

AGENDA
REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, ILLINOIS
7:00 P.M.
MONDAY, MARCH 6, 2023
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 – February 20, 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**
- XIII. CORPORATION COUNSEL**
 - A. RESOLUTION AUTHORIZING DISTRIBUTED ENERGY RESOURCE AGREEMENT WITH VOLTUS, INC.
 - B. Alternative Energy Aggregation bud group update
- XIV. DIRECTOR OF FIRE AND EMERGENCY SERVICES**
- XV. DIRECTOR OF PUBLIC WORKS**
 - A. Spring 2023 Yardwaste Disposal Program
 - B. Permission to Request Bids for East Jackson Street (Route 150) Sewer Separation Project
 - C. Permission to Request Bids for the Annual Mill & Overlay Project
 - D. Permission to Request Bids for the Annual Sealcoating Project
 - E. Permission to Request Bids for the Annual Misc. Concrete Project
 - F. Permission to Request Bids for Annual Water Distribution Materials
- XVI. ZONING AND CODE ENFORCEMENT OFFICER**
 - A. Petition No. 23-03 ZA
 - B. AN ORDINANCE MAKING AMENDMENTS TO SECTION 10-4-3 OF THE MORTON MUNICIPAL CODE REGARDING LANDSCAPED YARD REQUIREMENTS
 - C. AN ORDINANCE MAKING AMENDMENTS TO CHAPTER 3 OF TITLE 10 OF THE MORTON MUNICIPAL CODE REGARDING ACCESSORY USES & BUILDINGS IN THE R-3 AND R-4 ZONING DISTRICTS
 - D. AN ORDINANCE MAKING AMENDMENTS TO CHAPTER 6 OF TITLE 10 OF THE MORTON MUNICIPAL CODE REGARDING METAL SHOPS AND WELDING SHOPS IN THE B-3 ZONING DISTRICT
 - E. Easement Vacation Plat (P.I.N. 06-06-16-201-006 and 06-06-16-201-007)
 - F. Plat of Vacation (P.I.N. 06-06-18-400-025)
- XVII. VILLAGE TRUSTEES**
 - A. Trustee Blunier
 - B. Trustee Hilliard
 - a. AN ORDINANCE AMENDING CHAPTER 17 OF TITLE 8 OF THE MORTON

MUNICIPAL CODE REGARDING REQUIREMENTS FOR USE OF VILLAGE PROPERTY

- b. AN ORDINANCE MAKING AMENDMENTS TO CHAPTER 9 OF TITLE 3 OF THE MORTON MUNICIPAL CODE REGARDING ITINERANT MERCHANT PERMIT REGULATIONS

C. Trustee Leitch

- a. AN ORDINANCE MAKING AMENDMENTS TO SECTION 5-1-7 OF THE MORTON MUNICIPAL CODE REGARDING FIREFIGHTER COMPENSATION

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., February 20, 2023**

After calling the meeting to order, the Pledge of Allegiance was recited before Clerk Evans called the roll, finding the following members present: Blunier, Hilliard, Leitch, Menold, Newman, Parrott – 6.

PUBLIC HEARING – None.

PRESENTATIONS – None.

PUBLIC COMMENT – None.

CONSENT AGENDA

- A. Approval of Minutes.
 - 1. Regular Meeting – February 6, 2022
 - 2. Closed Session – February 6, 2022
- B. Approval of Bills

Trustee Hilliard moved to approve the Consent Agenda. Motion was seconded by Trustee Parrott and approved with the following roll call vote:

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

VILLAGE PRESIDENT – None.

VILLAGE CLERK – None.

VILLAGE ADMINISTRATOR – None.

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 SESSIONS – 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 Blunier and followed by unanimous voice vote of all present board members.

ATTEST:

PRESIDENT

VILLAGE CLERK

RESOLUTION NO. 16-23

**RESOLUTION AUTHORIZING DISTRIBUTED ENERGY RESOURCE AGREEMENT
WITH VOLTUS, INC.**

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

1. That the Distributed Energy Resource Agreement between the Village of Morton and Voltus, Inc. in the form as attached to this resolution is approved.
2. That the execution of this agreement by the Director of Public Works is hereby directed, authorized and ratified.

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 _____, 2023; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

APPROVED this _____ day of _____, 2023.

President

ATTEST:

Village Clerk



Distributed Energy Resource Agreement

This Distributed Energy Resource Agreement ("Agreement"), effective as of the later signature date ("Effective Date"), is made between Voltus, Inc. ("Voltus" and "Party"), located at 2443 Fillmore St. #380-3427, San Francisco, CA 94115, and Village of Morton ("Customer" and "Party"), located at 120 North Main Street, Morton, IL 61550. Any Exhibit or Appendix attached hereto shall be incorporated herein by reference and be binding on the Parties.

1. **Term.** This Agreement will start on the Effective Date and shall terminate on May 31, 2025. If, for any reason, Customer is not enrolled in a distributed energy resource program ("Program") within the initial six (6) months following the Effective Date, this Agreement shall automatically be terminated on such six (6) month anniversary of the Effective Date.
2. **Voltus Managed Services**
 - a. *Scope of Services:* Voltus will manage Customer's participation in the Program(s) listed on Exhibit 1, in accordance with rules set forth by Voltus, the grid operator, and/or utility ("Operator"). Voltus will (i) work with Customer to develop an appropriate curtailment plan; (ii) manage all aspects of Customer's participation in the Program(s) and (iii) process all Program financial settlements in accordance with the rules set forth by the Operator. Voltus shall enroll Customer as soon as practicable in the next Program period for each Program following the Effective Date.
 - b. *Voltlet and VoltApp:* Upon Customer's authorization, Voltus will equip Customer with a system that collects energy data ("Voltlet") and provides visibility of this data through the Voltus cloud ("VoltApp"). At the Customer's request, such system may enable remote distributed generation control and direct load management. Voltus will install the system at each Customer facility as identified on Exhibit 1, which may be amended with the Customer's written consent, including email, to reflect additional locations. All energy data that identifies Customer ("Customer Energy Data") collected by the Voltlet shall be at all times the property of Customer and may not be sold or utilized by Voltus without the express written consent of Customer, except as necessary for the performance of services by Voltus pursuant to the terms of this Agreement. Upon written request by Customer at the termination of this Agreement, Voltus shall provide to Customer all Customer Energy Data collected by the Voltlet and shall destroy or delete any duplicate copies thereof in the possession of Voltus. Customer may access and download its Customer Energy Data at any time during the term of this Agreement. Notwithstanding the foregoing, Voltus may aggregate and anonymize energy data collected pursuant to this Agreement and create anonymized and aggregated data records that do not identify Customer ("Aggregate Data") and Voltus may use such Aggregate Data for any legitimate business purpose.
 - c.
3. **Customer Requirements**
 - a. *Utility Data:* Customer hereby authorizes utility data access for Voltus for facilities listed on Exhibit 1.
 - b. *Voltlet Installation:* In the event a Voltlet needs to be installed, Customer will provide Voltus personnel, or their designee, with access to meters and/or equipment at facilities listed on Exhibit 1. The Voltlets shall be installed at the sole and exclusive expense of Voltus. Title to the installed Voltlets shall pass to Customer upon installation. Repairs and maintenance to the installed Voltlets shall be made by Voltus at no cost to Customer during the term of this Agreement.
 - c. *Acceptance Testing:* If the Program requires acceptance testing, Customer will work with Voltus to validate Customer capability at each facility in a timely manner.
 - d. *Performance:* Customer will use best efforts to execute its curtailment plan when notified by Voltus in accordance with Program rules. The capacity listed on Exhibit 1 represents the Parties' best estimate of performance and actual enrollment may vary.
4. **Payments**
 - a. *LMR Capacity Payments:* The payment rate for participation in the MISO Load Modifying Resource ("LMR") Program for the Program periods 2023-24 and 2024-25 shall be \$33,000 per megawatt (MW) per year owing to Customer's performance, less \$350 per Voltlet per month.
 - b. *Additional Capacity Payments:* Voltus will pay Customer 63% of all payments obtained by Voltus owing to Customer's performance in the MISO Operating Reserves ("OR") and Economic Demand Response ("DR") Programs, up to the total enrolled amount, by facility.
 - c. *Energy Payments:* If Voltus is dispatched by MISO for the Energy Demand Response ("EDR") Program and Customer is enrolled in such Program, Voltus will pay Customer \$2,000 per MWh to Customer's performance by facility.
 - d. *Underperformance:* By complying herewith, in no event shall Customer be penalized for underperformance.
 - e. *Payment Timing:* Voltus will issue Customer payment within 45 days of Voltus's receipt of payment from the Operator for (i) each Program season if the Program has a fixed season, or (ii) the preceding quarter. In the event this Agreement is terminated early, Voltus's payment obligations in this Section 4 for participation through the last day of the term of this Agreement shall survive such early termination of this Agreement.
5. **General Terms**
 - a. *Limitation on Liability:* Voltus is not liable for Customer performance in the Program(s). Each party's aggregate liability for all direct damages arising out of this Agreement, whether in contract, tort, or otherwise, shall in no event exceed an amount equal to the sum of the payments made to Customer pursuant to Section 4 in the twelve (12) months preceding the event giving rise to such claim. Neither party shall be liable to the other party for any indirect, punitive, special, consequential, or incidental damages, lost profit, or other business interruption damages.
 - b. *Indemnification:* Voltus shall defend, indemnify and hold harmless Customer against any and all damages, losses, liabilities, judgments, awards and costs as may be awarded by a court or agreed to in a final settlement (including reasonable attorneys' fees and expenses) (collectively "Loss") in any third-party claim, action, lawsuit, or proceeding (individually and collectively "Claim") arising out of an allegation that Voltus's grossly negligent, or intentional actions or omissions caused a Loss, provided however that Voltus's obligation to indemnify will not apply if Customer's actions or inactions were in any way a contributing factor to the Claim. Customer shall defend, indemnify and hold harmless Voltus against any Loss in any Claim arising out of an



allegation that Customer's grossly negligent, or intentional acts or omissions caused a Loss, provided however that Customer's obligation to indemnify will not apply if Voltus's actions or inactions were in any way a contributing factor to the Claim.

- c. *Program Changes.* In the event that Program rules materially change, the Parties shall enter into good faith negotiations to update the terms of the Agreement. In the event the Parties are unable to enter into a mutually agreeable amendment within 30 days of the effective date of a material Program rule change, this Agreement shall terminate on such 30th day. Payment obligations shall survive in accordance with Section 4(e) above.
- d. *Assignment.* Neither Party shall assign or transfer this Agreement, including pursuant to a change of control, without the other Party's prior written consent, such consent not to be unreasonably withheld, conditioned, or delayed.
- e. *Termination for Material Breach.* Either Party may terminate this Agreement upon 10 days' prior written notice to the other Party if the other Party materially breaches the terms of this Agreement and fails to cure the breach within such 10-day period.
- f. *Entire Agreement.* This Agreement and applicable Exhibits shall constitute the entire agreement between the Parties regarding the subject matter hereof, and supersedes any and all prior and contemporaneous agreements or communications with respect to such subject matter. This Agreement may not be modified in any manner unless in writing signed by both Parties.
- g. *Venue & Governing Law.* Venue for any claims arising under this Agreement shall be in the Circuit Court of the county in which Customer's principal office is located. Illinois law shall apply to this Agreement.

Voltus, Inc.

Name: _____
Title: _____
Date: _____
Email: _____

Signature: _____

Customer

Name: Craig Loudermilk
Title: Director of Public Works
Date: 2/7/13
Email: cloudermilk@marton-il.gov

Signature: Craig Loudermilk



Exhibit 1

The descriptions for the Programs listed below are located at: <https://www.voltus.co/contract/welcome>

Program Operator and Name	Utility Account Number	Address	City	State	Zip Code	Estimated Enrolled Capacity
MISO LMR/EDR	1099300972	500 Detroit Ave Water Tower	Morton	IL	61550	450
MISO LMR/EDR	4732894012	120 N. Main Street	Morton	IL	61550	10
MISO LMR/EDR	1288072003	375 W. Birchwood,	Morton	IL	61550	40
MISO LMR/EDR	1783089004	300 W Courtland Street	Morton	IL	61550	20
MISO LMR/EDR	5585070171	123 S. Plum Ave / Waterworks-Fire	Morton	IL	61550	80
MISO LMR/EDR	8708536012	450 Detroit Ave.	Morton	IL	61550	10
MISO LMR/EDR	7819104172	24500 Veterans Road - WWTP	Morton	IL	61550	100
MISO LMR/EDR	6984035213	2625 South 4th Ave (WWTP)	Morton	IL	61550	200

YARD WASTE DISPOSAL PROGRAM SPRING 2023

Open: Monday, April 3 – Sunday, April 30

Closed April 7 (Good Friday) thru April 9 (Easter)

8:00 A.M. – 6:00 P.M. daily

VILLAGE OF MORTON RESIDENTS ONLY: Free yard waste disposal is available at Sewage Treatment Plant #2, **2625 S. Fourth** (at the corner of S. Fourth and Broadway Rd.). ***Verification of name & address required.***

The program is "self-serve" as it has been in the past. A fenced area at STP#2 will be designated for yard waste disposal. Assistance will not be provided for removal or dumping of landscape waste, so please plan accordingly.

The following regulations and limitations must be met:

- 1) Only leaves, grass clippings, and tree branches (no greater than 5' in length or 4" in diameter), and any associated landscape waste will be accepted.**
- 2) No paper or plastic bags will be allowed for disposal.**
- 3) Neither landscaping timber (railroad ties) nor construction lumber is allowed.**
- 4) No commercial enterprise may deposit landscape waste at this site.**
- 5) "Root mass" from trees, bushes, or shrubbery is not allowed.**
- 6) No pet waste, household garbage or plant containers of any kind at this site.**
- 7) No yard waste is to be left outside the designated fenced area.**
- 8) Video surveillance will take place during the program.**

Please follow, or help us police these rules to ensure the continued operation of this free yard waste disposal program for all citizens of Morton.

Remember that it is a violation of Village ordinances to deposit landscape and yard waste on Village property (in the streets, in Prairie and Bull Run Creeks, down storm sewers, etc.), and that open burning of landscape waste or any kind of garbage is prohibited within the Village limits.

NOTICE OF PUBLIC HEARING

The Morton Plan Commission will conduct a Public Hearing on Monday, February 27, 2023, at 7:00 P.M., at the Freedom Hall, 349 W. Birchwood St., to consider a zoning amendment request for the following described premises:

Petition No. 23-03 ZA: Subject property is located at 55 Ashland Ct. (Parcel Identification Number 06-06-17-100-029). A petition has been filed requesting a zoning change from I-2 to B-3.

