ZONING ORDINANCE OF THE CITY OF REXBURG, IDAHO

ORDINANCE NO. 725

ADOPTED October 2. 1991

(Amended: October 2, 1993)
(Ordinance No. 753)
(Amended February 15, 1995)
(Ordinance No. 769 &770)
(Amended December 6, 1995)
(Ordinance No. 778)
(Amended: April 15,1998)
(Ordinance No. 802)
(Amended: September 13, 2000)
(Ordinance No. 840)
(Amended: January 2, 2002)
(Ordinance No. 864)

MAPS NOT INCLUDED

ORDINANCE NO. -725-

AN ORDINANCE REPEALING ORDINANCES NO. 478 AND 685, ORDINANCES OF THE CITY OF REXBURG, IDAHO; ENACTING A ZONING ORDINANCE 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; PROVIDING FOR VIOLATION OF THE PROVISIONS OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

Section I. Ordinance No. 478 and Ordinance No. 685 of the City of Rexburg, Idaho, are hereby repealed.

Section II. The Zoning Ordinance of the City of Rexburg, Idaho, is hereby enacted as follows:

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CHAPTER 1
TITLE, AUTHORITY, PURPOSE, AND INTENT

1.1 Title.
This Ordinance shall be known and entitled as "The Rexburg Zoning Ordinance" and may be so cited and pleaded.

1.2 Authority.
This Ordinance is adopted pursuant to authority granted by Title 67, Chapter 65 of the Idaho Code, and Article 12, Section 2 of the Idaho Constitution, as amended.

1.3 Purpose.
The purpose of this Ordinance shall be to promote the health, safety, and welfare of the residents of the City of Rexburg as follows:

1. To protect property rights and enhance property values.

2. To provide for the protection and enhancement of the local economy.

3. To ensure that important environmental features are protected and enhanced.

4. To encourage the protection of prime agricultural lands for the production of food.

5. To avoid undue concentration of population and overcrowding of land.

6. To ensure that the development of land is commensurate with the physical characteristics of the land.

7. To protect life and property in areas subject to natural hazards and disasters.

8. To protect recreation resources.

9. To avoid undue water and air pollution.

10. To secure safety from fire and provide adequate open spaces for light and air.

11. To implement the comprehensive plan.

1.4 Intent.
It is the intent of the governing body of the City of Rexburg that this Ordinance be interpreted and construed to further the purposes of this Ordinance and the objectives and characteristics of the zoning districts.

CHAPTER 2
DEFINITIONS

2.1 Definitions for this Ordinance.

For the purpose of this Ordinance, the following word or phrases shall have the meaning respectively ascribed to them herein.

Abandonment. To cease or discontinue a use or activity without intent to resume but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving a facility, or during periods of vacation or seasonal closure.

Accessory structure. A subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

Accessory use. A use incidental to, and on the same parcel as, a principal use.

Agriculture. The use of land for agricultural purposes, including crop farming but excluding the raising of livestock, poultry, and dairy animals.

Amusement arcades. A building or part of a building in which five or more pinball machines, video games, or other similar player-oriented amusement devices are maintained.

Automobile wrecking yards. See junk yard.

Bed and Breakfast Inn. An owner-occupied dwelling that contains no more than three guest rooms where lodging, with or without meals, is provided on a daily rate basis.

Boarding house. A building that is the primary residence of the owner in which rooms are provided on a weekly or monthly basis for compensation, by the owner, to three or more but less than twenty persons not related by blood, marriage, or adoption to the owner.

Buffer area. A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

Building line. The line, parallel to the street, that passes through the point of the principal building nearest the front lot line. The building line measured from the drip line of the building.

Campground. An area or tract of land on which accommodations for temporary occupancy are located or may be located, including cabins, tents, and major recreational vehicles or equipment, and which is used primarily for recreational purposes and retains an open air or natural character.

Car wash. An area of land and/or a structure with a machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Conditional use permit. A special use permit as provided for by Idaho Section 67-6512 in which a use that, owing to some special characteristics such as traffic or noise generation, parking needs, access, building size, lighting, or other characteristics of operation, is permitted in certain districts subject to approval by the Planning Commission or the City Council, depending upon the particular use.

Convenience store. Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross square floor area of less that 5,000 square feet.

Day care centers. A building or structure where care, protection, and supervision are provided on a regular schedule, at least three times a week to more than 12 children.

> Family child care home. A private residence where care, protection, and supervision are provided, for a fee, at least three times a week to no more than six children at one time.
>
> Group child care centers. A building or structure where care, protection, and supervision are provided, on a regular schedule and for a fee, at least three times a week to at least seven children and no more than twelve children.

Density. The number of dwelling units per gross acre, i.e. including the land dedicated to streets.

Development. A land use consisting of two or more principal buildings, for example, an apartment complex consisting of three buildings.

Dormitory. A building used as a group living quarters for twenty or less persons. Such group living quarters shall be associated to a college, university, boarding school, orphanage, convent, monastery, farm labor camp, or other similar use.
Dormitories do not include a kitchen facility, except a group kitchen facility to serve all residents.

Dwelling. A building or portion thereof that provides living facilities for one or more families.

Dwelling, multifamily. A detached residential building containing three or more dwelling units, including what is commonly known as an apartment building.

Dwelling unit. One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

Elderly housing. A building or group of buildings occupied by persons 55 years or older or couples where either of the partners are 55 years or older. This does not include a housing in which the elderly may occupy the units seasonally or convalescent or nursing facilities.

Family. One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that a group of five or more persons who are not within the second degree of kinship shall not be deemed to constitute a family unless such five or more persons are handicapped persons as defined by the Idaho Code 67-6531 or as defined in Title VII of the Civil Rights Act of 1968, as amended by the Fair Housing Act Amendments of 1988.

Floodplain. Any land area susceptible to being inundated by water from any source as defined by the FIRM map established for Rexburg by the Federal Emergency Management Agency (FEMA).

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

Floodway fringe. All that land in a floodplain not lying within a delineated floodway. Land with a floodway fringe is subject to inundation by relatively low velocity flows and shallow water depths.

Floor area, gross. The sum of the areas of several floors of a building, including any area used for human occupancy in the basements and attics, as measured from the exterior faces of the walls.

Frontage. The length of any one property line of a premise, which property line abuts a legally accessible street right-of- way. For purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered front yards, and yards shall be provided as indicated under yards in this definition section.

Grade. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

Group home for the handicapped. A dwelling shared by eight or less handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment. See Idaho Code 65-6731.

Health/recreation facility. An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna & pro shop.

Height. The average vertical distance from the grade to the top of the building walls.

Home occupation. An accessory use of a dwelling unit or the accessory building for gainful employment which is clearly incidental and subordinate to the use of the dwelling unit as a residence.

Hospital. An institution providing health service primarily for human in-patient medical or surgical care for sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices that are an integral part of the facilities.

Hotel. A facility offering transient lodging accommodations on a daily rate to the general public. Additional services, such as restaurants, meeting rooms, and recreational facilities may be provided.

Household pet. Small animals including fish or fowl permitted in the house or yard and kept for company or pleasure, such as dogs, cats, rabbits, canaries, parrots, parakeets, or goldfish. Under no circumstance shall more than 5 mammals or reptiles be allowed at one time, except that direct offspring shall be allowed for up to 3 months.

Housing for the elderly. A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons 55 years of age or older or couples where either of the partners are 55 years or older.

Impervious surface. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime, rock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

Industry, heavy. A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, light. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Junk. Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, bed and bedding, rags, motor vehicles and parts thereof.

Junkyard. An open area where waste, used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials shall include but not be limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. An automobile wrecking yard is also considered a junkyard.

Kennel, private. Any building, buildings or land designed or arranged for the care of dogs and cats belonging to the owner of the principal user, kept for the purposes of show, hunting, or as pets.

Laundry, self-service. A business that provides home-type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

Lot area. The total horizontal area within the lot lines of a lot.

Lot, corner. A lot abutting on and at the intersection of two or more streets.

Lot coverage. The area of a site covered by buildings or roofed areas and impervious surfaces.

Lot depth. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

Lot, flag. Lots or parcels that the City has approved with less frontage on a public street than is normally required. The panhandle is an access corridor to lots or parcels located behind lots or parcels with normally required street frontage.

Lot, interior. An interior lot is a lot other than a corner lot.

Lot line. The boundary line of a lot.

Lot line, front. The property line separating the front of the lot from the street.

Lot line, rear. The lot line opposite the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than ten feet long, lying within the lot and parallel to the front property line. In the event that the front property line is a curved line, then the rear property line shall be assumed to be a line not less than 10 feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint.

Lot line, side. Any lot line not a front or rear lot line.

Lot of record. A lot that is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Madison County, Idaho, or any parcel of land, whether or not part of a subdivision, that has been officially recorded by a size that met the minimum dimensions for lots in the district in which it was located at the time of recording or was recorded prior to the effective date of zoning in the area where the lot is located.

Lot, substandard. A lot or parcel of land that has less than the minimum area or width as established by the zone in which it is located. Such lot shall have been of record as a legally created lot on the effective date of this ordinance.

Lot, through. A lot that has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

Lot width. The horizontal distance between side lot lines measured at the required front setback line.

Manufactured home. A single-family unit fabricated in one or more section at a location other than the home site by assembly line or similar production techniques or by other construction methods typical of off-site manufacturing process. Every section shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards, June 15,1976 (42 U.S.C. Sec. 5401). A manufactured home may be designed to be towed on its own chassis or be delivered to the site by other means.

Manufactured housing park. A parcel of land under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes.

Mobile home. A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15,1976.

Motel. A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for travelers and having automobile parking conveniently located on the premises.

Nonconforming building. Any building which does not meet the limitations of building size or location on a lot for the district in which the building is located and was built prior to the effective date of this ordinance.

Nonconforming lot. An existing lot, the area, width, size, or other characteristic of which, fails to meet the requirements of the district in which it is located and which was conforming prior to the effective date of this ordinance.

Nonconforming use. A use not conforming to the provisions of this Ordinance but which was lawfully existing at the time of adoption of this Ordinance.

Nursery. A building or portion of building or residence providing pre-school curriculum and education to more than twelve children.

Office. A building or portion of building wherein services are performed involving predominantly administrative, professional, or clerical operations.

Outdoor storage. The keeping, in an unroofed area, of any goods, junk material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

Overlay Zone. A set of zoning requirements that is described in this Ordinance, is mapped, and is imposed in addition to those of the underlying district. Developments within the overlay zone must conform to the requirements of both zones or the more restrictive of the two.

Parcel. A continuous quantity of land in the possession of or owned by or recorded as the property of the same person or persons.

Parking space. An obstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one motor vehicle.

Pharmacy. A service business which dispenses, under the supervision of a pharmacist licensed by the State of Idaho, prescriptive and non-prescriptive medicines and drugs, orthopedic appliances, or medical supplies for the treatment of human illness, disease, or injury, excluding the sale of goods or commodities for general hygiene, diet, cosmetic, or other general health purposes.

Plant nursery. Any land used to raise trees, shrubs, flowers, and other plants for sale or transplanting.

Principal building. A structure or, where the context so indicates, a group of structures in which the principal use of the lot is conducted.

Principal use. The main use of the land or structures as distinguished from a secondary or accessory use.

Recreational vehicle. Recreational vehicles may include but are not limited to motor homes, converted buses, camping and travel trailers, light-duty trailers and transporters, horse and cattle trailers, rafts, boats and their trailers.

Recycling center or plant. A facility which is not a junkyard and in which recoverable resources, such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed or bundled within a completely enclosed building.

Satellite dish antenna. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such devices shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. A ground-mounted dish shall be regulated as an accessory building.

School. A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

Self-service storage facility. A building or group of buildings consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractor supplies.

Service station. Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tuneups, lubrication minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

Self-service station. An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

Setback. The minimum horizontal distance between a property line of a lot and the nearest drip line of the eaves of the building, including any projection thereof, excluding uncovered steps. Uncovered steps or a deck may not extend into the front setback more than one-third of the required setback.

Shopping centers. A grouping of three or more retail businesses or service uses on a single site of two or more acres with common parking facilities.

Site plan. A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between such floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.

Street. A public or private thoroughfare used, intended to be used for passage or travel by motor vehicles, from a site to other parts of the City. Driveways are not to be included. Streets are further classified by the functions they perform.

a) Residential access streets or local streets have the sole purpose of providing frontage for service and access to private lots. These streets carry only traffic having either destination or origin on the street itself. The elimination of through traffic and the geometric design of the street are means to promote safety and to create a desirable residential neighborhood.

b) Residential collectors are streets that conduct and distribute traffic between other residential streets of lower order and higher order streets or major activity centers. This is the highest order of a street appropriate to a residential neighborhood and residential frontage along it should be prohibited or severely restricted.

c) Arterials. are roads conveying traffic from between major activity centers within the community and traffic through the City. Efficient movement is the primary function of arterial roads. Private and front access should be controlled and limited to high volume generators of vehicle trips.

Temporary Use. A prospective use, intended for a limited duration, generally less than a year, to be located in a zoning district not permitting such use and not continuing such use or building.

Tower. A structure situated that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications.

Truck Terminal. Land buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

Variance. A modification of the requirements of this Ordinance for lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provisions affecting the size or shape of a structure, the placement of the structure upon lots, or the size of the lot. A variance does not include a change of land use. See Idaho Section 67-6516.

Warehousing and distribution. A use engaged in storage, wholesale, and distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Yard. Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such uses as provided by this zoning ordinance. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the drip line of the main building.

Yard, front. A yard extending along the full width of a front lot line between side lot lines and from the front lot line to the front building line in depth.

Yard, Rear. A yard extending the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear-yard depth shall be measured at right angles to the rear line of the lot.

Yard, Side. A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard. Side yard width shall be measured at right angles to the side lines of the lot.

Zone. A portion of the territory of the City, exclusive of streets, alley, and other public ways, within which certain uses of land, premises, and buildings are not permitted and with which certain yards and open spaces are required and certain heights are established for buildings.

CHAPTER 3
ZONING DISTRICTS

3.1 Establishment of Zones: Official Map.

The boundaries and zoning classifications of districts are shown on the map entitled "Zoning District Map of the City of Rexburg, Idaho", which map and all information shown thereon are by reference made a part of this Ordinance.

The City may be divided into the following zoning districts, the boundaries and extent of which shall be shown on an official zoning district map by the City Clerk:

(a) Low Density Residential (LDR)
(b) Low Density Residential-1 and 2 (LDR1)(LDR2)
(c) Medium Density Residential (MDR)
(d) High Density Residential and High Density Residential 2 (HDR)(HRD2)
(e) Central Business District (CBD)
(f) Highway Business District (HBD)
(g) Neighborhood Business District (NBD)
(h) Industrial District (I)
(I) Professional Office Overlay (PO)
(j) Airport District (AP)
(k) Open Space Overlay (OS)
(l) University District (U)

3.2 Determination of District Boundaries.

Unless otherwise defined on the zoning district map, district boundaries are the quarterlines or centerlines of ten (10) acre blocks; platted lot lines; property lines; the center lines of streets, alleys, or railroad right-of-way (or such lines extended);
government survey lines; municipal limit lines; or the centerlines of streams.

3.3 Lots Divided by District Boundaries.

If a parcel or lot is divided by district boundaries, the requirements of the most restrictive district shall apply to the property.

