

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village**  
**10/9/2018**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
Downtown Zoning Map Amendments (Rezoning)	Stan Popovich, AICP Director of Community Development

**SYNOPSIS**

Ordinances have been prepared to rezone 66 properties in the downtown from Downtown Business to Downtown Core and 11 properties in the downtown from Downtown Business to Downtown Transition. In addition, an ordinance has been prepared updating certain references to the downtown business district in various sections of the Municipal Code.

**STRATEGIC PLAN ALIGNMENT**

The Village Council has identified *Update Downtown Zoning Regulations* as a top priority action item for 2017-2019. The goals for 2017-2019 include *Strong and Diverse Local Economy*.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval on the October 16, 2018 active agenda per the Plan Commission's 5:0 positive recommendation. The Plan Commission found that the proposed zoning map amendments met the review and approval criteria in Section 28.12.030.I.

**BACKGROUND**

The Village is requesting approval of 77 rezonings in the downtown to implement the recommendations of the Comprehensive Plan. The proposal would:

- Rezone 66 properties from the Downtown Business (DB) zoning district to the Downtown Core (DC) zoning district; and
- Rezone 11 properties from the Downtown Business (DB) zoning district to the Downtown Transition (DT) zoning district.

The Village approved an update to the Comprehensive Plan in June 2017. Based on the Comprehensive Plan's goals for downtown, the Village undertook the development of a Downtown Regulatory Framework that was approved in January 2018. The Plan and Framework contemplated the creation of three zoning districts in the downtown. Text amendments to the Zoning Ordinance were adopted in July 2018 that created the Downtown Core zoning district and updated various sections of the Zoning Ordinance to meet the

recommendations of the Comprehensive Plan and Regulatory Framework. The proposed rezoning of 77 properties will implement the Comprehensive Plan's vision for the downtown.

The proposed zoning map amendments are consistent with the Comprehensive Plan and the review and approval criteria for Zoning Map Amendments.

#### Public Comment

Six members of the public spoke at the Plan Commission meeting. Three members were in support of the proposed rezonings. Two members were concerned with the rezoning of properties from DB to DT, specifically the setback requirements in the DT zoning district. The final member of the public expressed concern about the height limitations in the downtown.

#### **ATTACHMENTS**

DB to DC Rezoning Ordinance

DB to DT Rezoning Ordinance

Municipal Code Amendments (Downtown Core) Ordinance

Map

Staff Report with attachments dated September 10, 2018

Minutes of the Plan Commission Hearing dated September 10, 2018

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## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE MUNICIPAL CODE  
RELATED TO THE DOWNTOWN CORE DISTRICT**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by **shading/underline**; deletions by ~~strikeout~~):

**Section 1. That Section 3.36. is hereby amended to read as follows:****3.36. License Limited to Single Business.**

All licenses issued pursuant to this Chapter shall be limited to a single business establishment. Provided, adjoining business establishments located in the DB Downtown Business **or DC Downtown Core** Districts, that have 100% common ownership may operate under a single license, provided that the Local Liquor Commissioner determines that such adjoining businesses are functionally conducted as a combined operation. No licensee shall operate, advertise or otherwise represent that it is operating a liquor establishment or business except as expressly designated on the face of the license.

**Section 2. That Section 4.103. is hereby amended to read as follows:****4.103. Outdoor Display of Merchandise.**

The outdoor display of merchandise is permitted as a Temporary Use in all business districts and shall be subject to the following conditions:

