Preliminary Land Use Service (PLUS) Application
Municipal Comprehensive Plans

Delaware State Planning Coordination
540 S. DuPont Highway • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-6958

Name of Municipality: Town of Henlopen Acres	
Address: **104 Tidewaters** **Henlopen Acres, DE 19971**	**Contact Person: Thomas A. Roth**
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Date of Most Recently Certified Comprehensive Plan: July 9, 2004

Information prepared by: Thomas A. Roth	
Address: **same**	**Contact Person:**
	Phone Number:
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Maps Prepared by: N/A	
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	E-mail Address:

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General Plan Approval Process

Step 1: **Draft prepared by local government.**

Step 2: **Planning Commission and/or Legislative Body approves to send to PLUS at the time the plan is released for public review.**

Step 3: **PLUS meeting, application submitted by 1st business day of the month for that month's meeting.**

Step 4: **State comments submitted to local government within 20 business days of meeting.**

Step 5: **Local government replies to state comments in writing and submits revised plan to Office of State Planning Coordination (O S P C) for review.**

Step 6: **OSPC requires 20 working days to reply to revised plan. State sends a letter accepting changes or noting discussion items.**

Step 7: **Once you receive the Office of State Planning Coordination letter stating that all certification items have been addressed, your Planning Commission and Council should adopt the plan pending State certification. We strongly recommend that your Council adopt the plan by ordinance. The ordinance should be written so that the plan will go into effect upon receipt of the certification letter from the Governor.**

Step 8: **Send our office a copy of the ordinance (or other documentation) that formally adopts your plan along with an electronic or paper copy of the final plan. We will forward these materials to the Governor for consideration. At the discretion of the Governor a certification letter will be issued to your town. The plan is effective on the date of adoption.**

Step 9: **Once you receive your certification letter, please forward two (2) bound paper copies and one electronic copy of your plan to our office for our records. It is suggested that you incorporate a copy of the State's PLUS letter and the Governor's certification letter into the final comprehensive plan document.**

Comprehensive Plan / Amendment Checklist[1]

Please check yes or no as to whether the following information has or has not been included in the comprehensive plan and indicate page numbers where information may be found.

Public Participation	**Yes**	**No**	**Page # / Sections**
Public Participation Summary and Results	X		1

Population Data and Analysis	**Yes**	**No**	**Page #**
Past Population Trends	X		8
Population Projections	X		10
Demographics	X		9
Position on Population Growth	X		10

Housing	**Yes**	**No**	**Page #**
Housing Stock Inventory	X		10
Housing Pipeline	X		10
Housing Needs Analysis	X		10
Position on Housing Growth	X		10
Affordable Housing Plan		X	

Annexation	**Yes**	**No**	**Page #**
Analysis of Surrounding Land Uses	X		3
Annexation Plan	X		3

Redevelopment Potential	**Yes**	**No**	**Page #**
Identification of Redevelopment Areas and Issues	X		18
Redevelopment Strategy	X		18
Community Development Strategy	X		4

[1] Please go to the following website for detailed checklist information: http://www.state.de.us/planning/services/circuit.shtml.

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Community Character	**Yes**	**No**	**Page #**
History of the Town or City	X		2
Physical Conditions	X		5
Significant Natural Features	X		5
Community Character	X		18
Historic and Cultural Resources Plan	X		4
Community Design Plan	X		4
Environmental Protection Plan	X		20

Land Use Plan	**Yes**	**No**	**Page #**
Existing Land Use	X		5
Land Use Plan	X		5

Critical Community Development and Infrastructure Issues	**Yes**	**No**	**Page #**
Review of Community Conditions	X		5
Inventory of Community Infrastructure	X		5
Inventory and Analysis of Community Services	X		17
Water and Wastewater Plan	X		13
Transportation Plan	X		17
Community Development Plan	X		18
Community Facilities Plan	X		16

Intergovernmental Coordination	**Yes**	**No**	**Page #**
Description of Intergovernmental Relationships	X		20
Intergovernmental Coordination Strategy	X		20
Analysis and Comparison of Other Relevant Planning Documents		X	

Economic Conditions	**Yes**	**No**	**Page #**
Economic Base / Major Employers		X	
Labor Market		X	
Income and Poverty	X		8
Economic Development Plan		X	

Open Space and Recreation	**Yes**	**No**	**Page #**
Inventory of Open Space and Recreation Facilities	X		17
Open Space and Recreation Plan	X		17

Implementation Strategies	Yes	No	Page #
Evaluation of Current Codes and Ordinances	X		19
Zoning Map Revisions			N/A
Zoning and Subdivision Code Revisions		X	
Implementation Plan	X		19
Coordination with Other Government Agencies	X		20

Other State Programs, Policies, and Issues	Yes	No	Page #
Total Maximum Daily Loads		X	
Corridor Capacity Preservation Program		X	
Agricultural Preservation Program		X	
Sourcewater Protection	X		20

Additional Comments:

Submitted for review is the July 2012, Town of Henlopen Acres, Comprehensive Plan Review. Required revisions have been made in accordance with Certification Comments received March 16, 2012. This is to serve as the town's five year update.

Summary:

As part of this Review, the Implementation section includes items that the Planning Commission feels are important to address and evaluate during the ten year update process.

Town of

Henlopen Acres

Comprehensive Plan Review

July 2012

COMPREHENSIVE PLAN REVIEW OF JULY 2012

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TOWN, COUNTY, AND STATE OFFICIALS

Town of Henlopen Acres

Mayor and Council	Wanda Davis, Mayor David Hill, Commissioner David Lyons, Commissioner Frank Jamison, Commissioner Winifred Kee, Commissioner Beatrix Richards, Commissioner John Staffier, Commissioner
Planning Committee	John Barto Connie Boland Mary Jane Lyons John Scheurer Richard Thompson
Town Solicitor	Glenn C. Mandalas, Esq.
Town Staff	Thomas Roth, Town Manager Sharon Karl, Town Clerk R. Lee Stewart, Security Chief 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 George H. Bunting Jr., 20th District
House of Representatives	Representative Peter C. Schwartzkopf, 14th District
Office of State Planning Coordination	Constance S. Holland, AICP, Director

INSTITUTE FOR PUBLIC ADMINISTRATION

This original ***2004*** 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.

