

AGENDA
REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, ILLINOIS
7:00 P.M.
MONDAY, DECEMBER 5, 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 – November 21, 2022
 - B. Approval of Bills
- VIII. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**
- IX. VILLAGE PRESIDENT**
- X. VILLAGE CLERK**
- XI. VILLAGE ADMINISTRATOR**
- XII. CHIEF OF POLICE**
 - A. A RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF TAZEWELL AND THE VILLAGE OF MORTON
- XIII. CORPORATION COUNSEL**
- XIV. DIRECTOR OF FIRE AND EMERGENCY SERVICES**
- XV. DIRECTOR OF PUBLIC WORKS**
- XVI. ZONING AND CODE ENFORCEMENT OFFICER**
 - A. AN ORDINANCE MAKING AMENDMENTS TO TITLE 10 OF THE MORTON MUNICIPAL CODE REGARDING ACCESSORY BUILDINGS, STRUCTURES AND USES
- 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., November 21, 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: Blunier, Hilliard, Leitch, Menold, Newman, Parrott – 6.

PUBLIC HEARING – None.

PRESENTATIONS – None.

PUBLIC COMMENT – Kyle McMurtry spoke regarding the liens that were placed on his family’s property located at 226 N. 2nd Street and his personal hardships that may have led to the creation of such liens.

Scott Morrow, Jr. spoke regarding the property located at 226 N. 2nd Street and provided evidence to prove that the property is being maintained.

CONSENT AGENDA

- A. Approval of Minutes.
 - 1. Regular Meeting – November 7, 2022
 - 2. Closed Session – November 7, 2022
- B. Approval of Bills

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

Yes: Blunier, Hilliard, Leitch, Menold, Newman, Parrott – 6.
No: None – 0.
Abstain: None – 0.
Absent: None – 0.

VILLAGE PRESIDENT – None.

VILLAGE CLERK – Clerk Evans announced the official dates for filing petitions relating to the 2023 Election. December 12th is the first day to submit petitions and December 19th is the deadline. Completed Economic Interest Statements shall be submitted to the Tazewell County Clerk prior to submitting the petitions to Clerk Evans. The receipt from submission of an Economic Interest Statement shall be included with the petition submitted to Clerk Evans. Blank petitions may be obtained from Village Hall.

VILLAGE ADMINISTRATOR – Administrator Smick introduced the auditors who then spoke and reviewed key elements of the Audited Financial Statements for the Fiscal Year Ending 04/30/2022. It was noted that there were no findings in the audit, but a few small recommendations were made regarding the inclusion of a certified document to accompany an employee’s file when pay increases are approved. Trustee Leitch requested and was given clarification on this recommendation.

Administrator Smick then presented an Ordinance for the levy and assessment of taxes for the fiscal year beginning May 1, 2022 and ending April 30, 2023. Trustee Hilliard moved to adopt the Ordinance and it was seconded by Trustee Parrott before approval by the following roll call vote:

- Yes: Blunier, Hilliard, Leitch, Menold, Newman, Parrott – 6.
- No: None – 0.
- Abstain: None – 0.
- Absent: None – 0.

Administrator Smick followed this by recommending a Building Improvement Grant for L&F Electric in the amount of \$5,890.00. Trustee Newman moved to approve the Grant and it was seconded by Trustee Leitch before approval by the following roll call vote:

- Yes: Blunier, Hilliard, Leitch, Menold, Newman, Parrott – 6.
- No: None – 0.
- Abstain: None – 0.
- Absent: None – 0.

Administrator Smick then presented Property & Casualty Insurance renewal for 12/1/22 – 12/1/23. Trustee Menold motioned for approval of the insurance renewal and it was seconded by Trustee Leitch. The insurance was approved by the following roll call vote:

- Yes: Blunier, Hilliard, Leitch, Menold, Newman, Parrott – 6.
- No: None – 0.
- Abstain: None – 0.
- Absent: None – 0.

Finally, Administrator Smick presented a Resolution approving Personnel Policy Manual. Trustee Newman moved to adopt the Resolution and it was seconded by Trustee Hilliard before adoption by the following roll call vote:

- Yes: Blunier, Hilliard, Leitch, Menold, Newman, Parrott – 6.
- No: None – 0.
- Abstain: None – 0.
- Absent: None – 0.

CHIEF OF POLICE – None.

CORPORATION COUNSEL – None.

DIRECTOR OF FIRE AND EMERGENCY SERVICES – None.

DIRECTOR OF PUBLIC WORKS – None.

ZONING AND CODE ENFORCEMENT OFFICER – None.

VILLAGE TRUSTEES

Trustee Blunier – None.

Trustee Hilliard – None.

Trustee Leitch – None.
Trustee Menold – None.
Trustee Newman – None.
Trustee Parrott – None.

CLOSED SESSION – None.

CONSIDERATION OF MATTERS ARISING FROM CLOSED SESSIONS – None.

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

ATTEST:

PRESIDENT

VILLAGE CLERK

RESOLUTION NO. 11-23

**RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT
BETWEEN THE COUNTY OF TAZEVELL AND THE VILLAGE OF MORTON**

WHEREAS, the Village of Morton and the County of Tazewell desire to enter into an Intergovernmental Agreement providing for Tazewell County to provide various animal and rabies control services to the Village through the Tazewell County Animal & Rabies Control; and

WHEREAS, there has been presented to the Village a proposed Intergovernmental Agreement to be entered into, which reflects the terms and conditions whereby Tazewell County would provide various animal and rabies control services to the Village of Morton.

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

1. That the recitations set forth in the preamble to this resolution are found to be true and correct, and the same are incorporated herein by reference.
2. That the Intergovernmental Agreement between the Village of Morton and Tazewell County (the "Agreement") in the form attached to this Resolution is approved.
3. That the Village President and Village Clerk are authorized and directed to execute the Agreement

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

Tazewell County

Animal Control

Libby Aeschleman
Tazewell County
Animal Control Director

21314 Illinois Route 9
P.O. Box 158
Tremont, IL 61568
Phone: 309-925-3370
Fax: 309-925-3633



November 15, 2022

Village of Morton

PO Box 28

Morton, IL 61550

Please find the enclosed Intergovernmental Agreement Contract for Animal and Rabies Control services for 2023. Contract rates have been raised a total of 2% since 2014. Due to rising operational costs, Tazewell County proposes a continuation of the contract at a 6% increase in relation to the 2022 rate.

Please feel free to contact me if you have any questions or concerns regarding the new contract rate. I would be pleased to discuss the agreement or anything related to Animal Control services.

I look forward to your correspondence.

Sincerely,

A handwritten signature in cursive script that reads "Libby Aeschleman".

Libby Aeschleman
Director, Animal Control
Tazewell County
Office: 309-925-3370
Desk: 309-929-0350

INTERGOVERNMENTAL AGREEMENT
FOR
ANIMAL & RABIES CONTROL SERVICES

THIS AGREEMENT, entered into this 1ST day of MAY, 2023, by and between the County of Tazewell, Illinois, a body politic and corporate (hereinafter referred to as "County") and the VILLAGE OF MORTON, a unit of local government of the State of Illinois (hereinafter referred to as "Municipality"), this Agreement being entered into pursuant to Article 7, Section 10 of the Constitution of the State of Illinois of 1970.

In consideration of the payment by Municipality to the County of the sum of \$14,096.65, County agrees to provide the following Animal and Rabies Control services through the Tazewell County Animal & Rabies Control Department, its administrator, director, deputies, and agents as follows.

1. The County shall respond to calls and attempt to pick up animals running at large within the corporate limits of the Municipality between the hours of 8:00 a.m. and 4:00 p.m. seven (7) days a week, including weekends, but not including regularly scheduled County Holidays.
2. The County shall, on an emergency basis only, attempt to pick up animals running at large between the hours of 4:00 p.m. and 8:00 a.m. the next morning seven (7) days a week including weekends. During these times, the County has no obligations under this contract unless an emergency exists.
3. On regularly scheduled County Holidays, the County shall, on an emergency basis only, attempt to pick up dogs running at large both day and night. On regularly scheduled County Holidays, the County has no obligations under this contract unless an emergency exists.
4. For the purposes of this Agreement, an emergency shall be considered to include but not be limited to the following situations: a.) a person in immediate danger of an animal; b.) sick or injured domestic animals running at large; c.) sick or injured wild animals; d.) aggressive animals running at large; e.) animal bite reports; f.) providing necessary assistance to police, fire or EMS agencies; g.) wildlife present in the living quarters of a home/apartment/business; however removal of such wildlife from attics, walls or closed interior areas of a building of any kind is not provided by Tazewell County Animal Control; h.) animals in extreme elements without proper shelter or access to water (e.g. a dog in frigid temperature with no access to shelter or an animal left in a hot car.)
5. Emergency calls shall be placed by the VILLAGE authorities or a citizen of the Municipality to either the Sheriff's Office (346-4141) or the Tazewell County Animal Control facility (925-3370). All calls placed by citizens, police, or governmental bodies will be answered as soon as possible during regularly scheduled working days between the hours of 8:00 a.m. and 4:00 p.m., Monday – Friday. Responses to emergency calls shall be made by the Tazewell County Animal Control Officer who is then on duty.

6. The County of Tazewell shall accept and make reasonable response to complaints of citizens concerning dogs running at large within the corporate limits of the Municipality.
7. The County may make regular and irregular patrols in the corporate limits of the Municipality one day a week at regular and irregular hours.
8. The County shall take custody and impound animals apprehended within the corporate limits of the Municipality at the Tazewell County Animal Control facility.
9. The County shall require proof of payment of Municipal reclamation fees to the Municipality by owners of animals sought to be redeemed before releasing said animal from custody.
10. The County shall provide humane treatment of animals removed from the corporate limits of the Municipality during the period of impounding.
11. For each animal impounded from within the municipality, the County shall provide a clear digital image of the animal to an agreed representative of the village, along with any relevant information about the animal, as soon as practicable. The Village shall provide notice to the County of a single agreed representative for notification purposes.
12. The County shall make reasonable efforts to locate the owner or owners of any impounded animal providing that said animal is wearing a collar or rabies tag capable of identifying ownership. Upon identifying the owner or any such animal, an attempt will be made for immediate notification to said owner. A letter shall be mailed to the last known address of the owner notifying him of the impoundment of his animal. Said notification will give notice to the owner that the animal shall be destroyed, adopted, or transferred after the passage of seven (7) days if not reclaimed in accordance with law by the owner. An affidavit or testimony of the Administrator, or his authorized agent, who mails such notice shall be prima facie evidence of the receipt of said notice by the owner of such animal.
13. It is mutually understood and agreed that any animal apprehended from within the corporate limits of the Municipality and impounded at the Tazewell County Animal & Rabies Control Shelter, with respect to whom the owner is unknown but which unknown owner has failed to claim the animal within four (4) working days, shall be humanely dispatched or placed for adoption at the discretion of the Director of the Tazewell County Animal Control Department pursuant to the provisions of the Animal Control Act of the State of Illinois.
14. It is further understood and agreed that the consideration payable by the Municipality to the County may at the option of the Municipality be paid in equal monthly installments.
15. This Agreement shall become effective on the 1ST day of MAY, 2023 and shall be in full force and effect for a period of 1 year.
16. This contract shall be governed by and interpreted in accordance with the laws of the State of Illinois. All relevant provisions of the laws of the State of Illinois applicable hereto and required to be reflected or set forth herein are incorporated by reference.
17. No waiver of any breach of this contract or any provision hereof shall constitute a waiver of any other or further breach of this contract or any provision thereof.

18. This contract is severable, and the invalidity, or unenforceability of any provision of this contract, or a part thereof, should not render the remainder of the contract invalid or unenforceable.
19. This contract may not be assigned by either party without the written consent of the other party.
20. This contract shall be binding upon the parties hereto and upon the successors in interest, assigns, representatives and heirs of such parties.
21. This contract shall not be amended unless in writing expressly stating that it constitutes an amendment to this contract, signed by the parties hereto.
22. The parties hereto agree that the foregoing constitutes all the agreement between the parties and in witness thereof the parties have affixed their respective signatures on the date above first note.

PASSED this _____ day of _____.