- (a) Such outdoor display of merchandise shall be incidental to the primary business and be located only on private property. Except for holiday tree sales, the outdoor display of merchandise shall not be permitted on any vacant or abandoned lots.
- (b) Merchandise shall meet all principal structure setback requirements of the underlying zoning district except that in the Fairview Concentrated Business District the required setback for the outdoor display of merchandise shall be four (4) feet.
- (c) Merchandise shall not be located within required parking spaces or those spaces designated for disabled persons.
- (d) At least five (5) feet of walkway shall be maintained at all times for pedestrian traffic.
- (e) Those businesses whose gross floor area is fifteen thousand (15,000) square feet or more are allowed to install a seasonal landscape display and sales center per the above requirements provided that the display or sales center:
  1. Shall be allowed consecutively from March 15 through November 15.
  2. Shall be cleaned as needed to maintain an orderly fashion and kept free of refuse.
- (f) Outdoor displays within the DB Downtown Business **or DC Downtown Core** Districts are exempt from Temporary Use permit requirements provided that:
  1. Such outdoor display shall be incidental to the primary business and be located only on private property.
  2. At least five (5) feet of public right-of-way shall be provided and maintained at all times for pedestrian traffic.
  3. The displays shall be located at least five (5) feet from any drive aisle, parking space, or point of vehicular access.
  4. Merchandise may be displayed only during normal business hours of the owner and must be placed inside at the close of business.

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5. Merchandise must be displayed in an area no larger than fifty (50) square feet in size.
- (g) Outdoor display of vending machines and propane tanks are exempt from Temporary Use permit requirements provided that they are within two (2) feet of the face of the building.

### **Section 3. That Section 4.104. is hereby amended to read as follows:**

#### **4.104. Outdoor Cafe.**

An outdoor café is permitted as a Temporary Use consecutively between March 15 and November 15 in all business districts when associated with a restaurant and shall meet the following standards:

- (a) The outdoor café area shall be immediately adjacent to the principal restaurant building and shall have direct access via the principal restaurant.
- (b) The café shall be located at least five (5) feet from any drive aisle, parking space, or point of vehicular access.
- (c) Lighting which is directly related to the operation of the outdoor café shall be directed away from adjacent properties in such a manner and shall not create a public nuisance.
- (d) The outdoor café shall be placed on a hard dustless material, generally asphalt, concrete, or concrete paver.
- (e) The outdoor café shall be cleaned as needed or on a daily basis whichever is more frequent to maintain an orderly fashion and kept free of refuse.
- (f) If the outdoor café is self-service, a trash receptacle shall be provided.
- (g) The applicant shall not be permitted to sell or serve alcoholic liquor at the outdoor café except in conformance with an appropriate liquor license issued pursuant to Chapter 3 of the Downers Grove Municipal Code.
- (h) Outdoor entertainment is allowed subject to the following conditions:
1. Entertainment is not allowed past 10 p.m.
  2. Amplification is not allowed.
  3. Outdoor entertainment may be shut down earlier if the Police Department receives any complaints.
- (i) Outdoor cafés shall be located entirely on private property, except that outdoor cafés in the DB Downtown Business DC Downtown Core Districts and Fairview Concentrated Business District may be located on public property provided that they comply with the above regulations and that they shall be required to enter into an encroachment license agreement with the Village in a form acceptable to the Village Attorney and may be required to pay a fee for the use of public property.
- (j) In the DB Downtown Business or DC Downtown Core Districts outdoor cafés consisting of two (2) or fewer tables and located entirely on private property are exempt from obtaining a Temporary Use permit.

### **Section 4. That Section 4.105. is hereby amended to read as follows:**

#### **4.105. Exceptions.**

The following do not require a Temporary Use permit:

- (a) Events or activities sponsored by the Village of Downers Grove.
- (b) Any activity, event, sale or similar use deemed by the Village Manager to not require a permit.
- (c) Ice cream vendors as specified in Chapter 19.48 of the Downers Grove Municipal Code.
- (d) Outdoor display of merchandise in the DB Downtown Business or DC Downtown Core Districts in accordance with Section 4.103.
- (e) Outdoor display of vending machines and propane tanks in accordance with Section 4.103.
- (e) Outdoor Café in the DB Downtown Business or DC Downtown Core Districts in accordance with Section 4.104.

