

**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 Café, 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 cafe 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

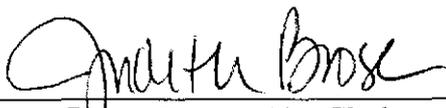
ABSENT: 0

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



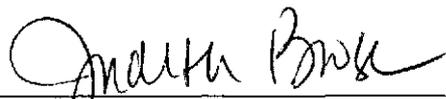
Joe Gallo, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 12th day of August, 2020.



Judith Brose, Deputy City Clerk