

**CITY OF REXBURG
ORDINANCE 1248**

**DEVELOPMENT CODE ORDINANCE 1200 AMENDMENT -PLANNED UNIT
DEVELOPMENT (PUD) TO ALIGN WITH SUBDIVISION REQUIREMENTS**

**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: AMENDED 1.03.050 PLANNED UNIT DEVELOPMENT (PUD) PUBLIC
HEARING NOTICE; ADDITION OF 1.04.040 SUBDIVISIONS PLANNED UNIT
DEVELOPMENT (PUD) COMMISSION CONSIDERATION TO CHAPTER 1.4 LAND
USE ACTIONS; AMENDED SUBDIVISION DEFINITIONS; AMENDED 4.00.050 LOT
LAYOUT REVIEW; AMENDED 4.03.070, 4.04.070, 4.05.070 LOT CONFIGURATION
AND DENSITY; REPEAL 4.10 PLANNED UNIT DEVELOPMENT; AMENDED
10.03.010 SUBDIVISION SUBMITTAL; REPEALED 10.03.050 TIME LIMITATION;
ADDITION OF 10.03.090 BUILDING PERMIT; ADDITION OF 10.09.010 PLANNED
UNIT DEVELOPMENT (PUD) TO ALIGN WITH SUBDIVISION REQUIREMENTS;
AND PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE.**

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

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

WHEREAS, Rexburg City Codes are subordinate to Idaho State Code.

NOW THEREFORE, be it ordained by the Council of City of Rexburg, in the State of Idaho, as follows:

SECTION 1: **AMENDMENT** “1.02.010 Zoning Administrator” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

1.02.010 Zoning Administrator

There is hereby created the position of City of Rexburg Zoning Administrator.

- A. The Zoning Administrator shall be appointed by the Mayor and confirmed by the City Council.
- B. The Mayor may appoint another officer of the City, including but not limited to the City Clerk, Zoning Administrator, Building Official, to fulfill all or part of the duties of the Zoning Administrator.
- C. **Duties of the Zoning Administrator.** The Zoning Administrator shall administer the

provisions of this Ordinance, provide assistance to and guidance to the Commission and Council, and have the following duties:

1. Advise interested persons of the Development Code provisions.
2. Notify the news media regarding matters of public interest.
3. Aid and assist applicants in the preparation and processing of applications.
4. **Review.** The Zoning Administrator or a designee will review all plans and applications for compliance to the Rexburg Development Code.
5. **Assist Commission and Council.** Review and assist the Commission and Council in reviewing applications for home occupations, variances, conditional use permits, rezoning requests, subdivisions, planned unit developments and annexations.
6. **Interpret Code.** In administering this ordinance, the Zoning Administrator may make interpretations of any part of this code, which interpretations are binding but may be appealed to the Design Review Board, the Mayor, or the Planning and Zoning Commission.
7. **Chief Enforcement Officer.** The Zoning Administrator shall serve as Chief Enforcement Officer of this Title, and carry out the enforcement authorities of the Commission under *Subsection 1.030.020*.
8. **Ordinance Violations.** Investigate violations of this Ordinance and notify in writing the person responsible for such violations, ordering the action necessary to correct such violation.
9. **Field Officers.** The Zoning Administrator shall direct and administrate the efforts of any, and all, Field Service Officers assigned to the Administrator to assist him in performance of his duties of investigations, process services, and notifications.
10. **Authority.** The Zoning Administrator shall receive and direct, all appellate matters to the appellate authority of jurisdiction, including scheduling and coordinating all appeal hearings in regards to this Title.

SECTION 2: AMENDMENT “1.02.040 Development Review Committee” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

1.02.040 Development Review Committee

The Development Review Committee is established to evaluate all proposals subject to the provisions of this Title. The Development Review Committee is the body charged with reviewing items relating to public health and safety with consideration to coordinate, expedite and assure fair and equitable implementation of this Title.

A. Policies and Procedures

1. The Development Review Committee shall act as an advisory body to the Zoning Administrator for site plans when no variance or deviation is requested.
2. **Members.** The Development Review Committee shall consist of the Zoning

Administrator, GIS Department Head, City Engineer, Fire Department Inspector, Building Administrator or designees.

3. **Advisory.** The Development Review Committee shall act as an advisory body to the City Council for larger and more complex proposals including conditional use permits, planned unit developments, all Lot Layout Plans involving variances or deviations, divisions of land, zone map amendments, annexations and other actions as requested by Staff or the City Council.
 4. **Denial Authority.** Each department charged with development review shall have the ability and authority to require the Zoning Administrator to make a recommendation of denial when in their view the project cannot meet the requirements and review criteria of this Title and acceptable conditions do not exist to cure the identified failings of the project.
 5. **Record.** Each of the Development Review Committee Members will input their reviews and comments into the City permitting system or provide them to the Planning & Zoning Assistant following their project review. These records shall be preserved as part of the official file for each development proposal.
 6. All bodies authorized under this chapter may call upon any City staff or other persons with technical expertise, and may testify before any board, commission or other body upon the subjects for which they have responsibility.
- B. **Inquiry.** A person or organization considering any construction, building or site alteration, rezoning or other development activity, may approach the City Planning & Building Department for informal advice and direction. Such discussion shall be treated as advisory by both parties and a general record of the meeting shall be created.
- C. **Pre-Application.** An informal review by the City Planning & Building Department may be requested by submitting a Meeting Request form provided by these departments along with any schematic development plans at least one week prior to the meeting.
- D. **Application.** An application for consideration of a development proposal must be submitted utilizing a form available from the Zoning Administrator or designee.
1. Materials to be submitted with the application shall include the elements set forth within the requirements for the type of proposal to be considered, (i.e., sketch plan, Infrastructure Plan, , conditional use permit, planned unit development, divisions of land, rezone, annexation, etc.) as outlined in this title.
- E. **Fees.** Fees for permits issues under this Ordinance and requests for amendments to this Ordinance shall be reviewed and changed by resolution of the City Council and Mayor at such time as deemed necessary.
1. A fee may be assessed for any service, including but not limited to the following:
 - a. Construction inspection fee
 - b. Notice and publication costs
 - c. Office checking and field engineering
 - d. Subdivision plat filing fee
 2. Costs for inspection, testing, and quality control are to be paid to the City by the developer at rates established by resolution of the Council.
 3. **Application Fee.** The initial formal review by an applicant or owner for a specific parcel shall be conducted with an application fee.
 4. **2nd Fee.** A fee, set in accordance with the fee resolution adopted by the City Council, shall be charged for a third or subsequent formal review requested by the

same applicant and/or owner for the same real property as a prior formal review.

- a. **Re-inspection fees.** A re-inspection fee may be assessed for each re-inspection when such portion of work for which inspection is called for is not completed or when corrections called for are not made with the allotted time.

5. **Work commencing before permit issuance.** Any person who commences any work, activity or operation regulated by this code, before obtaining the necessary permits shall be subject to an additional fee established by the applicable governing authority, which shall be in addition to the required permit fees.

- a. **Exception:** An exception shall be granted for emergency repair work performed during off-business hours. Emergency repair work shall be work similar in nature to repairing frozen or physically damaged piping in order to return a system to service.

6. **Impact Area Fees.** In the area of city impact, all administrative fees shall be established by the City and paid to the City. In the event costs are incurred by the City of Rexburg as a result of the administration or enforcement of area of city impact matters, the City of Rexburg and County agree to share equally such expenses.

SECTION 3: AMENDMENT “1.02.050 Design Review Board” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

1.02.050 Design Review Board

The Design Review Board is established to review design standards, landscaping, and Infrastructure Plans when requested.

A. Authority.

1. **Zoning Administrator Review.** The Planning and Zoning Commission delegates the authority required to make a best effort, design review to the Zoning Administrator or a designee. It is the intent that the Zoning Administrator or a designee reviews the application and all submitted plans for compliance to the Design Standards as set forth in the Rexburg Development Code.
2. When the Design Requirements are not met, the applicant will be advised of the shortcoming and will be advised to either make the necessary changes for compliance or meet with the Design Review Board.

B. Initiating a Meeting

1. **Disagree with Zoning Administrator Review.** If at any time, the person submitting the plans does not agree with the review performed by the Zoning Administrator or a designee, he/she may request a hearing by the Design Review Committee.
2. **Zoning Administrator Request.** If the Zoning Administrator or designee

performing the design review feels that input is required from the Design Review Committee, he/she can request that the Design Review Committee meet and discuss the proposal.

3. **Commission Request.** The Planning and Zoning Commission at any time may request that a Design Review Board be called together for a certain project review or as a re-review on a project completed by the Zoning Administrator or a designee.

C. **Organization**

1. The Design Review Committee is made up of three (3) pools of individuals from:
 - a. The Planning and Zoning Commission (pool of all members)
 - b. The City Council and Mayor (pool of all members)
 - c. Professional Group (group of ten)
2. Three (3) members of the committee should be present for project design review. The Planning and Zoning Assistant shall attempt to build a three (3) member committee by calling one (1) member from each pool.
 - a. If the attempt is not successful, then the group may consist of three (3) members of any combination of the pools.
 - b. If at the time of the meeting some or all of the members of the committee do not show, then two of the remaining members and/or City Staff may act as the committee.
3. The Zoning Administrator shall recommend potential members from the private sector for inclusion into the Professional Group to the Mayor.

D. **Meeting Procedures.** To implement this purpose, certain procedures shall be adopted to include, but not be limited to, meetings attended by members of the Design Review Board. After introductions, the meeting will proceed as follows:

1. The meeting is headed by the Commissioner present. If there is no Planning and Zoning Commissioner present, then the City Council member in attendance presides.
2. The City Plan Reviewer or designee outlines the specifics on why the current drawings do not meet the prescriptive design requirements of the Development Code.
3. Each section of the design requirements is reviewed by the Board.
4. The applicant explains how the design meets the intent of the Design Review Requirement.
5. The Board deliberates and comes to a conclusion on an allowed design.
6. Written meeting reviews setting forth decisions and findings shall be made. These records shall be preserved as part of the official proceedings for each developmental proposal.
7. The written meeting reviews are sent to all parties present at the meeting on the first possible date.
8. After follow-up with Board on written meeting review, the review is attached and included with the Building Permit for the project.
9. The building plans are redrawn or redlined to identify the changes made by the Board.
10. All subsequent reviews are completed with the new plans.

- E. **Action.** By no later than 30 working days from the date of the first regularly scheduled Development Review Committee at which the applicants' proposal was initially reviewed, the Development Review Committee, shall take action to recommend approval, approval with conditions, table pending submission of revised or additional materials or recommend denial of the applicant's proposal, unless the applicant grants a written extension to the review period.

SECTION 4: AMENDMENT "1.03.020 Duties Of The Commission" of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

1.03.020 Duties Of The Commission

The Commission shall have the following duties, as well as such others, prescribed by law or assigned by the Council:

- A. **Comprehensive Plan.** Conduct a comprehensive planning process designed to prepare, implement, review and update a Comprehensive Plan.
 - 1. **Biannual.** Conduct a biannual review of this Ordinance and its implementation of the Comprehensive Plan.
- B. **Conditional Use Permits.** Grant conditional use permits as specified in this Ordinance and make recommendations to the Council on those conditional use permits for which the Council has final decision making powers.
- C. **Mitigating Land Use Impacts.** Any change of use that creates more intense impacts may be denied if the Planning and Zoning Commission finds that such impacts cannot be mitigated by the imposition of conditions. Land use impacts that may need to be mitigated include the following:
 - 1. An increase in daily or peak hour traffic.
 - 2. A change in circulation patterns on or around the property.
 - 3. A significant increase in the demand for parking.
 - 4. A change in the density of people on site.
 - 5. Expansion of the hours of operation.
 - 6. Any increased environmental impact, such as noise or air pollution; offensive odors; excessive illumination or glare, etc.
- D. **Proposed Amendments.** Review all proposed amendments to this Ordinance and make recommendations to the Council. Initiate proposed amendments to this Ordinance.
- E. **Reviews.** Complete plat plan and design standard reviews as provided for in this Ordinance.
- F. **Rules and Regulations.** The Commission is authorized by the City of Rexburg and Madison County to administer and enforce all rules and regulations pertaining to the Area of City Impact for the City of Rexburg as provided in *Section 9.2* hereof.
- G. **Variances.** Grant variances as authorized by this Ordinance and Idaho statutes.

SECTION 5: AMENDMENT “1.03.050 Public Hearing Notice” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

1.03.050 Public Hearing Notice

The public hearing shall be noticed as required by state statutes.

- A. **Newspaper Notice.** At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the amendment shall be published in the official newspaper or paper of general circulation within the jurisdiction of Rexburg.
- B. **Mailing Notice for Map Revision.** If the amendment is a map revision, additional notice shall be provided by mail to property owners or purchasers of record of land within three hundred feet (300') of the external boundaries of land being considered.
 - 1. **PUD.** Buffer boundary for mailing is increased for Planned Unit Developments (PUD). (*See 1.04.040.B.1.a.*)
- C. **Posting.** Notice shall also be posted on the property to be rezoned not less than one (1) week prior to the hearing.
- D. **200 or More Land Owners.** When notice is required to two hundred (200) or more property owners or residents, notice of the proposed change and the hearing shall be published in the official newspaper once a week for two (2) consecutive weeks, with at least one of the publications being fifteen (15) days prior to the date set for hearing on the proposed change.

SECTION 6: AMENDMENT “1.04.040 Subdivisions” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

1.04.040 Subdivisions

- A. **Subdivision Rules**
 - 1. No person shall subdivide any tract or parcel of land except in compliance with the provisions of this ordinance.
 - 2. No person shall purchase, sell, offer for sale or exchange any parcel of land which is part of a subdivision or proposed subdivision, nor offer for recording in the office of the County Clerk any deed conveying such parcel of land or any fee interest therein, unless such subdivision has been created in accordance with the provisions of this ordinance.
- B. **Planned Unit Development.** The Commission consideration shall follow the same procedures as a Subdivision with the following amendments:
 - 1. **Public Hearing - Planning & Zoning Commission.** The Planning and Zoning Commission shall review the Plan and comments in public hearing and make a

recommendation to the City Council to either approve, approve with conditions, or disapprove of the Planned Unit Development in any residential or commercial zone, or any combination of them, subject to the provisions of this section. (See section 1.3 and chapter 10.)

- a. **Mailing Notice for P.U.D.** Notice by mail shall be provided to property owners or purchasers of record of land within five hundred (500') feet of the tentative planned unit development boundaries, excluding streets.
 - b. **Conditions.** The Planning and Zoning Commission, in recommending, and the Council in approving a preliminary Master Plan Planned Unit Development, may attach conditions it finds are necessary or appropriate to carry out the purposes of this title.
2. **Criteria for Approval.** The Commission shall recommend the plan to the City Council if it finds that the plan meets all of the following criteria.
- a. **Comprehensive Plan.** The proposed Planned Unit Development complies with the City's Comprehensive Plan and will be substantially compatible with existing development in the surrounding area.
 - b. **Adjacent Land.** The undeveloped land in the surrounding area can be developed in a manner substantially compatible with the proposed Planned Unit Development.
 - c. **Densities.** The proposed number of residential units does not exceed the maximum permitted number of residential units.
 - (1) Where a PUD is located over more than one zone, the plan is allowed to have a weighted balance of the densities for each zone (including density bonuses).
 - d. **Buffers.** Like zoning buffers should be provided at borders of other properties not included in the PUD.
 - (1) Example: if a PUD was created that consisted of a LDR3 zone and a MDR2 zone, then six-plex housing units should not be placed directly adjacent to the adjoining LDR3 zone. A buffer of twin homes (allowed in LDR3) or open space should be used as a buffer. Rear yards of six-plex units might be considered as sufficient buffering if fenced and landscaped with trees.
 - e. **Time Schedule.** The number of years proposed for completion of the development or each phase of the development is reasonable, taking into consideration the possibility of changing land use patterns or requirements of the city over time.
 - f. **Expiration Date.** In order to ensure that the development will be compatible with land use patterns and requirements of the city at the time of approval of platting, the Planning and Zoning Commission shall recommend and the Council shall establish an expiration date for:
 - (1) **Phases.** The Commission may impose conditions requiring that phases thereof be submitted for commission review within a specified period or periods of time, no later than one year after approval of the Planned Unit Development.
 - (2) **Re-evaluation of Unbuilt Portions.** The Commission may impose conditions requiring Commission and Council re-

evaluation of as yet unbuilt portions of the development, for conformity with then-existing city zoning ordinance requirements in relation to then-existing conditions, not sooner no later than five (5) years after approval of the preliminary Master Plan Planned Unit Development, and at such periodic intervals of not less than five (5) years thereafter as the Commission and Council deem appropriate to ensure conformity.

g. **Negative Impacts.** Construction of the development can be accomplished in a manner that does not create unreasonable negative impacts on the area surrounding the development or in the city. In order to assure the avoidance or mitigation of negative construction impacts on the area surrounding the development or in the city, the Planning and Zoning Commission and Council may impose conditions including but not limited to:

- (1) Requirements that removal of existing landscaping during construction be limited to areas of the Planned Unit Development to be constructed shortly following removal and to portions of those areas on which construction will occur;
- (2) Prohibitions of open burning on the site during construction;
- (3) Restrictions on construction noise; and
- (4) Restrictions on construction traffic.
- (5) In order to assure the avoidance or mitigation of negative impacts, the Planning and Zoning Commission may require the filing of restrictions in the county deed records including but not limited to restrictions:
 - (A) Prohibiting the removal of specified landscaping; and
 - (B) Prohibiting open burning during construction.

h. **Landscaping.** At least twenty (20%) percent of the gross area is dedicated to landscaping.