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- (f) A bonafide private function not exceeding two (2) days.
- (g) A garage or rummage sale conducted in conformance with the Downers Grove Zoning Ordinance.
- (h) A car wash conducted by a not-for-profit organization, provided that such event has been approved by the Public Works Department with regard to outdoor water usage.

### **Section 5. That Section 14.1SEC. is hereby amended to read as follows:**

#### **14.1SEC. Definitions.**

(a) For purposes of this Chapter, the definitions contained in Illinois Compiled Statutes, ch. 625, §§ 5/1-100 to 5/1-300 shall apply.

(b) For purposes of this Chapter, the following definitions, in addition to those established in subsection (a) hereof, shall apply.

*DB Downtown Business District roadways* means the following roadways:

*Burlington Avenue*, from the east line of Forest Avenue to the west line of Washington Street.

*Curtiss Street*, ~~from the east line of Forest Avenue to the west line of Washington Street~~ from the west line of Mochel Drive to the west line of Washington Street.

*Forest Avenue*, ~~from the north line of Curtiss Street to the south line of Franklin Avenue~~ from the south line of Gilbert Avenue to the south line of Franklin Avenue.

*Grove Street*, from the east line of Carpenter Street to the west line of Main Street.

*Highland Avenue*, from the north line of Warren Avenue to the south line of Rogers Street.

*Main Street*, ~~from the north line of Maple Avenue to the south line of Franklin Street~~ from the north line of Maple Avenue to the south line of Grove Street and from the south line of Burlington Avenue to the south line of Franklin Street.

*Rogers Street*, from the east line of Main Street to the west line of Highland Avenue.

*Warren Avenue*, from the east line of Forest Avenue to the west line of Washington Street.

*Washington Street*, from the north line of Maple Avenue to the south line of Burlington Avenue.

*DC Downtown Core District roadways* means the following roadways:

Forest Avenue from the south line of Gilbert Avenue to the north line of Curtiss Street.

Curtiss Street from the west line of Forest Avenue to the west line of Mochel Drive.

Main Street from the south line of Burlington Avenue to the south line of Grove Street.

*Holiday or legal holiday* means and includes the following holidays:

New Years Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Day after Thanksgiving Day

Christmas Day

Day after Christmas Day (Ord. No. 2745, § 3; Ord. No. 2860, § 1; Ord. No. 3254, § 1.)

### **Section 6. That Section 14.97.4. is hereby amended to read as follows:**

#### **14.97.4. Citation; compliance; penalties.**

(a) Any person charged with a violation of any provisions of Article VIII, Article IX or Article X of this Chapter, for which no other penalty or compromise payment is specifically provided for by this Code, may settle and compromise such charge by paying to the Village, within fourteen (14) days after the time of the police department citation alleging such offense, a sum of twenty-five dollars (\$25.00); except that if the person is charged under the following sections the penalty or compromise payment shall be as follows:

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(1) Twenty-five dollars (\$25.00) for the first and second violation in a sixty (60) day period of Section 14-105.7, 14-106, 14-107 or 14-109 which occurs in the DB Downtown Business or DC Downtown Core Districts as defined as Section 14-1 of this Chapter. For purposes of this section the sixty (60) day period shall begin to run on the day after the date of the issuance of the citation for the first violation.

(2) One hundred dollars (\$100.00) for the third or subsequent violation in a 60 day period of Section 14-105.7, 14-106, 14-107 or 14-109 which occurs in the DB Downtown Business or DC Downtown Core Districts as defined in Section 14-1 of this Chapter. For purposes of this Section the sixty (60) day period shall begin to run on the day after the date of the issuance of the citation for the first violation.

(3) One hundred dollars (\$100.00) for a violation of Section 14-97.1 or 14-98.1 involving a motor vehicle having a gross vehicle weight (including vehicle and attached equipment and maximum load)\* in excess of eight thousand (8,000) pounds, except vehicles registered as recreational vehicles under the Illinois Motor Vehicle Code.

