Instrument # 461346
REXBURG, MADISON, IDAHO
3-14-2024 04:12:30 PM No. of Pages: 43
Recorded for : CITY OF REXBURG
KIM H. MUIR Fee: 0.00
Ex-Officio Recorder Deputy

CITY OF REXBURG ORDINANCE NO. 1308

DEVELOPMENT CODE ORDINANCE 1200 AMENDMENTS

AN ORDINANCE AMENDING THE CURRENT DEVELOPMENT CODE (PLANNING AND ZONING ORDINANCE NO. 1200) CONCERNING SUBSTANTIVE AND NON-SUBSTANTIVE ITEMS; THE FOLLOWING CHANGES HAVE BEEN MADE: AMENDMENTS TO ACCESSORY DWELLING UNITS (ADU), RESIDENTIAL RENTAL PROPERTIES, AND SHORT-TERM RENTAL REQUIREMENTS; ALL ACCESSORY BUILDING REQUIREMENTS COMMERCIAL AND RESIDENTIAL; ADDRESSING REQUIREMENTS FOR COMMERCIAL, DRIVEWAYS, AND RESIDENTIAL PROPERTIES; BLOCK LENGTHS AND EXCEPTIONS; CURRENT ENGINEERING STANDARDS TO BE SET BY RESOLUTION; LOT CONFIGURATION AND DENSITY, LANDSCAPING AND SCREENING, YARD REQUIREMENTS, BUILDING HEIGHTS, SIDEWALKS, SETBACKS, AND PARKING IN ALL RESIDENTIAL ZONES (RR1), (RR2), (LDR1), (LDR2), (LDR3), (MDR1), (MDR2), (HDR1), AND (HDR2), TRANSITIONAL AGRICULTURE (TAG) AND MIXED USE (MU) ZONES; TIME LIMITATIONS TO RECORD PLATS; OFF-STREET PARKING REQUIREMENTS FOR ALL ZONES; PROVIDING FOR VIOLATION OF THE PROVISIONS OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; 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 Council of the City of Rexburg, in the State of Idaho, be established to read as follows:

SECTION 1: AMENDMENT "Development Code Chapter 2 Definitions" of the Rexburg Development Code is hereby *amended* as follows:

1. Addition of **Accessory Dwelling Unit:** (see Dwelling Unit, Accessory)
2. Addition to definition of **Dwelling:** A building or portion thereof that provides living facilities for one or more families.
    c. **Accessory Dwelling Unit:** A second, smaller dwelling, within or attached to a single-family residence or its garage, or a detached building, located on the parcel where the owner resides.
3. Amend definition of **Short-Term Rental:** Any rental of a dwelling unit that is for a time period less than thirty (30) days. Requires that there will be an owner, manager, or owner's agent available in Madison County,

Idaho. (*Includes Bed and Breakfast and Boarding House as categories of short-term rentals.)*

SECTION 2: **REPEAL** "3.02.150 Rentals" of the Rexburg Development Code is hereby *repealed.*

SECTION 3: **ADOPTION** "4.00.025 Rentals" of the Rexburg Development Code is hereby *added* as follows:

A. Residential Rental Properties. All residential rental properties within the City in excess of one rental unit per parcel shall obtain an annual Business Registration.
   1. Registration and Life Safety Inspection Required. A City Registration, Life Safety Inspection and Code compliance is required, and all application requirements must be met.
   2. All Residential Rentals, Apartment Houses or Apartments shall fill out a Business Registration application.
   3. All applicants applying for registration shall pay the annual fee per the adopted City of Rexburg Fee Schedule irrespective of the point in the year at which the registration is sought.
   4. A registration shall be obtained for each individually identifiable location, irrespective of ownership.
   5. Whenever a Residential Rental, Apartment House or Apartment changes ownership, the new owner shall report such change to the City Clerk so that the registration may be transferred.
   6. Registration shall not be construed to grant permission to carry on or conduct any unlawful business, or to operate any Residential Rental, Apartment House or Apartment in an unlawful manner, or to grant immunity to any entity from lawful regulation and control, or to authorize the violation of any zoning ordinance, regulation or restriction.

B. **Short-Term Rentals** (including Boarding Houses and Bed and Breakfast Inns).
   1. Application Required.
   2. Registration and Life Safety Inspection Required. A City Registration, Life Safety Inspection and Code compliance is required and all application requirements must be met.
      a. Parking Requirements. Two (2) parking spaces are required for the house and one (1) additional space is required for each rented room.
      b. In TAG, RR1, RR2, LDR1, LDR2, and LDR3 zones, the owner or a manager must live onsite.
      c. In all other zones, the owner, a manager, or the owner's agent must be available in Madison County, Idaho.
      d. Other Requirements *(see Residential Building, Electrical, Mechanical, Plumbing, and Fire Requirements by contacting the Rexburg Building Department or visiting the City's website).*
   3. Fees. Short-term Rental fees as per the adopted City of Rexburg Fee Schedule.
   4. Violations**.** Three (3) violations of City Ordinances will trigger revocation of Rental Registration.

C. **Accessory Dwelling Units (ADUs).**
   1. Application Required.

2. Life Safety Inspection Required. Life Safety Inspection and Code compliance is required, and all application requirements must be met.
3. Accessory Dwelling Units (ADUs):
    a. Shall adhere to all rental regulations outlined above in this section as well as Idaho Code § 55-3212.
    b. Require ongoing owner occupancy of either the primary residence or the ADU.
    c. Shall be limited to one (1) ADU per single-family dwelling.
    d. Shall meet the zone requirements including but not limited to setbacks and lot coverage.
    e. May be part of existing structure or as a detached structure.
        1. Recreational vehicles, tiny homes, or other similar structures on wheels are not permitted as an accessory dwelling unit.
    f. Shall meet all building code requirements for an accessory dwelling unit.
    g. Shall contain no more than two bedrooms.
    h. Shall have two (2) parking spaces provided on site, in addition to the primary residence's two (2) required parking spaces.

SECTION 4: AMENDMENT "3.02.060 Accessory Structures in the Zoning Standards" of the Rexburg Development Code is hereby *amended* as follows:

Accessory structures are permitted in all zones, provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include but are not limited to the following: detached garages, carports, equipment storage buildings, supply storage buildings, and temporary construction storage and offices.

Accessory Building Requirements.

A. All accessory buildings shall:
    a. Comply with all lot configuration requirements in the existing zone.
    b. Comply with the Building Codes adopted by the City of Rexburg.
    c. Be an accessory to an existing primary structure or residence.
    d. Have facilities for the discharge of all roof drainage on to the lot or parcel on which it is erected.
B. Residential Accessory Buildings.
    a. Require a building permit if more than two hundred (200) square feet.
    b. Front Yard. May not be placed in the front yard.
    c. Side Setback. Must meet the same side setback requirements as a principal building if larger than two hundred (200) square feet or taller than ten (10') feet in height.
        i. If it is less than two hundred (200) square feet, may be placed on the property line.
    d. Rear Setback. Must be a minimum of five (5') feet from the property line unless the accessory building is a garage with doors opening into a city-owned alley. Such garages shall be a minimum of fifteen (15') feet from the alley.
        i. If less than two hundred (200) square feet, may be placed on the property line.
C. Commercial & Industrial Accessory Buildings.

a. Require a building permit if larger than one-hundred-twenty (120) square feet.
b. Front Yard. May not be placed in the front yard.
c. Side Setback. Must meet the same side setback requirements as a principal building if larger than one-hundred-twenty (120) square feet or taller than ten (10') feet in height.
    i. If less than one-hundred-twenty (120) square feet, must be a minimum of five (5') feet from property line.
d. Rear Setback. Must meet the same rear setback requirements as a principal building.

D. Exception: University District (UD)

SECTION 5: **REPEAL** "7.00.030 Accessory Building" of the Rexburg Development Code is hereby *repealed.*

SECTION 6: **AMENDMENT** "3.02.130 Addressing" of the Rexburg Development Code is hereby *amended* as follows:

A. All buildings shall have a permanently posted address placed in a position that is plainly legible and visible from the street or road fronting the property.
    a. Addresses will be assigned by the City of Rexburg
    b. Lots, blocks, and/or units shown on a plat may not be representative of the parcel's address.
B. Address Markers.
    a. Numbers shall be a color that is distinct from the background color.
    b. Street numbers must be a minimum of four (4") inches high and a minimum stroke width of one-half (0.5") inch.
    c. Building numbers shall be twelve (12") inches in height.
    d. Front shall be a block type font that is easy to read.
C. Driveway Markers. (15.07.250 Address Identification)
    a. Addresses shall be placed at each driveway entrance and be visible from both directions of travel along the road on which the address is located.
    b. Multiple Addresses. Where multiple addresses are required at a single driveway, they shall be mounted on a single post and additional signs shall be posted at locations where driveways divide.
    c. Time Frame. In all cases the address shall be posted at the beginning of construction and maintained thereafter.
    d. See Sight Triangle.
    e. See Right-of-Way.
D. Residential Address.
    a. The assigned address of any City residence must be posted on the structure within ten (10') feet of the primary entrance door that faces the street side. Said numbers must be readable from the street as determined by City Emergency Services.
    b. Name and Address. Signs or name plates shall not exceed two (2) square feet in area and display only the name and address of the occupant.
E. Multi-Family Dwelling Address.
    a. When individual apartment, condominium, or town house structures within a common complex are designated with separate addresses, individual unit numbers shall be assigned so there is no duplication of unit designations

within a building.

b. Multiple Floors. The first floor shall be 100 series, second floor 200 series and so on for each successive floor. Basements shall be 10 series if the next higher floor is designated the first floor, or basements shall be designated 100 series if the next level is called the second floor.

F. When apartments, condominiums, or town house complexes (more than one structure) have been assigned one address, each individual building shall be assigned a number.

a. Building Number. The building number shall be posted in a conspicuous location with the number being a minimum of twelve (12") inches in height in a contrasting color to the background.

b. Unit or Apartment Numbers. Unit or apartment numbers shall then be assigned in the 10, 100, 200, 300, etc. series per floor.

i. Commercial. When a building is commercial, these numbers are referred to as commercial "suites" instead of residential "units."

SECTION 7: AMENDMENT "10.08.010 Blocks" of the Rexburg Development Code is hereby *amended* as follows:

A. Block lengths are required to not exceed seven hundred (700') feet as measured along the street centerline intersection to centerline intersection.

1. Exception. Block lengths may extend up to one thousand four hundred (1400') feet with approval from the Public Works Director.

B. Block design shall provide for two (2) tiers of lots except under special conditions where this is not feasible or practical.

SECTION 8: AMENDMENT "Appendix B Engineering Standards" of the Rexburg Development Code is hereby *amended* as follows:

The City of Rexburg's Engineering Standards are adopted by Resolution based on the standards and specifications set forth in the current edition of the Idaho Standards for Public Works Construction and Supplemental Conditions – Standard Drawings and Specifications.
The City of Rexburg reserves the right to place on hold/shut down any project due to the springtime thaw.

SECTION 9: AMENDMENT "3.02.080 Exception to Setback Requirements" of the Rexburg Development Code is hereby *amended* as follows:

C. **Permitted Building Projections with Conditions**. The structures listed below may project into a minimum front or rear yard not more than four (4') feet, and into a minimum side yard not more than two (2') feet.

1. Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features.
2. Stairways, balconies, door stoops, fire escapes, fireplaces, ~~bays,~~ awnings and planter boxes or other similar structures.

i. Provided they do not exceed thirty (30")

inches in height from the natural grade.

ii. Provided they are not wider than eight (8') feet and are generally parallel to the wall of which they are a part.

iii. Uncovered steps or a deck may not extend into the front setback more than one-third of the required setback.

3. **Underground Structures.** Underground structures may be projected into any required setback if the structure is covered by landscaping or grass and does not raise the grade of the yard by more than two (2') feet.

   i. **Public Utility Easements.** Building structures shall not encroach in Public Utility Easements.

4. **Carports or Loading Dock**. Carports and loading docks are allowed in a side yard or rear yard, provided that such a structure is not more than one (1) story in height and twenty-four (24') feet in length and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features.

SECTION 10: AMENDMENT "3.02.090 Screening and Landscaping" of the Rexburg Development Code is hereby *amended* as follows:

C. **Landscape Strip.** In all zones, the area between the curb and gutter and the sidewalk is to be landscaped, per Rexburg Engineering Street Cross Sections, by the adjacent property owner.

