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ORDINANCE NO. 1006

AN ORDINANCE AMENDING ORDINANCE NO. 926 PROVIDING FOR THE ADDITION OF THE "HEMMING PROJECT REDEVELOMENT OPTION ZONE (PROZONE)" TO SECTION 3.30 OF THE DEVELOPMENT CODE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

DEVELOPMENT CODE
OF THE
CITY OF REXBURG, IDAHO
(ADOPTED FEBRUARY 16th, 2005)
Amended 7/06/05; 5/07/2007; 7-03-2007

3.30(1).Hemming (PRO A B R 1) Project Redevelopment Option Zone

The Hemming Pro Zone is a multi-phased project. As the developer and the City of Rexburg go forward, proposals for additional areas will be submitted for subsequent Phases. The City will allow additional areas as the zone continues to create a cohesive development and neighborhood.

If the Hemming Pro Zone is not proceeding with construction of buildings and uses that are substantially the same as proposed and intended during the rezone request, the City shall initiate a reversion to the previous zoning (most recent prior to the PRO Zone designation). This time limit shall include a forty-eight (48) month period. The time shall begin at the adoption of the Hemming PRO zone or at each phase. Within the forty-eight (48) month period a building permit shall be submitted that requests approval of a substantial building that is consistent with the intent of the Hemming PRO Zone. No new phases shall be considered until at least fifty (50) percent build out has occurred on previous phases.

The area designated for Phase I is limited to the southwest area including the areas of mixed-use development on both sides of W 2nd South and the proposed Hotel/Lodge area.

3.30.010 Purpose and Objectives

Hemming has acquired the largest ownership of this block and its' adjacent north and south street frontages in order to develop a lasting mixed use district establishing a linkage between Main Street Rexburg and BYU Idaho. This district's guiding principles of sustainability and permanence is in accordance with the Comprehensive Plan of Rexburg, Idaho.

3.30.020. Permitted Uses

A. Uses. All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the Hemming Pro Zone, subject to the limitations set forth.

B. Permitted Principal Uses. The following principal uses and structures, and no others, are permitted in the Hemming Pro Zone:

Use

Two-family dwelling (attached to commercial or other nonresidential use)
Multiple Family Dwelling (excluded along 2nd West) Apartments (low rise attached to commercial or other nonresidential use as a mixed-use project as set forth in Rexburg City Code) Apartments (high rise attached to commercial or other nonresidential use; as a mixed-use project as set forth in Rexburg City Code)
Disabled person residential facility (as part of a mixed-use building, i.e. non-residential uses)

Hotels (parking in rear or side yard or garage structure, no parking in front of structure)
Automobile parking (except 4603, long term storage of autos, trucks, boats, vacation trailers, etc.)
Gas and electric utility company office
Water and electric utility company office
Combination utilities right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)
Storm drain or right-of-way (predominantly covered pipes or boxes)
Travel Agencies
Hardware
Building maintenance
Department stores (includes major and junior chain department stores)
Variety stores
Retail trade (as part of a mixed-use building, i.e. residential and/or office)
Food stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy products, bakeries, etc.)
Miscellaneous retail food establishments
Apparel, shoes, and accessories
Furniture, home furnishings, and equipment (no combined warehousing)
Eating places (restaurants)
Drug and proprietary stores; health and natural products stores
Books, stationery, art, and hobby supplies
Sporting goods, bicycles, and toys
Garden supplies (entirely within a building only)
Jewelry
Miscellaneous retail stores (includes florists, cigars, newspapers and magazines, photo supplies, pet stores, , games, computers, electronics, rental tuxedos and gowns, and other similar retail stores)
Banks, insurance, and real estate (office only)
Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except 6240 and 6299 wedding chapel and reception centers only)
Athletic clubs, body building studios, Spas, aerobic centers, (no gymnasiums)
Business services (office and retail sales only, except 6370, 6380, 6394 and 6397)
Offices and professional services (uses must be located above or below first street level floor, as part of a mixed-use building, i.e. residential and/or office)
Locksmiths and key shops
Professional Services (except 6515 Behavior, drug and alcohol treatment; office only)
Contract construction services (offices and retail only)
Executive, legislative, and judicial functions
Postal services
Educational services
Churches, synagogues, temples, and missions
Religious reading rooms
Other religions activities
Cultural activities
Video Rental Shops

C. Permitted Accessory Uses. Accessory uses and structures are permitted in the Hemming Pro Zone provided they are incidental to, and do not substantially alter the character of the permitted principal 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 Hemming Pro Zone.

2. Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use be located 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.

D. Conditional Uses. The following uses and structures are permitted in the Hemming Pro Zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.

Use

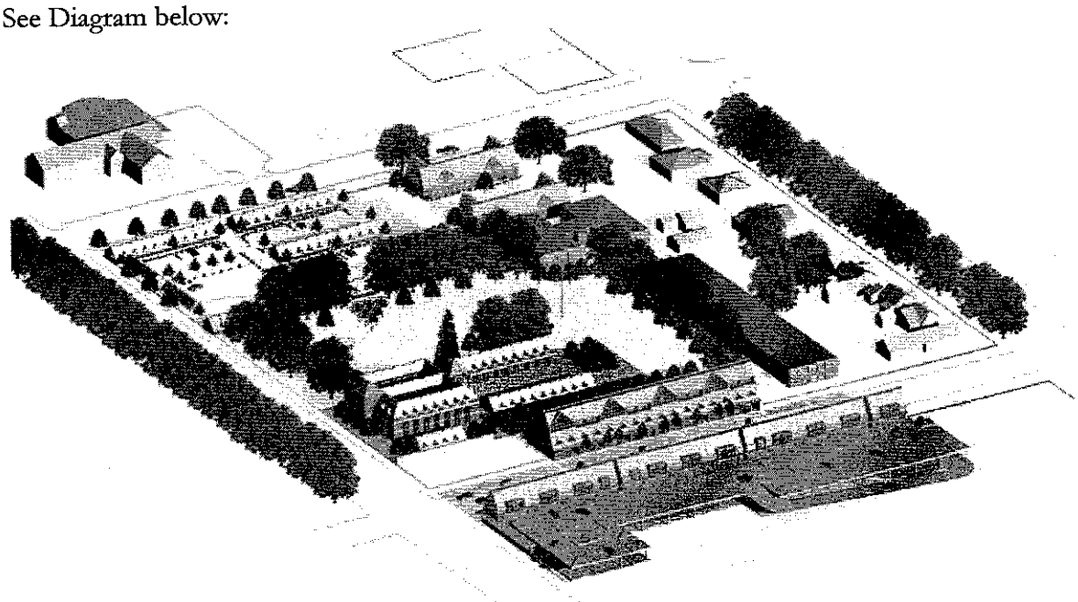
Bed and Breakfast Inns and Vacation Rentals
Dormitory housing (maximum of six (6) unrelated persons per unit physically attached to commercial or other non-residential uses as a mixed-use project)
Communications (subject to City of Rexburg Telecommunications Ordinance, utilizing feasible "stealth" features to disguise the towers and antennas)
Gas company office
Motorcycles, motor scooters, parts, accessories, and supplies, as part of a mixed-use building
Personal services (wedding chapels and receptions centers only)
Vehicle rental (passenger automobiles only)
Miscellaneous business services such as Kinkos; limited to not more than twenty percent (20%) of gross leasable are
Police protection and related activities, branch (office only)
Miscellaneous service organizations
Entertainment and assembly including legitimate theater
Motion picture theaters (indoor)
Public assembly
Coin-operated amusements
Dance halls, ballroom
Ice skating
Bowling alleys

The Regulating Plan

The regulating plan illustrates where form-based codes for the Hemming Pro Zone apply. It classifies the site according to street, block, and district characteristics and includes easy to follow illustrations of build-to lines, projected building footprints, location of public spaces, and allowable building types specific within the site.

Developers and planners view the site as part of a larger, unified design which identifies the basic physical characteristics of each building site, The regulating plan shows the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks.

See Diagram below:



3.30.100. Building Height
Building heights for residential buildings shall not exceed forty (40) feet. Building heights for commercial and mixed-use buildings shall not exceed fifty-two (52) feet.

3.30.110. Distance Between Buildings
No requirement except as regulated by the provisions of the latest edition of the Building Code of The City of Rexburg as adopted by the action of the Municipal Council of said City.