- (1) For purposes of computing area dedicated to landscaping, dedicated open space and protected resource areas may be treated as area dedicated to landscaping, but parking areas may not.

3. **City Council.** The City Council shall have the authority to approve, approve with conditions, or disapprove Planned Unit Developments in any residential or commercial zone, or any combination of them, subject to provisions of this section.

SECTION 7: AMENDMENT “1.04.070 Building Permits Required” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

1.04.070 Building Permits Required

No person shall erect, construct, enlarge, alter, repair, move, convert, or demolish any building, sidewalk, driveway, carport, parking area or any other structure, without first obtaining a building permit for each building, sidewalk, driveway, carport, parking area or any other structure from the City. To apply for a permit, the applicant shall file an application with the Building Department.

A. **Application Requirements.** To provide the information necessary to determine compliance with the provisions of this Ordinance, the application shall require the following:

1. Name, address, and phone number of applicant.
2. Name, address, and phone number of owners of the property, if owner is not the applicant.
3. Legal description of the property.
4. Existing use.
5. Proposed use.
6. Zoning district.
7. An Infrastructure Plan drawn to scale (*See 10.4*) .
8. **Elevations.** Applications subject to infrastructure plan review shall also include detailed drawings of all elevations (front, rear and sides) in order to demonstrate compliance with *Section 4.00.050 for residential and Section 6 for Commercial* of this Ordinance and to show building heights.
9. Such other matters as may be necessary to determine compliance with City ordinances.

B. **Permits Issuance**

1. No building permit may be issued on a lot for the use of any land, construction, or alteration of any building or structure on a lot which would be in violation of any provision of this ordinance.
2. Any license or permit issued in conflict with such provisions shall be void.
3. Failure to have all work inspected may result in the withholding of services or issuances of building permits.

SECTION 8: AMENDMENT “D” of the Rexburg Development Code is hereby amended as follows:

AMENDMENT

D

Daycare Centers: A building or structure where care, protection, and supervision are provided on a regular schedule, at least three times a week for seven (7) or more children. (*See subsection 4.00.040 Home Occupations.*) **Dedication:** The setting apart of land or interest in land for use by the public. Land becomes dedicated when accepted as a public dedication either by ordinance, resolution, or entry in the official minutes of the City or by the recording of a plat showing such dedication. **Density:** The number of dwelling units per acre, excluding required public rights-of-way from acreage determination. **D.E.Q:** The State of Idaho Division of Environmental Quality **Design Standards:** Statements and graphics intended to direct the planning and development of the built environment in a particular manner or style so that the end result contributes positively to the overall development. **Development:** Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures, or the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of mobile homes; mining, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of materials; specifically including the construction of dikes, berms and levees. The term “development” does not include the operation, cleaning, maintenance or repair of any ditch, canal, lateral, drain, diversion structure or other irrigation or drainage works that is performed or authorized by the owner thereof pursuant to lawful rights and obligations. (*Idaho Code 46-1021*) **Development Review Committee:** Consists of the Zoning Administrator, G.I.S. Department Head, City Engineer, Fire Department Inspector, and Building Administrator or their designees. **Dormitory:** A building used as group living quarters. Such group living quarters are generally associated with a college, university, boarding school, orphanage, convent, monastery, farm labor camp, or other similar use. Dormitory housing must be sprinkled as per the building code. For determining density, the total number of residents will be divided by six (6) for each dwelling unit counted. **Down-lighting:** Fully shielded light that is directed in such a manner as to shine light rays only below the horizontal plane. **Drainage Plan:** A drainage plan is required for all new construction. The plan shall be part of the required Infrastructure Plan and should identify drainage paths (with heights), perforated drain pipes around footings (as required), retaining and detaining basins (if used), slope away from foundations, injection wells (if used), gutters and catch basins (if used), pipe size and location (as applicable), and other drainage details as needed. For all but single family home projects (including duplexes and twin homes) storm water run-off calculations are required as per the City Engineer. **Driveway:** A driveway is a vehicular ingress and egress route that serves no more than five (5) single-family dwellings, not including accessory structures. **Duplex:** A residential structure separated into two (2) independent living units with a common owner and a shared yard. Two (2) homes in one structure with one (1) lot underneath. **Dwelling:** A building or portion thereof that provides living facilities for one or more families.

A. **Multi-family Dwelling:** A detached residential building containing three or more dwelling

units, including what is commonly known as an apartment building or condominiums.

B. Single-family Dwelling: One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

1. **Dwellings, Single-family Attached:** Two (2) or more dwelling units which may share a common wall. These structures are also considered to be townhouses.

SECTION 9: AMENDMENT “E” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

E

Easement: A grant by the owner of a parcel of land for use by the public, corporations, or persons for a specified use purpose. These “easements” are designated on a plat. **Elderly Housing:** A building or group of buildings occupied by persons 55 years or older or couples where either of the partners are 55 years or older. This does not include housing in which the elderly may occupy the units seasonally or convalescent or nursing facilities. **Engineer:** Any person who is registered and certified in the State of Idaho to engage in the practice of professional engineering. **Engineering Plans:** Plans, profiles, cross-sections, and other required details for the construction of improvements, prepared by an Idaho-registered, professional Engineer in accordance with the approved Plat and in compliance with existing Engineering Standards of design and construction. ([See City Engineering Standards.](#)) **Exception, Land:** Any parcel of land which is within the boundaries of the subdivision which is not a part of the subdivision.

SECTION 10: AMENDMENT “F” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

F

F.A.A.: Federal Aviation Administration. **Facade:** Portions of a building that are visible from private or public roads and walkways but not including alleys. **Family:** A group of one or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that at least one of the following situations exist:

- A. At least one of the group is related to all of the other members of the group within the third degree of kinship;
- B. The group is divisible into two subgroups, each composed of at least one person who is

- related to all other members of the subgroup within the third degree of kinship; or
- C. All such persons are handicapped persons as defined by the *I.C. Section 67-6531* or in *Title VII of the Civil Rights Act of 1968*, as amended by the *Fair Housing Act Amendments of 1988*, or any subsequent amendments to the foregoing regulations.

F.C.C.: Federal Communications Commission. **Feedlot:** Any area where one-thousand (1,000) head or more of livestock are confined for a period of one (1) year or more.

Fence: Any tangible barrier, lattice work, screen, wall, hedge, or continuous growth of shrubs or trees with the purpose of, or having the effect of preventing passage or view across the fence line. Any fence, walk screen hedge or other material serving as a fence, shall not create a sight distance hazard to vehicular or pedestrian traffic as determined by the Rexburg City Engineer.

Fenestration: The arrangement of windows in a building to provide interior light; also used as decorative elements in a facade. **Fire Station:** A building or portion of a building that provides, at a minimum, all weather protection for fire apparatus. Temperatures inside the building used for this purpose must be maintained at above thirty-two (32°) degrees Fahrenheit. **Flood Light:** A lamp that produces up to one thousand, eight hundred (1,800) lumens and is designed to flood a well-defined area with light. **Flood Plain:** Those areas designated as Zone A or AE as shown on the current Flood Insurance Rate Map (FIRM) as prepared by National Flood Insurance Program.

- A. **Area of Shallow Flooding:** The base flood depths range from one to three (1-3) feet; where a clearly defined channel does not exist and the path of flooding is unpredictable and indeterminate, and velocity flow may be evident. AO characterized as sheet flow and AG indicates pounding on the FIRM map.
- B. **Area of Special Flood Hazard, Base Flood or 100-Year Flood:** The land in the flood plain within a community subject to a one (1%) percent or greater chance of flooding in any given year. Designation on maps always includes the letter A.
- C. **Base Flood Elevation:** (BFE)" the computed elevation to which flood water is anticipated to rise during the "Base Flood." The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest 0.1 foot.
- D. **Channel:** A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.
- E. **Flood:** The temporary inundation of land by overflow from a river, stream, lake, or other body of standing water. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation of runoff or surface waters from any source.
- F. **Flood Insurance Rate Map (FIRM):** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- G. **Flood Insurance Study:** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.
- H. **Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the

water surface elevation more than one (1') foot at any point.

- I. **Floodway Fringe:** The part of the flood plain which is beyond the flood way encroachment lines limiting a designated flood way. Such areas will include those portions of the flood plain which will be inundated but which may be developed for use under land use regulations without material effect upon the flood water carrying capacity of the flood way and the flood water levels. Such areas are characterized by shallow flood depths and low velocities of water flow.
- J. **Flood Protection Elevation (FPE):** As defined in *Idaho Code §46-1021 (7)*, an elevation that shall correspond to the elevation of the one percent (1%) percent chance annual flood BFE, plus any increased flood elevation due to floodway encroachment, plus any required freeboard. The flood protection elevation for Rexburg, Idaho is equal to BFE plus one foot (1') foot of freeboard; the freeboard accounts for any flood elevation increases due to floodway encroachment as shown in the community's Flood Insurance Study.

Floor Area, Gross: The sum of the areas of all floors of a building, including any area used for human occupancy in the basements and attics, as measured from the exterior faces of the walls.

Floor, Lowest: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non elevation design requirements of this Ordinance.

Foot-candle (fc): The American unit used to measure the total amount of light cast on a surface. For example, a full moon produces 0.01 foot-candles. Foot-candles are measured with a light meter.

Footprint: The area covered by the enclosed area of the structure if perpendicular planes were extended from all portions of the structure to the ground.

Frontage: The length of any one property line of a premise, which property line abuts a legally accessible street right-of-way including streets and alleys. To constitute frontage, the street or alley must provide access to abutting properties. For purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered front yards and yards shall be provided as indicated under "yards" in this definition section. **Fully shielded:** The luminaire and its mounting, taken as a whole, allowing no direct light above the horizontal.

SECTION 11: AMENDMENT "I-J" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

I-J

Illuminance: The amount of light casting on any point of a surface measured in foot-candles or lux. Measurements are taken at ground level with sensor parallel to surface.

Impervious Surface: A surface that has been compacted or covered with a layer of material, so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime, rock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and

other similar structures.

Industry, Heavy: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. (*See section 7.2.*)

Industry, Light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. (*See section 7.1.*)

Infill: Construction of a building on a piece of vacant ground that is substantially surrounded by improved properties. (*See “vacant properties” definition.*)

Infrastructure Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land

Integrated Shopping Center: A group of retail or commercial planned, developed and managed as a single property, with on-site parking provided.

Interchange Sign Boundary: One-thousand, five hundred (1500') feet radius drawn from the center of the highway interchange. (*See subsection 3.05.130.*)

Irrigation Facilities: Includes canals, laterals, ditches, conduits, gates, wells, pumps, and allied equipment necessary for the supply, delivery, and drainage of irrigation water.

Junk: Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, bed and bedding, rags, motor vehicles and parts thereof.

Junkyard: An open area where waste, used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials shall include but not be limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. An automobile wrecking yard is also considered a junkyard.

SECTION 12: AMENDMENT “K-L” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

K-L

Kennel, Private: Any building, buildings or land designed or arranged for the care of dogs and cats belonging to the owner of the principal user, kept for the purposes of show, hunting, or as pets.
Lamp: The generic term for an artificial light source, to be distinguished from the whole assembly. Commonly referred to as “bulb”.

Landscaping: The area within the boundaries of a given lot/project that consists of planting materials, including but not limited to living trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials. Large cobbles or river rock are not considered “decorative rock”. Landscaping must be maintained as in its original design and purpose. (*See subsection 3.02.100.*)

Laundry, Self-Service: A business that provides home-type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

Lighting, Holiday: Strings of individual lamps, where the lamps are at least three inches (3”) apart. (*See section 3.6.*)

Lighting Plan: Documents specific to a project or development that describe the location and characteristics of all exterior lighting and the light levels in and adjacent to the property. The complete lighting unit, including the lamp, the fixture, and other parts. This also can include a photometric layout.

Lot: A piece or parcel of land separated from other pieces or parcels as shown on a recorded subdivision plat or by metes and bounds description for purposes of sale, lease, or separate use.

- A. **Corner Lot:** A lot with frontage on two (2) or more intersecting streets where the interior angle of intersection does not exceed one-hundred-thirty-five (135°) degrees. Corner lots have two front yards and two side yards but no rear yard.
- B. **Double Frontage Lot:** A lot abutting two (2) parallel or approximately parallel streets. Double Frontage lots have two (2) front yards and two (2) side yards.
- C. **Flag Lot:** Lots or parcels that the City has approved with less frontage on a public street than is normally required, with no less than twenty (20’) feet of accessible frontage, generally intended to make deeper property accessible.
- D. **Interior Lot:** A lot having but one (1) frontage abutting on a street.
- E. **Substandard Lot:** A lot or parcel of land that has less than the minimum area or width as established by the zone in which it is located. Such a lot shall have been of record as a legally created lot on the effective date of this ordinance.
- F. **Through Lot:** A lot that has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

Lot Area: The total horizontal area within the lot lines of a lot.

Lot Coverage: The area of a site covered by buildings or roofed areas and impervious surfaces.

Lot Depth: The horizontal distance from the midpoint of the front lot line to the midpoint of the

rear lot line or to the most distant point on any other lot line where there is no rear lot line.

Lot Layout Plan: A plan showing where the building will be placed in relation to the lot lines to determine compliance with the code requirements for single-family homes, duplexes and twin homes.

Lot Line: The boundary line of a lot.

- A. **Front Lot Line:** The property line separating the front of the lot from the public right-of-way.
- B. **Rear Lot Line:** The lot line opposite the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than ten (10') feet long, lying within the lot and parallel to the front property line. In the event that the front property line is a curved line, then the rear property line shall be assumed to be a line not less than ten (10') feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint.
- C. **Side Lot Line:** Any lot line not a front or rear lot line.
- D. **Lot of Record:** A lot that is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Madison County, Idaho, or any parcel of land, whether or not part of a subdivision, that has been officially recorded by a size that met the minimum dimensions for lots in the district in which it was located at the time of recording or was recorded prior to the effective date of zoning in the area where the lot is located.
- E. **Lot Width:** The horizontal distance between side lot lines measured at the required front setback line. The width of a lot shall be:
 - F. If the side property lines are parallel, the shortest distance between these side lines.
 - G. If the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the zone in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines.
 - H. For rural acreage developments, the distance between the side lot lines, measured at the street frontage.

SECTION 13: **AMENDMENT** "P" of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

P

Parcel: A continuous quantity of land in the possession of or owned by or recorded as the property of the same person or persons.

Parking Space: A dedicated or delineated area other than a street or alley that is permanently set aside, reserved, and maintained in accordance with the Rexburg City Development Code for the

parking of one motor vehicle. ([See section 3.4 .](#))

Pedestrian Emphasis District (P.E.D.): A district overlay created near the BYU-I campus that allows less parking and higher density for residential units. ([See section 9.1.](#))

Pedestrian Oriented Development: Development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and buildings/structures rather than an auto access. The building structures are generally located close to the public or private right-of-way and the main entrance(s) are oriented to the street sidewalk. There are generally windows or display cases along building facades. Although parking is provided, it is generally limited in size and location.

Pedestrian Walkway: A surfaced walkway, separate from the traveled portion of a public or private right-of-way parking lot/driving aisle.

Pedestrian Way: A public right-of-way dedicated as a walkway through a block from street-to-street and/or providing access to a school, park, recreation area, or shopping center.

Percent of elevation: is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows.

Permanent Construction: The pouring of slab or footing, the installation of piles, the construction of columns, or any work beyond the stage of excavation. This does not include land preparation, installation of streets and/or walkways, excavation, setting of temporary forms, or installation on the property of accessory buildings, such as garages or shed not occupied as dwelling units or not part of the main structure.

Pharmacy: A service business which dispenses, under the supervision of a pharmacist licensed by the State of Idaho, prescriptive and non-prescriptive medicines and drugs, orthopedic appliances, or medical supplies for the treatment of human illness, disease, or injury, excluding the sale of goods or commodities for general hygiene, diet, cosmetic, or other general health purposes.

Planned Residential Development (P.R.D.): A Planned Unit Development that excludes all uses other than residential.

Planned Unit Development (P.U.D.): Residential, commercial and/or industrial use, or combination thereof, planned for a tract of land to be developed as a unit under single ownership or control. A Planned Unit Development is created for the purpose of selling, leasing, or renting lots or estates, whether fronting on private or dedicated streets and may include two or more principal buildings as governed by the Development Code. ([See section 4.10.](#))

Plant Nursery: Any land used to raise trees, shrubs, flowers, and other plants for sale or transplanting.

Plat: A map of a subdivision including supporting data, indicating a proposed subdivision development, prepared in accordance with this ordinance and the Idaho Code. ([See chapter 10.](#))

A. **Recorded Plat:** A Plat bearing all of the certificates of approval required in this ordinance

and duly recorded in the Madison County Recorder's Office.

- B. **Short Plat:** A platting process for small subdivisions, five (5) lots or less, that allows for a shortened, quicker process for subdividing land that is approved by City staff only. The Zoning Administrator and the City Engineer can consider other simple plats on a case-by-case basis.

Plat Approval: Approval of the requested action as evidenced by appropriate certifications on the plat; such approval constitutes authorization to record a plat.

Pre-existing Antennas and Pre-existing Towers: Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Principal Building: A structure, where the context so indicates, or a group of structures in which the principal use of the lot is conducted.

