

EVANSVILLE, ILLINOIS

ZONING CODE

| <u>ARTICLE</u> | <u>TITLE</u> | <u>PAGE</u> |
|-----------------------|--|--------------------|
| I | GENERAL PROVISIONS | |
| | Section 40-1-1 - Title | 40-1 |
| | Section 40-1-2 - Purpose | 40-1 |
| | Section 40-1-3 - Jurisdiction | 40-1 |
| | Section 40-1-4 - Interpretation, Conflict with Other Ordinances | 40-1 |
| | Section 40-1-5 - Disclaimer of Liability | 40-2 |
| | Section 40-1-6 - Severability | 40-2 |
| | Section 40-1-7 - Review | 40-2 |
| II | DEFINITIONS | |
| | Section 40-2-1 - Construction of Terms | 40-3 |
| | Section 40-2-2 - Selected Definitions | 40-3 |
| III | GENERAL ZONING REGULATIONS | |
| | Division I - Generally | |
| | Section 40-3-1 - Establishment of Districts | 40-23 |
| | Section 40-3-2 - Zoning Map and District Boundaries | 40-23 |
| | Section 40-3-3 - Annual Publication | 40-23 |
| | Section 40-3-4 - Determining Territory of Districts with Precision | 40-23 |
| | Section 40-3-5 - Annexed Territory | 40-24 |
| | Section 40-3-6 - General Prohibition | 40-24 |
| | Section 40-3-7 - Unlisted Uses Prohibited | 40-24 |
| | Section 40-3-8 - One Building and All Yards on One Lot | 40-24 |
| | Section 40-3-9 - Access Required | 40-25 |
| | Section 40-3-10 - Front Setbacks - Corner/Through Lots | 40-25 |
| | Section 40-3-11 - Front Setbacks in Certain Built-Up Areas | 40-25 |
| | Section 40-3-12 - Intrusions into Yards | 40-25 |
| | Section 40-3-13 - Exceptions to Height Limits | 40-25 |
| | Section 40-3-14 - Sewers, Septic Tanks | 40-26 |
| | Section 40-3-15 - Accessory Uses | 40-26 |
| | Section 40-3-16 - Accessory Use Restrictions | 40-26 |
| | Section 40-3-17 - Area-Bulk Regulations | 40-27 |
| | Section 40-3-18 - 40-3-19 Reserved | |
| | Division II - Planned Developments | |
| | Section 40-3-20 - Planned Development Defined | 40-27 |
| | Section 40-3-21 - Objectives | 40-27 |
| | Section 40-3-22 - Compliance with Regulations Generally Required | 40-27 |

| <u>ARTICLE</u> | <u>TITLE</u> | <u>PAGE</u> |
|-----------------------|--|--------------------|
| III | GENERAL ZONING REGULATIONS (CONTINUED) | |
| | Division II - Planned Developments (Continued) | |
| | Section 40-3-23 - Districts Where Allowed | 40-28 |
| | Section 40-3-24 - Permissible Deviation From Code Requirements | 40-28 |
| | Section 40-3-25 - Procedures for Planned Developments | 40-28 |
| | Section 40-3-26 - Application; Information Required | 40-28 |
| | Section 40-3-27 - Criteria Considered | 40-30 |
| | Section 40-3-28 - Decision by Zoning Board | 40-30 |
| | Section 40-3-29 - Changes in Approved Plans | 40-30 |
| | Section 40-3-30 - Failure to Begin Development | 40-30 |
| | Section 40-3-31 - Municipal Exemption | 40-31 |
| | Section 40-3-32 - 40-3-33 Reserved | |
| IV | REGULATIONS FOR SPECIFIC DISTRICTS | |
| | Division I - Agricultural District | |
| | Section 40-4-1 - "A-1" - Agricultural District | 40-32 |
| | Section 40-4-2 - One Dwelling on One Lot | 40-32 |
| | Section 40-4-3 - Lot and Building Requirements | 40-32 |
| | Section 40-4-4 - Permitted Uses | 40-32 |
| | Section 40-4-5 - Special Uses | 40-33 |
| | Section 40-4-6 - Reserved | |
| | Division II - Single-Family District (SR-1) | |
| | Section 40-4-7 - "SR-1" - Single-Family Residence District | 40-34 |
| | Section 40-4-8 - Special Restrictions | 40-34 |
| | Section 40-4-9 - Lot and Building Requirements | 40-34 |
| | Section 40-4-10 - Permitted Uses | 40-34 |
| | Section 40-4-11 - Special Uses | 40-34 |
| | Section 40-4-12 - Accessory Uses Prohibited | 40-35 |
| | Section 40-4-13 - 40-4-15 Reserved | |
| | Division III – Single-Family District (Small) (SR-2) | |
| | Section 40-4-16 - "SR-2" – Single Family District (Small Lot) | 40-36 |
| | Section 40-4-17 - Special Restrictions | 40-36 |
| | Section 40-4-18 - Lot and Building Requirements | 40-36 |
| | Section 40-4-19 - Permitted Uses | 40-36 |
| | Section 40-4-20 - Special Uses | 40-36 |
| | Section 40-4-21 - Accessory Uses Prohibited | 40-37 |
| | Section 40-4-22 - 40-4-25 Reserved | |

