

**CHAPTER 10**  
**AREA of CITY IMPACT**  
**Section III**  
**City of Eden**

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10-1 GENERAL

The establishment and modification of the Area of City Impact is authorized by Idaho Code Section 67-6526. The purpose of this Ordinance (the City/County Agreement) is to proactively plan for orderly and consistent development where annexation is anticipated to occur by providing standards for development for the growth within the Areas of City Impact; to promote the public health, safety, and the general welfare of the citizens of Jerome County; to ensure protection for municipalities and landowners against adjacent, incompatible development by establishing zoning districts; and to organize and manage growth by establishing Land Use regulations for those zones.

10-2 BOUNDARIES

- A. Pursuant to the above referenced statement of purpose, Areas of City Impact are the areas designated on the Jerome County Zoning Map (attached as “Exhibit A”), and as further described in the legal description attached thereto (attached as “Exhibit B”), hereby fully incorporated by reference, copies of which are available for inspection at the Office of the Clerk of the City of Eden, Jerome County Recorder’s Office and the Jerome County Planning & Zoning Office.
- B. Any hearing or other action by the city which causes a change in city limits, shall stand as the basis for Exhibits “A” and “B”; as well as the County’s Zoning Map, being amended in conformance therewith. No other county action, by way of hearings or otherwise, shall be required for the incorporation of such amendments.
- C. In circumstances where a property under single ownership is divided by the boundary line of an Area of City Impact the property shall recognize the respective zones that are designated on the official Zoning Map. If the property is divided along the Area of City Impact boundary line, resulting in one parcel lying in the Area of City Impact and the other not, then each parcel will become an Original Parcel (see JCZO Chapter 14).

### 10-3 ESTABLISHMENT, REVIEW AND AMENDMENT

- A. Jerome County shall work cooperatively with each of its municipalities to develop and review the County's Comprehensive Plan and corresponding Ordinances for Areas of City Impact.
- B. Governing boards shall undertake a review of Agreements, Ordinances, and Comprehensive Plan policies regarding Areas of City Impact at least every 10 years, in accordance with Idaho Code §67-6526 (e).
- C. Negotiation for amendments to this Ordinance shall follow procedures outlined in State Code as well as amendment provisions for each entity's specific document or Ordinance.

### 10-4 APPLICABILITY OF JCZO

- A. The Jerome County Zoning Ordinance (JCZO) shall govern over those matters within Areas of City Impact that are not specifically covered by this Ordinance. In the event of conflict between this Ordinance and the JCZO, the language of this Ordinance shall control. Specifically, the application, notice and hearing procedures of the JCZO, shall control specific permits (i.e. Special Use or Land Division Permit).
- B. Notification of Public Hearings and Land Divisions within the Area of City Impact zone shall be sent to the City a minimum of 30 days in advance of such hearing for review and comment. For consideration in the review process, the City shall reply no later than seven (7) days prior to the Hearing.
- C. If a recommendation is received from the City, it shall be given great weight by the County, provided it is legally and factually supported; however, such recommendation shall in no way obligate the County.
- D. If no response is received, the County may proceed without a recommendation from the City.
- E. The County shall notify the City of its final decision in the matter by forwarding a copy of all final documents reflecting the action taken by the County.

### 10-5 ANNEXATION

Annexation by the City shall be limited to those lands lying within Areas of City Impact and shall be contiguous to the boundaries of the City. Properties not within Areas of City Impact that are contiguous to the boundary of the City shall be allowed annexation when requested by an owner, as provided for in Idaho Code, Section 50-222.

- A. Prior to annexation of land into the city, the County and City shall meet and jointly determine the renaming and/or readdressing of any previously named county road. Every attempt to maintain consistency, limit potential confusion, and assist Emergency Services in providing directions to First Responders shall be made by extending the altered name and/or addressing sequence to the nearest intersection or most logical point of termination whenever possible. The County shall continue to be the addressing authority for all properties within its jurisdiction.

