

**VILLAGE OF MORTON  
ORDINANCE 23-10**

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

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

**SECTION 1:**        **AMENDMENT** “10-5-2: R-S Residential Suburban District And Planned Residential Development District” of the Morton Municipal Code is hereby *amended* as follows:

**A M E N D M E N T**

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

A. Permitted Uses:

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

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

1. Public, parochial, or private elementary, junior high, and high schools offering courses in general education.
2. Junior colleges, colleges, and universities.
3. Public or private country clubs or golf courses, but not lighted courses nor driving ranges.
4. Cemeteries.
5. Churches, temples, convents, and monasteries, but only when located on a collector, major road, or street as so designated on the Official Map of the Village of Morton.
6. Utility and public service buildings and uses.
7. Planned residential developments, as defined in Chapter 2 of this Title, subject to the review procedure and conditions as outlined in Section 10-5-8 of this Chapter. (Ord. 78-31, 3-5-79)
8. Day care centers and nursery schools. (Ord. 84-1, 5-21-84)
9. Outdoor recreation facilities. (Ord. 88-21, 4-20-87)

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

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

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

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

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

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

portion of the drive in the front yard, even though encroaching on the landscaped yard to partially meet the off-street parking requirements as provided in Section 10-8-6 of this Title.

7. They shall be hard surfaced with bituminous concrete or concrete.
- F. Accessory Uses or Buildings: Accessory uses and accessory buildings or structures shall be permitted subject to the following
1. They shall be located within the required rear yard.
  2. They shall maintain a side and rear setback of six feet (6') for all lots except corner lots. For corner lots the accessory building or structure shall maintain a setback of twenty feet (20') for any side which abuts a street.
  3. They shall not be established within the territory of an existing Village of Morton easement or other utility easement
  4. There shall not be a limit on the permitted number of accessory ~~uses~~ structures per lot, except that no two (2) uses shall be identical. For purposes of this limitation, a gazebo shall not be considered an accessory building.
  5. The height of any accessory building or structure shall not ~~and six feet (6') for all other sides~~ exceed thirteen feet (13') or the height of the primary structure, whichever is less.
  6. The following area limitations shall apply to individual accessory structures:
    - a. The area of any accessory building ~~or structure~~ shall not exceed 1.6% of the lot area to a maximum of four hundred eighty (480) square feet.
    - b. The area of any ground mount solar system shall not exceed 1.6% of the lot area to a maximum of four hundred eighty (480) square feet. The area of a ground mount solar system shall be calculated by determining the total lot area covered by solar panels when the solar panels are in the position which results in the greatest lot coverage.
    - c. There shall be no limit on the size of any other individual accessory structure, subject however to the limitation on the total lot coverage set forth in this section for all accessory structures.
  7. Any side(s) of an accessory building abutting a street shall be screened as follows: at the time of construction (or if weather requires, no later than six(6) months after construction) two rows of evergreens shall be planted which shall be of a variety which, at maturity, shall grow together when planted ten feet (10') on center, and shall be at least five feet (5') in height when planted, and which rows shall be staggered or offset so as to maximize screening of the accessory structure. If the rear yard is completely enclosed by a privacy fence six feet (6') in height, then the landscape screening requirement shall be waived.
  8. The ~~total area square footage~~ of all accessory structures ~~uses~~ permitted hereunder shall not exceed sixty percent (60%) of the actual rear yard.
  9. A garage may replace an existing garage and shall be allowed in areas in which a reduced landscaped yard is allowed subject to the following:
    - a. The garage shall not exceed twenty-four and one-half feet (24 1/2') in width or length
    - b. The new garage cannot be any closer to the rear or side lot line than the existing garage and in no event shall its wall be closer than two feet (2') or its eaves closer than one foot (1') from the side property

line.