3.30.120. Permissible Lot Coverage

1. No building or structure, (parking lots included), shall not cover an aggregate area of the development area upon which they are placed. If the development area has a recorded contractual agreement to participate in a park, open space area, plaza, or similar, that is located within seven hundred (700) feet of the site, the development area coverage may be increased to one hundred (100) percent. The park, open space area, plaza, or similar area shall have a minimum area equal in size to the increase of the development area coverage for each participating development area, cumulatively. Required setbacks are not related to development area coverage and therefore must still be observed.

2. Individual building and connected structures shall not exceed a thirty thousand (30,000) square-foot foot print within the development area.

3.30.130. Lot Lines
Lot lines shall be appropriately adjusted, or a Restrictive Lot Line Covenant (RLLC) shall be submitted as part of each development. Lot line modifications and/or RLLC must be approved by the City prior to County recordation.

3.30.140. Dwelling Density
Not more than forty-two (42) dwelling units may be placed on an acre in the Hemming PRO Zone.

3.30.150. Setbacks
Corner lots and setbacks are treated the same as two (2) front yards on those adjacent corners. Setbacks when adjacent or across the street from a residential zone should be similar to most restrictive zone, and only applicable to the sides of the proposed building that are visible form residential zone.

Permitted projections into setbacks are limited to twenty-five (25) percent of building frontage and ten (10) feet projection into setback.

3.30.160. Parking, Loading, and Access
Parking requirements of the development code shall be adhered to except as modified in this section.

All habitable spaces within the Hemming PRO Zone shall have, within walking distance, automobile parking sufficient to meet the requirements as set forth in Rexburg City Code.

All surface parking spaces shall be paved with asphalt, cementitious pavers or concrete, and shall be provided with adequate drainage which does not impair public walks or streets. Such parking spaces shall not be constructed adjacent to a public street.

Off street loading spaces shall be provided for all structures.

A. Required Parking Spaces
Mixed use: Retail: 2.5 per 1,000 square feet of gross leasable area (GLA). GLA is defined as the sum of all floor area available for lease to retail tenants, including the exterior walls, minus space used for mechanical and

elevator equipment, common areas, loading and parking. Office: 2.5 per 1,000 square feet of gross floor area (GFA). GFA is defined as the sum of all floor area available for lease to office tenants, including exterior walls, minus space used for mechanical and elevator equipment.

B. Bicycle Parking

For any non-residential or multi-family residential buildings, provide short-term and long-term bicycle parking equivalent to 10% of the total automobile parking on site. Short-term bicycle parking must be within fifty (50) feet of the entrance to the building that it services. Long-term bicycle parking for overnight parking must be in areas sheltered from the elements.

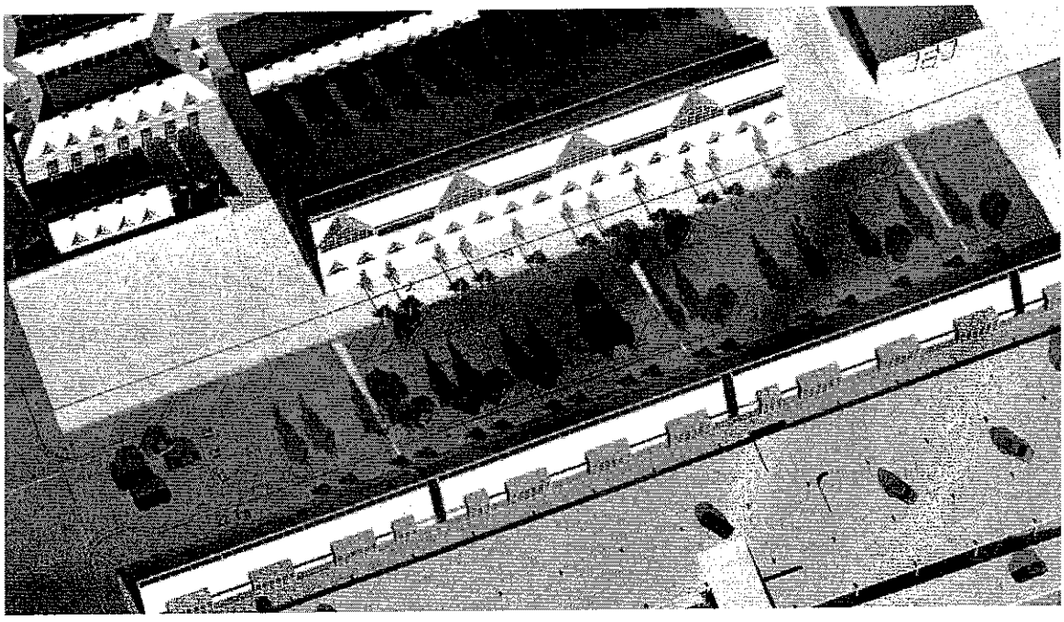
3.30.170. Project Plan Approval

All Project plans for projects in the Hemming Pro 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 Committee or Designee, followed by professional engineered plans and specifications for review by all City Departments and Permitting Authorities.

Building Envelope Standards

Building Envelope Standards (BES) ensure that the Hemming Pro Zone fits the character of the community, regulating building height, placement and orientation. The goal of the Building Envelope Standards is the creation of a healthy and vital public realm through good street space. The standards prescribe the ideal. The Building Envelope Standards set the basic parameters governing building construction, including the building envelope (in three dimensions) and certain required/permitted elements, such as canopies, marquees, walls and fences, balconies etc.

Buildings are aligned and close to the street. The street is a coherent space with consistent building forms on both sides of the street, contributing to a clear public space. Buildings oversee the street with active fronts and views directed to the street and public realm, conducive to a vital and safe public space. Retail on the ground floor helps to make the street active and interesting and impart a dynamic, vital, and safe pedestrian public space. Parking (not including on-street parking) should be away from the streets and shared by multiple owners/users.



3.30.180. Other Requirements

A. Signs. All signs erected in the Hemming Pro Zone shall be mounted flat against the face of a building, marquee, or canopy and shall be in conformance with the sign provisions of Rexburg City Code. All signs shall

be approved by the Planning Commission or designee prior to the issuance of a sign permit.

B. Uses Within Buildings. All uses established in the Hemming PRO zone shall be conducted entirely within a fully-enclosed building except those uses deemed by the Planning Commission to be customarily and appropriately conducted in the open, and other uses which are allowed by the Planning Commission to be conducted in the open through the granting of a conditional use permit. Uses customarily deemed to be conducted in the open may include, but would not be limited to, service stations, ice-skating, miniature golf, etc.

C. Landscaping.

1. Surface Parking lots (single level)
    a. Provide ten (10) percent landscaping/snow storage for total area of impervious surface, may be interior landscaping or perimeter.
        i. Provide one (1) tree per 500 square feet (2 inch caliper minimum)
        ii. Provide one (1) shrub per 50 square feet (3 gallon minimum).
    b. Ground cover shall primarily be live plant material (e.g. grasses versus rock).
2. Perimeter of all parking areas adjacent to public right-of-way
    a. Regardless of building setbacks, provide twenty (20) foot landscape strips running parallel to right-of-way.
        i. Provide one (1) tree per 20 lineal feet of road frontage (2 inch caliper minimum).
        ii. Provide one (1) shrub per 5 lineal feet of road frontage (5 gallon minimum) and/or shall be sufficient in size to create desired screening within two years of planting.
    b. Ground cover shall primarily be live plant material (e.g. grasses versus rock).
3. Landscaped areas shall utilize an automatic, low volume, irrigation system to insure maturation and maintenance.

D. Canopies and Marquees. Canopies and/or marquees may be extended over public sidewalks in the Hemming Pro Zone only after a conditional use permit has been granted by the Planning Commission for their erection, and after a revocable license has been issued by the Rexburg City Mayor in accordance with the procedures outlined herein.

Said marquees or canopies may be supported by columns or stanchions which are attached to the ground within the public right-of-way and do not extend beyond the street curb line. Canopies and marquees erected in the Hemming Pro Zone must comply with all of the following conditions:

1. A conditional use permit must first be granted by the Planning Commission following an application submitted to the Planning Commission. Procedure for granting a conditional use permit for this purpose shall be in accordance with Rexburg City Code.

2. A license shall be obtained from the Mayor permitting such construction. Conditions deemed appropriate by said Mayor may be imposed upon the granting of a license.

3. The licensee shall agree to save and hold harmless the City on any and all damage to any property or person arising from the construction and maintenance of such canopies or marquees. Licensee shall assume and pay all costs of installation, maintenance, and removal of said canopy or marquee.

4. The licensee shall agree to pay damages and hold the City harmless from any claim that may arise through the licensee's use of public property for this purpose.

