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REXBURG, MADISON, IDAHO
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MARILYN R. RASMUSSEN Fee: 0.00
Ex-Officio Recorder Deputy

ORDINANCE NO. 939

AN ORDINANCE AMENDING ORDINANCE NO. 926 PROVIDING FOR CHANGES IN THE MDR1, MDR2, LDR3, AND UPDATING THE DEFINITION OF THE IMPACT AREA; INCORPORATING THE SUB-DIVISION ORDINANCE, ORDINANCE 854, ORDINANCE 548, ORDIANNCE 908 AND ORDINANCE 915 INTO THE DEVELOPMENT CODE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

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

Section 3.7.030 the MDR1 Lot Area is amended to read as follows:

> The minimum lot area of any parcel of land in the MDR1 zone is 4,500 sq. ft. For each additional unit up to a four (4) plex, an additional minimum area of 1,500 sq. ft. is required. Under no circumstance will the density of sixteen (16) Units per acre be exceeded.

Section 3.8.030 the MDR2 Lot Area is amended to read as follows:

The minimum lot area of any parcel of land in the MDR2 zone is 4,500 square feet. For each additional unit up to a twenty-four (24) plex, an additional minimum area of 1,750 square feet is required. Under no circumstance will the density of twenty-four (24) Units per acre be exceeded.

Section 8 (See attached Revised Legal Description of the Impact Area.)

Section 3.6.020 Low Density Residential 3 zones Permitted Uses, is amended as follows:

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Item	Action
Duplexes and Townhomes	Added

SECTION II. The Development Code shall be amended to incorporate Section 3.25 Residential Business District (RBD).

Section 3.25 Residential Business District (RBD) to include the following:

3.25.010. Purpose and Objectives.
3.25.020. Permitted Uses.
3.25.025. Single Ownership and Control.
3.25.030. Lot Area.
3.25.040. Lot Width.
3.25.045. Lot Depth.
3.25.050. Lot Frontage.
3.25.060. Prior Created Lots.
3.25.070. Area of Zone.
3.25.080. Yard Requirement.
3.25.090. Projections into Yards.
3.25.100. Building Height.
3.25.110. Distance Between Buildings.
3.25.120. Permissible Lot Coverage.
3.25.130. Parking, Loading and Access.
3.25.140. Project Plan Approval.
3.25.150. Reversion of Zoning.
3.25.160. Other Requirements.
3.25.170. Architectural Design Standards.
3.25.180. Commercial Lighting Standards

3.25.010. Purpose and Objectives.

The RBD zone is established to provide for the use of single family residential homes for commercial and service uses. The zone is intended to protect the residential nature of the streetscape and provide strict regulation of types and hours of conduct of commercial uses. Commercial uses are limited to non intrusive low-demand business that can peacefully co-exist with a surrounding neighborhood.

It is intended that the RBD zone shall be characterized by a single structure that will function as a part of the greater neighborhood. Hours of operation should be regulated to provide compatibility with surrounding residential uses. All parking lots shall be clean, buffered and located out of the front and side yard setbacks. Attractive and well-maintained landscaping will also be characteristic of this zone.

Lighting will be of a relatively low intensity and low profile with adequate shielding to protect the surrounding residential areas. The architectural design and character will be compatible with that of the surrounding residential environment. Uses permitted in the RBD zone will be those which will create minimal or no detriment to the surrounding residential areas.

Multiple family dwellings, industries, recreational uses, or other heavy commercial uses which tend to be inconsistent with the use of the land within this zone for its primary purpose have been excluded. Typical uses allowed by right in this zone are miscellaneous specialty retail such as collectible stores, professional service offices, garment alterations/repairs, or as may otherwise be established by a more specific list included within this chapter. A broader range of uses may be permitted pursuant to the issuance of a conditional use permit.

