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CITY OF
REXBURG
America's Family Community

ORDINANCE NO. 1188

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; GENERAL BUSINESS DISTRICT (GBD) AND COMMUNITY BUSINESS CENTER (CBC) WILL BE COMBINED; PUBLIC WORKS CHANGING REXBURG ENGINEERING STANDARDS TO CITY ENGINEERING STANDARDS AND ADDING IT TO THE DEFINITIONS; SETBACKS AND SIDEWALK PLACEMENT TO CONFORM TO CURRENT CITY ENGINEERING STANDARDS; CHANGES IN SUBDIVISION CODE CONCERNING REQUIREMENTS FOR STREETS, WATER RIGHTS, AND PUBLIC UTILITIES; CHANGES IN UTILITY YARD DEFINITION AS WELL AS FENCING AND SCREENING; CHANGES FOR STORAGE UNIT PAVING REQUIREMENTS TO ALLOW GRAVEL SURFACES IF (3) THREE CONDITIONS HAVE BEEN MET; REMOVE SCORING FROM INFILL/REDEVELOPMENT AREA; CHANGES TO THE PARKING MANAGEMENT PLAN FOR REDUCED PARKING FROM A 1 TO 1 RATIO TO AS LOW AS .75 TO 1 RATIO FOR DORMITORY DEVELOPMENTS MEETING CERTAIN REQUIREMENTS FOR PARKING SPACE DIMENSIONS AND VISITOR PARKING AS WELL AS THE EVALUATION OF THE PARKING PLAN; CHANGES TO PUBLIC SPACE HEIGHTS IN THE CENTRAL BUSINESS DISTRICT (CBC); 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 Addition of City Engineering Standards and shall be defined as follows:

- A. **City Engineering Standards:** Refers to the most recent City of Rexburg Engineering Standards adopted by resolution of the City Council. City Engineering Standards may include standard drawings, standard specifications, supplemental conditions, and any additions, amendments, or addenda established by the City Engineer.

SECTION II: CHAPTER THREE concerning setbacks of buildings and sidewalk placement in all Residential Zones as follows:

- A. **Additional Exceptions in Residential Zones .090:** When fifty (50) percent or more of the lots on the same side of the street have been built, all buildings erected, established, or rebuilt shall be in conformity with the average setback of such buildings. In all Residential Zones, all buildings erected, established, or rebuilt shall be required to place

sidewalks at the location indicated in the current City Engineering Standards where conditions permit.

SECTION III: CHAPTER FOUR Sections 4.9 as follows:

In all Residential Zones, all buildings erected, established, or rebuilt shall be required to place sidewalks at the location indicated in the current City Engineering Standards.

SECTION IV: CHAPTER FIVE Section 5.5 as follows:

Parking and Site Plans Required: Rexburg Engineering Standards has been changed to City Engineering Standards.

SECTION V: CHAPTER TWELVE SUBDIVISION CODE Add to Section 1.e.3.

Existing Conditions Data as follows:

Location, widths, and names of all platted streets, railroads, utility right-of-way of public record, easement, public areas, permanent structures....

SECTION VI: CHAPTER TWELVE SUBDIVISION CODE Add to Section 1.e.6 and 7 as follows:

Water Rights and Shares:

All water rights or shares that have been historically linked to the development property shall be used for site irrigation or surrendered to the city.

Streets:

The preliminary plat information shall show road widths, typical sections and pavement structure. "For larger development" has been removed.

A traffic study may be required by the City Engineer "for any development that has a potential to significantly impact traffic flow" has been added.

SECTION VII: CHAPTER TWELVE SUBDIVISION CODE changes to Section 3.2 as follows:

Section 3.2.1.a: New streets are to be developed to conform to any adopted transportation system master planning "wherever possible" has been changed to "whenever applicable".

Section 3.2.3.a: The minimum acceptable pavement width is 26 feet "or as required by City Engineer".

Section 3.2.4.a: In any case, a dead-end street serving more than "the equivalent of" four (4) "residential" lots shall provide by easement a temporary turning circle....

Section 3.2.5.a: Loop streets shall be limited to a maximum length of twelve hundred (1200) feet measured along the centerline of a street from centerline intersection to centerline intersection "or upon approval of the City Engineer."