5. Said license may be revoked after ninety (90) days of written notice to the licensee, at which time all improvements must be removed from the public right-of-way at the full expense of said licensee. The City right-of-way shall be restored by the licensee at his own expense to a condition equivalent or better than that existing in the remainder of the block face, and to a condition satisfactory and acceptable to the Mayor.

6. Before a license shall be issued by the Mayor, the design of the canopy or marquee and the materials used in the construction of said canopy or marquee shall first be reviewed by the Planning Commission in the process of granting a conditional use permit. The Planning Commission shall not grant a conditional use permit for any construction of such canopies or marquees unless the following is fully demonstrated to their satisfaction:

a. The canopy or marquee is harmonious in design and appearance with the building upon which it is being located, and with the general architectural and visual theme of the Hemming Pro Zone.

b. The canopy or marquee will be constructed of materials contained on the materials list for the Hemming Pro Zone approved by resolution of the Municipal Council.

c. The canopy or marquee will tend to improve the visual environment of the City, will not be harmful to any existing tree or landscaping element, will increase downtown property values, and will promote the objectives and characteristics of the Hemming Pro Zone as set forth herein.

d. The location of supporting columns or stanchions will not obstruct pedestrian traffic on the sidewalk, and will not materially affect existing landscaping or street furniture installations in the public right-of- way.

7. In the event that no public landscaping exists in the area adjacent to said canopy or marquee, the Planning Commission shall require the provision of a landscaped and planted area no less than four (4) feet in width and no greater than six (6) feet in width to be planted with materials as part of the granting of a conditional use permit. This planting shall be provided at least the full width of the canopy or marquee installation.

8. All canopy or marquee installations will be in full conformance with the provisions of the latest edition of the Uniform Building Code as adopted by Rexburg City.

9. The provisions of this Section are not intended to any way nullify or repeal any portions of the Uniform Building Code provisions.

10. Canopies or marquees shall remain open and unencumbered on three (3) sides except for required supporting columns, stanchions, or architectural features approved by the Planning Commission.

11. In no event shall any portion of the public right-of-way be used for commercial storage, display, or other private use.

12. The construction of any canopy or marquee under the provisions of this Section shall in no way deprive the public of use of the public right-of-way.

E. Trash Storage.

F. 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 which would tend to inhibit a safe sight distance of traffic traveling upon a public street, or entering into the public street from a private driveway or alley.

2. A decorative masonry wall, 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 commercial zone and the adjacent residential zone, the masonry wall requirement may be modified to allow other suitable materials. A signed agreement must be submitted to the Planning Commission or its designee, indicating this agreement, the masonry wall will be required.

G. Fencing Standards. The term "fence" shall include any tangible barrier, lattice work, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of preventing passage or view across the fence line. Fences six feet or less in height shall not require a building permit. Fences over six feet in height must obtain a building permit from the Building Inspection Division. Any fence, wall, screen, hedge or other material serving as a fence, shall not create a sight distance hazard to vehicular or pedestrian traffic as determined by the Rexburg City traffic engineer.

The following standards shall apply in all residential projects in the Hemming PRO zone:

1. Front Yard. Solid walls, fences, hedges or screening materials which are sight obscuring may be built to a maximum of three (3) feet in any required front yard perimeter. Walls, fences, hedges or screening materials which are not sight obscuring (at least 50% open) may be built to a maximum of six (6) feet in a front yard.

2. Side Yard. Solid, sight obscuring fences or walls may be built to a maximum of three (3) feet but may slope upward to connect with a higher rear yard fence. The sloped length may not exceed one section or a maximum of ten (10) feet.

3. Rear Yard. Walls and fences in a rear yard may exceed six (6) feet provided that a building permit is first
obtained from the Building Inspection Division prior to onstruction.

4. Corner Lots. A fence not more than six (6) feet high may be constructed in a side yard adjacent to a public street on a corner lot, provided it does not extend into the clear vision area of a corner lot as defined by Rexburg City Code.

5. Entryways. Entry treatments to private driveways or subdivision development entrances may not exceed six (6) feet at the highest point, except lamps on pillars. Pillars shall be allowed to extend up to eighteen inches above the allowable height of a fence provided that the pillars shall have a minimum spacing of no less than six feet, measured face to face.

6. Grade Differences. Where there is a difference in the grade of the properties on either side of a fence, wall or other similar structure,

the height of the fence shall be measured from the natural grade of the property upon which it is located.

7. Retaining Walls. Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

8. Privacy Walls. Privacy walls which project into a required front yard will be subject to staff review.

9. Double Frontage Lots. A fence or wall may be erected in the rear yard of a double frontage lot subject to staff review.

10. Exceptions. The provisions of this Section shall not apply to certain other fences such as tennis court backstops or patio enclosures as approved by the Zoning Administrator, if it is determined that such do not create a hazard or violation of other sections of the Rexburg City Code or other City ordinances. All other exceptions must obtain Planning Commission approval.

H. Sidewalk Cafes. A sidewalk café shall be permitted if the following requirements are met:

1. An applicant submits scaled plans demonstrating that the café will conform to the following development standards:

a. At least six (6) feet of clear, unobstructed sidewalk width will remain available for pedestrian use. A six-foot clearance shall be required between any portion of the café area and any sidewalk obstructions such as tree wells, street signs, utility poles, newspaper racks, benches, kiosks, drinking fountains and landscaped areas.

b. Tables, chairs and other furnishings associated with the café will be located directly adjacent to the building and ground floor space in which food or drink is prepared.

c. A five (5) foot setback will be maintained from the dining area to a property or lease boundary and from the intersection of the public sidewalk with a driveway, alley, street or another public sidewalk.

d. If the sidewalk café is limited to one row of tables and chairs parallel to the building, no barriers will be erected to impede access. If a sidewalk café is designed to have more than one such row of tables and chairs, a non-sight obscuring removable barrier not more than three (3) feet high enclosing the tables and chairs shall be constructed. Barrier gates shall not swing into the required unobstructed sidewalk area required in subsection (a) above.

e. Awnings associated with the café will be installed in accordance with the Uniform Building Code. Umbrellas shall not extend into the required unobstructed sidewalk area required in subsection (a) above.

f. Signs associated with the café will be installed in accordance with Rexburg City Code.

g. Adequate facilities for the storage of trash and tobacco waste products generated by the café will be provided at a convenient location.

2. An agreement between the applicant and the City is executed and recorded that includes the following provisions:

a. No alcohol will be consumed on the sidewalk.

b. All tables and chairs, any barrier, and other sidewalk obstructions associated with the sidewalk café will be removed during the time period between one-half (½) hour after close of business to one-half (½) hour before opening of the business.

c. Insurance will be continuously maintained to adequately co-insure Rexburg City against any liability associated with the sidewalk café, as reasonably determined by the City. The insurance certificate shall name the City as an "additional insured." Cancellation of such insurance shall require at least thirty (30) days prior notice to the City.

d. Rexburg City, its officers, agents and employees, will be held harmless from any claims, causes of action, injuries, losses, damages, expenses, fees and costs, including attorneys' fees, associated or arising from the operation of the café.

e. The café owner and operator will be responsible for repair of any damage done to the public sidewalk due to the installation or removal of furnishings, barriers or other features of the sidewalk café.

f. Hours of café use will be limited to not earlier than 7:00 A.M. and not later than 11:00 P.M. and will not exceed the operating hours of the associated eating or drinking establishment.

g. Will maintain the sidewalk café and surroundings will be maintained in a neat and clean condition at all times.

h. The Café owner and operator will remove café improvements if necessary for sidewalk repair or replacement, utility maintenance, or upon failure to comply with the terms of the agreement.

3.30.190. Architectural Design Standards

A. Introduction Development in the Hemming Pro Zone will be guided by overall design standards in harmony with the adopted vision for downtown. These design standards for development will be coordinated with overall community standards and will enhance the integrity of the existing business district and the downtown as the center of the community while providing a link to this new mixed-use district.

B. Background and Justification. The basis for all development within our Community is set forth in the Development Code, Subdivision Regulations, and the Comprehensive Plan. The Development Code for the City of Rexburg states that the purpose of the Ordinance is to promote the general welfare by establishing and regulating zoning districts.

The purpose of these standards is to augment the existing criteria contained in the Hemming Pro Zone and those contained in the Development Code and Subdivision Ordinance, with more specific interpretations that apply to the design commercial developments in the Hemming Pro Zone. These standards require a basic level of architectural variety, compatible scale, pedestrian and bicycle access, and mitigation of negative impacts.