3.4 Low Density Residential (LDR).

The LDR Zone is established to protect stable neighborhoods of detached single family dwellings on larger lots. The limited conditional uses allowed in this district shall be compatible with an atmosphere of large, landscaped lawns, low building heights, ample setbacks and side yards, predominantly off street parking, low traffic volumes, and low nuisance potentials. The maximum density permitted in this district is three (3) dwelling units per gross acres.

3.5 Low Density Residential - 1 and 2 (LDR1)(LDR2)

The LDR1 and 2 is established to protect stable neighborhoods of detached single family dwellings on smaller lots. The conditional uses allowed in this district shall be compatible with single family homes on landscaped lawns, low building heights, predominantly off-street parking, low traffic volumes, and low nuisance potential. Two family dwelling units are conditional uses within this zone. The maximum density permitted in this district is eight (8) dwelling units per acre.

3.6 Medium Density Residential (MDR)

The Medium Density Residential is established to protect stable neighborhoods of detached single family dwellings on smaller lots and multi-family housing not to exceed four dwelling units per development as a use by right. Restoration or rehabilitation of older homes in this district shall be encouraged. Conditional uses shall be compatible with an atmosphere of low building heights, low traffic volumes, ample off-street parking, and low nuisance potentials at a higher density than LDR zones. The maximum density permitted in this district is sixteen (16) dwelling units per gross acre.

3.7 High Density Residential (HDR)

The High Density Residential zone is established to provide higher density residential housing areas served by collector and arterial streets. The zone shall be characterized by dwellings for three and more families, ample off-street parking, higher traffic volumes, proximity to Ricks College and other traffic generators and low nuisance potential. Thirty (30) dwelling units per gross acre is the maximum density permitted in HDR.

3.8 High Density Residential 2 (HDR2)

The High Density Residential Zone 2 is to plan for multiple family housing units but to fill housing needs for families at affordable rates. Construction to be done in larger tracts of ground and owned in common as larger apartment complexes and not sold as individual units. Maximum density is based upon bedroom capacities with parking and landscaping adjusted in accordance.

- 1 bedroom units - 1.5 parking stalls per unit. Maximum units per acre - 42 units
- 2 bedroom units - 2 parking stalls per unit. Maximum units per acre - 38 units
- 3 bedroom units - 2 parking stalls per unit. Maximum units per acre - 34 units

Minimum acreage per development 2 acres. Under 2 acres will be viewed by P&Z but not encouraged.

HDR2 can be put in any multiple housing areas on comparison plan and will be done as a zone change and determined by P&Z and City Council public hearings.

3.9 Professional Office Overlay District (PO).

The PO is established to provide land for professional offices near the community's medical facilities and in areas of transition from residential to commercial. Such offices shall be located

and designed to conform to the residential character of the neighborhood. Site plan review by the Planning and Zoning Commission is required to minimize the potential nuisance activities of offices in the residential neighborhoods.

3.10 Central Business District (CBD).

The CBD is established to recognize the historic central retail and service center of the City. Front setbacks are not common and lot coverage may approach or be one hundred percent. On-street parking serves many of the businesses. Office and residential uses are encouraged on the upper floors of the downtown buildings, and first floor residential uses are conditional uses.

3.11 Highway Business District (HBD).

The Highway Business District provides for a wide range of commercial and service oriented activities along the City's major streets. To protect the City's road scape, limited highway access, internal circulation, off-street parking, and landscaped settings are characteristic of the zone.

3.12 Industrial District (I).

The Industrial District is established to recognize the need for industrial sites which are generally major and extensive operations, require large level sites with open storage and service areas, and utilize regional transportation such as railway and state highways. Warehousing, light manufacturing, supply yards, and construction yards are compatible with this district. Heavier industrial uses which may produce some glare, dust, smoke, noise and odor are conditional uses to assure that land use conflicts are minimized.

3.13 Airport District (AO).

The Airport District is established to protect the present and long term use of the airport and airport facilities. Uses such as airport related activities, warehousing, open space, and agricultural uses are harmonious with use of the airport. Height restrictions within this district are determined by the City's ordinance regulating the approach zone of the airport under FAR part 77, Airspace.

3.14 Open Space Overlay District (OS).

The Open Space District is established to recognize areas of recreational and public uses and to protect floodplains, slopes, and natural drainage ways from development that may cause or contribute to flooding, slope failures, excessive soil erosion, and sediment and water pollution of the Teton River. The uses within the underlying zone, except those associated with open space, are conditional uses within this zone. The Open Space zone may be the only applicable zone for parks, public utilities, and other public uses. The floodplain is defined by the FIRM for Rexburg.

3.15 University District (U).

The University District is to recognize the establishment and growth of Ricks College. To assure compatibility with City development, buildings over 10,000 square feet and arenas and stadiums are conditional uses within this zone.

3.16 Uses Must be in Conformity.

Land or premises shall be used, unless otherwise provided in this ordinance, in conformity with regulations herein set forth for the zoning district in which said land or premises is located.

3.17 Building in Conformity.

No building or structure shall be erected or used unless in conformity within the regulations herein set forth for the zoning district in which said building or structure is located.

3.18 Regulations Tables.

Table 1, Zoning Districts, sets forth the requirements for minimum lot area, lot width, minimum yards, maximum lot coverage, and maximum building height. Table 2, Land Use Schedule, lists the permitted and conditional uses for each zoning district. Table 1 and 2 are an integral part of this Ordinance.

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TABLE 1. ZONING DISTRICTS

DISTRICT	USES		STANDARDS FOR USES BY RIGHT						
	By Right	Conditional	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Maximum Lot Coverage	Maximum Building Height
LDR	Single Family dwelling Accessory buildings Homes for mentally and/or physically handicapped as in Idaho Code 67-6531 Limited home occupations Gardening for personal use Customary household pets Agriculture	Schools Churches Park, Playgrounds Semi-public uses Home occupations Publicly owned institutions such as libraries and museum Cemeteries Utility buildings and structures Separate Parking Lots	12,000	80 ft.	25 ft.	25 ft.	6" for every foot of building height: 7.5' minimum	70%	30 ft
LDR1	As in LDR plus Manufactured housing units 24 feet or wider on permanent foundation See note 8 below	As in LDR Hospitals Nursing Homes Child care centers and nurseries Two-family dwellings Separate Parking Lots	8,000 sq. ft. plus 2,000 for each additional dwelling	60 ft.	25 ft.	20 ft.	6" for every foot of building height 6' minimum	70%	30 ft.
LDR2	As in LDR1	As in LDR1	6,000 sq. ft.	60 ft.	25 ft.	20 ft.	6" for every foot of building height 6' minimum	70%	30 ft.

DISTRICT	USES		STANDARDS FOR USES BY RIGHT						
	By Right	Conditional	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Maximum Lot Coverage	Maximum Building Height
MDR	Same as LDR1 Two, three, and four family dwellings Limited home occupations Child care centers and nurseries	Same as LDR1 plus Five and six family dwellings Boarding house Nursing homes Mobile home courts and subdivisions Five & six dwellings per development Dormitory housing, fraternity, sorority Separate Parking Lots	4,500 sq.ft. Plus 1,500 sq. ft. for each additional dwelling unit	60 ft.	25 ft.	20 ft.	4" for every 1' of building height: 6' minimum	70%	30 ft.
HDR	Three to twenty-three family dwellings Dormitory housing Child care centers and nurseries	Building or developments with more than twenty-three dwellings Schools, churches hospitals Parks Publicly owned institutions Single family homes Utility buildings and structures Separate Parking Lots	2 acres	200 ft	25 ft.	20 ft.	4" for every foot of building height with a minimum of 6'	80%	30 ft.
HDR2	Same as HDR plus Thirty-four to forty-two family dwellings	Same as HDR plus	2 acres	200 ft.	25 ft.	20 ft.	4" for every foot of building height with a minimum of 6'	80%	30 ft.

DISTRICT	USES		STANDARDS FOR USES BY RIGHT						
	By Right	Conditional	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Maximum Lot Coverage	Maximum Building Height
CBD	Retail uses services offices	Farm equipment sales	NA	NA	0 ft.	0 ft.	0 ft.	100%	45 ft.
		Utilities facilities							
	Residential on upper floors	Residential on first floor							
		Separate Parking Lots							
	See Land Use Schedule for specific uses								
HBD	Auto-oriented retail, services, offices	Transportation and utility facilities	NA	NA	15 ft.	0 ft.	0 ft.	90%	45 ft.
	Limited wholesale, light industry.	Certain recreational facilities.							
		Separate Parking Lots							
	See Land Use Schedule for specific uses								

DISTRICT	USES		STANDARDS FOR USES BY RIGHT						
	By Right	Conditional	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Maximum Lot Coverage	Maximum Building Height
I	Wholesale uses. Light industry. Transportation and Utilities. See Land Use Schedule for specific uses.	Heavy industry Separate Parking Lots.	NA	NA	20 ft.	0 ft.	0 ft.	90 %	45 ft.
PO	Medical and Dental Offices, Laboratories. Out patient services. Pharmacies. Professional office not medically related.	Business, Finance, and Real estate services. Separate Parking Lots.	NA	Same setback as underlying zone. Site plan approval by Planning and Zoning Commission required.				70%	30ft.
U	University and college buildings 10,000 square feet or less	NA NA college buildings and facilities over 10,000 Arenas and stadiums. Separate Parking Lots.	20 feet from public rights-of-way			45 ft.			
OS	Outdoor recreational facilities. Agriculture. Cemeteries. Parks Water. Wastewater Treatment Plants.	All other uses listed for Underlying zone. Separate Parking Lots.	NA	NA	20 ft.	20 ft.	5 ft.	50%	30ft.
			Note: Development within this zone may be controlled by floodplain ordinance.						

DISTRICT	USES		STANDARDS FOR USES BY RIGHT						
	By Right	Conditional	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Maximum Lot Coverage	Maximum Building Height
AO	Airport and airport related uses.	Outdoor recreation.	NA	NA	20 ft.	0 ft.	0 ft.	90 %	*
	Wholesale uses.	Separate Parking Lots.							
	Limited light industrial.								
	Transportation and utility facilities.								

See Land Use Schedule for specific uses.

NOTES.

(1) Farming grains, fruits, vegetables is a permitted use in all zones. See Land Use Schedule.

(1) On corner lots, the side yard on the street side shall be the same as required for the front setback.

(2) When commercial or industrial uses abut a residential zone, set backs shall be the same as are required in the adjacent residential district. For required screening when abutting residential uses, see Section 4-7 of this Ordinance.

(3) The maximum size of a zone of the Neighborhood Commercial District is two (2) areas.

(4) When uses in the AO Zone abut a residential zone, setbacks at a minimum shall be the same as are required in the adjacent residential zone.

(5) Height depends on the requirements of the ordinance under FAR part 77.

(6) The above table gives a general outline of uses for commercial and industrial zones. See Land Use Schedule for specific uses.

(7) The maximum allowable densities for each residential zone are as follows.

Zone	Dwelling Units per Gross Acres
LDR	3 d.u.s.
LDR1	8 d.u.s.
LDR2	8 d.u.s.
MDR	16 d.u.s.
HDR	30 d.u.s.
HDR2	
1 bedroom	42 d.u.s.
2 bedroom	38 d.u.s.
3 bedroom	34 d.u.s.

(8) Manufactured homes that are placed on individual lots and not in mobile home parks shall meet the following standards:

(A) Shall be new and at least twenty-four feet (24') in width.

(B) Shall have a nonglare, wood shake or asphalt roof with a minimum slope of 3/12 and a minimum six inch (6") eaves.

(C) Shall have an exterior siding that is residential in character, including but not limited to clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles or shakes, or similar material. The siding shall not have a high-gloss finish and shall not be composed of smooth, ribbed, or corrugated plastic panels.

(D) Shall be placed on a permanent foundation that complies with the Uniform Building Code for residential structures.

(E) The hitch, axles, and wheels must be removed, and the foundation fascia must be similar in appearance and durability to the masonry foundation of site-built buildings.

Mobile home and manufactured homes not meeting the above conditions are permitted in established and approved mobile home courts and mobile home subdivisions.

(9) The land area, square footage, or lot coverage occupied by a conditional use on the effective date of this Ordinance may not be expanded by more than fifteen percent (15%) without review under the conditional use permit provisions of this Ordinance.

(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.

TABLE 2. LAND USE SCHEDULE
LAND USE SCHEDULE

P = Permitted Use
C = Conditional Use
LAND USE DISTRICT

RESIDENTIAL	LDR	LDR1 LDR2	MDR	HDR HDR2	PO	CBD	HBD	I	AO	OS	RR	AG1	AG2	U
Single family dwelling	P	P	P	C			C			C	P	P	P	
Home for mentally/physically handicapped	P	P	P	P		P				C	P	P	P	
Two family dwelling		C	P	P		P				C	C	C	C	
Three family dwelling			P	P		P				C				
Four family dwelling			P	P		P				C				P
Five & Six family dwelling or development			C	P		P								P
Twenty-four units per building or development				C										P
Dormitory, fraternity, sorority			C	P										P
Boarding house			C	P		P								
Bed & Breakfast			P	P										
Home occupation	P/C	P/C	P/C	P/C							C	P	P	
Manufactured home 24' or more in width (new)		P	P	C							P	P	P	C
Mobile home/ manufactured home less than 24' Approved mobile home court or subdivision												C	C	
Mobile home park See mobile home park ordinance			C	C										
Mobile home subdivision (See above ordinance)			C	C										
Nursing home		C	P	P			C							
Religious dormitories			P	P		P								P
Motel, hotels						P	P							

MANUFACTURING	LDR	LDR1 LDR2	MDR	HDR HDR2	PO	CBD	HBD	I	AO	OS	RR	AG1	AG2	U
Food and kindred products (SIUC 21)														
Meat products (211)								C						
Dairy products (212)								C						
Canning and preserving (213)								P						
Grain mill products (214)								P						
Bakery products (215)								P						
Sugar (216)								C						
Confectionery, candy (217)								P						
Beverage (218)								P						
Other food products								C						
Textile mill products (SIUC 22)								P						
Apparel and other clothing products (SIUC 23)								P						
Lumber and other wood products (SILUC 24)								C						
Sawmills and planing mills (242)								C		C				
Millwork (2431)								P						
Veneer and plywood (2432)								P						
Prefabrication wooden buildings (2433)								P						
Wooden containers (2440)								P						
Other								C						
Furniture and fixtures (SIUC 25)							P	P						
Paper and allied products (SIUC 26)								C						
Printing, publishing, including newspapers (SIUC 27)						P	P	P						P

LAND USE SCHEDULE

LAND USE	DISTRICT													
	LDR	LDR1 LDR2	MDR	HDR HDR2	PO	CBD	HBD	I	AO	OS	RR	AG1	AG2	U
MANUFACTURING - continued														
Chemicals and allied products (SIUC28)								C						
Petroleum refining and related industries including paving materials (SIUC 29)								C						
Rubber and plastic products (SIUC 31)								C						
Stone, clay, glass products (SIUC 32)								C						
Flat glass, glass, glassware (321,322)							P	P						
Cement manufacturing (323)								C		C				
Pottery and related products (325)							P	P						
Concrete, gypsum and plaster (326)								C						
Cut stone products (327)								P		C				
Other								C						
Primary material industries (SIUC 33)								C						
Fabricated metal products (SIUC 34)								P						
Ordinance and accessories (341)								C						
Machinery except electrical (342)								P						
Electrical machinery, equipment, supplies (343)							C	P						
Transportation equipment (344)								P						
Other								C						
Professional, scientific, optical goods (SIUC 35)							C	P						
Laboratory & research instruments (351)							P	P						P
Instruments for measuring (352)							P	P						
Optical instruments and lenses (355)							P	P						
Photographic supplies and equipment							P	P						P
Watches, clocks (357)							P	P						
Jewelry manufacturing (391)							P	P						
Musical instruments (392)							P	P						P
Other							C	C						