PETITION FOR ZONING AMENDMENT / SPECIAL USE PERMIT

Petition Number: 23-03 ZA Date: 2-6-2023

1. Legal Description: SEC 17 T25N R3W ANTHONY ACRES LOT 1-A NW 1/4 4.57 AC
Parcel ID 06-06-17-100-029

Street Address: 55 Ashland Court

2. Area of subject property: 199069 sq. ft. or 4.57 Ac.

3. Present land use: farmland

Proposed land use or special use: Mini-storage with retail floorspace as value-add to core business

Requested zoning change: from I2 District to B3 District

4. Surrounding zoning districts:
North NA (out of village) East I2 South I2 West I2

5. Subject property is owned by:
Name: IL Keen Land, LLC
Address: PO BOX 2861 EAST PEORIA IL 61611

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

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

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

8. Additional exhibits submitted by the petitioner:
Village Planning Map Landowner Statement
Plat Survey
Proposed Development Phases

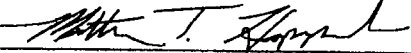
9. Petitioners' Signature:

Name: Matt Happach

Address: 87 Warwick Circle

Phone No.: 309-253-2689

Email Address: matt.happach@meekventures.net

Signature: 

Name: Eric Carlson

Address: 230 E Fernwood St, Morton, IL 61550

Phone No.: 815-218-4573

Email Address: eric.carlson@meekventures.net

Signature: *Eric P. Carlson*

Name: _____

Address: _____

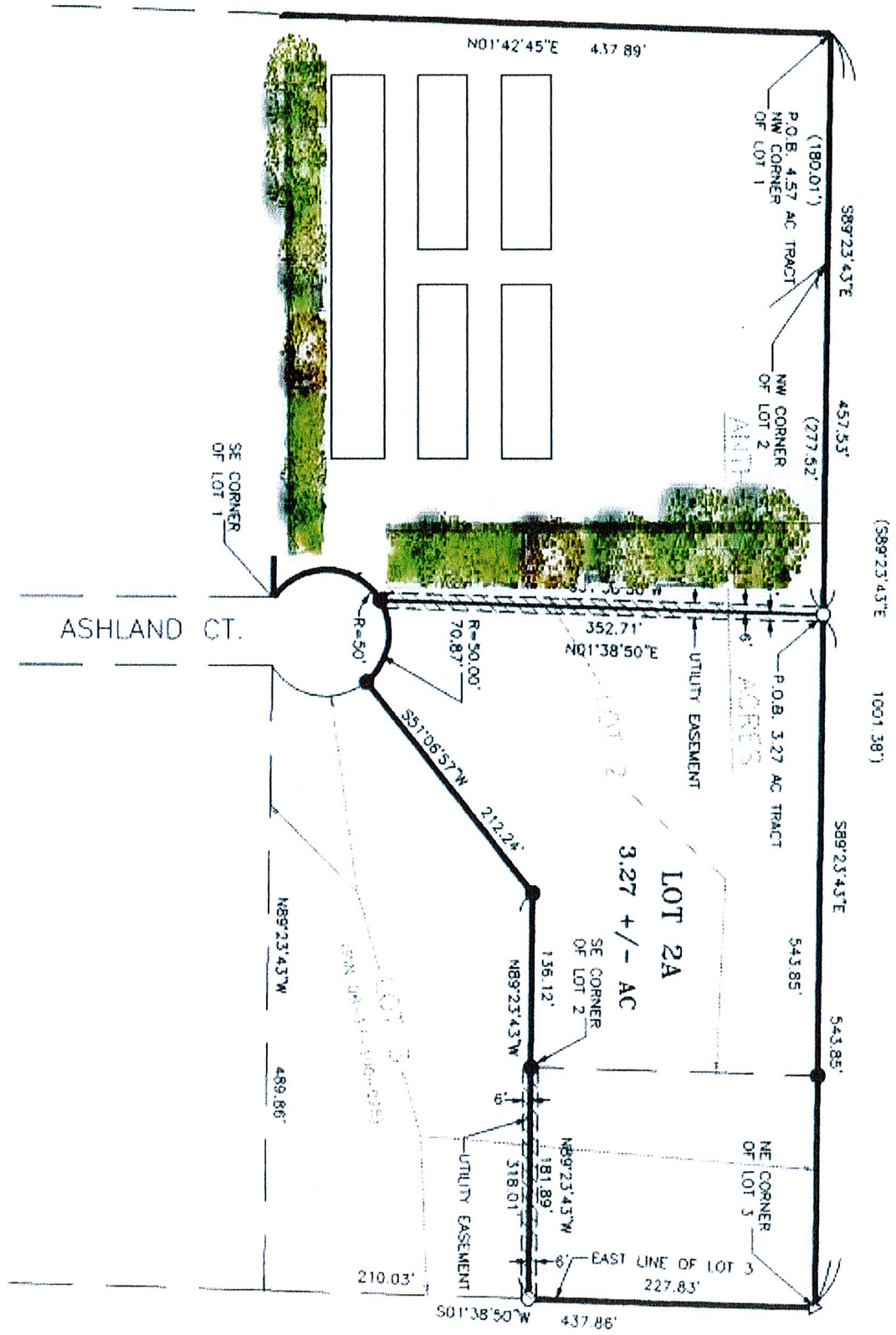
Phone No.: _____

Email Address: _____

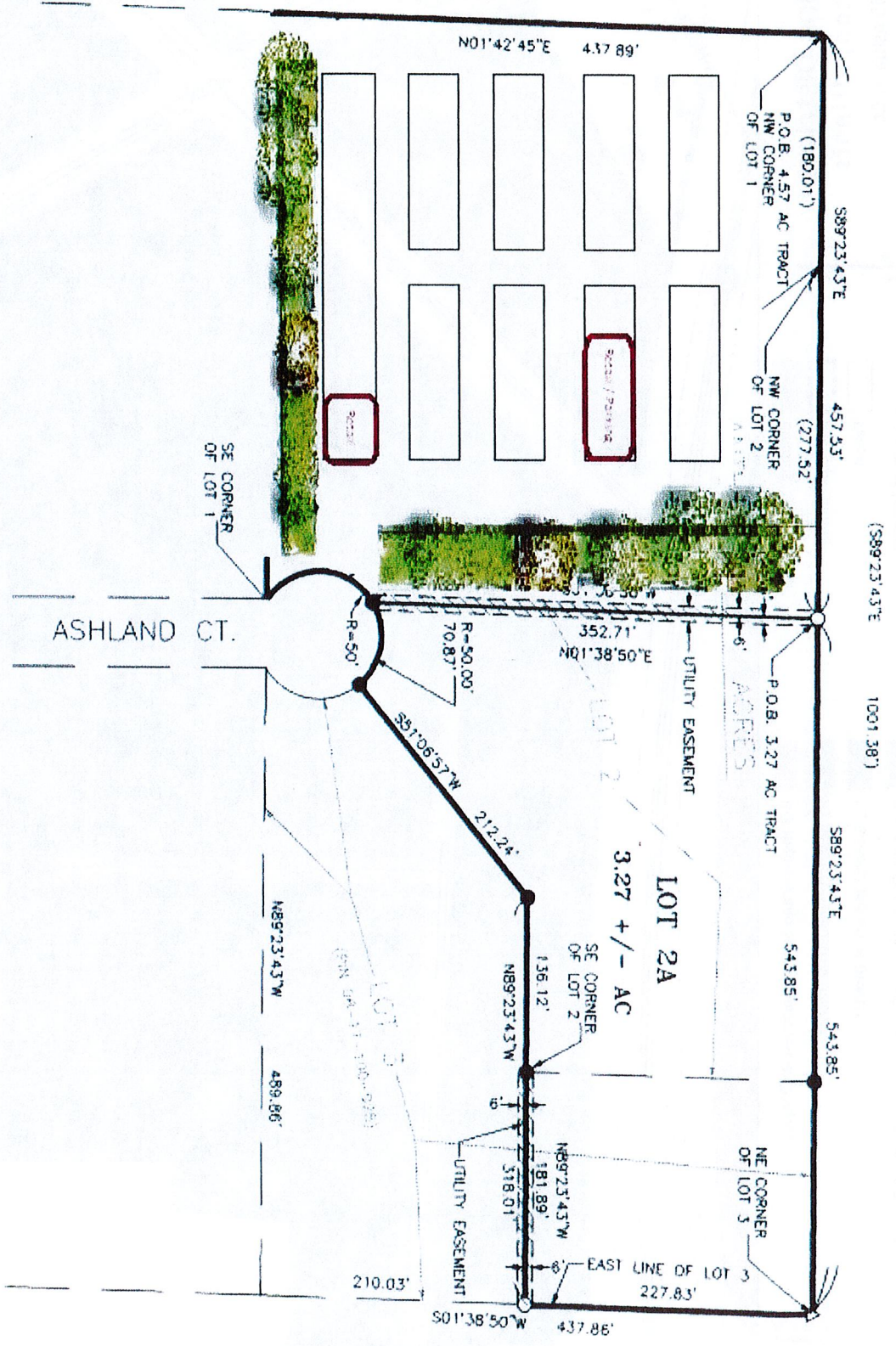
Signature: _____

Statement for Petition

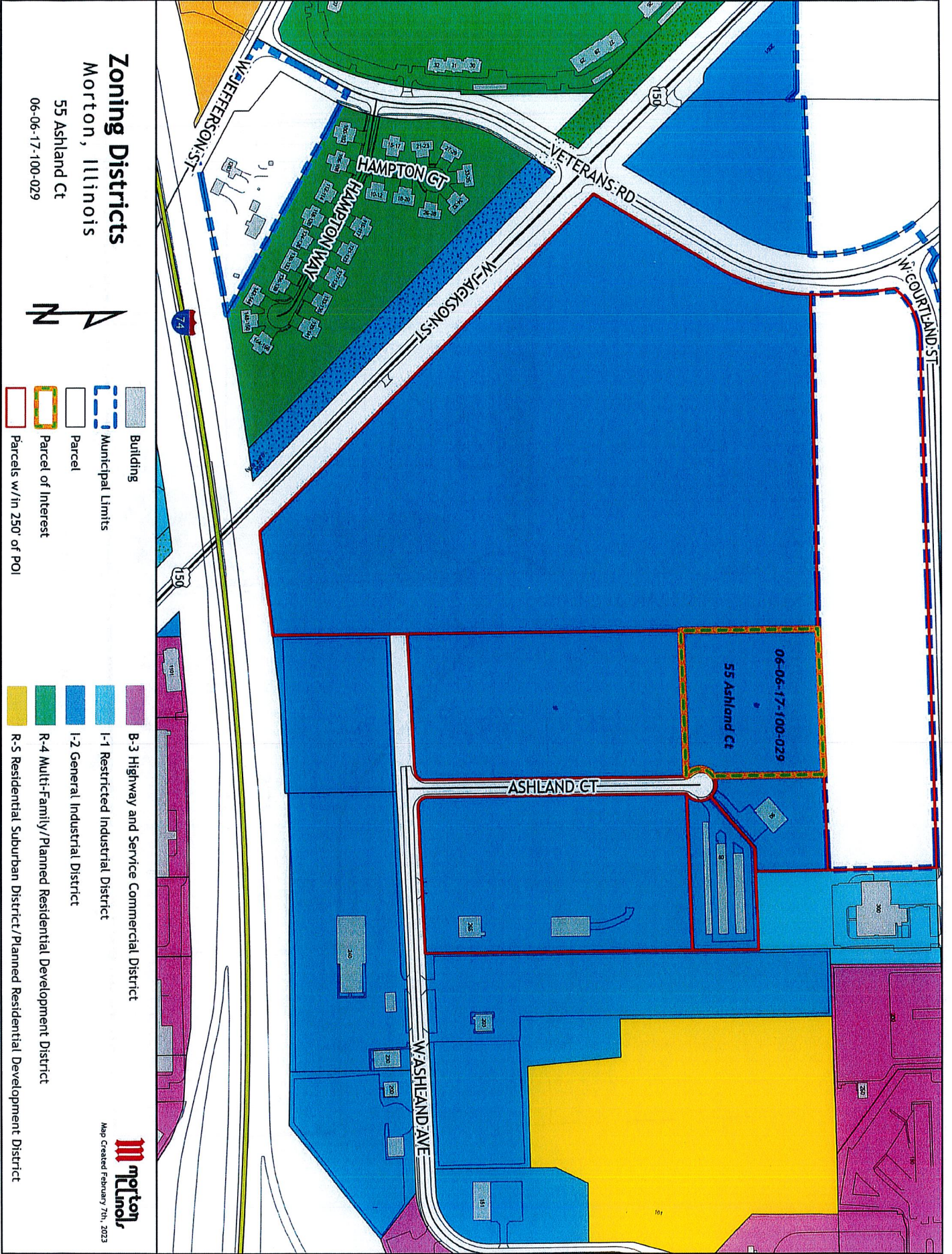
- Our business model is aligned with B-3 (retail) vs. industrial use-case . Our intent is to align zoning with intended use in our property purchase; we have agreement with the existing landowner to pursue as part of the accepted LOI.
- This business provides a direct service to the community.
- This development would allow generation of tax revenue vs.undeveloped land.
- This development will aesthetically align with potential future business designs in the immediate area.
- We do not see this rezoning request as a potential detriment for future development opportunities; currently there is an abundance of available I-2 lots that have been idle in the market for an extended period without development.
- We believe rezoning to B-3 will be an overall benefit; there are not readily available offerings on-market for development options in the business asset class.



55 Ashland Ct. - Potential Phase 1



55 Ashland Ct. - Potential Phase 2



Zoning Districts

Morton, Illinois

55 Ashland Ct
 06-06-17-100-029



- Building
- Municipal Limits
- Parcel
- Parcel of Interest
- Parcels w/in 250' of POI
- B-3 Highway and Service Commercial District
- I-1 Restricted Industrial District
- I-2 General Industrial District
- R-4 Multi-Family/Planned Residential Development District
- R-5 Residential Suburban District/Planned Residential Development District

Parcels w/ 250' of 06-06-17-100-029

PIN	Address	Zoning
06-06-08-300-009	W COURTLAND ST	N/A
06-06-17-100-012	15 ASHLAND CT	I-2
06-06-17-100-013	265 W ASHLAND ST	I-2
06-06-17-100-028	80 ASHLAND CT	I-2
06-06-17-100-029	55 ASHLAND CT	I-2
06-06-17-100-031	<null>	I-2
06-06-17-100-038	90 ASHLAND CT	I-2

Name	Address 1	City	State	Zip	Street
ILLINOIS KEEN LAND LLC %D LAHOOD	PO BOX 2861	EAST PEORIA	IL	61611 15	ASHLAND CT
ILLINOIS KEEN LAND LLC %D LAHOOD	PO BOX 2861	EAST PEORIA	IL	61611 55	ASHLAND CT
MORTON'S BEST STORAGE LLC	PO BOX 330	MORTON	IL	61550-0330 80	ASHLAND CT
STRUBE ENTERPRISES LLC	108 FORESTVIEW RD	MORTON	IL	61550-1106 90	ASHLAND CT
KEEN TRANSPORT INC	1951 HARRISBURG PIKE	CARLISLE	PA	17015-7304 265 W	ASHLAND ST
RONALD SMALLENBERGER TRUSTEE	75 SAPPHIRE PT	MORTON	IL	61550	W COURTLAND ST
J STEINER & K BOWLBY %C MANGELS	18892 WASHINGTON RD	MORTON	IL	61550	W JACKSON ST

VILLAGE OF MORTON
ORDINANCE 23--15

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

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

AMENDMENT

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

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

- E. Front Yards To Be Measured From Edge Of Proposed Right Of Way: Where the street(s) upon which a property fronts is below the proposed right of way width, as indicated on the Morton Official Map, the required front yard shall be measured from the edge of the proposed right of way line which, unless otherwise indicated, shall be a line parallel to the edge of the existing right of way and set into the property a distance equal to one-half (1/2) the distance the existing right of way is below the proposed width.
- F. Landscaped Front Yards Required: All uses in all districts, except agricultural uses, shall maintain a landscaped front yard of a depth equal to the lesser of the actual building setback imposed under the regulations of the applicable zoning district, or (b) twenty five feet (25') in depth measured from the edge of the right of way. Within the landscaped front yard, ~~The required front yard shall be reduced in the manner set forth in the regulations for the applicable zoning district within the territory shown on the following map: Map of Area in Which a Reduced Landscaped Yard is Allowed~~
- G. Obstructions To Visibility At Intersections Prohibited: On a corner lot, no obstruction to visibility shall be allowed within a triangular area formed by the intersecting property lines along the fronting streets and a straight line joining said lot lines at points the following distances from the intersection of such intersecting lot lines for types of streets as designated on the Official Map:
1. Twenty feet (20') for local streets, and
 2. Thirty five feet (35') for all other streets.
- This provision shall apply to obstructions on and after September 17, 2001. (amd. Ord. 01-17, 9-17-01)
- H. Zoning Of Bona Fide Agricultural Uses: Notwithstanding the above, none of the following regulations, with the exception of yard requirements, shall be applicable to bona fide agricultural uses. This shall not be construed, however, as eliminating the necessity of agricultural uses from applying for and obtaining the necessary building and zoning permits prior to construction, alteration, or moving of buildings. No fee, however, shall be required for a zoning permit for such bona fide agricultural uses. (Ord. 78-31, 3-5-79)
- I. Shipping Containers as Accessory Use: A semi-trailer, truck body, container, manufactured home, or trailer coach shall not be used as a storage structure other than as a temporary field office for contractors or on-site equipment storage on a permitted construction site, or in conjunction with the sale of goods or the manufacturing of goods by a business located on the site where such equipment is located. The use of such equipment as a storage structure is expressly prohibited. A trailer coach may be used by a bona fide not-for-profit organization in conjunction with the sale of merchandise, provided such does not exceed once a year for a period of thirty (30) consecutive days and is in a district zoned for business or industrial uses. Except to the extent allowed for a bona fide not-for-profit organization, a semi-trailer, truck body, container, manufactured home, or trailer coach shall not be used for the sale of merchandise.

