3.17 Central Business District (CBD)

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3.17.010. Purpose and Objectives

The CBD is established to recognize the historic central retail and service center of the City. Front setbacks are not common and lot coverage may approach or be one hundred percent. On-street parking serves many of the businesses. Office and residential uses are encouraged on the upper floors of the downtown buildings.

The CBD zone is intended to be located only in the central core area of the City and to be expanded out from that central area in an orderly and progressive manner as the demand for additional commercial land is generated. The CBD zone is to be characterized by wide, clean, well-lighted streets, ample pedestrian ways, and vehicular parking lots for the convenience and safety of the public.

Attractive, inviting, and well-maintained shops, stores, offices, and other buildings are also characteristic of this zone. Signing of shops and business establishments should be simple and attractive with signs mounted flat against the building to reduce the sign clutter and enhance the aesthetics of the downtown area. The uses characteristic of this zone are retail stores, banks, office buildings, theaters, hotels, and a wide variety of specialty shops and retail outlets. Conversely, uses which tend to create business dead spots, cause undue scattering of business, and generally tend to thwart the use of the land for its primary purpose have been excluded from the zone. This zone will tend to encourage an architectural theme which will strengthen the continuity of the downtown area and give it a "character" with which the citizens of Rexburg can identify.

3.17.020. Permitted Uses

a. Categories. Those uses or categories of uses as listed herein, and no others, are permitted in the CBD zone.

b. Numbered Listings. All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning and Zoning Commission. Specific uses are identified by a four (4) digit number in which all digits are whole numbers. Classes or categories of such uses permitted within the zone are identified by a four (4) digit number in which the last one (1) or two (2) digits are zeroes.

c. Uses. All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the CBD zone, subject to the limitations set forth.

d. Permitted Principal Uses. The following principal uses and structures, and no others, are permitted in the CBD zone:

Permitted Uses
Two-family dwelling above the ground floor (attached to commercial or other nonresidential use)
Multiple Family Dwelling above the ground floor

Apartments above the ground floor (low rise attached to commercial or other nonresidential use as a mixed-use project as set forth in Rexburg City Code)
Apartments above the ground floor (high rise attached to commercial or other nonresidential use; as a mixed-use project as set forth in Rexburg City Code)
Membership lodging
Religious quarters
Residential facility for elderly persons above the ground floor
Residential facility for persons with a disability above the ground floor
Residential hotels with units above ground floor
Transient lodgings
Bus transportation (except bus garaging and equipment maintenance)
Motor vehicle transportation
Parking lot – automobile parking lot and garages (this does not include long term storage of autos, trucks, boats, vacation trailers, etc., which is prohibited)
Electric transmission right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
Gas pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
Gas pressure control stations
Water pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity.
Irrigation distribution channels
Water pressure control stations and pumping plants
Water utilities or irrigation company office
Sewage pipeline right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)
Sewage pumping stations
Refuse disposal company office
Gas and electric utility company office
Water and electric utility company office
Combination utilities right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)
Storm drain or right-of-way (predominantly covered pipes or boxes)
Travel Agencies
Heating and plumbing equipment (no outside storage)
Paint, glass, and wallpaper
Electrical supplies
Hardware
Building maintenance
Swimming pool supplies
Department stores (includes major and junior chain department stores)
Discount department stores
Surplus stores (inside only)
Mail and Phone order houses
Variety stores
Merchandise vending machine operators
Direct selling organization
Retail trade - general merchandise
Food stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy products, bakeries, etc.)
Miscellaneous retail food establishments
Apparel and accessories
Furniture, home furnishings, and equipment (no combined warehousing)
Eating places (restaurants)
Drug and proprietary stores
Books, stationery, art, and hobby supplies
Sporting goods, bicycles, and toys
Garden supplies (entirely within a building only)
Jewelry
Ice dealers (automated machines or pick-up stations only)
Miscellaneous retail stores (includes florists, cigars, newspapers and magazines, photo supplies, pet stores, and other similar retail stores)
Banks, insurance, and real estate (office only)
Personal services - including photography, beauty and barber services, clothing repair, etc. (except wedding chapel and reception centers only)
Funeral parlor (mortuary)

