

**AN ORDINANCE MODIFYING THE CITY'S ZONING ORDINANCE
TO DELETE REFERENCES TO VIDEO GAMING CAFÉS AND VIDEO GAMING**

WHEREAS, the City of Rolling Meadows is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970 and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, on June 18, 2024, the City Council adopted Ordinance No. 24-31, which expressed the desire of the City that "[...] Gaming Café licenses will be eliminated through attrition [...]" and directing the City's Planning and Zoning Commission to consider deleting various provisions of the Zoning Regulations that pertain to video gaming cafés and video gaming (collectively, the "**Requested Amendment**"); and

WHEREAS, Section 122-394 ("Amendments") of Chapter 122 ("Zoning") sets forth procedures for considering amendments to the map and text of the City's Zoning Ordinance; and

WHEREAS, the City's Planning and Zoning Commission ("**PZC**"), after notice was provided as required by law, conducted a public hearing on August 7, 2024 to consider the Requested Amendment; and

WHEREAS, after taking and considering all testimony presented at the public hearing, the PZC made the findings of fact enumerated in **Exhibit A** and recommended that the City Council approve the Requested Amendment; and

WHEREAS, the Corporate Authorities of the City of Rolling Meadows have determined that it would be in the best interest of the City to approve the Requested Amendment as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Illinois:

Section 1: Recitals. The recitals set forth above are incorporated herein by reference as the findings of the Corporate Authorities.

Section 2: Amendment to Section 122-42. Pursuant to Section 122-394 ("Amendments") and the City's home rule authority, Section 122-42 ("Definitions") of Article II ("Definitions") of Chapter 122 ("Zoning") is hereby amended to delete the following defined terms in their entirety [additions are **bold and double-underlined**; ~~deletions are struck through~~]:

"Sec. 122-86. - Definitions.

The words defined are those which have special or limited meanings as used in this Code. Words whose meanings are self-evident as used in this Code are not defined.

* * *

~~Video gaming, accessory to permitted or accessory restaurants or bars means the operation of video gaming terminals, as defined in the Video Gaming Act (240 ILCS 40/1 et seq.), which is accessory and incidental to an authorized principal or accessory use restaurant or bar, when determined by the city that the establishment does not meet the definition of a video gaming cafe as defined herein.~~

~~Video gaming cafe means an establishment whose primary or major focus is to operate video gaming terminals, as defined in the Video Gaming Act (240 ILCS 40/1 et seq.), and the service of alcohol and food is incidental to the operation of video gaming. The city shall determine whether an establishment constitutes a video gaming cafe, utilizing the criteria provided in section 6-34(12) of the City Code.~~

~~Video gaming establishment means a "video gaming cafe" or "video gaming, accessory to permitted or accessory restaurants or bars" as defined herein.~~

* * *

Section 3: Repeal of Section 122-86. Pursuant to Section 122-394 ("Amendments") and the City's home rule authority, Section 122-86 ("Video Gaming Cafés") of Article III ("Regulations of General Applicability") of Chapter 122 ("Zoning") is hereby deleted and repealed in its entirety and is no longer of force and effect, and Section 122-86 shall hereafter be reserved for future use.

Section 4: Amendment to Section 122-163. Pursuant to Section 122-394 ("Amendments") and the City's home rule authority, Section 122-163 ("Off-street parking ratio requirements") of Division 2 ("General Standards for Off-Street Parking") of Article IV ("Off-Street Parking and Loading") of Chapter 122 ("Zoning") is hereby amended to delete the following row of Table 4-4 in its entirety [additions are **bold and double-underlined**; deletions are struck through]:

"Sec. 122-163 Off-street parking ratio requirements

- (a) *General requirements.* Off-street parking spaces shall be provided for all uses listed below in at least the minimum amounts specified.
 - (1) The minimum number of usable off-street parking or stacking spaces shall be provided as noted in Table 4-4 below.
 - (2) All references to "square feet" are calculated as "gross square feet of building floor area."
 - (3) Mixed uses. When two or more uses are located on the same lot or within the same building, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a

required space for more than one use unless otherwise authorized by the planning and zoning commission.

Table 4-4: Off-street parking ratio requirements

LAND USE	PARKING REQUIRED
Business Uses	
Video gaming cafe	10 per 1,000 square feet

[All other rows of Table 4-4 are intentionally omitted and are not modified by this Ordinance.]