Tazewell County Board Chairman

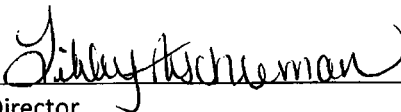
ATTEST:

Tazewell County Clerk

MUNICIPALITY:

Mayor or Village Board President

TAZEWELL COUNTY ANIMAL CONTROL:



Director

Annual Amount: \$14,096.65

Monthly Amount: \$1,174.72

VILLAGE OF MORTON
ORDINANCE 23-10

**AN ORDINANCE MAKING AMENDMENTS TO TITLE 10 OF THE MORTON
MUNICIPAL CODE REGARDING ACCESSORY BUILDINGS, STRUCTURES
AND USES**

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 “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.
- 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.
 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-structures~~ per lot, except that no two (2) uses shall be identical. For purposes of this limitation, a gazebo shall not be considered an accessory building.
 5. The height of any accessory building or structure shall not ~~and six feet (6') for all other sides~~ exceed thirteen feet (13') or the height of the primary structure, whichever is less.
 6. The following area limitations shall apply to individual accessory structures:
 - a. The area of any accessory building ~~or structure~~ shall not exceed 1.6% of the lot area to a maximum of four hundred eighty (480) square feet.
 - b. The area of any ground mount solar system shall not exceed 1.6% of the lot area to a maximum of four hundred eighty (480) square feet. The area of a ground mount solar system shall be calculated by determining the total lot area covered by solar panels when the solar panels are in the position which results in the greatest lot coverage.
 - c. There shall be no limit on the size of any other individual accessory structure, subject however to the limitation on the total lot coverage set forth in this section for all accessory structures.
 7. Any side(s) of an accessory building 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.
 8. The total area square footage of all accessory structures ~~uses~~ permitted hereunder shall not exceed sixty percent (60%) of the actual rear yard.
 9. 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

10. 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 2: AMENDMENT “10-5-3: R-1 One-Family And Planned Residential Development District” of the Morton Municipal Code is hereby *amended* as follows:

AMENDMENT

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.
7. 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~~structures per lot, except that no two (2) uses shall be identical. For purposes of this limitation, a gazebo shall not be considered an accessory 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. The following area limitations shall apply to individual accessory structures:
 - a. The area of any accessory building, except a detached garage, shall not exceed 1.6% of the lot area to a maximum of four hundred eighty (480) square feet.

- b. The total area of any ground mount solar system shall not exceed 1.6% of the lot area to a maximum of four hundred eighty (480) square feet. The area of a ground mount solar system shall be calculated by determining the total lot area covered by solar panels when the solar panels are in the position which results in the greatest lot coverage.
 - c. There shall be no limitation on the size of any other individual accessory structure, subject however to the limitation on the total lot coverage set forth in this section for all accessory structures.
7. Any side(s) of an accessory building 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.
8. The total area of all accessory structures square footage of all uses permitted hereunder shall not exceed sixty percent (60%) of the actual rear yard
9. 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

SECTION 3: 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~~ structures per lot, except that no two (2) uses shall be identical. For purposes of this limitation, a gazebo shall not be considered an accessory 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.
 6. The following area limitations shall apply to individual accessory structures
 - a. The area of any accessory building ~~or structure~~ shall not exceed 1.6% of the lot area to a maximum of four hundred eighty (480) square feet.
 - b. The area of any ground mount solar system shall not exceed 1.6% of the lot area to a maximum of four hundred eighty (480) square feet. The area of a ground mount solar system shall be calculated by determining the total lot area covered by solar panels when the solar panels are in the position which results in the greatest lot coverage.
 - c. There shall be non limit on the size of any other individual accessory structure, subject however to the limitation on the total lot coverage set forth in this section for all accessory structures.
 7. Any side(s) of an accessory building 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.

8. The total area of all accessory structures ~~square footage of all uses~~ permitted hereunder shall not exceed sixty percent (60%) of the actual rear yard.
9. 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
10. 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.

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 Parrott | _____ | _____ | _____ | _____ |
| Trustee Newman | _____ | _____ | _____ | _____ |

Presiding Officer

Attest

Jeffrey L. Kaufman, Village President,
Village of Morton

Zo M. Evans, Village Clerk, Village of
Morton

AGENDA
PLAN COMMISSION OF THE VILLAGE OF MORTON, ILLINOIS
7:00 P.M.
MONDAY, NOVEMBER 28, 2022
FREEDOM HALL, 349 W. BIRCHWOOD ST., MORTON, ILLINOIS

I. Call to Order / Roll Call

II. Approval of Minutes **Regular Meeting – August 22, 2022**

III. Public Hearing(s):

Petition No. 22-08 ZA: Subject property is located at 316 S. Main St. (PIN 06-06-20-226-014). A petition has been filed requesting a zoning change from B-2 to B-3.

AN ORDINANCE MAKING AMENDMENTS TO SECTION 10-4-3 OF THE MORTON MUNICIPAL CODE REGARDING LANDSCAPE YARD REQUIREMENTS

AN ORDINANCE MAKING AMENDMENTS TO TITLE 10 OF THE MORTON MUNICIPAL CODE REGARDING ACCESSORY BUILDINGS, STRUCTURES AND USES

IV. Other Business: None

V. Brad Marks:

VI. Adjourn

**MORTON PLAN COMMISSION
MINUTES-NOVEMBER 28, 2022**

The Plan Commission met on Monday, November 28, 2022, at 7:00 P.M., Chairman Keach presiding. Present: Geil, Knepp, Ritterbusch, Keach, Zobrist, Aupperle, DeWeese. Absent: Yordy. Also, in attendance: Zoning Officer Brad Marks, Trustee Craig Hilliard, and Attorney Pat McGrath.

Aupperle made a motion to approve the minutes from the August 22, 2022, meeting. Knepp seconded the motion to approve. The August 22, 2022, minutes were unanimously approved by a voice vote.

Public Hearing(s):

Petition No. 22-08 ZA: Subject property is located at 316 S. Main St. (PIN 06-06-20-226-014). A petition has been filed requesting a zoning change from B-2 to B-3. Ron Hasinger spoke on behalf of one of the petitioners (Amy Vance). Transcripts provided for more information. The following people spoke to the board: Amy Vance (petitioner), Ann Van Der Voorn (petitioner), Shad Beaty, Gina and Justin Jeffries, Amie Pearce, CJ Horsley, and Rick Hewitt. Once the public comment portion of the meeting was closed, the Plan Commission had discussion amongst themselves. After discussion, a motion to table the proposed zoning amendment was made by Ritterbusch. A second motion to table was made by DeWeese. This was followed by a vote to table the proposed zoning amendment.

Yes-Keach, Knepp, Aupperle, Ritterbusch, Geil, DeWeese, Zobrist.

No-None

Petition No. 22-08 ZA was approved to table.

AN ORDINANCE MAKING AMENDMENTS TO SECTION 10-4-3 OF THE MORTON MUNICIPAL CODE REGARDING LANDSCAPE YARD REQUIREMENTS. Zoning Officer Marks requested that this item be tabled. Citing that staff is still working on the proposed changes. A motion to table was made by Geil. A second motion to table was made by Keach. This was followed by a vote to table.

Yes-Knepp, Geil, Ritterbusch, Aupperle, Deweese, Zobrist, Keach.

No-None

Proposed ordinance was approved to table.

AN ORDINANCE MAKING AMENDMENTS TO TITLE 10 OF THE MORTON MUNICIPAL CODE REGARDING ACCESSORY BUILDINGS, STRUCTURES AND USES. Zoning Officer Marks stated that the ordinance revisions being proposed helps to clarify the past practices regarding allowable square footage for accessory structures. Attorney McGrath also provided clarification on the proposed revisions (transcripts provided). No one from the public spoke. There was no discussion amongst the board. A motion to approve was made by

Zobrist. A second motion to approve was made by Aupperle. This was followed by a vote to approve.

Yes-Knepp, Geil, Ritterbusch, Aupperle, Deweese, Zobrist, Keach.

No-None

Proposed ordinance was approved.

Other Business:

None

Brad Marks:

Nothing

With no further business, Ritterbusch 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.

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1 PLAN COMMISSION OF THE VILLAGE OF MORTON, ILLINOIS
 2 DATE: November 28, 2022
 3 TIME: 7:00 p.m.
 4 PLACE: Freedom Hall
 349 West Birchwood
 5 Morton, Illinois 61550
 6 COMMISSION MEMBERS PRESENT:
 7 Mr. Jeff Keach
 Mr. Gerald Ritterbusch
 8 Ms. Kara Knepp
 Mr. Bill Aupperle
 9 Mr. Phil Zobrist
 Mr. Chad DeWeese
 10 Mr. Nathan Geil
 Mr. Pat McGrath
 11 Mr. Brad Marks
 Mr. Craig Hilliard
 12
 13 MR. KEACH: I'll call this meeting to order
 14 of the Planning Commission of the Village of Morton,
 15 Illinois, for Monday, November 28th, 2022. Can I have
 16 a roll.
 17 MR. MARKS: Geil.
 18 MR. GEIL: Here.
 19 MR. MARKS: Knepp.
 20 MS. KNEPP: Here.
 21 MR. MARKS: Ritterbusch.
 22 MR. RITTERBUSCH: Here.
 23 MR. MARKS: Keach.

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1 MR. KEACH: Here.
 2 MR. MARKS: Zobrist.
 3 MR. ZOBRIST: Here.
 4 MR. MARKS: Aupperle.
 5 MR. AUPPERLE: Here.
 6 MR. MARKS: Yordy.
 7 (No response.)
 8 MR. MARKS: Absent. DeWeese.
 9 MR. DEWEESE: Here.
 10 MR. MARKS: We have a quorum.
 11 MR. KEACH: Do I have a motion to approve
 12 the minutes from the regular meeting from August 22nd,
 13 2022?
 14 MR. AUPPERLE: I'll make a motion.
 15 MS. KNEPP: I'll second.
 16 MR. KEACH: Motion and a second.
 17 MR. MARKS: All in favor say aye.
 18 ALL IN UNISON: Aye.
 19 MR. MARKS: Oppose the same. Approved.
 20 MR. KEACH: Tonight we have a couple public
 21 hearings. I think we're going to continue until the
 22 next meeting the one about landscaping. Is that
 23 right?

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1 MR. MARKS: Yes, the first one. Staff is
 2 still working on that ordinance.
 3 MR. KEACH: Okay. So we have two items
 4 tonight. Before we have the public hearings, though,
 5 we're going to have counsel, Pat McGrath, tell us
 6 about public hearings.
 7 MR. McGRATH: Thank you. Public hearings
 8 are being held tonight pursuant to published notice.
 9 Any person wishing to address the plan commission will
 10 be afforded an opportunity do so and will give their
 11 testimony under oath or affirmation. That means, the
 12 practical matter is, before you go up to the podium
 13 and speak, you need to be recognized by our chair, and
 14 you need to approach our court reporter to be sworn in
 15 under oath or affirmation.
 16 Your time to testify is from the podium, not
 17 from the stands. So, while you're seated, if you
 18 could refrain from comment until you're recognized by
 19 the Chair and provide comment at the podium. That
 20 allows us to keep a record. We have a court reporter
 21 who makes a record, and she can't get statements from
 22 people at the microphone and also people in the
 23 audience talking concurrently.

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1 At the conclusion of the public hearing, the
 2 Plan Commission will make its recommendation to the
 3 Village Board. The Plan Commission is responsible for
 4 making representations only. The Village Board takes
 5 final action on these matters.
 6 The Plan Commission has adopted rules of
 7 procedure for hearings of this nature. Among other
 8 things, those rules provide that if there are numerous
 9 individuals in the audience who would like to
 10 participate on an issue and if it's known that all
 11 represent the same opinion, it is advised that a
 12 spokesperson be selected to speak for that group.
 13 If that arrangement cannot be made, it may
 14 be necessary or in order for the chairman to restrict
 15 the amount of time that each individual is afforded to
 16 be heard during their turn to speak.
 17 Further, pursuant to those rules of
 18 procedure, testimony given should be germane to the
 19 request at hand. The request at hand today as to the
 20 primary hearing, which I believe people are here for,
 21 hearing 22-08 ZA, is whether the property at 316 South
 22 Main Street shall be rezoned from the B-2 to the B-3
 23 district. Testimony for this hearing which is not

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1 related to whether the property should be rezoned is
 2 irrelevant.

3 As set forth in the village code, relevant
 4 factors to rezoning include existing uses of other
 5 property within the general area of the subject
 6 property, evidenced recent trends and land use
 7 development for the general area, any conditions which
 8 render the property less desirable or inappropriate
 9 for the uses to which it is presently zoned, and
 10 whether the zoning amendment, if granted, serves the
 11 public interest and does not solely benefit the
 12 property or the applicant alone.

13 Finally, we do have a number of people here.
 14 We do have some additional chairs. If anybody needs a
 15 chair who does have a chair to sit down at this point,
 16 if you could let us know, either raise your hand now
 17 or if, as the matter progresses, you need a chair,
 18 raise your hand and we'll get you some. We do have
 19 some additional space and some additional chairs to
 20 accommodate. We probably don't have enough room for
 21 everybody to have a chair and still maintain
 22 appropriate walkways for emergency exit, but, if you
 23 do need a chair and you don't have one, wave at me or

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1 wave at Brad or the zoning administrator or Trustee
 2 Hilliard, and one of us can accommodate you and get
 3 you a chair. Thank you.

