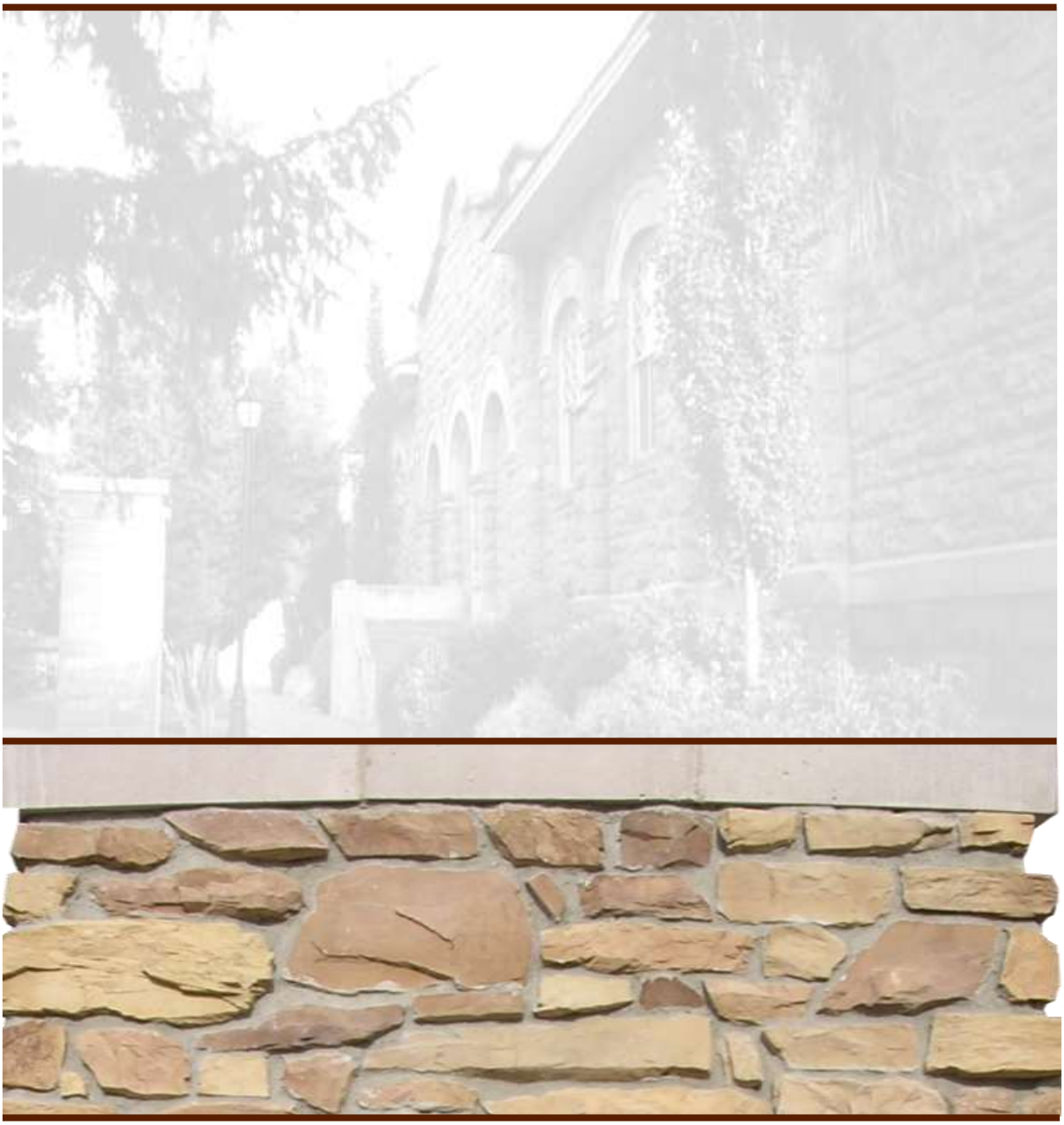
# CITY OF REXBURG DEVELOPMENT CODE

## Ordinance No. 1115

**Adopted 11/4/2009** **Amended 01/18/2017**



# DEVELOPMENT CODE
## OF THE
# CITY OF REXBURG, IDAHO

AN ORDINANCE REPLACING AND REPEALING ORDINANCES 548 AND 642 FOR MOBILE HOME PARKS; REPLACING AND REPEALLING ORDINANCE 658 FOR SUBDIVISION PLATS; REPLACING AND REPEALING ORDINANCE 915 FOR CELL TOWERS; REPLACING AND REPEALING ORDINANCE 1021 FOR PEDESTRIAN ZONES; REPLACING AND REPEALING ORDINANCES 1027 AND 1095 FOR SIGNAGE; AND REPLACING AND REPEALING ORDINANCE 1026 AS THE DEVELOPMENT CODE OF THE CITY OF REXBURG, IDAHO; MAINTAINING A DEVELOPMENT CODE FOR THE CITY OF REXBURG, DIVIDING THE CITY INTO DISTRICTS IN ACCORDANCE WITH THE COMPREHENSIVE PLAN; REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES, SIZE OF BUILDINGS AND OTHER STRUCTURES AND OBJECTS, MAINTAINING DESIGN STANDARDS IN THE DISTRICTS, REGULATING THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED BY STRUCTURES, THE SIZE OF YARDS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, COMMERCE, INDUSTRY, RESIDENCE AND OTHER PURPOSES; PROVIDING FOR VIOLATION OF THE PROVISIONS OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

Section I. Ordinance Number 1115 is hereby amended by Ordinance 1157.

Section II. Ordinances Numbered 548, 642, 658, 915, 1021, 1027, 1095 and Ordinance 1026 of the City of Rexburg, Idaho, are hereby repealed.

Section II. The Development Code of the City of Rexburg, Idaho, is hereby enacted as follows:

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# CHAPTER 1: TITLE, AUTHORITY, PURPOSE, INTENT

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## 1.1 Title

This Ordinance shall be known and entitled as "The City of Rexburg Development Code" and may be so cited and pleaded.

## 1.2 Authority

This Ordinance is adopted pursuant to authority granted by Title 67, Chapter 65 of the Idaho Code, and Article 12, Section 2 of the Idaho Constitution, as amended.

## 1.3 Purpose

**a. Purpose.** The purpose of this Ordinance shall be to promote the health, safety, and welfare of the residents of the City of Rexburg as follows:

i. To protect property rights and enhance property values.

ii. To provide for the protection and enhancement of the local economy.

iii. To ensure that important environmental features are protected and enhanced.

iv. To encourage the protection of prime agricultural lands for the production of food.

v. To encourage concentration of population in urban areas with the goal of enhancing the quality of life for the community.

vi. To ensure that development is commensurate with the physical characteristics of the land.

vii. To protect life and property in areas subject to natural hazards and disasters.

viii. To protect recreation resources.

ix. To avoid undue water and air pollution.

x. To maximize use of existing infrastructure including roads, utilities, sewers and water facilities.

xi. To secure safety from fire and provide adequate open spaces for light and air.

xii. To implement the comprehensive plan.

## 1.4 Intent

It is the intent of the governing body of the City of Rexburg that this Ordinance be interpreted and construed to further the purposes of this Ordinance and the objectives and characteristics of the zoning districts.

## 1.5 Applicability

The provisions of this Ordinance are applicable not only to private persons, agencies and organizations but also to all public agencies and organizations to the full extent that they may be enforceable.

## 1.6 Previous Ordinances and Maps

The existing ordinances covering the zoning of the property within the limits of the City of Rexburg together with all maps which are part of such ordinances are hereby superseded. Any illegal or unauthorized use of land, buildings or structures shall remain illegal and unauthorized unless specifically authorized under this Ordinance.

## 1.7 Severability

If any portion of this Ordinance or its application to specific circumstances shall be held invalid by a court of competent jurisdiction, the remainder of this Ordinance and its application to other circumstances shall be unaffected.

## 1.8 Relationship to other laws

If State or federal law or regulations or other City ordinances impose additional or duplicative standards on development or buildings regulated by this Ordinance, the more restrictive standard shall apply.

## 1.9 Violation and Penalties

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a complaint with the Zoning Administrator. The Administrator or his agent shall record such complaint, investigate the same, and take such action or cause such action to be taken as provided by this Ordinance. The City Attorney may, in addition to taking whatever criminal action is deemed necessary, take steps to civilly enjoin any violation of this Ordinance. Any violation of the provisions of this Ordinance or any failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues beyond notice shall be considered a separate violation. Any person convicted of violating the provisions of this Ordinance shall be punishable by imprisonment for a term not to exceed thirty (30) days, a fine not to exceed three hundred dollars ($300), or by both such fine and imprisonment.

## 1.10 Development Review Committee and Design Review Board

**a. Purpose**. The Development Review Committee and the Design Review Board are established to coordinate, expedite and assure fair and equitable implementation of this title.

The objective, to be implemented through their procedures and deliberations, shall be to encourage development quality that will enhance both the natural and built environments, with consideration to present and future property values, and to carry out the purposes of this title. All bodies authorized under this chapter may call upon any City staff or other persons with technical expertise, and may testify before any board, commission or other body upon the subjects for which they have responsibility.

**i. Development Review Committee.** The Development Review Committee is established to evaluate all proposals subject to the provisions of this title. The Development Review Committee is the body charged with reviewing items relating to public health and safety.

1. The Development Review Committee shall act as an advisory body to the Community Development Director for site plans when no variance or deviation is requested; and

2. The Development Review Committee shall act as an advisory body to the City Council for larger and more complex proposals including conditional use permits, planned unit developments, all site plans involving variances or deviations, divisions of land, zone map amendments, annexations and other actions as requested by staff or the City Council.

**ii. Design Review Board.** The Design Review Board is established to review design standards, landscaping and site plans when requested by either the Community Development Director or a designee or by the applicant. The applicant may request that the Design Review Board meet and overrule the findings of the Community Development Director or a designee.

1. ORGANIZATION
   a. The Design Review Committee is made up of three (3) pools of individuals from:
      i. The Planning and Zoning Commission (pool of all members)
      ii. The City Council and Mayor (pool of all members)
      iii. Professional Group (group of ten)
   b. Three (3) members of the committee should be present for project design review. The Planning and Zoning Assistant shall attempt to build a three-member committee by calling one member from each pool. If the attempt is not successful, then the group may consist of three members of any combination of the pools. If at the time of the meeting some or all of the members of the committee do not show, then two of the remaining members and/or City of City Staff may act as the committee.
   c. The Community Development Director shall recommend potential members from the private sector for inclusion into the Professional Group to the Mayor.

2. MEETINGS
   a. The Community Development Director or a designee will review all plans and applications for compliance to the Design Standards as set forth in the City of Rexburg Development Code.
   b. If the Community Development Director or a designee performing the design review feels that input is required from the Design Review Committee; he/she can request that the Design Review Committee meet and discuss the proposal.
   c. If at any time the person submitting the plans does not agree with the review performed by the Community Development Director or a designee, he/she may request a hearing by the Design Review Committee.

3. AUTHORITY
   a. The Planning and Zoning Commission delegates the authority required to make a best effort design review to the Community Development Director or a designee. It is the intent that the Community Development Director or a designee reviews the submitted plans for compliance to the ideals and spirit of the design review requirements of the Rexburg Development Code.
   b. The Planning and Zoning Commission at any time may request that a Design Review Committee be called together for certain project review or as a re-review on a project completed by the Community Development Director or a designee.

**b. Development Review Committee Procedures Established (Community Development Director, City Engineer and Fire Department Inspector).** Each department charged with development review shall have the ability and authority to require the Community Development Director to make a recommendation of denial when in their view the project cannot meet the requirements and review criteria of this title and acceptable conditions do not exist to cure the identified failings of the project. Each of the Development Review Committee Members will input their reviews and comments into the City Permitting System or provide them to the Planning Coordinator following their project review. These records shall be preserved as part of the official file for each development proposal.

**i. Including Members of the Committee.** When necessary, other members of the committee may be included at the request of any Committee Member.

**ii. Soliciting input.** When applicable, the Development Review Committee may solicit the input of non-

City agencies and persons.

c. **Design Review Board Procedures Established.** To implement this purpose, certain procedures shall be adopted to include, but not be limited to, meetings attended by members of the Design Review Board. Written meeting reviews setting forth decisions and findings shall be made. These records shall be preserved as part of the official proceedings for each developmental proposal.

Lastly, the Design Review Board shall generally follow "Robert's Rules of Order" and may prepare and adopt supplemental procedural rules, upon the approval of the City Council, that will assure the accomplishment of the stated purpose and promote the efficiency and effectiveness of the design review process.

## 1.11 General Procedures, Notice and Timing

a. **Informal Advice and Direction.** A person or organization considering any construction, building or site alteration, rezoning or other development activity, may approach the Development Review Committee or Design Review Board for informal advice and direction. Such discussion shall be treated as advisory by both parties and shall record only the fact that contact had been made. An informal review by the Development Review Committee and/or Design Review Board may be requested by submitting a completed application form provided by the Planning Director along with any schematic development plans or written narrative at least one week prior to the next Development Review Committee and/or Design Review Board meeting.

The initial informal review by an applicant or owner for a specific parcel shall be conducted without a fee. A fee, set in accordance with the fee resolution adopted by the City Council, shall be charged for a second or subsequent informal review requested by the same applicant and/or owner for the same real property as a prior informal review. No application is required for informal review or advice by the Development Review Committee.

b. **Application.** An application for **consideratio**n of a development proposal must be submitted utilizing a form available from the Planning Director. Material to be submitted with the application shall include the elements set forth within the requirements for the type of proposal to be considered, i.e., sketch plan, site plan, conditional use permit, certificate of appropriateness, planned unit development, divisions of land, etc. as outlined in this title. It is recommended that the applicant discuss the application informally with the Development Review Committee prior to formal submission to help expedite the process. Depending upon the size of the proposed project, its location and type, the applicant may be directed to one or more agencies of the City for processing.

c. **Development Review Committee or Design Review Board Action.** By no later than 30 working days from the date of the first regularly scheduled Development Review Committee and/or Design Review Board meeting, at which the applicants' proposal was initially reviewed, the Development Review Committee, or Design Review Board shall take action to recommend approval, approval with conditions, table pending submission of revised or additional materials or recommend denial of the applicant's proposal, unless the applicant grants a written extension to the review period.

d. **Radon Testing** Radon is found in significant quantities in most of the Rexburg City limits. Areas on the hill do not test high and as such, radon mitigation is not required. In the rest of the city radon mitigation is required as per Appendix F of the International Residential Code. The City allows an exception to the mitigation by testing out on a case by case basis.

# CHAPTER 2: DEFINITIONS

## 2.1 Definitions for this Ordinance

For the purpose of this Ordinance, the following word or phrases shall have the meaning respectively ascribed to them herein.

Abandonment: To cease or discontinue a use or activity without intent to resume but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving a facility, or during periods of vacation or seasonal closure. Such interruptions shall not exceed 12 months in duration unless otherwise provided for in this Ordinance.

Accessory Structure: A non-occupied subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and ornamental to that of the principal structure.

Accessory Use: A use incidental to, and on the same parcel as, a principal use.

Agriculture: For purposes of interpreting this ordinance for lands designated as agriculture in use, the following conditions apply: All such lots shall be for agricultural purposes as the primary use of the land parcel. To determine primary use, the use of land parcel shall be clearly for tilling of soil, horticulture, floriculture, forestry, viticulture, raising crops, raising livestock, farming, dairying, and animal husbandry, including uses customarily accessory and incidental thereto, but excluding slaughter houses and commercial feed lots. Land shall not be defined as exclusively agricultural in use when determined to be a land development program where subdivision of land is evident for suburban residential development lifestyle and purposes.

Amusement Arcades: A building or part of a building in which five or more pinball machines, video games, or other similar player-oriented amusement devices are maintained.

Automobile Wrecking Yards: See junk yard.

Bed and Breakfast Inn: A structure containing guest room(s) where lodging, with or without meals, is provided on a daily rate basis, and a manager maintains a residential presence on site or on an adjacent lot.

Block: The space along one side of a street between the two nearest intersecting streets, or between an intersecting street and a right-of-way, waterway, or other similar barrier, whichever is lesser.

Boarding House: A building that is the primary residence of the owner in which rooms are provided on a daily, weekly or monthly basis for compensation, by the owner, to persons not related by blood, marriage, or adoption to the owner.

Buffer Area: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

Building Code: The various codes of the City which regulate construction and require building permits, electrical permits, mechanical permits, plumbing permits, and other permits to do work regulated by Title 15 of the City Code pertaining to building and building regulation. These include the latest adopted version of the International Building Code, the International Residential Code, the International Mechanical Code, the International Energy Conservation Code, the Idaho State Plumbing Code and the National Electrical Code.

Building Line: The line, parallel to the street that passes through the point of the principal building nearest the front lot line. The building line measured from the drip line of the building.

Campground: An area or tract of land on which accommodations for temporary occupancy are located or may be located, including cabins, tents, and major recreational vehicles or equipment, and which is used primarily for recreational purposes and retains an open air or natural character.

Car Wash: An area of land and/or a structure with a machine or hand-operated facility used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Child Care Facility: See Daycare Centers.

City Engineer: An Idaho Registered Professional Engineer designated by the City to represent the City's engineering interests.

City Impact Area: That unincorporated area contiguous to the Rexburg City Limits officially adopted as the "Area of Impact."

City Staff: When the term Staff or City Staff are used in this document the persons identified as such shall be the Community Development Director, the Public Works Director, the City Engineer, the Economic Development Director, the GIS Director and the City Attorney.

Commission: The Rexburg City Planning and Zoning Commission hereinafter referred to as Commission.

Common Area: That area which is held in common ownership by owners of land within the platted area.

Comprehensive Plan: The comprehensive plan for the City of Rexburg, or parts thereof, projecting future growth and development and for the general location and coordination of street and highways, schools and recreation areas, public building sites and other facilities, which shall have been duly adopted. This plan shall comply with the Idaho Code as adopted or amended.

Condominium: An estate consisting of an individual interest in real property, associated with an undivided interest, held in common with others, in a Common Area of real property.

Conditional Approval: An affirmative action by the Commission indicating the approval is given subject to certain specified stipulations.

Conditional Use Permit: A special use permit as provided for by Idaho Section 67-6512 in which a use that, owing to some special characteristics such as traffic or noise generation, parking needs, access, building size, lighting, consistency with developed uses in the area, or other characteristics of operation, is permitted in certain districts subject to approval by the Planning and Zoning Commission or the City Council, subject to terms and conditions, depending upon the particular use.

Convenience Store: Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross square floor area of less than 5,000 square feet.

Council: The Rexburg City Council hereinafter referred to as the Council.

County Commission: The Madison County Board of Commissioners.

County Engineer: An Idaho Registered Professional Engineer or consulting Engineering firm designated by the County Commissions to represent the County's engineering interests.

Daycare Centers and Nursery Schools: A building or structure where care, protection, and supervision are provided on a regular schedule, at least three times a week. For up to five (5) children, see Section 4.10a Home Occupations. Six (6) to eleven (11) children are allowed by Conditional Use Permit in Low Density Residential 2 (LDR2) and Low Density Residential 3 (LDR3) zones (see Section 4.10b). Greater than eleven (11) children are allowed in most higher density residential and commercial zones (see applicable Sections).

Dedication: The setting apart of land or interest in land for use by the public. Land becomes dedicated when accepted as a public dedication either by ordinance, resolution, or entry in the official minutes of the City or by the recording of a plat showing such dedication.

Density: The number of dwelling units per acre, excluding required public rights-of-way from acreage determination.

Development: A land use consisting of two or more principal buildings, together with any and all associated improvements.

Development Master Plan: A plan for the development of a large, unusual or complicated land area, the platting of which is expected in progressive stages. The plan may be designed by a sub-divider, planner, or engineer and shall

be subject to approval of the Commission. The plan does not fulfill the requirements of the preliminary platting process of the Subdivision Ordinance.

Dormitory: A building used as a group living quarters. Such group living quarters are generally associated with a college, university, boarding school, orphanage, convent, monastery, farm labor camp, or other similar use. For determining density, the total number of residents will be divided by six for each dwelling unit counted. Dormitory housing must be sprinkled as per the building code.

Drainage Plan: A drainage plan is required for all new construction. The plan shall be part of the required site plan and should identify drainage paths (with heights), perforated drain pipes around footings (as required), retaining and detaining basins (if used), slope away from foundations, injection wells (if used), gutters and catch basins (if used), pipe size and location (as applicable), and other drainage detail as needed. For all but single family home projects (including duplexes and twin homes) storm water run-off calculations are required as per the City Engineer.

Duplex: Two (2) dwelling units on one parcel.

Dwelling: A building or portion thereof that provides living facilities for one or more families.

Dwelling, Multi-family: A detached residential building containing three or more dwelling units, including what is commonly known as an apartment building.

Dwelling Unit: One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

Easement: A grant by the owner of a parcel of land for use by the public, corporations, or persons for a specified use purpose.

Elderly Housing: A building or group of buildings occupied by persons 55 years or older or couples where either of the partners are 55 years or older. This does not include a housing in which the elderly may occupy the units seasonally or convalescent or nursing facilities.

Engineer: Any person who is registered and certified in the State of Idaho to engage in the practice of professional engineering.

Engineering Plans: Plans, profiles, cross-sections, and other required details for the construction of improvements, prepared by a registered professional engineer in accordance with the approved preliminary plat and in compliance with existing standards of design and construction.

Family: A group of one or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that at least one of the following situations exist: A) At least one of the group is related to all of the other members of the group within the third degree of kinship; B) The group is divisible into two subgroups, each composed of at least one person who is related to all other members of the subgroup within the third degree of kinship; or C) All such persons are handicapped persons as defined by the Idaho Code Section 67-6531 or in Title VII of the Civil Rights Act of 1968, as amended by the Fair Housing Act Amendments of 1988, or any subsequent amendments to the foregoing regulations.

Final Plat Approval: Approval of the requested action as evidenced by appropriate certifications on the plat; such approval constitutes authorization to record a plat.

Flood Plain: Those areas designated as Zone A or AE as shown on the current Flood Insurance Rate Map (FIRM) as prepared by National Flood Insurance Program.

a. "Flood of one-hundred-year frequency" shall mean a flood magnitude which has a one percent (1%) chance of being equaled or exceeded in any given year.

b. "Flood" shall mean the temporary inundation of land by overflow from a river, stream, lake, or other body of standing water.

c. "Channel" shall mean a natural or artificial watercourse of perceptible extent, with definite bed and banks

to confine and conduct continuously or periodically flowing water.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

Floor Area, Gross: The sum of the areas of all floors of a building, including any area used for human occupancy in the basements and attics, as measured from the exterior faces of the walls.

Frontage: The length of any one property line of a premise, which property line abuts a legally accessible street right-of- way. For purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered front yards, and yards shall be provided as indicated under yards in this definition section.

Grade: For purposes of defining building height, **grade** shall be defined as a referenced plain representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the referenced plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building. For purposes of defining "sign height", **grade** shall be defined as the average elevation of the parcel on which the sign is located.

Grandfathered Use: Any use of a building, structure or land which does not conform to the zoning regulations where it is located, but is determined to have existed legally at the point in time that it came into existence. This usually occurs when such a use conformed to zoning regulations when it was established, but became non-conforming due to a zoning change or annexation. This term does not apply to basic health and safety criteria which a structure may need to meet to be current with existing occupancy standards.

A grandfathered use will cease and cannot be re-established after the use has been discontinued for a continuous period of 1 year or in the event that the owner intended to abandon the non-conforming use, even if the elapsed time is less than stated above.

A grandfathered right also may be lost by a significant upgrade or change in use of a facility.

If you lose a grandfather right it cannot be re-established under the City of Rexburg Development Code. In such a case, the property may only be used for the purposes specified in the Development Code. The non-conforming use must either discontinue or be moved to a property which has the correct zone.

Group Home for the Handicapped: A dwelling shared by eight or less handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment. See Idaho Code 65-6731.

Health Department: Refers to District 7 Health Department, which is a State Agency, administered at the County level, responsible for certain reviews and approvals.

Health/Recreation Facility: An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna & pro shop.

Height (Building): The average vertical distance from the grade to the top of the horizontal building walls, and does not include gables or dormers. Dormers and gables are encouraged in order to create more architectural interest to a building.

Home Occupation: An accessory use of a dwelling unit or the accessory building for gainful employment which is clearly incidental and subordinate to the use of the dwelling unit as a residence.

Hospital: An institution providing health service primarily for human in-patient medical or surgical care for sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices that are an integral part of the facilities.

Hotel: A facility offering transient lodging accommodations on a daily rate to the general public. Additional

services, such as restaurants, meeting rooms, and recreational facilities may be provided.

Household Pet: Small animals including fish or fowl permitted in the house or yard and kept for company or pleasure, such as dogs, cats, rabbits, canaries, parrots, parakeets, or goldfish. Under no circumstance shall more than 5 mammals, fowl, or reptiles be allowed at one time, except that direct offspring shall be allowed for up to 3 months.

Infill: Construction of a building on a piece of vacant ground that is substantially surrounded by improved properties. Vacant properties for this purpose are defined as those that have been vacant for over a substantial number of years or those that have had buildings or improvements removed and have been vacant for a substantial number of years.

Infill/Redevelopment Area: An area of the City that has been designated by the Rexburg City Council as a focus area for Infill and Redevelopment. Whenever possible, mixed use projects, apartments, multi-family projects, dormitories and other higher density residential developments should be constructed on vacant lots and underutilized properties within this focus area. Secondary consideration should be given to infill and redevelopment within the city limits before the use of viable agriculture ground.

Irrigation Facilities: Includes canals, laterals, ditches, conduits, gates, wells, pumps, and allied equipment necessary for the supply, delivery and drainage of irrigation water.

Impervious Surface: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime, rock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

Industry, Heavy: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Junk: Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, bed and bedding, rags, motor vehicles and parts thereof.

Junkyard: An open area where waste, used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials shall include but not be limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. An automobile wrecking yard is also considered a junkyard.

Kennel, Private: Any building, buildings or land designed or arranged for the care of dogs and cats belonging to the owner of the principal user, kept for the purposes of show, hunting, or as pets.

Laundry, Self-Service: A business that provides home-type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

Landscaping: The area within the boundaries of a given lot/project that consists of planting materials, including but not limited to living trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials. Large cobbles or river rock are not considered “decorative rock”.

Lot: A piece or parcel of land separated from other pieces or parcels as shown on a recorded subdivision plat or by metes and bounds description for purposes of sale, lease, or separate use.

a. “Corner Lot” A lot with Frontage on two (2) or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five (135) degrees. Corner lots have two front yards and two side yards but no rear yard.

b. “Interior Lot” A lot having but one (1) frontage abutting on a street.

c. "Double Frontage Lot" A lot abutting two parallel or approximately parallel streets. Double Frontage lots have two front yards and two side yards.

Lot Area: The total horizontal area within the lot lines of a lot.

Lot Coverage: The area of a site covered by buildings or roofed areas and impervious surfaces.

Lot Depth: The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line or to the most distant point on any other lot line where there is no rear lot line.

Lot, Flag: Lots or parcels that the City has approved with less frontage on a public street than is normally required, with no less than twenty (20) feet of accessible frontage, generally intended to make deeper property accessible.

Lot Line: The boundary line of a lot.

Lot Line, Front: The property line separating the front of the lot from the public right of way.

Lot Line, Rear: The lot line opposite the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to the front property line. In the event that the front property line is a curved line, then the rear property line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint.

Lot Line, Side: Any lot line not a front or rear lot line.

Lot of Record: A lot that is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Madison County, Idaho, or any parcel of land, whether or not part of a subdivision, that has been officially recorded by a size that met the minimum dimensions for lots in the district in which it was located at the time of recording or was recorded prior to the effective date of zoning in the area where the lot is located.

Lot, Substandard: A lot or parcel of land that has less than the minimum area or width as established by the zone in which it is located. Such a lot shall have been of record as a legally created lot on the effective date of this ordinance.

Lot, Through: A lot that has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

Lot Width: The horizontal distance between side lot lines measured at the required front setback line. The width of a lot shall be:

a. If the side property lines are parallel, the shortest distance between these side lines.

b. If the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the zone I which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines.

c. For rural acreage developments, the distance between the side lot lines, measured at the street frontage.

Manufactured Home: A single-family unit fabricated in one or more sections at a location other than the home site by assembly line or similar production techniques or by other construction methods typical of off-site manufacturing process. Every section shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards, June 15,1976 (42 U.S.C. Sec. 5401). A manufactured home may be designed to be towed on its own chassis or be delivered to the site by other means. Manufactured homes placed on any lot (except in an approved Mobile Home Subdivision) must be a minimum of 24 feet in width, be placed on a Rexburg Building Department approved foundation, have a minimum 3/12 pitch roof, have a minimum of 12" eaves and must not be sided with vertical ribbed metal panels.

Manufactured Housing Park: A parcel of land under single ownership that has been planned and improved for the placement of manufactured homes.

Mobile Home: A structure transportable in one (1) or more sections which is eight (8) feet or more in width and is thirty-two (32) feet or more in length and which is built on a permanent chassis and designed to be used as a year-round residential dwelling with or without a permanent foundation when connected to the required utilities and includes plumbing, heating, air conditioning and electrical systems.

Mobile Home Subdivision: A subdivision designed and intended for residential use where residence is in mobile homes exclusively.

Motel: A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for travelers and having automobile parking conveniently located on the premises.

Neighborhood Plan: A plan to guide the platting of remaining vacant parcel in a new or partially built up neighborhood so as to make reasonable use of all land, correlate street patterns, and achieve the best possible land use relationships.

Nonconforming Building: Any building which does not meet the limitations of building size or location on a lot for the district in which the building is located and was built prior to the effective date of this ordinance.

Nonconforming Lot: An existing lot, the area, width, size, or other characteristic of which, fails to meet the requirements of the district in which it is located and which was conforming prior to the effective date of this ordinance.

Nonconforming Use: A use not conforming to the provisions of this Ordinance but which was lawfully existing at the time of adoption of this Ordinance.

Nursery Schools: See Day Care Centers

Office: A building or portion of building wherein services are performed involving predominantly administrative, professional, or clerical operations.

Open Space Land: Any developed or predominately undeveloped land which has been set aside for the following:

a. Park and recreation purposes;

b. Conservation of land and other natural resources;

c. Historic or scenic purposes.

Outdoor storage: The keeping, in an unroofed area, of any goods, junk material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

Owner: The person or persons, corporation, or legal entity holding title by deed to land or holding title as vendees under land contract, or holding any other ownership interest.

Parcel: A continuous quantity of land in the possession of or owned by or recorded as the property of the same person or persons.

Parking Space: A dedicated or delineated area other than a street or alley that is permanently set aside, reserved and maintained in accordance with the Rexburg City Development Code for the parking of one motor vehicle (see Chapter 5 Parking Regulation).

Pedestrian Emphasis Overlay (PEO): A zone created near the BYU-I campus that allows less parking and higher density for residential units. The PEO zone consists of PEO 1 which may allow parking to be reduced with a Conditional Use Permit (CUP) to a minimum of 10% of the required parking and PEO 2 parking may be allowed to be reduced to 60% as a minimum with a CUP. In Both PEO 1 and 2, an additional10% visitor parking is required Dwelling Unit Density for HDR, MDR and MU zones within the PEO are regulated by the University, the Building Code and any requirements imposed as part of the CUP.

Pedestrian Way: A public right-of-way dedicated as a walkway through a block from street to street and/or providing access to a school, park, recreation area, or shopping center.

Planned Residential Development: A Planned Unit Development that excludes all uses other than residential.

Planned Unit Development (PUD): Residential, commercial and/or industrial use, or combination thereof, planned for a tract of land to be developed as a unit under single ownership or control. A Planned Unit Development is created for the purpose of selling, leasing, or renting lots or estates, whether fronting on private or dedicated streets and may include two or more principal buildings as governed by the Development Code.

Plat: A map of a subdivision (See also "Short Plat")

a. "Preliminary Plat" - A preliminary map, including supporting data, indicting a proposed subdivision development, prepared in accordance with this ordinance and the Idaho Code.

b. "Final Plat" - A map of all or part of a subdivision providing conformance to an approved preliminary plat, prepared by a surveyor in accordance with this ordinance and the Idaho Code.

c. "Recorded Plat" - A final plat bearing all of the certificates of approval required in this ordinance and duly recorded in the Madison County Recorder's Office.

Pharmacy: A service business which dispenses, under the supervision of a pharmacist licensed by the State of Idaho, prescriptive and non-prescriptive medicines and drugs, orthopedic appliances, or medical supplies for the treatment of human illness, disease, or injury, excluding the sale of goods or commodities for general hygiene, diet, cosmetic, or other general health purposes.

Plant Nursery: Any land used to raise trees, shrubs, flowers, and other plants for sale or transplanting.

Principal Building: A structure or, where the context so indicates, a group of structures in which the principal use of the lot is conducted.

Principal Use: The main use of the land or structures as distinguished from a secondary or accessory use.

Private Road: A road within a subdivision plat that is not dedicated to the public and not a part of a public highway system.

Public Land Survey Corner: Any land survey corner actually established and monumental in an original survey or resurvey used as a basis of legal description for issuing a patent for the land to private person from the United States government.

Record of Survey: A map prepared in accordance with the requirements of Title 55 Chapter 19 of the Idaho State Statutes, as amended.

Recreational Vehicle: Recreational vehicles may include but are not limited to motor homes, converted buses, camping and travel trailers, light-duty trailers and transporters, horse and cattle trailers, rafts, boats and their trailers.

Recycling Center or Plant: A facility which is not a junkyard and in which recoverable resources, such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed, or bundled within a completely enclosed building.

Redevelopment: The process of removing existing buildings, structures or other improvements in order to make way for a new project.

Reserve Strip (sometimes known as a "Spite Strip): A strip of land between a dedicated street or partial street and adjacent property; in either case, reserved or held in public ownership for future street extension or widening.

Right-of-Way: A parcel of land dedicated or reserved for use as a public way which normally includes streets, sidewalks, utilities or other service functions.

Sanitary Restriction: The requirement that no building or shelter which will require a water supply facility or a sewage disposal facility for people using the premises where such building or shelter is located shall be erected until written approval is first obtained from the state Division of Environmental Quality by its administrator or his delegate approving plans and specifications either for public water and/or sewage facilities, or individual parcel water and/or sewage facilities.

Satellite Dish Antenna: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such devices shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbital based uses. A ground-mounted dish shall be regulated as an accessory building.

School: A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

Self-Service Storage Facility: A building or group of buildings consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractor supplies.

Service Station: Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

Self-Service Station: An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

Setback: The minimum horizontal distance between a property line of a lot and the nearest wall line of the building (providing eaves are equal or less than two feet in depth), including any projection thereof, excluding uncovered steps. Uncovered steps or a deck may not extend into the front setback more than one-third of the required setback.

Shopping Centers: A grouping of three or more retail businesses or service uses on a single site of two or more acres with common parking facilities.

Short Plat: A plat for three (3) or less properties that is reviewed and approved by City Staff only.

Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

Single-family Attached Dwellings: Two (2) or more dwelling Units which may share a common wall. These structures are also considered to be townhouses.

Short Term Rental: Any rental of a dwelling unit that is for a time period less than thirty (30) days.

Standard Drawings and Specifications: Standard Drawings and Specifications are defined as the State of Idaho Public Works Standards as adopted by the City of Rexburg.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between such floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.

Street: A public or private thoroughfare used, or intended to be used for passage or travel by motor vehicles. Driveways are not included. Streets are further classified by the functions they perform.

a. "Residential access streets or local streets" have the sole purpose of providing frontage for service and access to private lots. These streets carry only traffic having either destination or origin on the street itself. The elimination of through traffic and the geometric design of the street are means to promote safety and to create a desirable residential neighborhood.

b. "Residential collectors" are streets that conduct and distribute traffic between other residential streets of lower order and higher order streets or major activity centers. This is the highest order of a street appropriate to a residential neighborhood and residential frontage along it should be prohibited or severely restricted.

c. "Arterials" are roads conveying traffic from between major activity centers within the community and traffic through the City. Efficient movement is the primary function of arterial roads. Private and front access should be controlled and limited to high volume generators of vehicle trips.

d. "Frontage Street". A minor street parallel and adjacent to an arterial route and intercepts local streets and controls access to an arterial route.

e. "Cul-de-sac Street". A short local street having one end permanently terminated in a vehicular turnaround.

f. "Rural Residential Street". A minor street that serves a rural residential subdivision that does not require curb and gutter.

g. "Alley". A public service way used to provide secondary vehicular access to properties otherwise abutting upon a street.

Substantial Commercial Cluster: A group of commercial businesses that include a grocery store, restaurant, and bank as a minimum, along with other various retail and services. The buildings that comprise the cluster shall be within a three block area.

Sub-divider: An individual, firm, corporation, partnership, association, syndication, trust, or other legal entity having sufficient proprietary rights in the property to represent the owner, that submits the required subdivision application and initiates proceeding for the subdivision of land in accordance with applicable regulations.

Subdivision: The division of any lot, tract, or parcel of land into three (3) or more parts, for the purposes of transfer of ownership or development and the dedication of a public street and the addition to.

Surveyor: Any person who is registered and certified in the State of Idaho to engage in the practice of land surveying.

Temporary Use: A prospective use, intended for a limited duration, generally six months or less, to be located in a zoning district not permitting such use and not continuing such use or building.

Tower: A structure situated that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications.

Truck Terminal: Land buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

Usable Lot Area: That portion of a lot usable for or adaptable to the normal uses made of the property, excluding any areas which may be covered by water, excessively steep, or included in certain types of easements.

Utilities: Installation or facilities, underground or overhead, furnished for use by the public, including but not limited to electricity, gas, steam, communications, water, television, drainage, irrigation, sewage disposal, or flood control, whether owned and operated by any person, firm, corporation, municipal department, or board duly authorized by state or municipal regulations. Utility or utilities as used herein may also refer to such persons, firms, corporations, departments, or boards, as applicable herein.

Variance: A modification of the requirements of this Ordinance for lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provisions affecting the size or shape of a structure, the placement of the structure upon lots, or the size of the lot. A variance does not include a change of land use. See Idaho Section 67-6516.

Vicinity Map: A small scale map showing the location of a tract of land in relation to a larger area.

Warehousing and Distribution: A use engaged in storage, wholesale, and distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Yard: Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such uses as provided by this Development Code. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the line of the main building unless otherwise noted in the Development Code.

Yard, Front: A yard extending along the full width of a front lot line between side lot lines and from the front lot line to the front building line in depth.

Yard, Rear: A yard extending the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear-yard depth shall be measured at right angles to the rear line of the lot.

Yard, Side: A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard. Side yard width shall be measured at right angles to the side lines of the lot.

Zone: A portion of the territory of the City, exclusive of streets, alley, and other public ways, within which certain uses of land, premises, and buildings are not permitted and with which certain yards and open spaces are required and certain heights are established for buildings.

# CHAPTER 3: ZONING DISTRICTS

3.1 Establishment of Zones
3.2 Determination of District Boundaries
3.3 Lots Divided by District Boundaries
3.4 Low Density Residential 1 (LDR1)
3.5 Low Density Residential 2 (LDR2)
3.6 Low Density Residential 3 (LDR3)
3.7 Medium Density Residential 1 (MDR1)
3.8 Medium Density Residential 2 (MDR2)
3.9 High Density Residential 1 (HDR1)
3.10 High Density Residential 2 (HDR2)
3.11 Rural Residential 1 (RR1)
3.12 Rural Residential 1 (RR2)
3.13 Mixed Use (MU)
3.14 Neighborhood Business District (NBD)
3.15 General Business District (GBD)
3.16 Central Business District (CBD)
3.17 Community Business Center (CBC) Zone
3.18 Regional Business Center (RBC) Zone
3.19 Light Industrial District (LI)
3.20 Heavy Industrial District (HI)
3.21 Sexually-Oriented Business Overlay (SOB)
3.22 Professional Office Zone (PO)
3.23 Technology and Office Zone (TOZ)
3.24 Public Facilities Zone (PF)
3.25 Open Space Zone (OS)
3.26 University District (UD)
3.27 Transitional Agricultural 1 (TAG1)
3.28 Transitional Agricultural 2 (TAG2)
3.29 Residential Business District (RBD)
3.30 Project Redevelopment Option (PRO)

## 3.1 Establishment of Zones

The boundaries and zoning classifications of districts are shown on the map entitled "Rexburg Zoning Map" which map and all information shown thereon may from time to time be modified, and are by reference thereto made a part of this Ordinance.

The City may be divided into the following zoning districts, the boundaries and extent of which shall be shown on official Rexburg Zoning Map by the City of Rexburg Staff:

**Residential Zones**

(a) Low Density Residential 1 (LDR1)
(b) Low Density Residential 2 (LDR2)
(c) Low Density Residential 3 (LDR3)
(d) Medium Density Residential 1 (MDR1)
(e) Medium Density Residential 2 (MDR2)
(f) High Density Residential 1 (HDR1)
(g) High Density Residential 2 (HDR2)
(h) Rural Residential 1 (RR1)
(i) Rural Residential 2 (RR2)

**Mixed Use Zone**

(j) Mixed Use (MU)

**Commercial District Zones**

(k) Neighborhood Business District (NBD)
(l) General Business District (GBD)

(m) Central Business District (CBD)

**Highway Business District Zones**

(o) Community Business Center (CBC)
(p) Regional Business Center (RBC)
(q) Light Industrial District (LI)
(r) Heavy Industrial District (HI)

**Other Zones**

(s) Sexually-Oriented Business Overlay Zone (SOB)
(t) Professional Office Zone (POZ)
(u) Technology and Office Zone (TOZ)
(v) Airport District (AP)
(w) Public Facilities Zone (PF)
(x) Open Space Overlay (OS)
(y) University District (UD)
(z) Transitional Agricultural 1 (TAG1)
(aa) Transitional Agricultural 2 (TAG2)
(bb) Residential Business District (RBD)
(cc) Project Redevelopment Option (PRO)

## 3.2 Determination of District Boundaries

Unless otherwise defined on the Rexburg Zoning Map, district boundaries are the quarter lines or center lines of ten (10) acre blocks; platted lot lines; property lines; the center lines of streets, alleys, or railroad right-of-way (or such lines extended); Government survey lines; municipal limit lines; or the center lines of streams.

## 3.3 Lots Divided by District Boundaries

If a parcel or lot is divided by district boundaries, the requirements of the most restrictive district shall apply to the property.

# *RESIDENTIAL ZONES*

## 3.4 Low Density Residential 1 (LDR1)

3.4.010. Purposes and Objectives
3.4.020. Permitted Uses
3.4.030. Lot Area
3.4.040. Lot Width
3.4.045. Lot Depth
3.4.050. Lot Frontage
3.4.060. Prior Created Lots
3.4.070. Lot Configuration and Density
3.4.080. Yard Requirements
3.4.090. Setbacks and Rights-of-Way Exceptions
3.4.100. Building Height
3.4.110. Distance Between Buildings
3.4.120. Permissible Lot Coverage
3.4.130. Parking, Loading and Access
3.4.140. Project Plan Approval
3.4.150. Fencing and Screening
3.4.160. Other Requirements

### 3.4.010. Purposes and Objectives

The LDR1 zone is established to protect stable neighborhoods of detached single-family dwellings on larger lots. The limited conditional uses allowed in this district shall be compatible with an atmosphere of large, landscaped lawns, low building heights, ample setbacks and side yards, predominantly off street parking, low traffic volumes, and low nuisance potentials.

### 3.4.020. Permitted Uses

**a. Categories.** Those uses or categories of uses as listed herein, and no others, are permitted in the LDR1 zone.

**b. Permitted Principal Uses.** The following principal uses and structures, and no others, shall be permitted in the LDR1 zone:

<u>Permitted Uses</u>
Single-family Dwelling - detached
Disabled Persons Residential Facility

**c. Permitted Accessory Uses.** Accessory uses and structures are permitted in the LDR1 zone provided they are incidental to, and do not substantially alter the character of, the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

i. Accessory buildings such as garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with, and incidental to, a principal use or structure.

ii. Swimming pools.

iii. Vegetable and flower gardens and noncommercial orchards.

iv. Home occupations subject to the regulations of Section 4.10.A of the Rexburg Development Code.

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

### 3.4.025. Conditional Uses

The following uses and structures may be permitted in the LDR1 zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof.

**Conditional Uses**
Communications in accordance other applicable communications ordinances
Electricity Regulating Substations
Other Utility and Public Facilities
Schools
Hospitals
Churches, Synagogues, and Temples
Golf Courses
Athletic Fields
Recreation Centers
Parks, Playgrounds, and Skate Parks
Home Business regulated as per Section 4.10.B

### 3.4.030. Lot Area

The minimum area of any lot or parcel of land in the LDR1 zone is twelve thousand (12,000) sq. ft.

### 3.4.040. Lot Width

Each lot or parcel of land in the LDR1 zone shall have a width of not less than 80 ft.

### 3.4.045. Lot Depth

Minimum of 50 feet.

### 3.4.050. Lot Frontage

Each lot or parcel of land in the LDR1 zone shall abut a public street for a minimum distance of thirty-five (35) feet, on a line parallel to the centerline of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement. Private Drives are allowed as per review by the Community Development Director or Designee.

### 3.4.060. Prior Created Lots

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

### 3.4.070. Lot Configuration and Density

Not more than one (1) single-family dwelling may be placed on a lot or parcel of land in the LDR1 zone.

### 3.4.080. Yard Requirements

The following minimum yard requirements shall apply in the LDR1 zone:

**a. Front/Rear Yard.** Each lot or parcel in the LDR1 zone shall have a minimum front yard of at least twenty-five (25) feet, unless the street upon which the parcel fronts has a boulevard strip of at least seven (7) feet, in which case the front yard setback may be reduced to twenty (20) feet. The minimum depth of a rear yard shall be twenty-five (25) feet.

**b. Side Yard.** Each lot or parcel of land in the LDR1 zone shall have a side yard of at least seven and a half (7-1/2) feet or six (6) inches of setback for every foot of building height, whichever is greater.

**c. Accessory Building Setbacks.** Accessory buildings must meet all setback requirements established by any applicable building code, and shall:

i. Have a building footprint and height less than the main dwelling. Accessory buildings larger than two hundred (200) square feet shall meet the same side yard requirements as principal buildings.

ii. Comply with all lot coverage requirements. An accessory building or group of accessory buildings in any residential zone shall not cover more than thirty (30) percent of the rear yard.

iii. Comply with the current Building Code of the City of Rexburg, ID.

iv. Only be used for those accessory uses allowed in the respective zone.

v. Accessory building shall not be placed in the front yard.

vi. Accessory buildings may be placed in any location in the rear yard not otherwise in conflict with this Ordinance, unless the accessory building is a garage with doors opening into the alley. Such garages shall be located at least fifteen (15) feet from the alley.

### 3.4.090. Setbacks and Rights-of-Way Exceptions

**a. Exceptions.** The following structures may be erected on or projected into any required setback or right-of-way:

i. Fences and walls in conformance with the Rexburg City Code and other City codes or ordinances.

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

iii. Necessary appurtenances for utility service.

iv. In all zones the area between the curb and gutter and the sidewalk is to be landscaped and maintained by the adjacent property owner. For the purpose of insuring 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 (30) feet from the intersection of such lot lines, shall be free from any sight obscuring structure or obstruction except as permitted. Trees in such triangles shall be trimmed to at least ten (10) 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.

**b. Additional Exception.** 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 average setback of such buildings. 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.

### 3.4.100. Building Height

No lot or parcel of land in the LDR1 zone shall have a building or structure which exceeds a maximum height of thirty (30) feet, measured at the top of building's horizontal wall. In no case shall the height of an accessory structure exceed the height of any main structure on the same lot.

### 3.4.110. Distance Between Buildings

The distance between any accessory buildings and a dwelling shall not be less than six (6) feet.

### 3.4.120. Permissible Lot Coverage

**a. Building Coverage.** In an LDR1 zone, all buildings, including accessory buildings and structures (including impervious surfaces, e.g. driveways), shall not cover more than seventy (70) percent of the area of the lot or parcel of land.

**b. Landscaping.** At least thirty (30) percent of the area of any lot shall be maintained in landscaping. On any lot, concrete or asphaltic cement shall not cover more than forty (40) percent of a front yard, fifty (50) percent of a rear yard, and one hundred (100) percent of one (1) side yard.

### 3.4.130. Parking, Loading, and Access

**a. Purpose of Parking Regulations.** 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, the following standards shall apply in all LDR1 zones:

i. No person shall park or allow the parking of any recreational vehicle in the clear sight triangles required by Section 3.4.090 of this Ordinance. In a residential zone, no person shall park or allow the parking of any recreational vehicle in any front yard which faces a public street for more than four (4) consecutive days and a cumulative of thirty (30) days in a calendar year.

ii. No person shall park or allow the parking of any automobile, van, pickup truck, trailer, motorcycle or other motor vehicle in any front yard located in a residential zone except in a designated driveway.

iii. The storage of commercial vehicles with a gross weight 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.

iv. No person shall park any commercial vehicle having a gross weight exceeding eight thousand (8,000) pounds, whether attended or unattended, upon the streets in any residential district within the City for a period in excess of two (2) hours except for the purpose of loading and unloading passengers, materials or merchandise; for any purpose incident to any lawful construction project located within the immediate vicinity of such parked vehicles; or for any purpose incident to a lawful commercial operation located in any residential district within the immediate vicinity of such parked vehicles.

v. No person shall park any inoperable vehicle, boat or trailer upon any street for a period of time longer than four (4) consecutive days. Any such inoperable vehicle, boat or trailer moved from a parking spot and re-parked on the same street block-face within twenty-four (24) hours from the time of said removal shall be deemed to have been continuously parked for the purposes of this section.

### 3.4.140. Project Plan Approval

All projects constructed within the LDR1 zone must submit, prior to beginning construction, a site plan (including a drainage plan) for review and approval by the City of Rexburg Building Department. Drainage on to an adjacent lot not owned by applicant is not allowed. All structures must comply with The Current Building Code of the City of Rexburg, ID.

### 3.4.150. Fencing and Screening

Screening and fencing within the City of Rexburg shall be constructed and maintained in conformance with the following standards:

**a. 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.

**b. Parking Areas.** An effective buffer shall be provided between parking areas for more than five (5) 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 of 2" caliper and five (5) low shrubs per thirty (30) lineal feet.

**c. Fences.** The maximum height of any fence, wall, or sight obscuring objects within fifteen (15) feet of the public right-of-way shall be three (3) feet. Fences will be allowed in excess of three (3) feet and up to six (6) feet if constructed out of rigid materials and are fifty (50) percent or more see through per lineal foot. All other fences shall not be greater in height than eight (8) feet unless approved by the Planning and Zoning Commission.

### 3.4.160. Other Requirements

**a. Signs.** Unless otherwise prohibited by law, signs of the type and description listed below, but no others, may be placed and maintained in the LDR1 zone.

i. Signs or name plates not exceeding two (2) square feet in area and displaying only the name and

address of the occupant.

ii. Two (2) temporary signs with a maximum area of six (6) square feet each, pertaining to the sale, lease, or rent of the particular building, property, or premises upon which displayed, and no other.

iii. Signs or monuments identifying points of interest or sites of historic significance. The site, size, and design of said signs or monuments shall be specifically approved by the City Planning and Zoning Commission.

iv. The assigned address of any City residence must be posted on the structure within 10 feet of the entrance door facing street side. Said numbers must be readable from the street as determined by City Emergency Services.

## 3.5 Low Density Residential 2 (LDR2)

3.5.010. Purposes and Objectives
3.5.020. Permitted Uses
3.5.030. Lot Area
3.5.040. Lot Width
3.5.045. Lot Depth
3.5.050. Lot Frontage
3.5.060. Prior Created Lots
3.5.070. Lot Configuration Density
3.5.080. Yard Requirements
3.5.090. Setbacks and Rights-of-Way Exceptions
3.5.100. Building Height
3.5.110. Distance Between Buildings
3.5.120. Permissible Lot Coverage
3.5.130. Parking, Loading and Access
3.5.140. Project Plan Approval
3.5.150. Fencing and Screening
3.5.160. Other Requirements

### 3.5.010. Purpose and Objectives

The LDR2 zone is established to protect stable neighborhoods of detached single-family dwellings on smaller lots. The conditional uses allowed in this district shall be compatible with single-family homes on landscaped lawns, low building heights, predominantly off-street parking, low traffic volumes, and low nuisance potential. Two-family dwelling units are conditional uses within this zone, not to exceed more than one structure per lot (except detached garages and other outbuildings).

### 3.5.020. Permitted Uses

**a. Categories.** Those uses or categories of uses as listed herein, and no others, are permitted in the LDR2 zone.

**b. Permitted Principal Uses.** The following principal uses and structures, and no others, shall be permitted in the LDR2 zone:

**Permitted Uses**
Single-family dwelling- detached
Disabled Persons Residential facility
Manufactured housing units 24 feet or wider on a permanent foundation

For Twin Homes and Duplexes, a review is required for Neighborhood Compatibility for Parking, Screening, Lighting and Landscaping to be approved by staff.

**c. Permitted Accessory Uses.** Accessory uses and structures are permitted in the LDR2 zone provided they are incidental to, and do not substantially alter the character of, the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

i. Accessory buildings such as garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with, and incidental to, a principal use or structure.

ii. Swimming pools.

iii. Vegetable and flower gardens and noncommercial orchards.

iv. Home Occupations subject to the regulations of Section 4.10.A.

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

### 3.5.25. Conditional Uses

The following uses and structures may be permitted in the LDR2 zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof.

**Conditional Uses**
Twin Homes and Duplexes
Assisted and Residential Care Facility
Residential Facility for Elderly Persons
Communications in accordance other applicable communications ordinances
Electricity Regulating Substations
Other Utility and Public Facilities
Cemeteries
Hospitals
Nursery Schools
Schools
Churches, Synagogues, Temples
Libraries
Golf Course
Golf Course w/ Country Club
Tennis Courts
Ice Skating
Athletic Fields
Recreation Centers
Pools
Parks and Playgrounds Skate Parks
Home Business regulated as per Section 4.10.B

### 3.5.030. Lot Area

The minimum area of any lot or parcel of land in the LDR2 zone is eight thousand (8,000) sq. ft. A duplex requires a minimum 10,000 sq. ft. lot after it has been approved with a Conditional Use Permit (CUP). A twin home requires two 5,000 sq. ft. lots after it has been approved with a CUP.

### 3.5.040. Lot Width

The minimum lot width in the LDR2 zone is fifty (50) feet. A twin home minimum lot width is sixty (60) feet (combined for both lots).

### 3.5.045. Lot Depth

The minimum lot depth in the LDR2 zone is sixty (60) feet.

### 3.5.050. Lot Frontage

Each lot or parcel of land in the LDR2 zone shall abut a public street for a minimum distance of twenty (20) feet, on a line parallel to the center line of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement. Private Drives are allowed as per review by the Community Development Director or Designee.

### 3.5.060. Prior Created Lots

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

### 3.5.070. Lot Configuration and Density

One (1) single-family dwelling may be placed on a lot or parcel of land in the LDR2 zone as a matter of right. A duplex or twin home may be permitted in the LDR2 zones with a conditional use permit.

### 3.5.080. Yard Requirements

The following minimum yard requirements shall apply in the LDR2 zone:

a. **Front/Rear Yard.** Each lot or parcel in the LDR2 zone shall have a minimum front yard of at least

twenty-five (25) feet, unless the street upon which the parcel fronts has a boulevard strip of at least seven (7) feet, in which case the front yard setback may be reduced to twenty (20) feet. The minimum depth of a rear yard shall be twenty (20) feet.

**b. Side Yard.** Each lot or parcel of land in the LDR2 zone shall have a side yard of at least five (5) feet

**c. Accessory Building Setbacks.** Accessory buildings must meet all setback requirements established by any applicable building code, and shall:

i. Have a building footprint and height less than the main dwelling. Accessory buildings larger than two hundred (200) square feet shall meet the same side yard requirements as principal buildings.

ii. Comply with all lot coverage requirements. An accessory building or group of accessory buildings in any residential zone shall not cover more than thirty (30) percent of the rear yard.

iii. Comply with the current Building Code of the City of Rexburg, ID.

iv. Only be used for those accessory uses allowed in the respective zone.

v. Accessory building shall not be placed in the front yard.

vi. Accessory buildings may be placed in any location in the rear yard not otherwise in conflict with this Ordinance, unless the accessory building is a garage with doors opening into the alley. Such garages shall be located at least fifteen (15) feet from the alley.

### 3.5.090. Setbacks and Rights-of-Way Exceptions

**a. Exceptions.** The following structures may be erected on or projected into any required setback or right-of-way:

i. Fences and walls in conformance with the Rexburg City Code and other City codes or ordinances.

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

iii. Necessary appurtenances for utility service.

iv. In all zones the area between the curb and gutter and the sidewalk is to be landscaped and maintained by the adjacent property owner. For the purpose of insuring 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 (30) feet from the intersection of such lot lines, shall be free from any sight obscuring structure or obstruction except as permitted. Trees in such triangles shall be trimmed to at least ten (10) 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.

**b. Permitted Projections with Conditions.** The structures listed below may project into a minimum front yard or rear yard no more than four (4) feet and into a minimum side yard not more than two (2) feet, except that a required driveway shall remain unobstructed from the ground up a height of twelve (12) feet:

i. Cornices, eaves, belt courses, sills, buttresses, **foundation extension under 3' in height** or other similar architectural features.

ii. Fireplace structures and bays **and other similar structures** provided they are not wider than eight (8) feet and are generally parallel to the wall of which they are a part.

iii. Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes not exceeding thirty (30) inches in height.

iv. Carports and loading docks in a side yard or rear yard, provided that such a structure is not more than

one (1) story in height and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features.

c. **Box or Bay Windows.** Box or Bay Windows provided they are not wider than eight (8) feet may be projected up to one (1') foot in a front yard and up to two (2') feet in a rear yard. No projection is allowed in a required side yard.

d. **Additional Exception.** 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 average setback of such buildings. 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.

### 3.5.100. Building Height

No lot or parcel of land in the LDR2 zone shall have a building or structure which exceeds a maximum height of thirty (30) feet, measured at the top of building's horizontal wall. In no case shall the height of an accessory structure exceed the height of any main structure on the same lot.

### 3.5.110. Distance Between Buildings

The distance between any accessory building and a dwelling shall not be less than six (6) feet.

### 3.5.120. Permissible Lot Coverage

a. **Building Coverage.** In an LDR2 zone, all buildings, including accessory buildings and structures (including impervious surfaces, e.g. driveways), shall not cover more than seventy (70) percent of the area of the lot or parcel of land.

b. **Landscaping.** At least thirty (30) percent of the area of any lot shall be maintained in landscaping. On any lot, concrete or asphaltic cement shall not cover more than forty (40) percent of a front yard, fifty (50) percent of a rear yard, and one hundred (100) percent of one (1) side yard.

### 3.5.130. Parking, Loading and Access

a. **Purpose of Parking Regulations.** 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, the following standards shall apply in all LDR2 zones:

i. No person shall park or allow the parking of any recreational vehicle in the clear sight triangles required by Section 3.5.090 of this Ordinance. In a residential zone, no person shall park or allow the parking of any recreational vehicle in any front yard which faces a public street for more than four (4) consecutive days and a cumulative of thirty (30) days in a calendar year.

ii. No person shall park or allow the parking of any automobile, van, pickup truck, trailer, motorcycle or other motor vehicle in any front yard located in a residential zone except in a designated driveway.

iii. The storage of commercial vehicles with a gross weight 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.

iv. No person shall park any commercial vehicle having a gross weight exceeding eight thousand (8,000) pounds, whether attended or unattended, upon the streets in any residential district within the City for a period in excess of two (2) hours except for the purpose of loading and unloading passengers, materials or merchandise; for any purpose incident to any lawful construction project located within the immediate vicinity of such parked vehicles; or for any purpose incident to a lawful commercial operation located in any residential district within the immediate vicinity of such parked vehicles.

v. No person shall park any inoperable vehicle, boat or trailer upon any street for a period of time longer than four (4) consecutive days. Any such inoperable vehicle, boat or trailer moved from a parking spot

and re-parked on the same street block-face within twenty-four (24) hours from the time of said removal shall be deemed to have been continuously parked for the purposes of this section.

### 3.5.140. Project Plan Approval

All projects constructed within the LDR2 zone must submit, prior to beginning construction, a site plan (including a drainage plan) for review and approval by City of Rexburg Building Department. Drainage on to an adjacent lot not owned by applicant is not allowed. All structures must comply with the current Building Code of the City of Rexburg, ID.

### 3.5.150. Fencing and Screening

Screening and fencing within the City of Rexburg shall be constructed and maintained in conformance with the following standards:

**a.** **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.

**b.** **Parking Areas.** An effective buffer shall be provided between parking areas for more than five (5) 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 of 2" caliper and five (5) low shrubs per thirty (30) lineal foot

**c.** **Fences.** The maximum height of any fence, wall, or sight obscuring objects within fifteen (15) feet of the public right-of-way shall be three (3) feet. Fences will be allowed in excess of three (3) feet and up to six (6) feet if constructed out of rigid materials and are fifty (50) percent or more see through per lineal foot. All other fences shall not be greater in height than eight (8) feet unless approved by the Planning and Zoning Commission.

### 3.5.160. Other Requirements

**a.** **Signs.** Unless otherwise prohibited by law, signs of the type and description listed below, but no others, may be placed and maintained in the LDR2 zone.

i. Signs or name plates not exceeding two (2) square feet in area and displaying only the name and address of the occupant.

ii. Two (2) temporary signs with a maximum area of six (6) square feet each, pertaining to the sale, lease, or rent of the particular building, property, or premises upon which displayed, and no other.

iii. Signs or monuments identifying points of interest or sites of historic significance. The site, size, and design of said signs or monuments shall be specifically approved by the City Planning and Zoning Commission.

iv. The assigned address of any City residence must be posted on the structure within 10 feet of the entrance door facing street side. Said numbers must be readable from the street as determined by City Emergency Services.

## 3.6 Low Density Residential 3 (LDR3)

3.6.010. Purposes and Objectives
3.6.020. Permitted Uses
3.6.030. Lot Area
3.6.040. Lot Width
3.6.045. Lot Depth
3.6.050. Lot Frontage
3.6.060. Prior Created Lots
3.6.070. Lot Configuration and Density
3.6.080. Yard Requirements
3.6.090. Setbacks and Rights-of-Way Exceptions
3.6.100. Building Height
3.6.110. Distance Between Buildings
3.6.120. Permissible Lot Coverage
3.6.130. Parking, Loading and Access
3.6.140. Project Plan Approval
3.6.150. Fencing and Screening
3.6.160. Other Requirements

### 3.6.010. Purposes and Objectives

The LDR3 zone is established to protect stable neighborhoods of detached single-family dwellings on smaller lots. The conditional uses allowed in this district shall be compatible with single-family homes on landscaped lawns, low building heights, predominantly off-street parking, low traffic volumes, and low nuisance potential. Two-family dwelling units are conditional uses within this zone, not to exceed more than one structure per lot (except detached garages and other outbuildings). The maximum density permitted in this district is eight (8) dwelling units per acre.

### 3.6.020. Permitted Uses

**a. Categories.** Those uses or categories of uses as listed herein, and no others, are permitted in the LDR3 zone.

**b. Permitted Principal Uses.** The following principal uses and structures, and no others, shall be permitted in the LDR3 zone:

Permitted Uses
Single-family dwelling- detached
Disabled Persons Residential facility
Manufactured housing units 24 feet or wider on a permanent foundation.
For Twin Homes and Duplexes, a review is required for Neighborhood Compatibility for Parking, Screening, Lighting and Landscaping to be approved by the Community Development Director.

**c. Permitted Accessory Uses.** Accessory uses and structures are permitted in the LDR3 zone provided they are incidental to, and do not substantially alter the character of, the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

i. Accessory buildings such as garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with, and incidental to, a principal use or structure.

ii. Swimming pools.

iii. Vegetable and flower gardens and noncommercial orchards.

iv. Home occupations subject to the regulations of Section 4.10.A.

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

### 3.6.025. Conditional Uses

The following uses and structures may be permitted in the LDR3 zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof.

**Conditional Uses**
Twin homes and duplexes
Assisted and Residential Care Facility
Residential Facility for Elderly Persons
Communications in accordance other applicable communications ordinances
Electricity Regulating Substations
Other Utility and Public Facilities
Cemeteries
Hospitals
Nursery Schools
Schools
Churches, Synagogues, Temples
Libraries
Golf Course
Golf Course w/ Country Club
Tennis Courts
Ice Skating
Athletic Fields
Recreation Centers
Pools
Parks and Playgrounds Skate Parks
Home Business regulated as per Section 4.10.B

### 3.6.030. Lot Area
The minimum lot area on any parcel of land in the LDR3 zone is six thousand (6,000) sq. ft. A Duplex requires a minimum 8,000 sq. ft. lot after it has been approved with a Conditional Use Permit (CUP). A Twin Home requires two 4,000 sq. ft. lots after it has been approved with a CUP.

### 3.6.040. Lot Width
Each lot or parcel of land in the LDR3 zone, except corner lots, shall have a width of not less than fifty (50) feet. A twin home minimum width is sixty (60) feet (combined for both lots).

### 3.6.045. Lot Depth
Each lot or parcel of land in the LDR3 zone, except corner lots, shall have a depth of not less than sixty (60) feet.

### 3.6.050. Lot Frontage
Each lot or parcel of land in the LDR3 zone shall abut a public street for a minimum distance of twenty (20) feet, on a line parallel to the center line of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement. Private Drives are allowed as per review by the Community Development Director or Designee.

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

### 3.6.070. Lot Configuration and Density
One (1) single-family dwelling may be placed on a lot or parcel of land in the LDR3 zone as a matter of right. Two-family dwellings may be permitted in the LDR3 zones with a conditional use permit.

### 3.6.080. Yard Requirements
The following minimum yard requirements shall apply in the LDR3 zone:

**a. Front/Rear Yard.** Each lot or parcel in the LDR3 zone shall have a minimum front yard of at least twenty-five (25) feet, unless the street upon which the parcel fronts has a boulevard strip of at least seven

(7) feet, in which case the front yard setback may be reduced to twenty (20) feet. The minimum depth of a rear yard shall be twenty (20) feet.

**b. Side Yard.** Each lot or parcel of land in the LDR3 zone shall have a side yard of at least five (5) feet.

**c. Accessory Building Setbacks.** Accessory buildings must meet all setback requirements established by any applicable building code, and shall:

i. Have a building footprint and height less than the main dwelling. Accessory buildings larger than two hundred (200) square feet shall meet the same side yard requirements as principal buildings.

ii. Comply with all lot coverage requirements. An accessory building or group of accessory buildings in any residential zone shall not cover more than thirty (30) percent of the rear yard.

iii. Comply with the latest Building Code of the City of Rexburg, ID.

iv. Only be used for those accessory uses allowed in the respective zone.

v. Accessory building shall not be placed in the front yard.

vi. Accessory buildings may be placed in any location in the rear yard not otherwise in conflict with this Ordinance, unless the accessory building is a garage with doors opening into the alley. Such garages shall be located at least fifteen (15) feet from the alley.

### 3.6.090. Setbacks and Rights-of-Way Exceptions

**a. Exceptions.** The following structures may be erected on or projected into any required setback or right-of-way:

i. Fences and walls in conformance with the Rexburg City Code and other City codes or ordinances.

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

iii. Necessary appurtenances for utility service.

iv. In all zones the area between the curb and gutter and the sidewalk is to be landscaped and maintained by the adjacent property owner. For the purpose of insuring 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 (30) feet from the intersection of such lot lines, shall be free from any sight obscuring structure or obstruction except as permitted. Trees in such triangles shall be trimmed to at least ten (10) 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.

**b. Permitted Projections with Conditions.** The structures listed below may project into a minimum front yard or rear yard no more than four (4) feet and into a minimum side yard not more than two (2) feet, except that a required driveway shall remain unobstructed from the ground up a height of twelve (12) feet:

i. Cornices, eaves, belt courses, sills, buttresses, **foundation extension under 3' in height** or other similar architectural features.

ii. Fireplace structures and bays **and other similar structures** provided they are not wider than eight (8) feet and are generally parallel to the wall of which they are a part.

iii. Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters not exceeding thirty (30) inches in height.

iv. Carports and loading docks in a side yard or rear yard, provided that such a structure is not more than one (1) story in height and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features.

c. **Box or Bay Windows.** Box or Bay Windows provided they are not wider than eight (8) feet may be projected up to one (1') foot in a front yard and up to two (2') feet in a rear yard. No projection is allowed in a required side yard.

d. **Additional Exception.** 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 average setback of such buildings. 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.

### 3.6.100. Building Height

No lot or parcel of land in the LDR3 zone shall have a building or structure which exceeds a maximum height of thirty (30) feet, measured at the top of the building's horizontal wall. In no case shall the height of an accessory structure exceed the height of any main structure on the same lot.

### 3.6.110. Distance Between Buildings

The distance between any accessory building and a dwelling shall not be less than six (6) feet.

### 3.6.120. Permissible Lot Coverage

a. **Building Coverage.** In an LDR3 zone, all buildings, including accessory buildings and structures (including impervious surfaces, e.g. driveways), shall not cover more than seventy (70) percent of the area of the lot or parcel of land.

b. **Landscaping.** At least twenty (20) percent of the area of any lot shall be maintained in landscaping. On any lot, concrete or asphaltic cement shall not cover more than forty (40) percent of a front yard, fifty (50) percent of a rear yard, and one hundred (100) percent of one (1) side yard.

### 3.6.130. Parking, Loading and Access

a. **Purpose of Parking Regulations.** 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, the following standards shall apply in all LDR3 zones:

i. No person shall park or allow the parking of any recreational vehicle in the clear sight triangles required by Section 3.4.090 of this Ordinance. In a residential zone, no person shall park or allow the parking of any recreational vehicle in any front yard which faces a public street for more than four (4) consecutive days and a cumulative of thirty (30) days in a calendar year.

ii. No person shall park or allow the parking of any automobile, van, pickup truck, trailer, motorcycle or other motor vehicle in any front yard located in a residential zone except in a designated driveway.

iii. The storage of commercial vehicles with a gross weight 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.

iv. No person shall park any commercial vehicle having a gross weight exceeding eight thousand (8,000) pounds, whether attended or unattended, upon the streets in any residential district within the City for a period in excess of two (2) hours except for the purpose of loading and unloading passengers, materials or merchandise; for any purpose incident to any lawful construction project located within the immediate vicinity of such parked vehicle; or for any purpose incident to a lawful commercial operation located in any residential district within the immediate vicinity of such parked vehicle.

v. No person shall park any inoperable vehicle, boat or trailer upon any street for a period of time longer than four (4) consecutive days. Any such inoperable vehicle, boat or trailer moved from a parking spot and re-parked on the same street block-face within twenty-four (24) hours from the time of said removal shall be deemed to have been continuously parked for the purposes of this section.

### 3.6.140. Project Plan Approval

All projects constructed within the LDR3 zone must submit, prior to beginning construction, a site plan (including a drainage plan) for review and approval by City of Rexburg Building Department. Drainage on to an adjacent lot not owned by applicant is not allowed. All structures must comply with the current Building Code of the City of Rexburg, ID

### 3.6.150. Fencing and Screening

Screening and fencing within the City of Rexburg shall be constructed and maintained in conformance with the following standards:

**a.** **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.

**b.** **Parking Areas.** An effective buffer shall be provided between parking areas for more than five (5) 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 of 2" caliper and five (5) low shrubs per thirty (30) lineal foot

**c.** **Fences.** The maximum height of any fence, wall, or sight obscuring objects within fifteen (15) feet of the public right-of-way shall be three (3) feet. Fences will be allowed in excess of three (3) feet and up to six (6) feet if constructed out of rigid materials and are fifty (50) percent or more see through per lineal foot. All other fences shall not be greater in height than eight (8) feet unless approved by the Planning and Zoning Commission.

### 3.6.160. Other Requirements

**a.** **Signs.** Unless otherwise prohibited by law, signs of the type and description listed below, but no others, may be placed and maintained in the LDR3 zone.

i. Signs or name plates not exceeding two (2) square feet in area and displaying only the name and address of the occupant.

ii. Two (2) temporary signs with a maximum area of six (6) square feet each, pertaining to the sale, lease, or rent of the particular building, property, or premises upon which displayed, and no other.

iii. Signs or monuments identifying points of interest or sites of historic significance. The site, size, and design of said signs or monuments shall be specifically approved by the City Planning and Zoning Commission.

iv. The assigned address of any City residence must be posted on the structure within 10 feet of the entrance door facing street side. Said numbers must be readable from the street as determined by City Emergency Services.

## 3.7 Medium Density Residential 1 (MDR1)

3.7.010. Purposes and Objectives
3.7.020. Permitted Uses
3.7.030. Lot Area
3.7.040. Lot Width
3.7.045. Lot Depth
3.7.050. Lot Frontage
3.7.060. Prior Created Lots
3.7.070. Lot Configuration and Density
3.7.080. Yard Requirements
3.7.090. Setbacks and Rights-of-Way Exceptions
3.7.100. Building Height
3.7.110. Distance Between Buildings
3.7.120. Permissible Lot Coverage
3.7.130. Parking, Loading and Access
3.7.140. Project Plan Approval
3.7.150. Fencing and Screening
3.7.160. Design Standards
3.7.170. Other Requirements

### 3.7.010. Purposes and Objectives

The MDR1 zone is established to protect stable neighborhoods of detached single-family dwellings on smaller lots and multi-family housing. Restoration or rehabilitation of older homes in this district shall be encouraged. Conditional uses shall be compatible with an atmosphere of low building heights, low traffic volumes, ample off-street parking, and low nuisance potentials at a higher density than LDR zones. The maximum density permitted in this district is sixteen (16) dwelling units per acre.

For Infill/Redevelopment Projects (see definitions in Section 2.1) setbacks and buffering are increased as per Section 4.16 Infill/Redevelopment Projects.

### 3.7.020. Permitted Uses

**a. Categories.** Those uses or categories of uses as listed herein, and no others, are permitted in the MDR1 zone.

**b. Permitted Principal Uses.** The following principal uses and structures, and no others, shall be permitted in the MDR1 zone:

**Permitted Uses**
Single-family dwelling- detached
Single-family dwelling – attached
Multiple-family (up to 24 units per building)
Disabled Persons Residential facility
Manufactured housing units 24 feet or wider on a permanent foundation.
Nursery Schools
Day Care Centers
Boarding Houses

**c. Permitted Accessory Uses.** Accessory uses and structures are permitted in the MDR1 zone provided they are incidental to, and do not substantially alter the character of, the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

i. Accessory buildings such as garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with, and incidental to, a principal use or structure.

ii. Swimming pools.

iii. Vegetable and flower gardens and noncommercial orchards.

iv. Home occupations subject to the regulations of Section 4.10.A.

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

### 3.7.025. Conditional Uses

The following uses and structures may be permitted in the MDR1 zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof.

**Conditional Uses**
Assisted and Residential Care Facility
Residential Facility for Elderly Persons
Bed and Breakfast Inn
Short Term Rental
Mobile Home Courts and Subdivisions
Dormitory Housing, Fraternity, Sorority
Communications in accordance other applicable communications ordinances
Electricity Regulating Substations
Other Utility and Public Facilities
Separate Parking Lots
Cemeteries
Hospitals
Schools
Churches, Synagogues, Temples
Libraries
Golf Course
Golf Course w/ Country Club
Tennis Courts
Ice Skating
Athletic Fields
Recreation Centers
Pools
Parks and Playgrounds Skate Parks
Home Business regulated as per Section 4.10.B

### 3.7.030. Lot Area

The minimum lot area of any parcel of land in the MDR1 zone is four thousand, five hundred (4,500) sq. ft. for an individual unit, six thousand (6000) sq. ft. for a duplex or twin home Under no circumstance will the density of sixteen (16) units per acre be exceeded.

### 3.7.040. Lot Width

The minimum lot width in the MDR1 zone is sixty (60) feet except for a single home the minimum lot width is fifty (50) feet.

### 3.7.045. Lot Depth

The minimum lot depth in the MDR1 zone is sixty (60) feet.

### 3.7.050. Lot Frontage

Each lot or parcel of land in the MDR1 zone shall abut a public street for a minimum distance of twenty-four (24) feet, on a line parallel to the center line of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement. Private Drives are allowed as per review by the Community Development Director or Designee.

### 3.7.060. Prior Created Lots

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

### 3.7.070. Lot Configuration and Density

All developments shall not exceed a density of sixteen (16) units per acre.

### 3.7.080. Yard Requirements

The following minimum yard requirements shall apply in the MDR1 zone:

**a. Front/Rear Yard.** Each lot or parcel in the MDR1 zone shall have a minimum front yard of at least twenty-five (25) feet, unless the street upon which the parcel fronts has a boulevard strip of at least seven (7) feet, in which case the front yard setback may be reduced to twenty (20) feet. If all parking spaces are located behind the building, the front yard setback may be reduced to fifteen (15) feet. The minimum depth of a rear yard shall be twenty (20) feet.

When a single family home is converted to a triplex or greater, or is converted to dormitory (non-single family) housing, no parking spaces are permitted within the required front yard. However, an existing driveway and two car garage, when combined, may provide up to four parking spaces per building. If no garage is present, then all parking spaces must be located outside of the front yard setback. All other parking areas that may be located within the front yard shall be removed and restored to landscaping prior to the occupancy of the building. Driveway aisle widths shall be no wider than the City's minimum aisle width for two-way access when accessing rear or side yard parking lots.

**b. Side Yard.** Each lot or parcel of land in the MDR1 zone shall have a side yard of at least six (6) feet or six (6) inches of setback for every foot of building height, whichever is greater. However, a setback of ten (10) feet shall be allowed within side yards that abut other MDR zones, HDR zones, commercial zones, or mixed-use zones, regardless of building height.

**c. Infill/Redevelopment Setbacks.**
Setbacks are increased as per Section 4.16 Infill/Redevelopment Projects.

**d. Accessory Building Setbacks.** Accessory buildings must meet all setback requirements established by any applicable building code, and shall:

i. Have a building footprint and height less than the main dwelling. Accessory buildings larger than two hundred (200) square feet shall meet the same side yard requirements as principal buildings.

ii. Comply with all lot coverage requirements. An accessory building or group of accessory buildings in any residential zone shall not cover more than thirty (30) percent of the rear yard.

iii. Comply with the current adopted edition of the Building Code of Rexburg, ID.

iv. Only be used for those accessory uses allowed in the respective zone.

v. Accessory building shall not be placed in the front yard.

vi. Accessory buildings may be placed in any location in the rear yard not otherwise in conflict with this Ordinance, unless the accessory building is a garage with doors opening into the alley. Such garages shall be located at least fifteen (15) feet from the alley.

### 3.7.090. Setbacks and Rights-of-Way Exceptions

**a. Exceptions.** The following structures may be erected on or projected into any required setback or right-of-way:

i. Fences and walls in conformance with the Rexburg City Code and other City codes or ordinances.

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

iii. Necessary appurtenances for utility service.

iv. In all zones the area between the curb and gutter and the sidewalk is to be landscaped and maintained by the adjacent property owner. For the purpose of insuring 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 (30) feet from the intersection of such lot lines, shall be free from any sight obscuring structure or obstruction except as permitted. Trees in such triangles shall be trimmed to at least ten (10) 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.

**b. Permitted Projections with Conditions.** The structures listed below may project into a minimum front yard or rear yard no more than four (4) feet and into a minimum side yard not more than two (2) feet, except that a required driveway shall remain unobstructed from the ground up a height of twelve (12) feet:

i. Cornices, eaves, belt courses, sills, buttresses, **foundation extension under 3' in height** or other similar architectural features.

ii. Fireplace structures and bays **and other similar structures** provided they are not wider than eight (8) feet and are generally parallel to the wall of which they are a part.

iii. Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes not exceeding thirty (30) inches in height.

iv. Carports and loading docks in a side yard or rear yard, provided that such a structure is not more than one (1) story in height and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features

**c. Additional Exception.** 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 average setback of such buildings. 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.

### 3.7.100. Building Height

No lot or parcel of land in the MDR1 zone shall have a building or structure which exceeds a maximum height of forty (40) feet measured at the top of building's horizontal wall. If the development is adjacent to a Low Density Residential Zone (LDR), the maximum building height (for buildings adjacent to the LDR zone) shall be no greater than thirty (30) feet. In no case shall the height of an accessory structure exceed the height of any main structure on the same lot. Gables and dormers are not included in height calculations unless their addition raises the overall peak height.

### 3.7.110. Distance Between Buildings

The distance between any accessory building and a dwelling shall not be less than six (6) feet.

### 3.7.120. Permissible Lot Coverage

**a. Building Coverage.** In an MDR1 zone, all buildings, including accessory buildings and structures (including impervious surfaces, e.g. driveways), shall not cover more than seventy (70) percent of the area of the lot or parcel of land.

**b. Landscaping.** At least thirty (30) percent of the area of any lot shall be maintained in landscaping. On any lot, concrete or asphaltic cement shall not cover more than forty (40) percent of a front yard, and one hundred (100) percent of one (1) side yard.

### 3.7.130. Parking, Loading and Access

Parking shall be provided as per Chapter 5 Parking Regulation. Housing projects made up of twelve (12) or more units will be required to demonstrate sidewalk access to the BYUI campus and to the nearest Substantial Commercial Cluster (see definition).

### 3.7.140. Project Plan Approval.

All projects constructed within the MDR1 zone must submit, prior to beginning construction, a site plan (including a drainage plan) for review and approval by City of Rexburg Development Review Committee. Drainage on to an adjacent lot not owned by applicant is not allowed. All structures must comply with the current Building Code of Rexburg, ID.

### 3.7.150. Buffering, Fencing and Screening

Buffering, screening and fencing within the City of Rexburg shall be constructed and maintained in conformance with the following standards:

**a.** **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.

**b.** **Parking Areas.** An effective buffer shall be provided between parking areas for more than five (5) 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 of 2" caliper and five (5) low shrubs per thirty (30) lineal foot.

**c.** **Infill/Redevelopment Buffering.** Buffering is increased as per Section 4.16 Infill/Redevelopment Projects.

**d.** **Fences.** The maximum height of any fence, wall, or sight obscuring objects within fifteen (15) feet of the public right-of-way shall be three (3) feet. Fences will be allowed in excess of three (3) feet and up to six (6) feet if constructed out of rigid materials and are fifty (50) percent or more see through per lineal foot. All other fences shall not be greater in height than eight (8) feet unless approved by the Planning and Zoning Commission.

### 3.7.160. Design Standards

**a.** **Purpose.** The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.

**b.** **Applicability.** This section applies to all of the following types of buildings, and shall be applied during Site Plan Review described in Section 1.10:

i. All uses except Single Family Detached

**c.** **Standards.** All buildings which are subject to this Section shall comply with all of the following standards. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature may be used to comply with more than one standard.