TRANSPORTATION & UTILITIES	LDR	LDR1 LDR2	MDR	HDR HDR2	PO	CBD	HBD	I	AO	OS	RR	AG1	AG2	U
Railroads, including terminals and yards (SIUC 41)							C	P	P	C				
Bus passenger terminals (SIUC 4121-4123) (SIUC 4121-4123)						P	P	P						P
Bus garaging, equipment maint. (4214)							C	P	P					P
Motor freight terminals (4221)							C	P	P					
Motor freight garaging, & maint, (4222)							C	P						
Airport fields and terminals (4311-4314)									P					
Aircraft storage & equip. maint. (4315)									P					
Automobile parking lots, garages (SIUC 46)				C		P	P	P	P					P
Telephone exchange stations, microwave towers (471)			C	C	C	P	C	P		C	C	C		P
Radio, television broadcasting station (475)					C	C	C							P
Radio and TV transmitting stations and towers (4732)	C	C	C	C	C	C	C	P			C	C		P
Other communication facilities							C	C	C					P
Electric generation plants, utility substations							C	P		C				P
Utility storage yards								P						P
Water treatment plants								P	P	P				
Wastewater treatment plants								P	C	C				
Solid waste disposal sites (SIUC 485)								C	C					
Other utility facilities	C	C	C	C	C	C	C	P						P

LAND USE SCHEDULE

LAND USE DISTRICT

WHOLESALE (SLUC 51)	LDR	LDR1 LDR2	MDR	HDR HDR2	PO	CBD	HBD	I	AO	OS	RR	AG1	AG2	U
Electrical goods (516)							P	P						
Hardware, plumbing, heating & supplies (517)							P	P						
Drugs and druggists supplies (5121)							P	P						
Farm products, grain (5121)							C	P						
Professional equipment and supplies (5183)							P	P						
Dry goods and apparel (513)							P	P						
Petroleum bulk stations and terminals (5192)								C						
Scrap and waste materials (junkyards)(5193)								C						
Recycling centers entirely enclosed in buildings								P						
All others							C	C						

RETAIL TRADE	LDR	LDR1 LDR2	MDR	HDR HDR2	PO	CBD	HBD	I	AO	OS	RR	AG1	AG2	U
Lumber yards and building materials (SIUC 521)							P	C						
Heating and plumbing equipment (SIUC 522)						P	P	C						
Paint, glass, wallpaper (523)						P	P							
Electrical supplies (524)						P	P	C						
Hardware (5251)						P	P							
Farm equipment (5252)						C	P							
General merchandise (department, variety, etc)						P	P							P
Groceries and other foods stores (54)						P	P							
Seasonal food sales (roadside stands)							P							
Convenience stores						P	P							
Motor vehicles (551)						C	P	C						
Tires, batteries, accessories (552)						C	P							
Gasoline service stations (553)						P	P							
Apparel and accessories (56)						P	P							
Furniture and home furnishings (57)						P	P							
Restaurants (581)						P	P							
Drug stores (591)						P	P							
Pharmacies					P	P	P							
Shopping centers, including malls						C	C							
Other retail stores (59)						P	P							

SERVICES	LDR	LDR1 LDR2	MDR	HDR HDR2	PO	CBD	HBD	I	AO	OS	RR	AG!	AG2	U
Finance, real estate & insurance services (SIUC 61)					P	P	P							
Laundry services (6211,6212,6213,6215)						P	P	C						
Laundry and dry-cleaning, self service (6214)						P	P							
Photographic studios (622)					C	P	P							P
Beauty and Barber Shops (623)						P	P							
Funeral and crematory services (624)				C	C	P	P							
Laundry pick-up, shoe repair, alteration (625)						P	P							
Other personal services						C	C							

LAND USE SCHEULDE

LAND USE

DISTRICT

SERVICES continued	LDR	LDR1 LDR2	MDR	HDR HDR2	PO	CBD	HBD	I	AO	OS	RR	AG1	AG2	U
Business services (SIUC 63)														
Credit and collection services (632)					C	P	P							
Photocopying, blueprinting, stenographic (633)					C	P	P							P
Employment services (636)					C	P	P							P
Research, testing services (6391)					C	P	P							P
Consulting services (6392)					P	P	P							P
Equipment rental and leasing services (6394)						C	P							
Detective, protective services (6393)						P	P							
Auto and truck rental services (6397)						C	P							
Other business services						C	C							
Warehousing and storage services (637)														
Farm products warehousing & storage (6371)								P						P
Stockyards (6372)								C						
Refrigerated warehousing (6373)							C	P						P
Food lockers (6374)							C	P						P
Household goods warehousing and storage (6379)							C	P						P
General warehousing and storage (6375)								P						P
Repair services (SIUC 64)														
Automobile repair services (6411)						C	P	P						
Automobile wash services (6412)						C	P							
Electrical repair services (6491)						P	P	P						
Radio and television repair services (6492)						P	P							
Watch, clock, jewelry repair services (6493)						P	P							
Reupholstery and furniture repair services (6496)						P	P	P						
Professional services (65)														
Physicians offices (6511)					P	P	P							P
Dental offices (6512)					P	P	P							
Medical laboratory services (6514)					P	P	P							P
Dental laboratory services (6515)					P	P	P							
Hospitals (6513)	C	C	C	C		C	P							
Out-patient medical services (6591)					P	P	P							P
Legal services (652)					P	P	P							
Engineering and architectural services (6591)					P	P	P							P
Educational and scientific research services (6592)					C	P	P							P
Accounting and bookkeeping services (6593)					P	P	P							P
Contract construction services (SIUC 66)														
Building contractor offices (6611)						P	P	P						P
Building contractor storage yards (6611)							C	P						P
Plumbing, heating, air conditioning (6621)							P	P						P
Painting, wall papering, decorating (6622)						P	P	P						P
Electrical services (6623)							P	P						P
Masonry, stonework, and plastering (6624)							P	P						P
Carpentering, wood flooring installation (6625)							P	P						P
Roofing and sheet metal services (6624)							P	P						P
Concrete services (6627)								P						P
Water well drilling services (6628)								P						

LAND USE SCHEDULE

LAND USE

	DISTRICT													
	LDR	LDR1 LDR2	MDR	HDR HDR2	PO	CBD	HBD	I	AO	OS	RR	AG1	AG2	U
Governmental services														
Police protection (6721)				C		P	P							P
Postal service (673)				C		P	P							P
Fire protections (6722)				C		P	P				C	C	C	
Municipal, county offices (671)				C	C	P	P							
Educational Services														
Nursery schools, day care centers (6811)		C	P	P		P	P				C	C	C	P
Schools (6812, 6813)	C	C	C	C		C	P							P
Vocational schools (6832)			C	C		P	P	C						P
Business schools (6833)				C		P	P							P
Barber and Beauty School (6833)				C		P	P							P
Art and music schools (6834)				C		P	P							P
Dancing schools (6835)				C		P	P							P
Driving schools (6836)						P	P							P
Correspondence schools (6837)			C	P		P	P							P
Miscellaneous services (SIUC 69)														
Churches, synagogues, temples (6911)	C	C	C	C		C	C							P
Welfare and charitable services (6920)			C	C		P	P							P
Business associations (6991)					P	P	P	C						
Professional membership organizations (6992)					C	P	P							
Labor organizations (6993)						P	P	C						
Civic, social, and fraternal organizations. (6994)				C		P	P							P

CULTURAL, ENTERTAINMENT, AND RECREATIONAL	LDR	LDR1 LDR2	MDR	HDR HDR2	PO	CBD	HBD	I	AO	OS	RR	AG1	AG2	U
Cultural activities (SIUC 71)														
Libraries (7111)		C	C	C		P	P				C			P
Museums (7112)						P	P				C	C	C	P
Art galleries (7113)						P	P							P
Public assembly (SIUC 72)														
Motion picture theaters (7212)						P	P							P
Drive-in movies (7212)							P							
Auditoriums, performing theaters (7231, 7214)						P	P							P
Stadiums, arenas, field houses (7221, 7222)						C	C							P
Amusements (SIUC 73)														
Fairgrounds (7311)							P	C	C	C				
Amusement parks (7312)							P							P
Arcades (7391)						P	P							
Miniature golf (7392)							P		P	C				P
Golf driving ranges (7392)							P		C	P				
Go-cart tracks, four wheeler tracks (7394)							C	C	C					
Radio controlled airplanes							C	C	P					

LAND USE SCHEDULE

LAND USE

DISTRICT

	LDR	LDR1 LDR2	MDR	HDR HDR2	PO	CBD	HBD	I	AO	OS	RR	AG1	AG2	U
Recreational activities (SIUC 73)														
Golf course (7411)	C	C	C	C					C	P	C	C	C	
Golf course with country club (7412)		C	C	C					C	C	C	C	C	
Tennis courts (7413)		C	C	C			P		C	P	C	C	C	P
Roller skating (7415)						P	P							P
Ice skating (7414)		C	C	C			P		C	P				P
Riding stables (7416)							C		C		C	C	C	
Bowling (7417)						P	P							P
Skiing and tobogganing							P		C	C				P
Athletic fields (7423)	C	C	C	C			P			C				P
Recreation centers (7424)	C		C	C		P	P							P
Athletic clubs and gymnasiums (7425)						P	P							P
Swimming pools (7432)		C	C	C		P	P		C					P
Campgrounds and travel recreation														
vehicle courts (7491)							P		C	C				
Parks, including playgrounds (7610)	C	C	C	C			P		C	P	C	C	C	P
Skate Park	C	C	C	C		C	C		C	C				
AGRICULTURE	**LDR**	**LDR1 LDR2**	**MDR**	**HDR HDR2**	**PO**	**CBD**	**HBD**	**I**	**AO**	**OS**	**RR**	**AG1**	**AG2**	**U**
Farming, fibers, grains, fruits, vegetable (811-814)		P	P	P		P	P	P	P	P	P	P	P	P
Farming, dairy (815)									C				P	
Farming, livestock (816)										C	C	P	P	
Farming, poultry (817)								C			C	P	P	
Agricultural processing (821)								P						
Small animal veterinarian services (totally enclosed)(8221)						P	P	C						C
Large animal veterinarian services (8221)								C						
Horticultural services (8291)							P	C			C	P	P	P
Plant nurseries							P	C	P	C	C	P	P	P
Kennels							C	P						
MINING														
Sand, gravel pits								C						
OTHERS														
Cemeteries		C	C	C	C		C		P	P	C	C	C	
Uses not related to above under SIUC codes						C	C	C	C					

1. The above table of land uses permitted in each zone is based on the uses described in the Standard Land Use Coding Manual, 1977 edition
   A copy of the manual is available in the Office of the Clerk of the City of Rexburg

2. Residential uses by right in the CBD, except for motel and hotels, are limited to the second floor and above. Residential uses on the first floor are conditional uses.

3. Manufactured homes on individual lots and not in mobile home parks shall meet the standards set forth under Note 8 of Table 1, Land Use Table.

CHAPTER 4
SUPPLEMENTARY REGULATIONS

4.1 Applicability.
The regulations of this chapter qualify or supplement the regulation within zones appearing elsewhere in this Ordinance.

4.2 Yard Space for one Principal Building.
No two principal buildings may claim the same, or portions of the same, lot area or width or required yard for the purposes of compliance with this Ordinance.

4.3 Sale of Lots Below Minimum Space Requirements.
A parcel of land which has less than the minimum width or area requirements for the zone in which it is located shall not be separated from a larger parcel of land for the purpose of immediate or future building or development as a lot.
See Section 8-8 of this Ordinance.

4.4 Accessory Buildings.
Accessory building shall not be placed in the front yard. Accessory buildings larger than one hundred twenty-square feet shall meet the same side yard requirements as principal buildings. An accessory building or group of accessory buildings in any residential zone shall not cover more than thirty percent of the rear yard. Accessory buildings may be placed in any location in the rear yard, unless the accessory building is a garage with doors opening into the alley. Such garages shall be located at least fifteen feet from the alley.

4.5 Access to Public Street Required.
All principal buildings shall be served by a public street. Access to principal building only from an alley is prohibited. All principal buildings must have adequate access and frontage for police, fire, and emergency services.

4.6 Clear View of Intersecting Streets.
For the purpose of insuring reasonable visibility and safety in residential zones and other zones which require buildings to be set back from the property line, the triangle of land formed on any corner lot by drawing a line between points on the lot lines which are thirty feet (30) from the intersection of such lot lines shall be free from any sight obscuring structure or obstruction except as permitted below.

Trees in such triangles shall be trimmed to at least seven (7) feet above the centerline grades of the intersecting streets. Shrubs, fences, and walls shall not be higher than three (3) feet above the centerline grades of the intersecting streets.

4.7 Fencing and Screening Requirements.

Screening and fences within the City shall be constructed and maintained in conformance with the following standards:

A. Screening Requirements.

1. Parking Areas. An effective buffer shall be provided between parking areas for more than five (5) vehicles and existing residential uses, schools, hospitals, nursing homes and other institutions for long-term human care. The buffer shall consist of a minimum of four (4) foot-landscaped strip to be planted with shade trees and low shrubs, and/or a suitable fence otherwise in compliance with this ordinance of sufficient height and density to screen the two parcels, as specified by the Planning and Zoning Commission. (Amended the 20th day of October, 1993; Ordinance No. 753)

2. Commercial/Industrial Uses. Where a commercial or industrial use adjoins uses, residential zones, or undeveloped land shown as residential uses on the Comprehensive Plan, there shall be proved along the abutting property line a yard equal in width to that required in the residential zone. The yard shall be planted with a combination of shade trees, low shrubs, and ground cover, and/or a suitable fence otherwise in compliance with this ordinance of sufficient height and density to screen the two parcels, as specified by the Planning and Zoning Commission." (Amended the 20th day of October, 1993; Ordinance No. 753.)

B. The maximum height of any fence, wall, or sight obscuring objects within fifteen (15) feet of the public right-of-way shall be three feet. Fences would be allowed in excess of three feet if constructed out of rigid materials and approved by Planning & Zoning with 50% or more see through per lineal foot and that they be between 3' to 6' high within 15 feet of the right-of-way. Fences shall not be greater in height than eight (8) feet. (Amended the 15th day of April 1998; Ordinance No. 802)

3. High Density Residential Uses. Where a lot in the HDR or HRD2 district adjoins a lot in the LDR, LDR1, or MDR district or unincorporated and designated as single family in the Comprehensive Plan, a seven (7) foot wide landscaped buffer shall be proved on said property line. The buffer shall consist of ground cover and trees. The trees shall be planted at forty foot intervals. When a public street is located between the front lot line of the HDR zone and the single family zone, a landscaped buffer

seven (7) feet wide shall be constructed and maintained on the front lot line. The buffer shall include trees and an understory of shrubs. The landscaping shall be planned and maintained so as not to violate Section 4-6 of this Ordinance.