4 MR. KEACH: Thank you, Mr. McGrath. So the
 5 first item on the agenda this evening for the public
 6 hearing Petition No. 22-08 ZA. Subject property is
 7 located at 316 South Main Street. A petition has been
 8 filed requesting zoning change from B-2 to B-3.

9 Is there anybody here tonight who would like
 10 to speak on behalf of the petitioner? This is not
 11 public opinion. This is somebody who is officially
 12 speaking for the petitioner. Nobody? Stand and be
 13 sworn.

14 MR. HASINGER: Speaking on behalf of Amy
 15 Vance at Center Stage.
 16 (Witness sworn.)

17 MR. KEACH: Please state your name and
 18 address, and anybody who speaks tonight should do the
 19 same. Thank you.

20 MR. HASINGER: Sure. Ron Hasinger. I live
 21 at 1501 Brookcrest Avenue in Morton. I've lived in
 22 Morton since -- pretty much since 1999, raised three
 23 kids here, one of them is here in the audience today;

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1 it is Gabrielle with a lot of her friends. She's been
 2 dancing at Center Stage since she was eight years old.
 3 She's a junior at Morton right now.

4 I've been associated with the studio as a
 5 dance dad. I'm also an attorney. I'm not currently
 6 practicing, but I have practiced law in town. Amy
 7 asked me to speak on her behalf tonight, and I'm here
 8 primarily as a concerned dance dad.

9 I'm aware of the factors and what we're here
 10 for tonight. I want to set a little context as to how
 11 we're here. Amy Vance, seated in the front row here,
 12 has owned and operated Center Stage Academy of Dance
 13 for 20 years at 117 West Jefferson Street. The entire
 14 time she's operated it, it's been B-2.

15 Prior to Amy owning it, my understanding is
 16 that Carousel had that property and ran a school of
 17 dance for at least ten years. Combined, you've got 30
 18 years of a dance studio in a B-2 use with no issues
 19 and no problems, no trouble with the zoning board,
 20 nothing brought to their attention ever.

21 Relying on her B-2 status, somehow Amy
 22 survived COVID. There's a lot of businesses who
 23 didn't; Amy did. And not only did she survive, she

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1 ended up thriving after COVID, enough to open up
 2 another small studio over at 316 South Main, which is
 3 the subject property owned by Ann, who I recently met,
 4 Ann has owned that property for a while, and it
 5 also -- she had rented it to a studio. The name
 6 was -- remind me.

7 UNIDENTIFIED SPEAKER: Inspired Arts.
 8 MR. HASINGER: Inspired Arts, music, art,
 9 and a dance studio for three years. Approximate
 10 years -- and I know Ann is going to speak on her own
 11 behalf later -- 2012 to 2015. She can correct that if
 12 I'm wrong.

13 But that is to say, dance -- the history of
 14 dance studios in Morton has been largely B-2 and
 15 without any problem that I think anyone could bring to
 16 your attention tonight; yet, Amy relies on the B-2
 17 status, Ann relies on the B-2 status and the prior use
 18 as a dance studio to make a transaction.

19 It's a small studio. There's not a ton of
 20 kids there. Amy has 280 students, but this place
 21 has -- I saw it, it's not all that big. And reliance
 22 on this B-2 status, there they go. She has this
 23 additional space.

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1 So what happens next? I guess there's word
 2 from zoning that, oh, no, dance studios are B-3. It's
 3 like, well, wait a minute, dance studios have been B-2
 4 in the village forever, as far as we know, and no
 5 problems. So it's hard to understand even why we're
 6 here today.

7 You know, dance studios don't appear
 8 anywhere specifically in the code; B-1, B-2, B-3,
 9 anywhere else. I get that B-3 is kind of a catchall
 10 for what doesn't fall into B-2, but it's like, here,
 11 you've been a great business in Morton with no
 12 problems for three decades, Amy for two, and now we're
 13 going to pull a technicality on you, and you can't
 14 operate in B-2.

15 Just on its face, it's ridiculous. And I --
 16 I don't know that anyone means any harm. I listen to
 17 some of the trustees with safety concerns, other
 18 things, parking. Honestly, none of it made any sense,
 19 but I think at least some of the trustees did have
 20 honest concerns about that, and I appreciate that.
 21 And some of the trustees even support Amy, not enough
 22 to get a different thing in front of this board today,
 23 but we have the rezoning, which is the tougher of the

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1 two, frankly, to be in front of you, and you all know
 2 that.

3 The safety concerns, the parking concerns,
 4 all I would say was, somebody provide the evidence of
 5 anyone being hurt at Center Stage Academy of Dance at
 6 117 West Jefferson in 20 years. That's a pretty busy
 7 street. I'm sure there's been some accidents maybe,
 8 but no more than any other street.

9 All we have to do is -- I heard one trustee
 10 say, well, if you let it be B-2, then you could have
 11 dance studios in every parcel downtown except like
 12 nine or ten that are B-1. I said, yeah, that's --
 13 okay, technically that's true, but it's a ridiculous
 14 argument because you could have that many Dairy
 15 Queens. And how many of you have not been to Dairy
 16 Queen and seen there's no place in town where there's
 17 more kids around; no place.

18 So it's interesting that we're here tonight.
 19 I understand the footing we're on. We're going to
 20 give it a go on the rezoning. And I would say even
 21 under the four pieces of the rezoning, I think Center
 22 Stage and Ann win the day here. Let me talk a little
 23 bit about that, and I expect that maybe Ann and others

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1 may be able to provide some more facts bearing on
 2 these things.

3 So should 316 South Main be rezoned to B-3,
 4 yes. The four factors -- let's start with the first
 5 ones -- existing uses of property in the general area.
 6 I don't know, when I look at the map and see the uses,
 7 I think it could easily be a B-3 little piece of a
 8 district. I'm not sure I was looking at the most
 9 up-to-date zoning map, but it seemed like there was
 10 B-3 across the street, B-3 towards Birchwood.

11 And the uses -- just up the street, one is
 12 the pumpkin park. I don't know the actual name of the
 13 park. I call it the pumpkin park. I like the pumpkin
 14 park. Gabrielle goes there with her friends, used to
 15 go there, I don't know if she still does; she can
 16 drive now. The pumpkin park, I don't know what the
 17 zoning is. I don't know. But if it were public -- if
 18 it were private, I think it might fall under an
 19 outdoor recreation area -- under outdoor recreation
 20 facility under B-3 in the code.

21 I'm not saying it's zoned improperly; I'm
 22 just saying the use is kids. There's a lot of kids
 23 that go to that park. And some of the argument

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1 against this is safety of the kids that are going into
 2 the small dance studio. And, of course, right next to
 3 the pumpkin park and not far away, you have Dairy
 4 Queen. And I really -- there's not much else to say
 5 about safety in B-2.

6 If you think a dance studio is unsafe, you
 7 ought to shut down Dairy Queen, but I realize that ice
 8 cream shops are a permitted use in B-2. And, God, I'm
 9 not saying shut down Dairy Queen. I promise that.

10 Ice skating rinks, I love ice skating. My
 11 kids played hockey. I coached hockey. Put an ice
 12 skating rink there, that's great. I realize it's a
 13 short period of time. I'm not saying that's a zoning
 14 violation, but when you're looking at existing uses in
 15 the area and what a B-3 might look like, I think this
 16 could be a B-3, not much different than some of your
 17 other B-3s.

18 The second factor is evidenced recent trends
 19 in land use development. I don't know a ton about
 20 recent trends in Morton, but two of the ones I just
 21 mentioned are fairly recent. I would just say the
 22 pumpkin park, I can remember when it wasn't there. I
 23 think it's a good thing that it's there, but this is a

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1 place for kids to play right next to Main Street.
 2 Right? And they do, and they do it safely.
 3 And then the ice rink, which is a recent
 4 short-term use, but, yeah, it's an ice rink, and it's
 5 right next to -- it's right next to -- a third factor,
 6 conditions that render the property less desirable or
 7 inappropriate for uses zoned. Ann has spoken on this
 8 quite eloquently to the trustees a couple times that I
 9 saw on the video.
 10 And she would tell you that, yeah,
 11 conditions have changed; COVID has changed a lot; and
 12 she's trying to rent out a building down there in the
 13 300 block of South Main, and it's difficult. It's
 14 difficult because of COVID and people a little less
 15 willing to take that risk right now, and, on top of
 16 that, other things that have changed and continue to
 17 change.
 18 Retail is just difficult because of Amazon
 19 and all these other online retailers, and it keeps
 20 getting worse. And I'm sure Ann will probably testify
 21 today that it's hard for her to rent, and, in B-2, a
 22 lot of the uses there are B-2. So we think that third
 23 factor weighs in favor of rezoning as well.

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1 And the last one is frankly a homerun for
 2 this group. It's: Does the zoning amendments serve
 3 the public interest and not benefit the property
 4 applicant alone? Ann's the property owner; Amy is the
 5 current use in there that's at issue. This one's a
 6 big win for them. Ann and Amy -- Amy, in particular,
 7 if she's in business to get rich, she should have quit
 8 a long time ago. She would admit that to you.
 9 That's not what this business is about.
 10 I've been associated with them for a very long time.
 11 The kids, the families; hundreds of kids, she's got
 12 280 now. She's served thousands of kids over the
 13 years and their families, and they benefit, and a lot
 14 of them are here tonight. This place is packed, and
 15 that's good to see.
 16 Kids can go there. They can learn this
 17 skill of dancing, which is hard. It's physical
 18 fitness; it's teamwork; you learn leadership. You
 19 might -- you learn to be an instructor. Gabrielle and
 20 some of her friends, they're helpers, and Gabrielle
 21 has been able to even -- she's 16, and she taught a
 22 hip hop class for adults, thanks to being with Amy and
 23 her talented crew there of teachers. A long record of

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1 serving the community, Amy and her team. I'll talk a
 2 little bit more about that, and I think others will
 3 too, a couple other quick points.
 4 So the four factors, I believe, we believe,
 5 favor rezoning to B-3. Now, traffic, parking, safety,
 6 I've heard all of these things, and I -- I'll say it
 7 again, it's good that people care. I'm trying not to
 8 doubt motives. I was a police officer for seven years
 9 in a town twice the size of Peoria, Raleigh, North
 10 Carolina. I worked for Caterpillar in the HR labor
 11 relations. I'm the CHRO of the Children's Home. I
 12 was with the Vonachen Group. My current job I'm in
 13 charge of safety. My last job I was in charge of
 14 safety. Everybody at Caterpillar knows safety.
 15 I don't know what they're talking about,
 16 honestly. I think people are surmising safety issues
 17 that all you have to do -- you don't have to surmise.
 18 All you have to do is look at the record. Tell us how
 19 many kids got hurt at Amy's studio outside in 20
 20 years; that's all you have to look at. West Jefferson
 21 Street is not much different than that 300 block of
 22 Main.
 23 There's parking, ample. I think Ann said

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1 she has 28 parking spots.
 2 UNIDENTIFIED SPEAKER: 22.
 3 MR. HASINGER: I'm sorry?
 4 UNIDENTIFIED SPEAKER: 22.
 5 MR. HASINGER: Some are in front, and she's
 6 got an entrance from Main Street. People can go out
 7 to First Street. And I would say in the room here, do
 8 you think this many people would be here in support --
 9 I'm fairly certain they're supporters, and they're not
 10 going to get up and testify against -- would they be
 11 here if they thought this place was unsafe for their
 12 kids? You don't have to be their parents. Their
 13 parents are here, and they take care of them. This
 14 isn't any different than any place in B-2 or B-3.
 15 Traffic, parking, safety, these are not
 16 reasons to not do this. Community, we say we're
 17 business friendly. I know -- if I can find it -- a
 18 junior in high school sent me this text. It's just
 19 crazy to me. If you look at the city council website,
 20 they claim all these great things about being a
 21 welcoming location and environment for small
 22 businesses while they're trying to lock out one of the
 23 most successful ones downtown after having a very

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1 significant impact on thousands of kids and families
 2 in Morton for the past 20 years. All of a sudden, its
 3 location is an issue.

4 Of course, that's Gabrielle. I didn't feed
 5 that to her. She did that on her own. And the point
 6 is just this, yeah, she's a junior. I think she's a
 7 genius, but it doesn't take a genius to see what's
 8 happening. And I think we lose track of what the
 9 zoning code's purpose is. And it's stated in the code
 10 at 10-1-2, promote the public health, safety, comfort,
 11 morals, and welfare. It's the whole purpose of Title
 12 10 of your own code.

13 I think sometimes we accidentally get away
 14 from that. We don't think about what we're here for.
 15 All you have is a thriving business that's done very
 16 well in B-2, and, you know what, it's going to do just
 17 fine in B-3 if you find that those four factors lead
 18 to it being rezoned. I think it would be appropriate,
 19 and it would definitely solve the issue of this
 20 injustice that could happen here.