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

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

- G. Minimum Square Footage for Single-Family Residences: Any building used as a single-family residence shall contain on the ground floor eight hundred (800) square feet of livable floor space.
- H. Building Height: No building hereafter erected or portion of a building structurally enlarged shall exceed the following height limitations except for those general exceptions to height limitations listed in Section 10-4-3 of this Title.
  - 1. Churches: forty five feet (45') for the main structure.
  - 2. All other permitted buildings: thirty five feet (35') or two and one-half (2 1/2) stories.
- I. Satellite Dishes: A satellite dish, which is defined as a device used for the reception of communications or other signals from orbiting satellites, is permitted subject to the following conditions:
  - 1. Dishes mounted on the ground level shall not exceed a height of twelve feet (12')
  - 2. Dishes mounted on the rooftop or chimney of a structure shall not be greater than two feet (2') in diameter, and the highest point of the dish shall not exceed thirty five feet (35') measured from the top to the curb level
  - 3. The dish shall not contain any lettering other than that placed on same identifying the manufacturer and shall not otherwise be used for the display of messages
  - 4. Ground-mounted dishes shall be reasonably concealed from the view at ground level of adjacent properties on all sides, except to the side which the dish is directed to receive the signal. ON that side the view shall be obscured to the extent possible without interfering with the reception of the signal. Fencing or landscape screening shall be used for such purpose subject to the general requirements for same as provide don other sections of this Code. Any landscape screening that is used must be plated within six (6) months of the date of the installation of the dish and must be continuously maintained. Any landscape screening that is used must be non-deciduous and must be of a minimum height of four feet (4') when planted.
  - 5. A ground-mounted dish shall be considered an accessory use.
  - 6. A satellite dish may be used only if it is permanently affixed to the ground, rooftop, or chimney of a structure. Satellite antenna dishes may not be located or affixed to any moveable object, including but not limited to motor vehicles, trailers or other moveable objects. The use of a satellite antenna dish on a temporary basis is expressly prohibited.
- J. Swimming pools: Swimming pools shall be permitted, subject to the following
  - 1. Each swimming pool shall conform to the requirements of an accessory use
  - 2. Surrounding each swimming pool, whether the pool be inground or above ground, there shall be erected an enclosure fence which shall be at least five

feet (5') in height. A wall of at least five feet (5') in height is sufficient for one (1) or more sides of the enclosure. A screened-in patio area completely enclosing a pool shall be considered an appropriate enclosure.

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

3. The gates of the required fence shall be self-closing and have self-latching latches placed at least four feet (4') above the ground. The fence shall be so constructed as to not allow a five inch (5") diameter sphere to pass through the fence
  4. No pool shall be filled with water of a depth of two feet (2') or more until the enclosure required by this Section has been provided.
  5. Swimming pools and their required enclosures shall be maintained in a reasonable state of repair and condition. Water shall not be allowed to become stagnant.
- K. Fences: Chain link fences not exceeding four feet (4') in height shall be permitted in the R-S District in areas outside of the required yard area. Ornamental fences and enclosure fences not exceeding six feet (6') in height shall be permitted in the R-S District in areas outside of the required yard area. It shall be unlawful for any person to erect, construct, maintain or permit a fence that is constructed of materials that are not specifically manufactured as fencing materials, such as rope, string, galvanized sheet metal, plywood, corrugated metal, or the like. It shall be unlawful for any person to erect, construct, maintain, or permit a fence that is constructed of materials that are intended for agricultural usage or for retaining livestock, such as barbed wire, chicken wire, hog wire, wire fabric, or other similar welded or woven wire fabrics. It shall further be unlawful for any person to construct a fence with slats of any material (including but not limited to metal, fiberglass or bamboo) threaded through a chain link fence. A direct path unobstructed from fencing shall be maintained between the street and the gas meter and water meter electronic reading device.
- L. Parking Regulations: It shall be lawful in this zoning district to park recreational vehicles, campers, boat trailers and/or trailers on a driveway. In addition, it shall be lawful to park a trailer which is not an enclosed trailer in the rear yard on an all-weather, durable and dustless surface, such as an asphalt, interlocking concrete paver, brick or cement pavement surface. No recreational vehicle, camper, boat or trailer shall be parked in such a manner so as to obstruct, in whole or in part, a sidewalk, alley or street. It shall be unlawful for any person, firm or corporation to park any semitrailer, pole trailer, tow truck, tractor, or truck tractor on any lot in this zoning district. It shall be unlawful to any person to reside, even temporarily, in any recreational vehicle, camper, or trailer in this zoning district. It shall be unlawful to park any recreational vehicle, camper, boat trailer, or trailer in any manner not expressly permitted by this section.
- M.

