



SUMMARY OF ORDINANCE NO. 1006

AN ORDINANCE AMENDING ORDINANCE NO. 926 PROVIDING FOR THE ADDITION OF THE “HEMMING PROJECT REDEVELOPMENT OPTION ZONE (PROZONE)” TO SECTION 3.30 OF THE DEVELOPMENT CODE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

**DEVELOPMENT CODE
OF THE
CITY OF REXBURG, IDAHO**
(ADOPTED FEBRUARY 16th, 2005)
Amended 7/06/05; 5/07/2007; 7-03-2007

3.30(1).Hemming (PRO A B R 1) Project Redevelopment Option Zone

The Hemming Pro Zone is a multi-phased project. As the developer and the City of Rexburg go forward, proposals for additional areas will be submitted for subsequent Phases. The City will allow additional areas as the zone continues to create a cohesive development and neighborhood.

If the Hemming Pro Zone is not proceeding with construction of buildings and uses that are substantially the same as proposed and intended during the rezone request, the City shall initiate a reversion to the previous zoning (most recent prior to the PRO Zone designation). This time limit shall include a forty-eight (48) month period. The time shall begin at the adoption of the Hemming PRO zone or at each phase. Within the forty-eight (48) month period a building permit shall be submitted that requests approval of a substantial building that is consistent with the intent of the Hemming PRO Zone. No new phases shall be considered until at least fifty (50) percent build out has occurred on previous phases.

The area designated for Phase I is limited to the southwest area including the areas of mixed-use development on both sides of W 2nd South and the proposed Hotel/Lodge area.

3.30.010 Purpose and Objectives

Hemming has acquired the largest ownership of this block and its' adjacent north and south street frontages in order to develop a lasting mixed use district establishing a linkage between Main Street Rexburg and BYU Idaho. This district's guiding principles of sustainability and permanence is in accordance with the Comprehensive Plan of Rexburg, Idaho.

3.30.020. Permitted Uses

Uses. All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the Hemming Pro Zone, subject to the limitations set forth.

Permitted Principal Uses. The following principal uses and structures, and no others, are permitted in the Hemming Pro Zone:

Use

Two-family dwelling (attached to commercial or other nonresidential use)

Multiple Family Dwelling (excluded along 2nd West) Apartments (low rise attached to commercial or other nonresidential use as a mixed-use project as set forth in Rexburg

City Code) Apartments (high rise attached to commercial or other nonresidential use; as a mixed-use project as set forth in Rexburg City Code)
 Disabled person residential facility (as part of a mixed-use building, i.e. non-residential uses)
 Hotels (parking in rear or side yard or garage structure, no parking in front of structure)
 Automobile parking (except 4603, long term storage of autos, trucks, boats, vacation trailers, etc.)
 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)
 Travel Agencies
 Hardware
 Building maintenance
 Department stores (includes major and junior chain department stores)
 Variety stores
 Retail trade (as part of a mixed-use building, i.e. residential and/or office)
 Food stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy products, bakeries, etc.)
 Miscellaneous retail food establishments
 Apparel, shoes, and accessories
 Furniture, home furnishings, and equipment (no combined warehousing)
 Eating places (restaurants)
 Drug and proprietary stores; health and natural products stores
 Books, stationery, art, and hobby supplies
 Sporting goods, bicycles, and toys
 Garden supplies (entirely within a building only)
 Jewelry
 Miscellaneous retail stores (includes florists, cigars, newspapers and magazines, photo supplies, pet stores, , games, computers, electronics, rental tuxedos and gowns, and other similar retail stores)
 Banks, insurance, and real estate (office only)
 Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except 6240 and 6299 wedding chapel and reception centers only)
 Athletic clubs, body building studios, Spas, aerobic centers, (no gymnasiums)
 Business services (office and retail sales only, except 6370, 6380, 6394 and 6397)
 Offices and professional services (uses must be located above or below first street level floor, as part of a mixed-use building, i.e. residential and/or office)
 Locksmiths and key shops
 Professional Services (except 6515 Behavior, drug and alcohol treatment; office only)
 Contract construction services (offices and retail only)
 Executive, legislative, and judicial functions
 Postal services
 Educational services
 Churches, synagogues, temples, and missions
 Religious reading rooms
 Other religions activities
 Cultural activities
 Video Rental Shops

Permitted Accessory Uses. Accessory uses and structures are permitted in the Hemming Pro Zone provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure.

Conditional Uses. The following uses and structures are permitted in the Hemming Pro Zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.

Use

Bed and Breakfast Inns and Vacation Rentals
 Dormitory housing (maximum of six (6) unrelated persons per unit physically attached to commercial or other non-residential uses as a mixed-use project)

Communications (subject to City of Rexburg Telecommunications Ordinance, utilizing feasible “stealth” features to disguise the towers and antennas)
Gas company office
Motorcycles, motor scooters, parts, accessories, and supplies, as part of a mixed-use building
Personal services (wedding chapels and receptions centers only)
Vehicle rental (passenger automobiles only)
Miscellaneous business services such as Kinkos; limited to not more than twenty percent (20%) of gross leasable area
Police protection and related activities, branch (office only)
Miscellaneous service organizations
Entertainment and assembly including legitimate theater
Motion picture theaters (indoor)
Public assembly
Coin-operated amusements
Dance halls, ballroom
Ice skating
Bowling alleys

The Regulating Plan

The regulating plan illustrates where form-based codes for the Hemming Pro Zone apply. It classifies the site according to street, block, and district characteristics and includes easy to follow illustrations of build-to lines, projected building footprints, location of public spaces, and allowable building types specific within the site.