21 So, in summary, I will just mention about
 22 the community a little bit more here. Amy and her
 23 staff, family and kids, and I've been -- I go to dance

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1 competitions, and they let me in, and I'll even come
 2 in and watch them practice occasionally. I've gotten
 3 to know Amy and some of her team over the years.
 4 They're not here for themselves. They're here for the
 5 kids, and the kids benefit greatly.

6 Every year at recital, I'm going to say
 7 there's not a dry eye in the house. I know mine
 8 aren't when there are a group of seniors every year.
 9 We hear about all their time they spent at Center
 10 Stage and what they're going to go on to do, and some
 11 of them make the best friends they'll ever have at
 12 that place. I think Gabrielle has. It's a big deal.

13 So what we're asking is that you do the
 14 right thing, do what the spirit of and the purpose of
 15 the zoning code is, and this is a 30-year ongoing use
 16 with no problems. Just let them stay in this little
 17 piece of Main Street, and that's all I have.

18 MR. KEACH: This is time for our board, if
 19 we have any questions for the petitioner, at this
 20 point.

21 MR. ZOBRIST: I don't have a question, but I
 22 think it's beneficial for everybody that's here to
 23 know that the emotional appeals, the logic, and

Page 19

1 whatever behind this is all great. I don't think
 2 there's any of us up here -- I won't speak for the
 3 rest of them -- that would say that there's something
 4 illogical, but our job as a zoning board, planning
 5 commission really is what we are, is only for land
 6 use.

7 So we have to keep out all the other things
 8 because that would be something the village board can
 9 do. We don't have that power. And land use is all
 10 we'll look at. So the question is, should it be B-3,
 11 and you've addressed the reasons for that, and we can
 12 respond later, but I just want to make it clear that
 13 that's all we can do is judge it on land use.

14 MR. HASINGER: If I could respond. Part of
 15 land use is providing predictability for business.
 16 And I don't know what Amy or Ann should have done
 17 differently. They both operated B-2.

18 MR. ZOBRIST: But in our --

19 MR. HASINGER: And the zoning never brought
 20 anything up to them, and, all of a sudden, somebody
 21 comes out of the woodwork with, oh, you guys are B-3.
 22 Even though we allowed these uses, and including Ann's
 23 from, what, 2012 to '15, there was a dance studio

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1 there. So I understand what you're saying, sir. I
 2 get it, and that's why I made the arguments for the
 3 B-3.

4 MR. ZOBRIST: And that's all. I'm just
 5 trying to clarify. That's the only thing we can
 6 decide on is proper land use. And I think the other
 7 thing to hear about that from our standpoint is, even
 8 if we said this a perfect use for B-3 for this
 9 business, our problem is, when this business closes
 10 and it's a B-3 and it's out for rent, then anything in
 11 this B-3 book can go in there. And I'll guarantee
 12 you, from my standpoint, there's things I would not
 13 want to see in that location that are allowed in our
 14 business code here for B-3.

15 So that's the other component we have is, it
 16 stays with the land, whoever owns it. It doesn't
 17 leave when this tenant leaves, so that's the other
 18 issue that we have to deal with.

19 MR. KEACH: Any other questions for the
 20 petitioner? In that case, the petitioner may be
 21 seated, and we will open this up for any public
 22 comment. We -- if everybody in this room spoke
 23 tonight, there would probably be an issue with that,

Page 21

1 so I would just like to see with a raise of hands
 2 anybody who wants to speak tonight.
 3 I see one, two, three, four, five -- okay.
 4 All right. So I think it would be fine if -- it might
 5 be good to limit your comments to five minutes or so,
 6 especially if you're making a new point from what the
 7 petitioner said. And I see someone in the front row
 8 right here who raised their hand. Go ahead and get
 9 sworn in with the clerk there.
 10 (Witness sworn.)
 11 MR. KEACH: Please state your name and your
 12 address.
 13 MS. VANCE: My name is Amy Vance, and I live
 14 at 22 Warwick Circle, and I'm also the owner of Center
 15 Stage Academy of Dance. I'm not really going to say a
 16 lot because Ron -- Ron said a lot of things, and I
 17 don't want to get emotional, but I do want to address
 18 that unfortunately I don't feel like this should be an
 19 issue that should have been even brought to this
 20 committee.
 21 I asked if I could get a special use permit,
 22 and I kept getting told that that was not an option.
 23 Okay. I don't understand why that's not an option.

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1 And I understand that this committee can't explain
 2 that, but, unfortunately, here we are. And if there
 3 was just some more communication and people could be
 4 more transparent about this whole situation. We don't
 5 even really know why you don't want us there.
 6 I mean, I understand that it's zoning and I
 7 respect that, but, for me, to be in a B-2 for 20 years
 8 and open a second location in another B-2, I don't
 9 feel like I did anything wrong. The building right
 10 next to Ann's, I don't know what the address is, but
 11 it's Vicki's building. Correct? Vicki Taufer's
 12 building is a B-3, and it's right next door.
 13 And, Mr. Zobrist, I understand that you say
 14 when I leave that, you know, anything can go in there.
 15 I understand that, but why can't I be allowed a
 16 special permit, or could I at least be allowed to stay
 17 until my season is over? If that's all you can give
 18 me, then I would take that graciously, and I will go,
 19 if you would give me until the middle of June.
 20 I do feel like the building lends itself to
 21 be a dance studio. It's has in the past. Again, I
 22 understand that you cannot make me a use of B-2. I
 23 understand that, that's the board. I just don't

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1 understand why we're meeting so much fight for a
 2 business that's been around for this long. It makes
 3 no sense.
 4 And I won't go into the emotional part
 5 because I just won't, but I just -- I don't understand
 6 it, and I wish that there could be more communication
 7 and I would have gotten more communication from the
 8 board. I understand that it's Ann's building. I
 9 understand that this is her fight, but, ultimately,
 10 it's my business.
 11 And Ron did say, yes, I made it through
 12 COVID. It was very hard because Illinois gave no help
 13 to me. I got no help. I made it through. And to be
 14 able to open a second location is quite amazing, to be
 15 honest, and I just don't understand why I'm meeting
 16 such a fight.
 17 So I don't know what you can do. I don't
 18 know what this board can do. I don't know if you can
 19 give me the time to finish out my year. I mean, we
 20 shake our head no at everything I say. I've spoken up
 21 twice at these types of meetings, and I get met with
 22 head shaking all the time.
 23 I understand that a dance studio does not

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1 concern most of you that are sitting up there. I
 2 understand that most of you don't care, but these
 3 people care. Your community cares. I'm just asking
 4 for some -- for some kind of help from this board, at
 5 least something, just something.
 6 I'm not getting anywhere with anyone else,
 7 so I don't know what else to say. I'm going to get
 8 emotional, so I won't say anything else, so I'll wait.
 9 Does anyone have any questions?
 10 MR. KEACH: Thank you for your comments. We
 11 will respond -- try to respond to people's comments in
 12 our discussion time as a board.
 13 MS. VANCE: Okay. Thank you.
 14 MR. KEACH: So we're not going to respond to
 15 people individually.
 16 (Witness sworn.)
 17 MR. BEATY: Good evening. My name is Shad
 18 Beaty. I live at 358 Mossy Trail here in Morton. I
 19 appreciate the planning committee letting us speak
 20 tonight. I've served on a board. I know it's a very
 21 thankless position that you all sit in. Most of you
 22 are unpaid. It takes up a lot of your time, time
 23 you'd like to spend with your family, etc., but I also

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1 understand these are important issues that we're
 2 dealing with, so I appreciate you doing the job you
 3 do.
 4 Most of my comments will be directed at what
 5 is the benefit to the community. There will be a
 6 little bit of an emotional component to it, but I
 7 think that lends itself to the benefit of the
 8 community. Center Stage has been a home for my
 9 daughters for 17 years. I've had four daughters who
 10 have danced there. Center Stage has taught my
 11 daughters about dance, has taught them about being a
 12 member of the community, has taught them discipline,
 13 respect, many things I think we all would hope that
 14 all of our children would learn. It's basically been
 15 a second family for my four daughters.
 16 As a business, Center Stage has 12 teachers
 17 employed, 280 students, as you heard Mr. Hasinger
 18 speak to. And it is not only Morton individuals we're
 19 talking about; Amy has students come from 11 different
 20 communities to Morton. And for any dance dad, dance
 21 parents, you understand, when you drop your daughters
 22 or your sons off there, they may be there for an hour,
 23 they may be there for four or five, depending on how

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1 many classes they're taking on a given night.
 2 What do we do as a family? We go to
 3 Seasons; we go to Dac's; we go to Dairy Queen. We
 4 support other businesses while our children are at
 5 Amy's business. My daughters, between classes, go to
 6 Eli's; they go to Dairy Queen. I know because they
 7 ask me for cash every night when they get out of
 8 dance. So this is a benefit to our community.
 9 Amy has maintained a thriving business in
 10 our community throughout COVID. This a contracting
 11 state that we all live in, I think we understand, and
 12 so, as a community member, as an end user of Amy's
 13 business, I think we would all say that we want to
 14 facilitate growth, not only new business but existing
 15 business, and Amy has shown that she can do that with
 16 Center Stage.
 17 Morton has fairly strict ordinances and
 18 regulations, and, I'll tell you, I'm in favor of that.
 19 My family and I lived in Texas last year, lived in a
 20 new subdivision, new homes, didn't have curbs, didn't
 21 have sidewalks, had streets that two vehicles couldn't
 22 pass on. That was a safety risk. That's the complete
 23 lack of ordinances and regulations, but I also don't

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1 want perfect to be the enemy of good.
 2 This use has proven that it can be done
 3 safely in the areas that we're talking about. Safety,
 4 already been discussed, we'll touch on it again.
 5 We've got the pumpkin park there; we've got Dairy
 6 Queen there; I'm told we have e-gaming coming to Main
 7 Street, and, again, I'm in support of every one of
 8 those. It is an area that is maintained safely. I
 9 don't know if safety is the main concern or not.
 10 What I have come to understand, in talking
 11 with some of the trustees and some of the other
 12 members involved, that the options were a special use
 13 permit, as Amy alluded to, which, to me, seems to be
 14 the easiest path because it doesn't change your zoning
 15 of the building and then cause future potential
 16 problems down the road.
 17 The second option would have been to add
 18 dance studios to B-2. Again, that's not what's before
 19 us tonight, I understand that, but what's before us
 20 tonight is, Does this property get changed from B-2 to
 21 B-3? That's a decision that you all have the ability
 22 to decide, and I don't know that there's an easy
 23 answer there.

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1 I think you've heard and will hear more
 2 about the benefit of the community is keeping a
 3 thriving business that is growing in a time of the
 4 contracting state. The benefit to the community is
 5 keeping that here. It is benefiting 280 of our youth
 6 every year. It's employing 12-plus members of our
 7 community every year. This is something that does
 8 benefit our community, and I would hate to see a
 9 situation where that would go away. I appreciate your
 10 time.
 11 MR. KEACH: Anybody else?
 12 (Witness sworn.)
 13 MS. JEFFRIES: Hello. I'm Gina Jeffries.
 14 Justin Jeffries is my husband. Do you need my
 15 address?
 16 MR. KEACH: Yes.
 17 MS. JEFFRIES: Okay. 243 North Pennsylvania
 18 Avenue in Morton. His is as well. I'm a small
 19 businessowner off of Main Street. I have Gina
 20 Jeffries State Farm. And I'm kind of addressing on
 21 behalf of Ann, and she came to me with her safety
 22 concerns that you all had came up with as far as
 23 reasons for not allowing the dance studio to be in

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1 that location.

2 And I kind of have a different perspective

3 of that because I am right there in that parking lot

4 where the original studio has a lot of kids coming in

5 and out before practice, after practice. So I see

6 that this would actually be very beneficial as far as

7 offloading some of that traffic, some of the kids

8 going across the street there, allowing more parking.

9 There's some times when I can't actually

10 park if I go out to visit a client or something

11 because the spots are filled up or people are parking

12 in the middle. This is not a bad thing. It's great.

13 But that's definitely showing to me that something is

14 thriving and working, and it should be allowed to grow

15 and have another location where there is ample parking

16 probably with less crossing of the streets, less

17 traffic on the streets.

18 Those drives in and out of that parking lot

19 there by Seasons behind my building off Main Street,

20 they're almost a blind spot. It's really hard to see

21 if there's cars parked on the side of the road. You

22 can't see left or right. You hope no one is crossing

23 on the sidewalk. That's actually kind of dangerous.

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1 And I'm very slow, but, every time, there's going to

2 be someone crossing or a car coming.

3 So my perspective is also, as a small

4 businessowner too, as far as wanting to see the growth

5 in the community, wanting to see our Main Street

6 continue to grow, not having empty spaces for rent. I

7 had to survive through COVID too. I opened in 2019,

8 also did not get any help from the State of Illinois.

9 It's a tough, tough thing to be retail or to have a

10 small business here, and for her to be able to grow

11 and thrive and have an opportunity in a perfect

12 location is something that we should welcome with open

13 arms.

