

AGENDA
REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, ILLINOIS
7:00 P.M.
TUESDAY, SEPTEMBER 6, 2022
FREEDOM HALL, 349 W. BIRCHWOOD, MORTON, ILLINOIS

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE TO THE FLAG**
- IV. PUBLIC HEARING**
- V. PRESENTATIONS AND SPECIAL REPORTS**
- VI. PUBLIC COMMENT**
 - A. Public Comments
 - B. Requests for Removal of Items from the Consent Agenda
- VII. CONSENT AGENDA**
 - A. Approval of Minutes
 - 1. Regular Meeting – August 15, 2022
 - 2. Closed Session – August 15, 2022
 - B. Approval of Bills
- VIII. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**
- IX. VILLAGE PRESIDENT**
- X. VILLAGE CLERK**
- XI. VILLAGE ADMINISTRATOR**
 - A. AN ORDINANCE MAKING AMENDMENTS REGARDING CLASS G LIQUOR LICENSES TO CHAPTER 8 OF TITLE 3 OF THE MORTON MUNICIPAL CODE
- XII. CHIEF OF POLICE**
- XIII. CORPORATION COUNSEL**
- XIV. DIRECTOR OF FIRE AND EMERGENCY SERVICES**
- XV. DIRECTOR OF PUBLIC WORKS**
 - A. RESOLUTION APPROVING EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT WITH MORTON BUILDINGS, INC.
 - B. RESOLUTION AUTHORIZING AGREEMENT BETWEEN STATE OF ILLINOIS DEPARTMENT OF TRANSPORTATION AND VILLAGE OF MORTON FOR INSTALLATION OF TRAFFIC SIGNAL INFRASTRUCTURE
 - C. RESOLUTION AUTHORIZING AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN VILLAGE OF MORTON AND GOOD ENERGY, LP
- XVI. ZONING AND CODE ENFORCEMENT OFFICER**
 - A. Petition 22-07 SP
 - B. AN ORDINANCE MAKING AMENDMENTS TO TITLE 10 OF THE MORTON MUNICIPAL CODE REGARDING EXCEPTIONS TO YARD REQUIREMENTS FOR PARTICULAR ZONING DISTRICTS
 - C. AN ORDINANCE MAKING AMENDMENTS TO SECTION 10-10-2 OF THE MORTON MUNICIPAL CODE REGARDING VARIANCES FOR ACCESSORY USES, BUILDINGS AND STRUCTURES
- XVII. VILLAGE TRUSTEES**
 - A. Trustee Blunier
 - B. Trustee Hilliard
 - C. Trustee Leitch
 - D. Trustee Menold
 - E. Trustee Newman
 - F. Trustee Parrott
- XVIII. CLOSED SESSIONS**

XIX. CONSIDERATION OF MATTERS ARISING FROM CLOSED SESSIONS

XXIII. ADJOURNMENT

**VILLAGE BOARD OF TRUSTEES
REGULAR MEETING
7:00 P.M., August 15, 2022**

After calling the meeting to order, President Kaufman led the Pledge of Allegiance. Clerk Evans called the roll and found the following Trustees present: Hilliard, Leitch, Menold, Parrott – 4.

PUBLIC HEARING – None.

PRESENTATIONS – None.

PUBLIC COMMENT – None.

CONSENT AGENDA

- A. Approval of Minutes.
 - 1. Regular Meeting – August 1, 2022
- B. Approval of Bills

Trustee Menold moved to approve the Consent Agenda. The motion was seconded by Trustee Leitch and approved by the following roll call vote:

Yes: Hilliard, Leitch, Menold, Parrott – 4.
No: None – 0.
Absent: Blunier, Newman – 2.

VILLAGE PRESIDENT – None.

VILLAGE CLERK – None.

VILLAGE ADMINISTRATOR – None.

CHIEF OF POLICE – Chief Miller presented Police Department Employee Expenses from Morton Fireworks in the amount of \$4,567.76 and requested that they be paid with tourism funds via a transfer to the general fund. Trustee Hilliard motioned to pay these expenses by transferring tourism funds and Trustee Parrott seconded the motion before it was approved by the following roll call vote:

Yes: Hilliard, Leitch, Menold, Parrott – 4.
No: None – 0.
Absent: Blunier, Newman – 2.

CORPORATION COUNSEL – Attorney McGrath requested that an Ordinance Authorizing Purchase of 213 S. Fourth Ave., Morton IL would be discussed following closed session and there were no objections by the Trustees.

DIRECTOR OF FIRE AND EMERGENCY SERVICES – None.

DIRECTOR OF PUBLIC WORKS – DPW Loudermilk requested acceptance of bid for the Erie Court Watermain Extension Project in the amount of \$1,237,506.00 and award of contract for same

to G.A. Rich & Sons. Trustee Menold moved to accept the bid and it was seconded by Trustee Parrott before approval by the following roll call vote:

Yes: Hilliard, Leitch, Menold, Parrott – 4.
No: None – 0.
Absent: Blunier, Newman – 2.

An Ordinance making amendments to Section 8-1-0 of the Morton Municipal Code regarding trimming trees and shrubs overhanging the public right-of-way (revised version) was on the agenda, but DPW Loudermilk requested more time to review with staff and bring back at a later date. None of the Trustees objected to this.

DPW Loudermilk, after request from Trustee Hilliard, gave a brief reminder and overview of the Courtland Project and what to expect moving forward with regard to traffic.

ZONING AND CODE ENFORCEMENT OFFICER – None.

VILLAGE TRUSTEES

Trustee Blunier – None.
Trustee Hilliard requested that DPW Loudermilk give an update on the Courtland Project.
Trustee Leitch – None.
Trustee Menold – None.
Trustee Newman – None.
Trustee Parrott – None.

CLOSED SESSION - Closed session was requested pursuant to 5 ILCS 120/2(c)(5) to discuss the purchase or lease of real property for the use of the Village of Morton. Trustee Parrott moved to enter into closed session and Trustee Menold seconded the motion. The Board of Trustees entered into closed session via the following roll call vote:

Yes: Hilliard, Leitch, Menold, Parrott – 4.
No: None – 0.
Absent: Blunier, Newman – 2.

CONSIDERATION OF MATTERS ARISING FROM CLOSED SESSIONS – Attorney McGrath presented an Ordinance Authorizing Purchase of 213 S. Fourth Ave., Morton IL. Trustee Parrott motioned to adopt the Ordinance and it was seconded by Trustee Hilliard before approval via the following roll call vote:

Yes: Hilliard, Leitch, Menold, Parrott – 4.
No: None – 0.
Absent: Blunier, Newman – 2.

ADJOURNMENT - With no further business to come before the Board, Trustee Leitch moved to adjourn. The motion was seconded by Trustee Hilliard and followed by a unanimous voice vote of all present board members.

ATTEST:

PRESIDENT

VILLAGE CLERK

**VILLAGE OF MORTON
ORDINANCE 23-06**

**AN ORDINANCE MAKING AMENDMENTS REGARDING CLASS G LIQUOR
LICENSES TO CHAPTER 8 OF TITLE 3 OF THE MORTON MUNICIPAL CODE**

WHEREAS, certain businesses which do not hold a liquor license for the sale of alcohol desire the ability to provide beer or wine to its customers as an incentive; and

WHEREAS, the Village of Morton desires to amend the Class G liquor license requirements to allow for this activity in order to verify the business is properly documented and insured.

NOW THEREFORE, be it ordained by the President and Board of Trustees of the Village of Morton, in the State of Illinois, as follows:

SECTION 1: AMENDMENT “3-8-3: Types of Licenses” of the Morton Municipal Code is hereby *amended* as follows:

AMENDMENT

3-8-3: Types of Licenses

A. Classification: There shall be the following classes of licenses to sell alcoholic liquor at retail, subject to the fees indicated: (Ord. 08-37, 3-16-09)

12. Class G: Class G licenses shall authorize the licensed business to offer beer or wine at no additional cost to its customers as an incentive, or allow a patron to bring his or her own beer or wine onto the premises for consumption on the premises. The annual fee for such licenses shall be sixty dollars (\$60.00).

The license shall be subject to all of the regulations of this Chapter, including but not limited to, underage consumption requirements.

SECTION 2: SEVERABILITY CLAUSE BE IT FURTHER ORDAINED that should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 3: EFFECTIVE DATE BE IT FURTHER ORDAINED that this Ordinance shall be in full force immediately upon its passage.

PASSED AND ADOPTED BY THE VILLAGE OF MORTON PRESIDENT AND BOARD OF TRUSTEES:

	AYE	NAY	ABSENT	ABSTAIN
Trustee Blunier				
Trustee Hilliard				
Trustee Leitch				
Trustee Menold				
Trustee Newman				
Trustee Parrott				

Presiding Officer

Attest

Jeffrey L. Kaufman, Village President,
Village of Morton

Zo M. Evans, Village Clerk,
Village of Morton

RESOLUTION NO. 05-23

**RESOLUTION APPROVING EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT
WITH MORTON BUILDINGS, INC.**

WHEREAS, the Village of Morton has requested that Morton Buildings grant the Village an easement for a water main line on property owned by Morton Buildings, Inc. and legally described in the attached easement; and

WHEREAS, the Village of Morton has requested that Morton Buildings, Inc. grant the Village a temporary construction easement during the time that the water main line is being constructed.

**NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF
THE VILLAGE OF MORTON, Tazewell County, Illinois, as follows:**

1. The permanent easement in the form as attached to this agreement is approved; and
2. The temporary construction easement in the form as attached to this agreement is approved; and
2. The President of the Board of Trustees is authorized to execute the easements on behalf of the Village.

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect upon its passage and approval.

PASSED AND APPROVED at a regular meeting of the President and Board of Trustees of the Village of Morton, Tazewell County, Illinois, this _____ day of _____, 2022; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

APPROVED this _____ day of _____, 2022.

President

ATTEST:

Village Clerk

THIS DOCUMENT PREPARED BY:
MCGRATH LAW OFFICE, P.C.
1600 South Fourth Ave., Ste. 137
Morton, Illinois 61550

RETURN DOCUMENT TO:
MCGRATH LAW OFFICE, P.C.
1600 South Fourth Ave., Ste. 137
Mackinaw, Illinois 61755

**TEMPORARY
CONSTRUCTION EASEMENT**

For Recorder Use Only

TEMPORARY CONSTRUCTION EASEMENT

The GRANTOR, Morton Buildings, Inc., an Illinois corporation, for and in consideration of the sum of One Dollar and 00/100 in hand paid, and other good and valuable consideration receipt of which is hereby acknowledged hereby represents that the GRANTOR owns a fee simple title to and GRANTS and CONVEYS to the Village of Morton, GRANTEE, an Illinois Municipal Corporation, a temporary construction easement for the purpose of constructing a water main line on, over, and through the following described real estate:

A PART OF LOT 1 OF RAINBOW INDUSTRIAL PARK, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 18 AND PART OF THE NORTHEAST QUARTER OF SECTION 19, ALL IN TOWNSHIP-25-NORTH, RANGE-3-WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 12 DEGREES 13 MINUTES 03 SECONDS EAST, (BEARINGS ARE BASED ON STATE PLANE COORDINATE, ILLINOIS WEST ZONE, NAD83, 2011 ADJUSTMENT), ALONG THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 155, SAID LINE ALSO BEING THE EASTERLY LINE OF SAID LOT 1, A DISTANCE OF 156.45 FEET, TO A POINT ON THE SOUTH LINE OF EASEMENT "A"; THENCE SOUTH 86 DEGREES 55 MINUTES 46 SECONDS WEST, ALONG SAID SOUTH LINE OF EASEMENT "A", A DISTANCE OF 44.58 FEET, TO THE POINT OF BEGINNING OF THE TEMPORARY EASEMENT TO BE DESCRIBED;

FROM THE POINT OF BEGINNING; THENCE SOUTH 86 DEGREES 53 MINUTES 32 SECONDS WEST, A DISTANCE OF 219.03 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 112.15 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 74.44 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ERIE

COURT; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, IN AN EASTERLY DIRECTION ALONG A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 50.50 FEET AND AN ARC LENGTH OF 29.83 FEET, BEING SUBTENDED BY A CHORD BEARING NORTH 69 DEGREES 50 MINUTES 46 SECONDS EAST WITH A CHORD LENGTH OF 29.39 FEET, TO A POINT ON THE SOUTH LINE OF AN EXISTING VILLAGE OF MORTON UTILITY EASEMENT AS SHOWN IN BOOK 2989 PAGE 125 AT THE TAZEWELL COUNTY RECORDER'S OFFICE; THENCE NORTH 89 DEGREES 24 MINUTES 07 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 223.72 FEET, TO A POINT ON THE WEST LINE OF EASEMENT "A"; (THE FOLLOWING TWO COURSES ARE ALONG SAID WEST LINE OF EASEMENT "A") THENCE SOUTH 31 DEGREES 29 MINUTES 27 SECONDS EAST, A DISTANCE OF 71.86 FEET; THENCE SOUTH 04 DEGREES 47 MINUTES 44 SECONDS EAST, A DISTANCE OF 51.64 FEET, TO THE POINT OF BEGINNING, SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHT-OF-WAY OF RECORD.

Pin: 06-06-19-201-007

Commonly Known As: 20 Erie Court, Morton, Illinois 61550

AFFIX TRANSFER TAX STAMP OR Exempt under provisions of Paragraph (e), Section 4, Real Estate Transfer Tax Law.	
DATE	Buyer, Seller, Representative

situated in the County of Tazewell, State of Illinois. The above described real estate and improvements located thereon are herein referred to as the "premises".

The right, easement, and privilege granted herein shall terminate six months from the execution of this document or on the completion of the proposed project, whichever is sooner.

GRANTOR shall retain all rights to use and occupy the premises and access to GRANTOR'S remaining property, except as herein expressly granted; provided, however, that GRANTOR'S use and occupation of the premises may not interfere with GRANTEE'S use of the premises for purposes herein described.

This grant shall constitute a covenant which runs with the land and shall be binding upon the legal representatives, successors, and assigns of GRANTOR.

A plat depicting the easement premises is marked as Exhibit "A", attached hereto and incorporated here by reference.

ACCEPTANCE OF EASEMENT

The Village of Morton, hereby accepts the foregoing Easement pursuant to authority granted by the Board of Trustees of the Village of Morton at a regularly scheduled meeting of the Board of Trustees of the Village of Morton held on the ____ day of _____, 2022. The President and Clerk of the Village of Morton have executed the acceptance of this Easement pursuant to authority granted to them by the Board of Trustees at the foregoing meeting.

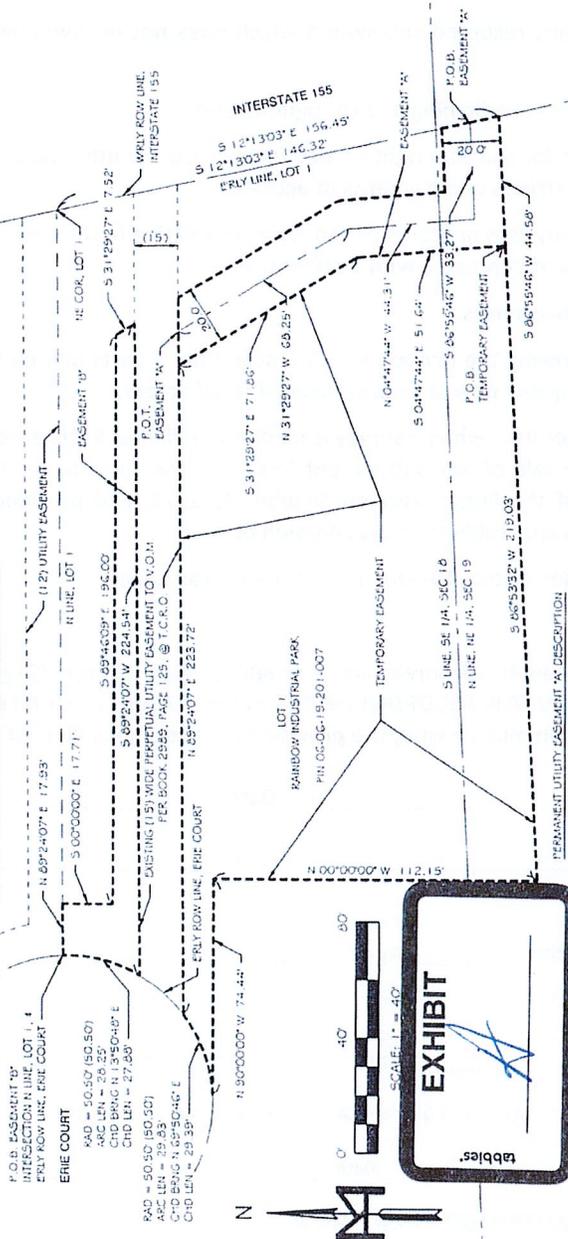
BY: _____
Village President

ATTESTED TO:

Village Clerk

UTILITY EASEMENT PLAT

A PART OF LOT 1 OF RAINBOW INDUSTRIAL PARK, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 19 AND PART OF THE NORTHWEST QUARTER OF SECTION 19, ALL IN TOWNSHIP 25 NORTH, RANGE 3 WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS.



LEGEND

- EASEMENT LINE PER THIS PLAT
- EXISTING EASEMENT
- CENTERLINE OF EASEMENT
- SECTION LINE
- ADJACENT PROPERTY LINE
- APPARENT RIGHT-OF-WAY
- MEASURED BEARING
- MEASURED DISTANCE
- RECORD DISTANCE
- TAZEWELL COUNTY RECORDERS OFFICE
- POINT OF BEGINNING
- POINT OF TERMINUS
- VILLAGE OF MORTON

TEMPORARY EASEMENT DESCRIPTION

A PART OF LOT 1 OF RAINBOW INDUSTRIAL PARK, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 19 AND PART OF THE NORTHWEST QUARTER OF SECTION 19, ALL IN TOWNSHIP 25-NORTH, RANGE 3-WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 12 DEGREES 13 MINUTES 03 SECONDS EAST, (BEARINGS ARE BASED ON STATE PLANE COORDINATE, ILLINOIS WEST ZONE, NAD83, 2011 ADJUSTMENT), ALONG THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 155, SAID LINE ALSO BEING THE CENTERLINE OF SAID LOT 1, A DISTANCE OF 156.45 FEET, TO A POINT ON THE SOUTH LINE OF EASEMENT 'X'; THENCE SOUTH 86 DEGREES 55 MINUTES 46 SECONDS WEST, ALONG SAID SOUTH LINE OF EASEMENT 'X', A DISTANCE OF 44.50 FEET, TO THE POINT OF BEGINNING OF THE TEMPORARY EASEMENT TO BE DESCRIBED.

FROM THE POINT OF BEGINNING, THENCE SOUTH 86 DEGREES 53 MINUTES 32 SECONDS WEST, A DISTANCE OF 219.03 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 112.15 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 74.44 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 74.44 FEET; THENCE EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 155, SAID LINE ALSO BEING THE CENTERLINE OF SAID LOT 1, A DISTANCE OF 156.45 FEET; THENCE SOUTH 86 DEGREES 55 MINUTES 46 SECONDS WEST, ALONG SAID SOUTH LINE OF EASEMENT 'X', A DISTANCE OF 44.50 FEET, TO THE POINT OF BEGINNING OF THE TEMPORARY EASEMENT TO BE DESCRIBED.

PERMANENT UTILITY EASEMENT 'X' DESCRIPTION

A PART OF LOT 1 OF RAINBOW INDUSTRIAL PARK, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 19 AND PART OF THE NORTHWEST QUARTER OF SECTION 19, ALL IN TOWNSHIP 25-NORTH, RANGE 3-WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 12 DEGREES 13 MINUTES 03 SECONDS EAST, (BEARINGS ARE BASED ON STATE PLANE COORDINATE, ILLINOIS WEST ZONE, NAD83, 2011 ADJUSTMENT), ALONG THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 155, SAID LINE ALSO BEING THE CENTERLINE OF SAID LOT 1, A DISTANCE OF 156.45 FEET, TO A POINT ON THE SOUTH LINE OF EASEMENT 'X'; THENCE SOUTH 86 DEGREES 55 MINUTES 46 SECONDS WEST, ALONG SAID SOUTH LINE OF EASEMENT 'X', A DISTANCE OF 44.50 FEET, TO A POINT ON THE SOUTH LINE OF EASEMENT 'X'; THENCE SOUTH 86 DEGREES 53 MINUTES 32 SECONDS WEST, A DISTANCE OF 219.03 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 112.15 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 74.44 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 74.44 FEET; THENCE EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 155, SAID LINE ALSO BEING THE CENTERLINE OF SAID LOT 1, A DISTANCE OF 156.45 FEET; THENCE SOUTH 86 DEGREES 55 MINUTES 46 SECONDS WEST, ALONG SAID SOUTH LINE OF EASEMENT 'X', A DISTANCE OF 44.50 FEET, TO THE POINT OF BEGINNING OF THE PERMANENT UTILITY EASEMENT TO BE DESCRIBED.

STATE OF ILLINOIS)
COUNTY OF MORTON)

DATED THIS _____ DAY OF AUGUST, 2022.

MOHR, KERR ENGINEERING AND LAND SURVEYING, P.C.

CALEB F. JOHNSON
ILLINOIS REGISTERED PROFESSIONAL LAND SURVEYOR # 035-33984

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

FROM THE POINT OF BEGINNING, THENCE NORTH 89 DEGREES 24 MINUTES 07 SECONDS EAST, (BEARINGS ARE BASED ON STATE PLANE COORDINATE, ILLINOIS WEST ZONE, NAD83, 2011 ADJUSTMENT), ALONG SAID NORTH LINE, A DISTANCE OF 17.93 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 17.71 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 156.00 FEET; THENCE SOUTH 31 DEGREES 29 MINUTES 27 SECONDS EAST, A DISTANCE OF 7.52 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 155, SAID LINE ALSO BEING THE CENTERLINE OF SAID LOT 1, A DISTANCE OF 156.45 FEET; THENCE SOUTH 86 DEGREES 55 MINUTES 46 SECONDS WEST, ALONG SAID SOUTH LINE OF EASEMENT 'X', A DISTANCE OF 44.50 FEET, TO A POINT ON THE SOUTH LINE OF EASEMENT 'X'; THENCE SOUTH 86 DEGREES 53 MINUTES 32 SECONDS WEST, A DISTANCE OF 219.03 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 112.15 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 74.44 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 74.44 FEET; THENCE EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 155, SAID LINE ALSO BEING THE CENTERLINE OF SAID LOT 1, A DISTANCE OF 156.45 FEET; THENCE SOUTH 86 DEGREES 55 MINUTES 46 SECONDS WEST, ALONG SAID SOUTH LINE OF EASEMENT 'X', A DISTANCE OF 44.50 FEET, TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING, THENCE SOUTH 86 DEGREES 55 MINUTES 46 SECONDS WEST, A DISTANCE OF 33.27 FEET; THENCE NORTH 04 DEGREES 47 MINUTES 44 SECONDS EAST, A DISTANCE OF 44.51 FEET; THENCE NORTH 31 DEGREES 29 MINUTES 27 SECONDS EAST, A DISTANCE OF 68.25 FEET, TO A POINT ON THE SOUTH LINE OF AN EXISTING VILLAGE OF MORTON UTILITY EASEMENT AS SHOWN IN BOOK 2989 PAGE 125 AT THE TAZEWELL COUNTY RECORDERS OFFICE, SAID POINT ALSO BEING THE POINT OF TERMINUS, SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHT-OF-WAY OF RECORD.

A PART OF LOT 1 OF RAINBOW INDUSTRIAL PARK, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 19 AND PART OF THE NORTHWEST QUARTER OF SECTION 19, ALL IN TOWNSHIP 25-NORTH, RANGE 3-WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID LOT 1, AND THE THE EASTERLY RIGHT-OF-WAY LINE OF THE COURT, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE EASEMENT TO BE DESCRIBED.

FROM THE POINT OF BEGINNING, THENCE NORTH 89 DEGREES 24 MINUTES 07 SECONDS EAST, (BEARINGS ARE BASED ON STATE PLANE COORDINATE, ILLINOIS WEST ZONE, NAD83, 2011 ADJUSTMENT), ALONG SAID NORTH LINE, A DISTANCE OF 17.93 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 17.71 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 156.00 FEET; THENCE SOUTH 31 DEGREES 29 MINUTES 27 SECONDS EAST, A DISTANCE OF 7.52 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 155, SAID LINE ALSO BEING THE CENTERLINE OF SAID LOT 1, A DISTANCE OF 156.45 FEET; THENCE SOUTH 86 DEGREES 55 MINUTES 46 SECONDS WEST, ALONG SAID SOUTH LINE OF EASEMENT 'X', A DISTANCE OF 44.50 FEET, TO A POINT ON THE SOUTH LINE OF EASEMENT 'X'; THENCE SOUTH 86 DEGREES 53 MINUTES 32 SECONDS WEST, A DISTANCE OF 219.03 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 112.15 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 74.44 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 74.44 FEET; THENCE EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 155, SAID LINE ALSO BEING THE CENTERLINE OF SAID LOT 1, A DISTANCE OF 156.45 FEET; THENCE SOUTH 86 DEGREES 55 MINUTES 46 SECONDS WEST, ALONG SAID SOUTH LINE OF EASEMENT 'X', A DISTANCE OF 44.50 FEET, TO THE POINT OF BEGINNING.

- NOTES:
- IT IS NOT WARRANTED THAT THIS UTILITY EASEMENT PLAT CONTAINS COMPLETE INFORMATION REGARDING EASEMENTS, RESERVATIONS, RESTRICTIONS, RIGHT-OF-WAY, BUILDING SETBACK LINES AND OTHER ENCUMBRANCES. FOR COMPLETE INFORMATION, A TITLE OPINION OR OTHER COMMITMENT FOR TITLE INSURANCE SHOULD BE OBTAINED.
 - BEARINGS ARE BASED ON STATE PLANE COORDINATE, ILLINOIS WEST ZONE, NAD83, 2011 ADJUSTMENT.
 - FIELD WORK COMPLETED JULY, 2022.