(b) If such penalty or compromise payment has not been made prior to the expiration of fourteen (14) days, the Police Department shall cause to be mailed, by first class U.S. mail, addressed to the last known address of the registered owner of the vehicle involved in the offense so charged, a final notice referring to the offense so charged. At any time prior to the expiration of fourteen (14) days from the date of mailing of such final notice, any person charged with a violation of the provisions of Article VIII, Article IX or Article X of this Chapter, may settle and compromise such charge by paying to the Village the amount of the fine established herein together with an additional sum of twenty-five dollars (\$25.00) for each offense so charged.

(c) All such compromise payments may be made at the Downers Grove Police Department. In each case in which such compromise payment is made, the Police Department is authorized to waive further prosecution of such alleged violation.

(d) Any person found guilty by a court of law of a violation of any of the provisions of Article VIII, IX or X of this Chapter, for which no other penalty is specifically provided for by this Code, shall be subject to a fine of not less than twenty-five dollars (\$25.00) and not more than one hundred fifty dollars (\$150.00) for each such violation. (Ord. No. 2745, § 34; Ord. No. 2857, § 10; Ord. No. 3254, § 2; Ord. No. 3275, § 3.)

\* Equivalent to Illinois Motor Vehicle Registration Class C and higher, second division vehicles.

### **Section 7. That Section 14.123. is hereby amended to read as follows:**

#### **14.123. Issuance, sale, renewal and fees for permits.**

(a) The Village Manager shall cause that suitable permits be prepared and made available for issuance and sale.

Notwithstanding anything in this Code to the contrary, the number of permits sold shall not exceed the number of parking spaces actually available for parking of vehicles in such lot (or such portion thereof) unless the Village Manager determines, on the basis of surveys of parking space vacancy rates and other relevant criteria, that the sale of an additional amount of permits is justified, in which event, an additional amount of permits may also be sold at the direction of the Village Manager.

Permits shall designate the permit parking lot for which issued and shall be issued and sold for a minimum three month period and a maximum of one (1) year, except that permits for Lot W and Lot Z shall only be issued annually.

(b) Under the direction of the Village Manager, permits shall be offered for sale during regular business hours at the Village offices in advance of the commencement of each such three month period and shall be sold to applicants in accordance with the chronological priority of applications for such permits, subject to the following:

(1) Permit renewal notices shall be mailed to existing permit holders, and renewal permits may

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be issued and sold to such permit holders, in advance of the time when such permits are made available for sale at the Village offices provided payment is made prior to the established deadline for renewal; however, downtown employee parking permits shall require resubmission of proof of employment at a DB Downtown Business or DC Downtown Core Districts business as provided for in paragraph (g) of this section on a yearly basis.

(2) At the discretion of the Village Manager, permits may be offered for sale at the Village offices only to persons residing within the corporate limits of the Village or persons who own or are employed by businesses within the DB Downtown Business or DC Downtown Core Districts of the Village, as defined in the Comprehensive Zoning Ordinance of the Village, prior to any offer of such permits for sale to the general public and nonresidents. To be eligible for a permit pursuant to this Section, the applicant must either be actually residing and living within the Village, or be employed by, or an owner of, a business within the DB Downtown Business or DC Downtown Core Districts at the time of application.

(c) The fee for each such permit for each three month period shall be determined by the rate class assigned to the permit parking lot for which such permit is to be issued. Such fees shall be set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule". Such fee shall be reduced, based on a daily proration of the number of days that have expired prior to the date of sale of such permit.

(d) If payment for a Rate Class I, II, III or VI parking permit is not received forty-five (45) days following the date of the issued invoice, a late fee will be assessed in addition to the cost of the permit. Such late fee shall be as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

(e) A late notice will be sent for a Rate Class I, II, III, or VI parking permit. If payment for permit and late fee are not received ten (10) days following the date of the late notice, the Rate Class I, II, III, or VI parking permit will no longer be valid and the holder will no longer be eligible to park in the previously assigned lot/space.

