

AN ORDINANCE AMENDING “THE 2002 COMPREHENSIVE AMENDMENT OF THE ZONING ORDINANCE OF THE VILLAGE OF ARLINGTON HEIGHTS,” AS AMENDED, REGARDING THE ARLINGTON INTERNATIONAL RACECOURSE OVERLAY ZONING DISTRICT

WHEREAS, the Village of Arlington Heights is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs; and

WHEREAS, “The 2002 Comprehensive Amendment of the Zoning Ordinance of the Village of Arlington Heights,” as amended (“*Zoning Ordinance*”), establishes, among other things, zoning districts and special and permitted land uses within those zoning districts; and

WHEREAS, on July 6, 2021, the Village Board of Trustees adopted Ordinance No. 2021-024, amending the Zoning Ordinance to create the Arlington International Racecourse Property Overlay Zoning District (“*AIC Overlay Zoning District*”), which consists entirely of the property formerly used as the Arlington International Racecourse (“*Property*”), and set forth regulations governing development in the AIC Overlay Zoning District; and

WHEREAS, pursuant to Section 5.1-22.1 of the Zoning Ordinance, no portion of the AIC Overlay Zoning District may be redeveloped except upon approval by the Village of a master Planned Unit Development for the entire Property; and

WHEREAS, pursuant to Section 5.5 of the Zoning Ordinance, any uses not specifically listed as a permitted or special use in a Village zoning district are deemed prohibited; and

WHEREAS, the Village President and Board of Trustees desire to further amend Sections 3 and 5.1-22.1 of the Zoning Ordinance to allow sports wagering facilities as a special use in the AIC Overlay Zoning District, but only as part of an approved development that includes a stadium (“*Proposed Amendments*”); and

WHEREAS, a public hearing by the Plan Commission to consider the Proposed Amendments to the Zoning Ordinance was duly advertised in the Daily Herald on September 27, 2022, and held on October 12, 2022, and findings of fact in support of the Proposed Amendments were approved by the Plan Commission on October 12, 2022 (Public Hearing No.22-011), in accordance with and pursuant to Section 14 of the Zoning Ordinance; and

WHEREAS, the Village President and Board of Trustees have considered the Proposed Amendments and the recommendation of the Plan Commission, and have determined that adoption of the Proposed Amendments, as set forth in this Ordinance, will serve and be in the best interest of the Village and its residents;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. DEFINITIONS. Section 28-3, titled “Definitions,” of the Zoning Ordinance is hereby amended further to add the following definitions:

“Section 28-3 Definitions. For the purposes of this Chapter, the following words shall have the meanings set forth in this Section.

\* \* \*

**Sports Wagering Facility: A facility at which wagering is conducted with respect to the outcome or portions of a professional sport or athletic event, a collegiate sport or athletic event, a motor race event, or other event or competition of skill, or with respect to the individual performance statistics of athletes in a sports event or combination of sports events, or with respect to any other events upon which wagering is permitted under the Illinois Sports Wagering Act, 230 ILCS 45/25-1 et seq., as it may be amended.**”

\* \* \*

SECTION 3. REGULATIONS FOR A SPORTS WAGERING FACILITY IN THE AIC OVERLAY ZONING DISTRICT. Section 5.1-22.1 of the Zoning Ordinance is hereby amended further to read as follows:

“Section 5.1-22.1 – Conditions of Use:

\* \* \*

**g. In addition to the uses permitted in the underlying B-3 District and not prohibited pursuant to Section 5.1-22.1.c of this Zoning Ordinance, a sports wagering facility is allowed in the Arlington International Racecourse Property Overlay Zoning District, but only upon issuance of a special use permit therefor (which may be approved as part of a planned unit development), and only as part of an approved development that includes a professional sports stadium.**”

\* \* \*

SECTION 4. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 5. EFFECTIVE DATE. This Ordinance will be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

[SIGNATURE PAGE FOLLOWS]

AYES:

NAYS:

PASSED AND APPROVED THIS \_\_\_\_ day of \_\_\_\_\_, 2022.

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Village President

ATTEST:

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Village Clerk