

TITLE 10

ZONING

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CHAPTER 1

TITLE, PURPOSE, AND INTENT

SECTION:

10-1-1: Title
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10-1-1: **TITLE:** This Title shall be known and may be cited as the MORTON ZONING ORDINANCE.

10-1-2: **PURPOSE:** This Title is adopted for the following purpose:

- (A) Securing adequate light, pure air, and safety from fire and other dangers;
- (B) Conserving the taxable value of lands and buildings throughout the Municipality;
- (C) Lessening or avoiding congestion in public streets;
- (D) Lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters; and
- (E) Promoting the public health, safety, comfort, morals, and welfare.

10-1-3: **INTENT:** To these ends, this Title is intended to establish certain standards and objectives by:

- (A) Regulating and limiting the height and bulk of buildings;
- (B) Establishing, regulating, and limiting the building lines along any street, parkway, water channel, or basin;
- (C) Regulating and limiting the intensity and use of lot areas and the area of open spaces within and surrounding buildings;
- (D) Classifying, regulating, and restricting location of trades and industries and location of buildings designed for specified business, residential, and other uses;
- (E) Dividing the Municipality into districts of such number, shape, area, and of such different classes as may be deemed necessary;
- (F) Fixing standards to which buildings and structures shall conform;

- (G) Prohibiting proposed uses, buildings, or structures incompatible with the district in which located, or eliminating gradually existing uses, buildings, or structures incompatible with the district in which located;
- H) Preventing additions, alterations, or remodeling of existing buildings or structures in such a way as to avoid restrictions and limitations imposed under this Title;
- (I) Classifying, regulating, and restricting the use of property on the basis of family relationship. (Ord. 78-31, 3-5-79)

NOTE: This Title previously supplemented 270, 874, 974, 375, 976, 778

CHAPTER 2
DEFINITIONS

SECTION:

10-2-1: Definitions

10-2-1: **DEFINITIONS:** Wherever anywhere in this Title any of the following terms are used, they shall have the meaning indicated hereafter in this Chapter.

ACCESSORY USE, ACCESSORY AREA, ACCESSORY BUILDING: A use customarily incidental and subordinate to the principal use, principal area or principal building and located on the same lot, parcel, or tract of land with said principal use, area, or building, and an accessory use, area, or building shall be deemed to constitute occupancy of that part of the lot, parcel, or tract of land so used or upon which the accessory building is located. Private garage shall not be considered an accessory use. A ground mounted solar system shall be considered an accessory use. A swimming pool shall be considered an accessory use. (Ord. 78-31, 3-5-79; amd. Ord. 83-4, 5-16-83; amd. Ord. 91-8, 7-15-91; amd. Ord. 10-20, 10-4-10)

ALLEY: An alley is a public way not more than thirty feet (30') wide affording secondary access to abutting property.

ANIMAL HOSPITAL: An establishment for the treatment, and necessary boarding incidental thereto, of small animals such as dogs, cats, rabbits, and birds by a veterinarian.

APARTMENT: A room or suite of rooms with complete kitchen and sanitary facilities in a structure designed to accommodate two (2) or more such units.

AUTOMOBILE WRECKING YARD: Any place where one (1) or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for the wrecking or storing of such automobiles or the parts thereof. Any location for storage of motor vehicles awaiting repair for more than seven (7) consecutive days shall be considered an automobile wrecking yard.

BARKER: An individual, operating outside of a business's primary structure, who attempts to engage passersby through verbal, physical, or other contact in order to entice them into patronizing said business. (Ord. 07-31, 9-4-07)

BARKER SIGNS: Any temporary signs used to advertise a business or business event that are not affixed to any type of building or support structure, but are instead carried by an individual serving as a "barker" on behalf of the business entity. (Ord. 07-31, 9-4-07)

BED AND BREAKFAST ESTABLISHMENTS: An owner/operator occupied residence providing accommodations for a charge to the public with no more than five (5) guest rooms, each limited to two (2) transient adult guests per night, for rent, in operation for more than ten (10) nights in a twelve (12) month period. Bed and Breakfast establishments shall not include motels, hotels, boarding houses, or lodging houses. (Ord. 09-20, 8-3-09)

BOARDING OR LODGING HOUSE:	A building other than a hotel where meals or sleeping accommodations or both are provided for compensation for three (3), but not more than ten (10), persons.
BRICK	A molded rectangular block primarily comprised of clay and/or shale, fired with natural gas or coal at approximately two thousand degrees (2000°) to fuse the shale or clay into a durable building unit that is laid contiguously with the joints between the units filled with mortar. (Ord. 09-34, 12-21-09)
BUILDING:	A building is any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows, or openings; and which is designed or intended for the shelter, enclosure, or protection of persons, animals, or chattels.
BUILDING HEIGHT:	The vertical distance measured from the sidewalk level or its equivalent established grade to the highest point of the roof. Where buildings are set back from the building setback line, the height will be measured from the average elevation of the finished lot grade. (Ord. 78-31, 3-5-79; amd. Ord. 05-20, 9-6-05)
CLINIC:	An establishment, including the operation of a professional pharmacy, but excluding facilities for in-patient nursing care, where one (1) or more physicians and other medical professionals diagnose and treat human physical and/or mental ailments. (Ord. 79-39, 3-3-80)
COMMUNITY RESIDENCE:	A group home or specialized residential care home serving unrelated persons with disabilities which is licensed, certified, or accredited by appropriate local, State, or national bodies. This Ordinance shall not be construed to require a license, certification, or accreditation and same shall only be required where State or Federal law requires same. Community residence does not include a residence which serves persons as any alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse, or persons whose primary reason for placement is treatment for a communicable disease. (Ord. 89-19, 2-5-90)
CONSTRUCTION SIGNS:	A temporary sign, which includes those indicating construction or home improvement, or the offering of services such as lawn maintenance and landscaping, at a specific location at which they are located. (Ord. 07-31, 9-4-07)
COVERAGE:	The portion of the lot area covered by the building area.
CURB LEVEL:	The average elevation of the established curb of a street taken along the curb line between the points of intersection of the curb line and the lot lines. Where no curb has been established, the curb level shall be the average elevation of the land surface taken along the street right of way and the lot lines.
DAY CARE CENTER:	An adult care facility or a child care facility receiving more than eight (8) persons for care during all or part of a day. Day care centers are not to be construed as public or private school facilities. (Ord. 78-31, 3-5-79; amd. Ord. 12-27, 3-4-13)

DISABILITY:	<p>Any person whose disability:</p> <p>(A) Is attributable to mental, intellectual, or physical impairments or a combination of mental, intellectual, or physical impairments; and</p> <p>(B) Is likely to continue for a significant amount of time or indefinitely; and</p> <p>(C) Results in functional limitations in one (1) or more of the following areas of major life activities:</p> <ol style="list-style-type: none"> 1. Self care; 2. Receptive or expressive language; 3. Learning; 4. Mobility; 5. Self direction; 6. Capacity for independent living; 7. Economic self-sufficiency; and <p>(D) Reflects the person's need for a combination and sequence of special interdisciplinary or generic care, treatment, or other services which are of a life-long or extended duration. (Ord. 89-19, 2-5-90)</p>
DUMPSTERS	A portable receptacle designed and used for accumulating debris. (Ord. 07-41, 10-1-07)
DWELLING:	A building or portion thereof designed or used exclusively for residential occupancy, but not including house trailers, mobile homes, hotels, motels, boarding or lodging houses or manufactured home. The terms "dwelling" and "dwelling unit" are used interchangeably. (Ord. 78-31, 3-5-79; amd. Ord. 82-8, 8-2-82)
DWELLING, MULTIPLE-FAMILY:	A building used as a residence for more than two (2) families living independently of each other and doing their own cooking therein, including apartment houses, apartment hotels, group houses, and row houses. The term "multiple-family dwelling" and "multi-family dwelling" are used interchangeably.
DWELLING, SINGLE-FAMILY:	A building used as a residence exclusively by one (1) family.
DWELLING, TWO-FAMILY:	A building used as a residence exclusively by two (2) families with completely separate living facilities for each family.
ELECTRIC SOLAR SYSTEM:	An electric solar system is one which produces electrical power for the structure. (Ord. 10-20, 10-4-10)
FAMILY:	An individual or two (2) or more persons related by blood, marriage, or adoption, together with his or their domestic servants and a gratuitous guest maintaining common household in a dwelling unit or lodging unit.

- FENCE:** A man-made structure which is constructed for the purpose of or has the effect of enclosing or screening the area it is constructed upon. (Ord. 78-31, 3-5-79)
- FENCE, ENCLOSURE:** A fence primarily for providing privacy or visual screening.
- FENCE, INDUSTRIAL SECURITY:** A fence provided primarily for security which shall be of chain link construction and which shall be at least seventy five percent (75%) open. (Ord. 79-43, 4-21-80)
- FENCE, ORNAMENTAL:** An ornamental fence is a fence, the surface area of the fence being more than seventy five percent (75%) open. Ornamental fences may not be chain link or wire construction and may not have pointed or dangerous projections.
- FIREARM FIRING RANGE:** An area or facility designed and operated for individuals to engage in the activity of practice shooting of archery and/or firearms for commercial purposes. (Ord. 17-03, 6-5-17)
- FIREARM RESALE SHOP:** A retail store that derives its principal income from buying and selling firearms with or without the sale of ammunition and/or firearm accessories. (Ord. 17-03, 6-5-17)
- FLOOR AREA:** The total horizontal area of living space enclosed by the exterior walls of a building measured at the outside of such exterior walls including partitions, closets, bath, and utility rooms, but not including cellars, basements, unfinished attics, garages, breezeways, porches, and patios, and other spaces not used ordinarily for living, eating, and sleeping purposes. (Ord. 78-31, 3-5-79)
- GARAGE, PRIVATE:** A use housing not more than four (4) motor vehicles, not more than one (1) of which may be a commercial vehicle of not more than one and one-half (1 1/2) tons capacity, and not more than one (1) of which may be a camper, for the use of the occupants of the lot on which the private garage is located. Garages shall meet required yard areas as specified in this Title. Only one (1) garage per dwelling unit shall be allowed, either attached or unattached. Attached shall mean a minimum of a common roof and foundation between the dwelling unit and garage. If a garage will house more than four (4) motor vehicles, plans shall be submitted for site plan review and shall be subject to approval of the Village. (Ord. 78-31, 3-5-79; amd. Ord. 80-30, 11-17-80; amd. Ord. 02-25, 1-6-03; amd. Ord. 08-25, 11-3-08)
- GOVERNMENTAL UNITS, BOARDS AND OFFICIALS:**
- (A) The word "Village" shall mean the Village of Morton, Illinois.
 - (B) The words "Village Board" shall mean the President and Trustees of the Village of Morton.
 - (C) The words "Plan Commission" or "Planning Commission" shall mean the Village of Morton Plan Commission.
 - (D) The words "Zoning Enforcing Officer" shall mean the officer designated by the Board of Trustees to enforce the Village of Morton Zoning Ordinance.
 - (E) The words "Zoning Board of Appeals" shall mean the Zoning Board of Appeals of the Village of Morton.
- HEIGHT:** See "Building Height." (Ord. 78-31, 3-5-79; amd. Ord. 84-3, 6-18-84)

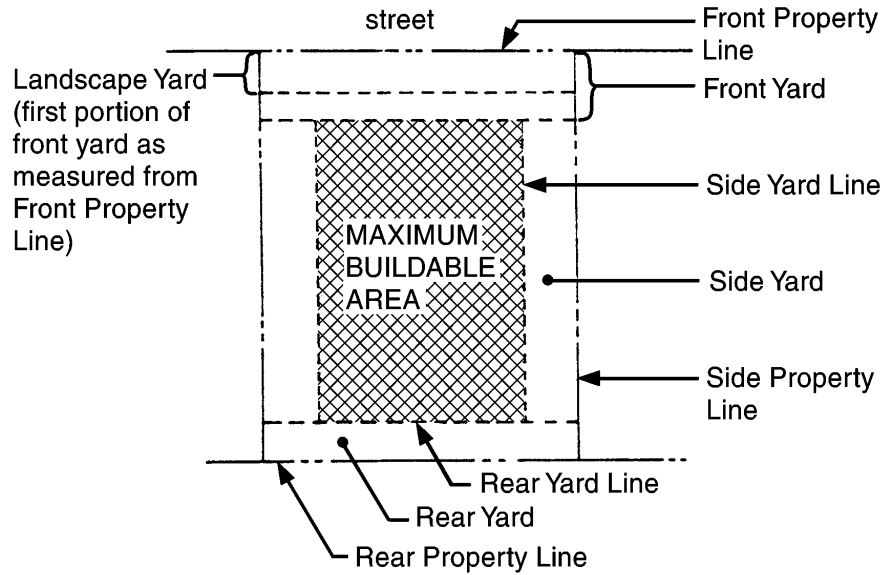
- HOSPITAL:** A building having facilities for in-patient nursing care where physicians and other medical professionals diagnose and treat human ailments. (Ord. 78-31, 3-5-79)
- INTERSTATE CORRIDOR:** Each and every parcels of land located within the corporate limits of the Village of Morton, which is bounded on any side in any manner by any interstate right-of-way or fifty percent (50%) or more of the area of such parcel is located within five hundred (500) feet of any interstate right-of-way. (Ord. 94-31, 5-15-95; amd. Ord. 17-09, 7-5-17)
- KENNEL:** A structure for sheltering or keeping cats, dogs, bitches, and puppies for compensation, which either keeps or boards animals not belonging to a family dwelling on the premises, or keeps more than three (3) such animals that are more than six (6) months old.
- LANDSCAPED SCREENING:** A hedge of trees or shrubs suitable at maturity to visually screen one property from another. The term “landscaped buffers” and “landscape screening” are used interchangeably. See the “Plant Materials For Landscape Screening” section for appropriate plant materials and minimum sizes required. Equivalent materials of equal sizes may be substituted with approval of the Zoning Enforcing Officer. Landscaped screening, where required, must be continuously maintained. (Ord. 78-31, 3-5-79)
- LANDSCAPED YARD:** See “Yard, Landscaped.”
- LIVESTOCK FEEDING** Any operation which stables or confines and feeds or maintains, for a total of forty-five (45) days or more in any twelve (12) month period, a combination of at least fifty (50) animal units, or its equivalency, as defined: (amd. Ord. 06-19, 7-10-06)
- | <u>Category</u> | <u>Animal Unit</u> |
|---|--------------------|
| Brood cows and slaughter feeder cattle | 1 animal unit |
| Milking dairy cows | 1.4 animal units |
| Young dairy stock | 0.6 animal units |
| Swine weighing over fifty-five (55) pounds | 0.4 animal units |
| Swine weighing under fifty-five (55) pounds | 0.03 animal units |
| Sheep, lambs, or goats | 0.1 animal units |
| Horses | 2 animal units |
| Laying hens or broilers (facilities with continuous overflow watering) | 0.01 animal units |
| Laying hens or broilers (facilities with liquid manure handling system) | 0.03 animal units |
| Ducks | 0.02 animal units |
- LOADING AND UNLOADING SPACE:** See 10-8-7 of this Title.
- LODGING HOUSE:** See “Boarding House.”
- LOT:** A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use and the customary accessories and open spaces belonging to the same.

LOT, CORNER:

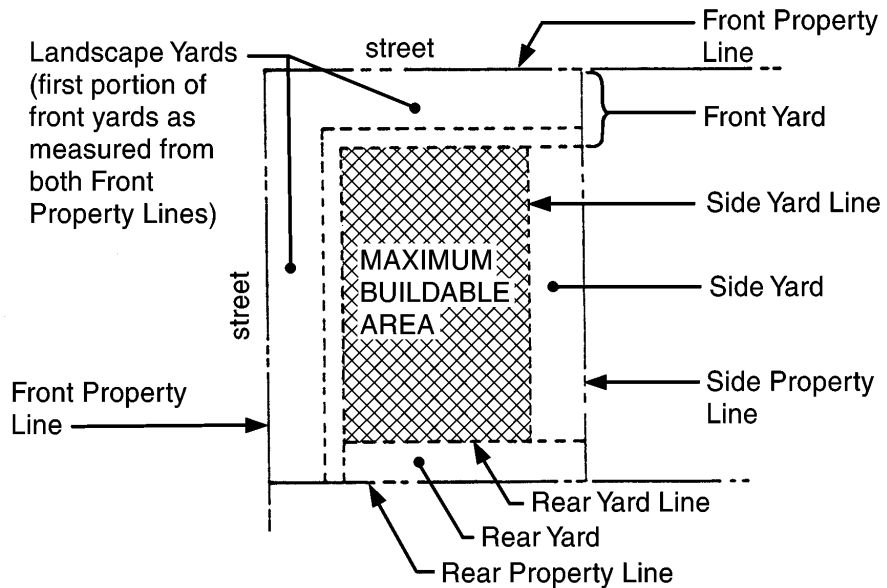
Parcel of land situated at the intersection of two (2) or more streets, or at and abutting the point or abrupt change of a single street where the interior angle is less than one hundred thirty five degrees (135°) and the radius of the street is less than one hundred feet (100').

LOT, INTERIOR:

A lot other than a corner lot and which has lots on either side.



Zoning Lot - Interior



Zoning Lot - Corner

- LOT OF RECORD:** A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds of Tazewell County, Illinois; or a parcel of land described by metes and bounds, the deed or description of which was recorded in the office of the Recorder of Deeds prior to the adoption of this Title. Ord. 78-31, 3-5-79)
- MANUFACTURED HOME:** A structure, transportable in one or more sections, which, in traveling mode, is eight body feet (8') or more in width or forty body feet (40') or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning, and electrical systems contained therein. (Ord 98-45, 3-15-99)
- MOBILE HOME:** Any portable or mobile vehicle or trailer coach used for residential living purposes temporarily or permanently. For the purpose of this Title, such vehicle shall be classified as a mobile home whether or not its wheels, rollers, skids, or other rolling equipment have been removed, or whether or not any addition thereto has been built on the ground. (Ord. 78-31, 3-5-79; amd. Ord. 82-8, 8-2-82; amd. Ord. 84-9, 9-17-84; amd. Ord. 00-50, 3-5-01)
- MOBILE HOME PARK
MOBILE HOME COURT:** A tract of land meeting the standards of the Tazewell County Health authorities and by the Illinois State Department of Health:
- (A) Where one (1) or more trailer coach, manufactured home or mobile home is parked, excepting trailers used exclusively for transporting property as distinguished from persons;
 - (B) Which is used by the public as parking space for one (1) or more trailer coach, manufactured home, or mobile home. (Ord. 78-31, 3-5-79; amd. Ord. 98-45, 3-15-99)
- MODULAR HOME:** A building assembly or system of building sub-assemblies, designed for habitation as a dwelling place for one (1) or more persons, including the necessary electrical, plumbing, heating, ventilating, and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation, on the building site, with a permanent foundation. (Ord. 78-31, 3-5-79; amd. Ord. 82-8, 82-82; amd. Ord. 98-45, 3-15-99)
- MOTOR FREIGHT
TERMINAL:** A structure, facility, or premise for the handling of goods and materials in transit, including the parking, loading, and repairing of commercial motor vehicles. Employee sleeping accommodations shall be considered allowable by special use permit only. (Ord. 82-32, 4-4-83)
- NONCONFORMING
STRUCTURE:** A structure lawfully existing at the time of adoption of this Zoning Ordinance which does not conform to the regulations of the district in which it is located.
- NONCONFORMING USE:** A use which lawfully occupied a structure or land at the time of adoption of this Zoning Ordinance which does not conform with the regulations of the district in which it is located. For the purposes of this Title, any use lawfully established on the effective date of this Zoning Ordinance which is nonconforming solely by virtue of lacking off-street parking or loading facilities as required hereafter for new uses, shall not be deemed a nonconforming use. (Ord. 78-31, 3-5-79)

NURSERY SCHOOL:	A place where preschool education and instructional programs are offered for children. (Ord. 84-1, 5-21-84)
OUTDOOR RECREATION FACILITIES:	Facilities including but not limited to miniature golf, driving range, and related activities. (Ord. 86-21, 4-20-87)
PARKING AREA, OFF STREET:	An open, hard-surfaced area of land, other than a street or public way, arranged and made available for the storage of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory.
PARKING SPACE:	An area to the dimensions and layout as contained in Chapter 8, sufficient to accommodate one (1) automobile, convenient, accessible, and usable at all times without having to move any other vehicle.
PLANNED RESIDENTIAL DEVELOPMENT:	A tract of land which is developed as a residential development under single ownership or control and which may not completely conform to all of the regulations of the district regulations.
PLANT MATERIALS FOR LANDSCAPE SCREENING:	<p>(A) Deciduous shrub means a lower story plant that generally will not attain a mature height of more than fifteen feet (15') and usually has a dense branching pattern which is close to ground level. Such plants shed their leaves in winter. Any similar plant that will not attain a mature height of more than one foot (1') will not be regarded as a shrub. Examples include honeysuckle, lilac, forsythia, rose of sharon, and sumac.</p> <p>(B) Evergreen shrub means a lower story plant that generally will not attain a mature height of more than fifteen feet (15') and usually has a dense branching pattern which is close to ground level. Such plants retain their foliage throughout the year. Any similar plant that will not attain a mature height of more than one foot (1') will not be regarded as a shrub. Examples include douglas arbor-vitae, chinese juniper, swiss stone pine, and irish yew.</p> <p>(C) Evergreen tree means a tree that retains its foliage throughout the year which generally develops a pyramidal shape and grows to a mature height and spread that is greater than any pyramidal shaped evergreen shrub such as upright junipers and upright arbor vitae. Examples include spruce, pine, hemlock, and douglas fir.</p> <p>(D) Intermediate tree means a deciduous plant characterized by a height and/or spread that is generally smaller than that of a shade tree under natural growing conditions. Such plants will shed their leaves and are dormant during the winter. Intermediate trees may have a single trunk or multiple trunk. Examples include bradford pear, crimson king maple, and crab apple.</p> <p>(E) Shade tree means a deciduous plant which generally creates a tall and wide overhead canopy under nature growing conditions. Such plants will shed their leaves and are dormant during the winter. Shade trees will usually have a single trunk. Examples include oak, hard maple, birch, linden, and beech. (amd. Ord. 00-51, 3-19-01)</p>

- PLAY STRUCTURE:
- (A) Length is less than forty percent (40%) of average yard width.
 - (B) Width is less than twenty-five percent (25%) of average yard width.
 - (C) Interior of enclosed structure may not exceed seven feet, six inches (7'6") in height.
 - (D) Interior of enclosed structure may not exceed sixty (60) square feet.
 - (E) Tallest point of structure cannot exceed fourteen feet, six inches (14'6") of the average soil height of the yard.
 - (F) Enclosed structure may not be insulated.
 - (G) Enclosed structure may not be used for storage of anything other than toys. Bikes, wagons, tricycles, or other wheeled structures are not considered toys.
 - (H) Only one (1) enclosed structure is allowed per play structure.
 - (I) A play structure may not be placed in or on a concrete foundation; however, posts are acceptable and may be set in concrete.
 - (J) Only one (1) play structure is allowed per lot. (Ord. 05-41, 2-6-06)
 - (K) Shall not include swing sets.

A swing set is defined as follows:

1. Structure constructed of metal, wood, or other materials with swings, a glider, and a slide.
2. Shall be exempt from the building permit process.
3. Shall meet all required setbacks for accessory structures.
(Ord. 06-05, 5-1-06)

PORTABLE STORAGE UNITS: Any container, storage unit, shed-like container, or other portable structure that can be or is used for the storage of personal property.
(Ord. 07-41, 10-1-07)

RESIDENTIAL TREATMENT CENTER: An establishment, including the operation of a professional pharmacy, and facilities for 24 hour in-patient care, where one or more physicians, psychologists, counselors, or other medical professionals diagnose and treat human physical and/or mental disorders. (Ord. 07-37, 10-1-07)

REST HOME OR NURSING HOME:	A home for the aged, chronically ill, or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter and care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured. (Ord. 78-31, 3-5-79)
RETIREMENT CENTER:	A building where three (3) or more persons not of the immediate family are lodged for hire and where they may be provided meals, health care, and rehabilitation activities, including physical and occupational rehabilitation services. The center may also provide adult day care and home health care services. (Ord. 84-25, 4-15-85)
RINGELMANN NUMBER:	A particular designation of an area on the Ringelmann Chart that coincides most nearly with the visual density of smoke or particulate matter being observed.
SHELTERS/TENTS	Something which has no foundation, metal frame, and which can be used to enclose an area. (Ord. 07-41, 10-1-07)
SIGNS:	Any commercial structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, of any civic, charitable, religious, patriotic, fraternal, or similar organization, or any sign indicating address.
SIGNS, ADVERTISING:	A sign which directs attention to a business, commodity, service, or entertainment, not exclusively related to the premises where such sign is located or to which it is affixed.
SIGNS, BUSINESS:	A sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises on which such sign is located or to which it is affixed.
SIGNS, TEMPORARY:	A non-permanent sign intended to be used for a short fixed period of time, including, but not limited to, political, real estate, construction, barker, and signs announcing a campaign drive or civic event. (Ord. 07-31, 9-4-07)
SOLAR WATER SYSTEM:	A solar water system is one which produces domestic hot water. (Ord. 10-20, 10-4-10)
SPECIAL USES:	Any use of land or buildings described and permitted herein in accordance with the procedures of Section 10-10-2 of this Title.
STORY:	That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen feet (14') in height shall be considered as an additional story for each fourteen feet (14') or fraction thereof. Any basement or cellar with more than one-half (1/2) its height above the established curb level, or above the level of the adjoining ground where curb level has not been established, shall be considered a story for purposes of height measurements.

STORY, HALF:	As related to a structure, a basement or cellar level with not more than one-half (1/2) of its height above ground level. As a measurement relating to height limitations of structures other than buildings, half-story shall be seven feet (7').
STREET:	A thoroughfare within the right of way which affords the principal means of access to abutting property. A street may be designated as an avenue, a boulevard, drive, highway, lane, parkway, place, road, thoroughfare, or by other appropriate name.
STRUCTURE:	Anything constructed or erected which requires location on the ground or is attached to something having location on the ground including, but not limited to, buildings, walls, swimming pools, fences, billboards, signs, stadiums, platforms, radio towers, sheds, storage bins, antenna, and surfacing for vehicle parking and any other surfacing. (Ord. 78-31, 3-5-79)
SUPPORTED LIVING FACILITY:	A maximum of four (4) family units may reside in the basement, first floor, and second floor where one (1) or more of the family units requires some form of support or supervision. A family unit is an individual or a married couple, or a descendant of either. (Ord. 14-32, 12-15-14)
SUPPORTED LIVING FACILITY WITH LIMITED COMMERCIAL USE:	A supported living facility in which on the first floor there may be programs, including instructional and actual training with equipment for persons with disabilities. Incidental production of and sale of items produced in conjunction with the training is permissible. (Ord. 14-32, 12-15-14)
SWIMMING POOL:	Any structure, basin, chamber, or tank containing an artificial body of water for swimming or wading, which is dug into the ground or which sits on the ground (including inflatable structures), and which has a depth of two feet (2') or more at any point. Depth shall be the height of the wall. Any device with a filtration system that is used for swimming or wading, regardless of depth, shall be considered a swimming pool and shall be located in the rear yard. For purposes of this definition, lakes and borrow pits shall not be considered basins. (Ord. 96-39, 3-17-97; amd. Ord. 01-25, 10-1-01)
USE:	The specific purpose for which land, a structure, or premises is designed, arranged, intended, or for which it may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.
VARIATION:	A deviation from the regulations or standards adopted by this Title which the Zoning Board is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property, lot, structure, or premises for which the variance is sought.
WIND ENERGY CONVERSION SYSTEM:	A machine that converts the kinetic energy in the wind into a usable form (commonly known as a "wind turbine" or "windmill"). (Ord. 07-04, 5-7-07)
YARD:	An open space on the same zoning lot with a building or group of buildings which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Title, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

YARD, FRONT:	A yard extending across the full width of the zoning lot and lying between the front line of the lot and the nearest line of a building. Corner lots with property on two (2) intersecting streets shall provide two (2) front yards to meet the front yard requirements set forth herein. Reverse frontage or through lots having access on two (2) non-intersecting streets shall be required to provide a front yard on only one (1) street that upon which the proposed structure is to front unless both streets providing access serve as fronting streets for adjoining properties, in which case, a front yard shall be provided on both streets providing access.
YARD, REAR:	A yard extending across the full width of the zoning lot and lying between the rear line of the lot and the nearest line of the principal building.
YARD, SIDE:	That part of the yard lying between the nearest line of the principal building and a side lot line and extending from the required front yard (or from the front lot line, if there is no required front yard) to the required rear yard.
YARD, LANDSCAPED:	The portion of the front yard a distance in depth as specified herein and right of way upon which the property fronts, or from the edge of the proposed right of way, if the fronting street or street rights of way are less than specified on the Official Map.
ZONING LOT:	See "LOT." (Ord. 78-31, 3-5-79)

CHAPTER 3
ZONING DISTRICTS

SECTION:

- 10-3-1: Establishment of Districts
 10-3-2: Zoning Maps
 10-3-3: Zoning of Streets, Alleys, Public Ways, Railroad Rights of Way
 10-3-4: Zoning of Annexed Territory
 10-3-5: Interpretation of Zoning Boundaries

10-3-1: **ESTABLISHMENT OF DISTRICTS:** The Village is hereby divided into the following zoning districts:

- | | |
|-----|--|
| R-S | Suburban Residential and Planned Residential Development District |
| R-1 | One-Family and Planned Residential Development District |
| R-2 | Two-Family and Planned Residential Development District |
| R-3 | Multi-Family and Planned Residential Development District |
| R-4 | Multi-Family and Planned Residential Development District. (Ord. 04-51, 2-21-05) |
| MH | Mobile Home District |
| B-1 | Professional Office District |
| B-2 | General Business District |
| B-3 | Highway and Service Commercial District |
| I-1 | Restricted Industrial District |
| I-2 | General Industrial District |

10-3-2: **ZONING MAPS:**¹ The location and boundaries of such districts are shown upon the Morton, Illinois, Zoning Map, which Map is hereby adopted and by reference made a part hereof, a copy of which is on file at the Village Clerk's office.