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

AMENDMENT

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

A. Permitted Uses:

1. Single-family dwellings.
2. Agricultural uses consisting only of growing crops, truck gardening, and flower gardening.
3. Temporary construction buildings and uses at the construction site and only during the construction period.
4. Accessory buildings and uses.
5. Community residence. (Ord. 89-19, 2-5-90)

B. Special Uses: The following uses are permitted subject to the public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title. (Ord. 73-31, 3-5-79; amd. Ord. 84-1, 5-21-84; amd. Ord. 84-3, 6-18-84)

1. Any use permitted as a special use in the R-S and Planned Residential Development District, except outdoor recreation facilities and borrow pits. (Ord. 86-21, 4-20-87; amd. Ord. 07-09, 6-4-07)
2. Hospitals, sanitariums, rest homes, and retirement centers. (Ord. 78-31, 3-5-79; amd. Ord. 84-1, 5-21-84; amd. Ord. 84-3, 6-18-84; amd. Ord. 84-25, 4-15-85; amd. Ord. 08-19, 10-6-08)
3. Publicly owned parks.
4. Private recreation areas. (Ord. 78-31, 3-5-79; amd. Ord. 84-1, 5-21-84; amd. Ord. 84-3, 6-18-84)

C. Required Lot Area And Width: Every building hereafter erected or structurally enlarged shall be on a lot having an area of not less than seven thousand five hundred (7,500) square feet for interior lots and nine thousand five hundred (9,500) square feet for corner lots, and a width of the building line of not less than seventy five feet (75') for interior lots and not less than ninety five feet (95') for corner lots. Lots zoned R-1A shall have an area of not less than eight thousand (8,000) square feet and a width of not less than sixty five feet (65') at the building line. This requirement shall not apply to planned residential developments which shall meet the requirements of Section 10-5-8 of this Title or for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title. Any lots within one-half (1/2) mile of a livestock feeding operation that is in operation at the time of the platting of the lots, must be one (1) acre in size. (amd. Ord. 06-19, 7-10-06; amd. Ord. 12-14, 11-19-12)

1. Front Yard: No building shall be erected without providing or maintaining a front yard of thirty-five feet (35') unless the depth of the lot is less than one hundred thirty-five feet (135'), in which case the front yard shall be no less than twenty-five feet (25'). In the event the building is constructed in an established area on one side of the street between two (2) intersecting streets that is improved with buildings that have observed a front yard depth which is less than the thirty-five feet (35') or twenty-five feet (25') requirement, then in such established districts, the front yard depth may be the same as,

but not less than, the building immediately adjacent to either side of the proposed building. In the event the building is constructed in an area within the territory set forth in Section 10-4-3 {G}, then the required front yard shall be reduced to twenty six feet four inches {26'4"} for lots with a depth not less than one hundred thirty five feet {135'}, or to eighteen feet nine inches {18'9"} for lots with a depth of less than one hundred thirty five feet {135'}.

2. Side Yard: No building shall be erected or enlarged without providing or maintaining combined side yards of twenty feet (20') or twenty percent (20%) of the lot width as measured at the building line, whichever is less; no single side yard shall be less than seven feet (7').
3. Rear Yard: No building shall be erected or enlarged without providing or maintaining a rear yard of twenty five feet (25').
4. R-1A Front Yard: No building shall be erected without providing or maintaining a front yard of thirty-five feet (35') unless the depth of the lot is less than one hundred thirty-five feet (135') in which case the front yard shall be no less than twenty-five feet (25'). In the event the building is constructed in an area within the territory set forth in Section 10-4-3(G), then the required front yard shall be reduced to twenty six feet four inches (26'4") for lots with a depth not less than one hundred thirty-five feet (135'), or to eighteen feet nine inches (18'9") for lots with a depth of less than one hundred thirty-five feet (135').
5. R-1A Side Yard: No building shall be erected or enlarged without providing or maintaining combined side yards of twelve feet (12'); no single side yard shall be less than six feet (6').
6. R-1A Rear Yard: No building shall be erected or enlarged without providing or maintaining a rear yard of twenty five feet (25').
7. Fences: Ornamental fences, enclosure fences, and chain link fences meeting the required conditions are exempt from the specific yard requirements as noted. Except those fences specifically permitted pursuant to the terms of this section, no other fences shall be permitted within the required yard area.
  - a. Front Yard Fences:
    - (1) Front Yard Fences on Interior Residential Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted within the front yard. Enclosure fences are not permitted in front yards of interior lots.
    - (2) Front Yard Fences on Corner Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted in either front yard. An enclosure fence not exceeding six feet (6') in height is permitted in that front yard which the building does not face, providing such front yard enclosure fence is set back from the property line one-half (1/2) the required front yard distance for that district or ten feet (10'), whichever is greater. It is further required that fences respect obstruction to visibility requirements of 10-4-3(I).
  - b. Side and Rear Yard Fences: Ornamental fences and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. Chain link fences not exceeding four feet (4') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08; amd. Ord. 12-14, 11-19-12)

