
Birds	<i>Sterna hirundo</i>	common tern
Birds	<i>Rynchops niger</i>	black skimmer
Birds	<i>Chordeiles major</i>	common nighthawk

Tier 2 Species

Species in need of conservation action but without the urgency of Tier 1 species.

Distribution of Tier 2 species help to determine where DEWAP conservation actions will be implemented.

CLASS	Scientific Name	Common Name
Insects	<i>Cicindela dorsalis</i>	Eastern beach tiger beetle
Insects	<i>Cicindela hirticollis</i>	beach-dune tiger beetle
Insects	<i>Melitara prodenialis</i>	a snout-moth
Insects	<i>Drasteria graphica atlantica</i>	Atlantic graphic moth
Insects	<i>Schinia spinosae</i>	a noctuid moth
Birds	<i>Falco peregrinus</i>	peregrine falcon
Birds	<i>Pluvialis squatarola</i>	black-bellied plover
Birds	<i>Catoptrophorus semipalmatus</i>	willet
Birds	<i>Calidris pusilla</i>	semipalmated sandpiper
Birds	<i>Calidris maritime</i>	purple sandpiper
Birds	<i>Calidris alpina</i>	dunlin
Birds	<i>Larus marinus</i>	great black-backed gull
Birds	<i>Pipilo erythrophthalmus</i>	Eastern towhee
Birds	<i>Passerculus sandwichensis</i>	savannah sparrow

This plan recommends a strategy of education, outreach and enforcement by increasing public knowledge of wildlife conservation issues and an understanding of habitats, species of concern and conservation issues.

Air Quality

Henlopen Acres is primarily a residential community with a large percentage of the population participating in walking, jogging and cycling activities. Town functions including the town marina and the Rehoboth Art League are the only non-residential operations. However, we will explore transportation alternatives and land use measures that will improve air quality and reduce air emissions.

The town already observes a no idling policy for all town vehicles. This plan recommends an ordinance be adopted expanding that policy to all commercial vehicles operating within town limits.

Tree Canopy

The Town of Henlopen Acres appreciates the importance of its natural resources and in particular its unique forested setting. The abundance of trees not only provides aesthetic beauty but provides numerous significant benefits including the reduction of ambient temperatures which results in energy savings, reduces pollutants by filtering the air and producing oxygen, reducing runoff and erosion, and the reduction of ultra-violet ray exposure.⁸ In 2008, the Delaware Forest Service received a grant to study the municipal tree canopy throughout Delaware. The study determined the Town of Henlopen Acres possessed a tree canopy of 43.2%. In comparison, the surrounding cities of Lewes and Rehoboth have a tree canopy of 29.61% and 19.89%, respectively (see Map 9).

Periodically, the Delaware State Forest Service makes available tree planting and maintenance grants to municipal and community organizations. The Town of Henlopen Acres has participated in this grant program in 2004 and again in 2010 to improve and enhance the town's forested setting. The town will continue to participate in this program as the opportunity arises. Additionally, in 2008, The Town of Henlopen Acres amended the Code by adding restrictions to prevent land clearing of vacant lots without permission of the Town.

Open Space, Marina, and Beach Club

The Town of Henlopen Acres is based on beach and water sport activities. Participants in the planning meetings indicated that the Town should continue its efforts to maintain the beachfront areas in cooperation with the Henlopen Acres Beach Club and Henlopen Acres Property Owners Corporation, (Block W). The maintenance of the groin (jetty) along the beachfront area is of special concern for all residents and users of the beach area and is an important issue for the Town.



Henlopen Acres Marina

POPULATION AND HOUSING

Demographics, Future Population, and Housing Growth

According to the 2010 Census, the Town of Henlopen Acres had a full-time population of 122 persons. This is a 12 percent decrease from the 2000 population of 139 persons, reflecting a decrease in growth that is lower than the growth rates of Sussex County as a whole. The full-time population is a function of variables significantly different from the surrounding cities of Rehoboth Beach and Lewes. Henlopen Acres is a Town of single-family detached homes used primarily for second homes or, secondarily, for retirement homes. There is limited number of full-time residents who are in the labor force. The fulltime population of Henlopen Acres will vary based on the decision of homeowners to claim their Henlopen Acres home as their primary residence. A better indication of the need for services and infrastructure is the number of homes and occupancy conditions. Table 1 outlines the change in population in Henlopen Acres, Rehoboth Beach, Lewes, Sussex County, and the State of Delaware.

Table 1: Population of Henlopen Acres Compared to Sussex County and the State of Delaware

Year	Delaware	Sussex County	Henlopen Acres	Rehoboth Beach	Lewes
1980	594,919	98,004	176	1,730	2,197
1990	666,168	113,229	108	1,327	2,331
2000	783,600	156,638	139	1,495	2,932
2010	885,122	197,145	122	1,327	2,747

Source: U.S. Census Bureau. Henlopen Acres, Rehoboth Beach, and Lewes population figures are based on primary residence claimed by individuals filling U.S. Census forms.



Better picture of town hall to be inserted

Table 2, provides a comparison of basic demographic data among Henlopen Acres, Sussex County, and the State of Delaware. Based upon population, Henlopen Acres is the third smallest town in Delaware, with only Farmington (110) and Hartly (74) having lower population with significantly lower number of homes. The full-time residents of Henlopen Acres are older and have a higher median income than residents of Sussex County and the State of Delaware as a whole. In 2010, the median age of Henlopen Acres fulltime residents was 66.1 years old, compared with Sussex County’s 45.4 and the State of Delaware’s 38.8. It is unknown if the part-time residents have significantly different age profile, but since the homes that are used as part-time residences are typically owned by working-age persons, the overall median ages of part-time and full-time residents may be lower than the 66.1 median age reported in the 2010 U.S. Census. Henlopen Acres’ residents’ median income is the highest for an incorporated town or city, but it is only slightly higher than those of South Bethany and Dewey Beach. The median income for Henlopen Acres is less than those of U.S. Census Designated Places of Hockessin and North Star in New Castle County.

Table 2: Profile of General Demographic Characteristics for Henlopen Acres, Sussex County, and Delaware 2010

	Delaware (2010)	Sussex County (2010)	Henlopen Acres (2010)
Total Population	897,934	197,145	122
Age			
Population 17 years and under	22.97%	20.4%	10.7%
Population 62 years and older	17.9%	25.7%	59.0%
Median Age (years)	38.8	45.4	66.1
Households			
Total Households	342,297	79,368	67
Households with children under 18 years	32.0%	26.4%	10.4%
Households 65 or older living alone	9.6%	12.1%	38.8%
Average household size (# people)	2.55	2.45	1.82
Housing Units			
Total Housing Units	405,885	123,036	195
Occupied units	84.3%	64.5%	34.4%
Vacant housing units	15.7%	35.5%	4.4%
Seasonal or recreational units	8.9%	28.3%	64.1%
Renter occupied units	27.9%	21.4%	3.0%
Units built before 1940	25.0%	13.0%	4.0% ⁹
Units built before 1960	9.4%	5.6%	32.0% ⁹
Units built before 1980	49.2%	32.8%	64.0% ⁹
Units built before 2000	80.2%	70.7%	86.0% ⁹
Income¹			
Median Household Income	\$57,599	\$51,046	\$122,433
Persons below poverty level	11.5%	12.9%	0%
Selected Characteristics¹			
Population 25 & over, High School graduate or higher	88.5%	86.2%	*
Population 25 & over, Bachelor’s Degree or higher	36.7%	30.3%	*
Population 16 and over in labor force	64.7%	58.6%	*
Population 5 and over who speak English less than very well	4.6%	5.2%	*

Source: 2010 U.S. Census, ¹American Community Survey, *=unknown

The earnings and retirement incomes are significantly higher in the Town compared to those of the state and county. The residents are more likely to have income from self-employment, and almost all of them have passive income. Reflecting the older population, the townspeople do receive a higher percentage of Social Security Income, but there is no supplemental Social Security income or public assistance for Town residents, for they are relatively affluent.

Residential Housing Stock

All the houses in Henlopen Acres are detached units, while in the state and county single-family homes represent 74% and 70% of all housing structures respectively. The Town’s homes are mostly for seasonal use. The median value of owner-occupied housing units in Henlopen Acres is significantly higher than the median for Sussex County and the State of Delaware.

Table 3. Composition of Housing Stock of Henlopen Acres, Sussex County, and Delaware in 2010

Housing Type	Henlopen Acres ¹	% of total	Sussex County	% of total	Delaware	% of total
Single-Family	195	100	86,863	70.4	301,946	74.3
Multi-Family	0	0	11,796	9.6	66,717	16.4
Manufactured Homes	0	0	24,714	20.0	37,745	9.3
Total	195	100	93,070	100	343,072	100

Source: American Community Survey, ¹Town of Henlopen Acres

Table 4: Value of Homes

Financial	Delaware	Sussex	Henlopen Acres ¹
Median Home Value	\$239,900	\$225,000	\$1,000,000+
Percent with Mortgage Outstanding	70.0%	40.8%	23.2%

Source: 2013 Delaware State Housing Authority, ¹Town of Henlopen Acres

Population Projections and Growth

U.S. Census estimates project an increase in population over the next five years of less than 1%. Growth of the full-time population and housing in Henlopen Acres will depend primarily on the decision of homeowners to live full-time in Henlopen Acres, due to the limited availability of land for new construction.