10-3-3: **ZONING OF STREETS, ALLEYS, PUBLIC WAYS, AND RAILROAD RIGHTS OF WAY:** Unless otherwise specified, all streets, alleys, public ways, and railroad rights of way shall be considered as being in the same zoning district as is abutting land. Where the street, alley, public way, or railroad right of way serves as the zoning boundary, unless otherwise indicated, the centerline shall serve as the boundary. If a street, alley, public way, or railroad right of way which has served as the zoning line shall be vacated, such zoning boundary shall remain in the center of such vacation. (Ord. 78-31, 3-5-79)

10-3-4: **ZONING OF ANNEXED TERRITORY:** All territory which may hereafter be annexed shall be considered as being in the R-S District unless otherwise stipulated by pre-annexation agreement or until otherwise changed by the ordinance amendment procedure, as outlined in this Title.² (Ord. 80-4, 5-5-80)

¹ See 10-10-2(E)8 for publication provisions of zoning maps.

² See Section 10-10-2(E).

- 10-3-5: **INTERPRETATION OF ZONING BOUNDARY LINES:** Where any uncertainty arises as to the location of zoning district lines, as indicated on the zoning maps, the following shall apply:
- (A) Zoning district lines generally following streets, alleys, public ways, and railroad rights of way shall be construed as being on the centerline of such ways.
 - (B) Zoning district lines generally following lot lines shall be construed as being located on lot lines.
 - (C) Zoning district lines generally following Village limit lines shall be construed as the Village limit line.
 - (D) Zoning district lines generally following streams or watercourses shall be construed as the centerline of that stream or watercourse.
 - (E) Where a subdivided lot held in single ownership and being a lot of record at the date of adoption of this Title is indicated as being divided by the zoning boundary, the entirety of such lot shall be considered in the less restrictive district. For the purpose of this Title, the order of restrictiveness of districts from most restrictive to least restrictive shall be in the same order as in 10-3-1.
 - (F) Where unsubdivided property is indicated as being divided by a zoning boundary, the actual location of the zoning boundary shall be determined by use of the scale contained on such map.
 - (G) Where physical or natural features at the site are at variance with the Zoning Map, or in cases where the location of the zoning district line is not clarified by the foregoing, the Board of Appeals shall interpret the location of the zoning district line. (Ord. 78-31, 3-5-79)

CHAPTER 4

GENERAL REGULATIONS AND EXCEPTIONS

SECTION:

- 10-4-1: Application Of Regulations, Zoning Permits, And Certificates
- 10-4-2: Nonconforming Uses
- 10-4-3: Building Height, Bulk, Lot Coverage, And Yards
- 10-4-4: Lots Of Record
- 10-4-5: Buildings, Required Street, And Lot Relationships
- 10-4-6: Site Plan Review
- 10-4-7: Site Plan Review For Interstate Corridor
- 10-4-8: Existing Buildings In Interstate Corridors
- 10-4-9: Special Variance Procedure For Property In Interstate Corridor
- 10-4-10: Planned Commercial Developments
- 10-4-11: Large Scale Development
- 10-4-12: Wind Energy Conversion System (WECS)
- 10-4-13: Dumpsters
- 10-4-14: Portable Storage Units
- 10-4-15: Shelters/Tents
- 10-4-16: Solar Water Systems
- 10-4-17: Electric Solar Systems

10-4-1: **APPLICATION OF REGULATIONS, ZONING PERMITS, AND CERTIFICATES:** No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved, or altered, unless in conformity with the regulations herein specified for the district in which it is located, and unless having received the appropriate required permits or certificates as outlined in this Title. (Ord. 78-31, 3-5-79)

10-4-2: **NONCONFORMING USES:** Any lawfully established use of land or buildings at the effective date of this Title or of amendments, which does not comply with the regulations of the district in which it is located, is subject to the following regulations:

- (A) **Continuance Of Use:** A nonconforming use may be continued in use provided there is no physical change other than necessary maintenance and repair except as otherwise provided herein.
- (B) **Nonconforming Use Discontinued For One (1) Year Not To Re-Establish:** If a nonconforming use involving a building or structure has discontinued for a period of one (1) year or more, it shall not be re-established unless it was in a building specifically designed for such use. If nonconforming use of land not involving a principal building or structure is discontinued for six (6) months, it shall not be re-established.
- (C) **Reconstruction, Alterations, Or Expansions Of Nonconforming Building Limited:** A nonconforming building may not be structurally altered or reconstructed within its bounding walls to an extent exceeding in aggregate cost twenty five percent (25%) of its fair market value including land value except for non-conforming buildings which are used as an owner occupied residence, in which case the 25% limitation does not apply. A nonconforming use may not expand its bounding walls or increase its building area. In instances where a building has been specifically designed for a nonconforming use, the Board of Appeals, by variance action, may permit this limitation to be exceeded after required public hearing. (Ord. 78-31, 3-5-79; amd. Ord. 08-17, 10-06-08)

Notwithstanding the foregoing, a nonconforming building may be added on to or attached to where the following applies:

1. The building is in a district zoned R-1, "One-family and Planned Residential District"; and
 2. Pursuant to the zoning law in effect at the time the building was constructed, the building was allowed to be built up to five feet (5') from the side lot line; and
 3. Any addition shall not be closer to the side lot line than five feet (5'). (Ord. 83-12, 8-1-83)
 4. The building is in a district zoned industrial, and pursuant to the zoning law in effect at the time the building was constructed, the building was allowed to be built up to thirty feet (30') from the side lot line. Any addition shall not be closer to the side lot line than thirty feet (30'). (Ord. 92-23, 11-2-92)
- (D) Conforming Uses Not To Revert To Nonconforming Uses: Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.
- (E) Substitution Of Nonconforming Uses Prohibited: Except where otherwise provided herein, nonconforming use shall not be substituted for or added to another nonconforming use. (Ord. 78-31, 3-5-79)
- (F) Property adjacent to Detroit Avenue between West Jackson Street and West Birchwood Street where the owner dedicated right-of-way for the widening of Detroit Avenue will not be considered to be a nonconforming property because it doesn't meet the required front setback. Nonconforming property includes lots that are presently vacant. (Ord. 10-38, 4-4-11; amd. Ord. 10-42, 4-25-11)

10-4-3: **BUILDING HEIGHT, BULK, LOT COVERAGE, AND YARDS:**

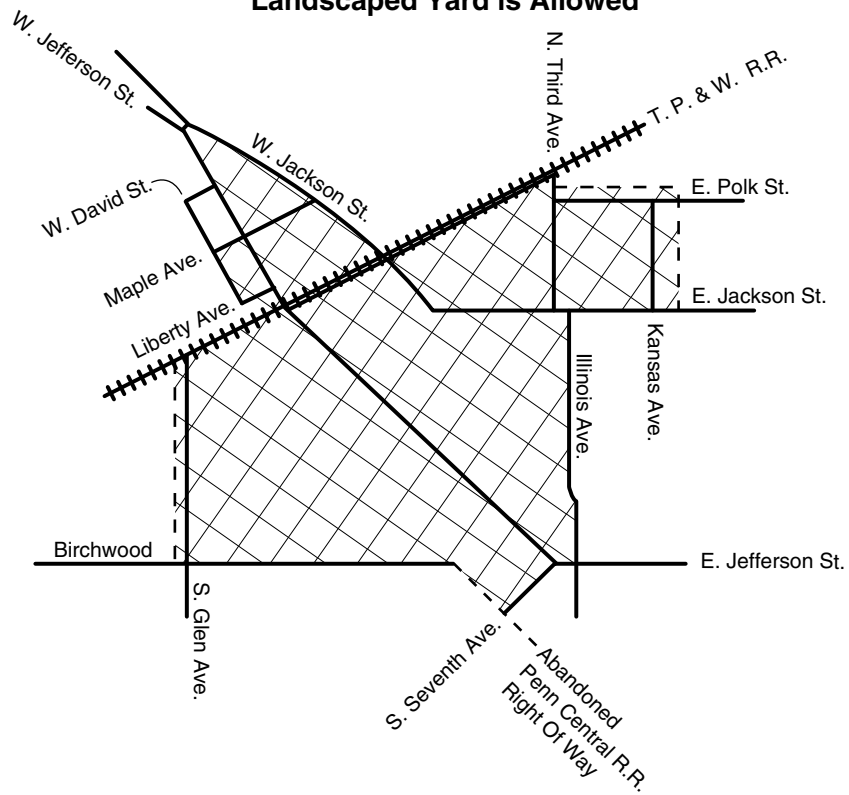
- (A) General Application: No building shall be erected, reconstructed, relocated, or structurally altered to have a greater height, lot coverage, or smaller open spaces than permitted under the restrictions for the district in which it is located, except as otherwise provided in this Title. (Ord. 78-31, 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; Parking, Drives, Walks, Parking Lots, And Garages: Notwithstanding the foregoing, the following shall be permitted in the required yards:
1. Pavements:

- (a) For access walks, drives, and parking areas not encroaching on the landscaped front yard, such pavements shall be no closer than ten feet (10') to the side property line and eight feet (8') to the rear property line in B-1 and B-2.
 - (b) For R-3, B-3, I-1, and I-2, pavement shall be no closer than ten feet (10') to the side and rear property lines.
 - (c) For B-3, I-1, and I-2, if there are walks, drives, or parking areas that were built in compliance with a lesser setback (but not as a result of a variance), then the setback for subsequent walks, drives, and parking areas may be the same as that in effect at the time of the prior construction.
 - (d) In all of the above cases, landscape screening shall be provided wherever pavement is closer than the building setback line.
 - (e) For adjacent one- (1) and two-family (2) residential structures, such pavements can extend to within five feet (5') of the side or rear property lines, and the landscape screening requirement is waived. Notwithstanding the foregoing, one- (1) and two-family (2) residential structures can only utilize the portion of the drive in the front yard, even though encroaching on the landscaped yard to partially meet the off-street parking requirements as provided in Section 10-8-6 of this Title. Notwithstanding the foregoing, common drives as recorded on plat to be shared by adjacent lots are permitted in side yards.
 - (f) No residential driveway shall exceed twenty four feet (24') in total width at the right-of-way line, except where a three (3) stall or larger garage is constructed. Then, in such case, the driveway may be thirty feet (30') in width at the right-of-way line, and the side and rear setback of five feet (5') must be observed. At the right-of-way line, driveway width may not exceed the width of the apron. (amd Ord. 05-31, 12-05-05)
 - (g) No driveway entrance shall be constructed closer than thirty five feet (35') to any intersection of residential streets and fifty feet (50') to any intersection involving collector or major streets.
 - (h) No more than one (1) driveway per dwelling unit shall be allowed. Notwithstanding the foregoing, for lots of a width of one hundred fifty feet (150') or more (meaning frontage on one street of at least that distance), one (1) circular drive per lot is allowable, provided that the total driveway width of both openings does not exceed thirty six feet (36') and that any one (1) opening does not exceed twenty four feet (24'). All circular driveways shall otherwise conform to the other requirements in this Section. In addition, any property backing on an alley which is driveable may maintain driveway access from both the alley and the fronting street. (amd. Ord. 00-12, 7-17-00; amd. Ord. 05-30, 12-05-05)
2. Parking Lot Light Poles: Parking lot light poles may extend an additional three feet (3') into the required landscaped yard setback. All outdoor lighting in any business or industrial district shall be installed so that lighting throw does not fall beyond any property line. (Ord. 98-4, 6-15-98; amd. Ord. 99-51, 03-20-00; amd. Ord. 02-26, 1-6-03)
 3. Bay Windows, Chimneys, Etc.: One story bay windows, chimneys, overhanging eaves, and gutters projecting no more than twenty four inches (24") into side yards nor more than thirty six inches (36") into front and rear yards. (amd. Ord. 07-22, 7-16-07)
 4. Open Fire Escapes: Open fire escapes, providing they do not project into required yards more than four and one-half feet (4 1/2').

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

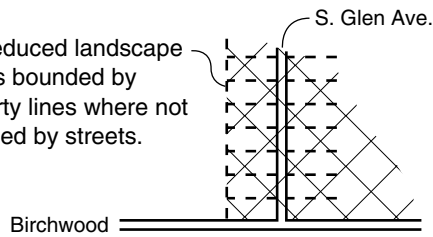
- (E) Front Yards To Be Measured From Edge Of Proposed Right Of Way: Where the street(s) upon which a property fronts is below the proposed right of way width, as indicated on the Morton Official Map, the required front yard shall be measured from the edge of the proposed right of way line which, unless 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) Drives, Parking, And Loading Areas To Be Surfaced: All drives and parking areas are to be surfaced as follows:
1. For all uses except industrial uses, all drives, parking, and loading areas shall be hard surfaced with bituminous concrete or concrete.
 2. For industrial uses, the traveled area through the property shall be paved with bituminous concrete, concrete, A-3, or equivalent.
 3. All other drives, parking, loading, and storage areas for which hard surfaced paving is not required shall be graveled and maintained in a dust-free condition.
- (G) Landscaped Front Yards Required: All uses in all districts, except agricultural uses, shall maintain a landscaped yard twenty five feet (25') in depth measured from edge of proposed ROW, except those lots within the area indicated on the following map are required to provide a landscaped yard of ten feet (10') in depth as measured from the edge of the proposed ROW.

Area in Which a Reduced Landscaped Yard is Allowed



Property Line Boundary Example

The reduced landscape area is bounded by property lines where not bounded by streets.



- (H) Landscaped Buffers Or Screening Required: Newly established industrial uses adjacent to or backing on residential or business districts, or newly established business uses adjacent to or backing on residential districts, or newly established multi-family uses adjacent to or backing on single-family uses, shall provide and continuously maintain on that property line a dense hedge, tree row, or other similar landscape device suitable to visually screen the differing types of adjacent uses from one another.
- (I) 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)
- (J) 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.
- (K) 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)
- (L) Satellite Dishes: A satellite antenna dish, which is defined as a device used for the reception of communications or other signals from orbiting satellites, is permitted in districts zoned R-S, R-1, R-2, and R-3, subject to the following conditions:
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 located only in the rear yard and shall be subject to a ten foot (10') setback on the rear yard property line and a ten foot (10') setback on the side yard lot line. If an easement requires a greater setback than the foregoing, then the easement setback shall apply.
 5. Ground-mounted dishes shall be reasonably concealed from the view at ground level of adjacent properties on all sides, except the side to which the dish is directed to receive the signal. On that side the view shall be obscured to the extent possible without interfering with the reception of the signal. Fencing or landscape screening shall be used for such purpose subject to the general requirements for same as provided in other sections of this Code. Any landscape screening that is used must be planted within six (6) months of the date of the installation of the dish and must be continuously maintained. Any landscape screening that is used must be nondeciduous and must be of a minimum height of four feet (4') when planted. (Ord. 84-22, 3-4-85)

6. A ground-mounted dish shall be considered an accessory use. (Ord. 93-2, 5-17-93)
7. A satellite antenna dish may be used only if it is permanently affixed to the ground, rooftop, or chimney of a structure. Satellite antenna dishes may not be located or affixed to any movable object, including, but not limited to, motor vehicles, trailers, or other movable objects. The use of a satellite antenna dish on a temporary basis is expressly prohibited. (Ord. 84-22, 3-4-85; amd. Ord. 93-4, 5-17-93)

(M) One satellite antenna dish is permitted in districts zoned MH, B-1, B-2, B-3, I-1, or I-2. The satellite antenna dish may be located only on the rooftop or in the rear yard, shall be subject to all other zoning requirements and restrictions, and shall be subject to site plan review. (Ord. 83-4, 5-16-83)

(N) Swimming pools where permitted shall be 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 appropriate enclosure.

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

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, the construction of which is completed after the effective date of this Ordinance, shall be filled with water of a depth of two feet (2') or more until the enclosure required by this Section has been provided.
5. The enclosure required by this Chapter shall be installed around all existing pools no later than May 1, 1992, subject to the provisions of Subsection 2 of this Section. (Ord. 91-8, 7-15-91)
6. They shall be maintained in a reasonable state of repair and condition. Water shall not be allowed to become stagnant. (Ord. 13-18, 10-7-13)
7. If on July 15, 1991, there was a fence of at least thirty six inches (36") in height located around an existing swimming pool, then said existing fence shall only have to meet the four foot (4') height requirement if same is modified to said height prior to May 1, 1992. If said existing fence is not modified to four feet (4') prior to said date, then it must meet the five foot (5') height requirement after that date. (Ord. 91-12, 2-3-92)
8. If on March 3, 1997, there existed a swimming pool which had been constructed without external buttresses, but which otherwise met the definition of a swimming pool prior to March 3, 1997, then the owner of the property where said swimming pool is located shall have until May 1, 1998, to erect a fence on the property that is in compliance with the provisions of this Section. (Ord. 96-39, 3-17-97)

- (O) 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)

- (P) A building permit (but no fee) shall be required for a play structure. With respect to the location of a play structure, the following criteria applies:

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

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

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

10-4-4: **LOTS OF RECORD:**

- (A) **Single Ownership Lots Of Record:** Single ownership lots of record at the date of adoption of this Title may be used for a permitted use providing the required area, lot width, and side or rear yards are not reduced to less than seventy five percent (75%) of the required dimensions. Use of lots of record requiring further reductions of yards may be approved by the Board of Appeals.
- (B) **Adjoining Lots Of Record Under Single Ownership:** When two (2) or more lots of record at the date of adoption of this Title, lacking the required area and dimension for a permitted use are contiguous and in single ownership, they shall be combined to the extent necessary to meet the zoning requirements for that district.

- (C) Buildings Under Construction Or Approved For Construction; Status Of Buildings On Previously Approved Plats: Buildings lawfully under construction or approved for such construction prior to the adoption of this Title shall not be required to modify or change the approved plans providing that such construction is completed within one year from the date of passage of this Title.

Building will be allowed to proceed on lots within plats having Village Board approval prior to the adoption of this Title, even though lacking the required area and dimensions, providing only that such construction is completed within five (5) years of the date of passage of this Title. (Ord. 78-31, 3-5-79)

10-4-5: **BUILDINGS, REQUIRED STREET, AND LOT RELATIONSHIPS:**

- (A) Buildings To Have Access To Public Streets: Except for private street planned developments and access easements as included on the approved plat, or as otherwise specifically provided for in this Title, every building shall be constructed upon a lot or parcel abutting a public street. (Ord. 78-31, 3-5-79)
- (B) Buildings On Zoning Lot: Except for planned developments, multifamily residential, multi-building institutional, commercial and industrial uses, and two (2) duplexes as provided in 10-5-4-B-3, every principal building erected or structurally altered shall be on a zoning lot, and in no case shall there be more than one (1) principal building per zoning lot. (Ord. 78-31, 3-5-79; amd. Ord. 83-15, 8-1-83; amd. Ord. 02-12, 7-1-02)
- (C) All towers or other structures that can or will accommodate a personal wireless service facility as defined in Title 13 Chapter 1, shall not be considered buildings for purposes of general height requirements. All such towers or structures shall be regulated pursuant to Title 13 Chapter 1 of this Code. Any height limitations shall be determined pursuant to the provisions in that Chapter. (amd. Ord. 00-52, 3-5-01)

10-4-6: **SITE PLAN REVIEW:**

- (A) Uses For Which Site Plan Review Is Required: In order to minimize adverse effects of any proposed development upon existing uses, to clarify the concept of a proposed development when seeking local building and zoning approvals, and to better conserve and enhance the visual environment of the Village, the following types of proposed uses or developments shall not be permitted without administrative site plan review and approval by the SPW.
1. All R-3 and R-4 residential, commercial, or industrial uses indicated as "permitted use" in the district in which located, and mobile home districts. (amd. Ord. 05-46, 3-6-06)
 2. Any special use for any zoning category. (Ord. 78-31, 3-5-79)
 3. Any property except that located in a district zoned R-1 (single family) and R-2 (two-family) within an interstate corridor shall also be subject to the provisions of Title 10, Chapter 4, Section 7. (Ord. 94-31, 5-15-95)
 4. Any large scale developments shall also be subject to the provisions of Title 10, Chapter 4, Section 11. (amd. Ord. 02-26, 1-6-03)
- (B) Site plans submitted for site plan review by the SPW shall include a hard paper copy, as well as a digital media copy in an ESRI Shapefile, or other computer readable format compatible with the Village of Morton mapping software, and shall be drawn to the following scales and include the following data:
(amd. Ord. 05-46, 3-6-06)

1. A scale of not smaller than one inch equals fifty feet (1" = 50') for areas of fifteen (15) acres or less or where the longest dimension does not exceed eight hundred feet (800'); for all larger projects, one inch equals one hundred feet (1" = 100'), plan to show date, north point, and scale.
2. Property lines of the subject and abutting properties.
3. Location of existing and proposed structures, drives, and parking areas on the subject property and existing structures within one hundred feet (100') of the subject property.
4. Location, right-of-way width, and street width of abutting streets and alleys.
5. Landscaping and screening
 - (a) All landscape plans shall fully meet the following performance standards in order to receive approval from the Zoning Officer:
 - (1) Landscaping shall not hinder the vision of motorists and pedestrians necessary for safe movement into, out of, and within the site.
 - (2) Landscaping materials shall be selected and placed in such a manner so as not to interfere with or damage existing utilities.
 - (3) Landscaping materials shall be selected and placed so as not to inhibit the safe and enjoyable use of surrounding properties.
 - (4) Landscaping shall be selected and placed with a sensitivity toward the ultimate size to be achieved over time through growth of vegetation.
 - (5) Landscaping with thorns, berries, and other unsuitable characteristics shall be carefully placed to avoid potential harm to people or property on- and off-site.
 - (6) Weak wooded trees shall be used only where other species are not available.
 - (b) The amount of landscaping required shall be calculated by the point system hereinafter described. The requirements for any zoning lot shall be the total of all front yards. In calculating any requirement, a fraction of one-half (0.5) or greater shall be rounded up to the next whole number.

The following point allocations shall apply for all required landscaping:

<u>Tree Classification</u>	<u>Base Value</u>
Shade Tree	15 points
Evergreen Tree	15 points
Intermediate Tree	10 points
<u>Shrub Classification</u>	<u>Base Value</u>
Evergreen Shrubs	2 points
Deciduous Shrubs	1 point

At the time of planting, shade trees and intermediate trees shall have a caliper size of not less than two inches (2"). Evergreen trees shall be a minimum of five feet (5') in height and evergreen shrubs shall be a minimum of two feet (2') in height at the time of planting. (amd. Ord. 05-44, 2-6-06)

- (c) All developed zoning lots, other than those located within R-1 and R-2 zoning districts, shall have front yard landscaping installed, as provided for in this subsection. All yards, such as those on corner lots or irregularly shaped lots, which are adjacent to any street, road, or interstate highway, shall meet the landscaping requirements for front yards.
- (1) The number of points required for landscaping of front yards shall be based on the overall lot frontage, as measured along the property line, divided by two (2). For example, if the front yard lot frontage is two hundred twenty feet (220') in length, then the landscaping must generate one hundred ten (110) points.
 - (2) Not less than fifty percent (50%) of the points required for landscaping of front yards shall be achieved by utilizing plants from tree classification.
 - (3) Front yard landscaping shall be planted in the required front yard. If there is an additional area between the required front yard and the closest on-site parking lot or building, all or some of the required landscaping may be planted within such additional area upon approval by the Zoning Officer.
- (d) Screening requirements in accordance with Section 10-4-3-H of this Title shall meet the size requirements set forth in this section. The screening requirements shall be greater than landscaping requirements so as to achieve the desired visual barrier, as approved by the Zoning Officer.
- (e) Any landscaping materials required in this section which may, for any reason, die or fail to thrive shall be replaced with other landscaping materials having an equal or greater point value and similar characteristics as soon as good horticultural practice permits, though not to exceed six (6) months.
- (f) Landscaping shall be completed within one (1) year of the issue date of the building permit. If landscaping is not completed within the required time frame, then the procedure outlined in Section 4-1-7 of this Code shall be applied.
(amd. Ord. 00-51, 3-19-01)
6. Names and addresses of the architect, engineer, landscape architect, planner, or designer responsible for the site plan.
 7. Location of utilities, existing and proposed, on the subject property and within one hundred feet (100') of the subject property.
 8. Location of existing storm water drainage conduits and ditches on the subject property and within one hundred feet (100') of the subject property.
 9. For the purposes of this section, decorative masonry shall consist of the following: brick, natural/native stone, split-faced block, ground-faced block, fluted block, glazed block, concrete mortarless veneer siding systems, exterior insulation and finish systems (EIFS), exposed aggregate concrete wall panels, pre-cast concrete wall panels that have been painted or stained, glass block, and simulated stone. Neither simulated panelized sheeting mechanically attached to the structure, nor painted and/or scored block, shall be considered decorative masonry.

The following materials are acceptable as decorative finishes for exterior walls that front a street or highway: glass, prefinished steel or aluminum, decorative masonry finishes, and wood (cedar, redwood, or cypress). In addition to these materials, all other building walls may be of concrete block, prefabricated exterior materials, and other similar materials, excluding non-coated galvanized siding.

In commercially zoned areas and the interstate corridor, there shall be a minimum percentage of decorative masonry and/or decorative finish required for exterior walls, as follows:

Street frontage, or any elevation with public access or facing a public parking lot:	A minimum of fifty percent (50%) decorative masonry with the remainder to be a decorative finish
Side or rear abutting an interstate:	A minimum of fifty percent (50%) decorative masonry, which must run the length of the building to a minimum of three feet (3') from grade level up
Side or rear adjacent to a residential area:	A minimum of fifty percent (50%) decorative finish
Side or rear not fronting a street or abutting a residential area:	No requirements

On all other projects requiring site plan review, there shall be thirty five percent (35%) of brick stone work or decorative masonry on the portion of the building fronting a street or highway.

The Board of Trustees may alter or waive the requirements subject to the following: suitable landscaping and an alternative material of decorative wood which is stained or painted. In allowing an altering or waiving of the requirements, the Board of Trustees may impose such additional conditions as it may deem appropriate.

The Board of Trustees may alter or waive the requirements for additions to existing buildings that at the time of the addition do not have the required brick stone work or decorative masonry or any building that is being remodeled, and may impose such conditions as it may deem appropriate in granting such waiver.

