STATEMENT OF
REXBURG CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE 926

The Undersigned, Stephen P. Zollinger, in his capacity as City Attorney of the City of Rexburg, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Summary of Ordinance 926 of the City of Rexburg, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code 50-901A(3).

Dated this 17th day of February, 2005

Stephen P. Zollinger, City Attorney

SUMMARY OF ORDINANCE NO. 926

AN ORDINANCE REPEALING ORDINANCES NO. 725, 866, 886, 894 and 915, ORDINANCES OF THE CITY OF REXBURG, IDAHO; ENACTING A DEVELOPMENT CODE FOR THE CITY OF REXBURG, DIVIDING THE CITY INTO DISTRICTS IN ACCORDANCE WITH THE REVISED COMPREHENSIVE PLAN; REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES, SIZE OF BUILDINGS AND OTHER STRUCTURES AND OBJECTS, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED BY STRUCTURES, THE SIZE OF YARDS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, COMMERCE, INDUSTRY, RESIDENCE AND OTHER PURPOSES; PROVIDING FOR VIOLATION OF THE PROVISIONS OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF REXBURG, IDAHO:

Section I. It is hereby found and determined that Ordinance No. 725, Ordinance No. 866, Ordinance No. 894, Ordinance No. 915, and Ordinance No. 886 of the City of Rexburg, Idaho, shall be and are hereby repealed. Ordinance 926 reflects the new land use districts in accordance with the revised Comprehensive Plan.

1.1 Title.
This Ordinance shall be known and entitled as "The City of Rexburg Development Code" 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.

Instrument # 317758
REXBURG, MADISON, IDAHO
2005-02-17 04:13:00 No. of Pages: 3
Recorded for : CITY OF REXBURG
MARILYN R. RASMUSSEN Fee: 9.00
Ex-Officio Recorder Deputy

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 development of 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.

Section II. That the City Council finds further that the Land Use Schedule shall be and hereby include traditional uses within the City as allowed uses, and specifies those uses as well as those uses that are conditionally allowed.

Section III. That pursuant to the affirmative vote of one-half (½) plus one (1) of the Members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same hereby is, dispensed with, and accordingly, this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

Section IV. The full text of Ordinance No. 926 is available at the offices of the City Clerk located at the Rexburg City Hall, 12 North Center, Rexburg, Idaho 83440, and the Rexburg Community Development office located at 19 East Main Street, Rexburg, Idaho 83440. An electronic copy of Ordinance No. 926 is available on the web at **www.rexburg.org.**

The Ordinance was passed by the City Council of Rexburg and approved by the Mayor on the 16th day of February 2005.

Shawn Larsen, Mayor

ATTEST:

By Blair D. Kay
Blair D. Kay, City Clerk

Stephen Zollinger, City Attorney for the City of Rexburg, declares that in his capacity as City Attorney of the City of Rexburg, pursuant to Idaho Code Section 50-901A(3) of the Idaho Code as amended, hereby certifies that he has reviewed a copy of the above cited Summary of Ordinance and has found the same to be true and complete and provides adequate notice to the public of the contents, including the exhibits, of Ordinance No. 926.

DATED this 17th day of February 2005.

Stephen P. Zollinger
Rexburg City Attorney

STATE OF IDAHO)
:ss
County of Madison)

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

SUMMARY OF ORDINANCE NO. 926

AN ORDINANCE REPEALING ORDINANCES NO. 725, 866, 886, 894 and 915, ORDINANCES OF THE CITY OF REXBURG, IDAHO; ENACTING A DEVELOPMENT CODE FOR THE CITY OF REXBURG, DIVIDING THE CITY INTO DISTRICTS IN ACCORDANCE WITH THE REVISED COMPREHENSIVE PLAN; REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES, SIZE OF BUILDINGS AND OTHER STRUCTURES AND OBJECTS, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED BY STRUCTURES, THE SIZE OF YARDS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, COMMERCE, INDUSTRY, RESIDENCE AND OTHER PURPOSES; PROVIDING FOR VIOLATION OF THE PROVISIONS OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

Passed by the City Council and approved by the Mayor this 16th day of February, 2005.

Blair D. Kay, City Clerk

(SEAL)