

AN ORDINANCE AMENDING CHAPTER 6 ENTITLED "ALCOHOLIC BEVERAGES" OF THE ROLLING MEADOWS CODE OF ORDINANCES REGARDING THE REGULATIONS APPLICABLE TO LICENSES FOR VIDEO GAMING

WHEREAS, the corporate authorities find it advisable, necessary and in the best interest of the City to revise its City Code regarding alcoholic beverages to amend the regulations applicable to a Class G1 license classification regarding video gaming.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Cook County, Illinois, as follows:

Section 1. Section 6-34, entitled "Application contents and procedure," of Article II, entitled "Licenses," of Chapter 6, entitled "Alcoholic Beverages," of the Code of Ordinances of the City of Rolling Meadows is hereby amended by revising paragraph (11) and adding a new paragraph (12), to read as follows:

- (11) At the time of application for license or renewal of a license the applicant or licensee shall pay the non-refundable sum of \$1,000.00 with the city. An application for license or renewal of license will not be processed until the non-refundable \$1,000.00 application/renewal fee has been received by the city.
- (12) In addition to the application requirements set forth above, an applicant for a class GA or class GC license must submit the following materials and undergo an evaluation by the City in order for the City to determine whether the establishment constitutes a Video Gaming Café as defined in Section 122-3 of the City's Zoning Ordinance.
 - (A) Submission Requirements:
 - (1) An accurately dimensioned site plan indicating buildings, building entrances, parking, sidewalks, adjacent streets and immediately surrounding uses. If the proposed establishment is to be in a multi-use building, all tenant spaces shall be identified by tenant name, gross square footage of the space, number of employees, and number of commercial vehicles associated with each space.
 - (2) A scaled floor plan of the interior of the facility shall be submitted, showing the location, layout and square footage of all areas, including tables/seating, dining, bars, waiting area, offices, kitchen, video gaming devices, bathrooms, mechanicals, etc.

- (3) Identification of all Kitchen/Bar fixtures/features.
 - (4) Signage plan depicting the proposed signs that will be on the property.
- (B) The City shall undertake a determination of whether the video gaming establishment is a Video Gaming Café (requiring a class GC license and special use permit pursuant to section 122-29 of the City Zoning Ordinance) or whether video gaming is an accessory to the establishment (requiring a class GA license). The City Manager, or his designee the Director of Public works, will conduct an investigation, based upon the submittals referenced in paragraph (A) above along with any other information deemed necessary by City staff, to determine whether or not an establishment constitutes a Video Gaming Café. The City Manager, or his designee the Director of Public Works, shall evaluate the 12 criteria set forth in paragraph (C) immediately below, and if the investigation reveals that the establishment meets any 5 of the 12 criteria, the establishment shall be determined a Video Gaming Café. Upon completion of the investigation, the City Manager, or the Director of Public Works, shall prepare a written report detailing the information and findings of the investigation and shall specifically determine whether the establishment constitutes a Video Gaming Café (requiring a class CG license and special use permit) or whether video gaming is an accessory to the establishment (requiring a class GA license). The report and the designation of the establishment contained therein shall be approved by the City Manager and the Mayor, as the Local Liquor Commissioner, and thereafter presented to the City Council. If the establishment qualifies for class GA license, the City Council will consider whether to allow for the class GA license, by increasing the total number of liquor licenses in that classification. If the establishment qualifies for a class GC license, the City Council will consider whether to refer the matter to the City's Planning and Zoning Commission for special use consideration. If the City Council refuses to refer the matter to the City's Planning and Zoning Commission, the matter shall not move forward and the class GC license will not be considered or processed any further. If the City Council refers the matter to the City's Planning and Zoning Commission, the matter shall proceed in accordance with the City Zoning Ordinance and section 122-29 contained therein. If the special use is ultimately approved by the City Council and the establishment is in good standing with the City and any other State or regulatory agency, the City Council will allow for the class GC license, by increasing the total number of liquor licenses in that classification, simultaneously with the granting of the special use permit.
- (C) The following criteria will be evaluated in order to determine whether an establishment constitutes a Video Gaming Café or whether video gaming is an accessory to the establishment. The criteria set forth in this paragraph are not regulations applicable upon video gaming establishments, but are factors to be considered in determining whether the establishment is a video gaming café or an establishment that offers video gaming as an accessory to the main use.