3.30.100. Building Height

Building heights for residential buildings shall not exceed forty (40) feet. Building heights for commercial and mixed-use buildings shall not exceed fifty-two (52) feet.

3.30.110. Distance Between Buildings

No requirement except as regulated by the provisions of the latest edition of the Building Code of The City of Rexburg as adopted by the action of the Municipal Council of said City.

3.30.120. Permissible Lot Coverage

No building or structure, (parking lots included), shall not cover an aggregate area of the development area upon which they are placed. If the development area has a recorded contractual agreement to participate in a park, open space area, plaza, or similar, that is located within seven hundred (700) feet of the site, the development area coverage may be increased to one hundred (100) percent.

3.30.130. Lot Lines

Lot lines shall be appropriately adjusted, or a Restrictive Lot Line Covenant (RLLC) shall be submitted as part of each development. Lot line modifications and/or RLLC must be approved by the City prior to County recordation.

3.30.140. Dwelling Density

Not more than forty-two (42) dwelling units may be placed on an acre in the Hemming PRO Zone.

3.30.150. Setbacks

Corner lots and setbacks are treated the same as two (2) front yards on those adjacent corners. Setbacks when adjacent or across the street from a residential zone should be similar to most restrictive zone, and only applicable to the sides of the proposed building that are visible from residential zone.

3.30.160. Parking, Loading, and Access

Parking requirements of the development code shall be adhered to except as modified in this section.
Off street loading spaces shall be provided for all structures.

Required Parking Spaces

Mixed use: Retail: 2.5 per 1,000 square feet of gross leasable area (GLA). GLA is defined as the sum of all floor area available for lease to retail tenants, including the

exterior walls, minus space used for mechanical and elevator equipment, common areas, loading and parking. Office: 2.5 per 1,000 square feet of gross floor area (GFA). GFA is defined as the sum of all floor area available for lease to office tenants, including exterior walls, minus space used for mechanical and elevator equipment.

3.30.190. Architectural Design Standards

Introduction Development in the Hemming Pro Zone will be guided by overall design standards in harmony with the adopted vision for downtown. These design standards for development will be coordinated with overall community standards and will enhance the integrity of the existing business district and the downtown as the center of the community while providing a link to this new mixed-use district.

Maximum Height. Buildings shall be no more than 4 stories or 52 feet in height, whichever is greater. Roof top equipment is included in the maximum building height and should be screened by parapets or similar treatment. The maximum height may be increased by [15] feet when housing is provided above the ground floor (“vertical mixed-use”), as shown above. The building height increase for housing shall apply only to that portion of the building that contains housing.

Mixed-Use Development Required. Residential uses shall be permitted only when part of a mixed-use development (residential with commercial or public/institutional use). Both “vertical” mixed-use (housing above the ground floor), and “horizontal” mixed-use (housing on the ground floor) developments are allowed, subject to the standards in 2-5. Stand alone residential uses will not be permitted from fronting W 2nd South.

Density. There is a maximum dwelling density of 42 units per acre.

Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of the building; except that side-yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front building elevation by a minimum of [4-6] feet. On corner lots, garage entrances shall be oriented to a side-street (i.e., away from (name of “Main Street”)) when access cannot be provided from an alley.

Common Areas. All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a homeowners association or other legal entity. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

Automobile-Oriented Uses and Facilities. Automobile-oriented uses and facilities, as defined below, shall conform to all of the following standards in Hemming Pro Zone. The standards are intended to provide a vibrant storefront character, slow traffic down, and encourage walking.

Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be accessed from alleys, placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of a building; except that side-yards on corner lots shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front elevation by a minimum of [4] feet. Individual surface parking lots shall not exceed a total one-half city block; larger parking areas shall be in multiple story garages.

3.30.200. Commercial Lighting Standards

Commercial Lighting Standards are applicable as described in Chapter 4.14, Supplementary Regulations.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS
6th DAY OF AUGUST, 2008.

Shawn Larsen, Mayor

ATTEST:

Blair D. Kay, City Clerk

The full texts of Ordinance No. 1006 and Ordinance 926 are available at the offices of the City Clerk located at the Rexburg City Hall, 12 North Center, Rexburg, Idaho 83440, and the Rexburg Community Development office located at 19 East Main Street, Rexburg, Idaho 83440. Electronic copies of Ordinance No. 1006 and Ordinance 926 are available on the web at www.rexburg.org.

**STATEMENT OF
REXBURG CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE 1006**

Stephen Zollinger, City Attorney for the City of Rexburg, declares that in his capacity as City Attorney of the City of Rexburg, pursuant to Idaho Code Section 50-901A(3) of the Idaho Code as amended, hereby certifies that he has reviewed a copy of the above cited Summary of Ordinance and has found the same to be true and complete and provides adequate notice to the public of the contents, including the exhibits, of Ordinance No. 1006.

DATED this 7th day of August, 2008.

Stephen P. Zollinger
Rexburg City Attorney