D. Building Height: No building hereafter erected or portion of a building structurally enlarged

shall exceed the following height limitations, except for those general exceptions to height limitations listed in Section 10-4-3 of this Title:

1. Churches: forty five feet (45') for the main structure.
2. All other permitted buildings: thirty five feet (35') or two and one-half (2 1/2) stories. (Ord. 78-31, 3-5-79)

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

1. They may be within the required yard area, so long as such driveway complies in all regards with the specifications set forth in the Driveway Standards.
2. No driveway shall be constructed closer than thirty-five feet (35') to any intersection of residential streets and fifty feet (50') to any intersection involving collector or major streets.
3. No more than one driveway per dwelling unit shall be allowed, except however if a property abuts an alley which is driveable the property may maintain driveway access from both the alley and the fronting street.
4. Circular driveways shall not be permitted except for lots of a width of one hundred fifty feet (150') which were improved with a circular driveway prior to June 1, 2022, and then in such instance one (1) circular drive per lot is allowance, provided that the total driveway width of both openings does not exceed thirty-six feet (36') and that any one (1) opening does not exceed twenty four feet (24').
5. Common drives as recorded on plat to be shared by adjacent lots are permitted in side yards
6. For adjacent one (1) and two-family (2) residential structures, driveway pavement can extend to within six (6) feet of the side or rear property lines, and the landscape screening requirement is waived. Notwithstanding the foregoing, one(1) and two-family residential structures can only utilize the portion of the drive in the front yard, even though encroaching on the landscaped yard to partially meet the off-street parking requirements as provided in Section 10-8-6 of this Title.
7. They shall be hard surfaced with bituminous concrete or concrete.

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

1. They shall be located within the required rear yard.
2. They shall maintain a side and rear setback of six feet (6') for all lots except corner lots. For corner lots the accessory building or structure shall maintain a setback of twenty feet (20') for any side which abuts a street and six feet (6') for all other sides.
3. They shall not be established within the territory of an existing Village of Morton easement or other utility easement
4. There shall not be a limit on the permitted number of accessory ~~uses~~structures per lot, except that no two (2) uses shall be identical. For purposes of this limitation, a gazebo shall not be considered an accessory building.
5. The height of any accessory building or structure shall not exceed thirteen feet (13') or the height of the primary structure, whichever is less. ~~The area of any building or structure shall not exceed 1.6% of the lot area to a maximum of four hundred eighty (480) square feet~~
6. The following area limitations shall apply to individual accessory structures:
  - a. The area of any accessory building, except a detached garage, shall not exceed 1.6% of the lot area to a maximum of four hundred eighty (480) square feet.

b. The total area of any ground mount solar system shall not exceed 1.6% of the lot area to a maximum of four hundred eighty (480) square feet. The area of a ground mount solar system shall be calculated by determining the total lot area covered by solar panels when the solar panels are in the position which results in the greatest lot coverage.

c. There shall be no limitation on the size of any other individual accessory structure, subject however to the limitation on the total lot coverage set forth in this section for all accessory structures.

7. Any side(s) of an accessory building abutting a street shall be screened as follows: at the time of construction (or if weather requires, no later than six (6) months after construction) one row of evergreens shall be planted which shall be of a variety which, at maturity, shall grow together when planted ten feet (10') on center, and shall be at least five feet (5') in height when planted, and which rows shall be staggered or offset so as to maximize screening of the accessory structure. If the rear yard is completely enclosed by a privacy fence six feet (6') in height, then the landscape screening requirement shall be waived. Required landscape screening shall be maintained at all times.
8. The total area of all accessory structures ~~square footage of all uses~~ permitted hereunder shall not exceed sixty percent (60%) of the actual rear yard
9. A garage may replace an existing garage and shall be allowed in areas in which a reduced landscaped yard is allowed subject to the following:
- The garage shall not exceed twenty-four and one-half feet (24 1/2') in width or length
  - The new garage cannot be any closer to the rear or side lot line than the existing garage and in no event shall its wall be closer than two feet (2') or its eaves closer than one foot (1') from the side property line.
  - Notwithstanding the other provisions of this Chapter, a driveway for a garage which meets the requirements of this subparagraph may be located as close to the side property line as is allowed the garage