4. Open storage area. Open storage area in HBD zone shall be screened from view of the streets by structures or by a landscaped strip at least seven (7) feet in width which may include a fence or wall.

5. Swimming Pools. Unenclosed swimming pools shall be surrounded by fences at least five (5) feet in height. Any opening shall be equipped with self-enclosing and self-latching devices.

6. Dog Runs. Dog runs shall be placed in rear yards only and shall be at least ten (10) feet from any residence.

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.

8. In HBD, CBD, NCD, 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 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.

A. Frontages. The maximum height of any fence, wall, or other sight obscuring object within fifteen (15) feet of the public right-of -way shall be three (3) feet. Fences shall not be greater in height than eight (8) feet.

B. Floodplain. No fence shall be constructed in the floodway without the approval of the Planning and Zoning Commission.

C. Barbed Wire and Electric Fences. Barbed wire and electric fences shall not be erected or maintained within the City unless approved by the Planning and Zoning Commission.

D. Maintenance. Fences shall be maintained in a good state of repair.

E. Compliance with Section 4-6. The height provisions of this section on fences shall not be construed to permit any structure, fence, wall, shrub, hedge, or sight obscuring object to exist in violation of Section 4-6 of this Ordinance.

4.8 Parking of Vehicles in Residential Zones.

The purpose of this section is to protect and enhance property value, to retain the open character of a residential zone, and to protect health and safety by regulating the parking of vehicles within residential neighborhoods of the City.

A. Parking of Recreational Vehicles. No person shall park or allow the parking of any recreational vehicle in the clear sight triangles required by Section 4-6 of this Ordinance. In a residential zone, no person shall park or allow the parking of any recreational vehicle in any front yard or a side yard facing a public street for a period of no more than four (4) consecutive days and a cumulative of (30) days in a calendar year. (Amended the 20th day of October, 1993; Ordinance No. 753.)

B. Parking of Automobiles. No person shall park or allow the parking of any automobile, van, pickup truck, or motorcycle in any front yard located in a residential zone except in a designated driveway. No more than thirty percent (30%) of the front yard shall be covered with asphalt, or gravel unless a site plan is submitted and approved by the Planning & Zoning Commission. The operation of this section shall be suspended during any period of a snow alert declared by the Mayor.

C. Storage of Commercial Vehicles and Manufactured Home in Residential Zones. The storage of commercial vehicles with a gross weight exceeding eight thousand (8,000) pounds and construction equipment including but not limited to bulldozers, graders, and cement mixers shall not be permitted upon private property in any residential zone except for a period not to exceed one (1) year in which a building is being constructed thereon. Unoccupied mobile homes and manufactured homes shall not be stored upon private property in any residential zones.

4.9 Exception to Setback Requirement.

When fifty percent (50%) or more of the lots on the same side of the street have been built, all buildings erected, established, or rebuilt shall be in conformity with the averaged setback of such buildings. In all Residential Zones all buildings erected, established, or rebuilt shall be required to place sidewalks a minimum of seven (7) feet behind the curb and gutter, where conditions permit. In new residential subdivisions the front yard setback may be changed to twenty feet (20). In all zones the area between the curb and gutter and the sidewalk is to be landscaped.

4.10 Home Occupations.

In order to provide for home occupations that are secondary to the use of the premises as a residence and are compatible with the quiet, peaceful nature of a residential neighborhood, no

home occupation shall be permitted without the prior issuance of a conditional use permit or home occupation permit or license as required by the type of home occupation desired.

A. In all residential zones, home occupations in compliance with the following regulations are permitted as accessory uses. A home occupation which meets the following conditions shall be issued a permit by the City Clerk, upon application and payment of a permit fee, provided that the home occupation is conducted by the applicant, who shall reside on the premises, and provided the home occupation does not constitute a significant impact on the neighborhood.

1. A home occupation shall be conducted entirely within a dwelling and shall not occupy more than twenty percent of the floor area of the residence.

2. There shall be no storage of equipment, vehicles, or supplies associated with the home occupation outside the dwelling.

3. There shall be no display of products visible in any manner from the outside of the dwelling.

4. There shall be no change in the outside appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation.

5. No advertising signs shall be permitted.

6. No one other than members of the immediate family residing in the home shall be employed in the conduct of a home occupation.

7. The use shall not create greater pedestrian or vehicular traffic than normal for the neighborhood.

8. The use shall not require additional off-street parking spaces for clients or customers of the home occupation.

9. No home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.

10. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises other than vans regularly involved in commercial delivery such as United Parcel Service, Federal Express, or the United States Postal Service. The applicant may use his/her personal vehicle, provided it does not exceed three quarter (3/4) ton, for deliveries.

11. No motor power other than electrically operated motors shall be used in connection with a home occupation. Home occupations shall not involve the use of electric motors of more than three (3) h.p.

12. No equipment or process shall be used in a home occupation which creates noise, glare, vibration, or fumes, or odor detectable to the normal senses off the property.

13. No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

14. No commercial telephone directory listing, newspaper, radio, or television service shall be used to advertise the location of a home occupation to the general public.

15. Examples of home occupations permitted under this section shall include but not be limited to painting, sculpturing, writing, sewing and tailoring, individual tutoring, computer programming, home crafts without on premise sales, secretarial service, telephone solicitation work and answering services, and home cooking, baking and preserving.

16. Under this section, a family child care may have up to six children at any one time . The care of additional children shall require a conditional use permit under paragraph B. below.

17. If the home occupation is the type in which classes are held or instruction is given to more than one person at a time, there shall be no more than six students or pupils in the dwelling unit or on the premises at any one time. No more than two sessions shall be held daily.

B. Home occupation which do not comply with the regulations under subsection A above may be permitted in all residential zones only if a conditional use permit is secured pursuant to Section II, chapter 6.13. Such home occupations shall comply with the following regulations:

1. A home occupation which has a conditional use permit shall be conducted entirely within the dwelling or an accessory structure. More than the equivalent of twenty-five percent of the floor area of the residence shall not be associated with the home occupation.

2. There shall be no storage of equipment, vehicles, or supplies associated with the home occupation outside the dwelling or accessory building.

3. Unless permitted under the conditional use review process, there shall be no sales of products or services not produced on the premises.

4. There shall be no display of products visible in any manner from the outside of the dwelling.

5. There shall be no visible evidence of the conduct of the home occupation other than one (1) nonilluminating sign not to exceed two (2) square feet in area mounted flat against the dwelling.

6. No one other than the residents of the dwelling shall be employed in the conduct of the home occupation.

7. The use shall not generate additional pedestrian or vehicular traffic beyond that normal to the district in which it is located.

8. The use shall not require more than two (2) additional off-street parking spaces for clients or customers of the home occupation. Such off-street parking shall not be provided in the front yard unless on a pad existing prior to commencement of the home occupation.

9. No home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.

10. The home occupation shall not involve the use of commercial vehicles with more than six (6) wheels for delivery of materials to or from the premises. Such deliveries shall be limited to five deliveries per week.

11. No home occupation shall be conducted between the hours of 9:00 p.m. and 7:00 a.m.

12. No equipment or process shall be used in a home occupation which creates noise, glare, vibration, fumes, or odor detectable to the normal senses off the property.

13. No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or cause fluctuations in line voltage off the premises.

C. Violation of Standards. If a home occupation permittee violates any of the above standards as applicable, the home occupation permit may be revoked upon written notice to the applicant, and the conduct of the home occupation shall cease. To contest the revocation, the applicant shall appeal to the Planning Commission within fifteen (15) days of the date of the written notice.

4.11 Manufactured homes.

New manufactured housing units are permitted in the HDR, MDR and LDR1 zones on individual lots under the following conditions:

A. The home shall be at least twenty-four feet (24') in width;

B. It shall have a nonglare, wood shake, or asphalt roof with a minimum slope of 3/12 and a minimum six inch (6") eaves.

C. The home shall have an exterior siding that is residential in character, including but not limited to clapboards, simulated clapboards such as conventional vinyl or metal siding, or similar material. The siding shall not be composed of smooth, ribbed, or corrugated metal or plastic panels.

D. The home shall be placed on a permanent foundation that complies with the Uniform Building Code for residential structures.

E. The hitch, axles, and wheels must be removed, and the foundation, and foundation fascia must be similar in appearance and durability to the masonry foundation of site built buildings.

Mobile homes and manufactured homes that do meet the conditions immediately above are also permitted in established or approved mobile home courts and mobile home subdivisions.

4.12 Special Provisions Regarding Single-Family Attached Dwellings

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 dwelling shall 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 any 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 site plan shall be 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-back 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 single-family attached dwelling includes, but is not limited to, townhouses, twin homes and other structures where each dwelling unit is separately owned or occupied by one family).

E. Single-family attached dwelling shall have no side yard set back requirement at the property line separating the attached or party wall or walls (zero lot line); however, all accessory buildings shall comply with the set back requirements in this ordinance unless otherwise altered through the issuance of a conditional use permit.

CHAPTER 5
PARKING REGULATION

5.1 Off-Street Parking and Loading Spaces Required.
Except as provided in Section 5-7, off-street and loading spaces conforming to the provisions of this Ordinance shall be provided in all districts when a building is constructed, erected or enlarged, when the capacity of a building or structure is increased, or when the use of the building or structure is changed and such change creates a fifteen percent (15%) increase in parking required under this Ordinance.

5.2 Distance for Private Off-Street Parking.
Required off-street parking shall be located within two hundred feet (200') of the primary entrance of the building.

5.3 Common Parking Facilities for Joint and Mixed Uses.
Joint or mixed use of parking facilities shall be permitted as follows:

A. Mixed Uses: Total requirements for off-street parking shall be the sum of the requirements for various uses within the development or structure.

B. Joint Uses: The joint use of off-street parking facilities is allowed provided:

(1) The applicant shows there is no substantial conflict in the principal operating hours of the building, structure, or use for which the joint use of parking facilities is proposed;

(2) The parking facility for joint use is not further than two hundred feet (200') from the primary entrances of each use; and

(3) The parties concerned shall submit a written agreement for such joint use approved by the City Attorney as to form and content, and such agreement, when approved, shall be recorded in the County Recorder's Office.

5.4 Loading Spaces.
In addition to off-street parking required herein, all commercial and manufacturing uses in the HBD and I districts shall provide adequate off-street loading and unloading areas. As a minimum, any building over ten thousand (10,000) square feet shall provide one off-street loading space which shall not measure less than forty by twelve (40x12) square feet and shall have an unobstructed height of fourteen feet six inches (14' x 6"). Such loading space shall be made permanently available for loading and unloading and shall be surfaced with concrete or asphalt. Additional spaces may be required by the City Engineer or the Planning and Zoning Commission. Maneuvering for loading and unloading on the public rights-of-way, excluding

alleys, shall be prohibited for all buildings constructed outside the CBD district after the effective date of this Ordinance.

5.5 Parking Plan Required.

When a building or structure is constructed, erected or enlarged, when the capacity of a building or structure is increased, or when the use of a building or structure is changed and such change creates an increase of fifteen percent (15%) or more in off-street parking requirements, a parking plan shall be submitted to and approved by the City Engineer. The plan shall show all parking spaces and their dimensions, access aisles, and entrances and exits to the site. The parking plan may be combined with the landscape plan required under Section 6-9. Parking provided shall conform to the following standards:

A. Each required off-street parking space shall be at least nine feet (9') in width and at least eighteen feet (18') in length, exclusive of access drive and aisles. Up to twenty-five percent (25%) of the spaces may be allocated for compact cars with a minimum stall width of eight feet (8') and length of fifteen feet (15'). Spaces for compact cars shall be signed or otherwise designated and shall be located in rows separate from parking for larger vehicles. For student housing, forty percent (40%) of the parking areas may be allocated to compact cars.

B. All aisles designed for two-way circulation and all aisles designed to serve ninety degree parking shall be at least twenty-two feet (22') in width. Aisles designed for one-way circulation shall be thirteen feet (13') wide when serving thirty degree (30°) parking, fifteen feet (15') wide when serving forty-five degree (45°) parking, and eighteen feet (18') wide when serving sixty degree (60°) parking.

C. No parking areas shall be designed to require the use of the public right-of-way to travel from one portion of the lot to another.

D. All parking areas shall be surfaced with asphalt or concrete.

E. No parking spaces shall be located in the clear sight triangle provided in section 4-6 or immediately adjacent to an exit to a public right-of-way.

F. All lighting for parking areas shall be directed and, when necessary, shielded so as not to produce direct glare on adjacent properties.

G. No parking area, except those designed for single family homes, shall be designed or constructed to create a situation in which vehicles back into the public right-of-way.

H. No access point from a parking area to any street shall be within twenty feet (20') of a local street intersection or alley. No access point shall be within forty feet (40') of an

intersection with a collector street of sixty feet (60') of an intersection with an arterial street.

I. All parking areas for more than four (4) vehicles shall dedicate the equivalent of ten percent (10%) of the parking area to landscaping and snow storage. The landscaping may be interior or may be peripheral. It shall include groundcover and trees.

5.6 Location of Parking Areas.

In residential zones, required parking shall not be permitted in the required front yard or the required side yard facing a public street, such yards shall be dedicated to landscaping and driveways. However, in LDR & LDR1 single family structures shall be allowed one parking place within the setback area per dwelling, in order to meet the parking requirement.

5.7 Required Parking for Land Uses.

The minimum number of parking spaces to be provided under this ordinance shall be as follows except in the parking overlay districts:

5.8 TABLE 3. REQUIRED NUMBER OF SPACES.

Use	Parking Spaces
RESIDENTIAL	
Single family dwellings	2 spaces per unit
Multi-family dwellings (MDR)	2.0 spaces per unit
High Density Residential (HDR) & HDR2)	
1 bedroom	1.5 spaces per unit
2 bedroom	2.0 spaces per unit
3 bedroom	2.5 spaces per unit
Student housing	1 space per student
Multi-family dwellings for the elderly	0.7 spaces per unit
Nursing homes	0.25 per bed
Motels and hotels (transient lodging)	1.00 per sleeping room

RETAIL TRADE	
Building materials, hardware and farm equipment (SLUC 52)	1.00 per 1,000 square feet gross floor area
General merchandise (SLUC 53)	4.00 per 1,000 square feet gross floor area
Food (SLUC 54)	3.00 per 1,000 square feet gross floor area
Automotive, marine craft, aircraft, and accessories (SLUC 551 and 559) (Sales, does not include repair garages)	1.00 per 1,000 square feet gross floor area
Automotive, marine craft, aircraft, and accessories (SLUC 552 and 553) (sales and service)	3.00 per 1,000 square feet gross floor area
Furniture, home furnishings, and equipment (SLUC 57)	1.00 per 1,000 square feet gross floor area
Shopping centers-mixed uses	
Under 200,000 square feet	4.00 per 1,000 square feet gross floor area
Over 200,000 square feet	5.00 per 1,000 square feet gross floor area
Eating and drinking (SLUC 58)	1.00 per 4 seats or 8 feet of bench
SERVICES	
Finance, insurance, real estate, services (SLUC 61)	3.00 per 1,000 square feet gross floor area
Personal services Beauty and Barber services (SLUC 61)	6.00 per 1,000 square feet gross floor area
All other (SLUC 62, except 623)	3.00 per 1,000 square feet gross floor area
Business services (SLUC 63, except 637)	3.00 per 1,000 square feet gross floor area

Travel services (SLUC 4924)	3.00 per 1,000 square feet gross floor area
Professional services	
Physician and dental including out-patient services (SLUC 6511, 6512, 6517)	5.00 per 1,000 square feet gross floor area
Hospital services (SLUC 6513)	2.00 per patient bed
All other medical services and professional services (SLUC 6514, 6515, 6519)	3.00 per 1,000 square feet gross floor area
Contract construction services (SLUC 66)	2.00 per 1,000 square feet gross floor area
Day Care, preschool	2.00 per teacher on largest shift
Kindergarten, elementary, and junior high schools	2.00 per classroom
High schools and colleges	1.00 per 4 persons (at maximum capacity)
Religious facilities	1.0 per 4 seats or 8 feet of bench in main meeting room
Civic, social, fraternal organizations	1.0 per 4 persons maximum occupancy
All other services	3.00 per 1,000 square feet gross floor area
MANUFACTURING	
All manufacturing	1.2 per employee on largest shift
WHOLESALE TRADE	
Wholesale trade and warehousing	2.00 per 1,000 feet gross floor area

PUBLIC ASSEMBLY

Theaters, sports arenas, and auditoriums	1.0 per 4 seats
Indoor recreation facilities, skating rinks, dance halls, game centers	4.00 per 1,000 square feet gross floor area
Raquetball, handball, and tennis courts	3.00 per court
Bowling alley	7.00 per alley
Health clubs and spas	5.00 per 1,000 square feet gross floor area

OTHER USES NOT INCLUDED ABOVE To be determined by Planning Commission

5.9 Regulations for Central Business District.

The purpose of this provision is to recognize the historical pattern of development in the downtown area of the City and to accommodate the need for new development in the downtown area. Additional off-street parking will not be required for new uses in the Central Business District. Existing parking and loading facilities shall not be reduced or removed from the CBD by new or existing uses unless a variance is obtained from the Planning Commission or substitute off-street parking is provided within two hundred feet (200') of the main entrance of the use.

