

Ordinance 25-034 Proposed Zoning Requirements for the Cultivation, Manufacture, Testing, and Retail of Recreational Marijuana

Wilmington City Council is currently considering establishing zoning requirements for marijuana establishments within the City. [Ordinance 25-034](#) An Ordinance to Amend Chapter 48 of the City Code to Permit the Cultivation, Manufacture, Testing, and Retail of Recreational Marijuana within Certain Commercial, Manufacturing, and Waterfront Zoning Districts will establish the specific areas in the City of Wilmington where different types of marijuana establishments can operate. These establishments are classified into four types: **cultivation, manufacturing, testing and retail**. Each type has specific zoning requirements, allowing them to be permitted only in designated areas of the City.

Wilmington's zoning proposal is intended to ensure that marijuana businesses are situated in suitable areas where they can operate safely, legally, and effectively while complying with state law.

Types of Marijuana Establishments

- **Cultivation:** An entity licensed 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 not to consumers. A marijuana cultivation facility may not produce marijuana concentrates, tinctures, extracts, or other marijuana products.
- **Manufacturing:** An entity licensed to 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.
- **Testing:** An entity licensed to test marijuana for potency and contaminants.
- **Retail Stores:** An entity licensed 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.

Where Marijuana Establishment Can Be Located?

Wilmington has designated zoning districts where these establishments can operate, with each district having its own permitted uses and regulations. *Figure 1* below outlines the locations where marijuana establishments are allowed.

Zoning District	Type of Zoning District	Permitted Marijuana Establishments	Examples of Current Business Uses By Right
C-5	Heavy Commercial	Cultivation, Manufacturing, Testing, Retail	<ul style="list-style-type: none">• Storage warehouses• Automobile paint or body shop• Public utility substation

M-1	Light Manufacturing	Cultivation, Manufacturing, Testing, Retail	<ul style="list-style-type: none"> • Research labs • Manufacturing plants • Warehouses
M-2	General Industrial	Cultivation, Manufacturing, Testing, Retail	<ul style="list-style-type: none"> • Warehouses • Distribution centers • Manufacturing plants • Industrial parks
W-1	Waterfront Manufacturing	Cultivation, Manufacturing, Testing, Retail	<ul style="list-style-type: none"> • Warehouses • Manufacturing plants • Laboratory, research or testing • Bulk fuel storage
W-2	Waterfront Manufacturing/ Commercial	Cultivation, Manufacturing, Testing, Retail	<ul style="list-style-type: none"> • Office or bank • Retail store or service • Outdoor storage of construction material • Automobile services
W-3	Waterfront Manufacturing/ Commercial	Cultivation, Manufacturing, Testing, Retail	<ul style="list-style-type: none"> • Warehouses • Publishing • Restaurants/lunchrooms • Any light manufacturing
W-4*	Waterfront Residential/ Commercial	Testing, Retail (<i>by Zoning Board of Adjustment approval only</i>)	<ul style="list-style-type: none"> • Library, museum, gallery • Office or bank • Hotel or motel • Passenger terminal

Figure 1: Proposed Permitted Zones by Marijuana Use

Buffer Zone Requirement

ALL marijuana businesses must be at least **300 feet away** from **residential areas and K-12 schools**. However, **W-4 districts**, which include both commercial and residential zones will **require special approval from the zoning board to permit a marijuana testing or retail facility in those areas**.

Definitions of Zoning Districts

- **C-5 (Heavy Commercial):** Large wholesale and storage businesses with easy access for heavy trucks to highways, designed to minimize impacts on nearby residential areas.
- **M-1 (Light Manufacturing):** Designated areas for scientific research and light manufacturing or, fabrication, and wholesale storage or warehousing activities, providing attractive surroundings with open spaces for employees.
- **M-2 (General Industrial):** Areas suitable for large-scale industries, served by rail, water, and highway transportation.

- **W-1 (Waterfront Manufacturing):** Areas established for heavy manufacturing and industrial uses connected to rail, water, and highways.
- **W-2 (Waterfront Manufacturing/Commercial):** Intended for areas where manufacturing and commercial activities coexist, suitable due to their proximity to major highways.
- **W-3 (Waterfront Residential/Commercial):** Designated for low-intensity development, taking into account existing land conditions and public utilities, while offering access to recreational and scenic resources.
- **W-4: (Waterfront Residential/Commercial):** District is adjacent to the central business district and residential neighborhoods, allowing for medium to high-density residential, retail, and office development. **Requires special approval from zoning board*