ORDINANCE NO. 25-52

AN ORDINANCE APPROVING A REQUEST BY HELPLINE OF DELAWARE AND MORROW COUNTIES FOR APPROVAL OF A ZONING MAP AMENDMENT FROM C-CEC (COMMUNITY COMMERCIAL DISTRICT) TO MX-PUD (MIXED-USE PLANNED UNIT DEVELOPMENT) ON 0.16 ACRES OF PROPERTY LOCATED AT 11 N. FRANKLIN STREET AS SHOWN IN "EXHIBIT A".

WHEREAS, the Planning Commission at its meeting on September 3, 2025, recommended approval of a request by HelpLine of Delaware and Morrow Counties for approval of a zoning map amendment from C-CC (Community Commercial District) to MX-PUD (Mixed-Use Planned Unit Development) on 0.16 acres of property located at 11 N. Franklin Street as shown in "Exhibit A".

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. A request by HelpLine of Delaware and Morrow Counties for approval of a Zoning Map Amendment from C-CEC (Community Commercial District) to MX-PUD (Mixed-Use Planned Unit Development) on 0.16 acres of property located at 11 N. Franklin Street as shown in "Exhibit A", is hereby confirmed, approved, and accepted with the following conditions:

1. Uses permitted by-right in this MX-PUD shall be those uses permitted in the R-NX zoning district (whether listed as conditionally permitted or permitted by-right), with the exception of:
    a. Public or private recreational facility
    b. Public or private school
    c. Wireless telecommunication facility
    d. Funeral home
    e. Nursing home
2. For purposes of this MX-PUD, "redevelopment" shall include new buildings or building additions greater than 500 square feet, new or expanded parking areas, or reconfiguration of site layout.
3. The existing conditions of the site shall be adopted as the development plan for this PUD. Any future redevelopment for commercial activity or residential activity for greater than two dwelling units shall require review and approval of a new development plan or development plan modification in conformance with Chapter 1105 of the zoning code.

4. Any future redevelopment as outlined in Condition #3 shall require administrative re-plat to combine the lots.

5. No new site access points shall be permitted unless approved by the City Engineer.

6. The site shall require compliance with Historic District regulations.

SECTION 2. That the Zoning Map referenced in §1110.02 of the Planning and Zoning Code be amended to rezone approximately 66.75 acres of land described further in Exhibit A, from A-1 (Agriculture District) to R-PUD (Residential Planned Unit Development)

SECTION 3. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Ohio Revised Code.

VOTE ON RULE SUSPENSION: YEAS 7 NAYS ~~0~~ ABSTAIN ~~0~~

PASSED: September 22, 2025 YEAS 7 NAYS ~~0~~ ABSTAIN ~~0~~

ATTEST: Sarah Dennis
CITY CLERK

Cindy Kay Riggle
MAYOR

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Know All Men by These Presents

Exhibit A

That(1) Dorothy L. Roberts and Sherman L. Roberts, her husband

Provisions contained in any deed or other instrument for the conveyance of a dwelling which restrict the sale, rental or use of the property because of race or color are invalid under federal law and are unenforceable.

of Delaware *County, Ohio,*

in consideration of good and valuable consideration

to them *in hand paid by* Help Anonymous, Inc.

whose address is 11 North Franklin Street, Delaware, Ohio 43015

do hereby **Grant, Bargain, Sell and Convey**

to the said Help Anonymous, Inc.

~~x~~kits *heirs* successors *and assigns forever, the following described* **Real Estate,**(2)

Situated in the County of Delaware, State of Ohio and in the City of Delaware and bounded and described as follows: Being a part of Inlot No. 60 and Inlot No. 59 as the same are numbered and delineated on the Recorded Plat thereof, of record in Plat Book No. 2, Page No. 23, Recorder's Office, Delaware County, Ohio, more fully described as follows:

Beginning at an iron pin set on the West line of Franklin Street, said iron pin being North 100 feet from an iron pin marking the southeast corner of Inlot No. 60, thence continuing North on the West line of Franklin Street, 44 feet to a punch mark on top of a wall, thence West parallel with the North line of Inlots No. 60 and No. 59, 156.9 feet to the end of a brick wall, passing into Inlot No. 59 at 104.6 feet, thence South parallel with the West line of Franklin Street, 41 feet to an iron pin; thence East parallel with the north line of Inlot No. 60 and Inlot No. 59, 52.3 feet to an iron pipe set on the East line of Inlot No. 59, thence South on the line between Inlots No. 59 and 60, 3 feet to an iron pin, thence East on a line parallel with the North line of Inlot No. 60 104.6 ft. to the place of beginning.