Notwithstanding the foregoing provisions, there shall be no requirement for brick stone work or decorative masonry for a metal-clad and station-type cubical switchgear, which includes equipment for the control and protection of apparatus used for power generation, conversion, and transmission and distribution. (amd. Ord. 04-03, 5-3-04; amd. Ord. 09-34, 12-21-09; amd. Ord. 13-34, 4-7-14)

10. Storm water detention plans and calculations.
11. Erosion control plans.
12. EPA water and sewer permit applications, as required. (amd. Ord. 05-46, 3-6-06)

(C) Review Of Site Plan: In reviewing site plans, the SPW shall consider:

1. Location of drives, ingress and egress points to public streets, and installation of sidewalks.
2. Traffic circulation and location of building, parking, loading, and storage areas within the site to ensure that use of the site creates minimum adverse effects on bounding streets and properties.
3. Less attractive or possible nuisance uses to be accommodated on the site which might require landscape screening or fencing. The SPW may require relocation of such uses to areas of the site where they will have less adverse visual or nuisance impact on surrounding properties and bounding roads.

4. Connection to Village utilities, storm water detention, and drainage.
5. Wall Length: Buildings should not exceed one hundred (100) lineal feet of wall length without providing architectural relief in the facade. Architectural relief as used herein shall mean using arcades, cornices, eaves, focal points, and offsets in elevation.

- (D) Superintendent Of Public Works' Action; Applicant's Petition To Village Board: Following the review, the SPW shall, by action, approve or disapprove the issuance of a zoning permit and shall notify the applicant and Zoning Enforcing Officer of his actions including, if disapproved, the reasons for disapproval. If approved, the Zoning Enforcing Officer shall issue the necessary permits providing the proposed structure or use is otherwise in compliance with regulations of the Village.

If the SPW disapproves the project or approves the project with conditions to which the applicant is not agreeable, the applicant may petition the Village Board for review of the project. The Village Board may concur or reverse the action of the SPW by a simple majority vote but shall take no action without receiving a written report from the SPW of the findings and action unless such report is not received within forty five (45) days of his action on the matter.

Site plans upon which issuance of zoning permits have been based after site plan review shall be filed in the office of the Zoning Enforcing Officer. Substantial variance from that site plan without concurrence of the SPW in carrying forth the proposed project shall be deemed to be a violation of this Title, subject to the penalties prescribed herein. (Ord. 78-31, 3-5-79; amd. Ord. 79-42, 4-7-80; amd. Ord. 94-4, 5-2-94; amd. Ord. 98-31, 12-21-98; amd. Ord. 00-35, 10-16-00; amd. Ord. 00-46, 12-18-00; amd. Ord. 02-34, 3-17-03; amd. Ord. 03-31, 11-17-03; amd. Ord. 03-39, 1-19-04)

10-4-7: **SITE PLAN REVIEW FOR INTERSTATE CORRIDOR:**

- (A) Purpose: This Section provides for additional requirements for all development within an interstate corridor, (except for areas zoned R-1 or R-2). The requirements in this Section are in addition to the requirements in Title 10, Chapter 4, Section 6, and any other parts of Title 10 that might apply, and where there is any conflict between the two (2) sections, the more restrictive provisions shall apply.
- (B) Required Lot Size: The minimum lot size shall be forty three thousand five hundred sixty (43,560) square feet [one (1) acre] with a minimum frontage width (meaning width at the building setback line) of one hundred seventy five feet (175').
- (C) Required Yard Areas: Every building hereafter erected or structurally enlarged shall provide the following yard requirements:
1. Front Yard: The front yard shall be at least equal to the building height, and in no case shall be less than forty five feet (45'), with a landscaped front yard of no less than thirty five feet (35').
 2. Side Yard: The side yard shall be not less than fifteen feet (15'). Where the side yard abuts the Interstate, it shall be forty five feet (45'), with a landscaped side yard of no less than twenty five feet (25').
 3. Rear Yards: The rear yard shall not be less than twenty feet (20'). Where the rear yard abuts the Interstate, it shall be forty five feet (45'), with a landscaped rear yard of no less than twenty five feet (25').

4. Driveways And Parking Areas: Driveways and parking areas shall not be closer than ten feet (10') from the side and rear property lines. Driveways connecting adjacent lots are permissible subject to site plan review.

- (D) Building Height: No building shall be erected or enlarged to exceed a height of thirty five feet (35'), except for those general exceptions to height limitations listed in Title 10, Chapter 4, Section 3. Buildings in excess of the aforesaid height may be permitted a special use, subject to the public hearing and other special permit requirements as outlined in Chapter 10 of this Title.
- (E) Required Off-Street Parking And Loading: Required off-street parking and loading shall be provided as outlined in Chapter 8 of this Title.
- (F) Signs: The provisions of Title 10, Chapter 9, pertaining to sign regulations, shall apply to all signs that are located within an interstate corridor.
- (G) Application Of Provisions: The provisions of Subsection (B) set forth above shall apply to any parcel located wholly or partially within an interstate corridor. The provisions of Subsections (C) through (F), inclusive, set forth above, shall apply to any buildings or structures located wholly or partially within an interstate corridor.
- (H) Existing Structures Or Unimproved Land: Notwithstanding the other provisions of this section, the following provisions apply to structures or unimproved land which existed at the time of the adoption of this Section:
1. If the structure was conforming at the time it was built, then it may be expanded, provided that such expansion continues along the same building line, meaning that there would be no further encroachment into the setback requirements.
 2. If, when a structure was built, it encroached into the required setback area (meaning a variance was granted or it was otherwise nonconforming) then such structure may be expanded, with no greater encroachment, only if a variance is obtained pursuant to the provisions of Title 10, Chapter 10, Subsection 2(C).
 3. If, at the time of the adoption of this Section, there existed a lot of record of less than one (1) acre within an interstate corridor, then no structures can be erected without obtaining a variance pursuant to the provisions of Title 10, Chapter 10, Subsection 2(C). Variances for signs or building setbacks shall be the only permitted variances. (Ord. 94-31, 5-15-95)

10-4-8: **EXISTING BUILDINGS IN INTERSTATE CORRIDORS:** All buildings located within an interstate corridor at the date of adoption of Title 10, Chapter 4, Section 7 are nonconforming buildings, (if the building is located within a setback area as defined by this Chapter) and all of the provisions of Title 10, Chapter 4 shall apply to them. Variances may be applied for in conformity with the applicable provisions of Title 10, Chapter 10. (Ord. 94-31, 5-15-95)

10-4-9: **SPECIAL VARIANCE PROCEDURE FOR PROPERTY IN INTERSTATE CORRIDOR:**

- (A) In the event an owner desires a variance from any of the regulations pertaining to property in an interstate corridor, and the variance is for a matter which is not specified in Title 10, Chapter 10, Subsection 2(C)4 as now in effect or as may be amended by proposed Ordinance 94-32, then such owner may request that the Board of Trustees grant a variance. All applications shall be made in the same form, shall require the same fee, and provide public notice all in the same manner as a variance request that would be heard by the Zoning Board of Appeals. Notwithstanding the foregoing, no variance may be granted for the height of a sign in the Interstate Corridor District. (amd. Ord. 17-04, 6-5-17)
- (B) It shall take the affirmative vote of five (5) members of the appropriate authorities to grant such variance. (The President may provide a fifth vote if necessary.)

- (C) The provisions of Subsection 10-10-2(C) of this Code shall apply to the consideration of any variance request. (Ord. 94-31, 5-15-95)

10-4-10: **PLANNED COMMERCIAL DEVELOPMENTS:**

- (A) Purpose: The purpose of this Section is to allow ownership of business premises while otherwise maintaining all zoning provisions of the applicable zoning district.
- (B) Covenants and Easements: The plan of development shall include covenants, easements, and other provisions as are necessary to the orderly development of the property.
- (C) Application: The planned commercial development shall be reviewed by the plan director. It shall also be subject to site plan review, as provided in Title 10, Chapter 4, Section 6.
- (D) Application of Zoning: All other zoning Ordinances shall apply to the planned commercial development.
- (E) Variances: No variances shall be granted for a planned commercial development.
- (F) Plat: The owner of the property shall provide a plat in accordance with the provisions of the Condominium Property Act and shall provide three (3) copies of same to the plan director. (Ord. 99-49, 3-20-00)

10-4-11 **LARGE SCALE DEVELOPMENT:**

- (A) Purpose: This Section provides for additional requirements for all large scale development within any district zoned B-1, B-2, or B-3. The requirements in this Section are in addition to the requirements in Title 10, Chapter 4, Section 6, and any other parts of Title 10 that might apply, and where there is any conflict between the two (2) sections, the more restrictive provisions shall apply. Large scale development is defined as a building of eighty thousand (80,000) total square feet or more, whether one (1) story or more than one (1) story.
- (B) Wall Length: Buildings should not exceed one hundred (100) lineal feet of wall length without providing architectural relief in the facade. Architectural relief, as used herein, shall mean using arcades, cornices, eaves, focal points, or offsets in elevation on the three (3) sides provided for in Sub-paragraph C.
- (C) Bricks and Stone: Buildings will provide thirty five percent (35%) brick or stone, on a minimum of three (3) sides, as defined in Section 10-4-6-B-9. If Quik Brik is used it must cover one hundred percent (100%) of all sides of the building.
- (D) Set Backs: Buildings, drives, and parking area pavements must maintain side and rear setbacks as required by the regulations of the particular zoning district, but in no event shall they be less than fifteen feet (15').
- (E) Landscaping: The following landscaping provisions shall apply:
1. The provisions of Section 10-4-6-B-5 shall apply to all landscaping requirements.
 2. On the perimeter of the property (the setback area), landscaping shall be provided on three (3) sides.
 3. Landscaping on the interior portion of the lot (being all the lot except the setback area) shall be subject to the following:
 - (a) Provide one hundred and forty (140) points of landscape material for each acre of developed property.

(b) Not less than fifteen percent (15%) of the developed property shall be landscaped area. A landscaped area is a pervious surface of grass or mulch, and shall not include areas used for stormwater detention. Mulch area shall not be larger than necessary to protect trees, shrubs, and flowerbeds. A pervious surface is not paved or covered by a structure.

4. The minimum width of a curbed island on the interior shall be ten feet (10'), and the minimum size shall be one hundred (100) square feet.

Parking lot islands shall be curbed with concrete or a functionally equivalent material that must be approved by the Zoning Administrator. The following materials are not considered functionally equivalent to concrete curbs and are therefore unacceptable for use as curbs within the Village of Morton:

- (a) Landscaping timbers
- (b) Railroad ties
- (c) Wood/lumber
- (d) Concrete wheel stops

The intent of this provision is to break up large expanses of pavement and to provide shading by locating shade trees away from the perimeter and within the interior of parking lots.

5. Ninety-eight percent (98%) of all parking spaces shall be within seventy-five feet (75') of a shade tree trunk.
6. All trees must have a clear trunk of at least six feet (6') above the finished grade to allow vehicular circulation beneath the tree canopy.
7. All shrubs shall be of a variety that when fully grown will not exceed three feet (3') in height.

(F) Variances Expressly Prohibited: There shall be no variances from any of the provisions of this section. (Ord. 02-26, 1-6-03; amd. Ord. 03-31, 11-17-03)

10-4-12: **WIND ENERGY CONVERSION SYSTEM (WECS):**

- (A) All WECS that receive a special use shall be subject to all of the provisions of this Section.
- (B) In addition to the information required for any special use permit, the application shall include the following:
 1. Evidence that the proposed tower height does not exceed the height recommended by the manufacturer or distributor of the system.
 2. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the Electric Code.
 3. Sufficient information demonstrating the system will be used primarily to reduce on-site consumption of electricity.

4. Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan, and so states in the application, to connect the system to the electricity grid.
5. A visual analysis of the WECS as installed, which may include a computerized photographic simulation, demonstrating the visual impacts from nearby strategic vantage points. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project intended to lessen the system's visual prominence.

(C) All WECS shall adhere to the following standards:

1. No habitable structure shall be within 1.1 times the height of any tower used in the WECS from the property line where the WECS is located. (amd. Ord. 09-40, 2-1-10)
2. The system's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporates non-reflective surfaces to minimize any visual disruption.
3. The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g. public parks, roads, trails).
4. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.
5. All on-site electrical wires associated with the system shall be installed underground except for connections to a public utility company and public utility company transmission poles, towers, and lines. This standard may be modified by the Village Board if the project terrain is determined to be unsuitable due to reasons of excessive grading, ecological impacts, or similar factors.
6. The system shall be operated such that no disruptive electromagnetic interference is caused, nor can there be any interference to radio reception or television reception on any property. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.
7. At least one (1) sign shall be posted on the tower at a height of five feet (5') warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo, or advertising shall be placed or painted on the tower, rotor, generator, or tail vane where it would be visible from the ground, except the system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.
8. Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:
 - (a) Tower-climbing apparatus located no closer than twelve feet (12') from the ground.
 - (b) A locked anti-climb device installed on the tower.
 - (c) A locked, protective fence at least six feet (6') in height enclosing the tower.
9. Anchor points for any guy wires for a system tower shall be located within the property the system is located on and not on or across any above-ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet (6') high or sheathed in bright orange or yellow covering from three to eight feet (3 to 8') above the ground.

10. Construction of on-site access roadways shall be minimized. Temporary access roads utilized for initial installation shall be regraded and re-vegetated to the pre-existing natural condition upon completion of installation, and before the WECS is put into operation.
 11. To prevent harmful wind turbulence from existing structures, the minimum height of the lowest part of any horizontal axis wind turbine blade shall be at least thirty feet (30') above the highest structure or tree within a two hundred fifty foot (250') radius. Modification of this standard may be made when the applicant demonstrates a lower height will not jeopardize the safety of the wind turbine structure.
 12. All small wind energy system tower structures shall be designed and constructed to be in compliance with pertinent provisions of the International Building Code and National Electric Code.
 13. All small wind energy systems shall be equipped with manual and automatic over-speed controls. The conformance of the rotor and over-speed control design and fabrication shall meet good engineering practices and be certified by the manufacturer.
 14. Noise levels shall be regulated by the Illinois Pollution Control Agency rules and regulations, and the applicant shall certify that applicant's facility is in compliance with the same.
 15. The general height limitations for a zoning district shall not apply to any WECS.
- (D) When a system reaches the end of its useful life and can no longer function, the owner of the system shall remove the system within one hundred twenty (120) days of the day on which the system last functioned. The owner is solely responsible for removal of the system and all costs, financial or otherwise, of system removal. The owner shall mean the owner of the property upon which the WECS is located.
- (E) All WECS shall be maintained in good and operable condition. A WECS that is not functional shall be repaired by the owner or removed. In the event the Village becomes aware of any system that is not operated for a continuous period of three (3) months, the Village will notify the landowner by registered mail and provide forty-five (45) days for a written response. The written response shall include reasons for the operational difficulty, the corrective actions to be performed, and a reasonable timetable for completing the corrective actions. If the Village deems the corrective actions and/or the timetable for completing corrective actions as unfeasible and/or unreasonable, the Village shall notify the landowner and such landowner shall remove the turbine within one hundred twenty (120) days of receiving said notice.
- (F) All WECS shall meet all applicable state and federal safety standards and, where applicable, all federal aviation requirements.
- (G) The Village shall require a certification, by a professional engineer qualified to give such certification, stating the WECS complies with all provisions of this ordinance and all applicable state and federal laws. The owner of the property upon which the WECS is located shall pay an annual fee of fifty dollars (\$50.00).
- (H) In addition to general conditions that apply to any special use request, the following shall also be applied and considered:
1. The height of the system relative to the size of the parcel on which the system is proposed to be located;
 2. The need for the proposed height of the system in order to allow the system to operate effectively;

3. The visual impact of the system on adjacent properties and the general area in which the system is proposed to be located;
4. The building density of the general area in which the system is proposed to be located;
5. Whether a substantial adverse effect on public safety will result from the height of the system or some other aspect of the system's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant.
6. The existing uses on adjacent and nearby properties. (Ord. 07-04, 5-7-07)

10-4-13: **DUMPSTERS:** Dumpsters may be used as follows:

- (A) There shall be no more than one (1) on the property.
- (B) The storage capacity shall not exceed thirty (30) cubic yards.
- (C) The dumpster shall be located as close as practical to the structure and shall not be put on the street or on any right-of-way.
- (D) If the dumpster is being used while the occupant is in the process of moving, it shall not be on the property for more than thirty (30) consecutive days or thirty (30) days in a calendar year.
- (E) If the dumpster is being used in conjunction with the construction, alteration, or renovation of a principle structure, it shall be removed immediately upon completion of the construction, alteration, or renovation. (Ord. 07-41, 10-1-07; amd. Ord. 14-11, 7-7-14)

10-4-14 **PORTABLE STORAGE UNITS:** Portable storage units may be used subject to the following:

- (A) There shall be no more than one (1) portable outdoor storage unit on a property. Stacking of portable outdoor storage units on top of each other is not permissible.
- (B) The property on which the portable storage unit is located must also have a principal building.
- (C) No portable outdoor storage unit shall remain on the property for more than thirty (30) consecutive days or more than a total of thirty (30) days in any calendar year.
- (D) Portable outdoor storage units shall not exceed one hundred twenty eight (128) square feet in size.
- (E) Portable outdoor storage units shall be placed only on a hard surface.
- (F) Portable outdoor storage units shall not be placed in any location that obstructs traffic visibility.
- (G) No permit or permit fee shall be required for any portable outdoor storage unit.
- (H) Portable outdoor storage units shall be maintained in good condition, free from rust, peeling paint, and other forms of visible decay. (Ord. 07-41, 10-1-07)

10-4-15 **SHELTERS/TENTS:** Shelters and tents are permitted if they are not to be used to store or shelter motor vehicles, boats, or any other personal property. (Ord. 07-41, 10-1-07)

10-4-16 **SOLAR WATER SYSTEMS:** Ground mounted hot water solar systems shall be no higher than seven (7) feet and shall have a footprint no greater than eight (8) feet by ten (10) feet. No variances may be granted for a hot water solar system. All other provisions of 10-4-3-D-6 that are not in conflict with the foregoing shall apply.

Solar water systems may be allowed as roof or wall mounts as long as they are not on the side of a structure facing the street. If it is a roof mount, it cannot project above the ridge height or be visible from the street facing side. (Ord. 10-20, 10-4-10)

10-4-17 **ELECTRIC SOLAR SYSTEMS:** Electric solar systems may be allowed on all sides of the roof and on all walls of the structure except those facing the street. (Ord. 10-20, 10-4-10)

CHAPTER 5
RESIDENTIAL DISTRICTS

SECTION:

- 10-5-1: Purpose
 10-5-2: R-S Residential Suburban District And Planned Residential Development District
 10-5-3: R-1 One-Family And Planned Residential Development District
 10-5-4: R-2 Two-Family And Planned Residential Development District
 10-5-5: R-3 Multi-Family And Planned Residential Development District
 10-5-6: R-4 Multi-Family And Planned Residential Development District
 10-5-7: MH Mobile Home District
 10-5-8: Planned Residential Developments

10-5-1: **PURPOSE:** The purpose of the residential district regulations herein included is to provide for a range of sound residential environments and housing opportunities compatible with the Comprehensive Plan of the community and appropriately related to the present street, highway, school, park, utility, police, fire, and other similar supporting facilities. (Ord. 78-31, 3-5-79)

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. One (1) unoccupied camper, camping bus, motor home, camping trailer, boat, boat trailer, house trailer, or similar vehicle, may be parked in the side yard or rear yard of a lot if it does not project beyond the front of the residence or garage. (Ord. 78-31, 3-5-79)
6. 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: Every building hereafter erected or structurally enlarged within the R-S District shall provide or maintain the following yard requirements, except for the lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title and except for those general exceptions to yard requirements as outlined in Section 10-4-3 of this Title.

1. Front Yard: No building shall be erected or enlarged without providing or maintaining a front yard of thirty five feet (35').
2. Side Yard: No building shall be erected or structurally enlarged without providing or maintaining combined side yards of thirty feet (30'). No single side yard shall be less than twelve feet (12').
3. Rear Yard: No building shall be erected or structurally enlarged without providing or maintaining a rear yard of twenty five feet (25').
4. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.

(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(l).

(b) Side and Rear Yard Fences: 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)

(E) 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.

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. One (1) unoccupied camper, camping bus, motor home, camping trailer, boat, boat trailer, house trailer, or similar vehicle may be parked in the side yard or rear yard of a lot if it does not project beyond the front of the residence or garage. (Ord. 73-31, 2-5-79; amd. Ord. 84-1, 5-21-84; Ord. 84-3, 6-18-84)
6. 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)
- (D) Required Yard Areas: Every building hereafter erected or structurally enlarged shall provide or maintain the following yard requirements, except for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title and except for those general exceptions to yard requirements outlined in Section 10-4-3 of this Title.
1. Front Yard: No building shall be erected without providing or maintaining a front yard of thirty five feet (35') unless the depth of the lot is less than one hundred thirty five feet (135') in which case the front yard shall be no less than twenty five feet (25'). In the event the building is constructed in an established area on one side of the street between two (2) intersecting streets that is improved with buildings that have observed a front yard depth which is less than the thirty five feet (35') or twenty five feet (25') requirement, then in such established districts the front yard depth may be the same as, but no less than, the building immediately adjacent to either side of the proposed building.
 2. Side Yard: No building shall be erected or enlarged without providing or maintaining combined side yards of twenty feet (20') or twenty percent (20%) of the lot width as measured at the building line, whichever is less; no single side yard shall be less than seven feet (7').
 3. Rear Yard: No building shall be erected or enlarged without providing or maintaining a rear yard of twenty five feet (25').
 4. 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').
 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 and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.
 - (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(l).

(b) Side and Rear Yard Fences: 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; amd. Ord. 12-14, 11-19-12)

(E) 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)

10-5-4: **R-2 TWO-FAMILY AND PLANNED RESIDENTIAL DEVELOPMENT DISTRICT:**

(A) Permitted Uses:

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

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

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

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

1. Interior lot one (1)-family dwellings hereafter erected or structurally enlarged shall be on a lot of not less than seven thousand five hundred (7,500) square feet and not less than seventy five feet (75') width as measured at the building line. Corner lot one (1) -family dwellings shall be on a lot of not less than nine thousand five hundred (9,500) square feet and not less than ninety five feet (95') width as measured at the building line.

2. Interior lot two (2)-family dwellings hereafter erected or structurally enlarged shall be on a lot of not less than ten thousand (10,000) square feet and not less than one hundred feet (100') width as measured at the building line. Corner lot two (2)-family dwellings shall be on a lot of not less than twelve thousand (12,000) square feet and a minimum width at the building line of one hundred twenty feet (120').
3. The above requirements for lot area shall not apply to planned residential developments which shall meet the requirements of Section 10-5-8 of this Chapter or for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title.
4. For lots where a special use for two (2)- family dwellings has been granted, an interior lot must be twenty thousand (20,000) square feet with not less than one hundred feet (100') width as measured at the building line and a corner lot shall be not less than twenty four thousand (24,000) square feet with a minimum width of one hundred twenty feet (120') as measured at the building line. On either type of lot, duplexes must be at least fourteen feet (14') apart. (Ord. 99-34, 11-1-99)
5. Any lots within one-half (1/2) mile of a livestock feeding operation that is in operation at the time of the platting of the lots, must be one (1) acre in size. (amd. Ord. 06-19, 7-10-06)

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

1. Front Yard: No building shall be erected without providing or maintaining a front yard of thirty five feet (35') unless the depth of the lot is less than one hundred thirty five feet (135') in which case the front yard shall be no less than twenty five feet (25'). In the event the building is constructed in an established area on one side of the street between two (2) intersecting streets that is improved with buildings that have observed a front yard depth which is less than the thirty five feet (35') or twenty five feet (25') requirement, then in such established districts the front yard depth may be the same as, but no less than, the building immediately adjacent to either side of the proposed building.
2. Side Yard: No building shall be erected or enlarged without providing or maintaining combined side yards of twenty feet (20') or twenty percent (20%) of the lot width as measured at the building line, whichever is less; no single side yard shall be less than seven feet (7').
3. Rear Yard: No building shall be erected or enlarged without providing or maintaining a rear yard of twenty five feet (25').
4. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.

(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(l).
- (b) Side and Rear Yard Fences: 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)
- (E) Building Height: No building hereafter erected or portion of a building structurally enlarged shall exceed the following height limitations, except for these general exceptions to height limitations listed in Section 10-4-3 of this Title:
1. Churches: forty five feet (45') for the main structure.
 2. All other permitted buildings: thirty five feet (35') or two and one-half (2 1/2) stories. (Ord. 78-31, 3-5-79)
- (F) Zero Lot Line Duplex: A duplex of which both dwelling units may be sold separately if:
1. At the time the dwelling units are severed from common ownership, the owner or owners of the two (2) dwelling units have signed an agreement to run with the land, in a form adequate to ensure access for maintenance and providing for maintenance of the walls and driveways or a set of covenants and restrictions are in place to provide for said maintenance. Nothing in this subsection shall be interpreted as permitting the construction of any adjacent buildings using only one wall for both buildings; each building shall have its own wall. The provision with respect to the wall(s) shall apply only to buildings constructed after March 1, 1997.
 2. A resubdivision plat dividing the lot has been approved by the Village Plat Officer prior to recording. A formal subdivision procedure shall not be required.
 3. The duplex otherwise complies with the requirements of the Zoning Code, as amended from time to time. The subdivided lot shall be considered as one lot for purposes of all other provisions of the Zoning Code. A variance for yard requirements may be requested in the same manner as other variances. (Ord. 96-38, 3-17-97; amd. Ord. 03-38, 1-19-04)
- (G) R-2 Lot Conversion: For lots that are initially zoned R-2 as of September 1, 2009 and which have been platted, these lots may be subdivided into two (2) lots subject to the following:
1. Initial lot width must be at least one hundred twenty feet (120') and a subdivided lot must have a minimum width of sixty feet (60') at the building set back line.
 2. The side setbacks may be reduced to a minimum of six feet (6'). Front and rear yard setbacks shall not be reduced.
 3. No more than eighty-five percent (85%) of the platted lots in any subdivision may be subdivided. (amd Ord. 11-07, 6-6-11)
 4. A new plat of the subdivided lots shall be provided, and it shall be in conformity with all Village ordinances. The Plan Director may approve the plat without submission to the Plan Commission or Village Board.
 5. The following size provisions shall apply to any residential unit built on a subdivided lot.

- (a) The living space shall be one thousand two hundred (1,200) square feet for a one-story.
- (b) The living space shall be one thousand five hundred (1,500) square feet with a minimum one thousand (1,000) square feet on the main floor and five hundred (500) square feet on the second floor for a story and one-half.
- (c) The living space shall be a minimum square footage of one thousand eight hundred (1,800) with nine hundred (900) square feet on each floor for a two-story.

The square footage shall mean living space and excludes the garage. (Ord. 09-24, 9-8-09)

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 and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.

(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(l).

(b) Side and Rear Yard Fences: 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)

(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)

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 and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.
 - (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(l).

(b) Side and Rear Yard Fences: 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)

(E) Building Height: No building or structure hereafter erected or structurally enlarged shall exceed three and one-half (3 1/2) stories or forty-five feet (45') in height, except for those general exceptions to height limitations as outlined in Section 10-4-3 of this Title. Buildings exceeding forty-five feet (45') 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)

10-5-7: **MH MOBILE HOME DISTRICT:**

(A) Permitted Uses: Manufactured homes and mobile home courts meeting the following requirements: (Ord. 78-31, 3-5-79; amd. Ord. 82-8, 8-2-82; amd. Ord. 98-45, 3-15-99; 03-44, 03-15-04)

1. Frost protected connections to the Municipal water and sewer facilities and stormwater drainage, all approved by the Village Engineer;
2. Electrical outlets and ground connections, all approved by the Village Engineer;
3. Black top or concrete surface driveway not less than eighteen feet (18') in width providing access to each site and one (1) parking space for each site in addition to the driveway;
4. A minimum individual mobile home site size of not less than five thousand (5,000) square feet, and a width of not less than fifty feet (50'); and
5. Each mobile home to be accommodated is equipped with sanitary facilities and connected to Village sanitary system.

