

**AN ORDINANCE TO AMEND CHAPTER 130, ZONING, OF THE
MUNICIPAL CODE OF THE TOWN OF HENLOPEN ACRES,
BY AMENDING SECTION 130-4
RELATING TO THE DEFINITIONS OF FAMILY AND GROUP RENTAL.**

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, Article X, Chapter 130, Section 130-56 of the Municipal Code of the Town of Henlopen Acres provides that any amendment to any Zoning Ordinance shall be after a public hearing following fifteen (15) days' notice by publication in an official paper or a paper of general circulation with the municipality.

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 130-4, of the Municipal Code of Henlopen Acres, as amended, be and the same is hereby further amended by deleting the Definition of FAMILY in its entirety and inserting in lieu thereof a new definition of FAMILY as follows:

FAMILY

A single person occupying a dwelling unit and maintaining a household, or two or more persons related by blood, marriage or adoption occupying a dwelling unit, living together as a social unit and maintaining a common household, or not more than three persons unrelated by blood, marriage or adoption living together as a social unit and maintaining a common household

Section 2. Chapter 130, Section 130-4, of the Municipal Code of Henlopen Acres, as amended, be and the same is hereby further amended by deleting the definition of GROUP RENTAL in its entirety.

Section 3. If any provision of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Version: January 14, 2022

Section 4. This Ordinance shall take effect immediately upon its adoption by the Commissioners of the Town of Henlopen Acres.

I, Thomas A. Roth, Assistant Secretary of the Commissioners of the Town of Henlopen Acres, do hereby certify that the foregoing is a true and correct copy of the ordinance passed by the Commissioners at their meeting held on APRIL 8, 2022, at which a quorum was present and voting throughout and that the same is still in full force and effect.



Assistant Secretary

Synopsis: This Ordinance amends Chapter 130 by revising the definition of FAMILY and deleting the definition of GROUP RENTAL.