COMPREHENSIVE DEVELOPMENT PLAN FOR
THE TOWN OF HENLOPEN ACRES, DELAWARE
July 2004
Plan Review – January 2012

CHAPTER 1. BACKGROUND

1.1. The Authority to Plan

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 (below) for towns with population of 2000 or fewer.

The municipal comprehensive plan for small communities (such as the Town of Henlopen Acres) with fewer than 2000 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 must demonstrate coordination with other municipalities, the county, and the state during plan preparation. (22 Del. C. 1953, § 702; 49 Del. Laws, c. 415, § 1.)

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 at least every five years.

1.2 Public Participation

The Town of Henlopen Acres established a comprehensive plan committee to develop the Town plan. This committee met in public in 2002 and 2003 to solicit comment from committee members and the general public. The Town plan was discussed at Town Commission meetings in 2002, 2003, and 2004. 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 2011, the Planning Commission prepared a comprehensive plan review holding several meetings, (May 9, July 5, July 25, September 30, November 19 and January 9, 2012), a workshop, (June 24), and a public hearing, (December 7), in preparation for submission to the State of Delaware PLUS system. Residents and non-residents submitted written comments. Of the comments received from residents, a majority expressed favorable comments on the draft review. A minority of residents and majority of non-residents expressed the desire to provide the Rehoboth Art League with a separate zoning district.

1.3. An Overview of the Community

1.3a. 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.

1.3b. 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 changed it 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[1]. 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 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. 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.

[1] Henlopen Acres: a residential development at Rehoboth Beach, Delaware/W.S. Corkran.

Historic Structures: 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 detail[2]. 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. The house is also significant as the visual focal point of Henlopen Acres, a well-planned resort and residential community, developed in the 1930s by Colonel Wilbur S. Corkran, who owned and restored the house.

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.

1.4 Overall Community Vision and Goals

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.

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.

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.

[2] National Register of Historic Places, Inventory Nomination Form.

Rehoboth Art League

The Rehoboth Art League is located at 12 Dodds Lane. It occupies three and one-half acres. It 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, which was listed on the National Register of Historic Places in 1977. The League sponsors exhibits, classes and other activities. A Board of Directors elected by the membership is responsible for managing its operations.

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.

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 development 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.

CHAPTER 2. MUNICIPAL DEVELOPMENT STRATEGY

2.1 Land Use Planning and Regulation Process

The Town of Henlopen Acres is primarily a residential community. Out of 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 1. Current Land Use

Land Use	Number of Parcels	Approximate Acreage
Beach Uses	2	12.63
Marina	1	2.38
Institutional – Government and Cemetery	3	1.06
Institutional – Rehoboth Art League	2	3.69
Residential	200	91.67
Vacant	11	5.95
Total	219	117.38

Source: Town of Henlopen Acres, 2011.

2.1a. Natural Features and Environmental Concerns

The Town of Henlopen Acres is located between the Rehoboth and Lewes Canal and the Atlantic Ocean. *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

There are state-identified wetlands along the Rehoboth and Lewes Canal. 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 State of Delaware's Code. Compliance with these statutes may require an Army Corps of Engineers approved field wetlands delineation and/or DNREC approval. Two properties along the north side of Tidewaters may include state-identified wetland areas. These properties are already developed residential.

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 of Henlopen Acres operates its own water utility to supply drinking water to residents of the Town. 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. 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, (See Page 13, Water Supply).

2.1b. Special Properties[3]

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. 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 pays County and Town taxes.

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.

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 must be and remain a Delaware corporation, and all Henlopen Acres property owners are members. Property owners are, however, responsible for an assessment to cover the costs of corporate books, stationery, postage, and other similar items. The Block W property must be kept tidy and in its natural state, and all taxes must be paid. The Henlopen Acres Property Owners Corporation retains the enjoyment of this property as long as the conditions of the deed are met. If the Henlopen Acres Property Owners Corporation becomes defunct, or if it fails to pay the taxes on the property or fails to keep the property reasonably tidy, then ownership shall revert to the University of Delaware. If these conditions are not met, and the property does transfer 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 Henlopen Acres Property Owners Corporation.

[3] Information contained in this section is based on a review of Deed of sale for the Wilbur S. Corkran property that constitutes the Town of Henlopen Acres of 1930 and further recorded deeds.

Rehoboth Art League

The Rehoboth Art League, Inc., is located on Dodds Lane. It includes the Peter Marsh House, otherwise known as "The Homestead Property." The Peter Marsh House was listed on the National Register of Historic Places in November 1977. The listing details the historic structure and associated gardens. The use of the Peter Marsh House by the Rehoboth Art League, Inc., is governed by the deeds of 1930 and 1982 and by the Zoning Code for modifications in the use, structure, or grounds. The deeds of 1930 and 1982 conveyed this property for the use as an art gallery and art school. 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 not assessed for Sussex County or Town taxes.[6] In addition, the property was willed to the University of Delaware by Colonel Wilbur S. Corkran with the restriction that the property be "maintained in such condition as will respect its authentic character and furnishing as a colonial Sussex County Seat." By deed dated June 18, 1979, the University of Delaware transferred the property to the Rehoboth Art League, Inc., with the same restrictions. On May 18, 1979, the Delaware Chancery Court approved the transfer, subject to the requirements of Colonel Wilbur S. Corkran's will.

The plan recommends that this property only be used as art gallery, art school, or other community purpose, as specified by the deeds of 1930 and 1982. If the Rehoboth Art League, Inc., ceases to exist and no successor organization is formed to continue the art gallery, art school, or community purpose, the property reverts to residential land use only. The Town further recommends that the Peter Marsh House, accessory structures, landscape, and gardens 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 deed of 1982 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."[7]

2.1c. Other 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. These provisions were updated by the deed dated July 6, 1982. The deeds restrict the construction on 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 further defines this process of site-plan review.

[6] According to the Sussex County Government website *www.sussexcounty.net.*

[7] According to 1982 deed, Sussex County Deeds Book 1198, Page 333.

2.1d. Land Uses Prohibited by Deed

The following land uses are prohibited by deed 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 deed also limits the drying of clothes outdoors in a manner that is visible to the public and any noxious or offensive uses.

2.2 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 2 outlines the change in population in Henlopen Acres, Rehoboth Beach, Lewes, Sussex County, and the state of Delaware.

Table 2: 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
2001	796,599	160,692	139	1,496	2,990
2002	807,385	163,946	139	1,496	2,993
2010	885,122	197,145	122	1,327	2,747

Source: U.S. Census Bureau. 2001 to 2002 and 2010 are U.S. Census Bureau estimates. Henlopen Acres, Rehoboth Beach, and Lewes population figures are based on primary residence claimed by individuals filling U.S. Census forms.

