

CITY OF PEKIN

ORDINANCE NO. 2991-21/22

**AN ORDINANCE AMENDING THE CITY ZONING CODE
REGARDING VIDEO GAMING ESTABLISHMENTS**

PASSED BY THE CITY COUNCIL
OF THE CITY OF PEKIN
THE 28TH DAY OF JUNE 2021

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE CITY
COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS,
THIS 28TH DAY OF JUNE 2021

ORDINANCE NO. 2991-21/22

**AN ORDINANCE AMENDING THE CITY ZONING CODE REGARDING
VIDEO GAMING ESTABLISHMENTS**

WHEREAS, the City of Pekin is a home rule municipality as described in Section 6(a), Article VII of the 1970 Constitution of the State of Illinois; and

WHEREAS, the City of Pekin, as a home rule municipality, may exercise power and perform any function pertaining to its government and affairs, including, but not limited to, the power to legislate for the protection of the public health, safety, and welfare; and

WHEREAS, the City of Pekin has enacted a Zoning Code for establishing municipal zoning regulations for the purpose of improving and protecting the public health, safety, comfort, convenience, and general welfare of the people and its citizens; and

WHEREAS, the Planning Commission of the City of Pekin conducted a public hearing, as required by law, on June 9, 2021, regarding the proposed amendments to the City's Zoning Code pertaining to the placement of video gaming establishments within the City; and

WHEREAS, the Planning Commission has recommended approval of the proposed amendments to the City's Zoning Code after holding the required public hearing and then considering the proposed amendments to the City's Zoning Code as set forth herein; and

WHEREAS, the City Council hereby finds that it is in the best interests of the City and its citizens that the Zoning Code regulations set forth herein be established for location of video gaming within the City;

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

Section 1. The findings and recitations set forth above are adopted and found to be true and correct.

Section 2. Chapter 4, Article 3, Division 6, Subdivision 3, Section 2 of the Pekin City Code is amended as follows:

Sec. 4-3-6-3-2. - Principal uses permitted.

In a Local Business District, no building or land shall be used and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this Article:

- (1) Alcohol/drug rehabilitation home.

- (2) All principal uses as regulated and all special uses as regulated in the OS-1 Office Service Districts, except new one- and two-family dwellings.
- (3) Business establishments which perform services on the premises, such as, but not limited to, banks, loan companies, insurance offices and real estate offices.
- (4) Dry cleaning establishments or pickup stations dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.
- (5) Generally recognized retail businesses which supply commodities on the premises, such as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing, notions, hardware and restaurants.
- (6) The uses allowed and as controlled in RM-2 Districts may be permitted on those floors above the first story to the owner of the property or business in accordance with the dwelling unit density requirements of the RM-2 District. All height, setback, floor area ratio and percent of lot coverage requirements shall comply with the requirements of the B-1 District. In determining dwelling unit density, the parcel area, including the area to be occupied by the principal uses, may be computed.
- (7) Personal service establishments which perform services on the premises, such as, but not limited to, repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors or barbershops, photo-graphic studios and self-service laundries and dry cleaners.
- (8) Post office and similar governmental office buildings serving persons living in the adjacent residential area.
- (9) Professional services, including the following: offices of doctors, dentists, osteopaths and similar or allied professions.
- (10) Other uses similar to the uses provided for in this Section.
- (11) Accessory structures and uses customarily incident to the permitted uses provided for in this Section.
- (12) Video gaming, as authorized by Section 5-1-4-6-2 of this Code, when ancillary to a restaurant, tavern, club, or fraternal organization.

Section 3. Chapter 4, Article 3, Division 6, Subdivision 4, Section 2 of the Pekin City Code is amended as follows:

Sec. 4-3-6-4-2. - Principal uses permitted.