- B. Upon annexation, the provisions of the JCZO shall no longer apply to the annexed area. The City shall notify the Board of County Commissioners and the Jerome County Planning & Zoning Office when annexation is being considered and when annexations are completed.

#### 10-6 INFRASTRUCTURE

The City shall notify the County prior to placing any city infrastructure outside of the City's limits and within the County's jurisdiction.

#### 10-7 ZONING DISTRICTS WITHIN THE AREA OF CITY IMPACT

##### A. Agriculture Limited Zone (IMP-AL)

The Agriculture Limited Zone is intended to encourage Agricultural Uses and those activities that support agriculture while limiting livestock confinement operations. This zoning designation will also prevent premature conversion of rural land for non-agricultural development by limiting residential density.

##### B. Residential (IMP-RES)

The Residential district is intended to provide and promote residential density of one acre or less to minimize potential water, sewer, and access problems common to scattered rural residential development, and to assure that the layout of any such developments will be compatible with city standards when eventually annexed.

##### C. Commercial (IMP-COM)

The purpose of the Impact Commercial Zone is to provide for and to encourage the grouping together of businesses, public and semi-public, and other related uses. Consistent with the Commercial Corridor Standards, the property along state and federal highways will be developed with strict sign standards, landscaping design, lighting and parking standards to enhance highway corridors and entrances into the community. Light industrial uses capable of being operated in a manner that will be harmonious to surrounding commercial uses may be permitted provided the uses are clean, quiet and free of hazardous or objectionable elements such as excessive noise, odor, dust, smoke, or glare. The light industrial uses permitted in this zone may be secondary manufacturing facilities or wholesale business establishments that are operated primarily within enclosed structures and generate little industrial traffic. No new residential housing would be permitted within this zone.

##### D. Industrial (IMP-IND)

The purpose of the Impact Industrial Zone is to provide for the location of manufacturing or other industrial uses designed to provide convenient employment centers of light manufacturing, research and development, warehousing, and distributing. With the anticipation of Industrial traffic this zone should have good accessibility to transportation systems. Industrial uses in this zone are those that are duly controlled operations that do not generate smoke, noise, vibration, dust, odor, glare, gas, light, air pollutants, or water pollutants beyond the district boundary. No new residential housing would be permitted within this zone.

#### 10-8 ADDITIONAL STANDARDS WITHIN ZONES

In addition to the customary standards found in the JCZO, the following regulations shall apply within Areas of City Impact.

#### 10-8.01 Roads

- A. The appropriate Highway District will determine infrastructure requirements for access control, public streets and roads.
- B. The City may recommend additional requirements for private roads, which the Board may impose as a condition of the permit.

#### 10-8.02 Building/Fire Codes

The appropriate Fire District shall determine fire requirements within Areas of City Impact, including but not limited to requiring fire hydrants.

#### 10-8.03 Agricultural Limited (IMP-AL)

- A. Residential density shall not exceed one dwelling per parcel.
- B. Residential housing that is to be developed shall, at owner/developer's sole cost and expense, connect to municipal sewer and water systems if the property line is within 300' of the systems and if the system is accessible for connection. If sewer and water connection is not available or beyond 300 feet from the property line, septic and wells shall be allowed according to state regulations.
- C. Parcels shall be allowed one Regulated Land Division with proper application and permit as outlined in Chapter 14 of the JCZO. Only one of the Resulting Parcels therefrom shall have a single residence or residential building right. The other Resulting Parcel shall be deemed unbuildable for residential purposes and shall have such "unbuildable" status noted on the recorded Land Division Survey and Deed.
- D. Animal Unit density shall not exceed two (2) Animal Units per acre nor more than 75 Animal Units per parcel. An Animal Unit is defined in Chapter 2 of the JCZO.

