

## CHAPTER 4: SUPPLEMENTARY REGULATIONS

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### 4.1 Applicability

The regulations of this chapter qualify or supplement the regulation within zones appearing elsewhere in this Ordinance.

### 4.2 Yard Space for one Principal Building

No two principal buildings may claim the same, or portions of the same, lot area or width or required yard for the purposes of compliance with this Ordinance.

### 4.3 Sale of Lots Below Minimum Space Requirements

A parcel of land which has less than the minimum width or area requirements for the zone in which it is located shall not be separated from a larger parcel of land for the purpose of immediate or future building or development as a lot. See Section 8-8 of this Ordinance. If an existing lot or parcel is substandard in size by the current zoning ordinance, a portion of that lot or parcel may not be sold or be allowed to be used by another entity by easement.

### 4.4 Accessory Buildings

Accessory building shall not be placed in the front yard. Accessory buildings larger than two hundred (200) square feet or taller than ten (10) feet in height shall meet the same side yard requirements as principal buildings. An accessory building or group of accessory buildings in any residential zone shall not cover more than thirty percent of the rear yard. Accessory buildings may be placed in any location in the rear yard, unless the accessory building is a garage with doors opening into a City owned the alley. Such garages shall be located at least fifteen feet from the alley.

### 4.5 Access to Public Street Required.

All principal buildings shall be served by a public street. Access to principal building only from an alley is prohibited. All principal buildings must have adequate access and frontage for police, fire, and emergency services.

### 4.6 Clear View of Intersecting Streets

For the purpose of insuring reasonable visibility and safety in residential zones and other zones which require buildings to be set back from the property line, the triangle of land formed on any corner lot by drawing a line between points on the lot lines which are thirty feet (30) from the intersection of such lot lines shall be free from any sight obscuring structure or obstruction except as permitted below.

Trees in such triangles shall be trimmed to at least seven (7) feet above the centerline grades of the intersecting streets. Shrubs, fences, and walls shall not be higher than three (3) feet above the centerline grades of the intersecting streets.

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## 4.7 Screening and Fencing Requirements

Screening and fences within the City shall be constructed and maintained in conformance with the following standards:

### a. Screening Requirements.

- i. **Parking Areas.** An effective buffer shall be provided between parking areas for five (5) or more vehicles and existing residential uses, schools, hospitals, nursing homes and other institutions for long-term human care. The buffer shall consist of a minimum five (5) foot wide landscaped strip to be planted with one (1) tree and five (5) low shrubs per thirty (30) lineal foot
- ii. **Commercial/Industrial Uses.** Where a commercial or industrial use adjoins uses, residential zones, or undeveloped land shown as residential uses on the Comprehensive Plan, there shall be proved along the abutting property line a yard equal in width to that required in the residential zone. The yard shall be planted with a combination of trees, low shrubs, and ground cover, and/or a suitable fence otherwise in compliance with this ordinance of sufficient height and density to screen the two parcels, as specified by the Planning and Zoning Commission.”
- iii. **High Density Residential Uses.** Where a lot in the HDR or HRD2 district adjoins a lot in the LDR or MDR districts or unincorporated and designated as single-family on the Comprehensive Plan map, a five (5) foot wide landscaped buffer shall be proved on said property line. The buffer shall consist of ground cover and trees. The trees shall be planted at thirty (30) foot intervals. When a public street is located between the front lot line of the HDR zone and the single-family zone, a landscaped buffer seven (7) feet wide or as required for front yard setbacks, whichever is greater shall be constructed and maintained on the front lot line. The buffer shall include trees and an understory of shrubs planted at interval of five (5) shrubs per thirty lineal foot. The landscaping shall be planned and maintained so as not to violate Section 4.6 of this Ordinance. For Infill/Redevelopment Projects, see Section 4.16.
- iv. **Highway 20 Corridor.** All development adjacent to the Highway 20 right-of-way must submit a site plan to the Planning and Zoning Commission and be approved by the Commission prior to obtaining a Building Permit.
- v. **Open Storage Area.** Open storage area in commercial and industrial zones shall be screened from view of the streets by structures or by a landscaped strip at least seven (7) feet in width which may include a fence or wall. Open storage shall not be located within a required front yard.
- vi. **Plant material size (minimum), at time of planting:**
  1. **Deciduous trees- Two (2) inch caliper**
  2. **Evergreen trees- Seven (7) feet in height**
  3. **Shrubs- Five (5) gallon containers**

- b. **Fencing Requirements.** The maximum height of any fence, wall, or sight obscuring objects within fifteen (15) feet of the public right-of-way shall be three feet. Fences would be allowed in excess of three feet if constructed out of rigid materials and approved by Planning & Zoning with fifty (50) percent or more see through per lineal foot and that they be between three (3) to six (6) feet high within 15 feet of the right-of-way. Fences shall not be greater in height than eight (8) feet. (Amended the 15<sup>th</sup> day of April 1998; Ordinance No. 802) Fences parallel to roadways are discouraged for snow plowing reasons.

- i. **Dog Runs.** Dog runs shall be placed in rear yards only and shall be at least ten (10) feet from any residence.
- ii. **Schools, Churches, Universities, Colleges, Hospitals, Nursing Homes, City And County.** The height, location and placement of fences by the foregoing entities may be altered, subject to prior written approval of the Planning and Zoning Commission. However, sight triangles at any intersection must be maintained pursuant to Section 4.6 of this Ordinance.
- iii. **Commercial And Industrial Zones.** Any fence higher than thirty-six (36) inches cannot extend beyond the line of the existing buildings. In any set-back area bordering a street, the fence cannot be higher than 36 inches within the designated set-back from the property line to the front of a building.

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1. Frontages. The maximum height of any fence, wall, or other sight obscuring object within fifteen (15) feet of the public right-of-way shall be three (3) feet. Fences shall not be greater in height than eight (8) feet.
2. Floodplain. No fence shall be constructed in the floodway without the approval of the Planning and Zoning Commission.
3. Barbed Wire and Electric Fences. Barbed wire and electric fences shall not be erected or maintained within the City unless approved by the Planning and Zoning Commission.
4. Maintenance. Fences shall be maintained in a good state of repair.
5. Compliance with Section 4-6. The height provisions of this section on fences shall not be construed to permit any structure, fence, wall, shrub, hedge, or sight obscuring object to exist in violation of Section 4.6 of this Ordinance.

### 4.8 Parking of Vehicles in Residential Zones

The purpose of this section is to protect and enhance property value, to retain the open character of a residential zone, and to protect health and safety by regulating the parking of vehicles within residential neighborhoods of the City.

- a. **Parking of Recreational Vehicles.** No person shall park or allow the parking of any recreational vehicle in the clear sight triangles required by Section 4.6 of this Ordinance. In a residential zone, no person shall park or allow the parking of any recreational vehicle in any front yard or a side yard facing a public street for a period of no more than four (4) consecutive days and a cumulative of thirty (30) days in a calendar year. (Amended the 20th day of October, 1993; Ordinance No. 753.)
- b. **Parking of Automobiles.** No person shall park or allow the parking of any automobile, van, pickup truck, or motorcycle in any front yard located in a residential zone except in a designated driveway. No more than forty (40) percent of the front yard shall be covered with asphalt, or gravel. The operation of this section shall be suspended during any period of a snow alert declared by the Mayor. Parking areas shall not be constructed in the clear vision areas as vehicles are considered a temporary obstruction for vehicular traffic.
- c. **Storage of Commercial Vehicles and Manufactured Homes in Residential Zones.** The storage of commercial vehicles with a gross vehicle weight rating (GVWR) exceeding eight thousand (8,000) pounds and construction equipment including but not limited to bulldozers, graders, and cement mixers shall not be permitted upon private property in any residential zone except for a period not to exceed one (1) year in which a building is being constructed thereon. Unoccupied mobile homes and manufactured homes shall not be stored upon private property in any residential zones.

### 4.9 Exception to Setback Requirement

When fifty (50) percent or more of the lots on the same side of the street have been built, all buildings erected, established, or rebuilt shall be in conformity with the averaged setback of such buildings. Parking and maneuvering areas are not included in the calculation of this exception nor shall these areas be granted an exception to the required front yard setbacks. In all Residential Zones all buildings erected, established, or rebuilt shall be required to place sidewalks a minimum of seven (7) feet behind the curb and gutter, where conditions permit. In new residential subdivisions the front yard setback may be changed to twenty (20) feet. In all zones the area between the curb and gutter and the sidewalk is to be landscaped.

### 4.10 Home Occupations

In order to provide for home occupations that are secondary to the use of the premises as a residence and are compatible with the quiet, peaceful nature of a residential neighborhood, no home occupation shall be permitted without the prior issuance of a conditional use permit or home occupation permit or license as required by the type of home occupation desired.

#### a. Home Occupation Requirements.

- i. **Permitted Uses.** In all residential zones, home occupations in compliance with the following

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regulations are permitted as accessory uses. A home occupation which meets the following conditions shall be issued a permit by the City Clerk, upon application and payment of a permit fee, provided that the home occupation is conducted by the applicant, who shall reside on the premises, and provided the home occupation does not constitute a significant impact on the neighborhood.

1. A home occupation shall be conducted entirely within a dwelling and shall not occupy more than twenty percent of the floor area of the residence.
2. There shall be no storage of equipment, vehicles, or supplies associated with the home occupation outside the dwelling.
3. There shall be no display of products visible in any manner from the outside of the dwelling.
4. There shall be no change in the outside appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation.
5. No advertising signs shall be permitted.
6. No one other than members of the immediate family residing in the home shall be employed in the conduct of a home occupation.
7. The use shall not create greater pedestrian or vehicular traffic than normal for the neighborhood.
8. The use shall not require additional off-street parking spaces for clients or customers of the home occupation.
9. No home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.
10. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises other than vans regularly involved in commercial delivery such as United Parcel Service, Federal Express, or the United States Postal Service. The applicant may use his/her personal vehicle, provided it does not exceed three quarter (3/4) ton, for deliveries.
11. No motor power other than electrically operated motors shall be used in connection with a home occupation. Home occupations shall not involve the use of electric motors of more than three (3) h.p.
12. No equipment or process shall be used in a home occupation which creates noise, glare, vibration, or fumes, or odor detectable to the normal senses off the property.
13. No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.
14. No commercial telephone directory listing, newspaper, radio, or television service shall be used to advertise the location of a home occupation to the general public.
15. Examples of home occupations permitted under this section shall include but not be limited to painting, sculpturing, writing, sewing and tailoring, individual tutoring, computer programming, home crafts without on premise sales, secretarial service, telephone solicitation work and answering services, and home cooking, baking and preserving.
16. Under this section, a family child care may have up to five (5) children at any one time. The care of additional children shall require a conditional use permit under paragraph b. below.
17. If the home occupation is the type in which classes are held or instruction is given to more than one person at a time, there shall be no more than five (5) students or pupils in the dwelling unit or on the premises at any one time. No more than two sessions shall be held daily.

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- ii. **Conditional Uses.** A home occupation which does not comply with the regulations under subsection a above may be permitted in all residential zones only if a conditional use permit is secured pursuant to Section II, chapter 6.13. Such home occupations shall comply with the following regulations:
  - 1. A home occupation which has a conditional use permit shall be conducted entirely within the dwelling or an accessory structure. More than the equivalent of twenty-five percent of the floor area of the residence shall not be associated with the home occupation.
  - 2. There shall be no storage of equipment, vehicles, or supplies associated with the home occupation outside the dwelling or accessory building.
  - 3. Unless permitted under the conditional use review process, there shall be no sales of products or services not produced on the premises.
  - 4. There shall be no display of products visible in any manner from the outside of the dwelling.
  - 5. There shall be no visible evidence of the conduct of the home occupation other than one (1) non-illuminating sign not to exceed two (2) square feet in area mounted flat against the dwelling.
  - 6. No one other than the residents of the dwelling shall be employed in the conduct of the home occupation.
  - 7. The use shall not generate additional pedestrian or vehicular traffic beyond that normal to the district in which it is located.
  - 8. The use shall not require more than two (2) additional off-street parking spaces for clients or customers of the home occupation. Such off-street parking shall not be provided in the front yard unless on a pad existing prior to commencement of the home occupation.
  - 9. No home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.
  - 10. The home occupation shall not involve the use of commercial vehicles with more than six (6) wheels for delivery of materials to or from the premises. Such deliveries shall be limited to five deliveries per week.
  - 11. No home occupation shall be conducted between the hours of 9:00 p.m. and 7:00 a.m.
  - 12. No equipment or process shall be used in a home occupation which creates noise, glare, vibration, fumes, or odor detectable to the normal senses off the property.
  - 13. No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or cause fluctuations in line voltage off the premises.
- iii. **Violation of Standards.** If a home occupation permittee violates any of the above standards as applicable, the home occupation permit may be revoked upon written notice to the applicant, and the conduct of the home occupation shall cease. To contest the revocation, the applicant shall appeal to the Planning and Zoning Commission within fifteen (15) days of the date of the written notice.
- b. **Home Business Requirements** – Home businesses must meet all the requirements of the previous Home Occupations subsection with the following exceptions:
  - i. All Home Business applications require a Conditional Use Permit (CUP).
  - ii. Home businesses are allowed only in the following zones: Rural Residential 1 (RR1), Rural Residential 2 (RR2), Transitional Agriculture 1 (TAG1), and Transitional Agriculture 2 (TAG2).
  - iii. A home business may be allowed in up to 25% of the *primary* residence *or* 100% of an accessory structure.
  - iv. Up to 4 non-related employees may be allowed.

