

CHAPTER 6

PERFORMANCE STANDARDS

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6-1 GENERAL

The purpose of Performance Standards is to set specific conditions for various uses and to establish a classification of uses in areas where problems are encountered.

6-2 DEFINITIONS

COMPOST

A stable, humus-like finished product resulting from the biological decomposition of organic materials that doesn't show any spike in temperature when remixed, smells earthy with no foul odors, and none of the initial materials can be identified.

COMPOSTING

The production of compost.

SEWAGE LAGOON

An open pit or impoundment, and any open delivery component thereof (e.g. drains, ditches, culverts, etc.), that are designed for the containment of municipal, residential, commercial, and industrial waste, treated or untreated, that is produced by the day to day operations of such municipality, residence, commercial or industrial enterprise.

WASTE LAGOON

An open pit or impoundment, and any open delivery component thereof (e.g. drains, ditches, culverts, etc.), that are designed for the containment of Liquid Waste Matter, treated or untreated, that is produced by the day to day operations of an LCO or other kind of animal facility.

WASTE MATTER

Any matter included in the definitions of "waste products," "dead animal," or "hazardous materials," as well as all other waste accumulation (animal, vegetable and/or other), or any combination thereof, that is putrescible or easily decomposable, such as, but not by way of limitation, manure, urine or other kinds of discarded matter.

WASTE PRODUCTS

Feed or bedding materials, such as straw, grass, hay, alfalfa, or other like products that have been abandoned or discarded, whether in piles, spread about the ground, in stacks, dilapidating or otherwise, that has no substantial market value because of it being in a used, spoiled, rotten, or molded condition; insect or rodent infested; exposed to the elements; or for other like reasons.

6-3 HOUSING DENSITY

The number of residential dwellings allowed in any particular zone shall be as follows:

(A-1) AGRICULTURE:

One (1) per parcel unless otherwise stated in the JCZO.

(A-L) AGRICULTURE LIMITED; (IMP-AL) CITY IMPACT AREA AGRICULTURE LIMITED; AND (IMP-RES) CITY IMPACT AREA RESIDENTIAL:

One (1) per parcel unless otherwise stated in the JCZO.

(A-2) RURAL RESIDENTIAL AND (IMP) AREA OF CITY IMPACT:

One (1) per acre unless otherwise stated in the JCZO.

(CC) COMMERCIAL CORRIDOR; (CG) COMMERCIAL GENERAL; (IL) LIGHT INDUSTRIAL; (IH) HEAVY INDUSTRIAL; (IMP-COM) CITY IMPACT AREA COMMERCIAL; AND (IMP-IND) CITY IMPACT AREA INDUSTRIAL:

Residential dwellings not allowed. Living Quarters may be permitted by Special Use Permit.

(PR) PRESERVATION:

One per parcel permitted only with a Special Use Permit.

(AR) AIRPORT:

Residential dwellings not allowed (residences for employees overseeing the airport excluded).

6-4 LIVING QUARTERS AS AN ACCESSORY USE

All commercial uses incorporating a Living Quarters into the business as an accessory use thereof shall require a Special Use Permit. Such Living Quarters shall be integrated into a commercial structure and shall in no event be erected as a stand-alone dwelling or residential house.

6-5 AGRICULTURAL USES NOT REGULATED BY CHAPTER 13

This section shall apply to those uses specified below that are not otherwise regulated by Chapter 13 of the JCZO.

6-5.01 SOLID WASTE MATTER AND COMPOST STACKED, STORED, OR LAND APPLIED

A. IMPORTED

1. All waste matter not originating from the parcel or site where it is located, but rather is imported from an offsite location for purposes of being placed in the ground as fertilizer or otherwise, shall be mixed with the soil within twenty-one (21) days after such waste matter first arrives at the property where it is to be applied. The twenty-one (21) day time period may be extended in writing by the

Administrator to a date certain for the purpose of accommodating weather-related delays. This section shall not be construed as authorization for the mixing or burying of materials that are otherwise prohibited from being so mixed with the soil or buried in the ground by Federal, State or local law.