RBD zones shall be located generally in conformance with the provisions of the Rexburg City Comprehensive Plan. The RBD zones shall only be allowed if the area requested for designation as such is contiguous to either a commercial zone other than RBD, industrial zone, or a medium or high density zone.

3.25.020. Permitted Uses.
A. Categories. Those uses or categories as listed herein, and no others, are permitted in the RBD zone.

B. Numbered Listings. All uses listed herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four (4) digit number in which all digits are whole numbers. Classes or groupings of such uses permitted in the zone are identified by a four (4) digit number in which the last one or two digits are zeros. All such categories or classes listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the RBD zone subject to the limitations set forth herein.

C. Permitted Principal Uses. The following principal uses and structures, and no others, are permitted in the RBD zone:

SIC Code	Use
5940	Books, Stationery, Art and Hobby Supplies
	Professional Service Providers
6230	Beauty and Barber Shops
6251	Pressing, Alteration and Garment Repair

D. Permitted Accessory Uses. Accessory uses and structures may be permitted in the RBD zone, provided they are incidental to, and do not substantially alter, the character of the permitted use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

1. Accessory buildings such as garages, carports, equipment storage buildings, and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the RBD zone.

2. Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto and, provided further, that such use shall be permitted only during the construction period and thirty (30) days thereafter, but in no case for a period to exceed one (1) year.

3. Accessory dwelling subject to the issuance of a conditional use permit

E. Conditional Uses. The following uses and structures may be permitted in the RBD zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof, and must be consistent with the Purpose and Objectives of the RBD zone.

SIC Code	Use
5460	Bakeries and Doughnut Shops
5910	Drug and Proprietary Stores
5430	Fruits and Vegetables
5440	Candy, Nut, and Confectionery
5450	Dairy Products
6100	Finance, Insurance and Real Estate Services
6220	Photographic Services
6254	Shoe Repair, Hat Cleaning
	Accessory Building Unit

3.25.025. Single Ownership and Control.
Land within a given RBD zone shall be in single ownership or single control in order to provide control over development. Failure to maintain single ownership or single control may result in the initiation of action to return the property to the zone, or zones, existing prior to the establishment of the RBD zone.

3.25.030. Lot Area.
The minimum area of any lot or parcel of land in the RBD zone is eight thousand (8,000) sq. ft.

3.25.040. Lot Width.
The minimum lot width in the RBD zone is sixty (60) feet.

3.5.045. Lot Depth
The minimum lot depth in the RBD zone is sixty (60) feet.

3.25.050. Lot Frontage.
Each lot or parcel of land in the RBD zone shall abut a public street for a minimum distance of twenty-two (22) feet, on a line parallel to the center line of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.

3.25.060. Prior Created Lots.
Lots or parcels of land which were created prior to the application of the zone shall not be denied a building permit solely for reason of nonconformance with the parcel requirements of this Chapter.

3.25.070. Yard Requirement.
The following minimum yard requirements shall apply in the RBD zone:

A. Front/Rear Yard. Each lot or parcel in the RBD zone shall have a minimum front yard of at least twenty-five (25) feet, unless the street upon which the parcel fronts has a boulevard strip of at least seven (7) feet, in which case the front yard setback may be reduced to twenty (20) feet. The minimum depth of a rear yard shall be twenty (20) feet of which no more than 40% shall be put into hard surface in order to maintain a residential character to the property.

B. Side Yard. Each lot or parcel of land in the RBD zone shall have a side yard of at least six (6) feet or six (6) inches of setback for every foot of building height, whichever is greater.

C. Accessory Building Setbacks. Accessory buildings must meet all setback requirements established by any applicable building code, and shall:

1. Have a building footprint and height less than the main dwelling. Accessory buildings larger than one hundred and twenty (120) square feet shall meet the same side yard requirements as principal buildings.

2. Comply with all lot coverage requirements. An accessory building or group of accessory buildings in any residential zone shall not cover more than thirty (30) percent of the rear yard.

