

*A Member of the International Code Family™*



# INTERNATIONAL ZONING CODE®

# 2003

2003 International Zoning Code®

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# PREFACE

## Introduction

Internationally, code officials recognize the need for consistent and uniform zoning ordinances. The *International Zoning Code*, in this 2003 edition, is designed to meet these needs through model code regulations that safeguard the public health and safety in all communities, large and small.

This comprehensive zoning code establishes minimum regulations for zoning ordinances. This 2003 edition is fully compatible with all the *International Codes* (“I-Codes”) published by the International Code Council (ICC), including the *International Building Code*, *ICC Electrical Code*, *International Energy Conservation Code*, *International Existing Building Code*, *International Fire Code*, *International Fuel Gas Code*, *International Mechanical Code*, *ICC Performance Code*, *International Plumbing Code*, *International Private Sewage Disposal Code*, *International Property Maintenance Code*, *International Residential Code*, and *International Urban-Wildland Interface Code*.

The *International Zoning Code* provisions provide many benefits, among which is the model code development process that offers an international forum for code officials and other interested parties to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

## Development

The first edition of the *International Zoning Code* (1998) was the culmination of an effort initiated in 1996 by a development committee appointed by ICC and consisting of representatives of the three statutory members of the International Code Council: Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO), and Southern Building Code Congress International (SBCCI). The intent was to draft a comprehensive set of zoning regulations for jurisdictions that have a need for a zoning ordinance and desire that it be compatible with the other model codes adopted by said jurisdictions. This 2003 edition presents the code as originally issued, with changes approved through the ICC Code Development Process through 2002. A new edition such as this is promulgated every three years.

With the development and publication of the family of *International Codes* in 2000, the continued development and maintenance of the model codes individually promulgated by BOCA (“BOCA National Codes”), ICBO (“Uniform Codes”) and SBCCI (“Standard Codes”) was discontinued. This 2003 *International Zoning Code*, as well as its predecessor—the 2000 edition, is intended to be the successor zoning code to those codes previously developed by BOCA, ICBO and SBCCI.

The development of a single set of comprehensive and coordinated family of *International Codes* was a significant milestone in the development of regulations for the built environment. The timing of this publication mirrors a milestone in the change in structure of the model codes, namely, the pending Consolidation of BOCA, ICBO and SBCCI into the ICC. The activities and services previously provided by the individual model code organizations will be the responsibility of the Consolidated ICC.

This code is founded on principles intended to establish provisions consistent with the scope of a zoning code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, productions or methods of construction; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

## Adoption

The *International Zoning Code* is available for adoption and use by jurisdictions internationally. Its use within a governmental jurisdiction is intended to be accomplished through adoption by reference in accordance with proceedings establishing the jurisdiction’s laws. At the time of adoption, jurisdictions should insert the appropriate information in provisions requiring specific local information, such as the name of the adopting jurisdiction. These locations are shown in bracketed words in small capital letters in the code and in the sample ordinance. The sample adoption ordinance on page v addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

## Maintenance

The *International Zoning Code* is kept up to date through the review of proposed changes submitted by code enforcing officials, industry representatives, design professionals and other interested parties. Proposed changes are carefully considered through an open code development process in which all interested and affected parties may participate.

The contents of this work are subject to change both through the Code Development Cycles and the governmental body that enacts the code into law. For more information regarding the code development process, contact the Code and Standard Development Department of the International Code Council.

While the development procedure of the *International Zoning Code* assures the highest degree of care, ICC and the founding members of ICC—BOCA, ICBO, SBCCI— their members and those participating in the development of this code do not accept any liability resulting from compliance or noncompliance with the provisions because ICC and its founding members do not have the power or authority to police or enforce compliance with the contents of this code. Only the governmental body that enacts the code into law has such authority.

## **Letter Designations in Front of Section Numbers**

In each code development cycle, proposed changes to this code are considered at the Code Development Hearing by the International Zoning Code Development Committee, whose action constitutes a recommendation to the voting membership for final action on the proposed change. Proposed changes to a code section whose number begins with a letter in brackets are considered by a different code development committee. For instance, proposed changes to code sections which have the letter [EB] in front (e.g., [EB] 103.2), are considered by the International Existing Building Code Development Committee at the Code Development Hearing. Where this designation is applicable to the entire content of a main section of the code, the designation appears at the main section number and title and is not repeated at every subsection in that section.