Table 3 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 3: 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%
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%	65.6%
Seasonal or recreational units	8.9%	28.3%	64.1%
Renter occupied units	27.9%	21.4%	3.0%

Source: **2010** U.S. Census

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.

Table 4. Composition of Housing Stock of Henlopen Acres, Sussex County, and Delaware in 2000

Housing Type	Henlopen Acres	% of total	Sussex County	% of total	Delaware	% of total
Single-Family Detached	194	100	55,171	59.3	191,688	55.8
Single-Family Attached	0	0	4,501	4.8	48,340	14.1
Multi-Family	0	0	8,986	9.7	64,128	18.7
Mobile Homes	0	0	23,817	25.6	38,281	11.2
Other	0	0	595	0.6	635	0.2
Total	*194*	*100*	*93,070*	*100*	*343,072*	*100*

Source: 2000 U.S. Census

Growth of the full-time population and housing in Henlopen Acres will depend on land available for new construction and the decision of homeowners to live full-time in Henlopen Acres. The Town will face issues of growth based on significant increases in population and housing in Rehoboth Beach and Sussex County.

Table 5: Henlopen Acres Residents by Occupation

Occupation	Number	Percent
Management, professional and related occupations	37	61.7%
Service occupations	0	0%
Sales and office occupations	21	35.0%
Farming, fishing and forestry occupations	0	0%
Construction, extractions and maintenance occupations	2	3.3%
Production, transportation and material moving occupations	0	0%
Total	60	100.0%

Source: 2000 U.S. Census

The Residential Housing Stock

All the houses in Henlopen Acres are detached units, while in the state and county single-family detached homes represent 56% and 59% of all housing structures respectively. Although 22% of the homes are relatively new, built since 1980, most of the homes were built before 1970 (70%). The Town's homes are mostly for seasonal use. The median value of owner-occupied housing units in Henlopen Acres was about $522,100. This is significantly higher than the median for Sussex County and higher than the median value for the neighboring City of Rehoboth Beach at $320,500. Homeowners in Henlopen Acres are more likely to have a mortgage on their house than are homeowners in Delaware and Sussex County. The value of a typical home is much higher than that of the state and county.

Table 6: Value of Homes and Percentage with Mortgages

Financial	Delaware	Sussex	Henlopen Acres
Percentage with Mortgage Outstanding	27	37	46
Median Home Value	$130,400	$122,400	$522,100

Source: U.S. Census 2000

2.3 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 development codes and a development process to ensure that all new development and redevelopment enhances the Town's well-planned resort and residential community character.

2.3a. Plan 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 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.

2.3b. 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, set-backs, 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 recommends no change in the zoning for the Town.

At present, the Zoning Code does not provide for a named zoning commission. The Town had a zoning commission when the zoning code was first adopted. 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, and typically these re-zonings have been 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 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 Review 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 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 plan suggests 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 current Zoning Code provides for these land uses by special exception: art galleries, art studios and art classrooms, theater and theater classrooms in the Residential District. The recommended Conditional Use process would require review of these land uses in addition to the by-right Residential use by the Environmental Approval Committee and with approval by the Town Commissioners. The Conditional Use process would allow 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.

The plan as originally adopted suggested revising the special exception process, as stated above, by replacing it with a conditional use process to provide for the review of land uses and structures not provided by right in the Zoning Code by the Environmental Approval Committee and Town Commissioners. Such revisions were drafted by the Board of Commissioners, and 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 prevent the owner of the property from using the property in a manner consistent with its zoning classification, provided that the hardship has not been created by actions of the property owner.

2.4 Provision of Utilities, Community Services and Facilities, and Transportation

2.4a. Utilities

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 that were drilled from 1991 to 1993 to replace earlier wells. These wells have a combined pumping capacity of 200 gallons-per-minute. The Town will continue to protect the wellhead areas and recommends reviewing land use regulations to protect the wellhead areas and preserve groundwater recharge. 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 Delaware Department of Natural Resources and Environmental Control (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.

Wastewater Disposal

Pursuant to the Town Charter, the Commissioners may, at their option, contract for and purchase sewage-disposal service from Sussex County or any other municipality or political subdivision of the state of Delaware and resell the same to users within or without the Town with the same powers as though such service had been initially provided by the facilities of Henlopen Acres itself. The Town entered into an agreement with Sussex County and the City of Rehoboth Beach for sanitary-sewer provision in 1983.

The Henlopen Acres Sewer District is operated by Sussex County. Wastewater is transmitted through a collection system that interconnects with that of the City of Rehoboth Beach and is treated at the Wolfe Neck facility in West Rehoboth. The Wolfe Neck facility is permitted to process 4 million-gallon-per-day (MGD) of sewage by DNREC. Under the current agreement signed in 1983, the total quantity of flow for a seven-consecutive-day period shall not exceed 0.528 million gallons and the total flow for any 24-consecutive-hour period shall not exceed 0.0915 million gallons.

The Town may apply for additional capacity at the treatment plant. According to the 2010 Census, the Town consisted of 195 houses. With additional lots, the Henlopen Acres Beach Club, the "Homestead," and Town Hall, there are approximately 216 equivalent-dwelling-units (EDUs) within Henlopen Acres. In 2011, there were two lots that could be subdivided into a total of five lots. Therefore, there is a potential for a total of 219 EDUs. Based upon current capacity and allocation, Henlopen Acres build-out will not be constrained by existing wastewater infrastructure.

The Sussex County Department of Engineering's Wastewater Treatment Division monitors wastewater flows from the Town into the Wolf Neck facility. A review of data from the previous three years indicates that, on average, the peak month for use is August, with average daily flow of 61,079 gallons-per-day and a peak flow of 80,907 gallons-per-day. January is one of the lowest months, with average daily flow of 28,793 gallons-per-day and a peak flow of 37,125 gallons-per-day. Based upon the average daily usage statistics, in the peak month of August the Town uses approximately 81% of the seven-consecutive-day-period contracted maximum, and in the low month of January the Town uses 38% of seven-consecutive-day-period contracted maximum. With a current 93% build-out of existing residential lots, the Town has sufficient contracted amount to meet current use and future wastewater needs. The usage numbers should be reviewed periodically.