MOHR, KERR ENGINEERING AND LAND SURVEYING, P.C.
500 N. PROSPECT AVE., SUITE 65
MORTON, ILLINOIS 61614
PH: (815) 938-3300
FAX: (815) 938-3300
www.mohrkerr.com



UTILITY EASEMENT PLAT	
SURVEYED BY	CALEB F. JOHNSON
DATE	08/25/22
PROJECT NO.	22-02
SHEET NO.	1
VILLAGE OF MORTON	

MOHR & KERR ENGINEERING & LAND SURVEYING, P.C.
500 N. PROSPECT AVE., SUITE 65
MORTON, ILLINOIS 61614
PH: (815) 938-3300
FAX: (815) 938-3300
www.mohrkerr.com

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

UTILITY EASEMENT PLAT
LICENSE EXPIRES NOVEMBER 30, 2022

TO BE FILED WITH THE TAZEWELL COUNTY RECORDER OF DEEDS
AFFIDAVIT FOR PURPOSE OF ILLINOIS PLAT ACT REQUIREMENTS
THIS IS A LEGAL DOCUMENT – PLEASE CONSULT YOUR ATTORNEY
(Zoning & Subdivision Ordinances May Also Apply)
PARCEL NUMBERS: 06-06-19-201-007

Grantor or Grantor's Attorney authorized representative in a deed transferring interest in the real estate described in the accompanying deed and further states this transfer **IS EXEMPT FROM THE ILLINOIS PLAT ACT (765 ILCS 205) BECAUSE OF THE FOLLOWING:**

NOT A DIVISION OF LAND – PARCEL BOUNDARIES REMAIN UNCHANGED (The Recorder will proceed with recording the deed and no further questions apply. County Plat Officer signature is NOT required. Please sign below and have notarized)

A DIVISION OF LAND THAT MEETS ONE OF THE FOLLOWING EXCEPTIONS – APPROVAL BY COUNTY PLAT OFFICER (OR DESIGNEE) IS REQUIRED ALONG WITH APPLICABLE FEE PRIOR TO RECORDING:

- The divisions or subdivision of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access.
- The division of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access.
- The sale or exchange of parcels of land between owners of adjoining and contiguous land.
- The conveyance of parcels of land or interest therein for use as a right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access.
- The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
- Conveyances made to correct descriptions in prior conveyances.
- The sale or exchange of parcels or tracts of land following the division into no more than 2 parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access.
- The sale of a single lot of less than 5 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land.
- The preparation of a plat for wind energy devised under section 10-620 of the Property Tax Code.
- Division meets criteria for agricultural exemption.

I swear to the best of my knowledge that the statements contained herein are true and correct. Grantor/Grantor's Attorney further states that this affidavit for the purpose of indicating to THE RECORDER OF DEEDS OF TAZEWELL COUNTY, ILLINOIS, that the conveyance by the attached instrument is within, and in compliance with, the provisions of the Illinois Plat Act.

Name: _____ Signature: _____ Date: _____

Name: _____ Signature: _____ Date: _____

Subscribed and sworn to before me this _____ day of _____ 2022.

Notary Public

Approval for State Plat Act, County Subdivision and Zoning Code Purposes: SURVEY REQUIRED FOR RECORDING: Yes No

Tazewell County Plat Officer/designee: _____ Date: _____

(NOTE: County Plat Officer signature required for properties only in the UNINCORPORATED areas of Tazewell

THIS DOCUMENT PREPARED BY
McGrath Law Office, P.C.
1600 South Fourth Avenue, Ste. 137
Morton, Illinois 61550

RETURN DOCUMENT TO:
McGrath Law Office, P.C.
1600 South Fourth Avenue, Ste. 137
Mackinaw, Illinois 61550

PERMANENT EASEMENT

For Recorder Use Only

Morton Buildings, Inc., an Illinois corporation, hereinafter "GRANTOR" for and in consideration of One Dollar and other good and valuable consideration, including but not limited to, the undertakings agreed to by the parties hereto that are set forth herein, hereby GRANTS and CONVEYS to the Village of Morton, an Illinois municipal corporation, hereinafter "GRANTEE", a permanent easement. This Easement is subject to the following terms and conditions:

A. LEGAL DESCRIPTION OF EASEMENT A: This Easement is described as follows:

A PART OF LOT 1 OF RAINBOW INDUSTRIAL PARK, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 18 AND PART OF THE NORTHEAST QUARTER OF SECTION 19, ALL IN TOWNSHIP-25-NORTH, RANGE-3-WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 12 DEGREES 13 MINUTES 03 SECONDS EAST, (BEARINGS ARE BASED ON STATE PLANE COORDINATE, ILLINOIS WEST ZONE, NAD83, 2011 ADJUSTMENT), ALONG THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 155, SAID LINE ALSO BEING THE EASTERLY LINE OF SAID LOT 1, A DISTANCE OF 146.32 FEET, TO THE CENTERLINE POINT OF BEGINNING OF THE EASEMENT TO BE DESCRIBED, SAID EASEMENT LYING 10.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE:

FROM THE POINT OF BEGINNING; THENCE SOUTH 86 DEGREES 55 MINUTES 46 SECONDS WEST, A DISTANCE OF 33.27 FEET; THENCE NORTH 04 DEGREES 47 MINUTES 44 SECONDS WEST, A DISTANCE OF 44.31 FEET; THENCE NORTH 31 DEGREES 29 MINUTES 27 SECONDS WEST, A DISTANCE OF 68.25 FEET, TO A

POINT ON THE SOUTH LINE OF AN EXISTING VILLAGE OF MORTON UTILITY EASEMENT AS SHOWN IN BOOK 2989 PAGE 125 AT THE TAZEWELL COUNTY RECORDER'S OFFICE, SAID POINT ALSO BEING THE POINT OF TERMINUS, SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHT-OF-WAY OF RECORD.

PIN: 06-06-19-201-007

Commonly Known As: 20 Erie Court, Morton, Illinois 61550

B. LEGAL DESCRIPTION OF EASEMENT B: This Easement is described as follows:

A PART OF LOT 1 OF RAINBOW INDUSTRIAL PARK, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 18 AND PART OF THE NORTHEAST QUARTER OF SECTION 19, ALL IN TOWNSHIP-25-NORTH, RANGE-3-WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID LOT 1, AND THE EASTERLY RIGHT-OF-WAY LINE OF ERIE COURT, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE EASEMENT TO BE DESCRIBED:

FROM THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 24 MINUTES 07 SECONDS EAST, (BEARINGS ARE BASED ON STATE PLANE COORDINATE, ILLINOIS WEST ZONE, NAD83, 2011 ADJUSTMENT), ALONG SAID NORTH LINE, A DISTANCE OF 17.93 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 17.71 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 09 SECONDS EAST, A DISTANCE OF 196.00 FEET; THENCE SOUTH 31 DEGREES 29 MINUTES 27 SECONDS EAST, A DISTANCE OF 7.52 FEET, TO A POINT ON THE NORTH LINE OF AN EXISTING VILLAGE OF MORTON UTILITY EASEMENT AS SHOWN IN BOOK 2989 PAGE 125 AT THE TAZEWELL COUNTY RECORDER'S OFFICE; THENCE SOUTH 89 DEGREES 24 MINUTES 07 SECONDS WEST, ALONG SAID NORTH LINE OF AN EXISTING VILLAGE OF MORTON UTILITY EASEMENT, A DISTANCE OF 224.54 FEET, TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, IN A NORTHERLY DIRECTION ALONG A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 50.50 FEET AND AN ARC LENGTH OF 28.25 FEET, BEING SUBTENDED BY A CHORD BEARING NORTH 13 DEGREES 50 MINUTES 48 SECONDS EAST WITH A CHORD DISTANCE OF 27.88 FEET, TO THE POINT OF BEGINNING, SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHT-OF-WAY OF RECORD.

PIN: 06-06-19-201-007

Commonly Known As: 20 Erie Court, Morton, Illinois 61550

AFFIX TRANSFER TAX STAMP OR Exempt under provisions of 35 ILCS 205/31-45(b)

DATE _____ Buyer, Seller Representative

C. PURPOSE OF EASEMENT: This Easement is for the installation, maintenance, construction and repair of a water main line.

D. RIGHTS CONVEYED TO GRANTEE: The right of ingress and egress over the land of the GRANTOR, as described in Paragraph A, for the purpose of installing a water main is hereby granted by the GRANTOR to the GRANTEE. The GRANTEE, its successors and assigns, its agents, contractors and employees, with or without tools, machinery and equipment, are hereby given the right to dig, excavate, fill, install, repair, replace, construct, maintain, clean, and inspect as to such water main, to enter upon the premises, with or without tools, machinery and equipment, for such purposes. It is expressly understood and agreed that no buildings or other structures shall be placed on the property described within this Easement without the written consent of the GRANTOR and GRANTEE or its successors and assigns being first recorded in the Recorder's Office of Tazewell County, Illinois.

E. OBLIGATION OF THE GRANTEE: Upon completion of any digging, excavation, installation, repair, replacement, construction, maintenance, cleaning, and inspection, the GRANTEE shall restore the surface of the land to the extent reasonably possible to a presentable condition and any such installation and construction shall be in such a manner as not to detract upon completion from the value of the adjoining real estate of the GRANTOR, their successors and assigns.

F. BINDING EFFECT: This Agreement is binding upon the parties hereto, their heirs, successors and assigns. The GRANTEE has accepted this Easement pursuant to authority granted by the Board of Trustees to the President and Clerk of the Village of Morton to execute its acceptance. It is expressly understood that the easement that is provided for herein is permanent, perpetual, and shall run with the land.

F. EASEMENT PLAT: A plat depicting the easement premises for Easement A and Easement B is marked as Exhibit "A", attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the said GRANTOR has signed, sealed and delivered this Easement this ____ day of _____, 2022, and thereafter the GRANTEE, Village of Morton, has accepted this Easement.

GRANTOR:

Morton Building, Inc.
an Illinois corporation

By: _____
Its _____

ACCEPTANCE OF EASEMENT

The Village of Morton, hereby accepts the foregoing Easement pursuant to authority granted by the Board of Trustees of the Village of Morton at a regularly scheduled meeting of the Board of Trustees of the Village of Morton held on the ____ day of _____, 2022. The President and Clerk of the Village of Morton have executed the acceptance of this Easement pursuant to authority granted to them by the Board of Trustees at the foregoing meeting.

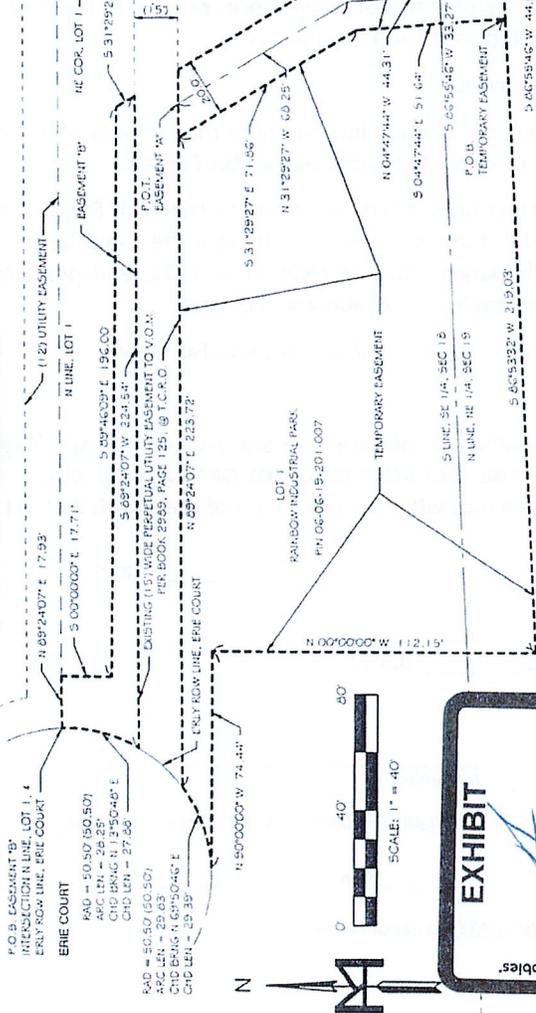
BY: _____
Village President

ATTESTED TO:

Village Clerk

UTILITY EASEMENT PLAT

A PART OF LOT 1 OF PARBOW INDUSTRIAL PARK, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 10 AND PART OF THE NORTHWEST QUARTER OF SECTION 15, ALL IN TOWNSHIP 25-NORTH, RANGE 3-WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS.



LEGEND

- EASEMENT LINE PER THIS PLAT
- EXISTING EASEMENT
- CENTERLINE OF EASEMENT
- SECTION LINE
- ADJACENT PROPERTY LINE
- APPARENT RIGHT-OF-WAY
- MEASURED BEARING
- MEASURED DISTANCE
- RECORD DISTANCE
- TAZEWELL COUNTY RECORDS OFFICE
- POINT OF BEGINNING
- POINT OF TERMINUS
- VILLAGE OF MORTON

TEMPORARY EASEMENT DESCRIPTION

A PART OF LOT 1 OF PARBOW INDUSTRIAL PARK, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 10 AND PART OF THE NORTHWEST QUARTER OF SECTION 15, ALL IN TOWNSHIP 25-NORTH, RANGE 3-WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1, THENCE SOUTH 12 DEGREES 13 MINUTES 03 SECONDS EAST, BEARINGS ARE BASED ON STATE PLANE COORDINATE, ILLINOIS WEST ZONE, NAD83, 2011 ADJUSTMENT, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 155, SAID LINE ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF SAID LOT 1, A DISTANCE OF 156.45 FEET, TO A POINT ON THE SOUTH LINE OF SAID LOT 1, THENCE SOUTH 68 DEGREES 55 MINUTES 46 SECONDS WEST, ALONG SAID SOUTH LINE OF SAID LOT 1, A DISTANCE OF 44.50 FEET, TO THE POINT OF BEGINNING OF THE TEMPORARY EASEMENT TO BE DESCRIBED.

PERMANENT UTILITY EASEMENT TO DESCRIPTION

AS A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 10 AND PART OF THE NORTHWEST QUARTER OF SECTION 15, ALL IN TOWNSHIP 25-NORTH, RANGE 3-WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1, THENCE SOUTH 12 DEGREES 13 MINUTES 03 SECONDS EAST, BEARINGS ARE BASED ON STATE PLANE COORDINATE, ILLINOIS WEST ZONE, NAD83, 2011 ADJUSTMENT, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 155, SAID LINE ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF SAID LOT 1, A DISTANCE OF 156.45 FEET, TO THE CENTRAL POINT OF BEGINNING OF THE EASEMENT TO BE DESCRIBED, SAID EASEMENT BEING 10.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE:

FROM THE POINT OF BEGINNING, THENCE SOUTH 68 DEGREES 55 MINUTES 46 SECONDS WEST, A DISTANCE OF 33.27 FEET, THENCE NORTH 04 DEGREES 47 MINUTES 44 SECONDS WEST, A DISTANCE OF 44.31 FEET, THENCE NORTH 31 DEGREES 29 MINUTES 27 SECONDS WEST, A DISTANCE OF 68.25 FEET, TO A POINT ON THE SOUTH LINE OF AN EXISTING VILLAGE OF MORTON UTILITY EASEMENT AS SHOWN IN BOOK 2959 PAGE 125 AT THE TAZEWELL COUNTY RECORDS OFFICE, SAID POINT ALSO BEING THE POINT OF TERMINUS, SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHT-OF-WAY OF RECORD.

PERMANENT UTILITY EASEMENT TO DESCRIPTION

A PART OF LOT 1 OF PARBOW INDUSTRIAL PARK, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 10 AND PART OF THE NORTHWEST QUARTER OF SECTION 15, ALL IN TOWNSHIP 25-NORTH, RANGE 3-WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID LOT 1, AND THE EASTERLY RIGHT-OF-WAY LINE OF ERIE COURT, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE EASEMENT TO BE DESCRIBED.

FROM THE POINT OF BEGINNING, THENCE NORTH 09 DEGREES 24 MINUTES 07 SECONDS EAST, BEARINGS ARE BASED ON STATE PLANE COORDINATE, ILLINOIS WEST ZONE, NAD83, 2011 ADJUSTMENT, ALONG SAID NORTH LINE, A DISTANCE OF 17.93 FEET, THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 17.71 FEET, THENCE SOUTH 07 DEGREES 46 MINUTES 09 SECONDS EAST, A DISTANCE OF 156.00 FEET, THENCE SOUTH 31 DEGREES 29 MINUTES 27 SECONDS EAST, A DISTANCE OF 17.71 FEET, THENCE SOUTH 07 DEGREES 46 MINUTES 09 SECONDS WEST, ALONG SAID NORTH LINE OF AN EXISTING VILLAGE OF MORTON UTILITY EASEMENT AS SHOWN IN BOOK 2959 PAGE 125 AT THE TAZEWELL COUNTY RECORDS OFFICE, THENCE SOUTH 89 DEGREES 24 MINUTES 07 SECONDS EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF ERIE COURT, A DISTANCE OF 124.54 FEET, TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE, THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, IN A NORTHERLY DIRECTION, ALONG THE CENTERLINE OF SAID UTILITY EASEMENT, A DISTANCE OF 27.69 FEET, TO THE POINT OF BEGINNING, BEING SUBSTANTIATED BY A CHORD BEARING NORTH 13 DEGREES 46 SECONDS EAST, WITH A CHORD DISTANCE OF 27.69 FEET, SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHT-OF-WAY OF RECORD.

NOTES:

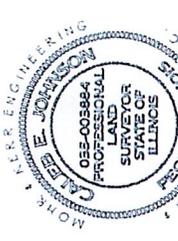
- IT IS NOT WARRANTED THAT THIS UTILITY EASEMENT PLAT CONTAINS COMPLETE INFORMATION REGARDING EASEMENTS, RESERVATIONS, RESTRICTIONS, RIGHT-OF-WAY, BUILDING SETBACK LINES AND OTHER ENCUMBRANCES, FOR COMPLETE INFORMATION, A TITLE OPINION OR OTHER COMMITMENT FOR TITLE INSURANCE SHOULD BE OBTAINED.
- BEARINGS ARE BASED ON STATE PLANE COORDINATE, ILLINOIS WEST ZONE, NAD83, 2011 ADJUSTMENT.
- FIELD WORK COMPLETED JULY, 2022.

STATE OF ILLINOIS)
COUNTY OF TAZEWELL) 55

DATED THIS _____ DAY OF AUGUST, 2022.

MOHR & KERR ENGINEERING AND LAND SURVEYING, P.C.

CALEB E. JOHNSON
ILLINOIS REGISTERED PROFESSIONAL LAND SURVEYOR # 035-33094



THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

LICENSE EXPIRES NOVEMBER 30, 2022

MOHR & KERR ENGINEERING & LAND SURVEYING, P.C.
500 N. Prospect Road, Suite 85
Peoria, Illinois 61614
www.mohrskerr.com
Professional Design Firm # 164-03691

UTILITY EASEMENT PLAT	
DATE	08-25-22
SCALE	1" = 40'
SHEET	1
PROJECT NO.	22-022
DRAWN BY	CALEB E. JOHNSON
CHECKED BY	CALEB E. JOHNSON
VILLAGE OF MORTON	

TO BE FILED WITH THE TAZEWELL COUNTY RECORDER OF DEEDS
AFFIDAVIT FOR PURPOSE OF ILLINOIS PLAT ACT REQUIREMENTS
THIS IS A LEGAL DOCUMENT – PLEASE CONSULT YOUR ATTORNEY
(Zoning & Subdivision Ordinances May Also Apply)
PARCEL NUMBERS: 06-06-19-201-007

Grantor or Grantor's Attorney authorized representative in a deed transferring interest in the real estate described in the accompanying deed and further states this transfer **IS EXEMPT FROM THE ILLINOIS PLAT ACT (765 ILCS 205) BECAUSE OF THE FOLLOWING:**

NOT A DIVISION OF LAND – PARCEL BOUNDARIES REMAIN UNCHANGED (The Recorder will proceed with recording the deed and no further questions apply. County Plat Officer signature is NOT required. Please sign below and have notarized)

A DIVISION OF LAND THAT MEETS ONE OF THE FOLLOWING EXCEPTIONS – APPROVAL BY COUNTY PLAT OFFICER (OR DESIGNEE) IS REQUIRED ALONG WITH APPLICABLE FEE PRIOR TO RECORDING:

- The divisions or subdivision of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access.
- The division of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access.
- The sale or exchange of parcels of land between owners of adjoining and contiguous land.
- The conveyance of parcels of land or interest therein for use as a right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access.
- The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
- Conveyances made to correct descriptions in prior conveyances.
- The sale or exchange of parcels or tracts of land following the division into no more than 2 parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access.
- The sale of a single lot of less than 5 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land.
- The preparation of a plat for wind energy devised under section 10-620 of the Property Tax Code.
- Division meets criteria for agricultural exemption.

I swear to the best of my knowledge that the statements contained herein are true and correct. Grantor/Grantor's Attorney further states that this affidavit for the purpose of indicating to THE RECORDER OF DEEDS OF TAZEWELL COUNTY, ILLINOIS, that the conveyance by the attached instrument is within, and in compliance with, the provisions of the Illinois Plat Act.

Name: Morton Buildings, Inc. Signature: _____ Date: _____

Subscribed and sworn to before me this _____ day of _____ 2022.

Notary Public

Approval for State Plat Act, County Subdivision and Zoning Code Purposes: SURVEY REQUIRED FOR RECORDING: Yes No

Tazewell County Plat Officer/designee: _____ Date: _____

(NOTE: County Plat Officer signature required for properties only in the UNINCORPORATED areas of Tazewell

RESOLUTION NO. 06-23

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN STATE
OF ILLINOIS DEPARTMENT OF TRANSPORTATION AND
VILLAGE OF MORTON FOR INSTALLATION OF TRAFFIC
SIGNAL INFRASTRUCTURE**

**BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE
VILLAGE OF MORTON**, as follows:

1. The Agreement Between the Village of Morton and the State of Illinois acting by and through its Department of Transportation for the installation of traffic signal cabinets, controllers, communication systems and video detection systems at the intersection of IL 98 and Detroit Avenue, in the substance and form attached hereto as Exhibit A, is hereby approved.
2. The President and Village Clerk are authorized and directed to execute same.

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect upon its passage and approval.

PASSED AND APPROVED at a regular meeting of the President and Board of Trustees of the Village of Morton, Tazewell County, Illinois, this ____ day of _____, 2022; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

APPROVED this _____ day of _____, 2022.

President

ATTEST:

Village Clerk

CERTIFIED MAIL



Illinois Department of Transportation

Office of Highways Project Implementation / Region 3 / District 4
401 Main Street / Peoria, Illinois 61602-1111

August 9, 2022

PROJECT SUPPORT
JOINT AGREEMENT

Various Routes

State Section: D4 ITS System 2023

Various Counties

Location: Installation of traffic signal cabinets, controllers, communication equipment, and video detection systems

Job No. C-94-056-22

Agreement No. JN-423-002

Contract No. 68H17

Catalog No. 036333-00D

Mr. Craig Loudermilk
Director of Public Works
Village of Morton
120 North Main St.
Morton, Illinois 61550

Dear Mr. Loudermilk:

Enclosed are three (3) copies of a Joint Agreement, which describes the above-captioned project for the installation of traffic signal cabinets, controllers, communication equipment and video detection systems, and the degree to which the state and village of Morton will be participating.

The Agreement draft has been reviewed by our Peoria office and is ready for signature. If you concur with the conditions set forth in the Agreement, please have the city manager sign and return two (2) copies along with copies of all required ordinances/resolutions.

Also enclosed is copy of the plans and a form for plan approval for your use, if so desired. We need this form, letter or resolution of approval submitted with the Joint Agreement. This project is scheduled for our September 23, 2022 letting.

If you have any questions regarding this Agreement, please feel free to contact our Agreements Unit at (309) 671-3496.

Sincerely,

Kensil A. Garnett P.E.

Kensil A. Garnett, P.E.
Region Three Engineer

RJ:pjl\ls:\mgr1\winword\progdev\agreements\letters\local agency signature\jn423002.docx

Enclosure(s)

cc: Studies & Plans (M. Otten)
Agreements (R. Julich)

Programming (T. Worsfold)
Operations (B. Tellefson, S. McGowan)

Various Routes
State Section: D4 ITS System 2023
Various Counties
Location: Installation of traffic signal cabinets,
Controllers, communication equipment, and
Video detection systems
Job No. C-94-056-22
Contract No. 68H17
Catalog No.: 036333-00D
Agreement No.: JN-423-002

AGREEMENT

This Agreement, entered into this _____ day of _____ A.D., 2022, by and between the STATE OF ILLINOIS, acting by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called the STATE, and the VILLAGE OF MORTON, of the State of Illinois, hereinafter called the VILLAGE.

WITNESSETH:

WHEREAS, the STATE, in order to facilitate the free flow of traffic and ensure safety to the motoring public, is desirous of modernizing existing signal installations by installing new traffic signal controllers, communications equipment, and by performing all other work necessary to complete the improvements in accordance with the approved plans and specifications; and

WHEREAS the VILLAGE is desirous of said improvement in that same will be of immediate benefit to the motoring and pedestrian public and permanent in nature;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

1. The STATE agrees to make the surveys, prepare plans and specifications, receive bids and award the contract, furnish engineering inspection during construction, and cause the improvement to be built in accordance with plans, specifications, and contract.
2. The STATE agrees to pay all Construction and engineering costs subject to reimbursement by the VILLAGE as hereinafter stipulated.

3. It is mutually agreed by and between the parties hereto that the estimated cost proration for this improvement is as follows:

TYPE OF WORK	STATE COST (%)	CITY COST (%)	TOTAL COST
Modernize Traffic Signals at:			
IL 98 (Birchwood) & Detroit Ave.	\$14,280 (85)	\$2,520 (15)	\$16,800
Prelim. Eng. (5%)	\$714 (85)	\$126 (15)	\$840
Const. Eng. (10%)	\$1,428 (85)	\$252 (15)	\$1,680
Remaining Construction:	\$330,300 (100)	0	\$330,300
Prelim. Eng. (5%)	\$16,515 (100)	0	\$16,515
Const. Eng. (10%)	\$33,030 (100)	0	\$33,030
TOTALS	\$396,267	\$2,898	\$399,165

Participation and reimbursement shall be predicated by the percentages shown above for the specified work. Costs shall be determined by multiplying the final quantities times contract unit prices plus 15% for construction and preliminary engineering. Participation toward the traffic signals items shown above shall not exceed 125% of their estimated construction and engineering cost.

