



ORDINANCE NO. 1095

AN ORDINANCE AMENDING ORDINANCE NO. 1026 PROVIDING FOR SUBSTANTIVE AND NON-SUBSTANTIVE CHANGES; INCLUDING: (1) AMENDING CHAPTER 3 TO INCLUDE THE INFILL POLICY, AND (2) AMENDING CHAPTER 4 TO ADD THE INFILL/REDEVELOPMENT STANDARD REQUIREMENTS IN SUBSECTION 4.16, AND (3) AMENDING CHAPTER 10 INCREASING SIGN HEIGHTS AT HWY 20 INTERCHANGES AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY the Mayor and Council of the City of Rexburg, Idaho:

SECTION I: The Development Code of the City of Rexburg, Idaho, is hereby amended by the following:

(1) Development Code Sections:

2.1 Definitions for this Ordinance

Grade: For purposes of defining "sign height", **grade** shall be defined as the average height of the parcel on which the sign is located.

Infill: Construction of a building on a piece of vacant ground that is substantially surrounded by improved properties. Vacant properties for this purpose are defined as those that have been vacant for over a substantial number of years or those that have had buildings or improvements removed and have been vacant for a substantial number of years.

Infill/Redevelopment Area: An area of the City that has been designated by the Rexburg City Council as a focus area for Infill and Redevelopment. Whenever possible, mixed use projects, apartments, multi-family projects, dormitories and other higher density residential developments should be constructed on vacant lots and underutilized properties within this focus area. Secondary consideration should be given to infill and redevelopment within the city limits before the use of viable agriculture ground.

Redevelopment: The process of removing existing buildings, structures or other improvements in order to make way for a new project.

3.1 Medium Density Residential 1 (MDR1)

3.7.010. Purposes and Objectives

For Infill/Redevelopment Projects (see definitions in Section 2.1) setbacks and buffering are increased as per Section 4.16 Infill/Redevelopment Projects.

3.7.080. Yard Requirements

c. Infill/Redevelopment Setbacks.

Setbacks are increased as per Section 4.16 Infill/Redevelopment Projects.

3.7.150. Buffering, Fencing and Screening

Buffering, screening and fencing within the City of Rexburg shall be constructed and maintained in conformance with the following standards:

b. Infill/Redevelopment Buffering. Buffering is increased as per Section 4.16 Infill/Redevelopment Projects.

Instrument # 379396
REXBURG, MADISON, IDAHO
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KIM H. MUIR Fee: 0.00
Ex-Officio Recorder Deputy

- c. **Fences.** The maximum height of any fence, wall, or sight obscuring objects within fifteen (15) feet of the public right-of-way shall be three (3) feet. Fences will be allowed in excess of three (3) feet and up to six (6) feet if constructed out of rigid materials and are fifty (50) percent or more see through per lineal foot. All other fences shall not be greater in height than eight (8) feet unless approved by the Planning and Zoning Commission.

3.8 Medium Density Residential 2 (MDR2)

3.8.010. Purposes and Objectives

For Infill/Redevelopment Projects (see definitions in Section 2.1) setbacks and buffering are increased as per Section 4.16 Infill/Redevelopment Projects.

3.8.080. Yard Requirements

- c. **Infill/Redevelopment Setbacks.** Setbacks are increased as per Section 4.16 Infill/Redevelopment Projects.

3.8.150. Buffering, Fencing and Screening

Buffering screening and fencing within the City of Rexburg shall be constructed and maintained in conformance with the following standards:

- b. **Infill/Redevelopment Buffering.** Buffering is increased as per Section 4.16 Infill/Redevelopment Projects.

3.9 High Density Residential 1 (HDR1)

3.9.010. Purposes and Objectives

For Infill/Redevelopment Projects (see definitions in Section 2.1) setbacks and buffering are increased as per Section 4.16 Infill/Redevelopment Projects.

3.9.080. Yard Requirements

- c. **Infill/Redevelopment Setbacks.** Setbacks are increased as per Section 4.16 Infill/Redevelopment Projects.

3.9.150. Buffering, Fencing and Screening

Buffering screening and fencing within the City of Rexburg shall be constructed and maintained in conformance with the following standards:

- b. **Infill/Redevelopment Buffering.** Buffering is increased as per Section 4.16 Infill/Redevelopment Projects.

3.10 High Density Residential 2 (HDR2)

3.10.010. Purposes and Objectives

For Infill/Redevelopment Projects (see definitions in Section 2.1) setbacks and buffering are increased as per Section 4.16 Infill/Redevelopment Projects.

