



**Village President**  
Jeffrey R. Magnussen

**Village Trustees**  
Aaron Kelly  
Christine Klein  
Toby Koth  
Ryan Krajecki  
Mike Reid  
Erik Robinson

## **Summary of Adult-Use Cannabis Business Establishment Regulations**

The Village of Hampshire has adopted regulations governing zoning classifications and business operations for Adult-Use Cannabis Business Establishments, summarized as follows.

For the complete regulations see the Village's website, "Government – Village Ordinances," and in particular, the Business Regulations, Section 4-25-1 et seq. and the Zoning Regulations, Chapter 6, Articles VIII and IX.

To apply for approval of any such Business Establishment, you may obtain a Land Use Application form from the Village website.

### 1. Dispensing Facilities:

#### A. Zoning Districts, allowed as a Special Use:

- B-2 Community Business Zoning District
- HC Highway Commercial Zoning District
- M-1 Restricted Industrial Zoning District
- M-2 General Industrial Zoning District
- M-3 Industrial District
- O-M Office Manufacturing Zoning District:

#### B. Restrictions:

1. May not be located within 500 feet a pre-existing preschool, primary or secondary school or any other accredited educational facility, or a licensed day care center.
  - Except for any location on State Street from Jackson Avenue to Allen Road.
2. If a tenant, then at least 75% of the floor area shall be devoted to the Dispensing Facility.
3. No on-site consumption of cannabis is allowed.
4. No sale of food items (other than cannabis-infused products) is allowed.
5. Parking areas/spaces are required per Section 6-11-2 of the Village Code.

### 2. Cultivation Center Facilities:

#### A. Zoning Districts, allowed as a Special Use:

- M-1 Restricted Industrial Zoning District
- M-2 General Industrial Zoning District
- M-3 Industrial District
- O-M Office Manufacturing Zoning District

B. Restrictions:

1. Parking areas/spaces are required per Section 6-11-2 of the Village Code.

3. Craft Grower Facilities:

A. Zoning Districts, allowed as a Special Use:

- M-1 Restricted Industrial Zoning District
- M-2 General Industrial Zoning District
- M-3 Industrial District
- O-M Office Manufacturing Zoning District

B. Restrictions:

1. The facility may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering state;
  - Space devoted to plants in the flowering stage may be increased in increments of 3,000 square feet up to a maximum 14,000 square feet - if authorized by IDOA.
2. Parking areas/spaces are required per Section 6-11-2 of the Village Code.

4. Infuser Facilities:

A. Zoning Districts, allowed as a Special Use:

- M-1 Restricted Industrial Zoning District
- M-2 General Industrial Zoning District
- M-3 Industrial District
- O-M Office Manufacturing Zoning District

B. Restrictions:

1. At least 75% of the floor area of any tenant space occupied by an infusing facility shall be devoted to the Infusing Facility.
2. Parking areas/spaces are required per Section 6-11-2 of the Village Code

5. Processing Facilities:

A. Zoning Districts, allowed as a Special Use:

- M-1 Restricted Industrial Zoning District
- M-2 General Industrial Zoning District
- M-3 Industrial District
- O-M Office Manufacturing Zoning District

B. Restrictions:

1. Parking areas/spaces are required per Section 6-11-2 of the Village Code
6. Transporting Facilities:
  - A. Zoning Districts, allowed as a Special Use:
    - M-1 Restricted Industrial Zoning District
    - M-2 General Industrial Zoning District
    - M-3 Industrial District
    - O-M Office Manufacturing Zoning District
  - B. Restrictions:
    1. If a tenant, must be the sole use of the tenant space.
    2. Parking areas/spaces are required per Section 6-11-2 of the Village Code.
6. Large Scale Business Planned Development: An Adult-Use Cannabis Business Establishment may be allowed as part of the Large Scale Business Planned Development located on US Highway 20 (generally, north of Big Timber Road) in the Village.
7. Combination. An Adult-Use Cannabis Craft Grower Facility may be combined with either or both of an Adult-Use Cannabis Dispensing Facility and Adult-Use Cannabis Processing Facility, subject to approval of the Village.
  - A. If more than one licensed organization is involved, then either all organizations sharing a vault on the premises shall also share more than 50% of the same ownership; or each organization shall store its currency and inventory of cannabis and cannabis-infused products in a separate vault.
  - B. The combined establishments shall be the sole tenants where they are located (and the floor space requirements of Section 4-25-6(B) and 4-25-7(A) shall not apply).
  - C. Parking areas/spaces are required by Section 6-11-2 of the Village Code.
8. Additional Requirements: The Village may require additional building or site enhancements, such as security cameras, lighting, or other improvements, for a proposed Adult-Use Cannabis Business Establishment.
9. Special Use: The following components of an Adult-Use Business Establishment shall be evaluated by the Village in the Special Use process:
  - A. Compliance with all requirements of the Village Code, as applicable.
  - B. Impact of the proposed facility on existing or planned uses in the vicinity of the subject property.
  - C. Proposed structure in which the facility will be located.
  - D. Hours of operation.
  - E. Anticipated number of customers and employees.
  - F. Anticipated parking demand/supply.
  - G. Anticipated traffic generation.