### 4.11 Manufactured homes.

- a. **Allowing new manufactured housing.** New manufactured housing units are permitted (with a Conditional

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Use Permit (CUP) in some zones) in the HDR, MDR and LDR2-3, RR1-2, and TAG1-2 zones on individual lots under specific conditions.

### i. **Conditions.**

1. The home shall be at least twenty-four feet (24') in width.
2. It shall have a none-glare, wood shake, or asphalt roof with a minimum slope of 3/12 and a minimum six inch (6") eaves.
3. The home shall have an exterior siding that is residential in character, including but not limited to clapboards, simulated clapboards such as conventional vinyl or metal siding, or similar material. The siding shall not be composed of smooth, ribbed, or corrugated metal or plastic panels.
4. The home shall be placed on a permanent foundation that complies with the Building Code for residential structures.
5. The hitch, axles, and wheels must be removed, and the foundation, and foundation fascia must be similar in appearance and durability to the masonry foundation of site built buildings.

ii. **Meeting the Conditions.** Mobile homes and manufactured homes that do meet the conditions immediately above are also permitted in established or approved mobile home courts and mobile home subdivisions.

## 4.12 RESERVED

### 4.13 Commercial Design Standards

Design standards have been adopted by the City of Rexburg to promote high quality development and growth. The design standards will help stabilize and possibly increase property values by providing investors assurance that property adjacent to theirs will meet minimum design standards. In addition, design standards will promote a more interesting City and better create a “sense of place.” A community with an expectation of high quality development will attract businesses and employers that feel the same about their companies thus perpetuating a higher quality community that promotes quality business.

Below are those standards which have been identified to enable developers, architects, land owners, and the general public to anticipate and plan for building within the City. Understanding these standards and applying them initially will ensure a shortened approval process.

#### a. **Structures 25,000 sq. ft. and greater.**

- i. **Introduction.** Large Scale Commercial Developments should implement projects with an overall community design in mind, thus the need exists for Commercial Design Standards to be in place to ensure developments are coordinated into the overall community presentation.
- ii. **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 current commercial zones and those contained in the *Development Code* and *Subdivision Ordinance*, with more specific interpretations that apply to the design of large scale commercial developments. These standards require a basic level of architectural variety, compatible scale, pedestrian and bicycle access, and mitigation of negative impacts.
- iii. **Procedure.** The following standards are intended to be used as a design aid by developers proposing large commercial developments and as an evaluation tool by the city staff and the Planning and Zoning Commission in their review processes.

These standards shall apply to all projects, which are processed according to the criteria for proposed development plans and to all projects for commercial establishments of 25,000 square feet and greater located in the City of Rexburg’s Commercial Districts. These standards do not directly apply to the

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Central Business District as that particular zone has its own individual specific requirements.

These standards are to be used in conjunction with the *Subdivision Ordinance* and other City development Regulations.

## iv. Definitions

1. **Articulate** – to give emphasis to or distinctly identify a particular element. An articulated façade would be the emphasis of elements on the face of a wall including a change in setback, materials, roof pitch or height.
2. **Breezeway** – a structure for the principal purpose of connecting a main building or structure on a property with other buildings.
3. **Building Face, Front** – any building face, which can be touched by a line drawn perpendicular to street (public or private).
4. **Building Face, Public** – any building side which is visible from public or private right-of-ways and/or the faces that contain public entry.
5. **Design Standards** – statements and graphics intended to direct the planning and development of the built environment in a particular manner or style so that the end result contributes positively to the overall development.
6. **Façade** – Portions of a building that is visible from private or public roads, and walkways, but not including alleys.
7. **Fenestration** – The arrangement of windows in a building to provide interior light: also used as decorative elements in a façade.
8. **Large Scale Commercial Structures** – Structures that are 25,000 square feet in size and larger. This includes commercial retail and business office buildings.
9. **Pedestrian Oriented Development** – development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and buildings/structures rather than on auto access. The buildings/structures are generally located close to the public or private right-of-way and the main entrance(s) is oriented to the street sidewalk. There are generally windows or display cases along building facades. Although parking is provided, it is generally limited in size and location.
10. **Pedestrian Walkway** – a surfaced walkway, separate from the traveled portion of a public or private right-of-way or parking lot/driving aisle.
11. **Public/Private Right of Way** – any public or private road, access easement intended to provide public access to any lot/development, but excluding any service road or internal driving aisles (i.e., within parking lots).

## v. Design Standards

### 1. Aesthetic Character

#### a. Facades and Exterior Walls

**INTENT:** Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large commercial buildings and provide visual interest that will be consistent with the Community's identity character, and scale. The intent is to encourage a more human scale that residents of Rexburg-Madison County will be able to identify with their Community. The resulting scale will ensure a greater likelihood of reuse of structure by subsequent tenants.

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**STANDARD:** Developments with facade over 100 feet in linear length shall incorporate wall projections or recesses a minimum of 2 foot depth and a minimum of 20 contiguous feet within each 100 feet of facade length that is visible from a city street, public way, or any facility or parking lot used by the general public and shall extend over 20 percent of the facade. Developments shall use animating features such as arcades, display windows, entry areas, or awnings along at least 60 percent of the facade.

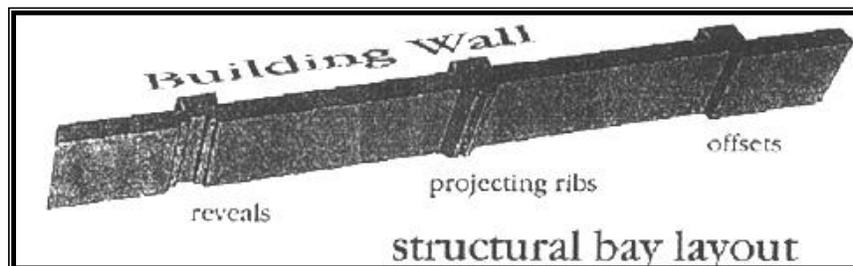


### b. Smaller Commercial Stores

**INTENT:** The presence of smaller commercial stores gives a center a friendlier appearance by creating variety, breaking up large expanses, and expanding the range of the site's activities. Windows and window displays of such stores should be used to contribute to the visual interest of exterior facades. The standards presented in this section are directed toward those situations where additional, smaller stores, with separate, exterior customer entrances are located in the principal buildings or development site.

**STANDARD:** Where principal buildings contain additional, separately owned stores, which occupy less than twenty-five thousand (25,000) square feet of gross floor area, with separate, exterior customer entrances:

1. The street level facade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade of such additional stores.
2. Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.



Expression of Architectural or Structural Bay

### c. Roofs

**INTENT:** Variations in roof lines should be used to add interest to, and reduce the massive scale of large buildings. Roof features should complement the character of adjoining neighborhoods.

**STANDARD:** Roof lines that are visible from a city street, public way, or any facility or

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parking lot used by the general public shall be varied with a change in height every 100 linear feet in the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view. Alternating lengths and designs may be acceptable and can be addressed during the preliminary development plan.



### d. Materials and Colors

**INTENT:** Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.

#### **STANDARD:**

- i. Predominant exterior building materials shall be high quality materials. These include, without limitation:
  1. Brick
  2. Wood
  3. Sandstone
  4. Other native stone
  5. Tinted, textured, concrete masonry units
  6. Stucco, EIFS, Dryvit
  7. Materials that are designed to appear as wood (excluding vinyl)
- ii. Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
- iii. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent.
- iv. Predominant exterior building materials as well as accents visual from street or public parking shall not include the following:
  1. Smooth-faced concrete block
  2. Tilt-up concrete panels
  3. Pre-fabricated steel panels
  4. Vinyl Siding

### e. Entryways

**INTENT:** Entryway design elements and variations should give orientation and aesthetically pleasing character to the building. The standards identify desirable entryway design features.

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**STANDARD:** Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:

- i. canopies or porticos
- ii. overhangs
- iii. recesses/projections
- iv. arcades
- v. raised corniced parapets over the door
- vi. peaked roof forms
- vii. arches
- viii. outdoor patios
- ix. display windows
- x. architectural details such as tile work and moldings which are integrated into the building structure and design
- xi. integral planters or wing walls that incorporate landscaped areas and/or places for sitting



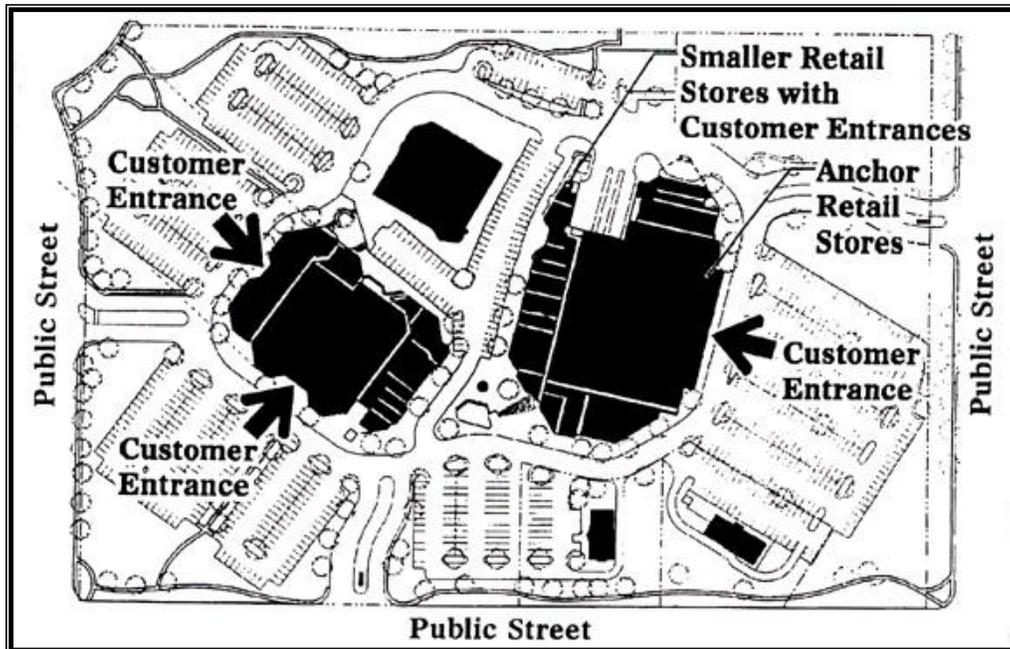
### f. Site Design and Relationship to the Surrounding Community.

#### i. Entrances

**INTENT:** Large commercial buildings should feature multiple entrances. Multiple building entrances reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks, and provide convenience where certain entrances offer access to individual stores, or identified departments in a store. Multiple entrances also mitigate the effect of the unbroken walls and neglected areas that often characterize building facades that face bordering land uses.

**STANDARD:** All sides of a principal building that directly face an abutting public or private right-of-way shall feature at least one customer entrance. Where a principal building directly faces more than two abutting public or private rights-of-way, this requirement shall apply only to two sides of the building, including the side of the building facing the primary street, and another side of the building facing a secondary street.

The number of entrances for the principal building shall be addressed at the preliminary development plan stage. Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance, which shall conform to the above requirements.



Example of a development with customer entrances on all sides which face a public street.

**ii. Parking Lot Orientation/Visual Mitigation**

**INTENT:** Parking areas should provide safe, convenient, and efficient access for vehicles and pedestrians. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. If buildings are located closer to streets, the scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details take on added importance.