3.10.080. Yard Requirements

- c. **Infill/Redevelopment Setbacks.** Setbacks are increased as per Section 4.16 Infill/Redevelopment Projects.

3.10.150. Buffering, Fencing and Screening

Buffering screening and fencing within the City of Rexburg shall be constructed and maintained in conformance with the following standards:

- b. **Infill/Redevelopment Buffering.** Buffering is increased as per Section 4.16 Infill/Redevelopment Projects.

3.13 Mixed Use 1 (MU1)

3.13.010. Purposes and Objectives

For Infill/Redevelopment Projects (see definitions in Section 2.1) setbacks and buffering are increased as per Section 4.16 Infill/Redevelopment Projects.

3.13.100. Yard Requirements

- d. Infill/Redevelopment Setbacks. Setbacks are increased as per Section 4.16 Infill/Redevelopment Projects.

3.13.170. Other Development Standards

- e. Infill/Redevelopment Buffering. Buffering is increased as per Section 4.16 Infill/Redevelopment Projects.

3.14 Mixed Use 2 (MU2)

3.14.010. Purposes and Objectives

For Infill/Redevelopment Projects (see definitions in Section 2.1) setbacks and buffering are increased as per Section 4.16 Infill/Redevelopment Projects.

3.14.100. Yard Requirements

- d. Infill/Redevelopment Setbacks. Setbacks are increased as per Section 4.16 Infill/Redevelopment Projects.

3.14.170. Other Development Standards

- e. Infill/Redevelopment Buffering. Buffering is increased as per Section 4.16 Infill/Redevelopment Projects.