(B) Required Lot Area: Each mobile home court shall have an area of not less than ten (10) acres and an average density of mobile home lots of not more than eight (8) per acre.

(C) Yards Required: All mobile home courts shall provide lots sufficient to maintain the following minimum requirements:

1. No mobile home or any structure, addition, or appurtenance thereto is located less than ten feet (10') from the nearest adjacent lot boundary line.
2. Space between mobile homes may be used for the parking of motor vehicles if the space is clearly designated and the vehicle is parked at least ten feet (10') from the nearest adjacent lot.

(D) All mobile home courts shall be screened from public view by landscape screening as defined in Section 10-2-1 of this Title before a permit for occupancy is issued.

10-5-8: **PLANNED RESIDENTIAL DEVELOPMENTS:**

- (A) Purpose: The Village of Morton, being confronted with increased urbanization and acknowledging that the technology of land development and demand for housing are undergoing substantial changes, establishes the planned residential development procedure for the following purposes, except as provided in subparagraph O: (amd. 03-44, 03-15-04; amd. Ord. 07-38, 10-01-07)
1. To encourage innovations in residential development so that the demands for housing may be met by greater variety in type, design, and arrangement of dwellings and conservation space.
 2. To encourage types of housing developments providing greater opportunities for better housing and recreation to all citizens of the Village.
 3. To provide a procedure which can relate the type, design, and layout of residential development to the particular site and the particular demand for housing at the time of development in a manner consistent with the preservation of the property values in the residential districts.
 4. To provide variety and flexibility in land development necessary to meet changes in technology and demand, consistent with the best interests of the Village.
 5. To provide for more efficient allocation and maintenance of open space subordinate to new residential development through private initiative.
 6. To provide for the more efficient use of those public facilities required in connection with new residential development.

(B) Planned Residential Development Definitions, except as provided in subparagraph O: (amd. Ord. 07-38, 10-01-07)

PLANNED RESIDENTIAL DEVELOPMENT A “planned residential development” shall mean an area of land controlled by a single landowner to be developed as a single entity for a number of dwelling units and permanent open space to meet the stated purpose of this Section, the plan for which does not conform in lot size, bulk, type of dwelling, density, lot coverage, or required open space in any one residential district established by any other chapter of this Title.

LANDOWNER The term "landowner" shall mean the legal or beneficial owner or owners of all the land proposed to be included in a planned residential development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than forty (40) years, or other persons having an enforceable proprietary interest in such land shall be deemed to be a landowner for the purpose of this Section of the Zoning Ordinance.

COMMON OPEN SPACE “Common open space” shall mean a specific parcel or area of the site in usable size and configuration, and well located in relation to other aspects of the site development plan, to accommodate permanent green space and/or recreation facilities for the common use and enjoyment of the residents. The Plan Commission, in its review, shall determine the appropriateness of the site or sites to be set aside for common open space in relation to the uses for which proposed. The common open space shall be in addition to open site area owned and utilized in common for building setting, walks, drives, etc., which is not in most instances in usable shape and configuration for recreational uses. (Ord. 78-31, 3-5-79)

- (C) Minimum Area For Planned Residential Development: No Planned Residential Development shall be permitted for a property smaller than three and one-half (3.5) acres. For developments from three and one-half (3.5) acres to less than five (5) acres, the additional provisions of subparagraph (O) shall apply. (Ord. 92-11, 8-17-92; amd. Ord. 07-38, 10-01-07)
- (D) Standards And Criteria Of Common Open Space: A plan that is not inconsistent with 1) the foregoing statement of purpose of planned residential developments; 2) the general standard as set out hereafter; or 3) the specific rules and regulations for planned residential development approval then in force, shall be deemed to be eligible for review for tentative approval, except as provided in subparagraph O. (amd. Ord. 07-38, 10-01-07)

A plan shall be consistent with the following general standards for use of land, and the use, type, bulk, design, and location of building, the density or intensity of use, the common open space, the public facilities, and the development by geographic division of the site:

1. Variety Of Housing Types Allowed: Regardless of the residential district in which it is located, the plan may provide for a variety of housing types.
2. Maximum Building Coverage: The total ground area occupied by buildings and structures shall not exceed forty percent (40%) of the ground area of the planned residential development.
3. Height Of Buildings: Height of buildings shall not be a basis for denial or approval of any plan, provided any structures in excess of thirty five feet (35') shall be designed and platted to be consistent with the reasonable enjoyment of neighboring property.
4. Architectural Style: Architectural style of buildings shall not be a basis for denial or approval of a plan.
5. Non-Residential Uses: Non-residential uses of a religious, educational, or recreational nature may be incorporated in the proposed plan.
6. Allowable Dwelling Units:
 - (a) Plans Not Increasing Dwelling Units: Any plan that does not propose to increase the number of dwelling units on the particular tract than would otherwise be allowed under the appropriate zoning district(s) in which the tract is included, shall not be disapproved insofar as intensity of use or number of dwelling units is concerned.
 - (b) Plans Increasing Dwelling Units: In all residential districts, except the R-3 Districts, a plan may provide for a greater number of dwelling units on the particular tract than would otherwise be allowed under the appropriate zoning district(s) in which the tract is included, but if the number of dwelling units exceeds by more than thirty percent (30%) that permitted by the regulations otherwise applicable to the site, the landowner shall have the burden to show that such excess will not have an undue and adverse impact on existing public facilities and on the reasonable enjoyment of neighboring property. The Plan Commission, in determining the reasonableness of any further increase in the number of dwelling units over the allowable thirty percent (30%) increase, shall recognize that increased density may be compensated for by additional amenities in the site development, amount and proposed use, and the type of development and improvement to be provided the common open space, and location, design and type of dwelling units, and the nature and type of walks, bikeways and site landscaping to be carried out. In no case, however, shall the increased number of dwelling units exceed forty percent (40%) of the number that would be allowed on that particular tract under the appropriate zoning regulations.

(c) Computing Allowable Dwelling Densities: For purposes of estimating allowable numbers of dwellings under the appropriate zoning districts, or the extent by which that number can be increased through planned residential development, the following shall be the basis which shall rule to determine number of dwelling units/gross acres of land. These factors shall be applied to total project acreage in the appropriate zone less the acreage for proposed major or collector streets:

Existing Zoning	D./Acre Existing Zoning	30% Increase D./Acre	40% Increase D./Acre
R-S	1.0	1.3	1.4
R-1	4.6	6.0	6.4
R-2	6.8	8.9	9.5
R-3	17.3	- - - Increases Not Permitted- - -	

(Ord. 78-31, 3-5-79)

(E) Amount And Location Of Common Open Space: In each planned residential development, fifteen percent (15%) of the tract, but in no case less than one and one-half (1 1/2) acres, shall be provided for common open space, except as provided in subparagraph O. (Ord. 92-11, 8-17-92; amd. Ord. 07-38, 10-01-07)

(F) Plan To Be Guaranteed By Covenants And Easements: The plan of the planned residential development may be accompanied by such proposed covenants, easements, and other provisions relating to the bulk, location, and density of the residential units, the provision of open space and public facilities as are necessary for the welfare of the planned residential development and not inconsistent with the best interests of the community.

(G) Subdivision Regulations May Be Varied In A Planned Residential Development: The planned residential development may vary from the required standards for the arrangement and width of streets (but not quality of construction), provision and location of sidewalks and layout of parking areas (but not reduced requirement of parking spaces) and deviation from Village standards in street signs, street lighting, and other such improvements to comply with the character of the proposed development where it is found by the Planning Commission that adherence to such standards are not in the best interests of the residents of the planned residential development and that the modifications or variation from such regulations are not inconsistent with the best interests of the Village.¹

(H) Application For Tentative Approval Of Planned Residential Development:

1. Plan Commission May Establish Additional Rules For Review Of Planned Residential Developments: The Plan Commission may make such additional written general rules regarding general procedure and form of applications as it may determine, provided they are not inconsistent herewith.
2. Filing Fee For Tentative Planned Residential Development Approval: The application for tentative approval shall be executed by or on behalf of the landowner and filed in duplicate with the Zoning Enforcing Officer accompanied by the appropriate filing fee payable to the Village of Morton. Said filing fee shall be used to partially defray the cost of the public hearing and any professional assistance utilized by the community in the review of the proposed project.²

¹ Title 11 of the Morton Municipal Code.

² Section 10-11-9 of this Title.

3. The Application For Tentative Approval Of A Planned Residential Development Shall Be Accompanied By The Following Materials:

- (a) A boundary survey including a written legal description of the exact acreage for which the planned residential development is being proposed. Such map shall be at a scale of not smaller than two hundred feet to the inch (1" = 200') and prepared by a registered land surveyor or civil engineer.
- (b) Topography and physical conditions map including two foot (2') contours, vegetation, drainage channels, unusable area due to soil conditions, drainage, etc., at a scale of not smaller than two hundred feet to the inch (1" = 200').
- (c) A preliminary plan for the proposed project indicating: 1) the various major areas of the project for which varying types and densities of dwellings are proposed; 2) any proposed major traffic-carrying streets within the project area; 3) sites to be reserved for public open space, schools, parks, playgrounds, and churches; and 4) indication of directions of flow of storm drainage within, and at the points leaving the site and likely nearest connections to public sewer and water.
- (d) A written report stating in detail the developer's intention in regard to development of the site including: 1) a written description of the type and number of dwelling units contemplated and the method of computing maximum allowable units; 2) projected resultant population; 3) expected number of elementary school children; 4) for projects for which development will occur over a period of years, a schedule showing the sequence of phases and the point in this phase-by-phase development progression at which common open space will be developed and committed to permanent open space use; and 5) a listing of the modifications to the existing zoning and subdivision standards otherwise applicable to the site.

4. When the required application for tentative approval of a planned residential development has been filed with the Zoning Enforcing Officer, he shall transmit the material to the Plan Commission for their review. Applications filed less than ten (10) days prior to the next regular meeting of the Plan Commission may be held over to the next regular meeting of the Plan Commission.

(l) Plan Commission Tentative Approval Of Planned Residential Development: The Plan Commission shall review the proposed planned residential development, as outlined in the application materials, to determine the following:

- 1. All applicable provisions of this planned residential section of the Morton Zoning Ordinance have been met. Where there is any conflict of the planned development regulations with any other requirements of this Ordinance or the Subdivision Ordinance,¹ these regulations shall apply.
- 2. Road system and proposed method of disposing of sanitary sewage and storm drainage, and the provision of water supply are adequate.
- 3. Adequate provision has been made for open space areas, walkways, and parking areas.
- 4. The location of open space is well suited to the development and the open space or recreational uses it is to serve.

¹ Title 11 of the Morton Municipal Code.

5. The applicant has indicated the method to be used to assure those areas shown on the plan will be irrevocably committed for the purpose that continuing maintenance will be assured by the method of ownership.
6. Adequate provisions will be made to guarantee the proposed development of the open space.
7. The cost of installing streets and utilities will be assured by a means satisfactory to the Village.

The Plan Commission may consult with appropriate Village personnel including the Village Engineer and the Department of Public Works in reaching these determinations. Upon finding that the above conditions have been satisfactorily met, the Plan Commission will schedule a public hearing on the planned residential development.

(J) Plan Commission Public Hearing On Planned Residential Development: The Plan Commission shall hold a public hearing on the proposed planned residential development and provide public notice in the manner provided by law. The public notice shall state the location of the proposed project, the acreage, and number of dwelling units of varying types requested in the proposal. The hearing shall be conducted and a record of the proceedings preserved in the manner as from time to time prescribed by the Commission. Where additional information is required or additional opportunity needed for description of the project or response by Village personnel or interested citizens, the Plan Commission, by official action, may continue the hearing to the time and place of the next Planning Commission meeting.

(K) Findings Of Fact Of Plan Commission After Hearing: The Plan Commission shall, within forty five (45) days following the conclusion of the public hearing, either: 1) make recommendation to the Village Board to grant tentative approval; 2) grant tentative approval subject to any specified conditions not included in the plan as submitted; or 3) deny tentative approval to the plan. Failure of the Plan Commission to act within said period shall be deemed to be a recommendation for tentative approval of the plan as submitted.

The recommendation of the Plan Commission for the grant or denial of tentative approval shall be in the form of an adopted action which shall include findings of fact and shall set forth the reasons for the recommendation for the grant or denial, specifying with particularity in what respects the plan would or would not be in the public interest including but not limited to findings of fact and conclusions on the following:

1. In what respects the plan is or is not consistent with the Statement of Purpose for planned residential development;
2. The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk, and use, and the reasons why such departures are or are not deemed to be in the public interest;
3. The nature and extent of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and function of the open space in terms of the densities and dwelling types proposed in the plan;
4. The arrangement of uses within the development and the manner in which said plan does or does not make adequate provision for public services, provide adequate control over vehicular traffic, or further the amenities of light and air, recreation, and visual enjoyment;
5. The relationship, beneficial or adverse, of the proposed planned residential development upon the neighborhood in which it is proposed to be established; and

6. In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions proposed to protect the interests of the public and the residents of the planned residential development in the integrity of the plan.

(L) **Action Of Village Board On Tentative Approval:** The Village Board shall not act upon a request for tentative approval for a planned residential development until it shall have received a written report and recommendation from the Plan Commission, providing that no action by the Planning Commission within forty five (45) days shall be deemed to be a favorable recommendation of the Commission. If the Village Board shall determine to grant tentative approval of the planned residential development, it shall do so by a resolution so stating. In the event tentative approval is granted subject to conditions, the applicant may, within thirty (30) days after receiving a copy of the action of the Village, notify the Village Board of his refusal to accept all said conditions, in which case the Village Board shall be deemed to have denied tentative approval of the plan. In the event the applicant does not notify the Village Board within said period of his refusal to accept all said conditions, tentative approval of the plan, with conditions, shall stand as granted.

(M) **Status Of Plan After Tentative Approval:**

1. Within ten (10) days after the action of the Village Board giving tentative approval to the proposed planned residential development, a copy of that action (or of the minutes containing that action) shall be certified by the Village Clerk and placed on file in the office of the Village Clerk. A certified copy of that action shall be mailed to the applicant.
2. Tentative approval of a plan shall not qualify a plat of the planned residential development for recording. A plan which has been given tentative approval as submitted or which has been given tentative approval with conditions which have been accepted by the applicant (and provided that the applicant has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the Village pending an application or applications for final approval, without the consent of the applicant, provided an application for final approval is filed, or in the case of staged developments, provided applications are filed, within any time limit specified in these regulations.
3. In the event that a plan is given tentative approval and thereafter, but prior to final approval, the applicant shall choose to abandon said plan and shall so notify the Plan Commission in writing, or shall fail to file application or applications for final approval within the required period time, the tentative approval shall be deemed to be revoked and all that portion of the area included in the plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto, and the same shall be noted on the Zoning Map in the office of the Zoning Enforcing Officer, and in the records of the Village Clerk.

(N) **Final Plan/Final Plats:**

1. An application for final approval may be filed for all the land included in a plan or for a section thereof. Said application for the initial section shall be filed with the Zoning Enforcing Officer within twelve (12) months of the date of tentative approval; final application for all sections must be filed within five (5) years of date of tentative approval. The application shall include such drawings, specifications, covenants, easements, and conditions and form of bond as currently required by the Village. In accordance with the schedule proposed in the application for tentative approval, the applicant may elect to have final approval of only a geographic section or sections of the land included in the plan and may delay, within the above time limits, applications for final approval of other sections. A public hearing on an application for final approval of the plan or section thereof by the Plan Commission shall not be required by ordinance, provided the plan, or the section thereof, submitted for final approval is in substantial compliance with the plan theretofore given tentative approval.

2. A plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given tentative approval provided any modification by the applicant of the plan as tentatively approved does not:
 - (a) Substantially vary the arrangement of area of varying dwelling types or densities;
 - (b) Substantially vary the location of collector roads or the points of ingress or egress of such roads at the boundaries of the site; or substantially vary the street widths of such roads;
 - (c) Vary the proposed gross residential density or intensity of use by more than five percent (5%) of the tentative plan, but not to exceed the maximum;
 - (d) Involve a reduction of the area set aside for common open space or substantially change the location or configuration of such open space.

A public hearing shall not be held to consider modifications in the location and design of facilities for water and for disposal of storm water and sanitary sewerage.

3. Although a public hearing shall not be held on an application for final approval of a plan when said plans as submitted for final approval is in substantial compliance with the plan as tentatively approved, the burden shall nevertheless be upon the applicant to show the Plan Commission good cause for any variation between the plan as tentatively approved and the plan as submitted for final approval. In the event a public hearing is not required for final approval, and the application for final approval has been filed together with all drawings, specifications, and other documents in support thereof, and as required by the resolution of tentative approval, the Plan Commission shall, within forty five (45) days of such filing, grant such plan final approval; provided, however, that, in the event the plan as submitted contains variations from the plan given tentative approval but remains in substantial compliance with the plan as submitted for tentative approval, the Plan Commission may, after a meeting with the applicant, refuse to grant final approval and shall, within forty five (45) days from the filing of the application for final approval so advise the applicant in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the applicant may refile his application for final approval without the variations objected to by the Plan Commission at any time within which he shall be entitled to apply for final approval, or within forty five (45) additional days if the time for applying for final approval shall have already passed at the time when the Plan Commission advised the applicant that the variations were not in the public interest. If the applicant shall fail to refile within said period, he shall be deemed to have refused to accept such requirements and final approval shall be deemed to have been denied.

4. In the event the plan as submitted for final approval is not in substantial compliance with the plan as given tentative approval, as provided in Paragraph 2 of this Subsection (H), the Plan Commission shall, within forty five (45) days of the date the application for final approval is filed, so notify the applicant in writing, setting forth the particular ways in which the plan is not in substantial compliance. The applicant may either refile his plan in a form which is in substantial compliance with the plan as tentatively approved, or he shall file a written request with the Plan Commission that it hold a public hearing on his application for final approval. If the applicant wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within forty five (45) additional days if the time for applying for final approval shall have already passed at the time when the Plan Commission advised the applicant that the plan was not in substantial compliance. In the event the applicant shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the plan. Any such public hearing shall be held within forty five (45) days after request for the hearing is made by the applicant and notice thereof shall be given in the manner prescribed by law. Within forty five (45) days after the conclusion of the hearing, the Plan Commission shall, by resolution, either grant final approval to the plan or deny final approval to the plan.
5. Before final approval is granted by the Plan Commission, prior approval of the construction drawings for the public improvements must be obtained from the Department of Public Works.
6. A plan, or any section thereof, that has been given final approval by the Plan Commission shall note the approval of the Plan Commission and the certification of the Village Clerk and shall be filed of record forthwith in the office of the County Recorder before any development shall take place in accordance therewith.

Final plats required for recording shall contain such information as outlined for final plats in the Subdivision Ordinance of the Village.¹ Where separate final plans and final plats are to be recorded, both shall be approved by the Plan Commission and certified by the Village Clerk. (Ord. 78-31, 3-5-79)

(O) Planned Residential Development 2:

All provisions that apply to planned residential districts greater than five (5) acres shall apply to developments the size of three and one-half (3.5) acres but less than five (5) acres, except the following provisions shall apply:

1. Development must be in a district zoned R-1 or R-2.
2. The maximum lot coverage shall not exceed eighty percent (80%) of the ground area of the planned residential development.
3. No building shall be of a height in excess of two (2) stories.
4. Attached garages are required for all units.
5. No exterior stairways are permitted.
6. All balconies must face to the interior of the property.
7. Fifteen percent (15%) of the tract shall be provided for common open space. (Ord. 07-38, 10-01-07)

¹ See Title 11 of the Morton Municipal Code.

CHAPTER 6
BUSINESS DISTRICTS

SECTION:

- 10-6-1: Purpose
 10-6-2: B-1 Professional Office District
 10-6-3: B-2 General Business District
 10-6-4: B-3 Highway and Service Commercial District

10-6-1: **PURPOSE:** The purpose of the business districts, as outlined herein, is to accommodate businesses by the grouping of compatible businesses in areas well located to serve the needs of the individual businesses and those of the community so as to create convenience to the public, minimizing of traffic congestion, discouragement of unsightly and inefficient business development, and to promote business prosperity and shopping convenience. (Ord. 78-31, 3-5-79)

10-6-2: **B-1 PROFESSIONAL OFFICE DISTRICT:**

(A) Permitted Uses:

1. Home, regional, district, and branch offices not to include retailing, wholesaling, trucking, manufacturing, or advertising signs or displays.
2. Offices for educational, fraternal, professional, and religious organizations.
3. Real estate and insurance company offices.
4. Offices of doctors, dentists, lawyers, architects, engineers, and similar professions.
5. Offices for governmental agencies.
6. Medical and dental clinics, excluding animal clinics or animal hospitals.
7. Barber and beauty shops.
8. In the Old Morton Business District, living quarters above or adjoining a business, not to exceed one (1) apartment. (Ord. 12-12, 9-4-12)

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

1. Hospitals and sanitariums, but not including animal hospitals. (Ord. 78-31, 3-5-79)
2. Rest homes, nursing and convalescent homes, and retirement centers.
(Ord. 78-31, 3-5-79; amd. Ord. 84-25, 4-15-85)
3. Churches, convents, and monasteries.
4. Financial institutions and banks.
5. Day care centers. (Ord. 78-31, 3-5-79)

6. Living quarters above or adjoining businesses, living units to have a minimum of 500 square feet per unit. If the property is located within the Old Morton District as designated on the map in 10-8-9 of the Morton Municipal Code, the Special Use requirement for living quarters does not apply. (Ord. 78-31, 3-5-79; amd. Ord. 92-15, 9-8-92; amd. Ord. 12-12, 9-4-12; amd. Ord. 15-16, 2-1-16)
7. Borrow pits. (Ord. 86-23, 4-20-87)
8. Community activity center. (Ord. 94-13, 8-1-94)
9. Wind energy conversion system. (Ord. 07-04, 5-7-07)
10. Residential Treatment Center. (Ord. 07-37, 10-1-07)

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

1. Front Yard: The front yard shall be equal to the building height but in no case less than twenty five feet (25').
2. Side Yard: The side yard shall be not less than twelve feet (12') for each building of two and one-half (2 1/2) stories, plus six feet (6') for each story or portion of story above two and one-half (2 1/2) stories.
3. Rear Yard: The rear yard shall be not less than eight feet (8') for each building of two and one-half (2 1/2) stories, plus four feet (4') for each story or portion of story above two and one-half (2 1/2) stories.
4. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.
 - (a) Ornamental fences not exceeding six feet (6') in height are permitted within the front yard. Enclosure fences are not permitted in front yards.
 - (b) Ornamental and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)

(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 procedure requirements as outlined in Chapter 10 of this Title.

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

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

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

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

10-6-3: **B-2 GENERAL BUSINESS DISTRICT:**

(A) Permitted Uses:

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

24. Libraries and reading rooms.
25. Liquor, beer, and wine outlets.
26. Musical instruments, sales and repair facilities.
27. Office supply stores.
28. Paint and wallpaper stores.
29. Pet stores, but not including outdoor kennels or runways.
30. Photography studios, including the developing of film and pictures when conducted as part of the retail business on the premises.
31. Post offices.
32. Public meeting halls.
33. Restaurants, tea rooms, and taverns (but not drive-in restaurants where food is provided to customers in cars).
34. Sales and display rooms.
35. Shoe stores and shoe repair.
36. Sporting goods store.
37. Supermarkets and retail food stores.
38. Tailor or dressmaking shops.
39. Telegraph, telephone, or utility offices.
40. Temporary outdoor demonstrations and exhibitions of merchandise primarily for outdoor use.
41. Theaters (not drive-ins).
42. Toy shops.
43. Variety shops. (Ord. 78-31, 3-5-79)
44. Printing and publishing having not more than fifteen (15) employees other than office and maintenance employees. (Ord. 84-2, 6-18-84)
45. Bed and Breakfast Establishments. (amd Ord. 09-20, 8-3-09)

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

1. Any use permitted as a special use in the B-1 Professional Office District.
2. Automobile service stations and public garages, including new and used car sales rooms.
3. Bus depots and cab stands.
4. Drive-in restaurants where food is provided to customers in cars.

5. Frozen food stores, including locker rental in conjunction therewith.
6. Funeral homes, mortuaries, and crematories.
7. Radio and television broadcasting studios and transmitting towers.
8. Restricted production and repair, limited to the following: art, needlework, clothing, custom manufacturing, and alterations for retail only, jewelry from precious metals, watches, dentures, and optical lenses.
9. Service, cleaning, or repair shops for personal, household, or garden equipment.
10. Veterinarian or animal hospital without outdoor kennels or runways.
11. Food processing and retail sales.
12. Retail sale of automobile supplies and auto parts. (amd. Ord. 01-28, 11-5-01)
13. Restaurants, taverns, and similar establishments serving alcoholic liquors with an outdoor eating, drinking, or seating area. (amd. Ord. 08-44, 4-20-09)
14. Car Washes. (amd. Ord. 13-31, 3-3-14)
15. Firearm resale shop. (amd. Ord. 17-03, 6-5-17)
16. Firearm firing range. (amd. Ord. 17-03, 6-5-17)

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

1. Front Yard: The front yard shall equal the building height but in no case less than twenty five feet (25'), except for new B-2 business development located within the defined area for which reduced landscaped yards are required in Section 10-4-3. New business uses within this area need to provide a front yard of only ten feet (10').
2. Side Yard: The side yard shall be a minimum of ten feet (10') for buildings of two and one-half (2 1/2) stories or less, unless an existing adjoining property provides no side yard, in which case the property need provide no side yard. Ten foot (10') side yard is minimum required side yard for buildings of two and one-half (2 1/2) stories or less where buildings are separated. For unattached building of more than two and one-half (2 1/2) stories, the side yard shall be increased five feet (5') for each story or portion of story above two and one-half (2 1/2) stories.
3. Rear Yard: The rear yard shall be not less than eight feet (8').
4. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.
 - (a) Ornamental fences not exceeding six feet (6') in height are permitted within the front yard. Enclosure fences are not permitted in front yards.
 - (b) Ornamental and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)

- (D) **Building Height:** No building shall be erected or enlarged to exceed a height of two and one-half (2 1/2) stories or thirty five feet (35'), except for those general exceptions to height limitations listed in Section 10-4-3. Buildings of up to five (5) stories or seventy feet (70') in height may be permitted as a special use subject to the public hearing and other special permit requirements as outlined in Chapter 10 of this Title.
- (E) **Required Off-Street Parking And Loading:** Required off-street parking and loading shall be provided as outlined in Chapter 8 of this Title. (Ord. 78-31, 3-5-79)
- (F) **Required Construction Area And Composition:** A building which is erected or enlarged shall conform to the following:
1. It shall rest upon footing or foundation. This shall not be construed to prohibit pole buildings or post frame buildings if set in concrete.
 2. It shall have sanitary facilities which comply with all other requirements of the Morton Municipal Code. This provision shall not apply to those buildings used exclusively for storage or warehousing.
- (G) **Interstate Corridor:** In the event the property is located within an interstate corridor, then the required lot size, required yard area, and driveways and parking areas, shall be as set forth in Title 10, Chapter 4, Subsections 7(B) and (C). The provisions of Title 10, Chapter 4, Subsection 7(G) shall also apply. (Ord. 94-31, 5-15-95)

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 south of Birchwood Street, the minimum front yard shall be sixty feet (60').
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)

- (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)

CHAPTER 7

INDUSTRIAL DISTRICTS

SECTION:

- 10-7-1: Purpose
- 10-7-2: I-1 Restricted Industrial District
- 10-7-3: I-2 General Industrial District
- 10-7-4: Performance Standards In Industrial Districts
- 10-7-4.1: Noise
- 10-7-4.2: Smoke and Particulate Matter
- 10-7-4.3: Toxic or Noxious Matter
- 10-7-4.4: Odors
- 10-7-4.5: Fire and Explosion Hazards
- 10-7-4.6: Vibration Limitations
- 10-7-4.7: Glare or Heat Limitations

10-7-1: **PURPOSE:** The purpose of the manufacturing districts is to provide locations for industries, compatible with one another and with their surroundings to add to the economic well being of the community by providing employment and industrial real estate tax base yet doing so in a manner that minimizes adverse effects such as traffic, noise, vibration, smoke, dust, heat, glare, fire hazards, and similar effects. (Ord. 78-31, 3-5-79)

10-7-2: **I-1 RESTRICTED INDUSTRIAL DISTRICT:**

(A) Permitted Uses:

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

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

1. Any use not listed above which is permitted as a "permitted use" or a "special use" in the B-1, B-2, or B-3 districts, except a community activity center. (Ord. 94-13, 8-1-94)
2. Storage, sale, distribution, or primary usage of explosive, highly flammable, highly toxic, or radioactive materials.
3. Bus or truck garages and storage yards.