**STANDARD:** No more than 60 percent of the off-street parking area for the entire property shall be located between the front facade within the front yard of the principal building(s) and the primary abutting street unless the principal building(s) and/or parking lots are screened from view by out-lot development (such as restaurants) and additional tree/bush plantings and/or berms.

**INTENT:** Parking areas should be visually buffered from the adjoining streets. Minimize the visual impact of off street parking.

**STANDARD:** Fences, hedges, berms and landscaping shall be used to screen parking areas. When large parking lots are necessary, increase the landscaping to screen the lot and divide the lot into smaller components. Significant landscape islands must be provided in the interior of large lots (over fifty (50) parking spaces. These may double as snow storage areas in the winter months.

**iii. Back and Sides**

**INTENT:** The rear or sides of buildings often present an unattractive view of blank walls, loading areas, storage areas, HVAC units, garbage receptacles, and other such features. Architectural and landscaping features should mitigate these impacts. Any back or side of a building visible from a public or private right-of-way shall be built in accordance with paragraph i. above.. The Planning and Zoning Commission may waive this requirement as part of an agreed upon development plan.

**STANDARD:** The minimum setback for any building facade shall be in accordance with the requirements for all commercial zones, except Central Business District. Where the facade faces adjacent residential uses an earthen berm shall be installed, no less than 6

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feet in height, containing at a minimum, a double row of evergreen or deciduous trees planted at intervals of 15 feet on center. Additional landscaping may be required by the Planning and Zoning Commission to effectively buffer adjacent land use as deemed appropriate. Any and all additional landscape requirements of all of the Commercial zones, except Community Business Center, shall apply.

### iv. **Outdoor Storage, Trash Collection, and Loading Areas**

**INTENT:** Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one building is located on a site and such buildings are not more than forty (40) feet apart, or on those sides of buildings that do not have customer entrances.

#### **STANDARD:**

1. Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from public or private rights-of-way.
2. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public thoroughfare or street, public sidewalk, or internal pedestrian way.
3. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.
4. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and designs of screening walls and/or fences shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the buildings.
5. Temporary sales/displays, such as Christmas trees, landscape materials, and fireworks, shall follow all outdoor requirements for all of the Commercial zones, except Central Business District, as described in the *Development Code*. Location and time/duration of such sales/displays shall be reviewed and approved by the Community Development Director or appointed designee.

### v. **Pedestrian Flows**

**INTENT:** Pedestrian accessibility opens auto-oriented developments to the neighborhood, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This section sets forth standards for public sidewalks and internal pedestrian circulation systems that can provide user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience within the center grounds.

#### **STANDARD:**

1. Sidewalks at least 5 feet in width (six (6) feet in width where vehicle overhang will occur) shall be provided along all sides of the lot that abut a public or private right-of-way, excluding interstates. The Planning and Zoning Commission may waive this requirement as part of the development agreement.

## City of Rexburg Development Code: Supplementary Regulations

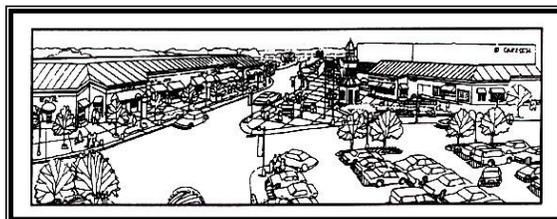
2. Continuous internal pedestrian walkways, no less than five (5) feet in width (six (6) feet in width where vehicle overhang will occur), shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50 percent of their length.
3. Sidewalks, no less than five (5) feet in width (six (6) feet in width where vehicle overhang will occur), shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located an average of six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade. However, entry/exit doors shall not be allowed to encroach upon the required sidewalk width when opened.
4. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Signs shall be installed to designate pedestrian walkways.

### vi. Central Features and Community Spaces

**INTENT:** Buildings should offer attractive and inviting pedestrian scale features, spaces and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Bus stops and drop-off/pick-up points should be considered as integral parts of the configuration. Special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces should anchor pedestrian ways. The features and spaces should enhance the building and the center as integral parts of the Community fabric.

**STANDARD:** Each commercial establishment subject to these standards shall contribute to the establishment or enhancement of Community and public spaces by providing at least two of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkways, outdoor play area, kiosk area, water feature, clock tower, steeple, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Planning and Zoning Commission, adequately enhances such Community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

Although Rexburg and Madison County's public bus system is limited at present, areas shall be provided or designed to accommodate possible (future) bus service and the growing number of private bus services (i.e., nursing home/assisted living, student housing complexes, etc.)



Example of a center with numerous special features and Community spaces

# City of Rexburg Development Code: Supplementary Regulations

## 2. Building Reuse and Maintenance Plan, Development Agreement Required

Applications for large scale commercial structures or establishments shall include a reuse and maintenance plan that will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the structure in the event of closure or relocation by the original occupant. Such plan will be approved if the Planning and Zoning Commission finds that:

- a. The plan conforms to the City's growth policy and the requirements of this title or parts thereof for the municipality as a whole; and
- b. A sound and adequate financial program exists for the financing of said redevelopment; and
- c. The plan affords maximum opportunity for rehabilitation or redevelopment of the structure by both private enterprise and the municipality; and
- d. The reuse plan provides a maintenance plan for normal repairs and upkeep of property, including but not limited to building, parking lots and surfacing, landscaping, signage, and elimination of "ghost signage."

The City may enter into a development agreement with the owner of the real property and undertake activities, including the acquisition, removal, or demolition of structures, improvements, or personal property located on the real property, to prepare the property for redevelopment. A development agreement entered into in accordance with this section must contain provisions obligating the owner to redevelop the real property for the specified use consistent with the provisions of this title and offering recourse to the City if redevelopment is not completed as determined by the City.

### b. Structures less than 25,000 sq. ft.

- i. **Introduction.** Small Scale Commercial Developments should implement projects with an overall community design in mind, thus the need exists for Commercial Design Standards to be in place to ensure developments are coordinated into the overall community presentation.
- ii. **Background and Justification.** The basis for all development within the City of Rexburg is set forth in the *Development Code* 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. These standards require a basic level of architectural variety, compatible scale, pedestrian and bicycle access, and mitigation of negative impacts.
- iii. **Procedure.** The following standards are intended to be used as a design aid by developers proposing small commercial developments and as an evaluation tool by the city staff and the Planning and Zoning Commission in their review processes.

These standards shall apply to all projects, which are processed according to the criteria for proposed development plans and to all projects for commercial establishments of 25,000 square feet or less located in the City's commercial zones. These Standards do not apply in the Central Business District. These standards are to be used in conjunction with the *Subdivision Ordinance* and other City development regulations.

#### iv. Design Standards

##### 1. Aesthetic Character

###### a. Facades and Exterior Walls

**INTENT:** Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of commercial buildings and provide visual interest that will be consistent with the community's identity, character, and scale. The intent is to encourage a more human scale that residents will be able to identify with their Community. The resulting scale will ensure a greater likelihood of reuse of structure by subsequent tenants.

## City of Rexburg Development Code: Supplementary Regulations

**STANDARD:** Developments with facade over 60 feet in linear length shall incorporate wall projections or recesses a minimum of 2 foot depth and a minimum of 8 contiguous feet within each 60 feet of facade length and shall extend over 20 percent of the facade. All sides of a structure clearly visible from a public street, public way, or any facility or parking lot used by the general public shall be so treated. Developments shall use animating features such as arcades, display windows, entry areas, or awnings along at least 60 percent of the facade.

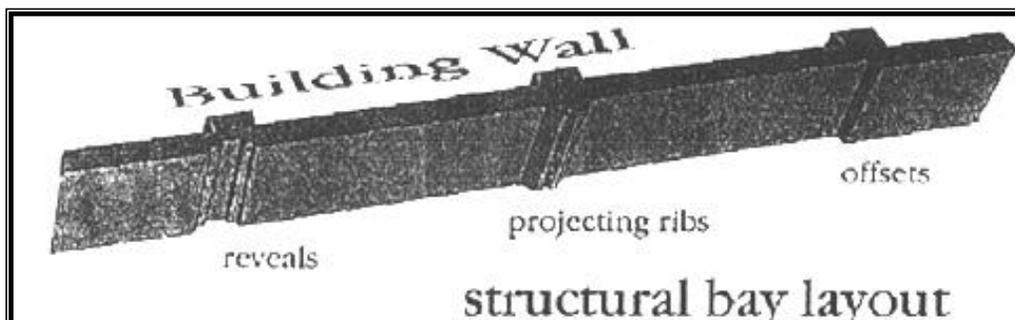


### b. Smaller Commercial Stores

**INTENT:** The presence of smaller commercial stores gives a friendlier appearance by creating variety, breaking up large expanses, and expanding the range of the site's activities. Windows and window displays of such stores should be used to contribute to the visual interest of exterior facades. The standards presented in this section are directed toward those situations where additional, smaller stores, with separate, exterior customer entrances are located in the principal buildings or development site.

**STANDARD:** Where principal buildings contain additional, separately owned stores, which occupy less than twenty-five thousand (25,000) square feet of gross floor area, with separate, exterior customer entrances:

- i. The street level facade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 40 percent of the horizontal length of the building facade of such additional stores.
- ii. Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.



Expression of Architectural or Structural Bay

## City of Rexburg Development Code: Supplementary Regulations

### c. Roofs

**INTENT:** Variations in roof lines should be used to add interest to, and reduce the massive scale of large buildings. Roof features should complement the character of adjoining neighborhoods.

**STANDARD:** Roof lines that are visible from a city street, public way, or any facility or parking lot used by the general public shall be varied with a change in height every 100 linear feet in the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view. Alternating lengths and designs may be acceptable and can be addressed during the preliminary development plan.



### d. Materials and Colors

**INTENT:** Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.

**STANDARD:**

- i. Predominant exterior building materials shall be high quality materials. These include, without limitation:
  1. Brick
  2. Wood
  3. Sandstone
  4. Other native stone
  5. Tinted, textured, concrete masonry units
  6. Stucco, EIFS, Dryvit
  7. Material that are designed to appear as wood (excluding vinyl)
- ii. Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
- iii. Building trim and accent areas may feature brighter colors, including primary colors, neon tubing shall not be an acceptable feature for trim or accent.
- iv. Predominant exterior building materials as well as accents visual from street or public parking shall not include the following:
  1. Smooth-faced concrete block
  2. Tilt-up concrete panels without mitigating surface treatment
  3. Pre-fabricated steel panels

### e. Entryways

## City of Rexburg Development Code: Supplementary Regulations

**INTENT:** Entryway design elements and variations should give orientation and aesthetically pleasing character to the building. The standards identify desirable entryway design features.

**STANDARD:** Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:

- i. canopies or porticos
- ii. overhangs
- iii. recesses/projections
- iv. arcades
- v. raised corniced parapets over the door
- vi. peaked roof forms
- vii. arches
- viii. outdoor patios
- ix. display windows
- x. architectural details such as tile work and moldings which are integrated into the building structure and design
- xi. integral planters or wing walls that incorporate landscaped areas and/or places for sitting



### f. Parking Lot Orientation/Visual Mitigation

**INTENT:** Parking areas should provide safe, convenient, and efficient access for vehicles and pedestrians. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. If buildings are located closer to streets, the scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details take on added importance.

**STANDARD:** No more than 60 percent of the off-street parking area for the entire property shall be located between the front facade within the front yard of the principal building(s) and the primary abutting street unless the principal building(s) and/or parking lots are screened from view by out-lot development (such as restaurants) and additional tree/bush plantings and/or berms.

**INTENT:** Parking areas should be visually buffered from the adjoining streets. Minimize the visual impact of off street parking.

**STANDARD:** Fences, hedges, berms and landscaping shall be used to screen parking areas. When large parking lots are necessary, increase the landscaping to screen the lot and divide the lot into smaller components. Significant landscape islands must be provided in the interior of large lots (over fifty (50) parking spaces. These may double as snow storage areas in the winter months.

## City of Rexburg Development Code: Supplementary Regulations

### g. Back and Sides

**INTENT:** The rear or sides of buildings often present an unattractive view of blank walls, loading areas, storage areas, HVAC units, garbage receptacles, and other such features. Architectural and landscaping features should mitigate these impacts. Any back or side of a building visible from a public or private right-of-way shall be built in accordance with Article I. The Planning and Zoning Commission may waive this requirement as part of an agreed upon development plan.