- (1) The establishment maintains or proposes to maintain the maximum amount of video gaming terminals, as allowed by the State under the Video Gaming Act (230 ILCS 40/1 *et. seq.*).
- (2) The establishment has not operated continuously as an authorized restaurant or bar in the City of Rolling Meadows for a minimum of one year prior to application for a liquor license.
- (3) The gross floor area of the establishment is 2,500 square feet or less.
- (4) The video gaming floor area constitutes more than 15 percent (15%) of the gross floor area of the establishment.
- (5) The floor plan for such facility is designated in such a fashion as to indicate the predominant purpose of the facility is video gaming, based upon the distribution of a disproportionate area for video gaming terminals and related seating in comparison to other seating areas in the facility. If the dining area of the establishment allows for less than 30 seats for dining patrons at one time or a facility features a video gaming terminal area that includes open floor space around it that is disproportionate in quantity or orientation to the open floor space allotted around non-video gaming terminal seating, it shall be presumed that the facility is a Video Gaming Cafe.
- (6) Planned kitchen or bar facilities, food preparation areas, menus, dining/seating areas and planned staffing are limited in size and scope, and therefore not capable of producing revenues for food and beverage in excess of gaming revenues. If the establishment maintains 3 or less employees on site during a single regular shift, it shall be presumed that the facility is a Video Gaming Café.
- (7) The documentation submitted to the City in relation to such establishment, whether as a component of a liquor license application, video gaming terminal application, or any other submittal to the City, indicates that the primary or a primary purpose of the establishment is video gaming.
- (8) The name of the establishment is indicative of a video gaming café or similar in nature to other existing video gaming cafés, including the use of a woman's name.
- (9) The signage plan for the establishment indicates that the outdoor business sign includes depictions of insignia related to gambling, including but not limited to depictions of playing cards, playing card suits, clover leaves, coins, money, slots or slot symbols such as cherries or sevens, chips, dice and horseshoes.
- (10) The marketing materials, including internet marketing, indicate that the predominate use of the establishment is for video gaming.

(11) The establishment (excluding bars) restricts persons under 21 years of age from entry into the establishment or from access to the dining or restroom facilities of the establishment.

(12) The applicant maintains other gaming cafes in locations outside of the City of Rolling Meadows.

- (D) An applicant may forgo the determination / investigation process set forth above in paragraphs (B) and (C) and may specifically request to directly apply for a class GC license. In that event, the applicant must still submit all of the materials required under paragraph (A) with the application for the liquor license. Such materials will be presented to the City Council for its determination of whether to refer the matter to the City's Planning and Zoning Commission for special use consideration. If the City Council refuses to refer the matter to the City's Planning and Zoning Commission, the matter shall not move forward and the class GC license will not be considered or processed any further. If the City Council refers the matter to the City's Planning and Zoning Commission, the matter shall proceed in accordance with the City Zoning Ordinance and section 122-29 contained therein. If the special use is ultimately approved by the City Council and the establishment is in good standing with the City and any other State or regulatory agency, the City will allow for the class GC license, by increasing the total number of liquor licenses in that classification, simultaneously with the granting of the special use permit.

Section 2. Section 6-36, entitled "Classification of licenses for retail sale," of Article II, entitled "Licenses," of Chapter 6, entitled "Alcoholic Beverages," of the Code of Ordinances of the City of Rolling Meadows is hereby amended to read as follows:

Sec. 6-36. - Classification of licenses for retail sale.

- (a) Class A1 licenses shall authorize the retail sale on premises of alcoholic liquors for consumption on premises, but no such license shall be issued to any person, firm, corporation, or partnership unless a restaurant is operating on the same premises, place or location for which the said alcoholic liquor license is applied. No alcoholic liquor other than beer shall be sold by any class A1 license holder for consumption off the premises. Beer may be sold in growlers and crowlers for off-premise consumption only as may be authorized by section 6-6.5 of the Liquor Control Act of 1934 (235 ILCS 5/6-6.5). Class A1 license holders may permit social dancing on the premises by patrons only. In addition, class A1 license holders may provide live music on the premises. Video gaming cafes (licensed as class GC) may not operate under a class A1 license. The primary or major focus of a class A1 establishment shall be the service of alcohol and food and video gaming must be incidental to the service of alcohol and food.

