

CHAPTER 19
ZONING PERMITS
Structures and Uses

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19-1 INTENT

This chapter establishes a process for reviewing the sites of proposed structures in order to ensure they are not built in locations that violate the JCZO. Such a review is necessary given the actual construction of buildings and other structures are beyond the scope of the JCZO. This is true even when such structures are built pursuant to specific building codes and monitored by the Building Official.

19-2 APPLICABILITY

The provisions of this chapter apply to both Exempt and Non-Exempt Structures as defined herein. It does not apply to the actual construction of such structures; nor does it specifically address when a building permit is required for a particular kind of project. These matters are instead regulated by Jerome County Ordinance No. 2008-01, and administered by the Building Official for Jerome County. Finally, this chapter does not regulate the underlying land uses the Exempt and Non-Exempt Structures serve, which are instead controlled by Chapter Five (5) and elsewhere in the JCZO.

19-3 ADMINISTRATION

The Administrator shall have the primary responsibility of administering all areas of this Chapter and related matters thereto that are not specifically designated to the Building Official; the Board; the Commission; or others.

19-4 DEFINITIONS

BUILDING

An enclosed Structure built on a plot of land, having walls, roof, doors and usually windows, and often more than one level. Buildings are used for any of a wide variety of purposes, such as living, entertaining, retailing, manufacturing, etc.

BUILDING, AGRICULTURAL

A building or other kind of structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. Human

habitation and employment activities, where agricultural products are processed, treated or packaged, do not occur in Agricultural Buildings, nor is it a place used by the public.

STRUCTURE

Something built or constructed for the purpose of serving a lasting use, such as buildings, walls, fences, signs, etc., but does not include electrical transmission poles, lines or their appurtenances.

STRUCTURE, EXEMPT

A structure exempt by the terms of Jerome County Ordinance No. 2008-01, as amended or superseded, from obtaining a building permit prior to construction. An Agricultural Building is specifically identified as one kind of Exempt Structure. (See Section 19-9 for Exceptions)

STRUCTURE, NON-EXEMPT

A structure required by the terms of Jerome County Ordinance No. 2008-01, as amended or superseded, to obtain a building permit prior to construction.

19-5 BUILDING PERMITS

- A. The means for obtaining a Building Permit shall be initiated through the process outlined below for Zoning Permit Applications. When a Zoning Permit Application for a Non-Exempt structure has been approved by the Administrator, such application shall then be forwarded to the Jerome County Building Official who shall review it for purposes of issuing a building permit.
- B. No building permit shall be issued, nor shall an application for a building permit be reviewed by the Building Official, unless the Administrator has first reviewed and approved the relevant Zoning Permit Application.

19-6 ZONING PERMITS

A. NON-EXEMPT STRUCTURES

No construction, remodel or other form of work shall be initiated on any Non-Exempt Structure unless a Zoning Permit Application has been received and approved per the procedures set forth in this chapter.

B. EXEMPT STRUCTURES

No construction, remodel or other form of work shall be initiated on any Exempt Structure unless a Zoning Permit Application has been reviewed and approved per the procedures set forth in this chapter. (See section 19-9 for Exceptions)

19-6.01 APPLICATION

A Zoning Permit Application for both Non-Exempt and Exempt Structures shall include, unless otherwise stated, the following information and documents:

1. PERSONAL INFORMATION

The date of application, name, signature, complete street address, email address, and telephone number(s) of the applicant, and if different, the owner of the property upon which the building or other structure is to be built upon.

2. CONTRACTOR

If different than the information listed under the above paragraph entitled, "Personal Information," then the name complete street address, email address, and telephone number(s) of the contractor or other person performing or overseeing the majority of the work.

3. STREET ADDRESS AND LEGAL DESCRIPTION

The street address of the job site, as well as the legal description of the real property upon which the building or other structure is to be built.

4. PRESENT USE

A full description of the present use of the property upon which the building or other structure is to be built, including the present zoning of such property.

5. STRUCTURE DESCRIPTION

A full, written description of the proposed structure, including, but not limited to, the number of dwelling units being proposed and/or already existing, if any, and the height of the structure from the ground to the peak of the roof.