**i.** **Building Form.** The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings shall not exceed one hundred and sixty (160) feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Along the vertical face of a structure, such features shall occur at a minimum of every fifty (50) feet, and on each floor shall contain at least two of the following features:

1. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of four (4) feet;

2. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two (2) feet and runs horizontally for a minimum length of four (4) feet; **and/or**

3. Offsets or breaks in roof elevation of two (2) feet or greater in height.

**ii.** **Eyes on the Street.** All building elevations visible from a street right of way shall provide doors, porches, balconies, and/or windows. A minimum of forty (40) percent of front (i.e., street-facing) elevations, and a minimum of twenty (20) percent of side and rear building elevations, as applicable, shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. Trim, shutters, and other feature that are part of the items making up the requirement shall be included in the measurement. The standard applies to each full and partial building story.

**iii.** **Detailed Design.** All buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least two (2) of the following architectural features on all elevations, as appropriate for the proposed building type and style (features may vary on rear/side/front elevations):

a. Dormers
b. Gables
c. Recessed entries
d. Covered porch entries
e. Cupolas or towers
f. Pillars or posts
g. Off-sets in building face or roof (minimum sixteen (16) inches)
h. Bay windows, box windows and window trim (minimum four (4) inches wide)
i. Balconies
j. Decorative patterns on exterior finish
k. Decorative cornices and roof lines
l. Changes in exterior texture or color.

An alternative feature providing visual relief, similar to previous options

### 3.7.170. Other Requirements

Commercial Lighting Standards are applicable as described in Section 4.14.

## 3.8 Medium Density Residential 2 (MDR2)

3.8.010. Purposes and Objectives
3.8.020. Permitted Uses
3.8.030. Lot Area
3.8.040. Lot Width
3.8.045. Lot Depth
3.8.050. Lot Frontage
3.8.060. Prior Created Lots
3.8.070. Lot Configuration and Density
3.8.080. Yard Requirements
3.8.090. Setbacks and Rights-of-Way Exceptions
3.8.100. Building Height
3.8.110. Distance Between Buildings
3.8.120. Permissible Lot Coverage
3.8.130. Parking, Loading and Access
3.8.140. Project Plan Approval
3.8.150. Fencing and Requirements
3.8.160. Design Standards
3.8.170. Other Requirements

### 3.8.010. Purposes and Objectives

The MDR2 zone is established to act as a buffer between single-family dwellings and non-single-family zones. Restoration or rehabilitation of older homes in this district shall be encouraged. Up to twenty (20) units per acre shall be allowed with an atmosphere consistent with low traffic volumes, ample off-street parking, and low nuisance potentials than higher density zoning. Structures within this zone shall be allowed to have up to twenty-four (24) dwelling units in any one structure, with maximum lot coverage of no more than eighty (80) percent. Setbacks and minimum lot size requirements in MDR2 shall be the same as in MDR1.

For Infill/Redevelopment Projects (see definitions in Section 2.1) setbacks and buffering are increased as per Section 4.16 Infill/Redevelopment Projects.

### 3.8.020. Permitted Uses

**a. Categories.** Those uses or categories of uses as listed herein, and no others, are permitted in the MDR2 zone.

**b. Permitted Principal Uses.** The following principal uses and structures, and no others, shall be permitted in the MDR2 zone:

**Permitted Uses**
Single-family dwelling- detached
Single-family dwelling - attached
Disabled Persons Residential facility
Manufactured housing units 24 feet or wider on a permanent foundation.
Multiple-family (up to 24 units per building)
Nursery Schools
Day Care Centers
Limited Home Occupations
Boarding House

**c. Permitted Accessory Uses.** Accessory uses and structures are permitted in the MDR2 zone provided they are incidental to, and do not substantially alter the character of, the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

i. Accessory buildings such as garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with, and incidental to, a principal use or structure.

ii. Swimming pools.

iii. Vegetable and flower gardens and noncommercial orchards.

iv. Home occupations subject to the regulations of Chapter 4.10.A of the Rexburg Development Code.

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

### 3.8.025. Conditional Uses

The following uses and structures may be permitted in the MDR2 zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof.

**Conditional Uses**
Assisted and Residential Care Facility
Residential Facility for Elderly Persons
Bed and Breakfast Inn
Short Term Rental
Mobile Home Courts and Subdivisions
Dormitory Housing, Fraternity, Sorority (with up to ten (10) dwelling units per building)
Communications in accordance other applicable communications ordinances
Electricity Regulating Substations
Other Utility and Public Facilities
Separate Parking Lots
Cemeteries
Hospitals
Schools
Churches, Synagogues, Temples
Libraries
Golf Course
Golf Course w/ Country Club
Tennis Courts
Ice Skating
Athletic Fields
Recreation Centers
Pools
Parks and Playgrounds Skate Parks
Home Business regulated as per Section 4.10.B

### 3.8.030. Lot Area

The minimum lot area of any parcel of land in the MDR2 zone is four thousand, five hundred (4,500) square feet for an individual unit, six thousand (6000) sq. ft. for a duplex or twin home. Under no circumstance will the density of twenty (20) Units per acre be exceeded.

### 3.8.040. Lot Width

The minimum lot width in the MDR2 zone is sixty (60) ft.

### 3.8.045. Lot Depth

The minimum lot depth in the MDR2 zone is sixty (60) feet.

### 3.8.050. Lot Frontage

Each lot or parcel of land in the MDR 2 zone shall abut a public street for a minimum distance of twenty-four (24) feet, on a line parallel to the center line of the street or along the circumference of a cul-de-sac approved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement. Private Drives are allowed as per review by the Community Development Director or Designee.

### 3.8.060. Prior Created Lots

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

### 3.8.070. Lot Configuration and Density

All development shall not exceed a density of twenty (20) units per acre.

### 3.8.080. Yard Requirements

The following minimum yard requirements shall apply in the MDR2 zone:

**a. Front/Rear Yard.** Each lot or parcel in the MDR2 zone shall have a minimum front yard of at least twenty-five (25) feet, unless the street upon which the parcel fronts has a boulevard strip of at least seven (7) feet, in which case the front yard setback may be reduced to twenty feet (20). The Planning and Zoning Commission may allow a reduction of the front yard setback to fifteen (15) feet if all parking spaces are located behind the building. The minimum depth of a rear yard shall be twenty (20) feet.

When a single family home is converted to a triplex or greater, or is converted to dormitory (non-family) housing, no parking spaces are permitted within the required front yard. However, an existing driveway (no greater than 20-feet in width) and two car garage, when combined, may provide up to four parking spaces per building. If no garage is present, then all parking spaces must be located outside of the front yard setback. All other parking areas that may be located within the front yard shall be removed and restored to landscaping prior to the occupancy of the building. Driveway aisle widths shall be no wider than the City's minimum aisle width for two-way access when accessing rear or side yard parking lots.

**b. Side Yard.** Each lot or parcel of land in the MDR2 zone shall have a side yard of not less than six (6) feet or six (6) inches of setback for every foot of building height, whichever is greater. However, a setback of ten (10) feet shall be allowed within side yards that abut other MDR zones, HDR zones, commercial zones, or mixed-use zones, regardless of building height.

**c.** Infill/Redevelopment Setbacks. Setbacks are increased as per Section 4.16 Infill/Redevelopment Projects.

**d. Accessory Building Setbacks.** Accessory buildings must meet all setback requirements established by any applicable building code, and shall:

i. Have a building footprint and height less than the main dwelling. Accessory buildings larger than two hundred (200) square feet shall meet the same side yard requirements as principal buildings.

ii. Comply with all lot coverage requirements. An accessory building or group of accessory buildings in any residential zone shall not cover more than thirty (30) percent of the rear yard.

iii. Comply with the latest and most current Building Code of Rexburg, ID.

iv. Only be used for those accessory uses allowed in the respective zone.

v. Accessory building shall not be placed in the front yard.

vi. Accessory buildings may be placed in any location in the rear yard not otherwise in conflict with this Ordinance, unless the accessory building is a garage with doors opening into the alley. Such garages shall be located at least fifteen (15) feet from the alley.

### 3.8.090. Setbacks and Rights-of-Way Exceptions

**a. Exceptions.** The following structures may be erected on or projected into any required setback or right-of-way:

i. Fences and walls in conformance with the Rexburg City Code and other City codes or ordinances.

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

iii. Necessary appurtenances for utility service.

iv. In all zones the area between the curb and gutter and the sidewalk is to be landscaped and maintained by the adjacent property owner. For the purpose of insuring 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 (30) feet from the intersection of such lot lines, shall be free from any sight obscuring structure or obstruction except as permitted. Trees in such triangles shall be trimmed to at least ten (10) 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.

**b. Permitted Projections with Conditions.** The structures listed below may project into a minimum front yard or rear yard no more than four (4) feet and into a minimum side yard not more than two (2) feet, except that a required driveway shall remain unobstructed from the ground up a height of twelve (12) feet:

i. Cornices, eaves, belt courses, sills, buttresses, **foundation extension under 3' in height** or other similar architectural features.

ii. Fireplace structures and bays **and other similar structures** provided they are not wider than eight (8) feet and are generally parallel to the wall of which they are a part.

iii. Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes not exceeding thirty (30) inches in height.

iv. Carports and loading docks in a side yard or rear yard, provided that such a structure is not more than one (1) story in height and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features

**c. Additional Exception.** 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 average setback of such buildings. 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.

### 3.8.100. Building Height

No lot or parcel of land in the MDR2 zone shall have a building or structure which exceeds a maximum height of forty (40) feet, measured at the top of building's horizontal wall. If the development is adjacent to a Low Density Residential Zone (LDR), the maximum building height (for buildings adjacent to the LDR zone) shall be no greater than thirty (30) feet. In no case shall the height of an accessory structure exceed the height of any main structure on the same lot. Gables and dormers are not included in the height calculation unless their addition raises the overall peak height of the building.

### 3.8.110. Distance Between Buildings

The distance between any accessory building and a dwelling shall not be less than six (6) feet.

### 3.8.120. Permissible Lot Coverage

**a. Building Coverage.** In an MDR2 zone, all buildings, including accessory buildings and structures (including impervious surfaces, e.g. driveways), shall not cover more than eighty (80) percent of the area of the lot or parcel of land.

**b. Landscaping.** At least fifty (20) percent of the area of any lot shall be maintained in landscaping. On any lot, concrete or asphaltic cement shall not cover more than forty (40) percent of a front yard, fifty (50) percent of a rear yard, and one hundred (100) percent of one (1) side yard.

### 3.8.130. Parking, Loading and Access

Parking shall be required as per Chapter 5 Parking Regulation. Housing projects made up of twelve (12) or more units will be required to demonstrate sidewalk access to the BYUI campus and to the nearest Substantial Commercial Cluster (see definition).

### 3.8.140. Project Plan Approval

All projects constructed within the MDR2 zone must submit, prior to beginning construction, a site plan (including a drainage plan) for review and approval by City of Rexburg Development Review Committee. Drainage on to an adjacent lot not owned by applicant is not allowed. All structures must comply with the most current Building Code of Rexburg, ID.

### 3.8.150. Buffering, Fencing and Screening

Buffering, screening and fencing within the City of Rexburg shall be constructed and maintained in conformance with the following standards:

**a. 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.

**b. Parking Areas.** An effective buffer shall be provided between parking areas for more than five (5) 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 of 2" caliper and five (5) low shrubs per thirty (30) lineal foot

**c. Infill/Redevelopment Buffering.** Buffering is increased as per Section 4.16 Infill/Redevelopment Projects

**d. Fences.** The maximum height of any fence, wall, or sight obscuring objects within fifteen (15) feet of the public right-of-way shall be three (3) feet. Fences will be allowed in excess of three (3) feet and up to six (6) feet if constructed out of rigid materials and are fifty (50) percent or more see through per linear foot. All other fences shall not be greater in height than eight (8) feet unless approved by the Planning and Zoning Commission.

### 3.8.160. Design Standards

**a. Purpose.** The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.

**b. Applicability.** This section applies to all of the following types of buildings, and shall be applied during Site Plan Review described in Section 1.10:

i. All uses except Single Family Detached

**c. Standards.** All buildings which are subject to this Section shall comply with all of the following standards. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature may be used to comply with more than one standard.

**i. Building Form.** The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings shall not exceed one hundred and sixty (160) feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Along the vertical face of a structure, such features shall occur at a minimum of every fifty (50) feet, and on each floor shall contain at least two of the following features:

1. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of four (4) feet;

2. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two (2) feet and runs horizontally for a minimum length of four (4) feet; **and/or**

3. Offsets or breaks in roof elevation of two (2) feet or greater in height.

**ii. Eyes on the Street.** All building elevations visible from a street right of way shall provide doors, porches, balconies, and/or windows. A minimum of forty (40) percent of front (i.e., street-facing) elevations, and a minimum of twenty (20) percent of side and rear building elevations, as applicable,

shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. Trim, shutters, and other features that are part of the items making up the requirement shall be included in the measurement. The standard applies to each full and partial building story.

**iii.** **Detailed Design.** All buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least two (2) of the following architectural features on all elevations, as appropriate for the proposed building type and style (features may vary on rear/side/front elevations):

1. Dormers
2. Gables
3. Recessed entries
4. Covered porch entries
5. Cupolas or towers
6. Pillars or posts
7. Off-sets in building face or roof (minimum sixteen (16) inches)
8. Bay windows, box windows and window trim (minimum of 4 inches wide)
9. Balconies
10. Decorative patterns on exterior finish
11. Decorative cornices and roof lines
12. Changes in exterior texture or color.
13. An alternative feature providing visual relief, similar to previous options

### 3.8.170. Other Requirements

Commercial Lighting Standards are applicable as described in Section 4.14.

## 3.9 High Density Residential 1 (HDR1)

3.9.010. Purposes and Objectives
3.9.020. Permitted Uses
3.9.030. Lot Area
3.9.040. Lot Width
3.9.045. Lot Depth
3.9.050. Lot Frontage
3.9.060. Prior Created Lots
3.9.070. Lot Configuration and Density
3.9.080. Yard Requirements
3.9.090. Setbacks and Rights-of-Ways
3.9.100. Building Height
3.9.110. Distance Between Buildings
3.9.120. Permissible Lot Coverage
3.9.130. Parking, Loading and Access
3.9.140. Project Plan Approval
3.9.150. Fencing and Screening
3.9.160. Design Standards
3.9.170. Other Requirements

### 3.9.010. Purposes and Objectives

The HDR1 zone is established to provide higher density residential housing areas served by collector and arterial streets. The zone shall be characterized by dwellings for three and more families, dormitory housing, ample off-street parking, higher traffic volumes, proximity to BYUI and other traffic generators and low nuisance potential.

For Infill/Redevelopment Projects (see definitions in Section 2.1) setbacks and buffering are increased as per Section 4.16 Infill/Redevelopment Projects.

### 3.9.020. Permitted Uses

**a. Categories.** Those uses or categories of uses as listed herein, and no others, are permitted in the HDR1 zone.

**b. Permitted Principal Uses.** The following principal uses and structures, and no others, shall be permitted in the HDR1 zone:

**Permitted Uses**
Residential Facility for Elderly Persons
Disabled Persons Residential facility
Multi-Family Housing
Nursery Schools
Day Care Centers
Bed and Breakfast Inn
Assisted and Residential Care Facility
Boarding House
Mobile Home Courts and Subdivisions
Dormitory Housing, Fraternity, Sorority
Short Term Rental

**c. Permitted Accessory Uses.** Accessory uses and structures are permitted in the HDR1 zone provided they are incidental to, and do not substantially alter the character of, the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

i. Accessory buildings such as garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with, and incidental to, a principal use or structure.

ii. Swimming pools.

iii. Vegetable and flower gardens and noncommercial orchards.

iv. Home Occupations subject to the regulations of Section 4.10.A.

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

### 3.9.025. Conditional Uses

The following uses and structures may be permitted in the HDR1 zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof.

**Conditional Uses**
Single-family dwelling- detached
Single-family dwelling – attached
Manufactured housing units 24 feet or wider on a permanent foundation.
Communications in accordance other applicable communications ordinances
Electricity Regulating Substations
Other Utility and Public Facilities
Separate Parking Lots
Cemeteries
Hospitals
Schools
Churches, Synagogues, Temples
Libraries
Golf Course
Golf Course w/ Country Club
Tennis Courts
Ice Skating
Athletic Fields
Recreation Centers
Pools
Parks and Playgrounds Skate Parks
Automobile Parking Lots and Garages
Other Utility Facilities
Home Business regulated as per Section 4.10.B

### 3.9.030. Lot Area

The minimum lot area on any parcel of land in the HDR1 zone is six thousand (6,000) sq. ft., seven thousand, five hundred (7500) sq. ft. for a triplex and nine thousand (9000) sq. ft. for a four-plex. Under no circumstance will the density of thirty (30) Units per acre be exceeded.

### 3.9.040. Lot Width

The minimum lot width in the HDR1 zone is sixty (60) feet.

### 3.9.045. Lot Depth

The minimum lot depth in the HDR1 zone is sixty (60) feet.

### 3.9.050. Lot Frontage

The minimum frontage required on and HRD1 parcel is twenty-four (24) feet.

### 3.9.060. Prior Created Lots

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

### 3.9.070. Lot Configuration and Density

Dwelling unit density shall not exceed thirty (30) units per acre, and shall comply with the lot area requirements of Section 3.9.030. Pedestrian Emphasis Overlay density is regulated by the University, the Building Code of Rexburg, ID. and any requirements imposed as part of the required CUP.

### 3.9.080. Yard Requirements

The following minimum yard requirements shall apply in the HDR1 zone:

**a. Front/Rear Yard.** Each lot or parcel in the HDR1 zone shall have a minimum front yard of at least twenty-five (25) feet. Each lot or parcel shall have a minimum front yard of at least twenty-five (25) feet, unless the street upon which the parcel fronts has a boulevard strip of at least seven (7) feet, in which case the front yard setback may be reduced to twenty (20) feet and for parking lot front yard setbacks reduced to ten (10) feet. The minimum depth of a rear yard shall be twenty (20) feet.

When a single family home is converted to a triplex or greater, or is converted to dormitory (non-family) housing, no parking spaces are permitted within the required front yard. However, an existing driveway (no greater than 20-feet in width) and garage, when combined, may provide up to four parking spaces per building. If no garage is present, then all parking spaces must be located outside of the front yard setback. All other parking areas that may be located within the front yard shall be removed and restored to landscaping prior to the occupancy of the building. Driveway aisle widths shall be no wider than the City's minimum aisle width for two-way access when accessing rear or side yard parking lots.

**b. Side Yard.** Each lot or parcel of land in the HDR1 zone shall have a side yard of at least six (6) feet or six (6) inches of setback for every foot of building height, whichever is greater. However, a setback of ten (10) feet shall be allowed within side yards that abut other HDR zones, MDR zones, commercial zones, or mixed-use zones, regardless of building height.

**c. Infill/Redevelopment Setbacks.** Setbacks are increased as per Section 4.16 Infill/Redevelopment Projects.

**d. Accessory Building Setbacks.** Accessory buildings must meet all setback requirements established by any applicable building code, and shall:

i. Have a building footprint and height less than the main dwelling. Accessory buildings larger than two hundred (200) square feet shall meet the same side yard requirements as principal buildings.

ii. Comply with all lot coverage requirements. An accessory building or group of accessory buildings in any residential zone shall not cover more than thirty (30) percent of the rear yard.

iii. Comply with the current Building Code of Rexburg, ID.

iv. Only be used for those accessory uses allowed in the respective zone.

v. Accessory building shall not be placed in the front yard.

vi. Accessory buildings may be placed in any location in the rear yard not otherwise in conflict with this Ordinance, unless the accessory building is a garage with doors opening into the alley. Such garages shall be located at least fifteen (15) feet from the alley.

### 3.9.090. Setbacks and Rights-of-Way Exceptions

**a. Exceptions.** The following structures may be erected on or projected into any required setback or right-of-way:

i. Fences and walls in conformance with the Rexburg City Code and other City codes or ordinances.

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

iii. Necessary appurtenances for utility service.

iv. Underground parking structures may be projected into any required setback if the structure is covered by landscaping or grass and does not raise the grade of the yard by more than two (2) feet.

v. In all zones the area between the curb and gutter and the sidewalk is to be landscaped and maintained by the adjacent property owner. For the purpose of insuring 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 (30) feet from the intersection of such lot lines, shall be free from any sight obscuring structure or obstruction except as permitted. Trees in such triangles shall be trimmed to at least ten (10) 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.

vi. In the Pedestrian Emphasis Overlay, the required front yard setbacks for buildings (not parking) may be reduced up to fifteen feet (15') by meeting the following requirements:

a. A minimum 8' wide sidewalk is required parallel to any city street.
b. Street trees and other landscape amenities are required and include as a minimum the use of 2" caliper deciduous trees at a maximum of 20' spacing in the landscape strip between the curb and sidewalk. The space between the building and sidewalk shall be landscaped with ornamental trees, shrubs, annual and perennial flowers to achieve a "fully landscaped look". The landscape strip and the front yard setback shall be planted with grass between the trees, shrubs and other landscape features. An irrigation system is required and is the responsibility of the property owner as is the maintenance of the landscaped areas.
c. The building shall be oriented toward the street with architecturally defined entrances; a ground floor prominence; and elements that break up vertical and horizontal walls.
d. Section 3.9.090.vii.b is not allowed. Permitted Projections include balconies (no more than three (3) foot extended from building), cornices, eaves, belt courses and sills.
e. There shall be a variety of openings and other features that enhance the buildings visual interaction with the street. These features include doors, windows, balconies and/or other items such as stoops, awnings, porches, dooryards, canopies, overhangs, recesses, etc. that in combination enhance the human scale and pedestrian experience of the street. Balconies, awnings, canopies and other structural elements may extend a maximum of three (3) feet into the setback.
f. The first floor wall facing the right-of-way shall be faced with high quality materials (as approved by Community Development Director or Designee).
g. Street lighting and utilities within the right of way must be installed as per the City Engineering Standards.
h. Renderings identifying all of the above requirements and the Design Standards shall be provided to city staff prior to the request for a building permit. The Community Development Director or Designee will have authority to review the submittal and determine if it meets the above requirements and spirit in which they were created. At request by applicant the City Staff will have authority to over-rule the findings of the Community Development Director or Designee.

**b. Permitted Projections with Conditions.** The structures listed below may project into a minimum front yard or rear yard no more than four (4) feet and into a minimum side yard not more than two (2) feet, except that a required driveway shall remain unobstructed from the ground up a height of twelve (12) feet:

i. Cornices, eaves, belt courses, sills, buttresses, **foundation extension under 3' in height** or other similar architectural features.

ii. Fireplace structures and bays **and other similar structures** provided they are not wider than eight (8) feet and are generally parallel to the wall of which they are a part.

iii. Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes not exceeding thirty (30) inches in height.

iv. Carports and loading docks in a side yard or rear yard, provided that such a structure is not more than one (1) story in height and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features

c. **Additional Exception.** 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 average setback of such buildings. 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.

### 3.9.100. Building Height

No lot or parcel of land in the HDR1 zone shall have a building or structure which exceeds a maximum height of fifty-five (55) feet, measured at the top of building's horizontal wall. An unroofed and unenclosed rooftop terrace, an enclosed stairwell or elevator providing access to the roof, shall not be included in the measurement of total building height. In no case shall the height of an accessory structure exceed the height of any main structure on the same lot. Buildings or portions of buildings within fifty (50) feet of a residential zone other than HDR1, HDR2, and mixed use zones shall be limited to a height of thirty-five (35) feet.

### 3.9.110. Distance Between Buildings

The distance between any accessory building and a dwelling shall not be less than six (6) feet.

### 3.9.120. Permissible Lot Coverage

a. **Building Coverage.** In an HDR1 zone, all buildings, including accessory buildings and structures (including impervious surfaces, e.g. driveways), shall not cover more than eighty (80) percent of the area of the lot or parcel of land.

**Landscaping.** At least twenty (20) percent of the area of any lot shall be maintained in landscaping. On any lot, concrete or asphaltic cement shall not cover more than forty (40) percent of a front yard and one hundred (100) percent of one (1) side yard.

### 3.9.130. Parking Loading and Access

Parking is required as per Chapter 5 Parking Regulation. Housing projects made up of twelve (12) or more units will be required to demonstrate sidewalk access to the BYUI campus and to the nearest Substantial Commercial Cluster (see definition).

### 3.9.140. Project Plan Approval

All projects constructed within the HDR1 zone must submit, prior to beginning construction, a site plan (including a drainage plan) for review and approval by City of Rexburg Development Review Committee. Drainage on to an adjacent lot not owned by applicant is not allowed. All structures must comply with the current Building Code of Rexburg, ID.

### 3.9.150. Buffering, Fencing and Screening

Buffering screening and fencing within the City of Rexburg shall be constructed and maintained in conformance with the following standards:

a. **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.

b. **Parking Areas.** An effective buffer shall be provided between parking areas for more than five (5) 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

c. **Infill/Redevelopment Buffering.** Buffering is increased as per Section 4.16 Infill/Redevelopment Projects

d. **Fences.** The maximum height of any fence, wall, or sight obscuring objects within fifteen (15) feet of the public right-of-way shall be three (3) feet. Fences will be allowed in excess of three (3) feet and up to six (6) feet if constructed out of rigid materials and are fifty (50) percent or more see through per lineal foot. All other fences shall not be greater in height than eight (8) feet unless approved by the Planning and

Zoning Commission. A fence of at least six (6) feet in height shall be erected along all property lines which lie adjacent to a residential or commercial zone.

### 3.9.160. Design Standards

**a. Purpose.** The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.

**b. Applicability.** This section applies to all of the following types of buildings, and shall be applied during Site Plan Review described in Section 1.10:

i. All uses except Single Family Detached

**c. Standards.** All buildings which are subject to this Section shall comply with all of the following standards. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature may be used to comply with more than one standard.

i. **Building Form.** The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings shall not exceed one hundred and sixty (160) feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Along the vertical face of a structure, such features shall occur at a minimum of every fifty (50) feet, and on each floor shall contain at least two of the following features:

a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of four (4) feet;

b. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two (2) feet and runs horizontally for a minimum length of four (4) feet; **and/or**

c. Offsets or breaks in roof elevation of two (2) feet or greater in height.

ii. **Eyes on the Street.** All building elevations visible from a street right of way shall provide doors, porches, balconies, and/or windows. A minimum of forty (40) percent of front (i.e., street-facing) elevations, and a minimum of twenty (20) percent of side and rear building elevations, as applicable, shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. Trim, shutters, and other features that are part of the items making up the requirement shall be included in the measurement. The standard applies to each full and partial building story.

iii. **Detailed Design.** All buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least two (2) of the following architectural features on all elevations, as appropriate for the proposed building type and style (features may vary on rear/side/front elevations):

1. Dormers
2. Gables
3. Recessed entries
4. Covered porch entries
5. Cupolas or towers
6. Pillars or posts
7. Off-sets in building face or roof (minimum sixteen (16) inches)
8. Bay windows, box windows and window trim (minimum four (4) inches wide)
9. Balconies
10. Decorative patterns on exterior finish
11. Decorative cornices and roof lines
12. Changes in exterior texture or color.
13. An alternative feature providing visual relief, similar to previous options

### 3.9.170. Other Requirements

Commercial Lighting Standards are applicable as described in Section 4.14.

## 3.10 High Density Residential 2 (HDR2)

3.10.010. Purposes and Objectives
3.10.020. Permitted Uses
3.10.030. Lot Area
3.10.040. Lot Width
3.10.045. Lot Depth
3.10.050. Lot Frontage
3.10.060. Prior Created Lots
3.10.070. Lot Configuration and Density
3.10.080. Yard Requirements
3.10.090. Setbacks and Rights-of-Way Exceptions
3.10.100. Building Height
3.10.110. Distance Between Buildings
3.10.120. Permissible Lot Coverage
3.10.130. Parking, Loading and Access
3.10.140. Project Plan Approval
3.10.150. Fencing and Screening
3.10.160. Design Standards
3.10.170. Other Requirements

### 3.10.010. Purposes and Objectives

The HDR2 Zone is established for multiple family housing units which fill housing needs for families at affordable rates. Construction will be done in larger tracts of ground and owned in common as larger apartment complexes and not sold as individual units. Maximum density is based upon bedroom capacities, as follows:

a. 1 bedroom units - Maximum units per acre - 42 units

b. 2 bedroom units - Maximum units per acre - 38 units

c. 3 bedroom units - Maximum units per acre - 34 units

For Infill/Redevelopment Projects (see definitions in Section 2.1) setbacks and buffering are increased as per Section 4.16 Infill/Redevelopment Projects.

### 3.10.020. Permitted Uses

**a. Categories.** Those uses or categories of uses as listed herein, and no others, are permitted in the HDR2 zone.

**b. Permitted Principal Uses.** The following principal uses and structures, and no others, shall be permitted in the HDR2 zone:

**Permitted Uses**
Multi-Family Dwellings
Residential Facility for Elderly Persons
Disabled Persons Residential facility
Nursery Schools
Day Care Centers
Bed and Breakfast Inn
Assisted and Residential Care Facility
Boarding House
Mobile Home Courts and Subdivisions
Dormitory Housing, Fraternity, Sorority
Short Term Rental

**c. Permitted Accessory Uses.** Accessory uses and structures are permitted in the HDR2 zone provided they are incidental to, and do not substantially alter the character of, the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

i. Accessory buildings such as garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with, and incidental to, a principal use or structure.

ii. Swimming pools.

iii. Vegetable and flower gardens and noncommercial orchards.

iv. Home Occupations subject to the regulations of Section 4.10.A.

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

### 3.10.025. Conditional Uses

The following uses and structures may be permitted in the HDR2 zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof.

**Conditional Uses**
Single-family dwelling - detached
Single-family dwelling – attached
Manufactured housing units 24 feet or wider on a permanent foundation
Communications in accordance other applicable communications ordinances
Electricity regulating substations
Other Utility and Public Facilities
Separate Parking Lots
Cemeteries
Hospitals
Schools
Churches, Synagogues, Temples
Libraries
Golf Course
Golf Course w/ country club
Tennis Courts
Ice Skating
Athletic Fields
Recreation Centers
Pools
Parks and playgrounds skate parks
Automobile parking lots and garages
Other Utility Facilities
Home Business regulated as per Section 4.10.B

### 3.10.030. Lot Area

Minimum acreage per development is one half (1/2) acre.

### 3.10.040. Lot Width

The minimum lot width in the HDR2 zone is two hundred (200) ft.

### 3.10.045. Lot Depth

The minimum lot depth in the HDR2 zone is sixty (60) feet.

### 3.10.050. Lot Frontage

Each lot or parcel of land in the HDR2 zone shall abut a public street for a distance of twenty-four (24) feet on a line parallel to the center line of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.

### 3.10.060. Prior Created Lots

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

### 3.10.070. Lot Configuration and Density

Thirty-four (34) units per acre are allowed by right and up to forty-two (42) units per acre may be allowed with a conditional use permit as described in the Purposes and Objectives section of this zone. Pedestrian Emphasis Overlay density is regulated by the University, the Building Code of Rexburg, ID and any requirements imposed as part of the required CUP.

### 3.10.080. Yard Requirements

The following minimum yard requirements shall apply in the HDR2 zone:

**a. Front/Rear Yard.** Each lot or parcel in the HDR2 zone shall have a minimum front yard of at least twenty-five (25) feet. Each lot or parcel shall have a minimum front yard of at least twenty-five (25) feet, unless the street upon which the parcel fronts has a boulevard strip of at least seven (7) feet, in which case the front yard setback may be reduced to twenty (20) feet and for parking lot front yard setbacks reduced to ten (10) feet. Parking lot front yard setbacks are twenty (20) feet. The minimum depth of a rear yard shall be twenty (20) feet.

When a single family home is converted to a triplex or greater, or is converted to dormitory (non-single family) housing, no parking spaces are permitted within the required front yard. However, an existing driveway (no greater than 20-feet in width and garage, when combined, may provide up to four parking spaces per building. If no garage is present, then all parking spaces must be located outside of the front yard setback. All other parking areas that may be located within the front yard shall be removed and restored to landscaping prior to the occupancy of the building.

**b. Side Yard.** Each lot or parcel of land in the HDR2 zone shall have a side yard of at least six (6) feet or six (6) inches of setback for every foot of building height, whichever is greater. However, a setback of ten (10) feet shall be allowed within side yards that abut other HDR zones, MDR zones, commercial zones, or mixed-use zones, regardless of building height.

**c. Infill/Redevelopment Setbacks.** Setbacks are increased as per Section 4.16 Infill/Redevelopment Projects.

**d. Accessory Building Setbacks.** Accessory buildings must meet all setback requirements established by any applicable building code, and shall:

i. Have a building footprint and height less than the main dwelling. Accessory buildings larger than two hundred (200) square feet shall meet the same side yard requirements as principal buildings.

ii. Comply with all lot coverage requirements. An accessory building or group of accessory buildings in any residential zone shall not cover more than thirty (30) percent of the rear yard.

iii. Comply with the current Building Code of Rexburg, ID.

iv. Only be used for those accessory uses allowed in the respective zone.

v. Accessory building shall not be placed in the front yard.

vi. Accessory buildings may be placed in any location in the rear yard not otherwise in conflict with this Ordinance, unless the accessory building is a garage with doors opening into the alley. Such garages shall be located at least fifteen (15) feet from the alley.

### 3.10.090. Setbacks and Rights-of-Way Exceptions

**a. Expectations.** The following structures may be erected on or projected into any required setback or right-of-way:

i. Fences and walls in conformance with the Rexburg City Code and other City codes or ordinances.

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

iii. Necessary appurtenances for utility service.

iv. Underground parking structures may be projected into any required setback if the structure is covered by landscaping or grass and does not raise the grade of the yard by more than two (2) feet.

vii. In all zones the area between the curb and gutter and the sidewalk is to be landscaped and maintained by the adjacent property owner. For the purpose of insuring 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 (30) feet from the intersection of such lot lines, shall be free from any sight obscuring structure or obstruction except as permitted. Trees in such triangles shall be trimmed to at least ten (10) 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.

i. In the Pedestrian Emphasis Overlay, the required front yard setbacks for buildings (not parking) may be reduced up to fifteen feet (15') by meeting the following requirements:
j. A minimum 8' wide sidewalk is required parallel to any city street.
k. Street trees and other landscape amenities are required and include as a minimum the use of 2" caliper deciduous trees at a maximum of 20' spacing in the landscape strip between the curb and sidewalk. The space between the building and sidewalk shall be landscaped with ornamental trees, shrubs, annual and perennial flowers to achieve a "fully landscaped look". The landscape strip and the front yard setback shall be planted with grass between the trees, shrubs and other landscape features. An irrigation system is required and is the responsibility of the property owner as is the maintenance of the landscaped areas.
l. The building shall be oriented toward the street with architecturally defined entrances; a ground floor prominence; and elements that break up vertical and horizontal walls.
m. Section 3.9.090.vii.b is not allowed. Permitted Projections include balconies (no more than three (3) foot extended from building), cornices, eaves, belt courses and sills.
n. There shall be a variety of openings and other features that enhance the buildings visual interaction with the street. These features include doors, windows, balconies and/or other items such as stoops, awnings, porches, dooryards, canopies, overhangs, recesses, etc. that in combination enhance the human scale and pedestrian experience of the street. Balconies, awnings, canopies and other structural elements may extend a maximum of three (3) feet into the setback.
o. The first floor wall facing the right-of-way shall be faced with high quality materials (as approved by Community Development Director or Designee).
p. Street lighting and utilities within the right of way must be installed as per the City Engineering Standards.
q. Renderings identifying all of the above requirements and the Design Standards shall be provided to city staff prior to the request for a building permit. The Community Development Director or Designee will have authority to review the submittal and determine if it meets the above requirements and spirit in which they were created. At request by applicant the City Staff will have authority to over-rule the findings of the Community Development Director or Designee.

**b. Permitted Projections with Conditions.** The structures listed below may project into a minimum front yard or rear yard no more than four (4) feet and into a minimum side yard not more than two (2) feet, except that a required driveway shall remain unobstructed from the ground up a height of twelve (12) feet:

i. Cornices, eaves, belt courses, sills, buttresses, **foundation extension under 3' in height** or other similar architectural features.

ii. Fireplace structures and bays **and other similar structures** provided they are not wider than eight (8) feet and are generally parallel to the wall of which they are a part.

iii. Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes not exceeding thirty (30) inches in height.

iv. Carports and loading docks in a side yard or rear yard, provided that such a structure is not more than one (1) story in height and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features

**c. Additional Exception.** 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 average setback of such buildings. 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.

### 3.10.100. Building Height

No lot or parcel of land in the HDR2 zone shall have a building or structure which exceeds a maximum height of fifty-five (55) feet, measured at the top of building's horizontal wall. An unroofed and unenclosed rooftop terrace, an enclosed stairwell or elevator providing access to the roof, shall not be included in the measurement of total building height. Buildings or portions of buildings within fifty (50) feet of a residential zone other than HDR1 and HDR2 shall be limited to thirty-five (35) feet in. In no case shall the height of an accessory structure exceed the height of any main structure on the same lot.

### 3.10.110. Distance Between Buildings

The distance between any accessory building and a dwelling shall not be less than six (6) feet.

### 3.10.120. Permissible Lot Coverage

**a. Building Coverage.** In an HDR2 zone, all buildings, including accessory buildings and structures (including impervious surfaces, e.g. driveways), shall not cover more than eighty (80) percent of the area of the lot or parcel of land.

**b. Landscaping.** At least twenty (20) percent of the area of any lot shall be maintained in landscaping. On any lot, concrete or asphaltic cement shall not cover more than forty (40) percent of a front yard and one hundred (100) percent of one (1) side yard.

### 3.10.130. Parking, Loading and Access

Parking is required as per Chapter 5 Parking Regulation. Housing projects made up of twelve (12) or more units will be required to demonstrate sidewalk access to the BYUI campus and to the nearest Substantial Commercial Cluster (see definition).

### 3.10.140. Project Plan Approval

All projects constructed within the HDR2 zone must submit, prior to beginning construction, a site plan (including a drainage plan) for review and approval by City of Rexburg Development Review Committee. Drainage on to an adjacent lot not owned by applicant is not allowed. All structures must comply with the current Building Code of Rexburg, ID.

### 3.10.150. Buffering, Fencing and Screening

Buffering, screening and fencing within the City of Rexburg shall be constructed and maintained in conformance with the following standards:

**a. 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.

**b. Buffers.** Where a lot in the HDR1 or HDR2 zone adjoins a lot in the LDR1, LDR2, LDR3, MDR1, or MDR2 zone, or an unincorporated lot designated as single-family in the Comprehensive Plan, a seven (7) foot wide landscaped buffer shall be provided on said property line. The buffer shall be planted with one (1) tree of 2" caliper and five (5) low shrubs per thirty (30) lineal feet. The trees shall be planted at thirty (30) foot intervals. When a public street is located between the front lot line of the HDR1 or HDR2 zone and any single-family zone, a landscaped buffer seven (7) feet wide shall be constructed and maintained on the front lot line. The buffer shall be planted with one (1) shade tree and five (5) low shrubs per thirty (30) lineal feet. The landscaping shall be planned and maintained so as not to violate section 3.10.090.

**c. Infill/Redevelopment Buffering.** Buffering is increased as per Section 4.16 Infill/Redevelopment Projects

**d. Fences.** The maximum height of any fence, wall, or sight obscuring objects within fifteen (15) feet of the public right-of-way shall be three (3) feet. Fences will be allowed in excess of three (3) feet and up to six (6) feet if constructed out of rigid materials and are fifty (50) percent or more see through per lineal foot. All other fences shall not be greater in height than eight (8) feet unless approved by the Planning and Zoning Commission.

### 3.10.160. Design Standards

**a. Purpose.** The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.

**b. Applicability.** This section applies to all of the following types of buildings, and shall be applied during Site Plan Review described in Section 1.10:

i. All uses except Single Family Detached

**c. Standards.** All buildings which are subject to this Section shall comply with all of the following standards. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature may be used to comply with more than one standard.

**i. Building Form.** The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings shall not exceed one hundred and sixty (160) feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Along the vertical face of a structure, such features shall occur at a minimum of every fifty (50) feet, and on each floor shall contain at least two of the following features:

1. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of four (4) feet;

2. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two (2) feet and runs horizontally for a minimum length of four (4) feet; **and/or**

3. Offsets or breaks in roof elevation of two (2) feet or greater in height.

**ii. Eyes on the Street.** All building elevations visible from a street right of way shall provide doors, porches, balconies, and/or windows. A minimum of forty (40) percent of front (i.e., street-facing) elevations, and a minimum of twenty (20) percent of side and rear building elevations, as applicable, shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. Trim, shutters, and other features that are part of the items making up the requirement shall be included in the measurement. The standard applies to each full and partial building story.

**iii. Detailed Design.** All buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least two (2) of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

1. Dormers
2. Gables
3. Recessed entries
4. Covered porch entries
5. Cupolas or towers
6. Pillars or posts
7. Off-sets in building face or roof (minimum sixteen (16) inches)
8. Bay windows, box windows and window trim (minimum four (4) inches wide)
9. Balconies
10. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
11. Decorative cornices and roof lines (e.g., for flat roofs)
12. Changes in exterior texture or color.
13. An alternative feature providing visual relief, similar to previous options

### 3.10.170. Other Requirements

Commercial Lighting Standards are applicable as described in Section 4.14.

## 3.11 Rural Residential 1 (RR1)

3.11.010. Purposes and Objectives
3.11.020. Permitted Uses
3.11.030. Lot Area
3.11.040. Lot Width
3.11.045. Lot Depth
3.11.050. Lot Frontage
3.11.060. Prior Created Lots
3.11.070. Lot Configuration and Density
3.11.080. Yard Requirements
3.11.090. Setbacks and Rights-of-Way Exceptions
3.11.100. Building Height
3.11.110. Distance Between Buildings
3.11.120. Permissible Lot Coverage
3.11.130. Parking, Loading and Access
3.11.140. Project Plan Approval
3.11.150. Fencing and Screening
3.11.160. Other Requirements

### 3.11.010. Purpose and Objectives

The RR1 zone is established to protect stable neighborhoods of detached family dwellings on lots of one acre or more up to five (5) acres. Land in this zone is required to be relatively flat with a maximum slope of 3%. The minimum lot width shall be 150 feet; the minimum front yard shall be sixty (60) feet from the property line or ninety (90) feet from the center line of the road, whichever is greater; the minimum rear yard shall be thirty (30) feet from the property line; and the minimum side yard shall be six inches for every foot of building height with a ten (10) foot minimum. No structure shall be erected to a height greater than thirty (30) feet to eave height, measured from natural grade at the building site. There can be only one single-family dwelling per lot. Household pets are allowed, no more than two domestic livestock for each acre shall be allowed. Installation of curb and gutter or a drainage facility approved in advance by the Planning and Zoning Commission shall be required. The maximum lot coverage by buildings, including the dwelling, shall be fifty (50) percent.

### 3.11.020. Permitted Uses

**a. Categories.** Those uses or categories of uses as listed herein, and no others, are permitted in the RR1 zone.

**b. Permitted Principal Uses.** The following principal uses and structures, and no others, shall be permitted in the RR1 zone:

**Permitted Uses**
Single-family dwelling
Disabled Persons Residential facility
Manufactured housing units 24 feet or wider on a permanent foundation.
Agriculture

**c. Permitted Accessory Uses.** Accessory uses and structures are permitted in the RR1 zone provided they are incidental to, and do not substantially alter the character of, the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

i. Accessory buildings such as garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with, and incidental to, a principal use or structure.

ii. Swimming pools.

iii. Vegetable and flower gardens and noncommercial orchards.

iv. Home Occupations subject to the regulations of Section4.10. A.

v. Storage of materials used for construction of a building, including the contractor's temporary office,

provided that such use is on the building site or immediately adjacent thereto, and provided, further, that such use shall be permitted only during the construction period and thirty (30) days thereafter.

### 3.11.025. Conditional Uses

The following uses and structures may be permitted in the RR2 zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof.

**Conditional Uses**
Assisted and Residential Care Facility
Residential Facility for Elderly Persons
Accessory Apartment (Applicant to demonstrate the benefits and lack of impact)
Communications in accordance other applicable communications ordinances
Electricity regulating substations
Other Utility and Public Facilities
Cemeteries
Day Care Centers
Nursery Schools
Schools
Churches, Synagogues, Temples
Tennis Courts
Ice Skating
Pools
Parks and Playgrounds Skate Parks
Home Business regulated as per Section 4.10.B

### 3.11.030. Lot Area

The minimum area of any lot or parcel of land in the RR1 zone is one (1) acre or more up to five (5) acres.

### 3.11.040. Lot Width

The minimum lot width in the RR1 zone is one hundred and fifty (150) feet.

### 3.11.045. Lot Depth

The minimum lot depth in the RR1 zone is one hundred (150) feet.

### 3.11.050. Lot Frontage

Each lot or parcel of land in the RR1zone shall abut a public street for a distance of thirty (30) feet on a line parallel to the center line of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.

### 3.11.060. Prior Created Lots

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

### 3.11.070. Lot Configuration and Density

One (1) single-family dwelling may be placed on a lot or parcel of land in the RR1 zone as a matter of right.

### 3.11.080. Yard Requirements

The following minimum yard requirements shall apply in the RR1 zone:

**a.** **Front/Rear Yard.** Each lot or parcel in the RR1 zone shall have a minimum front yard of at least forty (40) feet from the front property line or seventy (70) feet from the centerline of the road, whichever is greater. The minimum depth of a rear yard shall be twenty (30) feet.

**b.** **Side Yard.** Each lot or parcel of land in the RR1 zone shall have a side yard of not less than ten (10) feet or six (6) inches of setback for every foot of building height, whichever is greater.

**c.** **Accessory Building Setbacks.** Accessory buildings must meet all setback requirements established by any applicable building code, and shall:

i. Have a building footprint and height less than the main dwelling. Accessory buildings larger than two hundred (200) square feet shall meet the same side yard requirements as principal buildings.

ii. Comply with all lot coverage requirements. An accessory building or group of accessory buildings in any residential zone shall not cover more than thirty (30) percent of the rear yard.

iii. Comply with the latest current Building Code of Rexburg, ID.

iv. Only be used for those accessory uses allowed in the respective zone.

v. Accessory building shall not be placed in the front yard.

vi. Accessory buildings may be placed in any location in the rear yard not otherwise in conflict with this Ordinance, unless the accessory building is a garage with doors opening into the alley. Such garages shall be located at least fifteen (15) feet from the alley.

### 3.11.090. Setbacks and Rights-of-Way Exceptions

**a. Exceptions.** The following structures may be erected on or projected into any required setback or right-of-way:

i. Fences and walls in conformance with the Rexburg City Code and all other City codes or ordinances.

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

iii. Necessary appurtenances for utility.

iv. In all zones the area between the curb and gutter and the sidewalk is to be landscaped and maintained by the adjacent property owner. For the purpose of insuring 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 forty (40) feet from the intersection of such lot lines, shall be free from any sight obscuring structure or obstruction except as permitted. Trees in such triangles shall be trimmed to at least ten (10) 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.

**b. Additional Exception.** 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 average setback of such buildings. 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.

### 3.11.100. Building Height

No lot or parcel of land in the RR1 zone shall have a building or structure which exceeds a maximum height of twenty-five (25) feet, measured at the top of building's horizontal wall.

### 3.11.110. Distance Between Buildings

The distance between any accessory building and a dwelling shall not be less than six (6) feet.

### 3.11.120. Permissible Lot Coverage

**a. Building Coverage.** In an RR1 zone, all buildings, including accessory buildings and structures (including impervious surfaces, e.g. driveways), shall not cover more than fifty (50) percent of the lot or parcel of land.

### 3.11.130. Parking, Loading and Access

**a. Requirements.** The Madison County Commission together with the Rexburg City Council shall designate certain roads and Streets located within the area of city Impact as Direct Access Restricted Road. No lot or parcel of ground adjoining such designated roads or streets shall have direct access to such road without the prior approval of the Rexburg Planning and Zoning Commission. Access to and from said lots or parcels shall be by roads, streets or frontage roads which have been approved by the Rexburg Planning and Zoning

Commission. Said lots or parcels shall comply with the following requirements:

i. Such lots shall reverse frontage on the designated direct accesses restricted road.

ii. Such lots shall be buffered from the direct access restricted road by any effective combination of the following: lot depth, earth berms, vegetation, walls or fences, and structural sound proofing.

iii. The minimum lot depth shall be two hundred (200) feet except where the use of berms, vegetation and structures can be demonstrated to constitute an effective buffer for a dwelling on a lot less than two hundred (200) feet in depth.

iv. Whenever practical existing roadside trees shall be saved and used in the arterial buffer.

v. Site plans, subdivision requirements, annexation and development agreement shall include provision for installation and continued maintenance of all buffers and compliance with all city and county ordinances applicable within the area of city impact.

### 3.11.140. Project Plan Approval

All projects constructed within the RR1 zone must submit, prior to beginning construction, a site plan (including a drainage plan) for review and approval by City of Rexburg Building Department. Drainage on to an adjacent lot not owned by applicant is not allowed. All structures must comply with the current Building Code of Rexburg, ID.

### 3.11.150. Fencing and Screening

Screening and fencing within the City of Rexburg shall be constructed and maintained in conformance with the following standards:

**a. 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.

**b. Parking Areas.** An effective buffer shall be provided between parking areas for more than five (5) 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 of 2" caliper and five (5) low shrubs per thirty (30) lineal foot

**c. Fences.** The maximum height of any fence, wall, or sight obscuring objects within fifteen (15) feet of the public right-of-way shall be three (3) feet. Fences will be allowed in excess of three (3) feet and up to six (6) feet if constructed out of rigid materials and are fifty (50) percent or more see through per lineal foot. All other fences shall not be greater in height than eight (8) feet unless approved by the Planning and Zoning Commission.

### 3.11.160. Other Requirements

Refer to Chapter 4 of this Code: Supplementary Regulations.

## 3.12 Rural Residential (RR2)

3.12.010. Purposes and Objectives
3.12.020. Permitted Uses
3.12.030. Lot Area
3.12.040. Lot Width
3.12.045. Lot Depth
3.12.050. Lot Frontage
3.12.060. Prior Created Lots
3.12.070. Lot Configuration and Density
3.12.080. Yard Requirements
3.12.090. Setbacks and Rights-of-Way Exceptions
3.12.100. Building Height
3.12.110. Distance Between Buildings
3.12.120. Permissible Lot Coverage
3.12.130. Parking, Loading and Access
3.12.140. Project Plan Approval
3.12.150. Fencing and Screening
3.12.160. Other Requirements

### 3.12.010. Purpose and Objectives

The RR2 Zone is established to provide rural residential zoning for the development and protection of country neighborhoods. Land in this zone is required to be relatively flat with a maximum slope of 3%. The minimum development size for RR2 Zoning is on half (1/2) acre. This zoning may be applied in areas where traffic flow is limited primarily to local area residents and where the expansion of transportation to areas adjacent to the zone is not anticipated. The zone shall be characterized by single-family dwellings on lots of a minimum of 1/2 acre, ample off-street parking and reflecting a rural isolated atmosphere.

An accessory apartment is allowed with a Conditional Use Permit. Neighborhoods with RR2 zoning conform to the city typical road section for RR2 neighborhoods. Application of RR2 Zoning must be consistent with topography where storm water runoff and erosion are not a problem. The City of Rexburg right of way width is a minimum of sixty-eight (68) feet or as dictated by current road right-of-way policy. Two (2) dwelling units per net acre is the maximum density permitted in RR2.

The RR2 zone is established to protect stable neighborhoods of detached single-family dwellings on half (1/2) acre lots. The conditional uses allowed in this district shall be compatible with single-family homes on landscaped lawns, low building heights, predominantly off-street parking, low traffic volumes, and low nuisance potential.

### 3.12.020. Permitted Uses

**a. Categories.** Those uses or categories of uses as listed herein, and no others, are permitted in the RR2 zone.

**b. Permitted Principal Uses.** The following principal uses and structures, and no others, shall be permitted in the RR2 zone:

**Permitted Uses**
Single-family dwelling
Accessory Building
Disabled Persons Residential facility
Manufactured housing units 24 feet or wider on a permanent foundation.
Agriculture

**c. Permitted Accessory Uses.** Accessory uses and structures are permitted in the RR2 zone provided they are incidental to, and do not substantially alter the character of, the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

i. Accessory buildings such as garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with, and incidental to, a principal use or structure.

ii. Swimming pools.

iii. Vegetable and flower gardens and noncommercial orchards.

iv. Home occupations subject to the regulations of Section 4.10.A.

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

### 3.12.025. Conditional Uses

The following uses and structures may be permitted in the RR2 zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof.

**Conditional Uses**
Assisted and Residential Care Facility
Residential Facility for Elderly Persons
Communications in accordance other applicable communications ordinances
Electricity regulating substations
Other Utility and Public Facilities
Cemeteries
Day Care Centers
Nursery Schools
Schools
Churches, Synagogues, Temples
Tennis Courts
Ice Skating
Pools
Parks and Playgrounds Skate Parks
Home Business regulated as per Section 4.10.B

### 3.12.030. Lot Area

The minimum area of any lot or parcel of land in the RR2 zone is 21,780 sq. ft.

### 3.12.040. Lot Width

The minimum lot width in the RR2 zone is one hundred and twenty (120) feet.

### 3.12.045. Lot Depth

The minimum lot depth in the RR2 zone is one hundred and forty (140) feet.

### 3.12.050. Lot Frontage

Each lot or parcel of land in the RR2 zone shall abut a public street for a minimum distance of thirty (30) feet, on a line parallel to the center line of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.

### 3.12.060. Prior Created Lots

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

### 3.12.070. Lot Configuration and Density

One (1) single-family dwelling may be placed on a lot or parcel of land in the RR2 zone as a matter of right.

### 3.12.080. Yard Requirements

The following minimum yard requirements shall apply in the RR2 zone:

**a. Front/Rear Yard.** Each lot or parcel in the RR2 zone shall have a minimum front yard of at least twenty-five (25) feet. The minimum depth of a rear yard shall be twenty (20) feet.

**b. Side Yard.** Each lot or parcel of land in the RR2 zone shall have a side yard of at least six (6) feet or six

(6) inches of setback for every foot of building height, whichever is greater.

c. **Accessory Building Setbacks.** Accessory buildings must meet all setback requirements established by any applicable building code, and shall:

i. Have a building footprint and height less than the main dwelling. Accessory buildings larger than two hundred (200) square feet shall meet the same side yard requirements as principal buildings.

ii. Comply with all lot coverage requirements. An accessory building or group of accessory buildings in Any residential zone shall not cover more than thirty (30) percent of the rear yard.

iii. Comply with the latest current Building Code of Rexburg, ID.

iv. Only be used for those accessory uses allowed in the respective zone.

v. Accessory building shall not be placed in the front yard.

vi. Accessory buildings may be placed in any location in the rear yard not otherwise in conflict with this Ordinance, unless the accessory building is a garage with doors opening into the alley. Such garages shall be located at least fifteen (15) feet from the alley.

### 3.12.090. Setbacks and Rights-of-Way Exceptions

a. **Exceptions.** The following structures may be erected on or projected into any required setback or right-of-way:

i. Fences and walls in conformance with the Rexburg City Code and other City codes or ordinances.

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

iii. Necessary appurtenances for utility service.

iv. In all zones the area between the curb and gutter and the sidewalk is to be landscaped and maintained by the adjacent property owner. For the purpose of insuring 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 (30) feet from the intersection of such lot lines, shall be free from any sight obscuring structure or obstruction except as permitted. Trees in such triangles shall be trimmed to at least ten (10) 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.

d. **Additional Exception.** 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 average setback of such buildings. 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.

### 3.12.100. Building Height

No lot or parcel of land in the RR2 zone shall have a building or structure which exceeds a maximum height of twenty-five (25) feet, measured at the top of building's horizontal wall. In no case shall the height of an accessory structure exceed the height of any main structure on the same lot.

### 3.12.110. Distance Between Buildings

The distance between any accessory building and a dwelling shall not be less than six (6) feet. The distance between buildings containing dwelling on the same lot shall not be less than ten (10) feet or as per the Building Code, whichever is greater.

### 3.12.120. Permissible Lot Coverage

a. **Building Coverage.** In an RR2 zone, all buildings, including accessory buildings and structures (including impervious surfaces, e.g. driveways), shall not cover more than seventy (70) percent of the area of the lot or parcel of land.

**b. Landscaping.** At least thirty (30) percent of the area of any lot shall be maintained in landscaping. On any lot, concrete or asphaltic cement shall not cover more than forty (40) percent of a front yard, fifty (50) percent of a rear yard, and one hundred (100) percent of one (1) side yard.

### 3.12.130. Parking, Loading and Access

**a. Requirements.** The Madison County Commission together with the Rexburg City Council shall designate certain roads and Streets located within the area of city Impact as Direct Access Restricted Road. No lot or parcel of ground adjoining such designated roads or streets shall have direct access to such road without the prior approval of the Rexburg Planning and Zoning Commission. Access to and from said lots or parcels shall be by roads, streets or frontage roads which have been approved by the Rexburg Planning and Zoning Commission. Said lots or parcels shall comply with the following requirements:

i. Such lots shall reverse frontage on the designated direct accesses restricted road.

ii. Such lots shall be buffered from the direct access restricted road by any effective combination of the following: lot depth, earth berms, vegetation, walls or fences, and structural sound proofing.

iii. The minimum lot depth shall be two hundred (200) feet except where the use of berms, vegetation and structures can be demonstrated to constitute an effective buffer for a dwelling on a lot less than two hundred (200) feet in depth.

iv. Whenever practical existing roadside trees shall be saved and used in the arterial buffer.

v. Site plans, subdivision requirements, annexation and development agreement shall include provision for installation and continued maintenance of all buffers and compliance with all city and county ordinances applicable within the area of city impact.

### 3.12.140. Project Plan Approval

All projects constructed within the RR2 zone must submit, prior to beginning construction, a site plan (including a drainage plan) for review and approval by City of Rexburg Building Department. Drainage on to an adjacent lot not owned by applicant is not allowed. All structures must comply with Building Code of Rexburg, ID.

### 3.12.150. Fencing and Screening

Screening and fencing within the City of Rexburg shall be constructed and maintained in conformance with the following standards:

**a. 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.

**b. Parking Areas.** An effective buffer shall be provided between parking areas for more than five (5) 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 of 2" caliper and five (5) low shrubs per thirty (30) lineal foot

**c. Fences.** The maximum height of any fence, wall, or sight obscuring objects within fifteen (15) feet of the public right-of-way shall be three (3) feet. Fences will be allowed in excess of three (3) feet and up to six (6) feet if constructed out of rigid materials and are fifty (50) percent or more see through per lineal foot. All other fences shall not be greater in height than eight (8) feet unless approved by the Planning and Zoning Commission.

### 3.12.160. Other Requirements

Refer to Chapter 4 of this Code: Supplementary Regulations.

*MIXED USE ZONES*

## 3.13 Mixed Use (Number Reserved)

## 3.14 Mixed Use (MU)

3.14.010. Purpose and Objectives
3.14.020. Permitted Uses
3.14.030. Minimum Mixed Use Percentages
3.14.040. Lot Area
3.14.050. Lot Width
3.14.060. Lot Depth
3.14.070. Lot Frontage
3.14.080. Prior Created Lots
3.14.090. Lot Configuration and Density
3.14.100. Yard Requirement
3.14.110. Projections into Yards
3.14.120. Building Height
3.14.130. Distance Between Buildings
3.14.140. Permissible Lot Coverage
3.14.150. Parking, Loading and Access
3.14.160. Design Standards
3.14.170. Other Development Standards
3.14.180. Reversion of Zoning
3.14.190. Lighting Standards

### 3.14.010. Purpose and Objectives

It is the purpose and intent of the moderate intensity mixed use ("MU") district to provide areas in which a variety of housing types may exist among neighborhood-serving commercial and institutional uses. The MU zone is intended and therefore shall only be applied to areas that are designated Neighborhood Commercial/Mixed Use on the City's Comprehensive Plan map. For land that is zoned MU, and is located within the Pedestrian Emphasis Overlay (PEO): less parking and higher density for residential units are allowed as per the definition of the Pedestrian Emphasis Overlay found in Chapter 2.

For Infill/Redevelopment Projects (see definitions in Section 2.1) setbacks and buffering are increased as per Section 4.16 Infill/Redevelopment Projects.

### 3.14.020. Permitted Uses

**a. Categories.** Those uses or categories as listed herein, and no others, are permitted in the MU zone except as otherwise stated.

**b. Permitted Principal Uses.** In the moderate intensity mixed-use (MU) zone, residential, commercial, and institutional uses may occupy the same building and lot. The permitted uses as defined below are required to be used in combination of residential and commercial. Each building or project must have a minimum of 10% residential or commercial (including other uses as approved by the Community Development Director). MU is not allowed as a zone in any property facing Main Street Between the 2nd West and 2nd East. The following principal uses and structures, and no others, are permitted in the MU zone:

**Permitted Uses**
Multiple Family Dwellings, Apartments, and Dormitory Housing - up to 30-units per acre
Membership lodging
Religious quarters
Residential facility for elderly persons
Residential facility for persons with a disability
Residential hotels
Boarding Houses
Bed and Breakfast Inn
Short Term Rental

Bus transportation (Except bus garaging and equipment maintenance)
Motor vehicle transportation
Parking lot – automobile parking lot and garages (this does not include impound yards or long term storage of autos, trucks, boats, vacation trailers, etc.)
Bed and Breakfast Inn
Water utilities or irrigation company office
Refuse disposal company office
Gas and electric utility company office
Water and electric utility company office
Travel Agencies
Department stores (includes major and junior chain department stores)
Discount department stores
Surplus stores (inside only)
Mail and Phone order houses
Variety stores
Merchandise vending machine operators
Direct selling organization
Retail trade - general merchandise
Food stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy products, bakeries, etc.)
**Bakeries and Doughnut Shops**
Miscellaneous retail food establishments
Apparel and accessories
Furniture, home furnishings, and equipment (no combined warehousing)
Eating places (restaurants)
Drug and proprietary stores
Books, stationery, art, and hobby supplies
Sporting goods, bicycles, and toys
Garden supplies (entirely within a building only)
Jewelry
Ice dealers (automated machines or pick-up stations only)
Miscellaneous retail stores (includes florists, cigars, newspapers and magazines, photo supplies, pet stores, and other similar retail stores)
Florists
Drug and Proprietary Stores
Banks, insurance, and real estate (office only)
Personal services - including photography, beauty and barber services, clothing repair, etc.
Photographic Services
Beauty and Barber Shops
Funeral parlor (mortuary)
Crematory
Pressing, Alteration and Garment Repair (no on-site dry cleaning)
Athletic clubs, body building studios, Spas, aerobic centers, (no gymnasiums)
Business services (office and retail sales only)
Electrical appliance repair and service (no outside storage)
Reupholstering and furniture repair
Locksmiths and key shops
Gunsmiths
Professional Services (Except behavior, drug and alcohol treatment; office only)
Executive, legislative, and judicial functions
Protective functions and related activities
Postal services
Educational services
Churches, synagogues, temples, and missions
Religious reading rooms
Other religions activities
Cultural activities
Libraries
Video Rental Shops
Police Protection and Related Activities, Branch (office only)
Hardware
Fruits and Vegetables
Candy, Nut, and Confectionery
Reception Center
Nursery Schools

Day Care Centers
Dancing Schools
Call Centers

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

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

ii. Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto and, provided further, that such use shall be permitted only during the construction period and thirty (30) days thereafter, but in no case for a period to exceed one (1) year, unless approved by the Building Official.

### 3.14.025. Conditional Uses

The following uses and structures may be permitted in the MU zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof, and must be consistent with the Purpose and Objectives of the MU zone. The conditional uses as defined below are required to be used in combination of residential and commercial. Each building or project must have a minimum of 10% residential or commercial (including other uses as approved by the Community Development Director). When MU is allowed in an area designated on the Preferred Land Use Map as Downtown Commercial Mixed Use, the residential density may be increased to 40 units per acre if approved with a Conditional Use Permit.

**Conditional Uses**
Heating and plumbing equipment (no outside storage)
Paint, Glass, and Wall Paper
Electrical supplies
Building maintenance
Swimming Pool Supplies
Shopping Centers (if center is more than 5 acres but less than 10 acres) Containing only uses that are listed herein.
Grocery Stores (if center is more than 5 acres but less than 10 acres) Containing only land uses listed herein.
Meats and Fish
Dairy Products
Household Goods Warehousing and Storage
Contract construction services (offices and retail only)

### 3.14.030. Minimum Mixed Use Percentages

All MU projects shall have a residential/commercial mix (including other uses as approved by the Community Development Director) so that neither the residential or commercial portions of the project shall be less than 10% of the whole. This minimum mix shall be maintained in perpetuity and will be monitored by the Community Development Compliance Officer.

### 3.14.040. Lot Area

The minimum area of any lot or parcel of land in the MU zone is twelve thousand (12,000) sq. ft.

### 3.14.050. Lot Width

The minimum lot width in the MU zone is sixty (60) feet.

### 3.14.060. Lot Depth

The minimum lot depth in the MU zone is sixty (60) feet.

### 3.14.070. Lot Frontage

Each lot or parcel of land in the MU zone shall abut a public street for a minimum distance of twenty-four (24) feet, on a line parallel to the center line of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.

### 3.14.080. Prior Created Lots

Lots or parcels of land which were legally and lawfully created prior to the application of the zone shall be subject to review by the Planning and Zoning Commission and the Rexburg City Council and may be denied a building permit for reason of nonconformance with the parcel requirements of this Chapter.

### 3.14.090. Lot Configuration and Density

Housing unit density of up to thirty (30) units per acre is permitted. Housing unit density of up to forty (40) units per acre may permitted with a CUP.

For land that is located within "Area #1" of the PEO district (see map on page 239), the dwelling unit density shall be allowed to be increased as per Planning and Zoning Commission findings during the required CUP.

### 3.14.100. Yard Requirement

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

**Front Yard.** The minimum front yard setback shall be zero (0) feet if the following requirements are followed

- **a.** A minimum 8' wide sidewalk is required parallel to any city street.
- **b.** Street trees and other landscape amenities are required and include as a minimum the use of 2" caliper deciduous trees at a maximum of 20' spacing in the landscape strip between the curb and sidewalk. The space between the building and sidewalk shall be landscaped with ornamental trees, shrubs, annual and perennial flowers to achieve a "fully landscaped look". The landscape strip and the front yard setback shall be planted with grass between the trees, shrubs and other landscape features. An irrigation system is required and is the responsibility of the property owner as is the maintenance of the landscaped areas.
- **c.** The building shall be oriented toward the street with architecturally defined entrances; a ground floor prominence; and elements that break up vertical and horizontal walls.
- **d.** There shall be a variety of openings and other features that enhance the buildings visual interaction with the street. These features include doors, windows, balconies and/or other items such as stoops, awnings, porches, dooryards, canopies, overhangs, recesses, etc. that in combination enhance the human scale and pedestrian experience of the street. Balconies, awnings, canopies and other structural elements may extend a maximum of three (3) feet into the setback.
- **e.** The first floor wall facing the right-of-way shall be faced with high quality materials (as approved by Community Development Director or Designee).
- **f.** Street lighting and utilities within the right of way must be installed as per the City Engineering Standards.
- **g.** Renderings identifying all of the above requirements and the Design Standards shall be provided to city staff prior to the request for a building permit. The Community Development Director or Designee will have authority to review the submittal and determine if it meets the above requirements and spirit in which they were created. At request by applicant the City Staff will have authority to over-rule the findings of the Community Development Director or Designee.

When the above requirements are not met then a front yard setback of ten (10) feet shall be required. The front yard shall be landscaped with ornamental trees, shrubs, annual and perennial flowers to achieve a "fully landscaped look". The maximum front yard setback shall be ten (10) feet. No part of any building shall overhang the public right-of-way and no drainage shall be diverted into said public right-of-way. Parking spaces, drive aisles, and all maneuvering areas shall not be located within the first ten (10) feet of a front yard. This area shall be used for landscaping that will adequately screen parking areas from adjacent right-of-way.

- **a. Rear Yard.** No requirement. When a building is adjacent to a residential zone or use the building shall match the rear yard requirements of the adjacent residential zone or use. Minimum rear yard of at least 6 (six) feet shall be required when a sloped roof drains toward rear yard property line.

- **b. Side Yard.** There shall be no side yard requirements. When a building is adjacent to a residential zone or use the building shall match the side yard requirements of the adjacent residential zone or use. Minimum side yard of at least 6 (six) feet shall be required when a sloped roof drains toward side yard property line.

- **c. Infill/Redevelopment Setbacks.** Setbacks are increased as per Section 4.16 Infill/Redevelopment Projects.

- **d. Accessory Buildings.** Accessory buildings must meet all fire separation requirements established by any applicable building code, and shall:

i. Have a building footprint and height less than the main dwelling. Accessory buildings larger than one hundred and twenty (120) square feet require a building permit.

ii. Comply with all lot coverage requirements and may not be in the front yard.

iii. Comply with the current Building Code of Rexburg, ID.

iv. Only be used for those accessory uses allowed in the respective zone.

v. Maintain architecturally similar material and colors with main building.

### 3.14.110. Projections into Yards

**a. Permitted Projections.** The following structures may be erected on or projected into any required yard, except for a required driveway:

i. Fences and walls in conformance with the Rexburg City Code and other City codes and ordinances.

ii. Landscape elements including trees, shrubs, turf, and other plant materials.

iii. Necessary appurtenances for utility service.

### 3.14.120. Building Height

**Permitted Heights**

a. The allowed height is 55 feet, for all buildings. Buildings higher than 55 feet may be allowed with a Conditional Use Permit. Building height for all uses shall be measured from adjacent grade level to the top of the highest horizontal wall top plate. An unroofed and unenclosed rooftop terrace, an enclosed stairwell or elevator providing access to the roof, shall not be included in the measurement of total building height.

b. Stealth telecommunication towers are permitted to a height of 75 feet. The Planning and Zoning Commission shall review the design of all proposed stealth telecommunication towers through the conditional use permit process, and provide a recommendation to the City Council. Any proposed tower shall also be subject to the City's telecommunications tower ordinance which will require certain setbacks and excluded areas.

c. Non-stealth telecommunication towers are permitted to a height of 60 feet. The Planning and Zoning Commission shall review the design of all proposed telecommunication towers through the conditional use permit process, and provide a recommendation to the City Council. Any proposed tower shall also be subject to the City's telecommunications tower ordinance which will require certain residential setbacks and excluded areas.

### 3.14.130. Access

Housing projects made up of twelve (12) or more units will be required to demonstrate sidewalk access to the BYUI campus and to the nearest Substantial Commercial Cluster (see definition).

### 3.14.140. Permissible Lot Coverage

**a. Lot Coverage.** Maximum Lot Coverage is 90%. Lot coverage includes all buildings and structures including areas of hard surface such as sidewalks and driveways.

**b. Landscaping.** Areas not included in lot coverage calculation shall be maintained in landscaping.

### 3.14.145. Project Plan Approval

All projects constructed within the MU zone must submit, prior to beginning construction, a site plan (including a drainage plan) for review and approval by City of Rexburg Development Review Committee. Drainage on to an adjacent lot not owned by applicant is not allowed. All structures must comply with Building Department requirements.

### 3.14.150. Parking and Loading

Each lot or parcel in the MU zone shall have, on the same lot or parcel, automobile parking sufficient to meet the requirements as set forth in Chapter 5 Parking Regulation unless otherwise specified below. When possible, connectivity through parking lots of adjacent properties is required. The following parking guidelines shall apply to the MU zone:

**a. Parking Lot Construction**

All parking spaces shall be paved with asphaltic cement or concrete and shall be provided with paved access from a public street. Said spaces shall be provided with adequate drainage which shall not run across a public sidewalk. Parking spaces and maneuvering areas shall not be provided within a required front yard. An effective buffer shall be provided between parking areas for more than five (5) 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 of 2" caliper and five (5) low shrubs per thirty (30) lineal feet. A six (6) foot high vinyl or masonry fence may be substituted for the landscape strip.

**b. Townhouses**

Townhouses in the MU zone shall have two off-street parking spaces per unit.

**c. Mixed-Use Buildings and Projects**

The total parking requirement shall be the sum of the individual requirements for all uses (see Chapter 5). A joint use parking agreement, if executed according to the standards set forth in section d below would allow a reduction in the total requirement for a mixed-use building or project.

**d. Joint Use Parking**

Joint use parking facilities are encouraged. Joint use of required parking spaces may occur where two or more uses on the same site or on separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed if the following documentation is submitted in writing to the City as part of a building permit application or site plan review:

1. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
2. The location and number of parking spaces that are being shared;
3. An analysis showing that the peak parking demands for the different uses occur at different times, and that the parking area will supply at least the minimum number of required spaces for each use during its respective peak parking times; and,
4. A legal instrument such as an easement or deed restriction that guarantees access to the joint parking for all uses.

**e. Parking Structures**

Parking Structures are encouraged and must meet the requirements set forth in Chapter 5.

### 3.14.160. Design Standards

MU zones must follow the requirements of Section 4.13 Commercial Design Standards. 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.

### 3.14.170. Other Development Standards

**a. Signs.** All signs erected in the MU zone shall be in conformance with the sign provisions of the Rexburg City Sign Code, except for the following:

i. Sign requirements shall apply to the MU district, with the following exceptions:
   1. Pole signs are not allowed;
   2. Permitted detached signs shall be monument style and shall be limited to six feet in height.

**b. Outdoor Storage or Display**

i. Outdoor storage or display requires a Conditional Use Permit (CUP).

**c. Entrances**

i. In order to create a pedestrian-oriented environment in which buildings are oriented toward publicly accessible streets and sidewalks, a principal building must have its main entrance from a public sidewalk or plaza or from a private sidewalk or plaza that is publicly accessible through a public use easement. The main entrance shall not be from a parking lot; however, secondary entrances from parking lots are permitted. Interior buildings constructed as part of a campus development are exempt from these requirements.

**d. Landscaping.** All landscaping in the MU zone shall be consistent with landscaping requirements of the Development Code.

**e. Infill/Redevelopment.** Buffering is required as per Section 4.16 Infill/Redevelopment Projects.

**f. Trash Storage.**
No trash containment device shall be placed in such a location as to be visible from the public right of way unless in preparation for pickup, and under no circumstance for any period greater than 24 hours prior to and subsequent to the regularly scheduled pickup for trash.

**g. Walls, Fences, and Gates**

i. In order to promote pedestrian-oriented developments, exterior security fences and gates that are located along public streets, along private street or walkways that are publicly accessible through a public use easement, or along publicly accessible open spaces shall not extend beyond the building façades; i.e., these fences shall not be located in the area between building façades and the property line.

ii. Fences not exceeding thirty-six (36) inches in height, however, may extend beyond the building facade of attached or detached one- and two-family residential dwellings in mixed-use zoning districts.

iii. A vinyl or masonry fence of at least six (6) feet in height shall be erected along all property lines which lie adjacent to a residential zone, except front yards, where the height of the fence shall not exceed thirty-six (36) inches. In the case where there is mutual agreement between the property owners of the commercial zone and the adjacent residential zone, the Planning and Zoning Commission shall give considerable weight to the wishes of the parties involved. A signed agreement must be submitted to the Planning and Zoning Commission or its designee, indicating the desires of the property owners to have no fence. In the case where there no agreement can be reached, preference will be given to the construction of a vinyl fence.

### 3.14.180. Reserved

### 3.14.190. Lighting Standards

Residential and Commercial Lighting Standards are applicable as described in Section 4.14. Factors such as location of housing (onsite and offsite) and commercial land uses shall direct what standards are applicable

# COMMERCIAL ZONES

## 3.15 Neighborhood Business District (NBD)

3.15.010. Purpose and Objectives
3.15.020. Permitted Uses
3.15.025. Single Ownership and Control
3.15.030. Lot Area
3.15.040. Lot Width
3.15.050. Lot Frontage
3.15.060. Prior Created Lots
3.15.070. Area of Zone
3.15.080. Yard Requirement
3.15.090. Projections into Yards
3.15.100. Building Height
3.15.110. Distance Between Buildings
3.15.120. Permissible Lot Coverage
3.15.130. Parking, Loading and Access
3.15.140. Project Plan Approval
3.15.150. Other Requirements
3.15.160. Architectural Design Standards
3.15.170. Design Standards
3.15.180. Commercial Lighting Standards

### 3.15.010. Purpose and Objectives

The NBD zone is established to provide an area in which the primary use of the land is for commercial and service uses to serve the daily convenience needs of the surrounding residential neighborhood. The zone is intended to be located on the fringe of neighborhood areas, along a collector or arterial street and to be integrated into the residential structure of a neighborhood in a manner that will create a minimum of detriment, hazard, or inconvenience to surrounding residential development.

Each NBD zone will be small, containing from one (1) to two (2) acres, and will be located within convenient walking distance from the edge of the surrounding residential area it is designed to serve. In general, the NBD zones will be located from one-half (½) mile from each other, or from another zone in which the daily commercial needs of a neighborhood or residential area will be served.

It is intended that the NBD zone shall be characterized by a harmonious grouping of commercial stores and shops which will be architecturally designed for, and will function as, an integrated unit. Hours of operation should be regulated to provide compatibility. Clean, well-lighted parking lots and attractive, well-maintained shops with appropriate landscaping will also be characteristic of this zone.

Lighting will be of a relatively low intensity and low profile with adequate shielding to protect the surrounding residential areas. The architectural design and character will be compatible with that of the surrounding residential environment. Uses permitted in the NBD zone will be those which will create no detriment to the surrounding residential areas, and will generally serve only the daily convenience needs of the residential neighborhood.

Typical uses allowed by right in this zone are grocery stores, restaurants, drug stores, miscellaneous retail such as book stores and florists, bakeries, dry cleaning, laundries and garment alterations/repairs, video rental, post offices, and barber or beauty shops. A broader range of uses is permitted pursuant to the issuance of a conditional use permit.

### 3.15.020. Permitted Uses

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

**b. Permitted Principal Uses.** The following principal uses and structures (maximum 20,000 square feet GFA per building), and no others, are permitted in the NBD zone:

**Permitted Uses**
Grocery Stores, Convenience with or without gas (not supermarket)
Bakeries and Doughnut Shops
Books, Stationery, Art and Hobby Supplies
Florists
Beauty and Barber Shops
Pressing, Alteration and Garment Repair
Postal Services
Video Rental Shops

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

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

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

### 3.15.025. Conditional Uses

The following uses and structures may be permitted in the NBD zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.

**Conditional Uses**
Paint, Glass and Wall Paper
Hardware
Shopping Centers (if center is more than 5 acres but less than 10 acres)
Variety Stores, Limited Price (not department stores)
Grocery Stores (if center is more than 5 acres but less than 10 acres)
Meats and Fish
Fruits and Vegetables
Candy, Nut, and Confectionery
Dairy Products
Retail Trade Item Food
Miscellaneous Retail Trade
Finance, Insurance and Real Estate Services
Laundry and Dry Cleaning (includes self-service laundries)
Photographic Services
Miscellaneous Personal Services
Police Protection and Related Activities, Branch (office only)
Nursery Schools
Day Care Centers
Dancing Schools

**d. Maximum Office Usage.** The total gross floor area for office uses permitted in any NBD zone shall not exceed fifty (50) percent of the total floor area in any project plan submitted for approval.

### 3.15.030. Lot Area

The minimum area of any lot or parcel of land in the NBD zone shall be one (1) acre; however, smaller lots or parcels may be created as part of an approved and recorded Record of Survey. The maximum area of a lot or parcel of land in the NBD zone shall be five (5) acres. Said land must be under single ownership or single control for integrated development.

### 3.15.040. Lot Width

Each lot or parcel of land in the NBD zone shall have an average width of not less than two hundred (200) feet; however, narrower lots or parcels may be created as part of an approved and recorded Record of Survey, as specified in Rexburg City Code.

### 3.15.050. Lot Frontage

Each lot or parcel of land in the NBD zone shall abut a public arterial or collector street for a minimum distance of two hundred (200) feet, on a line parallel to the centerline of the street, or along the circumference of a cul-de-sac improved to the City standards; however, lots or parcels with lesser frontage, or no frontage on a public street, may be created as part of an approved and recorded Record of Survey, which conforms to provisions as specified in Section 3.15.025, Rexburg City Code. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.

### 3.15.060. Prior Created Lots

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

### 3.15.070. Area of Zone

Each single NBD (Neighborhood Business District) zone shall contain a minimum of one (1) acre up to a maximum of ten (10) acres. Shopping centers greater than five (5) acres shall require a Conditional Use Permit. The NBD zone shall not be applied to an existing commercial area which does not meet these area requirements and shall not be applied to an existing commercial development which has not been designed and constructed as an integrated shopping center. The NBD zone shall be predominately established on the fringe of established residential areas.

### 3.15.080. Yard Requirement

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

**a.** **Front Yard.** Each lot or parcel in the NBD zone shall have a front yard of not less than ten (10) feet. Said front yard shall not be used for vehicular parking and shall be appropriately landscaped.

**b.** **Side Yard.** Each lot or parcel of land in the NBD zone shall have a side yard of at least ten (10) feet when located adjacent to a residential zone. There shall be no requirement in those instances where the side property line abuts a commercial or industrial zone.

**c.** **Side Yard.** Accessory Building. An accessory building may be located on a side property line if, and only if, all of the following conditions are met:

i. The accessory building is located more than ten (10) feet from any main residential building on an adjacent property.

ii. The accessory building has no openings on the side which is contiguous to the property line, and the wall of said building adjacent to the property line has a two (2) hour fire retardant rating.

iii. The accessory building has facilities for the discharge of all roof drainage onto the lot or parcel on which it is erected.

**d.** **Rear Yard.** When adjacent to an existing or planned residential zone the minimum rear yard setback shall match the adjacent residential zone.

### 3.15.090. Projections into Yards

**a. Permitted Projections.** The following structures may be erected on or projected into any required yard, except for a required driveway:

i. Fences and walls in conformance with the Rexburg City Code and other City codes and ordinances.

ii. Landscape elements including trees, shrubs, turf, and other plant materials.

iii. Necessary appurtenances for utility service.

**b. Permitted Projections with Conditions.** The structures listed below may project into a minimum front yard no more than four (4) feet and into a minimum side yard not more than two (2) feet, except that a required driveway shall remain unobstructed from the ground up:

i. Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features.

ii. Fireplace structures and bays, pro-vided they are not wider than eight (8) feet and are generally parallel to the wall of which they are a part.

iii. Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes not exceeding twenty-four (24) inches in height.

iv. Carports and loading docks in a side yard or rear yard, provided that such a structure is not more than one (1) story in height and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features.

### 3.15.100. Building Height

**a. Permitted Heights.** No lot or parcel of land in the NBD zone shall have a building or structure which exceeds a height of three (3) stories with a maximum of thirty-five (35) feet, measured at the top of building's horizontal wall. Chimneys, flagpoles, or similar structures not used for human occupancy are excluded in determining height.

**b. Four Story Buildings.** A four (4) story building or structure, not to exceed forty-five (45) feet in height, may be allowed by obtaining a Conditional Use Permit from the Planning and Zoning Commission, provided that the horizontal setback of the proposed structure from the nearest residential zone boundary is equal to or exceeds twice the building's height, as measured from the average grade of the front yard to the highest point of the roof.