Redevelopment

The Town of Henlopen Acres does not have traditional redevelopment opportunities. The potential for redevelopment within the Town limits of Henlopen Acres could occur in two forms. The first opportunity for redevelopment would be the replacement of existing homes with new structures. There exists the possibility that these new houses could be substantially larger than existing houses. The Town has set a series of restrictions to limit the size of new homes through height, size, and set-backs. The average residential lot is 20,000 square feet and vacant lot is 25,000 square feet. The lot coverage limit and the limit of 6,000-square-foot dwelling unit will keep houses from being built out of character.

Redevelopment Recommendations

The plan recommends that all vacant or redeveloped property within the Town be developed as residential and in character with existing houses. *Map 6. Future Land Use* describes the recommended future land use pattern for the Town. Properties that are not to be developed as residential include the Henlopen Acres Beach Club, the Block W Property, the Indian and Pioneer Cemetery, and the Henlopen Acres Marina Property.

The plan recommends that the Peter Marsh House (“The Homestead”) at 10 Dodd’s Lane be provided with all possible protection as a structure on the National Register of Historic Places. The current Zoning Code does not provide for a specific historic preservation district but does require the submission of a complete and comprehensive set of plans to the Environmental Approval Committee for review prior to construction or reconstruction beyond the usual and necessary repairs. The plan also recommends that those properties currently used by the Town of Henlopen Acres as a town hall and for the provision of public water remain in public use as long as those functions are deemed necessary. If the property on Pine Reach, which is now part of the public-water system, is no longer needed for this use, the land use recommended for this site is residential

LAND USE PLANNING AND REGULATION PROCESS

The Town’s overall vision is to remain a well-planned resort and residential community that maintains its recreational and natural resources while providing public services to its residents.

Community Design

The participants in the planning meetings indicated a strong desire to maintain the type of development that currently exists within the Town. Housing in the Town is single-family detached. The Town has also had a strong commitment to preserving the Homestead property while maintaining its historic integrity.

Land Use and Annexation

The Town of Henlopen Acres will remain a primarily residential town with open space, recreation, and limited institutional uses. While the Town has no interest in annexation at this time, land use concerns for Henlopen Acres do extend beyond the limits of the Town. Participants in planning meetings have indicated that the preservation of wetlands along the west side of the Lewes and Rehoboth Canal are important. The use and maintenance of the Deauville Beach Park owned by the State of Delaware and used by the City of Rehoboth Beach is of particular concern. The Town recommends that the property immediately adjacent to Town limits on Pine Reach across Surf Avenue from the Deauville Beach Park entrance, remain as passive open space without any improvements, as currently zoned by the City of Rehoboth Beach.

The Town of Henlopen Acres was developed as a residential community. Of the 219 parcels, 211 are residential or vacant residential properties. Table 1 lists the current land use for the Town and the approximate acreage. *Map 5. Current Land Use* provides an overview of the pattern of current land use. The Rehoboth Art League uses the Peter Marsh House, also known as the “Homestead,” on Dodds Lane as an art gallery and art instruction facility. The property is zoned residential and is currently an existing non-conforming use. The deed restrictions for the Town allow for the institutional use on the property such as art galleries, art education facilities, or other art related uses upon approval of a Special Exception by the Board of Adjustment.

Table 5. Current Land Use⁹

Land Use	Number of Parcels	Approximate Acreage
Beach Uses	2	12.63
Marina	1	2.40
Government and Cemetery	3	1.06
Rehoboth Art League	2	3.69
Residential	201	92.19
Vacant (undeveloped)	10	5.43
Streets, Alleys, Easements, Watercourses		38.60
<i>Total</i>	<i>219</i>	<i>156</i>

Deed Restrictions and Conditions

The deed of sale of the property of Henlopen Acres, dated July 22, 1930, sets a series of restrictions concerning property use and transaction, (the covenants). These provisions were updated by the deed dated July 6, 1982.⁵ The deeds restrict the construction of properties within the Town to single-family residences. The Town has a right of first refusal on the sale of any property or any interest in any property. The property owner is also required to give notice to the Town Commissioners prior to any sale. The deed of sale also requires the review of any building or land development by the Environmental Approval Committee. The deed also stipulates how a property can be reviewed and what conditions the Environmental Approval Committee can require. The Zoning Code further defines this process of site plan review.

Land Uses Prohibited by Deed

The following land uses are prohibited by covenants within the limits of the Town: manufacturing; crematory or graveyard (except existing Indian and Pioneer burial ground on Dodd's Lane); hospitals; penal institution; agricultural uses; automobile storage or junkyard; and advertising signage. The covenants also limit any noxious or offensive uses.

Future Land Use

Goals:

- Manage the future development and redevelopment to maintain the Town's well-planned resort and residential community character.
- Support the preservation and maintenance of the Town's historic homes, structures, and resources.
- Maintain and improve the building and zoning Codes and development processes to ensure that all new development and redevelopment enhances the Town's well-planned resort and residential community character.

Review of the Zoning Code

The Town of Henlopen Acres has an adopted Zoning Code and an official Zoning map. The zoning specifies four districts: R-Residential; B- Recreational; M-Marine; and G-Government. The Code details permitted and special exception land uses and specifies lot size, lot coverage, setbacks, and height limits. The Code provides for a Zoning Inspector to enforce the regulations. The Code establishes an Environmental Approval Committee that has the power to review a site plan and approve or reject it. The Code establishes an appeal process for decisions made by the Zoning Inspector and to hear special exceptions of the Zoning Code. The Code also provides for special exception for the use of residential properties as art studios, art museums, theaters, or theater schools. *Map 4. Zoning* delineates the current zoning designation. The plan currently recommends no change in zoning for the Town.

At present, the Zoning Code does not provide for a named zoning commission. The Code vests many of the planning and site-plan review decisions in the Environmental Approval Committee. Only a limited number of re-zonings have occurred, from residential to government, as new Town facilities have been built on vacant lots. The Environmental Approval Committee reviews the site plan prior to the issuance of a building permit. The Environmental Approval Committee acts in the role of a site-plan review committee.

The Zoning Code establishes the Board of Adjustment. The Code states that the Board of Adjustment shall consist of three to five members who are residents of the Town and shall not be Town Commissioners or Town employees. The members are appointed by the Mayor and confirmed by the Commissioners. The Board of Adjustment (1) hears and decides upon appeals of the Zoning Inspector's decision and Environmental Approval Committee's decision based on alleged error; (2) determines special exceptions listed in the Zoning Code; and (3) authorizes variances from the Zoning Code based upon either unnecessary hardship for use variances or exceptional practical difficulty for dimensional variances, not of the making of the property owner. The current Code uses the Board of Adjustment as the means to implement the special exception process. Neither the Environmental Approval Committee nor the Town Commissioners reviews these planning decisions. The next level of review would be an appeal to Superior Court.

The plan suggests a review of the Zoning Code to separate the legislative planning and zoning administration function from the quasi-judicial variance process.

The original comprehensive plan of 2004 suggested that the special exception process for allowing land use activities in addition to those land uses by right be replaced by a Conditional Use process. The Conditional Use permit would be required for land use activities not allowed by right. The Conditional Use process would have allowed the Town Commissioners to (1) set conditions on how the property will be used, limits on changes to the property and structure and (2) require review if the property owner changes or the organization engaged in the use changes.

Such revisions were drafted by the Board of Commissioners in conjunction with the Planning Commission. After holding public hearings where it was met with overwhelming opposition, the Board did not adopt the revisions.

Additionally, the plan as originally adopted, suggested that the fence review process be changed from an exceptional-practical-difficulty review by the Board of Adjustment, to a permitting process administered by the Zoning Inspector and reviewed and approved by the Environmental Approval Committee and the Town Commissioners. This process has been revised to a permitting process by where a fence is erected in conjunction with an approved swimming pool, consistent with Sussex County ordinances. All other fences are reviewed for a variance by the Board of Adjustment.

The plan suggests that the Board of Adjustment review only appeals in administration of the Zoning Code and variances based on exceptional, practical difficulty, where literal interpretations of the Zoning Code currently prevent or impede the owner of the property from using the property in a manner consistent with the Code.

