



ORDINANCE 917

AN ORDINANCE PROVIDING FOR THE CREATION OF PLANNED RESIDENTIAL DEVELOPMENT AS A CONDITIONAL USE IN CERTAIN ZONES WITHIN THE CITY OF REXBURG; ESTABLISHING THE PURPOSE OF A PLANNED RESIDENTIAL DEVELOPMENT; SETTING FORTH THE PROCESS FOR OBTAINING THE NECESSARY PERMIT FOR A PLANNED RESIDENTIAL DEVELOPMENT; PROVIDING FOR THE RULES AND REGULATIONS THAT SHALL GOVERN A PLANNED RESIDENTIAL DEVELOPMENT; ESTABLISHING THE BONDING PROCEDURE INVOLVED WITH A PLANNED RESIDENTIAL DEVELOPMENT; AMENDING THE ORDINANCE 725 AS NECESSARY TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT; REPEALING ALL OTHER ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED by the Mayor and the City Council of the City of Rexburg, Madison County, Idaho:

SECTION I: PLANNED RESIDENTIAL DEVELOPMENT APPLICABILITY

- A. A Planned Residential Development (PRD) may be permitted as a conditional use within any zone, except the LDR zone, subject to the provisions of this section and all other applicable laws or ordinances.

SECTION II: PURPOSE

- A. The purpose of the PRD Ordinance is to create diverse and quality housing in the City of Rexburg.
- B. The purpose of the PRD Ordinance is accomplished by:
1. Allowing design flexibility in residential development;
 2. Establishing standards for landscaping, building and site design, public safety, parking, aesthetics, traffic circulation, fencing, lighting, and other similar site improvements; and
 3. Requiring standards that enable PRDs to integrate into the surrounding neighborhoods.

SECTION III: WHERE ALLOWED, TYPES AND USES.

- A. A Planned Residential Development, hereinafter referred to as a PRD, is a permitted use in all residential zones, except LDR.
- B. PRDs include single-family dwellings, twin homes, condominiums, townhouses, zero lot line developments, and apartments developed under this Article. Mixes of these various uses within the same PRD development is required.

SECTION IV: (SITE PLAN)

A. Site Plan Application:

1. Anyone desiring to develop a PRD shall first submit a PRD Development Review Application for concept plan approval. The applicant shall provide all requirements of the concept plan to the City before the City considers the application submitted and before action is taken. No PRD development will be considered for a site plan review until the concept level review is complete and approved by the Department

of Community Development. After this conceptual approval the applicant may submit a completed site plan. The application for a site plan shall include all necessary fees and documentation required by this Article.

2. The Department of Community Development shall review the site plan and give its recommendations to Planning & Zoning along with the plat.

B. Site Plan Approval:

1. The site plan must be approved by the Planning Commission before the final plat can be approved.

2. The developer shall submit a Development Review Application for final plat approval of all or part of the PRD together with all required fees. The final plat shall be prepared by the developer's surveyor and engineer.

3. The Department of Community Development shall review the final plat and give their recommendations to the Public Works Director.

4. The Public Works Director is the final approving authority for final plats and shall approve the application request if it meets the requirements of the approved site plan and all applicable City ordinances.

5. Failure to submit a final plat within two (2) years of the date of approval of the site plan shall terminate all proceedings and render approval of the site plan null and void. The final plat shall expire and be void one (1) year after approval by the City, unless the Office of the Madison County Recorder has recorded the plat.

C. Form and Contents of the Site Plan and Amended Site Plan:

1. **Submittal.** The applicant shall submit the site plan for a PRD to the City Department of Community Development. At that time the applicant shall pay all applicable fees in an amount established by Resolution of the City Council. No development, construction, revisions or additions shall take place on the site until the Planning and Zoning Commission has approved the site plan, the City has approved the final plat, and the developer has posted the necessary bonds, recorded the final plat, and obtained the appropriate permits. Applicants for amended site plans for PRDs shall follow the same procedures, pay the same fees, and are bound by the same development standards and requirements as applicants for site plans for PRDs. The Public Works Director or designee has the authority to make minor amendments to the site plan where such amendments are in compliance with the ordinance and the site plan is not materially altered.