Principal Use: The main use of the land or structures as distinguished from a secondary or accessory use.

Private Road: A road within a subdivision plat that is not dedicated to the public and not a part of a public highway system.

Projections, Building: Structures that extend outward from the face of a building. ([See subsection 3.02.090.c.](#))

Public Land Survey Corner: Any land survey corner actually established and monumental in an original survey or resurvey used as a basis of legal description for issuing a patent for the land to a private person from the United States government.

Public Works Director: the person appointed by the Council to oversee all public work functions for the city.

SECTION 14: AMENDMENT "SIGN-T" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

SIGN-T

Stand: the area reserved for the placement of a manufactured/mobile home.

Standard Drawings and Specifications: Standard drawings and specifications are defined as the Rexburg Engineering Department Standards Specifications and Drawings as adopted by the City

of Rexburg. ([See City Engineering Standards.](#))

Start of Construction: Includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, placement or other improvement was within one-hundred-eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site or the placement of a manufactured home on a permanent foundation.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between such floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over six (6') feet above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.

Street: A public or private thoroughfare used, or intended to be used for passage or travel by motor vehicles. Driveways are not included. Streets are further classified by the functions they perform.

- A. **Alley Street:** A public service way used to provide secondary vehicular access to properties otherwise abutting upon a street.
- B. **Arterial Street:** Roads conveying traffic from between major activity centers within the community and traffic through the City. Efficient movement is the primary function of arterial roads. Private and front access should be controlled and limited to high volume generators of vehicle trips.
- C. **Collector Street:** Streets that conduct and distribute traffic between other residential streets of lower-order and higher-order streets or major activity centers. This is the highest-order of a street appropriate to a residential neighborhood and residential frontage along it should be prohibited or severely restricted.
- D. **Cul-de-sac Street:** A short local street having one end permanently terminated in a vehicular turnaround with a length of no greater than six-hundred (600') feet.
- E. **Frontage Street:** A minor street parallel and adjacent to an arterial route and intercepts local streets and controls access to an arterial route.
- F. **Minor Residential Street:** A minor street with both terminal points on the same street or origin that serves no more than fifty (50) single-family lots on one (1) street.
- G. **Residential Access Streets or Local Streets:** A street with the sole purpose of providing frontage for service and access to private lots. These streets carry only traffic having either destination or origin on the street itself. The elimination of through traffic and the geometric design of the street are means to promote safety and to create a desirable residential neighborhood.
- H. **Rural Residential Street:** A minor street that serves a rural residential subdivision that does not require curb and gutter, but may require a concrete edging strip.

Structure: A walled and roofed building including a gas or liquid storage tank that is principally above ground.

Subdivider: An individual, firm, corporation, partnership, association, syndication, trust, or other legal entity having sufficient proprietary rights in the property to represent the owner, that submits the required subdivision application and initiates proceeding for the subdivision of land in

accordance with applicable regulations.

Subdivision: The division of any lot, tract, or parcel of land into three (3) or more parts, for the purposes of transfer of ownership or development and the dedication of a public street and the addition to, or creation of a cemetery.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50%) percent of its market value before the damage occurred.

Substantial Improvement: Occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure either:

- A. Before the improvement or repair is started, or
- B. If the structure has been damaged and is being restored before the damage occurred.

The term does not, however, include either:

- A. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure saving living conditions, or
- B. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Surveyor: Any person who is registered and certified in the State of Idaho to engage in the practice of land surveying.

SECTION 15: AMENDMENT “3.02.130 Project Plan Approval” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

3.02.130 Project Plan Approval

All projects constructed in any zone must submit, prior to beginning construction:

- A. An Infrastructure Plan (including a Drainage and Landscape Plan) for review and approval by City of Rexburg Building Department.
 - 1. Drainage on to an adjacent lot not owned by applicant is not allowed.
- B. **Commercial Projects.** All project plans and engineering specifications in the Community Business Center (CBC) Zone must be prepared and engineered by A/E professionals. These professional engineered plans will be submitted for review and approval from conception by the Development Review Committee.

SECTION 16: **AMENDMENT** “3.07.070 Conditional Use Permits” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

3.07.070 Conditional Use Permits

A. **General.** The following provisions shall govern the issuance of special use permits for towers or antennas by the Planning Commission:

1. **Conditional Use Permit Required.** If the tower or antenna is not a permitted use of this ordinance or permitted to be approved administratively, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
2. **Procedures & Requirements.** Applications for special use permits under this Section shall be subject to the procedures and requirements of *section 1.4*, except as modified in this *Section*.
3. **Conditions.** In granting a Conditional Use Permit, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
4. **Engineering Information.** Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
5. **Non-refundable fee.** An applicant for a Conditional Use Permit shall submit the information described in this Section and a non-refundable fee as established by resolution of the Council to reimburse City of Rexburg for the costs of reviewing the application.

B. **Towers.**

1. **Information required.** Applicants for a Conditional Use Permit for a tower shall submit the following information with the application, in addition to any other information required for a Conditional Use application in *section 1.4*:
 - a. **Backhaul Network.** Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
 - b. **Existing Towers.** A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
 - (1) The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
 - c. **Feasible Locations.** A description of the feasible location(s) of future towers or antennas within the City of Rexburg based upon existing physical, engineering, technological or geographical limitations in the

event the proposed tower is erected.

- d. **Future Users.** A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- e. **Landscape Plan.** A landscape plan showing specific landscape materials.
- f. **Law Compliance.** A description of compliance with *subsections 3.07.040, 3.07.060.B.1, 3.07.060.B.4,* and all applicable federal, state or local laws.
- g. **Legal Description.** Legal description of the parent tract and leased parcel (if applicable).
- h. **Relationship to Zoned Properties.** The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and un-platted residentially zoned properties.
- i. **Separation Distance.** The separation distance from other towers described in the inventory of existing sites submitted pursuant to *subsections 3.07.070.F.* shall be shown on an updated Infrastructure Plan or map.
- j. **Infrastructure Plan.** A scaled Infrastructure Plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning, Master Plan classification of the site and all properties within the applicable separation distances, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, site elevations, parking, and other information deemed by the Planning and Zoning Department to be necessary to assess compliance with this ordinance.
- k. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

C. **Factors Considered in Granting Conditional Use Permits for Towers.** In addition to any standards for consideration of Conditional Use Permits applications, the Planning Commission shall consider the following factors in determining whether to Conditional Use Permits, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this ordinance are better served thereby:

1. Height and elevation of the proposed tower;
2. Proximity of the tower to residential structures and residential district boundaries;
3. Nature of uses on adjacent and nearby properties;
4. Surrounding topography;
5. Surrounding tree coverage and foliage;
6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. Proposed ingress and egress; and
8. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in *3.07.060.B.* of this Ordinance.

D. Availability of Suitable Existing Towers, Other Structures, or Alternative

Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna.

1. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- a. **Geographic Area.** No existing towers or structures are located within the geographic area which meets applicant's engineering requirements.
- b. **Height.** Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- c. **Strength.** Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d. **Interference.** The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or

structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

- e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- f. **Limiting Factors.** The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- g. **Alternative Technology.** The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro cell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

E. **Setbacks.** The following setback requirements shall apply to all towers for which a Conditional Use Permit is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:

1. **Adjoining Lot Lines.** Towers must be set back a distance equal to at least seventy-five (75%) percent of the height of the tower from any adjoining lot line.
2. **Minimum Zoning Setbacks.** Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

F. **Separation.** The following separation requirements shall apply to all towers and antennas for which a Conditional Use Permit is required; provided, however, that the Planning Commission may reduce the standard separation requirements if the goals of this ordinance would be better served thereby.

1. **Separation from off-site uses/designated areas.**

- a. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
- b. Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1: Separation Distances from Residential Units

| Off-site Use/Designated Area | Separation Distance |
|---|---|
| Single-family or duplex residential units ¹ | 200 feet or 300% height of tower whichever is greater |
| Vacant single-family or duplex residentially zoned land which is either platted or has subdivision plan approval which is not expired | 200 feet or 300% height of tower whichever is greater |
| Vacant un-platted residentially zoned lands ³ | 100 feet or 100% height of tower whichever is greater |
| | 100 feet or |

| | |
|---|---|
| Existing multi-family residential units greater than duplex units | 100% height of tower whichever is greater |
| Non-residentially zoned lands or non-residential uses | None; only setbacks apply |

1 Includes modular homes and mobile homes used for living purposes.

2 Separation measured from base of tower to closest building setback line.

3 Includes any un-platted residential use properties without a valid subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.

2. Separation distances between towers.

- a. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to an Infrastructure plan, of the proposed tower.

Table 2: Separation Distances Between Towers (Linear Feet)

| Proposed Towers | Existing Towers - Types | | | |
|-------------------------------------|-------------------------|-------|-------------------------------------|------------------------------------|
| | Lattice | Guyed | Monopole 75 Ft in Height or Greater | Monopole Less Than 75 Ft in Height |
| Lattice | 5000 | 5000 | 1,500 | |
| Guyed | 5000 | 5000 | 1,500 | 750 |
| Monopole 75 Ft in Height or Greater | 1,500 | 1,500 | 1,500 | 750 |
| Monopole Less Than 75 Ft in Height | 750 | 750 | 750 | 750 |

- G. **Security fencing.** Towers shall be enclosed by security fencing not less than six (6') feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Planning Commission may waive such requirements, as it deems appropriate.
- H. **Landscaping.** The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Planning Commission may waive such requirements if the goals of this ordinance would be better served thereby.
 - 1. **Buffer.** Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences.
 - a. The standard buffer shall consist of a landscaped strip at least four (4') feet wide outside the perimeter of the compound.
 - 2. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
- I. **Trees & Landform Preservation.** Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

SECTION 17:**AMENDMENT** “4.01.110 Parking, Loading And Access” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

4.01.110 Parking, Loading And Access

(See [section 3.4](#) and [subsection 4.00.060](#).)

- 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 18: AMENDMENT “4.03.070 Lot Configuration And Density” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

4.03.070 Lot Configuration And Density

- A. Not more than one (1) single-family dwelling shall be placed on a lot or parcel of land in the LDR1 zone.
- B. Greater density may only be achieved through an approved Planned Unit Development.

SECTION 19: AMENDMENT “4.03.120 Referenced Sections” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

4.03.120 Referenced Sections

- A. **Prior Created Lots** (*See subsection 3.03.070.*)
- B. **Setbacks and Right-of-Way Exceptions** (*See subsections 3.02.050, 3.02.090 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 3.02.130.*)
- F. **Fencing** (*See subsection 3.02.110.*)
- G. **Highway 20 Corridor.** (*See subsection 3.02.100.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 20: **AMENDMENT** “4.04.070 Lot Configuration Density” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

4.04.070 Lot Configuration Density

- A. One (1) single-family dwelling unit may be placed on a parcel or lot may be placed on a lot or parcel of land in the LDR2 zone.
- B. No more than two (2) dwelling units in any one (1) structure.
- C. Greater density may only be achieved through an approved Planned Unit Development.

SECTION 21: **AMENDMENT** “4.04.130 Referenced Sections” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

4.04.130 Referenced Sections

- 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. **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 22: **AMENDMENT** “4.05.070 Lot Configuration And Density” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

4.05.070 Lot Configuration And Density

- A. One (1) single-family dwelling unit may be placed on a parcel of land or lot in the LDR3 zone.No more than two (2) dwelling units in any one (1) structure.

- B. The maximum density permitted in this district is ten (10) dwelling units per acre.
- C. density may only be achieved through an approved Planned Unit Development.
- D.

SECTION 23: AMENDMENT “4.05.130 Referenced Sections” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

4.05.130 Referenced Sections

- 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 3.02.130.*)
- E. **Fencing** (*See subsection 3.02.110.*)
- F. **Highway 20 Corridor.** (*See subsection 3.02.100.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 24: AMENDMENT “4.06.130 Referenced Sections” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

4.06.130 Referenced Sections

- 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.

SECTION 25: **AMENDMENT** “4.07.130 Referenced Sections” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

4.07.130 Referenced Sections

- 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.

SECTION 26: **REPEAL** “4.10 PLANNED UNIT DEVELOPMENT (PUD)” of the Rexburg Development Code is hereby *repealed* as follows:

R E P E A L

4.10.010 Purpose And Objectives

The purpose of this section is to allow planned unit developments in several residential zones to allow a more flexible approach to land developments than that which is normally accomplished through the subdivision and zoning ordinances of the city. The planned unit development approach is intended to provide more desirable environments by encouraging creative site planning and building designs with several compatible land uses, to make possible greater diversification between buildings and open spaces, to conserve land and natural resources and minimize development cost.

4.10.020 Applicability

- A. Planned Unit Developments are only allowed in **Low-Density** and **Medium-Density Residential Zones**.
- B. **Apply Zoning Permitted Uses.** The planned unit development approach is not intended

to allow uses on land within a planned unit development other than uses permitted within the zone that is applicable to the land, unless otherwise stated in this ordinance, other than zero lot line clustering .

1. **Exception:** Up to ten (10%) percent of gross land area may be directed to other commercial, industrial, public and quasi-public uses that are not allowed within the land use district; and a minimum of fifty (50%) percent of the residential development occurs prior to the development of the related commercial or industrial uses, provided that there is a favorable finding by the Commission the uses are:
 - a. Appropriate with the residential uses;
 - b. Intended to serve principally the residents of the PUD;
 - c. An integral part of the PUD;
 - d. **Direct Access Roads.** Located and so designed as to provide direct access to a collector or an arterial street without creating congestion or traffic hazards;

4.10.030 Variations To Underlying Zone Permitted

Upon combining the PUD zone with an appropriate existing zone, variations from the development standards of said underlying zone may be permitted, provided the variations are specifically adopted as part of the approved project plan or approved supporting documents and do not contradict *subsection 4.10.020*.

4.010.040 Minimum Area

- A. A PUD for the following principal uses shall contain an area not less than:
 1. One (1) acre for residential development
 2. One (1) acre for residential use with subordinate commercial or industrial uses.
 3. Ten (10) acres for commercial use.
 4. Ten (10) acres for industrial use.

4.010.050 Lot Density

Developable Land. Density in PUD shall be determined by using the "developable land" of the entire proposed development. Developable land is land under 30% slope and that is capable of being improved with landscaping, recreational facilities, buildings, or parking.

- A. **Subtracted Land.** Land devoted to Rexburg dedicated street usage in PUD subdivision shall not be considered developable acreage and must be subtracted out of the total acreage used to determine density, as well as areas designated for the use of churches, schools, and public buildings.
- B. **Base Density.** The maximum number of residential units allowed per developable acre in a PUD which meets only the minimum development requirements of this Chapter shall be calculated using the Lot Area Per Dwelling Requirement of the underlying zone:

| | | |
|----|-------------|-------------------------------|
| C. | Zone | Lot Area per Dwelling |
| | LDR1 | 1 Unit per 12,000 square feet |

| | |
|------|------------------------------|
| LDR2 | 1 Unit per 5,000 square feet |
| LDR3 | 1 Unit per 4,000 square feet |
| MDR1 | 1 Unit per 2,723 square feet |
| MDR2 | 1 Unit per 1,815 square feet |

D. **Density Bonus Points.** Increased densities may be considered based on design upgrades. (See subsection 4.10.190.)

4.010.060 Standards

- A. **Planning and Building Design.** The planned unit development approach shall provide more desirable environments through creative site planning and building design, to create greater diversification between buildings and open spaces, conserve land and natural resources, and minimize development costs.
- B. **Scope of Plan.** A plan for the development of a planned unit development shall cover the entire area proposed for development. If the project is to be done in phases, no remnant parcels shall be created.
- C. **Open Space.** Areas not proposed for development shall be designated as “open space” and shall conform to minimum landscaping requirements of this chapter.
- D. **Natural Features.** Developments shall be designed to preserve and incorporate the natural features of the land into the development. Natural features include drainage swales, wetlands, rock outcroppings, streams, and concentrated native stands of large shrubs or trees.
- E. **Single Ownership or Control.** Unless agreed upon by the Planning and Zoning Commission, the area proposed for a planned unit development shall be in one (1) ownership or control during development to provide for full supervision and control of said development, and to insure conformance with these provisions and all conditions imposed upon the preliminary and final development plans.
- F. **Utilities.** All utilities shall be placed underground, including telephone, electrical, and television cables.
 - 1. Dwelling units under separate ownership shall have separate utility metering, unless otherwise approved by the Building Department.
- G. **Streets and Right-of-way.** Development proposal shall adhere to currently adopted street and right-of-way cross section standards.
- H. **Compatibility Standards** (See 3.02.120.)
 - 1. **Refuse Bins.**
 - a. **Materials.** Refuse bins shall be stored in screened enclosures which are architecturally compatible in style and materials with the character of the development.
 - b. **Location.** Bins shall be located so they are not visible from outside circulation routes, and so they do not restrict vehicular movement or parking.
 - 2. **Glare Reduction.** Exterior lighting shall be designed such that the light source will be sufficiently obscured to prevent excessive glare into any residential area.

