



REXBURG

America's Family Community

ORDINANCE NO. 1181

AN ORDINANCE AMENDING THE CURRENT DEVELOPMENT CODE (PLANNING AND ZONING ORDINANCE NO. 1115) CONCERNING SUBSTANTIVE AND NON-SUBSTANTIVE ITEMS; THE FOLLOWING CHANGES HAVE BEEN MADE; CHAPTER TWO SECTION ONE VISITOR PARKING IN PEDESTRIAN EMPHASIS DISTRICTS (PED) AND SHORT PLATS; CHAPTER THREE SECTION FOURTEEN MIXED USE (MU) PURPOSE AND OBJECTIVES, PERMITTED USES, MIXED USE (MU) PERCENTAGES, LOT CONFIGURATION, FRONT YARD REQUIREMENTS, AND PROJECT PLAN APPROVAL, SECTIONS CONCERNING FENCING AND SCREENING TO BE DEFINED IN CHAPTER FOUR SECTION SEVEN, AND CHAPTER THREE SECTIONS OTHER REQUIREMENTS REGARDING DEVELOPMENT ADJACENT TO THE HIGHWAY 20 CORRIDOR; CHAPTER FOUR SECTION SEVEN FENCING AND SCREENING REQUIREMENTS FOR PARKING AREAS, COMMERCIAL/INDUSTRIAL USES, HIGH DENSITY RESIDENTIAL USES, HIGHWAY 20 CORRIDOR, AND OPEN STORAGE AREA; CHAPTER FIVE SECTION TWO ADD DISTANCE FOR PRIVATE OFF-STREET PARKING FOR MIXED USE (MU); CHAPTER NINE PARKING RATIO, VISITOR PARKING IN PEDESTRIAN EMPHASIS DISTRICT (PED), REMOVAL OF SECTION P. LIGHTING FIXTURES; CHAPTER 12 SUBDIVISION CODE SECTION 2.3 PRELIMINARY PLATT APPLICATION, AND SECTION 2.5 SHORT PLAT REQUIREMENTS; AND PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE.

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.

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

SECTION I: CHAPTER TWO Definitions of Parking Space visitor parking and Short Plat shall be defined as follows:

- A. **Parking Space a.**: Visitor parking in the Pedestrian Emphasis District (PED) consists of the following: PED Area One (1) may allow parking to be reduced to 6% visitor parking stalls per number of beds.
PED Area Two (2) may allow parking to be reduced to 6% visitor parking stalls per number of beds.
These minimum visitor parking requirements in PED Area One and PED Area Two may only be reduced through the (PED) Conditional Use Permit (CUP).
- B. **Short Plat**: A plat for five (5) or less properties that is reviewed and approved by City Staff only. The Community Development Director and the City Engineer can consider other simple plats on a case-by-case basis. See Short Plat in Chapter 12 Subdivision Ordinance Section 2.5.

SECTION II: CHAPTER THREE concerning Mixed Use (MU) Section 3.14.010. Purpose and Objectives, Section 3.14.020. Permitted Uses, Section 3.14.030. Mixed Use Percentages, Section 3.14.090. Lot Configuration, Section 3.14.0100. Front Yard Requirements, Section 3.14.0110. Projections into Yard Requirements, and Section 3.14.0145. Project Plan Approval changes are outlined as follows:

- A. **Section 3.14.010. Purpose and Objectives to read:** It is the purpose and intent of the Mixed Use (MU) zone to allow flexibility where a variety of housing types may exist among neighborhood-serving commercial and institutional uses. Mixed use projects are encouraged, but stand-alone residential development is allowed. Higher residential densities are allowed with the highest requiring a mixed use component. (see section 3.14.030 below).
- B. **Section 3.14.020. Permitted Uses to allow:** Hotels.
- C. **Section 3.14.030. Mixed Use Percentages to read:** MU projects are encouraged but not required to have residential, commercial or institutional mixture (including other uses as approved by the Community Development Director). The MU zone allows a maximum residential density of thirty (30) units per acre. Projects shall be allowed an additional residential unit for each one half (1/2) percent of commercial or institutional use. Mixed use percentages shall be maintained in perpetuity unless a change is requested and granted with a Conditional Use Permit. The use will be monitored by the Community Development Compliance Officer.
- D. **Section 3.14.090. Lot Configuration to read:** Projects in this zone are required to be pedestrian friendly developments with buildings facing and in close proximity to the right-of-way. Parking lots are required to be behind buildings. Other configurations may be considered on a case-by-case basis and subject to a Conditional Use Permit (CUP). Access driveways are restricted to twenty four feet (unless required to be wider for Fire Apparatus).
- E. **Add to Section 3.14.0100. Front Yard requirements:** Townhouse type residential adjacent to right-of-way shall have a "daylight basement" or crawlspace with the first floor a minimum of three (2) feet above grade.
- F. **Add to Section 3.14.0110. Projections into Yard requirements: i.** Utility fixtures are not allowed in the front yard setback or in the City Right-Of-Way.
- G. **Add to Section 3.14.0145. Project Plan Approval:** Landscape plan requirement.

SECTION III: CHAPTER THREE Sections 3.5.150., 3.6.150., 3.7.150., 3.8.150., 3.9.150., 3.10.150., 3.11.150., 3.12.150., and 3.14.160., Fencing and Screening to read:

See Section 4.7.

SECTION IV: CHAPTER THREE Sections 3.16.150., 3.18.150., 3.19.150., 3.20.150., 3.21.150., 3.24.140., 3.25.160. and 3.30.150. a. Other Requirements to read:

Highway 20 Corridor. All development adjacent to the Highway 20 right-of-way must submit a site plan meeting the requirements of Section 4.7 i.v. prior to obtaining a Building Permit

SECTION V: CHAPTER THREE Add to Section 3.17.090 Building Height: Additional height may be allowed with a Conditional Use Permit (CUP).