1. Landscaping shall be maintained by the adjacent property owner.
2. Columnar trees shall not be in the landscape strip
3. If applicable, an irrigation system is required and is the responsibility of the property owner as is the maintenance of the landscaped areas.
4. **Mixed Use.** Deciduous trees with a minimum caliper of two (2") inches and a maximum spacing of twenty (20') feet are required in Mixed Use Zones.
5. *See Sight Triangle.*

SECTION 11: AMENDMENT "3.02.160 Sidewalks" of the Rexburg Development Code is hereby *amended* as follows:

A. In all zones, all buildings erected, established, or rebuilt shall be required to place sidewalks ~~at the location indicated in~~ per the current City Engineering Standards, ~~where conditions permit~~. (*See Appendix B*)

   1. Exempt in Transitional Agriculture (TAG) and Rural Residential 1 (RR1) zones.

B. **Mixed Use.** Sidewalks parallel to any city street within a Mixed Use (MU) zone shall be a minimum of eight (8') feet wide.

C. **Sidewalk Access.** Projects located within Medium Density Residential (MDR), High Density Residential (HDR) or Mixed Use (MU) zones are required to demonstrate sidewalk access to the BYU-I campus and to the nearest Substantial

Commercial Cluster *(See definition in Chapter 2).*

D. **Parking Lots.**
   1. **Sidewalks.** The sidewalk shall be no less than six (6') feet wide where parked vehicles overhang the sidewalk.
   2. **Drainage.** Parking lots shall provide adequate drainage which shall not run across or cover a public sidewalk.

E. When a fence is placed adjacent to a public sidewalk in residential zones and no driveway access exists, a one (1') foot landscape strip shall be maintained between the standard sidewalk and the fence.
   1. Exempt in Mixed Use (MU)

SECTION 12: **REPEAL** "3.04.060(C) Parking Area Screening and Safety" of the Rexburg Development Code is hereby *repealed*:

C. ~~**Sidewalks**, no less than five (5') feet in width, (six (6') feet in width where vehicle overhang will occur), along facades abutting public parking areas.~~
   1. ~~**Drainage**. Parking spaces shall be provided with adequate drainage which shall not run across a public sidewalk.~~
   2. ~~**Sidewalk Access: MDR, HDR**. Housing projects made up of twelve (12) or more units will be required to demonstrate sidewalk access to the BYUI campus and to the nearest Substantial Commercial Cluster~~.

SECTION 13: **REPEAL** "4.00.030 Sidewalks" of the Rexburg Development Code is hereby *repealed*:

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

SECTION 14: **AMENDMENT** "4.01.010 Purposes and Objectives" of the Rexburg Development Code is hereby *amended* as follows:

The RR1 Zone was established to provide rural residential zoning for the development and protection of single-family ~~stable country~~ neighborhoods. This area is compatible with detached single-family dwellings, ample off-street parking with landscaped lawns, low building heights, low traffic volumes, and low nuisance potential reflecting a rural isolated atmosphere.

SECTION 15: **REPEAL** "4.01.030 Lot Area" of the Rexburg Development Code is hereby *repealed*:

~~The area of any lot or parcel of land in the RR1 zone is one (1) acre to five (5) acres.~~

SECTION 16: **REPEAL** "4.01.040 Lot Width" of the Rexburg Development Code is hereby *repealed*:

~~The minimum lot width in the RR1 zone is one hundred fifty (150') feet.~~

SECTION 17: **REPEAL** "4.01.050 Lot Depth" of the Rexburg

Development Code is hereby *repealed*:

~~The minimum lot depth in the RR1 zone is one-hundred fifty (150') feet.~~

SECTION 18: **REPEAL** "4.01.060 Lot Frontage" of the Rexburg Development Code is hereby *repealed*:

~~Each lot or parcel of land in the RR1 zone shall abut a public street for a distance of thirty (30') feet on a line parallel to the centerline of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end, which does not have a cul-de-sac improved to City standards, shall not be counted in meeting this requirement.~~

SECTION 19: **AMENDMENT** "4.01.070 Lot Configuration and Density" of the Rexburg Development Code is hereby *amended* as follows:

The following requirements apply to any lot or parcel of land in the **RR1** zone.

A. **Maximum Density.** The density shall not exceed one (1) single-family dwelling unit per one (1) acre. ~~may be placed on a lot or parcel of land in the RR1 zone.~~
B. **Lot Area.** The minimum lot area allowed is one (1) acre.
C. **Lot Dimensions.**
    1. **Width.** The minimum lot width allowed is one-hundred fifty (150') feet.
    2. **Depth.** The minimum lot depth allowed is one-hundred fifty (150') feet.
    3. **Frontage.** Each lot shall abut a public street for a minimum distance of thirty- five (35') feet.
D. **Permissible Lot Coverage.**
    1. **Building Coverage.** All buildings, including accessory buildings or structures and impervious surfaces, shall not cover more than fifty (50%) percent of the area of the lot.
        a. **Impervious Surface.** Concrete or asphaltic cement shall not cover more than forty (40%) percent of a front yard, fifty (50%) percent of a rear yard, and one hundred (100%) of one (1) side yard.
    2. **Landscaping.** At least fifty (50%) percent of the area of the lot shall be maintained in landscaping.
E. **Setback Requirements.**
    1. **Front Setback.** The minimum front yard setback is forty (40') feet from right- of-way.
    2. **Rear Setback.** The minimum rear yard setback is thirty (30') feet.
    3. **Side Setback.** The minimum side yard setback is ten (10') feet.
F. **Building Height.**
    1. The maximum height of any building or structure is thirty (30') feet, measured at the top of the building's horizontal wall.
G. **Accessory Buildings.** *(See subsection 3.02.060.)*

SECTION 20: **REPEALED** "4.01.080 Yard Requirements" of the Rexburg Development Code is hereby *repealed:*

~~The following minimum yard requirements shall apply in the RR1 zone:~~

~~A. **Front Yard**. Each lot or parcel in the RR1 zone shall have a minimum front yard of at least forty (40') feet from the front property line or seventy (70') feet from the centerline of the road, whichever is greater.~~
~~B. **Rear Yard**. The minimum depth of a rear yard shall be thirty (30') feet.~~
~~C. **Side Yard**. Each lot or parcel of land in the RR1 zone shall have a side yard of not less than ten (10') feet or six (6") inches of setback for every (1') foot of building height, whichever is greater.~~
~~D. **Accessory Buildings**. (*See subsection 3.02.070.B.*)~~

SECTION 21: **REPEALED** "4.01.090 Building Height" of the Rexburg Development Code is hereby *repealed:*

~~No lot or parcel of land in the RR1 zone shall have a building or structure, which exceeds a maximum height of twenty-five (25') feet, measured at the top of building's horizontal wall.~~

SECTION 22: **REPEALED** "4.01.100 Permissible Lot Coverage" of the Rexburg Development Code is hereby *repealed:*

~~**Building Coverage**. In an RR1 zone, all buildings, including accessory buildings and structures (including impervious surfaces, e.g., driveways), shall not cover more than fifty (50%) percent of the lot or parcel of land.~~

SECTION 23: **REPEALED** "4.01.110 Parking, Loading and Access" of the Rexburg Development Code is hereby *repealed:*

~~A. **Direct Access Restricted Roads**. The Madison County Commission together with the Rexburg City Council shall designate certain roads and streets located within the City of Rexburg's Impact Area as Direct Access Restricted Roads.~~
~~1. No lot or parcel of ground adjoining such designated roads or streets shall have direct access to such road without the prior approval of the Rexburg Planning and Zoning Commission.~~
~~2. Access to and from said lots or parcels shall be by roads, streets, or frontage roads, which have been approved by the Rexburg Planning and Zoning Commission.~~
~~3. Said lots or parcels shall comply with the following requirements:~~
~~a. **Reverse Frontage**. Such lots shall reverse frontage on the designated direct accesses restricted road.~~
~~b. **Buffering**. Such lots shall be buffered from the direct access restricted road by any effective combination of the following: lot depth, earth berms, vegetation, walls or fences, and structural sound proofing.~~
~~c. **Minimum Lot Depth**. The minimum lot depth shall be two hundred (200') feet except where the use of berms, vegetation and structures can be demonstrated to constitute an effective buffer for a dwelling on a lot less than two hundred (200') feet in depth.~~

d. **Existing Trees**. Whenever practical, existing roadside trees shall be saved and used in the arterial buffer.

e. **Maintenance**. Infrastructure Plans, subdivision requirements, and annexation and development agreements, shall include provision for installation and continued maintenance of all buffers and compliance with all city and county ordinances applicable within the city impact area.

B. **Curb and Gutter.** Installation of curb and gutter or a drainage facility must be approved in advance by the City Engineer.

C. The City of Rexburg right-of-way width is dictated by City Engineering Standards.

SECTION 24: **AMENDMENT** "4.01.120 Referenced Sections" of the Rexburg Development Code is hereby *amended* as follows:

A. **Prior Created Lots** *(See subsection 3.03.070.)*
B. **Setbacks and Right-of-Way Exceptions** (*See subsections 3.02.050., 3.02.0980., 4.00.0010.*)
C. **Distance Between Buildings** *(See subsection 3.02.060)*
D. **Project Plan Approval** *(See subsection 3.02.1230.)*
E. **Fencing** (*See subsection 3.02.1010.*)
F. **Highway 20 Corridor**. (*See subsection 3.02.1090.F.*)
G. The City of Rexburg right-of-way width is dictated by City Engineering Standards.
H. Refer to *Section 4.0* for Development Rules that apply to all Residential Zones.
I. Refer to *Sections 3.2-3.7* for Development Rules that apply to all Zones.

SECTION 25: **AMENDMENT** "4.02.010 Purposes and Objectives" of the Rexburg Development Code is hereby *amended* as follows:

The RR2 Zone was established to provide rural residential zoning for the development and protection of ~~stable country~~ single family neighborhoods. Conditional Uses in this area shall be compatible with detached single-family dwellings, ample off-street parking with landscaped lawns, low building heights, low traffic volumes, and low nuisance potential reflecting a rural isolated atmosphere. This zoning may be applied in areas where traffic flow is limited primarily to local area residents and where the expansion of transportation to areas adjacent to the zone is not anticipated.

SECTION 26: **REPEALED** "4.02.030 Lot Area" of the Rexburg Development Code is hereby *repealed:*

~~The minimum area of any lot or parcel of land in the RR2 zone is ½ acre (21,780 sq. ft.).~~

SECTION 27: **REPEALED** "4.02.040 Lot Width" of the Rexburg Development Code is hereby *repealed:*

~~The minimum lot width in the RR2 zone is one hundred twenty (120') feet.~~

SECTION 28: **REPEALED** "4.02.050 Lot Depth" of

the Rexburg Development Code is hereby *repealed:*

~~The minimum lot depth in the RR2 zone is one hundred forty (140') feet.~~

SECTION 29: **REPEALED** "4.02.060 Lot Frontage" of the Rexburg Development Code is hereby *repealed:*

~~Each lot or parcel of land in the RR2 zone shall abut a public street for a minimum distance of thirty (30') feet, on a line parallel to the center line of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.~~

SECTION 30: **AMENDMENT** "4.02.070 Lot Configuration and Density" of the Rexburg Development Code is hereby *amended* as follows:

The following requirements apply to any lot or parcel of land in the **RR2** zone:

A. ~~One (1) single-family dwelling may be placed on a lot or parcel of land in the RR2 zone.~~
B. **Maximum Density.** The density shall not exceed one (2) dwelling units per one (1) acre.
C. **Lot Area.** The minimum lot area allowed is one-half (½) acre.
D. **Lot Dimensions.**
    1. **Width.** The minimum lot width allowed is one-hundred twenty (120') feet.
    2. **Depth.** The minimum lot depth allowed is one-hundred forty (140') feet.
    3. **Frontage.** Each lot shall abut a public street for a minimum distance of thirty- five (35') feet.
E. **Permissible Lot Coverage.**
    1. **Building Coverage.** All buildings, including accessory buildings and structures and impervious surfaces, shall not cover more than seventy (70%) percent of the area of the lot.
        a. **Impervious Surface.** On any lot, concrete or asphaltic cement shall not cover more than forty (40%) percent of a front yard, fifty (50%) percent of a rear yard, and one hundred (100%) percent of one (1) side yard.
    2. **Landscaping.** At least thirty (30%) percent of the area of any lot shall be maintained in landscaping.
F. **Setback Requirements**
    1. **Front Setback.** The minimum front yard setback is twenty-five (25') feet from right-of-way.
    2. **Rear Setback.** The minimum depth of a rear yard setback is twenty-five (25') feet.
    3. **Side Setback.** The minimum side yard setback is six (6') feet.
    4. **Projections.**
        a. **Side Yard Projections.** No projection is allowed within a side yard setback.
        b. **Box, Bow or Bay Windows.** Box, Bow or Bay Windows, which are not wider than eight (8') feet, may project up to one (1') foot in a front setback and up to two (2') feet in a rear setback but shall not project into a side yard.