4.16 Infill/Redevelopment Standard

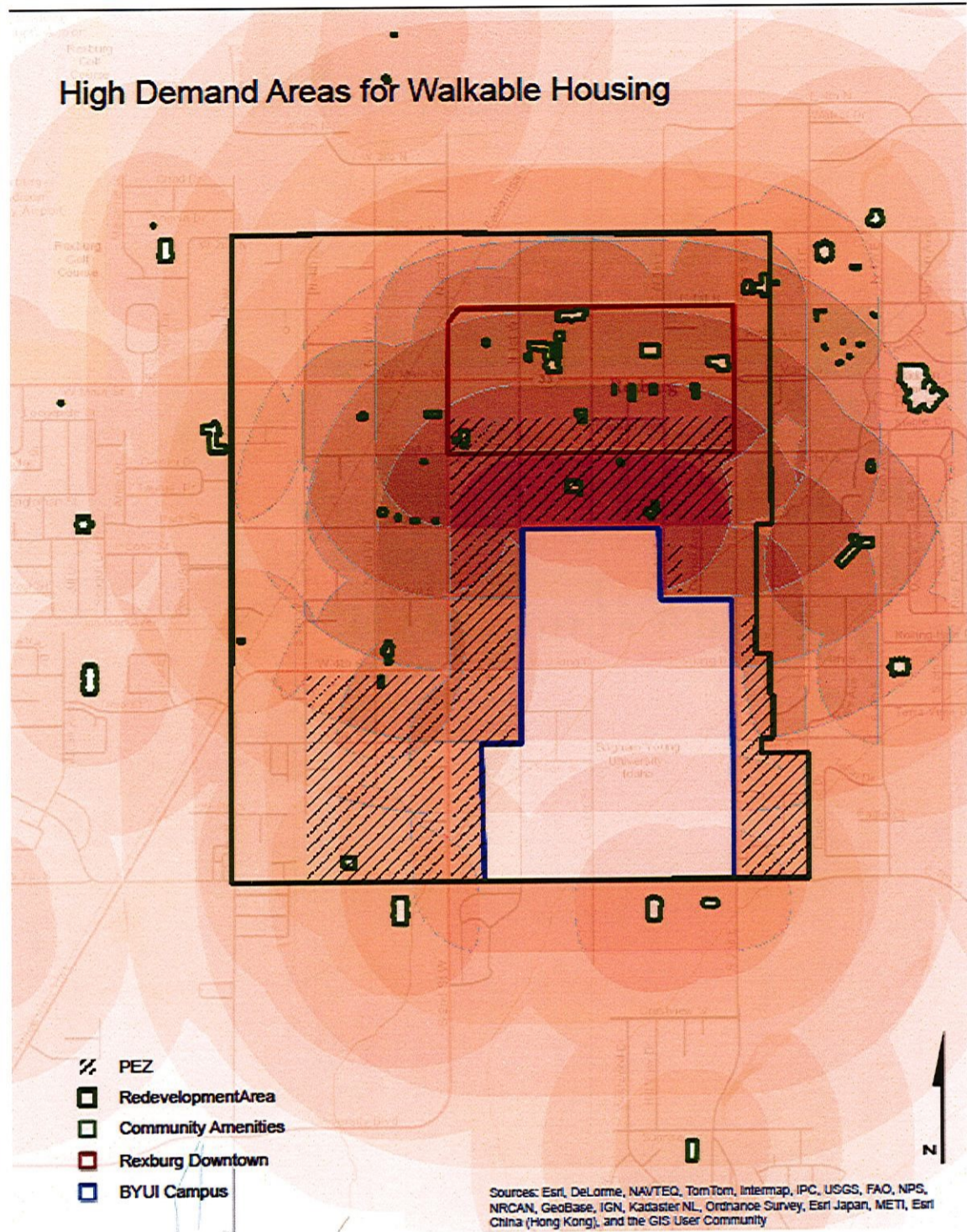
Background

The City of Rexburg City Council, Planning and Zoning Commission and the City Staff have been actively engaged in an effort to promote good planning principles. After a great deal of study it has been determined that whenever possible the large demand for community housing generated by a growing university be focused to areas within the City core that are close to the BYU campus, commercial centers, community amenities (such as parks, library, pool, theaters) and job centers.

Infill /Redevelopment Area

The City of Rexburg City Council, Planning and Zoning Commission and the City Staff have identified a focus area for Infill and Redevelopment. See map on following page:

A Geographic Information System (GIS) study showing proximity to Campus, Shopping, Parks and other amenities follows (the darker areas are more walkable):



Policy Statement

Densification through Infill and Redevelopment will save tax dollars by reducing the cost of Streets, Infrastructure, Police, Emergency Services, Sanitation and other vital services. The purpose of the Infill/Redevelopment effort is to balance community good with individual choice and property rights. The existing Comprehensive Plan Map is the primary document for planning future city growth and development.

It is in the best interest of all of the citizens of Rexburg to locate Higher Density Housing Projects near Campus and the City Core whenever possible. Besides the savings of tax dollars, there is also a positive health effect and other cost savings associated with being able to walk to campus, shopping, parks and other City amenities.

Identifying Infill/Redevelopment projects near the City Core and making the necessary zone changes to encourage development not only will clean up vacant weeded properties, but will also partially “level the playing field” for these projects versus the lower cost of finding cheaper agricultural ground on the periphery of the City. Infill and Redevelopment are also encouraged in other parts of the City of Rexburg besides the Focus Area.

Weighting

In order to facilitate the implementation of Infill and Redevelopment in the City core the City of Rexburg City Council, Planning and Zoning Commission and City Staff have identified the following items as important consideration of the process (weighted importance in parenthesis):

- Protect Stable Non-Fragmented Single Family Neighborhoods (9 out of 10 Importance)
- Identify Vacant Lots and Underutilized Properties (8.3 out of 10 Importance):
- Location of Existing Utility Infrastructure (7 out of 10 Importance):
- Distance From Significant Locations and Amenities (6.9 out of 10 Importance):
- Street Access (6.9 out of 10 Importance):
- Historic Preservation (5.3 out of 10 Importance):

Project Scoring

All Infill/Redevelopment projects are to be scored by using the weighted categories as identified above.

A. Protect Stable Non-Fragmented Single Family Neighborhoods (9 out of 10 Importance)

Definition of Non-Fragmented Neighborhood - Each side of street is looked at independently. Four or more Single Family Residential Homes with up to 50% of properties allowed with non-dormitory duplex rentals are to be considered a Non-Fragmented Neighborhood. Three contiguous homes without duplex rentals can be considered a Non-Fragmented Neighborhood. A block may contain Non Fragmented and Fragmented sections. For determining contiguous lots, corner lots can be considered no matter which street they are facing. A vacant lot, dormitory rental, structures with over two occupancies, and buildings with other than residential or accessory residential use may not be counted as part of a Contiguous Non-Fragmented Neighborhood

Project Boundary – For the purpose of identifying a neighborhood that is affected by an Infill/Redevelopment project, properties within one hundred twenty feet (120’) of all boundaries of said project will be evaluated for determination of fragmentation.

Scoring – Using the definition of Non-Fragmented Single Family Neighborhoods, identify every parcel in the 120’ boundary and evaluate as either Non-Fragmented or Fragmented. The ratio of the two is then converted to 1-10 weighting. Example: If in the 120’ boundary, the existing homes were found to be 8 Non-Fragmented and 12

Fragmented, then the ration would be 8/20 or 4/10 therefore weighted at 4.
Apartments larger than a duplex, Commercial or other nonresidential properties will be counted by lot area divided by 10,000 and rounded to the nearest 10,000.