The Town of Henlopen Acres is within the Inland Bay watershed and is therefore affected by the Total Maximum Daily Load (TMDL) regulations set by DNREC for managing discharges into waterbodies. Section 303(d) of the Federal Clean Water Act (CWA) requires states to develop a list (303(d) List) of waterbodies 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 a waterbody, such that water-quality standards are met. The Indian River, Indian River Bay, and Rehoboth Bay waterbodies are over-enriched in nitrogen and phosphorous from point and non-point sources, according to the DNREC's 1998 final regulations. 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 facilities to assist in 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 may aid in the improvement of the water quality in the Lewes and Rehoboth Canal.

The Town Charter grants the commissioners the power to provide, construct, extend, maintain, manage, and control a sewer system and/or a sewage treatment and disposal plant and facilities for the health, sanitation, and convenience of the inhabitants of the Town; to regulate and prescribe for what private or public purposes the system may be used, the manner of its use, the amounts to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties or both, for any willful or negligent injury or damage to, or interference with the said system, plant or facilities; to furnish, or refuse to furnish, sewage-disposal service from the Town system to places and properties outside the Town limits; in the interest of the public's health, to compel any and all properties in the Town to be connected to the sewer system of the Town; and to contract for and purchase sewage-disposal service and to resell the same to users within or without the Town with the same full powers as though such service had been initially provided by the facilities of the municipal corporation itself.

Stormwater Management and Drainage

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 and clean and unobstructed. The Town completed a three-phase project to replace and update the stormwater system within Town in 2005.

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. The Town Charter provides the Town Commissioners with the power to provide, construct, extend, maintain, manage, and control jetties, bulkheads, embankments, flood gates, piers, boardwalks, or fills for the preservation of any strand or high land within the limits of the Town or contiguous to the Town. The Town has the power and authority to locate, lay-out, construct, widen, extend, improve, repair, vacate, or abandon jetties, bulkheads, embankments, boardwalks, and piers for the preservation of any beach or strand within the limits of the Town to the ends that the same may be preserved and property may be protected. In the locating, laying-out, constructing, widening, extending, improving, repairing, vacating, or abandoning of any such jetties, bulkheads, embankments, boardwalks, and piers, the commissioners shall have full power and authority to use such materials and substances and such methods of construction and shall employ such contractors, engineers, inspectors, and others as the commissioners deem expedient and advisable. The Commissioners have the authority to raise, allocate, and expend Town funds for these improvements in a manner similar to other capital 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.

2.4b. Community Services and Facilities

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 bonafide residents or freeholders 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, and the Commissioners of Henlopen Acres appoint the persons filling such offices.

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 appoint 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.

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.

Public Safety: Fire Protection

The Rehoboth Beach Volunteer Fire Company provides fire protection to Henlopen Acres. Station 1, on Rehoboth Avenue, is the closest fire station to Henlopen Acres. 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. 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.

2.4c. Transportation

The primary means of transportation for Town residents is the 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. As of 2010, the Town maintained 3.61 miles of public roads. In 2011, the Town completed the third of a five phase street resurfacing project. The Town maintains a pedestrian friendly atmosphere that equally accommodates both bicycle and car. On an as-needed basis, the Town contracts snow removal and maintenance activities with private contractors.

2.5 Community Character, Design, and Redevelopment

2.5a. 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.

2.5b. 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.

CHAPTER 3. IMPLEMENTATION

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 infrastructure service to the Town is adequate for public water and wastewater needs for complete build out of the Town. 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.

3.1 Summary of Recommendations and Actions

The Town of Henlopen Acres does not expect any significant growth in housing. Use of properties may change, as more homeowners become full-time residents. 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 primarily 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 contains 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 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 continuing to take steps to preserve the historic Peter Marsh House ("The Homestead") and the Indian and Pioneer burial grounds.

Many comments have been received throughout the Review process regarding the Rehoboth Art League and its governance since at is an existing non-conforming use within a residential zone. The Town should evaluate its status, governance, zoning and need for change and impact it has on neighbors and the Town. The Town should evaluate consider suggestions that it be made a separate zone and the impact and benefits to both the Town and the Rehoboth Art League. As part of this evaluation and update process, the Town needs to review the Rehoboth Art League's impact on the community, water usage, waste generated, traffic, noise, lighting, waste water management, etc. This would be a component of the overall update and would result in a recommendation to the Board of Commissioners of Henlopen Acres. If any zoning change is to be recommended, then the ordinances regarding this new zone would need to be submitted and approved along with the update.

The Planning Commission and the Board of Commissioners need to review all zoning ordinances to determine enforceability and ease of compliance.

Review pollution runoff into the canal and other storm water issues with guidance from state agencies.

Develop a wellhead maintenance schedule and contingency plan should one or more wells become contaminated, to ensure our long term water supply. This would be performed in compliance with the state's wellhead protection program.

Discuss and develop a Block W, Henlopen Acres Property Owners Corporation compliance certificate to be submitted annually to the Town to ensure that the corporation does not miss a filing or conduct itself in a manner that would cause it to lose ownership.

Evaluate Rehoboth Beach Fire Company response issues given the distance to the closest fire hydrant and the impact on homeowners and insurance. Review and investigate options for improving fire suppression in the Town.

Discuss the efficacy and viability of recommending tree coverage as an element of consideration for the Environmental Approval Committee, when they are evaluating any new development, renovations or construction in the Town.

Develop clear responsibilities and contingency plans if the jetty or groins on the Henlopen Acre Beach Club or Block W properties were destroyed or compromised.

Clarify and develop an agreement with the City of Rehoboth Beach, regarding the area adjacent to Pine Reach and Surf Avenues across from Deauville Beach so that it remains passive undeveloped space.

Consider energy efficiency and conservation measures to be added to the Town Code.

As part of the update process, explore mechanisms for reduction of the property tax rate that may exist by updating the zoning ordinances and Codes.

3.2 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 will need to coordinate with Sussex County on issues related to adjacent development and ensure that adequate public wastewater capacity is available for future development within the Town. The Town should 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 the property immediately adjacent to the Town remain as passive open space. The Town contacted the neighboring jurisdictions of Sussex County and the City of Rehoboth Beach with regard to an update and revisions to the Comprehensive Plan. In addition, the neighboring jurisdictions were notified of the Public Hearing and commenting on revisions. In both instances, no comments were received.

