Toolkit · Apply Checklist Updated November 22, 2026

Local Zoning and Site Checklist

The site and local-government rules in the Cannabis Control Act and the CCA draft rules, each cited: the 1,000-foot buffers, residential and access conditions, local zoning and business license powers, hours ordinances, the locality's 30-day objection window, local marijuana tax, canopy and parcel limits, microbusiness locations, possession of premises, and site changes.

Who needs it: Retail store and microbusiness applicants (statutory 1,000-foot buffers); Every marijuana establishment applicant (draft school and daycare buffer, local zoning, no private residences); Regulated hemp product retail facility applicants (draft site items).

Rule basis: Code of Virginia §§ 4.1-606 B 10, C 3 and 4, 4.1-629, 4.1-630, 4.1-702 A and E, 4.1-800 A, C and D, 4.1-803 A and B, 4.1-809, 4.1-810 B 3 and 4, 4.1-1000 F to I, 4.1-1004 B, 4.1-1406 A 1, 4.1-1602.1 D; draft rules 3VAC10-20-15 C 5, 3VAC10-30-10, -120, -130, -135, -180, 3VAC10-40-30 A 1, -35 A 1, -90 B (proposed).

Citations starting **3VAC10** are the Cannabis Control Authority's draft proposed adult-use regulations dated September 9, 2026: **proposed, not final, may change.** Citations starting **§ 4.1** are the Code of Virginia as amended by HB 30, Chapter 1 (2026). The section "What other states required or scored" is reference only and is not Virginia law.

We report what the law says. Not legal advice; see the disclaimer.

The Cannabis Control Act bars localities from prohibiting or regulating marijuana businesses as such, but keeps local zoning, land use and business license powers, lets localities set hours of sale, and gives the local governing body 30 days to object once an applicant names its site. The Act sets 1,000-foot buffers for retail stores and microbusinesses, and the CCA's draft rules would apply a 1,000-foot school and daycare

buffer to every marijuana establishment. Citations to 3VAC10 are to the CCA's draft regulations dated Sept. 9, 2026 (proposed, not final; they may change before adoption).

What Virginia requires

Local government powers (statute)

- No county, city or town may adopt an ordinance or resolution that regulates or prohibits the cultivation, processing, possession, sale, distribution, handling, transportation, consumption, use, advertising or dispensing of marijuana, except as provided in § 4.1-630 and § 4.1-629 (Code of Virginia § 4.1-629 A).
- Except as provided, nothing in the subtitle limits a locality's authority "to adopt and enforce local ordinances to regulate businesses licensed pursuant to this subtitle, including local zoning and land use requirements and business license requirements" (§ 4.1-629 C).
- A locality may adopt an ordinance that decreases the Board's minimum distance requirements (i) between retail stores and microbusinesses or (ii) between a retail store or microbusiness and any hospital, school, institution of higher education or child day program (§ 4.1-629 B 2).
- Counties (outside incorporated towns), cities and towns may adopt ordinances fixing the hours during which marijuana may be sold; a copy goes to the Board; no store may sell during hours limited by the ordinance (§ 4.1-630).
- Each locality levies by ordinance a local marijuana tax of not less than 1% and not more than 3.5% on taxable sales, notifies the Authority and local stores and microbusinesses within 30 days, and the rate takes effect the first day of the second month after enactment and stays in effect at least three years; a county tax does not apply within a town (§ 4.1-1004 B 1).

Location conditions the Board must refuse (statute)

The Board must refuse a license if the place to be occupied (§ 4.1-810 B 3):

- Does not conform to the local governing body's requirements on sanitation, health, construction or equipment, or similar state or Board requirements (a);
- Is so located that operation would violate the subtitle, Board regulations, or state or local laws relating to peace and good order (b);
- For a retail store or microbusiness, is (i) within 1,000 feet of any hospital; public, private or parochial school or institution of higher education; or child day program, or (ii) so located that operation would adversely affect or interfere with the normal, orderly conduct of those facilities (c);
- For a retail store or microbusiness, is so located with respect to a residence or residential area that operation would adversely affect real property values or substantially interfere with the usual quietude and tranquility of the residence or area (d);
- Is so constructed, arranged or illuminated that law-enforcement officers and Board agents are prevented from ready access to and reasonable observation of any room or area where marijuana is to be sold (e); or
- Is an establishment where alcoholic beverages, tobacco or tobacco products are manufactured, sold or used (f).

"Nothing in this subdivision 3 shall be construed to require an applicant to have secured a place or premises until the final stage of the license approval process" (§ 4.1-810 B 3).