No. 20-05

**AN ORDINANCE  
AMENDING THE VILLAGE CODE TO ADOPT CERTAIN  
POLICE REGULATIONS GOVERNING ADULT-USE  
CANNABIS BUSINESS ESTABLISHMENTS  
IN THE VILLAGE**

WHEREAS, the State of Illinois has enacted the Cannabis Regulations and Tax Act, effective June 25, 2019; and

WHEREAS, the Act authorizes the Village to enact public health and safety regulations governing and regulating possession, use and smoking and/or ingestion of cannabis and cannabis-infused products in the Village; and

WHEREAS, this Ordinance is adopted pursuant to the provisions of the Act; and

WHEREAS, the Corporate Authorities deem it to be necessary and advisable to enact certain public health and safety regulations governing and regulating the use, possession and smoking of cannabis and cannabis-infused products in the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF HAMPSHIRE, KANE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. The Hampshire Municipal Code, as previously amended, shall be and is hereby further amended to add certain regulations governing and regulating use, possession and smoking of cannabis and cannabis-infused products in the Village, in words and figures as follows:

See attached text of regulations.

Section 2. Any and all ordinances, resolutions, motions or parts thereof, in conflict with the terms and provisions of this Ordinance, shall be and hereby are, to the extent of any such conflict, superseded and waived.

Section 3. If any section, subdivision, sentence or phrase of this Ordinance is for any reason held to be void, invalid, or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4. This Ordinance shall take effect upon its passage, approval, and publication in pamphlet form, according to law.

ADOPTED this 16<sup>th</sup> day of January, 2020, by roll call vote as follows:

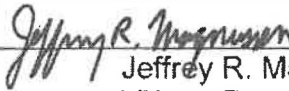
AYES: Kelly, Klein, Koth, Krajecki, Reid, Robinson

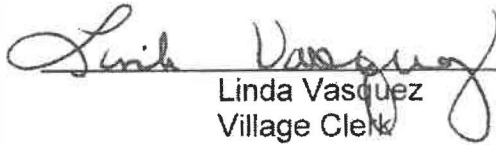
NAYS: \_\_\_\_\_

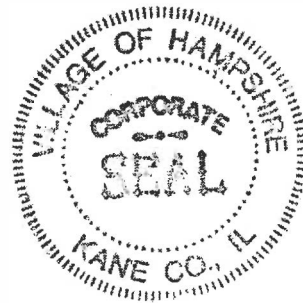
ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

APPROVED this 16<sup>th</sup> day of January, 2020.

  
\_\_\_\_\_  
Jeffrey R. Magnussen  
Village President

ATTEST:  
  
\_\_\_\_\_  
Linda Vasquez  
Village Clerk



**CERTIFICATE OF PUBLICATION**  
(Pamphlet Form)

I, Linda Vasquez, certify that I am the duly appointed Clerk of the Village of Hampshire, Kane County, Illinois.

I further certify that on January 16<sup>th</sup>, 2020, the Corporate Authorities of the Village of Hampshire passed and approved Ordinance No. 20 - 05, entitled:

**AN ORDINANCE  
AMENDING THE VILLAGE CODE TO ADOPT CERTAIN POLICE  
REGULATIONS GOVERNING ADULT-USE CANNABIS BUSINESS  
ESTABLISHMENTS IN THE VILLAGE**

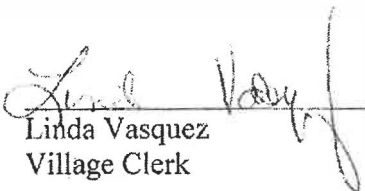
Said Ordinance provided by its terms that it should be published in pamphlet form, in accordance with law.