14 So if the biggest concern is safety, that's

15 kind of my perspective as well as the safety of having

16 buildings with tenants in them. I have been next door

17 to two vacant buildings for well over a year now. You

18 know, I know that isn't really your area necessarily,

19 but, you know, it makes our town not look so appealing

20 when there's rundown empty buildings all through Main

21 Street.

22 So, you know, my ask is to take the safety

23 into, you know, accommodation as far as knowing that

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1 offloading is going to actually help, from my

2 perspective, because I see it almost every night, and

3 I don't think that you could, you know, ask for a

4 better tenant; you couldn't ask for a better landlord.

5 Again, the space, to me, seems like it was

6 made for that. And, upon lots of things that I've

7 learned this evening about it already, having had a

8 dance studio, that Amy's place is already a B-2, to

9 me, that lends itself to honestly be a no-brainer.

10 MR. JEFFRIES: She said what I was pretty

11 much going to say, so I couldn't have said it any

12 better. That's all I can say, just about the safety

13 and how we see there's a parking problem over there

14 already. And with the overflow of that -- of the

15 dance studio would make it worse.

16 So, you know, that's pretty much what I

17 wanted to make sure everybody realized. And she

18 talked about the blind spots. There's plenty of blind

19 spots there where there's people pulling in and out or

20 kids coming back and forth through there. It would be

21 a major safety concern. So she couldn't have said it

22 any better.

23 MR. KEACH: Thank you. Is there anyone

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1 else?

2 (Witness sworn.)

3 MR. HUETT: My name is Rick Huett. I live

4 at 200 Wagner Street in Washington. I'm here for the

5 dance studio and also just to provide some value that

6 I see in having a long-term business in a specific

7 spot.

8 My background is commercial lending,

9 commercial underwriting, and, through my job and my

10 experience, I see a constant void in investor-owned

11 properties. And I think where this benefits, not only

12 the dance studio, but the owner of the building is

13 having thriving businesses that could pay their rent,

14 that can also maintain the occupancy long term, and,

15 over time, if more businesses stay put in certain

16 buildings, that raises the value for everything.

17 The cost goes up, the tax base goes up, but

18 you also have other by products, which are, if you

19 have known entities downtown, it lessens the need for

20 police protection. It lessens the need for other

21 concerns because you have steady reliable folks doing

22 business downtown, which -- excuse me -- also having

23 people like us that come from Washington, we also

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1 contribute to the tax base.
 2 As the gentleman said before, hey, can I get
 3 \$10 for Eli's or can we do this, or my wife who drives
 4 over primarily and she'll go to the area of businesses
 5 while she spends an hour and a half to two hours in
 6 Morton shopping. So there's other benefits to having
 7 steady reliable businesses in that area.
 8 Now, the thing that I would focus on is the
 9 reliability, the tax base, the values of the buildings
 10 going up because everybody benefits in the community.
 11 If the values do go up, there's more taxes being paid,
 12 and, in theory, all those taxes being paid benefit all
 13 the citizens, not just someone B-2, B-3, what have
 14 you. Thank you for your time.
 15 MR. KEACH: Is there anyone else?
 16 (Witness sworn.)
 17 MS. PIERCE: Hi. My name is Amy Pierce. I
 18 live at 1301 East Queenwood in Morton. I have grown
 19 up in Morton. I danced at Carousel of Dance when it
 20 was on Jefferson. I grew up dancing there. The
 21 traffic was the same. There were hardly any parking
 22 spots. You parked across the street. You ran across
 23 the street. You did whatever. Center Stage is the

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1 same right now. Their safety is the same as it was.
 2 As a dance teacher working for Center Stage,
 3 right now I primarily work at the dance studio on Main
 4 Street with the little kids. Going over there this
 5 year, working with the little kids, I can say is
 6 tremendously better because the parents come straight
 7 to the door; they bring their kids up to the door; and
 8 they pick their kids up at the door. They park --
 9 there's plenty of parking for them as opposed to the
 10 Jefferson one where kids just kind of scatter and it's
 11 kind of scary.
 12 I have always been one to say you don't go
 13 anywhere until you see your parents. I'm always
 14 careful about that, but it's a lot harder to watch
 15 them go out of the Jefferson one. The Main Street one
 16 has been amazing. The parents have said nothing but
 17 good things and said we really enjoy this Main Street
 18 studio because it's easier to get into and get out of
 19 with our children.
 20 It's just one room. It's been great to come
 21 in and out of. I can't say anything good -- anything
 22 bad about it. And, like I said, I've been at the
 23 Jefferson Street studio all of my life pretty much.

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1 I've danced there forever. It's a great studio, and
 2 Amy has expanded it, huge. There were only two rooms
 3 when I danced there. There's now four rooms over
 4 there, and she's now expanded it to five. That's
 5 huge.
 6 And when I took there, we had Dairy Queen to
 7 go to. There are so many other businesses now that
 8 everybody can walk to like Eli's and other things.
 9 And I think that says a lot for Amy and for her
 10 growing business. And, like I said, the Main Street
 11 one is -- it's just so much easier with the littler
 12 kids to get -- for those parents to come in and pick
 13 them up and get them out of there.
 14 Even for me as a instructor to feel safe and
 15 know that those kids have been picked up directly from
 16 a parent and not just sit -- you know, sitting
 17 outside, so that's all I have to say.
 18 MR. KEACH: I think that was all of the
 19 hands that I saw. We have another one. Okay. Go
 20 ahead.
 21 (Witness sworn.)
 22 MR. HORSLEY: My name is CJ Horsley. I live
 23 at 1011 East Polk. I'm absolutely not a lawyer. I

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1 don't know zoning laws. I would not want to read a
 2 book full of zoning laws. I assume that most of the
 3 zoning laws have roots that go back decades, possibly
 4 generations, not sure, and I'm sure they've evolved
 5 over time.
 6 I also realize that I can't make an
 7 emotional appeal about how I love dance and all that
 8 other stuff and it wouldn't be true. I'm not a
 9 dancer. I don't have any kids in dance. I'm here
 10 largely on behalf of Ann.
 11 In our discussions of this and in hearing,
 12 especially the first gal that talked very eloquently,
 13 as has everyone else, there seems to be inconsistent
 14 enforcement of this. You know, it was B-2 forever --
 15 and, again, I don't understand zoning -- and that it
 16 was allowed for so long, and then, approaching all
 17 these years later and this dance studio is already up
 18 and running and someone says, hey, this isn't right.
 19 And as these laws have evolved, I would
 20 think that there are times when we say, hey, this is a
 21 gray area. Let's put our touch on it. Let's make it
 22 work for the betterment of the community. I would
 23 tend to think that all laws and rules such as zoning

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1 are for the betterment of our community here that I've
 2 spent over half my life in and around in the Morton
 3 school district.

4 I think it's been touched on, and I think
 5 clearly there's a crowd here that would love to maybe
 6 feel better about why there seems to be some
 7 inconsistency, and if this zone was gray in terms of
 8 what its use was, why this one was allowed to thrive
 9 and maybe why this one wasn't, or why has this
 10 particular property been called out now when, you
 11 know, maybe it wasn't, you know, the prior time it was
 12 a dance studio. I mean, it just seems very
 13 inconsistent.

14 And I think the last thing all of us want
 15 here is, you know, a board to go through and review
 16 every property and, you know, start yanking out the
 17 Dairy Queen and, you know, all the other things
 18 because maybe there was a little tiny portion of
 19 what's going on that maybe doesn't fit the narrow
 20 definition of what it should be.

21 So the last thing we want is for a wholesale
 22 cleaning of house or for things to be yanked out of
 23 our community that we've all long since known. You

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1 know, clearly, body by Dairy Queen here. I love it.
 2 Please don't take it away.

3 But, you know, there are things about these
 4 zoning laws that beg for a personal touch and for a
 5 board such as this to say, hey, let's give it some
 6 thought. Let's weigh the pros and the cons.

7 I also understand the point you made, sir,
 8 essentially in reference to if we say, hey, now it's
 9 B-3 and that's forever what it's going to be, and next
 10 thing you know, we're going to have some weirdo
 11 business in Morton that we don't want. I totally
 12 agree; of course we don't want that. And our
 13 imaginations can run wild with what those weird
 14 businesses could be, but surely there's something
 15 between 0 and 100 that you guys could offer.

16 And, again, I think that was touched upon.
 17 You know, help this lady have a solution. This,
 18 clearly, is good for the community because the
 19 community has spoken. The community has spoken
 20 loudly. Help them find a solution, and don't just
 21 give them a no. And, again, make this make sense to
 22 us.

23 Because, at this point -- I even commented

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1 when I got here -- it looks like the 80's version of
 2 Foot Loose. The town is showing up saying we want to
 3 dance. And fundamentally I don't think you're that
 4 bad board in that movie that I barely remember from my
 5 childhood, but, you know, I think you're all above
 6 that, and I think you want good solutions, and I
 7 totally get the idea of saying, hey, we can't open the
 8 backdoor for something nefarious down the road.

9 So, again, help it make sense, and
 10 simultaneously and equally search out that
 11 middle-ground solution where the dance studio, that I
 12 have no vested interest in, never seen you before in
 13 my life, Ann, I love dearly, known her for over
 14 30-something years now. I know you've been in the
 15 business for over -- or on the Morton Main Street in
 16 one iteration or another for over 50 years, you know,
 17 I think your thoughts in the matter are pretty
 18 important on this.

19 But, again, put equal effort into finding
 20 something that says, hey, we found a solution that I
 21 think is going to work for everyone. I don't think
 22 we're trying to achieve something here that's
 23 outlandish. We're not trying to put a gator farm on

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1 Main Street, you know, or a live petting zoo or
 2 something like that.

3 I think this board surely has the power to
 4 find that middle ground that says, hey, we all won,
 5 and I think that's what everyone here wants. That's
 6 all. Questions? Comments? Gator farm? Okay. All
 7 right. Thank you.

8 MR. KEACH: Thank you all for your comments.
 9 And we're going to close the public hearing for public
 10 comment at this -- I'm sorry. Did you -- okay.

11 (Witness sworn.)

12 MS. VANDERVOORN: I'm Ann Vandervoorn, and
 13 I'm the one who owns this wonderful piece of property.
 14 To be honest, I wasn't going to talk because, as the
 15 gentleman said, I have been to these board meetings
 16 since September. But Saturday night, during the
 17 festival, I decided to go downtown.

18 And, first of all, I'd like to thank the
 19 board for coming and listening to us, and I'd like to
 20 thank all of you for your support. I was overwhelmed
 21 with the ice skating rink at the Dairy Queen, when
 22 they came to the park and lit the beautiful tree in
 23 the \$2 million park that Morton has put there.

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1 But, to be really honest, I went back to my
 2 building, and I saw all these little girls in their
 3 outfits, dance uniforms, and so excited to come, and
 4 then they went to the stage and danced, and I thought,
 5 I've got to come one more time and try.
 6 Because, you're right, I've had this
 7 building for almost 50 years. I can rent it to
 8 somebody else, but, I must admit, I'm extremely
 9 impressed with what Amy's done, the reputation she
 10 has. And if any of you came to downtown on Saturday,
 11 you would be impressed of how well these little kids
 12 did. It builds their self-esteem; it builds their
 13 self-worth.
 14 But, anyway, I asked Katie Vandenberg to
 15 come and she couldn't be here tonight, so she sent the
 16 board a letter. I hope. She was supposed to anyway.
 17 And I'd just like to share a part of it with all of
 18 you.
 19 "Hello, all. I know many of you from all
 20 the -- know me through all the years at Eli's coffee
 21 shop in a non-profit service organization. I am
 22 writing to you in support of Ann Vandervoorn and the
 23 Center Stage Dance Academy. I understand that the

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1 current zoning does not allow for the dance studio in
 2 this location. I completely understand that it's not
 3 up to a businessowner to know the rules of the
 4 location, but, as a businessowner and a community
 5 member, this scenario is very confusing and concerning
 6 for a few reasons.
 7 "The most glaring of all to me is the
 8 allowance of Esports on Main Street location, which
 9 also caters to a large group of children. While I
 10 don't want to disbar Esports, I do think it's quite
 11 unfair that a dance studio would not fall into the
 12 same category of zoning.
 13 "I hope all of you are able to consider a
 14 dignified transformation plan for Ann and Amy as they
 15 try to run a business in this already challenging
 16 economic environment for small business."
 17 Now, the ironic part of all this is,
 18 Esports -- first of all, I have had the dance -- or I
 19 have had the building for almost 50 years. I did have
 20 Inspired Arts Academy several years ago. I had
 21 absolutely no problems with parking, with safety.
 22 Everything went well.
 23 Three years ago, this board also authorized