Section 3.2.11: Right of Way – "100 to 125 feet" **has changed to** "per current Engineering Standards."

Section 3.2.12: Number of moving lanes – "Four to six lanes, with left lanes" **has been changed to** "per current City Engineering Standards"

Section 3.2.12.a.1: ... but in no case shall they be less than "one thousand (1000) feet apart" **has been changed to** "as specified by IDAPA 39.03.42"

Section 3.2.12.b.3: Sidewalks shall be set back from the street "at the location indicated in the current City Engineering Standards."

Section 3.2.12.c.4.c: "Six inch (6") vertical curb required on the outside with detached sidewalks" **has been changed to say,** "Curbs and gutter and sidewalk required per current City Engineering Standards."

Section 3.2.13: Right of Way Width – "94 to 101 feet" **has been changed to** "per current City Engineering Standards."

Number of Moving Lanes – "Four to Five Lanes – See Approved City typical sections" has been changed to "per current City Engineering Standards"

Section 3.2.14: Right of Way Width – “68 feet Residential collector” **has been changed to** “per current Engineering Standards”

Number of Lanes – “Two lanes with turning lane, or two lanes with on street parking” **has been changed to** “per current City Engineering Standards”

Section 3.2.14.a.: Traffic characteristics 1. On-street parking is allowed on both sides of the street unless prohibited **has been changed to** unless “otherwise directed by the City Engineer”

Section 3.2.14.a.: “3. Parking prohibited if bicycle lanes are designated” **has been removed**

Section 3.2.14.b.3.: Sidewalks will be detached from a standard approved curb and gutter section by a seven (7) foot planter strip and are to be at least five (5) feet wide and conform to approved typical street sections” **has been changed to** ...gutter section, “with location and width according to current City Engineering Standards.”

Section 3.2.15: Right of Way Width “68 feet, minimum” **has been changed to** “per current City Engineering Standards”

Number of Moving Lanes “Two Lanes “ **has been changed to** “per current City Engineering Standards”

Access Conditions – Intersections are at grade. Direct access to abutting properties by way of curb cuts or drive-over’s (ramp-type) curbing “is allowed.”

Section 3.2.15.b.4: Sidewalks will be detached and separated by a “seven (7) foot minimum” planter strip in compliance with “approved city typical street sections. “**has been changed to** Sidewalks will be detached and separated by a planter strip in compliance with “current City Engineering Standards.”

Section 3.2.16: Rural Residential Streets

Functions - Designed to provide direct access to abutting single-family residential properties or Cul-de-sacs having a length of no greater than 600 feet. A pavement width of 34 feet is allowed on minor rural residential streets which contain no more than fifty (50) single-family lots. Parking, curbing, curb and gutter and sidewalk differ in zones RR-1 and RR-2. Refer to zoning requirements for street section requirements. See current City Engineering Standards.

Right of Way – “68 feet, minimum” **has been changed to** “per current City Engineering Standards”

Section 3.2.16.b.3: Sidewalks will be detached and comply with “approved city engineering department approved typical sections” **has been changed to** “current City Engineering Standards.”

Section 3.2.16.d.1-2: Paving sections are to conform to the “engineering department’s approved typical sections” **has been changed to** “current City Engineering Standards”

Curb and gutter “is not required by a twelve (12) inch by (8) inch thick concrete pavement edging is required as per the City Engineer approved typical sections.” **Has been changed to** “see current City Engineering Standards.”

Section 3.2.17: Right of Way – “80 feet, minimum” **has been changed to** “per current City Engineering Standards”

Number of Moving Lanes “Two Lanes to four lanes, with turning lanes “ **has been changed to** “per current City Engineering Standards”

SECTION VIII: CHAPTER TWELVE SUBDIVISION CODE changes to Section 3.3 as follows:

Section 3.3.1: Wastewater – Wastewater pipelines are to be located “per current City Engineering Standards.”

- a. Exceptions – “with approval of the City Engineer.”

Section 3.3.2: Water – Water pipelines are to be located “per current City Engineering Standards.”

Section 3.3.3: Gas – Gas mains are to be located “per current City Engineering Standards.”