and all the **Estate, Right, Title and Interest** *of the said grantor* s *in and to said premises;* **To have and to hold** *the same, with all the privileges and appurtenances thereunto belonging, to said grantee , heirs and assigns forever. And the said* Dorothy L. Roberts and Sherman L. Roberts

do hereby **Covenant and Warrant** *that the title so conveyed is* **Clear, Free and Unincumbered,** *and that* they *will* **Defend** *the same against all lawful claims of all persons whomsoever.* subject to all legal highways, easements, restrictions and reservations, if any, of prior record. Grantor to pay taxes and assessments prorated to date of delivery of deed, after which, Grantees assume and agree to pay.

Delaware County
The Grantor has complied with
Section 319.202 of the R.C.
Date 4-13-92 Transfer Tax Paid 240.00
TRANSFERRED OR ~~TRANSFERRED TO EXEMPT~~
Jon M. Peterson, Auditor By [signature]

Delaware County Engineer
Filed for Record
Apr 13 1992 at 1:00 PM
Recorded
Del. Co. Eng.

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(1) Show marital status.
(2) Description of land or interest therein and encumbrances, reservations, and exceptions, if any; also show reference by volume and page to prior recorded instrument under which grantor claims title.

CITY OF DELAWARE
PLANNING COMMISSION
SEPTEMBER 3, 2025

MX-PUD 25-12
11 NORTH FRANKLIN ST.
REZONING

RESOLUTION

WHEREAS, HelpLine of Delaware and Morrow Counties for approval of a Zoning Map Amendment from C-CEC (Community Commercial District) to MX-PUD (Mixed-Use Planned Unit Development) on 0.16 acres of property located at 11 N. Franklin Street as shown in "Exhibit A".

WHEREAS, a public hearing was held on September 3, 2025 by the City of Delaware Planning Commission, as required by law, at which time all people who wished to testify regarding the pending application were afforded the opportunity to give their comments at the public hearing; and

WHEREAS, the City of Delaware Planning Commission finds that the facts submitted with this PUD rezoning application and presented at the public hearing and any amendments, or supplementary conditions, satisfy the standards and criteria for PUD rezoning approval as per §1105.03 of the Planning and Zoning Code; and

WHEREAS, the City of Delaware Planning Commission finds that pursuant to §1105.03 of the Planning and Zoning Code, each and all excluded uses are inappropriate for this specific C-PUD; and

WHEREAS, the City of Delaware Planning Commission finds that the applicant's plans are in compliance with the City of Delaware Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED that the City of Delaware Planning Commission recommends to the City of Delaware City Council:

SECTION 1. That the Zoning Map referenced in §1110.02 of the Planning and Zoning Code be amended to rezone approximately 0.16 acres of land described in Exhibit "A" from C-CC (Community Commercial District) to a MX-PUD (Mixed-Use Planned Unit Development).

SECTION 2.

1. Uses permitted by-right in this MX-PUD shall be those uses permitted in the R-NX zoning district (whether listed as conditionally-permitted or permitted by-right), with the exception of:
    a. Public or private recreational facility
    b. Public or private school
    c. Wireless telecommunication facility
    d. Funeral home
    e. Nursing home
2. For purposes of this MX-PUD, "redevelopment" shall include new buildings or building additions greater than 500 square feet, new or expanded parking areas, or reconfiguration of site layout.
3. The existing conditions of the site shall be adopted as the development plan for this PUD. Any future redevelopment for commercial activity or residential activity for greater than two dwelling units shall require review and approval of a new development plan or development plan modification in conformance with Chapter 1105 of the zoning code.
4. Any future redevelopment as outlined in Condition #3 shall require administrative re-plat to combine the lots.
5. No new site access points shall be permitted unless approved by the City Engineer.
6. The site shall require compliance with Historic District regulations.

SECTION 3. These plans and all papers relating to the approved plan shall be submitted with this resolution to City Council.

The Clerk is directed to transmit this case to City Council for further determination as required by law.

PASSED: September 3, 2025 YEAS 6 NAYS 0 ABSTAIN 0

ATTEST: _____ _____
CITY CLERK CHAIRMAIN

25
23
15
11
N Franklin St
56
52
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