### 3.15.110. Distance Between Buildings

The minimum distance between any accessory building and a main building on a lot in the NBD zone shall not be less than ten (10) feet. The minimum distance between all other buildings shall be governed by the latest edition of the Building Code of Rexburg, ID.

### 3.15.120. Permissible Lot Coverage

In an NBD zone, all buildings and structures (including impervious surfaces, e.g. driveways) shall not cover an area of more than seventy (70) percent of the lot or parcel of land upon which they are placed.

### 3.15.130. Parking, Loading, and Access

Each lot or parcel in the NBD zone shall have, on the same lot or parcel, automobile parking sufficient to meet the requirements for retail commercial establishments as set forth in Chapter 5 Parking Regulation.

All parking spaces shall be paved with asphaltic cement or concrete and shall be provided with paved access from a public street. Said spaces shall be provided with adequate drainage which shall not run across a public sidewalk. Parking spaces shall not be provided within a required front yard or side yard adjacent to a public street. When possible, connectivity through parking lots of adjacent properties is required

### 3.15.140. Project Plan Approval

All Project plans for projects in the NBD Zone must be prepared and engineered by A/E professionals and be submitted for review and approval from conception on by the Architectural and Design Review Boards, followed by professional engineered plans (including drainage) and specifications for review by the Development Review Committee. Drainage on to an adjacent lot not owned by applicant is not allowed.

### 3.15.150. Other Requirements

**a. 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.

**b. Signs.** All signs erected in the NBD zone shall be in conformance with the sign provisions of Chapter 10.

**c. Uses Within Buildings.** All uses established in the NBD zone shall be conducted entirely within a fully-enclosed building except the pumping of gasoline and similar uses deemed by the Community Development Director or Designee.

**d. Landscaping.** A minimum of ten (10) percent landscaping is required.

**e. Trash Storage.** See Section 4.13.

**f. Walls and Fences.**

i. No wall, fence or opaque hedge or screening material higher than thirty-six (36) inches shall be maintained within a required front yard in an NBD zone.

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

**g. Transitional Development Standards.** Where a lot or parcel in any business, commercial, manufacturing, or industrial zone borders a residential zone, the buffering standards set forth in Rexburg City Code shall apply.

**h. Hours of Operation.** In the NBD zone, no permitted or conditionally permitted use shall be open for business or accept deliveries after 11:00 P.M. or before 6:00 A.M., unless otherwise approved by the Planning and Zoning Commission as part of a duly authorized conditional use permit.

### 3.15.160. Architectural Design Standards

Architectural design requirements are found in Section4.13 Commercial Design Standards. Neighborhood Commercial developments are also subject to the following design standards:

### 3.15.170. Design Standards

**a. Purpose.** The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.

**b. Applicability.** This section applies to all of the following types of buildings, and shall be applied during Site Plan Review described in Section 1.10:

i. Multi-family dwelling.

ii. Public and institutional buildings.

iii. Neighborhood commercial and mixed use buildings.

**c. Standards.** All buildings which are subject to this Section shall comply with all of the following standards. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature may be used to comply with more than one standard.

**i. Building Form.** The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings shall not exceed one hundred and sixty (160) feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two of the following features:

1. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of four (4) feet;

2. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two (2) feet and runs horizontally for a minimum length of four (4) feet; **and/or**

3. Offsets or breaks in roof elevation of two (2) feet or greater in height.

**ii. Eyes on the Street.** All building elevations visible from a street right of way shall provide doors, porches, balconies, and/or windows. A minimum of 60 percent of front (i.e., street-facing) elevations, and a minimum of thirty (30) percent of side and rear building elevations, as applicable, shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. Trim, shutters, and other features that are part of the items making up the requirement shall be included in the measurement. The standard applies to each full and partial building story.

**iii. Detailed Design.** All buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least three (3) of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

1. Dormers
2. Gables
3. Recessed entries
4. Covered porch entries
5. Cupolas or towers
6. Pillars or posts
7. Off-sets in building face or roof (minimum sixteen (16) inches)
8. Window trim (minimum four (4) inches wide)
9. Bay windows
10. Balconies
11. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
12. Decorative cornices and roof lines (e.g., for flat roofs)
13. An alternative feature providing visual relief, similar to previous options

### 3.15.180. Commercial Lighting Standards

Commercial Lighting Standards are applicable as described in Section 4.14.

## 3.16 General Business District (GBD)

3.16.010. Purpose and Objectives
3.16.020. Permitted Uses
3.16.030. Lot Area
3.16.035. Commercial and Residential Area Requirements in Mixed Residential / Commercial Use Structures
3.16.040. Lot Width
3.16.050. Lot Frontage
3.16.060. Prior Created Lots
3.16.070. Area of Zone
3.16.080. Yard Requirements
3.16.090. Projections into Yards
3.16.100. Building Height
3.16.110. Distance Between Buildings
3.16.120. Permissible Lot Coverage
3.16.130. Parking, Loading, and Access
3.16.140. Project Plan Approval
3.16.150. Other Requirements
3.16.160. Architectural Design Standards
3.16.170. Commercial Lighting Standards

### 3.16.010. Purpose and Objectives.

The GBD Zone is established to provide a district primarily for the accommodation of commercial uses and commercial areas which have been established in locations away from the central core of the City and which are not within the shopping centers of integrated design. Though this zone will be applied to areas which have developed as "strip commercial" developments along major streets and highways, it shall not be used to promote or establish areas in which such development can be promulgated or encouraged in violation of good planning principals. The GBD zone is to provide for the location and grouping of compatible retail enterprises having the common characteristics of dispensing commodities, providing professional services or providing personal services to the individual, but which do not involve more than incidental or limited assembly, fabrication or storage of commodities.

The GBD zoning district is appropriately applied in the following circumstances: On the periphery of the CBD zone where retail uses are appropriate yet the distance to community parking facilities indicates a need for onsite parking. At dispersed commercial centers where the grouping of retail and office uses is appropriate to serve community or regional needs.

The GBD zone should be applied to vacant land areas for new construction only in the event that integrated shopping center development is not practical and/or desirable because of difficult size, shape, topography, or similar problems related to land otherwise deemed to be appropriate for commercial development. The location of the GBD zone should be close to freeways or major arterials to provide convenient access for major traffic volumes without hazard and without traversing through a residential area. The GBD zone shall not be applied to the internal areas of residential neighborhoods. Although the GBD zone may be applied to existing commercial areas which have a variety of characteristics, the provisions contained herein should be used to encourage greater integrity and aesthetic improvements as these areas are redeveloped, expanded, and improved. Integrated and coordinated landscaping, parking, ingress, and signing and building design should be encouraged and regulated through the use of project plan approval procedures. New construction should be in harmony with the characteristics of the surrounding developed commercial and residential areas. The uses characteristic of this zone will be a wide range of retail stores, shops, services, and offices. This zone may be applied to areas which have existing offices, heavy commercial and institutional uses. It is the intent that the GBD zone contains a mixture of compatible uses.

### 3.16.020. Permitted Uses.

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

**b. Permitted Principal Uses.** The following principal uses and structures, and no others, are permitted in the GBD zone:

**Permitted Uses**
Commercial printing only related to retail sales of printed products
Travel Agencies
Paint, glass, and wall paper
Electrical supplies
Hardware
Mail and Phone order houses
Variety stores
Retail trade - general merchandise
Food stores
Miscellaneous retail food establishments
Automobile accessories (except tire recapping and vulcanizing)
Apparel and accessories
Furniture, home furnishings, and equipment (no combined ware-housing)
Eating places (restaurants)
Drug and proprietary stores
Antiques (indoor display only)
Books, stationery, art, and hobby supplies
Sporting goods, bicycles, and toys
Garden supplies (entirely within a building only)
Jewelry
Ice dealers (automated machines or pick-up stations only)
Miscellaneous retail stores (includes florists, cigars, newspapers, magazines, photo supplies, pet stores, and other similar retail stores)
Banks, insurance, and real estate (office only)
Personal services - includes photography, beauty and barber services, clothing repair, shoe repair, etc. (Except funeral parlor, cemetery, crematory services, reception center and wedding chapels and reception centers only)
Athletic clubs, body building studios, Spas, aerobic centers, (no gymnasiums)
Employment Services
Watch, clock, jewelry repair, etc.
Gunsmiths
Professional Services
Postal services
Educational services
Video Rental Shops

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

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

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

### 3.16.025. Conditional Uses.

The following uses and structures may be permitted in the GBD zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.

**Conditional Uses**
Residential facility for Elderly persons (not including assisted living which should be located in a residential area)
Motels and motor hotels
Ambulance service
Parking lot – automobile parking lot and garages (surplus parking only)

Call Center
New and used car sales
Motor vehicles, automobiles (used only)/retail trade
Service stations
Motorcycles, motor scooters, parts, accessories, and supplies
Liquor, package
Thrift store and general second hand merchandise (indoor display and storage only; use of outdoor collection boxes is prohibited)
Bottled gas
Laundry and Dry Cleaning (includes self-service laundries)
Personal services (wedding chapels, reception centers only)
Dwelling and building services (not units)
Vehicle rental
Automobile repair
Manufacture and installation of auto-mobile seat covers and auto tops
Auto washing and polishing
Auto glass repair
Automobile services, except repair and wash (motor clinics)
Electrical appliance repair
Furniture repair
Saw, knife, and tool sharpening
Miscellaneous small item repair
Police protection and related activities, branch (office only)
Social, fraternal, and youth organizations and services
Nursery Schools
Day Care Centers
Motion picture theaters
Coin-operated amusement or video centers
Miniature golf
Electric go-kart tracks (indoor only)
Dance halls, ballroom
Billiard and pool halls
Ice skating
Roller skating and skate Boarding
Bowling alleys
Animal hospital services (small animal out- patient clinic only)

### 3.16.030. Lot Area.
There shall be no minimum lot area requirements in the GBD zone except as may be dictated by off-street parking requirements, adequate circulation, and property site utilization.

### 3.16.040. Lot Width.
No requirement.

### 3.16.050. Lot Frontage.
Each lot or parcel of land in the GBD zone shall have frontage on a public street for a minimum distance of thirty-five (35) feet.

### 3.16.060. Prior Created Lots.
Lots or parcels of land which were legally and lawfully created prior to the application of this zone shall not be denied a building permit solely for reasons of nonconformance to the parcel requirements of this Chapter.

### 3.16.070. Area of Zone.
Each single GBD zone zoning district shall contain a minimum of two (2) acres except those existing, previously developed commercial facilities and areas to which the GBD zone is applied.

### 3.16.080. Yard Requirements.
The following maximum yard requirements shall apply in the GBD zone:

**a. Front Yard.** Each lot or parcel of land in the GBD zone shall have a front yard of not less than ten (10) feet, except that in areas developed prior to the establishment of this zone, the front yard shall be equal to the average of existing front yards on all parcels of property along the block face in which a building or

structure is to be located.

**b. Side Yard.** Except as provided in subsections (3), (4) (5) and (6) of this section, each lot or parcel of land in the GBD zone shall have a side yard of at least ten (10) feet or match the setbacks of the adjacent residential zone or use whichever is greater. There shall be no requirements in those instances where the side property line abuts a commercial or industrial zone.

**c. Side Yard.** Accessory Building. An accessory building may be located on a side property line if, and only if, all of the following conditions are met:

i. An accessory building has no openings on the side which is contiguous to the property line, and the wall of said building adjacent to the property line has a fire rated wall as required by the Building Code.

ii. The accessory building has facilities for the discharge of all roof drainage onto the lot or parcel on which it is erected.

**d. Rear Yard.** There shall be no rear yard requirements except as may be dictated by provisions of the Building Code, unless adjacent to a residential zones or use, in which case the rear yard setback shall match the setback requirement of the adjacent residential zone.

**e. Rear Yard.** Accessory Building. An accessory building shall be setback a minimum of ten (10) feet from any residential zone or use.

### 3.16.090. Projections into Yards.

**a. Permitted projections.** The following structures may be erected on, or project into, any required yard, except into a required driveway:

i. Fences and walls in conformance with the Rexburg City Code and other City codes and ordinances.

ii. Landscaping elements including trees, shrubs, and other plants.

iii. Necessary appurtenances for utility service.

**b. Permitted projections with conditions.** The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet, except that required driveways shall remain unobstructed from the ground upward.

i. Eaves, belt courses, sills, buttresses, or other similar architectural features.

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

iii. Carports and loading docks in a side yard or rear yard, provided that such a structure is not more than one (1) story in height and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features.

### 3.16.100. Building Height.

In the GBD zone, the height of every building or structure hereinafter designed, erected, or structurally altered or enlarged shall be regulated by conformance to the requirements of the most recent edition of the Building Code as adopted by action of the Municipal Council. However, the maximum building height shall be forty-five (45) feet, measured at the top of building's horizontal wall. After the effective date of this Chapter, all new structures exceeding two (2) stories in height shall be served with elevators or escalators in addition to the stairways otherwise required by law.

### 3.16.110. Distance Between Buildings.

As required by the Building Code.

### 3.16.120. Permissible Lot Coverage.
No requirements except as may be dictated by yard requirements, landscape requirements, and compliance with off-street parking provisions.

### 3.16.130. Parking, Loading, and Access.
Each lot or parcel in the GBD zone shall have automobile parking sufficient to meet the requirements as set forth in Chapter 5 Parking Regulation. All parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with adequate drainage which shall not run across a public sidewalk.
Loading spaces shall be provided as required by the Planning and Zoning Commission unless applicant provides information to staff identifying acceptable alternate means. When the use of a building changes, loading spaces will be required unless applicant provides information to staff identifying acceptable alternate means. Parking spaces shall not be located within a required front yard adjacent to a public street.

### 3.16.140. Project Plan Approval.
All Project plans for projects in the GBD Zone must be prepared and engineered by A/E professionals and be submitted for review and approval from conception on by the Architectural and Design Review Boards, followed by professional engineered plans (including drainage) and specifications for review by the Development Review Committee. Drainage on to an adjacent lot not owned by applicant is not allowed.

### 3.16.150. Other Requirements.

**a. 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.

**b. Signs.** All signs erected in the GBD zone shall be in conformance with the sign provisions of Chapter 10.

**c. Uses Within Buildings.** All uses established in the GBD zone shall be conducted entirely within a fully-enclosed building except those uses deemed by the Planning and Zoning Commission to be customarily and appropriately conducted in the open. Such uses may include, but would not be limited to, service stations, ice skating, miniature golf, plant nurseries, etc.

**d. Landscaping.** A minimum of ten (10) percent of the site shall be landscaped.

**e. Trash Storage.** See Section 4.13.

**f. Walls and Fences.**

i. No wall, fence, or opaque hedge or screening material higher than thirty-six (36) inches shall be maintained within a required front yard in a GBD zone.

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

**g. Remodeling in Existing GBD Zones.** If the remodeling of a building in the GBD zone causes the exterior of the building to be enlarged, the landscaping requirements of Section 3.16.150(d) shall apply, with the following limitations:

i. The requirements of Section 3.16.150(d) shall not fully apply where those requirements would conflict with parking requirements, be incompatible with the design of existing buildings or impair ingress or egress to existing buildings or parking areas.

### 3.16.160. Architectural Design Standards
Architectural design requirements found in Section 4.13 Commercial Design Standards shall apply.

**3.16.170 Commercial Lighting Standards.**
Commercial Lighting Standards are applicable as described in Section 4.14.

## 3.17 Central Business District (CBD)

3.17.010. Purpose and Objectives
3.17.020. Permitted Uses
3.17.030. Lot Area
3.17.040. Lot Width
3.17.050. Lot Frontage
3.17.060. Prior Created Lots
3.17.070. Area of Zone
3.17.080. Yard Requirements
3.17.090. Building Height
3.17.100. Distance Between Buildings
3.17.110. Permissible Lot Coverage
3.17.120. Parking, Loading and Access
3.17.130. Project Plan Approval
3.17.140. Other Requirements
3.17.150. Residential Standards
3.17.160. Architectural Design Standards
3.17.170. Downtown Lighting Standards

### 3.17.010. Purpose and Objectives

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

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

Attractive, inviting, and well-maintained shops, stores, offices, and other buildings are also characteristic of this zone. Signing of shops and business establishments should be simple and attractive with signs mounted flat against the building to reduce the sign clutter and enhance the aesthetics of the downtown area. Blade signs that are placed between eleven (11) feet and sixteen (16) feet above sidewalk are allowed in the right-of-way as approved by City Engineer. The uses characteristic of this zone are retail stores, banks, office buildings, theaters, hotels, and a wide variety of specialty shops and retail outlets. Conversely, uses which tend to create business dead spots, cause undue scattering of business, and generally tend to thwart the use of the land for its primary purpose have been excluded from the zone. This zone will tend to encourage an architectural theme which will strengthen the continuity of the downtown area and give it a "character" with which the citizens of Rexburg can identify.

The CBD zone is a mixed-use zone and residential uses are encouraged. Residential dwelling density shall not exceed forty (40) dwelling units per acre.

### 3.17.020. Permitted Uses

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

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

**Permitted Uses**

Single Family Dwelling above the ground floor (attached to commercial or other nonresidential use)
Two Family dwelling above the ground floor (attached to commercial or other nonresidential use)
Multiple Family Dwelling above the ground floor (attached to commercial or other nonresidential use)
Apartments above the ground floor (low rise attached to commercial or other nonresidential use as a mixed-use project as set forth in Rexburg City Code)
Apartments above the ground floor (high rise attached to commercial or other nonresidential use; as a mixed-use project as set forth in Rexburg City Code)
Membership lodging

Religious quarters
Residential facility for elderly persons above the ground floor (attached to commercial or other nonresidential use)
Residential facility for persons with a disability above the ground floor (attached to commercial or other nonresidential use)
Hotels
Boarding House above the ground floor (attached to commercial or other nonresidential use)
Short Term Rental above the ground floor (attached to commercial or other nonresidential use)
Bus transportation (except bus garaging and equipment maintenance)
Motor vehicle transportation
Parking lot – automobile parking lot and garages (this does not include long term storage of autos, trucks, boats, vacation trailers, etc., which is prohibited)
Water utilities or irrigation company office
Refuse disposal company office
Gas and electric utility company office
Water and electric utility company office
Travel Agencies
Heating and plumbing equipment (no outside storage)
Paint, glass, and wallpaper
Electrical supplies
Hardware
Building maintenance
Department stores (includes major and junior chain department stores)
Discount department stores
Surplus stores (inside only)
Mail and Phone order houses
Variety stores
Merchandise vending machine operators
Direct selling organization
Retail trade - general merchandise
Food stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy products, bakeries, etc.)
Miscellaneous retail food establishments
Apparel and accessories
Furniture, home furnishings, and equipment (no combined warehousing)
Eating places (restaurants)
Drug and proprietary stores
Books, stationery, art, and hobby supplies
Sporting goods, bicycles, and toys
Garden supplies (entirely within a building only)
Jewelry
Ice dealers (automated machines or pick-up stations only)
Miscellaneous retail stores (includes florists, cigars, newspapers and magazines, photo supplies, pet stores, and other similar retail stores)
Banks, insurance, and real estate (office only)
Personal services - including photography, beauty and barber services, clothing repair, etc. (except wedding chapel and reception centers only)
Funeral parlor (mortuary)
Crematory
Athletic clubs, body building studios, Spas, aerobic centers, (no gymnasiums)
Business services (office and retail sales only)
Electrical appliance repair and service (no outside storage)
Reupholstering and furniture repair
Locksmiths and key shops
Gunsmiths
Professional Services (except behavior, drug and alcohol treatment; office only)
Contract construction services (offices and retail only)
Executive, legislative, and judicial functions
Protective functions and related activities
Postal services
Educational services
Churches, synagogues, temples, and missions
Religious reading rooms
Other religions activities
Cultural activities
Libraries
Video Rental Shops

Call Centers (when additional parking is provided and approved by the Community Development Director)
Personal services
Motorcycles, motor scooters, parts, accessories, and supplies

### 3.17.030. Lot Area

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

i. Accessory buildings such as garages, carports, equipment storage buildings, and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the CBD zone.
ii. Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use be located on the building site or immediately adjacent thereto, and provided further that such use shall be permitted only during the construction period and thirty (30) days thereafter.

### 3.17.025. Conditional Uses

The following uses and structures may be permitted in the CBD zone only after a CUP has been issued, and subject to the terms and conditions thereof.

**Conditional Uses**
Dormitory (maximum of six (6) persons per unit attached to commercial or other nonresidential use)
Heliport (with pads only, no maintenance)
Electric utility company office
Gas company office
Surplus stores
Laundry and Dry Cleaning (includes Self-service Laundries)
Dwelling and building services (not dwelling units)
Auction Houses
Equipment rental (only within a building)
Saw, knife, and tool sharpening
Miscellaneous small item repair
Behavior, drug & alcohol treatment
Ice skating
Roller skating and skate boarding
Bowling alleys
Parking garages- if over ten (10) parking spaces and garage comprises the majority of the overall structure.
There is no minimum lot area in the CBD zone.
Miscellaneous business services
Liquor, package
Antiques and second-hand merchandise (indoor only, except second-hand auto parts, junk dealers and salvage operations
Miscellaneous service organizations
Nursery Schools
Day Care Centers
Entertainment and assembly including legitimate theater
Motion picture theaters (indoor)
Public assembly
Coin-operated amusements
Miniature golf
Dance halls, ballroom
Billiards and pool halls
Bed and Breakfast Inn above the ground floor (attached to commercial or other nonresidential use)

### 3.17.040. Lot Width

Each lot or parcel of land in the CBD zone shall have an average width of not less than thirty (30) feet.

### 3.17.050. Lot Frontage
Each lot or parcel of land in the CBD zone shall abut on a public street for a minimum distance of twenty-four (24) feet on a line parallel to the center of said street.

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

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

### 3.17.080. Yard Requirements
The following minimum yard requirements shall apply in the CBD zone:

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

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

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

### 3.17.090. Building Height
Buildings within 50 feet of a residential zone shall be limited to 35 feet in height, measured at the top of building's horizontal wall, or maximum height of the affected residential zone. However, all other buildings and portions of buildings within the CBD shall not exceed 45-feet in height (except, one additional story or ten feet in height shall be allowed extra when the building contains a floor of residential units that are not located on first floor, or street level).

### 3.17.100. Distance Between Buildings
No requirement except as regulated by the provisions of the Building Code of Rexburg ID.

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

### 3.17.120. Parking, Loading, and Access
Each Lot or parcel in the CBD zone shall provide automobile parking sufficient to meet the requirements as set forth in Chapter 5 Parking Regulation. When possible, connectivity through parking lots of adjacent properties is required.

### 3.17.130. Project Plan Approval
All Project plans for projects in the CBC Zone must be prepared and engineered by A/E professionals and be submitted for review and approval from conception by the Architectural and Design Review Boards, followed by professional engineered plans (including drainage) and specifications for review by the Development Review Committee. Drainage on to an adjacent lot not owned by applicant is not allowed.

### 3.17.140. Other Requirements
**a.** **Signs.** Blade signs that are placed between eleven (11) feet and sixteen (16) feet above sidewalk are allowed in the right-of-way as approved by City Engineer. All signs shall conform to Chapter 10, Signs in Rexburg.

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

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

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

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

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

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

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

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

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

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

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

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

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

4. The location of supporting columns or stanchions will not obstruct pedestrian traffic on the

sidewalk, and will not materially affect existing landscaping or street furniture installations in the public right-of- way.

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

viii. All canopy or marquee installations will be in full conformance with the provisions of the Building Code of Rexburg, ID.

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

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

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

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

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

**f. Walls and Fences.**

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

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

**g. Transitional Development Standards.** Where a nonresidential use or mixed use in the CBD zone borders a residential zone, the setbacks of the adjacent residential zone shall be applied to the project.

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

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

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

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

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

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

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

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

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

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

1. No alcohol will be consumed on the sidewalk.

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

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

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

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

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

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

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

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

### 3.17.150. Residential Standards

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

**a. Building Height.** The height of a building or structure, including parking structures, shall be regulated by the requirements of the most recent edition of the Building Code of Rexburg, ID; except that buildings or portions of buildings within fifty (50) feet of a residential zone shall be limited to thirty-five (35) feet in height, measured at the top of building's horizontal wall, or the maximum height of the affected residential zone.

**b. Parking, Loading, and Access.** Each dwelling unit in the CBD zone shall have automobile parking sufficient to comply with the requirements of Chapter 5 Parking Regulation. Required parking for residential uses shall be provided on the subject lot or parcel when possible. When not possible, required parking may be provided on a separate lot or parcel in the vicinity after the approval of a conditional use permit.

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

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

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

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

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

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

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

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

vii. Privacy Walls. Privacy walls which project into a required front yard will be subject to Committee Development Director or Designee review.

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

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

### 3.17.160. Architectural Design Standards

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

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

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

**c.** Architectural Design Standards are reviewed by the Design Review Committee by appointment. The standards are not prescriptive as in other commercial zones and do not need to meet the guidelines found in Section 413 of the Development Code. The intent is to allow flexibility in design while reviewing projects for compliance to the **Downtown Guiding Principles** and **Development Framework** as described below:

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

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

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

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

### 3.17.170. Commercial Lighting Standards

Commercial Lighting Standards are applicable as described in Section 4.14.

# *HIGHWAY BUSINESS ZONES*

## 3.18 Community Business Center (CBC) Zone

3.18.010. Purpose and Objectives
3.18.020. Permitted Uses
3.18.025. Single Ownership and Control
3.18.030. Lot Area
3.18.040. Lot Width
3.18.050. Lot Frontage
3.18.060. Prior Created Lots
3.18.070. Area of Zone
3.18.080. Yard Requirements
3.18.090. Projections into Yards
3.18.100. Building Height
3.18.110. Distance Between Buildings
3.18.120. Permissible Lot Coverage
3.18.130. Parking, Loading and Access
3.18.140. Project Plan Approval
3.18.150. Other Requirements
3.18.160. Commercial Lighting Standards

### 3.18.010. Purpose and Objectives

The Community Business Center Zone is established to provide an area in which a general shopping center facility can be established to satisfy the specialty shopping needs of a community or a group of neighborhoods. Each community shopping center will range in area from five (5) to twenty (20) acres, depending upon the area served and the range of specialty shops and services provided.

It is intended that the CBC zone will be characterized by specialty shops situated in an attractively designed shopping center complex surrounded by appropriate landscaping.

The CBC zone will be located adjacent to major thoroughfares or collector streets which will provide immediate access for automobile traffic without passing through residential areas. Uses permitted in the CBC zone will be characterized by a junior department store and a supermarket as anchors, and by a wide range of restaurants, specialty shops and hard goods or soft goods stores

### 3.18.020. Permitted Uses

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

**b. Permitted Principal Uses.** The following principal uses and structures, and no others, are permitted in the CBC zone:

**Permitted Use**
Printing, Publishing (including newspapers)
Flat Glass, Glassware
Farm Equipment
Pottery & Related Products
Laboratory & Research Instruments
Instruments for Measuring
Optical Instruments and Lenses
Bus Passenger Terminals
Parking lot – automobile parking lot and garages
Electric transmission right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
Gas pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
Gas pressure control stations

Water pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
Irrigation distribution channels
Water pressure control stations and pumping plants
Sewage pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
Sewage pumping stations
Combination utilities right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity)
Storm drain or right-of-way (predominantly covered pipes or boxes)
Travel Agencies
Drugs, and Druggist Supplies
Dry Goods and Apparel
Electrical Goods
Hardware, Plumbing, Heating & Supplies
Professional Equipment & Supplies
Lumber Yards and Building Materials
Heating & Plumbing Equipment
Paint, glass, and wallpaper
Electrical supplies
Hardware
Swimming pool supplies
Junior department stores
Discount department stores
Mail and Phone order houses
Variety stores
Retail trade - general merchandise
General Merchandise (Department Variety, etc.)
Food stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy products, bakeries, etc.)
Seasonal Food Sales (street or roadside stands)
Miscellaneous retail food establishments
Motor Vehicles
New & Used Motor Vehicle
Automobiles accessories (except tire recapping and vulcanizing)
Apparel and accessories
Furniture, home furnishings, and equipment (no combined warehousing)
Eating places (restaurants)
Drug and proprietary stores
Books, stationary, art, and hobby supplies
Sporting goods, bicycles and toys
Garden supplies (entirely within a building only)
Jewelry
Ice dealer (automated machines or pick-up stations only
Miscellaneous retail stores (includes florists, cigars, newspapers and magazines, photo supplies, pet stores, and other similar retail stores)
Banks, insurance, and real estate (offices only)
Personal services - including photography, beauty and barber services, clothing repair, etc. (except funeral parlor, cemetery, crematory services, wedding chapels and reception centers only)
Laundry Services
Laundry & Dry Cleaning, Self-Service
Photographic Studios
Beauty and Barber Shops
Funeral and Crematory Services
Laundry Pick-up, Shoe Repair, Alteration
Athletic clubs, body building studios, spas, aerobic centers, (no gymnasiums)
Credit and Collection Services
Duplicating, mailing, stenographic and office services
Employment services
Research and Testing Services
Consulting Services
Equipment Rental and Leasing
Auto and Truck Rental Services
Automobile Repair Services
Automobile Wash Services

Electrical Repair Services
Radio and Television Repair
Watch, clock, jewelry repairs, etc.
Reupholstering and Furniture
Gunsmith
Physicians' offices and services
Dental offices and services
Hospitals
Medical Laboratory Services
Legal services
Engineer, architectural and planning services
Miscellaneous professional services
Out-Patient Medical Services
Engineering and Architectural Services
Educational & Scientific Research Services
Accounting and Bookkeeping Services
Building Contractor Offices
Plumbing, Heating, Air Conditioning
Painting, Wall Papering, Decorating
Electrical Services
Masonry, Stonework, and Plastering
Roofing and Sheet-Metal Services
Carpentering, Wood Flooring Installation
Concrete Services
Executive, legislative and judicial functions
Protective functions and related activities
Police protection
Postal services
Nursery Schools
Schools
Day Care Centers
Special Training and Schooling
Vocational Schools
Business Schools
Barber and Beauty School
Art and Music Schools
Dancing Schools
Driving Schools
Correspondence Schools
Welfare and Charitable Services
Business Associations
Professional Membership
Labor Organizations
Civil, Social, and Fraternal
Libraries
Museums
Art Galleries
Motion Picture Theatres
Drive-in Movies
Auditoriums, Performing Theaters
Fairgrounds
Amusement Parks
Arcades
Miniature Golf
Golf Driving Ranges
Video Rental Shops
Tennis Courts
Ice Skating
Roller Skating
Bowling
Skiing and Tobogganing
Athletic Fields
Recreation Centers
Athletic Clubs and Gymnasiums

Swimming Pools
Campgrounds and Travel
Vehicle Courts
Parks (including playgrounds)
Farming, Fibers, Grains, Fruits, Vegetables
Small Animal Veterinarian Services (totally enclosed)
Horticulture Services
Plant Nurseries
Professional, Scientific, Optical Goods
Shopping Centers, Including Malls
Other Personal Services
Other Business Services
Gasoline service stations
Vehicle rental, with the following limitations:
(a) That the vehicle rental be limited to passenger cars only.
(b) That the storage of vehicles on site not exceed the parking allocated for the leasable floor space of the business.
(c) That there is no on-site servicing of the vehicle fleet, including mechanical wash facilities.
Auto washing, polishing, detailing
Auto washing, self-service
Electrical appliance repair
Motion picture theaters
Coin-operated amusement or video centers
Miniature golf
Bowling alleys
Dance halls - ballrooms
Billiard and pool halls
Radio Controlled Airplanes

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

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

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

**d. Conditional Uses.** The following uses and structures may be permitted in the CBC zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.

**Conditional Uses**
Motels and motor hotels
Electrical Machinery, Equipment Supplies
Railroads, Including Terminals and Yards
Bus Garaging, Equipment Maintenance
Motor Freight Terminals
Motor Freight Garaging and Maintenance
Telephone Exchange Stations, Microwave Towers.
Radio and TV Transmitting Stations and Towers
Radio, Television Broadcasting Station
Other Communication Facilities
Electric Generation Plants, Utility
Electricity regulating substations
Small generation
Natural or manufactured gas storage; distribution points
Other gas utilities, NEC
Water storage as part of a utility system (covered including water storage standpipes)
Debris basin (A dam and basin for intercepting debris)
Spreading grounds (Area for percolating water into underground)

Farm Products, Grain
All Other Wholesale
Laundry and Dry Cleaning (includes self-service laundries)
Personal services (wedding chapels and reception centers only)
Dwelling and building services (not dwelling units)
Refrigerated Warehousing
Food Lockers
Household Goods Warehousing and Storage
Auction houses
Furniture repair
Saw, knife, and tool sharpening
Miscellaneous small item repair
Building Contractor Storage Yards
Police protection and related activities, branch (Office only)
Churches, Synagogues, Temples
Stadiums, Arenas, and Field Houses
Go-Cart Tracks, Four-Wheeler Tracks
Ice skating
Roller skating and Skate Boarding
Riding Stables
Skate Park
Kennels
Single-family Dwelling
Nursing Home
Call Centers

### 3.18.030. Lot Area

The minimum area if any lot or parcel of land in the CBC zone shall be five (5) acres; however, smaller lots or parcels may be created as part of an approved and recorded Record of Survey, as specified in City Code. Said land shall be in single ownership or single control for integrated development.

### 3.18.040. Lot Width

Each lot or parcel of land in the CBC zone shall have an average width of not less than five hundred (500) feet; however, narrower lots or parcels may be created as part of an approved and recorded Record of Survey.

### 3.18.050. Lot Frontage

Each lot or parcel of land in the CBC zone shall abut on a public street for a minimum distance of five hundred (500) feet, on a line parallel to the centerline of said street; however, lots or parcels with lesser frontage may be created as part of an approved and recorded Record of Survey. A portion of said frontage may be along the circumference of a cul-de-sac improved to City standards; however, the primary access for a community shopping center shall not be provided from a cul-de-sac street.

### 3.18.060 Prior Created Lots

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

### 3.18.070. Area of Zone

Each single CBC (Shopping Center) zone shall contain a minimum of five (5) acres and a maximum of twenty (20) acres. A rezone of less than 5 acres is allowed when it is adjacent to existing CBC zoning. The CBC zone shall not be applied to an existing commercial area which does not meet these area requirements, and shall not be applied to an existing commercial development which has not been designed and constructed as an integrated community shopping center.

### 3.18.080. Yard Requirements

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

**a. Front Yard.** Each lot or parcel in the CBC zone shall have a front yard of no less than ten (10) feet. Said front yard shall not be used for vehicular parking and shall be appropriately landscaped.

**b. Side Yard.** Except as provided in the Rexburg Building Code, each lot or parcel of land in the CBC zone

shall have a side yard of at least ten (10) feet when located adjacent to a residential zone. There shall be no requirement in those instances where the side property line abuts a commercial or industrial zone.

**c. Side Yard.** Accessory Building. An accessory building may be located on a side property line if, and only if, all of the following conditions are met:

i. The accessory building is located more than ten (10) feet from any main residential building on an adjacent property.

**d. Rear Yard.** No requirement.

**e. Storage Units.** In this zone, all storage units are required to be built internally to a lot. During the "Conditional Use Permit" proceedings, the applicant shall show how the storage units are being buffered from any street rights-of-way and neighboring properties. For example, the most desirous buffering would be commercial buildings. Areas of landscaping greater in distance than the required yard setbacks should be included. These landscaped areas would need large nursery stock shrubs and trees to act as buffering. The landscaping and use of landscaping must be approved by the Planning and Zoning Commission.

### 3.18.090. Projections into Yards

**a. Permitted Projections.** The following structures may be erected on or project into any required yard, except required driveways:

i. Fences and walls in conformance with the Rexburg City Code and other City codes and ordinances.

ii. Landscape elements, including trees, shrubs, turf, and other plant material.

iii. Necessary appurtenances for utility services.

**b. Permitted Projections with Conditions.** The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet, except that required driveways shall remain unobstructed from the ground up.

i. Belt course, sills, buttresses, or other similar architectural features.

ii. Fireplace structures and bays provided they are not wider than eight (8) feet and are generally parallel to the wall of which they are a part.

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

iv. Carports and loading docks in a side yard, or rear yard provided that such a structure is not more than one (1) story in height, and are entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features.

### 3.18.100. Building Height

No lot or parcel of land in the CBC zone shall have a building or structure which exceeds a height of sixty-five (65) feet, measured at the top of building's horizontal wall. Chimneys, flagpoles, or similar structures not used for human occupancy are excluded in determining height.

### 3.18.110. Distance Between Buildings

As required by the Building Code.

### 3.18.120. Permissible Lot Coverage

**a. Building Coverage.** In a CBC zone in which a majority of the perimeter is contiguous to residential zones, all buildings and structures shall not cover an area of more than seventy (70) percent of the lot or parcel of land upon which they are placed.

**b. Landscaping.** In addition to required landscaping, all unpaved areas shall be landscaped.

### 3.18.130. Parking, Loading and Access

Each lot or parcel in the CBC zone shall have on the same lot or parcel automobile parking sufficient to meet the requirements as set forth in Chapter 5. When possible, connectivity through parking lots of adjacent properties is required.

All parking spaces shall be paved with asphalt cement or concrete, and shall be provided with adequate drainage which shall not run across a public sidewalk.

Parking spaces and drive aisles, except ingress/egress points, shall not be provided within a required front yard adjacent to a public street without a minimum 10' wide landscape buffer.

Loading spaces shall be provided unless applicant provides information to staff identifying acceptable alternate means. When the use of a building changes, loading spaces will be required unless applicant provides information to staff identifying acceptable alternate means.

### 3.18.140. Project Plan Approval

All Project plans for projects in the CBC Zone must be prepared and engineered by A/E professionals and be submitted for review and approval from conception on by the Architectural and Design Review Boards, followed by professional engineered plans (including drainage) and specifications for review by the Development Review Committee. Drainage on to an adjacent lot not owned by applicant is not allowed.

### 3.18.150. Other Requirements

**a. 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.

**b. Signs.** All signs erected in the CBC zone shall be in conformance with the sign provision of this Title, and shall be in general compliance with the typical sign program approved by the Planning and Zoning Commission under the provisions of the Rexburg City Code.

**c. Uses Within Buildings.** All uses established in the CBC zone shall be conducted entirely within a fully enclosed building except those uses deemed by the Planning and Zoning Commission to be customarily and appropriately conducted in the open. Such uses may include, but would not be limited to, service stations, equipment rental, ice skating, miniature golf, etc.

**d. Landscaping**. A minimum of ten (10) percent of the site shall be landscaped.

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

**f. Walls and Fences.**

i. No wall, fence, or opaque hedge or screening material higher than thirty-six (36) inches shall be maintained within a required front yard in a CBC zone.

ii. A minimum vinyl fence, at least six (6) feet in height, shall be erected along all property lines which lie adjacent to a residential zone. In the case where there is mutual agreement between the property owners of the commercial zone and the adjacent residential zone, the vinyl fence requirement may be modified to allow other suitable materials. A signed agreement must be submitted to the Planning and Zoning Commission or its designee, indicating this agreement, the vinyl fence will be required.

**g. Transitional Development Standards.** Where a lot or parcel borders a residential zone, the standards of the residential zone shall apply with regards to setbacks and building heights within a fifty (50) foot distance of that zone.

### 3.18.160. Commercial Lighting Standards

Commercial Lighting Standards are applicable as described in Section 4.14.

## 3.19 Regional Business Center (RBC) Zone

3.19.010. Purpose and Objectives
3.19.020. Permitted Uses
3.19.025. Single Ownership and Control
3.19.030. Lot Area
3.19.040. Lot Width
3.19.050. Lot Frontage
3.19.060. Prior Created Lots
3.19.070. Area of Zone
3.19.080. Yard Requirements
3.19.090. Projections into Yards
3.19.100. Building Height
3.19.110. Distance Between Buildings
3.19.120. Permissible Lot Coverage
3.19.130. Parking, Loading and Access
3.19.140. Project Plan Approval
3.19.150. Other Requirements
3.19.160. Architectural Design Standards
3.19.170. Commercial Lighting Standards

### 3.19.010. Purpose and Objectives

The RBC zone is established to provide a district in which the primary use of the land is for commercial and service uses to serve needs of people living in an entire region and to serve as a place of employment in pleasant surroundings close to the center of the regional population it is intended to serve. This shopping center zone should have a minimum site area of twenty (20) acres to serve a population of at least twenty thousand (20,000). The RBC zone should be located close to freeways and adjacent to major arterials to provide convenient access for major traffic volumes without hazard and without traversing through a residential area. It is intended that this zone shall be characterized by a variety of stores, shops, and service buildings grouped into an integrated development. Required yards and areas surrounding buildings shall be attractively landscaped and maintained in harmony with the characteristics of the surrounding residential areas. The uses characteristic of this zone will be large chain department stores with satellite shops and facilities serving an extremely wide range of goods and services with an equally large selection of types and styles. The typical uses allowed in the zone will include virtually the whole range of retail and service establishments which can be attractively accommodated within a unified shopping center complex.

### 3.19.020. Permitted Uses

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

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

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

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

**Permitted Uses**
Motels and automobile travel courts
Tourist courts
Electric transmission right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)

Gas pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
Gas pressure control stations
Water pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.
Irrigation distribution channels
Water pressure control stations and pumping plants
Sewage pipeline right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity)
Sewage pumping stations
Combination utilities right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity)
Storm drain or right-of-way (predominantly covered pipes or boxes)
Travel Agencies
Paint, glass and wallpaper
Electrical supplies
Hardware
Building maintenance
Swimming pool supplies
Department stores (includes major and junior chain department stores)
Discount department stores
Mail and Phone order houses
Variety stores
Merchandise vending machine operators
Retail trade - general merchandise
Food stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy, bakeries, etc.)
Miscellaneous retail food establishment
Motor vehicles, automobiles - new car sales and used car sales which will be permitted only as an accessory use to new car sales
Motor vehicles, trucks and buses - new vehicle sales and used vehicles sales permitted only as an accessory use to new truck and bus sales.
Automobile accessories (except tire recapping and vulcanizing)
Gasoline service stations
Apparel and accessories
Furniture, home furnishings, and equipment (no combined ware-housing)
Eating places (restaurants)
Drug and proprietary stores
Books, stationery, art and hobby supplies
Sporting goods, bicycles, and toys
Garden supplies (entirely within a building only)
Jewelry
Ice dealers (automated machines or pick-up stations only)
Miscellaneous retail stores (includes florists, cigars, newspapers and magazines, photo supplies, pet stores, and other similar retail stores)
Banks, insurance and real estate (office only)
Personal services - including photography, beauty and barber services, clothing repair, etc. (except funeral and crematory services, wedding chapels and recreation centers only)
Athletic clubs, body building studios, Spas, aerobic centers, (no gymnasiums)
Duplicating, mailing, stenographic and office services
Employment services
Watch, clock, jewelry repair, etc.
Locksmiths and key shops
Gunsmiths
Physicians' offices and services
Dental offices and services
Legal services
Engineering, architectural, and planning services
Data processing services
Professional services
Executive, legislative, and judicial functions
Protective functions and related activities
Postal services
Day Care Center
Nursery Schools

Beauty Schools
Dance studios and schools
Libraries
Video Rental Shops

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

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

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

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

**Conditional Uses**
Hotels
Communications
Electricity regulating substations
Small Generation
Natural or manufactured gas storage; distribution points
Other gas utilities, NEC
Water storage as part of a utility system (covered including water storage standpipes)
Debris basin (A dam and basin for intercepting debris)
Spreading grounds (Area for percolating water into underground)
Surplus store
Motorcycles, motor scooter parts, accessories, supplies
Liquor, package
Antiques (no outside display)
Bottled gas
Laundry and Dry Cleaning (includes self-service laundries)
Funeral parlors
Personal services (wedding chapel and reception centers only)
Dwelling and building services (not dwelling units)
Auction houses
Equipment rental (indoor only)
Vehicle rental (passenger auto-mobiles only)
Miscellaneous business services
Auto washing and polishing
Electrical appliance repair
Furniture repair
Saw, knife, and tool sharpening
Miscellaneous small item repair
Police Protection and related activities, branch (office only)
Motion Picture Theaters
Coin-operated amusements or video center
Miniature golf
Dance Halls, Ballroom
Billiard and pool halls
Ice Skating
Roller Skating and Skate Boarding
Bowling alleys

### 3.19.025. Single Ownership and Control

Land within a given RBC zone shall be in single ownership or single control in order to provide for integrated development unless requested and approved by the Rexburg City Council. The term "single control" shall be

construed to allow the recording of a Record of Survey which is in conformance with the "Final Development Plans," the "Final Approval by Mayor," the "Standards and Requirements," and the "Guarantees and Covenants" sections of the Planned Development Chapter of Rexburg City Code). The Record of Survey must be approved and recorded prior to the issuance of any building permits and must be in compliance with all applicable sections of the Rexburg City Code and other Building Codes adopted by Rexburg City. Failure to maintain single ownership or single control may result in the initiation of action to return the property to the zone, or zones, existing prior to the establishment of the RBC zone.

### 3.19.030. Lot Area

The minimum area of any lot or parcel of land in the RBC zone shall be twenty (20) acres; however, smaller lots or parcels may be created as part of an approved and recorded Record of Survey, as specified in Rexburg City Code. Said land shall be in single ownership or single control for integrated development.

### 3.19.040. Lot Width

Each lot or parcel of land in the RBC zone shall have an average width of not less than seven hundred (700) feet; however, narrower lots or parcels may be created as part of an approved and recorded Record of Survey, as specified in Rexburg City Code.

### 3.19.050. Lot Frontage

Each lot or parcel of land in the RBC zone shall abut on a public street for a minimum distance of five hundred (500) feet on a line parallel to the centerline of said street; however, lots or parcels with lesser frontage, or no frontage on a public street, may be created as part of an approved and recorded Record of Survey which conforms to provisions specified in Rexburg City Code. A portion of the lot frontage may be along the circumference of a cul-de-sac improved to City standards; however, the primary access to a regional shopping center shall not be provided from a cul-de-sac street.

### 3.19.060. Prior Created Lots

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

### 3.19.070. Area of Zone

Each single RBC (Business Center) zone shall contain a minimum of twenty (20) acres. The RBC zone shall not be applied to an existing commercial area which does not meet these area requirements and shall not be applied to an existing commercial area which has not been designed and constructed as an integrated regional shopping center.

### 3.19.080. Yard Requirements

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

**a.** **Front Yard.** Each lot or parcel in the RBC zone shall have a front yard of not less than twenty (20) feet. Said front yard shall not be used for vehicular parking and shall be appropriately landscaped.

**b.** **Side Yard.** Each lot or parcel of land in the RSC zone shall have a side yard of at least ten (10) feet when located adjacent to a residential zone. There shall be no requirements in those instances where the side property line abuts a commercial or industrial zone.

**c.** **Side Yard.** Accessory Building. An accessory building may be located on a side property line if, and only if, all of the following conditions are met:

i. The accessory building is located more than ten (10) feet from any main residential building on an adjacent property.

**d.** **Rear Yard.** Each lot or parcel of land in the RSC zone shall have a side yard of at least ten (10) feet when located adjacent to a residential zone. There shall be no requirements in those instances where the rear property line abuts a commercial or industrial zone.

### 3.19.090. Projections into Yards

**a. Permitted Projections.** The following structures may be erected on or project into any required yard, except they may not obstruct a required driveway:

i. Fences and walls in conformance with the Rexburg City Code and other City codes and ordinances.

ii. Landscape elements, including trees, shrubs, and other plants.

iii. Necessary appurtenances for utility services.

**b. Permitted Projections with Conditions.** The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet, except that they may not obstruct a required building.

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

ii. Fireplace structures and bays, provided they are not wider than eight (8) feet and are generally parallel to the wall of which they are a part.

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

iv. Carports and loading docks in a side yard or rear yard, provided that such a structure is not more than one (1) story in height and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features.

### 3.19.100. Building Height

No lot or parcel of land in the RBC zone shall have a building or structure which exceeds a seventy-five (75) feet in height, measured at the top of building's horizontal wall. Chimneys, flagpoles, or similar structures not used for human occupancy are excluded in determining height.

### 3.19.110. Distance Between Buildings

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

### 3.19.120. Permissible Lot Coverage

In an RBC zone, all buildings and structures shall not cover an area of more than thirty (30) percent of the lot or parcel of land upon which they are placed. A minimum of 10% landscaping is required.

### 3.19.130. Parking, Loading, and Access

Each lot or parcel in the RBC zone shall have on the same lot or parcel automobile parking sufficient to meet the requirements as set forth in Rexburg City Code. When possible, connectivity through parking lots of adjacent properties is required.

All parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with adequate drainage which shall not run across a public sidewalk.

Parking spaces and drive aisles, except ingress/egress points shall not be provided within a required front adjacent to a public street.
Loading spaces shall be provided unless applicant provides information to staff identifying acceptable alternate means. When the use of a building changes, loading spaces will be required unless applicant provides information to staff identifying acceptable alternate means.

### 3.19.140. Project Plan Approval

All Project plans for projects in the RBC Zone must be prepared and engineered by A/E professionals and be submitted for review and approval from conception on by the Architectural and Design Review Boards, followed by professional engineered plans (including drainage) and specifications for review by the Development Review Committee Drainage on to an adjacent lot not owned by applicant is not allowed.

### 3.19.150. Other Requirements

**a. 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.

**b. Signs.** All signs erected in the RBC zone shall be in conformance with the sign ordinance and shall be in general compliance with the typical sign program approved by the Planning and Zoning Commission. Large scale developments of at least fifty (50) acres or more having no direct vehicular access to an arterial street shall be entitled to two (2) additional free standing, development entrance signs subject to the following standards:

i. Sign copy shall be limited to the name, logo and address of the development.

ii. Sign location sign shall be limited to the immediate area where a secondary road connects to an arterial road whether on private or public property.

iii. A sign may be located in a landscaped or concrete median in city-owned right-of-way subject to (i) issuance of an encroachment permit and (ii) resolution of all sight safety issues.

iv. Sign size shall be limited to one hundred (100) square feet.

v. Sign height shall be limited to twenty (20) feet.

vi. No more than two such signs shall be permitted.

vii. Sign area shall be calculated as a part of the overall free standing sign allowances for signs over five (5) feet. For the purpose of this subsection the phrase "no direct vehicular access to an arterial street" shall mean a development project that (i) has no drive entrances directly from an arterial into the development, (ii) has no frontage on an arterial road, or (iii) must be accessed from a secondary road.

**c. Uses Within Buildings.** All uses established in the RBC zone shall be conducted entirely within a fully-enclosed building except those uses deemed by the Planning and Zoning Commission to be customarily and appropriately conducted in the open. Such uses may include, but would not be limited to, service stations, ice skating, miniature golf, etc.

**d. Landscaping.** A minimum of ten (10) percent of the site shall be landscaped. In addition, all unpaved areas shall be landscaped.

**e. Trash Storage.** Trash shall be stored in screened areas that are not visible from streets. Materials and location of the screened areas shall be reviewed and approved by Committee Development Director or Designee prior to installation.

**f. Walls and Fences.**

i. No wall, fence, or opaque hedge or screening material higher than thirty-six (36) inches shall be maintained within a required front yard in an RSC zone.

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

agreement, the vinyl fence will be required.

g. **Transitional Development Standards.** Where a lot or parcel borders a residential zone, the standards of the residential zone shall apply with regards to setbacks and building heights within a fifty (50) foot distance of that zone.

### 3.19.160 Architectural Design Standards

Architectural design requirements are found in Chapter 4.13 Commercial Design Standards.

### 3.19.170. Commercial Lighting Standards

Commercial Lighting Standards are applicable as described in Section 4.14.

## 3.20 Light Industrial District (LI)

3.20.010. Purpose and Objectives
3.20.020. Permitted Uses
3.20.030. Lot Area
3.20.040. Lot Width
3.20.050. Lot Frontage
3.20.060. Prior Created Lots
3.20.070. Area of Zone
3.20.080. Yard Requirements
3.20.090. Projections into Yards
3.20.100. Building Height
3.20.110. Distance Between Buildings
3.20.120. Permissible Lot Coverage
3.20.130. Parking, Loading, and Access
3.20.140. Project Plan Approval
3.20.150. Other Requirements
3.20.160. Commercial Lighting Standards

### 3.20.010. Purpose and Objectives

The LI District is established to recognize the need for industrial sites which are generally major and extensive operations, require large level sites with open storage and service areas, and utilize regional transportation such as railway and state highways. Warehousing, Light Industrial, supply yards, and construction yards are compatible with this district.

The LI District is established to provide areas in the City where Light Industrial firms can engage in processing, assembling, manufacturing, warehousing, and storage; and for incidental service facilities and public facilities to serve the manufacturing area. The zone is intended to encourage sound development by providing and protecting an environment for such development, subject to regulations necessary to assure the orderly growth of the City of Rexburg, and the protection of residential and commercial land uses from noise and other disturbances. This zone is to be characterized by flat, open land suited for industrial uses because of the proximity to major transportation routes and the availability of utilities necessary for successful manufacturing or processes. The areas in which this zone will be applied may provide for land reserves for industrial and manufacturing use. Some land may therefore be placed in agricultural and other open land uses until its industrial and manufacturing potential is realized. Representative of the uses within the zone are Light Industrial, fabrication, processing, storage warehousing, and wholesale distribution. Uses which generate excessive noise, vibration, smoke, odor, dust, fumes, or danger of explosion have been excluded from this zone. The basic objectives of the LI zone are:
(1) To provide space for Light Industrial and processing uses within the City in appropriate locations and to discourage uses from locating within this zone which will tend to deteriorate light manufacturing environment, and thwart the use of land for light industrial purposes.
(2) To broaden the tax base and improve the economic base of the community.
(3) To promote new industry to the end that the economic and social well-being of the City and its inhabitants shall be enhanced.
(4) To discourage the undesirable mixture of incompatible commercial, industrial, and residential uses.

### 3.20.020. Permitted Uses

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

**b. Permitted Principal Uses.** The following principal uses and structures, and no others, are permitted in the LI zone:

**Permitted Uses**
Bakery products
Confectionery and related products
Bottling and canning soft drinks and carbonated waters
Textile mill products (except tire cord and fabric)

Apparel and other finished products made from fabrics, leather, etc. (except leather tanning and finishing)
Furniture and fixtures
Converted paper and paperboard products (except containers and boxes)
Printing, publishing, and allied industries
Perfumes, cosmetics, and other toilet preparations
Printing ink
Rubber footwear
Flat glass
Glass and glassware (pressed or blown)
Pottery and related products
Cut stone and stone products
Office machines (small)
Miscellaneous machinery
Cutlery, hand tools, and general hardware
Professional, scientific, and controlling instruments; photo-graphic and optical goods; watches and clocks (except film manufacturing)
Miscellaneous manufacturing (except matches and morticians' goods)
Railroads, rapid-rail transit, and street railway transportation (except bus passenger terminals)
Parking lot – automobile parking lot and garages
Communications
Electric transmission right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
Gas pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
Gas pressure control stations
Water pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.
Irrigation distribution channels
Water pressure control stations and pumping plants
Water utilities or irrigation company office
Sewage pipeline right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity)
Sewage pumping stations
Sewage company office
Refuse disposal company office
Gas and electric utility company office
Water and electric utility company office
Combination utilities right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity)
Storm drain or right-of-way (Predominantly covered pipes or boxes)
Miscellaneous transportation, communication, and utilities
Wholesale trade via retail method
Building materials, hardware, farm equipment, and supplies
New & Used Motor Vehicle
Farm and construction vehicles
Marine craft and accessories
Aircraft and accessories
New and used house trailers and campers
Athletic clubs, body building studios, spas, aerobic centers,
Advertising services
Duplicating, mailing, stenographic, and office services
Dwelling and other building services
Warehousing or storage services
Business services
Repair services
Electrical appliance repair
Contract construction services (not open construction storage yards)
Operations centers (not open storage yards)
Educational services
Roller Skating and Skate Boarding
Agriculture
Veterinarian services
Animal hospital services

Other agricultural-related activities
Frozen fruits, fruit juices, vegetables, etc.
Metal working machinery and equipment (tool and dye shops, machine shops, etc.)
Motor vehicle transportation
Electric utility company office
Other electric utility, NEC
Gas company office
New and used car sales
Motor vehicles, automobiles (used only)/retail trade
Gasoline service stations
Draperies, curtains, and upholstery

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

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

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

iii. Caretaker dwellings are allowed on a case by case basis as approved by the City of Rexburg Planning and Zoning Commission. Detailed plans are required.

**d. Conditional Uses.** The following uses and structures may be permitted in the LI zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.

**Conditional Uses**
Poultry and small game dressing and packing
Dairy products
Canning - specialty foods
Canning - fruits, vegetables, preserves, jams, etc.
Industrial inorganic chemicals (includes air separation facilities)
Plastic materials, synthetic resins, and non-vulcanizable elastomers
Drugs
Miscellaneous plastic products
Miscellaneous fabricated rubber products
Nonferrous foundries (small item casting only)
Fabricated wire products
Heliport (pad only without maintenance facilities)
Low power radio communication towers and antennas
Electricity regulating substations
Small generation
Natural or manufactured gas storage; distribution points
Other gas utilities, NEC
Water treatment plants (purification)
Water storage as part of a utility system (covered including water storage standpipes)
Other water utilities or irrigation, NEC
Water reclamation plants, sludge drying beds etc.
Other sewage disposal, NEC
Refuse disposals
Combination utilities company storage yards and equipment storage
Combination utilities, NEC
Debris basin (a dam and basin for intercepting debris)
Spreading grounds (area for percolating water into underground)
Other utilities, NEC
Miscellaneous wholesale trade
Furniture, home furnishings, and equipment (only in conjunction with an attached warehousing operation)

Restaurants
Industrial laundry services
Miscellaneous business services
Call Centers
Legal services
Accounting, auditing, book-keeping services, Management Investment Offices, Open-End Police protection and related activities, branch (office only)
Nursery Schools
Day Care Centers
Dance halls

### 3.20.030. Lot Area
The minimum area of any lot or parcel of land in the LI zone shall be ½ acre.

### 3.20.040. Lot Width
Each lot or parcel of land in the LI zone shall have an average width of not less than fifty (50) feet.

### 3.20.050. Lot Frontage
Each lot or parcel of land in the LI zone shall abut a public street for a minimum distance of thirty-five (35) feet on a line parallel to the centerline of said street or along the circumference of a cul-de-sac improved to City standards.

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

### 3.20.070. Area of Zone
No requirements except that an orderly development pattern following good planning principals shall be used.

### 3.20.080. Yard Requirements
The following minimum yard requirements shall apply in the LI zone:

**a.** **Front Yard.** Each lot or parcel in the LI zone shall have a landscaped front yard of not less than ten (10) feet,

**b.** **Side Yard.** No requirement, except as provided in Subsections (3), (4), and (5) of this section, and except where adjoining a residential zone, school, or park, in which case a side yard of not less than twenty (20) feet shall be required.

**c.** **Side Yard.** Accessory Building. An accessory building may be located on a side property line if, and only if, all of the following conditions are met:

i. The accessory building has no openings on the side which is contiguous to the property line, and the wall of said building adjacent to the property line has a two (2) hour fire retardant rating.

**d.** **Rear Yard.** No requirement, except as provided in Subsections (3), (4), and (5) of this section, and except where adjoining a residential zone, school, or park, in which case a rear yard of not less than twenty (20) feet shall be required.

**e.** **Rear Yard.** Accessory Building. An accessory building may be located on a rear property line if, and only if, the following conditions are met:

i. The accessory building, if adjacent to a residential use or zone, shall not exceed ten (10) feet in height, nor two hundred (200) square feet. Larger accessory buildings shall meet the standard rear yard setback for principle buildings in the LI zone.

### 3.20.090. Projections into Yards

a. **Permitted Projections.** The following structures may be erected on or projected into the required front yard:

   i. Fences and walls in conformance with the Rexburg City Code and other City codes and ordinances, which includes height limitations.

   ii. Landscape elements, including trees, shrubs, turf, and other ornamental landscaping materials.

   iii. Necessary appurtenances for utility service.

b. **Permitted Projections with Conditions.** The structures listed below may project into a minimum front yard not more than four (4) feet, into a minimum side yard not more than two (2) feet, except that required driveways shall remain unobstructed from the ground up.

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

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

### 3.20.100. Building Height

The height of every building or structure hereafter designed, erected, or structurally altered or enlarged, shall conform to the requirements of the most recent edition of the Rexburg Building Code as adopted by Rexburg City, and shall not exceed 55-feet in height, measured at the top of building's horizontal wall.

### 3.20.110. Distance Between Buildings

No requirement except as may be dictated by the latest edition of the Rexburg Building Code as adopted by Rexburg City.

### 3.20.120. Permissible Lot Coverage

No requirement, except as may be dictated by off-street parking requirements and landscaping.

### 3.20.130. Parking, Loading, and Access.

Each lot or parcel of land in the LI zone shall have on the same lot or parcel automobile parking sufficient to meet the requirements as set forth in Chapter 5. When possible, connectivity through parking lots of adjacent properties is required.

All parking spaces shall be paved with asphaltic cement or concrete and shall be provided with paved access from a public street.

Said spaces shall be provided with adequate drainage which shall not run across a public sidewalk.

Loading spaces shall be provided as required by the Planning and Zoning Commission, using as a guide a standard of one (1) such space per ten thousand (10,000) square feet of gross floor area. When the use of a building changes, loading spaces will be required unless applicant provides information to staff identifying acceptable alternate means.

### 3.20.140. Project Plan Approval

All Project plans for projects in the LI Zone must be prepared and engineered by A/E professionals and be submitted for review and approval from conception on by the Community Development Director or Designee, followed by professional engineered plans (including drainage) and specifications for review by the Development Review Committee. Drainage on to an adjacent lot not owned by applicant is not allowed.

### 3.20.150. Other Requirements

a. **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.

**b. Signs.** All signs erected in the LI zone shall be in conformance with the sign provisions of this Title, and or/ The Sign Code of the City of Rexburg, ID

**c. Uses Within Buildings.** All uses established in the LI zone shall be conducted entirely within fully-enclosed buildings, except those uses deemed by the Planning and Zoning Commission to be customarily and appropriately allowed in the zone by a conditional use permit with appropriate screening.

**d. Trash Storage.**

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 required set-back.

**e. Walls and Fences.**

i. No wall, fence, or opaque hedge or screening material shall be placed or erected within an area which would restrict the sight distance for vehicular traffic in the public right-of-way. The clear-vision area as defined in the Rexburg City Codes shall be maintained for clear visibility as required by the Section.

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

### 3.20.160. Commercial Lighting Standards

Commercial Lighting Standards are applicable as described in Section 4.14.

## 3.21 Heavy Industrial District (HI)

3.21.010. Purpose and Objectives
3.21.020. Permitted Uses
3.21.030. Lot Area
3.21.040. Lot Width
3.21.050. Lot Frontage
3.21.060. Prior Created Lots
3.21.070. Area of Zone
3.21.080. Yard Requirements
3.21.090. Projections into Yards
3.21.100. Building Height
3.21.110. Distance Between Buildings
3.21.120. Permissible Lot Coverage
3.21.130. Parking, Loading, and Access
3.21.140. Project Plan Approval
3.21.150. Other Requirements
3.21.160. Commercial Lighting Standards

### 3.21.010. Purpose and Objectives

The HI District is established to provide areas in the community where heavy industrial, manufacturing, and extractive uses may be located in an environment which protects them from the encroachment of commercial and residential uses, and which reduces the effect of undesirable characteristics such as odor, dust, and noise upon surrounding residential or commercial areas. The zone is also intended to provide for the development of incidental service facilities such as restaurants, service stations, and public facilities intended primarily to serve the industrial area. The HI (Heavy Industrial) zone should be located in areas which are readily accessible to railroads and major highway routes. Truck traffic generated by the HI zone shall not be required to ingress and egress from industrial areas through a residential area or commercial district. Said zone shall also be located in areas which will insure the purity of air and waters within Rexburg City and will not create hazards to nearby residential, commercial, or Light Industrial areas as the result of noise, dust, fumes, or other disturbances.

The Heavy Industrial District is established to recognize the need for industrial sites which are generally major and extensive operations, require large level sites with open storage and service areas, and utilize regional transportation such as railway and state highways. Warehousing, manufacturing, supply yards, and construction yards are compatible with this district. Zone accommodates heavy industrial uses which may produce some glare, dust, smoke, noise and odor through a conditional use permit (CUP) to assure that land use conflicts are minimized.

The HI (Heavy Industrial) zone will be characterized by the location of open and enclosed manufacturing, processing, and assembly uses which may potentially create hazards, nuisances, or disturbances. These uses will be located in areas which will reduce the effects of these characteristics upon other areas of the community, and in an environment which is attractive but which recognizes the characteristics of the permitted uses. Some peripheral landscaping will be provided, where appropriate, to reduce the effects of the detrimental characteristics of permitted uses, and to enhance the appearance of the entire HI zone.

### 3.21.020. Permitted Uses

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

**b. Permitted Principal Uses.** The following principal uses and structures, and no others, are permitted in the HI zone:

**<u>Permitted Uses</u>**
Food and kindred products (except meat packing and animal and marine fats and oils)
Tire cord and fabric
Leather tanning and finishing
Lumber and wood products
Paper and allied products (except pulp)

Commercial Printing
Chemicals and allied products (except explosives and fireworks only)
Nonferrous foundries
Nonferrous forgings
Fabricated metal products (except ordinate and accessories)
Film manufacturing
Matches
Morticians' goods
Other miscellaneous manufacturing as determined by the Planning and Zoning Commission
Railroad, rapid-rail transit, etc.
Motor vehicle transportation
Parking lot – automobile parking lot and garages
Communications (except low power radio communication towers and antennas)
Utilities (except electric generation plants-conventional fuel including hydro-electric, solar, etc.), electric generation plants - nuclear energy)
Electric transmission right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
Gas pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
Gas pressure control stations
Water pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.
Irrigation distribution channels
Water pressure control stations and pumping plants
Water utilities or irrigation company office
Sewage pipeline right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity)
Sewage pumping stations
Sewage company office
Gas and electric utility company office
Water and electric utility company office
Combination utilities right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity)
Storm drain or right-of-way (predominantly covered pipes or boxes)
Miscellaneous transportation, communications, and utilities
Farm products (raw materials)
Farm machinery and equipment
Metals and minerals (except petroleum products and scrap)
Petroleum bulk stations and terminals
Lumber and construction materials
Miscellaneous wholesale trade as determined appropriate by the Planning and Zoning Commission
Lumber yards
Building materials (except lumber)
Heating and plumbing equipment
Farm equipment
Janitorial supplies
Building maintenance materials
Farm and construction vehicles
Hay, grains, and feed
Other farm and garden supplies as deemed appropriate by the Planning and Zoning Commission
Industrial laundry services
Athletic clubs, body building studios, spas, aerobic centers (no gymnasiums)
Warehousing or Storage Services
Auction yard
Repair Services
Contract construction services
Operation centers
Military facilities
Educational services
Livestock
Animal specialties
Agricultural processing
Animal husbandry services

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

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

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

iii. Caretaker dwellings are allowed on a case by case basis as approved by the City of Rexburg Planning and Zoning Commission. Detailed plans are required.

**d. Conditional Uses.** The following uses and structures may be permitted in the HI zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.

**Conditional Uses**
Meat packing
Animal and marine fats and oils
Pulp
Explosives
Fireworks only
Paving and roofing materials
Reclaimed rubber
Structural clay products
Concrete, gypsum, and plaster products
Non-clay Refractories
Blast furnaces, steel works, etc.
Iron and steel foundries
Primary smelting and refining of nonferrous metals
Secondary smelting and refining of nonferrous metals
Rolling, drawing, and extruding of nonferrous metals
Ordinate and accessories
Heliport landing/take-off pads, with maintenance facilities
Low Power Radio Communication Towers and Antennas
Electric generation plants-conventional fuel including hydro-electric, solar, etc.
Electric generation plants - nuclear energy
Natural or manufactured gas storage; distribution points
Scrap and waste materials
Fire arms - ammunition only
Gasoline service stations
Eating places
Second-hand auto parts (includes dismantling of automobiles for purposes of selling parts)
Junk dealers and salvage operations
Equipment rentals and leasing services
Truck and trailer rentals without drivers
Truck repair
Police Protection and related activities, branch (office only)
Day Care Centers
Nursery Schools
Dance Halls
Livestock
Recycle Center

### 3.21.030. Lot Area

There is no minimum area of any lot or parcel of land in the HI zone.

### 3.21.040. Lot Width

Each lot or parcel of land in the HI zone shall have an average width of not less than one hundred fifty (150) feet.

### 3.21.050. Lot Frontage
Each lot or parcel of land in the HI zone shall abut on a public street for a minimum distance of thirty-five (35) feet.

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

### 3.21.070. Area of Zone
No requirements provided that the extension of said HI zone is orderly and the purposes and objectives of the zone have been met.

### 3.21.080. Yard Requirements
The following minimum yard requirements shall apply in the HI zone:

**a.** **Front Yard.** Each lot or parcel of land in the HI zone shall have a landscaped front yard of at least ten (10) feet,

**b.** **Side Yard.** Except as provided in Subsections (3) and (4) of this section, there shall be no side yard requirement unless imposed by the Planning and Zoning Commission to protect adjacent properties against the undesirable characteristics of a particular use; or as required by the latest provisions of the Rexburg Building Code.

**c.** Side Yard. Accessory Building. An accessory building may be located on a side property line only if all of the following conditions are met and is acceptable to the Planning and Zoning Commission:

i. The accessory building, if adjacent to a residential use or zone, shall not exceed ten (10) feet in height, nor two hundred (200) square feet. Larger accessory buildings shall meet the standard side yard setback for principle buildings in the HI zone, or as required by the Planning and Zoning Commission.

ii. Proposal complies with the most recent edition of the Rexburg Building Code.

**d.** **Rear Yard.** No requirement, except in those instances where the rear property line abuts on a residential or commercial zone in which case the rear yard shall be the same as that required by the adjacent zone, or as determined by the Planning Commission to mitigate potential nuisances.

**e.** **Rear Yard.** Accessory Buildings. **Same as Side Yard accessory setbacks.**

### 3.21.090. Projections into Yards
**a.** **Permitted Projections.** The following structures may be erected on or project into any required yard, except that they shall not obstruct a required driveway:

i. Fences and walls in conformance with the Rexburg City Code and other City codes and ordinances.

ii. Landscape elements including trees, shrubs, and other plants.

iii. Necessary appurtenances for utility service.

**b.** **Permitted Projections with Conditions.** The structures listed below may project into a minimum front yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet, except that required driveways must remain unobstructed from the ground upward.

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

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

### 3.21.100. Building Height

The height of every building or structure hereafter designed, erected, or structurally altered or enlarged, shall conform to the requirements of the most recent edition of the Rexburg Building Code as adopted by Rexburg City, and shall not exceed 55-feet in height, measured at the top of building's horizontal wall.

### 3.21.110. Distance Between Buildings

No requirement except as may be imposed by the most recent edition of the Building Code as adopted by Rexburg City.

### 3.21.120. Permissible Lot Coverage

No requirements, except as may be imposed by off-street parking requirements and by the Planning and Zoning Commission to reduce the undesirable effects of a particular use upon adjacent properties.

### 3.21.130. Parking, Loading, and Access

Each lot or parcel in the HI District shall have on the same lot or parcel, automobile parking sufficient to meet the requirements as set forth in the Chapter 5.

Except as provided in the, Rexburg City Codes, all parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with a paved access from a public street.

Loading spaces shall be provided as required by the Planning and Zoning Commission, using as a guide a standard of one (1) space per ten thousand (10,000) square feet of floor area. When the use of a building changes, loading spaces will be required unless applicant provides information to staff identifying acceptable alternate means.

### 3.21.140. Project Plan Approval

All Project plans for projects in the HI District must be prepared and engineered by A/E professionals and be submitted for review and approval from conception on by the Community Development Director or Designee, followed by professional engineered plans (including drainage) and specifications for review by the Development Review Committee. Drainage on to an adjacent lot not owned by applicant is not allowed.

### 3.21.150. Other Requirements

**a. 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.

**b. Signs.** All signs erected in the HI zone shall be in conformance with the sign provisions of Rexburg City Code.

**c. Uses Within Buildings.** No requirement, except as may be imposed by the Planning and Zoning Commission in conjunction with the issuance of a conditional use permit.

**d. Trash Storage.** Trash shall be stored in screened areas that are not visible from streets. Materials and location of the screened areas shall be reviewed and approved by Committee Development Director or Designee prior to installation.

**e. Walls and Fences.**

i. No wall, fence, or opaque hedge or screening material higher than thirty-six (36) inches shall be maintained within a front yard in the HI District.

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

### 3.21.160. Commercial Lighting Standards

Commercial Lighting Standards are applicable as described in Section 4.14.

# OTHER ZONES

## 3.22 Sexually-Oriented Business Overlay (SOB)

3.22.010. Purpose
3.22.020. Definitions
3.22.030. Zoning and Location Requirements
3.22.040. Development Standards

### 3.22.010. Purpose

The purpose of this Chapter is to establish a SOB (Sexually-Oriented Business) Overlay Zone that reasonably governs the location of sexually-oriented businesses in order to avoid adverse secondary effects which may result from the operation of such businesses. This Chapter shall be construed to protect the governmental interests recognized by this Chapter in a manner consistent with protections provided by the United States Constitution and the Idaho Constitution.

### 3.22.020. Definitions

Terms involving sexually-oriented businesses shall have the meaning set forth in Chapter 2 of this Ordinance.

### 3.22.030. Zoning and Location Requirements

**a. Location.** Any sexually-oriented business licensed as an adult business or a semi-nude entertainment business shall be permitted only within the Sexually-oriented Business Overlay Zone as shown on the Zoning Map of the City of Rexburg.

**b. Requirements.** No sexually-oriented business shall operate within 1000 feet of any of the following:

i. A residential zone boundary line as shown on the Rexburg City Zoning Map.

ii. The property boundary of any church, public park, public library, or school (as set forth in classification numbers 6811, 6812, 6813, and 6814 of the duly adopted Standard Land Use Code).

iii. The boundary of any property for which a sexually oriented business license earlier has been issued and has not expired.

iv. No church, public park, public library, or school (as set forth in classification numbers 6811, 6812, 6813, and 6814 of the duly adopted Standard Land Use Code) shall be established closer than 1000 feet from any sexually-oriented business.

v. For the purpose of this Section, the distance from any church, public park, public library, or school (as set forth in classification numbers 6811, 6812, 6813, and 6814 of the duly adopted Standard Land Use Code) shall be measured in a straight line from the nearest point of the line of any property on which a sexually-oriented business is operating, or is proposed to operate, to the nearest residential zone boundary line or property boundary line of any church, public park, public library, or school, as the case may be.

### 3.22.040. Development Standards

**a. Standards.** Each sexually-oriented business shall be subject to all development standards of the underlying commercial zone in which it is located, including, but not limited to, setbacks, building height, projections, design standards, etc.

i. Off-street parking shall be provided as required for the land use classification listed in this Ordinance, Off-Street Parking Standards, to which the sexually-oriented business is most closely related.

ii. Signs for each sexually-oriented business shall be limited to the following:

1. All signs shall be flat wall signs.

2. The maximum area of all signs shall not exceed one square foot of sign area per foot of building frontage on a public street.

3. Banner signs or similar are not permitted.

4. Electronic reader board signs or similar are not permitted.

5. Flashing lights and any lights that together create motion of any kind are not permitted.

iii. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or in any area where they can be viewed from a public sidewalk.

Deliveries of any kind to the establishment shall not be left on the exterior of the building at any time. Any merchandise whether exposed of packaged shall not be stored permanently or temporarily on the exterior of the building.

## 3.23 Professional Office Zone (PO)

The Professional Office Zone is established to create a buffering effect between residential uses and traffic associated with arterial and collector streets; and to promote non retail professional and service uses that are compatible with adjacent residential uses.

3.23.010. Purpose and Objectives
3.23.020. Permitted Uses
3.23.025. Single Ownership or Control
3.23.030. Lot Area
3.23.040. Lot Width
3.23.050. Lot Frontage
3.23.060. Prior Created Lots
3.23.070. Area of Zone
3.23.075 Professional Offices on Less Than One Acre
3.23.080. Yard Requirements
3.23.100. Building Height
3.23.110. Distance Between Buildings
3.23.120. Permissible Lot Coverage
3.23.130. Parking, Loading and Access
3.23.140. Project Plan Approval
3.23.150. Reversion of Zoning
3.23.160. Other Requirements
3.23.170. Architectural Design Standards
3.23.180. Commercial Lighting Standards

### 3.23.010 Purpose and Objectives

The PO zone is established to provide locations beyond the central area of the City, primarily along arterial or major collector streets which will accommodate offices or laboratories for professional persons and other related uses. This zone should not be established in a "strip" zoning manner along major streets but should be concentrated to provide easy accessibility to the public. The zone is intended to provide availability of professional services conveniently to all neighborhoods in the community. Uses permitted in the PO zone would typically include offices for doctors, dentists, accountants, and other similar professions, medical and dental laboratories, and pharmacies.

### 3.23.020. Permitted Uses

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

**b. Permitted Principal Uses.** The following principal uses and structures, and no others, are permitted in the PO zone:

**Permitted Uses**

Electric transmission right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
Gas pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
Gas pressure control stations
Water pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.
Irrigation distribution channels
Water pressure control stations and pumping plants
Sewage pipeline right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity)
Sewage pumping stations
Combination utilities right-of-way (Identifies areas / where surface is devoted exclusively to right-of-way activity)
Storm drain or right-of-way (Predominantly covered pipes or boxes)
Travel Agencies
Prescription pharmacy (intended for the convenience of permitted establishments and/or clients

thereof, provided that no business occupies more than fifteen (15) percent of the total floor area of the building in which it is located and has no separate entrance)
Financial, Insurance and Real Estate Services
Advertising services (office only)
Consumer credit services
Duplicating, stenographic, and office services
Dwelling, janitorial, and other building services (office only)
News syndicate services (office only)
Employment services
Miscellaneous business services (office only)
Professional Services (except hospitals, behavior, drug and alcohol treatment; office only, no lodging or bed facilities, sanitariums, convalescent and rest home services)
Executive, legislative, and judicial offices
Miscellaneous service organizations (office only)
Museums
Video Rental Shops

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

i. Accessory buildings such as garages, carports, supply storage buildings, and similar structures which are customarily used in conjunction with, and are incidental to, principal uses and structures allowed in the PO zone.

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

**d. Conditional Uses.** The following uses and structures may be permitted in the PO zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof.

**Conditional Uses**
Communications (Subject to Section Rexburg City Code)
Electricity regulating substations
Small generation
Other gas utilities, NEC
Water storage as part of a utility system (covered including water storage standpipes)
Debris basin (A dam and basin for intercepting debris)
Spreading grounds (Area for percolating water into underground)
Mail and phone order houses (Only on in historic buildings arterial streets)
Dry goods and general merchandise (yarn, linen, crafts, fabric, etc.) (Only in historic buildings on arterial streets)
Candy, nut, and confectionery (only in historic buildings)
Apparel and accessories (Only in historic buildings on arterial streets)
Restaurants, subject to the following conditions:

(a) That the restaurant be architecturally compatible with surrounding buildings.

(b) That there is no short order/fast food or drive-in restaurants.

(c) That signs, landscaping, number of employees, and distance from existing commercial zones, and related matters, shall be factors considered in the review and approval of a conditional use permit.

Miscellaneous retail trade (except drug stores and proprietary stores; only in historic buildings as defined in this title)
Second hand clothing, shoes, furniture and books (does not include flea markets, or thrift store and general second hand merchandise, indoor display and storage only; use of outdoor collection boxes is prohibited, (only on arterial streets))
Photography studio (only in historic buildings on arterial streets)
Beauty and barber shop (only in historic buildings on arterial streets)
Mortuary (only in historic buildings on arterial streets)

Wedding chapels and reception centers
Hospitals
Behavior, drug & alcohol treatment
Sanitariums, convalescent and rest home services
Police protection and related activities, branch (office only)
Veterinarian services, subject to the following conditions:

(a) Experimental or scientific research activities are prohibited.

(b) No on-site disposal of dead animals.

(c) The facility shall be located completely within an air-conditioned and soundproofed building.

(d) Animal noise shall not be audible at the nearest property line.

(e) Overnight boarding shall be limited to animals receiving treatment on the premises.

(f) Services shall be limited to small animals only.

(g) No services shall be permitted for poisonous or dangerous animals.

### 3.23.025. Single Ownership or Control

**a. Ownership or Control.** Land within a given PO zone, for which a preliminary project plan has been approved, shall be in single ownership or single control in order to provide for integrated development unless otherwise approved by the Rexburg Planning and Zoning Commission. The term "single control" shall be construed to allow the recording of a Record of Survey which is in conformance with the "Final Development Plans," the "Final Approval by Mayor," the "Standards and Requirements," and the "Guarantees and Covenants" sections of the Planned Development Chapter of this Title.

The Record of Survey must be approved and recorded prior to the issuance of any building permits and must be in compliance with all applicable portions of the Code and other Building Codes adopted by the City.

**b. Rezoning.** Upon Rezoning and the granting of Preliminary Project Plan Approval a notice must be recorded with the County Recorder's Office, on all properties within the zoned area, indicating the zoning, the requirement for single ownership or single control of the development, the existence of Covenants, Conditions, and Restrictions on the development, and the requirements for common management through the developments association to guarantee perpetual integration and maintenance.

**c. Developments.** Developments within the PO Zone must provide for common management throughout the development by establishing an association and providing management provisions within the required Covenants, Conditions, and Restrictions. The Association management will enforce the covenants, and provide perpetual maintenance of the development.

**d. Failure to maintain single ownership or control.** Failure to maintain single ownership or single control may result in the initiation of action to return the property to the zone or zones existing prior to the establishment of the PO zone.

### 3.23.030. Lot Area

The minimum area of any lot or parcel of land in the PO zone shall be one (1) acre; provided, however, that smaller lots or parcels may be created:

a. pursuant to the provisions of City Code, or

b. as part of an approved and recorded Record of Survey, as specified in City Code. The area of land within such Record of Survey shall be at least one (1) acre.

### 3.23.040. Lot Width

Each lot or parcel of land in the PO zone shall have an average width of not less than two hundred (200) feet; however, narrower lots or parcels may be created as part of an approved and recorded Record of Survey.

### 3.23.050. Lot Frontage

Each lot or parcel of land in the PO zone shall abut a public street for a minimum distance of two hundred (200) feet, on a line parallel to the centerline of a street or along the circumference of a cul-de-sac improved to City standards; however, lots or parcels with lesser frontage, or no frontage, on a public street may be created as part of an approved and recorded Record of Survey, as specified in City Code. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.

### 3.23.060. Prior Created Lots

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

### 3.23.070. Area of Zone

Except as provided in Section 3.22.075, Rexburg City Code, each single PO zone shall contain a minimum of one (1) acre, and a maximum of twenty (20) acres. The PO zone shall not be applied to an existing area which does not meet these area requirements, and shall not be applied to an existing office development which has not been designated and constructed as an integrated professional office complex.