B. Identify Vacant Lots and Underutilized Properties (8.3 out of 10 Importance)

Vacant versus Underutilized – Underutilized properties are those with structures on them but have the potential for redevelopment due to condition, use and percentage of unused property. Vacant lots are self described.

Scoring – Substantial existing investment that would need to be demolished would score low and vacant properties would score 10 out of 10.

C. Location of Existing Utility Infrastructure (7 out of 10 Importance)

Utility Infrastructure – Includes access to Waterlines, Sewer lines, Storm Drainage Facilities, Electrical Utilities, Gas Utilities and Telecommunication Facilities. Also takes into consideration the capacity of these utilities.

Scoring – The City of Rexburg Engineering group will evaluate on a 1-10 weighting with a score of 10 being good access and capacity with all utilities.

D. Distance From Significant Locations and Amenities (6.9 out of 10 Importance)

Amenities Considered – For scoring the distance from the project is taken from the significant locations and amenities. They include but are not limited to; Downtown Rexburg, BYU, Madison Memorial Hospital, Rexburg Rapids, Madison Library, Porter Park, Smith Park and the Tabernacle.

Scoring – Rexburg GIS has created the High Demand for Walkable Housing Map. It identifies (electronically) the scoring for all areas within the Rexburg Redevelopment Focus Area.

E. Street Access (6.9 out of 10 Importance)

Items Considered – For Infill/Redevelopment projects, it is common for all projects to have adequate street access. The availability, location and feasibility of the access points are considered by the City Engineer.

Weighting – Each entity is weighted as follows:

Amount of Access Points in Relation to the Size of Project – 10

The Distance of the Access Points Away from Intersections – 10

Little or no Effect of the Access Points on Traffic and Neighborhoods – 10

Scoring – The three scores are averaged.

F. Historic Preservation (5.3 out of 10 Importance)

Determination - Historic Structures are to have significance as defined by the Department of the Interior.

Scoring – Is as follows:

Historic Structure (registered) to be removed – 0

Historically/Culturally Significant Structure (not registered but qualifies) to be removed – 3

No Historic Structure removed as part of the project – 10

Mitigation – Infill/Redevelopment Projects that are located adjacent to existing Non-Fragmented Single Family Neighborhoods are to be held to a higher buffering and separation standard than regular projects. Besides meeting all of the requirements of the City of Rexburg Development Standards, they must also be buffered by the additional requirements:

Low Density Residential 2&3 to Medium Density Residential 1&2 and Mixed Use 1

- a. Zones separated by a City street – Standard front yard setbacks allowed as per City of Rexburg Development Code.
- b. Zones separated by property lines – Follow LDR requirements and include 2”(min.) caliper trees spaced at 20 foot intervals. Tree type to be approved at Design Standard Review.

Low Density Residential 2&3 to High Density Residential 1&2 and Mixed Use 2

- a. Zones Separated by a street – Standard 20 foot front yard setback allowed up to 30 foot horizontal wall height. 80 foot front yard setback required for buildings higher than three stories above grade. Parking lots in front yards setbacks to be buffered with minimum 10 foot (min.) wide, 2 foot high landscape berm planted with bushes and trees as approved at Design Standard Review.
- b. Zones separated by property lines – Provide largest of one to one setback versus height or applicable LDR setback. Include 2”(min.) caliper trees spaced at 20 foot intervals. Tree type to be approved at Design Standard Review.

Low Density Residential 1 to Medium Density Residential 1 and Mixed Use 1

- a. Zones Separated by a street – Standard 20 foot front yard setback allowed up to 20 foot horizontal wall height. 30 foot front yard setback required for buildings higher than 20 feet horizontal wall height. Parking lots in front yards setbacks to be buffered with minimum 10 foot (min.) wide, 2 foot high landscape berm planted with bushes and trees as approved at Design Standard Review
- b. Zones separated by property lines – Provide largest of one to one setback versus height or LDR1 setback. Include 2”(min.) caliper trees spaced at 20 foot intervals. Tree type to be approved at Design Standard Review.

High Density Residential, Medium Density Residential 2 and Mixed Use 2 is not allowed against Low Density Residential 1 Zoning.

CHAPTER 10: SIGNS IN REXBURG (ORD. 1027;1095 HWY20 Sign Heights)

SECTION III.