SECTION VI: CHAPTER FOUR Section 4.77(through a.v.)Screening and Fencing Requirements with the following:

The following requirements are minimum standards. Additional landscaping elements may be allowed as per review by the Community Development Director or Designee. Screening and fences within the City shall be constructed and maintained in conformance with the following standards:

a. Screening Requirements.

- i. **Parking Areas.** An effective minimum five (5) foot wide buffer shall be provided between parking areas for five (5) or more vehicles and existing residential uses, schools, hospitals, nursing homes and other institutions for long-

term human care. Commercial parking lots shall be separated from the City right-of-way with a minimum 10' wide buffer. Buffers shall be planted with one (1) 2" caliper deciduous tree and five (5) five gallon shrubs per thirty (30) lineal foot. A six foot tall vinyl or masonry fence may be substituted for the landscape buffer, but not in front yards or front setbacks, see paragraph b. below. Landscaping must be maintained as in its original design and purpose.

- ii. **Commercial/Industrial Uses.** Where a commercial or industrial use adjoins residential zones, or undeveloped land shown as residential uses on the Comprehensive Plan, there shall be provided along the abutting property line a yard equal in width to that required in the residential zone. The yard shall be planted with a combination of trees, low shrubs, and ground cover, and/or a suitable fence (as approved by the Community Development Director or Designee) otherwise in compliance with this ordinance of sufficient height and density to screen the two parcels. Landscaping must be maintained as in its original design and purpose.
- iii. **High Density Residential Uses.** Where a lot in the HDR or HRD2 district adjoins a lot (not a right-of-way) in the LDR or MDR districts or unincorporated and designated as single-family on the Comprehensive Plan map, a landscaped buffer shall be provided on said property line. The buffer shall consist of a minimum five (5) foot wide landscaped strip to be planted with one (1) 2" caliper deciduous tree and five (5) five gallon shrubs per thirty (30) lineal foot. Landscaping must be maintained as in its original design and purpose.

When a public street is located between the front lot line of the HDR zone and the single-family zone, a landscaped buffer seven (7) feet wide or as required for front yard setbacks, whichever is greater shall be constructed and maintained on the front lot line. The buffer shall consist of a minimum five (5) foot wide landscaped strip to be planted with one (1) 2" caliper deciduous tree and five (5) five gallon shrubs per thirty (30) lineal foot. Landscaping must be maintained as in its original design and purpose.. For Infill/Redevelopment Projects, see Section 4.16.

- iv. **Highway 20 Corridor.** All development adjacent to the Highway 20 right-of-way must submit a site plan to the Community Development Director or Designee to be approved for design prior to obtaining a Building Permit. Parcels that are directly adjacent to the Highway 20 right-of-way must have buildings buffered with deciduous 2" caliper trees at 20 foot spacing and two 5 gallon shrubs between trees. Any building facade adjacent to the Highway 20 right-of-way meeting the requirements of the commercial design standards (including "eyes to the street" requirements) as found in Section 4.14 may reduce buffering to deciduous 2" caliper trees at 50 foot spacing and eight 5 gallon bushes between trees. Trees and bushes shall be surrounded with grass, decorative rock, bark or other as approved in the site plan review. A minimum setback of 25 feet is required from any building to the Highway 20 right-of-way or a one to one setback to height requirement whichever is greater. Landscaping must be maintained as in its original design and purpose.
- v. **Open Storage Area.** Open storage area in commercial and industrial zones shall be screened from view of the streets by structures or by a landscaped strip at least seven (7) feet in width with plantings that hide the open storage (as approved by the Community Development Director or Designee). Open storage shall not be located within a required front yard.

SECTION VII: CHAPTER FIVE Section 5.2 Distance for Private Off-Street-Parking: Projects in the Mixed Use (MU) zone are allowed greater than 200' distance as approved by the Community Development Director or Designee.

SECTION VIII: CHAPTER NINE Section 9 j. to read as follows:

Visitor Parking in the Pedestrian Emphasis District (PED) may be reduced to as low as 6% visitor parking stalls per number of beds. Visitor parking requirements in the PED may only be reduced through the (PED) Conditional Use Permit (CUP); and

Removal of Section 9 p.:

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 PED parking standard shall be brought in to compliance with this standard and any other lighting standards per the City's lighting ordinance.

SECTION IX: SUBDIVISION CODE CHAPTER TWO changes to Section 2.3 and 2.5 as follows:

Section 2.3 PRELIMINARY PLAT

APPLICATION: If the sub-divider elects to proceed with the platting process, he shall file with the City Planning and Zoning Office, at least twenty-one (21) days prior to the scheduled presentation before the Commission, four (4) hard and one (1) digital copy of the completed subdivision application form as prescribed by the Commission, four (4) hard and one (1) digital 24" x 36" copy of the preliminary plat with data as required by this section.

Section 2.5 SHORT PLAT

A Short Plat may be requested when all of the following conditions are met:

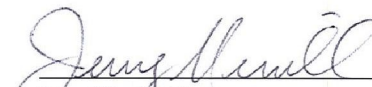
1. The proposed subdivision does not exceed five (5) buildable lots
2. No right-of-way dedication is necessary as required by City Codes and Ordinances unless otherwise approved by the City Engineer
3. Public improvements, street widening or infrastructure improvements have been approved by the City Engineer
4. No impacts on the health, safety or general welfare of the City of Rexburg
5. The subdivision is in the best interest of the City of Rexburg.

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

SECTION XI: 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 21st day of February, 2018.




Jerry Merrill, Mayor


Blair D. Kay, City Clerk