#### 10-8.04 Residential (IMP-RES)

- A. Residential density may be greater than one dwelling per one acre if each home will be connected to a municipal or community sewer and water system. Land Divisions of less than 20 acres shall not be allowed without connecting into a municipal or community sewer and water system at owner/developer's sole cost and expense. Land Division density shall be one home per 20 acres.
- B. Residential housing that is to be developed shall connect to municipal sewer and water systems, at owner/developer's sole cost and expense, if the property line is within 300' of the systems and if the system is accessible for connection. If sewer and water connection is not available or is beyond 300 feet from the property line, septic and wells shall be allowed according to state regulations.
- C. Manufactured & Mobile Homes are permitted within this zone as long as they meet the adopted local and State codes. There is no age limitation on such homes.

#### 10-8.05 Commercial (IMP-COM)

- A. No new residential housing would be permitted within this zone.
- B. All commercial developments that require city sewer and water services shall participate in a predevelopment meeting with Jerome County, the City of Eden and affected agencies before obtaining a building permit for the construction of the development. Any connection to municipal sewer and/or water systems shall be at owner/developer's sole cost and expense.
- C. The City shall provide written approval to the County for all sewer and water hookups before a Certificate of Occupancy shall be issued to the Developer.
- D. Commercial Development situated on State Highways, Federal Highways shall be landscaped along the Highway or Street corridor. Lighting shall be shielded or directional and shall not trespass property lines of the developing lot or parcel. All vehicles shall be parked to the side or rear of any buildings, with no parking between the highway and any building fronting the highway, unless a landscaped berm screens parking from the view of the Highway or Street. Proposed commercial developments shall be required to submit landscaping plans, a lighting diagram, parking diagram and a setback approval correspondence from the Idaho Transportation Department as part of any building or development application.

#### 10-8.06 Industrial (IMP-IND)

- A. No new residential housing would be permitted within this zone.
- B. All Industrial developments that require city sewer and water services shall participate in a predevelopment meeting with Jerome County, the City of Eden and affected agencies before obtaining a building permit for the construction of the development. Any connection to municipal sewer and/or water systems shall be at owner/developer's sole cost and expense.
- C. The City shall provide written approval to the County for all sewer and water hookups before a Certificate of Occupancy shall be issued to the Developer.

#### 10-8.07 Setbacks

- A. Front: No building (not including uncovered porches or steps) shall be constructed nearer than twenty-five feet (25') from the front lot line.
- B. Rear: No dwelling shall be constructed nearer than fifteen feet (15') from the rear lot line.
- C. Side: No dwelling shall be constructed nearer than ten feet (10') from the side lot line.
- D. Accessory Use Buildings: No building shall be constructed nearer than ten (10') from the side and rear lot line and twenty-five feet (25') from front lot line.

#### 10-9 REGULATIONS FOR SUBDIVISION

In addition to applicable standards of the JCZO, the regulations of this section shall also apply to all Commercial and Residential Subdivisions within Areas of City Impact.

#### 10-9.01 Streets/Roads

- A. All public streets/roads shall be under the jurisdiction of the appropriate Highway District. All roads and streets shall be constructed to the minimum standards of that Highway District unless the standards of the City are more stringent, then the Developer will adhere to the City's standards.
- B. All private street/roads that will not become public streets/roads shall meet the City's standards.

#### 10-9.02 Curb, Gutter, and Storm Water

- A. Lots one acre and over shall not be required to provide curb, gutter, and storm water drainage unless there is an annexation agreement stating otherwise, in which case, the construction would be based on the requirements of the City at the time the property is developed.
- B. All lots less than one acre shall provide curb, gutter and storm water drainage based on the construction requirements of the City at the time the property is developed.
- C. Storm water retention shall be provided by the Developer.

#### 10-9.03 Irrigation

- A. Irrigation systems shall meet the standards of the Agency providing surface water for irrigation.
- B. The City shall provide input for future considerations of providing irrigation water to the development if surface water shares will be abandoned.

#### 10-9.04 Fire

- A. All fire requirements shall be under the jurisdiction of the appropriate Fire District.
- B. Fire flow information shall be provided to the appropriate Fire District when public/municipal water systems are utilized for fire hydrants, as well as when commercial or residential uses require interior sprinklers for fire suppression.

