



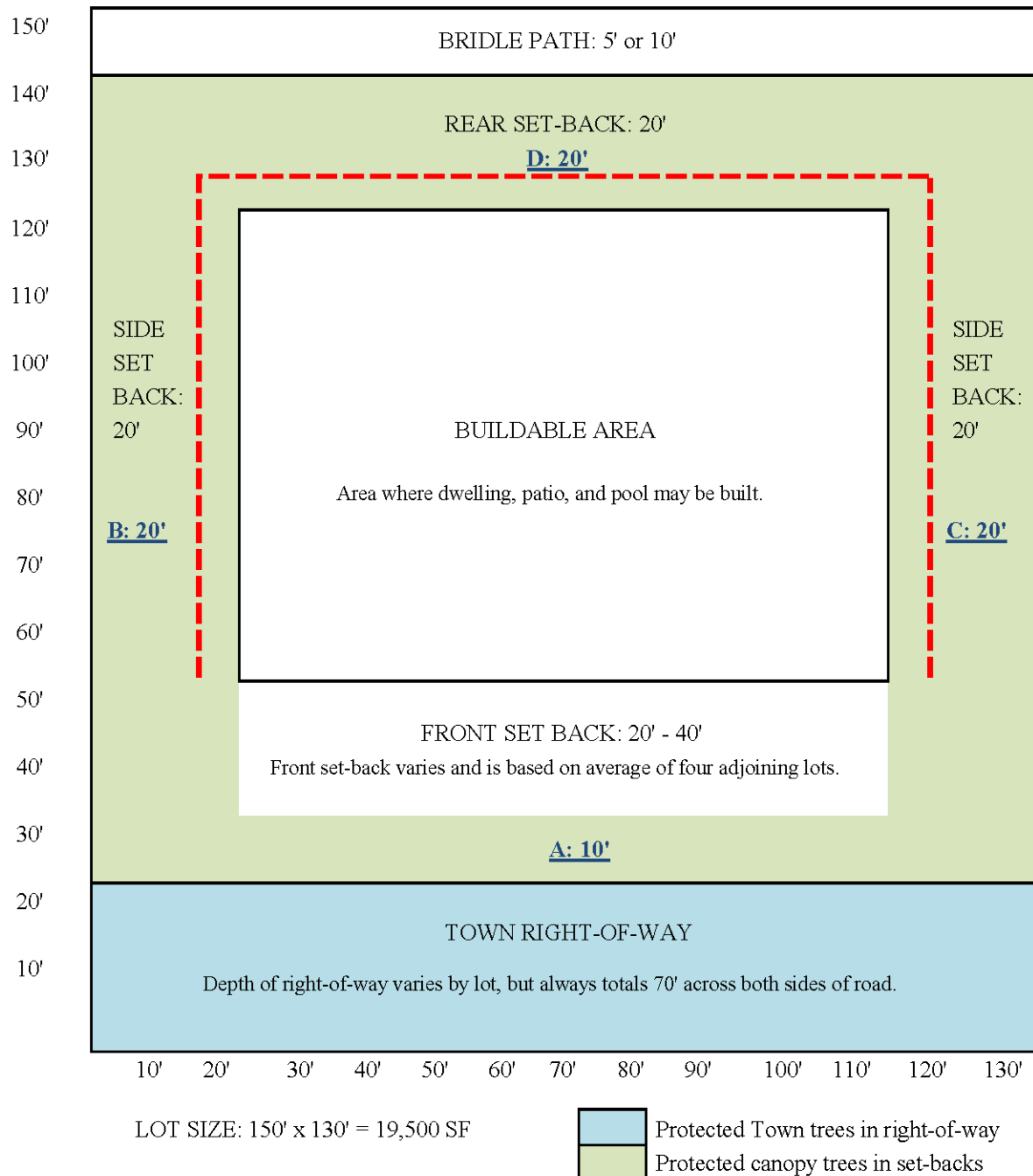
**PUBLIC HEARING ON THE SUBJECT OF  
REPLACING CHAPTER 114, TREES, OF THE MUNICIPAL CODE OF  
THE TOWN OF HENLOPEN ACRES, IN ITS ENTIRETY, WITH  
A NEW CHAPTER 114, TREES.**