Town of Henlopen Acres, Sussex County, Delaware

Map1. Aerial View

MAY 2012

Town of Henlopen Acres
Other Municipalities
Roads
Hydrology

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

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0 295 590 1,180 1,770 2,360 Feet

Sources

Digital orthophotography - Produced by Earth Data International in Fabre Color Infrared at a scale of 1:2,400 with a 1 foot pixel resolution, March 2002.
Base map - Delaware Department of Transportation centerline file 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 (1991-1995).
Municipal Boundaries - Office of State Planning and Coordination, January 2008.

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

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

Sources:
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 1998.
Base map - Delaware Department of Transportation coverline file 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 (1991-1994).
Municipal Boundaries - Office of State Planning and Coordination, January 2004.

Note:
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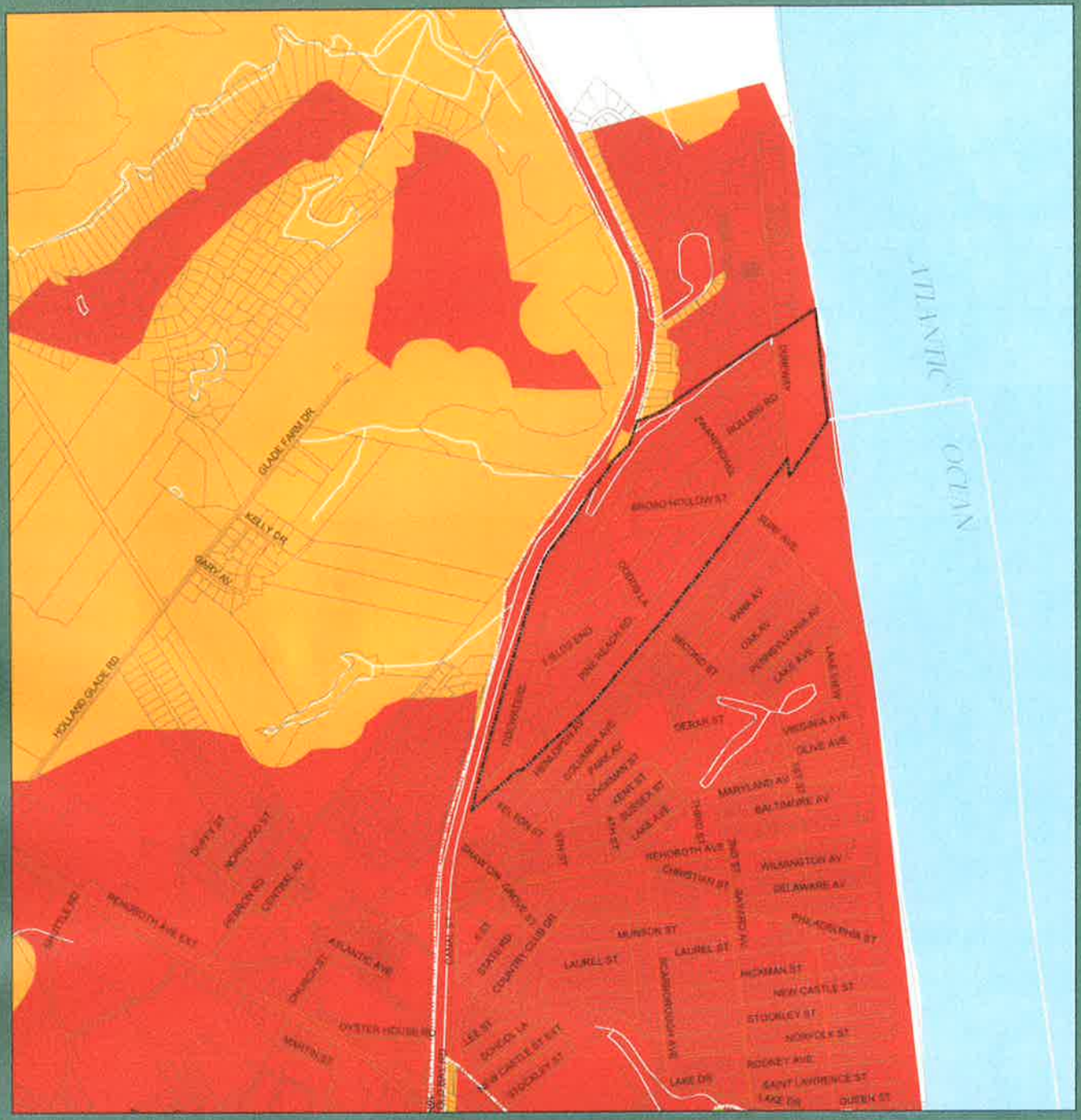

Town of Henlopen Acres, Sussex County, Delaware

Map 3. State Investment Strategies

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

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

MAY 2012

N
W E
S

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

Sources

State Investment Strategies - Office of State Planning and Coordination, 2005
Base maps - Delaware Department of Transportation centerline file 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 (1991-1998)
Municipal Boundaries - Office of State Planning and Coordination, January 2004