Crematory
Athletic clubs, body building studios, Spas, aerobic centers, (no gymnasiums)
Business services (office and retail sales only)
Electrical appliance repair and service (no outside storage)
Reupholstering and furniture repair
Locksmiths and key shops
Gunsmiths
Professional Services (except behavior, drug and alcohol treatment; office only)
Contract construction services (offices and retail only)
Executive, legislative, and judicial functions
Protective functions and related activities
Postal services
Educational services
Churches, synagogues, temples, and missions
Religious reading rooms
Other religions activities
Cultural activities
Libraries
Video Rental Shops

e. Permitted Accessory Uses. Accessory uses and structures are permitted in the CBD zone provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

i. Accessory buildings such as garages, carports, equipment storage buildings, and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the CBD zone.

ii. Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use be located on the building site or immediately adjacent thereto, and provided further that such use shall be permitted only during the construction period and thirty (30) days thereafter.

f. Conditional Uses. The following uses and structures are permitted in the CBD zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.

Conditional Uses

Dormitory or Boarding House (maximum of six (6) persons per unit attached to commercial or other nonresidential use as a mixed-use project as set forth in Section 3.17.160, Rexburg City Code, and with all units above the ground floor)
Heliport (with pads only, no maintenance)
Communications
Electricity regulating substations
Electric utility company office
Small Generation
Other electric utility, NEC
Natural or manufactured gas storage; distribution points
Gas company office
Other gas utilities, NEC
Water storage as part of a utility system (covered including water storage standpipes)
Debris basin (a dam and basin for intercepting debris)
Spreading grounds (area for percolating water into underground)
Surplus stores
Motorcycles, motor scooters, parts, accessories, and supplies
Liquor, package
Antiques and second-hand merchandise (indoor only, except second-hand auto parts, junk dealers and salvage operations
Bottled gas
Laundry and Dry Cleaning (includes Self-service Laundries)
Personal services (wedding chapels and receptions centers only)
Dwelling and building services (not dwelling units)
Auction Houses
Equipment rental (only within a building)
Miscellaneous business services
Saw, knife, and tool sharpening

Miscellaneous small item repair
Behavior, drug & alcohol treatment
Police protection and related activities, branch (office only)
Miscellaneous service organizations
Entertainment and assembly including legitimate theater
Motion picture theaters (indoor)
Public assembly
Coin-operated amusements
Miniature golf
Dance halls, ballroom
Billiards and pool halls
Ice skating
Roller skating and skate boarding
Bowling alleys
Bed and Breakfast Inns and Vacation Rentals
Drop-in Day Care- Daycare business that is less than 50% contractual (traditional) daycare, with the majority of the business to be "drop-in" child care
Parking garages- if over ten (10) parking spaces and garage comprises the majority of the overall structure
Call Centers (when additional parking is provided)

3.17.030. Lot Area

The minimum area of any lot or parcel of land in the CBD zone shall be five thousand (5,000) square feet. Residential dwelling density shall not exceed forty (40) dwelling units per acre.

3.17.040. Lot Width

Each lot or parcel of land in the CBD zone shall have an average width of not less than fifty (50) feet.

3.17.050. Lot Frontage

Each lot or parcel of land in the CBD zone shall abut on a public street for a minimum distance of fifty (50) feet on a line parallel to the center of said street.

3.17.060. Prior Created Lots

Lots or parcels of land which were legally and lawfully created prior to the application of this zone shall not be denied a building permit solely for reason of nonconformance with the lot requirements of this Chapter.

3.17.070. Area of Zone.

No requirement except that the CBD zone shall be expanded contiguously from the CBD zoning established in the center core area of the City. Said expansion shall be accomplished in an orderly manner.