Density (statute)

- The Board must refuse a license if the number of licenses in the locality makes granting it detrimental to the public, considering (i) its retail store density criteria; (ii) the character and population of, and number of similar and all licenses in, the county, city or town and the immediate neighborhood; (iii) the effect on the locality or neighborhood; and (iv) objections filed by the local governing body or local residents (§ 4.1-810 B 4).
- The Board must establish criteria to evaluate new licensees based on the density of retail stores in the community, and metrics associated with negative community-level health outcomes, in coordination with the Cannabis Public Health Advisory Council (§ 4.1-606 B 10).

- The Board may ensure licenses are issued evenly among areas of the Commonwealth, accounting for population density (§ 4.1-606 C 4).

Site steps in the licensing process (statute)

- Within 18 months of selection for preliminary approval, the applicant provides the address and legal property description of the location and the name of the local governing body (§ 4.1-1000 F 1 and 2).
- The CCA then notifies the local governing body through the town manager, city manager, county administrator or other designee; the governing body submits any objections within 30 days; the CCA schedules a site inspection (§ 4.1-1000 G).
- The CCA may deny final authorization if it confirms the site "does not meet local zoning and land use laws" (§ 4.1-1000 H 3).
- A processing facility making edible products operates on premises under VDACS inspection as a food manufacturer (§ 4.1-1406 A 1); for establishments otherwise requiring a VDACS inspection, a license may issue with a pending inspection request, but the licensee may not sell until the inspection is completed (§ 4.1-1000 F 4 and I).

Premises (statute)

- Each license designates the place of business, and each separate place of business needs a separate license (§ 4.1-702 A); the license is posted in a location conspicuous to the public (§ 4.1-702 E).
- As a condition of licensure, the licensee at all times maintains possession of the licensed premises by lease, rental agreement, other arrangement, or ownership; if it fails to, the license is revoked (§ 4.1-809).
- The Board may limit a retail store's floor space to no more than 2,500 square feet of retail floor space (§ 4.1-606 C 3).
- Dual-use processors and dispensing facilities operating on Dec. 1, 2026 are exempt from the § 4.1-810 B 3 location restrictions, and premises approved before Jan. 1, 2026 may exceed 2,500 square feet of retail floor space but may not be modified to increase it (§ 4.1-1602.1 D).

Cultivation and microbusiness sites (statute)

- Canopy limits: Tier I up to 5,000 sq ft indoors or outdoors; Tier II up to 10,000 sq ft indoors or outdoors; Tier III up to 15,000, Tier IV up to 25,000 and Tier V up to 35,000 sq ft indoors (§ 4.1-800 A).
- A secure agricultural greenhouse surrounded by a privacy fence at least eight feet tall with monitored ingress and egress is indoor cultivation (§ 4.1-800 C).
- No more than one license authorizing outdoor cultivation per parcel, and none for parcels contiguous to it and under common ownership or control (§ 4.1-800 D; 3VAC10-40-90 B, draft).
- A microbusiness cultivates up to 5,000 sq ft indoors and 10,000 sq ft outdoors, or other comparable limits the Board sets (§ 4.1-803 A).
- A microbusiness may operate at no more than two locations, each appropriately zoned and approved by its locality, within 20 miles of one another, under the same license and common ownership and control, with no single privilege (cultivation, processing or retail) exercised at more than one location (§ 4.1-803 B).

Site rules in the draft

- "School" means (i) public K-12 schools, (ii) private or religious schools offering any K-12 instruction, and (iii) private or religious nursery schools, preschools, or child-care centers required to be licensed; "daycare" means a child day center or family day home under § 22.1-289.02 (3VAC10-30-10, draft).
- Preliminary approval may be revoked if the applicant "fails to secure property to operate at a location that is more than 1,000 feet of a school or daycare" (3VAC10-30-120 C 3, draft).
- Within 18 months of preliminary approval, the applicant provides a separate and distinct physical address, completes construction or remodeling and equipment installation, and secures local zoning approval (3VAC10-30-120 D, draft).
- The establishment's address "shall not be within 1,000 feet of a school or daycare" (3VAC10-30-130 A 4, draft).
- The applicant attests to compliance with all state and local laws and ordinances before a license issues (3VAC10-30-130 C, draft).

- No license to operate from a private dwelling or residence (3VAC10-30-130 D, draft); the same for hemp retail registrations (3VAC10-30-135 D, draft).
- Hemp retail facilities comply with all state and local laws and ordinances (3VAC10-30-135 C, draft).
- Regulated operations only at the approved facility at the address of record (3VAC10-40-30 A 1 and 3VAC10-40-35 A 1, draft).
- Changing the location or structure of an existing establishment requires an application, a fee and CCA inspection, and product may not move to a new location until a Board agent approves (3VAC10-30-180 C, draft); the draft change fee for an acquisition, expansion, remodel or change of location requiring inspection is $5,000 (3VAC10-20-15 C 5, draft).