6. VERIFICATION OF AGRICULTURAL USE

Applications for Exempt Structures intended as Agricultural Buildings shall include a document signed by an owner of record of the property where the structure is to be built attesting the structure shall not be used as a place of employment, human habitation, or for any purpose not permitted in an Agricultural Building. The Administrator shall have this document recorded with the Jerome County Recorder's Office.

7. BUILDING OR FLOOR PLANS

Applications for Non-Exempt Structures shall include two complete sets of building plans for the proposed structure, where applications for Exempt Structures shall include a floorplan of the proposed structure.

8. SITE PLAN

A site plan, the number of which may be up to four at the discretion of the Administrator. The site plan shall be drawn to an acceptable scale that shows the exact shape and dimensions of the lot to be built upon, and the total number of acres that comprise the lot. The site plan shall identify the location of the following items:

- a. All existing and proposed buildings or other structures, as well as any proposed remodel thereof. The dimensions of such buildings, structures or remodels shall also be stated on the site plan.
- b. Setback distances between the lot line and all existing or proposed buildings, other structures or the remodel thereof.
- c. Abutting or adjacent public roads to the lot to be built upon.
- d. Driveways and other traffic access to the site.
- e. All private and community domestic water wells, irrigation wells, monitoring wells, and injection wells.
- f. All irrigation canals and laterals, rivers, designated wetlands, streams, springs, and reservoirs on the site or adjacent thereto.

9. NUMBERS

The numbers posted at the entrance of the driveway of the property upon which the building or other structure is to be built.

10. PARKING AND LOADING

The number of off-street parking spaces or loading berths that will be servicing the proposed building or other structure.

11. BUILDING PLANS

Two complete sets of building plans for the structure.

12. PROPERTY DEED

A copy of the property deed for the tract of land upon which the structure is to be placed.

13. SEWER AND WATER SERVICES

A description of the water and sewer systems to be utilized in servicing the proposed building or other structure, along with a copy of the water, septic and/or sewer permits, or a copy of an approval letter if required by the Health Authority.

14. ACCESS PERMIT

A copy of the access permit issued from the appropriate agency when a new access will be created on a public street under the jurisdiction of a federal or state agency or local highway district.

15. FIRE DISTRICT APPROVAL

Certified statement of approval from the appropriate fire district for any structure that is more than one hundred and fifty feet (150') from a public street or approved turnaround.

16. CANAL COMPANY APPROVAL

Certified statement of approval from the appropriate canal company for any structure that is closer than fifty feet (50') to a lateral or fifteen feet (15') from the water's edge or toe of a canal.

17. HEALTH AUTHORITY APPROVAL

Certified statement of approval from the regional health district for any structure being proposed and designed for human habitation or requiring sewage disposal in the county.

18. INSURANCE

Upon request of the Building Official, a copy of the certificate of insurance on the proposed structure to ensure state insurance requirements are being met.

19. EASEMENTS

A letter of approval from the grantee of any recorded easement upon which the proposed building or other structure is being built upon or over. Such letter must specify the proposed building or other structure does not infringe upon the purpose of the easement.

20. FEE

A nonrefundable fee, in an amount set by the Board, must be included with any application for a Zoning Permit.

19-6.02 LODGING AND FILING OF APPLICATION

- A. The Administrator shall review all applications lodged with his office for the purpose of assuring that the information and documentation required by the above 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 that an application contains all the necessary information and documentation, he shall notify the applicant of such determination 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.

19-6.03 APPLICATION REVIEW

The filed application shall be reviewed by the Administrator and shall be approved if found to be in conformance with the provisions of the JCZO, and denied if found in

non-conformance. The Administrator shall notify the applicant of his decision regarding the reviewed application, and shall forward approved applications for Non-Exempt Structures to the Building Official.