**MAY 23, 2025**

# Proposed Amendments to Chapter 114, Trees

- Focus on Canopy Trees
  - Mature height of 40+ feet
  - Foliage creates substantial shade
  - Deciduous trees, like oak, maple, and hickory
  - Certain tall evergreens, like loblolly pines
- Do not apply to non-canopy trees.
- Refer to Town of Henlopen Acres Approved Tree List





# Tree Protection Areas

- In the setback areas of a lot (shaded in green).
- Setbacks may not be built upon.
- 5' allowance around the buildable area for construction/renovation (red-dotted line).



# Tree Removal on Private Property

Current: No provisions that require property owners to obtain a permit if they wish to remove a tree on their property.

## Proposed:

- Must apply for permit to remove a canopy tree from the setbacks.
- Application must demonstrate that tree is:
  - An invasive species or is otherwise undesirable
  - Dead or diseased,
  - A present risk to persons or property,
  - Substantially damaged and survivability is jeopardized,
  - In the way of a permitted driveway or utilities,
  - Unreasonably interferes with permitted structures, or
  - Within 5' of the buildable area for construction/renovation

Require  
certified  
arborist  
report



# Tree Removal on Private Property

Current: No provisions that require property owners to obtain a permit if they wish to remove a tree on their property.

## Proposed:

- Permit application reviewed by Town Manager.
  - Consults with Town Arborist as necessary.
- If approved, replacement tree may be required.
  - Subject to minimum tree density.
- If denied, may appeal to Board of Commissioners.
- Town Manager may waive requirements for good cause, including emergencies.



# Minimum Tree Density on Private Property

To construct a new home or a renovation >400ft<sup>2</sup>, property owners must submit a tree plan the satisfies a minimum density.

	Current Density Rule		Proposed Density Rule	
Formula	1 tree / 2,000 ft <sup>2</sup> of open space		<b>1 tree / 2,000 ft<sup>2</sup> of lot size</b>	
Min. Number of Trees*	6		<b>10</b>	
Deciduous Shade Trees	3	50%	<b>6</b>	<b>60%</b>
Evergreen Trees	1	25%	<b>4</b>	<b>40%</b>
Specimen Trees	1	25%	<b>0</b>	<b>0%</b>

\*Based on average lot size of 20,000 ft<sup>2</sup>

Trees in the Town right-of-way do not count toward minimum density.



# Minimum Tree Density on Private Property

To construct a new home or a renovation  $>400\text{ft}^2$ , property owners must submit a tree plan that satisfies a minimum density.

## Proposed:

- Tree plan must include:
  - Number of existing trees
  - Proposed number of trees to be removed
  - Proposed number of trees to be planted
- Town will inspect each tree planted or preserved before a certificate of occupancy is issued, and six months after.
  - Trees must be replaced if they are found to be dead or diseased.



**Must include  
location, species,  
size, and health**



# Maintenance of Trees

Current: No provisions that require property owners to maintain the trees on their lot.

## Proposed:

- Regular maintenance such as trimming, treatment of diseases, and cutting climbing vines required.





# Violations and Penalties

Current: Those who illegally remove or damage a Town tree must pay a civil assessment of \$750 + value of tree.

## Proposed:

- Those who violate any provision of Chapter 114 must pay civil assessment of \$750.
- If violation involves damage or removal of a Protected Canopy Tree, must pay additional fine of \$2,500 per tree.
- Business or rental license may be revoked for up to 2 years.



# Public Comment

Pre-registered commenters

Any others who wish to speak

Please limit comments to 3 minutes.

May also submit in writing to Town Hall:

104 Tidewaters OR [townhall@henlopenacres.com](mailto:townhall@henlopenacres.com)

Comment period closes Friday, May 30 at 4:30pm.

All comments bear equal weight.