In a Central Business District, no building or land shall be used and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this Article:

- (1) Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building, such as, but not limited to, food, drugs, furniture, clothing, dry goods, notions or hardware.
- (2) Any personal service establishment which performs services on the premises within a completely enclosed building, such as, but not limited to, repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlor, barbershops, interior decorators, photographers and dry cleaners.
- (3) Banks and banks with drive-in facilities, when said drive-in facilities are incidental to the principal function.
- (4) Business schools or private schools operated for a profit. Examples of private schools permitted herein include, but are not limited to, the following: dance studios, music and voice schools and art studios.
- (5) Municipal buildings and post office.
- (6) Newspaper offices and printing plants.
- (7) Offices and office buildings of an executive, administrative or professional nature.
- (8) Offices and showrooms of plumbers, electricians, decorators or similar trades. The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices or display. All storage of, materials, on any land shall be within the confines of the building or part thereof occupied by said establishment and shall be adequately screened from abutting streets.
- (9) Public utility buildings telephone exchange buildings, electric transformer stations, substations and similar uses only when enclosed within a building or completely enclosed by an obscuring wall.
- (10) Restaurants and taverns where the patrons are served while seated within the building occupied by such establishment and wherein said establishment does not extend as an integral part of, or accessory thereof and service of a drive-in or open-front store.
- (11) The uses allowed and as controlled in RM-2 Districts may be permitted on those floors above the first story solely for the owner of the property or the business therein, in accordance with the dwelling unit density requirements of the RM-2 District. All height, setback, floor area ratio, and percent of lot coverage requirements shall comply with the requirements of the B-2 District. In

determining dwelling unit density, the parcel area, including that area to be occupied by the principal use, may be computed.

- (12) Theaters, when completely enclosed.
- (13) Warehouse and storage facilities, when incident to and physical connected with any principal use permitted, provided that such facility be within the confines of the building or part thereof occupied by said establishment.
- (14) Other uses which are similar to those provided for in this Section and subject to the following restrictions:
 - a. All business establishments shall be retail, wholesale or service establishments dealing directly with consumers.
 - b. All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
 - c. Storage of commodities shall be within buildings or shall be so enclosed as not be visible to the public from a street or thoroughfare.
- (15) Accessory structures customarily incident to the permitted uses provided for in this Section.
- (16) Video gaming, as authorized by Section 5-1-4-6-2 of this Code, when ancillary to a restaurant, tavern, club, or fraternal organization.

Section 4. Chapter 4, Article 3, Division 6, Subdivision 5, Section 2 of the Pekin City Code is amended as follows:

Sec. 4-3-6-5-2. - Principal uses permitted.

In a General Business District, no building or land shall be used and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this Article:

- (1) Any retail business or service establishment permitted in B-1 and B-2 Districts as principal uses permitted and uses permitted as special uses.
- (2) Automatic automobile car wash, self-serve auto or truck wash or outdoor car wash.
- (3) Bowling alleys.
- (4) Bus passenger stations.
- (5) Clinics.

- (6) Governmental offices (excepting those used for overnight incarceration of prisoners), public utility offices, exchange, transformer stations, pump stations and service yards, but not including outdoor storage.
- (7) Hotels and motels.
- (8) New and used automobile sales or showroom.
- (9) Outdoor retail and food sales where liquor is not sold, served or otherwise provided, with staff approved site plan.
- (10) Pool, billiard, or video gaming parlor or club.
- (11) Private clubs or lodge halls.
- (12) Retail cold storage establishments.
- (13) Self-service laundry and dry cleaning establishments.
- (14) Warehousing and storage of materials or goods to be sold at retail, provided that such storage is within a building or is enclosed as not to be visible to the public from a street or thoroughfare.
- (15) Other uses which are similar to the uses provided for in this Section.
- (16) Accessory buildings and uses customarily incident to the permitted uses provided for in this Section.

Section 5. Chapter 4, Article 3, Division 6, Subdivision 6, Section 2 of the Pekin City Code is amended as follows:

Sec. 4-3-6-2. - Principal uses permitted.