1. Guiding Hemming Pro Zone principals. The City of Rexburg values the historical sense of place that the downtown has provided for over a hundred years. The Hemming Pro Zone will incorporate

many of the principals which have guided the downtown. These principals are as follows:

a. The Hemming Pro Zone is a Pedestrian-Priority Area.

b. The Hemming Pro Zone is Highly Attractive to Visitors.

c. The Hemming Pro Zone is a Mixed-Use Center which includes Retail, Office, Residential, Entertainment, Culture and Educational facilities.

d. The Hemming Pro Zone is Highly connected to the City, Region and to BYU-Idaho.

e. Circulation System Manages "Through" & "To" Traffic Strategically.

f. The Hemming Pro Zone Way-finding & Parking Systems are User Friendly.

g. The Hemming Pro Zone is a great Place to Work, Visit, Shop, Learn & Live.

2. The Hemming Pro Zone **Development Framework.** The Development Framework that has been identified is as follows:

a. Define and Focus Development on Target Markets.

b. Emphasize Mixed-Use Development with Ground Floor Retail.

c. Build a Sound Parking System for Employees, Customers, Visitors & Residents.

d. Build a Pedestrian & Cycling Pathway Network Linking Key Community Nodes.

e. Undertake Infill, Adaptive Re-Use & Historic Preservation. Implement Urban Renewal Program.

f. Install Small Business Amenities & services to Draw this Market.

g. Connect to Community & Region with Wayfinding, Gateways, Parking, Amenities & Marketing.

h. Recruit Social Retailers to Reconnect with Major Regional Markets.

C. Design Review Committee Procedures. The Design Review Committee (DRC) or designee will review all development proposals in the Hemming PRO Zone. The following standards are intended for use as a design aid by developers proposing developments in the Hemming Pro Zone and as an evaluation tool by the city staff and the Planning Commission in their review processes.

These standards shall apply to all projects, which are processed according to the criteria for proposed development plans and to all projects for commercial establishments located in the Hemming Pro Zone. These standards are to be used in conjunction with the Subdivision Ordinance and other City Development Regulations.

1. Purpose. The Design Review Committee or Designee are established to coordinate, expedite and assure fair and equitable

implementation of this title.

The objective, to be implemented through their procedures and deliberations, shall be to encourage development quality that will enhance both the natural and built environments, with consideration to present and future property values, and to carry out the purposes of this title. All bodies authorized under this chapter may call upon any City staff or other persons with technical expertise, and may testify before any board, commission or other body upon the subjects for which they have responsibility.

D. General Procedures, Notice and Timing.

1. Informal Advice and Direction. A person or organization considering any construction, building or site alteration, rezoning or other development activity, may approach the Design Review Committee or designee for informal advice and direction. Such discussion shall be treated as advisory by both parties and shall record only the fact that contact had been made. An informal review by the Design Review Committee or designee may be requested by submitting a completed application form provided by the Planning Director along with any schematic development plans or written narrative at least one week prior to the next regularly Design Review Committee or designee meeting.

The initial informal review by an applicant or owner for a specific parcel shall be conducted without a fee. A fee, set in accordance with the fee resolution adopted by the City Council, shall be charged for a second or subsequent informal review requested by the same applicant and/or owner for the same real property as a prior informal review. No application is required for informal review or advice by the Design Review Committee staff.

2. Formal Application. An application for Design Review Committee or designee and/or consideration of a development proposal must be submitted utilizing a form available from the Planning Director. Material to be submitted with the application shall include the elements set forth within the requirements for the type of proposal to be considered, i.e., sketch plan, site plan, conditional use permit, certificate of appropriateness, planned unit development, divisions of land, etc. as outlined in this title. It is recommended that the applicant discuss the application informally with the Design Review Committee or designee prior to formal submission to help expedite the process. Depending upon the size of the proposed project, its location and type, the applicant may be directed to one or more agencies of the City for processing.

Public Notice. Public notice for any proposal before the Design Review Committee or designee that requires such notice shall be provided in accordance with Rexburg Municipal Code.

3. Design Review Committee Action. By no later than thirty (30) working days from the date of the first regularly scheduled Design Review Committee meeting, at which the applicants' proposal was initially reviewed, the Design Review Committee shall take action to recommend approval, approval with conditions, table pending submission of revised or additional materials or recommend denial of the applicant's proposal, unless the applicant grants a written extension to the review period.

Architectural Standards

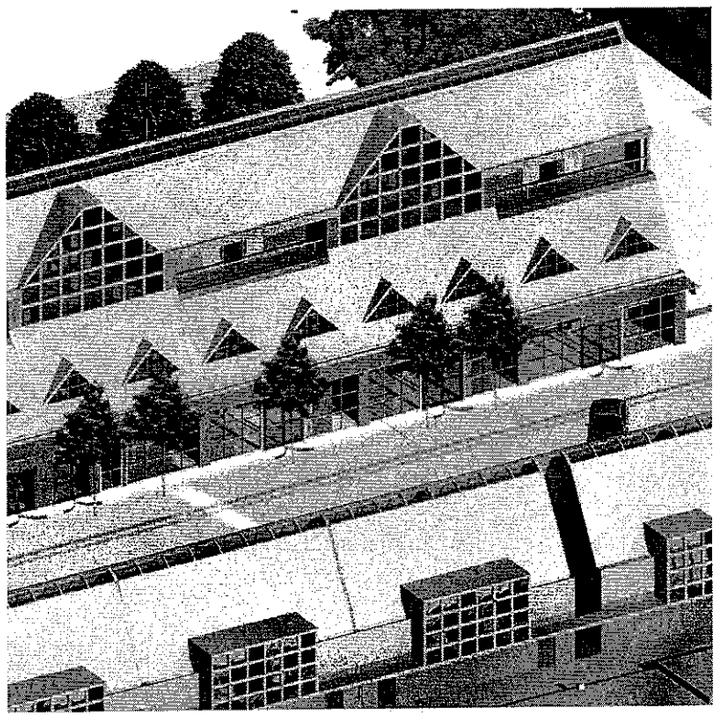
The Architectural Standards for the Hemming Pro Zone favor an aesthetic that is traditional and reflective of Rexburg's heritage and environment. They specify an architectural language of quality,

durability, and endurance. The intent behind these standards is to utilize a discipline of form in the design in order to foster a coherent aesthetic.

Exterior building materials should express the construction techniques and structural constraints of traditional, long lasting building materials. Facades should be articulated to reduce the massive scale and the uniform impersonal appearances of buildings. Roofs and parapets should demonstrate a commonsense recognition of the climate by utilizing appropriate pitch, drainage, and materials in order to provide visual coherence to the Hemming Pro Zone. Green building technologies should be used to the maximum extent possible.

Where possible, indigenous building materials that reflect the architectural past of Rexburg are to be used. South facing bay windows and glass skylights are to be incorporated to maximize natural light illumination. Narrower buildings are encouraged to foster through ventilation of interior spaces. The design of roof heights and slopes shall not create a canyon effect in the street nor create a perpetual shadow in winter on adjacent buildings.

The Hemming Pro Zone will be guided by LEED (Leadership in Energy and Environmental Design) standards, or an equivalent standard, and will strive to incorporate these standards into the building design including the submission of a LEED scorecard in the administrative review process.



E. Architectural Design Standards. The Hemming Pro Zone is intended to support the city's goals through elements of design and appropriate mixed-use development. This chapter provides standards for the orderly improvement [and expansion] design of the Hemming Project based on the following principals:

Efficient use of land and urban services;
A mixture of land uses to encourage walking as an alternative to driving, and provide more employment and housing options;

Both formal and informal community gathering places;

There is a distinct storefront character which identifies the Hemming Project;

The Hemming Pro Zone is connected to Downtown, the University, and neighborhoods;

Provide visitor accommodations and tourism amenities;

Transit-oriented development reduces reliance on the automobile and reduces parking needs in the Hemming Pro Zone;

Design standards / guidelines maintain and enhance the City's historic architecture;

1. Block Layout and Building Orientation. This section is intended to promote the walkable, storefront character of the Hemming Pro Zone by orienting (placing or locating) buildings close to streets. Placing buildings close to the street also slows traffic down and provides more "eyes on the street", increasing the safety of public spaces.

a. Applicability. This Section applies to new Land Divisions and all of the following types of development (i.e., subject to Site Design Review):

i. Three or more single-family attached townhomes on their own lots (i.e., townhomes subject to Site Design Review);

