



*Town of Milton*

115 Federal Street, Milton, Delaware 19968

[www.milton.delaware.gov](http://www.milton.delaware.gov)

Phone: 302-684-4110 Fax: 302-684-8999

**ORDINANCE NO. 2024-006**

**AN ORDINANCE TO AMEND TOWN CODE, CHAPTER 220, ENTITLED "ZONING,"  
REGARDING GENERAL REGULATIONS**

**WHEREAS**, the Town Charter of the Town of Milton authorizes the Mayor and Town Council to provide for and preserve the health, cleanliness, ornament, good order and public welfare of the Town, its inhabitants and affairs; and

**WHEREAS**, the Town of Milton currently has Ordinances providing for proper zoning regulations; and

**WHEREAS**, the Charter of the Town of Milton vests power in the Mayor and Town Council to zone or district the Town and make particular provisions for particular zones or districts with regard to building or building material, and generally to exercise all powers and authorities vested in the legislative body of cities and incorporated towns under and by virtue of Chapter 3, Title 22 of the Delaware Code; and

**WHEREAS**, the Town Council has previously found it necessary for the aforementioned purposes to enact a zoning ordinance, codified as Chapter 220 of the Town Code; and

**WHEREAS**, pursuant to Chapter 220, the Town Council of the Town of Milton may, from time to time, on its own motion or on petition or upon recommendation by the Planning and Zoning Commission, amend, supplement or change the boundaries of the districts or the zoning regulations after public notice and hearing;

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, by the Town Council of the Town of Milton, a majority thereof concurring, that the following amendments be hereby incorporated into Chapter 220 of the Town Code:

Section 1. Amend § 220-8 with deletions shown by strike-through and additions shown by underline as follows:

A. No building or structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of dwelling units, to occupy a greater percentage of lot

area, or to have narrower or smaller rear yards, front yards or side yards, than is specified herein for the district where such building or structure is located.

B. No part of a required yard or other open space about any building required for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other open space similarly required for another building.

C. No lot shall be so reduced in size that its area or any of its dimensions or open spaces shall be smaller than those required by this chapter.

D. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare.

E. Prohibited uses.

(1) Any uses not specifically permitted shall be deemed to be prohibited.

(2) The operation of a marijuana cultivation facility, a marijuana product manufacturing facility, a marijuana testing facility, a retail marijuana store, each as defined in Title 4, § 1302 of the Delaware Code, or a marijuana smoking lounge shall be prohibited within the municipal boundaries of Milton.

F. Regardless of any other provisions of this chapter, any use that is noxious or offensive by reason of emission of odor, dust, noise, vibration, smoke, gas, fumes or radiation or presents a hazard to public health safety is prohibited, in accordance with the standards of Article VII of this chapter.

I, **John Collier**, Mayor of the Town of Milton, hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Mayor and Town Council of the Town of Milton at its meeting held on the 9th day of September, 2024, during a duly noticed meeting at which a quorum was present and voting throughout, and that the same is still in full force and effect.

  
MAYOR

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**SYNOPSIS**

This ordinance amends the Town Code's zoning ordinance relating to the sale and distribution of marijuana. Specifically, the ordinance prohibits marijuana operations within the town limits.