4. Open air storage, including automobile wrecking yards. In making its recommendation to the Village Board to permit special uses involving outdoor storage areas, the Plan Commission shall require such outdoor storage areas, except those for the display of sale items, be located at least seventy feet (70') from the nearest collector or major street, highway, or interstate highway as defined on the "Official Map" of the Village, and be so located on the site and screened from public view from such streets and highways to the fullest extent possible. Such screening shall be by landscape screening or by a screening fence appropriately located, and as defined in Chapter 2 of this Title.
5. Airports and landing strips.
6. Wind energy conversion system. (Ord. 07-04, 5-7-07)
7. Firearm resale shop. (amd. Ord. 17-03, 6-5-17)
8. Firearm firing range. (amd. Ord. 17-03, 6-5-17)

(C) **Required Yard Areas:** Every building hereafter erected or structurally enlarged shall provide the following yard requirements, except for lots of record which shall meet the reduced requirements of Section 10-4-4 and except for those general exceptions to yard requirements as outlined in Section 10-4-3.

1. **Front Yard:** The front yard shall be twice the height of the portion of the building nearest the street line but in no case less than sixty feet (60').
2. **Side Yard:** The side yard shall not be less than forty feet (40').
3. **Rear Yard:** The rear yard shall not be less than forty feet (40').
4. **Exceptions To Side And Rear Yard Requirements:** Where either side or rear property line is adjacent to a railroad spur to be used for loading or unloading directly to or from a building, no side or rear yard shall be required in those instances. (Ord. 78-31, 3-5-79)
5. **Fences And Lighting:** Industrial security fences only and lighting shall be allowed on the side and rear yard property lines except where the side or rear yard property line is adjacent to a street or highway, except that this provision shall not apply to any requirements of a special use under Subsection (B) of this Section. Any lighting erected pursuant to the provisions of this Section shall be such that it does not flash, scintillate, move, or otherwise create a hazardous or annoying glare. (Ord. 79-44, 4-21-80)

(D) **Building Height:** No building shall be erected or enlarged to exceed seventy feet (70') in height, except for those general exceptions to height limitations listed in Section 10-4-3.

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

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

10-7-3: **I-2 GENERAL INDUSTRIAL DISTRICT:**

(A) **Permitted Uses:**

1. All uses permitted as "permitted uses" in the I-1 District.

2. Any manufacturing, fabricating, assembling, and processing of materials and products not permitted in the I-1 District but which do not exceed the industrial performances standards included in this Section, except that uses permitted in the I-1 District as “special uses” shall be permitted in the I-2 District only as special uses. (Ord. 78-31, 3-5-79)
 3. Motor freight terminals. (Ord. 79-28, 10-1-79)
- (B) Special Uses: The following uses are permitted subject to the public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title:
1. Uses permitted in the I-1 District as “special uses.”
 2. Manufacturing or processing requiring large quantities of water, producing large quantities of waste materials, or which involve the disposal into public sewers of any quantities of toxic, noxious, corrosive, or explosive materials, or otherwise hazardous materials.
 3. Extraction and processing of stone, sand, and gravel, including the necessary processing and loading equipment and structures.
 4. Processing of animal and vegetable products such as tanneries, distilleries, breweries, rendering plants, plants for the production of glue, soap, paint, or varnish.
 5. Manufacturing of coal, tar, petroleum, and asphalt products. (Ord. 78-31, 3-5-79)
 6. A motor freight terminal with employee sleeping accommodations. (Ord. 82-32, 4-4-83)
- (C) Required Yard Areas: Every building hereafter erected or structurally enlarged shall provide the following yard requirements except for lots of record which shall meet the reduced requirements of Section 10-4-4 and except for those general exceptions to yard requirements as outlined in Section 10-4-3.
1. Front Yard: The front yard shall be twice the height of the portion of the building nearest the street line but in no case less than sixty feet (60’).
 2. Side Yard: The side yard shall not be less than forty feet (40’).
 3. Rear Yard: The rear yard shall not be less than forty feet (40’). (Ord. 78-31, 3-5-79)
 4. Fences And Lighting: Industrial security fences only and lighting shall be allowed in the side and rear yard property lines except where the side or rear property line is adjacent to a street or highway, except that this provision shall not apply to any requirements of a special use under Subsection 10-7-3(B). Any lighting erected pursuant to the provisions of this Section shall be such that it does not flash, scintillate, move, or otherwise create a hazardous or annoying glare. (Ord. 79-45, 4-21-80)
- (D) Building Height: No building shall be erected or enlarged to exceed seventy feet (70’) in height.
- (E) Required Off-Street Parking And Loading: Required off-street parking and loading shall be provided as outlined in Chapter 8 of this Title. (Ord. 78-31, 3-5-79)
- (F) Interstate Corridor: Notwithstanding the foregoing provisions, in the event the property is located within an interstate corridor, then with respect to rear yards, the provisions of Title 10, Chapter 4, Subsection 7(C)3 shall apply. With respect to required lot size, the provisions of Title 10, Chapter 4, Subsection 7(B) shall apply. The provisions of Title 10, Chapter 4, Subsection 7(G) shall also apply. (Ord. 94-31, 5-15-95)

10-7-4: **PERFORMANCE STANDARDS IN INDUSTRIAL DISTRICTS:**

10-7-4.1 **NOISE:**

- (A) **Application Of Noise Performance Standards:** Any use established in an Industrial District shall be so operated as to comply with the performance standards governing noises set forth hereinafter for the district in which such use shall be located. No use already established on the effective date of this Title shall be so altered or modified as to conflict with or further conflict with the performance standards governing noise established hereinafter for the district in which such use is located. Objectionable sounds of an intermittent nature shall be controlled so as not to become a nuisance to adjacent use.

- (B) **Method Of Measurements Of Noise Levels:** Sound levels shall be measured with a sound-level meter and associated octave band filter, manufactured in compliance with standards described by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

- (C) **Limitations On Noise Levels In I-1 And I-2 Districts:** At no point on the boundary of a residence or business district shall the sound intensity level of any individual operation or plant (other than the operation of motor vehicles or other transportation facilities) exceed the decibel levels in the designated octave bands shown in Table 1 set forth hereinafter for districts indicated:

TABLE 1

Octave Band (Frequency, cycles/sec.)	Maximum Permitted Sound Level (decibels)	
	Along R District Boundaries	Along B District Boundaries
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
Above 4,800	32	39

(Ord. 78-31, 3-5-79)

In the event property has been rezoned from a non-residential use to a residential use, and that property is adjacent to property in an I-1 or I-2 district, the maximum permitted sound level in the industrial district shall remain the standard for property adjacent to B district boundaries. (amd. Ord. 01-27, 11-5-01)

10-7-4.2: **SMOKE AND PARTICULATE MATTER:**

- (A) Application Of Smoke And Particulate Matter Performance Standards: Any use established in an Industrial District shall be so operated as to comply with the performance standards governing smoke and particulate matter set forth hereinafter for the district in which such use shall be located. No use already established on the effective date of this Title shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing smoke and particulate matter established hereinafter for the district in which such use is located.
- (B) Method Of Measurement Of Smoke And Particulate Matter And General Limitations:
1. For the purpose of grading the density of smoke, the Ringelmann Chart, published and used by the U.S. Bureau of Mines, shall be employed. The emission of smoke or particulate matter of a density greater than No. 2 on the Ringelmann Chart is prohibited at all times except as otherwise provided hereinafter.
 2. The emission from all sources within any lot area of particulate matter containing more than ten percent (10%) by weight of particles having a particle diameter larger than forty four (44) microns is prohibited.
 3. Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, roads, and the like within lot boundaries, shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, or acceptable means. Emission of limitations specified hereinafter is prohibited.
- (C) Limitations On Smoke And Particulate Matter:
1. Smoke And Particulate Matter In I-1 Districts: The emission of more than sixty (60) smoke units per hour per stack is prohibited, including smoke of density in excess of Ringelmann No. 2. However, during three (3) one (1) hour periods in each twenty four (24) hour day, each stack may emit up to seventy two (72) smoke units when blowing soot or cleaning fires. Only during fire cleaning periods, however, shall smoke of Ringelmann No. 3 be permitted, and then for not more than four (4) minutes.

The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of one pound (1 lb) per acre of lot area during any one (1) hour, after deducting from the gross hourly emission per acre the correction factors set forth in Tables 2, 3, and 4 following for height, velocity, and temperature of emission, respectively. Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:

 - a. Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area, thereby obtaining the gross hourly rate of emission in pounds per acre.
 - b. From each gross hourly rate of emission derived in Step 1a above, deduct the appropriate correction factor (interpolating as required) for height, velocity, and temperature of emission set forth in Tables 2, 3, and 4, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.
 - c. Add together the individual net rates of emission derived in Step 1b above, to obtain the total net rate of emission from all sources of emission within the boundaries of the lot. Such total shall not exceed one pound (1 lb) per acre of lot area during any one (1) hour.

TABLE 2

ALLOWANCE FOR HEIGHT OF EMISSION*

Height of Emission Above Grade (feet)	Correction Lbs./hr./acre
50	0.01
100	0.06
150	0.10
200	0.16
300	0.30
400	0.50

TABLE 3

ALLOWANCE FOR VELOCITY OF EMISSION*

Exit Velocity Feet/Second	Correction Lbs./hr./acre
0	0.0
20	0.03
40	0.09
60	0.16
80	0.24
100	0.50

TABLE 4

ALLOWANCE FOR TEMPERATURE OF EMISSION*

Temp. of Emission (Degrees Fahrenheit)	Correction Lbs./hr./acre
200	0.0
300	0.001
400	0.002
500	0.003
1000	0.01
1500	0.04
2000	0.10

*Interpolate for intermediate values not shown in table.

- Smoke And Particulate Matter In I-2 Districts: The emission of more than seventy six (76) smoke units per hour per stack is prohibited, including smoke of a density in excess of Ringelmann No. 2. However, during six (6) one (1) hour periods in each twenty four (24) hour day, each stack may emit up to one hundred twelve (112) smoke units, blowing soot and for cleaning fires. During fire cleaning periods only, smoke of a density of Ringelmann No. 3 shall be permitted and then not for more than six (6) minutes per period.

The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of three (3) pounds per acre of lot area during any one (1) hour, after deducting from the gross hourly emission per acre the correction factors set forth in Tables 5, 6, and 7 following for height, velocity, and temperature of emission, respectively. Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:

- a. Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area, thereby obtaining the gross hourly rate of emission in pounds per acre.
- b. From each gross hourly rate of emission derived in Step 2a above, deduct the appropriate correction factor (interpolating when necessary) for height, velocity, and temperature of emission set forth in Tables 5, 6, and 7 which follow, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.
- c. Add together the individual net rates of emission derived in Step 2b above, to obtain the total net rate of emission within the boundaries of the lot. Such total shall not exceed three pounds (3 lb) per acre during any one (1) hour.

TABLE 5

ALLOWANCE FOR HEIGHT OF EMISSION*

Height of Emission Above Grade (Feet)	Correction Lbs./hr./acre
50	0.0
100	0.5
150	0.8
200	1.2
300	2.0
400	4.0

TABLE 6

ALLOWANCE FOR VELOCITY OF EMISSION*

Exit Velocity Feet/Second	Correction Lbs./hr./acre
0	0.0
20	0.3
40	0.8
60	1.2
80	1.6
100	2.4

TABLE 7

ALLOWANCE FOR TEMPERATURE OF EMISSION*

Temperature of Emission (Degrees Fahrenheit)	Correction Lbs./hr./acre
100	0.0
200	0.0
300	0.005
400	0.01
500	0.02
1000	0.10
1500	0.30
2000	1.0

* Interpolate for intermediate values not shown in table.

10-7-4.3: **TOXIC OR NOXIOUS MATTER:** Any use established in an industrial district shall be so operated as to comply with the performance standards governing emission of toxic or noxious matter set forth hereinafter. No use shall for any period of time discharge across the boundaries of the lot wherein it is located, toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare or cause injury or damage to property or business.

10-7-4.4: **ODORS:** Any use established in an industrial district shall be operated as to comply with the performance standards governing odorous materials set forth hereinafter. No use already established on the effective date of this Title shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing odorous materials established hereinafter.

In all industrial districts, the emission of odorous matter in such quantities as to produce nuisance or hazard beyond lot lines is prohibited. In determining such offensive odors, Table III (Odor Thresholds) in Chapter 5 of the Air Pollution Abatement Manual (copyright 1951) by Manufacturing Chemists Assoc., Inc., Washington, D.C. shall serve as a guide.

10-7-4.5: **FIRE AND EXPLOSION HAZARDS:** Any use established in an industrial district shall be so operated as to comply with the performance standards governing fire and explosive hazards set forth hereinafter for the district in which such use shall be located. No use already established on the effective date of this Title shall be so altered or modified as to conflict with or further conflict with the performance standards governing fire and explosive hazards established hereinafter for the district in which such use is located.

Limitations On Fire And Explosion Hazards:

(A) Fire Hazards In I-1 Districts: The storage, utilization, or manufacture of materials or products ranging from incombustible to moderate-burning as determined by the Zoning Enforcing Officer, is permitted subject to compliance with all other regulations of this Title.

The storage, utilization, or manufacture of materials, goods, or products ranging from free or active-burning to intense-burning, as determined by the Zoning Enforcing Officer, is permitted subject to compliance with all other regulations of this Title, and provided the following conditions are met:

1. Said materials or products shall be stored, utilized, or produced within completely enclosed structures having fire resistive construction.
2. All such structures shall be set back at least forty feet (40') from all lot lines; or, in lieu thereof, all such structures shall be protected throughout by an automatic sprinkler system (or carbon dioxide system of equal protection) complying with installation standards prescribed by the National Fire Protection Association.

(B) Explosion Hazards In I-1 Districts: Manufacture or processing of materials or products which produce flammable or explosive vapors or gases at ordinary weather temperatures shall not be permitted except when such materials are used in secondary processes or are required in emergency or stand-by equipment; but their storage for use as power or heating fuels shall be permitted if in conformity with standards prescribed by the National Fire Protection Association and with applicable requirements embodied in regulations promulgated by the State of Illinois Department of Public Safety.

- (C) Fire Hazards In I-2 Districts: In I-2 Districts, the utilization or manufacture of materials or products which produce flammable or explosive vapors or gases under ordinary weather temperatures shall be permitted provided that:
1. The use and storage of such materials shall be in conformity with standards prescribed by the National Fire Protection Association and with applicable requirements embodied in the regulations promulgated by the State Department of Public Safety.
 2. No more than two hundred thousand (200,000) gallons of such materials or products shall be stored or in process within three hundred feet (300') of an I-2 District boundary (excluding underground storage and excluding storage of finished products in original sealed containers).
- (D) Explosion Hazards In I-2 Districts: Manufacture or processing in which a major raw material, component, or product produces explosive vapors or gases under ordinary weather temperatures shall not be permitted in this District except such materials as are used or required in emergency or stand-by equipment or in secondary processes auxiliary to the principal operation such as paint spraying of finished products and comparable auxiliary heating fuels shall be permitted if in conformity with standards prescribed by the National Fire Protection Association and with applicable requirements embodied in regulations promulgated by the State of Illinois Department of Public Safety.

10-7-4.6: **VIBRATION LIMITATIONS:** Any use established in an industrial district shall be so operated as to comply with the performance standards governing vibration set forth hereinafter for the district in which such use shall be located. No use already established on the effective date of this Title shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing vibration established hereinafter for the district in which such use is located.

- (A) Vibration Limitations In I-1 Districts: Any process or equipment which produces intense earth-shaking vibrations such as are created by heavy drop forges or heavy hydraulic surges shall be set back at least five hundred feet (500') from the property boundaries on all sides. However, in no case shall such vibrations be allowed to create a public nuisance or hazard beyond the property boundaries.
- (B) Vibration Limitations In I-2 Districts: Any process or equipment which produces intense earth-shaking vibrations such as are created by heavy drop forges or heavy hydraulic surges shall be set back at least three hundred feet (300') from the boundary of a residence or business district and at least one hundred fifty feet (150') from the boundary of an I-1 District, unless such operation is controlled in such a manner as to prevent transmission beyond property boundaries of earth-shaking vibrations perceptible without the aid of instruments.

10-7-4.7: **GLARE OR HEAT LIMITATIONS:** Any use established in an industrial district shall be so operated as to comply with the performance standards governing glare or heat set forth hereinafter for the district in which such use shall be located. No use already established on the effective date of this Title shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing glare or heat established hereinafter for the district in which such use is located.

- (A) Glare And Heat Limitations In I-1 Districts: Any operation producing intense glare or heat shall be performed within a completely enclosed building in such manner as not to create a public nuisance or hazard along lot lines.
- (B) Glare And Heat Limitations In I-2 Districts: Any operation producing intense glare or heat shall be performed within a completely enclosed building in such manner as not to create a public nuisance or hazard along lot lines. (Ord. 78-31, 3-5-79)

CHAPTER 8

OFF-STREET PARKING AND LOADING

SECTION:

- 10-8-1: Purpose
- 10-8-2: Procedure
- 10-8-3: General Requirements Applying To Both Off-Street Parking And Loading
- 10-8-4: Additional Regulations Applying To Off-Street Parking Only
- 10-8-5: Location Of Required Off-Street Parking
- 10-8-6: Schedule Of Parking Requirements
- 10-8-7: Additional Regulations Applying To Off-Street Loading Only
- 10-8-8: Schedule Of Off-Street Loading Requirements
- 10-8-9: Special Parking Provisions For Old Morton District

10-8-1: **PURPOSE:** The purpose of this Chapter is to alleviate or prevent congestion of the public streets by establishing minimum requirements for off-street parking and loading of motor vehicles in accordance with the use to be made of the property.

10-8-2: **PROCEDURE:** For all uses except one (1) and two (2)-family residential structures, an application for a building permit for a new or enlarged building, structure, or use shall include a plot plan drawn to scale and fully dimensioned showing any parking or loading facilities to be provided to meet the requirements specified herein.

10-8-3: **GENERAL REQUIREMENTS APPLYING TO BOTH OFF-STREET PARKING AND LOADING:**

- (A) **General Application:** No buildings or structures shall be erected or land uses initiated after the effective date of this Title without providing accessory off-street parking and loading as required herein.
- (B) **Buildings Under Construction:** Buildings lawfully under construction or approved for construction prior to the adoption of this Title shall not be required to modify or change the approved plans for off-street parking and loading, provided that such construction is completed within one (1) year from the date of passage of this Title.
(Passage date, March 5, 1979)
- (C) **Reduction In Parking Or Loading Need:** When a building or structure shall undergo any decrease in number of dwelling units, gross floor area, seating capacity, number of employees, or other unit of measurement specified hereinafter for required parking or loading facilities, and further, when said decrease would result in a requirement for fewer total parking or loading spaces through application of the provisions of this Chapter, parking and loading facilities may be reduced accordingly, provided that existing parking or loading facilities remaining would at least equal the parking or loading requirements resulting from application of the provisions of this Chapter to the entire building or structure as modified.
- (D) **Increase In Parking Or Loading Need:** When a building or structure shall undergo any increase in the number of dwelling units, gross floor area, seating capacity, or other unit of measurement specified hereinafter for required parking or loading facilities, and further, when said increase would result in a measurement for additional parking or loading spaces through application of the provisions of this Chapter thereto, parking and loading facilities shall be increased to accommodate only the additional need as a result of such change.

- (E) Existing Parking Or Loading Not To Be Reduced: Accessory off-street parking and loading spaces in existence on the effective date of this Title may not be reduced in number unless already exceeding the requirements of this Chapter for equivalent new construction; in which event, said spaces shall not be reduced below the number required herein for such equivalent new construction.
- (F) Parking And Loading For Reconstructed Nonconforming Uses: Any nonconforming building, structure, or use in existence on the effective date of this Title shall, if partially destroyed by fire, collapse, or other cause and permitted to rebuild or reconstruct under appropriate provisions of this Title, provide off-street parking and loading equivalent to those maintained prior to such damage being sustained.
- (G) Schedule Of Requirements For Off-Street Parking And Loading; Requirements For Uses Not Specified: Schedule for requirements for the number of off-street parking and loading spaces for various uses is provided in this Chapter.¹ The parking and loading requirements for any use not specified shall be the same as the use in this table most closely approximating the proposed use.

10-8-4: **ADDITIONAL REGULATIONS APPLYING TO OFF-STREET PARKING ONLY:**

- (A) Limitation Of Residential Off-Street Parking: Residential off-street parking limited to uses for which required off-street parking accessory to residential uses and provided in accordance with the requirements of this Chapter shall be used solely for the parking of vehicles of the owners, occupants, or guests of the property to which said parking is accessory.
- (B) Joint Or Shared Off-Street Parking: Off-street parking for different buildings, structures, or uses may be provided collectively, provided the total number of spaces will equal the total requirements for all such uses sharing the parking facility.
- (C) Guarantee Of Off-Site Parking: When required, off-street parking is to be provided elsewhere than on the lot on which the principal use is located, the control and continuing availability of the off-site parking will be guaranteed either by deed or long term lease, and the owner shall be bound by covenants properly recorded, requiring the owner, his or her heirs and assigns, to maintain the required number of parking spaces during the existence of the principal use.
- (D) Districts In Which Off-Site Parking Is Permitted: Accessory parking facilities, when provided elsewhere than on the same zoning lot, shall adhere to the following requirements:
1. No parking facilities accessory to an apartment use shall be located in an R-1 or R-2 Residential District, except as included in a planned residential development.
 2. No parking facilities accessory to a business or industrial use shall be permitted in a residential district, except for adjacent lots approved by special permit as outlined in Chapter 10 of this Title; no parking accessory to an industrial use shall be permitted in a business district, except as approved by special permit as outlined in Chapter 10 of this Title.

¹ Sections 10-8-6 and 10-8-8 of this Chapter.

(E) Location And Layout Of Off-Street Parking:

- Plans for the layout of off-street parking shall be in accordance with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One (1) Tier of Spaces Plus Maneuvering Lane	Total Width of Two (2) Tiers of Spaces Plus Maneuvering Lane
0° ¹	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
45°	12 ft.	8 ft. 6 in.	20 ft.	32 ft.	52 ft.
60°	15 ft.	8 ft. 6 in.	20 ft.	36 ft 6 in.	58 ft.
90° ²	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.

¹ Parallel Parking
² Perpendicular Parking

- Interpretation of fractional parking spaces resulting from the application of the parking schedule shall be as follows: less than one-half (1/2) parking space shall be disregarded; fractions of one-half (1/2) or more shall be considered as one parking space.
- All spaces shall be provided adequate access by means of internal maneuvering lanes. Backing onto a street shall be prohibited.
- Adequate ingress and egress to the parking lot by means of clearly defined drives shall be provided. Parking lot entrances and exits shall be at least twenty five feet (25') distant from any adjacent residential district.
- No off-street parking shall be permitted in the required landscaped yard, except for one (1) on-driveway parking space per dwelling for one (1) and two (2)-family structures. Parking is permitted in the required front, side, or rear yards as specified in permitted exceptions to yard requirements in Chapter 4 of this Title.
- Off-street parking areas are to be surfaced in accordance with the requirements of Chapter 4 of this Title.
- Landscaped buffers or screening, as defined in Chapter 2, is required for parking areas extending into the required side or rear yards, as provided in Chapter 4. Landscaped buffers or screening is required for off-street parking areas for any business or industrial use along any side adjoining a residential district and for any apartment use along any side adjoining an R-1 or R-2 District.
- Lighting to illuminate parking areas shall be so arranged as to direct lighting away from adjoining properties.

10-8-5: **LOCATION OF REQUIRED OFF-STREET PARKING:** The off-street parking facilities required for the uses mentioned in the schedule of parking requirements in this Title (Section 10-8-6 following), and for other similar uses, shall be on the same lot or parcel of land as the use they are intended to serve, but in case of non-residential uses when practical difficulties prevent their establishment upon the same lot, the required parking facilities shall be provided within three hundred feet (300') of the premises to which they are appurtenant. Said distance shall be the walking distance between the nearest point of the parking area to the nearest entrance of the building the parking is to serve.

10-8-6: **SCHEDULE OF PARKING REQUIREMENTS:**

(A) Parking Required For Residential Uses:

1. One-family dwelling Two (2) parking spaces. Garage and drive shall each be considered as one (1) parking space each for single-family residential uses only.
2. Two-family dwelling Two (2) parking spaces per dwelling unit. Garage and drive shall be considered as one parking space each.
3. Multi-family residential One and one-half (1 1/2) parking spaces for each dwelling unit having one (1) bedroom. Two (2) parking spaces for each dwelling unit having two (2) or more bedrooms.
4. Elderly housing One (1) space for each three (3) units, plus one (1) space for each employee.
5. Mobile home parks One and one-half (1 1/2) spaces for each mobile home site, plus one (1) space for each employee.
6. Lodging, boarding, One (1) space for each three (3) guests and rooming houses at maximum capacity, plus one (1) space for the owner or manager.

(B) Parking Required For Institutional Uses:

1. Churches or temples One (1) space for each four (4) seats in the main worship hall.
2. Elementary and junior high schools¹ One (1) space for each teacher, employee, or administrator in addition to requirements of auditorium.
3. Fraternities, sororities, and dormitories One (1) parking space for each five (5) active members, plus one (1) additional space for the manager.
4. Medical and dental clinics Five (5) parking spaces per doctor and one (1) space for each doctor and employee with offices at the clinic.
5. Nursery schools, day nurseries ,or child care centers One (1) space for each employee plus two (2) additional visitor spaces. Such facilities must also provide an off-street sheltered or canopied area for loading and unloading of children from vehicles.
6. Nursing and convalescent homes and hospitals One (1) space for each four (4) beds, plus one (1) space for each staff and visiting doctor, plus one (1) space for each three (3) employees.
7. Private clubs and lodges (without sleeping accommodations) One (1) parking space for each four (4) members of the total membership or one (1) space for each four hundred (400) square feet of floor area in the building, whichever is larger.

¹ For senior high schools, see Section 10-8-6(B)10. For auditoriums, see Section 10-8-6(B)1.

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| 8. Private golf, swimming, tennis club, or similar uses | One (1) space for each four (4) family or individual memberships, plus spaces required for accessory uses such as bar and restaurant areas. |
| 9. Public golf courses ¹ | Six (6) spaces for each golf hole, plus spaces required for accessory uses. |
| 10. Senior high schools ² | One (1) space for each teacher, employee, or administrator and one (1) space for each ten (10) students in addition to requirements of auditorium. |
| 11. Stadium, sports arena, auditoriums, and gymnasiums | One (1) space for each five (5) seats or ten feet (10') of benches. |

(C) Parking Required For Business And Commercial Uses:

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| 1. Planned commercial or shopping center | One (1) space for each two hundred (200) square feet of usable floor area or retail area. |
| 2. Beauty parlor or barber shop | One and one-half (1 1/2) spaces for each barber or beauty chair. |
| 3. Bowling alleys | Four (4) spaces for each bowling lane, plus spaces required for accessory uses such as bar and restaurant. |
| 4. Convention halls, dance halls, skating rinks, assembly or exhibition halls, or other similar places of assembly without fixed seats | One (1) parking space for each one hundred (100) square feet of usable floor area used for assembly. |
| 5. Establishments handling the sale and consumption, on the premises, of alcoholic beverages, food, or refreshments | One (1) parking space for each one hundred (100) square feet of floor area. |
| 6. Furniture and appliance shops, household equipment, and repair or machinery shops | One (1) parking space for each six hundred (600) square feet of floor area. |
| 7. Gasoline service stations | One (1) space for each lubrication or stall, plus one (1) space for each two (2) attendant-serviced pumps. |

¹ For miniature golf courses, see Section 10-8-6(C)9

² For elementary and junior high schools, see Section 10-8-6(B)2. For auditoriums, see Section 10-8-6(B)11.

