

Instrument # 354352
REXBURG, MADISON, IDAHO
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Recorded for: CITY OF REXBURG
MARILYN R. RASMUSSEN Fee: 0.00
Ex-Officio Recorder Deputy

ORDINANCE NO. 1021

AN ORDINANCE AMENDING ORDINANCE NO. 926 PROVIDING FOR CHANGES TO THE PARKING STANDARDS FOR DORMITORY HOUSING WITHIN A DEFINED AREA ADJACENT TO THE BYU-I CAMPUS; 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; 09-05-2007; 05-07-2008.

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

Amendments to Chapter 5- Parking Regulations

Section 5.10.

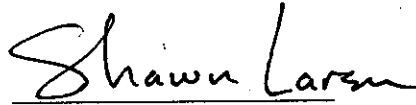
Parking requirements for dormitory housing units that are located within the Pedestrian Enhancement Zone (PEZ) (see attached boundaries or appendix of development code) may be reduced subject to the following requirements and provisions:

- 1) The parking ratio per student within "Area 1" as identified on the attached exhibit map shall be reflective of a market demand as determined by the applicant or land owner, but may in some cases be reduced to zero parking spaces. However, other parking (vehicle and bicycle) is required for guests and management as specified below in Sections 9, 10, and 11.
- 2) The parking ratio within the area identified as "Area 2" on the exhibit map shall be a minimum of 0.5 spaces per student. Other parking (vehicle and bicycle) is required for guests and management as specified below in Sections 9, 10, and 11.
- 3) Parking areas (parking spaces and maneuvering areas) shall not be located within the required front yard.
- 4) Existing parking areas that are located within the required front yard shall be eliminated and restored to landscaping that includes the use of trees and shrubs.
- 5) In order to be eligible for the reduced parking ratios as permitted herein, the resulting structure must have ten (10) dwelling units or more. However, structures with fewer than ten (10) dwelling units may apply for a conditional use permit in order to qualify for reduced parking. This ordinance is not intended nor shall apply to any structure originally constructed as a single-family or duplex residential structure. Furthermore, all underlying zoning standards shall apply (e.g. dwelling density, permitted land uses, etc).
- 6) Landscaped areas shall, through the use of trees and shrubs, deter the use of the required front yard as parking during the winter months when vehicles are not allowed to be parked overnight on City streets.
- 7) Landscaped front yards and other required buffer yards shall be delineated from parking areas by high-back curbing that will further discourage parking in the front yard.
- 8) Each property that utilizes this parking reduction shall clearly specify on all rental contracts or agreements whether or not a vehicle parking space is provided for that individual tenant.
- 9) Bicycle parking, shall be provided on a ratio of One (1) space per every ten (10) resident beds, as follows:
 - (a) Spaces may be in an open-air environment, but shall be placed on a hard surface such as concrete, asphalt, pavers, or other.