In a Light Industrial District, no building or land shall be used and no building shall be erected, except for one or more of the following specified uses unless otherwise provided in this Article:

- (1) Any of the following uses when the manufacturing, compounding or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding or processing shall be totally obscured by a wall on those sides abutting R, RT, RM, OS-1, B-1, B-2 and B-3 Districts and on any yard abutting a public thoroughfare, except as otherwise provided in [Section 4-3-8-7](#). In I-1 Districts, the extent of such a wall may be determined by the Planning and Zoning Commission on the basis of usage. Such a wall shall not be less than four feet, six inches in height and may, depending upon land usage, be required to be eight feet in height and shall be subject further to the requirements of Division 8

of this Article. A chain link fence with intense evergreen shrub planting shall be considered an obscuring wall. The height shall be determined in the same manner as the wall height as above set forth.

- (2) All public utilities, including buildings, necessary structures, storage yards and other related uses.
- (3) Central dry cleaning plants or laundries, provided that such plants shall not deal directly with consumer at retail.
- (4) Laboratories, experimental, film or testing.
- (5) Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
- (6) Manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns.
- (7) Manufacture, compounding, processing, packaging or treatment of such products as, but not limited to, bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops.
- (8) Manufacture of musical instruments, toys, novelties and metal or rubber stamps or other molded rubber products.
- (9) Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
- (10) Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
- (11) Warehousing and wholesale establishments and trucking facilities.
- (12) Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building.
- (13) Commercial kennels.
- (14) Freestanding, nonaccessory signs.
- (15) Greenhouses.
- (16) Manufacture of building products, storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided that such is enclosed within a building or within an obscuring wall or fence on those sides abutting all residential or business districts and on any yard abutting a

public thoroughfare. In any I-1 District, the extent of such fence or wall may be determined by the Planning and Zoning Commission on the basis of usage. Such fence or wall shall not be less than five feet in height and may, depending on land usage, be required to be eight feet in height. A chain link type fence with heavy evergreen shrubbery inside of said fence shall be considered to be an obscuring fence.

- (17) Municipal uses, such as water treatment plants, reservoirs, sewage treatment plants and all other Municipal buildings and uses, including outdoor storage.
- (18) Trade or industrial schools.
- (19) Warehouses, storage and transfer and electric and gas service buildings and yards; public utility buildings, telephone exchange buildings, electrical transformer stations; water supply and sewage disposal plants; water and gas tank holders; railroad transfer and storage tracks railroad rights-of-way; freight terminals.
- (20) Other uses of a similar and no more objectionable character to the uses provided for in this Section.
- (21) Accessory buildings and uses customarily incident to any of the permitted uses provided for in this Section.
- (22) Retail cold storage and climate-controlled storage.
- (23) Warehousing and storing of materials or goods, provided that such storage is within a building or is enclosed so as not to be visible to the public from a street or thoroughfare.
- (24) Indoor self-storage.
- (25) Outdoor self-storage.
- (26) Video gaming parlors.

Section 6. 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 7. This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED AND APPROVED at the regular meeting of the City Council of the City of Pekin, this 28th day of June, 2021; and upon roll call the vote was as follows:

AYES: Orrick, Abel, Nutter, Hohimer, Hilst Cloyd, Luft

NAYS: None

ABSENT: None

ABSTAINING: None

APPROVED this 28th day of June, 2021

Mark A. Left
Mayor

ATTEST:

Sue S. McMillan
City Clerk

CERTIFICATE

THE UNDERSIGNED CERTIFIES THAT SHE IS THE CITY CLERK FOR THE CITY OF PEKIN, ILLINOIS, AND THAT THE CITY COUNCIL AT A REGULARLY CONSTITUTED MEETING OF SAID CITY COUNCIL OF THE CITY OF PEKIN ON THE 28th DAY OF June, 2021 ADOPTED ORDINANCE NO. 2991-21/22 A TRUE AND CORRECT COPY OF WHICH IS CONTAINED IN THIS PAMPHLET

GIVEN UNDER MY HAND AND SEAL THIS 28th DAY OF June, 2021

(SEAL)

Sue A. McMillan
CITY CLERK