

## Interpretation of Zoning Regulations Guidance Document

“Zoning Guidance for Medical Cannabis Business Locations”

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ZA-031

- **References:**
  - **D.C. Official Code § 7-1761.01, *et seq.***
  - **11 DCMR Subtitle A, Chapter 1.**
  - **11 DCMR Subtitle B, Chapter 2.**
  - **11 DCMR Subtitle I, Chapter 3.**
  - **11 DCMR Subtitle K, Chapter 6.**
  - **11 DCMR Subtitle U, Chapters 5-8.**

### Description

On January 30, 2023, Mayor Muriel Bowser signed the Medical Cannabis Amendment Act of 2022, effective March 22, 2023 (D.C. Law 24-332; D.C. Official Code § 7-1761.01, *et seq.*) (“Act”). Among other features, the Act created six licensing categories for medical cannabis businesses: courier; cultivation center; internet retailer; manufacturer; retailer; and testing laboratory (“Medical Cannabis Businesses”). A rulemaking by the Alcoholic Beverage and Cannabis Administration (“ABCA”) further identifies two subtypes of manufacturer based on intensity: manufacturing only (Type 1) and manufacturing and extraction (Type 2).

The Act prohibits most Medical Cannabis Businesses from locating “within any residential district or within 300 feet of a preschool, primary or secondary school, or recreation center” (D.C. Official Code § 7-1761.06(q)), and all six Medical Cannabis Business types still remain subject to the use permissions of the Zoning Regulations of 2016 (“Zoning Regulations”). Further, the Act and the Zoning Regulations are silent as to where Medical Cannabis Businesses may locate. The Act only specifies where they are prohibited. A Medical Cannabis Business’ ability to lawfully operate in any specific location within a zone remains subject to ABCA’s regulations, as well as any location-specific restrictions or conditions set forth in the Zoning Regulations, in addition to any other applicable District of Columbia laws, rules, or regulations.

The Department of Buildings’ Zoning Administrator is issuing the following interpretation to clarify the permissible zones in which each type of Medical Cannabis Business may locate.

Interpretation

**1) Prohibited Zones – Residential Districts.** The Act prohibits Medical Cannabis Businesses, except couriers<sup>1</sup>, from locating within any residential district or within 300 feet of a preschool, primary or secondary school, or recreation center. The Zoning Regulations (Subtitle A, § 101.9) provide that the following zones are residential zones, meaning these are zones where the Medical Cannabis Businesses are prohibited:

- (a) Residential House (R) zones;
- (b) Residential Flat (RF) zones;
- (c) Residential Apartment (RA) zones;
- (d) CG-1, Capitol Gateway (CG) zone;
- (e) D-1, Downtown (D) zone; and
- (f) Barry Farm (BF) zones.

**2) Applicable Zoning Use Categories and Permitted Zones.** The following table provides the Zoning Administrator's interpretation of the applicable zoning use categories and permitted zones corresponding to each license type and subtype as identified in the Act and ABCA rulemaking:

Medical Cannabis License	Applicable Zoning Use Category	Permitted Zones
Manufacturing (Type 1)	PDR (Production, Distribution, and Repair)	Any non-residential zone that permits PDR or light manufacturing use
Manufacturing (Type 2)	PDR	PDR zones only
Cultivation Center	PDR	Any non-residential zone that permits PDR or light manufacturing use
Retail	Retail	Any non-residential zone that permits Retail use
Internet Retail	Service, General	Any non-residential zone that permits Service, General use
Testing Laboratory	Office	Any non-residential zone that permits Office use
Courier	Service, General	Any zone that permits Service, General use

*\*This interpretation reflects the Zoning Administrator's current interpretation of the Zoning Regulations in effect at the date of the posting of this document on dob.dc.gov and is subject to change due to revisions of the Zoning Regulations, decisions of the Board of Zoning Adjustment or Zoning Commission, experience in reviewing and enforcing the Zoning Regulations, or change in applicable law or rulemaking. This interpretation only applies to zoning.*

<sup>1</sup> The Office of Zoning Administration is categorizing Courier as a Service, General use category, which is largely unavailable as a matter-of-right in residential zones.