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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

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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

- 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

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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

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- 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.** 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.

3.24.100. Distance Between Buildings

The minimum distance between any accessory building and a main building on a lot in the TOZ 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.

3.24.110. 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

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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.

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 Architectural and Design Review Boards, followed by professional engineered plans (including drainage) and specifications for review by all City Departments and Permitting Authorities.

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 City of Rexburg Staff 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.