Records and forms the rules name

Site screen (each row is a condition in the cited source)

Condition	Cite	Applies to	Result
Within 1,000 feet of a hospital	§ 4.1-810 B 3 c	Retail store, microbusiness	
Within 1,000 feet of a public, private or parochial school or institution of higher education	§ 4.1-810 B 3 c	Retail store, microbusiness	
Within 1,000 feet of a child day program	§ 4.1-810 B 3 c	Retail store, microbusiness	
Within 1,000 feet of a school or daycare as the draft defines them	3VAC10-30-120 C 3; -130 A 4, draft	All marijuana establishments	
Local ordinance decreasing distance requirements	§ 4.1-629 B 2	Retail store, microbusiness	

Condition	Cite	Applies to	Result
Effect on residence or residential area	§ 4.1-810 B 3 d	Retail store, microbusiness	
Ready access and observation for officers and agents	§ 4.1-810 B 3 e	All	
Alcohol or tobacco manufactured, sold or used at the place	§ 4.1-810 B 3 f	All	
Local sanitation, health, construction and equipment requirements	§ 4.1-810 B 3 a	All	
Local zoning and land use	§ 4.1-629 C; § 4.1-1000 H 3	All	
Local business license	§ 4.1-629 C	All	
Local hours-of-sale ordinance	§ 4.1-630	Sellers	
Local marijuana tax rate	§ 4.1-1004 B 1	Retail store, microbusiness	
Private dwelling or residence	3VAC10-30-130 D, draft	All	
Outdoor cultivation: one license per parcel or contiguous commonly owned parcels	§ 4.1-800 D	Outdoor cultivation	
Possession of premises by ownership or lease	§ 4.1-809	All	

Locality notice record (§ 4.1-1000 G)

Local governing body	Date CCA notified the locality	30-day objection deadline	Objection filed (Y/N)

What the law does not say

- Neither § 4.1-810 B 3 c nor the draft rules state how the 1,000 feet is measured (for example, property line to property line or door to door). The only measurement method in the statute is for outdoor advertising in § 4.1-1402 A and B.
- The draft rules do not set a minimum distance between retail stores; § 4.1-629 B 2 refers to "minimum distance requirements as promulgated in Board regulations," and the Sept. 9, 2026 draft contains none between stores.
- Section 4.1-1000 gives the local governing body 30 days to object (§ 4.1-1000 G) and lets the CCA deny final authorization for a site that does not meet local zoning and land use laws (§ 4.1-1000 H 3); it does not provide for a local vote on the license itself. Separately, each microbusiness location must be "appropriately zoned and approved by the locality" (§ 4.1-803 B), and the draft lists "securing local zoning approval" among preliminary approval requirements (3VAC10-30-120 D, draft).

What other states required or scored

Not required in Virginia. Shown so applicants can see what other regulators asked for.

Massachusetts (935 CMR 500)

- Massachusetts bars an establishment entrance within 500 feet of the nearest school entrance unless the city or town adopts a shorter distance by ordinance or bylaw (935 CMR 500.110(3)).
- The 500 feet is measured in a straight line between the geometric centers of the two entrances, or along the shortest public pedestrian path if an impassable barrier intervenes (935 CMR 500.110(3)(a)).
- Applicants submit the executed host community agreement (HCA) or an HCA waiver, and the Commission reviews each HCA at application and renewal (935 CMR 500.101(1)(a)8.; 500.180(2)).

- A host community may not demand a community impact fee above 3% of gross sales, or require the fee to be a set percentage of sales (935 CMR 500.180(2)(k)3.-4.).
- Impact fees may not be collected for operations before final licensure or from an establishment that has held a final license for more than nine years (935 CMR 500.180(4)(b)1.-2.).
- A community outreach meeting is held within six months before application, noticed in a local newspaper at least 14 days ahead and mailed at least 7 days ahead to abutters and residents within 300 feet (935 CMR 500.101(1)(a)9.).
- At least one outreach meeting is held in the municipality and at least one after normal business hours, covering security, diversion to minors, positive community impact, and nuisance prevention (935 CMR 500.101(1)(a)9.c.-f.).
- Applicants document a property interest in the site: title, an option to purchase, an enforceable agreement to give title, or permission to use the premises (935 CMR 500.101(1)(a)7.).