Section 3.3.4: Electrical – “All new and/or relocated” electric lines are to be placed “underground per current City Engineering Standards.”

Section 3.3.5: Storm Drain Systems – Piped storm drain systems “for city streets” are to be installed...

“On site storm retention for the parcel may not use the right of way for storage or conveyance to another portion of the parcel.”

SECTION IX: CHAPTER TWELVE SUBDIVISION CODE changes to Section 3.4 as follows:

Section 3.4.2: All water system design “and installation” is to be done in accordance to the requirements of the “Idaho Department of Environmental Quality (DEQ) and adopted “current Engineering Standards.”

Section 3.4.3: All water system improvements are to be approved by D.E.Q. prior to any construction. “The Sub-divider is responsible for submitting the design to D.E.Q. for approval. A copy of the approval letter from D.E.Q. for the final design shall be submitted to the City Engineer by the Sub-divider.”

SECTION X: CHAPTER TWELVE SUBDIVISION CODE changes to Section 3.5 as follows:

Section 3.5.2: All sewer collection system design “and installation” is to be done in accordance with the requirements of “D.E.Q.” and adopted “current City Engineering Standards. The Sub-divider is responsible for submitting the design to D.E.Q. for approval. A copy of the approval letter from D.E.Q. for the final design shall be submitted to the City by the Sub-divider.”

SECTION XI: CHAPTER TWELVE SUBDIVISION CODE changes to Section 3.6 as follows:

Section 3.6.1: “All storm water system design is to be done by an Idaho Registered Engineer.”

Section 3.6.2: On developments over 2.5 acres, a drainage study must be completed by and Idaho Registered Engineer to determine storm water run-off volumes, transport times and system design “and installation” is to be “according to” the requirements of the City “Engineering” Standards.

SECTION XII: CHAPTER TWELVE SUBDIVISION CODE changes to Section 4.2 as follows:

Section 4.2.1: All streets shall have curbs and gutters, sidewalks, and asphalt paving “per City Engineering Standards.”

Section 4.2.2: Concrete sidewalks shall be provided on both sides of dedicated streets in compliance with the “current City Engineering Standards.” All sidewalks are to be set back from the curb “per City Engineering Standards” and the area....

Section 4.2.4: All systems shall comply with the “City Engineering Standards and D.E.Q.”

Section 4.2.6: All systems shall comply with the “City Engineering Standards and D.E.Q.”

Section 4.2.8: Street lights will be required to be installed “per City Engineering Standards.”

SECTION XIII: CHAPTER 3.16 General Business District Zone (GBD) removed and combined CHAPTER 3.18 Community Business Center (CBC) Zone the changes to Chapter 3.18 are as follows:

Section 3.18.020: Permitted Principle Uses - Addition of Antiques; Auto Glass Repair; Automobile Sales (New & Used); Automobile Motor Clinics; Commercial Printing (only retail sales of printed products); Dwelling and building services (not dwelling units); Liquor Store; Motorcycles, Motor Scooters, Parts; Professional Services; Social ,Fraternal, and Youth Organizations and Services; Thrift Store and General Second-Hand Merchandise (Indoor display & storage only); Wedding Chapels and Reception Centers.

Section 3.18.020.d Conditional Uses - Ambulance Service; Animal Grooming; Animal Hospital Services; Bottled Gas; Manufacture and Installation of Automobile Seat Covers and Auto Tops; Residential Facility for Elderly Persons; Service Stations. Remove Single family dwelling.

Section 3.18.080 Yard Requirements - Front yards established before this zone may be equal to the average of existing front yards along the block face on which a building or structure is to be located. Accessory buildings on the side yard must provide for the discharge of all roof drainage onto the lot or parcel on which it is erected. When a rear yard is adjacent to a residential zone or use, the rear yard setback shall match the setback requirement of the adjacent residential zone.

Section 3.18.150 Other Requirements - If remodeling in existing CBC zones and building is enlarged, landscaping requirements shall not fully apply if they conflict with parking requirements, are incompatible with design of existing building, or impair ingress or egress to existing building or parking areas.