The pamphlet form of Ordinance No. 20 - 05, was prepared in the office of the Village Clerk, and a copy of same was posted in the Village Hall, commencing on January 27, 2020, and continuing for at least ten days thereafter.

Copies of the Ordinance were also available from and after said date for inspection by members of the public, upon request, in the Office of the Village Clerk.

This Certificate dated this 27 day of January, 2020.



  
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Linda Vasquez  
Village Clerk

**VILLAGE OF HAMPSHIRE  
POLICE REGULATIONS**

**CHAPTER 2**

**POLICE REGULATIONS**

**ARTICLE XXIII**

**CANNABIS; DRUG PARAPHERNALIA**

2-23-1: Cannabis

A. Definitions: For purposes of this Article,

1. "Cannabis" shall have the meaning defined as in 720 Illinois Compiled Statutes 550/3(a), as amended; and shall include but not be limited to marijuana, hashish, and other substances which are identified as including any parts of the plant Cannabis sativa, and including derivatives or subspecies, such as indica of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produce cannabiniol derivatives, whether produce directly or indirectly by extraction; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.

2. The Compassionate Use of Medical Cannabis Pilot Program shall mean the act codified at 410 ILCS 130/1 et seq.. as enacted and as shall from time to time be amended by the Illinois General Assembly.

3. The Community College Vocational Pilot program shall mean the program described at 410 ILCS 705-25-1 et seq., and as shall from time to time be amended by the Illinois General Assembly.

4. The Illinois Cannabis Regulations and Tax Act shall mean P.A. 101-0027, as enacted and as shall from time to time be amended by the Illinois General Assembly.

B. Possession, Use Prohibited; Other Prohibitions:

1. It shall be unlawful for any person under the age of 21 years to purchase, possess, use, process, transport, grow, or consume cannabis, except as otherwise authorized by the Compassionate Use of Medical Cannabis Pilot Program or by the Community College Vocational Pilot program.

2. Notwithstanding any other provisions of law authorizing the possession of medical cannabis, no person under the age of 21 years shall possess cannabis.

3. It shall be unlawful for any person who is 21 years of age or older to possess cannabis in violation of the possession limit(s) established by the Illinois Cannabis Regulations and Tax Act.

4. It shall be unlawful for any person to use, inject, ingest, inhale or otherwise introduce into the human body cannabis, or to be under the influence of cannabis within the corporate limits of the Village, in violation of the Cannabis Regulations and Tax Act (P.A. 101-0027). Provided, however, notwithstanding the foregoing, it shall not be unlawful for any individual to possess or use cannabis consistent with the Compassionate Use of Medical Cannabis Pilot Program Act.

5. It shall be unlawful for any person to transfer cannabis to any person under 21 years of age, with or without remuneration.

6. It is unlawful for any parent or guardian to knowingly permit his or her residence, any other private property under his or her control, or any vehicle, conveyance, or watercraft under his or her control to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under 21 years of age at the time, in any manner which constitutes a violation of the Illinois Cannabis Regulations and Tax Act.

7. It is unlawful for any person to engage in any of the the following conduct:

a. Possessing cannabis in or at any of the following locations:

- i) in a vehicle not open to the public, unless the cannabis is in a reasonably secured, sealed container and reasonably inaccessible while the vehicle is moving;
- ii) in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act;
- iii) on the grounds of any pre-school or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act;
- iv) in any correctional facility; or
- v) in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises.

b. Using cannabis in or at any of the following locations or under the following circumstances:

- i) in any motor vehicle;



- ii) in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act;
- iii) on the grounds of any pre-school or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act;
- iv) in any correctional facility;
- v) in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;
- vi) knowingly in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Pilot Program Act; or
- vii) in any public place.

c. Smoking cannabis in or at any place where smoking is prohibited under the Smoke Free Illinois Act.

d. Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or motorboat while using or under the influence of cannabis, in violation of Section 11-501 or 11-502.1 of the Illinois Vehicle Code.

e. Facilitating the use of cannabis by any person who is not allowed to use cannabis under the Cannabis Regulations and Tax Act or the Compassionate Use of Medical Cannabis Pilot Program Act.

f. Transferring cannabis to any person contrary to the Cannabis Regulations and Tax Act or the Compassionate Use of Medical Cannabis Pilot Program Act.

g. While on duty:

- a) In the position of a law enforcement officer, corrections officer, probation officer, or firefighter.
- b). In the position of any person who has a school bus permit or a Commercial Driver's License.