4. The VILLAGE has passed a resolution appropriating within its 2022 budget sufficient funds to pay its share of the cost of this improvement, a copy of which is attached hereto as "Exhibit A" and made a part of hereof. The VILLAGE further agrees that upon award of the contract for this improvement, the VILLAGE will pay to the DEPARTMENT OF TRANSPORTATION of the STATE OF ILLINOIS in a lump sum from any funds allotted to the VILLAGE, an amount equal to 80% of its obligation incurred under this Agreement, and will pay to the said DEPARTMENT the remainder of the obligation (including any non-participating costs on FA Projects) in a lump sum, upon completion of the project based upon final costs.
5. The VILLAGE agrees to provide prior to the STATE's advertising for the work to be performed hereunder approval of the plan's specifications, by resolution or letter.

6. The VILLAGE shall exercise its franchise right to cause private utilities to be relocated, if required, at no expense to the STATE.
7. The VILLAGE agrees to cause its utilities installed on right-of-way after said right-of-way was acquired by the STATE or installed within the limits of a roadway after the said roadway's jurisdiction was assumed by the STATE, to be relocated and/or adjusted, if required, at no expense to the STATE.
8. Upon final inspection of the improvement, the STATE and VILLAGE will continue their respective maintenance responsibilities for the traffic signal controllers, and communication equipment, installed herein in accordance with the existing Master Agreement executed on July 1, 2021 or in accordance with any such Master Agreement that may be executed in the future.
9. The parties hereby mutually agree that the obligations of the parties will cease immediately without penalty being required if, in any fiscal year, the Illinois General Assembly or Federal funding source fails to appropriate or otherwise make available funds for this contract.
10. This Agreement and the covenants contained herein shall be null and void in the event the contract covering the construction work contemplated herein is not awarded within three years subsequent to execution of the Agreement.
11. The VILLAGE certifies that its correct Federal Taxpayer Identification Number is 37-6002167 and the VILLAGE is doing business as a municipality whose mailing address is 120 North Main Street, Morton, Illinois 61550.

Various Routes
State Section: D4 ITS System 2023
Various Counties
Location: Installation of traffic signal cabinets,
Controllers, communication equipment, and
Video detection systems
Job No. C-94-056-22
Contract No. 68H17
Catalog No.: 036333-00D
Agreement No.: JN-423-002

This Agreement shall be binding upon and to the benefit of the parties hereto, their successors and assigns.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

VILLAGE OF MORTON

By: _____
Kensil A. Garnett, P.E.
Region Three Engineer

By: _____
Jeff Kaufman, Village President

Date: _____

Date: _____

Attest: _____
Zo Evans, Village Clerk

ATTACHMENT 1
TIN CERTIFICATION

The VILLAGE certifies that:

1. The number shown on this form is the VILLAGE's correct taxpayer identification number (or the VILLAGE) is waiting for a number to be issued to them), and
2. The VILLAGE is not subject to backup withholding because: (a) the VILLAGE is exempt from backup withholding, or (b) the VILLAGE has not been notified by the Internal Revenue Service (IRS) that the VILLAGE is subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that the VILLAGE no longer subject to back-up withholding, and
3. The VILLAGE's person with signatory authority for this AGREEMENT is a U. S. person (including a U.S. resident alien).

Taxpayer Identification Number: 37-6002167

Legal Status

- | | |
|---|---|
| <input type="checkbox"/> Individual | <input checked="" type="checkbox"/> Government |
| <input type="checkbox"/> Sole Proprietor | <input type="checkbox"/> Nonresident Alien |
| <input type="checkbox"/> Partnership/Legal Corporation | <input type="checkbox"/> Estate or Trust |
| <input type="checkbox"/> Tax-exempt | <input type="checkbox"/> Pharmacy (Non Corp.) |
| <input type="checkbox"/> Corporation providing or billing medical and/or health care services | <input type="checkbox"/> Pharmacy/Funeral home /Cemetery |
| <input type="checkbox"/> Corporation NOT providing or billing medical and/or health care services | <input type="checkbox"/> Limited Liability Company (select applicable tax classification) |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> D= Disregarded entity |
| | <input type="checkbox"/> C= Corporation |
| | <input type="checkbox"/> P= Partnership |

Various Routes
Section: D4 ITS System 2023
Various Counties
Location: Installation of traffic signal cabinets, controllers,
Communication equipment, and video detection systems.
Agreement No. JN-423-002
Contract No. 68H17
Catalog No.: 036333-00D

I approve the portions of the final plans for the above-captioned project that pertain to the maintenance obligations of the village of Morton.

Jeff Kaufman, Village President

Date

RESOLUTION NO. 07-23

**RESOLUTION AUTHORIZING AMENDMENT TO
PROFESSIONAL SERVICES AGREEMENT BETWEEN
VILLAGE OF MORTON AND GOOD ENERGY, LP**

WHEREAS, the Village previously entered into a professional services agreement with Good Energy, LP, to provide energy consultancy services and procurement for residential and commercial electric accounts as a part of the Village's electric energy aggregation program; and

WHEREAS, the Village of Morton is desirous of continuing its electric energy aggregation program and is desirous of continuing to utilize the consultancy and procurement services offered by Good Energy, LP; and

WHEREAS, the parties have negotiated certain amendments to the existing professional services agreement, including an increase in the fee due and payable to Good Energy LP from \$0.00075 per Kwh to \$.001 per Kwh.

BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, as follows:

1. The Amendment to Professional Services Agreement between the Village of Morton and Good Energy LP, in the substance and form attached hereto as Exhibit A, is hereby approved.
2. The President and Village Clerk are authorized and directed to execute same.

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect upon its passage and approval.

PASSED AND APPROVED at a regular meeting of the President and Board of Trustees of the Village of Morton, Tazewell County, Illinois, this ____ day of _____, 2022; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

APPROVED this _____ day of _____, 2022.

President

ATTEST:

Village Clerk

NOTICE OF PUBLIC HEARING

The Morton Plan Commission will conduct a Public Hearing on Monday, August 22, 2022, at 7:00 P.M., at the Freedom Hall, 349 W. Birchwood St., to consider a special use request for the following described premises:

Petition No. 22-07 SP: Subject property is located at 800 W. Birchwood St. A petition has been filed requesting a special use at this property. The current zoning is I-2. The proposed change would be I-2 with a special use to permit a recreational facility.

PETITION FOR ZONING AMENDMENT / SPECIAL USE PERMIT

Petition Number: 22-07 SP Date: 8-1-2022

1. Legal Description: SEC 19 T25N R3W N 1/2 OF TRACT 2-B IN NW 1/4 SE 1/4 2.00 AC

Street Address: 800 W. Birchwood Morton, IL 61550

2. Area of subject property: _____ sq. ft. or 2 _____ Ac.

3. Present land use: Mack Trucking

Proposed land use or special use: Special Use - BRelentless Training Center (Instructor led fitness)

Requested zoning change: from I2 District to I2 SP District

4. Surrounding zoning districts:

North I2 East I2 South I2 West I2

5. Subject property is owned by:

Name: SCHWARZENTRAUB, JOSEPH & JOYCE TRUSTEES

Address: 28970 WOOD RDMORTON, IL, 61550-0000

(If subject property is owned by a trustee, a written statement must be furnished by the trustee, disclosing the names of all beneficial owners. A change in any of the beneficial owners during the amendment/special use process must be disclosed immediately.)

6. A list of names and addresses of all property owners in the petition area (within 250 feet of the area affected by this petition) will be provided by the Village of Morton and attached hereto.

7. A statement is attached hereto, indicating why, in our opinion, the amendment or special use requested is necessary for the preservation and enjoyment of substantial property rights, and why such amendment or special use will not be detrimental to the public welfare, nor the property of other persons located in the vicinity thereof.

8. Additional exhibits submitted by the petitioner:

Site & Lot Layout

Interior Layout

Summary of Buisness Use

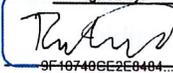
9. Petitioners' Signature:

Name: SCHWARZENTRAUB, JOSEPH & JOYCE TRUSTEES

Address: 28970 Wood Rd. Morton, IL

Phone No.: _____

Email Address: _____

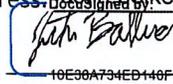
Signature:  _____
DocuSigned by: 9F10740EE2E0404...

Name: Justin Bolkema - BRelentless

Address: 1050 W. Jefferson St. Morton, IL 61550

Phone No.: 712-348-0291

Email Address: justin.bolkema@gmail.com

Signature:  _____ 7/27/2022
DocuSigned by: 10E30A734ED140F...

Name: _____

Address: _____

Phone No.: _____

Email Address: _____

Signature: _____

BRelentless New Location Expansion
06/10/2022

BRelentless Training and Sports Performance (currently at 1050 West Jefferson Street in Morton, Illinois) is under contract to purchase the property at 800 West Birchwood Street in Morton, Illinois to grow and expand their business. The goal of this move would be to allow for continued growth and sustainability of their proven and successful business model, to better maximize profit margins, and to help as many people in their health/fitness/sports performance goals as possible.

BRelentless provides training and coaching for those looking to improve their health and fitness, as well as change their lifestyle. We also provide sports performance training to help athletes reach their full potential physically and mentally.

The fitness industry is failing people. New fad diets, new trends, social media, etc., all setting people up to fail before they even begin. Our goal is to fix the health, fitness, and sports performance industry and to help and educate as many lives as possible. The top three reasons people fail in their health/fitness/performance goals are time, money, and accountability. The fourth reason is quite simply not knowing what to do, but only 1-3% of people can afford private training. Our model addresses all of these issues.

Our model utilizes small group and semi-private training so we can provide affordable, individualized training. We can offer multiple time slots throughout each week to account for flexibility in schedules. We can keep the cost affordable since people are in groups, so participants can be more consistent and actually get better. Lastly, the group environment along with our systems and culture provide the accountability needed to make dreams into a reality.

Our business not only addresses the primary needs of the consumer in this area, it allows for consistent revenue and sustainability. From a business model, most gyms have an incredibly high overhead keeping the doors open, lights on, and sinks running from 5am-10pm. Paying multiple janitorial staff, front desk attendants, and more. We are only open when we have classes going on.

Rather than hoping Susie Fitness purchases another 10 pack of sessions next month, all of our training is contract based, allowing us to have guaranteed revenue month by month, and increasing the participants chance of success through longer commitment. We generate more money per participant per month, while offering the participant a cheaper cost per session than any of our competition. If someone purchases private one on one training and an average gym in the area they'll spend between \$25 and \$50/session, and the trainer will get paid \$15-20/hour. We get 6-10 people per class all paying \$15-\$20/session and the trainer gets \$20-25/hour. The trainer is happy, the business owner is happy, and the participants are happy because they can finally afford to reach their goals.

Serving as the Training Coordinator at the RiverPlex in Peoria, Illinois I helped build and develop this model over the course of five years. Once perfected and unable to implement in a way that would

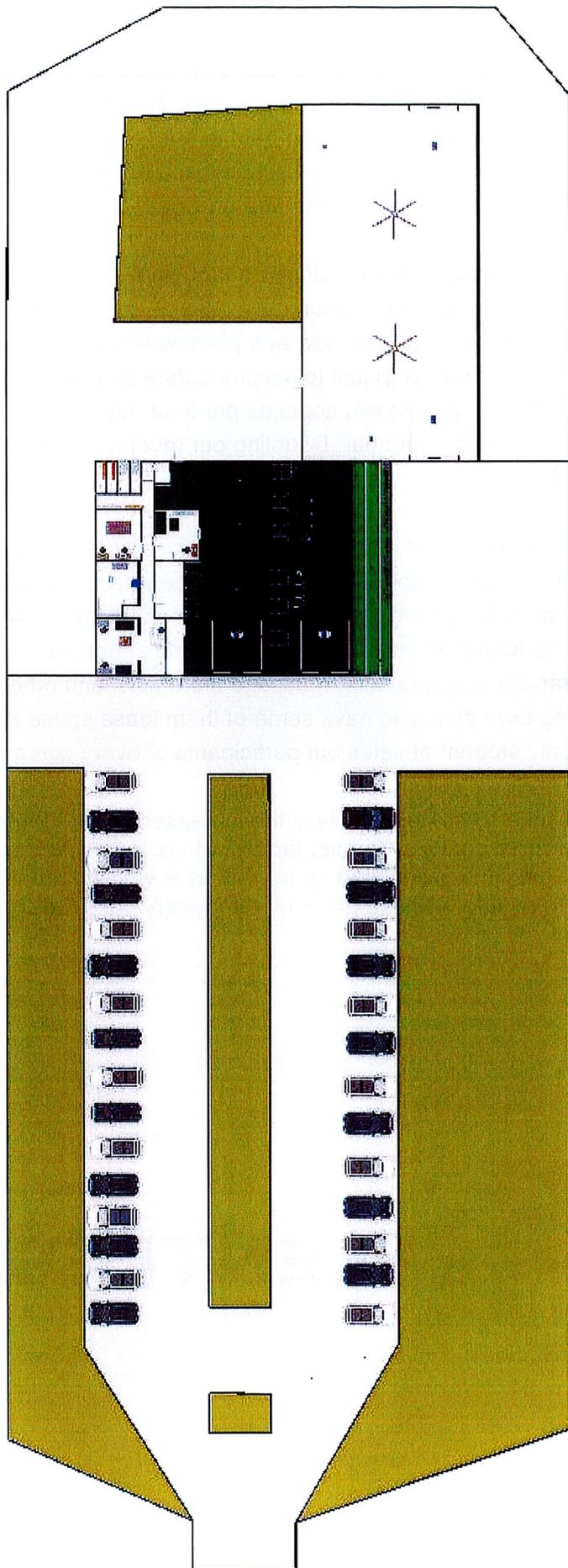
best help people succeed, I decided to start BRelentless in April of 2019 and perfect the system even further. Since then, we have had over 100 adult participants, 400 student-athletes, and maintained a 94% retention rate across the board for those who train at our facility (industry goal is 65%). These adults and student-athletes represent 40 different schools and towns within a 60 mile radius, all bringing tax dollars and additional business to the Morton Community.

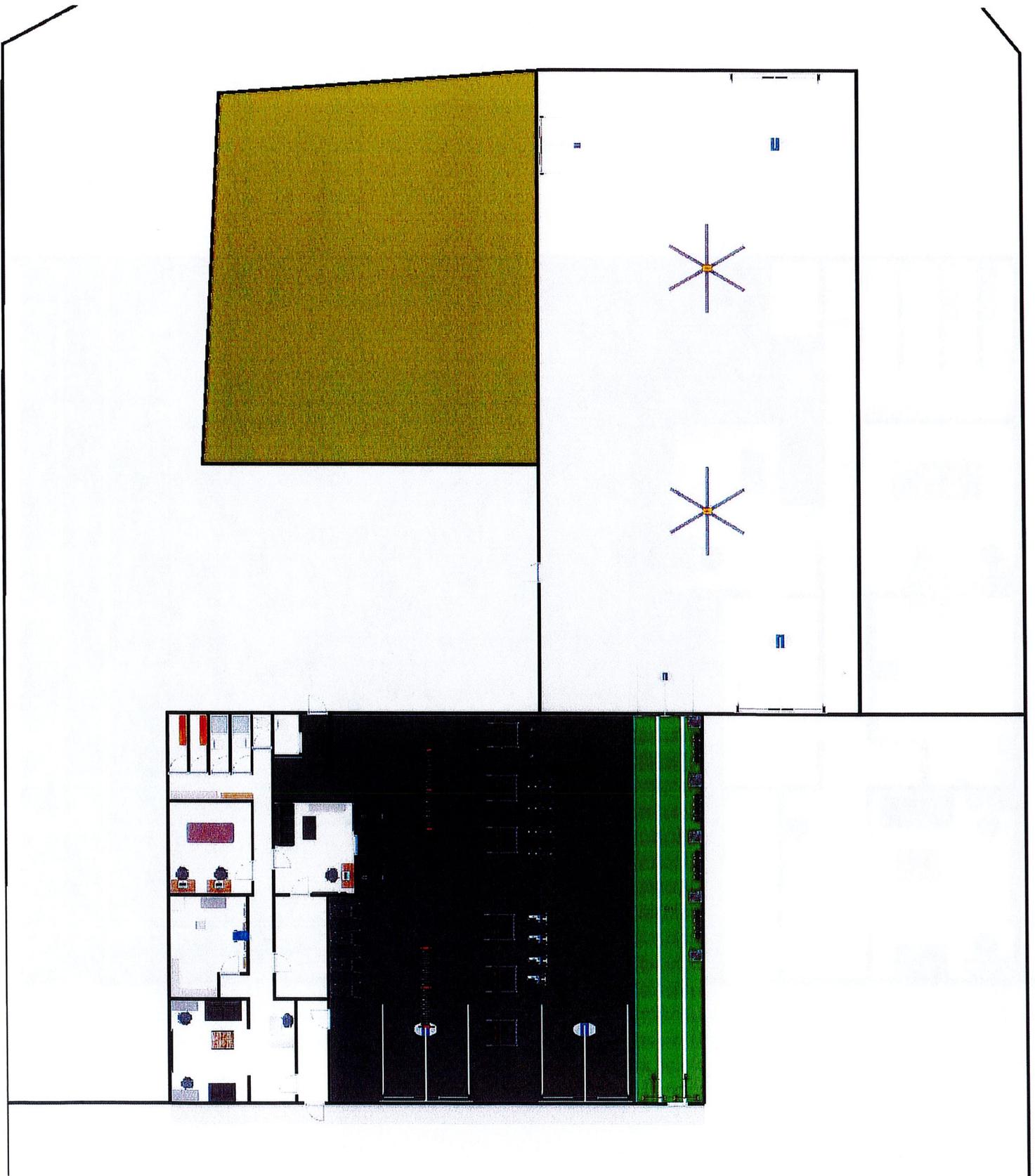
With our rapid growth and limited space, we outgrew our original location twice, created an additional 1,200 square feet of space in our current location, and still are struggling to provide the same level of service without turning people away. We are now at a place where we've had to stagger start classes every half hour (classes are an hour long) just to accommodate demand. Which means we still can only fit 6 people per class but are paying two coaches per hour. More space means we can have 10-15 people per class, and one coach per hour. Doubling our revenue per hour and cutting our expenses per hour in half.

This will also allow us to take on teams at our facility (we currently go to schools/facilities which we will still continue to do, but not all schools have enough space to accommodate so we've had to turn down contracts because of it). Long-term, we plan to partner with other sport/skills coaches to also offer this type of training by adding in batting cages, court/field space, etc. We currently work with the area's best physical therapists, chiropractors, massage therapists, and other sports medicine professionals and the long term plan is to have some of them lease space from us as well. Creating a "one stop shop" for not only student-athletes but participants of every age and demographic.

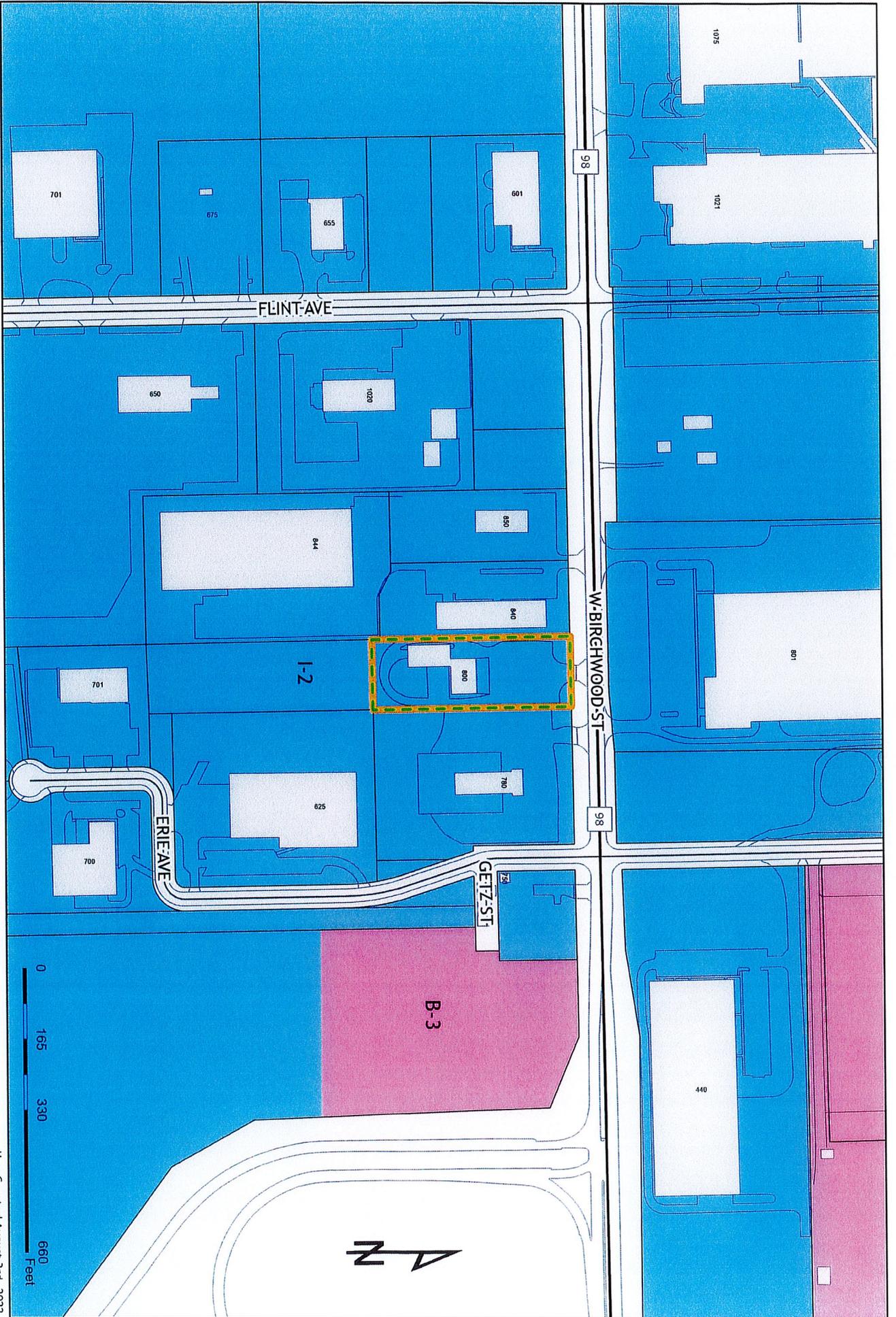
Right now, our primary concern with this facility is the increased square footage and controlling our monthly overhead. We want to create a "forever facility" where we could grow into it over time but want to be sure we don't get in over our head up front. This is why we are going above and beyond doing our due diligence to ensure we have accounted for every potential cost we can.