COMMUNITY INFRASTRUCTURE

Water Supply

The Town of Henlopen Acres provides public water to its residents. The water system was updated in 1993 with new PVC piping and an automated treatment facility. The Town has 11 wells, (see Map 11), that were drilled from 1991 to 1993 to replace earlier wells. These wells have a combined pumping capacity of 200 gallons-per-minute. The water system capacity is 80,000 gallons-per-day. The usage varies by season. In the summer, usage can reach 80,000 gallons-per-day in July or August and can be as low as 10,000 gallons-per-day during winter months. The Town has an allocation from the (DNREC) to withdraw up to 31,190,400 gallons-per-year. Previous usage levels indicate that the Town has used up to 15,000,000 gallons per year of their allocation. The Town wells are shallow and thus may be vulnerable to contamination. The Town continues to monitor water-quality issues. The Town of Henlopen Acres has a Certificate of Public Convenience and Necessity to provide water throughout its municipal limits.

Public water is currently available for all single-family homes, the “Homestead,” the Rehoboth Art League, the Beach Club, and Town facilities. Using a national average usage rate of 300 gallons-per-day for a typical single-family home, the residential usage can be expected to amount to 63,600 gallons-per-day. The maximum usage rate of 80,000 gallons-per-day and the typical year-round usage for residential properties of 63,600 is significantly less than the design capacity of the system. With a limited development potential of perhaps 11 new homes in Henlopen Acres, the water system is adequate for current and future needs. The Town limits the use of public water for irrigation purposes, prohibits fixed-irrigation systems from using public water, and requires the landowner to dig an on-site well for fixed-irrigation systems.

The Town Charter grants the commissioners of Henlopen Acres the full power and authority to provide an ample supply of pure water for the Town. The Town has the authority to purchase, acquire by grant or gift, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, and control wells, reservoirs, pumping machines and stations, tanks, standpipes, water mains, fire hydrants, and all other instruments for collection, storage, purification, conveyance, and distribution of water, over, on, under, or through the lands controlled by the Town Commissioners or belonging to private individuals. The commissioners have power to enact ordinances, rules, and regulations in regard to the use for public or private purposes of water furnished by the Town, the amounts to be paid by the users, the fixing of fines and penalties; to make contracts for the purchase of water with any responsible person or corporation; and to distribute the same to users.

Wellhead protection is a growing concern. Wells are located within residential areas. These areas may be subject to contamination due to growing use of residential pesticides and fertilizers. Additionally, the Town has attempted to catalog all underground storage tanks. In the near future the Town will need to address the risks and develop a policy or ordinance for the purpose of well head protection.



Henlopen Acres Water Plant

Stormwater

The Town of Henlopen Acres is within the Inland Bay watershed and is affected by the Total Maximum Daily Load (TMDL) regulations set by DNREC for managing discharges into bodies of water. Section 303(d) of the Federal Clean Water Act (CWA) requires states to develop a list (303(d) List) of bodies of water for which existing pollution control activities are not sufficient to attain applicable water-quality standards and to develop TMDLs for pollutants of concern. A TMDL sets a limit on the amount of a pollutant that can be discharged into bodies of water, such that water-quality standards are met. The water of the Indian River, Indian River Bay, and Rehoboth Bay are over-enriched in nitrogen and phosphorous from point and non-point sources, according to the DNREC's 1998 final regulations.

The town will work with the State, Sussex Conservation District and other agencies to try and identify strategies that will work with the goals of the Town as well as with the needs of the surrounding ecosystems. The town should also consider requiring developers to use Best Management Practices to meet the required TMDLs for the affected watershed.

The Town Charter provides the Commissioners of Henlopen Acres with the power to manage the drainage of all water within the limits of the Town and the authority to pass ordinances for the opening of gutters, surface-water and underground drains, and sewers. The Town also has the power to regulate, maintain, clean, and keep the natural watercourses, runs, and rivulets within the Town limits open, clean and unobstructed.

Stormwater management is an important factor in protecting our water quality. There is a direct relationship between the percentage of impervious cover and water quality. As impervious cover increases, stormwater runoff increases. The increased runoff that comes into contact with pollutants transfers them into the waterways. Pollutants that accumulate due to runoff include nutrients such as nitrogen and phosphorus or organic chemicals such as oil and gas.

In 2000, the Town realized the need for a stormwater management plan. The Town employed Soulé and Associates of Salisbury, Maryland, to conduct a survey analyzing need and to propose an implementation plan for the Town. As a result the Town adopted a multi-phase plan to interconnect various areas of concern within the town. The build-out was completed in 2005 with additional tie-ins completed in 2010. The Town does not foresee the necessity for a stormwater utility or additional drainage easements, as no further major development within the town is possible. Future construction and site development will be limited to single parcels, the great majority of which will be under one-half acre. Administration of best management practices can be accomplished through periodic maintenance and plan review on a case by case basis.

Wastewater

The Town's wastewater system is connected to the Sussex County facility at Wolf's Neck. This facility uses a land-application method involving spray irrigation and it does not discharge into the Inland Bay waterbodies. DNREC's report on the Inland Bay watershed indicates that municipalities can assist in the reduction of non-point discharges by improving stormwater-management policies that facilitate better managing runoff through detention or retention mechanisms, better manage floodwater storage, improved street-cleaning practices, buffer strips, grassed waterways, sediment traps, vegetative stabilization, and streamside-management zones. The Town has recently improved its stormwater management system to reduce the negative impacts of run-off. The plan also recommends that the Town consider appropriate regulations to reduce the impact of residential land use on run off. This can be accomplished through improvements that buffer run-off into waterbodies and other best management practices to reduce non-point sources of nutrients. These actions, along with the town's existing open space requirements, may aid in the improvement of the water quality in the Lewes and Rehoboth Canal.

Solid Waste Disposal

Property owners within Henlopen Acres arrange solid-waste disposal and recycling on an individual basis.

Maintenance of Marinas, Piers, Jetties, and Bulkheads

Henlopen Acres has a significant interest in and investment to preserve and properly manage the beach improvements.

The Town is particularly concerned about the continued maintenance of protective groins located on the beach on the Henlopen Acres Beach Club property. This groin extends perpendicular from the beach approximately 320 feet. A second, adjacent groin extends approximately 148 feet parallel to the beachfront. The properties that constitute the beach of Henlopen Acres are owned by the Henlopen Acres Beach Club and the Henlopen Acres Property Owners Corporation.

Chapter 29 of the Town Charter empowers the Board of Commissioners to “construct, widen, extend, improve, repair, vacate or abandon jetties.” Any issues arising with regard to the existing jetty will be coordinated between the Town, the Henlopen Acres Beach Club and the State of Delaware, Department of Natural Resources and Environmental Control.

PUBLIC SAFETY

Police Services

The Town of Henlopen Acres maintains a security service. The Town has authorized a four full-time security-officer patrol to provide this security service. The security officers are Town employees and are not required to be accredited police officers. The security officers do not have the power to make arrests and contact the Delaware State Police as needed. The Town provides security patrols to North Shores under a contract with the North Shores Homeowners Association.

The Town Charter provides the Town Commissioners with the powers to make rules and regulations as necessary for the organization, government, and control of a police force. The Charter also empowers the Town Commissioners to organize a beach patrol that would enforce regulatory measures ordained by the Commissioners with respect to the cleanliness, usage, and enjoyment of the Town beachfront.

Fire Protection

The Rehoboth Beach Volunteer Fire Company (RBVFC) provides fire protection to Henlopen Acres. Station 1, on Rehoboth Avenue, is the closest fire station to Henlopen Acres. RBVFC confirmed adequate water supply for fire suppression by accessing the Rehoboth-Lewes Canal and fire hydrants located on Henlopen Avenue. RBVFC recommends the Town review visibility of house numbers for quick response of emergency vehicles. Sussex County provides advanced life support through its Office of Emergency Services. The closest paramedics station is Station 104, located in Midway on State Route 1.

COMMUNITY SERVICES

The Town is serviced by the post office in nearby City of Rehoboth Beach, Delaware, which is located at 179 Rehoboth Avenue.

There are no health facilities within Henlopen Acres, although there is one located ten miles away in Lewes. The Beebe Medical Center, located at 424 Savannah Road in Lewes, Delaware, operates a full service hospital, an emergency center, and a wide range of in and outpatient services. There are also two health clinics within three miles of the Town.

There is no library in Henlopen Acres. The Rehoboth Beach Public Library, at 226 Rehoboth Avenue in Rehoboth Beach, and the Lewes Public Library, at 111 Adams Street in Lewes, serve the Town.

There is no senior center in Henlopen Acres. Cape Henlopen Senior Center, a nonprofit senior center, located at 11 Christian Street in Rehoboth Beach, Delaware, provides a variety of services for seniors in the Town of Henlopen Acres as well as other nearby areas of the Sussex County.