| <u>ARTICLE</u> | <u>TITLE</u> | <u>PAGE</u> |
|-----------------------|---|--------------------|
| IV | REGULATIONS FOR SPECIFIC DISTRICTS (CONTINUED) | |
| | Division IV - Multiple-Family Districts (MR-1) | |
| | Section 40-4-26 - "MR-1" - Multiple-Family Residence District | 40-38 |
| | Section 40-4-27 - Lot and Building Requirements | 40-38 |
| | Section 40-4-28 - Permitted Uses | 40-38 |
| | Section 40-4-29 - Special Uses | 40-38 |
| | Section 40-4-30 - Accessory Uses Prohibited | 40-39 |
| | Section 40-4-31 - 40-4-32 Reserved | |
| | Division V - Manufactured Housing District (MH-1) | |
| | Section 40-4-33 - "MH-1" - Manufactured Housing District | 40-40 |
| | Section 40-4-34 - Lot Ownership | 40-40 |
| | Section 40-4-35 - Lot and Building Requirements, Generally | 40-40 |
| | Section 40-4-36 - Permitted Uses | 40-40 |
| | Section 40-4-37 - Special Uses | 40-40 |
| | Section 40-4-38 - Manufactured Home Parks | 40-41 |
| | Section 40-4-39 - Reserved | |
| | Division VI – General Business District (B-1) | |
| | Section 40-4-40 - Purpose of District | 40-42 |
| | Section 40-4-41 - Use Restrictions | 40-42 |
| | Section 40-4-42 - Lot and Building Requirements | 40-42 |
| | Section 40-4-43 - Permitted Uses | 40-42 |
| | Section 40-4-44 - Special Uses | 40-43 |
| | Section 40-4-45 - 40-4-69 Reserved | |
| | Division VII - Industrial District | |
| | Section 40-4-70 - "I-1" - Industrial District | 40-44 |
| | Section 40-4-71 - Use Restriction | 40-44 |
| | Section 40-4-72 - Lot and Structure Requirements | 40-44 |
| | Section 40-4-73 - Permitted Uses | 40-44 |
| | Section 40-4-74 - Special Uses | 40-45 |
| | Section 40-4-75 - Prohibited Uses | 40-45 |
| | Section 40-4-76 - 40-4-79 Reserved | |
| | Division VIII - Flood Plain District | |
| | Section 40-4-80 - "O-FP" - Flood Plain Overlay District | 40-46 |
| | Section 40-4-81 - Permitted and/or Special Uses | 40-46 |
| | Section 40-4-82 - Additional Restrictions | 40-46 |