2. During the twenty-one (21) day period described above, but prior to being mixed with the soil, the waste matter shall be stacked and stored a minimum of fifty (50) feet from any public road right-of way; fifty (50) feet from the water's edge of any canal, lateral or ditch that may return to the Snake River; three hundred (300) feet from the outer parameter of any water well; and three-hundred (300) feet from any structure of human occupancy that is not associated with the waste matter.
3. All waste matter that will not be mixed with the soil within the twenty-one (21) day period described above, shall be stacked and stored fifty (50) feet from any public road right-of way; fifty (50) feet from the water's edge of any canal, lateral or ditch that may return to the Snake River; one-thousand (1000) feet from any structure of human occupancy that is not associated with the waste matter; and three-hundred (300) feet from any water well; or fifty (50) feet if a solid berm or comparable structure, two feet in height, is installed around the wellhead to prevent runoff from contaminating the well.

B. NON-IMPORTED

1. No Waste Matter that originates on the parcel or site where it is located shall be purposely stacked by way of human labor at a location that is closer than: fifty (50) feet from the water's edge of any canal, lateral or ditch that may return to the Snake River; fifty (50) feet from all public road right-of ways; fifty (50) feet from any structure of human occupancy that is not associated with the waste matter; three hundred (300) feet from the outer parameter of any water well; or fifty (50) feet if a solid berm or comparable structure, two feet in height, is installed around the wellhead to prevent runoff from contaminating the well.
2. The minimal fifty (50) foot distance between unassociated structures of human occupancy and stacks of waste matter, as outlined in the above paragraph, shall be effective for only one hundred eighty (180) days from when the stack, or any portion thereof, was first created. Such a stack, nor any portion thereof, shall not remain located as allowed by the above paragraph for any amount of time that exceeds the one hundred eighty (180) day time period, but instead shall be either disposed of by: removing it from the parcel or site entirely; or spreading it and mixing it with the soil of the parcel or site – this, only if allowed by Federal, State or Local laws and regulations. If not disposed of, then such stack, and all portions thereof, shall be moved and relocated to a position on the parcel or site that is no closer than one thousand (1000) feet from any structure of human occupancy that is not associated with the waste matter.

C. EXCEPTIONS

This section (6-6.01) shall not apply to the following:

1. Manure piles that are not purposely stacked by way of human labor, but rather accumulate over the course of time from the natural discharges of pastured or corralled livestock.

2. Compost that is domestically made at a residential site for non-commercial purposes, and which is created from the kinds of organic matter that are typically discarded and found in residential refuse or garbage, such as, but not by way of limitation: coffee grounds; egg shells; food scraps; cooking oils or grease; stocks, stems, leaves, or skins of fruits and vegetables; pet waste; lawn, tree or plant clippings; etc.

6-5.02 WASTE LAGOONS

- A. All Waste Lagoons shall be: professionally engineered, designed and constructed to accommodate the intended volume of use; have a minimum capacity that includes provisions for a 25-year Storm event; be lined to prevent permeation and seepage; and if required, be approved by the appropriate State or Federal agency.
- B. No liquid Waste Matter shall be discharged from or otherwise allowed to leave a Waste Lagoon unless such waste is being transferred or piped in a controlled manner.
- C. Any pivotal irrigation system designed to distribute or sprinkle Liquid Waste Matter from a Waste Lagoon, shall not occur within one hundred fifty (150) feet of the outer edge or parameter of any public street; or within one hundred fifty (150) feet of the outer edge or parameter of any residential structure not associated with the irrigation system.

D. Setbacks

The outer parameter of a Waste Lagoon shall be a minimum of:

1. Three Hundred (300) feet from all property lines.
2. Fifty (50) feet from the water's edge of any canal, lateral or ditch that may return to the Snake River.
3. Fifty (50) feet from public road right of ways.
4. Three hundred (300) feet from the outer parameter of any water well; or fifty (50) feet if a solid berm or comparable structure, two feet in height, is installed around the wellhead to prevent runoff from contaminating the well.

6-5.03 ANIMAL CONFINEMENT AREAS

The outer parameter of any Animal Confinement Area shall be setback from the following as indicated:

- A. Fifty (50) feet from the water's edge of any canal, lateral, or ditch that may return to the Snake River.
- B. Fifty (50) feet from public road right of ways.