3. Comply with the current Building Code of The City of Rexburg, ID.

4. Only be used for those accessory uses allowed in the respective zone.

5. Maintain architecturally similar material and colors with main building.

6. Accessory building shall not be placed in the front yard.

7. Accessory buildings may be placed in any location in the rear yard not otherwise in conflict with this Ordinance, unless the accessory building is a garage with doors opening into the alley. Such garages shall be located at least fifteen (15) feet from the alley.

3.25.080. Projections into Yards.
A. Permitted Projections. The following structures may be erected on or projected into any required yard, except for a required driveway:

1. Fences and walls in conformance with the Rexburg City Code and other City codes and ordinances.

2. Landscape elements including trees, shrubs, turf, and other plant materials.

3. Necessary appurtenances for utility service.

B. Permitted Projections with Conditions. The structures listed below may project into a minimum front yard no more than four (4) feet and into a minimum side yard not more than two (2) feet, except that a required driveway shall remain unobstructed from the ground up a height of twelve (12) feet:

1. Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features.

2. Fireplace structures and bays, provided they are not wider than eight (8) feet and are generally parallel to the

wall of which they are a part.

3. Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters not exceeding thirty (30) inches in height.

4. Carports and loading docks in a side yard or rear yard, provided that such a structure is not more than one (1) story in height and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features.

3.25.090. Building Height.
A. Permitted Heights. No lot or parcel of land in the RBD zone shall have a building or structure which exceeds a height of two (2) stories with a maximum of thirty-five (35) feet. Chimneys, flagpoles, or similar structures not used for human occupancy are excluded in determining height.

3.25.100. Distance between Buildings.
The minimum distance between any accessory building and a main building on a lot in the RBD zone shall not be less than ten (10) feet. The minimum distance between all other buildings shall be governed by the latest edition of the International Building Code or its replacement as adopted by the Rexburg City Council.

3.25.110. Permissible Lot Coverage.
In an RBD zone, all buildings and structures shall not cover an area greater than that allowed in the LDR2 zone.

3.25.115. Permissible Building Footprint.
In an RBD zone, all buildings and structures shall have a footprint of no more than 2500 square feet, and no more than two stories above ground. The Footprint shall be defined as that area covered by the enclosed area of the structure if perpendicular planes were extended from all portions of the structure to the ground.

3.25.120. Parking, Loading, and Access.
Each lot or parcel in the RBD zone shall have, on the same lot or parcel, automobile parking sufficient to meet the requirements as set forth in Rexburg City Code.

Parking areas within the RBD zone are to be used by occupants of the property and customers of the property, and are not to be used by employees or customers of businesses that may be located in nearby business or commercial areas.

All parking spaces shall be paved with asphaltic cement or concrete and shall be provided with paved access from a public street. Said spaces shall be provided with adequate drainage which shall not run across a public sidewalk. Parking spaces shall not be provided within a required front yard or side yard adjacent to a public street except where an existing conforming driveway access has been provided. Corner lots shall be allowed to petition for parking in side yards provided any such parking shall be buffered visually and for sound from public rights of way and adjoining residential properties.

3.25.130. Project Plan Approval.
All Project plans for projects in the RBD Zone must be prepared and engineered by A/E professionals and be submitted for review and approval from conception on by the Architectural and Design Review Boards, followed by professional engineered plans and specifications for review by all City Departments and Permitting Authorities. Site plan approval at the Planning and Zoning Commission Level is mandatory before consideration of a RBD Zone change request may be initiated.

3.25.140. Reversion of Zoning.
If violations of the approval conditions for a rezone to the RBD Zone are documented and not corrected in a timely manner by property owner, property zoning will revert to the zone existing before application for the RBD zone.

3.25.150. Other Requirements.
A. Signs. All signs erected in the RBD zone shall be in conformance with the sign provisions of the Rexburg City Sign Code, and shall be in general compliance with the typical signing program approved by the Planning Commission under the provisions applicable to home businesses.