(f) At the discretion of the Village Manager, permit holders may return permits prior to the expiration of the three-month period covered by such permit and may receive a refund of all or a portion of the fee paid for such permit, without interest, such refund to be determined on the basis of number of unexpired full days remaining in such three-month period. Class III permits shall be returned to the Village for such refund immediately upon the termination of permit holder's employment with a business located in the DB Downtown Business or DC Downtown Core Districts as defined in the Comprehensive Zoning Ordinance of the Village. Permits issued to permit holders pursuant to this Section shall not be transferable to another person, motor vehicle, or parking lot, except as provided in subsection (k), such returned permits may be resold in chronological priority to those on waiting lists kept by the Village for that quarter and not valid past the next sale of permits, but such waiting list for Lots A, B, C, D, F, L, and R shall include Downers Grove residents only.

(g) **Class of Permit.** The following permit parking lots, as such lots are designated in Section 14-85, shall have the following rate classes and provisions:

(1) Rate Class I:           Lots A, B C, D, F, G, H, I, and L.

(2) Rate Class II:        Level 2 of the Parking Deck. Rate Class II permits shall be issued for reverse overnight commuter parking and shall be valid from 3:00 p.m. to 9:00 a.m. daily.

(3) Rate Class III:       Lots A, B, C, D, F and L after 8:30 a.m., in the Main & Maple Lot, Level 2 of the Parking Deck and Forest Lot North. Rate Class III permits, also referred to as "downtown employee parking permits", shall be issued only to employees of businesses located in the DB Downtown Business or DC Downtown Core Districts, as defined in the Comprehensive Zoning Ordinance of the Village, upon their providing evidence of such employment. Such permit shall be available for purchase at Village Hall only for those DB Downtown Business District employees who provide a current pay stub from a DB Downtown Business or DC Downtown Core District employer; and a written letter on letterhead from the DB Downtown Business or DC Downtown Core District employer requesting permission for said employee to obtain a downtown employee parking permit along with the employee's general work schedule.

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Said downtown employee parking permit may only be used by a DB Downtown Business or DC Downtown Core District employee during the employee's working hours at the DB Downtown Business or DC Downtown Core District employer's place of business. Any violation of these requirements or misuse of this permit may result in a forfeiture of said permit and inability to apply for another permit for a period of one (1) year as well as a parking citation issued pursuant to this Code. Downtown employee parking permits shall be valid in Lots A, B, C, D, F and L from 8:30 a.m. to 11:00 a.m., Monday through Friday and in Forest Lot North, a portion of the Main and Maple Avenue lot and Level 2 in the Parking Deck from 5:00 a.m. to 3:00 p.m., Monday through Friday.

- (4) Rate Class IV: Lots W and Z. Rate Class IV permits for Lot W shall only be issued to students of Downers Grove North High School. Rate Class IV permits for Lot Z shall only be issued to students of Downers Grove South High School. Said permits are non-transferable.
- (5) Rate Class V: Lot L. Rate Class V permits shall be issued for multi-day and overnight parking.
- (6) Rate Class VI: Lot R in the Parking Deck. Rate Class VI permits shall be issued for resident overnight parking.
- (7) Rate Class VII: Daily fee parking shall be available for Levels 3, 4 and 5 of the Parking Deck, Lots G, H, J and K and the Chase Avenue Lot.

One day parking permits shall be sold at the discretion of the Village Manager on the day the permit may be used. Such permit shall be valid in any Village permit parking lot except in the Parking Deck, Lot L, Lot R and Village Employee Lot V.

Daily parking fees and one day parking permit fees shall be set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

After 10:59 a.m. Monday through Friday, the Village permit parking lot spaces are free, except Lot R and Village Employee Lot V.