6-6 PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce such conditions to acceptable limits as established by the following performance requirements:

A. FIRE HAZARDS

Any activity involving the use or storage of inflammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept separate from adjacent activities for a distance which is appropriate to the potential danger involved as specified in the adopted International Fire Code.

B. RADIOACTIVITY OR ELECTRICAL DISTURBANCE

No activity shall emit radioactivity in excess of normal background radioactivity levels for the area in question; nor shall it emit any electrical disturbance which adversely affects the operation of any equipment at any point other than that of the creator of such disturbance.

C. NOISE

Noise which is found by the Administrator to be objectionable for reasons of volume, frequency, or beating shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

D. VIBRATION

Vibration which can be sensed without the necessity of detecting instruments when one is on adjacent property shall not be permitted.

E. AIR POLLUTION

The level of air pollution shall be subject to the requirements and regulations established by the Health Authority

F. EROSION

Objectionable substances shall not be allowed to be carried onto neighboring property through a process of erosion regardless of the cause of such erosion.

G. WATER POLLUTION

Levels and types of water pollution shall be subject to the requirements and regulations established by the Health Authority.

H. ENFORCEMENT PROVISIONS

The Administrator, prior to the issuance of a Zoning Permit, may require the submission of statements and plans which indicate the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable levels and tolerances.

I. MEASUREMENT PROCEDURES

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Institute, New York, the United States Bureau of Mines, and the Health Authority.

J. SEWAGE LAGOON

Sewage Lagoons shall meet the standards of 6-6.02 and adhere to all applicable Federal, State, and local regulations.

6-7 PROVISIONS FOR UNIQUE USES OF LAND

Certain unique uses of land pose special problems that may have detrimental influences on surrounding land uses. The following performance standards for such unique uses shall apply in addition to all other provisions of the Ordinance. All distance requirements herein below enumerated shall apply equally to all parties to the requirement. For example, Animal Clinics shall not be located closer than three hundred (300) feet from any residence except the owner's residence, and all residences except the owner's residence shall not be located closer than three hundred (300) feet from Animal Clinics.

A. ANIMAL CLINIC, ANIMAL HOSPITAL, VETERINARY OFFICE, AND KENNEL

These uses will be located at least three hundred (300) feet from any residence including motels and hotels, except the owner's residence. The Administrator may modify these requirements if the animals are completely housed in soundproof structures that screen the structures from view from the abutting residential property.

B. BOATHOUSE

1. Will be located within a shore lot.
2. Will be set back a minimum of one hundred (100) feet from the normal high-water elevation of a lake, pond, river, or stream; or the boathouse may be ten (10) feet back from the high tide mark.
3. There shall not be more than one (1) boathouse on each shore lot.
4. A boathouse will not be greater than fifteen (15) feet in height.
5. A boathouse shall not cover a horizontal area greater than three hundred (300) square feet.
6. A boathouse will not be located closer than ten (10) feet to any property line.

C. BULK STORAGE OF FLAMMABLE LIQUIDS AND GASES, ABOVE GROUND AND FOR RESALE

1. Will be located at least three hundred (300) feet from a residential zone, a residence, motel, or hotel except for the owner's residence.
2. Will be erected subject to the approval of the Fire Chief.
3. Will have suitable loading and unloading spaces as well as offset parking facilities subject to the approval of the Fire Chief.

D. CHEMICALS, PESTICIDE, AND FERTILIZER STORAGE AND MANUFACTURING

Will have adequate fire protection, storage area, handling, and disposal facilities as approved by the Fire Chief or Fire Marshall.

E. COMMERCIAL CORRIDOR (CC)

All businesses within the Commercial Corridor Zone shall be required to submit landscaping plans for approval as part of the application together with a letter from Natural Resources Conservation Service which letter should contain recommendations regarding the landscaping plans as well as staff recommendations that lighting requirements be made on each application to avoid glare and obtrusive light and that setback requirements be recommended by the transportation department and approved by Jerome County and that all vehicles be parked to the rear or side of any buildings with no parking between the highway and any building fronting the highway.