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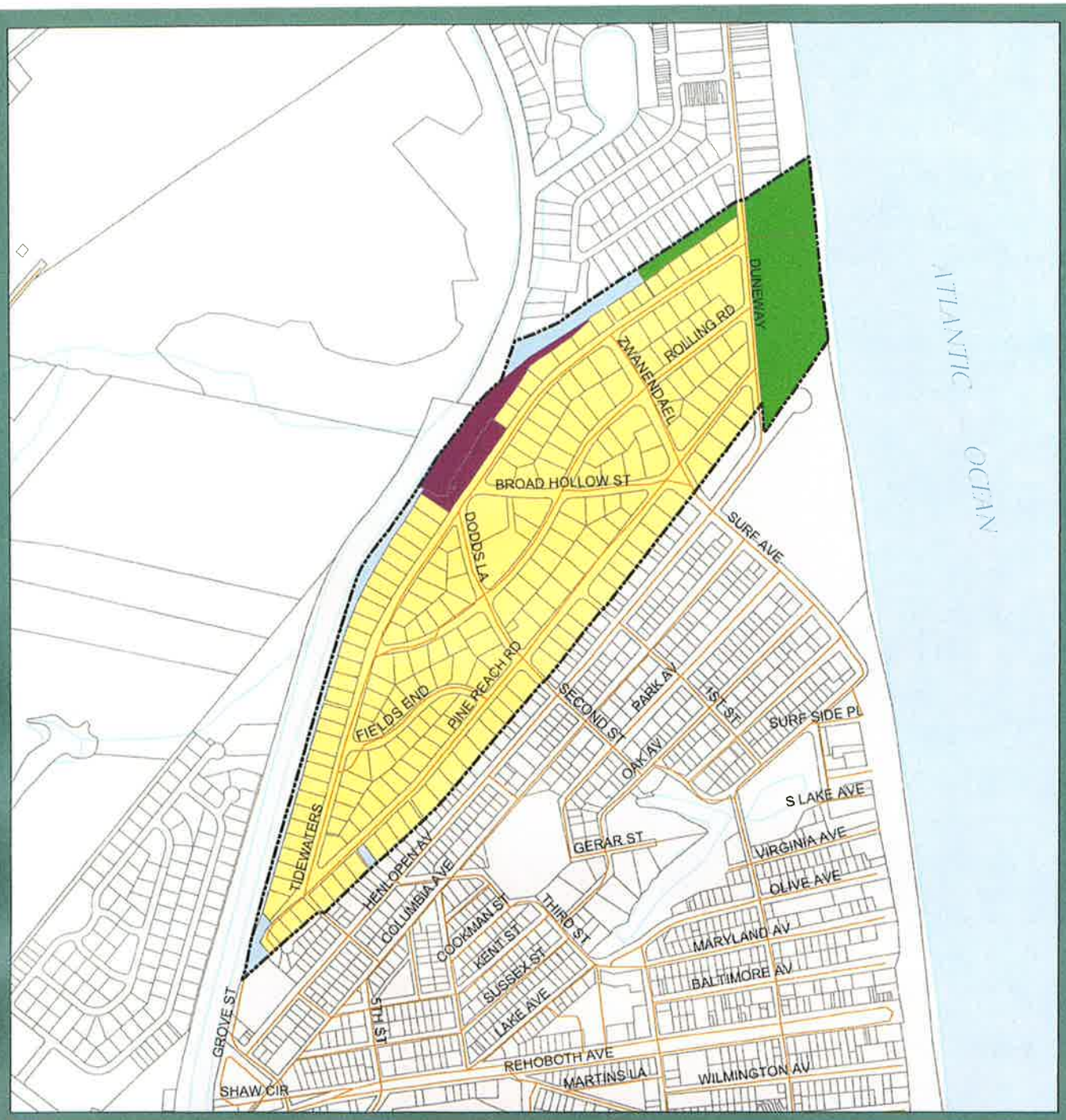

Town of Henlopen Acres, Sussex County, Delaware

Map 4. Zoning

Zoning

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

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

MAY 2012

N W E S

0 305 610 1,220 1,830 2,440 Feet

Sources

Zoning - Town of Henlopen Acres, January 2004.
Base map - Delaware Department of Transportation centerline file 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(1991-1995).
Municipal Boundaries - Office of State Planning and Coordination, January 2004

Note

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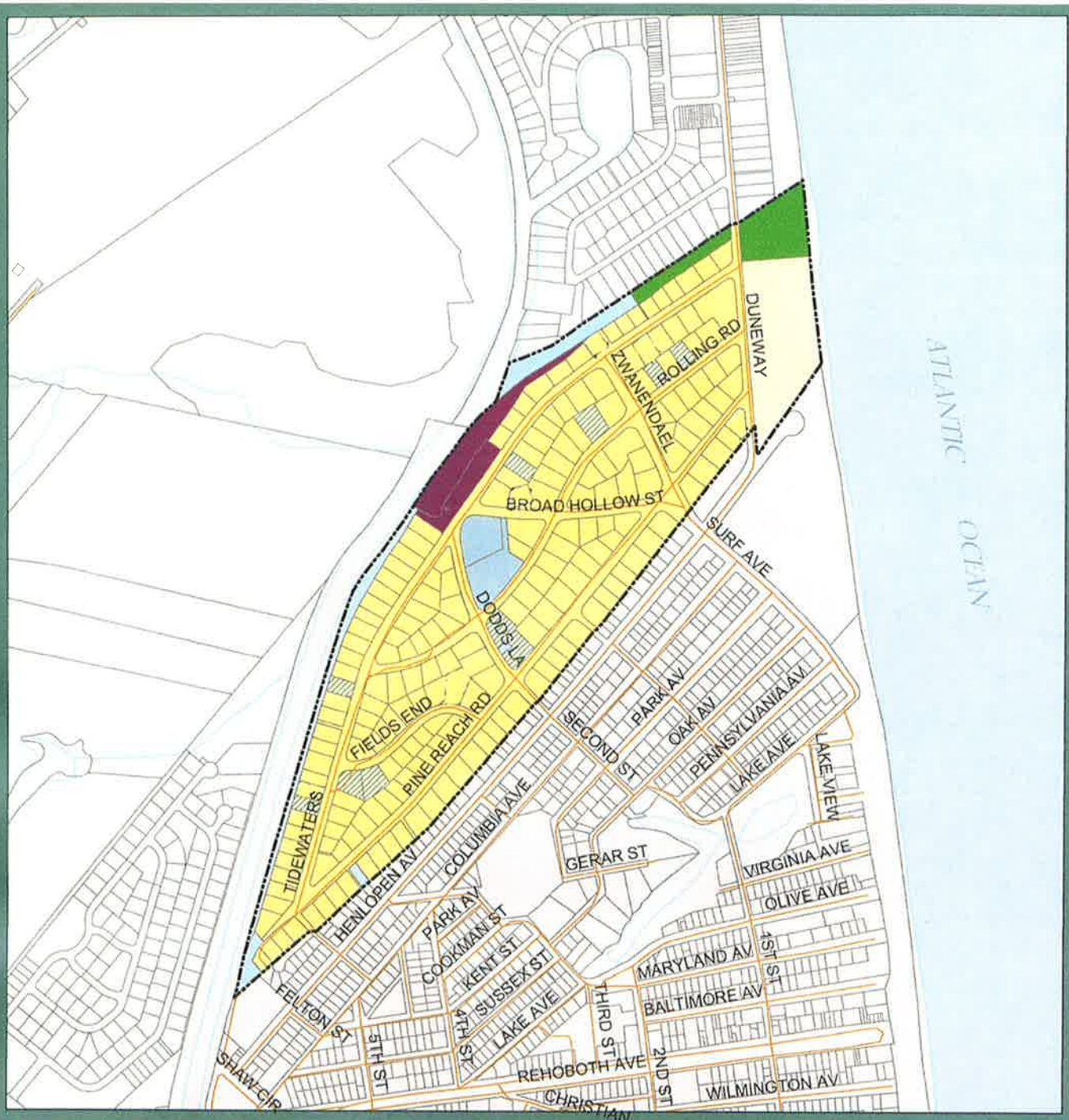