**STANDARD:** The minimum setback for any building facade shall be in accordance with the requirements for all Commercial zones, except Community Business Center. Where the facade faces adjacent residential uses an earthen berm shall be installed, no less than 6 feet in height, containing at a minimum, a double row of evergreen or deciduous trees planted at intervals of 15 feet on center. Additional landscaping may be required by the Planning and Zoning Commission to effectively buffer adjacent land use as deemed appropriate. Any and all additional landscape requirements of all the all Commercial zones, except Central business District, shall apply.

### h. Outdoor Storage, Trash Collection, and Loading Areas

**INTENT:** Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances.

**STANDARD:**

- i. Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from public or private rights-of-way.
- ii. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public thoroughfare or street, public sidewalk, or internal pedestrian way.
- iii. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.
- iv. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and designs of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the buildings.
- v. Temporary sales/displays, such as Christmas trees, landscape materials, and fireworks, shall follow all outdoor requirements for all the Commercial zones, except Community Business Center, as described in the *Development Code*. Location and time/duration of such sales/displays shall be reviewed and approved by the Community Development Director or appointed designee.

### i. Pedestrian Flows

**INTENT:** Pedestrian accessibility opens auto-oriented developments to the neighborhood, thereby reducing traffic impacts and enabling the development to project a friendlier, more

## City of Rexburg Development Code: Supplementary Regulations

inviting image. This section sets forth standards for public sidewalks and internal pedestrian circulation systems that can provide user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience within the center grounds.

### **STANDARD:**

- i. Sidewalks at least 5 feet in width shall be provided along all sides of the lot that abut a public or private right-of-way, excluding interstates. The Planning and Zoning Commission may waive this requirement as part of a development agreement.
- ii. Continuous internal pedestrian walkways, no less than 5 feet in width (six (6) feet in width where vehicle overhang will occur), shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50 percent of their length.
- iii. Sidewalks, no less than 5 feet in width (six (6) feet in width where vehicle overhang will occur), shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located an average of six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade. However, entry/exit doors shall not be allowed to encroach upon the required sidewalk width when opened.
- iv. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Signs shall be installed to designate pedestrian walkways.

### **j. Central Features and Community Spaces**

**INTENT:** Buildings should offer attractive and inviting pedestrian scale features, spaces and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Bus stops and drop-off/pick-up points should be considered as integral parts of the configuration. Special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces should anchor pedestrian ways. The features and spaces should enhance the building and the center as integral parts of the Community fabric.

**STANDARD:** Each commercial establishment subject to these standards shall contribute to the establishment of pedestrian and public spaces by providing at least one of the following:

- i. patio/seating area
- ii. pedestrian plaza with benches
- iii. transportation center
- iv. window shopping walkways
- v. outdoor play area
- vi. kiosk area
- vii. water feature
- viii. clock tower, steeple
- ix. or, other such deliberately shaped area and/or a focal feature or amenity that adequately enhances such Community and public spaces.

Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

## 4.14 Commercial Lighting Standards

**a. Purpose.** Effective outdoor lighting enhances the City of Rexburg’s character and identity, promotes a pleasant and soft ambiance, protects astronomical observations, and provides safety and security for persons and property by reducing glare and large variations in lighting levels. Excessive light or light pollution, can be annoying, cause safety problems, and reduce privacy. Uniformity of lighting reduces the need for human adaptation to varying brightness levels and visual discomfort and enhances security and safety. In order to effectively regulate these activities, communities are empowered to establish regulations and standards for all outdoor lighting. This Section contains standards and guidelines to preserve, protect, and enhance the night sky in the City of Rexburg;

This Section, and any rules, regulations and specifications hereafter adopted, is initiated for the following purposes:

- i. To promote and protect the public health, safety and welfare.
- ii. To preserve, protect, and enhance the natural beauty of the “Night Sky”.
- iii. To encourage and promote the conservation of energy resources.
- iv. To promote safety and security for persons and property, drivers and pedestrians.
- v. To maintain and enhance property values.
- vi. To adopt clear standards for all outdoor lighting and to inform the public of those standards.
- vii. To implement the goals and objectives of the Comprehensive Plan.
- viii. To eliminate light trespass onto abutting properties.
- ix. To promote appropriate business.
- x. To enhance community identity.

**b. Scope and Applicability.** This section shall apply to all new lighting that is installed within the jurisdiction of this development code. For lighting that existed prior to the lighting ordinance (2/16/2005 Original Adoption of Ordinance 926), see the below section addressing Abatement for Nonconforming Outdoor Lighting, which provides a timeline for existing lighting to come in to conformance.

**c. Interpretation.**

**i. Greater Restrictions Prevail.** In their interpretation and application the provisions of this section shall be considered as minimum requirements. Any requirement, this section, any statute, ordinance, covenant, or other regulation, placing the greater restriction, shall prevail.

**ii. Severability of Parts.** The various sections, subparagraphs, sentences, phrases and clauses of this Section are hereby declared to be severing able. If any such part of this Section is declared to be invalid by a court of competent jurisdiction or is amended or deleted by the City Council, all remaining parts shall remain valid and in force.

**d. Definitions.** Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Section. Words used in the present tense include the future; the singular includes the plural; the word “shall” is mandatory and not directory; the word “may” is permissive. Words used in this Section, but not defined herein, shall have the meaning first as defined in any other ordinance adopted by the City of Rexburg and then its common, ordinary meaning.

**Area Light** - Light that produces over 1800 lumens and is designed to light an exterior space. Area lights include, but are not limited to, street lights, parking lot lights and yard lights.

**Downlighting** - Fully shielded light that is directed in such a manner as to shine light rays only below the horizontal plane

## City of Rexburg Development Code: Lighting

**Flood light** - A lamp that produces up to one thousand eight hundred (1,800) lumens and is designed to flood a well-defined area with light.

**Foot-candle (fc)** - The American unit used to measure the total amount of light cast on a surface. For example, a full moon produces 0.01 foot-candles. Foot-candles are measured with a light meter. Full cut-off luminaires. An industry recognized term meaning a luminaire designed and installed such that no light is emitted at or above the horizontal, and limited light (100 candela per thousand lamp lumens) is emitted everywhere between horizontal and 10 degrees below horizontal.

**Fully shielded** - The luminaire and its mounting, taken as a whole, allow no direct light above the horizontal. Glare. Stray light striking the eye that may result in:

- i. Nuisance or annoyance glares such as light shining into a window.
- ii. Discomfort glare such as bright light causing squinting of the eyes.
- iii. Disabling glare such as bright light reducing the ability of the eyes to see into shadows.
- v. Reduction of visual performance.

**Height (of light)** - The height shall be measured from grade to the lamp center or flat-lens surface, whichever is lower.

**Holiday lighting** - Strings of individual lamps, where the lamps are at least three inches apart and the output per lamp is not greater than fifteen (15) lumens.

**Illuminance** - The amount of light falling on any point of a surface measured in foot-candles or lux. Measurements are taken at ground level with sensor parallel to surface.

**IESNA** - Illuminating Engineering Society of North America (IES or IESNA). The professional society of lighting engineers.

**IESNA Recommended Practices** - The current publications of the IESNA setting forth illuminance levels and other lighting practices.

**Lamp** - The generic term for an artificial light source, to be distinguished from the whole assembly (see Luminaire). Commonly referred to as "bulb".

**Light loss factor (LLF)** - A factor by which the rated initial illuminance is multiplied to determine the illuminance. LLF includes factors for Lamp Lumen Depreciation and Luminaire Degradation. A 0.9 or greater Luminaire Degradation factor should be used unless another factor can be justified because of unusual degradation conditions. Lamp Lumen Depreciation is based upon manufacturers' data. Light trespass. Unnecessary light from one property or public space falling on another property or public space.

**Lighting Plan** - Documents specific to a project or development that describe the location and characteristics of all exterior lighting and the light levels in and adjacent to the property, Luminaire. The complete lighting unit, including the lamp, the fixture, and other parts.

### e. Standards and Criteria.

**i. Shielded Fixtures.** All outdoor lighting shall be fully shielded with full cutoff lights where required.

**ii. Color.** Color corrected high-pressure sodium (white light) lamps are encouraged in commercial and public applications, however metal halide, LED, or fluorescent lamps may be permitted for applications where there is need for good color rendition that is necessary to the function, such as retail sales lots.

**iii. Light Trespass.** All light fixtures, including security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the light source. Care shall be taken to assure that the direct illumination does not fall onto or across any public or private street or road. Freestanding luminaires that are closer to the property boundary than 3 times the height of the lamp above grade shall use an asymmetrical light distribution or shall be fitted with a cutoff shield (also known as house-side shields) such that the illuminance at the property boundary from said luminaire. All bright lighting shall be turned off after 11:00 P.M. except to conclude a specific event that is underway.

## City of Rexburg Development Code: Lighting

**iv. Lighting of Flags.** The lighting of Federal or State flags shall be permitted provided that the light is a narrow beam with a lumen output of less than 1300 candles. The external beam shall minimize light trespass and/or glare. Downlighting of flags is encouraged. Lowering flags at sunset to avoid the need for lighting is encouraged.

**v. Canopy Lighting.** Canopy lighting shall be flush with the under surface of the canopy.

**vi. Conformance with Applicable Codes.** All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this Section, Building Codes, the Electrical Code, and Sign Ordinance, with appropriate permits and inspection.

**vii. Roadway/Streetlights.**

1. Full cut off. All new lighting for highways and streets shall be full cutoff.
2. Light Source. As per the Director of Public Works.
3. Height. Streetlights shall not exceed 25 feet in height except where deemed necessary for public health and safety and upon recommendation by the Director of Public Works.

**viii. Parking Lots.**

1. Height. Height of parking area lights should be in proportion to the building mass and height, and shall be no more than 25 feet.
2. Maximum illuminance. Maximum illuminance at any point ~~within~~ shall not exceed 4 foot-candles. Illuminance shall not exceed 0.2 foot-candles at the property boundary abutting residential properties.
3. Parking Lot Lighting. Parking lot lighting shall comply with all other requirements of this Section.

**ix. Recreation Areas.**

1. Type of Lighting. All recreation lighting shall be fully shielded, or be designed or provided with sharp cutoff capability, so as to minimize up-light, spill light, and glare.
2. Turn Off Time. All recreational lighting shall be turned off within thirty (30) minutes of the completion of the last game, practice, or event. In no case shall recreational lighting occur after 11:00 P.M. except to conclude a specific sporting event that is underway.
3. IESNA Certificate. All new recreational lighting fixtures shall meet the recommended standard illumination levels for recreational lighting as established by the Illuminating Engineering Society of North America (IESNA).

**x. Service stations and vehicle dealerships.**

1. Metal Halide Lamps. Metal halide lamps are permitted.
2. Vehicle Dealerships. Maximum illuminance shall be 5-10 foot-candles at the roadway and a maximum of 5 foot-candles elsewhere. (reference: IESNA RP 33-99 table 7, secondary business districts and small towns).
3. Service Stations. Average illuminance shall be no greater than 5 foot-candles in the fuel dispensing area (maximum of 15 feet) and 2 foot-candles elsewhere. (Reference IESNA Recommended Practice RP-33-99, Table 8, dark surroundings).

**xi. Signs.** Signs, including directional, project entrance; free standing, building, and monument signs shall comply with the following requirements:

1. Shielded. All lighting fixtures shall be aimed and shielded so that light is directed only onto the sign façade. The lamp shall not be visible from streets, roads, or properties.

## City of Rexburg Development Code: Lighting

2. Maximum. A maximum of 5 foot-candles is permitted.
3. Signs in residential zones. Signs that abut residential zones shall be designed, placed, and landscaped in such a manner so that the lighting does not trespass onto residential properties. The light shall be confined to the surface of the sign.
4. Externally illuminated signs. Externally illuminated signs shall be downlighted so as to light the sign. Internally illuminated signs shall have a dark or opaque background.

**xii. Exempt Lighting.** The following lighting shall be exempt from the provisions of this Section:

1. Holiday lighting from November 1 to January 15.
2. Traffic control signals and devices.
3. Temporary emergency lighting in use by law enforcement or government agencies or at their direction.
4. Temporary lighting, used for a period not to exceed thirty (30) days in any one year period for festivals, celebrations, or other public activities.
5. Temporary construction lighting used for a period not to exceed thirty (30) days in any one year period.
6. Residential luminaires with an output less than 1000 lumens (equivalent to a 60 watt incandescent bulb) regardless of the number of lamps.
7. Sensor activated luminaires, provided:
  - a. It is located in such a manner as to prevent light trespass onto other properties or into a public right-of-way.
  - b. The luminaire is set to go on only when activated and to go off within five minutes after activation has ceased. This type of lighting is only intended for very low pedestrian traffic areas and only to increase the perception of safety. If any complaints are made against such lighting, the Planning and Zoning Commission shall review the complaint and issue an interpretation
  - c. The luminaire shall not be triggered by activity off the property.