- (b) A hard surface, such as concrete, asphalt, pavers, or other, shall connect bicycle storage area to either the internal parking lot, or a public right-of-way. Surface shall be a minimum of 5-feet in width or 6-feet in width if vehicle overhang will occur.
- (c) Spaces shall have lighting that is motion activated. Lighting shall in no way shine on to adjacent rights-of-way or adjacent property, but shall be directed downward on to bicycle storage only. The City's lighting ordinance shall govern any other aspects not anticipated by this section.
- (d) Parking areas shall not be located within the required front yard setback.
- (e) Signs shall be placed conspicuously that state that moped parking is allowed in areas of bicycle parking. Signs shall clarify that mopeds include either pedals, or have engines under 50cc.
- 10) One vehicle parking space shall be provided for on-site management. Parking spaces must be the City's full-size parking space standard.
- 11) One vehicle parking space per 10 residents shall be provided for guest parking. Guest parking shall be marked with signage that is clearly visible during all seasons of the year. These spaces shall not be included in the parking contract required to be entered into (see section #8 above). Guest parking spaces shall be the City's full-size parking space standard.
- 12) All sidewalks located along property shall be installed and maintained per City standards,
- 13) By utilizing this parking reduction provision, the property owner, and future property owners agree to participate in a joint sidewalk maintenance agreement with other property located in the PEZ overlay that may be established in the future. Sidewalk maintenance shall include repairs as needed, and snow removal and deicing, as needed.
- 14) Sidewalks shall be maintained for safe passage during all seasons of the year. In the case of snow removal and de-icing, this safe passage must be insured by 6:00 A.M. every morning and continue until 10:30 P.M.
- 15) Property owners are encouraged to work with adjacent property owners to allow pedestrian access easements over property if a more direct route for pedestrians to BYU-I campus can be achieved.
- 16) Lighting fixtures on the property shall not exceed 15-feet in height. This would include wall mounted lights as well as parking lot lights and walkway lights. Any lighting that exists at the time a property wishes to implement this PEZ parking standard shall be brought in to compliance with this standard and any other lighting standards per the City's lighting ordinance.
- 17) Every dwelling unit shall have a minimum of 150 square feet of gross floor area for every person living in dwelling unit.
- 18) No applications for expansion of the PEZ boundaries shall be accepted for five (5) years from the passage of this ordinance in the hopes that infill will be maximized within the boundaries. The current boundaries coincide with a quarter mile (1/4) radius, a distance with the strong likelihood of pedestrian activity. When the boundaries are revisited, if it is determined that this ordinance has been effective but needs more time to maximize infill then the boundary should not be expanded.
- 19) Qualifying developments cannot reduce their existing parking space ratio except to proportionally allow for additional on-site buildings, or for the restoration of required yard.
- 20) Qualifying developments shall be subject to future proportional share of pedestrian and vehicle enhancements implemented to facilitate movement to and from campus or

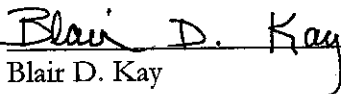
businesses. This ordinance shall take effect and be in force from and after its passage and publication as required by law.

PASSED AND APPROVED BY THE REXBURG CITY COUNCIL, THIS 20th DAY OF MAY, 2009.



Shawn Larsen
Mayor

ATTEST:



Blair D. Kay
City Clerk

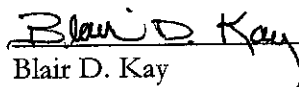
Published: June 03, 2009

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 TO PARKING REGULATIONS; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