G. **Building Height.**

1. The maximum height of any building or structure is thirty (30') feet, measured at the top of the building's horizontal wall.

H. **Accessory Buildings. (See subsection 3.02.060.)**

SECTION 31: **REPEALED** "4.02.080 Yard Requirements" of the Rexburg Development Code is hereby *repealed:*

~~The following minimum yard requirements shall apply in the RR2 zone:~~

~~A. **Front Yard**. Each lot or parcel in the RR2 zone shall have a minimum front yard of at least twenty-five (25') feet from right-of-way.~~

~~B. **Rear Yard**. The minimum depth of a rear yard shall be twenty (20') feet.~~

~~C. **Side Yard**. Each lot or parcel of land in the RR2 zone shall have a side yard of at least six (6') feet or six (6") inches of setback for every (1') foot of building height, whichever is greater.~~

~~D. **Accessory Buildings**. (*See subsection 3.02.070.*)~~

SECTION 32: **REPEALED** "4.02.090 Building Height" of the Rexburg Development Code is hereby *repealed:*

~~A. No lot or parcel of land in the RR2 zone shall have a building or structure which exceeds a maximum height of twenty-five (25') feet, measured at the top of building's horizontal wall.~~

~~B. **Accessory Buildings**. In no case shall the height of an accessory structure exceed the height of any main structure on the same lot.~~

SECTION 33: **REPEALED** "4.02.100 Permissible Lot Coverage" of the Rexburg Development Code is hereby *repealed:*

~~A. **Building Coverage**. All buildings, including accessory buildings and structures (including impervious surfaces, e.g., driveways), shall not cover more than seventy (70%) percent of the area of the lot or parcel of land.~~

~~B. **Landscaping**. At least thirty (30%) percent of the area of any lot shall be maintained in landscaping.~~

~~C. **Impervious Surface**. On any lot, concrete or asphaltic cement shall not cover more than forty (40%) percent of a front yard, fifty (50%) percent of a rear yard, and one hundred (100%) percent of one (1) side yard.~~

SECTION 34: **AMENDMENT** "4.02.120 Referenced Sections" of the Rexburg Development Code is hereby *amended* as follows:

A. **Prior Created Lots** (*See subsection 3.03.070.*)
B. **Setbacks and Right-of-Way Exceptions** (*See subsections 3.02.050., 3.02.0890., 4.00.010.*)
C. **Distance Between Buildings** *(See subsection 3.02.060.)*
D. **Fencing** *(See subsection 3.02.1010.)*
E. **Project Plan Approval** (*See subsection 3.02.1320.*)
F. **Highway 20 Corridor**. (*See subsection 3.02.1090.F.*)
G. Refer to *section 4.0* for Development Rules that apply to all Residential

Zones.

H. Refer to *sections 3.2-3.7* for Development Rules that apply to all Zones.

SECTION 35: **REPEALED** "4.03.030 Lot Width" of the Rexburg Development Code is hereby *repealed:*

~~Each lot or parcel of land in the LDR1 zone shall have a width of no less than eighty (80') feet.~~

SECTION 36: **REPEALED** "4.03.040 Lot Depth" of the Rexburg Development Code is hereby *repealed:*

~~Each lot or parcel of land shall have a minimum of sixty (60') feet.~~

SECTION 37: **REPEALED** "4.03.050 Lot Frontage" of the Rexburg Development Code is hereby *repealed:*

~~Each lot or parcel of land in the LDR1 zone shall abut a public street for a minimum distance of thirty-five (35') feet, on a line parallel to the centerline of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end, which does not have a cul-de-sac improved to City standards, shall not be counted in meeting this requirement. Private drives are allowed as per review by the Zoning Administrator or Designee.~~

SECTION 38: **AMENDMENT** "4.03.060 Lot Configuration and Density" of the Rexburg Development Code is hereby *amended* as follows:

The following requirements apply to any lot or parcel of land in the **LDR1** zone.

A. **Maximum Density.** The density shall not exceed four (4) single-family dwelling units per one (1) acre.

B. **Lot Area.** The minimum lot area allowed is ten thousand eight hundred ninety (10,890 sq. ft.) square feet.

C. **Lot Dimensions.**
   1. **Width.** The minimum lot width allowed is eighty (80') feet.
   2. **Depth.** The minimum lot depth allowed is sixty (60') feet.
   3. **Frontage.** Each lot shall abut a public street for a minimum distance of thirty- five (35') feet.

D. **Permissible Lot Coverage.**
   1. **Building Coverage.** All buildings, including accessory buildings or structures and impervious surfaces, shall not cover more than seventy (70%) percent of the area of the lot.
      a. **Impervious Surface.** Concrete or asphaltic cement shall not cover more than forty (40%) percent of a front yard, fifty (50%) percent of a rear yard, and one hundred (100%) percent of one (1) side yard.
   2. **Landscaping.** At least thirty (30%) percent of the area of the lot shall be maintained in landscaping.

E. **Setback Requirements.**
   1. **Front Setback.** The minimum front yard setback is twenty-five (25') feet from right-of-way.
      a. **Exception.** If there is a landscape strip of at

least seven (7') feet, the front yard setback may be reduced to twenty (20') feet from right-of- way.

2. **Rear Setback.** The minimum rear yard setback is twenty-five (25') feet.
3. **Side Setback.** The minimum side yard setback is six (6') feet.
4. **Projections.**
    a. Side Yard Projections. No projection is allowed within a side yard setback.
    b. **Box, Bow or Bay Windows.** Box, Bow or Bay Windows, which are not wider than eight (8') feet, may project up to one (1') foot in a front setback and up to two (2') feet in a rear setback but shall not project into a side yard.

F. **Building Height.**

1. The maximum height of any building or structure is thirty (30') feet, measured at the top of the building's horizontal wall.

G. **Accessory Buildings.** *(See subsection 3.02.070.)*

SECTION 39: **REPEALED** "4.03.070 Yard Requirements" of the Rexburg Development Code is hereby *repealed:*

~~The following minimum yard requirements shall apply in the LDR1 zone:~~

~~A. **Front Yard.** Each lot or parcel in the LDR1 zone shall have a minimum front yard of at least twenty-five (25') feet from right-of-way.~~

~~1. **Exception:** When the street upon which the parcel fronts have a boulevard strip of at least seven (7') feet, the front yard setback may be reduced to twenty (20') feet from right-of-way.~~

~~B. **Rear Yard.** The minimum depth of a rear yard shall be twenty-five (25') feet.~~

~~C. **Side Yard.** Each lot or parcel of land in the LDR1 zone shall~~ have a side yard of at ~~least seven and one-half (7 1/2') feet or six (6") inches of setback for every (1') foot of building height, whichever is greater.~~

~~D. **Accessory Building Setbacks.** (*See subsection 3.02.070.B.*)~~

SECTION 40: **REPEALED** "4.03.080 Building Height" of the Rexburg Development Code is hereby *repealed:*

~~A. No lot or parcel of land in the LDR1 zone shall have a~~ building or structure, which ~~exceeds a maximum height of thirty (30') feet, measured at the top of building's horizontal wall.~~

~~B. **Accessory Structure.** In no case shall the height of an accessory structure exceed the height of any main structure on the same lot.~~

SECTION 41: **REPEALED** "4.03.090 Permissible Lot Coverage" of the Rexburg Development Code is hereby *repealed:*

~~A. **Building Coverage.** In an LDR1 zone, all buildings,~~ including accessory buildings and structures (including impervious surfaces, e.g., driveways), shall not cover more ~~than seventy (70%) percent of the area of the lot or parcel of land.~~

B. ~~**Landscaping**. At least thirty (30%) percent of the area of any lot shall be maintained in landscaping.~~

C. ~~**Impervious Surface**. On any lot, concrete or asphaltic cement shall not cover more than forty (40%) percent of a~~ front yard, fifty (50%) percent of a rear yard, and one ~~hundred (100%) percent of one (1) side yard.~~

SECTION 42: **AMENDMENT** "4.03.110 Referenced Sections" of the Rexburg Development Code is hereby *amended* as follows:

A. **Prior Created Lots** *(See subsection 3.03.070.)*
B. **Setbacks and Right-of-Way Exceptions** (*See subsections 3.02.050, 3.02.080 and 4.00.010.*)
C. **Distance Between Buildings** *(See subsection 3.02.060.)*
D. **Parking, Loading and Access** *(See section 3.4 and subsection 4.00.060.)*
E. **Project Plan Approval** *(See subsection 3.02.120.)*
F. **Fencing** *(See subsection 3.02.100.)*
G. **Highway 20 Corridor**. *(See subsection 3.02.090.F.)*
H. **Planned Unit Development**. *(See subsection 10.06.010.)*
I. Refer to *section 4.0* for Development Rules that apply to all Residential Zones.
J. Refer to *sections 3.2-3.7* for Development Rules that apply to all Zones.

SECTION 43: **REPEALED** "4.04.030 Lot Width" of the Rexburg Development Code is hereby *repealed:*

~~A. The minimum lot width in the LDR2 zone is fifty (50') feet.~~
~~B. A **twin home** minimum lot width is sixty (60') feet (combined for both lots).~~

SECTION 44: **REPEALED** "4.04.040 Lot Depth" of the Rexburg Development Code is hereby *repealed:*

~~The minimum lot depth in the LDR2 zone is sixty (60') feet.~~

SECTION 45: **REPEALED** "4.04.050 Lot Frontage" of the Rexburg Development Code is hereby *repealed:*

~~Each lot or parcel of land in the LDR2 zone shall abut a public street for a minimum distance of twenty (20') feet, on a line parallel to the center line of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement. Private Drives are allowed as per review by the Zoning Administrator or Designee.~~

SECTION 46: **AMENDMENT** "4.04.060 Lot Configuration Density" of the Rexburg Development Code is hereby *amended* as follows:

The following requirements apply to any lot or parcel of land in the **LDR2** zone:

A. **Maximum Density.** The density shall not exceed six (6) single-family dwelling units per one (1) acre.
    1. ~~The maximum density is six (6) dwelling units per one (1) acre.~~

~~areas.~~

2. Consolidation of density may be achieved through an approved Planned Unit Development or with designated open-space areas.

B. **Lot Area.** The minimum lot area allowed is seven thousand two hundred sixty (7,260 sq. ft.) square feet.

C. **Lot Dimensions.**

1. **Width.** The minimum lot width allowed is sixty (60') feet.
2. **Depth.** The minimum lot depth allowed is sixty (60') feet.
3. **Frontage.** Each lot shall abut a public street for a minimum distance of twenty-four (24') feet.

D. **Permissible Lot Coverage.**

1. **Building Coverage.** All buildings, including accessory buildings or structures and impervious surfaces, shall not cover more than seventy (70%) percent of the area of the lot.
    a. **Impervious Surface.** Concrete or asphaltic cement shall not cover more than forty (40%) percent of a front yard, fifty (50%) percent of a rear yard, and one hundred (100%) percent of one (1) side yard.
2. **Landscaping.** At least thirty (30%) percent of the area of any lot shall be maintained in landscaping.

E. **Setback Requirements.**

1. **Front Setback.** The minimum front yard setback is twenty-five (25') feet from right-of-way.
    a. **Exception.** When the street upon which the parcel fronts have a landscape strip of at least seven (7') feet, the front yard setback may be reduced to twenty (20') feet from right-of-way.
2. **Rear Setback.** The minimum rear yard setback is twenty (20') feet.
3. **Side Setback.** The minimum side yard setback is six (6') feet.
4. **Projections.**
    a. **Side Yard Projections.** No projection is allowed within a side yard setback.
    b. **Box, Bow or Bay Windows.** Box, Bow or Bay Windows, which are not wider than eight (8') feet, may project up to one (1') foot in a front setback and up to two (2') feet in a rear setback but shall not project into a side yard.

F. **Building Height.**

1. The maximum height of any building or structure shall be thirty (30') feet, measured at the top of the building's horizontal wall.