2. **Contents of Site Plan.** The site plan for a PRD shall be a document consisting of one or more pages of maps and drawings drawn to scale. The applicant shall submit five (5) hard copies of the proposed site plan to the City Department of Community Development. One of the copies shall be 11"x17", and the other four copies shall be at least 8 1/2"x11", but not larger than 22"x34". The applicant shall also submit one computer aided design (CAD) drawing on a computer disk formatted and compatible with the City's computer system of each sheet of the site plan. The developer shall submit a site plan drawn to a scale large enough to clearly show all details and in any case the map scale shall not be smaller than sixty feet (60') to the inch. Application for the PRD concept plan and the PRD site plan shall both include the following items:

- a) Name of Development
Name and address of applicant
Name and address of owner of property
North arrow
Scale of drawing
Area of lot in square feet
Lot line dimensions

A vicinity map containing sufficient information to accurately locate the property shown on the plan.

b) Tabulation table in the following format:

	Square Footage	Acreage	Percent of Total
Total Area			100
Total Building Area			
Total Impervious Area			
Total Landscaped Area			
Total Consolidated Open Space			
Total Number of Parking Spaces:			
Covered:			
Uncovered:			

Names and locations of fronting streets and locations and dimensions of public streets, private streets, and driveways.

Footprints of existing and proposed buildings and structures, including a notation of each unit=s height above the grade.

Location and size of existing proposed sewer lines and manholes, storm drain and manholes, supply main valves, water lines, culverts, and fire hydrants within the tract and within two hundred feet (200) of the boundaries of the proposed development.

Location of existing and proposed fire protection devices.

Location, dimensions, and distance to property lines of existing and proposed drive access.

Location and dimensions of existing and proposed curbs, gutters and sidewalks.

Location and dimensions of off-street parking spaces.

Location and type of surface water drainage system and method of storm water disposal. This plan will also include detail as to location and percent of total PRD development dedicated to snow storage.

Detailed landscape plan showing the specific types and locations of landscaping.

Drawings of proposed structures, including covered or enclosed parking, showing the height, dimensions, appearance and materials proposed.

Location and description (height, materials) of existing and proposed fences.

Location and description (dimensions, distance to property lines and type of lighting (direct or indirect) of existing and proposed signs.

Location and dimensions of consolidated open space.

Location and type of solid waste disposal facilities.

Traffic analysis when required by the City Engineer.

Dwellings and other structures, parks, playgrounds, common areas and facilities limited common areas, private areas and facilities, and other improvements within the PRD.

A map of existing and proposed contours drawn at two foot intervals with spot elevations showing existing and proposed drainage plans.

D. Site Plan Review Procedure:

1. Department of Community Development. The Department of Community Development shall review the site plan while considering whether it complies with the Rexburg Comprehensive Plan and all City ordinances, resolutions, and policies. The site plan shall comply with the Rexburg Comprehensive Plan and all City ordinances, resolutions and policies before the Planning Commission can review the application.

2. Planning and Zoning Commission. The Planning and Zoning Commission shall review the site plan and be the final approving authority for all site plans for PRDs. The Planning and Zoning Commission shall consider whether the proposed site plan complies with all City ordinances, resolutions, and policies when reviewing a site plan for a PRD. The City Council is the final approving authority for the Final

Plat.

- E. The applicant shall not amend or change any approved site plan without first following the procedure for approval of site plans.
- F. The Planning Commission may impose conditions on the site plan to mitigate hazards.