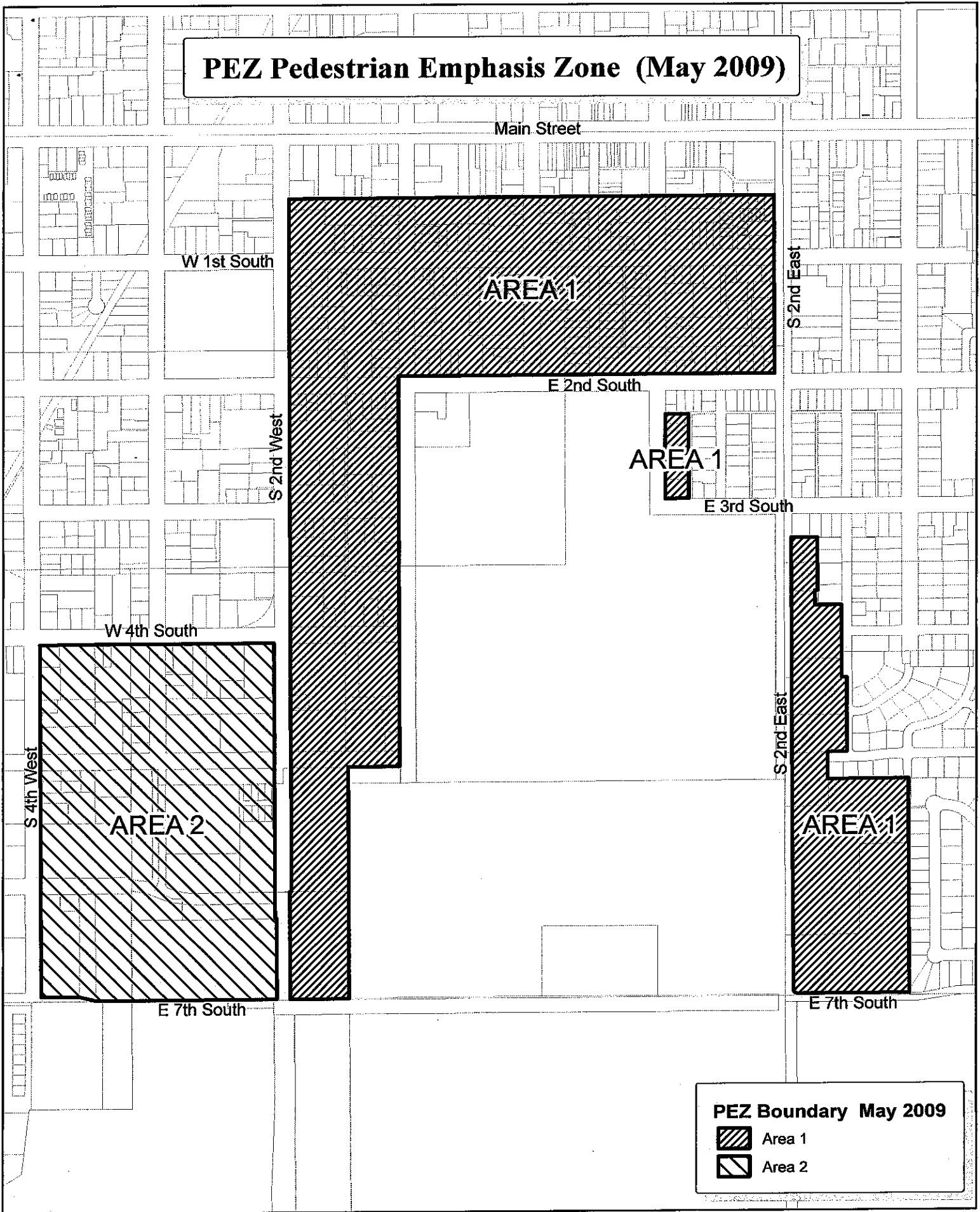
Passed by the City Council and approved by the Mayor this 20TH day of May, 2009.



Blair D. Kay
City Clerk



PEZ Pedestrian Emphasis Zone (May 2009)