Town of Henlopen Acres, Sussex County, Delaware

Map 5. Current Land Use

Residential
Recreational
Governmental
Institutional
Marina
Beach
Vacant

Town of Henlopen Acres
Other Municipalities
Roads
Parcel Boundaries
Hydrology

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

MAY 2012

N
W E
S

0 320 640 1280 1920 2560 Feet

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 satellite file 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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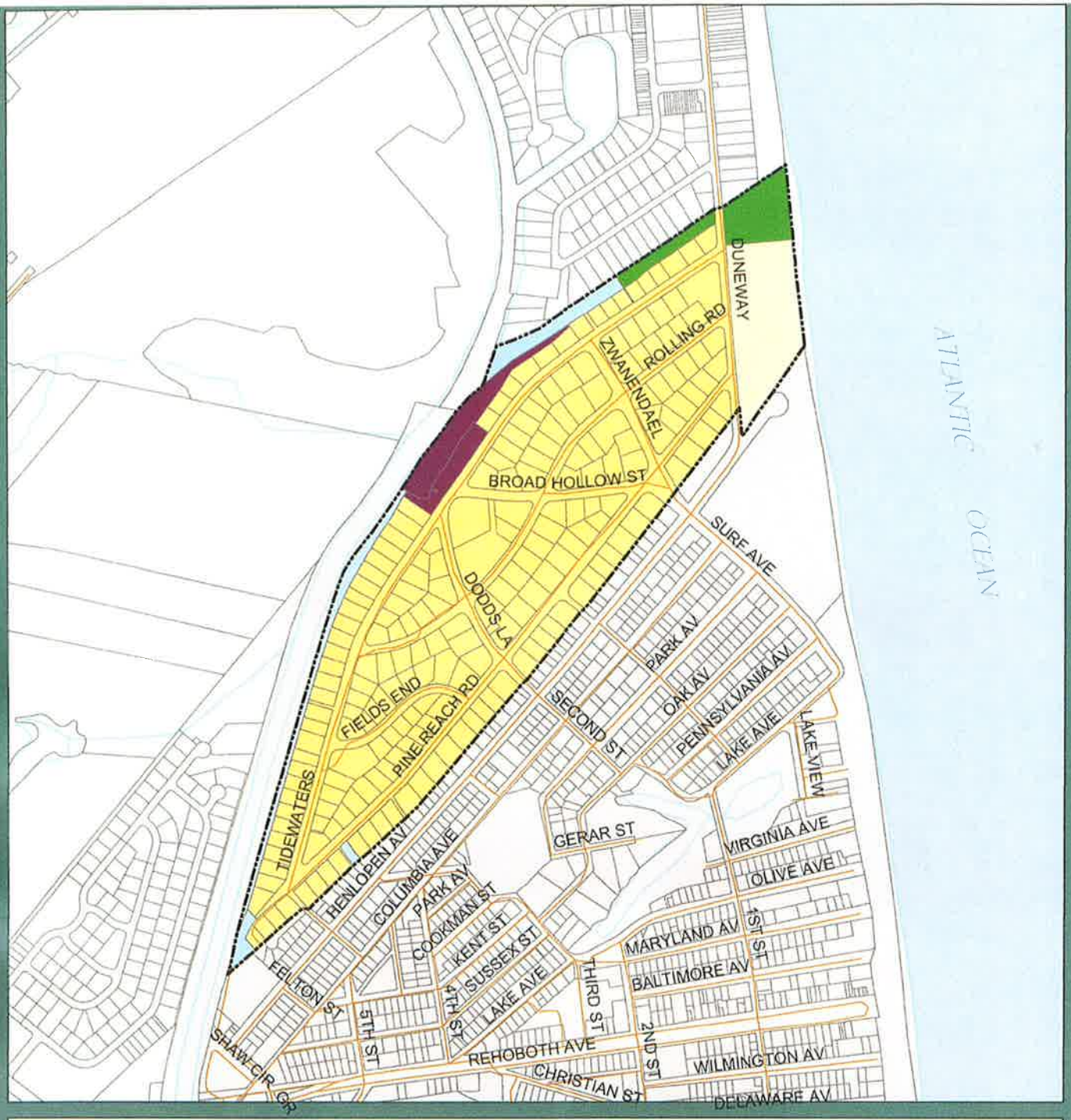