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

H. Fences: Chain link fences not exceeding four feet (4') in height shall be permitted in the R-1 District in areas outside of the required yard area. Ornamental fences and enclosure fences not exceeding six feet (6') in height shall be permitted in the R-1 District in areas outside of the required yard area. It shall be unlawful for any person to erect, construct, maintain or permit a fence that is constructed of materials that are not specifically manufactured as fencing materials, such as rope, string, galvanized sheet metal, plywood, corrugated metal, or the like. It shall be unlawful for any person to erect, construct, maintain, or permit a fence that is constructed of materials that are intended for agricultural usage or for retaining livestock, such as barbed wire, chicken wire, hog wire, wire fabric, or other similar welded or woven wire fabrics. It shall further be unlawful for any person to construct a fence with slates of any material (including but not limited to metal, fiberglass or bamboo) threaded through a chain link fence. A direct path unobstructed from fencing shall be maintained between the street and the gas meter and water meter electronic reading device.

I. Parking Regulations: It shall be lawful in this zoning district to park recreational vehicles,

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

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

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

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

1. Dishes mounted on the ground level shall not exceed a height of twelve feet (12')
2. Dishes mounted on the rooftop or chimney of a structure shall not be greater than two feet (2') in diameter, and the highest point of the dish shall not exceed thirty five feet (35') measured from the top to the curb level
3. The dish shall not contain any lettering other than that placed on same identifying the manufacturer and shall not otherwise be used for the display of messages
4. Ground-mounted dishes shall be reasonably concealed from the view at ground level of adjacent properties on all sides, except to the side which the dish is directed to receive the signal. ON that side the view shall be obscured to the extent possible without interfering with the reception of the signal. Fencing or landscape screening shall be used for such purpose subject to the general requirements for same as provide don other sections of this Code. Any landscape screening that is used must be plated

within six (6) months of the date of the installation of the dish and must be continuously maintained. Any landscape screening that is used must be non-deciduous and must be of a minimum height of four feet (4') when planted.

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

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

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

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

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

**SECTION 3:            AMENDMENT “10-5-4: R-2 Two-Family And Planned Residential Development District” of the Morton Municipal Code is hereby *amended* as follows:**

**A M E N D M E N T**

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

**A. Permitted Uses:**

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

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

1. Any use permitted as a special use in the R-1 One-Family and Planned Residential Development District. (Ord. 78-31, 3-5-79)
  2. Community activity center. (Ord. 94-13, 8-1-94)
  3. Two (2) duplexes on one (1) lot. (Ord. 99-34, 11-1-99)
  4. Supported Living Facility (Ord. 14-32, 12-15-14)
  5. Supported Living Facility With Limited Commercial Use. (Ord. 14-32, 12-15-14)
- C. Required Lot Area And Lot Width: Every building hereafter erected or structurally enlarged shall be on a lot of the following minimum area and width:
1. Interior lot one (1)-family dwellings hereafter erected or structurally enlarged shall be on a lot of not less than seven thousand five hundred (7,500) square feet and not less than seventy five feet (75') width as measured at the building line. Corner lot one (1) -family dwellings shall be on a lot of not less than nine thousand five hundred (9,500) square feet and not less than ninety five feet (95') width as measured at the building line.
  2. Interior lot two (2)-family dwellings hereafter erected or structurally enlarged shall be on a lot of not less than ten thousand (10,000) square feet and not less than one hundred feet (100') width as measured at the building line. Corner lot two (2)-family dwellings shall be on a lot of not less than twelve thousand (12,000) square feet and a minimum width at the building line of one hundred twenty feet (120').
  3. The above requirements for lot area shall not apply to planned residential developments which shall meet the requirements of Section 10-5-8 of this Chapter or for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title.
  4. For lots where a special use for two (2)- family dwellings has been granted, an interior lot must be twenty thousand (20,000) square feet with not less than one hundred feet (100') width as measured at the building line and a corner lot shall be not less than twenty four thousand (24,000) square feet with a minimum width of one hundred twenty feet (120') as measured at the building line. On either type of lot, duplexes must be at least fourteen feet (14') apart. (Ord. 99-34, 11-1-99)
  5. Any lots within one-half (1/2) mile of a livestock feeding operation that is in operation at the time of the platting of the lots, must be one (1) acre in size. (amd. Ord. 06-19, 7-10-06)
- D. Required Yard Areas: Every building hereafter erected or structurally enlarged shall provide or maintain the following yard requirements, except for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title and except for those general exceptions to yard requirements as outlined in Section 10-4-3 of this Title.
1. Front Yard: No building shall be erected without providing or maintaining a front yard of thirty five feet (35') unless the depth of the lot is less than one hundred thirty five feet (135') in which case the front yard shall be no less than twenty five feet (25'). In the event the building is constructed in an established area on one side of the street between two (2) intersecting streets that is improved with buildings that have observed a front yard depth which is less than the thirty five feet (35') or twenty five feet (25') requirement, then in such established districts the front yard depth may be the same as, but no less

than, the building immediately adjacent to either side of the proposed building.

