



TO: The Honorable Mayor and the City Council

FROM: Ty Livingston, Director of Planning & Community Development

DATE: December 10, 2019

SUBJECT: Petition of the City of East Peoria to amend Title 5, Chapter 2, Sections 3 & 4 of the City Code to prohibit video gaming cafes.

BACKGROUND: The petitioner here, the City, is seeking to amend the code to prohibit gaming cafes in the city. In these changes, video gaming cafes are defined and then specifically excluded as they have been determined to not be in the best interest of the City. These changes are consistent with those recently made the City Council made to the liquor code.

At their meeting, the ZBA voted 5-0 to recommend the proposed changes to the City Council.

RECOMMENDATION: Approval, as presented.

ORDINANCE NO. 4469

**AN ORDINANCE AMENDING ZONING REGULATIONS
IN TITLE 5 OF THE EAST PEORIA CITY CODE
TO PROHIBIT VIDEO GAMING CAFÉS**

WHEREAS, the City of East Peoria has proposed amendments to certain zoning regulations found at Title 5 of the East Peoria City Code, which proposed amendments are hereinafter set forth; and

WHEREAS, the City Council has determined that business establishments that focus solely or primarily on video gaming are disfavored and detrimental to the City's business environment and to the public good of the citizens of the City of East Peoria; and

WHEREAS, after holding a public hearing on December 9, 2019, pursuant to duly published notice, the East Peoria Zoning Board of Appeals has recommended approval of the proposed amendments; and

WHEREAS, the City Council finds that adoption of the proposed amendments to the City's zoning regulations would serve the best interests and the public good of the City of East Peoria and its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. Title 5, Chapter 2, Section 3 ("Definitions") is hereby amended with the addition of the following new definition:

Video gaming café shall mean a licensed establishment whose primary or major focus or source of revenue is the operation of video gaming terminals (as defined under the Illinois Video Gaming Act) and that only offers alcoholic beverages, food, or other merchandise as incidental or a secondary amenity to the operation of video gaming; provided that the following factors may be considered when determining whether an establishment is a video gaming café: (1) the overall size, layout, and design of the premises; (2) the number of video gaming terminals relative to the entire customer seating capacity of the establishment; (3) the size of the video gaming terminal area in comparison to the remaining portion of the establishment; (4) the operation of a commercial kitchen on the premises; (5) the preparation and variety of food and beverages offered by the establishment; (6) the percentage of proposed or actual revenue derived from video gaming as compared to food and beverage sales and other retail sales at the establishment; and (7) the number of employees at the establishment and their proposed function.

Section 2. New Section 15 is hereby added to Title 5, Chapter 4 of the East Peoria City Code as follows:

5-4-15. Video gaming cafés.

No video gaming cafés shall be established in an existing or new building or structure within the City's corporate limits, with the exception of a building used by a veteran's organization that holds a valid Class V liquor license issued by the City.

Section 3. This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 4. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 5. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

Section 6. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____ DAY OF _____, 2019.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel