

## CHAPTER 3: ZONING DISTRICTS

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- 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:
  - Permitted Uses  
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 BYU 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 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.

### 3.11.025. 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 RR1 zone 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 2<sup>nd</sup> West and 2<sup>nd</sup> 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 be 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, 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 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 Section 4.13 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)

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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

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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

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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

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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.

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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)

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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:

##### Permitted Uses

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 ordnance 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.

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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.
- iv.Deliveries of any kind to the establishment shall not be left on the exterior of the building at any time. Any merchandise whether exposed or 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.

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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, 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 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, provided 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) hereof 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, 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 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 (50) 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, 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 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 (50) 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:

##### **Permitted Uses**

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:

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- 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:

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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.

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### 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

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- 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

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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 Regu