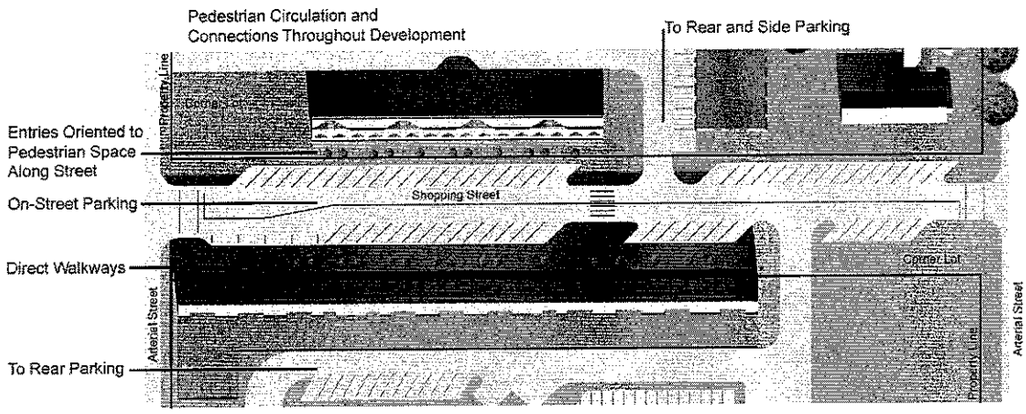
ii. Duplex and tri-plex developments with more than one building (i.e., duplex and tri-plex developments subject to Site Design Review);

iii. Multi-family housing;

iv. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review (e.g., buildings used solely to house mechanical equipment, and similar uses); and

v. Commercial and mixed-use buildings subject to site design review.

Figure 1b 2 –Hemming Pro Zone block



b. Hemming Pro Zone block Development. A Design Criteria for the Hemming PRO Zone will be presented to the Design Review Committee (DRC) or designee for review and approval prior to implementation. Upon approval, all new construction will comply with this criterion. Commercial and mixed-use developments may exceed the block width and depth standards in 'B', above, when the total floor area of those developments (i.e., one or more buildings on one or more lots) exceeds [10,000] square feet on the ground floor. These "superblock developments" shall conform to all of the standards in 1-2 below (See figure):

i. Create a "shopping street". Each development has at least one street or drive designed with the basic elements of a good pedestrian-oriented shopping street: buildings oriented (placed) close to both sides of a "main street", which may be public or private; on-street parking; wide sidewalks (e.g., 8-12 feet typical), street trees; pedestrian-scale lighting and other similar enhancements.

ii. Provide usable pedestrian space. The amount and included amenities of Pedestrian space must be in compliance with the Hemming PRO Zone Design Criteria. Pedestrian space means a plaza or extra-wide pathway/sidewalk near one or more building entrances. The Hemming PRO Zone Design Criteria provides the requirements for street trees or planters, space for outdoor seating, canopies or awnings, and on-street parking (in selected areas).

Figure 1C-1 - Building Orientation (Typical)

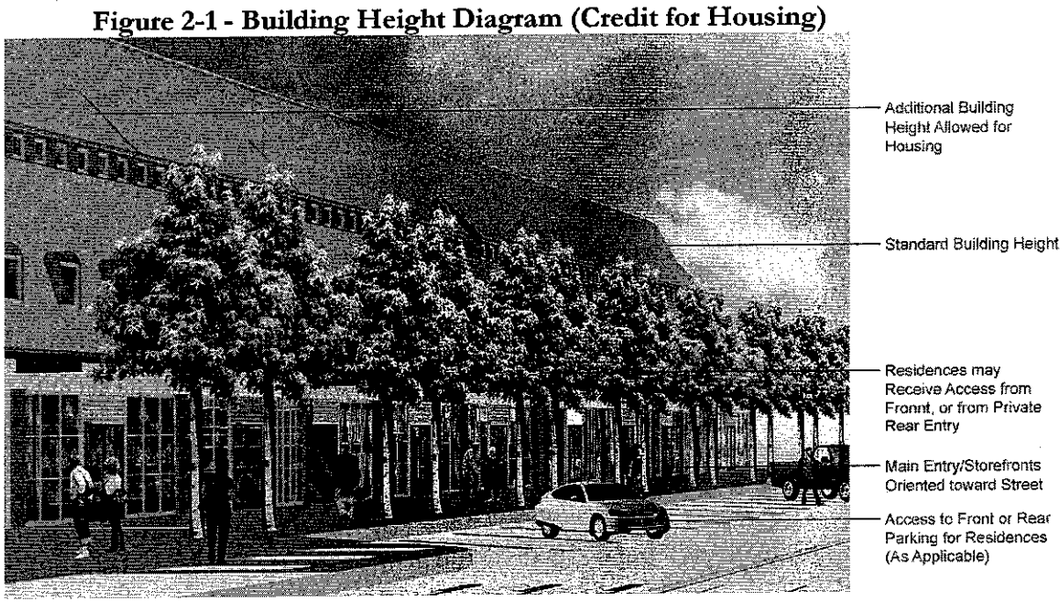


c. Building Orientation Standard.
The Hemming PRO zone Design Criteria details how all building orientations, including corner lots, are required to be built. All of the developments in the Hemming PRO Zone shall be oriented to a street. The Hemming PRO zone Design Criteria details the setback standards and entrance requirements.

Clear vision areas in the Hemming PRO zone are a minimum of fifteen (15) feet and should be approved by the City Engineer prior to adoption. This applies to main building structures, not accessory structures or landscaping, which require the thirty (30) foot clear vision area.

d. Building Height. All buildings in the Hemming Pro Zone shall comply with the following building height standards. The standards are intended to allow for development of appropriately-scaled buildings with a storefront character:

Figure 2-1 - Building Height Diagram (Credit for Housing)



i. **Maximum Height.** Buildings shall be no more than 4 stories or 52 feet in height, whichever is greater. Roof top equipment is included in the maximum building height and should be screened by parapets or similar treatment. The maximum height may be increased by [15] feet when housing is provided above the ground floor ("vertical mixed-use"), as shown above. The building height increase for housing shall apply only to that portion of the building that contains housing.

ii. **Method of Measurement.** "Building height" is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

(1) The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than [10] feet above the lowest grade;

(2) An elevation [10] feet higher than the lowest grade when the sidewalk or ground surface described in subsection 'a' is more than [10] feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flag poles, and similar features which are not for human occupancy.

2. Specific Architectural Guidelines.

a. Purpose and Applicability. Design Criteria for the Hemming PRO Zone will be presented to the Design Review Committee (DRC) or designee for review and approval prior to implementation. Upon approval, all new construction will comply with this criterion. The Hemming Pro Zone architectural guidelines or standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles. This section applies to all of the following types of buildings:

i. Three or more single-family attached townhomes on their own lots (i.e., townhomes subject to Site Design Review).

ii. Duplex and tri-plex developments with more than one building (i.e., duplex and tri-plex developments subject to Site Design Review).

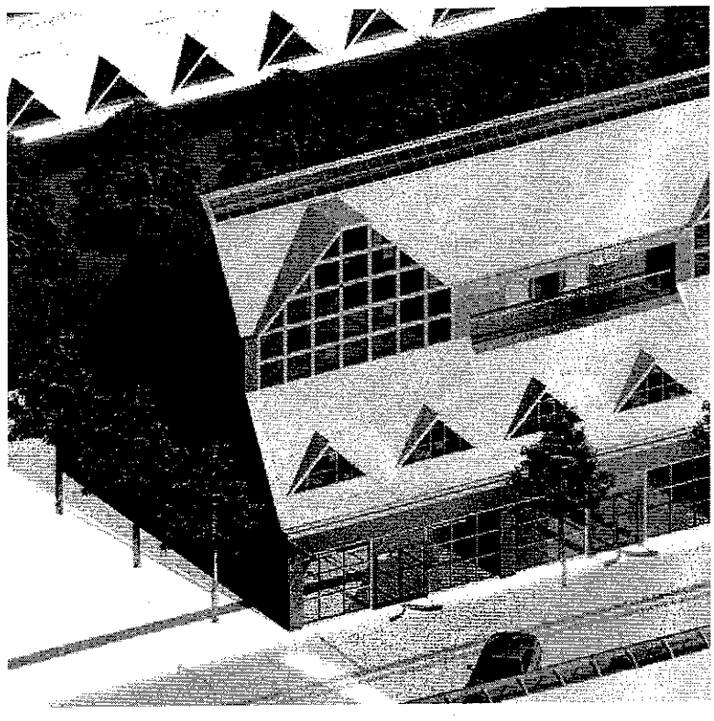
iii. Multi-family housing.

iv. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses).

v. Commercial and mixed-use buildings subject to site design review.

b. Guidelines and Standards. Each of the following standards shall be met. An architectural feature used to comply with one standard may be used to comply with another standard.