Town of Henlopen Acres, Sussex County, Delaware

Map 6. Future Land Use

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

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

MAY 2012

N
W E
S

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 centerline file 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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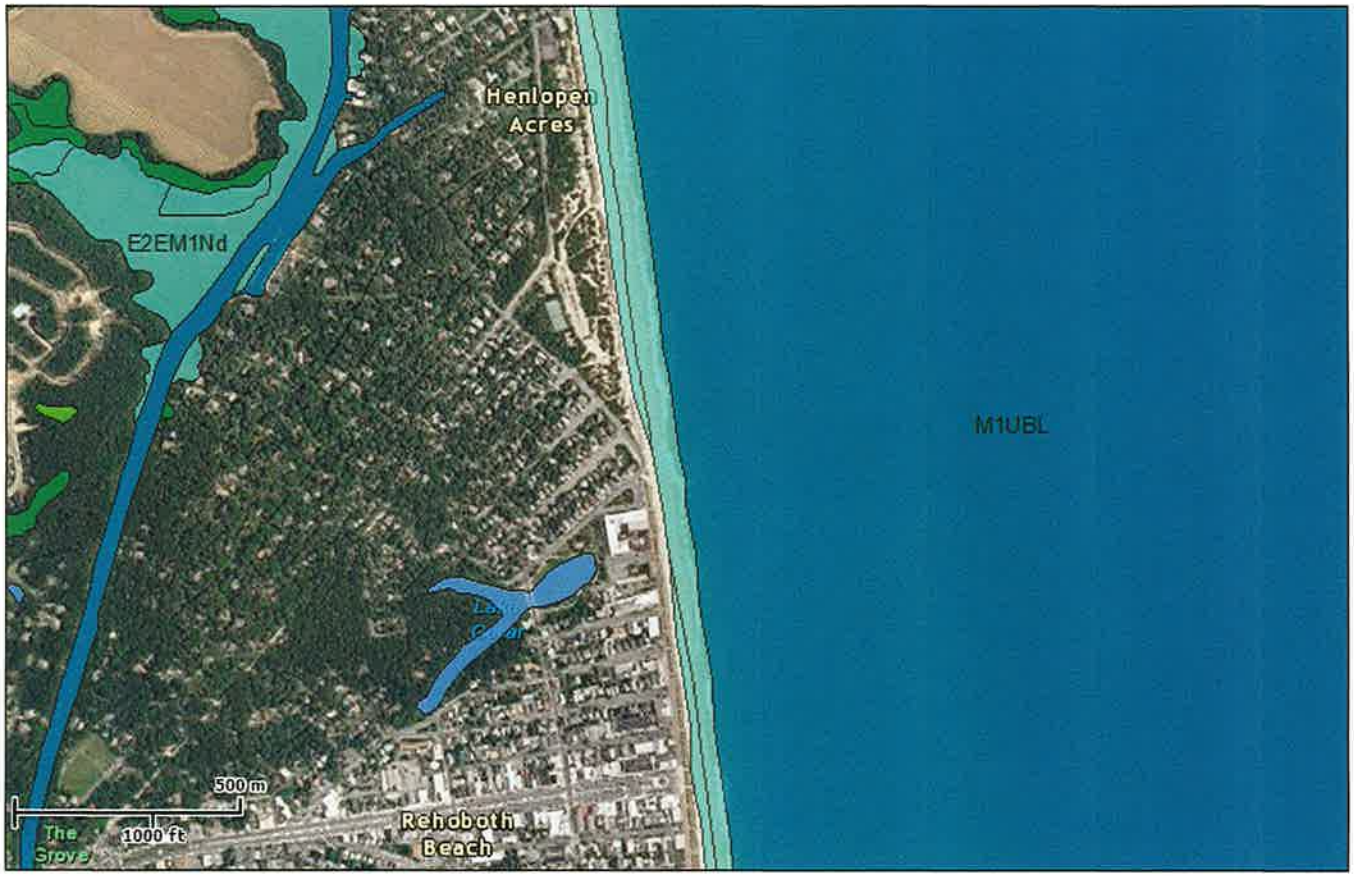
U.S. Fish and Wildlife Service

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

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.

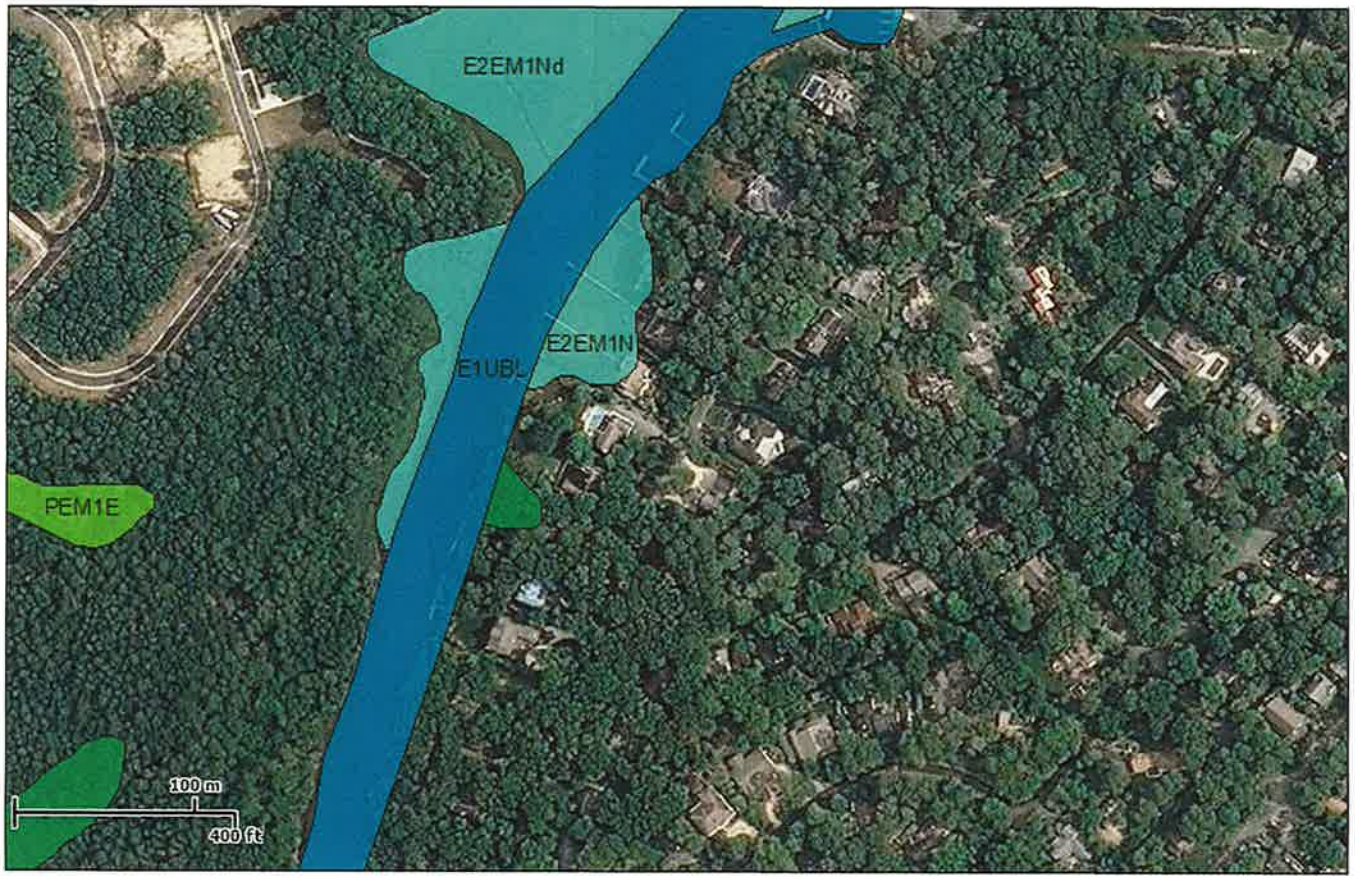
User Remarks:

U.S. Fish and Wildlife Service

National Wetlands Inventory

Henlopen Acres Wetlands

May 1, 2012



Wetlands

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

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.

User Remarks:

Magnified