Recreation

Henlopen Acres has significant recreation beach and water-sports facilities. The beach within the Town limits is divided into two properties. The southern property, 8.82 acres, is known as Block W and is owned by the Henlopen Acres Property Owners Corporation. This area of the beach is accessible to all residents of Henlopen Acres. At the north end of the oceanfront, the Henlopen Acres Beach Club manages a 3.81 acre property. The Beach Club maintains facilities that include tennis courts, a clubhouse, and guarded swimming area. The Town maintains a marina at 47 Tidewaters, which has access to the Lewes and Rehoboth Canal. In 2011, the town added access and storage for kayaking at the marina. Immediately south of the Block W beach property along the oceanfront is the Deauville Beach Park, operated by the city of Rehoboth Beach. The State of Delaware owns this property. The property includes the portion of land to the west of Henlopen Avenue and bordering the Town of Henlopen Acres.

The Town is adjacent to the beaches of the Atlantic Ocean, close to Cape Henlopen State Park. The many cultural and recreational activities offered by the neighboring Cities of Rehoboth Beach and Lewes can be enjoyed by the residents of Henlopen Acres. Henlopen Acres has long been recognized as a remarkable walking area. Streets are shared equally between cars, bikes and walkers. Henlopen Acres is included in Sussex Outdoors' Guide Book for Fitness & Good Health¹⁰ as part of a three mile loop including Rehoboth Beach and the Boardwalk.

A 2013 Guide Book for Fitness & Good Health

Great Walks & Trails

IN SUSSEX COUNTY

REHOBOTH BEACH, BOARDWALK, HENLOPEN ACRES

- Distance: three miles
- Calories burned: about 250
- Parking: City parking spaces at the north end of the Boardwalk around the Henlopen Hotel. Metered in the summer. Free in fall, winter and spring.
- Trail Highlights: The mile-long Boardwalk, considered because it's an official city street, Silver Lake (and its eastern fork) or canals, walkways and Lake Ocean, the historic streets of Henlopen Acres, the historic, colonial, city-plant (shale-dred) Henlopen mansion, and the historic and lovely grounds of Rehoboth Art League.

Brought to you by Lewes-Rehoboth Rotary Club and Sussex Outdoors

CITY OF REHOBOTH BEACH & BOARDWALK

This is a three-mile walk with a quiet loop in Henlopen Acres

This is a three-mile walk through the residential neighborhoods of Rehoboth Beach and Henlopen Acres. It also features a one-mile stroll down the Boardwalk. Visitors can stop off at a variety of businesses and restaurants on Rehoboth Avenue as well as Baltimore and Wilmington Avenues in Henlopen Acres, or walk to the Rehoboth Art League to view the current art exhibit or just take a rest in the peaceful gardens on the property. Over ninety-five percent that goes by both of Rehoboth's historic and unique freshwater lakes - Lake Ocean and Silver Lake - this walk can be completed at a leisurely pace in under an hour. Here are specific directions and a map for guidance.

Start the walk at the north end of the Boardwalk where there is ample parking adjacent to the Henlopen Hotel. Proceed south on the Boardwalk for the first mile. Note the Famous Doller's Candy sign (at Rehoboth Avenue) which has become a Henlopen landmark. The half-mile point is at Delaware Avenue where you will find restrooms, an information office and fountain, another historic site with rides and games for kids of all ages during the summer months.

Leave the Boardwalk at Queen Street and turn left at the end of Queen Street onto Lake Ocean. Follow the road around the north side of Silver Lake and the several gardens on the lake shore. In winter, Silver Lake is a state-designated wildlife refuge - hosts an annually returning flock of waterfowl. American oaks and many other species of waterfowl.

At Bayard Avenue turn right and walk north through the heart of Rehoboth Heights, the city's south side. The next half-mile point is at the intersection of the intersection of Bayard and Laurel Street. Next, cross Rehoboth Avenue at the traffic light, passing the Post Office on your right and the warehouse end of colorful Baltimore Avenue. Continue walking two blocks to the intersection of Olive Avenue. The east end of Lake Ocean may be seen across the street. Bear right on Olive and stroll to First Street where the next turn is to the left. Proceed north across the Lake Ocean bridge. This is at the boardwalk.

On your right, across the lake and on the oceanfront, is the Henlopen Hotel and Condominiums. Follow Lake Ocean three blocks to the left where the road becomes Second Street. Continue north on Second Street across Columbia and Henlopen avenues to the entrance to Henlopen Acres where the road becomes Doodle Lane into the Acres community. Walk two blocks to a right turn at Rolling Road.

After you turn on Rolling Road, the 19th-century Homestead and other galleries of the Rehoboth Art League will be on your left. The gardens and grounds of the Art League attract a few meandering minutes. Even if the galleries are closed the day of your walk, there is remarkable outdoor art to enjoy as well as historic, botanical, marine gardens and specimen trees identified in an arboretum sign.

After walking one block on Rolling Road you will come to a right turn at Broad Hollow, the two and half mile point in your Rehoboth walk. Follow Broad Hollow and then turn right onto Swanswood Church for Valley of the Swanswood. This is the last half mile of your walk which leaves Henlopen Acres and merges with, and continues southward on, Surf Avenue for a final oceanfront stretch and a return to your parking lot at Rehoboth Hotel.

Moyle Decker contributed this article.

REHOBOTH WALK

Enjoy the sights, sounds and smells of the beach as you walk the mile-long Boardwalk.

Sussex County Walks & Trails

Spring 2013 • 51

Transportation

The primary means of transportation for Town residents is private automobile or walking. The Delaware Transit Corporation or DART First State provides bus service to Rehoboth Beach that connects Lewes, Georgetown, Rehoboth Beach, Dewey Beach, Bethany Beach, and Ocean City, Maryland. Bus service can be accessed at stops at the Rehoboth Beach boardwalk and at the Park-and-Ride facility on State Route 1 near Rehoboth Beach. Most beach-area transit service is seasonal, with limited cross-county service to Rehoboth Beach operating throughout the year. DART First State also provides para-transit services that Henlopen Acres residents may be eligible to use. Current information on transit and para-transit services should be obtained from the Delaware Transit Corporation.

The State of Delaware maintains the Dune Way (otherwise known as Ocean Drive). The Town maintains and has authority to regulate all other streets using Town funds or Municipal Street Aid funds that are provided by the state. In 2014, the Town maintained 3.61 miles of public roads. In 2012, the Town completed the fourth of a five phase street resurfacing project. The Town maintains a pedestrian friendly atmosphere that equally accommodates both bicycle and car.



The Homestead, circa 1930

IMPLEMENTATION

Overall Goals

- Manage the future development and redevelopment to maintain Town's well-planned resort and residential community character.
- Support the preservation and maintenance of the Town's historic homes, structures, and resources.
- Minimize the impact of beach traffic on residents and work to improve the safety of and access to pedestrian facilities.
- Preserve the beach as a resource for all Town residents.
- Assist in the continued operation and preservation of beachfront recreation facilities, the Town's marina, and other open space.
- Maintain and improve the municipal building and zoning Codes and a development process to ensure that all new development and redevelopment enhances the Town's well-planned resort and residential community character.
- Ensure that utilities, community services and facilities are adequate to serve the existing community as well as future development of vacant lots.

The implementation plan for the Town of Henlopen Acres focuses on management and investment, since there are limited land use changes recommended by the plan. The pattern of land use is set in the Town of Henlopen Acres by both deed and zoning ordinance. The limited number of vacant lots will be developed as residential, and the Town has no plans for annexation at this time. The Town infrastructure for public water, wastewater and stormwater has reached complete build out status. Tie-in of remaining properties will be completed as vacant lots are developed. The Town does face issues related to the pattern of use. In Sussex County existing homes are increasingly being converted from second or resort homes to full-time permanent residences. The impact on Henlopen Acres may be the increased use of water and wastewater in the winter months, changes in security needs, and a possible increased demand for other municipal services throughout the year.

The Town of Henlopen Acres does not expect any significant growth in housing. The trend in Sussex County has been that beach-area homes are increasingly becoming full-time residences. The Town will continue to monitor the usage of public services to determine if year-round living impacts the water, sewer, or security services. The plan recommends that the Town not annex at the present time and that land use within the Town remain residential. The Town is concerned with specific properties surrounding the Town, including the Rehoboth and Lewes Canal and the state Division of Parks and Recreation property that now contain the Rehoboth Beach Deauville Park. The plan recommends retaining the small beach town character and limiting the new and redeveloped properties to continue the current character of development.

The Town does have significant responsibilities for the preservation of its recreational and historic resources. The plan recommends that the Town continue to investigate methods to maintain the beachfront area and work in coordination with appropriate state and federal agencies to lead the process of improving the groin on the beach in front of the Henlopen Acres Beach Club. The plan also recommends the Town strive to assure the preservation of the historic Peter Marsh House ("The Homestead") and express its authority to review any plans to alter or renovate same.

RECOMMENDATIONS

Many comments were received throughout the Review process regarding the Rehoboth Art League, (RAL) and its governance since it exists as a non-conforming use within a residential zone. The Town should evaluate RAL's status, and need for change and impact it has on neighbors and the Town.