- b. **The maximum height:** Unless further restricted in this Sign Code, the maximum height of any free standing sign not located in the US 20 Interchange Boundaries (see figures 1,2&3 below) shall be twenty-four (24) feet from ground level to the top of the sign. On lots where a 24 foot free standing sign is allowed and the building height is greater than 24 feet, the maximum height of a free standing sign may be reviewed under a Conditional Use Permit for a taller free standing sign not to exceed the building height.

Free standing signs located in the US 20 Interchange boundaries (identified in figures 1, 2 &3) shall have a maximum height of forty (40) feet from ground level to top of the sign. Each parcel located in the interchange boundary is allowed one (1) pole with sign(s) that is forty (40) feet from grade (see definition in Chapter 2). The Interchange sign boundary is defined by a fifteen hundred (1500) foot radius drawn from the center of the highway interchange.

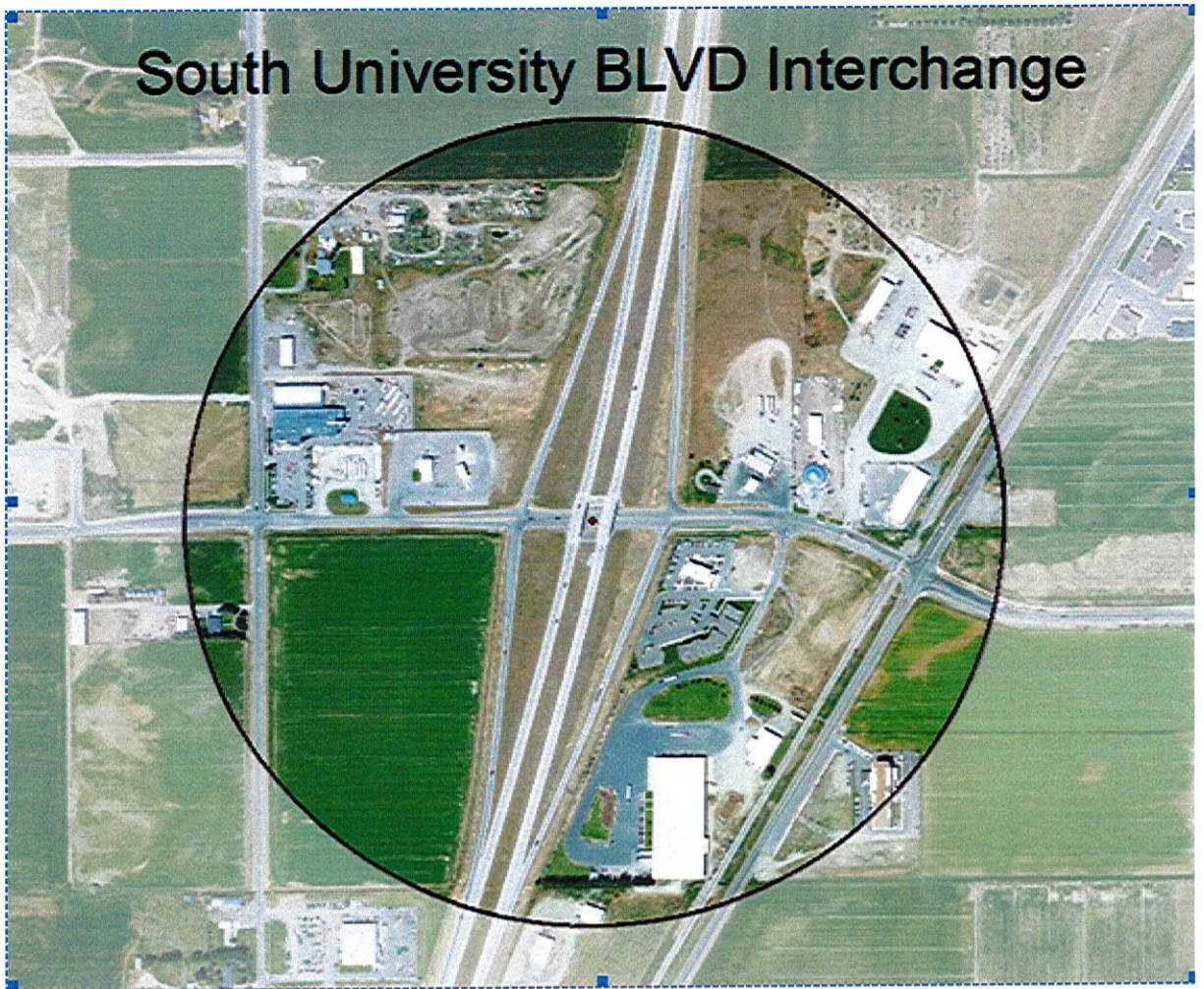


FIGURE 1

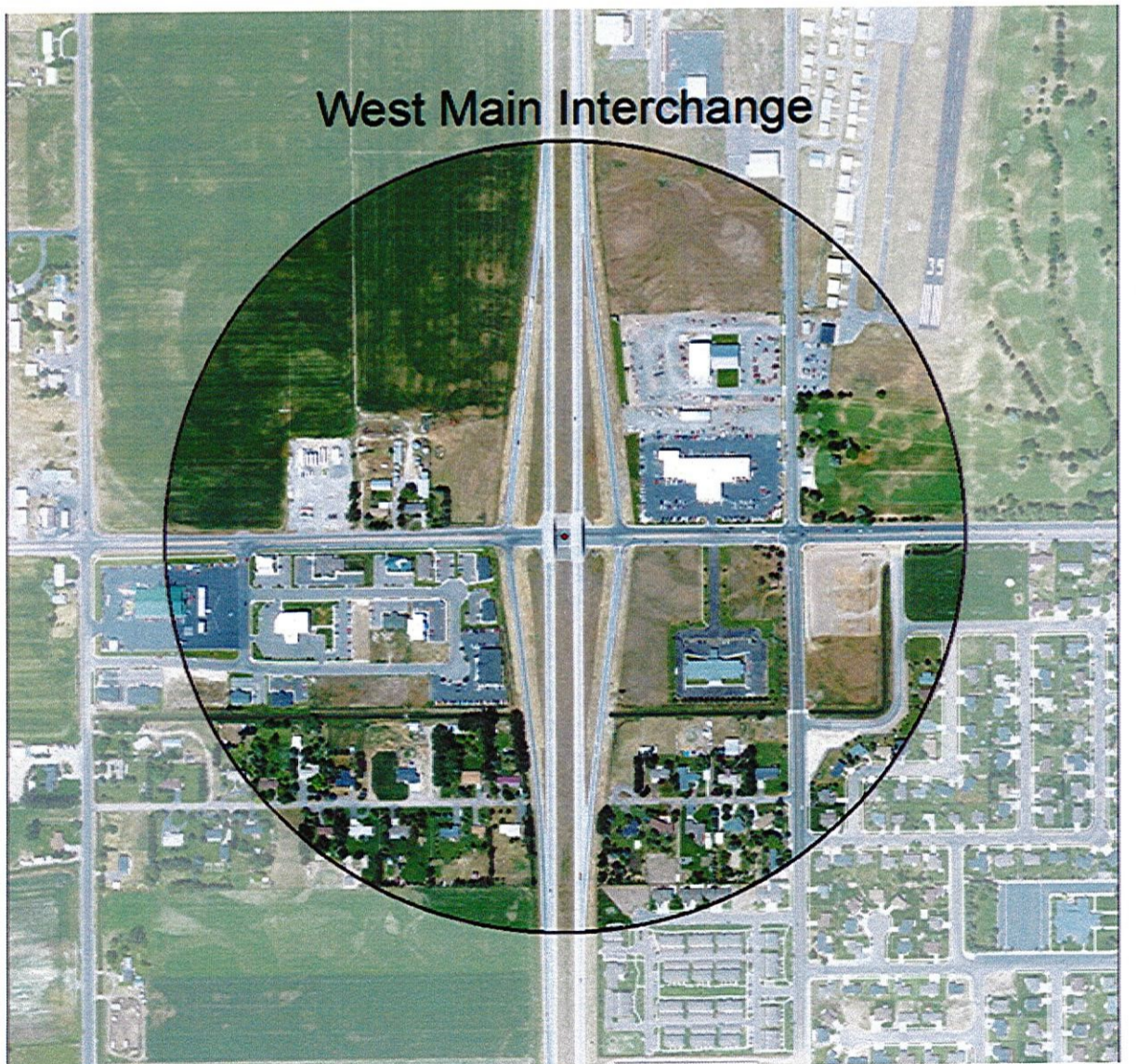
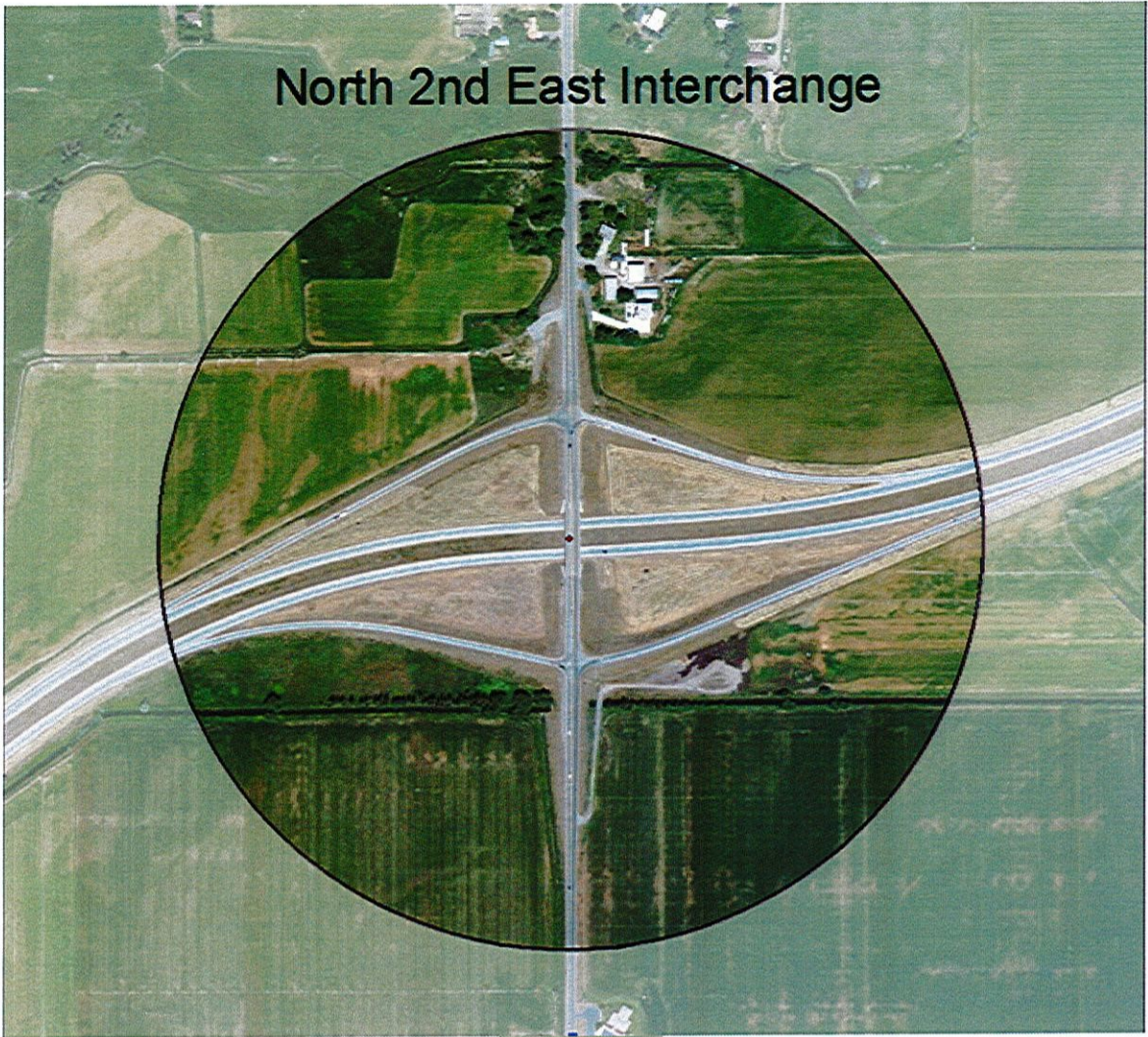