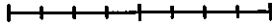


PEZ Boundary May 2009

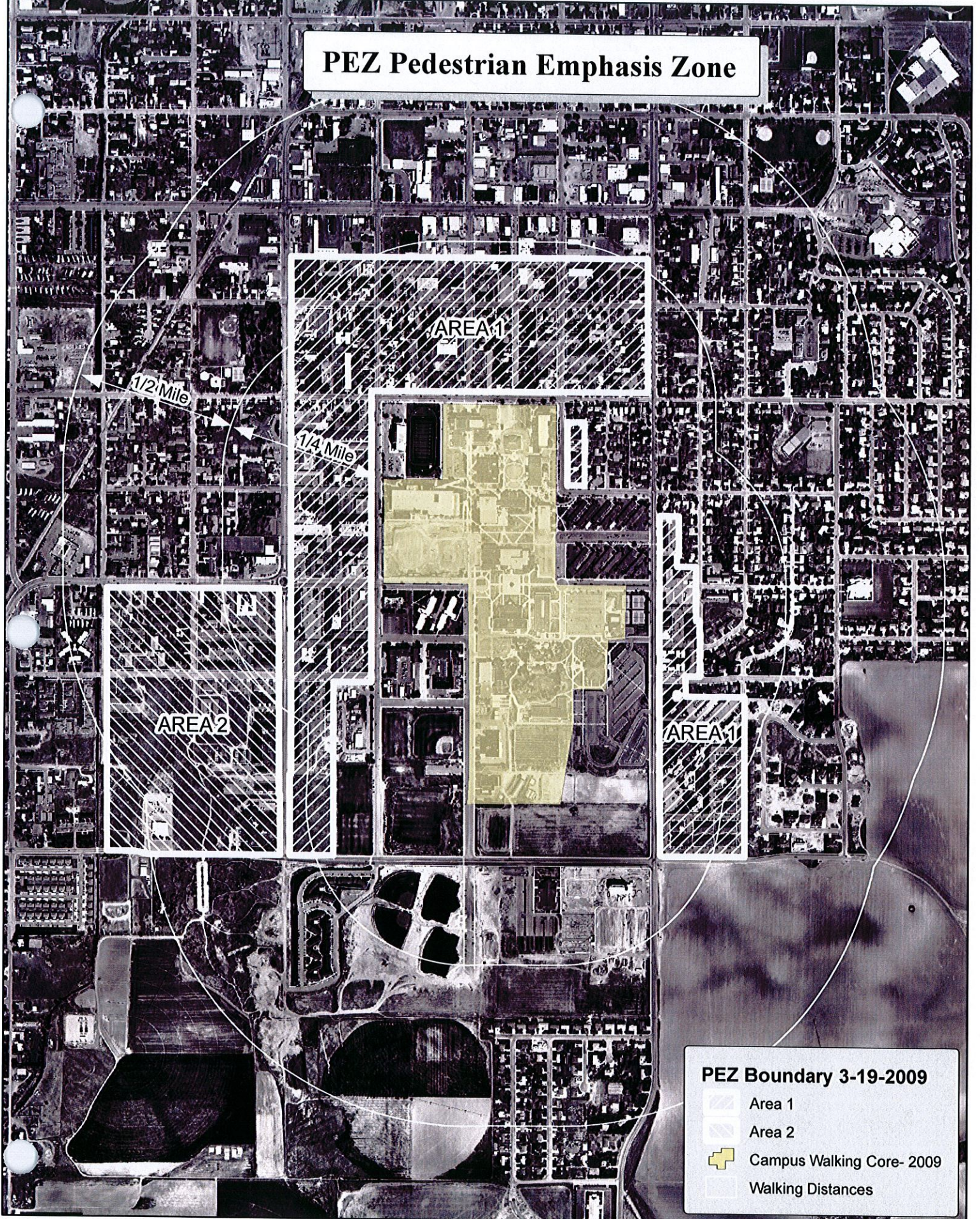
-  Area 1
-  Area 2



0 250 500 1,000 Feet



PEZ Pedestrian Emphasis Zone



PEZ Boundary 3-19-2009

- Area 1
- Area 2
- Campus Walking Core- 2009
- Walking Distances



0 250 500 1,000 Feet

1 inch = 1,000 feet

BRIGHAM YOUNG
UNIVERSITY
IDAHO

April 13, 2009

Dear Mayor and Councilman

On behalf of Brigham Young University, I present the following testimony in support of the newly proposed Rexburg City Ordinance No. 1021, more commonly referred to as the Pedestrian Emphasis Zone Ordinance (PEZ Ordinance).

As you know, a common goal of BYU-Idaho and the City of Rexburg is that the university campus be pedestrian in nature. The ability of our students and faculty to walk to and from campus is an integral part of every step of the University's planning process. From the location of classroom buildings to the minute details of the scheduling of events and classroom instruction, a student's ability to walk to and from their destinations in a timely manner is central to the planning process.

We believe that the provisions of Ordinance No. 1021 will promote these goals. The central theme of the newly proposed ordinance is that in those areas near campus which are primarily single student housing in nature, required parking ratios should be reduced. The expectation is that an increase in housing density in areas near campus will result in an increase of the number of students walking to and from campus and a decrease in motor vehicle traffic which is associated with the operation of the University.

A number of concerns arise when discussions regarding reducing parking are proposed. I will address a few which have been directed towards the University.