The Town should continue to investigate remedies to silting in the Marina which requires dredging every eight to ten years. Dredging was completed in the fall of 2012 at an approximate cost of \$200,000 taking a little over one year to complete. The process results in a major disruption to the Marina area and neighboring properties. At issue is not only the cost of dredging, but the frequency of dredging and the lengthy and unsightly process.

The Town should consider a traffic study to provide baseline information for cars, pedestrians and bicycles covering one year to include summer months and off season. The study should differentiate traffic for residential, commercial/construction, and the Rehoboth Art League.

A formal wellhead protection plan should be developed after consultation with DNREC and develop a wellhead maintenance schedule and contingency plan should one or more wells become contaminated, to ensure our long term water supply.

ADDITIONAL CONSIDERATIONS

The Planning Commission and the Board of Commissioners should consider a review all zoning ordinances to determine enforceability and ease of compliance. Upon completion of the Comprehensive Plan, the Planning Commission will make a continuing effort to simplify the Code for easier understanding to facilitate compliance. As part of the planning process it was noted that the current building requirements tend to discourage from building garages and that this should be reviewed to reverse this trend.

Building set back requirements were reviewed and a proposed revision will be presented to the Board of Commissioners for consideration.

Trees and tree cutting were discussed at several meetings. Some information has been incorporated into this Plan. At issue is, as older homes are demolished, many times the trees are removed. The Town needs to plan today if they want to preserve the appearance for the next 50 years. It was resolved that the Environmental Approval Committee will evaluate landscaping plans for any new construction on a lot and will keep in mind the tree cover issue. However, this will not prevent property owners from cutting down trees. The town should spend more time considering this issue.

The Town holds several leases with the Army Corps of Engineers for use of property adjacent to the Lewes and Rehoboth canal. These leases were reviewed for continued compliance by all parties.

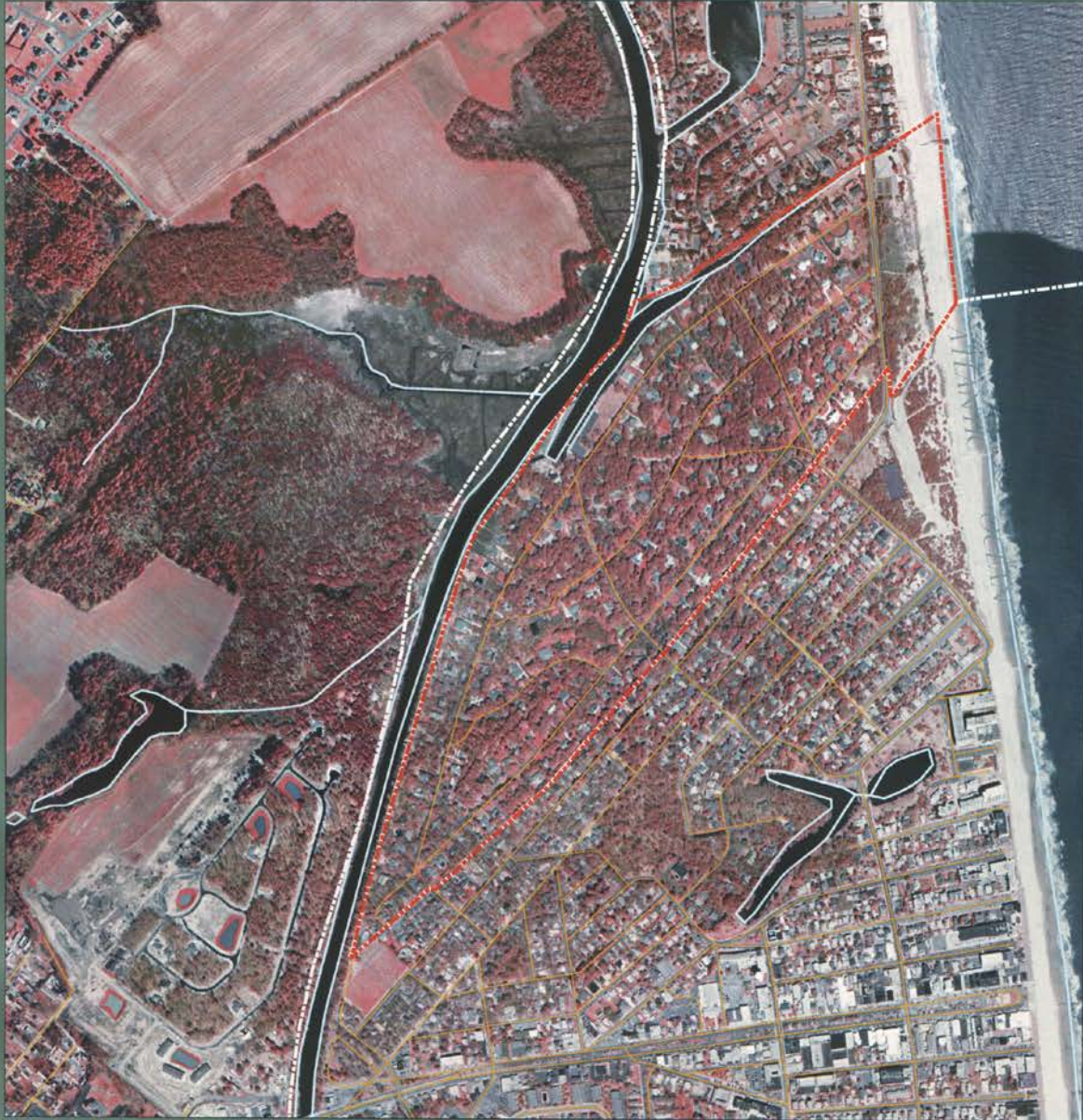
The Zoning Code requires that 60% of a lot remains green cover. The Planning Commission discussed this requirement and impervious versus pervious ground cover issues and resolved that these requirements would remain unchanged although new pervious materials would be considered.

Renewable Energy was discussed and the Town should encourage its use.

Bridle Paths were discussed in that the original purpose as horse paths has long since passed. They are restricted to resident and utility use only but enforcement is difficult. Additional restrictions were considered and resolved to erect additional signage and study the issue further.

COORDINATION

The Town will continue to collaborate with the Office of State Planning Coordination, to coordinate with the state agencies, and participate on appropriate state committees as needed. The Town holds a Memorandum of Understanding with Sussex County to coordinate with the County on issues related to land use planning, traffic impact and public services. The Town should also coordinate with the City of Rehoboth Beach on land use decisions along the Town's southern border. Particular attention should be paid to the use of Deauville Park and the property across the road from the Deauville Park entrance. The plan recommends that this property, immediately adjacent to the Town remain as passive open space. The Town has contacted the neighboring jurisdictions of Sussex County and the Cities of Rehoboth Beach and Lewes with regard to updates and revisions to the Comprehensive Plan. In addition, neighboring jurisdictions were notified of public hearings and opportunities to comment on revisions. In both instances, no comments were received.



Town of Henlopen Acres, Sussex County, Delaware

Map 1. Aerial View

MAY 2012

- Town of Henlopen Acres
- Other Municipalities
- Roads
- Hydrology



0 250 500 1,000 1,750 2,500 Feet

<http://www.sussexcountyprofile.com/Communities/Coastal/HenlopenAcres.asp>

Source:
 Digital orthophotography - Produced by Earth Data International in Falls Church, Virginia at a scale of 1:2,400 with a 1 foot pixel resolution, March 2002.
 Base map - Delaware Department of Transportation cartograph file 2001. Created from Digital Orthophoto Quarter Quad (1997).
 Hydrology - USGS 7.5 Minute Topographic Maps. Created in cooperative agreement between the State of Delaware and the USGS (1991-1999).
 Municipal Boundaries - Office of State Planning and Coordination, January 2004.
 Note:









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Town of Henlopen Acres, Sussex County, Delaware

Map 2. Environmental Features

-  Town of Henlopen Acres
-  Other Municipalities
-  State-wide Wetlands Mapping Project
-  FEMA 100 Year Flood Plain
-  Excellent Recharge Area
-  Roads
-  Parcel Boundaries
-  Hydrology