- (b) Class A2 licenses shall authorize the retail sale on premises of alcoholic liquors for consumption on premises, but no such license shall be issued to any person, firm, corporation, or partnership unless a restaurant is operating on the same premises, place or location for which the said alcoholic liquor license is applied. No alcoholic liquor other than beer shall be sold by any class A2 license holder for consumption off the premises. Beer may be sold in growlers and crowlers for off-premise consumption only as may be authorized by section 6-6.5 of the Liquor Control Act of 1934 (235 ILCS 5/6-6.5). There shall be no dancing on the premises of any class A2 license holder, unless said premises are rented for a specific day by the holder of a class C license, as defined in this chapter. Video gaming cafes (licensed as class GC) may not operate under a class A2 license. The primary or major focus of a class A2 establishment shall be the service of alcohol and food and video gaming must be incidental to the service of alcohol and food.
- (c) Class A3 licenses shall authorize the retail sale of alcoholic liquor on the premises designated therein, not operated as a restaurant, for consumption on such premises only other than beer; provided, however, nothing herein shall be deemed to prohibit the licensee from offering light food service, so long as such food service is incidental to and not a major part of the primary business of the licensee. Beer may be sold in growlers and crowlers for off-premise consumption only as may be authorized by section 6-6.5 of the Liquor Control Act of 1934 (235 ILCS 5/6-6.5). No class A3 license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school other than an institution of high learning, hospital, home for aged or library. Video gaming cafes (licensed as class GC) may not operate under a class A3 license. The primary or major focus of a class A3 establishment shall be the service of alcohol and video gaming must be incidental to the service of alcohol.
- (d) Class B licenses shall authorize the retail sale of alcoholic liquor in bottles, cans or packages not to be consumed on premises, except as provided below, and no person, firm or corporation, or partnership licensed under this classification shall sell alcoholic liquor for consumption on the premises, and in no case shall any dancing be permitted on the premises of a holder of a class B license. Class B license holders are permitted to hold up to one alcoholic beverage tasting a week where they may serve up to five samples consisting of not more than one-fourth ounces of distilled spirits, one ounce of wine, or two ounces of beer to each consumer in one 20-hour period (the proposed service limits are taken from state law). The license holder must inform the police department of their planned activities 24 hours in advance of the planned event. Video Gaming as defined under the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., shall not be allowed in a class B licensed premises.
- (e) Class B-1 licenses shall authorize the retail sale of alcoholic liquor in conjunction with the sale of motor fuel, in bottles, cans or packages not to be consumed on premises where the sale of alcoholic liquor is sold within the same building as motor fuel sales are purchased. Video Gaming as defined under the Illinois Video

Gaming Act, 230 ILCS 40/1 et seq., shall not be allowed in a class C licensed premises.

- (f) Class C licenses shall authorize the retail sale or delivery on the premises specified of alcoholic liquor for consumption on the premises, which premises must be zoned for commercial, industrial, or church purposes. The license shall be issued for the period or occasion as described in subsection 6-38(b). No alcoholic liquor shall be sold by any class C license holder for consumption off premises. Class A1, A2 and B license holders are ineligible to receive a class C license. Video Gaming as defined under the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., shall not be allowed in a class C licensed premises.

No class C license shall be issued unless the license applicant has complied with the following:

- (1) Submits to the city a written security plan to be reviewed and approved by the police and fire chiefs and the community development director prior to issuance of the license. The plan must contain at a minimum the following information:
 - a. The number of people expected to attend in total and at the peak of the event (for the purpose of determining compliance with occupancy loading for a given site);
 - b. The estimated age group of the persons expected to attend;
 - c. The type of alcoholic liquor to be served;
 - d. The method of delivery;
 - e. Designation of persons who will be in charge of dispensing the alcoholic liquor;
 - f. A detail on how the prospective licensee shall prevent the sale or delivery of alcoholic liquor to persons under the age of 21; and
 - g. A plan on how security and safety will be maintained. If recommended by the chief of the police or fire department, the license applicant shall, at its cost, provide trained security personnel, including members of the city police or fire department as determined by the respective chief.
- (2) Submits the names, addresses, driver's license numbers, and phone numbers of all officers of the organization at the time of application.

- (3) Submits to the city a financial statement for the organization's most recent fiscal year, unless the organization has not been in existence for more than one year, at the time of application.
 - (4) Following the conduct of the event, submits a financial report to the city detailing the revenues and expenditures for the event.
 - (5) Arrange for alcoholic liquor service training to be conducted by the city's police department for persons who will be overseeing the sale of alcoholic liquor. The chief of police may waive this requirement if the applicant can demonstrate that the persons overseeing the sale of alcoholic have received prior training or have acceptable experience in the field of alcoholic sales. The licensee shall pay the city for the cost of the training.
 - (6) The owner of the premises on which the event is to be conducted shall sign the application for liquor license acknowledging approval of the applicant's requested use of the premises for the retail sale or delivery of alcoholic liquors.
- (g) Class D licenses shall authorize the retail sale on the premises specified of wine and beer only for consumption on the premises, but no such license shall be issued to any person, firm, corporation, or partnership unless a restaurant is operating on the same premises, place, or location for which the said alcoholic liquor license is applied. Beer may be sold in growlers and crowlers for off-premise consumption only as may be authorized by section 6-6.5 of the Liquor Control Act of 1934 (235 ILCS 5/6-6.5). No wine shall be sold by any class D license holder for consumption off the premises. There shall be no dancing on the premises of any class D license holder. Video gaming cafes (licensed as class GC) may not operate under a class D license. The primary or major focus of a class D establishment shall be the service of alcohol and food and video gaming must be incidental to the service of alcohol and food.
- (h) Class D-1 licenses shall authorize the retail sale of beer and wine only in conjunction with the sale of motor fuel, in bottles, cans or packages not to be consumed on premises where the sale of alcoholic liquor is sold within the same building as motor fuel sales are purchased. Video Gaming as defined under the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., shall not be allowed in a class D-1 licensed premises.
- (i) Class E licenses shall authorize the retail sale of alcoholic liquors for consumption on premises which also operate a light food service thereon and where the principal business conducted on the premises is not the sale of alcoholic liquor but to provide a place in which the public may engage, for a fee, in physical fitness activities, including but not limited to bowling, tennis, handball, racquetball, swimming or similar physical activities. The alcoholic liquor service area shall not exceed 20 percent of the floor area of the premises and shall not be divided into two or more