- **Will reduced parking near campus encourage pedestrian traffic to the University campus or will it simply create unacceptable parking pressures?** With respect to this very legitimate concern, we submit the following data regarding our student's ownership and use of motor vehicles. This data comes from a preliminary survey of 1250 university students who live within a 1 – 2 block radius of campus. It is the intent of the University to conduct a more thorough survey in the near future which will assist the University and City as we plan for increased enrollment at BYU-Idaho.

- 61% of the students at BYU-Idaho bring automobiles to Rexburg.
- 57% (2063 of 3607) of their roommates brought automobiles to Rexburg.
- Of students walking to school during the week,
 - 56% walk all of the time
 - 20% walk most of the time
 - 7% walk about one-half of the time
 - 9% walk a few times
 - Only 9 % indicated that they rarely or never walk to school

This preliminary study indicates that those students living close to campus are primarily pedestrians. Rarely are their cars used to drive to the University. If the number of students who reside in close proximity to campus increases, it would logically follow that the pedestrian nature of those students would also increase. Although hopeful that some students may choose not to bring a car to Rexburg, the University does not have any solid information which would suggest that reducing parking near campus will result in a lower student/car ratio. Any success of the PEZ zone will be measured not only by the added benefits of encouraging pedestrian traffic but also by the steps taken to resolve parking issues as we reduce the amount of parking.

As noted in our previous discussions, the University is not suggesting that parking be reduced without addressing the resulting parking issue. It has been proposed with members of City staff, members of the Planning and Zoning Commission, and with the mayor that a long term parking facility be constructed which would meet the student parking demand as parking near campus is reduced. It is the vision of the University that this facility would be located in an area which would be far enough from student housing that students would prefer to be pedestrians while going to and from the University yet would be located close enough to student housing as not to be over burdensome at those times when use of a car is necessary. Costs associated with this lot would be born by the apartment complexes utilizing the PEZ zone designation, the students and the University.

Additionally, a responsible review and a fresh look at the City's policy regarding on-street parking prohibition during the winter months may also identify acceptable options which might ease parking near campus.

- **Will reducing the required parking ratio in the proposed zone simply encourage a higher student population in existing facilities?** The PEZ ordinance provides that only apartment structures consisting of 10 units or more may utilize the reduced parking ratio provided by Ordinance 1021. Structures with fewer than 10 units must obtain a conditional use permit in order to take advantage of the reduced parking ratio. The ordinance also provides that the ordinance shall not apply to "any structure originally constructed as a single-family or duplex residential structure."

The above provisions adequately address concerns which some have raised suggesting that the ordinance will simply lead to higher density in already existing structures. The University is very sensitive to overcrowding of its students and will continue to maintain living standards which require sufficient living space for each student.

Additionally, please know that BYU-Idaho approves single student housing facilities which are safe, promote good health, and encourage a student living atmosphere which is consistent with the values of the Church of Jesus Christ of Latter-day Saints. Over time, the University has determined that these goals are best met in housing complexes consisting of structures with many apartment units. The University believes this type of student living encourages interaction between the students and helps create a 'student community' atmosphere. Recently, the University adopted the following housing statement which will further assure that future development is consistent with these goals:

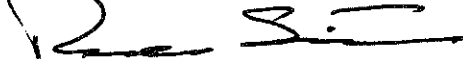
Housing Statement

BYU-Idaho promotes meaningful opportunities for social, emotional, and spiritual development of its students. As part of its plan to enrich each student's life, a new policy concerning single student housing is being implemented.

Effective immediately, only apartment complexes will be eligible for approval. Future applications to convert single-family residential homes to single student housing will not be approved. Current approved single-family residential homes will not be currently affected by this policy. Expansion of current single-family residential homes to accommodate additional students will not be approved. When current approved single family residential homes change legal ownership, the approved status is removed.

For the above reasons, we urge your support and adoption of Ordinance No. 1021. If you have questions or if I can provide additional information, please feel free to contact me at (208) 390-7000.

Sincerely,



Richard F. Smith