

CHAPTER 6

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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 SUPPLEMENTAL AND HEIGHT REGULATIONS

In addition to all regulations specified in the Official Schedule of District Regulations, as well as in other sections of this Ordinance, the following provisions shall apply:

A. VISIBILITY AT INTERSECTIONS

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between heights of two and one-half (2 1/2) feet and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line adjoining points along said street right-of-way lines twenty-five (25) feet from the point of intersection.

B. YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS

Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group, as a unit, shall have one (1) front yard, one (1) rear yard, and two (2) side yards as specified for dwellings in the appropriate district.

C. 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.

D. 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.

E. EXCEPTIONS TO THE SETBACK REGULATIONS

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).

6-6. SUPPLEMENTAL GENERAL PROVISIONS

In addition to all other regulations as specified in this Ordinance, the following provisions shall apply:

A. 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.

B. DEVELOPMENT CLOSE TO AN AIRPORT

The location, building height, and lighting of residential and commercial development shall be restricted within airport approach areas as required by the State Department of Transportation and the Federal Aviation Administration.

C. PERMITS FOR PRIVATE SEPTIC TANKS REQUIRED

All persons installing private septic tanks and drain fields shall first obtain a sewer permit from the Health Authority.

6-7. 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.

6-7.01 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.

6-7.02 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.

6-7.03 ANIMAL CONFINEMENT AREAS

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

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

6-8. 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.

6-9. 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

1. 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 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 25 percent of the floor area of the primary structure and 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 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.

~~6-10~~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 60 days in Jerome County.
2. Shall have a minimum of 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.

6-~~11~~10. MINIMUM LOT REQUIREMENTS

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

SETBACK REQUIREMENTS						MINIMUM LOT/PARCEL	
ZONE	MAX HEIGHT	FRONT	REAR	INTERIOR SIDE	STREET(S) SIDE	AREA PER STRUCTURE WITH SEPTIC	WIDTH
A-1	35'	20'	10'	10'	20'	1 Acre ¹	100'
A-L	35'	20'	10'	10'	20'	1 Acre ¹	100'
A-2	35 ^{1,4,5}	20 ^{1,4,5}	10 ^{1,4,5}	10 ^{1,4,5}	20 ^{1,4}	1 Acre ¹	100'
IMP	35'	20'	10'	10'	20'	1 Acre ^{1,3}	100'
CG	35'	20'	10'	10 ²	20'	1 Acre ¹	NR
CC	35'	20'	10'	10 ²	20'	1 Acre ¹	NR
IL	35'	20'	10'	10 ²	20'	1 Acre ¹	NR
IH	45'	20'	10'	10 ²	20'	1 Acre ¹	NR
PR	35'	20'	10'	10'	20'	1 Acre ¹	NR
AR	See CH. 12	20'	10'	10'	20'	NR	NR
ARO	See CH. 12	20'	10'	10'	20'	1 Acre ¹	100'

NR No Requirement

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

¹ Except in areas of seasonal high sub water, low permeability, or shallow soil, in which case minimum lot size shall be two (2) acres.

² Fire wall required.

³ Lot size of less than one (1) acre if there is a municipal sewer system.

⁴ Apply the following setback requirements for structures built in the North Rim Fairways Subdivision (all phases), according to the official plat thereof of record with the Jerome North Rim Fairways Subdivision (all phases), according to the official plat thereof of record with the Jerome County, Idaho, Recorder. The setbacks that apply to that subdivision are: Front Yard 15 feet, Rear Yard 0 feet and Side Yard 7 1/2 feet.

⁵ A zero foot setback on the sides of lots that directly border "common areas" may be granted by the North Rim Fairway Architectural Committee and with the approval of the appropriate fire district.

6-~~12~~11 SINGLE NON-CONFORMING PARCELS OR LOTS

- A. An Original Parcel or Lot shall be exempt from the area and width requirements of ~~Chart 6-1~~ Section 6-10 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 6-10, shall thereafter remain permanently joined and shall not be separated and sold-off on an individual basis.

6-12 VARIANCES

6-12.01 APPLICABILITY

A Variance Permit may be sought for a necessary adjustment to a regulation of the JCZO affecting the size or shape of a structure or the placement of the structure upon a Parcel or Lot, or the size of a Parcel or Lot if certain physical characteristics of a particular Parcel or Lot makes compliance with such regulation impossible, or causes an undue hardship. A variance does not include a change of authorized land use.

6-12.02 STANDARDS

No Variance Permit shall be approved unless it is shown that permitting the Variance is not in conflict with public interest, and either:

- 1. Compliance with the regulation at issue causes the applicant an undue hardship because of characteristics of the site, and the purpose and intent behind the regulation can be maintained in some other manner if the regulation is in fact varied; or**
- 2. Compliance with the regulation at issue would cause a detrimental effect to neighboring property or the public interest as a whole because such compliance actually thwarts the goals and objectives of the JCZO.**

6-12.03 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 of the Property where the Variance is to be located..**
- 3. Nature and description of the Variance requested.**
- 4. A statement as to how the requested variance meets the standards of this section**
- 5. Site Plan**
- 6. Building Elevation (if the Variance Permit is for height)**
- 7. Agency Letters as required by the Administrator**
- 8. A nonrefundable fee, in an amount set by the county.**

B. AIRPORT OVERLAY

Variance requests in the Airport Overlay area or in an area that could create an aviation hazard as defined in section 21-501, Idaho Code (as amended) must notify and seek comment from those persons or entities described in Chapter 12 Section 12-12 of the JCZO.

C. SPECIAL USE WITH A VARIANCE

An application for a Variance being sought in relation to a Special Use Permit pursuant to Chapter 7, JCZO, may be included and be brought simultaneously with the Special Use Permit application. No additional fee shall be collected for a variance request made part of a Special Use Permit application. A variance request made part of a Special Use Permit application shall adhere to the requirements outlined in paragraph "A" of this subsection, as well as the requirements of Chapter 7.

6-12.04 NOTICE, HEARING AND DECISION

- A. Unless otherwise stated, applications for a Variance shall be heard and decided by the Board. Notice of the requested variance, as well as the date and time of the Board's hearing on the matter, shall be sent to all property owners who are adjacent to the parcel where the variance is being proposed. The Board shall conduct its hearing and render its decision in accordance with the procedures outlined in Chapter 23, JCZO.

- B. A Variance request made part of a Special Use Permit shall be heard and decided by the Commission as outlined in Chapter 7, JCZO. The notice requirements of Chapter 7 shall apply, with notice of the proposed variance being included therein.

6-12.04 CONDITIONS

In granting a variance, the Board/Commission may require appropriate conditions so as to minimize adverse impacts on neighboring property. Failure to comply with any imposed condition shall be a violation of the JCZO.

6-12.05 APPEALS

Appeals to Decisions by the Board, Commission or Administrator shall follow the Appeal procedures outlined in Chapter 23, JCZO

6-13 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.

6-14. 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.