3.17.080. Yard Requirements

The following minimum yard requirements shall apply in the CBD zone:

a. **Front Yard.** The minimum front yard setback shall be zero (0) feet. The maximum front yard setback shall be ten (10) feet. No part of any building shall overhang the public right-of-way and no drainage shall be diverted into said public right-of-way. (See Section 3.17.150 (5), Rexburg City Code for canopy and marquee requirements.) Parking spaces, drive aisles, and all maneuvering areas shall not be located within the first ten (10) feet of a front yard. This area shall be used for landscaping that will adequately screen parking areas from adjacent right-of-way.

b. **Side Yard.** Except as provided in Sub-sections (4) and (5) of this section, there shall be no side yard requirements. When a building is adjacent to a residential zone or use the building shall match the side yard requirements of the adjacent residential zone or use.

c. **Rear Yard.** No requirement. When a building is adjacent to a residential zone or use the building shall match the rear yard requirements of the adjacent residential zone or use.

3.17.090. Building Height

Buildings within 50 feet of a residential zone shall be limited to 35 feet in height, measured at the top of building's horizontal wall, or maximum height of the affected residential zone. However, all other buildings and portions of buildings within the CBD shall not exceed 45-feet in height (except, one additional story or ten feet in height shall

be allowed extra when the building contains a floor of residential units that are not located on first floor, or street level).

3.17.100. Distance Between Buildings
No requirement except as regulated by the provisions of the latest edition of the Building Code of The City of Rexburg as adopted by the action of the Municipal Council of said City.

3.17.110. Permissible Lot Coverage
No requirement except as may be dictated by the necessary provision of off-street parking and other applicable requirements.

3.17.120. Parking, Loading, and Access
Each Lot or parcel in the CBD zone shall provide automobile parking sufficient to meet the requirements as set forth in Rexburg City Code.

3.17.130. Project Plan Approval
All Project plans for projects in the CBC Zone must be prepared and engineered by A/E professionals and be submitted for review and approval from conception on by the Architectural and Design Review Boards, followed by professional engineered plans and specifications for review by all City Departments and Permitting Authorities.

3.17.140. Other Requirements
a. Signs. All signs erected in the CBD zone shall be mounted flat against the face of a building, marquee, or canopy and shall be in conformance with the sign provisions of Rexburg City Code. All signs shall be approved by the Planning and Zoning Commission prior to the issuance of a sign permit.

b. Uses Within Buildings. All uses established in the CBD zone shall be conducted entirely within a fully-enclosed building except those uses deemed by the Planning and Zoning Commission to be customarily and appropriately conducted in the open, and other uses which are allowed by the Planning and Zoning Commission to be conducted in the open through the granting of a conditional use permit. Uses customarily deemed to be conducted in the open may include, but would not be limited to, ice skating, miniature golf, etc.

c. Landscaping. A minimum of ten (10) percent landscaping shall be provided for all parking lots and shall be useable for snow storage. In addition, parking areas shall be adequately screened from adjacent rights-of-way.

d. Canopies and Marquees. Canopies and/or marquees may be extended over public sidewalks in the CBD zone only after a conditional use permit has been granted by the Planning and Zoning Commission for their erection and after a revocable license has been issued by the Rexburg City Mayor in accordance with the procedures outlined herein.

Said marquees or canopies may be supported by columns or stanchions which are attached to the ground within the public right-of-way and do not extend beyond the street curb line. Canopies and marquees erected in the CBD zone must comply with all of the following conditions:

i. A conditional use permit must first be granted by the Planning and Zoning Commission following an application submitted to the Planning and Zoning Commission. Procedure for granting a conditional use permit for this purpose shall be in accordance with Rexburg City Code.

ii. A license shall be obtained from the Mayor permitting such construction. Conditions deemed appropriate by said Mayor may be imposed upon the granting of a license.

iii. The licensee shall agree to save and hold harmless the City on any and all damage to any property or person arising from the construction and maintenance of such canopies or marquees. Licensee shall assume and pay all costs of installation, maintenance, and removal of said canopy or marquee.

