

# Village of Morton Municipal Code Book

Instruction Sheet: Morton, Illinois  
Supplement 235 - March 2015  
Includes Ordinances: 14-33, 14-34, 14-35

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This volume of the Village Code of the Village of Morton, as supplemented, contains ordinances up to and including ordinances:

14-33, January 19, 2015

14-34, March 2, 2015

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Ordinances of the Village adopted after said ordinances supersede the provisions of this Village Code to the extent that they are in conflict or inconsistent therewith. Consult the Village office in order to ascertain whether any particular provision of the Code has been amended, superseded, or repealed.



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3-8-6: **LIMITATION ON NUMBER:** In order that the health, safety, and welfare of the people of the Village be protected, and in order that minors shall be prevented from the purchase of alcoholic liquors, and in order that temperance in the consumption of liquors be fostered and promoted, there shall be a limit upon the number of liquor licenses issued and in effect, which is as follows:

Class A-1	Zero (0)
Class A-2	Five (5)
Class A-3	One (1)
Class A-4	Zero (0)
Class B-1	Three (3)
Class B-2	Fifteen (15)
Class B-3	One (1)
Class C	One (1)
Class D	Two (2)
Class E	Nine (9)
Class F	No specific limit
Class G	Zero (0)
Class H	No specific limit
Class I	One (1)

(Ord. 86-1, 5-5-86; amd. Ord. 86-14, 11-3-86; Ord. 87-11, 8-17-87; Ord. 88-14, 8-15-88; Ord. 89-10, 8-21-89; Ord. 95-1, 5-15-95; Ord. 97-14, 7-22-97; Ord. 97-38, 4-20-98; Ord. 98-30, 12-7-98; Ord. 98-49, 4-19-99; Ord. 99-12, 8-2-99; Ord. 99-17, 9-7-99; Ord. 99-38, 11-15-99; amd. Ord. 99-48, 2-21-00; amd. Ord. 00-02, 5-1-00; amd. Ord. 01-01, 5-7-01; amd. Ord. 02-10, 7-1-02; amd. Ord. 04-10, 6-21-04; amd. Ord. 04-21, 7-6-04; amd. Ord. 05-22, 10-17-05; amd. Ord. 05-47, 3-20-06; amd. Ord. 06-08, 6-5-06; amd. Ord. 08-10, 8-18-08; amd. Ord. 08-13, 9-15-08; amd. Ord. 08-15, 11-3-08, amd. Ord. 08-29, 12-1-08; amd. Ord. 08-47, 4-20-09; amd. Ord. 09-06, 5-18-09; amd. Ord. 09-09, 6-1-09; amd. Ord. 09-12, 7-6-09; amd. Ord. 09-23, 8-3-09; amd. Ord. 10-23, 11-15-10; amd. Ord. 10-34, 2-21-11; amd. Ord. 10-40, 4-4-11; amd. Ord. 11-02, 5-2-11; amd. Ord. 11-09, 6-20-11; amd. Ord. 11-16, 7-18-11; amd. Ord. 11-33, 3-19-12; amd. Ord. 10-35, 4-2-12; amd. Ord. 12-05, 6-18-12; amd. Ord. 12-22, 12-3-12; amd. Ord. 13-13, 9-3-13; amd. Ord. 13-19, 10-21-13; amd. Ord. 13-28, 2-3-14; amd. Ord. 13-35, 4-7-14; amd. Ord. 14-15, 7-21-14; amd. Ord. 14-35, 3-2-15)

3-8-7: **LICENSES, APPLICATION REQUIREMENTS:** All applications shall be on forms approved by the local Liquor Control Commission and shall be submitted in writing, executed under oath or affirmation by the applicant seeking a license, shall be accompanied by a bond in the penal sum of one thousand dollars (\$1000.00) with corporate surety authorized to do business in the State of Illinois, and shall set forth the following information and statements:

- (A) The applicant's name and mailing address.
- (B) The name and address of the applicant's business.
- (C) If applicable, the date of the filing of the "assumed name" of the business with the County Clerk.
- (D) In case of a co-partnership, the date of the formation of the partnership; in the case of an Illinois corporation, the date of its incorporation; or, in the case of a foreign corporation, the state where it was incorporated and the date of its becoming qualified under the Illinois Business Corporation Act<sup>1</sup> to transact business in the State of Illinois.
- (E) The name and address of the landlord if the premises are leased.
- (F) The date of the applicant's first request for a State liquor license and whether it was granted, denied, or withdrawn.