4.010.070 Common Open Space

- A. **Required Common Open Space.** A minimum of ten (10%) percent of the gross land area developed in any residential PUD project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.
- B. **Dedication of Land for Public Use.** A required amount of common open space land reserved under a PUD shall either be held in corporate ownership by the owners of the project area for the use of each owner who buys property within the development or be dedicated to the public and retained as common open space for parks, recreation and related uses.
- C. **Trails.** Public utility and similar easements or right-of-way for watercourses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Commission.
- D. **Maintenance.** The responsibility of the maintenance of all open space shall be specified by the developer before approval of the final master plan.
- E. **Clustering.** Property developed under the PUD approach should be designed to abut common open space or similar areas. *(See 4.10.070.a.)*
- F. **Hardscape.** Such common open spaces may include walkways, patios, recreational activity areas, picnic pavilions, gazebos, and water features so long as such surfaces do not exceed thirty-five (35%) percent of the required open green space.
- G. **Common Activity Areas.** At a minimum, open green space shall include either a playground with play equipment or pathways with benches and tables through a natural or planted landscaped area.

4.010.080 Landscaping Per Unit

The intent is to have a variety of plant materials to give color and texture, to direct traffic, to frame views and to screen undesirable views.

A. Placement.

- 1. **Deciduous Trees.** The placement and types of deciduous trees shall take into consideration use of the trees for summer cooling and winter solar access.
 - 2. **Evergreen Trees.** Evergreen trees should be used as windbreaks, screening and accent plantings.
 - 3. **Water Conservation.** The majority of new plant material used for landscaping the development should be water-conserving plants. The landscaping design shall locate plant materials in similar water usage demand zones to insure proper irrigation coverage and reduce wasteful watering. Native plants are preferred.
 - a. **Low Volume System.** Low volume irrigation systems with automatic controllers shall be used. Such an irrigation system includes, but is not limited to, low volume sprinkler heads, drip emitters and bubbler emitters.
- B. **Minimum.** A minimum of three (3), one and one-half (1½”) inch caliper deciduous trees or four (4’) feet tall evergreen trees, and four (4) 5-gallon shrubs shall be planted for each lot in a PUD subdivision, as well as building foundation planting of appropriate shrubs, flowers, or ground covers.

- C. **Multi-family.** Multiple family PUDs shall provide a minimum of one (1) deciduous or evergreen tree per two (2) units and two (2) 5-gallon shrubs per unit.
- D. **Landscape Plan.** Applicant may provide a landscape plan that varies from these requirements to the Planning and Zoning Commission for approval as meeting the “spirit” of the requirements.
- E. **Design Theme.** Landscaping in the park strip in the street right-of-way shall have a unified design theme in PUD subdivisions.

4.010.090 Pre-Application Conference

- A. **Pre-Application Conference.** (Prior to filing an application.) The Applicant shall review the Preliminary Master Plan with the Planning and Zoning Commission, one person from the City Council, and the Mayor or designated representative at a pre-application conference.
 - 1. Purpose
 - a. To inform the city of the nature of a likely PUD application at an early date
 - b. To provide the potential applicant with information on what will be needed to make an application complete.

PUD DESIGN

4.10.040 Minimum Area

- A. A PUD for the following principal uses shall contain an area not less than:
 - 1. One (1) acre for residential development.
 - 2. One (1) acre for residential use with subordinate commercial or industrial uses.
 - 3. Ten (10) acres for commercial use.
 - 4. Ten (10) acres for industrial use.

4.10.050 Lot Density

Developable Land. Density in PUD shall be determined by using the “developable land” of the entire proposed development. Developable land is land under 30% slope and that is capable of being improved with landscaping, recreational facilities, buildings, or parking.

- A. **Subtracted Land.** Land devoted to Rexburg dedicated street usage in PUD subdivisions shall not be considered developable acreage and must be subtracted out of the total acreage used to determine density, as well as areas designated for the use of churches, schools, and public buildings.
- B. **Base Density.** The maximum number of residential units allowed per developable acre in a PUD which meets only the minimum development requirements of this Chapter shall be calculated using the Lot Area Per Dwelling Requirement of the underlying zone:

| Zone | Lot Area per Dwelling |
|------|-----------------------|
|------|-----------------------|

| | |
|------|-------------------------------|
| LDR1 | 1 Unit per 12,000 square feet |
| LDR2 | 1 Unit per 5,000 square feet |
| LDR3 | 1 Unit per 4,000 square feet |
| MDR1 | 1 Unit per 2,723 square feet |
| MDR2 | 1 Unit per 1,815 square feet |

C. **Density Bonus Points.** Increased densities may be considered based on design upgrades. (See subsection 4.10.190.)

4.10.060 Standards

- A. **Planning and Building Design.** The planned unit development approach shall provide more desirable environments through creative site planning and building design, to create greater diversification between buildings and open spaces, conserve land and natural resources, and minimize development costs.
- B. **Scope of Plan.** A plan for the development of a planned unit development shall cover the entire area proposed for development. If the project is to be done in phases, no remnant parcels shall be created.
- C. **Open Space.** Areas not proposed for development shall be designated as “open space” and shall conform to minimum landscaping requirements of this chapter.
- D. **Natural Features.** Developments shall be designed to preserve and incorporate the natural features of the land into the development. Natural features include drainage swales, wetlands, rock outcroppings, streams, and concentrated native stands of large shrubs or trees.
- E. **Single Ownership or Control.** Unless agreed upon by the Planning and Zoning Commission, the area proposed for a planned unit development shall be in one (1) ownership or control during development to provide for full supervision and control of said development, and to insure conformance with these provisions and all conditions imposed upon the preliminary and final development plans.
- F. **Utilities.** All utilities shall be placed underground, including telephone, electrical, and television cables.
 - 1. Dwelling units under separate ownership shall have separate utility metering, unless otherwise approved by the Building Department.
- G. **Streets and Right-of-way.** Development proposal shall adhere to currently adopted street and right-of-way cross section standards.
- H. **Trash Storage** (See subsection 3.02.120.)
 - 1. **Materials.** Refuse bins shall be stored in screened enclosures which are architecturally compatible in style and materials with the character of the development.
 - 2. **Location.** Bins shall be located so they are not visible from outside circulation routes, and so they do not restrict vehicular movement or parking.
- I. **Glare Reduction.** Exterior lighting shall be designed such that the light source will be sufficiently obscured to prevent excessive glare into any residential area.

4.10.070 Common Open Space

- A. **Required Common Open Space.** A minimum of ten (10%) percent of the gross land area developed in any residential PUD project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.
- B. **Dedication of Land for Public Use.** A required amount of common open space land reserved under a PUD shall either be held in corporate ownership by the owners of the project area for the use of each owner who buys property within the development or be dedicated to the public and retained as common open space for parks, recreation, and related uses.
- C. **Trails.** Public utility and similar easements or right-of-way for watercourses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Commission.
- D. **Maintenance.** The responsibility of the maintenance of all open space shall be specified by the developer before approval of the final master plan.
- E. **Clustering.** Property developed under the PUD approach should be designed to abut common open space or similar areas.
- F. **Hardscape.** Such common open spaces may include walkways, patios, recreational activity areas, picnic pavilions, gazebos, and water features so long as such surfaces do not exceed thirty-five (35%) percent of the required open green space.
- G. **Common Activity Areas.** At a minimum, open green space shall include either a playground with play equipment or pathways with benches and tables through a natural or planted landscaped area.
 - 1. Subdivided, one-family lots shall provide developed common activity area at a ration of 1,000 square feet per lot.

4.10.100 Preliminary Master Plan Application

Following a pre-application conference, an applicant shall submit a Preliminary Master Plan to the City for review.

- A. **Large Parcel with Multiple Landowners.** If large parcels of land are sold to multiple parties, the land needs to be master planned.
- B. **Subdivision.** If a proposed subdivision is part of a larger area intended for development, a Development Master of Plan of the entire area is required.
- C. **Drawing.** The preliminary master plan must include a drawing showing the layout of the proposed planned unit development. The drawing must contain the following information:
 - 1. **Name of Development.** Proposed name of the planned unit development;
 - 2. **Date, north point and scale of drawing;**
 - 3. **Label.** Appropriate identification clearly stating that the drawing is a preliminary planned unit development master plan;
 - 4. **Location.** Location of the planned unit development by section, township and range;
 - 5. **Legal Description.** A legal description sufficient to define the location and boundaries of the proposed planned unit development tract;

6. **Real Estate Description.** The tract designation or other description according to the real estate records of the county assessor;
7. **Vicinity Map.** A vicinity sketch map at a scale of one (1") inch equals four hundred (400') feet showing adjacent property boundaries and land uses;
8. **Adjacent Property Owners.** Names and addresses of legal owners of properties within five hundred (500') feet of the tentative planned unit development boundaries, excluding streets. (The City is able to provide this information if needed.)
9. **Existing and Proposed Streets and Public Ways.** Location, widths and names of all existing streets or other public ways within or abutting the planned unit development;
 - a. Proposed streets, including location, widths and approximate radii or curves;
 - b. Approximate locations and anticipated grades of all streets
 - c. Typical cross sections of the proposed streets showing widths of roadways, curbs, location and widths of sidewalks and the location and size of utility mains
10. **Easements Existing and Proposed.** Location of existing and proposed easements on the site or abutting property.
 - a. Show the width and purpose of each easement;
 - b. Approximate plan of proposed sanitary sewers, storm drains, storm water detention and drainage pre-treatment facilities and the water distribution system;
11. **Proposed Housing.**
 - a. Types of proposed housing within PUD
 - b. Approximate location or locations proposed for each type of housing
 - c. Housing density proposed at each location
 - d. An approximate tabulation of all dwelling units by type;
 - e. **Maximum potential number of residential units**, calculated as follows:
 - (1) Determine Residential Development Area: Subtract gross area, any area allocated for churches, schools, and public buildings.
 - (2) Divide residential development area (excluding public and private streets and areas with slopes of thirty (30%) percent or greater) by the minimum residential lot size permitted in the underlying zone. This is the maximum potential number of residential units without incorporating any density bonuses;
12. **Public Spaces.** Sites, if any, allocated for churches, parks, schools, playgrounds, public buildings, and open space.
13. **Area Coverage.** Area coverage of existing and proposed structures, lots, streets or other development.
14. **Topography.** Contour lines having the following minimum intervals:
 - a. Two (2') feet contour intervals for ground slopes less than ten (10%) percent, and
 - b. Five (5') feet contour intervals for ground slopes ten (10%) percent or greater

- c. Contours shall be based on contour maps provided by the city or other data approved by the City Engineer
- d. Location of at least one (1) temporary bench mark within the planned unit development boundaries or the source of the contour line data shown (source and accuracy subject to City Engineer's approval).

15. **Detailed water, sewer, drainage and drainage pre-treatment, storm-water detention, and street system plans** including:

- a. Central line profiles showing finished grades of all streets
- b. Cross sections of proposed streets showing widths of roadway, curbs, locations and widths of sidewalks, and location and size of utility mains.
- c. Profiles of sanitary sewer, street drainage, drainage pre-treatment, storm-water detention and water distribution systems showing pipe size and location of valves and fire hydrants, all to conform to city and state standards.
- d. The estimated cost of street, sewer, drainage and drainage pre-treatment, storm water detention, water, and other public infrastructure improvements within the planned unit development.

D. **Supplementary Submittals.** The following information supplements the Preliminary Master Plan and can be submitted in separate statements accompanying the preliminary master plan drawing:

1. **Landscape Plan.** A detailed landscaping plan showing the type and size of all plant material and its location, the irrigation system, decorative materials, recreation equipment and special effects; and the schedule for removal and replanting of vegetation. The plan shall include both areas to retain undisturbed their natural vegetation and areas to be re-landscaped. (See 4.10.080. Landscaping Per Unit.)
 - a. At least twenty (20%) percent of the gross area is dedicated to landscaping. For purposes of computing area dedicated to landscaping, dedicated open space and protected resource areas may be treated as area dedicated to landscaping, but parking areas may not.
 - b. **Water Courses and Natural Features.**
 - (1) Location and direction of all water courses and natural features such as rock outcroppings, marshes, wetlands, and wooded areas; and the approximate locations of trees or stands of trees having a trunk cross-sectional diameter of eight (8") inches (approximately twenty-five inches in circumference) or more measured at a point fifty-four (54") inches above the base of the trunk on the uphill side.
 - (2) The plan must identify those water courses, natural features, and areas of trees meeting the described criteria which are to remain and those which may be altered or removed.
2. **Deed Restrictions, Conditions, and Covenants.** Proposed restrictions to be filed in the county deed records, in outline form, such as deed restrictions, conditions, covenants and restrictions, and home owners' association agreements. The outline restrictions shall identify:

- a. The time at which the restrictions will be filed in the county deed records;
 - b. Generally, who will have authority to enforce the restrictions;
 - c. Specifically, which restrictions, if any, are proposed to be enforceable by the city;
 - d. The time at which the restrictions will become enforceable; and
 - e. Which restrictions, if any, will not be subject to amendment without the consent of the City.
3. **Circulation Plan and Traffic Impact Analysis.** A Circulation Plan and Traffic Impact Analysis identifying likely circulation patterns and traffic impacts from traffic generated by the development including patterns and impacts within the development, in the area surrounding the development and in other affected areas of the city.
- E. **Dedications.** A general description of property intended to be dedicated to the city or public, other than street right-of-ways, including proposed dedication restrictions.
- F. **Narrative description.** A narrative description of the planned unit development and the manner in which it meets the purpose set out in *subsection 4.10.010*.
- G. **Ownership.** A statement describing the present and proposed ownership.
- H. **Phase Plan.** A statement whether the applicant proposes to submit the final master plan for review as a single master plan or in phases. The statement shall include the following:
- 1. Date or dates by which the applicant proposes to submit the final master plan or final master plan phases for review
 - 2. Date or dates by which the applicant anticipates that the development and related improvements or each phase thereof will be substantially completed.

4.10.110 Review Of Preliminary Master Plan

- A. Following submission or resubmission of a preliminary master plan, the Zoning Administrator or designee shall determine whether the plan is complete pursuant to the submittal requirements of *subsection 4.10.100*.
 - 1. If the application is determined to be incomplete, the Zoning Administrator or designee shall provide the applicant with a description of the additional materials required to make the application complete.
- B. The Zoning Administrator or designee shall review the preliminary master plan, shall seek comments on the plan from potentially affected governmental units and agencies, and shall report to the Planning and Zoning Commission the comments of the committee members and of those governmental units and agencies that submit comments.
 - 1. The determination of the Zoning Administrator the Zoning Administrator or designee shall be in writing (including email).

4.10.120 Planning And Zoning Commission

- A. **Authority.**
 - 1. **Commission.** The Planning and Zoning Commission shall review the plan and comments in public hearings and make a recommendation to the City Council to either approve, approve with conditions, or disapprove of the Preliminary Master Plan, Planned Unit Developments in any residential or commercial zone, or any

combination of them, subject to the provisions of this section.

2. **City Council.** The City Council shall have the authority to approve, approve with conditions, or disapprove planned unit developments in any residential or commercial zone, or any combination of them, subject to provisions of this section.
- B. **Conditions.** The Planning and Zoning Commission, in recommending, and the Council in approving a preliminary master plan, may attach conditions it finds are necessary or appropriate to carry out the purposes of this title.
- C. The Planning and Zoning Commission shall state its decision and its reasons in writing.

4.10.130 Commission And City Council Consideration Of Master Plan

The Commission shall recommend the plan to the City Council if it finds that the plan meets all of the following criteria.

- A. **Comprehensive Plan.** The proposed planned unit development is in compliance with the City's comprehensive plan and will be substantially compatible with existing development in the surrounding area.
- B. **Adjacent Land.** The undeveloped land in the surrounding area can be developed in a manner substantially compatible with the proposed planned unit development.
- C. **Densities.** The proposed number of residential units does not exceed the maximum permitted number of residential units.
 1. Where a PUD is located over more than one zone, the plan is allowed to have a weighted balance of the densities for each zone (including density bonuses).
- D. **Buffers.** Like zoning buffers should be provided at borders of other properties not included in the PUD. Example: if a PUD was created that consisted of a LDR3 zone and a MDR2 zone, then six-plex housing units should not be placed directly adjacent to the adjoining LDR3 zone. A buffer of twin homes (allowed in LDR3) or open space should be used as a buffer. Rear yards of six-plex units might be considered as sufficient buffering if fenced and landscaped with trees.
- E. **Time Schedule.** The number of years proposed for completion of the development or each phase of the development is reasonable, taking into consideration the possibility of changing land use patterns in or requirements of the city over time.
- F. **Expiration Date.** In order to ensure that the development will be compatible with land use patterns and requirements of the city at the time of approval of a final master plan, the Planning and Zoning Commission shall recommend and the Council shall establish an expiration date for:
 1. The preliminary master plan approval, not sooner than two years after approval of the preliminary master plan
 2. May impose conditions requiring that a final master plan or phases thereof be submitted for commission review within a specified period or periods of time, not sooner than one year after approval of the preliminary master plan.
 3. Or may impose conditions requiring commission and Council re-evaluation of as yet unbuilt portions of the development, for conformity with then-existing city zoning ordinance requirements in relation to then-existing conditions, not sooner than five (5) years after approval of the preliminary master plan, and at such

periodic intervals of not less than five (5) years thereafter as the Commission and Council deem appropriate to ensure conformity.

