

TITLE 16 ZONING

Title 16 together with the City of Rexburg Development Code sets forth the residential, commercial and other zoning regulations. They also describe impact area, parking, land use, and enforcement policies relating to the City's zoning regulations.

For statutory provisions authorizing cities to pass zoning ordinances, create zoning commissions and enforce compliance with zoning laws, see Idaho Code Ch. 50-12.

CHAPTER 16.01 DEVELOPMENT CODE

16.01.010 Adoption

Enacting a development code for the city of Rexburg, dividing the city into districts in accordance with the revised comprehensive plan; regulating and restricting the height, number of stories, size of buildings and other structures and objects, the percentage of lot that may be occupied by structures, the size of yards and other open spaces, the density of population, location and use of buildings, structures and land for trade, commerce, industry, residence and other purposes. ([Ord. 1026, 2009](#)). Amending [Ordinances 1045, 1055, 1073, 1075, 1084, and 1095](#).

For the [City of Rexburg Development Code Ord. No. 1026](#) go to www.rexburg.org or contact City Hall.

CHAPTER 16.02 DEVELOPMENT IMPACT FEE

16.02.010 Title and purpose

The provisions of this ordinance shall be known as the "City of Rexburg Development Impact Fee Ordinance." The purpose of these regulations is to prescribe the procedure whereby developers of land shall pay an impact fee as set forth in this Ordinance for the purpose of providing the public facilities and system improvements needed to serve future residents and users of such development. ([Ord. 896 §1\(part\), 2003](#)).

16.02.020 Definitions

For additional information on this section please see [Ord. 896 §1\(part\), 2003](#).

16.02.023 “Developer Parking Option” for apartment complexes:

Development Code; Chapter 5, Section 5.5 Sub-Section 1.2 “[Developer Option](#)” Parking ratio's for apartment complexes may be 80% at 9' x 16' spaces and 20% may be 9' x 20' spaces. (See Pedestrian Emphasis Zone (PEZ) for additional 9' x 20' visitor parking requirements.) ([Ord. 1064 §1, 2011](#))

16.02.030 Exemptions

For additional information on this section please see [Ord. 896 §2, 2003](#).

16.02.040 Collection of impact fees

For additional information please see [Ord. 896 §4, 2003](#).

16.20.050 Calculation of impact fees

For additional information on this section please see [Ord. 896 §5, 2003](#).

16.02.060 General methodology for calculation

For additional information on this section please see [Ord. 896 §6, 2003](#).

16.02.070 Credits and reimbursements

For additional information on this section please see [Ord. 896 §8, 2003](#).

16.02.080 Administration of impact fees

For additional information on this section please see [Ord. 896 §7, 2003](#).

16.02.090 Refunds

For additional information on this section please see [Ord. 896 §9, 2003](#).

16.02.100 Appeals

For additional information on this section please see [Ord. 896 §10, 2003](#).

16.02.110 Extraordinary impacts

For additional information on this section please see [Ord. 896 §11, 2003](#).

16.02.120 Bonding

Funds pledged toward retirement of bonds, revenue certificates, or other obligations of indebtedness for such projects may include impact fees and other city revenues as may be allocated by the City Council. ([Ord. 896 §13, 2003](#)).

16.02.130 Capital improvement projects

The capital improvement projects to be financed by the impact fee are those as listed in the "Report," incorporated herein by reference along with all footnotes, exhibits, appendices, and other attachments referenced. ([Ord. 896 §4, 2003](#)).

16.02.140 Effect of impact fee on zoning and subdivision regulations

This Ordinance shall not affect, in any manner, the permissible use of property, density of development, design and improvement standards and requirements, or any other aspect of the development of land or provision of capital improvements subject to the zoning and subdivision regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development. ([Ord. 896 §14, 2003](#)).

16.02.150 Development Impact Fee Report reference

“Development Impact Fee Report” dated July 30, 2003, along with all footnotes, exhibits, appendices, and other attachments referenced therein, all of which are by this reference incorporated herein as if set forth fully. A description of acceptable levels of service for system improvements is described in the “Report.” ([Ord. 896 §12, 2003](#)).

16.02.160 Other powers and rights not affected

For more additional information please see [Ord. 896 §15, 2003](#).

