Instrument # 416130
REXBURG, MADISON, IDAHO
4-26-2018 03:49:17 PM No. of Pages: 4
Recorded for : CITY OF REXBURG
KIM H. MUIR Fee: 0.00
Ex-Officio Recorder Deputy

CITY OF
REXBURG
America's Family Community

ORDINANCE NO. 1177

AN ORDINANCE AMENDING THE CURRENT DEVELOPMENT CODE (PLANNING AND ZONING ORDINANCE NO. 1115) CONCERNING SUBSTANTIVE AND NON-SUBSTANTIVE ITEMS; MAKING THE CITY LAW ALIGN WITH THE STATE STATUTE ALLOWING ALL ZONES TO HAVE ACCESS TO SHORT TERM NIGHTLY RENTALS; COMPLYING WITH ALL BUILDING AND SAFETY CODES FOR A SINGLE FAMILY UNIT WHILE REQUIRING THE ON PREMISE PARKING TO HAVE ONE PARKING SPACE FOR EACH BEDROOM; THE OWNER OR AGENT MUST BE PRESENT OR ON SITE WHILE THE PROPERTY IS BEING USED AS A SHORT RENTAL; AN AGENT NEEDS TO BE PRESENT OR ON SITE FOR AT LEAST THIRTY (30) DAYS IN THE SHORT TERM RENTAL PROPERTY PRIOR TO RENTING THE PROPERTY; AMENDING THE DEFINITIONS FOR BOARDING HOUSES, BED AND BREAKFASTS, AND SHORT-TERM RENTALS; PROVIDING FOR THE REQUIRMENTS TO BE REGISTERED BY THE CITY OF REXBURG AS A SHORT TERM RENTAL AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, the City of Rexburg is incorporated as an entity of the State of Idaho; and

WHEREAS, the State of Idaho Statutes are used by the City of Rexburg as the primary source of code compliance; and

WHEREAS, Rexburg City Codes are subordinate to Idaho state code; and

WHEREAS, Rexburg City Codes currently allows short term rentals in Medium Density Residential Zones with a conditional use permit or by right in High Density Residential Zones.

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

SECTION I: DEFINITIONS CHAPTER 2.1:

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 an owner, manager or owner's agent maintains a residential presence on site or on an adjacent lot. "A City Registration, Building Permit and review is required for Neighborhood Compatibility for Parking, Screening, Lighting and Landscaping to be approved by staff." Three violations of City Ordinances will trigger revoking of Rental Registration. An initial One Hundred Dollar ($100) fee is required for Building Permit and first inspection a. Further fees may be required if additional inspections are required. There will be an annual renewal fee of Twenty Five ($25) Dollars. All fees are reviewed annually and may be amended by resolution.

B. **Boarding House**: A building that is the primary residence of the owner (or an agent that resides in the building instead of owner) in which rooms are provided on a daily, weekly or monthly basis for compensation, by the owner or agent, to persons not

related by blood, marriage, or adoption to the owner. The owner or agent must be present or on site while property is being used as a rental; an agent needs to be living on the premise for at least thirty (30) days prior to rental contracts and visits. A City Registration, Building Permit and review is required for Neighborhood Compatibility for Parking, Screening, Lighting and Landscaping to be approved by staff. Three violations of City Ordinances will trigger revoking of Rental Registration. An initial One Hundred Dollar ($100) fee is required for Building Permit and first inspection. Further fees may be required if additional inspections are required. There will be an annual renewal fee of Twenty Five ($25) Dollars. All fees are reviewed annually and may be amended by resolution.

C. **Short Term Rental**: Requires that there will be an owner, manager or owner's agent available in Madison County, Idaho. A City Registration, Building Permit and review is required for Neighborhood Compatibility for Parking, Screening, Lighting and Landscaping to be approved by staff. Three violations of City Ordinances will trigger revoking of Rental Registration. An initial One Hundred Dollar ($100) fee is required for Building Permit and first inspection. Further fees may be required if additional inspections are required. There will be an annual renewal fee of Twenty Five ($25) Dollars. All fees are reviewed annually and may be amended by resolution.

D. **Application**: There will be a notice to check with the mortgage planner for their property. There will also be a notification to check with their insurance to make sure they are properly insured. Applicants will also need to make sure the Home Owner's Association does not covenant against rentals.

SECTION II: CHAPTER 3: Low Density Residential 1 (LDR1)

3.4.020. b. Permitted Principal Uses. The following principal uses and structures, and no others, shall be permitted in the LDR1 Zone: Boarding Houses (requires City Registration and Building Permit); For Boarding Houses, a review is required for Neighborhood Compatibility for Parking, Screening, Lighting and Landscaping to be approved by staff.