Figure 3-1 – Hemming Pro Zone Building Design Elements (Typical)



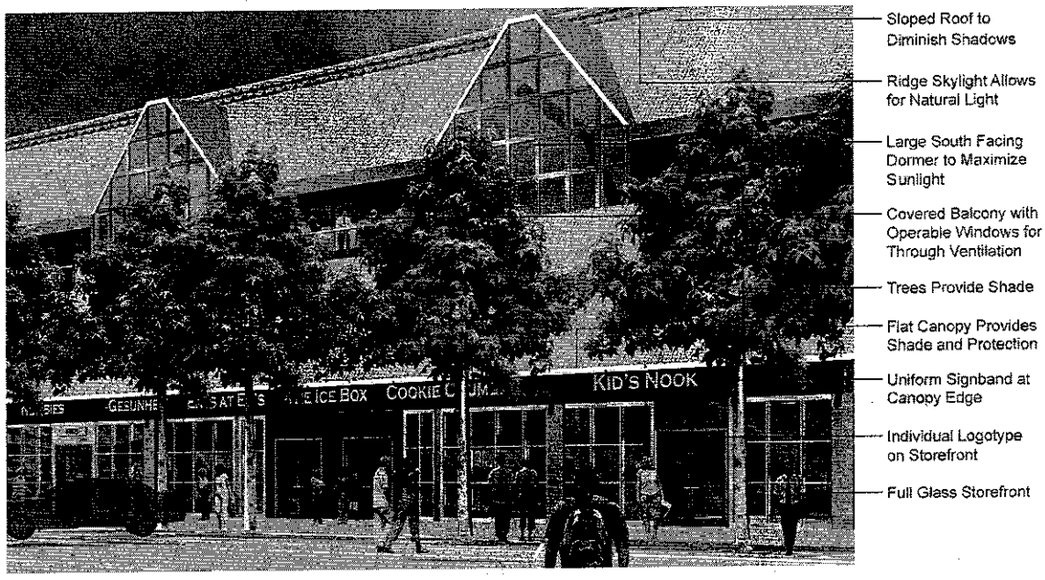
i. Detailed Storefront Design. A Design Criteria for the Hemming PRO Zone will be presented to the Design Review Committee (DRC) or designee for review and approval prior to implementation. Upon approval, all new construction will comply with this criteria. All buildings shall contribute to the storefront character and visual relatedness of the Hemming Pro Zone buildings. This criterion is met by providing all of the architectural features listed in a-c, below along the front building elevation (i.e., facing the street), as applicable and by complying with the Hemming PRO zone design criteria. Corner buildings will be subject to application of the standards to both street facing elevations and be approved under the Hemming PRO zone Design Criteria.

(1) Corner building entrances on corner lots. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.

(2) Regularly spaced harmonious proportionate scaled window openings (all building stories).

(3) Large display windows on the ground-floor (non-residential uses only). Display windows shall be framed by bulkheads, piers, and sills. Sill height shall be at a minimum of eighteen (18) inches for seventy-five (75) percent of such display windows.

Figure 3-2 - Design of Large-Scale Buildings and Developments (Typical)



ii. Design of Large-Scale Buildings and Developments. A Design Criteria for the Hemming PRO Zone clarifying standards and quantifications will be presented to the Design Review Committee (DRC) or designee for review and approval prior to implementation. Upon approval, all new construction will comply with this criterion. The standards in subsection "c", below, shall apply to "Large-Scale Buildings and Developments", as defined in a-b and the approved Hemming PRO Zone Design Criteria:

(1) Buildings with greater than (25,000) square feet of enclosed ground-floor space (i.e., "large-scale"). Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell.

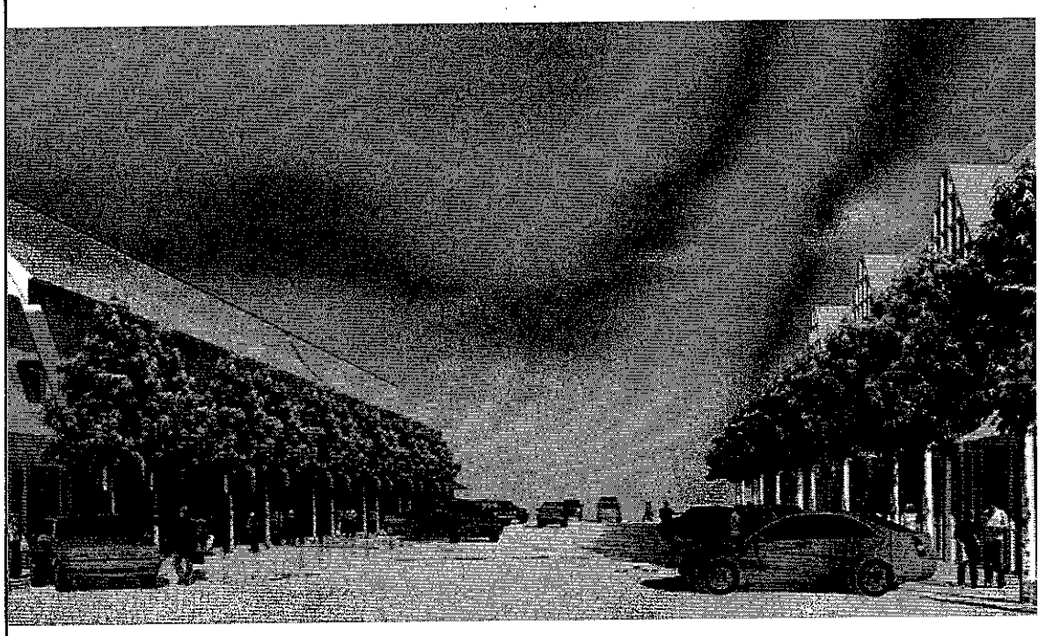
(2) Multiple-building developments with a combined ground-floor space (enclosed) greater than (40,000) square feet (e.g., shopping centers, public/institutional campuses, and similar developments).

(3) All large-scale buildings and developments, as defined in a-b, shall provide human-scale design by conforming to all of the following criteria:

(a). Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes, as shown above. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting); and similar features. (Note: the example shown above is meant to illustrate examples of these building design elements, and should not be interpreted as a required architectural style.)

(b) Every building elevation adjacent to a street with a horizontal dimension of more than [100] feet, as measured from end-wall to end-wall, shall have a building entrance; except that building elevations that are unable to provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) may not be required to meet this standard.

iii. Streetscape Standards. The Streetscape Standards are intended to further insure the coherence of the aesthetic for the Hemming Pro Zone. These standards also establish an environment that encourages and facilitates pedestrian activity. Native trees and plants contribute to privacy, noise reduction, maintenance of the natural habitat, and conservation of water. The Streetscape is key to the livability, vitality and identity of the Hemming Pro Zone.



Streetscape elements, such as pavers, benches and other outdoor seating, amenities for transit passengers, pedestrian scale street lights, bike racks and waste-bins must be consistent throughout the Hemming Pro Zone.

Street trees are part of an overall Streetscape plan designed to give special character and coherence. The desired aesthetic shall be achieved through the use of native/proven, hardy, adaptive species where reasonable.

3. Pedestrian (and Transit) Amenities.

a. **Purpose and Applicability.** This section is intended to complement the building orientation standards above, as well as the street standards by providing comfortable and inviting pedestrian spaces within the Hemming Pro Zone. A Design Criteria for the Hemming PRO Zone clarifying standards and quantifications will be presented to the Design Review Committee (DRC) or designee for review and approval prior to implementation. Upon approval, all new construction will comply with these criteria. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of the Hemming Pro Zone and contribute to a walkable district. This section applies to all of the following types of buildings:

i. Three or more single-family attached townhomes on their own lots (i.e., townhomes subject to Site Design Review).

ii. Duplex and tri-plex developments with more than one building (i.e., duplex and tri-plex developments subject to Site Design Review);

iii. Multi-family housing;

iv. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and

v. Commercial and mixed-use buildings subject to site design review.