liquor service areas. Video Gaming as defined under the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., shall not be allowed in a class E licensed premises.

- (j) Class P licenses shall authorize the retail delivery or sale of alcoholic liquor in any building owned by the Rolling Meadows Park District, the delivery and sale of alcoholic liquor in which has been approved by the board of commissioners of the park district pursuant to Section 6-15 of the Illinois Liquor control Act of 1934. Such retail delivery or sale may be by the park district or by an entity with whom the park district has contracted to provide professional catering or other food and beverage service services. Class P license holders may permit social dancing and live music on the premises. Video Gaming as defined under the Illinois Video Gaming Act, 230 ILCS 40/1 et seq., shall not be allowed in a class B licensed premises.
- (k) Class GA (Gaming Accessory) license is a supplemental license that shall authorize a license holder of a Class A1, Class A2, Class A3, or Class D license, in good standing, to operate on the licensed premises video gaming devices that are incidental to the primary use of the premises; subject to the following:
 - (1) Video gaming cafe/video gaming lounges may not operate under a class GA license. The primary or major focus of a class GA establishment shall be the service of alcohol and/or food and video gaming must be incidental to the service of alcohol and/or food.
 - (2) It is required that the video gaming area of a GA-licensed establishment be separated from the other area of the establishment by a partition wall consisting of a four-foot solid and permanent/stable material such as wood, paneling, or finished or painted dry wall visual barrier for the lower half and lattice or design blocks for the upper half. By each video gaming machine there must be a table, cabinet, or shelf so drinks and food are not placed on the floor or on the machine.
 - (3) The operation of video gaming terminals shall be not be permitted during the hours alcoholic liquor sales are prohibited.
 - (4) There shall be no more than twelve (12) GA-licensed establishments in the City of Rolling Meadows at any one time. This cap on the number of GA-licensed establishments shall in no way obligate the City to grant, or limits its ability to deny, a GA license, even if the City has not reached this designated cap on GA-licensed establishments.
 - (5) A class GA-licensed establishment must have a video gaming license issued by the Illinois Gaming Board in accordance with the provisions of the Video Gaming Act (230 ILCS 40/1 et seq.) prior to the application for a class GA license with the City and shall comply with all provisions of the Illinois

Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

- (6) The loss of the establishment's class A1, class A2, class A3, or class D license, results in the loss of the class GA license.
- (l) Class GC (Gaming Café) license shall authorize the retail sale of alcoholic liquor in video gaming cafes/video gaming lounges for consumption on the premises, and authorize the operation of video gaming devices upon the licensed premises, subject to the following:
 - (1) A class GC licensed premises shall only be located in the C-1, C-2 or C-3 commercial zoning district of the City, and in the geographic areas generally described in section 122-29(d)(12) of the City's Zoning Ordinance and identified on the Gaming License Map maintained by the City. The class GC license shall also be subject to the maximum number of Video Gaming Cafes for each area as set forth in section 122-29(d)(12) of the City's Zoning Ordinance.
 - (2) Each GC licensed premises shall comply with all regulations set forth in Section 122-29 of the City Zoning Code.
 - (3) Window and door signage on a GC-licensed establishment shall not take up more than 30% of the gross area of each window and door. All other signs shall comply with all City sign regulations.
 - (4) The City shall issue no more than five (5) class GC licenses. This cap on the number of GC-licensed establishments shall in no way obligate the City to grant, or limits its ability to deny, a GC license application, even if the City has not reached this designated cap on GC-licensed establishments.
 - (5) There shall be no more than one (1) GC-licensed establishment in any commercial building designated to accommodate multiple businesses.
 - (6) The GC-licensed establishment must maintain a commercial-grade cooking device and the beverage and food offerings of a GC-licensed establishment shall include a variety of non-alcoholic beverages and food items, in accordance with the regulations set forth in Section 122-29(d) of the City's Zoning Code. A menu of all food offerings must be submitted as part of the license application and will be subject to approval by the Mayor, as the Local Liquor Commissioner.
 - (7) A class GC-licensed establishment must have a video gaming license issued by the Illinois Gaming Board in accordance with the provisions of the Video Gaming Act (230 ILCS 40/1 et seq.) prior to operation of the establishment