<http://www.sussexcountyprofile.com/Communities/Coastal/HenlopenAcres.asp>

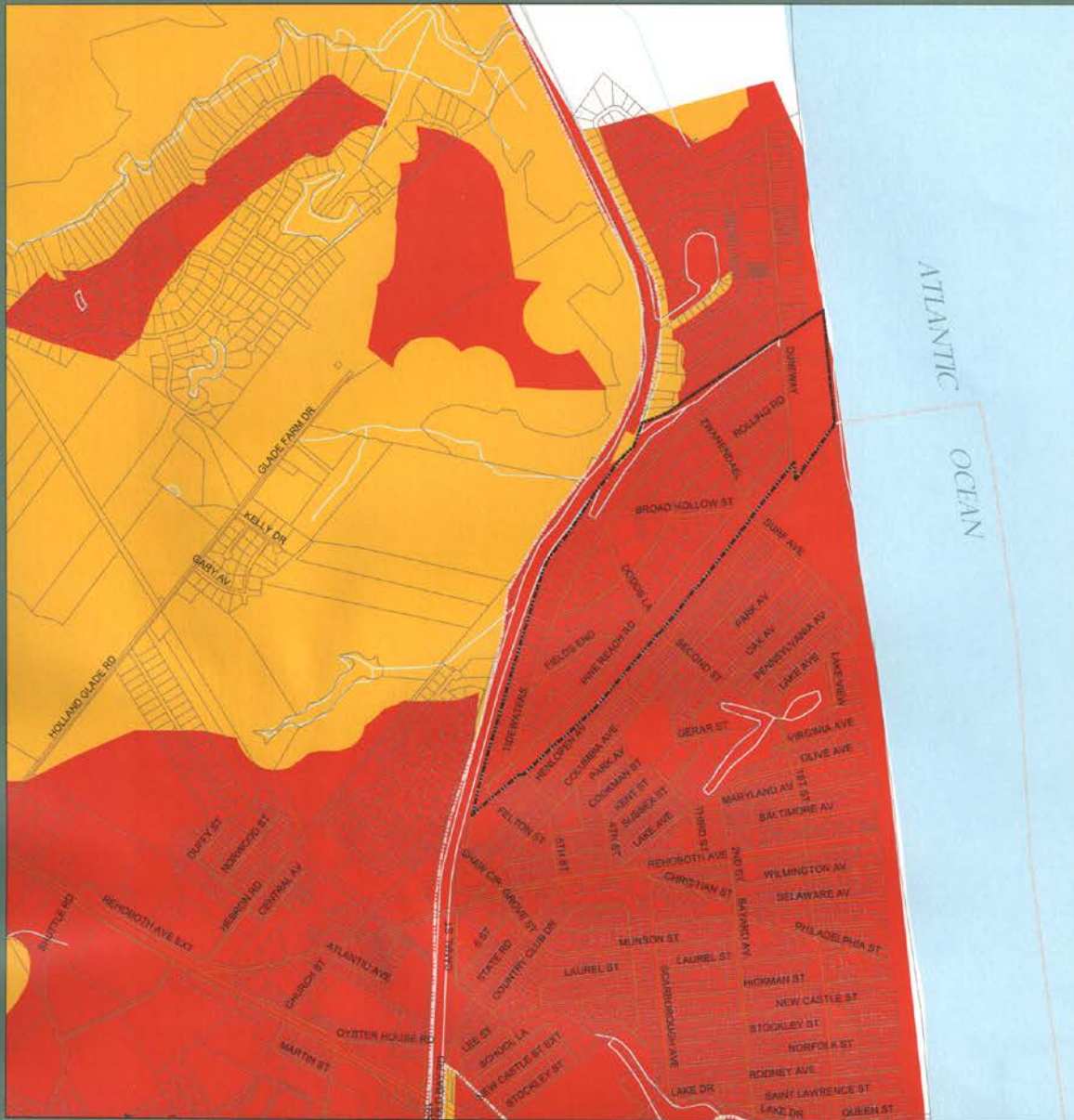
MAY 2012



Source:
 Groundwater Recharge Areas - Delaware Geological Survey, February 2002.
 State-wide Wetlands Mapping Project - Delaware Department of Natural Resources and Environmental Control (DNREC), 2000.
 Flood Plains - Federal Emergency Management Agency (FEMA), September 1996.
 Base Map - Delaware Department of Transportation (DDOT), 2003. Created from Digital Orthophoto Quarter Quadrats (DOQQs).
 Hydrology - USGS 7.5 Minute Series Topographic Maps. Created in cooperative agreement between the State of Delaware and the USGS (1993-1995).
 Municipal Boundaries - Office of State Planning and Coordination, January 2004.

Note:
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Town of Henlopen Acres, Sussex County, Delaware

Map 3. State Investment Strategies

- Town of Henlopen Acres
- Other Municipalities
- Community
- Developing Area
- Rural
- Roads
- Parcel Boundaries
- Hydrology

<http://www.sussexcountypa.com/Communities/Coastal/HenlopenAcres.asp>

MAY 2012

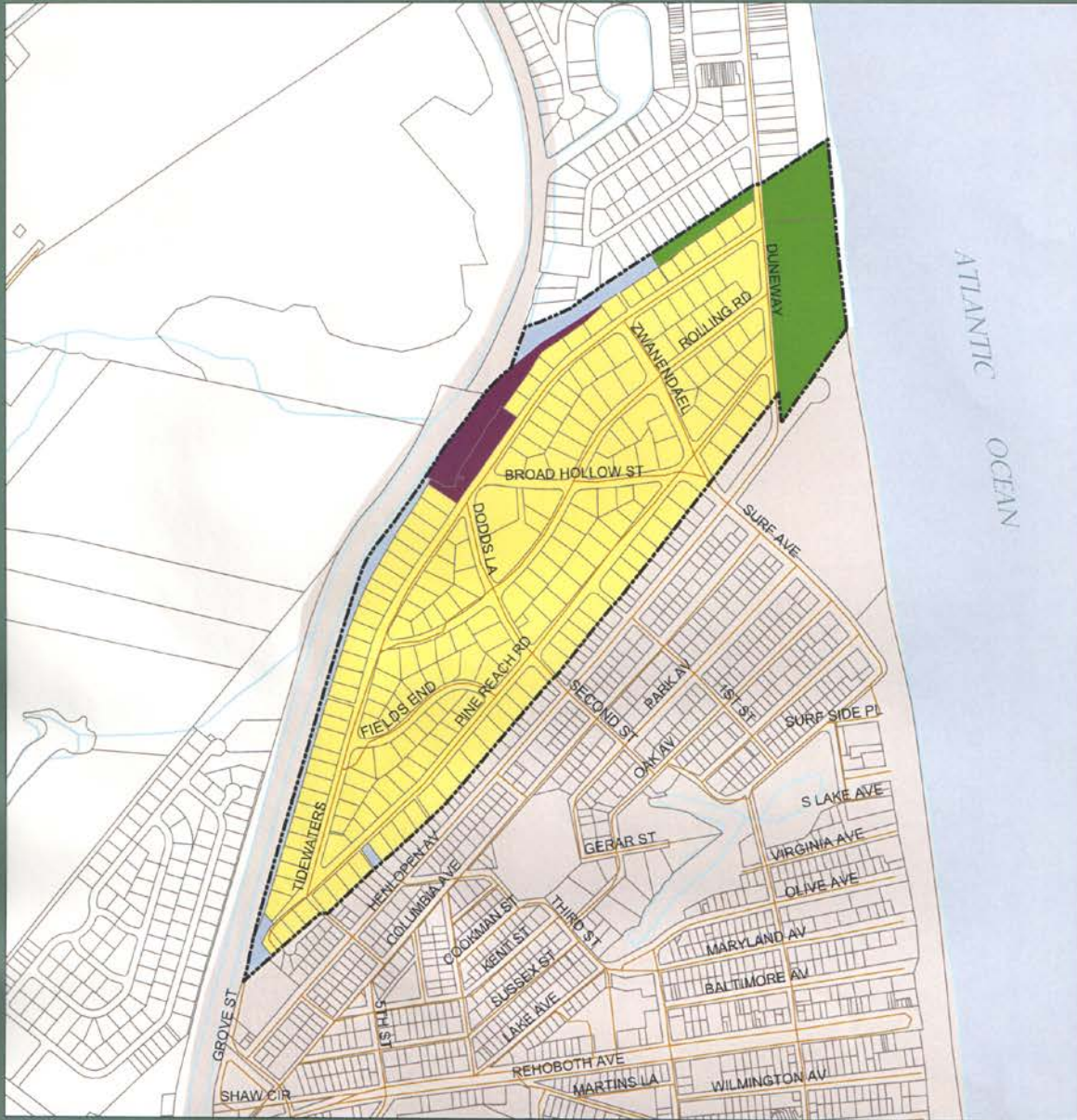


0 500 1,000 2,000 3,000 4,000
Foot

Sources:
 State Investment Strategies - Office of State Planning and Coordination, 2002.
 Base map - Delaware Department of Transportation (DelDOT), 2000. Created from Digital Orthophoto Quarter Quads (DOQQ).
 Hydrology - ESRI's 7.5 Minute Spots Topographic Maps. Created in cooperative agreement between the State of Delaware and the USGS (1991-1993).
 Municipal Boundaries - Office of State Planning and Coordination, January 2004.