**xiii. Prohibited Lighting.** The following lighting shall be prohibited except as provided in Subsection 13 Exempt lighting:

1. Unshielded Lighting. Unshielded lighting for any purpose is prohibited except strictly for the purpose of decorative lighting such as Bistro style lighting.
2. Flashing, Blinking, Intermittent Lights. Flashing, blinking, intermittent lights or other lights that move or give the impression of movement is prohibited.
3. Building mounted lights. Luminaires may not be affixed to buildings for the purpose of lighting parking lots or sales display lot areas unless it is part of an overall layout to meet appropriate lumen levels.
4. Searchlights, Floodlights, etc. Searchlights, floodlights, laser source lights, strobe, or flashing lights, illusion lights, or any similar high intensity light shall be permitted only with the issuance of a 48-hour temporary use permit. Any time beyond a 48-hour time period may be permitted by the issuance of a Conditional Use Permit approved by the Planning and Zoning Commission.

### **f. Abatement of Nonconforming Outdoor Lighting.**

## City of Rexburg Development Code: Lighting

**i. Abatement Required.** Nonconforming lighting (lighting that does not conform to this Section but existed at the time of the adoption of this Section) shall be brought into compliance, unless otherwise exempted by this Section, pursuant to the abatement schedule contained in this Section.

**ii. Schedule of Abatement.** All legally existing, nonconforming outdoor lighting shall be brought into compliance by the property owner as follows:

1. As a condition for approval upon application for a building permit, sign permit, conditional use permit, or similar City of Rexburg permit.
2. All damaged or inoperative non-conforming lighting shall be replaced or repaired with lighting equipment and fixtures that comply with this Section.
3. All existing outdoor lighting that requires the re-aiming of a lamp bulb or bulbs shall be brought into conformance with this Section within ninety (90) days from the date of the adoption of this Section (February 2005).
4. All existing outdoor lighting that requires shielding of a lamp bulb or bulbs shall be brought into conformance with this Section within five (5) years from the date of the adoption of this Section (February 2005).
5. Any dusk-to-dawn security or barnyard type lights emitting over 5000 initial lumens, installed prior to the adoption of this Section shall be fully shielded within five (5) years of the adoption of this Section (February 2005).
6. All outdoor lighting not previously scheduled for abatement or otherwise exempted shall be brought into conformance with this Section within ten (10) years from the date of the adoption of this Section (February 2005).
7. Non-complying streetlights that do not meet the requirements of this Section shall be brought into compliance as part of the City of Rexburg's Capital Facilities Improvements Plan within ten (10) years of the date of this Section (February 2005).

### **g. Review Procedures.**

**i. Lighting Plans Required.** All commercial building plans, commercial sign permit applications, conditional use permits, and subdivision applications shall include a detailed lighting plan that shows evidence that the proposed lighting fixtures and light sources comply with this Section.

Lighting Plans shall include the following:

1. Plans or drawings indicating the proposed location of lighting fixtures, height of lighting fixtures, and type of illumination devices, lamps, supports, shielding, and reflectors used along with installation and electrical details.
2. Illustrations, such as those contained in a manufacturer's catalog, of all proposed lighting fixtures.
3. Photometric data, such as that furnished by manufacturers, showing illumination levels in wattage and lumens per lamp and lighting fixture, product specifications and IES formatted photometry files for said product.
4. Photometric Layout. The following information must be provided:
  - a. Rated Initial Lamp Lumens.
  - b. Lamp Lumen Depreciation (LLD).
  - c. Luminaire Dirt Depreciation (LDD) A value of 0.9 or greater should be used, absent approved justification for another value.

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- d. Luminance (for street lighting applications only).
- e. Luminance within the site and to 20 feet beyond the property boundary.
- f. Small Target visibility (for street lighting applications only).
- g. Location, orientation, height, luminaire specifications, lamp specifications for all exterior lights including building mounted luminaires.

### **h. Approval Procedure.**

**i. Small Scale Applications.** Lighting plans for developments of one (1) acre or less shall be approved by the City of Rexburg's Director of Public Works or designee.

**ii. New Development.** New development applications shall include a detailed lighting plan that will be approved as part of the development approval in compliance with the City of Rexburg's Subdivision Ordinance, the conditional use permit, or the building permit.

**iii. Signs Applications.** Sign applications shall include a detailed lighting plan that will be approved as part of the sign application approval.

**iv. Compliance with this Section.** All lighting approvals shall be granted only in compliance with this Section.

**v. Suspension, revocation, or modifications to the Lighting Plan.** The Director of Public Works may suspend, revoke, or require modification of any lighting plan that is not in compliance with this Section.

**vi. Lamp or Fixture Substitution.** If any outdoor light fixture or the type of light source therein is proposed to be changed after a lighting plan has been approved, a change request must be submitted to the Director of Public Works for approval. Adequate information to assure compliance with all codes must be provided and the change request must be received and approved prior to substitution.

**vii. Appeal Procedure.** The applicant or any person aggrieved by a final decision, determination, or requirement imposed regarding this Section may appeal according to the provisions set forth by the City of Rexburg's Development Code.

**viii. Enforcement.** The City of Rexburg's Planning and Zoning Commission is authorized as the enforcing agency for this Section, and shall enforce all provisions.

#### 4.15 Planned Unit Development (PUD)

- a. **Purpose.** It is the purpose of this section to allow residential planned unit developments in several residential zones to allow a more flexible approach to land development than that which is normally accomplished through the subdivision and zoning ordinances of the city. The planned unit development approach is intended to provide more desirable environments by encouraging creative site planning and building designs; to make possible greater diversification between buildings and open spaces; and to conserve land and natural resources and minimize development costs. The planned unit development approach, however, is not intended to allow uses on land within a planned unit development other than uses permitted within the zone that is applicable to the land, unless otherwise stated in this ordinance.
- b. **Planning and Zoning Commission and City Council Authority.** The Planning and Zoning Commission shall make a recommendation to the City Council to either approve, approve with conditions, or disapprove planned unit developments in any residential or commercial zone, or any combination of them, subject to the provisions of this section. The City Council shall have the authority to approve, approve with conditions, or disapprove planned unit developments in any residential or commercial zone, or any combination of them, subject to the provisions of this section.
- c. **Pre-Application Conference.** Prior to filing an application for a planned unit development, the applicant shall review the preliminary master plan with the Planning and Zoning Commission and one person from, the City Council, the Mayor or designated representative at a pre-application conference. The purpose of the pre-application conference is to inform the city of the nature of a likely PUD application at an early date and to provide the potential applicant with information on what will be needed to make an application complete.
- d. **Uses Permitted.** All uses that are permitted within the underlying zoning, also, up to ten percent (10%) of gross land area may be directed to other commercial, industrial, public and quasi-public uses that are not allowed within the land use district; provided, that there is a favorable finding by the Commission:
  - i. That the uses are appropriate with the residential uses;
  - ii. That the uses are intended to serve principally the residents of the PUD;
  - iii. That the uses are planned as an integral part of the PUD;
  - iv. That the uses be located and so designed as to provide direct access to a collector or an arterial street without creating congestion or traffic hazards; and
  - v. That a minimum of fifty percent (50%) of the residential development occurs prior to the development of the related commercial or industrial uses.
- e. **Minimum Area.** A PUD for the following principal uses shall contain an area not less than:
  - i. Three (3) acres for residential development.
  - ii. Five (5) acres for residential use with subordinate commercial or industrial uses.
  - iii. Ten (10) acres for commercial use.
  - iv. Ten (10) acres for industrial use.
- f. **Variations to Underlying Zone Permitted.**
  - i. Upon combining the PUD zone with an appropriate existing zone, variations from the development standards of said underlying zone may be permitted provided the variations are specifically adopted as part of the approved project plan or approved supporting documents. Variations, however, shall not include changes in the permitted uses allowed by the zone with which the PUD zone has been combined, except to the extent set forth herein.
    1. **Base Density.** The maximum number of residential units allowed per developable acre in a PUD

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which meets only the minimum development requirements of this Chapter shall be calculated using the Lot Area Per Dwelling Requirement of the underlying zone:

Zone	Lot Area per Dwelling
LDR1	1 Unit per 12,000 square feet
LDR2	1 Unit per 5,000 square feet
LDR3	1 Unit per 4,000 square feet
MDR1	1 Unit per 2,723 square feet
MDR2	1 Unit per 1,815 square feet

- g. Development proposal must adhere to currently adopted street and right-of-way cross section standards.
- h. **Density Determination.** Density in PUD shall be determined by using the “developable land” of the entire proposed development. Developable land is land under 30% slope and that is capable of being improved with landscaping, recreational facilities, buildings, or parking. Land devoted to Rexburg dedicated street usage in PUD subdivisions shall not be considered developable acreage and must be subtracted out of the total acreage used to determine density, as well as areas designated for the use of churches, schools, and public buildings.
- i. **Minimum Performance Standards.** A planned unit development established under the provisions of this ordinance shall conform to the standards and requirements of this section.
- i. General Standards.
1. Single Ownership or Control. Unless agreed upon by the Planning and Zoning Commission, the area proposed for a planned unit development shall be in one (1) ownership or control during development to provide for full supervision and control of said development, and to insure conformance with these provisions and all conditions imposed upon the preliminary and final development plans.
  2. Scope of Plan. A plan for the development of a planned unit development shall cover the entire area proposed for development. Upon approval the development shall be strictly in accordance with the plan. Areas not proposed for development shall be designated as open space and shall conform to minimum landscaping requirements of this Chapter.
  3. Natural Features. Developments shall be designed to preserve and incorporate the natural features of the land into the development. Natural features include drainage swales, wetlands, rock outcroppings, streams, and concentrated native stands of large shrubs or trees.
  4. Utilities. All utilities shall be placed underground, including telephone, electrical, and television cables. Dwelling units under separate ownership shall have separate utility metering, unless otherwise approved by the Public Works Department.
  5. Phasing. If the project is to be done in phases, no remnant parcels shall be created. Any land not proposed for development shall be designated as open space.
- ii. Water Conservation. Low volume irrigation systems with automatic controllers shall be used. Such an irrigation system includes, but is not limited to, low volume sprinkler heads, drip emitters, and bubbler emitters.
- iii. Compatibility Standards
1. Refuse Bins. Refuse bins shall be stored in screened enclosures which are architecturally compatible in style and materials with the character of the development. Bins shall be located so they are not visible from outside circulation routes, and so they do not restrict vehicular movement

or parking.

2. Glare Reduction. Exterior lighting shall be designed such that the light source will be sufficiently obscured to prevent excessive glare into any residential area.

**j. Common Open Space.**

- i. Required Common Open Space. A minimum of ten percent (10%) of the gross land area developed in any residential PUD project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.
- ii. Dedication of Land for Public Use. A required amount of common open space land reserved under a PUD shall either be held in corporate ownership by the owners of the project area for the use of each owner who buys property within the development or be dedicated to the public and retained as common open space for parks, recreation and related uses. Public utility and similar easements or right-of-way for watercourses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Commission.
- iii. Maintenance. The responsibility of the maintenance of all open space shall be specified by the developer before approval of the final master plan.
- iv. Clustering. Property developed under the PUD approach should be designed to abut common open space or similar areas. A clustering of dwellings is encouraged.
- v. Hardscape. Such common open spaces may include walkways, patios, recreational activity areas, picnic pavilions, gazebos, and water features so long as such surfaces do not exceed 35% of the required open green space.
- vi. Common Activity Areas. At a minimum, open green space shall include either a playground with play equipment or pathways with benches and tables through a natural or planted landscaped area.
- vii. Landscaping Per Unit. A minimum of three (3), one and one-half (1.5) inch caliper deciduous trees or four (4) foot tall evergreen trees, and four (4) shrubs shall be planted for each lot in a PUD subdivision, as well as building foundation planting of appropriate shrubs, flowers, or ground covers. Landscaping in the park strip in the street right-of-way shall have a unified design theme in PUD subdivisions. Multiple family PUD's shall provide a minimum of one (1) deciduous or evergreen tree per two (2) units, and two (2) shrubs per unit. The intent is to have a variety of plant materials to give color and texture; to direct traffic; to frame views; and to screen undesirable views. Applicant may provide a landscape plan that varies from these requirements to the Planning and Zoning Commission for approval as meeting the "spirit" of the requirements.  
  