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

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

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:

A M E N D M E N T

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

- A. Permitted Uses:
1. Single-family dwellings.
 2. Agricultural uses consisting only of growing crops, truck gardening, and flower gardening.
 3. Temporary construction buildings and uses at the construction site and only during the construction period.
 4. Accessory buildings and uses.
 5. Community residence. (Ord. 89-19, 2-5-90)
- B. Special Uses: The following uses are permitted subject to the public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title. (Ord. 73-31, 3-5-79; amd. Ord. 84-1, 5-21-84; amd. Ord. 84-3, 6-18-84)
1. Any use permitted as a special use in the R-S and Planned Residential Development District, except outdoor recreation facilities and borrow pits. (Ord. 86-21, 4-20-87; amd. Ord. 07-09, 6-4-07)
 2. Hospitals, sanitariums, rest homes, and retirement centers. (Ord. 78-31, 3-5-79; amd. Ord. 84-1, 5-21-84; amd. Ord. 84-3, 6-18-84; amd. Ord. 84-25, 4-15-85; amd. Ord. 08-19, 10-6-08)
 3. Publicly owned parks.
 4. Private recreation areas. (Ord. 78-31, 3-5-79; amd. Ord. 84-1, 5-21-84; amd. Ord. 84-3, 6-18-84)
- C. Required Lot Area And Width: Every building hereafter erected or structurally enlarged shall be on a lot having an area of not less than seven thousand five hundred (7,500) square feet for interior lots and nine thousand five hundred (9,500) square feet for corner lots, and a width of the building line of not less than seventy five feet (75') for interior lots and not less than ninety five feet (95') for corner lots. Lots zoned R-1A shall have an area of not less than eight thousand (8,000) square feet and a width of not less than sixty five feet (65') at the building line. This requirement shall not apply to planned residential developments which shall meet the requirements of Section 10-5-8 of this Title or for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title. Any lots within one-half (1/2) mile of a livestock feeding operation that is in operation at the time of the platting of the lots, must be one (1) acre in size. (amd. Ord. 06-19, 7-10-06; amd. Ord. 12-14, 11-19-12)
1. Front Yard: No building shall be erected without providing or maintaining a front yard

of thirty-five feet (35') unless the depth of the lot is less than one hundred thirty-five feet (135'), in which case the front yard shall be no less than twenty-five feet (25'). In the event the building is constructed in an established area on one side of the street between two (2) intersecting streets that is improved with buildings that have observed a front yard depth which is less than the thirty-five feet (35') or twenty-five feet (25') requirement, then in such established districts, the front yard depth may be the same as, but not less than, the building immediately adjacent to either side of the proposed building. In the event the building is constructed in an area within the territory set forth on the Map of Area in Which a Reduced Front Yard is Allowed ~~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 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, 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 limited on the size of any other individual accessory structure, subject however to the limitation on the total lot coverage set forth in this section forth 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 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** “10-5-2: R-S Residential Suburban District And Planned Residential Development District” of the Morton Municipal Code is hereby *amended* as follows:

AMENDMENT

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'). except within the territory indicated on the Map of Area within Which A Reduced Front Yard is

Allowed, and in the instance such exception applies the required front yard shall be reduced to twenty-six feet four inches (26'4")

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 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 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 of all accessory structurespermitted 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 4: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 5: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 6: EFFECTIVE DATE This Ordinance shall be in full force and effect from and after the required approval and publication according to law.

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	_____	_____	_____	_____
President Kaufman	_____	_____	_____	_____

Presiding Officer

Attest

 Jeffrey L. Kaufman, Village President,
 Village of Morton

 Zo M. Evans, Village Clerk, Village of
 Morton

VILLAGE OF MORTON
ORDINANCE 2316

**AN ORDINANCE MAKING AMENDMENTS TO CHAPTER 3 OF TITLE 10 OF
THE MORTON MUNICIPAL CODE REGARDING ACCESSORY USES &
BUILDINGS IN THE R-3 AND R-4 ZONING DISTRICT**

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

AMENDMENT

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

A. Permitted Uses:

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

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

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

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

1. Every interior lot three (3) or four (4)-family dwelling and residential building hereafter erected or structurally enlarged shall provide a minimum lot width as measured at the building line of one hundred feet (100') and a minimum lot area of thirteen thousand two hundred (13,200) square feet.
2. Every corner lot three (3) or four (4)-family dwelling and residential building hereafter erected or structurally enlarged shall provide a minimum lot width as

measured at the building line of one hundred twenty feet (120') and a minimum lot area of fifteen thousand eight hundred forty (15,840) square feet.

3. Any lots within one-half (1/2) mile of a livestock feeding operation that is in operation at the time of the platting of the lots, must be one (1) acre in size. (amd. Ord. 06-19, 7-10-06)

D. Required Yard Area: Every building hereafter erected or structurally enlarged shall provide or maintain the following minimum yard requirements, except for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title, and except for those general exceptions to yard requirements as outlined in Section 10-4-3 of this Title:

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

- b. Side and Rear Yard Fences: Ornamental fences and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. Chain link fences not exceeding four feet (4') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)
- 5. Pavement: Pavement shall be no closer than ten feet (10') to the side and rear property lines. Landscape screening shall be required whenever pavement is closer than the building setback line.
- 6. Parking Lot Light Poles: Parking lot light poles may extend an additional three feet (3') into the required landscaped yard setback
- E. Building Height: No building or structure hereafter erected or structurally enlarged shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height, except for those general exceptions to height limitations as outlined in Section 10-4-3 of this Title. Buildings exceeding thirty-five feet (35') in height may be permitted as a special use subject to public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title. (Ord. 03-44, 03-15-04)
- F. Minimum Square Footage for Single-Family Residences: Any building used as a single-family residence shall contain on the ground floor eight hundred (800) square feet of livable floor space.
- G. Fences: Chain link fences not exceeding four feet (4') in height shall be permitted in the R-3 District in areas outside of the required yard area. Ornamental fences and enclosure fences not exceeding six feet (6') in height shall be permitted in the R-3 District in areas outside of the required yard area. It shall be unlawful for any person to erect, construct, maintain or permit a fence that is constructed of materials that are not specifically manufactured as fencing materials, such as rope, string, galvanized sheet metal, plywood, corrugated metal, or the like. It shall be unlawful for any person to erect, construct, maintain, or permit a fence that is constructed of materials that are intended for agricultural usage or for retaining livestock, such as barbed wire, chicken wire, hog wire, wire fabric, or other similar welded or woven wire fabrics. It shall further be unlawful for any person to construct a fence with slats of any material (including but not limited to metal, fiberglass or bamboo) threaded through a chain link fence. A direct path unobstructed from fencing shall be maintained between the street and the gas meter and water meter electronic reading device.
- H. Parking Regulations: It shall be lawful in this zoning district to park recreational vehicles, campers, boat trailers and/or trailers on a driveway. In addition, it shall be lawful to park a trailer which is not an enclosed trailer in the rear yard on an all-weather, durable and dustless surface, such as an asphalt, interlocking concrete paver, brick or cement pavement surface. No recreational vehicle, camper, boat or trailer shall be parked in such a manner so as to obstruct, in whole or in part, a sidewalk, alley or street. It shall be unlawful for any person, firm or corporation to park any semitrailer, pole trailer, tow truck, tractor, or truck tractor on any lot in this zoning district. It shall be unlawful to any person to reside, even temporarily, in any recreational vehicle, camper, or trailer in this zoning district. It shall be unlawful to park any recreational vehicle, camper, boat trailer, or trailer in any manner not expressly permitted by this section.
- I. Satellite Dishes: A satellite dish, which is defined as a device used for the reception of

communications or other signals from orbiting satellites, is permitted subject to the following conditions:

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

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

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

reasonable state of repair and condition. Water shall not be allowed to become stagnant.

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

L. 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 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 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 visible from a public or private 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. After landscape screening is installed, it shall be maintained at all times.
8. The total area 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.

SECTION 2: AMENDMENT “10-5-6: R-4 Multi-Family And Planned Residential Development District” of the Morton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

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

- A. Permitted Uses:
 - 1. Any use permitted as a "permitted use" in the R-1 One-Family and Planned Residential Development District, in the R-2 Two-Family and Planned Residential Development District, and in the R-3 Three or Four-Family and Planned Residential Development District.
 - 2. Multi-family dwellings and apartments.
- B. Special Uses: Any use permitted as a "special use" in the R-1 One-Family and Planned Residential Development District, in the R-2 Two-Family and Planned Residential Development District, and in the R-3 Three or Four-Family and Planned Residential Development District.
- C. Required Lot Area and Lot Width: Except for planned residential developments which shall meet the requirements of Section 10-5-8 of this Chapter and for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title, the following lot area requirements shall apply:
 - 1. Every interior lot multi-family dwelling and residential building hereafter erected or structurally enlarged shall provide a minimum lot width as measured at the building line of one hundred feet (100') and a minimum lot area of the greater of: a) thirteen thousand two hundred (13,200) square feet, or b) two thousand two hundred (2,200) square feet per dwelling unit.
 - 2. Every corner lot multi-family dwelling and residential building hereafter erected or structurally enlarged shall provide a minimum lot width as

measured at the building line of one hundred twenty feet (120') and a minimum lot area of the greater of a) fifteen thousand eight hundred forty (15,840) square feet, or b) two thousand two hundred (2,200) square feet per dwelling unit.

3. Any lots within one-half (1/2) mile of a livestock feeding operation that is in operation at the time of the platting of the lots, must be one (1) acre in size. (amd. Ord. 06-19, 7-10-06)

D. Required Yard Area: Every building hereafter erected or structurally enlarged shall provide or maintain the following minimum yard requirements, except for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title, and except for those general exceptions to yard requirements as outlined in Section 10-4-3 of this Title:

1. Front Yard: No building shall be erected without providing or maintaining a front yard of thirty-five feet (35') unless the depth of the lot is less than one hundred thirty-five feet (135'), in which case the front yard shall be no less than twenty-five feet (25'). In the event the building is constructed in an established area on one side of the street between two (2) intersecting streets that is improved with buildings that have observed a front yard depth which is less than the thirty-five feet (35') or twenty-five feet (25') requirement, then in such established districts, the front yard depth may be the same as, but not less than, the building immediately adjacent to either side of the proposed building.
2. Side Yard: No building shall be erected without providing or maintaining combined side yards of twenty feet (20'), and a minimum individual side yard of seven feet (7') for buildings or structures up to twenty feet (20') in height. Buildings or structures over twenty feet (20') in height up to forty-five feet (45') in height shall require a minimum individual side yard of fifteen feet (15').
3. Rear Yard: No building shall be erected without providing or maintaining a rear yard of twenty-five feet (25').
4. Fences: Ornamental fences, enclosure fences, and chain link fences meeting the required conditions are exempt from the specific yard requirements as noted. Except those fences specifically permitted pursuant to the terms of this section, no other fences shall be permitted within the required yard area.
 - a. Front Yard Fences:
 - (1) Front Yard Fences on Interior Residential Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted within the front yard. Enclosure fences are not permitted in front yards of interior lots.
 - (2) Front Yard Fences on Corner Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted in either front yard. An enclosure fence not exceeding six feet (6') in height is permitted in that front yard which the building does not face, providing such front yard enclosure fence is set back from the property line one-half (1/2) the required front yard distance for that district or ten

feet (10'), whichever is greater. It is further required that fences respect obstruction to visibility requirements of 10-4-3(I).

- b. Side and Rear Yard Fences: Ornamental fences and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. Chain link fences not exceeding four feet (4') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)
5. Parking Lot Light Poles: Parking lot light poles may extend an additional three feet (3') into the required landscaped yard setback
- E. Building Height: No building or structure hereafter erected or structurally enlarged shall exceed two and one-half (2 1/2) stories or thirty-five feet (35') in height, except for those general exceptions to height limitations as outlined in Section 10-4-3 of this Title. Buildings exceeding thirty-five feet (35') in height may be permitted as a special use subject to public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title. (Ord. 03-44, 03-15-04)
 - F. Minimum Square Footage for Single-Family Residences: Any building used as a single-family residence shall contain on the ground floor eight hundred (800) square feet of livable floor space.
 - G. Fences: Chain link fences not exceeding four feet (4') in height shall be permitted in the R-4 District in areas outside of the required yard area. Ornamental fences and enclosure fences not exceeding six feet (6') in height shall be permitted in the R-4 District in areas outside of the required yard area. It shall be unlawful for any person to erect, construct, maintain or permit a fence that is constructed of materials that are not specifically manufactured as fencing materials, such as rope, string, galvanized sheet metal, plywood, corrugated metal, or the like. It shall be unlawful for any person to erect, construct, maintain, or permit a fence that is constructed of materials that are intended for agricultural usage or for retaining livestock, such as barbed wire, chicken wire, hog wire, wire fabric, or other similar welded or woven wire fabrics. It shall further be unlawful for any person to construct a fence with slats of any material (including but not limited to metal, fiberglass or bamboo) threaded through a chain link fence. A direct path unobstructed from fencing shall be maintained between the street and the gas meter and water meter electronic reading device.
 - H. Parking Regulations: It shall be lawful in this zoning district to park recreational vehicles, campers, boat trailers and/or trailers on a driveway. In addition, it shall be lawful to park a trailer which is not an enclosed trailer in the rear yard on an all-weather, durable and dustless surface, such as an asphalt, interlocking concrete paver, brick or cement pavement surface. No recreational vehicle, camper, boat or trailer shall be parked in such a manner so as to obstruct, in whole or in part, a sidewalk, alley or street. It shall be unlawful for any person, firm or corporation to park any semitrailer, pole trailer, tow truck, tractor, or truck tractor on any lot in this zoning district. It shall be unlawful to any person to reside, even temporarily, in any recreational vehicle, camper, or trailer in this zoning district. It shall be unlawful to park any recreational vehicle, camper, boat trailer, or trailer in any manner not expressly permitted by this section.
 - I. Satellite Dishes: A satellite dish, which is defined as a device used for the reception of

communications or other signals from orbiting satellites, is permitted subject to the following conditions:

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

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

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

reasonable state of repair and condition. Water shall not be allowed to become stagnant.

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

L. 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 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 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 visible from a public or private 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. After landscape screening is installed, it shall be maintained at all times.
8. The total area 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.

SECTION 3: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 4: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 5: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from and after the required approval and publication according to law.

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	_____	_____	_____	_____
President Kaufman	_____	_____	_____	_____

Presiding Officer

Attest

Jeffrey L. Kaufman, Village President,
Village of Morton

Zo M. Evans, Village Clerk, Village
of Morton

**VILLAGE OF MORTON
ORDINANCE 23-17**

**AN ORDINANCE MAKING AMENDMENTS TO SECTION 10-6-4 OF THE
MORTON MUNICIPAL CODE REGARDING SHEET METAL SHOPS AND
WELDING SHOPS IN THE B-3 DISTRICT**

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

AMENDMENT

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

A. Permitted Uses:

1. All uses permitted as a “permitted use” in the B-1 Professional Office District and in the B-2 General Business District.
2. All other retail stores, shops, and service establishments not permitted in the B-1 or B-2 Districts, including those uses specifically mentioned below and providing within enclosed buildings except as noted below, not however, to include uses involving any manufacturing or processing except as expressly permitted below.
3. Automobile supplies and auto parts.
4. Auto washing establishments.
5. Boat sales.
6. Bowling alleys.
7. Branch banks.
8. Catering establishments.
9. Clubs, lodges, fraternal and business organization meeting halls, and recreational facilities.
10. Drive-in food, refreshment, and other business establishments servicing customers in parked cars.
11. Dry cleaning and laundry establishments.
12. Earth moving and material handling indoor equipment displays and sales rooms.
13. Exterminating shops.
14. Farm supplies (not to include outdoor storage of farm equipment).
15. Feed stores.
16. Garages for repair and servicing of automobiles and trucks (but not to include outdoor storage other than vehicles awaiting repair or pick-up).

17. Machinery sales (not to include outdoor storage of machinery).
18. Motels and hotels.
19. Printing and publishing having not more than twenty five (25) employees other than office and maintenance employees.
20. Roller rinks and ice skating rinks.
21. Service, cleaning, or repair shops for personal, household, or garden equipment.
- ~~22. Sheet metal shops.~~
23. Storage, warehousing, and wholesale establishments provided carried out within enclosed buildings.
24. Veterinarian or animal hospital without outdoor kennels or runways.

~~25. Welding shops.~~

- B. Special Uses: The following uses are permitted subject to the public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title:
1. Any use permitted as a special use in the B-2 General Business District.
 2. Any of the foregoing uses where outdoor storage of products or goods used or sold on the premises is a necessary part of the operation.

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

3. Automobile sales, including lots for the outdoor storage and display of new or used automobiles.
4. Building material establishments for the sale of dimensioned lumber, millwork, cabinets, and other building materials, provided no milling, planing, jointing, or manufacturing of millwork shall be conducted on the premises.
5. Cartage and express facilities, including the storage of goods, motor trucks, and other equipment.
6. Contractor's or construction offices and shops, such as building, concrete, electrical, masonry, printing, plumbing, refrigeration, and roofing, including any related outdoor storage areas.
7. Earthmoving and material handling equipment, including lots for the outdoor storage and display of such equipment.
8. Farm machinery and supplies, including lots for the outdoor storage and display of new or used farm equipment.
9. Mobile home and recreational vehicle sales and storage, not, however, to include the storage or parking of occupied mobile homes or recreational vehicles.
10. Monument sales, including outdoor storage and display of monuments.

