

CHAPTER 1

TITLE, AUTHORITY, PURPOSE, INTERPRETATION AND ZONING MAP

1-1. TITLE

1-1.01 This ordinance is entitled and shall be known as the “JEROME COUNTY ZONING ORDINANCE”, and it may be so cited and pleaded.

1-2. AUTHORITY

1-2.01 This ordinance is adopted pursuant to authority granted by Title 67, Chapter 65, of the Idaho State Code and Article 12, Section 2, of the Idaho Constitution, as amended or subsequently modified.

1-3. PURPOSE

1-3.01 This ordinance has been made in accordance with a comprehensive plan which has been designed to protect and promote the health, safety, morals, and general welfare of the community. It is intended, therefore to provide:

- a. Support of property values by preserving existing uses and guiding future development.
- b. Protection from the menace to the public safety that would result from placing buildings or other structures in locations and in manners that would interfere with present or future traffic movement.
- c. Pleasant appearances along highways and elsewhere in the county.
- d. Adequate public facilities and services.
- e. Support for the economy of the county.
- f. Protection for prime agricultural lands for production of food and fiber.
- g. Support for agriculture and other industry together with related uses.
- h. Assurance that the important environmental features of the county are protected and enhanced.
- i. Avoidance of undue concentrations of population.
- j. Assurance that land is developed appropriately for its physical characteristics.
- k. Protection for life and property in areas subject to natural hazards and disasters.
- l. Protection for fish, other wildlife, and recreational resources.
- m. Security against undue pollution of air and water.

1-4. DECLARATION

1-4.01 In establishing the zones, the boundaries thereof, and in regulations applying within each of the zones, careful consideration has been given to, among other things, the suitability of land for particular uses with a view toward conserving the value of buildings and land for the best use by encouraging the most appropriate use of land throughout the county. The location of boundaries of cities and any other areas not

subject to zoning regulations by the Board of County Commissioners of Jerome County together with regulations applying within each city were also considered in the preparation of this ordinance.

1-5. INTERPRETATION AND INTENT

1-5.01 It is the intent of the Board of County Commissioners of Jerome County that the regulations and restrictions as set forth in this ordinance shall be also interpreted and construed to further the purpose of this ordinance and the objectives and characteristics of the respective zones.

1-6. PRESERVATION OF PRIVATE PROPERTY RIGHTS

1-6.01 This ordinance shall be interpreted in its various particulars to protect equally each citizen from the undue encroachment on his private property to the end that, within the plan established, each citizen shall have the maximum use of his property without placing undue burden upon that of his neighbor. Every citizen of Jerome County shall at all times have the right to appear in person or through his attorney or other agent before the Planning and Zoning Commission or Board, as the case may be, in the proper order of business and before such Planning and Zoning Commission or Board to freely petition for the relief of an alleged burden created by this ordinance, and to appeal a decision of the Planning and Zoning Commission pursuant to the procedures herein set out to the Board and the Courts of the State of Idaho. In the enforcement of this ordinance it shall be deemed to apply similarly and equally to each person and property in similar circumstances and shall not be enforced to discriminate between one individual and another individual or between one group as compared to all others similarly situated. (Amended 11-9-06,10-20-08)

1-7. OTHER LAWS AND PRIVATE RESTRICTIONS

1-7.01 It is not intended that this ordinance impair or interfere with other regulations of effective State or Local law or with private restrictions on the use of land improvements and structures. Where this ordinance imposes restrictions, which are greater than those imposed by prior law or private restrictions, this ordinance shall prevail.

1-7.02 In those instances where this ordinance does not address a specific matter of concern, the laws of the State of Idaho shall apply in the same manner as if those provisions of the Idaho law were an integral part of this ordinance. It is intended that this ordinance be in compliance with Idaho law at all times and in all circumstances.

1-8. CONFORMANCE REQUIRED

1-8.01 Except as herein provided, no land, building, structure or premises shall hereafter be

used, and no building or part thereof, or any other structure shall be located, erected, moved, reconstructed, extended, enlarged, or altered except in conformance with the requirements herein specified for the district or zone in which it is located.

1-9. PRIOR RIGHTS AND PERMITS

1-9.01 The enactment of this ordinance shall neither terminate nor otherwise affect the rights, including plats, variances and permits having legal effect, acquired or authorized for work that is in progress under the provisions of any ordinance hereby repealed. Where a building permit has been issued for the construction of a building or structure having an authorized use and occupancy which is in accordance with the law prior to the effective date of this ordinance, said building or structure may be completed in conformance with the plans which had been approved by the already issued building permit, providing that construction of said building or structure commences, or has commenced, within 120 days of the effective date of the issued building permit and providing that the construction is diligently pursued until completion. (Amended 1-12-98)

1-10. ZONING MAP

1-10.01 This ordinance consists of this text and the official Zoning Map, which shall be designated as the “Jerome COUNTY ZONING MAP”, as hereby adopted by the Board of County Commissioners as part of this ordinance. Zoning boundaries shall be the centerline of streets, alleys, waterways, and/or railroad rights-of-way unless such boundaries are otherwise indicated on the zoning map. The official JEROME COUNTY ZONING MAP shall be that which is on display in the Administrator’s office.

1-11. SEPARABILITY CLAUSE

1-11.01 If any section or provision of this ordinance is declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or in any part thereof other than the specific portion declared to be unconstitutional or invalid.

1-11.02. APPLICABILITY

The adoption and implementation of this ordinance is intended to include plans and needs of the State of Idaho for all agencies in accordance with Idaho Code 67-6528.