The placement and types of deciduous trees shall take into consideration use of the trees for summer cooling and winter solar access. Evergreen trees should be used as windbreaks, screening, and accent plantings.
- viii. Water Conservation. The majority of new plant material used for landscaping the development should be water conserving plants. The landscaping design shall locate plant materials in similar water usage demand zones to insure proper irrigation coverage and reduce wasteful irrigation coverage and reduce wasteful watering. Native plants are preferred.

- k. Density Bonuses.** Density in excess of the base density for the underlying zone maybe considered for projects which comply with the bonus density design requirements. The amount of density bonus shall be determined by the type of Bonus Density Design Requirements incorporated in the development proposal. In no case shall the density bonus exceed the maximum density (per net developable acre NDA) allowed for the zone in which the development occurs according to the following chart:

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ZONE	BASE DENSITY	MAX. DENSITY
LDR1	3.63 Units/NDA	4.84 Units/NDA
LDR2	8.71 Units/NDA	10.89 Units/NDA
LDR3	10.89 Units/NDA	13.20 Units/NDA
MDR1	16.00 Units/NDA	22.00 Units/NDA
MDR2	20.00 Units/NDA	26.00 Units/NDA

- i. Density Bonus Calculation.** For applicants requesting a density greater than the base density, the Planning and Zoning Commission and City Council shall determine whether the applicant has complied with the necessary design components as provided in this Chapter and shall assign density points as applicable. The additional units per acre allowed above the base density for the PUD shall be determined by multiplying the total number of density bonus points by the density coefficient of the underlying zone. This figure is the additional number of units per acre allowed above the base density. This number when added to the base density will determine the total density per acre for the project; provided that the number shall not exceed the maximum density allowed in the zone. (Example: The project is in an LDR2 zone and the design is awarded 75 bonus points.  $75 \times .0121 = 0.91$  additional units per acre.  $0.91 + 3.63$  (base density) = 4.54 maximum units per acre for the development.) The density coefficient for each underlying zone and the total amount of points needed for the maximum density are listed below:

ZONE	DENSITY COEFFICIENT	MAX. DENSITY POINTS
LDR1	.0121	100
LDR2	.0218	100
LDR3	.0231	100
MDR1	.06	100
MDR2	.06	100

- m. Density Bonus Design Requirements.** If greater density is requested above the base density, a PUD development shall comply with one or more of the following bonus density design requirements depending upon the desired density increase. The Planning and Zoning Commission shall review and determine if the proposed design complies with the intent of the design requirement before the points are granted. The density bonus points for each individual design component are in parentheses at the end of each requirement. In order to receive a density bonus, the development shall have received bonus density points from at least one design component in each of the following categories: energy efficiency, building design, design theme, parking areas, landscaping, and open green space. A design component cannot be used to obtain points in more than one category. The density bonus design requirements are as follows:

**i. Energy Efficiency**

1. **Insulation.** All dwellings and main buildings shall have wall and ceiling insulation that exceeds the requirements of the International Energy Conservation Code (IECC). Exceeding the requirements for doors and window energy efficiency can also be taken in consideration for density bonus. (Up to 10 points)
2. **Solar Design.** All dwellings are designed with an active or passive solar feature. The solar feature shall be a solar water heater, trombe wall, earth insulation of a majority of the walls, the building designed so that the main exposure faces south and has windows to allow solar access, or other features as approved by the Planning and Zoning Commission. (Single feature per unit throughout the entire project, up to 20 points. Combination features per unit throughout the entire project, up to 30 points)
3. Development achieves a Leadership in Energy and Environmental Design (LEED) certification for Neighborhood Development through the U.S. Green Building Council (USGBC). (Up to 40 points)

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### ii. Building Design.

1. Materials. All facades of each dwelling structure, exclusive of windows or doors, are clad in long-lasting, high quality materials as appropriate for the approved architectural style. Examples of such materials are stone, brick, stucco, horizontal wood siding, wood board and batten siding, wood shingles, etc. Facsimiles such as cementitious hardboard (for horizontal siding) and faux stone (for real stone) will be considered on a case by case basis. (Up to 20 points)
2. Roof Materials. Roof materials should also be appropriate to the style. All roofs of main buildings are clad with wood shingles, tile, high profile asphalt shingles or slate shingles. Other high quality products may be considered on a case by case basis. (Up to 15 points)

### iii. Design Theme

1. Installed Landscaping. Landscaping is designed and installed along all streets of the development according to a theme which provides units and interest. (Up to 20 points)
2. Theme Lighting. Theme lighting is used throughout the development for street lighting, lighting of walkways, parking areas, entrances, and building exteriors. (Up to 15 points)
3. Fencing. Perimeter fencing is used throughout the project that matches the building design, i.e., masonry columns or piers using the same brick or stone as the buildings. (Up to 10 points)
4. Special Features. Special features such as fountains, streams, ponds, sculptures, buildings or other elements which establish a strong theme for the development and are utilized in highly visible locations in the development. (Up to 20 points)
5. Shared Theme. Wide range of housing, e.g. apartments, condos, medium density, low density, and mixed use share an architectural and landscaped theme. (Up to 20 points).

### iv. Parking Areas

1. Screening. Parking lots of 20 or more stalls are screened from view by means of berming or landscaping around the perimeter of the parking lot. (Up to 20 points)
2. Landscaped Islands. Parking lots of 20 or more stalls or a continuous row of parking over 90 feet in length has a landscaped island(s) which provides landscaping at a ratio of 1 square foot of landscaping per 13 square feet of hard surface. (Up to 15 points)
3. Shade Trees. Areas with 5 or more uncovered parking stalls are designed to include minimum 2 inch caliper trees located in such a manner as to shade 50% of the parking area upon maturation of the trees. (Up to 15 points)
4. Permeable Surfaces. Surfaces for parking and maneuvering other than the public right-of-way using materials such as grasscrete, or similar are utilized in appropriate locations. Material and installation details must be reviewed and approved by the City Engineer. (Up to 15 points)
5. Locate all off street parking at the side or rear of buildings, leaving building frontages and streetscapes free of parking facilities. (Up to 10 points)
6. For any non-residential buildings or multi-family residential buildings that are part of the proposal, provide bicycle parking spaces, equivalent to 10% of the total automobile parking on site. Bicycle parking must be within 50 feet of the entrance to the building that it services. (Up to 10 points) Sheltered bicycle parking. (Up to 20 points)

### v. Recreational Amenities

1. Active Recreation. The PUD includes a recreational amenity primarily for the use of the residents of the development. Amenities may include swimming pools, sports courts, spas, barbecue and picnic facilities, or other features as approved by the Planning and Zoning Commission. The

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Planning and Zoning Commission may determine the points based on the cost of the amenity, its benefit to the residents of the development, its size and the number of amenities in the development. (Between 5 to 35 points)

2. Common Building or Facilities. Development of a common building which shall be used for meetings, indoor recreation, day care, or other common uses as approved by the Planning and Zoning Commission. RV parking facilities may also be considered with this design feature. (Up to 20 points)
  3. Park Dedication. Dedication of land for public park, public access along a stream, or public access along a planned trail. The City must be willing to accept the proposed dedication before points are awarded. (Public access up to 15 points. Public Park up to 40 points)
  4. Construction of Trail or Park. Construction according to City standards of trail or park which has been dedicated to the City according to item number (c) above. (Trail 15 points, public park 40 points)
  5. Riparian Areas. Riparian areas along rivers and streams are preserved with natural and native landscaping to encourage continued use of these areas as wildlife corridors. (Up to 15 points)
- vi. Landscaping
1. Extra Trees. Design and planting more than the minimum number of trees, shrubs, and perennials per dwelling unit in the development. (Up to 20 points)
  2. Soften Fence Appearance. Areas which are to be screened use a solid non-see-through wood or masonry fence and landscaping which acts to soften the appearance of the fence. Landscaping may be vines, shrubs, or trees. (Up to 15 points)
- vii. Open Green Space
1. Designed Plan. Open green space is designed (not left over space between buildings) and flows uninterrupted through the entire development linking dwellings and recreation amenities. (Up to 25 points)
  2. Multiple Use. Storm water detention facilities are designed and used for multiple purposes which blend with the overall theme of the open space design i.e., shape of the area is free flowing, the grading and landscaping are carried out in such a manner that the use as a detention pond is not discernible. (Up to 20 points)
  3. Native Plants. Native plants are used for common open space elements. (Up to 15 points)
  4. Drought Tolerant Plants. Drought tolerant plants are used for common open space elements. (Up to 10 points)
- viii. Public Streets. All streets within the development (except the streets required by the City to be dedicated) are open to public use, but privately maintained. (Up to 25 points)
- ix. Housing. Mixed housing types, e.g. apartments, condos, medium density, low density, and mixed use are incorporated in the development with the intent to allow aging in place and appropriate mixes of socioeconomic groups. (Up to 40 points)
- n. Preliminary Master Plan Application.** Following a pre-application conference, an applicant may submit a preliminary master plan to the City for review. The preliminary master plan, which must include a drawing showing the layout of the proposed planned unit development, must contain the following information:
- i. Proposed name of the planned unit development;

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- ii. Date, north point and scale of drawing;
- iii. Appropriate identification clearly stating that the drawing is a preliminary planned unit development master plan;
- iv. Location of the planned unit development by section, township and range; a legal description sufficient to define the location and boundaries of the proposed planned unit development tract; and the tract designation or other description according to the real estate records of the county assessor;
- v. A vicinity sketch map at a scale of one inch equals four hundred feet showing adjacent property boundaries and land uses;
- vi. Names and addresses of legal owners of properties within five hundred feet of the tentative planned unit development boundaries, excluding streets, unless the City is able to provide this information ;
- vii. The following:
  1. Location, widths and names of all existing streets or other public ways within or abutting the planned unit development,
  2. Contour lines having the following minimum intervals:
    - a. Two-foot contour intervals for ground slopes less than ten percent, and
    - b. Five-foot contour intervals for ground slopes ten percent or greater.
    - c. Contours shall be based on contour maps provided by the city or other data approved by the city engineer,
  3. Location of at least one temporary bench mark within the planned unit development boundaries or the source of the contour line data shown (source and accuracy subject to city engineer's approval).
  4. Location and direction of all water courses and natural features such as rock outcroppings, marshes, wetlands, and wooded areas; and the approximate locations of trees or stands of trees having a trunk cross-sectional diameter of eight inches (approximately twenty-five inches in circumference) or more measured at a point fifty-four inches above the base of the trunk on the uphill side. The plan must identify those water courses, natural features and areas of trees meeting the described criteria which are to remain and those which may be altered or removed.
  5. A vicinity sketch map at a scale of one inch equals four hundred feet showing adjacent property boundaries and land uses;
  6. Names and addresses of legal owners of properties within five hundred feet of the tentative planned unit development boundaries, excluding streets, unless the City is able to provide this information;
  7. The following:
    - a. Proposed streets, including location, widths and approximate radii or curves,
    - b. Location of existing and proposed easements on the site or abutting property, showing the width and purpose of each easement,
    - c. The types of housing proposed within the PUD, the approximate location or locations proposed for each type of housing, and the approximate housing density proposed at each location,
    - d. Sites, if any, allocated for:

- i. Churches,
- ii. Parks, schools, playgrounds,
- iii. Public buildings,
- iv. Open space,
- e. Area coverage of existing and proposed structures, lots, streets or other development.