The content of sections in this code which begin with a letter designation are maintained by another code development committee in accordance with the following: [EB] = International Existing Building Code Development Committee.

## **Marginal Markings**

Solid vertical lines in the margins within the body of the code indicate a technical change from the requirements of the 2000 edition. Deletion indicators ( ➤ ) are provided in the margin where a paragraph or item has been deleted.

## ORDINANCE

The *International Codes* are designed and promulgated to be adopted by reference by ordinance. Jurisdictions wishing to adopt the 2003 *International Zoning Code* as an enforceable regulation governing structures and premises should ensure that certain factual information is included in the adopting ordinance at the time adoption is being considered by the appropriate governmental body. The following sample adoption ordinance addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

### SAMPLE ORDINANCE FOR ADOPTION OF THE *INTERNATIONAL ZONING CODE* ORDINANCE NO. \_\_\_\_\_

An ordinance of the [JURISDICTION] adopting the 2003 edition of the *International Zoning Code*, regulating and governing the development, erection, construction, enlargement, alteration, repair, movement, removal, demolition, conversion, occupancy, use, height, area and maintenance of all buildings, structures and lots in the [JURISDICTION]; providing for the issuance of permits, including conditional use permits, and collection of fees therefor; repealing Ordinance No. \_\_\_\_\_ of the [JURISDICTION] and all other ordinances and parts of the ordinances in conflict therewith.

The [GOVERNING BODY] of the [JURISDICTION] does ordain as follows:

**Section 1.** That a certain document, three (3) copies of which are on file in the office of the [TITLE OF JURISDICTION'S KEEPER OF RECORDS] of [NAME OF JURISDICTION], being marked and designated as the *International Zoning Code*, 2003 edition, as published by the International Code Council, be and is hereby adopted as the *Zoning Code* of the [JURISDICTION], in the State of [STATE NAME] for regulating and governing the development, erection, construction, enlargement, alteration, repair, movement, removal, demolition, conversion, occupancy, use, height, area and maintenance of all buildings, structures and lots in the [JURISDICTION]; providing for the issuance of permits, including conditional use permits, and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said *Zoning Code* on file in the office of the [JURISDICTION] are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 3 of this ordinance.

**Section 2.** (Incorporate penalties for violations)

**Section 3.** The following sections are hereby revised:

Table 302.1. Insert [MINIMUM AREAS]

Section 1008.1.1. Insert [SIGN AREA]

Section 1008.1.3. Insert [SIGN AREAS IN TWO LOCATIONS]

Table 1008.1.1(1). Insert [SIGN AREAS IN THREE LOCATIONS]

Table 1008.1.1(2). Insert [PERCENTAGE OF BUILDING ELEVATION IN THREE LOCATIONS]

Table 1008.1.2. Insert [NO. OF SIGNS, HEIGHT AND AREA IN 10 LOCATIONS]

Section 1008.2.1. Insert [SIGN AREAS IN EIGHT LOCATIONS]

Section 1008.2.2. Insert [SIGN HEIGHTS AND AREA IN 10 LOCATIONS]

Section 1008.2.3. Insert [SIGN AREAS IN THREE LOCATIONS]

Section 1008.2.5. Insert [SIGN HEIGHT AND AREA IN TWO LOCATIONS]

Section 1008.2.6. Insert [SIGN HEIGHT AND AREA IN TWO LOCATIONS]

Section 1008.3.3. Insert [SIGN AREA, HEIGHT, PROJECTION AND VERTICAL DISTANCE IN SIX LOCATIONS]

Section 1008.3.4. Insert [SIGN AREA AND VERTICAL DISTANCE IN TWO LOCATIONS]

Section 1008.3.5. Insert [SIGN HEIGHT IN TWO LOCATIONS]

**Section 4.** That Ordinance No. \_\_\_\_\_ of [JURISDICTION] entitled [FILL IN HERE THE COMPLETE TITLE OF THE ORDINANCE OR ORDINANCES IN EFFECT AT THE PRESENT TIME SO THAT THEY WILL BE REPEALED BY DEFINITE MENTION] and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 5.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The **[GOVERNING BODY]** hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 6.** That nothing in this ordinance or in the Zoning Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 7.** That the **[JURISDICTION'S KEEPER OF RECORDS]** is hereby ordered and directed to cause this ordinance to be published. (An additional provision may be required to direct the number of times the ordinance is to be published and to specify that it is to be in a newspaper in general circulation. Posting may also be required.)