Special Use Request

800 W Birchwood St

Morton, Illinois

06-06-19-400-021

Interstate, Railroad, & ROW

B-3 Highway & Service Commercial District

I-2 General Industrial District

Zoning Districts

Map Created August 3rd, 2022



SECTION 1: AMENDMENT “10-4-3: Building Height, Bulk, Lot Coverage, And Yards” of the Morton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10-4-3: Building Height, Bulk, Lot Coverage, And Yards

- A. General Application: No building shall be erected, reconstructed, relocated, or structurally altered to have a greater height, lot coverage, or smaller open spaces than permitted under the restrictions for the district in which it is located, except as otherwise provided in this Title. (Ord. 78-31, 3-5-79)
- B. Exceptions To Height Limitations: All structural or architectural towers, spires, cupolas, parapet walls, chimneys, cooling towers, water towers, elevator bulkheads, stacks, stage towers or scenery lofts, mechanical appurtenances, structures, towers, antennas, or other similar structures may exceed the general height limitations in a zoning district only if a special use in accordance with the provisions of Section 10-10-2 of this Title is granted. Notwithstanding the foregoing, no special use shall be granted for a tower or other structure that can or will accommodate a personal wireless service facility as defined in Title 13 Chapter 1 of this Code. Warning sirens are exempt from any height limitation imposed by any other Sections of this Code. (Ord. 81-21, 8-17-81; amd. Ord. 00-52, 3-5-01; amd. Ord. 06-01, 5-1-06)
- C. Open Space To Meet Requirements For One Property Not To Be Used For Another: No space allocated to a building or group of buildings for the purpose of satisfying the yard, open space, or lot area requirements of one property shall be used to satisfy the yard, open space, or lot area requirements of another property. (Ord. 78-31, 3-5-79)
- D. Exceptions to Yard Requirements: Notwithstanding the yard requirements specified in this Title, the following shall be permitted in the required yards in any zoning district:
 - 1. Bay Windows, Chimneys, Eaves, Gutters, Balconies, Decks and Patios: One story bay windows, chimneys, overhanging eaves, gutters, balconies, decks, and patios projecting no more than twenty four inches (24”) into side yards nor more than thirty six inches (36”) into front and rear yards. Down spouts or any piped drainage may project into the front, side or rear yards a distance of no more than one-half of the applicable setback.
 - 2. Open Fire Escapes: Open fire escapes, providing they do not project into required yards more than four and one-half feet (4 1/2’)
- E. ~~Exceptions To Yard Requirements; Parking, Drives, Walks, Parking Lots, And Garages: Notwithstanding the foregoing, the following shall be permitted in the required yards:~~
 - 1. ~~Bay Windows, Chimneys, Eaves, Gutters, Balconies, Decks and Patios: One story bay windows, chimneys, overhanging eaves, gutters, balconies, decks, and patios projecting no more than twenty four inches (24”) into side yards nor more than thirty six inches (36”) into front and rear yards. Down spouts or any piped drainage may project into the front, side or rear yards a distance of no more than one-half of the applicable setback. (amd. Ord. 07-22, 7-16-07)~~

2. ~~Open Fire Escapes: Open fire escapes, providing they do not project into required yards more than four and one-half feet (4 1/2').~~
3. ~~Noise-Emitting Mechanical Equipment: In residential districts or on properties adjacent to residential districts, mechanical equipment emitting noise such as air-conditioning compressors and similar equipment may be located in side or rear yards but in no case any closer than twelve feet (12') to the side yard property line of the adjacent property, and in all instances so installed and directed to be of minimum annoyance to the adjacent property. Back-up generators may be located in side or rear yards but in no case closer than six feet (6') to the side yard property line of the adjacent property. (Ord. 78-31, 3-5-79; amd. Ord. 98-4, 6-15-98)~~
4. ~~Accessory Uses or Buildings: Accessory uses and accessory buildings or structures are permitted subject to the following: (amd. Ord. 06-06, 5-15-06)The garage shall not exceed twenty-four and one-half feet (24 1/2') in width or length. The new garage cannot be any closer to the rear or side lot line than the existing garage and in no event shall its wall be closer than two feet (2') or its eaves closer than one foot (1') from the side property line. They shall be located within the required rear yard, and shall maintain a side and rear setback of six feet (6') in residential districts and ten feet (10') in business districts, or the distance of an existing easement, whichever is greater. (amd. Ord. 06-03, 5-1-06)There shall not be a limit on the permitted number of accessory uses per lot, except that only two (2) uses shall not be identical. For purposes of this limitation, a gazebo shall not be considered a building. The height of any building or structure shall not exceed thirteen feet (13') or the height of the primary structure, whichever is less. The area of any building or structure shall not exceed 1.6% of the lot area to a maximum of four hundred eighty (480) square feet. (amd. Ord. 99-42, 12-6-99)Any side or sides abutting a street shall be screened as follows: at the time of construction (or if weather requires, no later than six (6) months after construction), evergreens will be planted which shall be of a variety which, at maturity, shall grow together when planted ten feet (10') on center, and shall be at least five feet (5') in height when planted. If the rear yard is completely enclosed by a privacy fence six feet (6') in height, then the landscaping screening requirement shall be waived. (amd. Ord. 06-33, 11-6-06)The square footage of all uses permitted hereunder shall not exceed sixty percent (60%) of the actual rear yard. A patio or deck that is attached to the primary structure and which meets the required rear yard setback shall not be considered an accessory use. Should the patio or deck encroach into the required rear yard, subject to the other requirements of this Section, it shall be counted as one (1) accessory use. (Ord. 93-30, 3-21-94; amd. Ord. 98-4, 6-15-98)Notwithstanding the other provisions of this Chapter, a driveway for a garage which meets the requirements of this Section may be located as close to the side property line as is allowed for the garage. (amd. Ord. 00-12, 7-17-00)~~
5. ~~Garages: A garage may replace an existing garage and shall be allowed in areas in which a reduced landscaped yard is allowed subject to the following: pavements: For access walks, drives, and parking areas not encroaching on the landscaped front yard, such pavements shall be no closer than ten feet (10') to the side~~

property line and eight feet (8') to the rear property line in B-1 and B-2. For R-3, B-3, I-1, and I-2, pavement shall be no closer than ten feet (10') to the side and rear property lines, except however, in the event the Village of Morton has approved a site plan containing a shared drive to provide a common means of ingress and egress to two or more parcels, pavement shall be permitted to the property line along that portion of the property line over which the approved shared drive lies. For B-3, I-1, and I-2, if there are walks, drives, or parking areas that were built in compliance with a lesser setback (but not as a result of a variance), then the setback for subsequent walks, drives, and parking areas may be the same as that in effect at the time of the prior construction. In all of the above cases, landscape screening shall be provided wherever pavement is closer than the building setback line. For adjacent one- (1) and two-family (2) residential structures, such pavements can extend to within five feet (5') of the side or rear property lines, and the landscape screening requirement is waived. Notwithstanding the foregoing, one- (1) and two-family residential structures can only utilize the portion of the drive in the front yard, even though encroaching on the landscaped yard to partially meet the off-street parking requirements as provided in Section 10-8-6 of this Title. Notwithstanding the foregoing, common drives as recorded on plat to be shared by adjacent lots are permitted in side yards. No residential driveway shall exceed twenty four feet (24') in total width at the right-of-way line, except where a three (3) stall or larger garage is constructed. Then, in such case, the driveway may be thirty feet (30') in width at the right-of-way line, and the side and rear setback of five feet (5') must be observed. At the right-of-way line, driveway width may not exceed the width of the apron. (amd Ord. 05-31, 12-05-05) The driveway, being the area of any residential property designed for vehicular ingress and egress to and from the property, shall not exceed the limitations set forth in this section. For the purposes of this section, a garage shall be deemed either a one-car garage, a two-car garage, a three-car garage, or a sideload garage. A "sideload garage" for purposes of this section is a garage which is attached to the principal residence and contains one or more overhead doors which do not front a public street, road or right-of-way. A "one-car garage" is a garage which permits the ingress or egress of no more than one car at any given time. A "two-car garage" is a garage which permits the simultaneous ingress or egress of two cars. A "three-car garage" is a garage which permits the simultaneous ingress or egress of three or more cars. All driveways for a one-car garage shall conform to the requirements and specifications set forth on Sheet #1 contained in the Design Layout linked below immediately above the heading "1 Car Garage." All driveways for a two-car garage shall conform to the requirements and specifications set forth on Sheet #1 contained in the Design Layout linked below immediately above the heading "2 Car Garage." All driveways for a three-car garage shall conform to the requirements and specifications set forth on Sheet #2 contained in the Design Layout linked below immediately above the heading "3 Car Garage." All driveways for a sideload garage shall conform to the requirements and specifications set forth on Sheet #3 contained in the Design Layout linked below immediately above the heading "Side Garage Attached." Garage Design Layout No driveway entrance shall be constructed closer than thirty-five feet (35') to any intersection of residential streets and fifty feet (50') to any intersection involving collector or major streets. No more than one (1) driveway per dwelling unit shall be allowed. Circular driveways shall not be permitted except for lots of a width of one hundred fifty feet (150') or

~~more (meaning frontage on one street of at least that distance), or for lots of a width less than one hundred fifty feet (150') which were improved with a circular driveway prior to June 1, 2020, and then in such instance one (1) circular drive per lot is allowable, provided that the total driveway width of both openings does not exceed thirty six feet (36') and that any one (1) opening does not exceed twenty four feet (24'). All circular driveways shall otherwise conform to the other requirements in this Section. In addition, any property backing on an alley which is drivable may maintain driveway access from both the alley and the fronting street. (amd. Ord. 00-12, 7-17-00; amd. Ord. 05-30, 12-05-05) Parking Lot Light Poles: Parking lot light poles may extend an additional three feet (3') into the required landscaped yard setback. All outdoor lighting in any business or industrial district shall be installed so that lighting throw does not fall beyond any property line. (Ord. 98-4, 6-15-98; amd. Ord. 99-51, 03-20-00; amd. Ord. 02-26, 1-6-03)~~

F. Front Yards To Be Measured From Edge Of Proposed Right Of Way: Where the street(s) upon which a property fronts is below the proposed right of way width, as indicated on the Morton Official Map, the required front yard shall be measured from the edge of the proposed right of way line which, unless otherwise indicated, shall be a line parallel to the edge of the existing right of way and set into the property a distance equal to one-half (1/2) the distance the existing right of way is below the proposed width.

~~G. Drives, Parking, And Loading Areas To Be Surfaced: All drives and parking areas are to be surfaced as follows:~~

~~For all uses except industrial uses, all drives, parking, and loading areas shall be hard surfaced with bituminous concrete or concrete. For industrial uses, the traveled area through the property shall be paved with bituminous concrete, concrete, A-3, or equivalent. All other drives, parking, loading, and storage areas for which hard surfaced paving is not required shall be graveled and maintained in a dust-free condition.~~

H. Landscaped Front Yards Required: The required front yard shall be reduced in the manner set forth in the regulations for the applicable zoning district within the territory shown on the following map: [Map of Area in Which a Reduced Landscaped Yard is Allowed](#)

~~I. Landscaped Buffers Or Screening Required: Newly established industrial uses adjacent to or backing on residential or business districts, or newly established business uses adjacent to or backing on residential districts, or newly established multi-family uses adjacent to or backing on single-family uses, shall provide and continuously maintain on that property line a dense hedge, tree row, or other similar landscape device suitable to visually screen the differing types of adjacent uses from one another.~~

J. Obstructions To Visibility At Intersections Prohibited: On a corner lot, no obstruction to visibility shall be allowed within a triangular area formed by the intersecting property lines along the fronting streets and a straight line joining said lot lines at points the following distances from the intersection of such intersecting lot lines for types of streets as designated on the Official Map:

1. Twenty feet (20') for local streets, and
2. Thirty five feet (35') for all other streets.

This provision shall apply to obstructions on and after September 17, 2001. (amd. Ord.

01-17, 9-17-01)

- ~~K. Minimum Square Footage For Single-Family Residences: Any building used as a single-family residence shall contain on the ground floor eight hundred (800) square feet of livable floor space.~~
- L. Zoning Of Bona Fide Agricultural Uses: Notwithstanding the above, none of the following regulations, with the exception of yard requirements, shall be applicable to bona fide agricultural uses. This shall not be construed, however, as eliminating the necessity of agricultural uses from applying for and obtaining the necessary building and zoning permits prior to construction, alteration, or moving of buildings. No fee, however, shall be required for a zoning permit for such bona fide agricultural uses. (Ord. 78-31, 3-5-79)
- ~~M. atellite Dishes: A satellite antenna dish, which is defined as a device used for the reception of communications or other signals from orbiting satellites, is permitted in districts zoned R-S, R-1, R-2, and R-3, subject to the following conditions: Dishes mounted on the ground level shall not exceed a height of twelve feet (12'). Dishes mounted on the rooftop or chimney of a structure shall not be greater than two feet (2') in diameter, and the highest point of the dish shall not exceed thirty five feet (35') measured from the top to the curb level. The dish shall not contain any lettering other than that placed on same identifying the manufacturer and shall not otherwise be used for the display of messages. Ground-mounted dishes shall be located only in the rear yard and shall be subject to a ten foot (10') setback on the rear yard property line and a ten foot (10') setback on the side yard lot line. If an easement requires a greater setback than the foregoing, then the easement setback shall apply. Ground-mounted dishes shall be reasonably concealed from the view at ground level of adjacent properties on all sides, except the side to which the dish is directed to receive the signal. On that side the view shall be obscured to the extent possible without interfering with the reception of the signal. Fencing or landscape screening shall be used for such purpose subject to the general requirements for same as provided in other sections of this Code. Any landscape screening that is used must be planted within six (6) months of the date of the installation of the dish and must be continuously maintained. Any landscape screening that is used must be nondeciduous and must be of a minimum height of four feet (4') when planted. (Ord. 84-22, 3-4-85) A ground-mounted dish shall be considered an accessory use. (Ord. 93-2, 5-17-93) A satellite antenna dish may be used only if it is permanently affixed to the ground, rooftop, or chimney of a structure. Satellite antenna dishes may not be located or affixed to any movable object, including, but not limited to, motor vehicles, trailers, or other movable objects. The use of a satellite antenna dish on a temporary basis is expressly prohibited. (Ord. 84-22, 3-4-85; amd. Ord. 93-4, 5-17-93)~~
- ~~N. One satellite antenna dish is permitted in districts zoned MH, B-1, B-2, B-3, I-1, or I-2. The satellite antenna dish may be located only on the rooftop or in the rear yard, shall be subject to all other zoning requirements and restrictions, and shall be subject to site plan review. (Ord. 83-4, 5-16-83)~~
- ~~O. swimming pools where permitted shall be subject to the following:
Each swimming pool shall conform to the requirements of an accessory use. Surrounding each swimming pool, whether the pool be inground or above ground, there shall be erected an enclosure fence which shall be at least five feet (5') in height. A wall of at least five feet (5') in height is sufficient for one (1) or more sides of the~~

~~enclosure. A screened-in patio area completely enclosing a pool shall be considered appropriate enclosure.~~

~~All existing swimming pools that have an enclosure fence of at least four feet (4') in height and/or walls of at least four feet (4') in height may remain in existence, and no modifications are needed to same. In such cases, said fences or walls may be repaired or maintained, but they shall not be replaced or moved from their present location. The gates of the required fence shall be self-closing and have self-latching latches placed at least four feet (4') above the ground. The fence shall be so constructed as to not allow a five inch (5") diameter sphere to pass through the fence. No pool, the construction of which is completed after the effective date of this Ordinance, shall be filled with water of a depth of two feet (2') or more until the enclosure required by this Section has been provided. The enclosure required by this Chapter shall be installed around all existing pools no later than May 1, 1992, subject to the provisions of Subsection 2 of this Section. (Ord. 91-8, 7-15-91) They shall be maintained in a reasonable state of repair and condition. Water shall not be allowed to become stagnant. (Ord. 13-18, 10-7-13) If on July 15, 1991, there was a fence of at least thirty six inches (36") in height located around an existing swimming pool, then said existing fence shall only have to meet the four foot (4') height requirement if same is modified to said height prior to May 1, 1992. If said existing fence is not modified to four feet (4') prior to said date, then it must meet the five foot (5') height requirement after that date. (Ord. 91-12, 2-3-92) If on March 3, 1997, there existed a swimming pool which had been constructed without external buttresses, but which otherwise met the definition of a swimming pool prior to March 3, 1997, then the owner of the property where said swimming pool is located shall have until May 1, 1998, to erect a fence on the property that is in compliance with the provisions of this Section. (Ord. 96-39, 3-17-97)~~

- P. Shipping Containers as Accessory Use: A semi-trailer, truck body, container, manufactured home, or trailer coach shall not be used as a storage structure other than as a temporary field office for contractors or on-site equipment storage on a permitted construction site, or in conjunction with the sale of goods or the manufacturing of goods by a business located on the site where such equipment is located. The use of such equipment as a storage structure is expressly prohibited. A trailer coach may be used by a bona fide not-for-profit organization in conjunction with the sale of merchandise, provided such does not exceed once a year for a period of thirty (30) consecutive days and is in a district zoned for business or industrial uses. Except to the extent allowed for a bona fide not-for-profit organization, a semi-trailer, truck body, container, manufactured home, or trailer coach shall not be used for the sale of merchandise.

A semi-trailer, truck body, or container may only be stored on a property that is used as a truck terminal or has a special use permit for contractor outdoor storage. A trailer coach or manufactured home may only be stored in a MH (mobile home) district. (Ord. 00-57, 4-2-01)

Trucks and/or shipping containers may not be stacked. This provision applies to all districts where storage of truck and/or shipping containers is allowed, either as a permitted use or a special use. (amd. Ord. 05-04, 5-16-05)

~~Q. A building permit (but no fee) shall be required for a play structure. With respect to the~~

~~location of a play structure, the following criteria applies:~~

- ~~1. It must meet the required six feet (6') side and rear setbacks for accessory structures. (Ord. 06-05, 5-1-06)~~
- ~~2. It must be placed in the rear yard.~~

~~If a structure does not meet all of the criteria of a play structure, it shall be considered an accessory structure and shall be subject to all of the criteria of same, and a building permit fee shall apply. (Ord. 05-41, 2-6-06)~~

~~Notwithstanding the foregoing, no building permit fee shall be charged for any play structure that the owner of the property upon which it will be located, elects to have the structure considered as an accessory building. (Ord. 06-05, 5-1-06)~~

SECTION 2:**AMENDMENT** “10-5-2: R-S Residential Suburban District And Planned Residential Development District” of the Morton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10-5-2: R-S Residential Suburban District And Planned Residential Development District

A. Permitted Uses:

1. Single-family dwellings.
2. Publicly owned parks and conservation areas.
3. Agricultural uses of not less than five (5) acres. The permitted agricultural uses are the growing of crops in the open and raising and feeding of stock and poultry, including farming, truck gardening, apiaries, aviaries, mushroom growing, nurseries, orchards, forestry, and fur farms and said use shall include the necessary structures and farm dwellings for those owning or operating on the premises.
4. Accessory buildings and uses.
5. Community residence. (Ord. 89-19, 2-5-90)

B. Special Uses: The following uses are permitted subject to the public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title:

1. Public, parochial, or private elementary, junior high, and high schools offering courses in general education.
2. Junior colleges, colleges, and universities.
3. Public or private country clubs or golf courses, but not lighted courses nor driving ranges.
4. Cemeteries.
5. Churches, temples, convents, and monasteries, but only when located on a collector, major road, or street as so designated on the Official Map of the Village of Morton.
6. Utility and public service buildings and uses.
7. Planned residential developments, as defined in Chapter 2 of this Title, subject to the review procedure and conditions as outlined in Section 10-5-8 of this Chapter. (Ord. 78-31, 3-5-79)

8. Day care centers and nursery schools. (Ord. 84-1, 5-21-84)
 9. Outdoor recreation facilities. (Ord. 88-21, 4-20-87)
 10. Borrow pits. (Ord. 86-23, 4-20-87)
 11. Hospitals, sanitariums, rest homes, and retirement centers. (Ord. 88-27, 3-8-89; amd. Ord. 08-19, 10-6-08)
 12. Festivals [not exceeding one (1) week in duration] on property where a special use for a public school offering courses in general education has been granted. (Ord. 99-20, 9-7-99)
 13. Wind energy conversion system, provided it is on a lot of a size of five (5) acres or more. (Ord. 07-04, 5-7-07)
- C. Required Lot Area and Lot Width: Every building hereafter erected or structurally enlarged shall be on a lot having an area of not less than forty thousand (40,000) square feet and a width at the building line of one hundred fifty feet (150'), except for planned developments which shall meet the reduced requirements of Section 10-5-8 of this Chapter or for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title. Any lots within one-half (1/2) mile of a livestock feeding operation that is in operation at the time of the platting of the lots, must be one (1) acre in size. (amd. Ord. 06-19, 7-10-06)
- D. Required Yard Areas: Except as otherwise set forth in this section. Every building hereafter erected or structurally enlarged within the R-S District shall provide or maintain the following yard requirements, except for the lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title and except for those general exceptions to yard requirements as outlined in Section 10-4-3 of this Title.
1. Front Yard: No building shall be erected or enlarged without providing or maintaining a front yard of thirty-five feet (35').
 2. Side Yard: No building shall be erected or structurally enlarged without providing or maintaining combined side yards of thirty feet (30'). No single side yard shall be less than twelve feet (12').
 3. Rear Yard: No building shall be erected or structurally enlarged without providing or maintaining a rear yard of twenty five feet (25') unless the exception set forth in Section 10-4-3(G) applies, and in the instance such exception applies the required front yard shall be reduced to twenty-six feet four inches (26'4").
 4. Exceptions to Required Yard Areas or Special Required Yard Areas: The following special provisions and exceptions shall apply in this district.
 - a. Fences: Ornamental fences, enclosure fences, and chain link fences meeting the required conditions are exempt from the specific yard requirements as noted. Except those fences specifically permitted pursuant to the terms of this section, no other fences shall be permitted within required yard area.
 - (1) Front Yard Fences:
 - (A) Front Yard Fences on Interior Residential Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted within the front yard. Enclosure fences are not permitted in front yards of interior lots.
 - (B) Front Yard Fences on Corner Lots: Ornamental

fences not exceeding three and one-half feet (3 1/2') in height are permitted in either front yard. An enclosure fence not exceeding six feet (6') in height is permitted in that front yard which the building does not face, providing such front yard enclosure fence is set back from the property line one-half (1/2) the required front yard distance for that district or ten feet (10'), whichever is greater. It is further required that fences respect obstruction to visibility requirements of 10-4-3(I).

- (2) Side and Rear Yard Fences: Ornamental fences and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. Chain link fences not exceeding four feet (4') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)

- b. Noise-Emitting Mechanical Equipment: Mechanical equipment emitting noise such as air-conditioning compressors and similar equipment may be located in side or rear yards but in no case any closer than twelve feet (12') to the side yard property line of the adjacent property, and in all instances so installed and directed to be of minimal annoyance to the adjacent property. Back-up generators may be located in side or rear yards but in no case closer than six feet (6') to the side yard property line of adjacent property.
- c. Parking Lot Light Poles: Parking lot light poles may extend an additional three feet (3') into the required landscaped yard setback
- d. Landscape screening shall be provided wherever an exception exists which allows pavement to be closer than the building setback line.

E. Driveways: Driveways shall be permitted subject to the following:

1. They may be within the required yard area, so long as such driveway complies in all regards with the specifications set forth in the [Driveway Standards](#).
2. No driveway shall be constructed closer than thirty-five feet (35') to any intersection of residential streets and fifty feet (50') to any intersection involving collector or major streets.
3. No more than one driveway per dwelling unit shall be allowed, except however if a property abuts an alley which is driveable the property may maintain driveway access from both the alley and the fronting street.
4. Circular driveways shall not be permitted except for lots of a width of one hundred fifty feet (150') which were improved with a circular driveway prior to June 1, 2022, and then in such instance one (1) circular drive per lot is allowance, provided that the total driveway width of both openings does not exceed thirty-six feet (36') and that any one (1) opening does not exceed twenty four feet (24').
5. Common drives as recorded on plat to be shared by adjacent lots are permitted in side yards
6. For adjacent one (1) and two-family (2) residential structures, driveway pavement can extend to within six (6) feet of the side or rear property lines,

and the landscape screening requirement is waived. Notwithstanding the foregoing, one(1) and two-family residential structures can only utilize the portion of the drive in the front yard, even though encroaching on the landscaped yard to partially meet the off-street parking requirements as provided in Section 10-8-6 of this Title.

7. They shall be hard surfaced with bituminous concrete or concrete.

E. Accessory Uses or Buildings: Accessory uses and accessory buildings or structures shall be permitted subject to the following

1. They shall be located within the required rear yard.

2. They shall maintain a side and rear setback of six feet (6') for all lots except corner lots. For corner lots the accessory building or structure shall maintain a setback of twenty feet (20') for any side which abuts a street and six feet (6') for all other sides.

3. They shall not be established within the territory of an existing Village of Morton easement or other utility easement

4. There shall not be a limit on the permitted number of accessory uses per lot, except that no two (2) uses shall be identical. For purposes of this limitation, a gazebo shall not be considered a building.

5. The height of any accessory building or structure shall not exceed thirteen feet (13') or the height of the primary structure, whichever is less. The area of any building or structure shall not exceed 1.6% of the lot area to a maximum of four hundred eighty (480) square feet

6. Any side(s) abutting a street shall be screened as follows: at the time of construction (or if weather requires, no later than six(6) months after construction) two rows of evergreens shall be planted which shall be of a variety which, at maturity, shall grow together when planted ten feet (10') on center, and shall be at least five feet (5') in height when planted, and which rows shall be staggered or offset so as to maximize screening of the accessory structure. If the rear yard is completely enclosed by a privacy fence six feet (6') in height, then the landscape screening requirement shall be waived.

7. The square footage of all uses permitted hereunder shall not exceed sixty percent (60%) of the actual rear yard.

8. A garage may replace an existing garage and shall be allowed in areas in which a reduced landscaped yard is allowed subject to the following:

a. The garage shall not exceed twenty-four and one-half feet (24 1/2') in width or length

b. The new garage cannot be any closer to the rear or side lot line than the existing garage and in no event shall its wall be closer than two feet (2') or its eaves closer than one foot (1') from the side property line.

c. Notwithstanding the other provisions of this Chapter, a driveway for a garage which meets the requirements of this subparagraph may be located as close to the side property line as is allowed the garage.

9. A play structure shall require a building permit, and shall be a permissible accessory structure subject to the provisions of this Section.

G. Minimum Square Footage for Single-Family Residences: Any building used as a single-family residence shall contain on the ground floor eight hundred (800) square

feet of livable floor space.

H. Building Height: No building hereafter erected or portion of a building structurally enlarged shall exceed the following height limitations except for those general exceptions to height limitations listed in Section 10-4-3 of this Title.

1. Churches: forty five feet (45') for the main structure.
2. All other permitted buildings: thirty five feet (35') or two and one-half (2 1/2) stories.

I. Satellite Dishes: A satellite dish, which is defined as a device used for the reception of communications or other signals from orbiting satellites, is permitted subject to the following conditions:

1. Dishes mounted on the ground level shall not exceed a height of twelve feet (12')
2. Dishes mounted on the rooftop or chimney of a structure shall not be greater than two feet (2') in diameter, and the highest point of the dish shall not exceed thirty five feet (35') measured from the top to the curb level
3. The dish shall not contain any lettering other than that placed on same identifying the manufacturer and shall not otherwise be used for the display of messages
4. Ground-mounted dishes shall be reasonably concealed from the view at ground level of adjacent properties on all sides, except to the side which the dish is directed to receive the signal. ON that side the view shall be obscured to the extent possible without interfering with the reception of the signal. Fencing or landscape screening shall be used for such purpose subject to the general requirements for same as provide don other sections of this Code. Any landscape screening that is used must be plated within six (6) months of the date of the installation of the dish and must be continuously maintained. Any landscape screening that is used must be non-deciduous and must be of a minimum height of four feet (4') when planted.
5. A ground-mounted dish shall be considered an accessory use.
6. A satellite dish may be used only if it is permanently affixed to the ground, rooftop, or chimney of a structure. Satellite antenna dishes may not be located or affixed to any moveable object, including but not limited to motor vehicles, trailers or other moveable objects. The use of a satellite antenna dish on a temporary basis is expressly prohibited.

J. Swimming pools: Swimming pools shall be permitted, subject to the following

1. Each swimming pool shall conform to the requirements of an accessory use
2. Surrounding each swimming pool, whether the pool be inground or above ground, there shall be erected an enclosure fence which shall be at least five feet (5') in height. A wall of at least five feet (5') in height is sufficient for one (1) or more sides of the enclosure. A screened-in patio area completely enclosing a pool shall be considered an appropriate enclosure.

All existing swimming pools that have an enclosure fence of at least four feet (4') in height and/or walls of a least four feet (4') in height may remain in existence, and no modifications are needed to same. In such cases, such fences or walls may be repaired or maintained, but they shall not be replaced or

moved from their present location.

3. The gates of the required fence shall be self-closing and have self-latching latches placed at least four feet (4') above the ground. The fence shall be so constructed as to not allow a five inch (5") diameter sphere to pass through the fence

4. No pool shall be filled with water of a depth of two feet (2') or more until the enclosure required by this Section has been provided.

5. Swimming pools and their required enclosures shall be maintained in a reasonable state of repair and condition. Water shall not be allowed to become stagnant.

K. Fences: Chain link fences not exceeding four feet (4') in height shall be permitted in the R-S District in areas outside of the required yard area. Ornamental fences and enclosure fences not exceeding six feet (6') in height shall be permitted in the R-S District in areas outside of the required yard area. It shall be unlawful for any person to erect, construct, maintain or permit a fence that is constructed of materials that are not specifically manufactured as fencing materials, such as rope, string, galvanized sheet metal, plywood, corrugated metal, or the like. It shall be unlawful for any person to erect, construct, maintain, or permit a fence that is constructed of materials that are intended for agricultural usage or for retaining livestock, such as barbed wire, chicken wire, hog wire, wire fabric, or other similar welded or woven wire fabrics. It shall further be unlawful for any person to construct a fence with slats of any material (including but not limited to metal, fiberglass or bamboo) threaded through a chain link fence. A direct path unobstructed from fencing shall be maintained between the street and the gas meter and water meter electronic reading device.