FIGURE 2



North 2nd East Interchange

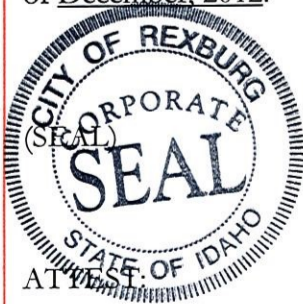
FIGURE 3

SECTION II: Providing for other substantive and non-substantive changes in the Development Code as recommended and approved by the Planning and Zoning Commission of the City of Rexburg, Idaho:

SECTION III: Repeal. All other ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION IV: The City of Rexburg, Idaho City Council shall enact this Ordinance No. 1095 amending Ordinance 1026 otherwise known as **THE DEVELOPMENT CODE OF THE CITY OF REXBURG, IDAHO** upon its passage, approval and publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 19th day of December, 2012.



Richard S. Woodland
Richard S. Woodland, Mayor

Blair D. Kay
Blair D. Kay, City Clerk



(SUMMARY)
ORDINANCE NO. 1095

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(1) Development Code Sections:

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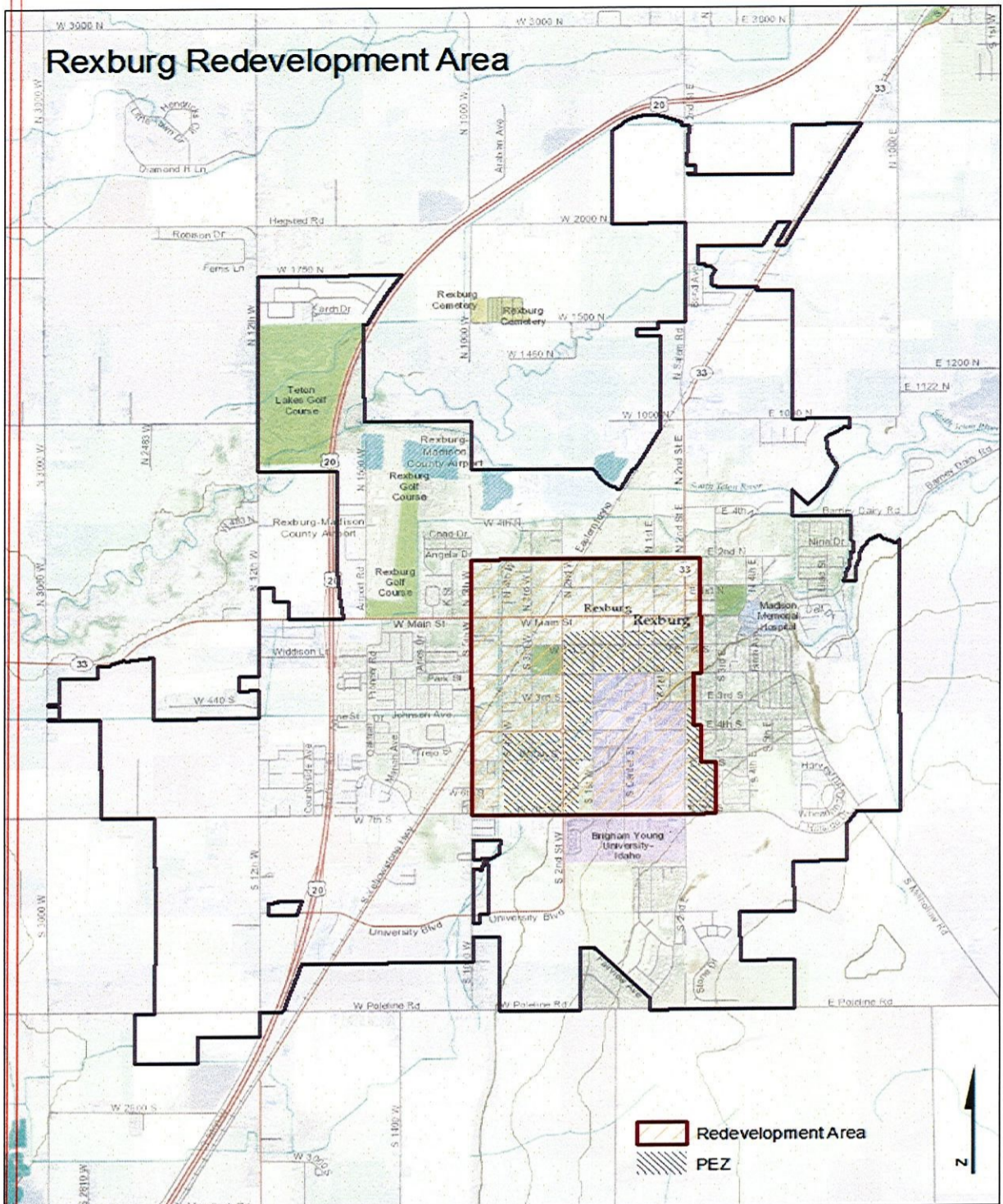
4.16 Infill/Redevelopment Standard

Background

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CHAPTER 10: SIGNS IN REXBURG (ORD. 1027;1095 HWY20 Sign Heights)

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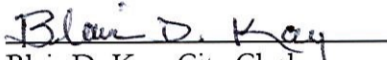
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PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 19th day of December, 2012.




Richard S. Woodland, Mayor

ATTEST:

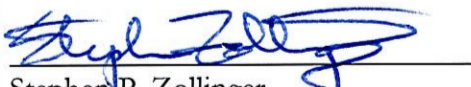

Blair D. Kay, City Clerk



**STATEMENT OF
REXBURG CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE 1095**

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. 1095.

DATED this 19th day of December, 2012.


Stephen P. Zollinger
Rexburg City Attorney