**Section 8.** That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect **[TIME PERIOD]** from and after the date of its final passage and adoption.



## TABLE OF CONTENTS

<b>CHAPTER 1 ADMINISTRATION..... 1</b>	<b>CHAPTER 7 FACTORY/INDUSTRIAL ZONES... 21</b>
Section	Section
101 General ..... 1	701 Factory/Industrial Zones Defined ..... 21
102 Fees ..... 1	702 Bulk Regulations ..... 21
103 Existing Buildings and Uses ..... 1	
104 Duties and Powers of the Zoning Code Official .. 1	<b>CHAPTER 8 GENERAL PROVISIONS ..... 23</b>
105 Planning Commission ..... 2	Section
106 Compliance with the Code ..... 3	801 Off-street Parking ..... 23
107 Board of Adjustment ..... 3	802 Fence Heights ..... 24
108 Hearing Examiner ..... 4	803 Location of Accessory Buildings ..... 24
109 Hearings, Appeals and Amendments ..... 4	804 Allowable Projections into Yards ..... 24
110 Violations ..... 4	805 Landscaping Requirements ..... 24
111 Permits and Approvals ..... 5	806 Loading Spaces ..... 24
	807 Grading and Excavation Regulations ..... 24
<b>CHAPTER 2 DEFINITIONS..... 7</b>	808 Passageways ..... 25
Section	809 Approval for and Availability of Essential Services ..... 25
201 General ..... 7	
202 General Definitions ..... 7	<b>CHAPTER 9 SPECIAL REGULATIONS ..... 27</b>
	Section
<b>CHAPTER 3 USE DISTRICTS..... 13</b>	901 Home Occupations ..... 27
Section	902 Adult Uses ..... 27
301 District Classifications ..... 13	
302 Minimum Areas for Zoning Districts ..... 13	<b>CHAPTER 10 SIGN REGULATIONS ..... 29</b>
303 Zoning Map ..... 13	Section
304 Annexed Territory ..... 13	1001 Purpose ..... 29
305 Conditional Uses ..... 13	1002 Definitions ..... 29
	1003 General Sign Types ..... 31
<b>CHAPTER 4 AGRICULTURAL ZONES ..... 15</b>	1004 General Provisions ..... 31
Section	1005 Exempt Signs ..... 36
401 Agricultural Zones Defined ..... 15	1006 Prohibited Signs ..... 36
402 Bulk Regulations ..... 15	1007 Permits ..... 37
	1008 Specific Sign Requirements ..... 37
<b>CHAPTER 5 RESIDENTIAL ZONES ..... 17</b>	1009 Signs for Development Complexes ..... 43
Section	
501 Residential Zones Defined ..... 17	<b>CHAPTER 11 NONCONFORMING STRUCTURES AND USES ..... 45</b>
502 Bulk Regulations ..... 17	Section
	1101 General ..... 45
<b>CHAPTER 6 COMMERCIAL AND COMMERCIAL/ RESIDENTIAL ZONES..... 19</b>	1102 Discontinuance ..... 45
Section	1103 Enlargements and Modifications ..... 45
601 Commercial and Commercial/Residential Zones Defined ..... 19	
602 Bulk Regulations ..... 19	

**TABLE OF CONTENTS**

**CHAPTER 12 CONDITIONAL USES ..... 47**  
Section  
1201 General ..... 47  
1202 Applications ..... 47  
1203 Public Hearing ..... 47  
1204 Determination..... 47  
1205 Expiration and Revocation ..... 47  
1206 Amendments..... 47  
1207 Conditional Use Review Criteria ..... 47

**CHAPTER 13 PLANNED UNIT DEVELOPMENT ..... 49**  
Section  
1301 General ..... 49  
1302 Conditions ..... 49  
1303 Planning Commission Determination..... 50  
1304 Required Contributions ..... 50  
1305 Planning Commission Action ..... 50

**CHAPTER 14 REFERENCED STANDARDS..... 51**

**INDEX ..... 53**



## CHAPTER 1

# ADMINISTRATION

### SECTION 101 GENERAL

**101.1 Title.** These regulations shall be known as the *Zoning Code* of [NAME OF JURISDICTION], hereinafter referred to as “this code.”

