

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 January 13, 2025:

**Ordinance 2024-11**  
Amendment to City of Milford Code  
Chapter 230/Zoning Code

WHEREAS the Mayor and City Council of the City of Milford are charged with the protection of the public health, safety, and welfare of the citizens of the City of Milford; and

WHEREAS the Delaware Medical Marijuana Act allows municipalities to regulate the time, place, and manner of registered compassion center operations and registered safety compliance facilities, provided that no local government may prohibit registered compassion center operation altogether; and

WHEREAS the Delaware Marijuana Control Act allows municipalities to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores or to regulate the time, place, manner, and number of marijuana establishment operations through the enactment of an ordinance; and

WHEREAS the Mayor and City Council desire to amend the zoning code of the City of Milford to regulate the uses outlined in the Delaware Medical Marijuana Act and the Delaware Marijuana Control Act; and

WHEREAS the Planning Commission considered this ordinance at a duly noticed meeting on December 17, 2024 to allow for public comment and review of the amendment; and

WHEREAS the City Council held a public hearing on January 13, 2025, notice for which was published in the Delaware State News on October 30, 2024, at which time all interested members of the public were given an opportunity to comment on this ordinance; and

WHEREAS, the City Council finds that amending the Zoning Code to regulate the location of marijuana establishments is in the best interest of the public health, safety and general welfare of the citizens of the City.

NOW THEREFORE BE IT RESOLVED, by the City of Milford:

In accordance with Chapter 200 of the City of Milford Code, the City Council hereby ordains:

- Section 1. Purpose: The Zoning Code of the City of Milford is hereby amended to add definitions and regulations pertaining to marijuana establishments.
- Section 2. Sections 230-1, 230-14, 230-19.1, 230-19.2 and 230-41 are hereby amended.
- Section 3. Strikethrough text denotes a deletion; underlined and bold text denotes an addition.

Chapter 230 – ZONING CODE

ARTICLE I – General Provisions

§ 230-1. – Purpose.

- A. Definitions. For the purpose of this chapter, certain words and phrases shall be interpreted or defined as follows:

**MARIJUANA – All parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. Marijuana does not include:**

- 1. The mature stalks of the plant, fiber, produced from the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or other sterilized seed of the plant which is incapable of germination.**
- 2. Products approved by the US Food and Drug Administration.**
- 3. Industrial hemp, defined as all parts of the plant Cannabis sativa L., and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.**

**MARIJUANA CULTIVATION FACILITY – An establishment operated by an entity licensed by the State of Delaware to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but no to consumers. A marijuana cultivation facility may not produce marijuana concentrates, tinctures, extracts, or other marijuana products.**

**MARIJUANA ESTABLISHMENT – A marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility, marijuana retail store, registered compassion center, or registered safety compliance facility, as those terms are defined herein.**

**MARIJUANA PRODUCT MANUFACTURING FACILITY – An establishment operated by an entity licensed by the State of Delaware to do the following: purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and retail marijuana stores, but not to consumers.**

**MARIJUANA RETAIL STORE – An establishment operated by an entity licensed by the State of Delaware to purchase marijuana from marijuana cultivation facilities; to purchase marijuana and marijuana products from marijuana product manufacturing facilities; and to sell marijuana and marijuana products to consumers.**

**MARIJUANA TESTING FACILITY – An establishment operated by an entity licensed by the State of Delaware to test marijuana for potency and contaminants.**

**REGISTERED COMPASSION CENTER – An establishment operated by a not-for-profit entity registered with the State of Delaware pursuant to 16 Del. C. § 4914A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, or dispenses marijuana, paraphernalia, or related supplies and educational materials to registered qualifying patients who have designated the dispenser to cultivate marijuana for their medical use and the registered designated caregivers of these patients.**

**REGISTERED SAFETY COMPLIANCE FACILITY – An establishment operated by a nonprofit entity registered under 16 Del. C. § 4915A by the State of Delaware to provide one or more of the following services: testing marijuana produced for medical use or under Chapter 13 of Title 4 for potency and contaminants; and training cardholders, compassion center agents, and owners and employees of entities operating under Chapter 13 of Title 4 of the Delaware Code. The training may include, but need not be limited to, information related to one or more of the following: the safe and efficient cultivation, harvesting, packaging,**

**labeling, and distribution of marijuana; security and inventory accountability procedures; and up-to-date scientific and medical research findings related to medical marijuana.**

**RETAIL STORE- A store in which nonfood goods, wares, or merchandise are sold directly to the ultimate customer, including such items as apparel, accessories, shoes, drugs, and hardware, but excluding marijuana retail stores.**

ARTICLE III – Use and Area Regulations

§ 230-14. – C-3 Highway Commercial District.

In a C-3 District no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses and complying with the requirements so indicated.

