

**RESOLUTION BY THE COMMISSIONERS OF THE TOWN OF HENLOPEN ACRES  
DELAWARE PROPOSING THAT A PUBLIC HEARING BE HELD ON THE SUBJECT  
OF AMENDING CHAPTER 130 OF THE MUNICIPAL CODE OF THE TOWN OF  
HENLOPEN ACRES, DELAWARE, RELATING TO THE TOWN OF HENLOPEN  
ACRES ZONING MAP.**

WHEREAS, the Commissioners of The Town of Henlopen Acres have deemed it desirable to consider the question of whether to amend Chapter 130 of the Municipal Code of the Town of Henlopen Acres, Sections 130-6 and 130-7, and attachment "130 Attachment 1", relating to the Town of Henlopen Acres Zoning Map.

WHEREAS, Title 22, Chapter 3, Section 301 of the Delaware Code provides that "[f]or the purpose of promoting health, safety, morals or the general welfare of the community, the legislative body of cities and incorporated towns may regulate and restrict the height, number of stories and size of buildings and other structures, percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes."

WHEREAS, Section C-4 of the Town's Charter provides that all powers of the Town of Henlopen Acres, whether expressed or implied, shall be exercised as prescribed by the Charter or; if not prescribed herein, by ordinance or resolution of the Commissioners.

WHEREAS, Article X, Chapter 130, Section 130-56 of the Municipal Code of the Town of Henlopen Acres provides the following procedure to be followed by the Commissioners of the Town of Henlopen Acres before exercising the aforesaid authority granted by statute and the City Charter:

1. Hold a public hearing at which hearing parties in interest and citizens shall have an opportunity to be heard;

2. Provide at least 15 days' notice of such hearing by publishing notice of the time and place of such hearing in an official paper or paper of general circulation in the City.

NOW THEREFORE, BE IT RESOLVED, by the Commissioners of The Town of Henlopen Acres, in session met, this 7<sup>th</sup> day of October, 2016, that a public hearing shall be held pursuant to Article X, Chapter 130, Section 130-56 of the Municipal Code of the Town of Henlopen Acres on January 13, 2017, at 10 a.m., at Town Hall, 104 Tidewaters, Henlopen Acres, Delaware, 19971, to consider the question of whether it is in the public interest to amend Chapter 130 of the Municipal Code of the Town of Henlopen Acres, Sections 130-6 and 130-7, and attachment "130 Attachment 1", relating to the official Town of Henlopen Acres Zoning Map, as follows:



**AN ORDINANCE TO AMEND CHAPTER 130 OF  
THE MUNICIPAL CODE OF THE TOWN OF HENLOPEN ACRES BY  
AMENDING SECTIONS 130-6 AND 130-7,  
AND ATTACHMENT "130 ATTACHMENT 1",  
RELATING TO THE OFFICIAL HENLOPEN ACRES ZONING MAP.**

**WHEREAS**, the Commissioners of The Town of Henlopen Acres approved the 2014 Comprehensive Plan update on July 10, 2015 and such approval was affirmed by through the adoption of an confirming ordinance on March 4, 2016;

**WHEREAS**, Map 5 of the 2014 Comprehensive Plan update accurately reflects the current zoning designations of land contained within the Town of Henlopen Acres;

**WHEREAS**, the Commissioners of The Town of Henlopen Acres desire to adopt Map 5 of the 2014 Comprehensive Plan as the Town of Henlopen Acres Zoning Map; and

**WHEREAS**, a copy of Map 5 of the 2014 Comprehensive Plan is attached as Exhibit A.

**BE IT ORDAINED**, by the Commissioners of the Town of Henlopen Acres, in session met, in the manner following to wit:

**Section 1.** Chapter 130, Section 130-6, of the Municipal Code of the Town of Henlopen Acres, Delaware, as amended be and the same is hereby further amended by deleting the attachment designated as “130 Attachment 1”, titled “Town of Henlopen Acres Zoning Map”, and inserting in lieu thereof a new attachment to be designated as “130 Attachment 1”, titled “Town of Henlopen Acres Zoning Map”, attached hereto as Exhibit A.

**Section 2.** Chapter 130, Section 130-6, of the Municipal Code of the Town of Henlopen Acres, Delaware, as amended be and the same is hereby further amended by deleting the first sentence of Section 130-6, and inserting in lieu thereof a new sentence as follows:

The boundaries of said districts shall be as shown upon a map designated as Map 5 within the Henlopen Acres 2014 Comprehensive Plan attached to and made a part of this chapter which shall be and is hereby designated as "Town of Henlopen Acres Zoning Map."

**Section 3.** Chapter 130, Section 130-7, of the Municipal Code of the Town of Henlopen Acres, Delaware, as amended be and the same is hereby further amended by deleting Section 130-7 in its entirety and inserting in lieu thereof a new Section 130-7 as follows:

**§ 130-7 District boundaries.**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Town of Henlopen Acres Zoning Map, the following rules shall govern:

- A. The district boundaries shall be the center line of streets, avenues and lanes, unless otherwise shown; and where the designation of the Zoning Map indicates a boundary approximately upon a street line, the center line of such street shall be construed as the boundary.
- B. Where the district boundary indicates a boundary approximately upon a lot line, the lot line shall be construed as the boundary.
- C. In case of doubt or disagreement concerning the exact location of boundary lines the determination shall lie with the Board of Adjustment.

**Section 4.** This Ordinance shall become effective immediately upon its adoption by a majority vote of all members of the Commission of Town of Henlopen Acres.



BE IT FURTHER RESOLVED, that parties in interest and citizens shall have an opportunity to be heard at said public hearing.

BE IT FURTHER RESOLVED, that this resolution to hold a public hearing shall be

printed at least 15 days prior to said public hearing in an official paper or paper of general circulation in the Town.

Adopted by the Commissioners  
of the City of Town of Henlopen Acres

Oct 7, 2016

  
Secretary of the Commissioners of  
the Town of Henlopen Acres