F. CONTRACTOR'S YARD

1. Will be located a minimum distance of three hundred (300) feet from any residence other than the owner's residence.
2. Will have a screening fence around areas utilized for storage of equipment.

G. DRIVE-IN RESTAURANT

1. Will be enclosed on the property line with landscaping and fencing, except for sites of ingress and egress, to prevent trash from moving onto other properties.
2. Will have a six (6) feet high sight- obscuring fence along the property lines that adjoin a residence.
3. Will provide for adequate trash receptacles.
4. Will avoid the direction of night lighting toward any residence.

H. FILLING, GRADING, LAGOONING, DREDGING, OR OTHER EARTH MOVING ACTIVITY

1. Will result in the smallest amount of bare ground exposed for the shortest time feasible.
2. Will provide temporary ground cover; such as mulch.
3. Will use diversions, silting basins, terraces, and other methods to trap sediment.
4. Will provide lagooning in such a manner as to avoid creation of fish trap conditions.
5. Will not result in a floodway, channel, or natural drainage way.
6. Will construct and stabilize sides and bottoms of cuts, fills, channels, and artificial water courses to prevent erosion.
7. Will not have below-grade excavation except for drainage ways within ten (10) feet of any lot or twenty-two (22) feet of public right-of-way and canal right-of-way.
8. Will restore topsoil or loam to a depth of not less than four (4) inches.

I. GRAVEL PITS, ROCK QUARRIES, SAND PITS, CLAY PITS, AND OTHER NATURAL RESOURCES OF COMMERCIAL VALUE

1. The extent and method of rehabilitation shall be determined in advance of issuing a zoning certificate with due consideration being given to what is suitable and compatible with the surrounding area.
2. Upon depletion of the area, all temporary buildings and structures, except property line fences and structures for the loading, measuring, or weighing of marketable material in storage, shall be completely removed from the property.
3. Safety fencing shall be erected around all pits that create a safety hazard.

J. HOME OCCUPATION

1. The home occupation shall not exceed twenty-five (25) percent of the floor area of the primary structure and fifty (50) percent of an accessory building on the premises. The use does not change the character of the dwelling.
2. Other than those related by blood, marriage or adoption, no more than one person may be employed in the home occupation.
3. Inventory and supplies shall not occupy more than fifty (50) percent of the area permitted to be used as a home occupation.
4. There shall be no exterior display or storage of goods on said premises.

5. The outside appearance of a structure shall not be changed because there is a home occupation within it. There shall be no more than one advertising sign displayed on the premises and said sign shall not exceed four (4) square feet in area.
6. Home occupations involving auto repair or maintenance, beauty shops or barbershops shall require a Special Use Permit.
7. Sales and services to patrons shall be arranged by appointment and scheduled so that not more than one patron vehicle is on the premises at the same time.
8. Two additional parking spaces shall be provided on the premises, except only one need be provided if the home occupation does not have an employee.
9. Regardless of its location in a structure, a home occupation and/or its equipment shall not create noise, vibration, glare, fumes, odors, or electrical interference which is detectable to normal human senses in adjacent lots. No equipment, nor process which creates visual or audible interference in any radio or television receiver, on or off the premises, shall be used. No equipment or process which causes fluctuation in voltage in electrical power lines off the premises shall be used.

K. MOBILE HOME PARK/RECREATIONAL VEHICLE PARK

1. Will be designed, constructed, operated, and maintained so that its appearance is harmonious and appropriate to the existing and/or intended character of the general vicinity. Use as a mobile home park shall not change the essential nature of the adjacent area.
2. Will not be hazardous or detrimental to existing or future uses in the neighborhood.
3. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, and schools. If such services are not already available in the area of this use, the person or agent responsible for the establishment of the proposed park shall provide such services.
4. Will be consistent with the intent and purpose of this Ordinance and the Comprehensive Plan.
5. Vehicular approaches to the property shall be designed so that they do not create interference with traffic on surrounding streets or roads.
6. Shall not destroy nor damage natural, scenic, or historic features of major importance.
7. Shall meet the minimum health standards as set forth by the Health Authority.
8. The mobile home park shall have a minimum total area of five (5) acres.

