

PLANNING AND ZONING COMMITTEE MEETING

AGENDA

Tuesday, November 5, 2019, 5:30 PM

1. Call to Order
2. Establish Quorum (Physical and Electronic)
3. Citizen Comments
4. Approval of Minutes from October 15, 2019
5. Agenda Items
 - a. Discussion of local regulation and taxation of adult-use cannabis / planning for January 1, 2020 legalization of adult-use cannabis in Illinois, with Village Attorney Mark Schuster; and recommendation(s) to Board of Trustees.
6. New Business
7. Adjourn

Planning and Zoning Committee Meeting Minutes

Tuesday, October 15, 2019, 5:30 PM

1. Call to Order

Meeting called to order at 5:30 PM

2. Establish Quorum (Physical and Electronic)

Members present: Erik Robinson (chairman), Mike Reid, and Ryan Krajecki

3. Citizen Comments

NONE

4. Approval of Minutes from August 15, 2019

Trustee Reid motioned to approve minutes. Motion seconded by Trustee Krajecki

Motion passed by voice vote: 3 – 0

5. Agenda Items

- a. Dual use zoning discussion. Residences and businesses sharing same building; specifically, parking
 - ZBA wants addresses of affected properties
- b. Beer Gardens
 - Issue will go before ZBA
 - Trustee Robinson will provide further clarification to ZBA on this issue
- c. Planning for January 1, 2020 legalization of marijuana in Illinois
 - The committee is in favor of the ordinances pertaining to regulating the industry
 - Municipal Cannabis Business Zoning Ordinance
 - The committee is in favor of setting the starting tax percentage at 2% maximum, but will be willing to negotiate the percentage in the hopes of attracting a retail business
 - The Committee is in favor of passing along the recommended ordinances from the Illinois Municipal League to Attorney Schuster for review
 - The committee is in favor of this type of business being located in the B2 Zoning District

- The building needs to be enforced for this to be a positive retail business in our community
- Survey completed for NBC5 Investigates

6. New Business

NONE

7. Adjourn

Trustee Krajecki motioned to adjourn the meeting at 6:01 PM. Motion seconded by Trustee Reid.

Motion passed by voice vote: 3 – 0

No. _____

**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 _____ day of _____, 2019, by roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

APPROVED this _____ day of _____, 2019.

Jeffrey R. Magnussen t
Village President

ATTEST:

Linda Vasquez
Village Clerk

CERTIFICATE OF PUBLICATION

(Pamphlet Form)

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

I further certify that on _____, 2019, the Corporate Authorities of the Village of Hampshire passed and approved Ordinance No. 19 - _____, 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. 19 - _____, was prepared in the office of the Village Clerk, and a copy of same was posted in the Village Hall, commencing on _____, 2019, 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 ____ day of _____, 2019.

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 cannabinol 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, "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; any park space or open space in the Village; and any street, avenue, alleyway, sidewalk, or public parking area. .

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. Each day that a violation continues shall be considered a separate offense.

No. _____

**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 zoning 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 _____ day of _____, 2019, by roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

APPROVED this _____ day of _____, 2019.

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 and acting Clerk of the Village of Hampshire, Kane County, Illinois.

I further certify that on _____, 2019, the Corporate Authorities of the Village of Hampshire passed and approved Ordinance No. 19 - _____, entitled:

**AN ORDINANCE
AMENDING THE VILLAGE CODE TO ADOPT CERTAIN
BUSINESS 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. 19 - _____, was prepared in the office of the Village Clerk, and a copy of same was posted in the Village Hall, commencing on _____, 2019, 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 ____ day of _____, 2019.

Linda Vasquez
Village Clerk

CHAPTER 3

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.

4-25-2. **SPECIAL USE:** Adult-Use Cannabis Business Establishments, as defined herein, shall be a conditional 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 FACILITY 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 Ordinance, 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: 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 not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- B. The Facility may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes.
- C. The Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- D. 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 per 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: In those zoning districts in which an Adult-Use Cannabis Cultivation Center may be located, the proposed facility must comply with the following:

- A. Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- B. Facility may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- C. 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 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care

center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

- B. The Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.
- C. 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, and no Dispensing Facility shall also sell food for consumption on the premises other than as authorized in Section E below in the same tenant space.
- D. The Facility may be issued a permit to host on-site consumption of cannabis if located in a freestanding structure occupied solely by the Dispensing Facility and smoke from the Facility does not migrate into any enclosed area where smoking is prohibited.
 - 1. The security plan for the facility required by Section 4-25-10 shall also reflect adequate provisions to respond to disruptive conduct and over-consumption.
 - 2. The on-site consumption permit shall be reviewed annually and may be suspended or revoked following notice and hearing as provided in Section ___ of the Village Code.
- E. 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.
- F. The Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

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. The Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- B. The Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes. 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.
- C. The Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- D. 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. Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- B. Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.
- C. At least 75% of the floor area of any tenant space occupied by a processing Facility shall be devoted to the activities of the processing Facility as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- D. 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. Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- B. Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.
- C. The transporting Facility shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- D. 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 Dispensing Facility with an Adult-Use Cannabis Craft Grower Facility, or an Adult-Use Cannabis Infuser Facility, or both, subject to the provisions of the Act and the conditional use criteria of the Village Code..

- A. For any such co-location, the floor space requirements of Section 4-25-3 shall not apply, but the co-located establishments shall be the sole use of the tenant space.
- B. 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. _____

**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 Title 8: Zoning, Chapter 5: Business Districts and other sections of the Village Code so as to allow as a conditional or special use a new classification, to wit: "Adult-Use Cannabis Dispensing Facility" 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 _____, 2019, following publication of notice of said public hearing in the Daily Herald newspaper on _____, 2019; and

WHEREAS, following said public hearing, the Zoning Board of Appeals Commission recommended 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.

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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 _____ day of _____, 2019, by roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

APPROVED this _____ day of _____, 2019.

Jeffrey R. Magnussen t
Village President

ATTEST:

Linda Vasquez
Village Clerk

CERTIFICATE OF PUBLICATION

(Pamphlet Form)

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I further certify that on _____, 2019, the Corporate Authorities of the Village of Hampshire passed and approved Ordinance No. 19 - _____, entitled:

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

The pamphlet form of Ordinance No. 19 - _____, was prepared in the office of the Village Clerk, and a copy of same was posted in the Village Hall, commencing on _____, 2019, 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 _____ day of _____, 2019.

Linda Vasquez
Village Clerk

**VILLAGE OF HAMPSHIRE
ZONING REGULATIONS**

CHAPTER 6 ZONING

ARTICLE 2 DEFINITIONS

SECTION 6-2-2 DEFINITIONS

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

-- Adult-Use Cannabis Dispensing Facility: 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.

CHAPTER 8 ZONING

ARTICLE 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.

CHAPTER 8 ZONING

ARTICLE 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.

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

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

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

Section 6-9-4: 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 Craft Growers Facility, subject to the provisions of Section 4-25-1 et seq. of the Village Code.

- Adult-Use Cannabis Cultivation 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.