

ORDINANCE NO. 2015-03-029

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA,
ILLINOIS
(Revising Article II and Article V to establish definitions and
use provisions for "Gaming Hall"/ Plan Commission Case No. 2250-
T-15)

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance #9293-124 on June 21, 1993 which adopted the 1993 Comprehensive Amendment to replace the 1979 Comprehensive Amendment to the 1950 Zoning Ordinance of the City of Urbana which is also known as the Urbana Zoning Ordinance; and,

WHEREAS, the State of Illinois enacted the Illinois Video Gaming Act (230 ILCS 40/) on January 1, 2010, which allowed video gaming terminals in establishments with liquor licenses in the State of Illinois; and

WHEREAS, the City of Urbana in Ordinance No. 2012-07-073 enacted Urbana City Code Chapter 3.7 to regulate amusement devices and game rooms in the City and Section 14-7 to establish a schedule of fees for the various licenses, permits, fines, and other fees required under the Urbana City Code on July 30, 2012; and

WHEREAS, video gaming uses are not listed in the Urbana Zoning Ordinance and are not distinguished as principal or accessory uses; and

WHEREAS, the Zoning Administrator is proposing to amend the Urbana Zoning Ordinance in order to establish definitions, use provisions, and location restrictions for establishments with video gaming as a principal use; and

WHEREAS, said text amendment is consistent with the goals and objectives of the Urbana Comprehensive Plan; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing on this application at their February 5, 2015, February 19, 2015, and March 5, 2015 meetings; and

WHEREAS, the Urbana Plan Commission on March 5, 2015 voted 5 ayes to 0 nays to recommend approval of the proposed Zoning Ordinance amendment as presented and amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that the Urbana Zoning Ordinance shall be amended as follows:

Section 1. That Section II-3, Definitions, of Urbana Zoning Ordinance is hereby amended to add the following new definitions:

Gaming Hall: An establishment whose primary purpose is to operate video gambling terminals where the drawing, pouring, mixing, or otherwise serving of alcoholic liquor on the licensed premises is subsidiary to the operation of the video gambling terminal or terminals. In the event that any establishment derives 60% or more of its estimated gross revenue from the display, play and/or operation of video gambling terminals, such establishment shall be deemed a Gaming Hall and shall be required to obtain a Class G-2 license. Notwithstanding the immediate foregoing, the following may also be considered in determining whether an establishment constitutes a gaming hall:

- A. a seating area for video gaming terminals being greater than the seating area where food and beverage, including alcoholic beverages, are served;
- B. the absence of a full service kitchen; and

- C. an overall size of 1500 square feet or less.
- D. such other conditions which readily suggest or indicate that the establishment is intended to be operated or is being operated as an establishment whose primary purpose is the display of gambling terminals for play or operation by the public.

For purposes of this subsection, fraternal establishments and veterans establishments (as defined in the Video Gaming Act, 230 ILCS 40/5) shall be exempt.

Fraternal Establishment: The location where a qualified fraternal organization that derives its charter from a national fraternal organization regularly meets.

Veterans Establishment: The location where a qualified veterans organization that derives its charter from a national veterans organization regularly meets.

Video Gambling Terminal. Video gambling terminal shall have the same meaning as "video gaming terminal," as set forth in the Video Gaming Act, 230 ILCS 40/1 et seq. as amended.

Section 2. That Table V-1, Table of Uses, of the Urbana Zoning Ordinance is hereby amended to include the following new use as follows:

Table V-1. Table of Uses

Principal Uses	R-1	R-2	R-3	R-4	R-5	R-6	R-6B	R-7	AG	B-1	B-2	B-3	B-3U	B-4	B-4E	CCD	CRE	MOR	IN-1	IN-2
Recreation																				
Gaming Hall *****														P	P					

***** The establishment requesting a license for a principal use gaming hall shall be a minimum of five hundred feet from any other licensed gaming hall or pre-existing Day Care Facility, Day Care Home, School, or Place of Worship, as defined under the Religious Corporation Act (805 ILCS 110/0.01 et seq.). The

establishment requesting a license for a principal use gaming hall shall also be a minimum of two hundred and fifty feet away from any previously existing establishment containing a licensed video gaming terminal. Said distances shall be measured as the intervening distance between business frontages.

Section 3. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 6th day of April, 2015.

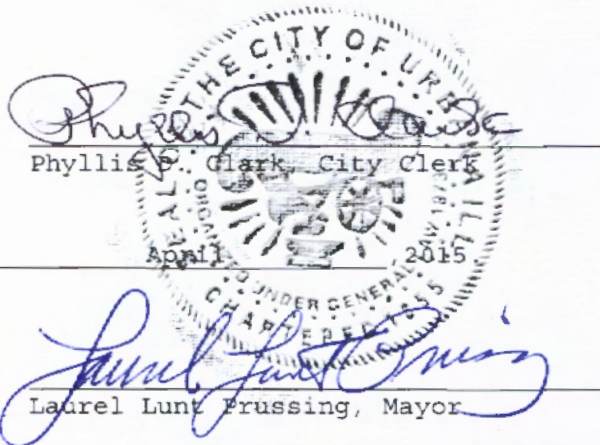
PASSED by the City Council this 6th day of April, 2015.

AYES: Ammons, Brown, Jakobsson, Marlin, Smyth

NAYS: Roberts

RECUSE: Madigan

APPROVED by the Mayor this 9TH day of _____


Phyllis P. Clark, City Clerk
April 9, 2015
Laurel Lunt Frussing, Mayor



CERTIFICATE OF PUBLICATION
IN PAMPHLET FORM



I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 6th day of April, 2015, the City Council of the City of Urbana passed and approved Ordinance No. 2015-03-029, entitled:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (REVISING ARTICLE II AND ARTICLE V TO ESTABLISH DEFINITIONS AND USE PROVISIONS FOR "GAMING HALL"/ PLAN COMMISSION CASE NO. 2250-T-15)

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2015-03-029 was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the 10th day of April, 2015, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

Dated at Urbana, Illinois, this 13th day of April, 2015.



Phyllis D. Clark

Phyllis D. Clark, City Clerk