

**ORDINANCE NO. F-0859**

**AN ORDINANCE DENYING AN AMENDMENT TO THE TEXT OF THE WHEATON ZONING ORDINANCE TO ALLOW BILLIARDS HALLS AS A SPECIAL USE IN THE C-4 CBD PERIMETER COMMERCIAL ZONING DISTRICT**

**WHEREAS**, written application has been made to amend the text of the Wheaton Zoning Ordinance to allow for billiard halls as a special use in the C-4 CBD Perimeter Commercial Zoning District; and

**WHEREAS**, pursuant to notice as required by the Illinois Municipal Code and the City Zoning Ordinance, a public hearing was conducted by the Planning and Zoning Board on September 9, 2003 and September 23, 2003 to consider the requested Zoning Ordinance text amendment.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Wheaton, Du Page County, Illinois, pursuant to its home rule powers, as follows:

**Section 1:** Pursuant to the Findings of Fact determined in Section 2 of this ordinance, the application to amend the text of the Zoning Ordinance to allow a billiards hall as special uses in the C-4 CBD Perimeter Commercial District zoning classification is denied.

**Section 2:** The following Findings of Fact are hereby made and determined by the City Council:

1. The Wheaton Zoning Ordinance does not provide for, or permit, billiards halls as permitted or special uses in the C-4 Perimeter Commercial Zoning District
2. A billiards hall use is not an appropriate special use within the C-4 CBD Perimeter Commercial District.
3. The establishment, maintenance, or operation of a billiards hall will be detrimental to the public health, safety, morals, comfort, convenience, and general welfare of the City and its continued efforts to promote economic growth, development and vitality in the Central Business District ("CBD").
4. A billiards hall use in the CBD will be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted.
5. A billiards hall use in the CBD will impede the continued and orderly development and improvement of the CBD for uses already permitted.

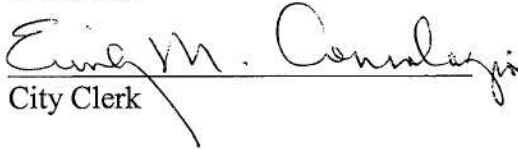
6. A billiards hall use in the CBD will not comply with the objectives of the Wheaton Comprehensive Plan.

**Section 3:** All ordinances or parts of ordinances in conflict with these provisions are repealed.

**Section 4:** This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

Mayor 

ATTEST:

  
City Clerk

Ayes:

Roll Call Vote:  
Councilman Mouhelis  
Councilman Bolds  
Councilwoman Corry  
Councilman Johnson  
Mayor Carr  
Councilwoman Johnson  
Councilman Mork

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: November 17, 2003  
Published: November 18, 2003