L. Parking Regulations: It shall be lawful in this zoning district to park recreational vehicles, campers, boat trailers and/or trailers on a driveway. In addition, it shall be lawful to park a trailer which is not an enclosed trailer in the rear yard on an all-weather, durable and dustless surface, such as an asphalt, interlocking concrete paver, brick or cement pavement surface. No recreational vehicle, camper, boat or trailer shall be parked in such a manner so as to obstruct, in whole or in part, a sidewalk, alley or street. It shall be unlawful for any person, firm or corporation to park any semitrailer, pole trailer, tow truck, tractor, or truck tractor on any lot in this zoning district. It shall be unlawful to any person to reside, even temporarily, in any recreational vehicle, camper, or trailer in this zoning district. It shall be unlawful to park any recreational vehicle, camper, boat trailer, or trailer in any manner not expressly permitted by this section.

M.

SECTION 3: AMENDMENT “10-6-2: B-1 Professional Office District” of the Morton Municipal Code is hereby *amended* as follows:

AMENDMENT

10-6-2: B-1 Professional Office District

- A. Permitted Uses:
1. Home, regional, district, and branch offices not to include retailing, wholesaling, trucking, manufacturing, or advertising signs or displays.
 2. Offices for educational, fraternal, professional, and religious organizations.
 3. Real estate and insurance company offices.
 4. Offices of doctors, dentists, lawyers, architects, engineers, and similar professions.
 5. Offices for governmental agencies.
 6. Medical and dental clinics, excluding animal clinics or animal hospitals.
 7. Barber and beauty shops.
 8. In the Old Morton Business District, living quarters above or adjoining a business, not to exceed one (1) apartment. (Ord. 12-12, 9-4-12)
- B. Special Uses: The following uses are permitted subject to the public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title:
1. Hospitals and sanitariums, but not including animal hospitals. (Ord. 78-31, 3-5-79)
 2. Rest homes, nursing and convalescent homes, and retirement centers. (Ord. 78-31, 3-5-79; amd. Ord. 84-25, 4-15-85)
 3. Churches, convents, and monasteries.
 4. Financial institutions and banks.
 5. Day care centers. (Ord. 78-31, 3-5-79)
 6. Living quarters above or adjoining businesses, living units to have a minimum of 500 square feet per unit. If the property is located within the Old Morton District as designated on the map in 10-8-9 of the Morton Municipal Code, the Special Use requirement for living quarters does not apply. (Ord. 78-31, 3-5-79; amd. Ord. 92-15, 9-8-92; amd. Ord. 12-12, 9-4-12; amd. Ord. 15-16, 2-1-16)
 7. Borrow pits. (Ord. 86-23, 4-20-87)
 8. Community activity center. (Ord. 94-13, 8-1-94)
 9. Wind energy conversion system. (Ord. 07-04, 5-7-07)
 10. Residential Treatment Center. (Ord. 07-37, 10-1-07)
- C. Required Yard Area: Every building hereafter erected or structurally enlarged shall provide the following yard requirements, except for lots of record which shall meet the reduced requirements of Section 10-4-4 and except for those general exceptions to yard requirements as outlined in Section 10-4-3:
1. Front Yard: The front yard shall be equal to the building height but in no case less than twenty five feet (25) unless the exception set forth in Section 10-4-3 {G} applies, and in the instance such exception applies the required front yard shall be equal to the building height but in no case less than eighteen feet nine inches {18'9"}.
 2. Side Yard: The side yard shall be not less than twelve feet (12') for each building of two and one-half (2 1/2) stories, plus six feet (6') for each story or portion of story above two and one-half (2 1/2) stories.
 3. Rear Yard: The rear yard shall be not less than eight feet (8') for each building of two and one-half (2 1/2) stories, plus four feet (4') for each story or portion of story above two and one-half (2 1/2) stories.
 4. Fences: Ornamental and enclosure fences meeting the required conditions are

exempt from the specific yard requirements as noted.

- a. Ornamental fences not exceeding six feet (6') in height are permitted within the front yard. Enclosure fences are not permitted in front yards.
 - b. Ornamental and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)
5. Pavement: Access walks, drives and parking areas not encroaching on the landscaped front yard shall be no closer than 10 feet (10') to the side property line and eight feet (8') to the rear property line. Landscape screening shall be required whenever pavement is closer than the building setback line.
6. Parking Lot Light Poles: Parking lot light poles may extend an additional three feet (3') into the required landscaped yard setback. All outdoor lighting in any business or industrial district shall be installed so that lighting throw does not fall beyond any property line.
7. Noise-Emitting Mechanical Equipment: On properties adjacent to residential districts, mechanical equipment emitting noise such as air-conditioning compressors and similar equipment may be located in side or rear yards but in no case any closer than twelve feet (12') to the side yard property line of the adjacent property, and in all instances so installed and directed to be of minimum annoyance to the adjacent property. Back-up generators may be located in side or rear yards but in no case closer than six feet (6') to the side yard property line of the adjacent property.
- D. Building Height: No building shall be erected or enlarged to exceed a height of two and onehalf (2 1/2) stories or thirty five feet (35'), except for those general exceptions to height limitations listed in Section 10-4-3. Buildings of up to five (5) stories or seventy feet (70') in height may be permitted as a special use subject to the public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title.
- E. Required Off-Street Parking And Loading: Required off-street parking and loading shall be provided as outlined in Chapter 8 of this Title. (Ord. 78-31, 3-5-79). All drives, parking, and loading areas shall be surfaced with bituminous concrete or concrete.
- F. Required Construction Area And Composition: A building which is erected or enlarged shall conform to the following:
1. It shall rest upon footing or foundation. This shall not be construed to prohibit pole buildings or post frame buildings if set in concrete.
 2. It shall have sanitary facilities which comply with all other requirements of the Morton Municipal Code. This provision shall not apply to those buildings used exclusively for storage or warehousing.
- G. Interstate Corridor: In the event the property is located within an interstate corridor, then the required lot size, required yard area, driveways and parking areas, and building height shall be as set forth in Title 10, Chapter 4, Subsection 7(B), (C), and (D). The provisions of Title 10, Chapter 4, Subsection 7(G) shall also apply. (Ord. 94-31, 5-15-95)
- H. Landscaped Buffers or Screening Required: Newly established business uses adjacent to or backing on property zoned in the residential districts shall provide and

continuously maintain on that property line a dense hedge, tree row, or other similar landscape device suitable to visually screen the differing types of adjacent uses from one another.

SECTION 4: AMENDMENT “10-6-3: B-2 General Business District” of the Morton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10-6-3: B-2 General Business District

A. Permitted Uses:

1. All uses permitted as a “permitted use” in the B-1 Professional Office District.
2. Banks, savings and loans, and other financial institutions.
3. Book and stationery stores.
4. Camera and photographic supply stores.
5. Candy and ice cream stores, including stores where commodities are produced on premises for sale exclusively on the premises.
6. Carpet and rug stores.
7. China and glassware stores.
8. Department stores.
9. Drugstores.
10. Dry cleaning and laundry pick-up stations.
11. Dry goods stores.
12. Electric and household appliance stores, including radio and television sales and repair.
13. Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use.
14. Garden supply stores.
15. Gift shops.
16. Haberdashery.
17. Hardware stores.
18. Hobby shops for retail of items to be assembled or used away from the premises.
19. Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use.
20. Jewelry stores, including watch repair.
21. Laboratories, medical, and dental research and testing.
22. Laundromats and dry cleaning machines with not more than three (3) employees.
23. Leather goods and luggage stores.
24. Libraries and reading rooms.
25. Liquor, beer, and wine outlets.
26. Musical instruments, sales and repair facilities.

27. Office supply stores.
 28. Paint and wallpaper stores.
 29. Pet stores, but not including outdoor kennels or runways.
 30. Photography studios, including the developing of film and pictures when conducted as part of the retail business on the premises.
 31. Post offices.
 32. Public meeting halls.
 33. Restaurants, tea rooms, and taverns (but not drive-in or drive-through restaurants where food is provided to customers in cars).
 34. Sales and display rooms.
 35. Shoe stores and shoe repair.
 36. Sporting goods store.
 37. Supermarkets and retail food stores.
 38. Tailor or dressmaking shops.
 39. Telegraph, telephone, or utility offices.
 40. Temporary outdoor demonstrations and exhibitions of merchandise primarily for outdoor use.
 41. Theaters (not drive-ins).
 42. Toy shops.
 43. Variety shops. (Ord. 78-31, 3-5-79)
 44. Printing and publishing having not more than fifteen (15) employees other than office and maintenance employees. (Ord. 84-2, 6-18-84)
 45. Bed and Breakfast Establishments. (amd Ord. 09-20, 8-3-09)
 46. Esports cafes.
- B. Special Uses: The following uses are permitted subject to the public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title:
1. Any use permitted as a special use in the B-1 Professional Office District.
 2. Automobile service stations and public garages, including new and used car sales rooms.
 3. Bus depots and cab stands.
 4. Drive-in or drive-through restaurants where food is provided to customers in cars.
 5. Frozen food stores, including locker rental in conjunction therewith.
 6. Funeral homes, mortuaries, and crematories.
 7. Radio and television broadcasting studios and transmitting towers.
 8. Restricted production and repair, limited to the following: art, needlework, clothing, custom manufacturing, and alterations for retail only, jewelry from precious metals, watches, dentures, and optical lenses.
 9. Service, cleaning, or repair shops for personal, household, or garden equipment.
 10. Veterinarian or animal hospital without outdoor kennels or runways.
 11. Food processing and retail sales.
 12. Retail sale of automobile supplies and auto parts. (amd. Ord. 01-28, 11-5-01)
 13. Restaurants, taverns, and similar establishments serving alcoholic liquors with an outdoor eating, drinking, or seating area. (amd. Ord. 08-44, 4-20-09)
 14. Car Washes. (amd. Ord. 13-31, 3-3-14)
 15. Firearm resale shop. (amd. Ord. 17-03, 6-5-17)

16. Firearm firing range. (amd. Ord. 17-03, 6-5-17) Special Uses: The following uses are permitted subject to the public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title:
 17. Brew pub.
 18. Craft brewery.
 19. Winery.
- C. Required Yard Area: Every building hereafter erected or structurally enlarged shall provide the following yard requirements, except for lots of record which shall meet reduced requirements of Section 10-4-4, and except for those general exceptions to yard requirements as outlined in Section 10-4-3:
1. Front Yard: The front yard shall be equal to the building height but in no case less than twenty five feet (25) unless the exception set forth in Section 10-4-3 {G} applies, and in the instance such exception applies the required front yard shall be equal to the building height but in no case less than eighteen feet nine inches {18'9"}.
 2. Side Yard: The side yard shall be a minimum of ten feet (10') for buildings of two and one-half (2 1/2) stories or less, unless an existing adjoining property provides no side yard, in which case the property need provide no side yard. Ten foot (10') side yard is minimum required side yard for buildings of two and one-half (2 1/2) stories or less where buildings are separated. For unattached building of more than two and one-half (2 1/2) stories, the side yard shall be increased five feet (5') for each story or portion of story above two and one-half (2 1/2) stories.
 3. Rear Yard: The rear yard shall be not less than eight feet (8').
 4. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.
 - a. Ornamental fences not exceeding six feet (6') in height are permitted within the front yard. Enclosure fences are not permitted in front yards.
 - b. Ornamental and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)
 5. Pavement: Access walks, drives and parking areas not encroaching on the landscaped front yard shall be no closer than 10 feet (10') to the side property line and eight feet (8') to the rear property line. Landscape screening shall be required whenever pavement is closer than the building setback line.
 6. Parking Lot Light Poles: Parking lot light poles may extend an additional three feet (3') into the required landscaped yard setback.. All outdoor lighting in any business or industrial district shall be installed so that lighting throw does not fall beyond any property line.
 7. Noise-Emitting Mechanical Equipment. On properties adjacent to residential districts, mechanical equipment emitting noise such as air-conditioning compressors and similar equipment emitting noise such as air-conditioning compressors and similar equipment may be located in side or rear yards but in no case any closer than twelve feet (12') to the side yard property line of the adjacent property, and in all instances so installed and directed to be of minimum annoyance to the adjacent property. Back-up generators may be located in side or rear yards but in no case closer than six feet (6') to the side

yard property line of the adjacent property.

- D. Building Height: No building shall be erected or enlarged to exceed a height of two and one-half (2 1/2) stories or thirty five feet (35'), except for those general exceptions to height limitations listed in Section 10-4-3. Buildings of up to five (5) stories or seventy feet (70') in height may be permitted as a special use subject to the public hearing and other special permit requirements as outlined in Chapter 10 of this Title.
- E. Required Off-Street Parking And Loading: Required off-street parking and loading shall be provided as outlined in Chapter 8 of this Title. (Ord. 78-31, 3-5-79). All drives,, parking and loading areas shall be hard surfaced with bituminous concrete or concrete.
- F. Required Construction Area And Composition: A building which is erected or enlarged shall conform to the following:
 - 1. It shall rest upon footing or foundation. This shall not be construed to prohibit pole buildings or post frame buildings if set in concrete.
 - 2. It shall have sanitary facilities which comply with all other requirements of the Morton Municipal Code. This provision shall not apply to those buildings used exclusively for storage or warehousing.
- G. Interstate Corridor: In the event the property is located within an interstate corridor, then the required lot size, required yard area, and driveways and parking areas, shall be as set forth in Title 10, Chapter 4, Subsections 7(B) and (C). The provisions of Title 10, Chapter 4, Subsection 7(G) shall also apply. (Ord. 94-31, 5-15-95)
- H. Landscaped Buffers or Screening Required: Newly established business uses adjacent to or backing on property zoned in the residential districts shall provide and continuously maintain on that property line a dense hedge, tree row, or other similar landscape device suitable to visually screen the differing types of adjacent uses from one another.

SECTION 5: AMENDMENT “10-6-4: B-3 Highway And Service Commercial District” of the Morton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10-6-4: B-3 Highway And Service Commercial District

A. Permitted Uses:

- 1. All uses permitted as a “permitted use” in the B-1 Professional Office District and in the B-2 General Business District.
- 2. All other retail stores, shops, and service establishments not permitted in the B-1 or B-2 Districts, including those uses specifically mentioned below and providing within enclosed buildings except as noted below, not however, to include uses involving any manufacturing or processing except as expressly permitted below.

3. Automobile supplies and auto parts.
 4. Auto washing establishments.
 5. Boat sales.
 6. Bowling alleys.
 7. Branch banks.
 8. Catering establishments.
 9. Clubs, lodges, fraternal and business organization meeting halls, and recreational facilities.
 10. Drive-in food, refreshment, and other business establishments servicing customers in parked cars.
 11. Dry cleaning and laundry establishments.
 12. Earth moving and material handling indoor equipment displays and sales rooms.
 13. Exterminating shops.
 14. Farm supplies (not to include outdoor storage of farm equipment).
 15. Feed stores.
 16. Garages for repair and servicing of automobiles and trucks (but not to include outdoor storage other than vehicles awaiting repair or pick-up).
 17. Machinery sales (not to include outdoor storage of machinery).
 18. Motels and hotels.
 19. Printing and publishing having not more than twenty five (25) employees other than office and maintenance employees.
 20. Roller rinks and ice skating rinks.
 21. Service, cleaning, or repair shops for personal, household, or garden equipment.
 22. Sheet metal shops.
 23. Storage, warehousing, and wholesale establishments provided carried out within enclosed buildings.
 24. Veterinarian or animal hospital without outdoor kennels or runways.
 25. Welding shops.
- B. Special Uses: The following uses are permitted subject to the public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title:
1. Any use permitted as a special use in the B-2 General Business District.
 2. Any of the foregoing uses where outdoor storage of products or goods used or sold on the premises is a necessary part of the operation.

In making its recommendation to the Village Board to permit special uses involving outdoor storage areas, the Plan Commission shall require such outdoor storage areas, except those for the display of sale items, be located at least seventy feet (70') from the nearest collector or major street, highway, or interstate highway, as defined on the "Official Map" of the Village, and to be so located on the site and screened from public view from such streets and highways to the fullest extent possible. Such screening shall be by landscape screening or by a screening fence appropriately located, and as defined in Chapter 2 of this Title.

3. Automobile sales, including lots for the outdoor storage and display of new or used automobiles.

4. Building material establishments for the sale of dimensioned lumber, millwork, cabinets, and other building materials, provided no milling, planing, jointing, or manufacturing of millwork shall be conducted on the premises.
 5. Cartage and express facilities, including the storage of goods, motor trucks, and other equipment.
 6. Contractor's or construction offices and shops, such as building, concrete, electrical, masonry, printing, plumbing, refrigeration, and roofing, including any related outdoor storage areas.
 7. Earthmoving and material handling equipment, including lots for the outdoor storage and display of such equipment.
 8. Farm machinery and supplies, including lots for the outdoor storage and display of new or used farm equipment.
 9. Mobile home and recreational vehicle sales and storage, not, however, to include the storage or parking of occupied mobile homes or recreational vehicles.
 10. Monument sales, including outdoor storage and display of monuments.
 11. Storage and warehousing involving outdoor storage.
 12. Outdoor recreation facilities.
 13. Fuel sales (not bulk plants) except where retail sales are incidental to another permitted use. (amd. Ord. 01-28, 11-5-01)
 14. Lumber yards. (amd. Ord. 02-34, 3-17-03)
 15. School bus storage yards and related buildings. (Ord. 13-07, 7-1-13)
- C. Required Yard Areas: Every building hereafter erected or structurally enlarged shall provide the following yard requirements, except for lots of record which shall meet the reduced requirements of Section 10-4-4 and except for those general exceptions to yard requirements as outlined in Section 10-4-3:
1. Front Yard: The front yard shall equal the building height but in no case shall it be less than forty five feet (45'), except that on the west side of Detroit Avenue.
 2. Side Yard: The side yard shall be a minimum of ten feet (10') unless an existing adjoining property provides no side yard, in which case the property need provide no side yard. Where adjoining structures are not attached, the side yard for a building of two and one-half (2 1/2) stories shall be a minimum of ten feet (10'). For each story or portion of story above two and one-half (2 1/2) stories, the side yard shall be increased by five feet (5').
 3. Rear Yard: The rear yard shall be a minimum of twenty feet (20').
 4. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.
 - a. Ornamental fences not exceeding six feet (6') in height are permitted within the front yard. Enclosure fences are not permitted in front yards.
 - b. Ornamental and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)
 5. Pavement: Pavement shall be no closer than ten feet (10') to the side and rear property lines. In the event walks, drives, or parking areas were built in compliance with a lesser setback, but not as a result of a variance, then the setback for subsequent walks, drives, and parking areas may be the same as

that in effect at the time of prior construction. Landscape screening shall be required whenever pavement is closer than the building setback line.

6. Parking Lot Light Poles: Parking lot light poles may extend an additional three feet (3') into the required landscaped yard setback. All outdoor lighting in any business or industrial district shall be installed so that lighting throw does not fall beyond any property line.

7. Noise-Emitting Mechanical Equipment. On properties adjacent to residential districts, mechanical equipment emitting noise such as air-conditioning compressors and similar equipment emitting noise such as air-conditioning compressors and similar equipment may be located in side or rear yards but in no case any closer than twelve feet (12') to the side yard property line of the adjacent property, and in all instances so installed and directed to be of minimum annoyance to the adjacent property. Back-up generators may be located in side or rear yards but in no case closer than six feet (6') to the side yard property line of the adjacent property

D. Building Height: No building shall be erected or enlarged to exceed a height of two and one-half (2 1/2) stories or thirty five feet (35') except for those general exceptions to height limitations listed in Section 10-4-3. Buildings of up to five (5) stories or seventy feet (70') in height may be permitted as a special use subject to the public hearing and other special permit requirements as outlined in Chapter 10 of this Title.

E. Required Off-Street Parking And Loading: Off-street parking and loading shall be provided as outlined in Chapter 8 of this Title. (Ord. 78-31, 3-5-79)

F. Required Construction Area And Composition: A building which is erected or enlarged shall conform to the following:

1. It shall rest upon footing or foundation. This shall not be construed to prohibit pole buildings or post frame buildings if set in concrete.
2. It shall have sanitary facilities which comply with all other requirements of the Morton Municipal Code. This provision shall not apply to those buildings used exclusively for storage or warehousing.

G. Interstate Corridor: In the event the property is located within an interstate corridor, then the required lot size and required yard area size shall be as set forth in Title 10, Chapter 4, Subsection 7(B) and (C). The provisions of Title 10, Chapter 4, Subsection 7(G) shall also apply. (Ord. 94-31, 5-15-95)

H. Landscaped Buffers or Screening Required: Newly established business uses adjacent to or backing on property zoned in the residential districts shall provide and continuously maintain on that property line a dense hedge, tree row, or other similar landscape device suitable to visually screen the differing types of adjacent uses from one another.

I. Accessory Buildings: Accessory buildings or structures shall be permitted subject to the following

1. They shall be located within the required rear yard.
2. They shall maintain a side and rear setback of six feet (6') for all lots except corner lots. For corner lots the accessory building or structure shall maintain a setback of twenty feet (20') for any side which abuts a street and six feet (6') for all other sides.
- 3.

- They shall not be established within the territory of an existing Village of Morton easement or other utility easement
4. There shall be no more than one accessory building or structure on any lot in this zoning district.
 5. The height of any accessory building or structure shall not exceed thirteen feet (13') or the height of the primary structure, whichever is less. The area of any building or structure shall not exceed 1.6% of the lot area to a maximum of four hundred eighty (480) square feet
 6. Any side(s) abutting a street shall be screened as follows: at the time of construction (or if weather requires, no later than six(6) months after construction) one row of evergreens shall be planted which shall be of a variety which, at maturity, shall grow together when planted ten feet (10') on center, and shall be at least five feet (5') in height when planted. If the rear yard is completely enclosed by a privacy fence six feet (6') in height, then the landscape screening requirement shall be waived. The landscape screening shall be continuously maintained continuously until such time as the accessory building or structure is removed from the premises.

SECTION 6: AMENDMENT “10-7-2: I-1 Restricted Industrial District” of the Morton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10-7-2: I-1 Restricted Industrial District

A. Permitted Uses:

1. Light manufacturing, fabricating, assembling, packaging, repairing, servicing, and processing of materials, goods, and products provided entirely within enclosed buildings.
2. Agricultural implement service and sales lots.
3. Bottling plants, creameries, or dairies.
4. Research and testing laboratories.
5. Public utility stations, distribution centers, and regulator stations.
6. Wholesale outlets, storage, and warehousing. (amd. Ord. 02-34, 3-17-03)

B. Special Uses: The following uses are permitted subject to the public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title: (Ord. 78-31, 3-5-79)

1. Any use not listed above which is permitted as a “permitted use” or a “special use” in the B-1, B-2, or B-3 districts, except a community activity center. (Ord. 94-13, 8-1-94)
2. Storage, sale, distribution, or primary usage of explosive, highly flammable, highly toxic, or radioactive materials.
3. Bus or truck garages and storage yards.
4. Open air storage, including automobile wrecking yards. In making its recommendation to the Village Board to permit special uses involving outdoor

storage areas, the Plan Commission shall require such outdoor storage areas, except those for the display of sale items, be located at least seventy feet (70') from the nearest collector or major street, highway, or interstate highway as defined on the "Official Map" of the Village, and be so located on the site and screened from public view from such streets and highways to the fullest extent possible. Such screening shall be by landscape screening or by a screening fence appropriately located, and as defined in Chapter 2 of this Title.

5. Airports and landing strips.
 6. Wind energy conversion system. (Ord. 07-04, 5-7-07)
 7. Firearm resale shop. (amd. Ord. 17-03, 6-5-17)
 8. Firearm firing range. (amd. Ord. 17-03, 6-5-17)
- C. Required Yard Areas: Every building hereafter erected or structurally enlarged shall provide the following yard requirements, except for lots of record which shall meet the reduced requirements of Section 10-4-4 and except for those general exceptions to yard requirements as outlined in Section 10-4-3.
1. Front Yard: The front yard shall be twice the height of the portion of the building nearest the street line but in no case less than sixty feet (60').
 2. Side Yard: The side yard shall not be less than forty feet (40').
 3. Rear Yard: The rear yard shall not be less than forty feet (40').
 4. Exceptions To Side And Rear Yard Requirements: Where either side or rear property line is adjacent to a railroad spur to be used for loading or unloading directly to or from a building, no side or rear yard shall be required in those instances. (Ord. 78-31, 3-5-79)
 5. Fences And Lighting: Industrial security fences only and lighting shall be allowed on the side and rear yard property lines except where the side or rear yard property line is adjacent to a street or highway, except that this provision shall not apply to any requirements of a special use under Subsection (B) of this Section. Any lighting erected pursuant to the provisions of this Section shall be such that it does not flash, scintillate, move, or otherwise create a hazardous or annoying glare. (Ord. 79-44, 4-21-80)
 6. Pavement: Pavement shall be no closer than ten feet (10') to the side and rear property lines. In the event walks, drives, or parking areas were built in compliance with a lesser setback, but not as a result of a variance, then the setback for subsequent walks, drives, and parking areas may be the same as that in effect at the time of prior construction. Landscape screening shall be required whenever pavement is closer than the building setback line.
 7. Parking Lot Light Poles: Parking lot light poles may extend an additional three feet (3') into the required landscaped yard setback. All outdoor lighting in any business or industrial district shall be installed so that lighting throw does not fall beyond any property line.
 8. Noise-Emitting Mechanical Equipment. On properties adjacent to residential districts, mechanical equipment emitting noise such as air-conditioning compressors and similar equipment emitting noise such as air-conditioning compressors and similar equipment may be located in side or rear yards but in no case any closer than twelve feet (12') to the side yard property line of the adjacent property, and in all instances so installed and directed to be of minimum annoyance to the adjacent property. Back-up generators may be

located in side or rear yards but in no case closer than six feet (6') to the side yard property line of the adjacent property

- D. Building Height: No building shall be erected or enlarged to exceed seventy feet (70') in height, except for those general exceptions to height limitations listed in Section 10-4-3.
- E. Required Off-Street Parking And Loading: Required off-street parking and loading shall be provided as outlined in Chapter 8 of this Title. (Ord. 78-31, 3-5-79). The travelled area through the property shall be paved with bituminous concrete, concrete, A-3 or equivalent. All other drives, parking, loading and storage areas for which hard surfaced paving is not required shall be graveled and maintained in a dust-free condition.
- F. Interstate Corridor: Notwithstanding the foregoing provisions, in the event the property is located within an interstate corridor, then with respect to rear yards, the provisions of Title 10, Chapter 4, Subsection 7(C)3 shall apply. With respect to required lot size, the provisions of Title 10, Chapter 4, Subsection 7(B) shall apply. The provisions of Title 10, Chapter 4, Subsection 7(G) shall also apply. (Ord. 94-31, 5-15-95)
- G. Landscaped Buffers or Screening Required: Newly established industrial uses adjacent to or backing on property zoned in the residential or business districts shall provide and continuously maintain on that property line a dense hedge, tree row, or other similar landscape device suitable to visually screen the differing types of adjacent uses from one another.