| <u>ARTICLE</u> | <u>TITLE</u> | <u>PAGE</u> |
|-----------------------|---|--------------------|
| V | ADDITIONAL SUPPLEMENTARY REGULATIONS | |
| | Section 40-5-1 - Applicability of Article | 40-47 |
| | Section 40-5-2 - Agricultural Activities | 40-47 |
| | Section 40-5-3 - Fences, Walls | 40-47 |
| | Section 40-5-4 - Home Occupations | 40-49 |
| | Section 40-5-5 - Junk Yards | 40-50 |
| | Section 40-5-6 - Nursing Homes | 40-51 |
| | Section 40-5-7 - Recreational Vehicles | 40-51 |
| | Section 40-5-8 - Service Stations | 40-51 |
| | Section 40-5-9 - Swimming Pools | 40-52 |
| | Section 40-5-10 - Utility Substations | 40-52 |
| | Section 40-5-11 - Lighting Controls | 40-52 |
| | Section 40-5-12 - Storage Containers | 40-52 |
| | Section 40-5-13 - Churches and Houses of Formal Worship | 40-52 |
| | Section 40-5-14 - Public Buildings | 40-53 |
| | Section 40-5-15 - Kennels | 40-53 |
| VI | OFF-STREET PARKING AND LOADING | |
| | Section 40-6-1 - Applicability of Article | 40-54 |
| | Section 40-6-2 - Existing Parking/Loading Facilities | 40-54 |
| | Section 40-6-3 - Parking Lot Design Standards | 40-54 |
| | Section 40-6-3.1 - Spaces | 40-54 |
| | Section 40-6-3.2 - Interior Aisles | 40-54 |
| | Section 40-6-3.3 - Access Way | 40-54 |
| | Section 40-6-3.4 - Surfacing | 40-55 |
| | Section 40-6-3.5 - Lighting | 40-55 |
| | Section 40-6-3.6 - Landscaping | 40-55 |
| | Section 40-6-4 - Location of Parking | 40-55 |
| | Section 40-6-5 - Design and Location of Off-Street Loading Facilities | 40-56 |
| | Section 40-6-6 - Computation of Required Parking/Loading Spaces | 40-56 |
| | Section 40-6-7 - Number of Parking and Loading Spaces Required | 40-57 |
| VII | SIGN REGULATIONS | |
| | Section 40-7-1 - General Prohibition | 40-60 |
| | Section 40-7-2 - Computation of Sign Area Allowance | 40-60 |
| | Section 40-7-3 - Definition of Sign Area | 40-60 |
| | Section 40-7-4 - Special Situations | 40-60 |
| | Section 40-7-5 - Signs to be Non-Hazardous, Well-Maintained | 40-60 |
| | Section 40-7-6 - Illumination | 40-60 |
| | Section 40-7-7 - Nonconforming Signs | 40-61 |
| | Section 40-7-8 - Restrictions | 40-61 |
| | Section 40-7-9 - Strictly Prohibited Signs | 40-61 |
| | Section 40-7-10 - Signs Permitted in Any District | 40-61 |
| | Section 40-7-11 - Agricultural; Residential Districts | 40-62 |
| | Section 40-7-12 - Business; Industrial Districts | 40-62 |
| | Section 40-7-13 - Temporary Signs | 40-64 |