and shall comply with all provisions of the Illinois Video Gaming Act and all rules, regulations and restrictions imposed by the Illinois Gaming Board.

- (8) It is required that the video gaming area of a GC-licensed establishment be separated from the other area of the establishment by a partition wall consisting of a four-foot solid and permanent/stable material such as wood, paneling, or finished or painted dry wall visual barrier for the lower half and lattice or design blocks for the upper half. By each video gaming machine there must be a table, cabinet, or shelf so drinks and food are not placed on the floor or on the machine.
- (9) The operation of video gaming terminals shall be not be permitted during the hours alcoholic liquor sales are prohibited.
- (10) A special use permit shall be required in order to operate a class GC-licensed establishment.
- (11) At the time of the class GC licensee's application for a subsequent renewal license and no sooner than 9 months after the establishment has been in operation, the GC-licensed establishment shall have the opportunity to present information to the City Manager indicating the establishment is not operating as a Video Gaming Café as set forth in section 6-34(12) of the City Code and section 122-29 of the City Zoning Ordinance, but instead operates with video gaming as an accessory to the establishment. The information must be presented to the City Manager at least 30 days prior to the issuance of the renewal license and must be supported by credible evidence establishing that the premises is not primarily used for video gaming, and must include financial information regarding revenues allocated to gaming and revenues allocated for food and beverage. If the evidence presented clearly shows that the establishment is not operating as a Video Gaming Café, the City Manager will provide a written recommendation to the Mayor, as the Local Liquor Commissioner, that such license be converted to a class GA license. The Local Liquor Commissioner shall make the final determination as to whether the renewal license shall be granted under the class GA license or the class GC license.

- (m) Class H—Microbrewery.
- (n) Class I—Microdistillery.
- (o) Class J—Microwinery.
- (p) Licenses shall state thereon the class to which they belong, the names of the licensees, the address and description of the premises for which they are granted, and the dates of their issuance and expiration.

Section 3. Paragraph B, of Section IV, entitled “Alcoholic Beverages,” of Appendix B, entitled “Schedule of Rates, Fees, Fines and Penalties” of the Code of Ordinances of the City of Rolling Meadows is hereby amended to read as follows:

B. License fee (section 6-39):

Class	Annual Fee
A-1	\$4,600.00
A-2	\$3,800.00
A3	\$5,200.00
B	\$3,700.00
B-1	\$3,700.00
C	\$75.00
D	\$3,600.00
D-1	\$3,700.00
E	\$3,800.00
GA	\$120.00
GC	\$3,920.00 through December 31, 2021; \$4,500.00 effective January 1, 2022
H	\$5,000.00
I	\$5,000.00
J	\$5,000.00
P	\$75.00

Section 4. No later than 30 days after the passage of this Ordinance, the City shall file a petition with the Planning and Zoning Commission of the City of Rolling Meadows in order to define, establish and regulate Video Gaming Cafés as a special use within the commercial zoning districts of the City of Rolling Meadows, as set forth in the proposed amendments to the City’s Zoning Code, in substantially the form set forth in Exhibit A attached hereto.

Section 5. Prior to the passage of an Ordinance to amend the City’s Zoning Code to define, establish and regulate Video Gaming Cafés as a special use within the commercial zoning districts of the City of Rolling Meadows, all current class G1 liquor license holders will be evaluated by the City Manager, or his designee, under the criteria set forth in in Section 1 of this Ordinance (new section 6-34(12) of the City Code) in order to determine whether the establishment constitutes a Video Gaming Café (requiring a class GC license and an administrative special use permit pursuant to section 122-29(e) of the City Zoning Ordinance) or whether video gaming is an accessory to the establishment (requiring a class GA license). The City Manager, or his designee, shall prepare a report regarding whether the renewal license for the establishment shall be designated as a class GA license or a class GC license and submit the report to the Mayor, as the Local Liquor Commissioner. The Local Liquor Commissioner shall make the final determination as to whether the renewal license shall be granted under the class GA license or the class GC license. After the Local Liquor Commissioner makes the final determination regarding whether the renewal license for the establishment shall be designated and approved as a class GA license or a class GC license, the City Council shall amend Section 6-37 of the City Code to count for the liquor licenses in the GA and/or GC classification. Any new classification of establishment under a class GC license will be applied on January 1, 2021, and, at the time of reclassification, a GC license holder will be issued a refund, in the form of a deduction from the amount of the GC

license, based upon the prorated amount of the unused duration of their prior A1, A2, A3 or D license. In the event that an existing G1 establishment is granted a renewal license under the class GC license, such establishment shall be granted a special use permit administratively by the City Council, upon the recommendation of the City Manager, as long as the establishment is in good standing with the City and any other State or regulatory agency.

