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CITY OF
REXBURG
America's Family Community

ORDINANCE NO. 1154

AMENDING THE DEVELOPMENT CODE OF THE
CITY OF REXBURG, IDAHO

AN ORDINANCE AMENDING ORDINANCE 1115 CHAPTER TWO CLARIFYING DEFINITIONS FOR BOARDING HOUSES, BED AND BREAKFAST, AND SHORT TERM RENTALS; CHAPTER THREE SECTIONS 3.9.090 (HDR1) AND SECTION 3.10.090 (HDR2) FOR SETBACKS, AND RIGHT-OF-WAY EXCEPTIONS IN THE PEDESTRIAN EMPHASIS OVERLAY (PEO); CHAPTER NINE REQUIRING A CONDITIONAL USE PERMIT TO REDUCE PARKING FOR DORMITORY HOUSING UNITS WITHIN THE PEDESTRIAN EMPHASIS OVERLAY; AND PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE.

BE IT ORDAINED BY the Mayor and Council of the City of Rexburg, Idaho:

SECTION I: Ordinance Number 1115 of the City of Rexburg, Idaho, is hereby amended:

A. To clarify existing definitions in chapter two for boarding houses, bed and breakfast, and short term rentals; and
B. To allow for a reduction in setbacks and rights-of-way by up to fifteen feet by meeting certain requirements; and
C. To allow a reduction in parking requirements for dormitory housing units in the Pedestrian Emphasis Overlay (PEO) pursuant to a Conditional Use Permit.

SECTION II: CHAPTER TWO Definitions of boarding houses, bed and breakfast, and short term rentals shall be defined as follows:

A. **Bed and Breakfast Inn**: A structure containing guest room(s) where lodging, with or without meals, is provided on a daily rate basis, and a manager maintains a residential presence on site or on an adjacent lot.
B. **Boarding House**: A building that is the primary residence of the owner in which rooms are provided on a daily, weekly or monthly basis for compensation, by the owner, to persons not related by blood, marriage, or adoption to the owner.
C. **Short Term Rental**: Any rental of a dwelling unit that is for a time period less than thirty (30) days.

SECTION III: CHAPTER THREE Sections 3.9.090 and 3.10.090, Setbacks and Rights-of-way exceptions in the Pedestrian Emphasis Overlay may be reduced up to fifteen feet by meeting the following requirements:

A. A minimum 8' wide sidewalk is required parallel to any city street.
B. Street trees and other landscape amenities are required and include as a minimum the use of 2" caliper deciduous trees at a maximum of 20' spacing in the landscape strip between the curb and sidewalk. The space between the building and sidewalk shall be landscaped with ornamental trees, shrubs, annual and perennial flowers to achieve a "fully landscaped look". The landscape strip and the front yard setback shall be planted with grass between the trees, shrubs and other landscape features. An irrigation system is required and is the responsibility of the property owner as is the maintenance of the landscaped areas.
C. The building shall be oriented toward the street with architecturally defined entrances; a ground floor prominence; and elements that break up vertical and horizontal walls.

D. Section 3.9.090.vii.b is not allowed. Permitted Projections include balconies (no more than three (3) foot extended from building), cornices, eaves, belt courses and sills.
E. There shall be a variety of openings and other features that enhance the buildings visual interaction with the street. These features include doors, windows, balconies and/or other items such as stoops, awnings, porches, dooryards, canopies, overhangs, recesses, etc. that in combination enhance the human scale and pedestrian experience of the street. Balconies, awnings, canopies and other structural elements may extend a maximum of three (3) feet into the setback.
F. The first floor wall facing the right-of-way shall be faced with high quality materials (as approved by Community Development Director or Designee).
G. Street lighting and utilities within the right-of-way must be installed as per the City Engineering Standards.
H. Renderings identifying all of the above requirements and the Design Standards shall be provided to city staff prior to the request for a building permit. The Community Development Director or Designee will have authority to review the submittal and determine if it meets the above requirements and spirit in which they were created. At request by applicant the City Staff will have authority to over-rule the findings of the Community Development Director or Designee

SECTION IV: Parking requirements for dormitory housing units that are located within the Pedestrian Emphasis Overlay (PEO) may be reduced pursuant to a Conditional Use Permit (CUP) and subject to the requirements in the Pedestrian Emphasis Overlay in Chapter Nine Section 5.10 in the Development Code.

SECTION V: Furthermore, any portion of the existing Development Code in conflict with this proposed amendment is hereby repealed.

SECTION VI: The City of Rexburg, Idaho City Council shall enact this Ordinance amending Ordinance 1115 otherwise known as THE DEVELOPMENT CODE OF THE CITY OF REXBURG, IDAHO upon its passage, approval and publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR on this 2nd day of November, 2016.

CITY OF REXBURG CORPORATE SEAL STATE OF IDAHO
(SEAL)

Jerry Merrill, 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 1115 CHAPTER TWO CLARIFYING DEFINITIONS FOR BOARDING HOUSES, BED AND BREAKFAST, AND SHORT TERM RENTALS; CHAPTER THREE SECTIONS 3.9.09 (HDR1) AND SECTION 3.10.090 (HDR2) FOR SETBACKS, AND RIGHT-OF-WAY EXCEPTIONS IN PEDESTRIAN EMPHASIS OVERLAY; CHAPTER NINE REQUIRING A CONDITIONAL USE PERMIT TO REDUCE PARKING FOR DORMITORY HOUSING UNITS WITHIN THE PEDESTRIAN EMPHASIS OVERLAY; AND PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 2nd day of November, 2016.

Blair D. Kay

Blair D. Kay, City Clerk

(SEAL)