

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 additional 10% 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, indicating 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.