B. Permitted uses. Permitted uses for the C-3 District shall be as follows:

- (1) Those permitted uses in the C-2 District.
- (2) Warehouses.
- (3) Large retail outlets.
- (4) Indoor storage accessory building.
- (5) Fast-food restaurants and drive-in restaurants.
- (6) Supermarkets.
- (7) Truck and trailer rentals.
- (8) Roadside produce market.
- (9) Outdoor commercial recreational facilities, not motorized vehicles.
- (10) Swimming club.
- (11) Indoor facility for amusement or assembly.
- (12) Bus station.
- (13) Motels or hotels.
- (14) Commercial greenhouse.
- (15) Wholesale establishment.
- (16) Contractors', craftsmen's or general service shops, including welding and similar shops.
- (17) Laboratory, testing and research.
- (18) Car wash.
- (19) Registered Compassion Center Dispensary**

§ 230-19-1. – BP Business Park District.

In a BP District, no building/structure or premises shall be used and no building/structure or part thereof shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except for one or more of the following uses and complying with the requirements indicated:

B. Permitted uses. Permitted uses of the BP District shall be as follows:

- (1) Manufacturing, assembling, converting, altering, finishing, cleaning, cooking, baking or any other type of manufacturing or industrial processing of any goods, materials, products, instruments, appliances and devices, provided that the fuel or power supply shall be of an approved type. Also included shall be all incidental clinics, offices and cafeterias for the exclusive use of in-house staff and employees. Accessory retail storefront/gift shop is permitted for products that are manufactured on site. The area for this use must be incidental and subordinate to the manufacturing use and must meet all commercial building code requirements for the use. (NAICS Reference - 313: Textile Mills; 314: Textile Product Mills; 315: Apparel Manufacturing; 316: Leather and Allied Product Manufacturing (except 3161 {Hazardous}); 323: Printing and Related Support Activities; 326: Plastics and Rubber Products Manufacturing (except tires 32621 {Hazardous}); 3271: Clay Product and Refractory Manufacturing; 327991: Cut Stone and Stone Product Manufacturing; 3322: Cutlery and Handtool Manufacturing; 3323: Architectural and Structural Metals Manufacturing; 3324: Boiler, Tank, and Shipping Container Manufacturing; 3325: Hardware Manufacturing; 3326: Spring and Wire Product Manufacturing; 3327: Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing; 3328: Coating, Engraving, Heat Treating, and Allied Activities; 33291: Metal Valve Manufacturing; 332991: Ball and Roller Bearing Manufacturing; 332996: Fabricated Pipe and Pipe Fitting Manufacturing; 332999: All Other Miscellaneous Fabricated Metal Product Manufacturing; 3331: Agriculture, Construction, and Mining Machinery Manufacturing; 3332: Industrial Machinery Manufacturing; 333314: Optical Instrument and Lens Manufacturing; 333316: Photographic and Photocopying Equipment Manufacturing; 3335: Metalworking Machinery Manufacturing; 3336: Engine, Turbine, and Power Transmission Equipment Manufacturing; 3339: Other General Purpose Machinery Manufacturing (except 333913 {Hazardous}); 334: Computer and Electronic Product Manufacturing; 335: Electrical Equipment, Appliance, and Component Manufacturing; 337: Furniture and Related Product Manufacturing; 339: Miscellaneous Manufacturing)
- (2) Research, design, testing and development laboratories.
- (3) Printing, publishing, binding, packaging, storage, warehousing, distribution and trucking terminal operations and trucking schools.
- (4) Business, professional or administrative offices.
- (5) Municipal and public services and facilities, such as utility supply areas (i.e., water, sewer and electric), distribution facilities and substations.
- (6) Truck or large vehicle repair facilities with associated parking area. All fuel and lubricant storage shall be installed in compliance with state and federal regulations and shall not be any closer than 500 feet from existing residence, residential district, school or building(s) used for assembly.
- (7) Farm machinery manufacture, sales, storage and repairs.
- (8) Heating, ventilating, cooling and refrigeration manufacturing.
- (9) Building contractor yards.
- (10) Veterinary clinics.
- (11) Beverage blending, bottling (all types).
- (12) Boat manufacture and repair (vessels less than five tons), boat sales and service.
- (13) Dairy operations and dairy products, ice cream and cheese.
- (14) Fruit and vegetable processing, including canning, preserving, drying and freezing.
- (15) Greenhouses, commercial, wholesale or retail.
- (16) Ice manufacture, including dry ice.

- (17) Sign fabrication and painting shops.
- (18) Wood product manufacture, including baskets, boxes, crates, barrels and veneer.
- (19) Indoor or outdoor recreation.
- (20) Marijuana Cultivation Facility.**
- (21) Marijuana Product Manufacturing Facility.**
- (22) Registered Safety Compliance Facility.**
- (23) Marijuana Testing Facility.**

§ 230-19-2. – IS Institutional Service District.

