

ORDINANCE NO. 334

**AN ORDINANCE TO AMEND THE CONDITIONS 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.”**

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 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; and

WHEREAS, the site plan has been amended to modify the recreational area; and

WHEREAS, on the ___ day of _____, 2016, a hearing was held before the Planning and Zoning Commission and the Commission recommended to the Council that the amendment to the conditions be granted; and

WHEREAS, the Town Council is of the opinion that certain of those conditions should be amended to reflect those changes to the recreational area.

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 by adding thereto those matters **underlined** and deleting those matters **interlineated** as follow

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. 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 ~~60th~~ 80th Certificate of Occupancy. **The recreational facilities subject to this condition 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”.**

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

{SEAL}

By: _____
Mayor

Attest: _____
Town Clerk

ADOPTED: 2/14/2017

[DLS Draft 09-02-16]
[DLS Rev. 09-06-16]
[DLS Rev. 01-09-17]
[LCF-FINAL, 02-24-17]