3.1 Low Density Residential 3 (LDR3)

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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:

<u>Permitted Uses</u>
Single-family dwelling- detached
Disabled Persons Residential facility
Manufactured housing units 24 feet or wider on a permanent foundation.

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 Chapter 4.10.A of the 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.

3.6.025. 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

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 sixty (60) feet. A twin home minimum width is forty (80) 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-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. 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 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 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, 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.

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 Staff. 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 EmergencyServices.