### 3.23.075. Professional Offices on Less Than One Acre

**a. Permitted Professional Offices with Conditions.** In order to further neighborhood objectives, set forth in the General Plan, professional offices located on a lot or parcel of land which is less than one (1) acre may be allowed so long as:

i. The proposed use is located on a lot that:

1. Is at least one-half (1/4) acre in area.

2. Has frontage on a collector or arterial street for a distance of at least fifty (50) feet.

3. Has an average lot width of at least fifty (50) feet.

ii. The Planning and Zoning Commission finds that potentially adverse land use impacts of the proposed use upon the neighborhood resulting from the circumstances set forth in subsection (2) of this section will be mitigated and the safety and well-being of the area will be maintained.

**b. Land Use Impacts.** Land use impacts to be evaluated in applying subsection (1) of this section shall include the following:

i. A substantial increase in daily or peak hour traffic.

ii. A change in circulation patterns on or around the property.

iii. A significant increase in parking demand.

iv. A change in the density of people on the site.

v. Hours of operation of the proposed uses.

vi. Any increased environmental impact, such as noise or air pollution; offensive odors; excessive illumination or glare, etc.

**c. Lots One Acre or More.** This section shall not apply to any lot in a PO zone which is one (1) acre or more. Notwithstanding the provisions of this section, no such lot shall be subdivided into a size which is less than one (1) acre.

### 3.23.080. Yard Requirements

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

**a. Front Yard.** Each lot or parcel in the PO zone shall have a front yard of not less than ten (10) feet. Said front yard shall not be used for vehicular parking spaces or drive aisles and shall be appropriately landscaped.

**b. Side Yard.** Each lot or parcel of land in the PO zone shall have a side yard of at least ten (10) feet when located adjacent to a residential zone. There shall be no requirements in those instances where the side property line abuts a commercial or industrial zone.

**c. Side Yard.** Accessory Building. An accessory building may be located on a side property line if, and only if, all of the following conditions are met:

i. The accessory building is located more than ten (10) feet from any main residential building on an adjacent property.

ii. Accessory buildings are less than 200-square feet and under 10-feet in height.

**d. Rear Yard.** Same as adjacent zone. If adjacent zone is Professional Office, then no setback is required.

### 3.23.090. Projections into Yards

**a. Permitted Projections.** The following structures may be erected on or projected into any required yard:

i. Fences and walls in conformance with the City Code and other City codes and ordinances.

ii. Landscape elements including trees, shrubs, and other plants.

iii. Necessary appurtenances for utility service.

**b. Permitted Projections with Conditions.** The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet, except that a required driveway shall remain unobstructed from the ground up.

i. Belt courses, sills, buttresses, or similar architectural features.

ii. Fireplace structures and bays provided that they are not wider than eight (8) feet measured generally parallel to the wall of which they are a part.

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

iv. Carport and loading docks in a side yard or rear yard, provided that such structure is not more than one (1) story in height and twenty-four (24) feet in length and is entirely open on at least three (3) sides except for necessary supporting columns and customary architectural features.

### 3.23.100. Building Height

**a. Permitted Building Height.** No lot or parcel of land in the PO zone shall have a building or structure which exceeds thirty-five (35) feet in height, measured at the top of building's horizontal wall. Chimneys, flagpoles, or similar structures not used for human occupancy are excluded in determining height.

### 3.23.110. Distance Between Buildings

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

### 3.23.120. Permissible Lot Coverage

a. **Building Coverage.** In a PO zone, all buildings and structures shall not cover an area of more than eighty (80) percent of the lot or parcel of land upon which they are placed.

b. **Parking Structures.** Parking structures shall be exempt from lot coverage requirements. Provided, however, that parking structures shall be screened and buffered from adjacent properties and public view as required.

### 3.23.130. Parking, Loading, and Access

Each lot or parcel of land in the PO zone shall have on the same lot or parcel, automobile parking sufficient to meet the requirements for professional offices or similar permitted uses as set forth in Chapter 5.

All parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with paved access from a public street.

Parking spaces and drive aisles shall not be provided within a required front yard. When possible, connectivity through parking lots of adjacent properties is required

### 3.23.140. Project Plan Approval

All Project plans for projects in the PO Zone must be prepared and engineered by A/E professionals and be submitted for review and approval from conception on by the Community Development Director or Designee, followed by professional engineered plans (including drainage) and specifications for review by the Development Review Committee. Drainage on to an adjacent lot not owned by applicant is not allowed.

### 3.23.160. Other Requirements

a. **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.

b. **Signs.** All signs erected in the PO zone shall be in conformance with the sign provisions of City Code and shall be in general compliance with the typical signing program described in the provisions of City Code. Signs proposed to be erected in the PO zone shall be placed in the same classification with signs permitted in shopping center zones.

c. **Landscaping.** A minimum of ten (10) percent of the site shall be landscaped

d. **Trash Storage.** Trash shall be stored in screened areas that are not visible from streets. Materials and location of the screened areas shall be reviewed and approved by Committee Development Director or Designee prior to installation.

e. **Walls and Fences.**

i. No wall, fence, or opaque hedge or screening material higher than thirty-six (36) inches shall be maintained within a required front yard in a PO zone.

ii. A minimum vinyl fence at least six (6) feet in height shall be erected along all property lines which lie immediately adjacent to any residential zone, except that alternative screening may be used which may include a landscape hedge of six (6) feet at a two (2) year maturity, wood fence or a combination of landscaping with chain-link, with or without slats. In the case where there is mutual agreement by adjoining property owners and approved by the Planning and Zoning Commission or its designee, this requirement may be waived.

### 3.23.170 Architectural Design Standards

Architectural design requirements are found in Chapter 4.13 Supplementary Regulations under Commercial Design Standards.

### 3.23.180. Commercial Lighting Standards

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

## 3.24 Technology and Office Zone (TOZ)

3.24.010. Purpose and Objectives
3.24.020. Permitted Uses
3.24.030. Lot Area
3.24.040. Lot Width
3.24.050. Lot Frontage
3.24.060. Prior Created Lots
3.24.070. Yard Requirements
3.24.080. Projections into Yards
3.24.090. Building Height
3.24.100. Distance Between Buildings
3.24.110. Permissible Lot Coverage
3.24.120. Parking, Loading and Access
3.24.130. Conditional Use Permit for a Reduction in the Parking Required for Accessory Housing in a TOZ Zone
3.24.140. Project Plan Approval
3.24.150. Other Requirements
3.24.160. Architectural Design Standards
3.24.170. Commercial Lighting Standards
3.24.080. Projections into Yards
3.24.090. Building Height
3.24.100. Distance Between Buildings
3.24.110. Permissible Lot Coverage
3.24.120. Parking, Loading, and Access
3.24.130. Project Plan Approval
3.24.140. Reversion of Zoning
3.24.150. Other Requirements
3.24.160 Architectural Design Standards
3.24.170 Commercial Lighting Standards

### 3.24.010. Purpose and Objectives

The TOZ zone is created to take advantage of technology developed and expertise available at the University and the transfer of technology to the private sector. It is intended that a high quality environment be established in this zoning district compatible with the BYU-I Campus and the City Central Business District. Permitted uses include but are not limited to those directly involved in research and development, manufacture of prototype goods or goods from prototype machinery or processes; limited Light Industrial beyond prototype compatible with a research and development environment; and a limited range of office uses that could provide services to the research and development functions or could be converted to research and development uses as the market for such space warrants.

### 3.24.020. Permitted Uses

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

**b. Permitted Principal Uses.** The following principal uses and structures, and no others, are permitted in the TOZ zone:

**Permitted Uses**
Computers: digital, analog & hybrid
Computer storage units mfg.
Computer terminals mfg.
Computer output to microfilm units, computer peripheral equipment-mfg.
Computer software tape and disks, blank: rigid and floppy - mfg.
Computer interface equipment for industrial process control-mfg.
Computerized axial-tomography (CT/Cat scanner apparatus - mfg.
Communications (Subject to the Section Rexburg City Code)

Computer terminals-wholesale
Computer paper-wholesale
Computer Stores-retail
Miscellaneous retail trade
Computer software, mail-order-retail
Photography studio (only in historic buildings on arterial streets)
Beauty and barber shop (only in historic buildings on arterial streets)
Police protection and related activities, branch (office only)
Computer photography or portraits
Computer programming services and program software-custom
Computer software publishers, pre-packaged
Computer peripheral equipment, rental & leasing.
Computer peripheral equipment repair & maintenance
Veterinarian services, subject to the following conditions:

(a) Experimental or scientific research activities are prohibited.

(b) No on-site disposal of dead animals.

(c) The facility shall be located completely within an air-conditioned and soundproofed building.

(d) Animal noise shall not be audible at the nearest property line.

(e) Overnight boarding shall be limited to animals receiving treatment on the premises.

(f) Services shall be limited to small animals only.

(g) No services shall be permitted for poisonous or dangerous animals.

Computer repair training
Travel Agencies
Prescription pharmacy (intended for the convenience of permitted establishments and/or clients thereof, provided that no business occupies more than fifteen (15) percent of the total floor area of the building in which it is located and has no separate entrance)
Financial, Insurance and Real Estate Services
Advertising services (office only)
Consumer credit services
Duplicating, stenographic, and office services
Dwelling, janitorial, and other building services (office only)
News syndicate services (office only)
Employment services
Miscellaneous business services (office only)
Professional Services (except hospitals, behavior, drug and alcohol treatment, sanitariums, convalescent and rest home services.)
Executive, legislative, and judicial offices
Miscellaneous service organizations (office only)
Software programming, systems analysis-custom
Software, computer- wholesale
Computer-aided engineering/design systems services also CAD, CAM.
Computer hardware renting or leasing, except finance leasing or from the manufacturer
Computer consultants
Call Centers
Minor assembly and other innocuous manufacturing with approval by the Community Development Director

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

i. Accessory buildings such as garages, carports, supply storage buildings, and similar structures which are customarily used in conjunction with, and are incidental to, principal uses and structures allowed in the TOZ zone.

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

**d. Conditional Uses.** The following uses and structures may be permitted in the TOZ zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof:

**Conditional Uses**
Communications (Subject to the Rexburg City Code)

Restaurants, subject to the following conditions:
(a) That the restaurant be architecturally compatible with surrounding buildings.

(b) That there be no short order/ fast food or drive-in restaurants.

(c) That signs, landscaping, number of employees, and distance from existing commercial zones, and related matters, shall be factors considered in the review and approval of a conditional use permit.

Miscellaneous retail trade
Day Care Centers
Nursery Schools

### 3.24.030. Lot Area

**a. Minimum Lot Area.** The minimum area of any lot or parcel of land in the TOZ zone shall be one half (1/2) acre; provided, however, that smaller lots or parcels may be created:

i. Pursuant to the provisions of City Code; or

ii. As part of an approved and recorded subdivision plat, as specified in City Code. The area of land within such Record of Survey shall be at least one (1) acre.

### 3.24.040 Lot Width

Each lot or parcel of land in the TOZ zone shall have an average width of not less than one hundred (100) feet; however, narrower lots or parcels may be created as part of an approved and recorded subdivision plat.

### 3.24.050. Prior Created Lots

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

### 3.24.070. Yard Requirements

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

**a. Front Yard.** Each lot or parcel in the TOZ zone shall have a front yard of not less than ten (10) feet. Said front yard shall not be used for vehicular parking or maneuvering and shall be appropriately landscaped.

**b. Side Yard.** Except as provided in Subsections (3), (4), and (5) of the Rexburg City Code, each lot or parcel of land in the PO zone shall have a side yard of at least ten (10) feet when located adjacent to a residential zone. There shall be no requirements in those instances where the side property line abuts a commercial or industrial zone.

**c. Side Yard.** Accessory Building. An accessory building may be located on a side property line if, and only if, all of the following conditions are met:

i. The accessory building is located more than ten (10) feet from any main residential building on an adjacent property.

**d. Rear Yard.** No requirement.

### 3.24.080. Projections into Yards

a. **Permitted Projections.** The following structures may be erected on or projected into any required yard:

i. Fences and walls in conformance with the City Code and other City codes and ordinances.

ii. Landscape elements including trees, shrubs, and other plants.

iii. Necessary appurtenances for utility service.

b. **Permitted Projections with Conditions.** The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet, except that a required driveway shall remain unobstructed from the ground up.

i. Belt courses, sills, buttresses, or similar architectural features.

ii. Fireplace structures and bays, provided that they are not wider than eight (8) feet measured generally parallel to the wall of which they are a part.

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

iv. Carport and loading docks in a side yard or rear yard, provided that such structure is not more than one (1) story in height and twenty-four (24) feet in length and is entirely open on at least three (3) sides except for necessary supporting columns and customary architectural features.

### 3.24.090. Building Height

a. **Permitted Height.** No lot or parcel of land in the TOZ zone shall have a building or structure which exceeds fifty-five (55) feet in height, measured at the top of building's horizontal wall. Chimneys, flagpoles, or similar structures not used for human occupancy are excluded in determining height.

### 3.24.110. Permissible Lot Coverage

a. **Building Coverage.** In a TOZ zone, all buildings and structures shall not cover an area of more than ninety (90) percent of the lot or parcel of land upon which they are placed.

b. **Parking Structures.** Parking structures shall be exempt from lot coverage requirements. Provided, however, that parking structures shall be screened and buffered from adjacent properties and public view as required Design Review.

### 3.24.120. Parking, Loading, and Access

Each lot or parcel of land in the TOZ zone shall have on the same lot or parcel, automobile parking sufficient to meet the requirements for professional offices or similar permitted uses as set forth in Chapter 5.

All parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with paved access from a public street.

Parking spaces and maneuvering areas shall not be provided within a required front yard. When possible, connectivity through parking lots of adjacent properties is required

### 3.24.130. Project Plan Approval

All Project plans for projects in the TOZ Zone must be prepared and engineered by A/E professionals and be submitted for review and approval from conception on by the Community Development Director or Designee, followed by professional engineered plans (including drainage) and specifications for review by the Development Review Committee. Drainage on to an adjacent lot not owned by applicant is not allowed.

### 3.24.140. Other Requirements

a. **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.

b. **Signs.** All signs erected in the TOZ zone shall be in conformance with the sign provisions of City Code and shall be in general compliance with the typical signing program described in the provisions of City Code. Signs proposed to be erected in the TOZ zone shall be placed in the same classification with signs permitted in shopping center zones.

c. **Landscaping.** A minimum of ten (10) percent of the site shall be landscaped

d. **Trash Storage.** Trash shall be stored in screened areas that are not visible from streets. Materials and location of the screened areas shall be reviewed and approved by Committee Development Director or Designee prior to installation.

e. **Walls and Fences.**

i. No wall, fence, or opaque hedge or screening material higher than thirty-six (36) inches shall be maintained within a required front yard in a TOZ zone.

ii. A minimum vinyl fence at least six (6) feet in height shall be erected along all property lines which lie immediately adjacent to any residential zone, except that alternative screening may be used which may include a landscape hedge of six (6) feet at a two (2) year maturity, wood fence or a combination of landscaping with chain-link, with or without slats. In the case where there is mutual agreement by adjoining property owners and approved by the Planning and Zoning Commission or its designee, this requirement may be waived.

### 3.24.150 Architectural Design Standards

Architectural design requirements are found in Chapter 4.13 Supplementary Regulations under Commercial Design Standards.

### 3.24.160. Commercial Lighting Standards

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

## 3.25 Public Facilities Zone (PF)

3.25.010. Purpose and Objectives
3.25.020. Permitted Uses
3.25.030. Lot Area
3.25.040. Lot Width
3.25.050. Lot Frontage
3.25.060. Prior Created Lots
3.25.070. Lot Area Per Dwelling
3.25.080. Yard Requirements
3.25.090. Projections into Yards
3.25.100. Building Height
3.25.110. Distance Between Buildings
3.25.120. Permissible Lot Coverage
3.25.130. Parking, Loading and Access
3.25.140. Conditional Use Permit for a Reduction in the Parking Required for Accessory Housing in a Public Facility Zone
3.25.150. Project Plan Approval
3.25.160. Other Requirements
3.25.170. Re-use of Public Facilities
3.25.180. Commercial Lighting Standards

### 3.25.010. Purpose and Objectives

The PF Zone is established to provide areas for the location and establishment of facilities which, under public franchise, ownership, or private enterprises operating for the public convenience and necessity, provide public services such as electricity, gas, communication, transportation, water, sewage treatment, education, religious activities and other public assembly, cultural facilities, parks, recreation etc. and which utilize relatively large areas of land. The Public Facilities Zone is established to protect the present and long term public uses including the airport and airport facilities. Uses such as airport related activities, warehousing, open space, and agricultural uses are harmonious with the Zone. Height restrictions within this district are determined by the City's ordinance regulating the approach zone of the airport under FAR part 77, Airspace, and as listed below.

This zone is intended to provide immediate recognition of such areas upon the official zoning map of the City, and to reduce the affect which the location of these facilities may have upon zoning statistics in residential, commercial, or industrial areas. Typical uses permitted in the PF zone are public schools, public parks, hospitals, airports, public utilities, public equipment storage areas, and public shop areas. Though some of these uses will be allowed in other zones to initially accommodate public facilities in appropriate areas without undue difficulty, it is intended that the PF zone would then be applied to all such facilities for ease of recognition and accurate statistical indexing.

### 3.25.020. Permitted Uses

**a. Categories.** Except as provided in Section 9.19.020, Rexburg City Code, those uses or categories of uses as listed herein, and no others, are permitted in the PF zone.

**b. Permitted Principal Uses.** The following principal uses and structures, and no others, are permitted in the PF zone:

**Permitted Uses**
Housing Authority offices and administration
Highways and street rights-of-way
Electric transmission right-of-way (Identifies areas where the surface is devoted exclusively to the rights of- way of the activity)
Gas pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
Gas pressure control stations
Water pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
Irrigation distribution channels
Water pressure control stations and pumping plants

Water utilities or irrigation company office
Sewage pipeline right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity)
Sewage pumping stations
Gas and electric utility company office
Water and electric utility company office
Combination utilities right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity)
Storm drain or right-of-way (Predominantly covered pipes or boxes)
Governmental services (except Management Investment Offices, Open-End)
Nursery, primary, and secondary education
University, college, junior college, professional school education
Special training and schooling
Cultural activities and nature exhibits
Recreational activities
Parks
Forest Reserves

**c. Permitted Accessory Uses.** Accessory uses and structures are permitted in the PF zone provided they are incidental to, and do not substantially alter the character of the permitted use or structure, and are located on the same or an adjacent lot as the permitted use. Such permitted accessory uses and structures include, but are not limited to, the following:

i. Accessory buildings such as garages, carports, bath houses, green houses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with and incidental to a principal use or structure, and offices associated with a main permitted or conditional use, and a public dance held in conjunction with an existing permitted use.

ii. Swimming pools and incidental bath houses subject to the standards of Rexburg City Code;

iii. A detached single-family residence used only for the use of a caretaker, watchman, or similar employee of a permitted use, when located upon the same site as said permitted use;

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

v. Nothing herein shall be construed to permit the open storage of materials or equipment used in conjunction with permitted uses, or shall be concealed from view from public or private streets.

**d. Conditional Uses.** The following uses and structures may be permitted in the PF zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof:

**Conditional Uses**
Residential facility for persons with a disability
Aircraft manufacturing and assembling (in or adjacent to an airport)
Aircraft engines and engine parts (in or adjacent to an airport)
Aircraft parts other than engines (in or adjacent to an airport)
Railroad, rapid transit (public or private)
Ambulance services
Airports and flying fields
Heliports and general aircraft
Parking lot – automobile parking lot and garages
Communications
Electric generation plants - conventional fuel including hydroelectric, solar, etc.)
Electricity regulating substations
Electric utility company office
Small generation
Other gas utilities, NEC
Water treatment plants (purification)
Water storage as part of a utility system (open reservoirs)
Water storage as part of a utility system (covered including water storage standpipes)
Other water utilities or irrigation, NEC
Sewage company office
Refuse disposal company office

Water reclamation plants, sludge drying beds, etc.
Other sewage disposal, NEC
Central garbage grinding stations and composting plants
Active slag dumps and mineral waste disposals
Combination utilities company storage yards and equipment storage
Combination utilities, NEC
Debris basin (A dam and basin for intercepting debris)
Spreading grounds (Area for percolating water into under-ground)
Other utilities
Funeral parlor, cemetery, and crematory services
Hospitals
Behavior, drug and alcohol treatment
Operation centers
Police protection and related activities, branch (office only)
Military academies
Religious activities
Public assembly
Dance halls
Group or organized camps
Fishing activities
Mining and quarrying

### 3.25.030. Lot Area
The minimum area of any lot or parcel of land in the PF zone shall be ten thousand (10,000) square feet.

### 3.25.040. Lot Width
Each lot or parcel of land in the PF zone shall have a width of not less than eighty (80) feet.

### 3.25.050. Lot Frontage
Each lot or parcel of land in the PF zone shall abut on a public street for a minimum distance of thirty-five (35) feet, on a line parallel to the centerline of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.

### 3.25.060. Prior Created Lots
Lots or parcels of land which were legally and lawfully created prior to the application of this zone (December 12, 1974) shall not be denied a building permit solely for reason of nonconformance with the above parcel requirements of this Chapter.

### 3.25.070. Lot Area per Dwelling
Any caretaker dwelling established in conjunction with a permitted use in the PF zone shall have a land area of at least five thousand (5,000) square feet devoted exclusively to the use of the inhabitants of said residential unit.

### 3.25.080. Yard Requirements
The following minimum yard requirements shall apply to the PF zone:

**a.** **Front Yard.** Each lot or parcel of land in the PF zone shall have a front yard of not less than ten (10) feet, except that those lots or parcels lying adjacent to a residential zone along the same street frontage shall have a front yard equal to that required by the provisions of the most restrictive residential one which it abuts along said street frontage.

**b.** **Side Yard.** No requirements, except when the parcel of property in the PF zone abuts the side or rear yard of a lot or parcel lying within a residential zone. In that case, the yard width shall be equal to that required by the provisions of the residential zone established on the abutting property.

**c.** **Side Yard. Accessory Building.** An accessory building may be located on a side property line if, and only if, all of the following conditions are met:

i. That said accessory building is located more than ten (10) feet away from any main building on the

same lot, or more than six (6) feet away from any building structure on any adjacent lot lying within a residential zone.

ii. The accessory building is under ten (10) feet in height and less than two hundred (200) square feet in area.

**d. Rear Yard.** No requirement except when the parcel of property in the PF zone abuts the side or rear yard of a lot or parcel lying within a residential zone. In that case, the yard width shall be equal to that required by the provisions of the residential zone established on the abutting property.

### 3.25.090. Projections into Yards

**a. Permitted Projections.** The following structures may be erected on or projected into any required yard:

i. Fences and walls in conformance with the Rexburg City Code and other City codes and ordinances.

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

iii. Necessary appurtenances for utility service.

**b. Permitted Projections with Conditions.** The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet:

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

ii. Fireplace structures and bays, pro-vided they are not wider than eight (8) feet and are generally parallel to the wall of which they are a part.

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

iv. Carports over a driveway in a side yard, provided that such a structure is not more than one (1) story in height and twenty-four (24) feet in length, and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features.

### 3.25.100. Building Height

**a. Permitted Building Height with Conditions.** No lot or parcel of land in the PF Zone shall have a building or structure which exceeds a height of three (3) stories with a maximum of thirty-five (35) feet, measured at the top of building's horizontal wall, unless one of the following conditions exists:

i. The horizontal setback of the building from the nearest residential zone boundary is equal to or exceeds twice the building's height; or

ii. A Conditional Use Permit has been granted by the Planning and Zoning Commission in accordance with the provisions of Rexburg City Code. Unique characteristics of a particular building site (such as significant topographic differences between the building site and adjoining residential properties) may justify the City's Zoning Administrator requiring the project to undergo Conditional Use Review, even though the condition outlined in (1) above is satisfied.

### 3.25.120. Permissible Lot Coverage

In a PF Zone, all buildings and structures shall not cover more than sixty (60) percent of the lot or parcel of land upon which they are placed.

### 3.25.130. Parking, Loading, and Access

Parking within the PF zone shall be provided in accordance with the requirements of Rexburg City Code.

All parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with paved access from the public street.

Parking spaces shall not be provided within a required front yard or a side yard adjacent to a public street. When possible, connectivity through parking lots of adjacent properties is required

3.25.140. Project Plan Approval
All projects constructed within the PF zone must submit, prior to beginning construction, a site plan (including a drainage plan) for review and approval by City of Rexburg Development Review Committee. Drainage on to an adjacent lot not owned by applicant is not allowed. All structures must comply with Building Department requirements.

### 3.25.160. Other Requirements

**a. 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.

**b. Signs.** See standards and provisions of the Rexburg City Codes.

**c. Landscaping.** A minimum of ten (10) percent of the site shall be landscaped

**d. Trash Storage.** Trash shall be stored in screened areas that are not visible from streets. Materials and location of the screened areas shall be reviewed and approved by Committee Development Director or Designee prior to installation.

**e. Transitional Development Standards.** Where a lot in any business, commercial, manufacturing, industrial, or public facilities zone borders a residential zone, the standards set forth in Rexburg City Code.

**a. Mitigating Land Use Impacts.** Any change of use that creates more intense impacts may be denied if the Planning and Zoning Commission finds that such impacts cannot be mitigated by the imposition of conditions. Land use impacts that may need to be mitigated include the following:

i. An increase in daily or peak hour traffic.

ii. A change in circulation patterns on or around the property.

iii. A significant increase in the demand for parking.

iv. A change in the density of people on site.

v. Expansion of the hours of operation.

vi. Any increased environmental impact, such as noise or air pollution; offensive odors; excessive illumination or glare, etc.

### 3.25.180. Commercial Lighting Standards

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

## 3.26 Open Space Zone (OS)

3.26.010. Purpose and Objectives
3.26.020. Permitted Uses
3.26.030. Project Requirements
3.26.040. Commercial Lighting Standards

### 3.26.010. Purpose and Objectives

The OS Zone is established to recognize areas of recreational and public uses and to protect floodplains, slopes, and natural drainage ways from development that may cause or contribute to flooding, slope failures, excessive soil erosion, and sediment and water pollution of the Teton River. The uses within the underlying zone, except those associated with open space, are conditional uses within this zone. The Open Space Zone may be the only applicable zone for parks, public utilities, and other public uses. The floodplain is defined by the FIRM for Rexburg.

### 3.26.020. Permitted Uses

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

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

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

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

**Permitted Uses**
Parks
Playgrounds
Playground Equipment
Drainage Basins
Floodways
Restrooms under 1,000 square feet
Pump houses less than 1,000 square feet
Equipment Buildings under 1,000 square feet

**e. Conditional Uses.** The following uses and structures may be permitted in the OS zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof:

**Conditional Uses**
Railroad, rapid transit (public or private)
Highways and street rights-of-way
Parking lot – automobile parking lot and garages
Electric transmission right-of-way (Identifies areas where the surface is devoted exclusively to the rights of- way of the activity)
Electricity regulating substations
Gas pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
Gas pressure control stations
Water pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
Water storage as part of a utility system (open reservoirs)
Water storage as part of a utility system (covered including water storage standpipes)
Irrigation distribution channels
Water pressure control stations and pumping plants
Water utilities or irrigation company office

Other water utilities or irrigation, NEC
Sewage pipeline right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity)
Sewage pumping stations
Combination utilities right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity)
Storm drain or right-of-way (Predominantly covered pipes or boxes)
Debris basin (A dam and basin for intercepting debris)
Other utilities
Cultural activities and nature exhibits
Recreational activities
Fishing activities
Forest Reserves

### 3.26.030. Project Requirements

Any construction projects taking place in this zone that are not listed as "Permitted Uses" shall obtain a conditional use permit. Details shall be presented to the Planning and Zoning Commission and Zoning Commission for approval.

### 3.26.040. Commercial Lighting Standards

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

## 3.27 University District (UD)

3.27.010. Purpose and Objectives
3.27.020. Permitted Uses
3.27.030. Lot Area
3.27.040. Lot Width
3.27.050. Lot Frontage
3.27.060. Prior Created Lots
3.27.070. Lot Area Per Dwelling
3.27.080. Yard Requirements
3.27.090. Projections into Yards
3.27.100. Building Height
3.27.110. Distance Between Buildings
3.27.120. Permissible Lot Coverage
3.27.130. Parking, Loading and Access
3.27.140. Project Plan Approval
3.27.150. Reserved
3.27.160. Other Requirements
3.27.170 Change in Use of University Facilities
3.27.180 Commercial Lighting Standards

### 3.27.010. Purpose and Objectives

The University District is to recognize the establishment and growth of Brigham Young University-Idaho.

The University campus is unique in its nature as to those who visit, work and attend the University. Parking on the campus should be located in a manner which will serve the needs of invitees to the campus. Because of its unique nature, the University campus should be considered as one parcel. All buildings, playing fields and other structures on the Campus should be deemed served by all parking lots on campus, wherever situated. The campus as a whole is served by all public streets adjacent to and running through the campus as well as private roads and streets owned and maintained by the University.

The University District is established to protect the unique nature of the University while protecting adjacent land uses from nuisance and otherwise incompatible land use.

The University District is established to provide areas for the location and establishment of educational facilities which operate as institutions of higher learning and which utilize relatively large areas of land. This zone is intended to provide immediate recognition of such areas upon the official zoning map of the City, and to reduce the affect which the location of these facilities may have upon zoning statistics in residential, commercial, or industrial areas.

The UD zone is intended for only land that is owned by Brigham Young University- Idaho. If any land is sold, gifted, or transferred to another financially unrelated party, a new zoning category must immediately be sought as there will immediately be a moratorium on approval of new land uses and building permits on the property until a new zoning district can be established.

### 3.27.020. Permitted Uses

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

**b. Permitted Principal Uses.** The following principal uses and structures, and no others, are permitted in the UD zone:

**Permitted Uses**
Up to forty-eight dwelling units per building or development
Dormitory, fraternity, sorority
Religious dormitories
Printing, publishing, including newspapers
Laboratory and research instruments

Photographic supplies and equipment
Musical instruments
Bus passenger terminals
Bus garaging and equipment maintenance
Motor freight terminals
Motor freight garaging and maintenance
Parking lot – automobile parking lot and garages
Telephone exchange stations, microwave towers
Radio and TV transmitting stations and towers
Radio and television broadcasting station
Other communication facilities
Electric generation plants, utility substations
Utility storage yards
Other utility facilities
General merchandise (department, variety, etc.)
Photographic studios
Photocopying, blueprinting, and stenographic services
Employment services
Research, testing services
Consulting services
Warehousing and storage services
Farm products warehousing and storage
Refrigerated warehousing
Food lockers
Household goods warehousing and storage
General warehousing and storage
Professional services
Physicians' offices
Medical laboratory services
Out-patient medical services
Engineering and architectural services
Educational and scientific research services
Accounting and bookkeeping services
Contract construction services
Building contractor offices
Building contractor storage yards
Plumbing, heating, air conditioning services
Painting, wall papering, decorating services
Electrical services
Masonry, stonework, and plastering services
Carpentering, wood flooring installation
Roofing and sheet metal services
Concrete services
Governmental services
Police protection
Postal service
Educational Services
Nursery schools
Day care centers
Schools
College buildings
Vocational schools
Business schools
Barber and Beauty School
Art and music schools
Dancing schools
Driving schools
Correspondence schools
Miscellaneous services
Churches, synagogues, temples
Welfare and charitable services
Civic, social, and fraternal organizations.
Cultural activities
Libraries

Museums
Art galleries
Public assembly
Motion picture theaters
Auditoriums, performing theaters
Amusements
Miniature golf
Recreational activities
Tennis courts
Roller skating
Ice skating
Bowling
Skiing and tobogganing
Athletic fields
Recreation centers
Athletic clubs and gymnasiums
Swimming pools
Parks, including playgrounds
Farming, fibers, grains, fruits, vegetable
Horticultural services
Plant nurseries

**c. Permitted Accessory Uses.** Accessory uses and structures are permitted in the UD zone provided they are incidental to, and do not substantially alter the character of the permitted use or structure, and are located on the same or an adjacent lot as the permitted use. Such permitted accessory uses and structures include, but are not limited to the following:

i. Accessory buildings such as garages, carports, bath houses, green houses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with and incidental to a principal use or structure, and offices associated with a main permitted or conditional use, and a public dance held in conjunction with an existing permitted use.

ii. Swimming pools and incidental bath houses subject to the standards of Rexburg City Code.

iii. A detached single-family residence used only for the use of a caretaker, watchman, or similar employee of a permitted use, when located upon the same site as said permitted use.

iv. Dormitories, fraternity and sorority buildings, other college housing owned by the college or university recreational and service facilities, and office buildings customarily associated with an educational facility or other institutional use, when said facilities are accessory and incidental to the primary use of the land.

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

vi. Nothing herein shall be construed to permit the open storage of materials or equipment used in conjunction with permitted uses, or shall be concealed from view from public or private streets.

**d. Conditional Uses.** The following uses and structures may be permitted in the UD zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof:

**Conditional Uses**
Greater than forty-eight dwelling units per building
Manufactured home 24' or more in width
Stadiums, arenas, field houses
Buildings of structures that have occupancy as defined by the City of Rexburg Building Code in excess of 2500 occupants.
Veterinary Service for Livestock (totally enclosed)
Livestock Services, Except Veterinary (totally enclosed)
Small animal veterinarian services (totally enclosed)

### 3.27.030. Lot Area
There is no minimum lot area in the University Zone. Parcels sold or otherwise vacated by the University must meet the minimum lot requirements of the intended zone.

### 3.27.040. Lot Width
There is no minimum lot width in the University Zone.

### 3.27.050. Lot Frontage
For the purposes of this ordinance, the university zone shall be considered one contiguous parcel. There is no minimum lot frontage requirement on this large parcel

### 3.27.060. Prior Created Lots
Lots or parcels of land which were legally and lawfully created prior to the application of this zone (December 12, 1974) shall not be denied a building permit solely for reason of nonconformance with the above parcel requirements of this Chapter.

### 3.27.070. Lot Area per Dwelling
Any caretaker dwelling established in conjunction with a permitted use in the UD zone shall have a land area of at least five thousand (5,000) square feet devoted exclusively to the use of the inhabitants of said residential unit.

### 3.27.080. Yard Requirements
The following minimum yard requirements shall apply to the UD zone:

**a. Front Yard.** Front yard setback requirements where the University Zone abuts a residential zone or non-University owned parcel shall be at a 1:1 ratio, or 1 foot for every foot of building height.

**b. Side Yard.** Side yard setback requirements where the University Zone abuts a residential zone or non-University owned parcel shall be at a 1:1 ratio, or 1 foot for every foot of building height. This requirement is twice that of a typical residential side yard.

**c. Side Yard. Accessory Building.** An accessory building may be located on a side property line if, and only if, all of the following conditions are met:

i. That said accessory building is located more than ten (10) feet away from any main building on the same lot, or more than six (6) feet away from any building structure on any adjacent lot lying within a residential zone.

**d. Rear Yard.** Minimum of twenty (20) feet.

### 3.27.090. Projections into Yards
**a. Permitted Projections.** The following structures may be erected on or projected into any required yard:

i. Fences and walls in conformance with the Rexburg City Code and other City codes and ordinances.

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

iii. Necessary appurtenances for utility service.

**b. Permitted Projections with Conditions.** The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet:

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

ii. Fireplace structures and bays, pro-vided they are not wider than eight (8) feet and are generally parallel to the wall of which they are apart.

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

iv. Carports over a driveway in a side yard, provided that such a structure is not more than one (1) story in height and twenty-four (24) feet in length, and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features.

### 3.27.100. Building Height

Building height is unrestricted in the University Zone as long as the 1:1 setback ratio is met on buildings constructed adjacent to non-university owned parcels.

### 3.27.120. Permissible Lot Coverage

In a UD zone, all buildings and structures, inclusive of parking lots, shall not cover more than sixty (60) percent of the lot or parcel of land upon which they are placed.

### 3.27.130. Parking, Loading, and Access

**a. Distance for Private Off-Street Parking.** Except in the University District, all required off-street parking shall be located within two hundred feet (200') of the primary entrance of the building.

**b. Provisions of Chapter 5 subsection (1).** In the University District, the provisions of subsection (1) here of shall not apply, however, the University shall provide information which demonstrates that the parking facility proposed to be considered for joint use, will lessen the demand for other parking facilities located in the University District.

**c. Regulations for University District.** The University shall not be required to provide the minimum parking spaces required in subsection 5.8 hereof but shall be regulated in accordance with the University Parking Ratios as set forth below. In determining the ratio for this subsection, all parking spaces located upon the University Campus together with all on-street parking where the University Campus occupies both sides of the street shall be included. The term Full Time Equivalent shall be consistent with the definition established in the BYU-Idaho Parking Study published in 2002.

i. University Student Ratio: .200 spaces per Student Equivalent.

ii. University Faculty Ratio: .585 spaces per Faculty Equivalent.

iii. University Staff Ratio: .585 spaces per Staff Equivalent.

**d. Paving.** All parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with paved access from the public street.

**e. Location of Parking Spaces.** Parking spaces shall not be provided within a required front yard or a side yard adjacent to a public street.

### 3.27.140. Project Plan Approval

All Project plans for projects in the UD Zone must be prepared and engineered by A/E professionals and be submitted for review and approval from conception on by the Community Development Director or Designee, followed by professional engineered plans and specifications for review by the City of Rexburg Development Review Committee. Drainage on to an adjacent lot not owned by applicant is not allowed.

### 3.27.150. Reserved

### 3.27.160. Other Requirements

**a. Signs.** See standards and provisions of Rexburg City Sign Code.

**b. Landscaping.** A minimum of twenty (20) percent of the site shall be landscaped. All residential development shall provide a minimum of ten (10) percent landscaping.

c. **Trash Storage.** Trash shall be stored in screened areas that are not visible from streets. Materials and location of the screened areas shall be reviewed and approved by Committee Development Director or Designee prior to installation.

d. **See Chapter 4:** Supplementary Regulations

### 3.27.170. Change in Use of University Facilities

a. **Conditional Use Permit.** Before any existing University facility use may be changed to another use but under the same ownership a Building Permit must be taken out with the City of Rexburg. The use must be compatible with the City of Rexburg Development Code and the current Rexburg Building Codes.

b. **Mitigating Land Use Impacts.** Any change of use that creates more intense impacts may be denied if the Planning and Zoning Commission finds that such impacts cannot be mitigated by the imposition of conditions. Land use impacts that may need to be mitigated include the following:

i. An increase in daily or peak hour traffic.

ii. A change in circulation patterns on or around the property.

iii. A significant increase in the demand for parking.

iv. A change in the density of people on site.

v. Expansion of the hours of operation.

vi. Any increased environmental impact, such as noise or air pollution; offensive odors; excessive illumination or glare, etc.

### 3.27.180. Commercial Lighting Standards

All University Facilities located in the University Zone are subject to the Commercial Lighting Standards as described in Chapter 4.14, Supplementary Regulations.

## 3.28 Transitional Agricultural 1 (TAG1)

3.28.010. Purpose and Objectives
3.28.020. Permitted Uses
3.28.030. Lot Area
3.28.040. Lot Width
3.28.050. Lot Frontage
3.28.060. Prior Created Lots
3.28.070. Lot Area Per Dwelling
3.28.080. Yard Requirements
3.28.090. Projections into Yards
3.28.100. Building Height
3.28.110. Distance Between Buildings
3.28.120. Permissible Lot Coverage
3.28.130. Agricultural Building Code Exemption
3.28.140. Project Plan Approval
3.28.150. Other Requirements
3.28.160. Reserved
3.28.170. Lighting Standards

### 3.28.010. Purpose and Objectives

The Transitional Agricultural zone is intended to anticipate expansion of the City into agricultural areas (lands). Permitted uses in the TAG1 Zone include all primary agricultural production activities and their accessory uses and buildings, including farm homes.

No more than ten (10) livestock are permitted in a TAG1 zone. However, this does not include commercial enterprises or animal-related business such as produce packing plants, fur farms, veterinary clinics, animal hospitals, feed lots, poultry and egg farms, hog farms, dog kennels, honey processing, and similar uses which would constitute a "business" as opposed to that of the raising of agricultural crops and/or pasture. For the purposes of this chapter, "Feedlot" is defined as any area where one thousand (1,000) head or more of livestock are confined for a period of one year or more. The minimum size parcel shall be two (2) acres or more.

Conditional Uses in the TAG1 Zone include: Public and quasi-public recreation facilities and/or buildings, Home occupations, Cemeteries.

The TAG1 Zone is established to ensure transitional regulations pursuant to, and provide uniform enablement of the provisions of Chapter 8, of this title.

### 3.28.020. Permitted Uses

**a. Categories.** Those uses or categories of uses as listed herein, and no others, are permitted in the TAG1 zone.

**b. Permitted Principal Uses.** The following principal uses and structures, and no others, are permitted in the TAG1 zone:

**Permitted Uses**
Single-family dwellings-detached
Disabled person's residential facility
Agricultural and related operations

**c. Permitted Accessory Uses.** Accessory uses and structures are permitted in the TAG1 zone provided they are incidental to, and do not substantially alter the character of the permitted use or structure, and are located on the same or an adjacent lot as the permitted use. Such permitted accessory uses and structures include, but are not limited to, the following:

i. Accessory buildings such as garages, carports, bath houses, green houses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with and incidental to a

principal use or structure, and offices associated with a main permitted or conditional use, and a public dance held in conjunction with an existing permitted use.

ii. Swimming pools and incidental bath houses subject to the standards of Rexburg City Code.

iii. A detached single-family residence used only for the use of a caretaker, watchman, or similar employee of a permitted use, when located upon the same site as said permitted use.

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

v. Nothing herein shall be construed to permit the open storage of materials or equipment used in conjunction with permitted uses, or shall be concealed from view from public or private streets.

**d. Conditional Uses.** The following uses and structures may be permitted in the TAG zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof:

**Conditional Uses**
Manufactured home 24' or more in width on a permanent foundation
Small animal veterinarian services (totally enclosed)
Airports
Cemeteries
Commercial kennels
Broadcasting towers for radio, television or similar use
Public buildings
Schools
Hospitals
Churches or religious facilities

### 3.28.030. Lot Area
The minimum area of any lot or parcel of land in the TAG1 zone shall be two (2) acres.

### 3.28.040. Lot Width
Each lot or parcel of land in the TAG1 zone shall have a width of not less than eighty (80) feet.

### 3.28.050. Lot Frontage
Each lot or parcel of land in the TAG1 zone shall abut a public street for a minimum distance of thirty-five (35) feet, on a line parallel to the centerline of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.

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

### 3.28.070. Lot Area per Dwelling
Any caretaker dwelling established in conjunction with a permitted use in the TAG1 zone shall have a land area of at least five thousand (5,000) square feet devoted exclusively to the use of the inhabitants of said residential unit.

### 3.28.080. Yard Requirements
The following minimum yard requirements shall apply to the TAG1 zone:

**a. Front Yard.** Each lot or parcel of land in the TAG1 zone shall have a front yard of not less than fifty (50) feet and except for single family detached homes shall not be used for vehicular parking or maneuvering except such portion as is devoted to driveway use for direct access from a street to a garage or carport.

**b. Side Yard.** No building shall be closer than ten feet (10’) to any side property line, except corner lots contiguous to the street shall maintain a setback of not less than fifty feet (50’) and except for single family

detached homes shall not be used for vehicular parking or maneuvering except such portion as is devoted to driveway use for direct access from a street to a garage or carport.

c. **Side Yard.** Accessory Building. An accessory building may be located on a side property line if, and only if, all of the following conditions are met:

i. That said accessory building is located more than ten (10) feet away from any main building on the same lot, or more than six (6) feet away from any building structure on any adjacent lot lying within a residential zone.

d. **Rear Yard.** Not less than twenty-five (25') feet.

### 3.28.090. Projections into Yards

a. **Permitted Projections.** The following structures may be erected on or projected into any required yard:

i. Fences and walls in conformance with the Rexburg City Code and other City codes and ordinances.

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

iii. Necessary appurtenances for utility service.

b. **Permitted Projections with Conditions.** The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet:

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

ii. Fireplace structures and bays, pro-vided they are not wider than eight (8) feet and are generally parallel to the wall of which they are a part.

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

iv. Carports over a driveway in a side yard, provided that such a structure is not more than one (1) story in height and twenty-four (24) feet in length, and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features.

### 3.28.100. Building Height

Any building or structure or portion thereof hereafter erected which is not of an agricultural nature shall not exceed two and one-half stories, or thirty feet (30') in height, measured at the top of building's horizontal wall.

### 3.28.110. Distance Between Buildings

As per the Building Code.

### 3.28.120. Permissible Lot Coverage

The maximum lot coverage for all buildings and structures shall not be greater than fifty (30) percent of the lot area. Maximum of thirty-five (35) percent.

### 3.28.130. Parking, Loading, and Access

See the City Development Code and Subdivision Ordinance.

### 3.28.130 Code Exemptions of Agricultural Buildings

By State Law, agricultural buildings, as defined by the State of Idaho, are exempt from Building Codes.

### 3.28.140. Project Approval

All projects constructed within the TAG1 zone must submit, prior to beginning construction, a site plan (including a drainage plan) for review and approval by City of Rexburg Building Department. All structures must comply with

the current Building Code of the City of Rexburg, ID. Drainage on to an adjacent lot not owned by applicant is not allowed.

### 3.28.150. Other Requirements

**Signs.** See standards and provisions of Rexburg City Sign Code.

**a. Landscaping.** See the City Development Code and Subdivision Ordinance.

**b. Trash.** See the City Development Code and Subdivision Ordinance.

### 3.28.170. Lighting Standards

See Commercial and Residential Lighting Standards in the Development Code and Subdivision Ordinance.

## 3.29 Transitional Agricultural 2 (TAG2)

3.29.010. Purpose and Objectives
3.29.020. Permitted Uses
3.29.030. Lot Area
3.29.040. Lot Width
3.29.050. Lot Frontage
3.29.060. Prior Created Lots
3.29.070. Lot Area Per Dwelling
3.29.080. Yard Requirements
3.29.090. Projections into Yards
3.29.100. Building Height
3.29.110. Distance Between Buildings
3.29.120. Permissible Lot Coverage
3.29.130. Agricultural Building Code Exemption
3.29.140. Project Plan Approval
3.29.150. Other Requirements
3.29.160. Lighting Standards

### 3.29.010. Purpose and Objectives

The Transitional Agricultural zone is intended to anticipate expansion of the City into agricultural areas (lands). Permitted uses in the TAG2 Zone include all primary agricultural production activities and their accessory uses and buildings, including farm homes.

No more than ten (10) livestock are permitted in a TAG2 zone. However, this does not include commercial enterprises or animal-related business such as produce packing plants, fur farms, veterinary clinics, animal hospitals, feed lots, poultry and egg farms, hog farms, dog kennels, honey processing, and similar uses which would constitute a "business" as opposed to that of the raising of agricultural crops and/or pasture. For the purposes of this chapter, "Feedlot" is defined as any area where one thousand (1,000) head or more of livestock are confined for a period of one year or more. The minimum size parcel shall be two (2) acres or more.

Conditional Uses in the TAG2 Zone include: Public and quasi-public recreation facilities and/or buildings, Home occupations, Cemeteries.

The TAG2 Zone is established to ensure transitional regulations pursuant to, and provide uniform enablement of the provisions of Chapter 8, of this title.

### 3.29.020. Permitted Uses

**a. Categories.** Those uses or categories of uses as listed herein, and no others, are permitted in the TAG2 zone.

**b. Permitted Principal Uses.** The following principal uses and structures, and no others, are permitted in the TAG2 zone:

**Permitted Uses**
Single-family dwellings-detached
Disabled person's residential facility
Agricultural and related operations

**c. Permitted Accessory Uses.** Accessory uses and structures are permitted in the TAG zone provided they are incidental to, and do not substantially alter the character of the permitted use or structure, and are located on the same or an adjacent lot as the permitted use. Such permitted accessory uses and structures include, but are not limited to, the following:

i. Accessory buildings such as garages, carports, bath houses, green houses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with and incidental to a principal use or structure, and offices associated with a main permitted or conditional use, and a public dance held in conjunction with an existing permitted use.

ii. Swimming pools and incidental bath houses subject to the standards of Rexburg City Code.

iii. A detached single-family residence used only for the use of a caretaker, watchman, or similar employee of a permitted use, when located upon the same site as said permitted use.

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

v. Nothing herein shall be construed to permit the open storage of materials or equipment used in conjunction with permitted uses, or shall be concealed from view from public or private streets.

**d. Conditional Uses.** The following uses and structures may be permitted in the TAG 2 zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof:

**Conditional Uses**
Manufactured home 24' or more in width on a permanent foundation
Small animal veterinarian services (totally enclosed)
Airports
Cemeteries
Commercial kennels
Broadcasting towers for radio, television or similar use
Public buildings
Schools
Hospitals
Churches or religious facilities

### 3.29.030. Lot Area
The minimum area of any lot or parcel of land in the TAG zone shall be two (2) acres.

### 3.29.040. Lot Width
Each lot or parcel of land in the TAG zone shall have a width of not less than two hundred fifty (250') feet.

### 3.29.050. Lot Frontage
Each lot or parcel of land in the TAG 2 zone shall abut a public street for a minimum distance of thirty-five (35) feet, on a line parallel to the centerline of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.

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

### 3.29.070. Lot Area per Dwelling
Any caretaker dwelling established in conjunction with a permitted use in the TAG zone shall have a land area of at least five thousand (5,000) square feet devoted exclusively to the use of the inhabitants of said residential unit.

### 3.29.080. Yard Requirements
The following minimum yard requirements shall apply to the TAG zone:

**a. Front Yard.** Each lot or parcel of land in the TAG zone shall have a front yard of not less than fifty (50) feet and except for single family detached homes shall not be used for vehicular parking or maneuvering except such portion as is devoted to driveway use for direct access from a street to a garage or carport.

**b. Side Yard.** Each lot or parcel of land in the TAG zone shall have a side yard setback of not less than ten (10) feet, except corner lots contiguous to the street shall not be less than fifty (50) feet and shall not be used for vehicular parking or maneuvering except such portion as is devoted to driveway use for direct access from a garage or carport.

**c. Side Yard.** Accessory Building. An accessory building may be located on a side property line if, and only if, all of the following conditions are met:

i. That said accessory building is located more than ten (10) feet away from any main building on the same lot, or more than six (6) feet away from any building structure on any adjacent lot lying within a residential zone.

**d. Rear Yard.** Each lot or parcel of land in the TAG Zone shall have a rear yard setback of not less than twenty-five (25) feet.

### 3.29.090. Projections into Yards

**a. Permitted Projections.** The following structures may be erected on or projected into any required yard:

i. Fences and walls in conformance with the Rexburg City Code and other City codes and ordinances.

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

iii. Necessary appurtenances for utility service.

**b. Permitted Projections with Conditions.** The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet:

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

ii. Fireplace structures and bays, pro-vided they are not wider than eight (8) feet and are generally parallel to the wall of which they are a part.

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

iv. Carports over a driveway in a side yard, provided that such a structure is not more than one (1) story in height and twenty-four (24) feet in length, and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features.

### 3.29.100. Building Height

Any building or structure or portion thereof hereafter erected which is not of an agricultural nature shall not exceed two and one-half stories, or thirty feet (30') in height, measured at the top of building's horizontal wall.

### 3.29.110. Distance Between Buildings

As required by the Building Code

### 3.29.120. Permissible Lot Coverage

The maximum lot coverage for all buildings and structures shall not be greater than fifty (30) percent of the lot area.

### 3.29.130. Parking, Loading, and Access

See the Development Code and Subdivision Ordinance.

### 3.29.135. Code Exemptions of Agricultural Buildings

By State Law, agricultural buildings, as defined by the State of Idaho, are exempt from Building Codes.

### 3.29.140. Project Plan Approval

All projects constructed within the MDR1 zone must submit, prior to beginning construction, a site plan (including a drainage plan) for review and approval by City of Rexburg Building Department. All structures must comply with the current Building Code of Rexburg, ID. Drainage on to an adjacent lot not owned by applicant is not allowed.

### 3.29.150. Other Requirements

**Signs.** See standards and provisions of Rexburg City Sign Code.

**Landscaping.** See the City Development Code and Subdivision Ordinance.

**Trash Storage.** See the City Development Code and Subdivision Ordinance.

### 3.29.160. Lighting Standards

See Commercial and Residential Lighting Standards in the Development Code and Subdivision Ordinance

## 3.30 Residential Business District (RBD)

3.30.010. Purpose and Objectives
3.30.020. Permitted Uses
3.30.025. Single Ownership and Control
3.30.030. Lot Area
3.30.040. Lot Width
3.30.045. Lot Depth
3.30.050. Lot Frontage
3.30.060. Prior Created Lots
3.30.070. Yard Requirement
3.30.080. Projections into Yards
3.30.090. Building Height
3.30.100. Distance Between Buildings
3.30.110. Permissible Lot Coverage
3.30.115. Permissible Building Footprint
3.30.120. Parking, Loading and Access
3.30.130. Project Plan Approval
3.30.140. Reversion of Zoning
3.30.150. Other Requirements
3.30.160. Lighting Standards

### 3.30.010. Purpose and Objectives

The RBD zone is established to provide for the use of single family residential homes for commercial and service uses. The zone is intended to protect the residential nature of the streetscape and provide strict regulation of types and hours of conduct of commercial uses. Commercial uses are limited to non-intrusive low-demand business that can peacefully co-exist with a surrounding neighborhood.

It is intended that the RBD zone shall be characterized by a single structure that will function as a part of the greater neighborhood. Hours of operation should be regulated to provide compatibility with surrounding residential uses. All parking lots shall be clean, buffered and located out of the front and side yard setbacks. Attractive and well-maintained landscaping will also be characteristic of this zone.

Lighting will be of a relatively low intensity and low profile with adequate shielding to protect the surrounding residential areas. The architectural design and character will be compatible with that of the surrounding residential environment. Uses permitted in the RBD zone will be those which will create minimal or no detriment to the surrounding residential areas.

Multiple family dwellings, industries, recreational uses, or other heavy commercial uses which tend to be inconsistent with the use of the land within this zone for its primary purpose have been excluded. Typical uses allowed by right in this zone are miscellaneous specialty retail such as collectible stores, professional service offices, garment alterations/repairs, or as may otherwise be established by a more specific list included within this chapter. A broader range of uses may be permitted pursuant to the issuance of a conditional use permit.

RBD zones shall be located generally in conformance with the provisions of the Rexburg City Comprehensive Plan. The RBD zones shall only be allowed if the area requested for designation as such is contiguous to either a commercial zone other than RBD, industrial zone, or a medium or high density zone.

### 3.30.020. Permitted Uses

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

**b. Permitted Principal Uses.** The following principal uses and structures, and no others, are permitted in the RBD zone:

**<u>Permitted Uses</u>**
Books, Stationery, Art and Hobby Supplies
Professional Service Providers
Beauty and Barber Shops
Pressing, Alteration and Garment Repair

**c. Permitted Accessory Uses.** Accessory uses and structures may be permitted in the RBD zone, provided

they are incidental to, and do not substantially alter, the character of the permitted use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

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

ii. Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto and, provided further, that such use shall be permitted only during the construction period and thirty (30) days thereafter, but in no case for a period to exceed one (1) year.

iii. Accessory dwelling subject to the issuance of a conditional use permit

**d. Conditional Uses.** The following uses and structures may be permitted in the RBD zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof, and must be consistent with the Purpose and Objectives of the RBD zone.

**Conditional Uses**
Bakeries and Doughnut Shops
Drug and Proprietary Stores
Fruits and Vegetables
Candy, Nut, and Confectionery
Dairy Products
Finance, Insurance and Real Estate Services
Photographic Services
Medical Offices
Accessory Building Unit
Nursery Schools
Day Care Centers

### 3.30.025. Single Ownership and Control

Land within a given RBD zone shall be in single ownership or single control in order to provide control over development. Failure to maintain single ownership or single control may result in the initiation of action to return the property to the zone, or zones, existing prior to the establishment of the RBD zone.

### 3.30.030. Lot Area

The minimum area of any lot or parcel of land in the RBD zone is eight thousand (8,000) sq. ft.

### 3.30.040. Lot Width

The minimum lot width in the RBD zone is sixty (60) feet.

### 3.30.045. Lot Depth

The minimum lot depth in the RBD zone is sixty (60) feet.

### 3.30.050. Lot Frontage

Each lot or parcel of land in the RBD zone shall abut a public street for a minimum distance of twenty-two (22) feet, on a line parallel to the center line of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.

### 3.30.060. Prior Created Lots

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

### 3.30.070. Yard Requirement

The following minimum yard requirements shall apply in the RBD Zone:

**h. Front/Rear Yard.** Each lot or parcel in the RBD zone shall have a minimum front yard of at least twenty-five (25) feet, unless the street upon which the parcel fronts has a boulevard strip of at least seven (7) feet,

in which case the front yard setback may be reduced to twenty (20) feet. The minimum depth of a rear yard shall be twenty (20) feet of which no more than 40% (unless a greater percentage is approved by the Rexburg Planning and Zoning Commission) shall be put into hard surface in order to maintain a residential character to the property.

**i. Side Yard.** Each lot or parcel of land in the RBD zone shall have a side yard of at least six (6) feet or six (6) inches of setback for every foot of building height, whichever is greater.

**j. Accessory Building Setbacks.** Accessory buildings must meet all setback requirements established by any applicable building code, and shall:

i. Have a building footprint and height less than the main dwelling. Accessory buildings larger than two hundred (200) square feet shall meet the same side yard requirements as principal buildings.

ii. Comply with all lot coverage requirements. An accessory building or group of accessory buildings in any residential zone shall not cover more than thirty (30) percent of the rear yard.

iii. Comply with the current Building Code of the City of Rexburg, ID.

iv. Only be used for those accessory uses allowed in the respective zone.

v. Maintain architecturally similar material and colors with main building.

vi. Accessory building shall not be placed in the front yard.

vii. Accessory buildings may be placed in any location in the rear yard not otherwise in conflict with this Ordinance, unless the accessory building is a garage with doors opening into the alley. Such garages shall be located at least fifteen (15) feet from the alley.

### 3.30.080. Projections into Yards

**a. Permitted Projections.** The following structures may be erected on or projected into any required yard, except for a required driveway:

i. Fences and walls in conformance with the Rexburg City Code and other City codes and ordinances.

ii. Landscape elements including trees, shrubs, turf, and other plant materials.

iii. Necessary appurtenances for utility service.

**b. Permitted Projections with Conditions.** The structures listed below may project into a minimum front yard no more than four (4) feet and into a minimum side yard not more than two (2) feet, except that a required driveway shall remain unobstructed from the ground up a height of twelve (12) feet:

i. Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features.

ii. Fireplace structures and bays, provided they are not wider than eight (8) feet and are generally parallel to the wall of which they are a part.

iii. Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters not exceeding thirty (30) inches in height.

iv. Carports and loading docks in a side yard or rear yard, provided that such a structure is not more than one (1) story in height and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features.

### 3.30.090. Building Height

a. **Permitted Heights.** No lot or parcel of land in the RBD zone shall have a building or structure which exceeds a height of three (3) stories with a maximum of thirty-five (35) feet, measured at the top of

building's horizontal wall. Chimneys, flagpoles, or similar structures not used for human occupancy are excluded in determining height.

### 3.30.110. Permissible Lot Coverage

In an RBD zone, all buildings and structures shall not cover an area greater than that allowed in the LDR2 zone.

### 3.30.115. Permissible Building Footprint

In an RBD zone, all buildings and structures shall have a footprint of no more than 2500 square feet, and no more than three stories above ground. The Footprint shall be defined as that area covered by the enclosed area of the structure if perpendicular planes were extended from all portions of the structure to the ground.

### 3.30.120. Parking, Loading, and Access

Each lot or parcel in the RBD zone shall have, on the same lot or parcel, automobile parking sufficient to meet the requirements as set forth in Chapter 5.

Parking areas within the RBD zone are to be used by occupants of the property and customers of the property, and are not to be used by employees or customers of businesses that may be located in nearby business or commercial areas. When possible, connectivity through parking lots of adjacent properties is required

All parking spaces shall be paved with asphaltic cement or concrete and shall be provided with paved access from a public street. Said spaces shall be provided with adequate drainage which shall not run across a public sidewalk. Parking spaces shall not be provided within a required front yard or side yard adjacent to a public street except where an existing conforming driveway access has been provided. Corner lots shall be allowed to petition for parking in side yards provided any such parking shall be buffered visually and for sound from public rights of way and adjoining residential properties.

### 3.30.130. Project Plan Approval

All Project plans for projects in the RBD Zone must be prepared and engineered by A/E professionals and be submitted for review and approval from conception on by the Community Development Director or Designee, followed by professional engineered plans (including drainage) and specifications for review by City of Rexburg Development Review Committee. Site plan approval at the Planning and Zoning Commission Level is mandatory before consideration of a RBD Zone change request may be initiated. Drainage on to an adjacent lot not owned by applicant is not allowed.

### 3.30.140. Reversion of Zoning

If violations of the approval conditions for a rezone to the RBD Zone are documented and not corrected in a timely manner by property owner, property zoning will revert to the zone existing before application for the RBD zone.

### 3.30.150. Other Requirements

a. **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.

b. **Signs.** All signs erected in the RBD zone shall be in conformance with the sign provisions of the Rexburg City Sign Code, and shall be in general compliance with the typical signing program approved by the Planning and Zoning Commission under the provisions applicable to home businesses.

**b. Uses within Buildings.** All uses established in the RBD zone shall be conducted entirely within a fully-enclosed building.

**c. Landscaping.** All landscaping in the RBD zone shall be consistent with landscaping requirements of the LDR2 zoning unless specific permission has been obtained from the Planning and Zoning Commission.

**d. Trash Storage.** See Rexburg City Code. No trash containment device shall be placed in such a location as to be visible from the public right of way unless in preparation for pickup, and under no circumstance for any period greater than 24 hours prior to and subsequent to the regularly scheduled pickup for trash.

**e. Walls and Fences.**

i. No wall, fence or opaque hedge or screening material higher than thirty-six (36) inches shall be maintained within a required front yard in an RBD zone.

ii. A vinyl fence or other pre-approved fence of at least six (6) feet in height shall be erected along all property lines which lie adjacent to a residential zone. In the case where there is mutual agreement between the property owners of the commercial zone and the adjacent residential zone, the Planning and Zoning Commission shall give considerable weight to the wishes of the parties involved. A signed agreement must be submitted to the Planning and Zoning Commission or its designee, indicating the desires of the property owners. In the case where there no agreement can be reached, preference will be given to the masonry wall.

**f. Hours of Operation.** In the RBD zone, no permitted or conditionally permitted use shall be open for business on any Sunday, or after 9:00 P.M. or before 7:00 A.M. on any other day, nor shall any permitted or conditionally permitted use accept deliveries other than between the hours of 9:00 a.m. and 3:00 p.m., with no deliveries allowed at all on Sundays.

### 3.30.160. Lighting Standards

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

# City of Rexburg Development Code: PRO

## 3.31 Project Redevelopment Option (PRO)

3.31.010. Purpose and Intent
3.31.020. Zone Establishment
3.31.030. Optional Schematic Development Plan
3.31.040. PRO Zone Application Requirements
3.31.050. Review of PRO Zone Application - Approval
3.31.060. Zone Designation
3.31.070. Permits Required
3.31.080. Project Plan Variations and Amendments
3.31.090. Reversion of Zoning
3.31.100. PRO Zones Adopted
3.31.110. PRO Zone Reserved
3.31.120. Uses Must Be in Conformity
3.31.130. Building in Conformity
3.31.140. Architectural Design Standards
3.31.150. Commercial Lighting Standards

### 3.31.010. Purpose and Intent

**a. Intent.** This chapter creates a regulatory framework to govern the enactment of regulations to further the intent of the Vision 2020 Comprehensive Plan, particularly, but not exclusively, in older, densely developed areas of the City.

**b. Purpose.** The purpose of the Project Redevelopment Option ("PRO") zone is to create a regulatory tool that permits initiative and flexibility in creating well-planned, architecturally-designed development that meets the needs of the community. More particularly, the intent of the City Council in enacting this Chapter is to:

i. Encourage creative and efficient utilization of land.

ii. Encourage assemblage of property to create harmonious and efficient development patterns and projects.

iii. Provide land use and design standards tailored to specific geographic areas so that new development outcomes are more predictable and compatible with surrounding land uses.

iv. Coordinate property development and design, including large-scale facilities, with development, both existing and as envisioned by the City of Rexburg Comprehensive Plan, on adjoining and nearby property.

v. Minimize the effect of additional traffic.

vi. Improve parking and air quality.

vii. Encourage new development that fosters a sense of community.

viii. Better manage the location, timing, and sequencing of new development.

ix. Provide an opportunity to involve the public.

### 3.31.020. Zone Establishment

(1) The provisions of this chapter shall apply to every PRO zone created under the authority of this chapter.
(2) In order to establish a PRO zone, an applicant shall submit a petition (application). The application shall then be considered for approval as provided in this Title.

### 3.31.030. Optional Schematic Development Plan

**a. Schematic Plan Submittal.** An applicant may, prior to submitting a proposed PRO application as required by Section 3.30.040 of this Chapter, submit an application showing a proposed schematic development plan for the subject property. A schematic development plan shall be considered by the Planning and Zoning Commission and City Council as provided in this section.

**b. What to Include in a Schematic Development Plan:** A schematic development plan application shall include the following:

i. A review fee of five hundred (500) dollars.

1. Fifty percent (50%) of the schematic development plan application fee may be applied to the application fee for a PRO zone if the City Council recommends that an applicant submit the application as provided in subsection (4) of this section.

2. A public hearing notice fee as required by The City Codes, and Administrative policies of The City of Rexburg, ID.

3. A statement detailing efforts by the applicant to assemble property to achieve logical boundaries for the proposed development.

4. A schematic development plan which shows how a property could be developed under proposed PRO zone regulations. A schematic development plan shall be drawn to scale and must show a realistic layout reflecting how the property reasonably could be developed considering the development standards of a proposed PRO zone, and existing and envisioned conditions on the subject property and adjoining property. A schematic development plan should show at least the following; whatever is shown shall be construed as the intent of the plan:

a. Location of proposed uses, including dwelling unit density and occupancy.

b. Height, location, bulk and preliminary elevations of buildings.

c. Location, arrangement and configuration of open space, landscaping, and building setbacks.

d. Location, access points, and design of off-street parking areas.

e. Number, size and location of signs.

f. Street layout, and traffic and pedestrian circulation patterns, including proposed access to the property.

g. Relationship of the property to adjoining and nearby properties and uses.

5. A schematic development plan is not intended to permit actual development of property pursuant to such a plan but shall be prepared merely to represent how the property could be developed. Submittal and review of an application for a schematic development plan shall not create any vested rights to development.

**c. Neighborhood Meeting.** A neighborhood meeting shall be held at least two (2) weeks prior to presenting a schematic development plan at a meeting of the Planning and Zoning Commission.

**d. Process Leading to the Public Hearing.** Pursuant to the notice and hearing requirements of the State and Rexburg City Code, the schematic development plan shall be first submitted to the Planning and Zoning Commission for a recommendation and thereafter to the City Council for consideration. After a public hearing, the Council may vote to recommend that an applicant:

i. Submit an application for a PRO zone that would allow development:

1. As shown on the schematic development plan; **or**

2. As amended to address issues identified by the City Council to accomplish the goals and objectives of the Vision 2020 Comprehensive Plan; **or**

3. Not submit a PRO zone application.

### 3.31.040. PRO Zone Application Requirements

**a. Requirements.** The following materials shall be included with every application for establishment of a PRO zone:

i. Proposed zone name and location.

ii. A statement showing how the proposed PRO zone relates to the Comprehensive Plan and furthers the intent of the Plan.

iii. A statement detailing efforts by the applicant to assemble property to achieve logical boundaries for the proposed development.

iv. Proposed zone text, including:

1. Permitted, conditional, and accessory uses (specifically listed and defined).

2. Proposed development standards, including:

a. Land use standards establishing land use types, occupancy, location, density, buffering and any other element envisioned by applicable sections of the General Plan.

b. Lot standards establishing requirements for minimum lot area, depth, coverage, and dimensions.

c. Building setback standards for front, side and rear yards.

d. Design standards addressing building height, building orientation, common and private open space, natural resource protection, architectural design, and any other provisions proposed to be included in the PRO zone.

e. Landscaping and buffering standards.

f. Parking.

g. A statement that the PRO zone will conform to all applicable chapters of Title 14 and Title 15, Rexburg City Code, except as may be specifically amended by the adopted PRO zone text.

h. Evidence of justification for requested changes to such standards. Deviations from parking and street standards set forth in Rexburg City Code are intended to be rare and shall be approved by five (5) members of the City Council.

v. A preliminary project plan as provided in this Title and including the following additional information:

1. Relationship of the property to surrounding properties and uses.

2. Number, size and location of all proposed signs.

vi. A review fee of one thousand (1,000) dollars plus a fee of:

1. Thirty (30) dollars for each dwelling unit proposed in a residential project; **or**

2. Ten (10) dollars for each one hundred (100) square feet of gross floor area in a non-residential project.

vii. A public hearing notice fee as required.

### 3.31.050. Review of PRO Zone Application - Approval

a. **Neighborhood.** A neighborhood meeting shall be held at least two (2) weeks prior to presenting a PRO zone application at a meeting of the Planning and Zoning Commission.

b. **Considering an Application.** When considering an application for a proposed PRO zone, the Planning and Zoning Commission may recommend, and the City Council may adopt, modifications to PRO regulations and standards proposed by an applicant who, in the opinion of the approving authority, is needed to meet the intent and requirements of this chapter.

c. **Approval.** A proposed PRO zone application and associated preliminary project plan shall be approved only if, in the opinion of the approving authority, development proposed on the property will:

i. Further applicable provisions of the Vision 2020 Comprehensive Plan and any applicable master plan, particularly provisions which establish density limitations.

ii. Conform to applicable chapters of this Title and except as may be specifically amended by the adopted PRO zone text.

iii. Preserve and enhance the subject property and neighborhood by achieving integrated planning and design.

iv. Be compatible with development on adjoining and nearby property, both existing and as envisioned by the Rexburg Comprehensive Plan.

v. Minimize the effect of traffic congestion and improve parking and air quality, including providing opportunities for alternative modes of transportation such as walking, bicycling, or transit.

d. **Development Agreement.** When deemed necessary or desirable by the City, application and approval of a PRO zone and/or any development within a PRO zone may require the submission and approval of a development agreement.

### 3.31.060. Zone Designation

a. **Adopted PRO zone.** Upon approval each adopted PRO zone shall be listed in Section 3.30.100 of this Chapter and shall be independent of any other PRO zone.

b. **Text Amendment.** A text amendment to this Title which establishes regulations for a particular PRO zone shall be adopted as a separate chapter of this Title and shall be identified sequentially, such as 3.30(1), 3.30(2), etc. Each such chapter shall have a unique name combined with the designation "PRO" followed by a code categorizing the PRO by project type as (B) Business, (A) Apartment or other multi-family, or (R) Residential - One family, then followed by a sequential number without regard to project category, corresponding to the chapter number for the zone, the first of which shall be "1", as illustrated by the following hypothetical names:

i. "Chapter 3.30(1). Imbler Heights (PRO R 1) Project Redevelopment Option Zone."

ii. "Chapter 3.30(2). La Grande Terrace Apartments (PRO A 2) Project Redevelopment Option Zone."

### 3.31.070. Permits Required

After approval of a PRO zone and an associated preliminary project plan, and prior to the issuance of any building permits, a final project plan shall be submitted as required by this Title Rexburg City Code. Applications for subdivision approval and any other needed permits shall be submitted as needed to implement an approved preliminary project plan.

### 3.31.080. Project Plan Variations and Amendments

After a PRO zone is adopted and a preliminary project plan for the subject property has been approved, no material variations shall be made to the preliminary project plan and the development standards adopted in the applicable PRO zone unless the zoning text or map, as the case may be, is amended by the City Council to permit such variation. Such amendments to an approved preliminary project plan shall be obtained only by following the

procedures required for first approval set forth in this chapter.

### 3.31.090. Reversion of Zoning

Substantial action shall be taken to obtain needed additional approvals and begin construction authorized by such approvals within one (1) year after the approval of a PRO zone. If a final project plan has not been approved within one (1) year after a PRO zone has been applied to a specific property, action shall be initiated to rezone the property to the zone previously existing on the property or such other zone as may be deemed appropriate by the City Council.

### 3.31.100. PRO Zones Adopted

The following Project Redevelopment Option zones have been adopted:
Hemming Project Redevelopment Option Zone (PRO Zone) - passed by City Council on August 6, 2008, has not yet been inserted into this document.

### 3.31.110. PRO Zone Reserved

### 3.31.120. Uses Must Be in Conformity

Land or premises shall be used, unless otherwise provided in this ordinance, in conformity with regulations herein set forth for the zoning district in which said land or premises is located.

### 3.31.130. Building in Conformity

No building or structure shall be erected or used unless in conformity within the regulations herein set forth for the zoning district in which said building or structure is located.

### 3.31.140 Architectural Design Standards

Architectural design requirements are found in Chapter 4.13 Supplementary Regulations under Commercial Design Standards.

### 3.31.150. Commercial Lighting Standards

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

# CHAPTER 4: SUPPLEMENTARY REGULATIONS

4.1 Applicability
4.2 Yard Space for one Principal Building
4.3 Sale of Lots Below Minimum Space Requirements
4.4 Accessory Buildings
4.5 Access to Public Street Required
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4.9 Exception to Setback Requirement
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4.11 Manufactured homes
4.12 Reserved
4.13 Commercial Design Standards
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4.15 Planned Unit Development (PUD)
4.16 Infill/Redevelopment Standard

## 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, unless easements are provided and reviewed by the Community Development Director and the City Attorney 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.

## 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 15th 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.

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 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.

**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 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 be 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 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.

**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**

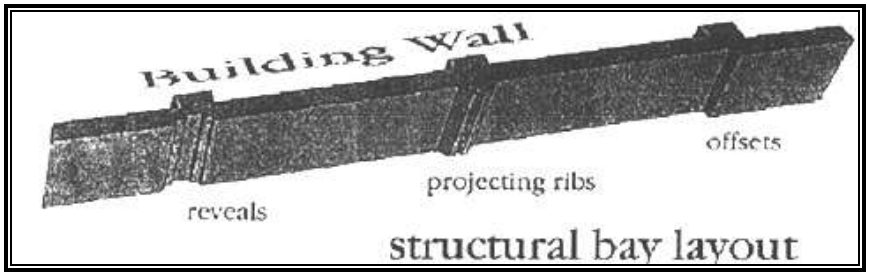
**INTENT:** The presence of smaller commercial stores gives a center a friendlier appearance by creating variety, breaking up large expanses, and expanding the range of the site's activities. Windows and window displays of such stores should be used to contribute to the visual interest of exterior facades. 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 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.

**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

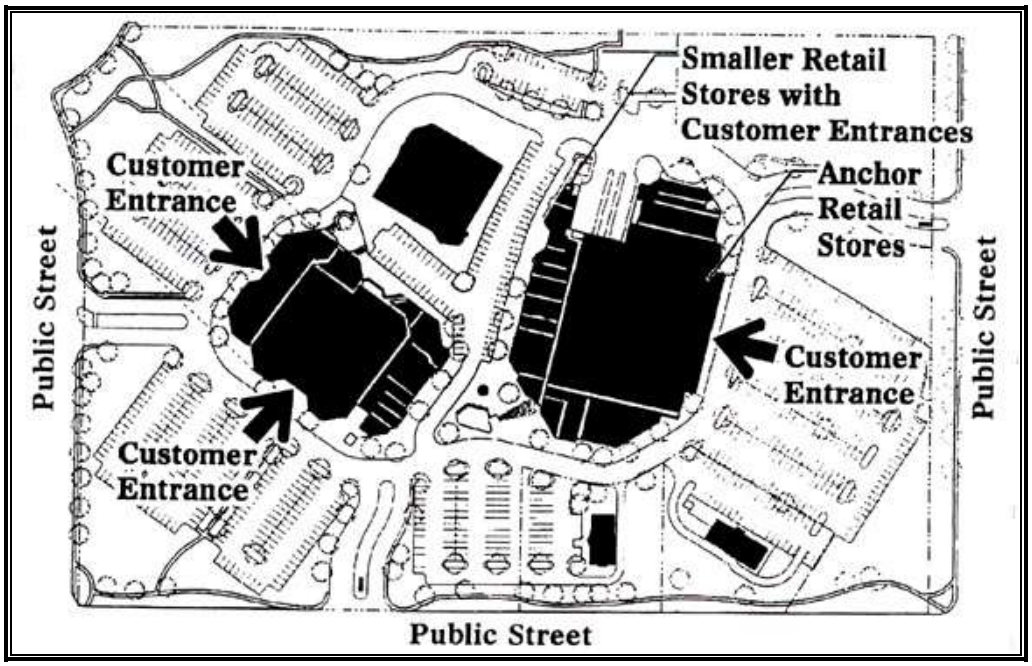
**f. Site Design and Relationship to the Surrounding Community.**

**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 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.

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.

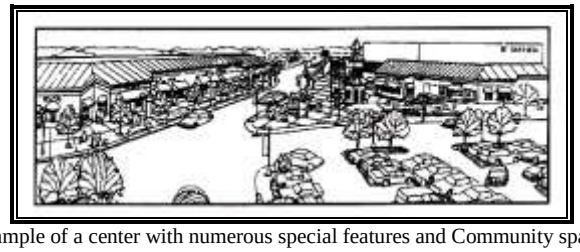
4. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Signs shall be installed to 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

**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 Community Development Director or Designee 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.

**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, pubic 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.

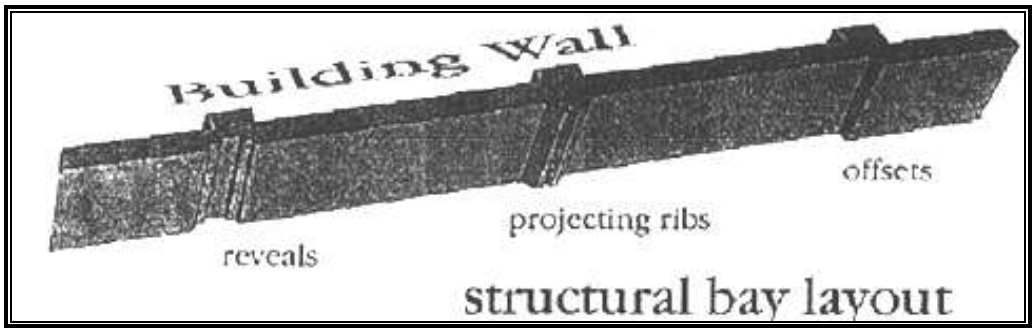
**b. Smaller Commercial Stores**

**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**

**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**

**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.

**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 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. Excessive light or light pollution, can be annoying, cause safety problems, and reduce privacy. 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**.**

**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.

**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.

**Fully shielded** - The luminaire and its mounting, taken as a whole, allow no direct light above the horizontal.

**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.

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

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

**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. The complete lighting unit, including the lamp, the fixture, and other parts. This also can include a photometric layout.

**e. Standards and Criteria.**

**i. Full Cutoff Type Luminaires.** All exterior luminaires shall be of the full cutoff type unless otherwise noted in this section.

**ii. Light Trespass.** All luminaires, including security lighting, shall be aimed and shielded so that the direct illumination shall not trespass more than 0.2 foot candles beyond the property boundaries.

**iii. Lighting of Flags.** The lighting of Federal or State flags shall be permitted. The external beam shall minimize light trespass and/or glare.

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

**v. Conformance with Applicable Codes.** All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this Section, currently adopted Building and Electrical Codes, Sign Ordinance, along with appropriate permits and inspections.

**vii. Roadway/Streetlights.**

1. All roadway/streetlights shall be installed at the discretion of the Director of Public Works and shall conform to the appropriate ordinance, including but not limited to Chapter 12, Subdivisions.

**viii. Parking Lots.**

1. Parking Lot Lighting. Parking lot lighting shall comply with all other requirements of this Section.

**ix. Recreation Areas.**

1. Turn On/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 before 7:00 A.M. and after 10:00 P.M. except to conclude a specific sporting or similar event that is underway. (See also Noise Resolution for similar times)

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

1. Illumination shall not be a nuisance to abutting properties causing complaints. Complaints received due to nuisance illumination shall be determined by the Planning and Zoning Committee, Director of Public Works, Building Official, or City of Rexburg Designee.

**xi. Signs.** Signs, including directional, project entrance; free standing, building, and monument signs shall comply with the following requirements and the Development Code Chapter 10:

1. Shielded. All luminaires shall be aimed and shielded so that light is directed only onto the sign façade not to cause a nuisance or complaints. Complaints received due to nuisance illumination shall be determined by the Planning and Zoning Committee, Director of Public Works, Building Official, or City of Rexburg Designee.

2. 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 and cause complaints. The luminaire shall be confined to the surface of the sign.

**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 governmental agencies at their direction.

4. Temporary lighting, used for a period not to exceed thirty (30) days in any 12-month period for construction, festivals, celebrations, and other public activities so as not to cause a nuisance or complaint. Complaints received due to nuisance illumination shall be determined by the Planning and Zoning Committee, Director of Public Works, Building Official, or City of Rexburg Designee.

5. Residential luminaires with an output equivalent to a 60-watt incandescent lamp regardless of the number of lamps.

6. 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 resulting in complaints.

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. Complaints received due to nuisance illumination shall be determined by the Planning and Zoning Committee, Director of Public Works, Building Official, or City of Rexburg Designee.

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 12

1. Unshielded Luminaires. Unshielded luminaires for any purpose is prohibited except strictly for the purpose of decorative luminaires such as Bistro style luminaires.

2. Flashing, Blinking, Intermittent Lights. Flashing, blinking, intermittent lights or other lights that move or give the impression of movement are prohibited as determined by the Community Development Director. Not including Readerboard type signs.

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

**i. Abatement Required.** Nonconforming luminaires (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 lighting shall be replaced or repaired with lighting equipment and luminaires that comply with this Section.

**g. Review Procedures.**

**i. Lighting Plans Required.** All commercial building plans, commercial externally illuminated sign permit applications, conditional use permits, and subdivision applications shall include a detailed lighting plan that indicates 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, height, and type of luminaires, along with installation and electrical details.

2. Illustrations, such as those contained in a manufacturer's catalog, of all proposed luminaires.

3. Photometric data, such as that furnished by manufacturers, showing illumination levels in foot candles as it lays out on site and extending to 20 feet beyond the property boundary.

**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 or Building Official may suspend, revoke, or require modification of any lighting plan that is not in compliance with this Section.

**vi. Lamp or Luminaire Substitution.** If any outdoor luminaire 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 or Building Official 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.

vi**i. 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, Director of Public Works, and Building Official, or City of Rexburg designee are authorized to enforce this Section, and shall enforce all provisions.

## 4.14 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. One (1) acre for residential development.

ii. One (1) acre 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 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:

| 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 |

**l. 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 LDR1 zone and the design is awarded 75 bonus points. 75 x .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)

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 cementious 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 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;

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 preliminary master plan, Community Development Director or Designee shall determine whether the plan is complete pursuant to the submittal requirements of subsections M and N of this section. The determination of Community Development Director or Designee 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, Community Development Director or Designee 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 Community Development Director or Designee, Development Review Committee 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;

    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 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,

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, 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.

