

**CITY OF MILFORD
NOTICE OF ORDINANCE ADOPTION**

NOTICE IS HEREBY GIVEN that the following ordinance was adopted during a meeting of
Milford City Council on September 25, 2023:

ORDINANCE 2023-33

Preliminary Conditional Use Site Plan Application of Helmick Milford – Fast Food
1.024 +/- acres of land located at the southwest
corner of Warner Road and US Route 113
Comprehensive Plan Designation: Commercial
Zoning District: C-3 (Highway Commercial District)
Present use: Vacant Proposed Use: Fast Food Restaurant & Drive-in Restaurant
Tax Parcel: MD-16-174.14-01-03.02

WHEREAS, the owner of the property as above described herein have petitioned the City of Milford for a Preliminary Conditional Use Site Plan for a two-unit/multi-use structure; and

WHEREAS, the City of Milford Planning Commission will consider the application at a Public Hearing on September 19, 2023; and

WHEREAS, Milford City Council will hold a Public Hearing on September 25, 2023 to allow for public comment and further review of the ordinance; and

WHEREAS, it is deemed in the best interest of the City of Milford to approve the Preliminary Conditional Use Site Plan, as herein described.

NOW, THEREFORE, the City of Milford hereby ordains as follows:

Section 1. Chapter 230-45 states “in any and all districts, multiple permitted uses or mixed use of a property shall be deemed a conditional use subject to special requirements,” when approved by City Council.

Section 2. Fast-food restaurants and drive-in restaurants are permitted uses within the C-3 zoning district.

Section 3. Following adoption of Ordinance 2023-33, and upon the effective date, Helmick Milford, LLC is hereby granted a Preliminary Conditional Use Site Plan approval to construct a 4,812 square foot, 2-unit commercial structure, for use as a fast-food restaurant and a drive-thru restaurant, in accordance with the application, approved plans, and any conditions set forth at the Public Hearings.

Section 4. Preliminary approval from City Council shall be void after 24 months unless an extension is requested by the owner and approved for good cause by the Planning Commission prior to the expiration, otherwise the Preliminary Conditional Use Site Plan approval becomes void.

Section 5. Dates.

Planning Commission Review & Public Hearing: September 19, 2023

City Council Introduction: September 11, 2023

City Council Public Hearing: September 25, 2023

Effective: October 5, 2023

CERTIFICATION

I, Teresa K. Hudson, duly appointed City Clerk of Milford, Delaware, do hereby certify the foregoing ordinance was adopted by City Council at a Meeting at Milford City Hall, Milford, Delaware on the 28th day of August 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the City of Milford, Delaware.

Teresa K. Hudson, MMC

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