B. Permitted uses.

- (1) Hospital and all other health-care facilities, including any and all support services related thereto.
- (2) Outpatient health-care centers and health-care facilities.
- (3) Professional and medical offices involving the diagnosis, treatment and care of humans, including any and all support services related thereto.
- (4) Medical laboratories utilized for the diagnosis, treatment, and care of humans.
- (5) Pharmacies.
- (6) Heliports.
- (7) Private education institutions and training centers.
- (8) Nursing facilities, convalescent homes, and a continued-care retirement communities.
- (9) Child or adult day-care facilities (including both day-care homes and day-care centers) to accommodate patients, patient families, health-care employers and their employees, and the public.
- (10) Publicly and privately owned utilities, including supporting structures and uses, including but not limited to water, sewer, electric, communications, fiber optics, natural gas, data and computer processing, and similar uses and structures which reflect and incorporate technological advancements.
- (11) Cafeteria facilities snack and gift shops, banking facilities, restaurants and retail or personal service shops primarily for the use of health-care employees, patients and visitors.
- (12) Health-care uses and health-care facilities which reflect and incorporate technological advancements in the health-care industry.
- (13) Ambulance and emergency rescue services.
- (14) Maintenance and laundry facilities.
- (15) Libraries
- (16) Places of worship.
- (17) Parking areas, including parking facilities.
- (18) Publicly owned and/or health-related recreation facilities.
- (19) Rehabilitation facilities.
- (20) Government offices, municipal and public services and facilities, including city hall, water storage towers, water reservoirs, pumping stations, water treatment plants, sewerage pumping stations, sewers (storm and sanitary), street rights-of-way, utility transmission and distribution lines, police and fire stations and substations for electric, gas, and telephone facilities.
- (21) Auditoriums.
- (22) Modular office units.

- (23) Overnight accommodations for patient families and individuals that are receiving treatment at the hospital facility.
- (24) Public and private elementary, junior or senior high schools and colleges.

**(25) Registered Compassion Center Dispensary**

§ 230-41. – Prohibited uses.

The following uses and activities shall be specifically prohibited in any zone in the City of Milford:

- A. Automobile wrecking yards, junkyards or the sorting and baling of scrap metal, paper, rags, glass or other scrap material.
- B. The parking, storing or keeping of a dismantled, inoperative or discarded motor vehicle, to include, but not limited to cars, boats, boat trailers, campers, tractors or any parts thereof unless within an enclosed building. All vehicles requiring tags/registration must be valid at all times and vehicles maintained in its original configuration. All boats requiring a trailer for transportation must be stored on a registered trailer.
- C. Outdoor woodburning furnaces.
  - (1) The construction and operation of outdoor woodburning furnaces is hereby prohibited within the City of Milford.
  - (2) Nonconforming uses. All outdoor woodburning furnaces within the City of Milford must cease operations by August 31, 2011, and be removed by the property owner from the subject premise no later than October 31, 2011. This will allow sufficient time for an alternate source of heat to be established. During the transition, such use shall conform with the following provisions:
  - (3) Only firewood and untreated lumber are permitted to be burned in any outdoor furnace.
  - (4) Wood must be stored in a neat pile no closer than five feet from side and rear property lines.
- D. Manufacturing uses involving production of the following products from raw materials; asphalt, charcoal and fuel briquettes; chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (both natural and manufactured) of an explosive nature, potash, petro chemical, pyroxylin, rayon yarn and hydrochloric, nitric, picric, phosphoric and sulfuric acids; coal, coke and tar products, including gas manufacturing, explosives, fertilizers, glue and size (animal): linoleum and oil cloth, matches, paint, varnishes and lurpentine; rubber (natural and synthetic); and soaps, including fat rendering.
- E. Storage of explosives and bulk or wholesale storage of gasoline above ground.
- F. Quarries, screening plants and all associated uses.
- G. The following processes: large scale reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products, such as gasoline, kerosene, naphtha and lubricating oil; and reduction and processing of wood pulp and fiber, including paper mill operations.
- H. Recreational Vehicle Prohibited Activities.
  - (1) Recreational Vehicles shall not be considered dwelling units intended for permanent habitation.
  - (2) For purposes of this section, evidence of habitation shall include activities such as sleeping, setting up housekeeping or cooking, eating, recreating, and/or any other activity where it reasonably appears, in light of all the circumstances, that the vehicle is being used as a living accommodation.
  - (3) Running electrical cords, extension cords, hoses, cables, or other items across, above, or on the parkway or sidewalk from any property to a recreational vehicle parked on a public street at any time is prohibited.
  - (4) Making a sewer connection with a recreational vehicle or dumping wastes from a recreational vehicle onto public or private land other than a designated RV dump is prohibited.

**I. Marijuana Retail Stores.**

**Section 4. Dates.**

Introduction: November 12, 2024

Adoption: January 13, 2025

Effective: January 23, 2025

To review a complete list of City of Milford Ordinances or the City of Milford Code, please access the City of Milford website at [www.cityofmilford.com](http://www.cityofmilford.com) or contact the City Clerk's Office at 302-422-1111.

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