



Karl F. Franzen, Director
Community and Economic
Development Department

July 17, 2019

RE: Zoning Officer's Determination on Casino Permissibility

To Whom It May Concern:

Inquiries as to the zoning permissibility of a casino have arisen as a result of recent legislation passed by the Illinois General Assembly as it relates to a casino location in the City of Rockford, Illinois. Casinos are not specifically listed in the City of Rockford Zoning Ordinance under the Use Classification Tables within Article 21, Commercial Districts and Article 22, C-4, Urban Mixed-Use District, nor is it listed within Article 90, Use Groups and Categories of the Zoning Ordinance. Further, the term "casino" is not specifically defined by the Zoning Ordinance. Per Article 11, General Rules of Language and Interpretation, "words that are not defined in Article 91 have the meaning given in the latest edition of Merriam-Webster's Collegiate Dictionary." Merriam-Webster's Dictionary defines a casino as "a building or room used for social amusements or, specifically, one used for gambling."

Article 90-001-D, Determination of Most Similar use Category, states, *when a specific use type cannot be readily classified into a use category or appears to fit into two or more use categories, the Zoning Officer is authorized to determine the most similar, thus most appropriate, use category based on the following considerations:*

1. the actual or projected characteristics of the activity in relationship to the stated characteristics of each use type;
2. the relative amount of site area or floor space and equipment devoted to the activity;
3. relative amounts of sales from each activity;
4. the customer type for each activity;
5. the relative number of employees in each activity;
6. hours of operation;
7. *building* and site arrangement;
8. vehicles used with the activity;
9. the relative number of vehicle trips generated by the use;
10. *signs*;
11. how the use advertises itself; and
12. whether the activity is likely to be found independent of the other activities on the site.

The use classification most closely associated with a casino would be, Sports and Recreation, Participants – Indoor, which would be a permitted use in the C-2, C-3 and C-4 Zoning Districts. Alternatively, a casino would also be similar to an Inter-track wagering facility, which is also listed as a permitted use in



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the C-2, C-3 and C-4 Zoning Districts. Therefore, as the Zoning Officer for the City of Rockford, I have made the determination that a casino, as a principal use, is a permitted use in the C-2, C-3 and C-4 Zoning Districts.

Furthermore, Article 57 | ACCESSORY USES, BUILDINGS, AND STRUCTURES states, *Unless otherwise expressly stated in this Zoning Ordinance, it is the intent of this ordinance to allow accessory uses, buildings, and structures when clearly subordinate to the principal use. And, that the Zoning Officer is authorized to determine when a use, building, or structure meets the definition of an accessory use, accessory building, or accessory structures.* Under the provisions of the Zoning Ordinance, it is my determination as the Zoning Officer, that accessory uses subordinate to the casino including, but not limited to, a hotel, conference center, entertainment facilities, banquet hall or parking deck, either attached to the principal structure or within a standalone building, would be a permitted use in conjunction with the casino and be subordinate in terms of area, extent and purpose.

If a casino were proposed within any other zoning classification, the applicant would have the right to apply for re-zoning of the property to the aforementioned commercial classifications. Should the area of the proposed zoning classification from a non-commercial district to a commercial district exceed 15 acres in size, the property would also be subject to the regulations of Article 30, Planned Unit Developments (PUD) and, therefore, subject to the design standards and criteria for those types of planned unit developments. In cases requiring a PUD, a Special Use Permit would have to be obtained. Ultimately, a zoning map amendment or PUD would require an application to the Zoning Board of Appeals and approval by the City Council.

Nothing within this determination prohibits an application from voluntarily pursuing deviations from the zoning ordinance through the variation, special use permit or planned unit development process.

Sincerely,

A handwritten signature in blue ink that reads "Scott Capovilla".

Scott Capovilla
Zoning & Land Use Administrator