iv. The licensee shall agree to pay damages and hold the City harmless from any claim that may arise through the licensee's use of public property for this purpose.

v. Said license may be revoked after ninety (90) days of written notice to the licensee, at which time all improvements must be removed from the public right-of-way at the full expense of said licensee. The City right-of-way shall be restored by the licensee at his own expense to a condition equivalent or better than that existing in the remainder of the block face, and to a condition satisfactory and acceptable to the Mayor.

vi. Before a license shall be issued by the Mayor, the design of the canopy or marquee and the materials used in the construction of said canopy or marquee shall first be reviewed by the Planning and Zoning Commission in the process of granting a conditional use permit. The Planning and Zoning Commission shall not grant a conditional use permit for any construction of such canopies or marquees unless the following is fully demonstrated to their satisfaction:

1. The canopy or marquee is harmonious in design and appearance with the building upon which it is being located, and with the general architectural and visual theme of the CBD zone.

2. The canopy or marquee will be constructed of materials contained on the materials list for the CBD zone approved by resolution of the City Council.

3. The canopy or marquee will tend to improve the visual environment of the City, will not be harmful to any existing tree or landscaping element, will increase downtown property values, and will promote the objectives and characteristics of the Central Business District zone as set forth herein.

4. The location of supporting columns or stanchions will not obstruct pedestrian traffic on the sidewalk, and will not materially affect existing landscaping or street furniture installations in the public right-of- way.

vii. In the event that no public landscaping exists in the area adjacent to said canopy or marquee, the Planning and Zoning Commission shall require the provision of a landscaped and planted area no less than four (4) feet in width and no greater than six (6) feet in width to be planted with materials as part of the granting of a conditional use permit. This planting shall be provided at least the full width of the canopy or marquee installation.

viii. All canopy or marquee installations will be in full conformance with the provisions of the latest edition of the Building Code as adopted by Rexburg City.

ix. The provisions of this Section are not intended to any way nullify or repeal any portions of the Building Code provisions.

x. Canopies or marquees shall remain open and unencumbered on three (3) sides except for required supporting columns, stanchions, or architectural features approved by the Planning and Zoning Commission.

xi. In no event shall any portion of the public right-of-way be used for commercial storage, display, or other private use.

xii. The construction of any canopy or marquee under the provisions of this Section shall in no way deprive the public of use of the public right-of-way.

e. Trash Storage. Trash receptacles shall be stored in screened areas that are not visible from streets. Materials and location of the screened areas shall be reviewed and approved by City of Rexburg Staff prior to installation. Materials used for screening should be consistent with the predominant material found in the exterior construction of the building used by the business served, however, as a minimum, a vinyl fence will be allowed.

f. Walls and Fences.

i. No wall, fence, or opaque hedge or screening material higher than three (3) feet shall be maintained within a required front yard, or an area which would tend to inhibit a safe sight distance of traffic traveling upon a public street, or entering into the public street from a private driveway or alley.

ii. A minimum vinyl fence, at least six (6) feet in height, shall be erected along all property lines which lie adjacent to a residential zone. In the case where there is mutual agreement between the property owners of the commercial zone and the adjacent residential zone, the vinyl fence requirement may be modified to allow other suitable materials. A signed agreement must be submitted to the Planning and Zoning Commission or its designee, indicating this agreement. In the case where there is not mutual agreement, the vinyl fence will be required.

g. Transitional Development Standards. Where a nonresidential use or mixed use in the CBD zone borders a residential zone, the standards set forth in Rexburg City Code, shall apply. All residential development projects in the CBD zone shall comply with the standards set forth in the, Rexburg City Code.

h. Sidewalk Cafes. A sidewalk café shall be permitted if the following requirements are met:

i. An applicant submits scaled plans demonstrating that the café will conform to the following development standards:

1. At least six (6) feet of clear, unobstructed sidewalk width will remain available for pedestrian use. A six-foot clearance shall be required between any portion of the café area and any sidewalk obstructions such as tree wells, street signs, utility poles, newspaper racks, benches, kiosks, drinking fountains and landscaped areas.