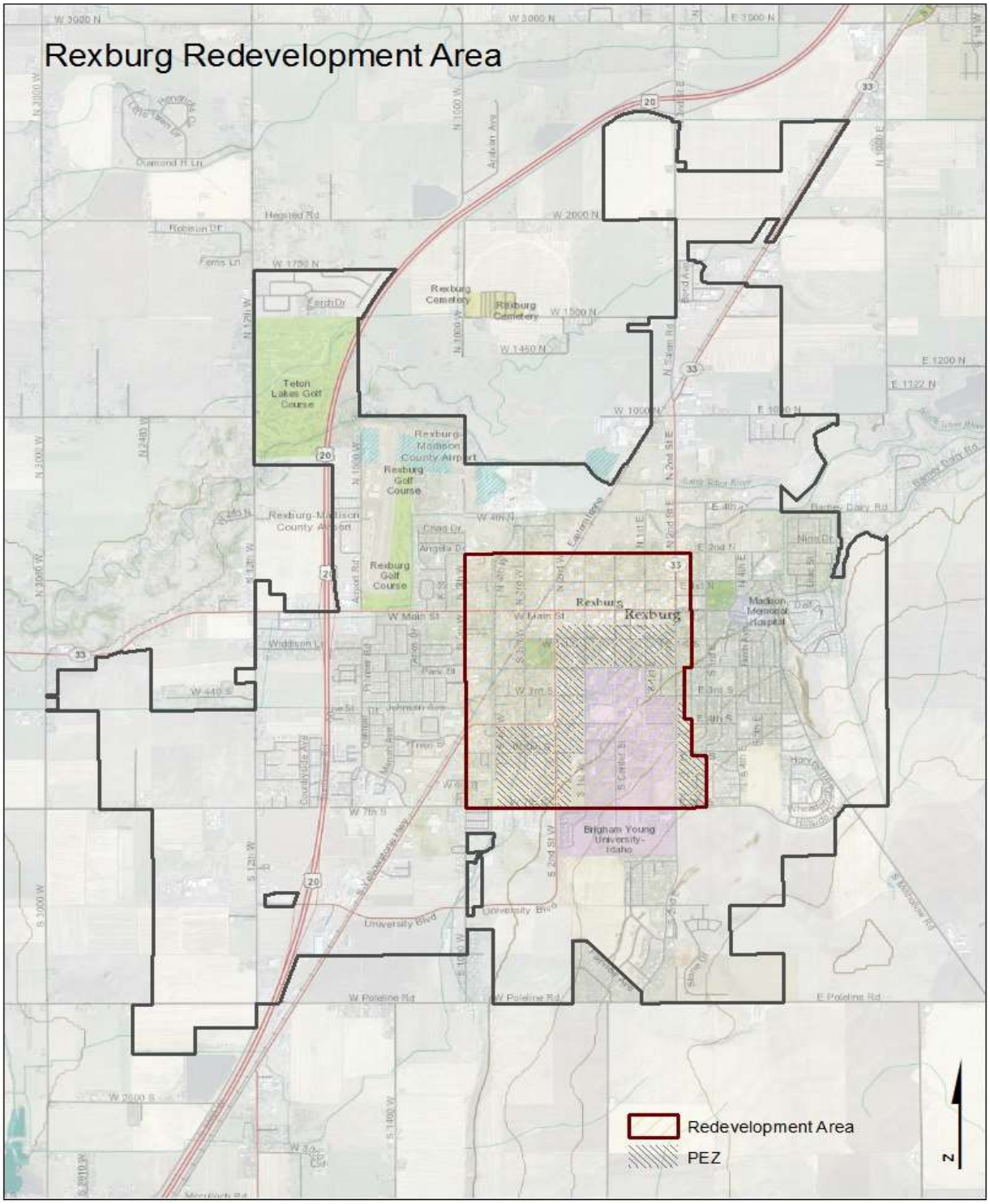
## 4.15 Infill/Redevelopment Standard

**Background**

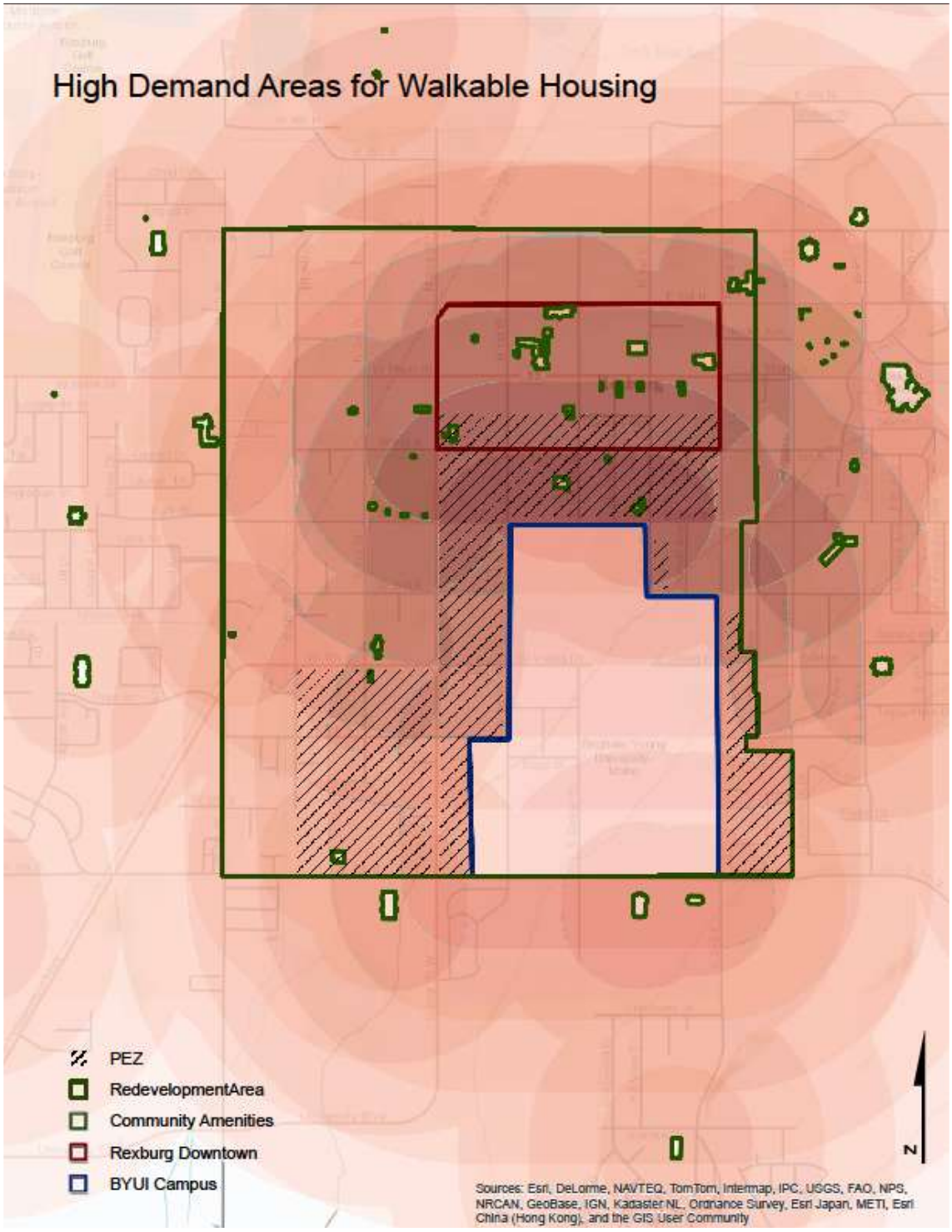
The City of Rexburg City Council, Planning and Zoning Commission and the City Staff have been actively engaged in an effort to promote good planning principles. After a great deal of study, it has been determined that whenever possible the large demand for community housing generated by a growing university be focused to areas within the City core that are close to the BYUI 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:


Rexburg Redevelopment Area
Teton Lakes Golf Course
Rexburg Cemetery
Rexburg-Madison County Airport
Rexburg Golf Course
Rexburg
Madison Memorial Hospital
Brigham Young University-Idaho
Redevelopment Area
PEZ
N

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



**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.

**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, BYUI, 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

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.**

# CHAPTER 5: PARKING AND STORAGE FACILTY REGULATION

5.1 Off-Street Parking and Loading Spaces Required
5.2 Distance for Private Off-Street Parking
5.3 Common Parking Facilities for Joint and Mixed Uses
5.4 Loading Spaces
5.5 Parking Plan Required
5.6 Location of Parking Areas
5.7 Required Parking for Land Uses
5.8 Table 3 – Required Number of Spaces
5.9 Regulations for Central Business District
5.10 Regulations for the University District

## 5.1 Off-Street Parking and Loading Spaces Required

Except as provided in Section 5-7, off-street and loading spaces conforming to the provisions of this Ordinance shall be provided in all districts when a building is constructed, erected or enlarged, when the capacity of a building or structure is increased, or when the use of the building or structure is changed and such change creates a fifteen (15) percent increase in parking required under this Ordinance. All new parking lot construction, reduction, addition or reconfiguration require a Building Permit.

## 5.2 Distance for Private Off-Street Parking

Required off-street parking shall be located within two hundred feet (200') of the primary entrance of the building unless the Planning and Zoning Commission allows greater with a Conditional Use Permit. This distance shall be measured from along an accessible route that a pedestrian would use. This section is not applicable in the Central Business District (CBD) and the University District (UD).

## 5.3 Common Parking Facilities for Joint and Mixed Uses

Joint or mixed use of parking facilities shall be permitted as follows:

**a. Mixed Uses.** Total requirements for off-street parking shall be the sum of the requirements for various uses within the development or structure.

**b. Joint Uses.** The joint use of off-street parking facilities is allowed provided:

i. The applicant shows there is no substantial conflict in the principal operating hours of the building, structure, or use for which the joint use of parking facilities is proposed.

ii. The parking facility for joint use is not further than two hundred feet (200') from the primary entrances of each use.

iii. The parties concerned shall submit a written agreement for such joint use approved by the City Attorney as to form and content, and such agreement, when approved, shall be recorded in the County Recorder's Office.

iv. In the University District, the provisions of subsection (1) here of shall not apply, however, the University shall provide information which demonstrates that the parking facilities proposed to be considered for joint use will lessen the demand for other parking facilities in the University District.

## 5.4 Loading Spaces

In addition to off-street parking required herein, all commercial and manufacturing uses in all the Commercial zones, except Central Business District (CBD) shall provide adequate off-street loading and unloading areas. As a minimum, any building over ten thousand (10,000) square feet used for retail or wholesale trade shall provide one off-street loading space which shall not measure less than forty by twelve (40x12) square feet and shall have an unobstructed height of fourteen feet six inches (14' x 6"). Such loading space shall be made permanently available

for loading and unloading and shall be surfaced with concrete or asphalt. Additional spaces may be required by the City Engineer or the Planning and Zoning Commission. Maneuvering for loading and unloading on the public rights-of-way, excluding alleys, shall be prohibited for all buildings constructed outside the CBD district after the effective date of this Ordinance. Office and other buildings that would not require large deliveries are not required to provide a loading space.

## 5.5 Parking and Site Plans Required

**a. Requirements.** When a building or structure is constructed, erected or enlarged, when the capacity of a building or structure is increased, or when the use of a building or structure is changed and such change creates an increase of fifteen (15) percent or more in off-street parking requirements, a parking plan shall be submitted to and approved by the City Engineer. The plan shall show all parking spaces and their dimensions, access aisles, and entrances and exits to the site. For changes of occupancy use, loading spaces and loading space access shall be required as per section 5.1. The parking plan may be combined with the landscape plan required under Section 6-9. Parking and site plans provided shall conform to the following standards:

i. Each required off-street parking space shall be at least nine (9) feet in width and at least twenty (20) feet in length (18 feet in parking structures), exclusive of access drive and aisles. Parallel parking spaces shall be a minimum of nine (9) feet wide by twenty-two (22) feet long. Up to twenty-five (25) percent of the spaces may be allocated for compact cars with a minimum stall width of eight (8) feet and length of sixteen (16) feet (15 feet in parking structures). Spaces for compact cars shall be signed or otherwise designated and shall be located in rows separate from parking for larger vehicles.

1. "**Developer Option**" For dormitory housing, boarding houses and multiple family housing, eighty (80) percent of the parking space are allowed to be sixteen (16) feet long by nine (9) feet wide with twenty (20) percent required to be twenty (20) feet long by nine (9) feet wide.

ii. Plans for a parking structure must be approved by the City Engineer, the Fire Marshall and the Community Development Director. If applicant can show that compact and other small cars will be a greater percentage of parking structure use, the Planning and Zoning Commission may allow any size parking space that meets the minimum required size (8 feet wide by 15 feet long).to count as full size as part of a Conditional Use Permit.

iii. All driveways or drive aisles designed for two-way circulation shall be at least twenty-two (22) feet in width (unless required to be wider by the Fire Code). For residential parking lots serving thirty (30) spaces or less, the minimum is twenty (20) feet. Aisles designed to serve ninety-degree parking shall be at least twenty-four (24) feet in width (22 feet in parking structures). Aisles designed for one-way circulation shall be thirteen (13) feet wide when serving thirty (30) degree parking, fifteen (15) feet wide when serving forty-five (45) degree parking, and eighteen (18) feet wide when serving sixty (60) degree parking.

iv. No parking areas shall be designed to require the use of the public right-of-way to travel from one portion of the lot to another.

v. All parking areas, aisles and driveways shall be surfaced with asphalt or concrete. Asphalt is not allowed for sidewalks crossing driveways and for the driveway approach between the street and the sidewalk (see Rexburg Engineering Standards). Asphalt or concrete is not required for outdoor vehicle and boat storage lots that have a sixty (60) foot minimum long concrete or asphalt access driveway between the afore mentioned lot and the public right-of-way when a gravel surface is provided.

vi. No parking spaces shall be located in the clear sight triangle provided in section 4-6 or immediately adjacent to an exit to a public right-of-way.

vii. All lighting for parking areas shall be directed and, when necessary, shielded so as not to produce direct glare on adjacent properties, and shall comply with the City's lighting ordinance

viii. No parking area, except those designed for single-family homes, twin homes and duplexes, shall be

designed or constructed to create a situation in which vehicles back into the public right-of-way. Townhomes or row houses shall be designed to provide rear loading driveways and garages, rather than utilizing the front yard (unless approved by the Community Development Director). Or, provide a parking lot that meets all applicable standards for the underlying zoning.

ix. No access point from a parking area to any street shall be within twenty (20) feet of a local street intersection or alley. No access point shall be within forty (40) feet of an intersection with a collector street of sixty (60) feet of an intersection with an arterial street.

x. All parking areas for more than four (4) vehicles shall dedicate the equivalent of ten (10) percent of the parking area to landscaping and snow storage. The landscaping may be interior or may be peripheral. It shall include groundcover and trees.

xi. Parking spaces along the outer boundary of a parking lot shall be contained by high-back curbing or a bumper rail so placed to prevent a vehicle from extending over an adjacent property. Wheel stops must be a minimum of four (4) inches in height and width, and six (6) feet in length, and must be firmly attached to the ground. Placement must be a minimum of eighteen (18) inches from property line as applicable.

xii. Tandem parking is allowed for residential use where the tandem spaces are assigned to the same dwelling unit.

## 5.6 Location of Parking Areas

Parking spaces and maneuvering areas shall not be permitted in the required front yard; such yards shall be dedicated to landscaping. Driveways in commercial zones (excluding mixed-use zones) may encroach into setback up to ten (10) feet. However, in LDR1 & LDR2 single-family structures shall be allowed one required parking place within the setback area per dwelling, in order to meet the parking requirement. Medium and high density zones (and zones that allow a medium to high density housing component, e.g. Mixed-Use) shall not be permitted to have any parking spaces or maneuvering areas located within a required front yard setback.

## 5.7 Required Parking for Land Uses

The minimum number of parking spaces to be provided under this ordinance shall be as provided below. Where a specific use is not listed, the Community Development Director, in his or her professional judgment, shall make a determination on a parking standard to be applied based on a similar use, and/or available information from national studies or other communities' parking standards.

## 5.8 TABLE 3 – Required Number of Spaces

Call Centers and business with higher density cubicles, 0.9 space per employee or 0.6 per employee allowed in Central Business District (CBD), Technology and Office Zone (TOZ). On a case by case basis 0.6 spaces may be allowed in other zones if the Community Development Director determines that the requested location is close in proximity to substantial higher density housing.

Use Parking Spaces

**RESIDENTIAL**
**Single-family** dwellings 2 spaces per unit

**Multi-family dwellings** 2.0 spaces per unit Developments greater than 6 Units may be reduced by 20% in the Infill/Redevelopment Area as identified in Section 4.16.

**High Density Residential** (HDR1 & HDR2 Zones, or zones with high-density housing provisions. Does not include dormitory, or non-family housing)

1 bedroom 1.5 spaces per unit
2 bedrooms 2.0 spaces per unit Developments greater than 6 Units may be reduced by 20% in the Infill/Redevelopment Area as identified in Section 4.16.
3 bedrooms 2.0 spaces per unit Developments greater than 6 Units may be reduced by 20% in the Infill/Redevelopment Area as identified in Section 4.16.

**Dormitory housing** 1 space per occupant. In the Infill-Redevelopment area, the requirement may be reduced to 75% when a parking management plan has been provided and approved by the City Attorney or designee.

**Dormitory housing** located in the Pedestrian Emphasis Zone (PEZ) and seeking reduced parking requirements is subject to a Conditional Use Permit CUP
**Congregate Residence and Boarding House** 1 space per occupant (unless otherwise approved by the Community Development Director)

**Multi-family dwellings** for the elderly 1 spaces per unit

**Nursing homes** 0.25 per bed

**Motels and hotels** (transient lodging) 1.00 per sleeping room plus 1.00 space per employee at the highest shift

**RETAIL TRADE**

Building materials, hardware and farm equipment 1.00 per 1,000 square feet gross floor area

General merchandise 4.00 per 1,000 square feet gross floor area

Food (non-restaurant) 3.00 per 1,000 square feet gross floor area

Automotive, marine craft, aircraft, 1.00 per 1,000 square feet gross floor area and accessories (Sales, does not include repair garages)

Automotive, marine craft, aircraft, and accessories, 3.00 per 1,000 square feet gross floor area (sales and service)

Furniture, home furnishings, and 1.00 per 1,000 square feet gross floor area equipment

Shopping centers-mixed uses

Fewer than 200,000 square feet 4.00 per 1,000 square feet gross floor area

Over 200,000 square feet 5.00 per 1,000 square feet gross floor area

Eating and drinking:
- Sit down restaurant: 10 spaces per 1000 square feet gross floor area
- Restaurant (CBD zone): 5 spaces per 1000 square feet gross floor area
- Fast food with drive-through: 0.33 spaces per seat (two (2) feet of bench equals one (1) seat)

**SERVICES**

Finance, insurance, real estate, 3.00 per 1,000 square feet gross floor area services

Beauty and Barber services 6.00 per 1,000 square feet gross floor area

All other 3.00 per 1,000 square feet gross floor area

Business services 3.00 per 1,000 square feet gross floor area

Travel services 3.00 per 1,000 square feet gross floor area

Medical Clinic: Any facility that provides limited diagnostic and outpatient care, but is unable to provide long-term in-house medical and surgical care. Clinics commonly have lab facilities, supporting pharmacies and a wide range of services. 4.00 per 1,000 square feet gross floor area

Hospital services 2.00 per patient bed for expansions to current campuses (existing prior to 2008). Four (4) per

patient bed for new hospital campuses.

Doctor offices and all other medical services 3.00 per 1,000 square feet gross floor area and professional services

Contract construction services 2.00 per 1,000 square feet gross floor area

Day Care, preschool 2.00 per teacher on largest shift

Kindergarten, elementary, and junior high schools
2.00 per classroom

High schools and colleges 1.00 per 4 persons (at maximum capacity)

Religious facilities
1.0 per 4 seats or 8 feet of bench in main meeting room

Civic, social, fraternal organizations 1.0 per 4 person's maximum occupancy

Call Centers and business with higher density cubicles, 0.9 space per employee or 0.6 per employee allowed in Central Business District (CBD), Technology and Office Zone (TOZ) and Mixed Use 2 (MU2).

All other services 3.00 per 1,000 square feet gross floor area

**MANUFACTURING**

All manufacturing 1.00 per 1,000 square feet gross floor area plus 3 per 1000 square feet of office, retail, or other public area.

**WAREHOUSING**

All warehousing 0.2 spaces per 1,000 square feet plus 3 per 1000 square feet of office, retail, or other public area.

**WHOLESALE TRADE**

Wholesale trade 2.00 per 1,000 feet gross floor area

**PUBLIC ASSEMBLY**

Theaters, sports arenas, and auditoriums 1.0 per 4 seats
Indoor recreation facilities, 4.00 per 1,000 square feet
Racquetball, handball, and tennis courts 3.00 per court
Bowling alley 7.00 per alley
Health clubs and spas 5.00 per 1,000 square feet gross floor area

## 5.9 Regulations for Central Business District

The purpose of this provision is to recognize the historical pattern of development in the downtown area of the City and to accommodate the need for new development in the downtown area. Additional off-street parking may not be required (as determined by the Community Development Director) for some new uses in the Central Business District. Occupancies that require more parking than traditional retail must provide off street spaces. Existing parking and loading facilities shall not be reduced or removed from the CBD by new or existing uses unless a variance is obtained from the Planning and Zoning Commission or substitute off-street parking is provided within two hundred feet (200') of the main entrance of the use.

## 5.10 Regulations for the University District

The University shall not be required to provide the minimum parking spaces required in subsection 5.8 hereof but shall be regulated in accordance with the University Parking Ratios as set forth below. In determining the ratio for this subsection, all parking spaces located upon the University Campus together with all on street parking where the

University Campus occupies both sides of the street shall be included. The term Full Time Equivalent shall be as established in the BYU-Idaho Parking Study published in 2002.

a. University Student Ratio: .20 Spaces per FTE Student.
b. University Faculty Ratio: .585 spaces per FTE Faculty.
c. University Staff Ratio: .585 spaces per FTE Staff.

# CHAPTER 6: ADMINISTRATIVE PROCEDURES

6.1 Zoning Administrator
6.2 Duties of the Zoning Administrator
6.3 Planning and Zoning Commission
6.4 Duties of the Planning and Zoning Commission
6.5 Membership and Term of the Commission
6.6 Organization of the Commission
6.7 Meetings of the Commission
6.8 Conflict of Interest
6.9 Permits Required
6.10 Certificate of Occupancy
6.11 Variances
6.12 Conditional Use Permits
6.13 Amendments to this Ordinance
6.14 Hearing Procedures
6.15 Fees
6.16 Appeal relating to area of city impact matter
6.17 Enforcement

## 6.1 Zoning Administrator

There is hereby created the position of City of Rexburg Zoning Administrator. The Zoning Administrator shall be appointed by the Mayor and confirmed by the City Council. The Mayor may appoint another officer of the City, including but not limited to the City Clerk, Community Development Director or the Building Official, to fulfill all or part of the duties of the Zoning Administrator.

## 6.2 Duties of the Zoning Administrator

The Zoning Administrator shall administer the provisions of this Ordinance, provide assistance to and guidance to the Commission and Council, and have the following duties:

a. Advise interested persons of the Development Code provisions.

b. Notify the news media regarding matters of public interest.

c. Aid and assist applicants in the preparation and processing of applications.

d. Review and assist the Commission and Council in reviewing applications for home occupations, site plans, variances, conditional use permits, rezoning requests, subdivisions, planned unit developments, and annexations.

e. In administering this ordinance, the P&Z Administrator may make interpretations of any part of this code, which interpretations are binding but may be appealed to the Community Development Director, the Mayor or the Planning and Zoning Commission.

f. Shall serve as Chief Enforcement Officer of this Title, and carry out the enforcement authorities of The Commission under section 6.4.6 Duties of The Planning and Zoning Commission.

g. Investigate violations of this Ordinance and notify in writing the person responsible for such violations, ordering the action necessary to correct such violation. The Zoning Administrator shall direct and administrate the efforts of any, and all, Field Service Officers assigned to the Administrator to assist him in performance of his duties of investigations, process services, and notifications, by The Director of Community Development

## 6.3 Planning and Zoning Commission

There is hereby created a Planning and Zoning Commission. The Planning & Zoning Commission is referred to in this Ordinance as the Commission. The Commission shall have the authority to consider and recommend to the Council ordinances, amendments thereto, and repeal of ordinances affecting zoning, planning, and building within the City of Rexburg. The Commission shall provide guidance and assistance to the Council, hold public hearings as required by law; shall grant or deny applications presented to the Commission; and shall make timely recommendations to the Council in all matters relating to this Ordinance in which the Council has final decision making powers. Any action taken by the Commission which will be final unless appealed may be reviewed by the Council at their discretion, within twenty (20) days of commission action, if the Council believes there may be significant adverse impact as a result of Commission action.

## 6.4 Duties of the Planning and Zoning Commission

The Commission shall have the following duties as well as such others prescribed by law or assigned by the Council:

a. Review all proposed amendments to this Ordinance and make recommendations to the Council. Initiate proposed amendments to this Ordinance.

b. Conduct a comprehensive planning process designed to prepare, implement, review and update a Comprehensive Plan. Conduct a biannual review of this Ordinance and its implementation of the Comprehensive Plan.

c. Grant conditional use permits as specified in this Ordinance and make recommendations to the Council on those conditional use permits for which the Council has final decision making powers.

d. Grant variances as authorized by this Ordinance and Idaho statutes.

e. Complete site plan and design standard reviews as provided for in this Ordinance.

f. The commission is authorized by the City of Rexburg and Madison County to administer and enforce all rules and regulations pertaining to the area of the city impact for the City of Rexburg as provided in Chapter 10 hereof.

## 6.5 Membership and Term of the Commission

The commission shall consist of eleven (11)
members, eight (8) of whom shall reside within the city limits of Rexburg and be appointed by the Mayor and confirmed by the Council; three (3) members to be appointed who reside within the area of city impact defined in City Ordinance No. 825. The three residing in the area of impact shall be appointed one by the Mayor and the other two shall be appointed by the Madison County Commissioners. The Mayor shall ask and receive names of persons to serve on the Commission. The length of term is three (3) years. The terms shall be staggered. The eight members residing in the City shall have resided in Rexburg two years prior to appointment and must remain a resident of the City during service on the Commission. Vacancies occurring otherwise than through the expiration of terms must be filled in the same manner as the original appointment. A member appointed and fulfilling an unexpired term shall serve the remainder of the term. Members of the Commission may be removed for good cause by a majority vote of the full council. Members of the Commission may receive such mileage and per diem compensation as provided by the Council.

In matters pertaining to the area of city impact, a vote of the three members residing in the area of city impact, in the aggregate, shall have the same weight as the vote of the remaining seven members of the Commission residing in the City of Rexburg, in the aggregate.

## 6.6 Organization of the Commission

The Commission shall elect a chairman and may create and fill any other office it deems necessary. The Commission may establish subcommittees, advisory committees or neighborhood groups to advise and assist in carrying out its responsibilities under this Ordinance. The Commission may appoint non-voting ex-officio advisors as deemed necessary.

## 6.7 Meetings of the Commission

The Chair presides at all regular meetings of the Commission which may be scheduled on the first and third Thursday of each month for no less than nine (9) months in a year. All meetings and records shall be open to the public and a record of all meetings, hearings, resolutions, studies, findings, permits, recommendations, and actions shall be maintained by the Commission. A quorum of the Commission shall consist of six (6) members.

## 6.8 Conflict of Interest

A member of the Commission shall not participate in any proceeding or action when the member, his employer, business partner, business associate, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action. An actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. Such disclosure shall be recorded in the minutes.

## 6.9 Permits Required

No person shall erect, construct, enlarge, alter, repair, move, convert, or demolish any building, sidewalk, driveway, carport, parking area or any other structure, without first obtaining a building permit for each building, sidewalk, driveway, carport, parking area or any other structure from the City. To apply for a permit, the applicant shall file an application with the Community Development Department.

To provide the information necessary to determine compliance with the provisions of this Ordinance, the application shall require the following:

a. Name, address, and phone number of applicant.

b. Name, address, and phone number of owners of the property, if owner is not the applicant.

c. Legal description of the property.

d. Existing use.

e. Proposed use.

f. Zoning district.

g. A site plan drawn to scale showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; the exact location and dimensions of the proposed building, sidewalk, driveway, carport, parking area or any other structure or alteration; the location, layout, and access of proposed on-site parking; and the location and type of landscaping, fencing, and screening proposed on the lot.

h. Building heights.

i. Number and dimensions of off-street parking spaces and loading berths.

j. Proposed water and sewer facilities.

k. Existing and proposed easements.

l. Proposed storm drainage for multi-family and commercial and industrial developments.

m. Applications subject to site plan review as described in Section 6.11 shall also include detailed drawings of all elevations (front, rear and sides) in order to demonstrate compliance with Section 4.13 of this Ordinance.

n. Such other matters as may be necessary to determine compliance with City ordinances.

## 6.10 Certificate of Occupancy

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, enlarged, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy has been issued by the Building Official. The Certificate should state that the proposed use of the building or land conforms to the requirements of this Ordinance and with all conditional provisions that may have been imposed.

## 6.11 Variances

The Planning and Zoning Commission may authorize variances or modifications from the provisions of this Ordinance as to lot size, lot coverage, width, depth front yard, side yard, rear yard, setbacks, parking spaces, height of buildings, or other regulations of this Ordinance affecting the size and shape of a structure or placement of a structure upon the lot, pursuant to Idaho Code Section 67-6516.

a. Required Findings. To approve a variance, the Commission must find, in writing, that the application for a variance fulfills all of the following conditions:

   i. The need for a variance results from physical limitations of the lot upon which the variance is requested which are not generally applicable to other properties in the same zone;

   ii. Failure to approve a variance will result in undue hardship;

   iii. The alleged hardship has not been created by the action of the applicant or the property owner; and

   iv. Approval of the variance is not in conflict with public interest.

b. Public Hearing. Prior to granting a variance, at least one public hearing shall be held to give interested persons an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the request shall be published in the official newspaper or paper of general circulation within the jurisdiction of the City. Written notice shall also be given to property owners adjoining the parcel under consideration.

c. Supplementary Conditions and Safeguards. In granting any appeal or variance, the Commission may prescribe appropriate conditions and safeguards. The Commission may not grant a variance to permit a use not authorized under the terms of this Ordinance.

d. Action by the Commission. Within sixty (60) days after the public hearing, the Commission shall either approve, conditionally approve, or disapprove the application for a variance. Upon granting or denying the permit, the Commission shall specify:

   i. The provisions of this Ordinance and Standards used in evaluating the application.

   ii. The reasons for approval or denial.

   iii. The actions, if any, the applicant should take to obtain a variance.

e. Appeals. The applicant or any affected person may appeal the decision of the Commission to the Council by submitting a written appeal to the City Clerk within fifteen (15) days of the decision of the Commission.

f. Application for a Variance. In addition to the information required under Section 6.9 above, the Commission may also require a narrative statement documenting that the request for a variance conforms to the standards of Section 6.12.A. above.

## 6.12 Conditional Use Permits

Pursuant to Idaho Code Section 67-6512, the Council and Commission may issue conditional use permits. Prior to issuing a conditional use permit, at least one public hearing shall be held. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the application shall be published in the official newspaper or paper of general circulation with the City of Rexburg. Notice shall be posted on the premises not less than one (1) week prior to the hearing. Notice shall also be provided to property owners within three hundred feet (300') of the boundaries of the property and any others that the Commission determines shall be substantially impacted by the proposed development.

a. Application. In addition to the information required under Section 6.9 above, the Administrator may require a narrative statement discussing the general compatibility of the proposed development with adjacent properties and the neighborhood, the relationship of the proposed use to the Comprehensive Plan, and the effects of the following on the adjoining property: noise, glare, traffic generated, vibration, odor, fumes, drainage, building height, massing, and solid waste.

The Commission or Council may require that the applicant conduct studies of the social, economic, fiscal, and environmental effects of the proposed use.

b. Standards Applicable to Conditional Use Permits. The approving body shall review the particular facts and circumstances of each proposed conditional use and shall find adequate evidence to show that the proposed use will:

i. Constitute a conditional use as established in Table 1, Zoning Districts, and Table 2, Land Use Schedule.

ii. Be in accordance with a specific or general objective of the City's Comprehensive Plan and the regulations of this Ordinance.

iii. Be designed and constructed in a manner to be harmonious with the existing character of the neighborhood and the zone in which the property is located.

iv. Not create a nuisance or safety hazard for neighboring properties in terms of excessive noise or vibration, improperly directed glare or heat, electrical interference, odors, dust or air pollutants, solid waste generation and storage, hazardous materials or waste, excessive traffic generation, or interference with pedestrian traffic.

v. Be adequately served by essential public facilities and services such as access streets, police and fire protection, drainage structures, refuse disposal, water and sewer service, and schools. If existing facilities are not adequate, the developer shall show that such facilities shall be upgraded sufficiently to serve the proposed use.

vi. Not generate traffic in excess of the capacity of public streets or access points serving the proposed use and will assure adequate visibility at traffic access points.

vii. Be effectively buffered to screen adjoining properties from adverse impacts of noise, building size and resulting shadow, traffic, and parking.

viii. Be compatible with the slope of the site and the capacity of the soils and will not be in an area of natural hazards unless suitably designed to protect lives and property.

ix. Not result in the destruction, loss or damage of a historic feature of significance to the community of Rexburg.

c. Supplementary Conditions and Safeguards. In granting a conditional use permit, the approving body may prescribe appropriate conditions and safeguards. Such conditions to be attached to the permit may include but not be limited to:

i. Minimizing adverse impact on other developments.

ii. Controlling the sequence and timing of development.

iii. Controlling the duration of development.

iv. Assuring the development is properly maintained.

v. Designating the exact location and nature of development.

vi. Requiring the provision for on-site or off-site public facilities of services;

vii. Requiring more restrictive standards than those generally required in this Ordinance.

d. Action by the Commission/Council. Within sixty (60) days after the public hearing, the approving body shall either approve, conditionally approve, or disapprove the application. Upon granting or denying the permit, the approving body shall specify:

i. The provisions of this Ordinance and standards used in evaluating the application.

ii. The reasons for approval or denial.

iii. The actions, if any, the applicant should take to obtain a conditional use permit.

e. Appeals. The applicant or any affected person may appeal a final decision of the Commission on a conditional use permit application to the Council by submitting a written appeal to the City Clerk within fifteen (15) days of the decision of the Commission. Decisions of the Council may be appealed as provided in Idaho Code Section 67-6521.

f. Authority of Commission to Review Conditional Use Permits. The Planning and Zoning Commission may, without approval of the Council, grant the following conditional use permits:

i. Permits for parks.

ii. Permits for nursery schools, day care centers.

iii. Permits for churches, synagogues, and temples.

iv. Permits for funeral and crematory services.

v. Permits for boarding houses.

vi. Permits for home occupations under Section 4.10 B.

vii. Permits for developments with four or less dwelling units.

viii. Permits for government buildings.

ix. Permits for household goods warehousing and storage.

x. Permits for reduced parking space size in parking structures.

All other conditional use permits may only be granted after review and recommendation by the Commission and approval by the City Council. Formal notice will be sent to applicant after approval of a Conditional Use Permit. Notice will state the conditions of the permit. If conditions are violated or not met there will be a 90-day period to cure the problem. Failure to comply with the terms may result in revocation of the Conditional Use Permit.

## 6.13 Amendments to this Ordinance

The Council may, by ordinance, after receipt of recommendation from the Commission and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions and boundaries or classifications of property. Such amendments may include text amendments or map revisions.

a. Initiation of Zoning Amendments. Amendments to this Ordinance may be initiated in one of the following ways:

   i. By adoption of a motion by the Commission.

   ii. By adoption of a motion by the Council.

   iii. By the filing of an application by a property owner or authorized agent within the area proposed to be changed by the amendment.

b. Application for Rezoning. In addition to the information required under Section 6.9 above, the applicant shall provide the Zoning Administrator with the following information:

   i. Proposed zoning district.

   ii. For map revisions, vicinity map showing the property lines, thoroughfares, existing and proposed zoning, existing land uses.

   iii. A statement on how the proposed amendment relates to the Comprehensive Plan, availability of public facilities, and compatibility with the surrounding area and zoning.

   iv. In the event an application for rezoning received by the Commission requests a rezoning of any lands that lie within one quarter (1/4) mile of any boundary of the Sugar City Area of City Impact, the Commission shall provide the City of Sugar City written notice of the application for rezoning.

c. Comprehensive Plan Amendment. If the request for zoning amendment is not in accordance with the Comprehensive Plan, the Commission shall consider and the Council may adopt or reject an amendment to the comprehensive plan after notice and hearings as provided in Section 67-6509, Idaho Code.

d. Public Hearings. The Commission, prior to acting on a request for an amendment, shall hold at least one public hearing. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the amendment shall be published in the official newspaper or paper of general circulation within the jurisdiction of Rexburg. If the amendment is a map revision, additional notice shall be provided by mail to property owners or purchasers of record of land within three hundred feet (300') of the external boundaries of land being considered. Notice shall also be posted on the property to be rezoned not less than one (1) week prior to the hearing.

   When notice is required to two hundred (200) or more property owners or residents, notice of the proposed change and the hearing shall be published in the official newspaper once a week for two (2) consecutive weeks, with at least one of the publications being fifteen (15) days prior to the date set for hearing on the proposed change.

e. Recommendation of the Commission. Within sixty (60) days of the public hearing, the Commission shall transmit its recommendation to the Council. The Commission may recommend that the amendment be granted as requested, that it be modified, or that it be denied. In evaluating requests for amendments, the Commission shall consider, in addition to conformance with the Comprehensive Plan as required by Section 67-6511, Idaho code, the following:

   i. The capacity of existing public streets, water and sewer facilities, storm drainage facilities, solid waste collection and disposal, and other utilities.

ii. The capacity of existing public services, including but not limited to, public safety services, public emergency services, schools, and parks and recreational services.

iii. The potential for nuisances or health and safety hazards that may adversely affect adjoining properties.

iv. Recent changes in land use on adjoining properties or in the neighborhood of the map revision.

f. Action by Council. Upon granting, modifying, or denying a request for amendment, the Council shall specify:

i. The provisions of this Ordinance and the Comprehensive Plan and other standards used in evaluating the application.

ii. The reasons for approval or denial.

iii. The actions, if any, the applicant should take to obtain an amendment of the Ordinance.

## 6.14 Hearing Procedures

The following shall be observed in the conduct of public hearings before the Planning and Zoning Commission and the Council:

a. Each person testifying shall be asked to state his/her name and address in such a manner as to assure that it will be recorded by electronic means. The Administrator may require that those who wish to testify complete a sign-up sheet with name and address prior to giving testimony.

b. No person shall be permitted to speak until such person has been officially recognized by the presiding officer.

c. All public hearings shall be recorded electronically or steno-graphically and all persons testifying shall speak in such a manner to assure that the recorded testimony or remarks will be accurate and trustworthy.

d. The hearing body may establish a time limit to be observed by all speakers, depending upon the number of those who wish to testify. Such a time limitation shall apply to all **speakers'** comments.

e. At the conclusion of a speaker's comments, each member of the hearing body may address questions to the speaker. If a time limit has been set, such questions and answers shall not be included in the time limit.

f. The presiding officer may ask if any members of the hearing body have a conflict of interest prior to the conduct of the hearing and excuse those who have such a conflict.

g. The presiding officer may note, prior to opening the public hearing that testimony should relate to whether the proposal before the hearing body is in accordance with the Comprehensive Plan, the Development Code, and other standards of the City.

h. The following are the steps in the hearing procedure:

i. The chairperson shall announce the purpose and subject of the hearing.

ii. The chairperson may ask if any members have a conflict of interest and wish to be excused from this portion of the meeting.

iii. The chairperson shall ask the applicant to explain the proposal being considered.

iv. The chairperson shall ask the Community Development Director or Designee if there is any additional discussion needed for clarification.

v. The chairperson shall entertain questions from the Commission members regarding the proposal.

vi. The chairperson shall ask for statements from others in the audience.

vii. After each statement, the chairperson shall ask for any questions from the Commission members.

viii. When all statements have been given, the chairperson shall afford anyone who has previously given a statement to speak in rebuttal or clarify his/her earlier statement.

ix. After such rebuttal and clarification, the chairperson shall close the public hearing and ask for comments from the Commission members. Such discussion shall lead to action by the Commission.

x. When the City Council rejects a Comprehensive Plan Map or a Zone Change Recommendation from a Public Hearing that was held at a Planning and Zoning Commission meeting, another Public Hearing shall be required to be held at the next available City Council meeting.

xi. During a Comprehensive Plan Map or a Zone Change Hearing, the Planning and Zoning Commission at their discretion can request an additional Public Hearing be held at a future City Council meeting.

## 6.15 Fees

Fees for permits issued under this Ordinance and requests for amendments to this Ordinance shall be set by the Mayor and City Council by resolution. In the area of city impact, all administrative fees shall be established by the City and paid to the City. In the event costs are incurred by the City of Rexburg as a result of the administration or enforcement of area of city impact matters, the City of Rexburg and County agree to share equally such expenses.

## 6.16 Appeal relating to area of city impact matter

Any affected person may appeal a final decision of the Commission relating to matters arising within the area of city impact. Said appeal shall be heard by a board of appeals consisting of two members appointed by the county and two members appointed by the city. Any appeal from a decision pertaining to the area of city impact must be submitted by written notice to the Clerk of Commission within fifteen (15) days of the decision of the commission. The Planning or Zoning Administrator shall receive and direct, all appellate matters to the appellate authority of jurisdiction. Furthermore, the Administrator shall schedule and coordinate all appeals hearings in regard to this Title.

## 6.17 Enforcement

The City of Rexburg and Madison County authorize the Rexburg Planning and Zoning commission to be the enforcing agency responsible for enforcing compliance with the provisions of this ordinance within the area of impact.

6.18.1 Enforcement policies and procedures shall be in compliance with the authorities and duties of The Planning and Zoning Administrator, acting as Chief Enforcement Officer for the Commission as provided by 6.2.6 and 6.2.7 of this title and chapter.

# CHAPTER 7: NONCONFORMING USES AND BUILDINGS

7.1 Purpose
7.2 Continuance
7.3 Change of Use
7.4 Maintenance and Repairs
7.5 Restoration
7.6 Discontinuance
7.7 Nonconforming Lots of Record

## 7.1 Purpose

This Chapter describes the status of structures, parcels, or uses of land that were lawful prior to the effective date of this Ordinance but which are now prohibited or restricted.

## 7.2 Continuance

The occupancy of a building or parcel of land by a nonconforming use existing at the effective date of this Ordinance may be continued.

## 7.3 Change of Use

The nonconforming use of a building or land may not be changed except to a conforming use, and where such change is made, the use shall not thereafter be changed back to a nonconforming use.

## 7.4 Maintenance and Repairs

Maintenance and repairs necessary to keep nonconforming uses in sound condition shall be permitted. Existing parking lots or areas that are non-conforming as to design and setbacks, shall comply with current regulations as feasible when the parking lot is re-constructed. This does not suggest that the parking lot shall increase the number of spaces, as this only occurs at the time of a change of use and as described in the Parking section of this code.

## 7.5 Restoration

A nonconforming structure or a structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind, earthquake, or other calamity may be restored, provided such restoration begins within one (1) year from the date of destruction and is pursued diligently. Such restoration shall not increase the floor area or land area.

## 7.6 Discontinuance

Whenever a nonconforming use of land or building has been discontinued for a period of one (1) year, such use shall not be reestablished, and the uses of the premises thereafter shall be in conformity with the regulations of the district.

## 7.7 Nonconforming Lots of Record Discontinuance

Except as noted below, any single lot or parcel of land which was of record in the Office of the Recorder of Madison County at the time of the effective date of this Ordinance but does not meet the requirements of the zoning district in which it is located for minimum lot width and area may be utilized if all other requirements of this Ordinance are met.

However, if two or more lots or combinations of lots and portions of substandard lots with continuous frontage in single ownership are of record on the effective date of this Ordinance, and if all or part of the lots do not meet the requirements for lot width or area of the district, the lands involved shall be considered to be an undivided parcel for purposes of this Ordinance. No portion of said parcel shall be used which does not meet lot width and area requirements established in the district nor shall any division of the parcel be made which leaves remaining any lot with width or area below those requirements stated for the district.

# CHAPTER 8: THE CITY OF REXBURG IMPACT AREA

8.1 Applicability
8.2 Boundary Definitions
8.3 Zoning Districts, Zoning Map, Zoning Tables, Land Use Schedules
8.4 Applicability of Rexburg Development Code in Area of Impact
8.5 Legal Description of Impact Area / Rexburg, Idaho Impact Area with Madison County Legal Description

**AREA OF CITY IMPACT**

## 8.1 Applicability

The regulations of this Chapter shall apply to the area of city impact and shall supplement the regulations appearing elsewhere in this ordinance.

a. This Chapter is being adopted pursuant to Idaho Code, Section 67-6526, and any and all amendments thereto, pursuant to mutual agreement between the City of Rexburg and Madison County.

b. The purpose of this Chapter is to identify an area of city impact, considering such factor as:

i. trade area;

ii. geographic factors;

iii. areas that can reasonably be expected to be annexed to the city in the future.

c. The intent of this Chapter is to define the geographic area of city impact; to set forth the plans and ordinances which will be adopted and be applicable to the area of Chapter 65, as set forth by the Idaho legislature.

## 8.2 Boundary Definitions

a. The boundaries of the area of city impact are defined by separate ordinance. The boundaries and zoning classifications of the area of city impact are shown on the map entitled "Area of City Impact -- Rexburg, Idaho." The map and all information shown thereon are by reference and made a part of this ordinance.

b. The method for amending the impact boundaries shall be governed by Idaho Code, Section 67.6526 (d).

## 8.3 Zoning Districts, Zoning Map, Zoning Tables, Land Use Schedules

a. Zoning districts authorized in the area of impact comprise two specific categories:

i. All existing zones listed in Section 3.1 of this ordinance and described in Chapter 3 hereof. These zones are hereafter referred to as "Chapter 3 zones."

ii. Agriculture 1, (A-1); Agriculture 2, (A-2); and Rural Residential, (RR);

b. Definitions of Zones.

i. Chapter 3 Zones are defined and described in Chapter 3, paragraphs 3.4 through 3.15 hereof.

**1. Agricultural 1 (A-1)**

The Agriculture 1 zone is intended to anticipate expansion of the City into agricultural areas

(lands) and to preserve agricultural production in those areas.

a. Permitted uses in the A-1 Zone include all primary agricultural production activities and their accessory uses and buildings, including farm homes. No more than ten (10) livestock are permitted in an A-1 zone. However, this does not include commercial enterprises or animal-related business such as produce packing plants, fur farms, veterinary clinics, animal hospitals, feed lots, poultry and egg farms, hog farms, dog kennels, honey processing, and similar uses which would constitute a "business" as opposed to that of the raising of agricultural crops and/or pasture. For the purposes of this chapter, "Feedlot" is defined as any area where one thousand (1,000) head or more of livestock are confined for a period of one year or more.

b. The minimum size parcel shall be five (5) acres or more.

c. Conditional Uses in the A-1 Zone include:

i. Public and quasi-public recreation facilities and/or buildings.

ii. Home occupations.

iii. Cemeteries.

**2. Agricultural 2 (A-2)**

The Agriculture 2 zone is intended to anticipate expansion of the city into agricultural areas (lands) and to preserve agricultural production in those areas.

a. Permitted uses in the A-2 Zone include all primary agricultural production activities and their accessory uses and buildings, including farm homes. Livestock is permitted in an A-2 Zone. However, this does not include such commercial enterprises or animal-related business such as a produce packing plant, fur farms, veterinary clinics, animal hospitals, feed lots, poultry and egg farms, hog farms, dog kennels, honey processing, and similar uses which would constitute a "business" as opposed to that of the raising of livestock, agricultural crops and/or pasture.

b. The minimum size parcel shall be five (5) acres or more.

c. Conditional uses in the A-2 Zone include:

i. Public and quasi-public recreational facilities and/or buildings.

ii. Home occupations.

iii. Cemeteries.

**3. Rural Residential Zone (RR)**

The RR zone is established to protect stable neighborhoods of detached family dwellings on lots of one acre or more up to five (5) acres. The minimum lot width shall be 150 feet; the minimum front yard shall be 60 feet from the property line or 90 feet from the center line of the road, whichever is greater; the minimum rear yard shall be 30 feet from the property line; and the minimum side yard shall be six inches for every foot of building height with a 10-foot minimum. No structure shall be erected to a height greater than 30 feet to eave height, measured from natural grade at the building site. There can be only one single-family dwelling per lot. Household pets are allowed, no more than two domestic livestock for each acre used solely for said livestock shall be allowed. Installation of curb and gutter or a drainage facility approved in advance by the

Planning and Zoning Commission shall be required. The maximum lot coverage by buildings, including the dwelling, shall be 50 per cent.

"Direct Access Restricted Road"
The Madison County Commission together with the Rexburg City Council shall designate certain roads and streets located within the Area of City Impact as "direct access restricted roads." No lot or parcel of ground adjoining such designated roads or streets shall have direct access to such roads without the prior approval of the Rexburg Planning and Zoning Commission. Access to and from said lots or parcels shall be by roads, streets or frontage roads which have been approved by the Rexburg Planning and Zoning Commission. Said lots or parcels shall comply with the following requirements:

a. Such lots shall reverse frontage on the designated "direct access-restricted road."

b. Such lots shall be buffered from the "direct access-restricted road by any effective combination of the following: Lot depth, earth berms, vegetation, walls or fences and structural sound proofing.

c. The minimum lot depth shall be two hundred (200) feet except where the use of berms, vegetation, and structures can be demonstrated to constitute an effective buffer for a dwelling on a lot less than two hundred (200) feet in depth.

d. Whenever practical existing roadside trees shall be saved and used in the arterial buffer.

e. Site plans, subdivision requirements, annexation and development agreement shall include provision for installation and continued maintenance of all buffers and compliance with all city and county ordinances applicable within the area of city impact.

f. The zoning map shall designate the zoning districts in the area of city impact of the City of Rexburg and shall be made a part of this ordinance by reference.

g. Zoning Tables and Land Use Schedules:

   i. All Chapter 3 zones located within the area of city impact shall be subject to all zoning tables and land use schedules contained in Chapter 3 hereof.

   ii. A-1, A-2, and RR zoning districts shall be subject to the zoning tables set forth in Chapter 10, page 84.

   iii. A-1, A-2, and RR zoning districts shall be subject to the Land Use Schedules contained in Chapter 3 hereof.

## 8.4 Applicability of Rexburg Development Code in Area of Impact

a. Any Chapter 3 zones, which are located within the area of city impact, shall be subject to all provisions of the Rexburg Development Code and any amendments thereto.

b. A-1, A-2 and RR zones shall be subject to the following Rexburg Development Code provisions:

   i. Chapter 1-- Title, Authority, Purpose and Intent

   ii. Chapter 2--Definitions

   iii. Chapter 3--Zone definitions

   iv. Chapter 6--Administrative procedures

v. Chapter 7-- General provisions

c. The following specific sections of Chapter 4, 5 and 8 of this Development Code shall be applicable to the A-1, A-2 and RR zoning districts:

i. 4.2 Yard Space for Principal Building
(Applicable to RR only)
ii. 4.3 Sale of Lots Below Minimum Space Requirements
iii. 4.4 Accessory Buildings
(Applicable to RR only).

iv. 4.5 Access to Public Street Required. The provisions of section shall apply to all zones, provided further that homes may not be constructed with direct access upon roads, streets or highways designated as "direct access restricted roads". If development along such roads is contemplated, then reverse frontage and controlled access shall be determined and regulated as provided in section 10.4.C.(4) hereof and as further provided by the Planning and Zoning Commission.

v. 4.6 Clear View of Intersecting Streets.

vi. 4.10 Home Occupations.
(Applicable to RR only)

vii. 4.11 Manufactured Homes.
(Applicable to RR only)

viii. The provisions of Chapter 8, Nonconforming Uses and Buildings, shall be applicable to all zones within the area of city impact. The following provisions shall apply to A-1 and RR zones:

1. Any landowner having livestock upon lands located within the area of city impact may, prior to February 15, 1995, provide to the Planning and Zoning Commission a description of the land together with a description of the livestock on said lands, which shall include the number of livestock as well as the type of livestock located on said lands. The Planning and Zoning Commission shall review the descriptions as submitted by a land owner, and together with the land owner determine an historic herd size for the parcel of land described. The record of historic herd size shall be kept by the City Clerk and shall be preserved for the purpose of determining existing land use on said lands as of February 15, 1995.

2. In the event a landowner described in section 10.4.C (8) a. shall discontinue the use and maintenance of livestock on lands described and provided to the Planning and Zoning Commission for a period of five (5) consecutive years, when such use shall not be reestablished, and the uses of the premises thereafter shall be in conformity with the regulations of the zone district in which the land is situated; provided, that the use and maintenance of a lesser number of the same general type of livestock on the described lands shall be deemed to conform to the historic herd size as recorded with the City Clerk and will allow the continued recognition of the historic herd size as the current existing land use.

3. The expansion or enlargement of a livestock herd shall be allowed only by the granting of a conditional use permit, zone change or variance, as provided by this ordinance and depending upon the particular circumstances and facts involved.

ix. The Rexburg City Mobile Home Ordinance shall apply in the entire area of city impact.

x. The Rexburg Subdivision Ordinance shall apply in the entire area of city impact area of city impact to all parcels or lots that are less than one acre in size.

d. To the extent that the provisions of this Chapter pertaining to the area of city impact conflict with any other

provisions of the Rexburg Development Code, the provisions set forth in this chapter shall govern with respect to Agriculture 1, Agriculture 2, and Rural Residential zoning districts.

## 8.5 Legal Description of Impact Area / Rexburg, Idaho Impact Area with Madison County Legal Description

Beginning at the Southeast Corner of Section 32, Township 6 North, Range 40 East,
thence South 200';

thence West parallel to the Section lines to a point on the westerly right-of-way line of Highway US 20;

thence northerly along the West right-of-way line of US 20 to a point that is on the South boundary of the N ½ of the NW ¼ of Section 25, said line is also the South boundary of the Lorin Widdison Addition;

thence westerly along the South boundary of the Widdison Addition to the West boundary of Section 25;

thence North along the Section line, said line also being the centerline of the Hibbard Highway to the NW Corner of the SW ¼ of the NW ¼ of Section 13, said line is also the South line of the J&M Subdivision;

thence East along the 1/16 line to a point where the 1/16 line intersections the easterly right-of-way line of Highway US 20;

thence northeasterly along the southern right-of-way line of US 20 to the Salem Highway.

thence North along the Section line to the NW Corner of the SW ¼ of the SW ¼ of Section 8;

thence East along the 1/16 line to the easterly right-of-way line of State Highway 33;

Thence southwesterly along the easterly right-of-way line of State Highway 33 to the North line of Section 17;

thence East along the North line of Section 17 to a point 200' East of the NE Corner of Section 17;

thence South, parallel to the Section line to the North line of the S1/2 of the SW1/4 of Section 16;

thence West 200' to the East line of Section 17;

thence South along the Section line to the centerline of the South Fork of the Teton River;

thence upstream easterly along the centerline of the River to the East line of the NW ¼ of Section 21;

thence South along the ¼ line to the interior quarter Corner of Section 21;

thence West along the ¼ Section line to the W¼ Corner of Section 21;

thence South along Sections 20, 29, and 32 to the SE Corner of Section 32, said point being the POINT OF BEGINNING

Excluding there from the area lying within the boundary that is currently within the existing City Limits of the City of Rexburg.

# CHAPTER 9: PEDESTRIAN EMPHASIS OVERLAY (PEO)

## DORMITORY HOUSING WITHIN A DEFINED AREA ADJACENT TO THE BYU-I CAMPUS

### SECTION I. **Amendments to Chapter 5 - Parking Regulations**

**Section 5.10.**

Parking requirements for dormitory housing units that are located within the Pedestrian Emphasis Overlay (PEO) (see attached boundaries or appendix of development code) may be reduced pursuant to a Conditional Use Permit (CUP) and subject to the following requirements and provisions:

a. The parking ratio per student within "Area 1" as identified on the attached exhibit map shall be reflective of a market demand as determined by the applicant or land owner, but may in some cases be reduced to zero parking spaces. However, other parking (vehicle and bicycle) is required for guests and management as specified below in Sections 9, 10, and 11.

b. The parking ratio within the area identified as "Area 2" on the exhibit map shall be a minimum of 0.5 spaces per student. Other parking (vehicle and bicycle) is required for guests and management as specified below in Sections 9, 10, and 11.

c. Parking areas (parking spaces and maneuvering areas) shall <u>not</u> be located within the required front yard.

d. Existing parking areas that are located within the required front yard shall be eliminated and restored to landscaping that includes the use of trees and shrubs.

e. In order to be eligible for the reduced parking ratios as permitted herein, the resulting structure must have ten (10) dwelling units or more. However, structures with fewer than ten (10) dwelling units may apply for a conditional use permit in order to qualify for reduced parking. This ordinance is not intended nor shall apply to any structure originally constructed as a single-family or duplex residential structure. Furthermore, all underlying zoning standards shall apply (e.g. dwelling density, permitted land uses, etc.).

f. Landscaped areas shall, through the use of trees and shrubs, deter the use of the required front yard as parking during the winter months when vehicles are not allowed to be parked overnight on City streets.

g. Landscaped front yards and other required buffer yards shall be delineated from parking areas by high-back curbing that will further discourage parking in the front yard.

h. Each property that utilizes this parking reduction shall clearly specify on all rental contracts or agreements whether or not a vehicle parking space is provided for that individual tenant.

i. Bicycle parking, shall be provided on a ratio of One (1) space per every ten (10) resident beds, as follows:

    i. Spaces may be in an open-air environment, but shall be placed on a hard surface such as concrete, asphalt, pavers, or other.

ii. A hard surface, such as concrete, asphalt, pavers, or other, shall connect bicycle storage area to either the internal parking lot, or a public right-of-way. Surface shall be a minimum of 5-feet in width or 6-feet in width if vehicle overhang will occur.

iii. Spaces shall have lighting that is motion activated. Lighting shall in no way shine on to adjacent rights-of-way or adjacent property, but shall be directed downward on to bicycle storage only. The City's lighting ordinance shall govern any other aspects not anticipated by this section.

iv. Parking areas shall not be located within the required front yard setback.

v. Signs shall be placed conspicuously that state that moped parking is allowed in areas of bicycle parking. Signs shall clarify that mopeds include either pedals, or have engines under 50cc.

j. One vehicle parking space shall be provided for on-site management and must be the City's full-size parking space standard.

k. One vehicle parking space per 10 residents shall be provided for guest parking. Guest parking shall be marked with signage that is clearly visible during all seasons of the year. These spaces shall not be included in the parking contract required to be entered into (see section #8 above). Guest parking spaces shall be the City's full-size parking space standard.

l. All sidewalks located along property shall be eight-foot minimum, installed and maintained per City standards,

m. By utilizing this parking reduction provision, the property owner, and future property owners agree to participate in a joint sidewalk maintenance agreement with other property located in the PEZ overlay that may be established in the future. Sidewalk maintenance shall include repairs as needed, and snow removal and deicing, as needed.

n. Sidewalks shall be maintained for safe passage during all seasons of the year. In the case of snow removal and de-icing, this safe passage must be insured by 6:00 A.M. every morning and continue until 10:30 P.M.

o. Property owners are encouraged to work with adjacent property owners to allow pedestrian access easements over property if a more direct route for pedestrians to BYU-I campus can be achieved.

p. Lighting fixtures on the property shall not exceed 15-feet in height. This would include wall mounted lights as well as parking lot lights and walkway lights. Any lighting that exists at the time a property wishes to implement this PEO parking standard shall be brought in to compliance with this standard and any other lighting standards per the City's lighting ordinance.

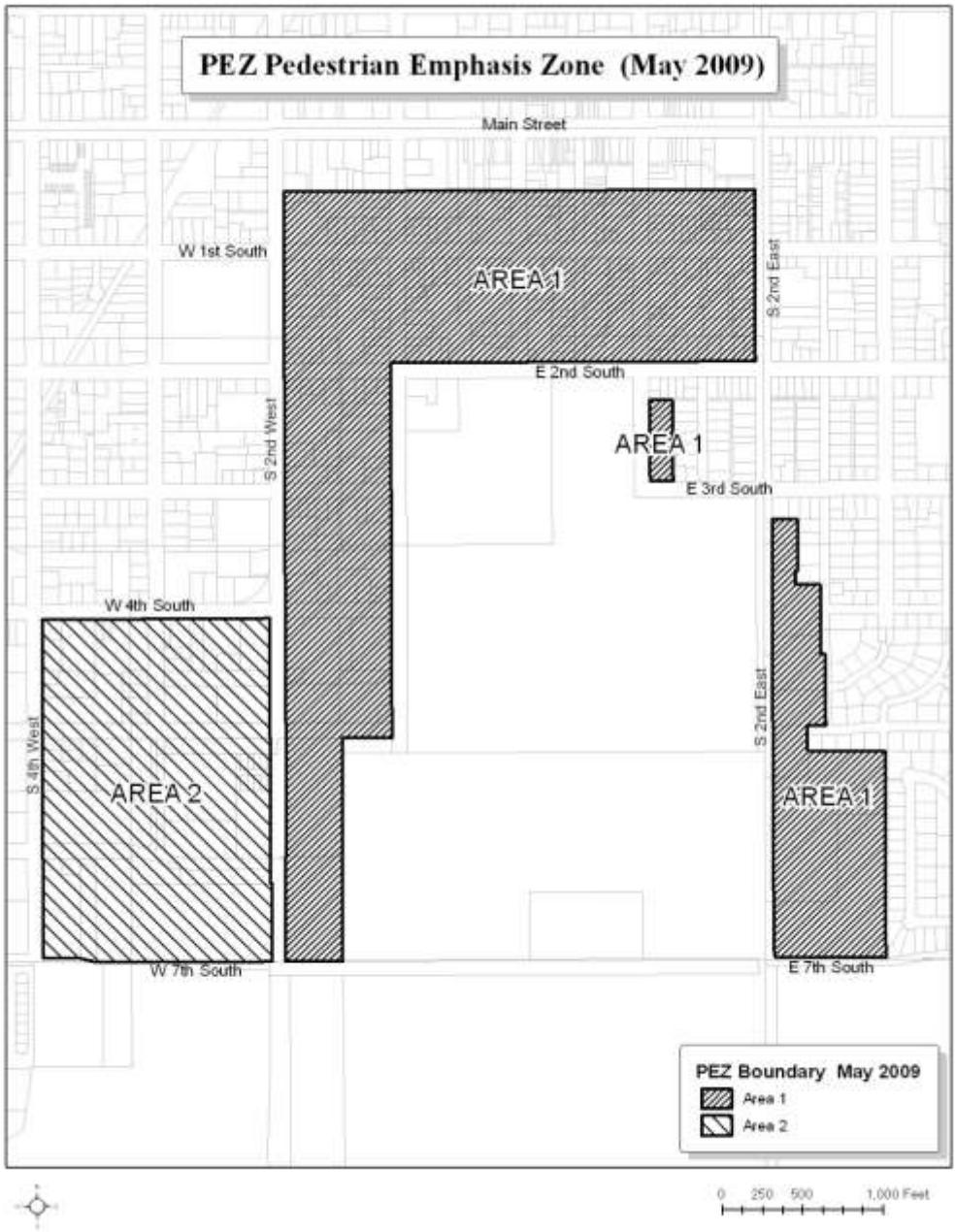
q. Every dwelling unit shall have a minimum of 150 square feet of gross floor area for every person living in dwelling unit.

r. No applications for expansion of the PEO boundaries shall be accepted for five (5) years from the passage of this ordinance in the hopes that infill will be maximized within the boundaries. The current boundaries coincide with a quarter mile (1/4) radius, a distance with the strong likelihood of pedestrian activity. When the boundaries are revisited, if it is determined that this ordinance has been effective but needs more time to maximize infill then the boundary should not be

expanded.

s. Qualifying developments cannot reduce their existing parking space ratio except to proportionally allow for additional on-site buildings, or for the restoration of required yard.

t. Qualifying developments shall be subject to future proportional share of pedestrian and vehicle enhancements implemented to facilitate movement to and from campus or businesses. This ordinance shall take effect and be in force from and after its passage and publication as required by law.



# CHAPTER 10: SIGNS IN REXBURG

**SECTION I.** Originated from Ordinance 908 (December 03, 2003); Repealed by Ordinance 1027 which was repealed by Ordinance 1115 (Chapter 10 - Development Code).

**SECTION II.** The purpose and objectives of this ordinance are:

a. To recognize signs are a necessary means of visual communication for the public's convenience, and businesses and individuals have the right to identify themselves and convey messages by using signs, and that signs are accessory and incidental to the use of the premises where they are located; and
b. To provide a reasonable balance between the right of an individual or a business to identify itself and to convey its message, and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs; and
c. To insure signs are compatible with adjacent land uses and with the total visual environment of the community, and the value of nearby property and economic health of the community, as a whole are protected; and
d. To provide minimum standards for regulating the size, height, structural materials/requirements and the duration of all signs, including temporary signs and displays on the outsides of buildings visible from the public rights-of-way; and
e. To enable the fair and consistent enforcement of these sign regulations; by regulating the location, construction, duration, number and maintenance of signs in order to enhance the aesthetic environment; and by promoting public safety, health and general welfare, and providing for the greater good of the community.

**SECTION III.** All externally located signs visible from the public right-of-way must be located and constructed in accordance with the following parameters with respect to the location of signs out of the public right-of-way, the maximum height of the signs, area of signs, clearance required for signs, allowed location of signs, allowed sign illumination, exemptions allowed by a Conditional Use Permit, types of a signs, sign permit fees, and sign permit requirements.

**a.** **Clear View of Intersecting Streets*:*** No sign may be placed or constructed so that any portion thereof is placed or projects into any public right-of-way. For the purpose of ensuring reasonable visibility and safety this ordinance shall prohibit the placement of signs within the sight triangle. The sight triangle applies to corner lots on intersecting City streets. The sight triangle is defined as follows: The triangle of land formed on any corner lot by drawing two (2) lines, starting at the same afore mentioned corner point heading away from each other along the lot lines, right-of-way lines, or prescribed right-of-way lines (whichever is applicable), a distance of thirty (30) feet and then connected by a diagonal line along the endpoints of the two (2) drawn lines forming a triangle.

**b.** **The maximum height:** Unless further restricted in this Sign Code, the maximum height of any free standing sign not located in the US 20 Interchange Boundaries (see figures 1,2&3 below) shall be twenty-four (24) feet from ground level to the top of the sign. On lots where a 24-foot free standing sign is allowed and the building height is greater than 24 feet, the maximum height of a free standing sign may be reviewed under a Conditional Use Permit for a taller free standing sign not to exceed the building height.

Free standing signs located in the US 20 Interchange boundaries (identified in figures 1,2 &3) shall have a maximum height of forty (40) feet from ground level to top of the sign. Each parcel located in the interchange boundary is allowed one (1) pole with sign(s) that is forty (40) feet from grade (see definition in Chapter 2). The Interchange sign boundary is defined by a fifteen hundred (1500) foot radius drawn

from the center of the highway interchange.

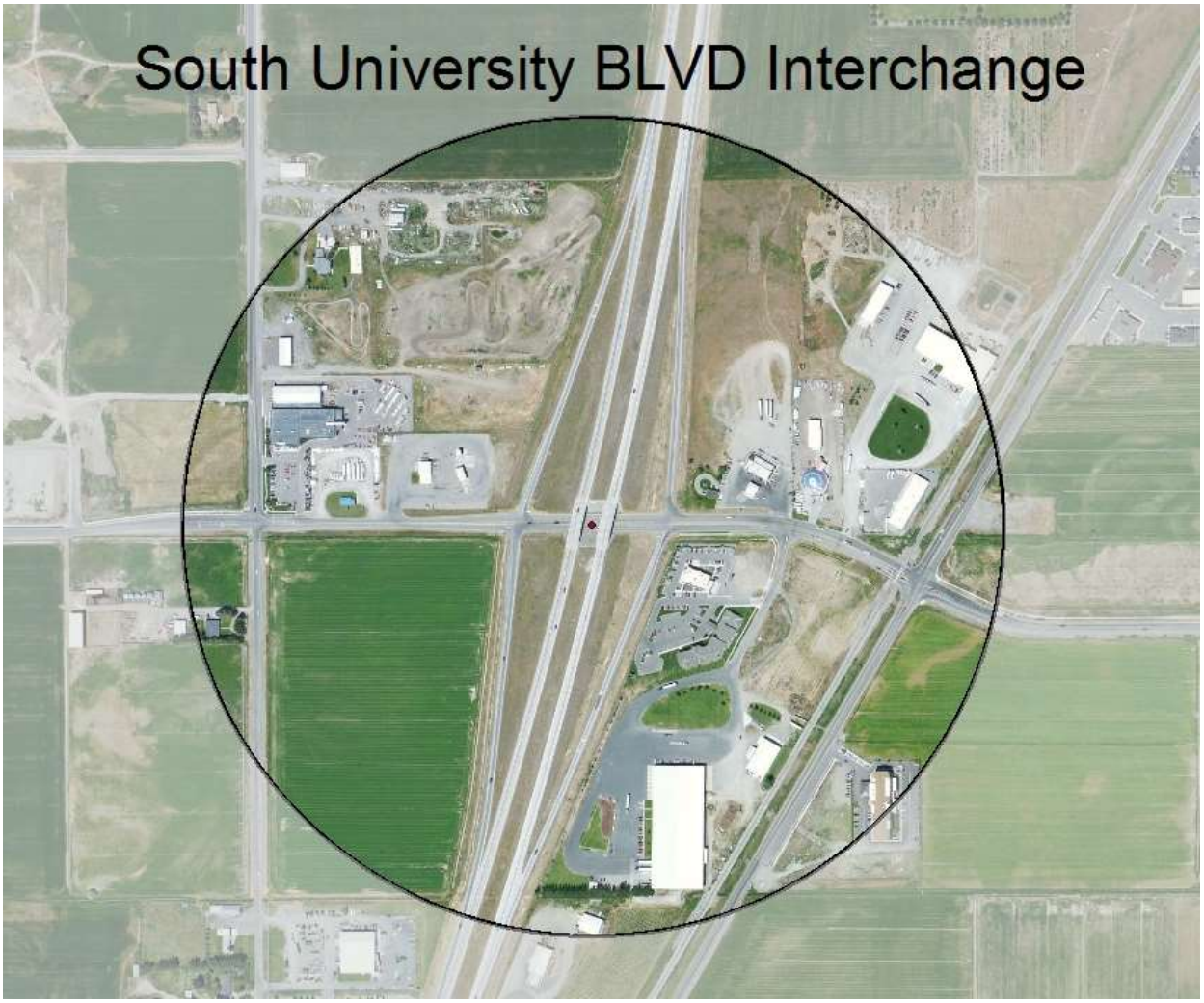



**FIGURE 1**

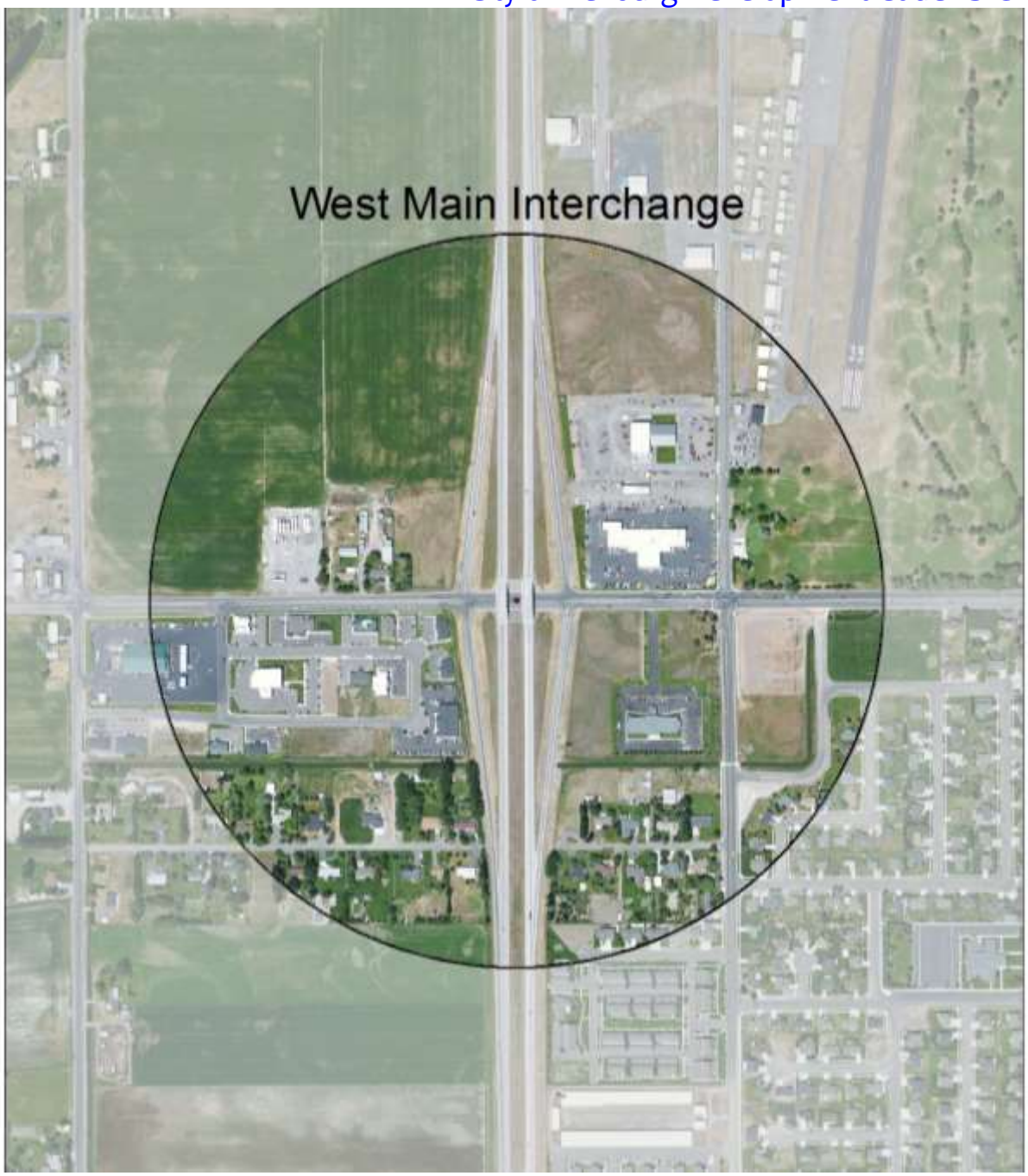



**FIGURE 2**

**FIGURE 3**

**c.** **<u>Definitions:</u>** Various types of signs and definitions relating to signs are attached as **Schedule "A"** hereto and incorporated as a part of this Ordinance. This Schedule is not intended to be all-inclusive, but is for definition purposes in assisting in the understanding and compliance with the intent of this Ordinance.

**d.** **<u>Use and Placement:</u>** **Schedule "B" including (3 spread sheets showing the separate Zones)** attached hereto, and by reference made a part hereof, is intended to set forth various types of signs, and the respective zones in which such signs shall be allowed.

**e.** **<u>Permits and Fees</u>**

*i.* *<u>Permits Required</u>*. Except as otherwise provided in this Code, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in this City, or cause the same to be done, without first obtaining a sign permit. A permit shall not be required for a change of copy of any sign, nor for the repainting, cleaning or other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued in accordance with this Code, provided that the sign or sign structure is not altered in any way.

*ii.* *Permission to Install*. No person shall erect, construct or maintain any sign upon any property or building without the consent of the owner or authorized representative of the owner.

*iii.* *Sign Not Regulated by the Code*. An application for any sign or advertising display or structure for which no specific regulation in this Ordinance is applicable shall be considered by the Planning and Zoning Commission under the Conditional Use Permit procedure as outlined in the Planning and Zoning Ordinance, and such application shall be approved or denied in harmony with the intent of these regulations.

*iv.* *Permit Fee*. An application fee shall be paid in accordance with the current fee schedule maintained by the City Clerk, as approved by the City Council.

**SECTION IV.** There shall hereafter be kept on file, in the offices of the City Clerk and the Building Department, three (3) copies of this sign code, duly certified by the Clerk, for use and examination by the public.

**SECTION V.** Any person, firm or corporation violating any provision of this Ordinance shall be guilty of a misdemeanor, and be subject to the following civil penalties or remedies:

a. If a sign is placed in or projects into any public right-of-way, or has been deemed unsafe by the building department and/or city engineer it may be immediately removed by the City at the owner's, sign company's and/or responsible person's expense.

b. If in violation of some other provision of this Ordinance, the City may cause a written notice to be given requiring that the violation be corrected within (14) days and if the owner, sign company and/or responsible person for the violation fails to comply, then the violator(s) shall be liable for civil penalties of up to $300. The City shall have the right to remove the sign at the violator's expense in addition to the aforementioned penalties for each day of violation.

c. The City may seek injunctive relief through the courts for enforcement of the provisions of this Ordinance and in addition to the relief sought shall also be entitled to its attorney's fees and costs.

**SECTION VI.** The sections of this Ordinance are severable and the invalidity of a section shall not affect the validity of the remaining sections, which should be construed as closely as possible with the overall purpose and intent of this Ordinance in the event any portion hereof is deemed to be invalid.

**SECTION VII.** This Ordinance shall become effective upon its passage, approval and publication in the manner provided by law.

# SCHEDULE "A"
# DEFINITIONS

**ANIMATED SIGN:**
A sign, any visible part of which moves, flashes, or changes color, regardless of the source of energy which causes the movement, flash, or, change of color.

**ARCHITECTURAL BLADE:**
A roof sign or projecting sign with no legs or braces which is an integral part of the building structure, rather than an object added to or standing on the building.

**AWNING:**
A projecting cover extending over a door, window or wall section with supports attached to the building and used as cover, protection, or as decoration.

**BACKGROUND AREA:**
The area comprising the message portion of a sign, not including the supporting structure, shall constitute the Background area. When computing the area of sign background, any single piece flat sign shall be calculated by measuring one side even though both sides may be used for advertising. (For example a 4'x 8' flat sign will be considered a 32 square feet background area.) For V shaped signs, or any other three dimensional sign shall have the area of sign background calculated by considering all sides of the sign facing the primary public right-of-way. This is irrespective of whether the back sides of the signs are used for advertising.

a. On pole signs the supporting structure does not count as part of the area of the sign. The area calculated in the wind loads calculation for the pole sign is for all intents and purposes, the background area of the sign.

b. On wall signs the background area of the sign is calculated by the following methods depending on which is most reasonably applicable as determined by the city.

   i. If only letters are being put on the wall then the area is computed by drawing rectangles around each letter to enclose the extremities of the letter, and then calculating the area enclosed within the rectangles.

   ii. If a cabinet or flat panel with letters is being put on the wall, then the area is the area of the extremities of the flat panel or cabinet like structure.

   iii. If an area is painted out in a different shade or color on a wall (*not matching the general background of the rest of the building*) for advertising with lettering or graphics, then the extremities of the entire painted out area will count as advertising area.

**BANNER:**
**Any non-rigid material**

**BILLBOARD:**
See definition for Off Premise Signs.

**BLANKETING**:
The partial or complete shutting off of the face of one sign by another sign.

**BUILDING FACE OR WALL:**
All windows and wall area of a building on one elevation.

**CANOPY SIGN OR MARQUEE SIGN:** A sign which is attached parallel to the faces of a canopy or marquee.

**CHANGEABLE COPY PANEL (READER BOARD):**
A sign display which is characterized by copy or illustration which may be modified at periodic intervals, regardless of the method.

**CONSTRUCTION SIGN:**
Any sign which warns people of construction or demolition for a project or which describes the project, builder, architect or others involved in the project.

**COPY:**
Any combination of letters or numbers that are intended to inform, direct or otherwise transmit information.

**DIRECTIONAL SIGN:**
Any sign which serves to designate the location or direction of any place or area.

a. If logos are put on the directional signs they are calculated in the area of the directional sign. In addition, the logos must be less area than the directional information to be considered a directional sign.

**FREE STANDING, DETACHED OR GROUND SIGNS:**
A sign, which is wholly supported by columns or other vertical supports in or upon the ground (*not part of building structure)*

**FRONTAGE:**
Distance measured along the property line which fronts upon a street or alley. To constitute frontage, the street or alley must provide access to abutting properties.

**HEIGHT OF SIGN:**
The distance measured vertically from the finished elevation of the ground where the sign is placed to the highest point of the sign or sign structure, whichever is higher.

**ILLUMINATED SIGN:**
A sign which uses a source of light for illumination.

**LIGHTED, DIRECT:**
Lighting, the source of which is visible to a viewer.

**LIGHTING, FLOOD LIT:**
Lighting, which is reflected from the surface of a sign or building.

**LIGHTING, INDIRECT OR INTERNAL:**
Lighting for which the source of light is located in such a manner that the light must travel through a translucent material other than the bulb or tube necessary to enclose the light source, which material has the effect of dispersing the light before it strikes the eye of the viewer.

**OFF-PREMISE SIGN:** Any sign used for the purpose of displaying, advertising, identifying or directing attention to a business, service, activity or place including products, or services sold or offered for sale on premise other than on the premises where such sign is displayed. (See schedule B for regulations)

**PORTABLE SIGN:**
A sign that is not affixed to the ground or another structure.

**PROJECTING SIGN:**
A sign that projects from, and is supported by a wall of a building or other structure.

a. If a sign is connected to wall it counts as part of wall signage
b. If a sign is connected to pole it counts as part of free standing signage

**PUBLIC SERVICE INFROMATION SIGN:**
A sign which provides general public service information such as time, date, temperature, weather, directional information and messages of interest to the traveling public, and which are commonly used to augment business identification signs.

**REAL, ESTATE OR PROPERTY FOR SALE, RENT OR LEASE SIGN:**
Any sign pertaining to the sale, lease or rental of land or buildings.

**SUPER GRAPHICS:**
Any abstract mosaic, mural or painting or graphic art technique or any combination thereof.

**SWINGING SIGN:**
A sign which is installed on an arm or spar, and which is not permanently fastened to an adjacent wall or upright pole.