#### 10-9.05 Water

- A. If the City water connection is within 300 feet of the property line and accessible, the Developer shall connect to the system at owner/developer's sole cost and expense.
- B. If the City water connection is beyond 300 feet from the property line, the Developer shall either connect the development to the water system for the City or provide a community water system that may be easily connected to the water system for the City as it becomes available at owner/developer's sole cost and expense.

- C. If the water system of the City is inaccessible at the time the property is developed, the Developer shall provide a community water system that may be easily connected to the water system for the City as it becomes available at owner/developer's sole cost and expense.
- D. Property with an existing domestic well that is subsequently subdivided may be required to abandon the well and connect to the City's water system at owner/developer's sole cost and expense.
- E. All community water systems shall be approved by the City and/or appropriate agencies before any building permits shall be issued by Jerome County.

#### 10-9.06 Sewage

- A. If the City sewer connection is within 300 feet of the property line and accessible, the Developer shall connect to the system at owner/developer's sole cost and expense.
- B. If the City sewer connection is beyond 300 feet from the property line, the Developer shall either connect the development to the sewer system for the City or provide a community sewer system that may be easily connected to the sewer system for the City as it becomes available at owner/developer's sole cost and expense.
- C. If the sewer system of the City is inaccessible at the time the property is developed, the Developer shall provide a community sewer system that may be easily connected to the sewer system for the City as it becomes available at owner/developer's sole cost and expense.
- D. Property with an existing septic system that is subsequently subdivided may be required to abandon the septic system and connect to the City's sewer system at owner/developer's sole cost and expense.
- E. All community sewer systems shall be approved by the City and appropriate agencies before any building permits shall be issued by Jerome County.

### 10-10 REGULATIONS WITHIN ZONES

#### 10-10.01 APPLICABILITY

Unless otherwise stated, the following regulations shall apply only to the primary Land Use of a property.

#### 10-10.02 EXPLANATION OF LAND USE CHARTS

To determine where a specific use is permitted, it is necessary to find the specific use in the Charts below. Uses are listed in the horizontal rows; zones are shown in the vertical columns and the key letters indicating the degree of permission of a use are found at the intersection of the appropriate row and column.

- A. The letter "P" indicates that a specific use is permitted in a specific zone.
- B. The letter "S" indicates that a Special Use Permit is required for that particular use to be compatible to the standard and customary uses in that particular zone.

- C. An empty square indicates that such use is not expected to occur in such zone; therefore, it is prohibited at the time of the adoption of the JCZO.
- D. The letters "NR" indicate that there is no requirement established for a particular use in a particular zone.

When several uses are combined and made part of a larger, all-encompassing land use, the most restrictive chart designation shall control for purposes of determining the appropriate zone and required application.

**10-10.03 LAND USES UNIDENTIFIED IN THE CHARTS**

Any Land Use not identified in the charts of this Ordinance shall require a negotiation and agreement between the City and the County followed by an amendment of this Ordinance, and shall only proceed thereafter in accordance with the amendment. The amended ordinance shall mandate whether the proposed use in the various zones is: allowed free of restrictions; permitted; permitted with conditions; or prohibited. The process for amendment shall adhere to the procedures outlined in 10-3(C) of this Chapter.

**10-10.04 ZONING STANDARDS FOR PERMITTED LAND USES**

Zoning regulations may have been established for permitted or allowable uses by Performance Standards in Chapter 6 of the JCZO, and other Chapters thereof when appropriate.