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| 8. Laundromats and coin-operated dry cleaners | One (1) space for each two (2) washing or cleaning machines. |
| 9. Miniature or "par 3" golf courses ¹ | Three (3) spaces for each hole, plus one (1) for each employee. |
| 10. Mortuaries | One (1) space for each one hundred (100) square feet of floor area. |
| 11. Motel, hotel, or other similar uses | One (1) space for each occupancy unit, plus one (1) space for each owner and employee, plus spaces as required herein for accessory uses such as bar and restaurant. |
| 12. Motor vehicle sales and service | One (1) space for each four hundred (400) square feet of salesroom, plus one (1) space for each auto service stall. |
| 13. Retail stores not specifically designated above | One (1) parking space for each one hundred fifty (150) square feet of retail floor area. |
| 14. Theaters, indoor | One (1) space for each five (5) seats, plus one (1) space for each two (2) employees. |
| 15. Theaters, outdoor | Stacking space equal to ten percent (10%) of capacity. |

(D) Parking Required For Offices And Financial Institutions:

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| 1. Banks, savings and loan | One (1) space for each four hundred (400) square feet of usable floor area or customer service area. |
| 2. Other business and professional offices | One (1) space for each two hundred fifty (250) square feet of floor area. |

(E) Parking Required For Industrial Uses:

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| 1. Manufacturing and industrial uses, research and testing laboratories, dry cleaning, printing binding, publishing, assembly of materials and products, and other similar uses | One (1) parking space for every one and one-half (1 1/2) employees on the largest shift, including office workers. |
| 2. Warehouse and storage uses | One (1) parking space for every employee in the largest shift, including office workers. |

¹ For private golf courses, see Section 10-8-6(B)8; for public golf courses, see Section 10-8-6(B)9.

10-8-7: **ADDITIONAL REGULATIONS APPLYING TO OFF-STREET LOADING ONLY:**

- (A) Location And Layout Of Off-Street Loading: Off-street loading spaces shall be as provided in the schedule of off-street loading requirements.¹ An off-street loading berth shall be a hard-surfaced area of land open or enclosed, other than a street or public way, used principally for the standing, loading, or unloading of motor trucks, tractors, and trailers so as to avoid undue interference with public streets and alleys. Loading spaces, where required, shall be not less than ten feet in width, forty five feet in length and fourteen feet in height (10' x 45' x 14'), exclusive of access aisles and maneuvering space. Plans for location and layout of off-street loading areas shall meet the following minimum requirements:
1. Loading berths shall be no closer than one hundred feet (100') to an adjoining residential zoning district unless completely screened along that adjoining side by a building wall not less than eight feet (8') in height.
 2. Location of loading berths shall meet the minimum requirements of Chapter 4 of this Title so vehicles parked in such space shall not obstruct the visibility at intersections.
 3. Loading berths open to the sky may be located in any required side or rear yard, provided that loading berths within one hundred feet (100') of residential districts are enclosed as specified above; loading berths shall not be located in front yards.
 4. Interpretation of fractional loading berth spaces resulting from the application of the schedule of off-street loading requirements shall be as follows: less than one-half (1/2) loading berths shall be disregarded; fractions of one-half (1/2) or more shall be considered as one (1) loading berth.
 5. Off-street loading areas are to be surfaced in accordance with the requirements of Chapter 4.

10-8-8: **SCHEDULE OF OFF-STREET LOADING REQUIREMENTS:**

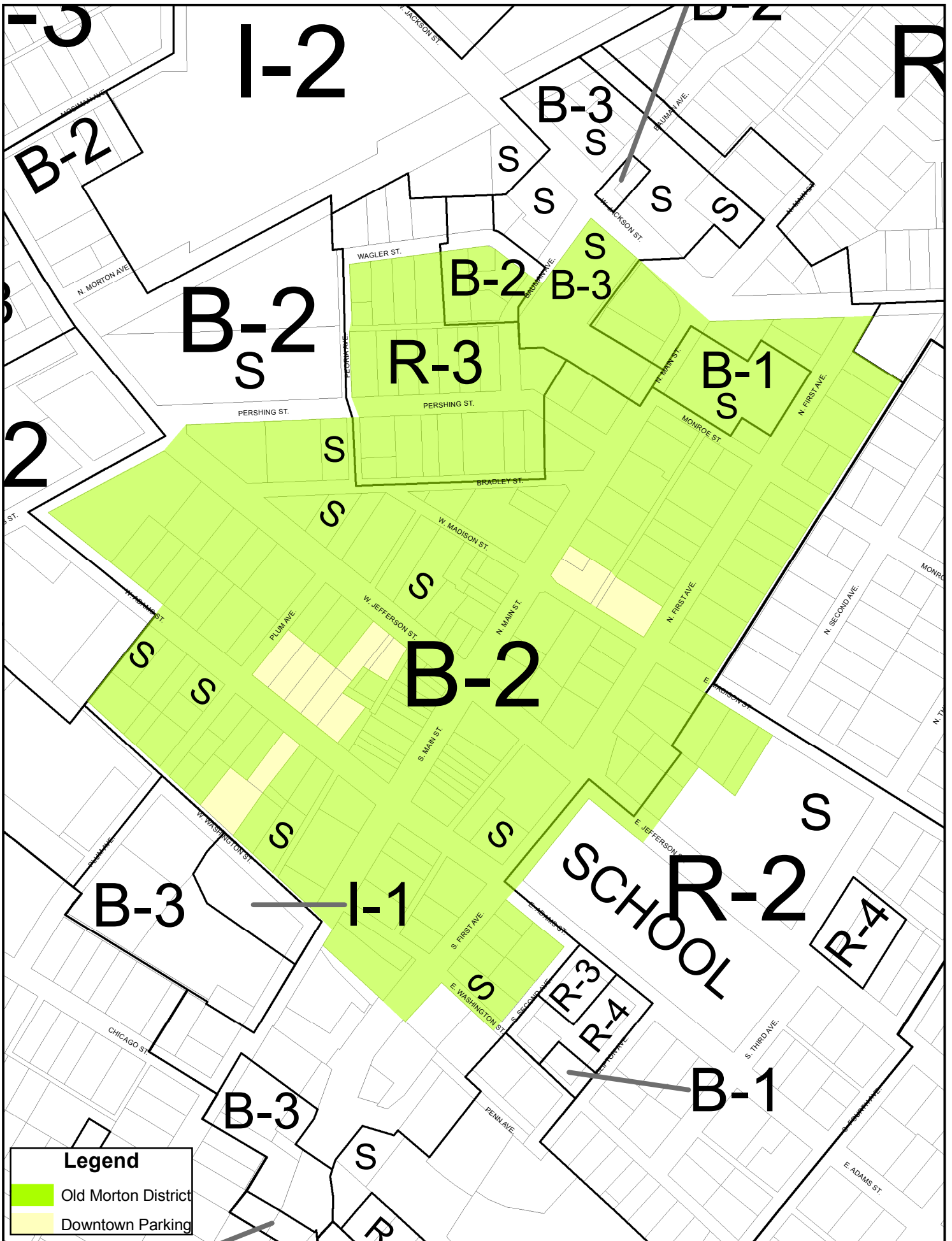
- (A) For all property uses where loading or unloading of materials and merchandise is an essential part of such business, the following requirements shall apply:
1. Hospitals, sanitariums, and clinics One (1) off-street loading space for the first forty thousand square feet (40,000) of gross floor area, plus one (1) additional space for each one hundred fifty thousand square feet (150,000) of gross floor area.
 2. Retail shops, bowling alleys, taverns, and restaurants One (1) off-street loading space for each structure containing ten thousand (10,000) to one hundred thousand (100,000) square feet of gross floor area, plus one (1) additional space for each one hundred thousand (100,000) square feet of gross floor area in excess of one hundred thousand (100,000) square feet.
 3. Office buildings, including banks, business, and professional offices One (1) off-street loading space for each structure containing forty thousand (40,000) to one hundred thousand (100,000) square feet of gross floor area plus one (1) additional space for each one hundred thousand (100,000) square feet of gross floor area in excess of one hundred thousand (100,000) square feet.

¹ See Section 10-8-8 of this Chapter.

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| 4. Furniture and appliance outlets, motor vehicle sales, wholesale stores, household equipment, or machinery sales | One (1) off-street loading space for each building of eight thousand (8,000) to twenty five thousand (25,000) square feet of gross floor area, plus one (1) space for each twenty five thousand (25,000) square feet of gross floor area in excess of twenty five thousand (25,000) square feet. |
| 5. Manufacturing, research and testing laboratories, laundry and cleaning plants, printing, binding and publishing, warehouse and storage, processing and distribution of materials and products
(Ord. 78-31, 3-5-79) | One (1) off-street loading space for each ten thousand (10,000) to forty thousand (40,000) square feet of gross floor area, plus one (1) space for each sixty thousand (60,000) square feet of gross floor area in excess of forty thousand (40,000) square feet. |

10-8-9: **SPECIAL PARKING PROVISIONS FOR OLD MORTON DISTRICT:**

- (A) Old Morton District Area: See map on following page.
- (B) All business zoned properties in the Old Morton District are exempt from the parking requirements of 10-8-6. (amd. Ord. 10-14, 8-2-10)



CHAPTER 9

SIGN REGULATIONS

SECTION:

10-9-1:	Purpose
10-9-2:	Definitions
10-9-3:	General Application Of Sign Regulations; Building Permit Required
10-9-4:	General Regulations For Signs
10-9-5:	Sign Regulations Within Residential Districts
10-9-6:	Sign Regulations Within Business Districts
10-9-7:	Sign Regulations Within Industrial Districts
10-9-8:	Application Of Other Laws
10-9-9:	Severability Clause
10-9-10:	Violation And Penalty

10-9-1: **PURPOSE:** The following regulations are provided to maintain the attractiveness and orderliness of the appearance of the Village and to protect the public safety.

10-9-2: **DEFINITIONS:**

ADVERTISING SIGN:	Any sign, including the supporting structure, which directs attention to a business, service, or activity not conducted upon the premises, or a product not offered or sold upon the premises where such a sign is located.
ATTACHED SIGN:	A sign permanently affixed to the exterior surface of a building. No attached sign shall project further than twelve inches (12") from said building.
BANNER:	A type of sign. If it is not more than 16 square feet, it shall not be counted against the allowable sign area for a property. If it is greater than 16 square feet, it shall. (amd Ord. 11-30, 1-3-12)
BACK-TO-BACK SIGN:	A structure with two (2) parallel and directly opposite signs with their faces oriented to opposite directions. Back-to-back signs may be separated by not more than four feet (4'). A back-to-back sign shall constitute one sign.
BUSINESS SIGN:	A sign, including any supporting or framing structure, which directs attention to a business or profession conducted upon the premises or to a commodity, service, or entertainment sold or offered upon the premises on which the sign is located.
DIRECTIONAL SIGN:	An on premises sign giving directions, which may contain the name or logo of an establishment, but not contain any advertising copy. (Ord. 99-36, 11-15-99)
FREE-STANDING SIGN:	Any sign permanently erected on a free-standing framework supported and affixed by one or more uprights or braces in or upon the ground.
ILLUMINATED SIGN:	Any sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes.
PERSON:	Any person, firm, partnership, association, corporation, company, or organization of any kind.

POLITICAL SIGN: A temporary sign used in connection with a local, state, or national election or referendum. (Ord. 99-36, 11-15-99)

PORTABLE SIGN: Any sign not classified as an attached or free-standing sign or a vehicle sign or a banner. (amd. Ord. 07-03, 5-7-07; amd. Ord. 11-30, 1-3-12)

SIGN AREA: The area encompassed within the shortest line drawn around the perimeter of the display, message, or wording, including all letters and designs which are part of the sign; including border and trim, but excluding bases, aprons, supports, and other structural members; whichever is greater. The total allowable sign area for a property includes the total of both business and advertising signs. The terms "sign area" and "gross sign area" are used interchangeably. (amd. Ord. 99-36, 11-15-99)

VEHICLE SIGN: A sign located on a vehicle or trailer. (Ord. 07-03, 5-7-07)

10-9-3: GENERAL APPLICATION OF SIGN REGULATIONS; BUILDING PERMIT REQUIRED: No sign, outdoor advertising structure, or display of any character shall be permitted except in conformity with the following regulations. A building permit is required for erection, construction, placement, or replacement of any sign to be permanently attached to a building or to be permanently erected as a free-standing sign.

10-9-4: GENERAL REGULATIONS FOR SIGNS:

- (A) No illuminated business or advertising sign shall be of such brightness or shall flash, scintillate, or move as to create hazardous or annoying glare. Time and temperature or message signs not otherwise prohibited under this regulation will be allowed, provided they do not create hazardous or annoying glare.
- (B) No business or advertising sign shall be so located as to materially impede or so illuminated as to interfere with the effectiveness of any traffic control device or obstruct a motorist's view at any street or highway intersection or any railroad sign or signal at any railroad crossing.
- (C) Signs used exclusively for the posting or displaying of official notices by a public agency or official or by a person giving legal notice, and signs erected or maintained by a public agency or official, or required by law to be displayed by a public utility for directional warning or informational purposes are not subject to the regulations of this Chapter. Informational and directional signs (which may include a corporate identity symbol) are exempt from this regulation.
- (D) No business or advertising sign shall be pasted or painted directly on the surface of any wall or roof.
- (E) No sign shall be permitted to be placed on a fence in any residential district.
- (F) No sign shall be permitted to be placed on a fence in any commercial or industrial district unless said fence meets setback requirements for a sign in that zoning district.
- (G) Temporary signs are allowed without a permit and are subject to the following:
 1. Real estate signs shall comply with the size limitations of "For Sale" or "For Rent" signs as specified in Sections 10-9-5, 10-9-6, and 10-9-7.
 2. Political signs as defined in Section 10-9-4(S).

3. Temporary signs on the property where the activity is occurring shall not exceed thirty two (32) square feet unless a more restrictive size is specified in this paragraph. All other temporary signs shall not exceed sixteen (16) square feet unless a more restrictive size is specified in this paragraph.
 4. Those announcing a campaign drive or civic event shall not be on the property more than ninety (90) days before the event or seven (7) days after the event has ended.
 5. Barker signs, provided they do not exceed a size of eighteen (18) square feet and are not used for a period of time exceeding four (4) consecutive days. They shall not be used in such a manner as to impede vehicular or pedestrian traffic, or constitute a safety hazard.
 6. Construction signs as defined in 10-9-5(E), 10-9-6(F), and 10-9-7(D). One (1) for each company or service is allowed.
 7. Temporary signs do not count against the total signage otherwise allowed on a lot.
 8. Permission of the property owner must be obtained for any temporary sign.
 9. They shall not be placed on any right-of-way, street, alley, sidewalk, driveway, or other public way or property.
 10. They shall not obstruct a motorist's view on any street or intersection.
(Ord. 07-31, 9-4-07)
- (H) Signs indicating the time and place of meetings of civic organizations are permitted on the main entry roads into town, provided only one sign structure is utilized to accommodate all such notices on each major entry road.
- (I) Portable signs are allowable only under the following conditions:
1. The sign area shall not exceed thirty two (32) square feet, and any one face shall not exceed sixteen (16) square feet.
 2. A portable sign cannot be illuminated.
 3. A portable sign may be located only in districts zoned B-1, B-2, or B-3.
(Ord. 83-16, 9-6-83)
 4. Only one (1) portable sign per business location shall be allowed. The location where the portable sign is displayed must be on the same lot where the business is located.
(Ord. 84-8, 9-4-84)
 5. The height of a portable sign cannot exceed five feet (5'). (Ord. 07-31, 9-4-07)
- (J) Except for low silhouette business signs, no free-standing sign shall be established closer to the street than one-half (1/2) the setback required under the appropriate zoning classification. No portion of any business sign may be placed on or extended over the right of way line of any street or highway, except for one foot (1') of flush signs where existing buildings have no front or side yards. One (1) low silhouette sign per business may be located within the required landscaped yard, provided it is not closer to the proposed right of way line than one-half (1/2) the appropriate landscaped yard requirement and provided it complies with the obstructions to visibility requirements of Section 10-4-3(l). A low silhouette sign shall not exceed four and one-half feet (4 1/2') in height. (amd. Ord. 00-04, 5-15-00)
- (K) All signs shall be maintained in good and safe structural condition. The painted portions of signs shall be periodically repainted and kept in good condition. Illuminated signs shall be kept in proper working order.

- (L) The general area in the vicinity of any sign on undeveloped property must be kept free and clear of sign materials, weeds, debris, trash, and other refuse.
- (M) Advertising signs shall not be established at any location having principal frontage on any street within three hundred feet (300') of any property which is used for public park, public school, church, city hall, or public museum having principal frontage on the same street or within three hundred feet (300') of any residential zone abutting the business or industrial zone when such sign face would face into the residential zone.
- (N) No outdoor advertising sign or part thereof shall be located on any property without the consent of the owner, holder, lessee, agent, or trustee.
- (O) Removal of Signs: The sign face shall be removed and replaced with a blank face on any sign which for sixty (60) consecutive days has directed attention to a product, place, activity, person, institution or business which is no longer in operation or existence. All structural supports, braces poles and framework shall be removed from any sign which without regard to the blank face has for 365 consecutive days directed attention to a product, place, activity, person, institution or business which is no longer in operation or in existence. The owner of the premises on which the sign is situated and any person with a present possessory interest in said premises shall be jointly and separately responsible for compliance with all provisions of this section. (amd. Ord. 01-24, 10-5-01; amd. Ord. 17-05, 6-5-17)
- (P) Except where otherwise specifically stated herein, any sign in existence on the effective date of this Title which does not comply with the provisions of this Title may continue in existence as a matter of right and may be maintained and repaired pursuant to the provisions of Title 10, Chapter 4, Section 2(A) of this Code.
- (Q) Directional Signs are allowable subject to the following conditions.
1. No setback is required.
 2. They shall not exceed a height of four feet (4').
 3. Six (6) square feet per sign is allowed. The square footage is not to be included in computing the total general allowable sign area for the property. (Ord. 99-36, 11-15-99)
- (R) Inflatable Signs are allowed for a period of one (1) week per thirty (30) day period. (Ord. 99-36, 11-15-99)
- (S) Political signs are allowed, subject to the following provisions:
1. They must be removed within seven (7) days of the election they refer to unless they are on property zoned residential. (amd. Ord. 10-19, 10-4-10)
 2. The maximum allowable size is four (4) square feet in residential districts, and thirty-two (32) square feet in commercial and industrial districts.
 3. No sign permit is required, but permission of the property owner must be obtained before placing the signs.
 4. They may not be placed on any right-of-way, street, alley, sidewalk, driveway, or other public way or property. (Ord. 99-36, 11-15-99; amd. Ord. 04-41, 11-15-04)

- (T) Signs on a motor vehicle or trailer are expressly prohibited if the motor vehicle or trailer is parked on a property on which the motor vehicle or trailer is not being used in the conducting of any business on that property or if the motor vehicle or trailer is on the property for any purpose other than to make a delivery or take delivery of any item from the property. Conducting of business on the property means that the sign on the motor vehicle or trailer identifies any service, product, or business activity being conducted on the property where the motor vehicle or trailer is parked. Parking a motor vehicle or trailer on property does not constitute conducting business. Signs include anything painted or affixed on a motor vehicle or trailer which is used to identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Only those sign areas on a motor vehicle or trailer being greater than eight (8) square feet are prohibited.

The owner of the property, and the owner of the motor vehicle or trailer, shall be jointly and severally liable for any violations of this provision.

These provisions shall not apply to a motor vehicle or trailer parked on property where the owner of the motor vehicle or trailer is also the owner of the property, or the owner of the motor vehicle or trailer has a written lease of a term of six (6) months or longer for possession for the property, and the motor vehicle or trailer is used in conjunction with a business being lawfully conducted on the property.

This applies to a motor vehicle or trailer whether it is operable or not. (Ord. 07-03, 5-7-07)

- 10-9-5: **SIGN REGULATIONS WITHIN RESIDENTIAL DISTRICTS:** The following sign regulations shall pertain to all residential districts:

(A) Residential Signs Within Residential Districts:

1. Single-Family Or Two (2)-Family Dwellings: For each dwelling, nameplates and identification signs indicating the name and address of the occupant are permitted, providing the sign area does not exceed two (2) square feet. On a corner lot, nameplates or identification signs shall be permitted for each dwelling on each street side.
2. Multi-Family Dwellings: For each residential building, one (1) identification sign indicating only the name and address of the building and the name of the management is permitted, providing the sign area does not exceed sixteen (16) square feet. Such signs shall not be closer than eight feet (8') to any other zoning lot. On a corner lot, identification signs shall be permitted on each street side.
3. Project Identification: A residential project having a number of buildings shall be permitted one (1) additional sign with the name of the project only on each street. The sign area shall be no greater than thirty two (32) square feet. Such signs may not be closer than sixteen feet (16') to any other zoning lot.
4. Height: No attached sign shall exceed one (1) story in height or fourteen feet (14') above the curb level, whichever is lower. No free-standing sign shall exceed seven feet (7') in height.

(B) Nonresidential Signs Within Residential Districts:

1. Church Bulletins, Cemeteries, Educational Institutions, Recreation And Social Facilities, And Other Similar Uses: One (1) identification sign with sign area not to exceed sixty (60) square feet is permitted. No one (1) face shall be greater than thirty (30) square feet. Such signs may not be closer than eight feet (8') to any other zoning lot. On a corner lot, identification signs shall be permitted on each street side.

2. Illuminated signs in all R-1 and R-2 residential districts are prohibited except for church bulletins and educational institutions. Illuminated time and temperature or automated language signs are prohibited in all residential districts. (amd. Ord. 99-36, 11-15-99)
3. Nonconforming business uses may have exterior signs with sign area not to exceed twenty four (24) square feet. (Ord. 83-16, 9-6-83)
4. (Rep. by Ord. 84-3, 6-18-84)
5. Parking Areas: Signs designating parking area entrances or exits are limited to one (1) sign for each such entrance or exit, with sign area not exceeding two (2) square feet each. One (1) sign shall be permitted per parking area designating the conditions of use or identity of such parking area and limited to a sign area of nine (9) square feet.
6. Agricultural Products: Temporary signs advertising the sale of agricultural products grown or produced on the property with sign area not exceeding sixteen (16) square feet are permitted.
7. Height: No attached sign shall exceed one (1) story in height or fourteen feet (14') above the curb level, whichever is lower. No free-standing sign shall exceed seven feet (7') in height.

- (C) "For Sale" Or "For Rent" Signs Within Residential Districts: There shall be no more than one (1) sign per zoning lot, except that on a corner lot, one (1) sign shall be permitted on each street side. No sign may exceed four and one-half feet (4 1/2') in height nor be placed closer than eight feet (8') to any other zoning lot. Sign area shall not exceed twelve (12) square feet.
- (D) Advertising Signs Not Permitted Within Residential Districts: Advertising copy or structures are prohibited in any residential district.
- (E) One (1) construction sign not exceeding sixteen (16) square feet is permitted for a time period no longer than necessary to complete the activity to which it refers. If the sign refers to more than one (1) activity, then the activity completed last shall apply with respect to the time the sign may exist. (Ord. 07-31, 9-4-07)

10-9-6: **SIGN REGULATIONS WITHIN BUSINESS DISTRICTS:** The following sign regulations shall pertain to business districts:

- (A) Sign Uses Permitted In Residential Districts Permitted In Business Districts: The regulations covering permitted signs within residential districts shall also apply in business districts. No Advertising Signs are permitted in B-1 districts except as follows:

1. They are allowable on a property which is adjacent to the property for which the advertising sign pertains to, provided the property which the advertising sign is placed on has frontage on a public street, and further provided that there is an easement for ingress and egress over the property fronting the street to the adjacent property. This exception applies only in the case where the property for which the advertising sign pertains to, does not have any street frontage.
2. The allowable sign area for all free standing signs shall not be increased as a result of the allowance of an advertising sign. (Ord. 04-42, 12-6-04)

(B) Business Signs In B-1 Districts: In B-1 Districts, business signs are permitted subject to the following conditions:

1. Area Of Attached And Free-Standing Business Signs: The gross area in square feet of all signs attached to the wall of a building shall not exceed fifteen percent (15%) of the wall area to which they are attached or of which they are a part. The gross area of all free-standing signs shall not exceed one (1) square foot of area per each lineal foot of frontage on the zoning lot.
2. Height: No sign shall exceed twenty feet (20') in height and shall in no case extend above the roof line.
3. Integrated Retail And Office Buildings Or Complexes: For integrated retail and office building complexes with more than one (1) building in single ownership or under unified control, one (1) additional free-standing business sign other than those provided for in the B-1 District above shall be permitted subject to the following:
 - (a) Content: Such signs shall indicate only the name and location of such center and the name and type of business of each occupant of the center.
 - (b) Area: The gross area of the additional sign shall not exceed one (1) square foot per each lineal foot of frontage and in no case more than one hundred fifty (150) square feet.
 - (c) Height: Such additional free-standing sign shall not exceed twenty feet (20') in height above the curb level.

(C) Business Signs In B-2 And B-3 Districts: In B-2 and B-3 Districts, business signs are permitted subject to the following conditions:

1. Sign Area For Attached Business Signs: The gross area in square feet of all attached signs shall not exceed twenty five percent (25%) of the wall area to which they are attached or of which they are a part.
2. Sign Area For Free-Standing Business Signs: The gross area in square feet of all free-standing business signs shall not exceed one (1) square foot per each lineal foot of frontage of the zoning lot.
3. Height: No attached business sign shall extend above the roof line. No free-standing business sign shall exceed thirty feet (30') in height above the curb line. (amd. Ord. 15-03, 6-1-15)

4. Integrated Retail And Office Buildings Or Complexes: For integrated retail and office buildings or complexes with more than one (1) building in single ownership or under unified control, one (1) additional free-standing business sign, other than those provided for in B-2 and B-3 Districts above, shall be permitted subject to the following:

- (a) Content: Such signs shall advertise only the name and location of such center and the name and type of business of each occupant of the center.
- (b) Area: The gross area of all signs shall not exceed one (1) square foot per lineal foot of frontage and in no case more than three hundred (300) square feet.
- (c) Height: Such additional free-standing sign shall not exceed thirty feet (30') in height above the curb level.

(D) Advertising Signs In B-2 And B-3 Districts: Advertising signs in B-2 and B-3 districts are prohibited. (Ord. 99-21, 9-7-99)

(E) "For Sale" Or "For Rent" Signs Within Business Districts: There shall be no more than one (1) sign per zoning lot, except that on a corner lot, one (1) sign shall be permitted on each street side. The sign area shall not exceed sixty four (64) square feet nor shall the sign exceed seven feet (7') in height.

(F) One (1) construction sign not exceeding thirty two (32) square feet is permitted for a time period no longer than necessary to complete the activity to which it refers. If the sign refers to more than one (1) activity, then the activity completed last shall apply with respect to the time the sign may exist. (Ord. 07-31, 9-4-07)

10-9-7: **SIGN REGULATIONS WITHIN INDUSTRIAL DISTRICTS:** The following sign regulations shall pertain to business and advertising signs within industrial districts:

(A) Business signs in I-1 and I-2 Districts are permitted subject to the following conditions:

- 1. Sign Area For Attached Business Signs: The gross area in square feet of all attached business signs shall not exceed twenty five percent (25%) of the wall area to which they are attached or of which they are a part.
- 2. Sign Area For Free-Standing Business Signs: The gross area in square feet for a free-standing business sign shall not exceed three hundred (300) square feet per sign face.
- 3. Height: No attached business sign shall extend above the roof line. No free-standing business sign shall project higher than thirty five feet (35') above the curb level.

(B) Advertising signs in the I-1 and I-2 Industrial Districts are permitted subject to the following conditions. (Ord. 99-21, 9-7-99)

- 1. The maximum area for any one (1) sign facing shall be one hundred fifty (150) square feet, inclusive of any border and trim, but excluding the base or apron, supports, and other structural members. The maximum area permitted for advertising signs attached to a wall is limited to twenty five percent (25%) of the surface of the walls which they are attached or of which they are a part.
- 2. Height: No advertising sign may exceed thirty-five feet (35') in height.
- 3. No advertising sign may be attached to the roof of a structure.