2. Side Yard: No building shall be erected or enlarged without providing or maintaining combined side yards of twenty feet (20') or twenty percent (20%) of the lot width as measured at the building line, whichever is less; no single side yard shall be less than seven feet (7').
  3. Rear Yard: No building shall be erected or enlarged without providing or maintaining a rear yard of twenty five feet (25').
  4. Fences: Ornamental fences, enclosure fences, and chain link fences meeting the required conditions are exempt from the specific yard requirements as noted. Except those fences specifically permitted pursuant to the terms of this section, no other fences shall be permitted within the required yard area.
    - a. Front Yard Fences:
      - (1) Front Yard Fences on Interior Residential Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted within the front yard. Enclosure fences are not permitted in front yards of interior lots.
      - (2) Front Yard Fences on Corner Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted in either front yard. An enclosure fence not exceeding six feet (6') in height is permitted in that front yard which the building does not face, providing such front yard enclosure fence is set back from the property line one-half (1/2) the required front yard distance for that district or ten feet (10'), whichever is greater. It is further required that fences respect obstruction to visibility requirements of 10-4-3(I).
    - b. Side and Rear Yard Fences: Ornamental fences and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. Chain link fences not exceeding four feet (4') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)
- E. Building Height: No building hereafter erected or portion of a building structurally enlarged shall exceed the following height limitations, except for these general exceptions to height limitations listed in Section 10-4-3 of this Title:
1. Churches: forty five feet (45') for the main structure.
  2. All other permitted buildings: thirty five feet (35') or two and one-half (2 1/2) stories. (Ord. 78-31, 3-5-79)
- F. Driveways: Driveways shall be permitted subject to the following:
1. They may be within the required yard area, so long as such driveway complies in all regards with the specifications set forth in the Driveway Standards.
  2. No driveway shall be constructed closer than thirty-five feet (35') to any intersection of residential streets and fifty feet (50') to any intersection involving collector or major streets.
  3. No more than one driveway per dwelling unit shall be allowed, except however if a property abuts an alley which is driveable the property may maintain driveway access from both the alley and the fronting street.

4. Circular driveways shall not be permitted except for lots of a width of one hundred fifty feet (150') which were improved with a circular driveway prior to June 1, 2022, and then in such instance one (1) circular drive per lot is allowance, provided that the total driveway width of both openings does not exceed thirty-six feet (36') and that any one (1) opening does not exceed twenty four feet (24').
  5. Common drives as recorded on plat to be shared by adjacent lots are permitted in side yards
  6. For adjacent one (1) and two-family (2) residential structures, driveway pavement can extend to within six (6) feet of the side or rear property lines, and the landscape screening requirement is waived. Notwithstanding the foregoing, one(1) and two-family residential structures can only utilize the portion of the drive in the front yard, even though encroaching on the landscaped yard to partially meet the off-street parking requirements as provided in Section 10-8-6 of this Title.
  7. They shall be hard surfaced with bituminous concrete or concrete.
- G. Accessory Uses or Buildings: Accessory uses and accessory buildings or structures shall be permitted subject to the following
1. They shall be located within the required rear yard.
  2. They shall maintain a side and rear setback of six feet (6') for all lots except corner lots. For corner lots the accessory building or structure shall maintain a setback of twenty feet (20') for any side which abuts a street and six feet (6') for all other sides.
  3. They shall not be established within the territory of an existing Village of Morton easement or other utility easement
  4. There shall not be a limit on the permitted number of accessory ~~uses~~ structures per lot, except that no two (2) uses shall be identical. For purposes of this limitation, a gazebo shall not be considered an accessory building.
  5. The height of any accessory building or structure shall not exceed thirteen feet (13') or the height of the primary structure, whichever is less.
  6. The following area limitations shall apply to individual accessory structures
    - a. The area of any accessory building ~~or structure~~ shall not exceed 1.6% of the lot area to a maximum of four hundred eighty (480) square feet.
    - b. The area of any ground mount solar system shall not exceed 1.6% of the lot area to a maximum of four hundred eighty (480) square feet. The area of a ground mount solar system shall be calculated by determining the total lot area covered by solar panels when the solar panels are in the position which results in the greatest lot coverage.
    - c. There shall be non limit on the size of any other individual accessory structure, subject however to the limitation on the total lot coverage set forth in this section for all accessory structures.
  7. Any side(s) of an accessory building abutting a street shall be screened as follows: at the time of construction (or if weather requires, no later than six(6) months after construction) two rows of evergreens shall be planted which shall be of a variety which, at maturity, shall grow together when planted ten feet (10') on center, and shall be at least five feet (5') in height when planted, and which rows shall be staggered or offset so as to maximize screening of the

accessory structure. If the rear yard is completely enclosed by a privacy fence six feet (6') in height, then the landscape screening requirement shall be waived.