11. Storage and warehousing involving outdoor storage.
 12. Outdoor recreation facilities.
 13. Fuel sales (not bulk plants) except where retail sales are incidental to another permitted use. (amd. Ord. 01-28, 11-5-01)
 14. Lumber yards. (amd. Ord. 02-34, 3-17-03)
 15. School bus storage yards and related buildings. (Ord. 13-07, 7-1-13)
- C. Required Yard Areas: Every building hereafter erected or structurally enlarged shall provide the following yard requirements, except for lots of record which shall meet the reduced requirements of Section 10-4-4 and except for those general exceptions to yard requirements as outlined in Section 10-4-3:
1. Front Yard: The front yard shall equal the building height but in no case shall it be less than forty five feet (45'), except that on the west side of Detroit Avenue.
 2. Side Yard: The side yard shall be a minimum of ten feet (10') unless an existing adjoining property provides no side yard, in which case the property need provide no side yard. Where adjoining structures are not attached, the side yard for a building of two and one-half (2 1/2) stories shall be a minimum of ten feet (10'). For each story or portion of story above two and one-half (2 1/2) stories, the side yard shall be increased by five feet (5').
 3. Rear Yard: The rear yard shall be a minimum of twenty feet (20').
 4. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.
 - a. Ornamental fences not exceeding six feet (6') in height are permitted within the front yard. Enclosure fences are not permitted in front yards.
 - b. Ornamental and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)
 5. Pavement: Pavement shall be no closer than ten feet (10') to the side and rear property lines. In the event walks, drives, or parking areas were built in compliance with a lesser setback, but not as a result of a variance, then the setback for subsequent walks, drives, and parking areas may be the same as that in effect at the time of prior construction. Landscape screening shall be required whenever pavement is closer than the building setback line.
 6. Parking Lot Light Poles: Parking lot light poles may extend an additional three feet (3') into the required landscaped yard setback. All outdoor lighting in any business or industrial district shall be installed so that lighting throw does not fall beyond any property line.
 7. Noise-Emitting Mechanical Equipment. On properties adjacent to residential districts, mechanical equipment emitting noise such as air-conditioning compressors and similar equipment emitting noise such as air-conditioning compressors and similar equipment may be located in side or rear yards but in no case any closer than twelve feet (12') to the side yard property line of the adjacent property, and in all instances so installed and directed to be of minimum annoyance to the adjacent property. Back-up generators may be located in side or rear yards but in no case closer than six feet (6') to the side

yard property line of the adjacent property

- D. Building Height: No building shall be erected or enlarged to exceed a height of two and one-half (2 1/2) stories or thirty five feet (35') except for those general exceptions to height limitations listed in Section 10-4-3. Buildings of up to five (5) stories or seventy feet (70') in height may be permitted as a special use subject to the public hearing and other special permit requirements as outlined in Chapter 10 of this Title.
- E. Required Off-Street Parking And Loading: Off-street parking and loading shall be provided as outlined in Chapter 8 of this Title. (Ord. 78-31, 3-5-79)
- F. Required Construction Area And Composition: A building which is erected or enlarged shall conform to the following:
 - 1. It shall rest upon footing or foundation. This shall not be construed to prohibit pole buildings or post frame buildings if set in concrete.
 - 2. It shall have sanitary facilities which comply with all other requirements of the Morton Municipal Code. This provision shall not apply to those buildings used exclusively for storage or warehousing.
- G. Interstate Corridor: In the event the property is located within an interstate corridor, then the required lot size and required yard area size shall be as set forth in Title 10, Chapter 4, Subsection 7(B) and (C). The provisions of Title 10, Chapter 4, Subsection 7(G) shall also apply. (Ord. 94-31, 5-15-95)
- H. Landscaped Buffers or Screening Required: Newly established business uses adjacent to or backing on property zoned in the residential districts shall provide and continuously maintain on that property line a dense hedge, tree row, or other similar landscape device suitable to visually screen the differing types of adjacent uses from one another.
- I. Accessory Buildings: Accessory buildings or structures shall be permitted subject to the following
 - 1. They shall be located within the required rear yard.
 - 2. They shall maintain a side and rear setback of six feet (6') for all lots except corner lots. For corner lots the accessory building or structure shall maintain a setback of twenty feet (20') for any side which abuts a street and six feet (6') for all other sides.
 - 3. They shall not be established within the territory of an existing Village of Morton easement or other utility easement
 - 4. There shall be no more than one accessory building or structure on any lot in this zoning district.
 - 5. The height of any accessory building or structure shall not exceed thirteen feet (13') or the height of the primary structure, whichever is less. The area of any building or structure shall not exceed 1.6% of the lot area to a maximum of four hundred eighty (480) square feet
 - 6. Any side(s) abutting a street shall be screened as follows: at the time of construction (or if weather requires, no later than six(6) months after construction) one row of evergreens shall be planted which shall be of a variety which, at maturity, shall grow together when planted ten feet (10') on center, and shall be at least five feet (5') in height when planted. If the rear yard is completely enclosed by a privacy fence six feet (6') in height, then the

landscape screening requirement shall be waived. The landscape screening shall be continuously maintained continuously until such time as the accessory building or structure is removed from the premises.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from and after the required approval and publication according to law.

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	_____	_____	_____	_____
President Kaufman	_____	_____	_____	_____
Presiding Officer		Attest		

 Jeffrey L. Kaufman, Village President,
 Village of Morton

 Zo M. Evans, Village Clerk, Village
 of Morton

EASEMENT VACATION PLAT

OWNER'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF TAZEWELL) 55

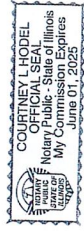
I/WE 651 HARDING LLC, THE OWNER(S) OF RECORD OF THE LAND SHOWN IN THE ATTACHED PLAT OF VACATION, DO HEREBY AUTHORIZE AND ACKNOWLEDGE THE SURVEY OF THE LAND AS DESCRIBED ON THE ACCOMPANYING LEGAL DESCRIPTION, ALSO TO THE BEST OF MY/OUR KNOWLEDGE THE DESCRIBED PARCEL IS LOCATED IN UNIFIED SCHOOL DISTRICT # 709.

GIVEN UNDER MY HAND AND SEAL THIS 9th DAY OF January, 2024
BY: OWNER, 651 HARDING LLC

NOTARY PUBLIC

SUBSCRIBED AND SWORN TO BEFORE ME THIS 9th DAY OF January, 2024

Courtney L. Hodell
NOTARY PUBLIC



VILLAGE OF MORTON PLAT OFFICER CERTIFICATE

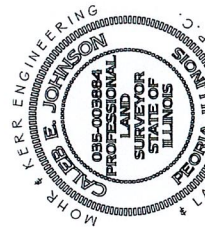
STATE OF ILLINOIS)
COUNTY OF TAZEWELL) 55

I, Craig Lavelle Milk, PLAT APPROVING OFFICER FOR THE VILLAGE OF MORTON, DO HEREBY APPROVE THE ATTACHED PLAT OF VACATION.

DATED THIS 9th DAY OF January, 2024
Craig Lavelle Milk
VILLAGE PLAT OFFICER

NOTES:

- IT IS NOT WARRANTED THAT THIS EASEMENT VACATION PLAT CONTAINS COMPLETE INFORMATION REGARDING EASEMENTS, RESERVATIONS, RESTRICTIONS, RIGHT-OF-WAY, BUILDING SETBACK LINES AND OTHER ENCUMBRANCES. FOR COMPLETE INFORMATION, A TITLE OPINION OR OTHER COMMITMENT FOR TITLE INSURANCE SHOULD BE OBTAINED.
- LOTS SHOWN PER FINAL PLAT OF "MAIN STREET BUSINESS PARK" RECORDED IN PLAT BOOK "TT", ON PAGES 141 AND 142, AT THE TAZEWELL COUNTY RECORDER'S OFFICE.



STATE OF ILLINOIS)
COUNTY OF PEORIA) 55

DATED THIS 5TH DAY OF JANUARY, 2023.

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

Caleb E. Johnson
CALEB E. JOHNSON
ILLINOIS REGISTERED PROFESSIONAL LAND SURVEYOR # 035-3684

ILLINOIS REGISTERED PROFESSIONAL LAND SURVEYOR # 035-3684

LEGEND

- LOT LINE
- RIGHT-OF-WAY LINE
- EASEMENT TO BE VACATED
- EASEMENT LINE
- MEASURED BEARING
- MEASURED DISTANCE
- RECORD DISTANCE
- T.C.R.O.
- TAZEWELL COUNTY RECORDERS OFFICE
- POINT OF BEGINNING
- POINT OF TERMINUS
- POINT OF COMMENCEMENT
- DRAINAGE SWALE EASEMENT
- UTILITY EASEMENT

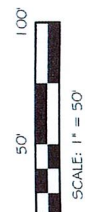
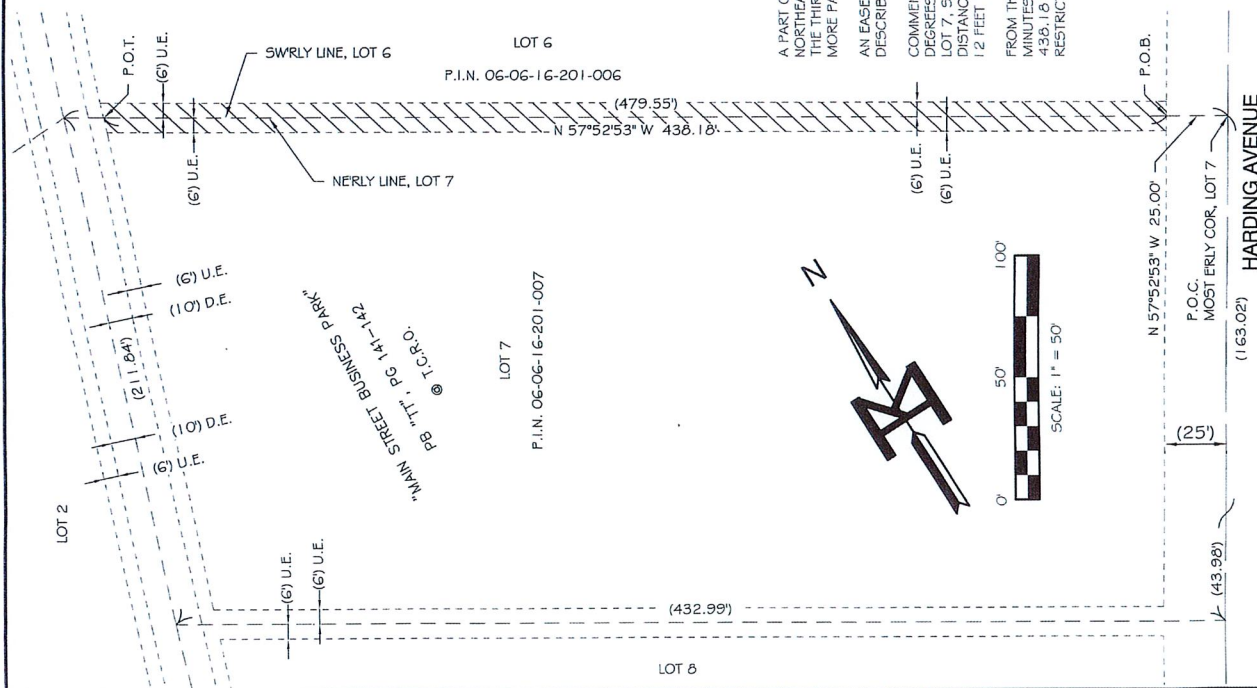
EASEMENT VACATION DESCRIPTION

A PART OF LOTS 6 AND 7 OF "MAIN STREET BUSINESS PARK", BEING A PART OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP-25-NORTH, RANGE-3-WEST OF THE THIRD PRINCIPAL MERIDIAN, VILLAGE OF MORTON, TAZEWELL COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AN EASEMENT VACATION LYING 6 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE MOST EASTERLY CORNER OF SAID LOT 7; THENCE NORTH 57 DEGREES 52 MINUTES 53 SECONDS WEST, ALONG THE NORTHEASTERLY LINE OF LOT 7, SAID LINE ALSO BEING THE SOUTHWESTERLY LINE OF SAID LOT 6, A DISTANCE OF 25.00 FEET, TO THE POINT OF BEGINNING OF THE CENTERLINE OF A 12 FEET EASEMENT VACATION TO BE DESCRIBED;

FROM THE POINT OF BEGINNING; THENCE CONTINUING NORTH 57 DEGREES 52 MINUTES 53 SECONDS WEST, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 438.18 FEET TO THE POINT OF TERMINUS, SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHT-OF-WAY OF RECORD.



P.O.B.
N 57°52'53" W 25.00'
P.O.C.
MOST ERLY COR, LOT 7
(163.02)
HARDING AVENUE

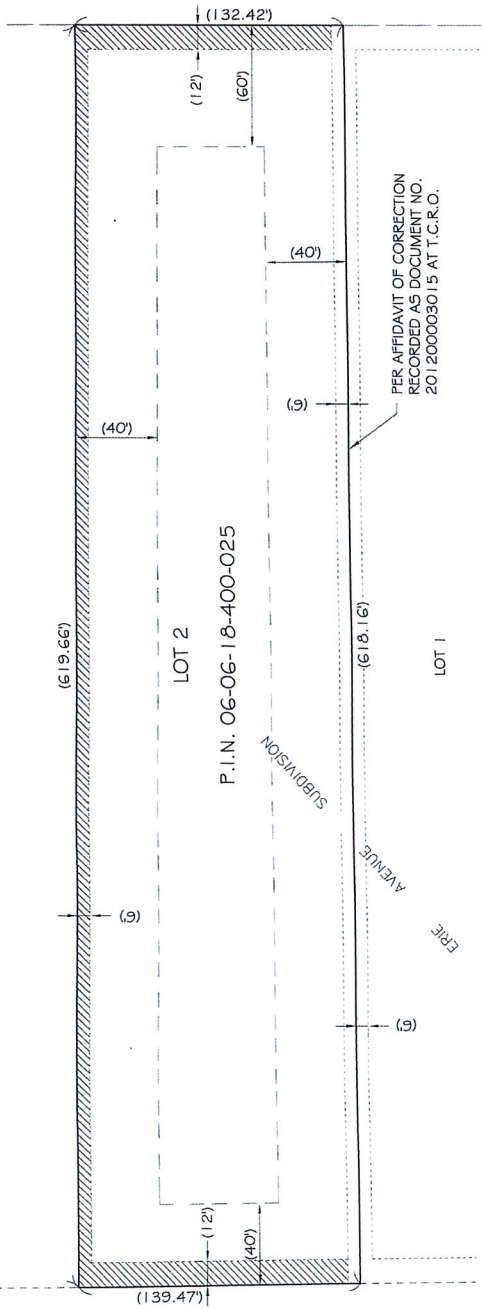
M MOHR & KERR ENGINEERING & LAND SURVEYING, P.C.
Office: 1501 N. Prospect Road, Suite 8B
Peoria, Illinois 61614
Professional Design Firm #184.005081
www.mohrandkerr.com

EASEMENT VACATION PLAT			
SURVEYED	YALC	PROJECT NO.	21-054
DRAWN	IBAB	SHEET	OF 1
CHECKED	CEJ	ETHOS::DESIGN BUILD	
DATE	05/20/22	DRAWING NO.	1

LICENSE EXPIRES NOVEMBER 30, 2024

PLAT OF VACATION

A PART OF LOT 2 IN ERIE AVENUE SUBDIVISION, A SUBDIVISION OF A PART OF THE SUBURBS OF TOWNSHIP 25-NORTH, RANGE 3-WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS.



PER AFFIDAVIT OF CORRECTION
 RECORDED AS DOCUMENT NO.
 201200003015 AT T.C.R.O.

- LEGEND**
- DEED LINE
 - BUILDING SETBACK LINE
 - ADJACENT PROPERTY LINE
 - RIGHT-OF-WAY
 - EASEMENT LINE
 - PORTION OF LOT 1
 - PORTION TO BE VACATED
 - RECORD DISTANCE
 - T.C.R.O.

NOTES:
 1. THE SURVEY INFORMATION CONTAINED HEREIN IS UNLAWFUL, UNRELIABLE, AND INACCURATE. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES, EASEMENTS, OR OTHER INTERESTS THAT WOULD AFFECT THE SURVEY. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES, EASEMENTS, OR OTHER INTERESTS THAT WOULD AFFECT THE SURVEY.

STATE OF ILLINOIS
 COUNTY OF TAZEWELL

WE, MOHR & KERR ENGINEERING & LAND SURVEYING, P.C., DO HEREBY CERTIFY THAT WE ARE THE SURVEYOR OF RECORD FOR THE SURVEY SHOWN ON THIS PLAT OF VACATION. WE ARE A PROFESSIONAL ENGINEERING FIRM LICENSED BY THE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS OF THE STATE OF ILLINOIS. WE ARE NOT PROVIDING ANY PROFESSIONAL SERVICES TO ANY OTHER PARTY. WE ARE NOT PROVIDING ANY PROFESSIONAL SERVICES TO ANY OTHER PARTY.