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1 for Esports, which was in my building, to come and do
 2 what he had, either asked -- I'm not sure whether it
 3 was a special permit, a permitted use; whatever it is,
 4 I don't know.
 5 But he was in my building, and he also came,
 6 sometimes with small groups, like they do for dance,
 7 but he also had parties for like 20 kids that you
 8 could rent as a parent, which was quite nice. I never
 9 had any problem with parking or safety.
 10 I'd like to bring up that the one thing I'm
 11 upset about is I got a letter from the attorney. It
 12 says, your property is zoned B-2. A dance studio is
 13 not permitted in B-2; therefore, your use cannot
 14 continue unless either your property be rezoned B-3 or
 15 the zoning ordinance is changed to permit dance studio
 16 in B-2.
 17 So whether it's a permitted use, a special
 18 use; that's what I asked for in the beginning because
 19 I know that's what you did for Esports. That was
 20 turned down, and so I couldn't do that.
 21 To give you a little history, I used to be
 22 B-3. 50 years ago, there used to be train tracks in
 23 the middle of Morton. And it was always a joke that I

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1 was on the wrong side of the tracks, which was fine
 2 with me, but I was B-3.
 3 Right now, I'd like you all to be aware, I
 4 am B-2. Across from me is Herb Roth, which is I-1.
 5 My address is 316 South Main; the tattoo shop is at
 6 330 South Main, which is right next door to me.
 7 Honestly, I don't want to be rezoned to B-3, but I
 8 didn't get a special permit or a use permit. So if
 9 this is the only way I can keep Amy, I would really
 10 appreciate it.
 11 I was a teacher before I had children in
 12 District 709, and I will tell you one thing, this is a
 13 fantastic town. We are so fortunate to have parents,
 14 A, who can financially afford it; B, who are behind
 15 their children to do it.
 16 The other thing that I'm gleaning as an
 17 owner, as the gentleman that said, yes, I had a
 18 clothing store for 35 years. It was great when
 19 Witzig's and all of us were down there. Times have
 20 changed. A brick-and-mortar store is not what it was
 21 50 years ago.
 22 And, right now, I have a beauty shop that
 23 just moved in, and they were anxious to come here

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1 because the dance studio was there. And like they
 2 said, if a parent came to deliver a child to play
 3 dance, maybe the other kid that was with them needed a
 4 haircut, so they could run in and get a haircut.
 5 We want the business on South Main, and we
 6 can't do it right now, but, in the spring and the
 7 summer, the kids could come and dance, the other kids
 8 could go to the \$2 million park, they could go back
 9 down to the Dairy Queen.
 10 I mean, there's just -- we would like
 11 business. And, like I said, had I not already had a
 12 dance studio in there, had I not had the building for
 13 50 years, I would see there's a problem. But I'll do
 14 whatever you say, if it's to zone me back to B-3,
 15 okay, but maybe if you could find it in your hearts to
 16 give a special permit, like you did for Esports
 17 because, trust me, when he has those parties with 20
 18 people, it's just as busy there as the dance studio.
 19 And I will say, as a mother, a teacher, and
 20 a grandma, my building is very safe. They come in on
 21 First Street, they drop them off, they go out Main
 22 Street or vice versa, and, if that's a problem, I even
 23 have a second entrance on the side that the children

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1 could come into.
 2 So I just would appreciate it if you would
 3 reconsider a permit because I do know the board has
 4 the ability. They have the know-how. They have the
 5 power that they could do this. And I just would
 6 appreciate it very much if you would.
 7 Thank you for your time, and all I can say
 8 to all you little dance kids, you are fabulous.
 9 Bravo. Bravo to you. And, as an old person, you're
 10 very lucky to have parents that love you so much that
 11 are willing to do it. You're very, very fortunate.
 12 Thank you.
 13 MR. KEACH: Thank you, Ann. Okay. Does
 14 that wrap it up then in terms of public comment? In
 15 that case, then we'll close the public comment part of
 16 the meeting, and we'll just have a discussion as a
 17 board about the petition before us tonight.
 18 MR. RITTERBUSCH: Mr. Chairman, I'll kick
 19 off the discussion here. The planning commission has
 20 rules and procedures. We have permitted uses and
 21 special uses in all of our zoning code
 22 classifications, and, you know, I think that's the way
 23 we've got to stay. We can't deviate from that.

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1 I went through the zoning classifications
 2 pretty thoroughly today, and I was looking for dance
 3 studio, and it's not in the code. There's no usage of
 4 that phrase in the code.
 5 So then I started looking around and said,
 6 okay, what is kind of similar to a dance studio, and I
 7 kind of zeroed in on schools and daycares. So then I
 8 started -- the reason for that is school and dance
 9 studio, obviously, has education and training; that's
 10 what schools are, education and training.
 11 Daycare is supervised activities, and dance
 12 studio, to me, would be supervised activities. So I'm
 13 saying, okay, dance studio can kind of be somewhat
 14 similar to either a school or a daycare. Now, daycare
 15 and schools are permitted uses in zoning
 16 classification R-S, and daycares are also included in
 17 B-1 as a special use.
 18 Now, I'm not sure why they're repeated in
 19 another zoning classification because the way our
 20 zoning codes and categories are constructed, we start
 21 out, and you keep going up the ladder, and B-1 is
 22 lower than a B-2 or B-3.
 23 So I guess my thoughts are, you know, from

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1 time to time, we've added permitted uses and special
 2 uses to the zoning classification, and that's probably
 3 what -- the way we need to look at this. Now, I do
 4 feel that a dance studio should be a special use; that
 5 means anytime a new one is opened up in town or moved,
 6 they come before this planning commission, and we get
 7 an opportunity to make sure that it meets our
 8 requirements to be acceptable.
 9 I don't think it should be a permitted use
 10 unless there's a dozen of them or so that they become
 11 so popular that we then know how they work out and
 12 they become a permitted use, but I think it's a
 13 special use. So I think the board should consider
 14 taking this thing back and looking at it from the
 15 standpoint of a special use since it starts out in
 16 R-S.
 17 MR. KEACH: When you say the board, do you
 18 mean --
 19 MR. RITTERBUSCH: The planning commission.
 20 MR. KEACH: The planning commission.
 21 MR. RITTERBUSCH: We should look at this.
 22 So that's my thoughts on this.
 23 MS. KNEPP: I think I'll piggyback on that.

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1 So I spent quite a bit of time researching this. I
 2 talked to a lot of people. I drove the property in
 3 question multiple times. You might have seen me out
 4 there measuring parking spots or whatnot. But one of
 5 the things that I learned, while I was doing my
 6 research -- and I have a sheets actually for -- I
 7 don't have a hundred copies. I only have enough for
 8 the people up here, but I'll talk through it. Here's
 9 one more.

10 So I went through and looked at the zoning
 11 codes for Washington, Dunlap, Peoria Heights, Pekin,
 12 East Peoria, Tremont, Canton, Normal, Mahomet, and
 13 Metamora, Illinois, just trying to pick towns.

14 I did try to pick some towns that are aiming
 15 to have a downtown area that's a destination where
 16 people can congregate and whatnot. And then I went
 17 through and tried to see if dance studios were listed,
 18 and, if they were listed, in which portion of the code
 19 that they were listed in.

20 Now, to be fair, some communities don't call
 21 things B-1 and B-2, they call it C-1 or C-2 or
 22 commercial districts, so there's some differences,
 23 but, in general, every town except for Morton and

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1 potentially Metamora -- I'll talk about that in a
 2 second -- but all the other towns list dance, either
 3 dance academies or, a lot of times, they'll list
 4 schools-dance, music, and art, and they're all listed
 5 in B-1 or B-2.

6 Metamora is very similar to Morton where it
 7 doesn't list it at all. They do currently have a
 8 dance studio that is in their C-2 zoning. You'll also
 9 note on the sheet that I provided that in a couple
 10 instances, they're listed in B-1 -- there's an
 11 asterisk there -- but in those towns, like in Temont,
 12 they only have B-1 and B-2; so they don't have the B-3
 13 but they are in the higher level of the business
 14 district.

15 So I am, I'll be honest, very hesitant to
 16 change the property to B-3 because, when dance is
 17 finished and there is a different business in there, I
 18 don't necessarily want the majority of the uses on B-3
 19 in that location, but I do think it would be
 20 beneficial to update our code.

21 I mean, if you look at our B-2 permitted
 22 use, one of the things that you could open is a
 23 haberdashery, which, to me, is maybe just an

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1 indication that we may be a little dated. And I know
 2 that it was brought up at the village board, and I
 3 don't understand all the procedural implications of
 4 how that's done. So I know at the village board, they
 5 proposed having us review this in determining
 6 whether -- making a recommendation about where dance
 7 should be, and the village board denied that request.

8 Can we just do it anyway and propose it to
 9 the village board?

10 MR. McGRATH: You cannot tonight. It's not
 11 noticed up for public hearing tonight. Tonight your
 12 only action item is the rezoning request.

13 MS. KNEPP: Besides tonight, can we, as a
 14 plan commission, say that we need to look at these
 15 B-1, B-2, B-3 in general and update codes?

16 MR. McGRATH: You can, of your own
 17 initiative, upon public notice and a published hearing
 18 notice, make recommendations to the board on ordinance
 19 changes for the zoning ordinances. So there's
 20 different ways in which that type of request can be
 21 initiated. It can be initiated at the village board
 22 level. It be initiated by the plan commission.

23 So at a future meeting, you could engage in

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1 discussion. You know, somebody would need to request
 2 it be put on the agenda, would need to coordinate that
 3 with Brad and myself, get an ordinance prepared.

4 MS. KNEPP: So do we know when these were
 5 last revisited?

6 MR. MARKS: I mean, they're -- we don't
 7 annually review them, and we're very hesitant on
 8 removing -- to your point on haberdashery, I think the
 9 point is, if you start removing items, then it does
 10 give that perception of being business unfriendly. So
 11 I think we're always cautious of removing items from
 12 zoning.

13 MS. KNEPP: Right. Okay.

14 MR. MARKS: But you, as a planning
 15 commission, that is your role. You can review that.

16 MS. KNEPP: Right. Because I do think it
 17 recent times there's been a lot more smaller,
 18 instructor-led-type classes; some of those are even
 19 exercise classes, you know, whatnot, Pilates, small
 20 yoga classes. And this would be very confusing to
 21 know where those would go, and I think a lot of those
 22 would end up falling in B-3, and I don't know that all
 23 of those should be in B-3. So dance, art, music,

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1 yoga, Pilates, a lot of those things should probably
 2 be, I think, revisited, regardless of what happens
 3 tonight, to see if they're in the proper
 4 classification.
 5 MR. KEACH: Okay. More comments?
 6 MR. AUPPERLE: Yeah. I would say in the
 7 past, you know, Amy and Ann, that space has housed B-2
 8 before, and it could be very -- it can be tough to
 9 understand that the dance studio would not be allowed
 10 in there, given that they've been in there before.
 11 There isn't a clear identification of dance studios
 12 being called out in B-3. And, you know, the village
 13 in the past hasn't been overly diligent in applying
 14 those zoning requirements there. Right.
 15 I do think there is some responsibility on a
 16 businessowner and a landowner to verify that those
 17 businesses can be allowed in there, but, again, it
 18 isn't overly clear here. I've got a daughter that's
 19 in dance. I understand what those studios mean to
 20 those parents and all the time that's put in there by
 21 the instructors.
 22 I don't disagree with what you're saying and
 23 that perhaps dance studios should be classified as a

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1 B-2. I'm on the EDC and the chamber, and this has
 2 prompted a lot of conversation on trying to assist
 3 businesses in the future, and, before they move to a
 4 spot, to see if there's some assistance we can give
 5 them with that.
 6 As far as rezoning this to a B-3, I think
 7 the board is in a tough spot here with that petition
 8 request because I would agree that, you know, changing
 9 this one space to a B-3 to facilitate one business may
 10 not be the best move on our part. But, again, as you
 11 had said, it's not overly clear in the zoning code
 12 where dance studios fall in.
 13 MS. VANDERVOORN: Sir, can I just say that I
 14 was in B-2. I know you did a special permit to the
 15 Esports. That's why I apologize. I never -- in the
 16 50 years I had this, I never had to come and ask for
 17 permission to have businesses in there, and I've
 18 always had nice businesses that have worked.
 19 So that's what confused me so much, why they
 20 wouldn't allow me to have a permitted use or whatever
 21 Kara called it because that's what they did for
 22 Esports, and it's the same type. It's a activity that
 23 parents pay for, drop their children off. So I guess

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1 I'm confused, and I thank you for addressing that. It
 2 needs to be addressed
 3 MR. MARKS: Just for clarification, the
 4 Esports cafe was made a permitted use in B-2. It was
 5 not a special use.
 6 UNIDENTIFIED SPEAKER: What's the
 7 difference?
 8 MR. MARKS: It's a permit -- Esports cafe is
 9 a permitted use in B-2.
 10 MS. VANDERVOORN: Can we do that, though?
 11 Why didn't you let me do that? I'm sorry.
 12 MR. KEACH: Well, our hands are a little bit
 13 tied on what we can actually do tonight. For example,
 14 we cannot give you more time. That's just not in our
 15 -- that's just not in our power to do that. That's
 16 not -- we don't have the power, as a board, to grant
 17 more time or grant you until the middle of June or
 18 whatever. It's something that we just can't do.
 19 And, you know, I too don't want to lose
 20 track of what the zoning code says. So the zoning
 21 code says that we can just decide on what has been
 22 presented to us this evening in the petition, and that
 23 is the zoning change.