USE CATEGORY	AREA OF CITY IMPACT ZONES			
SECTION III - CHART 10	IMP AL	IMP RES	IMP COM	IMP IND
Agricultural Product Transfer Point	P		P	P
Airfields (Private)	S			
Aircraft Maintenance, Repair & Rebuilding	S		S	S
Alcohol Distillation for Production of Fuel	S			P
Alcohol & Drug Rehabilitation Facility		S	S	
Amusement Parks			S	S
Animal Hospital	S		S <sup>1</sup>	P
Apparel Repair & Alteration (Retail)	p <sup>1</sup>	p <sup>1</sup>	P	P
Asphalt Plant	S			S
Auditorium	S	S	P	P

Bed and Breakfast	S	S	S	
Building Care Contracting	S	S	p <sup>1</sup>	P
Building Materials Manufacturing	S		P	P
Bulk Storage Flammable Liquids & Gases			S	S
Bus Facilities			P	P
Bus Shelter	P	P	P	P
Car Wash			P	P
Cemetery	S	S		S
Civic, Fraternal, Labor & Social Organizations	S	S	P	P
Commercial Composting & Fertilizer Manufacturing	S			S
Commercial Truck Wash Facility (Agriculture)	S			
Commercial Truck Wash Facility (Non-Agricultural)			S	S
Concrete Products (Manufacturing)	S			S
Confined Animals not Regulated by Chapter 13	P	P	P	P
Construction Trades	S	S	p <sup>1</sup>	P
Crop Production	P	P	P	P
Day Care Facilities	S	S	S	S <sup>5</sup>
Dry Cleaning, Laundering & Laundromats			p <sup>1</sup>	P
Dwelling, Multi Family		S		
Dwelling, Single Family	P	P		
Dwelling, Two Family		P		
Equipment Rental			P	P
Event Center	S	S	S	S

Exhibition Halls	S	S	S	S
Fairgrounds	S			S
Farm & Garden Supplies (Retail or Wholesale)	S		P	P
Food Product Manufacturing	S		S	S
Freight Transfer Point	P			P
Frozen Food Locker			P	P
Funeral Homes & Crematoria			S	
Furniture & Fixture Manufacturing	S		S	P
Gas Station and Retail Sales Establishment			p <sup>6</sup>	p <sup>6</sup>
Gas Station and Vehicle Repair or Service			S <sup>6</sup>	p <sup>6</sup>
Gas Station, Unattended			p <sup>6</sup>	p <sup>6</sup>
Government Facilities	S	S	P	P
Governmental Protective Facilities (excluding correctional institutions or criminal detention)	S	S	S	S
Health Club, Spa	S		P	P
Helipad	S			S
Historical Sites, Monuments	S	S	S	S
Home Occupation	P	P	P	P
Horticultural Services	P	S	P	P
Hospice, Assisted Living & Skilled Nursing Facilities	S	S	S	
Hospital, Clinics, & Related Services		S	S	S
Hotel/Motel			S	S
Kennels	S		S	P
Landfill Transfer Stations	S			S

Libraries, Museums, Art Galleries	S	S	P	P
Livestock Feed, Grain & Feed Processing	S		S	P
Livestock Sales	S			P
Livestock Transfer Point	S			P
Living Quarters	P	P	P	S
Manufacturing Miscellaneous Products	S		S	S
Meat Product Processing (Except Rendering)	S		S	P
Mineral Products (Manufacturing)	S			S
Mobile Home Sales			P	P
Offices, Business, Financial & Professional Services	S	S	P	P
Open Parking Lot or Garage, Automobile	S	S	S	S
Open Parking Lot, Truck or Bus	S		S	P
Open Space	P	P	P	P
Park, Mobile Home		S		
Park, Recreational Vehicle		S	S	
Pastured Animals	P	P	P	P
Petroleum Products (Manufacturing)				S
Plant-Energy Producing, Non-Conventional	S		S	S
Plant-Light Manufacturing			S	S
Printing & Publication	P		P	P
Railroad Buildings & Equipment	S		S	P
Religious Facilities	S	S	P	P
Restaurant/Bar			P	P