**101.2 Intent.** The purpose of this code is to safeguard the health, property and public welfare by controlling the design, location, use or occupancy of all buildings and structures through the regulated and orderly development of land and land uses within this jurisdiction.

**101.3 Scope.** The provisions of this code shall apply to the construction, addition, alteration, moving, repair and use of any building, structure, parcel of land or sign within a jurisdiction, except work located primarily in a public way, public utility towers and poles, and public utilities unless specifically mentioned in this code.

Where, in any specific case, different sections of this code specify different requirements, the more restrictive shall govern. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

In fulfilling these purposes, this ordinance is intended to benefit the public as a whole and not any specific person or class of persons. Although, through the implementation, administration and enforcement of this code, benefits and detriments will be enjoyed or suffered by specific individuals, such is merely a byproduct of the overall benefit to the whole community. Therefore, unintentional breaches of the obligations of administration and enforcement imposed on the jurisdiction hereby shall not be enforceable in tort.

If any portion of this code is held invalid for any reason, the remaining herein shall not be affected.

**Exception:** Existing buildings undergoing repair, alteration or additions and change of occupancy shall be permitted to comply with the *International Existing Building Code*.

### SECTION 102 FEES

**102.1 Fees.** A fee for services shall be charged. All fees shall be set by the jurisdiction and schedules shall be available at the office of the code official.

### SECTION 103 EXISTING BUILDINGS AND USES

**103.1 General.** Lawfully established buildings and uses in existence at the time of the adoption of this code shall be permitted to have their existing use or occupancy continued, provided such continued use is not dangerous to life.

**[EB] 103.2 Additions, alterations or repairs.** Additions, alterations or repairs shall be permitted to be made to any building or use without requiring the existing building or use to comply with the requirements of this code, provided the addition, alteration or repair conforms to that required for a new building or use.

**103.3 Maintenance.** All buildings or uses, both existing and new, and all parts thereof, shall be maintained. The owner or designated agent shall be responsible for the maintenance of buildings and parcels of land. To determine compliance with this section, the code official shall be permitted to cause any structure or use to be inspected.

**103.4 Moved and temporary buildings, structures, and uses.** Buildings or structures moved into or within the jurisdictions shall comply with the provisions of this code for new buildings and structures.

Temporary buildings, structures and uses such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public shall be permitted to be erected, provided a special approval is received from the code official for a limited period of time. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

**103.5 Illegal uses.** Uses that were illegally established prior to the adoption of this code shall remain illegal.

### SECTION 104 DUTIES AND POWERS OF THE ZONING CODE OFFICIAL

**104.1 General.** This section establishes the duties and responsibilities for the zoning code official and other officials and agencies, with respect to the administration of this code. The zoning code official and/or designee shall be referred to hereafter as “the code official.”

**104.2 Deputies.** The code official may appoint such number of technical officers and other employees as shall be authorized from time to time. The code official shall be permitted to deputize such employees as may be necessary to carry out the functions of this code.

**104.3 Reviews and approvals.** The code official shall be authorized to undertake reviews, make recommendations and grant approvals as set forth in this code.

**104.4 Comprehensive plan.** The code official shall assist the planning commission in the development and implementation of the comprehensive plan.

**104.5 Administrative reviews and permits.** Administrative reviews and permits shall be in accordance with Sections 104.5.1 through 104.5.4.

**104.5.1 Review of building permits.** All applications for building permits and amendments thereto shall be submitted to the code official for review and approved prior to permit issuance. Each application shall include a set of building plans and all data necessary to show that the requirements of this code are met.

**104.5.2 Site plan reviews.** The code official shall receive all applications for site plan review and review for completeness and prepare submittals for review by the appropriate body.