2. Tables, chairs and other furnishings associated with the café will be located directly adjacent to the building and ground floor space in which food or drink is prepared.

3. A five (5) foot setback will be maintained from the dining area to a property or lease boundary and from the intersection of the public sidewalk with a driveway, alley, street or another public sidewalk.

4. If the sidewalk café is limited to one row of tables and chairs parallel to the building, no barriers will be erected to impede access. If a sidewalk café is designed to have more than one such row of tables and chairs, a non-sight obscuring removable barrier not more than three (3) feet high enclosing the tables and chairs shall be constructed. Barrier gates shall not swing into the required unobstructed sidewalk area required in subsection (a) above.

5. Awnings associated with the café will be installed in accordance with the Building Code. Umbrellas shall not extend into the required unobstructed sidewalk area required in subsection (a) above.

6. Signs associated with the café will be installed in accordance with Rexburg City Code.

7. Adequate facilities for the storage of trash and tobacco waste products generated by the café will be provided at a convenient location.

ii. An agreement between the applicant and the City is executed and recorded that includes the following provisions:

1. No alcohol will be consumed on the sidewalk.

2. All tables and chairs, any barrier, and other sidewalk obstructions associated with the sidewalk café will be removed during the time period between one-half (½) hour after close of business to one-half (½) hour before opening of the business.

3. Insurance will be continuously maintained to adequately co-insure Rexburg City against any liability associated with the sidewalk café, as reasonably determined by the City. The insurance certificate shall name the City as an "additional insured." Cancellation of such insurance shall require at least thirty (30) days prior notice to the City.

4. Rexburg City, its officers, agents and employees, will be held harmless from any claims, causes of action, injuries, losses, damages, expenses, fees and costs, including attorneys' fees, associated or arising from the operation of the café.

5. The café owner and operator will be responsible for repair of any damage done to the public sidewalk due to the installation or removal of furnishings, barriers or other features of the sidewalk café.

6. Hours of café use will be limited to not earlier than 7:00 A.M. and not later than 11:00 P.M. and will not exceed the operating hours of the associated eating or drinking establishment.

7. Within the sidewalk café the use of sound reproduction equipment will be prohibited and live acoustic music and musical instruments will be allowed, providing sound levels are controlled so as to not disturb other businesses and are kept within legal decibel levels per City noise regulations.

8. Will maintain the sidewalk café and surroundings will be maintained in a neat and clean condition at all times.

9. The Café owner and operator will remove café improvements if necessary for sidewalk repair or replacement, utility maintenance, or upon failure to comply with the terms of the agreement.

3.17.150. Residential Standards

The following standards shall apply to all residential development in the CBD zone. Said standards shall replace and/or supplement other provisions of this zone as applied to residential land uses. In case of conflicting provisions, the most restrictive shall apply to residential uses. Mixed-use projects, where the ground floor use is non-residential (i.e., retail shops on the main floor with apartments over the top), shall be built to the commercial development standards above. Parking shall be calculated for each use individually, based on its own standard.

a. Lot Area Per Dwelling. The minimum lot areas required in this zone are as follows: 8,500 square feet for the first three (3) units, additional units shall not exceed 40 units per acre.

b. Yard Requirements.

i. Front Yard. Each residential lot or parcel in the CBD zone shall have a front yard of at least twenty (20) feet.

ii. Side Yards.

General. Except as provided in Subsections (3), (4), and (5) of the Rexburg City Code, each residential lot or parcel of land in the CBD zone shall have a side yard of at least ten (10) feet on each side. Buildings exceeding twenty-eight (28) feet shall have side yards of ten (10) feet per side plus an additional one (1) foot of setback for each two feet of building height over twenty (28) feet, to a maximum setback of fifteen (15) feet.

1. Driveway. When used for access to a garage, carport, or parking area having less than five (5) parking spaces, a side yard shall be wide enough to accommodate an unobstructed twelve (12) foot paved driveway for one-way traffic, or a sixteen (16) foot unobstructed paved driveway for two-way traffic.