- G. **Negative Impacts.** Construction of the development can be accomplished in a manner that does not create unreasonable negative impacts on the area surrounding the development or in the city. In order to assure the avoidance or mitigation of negative construction impacts on the area surrounding the development or in the city, the Planning and Zoning Commission and Council may impose conditions including but not limited to:
1. Requirements that removal of existing landscaping during construction be limited to areas of the planned unit development to be constructed shortly following removal and to portions of those areas on which construction will occur;
 2. Prohibitions of open burning on the site during construction;
 3. Restrictions on construction noise; and
 4. Restrictions on construction traffic.
 5. In order to assure the avoidance or mitigation of negative impacts, the Planning and Zoning Commission may require the filing of restrictions in the county deed records including but not limited to restrictions:
 - a. Prohibiting the removal of specified landscaping; and
 - b. Prohibiting open burning during construction.
- H. **Public Utilities.** Street, water, sewer, drainage and drainage pre-treatment, storm water detention, and other similar facilities in the area surrounding the development and in the city are or will be adequate to provide for the health, safety and welfare for the development's population densities and the type of development proposed, taking into consideration existing and projected future demands on those facilities.
- I. **Landscaping.** At least twenty (20%) percent of the gross area is dedicated to landscaping.
1. For purposes of computing area dedicated to landscaping, dedicated open space and protected resource areas may be treated as area dedicated to landscaping, but parking areas may not.

4.10.140 Changes Of Approved Preliminary Master Plan

- A. **Extension of Approved Preliminary Master Plan.** Prior to expiration of an approved preliminary master plan, the Planning and Zoning Commission may recommend and the Council may, on receipt of an application applying to the as yet unbuilt portions of the development, extend the expiration date provided that the extension will be consistent with then-existing city zoning ordinance requirements, in relation to then-existing conditions.
1. If an approved preliminary master plan expires, whether as to the entire area proposed for development or as to as yet unbuilt portions of the development, then a complete new application must be submitted prior to reconsideration. An application for reconsideration shall be treated as an original application and shall be subject to all of the procedures of this section, including but not limited to the requirement of a hearing before the Planning and Zoning Commission and consideration by the City Council.
- B. **Modification of Approved Preliminary Master Plan.** The Planning and Zoning Commission may recommend, and the Council may, on receipt of an application applying to the as yet unbuilt portions of the development, approve a modification to an approved preliminary master plan provided that the modifications will be consistent with the then-

existing city zoning ordinance requirements, in relation to then-existing conditions.

1. **“Spirit” of Master Plan.** If the modification as determined by the Zoning Administrator or Designee is deemed to be “in the spirit” of the original Master Plan, then a request to the Planning and Zoning Commission is not required.

- C. **Extension or Modification Procedures & Submittals.** Extensions or modifications of an approved preliminary master plan shall be subject to all of the procedures set out in the subsections of this section, including but not limited to the requirement of a hearing before the Planning and Zoning Commission, and consideration by the City Council, except that the application materials required to be submitted shall be only such materials supplementing the original application as are needed to demonstrate that an extension or modification will meet the criterion established by this subsection.

4.10.150 Final Master Plan

Following preliminary master plan approval, and prior to issuance of a development permit and commencement of development, a Final Master Plan must be submitted to and approved by City Staff.

- A. **Phases.** The final master plan may be submitted in development phases; provided, that:
1. Each phase can exist as a separate entity capable of independently meeting all requirements and standards of this section and of the underlying zones in which the PUD is located; or
 2. Prior to the development of any phase that will not exist as a separate entity capable of independently meeting the requirements and standards, restrictions enforceable by the city and in a form approved by the city have been filed in the county recorder’s office, such as conditions, covenants, and restrictions.
 - a. The restrictions shall be applicable to other areas of the planned unit development not yet proposed for development, and shall be sufficient to assure that:
 - (1) The area within the phase proposed for development, when combined with the area not yet proposed for development, as subject to the deed restrictions, can exist as a combined entity capable of independently meeting the requirements and standards,
 - (2) The phase has met any applicable re-evaluation requirement imposed during the preliminary master plan approval process, and
 - (3) The separate development of phases will not be detrimental to the total development nor to the adjacent properties in the event the remainder of the development is not completed.
- B. **Consistent with Preliminary Master Plan.** The final master plan must be in sufficient detail to allow the City Staff to determine whether the final master plan is consistent with the preliminary master plan and whether the final master plan meets all conditions applicable to the preliminary master plan.

4.10.160 Final Master Plan Approval

City Staff shall approve, or approve with conditions, the final master plan if it is determined that the

plan meets all of the following criteria:

- A. The plan is consistent with the preliminary master plan and all conditions applicable to it;
- B. All utility systems and landscaping conform to city and state standards or are approved by the City Engineer;
- C. If the final master plan is for a phase of the total planned unit development, the criteria for phasing stated in 4.10.180.a. will be met.

4.10.170 Requirements Following Master Plan Approval

Upon approval the development shall be strictly in accordance with the plan.

- A. **Certified Print to City Recorder.** A certified print of the approved final planned unit development master plan shall be provided by the applicant without charge to the office of the city recorder.
- B. **Major Changes.** Except as provided in this Section, proposals to make changes in the final master plan after it has been approved shall be considered the same as a new PUD application and shall be permitted only in accordance with all of the procedures set out in this section.
 - 1. The application materials required to be submitted shall be only the materials to supplement the original application to identify the proposed changes and to demonstrate that the changed planned unit development will meet the criteria established by this section.
- C. **Minor Changes.** Proposals to make minor changes in the final master plan after it has been approved may be approved by the Planning and Zoning Commission or designee.
 - 1. **Minor Definition.** Minor changes consist only of changes that will not have public visibility and that do not increase densities, do not change boundaries, do not change any uses, and do not change the location or amount of land devoted to specific land uses.
- D. **Record with Madison County.** A final PUD subdivision plat shall be filed with and approved by the City in accordance with the final platting requirements of City of Rexburg subdivision code and recorded with Madison County, within one year of the approval of a final master plan.
 - 1. **Extension.** One extension of time may be granted, for good cause, by the Planning and Zoning Commission if such extension is authorized by the commission prior to the expiration of the one-year period, and provided such extension not exceed one additional year. No additional extensions may be granted.
 - 2. **Void.** One year after the approval of the final master plan, if a final PUD is not filed, approved and recorded as required by this section, then the planned unit development approval shall become void as of the date the filing requirement no longer can be met.
- E. **Development Agreement, Financial Security, & Development Permit.** Prior to commencement of development, the developer shall provide to the city (as required by the City Engineer) an improvement agreement and financial security instrument as described in the City of Rexburg subdivision ordinance and shall obtain a development permit.

4.10.180 Submission Of Preliminary Subdivision Plat

- A. If an approved Preliminary Planned Unit Development Master Plan provides for the subdivision of land within the planned unit development, then within such period or periods of time as required by the Preliminary Planned Unit Development Master Plan approval, an applicant shall file a Preliminary Subdivision Plat for the planned unit development or for phases of the development, if phasing is permitted.
 - 1. The submittal requirements, procedures and approval requirements for the preliminary subdivision plat shall be as set out in City of Rexburg subdivision code. *(See chapter 10.)*

4.010.190 Density Bonuses

Density in excess of the base density for the underlying zone may be considered for projects which comply with the bonus density design requirements.

- A. The amount of density bonuses shall be determined by the type of bonus density design requirements incorporated in the development proposal.
- B. In no case shall the density bonus exceed the maximum density (per net developable acre NDA) allowed for the zone in which the development occurs according to the following chart:

| ZONE | BASE DENSITY | MAX. DENSITY |
|-------------|---------------------|---------------------|
| LDR1 | 3.63 Units/NDA | 4.84 Units/NDA |
| LDR2 | 8.71 Units/NDA | 10.89 Units/NDA |
| LDR3 | 10.89 Units/NDA | 13.20 Units/NDA |
| MDR1 | 16.00 Units/NDA | 22.00 Units/NDA |
| MDR2 | 20.00 Units/NDA | 26.0 Units/NDA |

- C. **Density Bonus Calculation.** For applicants requesting a density greater than the base density, the Planning and Zoning Commission and City Council shall determine whether the applicant has complied with the necessary design components as provided in this

Section and shall assign density points as applicable.

- 1. The additional units per acre allowed above the base density for the PUD shall be determined by multiplying the total number of density bonus points by the density coefficient of the underlying zone. This figure is the additional number of units per acre allowed above the base density. This number when added to the base density will determine the total density per acre for the project; provided that the number shall not exceed the maximum density allowed in the zone. (Example: The project is in an LDR1 zone and the design is awarded 75 bonus points. $75 \times .0121 = 0.91$ additional units per acre. $0.91 + 3.63$ (base density) = 4.54 maximum units per acre for the development.)

- a. The density coefficient for each underlying zone and the total amount of points needed for the maximum density are listed below:

| | |
|--|--|
| | |
|--|--|

| ZON E | DENSITY COEFFICIENT | MAXIMUM DENSITY POINTS |
|--------------|----------------------------|-------------------------------|
| LDR1 | 0.121 | 100 |
| LDR2 | .0218 | |
| LDR3 | .0231 | |
| MDR 1 | .06 | |
| MDR 2 | .06 | |

- D. Density Bonus Design Requirements.** If greater density is requested above the base density, a PUD development shall comply with one or more of the following bonus density design requirements depending upon the desired density increase:
1. The Planning and Zoning Commission shall review and determine if the proposed design complies with the intent of the design requirement before the points are granted. The density bonus points for each individual design component are in parentheses at the end of each requirement.
 2. In order to receive a density bonus, the development shall have received bonus density points from at least one (1) design component in each of the following categories: energy efficiency, building design, design theme, parking areas, recreational amenities, landscaping and open green space.
 3. A design component cannot be used to obtain points in more than one category.
 4. The density bonus design requirements are as follows:
 - a. **Energy Efficiency**
 - (1) **Insulation.** All dwellings and main buildings shall have wall and ceiling insulation that exceeds the requirements of the International Energy Conservation Code (IECC). Exceeding the requirements for doors and window energy efficiency can also be taken in consideration for density bonus. (Up to 10 points)
 - (2) **Solar Design.** All dwellings are designed with an active or passive solar feature. The solar feature shall be a solar water heater, trombe wall, earth insulation of a majority of the walls, the building designed so that the main exposure faces south and has windows to allow solar access, or other features as approved by the Planning and Zoning Commission. (Single feature per unit throughout the entire project, up to 20 points. Combination features per unit throughout the entire project, up to 30 points)
 - (3) **LEED.** Development achieves a Leadership in Energy and Environmental Design (LEED) certification for Neighborhood Development through the U.S. Green Building Council (USGBC). (Up to 40 points)

b. Building Design.

- (1) **Materials.** All facades of each dwelling structure, exclusive of windows or doors, are clad in long-lasting, high-quality materials as appropriate for the approved architectural style. Examples of such materials are stone, brick, stucco, horizontal wood siding, wood board and batten siding, wood shingles, etc. Facsimiles such as cementitious hardboard (for horizontal siding) and faux stone (for real stone) will be considered on a case by case basis. (Up to 20 points)
- (2) **Roof Materials.** Roof materials should also be appropriate to the style. All roofs of main buildings are clad with wood shingles, tile, high profile asphalt shingles or slate shingles. Other high quality products may be considered on a case by case basis. (Up to 15 points)

c. Design Theme

- (1) **Installed Landscaping.** Landscaping is designed and installed along all streets of the development according to a theme which provides unity and interest. (Up to 20 points)
- (2) **Theme Lighting.** Theme lighting is used throughout the development for street lighting, lighting of walkways, parking areas, entrances and building exteriors. (Up to 15 points)
- (3) **Fencing.** Perimeter fencing is used throughout the project that matches the building design, i.e., masonry columns or piers using the same brick or stone as the buildings. (Up to 10 points)
- (4) **Special Features.** Special features such as fountains, streams, ponds, sculptures, buildings or other elements which establish a strong theme for the development and are utilized in highly visible locations in the development. (Up to 20 points)
- (5) **Shared Theme.** Wide range of housing (e.g. apartments, condos, medium density, low density, and mixed use) share an architectural and landscaped theme. (Up to 20 points).

d. Parking Areas

- (1) **Screening.** Parking lots of twenty (20) or more stalls are screened from view by means of berming or landscaping around the perimeter of the parking lot. (Up to 20 points)
- (2) **Landscaped Islands.** Parking lots of twenty (20) or more stalls or a continuous row of parking over ninety (90') feet in length has a landscaped island(s) which provides landscaping at a ratio of (1:13) 1 square foot of landscaping per 13 square feet of hard surface. (Up to 15 points)
- (3) **Shade Trees.** Areas with five (5) or more uncovered parking stalls are designed to include, at a minimum, two (2") inch caliper trees located in such a manner as to shade fifty (50%) percent of the parking area upon maturation of the trees. (Up to 15 points)
- (4) **Permeable Surfaces.** Surfaces for parking and maneuvering

other than the public right-of-way using materials such as grasscrete, or similar are utilized in appropriate locations. Material and installation details must be reviewed and approved by the City Engineer. (Up to 15 points)

(5) **Parking Area Location.** Locate all off-street parking at the side or rear of buildings, leaving building frontages and streetscapes free of parking facilities. (Up to 10 points)

(6) **Bicycle Parking.** For any non-residential buildings or multi-family, residential buildings that are part of the proposal, provide bicycle parking spaces, equivalent to ten (10%) percent of the total automobile parking on site.

(A) Bicycle parking must be within fifty (50') feet of the entrance to the building that it services. (Up to 10 points)

(B) Sheltered bicycle parking. (Up to 20 points)

e. Recreational Amenities

(1) **Active Recreation.** The PUD includes a recreational amenity primarily for the use of the residents of the development. Amenities may include swimming pools, sports courts, spas, barbecue and picnic facilities, or other features as approved by the Planning and Zoning Commission.

(A) The Planning and Zoning Commission may determine the points based on the cost of the amenity, its benefit to the residents of the development, its size, and the number of amenities in the development. (Between 5 to 35 points)

(2) **Common Building or Facilities.** Development of a common building which shall be used for meetings, indoor recreation, day care, or other common uses as approved by the Planning and Zoning Commission. RV parking facilities may also be considered with this design feature. (Up to 20 points)

(3) **Park Dedication.** Dedication of land for public park, public access along a stream, or public access along a planned trail.

(A) The City must be willing to accept the proposed dedication before points are awarded. (Public access up to 15 points. Public Park up to 40 points)

(4) **Construction of Trail or Park.** Construction according to city standards of trail or park which has been dedicated to the City according to item number (3i.) above. (Trail 15 points, public park 40 points)

(5) **Riparian Areas.** Riparian areas along rivers and streams are preserved with natural and native landscaping to encourage continued use of these areas as wildlife corridors. (Up to 15 points)

f. Landscaping

(1) **Extra Trees.** Design and planting more than the minimum number of trees, shrubs, and perennials per dwelling unit in the

development. (Up to 20 points)

- (2) **Soften Fence Appearance.** Areas which are to be screened use a solid non-see-through vinyl or masonry fence and landscaping which acts to soften the appearance of the fence. Landscaping may be vines, shrubs, or trees. (Up to 15 points)

g. Open Green Space

- (1) **Designed Plan.** Open green space is designed (not leftover space between buildings) and flows uninterrupted through the entire development linking dwellings and recreation amenities. (Up to 25 points)
- (2) **Multiple Use.** Storm water detention facilities are designed and used for multiple purposes which blend with the overall theme of the open space design (i.e., shape of the area is free flowing, and the grading and landscaping are carried out in such a manner that the use as a detention pond is not discernible.) (Up to 20 points)
- (3) **Native Plants.** Native plants are used for common open space elements. (Up to 15 points)
- (4) **Drought Tolerant Plants.** Drought tolerant plants are used for common open space elements. (Up to 10 points)

h. Public Streets.

- (1) All streets within the development (except the streets required by the City to be dedicated) are open to public use, but privately maintained. (Up to 25 points)

- i. **Housing.** Mixed housing types, (e.g. apartments, condos, medium density, low density, and mixed use) are incorporated in the development with the intent to allow aging in place and appropriate mixes of socioeconomic groups. (Up to 40 points)

~~4.10 PLANNED UNIT DEVELOPMENT (PUD) (Repealed)~~

~~4.10.010 Purpose And Objectives (Repealed)~~

~~4.10.020 Applicability (Repealed)~~

~~4.10.030 Variations To Underlying Zone Permitted (Repealed)~~

~~4.010.040 Minimum Area (Repealed)~~

~~4.010.050 Lot Density (Repealed)~~

~~4.010.060 Standards (Repealed)~~

~~4.010.070 Common Open Space (Repealed)~~

~~4.010.080 Landscaping Per Unit (Repealed)~~

~~4.010.090 Pre-Application Conference (Repealed)~~

~~PUD DESIGN (Repealed)~~

~~4.10.100 Preliminary Master Plan Application (Repealed)~~

~~4.10.110 Review Of Preliminary Master Plan (Repealed)~~

~~4.10.120 Planning And Zoning Commission (Repealed)~~

~~4.10.130 Commission And City Council Consideration Of Master Plan (Repealed)~~

~~4.10.140 Changes Of Approved Preliminary Master Plan (Repealed)~~

~~4.10.150 Final Master Plan (Repealed)~~

~~4.10.160 Final Master Plan Approval (Repealed)~~

~~4.10.170 Requirements Following Master Plan Approval (Repealed)~~

~~4.10.180 Submission Of Preliminary Subdivision Plat (Repealed)~~

~~4.010.190 Density Bonuses (Repealed)~~

~~All Zoning Standards apply. (See 3.01-3.06)~~

~~All Residential Standards apply. (See 4.0)~~

SECTION 27: AMENDMENT “8.04.130 Project Plan Approval” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

8.04.130 Project Plan Approval

[*\(See subsection 3.02.130.\)*](#)

Infrastructure Plan approval. Infrastructure plan approval at the Planning and Zoning Commission level is mandatory before consideration of a RBD Zone change request may be initiated.