**104.5.3 Conditional-use permits and variances.** The code official shall receive all applications for conditional uses and variances or other plans as shall be permitted or approved as required by this code, review for completeness and prepare submittals for review by the appropriate body.

**104.5.4 Amendments.** All requests for amendments or changes to the comprehensive plan or this code or map shall be submitted to the code official for processing.

**104.6 Interpretations.** The interpretation and application of the provisions of this code shall be by the code official. An appeal of an interpretation by the code official shall be submitted to the board of adjustment, who, unless otherwise provided, is authorized to interpret the code, and such interpretation shall be considered final.

Uses are permitted within the various zones as described in this code and as otherwise provided herein.

It is recognized that all possible uses and variations of uses that might arise cannot reasonably be listed or categorized. Mixed uses/sites or any use not specifically mentioned or about which there is any question shall be administratively classified by comparison with other uses identified in the zones described in this code. If the proposed use resembles identified uses in terms of intensity and character, and is consistent with the purpose of this code and the individual zone's classification, it shall be considered as a permitted/nonpermitted use within a general zone classification, subject to the regulations for the use it most nearly resembles. If a use does not resemble other identified allowable uses within a zone, it may be permitted as determined by the hearing body in public hearing as an amendment to this code pursuant to Section 109.3.

**104.7 Liability.** The code official, or designee, charged with the enforcement of this code, acting in good faith and without malice in the discharge of the duties described in this code, shall not be personally liable for any damage that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the code official or employee because such act or omission performed by the code official or employee in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the enforcement agency shall be defended by the jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the jurisdiction.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or parcel of land for any damages to persons or

property caused by defects, nor shall the enforcement agency or its jurisdiction be held as assuming any such liability by reason of the reviews or permits issued under this code.

**104.8 Cooperation of other officials and officers.** The code official shall be authorized to request, and shall receive so far as is required in the discharge of the duties described in this code, the assistance and cooperation of other officials of the jurisdiction.

## SECTION 105 PLANNING COMMISSION

**105.1 General.** This section addresses the duties and responsibilities of a planning commission, hereafter referred to as "the commission," and other officials and agencies, with respect to the administration of this code.

**105.2 Establishment of the commission.** The establishment of the commission shall be in accordance with the policies and procedures as set forth in state law. The commission shall consist of the number of members as specified in state law. Additionally, one member of the legislative body shall be permitted to be appointed as liaison to the commission. Such member shall have the right to attend all meetings and take part in all discussions, but shall not vote on commission decisions.

**105.3 Terms for members.** The terms of office for the members of the commission shall be as set forth in state law. Members shall be permitted to be removed for cause upon written charges and after a public hearing before the legislative body of the jurisdiction, if such a hearing is requested.

**105.4 Selection of members.** All members shall be appointed and approved by the legislative body of the jurisdiction served. The terms of office for the commission members shall be staggered at intervals so as to provide continuity in policy and personnel. Members of the commission shall be residents of the jurisdiction served. Compensation of members shall be set by the legislative body of the jurisdiction. Any vacancy for the unexpired term of any member whose term is not completed shall be filled. A member shall continue to serve until a successor has been appointed and approved by the legislative body of the jurisdiction.

**105.5 Chairperson election and rules adoption.** The commission shall elect from its membership a chairperson. It shall also establish and adopt rules for its organization and transaction of business and shall keep a public record of its proceedings.

**105.6 Commission secretary.** A secretary to assist the commission shall be appointed by the code official. The secretary shall keep minutes of the commission meetings for public record and conduct all correspondence, including the notification of decisions. The secretary shall also certify records. The secretary shall prepare and submit the minutes of commission meetings to the chairperson and the commission.

**105.7 Duties and powers.** The duties and powers of the planning commission shall be in accordance with Sections 105.7.1 through 105.7.5.

**105.7.1 Comprehensive plan.** It shall be the duty of the commission, after holding public hearings, to create and

recommend to the legislative body a comprehensive plan for the physical development of the jurisdiction, which shall be permitted to include areas outside its boundaries that bear consideration to the planning of the jurisdiction. The comprehensive plan shall include at least the following elements:

1. Official maps.
2. Growth and land use.
3. Commercial/industrial uses.
4. Transportation and utilities.
5. Community facilities.
6. Housing.
7. Environmental.
8. Geologic/natural hazards.