CHAPTER 6
ADMINISTRATIVE PROCEDURES

6.1 Zoning Administrator.

There is hereby created the position of City of Rexburg Zoning Administrator. The Zoning Administrator shall be appointed by the Mayor and confirmed by the City Council. The Mayor may appoint another officer of the City, including but not limited to the City Clerk or the Building Inspector, to fulfill all or part of the duties of the Zoning Administrator.

6.2 Duties of the Zoning Administrator.

The Zoning Administrator shall administer the provisions of this Ordinance, provide assistance to and guidance to the Commission and Council, and have the following duties:

1. Advise interested persons of the Zoning Ordinance provisions.

2. Notify the news media regarding matters of public interest.

3. Aid and assist applicants in the preparation and processing of applications.

4. Review and assist the Commission and Council in reviewing applications for home occupations, site plans, variances, conditional use permits, rezoning requests, and annexations.

5. In coordination with the Building Inspector, issue Certificates of Occupancy.

6. Investigate violations of this Ordinance and notify in writing the person responsible for such violations, ordering the action necessary to correct such violation.

6.3 Planning and Zoning Commission.

There is hereby created a Planning and Zoning Commission. The Planning & Zoning Commission is referred to in this Ordinance as the Commission. The Commission shall have the authority to consider and recommend to the Council ordinances, amendments thereto, and repeal of ordinances affecting zoning, planning, and building within the City of Rexburg. The Commission shall provide guidance and assistance to the Council, hold public hearings as required by law; shall grant or deny applications presented to the Commission; and shall make timely recommendations to the Council in all matters relating to this Ordinance in which the Council has final decision making powers. Any action taken by the Commission which will be final unless appealed, may be reviewed by the Council at their discretion, within twenty (20) days of commission action, if the Council believes there may be significant adverse impact as a result of Commission action.

6.4 Duties of the Planning and Zoning Commission.

The Commission shall have the following duties as well as such others prescribed by law or assigned by the Council:

1. Review all proposed amendments to this Ordinance and make recommendations to the Council. Initiate proposed amendments to this Ordinance.

2. Conduct a comprehensive planning process designed to prepare, implement, review and update a Comprehensive Plan. Conduct a biannual review of this Ordinance and its implementation of the Comprehensive Plan.

3. Grant conditional use permits as specified in this Ordinance and make recommendations to the Council on those conditional use permits for which the Council has final decision making powers.

4. Grant variances as authorized by this Ordinance and Idaho statutes.

5. Complete site plan reviews as provided for in this Ordinance.

6. The commission is authorized by the City of Rexburg and Madison County to administer and enforce all rules and regulations pertaining to the area of the city impact for the City of Rexburg as provided in Chapter 10 hereof.

6.5 Membership and Term of the Commission.

The commission shall consist of eleven (11) members, seven (7) of whom shall reside within the city limits of Rexburg and be appointed by the Mayor and confirmed by the Council; three (3) members to be appointed who reside within the area of city impact; and, one (1) additional "youth member" as defined in City Ordinance No. 825.. The three residing in the area of impact shall be appointed one by the Mayor and the other two shall be appointed by the Madison County Commissioners. The Mayor shall ask and receive names of persons to serve on the Commission. The length of term is three (3) years. The terms shall be staggered. The seven members residing in the City shall have resided in Rexburg five years prior to appointment and must remain a resident of the City during service on the Commission. Vacancies occurring otherwise than through the expiration of terms must be filled in the same manner as the original appointment. A member appointed and fulfilling an unexpired term shall serve the remainder of the term. Members of the Commission may be removed for good cause by a majority vote of the full council. Members of the Commission may receive such mileage and per diem compensation as provided by the Council.

In matters pertaining to the area of city impact, a vote of the three members residing in the area of city impact, in the aggregate, shall have the same weight as the vote of the remaining seven members of the Commission residing in the City of Rexburg, in the aggregate.

6.6 Organization of the Commission.
The Commission shall elect a chairman and may create and fill any other office it deems necessary. The Commission may establish subcommittees, advisory committees or neighborhood groups to advise and assist in carrying out its responsibilities under this Ordinance. The Commission may appoint non-voting ex-officio advisors as deemed necessary.

6.7 Meetings of the Commission.
The Chair shall preside at all regular meetings of the Commission which may be scheduled on the second and fourth Wednesday of each month for no less than nine (9) months in a year. All meetings and records shall be open to the public and a record of all meetings, hearings, resolutions, studies, findings, permits, recommendations, and actions shall be maintained by the Commission. A quorum of the Commission shall consist of six (6) members.

6.8 Conflict of Interest.
A member of the Commission shall not participate in any proceeding or action when the member, his employer, business partner, business associate, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action. An actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. Such disclosure shall be recorded in the minutes.

6.9 Permits Required.
No person shall erect, construct, enlarge, alter, repair, move, convert, or demolish any building, sidewalk, driveway, carport, parking area or any other structure, without first obtaining a building permit for each building, sidewalk, driveway, carport, parking area or any other structure from the City. To apply for a permit, the applicant shall file an application with the City Clerk or representative.

To provide the information necessary to determine compliance with the provisions of this Ordinance, the application shall require the following:

1. Name, address, and phone number of applicant.

2. Name, address, and phone number of owners of the property, if owner is not the applicant.

3. Legal description of the property.

4. Existing use.

5. Proposed use.

6. Zoning district.

7. A site plan drawn to scale showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; the exact location and dimensions of the proposed building, sidewalk, driveway, carport, parking area or any other structure or alteration; the location, layout, and access of proposed on-site parking; and the location and type of landscaping, fencing, and screening proposed on the lot.

8. Building heights.

9. Number and dimensions of off-street parking spaces and loading berths.

10. Proposed water and sewer facilities.

11. Existing and proposed easements.

12. Proposed storm drainage for multi-family and commercial and industrial developments.

13. Such other matters as may be necessary to determine compliance with City ordinances.

6.10 Certificate of Occupancy.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, enlarged, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy has been issued by the Building Official. The Certificate should state that the proposed use of the building or land conforms to the requirements of this Ordinance and with all conditional provisions that may have been imposed.

6.11 Site Plan Review.

The Planning and Zoning Commission shall review the application described in Section 6-9 above for any multi-family building or development with four or more units. Within forty-five (45) days after receipt of the application, the Commission shall approve or disapprove the application as being in compliance with the provisions of this Ordinance. If disapproved, the Commission shall enumerate the provisions of this Ordinance which have not been met by the application.

6.12 Variances.

The Planning and Zoning Commission may authorize variances or modifications from the provisions of this Ordinance as to lot size, lot coverage, width, depth front yard, side yard, rear yard, setbacks, parking spaces, height of buildings, or other regulations of this Ordinance affecting the size and shape of a structure or placement of a structure upon the lot, pursuant to Idaho Code Section 67-6516.

A. Required Findings. To approve a variance, the Commission must find, in writing, that the application for a variance fulfills all of the following conditions:

(1) The need for a variance results from physical limitations of the lot upon which the variance is requested which are not generally applicable to other properties in the same zone;

(2) Failure to approve a variance will result in undue hardship;

(3) The alleged hardship has not been created by the action of the applicant or the property owner; and

(4) Approval of the variance is not in conflict with public interest.

B. Public Hearing. Prior to granting a variance, at least one public hearing shall be held to give interested persons an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the request shall be published in the official newspaper or paper of general circulation within the jurisdiction of the City. Written notice shall also be given to property owners adjoining the parcel under consideration.

C. Supplementary Conditions and Safeguards. In granting any appeal or variance, the Commission may prescribe appropriate conditions and safeguards. The Commission may not grant a variance to permit a use not authorized under the terms of this Ordinance.

D. Action by the Commission. Within sixty (60) days after the public hearing, the Commission shall either approve, conditionally approve, or disapprove the application for a variance. Upon granting or denying the permit, the Commission shall specify:

(1) The provisions of this Ordinance and Standards used in evaluating the application.

(2) The reasons for approval or denial.

(3) The actions, if any, the applicant should take to obtain a variance.

E. Appeals. The applicant or any affected person may appeal the decision of the Commission to the Council by submitting a written appeal to the City Clerk within fifteen (15) days of the decision of the Commission.

F. Application for a Variance. In addition to the information required under Section 6.9 above, the Commission may also require a narrative statement documenting that the request for a variance conforms to the standards of Section 6.12.A. above.

6.13 Conditional Use Permits.

Pursuant to Idaho Code Section 67-6512, the Council and Commission may issue conditional use permits. Prior to issuing a conditional use permit, at least one public hearing shall be held. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the application shall be published in the official newspaper or paper of general circulation with the City of Rexburg. Notice shall be posted on the premises not less than one (1) week prior to the hearing. Notice shall also be provided to property owners within three hundred feet (300') of the boundaries of the property and any others that the Commission determines shall be substantially impacted by the proposed development.

A. Application. In addition to the information required under Section 6.9 above, the Administrator may require a narrative statement discussing the general compatibility of the proposed development with adjacent properties and the neighborhood, the relationship of the proposed use to the Comprehensive Plan, and the effects of the following on the adjoining property: noise, glare, traffic generated, vibration, odor, fumes, drainage, building height, massing, and solid waste.

The Commission or Council may require that the applicant conduct studies of the social, economic, fiscal, and environmental effects of the proposed use.

B. Standards Applicable to Conditional Use Permits. The approving body shall review the particular facts and circumstances of each proposed conditional use and shall find adequate evidence to show that the proposed use will:

(1) Constitute a conditional use as established in Table 1, Zoning Districts, and Table 2, Land Use Schedule.

(2) Be in accordance with a specific or general objective of the City's Comprehensive Plan and the regulations of this Ordinance.

(3) Be designed and constructed in a manner to be harmonious with the existing character of the neighborhood and the zone in which the property is located.

(4) Not create a nuisance or safety hazard for neighboring properties in terms of excessive noise or vibration, improperly directed glare or heat, electrical interference, odors, dust or air pollutants, solid waste generation and storage, hazardous materials or waste, excessive traffic generation, or interference with pedestrian traffic.

(5) Be adequately served by essential public facilities and services such as access streets, police and fire protection, drainage structures, refuse disposal, water and sewer service, and schools. If existing facilities are not adequate, the developer shall show that such facilities shall be upgraded sufficiently to serve the proposed use.

(6) Not generate traffic in excess of the capacity of public streets or access points serving the proposed use and will assure adequate visibility at traffic access points.

(7) Be effectively buffered to screen adjoining properties from adverse impacts of noise, building size and resulting shadow, traffic, and parking.

(8) Be compatible with the slope of the site and the capacity of the soils and will not be in an area of natural hazards unless suitably designed to protect lives and property.

(9) Not result in the destruction, loss or damage of a historic feature of significance to the community of Rexburg.

C. Supplementary Conditions and Safeguards. In granting a conditional use permit, the approving body may prescribe appropriate conditions and safeguards. Such conditions to be attached to the permit may include but not be limited to:

(1) Minimizing adverse impact on other developments.

(2) Controlling the sequence and timing of development.

(3) Controlling the duration of development.

(4) Assuring the development is properly maintained.

(5) Designating the exact location and nature of development.

(6) Requiring the provision for on-site or off-site public facilities of services;

(7) Requiring more restrictive standards than those generally required in this Ordinance.

D. Action by the Commission/Council. Within sixty (60) days after the public hearing, the approving body shall either approve, conditionally approve, or disapprove the application. Upon granting or denying the permit, the approving body shall specify:

(1) The provisions of this Ordinance and standards used in evaluating the application.

(2) The reasons for approval or denial.

(3) The actions, if any, the applicant should take to obtain a conditional use permit.

E. Appeals. The applicant or any affected person may appeal a final decision of the Commission on a conditional use permit application to the Council by submitting a written appeal to the City Clerk within fifteen (15) days of the decision of the Commission. Decisions of the Council may be appealed as provided in Idaho Code Section 67-6521.

F. Authority of Commission to Review Conditional Use Permits. The Planning and Zoning Commission may, without approval of the Council, grant the following conditional use permits:

(1) Permits for parks.

(2) Permits for nursery schools, day care centers.

(3) Permits for churches, synagogues, and temples.

(4) Permits for funeral and crematory services.

(5) Permits for boarding houses.

(6) Permits for home occupations under Section 4.10 B.

(7) Permits for developments with four or less dwelling units.

(8) Permits for government buildings.

(9) Permits for household goods warehousing and storage

All other conditional use permits may only be granted after review and recommendation by the Commission and approval by the City Council. The Commission and the Council shall each hold a public hearing.

Formal notice will be sent to applicant after approval of a Conditional Use Permit. Notice will state the conditions of the permit. If conditions are violated or not met there will be a 90 day period to cure the problem. Failure to comply with the terms may result in revocation of the Conditional Use Permit.

6.14 Amendments to this Ordinance.

The Council may, by ordinance, after receipt of recommendation from the Commission and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions and boundaries or classifications of property. Such amendments may include text amendments or map revisions.

A. Initiation of Zoning Amendments. Amendments to this Ordinance may be initiated in one of the following ways:

(1) By adoption of a motion by the Commission.

(2) By adoption of a motion by the Council.

(3) By the filing of an application by a property owner or authorized agent within the area proposed to be changed by the amendment.

B. Application for Rezoning. In addition to the information required under Section 6.9 above, the applicant shall provide the Zoning Administrator with the following information:

(1) Proposed zoning district.

(2) For map revisions, vicinity map showing the property lines, thoroughfares, existing and proposed zoning, existing land uses.

(3) A statement on how the proposed amendment relates to the Comprehensive Plan, availability of public facilities, and compatibility with the surrounding area and zoning.