DATE: 10/25/2023



LICENSE EXPIRES NOVEMBER 30, 2024

MARLA K ROSE
 Official Seal
 Notary Public - State of Illinois
 My Commission Expires Dec 10, 2025

Subscribed and sworn to before me this 10th day of January, 2023.
 Marla K. Rose
 Notary Public

VILLAGE OF MORTON PLAT OFFICERS CERTIFICATE
 COUNTY OF TAZEWELL
 STATE OF ILLINOIS
 I, Gregory J. Rose, Plat Approving Officer for the Village of Morton, do hereby approve the attached Plat of Vacation.
 DATED THIS 10th day of January, 2023.
Gregory J. Rose
 Village of Morton

MOHR & KERR ENGINEERING & LAND SURVEYING, P.C. 1001 W. Main St. Peoria, Illinois 61614 www.mohrlanderr.com		CLIENT: PRECISION PLANTING LLC	
FILE NAME: 20230105_P184-005091	DRAWN BY: WJ/MD/PM/AM	CHECKED: CEJ	DATE: 02-16-23
SCALE: 1" = 20'	PROJECT NO.: 21-579	SHEET NO. OF: 1	SHEET NO. OF: 1
TITLE: PLAT OF VACATION		PROJECT NO.: 21-579	
A PART OF LOT 2 IN ERIE AVENUE SUBDIVISION, A SUBDIVISION OF A PART OF THE SUBURBS OF TOWNSHIP 25-NORTH, RANGE 3-WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS.		SHEET NO. OF: 1	

AGENDA
PLAN COMMISSION OF THE VILLAGE OF MORTON, ILLINOIS
7:00 P.M.
MONDAY, FEBRUARY 27, 2023
FREEDOM HALL, 349 W. BIRCHWOOD ST., MORTON, ILLINOIS

I. Call to Order / Roll Call

II. Approval of Minutes **Regular Meeting – January 23, 2023**

III. Public Hearing(s):

Petition No. 23-03 ZA: Subject property is located at 55 Ashland Ct. (Parcel Identification Number 06-06-17-100029). A petition has been filed requesting a zoning change from I-2 to B-3.

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

B) AN ORDINANCE MAKING AMENDMENTS TO CHAPTER 3 OF TITLE 10 OF THE MORTON MUNICIPAL CODE REGARDING ACCESSORY USES & BUILDINGS IN THE R-3 AND R-4 ZONING DISTRICTS

C) AN ORDINANCE MAKING AMENDMENTS TO CHAPTER 5 OF TITLE 10 OF THE MORTON MUNICIPAL CODE REGARDING LANDSCAPE SCREENING OF ACCESSORY BUILDINGS

D) AN ORDINANCE MAKING AMENDMENTS TO CHAPTER 6 OF TITLE 10 OF THE MORTON MUNICIPAL CODE REGARDING METAL SHOPS AND WELDING SHOPS IN THE B-3 ZONING DISTRICT

IV. Other Business:

A) Easement Vacation Plat (P.I.N. 06-06-16-201-006 and 06-06-16-201-007).

B) Plat of Vacation (P.I.N. 06-06-18-400-025).

V. Brad Marks:

2022 Zoning Map
2022 Village of Morton Official Map
2022 Land Use Map

VI. Adjourn

**MORTON PLAN COMMISSION
MINUTES-FEBRUARY 27, 2023**

The Plan Commission met on Monday, February 27, 2023, at 7:00 P.M., Chairman Keach presiding. Present: Knepp, Ritterbusch, Keach, Aupperle, DeWeese. Absent: Geil, Yordy and Zobrist. Also, in attendance: Zoning Officer Brad Marks, Trustee Craig Hilliard, and Attorney Pat McGrath.

Knepp made a motion to approve the minutes from the January 23, 2023, meeting. Aupperle seconded the motion to approve. The January 23, 2023, minutes were unanimously approved by a voice vote.

Public Hearing(s):

Petition No. 23-03 ZA: Subject property is located at 55 Ashland Ct. (Parcel Identification Number 06-06-17-100-029). A petition has been filed requesting a zoning change from I-2 to B-3. The petitioners (Matt Happach of 87 Warwick Cr., Morton and Eric Carlson of 230 E. Fernwood St., Morton) were sworn in. Mr. Happach presented the petition and gave an overview of the basis for the requested zoning change (transcripts provided). Dennis LaHood of 1001 Highview Rd., East Peoria spoke from the public in support of the zoning change. After discussion from the Plan Commission, a motion to approve was made by Aupperle. A second motion to approve was made by Knepp. This was followed by a vote to approve.

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

No-None

Petition No. 23-03 ZA was approved with a favorable recommendation.

AN ORDINANCE MAKING AMENDMENTS TO SECTION 10-4-3 OF THE MORTON MUNICIPAL CODE REGARDING LANDSCAPED YARD REQUIREMENTS. Zoning Officer Marks presented this ordinance to the Plan Commission. Mr. Marks stated that during the transition from the old Municipal Code system and the new software that is used, this part of the ordinance was omitted. This is not a change in the code, but just a reinsertion of previous verbiage.

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

No-None

Approved with a favorable recommendation.

AN ORDINANCE MAKING AMENDMENTS TO CHAPTER 3 OF TITLE 10 OF THE MORTON MUNICIPAL CODE REGARDING ACCESSORY USES & BUILDINGS IN THE R-3 AND R-4 ZONING DISTRICT. Zoning Officer Marks presented this ordinance to the Plan Commission. Mr. Marks stated that past practice used the verbiage in R-1 and R-2 as the standard for accessory uses and buildings in the R-3 and R-4 zoning districts. This ordinance revision will insert the same verbiage that is in R-1 and R-2 zoning districts to R-3 and R-4.

After discussion from the Plan Commission, a motion to approve was made by DeWeese. A second motion to approve was made by Knepp. This was followed by a vote to approve.

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

No-None

Approved with a favorable recommendation.

AN ORDINANCE MAKING AMENDMENTS TO CHAPTER 5 OF TITLE 10 OF THE MORTON MUNICIPAL CODE REGARDING LANDSCAPE SCREENING OF ACCESSORY BUILDINGS. Zoning Officer Marks presented this ordinance to the Plan Commission. Mr. Marks stated that this ordinance revision is trying to accomplish more clarity in order for the public to understand and easier to enforce. After discussion from the Plan Commission, a motion to table was made by Ritterbusch. A second motion to table was made by Knepp. This was followed by a vote to table.

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

No-None

Approved to table.

AN ORDINANCE MAKING AMENDMENTS TO SECTION 10-6-4 OF THE MORTON MUNICIPAL CODE REGARDING SHEET METAL SHOPS AND WELDING SHOPS IN THE B-3 DISTRICT. Zoning Officer Marks presented this ordinance to the Plan Commission. Mr. Marks stated that at the request and assistance of Trustee Leitch, sheet metal shops and welding shops were identified as uses that are manufacturing and do not appear to fit in the B-3 zoning. Therefore, this amendment will remove these from B-3. After discussion, a motion to approve was made by Aupperle. A second motion to approve was made by DeWeese. This was followed by a vote to approve.

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

No-None

Approved with a favorable recommendation.

Other Business:

Easement Vacation Plat (P.I.N. 06-06-16-201-006 and 06-06-16-201-007) and Plat of Vacation (P.I.N. 06-06-18-400-025) were presented by Zoning Officer Marks. Mr. Marks stated that these plats are vacating utility easements on combined parcels. After discussion from the Plan Commission, a motion to approve both plats was made by Ritterbusch. A second motion to approve was made by Aupperle. This was followed by a vote to approve.

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

No-None

Approved with a favorable recommendation.

Brad Marks:

Zoning Officer Marks informed the Plan Commission that the 2022 Zoning Map, Village of Morton Official Map, and Land Use Map's are updated and available on the Village website.

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

Page 1

1 PLAN COMMISSION OF THE VILLAGE OF MORTON, ILLINOIS
 2 DATE: February 27, 2023
 3 TIME: 7:00 p.m.
 4 PLACE: Freedom Hall
 5 349 West Birchwood
 6 Morton, Illinois 61550
 7 COMMISSION MEMBERS PRESENT:
 8 Mr. Gerald Ritterbusch
 9 Mr. Chad DeWeese
 10 Mr. Bill Aupperle
 11 Mr. Pat McGrath
 12 Mr. Brad Marks
 13 Ms. Kara Knepp
 14 Mr. Craig Hilliard
 15 MR. KEACH: I welcome you all to the Plan
 16 Commission of the Village of Morton, Monday, February
 17 27th, 2023, and can you give us a roll call.
 18 MR. MARKS: Giel.
 19 (No response)
 20 MR. MARKS: Knepp.
 21 MS. KNEPP: Here.
 22 MR. MARKS: Ritterbusch.
 23 MR. RITTERBUSCH: Here.
 24 MR. MARKS: Keach.
 25 MR. KEACH: Here.
 26 MR. MARKS: Zobrist.

Page 2

1 (No response)
 2 MR. MARKS: Aupperle.
 3 MR. AUPPERLE: Here.
 4 MR. MARKS: Yordy.
 5 (No response)
 6 MR. MARKS: DeWeese.
 7 MR. DEWEESE: Here.
 8 MR. MARKS: We have a quorum.
 9 MR. KEACH: Next on the agenda is the
 10 approval of the minutes from the last meeting, which
 11 was January 23rd.
 12 MS. KNEPP: I'll make a motion to approve.
 13 MR. AUPPERLE: Second.
 14 MR. KEACH: We have a second.
 15 MR. MARKS: All in favor say aye.
 16 ALL IN UNISON: Aye.
 17 MR. MARKS: Oppose the same. Approved.
 18 MR. KEACH: So tonight we have a number of
 19 public hearings on the agenda, and before we start to
 20 open our public hearing, I'm going to ask our counsel,
 21 Mr. Pat McGrath, to give us some instructions.
 22 MR. McGRATH: Thank you. Public hearings
 23 are being held tonight pursuant to published notice.

Page 3

1 Any person wishing to make a comment to the plan
 2 commission will be afforded an opportunity to do so
 3 and will give their testimony under oath or
 4 affirmation.
 5 Any person living within 250 feet of any
 6 specific property at issue in the case wishes to
 7 cross-examine a testifying witness may be afforded the
 8 opportunity at the discretion of our chair to
 9 cross-examine on matters germane to the issues before
 10 the plan commission.
 11 No member of the public should address the
 12 commission or a testifying witness unless and until
 13 recognized by our chair.
 14 At the conclusion of the public hearing, the
 15 plan commission will make a recommendation to the
 16 village board. The plan commission makes
 17 recommendations only; the village board is responsible
 18 for taking final action on these matters.
 19 MR. KEACH: Thank you, sir. So the first
 20 item on the public hearing agenda tonight is Petition
 21 No. 23-03-ZA. Subject property is located at 55
 22 Ashland Court. A petition has been filed requesting a
 23 zoning change from I-2 to B-3.

Page 4

1 Is there anybody here tonight from the
 2 petitioner who would like to make presentation to us.
 3 Yes, sir, please, you need to be sworn in with the
 4 reporter.
 5 (Mr. Happach and Mr. Carlson duly sworn.)
 6 MR. KEACH: So please give us your name and
 7 address.
 8 MR. HAPPACH: My name is Matt Happach. I
 9 live at 87 Warwick Circle here in town.
 10 MR. CARLSON: Eric Carlson at 230 East
 11 Fernwood in town.
 12 MR. HAPPACH: A little background about
 13 ourselves. We started Meek Ventures. It's a
 14 family-oriented small business here in the community.
 15 We're looking to get involved in the community here.
 16 It's managed by Eric and myself as partners and our
 17 wives.
 18 From that perspective, we've all had other
 19 careers, but, again, looking to get involved in the
 20 community through different business ventures, etc.
 21 Our startup venture, we're looking to
 22 provide self-storage, drive-up self-storage at the 55
 23 Ashland Court lot that is currently zoned I-2. So

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1 it's here on the end of the cul-de-sac at Ashland
 2 Court on the west side of Ashland.
 3 So we've been working on this for a while.
 4 Again, local team between ourselves and our wives, but
 5 have spoken with various different folks from the
 6 Village planning for some understanding of the process
 7 that kind of led us to where we're at here today.
 8 Also working with our engineer, Steve Kerr,
 9 to understand -- our understanding is he's worked very
 10 much with the Village to help us understand how this
 11 process would work.
 12 Specifically the zoning amendment, we're
 13 looking to go from an I-2 to a B-3 on this parcel. We
 14 do understand that the I-2 does allow for enclosed
 15 drive-up storage; however, for our particular use
 16 case, we'd also like to have an opportunity for
 17 face-to-face interactions with the community for the
 18 different customers that we would have.
 19 So to facilitate that, we'd like to have an
 20 office environment, which would be afforded in the B-3
 21 down zone, and also allows enclosed warehousing in the
 22 B-3 as well.
 23 From an opportunities and benefit

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1 perspective, obviously, this business would generate
 2 revenue and potential tax income for the Village. We
 3 are a local team from here in the community. We are
 4 also looking too from a banking-to-build perspective,
 5 use local services and local resources.
 6 The B3 zoning down zone specific that we're
 7 asking for allows for that retail floor space as a
 8 value-added service for our core business. Also,
 9 again, that interaction with the Morton community,
 10 specifically face to face either now or in the future.
 11 It also allows us to potentially sell
 12 value-added services as an adjunct to our core
 13 business, so locks, dunnage, boxes, those kind of
 14 things would be afford in the B-3 zoning down zone.
 15 Those retail sales also certainly could potentially
 16 add value tax benefit to the county and village.
 17 Ultimately, again, we're looking for some
 18 office space now or in the future. That would be
 19 afforded in the B-3 as well to support that business,
 20 and our vision really is geared more towards that
 21 customer-centric interactions. So a name and a face
 22 and an opportunity to have those interactions; not
 23 just where somebody would store their materials.

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1 So from that perspective, we do understand
 2 that a special use could be an option, but from a B-3
 3 perspective it would give us a little bit more
 4 opportunity to facilitate those discussions.
 5 I believe that the B-3 would mesh with the
 6 surrounding lots in the area, a particular seller in
 7 this particular lot, Bill Keen, also owns some of the
 8 adjacent parcels, would have no issue with it.
 9 From the perspective of long-term
 10 development, I'm trying to be cognizant also of, you
 11 know, Courtland -- or excuse me -- the Courtland
 12 Street thoroughfare there, a B-3, I think, would,
 13 being on the back side of that, offer a good
 14 visibility that wouldn't necessarily be an industrial
 15 backyard, if you will, from that perspective.
 16 So it would allow us to do what we would
 17 like to do and still have the opportunity to better
 18 that lot from that perspective.
 19 So went through a lot. Certainly, there's
 20 probably a lot of questions I'll bring Eric up as well
 21 if there are some answers that he may want to give.
 22 MR. KEACH: Does anybody on the commission
 23 have questions for petitioner?