(h) Notwithstanding any contrary provision in this division, the Village Manager shall be authorized to refuse to issue any such permit, or renewal thereof, to any permit holder who is convicted of more than three violations of any of the provisions of this division within any consecutive period of six months, except for Section 14-127.

(i) Transfers between Village permit parking lots shall be made only at the start of a three-month permit period. If a permit holder desires to transfer to another Village permit parking lot, the permit holder shall remit to the Village the following: (1) the parking permit renewal form; (2) a request that the permit be transferred to another lot as specified by the permit holder; and (3) payment of the appropriate parking permit fee in the manner specified by the Village.

Transfers shall be made by the Village after permit renewals are completed, but prior to sale to the general public, and shall be made in accordance with the chronological order such requests for transfers were received; however, non-resident permit holders shall not be allowed to transfer into Lots B, C, D, F and L.

(Ord. No. 1542, § 4; Ord. No. 1737, §§ 8, 9; Ord. No. 1820, § 2; Ord. No. 1861, § 1; Ord. No. 1989, § 3; Ord. No. 2346, § 1; Ord. No. 2375, § 2; Ord. No. 2531, § 4; Ord. No. 2906, § 1; Ord. No. 3118, §§ 15, 16; Ord. No. 3127, §§ 10, 11; Ord. No. 3195, § 2; Ord. No. 3202, § 1; Ord. No. 3348, § 1; Ord. No. 3353, § 1.)

### **Section 8. That Section 14.180. is hereby amended to read as follows:**

#### **14.180. Definitions.**

As used in this chapter, the following terms shall mean:



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*Business.* A business located within the DB Downtown Business or DC Downtown Core District which makes valet parking services available to its customers.

*Customer.* Any person granting temporary custody of a motor vehicle to a valet parking operator for the purpose of valet parking.

*Valet Loading Zone.* A location which has been approved by the Village and designated as an area for pick up and discharge for valet parking.

*Valet Parking Operator.* A corporation, partnership, business association, or other organizational entity who, through its agents and employees, provides valet parking services.

*Valet Parking Services.* A service provided to customers by which an attendant on behalf of a business establishment takes temporary custody of the customer's vehicle and moves, parks, stores or retrieves the vehicle for the customer's convenience.

### **Section 9. That Section 14.181. is hereby amended to read as follows:**

#### **14.181. Valet Parking - Permit Required.**

It shall be unlawful for any person to offer or provide valet parking services in the Village without a valid valet parking permit issued in accordance with this section.

1. An application for a valet parking permit shall be filed with the Village by the operator or business on a form supplied by the Village and shall include:

- a. The operator's company name and license holder, address, and telephone and facsimile numbers.
- b. The operator's state of Illinois business license number.
- c. The business name, address, telephone and facsimile numbers, and the name of the local manager for the business.
- d. A general description of the valet parking operation as proposed, including the site or sites upon which cars will be temporarily stored and the location of all valet loading zones.
- e. Copies of any leases or other written agreements pursuant to which a business or operator is authorized to use real property which it does not own for the temporary storage of customers' vehicles.
- f. If a valet parking operation will be performed for the business by a separate operator, a copy of a fully executed contract between the business and the operator.
- g. The operator's insurance company name, address, telephone number, amount of coverage and effective dates of the policy. Proof of the operator's insurance for protection from claims under the workers' compensation act and claims for bodily injury including personal injury and death, sickness or disease or death of any and all employees or of any person other than such employees, and from claims or damages because of injury to or destruction of property including loss of use resulting therefrom which may arise from the valet parking operation in the following specified amounts:

Type Of Insurance	Limits
Workers' compensation	Statutory limits
Comprehensive automobile liability including owned, non-owned and hired	\$1,000,000.00
General liability aggregate	\$2,000,000.00
Bodily injury:	
Annual	\$1,000,000.00
Each occurrence	\$1,000,000.00

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Property damage:	
Annual	\$500,000.00
Each occurrence	\$500,000.00
Umbrella	\$2,000,000.00

The operator shall name the Village as an additional named insured under the above said liability and umbrella policies, which policies shall provide that no policy or any part thereof may be terminated or modified except upon thirty (30) days' prior written notice to the Village.