**TEMPORARY SIGN:**
A sign which is intended to be displayed for no more than thirty (30) days consecutively, and is not permanently affixed. All devices such as search lights, twirling or sandwich type signs, sidewalk or curb signs and balloons or other air or gas filled figures are allowed, but may not be used more than sixty (60) days in total during any calendar year. Temporary signs are only intended for and therefore allowed in non-residential zones.

a. Unless otherwise regulated in this code (*such as construction sign or real estate or property for sale, rent or lease sign)* temporary signs must be reviewed by the planning and zoning administrator or designee for approval before being put up.

b. Temporary signs must be recorded and logged in at the city with the approval of the planning and zoning administrator or designee.

c. In general, temporary signs are reserved for limited activities important to the citizens of the City of Rexburg. Signs shall be located outside of the City right-of-way, be 32 sq. ft. or less, and in good taste for the surrounding environment, and must be maintained in good condition as to color, material integrity (fraying, tearing, etc.), and structural alignment.

d. Examples of uses of temporary signs are for big events such as the International Dance Festival, Rexburg Rush, close out sales, going out of business sales, or other events held at limited allotted times of year.

e. Signs located within the City right-of-way and authorized by the City are exempt from these regulations.

**UNDER CANOPY OR MARQUEE SIGN:**
A sign suspended below the ceiling or roof of a canopy or marquee.

**WALL SIGNS:**
A sign placed on the wall of a *building* as defined in the Rexburg City Planning and Zoning Ordinance.

a. For flat plane building structures the wall area can only be calculated by walls parallel and seen from one standard orthographic elevation view. No other walls can be added to this area in calculating the area of a sign allowed for that wall.

b. For dome or curved structures the wall signs cannot exceed the prescribed area of the curved or dome like structure as seen from a standard orthographic elevation view.

**SCHEDULE "B"**

**CBD, RBC, CBC, PO (not overlay), TOZ, LI, HI, and AP**

**SECTION I:** *FREE STANDING, ON PREMISE SIGNS* (BASIC SIGN SIZES & SIGN SIZE LOCATION FORMULAS)

**a. Maximum sign size = 200 sq. ft.** Maximum sign height to top of sign = 24ft. (*or building height* (*with conditional use permit).*

**b. An 80 sq. ft. sign** allowed for any single property up to 50,000 sq. ft. in lot size.

**c. For properties larger than 50,000 sq. ft. in area**, total allowable sign area (sq. ft.) would be increased by 0.0016 sq. ft. of sign for each sq. ft. of property in excess of 50,000 sq. ft.

**EXAMPLE 1:**
Lot Area = 125,386 sq. ft.
First 50,000 sq. ft. ---------- 80 sq. ft. of signage
Next 75,386 sq. ft. x 0.0016 sq. ft. sign/ sq. ft. prop. --121 sq. ft. of signage
Total allowable Sign Area------201 sq. ft.

This would allow one 200 sq. ft. sign OR one 100 sq. ft. sign + one 101 sq. ft. sign or some other similar combination of signs whose total area would not exceed 201 sq. ft.

**EXAMPLE 2:**
Lot area = 245,678 sq. ft.
First 50,000 sq. ft. ---------- 80 sq. ft. of signage
Next 195, 678 sq. ft. x 0.0016 sq. ft. sign/ sq.ft. prop. -- 313 sq. ft. of signage.
Total allowable Sign Area ---------- 393 sq. ft.

This would allow one 200 sq. ft. sign, a 100 sq. ft. sign and a 93 sq. ft. sign or any other similar combination of sign sizes whose total area would not exceed 393 sq. ft.

**EXAMPLE 3:**
Lot area = 845,979 sq. ft.
First 50,000 sq. ft. ---------- 80 sq. ft. of signage
Next 795,979 sq. ft. x 0.0016 sq. ft. sign/ sq.ft. prop. —1,274 sq. ft. of signage
Total allowable Signage---------- 1,354 sq. ft.

This would allow for six 200 sq. ft. signs and one 154 sq. ft. sign.

**d. Clear distance between signs:**

$$\frac{\text{Area of Sign 1 + Area of Sign 2}}{\text{Distance between Sign 1 \& sign 2}} \text{ must be equal to or less than 2.0}$$

**EXAMPLE:** $\frac{\text{200 sq. ft. (Area Sign 1) + 200 sq. ft. (Area Sign 2)}}{\text{200 ft. (Distance between Sign 1 \& Sign 2 (permissible)}} = 2.0$

**Therefore 2 signs, each having the maximum size of 200 sq. ft. each, would have to be 200 ft. apart or greater.**

**EXAMPLE:** $\frac{\text{200 sq. ft. (Area Sign 1) + 100 sq. ft. (Area Sign 2)}}{\text{155 ft. (Clear distance between Sign 1 \& Sign 2}}$ = 1.94

1.94 is permissible

**To find minimum distance between signs divide by 2.0**

**EXAMPLE:** $\frac{\text{200 sq. ft. (Area Sign 1) + 100 (Area of Sign 2)}}{2.0}$ = 150 ft.

**Clear distance between signs need to be 150 ft. or greater**

**EXAMPLE:** $\frac{\text{150 sq. ft. (Area of Sign 1) + 125 (Area of Sign 2)}}{\text{109 ft. (Clear distance between Sign 1 \& Sign 2)}}$ = 2.523

2.523 is not permissible therefore 109 ft. is too small. To find the minimum clear distance you would have to do the following:

$\frac{\text{(150 sq. ft. + 125 sq. ft.)}}{2.0}$ = 137.5 ft.

therefore 137.5 ft. or greater is permissible

**EXAMPLE:** $\frac{\text{80 sq. ft. (Area of Sign 1) + 80 sq. ft. (Area of Sign 2)}}{\text{85 ft. (Clear distance between Sign 1 \& Sign 2)}}$ = 1.88

1.88 is permissible

**e. Distance from property lines**. $\frac{\text{Sign Area}}{10}$ =

**Distance from sign to nearest adjacent property line.**
(Not street right-of-way (ROW) line.)

**EXAMPLE:** $\frac{\text{200 sq. ft. (Sign Area)}}{10}$ = 20 ft.

20 ft. = distance from sign to nearest adjacent property line

**EXAMPLE:** $\frac{\text{80 sq. ft. (Sign Area)}}{10}$ = 8 ft.

8 ft. = distance from sign to nearest adjacent property line

The distance between the aforementioned sign examples would require the signs to be:

$\frac{\text{200 sq. ft. + 80 sq. ft.}}{2}$ = 140 ft. apart. Factor of 2 or less

**f. Any banners on property** other than wall banners must meet and are included as part of freestanding sign area unless considered temporary and approved by the Rexburg City Building Department.

SECTION II: **ALLOWABLE SIGN AREAS FOR WALL SIGNS**
***(INCLUDING PROTRUDING SIGNS & ROOF SIGNS)***

a. **Maximum Area of Wall Sign Allowed = 10%** of the area of the building wall for walls located within 0 ft. to 100 ft. from the street ROW (right-of-way) line.

**b.** **Maximum Area of Wall Sign Allowed = 12%** of the area of the building wall for walls located within 100 ft. to 200 ft. from the street ROW (right-of-way) line.

**c.** **Maximum Area of Wall Sign Allowed = 14%** of the area of the building wall for walls located more than 200 ft. from the street ROW (right-of-way) line.

i. **Wall banners up for 60 days or less are considered temporary; all others are considered permanent as shall adhere to applicable sign standards.** These banners must be logged and recorded with the City of Rexburg to assure time and condition limitations are being followed. These banners may be up with permanent wall signs as long as the coverage does not exceed 20% of wall. This 20% coverage is the total of the permanent and temporary signs combined. Any banners up for more than sixty (60) consecutive days are considered permanent and must adhere to permanent sign standards. These banners will be covered as aforementioned in maximum area (*depending on distance from right-of-way (ROW)* of wall signs and must have a sign permit. A business wishing to have an area for wall mounted banner signs that allow interchangeability of promotional signs may do so by providing a tasteful, permanent looking frame that does not include strings or other temporary looking devices. These "permanent" banner sign locations shall be counted towards maximum wall sign allotment, and does not include the wall banner 20% provision. All framed banners shall be sized appropriately for the frames so that there shall be no gaps between sign and frame edging and so that the banner does not overhang the frame in any way.

SECTION III: **ALLOWABLE "SIGN SIZE" and "SIGN PERMIT CONDITIONS" BY ZONE**

a. **Construction Signs** are defined as temporary and they must be removed **within thirty day**s of project completion.

b. Applications are through the Building Department (BD).

c. **Zones: CBC, RBC, CBD, PO (not overlay), TOZ, LI, HI, and AP**

| **Type** | **Sign Area (Sq. Ft)** | **Max Height** | **Location From Property Line** | **Lighting Style** | **Restrictions** | **(BD) or (CUP)** |
|---|---|---|---|---|---|---|
| Rent | 32 | 10 | 5 feet | None | 1 per street frontage | BD |
| Lease | 32 | 10 | 5 feet | None | 1 per street frontage | BD |
| Sale | 32 | 10 | 5 feet | None | 1 per street frontage | BD |
| Construction & Temporary | 32 | 12 | 5 feet | None | 1or more With max. 96 SQ. FT. | BD |
| Directional | 6 | Code | Code | Internal | Code | BD |

| | | | | | | |
|---|---|---|---|---|---|---|
| Public Service | 6 | Code | Public ROW | Internal | Code | CUP |
| Accessory On premise Wall signs | Sec. II | 8 ft. over Building | | | Single story Less than 30 feet | BD |
| Accessory On premise Wall signs | Sec. II | 6 ft. over Building | | | Buildings greater than 30 feet | BD |
| Projected Signs | Sec. II | Sec. II | Not in Public ROW Blade Signs Allowed | Sec. II | Sec. II | Public ROW w/CUP |
| Marquee & Canopy | Sec. II | No Pro-jections | Face Parallel w/sign | Indirect Internal | 1 per street frontage | CUP |
| Under Marquee & Canopy | Sec. II Length Only 75% Of sign Width | 8 ft. Min. Clearance To Ground | Code | Internal | 1 per Business | BD |
| Non-Accessory Off Premise Free standing or Wall | 32 | 10 ft. Max. Height | Sec. I Sec. II | Indirect Internal Floodlit | 1 per property (Wall or Free Standing) | CUP |
| Accessory On-Premise Free Standing | Sec. I | 24 ft. Max or Bldg. Height w/CUP | Sec. I | Indirect Direct Internal | Sec. I | BD or CUP |
| Portable signs (A-frame style) | Sec. I | 4 ft. Max. | Sec. I Not in Public ROW | None | Only allowed as Temporary Signs. | BD |

C1. **Zones**: TAG1, TAG2, RR1, RR2, RBD, LDR1, LDR2, LDR3

| **Type** | **Sign Area (Sq. Ft)** | **Max Height** | **Location From Property Line** | **Lighting Style** | **Restrictions** | **(BD) or (CUP)** |
|---|---|---|---|---|---|---|
| Rent | 6 | 6 | 5 feet + | None | 1 per street frontage | BD |
| Lease | 6 | 6 | 5 feet + | None | 1 per street frontage | BD |
| Sale | 6 | 6 | 5 feet + | None | 1 per street frontage | BD |

| | | | | | | |
|---|---|---|---|---|---|---|
| Home Occupation | 2 | Limited by Wall | Must be Parallel To wall | None | 1 per street frontage | BD |
| Construction | 32 | 8 | 5 feet + | None | 1or more With max. Total of 96 SQ. FT. | BD |
| PUD, Subdivision Identification | 64 | 8 | 5 feet + | Indirect Internal | 1or more With max. total of 64 SQ. FT. | CUP |
| Directional | 6 | Code | Public ROW | Internal | Code | CUP |
| Public Service | 6 | Code | Public ROW | Internal | Code | CUP |
| All other signs Prohibited | | | | | | |
| | | | | | | |

C2. **Zones**: MDR1, MDR2, HDR1, HDR2

| **Type** | **Sign Area (Sq. Ft)** | **Max Height** | **Location From Property Line** | **Lighting Style** | **Restrictions** | **(BD) or (CUP)** |
|---|---|---|---|---|---|---|
| Rent | 32 | 10 | 5 feet + | None | 1 per street frontage | BD |
| Lease | 32 | 10 | 5 feet + | None | 1 per street frontage | BD |
| Sale | 32 | 10 | 5 feet + | None | 1 per street frontage | BD |
| Home Occupation | 2 | Limited by Wall | Must be Parallel To wall | None | 1 per street frontage | BD |
| Construction | 32 | 12 | 5 feet + | Indirect Internal | 1or more With max. 96 SQ. FT. | BD |
| PUD, Subdivision Identification | 64 | 8 | 5 feet + | Indirect Internal | 1or more With max. 64 SQ. FT. | CUP |
| Directional | 6 | Code | Not in Sight Triangle | None | Code | CUP |
| Public Service | 6 | Code | Public ROW | None | Code | CUP |
| Project signs for Identification Attached/detached 50 sq. ft. Max. | 1 sq. ft. Per 3 Lineal ft. Of bldg. | 12 | Bldg. wall Facing the Street | Indirect Internal | Not in set-back Or higher than The eave line; 1 per parcel | CUP |

| | | | | | | |
|---|---|---|---|---|---|---|
| All other signs Prohibited | | | | | | |
| | | | | | | |

C3 **Zones**: PROFESSIONAL OFFICE OVERLAY, NBD, and MU

| **Type** | **Sign Area (Sq. Ft)** | **Max Height** | **Location From Property Line** | **Lighting Style** | **Restrictions** | **(BD) or (CUP)** |
|---|---|---|---|---|---|---|
| Rent | 32 | 10 | 5 feet + | None | 1 per street frontage | BD |
| Lease | 32 | 10 | 5 feet + | None | 1 per street frontage | BD |
| Sale | 32 | 10 | 5 feet + | None | 1 per street frontage | BD |
| Home Occupation | 2 | Limited by Wall | Must be Parallel To wall | None | 1 per street frontage | BD |
| Construction & Temporary | 32 | 12 | 5 feet + | Indirect Internal | 1or more With max. 96 SQ. FT. | BD |
| PUD, Subdivision Identification | 64 | 8 | 5 feet + | None | 1or more With max. 64 SQ. FT. | CUP |
| Directional | 6 | Code | Not in Sight Triangle | None | Code | CUP |
| Public Service | 6 | Code | Public ROW | None | Code | CUP |
| Accessory On-Premise, Wall, Free Standing, or Canopy Marquee 50 Sq. ft. Max. | 1 sq. ft. Per 3 Lineal ft. Of bldg. | Less than Height of Wall; FS Max. 12 Feet high | Bldg. wall Facing the Street | Indirect Internal Flood light | 1 per parcel | CUP |
| Open Lands | Code | Code | Code | Code | Code | BD |
| All other signs Prohibited | | | | | | |

# CHAPTER 11: CELL TOWERS

**Section 1: Purpose.** The purpose of this ordinance is to establish general guidelines for the sitting of wireless communications towers and antennas. The goals of this ordinance are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, sitting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful sitting of tower structures. In furtherance of these goals, City of Rexburg shall give due consideration to the [Municipality's] master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

**Section 2: Definitions.** As used in this ordinance, the following terms shall have the meanings set forth below:

a. "Alternative tower structure" means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

b. "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

c. "Backhaul network" means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

d. "FAA" means the Federal Aviation Administration.

e. "FCC" means the Federal Communications Commission.

f. "Height" means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

g. "Preexisting towers and preexisting antennas" means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

h. "Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

**Section 3: Applicability.**

a. New Towers and Antennas. All new towers or antennas in City of Rexburg shall be subject to these regulations, except as provided in Sections 3(b) through (d), inclusive.

b. Amateur Radio Station Operators/Receive Only Antennas. This ordinance shall not govern any tower, or

the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

c. Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Sections 4(f) and 4(g).

**Section 4. General Requirements.**

a. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

b. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

c. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Planning and Zoning Department an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of City of Rexburg or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Planning and Zoning Department may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of City of Rexburg, provided, however that the Planning and Zoning Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

d. Aesthetics. Towers and antennas shall meet the following requirements:

i. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

ii. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

iii. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

e. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

f. State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

g. Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall

ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City of Rexburg concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner=s expense.

h. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in City of Rexburg irrespective of municipal and county jurisdictional boundaries.

i. Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.

j. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in City of Rexburg have been obtained and shall file a copy of all required franchises with the Planning and Zoning Department.

k. Public Notice. For purposes of this ordinance, any Conditional Use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Section 7(b) (5) (ii), Table 2, in addition to any notice otherwise required by the Zoning Ordinance.

l. Signs. No signs shall be allowed on an antenna or tower.

m. Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 8.

n. Multiple Antenna/Tower Plan. City of Rexburg encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

**Section 5. Permitted Uses.**

a. General. The uses listed in this Section are deemed to be permitted uses and shall not require administrative approval or a special use permit.

b. Permitted Uses. The following uses are specifically permitted:

i. Antennas or towers located on property owned, leased, or otherwise controlled by the City of Rexburg provided a license or lease authorizing such antenna or tower has been approved by City of Rexburg.

**Section 6. Administratively Approved Uses.**

a. General. The following provisions shall govern the issuance of administrative approvals for towers and antennas.

i. The Planning and Zoning Department may administratively approve the uses listed in this Section.

ii. Each applicant for administrative approval shall apply to the Planning and Zoning Department providing the information set forth in Sections 7(b)(1) and 7(b)(3) of this ordinance and a nonrefundable fee as established by resolution of Council to reimburse City of Rexburg for the costs of reviewing the application.

iii. The Planning and Zoning Department shall review the application for administrative approval and determine if the proposed use complies with Sections 4, 7(b) (4) and 7(b) (5) of this ordinance.

iv. The Planning and Zoning Department shall respond to each such application within sixty (60) days after receiving it by either approving or denying the application. If the Planning and Zoning Department fails to respond to the applicant within said sixty (60) days, then the application shall be deemed to be approved.

v. In connection with any such administrative approval, the Planning and Zoning Department may, in order to encourage shared use, administratively waive any zoning district setback requirements in Section 7(b)(4) or separation distances between towers in Section 7(b)(5) by up to fifty percent (50%).

vi. In connection with any such administrative approval, the Planning and Zoning Department may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

vii. If an administrative approval is denied, the applicant shall file an application for a Conditional Use permit pursuant to Section 7 prior to filing any appeal that may be available under the Zoning Ordinance.

b. List of Administratively Approved Uses. The following uses may be approved by the Planning and Zoning Department after conducting an administrative review:

i. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial or heavy commercial zoning district.

ii. Locating antennas on existing structures or towers consistent with the terms of subsections (a) and (b) below.

1. Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Planning and Zoning Department as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, provided:

a. The antenna does not extend more than thirty (30) feet above the highest point of the structure;

b. The antenna complies with all applicable FCC and FAA regulations; and

c. The antenna complies with all applicable building codes.

2. Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the Planning and Zoning Department and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

a. A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Planning and Zoning Department allows reconstruction as a monopole.

b. Height

c. An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the collocation of an additional antenna; except, the tower may not exceed the elevation of the Rexburg water tower.

d. The height change referred to in subsection (iii) (a) may only occur one time per communication tower.

e. The additional height referred to in subsection (iii) (a) shall not require an additional distance separation as set forth in Section 7. The tower's pre-modification height shall be used to calculate such distance separations.

i. Onsite location

1. A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within fifty (50) feet of its existing location.

2. After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

3. A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to section 7(b) (5).

The relocation of a tower hereunder shall in no way be deemed to cause a violation of Section 7(b) (5).

4. The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in Section 7(b)(5) shall only be permitted when approved by the Planning and Zoning Department.

ii. New towers in non-residential zoning districts. Locating any new tower in a non-residential zoning district other than industrial or heavy commercial, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the Planning and Zoning Department concludes the tower is in conformity with the goals set forth in Section 1 and the requirements of Section 4; the tower meets the setback requirements in Section 7(b)(4) and separation distances in Section 7(b)(5); and the tower meets the following height and usage criteria:

1. for a single user, up to ninety (90) feet in height;

2. for two users, up to one hundred twenty (120) feet in height; and

3. for three or more users, up to one hundred fifty (150) feet in height; Except, the tower may not exceed the elevation of the Rexburg water tower.

iii. Locating any alternative tower structure in a zoning district other than industrial or heavy commercial that in the judgment of the Planning and Zoning Department is in conformity with the goals set forth in Section 1 of this ordinance.

iv. Installing a cable micro cell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

**Section 7. Conditional Use Permits.**

a. General. The following provisions shall govern the issuance of special use permits for towers or antennas by the Planning Commission:

i. If the tower or antenna is not a permitted use under Section 5 of this ordinance or permitted to be approved administratively pursuant to Section 6 of this ordinance, then a special use permit shall be

required for the construction of a tower or the placement of an antenna in all zoning districts.

ii. Applications for special use permits under this Section shall be subject to the procedures and requirements of Chapter 6.13 [Chapter on Conditional uses] of the Zoning Ordinance, except as modified in this Section.

iii. In granting a Conditional Use Permit, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

iv. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

v. An applicant for a Conditional Use Permit shall submit the information described in this Section and a non-refundable fee as established by resolution of the Council to reimburse City of Rexburg for the costs of reviewing the application.

b. Towers.

i. Information required. In addition to any information required for applications for Conditional Use Permits pursuant to Chapter 6.13 [Chapter on Conditional Uses] of the Zoning Ordinance, applicants for a Conditional Use Permit for a tower shall submit the following information:

1. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning, Master Plan classification of the site and all properties within the applicable separation distances set forth in Section 7(b)(5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, site elevations, parking, and other information deemed by the Planning and Zoning Department to be necessary to assess compliance with this ordinance.

2. Legal description of the parent tract and leased parcel (if applicable).

3. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and un-platted residentially zoned properties.

4. The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 4(c) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

5. A landscape plan showing specific landscape materials.

6. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

7. A description of compliance with Sections 4(c), (d), (e), (f), (g), (j), (l), and (m), 7(b) (4), 7(b) (5) and all applicable federal, state or local laws.

h. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

i. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.

j. A description of the suitability of the use of existing towers, other structures or alternative

technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

k. A description of the feasible location(s) of future towers or antennas within the City of Rexburg based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

ii. Factors Considered in Granting Conditional Use Permits for Towers. In addition to any standards for consideration of Conditional Use Permits applications pursuant to Chapter 6.13 [Chapter on Conditional uses] of the Zoning Ordinance, the Planning Commission shall consider the following factors in determining whether to Conditional Use Permits, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this ordinance are better served thereby:

1. Height and elevation of the proposed tower;

2. Proximity of the tower to residential structures and residential district boundaries;

3. Nature of uses on adjacent and nearby properties;

4. Surrounding topography;

5. Surrounding tree coverage and foliage;

6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

7. Proposed ingress and egress; and

8. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 7(b)(3) of this ordinance.

iii. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's a proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area which meets applicant's engineering requirements.

2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower

or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

7. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro cell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

iv. Setbacks. The following setback requirements shall apply to all towers for which a Conditional Use Permit is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:

1. Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.

2. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

v. Separation. The following separation requirements shall apply to all towers and antennas for which a Conditional Use Permit is required; provided, however, that the Planning Commission may reduce the standard separation requirements if the goals of this ordinance would be better served thereby.

1. Separation from off-site uses/designated areas.

a. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.

b. Separation requirements for towers shall comply with the minimum standards established in Table 1.

**Table 1:**

| Off-site Use/Designated Area | Separation Distance |
|---|---|
| Single-family or duplex residential units[1] | 200 feet or 300% height of tower whichever is greater |
| Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired | 200 feet or 300% height of tower[2] whichever is greater |
| Vacant un-platted residentially zoned lands[3] | 100 feet or 100% height of tower whichever is greater |
| Existing multi-family residential units greater than duplex units | 100 feet or 100% height of tower whichever is greater |
| Non-residentially zoned lands or non-residential uses | None; only setbacks apply |

[1]Includes modular homes and mobile homes used for living purposes.
[2]Separation measured from base of tower to closest building setback line.
[3]Includes any un-platted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.

2. Separation distances between towers.

   a. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower.

      The separation distances (listed in linear feet) shall be as shown in Table 2.

**Table 2:**

Existing Towers - Types

| | Lattice | Guyed | Monopole 75 Ft in Height or Greater | Monopole Less Than 75 Ft in Height |
|---|---|---|---|---|
| Lattice | 5000 | 5000 | 1,500 | 750 |
| Guyed | 5000 | 5000 | 1,500 | 750 |
| Monopole 75 Ft in Height or Greater | 1,500 | 1500 | 1,500 | 750 |
| Monopole Less Than 75 Ft in Height | 750 | 750 | 750 | 750 |

vi. Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Planning Commission may waive such requirements, as it deems appropriate.

vii. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Planning Commission may waive such requirements if the goals of this ordinance would be better served thereby.

   1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

   2. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

viii. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum

extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

**Section 8. Buildings or Other Equipment Storage.**

a. Antennas Mounted on Structures or Rooftops. Towers or associated cabinets are not allowed on roof tops or existing structures.

b. Antenna's Support Cabinets. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

i. In residential districts, the equipment cabinet or structure may be located:

1. In a front or side yard provided the cabinet or structure is no greater than 8 feet in height or 100 square feet of gross floor area and the cabinet/structure is located a minimum of 25 feet from all front yard lines and 6 feet from side yard setbacks, (lot lines). The cabinet/structure shall be screened by an evergreen hedge with an initial height of at least 42-48 inches.

2. In a rear yard, provided the cabinet or structure is no greater than 8 feet in height or 100 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 48 inches.

ii. In commercial or industrial districts, the equipment cabinet or structure shall be no greater than 8 feet in height or 169 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by solid fence 6 feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches.

c. Antennas Located on Towers. The related unmanned equipment structure shall not contain more than 100 square feet of gross floor area or be more than 8 feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

d. Modification of Building Size Requirements. The requirements of Sections 8(a) through (c) may be modified by the Planning and Zoning Department in the case of administratively approved uses or by the Planning Commission in the case of uses permitted by special use to encourage collocation.

**Section 9. Removal of Abandoned Antennas and Towers.**

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the City of Rexburg notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) day shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users' cease using the tower.

**Section 10. Nonconforming Uses.**

a. No Expansion of Nonconforming Use. Towers that are constructed and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

b. Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting

tower shall comply with the requirements of this ordinance.

c. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding Section 9, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a Conditional Use Permit and without having to meet the separation requirements specified in Sections 7(b)(4) and 7(b)(5). The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 9.

# CHAPTER 12: SUB-DIVISION CODE

The Sub-division code for the City of Rexburg, Idaho, establishing requirements for subdividing of land within the city and within the area of city impact; defining terms; establishing procedures for processing plats; adopting general design standards; establishing street and utility requirements for new subdivisions; regulating special developments; repealing ordinance 658 and all ordinances and parts of ordinances in conflict herewith.

CHAPTER 1:

**SECTION 1.1 TITLE**

This Section shall be cited as the Rexburg Subdivision Section of the Rexburg Development Code.

**SECTION 1.2 AUTHORITY AND PURPOSE**

The regulations are authorized by Title 50, Chapter 13 and Title 67, Chapter 65 of the Idaho Code, as amended or subsequently codified and Article 12, Section 2 of the Idaho Constitution. The purposes of these regulations are to promote the public health, safety, general welfare, and to provide for but not be limited to the following:

1. Harmonious development of the area.
2. Coordination of streets and roads within the subdivision with other existing or planned streets and roads.
3. Adequate open space for travel, light, air and recreation.
4. Conservation of or provisions for adequate transportation, water drainage and sanitary facilities.
5. Avoidance of population congestion as would involve danger or injury to health, safety, or general welfare by reason of:
   a. Lack of water supply, drainage, transportation, or other public services; or
   b. Unnecessary imposition of an excessive expenditure of public funds for the supply of such services.
6. Requirements as to the extent and manner in which:
   a. Roads shall be created and improved; and water and sewer and other utility mains; piping connections, or other facilities shall be installed as conditions precedent to the approval of a plat.
7. Manner and form of making and filing of any plat.
   a. Administration of these regulations by defining the powers and duties of approval authorities; including procedures for the equitable review and approval of all plats or subdivisions covered by these provisions.

**SECTION 1.3 JURISDICTIONS**

These regulations shall apply to the subdividing of all land within the city and shall include the following:

1. The subdivision of land into three (3) or more parcels for transfer of ownership. All of said lots or parcels created pursuant to this ordinance shall front upon a publicly maintained street unless specifically approved by this ordinance or the Council after recommendation of the Commission.

2. The dedication of any street or alley through or along any tract of land except where such dedication is initiated at the requirement of a public body.

Condominium Projects:

a. Condominium projects as permitted by Idaho statutes. Additionally, the Council may regulate and attach conditions to the design concepts and location of buildings, the creation, shape and size of condominium units, the provisions and maintenance of open space, off-street parking, and other related provisions as determined by the Council. Unless accepted pursuant to the provisions of this ordinance, the Commission and Council shall require the installation of public improvements and utilities for condominium projects as required under the provisions of this ordinance.
b. For the purpose of administering these subdivision regulations the City may consider a condominium development as a single building, requiring one (1) front yard, two (2) side yards, a rear yard, and other regulations pertinent to a given lot and may grant such exceptions as are necessary to the subdivision regulations to permit such development.

3. The re-subdivision of a parcel of land into more than one (1) parcel except as provided in the exceptions listed below:
   a. A re-adjustment of lot lines which does not reduce the area, a frontage, width, depth, or building setback lines below the minimums required in the Zoning Regulation.
   b. A subdivision of land into parcels that are larger than 40 acres or are lots in a section of land all as shown on the official U.S. Government General Land Office Township Survey maps including re-subdivisions thereof, all of which shall be designated exclusively for agricultural purposes, and which does not involve any new street dedication or the creation of private easement accesses to lots or parcels which could otherwise be provided access to a publicly dedicated street. (See definition of exclusive agriculture).
   c. An allocation of land in the settlement of an estate or a court decree for the distribution of property thereunder with the stipulation that the land may not be divided into more than four (4) parcels with a minimum size per parcel to be five (5) acres, create lots that do not meet the requirements of the underlying zoning.
   d. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code and when the dedication of a right of way for public purposes is initiated by a public body.
   e. The exchange of land for the purpose of straightening property boundaries or adding land to existing parcels by trade or sale which does not result in change of the present land use or in any way result in land parcels which do not meet existing zoning and other regulations.

**SECTION 1.4 DEFINITIONS**

For the purpose of this ordinance certain words, terms and phrases are defined as follows:

1. **Agriculture, Exclusive** for purposes of interpreting the Idaho Code related to this ordinance on lands designated as exclusively agriculture in use, the following conditions apply:

All such lots shall be for agricultural purposes as the primary use of the land parcel. To determine primary use, the use of land parcel shall be clearly for tilling of soil, horticulture, floriculture, forestry, viticulture, raising crops, raising livestock, farming, dairying and animal husbandry, including uses customarily accessory and incidental thereto, but excluding slaughter houses and commercial feet lots. Land shall not be defined as exclusively agricultural in use when determined to be a land development program where subdivision of and is evident for sub-urban residential development life style purposes.

2. **Block -** The space along one side of a street between the two nearest intersecting streets, or between and intersecting street and a right-of-way, waterway or other similar barrier, whichever is lesser.
3. **Board** - The Madison Board of County Commissioners hereinafter referred to as the Board.
4. **Council** - The Rexburg City Council hereinafter referred to as the Council.
5. **City Engineer** - An Idaho Registered Professional Engineer designated by the City to represent the City's engineering interests.
6. **City Impact Area** - That unincorporated area contiguous to the Rexburg City Limits officially adopted as the "Area of Impact".
7. **Commission -** The Rexburg City Planning and Zoning Commission hereinafter referred to as Commission.
8. **Common Area -** that area delineated on a plat which is held in common ownership by owners of land within the platted area.
9. **Comprehensive Plan** - The comprehensive plan for the City of Rexburg, or parts thereof, projecting future growth and development and for the general location and coordination of street and highways, schools and recreation areas, public building sites and other facilities, which shall have been duly adopted. This plan shall comply with the Idaho Code as adopted or amended.
10. **Condominium** - An estate consisting of (1) an undivided interest in common in real property, together with (2) a separate interest in real property, or any combination thereof.
11. **Conditional Approval** - An affirmative action by the Commission indicting the approval is given subject to certain specified stipulations.
12. **County Engineer** - An Idaho Registered Professional Engineer or consulting Engineering firm designated by the Board to represent the County's engineering interests.
13. **Dedication** - The setting apart of land or interest in land for use by the public. Land becomes dedicated when accepted as a public dedication either by ordinance, resolution, or entry in the official minutes of the City or by the recording of a plat showing such dedication.
14. **Development Master Plan (DMP) -** A preliminary master plan for the development of a large, unusual or complicated land area, the platting of which is expected in progressive stages. A DMP may be designed by a sub-divider, planner, or engineer and shall be subject to approval of the Commission, except that a DMP does not fulfill the requirements of the preliminary platting process of this ordinance.
15. **Easement** - A grant by the owner of the use of a parcel of land by the public, corporation, or persons for specified use and purposes and so designated on a plat.
16. **Engineer** - Any person who is registered and certified in the State of Idaho to engage in

the practice of professional engineering.

17. **Engineering Plans** - Plans, profiles, cross-sections, and other required details for the construction of improvements, prepared by a registered professional engineer in accordance with the approved preliminary plat and in compliance with existing standards of design and construction.
18. **Exception, Land** - Any parcel of land which is within the boundaries of the subdivision which is not a part of the subdivision.
19. **Final Approval** - Unconditional approval of the final plat as evidenced by appropriate certifications on the plat; such approval constitutes authorization to record a plat.
20. **Floodplain** - Those areas designated as Zone A or AE as shown on the current Flood Insurance Rate Map (FIRM) as prepared by National Flood Insurance Program.
    a. "Flood of one-hundred-year frequency" shall mean a flood magnitude which has a one percent (1%) chance of being equaled or exceeded in any given year.
    b. "Flood" shall mean the temporary inundation of land by overflow from a river, stream, lake or other body of standing water.
    c. "Channel" shall mean a natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.
    d. "Flood way" shall mean the channel of a watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge the flood water of any watercourse.
    e. "Flood way fringe" shall mean the part of the flood plain which is beyond the flood way encroachment lines limiting a designated flood way. Such areas will include those portions of the flood plain which will be inundated but which may be developed for use under land use regulations without material effect upon the flood water carrying capacity of the flood way and the flood water levels. Such areas are characterized by shallow flood depths and low velocities of water flow.
21. **DEQ** - The State of Idaho Division of Environmental Quality (DEQ)
22. **Irrigation Facilities -** Includes canals, laterals, ditches, conduits, gates, wells, pumps, and allied equipment necessary for the supply, delivery and drainage of irrigation water.
23. **Lot -** A piece or parcel of land separated from other pieces or parcels as shown on a recorded subdivision plat or by metes and bounds description for purposes of sale, lease, or separate use.
    a. "Corner Lot" - A lot abutting on two (2) or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty-five (135) degrees.
    b. "Interior Lot" - A lot having but one (1) frontage abutting on a street.
    c. "Double Frontage Lot" - A lot abutting two (2) parallel or approximately parallel streets.
24. **Lot Width** - The width of a lot shall be:
    a. If the side property lines are parallel, the shortest distance between these side lines.
    b. If the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the zone in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines.
    c. For rural acreage developments, the distance between the side lot lines, measured at the street frontage.

25. **Mobile Home** - A structure transportable in one (1) or more sections which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes plumbing, heating, air conditioning and electrical systems.

26. **Mobile Home Subdivision** - A subdivision designed and intended for residential use where residence is in mobile homes exclusively.
27. **Neighborhood Plan** - A plan to guide the platting of remaining vacant parcel in a new or partially built up neighborhood so as to make reasonable use of all land, correlate street patterns, and achieve the best possible land use relationships.
28. **Open Space Land -** Any developed or predominately undeveloped land which may be set aside for the following:
    a. Park and recreation purposes.
    b. Conservation of land and other natural resources;
    c. Historic or scenic purposes.
    d. Flood ways or flood plains.
29. **Owner** - The person or persons, corporation, or legal entity holding title by deed to land or holding title as vendees under land contract, or holding any other ownership interest.
30. **Pedestrian Way** - A public right-of-way dedicated as a walkway entirely through a block from street to street and/or providing access to a school, park, recreation area, or shopping center.
31. **Planned Unit Development (PUD) -** Residential**,** commercial and/or industrial use, or combination thereof, planned for a tract of land to be developed as a unit under single owner ship or control. Said PUD is developed for the purpose of selling, leasing, or renting lots or estates, whether fronting on private or dedicated streets and may include two or more principal buildings as governed by the zoning ordinance. The requirements of this ordinance may be modified by the Council upon recommendation by the Commission to achieve the best possible planned development for the specific site under consideration.
32. **Plat** - A map of a subdivision (see also Short Plat definition)
    a. "Preliminary Plat" - A preliminary map, including supporting data, indicting a proposed subdivision development, prepared in accordance with this ordinance and the Idaho Code.
    b. "Final Plat" - A map of all or part of a subdivision providing substantial conformance to an approved preliminary plat, prepared by an Idaho licensed land surveyor in accordance with this ordinance and the Idaho Code.
    c. "Short Plat" – A platting process for small subdivisions, four (4) lots or less, that allows for a shortened, quicker process for subdividing land. See section 2.55
    d. "Recorded Plat" - A final plat bearing all of the certificates of approval required in this ordinance and duly recorded in the Madison County Recorder's Office
33. **Private Road** - A road within a subdivision plat that is not dedicated to the public and not a part of a public highway system.
34. **Public land survey corner** - Any land survey corner actually established and documented in an original survey or resurvey used as a basis of legal description for issuing a patent for the land to private person from the United States government.

35. **Public Works Director** – the person appointed by the Council to oversee all public work functions for the city.
36. **Reserve Strip -** A strip of land between a dedicated street or partial street and adjacent property; in either case, reserved or held in public ownership for future street extension or widening.
37. **Right-of-Way -** A parcel of land dedicated or reserved for use as a public way which normally includes streets, sidewalks, utilities or other service functions.
38. **Single Family Attached Dwellings** - Dwelling Units which share a common wall. (See requirements in Zoning Ordinance)
39. **Standard Drawings and Specifications** - Standard Drawings and Specifications are defined as **The Rexburg Engineering Department Standards Specifications and Drawings as adopted by the City of Rexburg.**
40. **Sanitary Restriction -** The requirement that no building or shelter which will require a water supply facility or a sewage disposal facility for people using the premises where such building or shelter is located shall be erected until written approval is first obtained from the state Division of Environmental Quality by its administrator or his delegate approving plans and specifications either for public water and/or sewage facilities, or individual parcel water and/or sewage facilities;

41. **Streets** - Any street, avenue, boulevard, road, lane parkway, place, viaduct, easement for access, or other way which is an existing state, county, or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or a street or way in a plat duly filed and recorded within the right-of-way boundaries whether improved or unimproved and may be comprised of pavement, shoulder, curbs, gutters, sidewalks, parking areas, and lawns.
    a. "Arterial Route" - A general term including expressways, major and minor arterial streets; and federal, state or county highways having area wide or regional continuity.
    b. "Collector Street" - A street that provides for traffic movement within neighborhoods of the City and between major street and local street and for direct access and abutting property, may be residential, commercial or industrial.
    c. "Residential" - A street that provides for direct access to residential or other abutting land for local traffic movements and which connects to collector and/or arterial streets.
        1. "Frontage Street" - A minor street parallel and adjacent to an arterial route and intercepts local streets and controls access to an arterial route.
        2. "Cul-de-sac Street" - A short local street having one end permanently terminated in a vehicular turnaround.
        3. "Minor Residential" - A minor street with both terminal points on the same street or origin. Serves no more than 50 lots on one street
    d. "Rural Residential Street" - A minor street that serves a rural residential subdivision that does not require curb and gutter, but may require a concrete edging strip.
    e. "Alley" - A public service way used to provide secondary vehicular access to properties otherwise abutting upon a street.
41. **Sub-divider** – A sub-divider shall be deemed to be the individual, firm, corporation, partnership, association, syndication, trust, or other legal entity having sufficient proprietary rights in the property to represent the owner that submits the required

subdivision application and initiates proceeding for the subdivision of land in accordance with this ordinance.

42. **Subdivision -** The division of any lot, tract, or parcel of land into three (3) or more parts as it existed at the effective date of this ordinance, for the purposes of transfer of ownership or development and the dedication of a public street and the addition to, or creation of a cemetery.
43. **Surveyor -** Any person who is registered and certified in the State of Idaho to engage in the practice of land surveying.
44. **Usable Lot Area** - That portion of a lot usable for or adaptable to the normal uses made of the property, excluding any areas which may be covered by water, excessively steep, or included uncertain types of easements.
45. **Utilities -** Installation or facilities, underground or overhead, furnished for use by the public, including but not limited to electricity, gas, steam, communications, water, television, drainage, irrigation, sewage disposal, or flood control, whether owned and operated by any person, firm, corporation, municipal department, or board duly authorized by state or municipal regulations. Utility or utilities as used herein may also refer to such persons, firms, corporations, departments, or boards, as applicable herein.
46. **Vicinity Map -** A small scale map showing the location of a tract of land in relation to a larger area.

## CHAPTER 2
## PROCEDURE
### SECTION 2.1 PREAPPLICATION

Prior to the filing of an application for approval of a preliminary plat the sub-divider shall submit to the City Planning and Zoning Office the plans and data as required hereinafter for a preliminary plat; provided, however, that such plans may be generalized in content and that such submission shall not require the official filing of a subdivision application and fee.

### SECTION 2.2 PRE-APPLICATION REVIEW

The City Planning and Zoning Office shall review said plans and data as submitted and within ten (10) working days shall advise the sub-divider in writing as to the general conformance or nonconformance with this ordinance, the City's Zoning Ordinance and/or ordinances governing the City's Area of City Impact, if the proposed subdivision is contained in the area of city impact. Such review may include official and unofficial comments on policies and guidelines followed by the Commission in the implementation of various development ordinances such as the Comprehensive Plan, Zoning Ordinances and similar plans or programs. The determination shall be made and stated by the City Planning and Zoning Office if a change to the Comprehensive plan or Zoning Plan is required for the proposed subdivision.

### SECTION 2.3 PRELIMINARY PLAT

1. **Application** - Upon completion of the pre-application process, if the sub-divider elects to proceed with the platting process he shall file with the City Planning and Zoning Office at least ten (10) days prior to the Commission Meeting eighteen (18) copies of the completed subdivision application form as prescribed by the Commission five (5) 24"x36" copies and eighteen (18) 11"x17" of the preliminary plat with data as required in this section.
    a. **Form of Presentation** - The information hereinafter required as part of the

Preliminary Plat Submitted shall be shown graphically or by note on plans, or by letter, and may comprise several sheets showing various elements or required data. All mapped data for the same plat shall be drawn at the same standard engineering scale, having no more than one hundred (100) feet to an inch. Whenever practical, scales shall be adjusted to produce an overall drawing measuring 24"x36"or 22" x 34". All work shall be AutoCAD format and a digital copy shall also be submitted.

b. **Identification and Descriptive Data**
   1. Proposed name of subdivision and its location by section, township, and range; reference by dimension and bearing to at least two (2) section corners or quarter section corners, and the basis of bearing.
   2. Name, address, and phone number of sub-divider.
   3. Name, address and phone number of engineer or land surveyor.
   4. Scale, north arrow, and date of preparation including dates of any subsequent revisions.
   5. Vicinity Map drawn to a scale of 1" equal 800', clearly showing proposed subdivisions configuration in relationship to adjacent subdivisions, main arterial routes, collector streets, etc.

c. **Existing Conditions Data**
   1. Topography by contours or other method approved by the City Engineer and shown on the same map as the proposed subdivision layout. Contour intervals shall be such as to adequately reflect the character and drainage of the land. In most cases the contour interval will be 2 feet.
   2. Location of water wells, streams, canals, irrigation laterals, private ditches, washes, lakes, or other water feature; direction of flow; location and extent of known areas of wetlands.
   3. Location, widths, and names of all platted streets, railroads, utility right-of-way of public record, public area, permanent structures to remain including water wells, and municipal corporation lines within or adjacent to the tract.
   4. Name and filing number of any recorded adjacent subdivision or record of survey having common boundary with the tract.
   5. By note, the existing zoning classification of tract.
   6. By note, the approximate acreage of the tract.
   7. Boundaries of the tract to be subdivided shall show approximate dimensions.

d. **Proposed Conditions Data**
   1. Street layout, including classification, location, width and proposed names of public streets, alleys, pedestrian ways, and easements; connections to adjoining platted tracts.
   2. Typical lot dimensions to scale; dimensions of all corner lots and lots of curvilinear sections of streets; each lot numbers individually; total number of lots.
   3. Location, width, and use of easements.
   4. Designation of all land to be dedicated or reserved for public use with use indicated.
   5. If plat includes land for which multi-family, commercial, or industrial use is proposed, such areas shall be clearly designated together with existing zoning classification and status of zoning change if any.
   6. If the proposed subdivision is part of a larger area intended for development, a

Development Master Plan of the entire area. (See definitions.)

7. Appropriate information that sufficiently details the proposed development within any special development area, such as hillside, planned unit development, flood plain, cemetery, mobile home park, large scale development, hazardous and unique areas of development.

e. **Proposed Utility Methods**

1. Wastewater Management: It shall be the responsibility of the sub-divider to furnish the City such evidence as may be required relative to the design and operation of the sanitary sewage facilities proposed. Including pipe size, manhole location, pipe slope and information on any required pump stations.
2. Water Supply: It shall be the responsibility of the sub-divider to furnish the City such evidence as may be required relative to the design, operation, volume and quality of water supply and facilities proposed. Including pipe size, pipe materials, location, valve location, hydrant location and any special requirements.
3. Strom Water Management: It shall be the responsibility of the sub-divider to furnish the City such evidence as may be required relative to the design and operation of any storm water system proposed and how storm water will be disposed of with supporting calculations.
4. Irrigation Management: The sub-divider shall indicate how site landscaping irrigation will be managed and provided.
5. Information required in items 1, 2 and 3 above shall consider and include Health Department and Soil Conservation Service data and requirements which the sub-divider has accumulated for submission with the preliminary plat. Utility Plans shall be made in accordance with Standard Plans and Specifications.
6. Water Rights: All water rights that have been historically linked to the development property shall be used for site irrigation or surrendered to the city.
7. Streets: The preliminary plat information shall show road widths, typical sections and pavement structure. For larger development a traffic study may be required by the City Engineer.

2. **Certification -** Upon receipt of the preliminary plat and all required data as provided herein, the City shall certify the application as complete and shall affix the date of application acceptance thereon.
3. **Agency Review -** The City shall transmit a copy of the application to its various departments and such other agencies that have jurisdiction or an interest in the proposed subdivision for their review and recommendation. If no written reply is received from any of the various departments or interested agencies within fourteen (14) days from the date of notification, approval of the preliminary plat by such department or agency will be considered to be granted.

Some of the departments and agencies which may receive copies of the preliminary plat are as follows:

a. City Planning and Zoning Department
b. GIS Department
c. Fire Department
d. Water Department

e. Wastewater Department
f. Public Works Director
g. City Engineer
h. Parks and Recreation Department
i. County Commissioners
j. State Highway Department if the subdivision abuts a State Highway
k. Utility Companies
l. Irrigation District if the subdivision abuts or includes a canal or ditch.
m. Other department or agencies as necessary

4. **Commission Action** - The preliminary plat shall be placed on the Commission agenda for consideration at the next available regular meeting. The Commission shall approve, approve conditionally or disapprove the preliminary plat within thirty (30) days after the date of the meeting at which the preliminary plat is first considered. The reasons for such action shall be stated in writing, a copy of which shall be attached to one (1) copy of the preliminary plat and returned to the sub-divider.

The Commission shall review the application and comments from the review agencies for finding of fact as to conformance to the City's comprehensive plan, zoning ordinance, subdivision ordinance, ordinance governing the negotiated area of city impact (if applicable) and City's design standards. After a finding of fact, the Commission shall determine if further action, will be necessary for the planning and zoning commission to complete its review and make its recommendations to the Council.

The Commission shall recommend to the City to conditionally approve, approve or disapprove the application. If the Planning and Zoning Department has determined that an amendment must be made to the Comprehensive Plan and/or the Zoning Ordinance to approve the application, the Commission shall follow the procedures detailed in 67-6509 IDAHO CODE.

Upon approval or disapproval by the Commission, the preliminary plat together with a complete copy of the Commission's finding and report of action shall be transmitted to the Council. The reason for action taken shall specify:

a. the ordinance and standards used in evaluating the application;
b. the reasons for approval or denial; and
c. the actions, if any, that the application could take to gain approval of the proposal.

5. **Council Action -** The Council shall act upon the report of the Commission within fourteen (14) days, or its next regular available meeting following receipt of the report. The Council may hear testimony of representatives of the Commission, and witnesses including interested citizens affected by the proposed subdivision.

   Upon conclusion of the meeting at which time the preliminary plat is considered, the Council shall base its findings upon the report and testimony presented before it and, within fourteen (14) days declare its finding. It may sustain, modify, or reject the recommendations of the Commission, and make such findings as are consistent with the

provisions of this ordinance and the Idaho Code. The reason for action taken shall specify:

a. the ordinance and standards used in evaluating the application;
b. the reasons for approval or denial; and
c. the actions, if any, that the application could take to gain approval of the proposal

The time limits for acting on the preliminary plat as herein specified may be extended by mutual consent of the sub-divider and the Commission and/or the Council. Once the preliminary plat is approved the approval is good for a period of 12 months from the date of approval. Prior to the progression to the final platting of the development all required zoning changes, if required, shall be obtained.

**SECTION 2.4 FINAL PLAT**

After approval or conditional approval of the preliminary plat, the sub-divider may cause the subdivision, or part thereof to be surveyed and a final plat prepared in accordance with the preliminary plat as approved.

**Application -** If the sub-divider elects to proceed with the platting process they shall file with the City Planning and Zoning Office at least ten (10) working days prior to the Commission Meeting eighteen (18) copies of the completed subdivision application form as prescribed by the Commission, five (5) 24”x36” copies and eighteen (18) 11”x17” copies of the final plat with data as required in this section.

1. **Method and Medium of Presentation:**
   a. All plats to be offered for recording shall be on transparent tracing(s) that show all pertinent information that was approved on the Preliminary Plat.
   b. Copies of the final plat that is to be recorded shall be prepared on clear Mylar silver emulsion with an overall dimension of 18 inches by 27 inches.
   c. The plat shall be drawn to an accurate scale having not more than one hundred (100) feet to an inch unless otherwise approved as to scale. An AutoCAD copy shall also be submitted to the City Engineering and GIS departments.

2. **Identification Data Required:**
   a. A title which includes the name of the subdivision and its location by number of section, township, range and county.
   b. Name, address, and official seal of the registered professional land surveyor preparing the plat.
   c. Scale, north arrow, and date of the plat preparation.

3. **Survey Data Required:**
   a. Boundaries of the tract to be subdivided fully balanced and closed, showing all bearings and distances determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof. A legal description of the exterior boundary of the subdivision. All boundary corners are also to show state plane coordinates.
   b. Any excepted parcel(s) within the plat boundaries shall show all bearings and distances, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.

c. Location and description of cardinal point to which all dimensions, angles, bearings, and similar data on the plat shall be referenced.
d. Bearing and distance ties to 2 section or section corners and a description of the corners. Show basis of bearing.
e. All required data to accurately calculate any curvilinear dimensions show on the plat.

Each external property corner is to be marked with a 5/8" dia. steel rod 30" long. All interior property corners are to be marked with a ½" dia. Steel rod 30" long. All corners are to be marked with a plastic or aluminum cap that bears the surveyors name or initials and registration number. All marked corners are to be protected with a metal post that extends at least 24 inches above the ground surface or as determined by the city engineer.
Street monuments at all major street intersections the surveyor shall set a 2" dia. Brass cap in concrete showing the surveyor number, subdivision name and be punched to show the point of control. Monuments are to be approved by the city engineer prior to installation.

**4. Descriptive Data Required:**

a. Name, right-of-way lines, courses, lengths, width of all public street, alleys, pedestrian ways, and utility easements; radii, points of tendency, and central angles of all curvilinear street and alleys, and radii of all street line intersections.
b. All drainage ways to be dedicated to the public shall be shown on the plat.
c. All easements for rights-of-way provided for public services or utilities and any limitations of the easements.
d. All lots and blocks shall be numbered throughout the plat in accordance with the Idaho Code. "Exception," "tracts,", and "private parks" shall be so designated, lettered, or named and clearly dimensioned.
e. Location, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the public will be clearly indicated and intended use specified.
f. Names of all streets or roadways.

**5. Dedication and Acknowledgment:**

a. **Dedication** – A statement of dedication of all streets, alleys, drainage ways, pedestrian ways, and other easements for public use by the person holding title of record and by persons holding title as vendees under land contract. If lands dedicated are mortgages, the mortgagee shall also sign the plat.
b. **Acknowledgment of Dedication -** Execution of dedication shall be acknowledged and certified by a notary public.

**6. Required Certifications:**

a. Certification by the registered professional land surveyor stating on the plat that the plat is correct and accurate, and that the monuments described in it have been located, installed and described.
b. Certification of checking Land Surveyor
c. Certification of plat approval by the City Engineer.
d. Certification of plat approval by the City Planning and Zoning Commission.
e. Certification of plat approval by the City Council.
f. Certification of recordation by the County Recorder.

g. Certification of sanitary restriction being lifted
h. Treasures certification of taxes paid.
i. Covenants, Conditions and Regulations (CCR's) must also be submitted with the final plat. They will be reviewed along with the plat during the review process.

**7. Agency Review:**
The City shall transmit copies of the final plat for review by departments and agencies, or others as may be deemed necessary to ensure compliance with the approved preliminary plat. If no written replies are received from any of the various department or interested agencies within fourteen (14) days from the date of notification, approval of the final plat by such department or agency will be considered granted.

**8. Commission Action:**
The final plat, prepared in accordance with the Idaho Code and provisions set forth herein, shall be submitted to the Commission. The Planning and Zoning Department shall check the Final Plat for conformity to the Preliminary Plat. In the event the Final Plat does not substantially conform to the Preliminary Plat, the sub-divider shall be required to resubmit the Final Plat or go back to the Commission for a new approval of the Preliminary Plat.

Final plat submission shall include the prints as described in the application paragraph, five (5) sets of prints of the plans and specifications for all proposed improvements as required by this ordinance, and a current title report or other evidence acceptable to the City showing proof of ownership of the tract of land being platted. The final plat and related documents shall be submitted at least twenty-one (21) days prior to the scheduled presentation before the Commission. The final plat, when submitted to the City, shall bear all required certificates, acknowledgments, and signatures of the owner, surveyor, reviewing surveyor and others as determined by the Planning and Zoning Department.

**9. Time Limitations:**
In the event that the development of the of the preliminary plat is made in successive continuous segments in an orderly and reasonable manner, conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of twelve (12) months may be considered for final plat approval. In the event a longer period elapses, the preliminary plat must be reviewed by the Commission.

The final plat shall be filed with the County Recorder within six (6) months after approval by the Council, otherwise such approval shall become null and void unless an extension of time is applied for and granted.

**10. Development Agreements:**
Prior to submitting the final plat the sub-divider shall work with the city engineering department to develop a preliminary Development Agreement for review along with the final plat. The Development Agreement shall be executed prior to the approval of the final plat.

**11. Council Action**:
Upon receipt of the final plat and related documents, and all other data as required herein, the Council shall thereafter place the final plat on their next available agenda for consideration at

a regular meeting held not less than thirty (30) days after the date of submittal of the completed submission. The Council, following receipt of the final plat and related documents shall consider said plat and any changes from the preliminary plat approved by the Commission. If said plat conforms to the requirements of this ordinance and the Idaho Code, the Council shall consider the approval said plat.

At the time of approval and recording of the final plat, the Council shall accept the dedications shown thereon and shall, as a condition precedent to the approval of any final plat, require the sub-divider either to improve or agree to improve the streets and all other public improvements by furnishing a surety bond or satisfactory agreement, in accordance with Standard Drawings and Specifications, the approved engineering plans and as defined in the Development Agreement. The final plat shall not be signed by the city until the Development Agreement has been executed.

**SECTION 2.5 SHORT PLAT**

A Short Plat may be requested when all of the following conditions are met:

1. The proposed subdivision does not exceed four (4) buildable lots
2. No right-of-way dedication is necessary as required by City Codes and Ordinances
3. Public improvements, street widening or infrastructure improvements have been approved by the City Engineer.
4. No impacts on the health, safety or general welfare of the City of Rexburg
5. The subdivision is in the best interest of the City of Rexburg

The process for a Short Plat will be the same as for a Preliminary and a Final Plat as per Sections 2.3 and 2.4 of this document with the exception of application, Commission Action and Council Action. Short Plats will be administratively reviewed. City of Rexburg staff will take the place of both the Planning and Zoning Commission and the City Council. Short Plat application will be made at the City of Rexburg Planning and Zoning Department.

The City Planning and Zoning Office shall review said plans and data as submitted and within ten (10) working days shall advise the sub-divider in writing as to the conformance or nonconformance with this ordinance, the City's Zoning Ordinance and/or ordinances governing the City's Area of City Impact, if the proposed subdivision is contained in the area of city impact. Such review may include official and unofficial comments on policies and guidelines followed by the Commission in the implementation of various development ordinances such as the Comprehensive Plan, Zoning Ordinances and similar plans or programs.

CHAPTER 3

**DESIGN STANDARDS**

**SECTION 3.1 GENERAL**

Subdivisions shall conform to the standards of the Comprehensive Plan, the Zoning Ordinance, Rexburg Standard Specifications and Drawings and applicable adopted resolutions, and other ordinances and regulations of the City.

Land which the Commission determines to be unsuitable for subdivision because of periodic

flooding, poor drainage, excessively steep slopes or other features likely to be harmful to the safety and general health and welfare of the future residents shall not be subdivided unless adequate methods are utilized to overcome these conditions.

**SECTION 3.2 STREETS**

**1. General Street Design Requirements**

a. The arrangement, character, extent, width, grade and location of all streets shall be constructed to conform to existing and planned streets, to topographical conditions, to public convenience and safety, and in their relation to the proposed uses of the land to be served by such street. Local residential streets shall be so designed to discourage their use by through traffic. New streets are to be developed to conform to any adopted transportation system master planning wherever possible.

**2. Frontage Streets**

a. Where a subdivision abuts or contains an existing or proposed arterial street, railroad, or limited access highway, the City may require frontage streets, or such other treatment for the appropriate use of the tract. Because of the need to control the number of accesses to these roads the developer may be required to back lots onto the road or to provide a parallel access road.

**3. Half-Street Dedication**

a. Half-Street dedications are not allowed, however, the Council may accept a partial street dedication when such street forms the boundary of the proposed subdivision and is deemed to be necessary for the orderly development of the neighborhood, and provided the Council finds it will be appropriate to require the dedication of the remainder of the right-of-way when the adjoining property is developed. When a partial street exists adjoining a proposed subdivision the remainder of the right-of-way shall be dedicated. Where partial street dedications and constructed they shall be of a width to be fully functional as a city access street. The minimum acceptable minimum pavement width is 26 feet.

**4. Dead-end Streets**

a. Dead-end streets will not be approved except in locations designated by the City as necessary to future extensions in development of adjacent lands. In any case, a dead-end street serving more than four (4) lots shall provide by easement a temporary turning circle with a forty-five (45) foot radius or other acceptable design to accomplish adequate access. The turnaround is to be graved and graded for vehicle use.

**5. Loop Street**

a. Loop streets shall be limited to a maximum length of twelve hundred (1200) feet measured along the centerline of a street from centerline intersection to centerline intersection.

**6. Cul-de-sacs**

a. The city engineering department shall approve all cul-de-sac streets. No cul-de-sacs shall be longer than 600 feet. Any approved cul-de-sac is to terminate with a turnaround area with a minimum back of curb radius of forty five (45) feet and a right-of-way radius of fifty seven (57) feet.

**7. Street Intersections and Alignments**

a. Streets shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy (70) degrees. Street intersecting an arterial street shall do so at less than eighty-five (85) degrees.
b. Where any street deflects at an angle of five (5) degrees or more, a connecting curve shall be required having a minimum center line radius of three hundred (300) feet for arterial and collector streets and one hundred twenty-five (125) feet for local streets.
c. Streets with center line offsets of less than one hundred twenty-five (125) feet are prohibited without city engineer prior approval.
d. A tangent at least one hundred fifty (150) to two hundred (200) feet long shall be provided between reverse curves on arterial and collector streets.
e. Street intersections with more than four (4) legs and Y-type intersections where legs meet at acute angles shall be avoided.

**8. Street Names -** The naming of street shall conform to the following:

Street names shall not duplicate any existing street name within Madison county except where a new street is a continuation of an existing street; street names that may be spelled differently but sound the same as existing streets shall not be used.

All new streets shall generally be named as follows: Streets having a predominantly north-south direction shall be named “Avenue” or “Road”; streets having a predominantly east-west direction shall be named “Street” or “Highway”; meandering streets shall be named “Driveway”, “Lane”, “Path” or “Trail”, and Cul-de-sacs shall be named “Circle”, “Court”, “Way”, “Place”.

**9. Seal Coating**

a. The developer is required to have all streets or roads seal coated as per city standards within two (2) years of acceptance. The developer shall file with the city a bond or other acceptable security to provide payment of the seal coating. Arrangements may be made to have the seal coating incorporated within a city seal coating project if coordination and payment arrangements are made with the City Engineering Department prior to bidding the seal coating project.

**10. Standards for Major Arterial Streets**

**Function -** Major arterial streets permit rapid and relatively unimpeded traffic movement throughout the City and carry high volumes of inter and intra traffic which connects the major land use elements as well as communities with one another. The major function is to serve through traffic. The secondary function is to serve abutting property. This functional description

pertains to both four and six travel lane facilities.

**11. Right of Way** - 100 to 125 feet

**12. Number of moving lanes -** Four to six lanes, with left lanes.

a. **Access Conditions**
   1. Intersections will be "T" type at grade design unless prior approval is obtained from the City Engineer. Intersections shall be limited as approved by the City Engineer, but in no case shall they be less than one thousand (1000) feet apart.
   2. Median cuts will not normally be permitted except at major or significant street intersections as approved by the City Engineer.

b. **Planning Characteristics**
   1. Major Arterial streets are as shown on the approved Transportation Plan. Major arterial streets should be spaced approximately one mile apart in the suburban areas of the city to a few blocks apart in areas of high population density and intense land usage.
   2. Major arterial streets should not bisect neighborhoods but should act as boundaries between them.
   3. Sidewalks shall be set back from the street.
   4. Abutting properties shall not face on the roadway unless separated from it by a frontage road.
   5. On-street bicycle travel is not allowed unless no alternative routes are available

c. **Design Characteristics**
   1. **Grades**
      a. Not less than three-tenths of one percent (0.3%) and not more than six percent (6%). Grades of seven percent (7%) may be considered for unique, short distances.
   2. **Alignment**
      a. Horizontal - 700 feet minimum radius at centerline, 930' preferred.
      b. Vertical - Minimum length equivalent to K value times the algebraic difference in the rate of grade.

   3. **Frequency of Intersections**
      a. Intersections along major arterial streets shall be limited to as few points as possible.
   4. **Traffic Characteristics**
      a. Regulation of traffic shall be accomplished by traffic control devices and channelization.
      b. On-street parking prohibited
      c. Six inch (6") vertical curbs required on the outside with detached sidewalks.
   5. **Roadway Paving Section**
      a. To be determined by a full soils investigation, traffic study and a pavement design completed by an engineer licensed in the State of Idaho and approved by the City Engineer, or.

b. Comply with the approved city typical street sections.

**13. Standards for Minor Arterial Streets**

**Function-** Minor arterial street permit rapid and relatively unimpeded traffic movement throughout the City and carry high volumes of inter and intra- traffic which connect major land use.

**Right of Way Width -** 94 to 101 feet

**Number of Moving Lanes -** Four to Five Lanes - See Approved City typical sections.

a. **Access Conditions**
   1. Intersections will generally be "T" type at grade as approved by the City Engineer.
   2. Intersection and curb cuts shall be limited as approved by the City Engineer.
b. **Traffic Characteristics**
   1. Regulation of traffic shall be accomplished by traffic control devices and channelization.
   2. On-street parking prohibited.
   3. Six inch (6") vertical curbs required with detached sidewalks.
c. **Planning Characteristics**
   1. Minor arterial streets should be spaced approximately one mile apart in the suburban areas of the City to a few blocks apart in areas of high population density and intense land usage.
   2. Minor arterial streets preferably should not bisect neighborhoods.
   3. Utilitarian type bicycle travel can be accommodated with 14' travel lanes on designated streets.
d. **Design Characteristics**
   1. **Grades**
      a. Not less than three-tenths of one percent (0.3%) and not more than six percent (6%). Grade of seven percent (7%) may be considered for unique, short distances. Flatter slopes allowed only with written approval of City Engineer.
   2. **Alignment**
      a. Horizontal - 700 feet minimum radius at centerline.
      b. Vertical - minimum length equivalent to K value times the algebraic
      c. Difference in the rate of grade.
   3. **Frequency of Intersections**
      a. Intersection along arterial streets shall be limited to as few points as possible.
   4. **Roadway Paving Section:**
      a. Paving sections are to be constructed to: approved City of Rexburg typical sections for the type of street being proposed.
      b. Alternate paving sections will be considered if substantiated by an in depth engineering analysis by an Idaho professional engineer.

**14. Standards for residential collector streets**

**Function -** Residential collector streets are designed to serve the local needs of the neighborhood and to provide direct access to abutting properties. All traffic carried by residential collector streets should have an origin or a destination within the neighborhood.

**Right-of-Way Width -** 68 feet - Residential collector

**Number of Lanes -** Two lanes with turning lane, or two lanes with on street parking.

**Access Conditions -** Direct access to residential properties is by way of curb cuts.

a. **Traffic characteristics**
   1. On-street parking is allowed on both sides of the street unless prohibited.
   2. Intersections are at grade.
   3. Parking prohibited if bicycle lanes are designated.

b. **Planning Characteristics**
   1. Collector Residential Streets should be designed to discourage through neighborhood traffic.
   2. Curvilinear and loop streets are desirable.
   3. Sidewalks will be detached from a standard approved curb and gutter section by a seven (7) foot planter strip and are to be at least five (5) feet wide and conform to approved typical street sections.
   4. Bike travel can be accommodated with 14' outside travel lanes.

c. **Design Characteristics**
   1. **Grade -** Not less than three-tenths of one percent (0.3%) and not more than seven (7%).

d. **Alignment**
   a. Horizontal 300 - 450 feet centerline radius.
   b. Vertical - A minimum length equivalent to K value times the algebraic difference in the rate of grade.

e. **Frequency of Intersections**
   a. Intersections along collector streets shall be limited to as few points as possible.

**15. Standards for residential streets**

**Function -** Designed to serve the local needs of the neighborhood and to provide direct access to abutting residential properties. All traffic carried by residential streets should have an origin or a destination within the neighborhood.

**Right-of-Way Width -** 68 feet, minimum
**Number of Moving Lanes -** Two Lanes
**Access Conditions -** Intersections are at grade with direct access to abutting properties by way of curb cuts or drive-over's (ramp-type) curbing.

a. **Traffic Characteristics** - On-street parking is allowed on both sides of the streets.
b. **Planning Characteristics**
   1. Residential streets should be designed to minimize through traffic.
   2. Curvilinear and loop streets are desirable.
   3. In subdivision design, residential streets should be discouraged from intersections with major and secondary arterial streets.
   4. Sidewalks will be detached and separated by a seven (7) foot minimum planter strip in compliance with approved city typical street sections.

c. **Design characteristics**
   1. **Grades**
      Not less than three- tenths of one percent (0.3%) and not more than seven percent (7%).
   2. **Alignment**
      a. Horizontal - 200 feet radius at centerline.
      b. Vertical - A minimum length equivalent to "K" times the algebraic difference in the rate of grade.

d. **Frequency of Intersections**
   1. Intersections along residential streets shall be limited to as few points as possible.
e. **Paving Section**
   1. Paving sections are to conform to approved city engineering department approved typical sections.
   2. Alternate paving sections will be considered if substantiated by an in depth engineering analysis by an Idaho professional engineer.

**16. Standard for Rural Residential Streets**

**Functions -** Designed to provide direct access to abutting single-family residential properties or Cul-de-sacs having a length of no greater than 600 feet. A pavement width of 34 feet is allowed on minor rural residential streets which contain no more than fifty (50) single-family lots. Parking, curbing, curb and gutter and sidewalk differ in zones RR-1 and RR-2. Refer to zoning requirements for street section requirements.

**Right-of-Way** - 68 feet, minimum
**Number of Moving Lanes** - Two Lane
**Access Conditions** - Direct access to residential properties is allowed.

a. **Traffic Characteristics**
   1. On-street parking may or may not be allowed on either side of the street.
   2. Intersections are at grade.

b. **Planning Characteristics**
   1. Minor residential streets should be designed as short loop or Cul-de-sac streets only.
   2. Minor residential streets should not intersect major arterial streets.

3. Sidewalks will be detached and comply with approved city engineering department approved typical sections.

c. **Design Characteristics**
   1. **Grades** - not less than four-tenths of one percent (0.4%) or not more than seven percent (7%).
   2. **Alignment**
      a. Horizontal - 150-foot radius at centerline
      b. Vertical - A minimum length equivalent to "K" value times the algebraic difference in the rate of grade.

d. **Paving Section**
   1. Paving sections are to conform to the city engineering department's approved typical sections.
   2. Curb and gutter is not required but a twelve (12) inch by eight (8) inch thick concrete pavement edging is required as per the City Engineer approved typical sections.
   3. Alternate paving sections will be considered if substantiated by an in depth engineering analysis by an Idaho professional engineer.
   4. Storm water management is to be designed to maintain the drainage upon each lot. Grading plans are required and are to be approved by the city engineering department.

**17. Standards for Industrial/Commercial Streets**

**Function** - Industrial/commercial streets are designed to serve facilities within industrial/commercial areas and to connect such areas with major arterial and collector street.

**Right-of-Way Width - 80** feet, minimum
**Number of Moving Lanes -** Two lanes to four lanes, with turning lanes
**Access Conditions -** direct access to abutting industrial/commercial properties is by way of curb cuts.

a. **Traffic Characteristics**
   1. On-street parking may be permitted on both sides of the street.
   2. Intersections are at grade (0.5%) minimum).
b. **Planning Characteristics**
   1. Only local industrial/commercial traffic should be encouraged on Industrial Streets.
   2. Sidewalks will be detached from the curb where required.
c. **Design Characteristics**
   1. Grades - No less than three-tenths of one percent (0.3%) and not more than six percent (6%).
   2. Alignment
      a. Horizontal - 300-foot radius at centerline
      b. Vertical - A minimum length equivalent to a value times the algebraic difference in the rate of grade.

d. **Frequency of Interceptions**
   1. Intersections along industrial/commercial streets shall be limited to as few points as possible.

e. **Roadway Paving Section**
   1. Paving sections are to comply with the City Engineers standard approved typical sections and appropriate.

   2. Alternate paving sections will be considered if substantiated by an in depth engineering analysis by an Idaho professional engineer.

f. **Standards for Private Streets**
   1. Private streets are to meet the same dimensional design standards for the type of use as stated above. In residential areas street widths may be decreased and on street parking allowed or not.
   2. All streets serving commercial or residential subdivisions are to be paved to a minimum pavement width of twenty-six (26) feet if on street parking is prohibited and thirty-nine (39) feet is on street parking is allowed
   3. Construction of sidewalks or pedestrian pathways is required to adequately provide for safe access.
   4. Adequate site drainage must be developed on-site and no storm water will be allowed to discharge onto a public right-of-way.

**3.3 STANDARD UTILITY LOCATIONS**

1. **Wastewater -** Wastewater pipelines are to be located on the centerline of the street as measured from face of curb to face of curb.
   a. Exceptions - In locations where natural grades exceed five (5) % cross slope the wastewater pipelines may be located on centerline of downhill landscaping strip opposite to the water lines.

2. **Water** - Water pipelines are to be located on the center line of the north or east planting strip between the curb and gutter and the sidewalk. A minimum 10'x10' level area will be required for all hydrants.
   a. Exceptions - with approval of the City Engineer

3. **Gas** - Gas mains are to be located on the south or west sides of all streets, three (3) feet horizontal distance from the back of the curb and gutter, a minimum of six feet (6') horizontal distance from the nearest utility line and a minimum of one foot (1') of vertical separation from the nearest utility line at all utility crossings.
   a. Exceptions - If the nearest utility is more than eight feet deep and is constructed with trench walls sloped 1:1; the gas main must have a minimum of 10 feet (10') horizontal clearance and must not be less than four (4) feet horizontal distance from the back of the curb and gutter.

4. **Electrical** - Underground electric lines are to be placed in the area at the back of the sidewalk in the utility easement on both sides of the street. If no sidewalk is to be installed, a level of area five (5) feet wide at a minimum of fifteen (15) feet from the edge

of the asphalt roadway is to be provided for the installation of the power lines in the utility easement.

a. Exceptions - On major and minor arterial streets, a level ten (10) feet wide easement must be provided adjacent to and outside of the right-of-way and the power lines be installed in this easement.

5. **Storm Drain Systems** – Piped storm drain systems are to be installed within the right-of-way and within the paved portion of the street section unless otherwise approved by the City Engineer. If local non-piped storm water management systems are used the infiltrators are to be installed in the planting strip or as determined by the City Engineer.

6. **Communication Facilities –** Communication facilities such as telephone, fiber, internet, etc. are to be installed in the landscaping strip on each side of the proposed streets.

## 3.4 WATER SYSTEM DESIGN STANDARDS

1. All system designs are to be completed by an Idaho registered Engineer.
2. All water system design is to be done in accordance to the requirements of the State of Idaho D.E.Q. and adopted city standards.
3. All water system improvements are to be approved by D.E.Q. prior to any construction.
4. All waterlines are to be class 50 ductile iron.
5. Minimum water line size is eight (8) inches, unless approved by the City Engineer prior to design. Sizing maybe required to be larger depending upon development size, location etc.
6. Any connections to existing water lines shall be by the hot tap method unless approved by the city engineering department.
7. Fire Hydrant spacing is to meet the following:

**TABLE NO. A-III-B-1**
**NUMBER AND DISTRIBUTION OF FIRE HYDRANTS**

| FIRE-FLOW REQUIRE-MENT (gpm) | MINIMUM NO. OF HYDRANTS | AVERAGE SPACING BETWEEN HYDRANTS (1,2,3) (Ft.) | MAXIMUM DISTANCE FROM HYDRANT TO ANY POINT ON STREET OR ROAD FRONTAGE (4) (Ft.) |
|---|---|---|---|
| 1,750 or less | 1 | 500 | 250 |
| 2,000-2,250 | 2 | 450 | 225 |
| 2,500 | 3 | 450 | 225 |
| 3,000 | 3 | 400 | 225 |
| 3,500-4,000 | 4 | 350 | 210 |
| 4,500-5,000 | 5 | 300 | 180 |
| 5,500 | 6 | 300 | 180 |
| 6,000 | 6 | 250 | 150 |

| | | | |
|---|---|---|---|
| 6,500-7,000<br>7,500 or more | 7<br>8 or more(5) | 250<br>200 | 150<br>120 |

**8.** Reduce by 100 feet for dead-end streets or roads.
**9.** Where streets are provided with median dividers which can be crossed by firefighters pulling hose line, or arterial streets are provided with four or more traffic lanes have a traffic count of more than 10,000 vehicles per day, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis up to a fire-flow requirement of 7,000 gallons per minute and 400 feet for higher fire-flow requirements.
**10.** Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at not less than 1,000-foot spacing to provide for transportation hazards.
**11.** Reduce by 50 feet for dead-end streets or roads.
**12.** One hydrant for each 1,000 gallons per minute or fraction thereof.
**13.** Gridded and/or looped water mains are to be installed whenever possible. Eight (8) - inch mains, up to five hundred (500) feet of dead-end service with up to two (2) hydrants or one hydrant and one fire sprinkler system on the dead-end.
**14.** Minimum depth of cover over water mains shall be 5 feet.
**15.** Water mains shall be valved at intersections and other locations so that not more than 700-foot-long segments of water main have to be taken out-of-service to provide needed maintenance/repair work. Additional valves may be required to allow for disinfection and pressure testing of newly installed lines or to allow for future extensions.
**16.** Water mains shall be stubbed-out to the edges of developing property to allow for further water main service to adjacent property and to provide the required looping or gridding of the overall water main system.
**17.** Individual house/business water service lines shall be stubbed-out to lots adjacent to new streets so as to minimize the need for future excavation work in new streets. Water service lines are to be located at approximately the center of new residential lots. The location and size of service lines for commercial developments are to be approved by the city engineering department. All water service line stub outs shall be located with survey grade GPS coordinates and be show on the record drawings.
**18.** Developers are financially responsible for a minimum eight (8) inch diameter water main or such larger size water main as may be needed to provide the required fire flow for the proposed new development. (See Item f. above and International Fire Code requirements.)
**19.** All water service connections that are metered in the building shall have a valve located outside of the building for shutting off services to the building in case of an emergency. The valve shall be installed in an approved location at the time of construction. If the water service connection supplies the fire suppression system and the valve is located outside of the city right-of-way, the valve shall be installed adjacent to the fire lane. The valve shall be a monitored post indicator valve, or a similar valve that is acceptable to the Fire Official.

### 3.5 SEWER COLLECTION SYSTEM DESIGN STANDARDS

1. All sewer system design is to be done by an Idaho registered engineer.

2. All sewer collection system design is to be done in accordance with the requirements of the State of Idaho D.E.Q. and adopted city standards.
3. Minimum sanitary sewer size is eight (8) inches.
4. Man holes shall be no more than 400 feet apart.
5. At manholes, inlet inverts shall be higher than outlet inverts as follows:
   a. 0.10 feet - sewer angles of 60° or larger
   b. 0.05 feet - sewer line angles of less than 60° larger than 10°
   c. Continue slope of inlet pipe- sewer line angles of 10° or less
6. At manholes, pipes of differing diameters shall be located (vertically) so as to match their 0.8 diameter points
7. Minimum pipe grades shall be as approved by city standards.
8. Sewer mains shall be extended to the edges of developing property to allow for future sewer main service to adjacent properties. Sewer mains shall be kept as deep as practical.
9. Individual house/business sewer service lines shall be stubbed-out to lots adjacent to new streets to minimize the need for future excavation work in new streets. The location of sewer service lines is to be ten (10) feet from a front footage property line and at a depth adequate to service the proposed type of structure and marked with a four (4) inch by four (4) inch timber post to the depth of the service line. The service lines are to be extended to the back of the utility easement or ten (10) feet beyond the right-of-way line, whichever is greater. All sewer service line stub outs shall be located with survey grade GPS and the coordinates are to be shown on the record drawings.
10. Developers are financially responsible for a minimum eight (8) - inch diameter sewer main or such larger size sewer main as may be needed to provide sewer service for the proposed new development
11. Developers are financially responsible for sanitary sewer +line depths up to sixteen feet (16') to pipe flow line. The additional costs for deeper depths that are necessitated to serve adjacent yet-to-be developed property will be participated in by the City as approved in the Development Agreement.

**3.6 STORM SEWER DESIGN STANDARDS**

1. On developments over 2.5 acres a drainage study must be completed by an Idaho Registered Engineer to determine storm water run-off volumes, transport times and system design.
2. Design is to be accomplished in done to meet the requirements of Idaho D.E.Q. and the City of Rexburg standards.
3. Run off coefficients and storm event values are to be approved by the City Engineer.
4. Run off from a site shall not exceed pre-development values. On site detention will be required in most locations.
5. On large commercial, high density residential or residential developments with more than 40 lots a storm water master plan must be prepared by an Idaho Professional Engineer.
6. Approved piping materials are reinforced concrete, or as approved by the City Engineer.
7. Manholes are to be installed at no more than 400 foot intervals on lines 24 inches and smaller.
8. Catch Basin Designs and locations are to be approved by the City E during normal plan review.
9. Minimum storm drain main lines size is 12 inches.

10. At manholes, pipes of differing diameters shall be located (vertically) so as to match their 0.8 diameter points.
11. Minimum pipe grades shall be as approved by the City Engineer.
12. For design purposed a ten (10) year event shall be used for pipe sizing and a twenty-five (25) year event shall be used for sizing storm water detention basins.
13. Storm sewer mains shall be extended to the edges of the developing property to allow for future storm sewer main service to adjacent properties. Storm Sewer mains shall be kept as deep as practical so as to provide the possibility of service to as large an areas as possible.
14. Developers are financially responsible for a minimum twelve (12) - inch diameter storm drain main or such larger size storm drain size as may be needed to provide for storm drainage run off from the proposed new development.
15. Developers are financially responsible for storm drain line depths up to sixteen feet (16') to pipe flow line. The additional cost of deeper depths that are necessitated to serve adjacent yet-to-be developed property will be participated in by the City as approved in the Development Agreement.
16. Storm drainage rainfall values and run off coefficient shall be as established by the City Engineer.
17. In areas where it is not feasible to connect to or extend existing piped store water systems to a new development all storm water is to be retained and disposed of on-site. All store water systems that are designed to manage storm water on-site are to meet the D.E.Q. Standards for Best Management Practices and any adopted city standards. All designs are to be completed by an Idaho Licensed Engineer.

**SECTION 3.7 TRAFFIC STUDIES**

Traffic studies may be required by the City Engineer in order to adequately assess the impact of a proposed development on the existing and/or planned transportation system. Unless waived by the City Engineer, a Transportation Study meeting the guidelines established by the City Engineer will be required for a nonresidential development proposal when trip generation during the peak hour is expected to exceed 100 vehicles, or any residential development with one hundred (100) or more dwelling units. This requirement is the responsibility of the applicant and the study must be prepared by a professional transportation engineer with adequate experience in transportation planning and licensed in the State of Idaho. All studies must be reviewed by the City Engineer before acceptance. Traffic studies will be required if the above trip generation/dwelling unit criterion is exceeded for the following submittals:

a. Master plan or development plan submittal
b. For any rezoning application that meets the above criteria.
c. For a preliminary plat or final plat if the property has already been rezoned for the proposed use and no traffic study was required for the rezoning, or the original traffic study is more than two years old.
d. Prior to issuance of a building permit, if the property has already been zoned/platted and no previous traffic study less than two years old exists.
e. For a State Highway Access Permit, if:
    1. Site access is required off a State Highway prior to issuing a building permit.

2. Additional access off a State Highway to an existing use is being requested.

f. Any change of use affecting access from the State Highway.
g. For an application for annexation into the City.
h. The applicant will be required to submit a new traffic study if, after submitting the original traffic study, the land uses density is increased by more than 15%.
i. The applicant will be notified at the pre-planning stage if a traffic study will be required, provided sufficient information is available for the City Engineer to determine whether the trip generation/dwelling unit criteria has been met. If insufficient information is available but the property appears to involve a sufficiently intense land use, the applicant will be informed that traffic study may be required.

**Traffic Study Format -** Traffic consultants are encouraged to discuss projects with the City Engineer prior to starting the study. This should provide a firm base of cooperation and communication between the City, the owner or developer and his consultant in creating traffic characteristics that are in the best interest of the total community. Specific requirements will vary depending on the site location and size of the proposed development. However, all traffic studies shall contain, as a minimum, the following information:

1. **Trip Generation** - A summary table listing each type of land use, the units involved, the general rates used (total traffic and AM/PM peaks), and the resultant trip generation.
2. **Site Plan and Vicinity Map -** A site plan that shows the locations of each proposed land use, and a vicinity map that shows the site in relation to the surrounding transportation system.
3. **Existing and Projected Traffic Volumes -** Graphics should show:
   a. A.M. peak hours' site traffic (in and out) including turning movements.
   b. P.M. peak hours' site traffic (in and out) including turning movements.
   c. A.M. peak hour total (in and out) including turning movements for current conditions and 20 year projections or build out.
   d. P.M. peak hour total traffic (in and out) including turning movements for current conditions and 20 year projections or build out.