Figure 4-1 - Pedestrian [and Transit] Amenities (Typical)



b. **Guidelines and Standards.** A Design Criteria for the Hemming PRO Zone will be presented to the Design Review Committee (DRC) or designee for review and approval prior to implementation. Every development shall provide [two] or more of the "pedestrian amenities" listed in 1- 5 below, and illustrated above. [Note: the example shown above is meant to illustrate examples of pedestrian amenities. Other types of amenities and designs may be used.] Pedestrian amenities may be provided within a public right-of-way when approved by the applicable jurisdiction.

i. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 8 feet).

ii. Sitting space (i.e., dining area, benches or ledges between the building entrance and sidewalk (minimum of 16 inches in height and 30 inches in width).

iii. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space).

iv. Public art which incorporates seating (e.g., fountain, sculpture, etc.).

v. Transit amenity, such as bus shelter or pullout, in accordance with the City's Transportation Plan and guidelines established by the (name of transit district).

4. Special Standards for Certain Uses. This section supplements the standards contained above. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Residential District:

- Residential Uses
- Bed and Breakfast Inns and Vacation
- Rentals
- Public and Institutional Uses
- Accessory Uses and Structures
- Automobile-Oriented Uses and Facilities
- Outdoor Storage and Display
- Light Manufacture

a. Residential Uses. Higher density residential uses, such as multi-family buildings and attached townhomes, are permitted to encourage housing near employment, shopping and services.

All residential developments shall comply with the standards in 1-6, below, which are intended to require mixed-use development; conserve the community's supply of commercial land for commercial uses; provide for designs which are compatible with a storefront character; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas. Residential uses which existed prior to the effective date of this code are exempt from this Section unless substantial reconstruction and/or expansion occurs. Substantial reconstruction shall mean that valuation of proposed improvement exceeds fifty (50) percent of assessed value for the previous calendar year. Standards shall only apply to areas of expansion unless the gross floor area of the proposed expansion exceeds fifty (50) percent of the existing structure's gross floor area.

i. Mixed-Use Development Required. Residential uses shall be permitted only when part of a mixed-use

development (residential with commercial or public/institutional use). Both "vertical" mixed-use (housing above the ground floor), and "horizontal" mixed-use (housing on the ground floor) developments are allowed, subject to the standards in 2-5. Stand alone residential uses will not be permitted from fronting W 2nd South.

ii. Density. There is a maximum dwelling density of 42 units per acre.

iii. Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of the building; except that side-yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front building elevation by a minimum of [4-6] feet. On corner lots, garage entrances shall be oriented to a side-street (i.e., away from (name of "Main Street")) when access cannot be provided from an alley.

iv. Common Areas. All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a homeowners association or other legal entity. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

b. Bed and Breakfast Inns and Vacation Rentals.
Bed and Breakfast Inns and vacation rental dwellings are required to register with a local management group or make available at all times a local contact. Bed and Breakfast Inns must be owner occupied using a maximum of twenty-five (25) percent of the home for this purpose.

c. Public and Institutional Uses. Public and institutional uses are allowed in the Hemming PRO zone, except that automobile-oriented uses shall comply with the standards in "E", below.

d. Accessory Uses and Structures. Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Hemming Pro Zone include small workshops, greenhouses, studios, storage sheds, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the Hemming Pro Zone provided they are incidental to, and do not substantially alter the character of the principal permitted use. Accessory structures shall comply with the following standards:

i. Primary use required. An accessory structure shall not be allowed before or without a primary use on the same lot.

ii. Setback standards. Accessory structures shall comply with the setback standards required by the building code. If and accessory structure requires a building permit, all setbacks required of the principal structure shall be observed as well. In addition no accessory structures shall

be allowed to encroach in to a front yard. Accessory structures visible from public or private rights-of-way shall be consistent in materials as those used for the principal structure.

iii. Design guidelines. Accessory structures shall comply with the Hemming Pro Zone design guidelines.

iv. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.

v. Compliance with subdivision standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

e. Automobile-Oriented Uses and Facilities. Automobile-oriented uses and facilities, as defined below, shall conform to all of the following standards in Hemming Pro Zone. The standards are intended to provide a vibrant storefront character, slow traffic down, and encourage walking.

i. Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be accessed from alleys, placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of a building; except that side-yards on corner lots shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front elevation by a minimum of [4] feet. Individual surface parking lots shall not exceed a total one-half city block; larger parking areas shall be in multiple story garages.

ii. Automobile-Oriented Uses. "Automobile-oriented use" means automobiles and/or other motor vehicles are an integral part of the use. These uses are restricted because, when unrestricted, they detract from the pedestrian-friendly, storefront character of the district and can consume large amounts of land relative to other permitted uses. Automobile-oriented uses shall comply with the following standards:

(1) Vehicle repair, sales, rental, storage, service. Businesses that repair, sell, rent, store, or service automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, and similar vehicles and equipment are prohibited unless the use is contained within an enclosed building.

(2) Drive-up, drive-in, and drive-through facilities. Drive-up, drive-in, and drive-through facilities (e.g., associated with restaurants, banks, car washes, and similar uses) are permitted only when accessory to a primary commercial "walk-in" use, and shall conform to all of the following standards:

(a) The facility receives access from an alley or driveway, and not a street.

(b) None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, drop-boxes, and similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a corner).

(c) The facility is subordinate to a primary permitted use. "Subordinate" means all components of the facility, in total, occupy less street frontage than the primary commercial or public/institutional building.

(d) No more than one drive-up, drive-in, or drive-through facility shall be permitted on one block, or for a distance of 300 linear feet along the same street frontage, whichever is less.

(e) No outdoor PA system shall be located within three hundred (300) feet of a residential zone.

f. Sidewalk Displays. Sidewalk display of merchandise and vendors shall be limited to cards, plants, gardening/floral products, food, books, newspapers, bicycles, and similar small items for sale or rental to pedestrians (i.e., non-automobile oriented). A minimum clearance of six (6) feet of walkable surface shall be maintained. Display of larger items, such as beds and appliances, automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, and similar vehicles and equipment, is prohibited.

g. Light Manufacture. Certain light manufacture uses are allowed in the Hemming Pro Zone. "Light manufacture" means production or manufacturing of small-scale goods, such as crafts, electronic equipment, bakery products, printing and binderies, furniture, and similar goods. The Planning and Zoning Administrator may determine at anytime during the review process of a manufacturing use that it may be submitted to the Planning Commission or City Council as a conditional use permit. Light manufacture uses shall conform to all of the following standards which are intended to protect the pedestrian-friendly, storefront character of the Hemming Pro Zone.

i. Retail or Service Use Required. Light manufacture is allowed only when it is in conjunction with a permitted retail or service use [and does not exceed 50 percent of the gross floor area].

ii. Location. The light manufacture use shall be fully enclosed within a building and shall not be located within two hundred (200) feet of a residential zone.

3.30.200. Commercial Lighting Standards

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

Section II. 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**.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 6th DAY OF AUGUST, 2008.

Shawn Larsen
Mayor

ATTEST:

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 THE ADDITION OF THE "HEMMING PROJECT REDEVELOMENT OPTION ZONE (PROZONE)" TO SECTION 3.30 OF THE DEVELOPMENT CODE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

Passed by the City Council and approved by the Mayor this 06th day of August, 2008.

Blair D. Kay
Blair D. Kay, City Clerk

(SEAL) CITY OF REXBURG CORPORATE SEAL STATE OF IDAHO

SUMMARY OF
ORDINANCE NO. 1006

AN ORDINANCE AMENDING ORDINANCE NO. 926 PROVIDING FOR THE ADDITION OF THE "HEMMING PROJECT REDEVELOMENT OPTION ZONE (PROZONE)" TO SECTION 3.30 OF THE DEVELOPMENT CODE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

DEVELOPMENT CODE
OF THE
CITY OF REXBURG, IDAHO
(ADOPTED FEBRUARY 16th, 2005)
Amended 7/06/05; 5/07/2007; 7-03-2007

3.30(1).Hemming (PRO A B R 1) Project Redevelopment Option Zone

The Hemming Pro Zone is a multi-phased project. As the developer and the City of Rexburg go forward, proposals for additional areas will be submitted for subsequent Phases. The City will allow additional areas as the zone continues to create a cohesive development and neighborhood.

If the Hemming Pro Zone is not proceeding with construction of buildings and uses that are substantially the same as proposed and intended during the rezone request, the City shall initiate a reversion to the previous zoning (most recent prior to the PRO Zone designation). This time limit shall include a forty-eight (48) month period. The time shall begin at the adoption of the Hemming PRO zone or at each phase. Within the forty-eight (48) month period a building permit shall be submitted that requests approval of a substantial building that is consistent with the intent of the Hemming PRO Zone. No new phases shall be considered until at least fifty (50) percent build out has occurred on previous phases.