G. **Accessory Buildings.** *(See subsection 3.02.060.)*

SECTION 47: **REPEALED** "4.04.070 Yard Requirements" of the Rexburg Development Code is hereby *repealed:*

~~The following minimum yard requirements shall apply in the LDR2 zone:~~

~~A. **Front Yard.** Each lot or parcel in the LDR1 zone shall have a minimum front yard of at least twenty-five (25') feet from right-of-way.~~

~~1. **Exception:** When the street upon which the parcel fronts have a boulevard strip of at least seven (7') feet,~~

~~the front yard setback may be reduced to twenty (20') feet from right-of-way.~~

~~B. **Rear Yard**. The minimum depth of a rear yard shall be twenty (20') feet.~~

~~C. **Side Yard**. Each lot or parcel of land in the LDR2 zone shall have a side yard of at least five (5') feet.~~

~~D. **Accessory Buildings**. (*See subsection 3.02.070.*)~~

SECTION 48: **REPEALED** "4.04.080 Setbacks and Rights-Of-Way Exceptions" of the Rexburg Development Code is hereby *repealed:*

~~A. **Side Yard Projections**. No projection is allowed in a required side yard.~~

~~B. **Box or Bay Windows**. Box or Bay Windows provided they are not wider than eight (8') feet may be projected up to one (1') foot in a front yard and up to two (2') feet in a rear yard. shall not project into a side yard.~~

SECTION 49: **REPEALED** "4.04.090 Building Height" of the Rexburg Development Code is hereby *repealed:*

~~A. No lot or parcel of land in the LDR2 zone shall have a building or structure, which exceeds a maximum height of thirty (30') feet, measured at the top of building's horizontal wall.~~

~~B. **Accessory Structure**. In no case shall the height of an accessory structure exceed the height of any main structure on the same lot.~~

SECTION 50: **REPEALED** "4.04.100 Permissible Lot Coverage" of the Rexburg Development Code is hereby *repealed:*

~~A. **Building Coverage**. In an LDR2 zone, all buildings, including accessory buildings and structures (including impervious surfaces, e.g., driveways), shall not cover more than seventy (70%) percent of the area of the lot or parcel of land.~~

~~B. **Landscaping**.~~

~~1. At least thirty (30%) percent of the area of any lot shall be maintained in landscaping.~~

~~C. **Impervious Surface**. On any lot, concrete or asphaltic cement shall not cover more than forty (40%) percent of a front yard, fifty (50%) percent of a rear yard, and one hundred (100%) percent of one (1) side yard.~~

SECTION 51: **AMENDMENT** "4.04.120 Referenced Sections" of the Rexburg Development Code is hereby *amended* as follows:

A. **Prior Created Lots** *(See subsection 3.03.070.)*
B. **Distance Between Buildings** *(See subsection 3.02.060.)*
C. **Parking, Loading and Access** *(See Section 3.4, and subsection 4.00.060.)*
D. **Project Plan Approval** *(See subsection 3.02.120.)*
E. **Fencing** *(See subsection 3.02.100.)*
F. **Highway 20 Corridor**. *(See subsection 3.02.090.F.)*
G. **Planned Unit Development.** *(See subsection 10.06.010.)*

H. Refer to *section 4.0* for Development Rules that apply to all Residential Zones.
I. Refer to *sections 3.2-3.7* for Development Rules that apply to all Zones.

SECTION 52: **AMENDMENT** "4.05.010 Purposes and Objectives" of the Rexburg Development Code is hereby *amended* as follows:

The LDR3 zone was established to protect stable neighborhoods of ~~detached~~ single-family dwellings on smaller lots. The conditional uses allowed in this district shall be compatible with single-family homes on landscaped lawns, low building heights, predominantly off-street parking, low traffic volumes, and low nuisance potential.

SECTION 53: **REPEALED** "4.05.030 Lot Width" of the Rexburg Development Code is hereby *repealed:*

~~A. Each lot or parcel of land in the LDR3 zone, except corner lots, shall have a width of not less than fifty (50') feet.~~
~~B. A **Twin Home** minimum width is sixty (60') feet (combined for both lots).~~

SECTION 54: **REPEALED** "4.05.040 Lot Depth" of the Rexburg Development Code is hereby *repealed:*

~~Each lot or parcel of land in the LDR3 zone, except corner lots, shall have a depth of not less than sixty (60') feet.~~

SECTION 55: **REPEALED** "4.05.050 Lot Frontage" of the Rexburg Development Code is hereby *repealed:*

~~Each lot or parcel of land in the LDR3 zone shall abut a public street for a minimum distance of twenty (20') feet, on a line parallel to the center line of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end, which does not have a cul-de-sac improved to City standards, shall not be counted in meeting this requirement.~~
~~Private Drives are allowed as per review by the Zoning Administrator.~~

SECTION 56: **AMENDMENT** "4.05.060 Lot Configuration and Density" of the Rexburg Development Code is hereby *amended* as follows:

The following requirements apply to any lot or parcel of land in the **LDR3** zone.

A. **Maximum Density.** The ~~maximum~~ density shall not exceed ~~is~~ ten (10) dwelling units per one (1) acre.
    1. Consolidation of density may be achieved through an approved Planned Unit Development or designated open-space areas.
B. **Lot Area.** The minimum lot area allowed is four thousand three hundred fifty-six (4,356 sq. ft.) square feet.
C. **Lot Dimensions.**
    1. **Width.** The minimum lot width allowed is sixty (60') feet.
    2. **Depth.** The minimum lot depth allowed is sixty (60') feet.
    3. **Frontage.** Each lot shall abut a public street for a minimum distance of twenty-four (24') feet.
D. **Permissible Lot Coverage.**
    1. **Building Coverage.** All buildings, including accessory

buildings or structures and impervious surfaces, shall not cover more than seventy (70%) percent of the area of the lot.

a. **Impervious Surface.** Concrete or asphaltic cement shall not cover more than forty (40%) percent of a front yard, fifty (50%) percent of a rear yard, and one hundred (100%) of one (1) side yard.

2. **Landscaping.** At least thirty (30%) percent of the area of the lot shall be maintained in landscaping.

E. **Setback Requirements.**

1. **Front Setback.** The minimum front yard setback is twenty-five (25') feet from right- of-way.

a. **Exception.** When the street upon which the parcel fronts have a landscape strip of at least seven (7') feet, the front yard setback may be reduced to twenty (20') feet from right-of-way.

2. **Rear Setback.** The minimum rear yard setback is twenty (20') feet.

3. **Side Setback.** The minimum side yard setback is six (6') feet.

4. **Projections.**

a. **Side Yard Projections.** No projection is allowed in a side yard setback.

b. **Box, Bow or Bay Windows.** Box, Bow or Bay Windows, which are not wider than eight (8') feet, may project up to one (1') foot in a front setback and up to two (2') feet in a rear setback but shall not project into a side yard.

F. **Building Height.**

1. The maximum height of any building or structure is thirty (30') feet, measured at the top of the building's horizontal wall.

G. **Accessory Buildings.** *(See subsection 3.02.060.)*

SECTION 57: **REPEALED** "4.05.070 Yard Requirements" of the Rexburg Development Code is hereby *repealed:*

~~The following minimum yard requirements shall apply in the LDR3 zone:~~

~~A. **Front Yard.** Each lot or parcel in the LDR3 zone shall have a minimum front yard of at least twenty-five (25') feet from right-of-way.~~

~~1. **Exception:** When the street upon which the parcel fronts have a boulevard strip of at least seven (7') feet, the front yard setback may be reduced to twenty (20') feet from right-of-way.~~

~~B. **Rear Yard.** The minimum depth of a rear yard shall be twenty (20') feet.~~

~~C. **Side Yard.** Each lot or parcel of land in the LDR3 zone shall have a side yard of at least five (5') feet.~~

~~D. **Accessory Buildings.** (*See subsection 3.02.070.*)~~

SECTION 58: **REPEALED** "4.05.090 Setbacks and Rights-Of-Way Exceptions" of the Rexburg Development Code is hereby *repealed:*

~~A. **Side-Yard Projections.** No projections are allowed in a required side yard.~~

~~B. **Box or Bay Windows.** Box or Bay Windows provided they are not wider than eight (8') feet may project up to one (1') foot in a front yard and up to two (2') feet in a rear yard.~~

SECTION 59: **REPEALED** "4.05.100 Building Height" of the Rexburg Development Code is hereby *repealed:*

~~A. No lot or parcel of land in the LDR3 zone shall have a building or structure which~~ exceeds ~~a maximum height of~~ thirty (30') feet, measured at the top of the building's ~~horizontal wall.~~

~~B. **Accessory Structure**. In no case shall the height of an accessory structure exceed the height of any main structure on the same lot.~~

SECTION 60: **REPEALED** "4.05.110 Permissible Lot Coverage" of the Rexburg Development Code is hereby *repealed:*

~~A. **Building Coverage**. In an LDR3 zone, all buildings, including accessory buildings and structures (including~~ impervious surfaces, e.g., driveways), shall not cover more ~~than seventy (70%) percent of the area of the lot or parcel of land.~~

~~B. **Landscaping**. At least thirty (30%) percent of the area of any lot shall be maintained in landscaping.~~

~~C. **Impervious Surface**. On any lot, concrete or asphaltic cement shall not cover more than forty (40%) percent of a~~ front yard, fifty (50%) percent of a rear yard, and one ~~hundred (100%) percent of one (1) side yard.~~

SECTION 61: **AMENDMENT** "4.06.010 Purposes and Objectives" of the Rexburg Development Code is hereby *amended* as follows:

The MDR1 zone was established to protect stable neighborhoods of ~~detached~~ single-family dwellings on smaller lots and multi-family housing. Restoration or rehabilitation of older homes in this district shall be encouraged. Conditional uses shall be compatible with an atmosphere of low building heights, low traffic volumes, ample off-street parking, and low nuisance potentials at a higher density than LDR zones.

SECTION 62: **REPEALED** "4.06.030 Lot Width" of the Rexburg Development Code is hereby *repealed:*

~~The minimum lot width in the MDR1 zone is sixty (60') feet.~~

~~A. **Exception**. A single-dwelling unit has a minimum lot width of fifty (50') feet.~~

SECTION 63: **REPEALED** "4.06.040 Lot Depth" of the Rexburg Development Code is hereby *repealed:*

~~The minimum lot depth in the MDR1 zone is sixty (60') feet.~~

SECTION 64: **REPEALED** "4.06.050 Lot Frontage" of the Rexburg Development Code is hereby *repealed:*

~~Each lot or parcel of land in the MDR1 zone shall abut a public street for a minimum distance of twenty-four (24') feet, on a line parallel to the center line of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not~~

~~have a cul-de-sac improved to City standards shall not be counted in meeting this requirement. Private Drives are allowed as per review by the Zoning Administrator or Designee.~~

SECTION 65: **AMENDMENT** "4.06.060 Lot Configuration and Density" of the Rexburg Development Code is hereby *amended* as follows:

The following requirements apply to any lot or parcel of land in the **MDR1** zone:

A. **Maximum Density.** The ~~maximum~~ density shall not exceed ~~is~~ sixteen (16) dwelling units per one (1) acre.
   1. Consolidation of density may be achieved through an approved Planned Unit Development or designated open-space areas.

B. **Lot Dimensions.**
   1. **Width.** The minimum lot width allowed is sixty (60') feet.
   2. **Depth.** The minimum lot depth allowed is sixty (60') feet.
   3. **Frontage.** Each lot shall abut a public street for a minimum distance of twenty-four (24') feet.

C. **Permissible Lot Coverage.**
   1. **Building Coverage.** All buildings, including accessory buildings or structures and impervious surfaces, shall not cover more than eighty (80%) percent of the area of the lot.
      a. **Impervious Surface.** Concrete or asphaltic cement shall not cover more than forty (40%) percent of a front yard, fifty (50%) percent of a rear yard, and one hundred (100%) percent of one (1) side yard.
   2. **Landscaping.** At least twenty (20%) percent of the area of any lot shall be maintained in landscaping.

D. **Setback Requirements.**
   1. **Front Setback.** The minimum front yard setback is twenty-five (25') feet from right- of-way.
      a. **Exception.** When the street upon which the parcel fronts have a landscape strip of at least seven (7') feet, the front yard setback may be reduced to twenty (20') feet from right-of-way.
      b. **Exception.** If all parking spaces are located behind the building, the front yard setback may be reduced to fifteen (15') feet.
   2. **Rear Setback.** The minimum rear yard setback is twenty (20') feet.
   3. **Side Setback.** The minimum side yard setback is six (6') feet or six (6") inches per one (1') foot of building height, whichever is greater.
   4. **Building Height.**
      a. The maximum height of any building or structure shall be forty (40') feet, measured at the top of the building's horizontal wall.
      b. **Accessory Buildings.** (See subsection 3.02.070)

SECTION 66: **REPEALED** "4.06.070 Yard Requirements" of the Rexburg Development Code is hereby *repealed:*

~~The following minimum yard requirements shall apply in the MDR1 zone:~~

A. **Front Yard**. Each lot or parcel in the MDR1 zone shall have a minimum front yard of at least twenty-five (25') feet from right-of-way.