SECTION V: (FINAL PLAT)

A. The form and contents of the final plat shall contain all of the requirements listed in the City's subdivision ordinance. The final plat shall also contain the following information:

1. A designation of common areas, limited common areas, and private ownership areas.
2. For condominiums, three dimensional drawings of buildings and building elevations. In the case where the PRD is a condominium project, the developer shall submit a copy of the condominium documents prepared by an attorney who is licensed to practice in Idaho. This written statement shall be the attorney's opinion that the condominium declaration, the subdivision plat and the other supporting documentation comply in all respects with the Idaho Condominium Ownership Act as well as all applicable federal, state and local laws and ordinances and that when the office of the Madison County Recorder has recorded the condominium declaration and final plat, the proposed project will be a validly existing and lawful condominium project in all respects.
3. Written copies of any required agreements with property owners adjacent to the proposed PRD, or with any other person.
4. Written approval of adjoining ditch or canal companies authorizing mandatory fencing of canals or piping of ditches.
5. Plat restrictions, lot restrictions, and other information required by the Planning Commission or City Council.

B. PRD projects may be built in phases as long as each phase of a PRD complies with all of the requirements of this ordinance, except, however, that a phase of a PRD may be not less than 1.5 acres. Consideration will be given for staging of common areas, R.V. parking areas and other functions of the development that are not feasible to phase.

C. The Director of Public Works shall approve the final plat of the PRD provided he/she finds that:

1. The applicant has redrawn the site plan to incorporate all the requirements as approved by the Planning Commission and has submitted the corrected site plan with the final plat.
2. A final landscaping plan shall be submitted with the final plat. The plan shall be prepared by a licensed landscape architect and include the proposed irrigation system layout.
3. The applicant has incorporated all of the improvements and conditions of the approved site plan into the final plat.
4. The City Engineer has approved all construction drawings of the PRD.

D. The Developer shall record the final plat after it obtains all of the required signatures and should then submit the required bonds and fees.

SECTION VI: BUILDING PERMITS.

A. The City shall not issue a building permit for any project until the final plat has been

recorded. All other permit issuance procedures shall be as set forth in the applicable planning, zoning or subdivision ordinances.

SECTION VII: COMPLETION AND MAINTENANCE OF IMPROVEMENTS.

A. The Developer must complete all of the improvements required by the approved site plan for the final plat within two (2) years of the date of recording of the final plat. If the improvements are not completed within the time specified, the City shall have the option of taking action on the bond to complete the improvements.

B. Every PRD shall conform to the approved site plan. The applicant or any other person or entity shall not add any structures or make any improvements or changes to a PRD that did not appear on the approved site plan. The applicant and subsequent owners and applicable associations shall maintain all improvements shown on the site plan in a neat and attractive manner. Failure to complete or maintain a PRD in accordance with this Article and with the approved site plan is a violation of the terms of this Chapter. The City may initiate criminal and/or civil legal proceedings against any person, firm, entity or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer or otherwise, for failure to complete or maintain a PRD in accordance with this Article and with the approved site plan.

SECTION VIII: DEVELOPMENT STANDARDS AND REQUIREMENTS.

A. The City requires the following development standards and requirements with all PRD's Density. The maximum density allowed in dwellings per gross acre (D/Ac) shall be determined by the underlying zones. Multifamily dwelling units constructed within an approved PRD must have at least five (5) dwelling units per individual structure.

B. Height. The maximum height for all structures in a PRD shall be thirty feet (30). However, if contiguous property to the proposed PRD has been developed with residential dwellings, then any structure within the PRD that is within 100 feet of the lot line of the adjacent lot containing a residential dwelling shall have no more stories than the adjacent residential dwelling. For example, if there is a single story home adjacent to a PRD, then no structure within the PRD that is within 100 feet of the lot line containing the single story dwelling shall be over one story.

C. Minimum Area. The minimum area required for any PRD shall be two (2) contiguous acres.

D. Setbacks. Setbacks from property not part of the PRD and from all public streets shall be at least twenty-five (25) feet. All garages shall be set back a minimum of twenty-two (22) feet from a private street or access driveway.

E. Utilities. The public sewer system and the public water supply shall serve all dwellings. All utilities shall be underground. The developer shall individually meter natural gas and electricity for each individual dwelling except that with apartment developments each building is required to have a minimum of one meter for natural gas and electricity. No water or sewer mainlines shall be located under any building structure.