L. OUTDOOR STORAGE OF COMMERCIAL AND INDUSTRIAL MATERIALS

1. Shall be screened from view from any adjoining residence or residentially zoned area regardless of the presence of an interval alley or street.
2. Shall not be located in any required front yard area.

M. RIDING STABLES AND RIDING SCHOOLS

1. Shall locate all stables and loafing sheds at least one hundred (100) feet from any residence other than the residence of the owner.

2. All facilities shall be set back a distance of at least forty (40) feet from any property line.
3. Shall be designed and located with full consideration having been given to their proximity to adjacent uses and to their affect upon adjacent and surrounding properties, specifically with respect to noise factors, odors, and storage of horse trailer.
4. The owner or operator of such use shall have a continuing obligation to maintain adequate housekeeping practices to prevent the creation of a nuisance.

N. RIFLE AND PISTOL RANGE

1. Shall be designed with a backstop.
2. Shall be designed so that no line of fire is directed toward any residence or business which lies within a radius of one (1) mile from the point of firing.
3. Shall incorporate landscaping that is compatible with the surrounding landscape.
4. Shall provide supervision and security measures during periods of use.

O. SANITARY LANDFILL

1. Shall conform to the time limits for daily operations as determined by the Board.
2. Shall provide a bond for privately owned sites to insure compliance with the provisions of the zoning certificate.
3. Shall provide for a paved street to the facility.
4. Shall be supervised during the hours of operation.

P. WRECKING YARD

1. Shall be completely enclosed by a solid fence, eight (8) feet in height, which obscures the use from public view.
2. Shall not store any automobile, junk, or salvage material in a location that is visible from any public right-of-way.
3. Shall not store automobiles so that a part of the automobile rises above the level of the top edge of the obscuring fence.
4. Shall have landscaping which is appropriate to the surrounding area.

Q. BUILDING ADJACENT TO THE SNAKE RIVER

No building other than pumping stations and power plants shall be closer to the Snake River than one hundred (100) feet to a line on the side or bank of the river which is located by a level five (5) feet above the high-water mark of the natural flow created by any impounded water of the river.

R. BUILDINGS AND DRAINFIELDS ADJACENT TO IRRIGATION CANALS, LATERALS, AND DITCHES

1. No buildings or structures shall be constructed or located:
 - a. Within fifteen (15) feet from the toe of a lateral or ditch, which is a constructed fill, or edge of a ten (10) foot roadway on the same side of the lateral.
 - b. Large laterals need fifty (50) feet from edge of water.
 - c. Check with North Side Canal Company, Ltd. for correct setbacks.
2. No drain field shall be constructed or located so that the closest edge of the drain field would be within fifty (50) feet of the edge of the water in a canal, lateral or ditch.

S. STORAGE RENTALS

1. Lighting. Any area, which is intended to be used in non-daylight hours, shall be properly illuminated to avoid accidents. Lights used to illuminate the area shall be shielded lighting and shall be arranged to reflect light away from adjoining property.
2. Minimum distance and setbacks for parking shall be a minimum of twenty (20) feet from any residence.
3. Fencing. All storage rentals shall be fenced on all sides. The fence shall be a solid structure made from materials consisting of wood, vinyl and/or concrete (including bricks or cinder blocks) and the original intended use of such materials must have been for the construction of fencing. The fence shall not be less than six (6) feet in height. It shall be maintained in good condition and shall not allow vehicular lighting to trespass upon the property used for residential purposes.

T. RECREATIONAL VEHICLE SITE

On any parcel where more than one recreational dwelling is allowed in Chapter 5 Chart 5-6, there shall be allowed, in addition to one permanent single-family dwelling, one additional recreational vehicle site functioning as a dwelling of a temporary nature by administrative permit if the following requirements are met:

1. A zoning permit is required for any occupancy extending beyond sixty (60) days in Jerome County.
2. Shall have a minimum of one (1) acre for each dwelling and recreational vehicle site.
3. Shall meet the Health Authority sanitary restrictions/requirements.
4. Shall meet setback requirements from any canal or lateral for the property that is serviced by an irrigation district.
5. Shall meet fire access apparatus road requirements for a property that is serviced by a fire district.
6. Shall meet access requirements for the property that is serviced by a highway district.
7. Shall meet Department of Water Resource requirements if sharing a domestic well.
8. Shall meet all requirements for federal, state and local codes & ordinances.