F. For purposes of this Section, the term "public place":

1. Shall mean any place where a person could reasonably be expected to be observed by others, including but not limited to all parts of buildings owned in whole or in part, or leased, by the State or a unit of local government; and also, any park space or open space in the Village; and any street, avenue, alleyway, sidewalk, or parking area open to the public.

2. Shall not include a private residence, unless the private residence is used to provide licensed childcare, foster care, or other similar social service care on the premises.

G. Nothing in this Section shall be construed to prevent the arrest or prosecution of a person for reckless driving or driving under the influence of cannabis if probable cause exists.

2-24-2: Penalty. Any person who violates this Section shall be subject to penalty in accordance with §1-4-1 of this Code. Such person shall also pay all applicable court costs and assessments. Each day that a violation continues shall be considered a separate offense.

No. 20-08

**AN ORDINANCE  
AMENDING THE VILLAGE CODE TO ADOPT CERTAIN  
BUSINESS REGULATIONS GOVERNING ADULT-USE  
CANNABIS BUSINESS ESTABLISHMENTS IN THE VILLAGE**

WHEREAS, the State of Illinois has enacted the Cannabis Regulations and Tax Act, effective June 25, 2019; and

WHEREAS, the Act authorizes the Village to enact regulations governing and regulating adult-use cannabis business establishments which may locate in the Village; and

WHEREAS, this Ordinance is adopted pursuant to the provisions of the Act; and

WHEREAS, the Corporate Authorities deem it to be necessary and advisable to enact certain business regulations governing and regulating Adult-Use Cannabis Business Establishments which may locate in the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF HAMPSHIRE, KANE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. The Hampshire Municipal Code, as previously amended, shall be and is hereby further amended to add certain business regulations governing and regulating Adult-Use Cannabis Business Establishments in the Village, in words and figures as follows:

See attached text of regulations.

Section 2. Any and all ordinances, resolutions, motions or parts thereof, in conflict with the terms and provisions of this Ordinance, shall be and hereby are, to the extent of any such conflict, superseded and waived.

Section 3. If any section, subdivision, sentence or phrase of this Ordinance is for any reason held to be void, invalid, or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

ADOPTED this 6<sup>th</sup> day of February, 2020, by roll call vote as follows:


AYES: Klein, Koth, Krajecki, Reid, Robinson

NAYS: \_\_\_\_\_

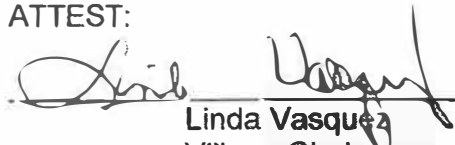
ABSENT: Kelly

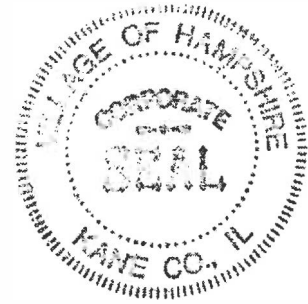
ABSTAIN: \_\_\_\_\_

APPROVED this 6<sup>th</sup> day of February, 2020.

  
\_\_\_\_\_  
Jeffrey R. Magnussen  
Village President

ATTEST:

  
\_\_\_\_\_  
Linda Vasquez  
Village Clerk



**VILLAGE OF HAMPSHIRE  
BUSINESS REGULATIONS**

**CHAPTER 4            BUSINESS REGULATIONS**

**ARTICLE XXV        ADULT-USE CANNABIS**

4-25-1. **PURPOSE AND APPLICABILITY:** It is the intent and purpose of this Section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the Village .

- A. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below.
- B. In the event that the Act is amended at any time after the effective date of this Ordinance, the more restrictive of the state or local regulations shall apply.
- C. The definitions contained in Chapter 6: Zoning Regulations, shall apply to the provisions of this Article.

4-25-2. **SPECIAL USE:** Adult-Use Cannabis Business Establishments shall be a special use in the respective zoning districts in which they may be located in the Village, and shall be considered for approval pursuant to Section 6-14-3(H) of the Zoning Regulations and the provisions of this Article.