1. **Reduced Front Yard Setback**. When the street upon which the parcel fronts have a boulevard strip of at least seven (7') feet, the front yard setback may be reduced to twenty (20') feet from right-of-way.
2. **Reduced Front Yard Setback**. If all parking spaces are located behind the building, the front yard setback may be reduced to fifteen (15') feet.

B. **Rear Yard**. The minimum depth of a rear yard shall be twenty (20') feet.

C. **Side Yard**.

1. Each lot or parcel of land in the MDR1 zone shall have a side yard of at least six (6') feet or six (6") inches of setback for every (1') foot of building height, whichever is greater.
2. **Reduced Side Yard Setback**. A setback of ten (10') feet shall be allowed within side yards that abut other MDR zones, HDR zones, Commercial zones, or Mixed-Use zones, regardless of building height.

D. Pedestrian Emphasis District Setbacks. Setbacks are decreased as per Chapter 9, Pedestrian Emphasis District. *(See section 9.01.040.)*

E. **Accessory Buildings**. (*See subsection 3.02.070.*)

SECTION 67: **REPEALED** "4.06.080 Setbacks and Rights-Of-Way Exceptions" of the Rexburg Development Code is hereby *repealed:*

(See subsections 3.02.050., 3.02.090., 4.00.030.)

SECTION 68: **REPEALED** "4.06.090 Building Height" of the Rexburg Development Code is hereby *repealed:*

A. No lot or parcel of land in the MDR1 zone shall have a building or structure, which exceeds a maximum height of forty (40') feet measured at the top of building's horizontal wall.

B. **LDR**. If the development is adjacent to a Low-Density Residential Zone (LDR), the maximum building height (for buildings adjacent to the LDR zone) shall be no greater than thirty (30') feet.

C. Accessory Structure. In no case shall the height of an accessory structure exceed the height of any main structure on the same lot.

D. Gables and dormers are not included in height calculations unless their addition raises the overall peak height.

SECTION 69: **REPEALED** "4.06.100 Permissible Lot Coverage" of the Rexburg Development Code is hereby *repealed:*

A. **Building Coverage**. In an MDR1 zone, all buildings, including accessory buildings and structures (including impervious surfaces, e.g., driveways), shall not cover more than seventy (70%) percent of the area of the lot or parcel of land.

B. **Landscaping**. At least thirty (30%) percent of the area of any

lot shall be maintained ~~in landscaping.~~

~~C. **Impervious Surface**. On any lot, concrete or asphaltic cement shall not cover more than forty (40%) percent of a front yard, and one hundred (100%) percent of one (1) side yard.~~

SECTION 70: **REPEALED** "4.06.110 Parking, Loading and Access" of the Rexburg Development Code is hereby *repealed:*

~~**Sidewalk Access**. *(See 3.04.060.C).*~~

SECTION 71: **AMENDMENT** "4.06.120 Referenced Sections" of the Rexburg Development Code is hereby *amended* as follows:

A. **Prior Created Lots** *(See subsection 3.03.070.)*
B. **Distance Between Buildings** *(See subsection 3.02.060.)*
C. **Parking, Loading and Access** *(See section 3.4 and subsection 4.00.060.)*
D. **Project Plan Approval** *(See subsection 3.02.130.)*
E. **Fencing** *(See subsection 3.02.110.)*
F. ***Highway 20 Corridor***. *(See subsection 3.02.100.F.)*
G. **Pedestrian Emphasis District Setbacks.** Setbacks are decreased as per Chapter 9, Pedestrian Emphasis District. *(See section 9.01.040.)*
H. **Residential Design Standards** *(See subsection 4.00.050.)*
I. **Planned Unit Development**. *(See subsection 10.06.010.)*
J. Lighting Standards are applicable as described in *section 3.6.*
K. Refer to section *4.0* for Development Rules that apply to all Residential Zones.
L. Refer to sections *3.2-3.7*for Development Rules that apply to all Zones.
M. **Sidewalk Access.** (See 3.04.060.C.)

SECTION 72: **REPEALED** "4.07.030 Lot Width" of the Rexburg Development Code is hereby *repealed:*

~~The minimum lot width in the MDR2 zone is sixty (60') feet.~~

SECTION 73: **REPEALED** "4.07.040 Lot Depth" of the Rexburg Development Code is hereby *repealed:*

~~The minimum lot depth in the MDR2 zone is sixty (60') feet.~~

SECTION 74: **REPEALED** "4.07.050 Lot Frontage" of the Rexburg Development Code is hereby *repealed:*

~~Each lot or parcel of land in the MDR 2 zone shall abut a public street for a minimum distance of twenty-four (24') feet, on a line parallel to the center line of the street or along the circumference of a cul-de-sac approved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement. Private Drives are allowed as per review by the Zoning Administrator or Designee.~~

SECTION 75: **AMENDMENT** "4.07.060 Lot Configuration and Density" of the Rexburg Development Code is hereby *amended* as follows:

~~A. The maximum density is twenty (20) dwelling units per one (1) acre.~~

~~1. Consolidation of density may be achieved through an approved Planned Unit Development or designated open-space areas.~~

The following requirements apply to any lot or parcel of land in the **MDR2** zone:

A. **Maximum Density.** The maximum density is twenty (20) dwelling units per one (1) acre.
   1. Consolidation of density may be achieved through an approved Planned Unit Development or designated open-space areas.

B. **Lot Dimensions.**
   1. **Width.** The minimum lot width allowed is sixty (60') feet.
   2. **Depth.** The minimum lot depth allowed is sixty (60') feet.
   3. **Frontage.** Each lot shall abut a public street for a minimum distance of twenty-four (24') feet.
   4. **Permissible Lot Coverage.**
      a. **Building Coverage.** All buildings, including accessory buildings or structures and impervious surfaces, shall not cover more than eighty (80%) percent of the area of the lot.
         (1) **Impervious Surface.** Concrete or asphaltic cement shall not cover more than forty (40%) percent of a front yard, fifty (50%) percent of a rear yard, and one hundred (100%) percent of one (1) side yard.
      b. **Landscaping.** At least twenty (20%) percent of the area of the lot shall be maintained for landscaping.

C. **Setback Requirements.**
   1. **Front Setback.** The minimum front yard setback is twenty-five (25') feet from right-of-way.
      a. **Front Yard Reduced Setback.** When the street upon which the parcel fronts have a landscape strip of at least seven (7') feet, the front yard setback may be reduced to twenty (20') feet from right-of-way.
      b. **Reduced Setback for Parking.** If all parking spaces are located behind the building, the front yard setback may be reduced to fifteen (15') feet.
   2. **Rear Setback.** The minimum rear yard setback is twenty (20') feet.
   3. **Side Setback.** The minimum side yard setback is six (6') feet or six (6") inches per one (1') foot of building height, whichever is greater.
      a. **Side Yard Reduced Setback.** A setback of ten (10') feet shall be allowed within side yards that abut other MDR zones, HDR zones, Commercial zones, or Mixed-Use zones, regardless of building height.

D. **Building Height.** The maximum height of any building or structure shall be forty (40') feet, measured at the top of the building's horizontal wall.

E. **Accessory Buildings.** *(See subsection 3.02.060.)*

SECTION 76: **REPEALED** "4.07.070 Yard

Requirements" of the Rexburg Development Code is hereby *repealed:*

~~The following minimum yard requirements shall apply in the MDR2 zone:~~

~~A. **Front Yard**. Each lot or parcel in the MDR2 zone shall have a minimum front yard of at least twenty-five (25') feet from right-of-way.~~

~~1. **Front Yard Reduced Setback**. When the street upon which the parcel fronts have a boulevard strip of at least seven (7') feet, the front yard setback may be reduced to twenty (20') feet from right-of-way.~~

~~2. **Reduced Setback for Parking**. The Planning and Zoning Commission may allow a reduction of the front yard setback to fifteen (15') feet if all parking spaces are located behind the building.~~

~~B. **Rear Yard**. The minimum depth of a rear yard shall be twenty (20') feet.~~

~~C. **Side Yard**. Each lot or parcel of land in the MDR2 zone shall have a side yard of not less than six (6') feet or six (6") inches of setback for every foot of building height, whichever is greater.~~

~~1. **Side Yard Reduced Setback**. A setback of ten (10') feet shall be allowed within side yards that abut other MDR zones, HDR zones, Commercial zones, or Mixed-Use zones, regardless of building height.~~

~~D. **Accessory Buildings**. (*See subsection 3.02.070.*)~~

SECTION 77: **REPEALED** "4.07.080 Setbacks and Rights-Of-Way Exceptions" of the Rexburg Development Code is hereby *repealed:*

~~*(See subsections 3.02.050., 3.02.090., 4.00.030.)*~~

SECTION 78: **REPEALED** "4.07.090 Building Height" of the Rexburg Development Code is hereby *repealed:*

~~A. No lot or parcel of land in the MDR2 zone shall have a building or structure, which exceeds a maximum height of forty (40') feet, measured at the top of building's horizontal wall.~~

~~B. **LDR**. If the development is adjacent to a Low-Density Residential Zone (LDR), the maximum building height (for buildings adjacent to the LDR zone) shall be no greater than thirty (30') feet.~~

~~C. **Accessory Structure.** In no case shall the height of an accessory structure exceed the height of any main structure on the same lot.~~

~~D. Gables and dormers are not included in the height calculation unless their addition raises the overall peak height of the building.~~

SECTION 79: **REPEALED** "4.07.100 Permissible Lot Coverage" of the Rexburg Development Code is hereby *repealed:*

~~A. **Building Coverage**. In an MDR2 zone, all buildings, including accessory buildings and structures (including impervious surfaces, e.g., driveways), shall not cover more than eighty (80%) percent of the area of the lot or parcel of~~

~~land.~~

B. ~~**Landscaping**. At least twenty (20%) percent of the area of any lot shall be maintained in landscaping.~~

C. ~~**Impervious Surface**. On any lot, concrete or asphaltic cement shall not cover more than forty (40%) percent of a front yard, fifty (50%) percent of a rear yard, and one hundred (100%) percent of one (1) side yard.~~

SECTION 80 **REPEALED** "4.07.110 Parking, Loading and Access" of the Rexburg Development Code is hereby *repealed:*

~~*(See section 3.4 and subsection 4.00.060.)*~~

~~**Sidewalk Access**. *(See 3.04.060.C.)*~~

SECTION 81: **AMENDMENT** "4.07.120 Referenced Sections" of the Rexburg Development Code is hereby *amended* as follows:

A. **Prior Created Lots** *(See subsection 3.03.070.)*
B. **Distance Between Buildings** *(See subsection 3.02.060.)*
C. **Parking, Loading and Access** *(See section 3.4 and subsection 4.00.060.)*
D. **Project Plan Approval** *(See subsection 3.02.130.)*
E. **Fencing** *(See subsection 3.02.110.)*
F. ***Highway 20 Corridor***. *(See subsection 3.02.100.F.)*
G. **Residential Design Standards** *(See subsection 4.00.050.)*
H. **Planned Unit Development.** *(See subsection 10.06.010.)*
I. Lighting Standards are applicable as described in *section 3.6*.
J. Refer to *section 4.0* for Development Rules that apply to all Residential Zones.
K. Refer to *sections 3.2-3.7* for Development Rules that apply to all Zones.
L. **Sidewalk Access.** *(See 3.04.060.C.)*

SECTION 82: **REPEALED** "4.08.030 Lot Width" of the Rexburg Development Code is hereby *repealed:*

~~The minimum lot width in the HDR1 zone is sixty (60') feet.~~

SECTION 83: **REPEALED** "4.08.040 Lot Depth" of the Rexburg Development Code is hereby *repealed:*

~~The minimum lot depth in the HDR1 zone is sixty (60') feet.~~

SECTION 84: **REPEALED** "4.08.050 Lot Frontage" of the Rexburg Development Code is hereby *repealed:*

~~Each lot or parcel of land in the HDR2 zone shall abut a public street for a distance of twenty- four (24') feet on a line parallel to the center line of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end, which does not have a cul-de-sac improved to City standards, shall not be counted in meeting this requirement.~~

SECTION 85: **AMENDMENT** "4.08.060 Lot Configuration and Density" of the Rexburg Development Code is hereby *amended* as follows:

The following requirements apply to any lot or parcel of land in the **HDR1** zone:

A. **Maximum Density.** The maximum density shall not exceed ~~is~~ thirty (30) dwelling units per one (1) acre.
   1. For Dormitory or Congregate Residential uses, regardless of actual number of dwellings, the density shall not exceed one-hundred-eighty (180) individuals per acre.
   2. **PED.** The Pedestrian Emphasis District (PED) density is regulated by the University, the adopted Building Code, and any requirements imposed as part of the required CUP. (See section 9.1.)