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Town of Henlopen Acres, Sussex County, Delaware

Map 4. Zoning

Zoning	
 Residential	 Town of Henlopen Acres
 Recreational	 Other Municipalities
 Marine	 Roads
 Governmental	 Parcel Boundaries
	Hydrology

MAY 2012

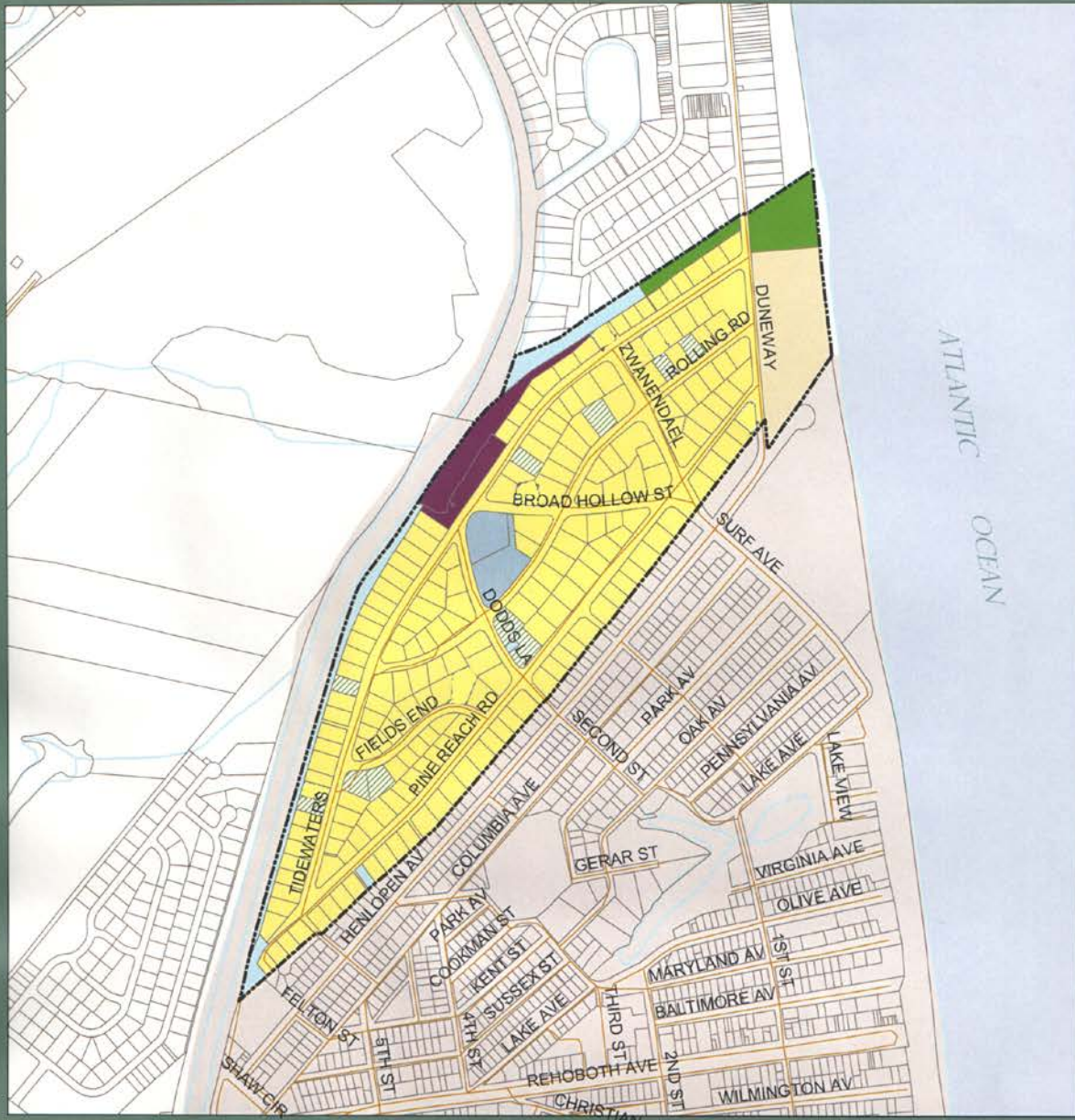


Source:
 Zoning - Town of Henlopen Acres, January 2004
 Base Map - Delaware Department of Transportation contracted file 2004. Created from Digital
 Collection Quarter Census 1997
 Hydrology - USGS 7.5 Minute Series Topographic Maps. Created in cooperative agreement
 between the State of Delaware and the USGS (1991-1993).
 Municipal Boundaries - Office of State Planning and Coordination, January 2004.

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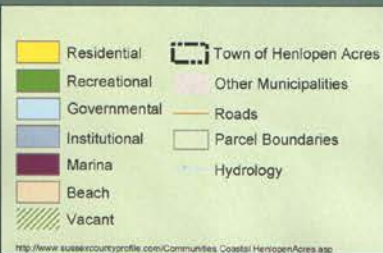
Institute for Public Administration
 OFFICE OF PUBLIC AFFAIRS, SUSSSEX COUNTY, DELAWARE

<http://www.sussexcountypa.com/Communities/Coastal/HenlopenAcres.asp>



Town of Henlopen Acres, Sussex County, Delaware

Map 5. Current Land Use



MAY 2012



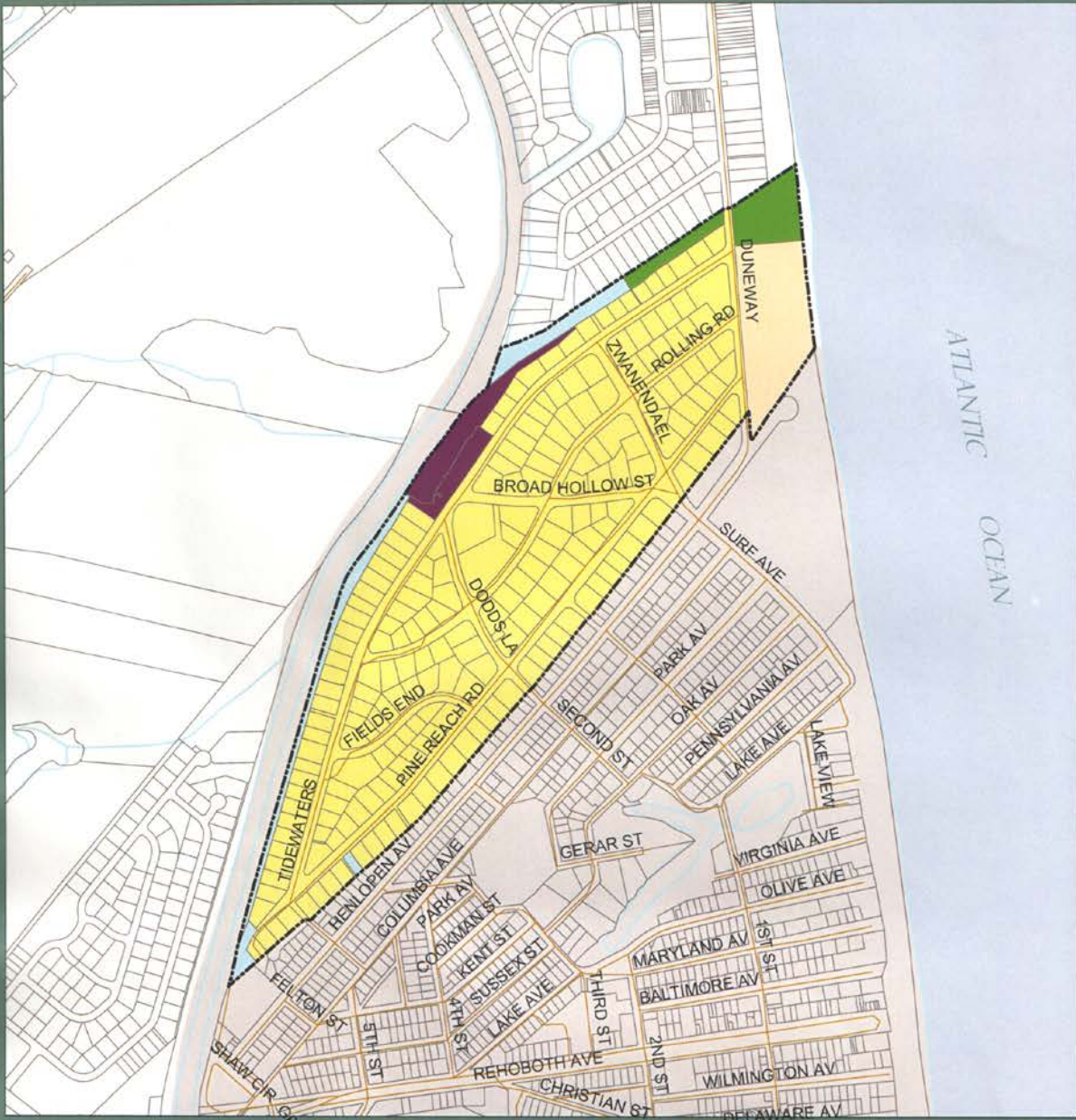
Source:
 Land Use created from land use survey performed by the Institute for Public Administration, University of Delaware, August 2002.
 Base map: Delaware Department of Transportation copyright 2001. Created from Digital Orthophoto Quarter Quads (1997).
 Hydrology: USGS 7.5 Minute Series Topographic Maps. Created in cooperative agreement between the State of Delaware and the USGS (1991-1993).
 Municipal boundaries: Office of State Planning and Coordination, January 2004.