The commission shall be permitted also to recommend amendments to the comprehensive plan regarding the administration or maintenance of this code.

**105.7.2 Zoning code.** It shall be the duty of the commission to develop and recommend to the legislative body a zoning code, in accordance with the guidelines of the comprehensive plan, establishing zones within the jurisdiction. Such a code shall be made in regards to the character of each district and the most appropriate use of land within the jurisdiction.

The commission shall make periodic reports and recommendations to the legislative body.

**105.7.3 Division of land regulations.** It shall be the duty of the commission to develop and certify regulations governing the division of land. All divisions of land shall be in accordance with the adopted regulations.

**105.7.4 Conditional-use permits.** It shall be the duty of the commission to review conditional-use permit applications.

The application shall be accompanied by maps, drawings or other documentation in support of the request. The granting of a conditional-use permit shall not exempt the applicant from compliance with other relevant provisions of related ordinances.

**105.7.5 Official zoning map.** The legislative body shall adopt an official zoning map for all areas included within the jurisdiction.

**105.8 Appeals and hearings.** Any person with standing aggrieved by any decision of the commission shall have the right to make such appeals as shall be permitted to be provided by this code or state law. Such appeals shall be based on the record.

## SECTION 106 COMPLIANCE WITH THE CODE

**106.1 General.** Upon adoption of this code by the legislative body, no use, building or structure, whether publicly or privately owned, shall be constructed or authorized until the location and extent thereof conform to said plan.

## SECTION 107 BOARD OF ADJUSTMENT

**107.1 General.** This section addresses the duties and responsibilities of a board of adjustment, hereafter referred to as "the board," and other officials and agencies, with respect to the administration of this code.

**107.2 Establishment of the board.** The establishment of the board shall be in accordance with the procedures and policies set forth in state law. The board shall consist of the number of members as specified in state law. Additionally, one member of the commission shall be appointed as liaison to the board. Such member shall have the right to attend all meetings and take part in all discussions, but shall not vote on board decisions.

**107.3 Terms for members.** The terms of office for the members of the board shall be as set forth in state law. Members shall be permitted to be removed for cause upon written charges and after a public hearing before the legislative body of the jurisdiction, if such hearing is requested.

**107.4 Selection of members.** All members shall be appointed and approved by the legislative body of the jurisdiction served. The terms of office shall be staggered at intervals, so as to provide continuity in policy and personnel. Members of the board shall be residents of the jurisdiction served. Compensation shall be set by the legislative body of the jurisdiction. Any vacancy for the unexpired term of any member whose term is not completed shall be filled. A member shall continue to serve until a successor has been appointed and approved by the legislative body of the jurisdiction.

**107.5 Chairperson election and rules adoption.** The board shall elect from its membership a chairperson. It shall also establish and adopt rules for its organization and the transaction of business and shall keep a public record of its proceedings.

**107.6 Board secretary.** A secretary to assist the board shall be appointed by the code official. The secretary shall keep minutes of the board meetings for public record and conduct all correspondence, including the notification of decisions. The secretary shall also certify records. The secretary shall prepare and submit the minutes of board meetings to the chairperson and the board.

**107.7 Duties and powers.** The duties and powers of the board of adjustment shall be in accordance with Sections 107.7.1 through 107.7.3.

**107.7.1 Errors.** The board shall have the power to hear and decide on appeals where it is alleged that there is an error in any order, requirement, decision, determination or interpretation by the code official.

**107.7.2 Variances.** The board shall have the power to hear and decide on appeals wherein a variance to the terms of this code is proposed. Limitations as to the board's authorization shall be as set forth in this code.