SECTION 28: AMENDMENT “9.02.040 Zoning Districts, Zoning Map, Zoning Tables, Land Use Schedules” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

9.02.040 Zoning Districts, Zoning Map, Zoning Tables, Land Use Schedules

- A. Zoning districts authorized in the Area of Impact comprise two specific categories:
 - 1. All existing zones listed in *section 3.1* of this ordinance and described in *chapters 3-9* hereof.
- B. **Zoning Map.** The zoning map shall designate the zoning districts in the Area of City Impact of the City of Rexburg and shall be made a part of this ordinance by reference.
- C. **Compliance with this Section.** Infrastructure Plans, subdivision requirements, annexation and development agreement shall include provision for installation and continued maintenance of all buffers and compliance with all city and county ordinances applicable within the Area of City Impact.

SECTION 29: **ADOPTION** “10.01.040 Master Plan” of the Rexburg Development Code is hereby *added* as follows:

ADOPTION

10.01.040 Master Plan(*Added*)

- A. **Large Parcel with Multiple Landowners.** If large parcels of land are sold to multiple parties, a Planned Unit Development of the entire area is required.
- B. **Subdivision.** If a proposed subdivision is part of a larger area intended for development, a Planned Unit Development of the entire area is required.

SECTION 30: **AMENDMENT** “10.2 Lot Line Adjustment” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

10.2 Lot Line Adjustment

- A. **Purpose: Trade or Sale to Straighten Boundaries.** The exchange of land for the purpose of straightening property boundaries or by adding land to existing parcels by trade or sale which does not result in change of the present land use or in any way result in land parcels which do not meet existing zoning regulations.
 - 1. **Lot Line Adjustment.** A lot-line-adjustment which does not reduce the area, frontage, width, depth, or building setback lines to fall below the minimums required by the zoning regulations. Land with two (2) legal descriptions stays as two (2) legal descriptions, but the descriptions are amended.
 - 2. **Lot Combination.** The combining of two established lots into a single lot. Land

- with two (2) legal descriptions will be described with one (1) legal description.
3. **Lot Split.** A single lot divided into two separate lots. Land with a (1) single legal description will be described with two (2) legal descriptions.
- B. **Application.** A Lot Line Adjustment application shall be submitted for all lot line changes including lot splits, lot combinations and lot line adjustments via the city's [Public Portal](#).
1. **Legal Descriptions.** Legal Descriptions shall be submitted with the application describing the new lots or new lot configuration.
- a. Legal Descriptions shall be consistent with a land survey and shall describe the metes and bounds of each lot to close, or consist of previously approved lots.
2. **Proof of Ownership.** Applicant shall submit proof of ownership. If Applicant is not the owner, an Affidavit of Legal Interest, signed and notarized by the owner, shall be submitted.
- C. **Pay Fees.** Persons filing an application within the City of Rexburg shall first have paid all fees as established by resolution of the Council.
1. Such fees may be reviewed and changed by resolution of the Council at such time as the Council deems necessary.
- D. **Certification.** Upon receipt of the application and all required documents as provided herein, the City shall certify the application as complete and shall affix the date of application acceptance thereon.
- E. **Reviews.** Once the Application is complete, the City shall transmit a copy of the application and the submitted documents to its various departments and such other agencies that have jurisdiction or an interest in the proposed adjustment for their review and recommendation.
1. If no written reply is received from any of the various departments or interested agencies within ten business (10) days from the date of notification, approval of the Plat by such department or agency will be considered granted.
- F. The application shall be considered by the Zoning Administrator or designee.
- G. **Notify Applicant.** Staff shall submit to the applicant within 10 business days, notice of acceptance or needed revisions in writing.
1. **Revisions.** If revisions are requested, applicant shall resubmit documents needing revisions and the review process shall begin again.
- H. **Approval.** Applicant shall take approval letter and approved legal descriptions in a deed to Madison County for recording.
- I. **Communicate to City.** Recording number is communicated by the Applicant to the City Planning & Zoning office to finalize permit.

SECTION 31: **AMENDMENT** “10.03.010 Pre-Application” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

10.03.010 Pre-Application

Before filing an application for a Plat, the Applicant will submit a concept drawing and any additional data to communicate intentions and plans and meet with the Economic Development Team. The Economic Development Team will communicate any information, which the Applicant should be aware of.

SECTION 32: AMENDMENT “10.03.020 Subdivision Submittal” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

10.03.020 Subdivision Submittal

- A. **Zone Changes.** Before platting of the development, all required zoning changes shall be obtained.
- B. The sub-divider may cause the subdivision, or part thereof to be surveyed and a Plat prepared.
- C. **Application.** If the sub-divider elects to proceed with the platting process, he shall file with the City Planning and Zoning Office, one (1) digital copy of the Infrastructure Plan and one (1) digital copy of the Plat in .pdf AutoCAD format. with Proof of Ownership, Covenants, Conditions and Regulations. the Landscaping Plan and Drainage Calculations. A Traffic Study should also be submitted if it is required by the City Engineer. (*See section 10.6.*)
 1. **Infrastructure Plans.** (See Subsection 10.03.050.)**The Infrastructure Plan shall include the plans and specification for all proposed improvements that are required for that portion of the subdivision included in the Plat as required for this Ordinance and all others required by the City Engineering Department (See Section 10.5.)**
 2. **Plat.** The sub-divider shall file the Plat, bearing all required certificates, acknowledgements and signature blocks of the owner, surveyor, reviewing surveyor and others as determined by the Planning & Zoning department. (See subsection 10.02.070.C.)
 - a. The Plat must contain a statement of dedication of all streets, alleys, drainage ways, pedestrian ways, and other easements for public use by the person holding title of record and by persons holding title as vendees under land contract. lands dedicated are mortgages, the mortgagee shall sign the plat.
 - (1) **Acknowledgement.** Execution of dedication shall be acknowledged and certified by a notary public.
 3. **Proof of Ownership.** current title report or other evidence acceptable to the City showing proof of ownership of the tract of land being platted shall be part of the application submission.
 4. **Covenants, Conditions and Regulations (CC&R's)** shall be submitted with the

Plat.

5. **Landscape Plan.** (See 10.06.030.)

- D. **Pay Fees.** Persons filing a subdivision plat within the City of Rexburg shall first have paid all fees as established by resolution of the Council. Such fees may be reviewed and changed by resolution of the Council at such time as the Council deems necessary.
- E. **Incomplete Application.** the application is determined to be incomplete, the Zoning Administrator or designee shall provide the applicant with a description of the additional materials required to make the application complete.
- F. **Certification.** Upon receipt of the Plat and all required data as provided herein, the City shall certify the application as complete and shall affix the date of application acceptance thereon.

SECTION 33: AMENDMENT “10.03.040 Subdivision Consideration” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

10.03.040 Subdivision Consideration

- A. **Commission Action.** The Plat shall be placed on the Commission agenda for consideration at the next available regular meeting.
 - 1. **Review.** The commission shall review the application and comments from the review agencies for compliance to the City's Comprehensive Plan, Development Code, and applicable ordinances. The Commission shall determine if further action will be necessary to complete the review and make recommendations to City Council.
 - 2. **Amendment.** If the Commission determines that an amendment must be made to the Comprehensive Plan and/or the Zoning Ordinance to approve the application, the Commission shall follow the procedures detailed in *Idaho Codes 67-6509*.
 - 3. **Recommendation.** The Commission will recommend to City Council the Plat be approved, approved conditionally, or disapproved within thirty (30) days after the date of the meeting at which the Plat is first considered.
 - a. The Commission, will then send a copy of the Plat and the Commission's findings or Reasons for Decision to the City Council.
 - b. **Reasons for Decision.** The reasons for such decision shall specify:
 - (1) the ordinance and standards used in evaluating the application
 - (2) the reasons for approval or denial; and
 - (3) the actions, if any, that the applicant could take to gain approval of the proposal.
- B. **Council Action.** Upon receipt of the Plat and related documents, and all other data as required herein, the Council shall thereafter place the Plat on their next available agenda for consideration at a regular meeting held not less than fourteen (14) days upon the report of the Commission.
 - 1. If said Plat conforms to the requirements of this Ordinance and the Idaho Code,

- the Council shall consider the approval of the Plat.
2. **Testimony.** The Council may hear testimony of the representatives of the Commission and witnesses, including interested citizens affected by the proposed subdivision.
 3. **Findings.** The Council shall base its findings upon the report and testimony presented before it and declare its findings. It may sustain, modify, or reject the recommendations of the Commission, and make such findings as are consistent with the provisions of this ordinance and the Idaho Code. The reasons for such decision shall specify;
 - a. the ordinance and standards used in evaluating the application
 - b. the reasons for approval or denial; and
 - c. the actions, if any, that the applicant could take to gain approval of the proposal.
 4. **Dedications Accepted.** At the time of approval and recording of the Plat, the Council shall accept the dedications shown thereon. The Council shall also, as a condition precedent to the approval of any plat, require the sub-divider either to improve or agree to improve the streets and all other public improvements by furnishing a Surety Bond or satisfactory agreement in accordance with accordance with Standard Drawings and Specifications and the Infrastructure Plan as defined in the Development Agreement.
 - a. To complete the acceptance of any dedication of land, the owner shall furnish to the Council, a deed conveying such lands to the City.
 - (1) The City will record the deed with the County Recorder.
 - b. The Council shall make such findings as are consistent with the provisions of this Ordinance and the Idaho Code. The Reasons for such Decision shall include:
 - (1) the Ordinance and standards used in evaluating the application
 - (2) the reasons for approval or denial; and
 - (3) the actions, if any, that the applicant could take to gain approval of the proposal.
 5. **Reasons for Decision.** The reasons for such decision shall be stated in writing, a copy of which shall attached to one (1) copy of the Plat and returned to the sub-divider.

SECTION 34: **AMENDMENT** “10.03.080 File With County Recorder” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

10.03.080 File With County Recorder

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

- A. **Communicate to City.** Recording number is communicated to the City Planning & Zoning office to finalize permit.
- B. **Extension.** One extension of time may be granted, for good cause, by the 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.
 - 1. **Consistent with Zoning. Also, provided that the extension will be consistent with then-existing city zoning ordinance requirements, in relation to then-existing conditions.**
 - 2. 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 complete new application must be submitted prior to reconsideration.
 - 1. An application for reconsideration shall be treated as an original application and shall be subject to all of the procedures of this chapter.

SECTION 35: **ADOPTION** “10.03.090 Building Permit” of the Rexburg Development Code is hereby *added* as follows:

A D O P T I O N

10.03.090 Building Permit(*Added*)

Once a subdivision has been recorded with Madison County, an Applicant may apply for a Building Permit. (*See 1.04.070.*)

SECTION 36: **RENUMBER** “10.03.090 As-Built Plans” of the Rexburg Development Code is hereby *renumbered* as follows:

R E N U M B E R

10.03.090 As-Built Plans

10.03.100 As-Built Plans

SECTION 37: **RENUMBER** “10.03.100 D.E.Q Prior To Construction” of the Rexburg Development Code is hereby *renumbered* as follows:

R E N U M B E R

10.03.100 D.E.Q Prior To Construction

10.03.110 D.E.Q Prior To Construction

SECTION 38: **AMENDMENT** “10.04.030 Required Improvements For Infrastructure” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

10.04.030 Required Improvements For Infrastructure

- A. **Engineered Plans.** Infrastructure Plans must be done by an Idaho Registered Engineer, be approved for individual subdivisions by the City Engineer, must comply with the adopted Design Standards and Specifications of the City, and must be approved by the Departments of Environmental Quality (D.E.Q.) and District 7 Health.
- B. **Standard Drawings and Specifications.** The following will need to be in compliance with the adopted Standard Drawings and Specifications of the City. The following improvements shall also be approved for individual subdivisions by the City Engineer.
 - 1. Pedestrian ways
 - 2. Public Sites, Open Spaces, and Natural Features
 - 3. Water Systems
 - 4. Fire Hydrants
 - 5. Wastewater Systems
 - 6. Storm Water Disposal
 - 7. Monuments
 - 8. Curb, gutter, and street improvements
 - 9. Street signage
 - 10. Street lighting
- C. An Infrastructure Plan shall be drawn to scale shall show the following:
 - 1. the actual dimensions and the shape of the lot to be built upon;
 - 2. the exact size and location of existing buildings on the lot, if any;
 - 3. the exact location and dimensions of the proposed building, sidewalk, driveway, carport, parking area or any other structure or alteration;
 - 4. the location, layout and access of proposed on-site parking;
 - 5. Number and dimensions of off-street parking spaces and loading berths
 - 6. the location and type of landscaping, fencing and screening proposed on the lot;
 - 7. Proposed water and sewer facilities
 - 8. Existing and proposed easements
 - 9. All other data indicated in Section 10.5.

SECTION 39: **AMENDMENT** “10.05.010 Plat Data” of the Rexburg

Development Code is hereby *amended* as follows:

AMENDMENT

10.05.010 Plat Data

A. **Form of Presentation.** The following information is required as part of the Plat submitted and shall be shown graphically, or by note on plans, or by letter, and may comprise several sheets.

1. **Format.** All work shall be submitted as a digital copy in AutoCAD format.

B. **General Mapping**

1. **Scale.** All mapped data for the same plat shall be drawn at the same standard engineering scale, having no more than one-hundred (100') feet to an (1") inch unless otherwise approved as to scale.. The scale shall be adjusted to produce an overall drawing measuring eighteen inches by twenty-seven (18"x 27") inches. *(Idaho Code 50-1304)*

2. **North Arrow** (Idaho Code 50-1304), and **Date of the Plat** preparation.

3. **Name and Location.** Proposed name of subdivision and its location by section, township, range and county. *(Idaho Code 50-1304)*

4. **Dimensions.** All dimensions shall be expressed in feet and decimals.

a. All required data to accurately calculate any curvilinear dimensions shown on the Plat.

b. Survey Markers. *(See subsection 10.04.030.)*

c. Boundaries. Boundaries of the tract to be subdivided shall show dimensions. *(Idaho Code 50-1304)*

5. **Legal Description.** A legal description of the exterior boundary of the subdivision. (Idaho Code 50-1304)

a. **Boundary.** Boundaries of the tract to be subdivided fully balanced and closed, showing all bearings and distances determined by an accurate survey in the field.

b. All boundary corners are also to show state plane coordinates.

c. Bearing and distance ties to two (2) section corners or quarter section corners and a description of the corners. Show basis of bearing.

6. **Excepted Parcels.** Any excepted parcel(s) within the plat boundaries shall show all bearing and distances, determined by an accurate survey in the field.

7. **Cardinal Point.** Location and description of cardinal point to which all dimensions, angles, bearing, and similar data on the plat shall be referenced.

8. **Vicinity Map.** Vicinity Map drawn to scale of 1" equal 800', clearly showing proposed subdivision's configuration in relationship to adjacent subdivisions, main arterial routes, collector streets, etc.

C. **Contact Information.**

1. **Sub-divider.** Name, address, and phone number of sub-divider

2. **Engineer or Land Surveyor.** Name, address, and phone number of engineer or land surveyor

D. **Listed Items**

1. **Zone.** By note, the existing zoning classification of tract. (Idaho code 50-1304)

2. Acreage. By note, the acreage of the tract.

3. **Area Coverage.**

a. Area coverage of existing and proposed structures.

b. **Permeable Surface.** Area coverage of concrete of concrete concrete or asphaltic cement or other material creating an impervious surface for each yard listed separately: front, side and rear yard.

E. **Lots & Blocks.** All lots and blocks shall be numbered throughout the Plat in accordance with Idaho Code. (*Idaho Code 50-1304*)

1. "Exception", "tracts" and "private parks", shall be so designated, lettered, or named and clearly dimensioned.

2. Typical lot dimensions to scale; dimensions of all corner lots and curvilinear sections of streets

3. Each lot numbers individually; total number of lots.

F. **Streets, Public Areas, and Permanent Structures.** Location, widths and names of all platted streets, railroads, utility right-of-way of public record, easements (Idaho Code 50-1303), public areas, permanent structures to remain including water wells, and municipal corporation lines within or adjacent to tract.

1. **Easements.** Show location, width and use of all easements for rights-of-way provided for public services or utilities and any limitations of the easements.

(*Idaho Code 50-1304*)

2. **Public Use Areas.** Designation of all land to be dedicated or reserved for public use with use indicated.

a. **Future Acquisition.** Where it is determined that a proposed park, playground, school or other public use as shown on a future acquisition map, as authorized in Idaho Code, is located in whole or in part within a proposed subdivision, the Commission shall notify the appropriate public agency concerning the land proposed to be acquired.

(1) **Suspend Consideration.** Within thirty (30) days of the date of notice, the public agency may request the governing body to suspend consideration on the proposed subdivision for sixty (60) days.

(2) **No Agreement.** If an agreement is not reached within sixty (60) days, the Commission shall resume consideration of the subdivision.

b. **Large Subdivisions.** Subdivisions of more than one-hundred (100) units shall be required to provide at least ten (10%) percent of the land for public use at fair market rates at the time of development.

G. **Adjacent Subdivisions or Surveys.** Name and filing number of any recorded adjacent subdivision or record of survey having common boundary with the tract.

H. **Special Features.** Appropriate information that sufficiently details the proposed development within any special development area, such as hillside, planned unit development, flood plain, cemetery, mobile home park, large-scale development, hazardous and unique areas of development.

I. **Zoning Classifications.** If plat includes land for which multi-family, commercial, or industrial use, such areas shall be clearly designated together with existing zoning

classification and status of zoning changes, if any.