New York (9 NYCRR Part 119)

- New York municipalities may not allow a retail dispensary, microbusiness, ROD or on-site consumption license on the same road and within 200 feet of the entrance of a building used exclusively as a house of worship, or within 500 feet of a school (9 NYCRR 119.1(a)).
- Distances are measured to the center of the nearest entrance, and a set-back walkway or stairs counts as the entrance (9 NYCRR 119.4).
- No retail dispensary or microbusiness license is granted within 1,000 feet of two other licensees of the same type in a municipality of 20,000 or more, or within 2,000 feet in smaller municipalities (9 NYCRR 119.4(a)(5)-(6)).
- Applicants seeking an exception show “public convenience and advantage,” with factors including barriers such as waterways or highways and travel distance between locations (9 NYCRR 119.4(b)).
- Applicants notify the municipality, or in New York City the community board, between 30 and 270 days before filing (9 NYCRR 119.3(a)-(b)).

- Municipalities may regulate time, place and manner but may not bar retail sales for fewer than 70 hours a week or require closing outside 2:00 a.m. to 8:00 a.m. without permission (9 NYCRR 119.2(a)(1)-(2)).

New Jersey (N.J.A.C. 17:30)

- New Jersey municipalities may cap the number of cannabis businesses by class, set location, manner and hours rules, impose civil penalties, and require a separate local license (N.J.A.C. 17:30-5.1(a)).
- Where a municipality has not opted out, cultivation, manufacturing and wholesale are permitted uses in all industrial zones and retail is a conditional use in all commercial or retail zones (N.J.A.C. 17:30-5.1(c)).
- The annual application includes the distance to the closest place of worship, school, playground, park or daycare, a municipal zoning letter or affidavit, and a governing body resolution of local support (N.J.A.C. 17:30-7.10(b)7-9).
- A leased-site application without a landlord certification that the landlord knows of the cannabis use is disqualified (N.J.A.C. 17:30-7.10(b)11).
- A retailer certifies the location is not in a grocery store, delicatessen, indoor food market, or licensed alcohol retail premises (N.J.A.C. 17:30-7.10(c)).

Ohio (OAC 1301:18-3-01)

- Ohio bars a cultivator, processor, testing laboratory or dispensary within 500 feet of a parcel containing a "prohibited facility" (OAC 1301:18-3-01(A)).
- The distance is measured linearly from the prohibited facility's parcel line to the physical structure controlled by the cannabis facility (OAC 1301:18-3-01(B)).
- If a prohibited facility opens within 500 feet after licensing, the entity may keep operating after notifying the Division in writing and submitting any needed security changes (OAC 1301:18-3-01(E)).

Maryland (COMAR 14.17)

- Maryland requires grower and dispensary premises to be in Maryland and to "conform to all local zoning and planning requirements" (COMAR 14.17.10.02B; 14.17.12.02A).

- Site control is shown after the lottery, through lease, purchase or other means, as part of the supplemental license application (COMAR 14.17.05.04B(2)(g)).
- Dispensary modifications or renovations require prior approval of the Maryland Cannabis Administration (COMAR 14.17.12.02B).

Sources checked 2026-11-22.

- Cannabis Control Commission, 935 CMR 500.000 (effective 09-11-26)
- Office of Cannabis Management, Express Terms adopting Parts 118-125 and 131 (9 NYCRR)
- NJ Cannabis Regulatory Commission, N.J.A.C. 17:30 Personal Use Cannabis Rules
- OAC 1301:18-3-01, Cannabis Entity Distance from Prohibited Facilities
- COMAR 14.17.12.02, Standard Cannabis Dispensary
- COMAR 14.17.10.02, Cannabis Grower Premises
- COMAR 14.17.05.04, Lottery Award and Conditional License

Sources

- Code of Virginia § 4.1-606 (Regulations of the Board)
- Code of Virginia § 4.1-629 (Local ordinances regulating marijuana)
- Code of Virginia § 4.1-630 (Local ordinances regulating time of sale)
- Code of Virginia § 4.1-702 (Separate license for each place of business; posting)
- Code of Virginia § 4.1-800 (Marijuana cultivation facility license)
- Code of Virginia § 4.1-803 (Microbusiness license)
- Code of Virginia § 4.1-809 (Licensee shall maintain possession of premises)
- Code of Virginia § 4.1-810 (Conditions under which the Board shall or may refuse to grant licenses)
- Code of Virginia § 4.1-1000 (Applications; notice to localities)
- Code of Virginia § 4.1-1004 (Marijuana taxes; local tax)
- Code of Virginia § 4.1-1406 (Edible marijuana products; VDACS inspection)
- Code of Virginia § 4.1-1602.1 (Dual-use privileges)
- Code of Virginia § 4.1-1402 (Outdoor advertising restrictions)

- CCA draft adult-use regulations, Sept. 9, 2026 (proposed, not final): 3VAC10-20-15, 3VAC10-30, 3VAC10-40

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