(4) In the event an application for rezoning received by the Commission requests a rezoning of any lands that lie within one quarter (1/4) mile of any boundary of the Sugar City Area of City Impact, the Commission shall provide the City of Sugar City written notice of the application for rezoning.

C. Comprehensive Plan Amendment. If the request for zoning amendment is not in accordance with the Comprehensive Plan, the Commission shall consider and the Council may adopt or reject an amendment to the comprehensive plan after notice and hearings as provided in Section 67-6509, Idaho Code.

D. Public Hearings. The Commission, prior to acting on a request for an amendment, shall hold at least one public hearing. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the amendment shall be published in the official newspaper or paper of general circulation within the jurisdiction of Rexburg. If the amendment is a map revision, additional notice shall be provided by mail to property owners or purchasers of record of land within three hundred feet (300') of the external boundaries of land being considered. Notice shall also be posted on the property to be rezoned not less than one (1) week prior to the hearing.

When notice is required to two hundred (200) or more property owners or residents, notice of the proposed change and the hearing shall be published in the official newspaper once a week for two (2) consecutive weeks, with at least one of the publications being fifteen (15) days prior to the date set for hearing on the proposed change.

E. Recommendation of the Commission. Within sixty (60) days of the public hearing, the Commission shall transmit its recommendation to the Council. The Commission may recommend that the amendment be granted as requested, that it be modified, or that it be denied. In evaluating requests for amendments, the Commission shall consider, in addition to conformance with the Comprehensive Plan as required by Section 67-6511, Idaho code, the following:

(1) The capacity of existing public streets, water and sewer facilities, storm drainage facilities, solid waste collection and disposal, and other utilities.

(2) The capacity of existing public services, including but not limited to, public safety services, public emergency services, schools, and parks and recreational services.

(3) The potential for nuisances or health and safety hazards that may adversely affect adjoining properties.

(4) Recent changes in land use on adjoining properties or in the neighborhood of the map revision.

F. Action by Council. The Council, prior to action on the amendment, shall hold one public hearing using the same notice and hearing procedures as the Commission. Upon granting, modifying, or denying a request for amendment, the Council shall specify:

(1) The provisions of this Ordinance and the Comprehensive Plan and other standards used in evaluating the application.

(2) The reasons for approval or denial.

(3) The actions, if any, the applicant should take to obtain an amendment of the Ordinance.

6.15 Hearing Procedures.

The following shall be observed in the conduct of public hearings before the Planning and Zoning Commission and the Council:

A. Each person testifying shall be asked to state his/her name and address in such a manner as to assure that it will be recorded by electronic means. The Administrator may require that those who wish to testify complete a sign-up sheet with name and address prior to giving testimony.

B. No person shall be permitted to speak until such person has been officially recognized by the presiding officer.

C. All public hearings shall be recorded electronically or stenographically and all persons testifying shall speak in such a manner to assure that the recorded testimony or remarks will be accurate and trustworthy.

D. The hearing body may establish a time limit to be observed by all speakers, depending upon the number of those who wish to testify. Such a time limitation shall apply to all speaker's comments.

E. At the conclusion of a speaker's comments, each member of the hearing body may address questions to the speaker. If a time limit has been set, such questions and answers shall not be included in the time limit.

F. The presiding officer may ask if any members of the hearing body have a conflict of interest prior to the conduct of the hearing and excuse those who have such a conflict.

G. The presiding officer may note, prior to opening the public hearing, that testimony should relate to whether the proposal before the hearing body is in accordance with the Comprehensive Plan, the zoning ordinance, and other standards of the City.

H. The following are the steps in the hearing procedure:

(1) The chairperson shall announce the purpose and subject of the hearing.

(2) The chairperson may ask if any members have a conflict of interest and wish to be excused from this portion of the meeting.

(3) The chairperson shall ask the applicant to explain the proposal being considered.

(4) Following the applicant's presentation, the chairperson shall entertain questions from the Commission members regarding the proposal.

(5) The chairperson shall ask for statements from others in the audience.

(6) After each statement, the chairperson shall ask for any questions from the Commission members.

(7) When all statements have been given, the chairperson shall afford anyone who has previously given a statement to speak in rebuttal or clarify his/her earlier statement.

(8) After such rebuttal and clarification, the chairperson shall close the public hearing and ask for comments from the Commission members. Such discussion shall lead to action by the Commission.

6.16 Fees.

Fees for permits issued under this Ordinance and requests for amendments to this Ordinance shall be set by the Mayor and City Council by resolution. In the area city impact, all administrative fees shall be established by the City and paid to the City. In the event costs are incurred by the City of Rexburg as a result of the administration or enforcement of area of city impact matters, the City of Rexburg and County agree to share equally such expenses.

6.17 Appeal relating to area of city impact matter.

Any affected person may appeal a final decision of the Commission relating to matters arising within the area of city impact. Said appeal shall be heard by a board of appeals consisting of two members appointed by the county and two members appointed by the city. Any appeal from a decision pertaining to the area of city impact must be submitted by written notice to the Clerk of Commission within fifteen (15) days of the decision of the commission.

6.18 Enforcement.

The City of Rexburg and Madison County authorize the Rexburg Planning and Zoning commission to be the enforcing agency responsible for enforcing compliance with the provisions of this ordinance within the area of impact.

CHAPTER 7
GENERAL PROVISIONS

7.1 Applicability.

The provisions of this Ordinance are applicable not only to private persons, agencies and organizations but also to all public agencies and organizations to the full extent that they may be enforceable.

7.2 Effect of Previous Ordinances and Maps.

The existing ordinances covering the zoning of the property within the limits of the City of Rexburg together with all maps which are part of such ordinances are hereby superseded. Any illegal or unauthorized use of land, buildings or structures shall remain illegal and unauthorized unless specifically authorized under this Ordinance.

7.3 Severability.

If any portion of this Ordinance or its application to specific circumstances shall be held invalid by a court of competent jurisdiction, the remainder of this Ordinance and its application to other circumstances shall be unaffected.

7.4 Relationship to other laws

If State or federal law or regulations or other City ordinances impose additional or duplicative standards on development or buildings regulated by this Ordinance, the more restrictive standard shall apply.

7.5 Violation and Penalties.

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a complaint with the Zoning Administrator. The Administrator or his agent shall record such complaint, investigate the same, and take such action or cause such action to be taken as provided by this Ordinance. The City Attorney may, in addition to taking whatever criminal action is deemed necessary, take steps to civilly enjoin any violation of this Ordinance.

Any violation of the provisions of this Ordinance or any failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues beyond notice shall be considered a separate violation.

Any person convicted of violating any of the provisions of this Ordinance shall be punishable by imprisonment for a term not to exceed thirty (30) days, a fine not to exceed three hundred dollars ($300.00), or by both such fine and imprisonment.

CHAPTER 8
NONCONFORMING USES AND BUILDINGS

8.1 Purpose.
This Chapter describes the status of structures, parcels, or uses of land that were lawful prior to the effective date of this Ordinance but which are now prohibited or restricted.

8.2 Continuance.
The occupancy of a building or parcel of land by a nonconforming use existing at the effective date of this Ordinance may be continued.

8.3 Change of Use.
The nonconforming use of a building or land may not be changed except to a conforming use, and where such change is made, the use shall not thereafter be changed back to a nonconforming use.

8.4 Maintenance and Repairs.
Maintenance and repairs necessary to keep nonconforming uses in sound condition shall be permitted.

8.5 Expansion or Enlargement.
Land area of a nonconforming use shall not be increased by an amount greater than fifteen percent (15%) of the acreage occupied by the use of the defective date of this Ordinance. The floor area of a building or structure occupied by a nonconforming use shall not be increased or expanded by an amount greater than fifteen percent (15%) of the occupied floor area on the effective date of this Ordinance.

8.6 Restoration.
A nonconforming structure or a structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind, earthquake, or other calamity may be restored, provided such restoration begins within one (1) year from the date of destruction and is pursued diligently. Such restoration shall not increase the floor area or land area beyond the limits established in Section 8.5 above.

8.7 Discontinuance.
Whenever a nonconforming use of land or building has been discontinued for a period of one (1) year, such use shall not be reestablished, and the uses of the premises thereafter shall be in conformity with the regulations of the district.

8.8 Nonconforming Lots of Record.

Except as noted below, any single lot or parcel of land which was of record in the Office of the Recorder of Madison County at the time of the effective date of this Ordinance but does not meet the requirements of the zoning district in which it is located for minimum lot width and area may be utilized if all other requirements of this Ordinance are met.

However, if two or more lots or combinations of lots and portions of substandard lots with continuous frontage in single ownership are of record on the effective date of this Ordinance, and if all or part of the lots do not meet the requirements for lot width or area of the district, the lands involved shall be considered to be an undivided parcel for purposes of this Ordinance. No portion of said parcel shall be used which does not meet lot width and area requirements established in the district nor shall any division of the parcel be made which leaves remaining any lot with width or area below those requirements stated for the district.

CHAPTER 9
HOME OCCUPATIONS

The following are standards excerpted from Section 4-10 of the Zoning Ordinance of the City of Rexburg:

1. A home occupation shall be conducted entirely within a dwelling and shall not occupy more than twenty percent of the floor area of the residence.

2. There shall be no storage of equipment, vehicles, or supplies associated with the home occupation outside the dwelling.

3. There shall be no display of products visible in any manner from the outside of the dwelling.

4. There shall be no change in the outside appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation.

5. No advertising sign shall be permitted.

6. No other residents of the dwelling shall be employed in the conduct of a home occupation.

7. The use shall not create greater pedestrian or vehicular traffic than normal for the neighborhood.

8. The use shall not require additional off-street parking spaces for clients or customers of the home occupation.

9. No home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.

10. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises other than vans regularly involved in commercial delivery such as Federal Express, or the United Parcel Service. The applicant may use his/her personal vehicle, provided it does not exceed three quarter (3/4) ton, for deliveries.

11. No motor power other than electrically operated motors shall be used in connection with a home occupation. Home occupations shall not involve the use of electric motors of more than three (3) h.p.

12. No equipment or process shall be used in a home occupation which creates noise, place, vibration, or fumes, or odor detectable to the normal senses off the property.

13. No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuation in line voltage off the premises.

14. No commercial telephone directory listing, newspaper, radio, or television service shall be used to advertise the location of a home occupation to the general public.

15. Examples of home occupations permitted under this section shall include but not be limited to painting, sculpturing, writing, sewing and tailoring, individual tutoring, computer programming, home crafts without on premise sales, secretarial service, telephone solicitation work and answering services, and home cooking, baking and preserving.

16. Under this section, a family child care may have up to six children at any one time. The care of additional children shall require a conditional use permit under chapter 6.13.

17. If the home occupation is the type in which classes are held or instruction is given to more than one person at a time, there shall be no more than six students or pupils in the dwelling unit or on the premises at any one time.

Request and Application for Annexation

Applicant: _____

Address: _____ Telephone: _____

_____

Recorded Owner of Property: _____

Address: _____ Telephone: _____

_____

Legal Description of Property: (Attach)

Has legal description been verified by County Assessor or a Title Company? _____

Copy of Survey or Property. (Attach)

Is this land adjacent to contiguous existing city boundaries? _____

Approximate size of tract (Acreage): _____

Is property under option or contract of sale to any other person or entity? _____

If so, Name: _____

Address: _____ Telephone: _____

Existing Use of Property:

_____

_____

_____

_____

Proposed Use of Property:

_____

_____

_____

_____

Will this zone change have an impact on schools? _____

Are water and sewer facilities, streets, fire and police presently serving this area?_____

Are water and sewer adequate to serve any development proposed?_____

If not, will measures be proposed to assure that public facilities and services will be added?_____

_____

Is the site large enough to accommodate the proposed uses, parking, and buffering required, according to zoning Ordinance #725?_____

_____

Is the area subdivided or going to be subdivided?_____

If so, any property subdivided will be required to be in compliance with the Rexburg Sub-Division Ordinance.

A formal traffic study will be required for:

1. A retail sales area more than 75,000 feet
2. Schools for more than 100 students
3. Apartment complex with 50 apartments or more.

Before annexation, the person or firm applying for annexation will agree to certain things:

Curb and Gutter	Streets
Signaling	Water and Sewer - property sizing and location

_____
Signature of Applicant

_____
Date

****

For Office Use:

Fee:_____ Check #:_____ OR Cash_____ Date Paid:_____

Date of Notice:_____Hearing:_____

PROCESS OF ANNEXATION

Properties subject to annexation must be contiguous or adjacent to City limits, with the exception of an airport. The process of an annexation application is as follows:

1. A pre-annexation hearing before the City Council:

   A. Owner should submit a letter requesting a pre-annexation hearing before the City Council. The letter must state the property owners name and address, request for annexation and land use intent, and proposed zoning;

   B. The property owner or representative must attend the Council meeting.

2. Application must include:

   A. A legal description of the property which plainly and clearly defines the boundary of a new district or municipality describes, by metes and bounds, a definite boundary of an area of land that can be mapped on a tax code area map. The legal description shall include:

      1. Section, Township, Range and Meridian
      2. An initial point, being a government surveyed corner, such as a section corner, quarter corner, meander corner, or mineral survey corner;
      3. A true point of beginning defined by bearings and distances from the initial point, that begins the new or altered district or municipal boundary;
      4. Bearings and distances that continuously define an area boundary with a closure accuracy of at least 1 part in 5,000. Variations from closure requirements of this subsection may be approved when boundaries follow mountain ranges, rivers, lakes, canals, etc.
      5. The legal description shall include all portions of highways lying wholly or partially within the annexed area.

   B. Proof of ownership of land

   C. A draft-like drawing of the layout of property, or a record of survey, as defined by IC, Title 55, Chapter 19, which matches the legal description.

   D. All property owners names and addresses within a radius of 300 ft. of the property.

   E. Fees must accompany application.

NOTE: Upon acceptance of the application, the developer/owner shall post the property described in the application no later than one week prior to all public hearings before Planning and Zoning and City Council.

PREPARATION OF ANNEXATION

1. All required information is received and accepted by the City Clerk or appropriate staff.

2. After pre-annexation hearing a public hearing is set before the Planning and Zoning Commission as provided for in IC 67-6509;

3. Transmittals sent to proper entities (power, water, sewer, highway districts, etc.)

4. Property owners within a radius of 300 ft. of the boundaries of the proposed annexable property noticed. If there are 200 or more property owners alternate forms of procedures will provide adequate notice and may be used in lieu of mailed notice. (IC 67-6512);

5. Letter is sent to applicant advising them of the time and date of the hearing;

6. Planning and Zoning public hearing takes place and findings of the hearing are prepared;

7. After the acceptance of the findings by Planning and Zoning, Council public hearing date is set and published;

8. Following the Council hearing, the Council shall concurrently or immediately amend the Comprehensive Plan and Zoning Ordinance (IC 67-2525);

9. UPON PASSAGE OF ANNEXATION AND ZONING BY COUNCIL:
   A. Certified copies of the ordinance shall be filed with the County Assessor, County Treasurer, and State Tax Commission. The County Recorder must receive the original (certified) for recording no later than 10 days following the effective date of annexation (50-223)

   B. Certified copies must include the executed ordinance, a legal description, and a map.

   C. A summary of the annexation and zoning ordinance is published in the official newspaper of the city;

   D. Three copies of the ordinance retained on file in City Hall.

10. The City boundary map is changed to reflect the annexation and zoning.

11. A formal Annexation Agreement will be developed between the City of Rexburg and the Developer prior to Annexation.

APPLICATION FOR CONDITIONAL USE PERMIT
CITY OF REXBURG

APPLICANT:

Name_____

Address_____

City_____ State_____ Phone_____

OWNER: (Complete if owner not applicant)

Name_____

Address_____

City_____ State_____ Phone_____

PROPERTY COVERED BY PERMIT:

Address_____ Zone_____

Legal Description (Lot, Block, Addition, Division Number)

_____

_____

_____

_____

NATURE OF REQUEST: Briefly explain the proposed use:

_____

_____

_____

_____

Existing use of property:_____

_____

Will this have an impact on schools:_____

Formal notice will be sent to applicant after approval of a Conditional Use Permit. Notice will state the conditions of the permit. If conditions are violated or not met there will be a 90 day period to cure the problem. Failure to comply with the terms may result in revocation of the Conditional Use Permit

REQUIREMENTS FOR GRANTING CONDITIONAL USE PERMIT:

The following information will assist the Commission and/or City Council to determine if your proposal will meet the requirements under the zoning ordinance.

