

## MEMORANDUM

**TO:** David A. Hulseberg, Village Manager

**FROM:** William J. Heniff, AICP  
Acting Director of Community Development

**DATE:** August 21, 2008

**SUBJECT:** **Text Amendment to Section 110.21 (C) of the Village Code – Coin Operated Amusement Devices**

Attached is a draft Ordinance for Village Board consideration that amends the Class Provisions for Coin-Operated Amusement Device Establishments. The proposed code change is being initiated by staff to ensure consistency and eliminate confusion between the amusement license provisions in Section 110 of the Village Code and the Zoning Ordinance.

Currently, the Zoning Ordinance lists restaurants with more than eight (8) amusement devices as a conditional use in the B3, B4 and B4A Districts. The provisions set forth within Section 110 identify three distinct classes of licenses:

- Class A – four (4) to six (6) licenses;
- Class B – seven (7) to ten (10) licenses; and
- Class C – more than ten (10) licenses.

When reviewed in tandem, the codes can create confusion among license holders. Staff also notes that the current Class B category serves no valuable purpose.

To alleviate any confusion, staff is recommending that instead of three classes of licenses, two should be established. The division between the proposed classes should be at eight (8) machines, which would make the amusement license provisions in synchronization with the Zoning Ordinance provisions.

Staff reviewed all license holders and notes that the proposed code changes will not affect existing licensees as there are no licensee with nine or ten devices at present. The number of available licenses is not expanded by this text amendment.

### **ACTION REQUESTED**

Please place this item on the August 21, 2008 Village Board agenda for consideration. Staff recommends approval of the attached Ordinance with a waiver of first reading.