| <u>ARTICLE</u> | <u>TITLE</u> | <u>PAGE</u> |
|--|---|--------------------|
| VIII NONCONFORMITIES | | |
| | Section 40-8-1 - Purpose of Article | 40-65 |
| | Section 40-8-2 - Nonconforming Lots | 40-65 |
| | Section 40-8-2.1 - Two or More Lots in Common Ownership | 40-65 |
| | Section 40-8-3 - Nonconforming Structures | 40-65 |
| | Section 40-8-4 - Nonconforming Uses Occupying a Structure | 40-66 |
| | Section 40-8-5 - Nonconforming Use of Land | 40-66 |
| | Section 40-8-6 - Nonconformities Under Permit Authority | 40-67 |
| | | |
| IX ADMINISTRATION AND ENFORCEMENT | | |
| | Section 40-9-1 - Appointment and Duties of Zoning Administrator | 40-68 |
| | Section 40-9-2 - Duties | 40-68 |
| | Section 40-9-3 - Initial Certificates of Zoning Compliance | 40-68 |
| | Section 40-9-4 - Zoning Application | 40-68 |
| | Section 40-9-5 - Duration of Certificate | 40-69 |
| | Section 40-9-6 - Relationship to Building Permits | 40-69 |
| | Section 40-9-7 - Final Certificates of Zoning Compliance | 40-69 |
| | Section 40-9-8 - Corrective Action Orders | 40-70 |
| | Section 40-9-9 - Contents of Order | 40-70 |
| | Section 40-9-10 - Service of Order | 40-70 |
| | Section 40-9-11 - Stop Orders | 40-70 |
| | Section 40-9-12 - Emergency Measures | 40-70 |
| | Section 40-9-13 - Complaints | 40-70 |
| | Section 40-9-14 - Fees | 40-70 |
| | Section 40-9-15 - Penalties | 40-71 |
| | | |
| X SPECIAL PROCEDURES AND PERMITS | | |
| | Division I - Board of Appeals | |
| | Section 40-10-1 - Zoning Board of Appeals | 40-72 |
| | Section 40-10-2 - Membership, Appointment, Compensation | 40-72 |
| | Section 40-10-3 - Term of Office - Vacancies | 40-72 |
| | Section 40-10-4 - Meeting--Quorum | 40-72 |
| | Section 40-10-5 - Records | 40-72 |
| | Section 40-10-6 - Decisions | 40-73 |
| | Section 40-10-7 - Period of Validity | 40-73 |
| | Section 40-10-8 - Finality of Decisions of the Zoning Board | 40-73 |
| | Section 40-10-9 - Office of the Secretary of the Board of Appeals | 40-73 |
| | Section 40-10-10 - 40-10-11 Reserved | |
| | Division II - Appeals | |
| | Section 40-10-12 - Nature of an Appeal | 40-74 |
| | Section 40-10-13 - Filing, Record Transmittal | 40-74 |
| | Section 40-10-14 - Stay of Further Proceedings | 40-74 |

| <u>ARTICLE</u> | <u>TITLE</u> | <u>PAGE</u> |
|-----------------------|--|--------------------|
| X | SPECIAL PROCEDURES AND PERMITS (CONTINUED) | |
| | Division II – Appeals (Continued) | |
| | Section 40-10-15 - Public Hearing, Notice | 40-74 |
| | Section 40-10-16 - Decision by Board of Appeals | 40-74 |
| | Section 40-10-17 - Reserved | |
| | Division III - Variances | |
| | Section 40-10-18 - Variances | 40-76 |
| | Section 40-10-19 - Application | 40-76 |
| | Section 40-10-20 - Public Hearing, Notice | 40-76 |
| | Section 40-10-21 - Standards for Variances | 40-76 |
| | Section 40-10-22 - Decision by Board of Appeals | 40-77 |
| | Section 40-10-23 - Reserved | |
| | Division IV - Special Uses | |
| | Section 40-10-24 - Special-Use Permits | 40-78 |
| | Section 40-10-25 - Application | 40-78 |
| | Section 40-10-26 - Public Hearing, Notice | 40-78 |
| | Section 40-10-27 - Factors Considered by the Board | 40-79 |
| | Section 40-10-28 - Decision - Findings of Fact | 40-79 |
| | Section 40-10-29 - Temporary Use Permits: Procedure For | 40-79 |
| | Division V - Amendments | |
| | Section 40-10-30 - Amendments | 40-80 |
| | Section 40-10-31 - Filing | 40-80 |
| | Section 40-10-32 - Public Hearing - Notice | 40-80 |
| | Section 40-10-33 - Advisory Report - Findings of Fact | 40-80 |
| | Section 40-10-34 - Action by Village Board | 40-81 |
| | Section 40-10-35 - When Two-Thirds Majority Vote is Required | 40-81 |
| | Section 40-10-36 - Notice to Applicant of Written Protest | 40-81 |