* * *

Section 5: Severability. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

Section 6: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County, Illinois this 10th day of September, 2024.

AYES: Budmats, O'Brien, Vinezeano, Boucher, Reyez, Koehler, McHale

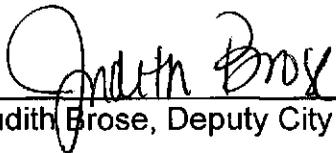
NAYS: 0

ABSENT: 0



Lara Sanoica, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 12th day of September, 2024.



Judith Brose, Deputy City Clerk

EXHIBIT A

PZC's Adopted Findings of Fact

Amendment Standards

Potential impacts: The amendment shall not adversely impact existing land uses in proximity to a subject property, or, in the case of a text amendment, the overall zoning district purpose or intent of a code section proposed for amendment. The amendment should not unreasonably affect the value, use and enjoyment of nearby properties.

Findings:

- A. *The stated purposes and intent of the Zoning Regulations include "to zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City;" "to protect all areas from harmful encroachment by incompatible uses [...];" and "to isolate or control the location of unavoidable nuisance-producing uses." As the proposed amendment would eliminate uses that the City Council has found to be inconsistent with the public health, safety, morals, and welfare, the amendment would be in keeping with the purposes and intent of the Zoning Regulations.*
- B. *The amendment would not displace or discontinue any existing video gaming café, which would (generally speaking) continue as a legally non-conforming use for the purposes of the Zoning Regulations (Sec. 122-492 & 122-494). By eliminating the potential for new video gaming cafés to open, the amendment would support "the value, use and enjoyment of nearby properties" by eliminating negative externalities as well as competition for spaces that would be suitable for higher and better uses such as retail and restaurant use.*

Trend of development/consistency: Map amendments should be a logical extension of the trend of development in the area around the subject property, or consistent with the approved comprehensive plan. In the case of a text amendment, the amendment shall be consistent with the overall zoning district purpose or intent of a code section proposed for amendment.

Findings: See findings concerning "potential impacts," above, which functionally incorporates this standard when evaluating a proposed text amendment.

Externalities: Relevant physical or market conditions that may have changed to make the existing zoning of a property inappropriate, or that make the proposed text amendment necessary for this chapter to be in keeping with the desirable development of the city shall be specified.

Findings: The City Council has found that video gaming cafés are no longer desirable to operate within any zoning district within the City as they are inconsistent with the public health, safety, morals, and welfare. Accordingly, the enactment of the amendment and the elimination of these provisions would better align the Zoning Regulations with the desired development of the City.

City plans: Amendments should be consistent with the City's Comprehensive Plan, Official Map, and all other plans and policies adopted by the city.

Findings:

- A. *Ordinance No. 24-31 establishes as the City's policy that "it is in the best interest of the City and its residents to continue to reduce video gaming activity within the City," and that it desirable that "Gaming Café licenses [and, by extension, gaming cafés] will be eliminated through attrition at the time that the current operators of each establishment choose to cease operations." The amendment would implement these policies.*

B. *The City's Comprehensive Plan reflects a substantial consensus among survey respondents that the "need [for] more shopping / restaurant options" is the biggest challenge facing Rolling Meadows and include policy goals to this end, including that "having more of those shops, restaurants and related amenities in town, especially in the Kirchoff Corridor District, would be beneficial. This plan seeks to attract those type (sic) of uses to the City and its core." It would be consistent with the Comprehensive Plan to eliminating the competition posed by less desirable uses, such as video gaming cafés, which would occupy spaces that would be more suitable for higher and better uses such as principal retail and restaurant use. Notably, under the existing regulations that the amendment would repeal, video gaming cafes must necessarily occupy spaces that are equipped to provide food service.*

Zoning appropriateness: The extent to which use of the subject property (or relevant properties in the case of a text amendment) is diminished by the current zoning standards or designation and is no longer suitable for the underlying zoning shall be specified.

Findings: *The City Council has found that video gaming cafés are no longer desirable to operate within any zoning district within the City as they are inconsistent with the public health, safety, morals, and welfare. The amendment would change the Zoning Regulations to reflect that these uses are no longer suitable for the City's future development.*