

COMMERCIAL ZONES

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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.