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1 MR. DeWEESE: My main question is why B-3
 2 rather than I-2 since this is a special use, but you
 3 alluded to your reasons why. Are there any other
 4 reasons why?
 5 MR. HAPPACH: Yeah, I think from a long-term
 6 perspective, not just having to come back repeatedly
 7 if we figure out how else we can expand this business
 8 within that footprint where, you know, the special use
 9 permit may need an amendment over and over and over
 10 again.
 11 And, realistically, we see this service more
 12 as, not an industrial service, but a business service,
 13 a business interaction with those consumers. It just
 14 seems like that's more of an identity long term of
 15 what we would do in that particular space, if that
 16 makes sense.
 17 MR. DeWEESE: Yep, that's what I thought you
 18 would say. So basically anything that's allowable in
 19 B-3 you would have the flexibility to do that.
 20 MR. HAPPACH: Yeah, I think that's the
 21 long-term intent is not to have to come back in in the
 22 future.
 23 MR. DeWEESE: And there's other B-3 around

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1 there. I mean, it's a diversion from the original
 2 planned, you know, zoning for that corridor, but
 3 there's B-3 not too far away; so --
 4 MR. KEACH: So, you know, the I-2 probably
 5 allows different kinds of things that are maybe a lot
 6 different than what you are going to do. So if your
 7 neighbors around you develop that property into
 8 various I-2 uses, you don't see yourself sort of being
 9 negative on them trying to develop their I-2 property
 10 just because you're a B-3?
 11 MR. HAPPACH: No. I think being the corner
 12 lot, we can relatively insulate ourselves from that,
 13 from our perspective, if we're calling it maybe a
 14 level of protection.
 15 From their perspective, if we look at the
 16 footprint of the, I think it's four and a half acres,
 17 there are certainly some larger opportunities still
 18 there that can be utilized.
 19 Is that an answer to your question or maybe
 20 there's a follow-up?
 21 MR. KEACH: Yeah, I think that answers my
 22 question. Thanks. Any other questions for them?
 23 (No response)

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1 MR. KEACH: Thank you. Is there anybody
 2 from the public who would like to make a comment on
 3 this petition? Yes, sir.
 4 (Mr. Dennis Lahood duly sworn)
 5 MR. LAHOOD: Good evening. I bought the
 6 property --
 7 MR. KEACH: Please state your name and
 8 address.
 9 MR. LAHOOD: Dennis Lahood, and 1001
 10 Highview Road, East Peoria. I bought the property a
 11 few years back wanting to build a warehouse to store
 12 Caterpillar engines.
 13 MR. KEACH: This piece of property?
 14 MR. LAHOOD: Yeah, 13, 14 acres I bought it
 15 from Home Transportation way back when, but I caught
 16 that Agent Orange cancer when I was in Vietnam in
 17 1969, and I had to go through two years of chemo, so I
 18 had to clean house, and in the meantime Cat shut down
 19 Mossville.
 20 So that plant was negated, so I sold the
 21 property to Bill Keen, who's been a friend for many
 22 years, and he has a truck line right next to it. And
 23 I think this storage facility would facilitate the

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1 sale of the 10 acres that he owns down below and would
 2 really help with the development.
 3 We had plans to build a warehouse, but with
 4 Cat shutting down and moving things around and going
 5 to Texas with their headquarters, it negated my plans.
 6 But Bill -- I had to clean house, and I sold the
 7 Better Banks building that we owned also. So we -- I
 8 sold the rest of the shopping center land.
 9 So I cleaned house. Bill bought the
 10 industrial, there was an investment group that bought
 11 the bank building, and Joseph Company bought the empty
 12 ground in the shopping center. So that's why I had to
 13 clean house.
 14 I had like a 30 percent chance of living
 15 from what Mayo Clinic said. So Bill is all for this
 16 project. Had Caterpillar not shut down, we would have
 17 had a big warehouse there to store engines inside and
 18 out of the winter for the dealerships.
 19 And that's the story of the I-2. That's why
 20 I zoned it I-2 back then, and I thank you for your
 21 time.
 22 MR. KEACH: Thank you. Is there anyone else
 23 here that's speaking for or against this project?

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1 Seeing none, we'll close the public discussion on
 2 that. Just discuss it amongst ourselves.
 3 Brad, you can chime in too on this. Is
 4 there anything particularly that we need to consider
 5 here?
 6 MR. MARKS: As far as zoning, the only thing
 7 that really stands out is B-3 does have lesser
 8 setbacks than I-2, so that does provide more square
 9 footage to do a little more of what they want to do
 10 there. I don't know if that's a concern on zoning
 11 part since it's at the end of a cul-de-sac.
 12 MR. KEACH: Any other comments? If not, we
 13 will entertain a motion.
 14 MR. AUPPERLE: I'll make a motion to approve
 15 Petition No. 23-03-ZA as stated.
 16 MS. KNEPP: I'll second.
 17 MR. KEACH: And we have a second.
 18 MR. MARKS: Keach.
 19 MR. KEACH: Yes.
 20 MR. MARKS: Aupperle.
 21 MR. AUPPERLE: Yes.
 22 MR. MARKS: Ritterbusch.
 23 MR. RITTERBUSCH: Yes.

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1 MR. MARKS: DeWeese.
 2 MR. DeWEESE: Yes.
 3 MR. MARKS: Knepp.
 4 MS. KNEPP: Yes.
 5 MR. MARKS: Motion approved.
 6 MR. KEACH: Very good. Next item, we've got
 7 four in a row here on ordinance suggestions for making
 8 amendments to various sections of the municipal code.
 9 So the first one is an ordinance making
 10 amendments to Section 10-4-3 of the Morton Municipal
 11 Code regarding landscaped yard requirements.
 12 Brad, I'm just going to ask you to kind of
 13 summarize what the intent is of these various
 14 amendments.
 15 MR. MARKS: And Attorney McGrath, you can
 16 step in whenever you feel appropriate. I'd appreciate
 17 that.
 18 This amendment here, this was in our code
 19 before Municode. I do believe at some point when we
 20 switched from our old code system to Municode, the
 21 25-foot landscaped front yard somehow was lost. I'm
 22 not quite sure how that happened, but we did find this
 23 at one point.

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1 change in that section, it still shows up as proposed
 2 new text, but it's approved text, and I cannot figure
 3 out in that system how to change how that prints. So
 4 it's misleading.
 5 MS. KNEPP: Okay.
 6 MR. DeWEESE: So all the sections that are
 7 on there are existing?
 8 MR. McGRATH: There are a couple in this
 9 specific ordinance, everything that was not related to
 10 landscaped front yard are existing sections.
 11 MR. DeWEESE: Oh, okay.
 12 MR. KEACH: Okay. Do we have a motion on
 13 this one?
 14 MR. RITTERBUSCH: I'll make a motion that we
 15 approve this.
 16 MR. KEACH: Excuse me. I think we need to
 17 see if there's anybody in the public who wants to talk
 18 to address this issue.
 19 Anybody interested in addressing this? If
 20 not, we'll close the discussion, and I'll ask for a
 21 motion.
 22 MR. RITTERBUSCH: You ready for a motion?
 23 MR. KEACH: Yes.

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1 So really what this does is it requires all
 2 lots and all zoning districts, except for the R-S, to
 3 have a 25-foot landscaped front yard. That's not
 4 changing. That's always been, as far as I know. It's
 5 just that it was not in the code.
 6 Does that summarize that properly?
 7 MR. McGRATH: It was in the code for a
 8 number of years and through a prior code update it
 9 dropped out inadvertently, and Brad discovered the
 10 error and we're correcting it.
 11 MR. AUPPERLE: Good catch, Brad.
 12 MR. MARKS: Thank you.
 13 MR. KEACH: Any discussion amongst the
 14 board?
 15 MS. KNEPP: Does this one also talk about,
 16 is it adding in the minimum square footage on ground
 17 floor?
 18 MR. MARKS: That's a good question. That's
 19 also something in the Municode. That's always been in
 20 the code. That's not changing. I think it just gets
 21 highlighted in some kind of a clerical way.
 22 MR. McGRATH: I can't figure out why it
 23 shows up as new text. Anytime I make an ordinance

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1 MR. RITTERBUSCH: I'll make a motion to
 2 approve this ordinance change.
 3 MR. AUPPERLE: Second.
 4 MR. MARKS: DeWeese.
 5 MR. DeWEESE: Yes.
 6 MR. MARKS: Ritterbusch.
 7 MR. RITTERBUSCH: Yes.
 8 MR. MARKS: Aupperle.
 9 MR. AUPPERLE: Yes.
 10 MR. MARKS: Knepp.
 11 MS. KNEPP: Yes.
 12 MR. MARKS: Keach.
 13 MR. KEACH: Yes.
 14 MR. MARKS: Motion approved.
 15 MR. KEACH: Item B on the agenda, an
 16 ordinance making amendments to Chapter 3 of Title 10
 17 of the Morton Municipal Code regarding accessory uses
 18 and buildings in the R-3 and R-4 zoning districts.
 19 MR. MARKS: So this also is a similar
 20 petition. This just addresses accessory uses in
 21 buildings in R-3 and R-4. It's the same verbiage as
 22 we have in R-1 and R-2, and we've had that in the past
 23 except the verbiage was just not in the code.

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1 MR. McGRATH: Building on that, you adopt an
 2 ordinance moving accessory code, we've been overall
 3 stylistically putting district-specific regulations in
 4 each district section instead of in 1043, and we had
 5 moved accessory building regs in R-S, R-1, and R-2.
 6 We did not at that time move in R-3 and R-4. This
 7 would put the same provisions in R-3 and R-4.
 8 MR. KEACH: So these are exactly the same
 9 provisions?
 10 MR. McGRATH: Yes.
 11 MR. KEACH: And it's shown on page 5 and 6.
 12 Correct? Is that what you're looking at?
 13 MR. McGRATH: Yes.
 14 MR. KEACH: And some other little green
 15 areas that are formatting issues.
 16 MR. McGRATH: Correct.
 17 MR. KEACH: Okay.
 18 MR. AUPPERLE: That was to the play
 19 structure building permit requirement as well?
 20 MR. McGRATH: Yeah, the regulation specific
 21 to play structures is included in that.
 22 MR. AUPPERLE: Okay.
 23 MR. KEACH: So we did cover that a few

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1 meetings ago, and so this is very similar. Any
 2 discussion? Anybody from the public who would like to
 3 comment on this ordinance change?
 4 Seeing none, we'll close the discussion and
 5 call for a motion.
 6 MR. DeWEESE: I'll move to approve.
 7 MS. KNEPP: I'll second.
 8 MR. KEACH: We have a first and second.
 9 MR. MARKS: Ritterbusch.
 10 MR. RITTERBUSCH: Yes.
 11 MR. MARKS: Keach.
 12 MR. KEACH: Yes.
 13 MR. MARKS: DeWeese.
 14 MR. DeWEESE: Yes.
 15 MR. MARKS: Aupperle.
 16 MR. AUPPERLE: Yes.
 17 MR. MARKS: Knepp.
 18 MS. KNEPP: Yes.
 19 MR. MARKS: Show approved.
 20 MR. KEACH: And Item C, an ordinance making
 21 amendments to Chapter 5 of Title 10 of the Morton
 22 Municipal Code regarding landscape screening of
 23 accessory buildings.

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1 MR. MARKS: So this ordinance, this
 2 ordinance does not actually change anything, but what
 3 it does is it changes the verbiage. So in our code,
 4 if you had an accessory structure building, for
 5 example, in the rear yard and it's visible, what I
 6 would like to call in the shadow, outside the shadow
 7 of the house and then landscape screening is required.
 8 I always felt like the verbiage for anybody
 9 to read that really does not lead you to that
 10 explanation. So I asked Pat if he would -- could look
 11 into the verbiage. We'd tried to make this to where
 12 it's a little more clear for people to understand.
 13 I think it does that where it says any size
 14 accessory building which is visible from public or
 15 private street instead of the abutting a street. It's
 16 a simple change in verbiage, but I think it does help.
 17 It just helps clarify for people.
 18 I have these questions a lot when people
 19 want to put a storage building and such, and they're
 20 like I'm not abutting the street, I don't understand
 21 what you mean by that. And that's a legitimate
 22 question.
 23 So I think this verbiage does make it a

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1 little more clear. If it's visible from public or
 2 private street, that's a little more clear, I believe,
 3 for people to understand.
 4 MR. KEACH: So what if somebody -- what if
 5 you can see the accessory building, you're just a
 6 little bit beyond the edge of the house or other
 7 building, and you can see the accessory building but
 8 it's not really -- the accessory building is not
 9 abutting a street?
 10 MR. MARKS: Good question. I always tell
 11 people just take your side of your house and draw an
 12 imaginary line straight back to the rear property
 13 line, and that's your shadow. If it falls outside of
 14 that line, and now it's visible to the street.
 15 MR. KEACH: Okay. Because this reads to me
 16 like it would still be visible if you're not
 17 standing -- you know, if you're not standing perfectly
 18 in pure elevation with the building.
 19 MR. MARKS: Sure.
 20 MR. KEACH: I mean, if you could actually
 21 see it from the street, it's visible. Right?
 22 MR. MARKS: Sure.
 23 MR. KEACH: I mean, is there a concern

<p style="text-align: right;">Page 21</p> <p>1 there?</p> <p>2 MR. MARKS: I mean, that's a good question.</p> <p>3 Does anybody from the commission -- yeah, that would</p> <p>4 be very helpful with me if you could come up with</p> <p>5 something.</p> <p>6 MR. McGRATH: As drafter of this, when Brad</p> <p>7 explains how he applies it, we understand it, but to</p> <p>8 take that into code level worrying with the degree of</p> <p>9 specificity that is enforceable and readily easy to</p> <p>10 understand is a different proposition.</p> <p>11 I would say in that instance part of, as in</p> <p>12 many ordinances, part of the kind of -- what's</p> <p>13 inherent in a system is discretion in the enforcement,</p> <p>14 much like the speed limit 65 and we don't write it at</p> <p>15 66, or 70, I guess, we don't write it at 71.</p> <p>16 You know, I don't think Brad -- Brad has</p> <p>17 interpreted the code language in the same way, and we</p> <p>18 could do it in the same way, but certainly, if there's</p> <p>19 ideas for how to rewrite this in a different way that</p> <p>20 would be consistent with Brad's interpretation or</p> <p>21 application of current code language, you know, we can</p> <p>22 take that feedback and take it back to the drafting</p> <p>23 table.</p>	<p style="text-align: right;">Page 23</p> <p>1 that did this role before me, and this is how he</p> <p>2 interpreted it. It made sense to me. I understood</p> <p>3 that. And I think it makes sense to use that line</p> <p>4 because now we have more of a black-and-white</p> <p>5 standard.</p> <p>6 We don't have, well, if Brad stands a little</p> <p>7 to the right, then he can see it or if he -- you know,</p> <p>8 and I get that, if I stand a little to the right, I</p> <p>9 probably am going to see it, but maybe if Bill stands</p> <p>10 to the right a little bit, maybe he doesn't see it.</p> <p>11 So I don't see that as consistent</p> <p>12 enforcement. I think we need to go with something a</p> <p>13 little more consistent that we can all say, oh, yes,</p> <p>14 that's very clear. We can all -- all of us can agree</p> <p>15 on that.</p> <p>16 MR. RITTERBUSCH: I guess I had a question.</p> <p>17 What about a corner lot when you have a side street?</p> <p>18 That's going to be visible from that side street, so</p> <p>19 that requires screening?</p> <p>20 MR. MARKS: Yes, good question.</p> <p>21 MR. RITTERBUSCH: So, okay, if the first</p> <p>22 house off of the side street doesn't have anything</p> <p>23 there and the second house would have an accessory</p>
<p style="text-align: right;">Page 22</p> <p>1 MR. KEACH: Well, I would hope that Brad is</p> <p>2 here for many years to come, but there may be a</p> <p>3 successor to Brad at some point in time. They may not</p> <p>4 interpret it the same way because it's visible.</p> <p>5 You know why I'm saying this?</p> <p>6 MR. MARKS: Yes.</p> <p>7 MR. KEACH: Because of my own experience</p> <p>8 with a church we designed in Peoria, and they have a</p> <p>9 screening rule for mechanical systems. And we placed</p> <p>10 a mechanical unit in the backyard back behind the</p> <p>11 building the way you can -- the way you're describing,</p> <p>12 and the code enforcement official could see the unit</p> <p>13 from a mile up the street. He could see it, you know,</p> <p>14 with his binoculars, and we had to put a screen up.</p> <p>15 So I think that was his interpretation --</p> <p>16 you know what I mean? -- as opposed to like something</p> <p>17 that was written.</p> <p>18 MR. MARKS: And I see it a little -- to me,</p> <p>19 I see that as little more gray. Now we're talking</p> <p>20 about at what angle are we standing.</p> <p>21 MR. KEACH: Correct.</p> <p>22 MR. MARKS: To me, my interpretation is</p> <p>23 really based off the interpretation of the gentleman</p>	<p style="text-align: right;">Page 24</p> <p>1 building, it would have to have screening then because</p> <p>2 it would be visible, but it's the second house in from</p> <p>3 the side street?</p> <p>4 MR. MARKS: I interpret that as no because</p> <p>5 we have a lot that is there that someday somebody</p> <p>6 could do something with.</p> <p>7 MR. RITTERBUSCH: Okay. So that would be</p> <p>8 your interpretation?</p> <p>9 MR. MARKS: Right.</p> <p>10 MR. RITTERBUSCH: Because I can find some</p> <p>11 around town where there's a house on the corner that</p> <p>12 does not have an accessory building but the second one</p> <p>13 in does, and if you look down that back lot line, you</p> <p>14 can see that accessory building at the second lot or</p> <p>15 it could be even the third lot in.</p> <p>16 But you're saying once you jump lot lines,</p> <p>17 this doesn't apply?</p> <p>18 MR. MARKS: Yes. I think we have to look at</p> <p>19 it as this lot, regardless of what's going on around</p> <p>20 it. I don't think what goes on around it should fall</p> <p>21 into play here at all.</p> <p>22 MR. DeWEESE: Well, yeah, I mean, that is an</p> <p>23 interpretation because it's not really written that</p>

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1 way, and Jeff's example, I'm sure that code official
 2 was looking across lots to see.
 3 MR. KEACH: Yes.
 4 MR. DeWEESE: So -- and I can think of very
 5 specific examples, you know, yeah. So it's open to
 6 interpretation for sure. And I agree with Jeff's
 7 comment that, sure, that's great as long as you're the
 8 code official, you know, but if that changes then --
 9 MR. AUPPERLE: Is this a code that you're
 10 having trouble enforcing as it's written out?
 11 MR. MARKS: I'm not saying it's hard to
 12 enforce, but I get questioned a lot on it because
 13 people don't understand it and they don't -- because
 14 when somebody comes in to put in a storage building,
 15 let's say, and I explain to them that they need
 16 landscape screening, you are asking something of that
 17 person. It's a burden. It's a cost. So they're
 18 always going to question that, and then, when they
 19 question it, they say, well, explain -- show me this.
 20 Well, when I show it to them, I think it
 21 leaves a very gray area for interpretation. So I
 22 really want to take that out of it to where that
 23 person is saying, well, you're just -- that's what you