2. Accessory Building. An accessory building may be located on a side property line subject to compliance with all of the following conditions:

a. The accessory building must be located at least fifteen (15) feet or more to the rear of the front setback line, and is at least twenty (20) feet from the closest part of any main building.

b. The accessory building must have facilities for the discharge of all roof drainage onto the lot or parcel on which it is erected. An accessory building which is more than ten (10) feet to the rear of a main building, but which does not conform to all of the above conditions, shall have a side yard of at least five (5) feet.

c. All other accessory buildings shall maintain the same side yard as a main building.

iii. Rear Yard.

1. General. The rear yard shall be twenty-five (25) percent of the lot depth, but need not exceed twenty (20) feet.

2. Accessory Building. An accessory building may be located on the rear property line when said building meets all of the following:

a. Provides facilities to retain all roof drainage within the property on which said accessory building is located.

b. An accessory building which is at least ten (10) feet behind the main building but does not meet the above requirements shall be located not less than five (5) feet from the property line.

c. Projections into Yards.

i. The following structures may be erected on or project into any required yard:

1. Fences and walks in conformance with the Rexburg City Code and other City codes and ordinances.

2. Landscape elements including trees, shrubs, agricultural crops, and other plants.

3. Necessary appurtenances for utility service.

ii. The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet.

1. Belt courses, sills, buttresses, or other similar architectural features.

2. Bays, provided they are not wider than eight (8) feet and are generally parallel to the wall of which they are a part.

3. Door stoops, fire escapes, and planter boxes or masonry planters not exceeding twenty- four (24) inches in height.

d. Building Height. The height of a building or structure, including parking structures, shall be regulated by the requirements of the most recent edition of the Building Code adopted by Rexburg City; except that buildings or portions of buildings within fifty (50) feet of a residential zone shall be limited to thirty-five (35) feet in height, measured at the top of building's horizontal wall, or the maximum height of the affected residential zone. However, all other buildings within the CBD shall not exceed forty-five (45) feet in height, measured at the top of building's horizontal wall.

e. Distance Between Buildings. The minimum distance between any accessory building and a main building on a residential lot in the CBD zone shall not be less than ten (10) feet. The minimum distance between all other buildings shall be governed by the latest edition of the Building Code as adopted by the Rexburg City Council.

f. Parking, Loading, and Access. Each dwelling unit in the CBD zone shall have automobile parking sufficient to comply with the requirements of Rexburg City Code. Required parking for residential uses shall be provided on the subject lot or parcel when possible. When not possible, required parking may be provided on a separate lot or parcel in the vicinity after the approval of a conditional use permit.

g. Landscaping. A minimum of ten (10) percent of the site shall be landscaped. Mixed-use projects shall provide a minimum of twenty (20) percent landscaping with at least one-half of this space used for active recreation including: playgrounds, picnic areas, sports fields or other areas as approved by the Planning and Zoning Commission.

h. Fencing Standards. The term "fence" shall include any tangible barrier, lattice work, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of preventing passage or view across the fence line. Fences six feet or less in height shall not require a building permit. Fences over six feet in height must obtain a building permit from the Building Inspection Division. Any fence, wall, screen, hedge or other material serving as a fence, shall not create a sight distance hazard to vehicular or pedestrian traffic as determined by the Rexburg City traffic engineer.