B. **Lot Area.** The minimum lot area allowed is one-half (½) acre.

C. **Lot Dimensions.**
   1. **Width.** The minimum lot width allowed is one-hundred-eighty (180') feet.
   2. **Depth.** The minimum lot depth allowed is sixty (60') feet.
   3. **Frontage.** Each lot shall abut a public street for a minimum distance of twenty-four (24') feet.

D. **Permissible Lot Coverage.**
   1. **Building Coverage.** All buildings, including accessory buildings or structures and impervious surfaces, shall not cover more than eighty (80%) percent of the area of the lot.
      a. **Impervious Surface.** Concrete or asphaltic cement shall not cover more than forty (40%) percent of a front yard, fifty (50%) percent of a rear yard, and one hundred (100%) percent of one (1) side yard.
   2. **Landscaping.** At least twenty (20%) percent of the area of any lot shall be maintained in landscaping.

E. **Setback Requirements.**
   1. **Front Setback.** The minimum front yard setback is ten (10') feet from right- of-way and a landscape strip of at least seven (7') feet must be present.
      a. **Sight Triangle.** (See subsection 3.02.05)
      b. **Parking.** (See section 3.4)
   2. **Rear Setback.** The minimum rear yard setback is twenty (20') feet.
   3. **Side Setback.** The minimum side yard setback is six (6') feet or six (6") inches per one (1') foot of building height, whichever is greater.
   4. **Projections.**
      a. **Underground Parking Structures.** Underground parking structures may be projected into any required setback if the structure is covered by landscaping or grass and does not raise the grade of the yard by more than two (2') feet.

F. **Building Height.**
   1. The maximum height of any building or structure shall be fifty-five (55') feet, measured at the top of the building's horizontal wall.
   2. **Accessory Buildings.** (See subsection 3.02.060)

SECTION 86: **REPEALED** "4.08.070 Yard Requirements" of the Rexburg Development Code is hereby *repealed:*

~~The following minimum yard requirements shall apply in the HDR1 zone:~~

~~A. **Front Yard**. Each lot or parcel in the HDR1 zone shall have a minimum front yard of at least twenty-five (25') feet from right-of-way.~~

~~1. **Exception**: When the street upon which the parcel fronts have a boulevard strip of at least seven (7') feet, the front yard setback may be reduced to twenty (20') feet from right-of-way.~~

~~B. **Parking Lot**. If a boulevard strip is present, the front yard setback can be reduced to ten (10') feet for a parking lot.~~

~~C. **Rear Yard**. The minimum depth of a rear yard shall be twenty (20') feet.~~

~~D. **Side Yard**. Each lot or parcel of land in the HDR1 zone shall have a side yard of at least six (6') feet or six (6") inches of setback for every (1') foot of building height, whichever is greater.~~

~~1. **Exception**: A setback of ten (10') feet shall be allowed within side yards that abut other HDR zones, MDR zones, Commercial zones, or Mixed-Use zones, regardless of building height.~~

~~E. **Accessory Buildings**. (*See subsection 3.02.070.*)~~

SECTION 87: **REPEALED** "4.08.080 Setbacks and Rights-Of-Ways" of the Rexburg Development Code is hereby *repealed:*

~~(*See subsections 3.02.050., 3.02.090., 4.00.030.*)~~

~~**Underground Parking Structures**. Underground parking structures may be projected into any required setback if the structure is covered by landscaping or grass and does not raise the grade of the yard by more than two (2') feet.~~

SECTION 88: **REPEALED** "4.08.090 Building Height" of the Rexburg Development Code is hereby *repealed:*

~~A. No lot or parcel of land in the HDR1 zone shall have a building or structure, which exceeds a maximum height of fifty-five (55') feet, measured at the top of building's horizontal wall.~~

~~B. An unroofed and unenclosed rooftop terrace, an enclosed stairwell, or elevator providing access to the roof, shall not be included in the measurement of total building height.~~

~~C. **Accessory Structure**. In no case shall the height of an accessory structure exceed the height of any main structure on the same lot.~~

~~D. **Adjacent zones**. Buildings or portions of buildings within fifty (50') feet of a residential zone other than HDR1 and HDR2 shall be limited to thirty-five (35') feet.~~

SECTION 89: **REPEALED** "4.08.100 Permissible Lot Coverage" of the Rexburg Development Code is hereby *repealed:*

~~A. **Building Coverage**. In an HDR1 zone, all buildings, including accessory buildings and structures (including impervious surfaces, e.g., driveways), shall not cover more than eighty (80%) percent of the area of the lot or parcel of land.~~

~~B. **Landscaping**.~~

~~1. At least twenty (20%) percent of the area of any lot~~

~~shall be maintained in landscaping.~~

~~2. On any lot, concrete or asphaltic cement shall not cover more than forty (40%) percent of a front yard and one hundred (100%) percent of one (1) side yard.~~

SECTION 90: **REPEALED** "4.08.110 Parking, Loading and Access" of the Rexburg Development Code is hereby *repealed:*

~~(See section 3.4 and subsection 4.00.060.)~~

~~**Sidewalk Access.** (See 3.04.060. C.)~~

SECTION 91: **AMENDMENT** "4.08.120 Referenced Sections" of the Rexburg Development Code is hereby *amended* as follows:

A. **Prior Created Lots** *(See subsection 3.03.070.)*
B. **Distance Between Buildings** *(See subsection 3.02.060.)*
C. **Project Plan Approval** *(See subsection 3.02.120.)*
D. **Fencing** *(See subsection 3.02.100.)*
E. ***Highway 20 Corridor.*** *(See subsection 3.02.090.F.)*
F. ***Buffers.*** *(See subsection 3.02.100.)*
G. **Residential Design Standards** *(See subsection 4.00.050.)*
H. **Pedestrian Emphasis District** *(See section 9.1.)*
I. Lighting Standards are applicable as described in *section 3.6.*
J. Refer to *section 4.0* for Development Rules that apply to all Residential Zones.
K. Refer to *sections 3.2-3.7* for Development Rules that apply to all Zones.
L. **Sidewalk Access.** *(See 3.04.060.C.)*
M. **Parking, Loading and Access** *(See section 3.4 and subsection 4.00.060.)*

SECTION 92: **REPEALED** "4.09.030 Lot Width" of the Rexburg Development Code is hereby *repealed:*

~~The minimum lot width in the HDR2 zone is two hundred (200') feet.~~

SECTION 93: **REPEALED** "4.09.040 Lot Depth" of the Rexburg Development Code is hereby *repealed:*

~~The minimum lot depth in the HDR2 zone is sixty (60') feet.~~

SECTION 94: **REPEALED** "4.09.050 Lot Frontage" of the Rexburg Development Code is hereby *repealed:*

~~Each lot or parcel of land in the HDR2 zone shall abut a public street for a distance of twenty- four (24') feet on a line parallel to the center line of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end, which does not have a cul-de-sac improved to City standards, shall not be counted in meeting this requirement.~~

SECTION 95: **AMENDMENT** "4.09.060 Lot Configuration and Density" of the Rexburg Development Code is hereby *amended* as follows:

The following requirements apply to any lot or parcel of land in the **HDR2** zone:

A. **Maximum Density.** The maximum density shall not exceed ~~is~~ forty-two (42) units per one (1) acre.
   1. For Dormitory or Congregate Residential uses, regardless of actual number of dwellings, the density shall not exceed two-hundred-fifty-two (252) individuals per acre.
   2. The Pedestrian Emphasis District (PED) density is regulated by the University, the adopted Building Code, and any requirements imposed as part of the required CUP. ***(See section 9.1.)***

B. **Lot Area.** The minimum lot area allowed is one-half (½) acre.

C. **Lot Dimensions.**
   1. **Width**. The minimum lot width allowed is one-hundred-eighty (180') feet.
   2. **Depth.** The minimum lot depth allowed is sixty (60') feet.
   3. **Frontage.** Each lot shall abut a public street for a minimum distance of twenty-four (24') feet.

D. **Permissible Lot Coverage.**
   1. **Building Coverage.** All buildings, including accessory buildings or structures and impervious surfaces, shall not cover more than eighty (80%) percent of the area of the lot.
      a. **Impervious Surface.** Concrete or asphaltic cement shall not cover more than forty (40%) percent of a front yard, fifty (50%) percent of a rear yard, and one hundred (100%) percent of one (1) side yard.

   2. **Landscaping.** At least twenty (20%) percent of the area of any lot shall be maintained in landscaping.

E. **Setback Requirements.**
   1. **Front Setback.** The minimum front yard setback is ten (10') feet from right- of-way and a landscape strip of at least seven (7') feet must be present.
      a. **Sight Triangle.** (See subsection 3.02.05)
      b. **Parking.** (See section 3.4)
   2. **Rear Setback.** The minimum rear yard setback is twenty (20') feet.
   3. **Side Setback.** The minimum side yard setback is six (6') feet or six (6") inches per one (1') foot of building height, whichever is greater.
   4. **Projections.**
      a. **Underground Parking Structures.** Underground parking structures may be projected into any required setback if the structure is covered by landscaping or grass and does not raise the grade of the yard by more than two (2') feet.

F. **Building Height.**
   1. The maximum height of any building or structure shall be fifty-five (55') feet, measured at the top of the building's horizontal wall.
   2. **Accessory Buildings.** *(See subsection 3.02.060)*

SECTION 96: **REPEALED** "4.09.070 Yard Requirements" of the Rexburg Development Code is hereby *repealed:*

~~The following minimum yard requirements shall apply in the HDR2 zone:~~

~~A. **Front**. Each lot or parcel in the HDR2 zone shall have a minimum front yard of at least twenty-five (25') feet from right-of-way.~~

~~1. **Exception**: When the street upon which the parcel fronts have a boulevard strip of at least seven (7') feet, the front yard setback may be reduced to ten (20') feet from right-of-way.~~

~~B. **Parking Lot**. If a boulevard strip is present, the front yard setback can be reduced to twenty (20') for a parking lot.~~

~~C. **Rear**. The minimum depth of a rear yard shall be twenty (20') feet.~~

~~D. **Side Yard**. Each lot or parcel of land in the HDR2 zone shall have a side yard of at least six (6') feet or six (6") inches of setback for every (1') foot of building height, whichever is greater.~~

~~1. **Exception**: A setback of ten (10') feet shall be allowed within side yards that abut other HDR zones, MDR zones, Commercial zones, or Mixed-Use zones, regardless of building height.~~

~~E. **Accessory Buildings**. (*See subsection 3.02.070.B.*)~~

SECTION 97: **REPEALED** "4.09.080 Setbacks and Rights-Of-Way Exceptions" of the Rexburg Development Code is hereby *repealed:*

~~*(See subsections 3.02.050., 3.02.090., 4.00.030.)*~~

~~**Underground Parking Structures**. Underground parking structures may be projected into any required setback if the structure is covered by landscaping or grass and does not raise the grade of the yard by more than two (2') feet.~~

SECTION 98: **REPEALED** "4.09.090 Building Height" of the Rexburg Development Code is hereby *repealed:*

~~A. No lot or parcel of land in the HDR2 zone shall have a building or structure, which exceeds a maximum height of fifty-five~~ (55') feet, measured at the top of building's ~~horizontal wall.~~

~~B. An unroofed and unenclosed rooftop terrace, an enclosed stairwell, or elevator providing access to the roof, shall not be included in the measurement of total building height.~~

~~C. **Adjacent zones**. Buildings or portions of buildings within fifty (50') feet of a residential zone other than HDR1 and HDR2 shall be limited to thirty-five (35') feet.~~

~~D. **Accessory Structure**. In no case shall the height of an accessory structure exceed the height of any main structure on the same lot.~~

SECTION 99: **REPEALED** "4.09.100 Permissible Lot Coverage" of the Rexburg Development Code is hereby *repealed:*

~~A. **Building Coverage**. In an HDR2 zone, all buildings, including accessory buildings~~ and structures (including impervious surfaces, e.g., driveways), shall not cover more ~~than eighty (80%) percent of the area of the lot or parcel of land.~~

~~B. **Landscaping**. At least twenty (20%) percent of the area of any lot shall be maintained in landscaping.~~

~~C. **Permeable Surface**. On any lot, concrete or asphaltic cement shall not cover more than forty (40%) percent of a front yard and one hundred (100%) percent of one (1) side yard.~~

SECTION 100: **REPEALED** "4.09.110 Parking, Loading and Access" of the Rexburg Development Code is hereby *repealed:*

~~*(See section 3.4 Parking and subsection 4.00.060.)*~~

~~**Sidewalk Access**. *(See 3.04.060.C.)*~~

SECTION 101: **AMENDMENT** "4.09.120 Referenced Sections" of the Rexburg Development Code is hereby *amended* as follows:

A. **Prior Created Lots** *(See subsection 3.03.070.)*
B. **Distance Between Buildings** *(See subsection 3.02.060.)*
C. **Project Plan Approval** *(See subsection 3.02.130.)*
D. **Fencing** *(See subsection 3.02.110.)*
E. ***Highway 20 Corridor***. *(See subsection 3.02.100.F.)*
F. ***Buffers***. *(See subsection 3.02.100.)*
G. **Residential Design Standards** *(See subsection 4.00.050.)*
H. **Pedestrian Emphasis District** *(See section 9.1.)*
I. Lighting Standards are applicable as described in *section 3.6*.
J. Refer to *section 4.0* for Development Rules that apply to all Residential Zones.
K. Refer to sections *3.2-3.7* for Development Rules that apply to all Zones.
L. **Sidewalk Access.** *(See 3.04.060.C.)*
M. **Parking, Loading and Access** *(See section 3.4 and subsection 4.00.060.)*

SECTION 102: **AMENDMENT** "5.01.010 Purpose and Objectives" of the Rexburg Development Code is hereby *amended* as follows:

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. A commercial element requires a minimum of one thousand (1,000) square feet or 10% of grade- level footprint, whichever is greater.