F. Fences. Developers shall erect a fence with a minimum height of six feet (6') on the perimeter of all PRDs, except that no fence is required along street frontages. However, if the applicant desires a fence along a street frontage, the Planning Commission may approve the fence upon a favorable recommendation from the City Engineer that the fence does not interfere with traffic safety and is in compliance with the fencing requirement of the zoning ordinance. A stone, masonry, or cast concrete fence of at least eight (8) feet in height is required on PRD developments bordering a major arterial designated street. The perimeter fence shall have a consistent design throughout the project and use the same construction materials for the entire fence. Fence construction must be of a decorative or rough surface block, precast concrete that includes a cast decorative surface, high quality vinyl, or of a natural stone masonry. The purpose of the fencing requirement is to buffer the surrounding residential neighborhoods from the PRD and to buffer the PRD from surrounding commercial and industrial uses. The Planning Commission may waive the fencing requirement if the topography is such that the fence does not meet the purpose of the fencing requirements.

G. Landscaping:

1. All land within the PRD not covered by buildings, driveways, sidewalks, structures, and parking areas, shall be permanently landscaped with trees, shrubs, lawn, or ground cover and maintained in accordance with good landscaping practice. All landscaping shall have a permanent underground sprinkling system.
2. At least fifty percent (50%) of the net acreage (area of the development less public and private streets) of the entire development shall remain permanently landscaped.
3. At least one (1) deciduous tree at least two (2) inch caliper measured four feet (4') above the ground, one (1) evergreen tree at least five (5) gallons in size, and sixteen (16) evergreen shrubs at least five (5) gallons in size are required for every two dwellings.

H. Lighting Plan. All PRDs shall include a lighting plan. The lighting plan shall be designed to:

1. Discourage crime.
2. Enhance the safety of the residents and guests of the PRD;
3. Prevent glare onto adjacent properties; and enhance the appearance and design of the project.
4. Protect the nighttime sky by selecting lighting that diffuses the light downward avoiding excessive glare.

All PRD homeowners= associations and apartment owners are required to control and meter all outside lighting shown on the lighting plan except for front and back door lighting. The lighting plan shall designate which lighting shall be commonly metered to the association or owner.

I. Parking. There shall be a minimum of two (2) parking spaces provided for each dwelling, one of which shall be in a garage. There shall also be a minimum of one half (2) parking space for each dwelling for guest parking within the development. Guest parking shall be located within one hundred fifty feet (150') of the dwellings served. All parking spaces shall measure at least nine feet (9') by eighteen feet (18'). Developers shall pave with asphalt and/or concrete all parking spaces, parking areas, and driveways and provide proper drainage. Drainage shall not be channeled or caused to flow across pedestrian walk ways. The architecture of all garage structures shall be compatible with the architecture of the main structures within the PRD.

J. Recreational Vehicle Storage: Recreational vehicle owners shall comply with Section 4.8.A. of the zoning ordinance governing parking of recreation vehicles. Owners shall not store recreational vehicles within a PRD except in an area the City Council has approved as part of the site plan for the storage of recreational vehicles. This requirement, with appropriate enforcement provisions, shall be included in all Covenants, Conditions and Restrictions, that run with the property; homeowners association bylaws; leases; rental agreements, etc. Land included in an approved RV storage area may be counted towards the 50% landscaping requirement; provided however, a maximum of 2% of the net acreage of the project may be used for this credit, so that in no event will the total amount of actual landscaping be less than 48% of the project net acreage. The developer shall enclose RV storage areas with a six foot (6') high sight obscuring fence and pave the area with concrete or asphalt.

K. Streets:

1. For the purposes of this Article the following definitions apply:
Public Street shall mean a right-of-way owned by the City that has a minimum width of at least sixty eight feet (68') and complies with the street plan in the comprehensive plan. Private Street shall mean a vehicular access owned and maintained privately that has a minimum width not less than thirty six feet (36') in width. Private Drive shall mean a vehicular right-of-way owned and maintained

privately that is less than thirty-six feet (36') in width and is not less than twenty-four feet (24') in width.