**107.7.3 Variance review criteria.** The board of adjustment shall be permitted to approve, approve with conditions or deny a request for a variance. Each request for a variance shall be consistent with the following criteria:

1. Limitations on the use of the property due to physical, topographical and geologic features.

## ADMINISTRATION

2. The grant of the variance will not grant any special privilege to the property owner.
3. The applicant can demonstrate that without a variance there can be no reasonable use of the property.
4. The grant of the variance is not based solely on economic reasons.
5. The necessity for the variance was not created by the property owner.
6. The variance requested is the minimum variance necessary to allow reasonable use of the property.
7. The grant of the variance will not be injurious to the public health, safety or welfare.
8. The property subject to the variance request possesses one or more unique characteristics generally not applicable to similarly situated properties.

**107.8 Use variance.** The board of adjustment shall not grant a variance to allow the establishment of a use in a zoning district when such use is prohibited by the provisions of this code.

**107.9 Decisions.** The board shall be permitted to decide in any manner it sees fit; however, it shall not have the authority to alter or change this code or zoning map or allow as a use that which would be inconsistent with the requirements of this code. Provided, however, that in interpreting and applying the provisions of this code, the requirements shall be deemed to be the spirit and intent of the code and do not constitute the granting of a special privilege.

### SECTION 108 HEARING EXAMINER

**108.1 General.** This section addresses the duties and responsibilities of a hearing examiner, hereafter referred to as the "examiner," and other officials and agencies with respect to the administration of this code.

**108.2 Appointment of an examiner.** The examiner shall be appointed and approved by the legislative body of the jurisdiction served. Compensation shall be set by same.

**108.3 Duties and powers.** The examiner shall hear and consider all applications for discretionary land rezones and use decisions as authorized by the legislative body by resolution. Such considerations shall be set for public hearing. The examiner shall be bound by the same standards of conduct as the commission and board, with respect to the administration of this code.

**108.4 Decisions.** The examiner shall, within 10 working days, render a decision. Notice in writing of the decision and the minutes of record shall be given to the code official for distribution as required. All decisions shall be kept in accordance with state regulations and such decisions shall be open to the public.

### SECTION 109 HEARINGS, APPEALS AND AMENDMENTS

**109.1 Hearings.** Upon receipt of an application in proper form, the code official shall arrange to advertise the time and place of public hearing. Such advertisement shall be given by at least

one publication in a newspaper of general circulation within the jurisdiction. Such notice shall state the nature of the request, the location of the property, and the time and place of hearing. Reasonable effort shall also be made to give notice by regular mail of the time and place of hearing to each surrounding property owner; the extent of the area to be notified shall be set by the code official. A notice of such hearing shall be posted in a conspicuous manner on the subject property.

**109.2 Appeals.** Appeals shall be in accordance with Sections 109.2.1 through 109.2.3.

**109.2.1 Filing.** Any person with standing, aggrieved or affected by any decision of the code official shall be permitted to appeal to the examiner, board or commission by written request with the code official. Upon furnishing the proper information, the code official shall transmit to the examiner, board or commission all papers and pertinent data related to the appeal.

**109.2.2 Time limit.** An appeal shall only be considered if filed within 10 working days after the cause arises or the appeal shall not be considered. If such an appeal is not made, the decision of the code official shall be considered final.

**109.2.3 Stays of proceedings.** An appeal stays all proceedings from further action unless there is immediate danger to public health and safety.

**109.3 Amendments.** This code shall be permitted to be amended, but all proposed amendments shall be submitted to the code official for review and recommendation to the commission.

**109.4 Voting and notice of decision.** There shall be a vote of a majority of the board and commission present in order to decide any matter under consideration. Each decision shall be entered in the minutes by the secretary. All appeals shall be kept in accordance with state regulations and such appeals shall be open to the public.

Notice in writing of the decision and the disposition of each appeal shall be given to the code official and each appellant by mail or otherwise.

### SECTION 110 VIOLATIONS

**110.1 Unlawful acts.** It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or land or cause or permit the same to be done in violation of this code. When any building or parcel of land regulated by this code is being used contrary to this code, the code official shall be permitted to order such use discontinued and the structure, parcel of land, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the code official after receipt of such notice to make the structure, parcel of land, or portion thereof, comply with the requirements of this code.



## SECTION 111 PERMITS AND APPROVALS

**111.1 General.** All departments, officials and employees which are charged with the duty or authority to issue permits or approvals shall issue no permit or approval for uses or purposes where the same would be in conflict with this code. Any permit or approval, if issued in conflict with this code, shall be null and void.

