

ORDINANCE No. 412

AN ORDINANCE TO AMEND THE ZONING DISTRICT DESIGNATION FOR THE LANDS OF SMC ENTERPRISES, LLC, FROM R-1 SINGLE-FAMILY RESIDENTIAL TO R-2 ONE- AND TWO-FAMILY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND CONTAINING 24,916 SQUARE FEET, MORE OR LESS, IDENTIFIED AS SUSSEX COUNTY TAX MAP PARCEL # 134-12.00-386.00 (32451 WINDMILL DRIVE)

WHEREAS, on the **4th day of April 2025**, an application was filed on behalf of SMC Enterprises, LLC, requesting the rezoning of Sussex County Tax Map Parcel #134-12.00-386.00 within the town limits of the Town of Ocean View (the Town); and

WHEREAS, on the **20th day of November 2025**, a public hearing was held before the Planning and Zoning Commission and the Commission recommended to the Ocean View Town Council that the application be granted, and

WHEREAS, on the **13th day of January 2026**, the first public reading was held after notice regarding this ordinance; and

WHEREAS, on the **10th day of March, 2026**, a second public hearing was held, after notice, before the Town Council, and based on the Finding of Facts, it determined that said application for amendment to the zoning district designation promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Ocean View and that the change of zone is for the general convenience and welfare of the inhabitants of Ocean View;

NOW, THEREFORE, THE TOWN COUNCIL OF OCEAN VIEW HEREBY ORDAINS:

Section 1. Pursuant to the Ocean View Land Use and Development Code, an amendment to the zoning district designation from R-1 Single-Family Residential District to R-2 One- and Two-Family Residential District is hereby granted to the property identified as Sussex County Tax Map Parcel #134-12.00-386.00 and hereinafter described, to wit:

All that certain piece, parcel or lot of land, lying and being situate in the Town of Ocean View, Baltimore Hundred, Sussex County, State of Delaware, and recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Plot Book 81, Page 284, and being more particularly described as follows; to wit:

Beginning at an iron rod found, located on the easterly right of way line of County Route 352, a.k.a. Windmill Road, and being the southwesterly corner of said Lot and a common property corner with Open Space 3 of Avon Park subdivision; thence by and with Windmill

Road, North 15° 08' 30" West, a distance of 210.03' to a nail found at the corner of Open Space 3; thence by and with Open Space 3 the following courses and distances, 1) South 78° 32' 19" East, a distance of 165.05' to a nail found; 2) South 00° 45' 26" West, a distance of 180.01', to a nail found; 3) North 84° 30' 26" West, a distance of 105.00' to said iron rod found, and said point of beginning, containing 24,916 square feet of land, more or less.

Section 2: This Ordinance shall take effect immediately upon its adoption by a majority vote of all the members elected to Town Council.

Ordained this 25th day of March 2026,

TOWN COUNCIL OF OCEAN VIEW

By: 
Mayor

{Seal}

Attest: _____

Town Clerk

Introduction: 9/9/2025

Planning & Zoning Commission Review: 11/20/2025

First Reading: 1/13/2026

Second Reading: 3/10/2026

Adopted: 3/10/2026