<sup>1</sup> S.H.A., Ch. 32, 1.01 et seq.

- (G) Whether the applicant has made an application for a liquor license which has been denied; and, if so, the reasons therefor.
- (H) Whether the applicant has ever had a previous liquor license suspended or revoked; and, if so, the reasons therefor.
- (I) Whether the applicant has ever been convicted of a gambling offense or felony; and, if so, the particulars thereof.
- (J) Whether the applicant possesses a current Federal Wagering or Gaming Device Stamp; and, if so, the particulars thereof.
- (K) Whether the applicant or any other person directly or indirectly in his place of business is a public official; and, if so, the particulars thereof.
- (L) Whether, in the case of an application for the renewal of a license, the applicant has made any political contributions within the past two (2) years; and, if so, the particulars thereof.
- (M) The applicant's name, sex, date of birth, Social Security number, position, and percentage of ownership in the business; and the name, sex, date of birth, Social Security number, position, and percentage of ownership in the business of every sole owner, partner, corporate officer, director, manager, and any person who owns five percent (5%) or more of the shares of the applicant business entity or parent corporations of the applicant business entity.
- (N) That he has not received or borrowed money or anything else of value and that he will not receive or borrow money or anything else of value (other than merchandising credit in the ordinary course of business for a period not to exceed ninety [90] days as herein expressly permitted under section 6-5 of the Liquor Control Act of 1934), directly or indirectly, from any manufacturer, importing distributor, or distributor, or from any representative of any such manufacturer, importing distributor, or distributor; nor be a part in any way, directly or indirectly, to any violation by a manufacturer, distributor, or importing distributor of Section 6-6 of the Liquor Control Act of 1934.
- (O) The length of time the applicant has resided in the Village prior to filing the application and all addresses at which the applicant has resided in the past five (5) years; if a corporation, the length of time the manager has resided in the Village prior to filing the application and all addresses at which the manager has resided in the past five (5) years.
- (P) The character of the business of the applicant; and, in the case of a corporation, the objects for which it was formed.
- (Q) The location and description of the premises or place of business which is to be operated under the license.
- (R) A statement whether applicant is an alcoholic or has received treatment for alcoholism or any drinking problem, or has been involved in any incident involving the police, including traffic, in which he was intoxicated, detailing the dates, locations, and results of any such treatment or incident.
- (S) A statement whether the applicant has received a local license to sell alcoholic liquors at retail from any state or political subdivision thereof.
- (T) A statement that the location where the applicant proposes to sell alcoholic liquors at retail is not within one hundred feet (100') of any church, school, hospital, home for aged, indigent persons, or veterans, undertaking establishment, or mortuary.



## CHAPTER 15

**MIXED-USE ZONING DISTRICT**

## SECTION:

10-15-1:	Purpose
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10-15-4:	Mixed Uses/Residential
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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 800 square feet. Street or building frontage must be devoted to the retail component with residence behind.

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:  
 Front: Zero (0) lot line minimum and no greater than ten feet (10').  
 Side: Zero (0) lot line minimum and no greater than twelve feet (12').  
 Rear: Ten feet (10') minimum.  
 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 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.

(Ord. 14-34, 3-2-15)

11-2-2: **ENFORCEMENT:**

- (A) No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer or sell such parcel before a plat of said subdivision has been approved by the Village Board and filed with the Tazewell County Recorder of Deeds.
- (B) The subdivision of any lot or any parcel of land by the use of metes and bounds description with the intent of evading this title, for the purpose of sale, transfer, or lease shall be subject to all of the requirements and regulations contained in this Title.
- (C) No building permit shall be issued for the construction of any building located on a lot or plot subdivided or sold in violation of the regulations of this Code.
- (D) No preliminary or final plat shall be approved which does not comply with all applicable provisions of this Title.