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1 think, but I don't think that.
 2 So I wanted to be a little more black and
 3 white and a little more clear, which I think this does
 4 accomplish. Now, I'm not saying -- maybe, you know,
 5 there's something that could be more clear.
 6 MR. DeWEESE: Yeah, I mean, the way you
 7 described it, it almost sounded like you could begin
 8 to say something like, you know, if it falls within
 9 the projected, you know, lines of the building
 10 perpendicular to the front street, blah, blah, blah,
 11 you know, I'm not a lawyer but -- or a code official,
 12 but maybe there is some way to say, you know, the
 13 projected plan of the house. Are you following me?
 14 Does that get too complicated?
 15 MR. KEACH: Well, I think this wording
 16 allows the Village to require screening on just about
 17 any situation even if the building is behind the
 18 shadow of the house, if you can, with the wording of
 19 this, the Village could require them to screen it,
 20 even though it meets what you're describing as what
 21 your interpretation has been in the past where, if it
 22 falls inside of the shadow of the house, you can still
 23 see, you can still see it from just a little bit down

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1 the side, and you could require them, based on this
 2 wording, you could require them to landscape screen it
 3 or, you know, whatever the screening would be.
 4 MR. MARKS: And I would agree with that. I
 5 feel like the code should be as clear to where, if any
 6 one of us would be thrown into this position, you
 7 would interpret things to the same level as what I'm
 8 interpreting.
 9 So if that leaves that even a little too
 10 gray yet, I mean, to me, the more clear it is, I'm
 11 more than happy.
 12 MR. KEACH: I would like to see it -- I'd
 13 like to see us take another stab at it myself.
 14 MR. MARKS: Sure.
 15 MR. KEACH: Does anybody else agree with me
 16 on that?
 17 MS. KNEPP: Yeah, I would prefer the
 18 abutting in there versus the visible. It takes away
 19 your scenario of being able to look across the lot,
 20 right, if you leave abutting in there. So I don't
 21 know that this is going to eliminate the questions
 22 that you've been given. So --
 23 MR. KEACH: Some ordinances have a little

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1 graphic -- does ours even have that maybe? -- a little
 2 graphic representation --
 3 MR. MARKS: I think that's a good idea. We
 4 do have an illustration that shows front yard, side
 5 yard, rear yard, what those are.
 6 Pat, if we put -- would an illustration be
 7 something appropriate for this to put in the ordinance
 8 we could just refer to?
 9 MR. McGRATH: I think we still have to word
 10 it, you know, in terms of what the standard is. You
 11 can write an illustration for particular --
 12 MR. KEACH: You can show a shadow of the
 13 house and show, you know, an arrow showing what's
 14 defined as the shadow, you know, of the house.
 15 MR. MARKS: And you feel that would be
 16 appropriate to --
 17 MR. McGRATH: If someone has some ideas for
 18 specifics, you know, get them to me, and I'll try to
 19 factor that in. This wording was deliberate in the
 20 fact that I think there is -- and that is a much
 21 easier concept to say than it is to reflect in writing
 22 that's applicable to every house in town.
 23 MR. MARKS: So we should have some verbiage

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<p>1 and if an illustration accompanies that?</p> <p>2 MR. McGRATH: Yeah. I can take another pass</p> <p>3 at it. It was ultimately my conclusion as drafter</p> <p>4 that there isn't a very good way to do -- you know,</p> <p>5 the word "abutting" isn't correct because it's not</p> <p>6 touching. I think abutting, in a literal sense, would</p> <p>7 mean touching.</p> <p>8 MR. MARKS: I think it's a very difficult</p> <p>9 thing for sure.</p> <p>10 MR. McGRATH: I think that doesn't lend to</p> <p>11 clarity, but I think it's a more challenging</p> <p>12 proposition to write than you realize till you sit</p> <p>13 down and try to do it. But I'd be glad to take</p> <p>14 another pass at it, and if anybody has specific</p> <p>15 wording they like or want to send to me to consider,</p> <p>16 I'd be glad to factor that.</p> <p>17 MR. MARKS: And I most certainly can include</p> <p>18 an illustration, a couple illustrations, one for</p> <p>19 interior lot, one for a corner lot, and bring that</p> <p>20 back with the new verbiage.</p> <p>21 MR. AUPPERLE: I think that most people are</p> <p>22 going to have a hard time, citizens, understanding</p> <p>23 what you're trying to convey, which I agree with, that</p>	<p>1 table this one or what's the best thing to do?</p> <p>2 MR. McGRATH: If you table it, it saves us</p> <p>3 from having to republish a new notice. We'll save a</p> <p>4 little cost to the Village. Since what I'm going to</p> <p>5 bring you back next is a derivative of this, we can</p> <p>6 continue it tonight.</p> <p>7 MR. KEACH: Okay.</p> <p>8 MR. RITTERBUSCH: I'll make a motion that we</p> <p>9 table this item until the revised wording is</p> <p>10 available.</p> <p>11 MS. KNEPP: I'll second.</p> <p>12 MR. MARKS: Ritterbusch.</p> <p>13 MR. RITTERBUSCH: Yes.</p> <p>14 MR. MARKS: DeWeese.</p> <p>15 MR. DeWEESE: Yes.</p> <p>16 MR. MARKS: Keach.</p> <p>17 MR. KEACH: Yes.</p> <p>18 MR. MARKS: Knepp.</p> <p>19 MS. KNEPP: Yes.</p> <p>20 MR. MARKS: Aupperle.</p> <p>21 MR. AUPPERLE: Yes.</p> <p>22 MR. MARKS: Motion is tabled.</p> <p>23 MR. KEACH: And then Item D, an ordinance</p>
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<p>1 illustration is going to go a long way to help you</p> <p>2 pass that along to them.</p> <p>3 MR. MARKS: Sure.</p> <p>4 MR. RITTERBUSCH: Well, really what it is,</p> <p>5 it's the -- if the building isn't within the projected</p> <p>6 area of the house to the lot line, then it doesn't</p> <p>7 need screening, but if it's outside of that projected</p> <p>8 area of the house to the lot line, then you need</p> <p>9 screening.</p> <p>10 MR. MARKS: Correct.</p> <p>11 MR. RITTERBUSCH: And the corner lot,</p> <p>12 obviously, there's no projection of the house to that.</p> <p>13 You're going to have to screen the corner lot because</p> <p>14 the house doesn't project across that.</p> <p>15 MR. MARKS: Because that's a front yard.</p> <p>16 Front yard exists on that side.</p> <p>17 MR. RITTERBUSCH: So I think we can play</p> <p>18 around with some words like projected or something</p> <p>19 like that might help define this better and then with</p> <p>20 a little illustration would certainly make it very</p> <p>21 clear.</p> <p>22 MR. MARKS: Sure.</p> <p>23 MR. KEACH: So how do we handle this? Do we</p>	<p>1 making amendments to Chapter 6 of Title 10 of the</p> <p>2 Morton Municipal Code regarding metal shops and</p> <p>3 welding shops in the B-3 zoning district. So we're</p> <p>4 just removing those from B-3?</p> <p>5 MR. MARKS: Yes. It was requested of me by</p> <p>6 Trustee Leitch to go through the B-3 and identify</p> <p>7 anything that was industrial or manufacturing that</p> <p>8 didn't seem to fit in B-3. I came up with sheet metal</p> <p>9 shop and welding shop. Trustee Leitch agreed with</p> <p>10 that.</p> <p>11 So those two would fall under industrial</p> <p>12 under general use in industrial, both of those items,</p> <p>13 and, as far as I know, we do not currently have a</p> <p>14 sheet metal shop or a welding shop in B-3, but I don't</p> <p>15 know that a hundred percent as fact. I'm unaware if</p> <p>16 any exists.</p> <p>17 MR. KEACH: I was going to ask that</p> <p>18 question. Is there anybody from the public who would</p> <p>19 like to make comment about this item on the agenda?</p> <p>20 If not, we'll close that part of the</p> <p>21 meeting. Any discussion?</p> <p>22 MR. AUPPERLE: I think it makes sense moving</p> <p>23 forward for any new developments.</p>

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1 MR. KEACH: Okay. If no one else has a
 2 comment or a question, we will entertain a motion.
 3 MR. AUPPERLE: I make a motion we approve
 4 amendment to Chapter 6, Title 10.
 5 MR. DeWEESE: Second.
 6 MR. KEACH: We have a first and second.
 7 MR. MARKS: Aupperle.
 8 MR. AUPPERLE: Yes.
 9 MR. MARKS: DeWeese.
 10 MR. DeWEESE: Yes.
 11 MR. MARKS: Keach.
 12 MR. KEACH: Yes.
 13 MR. MARKS: Knepp.
 14 MS. KNEPP: Yes.
 15 MR. MARKS: Ritterbusch.
 16 MR. RITTERBUSCH: Yes.
 17 MR. MARKS: Motion is approved.
 18 MR. KEACH: And so the public hearing ends
 19 at this point. Under other business, Item A is an
 20 easement vacation plat for P.I.N. No. 06-06-16-201-006
 21 and 06-06-16-201-007.
 22 MR. AUPPERLE: You could have said
 23 double-O-7.

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1 MR. KEACH: Brad, are we just approving
 2 this?
 3 MR. MARKS: Yeah. Both of the -- so both of
 4 these, the next two items, are more of a formality,
 5 but I can explain them.
 6 The easement vacation plat for A is on
 7 Harding Road when there was two lots that were
 8 combined. Those lots had utility easements on the lot
 9 lines six feet on each side. So when they combined
 10 the lots, they were required to vacate the utility
 11 easements so that it could be one lot so you could
 12 never put utilities through there.
 13 So to get these recorded, they need to go
 14 through the plan commission and the village board. So
 15 if we want to take these one at a time, that's how we
 16 need to do it.
 17 MR. McGRATH: Could we directly put them
 18 together? I don't object to doing it together.
 19 MR. MARKS: So I can explain the other one.
 20 MR. KEACH: Go ahead.
 21 MR. MARKS: The other one, it's called a
 22 plat of vacation. They're exactly the same but worded
 23 a little differently.

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1 This is where Precision Planting is building
 2 their new facility, Erie and Agriculture Drive. The
 3 same scenario, on the north side of this lot is where
 4 the new road will go in, so they are just vacating the
 5 utilities that existed when those two lot lines went
 6 through there.
 7 MR. KEACH: So if we approve these both at
 8 the same time, the village board could choose to pick
 9 one or the other if they wanted to? It doesn't mean
 10 that they have to look at this as a lump?
 11 MR. McGRATH: And I agree, since you're
 12 making the recommendation, so whether we act on them
 13 together or at once --
 14 MR. KEACH: I'll accept a motion for both of
 15 them, after discussion, of course, if there is any.
 16 Anybody feel moved?
 17 MR. RITTERBUSCH: I move that we make a
 18 motion that we approve these two items together.
 19 MR. KEACH: Okay.
 20 MR. AUPPERLE: Second.
 21 MR. MARKS: Knepp.
 22 MS. KNEPP: Yes.
 23 MR. MARKS: DeWeese.


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1 MR. DeWEESE: Yes.
 2 MR. MARKS: Keach.
 3 MR. KEACH: Yes.
 4 MR. MARKS: Aupperle.
 5 MR. AUPPERLE: Yes.
 6 MR. MARKS: Ritterbusch.
 7 MR. RITTERBUSCH: Yes.
 8 MR. MARKS: Motion approved.
 9 MR. KEACH: Thank you everybody. Now we
 10 have -- Brad, we have a couple line items under your
 11 name there.
 12 MR. MARKS: Yeah. So that's just
 13 information only just to let you know as a plan
 14 commission and the public know that the zoning map,
 15 the official map of the Village of Morton, the land
 16 use map have all been updated from all the changes
 17 from last year, the items that went through planning
 18 commission, zoning changes, special uses as such, so
 19 those maps are now updated. They're on the Village
 20 website.
 21 MR. KEACH: Okay. For clarity, that's the
 22 2022 zoning map, 2022 Village of Morton official map,
 23 and the 2022 land use map. Those are all updated and

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1 on the website.
2 MR. MARKS: Yes.
3 MR. KEACH: Okay. Very good. Do we have a
4 motion to adjourn?
5 MR. AUPPERLE: Make a motion that we
6 adjourn.
7 MS. KNEPP: Second.
8 MR. KEACH: All in favor.
9 ALL IN UNISON: Aye.
10 MR. KEACH: Thank you everybody.
11 (Plan Commission hearing adjourned at 7:40 p.m.)
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1 CERTIFIED SHORTHAND REPORTER'S CERTIFICATE
2
3 I, Christie C. Stephens, CSR, RDR, CRR, a
4 Certified Shorthand Reporter in and for the State of
5 Illinois, and the Certified Shorthand Reporter who
6 reported the proceedings had on said day in this
7 cause, do hereby certify that the foregoing transcript
8 of proceedings is a true and complete transcript of
9 proceedings had on said day in this cause.
10 IN TESTIMONY WHEREOF, I have hereunto set my
11 hand this 2nd day of March, A.D. 2023.
12
13 
14
15 CSR, RDR, CRC
16 (License #084-002435)
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VILLAGE OF MORTON
ORDINANCE 23— 18

**AN ORDINANCE AMENDING CHAPTER 17 OF TITLE 8 OF THE MORTON
MUNICIPAL CODE REGARDING REQUIREMENTS FOR USE OF VILLAGE
PROPERTY**

WHEREAS,

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** “8-17-3: Permit” of the Morton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

8-17-3: Permit

- A. No person shall conduct, operate, present or manage any of the following activities in any Village parking lot or outdoor gathering space unless a permit is obtained from the Village of Morton prior to the start of the activity:
 - 1. Any parade, march, rally, speech or public meeting;
 - 2. Any contest, show, exhibit, public entertainment, dramatic performance, play, act, motion picture, dramatic reading, storytelling, poetry reading, bazaar, amusement contraptions, sporting event, ceremony or other event at which more than twelve (12) persons may be reasonably expected to be in attendance.
 - 3. Any use by a certain person or group or group of persons to the exclusion of others.
 - 4. Any event which will include sales or solicitation
- B. Persons desiring to engage in any of the above activities may apply to the Village of Morton for a written permit under policies established by the Village Administrator or her designee, ~~and subject to fees established.~~
- C. Any application for permit as required by this section must set forth the name, address, telephone number and driver’s license number of an adult applicant responsible for the proposed activity or use; name, address and telephone number of the organization or organizations involved with the proposed activity or use, if any; the date, time, duration and requested location for the proposed activity or use; and the anticipated number of attendees. Further the permit application shall be accompanied by a site plan, which must set forth (a) the location of any fences or other barriers which will restrict ingress or egress, (2) the location(s) designated for ingress and egress, (3) the size and location of any tents to be used in connection with the permitted event, (4) the

location(s) designated for vendor parking, which must not be located on the same public property as the public event (5) the location and number of portable restrooms and handwashing stations provided, and (6) the location and number of garbage receptacles to be provided by the applicant. The Village may disapprove the site plan and instead compel changes to the site plan prior to the award of a permit as necessary for the health and safety of the public, to maintain adequate parking, to minimize disruption of traffic, and for other reasons in the best interests of the Village. Further the Village may restrict the special event only to a designated portion of the public property for which the permit is sought.

- D. Permits are not transferrable and required fees are not refundable. Permits must be applied for at least twenty-one (21) days in advance of the event. Minor changes in the permit may be made upon written permission of the Village Administrator for no additional fee, provided that the specific activity has not changed, the date or dates involved has not changed, the number of designated persons has not increased and a request for change is made at least seventy-two (72) hours prior to the event.
- E. The use of any Village property for a revenue-generating, commercial purpose will require a permit fee of \$250 for up to two consecutive days' use, in addition to the required deposit as set forth in Section 8-17-6. Notwithstanding the foregoing, no permit fee shall be required for a permit issued to a not-for-profit corporation or to an organization exempt from federal income tax under Section 501(c) of the Internal Revenue Code. In addition, no fee shall be charged to utilize the Village owned property at 225 E. Jefferson St.
- F. The approval of a permit for use of Village property shall allow the permittee to use only the Village-designated area for the time specified in the permit, to the exclusion of others.
- G. In order to maintain public access to Village parking lots, the permittee will not be allowed to block off the space in those lots specified prior to 9:00 pm the previous day, unless approved by the Village.