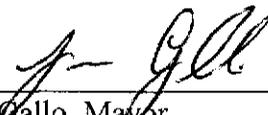
Section 6. This Ordinance shall be in full force and effect upon its passage and approval, as provided by law.

PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County, Illinois this 11th day of August, 2020.

YEAS: Budmats, O'Brien, Vinezeano, Bisesi, D'Astice, Sanoica, Cannon

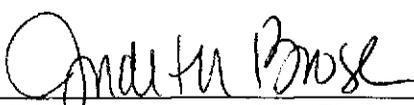
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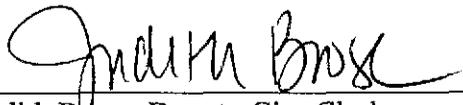
Joe Gallo, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 12th day of August, 2020.



Judith Brose, Deputy City Clerk

EXHIBIT A

ORDINANCE NO. 20-32

**AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE
ZONING ORDINANCE OF THE CITY OF ROLLING MEADOWS
TO DEFINE, ESTABLISH AND REGULATE VIDEO GAMING CAFES
AS A SPECIAL USE WITHIN THE COMMERCIAL DISTRICTS
OF THE CITY OF ROLLING MEADOWS**

WHEREAS, the City of Rolling Meadows (“Petitioner”) petitioned the Planning and Zoning Commission of the City of Rolling Meadows (“Plan Commission”) to consider text amendments to the Zoning Ordinance of the City of Rolling Meadows contained in Chapter 122 of the City Code, in order to define, establish and regulate the use of Video Gaming Cafés within commercial districts of the City of Rolling Meadows (“Petition”); and

WHEREAS, the Plan Commission, subject to due notice, conducted a public hearing on July 7, 2020, to consider the proposed text amendment; and

WHEREAS, after taking and considering all public testimony, the Plan Commission recommended that the City Council approve the Petition; and

WHEREAS, the corporate authorities find it advisable, necessary and in the best interest of the City to amend its Zoning Code to define, establish and regulate Video Gaming Cafés as a special use in commercial districts within the City of Rolling Meadows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Cook County, Illinois, as follows:

Section 1. The preambles to this Resolution are incorporated herein and are hereby adopted.

Section 2. Section 122-3, entitled “Definitions and rules generally,” of Article I, entitled “Generally,” of Chapter 122, entitled “Zoning,” of the Code of Ordinances of the City of Rolling Meadows is hereby amended by adding the following terms in alphabetical order:

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 Café as define herein.

Video Gaming Café 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 Café” or “Video Gaming, Accessory to Permitted or Accessory Restaurants or Bars” as defined herein.

Section 3. Article I, entitled “Generally,” of Chapter 122, entitled “Zoning,” of the Code of Ordinances of the City of Rolling Meadows is hereby amended by adding a new section 122-29, as follows:

Sec. 122-29. – Video Gaming Cafés.

- (a) Purpose and applicability. It is the intent and purpose of this section to provide regulations regarding video gaming cafes. Video gaming cafes are commercial enterprises with unique qualities which differentiate them from other permitted and special uses and, as such, require the imposition of certain specific regulations intended to promote the public health, safety, comfort, morals and convenience by ensuring that such uses are compatible with neighboring property. Additionally, video gaming cafes are uses that are regulated by the Illinois Gaming Board and must comply with all regulations provided in the Illinois Video Gaming Act (230 ILCS 40/1 et seq.), and as the Act may be subsequently amended from time-to-time, as well as the regulations promulgated thereunder.
- (b) *Special use.* Video gaming cafes, as defined herein in Section 122-3 of this Zoning Ordinance and as determined by the City and referred by the City Council in accordance with Section 6-34(12) of the City Code, requires approval of a special use in the respective districts in which they are listed or identified as such. Any request for a special use shall be processed in accordance with article V (special uses) of chapter 122 (zoning) and as provided herein below. If a video gaming cafe is not identified as a permitted or special use in a particular zoning district of the city, such use shall be deemed prohibited in that zoning district.
- (c) Submission Requirements: The following items shall be submitted as part of the special use request for a video gaming café
 1. An accurately dimensioned site plan indicating buildings, building entrances, parking, sidewalks, adjacent streets and immediately surrounding uses. If the proposed video gaming cafe is to be in a multi-use building, all tenant spaces

shall be identified by tenant name, gross square footage of the space, number of employees, and number of commercial vehicles associated with each space.

