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INTERNATIONAL ZONING CODE®



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2009 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 2009 edition, is designed to meet this need 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 2009 edition is fully compatible with all the *International Codes*® (I-Codes®) published by the International Code Council (ICC)®, including the *International Building 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 Wildland-Urban Interface Code*™.

The *International Zoning Code* provides 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 code development committee appointed by ICC and consisting of representatives of the three statutory members of the International Code Council at that time: 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 model codes adopted by the jurisdiction. This 2009 edition presents the code as originally issued, with changes reflected through the previous 2006 edition, and further changes developed through the ICC Code Development Process through 2008. A new edition of the code is promulgated every three years.

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, products 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 ix 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 Codes and Standards Development Department of the International Code Council.

While the development procedure of the *International Zoning Code* assures the highest degree of care, ICC, its members and those participating in the development of this code do not accept any liability resulting from compliance or noncompliance with the provisions because the ICC does 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 or Definitions

In each code development cycle, proposed changes to the code are considered at the Code Development Hearings by the ICC Property Maintenance/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 that has a number beginning with a letter in brackets are considered by a different code development committee. For example, proposed changes to definitions that have [B] in front of them (e.g., [B] DWELLING UNIT) are considered by the International Building Code Development Committee at the code development hearings.

The content of sections or definitions in this code that begin with a letter designation are maintained by another code development committee in accordance with the following: [B] = International 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 2006 edition. Deletion indicators in the form of an arrow (➡) are provided in the margin where an entire code section, paragraph, exception or table has been deleted or an item in a list or table entry has been deleted.

Italicized Terms

Selected terms set forth in Chapter 2, Definitions, are italicized where they appear in code text. Such terms are not italicized where the definition set forth in Chapter 2 does not impart the intended meaning in the use of the term. The terms selected have definitions which the user should read carefully to facilitate better understanding of the code.

Effective Use of the International Zoning Code

The *International Zoning Code (IZC)* is a model code that regulates minimum zoning requirements for new buildings.

The IZC is a planning and community development document. The IZC is intended to provide for the arrangement of compatible buildings and land uses and establish provisions for the location of all types of uses, in the interest of the social and economic welfare of the community.

Arrangement and Format of the 2009 IZC

Before applying the requirements of the IZC, it is beneficial to understand its arrangement and format. The IZC, like other codes published by ICC, is arranged and organized to follow sequential steps that generally occur during a plan review or inspection. The IZC is divided into 14 different parts:

| Chapters | Subjects |
|----------|---|
| 1 | Administration |
| 2 | Definitions |
| 3 | Use Districts |
| 4 | Agricultural Zones |
| 5 | Residential Zones |
| 6 | Commercial and Commercial/Residential Zones |
| 7 | Factory/Industrial Zones |
| 8 | General Provisions |
| 9 | Special Regulations |
| 10 | Sign Regulations |
| 11 | Nonconforming Structures and Uses |
| 12 | Conditional Uses |
| 13 | Planned Unit Development |
| 14 | Referenced Standards |

The following is a chapter-by-chapter synopsis of the scope and intent of the provisions of the *International Zoning Code*:

Chapter 1 Administration. This chapter contains provisions for the application, enforcement and administration of subsequent requirements of the code. In addition to establishing the scope of the code, Chapter 1 identifies which buildings and structures come under its purview. Chapter 1 is largely concerned with maintaining “due process of law” in enforcing the zoning criteria contained in the body of the code. Only through careful observation of the administrative provisions can the building official reasonably expect to demonstrate that “equal protection under the law” has been provided.

Chapter 2 Definitions. All terms that are defined in the code are listed alphabetically in Chapter 2. While a defined term may be used in one chapter or another, the meaning provided in Chapter 2 is applicable throughout the code.

Additional definitions regarding signs are found in Chapter 10. These are not listed in Chapter 2.