All total daily traffic counts should be actual machine counts and not based on factored peak hour sampling. Latest available machine count from the Idaho Transportation Department and other agencies may be acceptable if taken within a reasonable time period. All traffic shall be assigned to existing and planned facilities in a manner consistent to the accepted traffic patterns and approved by the City Engineer.

4. **Critical Lane Capacity Analysis -** A critical lane capacity analysis should be conducted for all major driveways that intersect local, collector, or arterial streets, and all adjacent local, collector, and arterial intersections. Both a.m. and p.m. peak hours should be tested to determine the critical movements unless the proposed land use generates significantly greater traffic volumes in either peak hour or at midday. Pedestrian movements should also be considered in the evaluation. Capacity calculations should also include an analysis for 20$^{th}$ year projections or build out conditions. The appropriate forms for capacity analysis calculations shall be used.

5. **Traffic Signals-** Traffic progression is of paramount importance. All potential signalized intersections should be planned for 0.5 mile intervals. All other locations to be considered shall meet the following criteria:

    a. Submittal of a time space diagram with acceptable through bands, cycle lengths and progression speeds
    b. In areas that may affect established complex computerized progressions any deviation from shall be thoroughly addressed and approved by the city Engineer prior to approval.
    c. Remaining time for side street traffic must be sufficient for side street volumes.

6. **Level of Service -** Level of service C shall be the design objective and under no circumstances will less than level of service D be accepted for site and non-site traffic. The design year will be approximately 20 years following construction or at build out.
    a. **Trip Generation Rates -** Trip generation shall be calculated from the latest data contained within the Institute of Transportation Engineers
    b. **Trip Generation Guide where appropriate -** In the event that data is not available for the proposed land use, the City Engineer shall approve estimated rates prior to acceptance.
    c. **Trip Assignment -** Non-generated pass by traffic reductions in generation volume may be considered if applicable. All estimates of trip distribution, assignment, and modal split are subject to review by the city engineer.
    d. **Traffic Accidents -** Traffic accident data for affected street corridors may be required for the study. In this case, estimates of increased or decreased accident potential shall be evaluated for the development.
    e. **Revisions to traffic study -** Revisions to the traffic study shall be provided as required by the City Engineer. The need to require revisions shall be based on the completeness of the traffic study with the proposed access and development plan.
    f. **Traffic Counts -** All raw traffic count data (including hourly ADT and peak hour turning movements) and analysis worksheets should be provided in the appendices.
    g. **Design Hours Volumes -** Site design hour volumes approximating the peak hour volumes used to determine public improvements will be estimated by one of the following utilizing:
        1. Existing traffic volume counts.
        2. Peak hour trip generation rates as published in the ITE Trip Generation Summary.
        3. A professionally recognized and accepted study for uses of development and generation rates.
    h. **Reciprocal Parking -** Traffic studies for planning applications where reciprocal parking is contemplated will be required to include parking accumulation studies for existing facilities similar to proposed uses.

## SECTION 3.8 BLOCK REQUIREMENTS

1. **Block Lengths and Design**
   Block lengths shall not exceed seven hundred (700) feet as measured along the street centerline intersection to centerline intersection.

Block design shall provide for two (2) tiers of lots except under special conditions where this in not feasible or practical.

2. **Pedestrian Ways**
   Pedestrian ways with right-of-way widths of ten (10) feet or greater may be required where essential for circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

**SECTION 3.9 LOT REQUIREMENTS**

1. **Lot Design**
   The lot size, width, depth, shape and orientation and minimum setback lines shall comply with the minimum requirements of the zoning ordinance.

   Side lot lines shall be substantially at right angles or radial to street lines, except where other treatment may be justified.

2. **Double Frontage Lots**
   Double frontage lots shall not be allowed except when specifically allowed by the Commission.

**SECTION 3.10 PUBLIC SITES, OPEN SPACE AND NATURAL FEATURES**

Where is it determined that a proposed park, playground, school or other public use as shown on a future acquisition map, as authorized in **Idaho Code**, is located in whole or in part within a proposed subdivision the Commission shall notify the appropriate public agency concerning the land proposed to be acquired. Within thirty (30) days of the date of notice, the public agency may request the governing body to suspend consideration on the proposed subdivision for sixty (60) days. If an agreement is not reached within (60) days, the Commission shall resume consideration of the subdivision.

Subdivisions of more than one hundred units (100) shall be required to provide at least ten (10) percent of the land for public use at fair market rates at the time of development. Existing natural features which add value to residential development. Existing natural features which add value to residential development and enhance the attractiveness of the community such as streets, watercourses, historic spots, and similar irreplaceable assets shall be preserved, insofar as possible, in the design of the subdivision.

CHAPTER 4
**STREET AND UTILITY IMPROVEMENT REQUIREMENTS**

**SECTION 4.1 GENERAL**

1. **Responsibility of Sub-divider**
   All required improvements such as streets, seal coating, alleys, utilities, street lighting, drainage, easements and other facilities which are required as a condition to plat approval

shall be the responsibility of the sub-divider and shall meet City specifications and standards of construction. Plans for the improvements herein required shall be prepared by a registered engineer in the State of Idaho

2. **Construction Drawings**
   Prior to recording the final plat, the sub-divider shall file with the City Engineer construction drawings for all improvements that are required for that portion of the subdivision included in the final plat.

3. **Bonding**
   Prior to recording the final plat, the sub-divider shall file with the City Clerk a surety bond, or other acceptable guarantee, to ensure actual construction of such improvements as submitted and approved. The improvements when covered by a surety bond, shall be constructed within two (2) years from the date of recording of the final plat; provided, however, the City may extend the period one (1) year upon showing of just cause by the sub-divider. Such surety bond or other guarantee shall be in the amount of one hundred ten percent (110%) of the estimated cost of the improvements as determined by the City.

4. **Record Plans and Specifications**
   Prior to acceptance by the City of any improvements installed by the sub-divider, two (2) sets of prints of the approved record plans and specifications shall be certified by the sub-divider's engineer and filed with the City. The record drawings shall be submitted in AutoCAD format, and shall show any deviations from the approved construction drawings.

   Within thirty (30) days after completion of improvements and submission of "record" plans and specification the City shall certify completion and acceptance of construction and shall transmit a copy of said certification to the sub-divider. If a surety agreement has been executed by the sub-divider, the same shall be forward to the City Clerk. The City Clerk shall thereafter release 75% of said surety or guarantee upon application by the sub-divider. The final 25% of the surety will remain in effect for a twelve (12) month warrantee period. If no problems are outstanding at the end of the warrantee period, the City Clerk will release the final amount upon written request by the developer.

## SECTION 4.2 REQUIRED IMPROVEMENTS

1. **Curb, Gutter, and Street Improvements**
   All streets shall have curbs and gutters, sidewalks, and asphalt paving that complies with the adopted design standards and specifications of the City. In rural residential zones the requirement for curb and gutter may be eliminated with approval of the city engineer and in compliance with the approved typical roadway sections.

2. **Sidewalks**
   Concrete sidewalks shall be provided on both sides of dedicated streets in compliance with the adopted Design Standards and Specifications of the City. All sidewalks are to be set back from the curb a minimum distance of seven (7) feet and the area between the

sidewalk and curb and gutter is to be landscaped. Sidewalks shall connect to cross walks at each intersection and shall meet the requirement as defined for ADA accessibility.

3. **Storm Water Disposal**
   Proper and adequate provision shall be made for disposal of storm waters. The type, extent, location, and capacity of facilities shall be approved for individual subdivisions by the City Engineer.

4. **Wastewater Systems**
   Proper and adequate provisions shall be made for wastewater disposal. The type, extent, location, and capacity of facilities shall be approved for individual subdivisions by the City Engineer. All systems shall comply with the adopted Design Standards and Specifications of the City and the Idaho Division of Environmental quality. (D.E.Q.). Plans and specifications and to be approved by D.E.Q. prior to acceptance by the City. The city will provide a "Will Serve Letter" to the developed after the plans have been reviewed and approved by the City Engineer.

5. **Monuments**
   Monuments shall be installed in accordance with current state of Idaho standards at all corners, angle points, of curve all street intersections. Control monument locations are to be approved by the City Engineer prior to installation.

6. **Water Systems and Fire Hydrants**
   Proper and adequate provisions shall be made for culinary water service to each lot. Fire protection shall be included in the design of the project to meet the requirements of the city and this ordinance. The type, extent, location, and capacity of facilities shall be approved for individual subdivisions by the City Engineer. All systems shall comply with the adopted Design Standards and Specifications of the City and the Idaho Division of Environmental quality. (D.E.Q.). Plans and specifications are to be approved by D.E.Q. prior to acceptance by the City. The city will provide a "Will Serve Letter" to the developed after the plans have been reviewed and approved by the City Engineer.

The location of fire hydrants required to serve the subdivision shall be approved by the City, and meet the requirements of section 3.

7. **Street Names**
   Street name signs and traffic control signs shall be installed by the City in appropriate locations at each street intersection in accordance with local standards. A fee shall be charged to the sub-divider to reimburse the City for its cost of such signing.

8. **Street Lights**
   Street lights shall be installed by the sub-divider at intersections throughout the subdivision, unless waived after recommendation of the City Engineer and approval of the City Council. Street lights will be required mid-block if the spacing between street lights exceeds 400 feet. Street lights are to be dark sky compliant and be a minimum of 150 watts. The sub-divider shall conform to the requirements of the City and Rocky

Mountain Power. Street lights are to be mounted on steel or aluminum poles meeting the requirements of Rocky Mountain Power. Bases and the power supply to the lights are to be completed by developer. Decorative lighting may be used in some locations with special approval by the City Engineer. Record drawings are to be submitted to the City Engineer prior to Rocky Mountain Power connecting the street lights to power.

All street light wiring installed in the City of Rexburg right-of-way shall be installed in electrical conduit according to the currently adopted National Electrical Code for direct burial. No direct burial cable without conduit shall be accepted by the City of Rexburg if owned by, or proposed to be owned by the City of Rexburg. All installations of electrical wiring for the purpose of street lighting shall meet the current NEC adopted by the City of Rexburg. Sizes of conduit shall also be no less than one inch to each pole light, and no less than two inch size to feed more than fifty feet between poles or junction boxes. No other foreign systems such as water piping or irrigation shall be in the same conduit as power wiring. All new conduits installed shall also be located by a City official prior to backfilling any trenching. Any pole installed shall have a grounding electrode installed at each location in addition to an equipment grounding conductor of sufficient size to meet code unless otherwise indicated in writing from a City official.

This standard shall only apply to wiring that is owned by or proposed to be owned by the City of Rexburg, including but not limited to the wiring after the first point of disconnect, typically an over current protection device. Fusing, junction boxes and related work shall be done to comply with the Requirements of Rocky Mountain Power.

9. **Postal Delivery System**
   Postal delivery system shall be planned within the existing Postal Service Guidelines for extension of delivery.

CHAPTER 5
**SPECIAL DEVELOPMENTS**

**SECTION 5.1 PURPOSES**
The purpose of this chapter is to identify types of special developments that normally pose special concerns to the Commission and the Council. This chapter outlines requirements and design standards that shall be taken into consideration when proposing developments. The provisions of this chapter are in addition to other applicable requirements of this ordinance and amends thereof and provisions of the Idaho Code. Required information shall be submitted to the City with the preliminary plat.

**SECTION 5.2 CONDOMINIUM DEVELOPMENTS**

1. **Site Development Plan**
   The sub-divider shall provide the Commission with a preliminary plat, elevations, perspective drawings and such other illustrated information at adequate scale to show the proposed development that will include at least the following:

a. All information required for a subdivision preliminary plat.
b. Architectural styles and building design concept;
c. Architectural materials and color;
d. Type of landscaping;
e. Screening, if proposed;
f. Type of solid waste facilities;
g. Parking concept; and
h. Open space areas;
i. Storage areas and enclosures.

**2. Private Streets**

Private street construction standards shall be based upon requirements set by the City. Adequate construction standards may vary depending on the size of the development and the demands placed on such improvements. All private streets are to be paved and are to be constructed of adequate width for fire and sanitation services. Minimum surfacing width is twenty-six (26) feet.

**3. Home Owners Associations**

Home Owners Association by-laws and other similar deed restrictions, which provide for the control and maintenance of all common areas, recreation facilities or open space, shall be approved by the Commission. Any and all power as specified in such agreements may be required to also be assigned to the jurisdictional agency insure continued and adequate maintenance of all such common areas, recreational facilities and open spaces, ability to assess property for delinquencies, and enforcement of motor vehicle speed to the interest of the owners involved and of the general public.

**4. Storage Areas**

Storage areas may be required for the anticipated needs of boats, campers, and trailers. For a typical residential development, 100 square feet of space shall be provided for every living unit. This may be reduced by the Commission if there is a showing that the needs of particular developments are less.

**5. Parking Space**

One additional parking space beyond that which is required by the zoning ordinance may be required for every three (3) dwelling units to accommodate visitor parking. Parking for the proposed development will be as required by the zone in which the proposed development is to be constructed.

**6. Maintenance Building**

A maintenance building or facility shall be provided. The size and location of the facility is to be determined by the type and service needed for the necessary repair and maintenance of all common areas and facilities.

**7. Open Space**

The location of open space shall be appropriate to the development and shall be of such shape and area to be useable and convenient to the residents of the development.

8. **Control During Development**
   Single ownership and control during development shall be required and a time limit may be imposed to guarantee the development is built and constructed as planned.

9. **Final Platting**
   A final plat shall be prepared and approved that meets all other requirements of the subdivision platting of this ordinance.

**SECTION 5.3 SUBDIVISION WITHIN OR PARTIALLY WITHIN A FLOODPLAIN**

1. **Flood Areas**
   For any proposed subdivision that is fully or partially located within a floodplain, the sub-divider shall provide the additional information as listed below to Commission with the proposed development plan of adequate scale and supporting documentation that will show and explain at the following additional information:

   a. The location of designated Floodplain.
   b. An Engineering Hydrologic and Hydraulic Report that identifies the Flood Way. If the development plan requires a structure or fill to be placed within the Flood Way, then the report must identify how the Flood Way and Floodplain are effected both upstream and downstream;
   c. Any planned rerouting of waterways;
   d. All major drainage ways;
   e. Elevations or designated flood water;
   f. Areas of frequent or intermediate flooding;
   g. Means of flood-proofing buildings; and
   h. Means of insuring loans for improvements within the flood plain.

   To give additional guidance in approving any proposed subdivision within a floodplain, the Commission shall review proposed developments considering the new construction and substantial improvements of residential structures within the floodway shall have the lowest floor (including basement) elevated at least two (2) feet above the level of the one hundred (100) year flood; and, for new construction or substantial improvements of non-residential structures, the lowest floor (include basement) shall be elevated at least two (2) feet above the level of one hundred (100) year flood, or together with attendant utility and sanitary facilities, shall be flood-proofed up to the level of the one hundred (100) year flood.

11. **Justification for Development**
    Upon determination that buildings are planned within the floodplain or that alternations of any kind are anticipated with the floodplain area that may alter the flow of water, the sub-divider shall demonstrate conclusively that such development will not present a hazard to life or limb, hazard to property, adverse effects on the safety, use or stability of a public way or drainage channel and not have an adverse impact on the natural environment. Approval from the Idaho Department of Water Resources and the Corps of Engineers shall be obtained prior to any wetlands modifications or channel changes.

**12. Appropriateness of Subdivision**

In determining the appropriateness of the subdivision for land located within a floodplain, the Commission shall consider the objectives of this ordinance, and at least the following:

a. The danger to life and property due to the increase flood heights or velocities caused by subdivision fill, roads and other intended modifications;
b. The danger that intended modifications may affect other downstream properties or to the injury of others;
c. The adequacy of proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions under flood conditions;
d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
e. The importance of the services provided by the proposed facility to the community;
f. The requirements of the subdivision for a water front location;
g. The availability of locations not subject to flooding for the proposed subdivision and land uses;
h. The compatibility of the proposed uses with existing development and development anticipated in the foreseeable future;
i. The relationship of the proposed subdivision to the comprehensive plan and any floodplain and any flood plan management program for the area;
j. The safety of access to the property for emergency vehicles in times of flood;
k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site; and
l. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

No subdivision or part thereof shall be approved if levees, fills, structures, or other features within or required by the proposed subdivision will individually or collectively increase flood flows, heights, or damages. If only part of a proposed subdivision can be safely developed, development shall be limited to that part and the City shall require development to proceed consistent with the determination.

**13. Flood-proofing Plans**

Flood-proofing plans must be individually approved by the Council upon recommendations from the Commission before such uses are constructed. Flood-proofing may be included but not be limited to the following:

a. The lowest floor elevation is to be at least 2 feet above the elevation of flood water surface as established by the FIRM document.
b. Reinforcement of walls to resist anticipated hydraulic loads;
c. Construction of water supply and wastewater systems so, as to prevent the entrance of flood water;
d. Installation of values or controls on sanitary and storm drains which permit the drains to be closed to prevent backup of sewage and storm waters into building or structures;

e. Location and installation of all electrical equipment, circuits and electrical applications so that they are protected for inundation by the regulatory flood; and
f. Location of storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare at elevations above the height associated with the regulatory protection elevation.

**SECTION 5.4 SUBDIVISION FOR A CEMETERY**

1. **Function**
   The developer shall provide the Commission with written documentation that will sufficiently explain if the proposed cemetery will be used for either human or animal remains or the functions that are anticipated on the property.

2. **Compliance with Idaho Code**
   The developer shall submit a written statement that has been prepared by an attorney that adequately assures the compliance of the proposed cemetery with the procedural platting requirements and management requirement that are outlined in Title 27, Idaho Code.

**SECTION 5.6 AREAS OF CRITICAL CONCERN**

1. **General**
   The development of any properties located in a hazardous or unique area that has previously been designated as an area of critical concern by the Council, as provided by Idaho Code shall demand that special consideration be given by the sub-divider to assure that the development is necessary and desirable in the public interest in view of the existing unique conditions. Areas that may be designated by the Council, through due process, as hazardous or unique may be as follows:
   a. Unstable soils;
   b. Unique animal and wildlife habitat;
   c. Unique plant life habitat;
   d. Scenic areas;
   e. Historical significance areas;
   f. Floodplains;
   g. Hillside subdivisions; and
   h. Other areas of critical concern.

2. **Plan Submission**
   The sub-divider shall prepare and submit an Environmental Document for those areas as above noted and designated along with the preliminary plat application

3. **Content of Environmental Assessment**
   The content of the Environmental assessment shall usually be prepared by a team of professionals that will provide answers to the following questions:
   a. What environmental impacts will probably occur (i.e. wildlife, plant life, social, economic, physical, etc.) As a result of the proposed development?
   b. What corrective action or alternative plans could be developed so as not to significantly cause detrimental environmental impact?

c. What adverse effects of the proposed development cannot be avoided?

CHAPTER 6
**VACATIONS AND DEDICATIONS**

**SECTION 6.1 APPLICATION PROCEDURE**

1. **Application**
   Any property owner desiring to have an existing subdivision, public right-of-way or easement vacated, or desiring to dedicate a street right-of-way, or easement shall complete and file an application with the City and also file such other applications as are otherwise required by law.

   Upon receipt of the completed application and other information as may be required, the City shall affix the date of application acceptance thereon. Said application shall then be placed on the agenda for consideration at the next regular meeting of the Council which is held not less than thirty (30) days from application submittal. Various City departments shall submit comments on the vacating application prior to the Council meeting.
   All dedications or vacations will be done in accordance with state statutes.

**SECTION 6.2 ACTION**

1. **COMMISSION RECOMMENDATION**
   The Commission may be asked to review the request and any agency response and make a recommendation to the Council for approval, conditional approval or denial.

2. **Council Action**
   a. When considering an application for vacation procedures, the Council shall establish a date for a public hearing and give such public notice as required by law. The Council may approve, or deny the application. Whenever public right-of-way or lands are vacated, the Council shall provide adjacent property owners with deed for said vacated rights-of-way in such proportions as are prescribed by law.
   b. When considering an application for dedication, the Council may approve or deny the application. When a dedication is approved, any required street improvements shall be constructed or a bond furnished assuring construction, prior to acceptance of the dedication, unless other requirements or agreements have been previously approved by the Council. To complete the acceptance of any dedication of land, the owner shall furnish to the Council a deed conveying such lands to the City and the City will record the deed with the County Recorder.

CHAPTER 7
**WAIVERS AND AMENDMENTS**

**SECTION 7.1 WAIVERS**
Where the Council finds that extraordinary hardships may result from strict compliance with these regulations, it may waive specific regulations so that substantial justice may be done and the public interest secured, provided that such waiver will neither have the effect of nullifying the intent and purpose of the Comprehensive Plan and Zoning or these regulations.

The fact that an owner could realize a greater financial return from his property by subdividing said property contrary to these regulations is not a sufficient reason for hardship. Hardship cannot be proved where it can be shown that property was purchased with the knowledge of existing restrictions, nor can hardship be claimed in terms of prospective sales or potential customers.

**SECTION 7.2 AMENDMENTS**
The Council, after recommendation from the Commission, may from time to time amend, supplement, or repeal the regulations, procedures and provisions of this ordinance in the following manner:

1. The Commission, prior to recommending an amendment supplement or repeal of this ordinance, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. The public hearing shall be noticed as required by state statutes. Following the Commission hearing, if the Commission recommends a material change in the ordinance, other than that published for the present hearing, further notice and hearings shall be provided before the Commission forwards its recommendation to the Council.

2. The Council, prior to adoption of an amendment, supplement or repeal of this ordinance, shall hold at least one (1) public hearing as established by state statutes for hearings and ordinance approvals.

CHAPTER 8
**FEES, PERMITS, INSPECTION, VIOLATIONS, PENALTIES, CONFLICT WITH OTHER LAWS AND REPEALER**

**SECTION 8.1 FEES**
Persons filing a subdivision plat within the City of Rexburg shall first have paid all fees as established by resolution of the Council. Such fees may be reviewed and changed by resolution of the Council at such time as the Council deems necessary.

A fee may be assessed for any service, including but not limited to the following:
1. Office checking and field engineering
2. Subdivision plat filing fee.
3. Construction inspection fee.
4. Notice and publication costs

**SECTION 8.2 PERMITS**
From the time of the effective date of this ordinance, no building permits shall be issued in violation hereof, nor shall any City officer grant any license or permit for the use of any land or the construction or alternation of any building or structure on a lot which would be in violation of any provision of this ordinance. Any license or permit issued in conflict with such provisions shall be void.

**SECTION 8.3 INSPECTIONS**
Appropriate agencies and department shall inspect (or cause to be inspected) the improvements for compliance with approved plans and specifications and applicable codes such as buildings, fire hydrants, water supply, sewage disposal systems, etc., in the course of construction, installation or repair. Excavations for fire hydrants and water and sewer mains and laterals shall be covered or backfilled until such installations shall have been approved by the City. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued by the City to the responsible person.

The developer will be required to construct or have constructed all property improvements as required for the development of any proposed subdivision. The City Engineer's office will inspect all construction of improvements that will be accepted and maintained by the City. Costs for inspection1, testing, quality control are to be paid to the City by the developer at rates established by resolution of the Council. Work completed without adequate notification to the City Engineers office may not be accepted by the city unless approved inspections and testing has been completed. Failure to have all work inspected may result in the withholding of services or issuances of building permits.

**SECTION 8.4 VIOLATIONS**
No person shall subdivide any tract or parcel of land located wholly or in part in the City except in compliance with the provisions of this ordinance. No person shall purchase, sell, offer for sale or exchange any parcel of land which is part of a subdivision or a proposed subdivision submitted to the Commission, nor offer for recording in the office of the County Clerk any deed conveying such parcel of land or any fee interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this ordinance.

**SECTION 8.5 PENALTIES**
Penalties for failure to comply with the provisions of this ordinance shall be as follows:

Violation of any of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation of this ordinance continues shall be considered separate offense. The land owner, tenant, sub-divider, builder, public official or any other persons who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense. Nothing herein contained shall prevent the Council or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this ordinance or of the **Idaho Code.**

**SECTION 8.6 CONFLICT WITH OTHER LAWS AND REPEALER**
It is not intended by this ordinance to impair or interfere with other regulations of state or local law, or with private restrictions on the use of land, improvements, and structures. Where this ordinance imposes greater restriction than that imposed by other law or private restrictions, this ordinance shall prevail. All other ordinances or parts of ordinances in conflict herewith are hereby repealed upon the effective date of this ordinance. This ordinance, when adopted, shall repeal Ordinances No. 444 and 487 in their entirety with amendments thereto.

CHAPTER 9
**VALIDITY OF THE ORDINANCE**

**SECTION 9.1 SEVERABILITY**
If any provision of this ordinance is to be held invalid, such invalid shall not affect other provisions which can be given effect without the invalid provisions, and to this end the provisions of this ordinance is declared to be severable.

**SECTION 9.2 EFFECTIVE DATE**
This **SUB-DIVISION CODE** shall be in full force and effect as part of the Development Code on the first day after passage and approval thereof.

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# CHAPTER 13: MOBILE HOMES

## CHAPTER 13.01 MANUFACTURED/MOBILE HOME – GENERAL PROVISIONS

### 13.01.010 Description and purpose of provisions

This chapter establishes minimum standards and requirements for the occupation of manufactured homes and for the construction and operation of manufactured home communities. It is concerned with the relationship of the manufactured home to adjacent land uses in order to protect and secure the public health, safety and general welfare of the City of Rexburg.

The regulations in this chapter are intended to provide a stable, healthy environment, together with the full range of services, for those residents choosing to reside in Manufactured/Mobile Homes on a permanent or temporary basis.

### 13.01.020 Definitions

The following definitions are in addition to those found in Chapter two (2) of the Development Code.

Accessory Structure: A non-occupied subordinate structure detached from but located on the same Lot as the principal structure, the use of which is incidental to that of the principal structure without permanent foundation.

Accessory use: A use incidental to, and on the same parcel as, a principal use.

Access way: An unobstructed way of specified width containing a drive or roadway which provides vehicular access within a Manufactured/Mobile Home Community.

Awning: Any stationary structure used in conjunction with a Manufactured/Mobile Home, other than a window awning, for the purpose of providing shelter from the elements and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.

Block: The space along one side of a street between the two nearest intersecting streets, or between an intersecting street and a right-of-way, waterway or other similar barrier, whichever is lesser.

Building: Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or opening, which is designed or intended for the shelter, enclosure or protection of persons, animals, chattels or property of any kind.

Building, detached: A Building surrounded by open space on the same Lot with permanent foundation.

Building, nonconforming: Any building which does not conform to the requirements of The Development Code.

Cabana: A stationary lightweight structure which may be prefabricated or demountable, with two or more walls, used adjacently to and in conjunction with a Manufactured/Mobile Home.

Carport: A stationary structure consisting of a roof with its supports and not more than one wall and used for sheltering a motor vehicle.

City: The City of Rexburg.

City Clerk: The City Clerk of the City.

Commission: The Rexburg City Planning and Zoning Commission hereinafter referred to as Commission.

Comprehensive Plan: The Comprehensive Plan for the City of Rexburg, or parts thereof, projecting future growth and development and for the general location and coordination of street and highways, schools and recreation areas,

public building sites and other facilities, which shall have been duly adopted. This plan shall comply with the Idaho Code as adopted or amended.

Conditional Use Permit: A special use permit as provided for by Idaho Section 67-6512 in which a use that, owing to some special characteristics such as traffic or noise generation, parking needs, access, building size, lighting, consistency with developed uses in the area, or other characteristics of operation, is permitted in certain districts subject to approval by the Planning and Zoning Commission or the City Council, subject to terms and conditions, depending upon the particular use.

Council: The Rexburg City Council hereinafter referred to as the Council.

Dwelling: A building or portion thereof that provides living facilities for one or more families.

Floor Area, Gross: The sum of the areas of all floors of a Building, including any area used for human occupancy in the basements and attics, as measured from the exterior faces of the walls.

Height: The average vertical distance from the grade to the top of the horizontal Building walls, and does not include gables or dormers. Dormers and gables are encouraged in order to create more architectural interest to a building.

Lot: A piece or parcel of land separated from other pieces or parcels as shown on a recorded subdivision plat or by metes and bounds description for purposes of sale, lease, or separate use.

Manufactured home (defined under I.C. 39-4105(8): A structure constructed for human habitation, after June 15, 1976, in accordance with the federal Manufactured Home Construction and Safety Standards (HUD) and is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. section 5401 et seq.

**Note:** A manufactured home does not include a mobile home, or a mobile home or house trailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976.

Mobile home (defined under *I.C. 39-4105(9)*): A factory-assembled structure or structures constructed prior to June 15, 1976, and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation.

**Note:** The term "mobile home" means forms of housing known as "trailers", "house trailers", or "trailer coaches" exceeding 8 feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, house trailer, or trailer coach up to 8 feet in width or 45 feet in length used as a principal residence.

Mobile home, rehabilitated: A factory-assembled structure constructed prior to June 15, 1976, the effective date of the Manufactured Housing and Safety Standard Act (HUD code), that are currently sited in Idaho or that may be brought into the state after July 1, 1998, which have been upgraded to comply with *Title 44 Chapter 25 of the Idaho Statutes* and received a “Certificate of Compliance” from the Division of Building Safety of the State of Idaho.

Manufactured/Mobile Home Community: A parcel of land under single ownership that has been planned and improved for the placement of Manufactured/Mobile Homes.

Parking Space: A dedicated or delineated area other than a street or alley that is permanently set aside, reserved and maintained in accordance with the Rexburg City Development Code for the parking of one motor vehicle.

Ramada: A stationary structure having a roof extending over a Manufactured/Mobile Home which may also extend over a patio or parking space for a motor vehicle and is used principally for protection from the elements.

Service Building: A structure containing lavatories, water closets, showers and/or bathtubs, and laundry facilities for the use of Manufactured/Mobile Home Community occupants.

Setback: The minimum horizontal distance between a property line of a Lot and the nearest wall line of the eaves of the building (providing eaves are equal or less than two feet in depth), including any projection thereof, excluding uncovered steps. Uncovered steps or a deck may not extend into the front setback more than one-third of the required setback.

Stand: The area of the Manufactured/Mobile Home reserved for the placement of a Manufactured Home.

Yard: Any open space located on the same Lot with a Building, unoccupied and unobstructed from the ground up, except for Accessory Buildings, or such uses as provided by this Development Code. The minimum depth or width of a yard shall consist of the horizontal distance between the Lot line and the drip line of the main building unless otherwise noted in the Development Code.

## CHAPTER 13.02 LOCATION, PARKING, AND STORAGE RESTRICTIONS

### 13.02.010 Location in Manufactured/Mobile Home Community required

It shall be unlawful to maintain a Manufactured/Mobile Home for residential purposes outside a Manufactured/Mobile Housing Community. Such prohibition shall apply regardless of whether the parking site shall be on private or public premises, streets, alleys, or highways.

Exceptions to the foregoing requirements: Manufactured/Mobile Homes used for residential quarters for watchmen or caretakers and located on the premises of an industrial establishment in any industrial zone shall be permitted. Also, Manufactured/Mobile Homes with a width greater than 24 feet which meet the definition on masonry foundations shall be permitted for residential purposes as per the Rexburg Development Code.

### 13.02.020 Wheel removal restrictions

Removing the wheels of a Manufactured/Mobile Home or setting the Manufactured/Mobile Home on posts or footing shall not make the Manufactured/Mobile Home exempt from the requirements of this chapter.

### 13.02.030 Wheel removal permissions

The wheels of the Manufactured/Mobile Home may be removed, but no axles, springs, and other equipment needed to mobilize. Jacks or stabilizers may be placed under the frame of the Manufactured/Mobile Home to prevent movement on the springs while the Manufactured/Mobile Home is parked and occupied. Must meet all safety inspection requirements.

### 13.02.060 Parking and storage of unoccupied Manufactured/Mobile Homes

Parking of unoccupied Manufactured/Mobile Homes is prohibited on public premises, streets, alleys, or highways, at all times, except for emergency purposes.

### 13.02.070 Parking space requirements for Manufactured/Mobile Homes

There shall be two (2) vehicle parking spaces at least nine feet by twenty feet (9' x 20') in size for each Manufactured/Mobile Home space, with clear and unobstructed access to an access way. Any parking in the access way shall not fulfill this requirement. Ten (10) percent visitor parking shall be required. Tandem parking is allowed with Community Development Director or Designee approval.

## CHAPTER 13.03 CONDITIONS AND REGULATIONS

## ARTICLE I MANUFACTURED HOMES

**13.03.010 Density requirements**
In no event shall the density exceed eight (8) mobile homes per gross acre without the acquisition of a Conditional Use Permit allowing said density to be increased. Density requirements shall be established as the minimum square footage of gross site area for each Manufactured Home. If it is determined by the City of Rexburg staff that a street widening or terminating dedication is necessary, the amount of land dedicated shall be subtracted from the gross site area when calculating the proposed density.

**13.03.020 Setbacks from community boundary lines**
Manufactured Home Parks shall observe the following setbacks between Manufactured/Mobile Home Stands and development boundary lines:

When abutting any residentially or agriculturally zoned property - fifteen (15) feet.

When abutting commercially zoned property - ten (10) feet.

The setback from any abutting street shall be at least twenty-five (25) feet.

**13.03.030 Development of boundary lines**
A sight-obscuring fence or wall of not less than six (6) feet nor more than eight (8) feet in height, and and/or evergreen planting of not less than six (6) feet in height, shall surround the Manufactured Home Community. Other considerations such as berms, deciduous bushes, or other landscaping options may be allowed as approved by the City of Rexburg Design Review Committee. As approved by Design Review Board.

**13.03.050 Minimum land area**
The following area requirements shall be deemed to be the minimum land area necessary to establish a Manufactured/Mobile Home Community:

1) The minimum parcel of land to be used for Manufactured/Mobile Home Community purposes shall contain not less than four (4) acres.

**13.03.070 Sign regulations**
Signs shall be regulated as provided in chapter ten (10) of this document. In addition, there shall be adequate signs and marks indicating direction, community areas, recreation areas and street names shall be established and maintained in the Manufactured/Mobile Home Community.

**13.03.080 Access restrictions**
A Manufactured/Mobile Home Community shall not be established on any site that does not have access to a public street on which the potential paving width is less than forty (40) feet.

**13.03.100 Structures, alterations, and additions**
Structures located in any Manufactured/Mobile Home space shall be limited to a storage building, ramada or carport. The storage structure, ramada or carport may be combined as one structure. No structural additions shall be built onto or become a part of any Manufactured/Mobile Home, and no Manufactured/Mobile Home shall support any building in any manner. The words structure additions shall not be construed to exclude the construction of an awning, patio cover, or cabana adjacent to a Manufactured/Mobile Home.

Exceptions:
*Lightweight* awnings, ramadas, and other lightweight structures and additions are allowed without a building permit. Accessory buildings that are less than two hundred (200) square feet do not require a building permit. All other

structures will require a building permit, e.g., those attached to the home, those occupied on a daily basis, porches with covers, and any structure or addition which requires a railing.

**13.03.110 Skirting**
Skirting of Manufactured/Mobile Homes is required, but such skirting shall not attach the Manufactured/Mobile Home permanently to the ground or create a fire hazard.

**CHAPTER 13.05 ZONING APPROVAL**

**13.05.010 Building permit and tentative approval**
No building permit shall be issued for construction of a new Manufactured/Mobile Home Community or expansion of an existing Manufactured/Mobile Home Community in any district until the proposed location is approved with the stipulations of the approval stated therein.

At the time of the public hearing, the planning Commission may give tentative approval of the use of the proposed location for Manufactured/Mobile Home Community purposes. Final approval of said use shall be contingent upon the submission of acceptable detailed site plans of the proposed Manufactured/Mobile Home Community development as required by the City Development Code.

**13.05.020 Site plans required**
The application for a Conditional Use Permit to construct a new Manufactured/Mobile Home Community or to expand an existing Manufactured/Mobile Home Community shall be accompanied by four (4) copies of the site plan of the proposed community. The site plan should show the general layout of the entire Manufactured/Mobile Home Community, and should be drawn to a scale not smaller than one (1) inch representing forty (40) feet. As a minimum the site plan drawing shall show the following information:

1) Name of the person who prepared the site plan.

2) Name of the Manufactured/Mobile Home Community and address.

3) Scale and North orientation of the site plan.

4) Vicinity map showing relationship of Manufactured/Mobile Home Community to adjacent properties including the names of the contiguous owners.

5) Boundaries and dimensions of the Manufactured/Mobile Home Community.

6) Location and dimensions of each Manufactured/Mobile Home space.

7) Location and dimensions of all existing or proposed structures.

8) Location and width of roads or access ways.

9) Location and width of walkways.

10) Location and detail of all lighting fixtures for streets and spaces.

11) Location and screening of all garbage dumpsters.

12) Location and size of all proposed recreation areas and buildings.

13) Location and type of landscaping, planting, fence, wall, or combination of any of these or other screening materials.

14) Location and details of the proposed water and wastewater systems for the manufactured/Mobile Home Community.

15) Location of fire hydrants.

16) Enlarged site plan of a typical Manufactured/Mobile Home space, showing location of the pad, parking area, patio, storage space, sidewalk, utility connections and landscaping.

17) Draft of proposed documents including:

    a) Management policies, covenants and restrictions.

    b) Maintenance procedures.

**13.05.21 Detailed development plan requirements:**

1) Detail plans required. At the time of application for a permit to construct a new Manufactured/Mobile Home Community or to expand the community, the applicant shall submit four (4) copies of the following required detailed plans:

    a) Any new structures.

    b) Water and Sewer systems designed and signed by an Idaho registered engineer. The detailed plans shall show how connections are to be provided to each pad and how the water and sewer connections will be protected from freezing.

    c) Electrical Systems for the development and connection details for each pad.

    d) Road, sidewalk and patio construction.

    e) Storm drainage system.

    f) Recreation area detail.

2) Swimming pools require a building permit with detailed plans and District Health Department approval.

## CHAPTER 13.06 SITE REQUIREMENTS

**13.06.010 Access ways**
Access ways shall connect each Manufactured/Mobile Home space to a public street and shall have the following minimum pavement widths:

1) Entrance Street and collectors with guest parking/community on both sides shall be no less than forty-four (44) feet wide with curb and gutter.

2) Collector Street with parking on one side shall be no less than thirty-six (36) feet wide.

3) Collector Street with no parking shall be no less than twenty-four (24) feet.

4) Minor street or cul-de-sac, no parking shall be no less than twenty-four (24) feet, and cul-de-sacs shall have a minimum radius of no less than thirty-five (35) with no parking and forty-five (45) feet with allowed parking.

**13.06.020 Walkways**
Walkways shall be provided from each Manufactured/Mobile Home space to the service building and recreational area or areas, and from the patio to the access way. Common walkways shall have a minimum width of four (4) feet

and private walkways shall have a minimum width of two (2) feet.

**13.06.030 Recreation area**
A minimum of eight percent (8%) of gross Manufactured/Mobile Home area shall be reserved for recreation. The recreation area may be in one (1) or more locations in the community. At least one (1) recreation area shall have a minimum size of five thousand (5,000) square feet, and be of a shape that will make it usable for its intended purpose.

**13.06.040 Electricity**
All electrical conductors, wiring, and equipment as it applies to Manufactured/Mobile Home Communities shall comply with article 550 in the current State of Idaho (Division of Building Safety) adopted version of the National Electrical Code. All electrical conductors, wiring, and equipment within the Manufactured/Mobile Home Community shall comply with the ordinances of the City of Rexburg, Idaho along with the remaining portions of the currently adopted National Electrical Code as it applies.

In addition, an electrical outlet supplying at least 200 amps shall be provided for each Manufactured/Mobile Home space. Such electrical outlets shall be weatherproof. No energized conductors or cabling shall be permitted to lie on the ground, or be suspended less than fifteen (15) feet above the ground. Electrical outlets shall be provided at each Manufactured/Mobile Home space supplying voltages of 220 volts and 110 volts nominal. All driveways, accessways, and walkways within the Manufactured/Mobile Home Community shall be lighted at night (from one hour after sundown to one hour before sun up) with electrical lamps of not less than 300 lumen output, each spaced at intervals of not more than 100 feet.

**13.06.050 Wastewater management**
Manufactured/Mobile Home Community wastewater management systems shall be connected to the city collection system and comply with State and Local plumbing laws and regulations.

Each Manufactured/Mobile Home space shall be provided with at least a four inch (4") sewer connection. The sewer connection shall be provided with suitable fittings so that a watertight connection can be made between the Manufactured/Mobile Home drain and sewer connection. Such individual Manufactured/Mobile Home connections shall be so constructed that they can be closed when not connected to a Manufactured/Mobile Home, and shall be trapped in such a manner as to maintain them in an odor free condition.

Determination of the amount of wastewater discharged to the city shall be determined by the average winter water usage as determined by the facility water metering system.

**13.06.060 Water supply system**
An accessible, adequate, safe and potable central supply of water shall be provided in each Manufactured/Mobile Home Community. The proposed facility shall be connected to the city water system unless special conditions granted by the city allow for a local community system. The water supply system shall be able to provide fire protection as required by local codes and ordinances.

The design and extension of water mains shall conform to existing city requirements. Fire hydrants shall be located as required by the Uniform Fire Code as adopted by the city.

**13.06.070 Water supply piping and maintenance**
All water piping shall be constructed and maintained in accordance with State and Local law. The water system within the facility is to be maintained by the owner of the facility and shall be operated in accordance with existing laws. The water supply system shall be protected from back flow as required by the city's back flow protection ordinance.

Individual water service connections which are provided for direct use by the Manufactured/Mobile Homes shall be so constructed that they will not be damaged by the moving of the homes. Connections are to be constructed and isolated so that they will not freeze if they are connected to a home or not.

The use of ordinary stop and waste valves where back flow can occur into the potable water system are prohibited.

The water system for the Manufactured/Mobile Home facility shall be metered at the connection to the city system or as determined by the City Engineering Department.

## CHAPTER 13.07 SPACE REQUIREMENTS

**13.07.050 Space required between Manufactured/Mobile Homes**
Minimum space requirements between Manufactured/Mobile Home stands:

1) End to end, fourteen (14) feet;

2) Side to side, twenty (20) feet;

3) Temporary or permanent structures situated in one (1) space shall be separated by at least ten (10) feet from temporary or permanent structure or Manufactured/Mobile Homes in an adjoining space;

4) Distance from the sidewalk to a stand, five (5) feet.

## CHAPTER 13.08 IMPROVEMENT REQUIREMENTS

**13.08.010 Roadway surfacing**
Roadways within access ways and sidewalks shall be paved with a gravel base and asphaltic or concrete surfacing according to structural specifications established by the City Engineer.

**13.08.020 Patios and decks**
Patios may be paved with asphalt, concrete, or suitable hard surfaced material or if decks are used, they shall be of durable, safe construction.

**13.08.040 Wiring to be underground**
Wires for service to light poles and Manufactured/Mobile Home spaces shall be underground.

**13.08.050 Manufactured/Mobile Home Stand surfacing**
Manufactured/Mobile Home Stands shall be paved with asphalt or concrete surfacing or with crushed rock contained within concrete curbing or pressure-treated wooded screens.

**13.08.060 Drainage requirements**
The Manufactured/Mobile Home Community shall be well drained. Provisions for drainage shall be made in accordance with plans approved by the City Engineer.

**13.08.100 Mail delivery facilities**
Each Manufactured/Mobile Home site shall be equipped with a receptacle for mail deliveries in accordance with standards recommended by the local postmaster.

## CHAPTER 13.09 HEALTH, SANITATION, AND MAINTENANCE REQUIREMENTS

**13.09.010 Refuse management intent**
The storage, collection and disposal of refuse in the community shall be so as to create no health hazards, rodent harborage, insect breeding areas, accident hazards or air pollution.

**13.09.020 Refuse containers**
All refuse shall be stored in fly tight, watertight, rodent proof containers which shall be located not more than one hundred fifty feet (150') from Manufactured/Mobile Home space. They shall be provided in sufficient number and capacity to prevent any refuse from overflowing. Dumpsters are to be enclosed as per the requirements of the City

Development Code.

**13.09.070 Fire protection requirements**
The community area shall be subject to the rules and regulations of the Rexburg City Fire Department.

Manufactured/Mobile Home Community areas shall be kept free of litter, rubbish, and other flammable materials.

Fires shall be made only in stoves, incinerators and other equipment intended for such purposes.

No open fires shall be permitted in any Manufactured/Mobile Home community in any place where the same shall endanger life or property.

**13.09.110 Liquefied petroleum gas restrictions**
Liquefied petroleum gas for cooking purposes shall not be used at individual home spaces unless the containers are properly connected by copper or other suitable metallic tubing. Liquefied petroleum gas cylinders shall be so fastened in place, and shall be adequately protected from the weather. No cylinder containing liquefied petroleum gas shall be located in a Manufactured/Mobile Home nor within five (5) feet of a door thereof.

**CHAPTER 13.10 INSPECTIONS**

**13.10.010 Building inspector and duties generally**
The Building Inspector is hereby authorized and directed to make inspections to determine the condition of Manufactured/Mobile Home communities within the City, in order that they may perform their duty of safeguarding the health and safety of occupants of Manufactured/Mobile Home communities and of the general public.

**13.10.020 Register inspection**
The Building Inspector shall have the power to inspect the register containing a record of all Manufactured Homes, Mobile Homes, or Trailers within the communities.

**13.10.030 Right of entry for enforcement**
The Building Inspector shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of regulation set forth in the chapter with owner's permission.

**13.10.040 Owner or occupant duty to grant access for inspection**
It shall be the duty of the owners or occupants of the community and Manufactured/Mobile Homes contained therein, or of the person in charge thereof, to give the Building Inspector free access to such premises, upon notice to the management, at reasonable times for the purpose of Inspection.

**13.10.050 Occupant duty to permit access for repairs or lawful orders**
It shall be the duty of every occupant of a community to give the owner thereof or his agent or employee access to any part of such community or its premise at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter, or with any lawful order issued pursuant to the provisions of this chapter.

**13.10.060 Violation of inspections**
Whenever any inspection reveals that conditions or practices exist which are in violation with any provision of this ordinance, or any ordinance of the City of Rexburg, Idaho, or law or laws of the State of Idaho, the inspecting officer shall give notice in writing to the person in charge of such Manufactured/Mobile Home Community, and unless such conditions or practices are corrected within a reasonable period of time, such period of time to be determined by the inspecting officer, the Manufactured/Mobile Home shall cease operation.

## CHAPTER 13.12 NONCOMPLIANCE AND SEVERABILITY

### 13.12.010 Enforcement

An enforcing officer shall be appointed by the Mayor and City Council and such officer shall be responsible for the enforcement of the provisions of this ordinance.

### 13.12.020 Severability

If any provisions of this Ordinance or the application thereof to any persons or circumstances are held invalid, the remainder of the Ordinance or the application or provisions to other persons or circumstances shall not be affected thereby.

It is not intended by this Ordinance to impair or interfere with other regulations of State or Local law, or with private restrictions on the use of land, improvements, and structures.
Where this Ordinance imposes greater restriction than that imposed by other law or private restrictions, this Ordinance shall prevail.

All other ordinances or parts of ordinances in conflict herewith are hereby repealed upon the effective date of this ordinance.

### 13.12.030 Violation – Penalty

Any person, firm or corporation violation any of provisions of this ordinance shall be deemed guilty of a misdemeanor, and shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued or permitted.

Upon conviction of any violation of any of the provisions of this ordinance such persons shall be punished by a fine of not more than One Hundred Dollars, ($100.00) or by imprisonment for not more than thirty (30) days, or both such fine and imprisonment.

**Zoning Map**
Click Path Below

The current Rexburg Zoning Map can be found at the follow web address: Zoning:
http://mrgis.maps.arcgis.com/sharing/rest/content/items/af6ff7f531814920bb7c4f1df44dca8b/data

**Comprehensive Plan Map**

Click Path Below

The current Rexburg Comprehensive Plan Map can be found at the follow web address: Comp Plan:
http://mrgis.maps.arcgis.com/sharing/rest/content/items/a410aa29cd374b49bbf6f5958602a259/data

# APPENDIX C: Enforcement Strategic Plan

Enforcement Policies and Procedures
Adopted as Supplementary to the Rexburg City Development Code

Implemented within City Limits

## 1.0 POLICY

The following program governing enforcement within the City Limits and area of City Impact is hereby adopted.

## 1.1 PURPOSE

The City Staff will work with Rexburg residents in an effort to make the City of Rexburg a clean, safer, and healthier place to live. The methods used will primarily be through education in conjunction with enforcement as needed. While serving the public, City Staff will treat the public with dignity and respect, with a positive attitude, and a collaborative spirit. City Staff will develop processes and procedures to effectively serve the public. City Staff will stay informed and educated on current issues with code enforcement and develop needed skills to deliver professional services. Code enforcement will work in cooperation with a variety of other agencies and take part in community events to serve the public.

## 1.2 OFFICERS RESPONSIBILITIES AND OBJECTIVES

**Objective One**

Educate property owners and renters of their responsibilities to maintain their property as it pertains to the standards set forth in City of Rexburg codes.

**Objective Two**

Enforce the codes in accordance with established policies and procedures. Seek compliance through education and enforcement.

**Objective Three** Work with individual property owners, landlords, occupants, renters and businesses.

**Objective four**

To maximize our service to the community, we have analyzed the most common code violations that have the most negative impact on a neighborhood. The Code Enforcement Division will focus on the most common violations listed below.

- Debris and garbage on properties
- Inoperative vehicles
- Weeds
- Illegal Housing Units.

## 1.3 ENFORCEMENT ACTIVITIES

Code enforcement activities will help individuals and families to improve their properties. Referring to The "Window Theory" as written by James Wilson and George Kelly, Sandi Bucher stated in an article in the LA times…

> *"A stable neighborhood of families who care for their homes, mind each other's children and confidently frown on unwanted intruders, can change, in a few years or even a few months into an inhospitable and frightening jungle…A piece of property is abandoned, weeds grow up, a window is smashed… Families move out, unattached adults move in. Litter accumulates…it is more likely that here, rather than in places where people are confident they can regulate public behavior by informal controls, drugs will change hands…and crime and decay goes on". "It has been proven in case studies that anywhere a community stops caring about their neighbor, their property, their children and their neighbor's children, a broken window is bound to show up".*

Code enforcement will help improve safe and sanitary living conditions, and neighborhood aesthetics. It is anticipated through education and involvement; many residents will take self-initiative to correct code violations on their properties.

### 1.4 EDUCATION

Education is an important and proactive component effecting code enforcement. Education empowers citizens to make decisions about their individual properties, neighborhoods, and community. Educational opportunities will be provided to residents on code enforcement and neighborhood cleanup activities with the cooperation and support of the Community Development Director and Public Information Officer. Information will be disseminated through:

- Flyers, newsletters
- Monthly activities in coordination with specific seasons of the year
- Newspaper features on "things to know about code enforcement"
- Workshops and seminars
- TV news stories
- Surveys and Questionnaires
- Web Page information

### 1.5 COMMUNICATION AND COORDINATION

Code enforcement activities will be coordinated with the Police, Fire, Building, District Health Departments, and other entities. Coordination will include:

- Police Department---illegal activities in or around properties, graffiti, and abandoned vehicles etc.
- Fire Department--unsafe structures, burnt structures, home addressing and size of letters, hydrants, access issues, etc.
- Animal control—number of dogs allowed per household
- Building Department--dangerous buildings
- Health Department—safety and unsanitary conditions in or around homes or businesses, and infestations
- Neighborhood Associations
- Civic and Service Organizations
- Church Groups

### 1.6 COURTESY NOTICE

This is the initial step in communicating violations to residents and property owners regarding their property. This notice is a door hanger notifying the property owner or occupant of code violations on the property. If the property owner or occupants are available, we will work directly with them to help resolve code violations. Attempts will always be made to have face to face contact between the officer and the occupant prior to the notice being left on the door. Code officers can offer solutions and advise of programs which may be available to get help if needed. The door hanger has two perforations. Part of the door hanger is to be filled out by the property owner/occupant and sent back to Code Enforcement within ten days. This is to acknowledge receiving the notice and to show a plan of action to correct the problem. The other portion is information for the officer to track the case.

### 1.7 ABATEMENT PROCESS

When an individual, either homeowner or renter, fails to comply with city codes and the violation is of a nature that can be cleaned or cleared, i.e. weeds, debris, trim bushes, trees, etc., the abatement process goes into effect.

### 1.8 PROSECUTION PROCESS

The Prosecution Process is used in cases where a violation consists of items that may be deemed of value, i.e. vehicles, parts of vehicles, appliances, furniture, etc. The Abatement Process is not used due to the fact that the city does not have the ability to store these items nor desires the liability that could accompany transporting and storage. The Prosecution Process is to be followed as a last resort after the Abatement and Citation Process have been exhausted. The Prosecution Process is as follows:
The Prosecution Process is used in cases where a violation consists of items that may be deemed of value, i.e. vehicles, parts of vehicles, appliances, furniture, etc. The Abatement Process is not used due to the fact that the city does not have the ability to store these items nor desires the liability that could accompany transporting and storage. The Prosecution Process is to be followed as a last resort after the Abatement and Citation Process have been exhausted.

### 1.9 CITATIONS

One avenue to resolve violations is to issue citations. The issuance of a citation is much more serious in nature than an Abatement Notice and tends to directly impact the point of view of the violator. This gives the Division an opportunity to resolve violation in a more direct and expeditious manner.

### 2.1 EVALUATION CRITIERIA

Measuring the impact of code enforcement activities is not always precise. Some activities can be tabulated numerically, while others will come with a less tangible result. The Code Enforcement Department maintains a computer tracking system allowing for activities to be recorded and tabulated.

It is believed by using the Block-by-Block Inspection and the new notice system we will be able to track more closely any time we have interaction with residents directly or indirectly. Code Enforcement will be able to evaluate the efforts from the information gather from each inspection.

Other less tangible ways to evaluate the program will be to:

- Increase self-initiative by the residents to take their own actions to correct code violations
- Observe the improvements of safe and sanitary living conditions
- Aesthetic improvements of structures and landscaping
- A decline in out-migration of residents and businesses from the neighborhoods
- Stabilize property values

With this strategic plan, the needed intervention will take place. This plan has the base to succeed. Nevertheless, it will be an evolving plan, and it can and will be modified where needed to successfully serve the residents of the City of Rexburg.

Code enforcement activities will help individuals and families to improve their properties. This Strategic plan will assist in helping improve safe, sanitary, living conditions, and neighborhood aesthetics. Through education and code officer involvement, residents will take the self-initiative to maintain their property, neighborhood, and community.

### 3.1 PROCEDURES

**Block by Block Inspection Process**

Code enforcement officers will work to achieve the goal and objectives of this plan by initiating a Block-by-Block Inspection Process. This Inspection Process will be a systematic sweep of the entire area as divided into zones. There are four zones within the City of Rexburg. The zones are geographically sectioned, delineated by major traveled arteries. This effort will give the officer the opportunity to go door-to-door reviewing thoroughly each property for code violations and whenever possible, meet with the property owners or occupants and educate them on city codes. Properties will be evaluated for the target violations of debris, inoperative and/or unlicensed vehicles, weeds, and graffiti. Education materials will be distributed, communication will take place, and relationships based on trust, will be built. Although the officer will be concentrating their efforts in one specific block area at a time, they will continue to follow up on all complaints, abandoned vehicles, and active cases within the city.

### 3.2 THE FOLLOWING ARE NOTICES AND PROCEDURES USED BY CODE ENFORCEMENT

1. Courtesy Notice
2. Correction Notice
3. Final Notice
4. Re-Occurring Violation Notice
5. Citation process (as needed)
6. Abatement process (as needed)
7. Prosecution process (as needed)
8. Process for open and accessible vacant buildings
9. Dangerous building abatement process
10. Code enforcement money handling procedure
11. Voluntary community service
12. Recognition awards
13. Code Enforcement development
14. Coverage and statistics

### 3.3 COURTESY NOTICE

This is the initial step in communicating violations to residents and property owners regarding their property. This notice is a door hanger notifying the property owner or occupant of code violations on the property. If the property owner or occupants are available, we will work directly with them to help resolve code violations. Attempts will always be made to have face to face contact between the officer and the occupant prior to the notice being left on the door. Code officers can offer solutions and advise of programs which may be available to get help if needed. The door hanger has two perforations. Part of the door hanger is to be filled out by the property owner/occupant and sent back to Code Enforcement within ten days. This is to acknowledge receiving the notice and to show a plan of action to correct the problem. The other portion is information for the officer to track the case.

### 3.4 CORRECTION NOTICE

This notice is mailed on the same day as the Courtesy notice. The Notice will be a reminder of the agreement to bring property into compliance or that a notice was posted on the door. They will have ten days to respond to the notice or correct the violation. The ten days will include those from the Courtesy notice.

### 3.5 FINAL NOTICE

The final notice is the last effort to get the property owners attention before further action is taken i.e. abatement or prosecution. Ten more days are given for a response or remedy.

### 3.6 RE-OCCURING VIOLATION NOTICE

This notice is utilized when a property owner has been notified repeatedly of code violations and the violation continually re-surfaces. With this notice, the responsible party is given 10 days to comply. If property is not in compliance by the 10-day deadline, all other notices are forfeited and the case will go directly to the abatement, citation, or prosecution process.

## Low Density Residential 1 (LDR 1) Pg. 23

**Permitted Uses**

- Disabled Persons Residential Facility
- Single-family Dwelling - detached

**Conditional Uses**

- Athletic Fields
- Churches, Synagogues, and Temples
- Communications in accordance other applicable communications ordinances
- Electricity Regulating Substations
- Golf Courses
- Home Occupations regulated as per the Rexburg Development Code Section 4.10.B
- Hospitals
- Other Utility and Public Facilities
- Parks, Playgrounds, and Skate Parks
- Recreation Centers
- Schools

## Airport District (AP) Pg. 23

## Low Density Residential 2 (LDR 2) Pg. 28

**Permitted Uses**

- Disabled Persons Residential facility
- Manufactured housing units 24 feet or wider on a permanent foundation
- Single-family dwelling- detached

**Conditional Uses**

- Assisted and Residential Care Facility
- Athletic Fields
- Cemeteries
- Churches, Synagogues, Temples
- Communications in accordance other applicable communications ordinances
- Electricity Regulating Substations
- Golf Course
- Golf Course w/ Country Club
- Hospitals
- Ice Skating
- Libraries
- Nursery Schools
- Other Utility and Public Facilities
- Parks and Playgrounds Skate Parks
- Pools
- Recreation Centers
- Residential Facility for Elderly Persons
- Schools
- Tennis Courts
- Twin Homes and Duplexes

## Low Density Residential 3 (LDR 3) Pg. 33

**Permitted Uses**

- Disabled Persons Residential Facility
- Manufactured housing units 24 feet or wider on a permanent foundation.
- Single-family dwelling- detached

**Conditional Uses**

- Assisted and Residential Care Facility
- Athletic Fields
- Cemeteries
- Churches, Synagogues, Temples Libraries
- Communications in accordance other applicable communications ordinances
- Electricity Regulating Substations
- Golf Course
- Golf Course w/ Country Club

- Hospitals
- Ice Skating
- Libraries
- Nursery Schools
- Other Utility and Public Facilities
- Parks and Playgrounds Skate Parks
- Pools
- Recreation Centers
- Residential Facility for Elderly Persons
- Schools
- Tennis Courts
- Twin homes and duplexes

## Medium Density Residential 1 (MDR 1) Pg. 38

**Permitted Uses**

- Day Care Centers
- Disabled Persons Residential facility
- Manufactured housing units 24 feet or wider on a permanent foundation.
- Multiple-family (up to 24 units per building)
- Nursery Schools
- Single-family dwelling - attached
- Single-family dwelling- detached

**Conditional Uses**

- Assisted and Residential Care Facility
- Residential Facility for Elderly Persons
- Boarding House
- Mobile Home Courts and Subdivisions
- Buildings with more than four (4) units
- Dormitory Housing, Fraternity, Sorority
- Communications in accordance other applicable communications ordinances
- Electricity Regulating Substations
- Other Utility and Public Facilities Separate Parking Lots
- Cemeteries
- Hospitals
- Schools
- Churches, Synagogues, Temples
- Libraries
- Golf Course
- Golf Course w/ Country Club
- Tennis Courts
- Ice Skating
- Athletic Fields
- Recreation Centers
- Pools
- Parks and Playgrounds Skate Parks

## Medium Density Residential 2 (MDR 2) Pg. 44

**Permitted Uses**

- Day Care Centers
- Disabled Persons Residential facility
- Limited Home Occupation
- Manufactured housing units 24 feet or wider on a permanent foundation.
- Multiple-family (up to 24 units per building)
- Nursery Schools
- Single-family dwelling - attached
- Single-family dwelling- detached

**Conditional Uses**

- Assisted and Residential Care Facility
- Athletic Fields
- Boarding House

- Buildings with more than four (4) units
- Cemeteries
- Churches, Synagogues, Temples
- Communications in accordance other applicable communications ordinances
- Dormitory Housing, Fraternity, Sorority (with up to ten (10) dwelling units per building)
- Electricity Regulating Substations
- Golf Course
- Golf Course w/ Country Club
- Hospitals
- Ice Skating
- Libraries
- Mobile Home Courts and Subdivisions
- Other Utility and Public Facilities
- Parks and Playgrounds Skate Parks
- Pools
- Recreation Centers
- Residential Facility for Elderly Persons
- Schools
- Separate Parking Lots
- Tennis Court

## High Density Residential 1 (HDR 1) Pg. 50

**Permitted Uses**

- Assisted and Residential Care Facility
- Bed and Breakfast
- Boarding House
- Day Care Centers
- Disabled Persons Residential facility
- Dormitory Housing, Fraternity, Sorority
- Mobile Home Courts and Subdivisions
- Nursery Schools
- Residential Facility for Elderly Persons
- Up to a 48 units per building and developments up to 100 units.

**Conditional Uses**

- Athletic Fields
- Automobile Parking Lots and Garages
- Buildings containing over 48 units. and developments containing over 100 units.
- Cemeteries
- Churches, Synagogues, Temples
- Communications in accordance other applicable communications ordinances
- Electricity Regulating Substations
- Golf Course
- Golf Course w/ Country Club
- Hospitals
- Ice Skating
- Libraries
- Other Utility and Public Facilities
- Other Utility Facilities
- Parks and Playgrounds Skate Parks
- Pools
- Recreation Centers
- Schools
- Separate Parking Lots
- Single-family dwelling - attached
- Single-family dwelling- detached
- Tennis Courts

## High Density Residential 2 (HDR 2) Pg. 57

**Permitted Uses**

- Assisted and Residential Care Facility
- Bed and Breakfast

- Boarding House
- Day Care Centers
- Disabled Persons Residential facility
- Mobile Home Courts and Subdivisions
- Nursery Schools
- Residential Facility for Elderly Persons
- Up to forty-eight (48) dwelling units per building.

**Conditional Uses**

- Athletic Fields
- Automobile parking lots and garages
- Buildings containing over forty-eight (48) dwelling units and developments containing over 100 dwelling units.
- Cemeteries
- Churches, Synagogues, Temples
- Communications in accordance other applicable communications ordinances
- Electricity regulating substations
- Golf Course
- Golf Course w/ country club
- Home Occupations regulated as per the Rexburg Development Code Section 4.10.A
- Hospitals
- Ice Skating
- Libraries
- Manufactured housing units 24 feet or wider on a permanent foundation
- Other Utility and Public Facilities
- Other Utility Facilities
- Parks and playgrounds skate parks
- Pools
- Recreation Centers
- Schools
- Separate Parking Lots
- Single-family dwelling - attached
- Single-family dwelling- detached
- Tennis Courts

## Rural Residential 1 (RR 1) Pg. 64

**Permitted Uses**

- Agriculture
- Customary household pets
- Disabled Persons Residential facility
- Gardening for personal use
- Manufactured housing units 24 feet or wider on a permanent foundation.
- Right of Way
- Single-family dwelling- detached

**Conditional Uses**

- Accessory Apartment (Applicant to demonstrate the benefits and lack of impact)
- Assisted and Residential Care Facility
- Cemeteries
- Churches, Synagogues, Temples
- Communications in accordance other applicable communications ordinances
- Day Care Centers
- Electricity regulating substations
- Ice Skating
- Nursery Schools
- Other Utility and Public Facilities
- Parks and Playgrounds Skate Parks
- Pools
- Residential Facility for Elderly Persons
- Schools
- Tennis Courts

## Rural Residential 2 (RR 2) Pg. 68

**Permitted Uses**

- Accessory Building
- Agriculture
- Customary household pets
- Disabled Persons Residential facility
- Gardening for personal use
- Limited Home Occupations
- Manufactured housing units 24 feet or wider on a permanent foundation.
- Right of Way
- Single-family dwelling- detached

**Conditional Uses**

- Assisted and Residential Care Facility
- Cemeteries
- Churches, Synagogues, Temples
- Communications in accordance other applicable communications ordinances
- Day Care Centers
- Electricity regulating substations
- Ice Skating
- Nursery Schools
- Other Utility and Public Facilities
- Parks and Playgrounds Skate Parks
- Pools
- Residential Facility for Elderly Persons
- Schools
- Tennis Courts

## Mixed Use (MU) Pg. 72

**Permitted Uses**

- Apparel and Accessories
- Athletic Clubs, Body Building Studios, Spas, Aerobic Centers, (No gymnasiums)
- Bakeries and Doughnut Shops
- Banks, insurance, and real estate (Office Only)
- Beauty and Barber Shops
- Books, Stationery, Art, and Hobby Supplies
- Bus transportation (Except bus garaging and equipment maintenance
- Business services (Office and retail sales only)
- Churches, synagogues, temples, and missions
- Combination utilities right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity.)
- Crematory
- Cultural activities
- Department stores (Includes major and junior chain department stores)
- Direct selling organization
- Discount department stores
- Drug and proprietary stores
- Eating places (Restaurants)
- Educational services
- Electric transmission right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.)
- Electrical appliance repair and service (No outside storage)
- Executive, legislative, and judicial functions
- Florists
- Food stores (Groceries, meats and fish, fruits, vegetables, candy, nuts, dairy products, bakeries, etc.)
- Funeral parlor (Mortuary)
- Furniture, home furnishings, and equipment (No combined warehousing)
- Garden supplies (Entirely within a building only)
- Gas and electric utility company office
- Gas pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.)
- Gas pressure control stations

- Gunsmiths
- Ice dealers (Automated machines or pick-up stations only)
- Irrigation distribution channels
- Jewelry
- Libraries
- Locksmiths and key shops
- Mail and Phone order houses
- Membership lodging
- Merchandise vending machine operators
- Miscellaneous retail food establishments
- Miscellaneous retail stores (Includes florists, cigars, newspapers and magazines, photo supplies, pet stores, and other similar retail stores)
- Motor vehicle transportation
- Multiple Family Dwellings, Apartments, Boarding and Dormitory Housing - up to 30-units per acre
- Other religions activities
- Parking lot – automobile parking lot and garages (This does not include impound yards or long term storage of autos, trucks, boats, vacation trailers, etc.)
- Personal services - including photography, beauty and barber services, clothing repair, etc.
- Photographic Services
- Police Protection and Related Activities, Branch (Office Only)
- Postal services
- Pressing, Alteration and Garment Repair (no on-site dry cleaning)
- Professional Services (Except behavior, drug and alcohol treatment; office only)
- Protective functions and related activities
- Refuse disposal company office
- Religious quarters
- Religious reading rooms
- Residential facility for elderly persons
- Residential facility for persons with a disability
- Residential hotels
- Retail trade - general merchandise
- Reupholstering and furniture repair
- Sewage pipeline right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity)
- Sewage pumping stations
- Sporting goods, bicycles, and toys
- Storm drain or right-of-way (Predominantly covered pipes or boxes)
- Surplus stores (Inside Only)
- Transient lodgings
- Travel Agencies
- Variety stores
- Video Rental Shops
- Water and electric utility company office
- Water pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.)
- Water pressure control stations and pumping plants
- Water utilities or irrigation company office

**Conditional Uses**

- Building maintenance
- Call Centers
- Candy, Nut, and Confectionery
- Contract construction services (Offices and Retail Only)
- Dairy Products
- Dancing Schools
- Day Care Centers
- Electrical supplies
- Fruits and Vegetables
- Grocery Stores (If center is more than 5 acres but less than 10 acres) Containing only land uses listed herein.
- Hardware
- Heating and plumbing equipment (No outside storage)
- Household Goods Warehousing and Storage
- Meats and Fish
- Nursery Schools
- Paint, Glass, and Wall Paper
- Reception Center
- Shopping Centers (If center is more than 5 acres but less than 10 acres) Containing only uses that are listed herein.
- Swimming Pool Supplies

## Neighborhood Business District (NBD) Pg. 79

**Permitted Uses**

- Bakeries and Doughnut Shops
- Beauty and Barber Shops
- Books, Stationery, Art and Hobby Supplies
- Florists
- Grocery Stores, Convenience with or without gas (not supermarket)
- Postal Services
- Pressing, Alteration and Garment Repair
- Video Rental Shops

**Conditional Uses**

- Candy, Nut, and Confectionery
- Dairy Products
- Dancing Schools
- Day Care Centers
- Finance, Insurance and Real Estate Services
- Fruits and Vegetables
- Grocery Stores (If center is more than 5 acres but less than 10 acres)
- Hardware
- Laundry and Dry Cleaning (Includes self-service laundries)
- Meats and Fish
- Miscellaneous Personal Services
- Miscellaneous Retail Trade
- Nursery Schools
- Paint, Glass and Wall Paper
- Photographic Services
- Police Protection and Related Activities, Branch (Office Only)
- Retail Trade Item Food
- Shopping Centers (If center is more than 5 acres but less than 10 acres)
- Variety Stores, Limited Price (not department stores)

## General Business District (GBD) Pg. 85

**Permitted Uses**

- Antiques (indoor display only)
- Apparel and accessories
- Athletic clubs, body building studios, Spas, aerobic centers, (no gymnasiums)
- Automobile accessories (except tire recapping and vulcanizing)
- Banks, insurance, and real estate (office only)
- Books, stationery, art, and hobby supplies
- Commercial printing only related to retail sales of printed products
- Drug and proprietary stores
- Eating places (restaurants)
- Educational services
- Electrical supplies
- Employment Services
- Food stores
- Furniture, home furnishings, and equipment (no combined ware-housing)
- Garden supplies (entirely within a building only)
- Gunsmiths
- Hardware
- Ice dealers (Automated machines or pick-up stations only)
- Jewelry
- Mail and Phone order houses
- Miscellaneous retail food establishments
- Miscellaneous retail stores (Includes florists, cigars, newspapers, magazines, photo supplies, pet stores, and other similar retail stores)
- Paint, glass, and wall paper
- Personal services - includes photography, beauty and barber services, clothing repair, shoe repair, etc. (Except funeral parlor, cemetery, crematory services, wedding chapels and reception centers only)
- Postal services
- Professional Services
- Retail trade - general merchandise
- Sporting goods, bicycles, and toys
- Travel Agencies
- Variety stores
- Video Rental Shops
- Watch, clock, jewelry repair, etc.

**Conditional Uses**

- Ambulance service
- Animal hospital services (Small animal out- patient clinic only)
- Auto glass repair
- Auto washing and polishing
- Automobile repair
- Automobile services, except repair and wash (motor clinics)
- Billiard and pool halls
- Bottled gas
- Bowling alleys
- Coin-operated amusement or video centers
- Dance halls, ballroom
- Day Care Centers
- Debris basin (A dam and basin for intercepting debris)
- Dwelling and building services (not units)
- Electric go-kart tracks (Indoor only)
- Electrical appliance repair
- Furniture repair
- Ice skating
- Laundry and Dry Cleaning (Includes Self-service Laundries)
- Liquor, package
- Manufacture and installation of auto-mobile seat covers and auto tops
- Miniature golf
- Miscellaneous small item repair
- Motels (Highway frontage only)
- Motion picture theaters
- Motor vehicles, automobiles (used only)/retail trade
- Motorcycles, motor scooters, parts, accessories, and supplies
- New and used car sales
- Nursery Schools
- Parking lot – automobile parking lot and garages (Surplus parking only)
- Personal services (wedding chapels, reception centers only)
- Police protection and related activities, branch (Office Only)
- Residential facility for Elderly persons (not including assisted living which should be located in a residential area)
- Roller skating and skate Boarding
- Saw, knife, and tool sharpening
- Service stations
- Social, fraternal, and youth organizations and services
- Spreading grounds (area for percolating water into underground)
- Thrift store and general second hand merchandise (Indoor display and storage only; use of outdoor collection boxes is prohibited)
- Vehicle rental
- Water storage as part of a utility system (Covered including water storage stand pipes)

## Central Business District (CBD) Pg. 91

**Permitted Uses**

- Apartments above the ground floor (High rise attached to commercial or other nonresidential use; as a mixed-use project as set forth in Rexburg City Code)
- Apartments above the ground floor (Low rise attached to commercial or other nonresidential use as a mixed-use project as set forth in Rexburg City Code)
- Apparel and accessories
- Athletic clubs, body building studios, Spas, aerobic centers, (No Gymnasiums)
- Banks, insurance, and real estate (Office Only)
- Books, stationery, art, and hobby supplies
- Building maintenance
- Bus transportation
- Business services (Office and retail sales only)
- Call Centers (when additional parking is provided and approved by the Community Development Director)
- Churches, synagogues, temples, and missions
- Combination utilities right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity.)
- Contract construction services (Offices and retail only)
- Crematory
- Cultural activities
- Department stores (Includes major and junior chain department stores)
- Direct selling organization
- Discount department stores

- Drug and proprietary stores
- Eating places (Restaurants)
- Educational services
- Electric transmission right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.)
- Electrical appliance repair and service (No outside storage)
- Electrical supplies
- Executive, legislative, and judicial functions
- Food stores (Groceries, meats and fish, fruits and vegetables, candy, nuts, dairy products, bakeries, etc.)
- Funeral parlor (Mortuary)
- Furniture, home furnishings, and equipment (No combined warehousing)
- Garden supplies (Entirely within a building only)
- Gas and electric utility company office
- Gas pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.)
- Gas pressure control stations
- Gunsmiths
- Hardware
- Heating and plumbing equipment (no outside storage)
- Ice dealers (Automated machines or pick-up stations only)
- Irrigation distribution channels
- Jewelry
- Libraries
- Locksmiths and key shops
- Mail and Phone order houses
- Membership lodging
- Merchandise vending machine operators
- Miscellaneous retail food establishments
- Miscellaneous retail stores (Includes florists, cigars, newspapers and magazines, photo supplies, pet stores, and other similar retail stores)
- Motor vehicle transportation
- Multiple Family Dwelling above the ground floor (attached to commercial or other nonresidential use)
- Other religions activities
- Paint, glass, and wallpaper
- Parking lot – automobile parking lot and garages (this does not include long term storage of autos, trucks, boats, vacation trailers, etc., which is prohibited)
- Personal services - including photography, beauty and barber services, clothing repair, etc. (except wedding chapel and reception centers only)
- Postal services
- Professional Services (Except behavior, drug and alcohol treatment; office only)
- Protective functions and related activities
- Refuse disposal company office
- Religious quarters
- Religious reading rooms
- Residential facility for elderly persons above the ground floor (attached to commercial or other nonresidential use)
- Residential facility for persons with a disability above the ground floor (attached to commercial or other nonresidential use)
- Residential hotels with units above ground floor
- Retail trade - general merchandise
- Reupholstering and furniture repair
- Sewage pipeline right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity.)
- Sewage pumping stations
- Single Family Dwelling above the ground floor (attached to commercial or other nonresidential use)
- Sporting goods, bicycles, and toys
- Storm drain or right-of-way (Predominantly covered pipes or boxes)
- Surplus stores (Inside Only)
- Swimming pool supplies
- Transient lodgings
- Travel Agencies
- Two-family dwelling above the ground floor (Attached to commercial or other nonresidential use)
- Variety stores
- Video Rental Shops
- Water and electric utility company office
- Water pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.)
- Water pressure control stations and pumping plants
- Water utilities or irrigation company office

**Conditional Uses**

- Antiques and second-hand merchandise (Indoor Only except second-hand auto parts, junk dealers and salvage operations)
- Auction Houses
- Bed and Breakfast Inns and Vacation Rentals
- Behavior, drug & alcohol treatment
- Billiards and pool halls
- Bottled gas
- Bowling alleys
- Coin-operated amusements
- Communications
- Dance halls, ballroom
- Day Care Centers
- Debris basin (A dam and basin for intercepting debris)
- Dormitory or Boarding House (maximum of six (6) persons per unit attached to commercial or other nonresidential use as a mixed-use project as set forth in Section 3.17.160, Rexburg City Code, and with all units above the ground floor)
- Drop-in Day Care- Daycare business that is less than 50% contractual (traditional) daycare, with the majority of the business to be "drop-in" child care
- Dwelling and building services (Not dwelling units)
- Electric utility company office
- Electricity regulating substations
- Entertainment and assembly including legitimate theater
- Equipment rental (Only within a building)
- Gas company office
- Heliport (With pads only, no maintenance)
- Ice skating
- Laundry and Dry Cleaning (Includes self-service laundries)
- Liquor, package
- Miniature golf
- Miscellaneous business services
- Miscellaneous service organizations
- Miscellaneous small item repair
- Motion picture theaters (indoor)
- Motorcycles, motor scooters, parts, accessories, and supplies
- Nursery Schools
- Other electric utility, NEC
- Other gas utilities, NEC
- Parking garages- if over ten (10) parking spaces and garage comprises the majority of the overall structure
- Personal services (Wedding chapels and receptions centers only)
- Police protection and related activities, branch (Office Only)
- Public assembly
- Roller skating and skate boarding
- Saw, knife, and tool sharpening
- Small Generation
- Spreading grounds (Area for percolating water into underground)
- Surplus stores
- Water storage as part of a utility system (Covered, including water storage standpipes)

## Community Business Center (CBC) Pg. 101

**Permitted Uses**

- Accounting and Bookkeeping Services
- Amusement Parks
- Apparel and accessories
- Arcades
- Art and Music Schools
- Art Galleries
- Athletic Clubs and Gymnasiums
- Athletic clubs, body building studios, spas, aerobic centers, (No Gymnasiums)
- Athletic Fields
- Auditoriums, Performing Theaters
- Auto and Truck Rental Services
- Automobile Repair Services
- Automobile Wash Services
- Automobiles accessories (Except tire recapping and vulcanizing)
- Banks, insurance, and real estate (Offices Only)
- Barber and Beauty School

- Beauty and Barber Shops
- Books, stationary, art, and hobby supplies
- Bowling
- Building Contractor Offices
- Bus Passenger Terminals
- Business Associations
- Business Schools
- Campgrounds and Travel
- Carpentering, Wood Flooring Installation
- Civil, Social, and Fraternal
- Combination utilities right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity.)
- Concrete Services
- Consulting Services
- Correspondence Schools
- Credit and Collection Services
- Dancing Schools
- Day Care Centers
- Dental offices and services
- Discount department stores
- Drive-in Movies
- Driving Schools
- Drug and proprietary stores
- Drugs, and Druggist Supplies
- Dry Goods and Apparel
- Duplicating, mailing, stenographic and office services
- Eating places (Restaurants)
- Educational & Scientific Research Services
- Electric transmission right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.)
- Electrical Goods
- Electrical Repair Services
- Electrical Services
- Electrical supplies
- Employment services
- Engineer, architectural and planning services
- Engineering and Architectural Services
- Equipment Rental and Leasing
- Executive, legislative and judicial functions
- Fairgrounds
- Farm Equipment
- Farming, Fibers, Grains, Fruits, Vegetables
- Flat Glass, Glassware
- Food stores (Groceries, meats and fish, fruits and vegetables, candy, nuts, dairy products, bakeries, etc.)
- Funeral and Crematory Services
- Furniture, home furnishings, and equipment (No combined warehousing)
- Garden supplies (Entirely within a building only)
- Gas pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
- Gas pressure control stations
- General Merchandise (Department Variety, etc.)
- Golf Driving Ranges
- Gunsmith
- Hardware
- Hardware, Plumbing, Heating & Supplies
- Heating & Plumbing Equipment
- Horticulture Services
- Hospitals
- Ice dealer (Automated machines or pick-up stations only)
- Ice Skating
- Instruments for Measuring
- Irrigation distribution channels
- Jewelry
- Junior department stores
- Labor Organizations
- Laboratory & Research Instruments
- Laundry & Dry Cleaning, Self-Service
- Laundry Pick-up, Shoe Repair, Alteration

- Laundry Services
- Legal services
- Libraries
- Lumber Yards and Building Materials
- Mail and Phone order houses
- Masonry, Stonework, and Plastering
- Medical Laboratory Services
- Miniature Golf
- Miscellaneous professional services
- Miscellaneous retail food establishments
- Miscellaneous retail stores (Includes florists, cigars, newspapers and magazines, photo supplies, pet stores, and other similar retail stores)
- Motion Picture Theatres
- Motor Vehicles
- Museums
- New & Used Motor Vehicle
- Optical Instruments and Lenses
- Out-Patient Medical Services
- Paint, glass, and wallpaper
- Painting, Wall Papering, Decorating
- Parking lot – automobile parking lot and garages
- Parks (Including Playgrounds)
- Personal services - including photography, beauty and barber services, clothing repair, etc. (wedding chapels and reception centers only)
- Photographic Studios
- Physicians' offices and services
- Plant Nurseries
- Plumbing, Heating, Air Conditioning
- Police protection
- Postal services
- Pottery & Related Products
- Printing, Publishing (Including Newspapers)
- Professional Equipment & Supplies
- Professional Membership
- Protective functions and related activities
- Radio and Television Repair
- Recreation Centers
- Research and Testing Services
- Retail trade - general merchandise
- Reupholstering and Furniture
- Roller Skating
- Roofing and Sheet-Metal Services
- Schools
- Seasonal Food Sales (Street or Roadside Stands)
- Sewage pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.)
- Sewage pumping stations
- Skiing and Tobogganing
- Small Animal Veterinarian Services (Totally Enclosed)
- Special Training and Schooling
- Sporting goods, bicycles and toys
- Storm drain or right-of-way (Predominantly covered pipes or boxes)
- Swimming pool supplies
- Swimming Pools
- Tennis Courts
- Travel Agencies
- Variety stores
- Vehicle Courts
- Video Rental Shops
- Vocational Schools
- Watch, clock, jewelry repairs, etc.
- Water pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.)
- Water pressure control stations and pumping plants
- Welfare and Charitable Services

**Conditional Uses**

- All Other Wholesale
- Auction houses
- Auto washing, polishing, detailing
- Auto washing, self-service
- Billiard and pool halls
- Bowling alleys
- Building Contractor Storage Yards
- Bus Garaging, Equipment Maintenance
- Call Centers
- Churches, Synagogues, Temples
- Coin-operated amusement or video centers
- Dance halls - ballrooms
- Debris basin (A dam and basin for intercepting debris)
- Dwelling and building services (Not dwelling units)
- Electric Generation Plants, Utility
- Electrical appliance repair
- Electrical Machinery, Equipment Supplies
- Electricity regulating substations
- Farm Products, Grain
- Food Lockers
- Furniture repair
- Gasoline service stations
- Go-Cart Tracks, Four-Wheeler Tracks
- Household Goods Warehousing and Storage
- Ice skating
- Kennels
- Laundry and Dry Cleaning (Includes self-service laundries)
- Miniature golf
- Miscellaneous small item repair
- Motels and motor hotels
- Motion picture theaters
- Motor Freight Garaging and Maintenance
- Motor Freight Terminals
- Natural or manufactured gas storage; distribution points
- Nursing Home
- Other Business Services
- Other Communication Facilities
- Other gas utilities, NEC
- Other Personal Services
- Personal services (Wedding chapels and reception centers only)
- Police protection and related activities, branch (Office Only)
- Professional, Scientific, Optical Goods
- Radio and TV Transmitting Stations and Towers
- Radio Controlled Airplanes
- Radio, Television Broadcasting Station
- Railroads, Including Terminals and Yards
- Refrigerated Warehousing
- Riding Stables
- Roller skating and Skate Boarding
- Saw, knife, and tool sharpening
- Shopping Centers, Including Malls
- Single-family Dwelling
- Skate Park
- Small generation
- Spreading grounds (Area for percolating water into underground)
- Stadiums, Arenas, and Field Houses
- Telephone Exchange Stations, Microwave Towers.
- Vehicle rental, with the following limitations:
  - (a) That the vehicle rental be limited to passenger cars only.
  - (b) That the storage of vehicles on site not exceed the parking allocated for the leasable floor space of the business.
  - (c) That there is no on-site servicing of the vehicle fleet, including mechanical wash facilities.