11-2-3: **INVALID PLATS:** No plat of any subdivision shall be valid or entitled to record unless and until the same has been approved by the Village Board in accordance with the procedure hereinafter provided, and no plat of a subdivision shall be approved without compliance with the standards of design and specifications for improvement required herein.

11-2-4: **UNLAWFUL DIVISION:** From and after the effective date of this Title, no lot or tract of land located within the Village or within the area of jurisdiction of the Village shall be subdivided without complying with this Title and the Illinois Revised Statutes.

It is unlawful for the preparer of a deed and the grantor on the deed to convey property, which violates the Illinois Plat Act as now in force or as may from time to time be amended, or which creates a parcel of land that is non-conforming under the ordinances of the Village of Morton. (amd. Ord. 14-33, 1-19-15)

11-2-5: **BUILDING WITHIN PROPOSED STREET EXTENSIONS:** No permanent building or structure or permanent improvement of any type shall be erected within the extension of street right of way indicated on the Official Map of the Village. Such extensions are for the purpose of regulating the traffic flow within the Village in accordance with the best interests of public health, safety, and general welfare. (Ord. 80-42, 4-6-81)

11-2-6: **ENGINEERING AND INSPECTION FEES:** An hourly engineering fee to be set from time to time by the Village Board shall be paid to the Village to defray the cost of reviewing and approving plans and specifications for public improvement and the on site inspection of construction of said public improvements by the Village Engineer. These fees shall be borne by the subdivider (developer), and shall be paid in the following manner: (amd. Ord. 06-38, 2-19-07)

- (A) After the preliminary plat is approved, the subdivider (developer) shall deposit the sum of one thousand dollars (\$1000.00) with the Village. Said deposit shall be for the review of construction plans. (Ord. 04-53, 3-7-05; amd. Ord. 06-38, 2-19-07)
- (B) At such time as the construction plans have been approved, or are disapproved because the subdivider (developer) has failed to make the necessary corrections to same, the subdivider (developer) shall reimburse the Village for all engineering fees accrued to date. The aforesaid deposit shall be credited to the subdivider (developer) for said fees. (amd. Ord. 06-38, 2-19-07)
- (C) The engineering fees expected to be incurred during the inspection phase shall be paid to the Village prior to or contemporaneous with the acceptance of the final plat. Said inspection fees shall be based on a minimum of three dollars (\$3.00) per center line foot of streets and two dollars (\$2.00) per lineal foot for sewer lines outside of streets. (Ord. 89-4, 6-19-89; amd. Ord. 99-54, 4-17-00; amd. Ord. 02-36, 3-17-03; amd. Ord. 04-53, 3-7-05; amd. Ord. 06-38, 2-19-07)

11-2-7: **VARIATIONS:**

(A) **Hardships:** Where the Plan Commission finds that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, the Commission may deviate from strict compliance with these regulations so that substantial justice may be done and the public interest secured; provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this Title; and further provided the Commission shall not recommend variations or exceptions to the regulations of this Title unless it shall make findings based upon the evidence presented in each specific case that:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result if the strict interpretation of the regulations were carried out;
2. The granting of the variation will not be detrimental to public health, safety, or general welfare or injurious to other property or improvements in the neighborhood in which the property is located.

(B) **Conditions:** In its recommendations on variations and exceptions, the Commission may require conditions that will substantially secure the objectives of this Title.

11-2-8: **AMENDMENTS:** The Plan Commission shall from time to time prepare and recommend in writing to the Village Board such changes or additions to the provisions and regulations herein contained for subdivision control as it may deem necessary or advisable. Such changes or additions shall become effective after their adoption by the Board by the passage of an amendment to this Title.

11-2-9: **PENALTIES:** Any person who shall violate any of the provisions of this Title shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) for each violation, and each day such violation is permitted to exist shall constitute a separate offense. (Ord. 80-42, 4-6-81; amd. Ord. 99-37, 12-6-99)

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