U. TEMPORARY BUILDING

Temporary building, construction trailers, equipment and materials used only in conjunction with construction work may be permitted in any district during the period of construction, but such temporary facilities shall be removed upon completion of construction. Storage of such facilities or equipment beyond the completion date of the project shall require a Zoning Permit authorized by the Administrator.

V. FLOODPLAIN DEVELOPMENT PERMIT

Any Structure proposed in a designated floodplain shall comply with the requirements of the Jerome County Flood Damage Prevention Ordinance 2019-2.

6-8. MINIMUM LOT REQUIREMENTS

Unless otherwise stated in the JCZO, the following minimum lot/parcel requirements shall apply:

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS					
SETBACK REQUIREMENTS * †					MINIMUM LOT/ PARCEL
ZONE	MAX HEIGHT	FRONT	REAR	SIDE	AREA PER STRUCTURE WITH SEPTIC
A-1	35'	10'	10'	10'	1 Acre
A-L/IMP-AL	35'	10'	10'	10'	1 Acre
A-2/IMP-RES	35'	10'	10'	10'	1 Acre
IMP	35'	10'	10'	10'	1 Acre
CG/CC/IMP-COM	35'	10'	10'	10'	1 Acre
IL/IH/IMP-IND	35'	10'	10'	10'	1 Acre
PR	35'	10'	10'	10'	1 Acre
AR	See CH. 12	10'	10'	10'	No Requirement
ARO	See CH. 12	10'	10'	10'	1 Acre

*See Chapter 10 Impact Ordinances for Areas of City Impact.

† Lesser setbacks approved by Jerome County in a platted subdivision will be recognized.

Front yard and street side setbacks are measured from the nearest boundary of the road or street right-of-way.

6-8.01 ADDITIONAL REGULATIONS

A. ARCHITECTURAL PROJECTIONS

Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which they are attached, and they shall not project into the required, minimum space set aside for the front, side, and rear yards.

B. EXCEPTIONS TO HEIGHT REGULATION

The height limitations contained in the Official Schedule of District Regulations do not apply to electrical transmission and distribution lines, electrical poles and appurtenances, spires, belfries, cupolas, antennae, water tanks, ventilators, chimneys, or other appurtenances usually placed above the roof level and not intended for human occupancy; however, such height limitations do apply where such structures might constitute a hazard to the safe landing and take-off of aircraft at an established airport as regulated by Chapter 12.

C. UTILITIES

The setback limitations contained in the Official Schedule of District Regulations do not apply to utility structure(s) within the road right-of-way or an approved utility easement(s) as long

as the appropriate highway district or the entity that is responsible for the maintenance of the road(s) or utility easement(s) approves the utility structure(s).

6-9 SINGLE NON-CONFORMING PARCELS OR LOTS

- A. An Original Parcel or Lot shall be exempt from the area and width requirements of Section 6-8 if such parcel or lot is smaller than the area and width requirements and cannot be made compliant by enlarging its boundary lines, or by combining the Original Parcel or Lot with an adjacent parcel or lot of the same ownership and treating the combined properties as a “single-conforming” parcel or lot. Proposed structures on an exempted parcel or lot must receive a permit for water and sewer from the health authority prior to receiving a building permit.
- B. An Original Parcel or Lot that has been combined with an adjoining parcel or lot of the same ownership for purposes of meeting the area and width requirements of Section 6-8, shall thereafter remain permanently joined and shall not be separated and sold-off on an individual basis.

6-10 VARIANCES

6-10.01 APPLICABILITY

Only those standards identified in Chart 6-8 of the JCZO may be varied pursuant to the terms of this section.

