

**VILLAGE OF MORTON
ORDINANCE 24-11**

**AN ORDINANCE MAKING AMENDMENTS TO SECTION 10-10-2 OF THE
MORTON MUNICIPAL CODE REGARDING ZONING CERTIFICATES OF
OCCUPANCY**

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** “10-10-2: Procedures For Zoning Administration” of the Morton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10-10-2: Procedures For Zoning Administration

A. A. Zoning Permit ~~Procedure~~ Required:

1. A zoning permit is intended to certify that a use conducted within specified premises is in conformity with applicable provisions of this Title. The Village of Morton ZEO shall have discretion to determine whether a building has been divided into multiple units, and in making such a determination he may consider factors including whether a portion of a building has been assigned a separate suite number, unit number, or mailing address.
2. For purposes of zoning permits, "premises" shall mean an entire building, if not divided into separate units or suites,. If a building has been divided into separate units or suites, each separate unit or suite shall be "premises" for the purposes of zoning permits.
3. To ensure that each new or expanded use of a structure or site, and each new structure or alteration of an existing structure complies with applicable provisions of this Title, and in order that the Village may have a record of each use of a structure or site, a zoning permit shall be required for all premises except single family or two-family dwellings within the R-1 and R-2 zoning district.
4. A zoning permit, once issued, shall remain valid until the first to occur of the following events, upon the occurrence of which the zoning permit shall automatically expire without further notice to the owner or occupant of the premises:
 - a. A change in use of an existing building
 - b. A change in use of vacant land
 - c. A change in zoning to a different zoning district
 - d. A change in the party in possession of premises
 - e. The expansion of any premises
5. No final certificate of occupancy shall be issued under Title 4 of this Code

without a premises having first been awarded a zoning permit.

6. Such zoning permit, once issued, shall be maintained in a prominent location at the premises for which it is issued.

7. The Village of Morton shall not begin providing gas, water or sewer service for any premises until a valid zoning permit has been issued to the premises.
~~Applications for zoning permits shall be filed in written form with the ZEO on forms prescribed by the ZEO indicating: 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) 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. Legal description of the property; Name and address of applicant, owner, and contractor; Uses to be established or expanded; Other information deemed appropriate by the ZEO to clearly denote the nature and character of the intended improvement and use.~~

B. Zoning ~~Certificate Of Occupancy~~ Permit Procedure & Enforcement:

- ~~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. Every application for a zoning permit shall be deemed to be an application for an occupancy permit. 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.~~ Applications for zoning permits shall be submitted to the ZEO in such form prescribed by the ZEO. An application may be submitted by the owner of the premises for which the permit is sought, or by the person or entity in possession of the premises.
2. 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 the time

limit, the zoning permit shall be deemed to be denied. The zoning permit may be denied by the ZEO if the premises or the use are not in compliance with any applicable provision of this Title if the applicant has failed to fully complete the application for a zoning permit or has provided materially false information in the application, or if the owner of the premises has any outstanding indebtedness to the Village of Morton related to any prior violation of this Section.

3. In the event any person uses premises in a manner not authorized by a valid and unexpired zoning permit, he or she shall be in violation of this Section.

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, except a variation shall not be granted outside of the Mixed Use Overlay District to permit any yard or open space requirement of less than 12 feet on any side of a parcel abutting a public road, street, or alleyway or of less than 6 feet on any side of a parcel abutting any property other than a public road, street, or alleyway, unless such property at the time of the application for a variation contains a yard or open space less than the applicable requirement, and in that instance no variation shall be granted to permit a yard or open space requirement less than the actual yard or open space existing on the property at the time of the application for variation. (amd. Ord. 19-02, 5-7-18)
 - 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. Variances for the height of a sign may only be granted

in the Interstate Corridor District. Variances for the height of a sign may not be granted in any other zoning 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, 7-6-15; amd. Ord 17-27, 12-4-17)

- 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)
 - 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)
 - (4) Required lot size and/or minimum frontage width as set forth in Title 10, Chapter, 4, Subsection 7(H)(B).
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.²

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.
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.

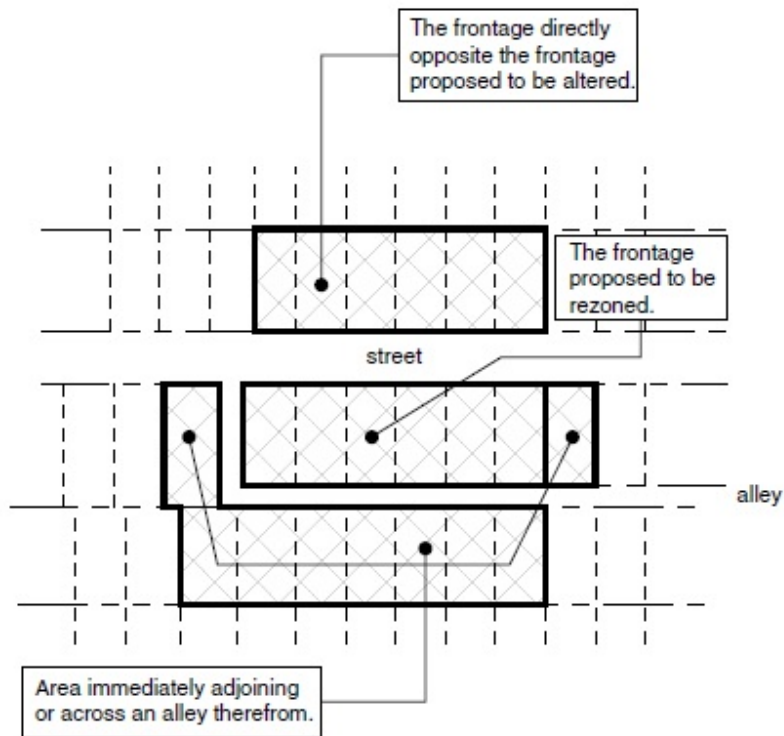
In its findings of fact and recommendation to the Village Board, the Plan Commission may recommend approval or disapproval, or recommend the change of zoning classification of the subject property to any other more restrictive zoning classification than specified in the public notice.

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 map³ 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.



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.⁴

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)

¹ See Chapter 9 of this Title.

² Section 10-11-7 of this Title.

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

⁴ Section 10-10-5 of this Chapter.

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

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

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

PASSED AND ADOPTED BY THE VILLAGE OF MORTON PRESIDENT AND BOARD OF TRUSTEES JULY 05, 2023.

	AYE	NAY	ABSENT	ABSTAIN
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> </u>	<u> </u>	<u> X </u>	<u> </u>
Trustee Menold	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Trustee Parrott	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Trustee Newman	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
President Kaufman	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Jeffrey L. Kaufman, Village President,
Village of Morton



Zo M. Evans, Village Clerk, Village of
Morton

