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#### 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:

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- 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.

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