

**AN ORDINANCE TO AMEND CHAPTER 130, ZONING, OF THE
MUNICIPAL CODE OF THE TOWN OF HENLOPEN ACRES,
BY AMENDING SECTIONS 130-17
RELATING TO PERMITTED USES.**

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 130-17, of the Municipal Code of Henlopen Acres, as amended, be and the same is hereby further amended by making insertions as shown by underlining and deletions as shown by strikethrough, to Subsection D as follows:

- D. Accessory uses and structures, except garages. Accessory uses shall be located at least 10 feet to the rear of the dwelling and within the side and rear building lines. Any accessory structure or ~~use for family~~-recreational use requiring the construction or installation of a pad, paving, court, or combination thereof, except a swimming pool, shall not be placed on any property unless provided by special exception by the Board of Adjustment. Fencing or walls shall comply with Subsection G of this section.

Section 2. 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.

Section 3. This Ordinance shall take effect immediately upon its adoption by the Commissioners of the Town of Henlopen Acres.

Version: January 14, 2022

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 clarifying permitted uses in the R-Residential zoning district.