SECTION 40: AMENDMENT “10.06.010 Planned Unit Developments” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

10.09.010 Planned Unit Developments (P.U.D.)(*Amended*)

SECTION 41: ADOPTION “Purpose And Objectives” of the Rexburg Development Code is hereby *added* as follows:

ADOPTION

Purpose And Objectives(*Added*)

The purpose of this section is to allow Planned Unit Developments in several residential zones to allow a more flexible approach to land developments than that which is normally accomplished through the subdivision and zoning ordinances of the city. The planned unit development approach is intended to provide more desirable environments by encouraging creative site planning and building designs with several compatible land uses, to make possible greater diversification between buildings and open spaces, to conserve land and natural resources, and minimize development cost. A Planned Unit Development follows the Subdivision process and requirements, with the exception of additional application submittals and data requirements and the requirement of a public hearing. a Planned Unit Development, bonus points for greater density may be achieved by identifying building materials, building design and/or site agreements.

SECTION 42: ADOPTION “Applicability” of the Rexburg Development Code is hereby *added* as follows:

ADOPTION

Applicability(*Added*)

- A. Planned Unit Developments (PUD)s are only allowed in Low-Density and Medium-Density Residential Zones.
- B. **Apply Zoning for Permitted Uses.** The planned unit development approach is not intended to allow uses on land within a Planned Unit Development other than uses permitted within the zone that is applicable to the land, unless otherwise stated in this ordinance. other than zero lot line clustering.

1. **Exception:** Up to ten (10%) percent of gross land area may be directed to other commercial, industrial, public and quasi-public uses that are not allowed within the land use district; and a minimum of fifty (50%) percent of the residential development occurs prior to the development of the related commercial or industrial uses, provided that there is a favorable finding by the Commission the uses are:
 - a. Appropriate with the residential uses;
 - b. Intended to serve principally the residents of the PUD;
 - c. An integral part of the PUD;
 - d. **Direct Access Roads.** Located and so designed as to provide direct access to a collector or an arterial street without creating congestion or traffic hazards;
- C. **Variations to Underlying Zone.** Upon combining the PUD zone with an appropriate existing zone, variations from the development standards of said underlying zone may be permitted, provided the variations are specifically adopted as part of the approved project plan or approved supporting documents and do not contradict this subsection, including zero lot line clustering.

SECTION 43: **ADOPTION** “Standards” of the Rexburg Development Code is hereby *added* as follows:

A D O P T I O N

Standards(*Added*)

- A. **Single Ownership and Control.** Unless agreed upon by the Planning & Zoning Commission, the area proposed for a Planned Unit Development shall be in one (1) ownership or control during development to provide for full supervision and control of said development, and to insure conformance with these provisions and all conditions imposed upon the development plans.
- B. **Scope of Plan.** A plan for the development of a Planned Unit Development shall cover the entire area proposed for development. If the project is to be done in phases, no remnant parcels shall be created.
 1. **Open Space.** Areas not proposed for development shall be designated as “open space” and shall conform to minimum landscaping requirements of this chapter.
 - a. Clustering. Property developed under the PUD approach should be designed to abut common open space or similar areas.
 2. **Natural Features.** Developments shall be designed to preserve and incorporate the natural features of the land into the development. Natural features include drainage swales, wetlands, rock outcroppings, streams, and concentrated native stands of large shrubs or trees.
- C. **Infrastructure Requirements.**
 1. **Utilities.** All utilities shall be placed underground, including telephone, electrical, and television cables.

- a. Dwelling units under separate ownership shall have separate utility metering, unless otherwise approved by the Building Department.
 - (1) Exception: Apartments & Condominiums
 - 2. **Streets and Right-of-way.** Development proposal shall adhere to currently adopted street and right-of-way cross section standards.
 - 3. **Trash Storage** (See subsection 3.02.120.)
 - a. **Materials.** Refuse bins shall be stored in screened enclosures which are architecturally compatible in style and materials with the character of the development.
 - b. **Location.** Bins shall be located so they are not visible from outside circulation routes, and so they do not restrict vehicular movement or parking.
 - 4. **Lighting.** Exterior lighting shall be designed such that the light source will be sufficiently obscured to prevent excessive glare into any residential area.
- D. **Common Open Space.** A minimum of ten (10%) percent of the gross land area developed in any residential PUD project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.
- 1. **Ownership.** The required amount of common open space land reserved under a PUD shall either be held in corporate ownership by the owners of the project area for the use of each owner, who buys property within the development, or be dedicated to the public and retained as common open space for parks, recreation, and related uses.
 - 2. **Maintenance.** The responsibility of the maintenance of all open space shall be specified by the developer before approval of the Planned Unit Development and shall be identified in the Covenants, Conditions and Regulations for the Planned Unit Development.
 - 3. **Further Defined.**
 - a. **Trails.** Public utility and similar easements or right-of-way for watercourses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Commission.
 - b. **Hardscape.** Such common open spaces may include walkways, patios, recreational activity areas, picnic pavilions, gazebos, and water features so long as such surfaces do not exceed thirty-five (35%) percent of the required open green space.
 - c. **Common Activity Areas.** At a minimum, open green space shall include either a playground with play equipment or pathways with benches and tables through a natural or planted landscaped area.
 - (1) **Single-family.** Subdivided, one-family lots shall provide developed common activity area at a ration of 1,000 square feet per lot.

SECTION 44: **ADOPTION** “Additional Subdivision Application Submittals” of the Rexburg Development Code is hereby *added* as follows:

ADOPTION

Additional Subdivision Application Submittals(*Added*)

- A. **Application.** Application for a Planned Unit Development shall be submitted to the city's Planning & Zoning department with the following submittal documents in addition to those required for a Subdivision.
1. **Narrative Description.** A narrative description of the Planned Unit Development and the manner in which it meets the purpose set out in subsection 10.06.010 shall be submitted at time of application.
 - a. **Ownership.** The Narrative Description shall include a statement describing the present and proposed ownership.
 2. **Phase Plan.** The Planned Unit Development may be submitted in development phases; provided, that:
 - a. Each phase can exist as a separate entity capable of independently meeting all requirements and standards of this section and of the underlying zones in which the PUD is located; or
 - b. Prior to the development of any phase that will not exist as a separate entity capable of independently meeting the requirements and standards, restrictions enforceable by the city and in a form approved by the city have been filed in the county recorder's office, such as conditions, covenants, and restrictions.
 - c. The restrictions shall be applicable to other areas of the Planned Unit Development not yet proposed for development, and shall be sufficient to assure that:
 - (1) The area within the phase proposed for development, when combined with the area not yet proposed for development, as subject to the deed restrictions, can exist as a combined entity capable of independently meeting the requirements and standards,
 - (2) The phase has met any applicable re-evaluation requirement imposed during the Planned Unit Development approval process, and
 - (3) The separate development of phases will not be detrimental to the total development nor to the adjacent properties in the event the remainder of the development is not completed.
 - (4) The phase will meet the criteria of the Phasing Statement for the total Planned Unit Development.
 3. **Phasing Statement.** The applicant shall provide a statement describing whether the applicant proposes to submit the Planned Unit Development for review as a single Plat or in phases. The statement shall include the following:
 - a. Date or dates by which the applicant proposes to submit the Planned Unit Development phases for review.
 - b. Date or dates by which the applicant anticipates that the development and related improvements or each phase thereof will be substantially

completed.

B. Additional Landscape Plan Data. At least twenty (20%) percent of the gross area shall be dedicated to landscaping. For purposes of computing area dedicated to landscaping, dedicated open space and protected resource areas may be treated as area dedicated to landscaping, but parking areas may not.

1. **Landscaping Per Unit.** The intent is to have a variety of plant materials to give color and texture; to direct traffic; to frame views; and to screen undesirable views.

a. **Trees and Shrubs Minimum.** A minimum of three (3), one and one-half (1 1/2") inch caliper deciduous trees or four (4') feet tall evergreen trees, and four (4) shrubs shall be planted for each lot in a PUD subdivision, as well as building foundation planting of appropriate shrubs, flowers, or ground covers.

(1) **Multi-family.** Multiple family PUD's shall provide a minimum of one (1) deciduous or evergreen tree per two (2) units, and two (2) shrubs per unit.

b. **Placement.**

(1) **Deciduous Trees.** The placement and types of deciduous trees shall take into consideration use of the trees for summer cooling and winter solar access.

(2) **Evergreen Trees.** Evergreen trees should be used as windbreaks, screening, and accent plantings.

2. **Theme.** Landscaping in the park strip in the street right-of-way shall have a unified design theme in PUD subdivisions.

C. Infrastructure Estimated Cost. Infrastructure Plan Data shall include the estimated cost of street, sewer, drainage and drainage pre-treatment, storm water detention, water, and other public infrastructure improvements within the planned unit development.

D. Additional Plat Data

1. **Label.** Appropriate identification clearly stating that the drawing is a Planned Unit Development;

2. **of the Units.**

a. Types of proposed housing within PUD

b. Approximate location or locations proposed for each type of housing

c. Housing density proposed at each location

d. An approximate tabulation of all dwelling units by type;

e. Determine Developable Land and Base Density (See subsection Lot Density.)

3. **Description of the Common Areas**

4. **Density Bonus Chart showing Proposed Points**

SECTION 45: **ADOPTION** "Development Phases" of the Rexburg Development Code is hereby *added* as follows:

ADOPTION

Development Phases(*Added*)

If an approved Planned Unit Development provided for the phasing of land within the Planned Unit Development, then within such period or periods of time as required by the Phasing Statement, an applicant shall file a Subdivision Plat for phases of the development according to the Phasing Statement.

SECTION 46: **ADOPTION** “Extensions And Changes” of the Rexburg Development Code is hereby *added* as follows:

ADOPTION

Extensions And Changes(*Added*)

- A. **Submittal.** Extensions and major modifications of an approved Planned Unit Development shall be subject to all of the procedures set out in the subsections of this chapter, except that the application materials required to be submitted shall be only such materials supplementing the original application as are needed to demonstrate that an extension or modification will meet the criterion established by this subsection. (*See 10.03.080 for extensions and expiration.*)
- B. **Changes.** The Planning and Zoning Commission may recommend, and the Council may, on receipt of an application applying to the as yet unbuilt portions of the development, approve a modification to an approved Planned Unit Development provided that the modifications will be consistent with the then-existing city zoning ordinance requirements and conditions.
 - 1. **Major Changes.** Except as provided in this Section, proposals to make major changes in the Planned Unit Development after it has been approved shall be considered the same as a new PUD application and shall be permitted only in accordance with all of the procedures set out in this section.
 - 2. **Minor Changes.** Proposals to make minor changes in the Planned Unit Development after it has been approved may be approved by the Planning and Zoning Administrator or designee.
 - a. **Minor Definition.** Minor changes consist only of changes that will not have public visibility and that do not increase densities, do not change boundaries, do not change any uses, and do not change the location or amount of land devoted to specific land uses.

SECTION 47: **ADOPTION** “Minimum Area” of the Rexburg Development Code is hereby *added* as follows:

ADOPTION

Minimum Area(*Added*)

- A. A PUD for the following principal uses shall contain an area not less than:
 - 1. One (1) acre for residential development.
 - 2. One (1) acre for residential use with subordinate commercial or industrial uses.
 - 3. Ten (10) acres for commercial use.
 - 4. Ten (10) acres for industrial use.

SECTION 48: **AMENDMENT** “Lot Density” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

Lot Density(*Amended*)

- A. **Determine Developable Land.** Density in a PUD shall be determined by using the “developable land” of the entire proposed development.
 - 1. Developable land is land under 30% slope and land capable of being improved with landscaping, recreational facilities, buildings, or parking.
 - 2. **Subtract Land.** Land devoted to Rexburg dedicated street usage in PUD subdivisions shall not be considered developable acreage and must be subtracted out of the total acreage used to determine density, as well as areas designated for the use of churches, schools, and public buildings.
- B. **Determine Base Density.** The maximum number of residential units allowed per developable acre in a PUD which meets only the minimum development requirements of this Chapter shall be calculated using the Lot Area Per Dwelling Requirement of the underlying zone:

| 1. | Zone | Lot Area per Dwelling |
|----|-------------|-------------------------------|
| | LDR1 | 1 Unit per 12,000 square feet |
| | LDR2 | 1 Unit per 5,000 square feet |
| | LDR3 | 1 Unit per 4,000 square feet |
| | MDR1 | 1 Unit per 2,723 square feet |
| | MDR2 | 1 Unit per 2,178 square feet |

- C. **Density Bonus Points.** Increased densities may be considered based on design upgrades.

SECTION 49: ADOPTION “Density Bonuses” of the Rexburg Development Code is hereby *added* as follows:

ADOPTION

Density Bonuses(*Added*)

Density in excess of the base density for the underlying zone may be considered for projects which comply with the bonus density design requirements.

- A. The amount of density bonuses shall be determined by the type of Bonus Density Design Requirements incorporated in the development proposal.
- B. In no case shall the density bonus exceed the maximum density (per net developable acre NDA) allowed for the zone in which the development occurs according to the following chart:

| Zone | Base Density | Maximum Density |
|-------------|---------------------|------------------------|
| LDR1 | 3.63 Units/NDA | 4.84 Units/NDA |
| LDR2 | 8.71 Units/NDA | 10.89 Units/NDA |
| LDR3 | 10.89 Units/NDA | 13.20 Units/NDA |
| MDR1 | 16 Units/NDA | 22 Units/NDA |
| MDR2 | 20 Units/NDA | 26 Units/NDA |

- C. **Density Bonus Calculation.** For applicants requesting a density greater than the base density, the Planning and Zoning Commission and City Council shall determine whether the applicant has complied with the necessary design components as provided in this Section and shall assign density points as applicable.
 - 1. The additional units per acre allowed above the base density for the PUD shall be determined by multiplying the total number of density bonus points by the density coefficient of the underlying zone. This figure is the additional number of units per acre allowed above the base density. This number when added to the base density will determine the total density per acre for the project; provided the number shall not exceed the maximum density allowed in the zone.
 - a. (Example: The project is in an LDR1 zone and the design is awarded 75 bonus points. $75 \times .0121 = 0.91$ additional units per acre. $0.91 + 3.63$ (base density) = 4.54 maximum units per acre for the development.)
 - b. The density coefficient for each underlying zone and the total amount of points needed for the maximum density are listed below:

| Zone | Density Coefficient | Maximum Density Points |
|-------------|----------------------------|-------------------------------|
| LDR1 | 0.0121 | 100 |
| LDR2 | 0.0218 | 100 |
| LDR3 | 0.0231 | 100 |
| MDR1 | 0.06 | 100 |
| MDR2 | 0.06 | 100 |

D. Density Bonus Design Requirements. If greater density is requested above the base density, a PUD development shall comply with one or more of the following bonus density design requirements depending upon the desired density increase.

1. **Approval.** The Planning and Zoning Commission shall review and determine if the proposed design complies with the intent of the design requirement before the points are granted. The density bonus points for each individual design component are in parentheses at the end of each requirement.
2. **Required Categories.** In order to receive a density bonus, the development shall have received bonus density points from at least one (1) design component in each of the following categories: energy efficiency, building design, design theme, parking areas, landscaping, and open green space.
 - a. A design component cannot be used to obtain points in more than one category.

E. Density Bonus Design Categories.

1. Energy Efficiency

- a. **Insulation.** All dwellings and main buildings shall have wall and ceiling insulation that exceeds the requirements of the International Energy Conservation Code (IECC). Exceeding the requirements for doors and window energy efficiency can also be taken in consideration for density bonus. (Up to 10 points)
- b. **Solar Design.** All dwellings are designed with an active or passive solar feature. The solar feature shall be a solar water heater, trombe wall, earth insulation of a majority of the walls, the building designed so that the main exposure faces south and has windows to allow solar access, or other features as approved by the Planning and Zoning Commission. (Single feature per unit throughout the entire project, up to 20 points. Combination features per unit throughout the entire project, up to 30 points)
- c. **LEED.** Development achieves a Leadership in Energy and Environmental Design (LEED) certification for Neighborhood Development through the U.S. Green Building Council (USGBC). (Up to

40 points)

2. **Building Design.**

a. **Materials.** All facades of each dwelling structure, exclusive of windows or doors, are clad in long-lasting, high-quality materials as appropriate for the approved architectural style.