SECTION 7: AMENDMENT “10-7-3: I-2 General Industrial District” of the Morton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10-7-3: I-2 General Industrial District

- A. Permitted Uses:
 - 1. All uses permitted as “permitted uses” in the I-1 District
 - 2. Any manufacturing, fabricating, assembling, and processing of materials and products not permitted in the I-1 District but which do not exceed the industrial performances standards included in this Section, except that uses permitted in the I-1 District as “special uses” shall be permitted in the I-2 District only as special uses. (Ord. 78-31, 3-5-79)
 - 3. Motor freight terminals. (Ord. 79-28, 10-1-79)
- B. Special Uses: The following uses are permitted subject to the public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title:
 - 1. Uses permitted in the I-1 District as “special uses.”
 - 2. Manufacturing or processing requiring large quantities of water, producing large quantities of waste materials, or which involve the disposal into public sewers of any quantities of toxic, noxious, corrosive, or explosive materials, or otherwise hazardous materials.
 - 3. Extraction and processing of stone, sand, and gravel, including the necessary

- processing and loading equipment and structures.
4. Processing of animal and vegetable products such as tanneries, distilleries, breweries, rendering plants, plants for the production of glue, soap, paint, or varnish.
 5. Manufacturing of coal, tar, petroleum, and asphalt products. (Ord. 78-31, 3-5-79)
 6. A motor freight terminal with employee sleeping accommodations. (Ord. 82-32, 4-4-83)
- C. Required Yard Areas: Every building hereafter erected or structurally enlarged shall provide the following yard requirements except for lots of record which shall meet the reduced requirements of Section 10-4-4 and except for those general exceptions to yard requirements as outlined in Section 10-4-3.
1. Front Yard: The front yard shall be twice the height of the portion of the building nearest the street line but in no case less than sixty feet (60').
 2. Side Yard: The side yard shall not be less than forty feet (40').
 3. Rear Yard: The rear yard shall not be less than forty feet (40'). (Ord. 78-31, 3-5-79)
 4. Fences And Lighting: Industrial security fences only and lighting shall be allowed in the side and rear yard property lines except where the side or rear property line is adjacent to a street or highway, except that this provision shall not apply to any requirements of a special use under Subsection 10-7-3(B). Any lighting erected pursuant to the provisions of this Section shall be such that it does not flash, scintillate, move, or otherwise create a hazardous or annoying glare. (Ord. 79-45, 4-21-80)
 5. Pavement: Pavement shall be no closer than ten feet (10') to the side and rear property lines. In the event walks, drives, or parking areas were built in compliance with a lesser setback, but not as a result of a variance, then the setback for subsequent walks, drives, and parking areas may be the same as that in effect at the time of prior construction. Landscape screening shall be required whenever pavement is closer than the building setback line.
 6. Parking Lot Light Poles: Parking lot light poles may extend an additional three feet (3') into the required landscaped yard setback. All outdoor lighting in any business or industrial district shall be installed so that lighting throw does not fall beyond any property line.
 7. Noise-Emitting Mechanical Equipment. On properties adjacent to residential districts, mechanical equipment emitting noise such as air-conditioning compressors and similar equipment emitting noise such as air-conditioning compressors and similar equipment may be located in side or rear yards but in no case any closer than twelve feet (12') to the side yard property line of the adjacent property, and in all instances so installed and directed to be of minimum annoyance to the adjacent property. Back-up generators may be located in side or rear yards but in no case closer than six feet (6') to the side yard property line of the adjacent property.
- D. Building Height: No building shall be erected or enlarged to exceed seventy feet (70') in height.
- E. Required Off-Street Parking And Loading: Required off-street parking and loading

shall be provided as outlined in Chapter 8 of this Title. (Ord. 78-31, 3-5-79). The travelled area through the property shall be paved with bituminous concrete, concrete, A-3 or equivalent. All other drives, parking, loading and storage areas for which hard surfaced paving is not required shall be graveled and maintained in a dust-free condition.

F. Interstate Corridor: Notwithstanding the foregoing provisions, in the event the property is located within an interstate corridor, then with respect to rear yards, the provisions of Title 10, Chapter 4, Subsection 7(C)3 shall apply. With respect to required lot size, the provisions of Title 10, Chapter 4, Subsection 7(B) shall apply. The provisions of Title 10, Chapter 4, Subsection 7(G) shall also apply. (Ord. 94-31, 5-15-95)

G. Landscaped Buffers or Screening Required: Newly established industrial uses adjacent to or backing on property zoned in the residential or business districts shall provide and continuously maintain on that property line a dense hedge, tree row, or other similar landscape device suitable to visually screen the differing types of adjacent uses from one another.

SECTION 8: AMENDMENT “10-5-4: R-2 Two-Family And Planned Residential Development District” of the Morton Municipal Code is hereby *amended* as follows:

AMENDMENT

10-5-4: R-2 Two-Family And Planned Residential Development District

A. Permitted Uses:

1. Any use indicated as a “permitted use” in the R-1 One-Family and Planned Residential Development District.
2. Two (2)-family dwellings.
3. Accessory buildings and uses. (Ord. 78-31, 3-5-79)
4. Community residence. (Ord. 89-19, 2-5-90)

B. Special Uses: The following uses are permitted subject to the public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title:

1. Any use permitted as a special use in the R-1 One-Family and Planned Residential Development District. (Ord. 78-31, 3-5-79)
2. Community activity center. (Ord. 94-13, 8-1-94)
3. Two (2) duplexes on one (1) lot. (Ord. 99-34, 11-1-99)
4. Supported Living Facility (Ord. 14-32, 12-15-14)
5. Supported Living Facility With Limited Commercial Use. (Ord. 14-32, 12-15-14)

C. Required Lot Area And Lot Width: Every building hereafter erected or structurally enlarged shall be on a lot of the following minimum area and width:

1. Interior lot one (1)-family dwellings hereafter erected or structurally enlarged shall be on a lot of not less than seven thousand five hundred (7,500) square feet and not less than seventy five feet (75') width as measured at the building

- line. Corner lot one (1) -family dwellings shall be on a lot of not less than nine thousand five hundred (9,500) square feet and not less than ninety five feet (95') width as measured at the building line.
2. Interior lot two (2)-family dwellings hereafter erected or structurally enlarged shall be on a lot of not less than ten thousand (10,000) square feet and not less than one hundred feet (100') width as measured at the building line. Corner lot two (2)-family dwellings shall be on a lot of not less than twelve thousand (12,000) square feet and a minimum width at the building line of one hundred twenty feet (120').
 3. The above requirements for lot area shall not apply to planned residential developments which shall meet the requirements of Section 10-5-8 of this Chapter or for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title.
 4. For lots where a special use for two (2)- family dwellings has been granted, an interior lot must be twenty thousand (20,000) square feet with not less than one hundred feet (100') width as measured at the building line and a corner lot shall be not less than twenty four thousand (24,000) square feet with a minimum width of one hundred twenty feet (120') as measured at the building line. On either type of lot, duplexes must be at least fourteen feet (14') apart. (Ord. 99-34, 11-1-99)
 5. Any lots within one-half (1/2) mile of a livestock feeding operation that is in operation at the time of the platting of the lots, must be one (1) acre in size. (amd. Ord. 06-19, 7-10-06)
- D. Required Yard Areas: Every building hereafter erected or structurally enlarged shall provide or maintain the following yard requirements, except for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title and except for those general exceptions to yard requirements as outlined in Section 10-4-3 of this Title.
1. Front Yard: No building shall be erected without providing or maintaining a front yard of thirty five feet (35') unless the depth of the lot is less than one hundred thirty five feet (135') in which case the front yard shall be no less than twenty five feet (25'). In the event the building is constructed in an established area on one side of the street between two (2) intersecting streets that is improved with buildings that have observed a front yard depth which is less than the thirty five feet (35') or twenty five feet (25') requirement, then in such established districts the front yard depth may be the same as, but no less than, the building immediately adjacent to either side of the proposed building.
 2. Side Yard: No building shall be erected or enlarged without providing or maintaining combined side yards of twenty feet (20') or twenty percent (20%) of the lot width as measured at the building line, whichever is less; no single side yard shall be less than seven feet (7').
 3. Rear Yard: No building shall be erected or enlarged without providing or maintaining a rear yard of twenty five feet (25').
 4. Fences: Ornamental fences, enclosure fences, and chain link fences meeting the required conditions are exempt from the specific yard requirements as noted. Except those fences specifically permitted pursuant to the terms of this section, no other fences shall be permitted within the required yard area.
 - a. Front Yard Fences:

- (1) Front Yard Fences on Interior Residential Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted within the front yard. Enclosure fences are not permitted in front yards of interior lots.
 - (2) Front Yard Fences on Corner Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted in either front yard. An enclosure fence not exceeding six feet (6') in height is permitted in that front yard which the building does not face, providing such front yard enclosure fence is set back from the property line one-half (1/2) the required front yard distance for that district or ten feet (10'), whichever is greater. It is further required that fences respect obstruction to visibility requirements of 10-4-3(I).
 - b. Side and Rear Yard Fences: Ornamental fences and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. Chain link fences not exceeding four feet (4') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)
- E. Building Height: No building hereafter erected or portion of a building structurally enlarged shall exceed the following height limitations, except for these general exceptions to height limitations listed in Section 10-4-3 of this Title:
1. Churches: forty five feet (45') for the main structure.
 2. All other permitted buildings: thirty five feet (35') or two and one-half (2 1/2) stories. (Ord. 78-31, 3-5-79)

F. Driveways: Driveways shall be permitted subject to the following:

1. They may be within the required yard area, so long as such driveway complies in all regards with the specifications set forth in the Driveway Standards.
2. No driveway shall be constructed closer than thirty-five feet (35') to any intersection of residential streets and fifty feet (50') to any intersection involving collector or major streets.
3. No more than one driveway per dwelling unit shall be allowed, except however if a property abuts an alley which is driveable the property may maintain driveway access from both the alley and the fronting street.
4. Circular driveways shall not be permitted except for lots of a width of one hundred fifty feet (150') which were improved with a circular driveway prior to June 1, 2022, and then in such instance one (1) circular drive per lot is allowance, provided that the total driveway width of both openings does not exceed thirty-six feet (36') and that any one (1) opening does not exceed twenty four feet (24').
5. Common drives as recorded on plat to be shared by adjacent lots are permitted in side yards
6. For adjacent one (1) and two-family (2) residential structures, driveway pavement can extend to within six (6) feet of the side or rear property lines, and the landscape screening requirement is waived. Notwithstanding the foregoing, one(1) and two-family residential structures can only utilize the portion of the drive in the front yard, even though encroaching on the

landscaped yard to partially meet the off-street parking requirements as provided in Section 10-8-6 of this Title.

7. They shall be hard surfaced with bituminous concrete or concrete.

G. Accessory Uses or Buildings: Accessory uses and accessory buildings or structures shall be permitted subject to the following

1. They shall be located within the required rear yard.
2. They shall maintain a side and rear setback of six feet (6') for all lots except corner lots. For corner lots the accessory building or structure shall maintain a setback of twenty feet (20') for any side which abuts a street and six feet (6') for all other sides.
3. They shall not be established within the territory of an existing Village of Morton easement or other utility easement
4. There shall not be a limit on the permitted number of accessory uses per lot, except that no two (2) uses shall be identical. For purposes of this limitation, a gazebo shall not be considered a building.
5. The height of any accessory building or structure shall not exceed thirteen feet (13') or the height of the primary structure, whichever is less. The area of any building or structure shall not exceed 1.6% of the lot area to a maximum of four hundred eighty (480) square feet
6. Any side(s) abutting a street shall be screened as follows: at the time of construction (or if weather requires, no later than six(6) months after construction) two rows of evergreens shall be planted which shall be of a variety which, at maturity, shall grow together when planted ten feet (10') on center, and shall be at least five feet (5') in height when planted, and which rows shall be staggered or offset so as to maximize screening of the accessory structure. If the rear yard is completely enclosed by a privacy fence six feet (6') in height, then the landscape screening requirement shall be waived.
7. The square footage of all uses permitted hereunder shall not exceed sixty percent (60%) of the actual rear yard.
8. A garage may replace an existing garage and shall be allowed in areas in which a reduced landscaped yard is allowed subject to the following:
 - a. The garage shall not exceed twenty-four and one-half feet (24 1/2') in width or length
 - b. The new garage cannot be any closer to the rear or side lot line than the existing garage and in no event shall its wall be closer than two feet (2') or its eaves closer than one foot (1') from the side property line.
 - c. Notwithstanding the other provisions of this Chapter, a driveway for a garage which meets the requirements of this subparagraph may be located as close to the side property line as is allowed the garage
9. A play structure shall require a building permit, and shall be a permissible accessory structure subject to the provisions of this Section.

H. Minimum Square Footage for Single-Family Residences: Any building used as a single-family residence shall contain on the ground floor eight hundred (800) square feet of livable floor space.

- I. Zero Lot Line Duplex: A duplex of which both dwelling units may be sold separately if:

1. At the time the dwelling units are severed from common ownership, the owner or owners of the two (2) dwelling units have signed an agreement to run with the land, in a form adequate to ensure access for maintenance and providing for maintenance of the walls and driveways or a set of covenants and restrictions are in place to provide for said maintenance. Nothing in this subsection shall be interpreted as permitting the construction of any adjacent buildings using only one wall for both buildings; each building shall have its own wall. The provision with respect to the wall(s) shall apply only to buildings constructed after March 1, 1997.
 2. A resubdivision plat dividing the lot has been approved by the Village Plat Officer prior to recording. A formal subdivision procedure shall not be required.
 3. The duplex otherwise complies with the requirements of the Zoning Code, as amended from time to time. The subdivided lot shall be considered as one lot for purposes of all other provisions of the Zoning Code. A variance for yard requirements may be requested in the same manner as other variances. (Ord. 96-38, 3-17-97; amd. Ord. 03-38, 1-19-04)
- J. R-2 Lot Conversion: For lots that are initially zoned R-2 as of September 1, 2009 and which have been platted, these lots may be subdivided into two (2) lots subject to the following:
1. Initial lot width must be at least one hundred twenty feet (120') and a subdivided lot must have a minimum width of sixty feet (60') at the building set back line.
 2. The side setbacks may be reduced to a minimum of six feet (6'). Front and rear yard setbacks shall not be reduced.
 3. No more than eighty-five percent (85%) of the platted lots in any subdivision may be subdivided. (amd Ord. 11-07, 6-6-11)
 4. A new plat of the subdivided lots shall be provided, and it shall be in conformity with all Village ordinances. The Plan Director may approve the plat without submission to the Plan Commission or Village Board.
 5. The following size provisions shall apply to any residential unit built on a subdivided lot.
 - a. The living space shall be one thousand two hundred (1,200) square feet for a one-story.
 - b. The living space shall be one thousand five hundred (1,500) square feet with a minimum one thousand (1,000) square feet on the main floor and five hundred (500) square feet on the second floor for a story and one-half.
 - c. The living space shall be a minimum square footage of one thousand eight hundred (1,800) with nine hundred (900) square feet on each floor for a two-story.

The square footage shall mean living space and excludes the garage. (Ord. 09-24, 9-8-09)
- K. Fences: Chain link fences not exceeding four feet (4') in height shall be permitted in the R-2 District in areas outside of the required yard area. Ornamental fences and enclosure fences not exceeding six feet (6') in height shall be permitted in the R-2 District in areas outside of the required yard area. It shall be unlawful for any person to

erect, construct, maintain or permit a fence that is constructed of materials that are not specifically manufactured as fencing materials, such as rope, string, galvanized sheet metal, plywood, corrugated metal, or the like. It shall be unlawful for any person to erect, construct, maintain, or permit a fence that is constructed of materials that are intended for agricultural usage or for retaining livestock, such as barbed wire, chicken wire, hog wire, wire fabric, or other similar welded or woven wire fabrics. It shall further be unlawful for any person to construct a fence with slats of any material (including but not limited to metal, fiberglass or bamboo) threaded through a chain link fence. A direct path unobstructed from fencing shall be maintained between the street and the gas meter and water meter electronic reading device.

L. **Parking Regulations:** It shall be lawful in this zoning district to park recreational vehicles, campers, boat trailers and/or trailers on a driveway. In addition, it shall be lawful to park a trailer which is not an enclosed trailer in the rear yard on an all-weather, durable and dustless surface, such as an asphalt, interlocking concrete paver, brick or cement pavement surface. No recreational vehicle, camper, boat or trailer shall be parked in such a manner so as to obstruct, in whole or in part, a sidewalk, alley or street. It shall be unlawful for any person, firm or corporation to park any semitrailer, pole trailer, tow truck, tractor, or truck tractor on any lot in this zoning district. It shall be unlawful to any person to reside, even temporarily, in any recreational vehicle, camper, or trailer in this zoning district. It shall be unlawful to park any recreational vehicle, camper, boat trailer, or trailer in any manner not expressly permitted by this section.

M. **DETACHED GARAGE:** Every detached garage erected shall conform to the following:

1. A detached garage shall have a maximum area of 1,000 square foot.
2. A detached garage shall have a maximum side wall height of twelve (12) feet.
3. A detached garage shall have a maximum roof height of twenty-five (25) feet, or the roof height of the primary structure, whichever is less.
4. A detached garage shall be set back from the sidewalk, or when no sidewalk is present, from the curb not less than twenty (20') feet.
5. A detached garage shall have no more than:
 - a. One overhead door not taller than ten (10') feet and not wider than ten (10') feet; and
 - b. One double stall overhead door not taller than eight (8') feet and not wider than twenty (20') feet; OR two single stall overhead doors not taller than eight (8') feet and not wider than (10') feet.
6. A detached garage shall not be constructed in the front yard or within the required minimum side yard unless an exception under 10-4-3(0)(7) applies.
7. A detached garage shall not be constructed on a vacant lot or before the primary structure.
8. No portion of a detached garage shall be used as a dwelling.
9. A detached garage shall be built using materials similar in composition, quality and design of the primary structure. Detached garages shall not be constructed using post-frame construction, and shall not have metal siding.

N. Satellite Dishes: A satellite dish, which is defined as a device used for the reception of communications or other signals from orbiting satellites, is permitted subject to the following conditions:

1. Dishes mounted on the ground level shall not exceed a height of twelve feet (12')
2. Dishes mounted on the rooftop or chimney of a structure shall not be greater than two feet (2') in diameter, and the highest point of the dish shall not exceed thirty five feet (35') measured from the top to the curb level
3. The dish shall not contain any lettering other than that placed on same identifying the manufacturer and shall not otherwise be used for the display of messages
4. Ground-mounted dishes shall be reasonably concealed from the view at ground level of adjacent properties on all sides, except to the side which the dish is directed to receive the signal. ON that side the view shall be obscured to the extent possible without interfering with the reception of the signal. Fencing or landscape screening shall be used for such purpose subject to the general requirements for same as provide don other sections of this Code. Any landscape screening that is used must be plated within six (6) months of the date of the installation of the dish and must be continuously maintained. Any landscape screening that is used must be non-deciduous and must be of a minimum height of four feet (4') when planted.
5. A ground-mounted dish shall be considered an accessory use.
6. A satellite dish may be used only if it is permanently affixed to the ground, rooftop, or chimney of a structure. Satellite antenna dishes may not be located or affixed to any moveable object, including but not limited to motor vehicles, trailers or other moveable objects. The use of a satellite antenna dish on a temporary basis is expressly prohibited.

O. Swimming pools: Swimming pools shall be permitted, subject to the following

1. Each swimming pool shall conform to the requirements of an accessory use
2. Surrounding each swimming pool, whether the pool be inground or above ground, there shall be erected an enclosure fence which shall be at least five feet (5') in height. A wall of at least five feet (5') in height is sufficient for one (1) or more sides of the enclosure. A screened-in patio area completely enclosing a pool shall be considered an appropriate enclosure. All existing swimming pools that have an enclosure fence of at least four feet (4') in height and/or walls of a least four feet (4') in height may remain in existence, and no modifications are needed to same. In such cases, such fences or walls may be repaired or maintained, but they shall not be replaced or moved from their present location.
3. The gates of the required fence shall be self-closing and have self-latching latches placed at least four feet (4') above the ground. The fence shall be so constructed as to not allow a five inch (5") diameter sphere to pass through the fence
4. No pool shall be filled with water of a depth of two feet (2') or more until the enclosure required by this Section has been provided.
5. Swimming pools and their required enclosures shall be maintained in a reasonable state of repair and condition. Water shall not be allowed to become stagnant.

P. Landscaped Buffers or Screening Required: Newly established multi-family uses adjacent to or backing on single-family uses shall provide and continuously maintain

on that property line a dense hedge, tree row, or other similar landscape device suitable to visually screen the differing types of adjacent uses from one another.

SECTION 9:**AMENDMENT** “10-5-5: R-3 Three Or Four-Family And Planned Residential Development District” of the Morton Municipal Code is hereby *amended* as follows:

AMENDMENT

10-5-5: R-3 Three Or Four-Family And Planned Residential Development District

A. Permitted Uses:

1. Any use permitted as a "permitted use" in the R-1 One-Family and Planned Residential Development District and in the R-2 Two-Family and Planned Residential Development District.
2. Three (3) or four (4)-family dwellings.

B. Special Uses: The following are permitted subject to the public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title:

1. Any use permitted as a "special use" in the R-1 One-Family and Planned Residential Development District and in the R-2 Two-Family and Planned Residential Development District.
2. Boarding houses or lodging houses.
3. Public buildings such as art galleries and libraries.
4. Membership clubs and lodges not primarily oriented to services normally carried on as a business or primarily for gain and including dining facilities for the exclusive use of members.

C. Required Lot Area And Lot Width: Except for planned residential developments which shall meet the requirements of Section 10-5-8 of this Chapter and for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title, the following lot area requirements shall apply:

1. Every interior lot three (3) or four (4)-family dwelling and residential building hereafter erected or structurally enlarged shall provide a minimum lot width as measured at the building line of one hundred feet (100') and a minimum lot area of thirteen thousand two hundred (13,200) square feet.
2. Every corner lot three (3) or four (4)-family dwelling and residential building hereafter erected or structurally enlarged shall provide a minimum lot width as measured at the building line of one hundred twenty feet (120') and a minimum lot area of fifteen thousand eight hundred forty (15,840) square feet.
3. Any lots within one-half (1/2) mile of a livestock feeding operation that is in operation at the time of the platting of the lots, must be one (1) acre in size. (amd. Ord. 06-19, 7-10-06)

D. Required Yard Area: Every building hereafter erected or structurally enlarged shall provide or maintain the following minimum yard requirements, except for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title, and

except for those general exceptions to yard requirements as outlined in Section 10-4-3 of this Title:

1. Front Yard: No building shall be erected without providing or maintaining a front yard of thirty-five feet (35') unless the depth of the lot is less than one hundred thirty-five feet (135'), in which case the front yard shall be no less than twenty-five feet (25'). In the event the building is constructed in an established area on one side of the street between two (2) intersecting streets that is improved with buildings that have observed a front yard depth which is less than the thirty-five feet (35') or twenty-five feet (25') requirement, then in such established districts, the front yard depth may be the same as, but not less than, the building immediately adjacent to either side of the proposed building.
2. Side Yard: No building shall be erected without providing or maintaining combined side yards of twenty feet (20'), and a minimum individual side yard of seven feet (7') for buildings or structures up to twenty feet (20') in height. Buildings or structures over twenty feet (20') in height to thirty-five feet (35') in height shall require a minimum individual side yard of fifteen feet (15').
3. Rear Yard: No building shall be erected without providing or maintaining a rear yard of twenty-five feet (25').
4. Fences: Ornamental fences, enclosure fences and chain link fences meeting the required conditions are exempt from the specific yard requirements as noted. Except those fences specifically permitted pursuant to the terms of this section, no other fences shall be permitted within the required yard area.
 - a. Front Yard Fences:
 - (1) Front Yard Fences on Interior Residential Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted within the front yard. Enclosure fences are not permitted in front yards of interior lots.
 - (2) Front Yard Fences on Corner Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted in either front yard. An enclosure fence not exceeding six feet (6') in height is permitted in that front yard which the building does not face, providing such front yard enclosure fence is set back from the property line one-half (1/2) the required front yard distance for that district or ten feet (10'), whichever is greater. It is further required that fences respect obstruction to visibility requirements of 10-4-3(I).
 - b. Side and Rear Yard Fences: Ornamental fences and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. Chain link fences not exceeding four feet (4') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)
5. Pavement: Pavement shall be no closer than ten feet (10') to the side and rear property lines. Landscape screening shall be required whenever pavement is closer than the building setback line.
6. Parking Lot Light Poles: Parking lot light poles may extend an additional three feet (3') into the required landscaped yard setback

E. Building Height: No building or structure hereafter erected or structurally enlarged

shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height, except for those general exceptions to height limitations as outlined in Section 10-4-3 of this Title. Buildings exceeding thirty-five feet (35') in height may be permitted as a special use subject to public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title. (Ord. 03-44, 03-15-04)

- F. Minimum Square Footage for Single-Family Residences: Any building used as a single-family residence shall contain on the ground floor eight hundred (800) square feet of livable floor space.
- G. Fences: Chain link fences not exceeding four feet (4') in height shall be permitted in the R-3 District in areas outside of the required yard area. Ornamental fences and enclosure fences not exceeding six feet (6') in height shall be permitted in the R-3 District in areas outside of the required yard area. It shall be unlawful for any person to erect, construct, maintain or permit a fence that is constructed of materials that are not specifically manufactured as fencing materials, such as rope, string, galvanized sheet metal, plywood, corrugated metal, or the like. It shall be unlawful for any person to erect, construct, maintain, or permit a fence that is constructed of materials that are intended for agricultural usage or for retaining livestock, such as barbed wire, chicken wire, hog wire, wire fabric, or other similar welded or woven wire fabrics. It shall further be unlawful for any person to construct a fence with slats of any material (including but not limited to metal, fiberglass or bamboo) threaded through a chain link fence. A direct path unobstructed from fencing shall be maintained between the street and the gas meter and water meter electronic reading device.
- H. Parking Regulations: It shall be lawful in this zoning district to park recreational vehicles, campers, boat trailers and/or trailers on a driveway. In addition, it shall be lawful to park a trailer which is not an enclosed trailer in the rear yard on an all-weather, durable and dustless surface, such as an asphalt, interlocking concrete paver, brick or cement pavement surface. No recreational vehicle, camper, boat or trailer shall be parked in such a manner so as to obstruct, in whole or in part, a sidewalk, alley or street. It shall be unlawful for any person, firm or corporation to park any semitrailer, pole trailer, tow truck, tractor, or truck tractor on any lot in this zoning district. It shall be unlawful to any person to reside, even temporarily, in any recreational vehicle, camper, or trailer in this zoning district. It shall be unlawful to park any recreational vehicle, camper, boat trailer, or trailer in any manner not expressly permitted by this section.
- I. Satellite Dishes: A satellite dish, which is defined as a device used for the reception of communications or other signals from orbiting satellites, is permitted subject to the following conditions:
1. Dishes mounted on the ground level shall not exceed a height of twelve feet (12')
 2. Dishes mounted on the rooftop or chimney of a structure shall not be greater than two feet (2') in diameter, and the highest point of the dish shall not exceed thirty five feet (35') measured from the top to the curb level
 3. The dish shall not contain any lettering other than that placed on same identifying the manufacturer and shall not otherwise be used for the display of messages
 4. Ground-mounted dishes shall be reasonably concealed from the view at ground level of adjacent properties on all sides, except to the side which the

dish is directed to receive the signal. ON that side the view shall be obscured to the extent possible without interfering with the reception of the signal. Fencing or landscape screening shall be used for such purpose subject to the general requirements for same as provide don other sections of this Code. Any landscape screening that is used must be plated within six (6) months of the date of the installation of the dish and must be continuously maintained. Any landscape screening that is used must be non-deciduous and must be of a minimum height of four feet (4') when planted.