SECTION III: CHAPTER 3: Low Density Residential 2 (LDR2)

3.5.020. b. Permitted Principal Uses. The following principal uses and structures, and no others, shall be permitted in the LDR2 Zone: Boarding Houses (requires City Registration and Building Permit); For Boarding Houses, Twin Homes and Duplexes, a review is required for Neighborhood Compatibility for Parking, Screening, Lighting and Landscaping to be approved by staff.

SECTION IV: CHAPTER 3: Low Density Residential 3 (LDR3)

3.6.020. b. Permitted Principal Uses. The following principal uses and structures, and no others, shall be permitted in the LDR3 Zone: Boarding Houses (requires City Registration and Building Permit); For Boarding Houses, Twin Homes and Duplexes, a review is required for Neighborhood Compatibility for Parking, Screening, Lighting and Landscaping to be approved by the Community Development Director.

SECTION V: CHAPTER 3: Medium Density Residential 1 (MDR1) and Medium Density Residential 2 (MDR2)

3.7.020 and 3.8.020 b. Permitted Principal Uses. The following principal uses and structures, and no others, shall be permitted in the MRD1 and MDR2 Zones: Add - Bed and Breakfast Inn (requires City Registration and Building Permit); Boarding Houses (requires City Registration and Building Permit); and Short Term Rental (requires City Registration and Building Permit).

SECTION VI: CHAPTER 3: High Density Residential 1 (HDR1) and High Density Residential 1 (HDR2)

3.9.020 and 3.10.020 b. Permitted Principal Uses. The following principal uses and structures, and no others, shall be permitted in the HDR1 and HDR2 Zones: Add - Bed and Breakfast Inn (requires City Registration and Building Permit); Boarding Houses (requires City Registration and Building Permit); and Short Term Rental (requires City Registration and Building Permit).

SECTION VII: CHAPTER 3: Rural Residential 1 (RR1) and Rural Residential 1 (RR2)

3.11.020 and 3.12.020 b. Permitted Principal Uses. The following principal uses and structures, and no others, shall be permitted in the RR1 and RR2 Zones: Add - Boarding Houses (requires City Registration and Building Permit; For Boarding Houses, a review is required for Neighborhood Compatibility for Parking, Screening, Lighting and Landscaping to be approved by the Community Development Director.

SECTION VIII: CHAPTER 3: Transitional Agricultural 1 (TAG1) and Transitional Agricultural 2 (TAG2)

3.28.020 and 3.29.020 b. Permitted Principal Uses. The following principal uses and structures, and no others, shall be permitted in the TAG1 and TAG2 Zones: Add - Boarding Houses (requires City Registration and Building Permit; For Boarding Houses, a review is required for Neighborhood Compatibility for Parking, Screening, Lighting and Landscaping to be approved by the Community Development Director.

SECTION IX: CHAPTER 5.8 TABLE 3 – Required Number of Spaces (RESIDENTIAL)

Add Short Term Rentals: (including Boarding House and Bed and Breakfast) require two on-site parking spaces for Owner/Manager plus one on-site parking space per bedroom being rented. No on-street parking allowed.

SECTION X: This ordinance shall become effective upon its passage, approval and publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR
this 18th day of April, 2018.

Jerry Merrill, Mayor

ATTEST:

Deborah Lovejoy, City Clerk

STATE OF IDAHO)
) ss.
County of Madison)

I, Deborah Lovejoy, 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 THE CURRENT DEVELOPMENT CODE (PLANNING AND ZONING ORDINANCE NO. 1115) CONCERNING SUBSTANTIVE AND NON-SUBSTANTIVE ITEMS; MAKING THE CITY LAW ALIGN WITH THE STATE STATUTE ALLOWING ALL ZONES TO HAVE ACCESS TO SHORT TERM NIGHTLY RENTALS; COMPLYING WITH ALL BUILDING AND SAFETY CODES FOR A SINGLE FAMILY UNIT WHILE REQUIRING THE ON PREMISE PARKING TO HAVE ONE PARKING SPACE FOR EACH BEDROOM; THE OWNER OR AGENT MUST BE PRESENT OR ON SITE WHILE THE PROPERTY IS BEING USED AS A SHORT RENTAL; AN AGENT NEEDS TO BE PRESENT OR ON SITE FOR AT LEAST THIRTY (30) DAYS IN THE SHORT TERM RENTAL PROPERTY PRIOR TO RENTING THE PROPERTY; AMENDING THE DEFINITIONS FOR BOARDING HOUSES, BED AND BREAKFASTS, AND SHORT-TERM RENTALS; PROVIDING FOR THE REQUIRMENTS TO BE REGISTERED BY THE CITY OF REXBURG AS A SHORT TERM RENTAL AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 18th day of April, 2018.

Deborah Lovejoy, City Clerk

(SEAL)