2. The minimum public street shall have a five foot (5') wide concrete sidewalk, a seven foot (7') planter strip, and curb and gutter on each side and at least thirty-nine feet (39') of asphalt or concrete paving. The exception to this requirement is in the Rural Residential zones where the engineering section for the RR zone will apply. Sidewalk is required in all clustered housing areas in the RR zones.

3. A private street shall be paved with either concrete or asphalt, include a five foot (5') wide sidewalk separated from the street by a minimum seven foot (7') wide parkway on at least one side and curb and gutter.

4. A private drive shall be paved with either concrete or asphalt.

5. All streets that are shown on the Rexburg City Master Street Plan shall be developed as public streets according to the size and general location shown on the Rexburg City Master Street Plan. The Planning and Zoning Commission has the authority to require streets in a PRD to connect with other public streets outside the PRD where such connection is necessary for good traffic circulation in the area. The City Master Street Plan will need to be strictly factored into the PRD street layout. Good PRD design will integrate curvilinear design and support a neighborhood look and feel. PRD developer will work with the public works director in scaling the curvature of the street to assure proper scale and form and to meet public works department issues and demands. All streets in a PRD shall be public streets constructed to City standards and specifications and dedicated to the City, except private streets and private drives may be permitted provided:

They will not extend to or provide service to another property or parcel not included in the PRD unless there is no reasonable way to access existing parcels contiguous to a private street. They will not provide access or travel between, or otherwise connect with two (2) or more public streets unless the street or driveway is designed to discourage through traffic. They are designed by a qualified licensed civil engineer and constructed to City Standards and Specifications. They are designated on the final plat as perpetual rights-of-way and public utility easements.

All access points from public streets have APrivate Street@ or APrivate Drive@ signs installed.

6. The City Council may require private streets/drives to be wider than the minimum width if necessary to insure traffic and pedestrian safety and to reduce traffic congestion.

L. Off-site improvements. The City shall require off-site curb, gutter and sidewalk along street rights-of-way bordering the site when the proposed PRD impairs off-site safety or surface water drainage and there is a nexus between the required improvements and the governmental purpose provided the amount of the improvements are roughly proportional to the amount of the off-site impact caused by the PRD.

M. Irrigation Ditches. Developers shall pipe irrigation ditches within the PRD or along street rights-of-way adjacent to the PRD.

N. Storage Areas and Solid Waste Receptacles. All outside storage areas, except RV storage areas, and all solid waste receptacles which are not located within a building, shall be enclosed on at least three sides with materials that are compatible to the exterior of the main structures within the PRD.

O. Front Facades. The front of each attached dwelling shall have offsetting facades that conform to the multifamily building design standards if located in a multifamily zone. Developments must vary the façade in attached dwellings by providing multiple façade presentations.

P. Homeowner=s Association. The applicant shall establish a home owner association for every PRD containing common or limited common property, with more than one owner for the purpose of maintaining the PRD. The homeowner=s association, the

individual property owners, and tenants shall maintain the PRD in accordance with the approved site plan.

Q. Consolidation of Open Spaces. All PRDs with a density over nine units per acre shall include at least two (2) or more open spaces in the fifty percent (50%) landscaping requirement. An open space is a single, contiguous landscaped area that may also include recreational facilities such as playground equipment, basketball or tennis court, swimming pool, etc. The consolidated open space shall be at least two hundred twenty-five (225) square feet for each dwelling unit in the PRD. No more than twenty-five percent (25) of the total PRD green space requirement shall be counted within any required setback adjacent to a public street. Developers shall landscape the open space and design it as a recreational area for both children and adults. The open space shall be designed so that a horizontal rectangle inscribed within it has no dimension less than eighty feet (80'). The consolidated open space requirement shall not have more than fifty percent (50%) of the area with slopes more than ten percent (10%).