SECTION XIV: UTILITY YARD Definition and requirements when in zones other than Industrial or adjacent to any Residential Zone or Commercial Zone are as follows:

Chapter 2 Definition: Utility Yard: Any electrical , gas, steam, communications, water, television, drainage, irrigation, sewage disposal or flood control yard that has equipment exposed. Yards are required to be screened. If equipment is underground, in a vault or above ground in a building it need not be screened.

Fencing & Screening Utility Yards Requirements and Maintenance: The screening required shall consist of a seven (7) foot tall decorative masonry wall or otherwise approved privacy fence by the Zoning Administrator that is set back from the right-of-way seven (7) feet and at the property line when not adjacent to the right-of-way.

Maintenance in the area between the right-of-way and the wall shall be landscaped with decorative rock and shall be kept free of weeds.

1. The area between the right-of-way and the wall shall be planted with one two(2) inch caliper deciduous tree and five 5-gallon bushes every thirty (30) feet.
2. Trees and bushes required by this section shall be irrigated with a water drip system.

Water tanks are not required to be screened.

Pumps and other equipment associated with water tanks will be in below-ground vaults, in buildings or shall be screened as utility yards.

SECTION XIV: STORAGE UNIT surface requirements to allow for gravel surfaces are as follow:

Storage Facilities – asphalt or concrete is not required for storage areas or storage facilities when an improved and maintained gravel surface is provided (see City Engineering Standards) as long as the following three (3) requirements are met:

1. Driveway – Provide a sixty (60) foot minimum long concrete or asphalt access driveway between the aforementioned lot and the public right-of-way.
2. Loading Space – Provide a forty by twelve (40x12) square foot loading space (as per 3.04.080 without regard to overall building size) directly in front of any and all fully-enclosed storage units/spaces.
3. Off-street Parking – Provide ample dedicated off-street parking separate from the storage area.

SECTION XV: REMOVE Scoring from Infill/Redevelopment Area

SECTION XVI: PARKING PLAN FOR REDUCED PARKING a Parking Management Plan shall be designed and anticipated to facilitate parking for the intended tenants of the units as well as reasonably anticipated visitors and ancillary services. This Plan needs to be submitted to the Zoning Administrator. A Parking Management Plan allows a reduction in required parking from a 1 to 1 ratio to as low as .75 to 1 ratio for Dormitory Developments upon a showing of adequate parking plan submittal and acceptance by the Zoning Administrator (Ord 1143). The requirements are as follows:

Parking Space Dimensions - Each required off-street parking space shall be at least nine(9')feet in width and at least twenty(20')feet in length, exclusive of access drive and aisles.

a. Parallel parking. Parallel parking spaces shall be a minimum of nine(9')feet wide by twenty-two(22')feet in length.

b. "Developer Option". For dormitory housing, boarding house, and multiple-family housing, eighty(80%)percent of the parking spaces are allowed to be nine(9')feet wide by sixteen(16') feet long with twenty(20%)percent required to be nine(9')feet wide by twenty(20')feet long.

c. Compact Cars. Up to twenty-five(25%)percent of the spaces may be allocated for compact cars eight(8')feet wide by sixteen(16')feet long. Spaces for compact cars shall be signed or otherwise designated and shall be located in rows separate from parking for larger vehicles.

d. Parking Structure. Off-street parking spaces shall be at least nine(9')feet in width and at least eighteen(18')feet in length. For compact cars parking spaces shall be a minimum of eight(8') feet in width by fifteen(15')feet in length.

1. Parking Structure. Plans for a parking structure must be approved by the Planning and Zoning Commission, the City Engineer, the Fire Marshall and the Zoning Administrator.

2. CUP. A Conditional Use Permit is required to apply for a larger percentage of compact car parking spaces in a parking structure. Applicant will need to show compact and other small cars will be a greater percentage of parking structure use.