SECTION 2: ADOPTION “8-17-10 Event Vendors” of the Morton
Municipal Code is hereby *added* as follows:

A D O P T I O N

8-17-10 Event Vendors(*Added*)

A vendor participating in any event held on Village property shall be required to comply with the requirements specified in Chapter 3-9 of the Morton Municipal Code relating to Itinerant Merchants, Peddlers.

SECTION 3: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 4: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 5: EFFECTIVE DATE This Ordinance shall be in full force and effect 10 days from and after the required approval and publication according to law.

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	_____	_____	_____	_____
President Kaufman	_____	_____	_____	_____
Presiding Officer			Attest	

Jeffrey L. Kaufman, Village President,
Village of Morton

Zo M. Evans, Village Clerk, Village
of Morton

VILLAGE OF MORTON
ORDINANCE 23-- 19

AN ORDINANCE MAKING AMENDMENTS TO CHAPTER 9 OF TITLE 3 OF
THE MORTON MUNICIPAL CODE REGARDING ITINERANT MERCHANT
PERMIT REGULATIONS

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

SECTION 1: AMENDMENT "3-9-4: License" of the Morton Municipal Code is hereby *amended* as follows:

AMENDMENT

3-9-4: License

There shall be three types of licenses available under this chapter, (a) a special event license, (b) a temporary license, and (c) a standard license.

A standard peddlers or itinerant merchants license shall be valid for a period of time not to exceed six (6) months from the date the license is issued. The fee for a standard peddlers or itinerant merchants license shall be one hundred dollars (\$100.00). The standard itinerant merchant's license shall be for one (1) person or entity, and for one (1) location only.

~~The license fee shall be one hundred dollars (\$100.00). Each license issued hereunder shall be for a period of time not to exceed three (3) months and shall be for one (1) location only. A license may be renewed no more than one (1) time in a calendar year. Application for renewal shall be made to the Chief of Police or his designee on such forms as the Chief of Police may require. The renewal fee for a license shall be fifty dollars (\$50.00).~~

A temporary peddlers or itinerant merchant license shall be valid for a period of not more than twenty-four hours, with such effective date and time set forth on the face of the license. The fee for a temporary license shall be twenty-five dollars (\$25.00)

The provisions relating to special event license are set forth in Section 3-9-7.

~~In the event any person has transacted any business without obtaining a license or renewal, then in addition to any penalties he or she may be subject to, the license or renewal fee shall be two hundred dollars (\$200.00).~~

It shall be a violation of this section for any person, organization or entity to be a peddler, solicitor, or itinerant merchant within the Village of Morton without having first obtained a license, which violation shall be punishable by a fine of not less than two hundred fifty dollars (\$250.00) and not more than seven hundred fifty dollars (\$750.00).

(Ord. 93-21, 1-3-94; amd. Ord. 05-27, 11-21-05; amd. Ord. 15-11, 11-2-15)

SECTION 2: AMENDMENT “3-9-5: Exemption From Application, License, And Bond Requirements” of the Morton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

3-9-5: Exemption From Application, License, And Bond Requirements

The following shall be exempt from the application, license, and bond requirements of this Chapter:

- A. Prior Invitation: Any person who, for the purpose of selling or taking orders for the sale of merchandise or services, has been previously invited by the occupant of a residence to call thereon.
- B. Contracted service provider: Any individual or business who is providing a service directly to an individual or established business on private property within the Village of Morton.
- C. Nonprofit Organization: Any person selling, peddling, soliciting, or taking orders for any goods or services not prohibited by law on behalf of a nonprofit organization sponsored by or participated in by a local chapter of such organization; or by a national nonprofit organization not represented locally but which has filed a statement of registration with the Chief of Police, or his designee, specifying the name of the nonprofit organization, its permanent address, the names of its principal officers, and names of those persons who are authorized to sell, peddle, or solicit or take orders for goods and services within the Village. (Ord. 04-53, 3-7-05)
- ~~D. Celebrations or Events: Any person selling, peddling, soliciting, or taking orders for any goods or services not prohibited by law while participating in a Morton Merchant Association event, Morton Chamber of Commerce Pumpkin Festival, and any Downtown Business Association event. (amd. Ord. 05-27, 11-21-05)~~
- E. Newspaper Vendors: Any person who, on behalf of the publisher of any newspaper of general circulation within the Village, peddles the same within the Village.
- F. Holders of Special Liquor Licenses: Any holder of a Class F liquor license issued under the provisions of Chapter 8 of this Title may conduct liquor sales in accordance with the terms of such license.
- G. Registered Solicitors: Persons who have registered to solicit under the provisions of Chapter 20 of this Title.

- H. Garage Sales: The provisions of Title 12, Chapter 1 of this Code apply to garage sales, restricted to 2 sales per residence per year.
- I. Persons Under Age Twelve: Sales by any person under the age of twelve (12) years. (Ord. 93-21, 1-3-94)

SECTION 3: AMENDMENT “3-9-1: Definitions” of the Morton Municipal Code is hereby *amended* as follows:

AMENDMENT

3-9-1: Definitions

For purposes of this Chapter:

ITINERANT MERCHANT: Any person whether or not the person is an employee of another person, who on real property in which he does not hold a fee simple interest or does not have a leasehold interest of at least six (6) months establishes a display, exhibition, or sales facility for the purpose of selling, offering, or displaying for sale and immediate delivery of tangible personal property at retail or sale of food shall be considered an itinerant merchant for purposes of this Chapter if:

- A. The display, exhibition, or sales facility is established with the intent that such display, exhibition, or sales facility will remain in operation for a period of ~~less~~ no more than six (6) months; or
- B. The display, exhibition, or sales facility is established with the intent that its operation will be interrupted for a period of more than ninety (90) days in any calendar year.

NONPROFIT ORGANIZATION: Any bona fide charitable, educational, fraternal, labor, religious, or veterans’ organization that operates without profit to its members and ~~which has been in existence continuously for a period of five (5) years or more immediately before making application for a license and which has had during the entire five (5) year period a bona fide membership engaged in carrying out its objectives. If the organization~~ has an exemption under section 501(C) of the Internal Revenue Code, or the Morton Chamber of Commerce, Pumpkinland Community Events (PLaCE), Morton School District 709, Morton Park District, Library District, Morton Township or another municipal corporation ~~the five (5) year requirement is waived. In such case, a copy of that exemption shall be filed with the Village.~~

PEDDLER: Any person, whether or not the person is an employee of another person, who directly or indirectly sells or offers for sale, barter, or exchange any farm produce, vegetables, dairy products, meat, fish, foods of any kind, or other goods, wares, or merchandise of any kind, at retail, making delivery of said goods at the time of sale regardless of whether or not such person collects payment at the time of sale, all while traveling from place to place in, along, and upon the streets, alleys, sidewalks, or other public places within the Village, or while operating from one or more locations outside of a totally enclosed permanent structure.

~~Photographers shall be considered peddlers for all purposes of this Chapter if they do not have a primary address within the Village of Morton limits and they do not conduct business at said address at least six (6) months a year. Photographers who engage in home portraits at the customer's residence or who photograph weddings are exempt from this Chapter.~~

SOLICITOR: A solicitor is a person who obtains orders, subscriptions, gifts, contributions, or items of a similar nature. Solicitors are regulated under Title 3, Chapter 20 of the Morton Municipal Code. (Ord. 93-21, 1-3-94)

SECTION 4: AMENDMENT "3-9-7: Special Events" of the Morton Municipal Code is hereby *amended* as follows:

AMENDMENT

3-9-7: Special Events

A special event license shall be a single license issued for an eligible special event involving two or more itinerant merchants which shall permit multiple itinerant merchants to operate within the Village of Morton at the special event, without the need for each individual itinerant merchant to get its own license. Only the following events shall be eligible for a special event license: (a) any event organized by a Non-Profit Organization (such as a 501(C)(3) organization or a public body), or (b) any event organized by a business which owns or leases real estate within the Village of Morton. The special event license shall be subject to the following restrictions and regulations: ~~If two (2) or more persons desire to conduct business which is covered by this Chapter, and they are sponsored by a business who owns or leases property adjacent to where the business is to be conducted, or they are sponsored by an organization representing businesses, then a special event license can be obtained, subject to the following:~~

- A. One license ~~will~~ may be issued in the name of the ~~sponsoring business or business organization~~ event organizer who shall assume all responsibility with respect to the provisions of this Chapter.
- B. The special event shall not exceed seven (7) consecutive days.
- C. ~~No license fee shall be collected for the event.~~ No license fee shall be due (a) for any event to be held at 225 E. Jefferson St., Morton Illinois, or (b) for any event organized

- by a non-profit organization. For all other special events, a license fee of two hundred and fifty dollars (\$250) will be assessed to the event organizer.
- D. ~~The bond requirements shall be waived.~~ The event organizer shall provide a list of all vendors to be present, along with their contact information, to the Illinois Department of Revenue at least thirty (30) days prior to the event. A copy of the list of vendors sent to the Illinois Department of Revenue, along with proof such list was sent to the Illinois Department of Revenue, shall be provided to the Village of Morton at the time an application is submitted for a special event license. Changes or amendments to the vendor list may be submitted to the Illinois Department of Revenue up to two (2) business days prior to the event. If any changes, additions or amendments are made to the vendor list, the Village of Morton shall be provided a copy of the revised vendor list sent to the Illinois Department of Revenue, along with proof the revised vendor list was sent to the Illinois Department of Revenue. Only vendors set forth on the vendor list provided to the Illinois Department of Revenue and the Village of Morton shall be permitted to operate under the special event license.
- E. The vendors participating must comply with the Illinois sales tax requirements stated in Section 3-9-2. Organizer will provide information sheet regarding sales tax and any forms needed to vendors.
- F. All other provisions of this Chapter shall be complied with. (Ord. 93-21, 1-3-94)

SECTION 5: AMENDMENT “3-9-3: Application” of the Morton Municipal Code is hereby *amended* as follows:

AMENDMENT

3-9-3: Application

Applications for licenses required by Section 3-9-2 of this Chapter shall be made, in writing, to the Chief of Police, or his designee, at least 30 days prior to the requested event or sale, and shall state thereon the name and permanent address of the applicant; the kind of merchandise or nature of service to be sold or contracted for; the proposed area or place where the business is sought to be conducted; the proposed hours during which business will be conducted; the State sales tax number of the operator; and, in case of a corporation or firm, the name and; permanent business address, ~~and names of the principal officers of the same. The Chief of Police, or his designee, shall process the application by the end of the next business day following the day it was received.~~

Applications may be completed online by visiting the Village website. Payment may be made by contacting the Village. No application will be processed without payment.

The Village of Morton may deny an application for a peddlers license or itinerant merchants license on grounds of failure to pay taxes, failure to cooperate with authorities, failure to apply within the required ten days, previous suspension or revocation of license or other just cause.

(Ord. 93-21, 1-3-94; amd. Ord. 04-53, 3-7-05)

SECTION 6:AMENDMENT “3-9-2: License And Bond Provisions” of the Morton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

3-9-2: License And ~~Bond~~Sales Tax Provisions

- A. It shall be unlawful for any peddler or itinerant merchant to transact any business within the Village without having first obtained a license therefor.
- ~~B. It shall be unlawful for any “peddler” or “itinerant merchant” as herein defined, except as provided in Section 3-9-7 of this Chapter, or as provided in subsection (C) of this Section, to transact any business within the Village without having first filed with the Chief of Police, or his designee, a bond running to the Village in the sum of one thousand dollars (\$1,000.00), in cash or executed by a surety company, conditioned that the application shall comply with all the provisions of this Code, the Village Ordinances and the Statutes of the State regulating and concerning the sale of food, goods, wares, and merchandise and will pay all judgments rendered against such applicant for any violation of this Code, or the Ordinances or Statutes or any of them, together with all judgments and costs that may be recovered against him by any person for damage growing out of any misrepresentation or deception practiced on any person transacting such business with the applicant, whether such representation or deception was made or practiced by the owners or by their servants, agents, or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares, and merchandise sold or any part thereof. Action on the bond may be brought by any person. The bond shall have an expiration date of sixty (60) days after the license for which it was issued expires. Any cash deposit shall be returned on the sixty first (61) day after the license expired, providing no claims have been made on same. If there are any pending claims, the deposit shall continue to be held until all claims are settled by agreement of the parties involved or by appropriate order of court. (Ord. 04-53, 3-7-05) If a peddler or itinerant merchant has been in business for a period of one year or more prior to the adoption of this Chapter, then said peddler or itinerant merchant shall be exempt from filing a bond. “In business” shall mean transacting business for a period of at least thirty (30) consecutive days except for closing the business no more than one (1) day per week during said period. This exception shall apply as long as the peddler or itinerant merchant continues in business each calendar year. The exception shall cease~~

~~if the peddler or itinerant merchant ceases business during any calendar year. If a peddler or itinerant merchant has previously been issued a license for the immediately preceding year, and has otherwise complied with all provisions of this Chapter, then the bond is waived for that year.~~

- C. No license required in subsection (A) of this Section shall be issued until the applicant ~~therefor shall have filed the bond required in subsection (B) of this Section and~~ provides proof of a sales tax identification number or an exemption. If the vendor operates out-of-state or is not a licensed Illinois business they must agree to file a Special Event Tax Collection Report and pay the appropriate tax within 10 days of the close of the event to the Illinois Department of Revenue. If the vendor operates from a location outside of the corporate limits of the Village of Morton and they have a current Illinois Business tax number, they must agree to including Morton, Illinois as one of their listed changing locations. (Ord. 93-21, 1-3-94; amd. Ord. 05-27, 11-21-05)
- D. No license may be issued for the sale of fireworks as defined by 425 Illinois Compiled Statutes 35/1 as now in effect, or as may from time to time be amended, or for the sale of snake or glow worm pellets; smoke devices; trick noisemakers known as “party poppers,” “booby traps,” “snappers,” “trick matches,” “cigarette loads,” and “auto burglar alarms,” sparklers; or toy pistols, toy canes, toy guns, or other devices in which plastic or plastic caps containing twenty five hundredths (0.25) grains or less of explosive compound are used. (Ord. 96-45, 4-21-97)
- E. All licensees shall comply with all ordinances of the Village of Morton. (Ord. 05-27, 11-21-05)

SECTION 7: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 8: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 9: **EFFECTIVE DATE** This Ordinance shall be in full force and effect 10 days from and after the required approval and publication according to law.

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	_____	_____	_____	_____
President Kaufman	_____	_____	_____	_____

Presiding Officer

Attest

 Jeffrey L. Kaufman, Village President,
 Village of Morton

 Zo M. Evans, Village Clerk, Village
 of Morton

VILLAGE OF MORTON
ORDINANCE 23-20

**AN ORDINANCE MAKING AMENDMENTS TO SECTION 5-1-7 OF THE
MORTON MUNICIPAL CODE REGARDING FIREFIGHTER COMPENSATION**

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** “5-1-7: Firefighter; Compensation” of the Morton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5-1-7: Firefighter; Compensation

The Fire Chief shall appoint and designate as many volunteer firefighters as he or she may deem necessary and shall see that such volunteers are properly organized. Said volunteers may with the consent and approval of the President and Board of Trustees make and establish rules and regulations for the government of their Department, not inconsistent with the provisions of this Chapter, and not inconsistent with any rules or procedures established by the Director of Fire and Emergency Services. Each member of the Fire Department shall receive the following compensations:

For each emergency response, drill, meeting, or official department activity attended:

Probationary Firefighter	\$15.00
Active member with State of Illinois Firefighter II Certification	\$22.50

In addition to the above, if a firefighter goes to the hospital with a paramedic, the compensation shall be increased by ~~\$5.00~~6.25.

The following additional educational bonuses will be added to the above compensation schedule for active members (non-probationary) for each emergency response, drill, meeting, or other official department activity attended:

Current Emergency Medical Technician (EMT) license (all levels) and meeting all of the requirements for active EMT status within the Peoria Area EMS System	\$2.50 <u>2.00</u>
At least three (3) other certifications from an approved class listing as published or as may from time to time be modified by the Fire Chief	\$2.00 <u>2.50</u>

The maximum allowable compensation for each emergency response, drill, meeting, or other official department activity attended shall be ~~twenty-seven dollars (\$27.00)~~; thirty three dollars and seventy five cents (\$33.75).

The above compensation shall be the amount for each member of the Fire Department after all deductions for F.I.C.A. and applicable withholding on F.I.C.A. (Ord. 122, 3-5-56; amd. Ord. 83-27, 4-16-84; amd. Ord. 86-20, 4-6-87; eff. 5-1-87; amd. Ord. 94-2, 5-2-94; amd. Ord. 03-09, 7-21-03; amd. Ord. 13-33, 4-7-14)

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from and after the required approval and publication according to law.

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	_____	_____	_____	_____
President Kaufman	_____	_____	_____	_____

Presiding Officer

Attest

Jeffrey L. Kaufman, Village President,
Village of Morton

Zo M. Evans, Village Clerk, Village
of Morton