~~A. MU facing Main Street between 2nd West and 2nd East must have 100% commercial at grade level.~~

SECTION 103: **REPEALED** "5.01.030 Lot Area" of the Rexburg Development Code is hereby *repealed:*

~~The minimum area of any lot or parcel of land in the MU zone is twelve thousand (12,000) sq. ft.~~

SECTION 104: **REPEALED** "5.01.040 Lot Width" of the Rexburg Development Code is hereby *repealed:*

~~The minimum lot width in the MU zone is sixty (60') feet.~~

SECTION 105: **REPEALED** "5.01.050 Lot Depth" of the Rexburg Development Code is hereby *repealed:*

~~The minimum lot depth in the MU zone is sixty (60') feet.~~

SECTION 106: **REPEALED** "5.01.060 Lot Frontage" of the Rexburg Development Code is hereby *repealed:*

~~Each lot or parcel of land in the MU zone shall abut a public street for a minimum distance of twenty-four (24') feet, on a line parallel to the center line of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end, which does not have a cul-de-sac improved to City standards, shall not be counted in meeting this requirement.~~

SECTION 107: **AMENDMENT** "5.01.070 Lot Configuration" of the Rexburg Development Code is hereby *amended* as follows:

The following requirements apply to any lot or parcel in the **MU** zone.

A. **Maximum Density.** The density shall not exceed thirty (30) dwelling units per acre.
B. **Lot Area.** The minimum lot area allowed is one-half (½) acre.
C. **Lot Dimensions.**
    1. **Width.** The minimum lot width allowed is sixty (60') feet.
    2. **Depth.** The minimum lot depth allowed is sixty (60') feet.
    3. **Frontage.** Each lot shall abut a public street for a minimum distance of twenty-four (24') feet.
D. **Permissible Lot Coverage.**
    1. **Building Coverage.** All buildings, including accessory buildings or structures and impervious surfaces, shall not cover more than ninety (90%) percent of the area of the lot.
        a. **Impervious Surface.** Concrete or asphaltic cement shall not cover more than forty (40%) percent of a front yard, fifty (50%) percent of a rear yard, and one hundred (100%) percent of one (1) side yard.
    2. **Landscaping.** At least ten (10%) percent of the area of the lot shall be maintained for landscaping.
E. **Setback Requirements.**
    1. **Front Setback.**
        a. **Commercial.** The minimum front yard setback for a commercial element can be zero (0') feet from right-of-way unless otherwise restricted.
        b. **Residential.** The minimum front yard setback for a residential element is five (5') feet from right-of-way provided the minimum amount of commercial is included in the overall project.
        c. **Sidewalk.** (See subsection 5.01.130)
    2. **Rear Setback.** The minimum rear yard setback is six (6') feet.
    3. **Side Setback.** The minimum side yard setback is six (6') feet or six (6") inches per one (1') foot of building height, whichever is greater.
F. **Building Height.** The maximum height of any building or structure is fifty-five (55') feet, measured at the top of the building's horizontal wall.
    1. **Exception.** An unroofed or unenclosed rooftop terrace,

enclosed stairwell or elevator providing access to the roof, shall not be included in the measurement of total building height.

2. Additional height may be requested in a Conditional Use Permit.

G. **Commercial Adjacent to Residential; Transitional Development Standards.** (See subsection 3.02.080.a)

H. **Accessory Buildings.** *(See subsection 3.02.060.)*

~~Projects in this zone are required to be pedestrian-friendly developments with buildings facing and in close proximity to the right-of-way.~~

~~A. **Parking Lots**. 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).~~

~~B. **Access Driveways**. Access driveways are restricted to twenty-four (24') feet (unless required to be wider for Fire Apparatus.)~~

SECTION 108: **REPEALED** "5.01.080 Density" of the Rexburg Development Code is hereby *repealed:*

~~A. Housing unit density of up to thirty (30) units per acre is permitted.~~

SECTION 109: **REPEALED** "5.01.090 Yard Requirement" of the Rexburg Development Code is hereby *repealed:*

~~The following minimum yard requirements shall apply in the MU zone:~~

~~A. **Front Yard**. The minimum front yard setback requirements are as follows:~~

~~1. **Commercial.** Commercial element can be zero (0') from right-of-way unless otherwise restricted.~~

~~2. **Residential.** Residential element is a minimum five (5') feet from right-of-way provided the minimum amount of commercial is included in the overall project.~~

~~3. **Sidewalk**. A minimum eight (8') feet wide sidewalk is required parallel to any city street.~~

~~4. **Landscaping**.~~

~~a. Street trees and other landscape amenities are required and include as a minimum the use of two (2") inch caliper deciduous trees at a maximum of twenty (20') feet spacing in the landscape strip between the curb and sidewalk.~~

~~b. The space between the building and sidewalk shall be landscaped with ornamental trees, shrubs, grass, annual and perennial flowers to achieve a "fully landscaped look."~~

~~c. **Irrigation System**. An irrigation system is required and is the responsibility of the property owner as is the maintenance of the landscaped areas.~~

~~5. **Building Design**~~

~~a. **Street Oriented**. 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.~~

b. **Interaction with Street**. There shall be a variety of openings and other features that enhance the building's 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.

(1) Balconies, awnings, canopies, and other structural elements may extend a maximum of three (3') feet into the setback.

c. **Materials**. The first-floor wall facing the right-of-way shall be faced with high-quality materials (as approved by Zoning Administrator or Designee).

6. **Renderings** identifying all of the above requirements and the Design Standards shall be submitted to city staff prior to the request for a building permit.

a. The Zoning Administrator or designee will have authority to review the submittal and determine if it meets the above requirements of this Section and the spirit in which they were created.

7. **Utility fixtures**. Utility fixtures in the front yard setback must be underground or otherwise screened from street view wherever practicable.

8. Parking spaces, drive aisles, and all maneuvering areas shall not be located within the first ten (10') feet of a front yard.

B. **Rear Yard**. A minimum rear yard of at least six (6') feet shall be required when a sloped roof drains toward rear yard property line. Otherwise, no minimum.

C. **Side Yard**. A minimum side yard of at least six (6') feet shall be required when a sloped roof drains toward the side yard property line. Otherwise, no minimum.

D. **Commercial Adjacent to Residential; Transitional Development Standards**. (*See subsection 3.02.080.a.*)

E. **Accessory Buildings**. (*See subsection 3.02.070.*)

SECTION 110: **REPEALED** "5.01.100 Building Height" of the Rexburg Development Code is hereby *repealed:*

The allowed height is fifty-five (55') feet, for all buildings. Buildings higher than fifty-five (55') feet may be allowed with a Conditional Use Permit.

A. Building height for all uses shall be measured from adjacent grade level to the top of the highest horizontal wall top plate. An unroofed and unenclosed rooftop terrace, an enclosed stairwell or elevator providing access to the roof, shall not be included in the measurement of total building height.

B. **Telecommunication Towers**. The Planning and Zoning Commission shall review the design of all proposed stealth and non-stealth telecommunication towers through the conditional use permit process and provide a recommendation to the City Council. Any proposed tower shall also be subject to the City's telecommunications tower

~~ordinance which will require certain setbacks and excluded areas.~~

1. ~~**Stealth telecommunication towers** are permitted to a height of seventy five (75') feet.~~
2. ~~**Non-stealth telecommunication towers** are permitted to a height of sixty (60') feet.~~

SECTION 111: **REPEALED** "5.01.110 Sidewalk Access" of the Rexburg Development Code is hereby *repealed:*

~~Projects located within the Mixed-Use zone will be required to demonstrate sidewalk access to the BYUI campus and to the nearest Substantial Commercial Cluster (*See definition in Chapter 2*).~~

SECTION 112: **REPEALED** "5.01.120 Permissible Lot Coverage" of the Rexburg Development Code is hereby *repealed:*

A. ~~**Lot Coverage**. Maximum Lot Coverage is ninety (90%) percent. Lot coverage includes all buildings and structures including areas of hard surface such as sidewalks and driveways.~~

B. ~~**Landscaping**. Areas not included in lot coverage calculation shall be maintained in landscaping.~~

SECTION 113: **REPEALED** "5.01.130 Parking and Sidewalks" of the Rexburg Development Code is hereby *repealed:*

~~(*See section 3.4.*)~~

A. ~~**Proximity**. Projects in the Mixed Use (MU) zone are allowed greater than two hundred (200') feet distance from the primary entrance as approved by the Zoning Administrator or Designee.~~

1. ~~**Mixed-Use Buildings and Projects**. The total parking requirement shall be the sum of the individual requirements for all uses.~~
2. ~~**Joint Use Parking**. Joint use parking facilities are encouraged. A joint use parking agreement, if executed according to the standards set forth in this section would allow a reduction in the total requirement for a mixed-use building or project. (*See subsection 3.04.090.*)~~
3. ~~**Parking Structures**. Parking Structures are encouraged and must meet the requirements set forth in *section 3.4*.~~

a. ~~**Underground Parking Structures**. Underground parking structures may be projected into any required setback if the structure is covered by landscaping or grass and does not raise the grade of the yard by more than two (2') feet.~~

SECTION 114: **AMENDMENT** "5.01.150 Referenced Sections" of the Rexburg Development Code is hereby *amended* as follows:

A. **Prior Created Lots** *(See subsection 3.03.070.)*
B. **Projections Into Yards** *(See subsection 3.02.090.)*
C. **Project Plan Approval** *(See subsection 3.02.130.)*
D. **Lighting Standards** *(See section 3.6.)*
E. **Highway 20 Corridor** *(See subsection 3.02.100.F.)*
F. **Landscaping**. *(See subsection 3.02.~~100~~090.)*
G. **Trash Storage**. *(See subsection 3.02.120.)*
H. **Commercial Design Standards** *(See section 6.0.)*
I. **Parking** *(See section 3.4)*
J. **Sidewalks** *(See subsection 3.02.160)*
K. **Signs** *(See section 3.5)*

SECTION 115: **AMENDMENT** "5.02.010 Purpose and Objectives." of the Rexburg Development Code is hereby *amended* as follows:

The Transitional Agricultural zone is intended to anticipate expansion of the City into agricultural areas (lands). Permitted uses in the TAG zones include all primary agricultural production activities and their accessory uses and buildings, including farm homes. The TAG zone is established to ensure transitional regulations pursuant to and provide uniform enablement of the provisions of *sections 9.32* of this title.

SECTION 116: **AMENDMENT** "5.02.020 Permitted Uses" of the Rexburg Development Code is hereby *amended* as follows:

The following principal uses and structures indicated as "P," and no others, shall be permitted in the TAG zone. The following uses and structures indicated as "CUP" may be permitted in the TAG zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof.

TRANSITIONAL AGRICULTURE		
Resource Production	Agriculture	P
Residential	Single-family Dwelling	P
Group Housing	Boarding Houses *(See subsection 3.02.160.)*	P
Care Facilities	*Group Home (Disabled & Elderly; under eight residents)*	P
	Hospitals	CUP
Places of Worship	Churches, Synagogues and Temples	CUP
Recreation	Public buildings	CUP
	Stadiums, arenas, field houses	CUP
Schools, public or private	Schools	CUP
Services	Accessory Home Business *(See subsection 4.00.040.)*	CUP
	Accessory Home Occupation *(See subsection 4.00.040.)*	P
	Airports	CUP
	Animal Veterinarian Services (inside	CUP

	only)	
	Cemeteries	CUP
	Commercial Kennels	CUP
Utilities	Broadcasting Towers	CUP

A. **Permitted Accessory Uses.** (See subsections 3.02.070, 4.00.020.) Accessory uses and structures are permitted provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure.