Where understanding of a term’s definition is especially key to or necessary for understanding of a particular code provision, the term is shown in *italics* wherever it appears in the code. This is true only for those terms that have a meaning that is unique to the code. In other words, the generally understood meaning of a term or phrase might not be sufficient or consistent with the meaning prescribed by the code; therefore, it is essential that the code-defined meaning be known.

Guidance regarding tense, gender and plurality of defined terms as well as guidance regarding terms not defined in this code is provided.

Chapter 3 Use Districts. Chapter 3 identifies classifications for typical zoning districts and provides for the application of minimum district areas, in order to regulate and restrict the locations for uses and locations of buildings designated for specific areas and to regulate the minimum required areas or yards and courts and important open-areas property.

This chapter also requires coordination of the established zoning districts with approved zoning maps. Further, this chapter also contains information on the minimum requirements for conditional use areas, which includes particular considerations as to their proper location to adjacent, established or intended uses, or to the planned growth of the community.

Chapter 3, along with Chapters 4 through 7 establish the criteria to classify properties into compatible use districts.

Chapter 4 Agricultural Zones. Chapter 4 identifies three divisions of agricultural zones including any area to be designated as open space, agricultural uses and land used for public parks and similar uses. After the specific zoning areas are established, this chapter provides minimum bulk zoning regulations to establish lot area, structure-to-open space density, lot dimensions, and setback and building height requirements.

For example, within an agricultural zone 2 there is a limit of one dwelling unit per 10 acres with a minimum lot area of 10 acres. Lot dimensions are required to be 400 feet wide by 400 feet deep minimum for this parcel of ground.

Chapter 5 Residential Zones. The objective of Chapter 5 is to define residential uses for a jurisdiction to utilize in arranging compatible land uses in order to achieve the maximum social and economic benefit for the community. This chapter identifies three divisions of residential zones including single-family, two-family and multiunit residential uses. Once the particular zones are established, provisions for the minimum bulk zoning regulations, such as lot area, structure-to-open space density, lot dimensions, setback and building height requirements, are indicated. For example, based on Table 502.1, a Division 2b residential lot would restrict the overall building height to 35 feet and establish a minimum front yard of 15 feet, side yard of 5 feet, and rear yard of 20 feet while requiring a minimum overall lot size of 6,000 square feet.

Chapter 6 Commercial and Commercial/Residential Zones. Chapter 6 identifies four divisions of commercial zones, including C1, which includes minor automotive repair and automotive fuel dispensing facilities; C2, which includes light commercial and group care facilities; C3, which includes amusement centers including bowling alleys, golf driving ranges, miniature golf courses, ice skating rinks, pool and billiard halls; and C4, which includes major automotive repair, manufacturing and commercial centers. This chapter also contains two divisions of commercial/residential zones that accommodate residential uses in light and medium commercial zones (Divisions 1 and 2). Once the particular zones are established, Chapter 6 provides specific minimum bulk zoning restrictions to include lot area, structure-to-open space density, lot dimensions, and setback and building height requirements.

Chapter 7 Factory/Industrial Zones. The objective of Chapter 7 is to define factory/industrial uses for a jurisdiction to utilize in arranging compatible land uses for the social and economic welfare of the community. This chapter identifies three divisions of factory/industrial zones including a range of factory/industrial zones from light manufacturing or industrial, such as warehouses and auto body shops (Division 1), to heavy manufacturing or industrial, such as automotive dismantling and petroleum refineries (Division 3). Once the particular zones are established, Chapter 7 provides minimum bulk zoning regulations that establish lot area, structure-to-open space density, lot dimensions, and setback and building height requirements.

Chapter 8 General Provisions. Chapter 8 contains general zoning provisions along with requirements for elements that are common to most uses recognized by this code, to include parking stall dimensions, driveway width requirements, allowable projections into required yard spaces, landscaping and loading space size requirements. This chapter also establishes the minimum number of required off-street parking spaces for specific uses, fence height requirements specific to front, side and rear yard locations, accessory buildings and minimum separation distance requirements from accessory buildings to the main building on the same lot, maximum allowable projection encroachment into the required front and rear yards, and landscaping requirements for new buildings and additions and maintenance requirements for existing landscaping. Chapter 8 also provides for the jurisdiction to specifically review and approve the availability of essential services infrastructure for all new projects with a focus on sewer, potable water, street lighting and fire hydrants.