The area designated for Phase I is limited to the southwest area including the areas of mixed-use development on both sides of W 2nd South and the proposed Hotel/Lodge area.

3.30.010 Purpose and Objectives

Hemming has acquired the largest ownership of this block and its' adjacent north and south street frontages in order to develop a lasting mixed use district establishing a linkage between Main Street Rexburg and BYU Idaho. This district's guiding principles of sustainability and permanence is in accordance with the Comprehensive Plan of Rexburg, Idaho.

3.30.020. Permitted Uses

Uses. All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the Hemming Pro Zone, subject to the limitations set forth.

Permitted Principal Uses. The following principal uses and structures, and no others, are permitted in the Hemming Pro Zone:

Use

Two-family dwelling (attached to commercial or other nonresidential use)
Multiple Family Dwelling (excluded along 2nd West) Apartments (low rise attached to commercial or other nonresidential use as a mixed-use project as set forth in Rexburg City Code) Apartments (high rise attached to commercial or other nonresidential use; as a mixed-use project as set forth in Rexburg City Code)
Disabled person residential facility (as part of a mixed-use building, i.e. non-residential uses)
Hotels (parking in rear or side yard or garage structure, no parking in front of structure)

Automobile parking (except 4603, long term storage of autos, trucks, boats, vacation trailers, etc.)
Gas and electric utility company office
Water and electric utility company office
Combination utilities right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)
Storm drain or right-of-way (predominantly covered pipes or boxes)
Travel Agencies
Hardware
Building maintenance
Department stores (includes major and junior chain department stores)
Variety stores
Retail trade (as part of a mixed-use building, i.e. residential and/or office)
Food stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy products, bakeries, etc.)
Miscellaneous retail food establishments
Apparel, shoes, and accessories
Furniture, home furnishings, and equipment (no combined warehousing)
Eating places (restaurants)
Drug and proprietary stores; health and natural products stores
Books, stationery, art, and hobby supplies
Sporting goods, bicycles, and toys
Garden supplies (entirely within a building only)
Jewelry
Miscellaneous retail stores (includes florists, cigars, newspapers and magazines, photo supplies, pet stores, , games, computers, electronics, rental tuxedos and gowns, and other similar retail stores)
Banks, insurance, and real estate (office only)
Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except 6240 and 6299 wedding chapel and reception centers only)
Athletic clubs, body building studios, Spas, aerobic centers, (no gymnasiums)
Business services (office and retail sales only, except 6370, 6380, 6394 and 6397)
Offices and professional services (uses must be located above or below first street level floor, as part of a mixed-use building, i.e. residential and/or office)
Locksmiths and key shops
Professional Services (except 6515 Behavior, drug and alcohol treatment; office only)
Contract construction services (offices and retail only)
Executive, legislative, and judicial functions
Postal services
Educational services
Churches, synagogues, temples, and missions
Religious reading rooms
Other religions activities
Cultural activities
Video Rental Shops

Permitted Accessory Uses. Accessory uses and structures are permitted in the Hemming Pro Zone provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure.

Conditional Uses. The following uses and structures are permitted in the Hemming Pro Zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.

Use
Bed and Breakfast Inns and Vacation Rentals
Dormitory housing (maximum of six (6) unrelated persons per unit physically attached to commercial or other non-residential uses as a mixed-use project)
Communications (subject to City of Rexburg Telecommunications Ordinance, utilizing feasible "stealth" features to disguise the towers and antennas)
Gas company office
Motorcycles, motor scooters, parts, accessories, and supplies, as part of a mixed-use building
Personal services (wedding chapels and receptions centers only)

Vehicle rental (passenger automobiles only)
Miscellaneous business services such as Kinkos; limited to not more than twenty percent (20%) of gross leasable are
Police protection and related activities, branch (office only)
Miscellaneous service organizations
Entertainment and assembly including legitimate theater
Motion picture theaters (indoor)
Public assembly
Coin-operated amusements
Dance halls, ballroom
Ice skating
Bowling alleys

The Regulating Plan
The regulating plan illustrates where form-based codes for the Hemming Pro Zone apply. It classifies the site according to street, block, and district characteristics and includes easy to follow illustrations of build-to lines, projected building footprints, location of public spaces, and allowable building types specific within the site.

3.30.100. Building Height
Building heights for residential buildings shall not exceed forty (40) feet. Building heights for commercial and mixed-use buildings shall not exceed fifty-two (52) feet.

3.30.110. Distance Between Buildings
No requirement except as regulated by the provisions of the latest edition of the Building Code of The City of Rexburg as adopted by the action of the Municipal Council of said City.

3.30.120. Permissible Lot Coverage
No building or structure, (parking lots included), shall not cover an aggregate area of the development area upon which they are placed. If the development area has a recorded contractual agreement to participate in a park, open space area, plaza, or similar, that is located within seven hundred (700) feet of the site, the development area coverage may be increased to one hundred (100) percent.

3.30.130. Lot Lines
Lot lines shall be appropriately adjusted, or a Restrictive Lot Line Covenant (RLLC) shall be submitted as part of each development. Lot line modifications and/or RLLC must be approved by the City prior to County recordation.

3.30.140. Dwelling Density
Not more than forty-two (42) dwelling units may be placed on an acre in the Hemming PRO Zone.

3.30.150. Setbacks
Corner lots and setbacks are treated the same as two (2) front yards on those adjacent corners. Setbacks when adjacent or across the street from a residential zone should be similar to most restrictive zone, and only applicable to the sides of the proposed building that are visible form residential zone.

3.30.160. Parking, Loading, and Access
Parking requirements of the development code shall be adhered to except as modified in this section.
Off street loading spaces shall be provided for all structures.

Required Parking Spaces
Mixed use: Retail: 2.5 per 1,000 square feet of gross leasable area (GLA). GLA is defined as the sum of all floor area available for lease to retail tenants, including the exterior walls, minus space used for mechanical and elevator equipment, common areas, loading and parking. Office: 2.5 per 1,000 square feet of gross floor area (GFA). GFA is defined as the sum of all floor area available for lease to office tenants, including exterior walls, minus space used for mechanical and elevator equipment.

3.30.190. Architectural Design Standards

Introduction Development in the Hemming Pro Zone will be guided by overall design standards in harmony with the adopted vision for downtown. These design standards for development will be coordinated with overall community standards and will enhance the integrity of the existing business district and the downtown as the center of the community while providing a link to this new mixed-use district.

Maximum Height. Buildings shall be no more than 4 stories or 52 feet in height, whichever is greater. Roof top equipment is included in the maximum building height and should be screened by parapets or similar treatment. The maximum height may be increased by [15] feet when housing is provided above the ground floor ("vertical mixed-use"), as shown above. The building height increase for housing shall apply only to that portion of the building that contains housing.

Mixed-Use Development Required. Residential uses shall be permitted only when part of a mixed-use development (residential with commercial or public/institutional use). Both "vertical" mixed-use (housing above the ground floor), and "horizontal" mixed-use (housing on the ground floor) developments are allowed, subject to the standards in 2-5. Stand alone residential uses will not be permitted from fronting W 2nd South.

Density. There is a maximum dwelling density of 42 units per acre.

Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of the building; except that side-yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front building elevation by a minimum of [4-6] feet. On corner lots, garage entrances shall be oriented to a side-street (i.e., away from (name of "Main Street")) when access cannot be provided from an alley.

Common Areas. All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a homeowners association or other legal entity. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.
Automobile-Oriented Uses and Facilities. Automobile-oriented uses and facilities, as defined below, shall conform to all of the following standards in Hemming Pro Zone. The standards are intended to provide a vibrant storefront character, slow traffic down, and encourage walking.

Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be accessed from alleys, placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of a building; except that side-yards on corner lots shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front elevation by a minimum of [4] feet. Individual surface parking lots shall not exceed a total one-half city block; larger parking areas shall be in multiple story garages.

3.30.200. Commercial Lighting Standards
Commercial Lighting Standards are applicable as described in Chapter 4.14, Supplementary Regulations.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 6th DAY OF AUGUST, 2008.

Shawn Larsen, Mayor

ATTEST:

Blair D. Kay, City Clerk

The full texts of Ordinance No. 1006 and Ordinance 926 are 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. Electronic copies of Ordinance No. 1006 and Ordinance 926 are available on the web at **www.rexburg.org**.

STATEMENT OF
REXBURG CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE 1006

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. 1006.

DATED this 7th day of August, 2008.

Stephen P. Zollinger
Rexburg City Attorney