B. **No Open Storage.** Nothing herein shall be construed to permit the open storage of materials or equipment used in conjunction with permitted uses or shall be concealed from view from public or private streets.

C. **Livestock.** No more than ten (10) livestock per acre are permitted in a TAG zone. However, this does not include commercial enterprises or animal-related business such as produce packing plants, fur farms, veterinary clinics, animal hospitals, feed lots, poultry and egg farms, hog farms, dog kennels, honey processing, and similar uses which would constitute a "business" as opposed to that of the raising of agricultural crops and/or pasture.

SECTION 117: **REPEALED** "5.02.030 Permitted Accessory Uses" of the Rexburg Development Code is hereby *repealed:*

~~*(See subsection 3.02.070.)*~~

~~Accessory uses and structures are permitted in the TAG zone provided they are incidental to, and do not substantially alter the character of the permitted use or structure and are located on the same or an adjacent lot as the permitted use. Such permitted accessory uses and structures include, but are not limited to, the following:~~

~~A. **Residential Uses**. (*See subsection 4.00.020.*)~~
~~B. Swimming pools and incidental bath houses are subject to the standards of Rexburg City Code.~~
~~C. **No Open Storage**. Nothing herein shall be construed to permit the open storage of materials or equipment used in conjunction with permitted uses or shall be concealed from view from public or private streets.~~
~~D. **Livestock**. No more than ten (10) livestock per acre are permitted in a TAG zone. However, this does not include commercial enterprises or animal-related business such as produce packing plants, fur farms, veterinary clinics, animal hospitals, feed lots, poultry and egg farms, hog farms, dog kennels, honey processing, and similar uses which would constitute a "business" as opposed to that of the raising of agricultural crops and/or pasture.~~

SECTION 118: **REPEALED** "5.02.040 Lot Area." of the Rexburg Development Code is hereby *repealed:*

~~The minimum area of any lot or parcel of land in the TAG zone shall be one (1) acre.~~

SECTION 119: **REPEALED** "5.02.050 Lot Frontage" of the Rexburg Development Code is hereby *repealed:*

~~Each lot or parcel of land in the TAG zone shall abut a public street for a minimum distance of thirty-five (35') feet, on a line parallel to the centerline of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.~~

SECTION 120: **REPEALED** "5.02.060 Lot Width" of the Rexburg Development Code is hereby *repealed:*

~~**Lot Width.** Each lot or parcel of land in the TAG zone shall have a width of not less than one- hundred eighty (180') feet.~~

SECTION 121: **AMENDMENT** "5.02.070 Lot Configuration and Density" of the Rexburg Development Code is hereby *amended* as follows:

The following requirements apply to any lot or parcel of land in the **TAG** zone.

1. **Maximum Density.** The density shall not exceed one ~~One~~ (1) single-family dwelling unit per ~~lot~~ one (1) acre.
2. **Lot Area.** The minimum lot area allowed is one (1) acre.
3. **Lot Dimensions.**
    a. **Width.** The minimum lot width allowed is one hundred eighty (180') feet.
    b. **Depth.** The minimum lot depth allowed is one-hundred eighty (180') feet.
    c. **Frontage.** Each lot shall abut a public street for a minimum distance of thirty- five (35') feet.
4. **Permissible Lot Coverage.**
    a. **Building Coverage.** All buildings, including accessory buildings or structures and impervious surfaces, shall not cover more than thirty (30%) percent of the area of the lot.
        (1) **Impervious Surface.** Concrete or asphaltic cement shall not cover more than forty (40%) percent of a front yard, fifty (50%) percent of a rear yard, and one hundred (100%) percent of one (1) side yard.
    b. **Landscaping.** At least seventy (70%) percent of the area of the lot shall be maintained in landscaping.
5. **Setback Requirements**
    a. **Front Setback.** The minimum front yard setback is fifty (50') feet from right- of-way.
    b. **Rear Setback.** The minimum rear yard setback is forty (40') feet.
    c. **Side Setback**. The minimum side yard setback is ten (10') feet.
6. **Building Height.** The maximum height of any building or structure is thirty (30') feet, measured at the top of the building's horizontal wall.
7. **Accessory Buildings.** *(See subsection 3.02.060.)*
    a. **Agriculture Buildings.** By State Law, agricultural buildings, as defined by the State of Idaho, are exempt from Building Codes.

SECTION 122: **REPEALED** "5.02.080 Yard

Requirements." of the Rexburg Development Code is hereby *repealed:*

~~The following minimum yard requirements shall apply to the TAG zone:~~

~~A. **Front Yard**. Each lot or parcel of land in the TAG zone shall~~ have a front yard of not ~~less than fifty (50') feet from right-of-way and, except for single family detached~~ homes, shall not be used for vehicular parking or maneuvering except such portion as ~~is devoted to driveway use for direct access from a street to a garage or carport.~~

~~B. **Side Yard**. Each lot or parcel of land in the TAG zone shall have a side yard setback of not less than ten (10') feet and shall not be used for vehicular parking or~~ maneuvering except such portion as is devoted to driveway use for direct access from ~~a garage or carport.~~

~~C. **Accessory Buildings**. (*See subsection 3.02.070.*)~~

~~D. **Rear Yard**. Each lot or parcel of land in the TAG Zone shall~~ have a rear yard setback ~~of not less than twenty-five (25') feet.~~

SECTION 123: **REPEALED** "5.02.090 Building Height." of the Rexburg Development Code is hereby *repealed:*

~~Any building or structure or portion thereof hereafter erected which is not of an agricultural nature shall not exceed two and one-half (2½) stories, or thirty feet (30') in height, measured at the top of building's horizontal wall.~~

SECTION 124: **REPEALED** "5.02.100 Permissible Lot Coverage" of the Rexburg Development Code is hereby *repealed:*

~~The maximum lot coverage for all buildings and structures shall not be greater than thirty (30%) percent of the lot area.~~

SECTION 125: **REPEALED** "5.02.110 Code Exemptions of Agriculture Buildings" of the Rexburg Development Code is hereby *repealed:*

~~By State Law, agricultural buildings, as defined by the State of Idaho, are exempt from Building Codes.~~

SECTION 126: **AMENDMENT** "5.02.120 Referenced Sections" of the Rexburg Development Code is hereby *amended* as follows:

A. **Prior Created Lots** *(See subsection 3.03.070.)*
B. **Projections Into Yards** *(See subsections 3.02.090.)*
C. **Distance Between Buildings** *(See subsection 3.02.060.)*
D. **Parking, Loading and Access** *(See section 3.4)*
E. **Project Approval** *(See subsection 3.02.120.)*
F. **Landscaping**. (*See subsection 3.02.100.*)
G. **Trash**. (*See subsection 3.02.120.*)
H. **Signs**. (*See section 3.5.*)
I. **Lighting Standards** *(See section 3.6.)*

SECTION 127: **REPEALED** "10.03.050 Plat Recording Time Limitation" of the Rexburg Development Code is hereby *repealed:*

~~**Approval Time Period.** Once the Plat is approved, the approval is good for a period of twelve (12) months from the date of approval. In the event a longer period elapses, the Plat must be reviewed by the Commission again.~~

~~A. **Extension.** The time limits for acting on the Plat may be extended by mutual consent of the sub-divider and the Commission and/or the Council.~~

SECTION 128: AMENDMENT "10.03.080 File With County Recorder" of the Rexburg Development Code is hereby *amended* as follows:

The Plat shall be filed with the County Recorder within six (6) months after approval by the Council, otherwise such approval shall become invalid unless an extension of time is applied for and granted.

A. **Communicate with City**. Recording number is communicated to the City Planning & Zoning office to finalize permit.
B. **Extension.** ~~One~~ An extension of a six (6) month time period may be granted, for good cause, by the City Council. ~~Planning and Zoning Commission if such extension is authorized by the Commission prior to the expiration of the six (6) month period, and provided such extension not exceed an additional six (6) months.~~
    a. **Extension Request.** A written extension request must be received by the Planning and Zoning Administrator prior to the expiration deadline in order to be valid.
    b. **Consistent with Zoning.** Also, provided that the extension is consistent with then-existing city zoning ordinance requirements, in relation to then existing conditions.
    ~~*c.* No additional extensions may be granted.~~
C. **Expiration.** If an approved Plat expires, whether as to the entire area proposed for development or as to yet unbuilt portions of development, then a completely new application must be submitted prior to reconsideration.
    a. An application for reconsideration shall be treated as an original application and shall be subject to all of the procedures of this chapter.

SECTION 129: AMENDMENT "3.04.070 Parking Surface" of the Rexburg Development Code is hereby *amended* as follows:

All parking areas, aisles and driveways shall be surfaced with asphalt or concrete.
A. Asphalt is not allowed for sidewalks crossing driveways and for the driveway approach between the street and the sidewalk. (*See Appendix B: City Engineering Standards.*)
B. Parking areas shall be provided with paved access from a public street.
C. No more than forty (40%) percent of the front yard shall be covered with asphalt or gravel.
D. **Storage Facilities**. Asphalt or concrete is not required for storage areas or storage facilities when an improved and maintained gravel surface is provided (*See Appendix B: City Engineering Standards.*) as long as the following three (3) requirements are met:
    a. **Driveway**. Provide a sixty (60') feet minimum long concrete or asphalt access driveway between the aforementioned lot and the public right-of-way.
    b. **Loading Space**. Provide a forty by twelve (40 x 12) square foot loading space (*as per subsection 3.04.100)* without regard to overall building size) directly in front of any and all fully enclosed storage units/spaces less than ten by twenty (10 x 20) square feet or any interior entrance to a series of fully enclosed units/spaces.

c. **Off-street Parking**. Provide ~~ample~~ a minimum of 3 dedicated off-street parking spaces separate from the storage area.

SECTION 130: REPEALER CLAUSE Providing for other substantive and non-substantive changes in the Development Code as recommended and approved by the Planning and Zoning Commission of the City of Rexburg, Idaho. Furthermore, any portion ofthe existing Development Code in conflict with this proposed amendment is hereby repealed.

SECTION 131: SEVERABILITY CLAUSE The provisions of this Ordinance shall be deemed severable and a finding by a court of law that a provision of the Ordinance is unlawful shall have no effect on the remaining provisions.

SECTION 132: EFFECTIVE DATE The City of Rexburg, Idaho City Council shall enact this Ordinance (#23-00811) amending Ordinance 1200 otherwise knownas the Development Code of the City of Rexburg, Idaho upon its passage, approval and publication; and shall be in full force and effect from February 21, 2024, and after the required approval and publication according to law.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR on this 21st day of February 2024.

CITY OF REXBURG CORPORATE SEAL STATE OF IDAHO

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. 1200) CONCERNING SUBSTANTIVE AND NON-SUBSTANTIVE ITEMS; THE FOLLOWING CHANGES HAVE BEEN MADE: AMENDMENTS TO ACCESSORY DWELLING UNITS (ADU), RESIDENTIAL RENTAL PROPERTIES, AND SHORT-TERM RENTAL REQUIREMENTS; ALL ACCESSORY BUILDING REQUIREMENTS COMMERCIAL AND RESIDENTIAL; ADDRESSING REQUIREMENTS FOR COMMERCIAL, DRIVEWAYS, AND RESIDENTIAL PROPERTIES; BLOCK LENGTHS AND EXCEPTIONS; CURRENT ENGINEERING STANDARDS TO BE SET BY RESOLUTION; LOT CONFIGURATION AND DENSITY,

LANDSCAPING AND SCREENING, YARD REQUIREMENTS, BUILDING HEIGHTS, SIDEWALKS, SETBACKS, AND PARKING IN ALL RESIDENTIAL ZONES (RR1), (RR2), (LDR1), (LDR2), (LDR3), (MDR1), (MDR2), (HDR1), AND (HDR2), TRANSITIONAL AGRICULTURE (TAG) AND MIXED USE (MU) ZONES; TIME LIMITATIONS TO RECORD PLATS; OFF-STREET PARKING REQUIREMENTS FOR ALL ZONES; PROVIDING FOR VIOLATION OF THE PROVISIONS OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; AND PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE.

PASSED BY THE CITY COCUNCIL AND APPROVED BY THE MAYOR this 21st day of February 2024.

Deborah Lovejoy, City Clerk

CITY OF REXBURG CORPORATE SEAL STATE OF IDAHO