2. A scaled floor plan of the interior of the facility shall be submitted, showing the location, layout and square footage of all areas, including tables/seating, dining, bars, waiting area, offices, kitchen, video gaming devices, bathrooms, mechanicals, etc.
3. A security plan for the video gaming café that includes facility access controls, surveillance systems, on-site security personnel, and other security measures required by state or local regulations. Security arrangements must deter and prevent unauthorized entrance into areas containing video gaming devices, and ensure the safety of employees and customers of the video gaming café, as well as the surrounding area, and include no less than the minimum security measures required by state law. The security plan shall be reviewed and approved by the Chief of Police.
4. The proposed plan of operations of the video gaming establishment must demonstrate the intent of the organization to operate in full compliance with the Illinois Video Gaming Act, as applicable.

(d) Applicable Regulations:

1. All video gaming cafes must receive a class GC license from the city pursuant to section 6-36 of the City Code in order to operate.
2. Size: All Video Gaming Cafés must have a minimum gross square footage of at least 1,200 square feet in size, with no more than 30 percent of the gross square footage occupied by video gaming machines and surrounding space.
3. Refuse Disposal Area: All Video Gaming Café properties shall have or provide a refuse disposal area, which shall be screened on all sides by a solid wood, composite or masonry fence or an equivalent material to a height of not less than six feet (6') but no more than seven feet (7'), as approved by the Director of Public Works.
4. Exterior Lighting: Parking lot lighting shall be provided to ensure not less than 1 footcandle of light at the property line. All parking lot or exterior lighting shall be inwardly directed so that no direct lighting is cast off-premises.
5. Outside business activity for Video Gaming Cafés is limited to food and beverage service, and only in compliance with Section 122-27(d)12 of the City Code.
6. Off-street Parking and Loading: All uses shall conform to the requirements for off-street parking and loading as set forth in section 122-189 of this chapter.

Parking surfaces shall be in good repair, as determined by the Director of Public Works, or shall be repaired or resurfaced pursuant to properly issued permits prior to the issuance of any special use permit.

7. Signs: All signs shall conform to the requirements for signs as set forth in the sign regulations set forth in section 122-192 of the Zoning Ordinance and section 6-36 of the City Code.
8. Exterior Appearance: The exterior appearance of the building shall be compatible with commercial structures already constructed or under construction within the immediate neighborhood, to ensure against blight, deterioration, or substantial diminishment or impairment of property values in the vicinity. Necessary improvements shall be as determined by the Director of Public Works and shall be completed prior to the issuance of any special use permit.
9. Video Gaming Cafés must be separated by a minimum of 900' from the next closest Video Gaming Cafe, and not more than one Video Gaming Café can operate in the same multi-tenant building. Distance shall be measured in a straight line between the two closest corners of the establishments' closet perimeter walls or corners.
10. All Video Gaming Cafés shall abide by all other applicable state and City regulations and requirements including all provisions of Chapter 6 of this Code.
11. Video Gaming Cafés shall obtain and maintain at all times valid licensing, certification, and/or accreditation by appropriate local, state and national bodies charged with the regulation of video gaming and shall adhere to all governing local, state and national codes and regulations.
12. A maximum of five (5) video gaming cafes may operate within the City pursuant to a special use permit and may only be located in the C-1, C-2 or C-3 zoning district and in one of the following four geographic areas generally described below and identified on the Gaming License Map maintained by the City, subject to the maximum number of Video Gaming Cafes for each area as set forth below:
 - i. Area 1: (Kirchoff Road Corridor generally described as the commercially-zoned area along Kirchoff Road between Wilke Road and Rowling Road). Maximum # of Video Gaming Cafes = 2.
 - ii. Area 2: (Meacham/ Plum Grove Road Corridor generally described as the commercially-zoned area along Meacham/Plum Grove Road between Algonquin Road and Illinois Avenue). Maximum # of Video Gaming Cafes = 2

iii. Area 3: (Golf & Algonquin Road Corridor generally described as the commercially-zoned area along Golf, Algonquin and New Wilke Roads, in the vicinity of Meadows Town Mall Shopping Center). Maximum # of Video Gaming Cafes = 1

iv. Area 4: (All other commercially zoned areas of the City of Rolling Meadows). Maximum # of Video Gaming Cafes = 0

13. There shall be no more than one (1) Video Gaming Café in any commercial building designated to accommodate multiple businesses.