- Water storage as part of a utility system (Covered, including water storage standpipe)

## Regional Business Center (RBC) Pg. 109

**Permitted Uses**

- Apparel and accessories
- Athletic clubs, body building studios, Spas, aerobic centers, (No Gymnasiums)
- Automobile accessories (Except tire recapping and vulcanizing)
- Banks, insurance and real estate (Office Only)
- Beauty Schools
- Books, stationery, art and hobby supplies
- Building maintenance
- Combination utilities right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity)
- Dance studios and schools
- Data processing services
- Day Care Center
- Dental offices and services
- Department stores (Includes major and junior chain department stores)
- Discount department stores
- Drug and proprietary stores
- Duplicating, mailing, stenographic and office services
- Eating places (Restaurants)
- Electric transmission right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
- Electrical supplies
- Employment services
- Engineering, architectural, and planning services
- Executive, legislative, and judicial functions
- Food stores (Groceries, meats and fish, fruits and vegetables, candy, nuts, dairy, bakeries, etc.)
- Furniture, home furnishings, and equipment (No combined ware-housing)
- Garden supplies (Entirely within a building only)
- Gas pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.)
- Gas pressure control stations
- Gasoline service stations
- Gunsmiths
- Hardware
- Ice dealers (Automated machines or pick-up stations only)
- Irrigation distribution channels
- Jewelry
- Legal services
- Libraries
- Locksmiths and key shops
- Mail and Phone order houses
- Merchandise vending machine operators
- Miscellaneous retail food establishment
- Miscellaneous retail stores (Includes florists, cigars, newspapers and magazines, photo supplies, pet stores, and other similar retail stores)
- Motels and automobile travel courts
- Motor vehicles, automobiles - new car sales and used car sales which will be permitted only as an accessory use to new car sales
- Motor vehicles, trucks and buses - new vehicle sales and used vehicles sales permitted only as an accessory use to new truck and bus sales.
- Nursery Schools
- Paint, glass and wallpaper
- Personal services - including photography, beauty and barber services, clothing repair, etc. (Except funeral parlor, cemetery, and crematory services and reception center)
- Physicians' offices and services
- Postal services
- Professional services
- Protective functions and related activities
- Retail trade - general merchandise
- Sewage pipeline right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity.)
- Sewage pumping stations
- Sporting goods, bicycles, and toys
- Storm drain or right-of-way (Predominantly covered pipes or boxes)
- Swimming pool supplies
- Tourist courts
- Travel Agencies
- Variety stores
- Video Rental Shops

- Watch, clock, jewelry repair, etc.
- Water pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.)
- Water pressure control stations and pumping plants

**Conditional Uses**

- Antiques (no outside display)
- Auction houses
- Auto washing and polishing
- Billiard and pool halls
- Bottled gas
- Bowling alleys
- Coin-operated amusements or video center
- Communications
- Dance Halls, Ballroom
- Debris basin (A dam and basin for intercepting debris)
- Dwelling and building services (not dwelling units)
- Electrical appliance repair
- Electricity regulating substations
- Equipment rental (indoor only)
- Funeral parlors
- Furniture repair
- Hotels
- Ice Skating
- Laundry and Dry Cleaning (includes Self-service Laundries)
- Liquor, package
- Miniature golf
- Miscellaneous business services
- Miscellaneous small item repair
- Motion Picture Theaters
- Motorcycles, motor scooter parts, accessories, supplies
- Natural or manufactured gas storage; distribution points
- Other gas utilities, NEC
- Personal services (wedding chapel and reception centers only)
- Police Protection and related activities, branch (Office only)
- Roller Skating and Skate Boarding
- Saw, knife, and tool sharpening
- Small Generation
- Spreading grounds (Area for percolating water into underground)
- Surplus store
- Vehicle rental (passenger auto-mobiles only)
- Water storage as part of a utility system (covered including water storage standpipes)

## Light Industrial District (LI) Pg. 116

**Permitted Uses**

- Advertising services
- Agriculture ((except farming, fibers, grains, fruits, vegetables, animal specialties, pasture and range land)
- Aircraft and accessories
- Animal hospital services (Except large animals)
- Apparel and other finished products made from fabrics, leather, etc. (Except leather tanning and finishing)
- Athletic clubs, body building studios, spas, aerobic centers, (No gymnasiums)
- Bakery products
- Bottling and canning soft drinks and carbonated waters
- Building materials, hardware, farm equipment, and supplies
- Business services (Except Insurance Carriers, NEC)
- Combination utilities right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity)
- Communications
- Confectionery and related products
- Contract construction services (Not open construction storage yards)
- Converted paper and paperboard products (except containers and boxes)
- Cut stone and stone products
- Cutlery, hand tools, and general hardware
- Duplicating, mailing, stenographic, and office services
- Dwelling and other building services
- Educational services
- Electric transmission right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the

activity.)
- Electrical appliance repair
- Farm and construction vehicles
- Flat glass
- Furniture and fixtures
- Gas and electric utility company office
- Gas pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.)
- Gas pressure control stations
- Glass and glassware (Pressed or Blown)
- Irrigation distribution channels
- Marine craft and accessories
- Miscellaneous machinery
- Miscellaneous manufacturing (Except matches and morticians' goods)
- Miscellaneous transportation, communication, and utilities
- New & Used Motor Vehicle
- New and used house trailers and campers
- Office machines (small)
- Operations centers (Not open storage yards)
- Other agricultural-related activities
- Parking lot – automobile parking lot and garages
- Perfumes, cosmetics, and other toilet preparations
- Pottery and related products
- Printing ink
- Printing, publishing, and allied industries
- Professional, scientific, and controlling instruments; photo-graphic and optical goods; watches and clocks (Except film manufacturing)
- Railroads, rapid-rail transit, and street railway transportation (Except bus passenger terminals)
- Refuse disposal company office
- Repair services
- Roller Skating and Skate Boarding
- Rubber footwear
- Sewage company office
- Sewage pipeline right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity.)
- Sewage pumping stations
- Storm drain or right-of-way (Predominantly covered pipes or boxes)
- Textile mill products (Except tire cord and fabric)
- Veterinarian services
- Warehousing or storage services
- Water and electric utility company office
- Water pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.)
- Water pressure control stations and pumping plants
- Water utilities or irrigation company office
- Wholesale trade via retail method except: (1) Wine and Distilled Alcoholic Beverages and farm supplies in business to business electronic markets, agents and brokers, and merchant wholesalers (2) Books, Periodicals, and Newspapers (3) Flowers, Nursery Stock, and Florists' Supplies, and (4) Nondurable Goods, Not Elsewhere Classified).

**Conditional Uses**
- Accounting, auditing, book-keeping services, Management Investment Offices, Open-End, Police protection and related activities, branch (Office Only)
- Call Centers
- Canning - fruits, vegetables, preserves, jams, etc.
- Canning - specialty foods
- Combination utilities company storage yards and equipment storage
- Combination utilities, NEC
- Dairy products
- Dance halls
- Day Care Centers
- Debris basin (A dam and basin for intercepting debris)
- Draperies, curtains, and upholstery
- Drugs
- Electric utility company office
- Electricity regulating substations
- Fabricated wire products
- Frozen fruits, fruit juices, vegetables, etc.
- Furniture, home furnishings, and equipment (Only in conjunction with an attached warehousing operation)
- Gas company office

- Gasoline service stations
- Heliport (Pad only without maintenance facilities)
- Industrial inorganic chemicals (Includes air separation facilities)
- Industrial laundry services
- Legal services
- Low power radio communication towers and antennas
- Metal working machinery and equipment (Tool and dye shops, machine shops, etc.)
- Miscellaneous business services
- Miscellaneous fabricated rubber products
- Miscellaneous plastic products
- Miscellaneous wholesale trade
- Motor vehicle transportation
- Motor vehicles, automobiles (used only)/retail trade
- Natural or manufactured gas storage; distribution points
- New and used car sales
- Nonferrous foundries (Small item casting only)
- Nursery Schools
- Other electric utility, NEC
- Other gas utilities, NEC
- Other sewage disposal, NEC
- Other utilities, NEC
- Other water utilities or irrigation, NEC
- Pasture and range land
- Plastic materials, synthetic resins, and non-vulcanizable elastomers
- Poultry and small game dressing and packing
- Refuse disposals
- Restaurants
- Small generation
- Spreading grounds (Area for percolating water into underground)
- Water reclamation plants, sludge drying beds etc.
- Water storage as part of a utility system (Covered, including water storage standpipes)
- Water treatment plants (Purification)

## Heavy Industrial District (HI) Pg. 122

**Permitted Uses**

- Agricultural processing
- Animal husbandry services
- Animal specialties
- Athletic clubs, body building studios, spas, aerobic centers (no gymnasiums)
- Auction yard
- Building maintenance materials
- Building materials (Except Lumber)
- Chemicals and allied products (Except Explosives and Chemical Preparations)
- Combination utilities right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity.)
- Commercial Printing
- Communications (Except Low Power Radio Communication Towers and Antennas)
- Contract construction services
- Educational services
- Electric transmission right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.)
- Fabricated metal products (Except Ordinate and Accessories)
- Farm and construction vehicles
- Farm equipment
- Farm machinery and equipment
- Farm products (Raw Materials)
- Film manufacturing
- Food and kindred products (Except Meat Packing and Animal and marine fats and oils)
- Gas and electric utility company office
- Gas pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.)
- Gas pressure control stations
- Hay, grains, and feed
- Heating and plumbing equipment
- Industrial laundry services
- Irrigation distribution channels

- Janitorial supplies
- Leather tanning and finishing
- Livestock
- Lumber and construction materials
- Lumber and wood products
- Lumber yards
- Matches
- Metals and minerals (Except Petroleum Products and Scrap)
- Military facilities
- Miscellaneous transportation, communications, and utilities
- Miscellaneous wholesale trade as determined appropriate by the Planning and Zoning Commission
- Morticians' goods
- Motor vehicle transportation
- Nonferrous forgings
- Nonferrous foundries
- Operation centers
- Other farm and garden supplies as deemed appropriate by the Planning and Zoning Commission
- Other miscellaneous manufacturing as determined by the Planning and Zoning Commission
- Paper and allied products (Except Pulp)
- Parking lot – automobile parking lot and garages
- Petroleum bulk stations and terminals
- Railroad, rapid-rail transit, etc.
- Repair Services
- Sewage company office
- Sewage pipeline right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity.)
- Sewage pumping stations
- Storm drain or right-of-way (Predominantly covered pipes or boxes)
- Tire cord and fabric
- Utilities (except electric generation plants-conventional fuel including hydro-electric, solar, etc.), electric generation plants - nuclear energy)
- Warehousing or Storage Services
- Water and electric utility company office
- Water pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.)
- Water pressure control stations and pumping plants
- Water utilities or irrigation company office

**Conditional Uses**

- Animal and marine fats and oils
- Blast furnaces, steel works, etc.
- Concrete, gypsum, and plaster products
- Dance Halls
- Day Care Centers
- Eating places
- Electric generation plants - nuclear energy
- Electric generation plants-conventional fuel including hydro-electric, solar, etc.
- Equipment rentals and leasing services
- Explosives
- Fire arms - ammunition only
- Fireworks only
- Gasoline service stations
- Heliport landing/take-off pads, with maintenance facilities
- Iron and steel foundries
- Junk dealers and salvage operations
- Livestock
- Low Power Radio Communication Towers and Antennas
- Meat packing
- Natural or manufactured gas storage; distribution points
- Non-clay Refractories
- Ordinate and accessories
- Paving and roofing materials
- Police Protection and related activities, branch (Office Only)
- Primary smelting and refining of nonferrous metals
- Pulp
- Reclaimed rubber
- Recycle Center
- Rolling, drawing, and extruding of nonferrous metals

- Scrap and waste materials
- Secondary smelting and refining of nonferrous metals
- Second-hand auto parts (Includes dismantling of automobiles for purposes of selling parts.)
- Structural clay products
- Truck and trailer rentals without drivers
- Truck repair

## Sexually Oriented Business Overlay (SOB) Pg. 128

## Professional Office Zone (PO) Pg. 130

**Permitted Uses**

- Advertising services (Office Only)
- Combination utilities right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity.)
- Consumer credit services
- Duplicating, stenographic, and office services
- Dwelling, janitorial, and other building services (Office Only)
- Electric transmission right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.)
- Employment services
- Executive, legislative, and judicial offices
- Financial, Insurance and Real Estate Services
- Gas pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.)
- Gas pressure control stations
- Irrigation distribution channels
- Miscellaneous business services (Office Only)
- Miscellaneous service organizations (Office Only)
- Museums
- News syndicate services (Office Only)
- Prescription pharmacy (Intended for the convenience of permitted establishments and/or clients thereof, provided that no business occupies more than fifteen (15) percent of the total floor area of the building in which it is located and has no separate entrance)
- Professional Services (except hospitals, behavior, drug and alcohol treatment; office only, no lodging or bed facilities, sanitariums, convalescent and rest home services).
- Sewage pipeline right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity.)
- Sewage pumping stations
- Storm drain or right-of-way (Predominantly covered pipes or boxes)
- Travel Agencies
- Video Rental Shops
- Water pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.)
- Water pressure control stations and pumping plants

**Conditional Uses**

- Apparel and accessories (Only in historic buildings on arterial streets.)
- Beauty and barber shop (only in historic buildings on arterial streets)
- Behavior, drug & alcohol treatment
- Candy, nut, and confectionery (Only in historic buildings)
- Communications (Subject to Section Rexburg City Code)
- Debris basin (A dam and basin for intercepting debris)
- Dry goods and general merchandise (Yarn, linen, crafts, fabric, etc. Only in historic buildings on arterial streets)
- Electricity regulating substations
- Hospitals
- Mail and phone order houses (Only in historic buildings on arterial streets.)
- Miscellaneous retail trade (Except Drug Stores and Proprietary Stores; only in historic buildings as defined in this Title)
- Mortuary (Only in historic buildings on arterial streets.)
- Other gas utilities, NEC
- Photography studio (Only in historic buildings on arterial streets.)
- Police protection and related activities, branch (Office only)
- Restaurants, subject to the following conditions: (A) That the restaurant be architecturally compatible with surrounding buildings. (B) That there be no short order/fast food or drive-in restaurants. (C)That signs, landscaping, number of employees, and distance from existing commercial zones, and related matters, shall be factors considered in the review and approval of a conditional use permit.
- Sanitariums, convalescent and rest home services
- Second hand clothing, shoes, furniture and books (Does not include flea markets or thrift store and general second hand merchandise, indoor display and storage only; use of outdoor collection boxes is prohibited, (only on arterial streets))
- Small generation

- Spreading grounds (Area for percolating water into underground)
- Veterinarian services, subject to the following conditions: (A) Experimental or scientific research activities are prohibited. (B)No on-site disposal of dead animals. (C) The facility shall be located completely within an air-conditioned and soundproofed building. (D) Animal noise shall not be audible at the nearest property line. (E) Overnight boarding shall be limited to animals receiving treatment on the premises. (F) Services shall be limited to small animals only. (G) No services shall be permitted for poisonous or dangerous animals.
- Water storage as part of a utility system (Covered, including water storage standpipes.)
- Wedding chapels and reception centers

## Technology and Office Zone (TOZ) Pg. 142

**Permitted Uses**

- Advertising services (Office Only)
- Beauty and barber shop (Only in historic buildings on arterial streets)
- Call Center
- Communications (Subject to Section Rexburg City Code)
- Computer consultants
- Computer hardware renting or leasing, except finance leasing or from the manufacturer
- Computer interface equipment for industrial process control-mfg.
- Computer output to microfilm units, computer peripheral equipment-mfg.
- Computer paper-wholesale
- Computer peripheral equipment repair & maintenance
- Computer peripheral equipment, rental & leasing.
- Computer photography or portraits
- Computer programming services and program software-custom
- Computer repair training
- Computer software publishers, pre-packaged
- Computer software tape and disks, blank: rigid and floppy - mfg.
- Computer software, mail-order-retail
- Computer storage units mfg.
- Computer Stores-retail
- Computer terminals mfg.
- Computer terminals-wholesale
- Computer-aided engineering/design systems services also CAD, CAM.
- Computerized axial-tomography (CT/Cat Scanner apparatus - mfg.
- Computers: digital, analog & hybrid
- Consumer credit services
- Duplicating, stenographic, and office services
- Dwelling, janitorial, and other building services (Office Only)
- Employment services
- Executive, legislative, and judicial offices
- Financial, Insurance and Real Estate Services
- Miscellaneous business services (Office Only)
- Miscellaneous retail trade
- Miscellaneous service organizations (Office Only)
- News syndicate services (Office Only)
- Photography studio (Only in historic buildings on arterial streets.)
- Police protection and related activities, branch (Office Only)
- Prescription pharmacy (Intended for the convenience of permitted establishments and/or clients thereof, provided that no business occupies more than fifteen (15) percent of the total floor area of the building in which it is located and has no separate entrance.)
- Professional Services (Except hospitals, behavior, drug and alcohol treatment, sanitariums, convalescent and rest home services.)
- Software programming, systems analysis-custom
- Software, computer- wholesale
- Travel Agencies
- Veterinarian services, subject to the following conditions: (A) Experimental or scientific research activities are prohibited. (B)No on-site disposal of dead animals. (C)The facility shall be located completely within an air-conditioned and soundproofed building. (D)Animal noise shall not be audible at the nearest property line. (E)Overnight boarding shall be limited to animals receiving treatment on the premises. (F)Services shall be limited to small animals only. (G)No services shall be permitted for poisonous or dangerous animals.

**Conditional Uses**

- Communications (Subject to the Rexburg City Code)
- Miscellaneous retail trade, Day Care Centers, Nursery Schools
- Restaurants, subject to the following conditions: (A)That the restaurant be architecturally compatible with surrounding

buildings. (B)That there be no short order/ fast food or drive-in restaurants. (C)That signs, landscaping, number of employees, and distance from existing commercial zones, and related matters, shall be factors considered in the review and approval of a conditional use permit.

## Public Facilities Zone (PF) Pg.141

**Permitted Uses**

- Combination utilities right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity.)
- Cultural activities and nature exhibits
- Electric transmission right-of-way (Identifies areas where the surface is devoted exclusively to the rights of- way of the activity.)
- Forest Reserves
- Gas and electric utility company office
- Gas pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.)
- Gas pressure control stations
- Governmental services (Except Management Investment Offices, Open-End)
- Highways and street rights-of-way
- Housing Authority offices and administration
- Irrigation distribution channels
- Nursery, primary, and secondary education
- Parks
- Recreational activities
- Sewage pipeline right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity.)
- Sewage pumping stations
- Special training and schooling
- Storm drain or right-of-way (Predominantly covered pipes or boxes)
- University, college, junior college, professional school education
- Water and electric utility company office
- Water pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.)
- Water pressure control stations and pumping plants
- Water utilities or irrigation company office

**Conditional Uses**

- Active slag dumps and mineral waste disposals
- Aircraft engines and engine parts (In or adjacent to an airport)
- Aircraft manufacturing and assembling (In or adjacent to an airport)
- Aircraft parts other than engines (In or adjacent to an airport)
- Airports and flying fields
- Ambulance services
- Behavior, drug and alcohol treatment
- Central garbage grinding stations and composting plants
- Combination utilities company storage yards and equipment storage
- Combination utilities, NEC
- Communications
- Dance halls
- Debris basin (A dam and basin for intercepting debris)
- Electric generation plants (Conventional fuel including hydroelectric, solar, etc.)
- Electric utility company office
- Electricity regulating substations
- Fishing activities
- Funeral parlor, cemetery, and crematory services
- Group or organized camps
- Heliports and general aircraft
- Hospitals
- Military academies
- Mining and quarrying
- Operation centers
- Other gas utilities, NEC
- Other sewage disposal, NEC
- Other utilities
- Other water utilities or irrigation, NEC
- Parking lot – automobile parking lot and garages
- Police protection and related activities, branch (Office Only)
- Public assembly
- Railroad, rapid transit (Public or Private)
- Refuse disposal company office

- Religious activities
- Residential facility for persons with a disability
- Sewage company office
- Small generation
- Spreading grounds (Area for percolating water into underground)
- Water reclamation plants, sludge drying beds, etc.
- Water storage as part of a utility system (Covered, including water storage standpipes)
- Water storage as part of a utility system (Open Reservoirs)
- Water treatment plants (Purification)

## Open Space Zone (OS) Pg. 146

**Permitted Uses**

- Drainage Basins
- Equipment Buildings under 1,000 square feet
- Floodways
- Parks
- Playground Equipment
- Playgrounds
- Pump houses less than 1,000 square feet
- Restrooms under 1,000 square feet

**Conditional Uses**

- Combination utilities right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity.)
- Cultural activities and nature exhibits
- Debris basin (A dam and basin for intercepting debris)
- Electric transmission right-of-way (Identifies areas where the surface is devoted exclusively to the rights of- way of the activity.)
- Electricity regulating substations
- Fishing activities
- Forest Reserves
- Gas pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.)
- Gas pressure control stations
- Highways and street rights-of-way
- Irrigation distribution channels
- Other utilities
- Other water utilities or irrigation, NEC
- Parking lot – automobile parking lot and garages
- Railroad, rapid transit (Public or Private)
- Recreational activities
- Sewage pipeline right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity.)
- Sewage pumping stations
- Storm drain or right-of-way (Predominantly covered pipes or boxes)
- Water pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity.)
- Water pressure control stations and pumping plants
- Water storage as part of a utility system (Covered, including water storage standpipes)
- Water storage as part of a utility system (Open Reservoirs)
- Water utilities or irrigation company office

### University District (UD) Pg.148

**Permitted Uses**

- Accounting and bookkeeping services
- Amusements
- Art and music schools
- Art galleries
- Athletic clubs and gymnasiums
- Athletic fields
- Auditoriums, performing theaters
- Barber and Beauty School
- Bowling
- Building contractor offices
- Building contractor storage yards
- Bus garaging and equipment maintenance
- Bus passenger terminals
- Business schools

- Carpentering, wood flooring installation
- Churches, synagogues, temples
- Civic, social, and fraternal organizations.
- College buildings
- Concrete services
- Consulting services
- Contract construction services
- Correspondence schools
- Cultural activities
- Dancing schools
- Day care centers
- Dormitory, fraternity, sorority
- Driving schools
- Educational and scientific research services
- Educational Services
- Electric generation plants, utility substations
- Electrical services
- Employment services
- Engineering and architectural services
- Farm products warehousing and storage
- Farming, fibers, grains, fruits, vegetable
- Food lockers
- General merchandise (Department, variety, etc.)
- General warehousing and storage
- Governmental services
- Horticultural services
- Household goods warehousing and storage
- Ice skating
- Laboratory and research instruments
- Libraries
- Masonry, stonework, and plastering services
- Medical laboratory services
- Miniature golf
- Miscellaneous services
- Motion picture theaters
- Motor freight garaging and maintenance
- Motor freight terminals
- Museums
- Musical instruments
- Nursery schools
- Other communication facilities
- Other utility facilities
- Out-patient medical services
- Painting, wall papering, decorating services
- Parking lot – automobile parking lot and garages
- Parks, including playgrounds
- Photocopying, blueprinting, and stenographic services
- Photographic studios
- Photographic supplies and equipment
- Physicians' offices
- Plant nurseries
- Plumbing, heating, air conditioning services
- Police protection
- Postal service
- Printing, publishing, including newspapers
- Professional services
- Public assembly
- Radio and television broadcasting station
- Radio and TV transmitting stations and towers
- Recreation centers
- Recreational activities
- Refrigerated warehousing
- Religious dormitories
- Research, testing services
- Roller skating
- Roofing and sheet metal services

- Schools
- Skiing and tobogganing
- Swimming pools
- Telephone exchange stations, microwave towers
- Tennis courts
- Up to forty-eight units per building or development
- Utility storage yards
- Vocational schools
- Warehousing and storage services
- Welfare and charitable services

**Conditional Uses**

- Buildings of structures that have occupancy as defined by the City of Rexburg Building Code in excess of 2,500 occupants.
- Greater than forty-eight dwelling units per building
- Livestock Services, Except Veterinary (Totally Enclosed)
- Manufactured home 24' or more in width
- Small animal veterinarian services (Totally Enclosed)
- Stadiums, arenas, field houses
- Veterinary Service for Livestock (Totally Enclosed)

## Transitional Agriculture 1 (TAG 1) Pg.154

**Permitted Uses**

- Agricultural and related operations
- Disabled person's residential facility
- Single-family dwellings-detached

**Conditional Uses**

- Airports
- Broadcasting towers for radio, television or similar use
- Cemeteries
- Churches or religious facilities
- Commercial kennels
- Hospitals
- Manufactured home 24' or more in width on a permanent foundation
- Public buildings
- Schools
- Small animal veterinarian services (Totally Enclosed)

## Transitional Agriculture 2 (TAG 2) Pg. 158

**Permitted Uses**

- Agricultural and related operations
- Disabled person's residential facility
- Single-family dwellings-detached

**Conditional Uses**

- Airports
- Broadcasting towers for radio, television or similar use
- Cemeteries
- Churches or religious facilities
- Commercial kennels
- Hospitals
- Manufactured home 24' or more in width on a permanent foundation
- Public buildings
- Schools
- Small animal veterinarian services (Totally Enclosed)

## Residential Business District (RBD) Pg. 162

**Permitted Uses**

- Beauty and Barber shops
- Books, Stationary, Art and Hobby Supplies
- Pressing, Alteration and Garment Repair
- Professional Service Providers

**Conditional Uses**

- Bakeries and Doughnut Shops
- Drug and Proprietary Stores
- Fruits and Vegetables
- Candy, Nut, and Confectionery
- Dairy Products
- Finance, Insurance and Real Estate Services
- Photographic Services

- Medical Offices
- Accessory Building Unit
- Nursery Schools
- Day Care Centers

**Project Redevelopment Option (PRO) Pg. 167**

P = Permitted Use
C = Conditional Use

| RESIDENTIAL | LDR 1 | LDR 2 | LDR 3 | MDR 1 | MDR 2 | HDR 1 | HDR 2 | RR 1 | RR 2 | NBD | GBD | CBD | RBD | CBC | RBC | LI | HI | SOB | PO | TOZ | AP | PF | OS | UD | TAG 1 | TAG 2 | PRO | MU |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Household units - housing authority housing only | | | | | | | | | | | | | | | | | | | | | | C | | | | | | |
| Single-Family Dwelling - Detached | P | P | P | P | P | C | C | P | P | | | | | | | | | | | | | | | | | | | |
| Single-Family Dwelling - Attached | | C | C | P | P | C | C | | | | | | | | | | | | | | | | | | | | | |
| Two-Family Dwelling - attached to commercial or other nonresidential use | | | | | | | | | | | | P | | | | | | | | | | | | | | | | |
| Multiple Family Dwelling | | | | | | | | | | | | P | | | | | | | | | | | | | | | | P |
| Apartments - low rise attached to commercial or other nonresidential use as a mixed-use project as set forth in Rexburg City | | | | | | | | | | | | P | | | | | | | | | | | | | | | | P |
| Family apartments - high rise attached to commercial or other non-residential use; as a mixed-use project | | | | | | | | | | | | P | | | | | | | | | | | | | | | | |
| Dormitory apartments - maximum of six (6) persons per unit attached to commercial or other nonresidential use as a mixed-use project | | | | | | | | | | | | C | | | | | | | | | | | | | | | | P |
| Membership Lodging | | | | | | | | | | | | P | | | | | | | | | | | | | | | | P |
| Assisted and Residential Care Facility | | C | C | C | C | P | P | | C | | | | | | | | | | | | | | | | | | | |
| Religious Quarters | | | | | | | | | | | | P | | | | | | | | | | | | | | | | P |
| Residential Facility for Elderly Persons | | C | C | C | C | P | P | | C | | P | P | | | | | | | | | | | | | | | | P |
| Residential Facility for Disabled | P | P | P | P | P | P | P | P | P | | P | P | | | | | | | | | | C | | | | | | P |
| Residential Hotels | | | | | | | | | | | | P | | | | | | | | | | | | | | | | P |
| Transient Lodgings | | | | | | | | | | | | P | | | | | | | | | | | | | | | | P |
| Hotels | | | | | | | | | | | | C | | C | C | | | | | | | | | | | | | |
| Motels - highway frontage only | | | | | | | | | | | C | | | C | P | | | | | | | | | | | | | |
| Tourist Courts | | | | | | | | | | | | | | | P | | | | | | | | | | | | | |

P = Permitted Use
C = Conditional Use

| MANUFACTURING | LDR 1 | LDR 2 | LDR 3 | MDR 1 | MDR 2 | HDR 1 | HDR 2 | RR 1 | RR 2 | NBD | GBD | CBD | RBD | CBC | RBC | LI | HI | SOB | PO | TOZ | AP | PF | OS | UD | TAG 1 | TAG 2 | PRO | MU |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Food and Kindred Products - except meat packing and animal and marine fats and oils | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Meat Packing | | | | | | | | | | | | | | | | | C | | | | | | | | | | | |
| Poultry and Small Game Dressing and Packing | | | | | | | | | | | | | | | | C | | | | | | | | | | | | |
| Dairy Products | | | | | | | | | | | | | | | | C | | | | | | | | | | | | |
| Canning - Specialty Foods | | | | | | | | | | | | | | | | C | | | | | | | | | | | | |
| Canning - Fruits, Vegetables, Preserves, Jams, etc. | | | | | | | | | | | | | | | | C | | | | | | | | | | | | |
| Frozen Fruits, Fruit Juices, Vegetables, | | | | | | | | | | | | | | | | C | | | | | | | | | | | | |
| Bakery Products | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |
| Confectionery and Related Products | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |
| Bottling and Canning Soft Drinks and Carbonated Waters | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |
| Animal and Marine Fats and Oils | | | | | | | | | | | | | | | | | C | | | | | | | | | | | |
| Textile Mill Products - except tire cord and fabric | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |
| Tire Cord and Fabric | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Apparel and Other Finished Products Made from Fabrics, Leather, Etc. – except leather tanning and finishing | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |
| Leather Tanning and Finishing | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Lumber and Wood Products | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Furniture and Fixtures | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |
| Paper and Allied Products - except pulp | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Pulp | | | | | | | | | | | | | | | | | C | | | | | | | | | | | |
| Converted Paper and Paperboard Products - except containers and boxes | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |
| Printing, Publishing - including newspapers | | | | | | | | | | | | | | P | | P | | | | | | | | P | P | P | | |
| Commercial Printing | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Commercial Printing only related to retail sales of printed products | | | | | | | | | | | P | | | | | | | | | | | | | | | | | |
| Chemicals and Allied Products - except explosives and fireworks only | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |

P = Permitted Use
C = Conditional Use

| MANUFACTURING - CONT'D | LDR 1 | LDR 2 | LDR 3 | MDR 1 | MDR 2 | HDR 1 | HDR 2 | RR 1 | RR 2 | NBD | GBD | CBD | RBD | CBC | RBC | LI | HI | SOB | PO | TOZ | AP | PF | OS | UD | TAG 1 | TAG 2 | PRO | MU |
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| Industrial Inorganic Chemicals - includes air separation facilities | | | | | | | | | | | | | | | | C | | | | | | | | | | | | |
| Plastic Materials, Synthetic Resins, and non-vulcanizable elastomers | | | | | | | | | | | | | | | | C | | | | | | | | | | | | |
| Drugs | | | | | | | | | | | | | | | | C | | | | | | | | | | | | |
| Perfumes, Cosmetics, and Other Toilet preparations | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |
| Softwood Distillates | | | | | | | | | | | | | | | | | | | | P | | | | | | | | |
| Explosives | | | | | | | | | | | | | | | | | C | | | | | | | | | | | |
| Printing Ink | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |
| Fireworks Only | | | | | | | | | | | | | | | | | C | | | | | | | | | | | |
| Paving and Roofing Materials | | | | | | | | | | | | | | | | | C | | | | | | | | | | | |
| Rubber Footwear | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |
| Reclaimed Rubber | | | | | | | | | | | | | | | | | C | | | | | | | | | | | |
| Miscellaneous Plastic products | | | | | | | | | | | | | | | | C | | | | | | | | | | | | |
| Miscellaneous Fabricated Rubber Products | | | | | | | | | | | | | | | | C | | | | | | | | | | | | |
| Flat Glass | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |
| Flat Glass, Glassware | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Glass and Glassware - Pressed or Blown | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |
| Structural Clay Products | | | | | | | | | | | | | | | | | C | | | | | | | | | | | |
| Pottery and Related Products | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |
| Farm Equipment | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Pottery & Related Products | | | | | | | | | | | | | | P | | | C | | | | | | | | | | | |
| Cut Stone and Stone Products | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |
| Non-clay Refractories | | | | | | | | | | | | | | | | | C | | | | | | | | | | | |
| Blast Furnaces, Steel Works, Etc. | | | | | | | | | | | | | | | | | C | | | | | | | | | | | |
| Iron and Steel Foundries | | | | | | | | | | | | | | | | | C | | | | | | | | | | | |
| Primary Smelting and Refining of Nonferrous Metals | | | | | | | | | | | | | | | | | C | | | | | | | | | | | |
| Secondary Smelting and Refining of Nonferrous Metals | | | | | | | | | | | | | | | | | C | | | | | | | | | | | |

P = Permitted Use
C = Conditional Use

| MANUFACTURING - CONT'D | LDR 1 | LDR 2 | LDR 3 | MDR 1 | MDR 2 | HDR 1 | HDR 2 | RR 1 | RR 2 | NBD | GBD | CBD | RBD | CBC | RBC | LI | HI | SOB | PO | TOZ | AP | PF | OS | UD | TAG 1 | TAG 2 | PRO | MU |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Rolling, Drawing, and Extruding of Nonferrous Metals | | | | | | | | | | | | | | | | | C | | | | | | | | | | | |
| Nonferrous foundries - small item casting only | | | | | | | | | | | | | | | | C | P | | | | | | | | | | | |
| Nonferrous Forgings | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Fabricated Metal Products - excepts ordinate and accessories | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Ordinate and Accessories | | | | | | | | | | | | | | | | | C | | | | | | | | | | | |
| Aircraft manufacturing and assembling - in or adjacent to an airport | | | | | | | | | | | | | | | | | | | | | | C | | | | | | |
| Aircraft engines and engine parts - in or adjacent to an airport | | | | | | | | | | | | | | | | | | | | | | C | | | | | | |
| Aircraft parts other than engines - in or adjacent to an airport | | | | | | | | | | | | | | | | | | | | | | C | | | | | | |
| Cutlery, Hand Tools, and General Hardware | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |
| Fabricated Wire products | | | | | | | | | | | | | | | | C | | | | | | | | | | | | |
| Professional, Scientific, Optical Goods | | | | | | | | | | | | | | C | | P | | | | | | | | | | | | |
| Laboratory & Research Instruments | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| Instruments for Measuring | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Optical Instruments and Lenses | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Film Manufacturing | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Computers; digital, analog & hybrid | | | | | | | | | | | | | | | | | | | | P | | | | | | | | |
| Computer storage units | | | | | | | | | | | | | | | | | | | | P | | | | | | | | |
| Computer terminals | | | | | | | | | | | | | | | | | | | | P | | | | | | | | |
| Computer output to microfilm units, computer peripheral equipment | | | | | | | | | | | | | | | | | | | | P | | | | | | | | |
| Computer software tape and disks, blank: rigid and floppy | | | | | | | | | | | | | | | | | | | | P | | | | | | | | |
| Computer interface equipment for industrial process control | | | | | | | | | | | | | | | | | | | | P | | | | | | | | |
| Computerized axial-tomography - CT/Cat Scanner apparatus | | | | | | | | | | | | | | | | | | | | P | | | | | | | | |
| Miscellaneous Manufacturing - except matches and morticians goods | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |
| Musical Instruments | | | | | | | | | | | | | | | | | | | | | | | | P | P | P | | |
| Matches | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Morticians Goods | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Other Miscellaneous Manufacturing Determined by PNZ Commission | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |

P = Permitted Use
C = Conditional Use

| TRANSPORTATION & UTILITIES | LDR 1 | LDR 2 | LDR 3 | MDR 1 | MDR 2 | HDR 1 | HDR 2 | RR 1 | RR 2 | NBD | GBD | CBD | RBD | CBC | RBC | LI | HI | SOB | PO | TOZ | AP | PF | OS | UD | TAG 1 | TAG 2 | PRO | MU |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Railroads, Including Terminals and Yards | | | | | | | | | | | | | | C | | P | P | | | | | C | | | | | | |
| Bus Passenger Terminals | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| Motor Vehicle Transportation | | | | | | | | | | | | | | | | C | P | | | | | | | | | | | |
| Bus Transportation - except bus garaging and equipment maintenance | | | | | | | | | | | | P | | | | | | | | | | | | | | | | P |
| Bus Garaging, Equipment Maintenance | | | | | | | | | | | | | | C | | | | | | | | | | P | P | P | | |
| Motor Freight Terminals | | | | | | | | | | | | | | C | | | | | | | | | | P | P | P | | |
| Motor Freight Garaging and Maintenance | | | | | | | | | | | | | | C | | | | | | | | | | P | P | P | | |
| Motor Vehicle transportation | | | | | | | | | | | | P | | | | | | | | | | | | | | | | P |
| Ambulance Service | | | | | | | | | | | C | | | | | | | | | | | | | | | | | |
| Ambulance services | | | | | | | | | | | | | | | | | | | | | | C | | | | | | |
| Airports and flying fields | | | | | | | | | | | | | | | | | | | | | | C | | | | | | |
| Heliport Landing/Take-Off Pads, with Maintenance Facilities | | | | | | | | | | | | | | | | | C | | | | | C | | | | | | |
| Heliport - with pads only, no maintenance | | | | | | | | | | | | C | | | | C | | | | | | | | | | | | |
| Highways and street rights-of-way | | | | | | | | | | | | | | | | | | | | P | | P | | | | | | |
| Parking lot – Automobile Parking Lot and garages | | | | | | | | | | | C | P | | P | | P | P | | | | | C | | P | P | P | | P |
| Communications | C | C | C | C | C | C | C | | C | | | C | | | C | P | P | | C | P/C | | C | | | | | | |
| Telephone Exchange Stations, Microwave Towers | | | | | | | | | | | | | | | | | | | | | | | | P | P | P | | |
| Low Power Radio Communication Towers and Antennas | | | | | | | | | | | | | | | | C | C | | | | | | | | | | | |
| Radio and TV Transmitting Stations and Towers | | | | | | | | | | | | | | C | | | | | | | | | | P | P | P | | |
| Radio, Television Broadcasting Station | | | | | | | | | | | | | | C | | | | | | | | | | P | P | P | | |
| Utilities – except electric generation plants-conventional fuel including hydro-electric, solar, etc., electric generation plants - nuclear energy and telegraph and other communications | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Electric transmission right-of-way identifies areas where the surface is devoted exclusively to the right-of-way of the activity | | | | | | | | | | | | P | | P | P | P | P | | P | | | P | | | | | | P |

P = Permitted Use
C = Conditional Use

| TRANSPORTATION & UTILITIES CONT'D | LDR 1 | LDR 2 | LDR 3 | MDR 1 | MDR 2 | HDR 1 | HDR 2 | RR 1 | RR 2 | NBD | GBD | CBD | RBD | CBC | RBC | LI | HI | SOB | PO | TOZ | AP | PF | OS | UD | TAG 1 | TAG 2 | PRO | MU |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Electric generation plants - conventional fuel including hydro-electric, solar, etc. | | | | | | | | | | | | | | | | | C | | | | | C | | | | | | |
| Electric generation plants - nuclear energy | | | | | | | | | | | | | | | | | C | | | | | | | | | | | |
| Electricity Regulating Substations | C | C | C | C | C | C | C | | C | | | C | | C | C | C | | | C | | | C | | | | | | |
| Electric Utility Company Office | | | | | | | | | | | | C | | | | C | | | | | | C | | | | | | |
| Small Generation | | | | | | | | | | | | C | C | C | C | C | | | | | | C | | | | | | |
| Other electric utility, NEC | | | | | | | | | | | | C | | | | C | | | | | | | | | | | | |
| Gas pipeline right-of-way - identifies areas where the surface is devoted exclusively to the right-of-way of the activity | | | | | | | | | | | | P | | P | P | P | P | | P | | | P | | | | | | P |
| Natural or manufactured gas storage; distribution points | | | | | | | | | | | | C | | C | C | C | C | | | | | | | | | | | |
| Gas pressure control stations | | | | | | | | | | | | P | | P | P | P | P | | P | | | P | | | | | | P |
| Gas Company Office | | | | | | | | | | | | C | | | | C | | | | | | | | | | | | |
| Other Gas Utilities, NEC | | | | | | | | | | | | C | | C | C | C | | | C | | | C | | | | | | |
| Water pipeline right-of-way - identifies areas where the surface is devoted exclusively to the activity | | | | | | | | | | | | P | | P | P | P | P | | P | | | P | | | | | | P |
| Water Treatment Plants - Purification | | | | | | | | | | | | | | | | C | | | | | | C | | | | | | |
| Water storage as part of a utility system - open reservoirs | | | | | | | | | | | | | | | | | | | | | | C | | | | | | |
| Water storage as part of a utility system - covered including water storage stand pipes | | | | | | | | | | | C | C | | C | C | C | | | C | | | C | | | | | | |
| Irrigation distribution channels | | | | | | | | | | | | P | | P | P | P | P | | P | | | P | | | | | | P |
| Water pressure control stations and pumping plants | | | | | | | | | | | | P | | P | P | P | P | | P | | | P | | | | | | P |
| Water utilities or irrigation company office | | | | | | | | | | | | P | | | | P | P | | | | | P | | | | | | P |
| Other Water Utilities or Irrigation, NEC | | | | | | | | | | | | | | | | C | | | | | | C | | | | | | |
| Sewage pipeline right-of-way - identifies areas where surface is devoted exclusively to right-of-way activity | | | | | | | | | | | | P | | P | P | P | P | | P | | | P | | | | | | P |
| Sewage pumping stations | | | | | | | | | | | | P | | P | P | P | P | | P | | | P | | | | | | P |
| Water Reclamation Plants, Sludge Drying Beds, etc. | | | | | | | | | | | | | | | | C | | | | | | C | | | | | | |
| Water Pressure Control Station and Pumping Plants | | | | | | | | | | | | | | | | P | P | | | | | C | | | | | | |

P = Permitted Use
C = Conditional Use

| TRANSPORTATION & UTILITIES CONT'D | LDR 1 | LDR 2 | LDR 3 | MDR 1 | MDR 2 | HDR 1 | HDR 2 | RR 1 | RR 2 | NBD | GBD | CBD | RBD | CBC | RBC | LI | HI | SOB | PO | TOZ | AP | PF | OS | UD | TAG 1 | TAG 2 | PRO | MU |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Other Sewage Disposal, NEC | | | | | | | | | | | | | | | | C | | | | | | C | | | | | | |
| Central garbage grinding stations and composting plants | | | | | | | | | | | | | | | | | | | | | | C | | | | | | |
| Refuse disposal company office | | | | | | | | | | | | P | | | | P | | | | | | C | | | | | | P |
| Refuse Disposals | | | | | | | | | | | | | | | | C | | | | | | | | | | | | |
| Active slag dumps and mineral waste disposals | | | | | | | | | | | | | | | | | | | | | | C | | | | | | |
| Combination Utilities, company storage yards and equipment storage | | | | | | | | | | | | | | | | C | | | | | | C | | | | | | |
| Gas and electric utility company office | | | | | | | | | | | | P | | | | P | P | | | | | P | | | | | | P |
| Water and electric utility company office | | | | | | | | | | | | P | | | | P | P | | | | | P | | | | | | P |
| Combination utilities right-of-way identifies areas where the surface is devoted exclusively to right-of-way activity | | | | | | | | | | | | P | P | P | P | P | P | | P | | | P | | | | | | P |
| Combination Utilities, NEC | | | | | | | | | | | | | | | | C | | | | | | C | | | | | | |
| Debris Basin - a dam and basin for intercepting debris | | | | | | | | | | | C | C | | C | C | C | | | C | | | C | | | | | | |
| Storm drain or right-of-way - predominantly covered pipes or boxes | | | | | | | | | | | | P | | P | P | P | P | | P | | | P | | | | | | P |
| Spreading Grounds - area for percolating water into underground | | | | | | | | | | | C | C | | C | C | C | | | C | | | C | | | | | | |
| Other Utilities, NEC | | | | | | | | | | | | | | | | C | | | | | | C | | | | | | |
| Miscellaneous Transportation, Communication, and Utilities | | | | | | | | | | | | | | | | P | P | | | | | | | | | | | |
| Travel Agencies | | | | | | | | | | | P | P | | P | P | | | | P | P | | | | | | | | P |
| Other Utility and Public Facilities | C | C | C | C | C | C | C | | C | | | | | | | | | | | | | | | P | P | P | | |

P = Permitted Use
C = Conditional Use

| WHOLESALE | LDR 1 | LDR 2 | LDR 3 | MDR 1 | MDR 2 | HDR 1 | HDR 2 | RR 1 | RR 2 | NBD | GBD | CBD | RBD | CBC | RBC | LI | HI | SOB | PO | TOZ | AP | PF | OS | UD | TAG 1 | TAG 2 | PRO | MU |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Computer terminals - wholesale | | | | | | | | | | | | | | | | | | | | P | | | | | | | | |
| Wholesale Trade - except farm products (raw materials), farm machinery and equipment, metals and minerals (except petroleum products and scrap), petroleum bulk stations and terminals, scrap and waste materials, and fire arms (ammunition only) | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |
| Computer paper - wholesale | | | | | | | | | | | | | | | | | | | | P | | | | | | | | |
| Drugs, and Druggist Supplies | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Farm Products, Grain | | | | | | | | | | | | | | C | | | | | | | | | | | | | | |
| Dry Goods and Apparel | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Farm Products - raw materials | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Electrical Goods | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Hardware, Plumbing, Heating & Supplies | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Farm machinery and Equipment | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Professional Equipment & Supplies | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Metals and Minerals - except petroleum Products and Scrap | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Petroleum Bulk Stations and Terminals | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Scrap and waste materials | | | | | | | | | | | | | | | | | C | | | | | | | | | | | |
| Lumber and Construction materials | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Miscellaneous Wholesale trade | | | | | | | | | | | | | | | | C | P/C | | | | | | | | | | | |
| Building Materials, hardware, Farm Equipment, and Supplies | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |

P = Permitted Use
C = Conditional Use

| RETAIL TRADE | LDR 1 | LDR 2 | LDR 3 | MDR 1 | MDR 2 | HDR 1 | HDR 2 | RR 1 | RR 2 | NBD | GBD | CBD | RBD | CBC | RBC | LI | HI | SOB | PO | TOZ | AP | PF | OS | UD | TAG 1 | TAG 2 | PRO | MU |
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| Lumber Yards and Building Materials | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Lumber Yards | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Building Materials - except lumber | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Heating and plumbing equipment - no outside storage | | | | | | | | | | | | P | | P | | | P | | | | | | | | | | | C |
| Paint, Glass and Wall Paper | | | | | | | | | | C | P | P | | P | P | | | | | | | | | | | | | C |
| Electrical Supplies | | | | | | | | | | | P | P | | P | P | | | | | | | | | | | | | C |
| Hardware | | | | | | | | | | C | P | P | | P | P | | | | | | | | | | | | | C |
| Farm Equipment | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Janitorial Supplies | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Building maintenance | | | | | | | | | | | | P | | | P | | P | | | | | | | | | | | C |
| Swimming Pool Supplies | | | | | | | | | | C | | P | | P | P | | | | | | | | | | | | | C |
| General Merchandise - department, variety, etc. | | | | | | | | | | | | | | | | | | | | | | | | P | P | P | | |
| Shopping Centers - if center is more than five acres but less than ten acres | | | | | | | | | | C | | | | | | | | | | | | | | | | | | C |
| Department stores - includes major and junior chain department stores | | | | | | | | | | | | P | | P | P | | | | | | | | | | | | | P |
| Discount Department Stores | | | | | | | | | | | | P | | | P | | | | | | | | | | | | | P |
| Surplus stores - inside only | | | | | | | | | | | | P/C | | | C | | | | | | | | | | | | | P |
| Mail and Phone Order Houses | | | | | | | | | | | P | P | | | P | | | | C | | | | | | | | | P |
| Variety Stores | | | | | | | | | | C | P | P | | | P | | | | | | | | | | | | | P |
| Merchandise vending machine operators | | | | | | | | | | | | P | | | P | | | | | | | | | | | | | P |
| Direct selling organization | | | | | | | | | | | | P | | | | | | | | | | | | | | | | P |
| Retail Trade - General Merchandise | | | | | | | | | | | P | P | | | P | | | | | | | | | | | | | P |
| Dry goods and general merchandise – yarn, linen crafts, fabric, etc. only in historic buildings on arterial streets | | | | | | | | | | | | | | | | | | | C | | | | | | | | | |
| Food Stores | | | | | | | | | | | P | P | | | P | | | | | | | | | | | | | P |
| Grocery Stores, Convenience - not supermarket | | | | | | | | | | P/C | | | | | | | | | | | | | | | | | | C |

P = Permitted Use
C = Conditional Use

| RETAIL TRADE- CONT'D | LDR 1 | LDR 2 | LDR 3 | MDR 1 | MDR 2 | HDR 1 | HDR 2 | RR 1 | RR 2 | NBD | GBD | CBD | RBD | CBC | RBC | LI | HI | SOB | PO | TOZ | AP | PF | OS | UD | TAG 1 | TAG 2 | PRO | MU |
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| Meats and Fish | | | | | | | | | | C | | | | | | | | | | | | | | | | | | C |
| Fruits and Vegetables | | | | | | | | | | C | | | C | | | | | | | | | | | | | | | C |
| Candy, Nut, and Confectionery | | | | | | | | | | C | | | C | | | | | | | | | | | | | | | C |
| Candy, nut, and confectionery - only in historic buildings | | | | | | | | | | | | | | | | | | | C | | | | | | | | | |
| Dairy Products | | | | | | | | | | C | | | C | | | | | | | | | | | | | | | C |
| Bakeries and Doughnut Shops | | | | | | | | | | P | | | C | | | | | | | | | | | | | | | P |
| Retail Trade Items, Food, Misc. Food | | | | | | | | | | C | P | P | | P | P | | | | | | | | | | | | | P |
| Motor Vehicles | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| New and Used Car Sales | | | | | | | | | | | C | C | | | P | C | | | | | | | | | | | | |
| Motor Vehicles, automobiles - used only - retail trade | | | | | | | | | | | C | C | | | | C | | | | | | | | | | | | |
| Farm and Construction Vehicles | | | | | | | | | | | | | | | | P | P | | | | | | | | | | | |
| Motor Vehicles, trucks and busses - new and used | | | | | | | | | | | | C | | | | | | | | | | | | | | | | |
| Motor vehicles, trucks and busses - used only | | | | | | | | | | | | C | | | P | | | | | | | | | | | | | |
| Automobile Accessories - except tire recapping and vulcanizing | | | | | | | | | | | P | P | | P | P | | | | | | | | | | | | | |
| Gasoline Service Stations | | | | | | | | | | | C | C | | C | P | C | C | | | | | | | | | | | |
| Marine Craft and Accessories | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |
| Aircraft and Accessories | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |
| New and Used House Trailers and Campers | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |
| Motorcycles, motor scooters, parts, accessories, and supplies | | | | | | | | | | | C | C | | | C | | | | | | | | | | | | | |
| Apparel and Accessories | | | | | | | | | | | P | P | | P | P | | | | P | | | | | | | | | P |
| Shoes | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Cosmetics | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Furniture, Home Furnishings, and equipment - no combined warehousing | | | | | | | | | | | P | P | | P | P | | | | | | | | | | | | | P |

P = Permitted Use
C = Conditional Use

| RETAIL TRADE- CONT'D | LDR 1 | LDR 2 | LDR 3 | MDR 1 | MDR 2 | HDR 1 | HDR 2 | RR 1 | RR 2 | NBD | GBD | CBD | RBD | CBC | RBC | LI | HI | SOB | PO | TOZ | AP | PF | OS | UD | TAG 1 | TAG 2 | PRO | MU |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Furniture, Home Furnishings, and Equipment - only in conjunction with an attached warehousing operation | | | | | | | | | | | | | | | | C | | | | | | | | | | | | |
| Draperies, Curtains, and Upholstery | | | | | | | | | | | | | | | | C | | | | | | | | | | | | |
| Picture Frames, Mirrors, Etc. | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Vacuum Cleaners, Parts and Supplies | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sewing machines and parts | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Radios, television and sound systems | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Computer Stores - retail | | | | | | | | | | | | | | | | | | | | P | | | | | | | | |
| Eating Places - Restaurants | | | | | | | | | | | P | P | | P | P | | C | | | | | | | | | | | P |
| Restaurants | | | | | | | | | | | | | | | | C | | | C | P | | | | | | | | |
| Miscellaneous retail trade – except prescription pharmacy, liquor, package, antiques and second-hand merchandise; only in historic buildings as defined in this title | | | | | | | | | | | | | | | | | | | C | P/C | | | | | | | | |
| Drug and Proprietary Stores | | | | | | | | | | P | P | P | C | P | P | | | | | | | | | | | | | P/C |
| Prescription pharmacy - intended for the convenience of permitted establishments and/or clients thereof, provided that no business occupies more than fifteen (15) percent of the total floor area of the building in which it is located and has no separate entrance | | | | | | | | | | | | | | | | | | | P | P | | | | | | | | |
| Liquor, Package | | | | | | | | | | | C | C | | | C | | | | | | | | | | | | | |
| Antiques and second-hand merchandise - indoor only, except second-hand auto parts , junk dealers and salvage operations | | | | | | | | | | | | C | | | | | | | | | | | | | | | | |
| Antiques - indoor display only | | | | | | | | | | | P | | | | C | | | | | | | | | | | | | |
| Second hand clothing, shoes, furniture and books - does not include, flea markets, thrift stores - only in arterial streets | | | | | | | | | | | | | | | | | | | C | | | | | | | | | |
| Second-hand auto parts - includes dismantling of automobiles for purposes of selling parts | | | | | | | | | | | | | | | | | C | | | | | | | | | | | |
| Thrift Store and general second hand merchandise - indoor display and storage only; use of outdoor collection boxes is prohibited | | | | | | | | | | | C | | | | | | | | | | | | | | | | | |

P = Permitted Use
C = Conditional Use

| RETAIL TRADE- CONT'D | LDR 1 | LDR 2 | LDR 3 | MDR 1 | MDR 2 | HDR 1 | HDR 2 | RR 1 | RR 2 | NBD | GBD | CBD | RBD | CBC | RBC | LI | HI | SOB | PO | TOZ | AP | PF | OS | UD | TAG 1 | TAG 2 | PRO | MU |
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| Junk dealers and salvage operations | | | | | | | | | | | | | | | | | C | | | | | | | | | | | |
| Books, Stationery, Art and Hobby Supplies | | | | | | | | | | P | P | P | P | P | P | | | | | | | | | | | | | P |
| Sporting goods, bicycles, and toys | | | | | | | | | | | P | P | | P | P | | | | | | | | | | | | | P |
| Garden Supplies - fully enclosed only; no farm supplies | | | | | | | | | | | | | | | | | | | | | | | | | | | | P |
| Hay, grains, and feed | | | | | | | | | | | | | | | | | P | | | P | | | | | | | | |
| Garden Supplies - entirely within a building only | | | | | | | | | | | P | P | | P | P | | P | | | | | | | | | | | P |
| Jewelry | | | | | | | | | | | P | P | | P | P | | | | | | | | | | | | | P |
| Fuel and ice - ice dispensing machine only | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bottled Gas | | | | | | | | | | | C | C | | | C | | | | | | | | | | | | | |
| Ice Dealers - automated machines or pick-up stations only | | | | | | | | | | | P | P | | P | P | | | | | | | | | | | | | P |
| Miscellaneous retail stores - includes florists, cigars, newspapers, magazines, photo supplies, pet stores, and other similar retail stores | | | | | | | | | | | P | P | | P | P | | | | | | | | | | | | | P |
| Florists | | | | | | | | | | P | | | | | | | | | | | | | | | | | | P |
| Cigars and cigarettes | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Cameras and photographic supplies | | | | | | | | | | | | | | | | | | | | | | | | P | P | P | | |
| Gifts, novelties, etc. | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Optical goods | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Paper products | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Miscellaneous Retail trade | | | | | | | | | | C | | | | | | | | | | | | | | | | | | P |

P = Permitted Use
C = Conditional Use

| SERVICES | LDR 1 | LDR 2 | LDR 3 | MDR 1 | MDR 2 | HDR 1 | HDR 2 | RR 1 | RR 2 | NBD | GBD | CBD | RBD | CBC | RBC | LI | HI | SOB | PO | TOZ | AP | PF | OS | UD | TAG 1 | TAG 2 | PRO | MU |
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| Banks, Finance, Insurance and Real Estate Services | | | | | | | | | | C | P | P | C | P | P | | | | P | P | | | | | | | | P |
| Personal Services - includes laundry, photography, beauty and barber services, clothing repair, shoe repair, etc. - except funeral parlor, cemetery, and crematory services, reception center, wedding chapels and reception center only | | | | | | | | | | | P | P | | P | P | | | | | | | | | | | | | P |
| Laundry and Dry Cleaning - includes self-service Laundries | | | | | | | | | | C | C | C | | C | C | | | | | | | | | | | | | |
| Laundry Services | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Laundry & Dry Cleaning, Self-Service | | | | | | | | | | C | C | C | | C | C | C | | | | | | | | | | | | |
| Photographic Services | | | | | | | | | | C | | | C | P | | | | | C | P | | | | P | P | P | | P |
| Beauty and Barber Shops | | | | | | | | | | P | | | P | P | | | | | C | P | | | | | | | | P |
| Funeral and Crematory Services | | | | | | | | | | | | | | P | | | | | | | | C | | | | | | |
| Funeral Parlor- mortuary | | | | | | | | | | | P | | | | C | | | | C | | | | | | | | | P |
| Cemeteries | | C | C | C | C | C | C | | C | | | | | | | | | | | | | | | | | | | |
| Crematory | | | | | | | | | | | | P | | | | | | | | | | | | | | | | P |
| Laundry Pick-up, Shoe Repair, Alteration | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Pressing, Alteration and Garment Repair | | | | | | | | | | P | | | P | | | | | | | | | | | | | | | P |
| Shoe Repair, Hat Cleaning | | | | | | | | | | C | | | C | | | | | | | | | | | | | | | C |
| Shoe shine stands | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Miscellaneous Personal Services | | | | | | | | | | C | | | | | | | | | | | | | | | | | | |
| Athletic clubs, body buildings studios, Spas, Aerobic Centers - no gymnasiums | | | | | | | | | | | | P | | P | P | P | P | | | | | | | | | | | P |
| Personal Services - wedding chapels, reception centers only | | | | | | | | | | | C | C | | C | C | | | | C | | | | | | | | | C |
| Business services - office and retail sales only, except warehousing or storage services, equipment rentals and leasing services, truck and trailer rentals without drivers | | | | | | | | | | | | P | | | | | | | | | | | | | | | | P |
| Advertising Services | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |
| Advertising services - office only | | | | | | | | | | | | | | | | | | | P | P | | | | | | | | |
| Credit and Collection Services | | | | | | | | | | | | | | P | | | | | P | P | | | | | | | | |
| Reception Center | | | | | | | | | | | | | | | | | | | | | | | | | | | | C |

P = Permitted Use
C = Conditional Use

| SERVICES – CONT'D | LDR 1 | LDR 2 | LDR 3 | MDR 1 | MDR 2 | HDR 1 | HDR 2 | RR 1 | RR 2 | NBD | GBD | CBD | RBD | CBC | RBC | LI | HI | SOB | PO | TOZ | AP | PF | OS | UD | TAG 1 | TAG 2 | PRO | MU |
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| Duplicating, Mailing, Stenographic and Office Services | | | | | | | | | | | | | | | P | P | | | P | P | | | | P | P | P | | |
| Dwelling and building services - not dwelling units | | | | | | | | | | | C | C | | C | C | P | | | P | P | | | | | | | | |
| News Syndicate Services - office only | | | | | | | | | | | | | | | | | | | P | P | | | | | | | | |
| Employment Services | | | | | | | | | | | | | | P | P | | | | P | P | | | | P | P | P | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Warehousing and storage services** | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Warehousing or Storage Services | | | | | | | | | | | | | | | | P | P | | | | | | | P | P | P | | |
| Farm products warehousing and storage | | | | | | | | | | | | | | | | | | | | | | | | P | P | P | | |
| Refrigerated Warehousing | | | | | | | | | | | | | | C | | | | | | | | | | P | P | P | | |
| Food Lockers | | | | | | | | | | | | | | C | | | | | | | | | | P | P | P | | |
| General warehousing and Storage | | | | | | | | | | | | | | | | | | | | | | | | P | P | P | | |
| Household Goods Warehousing and Storage | | | | | | | | | | | | | | C | | | | | | | | | | P | P | P | | C |
| Auction Houses | | | | | | | | | | | | C | | C | C | | | | | | | | | | | | | |
| Auction Yard | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Business Services – except miscellaneous business services | | | | | | | | | | | | | | | | P | | | P | P | | | | | | | | |
| Research and Testing Services | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| Consulting Services | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| Equipment rental - only within a building | | | | | | | | | | | | C | | P | C | | C | | | | | | | | | | | |
| Vehicle Rental | | | | | | | | | | | C | C | | P/C | C | | C | | | | | | | | | | | |
| Miscellaneous Business Services | | | | | | | | | | | | C | | | C | C | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Repair Services** | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Repair Services | | | | | | | | | | | | | | | | P | P | | | | | | | | | | | |
| Auto Repair | | | | | | | | | | | C | C | | P | | | C | | | | | | | | | | | |
| Automobile Wash Services | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Auto Washing, Polishing, Detailing | | | | | | | | | | | | | | C | | | | | | | | | | | | | | |
| Auto washing and polishing | | | | | | | | | | | C | C | | | C | | | | | | | | | | | | | |
| Auto Washing, Self-Service | | | | | | | | | | | | | | C | | | | | | | | | | | | | | |
| Auto Glass Repair | | | | | | | | | | | C | | | | | | | | | | | | | | | | | |
| Automobile services, except repair and wash - motor clinics | | | | | | | | | | | C | C | | | | | | | | | | | | | | | | |

P = Permitted Use
C = Conditional Use

| SERVICES– CONT'D | LDR 1 | LDR 2 | LDR 3 | MDR 1 | MDR 2 | HDR 1 | HDR 2 | RR 1 | RR 2 | NBD | GBD | CBD | RBD | CBC | RBC | LI | HI | SOB | PO | TOZ | AP | PF | OS | UD | TAG 1 | TAG 2 | PRO | MU |
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| Electrical Appliance Repair | | | | | | | | | | | C | P | | C | C | P | | | | | | | | | | | | P |
| Radio and TV Repair | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Electrical appliance repair - light | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Electrical Repair Services | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Radio and Television Repair | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Watch, Clock, Jewelry repair, etc. | | | | | | | | | | | P | | | P | P | | | | | | | | | | | | | |
| Furniture Repair | | | | | | | | | | | C | P | | C | C | | | | | | | | | | | | | P |
| Locksmiths and key shops | | | | | | | | | | | | P | | P | P | | | | | | | | | | | | | P |
| Gunsmiths | | | | | | | | | | | P | P | | P | P | | | | | | | | | | | | | P |
| Saw, Knife, and tool sharpening | | | | | | | | | | | C | C | | C | C | | | | | | | | | | | | | |
| Miscellaneous small item repair | | | | | | | | | | | C | C | | C | C | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Professional Services** | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Professional Services | | | | | | | | | | | P | P | P | | | | | | P | P | | | | P | P | P | | P |
| Physicians' Offices and Services | | | | | | | | | | | | | | P | P | | | | | | | | | P | P | P | | |
| Dental Offices and services | | | | | | | | | | | | | | P | P | | | | | | | | | | | | | |
| Hospitals | C | C | C | C | C | C | C | | | | | | | P | | | | | C | | | C | | | | | | |
| Medical Laboratory Services | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| Behavior, drug & alcohol treatment | | | | | | | | | | | | | | | | | | | C | | | C | | | | | | |
| Sanitariums, convalescent and rest home services | | | | | | | | | | | | | | | | | | | C | | | | | | | | | |
| Legal Services | | | | | | | | | | | | | | P | P | C | | | | | | | | | | | | |
| Engineering, architectural, and planning services | | | | | | | | | | | | | | P | P | | | | | | | | | | | | | |
| Data Processing Services | | | | | | | | | | | | | | | P | | | | | | | | | | | | | |
| Miscellaneous professional services | | | | | | | | | | | | | | P | P | | | | | | | | | | | | | |
| Out-Patient Medical Services | | | | | | | | | | | | | | P | | C | | | | | | | | P | P | P | | |
| Engineering, architectural and Planning Services | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| Education and Scientific Research Services | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| Accounting and Bookkeeping Services | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |

P = Permitted Use
C = Conditional Use

| SERVICES – CONT'D | LDR 1 | LDR 2 | LDR 3 | MDR 1 | MDR 2 | HDR 1 | HDR 2 | RR 1 | RR 2 | NBD | GBD | CBD | RBD | CBC | RBC | LI | HI | SOB | PO | TOZ | AP | PF | OS | UD | TAG 1 | TAG2 | PRO | MU |
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| Contract Construction Services | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Contract construction services – offices and retail only | | | | | | | | | | | | P | | | | P | P | | | | | | | P | P | P | | C |
| Building Contractor Offices | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| Building Contractor Storage Yards | | | | | | | | | | | | | | C | | | | | | | | | | P | P | P | | |
| Plumbing, Heating & Air Conditioning | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| Painting, Wall papering, Decorating | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| Electrical Services | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| Masonry, Stonework, and Plastering | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| Roofing and Sheet-Metal Services | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| Carpentering, Wood Flooring Installation | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| Concrete Services | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Government Services** | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Governmental Services | | | | | | | | | | | | | | | | | | | | | | P | | | | | | |
| Executive, Legislative, and Judicial Functions | | | | | | | | | | | | P | | P | P | | | | P | P | | | | | | | | P |
| Operations Centers - not open storage yards | | | | | | | | | | | | | | | | P | P | | | | | C | | | | | | |
| Protective functions and related activities | | | | | | | | | | | | P | | P | P | | | | | | | | | | | | | P |
| Police Protection | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| Police Protection and Related Activities, Branch - office only | | | | | | | | | | C | C | C | | C | C | | C | | C | P | | C | | | | | | P |
| Postal Services | | | | | | | | | | P | P | P | | P | P | | | | | | | | | P | P | P | | P |
| Military Facilities | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Educational Services** | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Educational Services | | | | | | | | | | | P | P | | | | P | P | | | | | | | P | P | P | | P |
| Nursery, primary, and secondary education | | | | | | | | | | | | | | | | | | | | | | P | | | | | | |
| Nursery Schools | | C | C | P | P | P | P | | C | | | | | P | | | | | | | | | | P | P | P | | |
| Schools | C | C | C | C | C | C | C | | C | | | | | P | | | | | | | | | | P | P | P | | |
| Day Care Centers | | | | P | P | P | P | | | C | | | | P | P | C | C | | | | | | | | | | | C |
| Military Academies | | | | | | | | | | | | | | | | | | | | | | C | | | | | | |
| University, College, Junior College, Professional School Education | | | | | | | | | | | | | | | | | | | | | | P | | | | | | |
| Special Training and Schooling | | | | | | | | | | | | | | P | | | | | | | | P | | | | | | |
| Vocational Schools | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| Business Schools | | | | | | | | | | | | | | P | P | | | | | | | | | P | P | P | | |
| Barber and Beauty School | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |

P = Permitted Use
C = Conditional Use

| SERVICES – CONT'D | LDR 1 | LDR 2 | LDR 3 | MDR 1 | MDR 2 | HDR 1 | HDR 2 | RR 1 | RR 2 | NBD | GBD | CBD | RBD | CBC | RBC | LI | HI | SOB | PO | TOZ | AP | PF | OS | UD | TAG 1 | TAG2 | PRO | MU |
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| Art and Music Schools | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| Dancing Schools | | | | | | | | | | C | | | | P | P | | | | | | | | | P | P | P | | C |
| Driving Schools | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| Correspondence Schools | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Miscellaneous Services** | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Miscellaneous Service Organizations | | | | | | | | | | | | C | | | | | | | P | P | | | | P | P | P | | |
| Religious Activities | | | | | | | | | | | | | | | | | | | | | | C | | | | | | |
| Churches, Synagogues, Temples | C | C | C | C | C | C | C | | C | | | P | | C | | | | | | | | | | P | P | P | | P |
| Religious Reading Rooms | | | | | | | | | | | | P | | | | | | | | | | | | | | | | P |
| Other Religious Activities | | | | | | | | | | | | P | | | | | | | | | | | | | | | | P |
| Welfare and Charitable Services | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| Social, fraternal, and Youth Organizations and Services | | | | | | | | | | | C | | | | | | | | | | | | | | | | | |
| Business Associations | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Professional Membership | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Labor Organizations | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| Civil, Social, and Fraternal | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

P = Permitted Use
C = Conditional Use

| CULTURAL, ENTERTAINMENT, AND RECREATIONAL | LDR 1 | LDR 2 | LDR 3 | MDR 1 | MDR 2 | HDR 1 | HDR 2 | RR 1 | RR 2 | NBD | GBD | CBD | RBD | CBC | RBC | LI | HI | SOB | PO | TOZ | AP | PF | OS | UD | TAG 1 | TAG 2 | PRO | MU |
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| **Cultural Activities** | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Cultural Activities | | | | | | | | | | | | P | | | | | | | | | | P | | P | P | P | | P |
| Libraries | | C | C | C | C | C | C | | | | | | | P | P | | | | | | | | | P | P | P | | P |
| Museums | | | | | | | | | | | | | | P | | | | | P | | | | | P | P | P | | |
| Art Galleries | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Public Assembly** | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Public assembly | | | | | | | | | | | | | | | | | | | | | | C | | P | P | P | | |
| Entertainment and assembly including legitimate theater | | | | | | | | | | | | C | | | | | | | | | | | | | | | | |
| Motion Picture Theaters | | | | | | | | | | | C | C | | P/C | C | | | | | | | | | P | P | P | | |
| Drive-in Movies | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Stadiums, Arenas, and Field Houses | | | | | | | | | | | | | | C | | | | | | | | | | C | C | C | | |
| Public assembly | | | | | | | | | | | | C | | | | | | | | | | | | | | | | |
| Auditoriums, Performing Theaters | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| Computer photography or portraits | | | | | | | | | | | | | | | | | | | | P | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Amusements** | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Amusements | | | | | | | | | | | | | | | | | | | | | | | | P | P | P | | |
| Fairgrounds | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Amusement Parks | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Computer programming services and program software-custom | | | | | | | | | | | | | | | | | | | | P | | | | | | | | |
| Computer software publishers, pre-packaged | | | | | | | | | | | | | | | | | | | | P | | | | | | | | |
| Computer peripheral equipment, rental & leasing | | | | | | | | | | | | | | | | | | | | P | | | | | | | | |
| Computer peripheral equipment repair & maintenance | | | | | | | | | | | | | | | | | | | | P | | | | | | | | |
| Computer consultants | | | | | | | | | | | | | | | | | | | | P | | | | | | | | |
| Coin-operated amusement or video centers | | | | | | | | | | | C | C | | P/C | C | | | | | | | | | | | | | |
| Miniature Golf | | | | | | | | | | | C | C | | P/C | C | | | | | | | | | | P | P | | |
| Golf Driving Ranges | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Electric go-kart tracks - indoor only | | | | | | | | | | | C | | | C | | | | | | | | | | | | | | |
| Dance halls, ballroom | | | | | | | | | | | C | C | | C | C | C | C | | | | | C | | | | | | |
| Billiard and pool halls | | | | | | | | | | | C | C | | C | C | | | | | | | | | | | | | |
| Video Rental Shops | | | | | | | | | | P | P | P | | P | P | | | | P | | | | | | | | | P |

P = Permitted Use
C = Conditional Use

| CULTURAL, ENTERTAINMENT, AND RECREATIONAL CONT'D | LDR 1 | LDR 2 | LDR 3 | MDR 1 | MDR 2 | HDR 1 | HDR 2 | RR 1 | RR 2 | NBD | GBD | CBD | RBD | CBC | RBC | LI | HI | SOB | PO | TOZ | AP | PF | OS | UD | TAG 1 | TAG 2 | PRO | MU |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Recreational activities - except Bowling, Athletic Clubs, Gymnasiums, etc. | | | | | | | | | | | | | | | | | | | | | | P | | | P | P | | |
| Golf Course | C | C | C | C | C | C | C | | | | | | | | | | | | | | | | | | | | | |
| Golf Course w/ Country Club | | C | C | C | C | C | C | | | | | | | | | | | | | | | | | | | | | |
| Tennis Courts | | C | C | C | C | C | C | | C | | | | | P | | | | | | | | | | P | P | P | | |
| Ice Skating | | C | C | C | C | C | C | | C | | C | C | | P/C | C | | | | | | | | | P | P | P | | |
| Roller Skating and Skate Boarding | | | | | | | | | | | C | C | | P/C | C | P | | | | | | | | P | P | P | | |
| Riding Stable | | | | | | | | | | | | | | C | | | | | | | | | | | | | | |
| Bowling Alleys | | | | | | | | | | | C | C | | P/C | C | | | | | | | | | P | P | P | | |
| Athletic Fields | C | C | C | C | C | C | C | | | | | | | P | | | | | | | | | | P | P | P | | |
| Recreation Centers | C | C | C | C | C | C | C | | | | | | | P | | | | | | | | | | P | P | P | | |
| Athletic Clubs and Gymnasiums | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| Pools | | C | C | C | C | C | C | | C | | | | | P | | | | | | | | | | P | P | P | | |
| Vehicle Courts | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Group or organized maps | | | | | | | | | | | | | | | | | | | | | | C | | | | | | |
| Parks | | | | | | | | | | | | | | | | | | | | | | P | | | | | | |
| Parks and Playgrounds Skate Parks | C | C | C | C | C | C | C | | C | | | | | | | | | | | | | | | P | P | P | | |
| Parks - including playgrounds | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Nursing Home | | | | | | | | | | | | | | C | | | | | | | | | | | | | | |

| **AGRICULTURE** | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Agriculture - except farming, fibers, grains, fruits, vegetables ,animal specialties, and pasture and range land | **LDR 1** | **LDR 2** | **LDR 3** | **MDR 1** | **MDR 2** | **HDR 1** | **HDR 2** | **RR 1** | **RR 2** | **NBD** | **GBD** | **CBD** | **RBD** | **CBC** | **RBC** | **LI** | **HI** | **SOB** | **PO** | **TOZ** | **AP** | **PF** | **OS** | **UD** | **TAG 1** | **TAG 2** | **PRO** | **MU** |
| Farming, Fibers, Grains, Fruits, Vegetables | | | | | | | | P | P | | | | | | | P | | | | | | | | | | | | |
| Livestock | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| Animal Specialties | | | | | | | | | | | | | | | | | P/C | | | | | | | | | | | |
| Pasture and Range Land | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Agricultural Processing | | | | | | | | | | | | | | | | C | | | | | | | | | | | | |
| Animal Husbandry Services | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Veterinarian Services - totally enclosed | | | | | | | | | | | | | | | | | P | | | | | | | | | | | |
| Veterinary Service for Livestock (totally enclosed) | | | | | | | | | | | | | | P | | P | | | C | P | | | | C | | C | | |
| Livestock Services, Except Veterinary (totally enclosed) | | | | | | | | | | | | | | | | | | | | | | | | C | | | | |
| Animal Hospital Services - small animal out-patient clinic only | | | | | | | | | | | | | | | | | | | | | | | | C | | | | |
| Computer repair training | | | | | | | | | | | C | | | | | P | | | | | | | | | | | | |
| Other Agricultural-Related Activities | | | | | | | | | | | | | | | | | | | | P | | | | | | | | |
| Horticulture Services | | | | | | | | | | | | | | | | P | | | | | | | | | | | | |
| Fishing activities | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |
| Mining and quarrying | | | | | | | | | | | | | | | | | | | | | | C | | | | | | |
| Recycle Center | | | | | | | | | | | | | | | | | | | | | | C | | | | | | |
| Single-Family Dwelling | | | | | | | | | | | | | | | | | C | | | | | | | | | | | |
| Small Animal Veterinarian Services - totally enclosed | | | | | | | | | | | | | | C | | | | | | | | | | | | | | |
| Forest Reserves | | | | | | | | | | | | | | | | | | | | | | | | | C | | | |
| | | | | | | | | | | | | | | | | | | | | | | P | | | | | | |

P = Permitted Use
C = Conditional Use

| OTHER | LDR 1 | LDR 2 | LDR 3 | MDR 1 | MDR 2 | HDR 1 | HDR 2 | RR 1 | RR 2 | NBD | GBD | CBD | RBD | CBC | RBC | LI | HI | SOB | PO | TOZ | AP | PF | OS | UD | TAG 1 | TAG 2 | PRO | MU |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Manufactured Housing Units 24 Feet or Wider on a Permanent Foundation | | P | P | P | P | P | P | P | | | | | | | | | | | | | | | | C | C | C | | |
| Home Occupations regulated as per the Rexburg Development Code Section 4.10.B | C | C | C | C | C | C | C | | C | | | | | | | | | | | | | | | | | | | |
| Two-Family Dwelling | | | | P | P | P | P | | | | | | | | | | | | | | | | | | | | | |
| Three-Family Dwelling | | | | P | P | P | P | | | | | | | | | | | | | | | | | | | | | |
| Four-Family Dwelling | | | | P | P | P | P | | | | | | | | | | | | | | | | | P | P | P | | |
| Five and Six-Family Dwelling | | | | | | P | P | | | | | | | | | | | | | | | | | P | P | P | | |
| Dormitory Housing, Fraternity, Sorority | | | | | C | P | P | | | | | | | | | | | | | | | | | P | P | P | | |
| Bed and Breakfast | | | | | | P | P | | | | | | | | | | | | | | | | | | | | | |
| Boarding House | | | | | | P | P | | | | | | | | | | | | | | | | | | | | | P |
| Mobile Home Courts and Subdivisions | | | | | | P | P | | | | | | | | | | | | | | | | | | | | | |
| Thirty-four to Forty-two Family Dwellings | | | | | | | P | | | | | | | | | | | | | | | | | | | | | |
| Twenty-four Units per Building or Development | | | | | | | C | | | | | | | | | | | | | | | | | P | P | P | | |
| Separate Parking Lots | | | | | | | C | | | | | | | | | | | | | | | | | | | | | |
| Accessory Building | | | | | | | | | P | | | | C | | | | | | | | | | | | | | | |
| Limited Home Occupations | | | | | | | | | P | | | | | | | | | | | | | | | | | | | |
| Gardening for Personal Use | | | | | | | | | P | | | | | | | | | | | | | | | | | | | |
| Customary Household Pets | | | | | | | | | P | | | | | | | | | | | | | | | | | | | |
| Agriculture | | | | | | | | | P | | | | | | | | | | | | | | | | | | | |
| Right of Way | | | | | | | | | P | | | | | | | | | | | | | | | | | | | |
| Accessory Apartment | | | | | | | | | C | | | | | | | | | | | | | | | | | | | |
| Manufacture and installation of automobile seat covers and auto tops | | | | | | | | | | | C | | | | | | | | | | | | | | | | | |
| Campgrounds and Travel | | | | | | | | | | | | | | P | | | | | | | | | | | | | | |
| Other Communication Facilities | | | | | | | | | | | | | | C | | | | | | | | | | P | P | P | | |
| All Other Wholesale | | | | | | | | | | | | | | C | | | | | | | | | | | | | | |
| Shopping Centers, Including Malls | | | | | | | | | | | | | | C | | | | | | | | | | | | | | |
| Other Personal Services | | | | | | | | | | | | | | C | | | | | | | | | | | | | | |
| Other Business Services | | | | | | | | | | | | | | C | | | | | | | | | | | | | | |

P = Permitted Use
C = Conditional Use

| OTHER CONT'D | LDR 1 | LDR 2 | LDR 3 | MDR 1 | MDR 2 | HDR 1 | HDR 2 | RR 1 | RR 2 | NBD | GBD | CBD | RBD | CBC | RBC | LI | HI | SOB | PO | TOZ | AP | PF | OS | UD | TAG 1 | TAG 2 | PRO | MU |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Skate Park | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Kennels | | | | | | | | | | | | | | C | | | | | | | | | | | | | | |
| Religious Dormitories (quarters?) | | | | | | | | | | | | | | | | | | | | | | | | P | P | P | | |
| Electric generation plants - utility substations | | | | | | | | | | | | | | C | | | | | | | | | | P | P | P | | |
| Utility Storage Yards | | | | | | | | | | | | | | | | | | | | | | | | P | P | P | | |
| College Buildings | | | | | | | | | | | | | | | | | | | | | | | | P | P | P | | |
| Skiing and tobogganing | | | | | | | | | | | | | | | | | | | | | | | | P | P | P | | |
| Plant nurseries | | | | | | | | | | | | | | P | | | | | | | | | | P | P | P | | |