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1 We also can't address how the enforcement of
 2 the zoning laws were done in the past at this table.
 3 We just -- you know, we're faced with what's in front
 4 of us. And I'm going to say I think -- I think Kara's
 5 gone over the top in terms of her research kind of
 6 looking into things. It seems like there's a good
 7 case for it being B-2, but we can't do that tonight.
 8 We cannot make it an acceptable use in B-2,
 9 so I'm just interjecting that comment, you know, what
 10 our role is tonight. I'm not meaning to end the
 11 conversation, but I just wanted to mention that.
 12 MR. DeWEESE: I think we should be clear.
 13 When you say it's our role or our authority, we don't
 14 have the authority to do anything else other than
 15 what's on been put to us.
 16 UNIDENTIFIED SPEAKER: That's a shame.
 17 UNIDENTIFIED SPEAKER: Can you speak up
 18 please? We can't hear you.
 19 MR. DeWEESE: I apologize. We don't have
 20 the authority to do anything other than what's been
 21 presented to us on the docket. So it's not that -- I
 22 just wanted to clarify. It's not that don't want to,
 23 we can't.

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1 So I guess I'll add a couple things. So I
 2 really appreciate what Kara pulled forward. Somebody
 3 in the past has made the determination that it's B-2,
 4 you know, so it needs to be defined. I wish we could
 5 do it tonight, but we can't.
 6 And I think we should follow through. I
 7 know it's going to take some extra effort, but that
 8 doesn't help where they're at. Am I -- do I -- so you
 9 are open to the -- I know this is out of order to be
 10 interfacing like this, but you're open to the B-3?
 11 MS. VANDERVOORN: I'm open to anything
 12 you'll let me to be able to keep the dance studio.
 13 And, like I said, I asked for the permitted -- I'm
 14 still confused with Brad. Is that a permitted use,
 15 Brad? What did you just say? It wasn't a special
 16 use, a permitted use?
 17 MR. MARKS: The Esports cafe was made a
 18 permitted use in B-2. So in zoning, you have
 19 permitted uses, which is any type of --
 20 MS. VANDERVOORN: Permitted you're saying?
 21 MR. MARKS: Permitted.
 22 MS. VANCE: Permanent.
 23 MR. MARKS: Permitted.

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1 MR. McGRATH: In the zoning code, there are
 2 permitted uses, p-e-r-m-i-t-t-e-d; that's a use that
 3 you could do at any business within that zoning
 4 district, at any location within that zoning district,
 5 without having to get specific approval.
 6 There's also what's called special use
 7 permits. Those are -- those are -- or special uses.
 8 Those are listed in the code. It's not that I can ask
 9 for a special use anywhere to do something I want that
 10 isn't in the permitted list. There's a permitted list
 11 and a special use list.
 12 So if you're on the special use list, so if
 13 I want to engage in a use and it's one of the
 14 available special uses, then I have to file a petition
 15 to receive a special use permit, go through a public
 16 hearing process, much like tonight, and ultimately
 17 receive board approval for that special use.
 18 So what Brad is explaining is that Esports
 19 was made a permitted use sometime prior in the B-2
 20 district.
 21 MS. VANDERVOORN: So why isn't the dance
 22 studio permitted then? It's the same thing.
 23 MR. McGRATH: Your request to have a dance

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1 studio made a permitted use is what Kara spoke about a
 2 moment ago, which went to the village board in a prior
 3 meeting before tonight and was voted down by the
 4 village board, so that's not within the scope of what
 5 we're here on tonight.
 6 MS. VANDERVOORN: I get that, but I'm
 7 surprised they voted me down when it's the same type
 8 thing.
 9 MR. HASINGER: If you're doing what Kara is
 10 talking about, Brad could suspend enforcement if the
 11 board chose to. Am I right?
 12 MR. McGRATH: Enforcement has nothing to do
 13 with this board or tonight's procedure.
 14 MR. HASINGER: While we were waiting for
 15 some of the work that Kara and other board members are
 16 talking about here, other commission members, it's
 17 possible.
 18 MR. KEACH: So, unfortunately, we have a
 19 question before us that needs to be called, or we need
 20 to table it for -- until the next meeting.
 21 MS. VANCE: Can I just ask a question really
 22 quick? I'm sorry. Like I said, before I understand
 23 -- it's very unfortunate that we are having to have

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1 this discussion with all of you. But Mr. McGrath, you
 2 have been at all the other meetings that Ann and I
 3 have attended. And aside from what we're here for
 4 tonight, Esports was made a permitted use of B-2.
 5 There's no difference. I don't understand why we
 6 can't stay in B-2. I mean, I understand that the
 7 trustees turned it down, but why? There's no
 8 difference. There is no difference.
 9 MR. McGRATH: You --
 10 MS. VANCE: And you're giving -- and you've
 11 already sent us a letter stating I have -- she has 48
 12 hours to evict me. People who don't pay their rent
 13 get more than 48 hours.
 14 UNIDENTIFIED SPEAKER: That's right.
 15 MS. VANCE: I mean, you can think that it's
 16 funny, but it's true. I don't understand. I don't
 17 understand why we're here with a committee that
 18 actually has no power to do anything. I mean, they
 19 can make a request. They can request to the board
 20 that we be allowed to be B-3. They're obviously not
 21 going to do that.
 22 You obviously -- your whole entire board
 23 obviously knew that before we got here tonight, and

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1 this is why you sent us here, to give them the
 2 difficult decision when the board could have just come
 3 to these conclusions themselves. She did her
 4 research; nobody else wanted to do their research
 5 MR. KEACH: Okay. This -- we should stop
 6 the public comment.
 7 MS. VANCE: Okay. I'm sorry.
 8 MR. KEACH: We're getting a little bit
 9 emotional, and I understand. I understand. There's
 10 no more public comment.
 11 UNIDENTIFIED SPEAKER: I just wanted to ask
 12 a question. It's not a comment.
 13 MR. KEACH: There's no question at this
 14 point.
 15 MS. VANCE: No questions.
 16 MR. KEACH: And it's probably a question
 17 that we can't answer at this board.
 18 MS. VANCE: Probably not.
 19 UNIDENTIFIED SPEAKER: Oh, yes, you can.
 20 You can answer when you could decide if she can be
 21 rezoned to B-2. That you can't do tonight.
 22 MR. KEACH: Tonight we have a question
 23 before us, if we want to change the zoning from B-2 to

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1 B-3.
 2 MR. DeWEESE: I'd like to comment on that.
 3 MR. KEACH: We're still having a discussion.
 4 MR. DeWEESE: I know there's some reluctance
 5 to go to B-3 on people's part, but, me personally, I
 6 have no reluctance. There's a lot of B-3 in that
 7 area, if I'm correct. Right? Pink is B-3. Is that
 8 correct?
 9 MR. MARKS: Yes.
 10 MR. DeWEESE: So while there are some uses
 11 in that category that, you know, I probably wouldn't
 12 prefer downtown, I see a lot of precedence down there.
 13 So I -- if that -- go ahead, Kara. Sorry.
 14 MS. KNEPP: No, I'll let you finish. I
 15 mean, it's unfortunate. It's kind of this unfortunate
 16 circumstance where it's right next to the pumpkin
 17 park. Right. So, yes, when you go down farther,
 18 there's -- it's already B-3, even in the same physical
 19 building, but the portion that we're talking about is
 20 right next to the pumpkin park.
 21 And, you know, if I had my dream of zoning
 22 or whatever, that would all be B-2, right, because the
 23 vision you want for the downtown area -- I mean, when

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1 you look at the B-2s, that's called the general
 2 business district. When you look at the B-3s, that's
 3 called the highway and service commercial district. I
 4 mean, the uses in those sections, you know, the B-3s,
 5 shouldn't be down in that downtown area.
 6 Again, I also believe that the dance should
 7 be in the B-2, and that would be more in line with
 8 everything, but that's where my hesitation comes. I
 9 do agree, there are B-3 real close by, and we've done
 10 that with proximity -- you know, zoning because of
 11 proximate uses, but, in this case, with it being right
 12 next to the pumpkin park, it makes me a little more
 13 hesitant to do that.
 14 MR. DeWEESE: I mean, when I look at the
 15 acceptable uses, I'm generally okay with those. So,
 16 anyway, if it -- that's my position. If we come to a
 17 vote, you know, I'd be for the B-3.
 18 MR. ZOBRIST: Well, let me chime in because
 19 I can't go B-3, but I'm totally in agreement with Kara
 20 that I have no problem seeing this in B-2, but that's
 21 not the question before us, and we don't have the
 22 power to do that. But that's where I'm at, but I will
 23 have to vote against B-3 because I don't want to see

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1 B-3, what's in this list, be that close to downtown.
 2 We have some if -- like Kara said, if we could go back
 3 in history, we probably wouldn't have allowed them,
 4 but some of them have been there for many, many, many
 5 years, and we can't change them.
 6 But that would be my reason for voting no,
 7 not sympathetic at all with this cause. I think, when
 8 I look at the list of B-2, if I threw dance studios in
 9 there, it wouldn't bother me personally at all. I
 10 don't see that that's much different than a lot of
 11 other things that draw a lot of traffic, supermarkets,
 12 restaurants, etc., but I will have to vote no for B-3
 13 change.
 14 MR. KEACH: I think it would go very well in
 15 B-2 also, and I don't know if our discussion carries
 16 any weight with the board or with the staff. If we
 17 tabled this decision or even if we -- if we turned it
 18 down tonight and the tenant had to move out for a
 19 month while -- I'm sitting here spitballing, which I
 20 shouldn't be doing.
 21 MR. HASINGER: You have the power to
 22 continue it.
 23 MR. KEACH: I'm trying to think of a way to

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1 accommodate this under our power. I don't agree with
 2 going to the B-3 either.
 3 UNIDENTIFIED SPEAKER: Is there an expedited
 4 process to get someone permitted to B-2 use?
 5 MR. KEACH: I can't answer that. I don't
 6 know.
 7 MR. HASINGER: You guys can continue this.
 8 UNIDENTIFIED SPEAKER: Who says it's not a
 9 B-2? Why is it not just a B-2, see you later. I
 10 don't get it. I'm just asking, what would be the next
 11 step to try to make that happen?
 12 MR. KEACH: That would be a good question to
 13 ask. Even no matter what we vote tonight, that's a
 14 good question to be asking.
 15 MR. HASINGER: Jeff, you have the power --
 16 MR. GEIL: Kara brought up a point of
 17 potentially tabling this and seeing what happens and
 18 furthering research potentially to then make a better
 19 decision or something. Brad or Pat, what would the
 20 ramifications of tabling this and potentially
 21 postponing this do to the village board's or to our
 22 board's decision tonight?
 23 MR. McGRATH: The village board doesn't take

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1 action on the rezoning request until after your
 2 recommendation is made. If you were to table it
 3 tonight, it would go on the agenda for the next
 4 meeting, which would be the meeting the third Monday
 5 in December because, remember, December we move them
 6 up a month.
 7 If you wanted at that same time to consider
 8 action on a recommendation for zoning amendment to
 9 change the language of the zoning code, as Kara said
 10 she was interested in doing, so one of you would have
 11 to work outside of the meeting to get that published,
 12 and I don't know offhand, without looking at
 13 publication schedules and counting days off on
 14 calendars, whether there's enough days to meet our
 15 publication requirements.
 16 We have not less than 14, no more than 30,
 17 so you kind of have a 15-to-30-day publication window,
 18 which we may be able to hit, if, you know, there was
 19 prompt action on it. I'm not sure offhand without
 20 checking.
 21 MR. MARKS: For clarification, Pat, that
 22 would be this Sunday, notification would have to be in
 23 Thursday morning at the latest.