1. What is the estimated water usage per month? Are the existing mains adequate to provide fire protection?_____

_____

2. What is the estimated sewer usage per month? Will pretreatment be necessary?_____

_____

3. What is the estimated daily traffic to be generated? Will the traffic be primarily private vehicles or commercial trucks?_____

_____

_____

4. If commercial, industrial, or a home occupation, what will be the hours of operation?_____

_____

5. Will storm water drainage be retained on site? Is an existing storm drain available? Is it at capacity? If so, will new facilities be constructed?_____

_____

_____

6. If proposed use is residential, describe number and type of dwelling units. Will this be student housing: multi-family for young families, singles and couples, or elderly?_____

_____

_____

7. What provision has been made for fire protection? Where is the nearest fire hydrant? Is any point of the building further than 150 feet from access sufficient in width for fire fighting equipment?_____

_____

_____

8. How much parking is being provided on-site? Do the aisle widths and access points comply with the ordinance requirements? Has landscaping been provided in accordance with the ordinance?_____

_____

_____

9. Where will solid waste generated be stored? Is access adequate for the City collection?_____

_____

10. What is the type of noise that will be generated by the use? What are the hours of noise generation?_____

_____

11. What type of equipment will be used in the conduct of the business?_____

_____

_____

12. What are the surrounding land uses? Has buffering been provided as required by the ordinance?_____

_____

13. Are any air quality permits required? Is dirt or other dust creating materials moved by open trucks or box cars?_____

_____

14. Will the parking lots or other outdoor areas have lighting?_____

_____

15. Are passenger loading zones for such uses as daycare centers and schools provided? How is busing routed? For commercial uses, where are the loading docks? Is there sufficient space for truck parking?_____

_____

_____

16. If a commercial, multi-family, or public assembly use, where is the nearest collector street? Arterial street?_____

_____

17. What, if any, signage is anticipated in connection with the proposed usage?_____

_____

The Commission or Council may address other points than those discussed above, but a narrative addressing at least those applicable points will assist in processing your application. ATTACH A PLOT PLAN AS REQUESTED BY SECTION 6-9.

_____ _____

Signature of Applicant Date

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

FOR OFFICE USE ONLY:

Fee:_____ Date Paid:_____

Paid By: Check_____ Cash_____ Other_____

Date of Notice:_____ Hearing: P&Z_____

Council_____

CONDITIONAL USE PERMIT PROCEDURES

The City of Rexburg Zoning Ordinance designates certain land uses in each Zoning District which are allowed. These are listed in the Zoning Ordinance for each zone. The City Clerk or City engineer should be consulted if you have questions about whether your proposal will need a Conditional Use Permit.

If a C.U.P. is needed, you will need to get an application from the City Clerk and fill it out for a C.U.P. You will then need to return the application and request that the City Clerk put you on the Planning Commission agenda one week prior to the meeting. The Planning & Zoning Meetings are held on the 2nd and 4th Wednesday of every month at 7:00 p.m.

The City Clerk will then mail to the Planning Commission the application for them to review prior to the meeting. At the meeting the board will discuss your request with you and set it for Public Hearing. You will need to pay $200.00 to the City Clerk prior to any advertising for the hearing. Prior to granting a conditional use, at least one Public Hearing shall be held to give persons an opportunity to be heard.

The City Clerk will put the notice for the hearing in the paper 15 days prior to each hearing, mail a copy to all the property owners within 300 feet and post a notice on the property. After the Planning Board holds their hearing they will make a recommendation to the City Council. The City Council will take the Planning Board recommendation into consideration. If a hearing is required before the City Council they will then take into consideration oral and written testimony as well as the recommendation from the Planning Board. A decision will be made by the City Council within the time frame allowed by Section 67-6511, Idaho Code.

City of Rexburg
Home Occupation Business License Application

NAME:_____

ADDRESS:_____

TYPE OF OCCUPATION:_____

_____

IF CLASSES: HOW MANY STUDENTS_____

HOW OFTEN_____

STATE TAX IDENTIFICATION NUMBER:_____

DRIVERS LICENSE #:_____**STATE:**_____

BIRTH DATE:_____**PHONE:**_____

NEAREST RELATIVE OR FRIEND:_____

ADDRESS:_____**PHONE:**_____

REFERENCES IF NEW BUSINESS:_____

_____

_____

COMMENTS:_____

_____

SIGNATURE:_____**DATE:**_____

****

APPROVED:_____**DATE:**_____

Home Occupation Requirements

The following are standards excerpted from Section 4.10 of the Zoning Ordinance of the City of Rexburg:

1. **A home occupation shall be conducted entirely within a dwelling and shall not occupy more than twenty percent (20%) of the floor area of the residence.**

2. **There shall be no storage of equipment, vehicles, or supplies associated with the home occupation outside the dwelling.**

3. **There shall be no display of products visible in any manner from the outside of the dwelling.**

4. **There shall be no change in the outside appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation.**

5. **No advertising signs shall be permitted.**

6. **No other residents of the dwelling shall be employed in the conduct of a home occupation.**

7. **The use shall not create greater pedestrian or vehicular traffic than normal for the neighborhood.**

8. **The use shall not require additional off-street parking spaces for clients or customers of the home occupation.**

9. **No home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.**

10. **The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises other than vans regularly involved in commercial delivery such as United Parcel Service, Federal Express, or the United States Postal Service. The applicant may use his/her personal vehicle, provided it does not exceed three quarter (3/4) ton, for deliveries.**

11. **No motor power other than electrically operated motors shall be used in connection with a home occupation. Home occupations shall not involve the use of electric motors of more than three (3) h.p.**

12. **No equipment or process shall be used in a home occupation which creates noise, place, vibration, or fumes, or odor detectable to the normal senses off the property.**

13. **No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuation in line voltage off the premises.**

14. **No commercial telephone directory listing, newspaper, radio, or television service shall be used to advertise the location of a home occupation to the general public.**

15. **Examples of home occupations permitted under this section shall include but not be limited to painting, sculpturing, writing, sewing and tailoring, individual tutoring, computer programming, home crafts without on premise sales, secretarial service, telephone solicitation work and answering services, and home cooking, baking and preserving.**

16. **Under this section, a family child care may have up to six children at any one time. The care of additional children shall require a conditional use permit under chapter 6.13.**

17. **If the home occupation is the type in which classes are held or instruction is given to more than one person at a time, there shall be no more than six students or pupils in the dwelling unit or on the premises at any one time.**

Statement For Home Occupation Certificate

The undersigned applicant for a permit for a home occupation states that he/she has read and is familiar with the provisions of Section 4.10 of the Zoning Ordinance of the City of Rexburg, Idaho, governing home occupations and further understands that, if any of said requirements are violated, the permit herewith applied for shall become null and void.

Name of Applicant: _____

Address: _____

Type of business to be conducted on premises: _____

_____

_____

Hours of Operation: _____

Number of deliveries per week anticipated: _____

Type of delivery vehicle: _____

_____
Signature of Applicant

_____
Date

APPLICATION FOR VARIANCE
CITY OF REXBURG

APPLICANT:

Name_____

Address_____

City_____ State_____ Phone_____

OWNER: (Complete if owner not applicant)

Name_____

Address_____

City_____ State_____ Phone_____

PROPERTY COVERED BY PERMIT:

Address_____ Zone_____

Legal Description (Lot, Block, Addition, Division Number)

_____

_____

_____

_____

NATURE OF REQUEST: Briefly explain why variance is required:

_____

_____

_____

_____

_____

Existing use of property:_____

_____

Proposed use if different from existing:_____

_____

_____

Will this have an impact on schools:_____

REQUIREMENTS FOR GRANTING VARIANCE:

The following conditions must be fulfilled before a variance can be granted by the Planning Commission. Showing that a variance is profitable or desirable for the owner and no harm will be done to others is not sufficient. Below each requirement explain why your request conforms:

1. The need for a variance results from physical circumstances of the property. Such circumstances generally include size, shape, topography, location, or surroundings of the property and do not apply to other properties in the same zone.

_____

_____

_____

_____

2. Failure to obtain a variance will result in undue hardship to the applicant.

_____

_____

_____

_____

3. The alleged hardship has not been created by the action of the property owner or the applicant, e.g. applicant did not reduce size of lot by prior sale.

_____

_____

_____

_____

4. Approval of the variance will not be in conflict with the interest of the neighborhood or public interest in general.

_____

_____

_____

ATTACH PLOT PLAN AS REQUIRED BY SECTION 6-9

_____ _____

Signature of Applicant Date

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

FOR OFFICE USE ONLY:

Fee:_____ Date Paid:_____

Paid By: Check_____ Cash_____ Other_____

Date of Notice:_____ Hearing: P&Z_____

Council_____

VARIANCE REQUIREMENTS

6.12 Variances

The Planning and Zoning Commission may authorize variances or modifications from the provisions of this Ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking spaces, height of buildings, or other regulations of this Ordinance affecting the size and shape of a structure or placement of a structure upon the lot, pursuant to Idaho Code Section 67-6516.

A. Required Findings. To approve a variance, the Commission must find, in writing, that the application for a variance fulfills all of the following conditions:

1. The need for a variance results from physical limitations of the lot upon which the variance is requested which are not generally applicable to other properties in the same zone.

2. Failure to approve a variance will result in undue hardship;

3. The alleged hardship has not been created by the action of the applicant or the property owner; and

4. Approval of the variance is not in conflict with public interest.

B. Public Hearing. Prior to granting a variance, at least one public hearing shall be held to give interested persons an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the request shall be published in the official newspaper or paper of general circulation within the jurisdiction of the City. Written notice shall also be given to property owners adjoining the parcel under consideration.

C. Supplementary Conditions and Safeguards. In granting any appeal or variance, the Commission may prescribe appropriate conditions and safeguards. The Commission may not grant a variance to permit a use not authorized under the terms of this Ordinance.

D. Action by the Commission. Within sixty (60) days after the public hearing, the Commission shall either approve, conditionally approve, or disapprove the application for a variance. Upon granting or denying the permit, the Commission shall specify:

1. The provisions of this Ordinance and Standards used in evaluating the application.

2. The reasons for approval or denial.

3. The actions, if any, the applicant should take to obtain a variance.

E. Appeals. The applicant or any affected person may appeal the decision of the Commission to the Council by submitting a written appeal to the City Clerk within fifteen (15) days of the decision of the Commission.

F. Application for a Variance. In addition to the information required under Section 6.9 above, the Commission may also require a narrative statement documenting that the request for a variance conforms to the standards of Section 6.12.A. above.

VARIANCE PROCEDURE

The Planning & Zoning Commission may authorize Variances or modifications from provisions of this ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking spaces, height of buildings, or other regulations of this Ordinance affecting the size and shape of a structure or placement of a structure upon the lot, pursuant to Idaho Code Section 67-6516. A Variance is to allow something that is otherwise not allowed.

If you feel you need a Variance for your property discuss it with the City Clerk or City Engineer. You will then need to get an application from the City Clerk, fill it out and return it to the City Clerk (one) 1 week prior to the meeting at which time she/he will put you on the Planning Commission Agenda. The Planning Commission meets on the 2nd and 4th Wednesday at 7:00 p.m. The City Clerk will mail the application to the Planning Commission members for their review prior to the meeting.

At the Planning Commission meeting they will discuss your request with you and schedule it for Public Hearing. The notice of Public Hearing will need to be published in the paper 15 days prior to the hearing. Prior to the publishing of the Notice of Public Hearing, you will need to pay the City Clerk $200.00. Prior to granting a variance, at least one Public Hearing shall be held to give persons an opportunity to be heard. A Public Hearing notice will be published in the newspaper, the notice will be mailed to all property owners within 300 feet of the property, and a notice will be posted on the property.

A Public Hearing will then be held before the Planning Commission. To approve a variance the Planning Commission must find, in writing, that the application for a variance fulfills conditions as specified on the application and in the Zoning Ordinance.

Granting any appeal or variance, the Planning Board may prescribe appropriate conditions and safeguards. The Planning Board may not grant a variance to permit a use not authorized under the terms of the Ordinance.

Within 60 days after the Public Hearing, the Planning Commission shall either approve, conditionally approve or disapprove the application for a variance.

APPLICATION FOR ZONE CHANGE
City of Rexburg

APPLICANT:

Name_____

Address/P. O. Box _____

Zip Code _____ Phone_____

OWNER: (Complete if owner is not Applicant)

Name_____

Address/P. O. Box_____

City_____State_____Zip Code_____Phone_____

PROPERTY COVERED BY PERMIT:

Address _____

Legal Description (Lot, Block, Addition, Division Number or Attach Description)

_____

_____

_____

Present Zone: _____ Requested Zone: _____

Will this have impact on schools?_____

Existing use of property?_____

_____

Requirements for Zone Change Request:
The following information will assist the Commission and City Council to determine if your proposal will meet the requirements under the zoning ordinance. Address the following points as applicable on attached sheets.

1. Is the zone change request in accordance with the Comprehensive Plan?_____

_____

2. Are water and sewer facilities, fire and police, streets, and schools presently serving the area?

_____

If they are, are they adequate to serve any development under the proposed zoning?

_____

If not, what measures are being proposed to assure that public facilities and services will be adequate to serve any new development?_____

_____

3. Is the site large enough to accommodate the proposed uses, parking and buffering required?

_____

4. What are the surrounding land uses?_____
What are the existing uses presently permitted under the ordinance?_____
Are such uses compatible with neighboring properties and what are neighboring properties?____

_____

5, Will the zone change be compatible with the existing uses?_____
What provisions will be made by the developer to assure compatibility?_____

_____

_____

6. Is the nature of the neighborhood changing?_____
Is a residential area converting to offices or commercial or is it still a strong residential area?

_____

Will increased traffic reduce the viability of existing uses?_____

_____

7. Will all uses permitted within the zone be compatible with the area?_____

_____

The Commission or Council may address other points than those discussed above, but a narrative addressing at least those applicable points will assist in processing your application.

_____ _____

Signature of Application Date

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

FOR OFFICE USE ONLY:

Fee:_____ Date Paid:_____

Paid By: Check _____ Cash_____ Other_____

Date of Note:_____ Hearing: P&Z_____

Council_____

CHAPTER 10
REXBURG CITY ZONING ORDINANCE
AREA OF CITY IMPACT

10.1 Applicability.
The regulations of this Chapter shall apply to the area of city impact and shall supplement the regulations appearing elsewhere in this ordinance.

