



## ORDINANCE NO. 778

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE NO. 725, NAMELY, VARIOUS PARTS OF THE LAND USE SCHEDULE; ADDING A SECTION FOR FENCES FOR SCHOOLS, UNIVERSITIES, COLLEGES, HOSPITALS, NURSING HOMES, CITY AND COUNTY; PROVIDING FOR SEPARATE PARKING LOTS; SPECIAL PROVISIONS REGARDING SINGLE-FAMILY ATTACHED DWELLINGS; AND PROVIDING FOR THE EFFECTIVE DATE. BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF REXBURG, IDAHO:**

BE IT ORDAINED BY the City of Rexburg, Idaho: Ordinance No. 725 is hereby amended as follows:

**SECTION I:** That the categories "automobile repair services" (6411), "electrical repair services" (6496), and "painting, wall papering, decorating services" (6622), under the Land Use Schedule, page 4, shall be listed as permitted uses (P) in an industrial (I) zone. That "finance, real estate, and insurance services" (SLUC 61) be listed as permitted uses (P) in a Professional Overlay (PO) zone.

**SECTION II:** That a new paragraph be added to Section 4.7 A. designated as 4.7 A.7. which shall read as follows:

"7. Fence Requirements for Schools, Churches, Universities, Colleges, Hospitals, Nursing Homes, City and County. The height, location and placement of fences by the foregoing entities may be altered, subject to prior written approval of the Planning and Zoning Commission. However, sight triangles at any intersection must be maintained pursuant to Section 4.6 of this Ordinance.

**SECTION III:** A new paragraph designated as Section 4.A.8. shall be added to read as follows:

In HBD, CBD, HCD, and I zones, any fence higher than 36 inches cannot extend beyond the line of the existing buildings. As long as there are no set-back requirements for the building, then there shall also be no set-back requirements for fences. In any set-back area bordering a street, the fence cannot be higher than 36 inches within the designated set-back from the property line to the front of a building.

**SECTION IV:** In Table 1, "Zoning Districts," in each of the districts a category shall appear entitled Separate Parking Lots (meaning parking lots separate and apart from an actual building) and such shall be added as a conditional use in each of the designated districts.

**SECTION V:** An additional Footnote, Footnote No. 10 shall be added to the Table I., Zoning district Section of the Planning and Zoning Ordinance, which shall read as follows:

10. On a corner lot if the owner complies with the front yard set back requirements for both intersecting adjoining streets, then the rear yard set back requirement shall be eliminated and the structure must only comply with the requirements for two side yards.

**SECTION VI:** A new Section shall be added to Chapter 4 (Supplemental Regulations) entitled: "Special Provisions Regarding Single-Family Attached Dwelling and shall be designated as Section 4.12. It shall read as follows:

4.12 A. Special Provisions regarding Single-Family Attached

## Dwellings.

1. All residential zones shall permit (by conditional use permits) single-family attached dwellings if the following conditions are met: (a) first a conditional use permit must be obtained from the Planning and Zoning Commission; and (b) If there shall be any lots with a zero lot line between single family attached dwellings, then a subdivision plat must also be submitted to the City for its approval.
2. All lots upon which single-family attached dwellings are located shall have vehicular access to and frontage upon a dedicated street.
3. No single-family attached dwellings be located above or below another dwelling unit, either in whole or in part.
4. Each single-family attached dwelling shall have at least one direct pedestrian access from the interior of the dwelling to the exterior buildings of the lot and no pedestrian access may be held in common with another single-family dwelling unit.
5. Except as noted below, a single-family attached dwelling shall have no facilities or property in common with another single-family attached dwelling and all dwellings shall be structurally and functionally independent from each other.
6. All single-family attached dwellings shall have separate electrical service, water service lines, gas lines and sanitary service lines.
7. No more than four (4) single-family attached dwellings may be attached together. (For example, if four attached units were in an LDR-1 Zone, the minimum lot area would be 32,000 square feet. If four (4) attached dwellings were in a MDR Zone, 18,000 square feet would be required as a minimum lot area.)

### B. Common Facilities or Property are allowed for the following:

1. Common party walls constructed in accordance with the Uniform Building Code.
2. Foundations supporting attached or party walls.
3. Flashing at the termination of the roof covering over an attached walls.
4. Roofs.
5. Vehicular access to a dedicated street for off street parking facilities or detached garages.

C. No building permit will be issued for a single-family attached dwelling unless a common facility or a party wall agreement or declaration of condominium has been filed with the Madison County Recorder's office for each such dwelling unit which shares common facilities with another unit. Such agreement shall include a legal description of the lot sharing common facilities and shall allocate responsibility as between the owners of such lots for the use, maintenance and ownership of all common facilities.

D. The Planning and Zoning Commission shall have the right in issuing a conditional use permit to determine whether or not a deviation is to be made in the minimum frontage requirement and whether or not any other deviations will be approved as per the site plan submitted. All deviations from the requirements of the Planning and Zoning Ordinance must appear in writing on the face of the site plan and subdivision plat and must be approved by the Planning and Zoning Commission in the issuance of its conditional use permit. The building to building set-backs shall be maintained; all exterior set backs must be maintained and the minimum aggregate lot density applicable to the zoning district must also be maintained.

(Note: This applies to all single attached single-family dwelling units under separate ownership and does not apply to duplexes which are currently permitted in certain residential zones either as permitted uses or by conditional use permits under a single ownership. The definition of