Visitor Parking –

a. Visitor parking must be located, in such a way, as to be readily identified upon entering the parking facilities, and must provide for visitor stays of no less than one(1)hour. (Ord. 1143)

b. Policing. Policing of the parking facilities must be conducted by the property owners or their employed representatives, and any parking enforcement action must be initiated by an on-site person, who is not compensated in direct relationship to the decision to tow or boot or otherwise police violations. (No Predatory Towing or Booting)

c. Parkers Identified. Any tenant authorized to park in the parking facility must be clearly identified as having parking privileges, and no more than the actual number of available spaces may be assigned, providing for ancillary and visitor parking as required.

d. PED. Parking may be reduced in the Pedestrian Emphasis District(PED)to as low as six(6%) percent with a Conditional Use Permit(CUP). (Ord. 118 1)

Evaluating the Plan - The following items shall be considered when evaluating a parking plan:

1. On site, how will visitor vs. tenant parking spaces be identified to determine compliance?
2. Are there specific times the spaces will be available?
3. Who will manage the parking?
4. What is the method of management? Consequence of noncompliance?

SECTION XVII: PUBLIC SPACE HEIGHTS for Central Business Districts (CBD) are as follows:

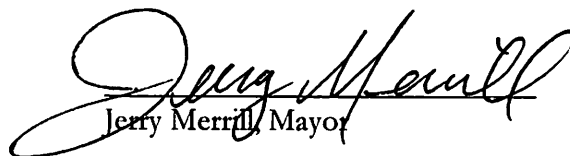
1. Buildings and portions of buildings within the CBD shall not exceed forty-five (45) feet in height.
2. Proximity to Residential zones – Buildings within fifty (50) feet of a residential zone shall be limited to thirty-five (35) feet in height, measured at the top of building's horizontal wall, or maximum height of the affected residential zone.
3. One additional story or ten (10) feet in height shall be allowed extra when the building contains a floor of residential units that are not located on the first floor or at street level.
4. Additional height may be allowed with a Conditional Use Permit (CUP).

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

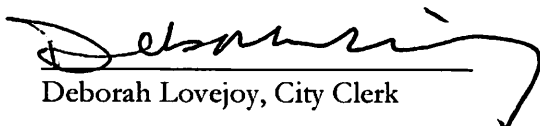
SECTION XIX: The City of Rexburg, Idaho City Council shall enact this Ordinance amending Ordinance 1115 otherwise known as THE DEVELOPMENT CODE OF THE CITY OF REXBURG, IDAHO upon its passage, approval and publication.

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




Jerry Merrill, Mayor

ATTEST:


Deborah Lovejoy, City Clerk

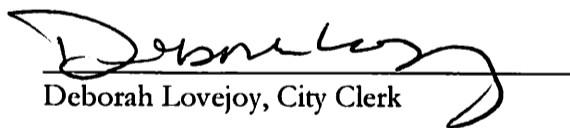
STATE OF IDAHO)
) ss.
County of Madison)

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; THE FOLLOWING CHANGES HAVE BEEN MADE; GENERAL BUSINESS DISTRICT (GBD) AND COMMUNITY BUSINESS CENTER (CBC) WILL BE COMBINED; PUBLIC WORKS CHANGING REXBURG ENGINEERING STANDARDS TO CITY ENGINEERING STANDARDS AND ADDING IT TO THE DEFINITIONS; SETBACKS AND SIDEWALK PLACEMENT TO CONFORM TO CURRENT CITY ENGINEERING STANDARDS; CHANGES IN SUBDIVISION CODE CONCERNING REQUIREMENTS FOR STREETS, WATER RIGHTS, AND PUBLIC UTILITIES; CHANGES IN UTILITY YARD DEFINITION AS WELL AS FENCING AND SCREENING; CHANGES FOR STORAGE UNIT PAVING REQUIREMENTS TO ALLOW GRAVEL SURFACES IF (3) THREE CONDITIONS HAVE BEEN MET; REMOVE SCORING FROM INFILL/REDEVELOPMENT AREA; CHANGES TO THE PARKING MANAGEMENT PLAN FOR REDUCED PARKING FROM A 1 TO 1 RATIO TO AS LOW AS .75 TO 1 RATIO FOR DORMITORY DEVELOPMENTS MEETING CERTAIN REQUIREMENTS FOR PARKING SPACE DIMENSIONS AND VISITOR PARKING AS WELL AS THE EVALUATION OF THE PARKING PLAN; CHANGES TO PUBLIC SPACE HEIGHTS IN THE CENTRAL BUSINESS DISTRICT (CBC); AND PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE.

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




Deborah Lovejoy, City Clerk