A. This Chapter is being adopted pursuant to Idaho Code, Section 67-6526, and any and all amendments thereto, pursuant to mutual agreement between the City of Rexburg and Madison County.

B. The purpose of this Chapter is to identify an area of city impact, considering such factor as:

(1) trade area;
(2) geographic factors;
(3) areas that can reasonably be expected to be annexed to the city in the future.

C. The intent of this Chapter is to define the geographic area of city impact; to set forth the plans and ordinances which will be adopted and be applicable to the area of Chapter 65, as set forth by the Idaho legislature.

10.2 Boundary Definitions.

A. The boundaries of the area of city impact are defined by separate ordinance. The boundaries and zoning classifications of the area of city impact are shown on the map entitled "Area of City Impact -- Rexburg, Idaho". The map and all information shown thereon are by reference and made a part of this ordinance.

B. The method for amending the impact boundaries shall be governed by Idaho Code, Section 67.6526 (d).

10.3 Zoning Districts, Zoning Map, Zoning Tables, Land Use Schedules.

A. Zoning districts authorized in the area of impact comprise two specific categories:

(1) All existing zones listed in Section 3.1 of this ordinance and described in Chapter 3 hereof. These zones are hereafter referred to as "Chapter 3 zones."

(2) Agriculture 1, (A-1); Agriculture 2, (A-2); and Rural Residential, (RR);

B. Definitions of Zones.

(1) Chapter 3 Zones are defined and described in Chapter 3, paragraphs 3.4 through 3.15 hereof.

(2) Agricultural 1 (A-1)
The Agriculture 1 zone is intended to anticipate expansion of the City into agricultural areas (lands) and to preserve agricultural production in those areas.

a. Permitted uses in the A-1 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 an A-1 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.

b. The minimum size parcel shall be five (5) acres or more.

c. Conditional Uses in the A-1 Zone include:
1. Public and quasi-public recreation facilities and/or buildings.
2. Home occupations.
3. Cemeteries.

(3) Agricultural 2 (A-2)
The Agriculture 2 zone is intended to anticipate expansion of the city into agricultural areas (lands) and to preserve agricultural production in those areas.

a. Permitted uses in the A-2 Zone include all primary agricultural production activities and their accessory uses and buildings, including farm homes. Livestock is permitted in an A-2 Zone. However, this does not include such commercial enterprises or animal-related business such as a produce packing plant, 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 livestock, agricultural crops and/or pasture.

b. The minimum size parcel shall be five (5) acres or more.

c. Conditional uses in the A-2 Zone include:

1. Public and quasi-public recreational facilities and /or buildings.
2. Home occupations.
3. Cemeteries.

(4) Rural Residential Zone (RR)

The RR zone is established to protect stable neighborhoods of detached family dwellings on lots of one acre or more up to five (5) acres. The minimum lot width shall be 150 feet; the minimum front yard shall be 60 feet from the property line or 90 feet from the center line of the road, whichever is greater; the minimum rear yard shall be 30 feet from the property line; and the minimum side yard shall be six inches for every foot of building height with a 10 foot minimum. No structure shall be erected to a height greater than 30 feet to eave height, measured from natural grade at the building site. There can be only one single family dwelling per lot. Household pets are allowed, no more than two domestic livestock for each acre used solely for said livestock shall be allowed. Installation of curb and gutter or a drainage facility approved in advance by the Planning and Zoning Commission shall be required. The maximum lot coverage by buildings, including the dwelling, shall be 50 per cent.

(5) "Direct Access Restricted Road"

The Madison County Commission together with the Rexburg City Council shall designate certain roads and streets located within the Area of City Impact as "direct access restricted roads." No lot or parcel of ground adjoining such designated roads or streets shall have direct access to such roads without the prior approval of the Rexburg Planning and Zoning Commission. Access to and from said lots or parcels shall be by roads, streets or frontage roads which have been approved by the Rexburg Planning and Zoning Commission. Said lots or parcels shall comply with the following requirements:

a. Such lots shall reverse frontage on the designated "direct access-restricted road."

b. Such lots shall be buffered from the "direct access-restricted road by any effective combination of the following: Lot depth, earth berms, vegetation, walls or fences and structural sound proofing.

c. The minimum lot depth shall be two hundred (200) feet except where the use of berms, vegetation, and structures can be demonstrated to constitute an effective buffer for a dwelling on a lot less than two hundred (200) feet in depth.

d. Whenever practical existing roadside trees shall be saved and used in the arterial buffer.

e. Site plans, subdivision requirements, annexation and development agreement shall include provision for installation and continued maintenance of all buffers and compliance with all city and county ordinances applicable within the area of city impact.

C. The zoning map shall designate the zoning districts in the area of city impact of the City of Rexburg and shall be made a part of this ordinance by reference.

D. Zoning Tables and Land Use Schedules:

(1) All Chapter 3 zones located within the area of city impact shall be subject to all zoning tables and land use schedules contained in Chapter 3 hereof.

(2) A-1, A-2, and RR zoning districts shall be subject to the zoning tables set forth in Chapter 10, page 84.

(3) A-1, A-2, and RR zoning districts shall be subject to the Land Use Schedules contained in Chapter 3 hereof.

10.4 Applicability of Rexburg Zoning Ordinance in Area of Impact

A. Any Chapter 3 zones, which are located within the area of city impact shall be subject to all provisions of the Rexburg Zoning Ordinance and any amendments thereto.

B. A-1, A-2 and RR zones shall be subject to the following Rexburg Zoning Ordinance provisions:

(1) Chapter 1-- Title, Authority, Purpose and Intent
(2) Chapter 2--Definitions
(3) Chapter 3--Zone definitions
(4) Chapter 6--Administrative procedures
(5) Chapter 7-- General provisions

C. The following specific sections of Chapter 4, 5 and 8 of this zoning ordinance shall be applicable to the A-1, A-2 and RR zoning districts:

(1) 4.2 Yard Space for Principal Building
(Applicable to RR only)
(2) 4.3 Sale of Lots Below Minimum Space Requirements
(3) 4.4 Accessory Buildings
(Applicable to RR only).

(4) 4.5 Access to Public Street Required. The provisions of section 4.5 shall apply to all zones, provided further that homes may not be constructed with direct access upon roads, streets or highways designated as " direct access restricted roads". If development along such roads is contemplated, then reverse frontage and controlled access shall be determined and regulated as provided in section 10.4.C.(4) hereof and as further provided by the Planning and Zoning Commission.

(5) 4.6 Clear View of Intersecting Streets.

(6) 4.10 Home Occupations.
(Applicable to RR only)

(7) 4.11 Manufactured Homes.
(Applicable to RR only)

(8) The provisions of Chapter 8, Nonconforming Uses and Buildings, shall be applicable to all zones within the area of city impact. The following provisions shall apply to A-1 and RR zones:

a. Any landowner having livestock upon lands located within the area of city impact may, prior to February 15, 1995, provide to the Planning and Zoning Commission a description of the land together with a description of the livestock on said lands, which shall include the number of livestock as well as the type of livestock located on said lands. The Planning and Zoning Commission shall review the descriptions as submitted by a land owner, and together with the land owner determine an historic herd size for the parcel of land described. The record of historic herd size shall be kept by the City Clerk and shall be preserved for the purpose of determining existing land use on said lands as of February 15, 1995.

b. In the event a landowner described in section 10.4.C (8) a. shall discontinue the use and maintenance of livestock on lands described and provided to the Planning and Zoning Commission for a period of five (5)

consecutive years, when such use shall not be reestablished, and the uses of the premises thereafter shall be in conformity with the regulations of the zone district in which the land is situated; provided, that the use and maintenance of a lesser number of the same general type of livestock on the described lands shall be deemed to conform to the historic herd size as recorded with the City Clerk and will allow the continued recognition of the historic herd size as the current existing land use.

c. The expansion or enlargement of a livestock herd shall be allowed only by the granting of a conditional use permit, zone change or variance, as provided by this ordinance and depending upon the particular circumstances and facts involved.

(9) The Rexburg City Mobile Home Ordinance shall apply in the entire area of city impact.

(10) The Rexburg Subdivision Ordinance shall apply in the entire area of city impact area of city impact to all parcels or lots that are less than one acre in size.

D. To the extent that the provisions of this Chapter pertaining to the area of city impact conflict with any other provisions of the Rexburg Zoning Ordinance, the provisions set forth in this chapter shall govern with respect to Agriculture 1, Agriculture 2, and Rural Residential zoning districts.

10.5 LEGAL DESCRIPTION OF IMPACT AREA

REXBURG, IDAHO IMPACT AREA WITH MADISON COUNTY LEGAL DESCRIPTION

Beginning at the Southeast Corner of Section 32, Township 6 North, Range 40 East, thence South 200';

thence West parallel to the Section lines to a point on the westerly right-of-way line of Highway US 20;

thence northerly along the West right-of-way line of US 20 to a point that is on the South boundary of the N ½ of the NW ¼ of Section 25, said line is also the South boundary of the Lorin Widdison Addition;

thence westerly along the South boundary of the Widdison Addition t the West boundary of Section 25;

thence North along the Section line, said line also being the centerline of the Hibbard Highway to the NW Corner of the SW ¼ of the NW ¼ of Section 13, said line is also the South line of the J&M Subdivision;

thence East along the 1/16 line to a point where the 1/16 line intersections the easterly right-of-way line of Highway US 20;

thence northeasterly along the southern right-of-way line of US 20 to the Salem Highway.

thence North along the Section line to the NW Corner of the SW ¼ of the SW ¼ of Section 8;

thence East along the 1/16 line to the easterly right-of-way line of State Highway 33;

Thence southwesterly along the easterly right-of-way line of State Highway 33 to the North line of Section 17;

thence East along the North line of Section 17 to a point 200' East of the NE Corner of Section 17;

thence South, parallel to the Section line to the North line of the S1/2 of the SW1/4 of Section 16;

thence West 200' to the East line of Section 17;

thence South along the Section line to the centerline of the South Fork of the Teton River;

thence upstream easterly along the centerline of the River to the East line of the NW ¼ of Section 21;

thence South along the ¼ line to the interior quarter Corner of Section 21;

thence West along the ¼ Section line to the W¼ Corner of Section 21;

thence South along Sections 20, 29, and 32 to the SE Corner of Section 32, said point being the POINT OF BEGINNING

Excluding therefrom the area lying within the boundary that is currently within the existing City Limits of the City of Rexburg

Section III. In lieu of publishing the entire ordinance, the City is authorized to publish a summary of the ordinance, which summary shall be approved by the City Council and is attached as Exhibit "I" hereto.

Section IV. This ordinance shall take effect and be in force from and after its passage and summary publication as required by law.

It was moved by Council Member Bruce Sutherland and seconded by Council Member Brad Liljenquist that ordinance 725 be passed.

The Clerk was then instructed to call the roll on the passage of the ordinance and the roll call resulted as follows:

Those Voting Yea:	Brad Liljenquist
	Glen Pond
	Darlene Peterson
	Nyle Fullmer
	Bruce Sutherland
Those Voting Nay:	G. Farrell Young
Those Absent:	None

The ordinance was thereupon, by the Mayor, declared to have been duly passed.

It was moved by Council Member Nyle Fullmer and seconded by Council Member Brad Liljenquist that the Clerk of the City be ordered to publish the summary of the ordinance in at lest one (1) issue of the Rexburg Standard Journal, the official newspaper of the City.

Thereupon, the Clerk was ordered to call the roll on said motion, which was as follows:

Those Voting Yea:	Brad Liljenquist
	G. Farrell Young
	Glen Pond
	Darlene Peterson
	Nyle Fullmer
	Bruce Sutherland

Those Voting Nay: None

Those Absent: None

The Mayor thereupon declared that the motion was duly carried.

PASSED AND APPROVED this 2nd day of October, 1991.

Nile L. Boyle, Mayor

ATTEST:

Rose Bagley, City Clerk

(SEAL)

STATE OF IDAHO)
:ss
County of Madison)

I, ROSE BAGLEY, 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 REPEALING ORDINANCES NO. 478 AND 685, ORDINANCES OF THE CITY OF REXBURG, IDAHO; ENACTING A ZONING ORDINANCE 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 BUILDING 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; PROVIDING FOR VIOLATION OF THE PROVISIONS OF THE ORDINANCE; PROVIDING OR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

passed by the City Council and approved by the Mayor this 2nd day of October, 1991.

_____

(SEAL)

EXHIBIT "I"

SUMMARY OF ORDINANCE NO. 725,
ORDINANCES OF THE CITY OF REXBURG, IDAHO

AN ORDINANCE REPEALING ORDINANCES NO. 478 AND 685, ORDINANCES OF THE CITY OF REXBURG, IDAHO; ENACTING A ZONING ORDINANCE 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; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

Section I: This section repeals Ordinance Nos. 478 and 685 of the City of Rexburg.

Section II: This section provides for the adoption of the Rexburg Zoning Ordinance consisting of eight (8) chapters and an appendix. Each of the chapters are summarized as follows:

Chapter 1. states the title, authority, purpose and intent of the ordinance.

Chapter 2. establishes certain definitions used within the Rexburg Zoning Ordinance.

Chapter 3. establishes the boundaries and zoning classifications of districts which are shown on the map entitled "The Zoning District Map of the City of Rexburg, Idaho" dated October 2, 1991. The City is divided among twelve zoning districts.

Chapter 4. contains the supplementary regulations to qualify or supplement the regulations within zones appearing elsewhere in the ordinance.

Chapter 5. sets forth the off-street parking and loading spaces required in the various zoning districts.

Chapter 6. provided that the Rexburg Zoning Administrator shall administer the provisions of the ordinance. The Zoning Administrator shall be appointed by the Mayor and confirmed by the City Council. The Mayor may also appoint another officer of the City, including but not limited to the City Clerk or City Building Inspector, fulfill all or part of the duties of the Zoning Administrator.

Chapter 7. contains the general provisions applicable to the ordinance and establishes the violations and penalties for any violation of the ordinance. Any violation of the ordinance constitutes a misdemeanor. Each day such violation continues beyond notice shall be considered a separate violation. Any person convicted of violating any of the provisions of the ordinance shall be punishable by imprisonment for a term not to exceed thirty (30) days, a fine not to exceed three hundred dollars ($300), or by both such fine and imprisonment.

Chapter 8. describes the status of structures, parcels, or uses of land that were lawful prior to the effective date of this ordinance but which are now prohibited or restricted.

Appendix A contains a summary of the standards for qualifying for a home occupation certificate; a form for application for variance and the requirements for granting the variance;
an application for conditional use permit and the requirements for granting a conditional use permit; and an application for re-zoning of an area within a given district.

Section III: This section allows for publication of a summary of this ordinance in lieu of publication in full.

Section IV: This section provides that the ordinance shall become effective upon its passage, approval and publication in the manner provided by law.

THE FULL TEXT OF THIS ORDINANCE IS AVAILABLE AT CITY HALL, 12 NORTH CENTER, REXBURG, IDAHO.

DATED this 2nd day of October, 1991.

By:_____
Its Mayor

ATTEST:

_____
City Clerk

CERTIFICATION

I, J.D. Hancock, City Attorney for the City of Rexburg, Idaho, certify that the summary set forth above is true and complete and provides adequate notice to the public.

_____
J.D. Hancock
Rexburg City Attorney