**o. Supplemental Preliminary Master Plan Information**

The applicant also shall submit the following information to supplement the preliminary master plan. This information can be submitted in separate statements accompanying the preliminary master plan:

- i. Proposed restrictions to be filed in the county deed records, in outline form, such as deed restrictions, conditions, covenants and restrictions, and home owners' association agreements. The outline restrictions shall identify the time at which the restrictions will be filed in the county deed records; generally who will have authority to enforce the restrictions; specifically which restrictions, if any, are proposed to be enforceable by the city; the time at which the restrictions will become enforceable; and which restrictions, if any, will not be subject to amendment without the consent of the city;
- ii. Approximate locations and anticipated grades of all streets. Typical cross sections of the proposed streets showing widths of roadways, curbs, location and widths of sidewalks and the location and size of utility mains;
- iii. Approximate plan of proposed sanitary sewers, storm drains, storm water detention and drainage pre-treatment facilities and the water distribution system;
- iv. A general description of property intended to be dedicated to the city or public, other than street right-of-ways, including proposed dedication restrictions;
- v. Maximum potential number of residential units, calculated as follows:
  - 1. Determine residential development area as follows: subtract from gross area any area allocated for churches, schools, and public buildings,
  - 2. Divide residential development area (excluding public and private streets and areas with slopes of 30 percent or greater) by the minimum residential lot size permitted in the underlying zone. This is the maximum potential number of residential units without incorporating any density bonuses;
- vi. Proposed number of residential units;
- vii. An approximate tabulation of all dwelling units by type;
- viii. A narrative description of the planned unit development and the manner in which it meets the purpose set out in subsection A of this section;
- ix. A statement describing the present and proposed ownership;
- x. A preliminary landscape plan, covering both areas to retain undisturbed their natural vegetation and areas to be re-landscaped;
- xi. A statement whether the applicant proposes to submit the final master plan for review as a single master plan or in phases; a statement of the date or dates by which the applicant proposes to submit the final master plan or final master plan phases for review; and a statement of the date or dates by which the applicant anticipates that the development and related improvements or each phase thereof will be substantially completed.

**p. Determination that Preliminary Master Plan is Complete.** Following submission or resubmission of a

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preliminary master plan, City staff shall determine whether the plan is complete pursuant to the submittal requirements of subsections M and N of this section. The determination of staff shall be in writing and, if the application is determined to be incomplete, shall be provided to the applicant with a description of the additional material required to make the application complete.

- q. Review of Complete Preliminary Master Plan.** Following submission of a complete preliminary master plan, City staff shall review the preliminary master plan, shall seek comments on the plan from potentially affected governmental units and agencies, and shall report to the Planning and Zoning Commission the comments of the committee members and of those governmental units and agencies that submit comments.
- r. Planning and Zoning Commission and City Council Consideration of Preliminary Master Plan.** Following receipt of comments on the preliminary master plan from City staff and other affected governmental agencies, the Planning and Zoning Commission shall review the plan and comments in public hearings following the procedures the same as conditional use permit and shall commend to the City Council either approval with conditions, or disapproval of the preliminary master plan. The Planning and Zoning Commission shall state its decision and its reasons in writing. The Planning and Zoning Commission's consideration of the preliminary master plan shall be subject to the following:

  - i. The commission shall recommend and the Council shall approve, or approve with conditions, the plan if it finds that the plan, either as submitted or with conditions, meets all of the following criteria. The commission shall recommend and the Council shall disapprove the plan if it finds that the plan, either as submitted or with conditions, does not meet any one or more of the following criteria.

    - 1. The proposed planned unit development is in compliance with the City's comprehensive plan and will be substantially compatible with existing development in the surrounding area; and undeveloped land in the surrounding area can be developed in a manner substantially compatible with the proposed planned unit development. Where a PUD is located over more than one zone, the plan is allowed to have a weighted balance of the densities for each zone (including density bonuses). Like zoning buffers should be provided at borders of other properties not included in the PUD. As an example, if a PUD was created that consisted of a LDR3 zone and a MDR2 zone, then six plex housing units should not be placed directly adjacent to the adjoining LDR3 zone. A buffer of twin homes (allowed in LDR3) or open space should be used as a buffer. Rear yards of six plex units might be considered as sufficient buffering if fenced and landscaped with trees.
    - 2. The number of years proposed for completion of the development or each phase of the development is reasonable, taking into consideration the possibility of changing land use patterns in or requirements of the city over time. In order to ensure that the development will be compatible with land use patterns in and requirements of the city at the time of approval of a final master plan, the Planning and Zoning Commission shall recommend and the Council shall establish an expiration date for the preliminary master plan approval, not sooner than two years after approval of the preliminary master plan; may impose conditions requiring that a final master plan or phases thereof be submitted for commission review within a specified period or periods of time, not sooner than one year after approval of the preliminary master plan; or may impose conditions requiring commission and Council re-evaluation of as yet unbuilt portions of the development, for conformity with then-existing city zoning ordinance requirements in relation to then-existing conditions, not sooner than five years after approval of the preliminary master plan, and at such periodic intervals of not less than five years thereafter as the commission and Council deems appropriate to ensure conformity.
    - 3. Construction of the development can be accomplished in a manner that does not create unreasonable negative impacts on the area surrounding the development or in the city. In order to assure the avoidance or mitigation of negative construction impacts on the area surrounding the development or in the city, the Planning and Zoning Commission and Council may impose conditions including but not limited to:

      - a. Requirements that removal of existing landscaping during construction be limited to areas of the planned unit development to be constructed shortly following removal and to portions of those areas on which construction will occur;
      - b. Prohibitions of open burning on the site during construction;

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- c. Restrictions on construction noise; and
    - d. Restrictions on construction traffic.
  4. The development will not create unreasonable negative impacts on the area surrounding the development or in the city. In order to assure the avoidance or mitigation of negative impacts, the Planning and Zoning Commission may require the filing of restrictions in the county deed records including but not limited to restrictions:
    - a. Prohibiting the removal of specified landscaping; and
    - b. Prohibiting open burning during construction.
  5. Street, water, sewer, drainage and drainage pre-treatment, storm water detention, and other similar facilities in the area surrounding the development and in the city are or will be adequate to provide for the health, safety and welfare for the development's population densities and the type of development proposed, taking into consideration existing and projected future demands on those facilities.
  6. Street, water, sewer, drainage and drainage pre-treatment, storm water detention and other similar facilities proposed to be constructed as part of the development are adequate to provide for the health, safety and welfare for the population densities and the type of development proposed.
  7. The proposed number of residential units does not exceed the maximum permitted number of residential units; and at least twenty percent of the gross area is dedicated to landscaping. For purposes of computing area dedicated to landscaping, dedicated open space and protected resource areas may be treated as area dedicated to landscaping, but parking areas may not.
- ii. The Planning and Zoning Commission, in recommending, and the Council in approving a preliminary master plan, may attach conditions it finds are necessary or appropriate to carry out the purposes of this title.
- s. **Extension of Approved Preliminary Master Plan.** Prior to expiration of an approved preliminary master plan, the Planning and Zoning Commission may recommend and the Council may, on receipt of an application applying to the as yet unbuilt portions of the development, extend the expiration date provided that the extension will be consistent with then-existing city zoning ordinance requirements, in relation to then-existing conditions. An application for an extension shall be subject to all of the procedures set out in subsections C through P of this section, including but not limited to the requirement of a hearing before the Planning and Zoning Commission, except that the application materials required to be submitted shall be only such materials supplementing the original application as are needed to demonstrate that an extension will meet the criterion for an extension established by this subsection.
- t. **Modification of Approved Preliminary Master Plan.** The Planning and Zoning Commission may recommend, and the Council may, on receipt of an application applying to the as yet unbuilt portions of the development, approve a modification to an approved preliminary master plan provided that the modifications will be consistent with the then-existing city zoning ordinance requirements, in relation to then-existing conditions. An application for modifications shall be subject to all of the procedures set out in subsections C through P of this section, including but not limited to the requirement of a hearing before the Planning and Zoning Commission and consideration by the City Council, except that the application materials required to be submitted shall be only such materials supplementing the original application as are needed to identify the proposed modifications and to demonstrate that the modifications will meet the criterion for modifications established by this subsection.
- u. **Procedure Following Expiration of Preliminary Master Plan.** If an approved preliminary master plan expires, whether as to the entire area proposed for development or as to as yet unbuilt portions of the development, then a complete new application must be submitted prior to reconsideration. An application for reconsideration shall be treated as an original application and shall be subject to all of the procedures set out in subsections C through P of this section, including but not limited to the requirement of a hearing before the Planning and Zoning Commission and consideration by the City Council.
- v. **Submission of Preliminary Subdivision Plat.** If an approved preliminary planned unit development

## City of Rexburg Development Code: PUD

master plan provides for the subdivision of land within the planned unit development, then within such period or periods of time as required by the preliminary planned unit development master plan approval, an applicant shall file a preliminary subdivision plat for the planned unit development or for phases of the development, if phasing is permitted. The submittal requirements, procedures and approval requirements for the preliminary subdivision plat shall be as set out in City of Rexburg subdivision code.

### **w. Planning and Zoning Commission and City Council Consideration of Final Master Plan.**

- i. Following preliminary master plan approval, and prior to issuance of a development permit and commencement of development, a final master plan must be submitted to and approved by the Planning and Zoning Commission. The final master plan may be submitted in development phases; provided, that:
  1. Each phase can exist as a separate entity capable of independently meeting all requirements and standards of this section and of the underlying zones in which the PUD is located; or
  2. Prior to the development of any phase that will not exist as such a separate entity capable of independently meeting the requirements and standards, restrictions enforceable by the city and in a form approved by the city have been filed in the county recorder's office, such as conditions, covenants and restrictions. The restrictions shall be applicable to other areas of the planned unit development not yet proposed for development, and shall be sufficient to assure that:
    - a. The area within the phase proposed for development, when combined with the area not yet proposed for development, as subject to the deed restrictions, can exist as a combined entity capable of independently meeting the requirements and standards,
    - b. The phase has met any applicable re-evaluation requirement imposed during the preliminary master plan approval process, and
    - c. The separate development of phases will not be detrimental to the total development nor to the adjacent properties in the event the remainder of the development is not completed.
- ii. The final master plan must be in sufficient detail to allow the Planning and Zoning Commission to determine whether the final master plan is consistent with the preliminary master plan and whether the final master plan meets all conditions applicable to the preliminary master plan. In addition, the final master plan shall include:
  1. Detailed landscaping plans showing the type and size of all plant material and its location, the irrigation system, decorative materials, recreation equipment and special effects; and the schedule for removal and replanting of vegetation;
  2. Detailed water, sewer, drainage and drainage pre-treatment, storm water detention and street system plans, including:
    - a. Central line profiles showing finished grades of all streets,
    - b. Cross sections of proposed streets showing widths of roadway, curbs, locations and width of sidewalks and location and size of utility mains,
    - c. Profiles of sanitary sewer, street drainage, drainage pre-treatment, storm water detention and water distribution systems, showing pipe size and location of valves and fire hydrants, all to conform to city and state standards standards,
    - d. The estimated cost of street, sewer, drainage and drainage pre-treatment, storm water detention, water, and other public infrastructure improvements within the planned unit development.
- iii. The Planning and Zoning Commission shall make a recommendation to, and the Council shall approve, or approve with conditions, the final master plan if it is determined that the plan meets all of the following criteria. The commission shall disapprove the final master plan if it finds that the plan,

## City of Rexburg Development Code: PUD

either as submitted or with conditions, does not meet one or more of the following criteria:

1. The plan is consistent with the preliminary master plan and all conditions applicable to it;
2. All utility systems and landscaping conform to city and state standards or are approved by the city engineer; and
3. If the final master plan is for a phase of the total planned unit development, the criteria for phasing stated in subsection of this section will be met.

### **x. Requirements Following Final Master Plan Approval.**

- i. A certified print of the approved final planned unit development master plan shall be provided by the applicant without charge to the office of the city recorder.
- ii. Except as provided in subsection Q of this section, proposals to make changes in the final master plan after it has been approved shall be considered the same as a new PUD application and shall be permitted only in accordance with all of the procedures set out in this section, including but not limited to the requirement of a hearing before the Planning and Zoning Commission, except that the application materials required to be submitted shall be only such materials supplementing the original application as are needed to identify the proposed changes and to demonstrate that the changed planned unit development will meet the criteria established by this section.
- iii. Proposals to make minor changes in the final master plan after it has been approved may be approved by the Planning and Zoning Commission or designee. Minor changes consist only of changes that will not have public visibility and that:
  1. Do not increase densities;
  2. Do not change boundaries;
  3. Do not change any use, specific or general, described in the final master plan; and
  4. Do not change the location or amount of land devoted to specific land uses.
- iv. A final PUD subdivision plat shall be filed with and approved by the City in accordance with the final platting requirements of City of Rexburg subdivision code and recorded with Madison County, within one year of the approval of a final master plan. One extension of time may be granted, for good cause, by the Planning and Zoning Commission if such extension is authorized by the commission prior to the expiration of the one-year period, and provided such extension not exceed one additional year. No additional extensions may be granted. If a final PUD plat is not filed, approved and recorded as required by this section, then the planned unit development approval shall become void as of the date the filing requirement no longer can be met.
- v. Prior to commencement of development, the developer shall provide to the city an improvement agreement and financial security instrument as described in the City of Rexburg subdivision ordinance and shall obtain a development permit.

