



ORDINANCE NO. 983

AN ORDINANCE AMENDING ORDINANCE NO. 926 PROVIDING FOR CHANGES IN THE LAND USE DESIGNATIONS FOR TRANSITIONAL AGRICULTURE ONE (TAG1) AND TRANSITIONAL AGRICULTURE TWO (TAG2); AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

SECTION I: Ordinance No. 926 is hereby amended as follows:

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. Parking, Loading and Access.
- 3.28.140. Agricultural Building Code Exemption.
- 3.28.150. Project Plan Approval.
- 3.28.160. Other Requirements.
- 3.28.170. Re-use of Public Facilities
- 3.28.180. 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. Numbered Listings. All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning 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 TAG1 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 TAG1 zone:

Use

Single-family Dwellings
 Agricultural and related operations

- F. 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:
 1. 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.
 2. Swimming pools and incidental bath houses subject to the standards of Rexburg City Code.
 3. 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.
 4. 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.
 5. 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.
- E. Conditional Uses: The following uses and structures are permitted in the TAG zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof:

Use

Manufactured home 24' or more in width on a permanent foundation
 Small animal veterinarian services (totally enclosed)
 Stadiums, arenas, field houses
 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 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.
- 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 shall not be used for vehicular parking except such portion as is devoted to driveway use for access 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:
 - 1. The accessory building has no openings on the side which is contiguous to a property line or zone line, and said side is constructed of two (2) hour fire-resistant material.
 - 2. The accessory building has facilities for the discharge of all roof drainage onto the lot or parcel on which it is erected.
 - 3. 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:
 - 1. Fences and walls in conformance with the Rexburg City Code and other City codes and ordinances.
 - 2. Landscape elements including trees, shrubs, agricultural crops, and other plants.
 - 3. 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:

1. Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features.
2. 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.
3. Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters not exceeding twenty-four (24) inches in height.
4. 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.

3.28.110. Distance Between Buildings.

As per City of Rexburg Code

3.28.120. Permissible Lot Coverage.

Maximum of thirty-five (35) percent.

3.28.130. Parking, Loading, and Access.

See the City Development Code and Subdivision Ordinance.

3.28.140 Code Exemptions of Agricultural Buildings.

By State Law, agricultural buildings, as defined by the State of Idaho, are exempt from Building Codes.

3.28.150. Project Approval.

All Project plans for projects in the TAG1 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 and specifications for review by all City Departments and Permitting Authorities.

3.28.160. Other Requirements.

- A. Signs: See standards and provisions of Rexburg City Sign Code.
- B. Landscaping. See the City Development Code and Subdivision Ordinance.
- C. Trash. See the City Development Code and Subdivision Ordinance.

3.28.170. Reserved.

3.28.180. 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. Parking, Loading and Access.
- 3.29.140. Agricultural Building Code Exemption.
- 3.29.150. Project Plan Approval.
- 3.29.160. Other Requirements.
- 3.29.170 Reserved
- 3.29.180. Commercial 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. Numbered Listings: All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning 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 AG2 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 TAG2 zone:

Use

Single-family Dwellings
Agricultural and related operations

E. 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:

1. 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.
2. Swimming pools and incidental bath houses subject to the standards of Rexburg City Code.
3. 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.
4. 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.
5. 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.

F. Conditional Uses: The following uses and structures are permitted in the TAG 2 zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof:

Use

Manufactured home 24' or more in width
Small animal veterinarian services (totally enclosed)
Stadiums, arenas, field houses
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 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.
- 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 contiguous to the street shall not be less than fifty (50) feet and shall not be used for vehicular parking except such portion as is devoted to driveway use for access 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:
 - 1. The accessory building has no openings on the side which is contiguous to a property line or zone line, and said side is constructed of two (2) hour fire-resistant material.
 - 2. The accessory building has facilities for the discharge of all roof drainage onto the lot or parcel on which it is erected.
 - 3. 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:
 - 1. Fences and walls in conformance with the Rexburg City Code and other City codes and ordinances.
 - 2. Landscape elements including trees, shrubs, agricultural crops, and other plants.
 - 3. 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:
 - 1. Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features.
 - 2. 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.
 - 3. Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters not exceeding twenty-four (24) inches in height.
 - 4. 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.

I, Blair D. Kay, City Clerk of the City of Rexburg, Idaho, do hereby certify: That the above and foregoing is a full, true and correct copy of the Ordinance entitled:

AN ORDINANCE AMENDING ORDINANCE NO. 926 PROVIDING FOR CHANGES IN THE LAND USE DESIGNATIONS FOR TRANSITIONAL AGRICULTURE ONE (TAG1) AND TRANSITIONAL AGRICULTURE TWO (TAG2); AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 2nd day of May, 2007.

Blair D. Kay, City Clerk

(SEAL)