(1) Examples of such materials are stone, brick, stucco, horizontal wood siding, wood board and batten siding, wood shingles, etc. Facsimiles such as cementitious hardboard (for horizontal siding) and faux stone (for real stone) will be considered on a case by case basis. (Up to 20 points)

b. **Roof Materials.** Roof materials should also be appropriate to the style. All roofs of main buildings are clad with wood shingles, tile, high profile asphalt shingles or slate shingles. Other high quality products may be considered on a case by case basis. (Up to 15 points)

c. **Design Theme.**

(1) Installed Landscaping. Landscaping is designed and installed along all streets of the development according to a theme which provides unity and interest. (Up to 20 points)

(2) Theme Lighting. Theme lighting is used throughout the development for street lighting, lighting of walkways, parking areas, entrances, and building exteriors. (Up to 15 points)

(3) Fencing. Perimeter fencing is used throughout the project that matches the building design, i.e., masonry columns or piers using the same brick or stone as the buildings. (Up to 10 points)

(4) Special Features. Special features such as fountains, streams, ponds, sculptures, buildings or other elements which establish a strong theme for the development and are utilized in highly visible locations in the development. (Up to 20 points)

(5) Shared Theme. Wide range of housing (e.g. apartments, condos, medium density, low density, and mixed use) share an architectural and landscaped theme. (Up to 20 points)

d. **Parking Area**

(1) **Screening.** Parking lots of twenty (20) or more stalls are screened from view by means of berming or landscaping around the perimeter of the parking lot. (Up to 20 points)

(2) **Landscaped Islands.** Parking lots of twenty (20) or more stalls or a continuous row of parking over ninety (90') feet in length has a landscaped island(s) which provides landscaping at a ratio of (1:13) 1 square foot of landscaping per 13 square feet of hard surface. (Up to 15 points)

(3) **Shade Trees.** Areas with five (5) or more uncovered parking stalls are designed to include minimum two (2") inch caliper trees located in such a manner as to shade fifty (50%) percent of the parking area upon maturation of the trees. (Up to 15 points)

(4) **Permeable Surfaces.** Surfaces for parking and maneuvering

other than the public right-of-way using materials such as grasscrete, or similar are utilized in appropriate locations. Material and installation details must be reviewed and approved by the City Engineer. (Up to 15 points)

(5) **Parking Area Location.** Locate all off-street parking at the side or rear of buildings, leaving building frontages and streetscapes free of parking facilities. (Up to 10 points)

(6) **Bicycle Parking.** For any non-residential buildings or multi-family residential buildings that are part of the proposal, provide bicycle parking spaces, equivalent to ten (10%) percent of the total automobile parking on site.

(A) Bicycle parking must be within fifty (50') feet of the entrance to the building that it services. (Up to 10 points)

(B) Sheltered bicycle parking. (Up to 20 points)

e. **Recreational Amenities**

(1) **Active Recreation.** The PUD includes a recreational amenity primarily for the use of the residents of the development. Amenities may include swimming pools, sports courts, spas, barbecue and picnic facilities, or other features as approved by the Planning and Zoning Commission.

(A) The Planning and Zoning Commission may determine the points based on the cost of the amenity, its benefit to the residents of the development, its size, and the number of amenities in the development. (Between 5 to 35 points)

(B) **Common Building or Facilities.** Development of a common building which shall be used for meetings, indoor recreation, day care, or other common uses as approved by the Planning and Zoning Commission. RV parking facilities may also be considered with this design feature. (Up to 20 points)

(C) **Park Dedication.** Dedication of land for public park, public access along a stream, or public access along a planned trail.

(a) The City must be willing to accept the proposed dedication before points are awarded. (Public access up to 15 points. Public Park up to 40 points)

(D) **Construction of Trail or Park.** Construction according to City standards of trail or park which has been dedicated to the City according to subsection 4.10.190.D.8c above. (Trail 15 points, public park 40 points)

(E) **Riparian Areas.** Riparian areas along rivers and streams are preserved with natural and native landscaping to encourage continued use of these areas as wildlife

corridors. (Up to 15 points)

f. Landscaping

- (1) **Extra Trees.** Design and planting more than the minimum number of trees, shrubs, and perennials per dwelling unit in the development. (Up to 20 points)
- (2) **Soften Fence Appearance.** Areas which are to be screened use a solid non-see-through vinyl or masonry fence and landscaping which acts to soften the appearance of the fence. Landscaping may be vines, shrubs, or trees. (Up to 15 points)

g. Open Green Space

- (1) **Designed Plan.** Open green space is designed (not leftover space between buildings) and flows uninterrupted through the entire development linking dwellings and recreation amenities. (Up to 25 points)
- (2) **Multiple Use.** Storm water detention facilities are designed and used for multiple purposes which blend with the overall theme of the open space design (i.e., shape of the area is free flowing, and the grading and landscaping are carried out in such a manner that the use as a detention pond is not discernible.) (Up to 20 points)
- (3) **Native Plants.** Native plants are used for common open space elements. (Up to 15 points)
- (4) **Drought Tolerant Plants.** Drought tolerant plants are used for common open space elements. (Up to 10 points)

h. Public Streets. All streets within the development (except the streets required by the City to be dedicated) are open to public use, but privately maintained. (Up to 25 points)

i. Housing. Mixed housing types, (e.g. apartments, condos, medium density, low density, and mixed use) are incorporated in the development with the intent to allow aging in place and appropriate mixes of socioeconomic groups. (Up to 40 points)

SECTION 50: **AMENDMENT** “10.07.010 Traffic Studies - Infrastructure” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

10.07.010 Traffic Studies - Infrastructure

Traffic studies may be required to adequately assess the impact of a proposed development on the existing and/or planned transportation system. A traffic study may be required by the City Engineer for any development that has a potential to significantly impact traffic flow.

A. Triggers.

1. For nonresidential development proposal when trip generation during the peak hour is expected to exceed one hundred (100) vehicles.
2. Residential development with one hundred (100) or more dwelling units.
3. **Annexation.** For an application for annexation into the City.
4. **Density.** A new traffic study will be required, if after submitting the original traffic study, the land use density increases by more than fifteen (15%) percent.
5. **Master Plan or Development Plan Submittal**
6. **Plat.** For a Plat if the property has already been rezoned for the proposed use and no traffic study was required for the rezoning, or the original traffic study is more than two (2) years old.
7. **Pre-Application Conference.**
 - a. **Sufficient Information.** If the City Engineer is provided sufficient information to determine whether the trip generation/dwelling unit criteria has been met, the applicant will be notified a traffic study will be required.
 - b. **Insufficient Information.** If insufficient information is available, but the property appears to involve a sufficiently intense land use, the applicant will be informed that a traffic study may be required.
8. **Prior to building permit.** Before a building permit, if the property has already been zoned/platted and no previous traffic study less than two (2) years old exists.
9. **State Highway Access.** For any change of use affecting State Highway Access including new site access or additional access for an existing use is being requested prior to issue of a building permit.

B. Process.

1. Responsibility of the applicant.
2. **License & Experience.** Traffic study must be prepared by a professional, Transportation Engineer licensed in the State of Idaho with adequate experience in transportation planning.
3. **City Engineer Review.** All studies must be reviewed by the City Engineer before acceptance.

C. Prior to Starting Traffic Study. Professional Transportation Engineers are encouraged to discuss projects with the City Engineer prior to starting the study. This should provide a firm base of cooperation and communication between the City, the owner or developer and his consultant in creating traffic characteristics that are in the best interest of the total community.

D. Format. All traffic studies shall contain, as a minimum, the following information:

1. **Trip Generation Table.** A summary table listing each type of land use, the units involved, the general rates used, and the resultant trip generation (total traffic and AM/PM peaks).
2. **Infrastructure Plan and Vicinity Map.** An Infrastructure Plan plan that shows the locations of each proposed land use, and a vicinity map that shows the site in relation to the surrounding transportation system.
3. **Existing and Projected Traffic Volume Graphics should show:**
 - a. A.M. peak hours' site traffic (in and out) including turning movements
 - b. P.M. peak hours' site traffic (in and out) including turning movements
 - c. A.M. peak our total (in and out) including turning movements for current conditions and 20-year projections or build out.

- d. P.M. peak hour total traffic (in and out) including turning movements for current conditions and 20-year build out.
 4. **Total Daily Traffic Counts.** All total daily traffic counts should be actual machine counts and not based on factored peak hour sampling.
 5. **Possible Use of ITD Counts.** Latest available machine count from the Idaho Transportation Department (ITD) and other agencies may be acceptable if taken within a reasonable time period.
 6. **Accepted Traffic Patterns.** All traffic shall be assigned to existing and planned facilities in a manner consistent to the accepted traffic patterns and approved by the City Engineer.
- E. **Critical Lane Capacity Analysis.** A critical lane capacity analysis should be conducted for all major driveways that intersect local, collector, or arterial streets, and all adjacent local, collector, and arterial intersections.
1. Both a.m. and p.m. peak hours should be tested to determine the critical movements unless the proposed land use generates significantly greater traffic volumes in either peak hour or at midday.
 2. Pedestrian movements should also be considered in the evaluation.
 3. Capacity calculations should also include an analysis for 20th year projections or build-out conditions.
 4. The appropriate forms for capacity analysis calculations shall be used.
- F. **Design Hours Volumes.** Site design hour volumes approximating the peak hour volumes used to determine public improvements will be estimated, using one of the following:
1. Existing traffic volume counts
 2. Peak hour trip generation rates as published in the ITE Trip Generation Summary
 3. A professionally recognized and accepted study for uses of development and generation rates.
- G. **Level of Service.** Level of service C shall be the design objective and under no circumstances will less than level of service D be accepted for site and non-site traffic. The design year will be approximately 20 years following construction or build out.
- H. **Reciprocal Parking.** Traffic studies for planning applications where reciprocal parking is contemplated will be required to include parking accumulation studies for existing facilities similar to proposed uses.
- I. **Revisions to traffic study.** Revisions to the traffic study shall be provided as required by the City Engineer. The need to require revisions shall be based on the completeness of the traffic study with the proposed access and development plan.
- J. **Traffic Accidents.** Traffic accident data for affected street corridors may be required for the study. In this case, estimates of increased or decreased accident potential shall be evaluated for the development.
- K. **Traffic Counts.** All traffic count data (including hourly ADT and peak hour turning movements) and analysis worksheets should be provided in the appendices.
- L. **Trip Assignment.** Non-generated pass by traffic reductions in generation volume may be considered if applicable. All estimates of trip distribution, assignment, and modal split are subject to review by the City Engineer.
- M. **Trip Generation Guide where Appropriate.** In the event that data is not available for the proposed land use, the City Engineer shall approve estimated rates prior to acceptance.
- N. **Trip Generation Rates.** Trip generation shall be calculated from the latest data contained

within the Institute of Transportation Engineers.

- O. **Traffic Signals.** Traffic progression is of paramount importance.
1. All potential signalized intersections should be planned for 0.5 mile intervals.
 2. All other locations to be considered shall meet the following criteria:
 - a. Submittal of a time space diagram with acceptable through bands, cycle lengths, and progression speeds.
 - b. **Deviations.** In areas that may affect established, complex, computerized progressions, any deviation shall be thoroughly addressed and approved by the City Engineer.
 - c. Time for side-street traffic must be sufficient for side-street volumes.

SECTION 51: AMENDMENT “10.07.030 Landscape Plan - Plat” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

10.07.030 Landscape Plan - Plat

- A. **Landscape Plans.** Detailed landscaping plans shall be submitted with the Plat showing the type and size of all plant material and its location, the irrigation system, decorative materials, recreation equipment and special effects; and the schedule for removal and replanting of vegetation area to be relandscaped.
1. The plan must identify those watercourses, natural features, and areas of trees meeting the described criteria, which are to remain, and those, which may be altered or removed.
 - a. **Water Courses and Natural Features.** and direction of all water courses and natural features such as rock outcroppings, marshes, wetlands, and wooded areas; and the approximate locations of trees or stands of trees having a trunk cross-sectional diameter of eight (8”) inches (approximately twenty-five inches in circumference) or more measured at a point fifty-four (54”) inches above the base of the trunk on the uphill side.
 - b. **Water Conservation.** The majority of new plant material used for landscaping the development should be water-conserving plants. The landscaping design shall locate plant materials in similar water usage demand zones to insure proper irrigation coverage, reduce wasteful irrigation coverage and reduce wasteful watering.
 - (1) Native plants are preferred.
 - (2) **Low Volume System.** Low volume irrigation systems with automatic controllers shall be used. Such an irrigation system includes, but is not limited to, low volume sprinkler heads, drip emitters and bubble emitters.
 - (3) **PVC.** A minimum of PVC schedule 40 or equivalent shall be used for main lines and under driveway areas and a minimum of

PVC schedule 200 or equivalent shall be used for lateral lines.

SECTION 52: **AMENDMENT** “10.07.040 Covenants, Conditions And Regulations - Plat” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

10.07.040 Covenants, Conditions And Regulations - Plat

Covenants, Conditions and Regulations (CCR's) shall be submitted with the Plat.

- A. Proposed restrictions to be filed in the county deed records, in outline form, such as deed restrictions, conditions, covenants and restrictions, and homeowners' association agreements. The outline restrictions shall identify:
1. The time at which the restrictions will be filed in the county deed records;
 2. Generally, who will have authority to enforce the restrictions;
 3. Specifically, which restrictions, if any, are proposed to be enforceable; and
 4. restrictions, if any, will not be subject to amendment without the consent of the City.

SECTION 53: **RENUMBER** “10.09.010 Condominium” of the Rexburg Development Code is hereby *renumbered* as follows:

R E N U M B E R

10.09.010 Condominium

10.09.020 Condominium

SECTION 54: **RENUMBER** “10.09.020 Subdivision Within A Floodplain” of the Rexburg Development Code is hereby *renumbered* as follows:

R E N U M B E R

10.09.020 Subdivision Within A Floodplain

10.09.030 Subdivision Within A Floodplain

SECTION 55: **RENUMBER** “10.09.030 Subdivision For A Cemetery” of the Rexburg Development Code is hereby *renumbered* as follows:

RENUMBER

10.09.030 Subdivision For A Cemetery

10.09.040 Subdivision For A Cemetery

SECTION 56: **RENUMBER** “10.09.040 Areas Of Critical Concern” of the Rexburg Development Code is hereby *renumbered* as follows:

RENUMBER

10.09.040 Areas Of Critical Concern

10.09.050 Areas Of Critical Concern

SECTION 57: **AMENDMENT** “11.03.050 Conditional Use Permit” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

11.03.050 Conditional Use Permit

A. Application Submittal.

1. **Application.** Applicant shall fill out an application for a Conditional Use Permit to construct a new Manufactured/Mobile Home Community or to expand an existing Manufactured/Mobile Home Community.
2. **Infrastructure Plan.** One (1) digital copy of the Infrastructure Plan of the proposed community in .pdf AutoCAD format shall be submitted with the application containing the following information:
 - a. **General Layout.** The Infrastructure Planplan should show the general layout of the entire Manufactured/Mobile Home Community.
 - b. **Compass or North Arrow.** North orientation of the Infrastructure Plan.
 - c. **Community Boundary & Dimensions.** Boundaries and dimensions of the Manufactured/Mobile Home Community.
 - d. **Drafter or Engineer.** Name of the person who prepared the Infrastructure Plan.
 - e. **Electrical.** Electrical Systems for the development and connection details for each pad.

- f. **Fire Hydrants.** Location of fire hydrants.
 - g. **Garbage.** Location and screening of all garbage dumpsters.
 - h. **Lighting.** Location and detail of all lighting fixtures for streets and spaces.
 - i. **Patio Construction Details.**
 - j. **Proposed Name.** Name of the Manufactured/Mobile Home Community and address.
 - k. **Existing & Proposed Structures.** Location and dimensions of all existing or proposed structures.
 - l. **Recreation.** Location and size of all proposed recreation areas and buildings. Show details.
 - m. **Roads & Sidewalks.** Location and width of roads or access ways. Road and sidewalk construction details.
 - n. **Scale.** The Infrastructure Plan should be drawn to a scale not smaller than one (1”) inch representing forty (40’) feet.
 - o. **Screening.** Location and type of landscaping, planting, fence, wall, or combination of any of these or other screening materials.
 - p. **Spaces.** Location and dimensions of each Manufactured/Mobile Home space.
 - q. **Storm drainage** system details.
 - r. **Swimming pools.** Swimming pools require a building permit with detailed plans and District Health Department approval.
 - s. **Typical Space.** Enlarged site plan of a typical Manufactured/Mobile Home space, showing location of the pad, parking area, patio, storage space, sidewalk, utility connections and landscaping.
 - t. **Vicinity Map.** Vicinity map showing relationship of Manufactured/Mobile Home Community to adjacent properties including the names of the contiguous owners.
 - u. **Walkways.** Location and width of walkways.
 - v. **Water & Wastewater.** Location and details of the proposed water and wastewater systems for the manufactured/Mobile Home Community.
 - w. **Water & Sewer.** Water and Sewer systems designed and signed by an Idaho registered engineer. The detailed plans shall show how connections are to be provided to each pad and how the water and sewer connections will be protected from freezing.
3. **Management policies, covenants and restrictions.** A draft of the proposed management policies, covenants, and restrictions shall be submitted with the application.
 4. **Maintenance procedures.** A draft of the proposed maintenance procedures shall be submitted with the application.
- B. **Commission Hearing.** At the time of the public hearing, the planning Commission may give tentative approval of the use of the proposed location for Manufactured/Mobile Home Community purposes.
- C. **Final Approval.** Final approval of said use shall be contingent upon the submission of acceptable detailed Infrastructure Plans of the proposed Manufactured/Mobile Home Community development as required by the City Development Code.

SECTION 58: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 59: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.


SECTION 60: **EFFECTIVE DATE** 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. The City of Rexburg, Idaho City Council shall enact this Ordinance (#20-00851) amending Ordinance 1200, otherwise known as The Development Code of the City of Rexburg, Idaho, upon its passage and shall be in full force and effect from February 17, 2021 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF REXBURG COUNCIL FEBRUARY 17, 2021.


| | AYE | NAY | ABSENT | ABSTAIN |
|--------------------------------|------------|---------------|---------------|----------------|
| Council President Jordan Busby | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Councilmember Brad Wolfe | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Councilmember Tisha Flora | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Councilmember Christopher Mann | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Councilmember Mikel Walker | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| Councilmember Bryanna Johnson | <u>X</u> | <u> </u> | <u> </u> | <u> </u> |

Presiding Officer

Attest



Jerry L Merrill, Rexburg Mayor, City
of Rexburg



Deborah Lovejoy, Rexburg City Clerk
City of Rexburg

