

**AN ORDINANCE TO TEMPORARILY SUSPEND THE ISSUANCE OF
BUSINESS LICENSES FOR RETAIL MARIJUANA STORES**

#0010

Sponsor:

Council
Member
Hackett

WHEREAS, the Delaware General Assembly passed House Bill No. 2 entitled “An Act to Amend Titles 4, 11, 16, and 30 of the Delaware Code Relating to the Creation of the Delaware Marijuana Control Act” (the “Delaware Marijuana Control Act”) to, among other things, provide for the lawful operation of certain marijuana-related establishments and authorize the issuance of 125 Statewide business licenses, some of which became available in late 2024 and some of which will become available spring 2025, for the following four types of marijuana-related uses: cultivation (60 licenses); manufacturing (30 licenses); retail (30 licenses); and testing (5 licenses); and

WHEREAS, although Chapter 48 of the Wilmington City Code (the “Zoning Code”) does not currently define or explicitly permit marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores, such uses are currently permitted in various zoning districts in the City of Wilmington (the “City”) by virtue of the Delaware Marijuana Control Act and the Zoning Code’s generic permitted uses, such as retail store or shop and light manufacturing; and

WHEREAS, some of the City’s zoning districts in which the four types of marijuana-related uses are currently permitted are not necessarily appropriate for such uses; and

WHEREAS, the Delaware Marijuana Control Act allows municipalities to (i) prohibit or limit the operation of the four types of marijuana-related uses through the enactment of an ordinance or through an initiated or referred measure and (ii) enact ordinances or regulations, which do not conflict with State laws and regulations, governing the time, place, and manner that marijuana establishments may operate in the municipalities; and

WHEREAS, the City anticipates amending the Zoning Code to define, explicitly permit, and limit marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores and/or amending Chapter 5 of the City Code to prohibit retail marijuana stores; and

WHEREAS, while the City determines how to amend the Zoning Code and/or whether to amend Chapter 5 of the City Code, it would like to temporarily suspend the issuance of business licenses pursuant to City Code Section 5-36 for "retail marijuana stores," as defined in Title 4, Section 1302 of the Delaware Code, for a period of ninety (90) days; and

WHEREAS, in light of the foregoing, City Council deems it necessary and appropriate to temporarily suspend the issuance of business licenses pursuant to City Code Section 5-36 for "retail marijuana stores."

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON
HEREBY ORDAINS:**

SECTION 1. The issuance of business licenses pursuant to City Code Section 5-36 for "retail marijuana stores," as defined in Title 4, Section 1302 of the Delaware Code, is hereby temporarily suspended for a period of ninety (90) days while the City determines how to amend the Zoning Code regarding recreational marijuana-related uses and/or whether to amend Chapter 5 of the City Code to prohibit retail marijuana stores.

SECTION 2. The temporary suspension set forth in Section 1 of this Ordinance shall commence on the date that the Mayor signs this Ordinance and shall continue in effect for ninety (90) days from that date.

First Reading.....February 20, 2025
Second Reading.....February 20, 2025
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2025.

Mayor

SYNOPSIS: This Ordinance temporarily suspends the issuance of business licenses pursuant to City Code Section 5-36 for "retail marijuana stores," as defined in Title 4, Section 1302 of the Delaware Code, for a period of ninety (90) days while the City determines how to amend the Zoning Code regarding recreational marijuana-related uses and/or whether to amend Chapter 5 of the City Code to prohibit retail marijuana stores.

FISCAL IMPACT STATEMENT: This Ordinance has no anticipated negative fiscal impact.

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