5. A ground-mounted dish shall be considered an accessory use.
6. A satellite dish may be used only if it is permanently affixed to the ground, rooftop, or chimney of a structure. Satellite antenna dishes may not be located or affixed to any moveable object, including but not limited to motor vehicles, trailers or other moveable objects. The use of a satellite antenna dish on a temporary basis is expressly prohibited.

J. Swimming pools: Swimming pools shall be permitted, subject to the following

1. Each swimming pool shall conform to the requirements of an accessory use
2. Surrounding each swimming pool, whether the pool be inground or above ground, there shall be erected an enclosure fence which shall be at least five feet (5') in height. A wall of at least five feet (5') in height is sufficient for one (1) or more sides of the enclosure. A screened-in patio area completely enclosing a pool shall be considered an appropriate enclosure. All existing swimming pools that have an enclosure fence of at least four feet (4') in height and/or walls of a least four feet (4') in height may remain in existence, and no modifications are needed to same. In such cases, such fences or walls may be repaired or maintained, but they shall not be replaced or moved from their present location.
3. The gates of the required fence shall be self-closing and have self-latching latches placed at least four feet (4') above the ground. The fence shall be so constructed as to not allow a five inch (5") diameter sphere to pass through the fence
4. No pool shall be filled with water of a depth of two feet (2') or more until the enclosure required by this Section has been provided.
5. Swimming pools and their required enclosures shall be maintained in a reasonable state of repair and condition. Water shall not be allowed to become stagnant.

K. Landscaped Buffers or Screening Required: Newly established multi-family uses adjacent to or backing on single-family uses shall provide and continuously maintain on that property line a dense hedge, tree row, or other similar landscape device suitable to visually screen the differing types of adjacent uses from one another.

SECTION 10: AMENDMENT “10-5-6: R-4 Multi-Family And Planned Residential Development District” of the Morton Municipal Code is hereby *amended* as follows:

AMENDMENT

10-5-6: R-4 Multi-Family And Planned Residential Development District

- A. Permitted Uses:
1. Any use permitted as a "permitted use" in the R-1 One-Family and Planned Residential Development District, in the R-2 Two-Family and Planned Residential Development District, and in the R-3 Three or Four-Family and Planned Residential Development District.
 2. Multi-family dwellings and apartments.
- B. Special Uses: Any use permitted as a "special use" in the R-1 One-Family and Planned Residential Development District, in the R-2 Two-Family and Planned Residential Development District, and in the R-3 Three or Four-Family and Planned Residential Development District.
- C. Required Lot Area and Lot Width: Except for planned residential developments which shall meet the requirements of Section 10-5-8 of this Chapter and for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title, the following lot area requirements shall apply:
1. Every interior lot multi-family dwelling and residential building hereafter erected or structurally enlarged shall provide a minimum lot width as measured at the building line of one hundred feet (100') and a minimum lot area of the greater of: a) thirteen thousand two hundred (13,200) square feet, or b) two thousand two hundred (2,200) square feet per dwelling unit.
 2. Every corner lot multi-family dwelling and residential building hereafter erected or structurally enlarged shall provide a minimum lot width as measured at the building line of one hundred twenty feet (120') and a minimum lot area of the greater of a) fifteen thousand eight hundred forty (15,840) square feet, or b) two thousand two hundred (2,200) square feet per dwelling unit.
 3. Any lots within one-half (1/2) mile of a livestock feeding operation that is in operation at the time of the platting of the lots, must be one (1) acre in size. (amd. Ord. 06-19, 7-10-06)
- D. Required Yard Area: Every building hereafter erected or structurally enlarged shall provide or maintain the following minimum yard requirements, except for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title, and except for those general exceptions to yard requirements as outlined in Section 10-4-3 of this Title:
1. Front Yard: No building shall be erected without providing or maintaining a front yard of thirty-five feet (35') unless the depth of the lot is less than one hundred thirty-five feet (135'), in which case the front yard shall be no less than twenty-five feet (25'). In the event the building is constructed in an established area on one side of the street between two (2) intersecting streets that is improved with buildings that have observed a front yard depth which is less than the thirty-five feet (35') or twenty-five feet (25') requirement, then in such established districts, the front yard depth may be the same as, but not less than, the building immediately adjacent to either side of the proposed building.
 2. Side Yard: No building shall be erected without providing or maintaining combined side yards of twenty feet (20'), and a minimum individual side yard

of seven feet (7') for buildings or structures up to twenty feet (20') in height. Buildings or structures over twenty feet (20') in height up to forty-five feet (45') in height shall require a minimum individual side yard of fifteen feet (15').

3. Rear Yard: No building shall be erected without providing or maintaining a rear yard of twenty-five feet (25').
4. Fences: Ornamental fences, enclosure fences, and chain link fences meeting the required conditions are exempt from the specific yard requirements as noted. Except those fences specifically permitted pursuant to the terms of this section, no other fences shall be permitted within the required yard area.
 - a. Front Yard Fences:
 - (1) Front Yard Fences on Interior Residential Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted within the front yard. Enclosure fences are not permitted in front yards of interior lots.
 - (2) Front Yard Fences on Corner Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted in either front yard. An enclosure fence not exceeding six feet (6') in height is permitted in that front yard which the building does not face, providing such front yard enclosure fence is set back from the property line one-half (1/2) the required front yard distance for that district or ten feet (10'), whichever is greater. It is further required that fences respect obstruction to visibility requirements of 10-4-3(I).
 - b. Side and Rear Yard Fences: Ornamental fences and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. Chain link fences not exceeding four feet (4') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)
5. Parking Lot Light Poles: Parking lot light poles may extend an additional three feet (3') into the required landscaped yard setback

E. Building Height: No building or structure hereafter erected or structurally enlarged shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height, except for those general exceptions to height limitations as outlined in Section 10-4-3 of this Title. Buildings exceeding thirty-five feet (35') in height may be permitted as a special use subject to public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title. (Ord. 03-44, 03-15-04)

F. Minimum Square Footage for Single-Family Residences: Any building used as a single-family residence shall contain on the ground floor eight hundred (800) square feet of livable floor space.

G. Fences: Chain link fences not exceeding four feet (4') in height shall be permitted in the R-4 District in areas outside of the required yard area. Ornamental fences and enclosure fences not exceeding six feet (6') in height shall be permitted in the R-4 District in areas outside of the required yard area. It shall be unlawful for any person to erect, construct, maintain or permit a fence that is constructed of materials that are not specifically manufactured as fencing materials, such as rope, string, galvanized sheet metal, plywood, corrugated metal, or the like. It shall be unlawful for any person to

erect, construct, maintain, or permit a fence that is constructed of materials that are intended for agricultural usage or for retaining livestock, such as barbed wire, chicken wire, hog wire, wire fabric, or other similar welded or woven wire fabrics. It shall further be unlawful for any person to construct a fence with slats of any material (including but not limited to metal, fiberglass or bamboo) threaded through a chain link fence. A direct path unobstructed from fencing shall be maintained between the street and the gas meter and water meter electronic reading device.

H. Parking Regulations: It shall be lawful in this zoning district to park recreational vehicles, campers, boat trailers and/or trailers on a driveway. In addition, it shall be lawful to park a trailer which is not an enclosed trailer in the rear yard on an all-weather, durable and dustless surface, such as an asphalt, interlocking concrete paver, brick or cement pavement surface. No recreational vehicle, camper, boat or trailer shall be parked in such a manner so as to obstruct, in whole or in part, a sidewalk, alley or street. It shall be unlawful for any person, firm or corporation to park any semitrailer, pole trailer, tow truck, tractor, or truck tractor on any lot in this zoning district. It shall be unlawful to any person to reside, even temporarily, in any recreational vehicle, camper, or trailer in this zoning district. It shall be unlawful to park any recreational vehicle, camper, boat trailer, or trailer in any manner not expressly permitted by this section.

I. Satellite Dishes: A satellite dish, which is defined as a device used for the reception of communications or other signals from orbiting satellites, is permitted subject to the following conditions:

1. Dishes mounted on the ground level shall not exceed a height of twelve feet (12')
2. Dishes mounted on the rooftop or chimney of a structure shall not be greater than two feet (2') in diameter, and the highest point of the dish shall not exceed thirty five feet (35') measured from the top to the curb level
3. The dish shall not contain any lettering other than that placed on same identifying the manufacturer and shall not otherwise be used for the display of messages
4. Ground-mounted dishes shall be reasonably concealed from the view at ground level of adjacent properties on all sides, except to the side which the dish is directed to receive the signal. ON that side the view shall be obscured to the extent possible without interfering with the reception of the signal. Fencing or landscape screening shall be used for such purpose subject to the general requirements for same as provide don other sections of this Code. Any landscape screening that is used must be plated within six (6) months of the date of the installation of the dish and must be continuously maintained. Any landscape screening that is used must be non-deciduous and must be of a minimum height of four feet (4') when planted.
5. A ground-mounted dish shall be considered an accessory use.
6. A satellite dish may be used only if it is permanently affixed to the ground, rooftop, or chimney of a structure. Satellite antenna dishes may not be located or affixed to any moveable object, including but not limited to motor vehicles, trailers or other moveable objects. The use of a satellite antenna dish on a temporary basis is expressly prohibited.

J. Swimming pools: Swimming pools shall be permitted, subject to the following

1. Each swimming pool shall conform to the requirements of an accessory use
 2. Surrounding each swimming pool, whether the pool be inground or above ground, there shall be erected an enclosure fence which shall be at least five feet (5') in height. A wall of at least five feet (5') in height is sufficient for one (1) or more sides of the enclosure. A screened-in patio area completely enclosing a pool shall be considered an appropriate enclosure. All existing swimming pools that have an enclosure fence of at least four feet (4') in height and/or walls of a least four feet (4') in height may remain in existence, and no modifications are needed to same. In such cases, such fences or walls may be repaired or maintained, but they shall not be replaced or moved from their present location.
 3. The gates of the required fence shall be self-closing and have self-latching latches placed at least four feet (4') above the ground. The fence shall be so constructed as to not allow a five inch (5") diameter sphere to pass through the fence
 4. No pool shall be filled with water of a depth of two feet (2') or more until the enclosure required by this Section has been provided.
 5. Swimming pools and their required enclosures shall be maintained in a reasonable state of repair and condition. Water shall not be allowed to become stagnant.
- K. Landscaped Buffers or Screening Required: Newly established multi-family uses adjacent to or backing on single-family uses shall provide and continuously maintain on that property line a dense hedge, tree row, or other similar landscape device suitable to visually screen the differing types of adjacent uses from one another.

SECTION 11: AMENDMENT “10-5-3: R-1 One-Family And Planned Residential Development District” of the Morton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10-5-3: R-1 One-Family And Planned Residential Development District

- A. Permitted Uses:
1. Single-family dwellings.
 2. Agricultural uses consisting only of growing crops, truck gardening, and flower gardening.
 3. Temporary construction buildings and uses at the construction site and only during the construction period.
 4. Accessory buildings and uses.
 5. Community residence. (Ord. 89-19, 2-5-90)
- B. Special Uses: The following uses are permitted subject to the public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title. (Ord. 73-31, 3-5-79; amd. Ord. 84-1, 5-21-84; amd. Ord. 84-3, 6-18-84)

1. Any use permitted as a special use in the R-S and Planned Residential Development District, except outdoor recreation facilities and borrow pits. (Ord. 86-21, 4-20-87; amd. Ord. 07-09, 6-4-07)
 2. Hospitals, sanitariums, rest homes, and retirement centers. (Ord. 78-31, 3-5-79; amd. Ord. 84-1, 5-21-84; amd. Ord. 84-3, 6-18-84; amd. Ord. 84-25, 4-15-85; amd. Ord. 08-19, 10-6-08)
 3. Publicly owned parks.
 4. Private recreation areas. (Ord. 78-31, 3-5-79; amd. Ord. 84-1, 5-21-84; amd. Ord. 84-3, 6-18-84)
- C. Required Lot Area And Width: Every building hereafter erected or structurally enlarged shall be on a lot having an area of not less than seven thousand five hundred (7,500) square feet for interior lots and nine thousand five hundred (9,500) square feet for corner lots, and a width of the building line of not less than seventy five feet (75') for interior lots and not less than ninety five feet (95') for corner lots. Lots zoned R-1A shall have an area of not less than eight thousand (8,000) square feet and a width of not less than sixty five feet (65') at the building line. This requirement shall not apply to planned residential developments which shall meet the requirements of Section 10-5-8 of this Title or for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title. Any lots within one-half (1/2) mile of a livestock feeding operation that is in operation at the time of the platting of the lots, must be one (1) acre in size. (amd. Ord. 06-19, 7-10-06; amd. Ord. 12-14, 11-19-12)
1. Front Yard: No building shall be erected without providing or maintaining a front yard of thirty-five feet (35') unless the depth of the lot is less than one hundred thirty-five feet (135'), in which case the front yard shall be no less than twenty-five feet (25'). In the event the building is constructed in an established area on one side of the street between two (2) intersecting streets that is improved with buildings that have observed a front yard depth which is less than the thirty-five feet (35') or twenty-five feet (25') requirement, then in such established districts, the front yard depth may be the same as, but not less than, the building immediately adjacent to either side of the proposed building. In the event the building is constructed in an area within the territory set forth in in Section 10-4-3 {G}, then the required front yard shall be reduced to twenty six feet four inches {26'4"} for lots with a depth not less than one hundred thirty five feet {135'}, or to eighteen feet nine inches {18'9"} for lots with a depth of less than one hundred thirty five feet {135'}.
 2. Side Yard: No building shall be erected or enlarged without providing or maintaining combined side yards of twenty feet (20') or twenty percent (20%) of the lot width as measured at the building line, whichever is less; no single side yard shall be less than seven feet (7').
 3. Rear Yard: No building shall be erected or enlarged without providing or maintaining a rear yard of twenty five feet (25').
 4. R-1A Front Yard: No building shall be erected without providing or maintaining a front yard of thirty-five feet (35') unless the depth of the lot is less than one hundred thirty-five feet (135') in which case the front yard shall be no less than twenty-five feet (25'). In the event the building is constructed in an area within the territory set forth in in Section 10-4-3(G), then the required front yard shall be reduced to twenty six feet four inches (26'4") for lots with a depth not less than one hundred thirty-five feet (135'), or to eighteen feet nine inches (18'9") for lots with a depth of less than one hundred thirty-five feet (135').

5. R-1A Side Yard: No building shall be erected or enlarged without providing or maintaining combined side yards of twelve feet (12'); no single side yard shall be less than six feet (6').
6. R-1A Rear Yard: No building shall be erected or enlarged without providing or maintaining a rear yard of twenty five feet (25').
7. Fences: Ornamental fences, enclosure fences, and chain link fences meeting the required conditions are exempt from the specific yard requirements as noted. Except those fences specifically permitted pursuant to the terms of this section, no other fences shall be permitted within the required yard area.
 - a. Front Yard Fences:
 - (1) Front Yard Fences on Interior Residential Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted within the front yard. Enclosure fences are not permitted in front yards of interior lots.
 - (2) Front Yard Fences on Corner Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted in either front yard. An enclosure fence not exceeding six feet (6') in height is permitted in that front yard which the building does not face, providing such front yard enclosure fence is set back from the property line one-half (1/2) the required front yard distance for that district or ten feet (10'), whichever is greater. It is further required that fences respect obstruction to visibility requirements of 10-4-3(I).
 - b. Side and Rear Yard Fences: Ornamental fences and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. Chain link fences not exceeding four feet (4') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08; amd. Ord. 12-14, 11-19-12)
- D. Building Height: No building hereafter erected or portion of a building structurally enlarged shall exceed the following height limitations, except for those general exceptions to height limitations listed in Section 10-4-3 of this Title:
 1. Churches: forty five feet (45') for the main structure.
 2. All other permitted buildings: thirty five feet (35') or two and one-half (2 1/2) stories. (Ord. 78-31, 3-5-79)

E. Driveways: Driveways shall be permitted subject to the following:

1. They may be within the required yard area, so long as such driveway complies in all regards with the specifications set forth in the Driveway Standards.
2. No driveway shall be constructed closer than thirty-five feet (35') to any intersection of residential streets and fifty feet (50') to any intersection involving collector or major streets.
3. No more than one driveway per dwelling unit shall be allowed, except however if a property abuts an alley which is driveable the property may maintain driveway access from both the alley and the fronting street.
4. Circular driveways shall not be permitted except for lots of a width of one hundred fifty feet (150') which were improved with a circular driveway prior to June 1, 2022, and then in such instance one (1) circular drive per lot is allowance, provided that the total driveway width of both openings does not exceed thirty-six feet (36') and that any one (1) opening does not exceed twenty four feet (24').
5. Common drives as recorded on plat to be shared by adjacent lots are permitted in side

yards

6. For adjacent one (1) and two-family (2) residential structures, driveway pavement can extend to within six (6) feet of the side or rear property lines, and the landscape screening requirement is waived. Notwithstanding the foregoing, one(1) and two-family residential structures can only utilize the portion of the drive in the front yard, even though encroaching on the landscaped yard to partially meet the off-street parking requirements as provided in Section 10-8-6 of this Title. They shall be hard surfaced with bituminous concrete or concrete.

F. Accessory Uses or Buildings: Accessory uses and accessory buildings or structures shall be permitted subject to the following:

1. They shall be located within the required rear yard.
2. They shall maintain a side and rear setback of six feet (6') for all lots except corner lots. For corner lots the accessory building or structure shall maintain a setback of twenty feet (20') for any side which abuts a street and six feet (6') for all other sides.
3. They shall not be established within the territory of an existing Village of Morton easement or other utility easement
4. There shall not be a limit on the permitted number of accessory uses per lot, except that no two (2) uses shall be identical. For purposes of this limitation, a gazebo shall not be considered a building.
5. The height of any accessory building or structure shall not exceed thirteen feet (13') or the height of the primary structure, whichever is less. The area of any building or structure shall not exceed 1.6% of the lot area to a maximum of four hundred eighty (480) square feet
6. Any side(s) abutting a street shall be screened as follows: at the time of construction (or if weather requires, no later than six (6) months after construction) one row of evergreens shall be planted which shall be of a variety which, at maturity, shall grow together when planted ten feet (10') on center, and shall be at least five feet (5') in height when planted, and which rows shall be staggered or offset so as to maximize screening of the accessory structure. If the rear yard is completely enclosed by a privacy fence six feet (6') in height, then the landscape screening requirement shall be waived. Required landscape screening shall be maintained at all times.
7. The square footage of all uses permitted hereunder shall not exceed sixty percent (60%) of the actual rear yard
8. A garage may replace an existing garage and shall be allowed in areas in which a reduced landscaped yard is allowed subject to the following:
 - a. The garage shall not exceed twenty-four and one-half feet (24 1/2') in width or length
 - b. The new garage cannot be any closer to the rear or side lot line than the existing garage and in no event shall its wall be closer than two feet (2') or its eaves closer than one foot (1') from the side property line.
 - c. Notwithstanding the other provisions of this Chapter, a driveway for a garage which meets the requirements of this subparagraph may be located as close to the side property line as is allowed the garage

G. Minimum Square Footage for Single-Family Residences: Any building used as a single-family residence shall contain on the ground floor eight hundred (800) square feet of livable floor space.

H. Fences: Chain link fences not exceeding four feet (4') in height shall be permitted in the R-1

District in areas outside of the required yard area. Ornamental fences and enclosure fences not exceeding six feet (6') in height shall be permitted in the R-1 District in areas outside of the required yard area. It shall be unlawful for any person to erect, construct, maintain or permit a fence that is constructed of materials that are not specifically manufactured as fencing materials, such as rope, string, galvanized sheet metal, plywood, corrugated metal, or the like. It shall be unlawful for any person to erect, construct, maintain, or permit a fence that is constructed of materials that are intended for agricultural usage or for retaining livestock, such as barbed wire, chicken wire, hog wire, wire fabric, or other similar welded or woven wire fabrics. It shall further be unlawful for any person to construct a fence with slates of any material (including but not limited to metal, fiberglass or bamboo) threaded through a chain link fence. A direct path unobstructed from fencing shall be maintained between the street and the gas meter and water meter electronic reading device.

- I. **Parking Regulations:** It shall be lawful in this zoning district to park recreational vehicles, campers, boat trailers and/or trailers on a driveway. In addition, it shall be lawful to park a trailer which is not an enclosed trailer in the rear yard on an all-weather, durable and dustless surface, such as an asphalt, interlocking concrete paver, brick or cement pavement surface. No recreational vehicle, camper, boat or trailer shall be parked in such a manner so as to obstruct, in whole or in part, a sidewalk, alley or street. It shall be unlawful for any person, firm or corporation to park any semitrailer, pole trailer, tow truck, tractor, or truck tractor on any lot in this zoning district. It shall be unlawful to any person to reside, even temporarily, in any recreational vehicle, camper, or trailer in this zoning district. It shall be unlawful to park any recreational vehicle, camper, boat trailer, or trailer in any manner not expressly permitted by this section.
- J. **DETACHED GARAGE:** Every detached garage erected shall conform to the following:
1. A detached garage shall have a maximum area of 1,000 square foot.
 2. A detached garage shall have a maximum side wall height of twelve (12) feet.
 3. A detached garage shall have a maximum roof height of twenty-five (25) feet, or the roof height of the primary structure, whichever is less.
 4. A detached garage shall be set back from the sidewalk, or when no sidewalk is present, from the curb not less than twenty (20') feet.
 5. A detached garage shall have no more than:
 - a. One overhead door not taller than ten (10') feet and not wider than ten (10') feet; and
 - b. One double stall overhead door not taller than eight (8') feet and not wider than twenty (20) feet; OR two single stall overhead doors not taller than eight (8') feet and not wider than (10') feet.
 6. A detached garage shall not be constructed in the front yard or within the required minimum side yard unless an exception under 10-4-3(D)(7) applies.
 7. A detached garage shall not be constructed on a vacant lot or before the primary structure.
 8. No portion of a detached garage shall be used as a dwelling.
 9. A detached garage shall be built using materials similar in composition, quality, and design of the primary structure. Detached garages shall not be constructed using post-frame construction, and shall not have metal siding.