14. All Video Gaming Cafés shall maintain one or more commercial-grade cooking device(s), including at least one or a combination of full-sized commercial grade ovens, grills, fryers, or ranges capable of preparing made-to-order hot items on the menu. Countertop equipment, food warmers and other holding and warming equipment are not sufficient on their own to meet this requirement. The beverage and food offerings of the establishment shall include a variety of non-alcoholic beverages and a minimum of ten (10) hot food items which shall be served during all hours of operation. No less than five (5) hot food items offered by the establishment must be prepared from scratch in the establishment and may not be pre-packaged and/or pre-prepared. An example of pre-packaged would be a pre-cooked breakfast sandwich that is heated up. An example of pre-prepared is a frozen pizza that is heated up in a standard or convection oven.

(e) All Video Gaming Cafés that exist on August 11, 2020, will be evaluated under the criteria set forth in section 6-34(12)(C) of the City Code in order to determine whether the establishment constitutes a Video Gaming Café. Any establishment that qualifies as a Video Gaming Cafe under Section 6-34(12)(C) and classifies as a GC-licensed establishment under section 6-36 of the City Code and that exists prior to August 11, 2020 and is in good standing with the City shall, at the time of passage of the enacting Ordinance, be granted a special use permit administratively by the City Council to be applied prospectively, upon the recommendation of the City Manager.

(f) Any proposed text amendment with respect to the provisions of Section 122-29, must first be reviewed by the City Council and referred from the City Council to the City's Planning and Zoning Commission prior to any consideration by the City's Planning and Zoning Commission on the text amendment.

Section 4. In accordance with paragraph (e) of Section 122-29, the following establishments qualify as a Video Gaming Café under the standards set forth in Section 6-34(12)(C) of the City Code. Further, the following establishments are in good standing with the

City and upon the recommendation of the City Manager are hereby granted a special use permit administratively by the City Council.

- A. Daisy's Café, 3334 Kirchoff Road, Rolling Meadows Illinois
- B. Sally's Gaming, 1913 Plum Grove Road, Rolling Meadows Illinois
- C. Isabella's Café, 5540 New Wilke Road, Rolling Meadows Illinois
- D. Lulu's, 2633 Kirchoff Road, Rolling Meadows Illinois

Section 5. Paragraph (b)69 of Section 122-187 entitled "C-1 commercial district," of Division 4 entitled "Commercial," of Article III entitled "Districts," of Chapter 122, entitled "Zoning," of the Code of Ordinances of the City of Rolling Meadows is hereby amended by adding the term "Video Gaming Café" in alphabetical order as a special use within said commercial district.

Section 6. Paragraph (b)16 of Section 122-193 entitled "C-2 general commercial services district," of Division 4 entitled "Commercial," of Article III entitled "Districts," of Chapter 122, entitled "Zoning," of the Code of Ordinances of the City of Rolling Meadows is hereby amended by adding the term "Video Gaming Café" in alphabetical order as a special use within said commercial district.

Section 7. Paragraph (b)54 of Section 122-194 entitled "C-3 minor commercial services district," of Division 4 entitled "Commercial," of Article III entitled "Districts," of Chapter 122, entitled "Zoning," of the Code of Ordinances of the City of Rolling Meadows is hereby amended by adding the term "Video Gaming Café" in alphabetical order as a special use within said commercial district.

Section 8. Section 122-189 entitled "Schedule of parking requirements," of Division 4 entitled "Commercial," of Article III entitled "Districts," of Chapter 122, entitled "Zoning," of

the Code of Ordinances of the City of Rolling Meadows is hereby amended by adding the following:

- (12) Restaurant / Brew Pub / Video Gaming Café. 10 spaces per 1,000 square feet of gross floor area.

Section 9. This Ordinance shall be in full force and effect upon its passage and approval, as provided by law.

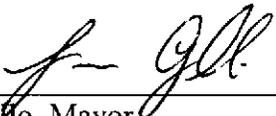
PASSED AND APPROVED by the City Council of Rolling Meadows, Cook County, Illinois this 11th day of August, 2020.

YEAS: O'Brien, Vinezeano, Bisesi, D'Astice, Sanoica, Cannon, Budmats

NAYS: 0

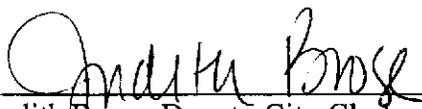
ABSENT: 0

Passed and Approved this 11th day of August, 2020.



Joe Gaffo, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 12th day of August, 2020.



Judith Brose, Deputy City Clerk