The operator shall provide the Village with a proper insurance certificate showing the policy limits and coverages afforded the Village, and upon request, with certified copies of the policies.

Every operator shall procure and maintain such insurance coverage, at its sole expense, at all times during which any valet parking operation is being conducted and at all times any valet parking permit is in effect.

2. Valet parking permits may only be issued to businesses or operators for valet parking services located within the DB Downtown Business or DC Downtown Core District.
3. No valet parking permit shall be issued without an indemnification and waiver agreement signed by the applicant promising to hold harmless and defend the Village or any of its agents, officials, and employees from and against any property damage, personal injury or death that may result from granting the permit or from the valet parking operation.
4. Upon receipt of a completed application form, payment of all required fees and compliance with all other applicable requirements of this section, and upon review and recommendation from the Downers Grove Downtown Management Corporation Board and approval by the Village Manager, the Village may issue a valet parking permit. Such permit may contain such conditions and limitations as are necessary to promote safe and sound passenger loading and unloading, vehicle transfer, and traffic movement, as may be determined by the Village. The Village may require loading zones to be shared by one or more permit holders.
5. No valet parking permit or renewal thereof, shall be issued to any applicant who has violated any of the provisions of this section two (2) or more times within a one hundred eighty (180) day period prior to the date of the application, or three (3) or more times within the three hundred sixty five (365) day period prior to the date of the application.
6. Valet parking permits shall be nontransferable.
7. Within ten (10) days after a change in status of any of the information required, per the application, the business or operator shall file an amended application for valet parking permit.

**Section 10. That Section 15.28.2. is hereby amended to read as follows:**

**15.28.2. Attachment to street light poles of any device or material prohibited.**

No person shall attach any device or material to any street light pole located within the DB Downtown Business District, DC Downtown Core District or the DT Downtown Transition District of the Village as defined in the Comprehensive Zoning Ordinance of the Village of Downers Grove, passed and approved April 19, 1965, as amended. Such device or material shall include, but not be limited to, boxes, vending machines and any other type of dispensers for newspapers and other publications, bicycles, garbage

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receptacles, benches, signs and advertisements. This restriction shall not apply to the American flag, seasonal decorations, banners related to Village sponsored events, or signs regulating parking or traffic, when attachment of such items is authorized by the Village Council. (Ord. No. 3239, § 1; Ord. No. 3409, § 1.)

**Section 11. That Section 19.48. is hereby amended to read as follows:**

**19.48. Ice cream vendors.**

Motor vehicles, traditionally referred to as ice cream trucks, used to sell ice cream and other related frozen products to the public may be permitted to operate on public streets subject to the following conditions:

- 1) Ice cream trucks shall not operate within the DB Downtown Business or DC Downtown Core Districts as defined in the Comprehensive Zoning Ordinance.
- 2) No sales shall be made from an ice cream truck when the truck is less than fifty (50) feet from the nearest intersecting road, street or highway.
- 3) No sales shall be made from an ice cream truck within five-hundred (500) feet of the property line of any elementary or secondary school when that school is in session and one (1) hour prior to the school session and one (1) hour after the school session.
- 4) When an ice cream truck is stopped upon a public street for the purpose of making a sale it shall operate its emergency flashing lights and shall not broadcast any music or other sounds.
- 5) All sales from the ice cream truck shall occur on the side of the vehicle nearest the street curb.

**Section #.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section #.** That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

\_\_\_\_\_  
Mayor

Passed:

Published:

Attest: \_\_\_\_\_  
Village Clerk