CHAPTER 16.03 COMPREHENSIVE PLAN

16.03.010 Adoption

There is hereby adopted as the official Comprehensive Plan of the City of Rexburg, Idaho, that certain plan titled as City of Rexburg Comprehensive Plan 2020 of which Plan not fewer than three (3) copies have been and are now filed in the office of the City Clerk, and the same is adopted and incorporated as fully as if set forth at length herein. (Adopted by resolution).

CHAPTER 16.07 IMPACT AREA JOINT COMMISSION

16.07.010 Purpose

Pursuant to [Idaho Code §67-6526](#), all cities and towns in Idaho must identify an Area of City Impact within the unincorporated area of the county in which they reside. The local governments having Areas of City Impact falling entirely, or in part, within Madison County for purposes of this ordinance referred to as, “Local Governments” have prepared and adopted this ordinance to:

- 1) Define the purpose and intent of Areas of City Impact within the County;
- 2) Define the procedures for expansion or realignment of Areas of City Impact within the County; and
- 3) Establish an Area of City Impact Joint Commission to evaluate proposed Areas of City Impact renegotiations. ([Ord. 1012, §1, 2008](#)).

16.07.020 Definitions

For additional information on this section please see [Ord. 1012, §2, 2008](#).

16.07.030 Area of City Impact Delineation

For additional information on this section please see [Ord. 1012, §3, 2008](#).

16.07.040 Establishment of an Area of City Impact Joint Commission

For additional information on this section please see [Ord. 1012, §4, 2008](#).

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16.07.050 Area of City Impact Renegotiation

For additional information on this section please see [Ord. 1012, §5, 2008](#).

16.07.060 Annexation

For additional information on this section please see [Ord. 1012, §6, 2008](#).

16.07.070 Dispute Resolution Process

In the event that the Joint Commission cannot agree on realignment of an Area of City Impact boundary, disputes shall be resolved according to the dispute resolution process outlined in [Idaho Code §67-6526](#). ([Ord. 1012, §7, 2008](#)).

CHAPTER 16.09 SUBDIVISION REGULATIONS

*Note to Chapter 16.08: For statutory provisions related to the development of planning commissions by cities, see Idaho Code Ch. 50-11; for provisions concerning plats and vacations, see [Idaho Code Ch. 50-13](#).

16.09.010 Ordinance adopted

That certain document dated June 6, 1984, known as the "Rexburg Subdivision Ordinance," is adopted as the subdivision ordinance of the city, authorized by Title 50, Chapter 13 and Title 67, Chapter 65 of the Idaho Code, as amended or subsequently codified and Article 12, Section 2 of the Idaho Constitution. The purpose of this chapter is to promote the public health, safety, and general welfare. ([Ord. 658 §2, 1984](#)).

16.09.020 Copies on file

There has been on file, and there shall hereafter be kept on file, in the office of the city clerk, three copies of the Rexburg subdivision ordinance, duly certified by the clerk, for use and examination by the public. ([Ord. 658 §3, 1984](#)).

CHAPTER 16.10 URBAN RENEWAL

16.10.010 Urban renewal agency

On or about the 6th day of November, 1991, by Council Resolution, the Council and Mayor of Rexburg created an urban renewal agency, the Rexburg Redevelopment Agency (the "Agency"), authorizing it to transaction business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, being [Idaho Code, Title 50, Chapter 20](#), as amended (the "Law"), and the Local Economic Development Act, the same being [Idaho Code, Title 50, Chapter 29](#), as

amended (the “Act”), upon making the findings of necessity required for creating said Urban Renewal Agency ([Ord. 910\(part\), 2003](#)).

16.10.020 North Highway

For the City of Rexburg North Highway Urban Renewal Plan [Ord. No. 728](#) and [815](#) go to www.rexburg.org or contact City Hall.

For the City of Rexburg North Highway Urban Renewal Plan, 2nd East expansion Ord. No. 950 go to www.rexburg.org or contact City Hall.

16.10.030 Washington School

For the City of Rexburg Washington School Urban Renewal Plan [Ord. No. 794](#) go to www.rexburg.org or contact City Hall.

16.10.040 Downtown district redevelopment plan

For the City of Rexburg Downtown District Redevelopment Plan [Ord. No. 910](#) go to www.rexburg.org or contact City Hall.

16.10.050 South Arterial Urban Renewal Plan

For the City of Rexburg Downtown District Redevelopment Plan Ord. No. 996 go to www.rexburg.org or contact City Hall.