8. The total area of all accessory structures ~~square footage of all uses~~ permitted hereunder shall not exceed sixty percent (60%) of the actual rear yard.
  9. A garage may replace an existing garage and shall be allowed in areas in which a reduced landscaped yard is allowed subject to the following:
    - a. The garage shall not exceed twenty-four and one-half feet (24 1/2') in width or length
    - b. The new garage cannot be any closer to the rear or side lot line than the existing garage and in no event shall its wall be closer than two feet (2') or its eaves closer than one foot (1') from the side property line.
    - c. Notwithstanding the other provisions of this Chapter, a driveway for a garage which meets the requirements of this subparagraph may be located as close to the side property line as is allowed the garage
  10. A play structure shall require a building permit, and shall be a permissible accessory structure subject to the provisions of this Section.
- H. Minimum Square Footage for Single-Family Residences: Any building used as a single-family residence shall contain on the ground floor eight hundred (800) square feet of livable floor space.
- I. Zero Lot Line Duplex: A duplex of which both dwelling units may be sold separately if:
1. At the time the dwelling units are severed from common ownership, the owner or owners of the two (2) dwelling units have signed an agreement to run with the land, in a form adequate to ensure access for maintenance and providing for maintenance of the walls and driveways or a set of covenants and restrictions are in place to provide for said maintenance. Nothing in this subsection shall be interpreted as permitting the construction of any adjacent buildings using only one wall for both buildings; each building shall have its own wall. The provision with respect to the wall(s) shall apply only to buildings constructed after March 1, 1997.
  2. A resubdivision plat dividing the lot has been approved by the Village Plat Officer prior to recording. A formal subdivision procedure shall not be required.
  3. The duplex otherwise complies with the requirements of the Zoning Code, as amended from time to time. The subdivided lot shall be considered as one lot for purposes of all other provisions of the Zoning Code. A variance for yard requirements may be requested in the same manner as other variances. (Ord. 96-38, 3-17-97; amd. Ord. 03-38, 1-19-04)
- J. R-2 Lot Conversion: For lots that are initially zoned R-2 as of September 1, 2009 and which have been platted, these lots may be subdivided into two (2) lots subject to the following:
1. Initial lot width must be at least one hundred twenty feet (120') and a subdivided lot must have a minimum width of sixty feet (60') at the building set back line.
  2. The side setbacks may be reduced to a minimum of six feet (6'). Front and

rear yard setbacks shall not be reduced.

3. No more than eighty-five percent (85%) of the platted lots in any subdivision may be subdivided. (amd Ord. 11-07, 6-6-11)
4. A new plat of the subdivided lots shall be provided, and it shall be in conformity with all Village ordinances. The Plan Director may approve the plat without submission to the Plan Commission or Village Board.
5. The following size provisions shall apply to any residential unit built on a subdivided lot.
  - a. The living space shall be one thousand two hundred (1,200) square feet for a one-story.
  - b. The living space shall be one thousand five hundred (1,500) square feet with a minimum one thousand (1,000) square feet on the main floor and five hundred (500) square feet on the second floor for a story and one-half.
  - c. The living space shall be a minimum square footage of one thousand eight hundred (1,800) with nine hundred (900) square feet on each floor for a two-story.