# City of Rexburg Development Code: Infill/Redevelopment Standard

## 4.16 Infill/Redevelopment Standard

### **Background**

The City of Rexburg City Council, Planning and Zoning Commission and the City Staff have been actively engaged in an effort to promote good planning principles. After a great deal of study it has been determined that whenever possible the large demand for community housing generated by a growing university be focused to areas within the City core that are close to the BYU campus, commercial centers, community amenities (such as parks, library, pool, theaters) and job centers.

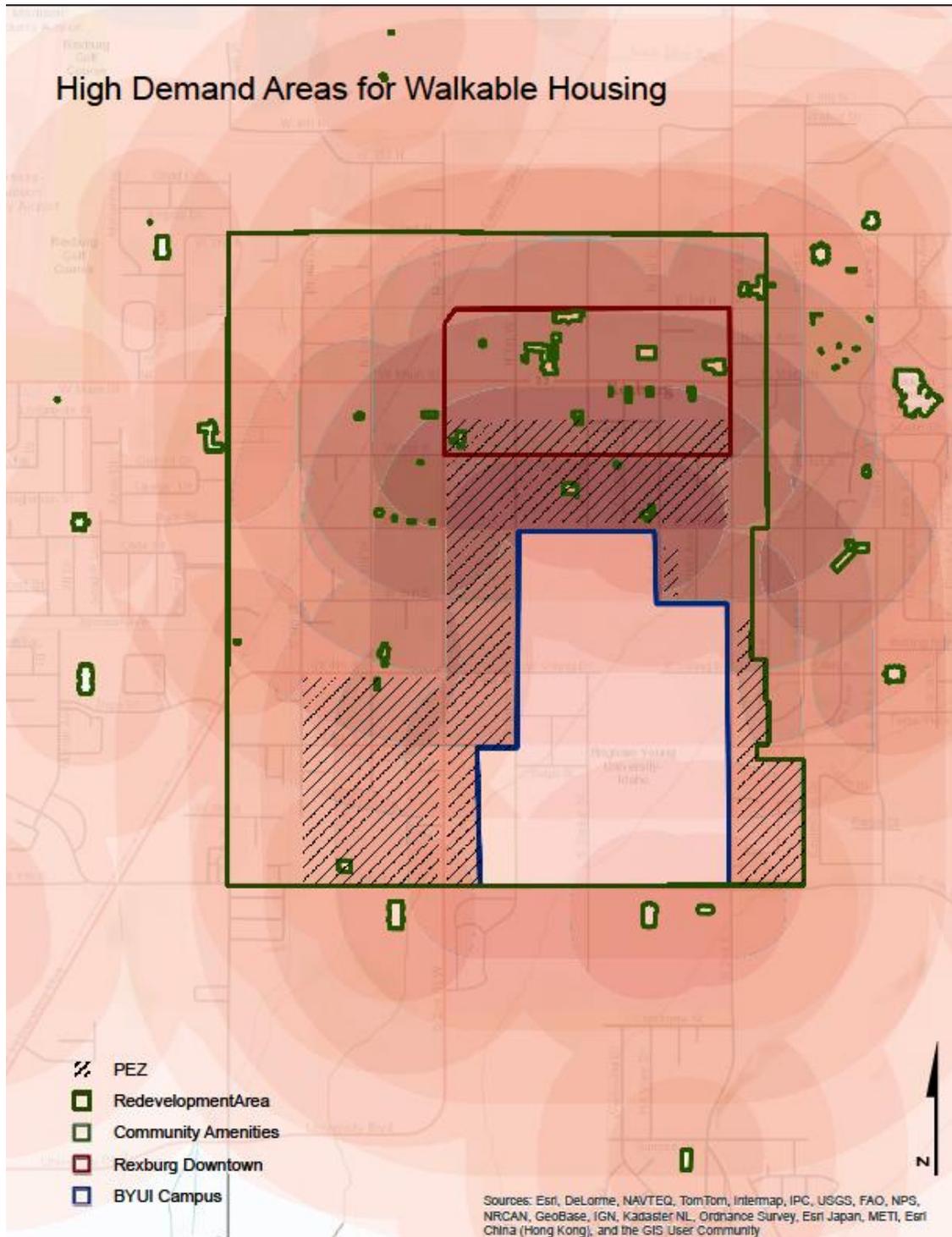
### **Infill /Redevelopment Area**

The City of Rexburg City Council, Planning and Zoning Commission and the City Staff have identified a focus area for Infill and Redevelopment. See map on following page:



## City of Rexburg Development Code: Infill/Redevelopment Standard

A Geographic Information System (GIS) study showing proximity to Campus, Shopping, Parks and other amenities follows (the darker areas are more walkable):.



# City of Rexburg Development Code: Infill/Redevelopment Standard

## Policy Statement

Densification through Infill and Redevelopment will save tax dollars by reducing the cost of Streets, Infrastructure, Police, Emergency Services, Sanitation and other vital services. The purpose of the Infill/Redevelopment effort is to balance community good with individual choice and property rights. The existing Comprehensive Plan Map is the primary document for planning future city growth and development.

It is in the best interest of all of the citizens of Rexburg to locate Higher Density Housing Projects near Campus and the City Core whenever possible. Besides the savings of tax dollars, there is also a positive health effect and other cost savings associated with being able to walk to campus, shopping, parks and other City amenities.

Identifying Infill/Redevelopment projects near the City Core and making the necessary zone changes to encourage development not only will clean up vacant weeded properties, but will also partially “level the playing field” for these projects versus the lower cost of finding cheaper agricultural ground on the periphery of the City. Infill and Redevelopment are also encouraged in other parts of the City of Rexburg besides the Focus Area.

## Weighting

In order to facilitate the implementation of Infill and Redevelopment in the City core the City of Rexburg City Council, Planning and Zoning Commission and City Staff have identified the following items as important consideration of the process (weighted importance in parenthesis):

- Protect Stable Non-Fragmented Single Family Neighborhoods (9 out of 10 Importance)
- Identify Vacant Lots and Underutilized Properties (8.3 out of 10 Importance):
- Location of Existing Utility Infrastructure (7 out of 10 Importance):
- Distance From Significant Locations and Amenities (6.9 out of 10 Importance):
- Street Access (6.9 out of 10 Importance):
- Historic Preservation (5.3 out of 10 Importance):

## Project Scoring

All Infill/Redevelopment projects are to be scored by using the weighted categories as identified above.

### i. **Protect Stable Non-Fragmented Single Family Neighborhoods (9 out of 10 Importance)**

**Definition of Non-Fragmented Neighborhood** - Each side of street is looked at independently. Four or more Single Family Residential Homes with up to 50% of properties allowed with non-dormitory duplex rentals are to be considered a Non-Fragmented Neighborhood. Three contiguous homes without duplex rentals can be considered a Non-Fragmented Neighborhood. A block may contain Non-Fragmented and Fragmented sections. For determining contiguous lots, corner lots can be considered no matter which street they are facing. A vacant lot, dormitory rental, structures with over two occupancies, and buildings with other than residential or accessory residential use may not be counted as part of a Contiguous Non-Fragmented Neighborhood

**Project Boundary** – For the purpose of identifying a neighborhood that is affected by an Infill/Redevelopment project, properties within one hundred twenty feet (120') of all boundaries of said project will be evaluated for determination of fragmentation.

**Scoring** – Using the definition of Non-Fragmented Single Family Neighborhoods, identify every parcel in the 120' boundary and evaluate as either Non-Fragmented or Fragmented. The ratio of the two is then converted to 1-10 weighting. Example: If in the 120' boundary, the existing homes were found to be 8 Non-Fragmented and 12 Fragmented, then the ration would be 8/20 or 4/10 therefore weighted at 4. Apartments larger than a duplex, Commercial or other nonresidential properties will be counted by lot area divided by 10,000 and rounded to the nearest 10,000.

## City of Rexburg Development Code: Infill/Redevelopment Standard

### ii. Identify Vacant Lots and Underutilized Properties (8.3 out of 10 Importance)

**Vacant versus Underutilized** – Underutilized properties are those with structures on them but have the potential for redevelopment due to condition, use and percentage of unused property. Vacant lots are self described.

**Scoring** – Substantial existing investment that would need to be demolished would score low and vacant properties would score 10 out of 10.

### iii. Location of Existing Utility Infrastructure (7 out of 10 Importance)

**Utility Infrastructure** – Includes access to Waterlines, Sewer lines, Storm Drainage Facilities, Electrical Utilities, Gas Utilities and Telecommunication Facilities. Also takes into consideration the capacity of these utilities.

**Scoring** – The City of Rexburg Engineering group will evaluate on a 1-10 weighting with a score of 10 being good access and capacity with all utilities.

### iv. Distance From Significant Locations and Amenities (6.9 out of 10 Importance)

**Amenities Considered** – For scoring the distance from the project is taken from the significant locations and amenities. They include but are not limited to; Downtown Rexburg, BYU, Madison Memorial Hospital, Rexburg Rapids, Madison Library, Porter Park, Smith Park and the Tabernacle.

**Scoring** – Rexburg GIS has created the [High Demand for Walkable Housing Map](#). It identifies (electronically) the scoring for all areas within the Rexburg Redevelopment Focus Area.

### v. Street Access (6.9 out of 10 Importance)

**Items Considered** – For Infill/Redevelopment projects, it is common for all projects to have adequate street access. The availability, location and feasibility of the access points are considered by the City Engineer.

**Weighting** – Each entity is weighted as follows:

Amount of Access Points in Relation to the Size of Project – 10

The Distance of the Access Points Away from Intersections – 10

Little or no Effect of the Access Points on Traffic and Neighborhoods – 10

**Scoring** – The three scores are averaged.

### vi. Historic Preservation (5.3 out of 10 Importance)

**Determination** - Historic Structures are to have significance as defined by the Department of the Interior.

**Scoring** – Is as follows:

Historic Structure (registered) to be removed – 0

Historically/Culturally Significant Structure (not registered but qualifies) to be removed – 3

# City of Rexburg Development Code: Infill/Redevelopment Standard

No Historic Structure removed as part of the project – 10

## Mitigation

Infill/Redevelopment Projects that are located adjacent to existing Non-Fragmented Single Family Neighborhoods are to be held to a higher buffering and separation standard than regular projects. Besides meeting all of the requirements of the City of Rexburg Development Standards, they must also be buffered by the additional requirements:

### **Low Density Residential 2&3 to Medium Density Residential 1&2 and Mixed Use 1**

- a. Zones separated by a City street – Standard front yard setbacks allowed as per City of Rexburg Development Code.
- b. Zones separated by property lines – Follow LDR requirements and include 2”(min.) caliper trees spaced at 20 foot intervals. Tree type to be approved at Design Standard Review.

### **Low Density Residential 2&3 to High Density Residential 1&2 and Mixed Use 2**

- a. Zones Separated by a street – Standard 20 foot front yard setback allowed up to 30 foot horizontal wall height. 80 foot front yard setback required for buildings higher than three stories above grade. Parking lots in front yards setbacks to be buffered with minimum 10 foot (min.) wide, 2 foot high landscape berm planted with bushes and trees as approved at Design Standard Review.
- b. Zones separated by property lines – Provide largest of one to one setback versus height or applicable LDR setback. Include 2”(min.) caliper trees spaced at 20 foot intervals. Tree type to be approved at Design Standard Review.

### **Low Density Residential 1 to Medium Density Residential 1 and Mixed Use 1**

- a. Zones Separated by a street – Standard 20 foot front yard setback allowed up to 20 foot horizontal wall height. 30 foot front yard setback required for buildings higher than 20 feet horizontal wall height. Parking lots in front yards setbacks to be buffered with minimum 10 foot (min.) wide, 2 foot high landscape berm planted with bushes and trees as approved at Design Standard Review
- b. Zones separated by property lines – Provide largest of one to one setback versus height or LDR1 setback. Include 2”(min.) caliper trees spaced at 20 foot intervals. Tree type to be approved at Design Standard Review.

**High Density Residential, Medium Density Residential 2 and Mixed Use 2 is not allowed against Low Density Residential 1 Zoning.**

# City of Rexburg Development Code: Infill/Redevelopment Standard