4-25-3. **ADULT-USE CANNABIS BUSINESS ESTABLISHMENT FACTORS:** In reviewing an application for special use for an Adult-Use Cannabis Business Establishment, the following components of an Adult-Use Business Establishment shall be evaluated based on the entirety of the circumstances affecting the particular property on which it is proposed to be +located, together with the context of the existing and intended future use of other properties in the vicinity of the proposed use and any other requirements of this Article:

- A. Compliance with all requirements of this Article, as applicable.
- B. Impact of the proposed facility on existing or planned uses in the vicinity of the subject property.
- C. Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations / security plan, and compliance with the requirements of all applicable building codes.
- D. Hours of operation.
- E. Anticipated number of customers and employees.
- F. Anticipated parking demand based on Section 6-10-1 of this Code, together with available parking supply.
- G. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.

- H. Site design, including access points and internal site circulation.
- I. Proposed signage plan.
- J. Other criteria determined to be necessary to assess compliance with Section 6-14-3(H) of the Village Code.

4-25-4. ADULT-USE CANNABIS CRAFT GROWER FACILITY: In those zoning districts in which an Adult-Use Cannabis Craft Grower Facility may be located, the proposed facility must comply with the following:

- A. The Facility may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering state; provided also, the Facility may be authorized by the Illinois Department of Agriculture to increase or decrease the space devoted to plants in the flowering stage in increments of 3,000 square feet by rule based on market need, craft grower capacity, and the licensee's history of compliance or noncompliance, with a maximum space of 14,000 square feet for cultivating plants in the flowering stage, which must be cultivated in all stages of growth in an enclosed and secure area.
- B. For purposes of determining required parking, an Adult-Use Cannabis Craft Grower Facility shall be classified as "Manufacturing, fabricating and processing plants not engaged in retail sales" for purposes of Section 6-11-2 of the Village Zoning Regulations provided, however, that the Village may reasonably require that additional parking be provided at any particular location proposed for such use.

4-25-5. ADULT-USE CANNABIS CULTIVATION CENTER FACILITY: In those zoning districts in which an Adult-Use Cannabis Cultivation Center Facility may be located, the proposed facility must comply with the following:

- A. The Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- B. For purposes of determining required parking, an Adult-Use Cannabis Cultivation Center shall be classified as "manufacturing, processing and fabrication plants not engaged in retail sales" for purposes of Section 6-11-2 of the Village Zoning Regulations, provided, however, that the Village may reasonably require that additional parking be provided at any particular location proposed for such use.

4-25-6. ADULT-USE CANNABIS DISPENSING FACILITY: In those zoning districts in which an Adult-Use Cannabis Dispensing Facility may be located, the proposed facility must comply with the following:

- A. The Facility may not be located within 500 feet of the property line of a pre-existing preschool, primary or secondary school or any other accredited educational facility, or a licensed day care center. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. Provided, the minimum distance prescribed by this sub-section shall not apply to any location on State Street from Jackson Avenue to Allen Road.

- B. At least 75% of the floor area of any tenant space occupied by a Dispensing Facility shall be devoted to the activities of the Dispensing Facility as authorized by the Act.
- C. The Facility shall not allow consumption of cannabis on the premises of the Facility, and any person who consumes cannabis on the premises of the Facility shall be deemed to be in violation of §2-23-1 et seq. of the Village Code.
- D. No food items shall be sold for consumption on the premises in any tenant space occupied by a Dispensing Facility.
- E. The Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- F. For purposes of determining required parking, such Facility shall be classified as “Retail Store” for purposes of Section 6-11-2 of the Village Zoning Regulations; provided, however, that the Village may reasonably require that additional parking be provided at any particular location proposed for such use.

4-25-7. ADULT-USE CANNABIS INFUSER FACILITY: In those zoning districts in which an Adult-Use Cannabis Infuser Facility may be located, the proposed facility must comply with the following:

- A. At least 75% of the floor area of any tenant space occupied by an infusing facility shall be devoted to the activities of the Infusing Facility as authorized by the Act.
- B. The Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- C. For purposes of determining required parking, said facilities shall be classified as “Manufacturing, processing and fabricating plant not engaged in retail sales” for purposes of Section 6-11-2 of the Village Zoning Regulations, provided, however, that the Village may reasonably require that additional parking be provided at any particular location proposed for such use.