- K. Satellite Dishes: A satellite dish, which is defined as a device used for the reception of communications or other signals from orbiting satellites, is permitted subject to the following

conditions:

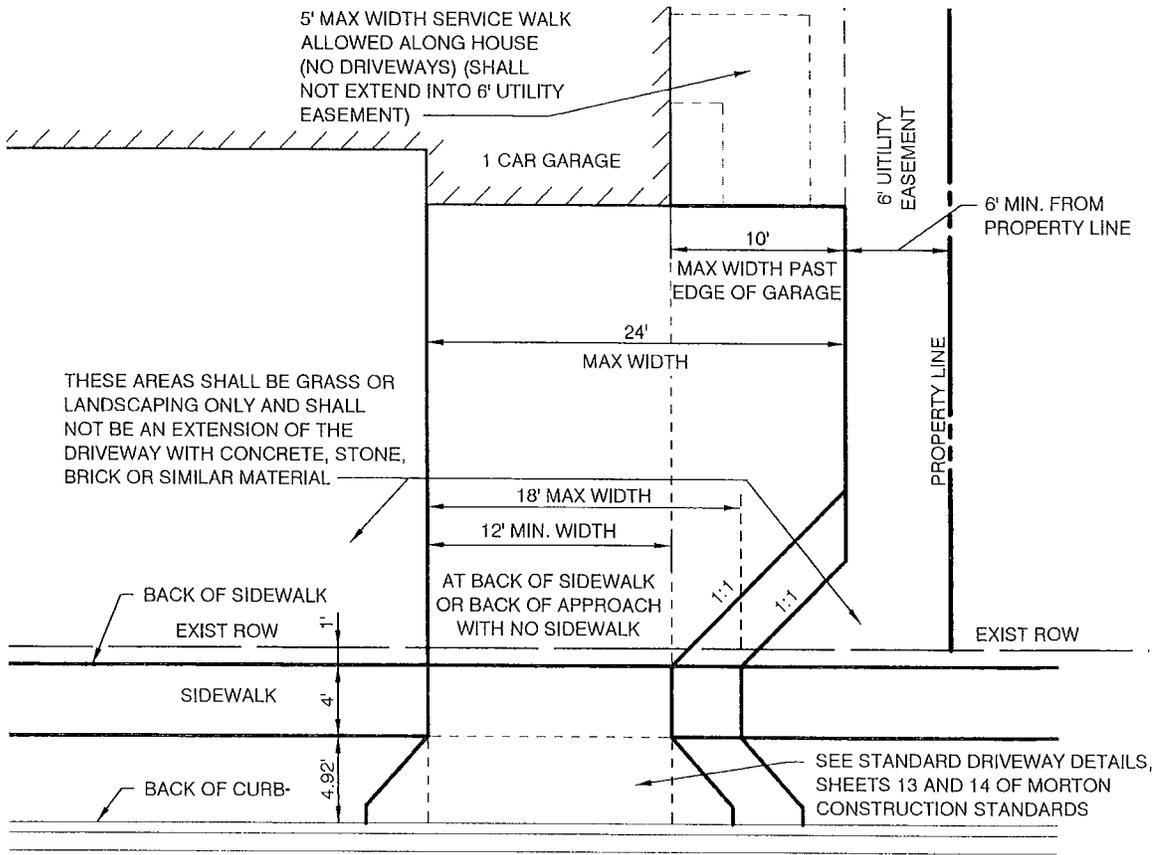
1. Dishes mounted on the ground level shall not exceed a height of twelve feet (12')
2. Dishes mounted on the rooftop or chimney of a structure shall not be greater than two feet (2') in diameter, and the highest point of the dish shall not exceed thirty five feet (35') measured from the top to the curb level
3. The dish shall not contain any lettering other than that placed on same identifying the manufacturer and shall not otherwise be used for the display of messages
4. Ground-mounted dishes shall be reasonably concealed from the view at ground level of adjacent properties on all sides, except to the side which the dish is directed to receive the signal. ON that side the view shall be obscured to the extent possible without interfering with the reception of the signal. Fencing or landscape screening shall be used for such purpose subject to the general requirements for same as provide don other sections of this Code. Any landscape screening that is used must be plated within six (6) months of the date of the installation of the dish and must be continuously maintained. Any landscape screening that is used must be non-deciduous and must be of a minimum height of four feet (4') when planted.
5. A ground-mounted dish shall be considered an accessory use.
6. A satellite dish may be used only if it is permanently affixed to the ground, rooftop, or chimney of a structure. Satellite antenna dishes may not be located or affixed to any moveable object, including but not limited to motor vehicles, trailers or other moveable objects. The use of a satellite antenna dish on a temporary basis is expressly prohibited.

L. Swimming pools: Swimming pools shall be permitted, subject to the following

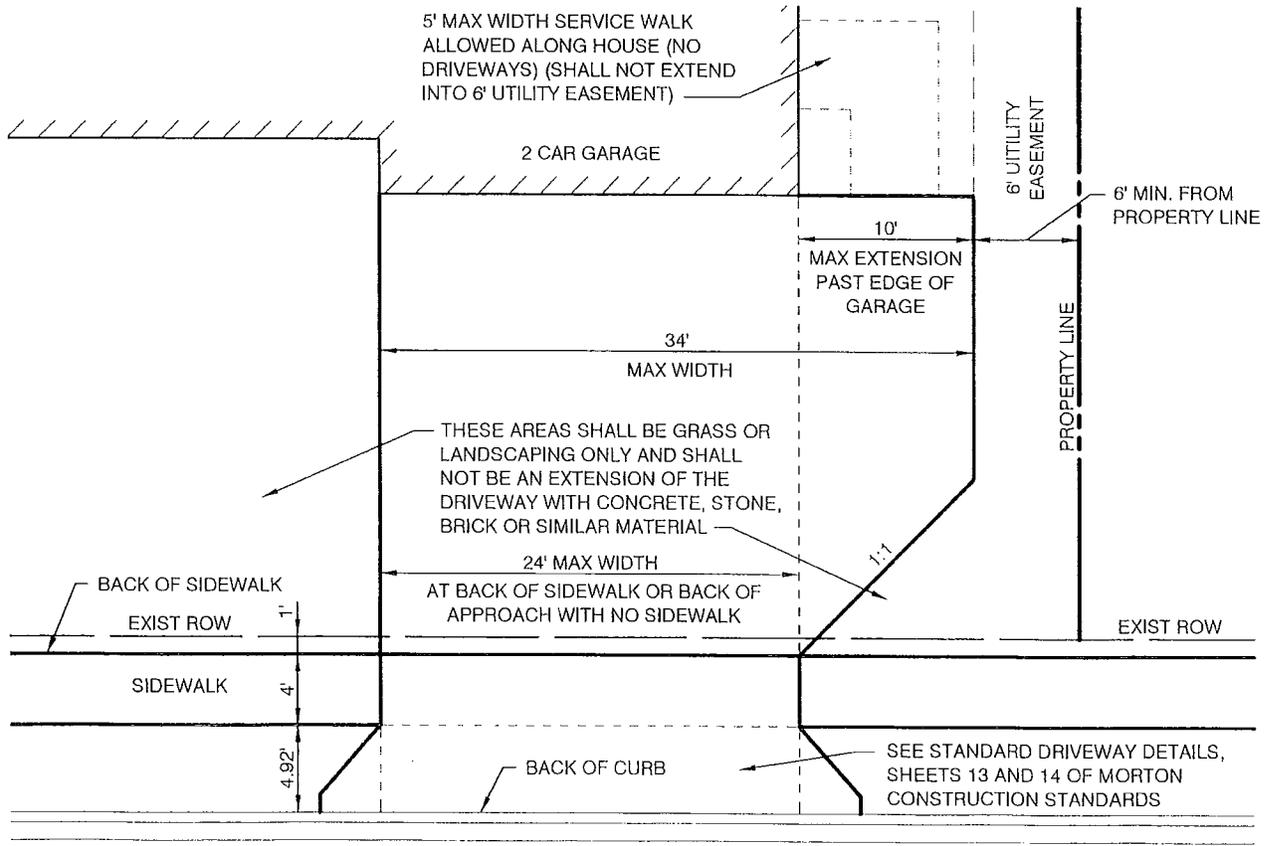
1. Each swimming pool shall conform to the requirements of an accessory use
2. Surrounding each swimming pool, whether the pool be inground or above ground, there shall be erected an enclosure fence which shall be at least five feet (5') in height. A wall of at least five feet (5') in height is sufficient for one (1) or more sides of the enclosure. A screened-in patio area completely enclosing a pool shall be considered an appropriate enclosure.

All existing swimming pools that have an enclosure fence of at least four feet (4') in height and/or walls of a least four feet (4') in height may remain in existence, and no modifications are needed to same. In such cases, such fences or walls may be repaired or maintained, but they shall not be replaced or moved from their present location.

3. The gates of the required fence shall be self-closing and have self-latching latches placed at least four feet (4') above the ground. The fence shall be so constructed as to not allow a five inch (5") diameter sphere to pass through the fence
4. No pool shall be filled with water of a depth of two feet (2') or more until the enclosure required by this Section has been provided.
5. Swimming pools and their required enclosures shall be maintained in a reasonable state of repair and condition. Water shall not be allowed to become stagnant



1 CAR GARAGE



2 CAR GARAGE

AGENDA
PLAN COMMISSION OF THE VILLAGE OF MORTON, ILLINOIS
7:00 P.M.
MONDAY, AUGUST 22, 2022
FREEDOM HALL, 349 W. BIRCHWOOD ST., MORTON, ILLINOIS

I. Call to Order / Roll Call

II. Approval of Minutes **Regular Meeting – May 23, 2022**

III. Public Hearing(s):

Petition No. 22-07 SP: Subject property is located at 800 W. Birchwood St. A petition has been filed requesting a special use at this property. The current zoning is I-2. The proposed change would be I-2 with a special use to permit a recreational facility.

AN ORDINANCE MAKING AMENDMENTS TO TITLE 10 OF THE MORTON MUNICIPAL CODE REGARDING EXCEPTIONS TO YARD REQUIREMENTS FOR PARTICULAR ZONING DISTRICTS

AN ORDINANCE MAKING AMENDMENTS TO SECTION 10-10-2 OF THE MORTON MUNICIPAL CODE REGARDING VARIANCES FOR ACCESSORY USES, BUILDINGS AND STRUCTURES

IV. Other Business: None

V. Brad Marks:

VI. Adjourn

**MORTON PLAN COMMISSION
MINUTES-AUGUST 22, 2022**

The Plan Commission met on Monday, August 22, 2022, at 7:00 P.M., Chairman Keach presiding. Present: Knepp, Ritterbusch, Keach, Zobrist, Aupperle, Yordy (Yordy arrived at 7:13 P.M. after Petition No. 22-07 SP was voted on). Absent: Geil, Deweese. Also, in attendance: Zoning Officer Brad Marks, Trustee Craig Hilliard, and Attorney Pat McGrath.

Aupperle made a motion to approve the minutes from the May 23, 2022, meeting. Knepp seconded the motion to approve. The May 23, 2022, minutes were unanimously approved by a voice vote.

Public Hearing(s):

Petition No. 22-07 SP: Subject property is located at 800 W. Birchwood St. A petition has been filed requesting a special use at this property. The current zoning is I-2. The proposed change would be I-2 with a special use to permit a recreational facility. The petitioner (Justin Bolkema) gave a summary of the proposed BRelentless Training and Sports Performance business that he is proposing (see transcripts). With no discussion, a motion to approve the special use as requested was made by Zobrist. A second motion to approve was made by Aupperle. This was followed by a vote to approve.

Yes-Keach, Knepp, Aupperle, Ritterbusch, Zobrist.
No-None

APPROVED

AN ORDINANCE MAKING AMENDMENTS TO TITLE 10 OF THE MORTON MUNICIPAL CODE REGARDING EXCEPTIONS TO YARD REQUIREMENTS FOR PARTICULAR ZONING DISTRICTS.

AN ORDINANCE MAKING AMENDMENTS TO SECTION 10-10-2 OF THE MORTON MUNICIPAL CODE REGARDING VARIANCES FOR ACCESSORY USES, BUILDINGS AND STRUCTURES. Attorney McGrath gave a detailed description of the proposed changes. The changes include the following: Codes that are specific to certain zoning districts have been removed from the general regulations and placed in the applicable zoning district. The addition of permitting accessory structures in the B-3 district. Changes to accessory building setbacks in residential districts. New driveway standards for one car garages. After discussion (see transcripts), a motion to approve was made by Zobrist. A second motion to approve was made by Ritterbusch. This was followed by a vote to approve.

Yes-Knepp, Ritterbusch, Aupperle, Zobrist, Yordy, Keach.
No-None

APPROVED

Other Business:

None

Brad Marks:

Nothing

With no further business, Knepp made a motion to adjourn. A second motion to adjourn was made by Zobrist. With a voice roll call, there was a unanimous approval to adjourn.

<p style="text-align: right;">Page 1</p> <p>1 PLAN COMMISSION OF THE VILLAGE OF MORTON, ILLINOIS</p> <p>2 DATE: August 22, 2022</p> <p>3 TIME: 7:00 p.m.</p> <p>4 PLACE: Freedom Hall 349 West Birchwood 5 Morton, Illinois 61550</p> <p>6 COMMISSION MEMBERS PRESENT:</p> <p>7 Mr. Jeff Keach Mr. Gerald Ritterousch 8 Ms. Kara Knepp Mr. Bill Aupperle 9 Mr. Phil Zobrist Mr. Michael Yordy 10 Mr. Pat McGrath Mr. Brad Marks 11 Mr. Craig Hilliard</p> <p>12 MR. KEACH: It's seven o'clock, guys. Let's 13 open this meeting of the Planning Commission of the 14 Village of Morton for Monday, August 22nd, 2022. Call 15 to order and roll call.</p> <p>16 MR. MARKS: Geil. 17 (No response.)</p> <p>18 MR. MARKS: Absent. Knepp.</p> <p>19 MS. KNEPP: Here.</p> <p>20 MR. MARKS: Ritterbusch.</p> <p>21 MR. RITTERBUSCH: Here.</p> <p>22 MR. MARKS: Keach.</p> <p>23 MR. KEACH: Here.</p>	<p style="text-align: right;">Page 3</p> <p>1 a few comments about public hearings.</p> <p>2 MR. McGRATH: Thank you. Public hearing is 3 being held tonight pursuant to published notice. Any 4 person wishing to make a comment to the planning 5 commission will be afforded an opportunity to do so 6 and will give their testimony under oath or 7 affirmation.</p> <p>8 Any person living within 250 feet of any 9 property at issue wishing to cross-examine a 10 testifying witness may be afforded the opportunity to 11 do so at the discretion of the chair.</p> <p>12 At the conclusion of the public hearing, the 13 Planning Commission will make its recommendation to 14 the Village Board. The Planning Commission makes 15 recommendations only. The Village Board is 16 responsible for taking final action on these matters.</p> <p>17 MR. KEACH: Okay. Thank you, sir. So the 18 first item on our public hearing agenda is 19 Petition No. 22-07SP. Subject property is located at 20 800 West Birchwood Street. Petition has been filed 21 requesting a special use at this property. The 22 current zoning as I-2. The proposed change would be 23 I-2 with a special use to permit a recreational</p>
<p style="text-align: right;">Page 2</p> <p>1 MR. MARKS: Zobrist.</p> <p>2 MR. ZOBRIST: Here.</p> <p>3 MR. MARKS: Aupperle.</p> <p>4 MR. AUPPERLE: Here.</p> <p>5 MR. MARKS: Yordy. 6 (No response.)</p> <p>7 MR. MARKS: Absent. DeWeese. 8 (No response.)</p> <p>9 MR. MARKS: Absent. Quorum.</p> <p>10 MR. KEACH: And we have a quorum.</p> <p>11 MR. MARKS: We have five.</p> <p>12 MR. KEACH: So now we need to review and/or 13 approve the minutes from the last meeting, which was 14 May 23rd, 2022. Do I have a motion to approve?</p> <p>15 MR. AUPPERLE: I'll make a motion approve 16 the minutes.</p> <p>17 MS. KNEPP: I'll second.</p> <p>18 MR. KEACH: And a second. All in favor say 19 aye.</p> <p>20 ALL IN UNISON: Aye.</p> <p>21 MR. KEACH: Now, we're at the public hearing 22 portion of the meeting. And before we do that, we're 23 just going to have our attorney, Mr. McGrath, give us</p>	<p style="text-align: right;">Page 4</p> <p>1 facility.</p> <p>2 Is there anyone from the petitioner who 3 would like a make a public comment this evening? So 4 stand and be sworn in here by this young lady. 5 (Witness sworn.)</p> <p>6 MR. KEACH: Please go to the microphone and 7 state your name and address.</p> <p>8 MR. BOLKEMA: Justin Bolkema. I live at 600 9 East Tyler Street in Morton, Illinois. I'm the owner 10 of BRelentless Training and Sports Performance. So, 11 yeah, we're hopefully looking to purchase this new 12 property. We've been super blessed here in Morton. 13 We've been renting, actually, from 14 Mathis-Kelley in town. We actually started in Impact 15 Fitness renting their garage for a while in a tight, 16 super tiny space. We outgrew that space pretty quick. 17 And then, yeah, we've been over by Mathis-Kelley 18 renting from them for about two years now. And, yeah, 19 we've just completely outgrown our space. 20 We're ended up creating another room with 21 even more square footage, but it's currently two 22 separate rooms, so we're really only able to get maybe 23 six to eight in each room safely. And because of</p>

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1 that, we've had to keep adding more and more and more
 2 time slots, and we're kind of out of time slots,
 3 especially in the wintertime.
 4 So I'm just looking to get some additional
 5 space, that way we can not only help more people, but
 6 we can, you know, more safely help those people. We
 7 can spread people out a little bit more. The
 8 increased square footage is going to help us out a lot
 9 in the wintertime, obviously, when we can't be
 10 outside.
 11 And it's going to kind of allow us to kind
 12 of maximize our revenue expenses as well just because
 13 right now we have to have one coach in each room. We
 14 can only have six people per room where we can now
 15 have bigger classes and more coaches present to give
 16 people not only a safer experience but to help more
 17 people as well.
 18 MR. KEACH: Okay. Any questions for the
 19 petitioner from the board? Hearing none. Thank you
 20 very much.
 21 MR. BOLKEMA: Cool.
 22 MR. KEACH: Is there anybody from the public
 23 who would like to speak to this petition?

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1 Hearing none, then we can discuss it now as
 2 a board, if anybody has any comments or questions, any
 3 discussions we need to have about this. If not, let's
 4 hear a motion.
 5 MR. ZOBRIST: I'll make a motion to
 6 approve.
 7 MR. AUPPERLE: Second.
 8 MR. KEACH: We have a first and a second.
 9 MR. MARKS: Keach.
 10 MR. KEACH: Yes.
 11 MR. MARKS: Knepp.
 12 MS. KNEPP: Yes.
 13 MR. MARKS: Aupperle.
 14 MR. AUPPERLE: Yes.
 15 MR. MARKS: Ritterbusch.
 16 MR. RITTERBUSCH: Yes.
 17 MR. MARKS: Zobrist.
 18 MR. ZOBRIST: Yes.
 19 MR. MARKS: Approved.
 20 MR. KEACH: Okay. Thank you very much.
 21 Okay. So the next item on our agenda is, actually,
 22 you take these two items and you put them together,
 23 and that's the item on our agenda, which is an

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1 amendment to our municipal code, paragraph 10-4-3, and
 2 then all the related amendments that are related to
 3 the amendments to that.
 4 So I'm going to let Patrick McGrath tell
 5 us a little bit about what this -- what this is about.
 6 MR. McGRATH: So the existing structure of
 7 your code has, in Section 10-4-3, a series of
 8 exceptions to the required yard space. And in
 9 coordinating with staff, it was both my preference
 10 and, I think, staff's approval of my preference that a
 11 lot of the material in 10-4-3 should be distributed
 12 into the individual zoning districts.
 13 What the changes that are before you would
 14 propose to you, which is just a code clean up, is
 15 taking anything related to the R-1 district out of
 16 10-4-3, if it's R-1 specific, and put it into R-1;
 17 anything R-S into R-S.
 18 So what you're left with in 10-4-3 is
 19 generally applicable exceptions that could apply
 20 across any zoning district, but any exception specific
 21 to a district or to several districts now would be
 22 written into the individual districts' regulations.
 23 What that would allow is, when somebody wants to

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1 figure out what their setback is for their new
 2 construction, they have to look one place in the code
 3 and not one place plus cross-reference somewhere else
 4 that would not be readily apparent to someone who is
 5 unfamiliar with our code.
 6 The substantive changes we're making are
 7 twofold in this ordinance. One, we're setting a
 8 20-foot minimum setback for accessory structures from
 9 the street on corner lots. So you're -- normally
 10 those accessory structures would have to be set back
 11 in the same way of the house is set back from the
 12 street, but you could have circumstances where there's
 13 not a 90-degree corner, so a road peels back, so a
 14 more pie-shaped lot; and, based on where your setbacks
 15 are, that could leave the accessory structure very
 16 close to the road.
 17 So we're proposing a minimum setback that it
 18 has to meet the minimum setback and has to be at least
 19 20 feet from the road. So if you have that odd
 20 scenario, we're covered.
 21 The second change is a change in our
 22 driveway standards; that was an ordinance that came
 23 before you a couple years ago and was thoughtfully

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1 considered with some diagrams included in the code.
 2 Sometimes when an ordinance kind of rubber meets the
 3 road, you find out where there's an issue. And what
 4 was observed in practice is that our standards for
 5 single-car garages likely wasn't reflective of what's
 6 prevalent within the village, so staff recommended a
 7 change which would allow slightly wider driveways for
 8 single-car garages.
 9 So three changes: One, making what we call
 10 a ministerial or non-substantive change to move things
 11 around in the code; change two, 20-foot minimum
 12 setback off the street for accessory structures; and
 13 three, we are -- I just lost my train of thought
 14 completely because it just occurred to me there's one
 15 other thing we're doing -- and we're replacing the
 16 driveway standards for one-car garages.
 17 One other clarification is accessory
 18 structures in B-3; those weren't addressed previously,
 19 and we included language permitting accessory
 20 structures in B-3 under the same standards as what is
 21 present in other areas where accessories are allowed.
 22 MR. KEACH: So there are no other changes.
 23 You're just shifting things around mostly, except for

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1 those things that you just mentioned.
 2 MR. McGRATH: Yep.
 3 MR. KEACH: Okay. And I have a question
 4 about the diagram. We were given a clarification. It
 5 says 18 feet max width is crossed out, but it actually
 6 shouldn't be.
 7 MR. McGRATH: Correct.
 8 MR. KEACH: And that yellow area says,
 9 "Shaded area shall be grass or landscaping only."
 10 MR. MARKS: So the 18 foot would be at that
 11 right-of-way behind that sidewalk. So where it comes
 12 down and meets basically the approach or sidewalk,
 13 that's the 18 foot. It used to be 20 -- or it used to
 14 be 14.
 15 MR. KEACH: Well, it's shown in the right
 16 place -- right? -- the dashed line.
 17 MR. MARKS: Yes.
 18 MR. KEACH: My question is, the area that's
 19 shaded yellow, there's a note to the left of the
 20 driveway that says that this shall be grass or
 21 landscape only, not concrete. Is that --
 22 MR. MARKS: So when you have -- if you're at
 23 the approach and it's 18 feet, you can go wider than

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1 that; you can go a maximum of 24 feet, but you have to
 2 go at a 1 to 1 or at a 45-degree angle. So the issue
 3 is, sometimes people would go that 1 to 1, and then
 4 they would just fill in that area with rock or brick
 5 or something and use it as a driveway.
 6 MR. McGRATH: To my eye, it just appears
 7 that the line, when that drawing was updated, that
 8 line should point slightly further past the yellow
 9 shaded area.
 10 MR. KEACH: Yeah. It's not clear right now.
 11 Do you have that drawing in front of you, Brad?
 12 MR. MARKS: So that actually should be -- it
 13 should be this area. Yep. So we can clean that up.
 14 We can extend down into that 45 area.
 15 MR. KEACH: All right.
 16 MR. MARKS: Really, so we need to extend
 17 that arrow and identify that spot.
 18 MR. KEACH: Okay. Very good.
 19 MR. MARKS: We can do that.
 20 MR. KEACH: All right. Any other questions
 21 from the board? Well, let me first ask -- well, any
 22 questions for the petitioner from of the board? And
 23 then I'll open it up for the public comment, if there

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1 is any.
 2 MR. AUPPERLE: Pat, just to clarify, the
 3 majority -- outside of the changes that you mentioned,
 4 anything that is highlighted green here has just been
 5 moved to the appropriate section.
 6 MR. McGRATH: Exactly.
 7 MR. AUPPERLE: Is that right?
 8 MR. McGRATH: Yes, sir.
 9 MR. KEACH: So I would have one comment
 10 about when we have parking and lighting, it's
 11 mentioned it can -- it must be three feet within the
 12 landscaped area and shed no light on the neighbors,
 13 and I think that's impossible. So it would be nice if
 14 we could have some kind of a foot candle, a
 15 quantifiable amount of light that's allowed. It could
 16 be, you know, less than a foot candle, obviously, but,
 17 otherwise, there's just no way to meet that otherwise.
 18 MR. McGRATH: And I think that language is
 19 existing language removing. I think we could
 20 certainly work on a supplement to this ordinance
 21 perhaps addressing just that individual issue.
 22 (Mr. Yordy arrived at 7:13 p.m.)
 23 MR. KEACH: Sure. Yeah. Any other

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1 questions for the petitioner? Is there anyone from
 2 the public who would like to address this ordinance
 3 change? Hearing none, I would either have further
 4 discussion or entertain a motion.
 5 MR. ZOBRIST: I'll make a motion to approve
 6 the changes to the code.
 7 MR. RITTERBUSCH: I'll second the motion.
 8 MR. KEACH: Okay. We have a first and a
 9 second. Any further discussion? If not, let's call
 10 the roll.
 11 MR. MARKS: Procedurally, how do I -- with
 12 Michael --
 13 MR. McGRATH: He would vote. We would just
 14 indicate he arrived at 7:13 in the minutes.
 15 MR. MARKS: Thank you. Knepp.
 16 MS. KNEPP: Yes.
 17 MR. MARKS: Ritterbusch.
 18 MR. RITTERBUSCH: Yes.
 19 MR. MARKS: Aupperle.
 20 MR. AUPPERLE: Yes.
 21 MR. MARKS: Zobrist.
 22 MR. ZOBRIST: Yes.
 23 MR. MARKS: Keach.

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1 CERTIFIED SHORTHAND REPORTER'S CERTIFICATE.
 2
 3 I, Leigh C. Stephens, CSR, RPR, a Certified
 4 Shorthand Reporter in and for the State of Illinois,
 5 and the Certified Shorthand Reporter who reported the
 6 proceedings had on said day in this cause, do hereby
 7 certify that the foregoing transcript of proceedings
 8 is a true and complete transcript of proceedings had
 9 on said day in this cause.
 10 IN TESTIMONY WHEREOF, I have hereunto set my
 11 hand this 29th day of August, A.D. 2021.
 12
 13
 14 *Leigh C. Stephens*
 15 CSR, RPR,
 16 (License #084-004885)
 17
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 19
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1 MR. KEACH: Yes.
 2 MR. MARKS: Yordy.
 3 MR. YORDY: Yes.
 4 MR. MARKS: Approved.
 5 MR. KEACH: It's approved. So that ends the
 6 public hearing portion of the meeting. Do we have any
 7 other business to talk about tonight?
 8 MR. MARKS: I don't have anything.
 9 MR. KEACH: None. Okay. In that case,
 10 I'll --
 11 MS. KNEPP: I'll make a motion.
 12 MR. KEACH: Do we have a motion to adjourn?
 13 MS. KNEPP: To adjourn.
 14 MR. ZOBRIST: Second.
 15 MR. KEACH: And a second. All in favor.
 16 ALL IN UNISON: Aye.
 17 (Meeting adjourned at 7:15 p.m.)
 18
 19
 20
 21
 22
 23