

ORDINANCE NO. O-2019-35

**AN ORDINANCE ALLOWING VIRTUAL REALITY GAMING ARCADES BY SPECIAL USE PERMIT IN THE C-2
RETAIL CORE BUSINESS DISTRICT**

WHEREAS, the City of Wheaton, Illinois ("City"), has determined it to be appropriate to amend the City Zoning Ordinance to allow Virtual Reality Gaming Arcades by Special Use Permit in the C-2 Retail Core Business 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 Wheaton Planning and Zoning Board, acting as a hearing body on July 23, 2019, to consider said amendment to allow Virtual Reality Gaming Arcades by Special Use Permit in the C-2 Retail Core Business District and a definition of a Virtual Reality Gaming Arcade.

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

Section 1: The Wheaton Zoning Ordinance text is amended by adding to Article 2, Definitions, a definition of a “Virtual Reality Gaming Arcade” as: “A business with individual booth spaces with virtual reality headsets and related computer equipment available for customers to play virtual reality computer games as set up and monitored by the employees of the Arcade”.

Section 2: The Wheaton Zoning Ordinance text is amended by adding to Article 17.4, C-2 Retail Core Business District, Special Use Permit Required: "Virtual Reality Gaming Arcade".

Section 3: This ordinance shall be cumulative of all provisions of the ordinances of the City of Wheaton, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 4: If any phrase, clause, sentence, paragraph or section of this ordinance is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

Section 5: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

Philip J. Sauer
Mayor

ATTEST: Shawn Bennett, Jr.

Roll Call Vote:

Ayes: Councilman Barbier
Councilwoman Bray-Parker
Mayor Suess
Councilman Rutledge

Councilman Zaruba

Nays: None

Absent: Councilwoman Fitch

Motion Carried Unanimously

Passed: August 5, 2019

Published: August 6, 2019