4-25-8. ADULT-USE CANNABIS PROCESSING FACILITY: In those zoning districts in which an Adult-Use Cannabis Processing Facility may be located, the proposed facility must comply with the following:

- A. The Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- B. For purposes of determining required parking, said facilities shall be classified as “manufacturing, processing and fabricating plant not engaged in retail sales” for purposes of Section 6-11-2 of the Village Zoning Regulations, provided, however, that the Village may reasonably require that additional parking be provided at any particular location proposed for such use.

4-25-9. ADULT-USE CANNABIS TRANSPORTING FACILITY: In those zoning districts in which an Adult-Use Transporting Facility may be located, the proposed facility must comply with the following:

- A. The transporting Facility shall be the sole use of the tenant space in which it is located.
- B. The Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- C. For purposes of determining required parking, said facilities shall be classified as “Other Use” for purposes of Section 6-11-2 of the Village Zoning Regulations, provided, however, that the Village may reasonably require that additional parking be provided at any particular location proposed for such use.

4-25-10. ADDITIONAL REQUIREMENTS: The Village may require, and Petitioner shall construct or install, building or site enhancements, such as security cameras, lighting, or other improvements, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined by the Village in its sole discretion based on the the specific characteristics of the floor plan for a proposed Adult-Use Cannabis Business Establishment and of the site plan for the property on which it is located, consistent with the requirements of the Act.

4-25-11. CO-LOCATION OF CANNABIS BUSINESS ESTABLISHMENTS. The Village may approve the co-location of an Adult-Use Cannabis Craft Grower Facility with either or both of an Adult-Use Cannabis Dispensing Facility and Adult-Use Cannabis Processing Facility, subject to the provisions of the Act and the conditional use criteria of the Village Code, including but not limited to the following:

- A. If more than one licensed organization is involved, then either all organizations sharing a vault on the premises shall also share more than 50% of the same ownership; or each organization shall store its currency and inventory of cannabis and cannabis-infused products in a separate vault in which the other organization does not have access.
- B. The Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- C. The co-located establishments shall be the sole uses of any tenant space in which they are located; provided also, for any such co-location, the floor space requirements of Section 4-25-6(B) and 4-25-7(A) shall not apply, but the co-located establishments shall be the sole uses of the tenant space.
- D. Any such use may be classified as “Other Use” for purposes of Section 6-11-2 of the Village Zoning Regulations, provided, however, that the Village may reasonably require that additional parking be provided at any particular location proposed for such collocated use.



No. 20-09

**AN ORDINANCE  
AMENDING THE VILLAGE CODE TO ADOPT CERTAIN  
ZONING REGULATIONS GOVERNING ADULT-USE  
CANNABIS BUSINESS ESTABLISHMENTS IN THE VILLAGE**

WHEREAS, the State of Illinois has enacted the Cannabis Regulations and Tax Act, effective June 25, 2019; and

WHEREAS, the Act authorizes the Village to enact zoning regulations governing and regulating adult-use cannabis business establishments which may locate in the Village; and

WHEREAS, the Village filed a Petition for Zoning Text Amendment, proposing certain amendments to Chapter 6: Zoning and various sections therein so as to allow as a conditional or special use new classifications constituting Adult-Use Cannabis Business Establishments in the Village; and

WHEREAS, the Plan Commission has reviewed the Petition for Text Amendment at its meeting on Nov. 25, 2019, and has recommended approval of the Petition; and

WHEREAS, Zoning Board of Appeals has conducted a public hearing in regard to the amendments proposed by said Petition on December 10, 2019, following publication of notice of said public hearing in the Daily Herald newspaper on November 15, 2019; and

WHEREAS, following said public hearing, the Zoning Board of Appeals Commission recommended against approval of the proposed amendments; and

WHEREAS, the Corporate Authorities, having considered the Petition, the recommendation of the Plan Commission, the recommendation of the Zoning Board of Appeals, and the comments made at the public hearing, deem it to be necessary and advisable to enact certain zoning regulations governing and regulating Adult-Use Cannabis Business Establishments which may locate in the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF HAMPSHIRE, KANE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. The Hampshire Municipal Code, as previously amended, shall be and is hereby further amended to add certain zoning regulations governing and regulating Adult-Use Cannabis Business Establishments in the Village, in words and figures as follows:

See attached text of regulations.

Section 2. Any and all ordinances, resolutions, motions or parts thereof, in conflict with the terms and provisions of this Ordinance, shall be and hereby are, to the extent of any such conflict, superseded and waived.