Note:
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








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Town of Henlopen Acres, Sussex County, Delaware

Map 6. Future Land Use

- | | |
|--|--|
|  Residential |  Town of Henlopen Acres |
|  Recreational |  Other Municipalities |
|  Governmental |  Roads |
|  Marina |  Parcel Boundaries |
|  Beach |  Hydrology |

<http://www.sussexcountyprofile.com/Communities/Coastal/HenlopenAcres.asp>

MAY 2012



Sources:

Land Use - created from land use survey performed by the Institute for Public Administration, University of Delaware, August 2002.
 Base map - Delaware Department of Transportation (DelDOT) 2003. Created from Digital Orthophoto Quarter Quads (1997).
 Hydrology - USGS 7.5 Minute Series Topographic Maps. Created in cooperative agreement between the State of Delaware and the USGS (1991-1995).
 Municipal Boundaries - Office of State Planning and Coordination, January 2004.

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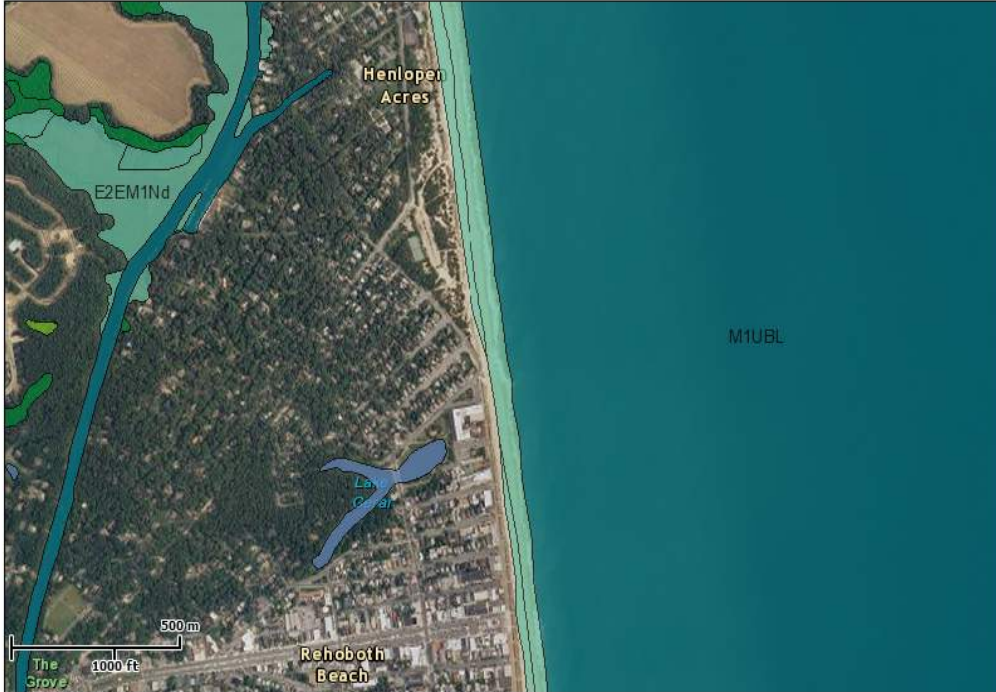




U.S. Fish and Wildlife Service
National Wetlands Inventory

Henlopen Acres
Wetlands Mapping

May 1, 2012



Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

User Remarks:

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



U.S. Fish and Wildlife Service
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Henlopen Acres
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- Freshwater Emergent
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This map is for general reference only. The U.S. Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the user methods found on the Wetlands Mapper web site.

User Remarks:

Magnified





Community Name: Henlopen Acres

Total Area: 163.46 Acres

Urban Tree Canopy (UTC): 70.61 Acres

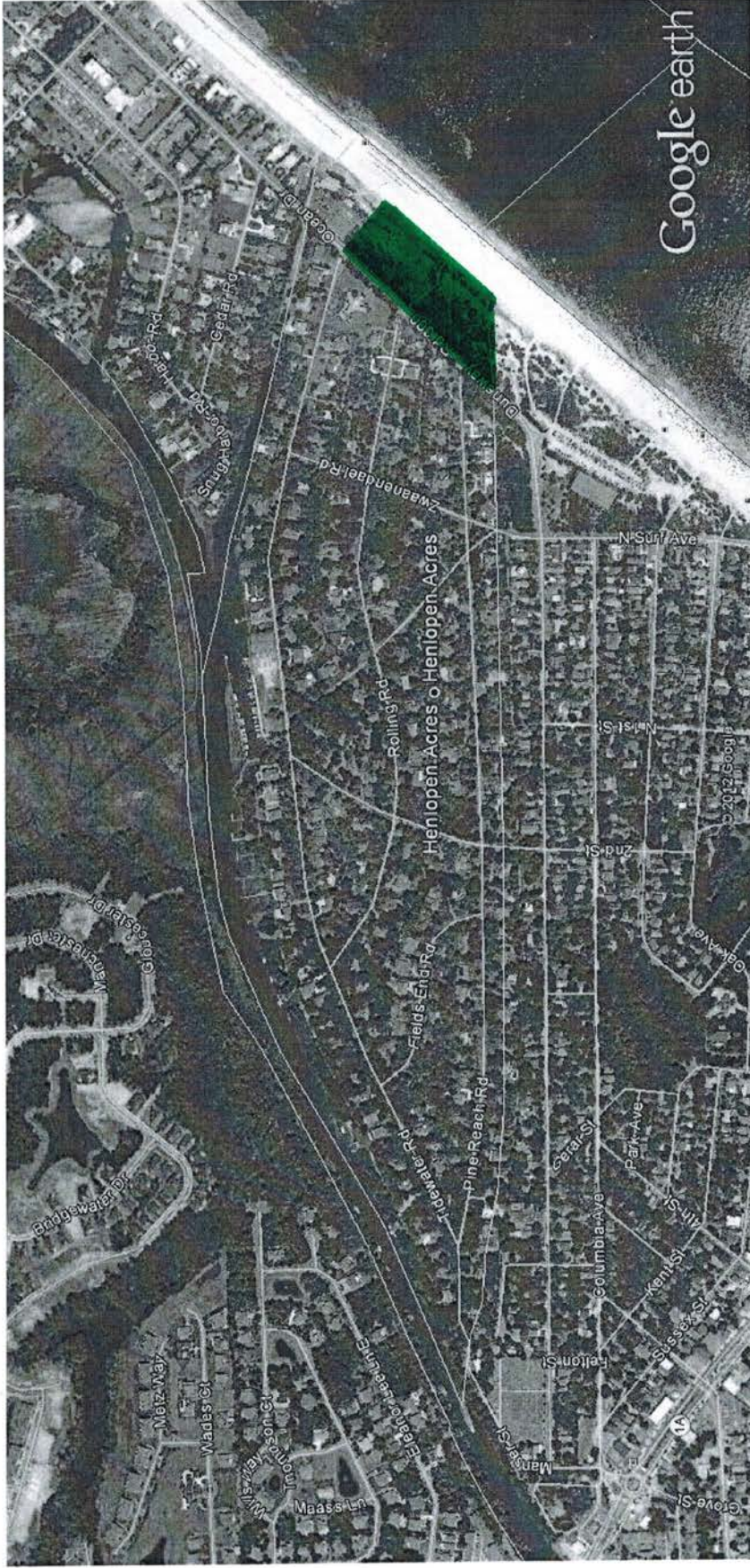
UTC: 43.20%

 Municipal_Bounds

 Tree Canopy

Map is for information only and is not intended as a survey





Google earth

feet
km

1

5000



KEY WILDLIFE HABITAT

WELL LOCATIONS

Web Mapping Application

Find Address Search Street Name Search by Tax ID Search by owner last name 1:4,750 Go

Results

Clear All

334 14.09 10

Your search produced no matching results. Check your spelling or try different words.

334 14.09 10

Map Contents

- SussexMaps
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- Roads
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- Well He
- School
- School
- Ralls
- Tax Dlt
- Tax Dlt
- Sussex
- Flood Z
- Subdivi
- Fire Dis
- Zipcodk
- Zoning
- Water
- Council
- Airports
- 2002 B

REFERENCES, FOOTNOTES, BIBLIOGRAPHY

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2. National Register of Historic Places, Inventory Nomination Form
3. Information obtained from Deed of sale for the Wilbur S. Corkran property constituting Town of Henlopen Acres of 1930 and further recorded deeds
4. According to Sussex County Government website: www.sussexcountype.gov
5. 1982 Deed, Sussex County Deed Book 1198, page 333
6. Natural Resources Conservation Service
7. Delaware Wildlife Action Plan 2006, Delaware Division of Fish and Wildlife
8. Arbor Day Foundation
9. Town of Henlopen Acres, 2014
10. Sussex Outdoors, ©2013