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

- K. Fences: Chain link fences not exceeding four feet (4') in height shall be permitted in the R-2 District in areas outside of the required yard area. Ornamental fences and enclosure fences not exceeding six feet (6') in height shall be permitted in the R-2 District in areas outside of the required yard area. It shall be unlawful for any person to erect, construct, maintain or permit a fence that is constructed of materials that are not specifically manufactured as fencing materials, such as rope, string, galvanized sheet metal, plywood, corrugated metal, or the like. It shall be unlawful for any person to erect, construct, maintain, or permit a fence that is constructed of materials that are intended for agricultural usage or for retaining livestock, such as barbed wire, chicken wire, hog wire, wire fabric, or other similar welded or woven wire fabrics. It shall further be unlawful for any person to construct a fence with slats of any material (including but not limited to metal, fiberglass or bamboo) threaded through a chain link fence. A direct path unobstructed from fencing shall be maintained between the street and the gas meter and water meter electronic reading device.
- L. Parking Regulations: It shall be lawful in this zoning district to park recreational vehicles, campers, boat trailers and/or trailers on a driveway. In addition, it shall be lawful to park a trailer which is not an enclosed trailer in the rear yard on an all-weather, durable and dustless surface, such as an asphalt, interlocking concrete paver, brick or cement pavement surface. No recreational vehicle, camper, boat or trailer shall be parked in such a manner so as to obstruct, in whole or in part, a sidewalk, alley or street. It shall be unlawful for any person, firm or corporation to park any semitrailer, pole trailer, tow truck, tractor, or truck tractor on any lot in this zoning district. It shall be unlawful to any person to reside, even temporarily, in any recreational vehicle, camper, or trailer in this zoning district. It shall be unlawful to park any recreational vehicle, camper, boat trailer, or trailer in any manner not expressly permitted by this section.
- M. DETACHED GARAGE: Every detached garage erected shall conform to the

following:

1. A detached garage shall have a maximum area of 1,000 square foot.
  2. A detached garage shall have a maximum side wall height of twelve (12) feet.
  3. A detached garage shall have a maximum roof height of twenty-five (25) feet, or the roof height of the primary structure, whichever is less.
  4. A detached garage shall be set back from the sidewalk, or when no sidewalk is present, from the curb not less than twenty (20') feet.
  5. A detached garage shall have no more than:
    - a. One overhead door not taller than ten (10') feet and not wider than ten (10') feet; and
    - b. One double stall overhead door not taller than eight (8') feet and not wider than twenty (20') feet; OR two single stall overhead doors not taller than eight (8') feet and not wider than (10') feet.
  6. A detached garage shall not be constructed in the front yard or within the required minimum side yard unless an exception under 10-4-3(0)(7) applies.
  7. A detached garage shall not be constructed on a vacant lot or before the primary structure.
  8. No portion of a detached garage shall be used as a dwelling.
  9. A detached garage shall be built using materials similar in composition, quality and design of the primary structure. Detached garages shall not be constructed using post-frame construction, and shall not have metal siding.
- N. Satellite Dishes: A satellite dish, which is defined as a device used for the reception of communications or other signals from orbiting satellites, is permitted subject to the following conditions:
1. Dishes mounted on the ground level shall not exceed a height of twelve feet (12')
  2. Dishes mounted on the rooftop or chimney of a structure shall not be greater than two feet (2') in diameter, and the highest point of the dish shall not exceed thirty five feet (35') measured from the top to the curb level
  3. The dish shall not contain any lettering other than that placed on same identifying the manufacturer and shall not otherwise be used for the display of messages
  4. Ground-mounted dishes shall be reasonably concealed from the view at ground level of adjacent properties on all sides, except to the side which the dish is directed to receive the signal. ON that side the view shall be obscured to the extent possible without interfering with the reception of the signal. Fencing or landscape screening shall be used for such purpose subject to the general requirements for same as provide don other sections of this Code. Any landscape screening that is used must be plated within six (6) months of the date of the installation of the dish and must be continuously maintained. Any landscape screening that is used must be non-deciduous and must be of a minimum height of four feet (4') when planted.
  5. A ground-mounted dish shall be considered an accessory use.
  6. A satellite dish may be used only if it is permanently affixed to the ground, rooftop, or chimney of a structure. Satellite antenna dishes may not be located or affixed to any moveable object, including but not limited to motor vehicles, trailers or other moveable objects. The use of a satellite antenna dish on a

temporary basis is expressly prohibited.

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


PASSED AND ADOPTED BY THE VILLAGE OF MORTON PRESIDENT AND BOARD OF TRUSTEES DECEMBER 05, 2022.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Trustee Blunier	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
Trustee Hilliard	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
Trustee Leitch	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
Trustee Menold	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>
Trustee Parrott	<u>      </u>	<u>      </u>	<u>X</u>	<u>      </u>
Trustee Newman	<u>X</u>	<u>      </u>	<u>      </u>	<u>      </u>

Presiding Officer

Attest

  
 \_\_\_\_\_  
 Jeffrey L. Kaufman, Village President,  
 Village of Morton

  
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 Zo M. Evans, Village Clerk, Village of  
 Morton