19-6.04 DURATION AND EXPIRATION OF PERMIT

- A. A Zoning Permit issued pursuant to this chapter shall be deemed “active” and shall remain so upon the following conditions having been met:
 - 1. Permitted construction has begun within one hundred eighty (180) days of issuance of the permit.
 - 2. Once started, there is no period of inactivity of the permitted construction that exceeds one hundred eighty (180) days.
 - 3. A written extension of the one hundred eighty (180) day period mentioned in either line “1” or “2” above has been received from the Administrator.
- B. A Zoning Permit issued pursuant to this chapter shall expire and become invalid upon one or more of the conditions identified in Paragraph “A” above having not been met. Once expired, a Zoning Permit shall not be reinstated. Instead, for the project to continue, a new Zoning Permit shall be obtained following the procedures set forth herein.
- C. The time periods identified in this section shall be stayed during periods of ongoing litigation involving the validity of the permit’s issuance.
- D. Upon good cause shown, the Administrator may grant one or more written extensions of the time periods identified in Paragraph “A” above. Each extension shall be for no more than an additional one hundred eighty (180) day period. The request for extension shall be in writing and shall state the basis of the request.

19-7 WORK INSPECTION

No work shall commence on a structure with an approved Zoning Permit Application until a pre-inspection of applicable setbacks is made. If requested by the Administrator or Building Official, the property line of the work site shall be staked to verify that the edge of the planned building or other structure meets the minimum setback requirements of the JCZO.

19-8 CERTIFICATES OF OCCUPANCY AND COMPLIANCE

- A. A Non-Exempt Structure shall not be used or occupied, and no change in the existing occupancy classification of the structure or portion thereof shall be made until the Administrator or Building Official has signed-off on and/or approved a certificate of occupancy. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the JCZO or other ordinances of the jurisdiction.

- B. No structure shall be used or occupied, and no change in the existing classification of the structure's use, or portion thereof, shall be made, until the Administrator has issued a certificate of compliance. Issuance of a certificate of compliance shall not be construed as an approval of a violation of the JCZO or other ordinances of the jurisdiction.
- C. Conditional provisions may be placed on the certificates of occupancy and compliance by the Administrator or Building Official if deemed necessary.
- D. Any building or other structure being occupied or used without a certificate of occupancy or compliance shall cause a notice of failure to obtain the appropriate certificate to be recorded in the recorder's office

19-9 EXCEPTIONS

A Zoning Permit Application shall not be required, and the provisions of this chapter and the JCZO as a whole, shall not apply to any Exempt Structure that is:

- A. Two hundred square feet (200') or less in size; (i.e., 10' x 20' or less)
- B. Not permanently affixed to the ground; (i.e., held in place by its weight alone or without some substantial connection such as concrete footings or foundation. The use of mobile home type anchors or similar anchoring is allowed to prevent wind damage)
- C. Not independently attached to permanent utilities requiring a permit; (i.e., water, power, sewer);
- D. Not serving a use that requires a permit (i.e., commercial use).

Exempt structures identified in this section typically serve a minor secondary use and examples may include, but not be limited to:

Storage sheds, animal shelters, greenhouses, gazebos, enclosed play houses, etc.

19-10 VIOLATIONS AND PENALTIES

19-10.01 VIOLATIONS

- A. It shall be unlawful for any person to violate, or fail, neglect or refuse to comply with, any provision of this chapter; or to build or maintain any non-exempt structure, or any portion thereof, outside the parameters of this chapter, or outside the parameters or conditions of a permit issued pursuant to this chapter; or for any person to allow a non-exempt structure, or any aspect thereof, to be occupied or operated from, knowing such structure is out of compliance with the provisions of this chapter.
- B. It shall be unlawful for any person to knowingly make any false material statement, or to make a known material omission, in any document submitted

per the provisions of this chapter.

- C. Each twenty-four (24) hour period a violation under this section continues shall be considered a separate offense.
- D. Notice of Violations of this chapter shall be recorded in the office of the Jerome County Recorder and shall run with the land. Once resolved, a Notice of Release of Violation shall be recorded in the office of the Jerome County Recorder.

19-10.02 PENALTIES

Any violation of this chapter shall be punishable as a misdemeanor as provided in Section 18-113 Idaho Code, as amended from time to time.