Section 3. If any section, subdivision, sentence or phrase of this Ordinance is for any reason held to be void, invalid, or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4. This Ordinance shall take effect upon its passage, approval, and publication in pamphlet form, according to law.

ADOPTED this 6<sup>th</sup> day of February, 2020, by roll call vote as follows:


AYES: Klein, Koth, Krajecki, Reid, Robinson

NAYS: \_\_\_\_\_

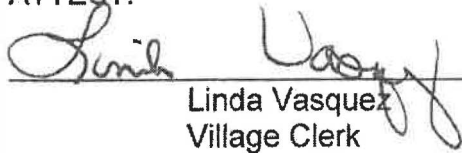
ABSENT: Kelly

ABSTAIN: \_\_\_\_\_

APPROVED this 6<sup>th</sup> day of February, 2020.

  
\_\_\_\_\_  
Jeffrey R. Magnussen  
Village President

ATTEST:

  
\_\_\_\_\_  
Linda Vasquez  
Village Clerk



**VILLAGE OF HAMPSHIRE  
ZONING REGULATIONS**

**CHAPTER 6**

**ZONING**

**ARTICLE II**

**RULES AND DEFINITIONS**

**SECTION 6-2-2**

**DEFINITIONS**

Act means the Illinois Adult-Use Cannabis Regulation and Tax Act (PA 101-0027), as originally enacted effective June 25, 2019 and has thereafter may be amended from time to time.

Adult-Use Cannabis Business Establishment means a cultivation center facility, craft grower facility, processing facility, dispensing facility, or transporting facility as defined herein.

Adult-Use Cannabis Craft Grower Facility means a facility operated by an Adult-Use Cannabis Craft Grower Organization to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, including the following provisions:

Adult-Use Cannabis Craft Grower Organization means an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to operate a Adult-Use Cannabis Craft Grower Facility.

Adult-Use Cannabis Cultivation Center Facility means a facility operated by an Adult-Use Cannabis Cultivation Organization to cultivate, process, transport (unless otherwise limited by this Act), and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments.

Adult-Use Cannabis Cultivation Organization means an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to operate a Adult-Use Cannabis Cultivation Center Facility.

Adult-Use Cannabis Dispensing Facility means a facility operated by an Adult-Use Cannabis Dispensing Organization for the purpose of acquiring cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, in accordance with the provisions of the Illinois Cannabis Regulation and Tax Act, as enacted and as it may be amended from time-to-time thereafter, and any regulations promulgated thereunder

Adult-Use Cannabis Dispensing Organization means an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under this Act to purchasers or to qualified registered medical cannabis patients and caregivers. As used in this Act, dispensary organization shall

include a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Pilot Program Act or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License.

Adult-Use Cannabis Infuser Facility (or, “infuser”) means a facility operated by an Adult-Use Cannabis Infuser Organization to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product.

Adult Use Cannabis Infuser Organization means an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to operate a Adult-Use Cannabis Infuser Facility.

Adult-Use Cannabis Processing Facility (or, “processor”) means a facility operated by an Adult-Use Cannabis Processing Organization to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product.

Adult-Use Cannabis Processing Organization means an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to operate a Adult-Use Cannabis Processing Facility.

Adult-Use Cannabis Transporting Facility means a facility operated by an Adult-Use Transporting Organization to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program.

Adult-Use Cannabis Transporting Organization means an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to operate a Adult-Use Cannabis Transporting Facility.

Adult-Use Cannabis Dispensary means a facility operated by a dispensing organization at which activities licensed by this Act may occur.

**CHAPTER 6**

**ZONING**

**ARTICLE VIII**

**BUSINESS DISTRICTS**

**SECTION 6-8-3**

**B-2 COMMUNITY BUSINESS  
ZONING DISTRICT**

C. In the B-2 Community Business Zoning District, the following special uses shall be allowed:

\* \* \*

-- Adult-Use Cannabis Dispensing Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.

-- Adult-Use Cannabis Craft Grower Facility, when combined with an Adult-Use Cannabis Dispensing Facility, as allowed by law and subject to the provisions of Section 4-25-1 et seq. of the Village Code.

**ARTICLE VIII**

**BUSINESS DISTRICTS**

**SECTION 6-8-7**

**HC HIGHWAY COMMERCIAL ZONING DISTRICT**

D. In a HC Highway Commercial Zoning District, the following special uses shall be allowed:

\* \* \*

-- Adult-Use Cannabis Dispensing Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.