4. Spacing:

- (a) On all streets and highways within the jurisdiction of this Title, no advertising sign may be established within one thousand three hundred twenty feet (1320') of any other advertising sign, measured on the same side of the street.
- (b) The minimum distance between structures shall be measured along the nearest edge of the pavement between points directly opposite the center of the signs along each side of the highway and shall apply only to structures located on the same side of the street or highway.

- (C) "For Sale" Or "For Rent" Signs Within I-1 And I-2 Districts: There shall be no more than one (1) sign per zoning lot, except that on a corner lot, one (1) sign shall be permitted on each street side. No sign area shall exceed sixty four (64) square feet nor shall any sign exceed seven feet (7') in height.
- (D) One (1) construction sign not exceeding thirty two (32) square feet is permitted for a time period no longer than necessary to complete the activity to which it refers. If the sign refers to more than one (1) activity, then the activity completed last shall apply with respect to the time the sign may exist. (Ord. 07-31, 9-4-07)

10-9-8: **APPLICATION OF OTHER LAW:** The provisions of the Highway Advertising Control Act of 1971 as now in force or as may be amended from time to time shall apply where applicable notwithstanding any of the provisions of this Chapter.

10-9-9: **SEVERABILITY CLAUSE:** If any section, subsection, subparagraph, sentence, clause, or phrase of this Chapter or any part thereof, or application thereof to any person, firm, corporation, public agency, or circumstance, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. It is hereby declared to be the legislative intent of the Board of Trustees that this Chapter would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not then been included.

10-9-10: **VIOLATION AND PENALTY:** The provisions of Title 10, Chapter 10, Section 5 of the Morton Municipal Code shall apply to any violations of this Chapter. (Ord. 83-16, 9-6-83)

CHAPTER 10

ADMINISTRATION AND ENFORCEMENT

SECTION:

- 10-10-1: Responsibility For Zoning Administration
- 10-10-2: Procedures For Zoning Administration
- 10-10-3: Interpretation And Relation To Other Ordinances And Restrictions
- 10-10-4: Repeal Of Prior Zoning Regulations (Rep. by Ord. 78-31, 3-5-79)
- 10-10-5: Penalties
- 10-10-6: Severability

10-10-1: **RESPONSIBILITY FOR ZONING ADMINISTRATION:** The authority for administration of this Title is hereby vested in the Zoning Enforcing Officer (ZEO), the Zoning Board of Appeals, and the Plan Commission.

(A) Duties Of The ZEO In Administration Of This Title: The office of the ZEO is created and maintained by this Title who shall be appointed by and at all times act under the direct control of the President and the Board of Trustees. The ZEO, in his responsibilities under this Title, shall carry out and perform the following duties:

1. Issue all zoning permits and maintain records of permits issued.
2. Issue all zoning certificates of occupancy and maintain records of certificates issued.
3. Conduct inspections to determine if use of land and buildings is in compliance with this Title.
4. Inform persons in violation of this Title of the provisions of the Title with which they are in noncompliance and the remedies available to them.
5. Notify the Village Board and Village Attorney, by letter, of persons found in violation. (Ord. 78-31, 3-5-79)
6. Consult with Village Attorney and institute proceedings as authorized by this Title and by law against persons in noncompliance with this Title. (Ord. 83-12, 8-1-83)
7. Maintain the necessary forms for permits, appeals, zoning amendments, special uses, variances, and other matters required to be acted upon by the Plan Commission and Zoning Board of Appeals.
8. Maintain permanent and current records of the administration of this Title, including copies of zoning ordinances (including the Zoning District Map), all amendments and all special uses, variations, appeals, and applications thereof.
9. Receive, file, and forward to the Plan Commission applications for special uses, amendments to this Title, and arrange for proper public notice for public hearings, including legal published notices as well as public notice by mail to property owners within two hundred fifty feet (250') of the subject property. Applicants for actions requiring public notice shall provide a listing of owners of record within such two hundred fifty foot (250') distance. Assist on other matters on which the Plan Commission is authorized to pass under this Title.

10. Receive, file, and forward to the Zoning Board of Appeals applications for variations, appeals, and other matters on which the Board is authorized to pass under this Title, and arrange for proper public notice for public hearings.
11. Make recommendations to the Village Board and Plan Commission periodically on the need for amending and restudy of the provisions of this Title and the method suggested to do so.
12. Serve as liaison between the Plan Commission and the Board of Appeals.
13. Enforce all zoning ordinances.
14. Develop and enforce administrative procedures pertaining to zoning matters.
15. With regard to building permits, administer and review applications and insure compliance with all ordinance requirements.
16. Issue permits for sanitary sewer, gas, curb, street openings, and certificates of occupancy and, where appropriate, coordinate and conduct inspections.
17. Review home occupation applications and, where applicable, issue permits.
18. Administer and review applications for variances, special uses, and zoning amendments.
19. Administer sidewalk, and curb and gutter programs.
20. Review site plans regarding landscaping, masonry, parking, setbacks, and signs.
21. Enforce ordinances pertaining to the condition of property.
22. Supervise such subordinate personnel as the Board of Trustees may provide for from time to time.
23. Perform such other duties as may be prescribed by the Board of Trustees from time to time. (amd. Ord. 05-50, 4-3-06)

(B) Duties Of The Plan Commission In Administration Of This Title: The Plan Commission of the Village has the following duties and responsibilities under this Title:

1. Receive, from the ZEO, hear, and make findings of fact on all applications for amendments to this Title and to report such findings and recommendations to the Village Board.
2. Receive, from the ZEO, hear, and make findings of fact on all applications for special uses, and to report such findings and recommendations to the Village Board.
3. Hear and decide all other matters upon which it is required to pass under this Title.
4. Plan Commission may establish its own rules and procedures for carrying out its duties.

(C) Duties Of The Zoning Board Of Appeals In Administration Of This Title: The Zoning Board of Appeals of the Village of Morton has the following duties and responsibilities in the administration of this Title:¹

¹ See also Title 2, Chapter 7 of the Morton Municipal Code.

1. Receive, from the ZEO, hear, and make determinations of appeals filed by any person, office, department, board, or bureau aggrieved by a decision of the ZEO and notify the ZEO of such determination.
2. Receive, from the ZEO, hear, and grant variations of this Title in harmony with the general purpose and intent, and only in the specific instances contained in the variation procedures outlined in this Chapter and notify the ZEO of such variation actions. (Ord. 78-31, 3-5-79)

10-10-2: **PROCEDURES FOR ZONING ADMINISTRATION:**

(A) Zoning Permit Procedure:

1. No zoning permit pertaining to the use of land, structures, or buildings shall be issued by any officer, department, or employee of the Village unless the application for such permit has been subjected to administrative review by the ZEO for compliance with this Title. Any permit issued in conflict with the provisions of this Title shall be null and void. Zoning permits shall not be issued to any applicant so long as that applicant is indebted to the Village for any prior fees of any type.
2. Applications for zoning permits shall be filed in written form with the ZEO on forms prescribed by the ZEO indicating:
 - (a) Legal description of the property;
 - (b) Name and address of applicant, owner, and contractor;
 - (c) Uses to be established or expanded;
 - (d) Other information deemed appropriate by the ZEO to clearly denote the nature and character of the intended improvement and use.
3. For all uses, except one (1) and two (2)-family residential structures on platted regular shaped lots, the applications for a zoning permit shall be accompanied by a drawing to scale showing the actual dimensions as certified by a land surveyor or civil engineer as a true copy of the lot on which the improvement or use is to be placed, accompanied by a drawing to scale of the location on such lot of the proposed building, structure or use, and accessory buildings; and location and height of any fences or landscape screening proposed to be installed. For one (1) and two (2)-family structures on platted regular shaped lots, the application for a zoning permit shall be accompanied by a dimensioned sketch drawing showing the proposed building, structure or use, nearest distances to lot lines, height of buildings or portions of buildings, and location and height of fences or landscape screening proposed to be installed. (amd. Ord. 04-53, 3-7-05)
4. The ZEO shall approve or deny the issuance of a zoning permit within seven (7) days of the date of filing for such permit. If not approved within time limit, the zoning permit shall be deemed to be denied.
5. Such zoning permit, once issued, shall be maintained in a prominent location at the premises for which it is issued, and shall not be removed until final inspection and issuance of a zoning certificate of occupancy by the ZEO. (Ord. 78-31, 3-5-79; amd. Ord. 87-8, 7-20-87)

(B) Zoning Certificate Of Occupancy Procedure:

1. No building or building addition constructed after the effective date of this Title, and no land vacant on the effective date of this Title, shall be used for any purpose until a zoning certificate of occupancy has been issued by the ZEO. No change in use shall be made until such zoning certificate of occupancy shall state that the use or occupancy complies with the provisions of this Title.
2. Every application for a zoning permit shall be deemed to be an application for an occupancy permit.
3. No zoning certificate of occupancy for the use of a premises for which a zoning permit has been issued shall be issued until construction has been completed, a final inspection made, and the premises certified to be in compliance with the plans and specifications for which the zoning permit was issued. No zoning certificate of occupancy shall be issued to any applicant so long as that applicant is indebted to the Village for any prior fees of any type. The zoning certificate of occupancy shall be issued or denied within seven (7) days after the ZEO is notified that the building or premises is ready for occupancy.

(C) Variation Procedure:

1. The Zoning Board of Appeals, after a public hearing, may determine and vary the regulations of this Title in harmony with their general purpose and intent only in the specific instances hereinafter set forth, where the Zoning Board of Appeals makes finding of fact in accordance with the standards hereinafter prescribed and further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Title.
2. An application for a variation shall be filed in writing with the ZEO. The application shall contain such information as the Zoning Board of Appeals may, by rule, require. Notice of such public hearing shall be published at least once not more than thirty (30) days nor less than fifteen (15) days before the hearing in a newspaper of general circulation. The published notice may be supplemented by such additional form of notice as the Zoning Board of Appeals, by rule, may require.
3. The Zoning Board of Appeals shall not vary the regulations of this Title, as authorized by this Section, unless it shall first make findings of fact based upon the evidence presented to it in each specific case that:
 - (a) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;
 - (b) The conditions upon which a petition for a variation is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification;
 - (c) The purpose of the variation is not based exclusively upon a desire for financial gain;
 - (d) The alleged difficulty or hardship is caused by this Title and has not been created by any persons presently having an interest in the property;

- (e) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
- (f) The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of the public street, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards, to reduce or minimize the effect of such variation upon other properties in the neighborhood, and to better carry out the general intent of this Title.

4. The following situations, and only those situations, are permissible areas in which variations from the regulations of this Title are allowed to be granted by the Zoning Board of Appeals when in accordance with the standards established in this Section:
- (a) To permit reconstruction of a building accommodating a nonconforming use, when the building was specifically designed for such use and destroyed to an extent exceeding twenty five percent (25%) of its fair market value.
 - (b) To permit any yard or open space requirement less than the yard or open space requirement.
 - (c) To permit a reduction of the parking or loading requirements for a specific use whenever the character or use of the building or property is such as to make unnecessary the full provision of such facilities.
 - (d) To permit an increase by not more than twenty five percent (25%) to the distance required parking spaces are to be from the use served.
 - (e) To permit a variation of these regulations to secure an appropriate development of a lot where adjacent to such lot on two (2) or more sides there are structures not conforming to the regulations of the district.
 - (f) To permit the extension of a zoning district line in a specific instance where the rules of this Title for interpreting the zoning district line are unclear in relation to a single property.
 - (g) To vary the sign regulations, except height, of free-standing signs, where because of unique conditions of the property on which the sign is to be placed, the regulations contained herein would be inappropriate¹. No variances may be granted for the heights of a sign in any district. Notwithstanding the foregoing, no variance may be granted for advertising signs where permitted in the B-1 district. (Ord. 78-31, 3-5-79; amd. Ord. 01-41, 3-18-02; amd. Ord. 04-42, 12-6-04; amd. Ord. 11-30, 1-3-12; amd. Ord. 13-22, 11-4-13; amd. Ord. 15-04)
 - (h) To permit more than one (1) driveway per residential lot.
 - (i) To permit a nonconforming building to be structurally altered or reconstructed within its bounding walls to an extent exceeding in aggregate cost twenty five percent (25%) of its fair market value including land value. (Ord. 81-28, 11-16-81)

¹ See Chapter 9 of this Title.

- (j) Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change the zoning classifications of the District Map or to permit a use not otherwise permitted; such power and authority being reserved to the Board of Trustees. (Ord. 78-31, 3-5-79; Ord. 81-28, 11-16-81)
- (k) To permit a variance in number, size, or location of accessory use, accessory area, accessory buildings, or structures, except solar water systems. (Ord. 81-35, 1-18-82, amd. Ord. 10-20 10-4-10)
- (l) To permit a variation of the regulations pertaining to satellite antenna dishes. (Ord. 84-22, 3-4-85)
- (m) To permit only the following types of variances for property located in an interstate corridor:
 1. Sign regulations;
 2. Side, rear, and front yard setbacks for lots of record (less than one acre) existing at the time of adoption of Ordinance 94-31; and
 3. Side, rear, and front yard setbacks for structures as described in Title 10, Chapter 4, Subsection 7(H)2. (Ord. 94-32, 5-15-95)
- 5. The concurring vote of four (4) members of the Board of Appeals shall be necessary to grant a variation. (Ord. 78-31, 3-5-79)
- 6. If a variance is granted, work or construction shall commence within ninety (90) days of the granting of the variance for residential property; and shall be completed according to the guidelines outlined in Title 4, Chapter 1, Subsection 6 (Completion of Work). For all commercial and industrial properties, work or construction shall commence within one hundred eighty (180) days of the granting of the variance; and shall be completed according to the guidelines outlined in Title 4, Chapter 1, Subsection 6. Completion means the completion of the exterior of the building(s) and/or all other improvements as specified in the building permit issued for the work or construction. Failure to comply with either time requirement shall mean automatic revocation of the variance upon the expiration of the time limit. The variance may only be reinstated upon reapplication, public hearing, and approval of the Zoning Board of Appeals. In the alternative, the Zoning Board of Appeals may reject the reapplication.

This paragraph shall be effective August 1, 1987; and all variances that have been granted prior to said date shall be subject to the provisions of same. For purposes of applying the time limit provisions, the date of August 1, 1987, shall be the commencement point for all variances granted prior to said date. (Ord. 87-8, 7-20-87; amd. Ord. 11-22, 10-3-11)

(D) Appeals Procedure:

1. An appeal may be taken to the Zoning Board of Appeals by any person or by any officer, department, board, or bureau aggrieved by a decision of the ZEO or his authorized agent. Such an appeal shall be taken within forty five (45) days of the action complained of, by filing with the ZEO a notice of appeal specifying the grounds thereof. The ZEO shall forthwith transmit to the Zoning Board of Appeals all of the papers constituting a record upon which the action appealed from was taken.
2. An appeal shall stay all proceedings in furtherance of the action appealed unless the ZEO certifies to the Zoning Board of Appeals, after notice of the appeal has been filed, that by reason of facts stated in the appeal a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed unless by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application of the ZEO and on due cause shown. (Ord. 04-53, 3-7-05)

3. The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give notice thereof to the parties, and shall render a written decision on the appeal without unreasonable delay. The Zoning Board of Appeals may affirm or may, upon concurring vote of four (4) members, reverse, wholly or in part, or modify the order, requirement, decision, or determination that, in its opinion, ought to be done; and to that end, shall have all the powers of the officer from whom the appeal is taken. The ZEO shall maintain records of all actions of the Zoning Board of Appeals relative to appeals.

(E) Zoning Amendment Procedure:

1. Amendments may be proposed by the Village Board of Trustees, the Plan Commission, the Zoning Board of Appeals, or any person, firm, corporation, or organization, provided that any person, firm, corporation, or organization shall have a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, or any exclusive possessory interest (with the concurrence of the person holding the freehold interest) which is specifically enforceable in the land which is described in the application for amendment. Any proposal shall set forth names of owners of all benefiting interests in any land trusts wherein a land trust is proposing such amendment, and there shall be provided changes in beneficial ownership from time to time through amendment process.

2. An application for an amendment shall be obtained from and filed with the ZEO. Such applications for zoning amendments shall be in a form so that the application, when complete, including required accompanying material, shall provide such information as required by the Commission for its review. Applications for amendments initiated by the Plan Commission, Board of Appeals, or Village Board of Trustees shall include a copy of the minutes of that body approving the filing of an application for zoning amendment.

Applications for zoning amendments initiated by any person, firm, corporation, or organization described above as eligible to petition for a zoning amendment, shall not be considered nor scheduled for public hearing until the zoning amendment fee has been deposited with the Village Treasurer to partially cover the cost of this procedure, and under no condition shall such sum or any part thereof be refunded for failure of said amendment to be enacted into law.¹

3. Once the Zoning Ordinance amendment has been filed with the ZEO, the ZEO shall arrange proper legal notice, as required by law, and schedule the public hearing for the next regular Plan Commission meeting which fulfills the minimum public notice requirements.
4. The Plan Commission shall hold a public hearing on each application for zoning amendment at the time and place scheduled in the public notice. The hearing shall be conducted and a record of proceedings preserved in the manner as from time to time prescribed by the Commission. Where additional information is required for the Plan Commission's review, the Plan Commission, by official action, may continue the hearing to the time and place of the next Plan Commission meeting.

¹ Section 10-11-7 of this Title.

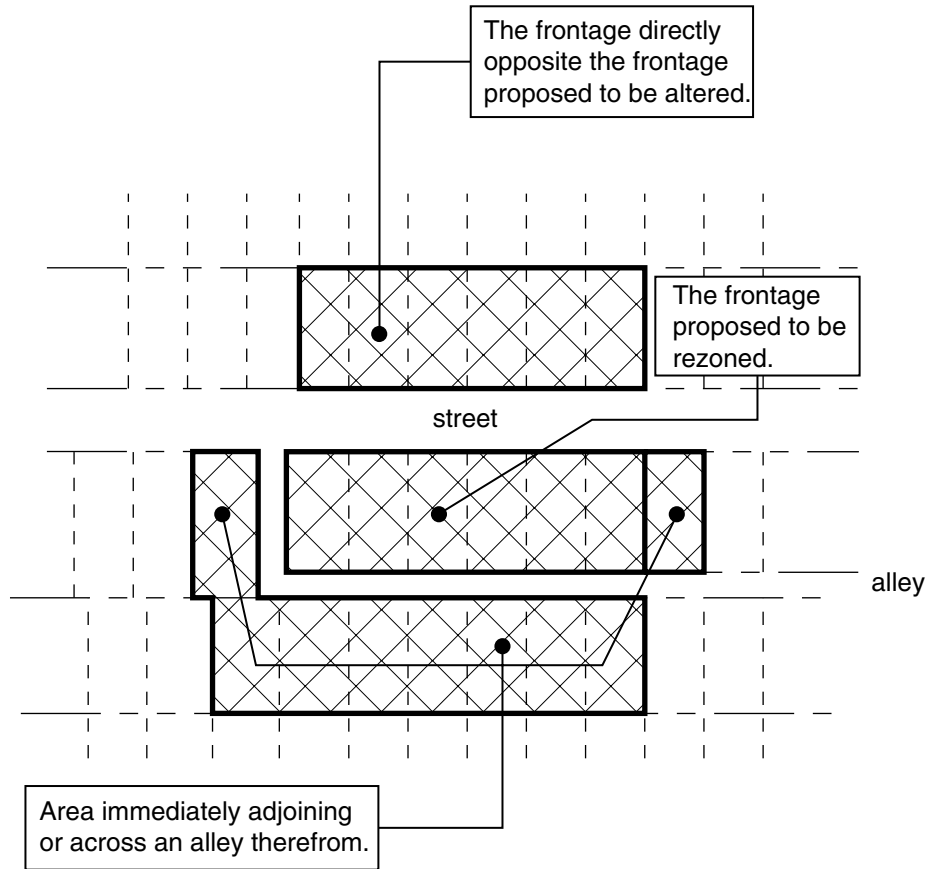
5. Within forty five (45) days after the close of the hearing on a proposed amendment, the Plan Commission shall make its recommendations to the Village Board. On applications for zoning amendments which would change the zoning classification of a particular property, the recommendation shall include findings of fact bearing on the decision. Such findings of fact shall relate to matters such as:
 - (a) Existing uses of other property within the general area of the subject property;
 - (b) Evidenced recent trends in land use development of the general area;
 - (c) Any conditions which renders the property less desirable or inappropriate for the uses to which it is presently zoned; and
 - (d) The zoning amendment, if granted, serves the public interest and does not solely benefit the property of the applicant alone.

In its findings of fact and recommendation to the Village Board, the Plan Commission may recommend approval or disapproval, or recommend the change of zoning classification of the subject property to any other more restrictive zoning classification than specified in the public notice.

6. The Village Board shall not act upon a proposed amendment to this Title until it shall have received a written report and recommendation from the Plan Commission except, however, that no action by the Plan Commission within forty five (45) days of the public hearing of the matter shall be deemed to be a favorable recommendation.
7. In case of a written protest against any proposed zoning amendment signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, as to regulations or district, filed with the ZEO, such amendment shall not be passed except by the favorable vote of two-thirds (2/3) of the Trustees then holding office. (Ord. 04-53, 3-7-05)
8. The Village Board shall cause to be published, no later than March 31 of each year, a map¹ clearly showing the existing zoning uses, divisions, restrictions, regulations, and classifications for the preceding calendar year. If, in any calendar year, there are no changes in the zoning uses, divisions, restrictions, regulations, and classifications, no map need be published for such calendar year.

The Village Board may establish a fee to be charged each person desiring a copy of such map. Such fee shall be paid to the ZEO who shall account for such moneys. Such fees shall be applied to defray the cost of publishing the zoning map.

¹ Morton Zoning Map adopted in 10-3-2 of this Title.



Zoning Amendment Protest Areas

(20% written protest of property owners in any one of the three indicated areas requires a 2/3 vote of the Village Board for passage.)

(F) Special Use Procedure:

1. Applications for special use may be filed by any person having a freehold interest in land or a possessory interest entitled to exclusive possession (with the concurrence of the person holding the freehold interest), or a contractual interest which may become a freehold interest, or an exclusive possessory interest which is specifically enforceable.
2. An application for a special use permit shall be obtained from and filed with the ZEO. Such application for a special use permit shall be in a form so that the application, when complete, including required accompanying material, shall provide such information as required by the Plan Commission for its review. The accompanying material shall include a written statement signed by the applicant as to how the standards for the granting of the special use permit are met. These standards shall include:
 - (a) That the proposed use will not adversely affect other property developed or able to be developed to the uses already permitted;
 - (b) That adequate utilities, access roads, drainage, and other necessary supporting facilities have been or are being provided;
 - (c) That adequate measures have been provided to accommodate ingress and egress so as to avoid congestion, not unduly impede surrounding traffic flows, or create hazardous or unsafe conditions;
 - (d) That the standards for site development, including landscaping, will be such as to enhance the proposed use and its setting, screen or so locate parking, loading, storage, and less attractive accessory uses away from public view, and to otherwise complement the visual appearance of the area in which the proposed project is to be located. The applicant may offer or the Plan Commission may require a site development and landscape and screening plan as part of the applicant's written statement; and
 - (e) That the proposed special use, if permitted, will conform to all other requirements of the district in which it is to be located or if not conforming, a listing of necessary variations which will be required subsequent to the granting of the special use permit by the Village Board.
3. Once the special use application has been filed with the ZEO, the ZEO shall arrange proper legal notice as required by law and schedule the public hearing for the next regular Plan Commission meeting which fulfills the minimum public notice requirements.
4. The Plan Commission shall hold a public hearing on the proposed special use at the time and place scheduled in the public notice. The hearing shall be conducted and a record of the proceedings preserved in the manner as from time to time prescribed by the Commission.
5. The Plan Commission, in its recommendation to the Village Board for the granting of a special use permit, may attach any conditions to its recommendation it feels appropriate to better meet the above standards specified for its review and recommendation relative to the granting of a special use permit.
6. Within forty five (45) days of the close of the hearing on the proposed special use, the Plan Commission shall make its recommendation to the Village Board attaching the applicant's signed statement and any other conditions suggested by the Plan Commission. The Village Board may grant or deny the special use permit and may modify or attach any additional conditions to which the proposed special use would be subject.

7. The granting of a special use by the Village Board shall constitute authorization for the ZEO to issue zoning permit(s) for the proposed use subject to any conditions imposed in the granting.
8. Special uses approved by the Village Board shall be designated on the Zoning Map by a symbol. Failure of the applicant or other subsequent person, individual, firm, or corporation continuing the special use, from continually maintaining the use in a manner complying with the conditions under which the use was granted, shall constitute a zoning violation subject to the penalties of this Title.¹

In the event of termination of a special use, permitted uses under the applicable zoning classification shall be the only uses allowed and for which subsequent building permits or use permits may be issued. (Ord. 78-31, 3-5-79)

9. If a special use is not initiated within three hundred sixty five (365) days from the time it is granted, it shall be deemed to be terminated, and in such case, permitted uses under the applicable zoning classification shall be the only uses allowed and for which subsequent building permits or use permits may be issued.
 - (a) This Subsection shall be effective on April 19, 1993. All special uses granted subsequent to the aforesaid date shall be subject to the aforesaid three hundred sixty five (365) day limit. All special uses granted prior to April 19, 1993, shall be initiated by July 1, 1994, and they are not eligible for any extension. If they are not initiated by July 1, 1994, they shall be deemed terminated.
 - (b) If, due to extenuating circumstances, and for good cause shown, a person, firm, or corporation who was previously granted a special use (except those granted prior to April 19, 1993) has failed to commence same within the applicable time limit, then the owner of the special use may petition the Village Board for an extension of up to an additional three hundred sixty five (365) days. Said petition must be filed within the original time limit, and the Village Board may in its sole discretion elect to extend the expiration date. (Ord. 92-36, 4-19-93)

10-10-3: **INTERPRETATION AND RELATION TO OTHER ORDINANCES AND RESTRICTIONS:**
 In interpreting and applying the provisions of this Title, they shall be held to be the minimum requirements for the promotion of public safety, health, convenience, comfort, morals, and general welfare. It is not intended by this Title to interfere with, abrogate, annul, or repeal any ordinance, rules, or regulations previously adopted and not in conflict with any of the provisions of this Title or which shall be adopted pursuant to law relating to the use of buildings or premises, nor is it intended by this Title to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties, except that where this Title imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open spaces than other covenants or other agreements, the provisions of this Title shall control. (Ord. 78-31, 3-5-79)

10-10-4: **REPEAL OF PRIOR ZONING REGULATIONS:**
 (Rep. by Ord. 78-31, 3-5-79)

¹ Section 10-10-5 of this Chapter.

10-10-5: PENALTIES:

- (A) **Violations And Penalties:** Any person or any entity which violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Title shall be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. (Ord. 78-31, 3-5-79; amd. Ord. 90-37, 4-15-91; amd. Ord. 99-37, 12-6-99)
- (B) **Village May Pursue Additional Remedies To Violations:** In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this Title, the proper authorities of the Village, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance, or use; to restrain, correct, or abate such violation; to prevent the occupancy of said building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about such premises. (Ord. 78-31, 3-5-79)

10-10-6: SEVERABILITY:

- (A) **Severability To Apply To The Title Provision:** If any court of competent jurisdiction shall adjudge any provision of this Title to be invalid, it is the intent of the Village Board that such judgment shall not affect any other provisions of this Title not specifically included in said judgment.
- (B) **Severability To Apply To Property, Building, Or Structure:** If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Title to a particular property, building, or structure, it is the intent of the Village Board that such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment. (Ord. 78-31, 3-5-79)

CHAPTER 11

FEES FOR ZONING ADMINISTRATION

SECTION:

- 10-11-1: Purpose
- 10-11-2: Zoning Permit
- 10-11-3: Zoning Certificate Of Occupancy
- 10-11-4: Variance
- 10-11-5: Appeal To Zoning Board Of Appeals
- 10-11-6: Special Use
- 10-11-7: Zoning Amendment
- 10-11-8: Combination Zoning Amendment And Special Use
- 10-11-9: Planned Residential Development
- 10-11-10: Publication Fees
- 10-11-11: Annexation Petition
- 10-11-12: Zoning Map
- 10-11-13: Site Plan Review

10-11-1: **PURPOSE:** In order to partially defray administrative costs, as well as the expense of public hearings, certain fees shall be paid to the Village as more particularly set forth herein. All applicable fees shall be paid at the time application is made. (Ord. 90-37, 4-15-91)

10-11-2: **ZONING PERMIT:** A fee of ten dollars (\$10.00).¹ (Ord. 90-37, 4-15-91)

10-11-3: **ZONING CERTIFICATE OF OCCUPANCY:** A fee of five dollars (\$5.00) shall be paid for the issuance of a zoning certificate in the event no zoning permit has been requested. There shall be no charge for said certificate if a zoning permit has been obtained.² (Ord. 90-37, 4-15-91)

10-11-4: **VARIANCE:** A fee of one hundred seventy-five dollars (\$175.00).³ (Ord. 98-12, 7-6-98; amd. Ord. 03-02, 7-7-03; amd. Ord. 06-25, 9-5-06)

¹ See zoning permit regulations, Subsection 10-10-2(A) of this Title.

