

ORDINANCE NO. 380

**AN ORDINANCE TO AMEND CONDITION No. 7 SET OUT IN  
ORDINANCE NO. 214 ENTITLED  
“AN ORDINANCE ANNEXING INTO THE TOWN LIMITS OF  
THE TOWN OF OCEAN VIEW, 85.43 ACRES, MORE OR LESS,  
BEING THE LANDS OF TALIVADIS BERZINS AND  
THE TRUSTEES OF THE PROTESTANT EPISCOPAL CHURCH OF DELAWARE.”  
AS AMENDED BY ORDINANCE NO. 334**

**WHEREAS**, Article IV, Section 4.101, et. seq. of “AN ACT TO REINCORPORATE THE TOWN OF OCEAN VIEW IN SUSSEX COUNTY, DELAWARE” empowered the Town Council to annex any territory contiguous to this Town; and

**WHEREAS**, by adopting Ordinance No. 214, the Town Council deemed it appropriate to annex tracts of land containing 85.43 acres, more or less, situate in Sussex County, Delaware, being the lands of Talivadis Berzins and the Trustees of the Protestant Episcopal Church of Delaware; and

**WHEREAS**, the aforesaid annexed territory includes 71.61 acres, more or less, designated on the Zoning Maps of the Town of Ocean View as R-3 Multifamily Residential District/RPC Residential Planned Community District, subject to the conditions set out in the ordinance and is now known as ‘Ocean View Beach Club’; and

**WHEREAS**, the site plan was amended to modify the recreational area; and

**WHEREAS**, by adopting Ordinance No. 334, the Town Council amended certain of the applicable conditions to reflect those changes to the recreational area, as more particularly set out in Condition No. 7; and

**WHEREAS**, the developer of Ocean View Beach Club has requested that Condition No. 7 be modified to address recreational facilities.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF OCEAN VIEW, AS FOLLOWS:**

Section 1. Amend of Ordinance 214, Section 2 B, as amended by Ordinance No. 334, by adding thereto those matters **underlined** and deleting those matters **~~interlineated~~** as follows:

Section 2. The territory annexed into the Town of Ocean View shall be rezoned, as follows:

B. The territory containing 71.61 acres, more or less, as more particularly described in Exhibit “C”, attached hereto and made a part hereof as if more particularly

set out herein, shall be designated on the Zoning Maps of the Town of Ocean View as R-3 Multifamily Residential District/ RPC Residential Planned Community District, subject to the following conditions:

...

7. **a.** Recreational facilities, e.g., swimming pool and community buildings shall be constructed and open to use by the residents not later than the time of the issuance of the 80<sup>th</sup> Certificate of Occupancy.

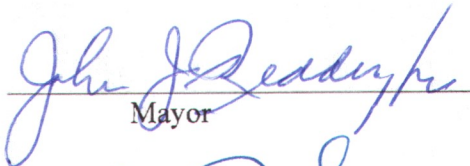
**b.** The recreational facilities subject to ~~this~~ condition **7. a.** are all buildings and structures delineated on the approved site plan of Ocean View Beach Club Condo Parcel 'A' amenities area with the exception of Cottages 1, 2 and 3 and a building labeled "Reserved for Future Recreational Amenity".

**c. The building labeled "Reserved for Future Recreational Amenity" shall include an indoor swimming pool which shall be constructed and open to use by the residents not later that the time of the issuance of the 244<sup>th</sup> Certificate of Occupancy.**

Section 2. Except as amended herein, all prior terms and conditions of approval remain in full force and effect as before.

Section 3. This ordinance shall become effective upon its adoption by a majority of all members elected to the Town Council.

**TOWN OF OCEAN VIEW**

By:   
Mayor

Attest:   
Town Clerk



ADOPTED: October 13, 2021