B. Uses within Buildings. All uses established in the RBD zone shall be conducted entirely within a fully-enclosed building.

C. Landscaping. All landscaping in the RBD zone shall be consistent with landscaping requirements of the LDR2 zoning unless specific permission has been obtained from the Planning Commission.

D. Trash Storage. See Rexburg City Code. No trash containment device shall be placed in such a location as to be visible from the public right of way unless in preparation for pickup, and under no circumstance for any period greater than 24 hours prior to and subsequent to the regularly scheduled pickup for trash.

E. Walls and Fences.

1. No wall, fence or opaque hedge or screening material higher than thirty-six (36) inches shall be maintained within a required front yard in an RBD zone.

2. A decorative masonry wall, vinyl fence or other pre-approved fence of at least six (6) feet in height, shall be erected along all property lines which lie adjacent to a residential zone. In the case where there is mutual agreement between the property owners of the commercial zone and the adjacent residential zone, the Planning Commission shall give considerable weight to the wishes of the parties involved. A signed agreement must be submitted to the Planning Commission or its designee, indicating the desires of the property owners. In the case where there no agreement can be reached, preference will be given to the masonry wall.

G. Hours of Operation. In the RBD zone, no permitted or conditionally permitted use shall be open for business on any Sunday, or after 9:00 P.M. or before 7:00 A.M. on any other day, nor shall any permitted or conditionally permitted use accept deliveries other than between the hours of 9:00 a.m. and 3:00 p.m., with no deliveries allowed at all on Sundays.

3.25.160. Architectural Design Standards
Architectural design requirements are found in Chapter 4.13 Supplementary Regulations under Commercial Design Standards.

Residential Business District developments are also subject to the following design standards:

A. Purpose. The property owner of a home that is zoned RBD is required to maintain the home exterior in a home like condition as far as is possible. If the structure proposed for the RBD zone substantially alters the exterior of the structure in existence at the time of this Ordinance being passed, the Planning Commission shall review the exterior plans and shall approve or deny the same as being compatible with the surrounding structures.

B. Applicability. This section applies to all of the following types of buildings, and shall be applied during Site Plan Review:

1. Residential Business District Structures.
2. Ancillary structures on said property.

C. Standards. Maintain single family look consistent with all other portions of this Code on property to be transitioned to Residential Business District.

3.25.170. Lighting Standards.
Residential Lighting Standards are applicable as described in Chapter 4.14, Supplementary Regulations.

SECTION III. The Development Code shall be amended to incorporate the Subdivision Ordinance as Chapter 9.

SECTION IV. The Development Code shall be amended to incorporate the Ordinance 854 PRD (Planned Residential Development) as Chapter 10.

SECTION V. The Development Code shall be amended to incorporate the Ordinance 548 Mobile Homes as Chapter 11.

SECTION VI. The Development Code shall be amended to incorporate the Ordinance 908 Signs in Rexburg as Chapter 12.

SECTION VII. The Development Code shall be amended to incorporate the Ordinance 915 Cell Tower as Chapter 13.

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

PASSED AND APPROVED BY THE REXBURG CITY COUNCIL, THIS 14th DAY OF December, 2005.

Shawn Larsen

Shawn Larsen, Mayor

ATTEST:

Blair D. Kay

Blair D. Kay, City Clerk

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 copy of the Ordinance entitled:

AN ORDINANCE AMENDING ORDINANCE NO. 926 PROVIDING FOR CHANGES IN THE MDR1, MDR2, LDR3, AND UPDATING THE DEFINITION OF THE IMPACT AREA; INCORPORATING THE SUB-DIVISION ORDINANCE, ORDINANCE 854, ORDINANCE 548, ORDIANNCE 908 AND ORDINANCE 915 INTO THE DEVELOPMENT CODE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

Passed by the City Council and approved by the Mayor this 14TH day of December, 2005.

Blair D. Kay
Blair D. Kay, City Clerk

(SEAL)