² See zoning certificate of occupancy regulations, Subsection 10-10-2(B) of this Title.

³ See variance regulations, Subsection 10-10-2(C) of this Title.

- 10-11-5: **APPEAL TO ZONING BOARD OF APPEALS:** A fee of twenty five dollars (\$25.00).¹ (Ord. 90-37, 4-15-91)
- 10-11-6: **SPECIAL USE:** A fee of one hundred seventy-five dollars (\$175.00).² (Ord. 90-37, 4-15-91; amd. Ord. 03-02, 7-7-03; amd. Ord. 06-25, 9-5-06)
- 10-11-7: **ZONING AMENDMENT:** A fee of one hundred seventy-five dollars (\$175.00).³ (Ord. 90-37, 4-15-91; amd. Ord. 03-02, 7-7-03; amd. Ord. 06-25, 9-5-06)
- 10-11-8: **COMBINATION ZONING AMENDMENT AND SPECIAL USE:** A fee of one hundred seventy-five dollars (\$175.00) shall be paid when an application consists of a request for a combination zoning amendment and special use. (Ord. 90-37, 4-15-91; amd. Ord. 03-02, 7-7-03; amd. Ord. 06-25, 9-5-06)
- 10-11-9: **PLANNED RESIDENTIAL DEVELOPMENT (PRD):** A deposit of two hundred dollars (\$200.00) to cover the cost of reviewing the plans for the PRD shall be paid to the Village at the time the plans are submitted. Said review shall include, but not be limited to, ensuring compliance with Section 10-5-7 of this Title. If it is found that the cost of reviewing the plans exceeds two hundred dollars (\$200.00), the developer of the PRD shall be billed for any extra time at an hourly engineering rate, to be set from time to time by the Village Board. (Ord. 90-37, 4-15-91)
- 10-11-10: **PUBLICATION FEES:** All fees contained herein include any applicable required publication fees except for the fee for an annexation petition. (Ord. 90-37, 4-15-91; amd. Ord. 01-42, 4-1-02)
- 10-11-11: **ANNEXATION PETITION:** A fee of two hundred and fifty dollars (\$250.00) plus the actual cost of publication. (amd. Ord. 01-42, 4-1-02)
- 10-11-12: **ZONING MAP:** A fee of ten dollars (\$10.00) shall be due for a zoning map. (amd. Ord. 03-02, 7-7-03)
- 10-11-13: **SITE PLAN REVIEW:** Building permits requiring site plan review, in accordance with Section 10-4-6, shall have an additional building permit fee of one hundred dollars (\$100.00) to help defray the cost of reviewing plans. (amd. Ord. 03-02, 7-7-03)

¹ See Subsection 10-10-2(D) of this Title.

² See Subsection 10-10-2(F) of this Title.

³ See Subsection 10-10-2(E) of this Title.

CHAPTER 13
HOME OCCUPATIONS

SECTION:

- 10-13-1: Definition
- 10-13-2: Uses Allowed
- 10-13-3: Application Procedure
- 10-13-4: Guidelines
- 10-13-5: Permit
- 10-13-6: Exemptions
- 10-13-7: Revocation
- 10-13-8: Penalty
- 10-13-9: Existing Home Occupations
- 10-13-10: Childcare Provisions
- 10-13-11: Intent
- 10-13-12: Severability Clause

10-13-1: **DEFINITION:** A “home occupation” is a gainful business, occupation, or profession conducted entirely within a dwelling or garage and carried on by the residents legally residing in such dwelling. Such business, occupation, or profession shall be clearly incidental and secondary to the use of the dwelling for residential purposes. Home occupations may not be conducted upon or in any accessory building. A home occupation shall be allowed only in districts zoned for residential purposes. (Ord. 84-3, 6-18-84)

10-13-2: **USES ALLOWED:** A home occupation is allowed only if an occupant of the premises has obtained a home occupation permit as required by this Chapter. The allowance of home occupations is not intended to nor shall it be construed to abrogate or otherwise modify other zoning restrictions, subdivision restrictions, or covenants, or other restrictions that may apply to property for which a home occupation permit is granted. (Ord. 84-3, 6-18-84)

10-13-3: **APPLICATION PROCEDURE:** Any person desiring to obtain a permit for a home occupation shall make an application for same with the Zoning Enforcing Officer (ZEO) of the Village. The application shall be made on such forms as required by the ZEO. There shall be a nonrefundable fee of twenty five dollars (\$25.00) for the initial application. (Ord. 84-3, 6-18-84; amd. Ord. 90-37, 4-15-91)

The ZEO shall have fifteen (15) days to grant or deny the home occupation permit. The home occupation permit shall be issued by the ZEO if the applicant has certified that he or she will operate the home occupation in conformity with all the provisions of Title 10, Chapter 13, Section 4, Subsections (A) through (M) inclusive, and the ZEO reasonably believes that the applicant will so operate the home occupation. Any denial by the ZEO because he does not reasonably believe the applicant can or will operate the home occupation in conformity with all the guidelines referred to in Section 4, Subsections (A) through (M) inclusive of this Chapter shall be in writing with a statement of the reasons therefor.

If the ZEO denies the granting of a home occupation permit either because he does not reasonably believe the applicant will operate the home occupation in conformity with all the provisions of Section 4, Subsections (A) through (M) inclusive or because the applicant otherwise requests the granting of a waiver of one or more of the guidelines referred to in said Section 4, then the following procedure shall apply: The applicant shall have a period of forty five (45) days from the date of such denial to request a public hearing with the Plan Commission. The public hearing shall be held in the same manner and form as a public hearing for a special use permit; and the applicant shall pay the same application fee, except that the applicant shall receive a credit for his initial application fee. The Village Board shall have the right to review, and approve or disapprove, or modify the Plan Commission's recommendation after said public hearing.

10-13-4: **GUIDELINES:** A person obtaining a home occupation permit shall operate and conduct same in conformity with all of the following conditions unless a waiver pursuant to paragraph (N) of this Section is granted.

- (A) The home occupation shall be carried on only in the dwelling and/or garage subject to the following restrictions:
1. In the dwelling, the area used for a home occupation shall not exceed twenty percent (20%) of the total gross floor area.
 2. The garage may be used for home occupation purposes provided that the area used does not exceed fifty percent (50%) of the gross floor area of the garage, and further provided that such usage does not cause the garage to be permanently unusable for parking purposes.
 3. In no event shall the total area used for a home occupation in the dwelling and garage exceed three hundred (300) square feet.
- (B) No persons other than the people legally residing at the premises shall be employed for a salary, commission, or upon any other remunerative basis; nor shall any such persons report for work at or near the premises.
- (C) No mechanical or electrical equipment shall be used in a home occupation other than that which is customarily used for domestic or hobby purposes.
- (D) No exterior evidence or indication that a home occupation is being conducted on the premises is allowed, nor shall any variance for signs for a home occupation be allowed.
- (E) The home occupation shall not generate heat, noise, glare, vibration, smoke emission, noxious or toxic fumes, odors, vapors, or electrical interference which are readily detectable at any point on the boundaries of the premises.

- (F) The home occupation shall not involve the use of commercial vehicles for the delivery of materials to or from the premises, except that reasonable deliveries for wholesale purposes are allowed.
- (G) No article shall be sold or offered for sale on the premises except such as is produced on the premises or is provided incidental to the service or profession conducted therein.
- (H) Exterior storage of material or equipment is expressly prohibited.
- (I) Only one home occupation permit per premises shall be allowed.
- (J) The proposed home occupation use shall be such that it will not adversely affect other property in the neighborhood.
- (K) Adequate facilities, access roads, drainage, and other necessary supporting facilities are available or will, if necessary, be provided by the applicant.
- (L) Any additional traffic and/or parking problems reasonably expected to be generated by the home occupation shall not be such that it could be reasonably expected to adversely affect the residential character of the neighborhood, unduly impede surrounding traffic flows, or create hazardous or unsafe conditions in the neighborhood.
- (M) The home occupation shall comply with all applicable Federal, State, County, and Village of Morton laws, regulations, and ordinances.
- (N) A person may be entitled to a waiver of one or more of the guidelines set forth in Subsections (A) through (I) inclusive of this Section upon the showing of the following:
1. That such waiver is necessary because strict compliance with all of the guidelines would prohibit the granting of a home occupation permit as requested.
 2. That there is no other practical method in which the applicant could conduct the home occupation without the allowance of a waiver.
 3. That strict compliance with all of the guidelines would cause a hardship to the applicant, as distinguished from a mere inconvenience.
 4. The allowance of a waiver shall not be in derogation of any of the guidelines set forth in Subsections (J) through (M) inclusive of this Section; and the applicant shall show by clear and convincing evidence the necessity for granting a waiver.
- (O) Such other terms and conditions as may be imposed upon the granting of a home occupation permit.

10-13-5: **PERMIT:** In the event an application is approved, then a home occupation permit shall be issued to the applicant. Said permit shall apply only to the applicant, occupation, and premises stated in the application. The permit is nontransferable and nonassignable and shall remain in full force and effect unless revoked pursuant to Section 7 of this Chapter. Said permit shall also be deemed to be automatically revoked upon the earliest of the following: the applicant dies; the applicant moves from the premises where the permit was granted; or the applicant otherwise ceases engaging in the home occupation.

10-13-6: **EXEMPTIONS:** A person shall not be considered to be engaged in a home occupation under the following circumstances:

- (A) The use of a residence by a physician, surgeon, dentist, lawyer, clergyman, or other professional person for consultation or emergency treatment, but not for the general practice of the profession; nor shall such usage be on a routine or regular basis. Such use shall not be considered exempt if a person advertises his or her availability for consultation at the residence.
- (B) The listing of the premises in a telephone book or similar directory whereby a business name is used, which in and of itself shall not be considered to mean that a person is engaging in a home occupation.
- (C) A person using a premises as defined and allowed in this Section shall not engage in or permit other persons to visit the premises for the purpose of conducting or transacting business except on a sporadic basis. It is the intent of this Section to prohibit such usage that would occur on a regular basis or as a part of the conducting of a business but not otherwise isolated or sporadic visits.
- (D) Any person engaged in wholesaling, jobbing, or retail business, if said activity is conducted entirely by mail and/or telephone.
- (E) Teaching or other types of instruction shall not be considered a home occupation provided same is limited to one pupil at a time.
- (F) The aforesaid activities described in this Section shall be considered exempt only if the person conducting same is not engaged in any activity that would otherwise be prohibited by Section 4 of this Chapter.

10-13-7: **REVOCATION:** In the event a person is granted a home occupation permit and such person violates any of the provisions of Title 10, Chapter 13 of the Morton Municipal Code, or otherwise violates any provisions of the Morton Municipal Code, then such home occupation permit shall be automatically revoked upon written notice by the ZEO. (Ord. 84-3, 6-18-84)

10-13-8: **PENALTY:** Any person, firm, corporation, partnership, or other legal entity which conducts a home occupation in violation of any of the provisions of this Title 10, Chapter 13 shall be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Each day that a violation occurs shall constitute a separate offense. (Ord. 84-3, 6-18-84; amd. Ord. 90-37, 4-15-91; amd. Ord. 99-37, 12-6-99)

In addition to the foregoing penalty provisions, the proper authorities of the Village of Morton may institute any appropriate action or proceedings, including the obtaining of an injunction to prevent such further activity.

10-13-9: **EXISTING HOME OCCUPATIONS:** Any person engaged in a home occupation at the time of the passage of this Ordinance shall have a period of sixty (60) days from said date to apply for a home occupation permit subject to the following:

- (A) The applicant must provide adequate proof that he or she has been engaged in a home occupation prior to the date this Ordinance was passed.
- (B) The applicant must clearly state the home occupation and premises involved.
- (C) In the event an applicant is unable to comply with any or all of the provisions of Section 4 of this Chapter, then such applicant shall in his or her application clearly set forth which provisions he or she cannot comply with and the reasons therefor.

The ZEO shall then forward the application to the Morton Village Board for their consideration. The Village Board may approve or disapprove the waiving of compliance with any or all of the provisions of Section 4 of this Chapter. Such approval or disapproval shall require the vote of at least four (4) members of the Board of Trustees, including the vote of the President where applicable or necessary.

The Village Board may act upon the written application or may require the applicant to appear before the Village Board; and, in such case, the applicant will be given reasonable notice of the time.

The Village Board, in determining whether or not to allow the waiver of any or all of the provisions of Section 4 of this Chapter, shall use the following criteria:

1. The hardship upon the applicant if a waiver is not granted.
2. The history of the applicant's business and whether it has had any detrimental effect on the residential character of the neighborhood.
3. Whether the granting of the waiver will have a detrimental effect upon the residential character of the neighborhood.

- (D) Any applicant who obtains a home occupation permit under these provisions and who subsequently conducts same in violation of any of the terms and conditions of this Chapter or in violation of any waivers granted hereunder shall be subject to all of the penalty and revocation procedures of this Chapter.
- (E) The application to be made hereunder shall be made to the ZEO of the Village of Morton and shall not require the payment of any fee if made within the aforesaid sixty (60) day period.
- (F) The ZEO shall grant or deny a permit within ten (10) days of the application date.
- (G) Any person who has previously obtained a special use permit pursuant to the provisions of prior law shall not be required to obtain a home occupation permit and may continue to engage in such home occupation subject to the provisions of the prior law and such conditions as may have been imposed upon the granting of such special use permit.

10-13-10: **CHILD CARE PROVISIONS:**

- (A) A person providing child care for gain on a regular basis for unrelated persons shall not be considered engaged in a home occupation provided said person provides such care for no more than one person at a time.
- (B) A person providing child care for gain on a regular basis for unrelated persons and further provided that such care is for two (2) through eight (8) persons at a time shall be required to obtain a home occupation permit. Said permit shall be subject to all other provisions of this Chapter except that the provision in Subsection (A) of Section 4 of this Chapter shall not apply.
- (C) A person who desires to provide child care for gain for unrelated persons and for more than eight (8) persons at a time shall apply for a special use permit as provided for in other provisions of the Morton Zoning Code and shall not be eligible for a home occupation permit.
- (D) For purposes of this Section all terms that are used herein which are defined in the Child Care Act of 1969 shall have the same meaning as defined in said Act.

10-13-11: **INTENT:** It is the purpose and intent of this Chapter to provide further guidelines and criteria with respect to home occupations and to allow the continuation of certain home occupations as provided herein.

In the event a person continues to engage in a home occupation without obtaining a permit as required by this Chapter, it is the intent of this Chapter to allow for the prosecution of such person; and such persons continuing to conduct a home occupation without a permit shall be so prosecuted.

10-13-12: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Chapter or Ordinance or any part thereof, or application thereof to any person, firm, corporation, public agency, or circumstance, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or Ordinance or any part thereof. It is hereby declared to be the legislative intent of the Board of Trustees that this Chapter and Ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not then been included. (Ord. 84-3, 6-18-84)

CHAPTER 14
BORROW PITS

SECTION:

- 10-14-1: Borrow Pit Permit Required
- 10-14-2: Exemption From Borrow Pit Permit
- 10-14-3: Permission Of Other Agencies Or Owners
- 10-14-4: Liability
- 10-14-5: Filing Requirements
- 10-14-6: Time Limits, Approvals, And Denials
- 10-14-7: Request For Reconsideration
- 10-14-8: Specifications
- 10-14-9: Improvement Security
- 10-14-10: Suspension And Revocation Of Permit
- 10-14-11: Injunction
- 10-14-12: Right Of Entry
- 10-14-13: Stop Work Orders
- 10-14-14: Other General Requirements
- 10-14-15: Fine
- 10-14-16: Severability

10-14-1: **BORROW PIT PERMIT REQUIRED:** It shall be unlawful for any person, firm, or corporation to borrow any excavated earth material from one property in the corporate limits of the Village and move it to another property without first obtaining the following:

(A) A special use permit for the location of the borrow pit. A special use permit shall be subject to all other requirements of the Morton Zoning Code regarding special uses and any other requirements of this Chapter that may apply.

(B) A permit from the Superintendent of Public Works (SPW).

10-14-2: **EXEMPTION FROM BORROW PIT PERMIT:** The provisions of this Chapter shall not apply to any excavations wherein less than one thousand five hundred (1,500) cubic yards of earth are moved.

10-14-3: **PERMISSION OF OTHER AGENCIES OR OWNERS:** The borrow pit permit shall not relieve the permittee of responsibility for securing other permits or approvals required for work which is regulated by any other department or other public agency or for obtaining any easements or authorization for removing or transporting earth materials on property not owned by the permittee. Where any submittal provision, standard, or surety is substantially addressed by another permit, the SPW may waive said requirement.

10-14-4: **LIABILITY:** Neither issuance of a permit under the provisions of this Chapter nor compliance with the provisions hereof or with any conditions imposed in a permit issued hereunder shall relieve the applicant from responsibility for damage to any person or property or impose any liability upon the Village for damage to any person or persons.

10-14-5: **FILING REQUIREMENTS:** An applicant desiring a borrow pit permit shall do the following:

- (A) Request a special use permit.
- (B) Submit an application with the SPW. Said application must be submitted at least forty five (45) days prior to the proposed public hearing.

10-14-6: **TIME LIMITS, APPROVALS, AND DENIALS:** The SPW shall approve, conditionally approve, or deny the application within twenty five (25) days after receipt of a completed application. An application shall be approved if it is complete in form, has all required information, and meets all applicable standards established in this Chapter. Otherwise, it shall be denied. Any approval or denial shall be in writing with the reasons for denial specifically identified. Annotations on the site plan shall be considered sufficient detail of the reasons for denial. In the event the SPW denies the application, then the special use hearing shall automatically be continued until the following month in order that the applicant may have the matter reconsidered prior to said hearing. It is expressly understood that no special use public hearing shall be held unless the SPW has otherwise approved the application.

10-14-7: **REQUEST FOR RECONSIDERATION:** If an application is denied or conditionally approved, the applicant may request in writing, within ten (10) days after the decision, a reconsideration of the decision by the SPW. The request for reconsideration shall state specific reasons or changes for the reconsideration. The SPW shall act upon the request for reconsideration within fourteen (14) days of its receipt. Failure to act shall be constituted as denial of the request for reconsideration.

10-14-8: **SPECIFICATIONS:** The SPW has on file a set of specifications that shall apply to borrow pits.

10-14-9: **IMPROVEMENT SECURITY:** As a condition for the issuance of a borrow pit permit, the SPW shall require an improvement security in an amount considered by him to assure performance of the erosion and sediment control work, or the cost of removing the work, or otherwise reconstructing or restoring the site in the event of default on the part of the permittee. The amount of the security should be the cost of the work plus a ten percent (10%) contingency. Said security shall be in the form of cash escrow, a letter of credit, or performance bond, in a form acceptable to the Village. The improvement security shall remain in effect until final inspections have been made and all grading work has been accepted by the SPW. At the discretion of the SPW, any or all of the security may be retained for a period of one year to warrant the work.

Any letter of credit, performance bond, or deposit required pursuant to this Section shall be payable to the Village.

Upon satisfaction of applicable provisions of this Section, the improvement and maintenance securities will be released. However, upon failure to complete the work, failure to comply with all of the terms of the permit, or failure of the erosion and sediment control measures to function properly, the Village may do the required work or cause it to be done and collect from the permittee or surety all costs incurred, including administrative and inspection costs. Any unused portion of a deposit or bond shall be refunded to the permittee after deduction by the Village of the cost of the work.

10-14-10: **SUSPENSION AND REVOCATION OF PERMIT:** The SPW may suspend or revoke a permit for violation of this Chapter, violation of the permit approval, or misrepresentations by permit holder, his agents, employees, or independent contractors under contract with the permittee.

10-14-11: **INJUNCTION:** The Village Attorney has the authority to petition a court of competent jurisdiction for the issuance of a temporary restraining order, preliminary injunction, permanent injunction, or combination thereof, as may be appropriate, requiring any person not complying with this Chapter to comply therewith, cease operation, or authorize Village personnel to enter the property and remove or correct the hazardous or unsafe conditions.

10-14-12: **RIGHT OF ENTRY:** Whenever necessary to enforce the provisions of this Chapter, the SPW can enter the premises at all reasonable times to perform any duty imposed by this Chapter. If such entry is refused, the SPW shall have recourse to every remedy provided by law to secure entry.

10-14-13: **STOP WORK ORDERS:** Whenever any work is being done contrary to the provisions of this Chapter or any other applicable law, rule, or regulation, the SPW can order the work stopped by serving written notice on any persons engaged in doing or causing such work to be done. Any such person shall forthwith stop such work until authorized by the SPW to proceed with the work. If there are no persons present on the premises, the notice may be posted in a conspicuous place. The notice shall state the nature of the violation.

10-14-14: **OTHER GENERAL REQUIREMENTS:**

(A) Setback requirements for any borrow pit shall be one hundred fifty feet (150') from any property line or right of way line to the edge of excavation. Pursuant to any special use procedure, said setback requirements may be greater.

(B) The applicant will also have to provide any fencing, screening, or other requirements as may be imposed regarding the issuance of a special use permit.

10-14-15: **FINE:** Any person or entity which violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Chapter shall be fined not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. (amd. Ord. 99-37, 12-6-99)

10-14-16: **SEVERABILITY:** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Chapter or Ordinance or any part thereof, or application thereof to any person, firm, corporation, public agency, or circumstance, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or Ordinance or any part thereof. It is hereby declared to be the legislative intent of the Board of Trustees that this Chapter and Ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not then been included. (Ord. 86-23, 4-20-87)

CHAPTER 15

MIXED-USE ZONING DISTRICT

SECTION:

10-15-1:	Purpose
10-15-2:	Permitted Uses
10-15-3:	Special Use For Mixed Use
10-15-4:	Mixed Uses/Residential
10-15-5:	Special Conditions
10-15-6:	General Requirements
10-15-7:	Green Space
10-15-8:	Building Materials
10-15-9:	Street Travel Transparency
10-15-10:	Signs
10-15-11:	Parking
10-15-12:	Applicability
10-15-13:	Storm Water

10-15-1: **PURPOSE:** The purpose of the downtown mixed-use overlay district is to accommodate retail, service, and office including mixed uses that enhance and revitalize the downtown area.

10-15-2: **PERMITTED USES:**

(A) Permitted Uses:

1. Home, regional, district, and branch offices not to include trucking, manufacturing, or advertising signs or displays.
2. Offices for educational, fraternal, professional, and religious organizations.
3. Real estate and insurance company offices.
4. Offices of doctors, dentists, lawyers, architects, engineers, and similar professions.
5. Offices for governmental agencies.
6. Medical and dental clinics, excluding animal clinics or animal hospitals.
7. Barber and beauty shops.
8. Churches, convents, and monasteries.
9. Banks, savings and loans, and other financial institutions.
10. Book and stationary stores.
11. Camera and photographic supply stores.
12. Candy and ice cream stores, including stores where commodities are produced on premises for sale exclusively on the premises.

13. Carpet and rug stores.
14. China and glassware stores.
15. Department stores.
16. Drugstores.
17. Dry cleaning and laundry pick-up stations.
18. Dry goods stores.
19. Electric and household appliance stores, including radio and television sales and repair.
20. Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use.
21. Garden supply stores.
22. Gift shops.
23. Haberdashery.
24. Hardware stores.
25. Hobby shops for retail of items to be assembled or used away from the premises.
26. Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use.
27. Jewelry stores, including watch repairs.
28. Laboratories, medical, and dental research and testing.
29. Leather goods and luggage stores.
30. Libraries and reading rooms.
31. Liquor, beer, and wine outlets.
32. Musical instruments, sales, and repair facilities.
33. Office supply stores.
34. Paint and wallpaper stores.
35. Pet stores, but not including outdoor kennels or runways.
36. Photography studios, including the developing of film and pictures when conducted as part of the retail business on the premises.
37. Public meeting halls.
38. Restaurants, tea rooms, and taverns or similar establishments serving alcoholic liquors with an outdoor eating, drinking or seating area. Drive-in restaurants where food is provided to customers in cars are not permitted.

- 39. Sales and display rooms.
- 40. Shoe stores and shoe repair.
- 41. Sporting goods stores.
- 42. Supermarkets and retail food stores.
- 43. Tailor or dressmaking shops.
- 44. Telegraph, telephone, or utility offices.
- 45. Theaters (not drive-ins).
- 46. Toy shops.
- 47. Variety shops.
- 48. Bed and breakfast establishments.

10-15-3: **SPECIAL USE FOR MIXED USE:** All mixed uses will be special use, and coordinated with permitted uses.

10-15-4: **MIXED USES/RESIDENTIAL:**

- (A) Residential uses on the second floor or additional floors provided the first floor is retail or office use.
- (B) Residential uses on main floor provided sixty percent (60%) of main floor is used for retail, office or service, and residential space is a minimum of 500 square feet per unit. Street or building frontage must be devoted to the retail component with residence behind. (amd. Ord. 15-16, 2-1-16)

10-15-5: **SPECIAL CONDITIONS:**

- (A) There shall be no outside storage of goods, materials, or products. This does not prohibit the display of merchandise for sale.
- (B) Drive throughs are prohibited except for banking facilities.
- (C) All building permit applications are subject to site plan review.
- (D) All provisions in the zoning code apply unless there is a specific provision in this chapter to the contrary.

10-15-6: **GENERAL REQUIREMENTS:**

Lot Coverage:

- (A) Minimum lot area per dwelling unit shall be one thousand (1,000) square feet for mixed-use buildings and one thousand five hundred (1,500) square feet for all other.

(B) Minimum Requirements For Building And Pavement:

Front: Fifteen feet (15') minimum of sidewalk from back of curb to building. If in the event there is less than ten feet (10') of right-of-way, the property owner will donate the difference to achieve the required ten feet (10').

Side: Seven feet six inches (7' 6") minimum.

Rear: Six feet (6') minimum.

Pavement: Six feet (6') minimum on front, rear, and side.

Height: No greater than three stories or forty feet (40').

10-15-7: **GREEN SPACE:** One of the primary aspects of mixed-use zoning is to allow greater density, while emphasizing existing community positives such as walking, bicycling, and alternative modes of travel. To maximize space and use, the mixed-use overlay district requires zero green space.

10-15-8: **BUILDING MATERIALS:** Materials used for construction, rehabilitation, and remodel must all be consistent with the standards and requirements of the respective properties as found in Sec. 10-4-6-9 'Decorative Masonry'.

10-15-9: **STREET TRAVEL TRANSPARENCY:** Non-residential buildings facing a street, will be at least thirty five percent (35%) transparent at street level allowing pedestrian viewing and daylight inside. Upper levels facing the street are encouraged to maximize windows wherever possible.

10-15-10 **SIGNS:** As required per Sec. 10-9-6 (Sign Regulations Within Business Districts).

10-15-11 **PARKING:** The design intent of mixed-use development is to encourage pedestrian and alternative methods of transportation. New mixed-use development shall maintain a one-to-one ratio of reserved parking for each residential unit offered in the development or site.

10-15-12 **APPLICABILITY:** Any property which is zoned B-1 or B-2 and is located in the mixed-use area as reflected in the map at the end of this ordinance is eligible for a special use as provided in this chapter.

10-15-13 **STORM WATER:** As required per Sec. 10-4-6 (Site Plan Review).

(Ord. 14-34, 3-2-15; amd. Ord. 14-39, 5-4-15)