-- Adult-Use Cannabis Craft Grower Facility, when combined with an Adult-Use Cannabis Dispensing Facility, as allowed by law and subject to the provisions of Section 4-25-1 et seq. of the Village Code

**ARTICLE IX**

**INDUSTRIAL DISTRICTS**

**SECTION 6-9-2**

**M-1 RESTRICTED INDUSTRIAL DISTRICT**

C. Special Uses: In a M-1 Restricted Industrial Zoning District, the only special uses shall be as follows:

\* \* \*

-- Adult-Use Cannabis Dispensing Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.

-- Adult-Use Cannabis Craft Grower Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.

-- Adult-Use Cannabis Craft Grower Facility, when combined with an Adult-Use Cannabis Dispensing Facility and/or an Adult-Use Cannabis Processing Facility, as allowed by law and subject to the provisions of Section 4-25-1 et seq. of the Village Code

-- Adult-Use Cannabis Cultivation Center Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.

-- Adult-Use Cannabis Infuser Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.

-- Adult-Use Cannabis Processing Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.

-- Adult-Use Cannabis Transporting Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.

**ARTICLE IX**

**INDUSTRIAL DISTRICTS**

**SECTION 6-9-3**

**M-2 GENERAL INDUSTRIAL DISTRICT**

C. Special Uses: In a M-2 General Industrial Zoning District, the only special uses shall be as follows:

\* \* \*

-- Adult-Use Cannabis Dispensing Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.

-- Adult-Use Cannabis Craft Grower Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.

-- Adult-Use Cannabis Craft Grower Facility, when combined with an Adult-Use Cannabis Dispensing Facility and/or an Adult-Use Cannabis Processing Facility, as allowed by law and subject to the provisions of Section 4-25-1 et seq. of the Village Code

-- Adult-Use Cannabis Cultivation Center Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.

-- Adult-Use Cannabis Infuser Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.

-- Adult-Use Cannabis Processing Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.

-- Adult-Use Cannabis Transporting Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.

**ARTICLE IX**

**INDUSTRIAL DISTRICTS**

**SECTION 6-9-4**

**M-3 INDUSTRIAL DISTRICT**

C. Special Uses: In a M-3 General Industrial Zoning District, the only special uses shall be as follows:

\* \* \*

- Adult-Use Cannabis Dispensing Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.
- Adult-Use Cannabis Craft Grower Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.
- Adult-Use Cannabis Craft Grower Facility, when combined with an Adult-Use Cannabis Dispensing Facility and/or an Adult-Use Cannabis Processing Facility, as allowed by law and subject to the provisions of Section 4-25-1 et seq. of the Village Code
- Adult-Use Cannabis Cultivation Center Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.
- Adult-Use Cannabis Infuser Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.
- Adult-Use Cannabis Processing Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.
- Adult-Use Cannabis Transporting Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.

**ARTICLE IX**

**INDUSTRIAL DISTRICTS**

**SECTION 6-9-5:**

**O-M OFFICE MANUFACTURING  
ZONING DISTRICT**

D. Special Uses: In an O-M Office Manufacturing Zoning District, the only special uses shall be as follows:

\* \* \*

- Adult-Use Cannabis Dispensing Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.
- Adult-Use Cannabis Craft Grower Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.
- Adult-Use Cannabis Craft Grower Facility, when combined with an Adult-Use Cannabis Dispensing Facility and/or an Adult-Use Cannabis Processing Facility, as allowed by law and subject to the provisions of Section 4-25-1 et seq. of the Village Code

- Adult-Use Cannabis Cultivation Center Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.
- Adult-Use Cannabis Infuser Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.
- Adult-Use Cannabis Processing Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.
- Adult-Use Cannabis Transporting Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.

**ARTICLE XVII                      LARGE SCALE BUSINESS  
PLANNED DEVELOPMENT  
DISTRICT REGULATIONS**

**SECTION 6-17-4                      STANDARDS**

\*   \*   \*

D. To meet the unique circumstances presented by each application for approval of a large scale business planned development, and to protect the health, safety, and general welfare of village residents, including any future residents of the proposed development, the Village Board reserves the right to include in the approval of any application for a Large Scale Business Planned Development such other and additional conditions it shall deem necessary or advisable, even if not specifically provided herein, specifically, but not limited to, conditions for inclusion in the large scale business planned development of any permitted or special use, and specifically any Adult-Use Cannabis Business Establishment, otherwise allowed as a permitted or special use under this Chapter 6: Zoning.