R. Storm Water Runoff Plan. All PRDs shall have a storm water runoff plan designed to accommodate a 25- year storm and a detention system with a maximum allowable discharge rate of sixty gallons per minutes per acre (60 g.p.m./ac)

S. Existing Homes. No PRD shall include an existing single family dwelling. If a single family dwelling exists on the property where a PRD is proposed, the applicant shall plat separately a lot containing the home. The plat shall comply with the requirements of the Rexburg Subdivision Ordinance.

T. Anti deterioration/Slum and Blight Prevention. PRD Developments are to be considered permanent for the useful life of the project as determined at the time of occupancy. There will be no conversions of a PRD into another type use, nor will the further subdividing of the development be allowed during the predetermined life of the PRD (at least 20 years). This restriction will contribute to the overall maintenance of the development and discourage the creation of slum and blighted properties.

U. PRD Developments must be in conformance with the Trails of Madison County Master Plan and have provisions for trail and pathway development as provided for in said Plan.

SECTION IX: (BONDS)

A. Purpose. Prior to the recording of any documents concerning an approved PRD and prior to the issuance of any building permit on ground covered by a PRD, the applicant shall post a bond with the City sufficient in amount to cover the cost of all public improvements required by ordinances, landscaping including sprinkling system, asphalt, curb, gutter, sidewalk, fencing, recreational facilities, piping of irrigation ditches, and any other item required as part of the approved site plan. The bond shall be a guarantee that the proper installation of all required improvements shall be completed within two (2) years of recordation of the approved final plat and that the improvements shall remain free from defects for six (6) months or until July 15 of the following year, whichever is longer. The City shall not release this bond until the City accepts the improvements.

B. Type. The bond shall be an irrevocable letter of credit, escrow bond cash bond or combination bond in favor of the City. The City reserves the right to reject any of the bond types if it has a rational basis for doing so. The bond shall be delivered to the Public Works Director.

C. Amount. The Public Works Director or his designee shall determine the amount of the required bond by estimating the cost of completing the required improvements. The amount of the bond shall be at least one hundred ten percent (110%) of the estimated costs of the required improvements.

D. The Developer shall not record the final plat until the developer of the PRD has tendered the bond and entered into an agreement with the City in which the developer agrees to install the improvements as required by this Article and agrees to indemnify and hold the City harmless from any claims, suits of judgments arising from the condition of property dedicated to the City, from the time that the property is dedicated to the City to the time when the improvements on the dedicated property are finally accepted by the City

(including the passage of the warranty period).

E. An applicant may request an extension from the Public Works Director for the completion of improvements of up to two (2) years. The Public Works Director may grant an extension of one year if the applicant demonstrates good cause for not completing the improvements and demonstrates the present ability to complete the improvements.

F. If, for any reason, the bonds providing for the guarantee of improvements are insufficient to properly complete the improvements, the developer shall be personally liable to complete the improvements required by this Article.

G. The bonds required by this Section are for the sole benefit of the City. The bonds are not for the individual benefit of any citizen or identifiable class of citizens, including the owners or purchasers of lots or units within the PRD. The bonds are not for the purpose of ensuring payment of contractors, subcontractors or suppliers of labor or materials, and no contractors, subcontractors or suppliers of labor or materials shall have a cause of action against the City or the bond for providing labor or materials.

SECTION X: (VIOLATIONS – PENALTIES)

A. Any persons or persons violating the provisions of this Ordinance shall be guilty of a misdemeanor and shall be punishable in accordance with the provisions in the State Statute governing general misdemeanors, applicable at the time of the violation. In addition, all persons found guilty will be assessed costs.

SECTION XI: REPEALING ORDINANCES.

A. All ordinances or portions of ordinances in conflict herewith are hereby repealed.

SECTION XII: EFFECTIVE DATE OF ORDINANCE.

A. This ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 7th day of April, 2004.

Shawn D. Larsen, Mayor

(SEAL)

ATTEST:

Blair D. Kay, City Clerk