Restaurant/Retail, Drive Thru Only			S	S
Retail Sales Establishment, Indoor			P	S
Retail Sales Establishment, Outdoor	S		S	S
Schools	S	S	S	S
Sewage Lagoons	S		S	S
Shelter Homes	S	S	S	
Site, Recreational Vehicle	p <sup>7</sup>			
Small Appliance Repair	S		p <sup>1</sup>	P
Small Engine Repair	S		p <sup>1</sup>	P
Sports, Athletic & Recreational Facilities, Indoor	P	S	P	P
Sports, Athletic & Recreational Facilities, Outdoor	p	S	P	P
Sports Facilities, Indoor Firearms	S		S	S
Sports, Rural Recreation Area	P	P	S	S
Storage Rental Units (Indoor)			P	P
Storage Rental Spaces (Outdoor)			S	P
Studio, Art, Dance, Music, Photography, Voice	S	S	P	P
Theater, Indoor			P	P
Theater, Outdoor	S		S	S
Tire Shop (Retail)			p <sup>8</sup>	P
Transmitting Towers & Cell Towers	S <sup>2,3</sup>		S <sup>2,3</sup>	S <sup>2,3</sup>
Trucking Facilities	S		S	p <sup>6</sup>
Upholstery Repair	p <sup>1</sup>		p <sup>1</sup>	P
Utility Buildings & Structures	S <sup>2,3</sup>	S <sup>2,3</sup>	S <sup>2,3</sup>	S <sup>2,3</sup>

Utility Lines, Above Ground	p <sup>2,3</sup>	p <sup>2,3</sup>	p <sup>2,3</sup>	p <sup>2,3</sup>
Utility Lines, Under Ground	P	P	P	P
Vegetable Products Processing	S		S	S
Vehicle Rental			P	P
Vehicle Repair and Service, Automobile			S	p <sup>6</sup>
Vehicle Repair and Service, Heavy Equipment, RV, Truck & Tractor			S	p <sup>6</sup>
Vehicle Repair and Service, Farm Equipment	S		S	p <sup>6</sup>
Vehicle Sales and Service, Automobile			S	p <sup>6</sup>
Vehicle Sales and Service, Heavy Equipment, RV, Truck & Tractor			S	p <sup>6</sup>
Vehicle Sales and Service, Farm Equipment	S		S	p <sup>6</sup>
Vehicle Sales, Automobile			P	P
Vehicle Sales, Heavy Equipment, RV, Truck & Tractor			P	P
Vehicle Sales, Farm Equipment	S		P	P
Veterinarian	S		S <sup>1</sup>	P
Wholesale Sales and Warehouse, Indoor	S <sup>9</sup>		P	P
Wholesale Sales and Warehouse, Outdoor	S <sup>9</sup>		S	P
Wholesale Warehouse and Distribution Facility	S <sup>9</sup>		S	P

<sup>1</sup>Providing all materials and equipment are kept inside of an enclosed building and all work is performed inside an enclosed building.

<sup>2</sup>complies with Idaho Safety Code

<sup>3</sup>complies with Chapter 12 AIRPORT ZONE

<sup>4</sup>controlled operation that does not generate smoke, noise, vibration, dust odor, glare, gas, air or water pollutants

<sup>5</sup>in association with an existing business

<sup>6</sup>DEQ approval required for Hazardous Material Disposal Plan to obtain a Certificate of Occupancy

<sup>7</sup>A Special Use Permit required after 60 days of Residence per year per parcel.

<sup>8</sup> Excepting Product display, outside storage of products or discards must be screened from view.

<sup>9</sup>Sales of products supporting Agricultural Uses

### 10-10.05 LAND USES OR ACTIONS REQUIRING SPECIFIC PERMITS

The uses or activities indicated in Chart below are permitted under a regulated process when designated by an X. An empty square indicates that such use or activity is not permitted in that zone.

SECTION III CHART 10A	ZONES			
	IMP AL	IMP RES	IMP COM	IMP IND
<b>SPECIALIZED PERMITS</b>				
Boundary Line Adjustment Application procedure located in JCZO Chapter 14	X	X	X	X
Land Division Application procedure located in JCZO Chapter 14	X	X	X	X
Warehoused Livestock Confinement Operations (WLCO) Application procedure located in JCZO Chapter 13A				X
Subdivision Application procedure located in JCZO Chapter 8, Chapter 10		X	X	X