Chapter 9 Special Regulations. Chapter 9 recognizes two unique uses, home office and adult-use businesses, and establishes requirements to address each based on their characteristics and potential impact related to other uses/zoning districts. With respect to home occupations, Chapter 9 contains restrictions that include maximum allowable floor area for both the home occupation and the storage for same, exterior display and patron and parking allowances.

With respect to adult uses, Chapter 9 requires adult uses to obtain a conditional-use permit and contains a list of four specific location requirements for adult uses.

Chapter 10 Sign Regulations. The primary purpose of Chapter 10 is to establish the regulation for the use of signs and sign structures. This chapter addresses the various sign types, provides numerous figures that show examples of general signs, roof signs, wall signs and fascia signs, and addresses the computation methodology of sign area for code compliance. Chapter 10 also contains the general provisions that apply to sign placement, maintenance, repair and removal, as well as requirements for wall, free-standing, directional and temporary signs.

Chapter 11 Nonconforming Structures and Uses. Chapter 11 contains provisions for nonconforming structures and uses regulated under this code. The primary purpose of this chapter is to ensure that existing structures and current land use practices legally established prior to the adoption of the *International Zoning Code* are allowed to be continued. This chapter also describes the criteria that a nonconforming structure or use must meet in order to be allowed to be maintained unchanged. Specific criteria is provided for the discontinuance of a nonconforming use to include vacancy and damage. Chapter 11 also describes the restrictions on enlargements and modifications to a nonconforming structure.

Chapter 12 Conditional Uses. Chapter 12 establishes the requirements for conditional uses based on the occasional need for a use not normally permitted in a particular zoning district and due to the unique characteristics and service that use provides to the public. This chapter contains requirements for conditional use permits, minimum documentation required to support a conditional use property, and fees. Further, Chapter 12 establishes the criteria for expiration and revocation of conditional use permit and includes a provision that allows the applicant to submit an amendment to a conditional use permit.

Chapter 13 Planned Unit Development. Chapter 13 identifies the code requirements for planned unit developments and describes the important role of the planning commission. The primary purpose of this chapter is to permit and encourage diversification, variation, and imagination in the relationship of uses, structures, open spaces and heights of structures. It is further intended to encourage more rational and economic development with relationship to public services, and to encourage and facilitate the preservation of open lands. This chapter contains the specific conditions for planned unit developments, including area, uses, ownership and open space requirements.

Chapter 14 Referenced Standards. The code contains numerous references to standards that are used to regulate materials and methods of construction. Chapter 14 contains a comprehensive list of all standards that are referenced in the code. The standards are part of the code to the extent of the referenced standard. Compliance with the referenced standard is necessary for compliance with this code. By providing specifically adopted standards, the construction and installation requirements necessary for compliance with the code can be readily determined. The basis for code compliance is, therefore, established and available on an equal basis to the code official, contractor, designer and owner.

This chapter is organized to facilitate locating specific standards, by listing all of the referenced standards, alphabetically, by acronym of the promulgating agency of the standard. Each agency's standards are then listed in either alphabetical or numeric order based upon the standard identification. The list also contains the title of the standard; the edition (date) of the standard referenced; any addenda included as part of the ICC adoption; and the section or sections of this code that referenced the standard.

ORDINANCE

The *International Codes* are designed and promulgated to be adopted by reference by ordinance. Jurisdictions wishing to adopt the 2009 *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 2009 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*, 2009 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:

Section 101.1. Insert [NAME OF JURISDICTION]

Section 109.2.2. Insert [NUMBER OF WORKING DAYS]

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 4 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.

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