The following standards shall apply in all residential projects in the CBD zone:

i. Front Yard. Solid walls, fences, hedges or screening materials which are sight obscuring may be built to a maximum of three (3) feet in any required front yard perimeter.

ii. Side Yard. Solid, sight obscuring fences or walls may be built to a maximum of three (3) feet but may slope upward to connect with a higher rear yard fence. The sloped length may not exceed one section or a maximum of ten (10) feet.

iii. Rear Yard. Walls and fences in a rear yard may exceed six (6) feet provided that a building permit is first obtained from the Building Inspection Division prior to construction.

iv. Entryways. Entry treatments to private driveways or subdivision development entrances may not exceed six (6) feet at the highest point, except lamps on pillars. Pillars shall be allowed to extend up to eighteen inches above the allowable height of a fence provided that the pillars shall have a minimum spacing of no less than six feet, measured face to face.

v. Grade Differences. Where there is a difference in the grade of the properties on either side of a fence, wall or other similar structure, the height of the fence shall be measured from the natural grade of the property upon which it is located.

vi. Retaining Walls. Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

vii. Privacy Walls. Privacy walls which project into a required front yard will be subject to staff review.

viii. Double Frontage Lots. A fence or wall may be erected in the rear yard of a double frontage lot subject to staff review.

ix. Exceptions. The provisions of this Section shall not apply to certain other fences such as tennis court backstops or patio enclosures as approved by the Zoning Administrator, if it is determined that such do not create a hazard or violation of other sections of the Rexburg City Code or other City ordinances. All other exceptions must obtain Planning and Zoning Commission approval.

3.17.160. Architectural Design Standards

a. Introduction. Developments in the Central Business District should implement projects with an overall community design in mind and in conformance with the downtown blueprint hereby adopted. The need exists for Design Standards to be in place to ensure developments are coordinated into the overall community presentation and to preserve the integrity of the existing business district and the downtown as the “center” of the community.

b. Background and Justification. The basis for all development within our Community is set forth in the Development Code, Subdivision Regulations, and the Comprehensive Plan. The Development Code for the City of Rexburg states that the purpose of the Ordinance is to promote the general welfare by establishing and regulating zoning districts.

The purpose of these standards is to augment the existing criteria contained in the CBD Zone and those contained in the Development Code and Subdivision Ordinance, with more specific interpretations that apply to the design commercial developments in the Central Business District. These standards require a basic level of architectural variety, compatible scale, pedestrian and bicycle access, and mitigation of negative impacts.

i. Guiding Downtown principles. The City of Rexburg values the historical sense of place that the downtown has provided for over a hundred years. Recent studies have identified several guiding principles that will guide the continuation of the downtown core over the next hundred years. These principles are as follows:

1. Downtown is a Pedestrian-Priority Area.
2. Downtown is the Civic, social and cultural Center of Rexburg and Madison County.
3. Downtown is highly attractive to visitors.
4. Downtown is the Heart of "America's Family Community."
5. Downtown is a Mixed Use Center which includes Retail, Office, Residential, Entertainment, Culture and Educational facilities.
6. Downtown is Highly connected to the City, Region and to BYU-Idaho.
7. Downtown is guided by public-Private Partnerships, Including Agencies.
8. Circulation System Manages "Through" & "To" Traffic Strategically.
9. Downtown Way-finding & Parking Systems are User Friendly.
10. Downtown Hosts a Central Plaza for Community Events & Activities.
11. Downtown is a great Place to Work, Visit, Shop, Learn & Live.

ii. Downtown Development Framework. The Development Framework that has been identified and within which the community will pursue a revitalization blueprint is as follows:

1. Define and Focus Development on Target Markets.
2. Emphasize Mixed-Use Development with Ground Floor Retail.
3. Infuse Residential Units Downtown.
4. Build a Sound Parking System for Employees, Customers, Visitors & Residents.
5. Build a Pedestrian & Cycling Pathway Network Linking Key Downtown Nodes.
6. Undertake Infill, Adaptive Re-Use & Historic Preservation. Implement Urban Renewal Program.
7. Install Small Business Amenities & services to Draw this Market.
8. Design the Place of Downtown for America's Families.
9. Connect to Community & Region with Wayfinding, Gateways, Parking, Amenities & Marketing.
10. Recruit Social Retailers to Reconnect with Major Regional Markets.
11. Emphasize Rexburg's Rich Heritage in Marketing.

3.17.170. Commercial Lighting Standards

Commercial Lighting Standards are applicable as described in Chapter 4.14, Supplementary Regulations.