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1 MS. KNEPP: This Thursday?
 2 MR. MARKS: Yes.
 3 MS. KNEPP: This Thursday. I got three
 4 days.
 5 MR. McGRATH: The ordinance doesn't have to
 6 be done by that point but somebody has to initiate
 7 with Brad to get publication and work with me on what
 8 specifically you want the change to incorporate, and
 9 they could be placed on the agenda for your next
 10 meeting, and you can have both matters up for
 11 recommendation.
 12 MR. DeWEESE: Can I ask -- so if we try to do
 13 that -- I'm a little confused. Was this already
 14 decided by the village board, though, to not do that?
 15 So we would -- so our recommendation --
 16 MS. KNEPP: The village board made a
 17 proposal, if I'm correct, to have the plan commission
 18 look at where dance studios should fall, and they
 19 voted that down. You know, I don't exactly know why.
 20 I mean, part of the thought process would be, you
 21 know, they don't see any reason to change it. I know
 22 they're very -- I know people are concerned about spot
 23 zoning or spot changing, right, when you make a change

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1 for one specific organization, right, but I don't know
 2 if they would have a different -- that's why I did the
 3 research in the other towns. Right. I feel like, if
 4 you have data behind why you want to make the change,
 5 that's not just because the dance studio wants to do
 6 it, right, it's also that these are what all the
 7 neighboring communities are doing, this is where they
 8 find that to be an appropriate use.
 9 I have talked to one of the communities to
 10 figure out what the drawbacks are, and, I will be
 11 honest, there are drawbacks. One of the challenges
 12 with a dance studio or anything that has a class is
 13 that, when you talk about Dairy Queen, people are
 14 coming and going in a kind of random pattern. When
 15 you have a class, you're going to have 20 kids getting
 16 picked up and however many are in the next class
 17 getting dropped off all at the same time; so there's a
 18 different traffic pattern, a different parking
 19 situation, etc., that goes with that.
 20 I'm not saying that means that it shouldn't
 21 be in B-2. I'm saying that does require different
 22 considerations than, you know, Lulu's or some kind of
 23 shop where people are going in and out at various

| | |
|---|---|
| <p style="text-align: right;">Page 69</p> <p>1 times.</p> <p>2 So there has been headaches in some of the</p> <p>3 other communities that have dance in B-2. That being</p> <p>4 said, I would hope that the village board would be</p> <p>5 open to looking at, if all these other communities</p> <p>6 have dance in B-2, or also art classes, music classes,</p> <p>7 etc., you know, that they would entertain at least the</p> <p>8 thought of changing it to that.</p> <p>9 MR. DeWEESE: Thank you.</p> <p>10 MS. KNEPP: So what are we going to do?</p> <p>11 MR. KEACH: Does anyone have a motion or can</p> <p>12 we have the motion?</p> <p>13 MR. RITTERBUSCH: We have to vote down the</p> <p>14 B-3 first.</p> <p>15 MR. KEACH: I think what we have to do is</p> <p>16 if -- there's two options. There's tabling, or</p> <p>17 there's calling the question on the petition. Those</p> <p>18 are the two options.</p> <p>19 MR. ZOBRIST: Time limits on both choices</p> <p>20 won't really change.</p> <p>21 MR. McGRATH: If you were to table it, it</p> <p>22 would continue the matter to the -- to your next</p> <p>23 meeting. We should have enough time to publish, so</p> | <p style="text-align: right;">Page 71</p> <p>1 MR. McGRATH: Can I make a request to amend</p> <p>2 that motion. Because we don't have that on -- the</p> <p>3 second portion of that on the agenda, that certainly</p> <p>4 seems to be your directive, which I understand, but</p> <p>5 I'd like that to be excluded from the motion because</p> <p>6 we can't vote on it without it going on the agenda,</p> <p>7 but that won't impair the forward progress on your</p> <p>8 request.</p> <p>9 MR. RITTERBUSCH: Okay. Good.</p> <p>10 MR. KEACH: We have a motion. Is there a</p> <p>11 second?</p> <p>12 MR. DeWEESE: I'll second.</p> <p>13 MR. KEACH: And a second. Roll call.</p> <p>14 MR. MARKS: Keach.</p> <p>15 MR. KEACH: Yes.</p> <p>16 MR. MARKS: Knepp.</p> <p>17 MS. KNEPP: Yes.</p> <p>18 MR. MARKS: Aupperle.</p> <p>19 MR. AUPPERLE: Yes.</p> <p>20 MR. MARKS: Ritterbusch.</p> <p>21 MR. RITTERBUSCH: Yes.</p> <p>22 MR. MARKS: Geil.</p> <p>23 MR GEIL: Yes.</p> |
| <p style="text-align: right;">Page 70</p> <p>1 you're acting, you know, on both together, or, if --</p> <p>2 you know, you can still proceed with the zoning</p> <p>3 amendment. If you vote it down tonight, the courtesy</p> <p>4 that's been afforded today consistently, which has</p> <p>5 been communicated in writing to the petitioner, is</p> <p>6 that the village cannot pursue enforcement while open</p> <p>7 requests for a zoning accomodation be pending, and I</p> <p>8 would anticipate that would be continued, as a</p> <p>9 continued courtesy.</p> <p>10 So if you were to continue it, we cannot</p> <p>11 initiate reenforcement. I would not anticipate,</p> <p>12 unless I was directed different, through that meeting</p> <p>13 and resolution, it would go to the board that night</p> <p>14 because the board meets right after you, you know, in</p> <p>15 all probability.</p> <p>16 MR. KEACH: Seems like we should then table</p> <p>17 it rather than --</p> <p>18 MR. DeWEESE: Okay. Yeah. Right.</p> <p>19 MR. RITTERBUSCH: I'll go ahead and make a</p> <p>20 motion that we table this petition until the next</p> <p>21 meeting and that we prepare the material necessary to</p> <p>22 go to public hearing next meeting with a new</p> <p>23 recommendation on how to handle dance studios.</p> | <p style="text-align: right;">Page 72</p> <p>1 MR. MARKS: DeWeese.</p> <p>2 MR. DeWEESE: Yes.</p> <p>3 MR. MARKS: Zobrist.</p> <p>4 MR. ZOBRIST: Yes.</p> <p>5 MR. MARKS: Approved to table.</p> <p>6 MR. KEACH: Okay. So the next item on the</p> <p>7 agenda is an ordinance making amendments to Title 10</p> <p>8 of the Morton Municipal Code regarding accessory</p> <p>9 buildings, structures, and uses, and I'm going to ask</p> <p>10 Brad to give us a summary on what the changes are.</p> <p>11 I'll call for a two-minute recess.</p> <p>12 (Recess taken.)</p> <p>13 MR. KEACH: Okay. Resuming our meeting.</p> <p>14 Brad, can you give us a summary of the changes to the</p> <p>15 amendment to this ordinance?</p> <p>16 MR. MARKS: Yes. This ordinance actually</p> <p>17 just does some clarification in zoning and</p> <p>18 residential. In our code currently it says that</p> <p>19 accessory structures can be 1.6 percent of the square</p> <p>20 footage of the lot not to exceed 480 square feet; that</p> <p>21 would include -- technically that would include all</p> <p>22 accessory structures from the patios, swimming pools,</p> <p>23 decks, examples of that nature. What we found is it</p> |

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1 also would be accessory buildings, storage buildings,
 2 and ground mount solar systems.
 3 So what we've recognized is things like
 4 swimming pools, patios, and such are commonly
 5 requested to be bigger than that 480 square feet. In
 6 the past, we've accommodated them. We've permitted
 7 them. So I would like clarification in the code that
 8 when I write a permit that it is part of the code.
 9 Now, the one thing that does not change is,
 10 in our code, it says that all accessory uses in the
 11 rear yard can't exceed 60 percent of the rear yard;
 12 that does not change. So, therefore, it gives the
 13 scenario where you could have a swimming pool, you can
 14 have a patio, you can have your deck, you can have
 15 your storage building. Add that all up, it cannot
 16 exceed 60 percent of the rear yard, but you can have
 17 your swimming pool be, for example, larger than the
 18 480 square feet or the patio, but it would not allow
 19 for a storage building or a ground mount solar to
 20 exceed the 480. Does that make sense?
 21 MR. KEACH: So each one of those could be
 22 480, except for the pool, it can be bigger.
 23 MR. MARKS: That would be the max. It's 1.6

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1 percent of the square footage of the lot, so you would
 2 have to have a lot that is 30,000 square feet or more
 3 to reach that 480. Most -- I'm not going to say the
 4 numbers because I don't know the numbers -- but it
 5 seems like most permits I write, people cannot even
 6 reach that 480 because most lots are not 30,000 square
 7 feet in town.
 8 MR. AUPPERLE: That 1.6, you guys did some
 9 homework on that, and that, I mean, stays to be true?
 10 MR. MARKS: 1.6 has been in the code for as
 11 long as I've been here.
 12 MR. AUPPERLE: That's congruent with what
 13 you see in that request, that 1.6?
 14 MR. MARKS: For storage buildings?
 15 MR. AUPPERLE: Well, just --
 16 MR. MARKS: We'll get -- like swimming pools
 17 can be 20 by 40, which is 800 then, 800 square feet.
 18 So I think over time, or maybe it was something we
 19 maybe didn't recognize in the past, at some point I
 20 just realized, I'm writing permits for things that
 21 exceed 480 square feet. I think the intention was
 22 always to allow swimming pools, patios, and those
 23 things to be larger than the 480, it just was not

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1 written in the code that way. So I think it's more
 2 clarification for past practice and what the intent
 3 was.
 4 MR. McGRATH: There was some degree before
 5 of conflating similar terms, using similar terms
 6 interchangeably when they aren't, so an accessory
 7 building is somewhat different than an accessory
 8 structure, like a swimming pool can be an accessory
 9 structure, but it's not a building. So we cleaned up
 10 kind of the verbiage, which helps reinforce the point
 11 Brad made.
 12 The other thing we're doing, with solar,
 13 there's always an open question until you address an
 14 ordinance, how do you measure the solar; is it the
 15 square footage of the panels; is it the shadow of the
 16 panels when they're extended the furthest.
 17 So we took, in the draft -- to measure the
 18 area of solar to provide ground cover when the solar
 19 is at its maximum, so whatever creates the most ground
 20 cover based on the angle it can travel, that would be
 21 how you measure the solar, essentially by the
 22 footprint.
 23 MR. KEACH: Thank you. Any other questions?

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1 Is that -- let's see. Is that -- that's just kind of
 2 the same.
 3 MR. MARKS: Yes, it just goes into the other
 4 residential districts.
 5 MR. KEACH: Okay. All right. Are there any
 6 comments from the public on this issue? No. Hearing
 7 none, any discussion or motions?
 8 MR. ZOBRIST: I'll make a motion to approve.
 9 MR. AUPPERLE: Second.
 10 MR. KEACH: Roll call.
 11 MR. MARKS: Knepp. Oh -- Geil.
 12 MR. GEIL: Yes.
 13 MR. MARKS: Ritterbusch.
 14 MR. RITTERBUSCH: Yes.
 15 MR. MARKS: Aupperle.
 16 MR. AUPPERLE: Yes.
 17 MR. MARKS: DeWeese.
 18 MR. DeWEESE: Yes.
 19 MR. MARKS: Zobrist.
 20 MR. ZOBRIST: Yes.
 21 MR. MARKS: Keach.
 22 MR. KEACH: Yes. Knepp, there was a motion
 23 and a second, and we are waiting on your vote.

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1 MS. KNEPP: Oh, I vote yes.
 2 MR. KEACH: Okay.
 3 MR. MARKS: It's approved.
 4 MR. KEACH: So that concludes our public
 5 hearing tonight.
 6 MR. MARKS: Mr. Chairman, could I get a
 7 motion to table the ordinance that is in the agenda so
 8 I can bring that back to the next meeting?
 9 MR. AUPPERLE: So moved.
 10 MR. KEACH: Got a motion.
 11 MR. ZOBRIST: I'll second.
 12 MR. MARKS: Keach.
 13 MR. KEACH: Yes.
 14 MR. MARKS: Ritterbusch.
 15 MR. RITTERBUSCH: Yes.
 16 MR. MARKS: Geil.
 17 MR. GEIL: Yes.
 18 MR. MARKS: Zobrist.
 19 MR. ZOBRIST: Yes,
 20 MR. MARKS: DeWeese.
 21 MR. DeWEESE: Yes.
 22 MR. MARKS: Aupperle.
 23 MR. AUPPERLE: Yes.

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 7 certify that the foregoing transcript of proceedings
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 10 IN TESTIMONY WHEREOF, I have hereunto set my
 11 hand this 1st day of December, A.D. 2022.
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1 MR. MARKS: Knepp.
 2 MS. KNEPP: Yes.
 3 MR. MARKS: Approved.
 4 MR. KEACH: There's no other business or
 5 comments from Brad?
 6 MR. MARKS: Nothing tonight.
 7 MR. KEACH: Or Craig?
 8 MR. HILLIARD: Nope.
 9 MR. KEACH: With that, I'll ask for a motion
 10 to adjourn.
 11 MR. RITTERBUSCH: Motion to adjourn.
 12 MR. ZOBRIST: Second.
 13 MR. KEACH: And a second. All in favor say
 14 aye.
 15 ALL IN UNISON: Aye.
 16 (Hearing concluded at 8:43 p.m.)
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 21
 22
 23