**111.2 Expiration or cancellation.** Each license, permit or approval issued shall expire after 180 days if no work is undertaken or such use or activity is not established, unless a different time of issuance of the license or permit is allowed in this code, or unless an extension is granted by the issuing agency prior to expiration.

Failure to comply fully with the terms of any permit, license or approval shall be permitted to be grounds for cancellation or revocation. Action to cancel any license, permit or approval shall be permitted to be taken on proper grounds by the code official. Cancellation of a permit or approval by the commission or board shall be permitted to be appealed in the same manner as its original action.

**111.3 Validity of licenses, permits and approvals.** For the issuance of any license, permit or approval for which the commission or board is responsible, the code official shall require that the development or use in question proceed only in accordance with the terms of such license, permit or approval, including any requirements or conditions established as a condition of issuance. Except as specifically provided for in this code and conditions of approval, the securing of one required review or approval shall not exempt the recipient from the necessity of securing any other required review or approval.

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## CHAPTER 2

# DEFINITIONS

### SECTION 201 GENERAL

**201.1 Scope.** Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter.

**201.2 Interchangeability.** Words used in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the *International Building Code* or the *International Mechanical Code*, such terms shall have the meanings ascribed to them as in those codes.

**201.4 Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

### SECTION 202 GENERAL DEFINITIONS

**ABANDONED SIGN.** See Section 1002.1.

**ACCESSORY BUILDING.** An incidental subordinate building customarily incidental to and located on the same lot occupied by the main use or building, such as a detached garage.

**ACCESSORY LIVING QUARTERS.** An accessory building used solely as the temporary dwelling of guests of the occupants of the premises; such dwelling having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

**ACCESSORY USE.** A use conducted on the same lot as the primary use of the structure to which it is related; a use that is clearly incidental to, and customarily found in connection with, such primary use.

**AGRICULTURE.** The tilling of the soil, raising of crops, farm animals, livestock, horticulture, gardening, beekeeping and aquaculture.

**ALLEY.** Any public way or thoroughfare more than 10 feet (3048 mm), but less than 16 feet (4877 mm), in width, which has been dedicated to the public for public use.

**ALTERATION.** Any change, addition or modification in construction, occupancy or use.

**AMUSEMENT CENTER.** An establishment offering five or more amusement devices, including, but not limited to, coin-operated electronic games, shooting galleries, table games and similar recreational diversions within an enclosed building.

**ANIMATED SIGN.** See Section 1002.1.

**Electrically activated.** See Section 1002.1.

**Environmentally activated.** See Section 1002.1.

**Mechanically activated.** See Section 1002.1.

**APARTMENT HOUSE.** A residential building designed or used for three or more dwelling units.

**ARCHITECTURAL PROJECTION.** See Section 1002.1.

**AUTOMOTIVE REPAIR, MAJOR.** An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul, which is conducted within a completely enclosed building.

**AUTOMOTIVE REPAIR, MINOR.** An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work, which is conducted within a completely enclosed building.

**AUTOMOTIVE SELF-SERVICE MOTOR FUEL DISPENSING FACILITY.** That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles by persons other than a service station attendant. Such an establishment shall be permitted to offer for sale at retail other convenience items as a clearly secondary activity and shall be permitted also to include a free-standing automatic car wash.

**AUTOMOTIVE SERVICE MOTOR FUEL DISPENSING FACILITY.** That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities shall be permitted to include automotive repair and maintenance, car wash service, and food sales.

**AWNING.** See Section 1002.1.

**AWNING SIGN.** See Section 1002.1.

**BACKLIT AWNING.** See Section 1002.1.

**BANNER.** See Section 1002.1.

**BANNER SIGN.** See Section 1002.1.

**BASEMENT.** Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

**BILLBOARD.** See Section 1002.1.

**BOARD.** The board of adjustment of the adopting jurisdiction.

**BOARDING HOUSE.** A dwelling containing a single dwelling unit and not more than 10 guestrooms or suites of rooms, where lodging is provided with or without meals, for compensation for more than 1 week.

**BUILDING.** Any structure used or intended for supporting or sheltering any use or occupancy.