6-10.02 DEFINITIONS

As used in this section, the following terms shall have the following meanings:

HARDSHIP

The inability to develop a site in a permitted manner because of certain characteristic of the site itself. Such characteristics may include, but are not limited to, the natural terrain of the site, established easements upon it, or certain boundary lines that form it. In no event shall such characteristics include existing development of the site or some other manufactured condition that is within the Applicant’s control to remove or change.

VARIANCE

A permitted exception and change to a set standard of Chart 6-8 of the JCZO.

6-10.03 PERMITTING STANDARD

- A. Variance Permit shall not be issued, and no standard shall be varied in any manner, unless:
 - 1. The standard to be varied is found in Chart 6-8;
 - 2. The standard as written causes the Applicant a Hardship, and
 - 3. The variance of the standard, if approved, would not be contrary to public interest or the interests of another public agency.

- B. Notwithstanding the above, no standard of Chart 6-8 of the JCZO shall be enforced if it is considered stricter than an approved, corresponding standard of another public agency that fulfills the same purpose behind the 6-8 standard.

6-10.04 APPLICATION

- A. A written application for a Variance Permit shall contain the following:
 1. The Name, Address, and Telephone Number of the Applicant(s).
 2. Legal Description and current deed for the Property where the Variance is to be located.
 3. Nature and description of the Variance requested.
 4. A written description of the specific characteristic(s) of the site which cause the perceived Hardship, and if required by the Administrator, a statement as to why each characteristic is beyond the Applicant's ability to correct so as to not require a variance.
 5. The names of all owners of lands adjoining the parcel under consideration, and a statement that each have been contacted; notified of the proposed variance; and whether any object to it.
 6. Site Plan.
 7. Building Elevation (if the Variance Permit is for height).
 8. Agency Letters as required by the Administrator.
 9. A nonrefundable fee, in an amount set by the county.

6-10.05 LODGING AND FILING OF APPLICATION

- A. The Administrator shall review all applications lodged with his office for the purpose of assuring the information and documentation required by this section has been included in or with the application. The Administrator shall notify the applicant of any missing information or documentation and shall notify the applicant that no further action on the application will be taken until the missing information or documentation has been provided. Any application that has consistently remained inactive for the ninety (90) days immediately following the above notice shall be returned to the applicant without refund of the application fee, unless otherwise authorized by the Board. A new fee shall be required for resubmitted applications.
- B. Upon the Administrator's satisfaction the application is complete, he shall notify the applicant of such and shall date and mark the application with the word "Filed".
- C. Applications shall be considered and determined based upon the provisions of the JCZO in effect on the date the application is filed.

6-10.06 NOTICE

Notice of a filed application shall be given by the Administrator to all property owners adjoining the parcel under consideration. Such notice shall advise of the property owners' opportunity to be heard on the proposed Variance by submitting written comment to the Administrator within fourteen (14) days from the date of its filing.

6-10.07 APPLICATION REVIEW

- A. The filed application and submitted comments shall be reviewed by the Administrator and the decision to approve or deny the application shall be based on the following criteria for approval:
 - 1. A permit shall be granted if the application for the proposed Variance is complete, and complies with the standards of this chapter and other relevant ordinances.
 - 2. A permit shall not be granted if the application for the proposed Variance fails to comply with section 6-10.03.
- B. In approving an application, the Administrator may require appropriate conditions to minimize adverse impacts on neighboring property. Failure to comply with any imposed condition shall be a violation of the JCZO.
- C. The Administrator shall submit a written explanation to the Applicant regarding the final decision.

6-10.08 EXCEPTION

A Variance Permit Application shall not be required, and the relevant provisions of the JCZO shall not apply, if the standard to be varied is voided per the provisions of 6-10.03(B)

6-10.09 BOARD REVIEW

Any person aggrieved by the Administrator's decision or believing it to be made on a misinterpretation of the provisions of this section may seek Board review following the procedures outlined in Chapter 23, JCZO.

6-11 EASEMENTS

If any development, building, or structure is intended to be permanently placed over a recorded easement, that easement shall be terminated and the termination recorded prior to receiving a building permit.

6-12 VIOLATIONS

An owner of any parcel of land who does not comply with the requirements of this Chapter shall be guilty of a misdemeanor, punishable per the parameters of Chapter 20 of this Ordinance.