CITY OF REXBURG
ORDINANCE 1253

DEVELOPMENT CODE ORDINANCE 1200 AMENDMENT - MIXED USE (MU) ZONE

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: AMEND 5.01.010 TO REQUIRE COMMERCIAL ELEMENT TO BE ONE-THOUSAND (1,000) SQ. FT OR 10% OF FOOTPRINT AND 100% COMMERCIAL ELEMENT FACING MAIN ST IN DOWNTOWN AREA; AMEND 5.01.020 PERMITTED USES; AMEND 5.01.080 DENSITY REQUIREMENTS; AMEND 5.01.090 FRONT YARD SETBACK REQUIREMENTS FOR COMMERCIAL AND RESIDENTIAL ELEMENTS, LANDSCAPING REQUIREMENTS, REMOVAL OF TOWNHOUSE REQUIREMENTS ADJACENT TO THE RIGHT-OF-WAY, AND REMOVAL OF NON-COMPLIANT FRONT YARD SETBACK, LANDSCAPING, AND PARKING NEAR FRONT YARD REQUIREMENTS; AMEND 5.01.110 SIDWALK ACCESS REQUIREMENTS; AMEND 5.01.130 PARKING AND LOADING REQUIREMENTS REMOVING TOWNHOUSE REQUIRMENTS; 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** "5.01.010 Purpose And Objectives" of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

5.01.010 Purpose And Objectives

It is the purpose and intent of the Mixed Use (MU) zone to allow flexibility where a variety of housing types may exist among neighborhood-serving commercial and institutional uses. A commercial element requires a minimum of one-thousand (1,000) square feet or 10% of grade-level footprint, whichever is greater.

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

SECTION 2: **AMENDMENT** "5.01.020 Permitted Uses" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

5.01.020 Permitted Uses

In the mixed-use (MU) zone, residential, commercial, and institutional uses may occupy the same building and lot. The following principal uses and structures indicated as "P", and no others, shall be permitted in the MU zone. The following uses and structures indicated as "CUP" may be permitted in the MU zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof.

MIXED USE		
Accessory	Accessory Building (Non-living quarters)	P
	Accessory Swimming Pool	P
Residential	Townhomes	CUP
	Twin Home	CUP
Group Housing		
	Bed and Breakfast Inn/Short Term Rental *(See subsection 3.02.160.)*	P
	Dormitory	CUP
	Hotels, Motels and Membership Lodging	P
	Multi-Family Residences	P
	Behavior, Drug & Alcohol Treatment	CUP
	Day Care Centers (7 or more children, 3 or more times a week)	P
	Group Home (Disabled & Elderly; under 8 residents)	P

Care Facilities	Hospitals, Operation Centers, Out-Patient Medical	CUP
	Sanitariums, Convalescent & Rest Homes	CUP
Place of Worship	Churches, Synagogues, Missions & Temples	P
	Religious Activities & Religious Quarters	P
Schools, public or private	Dance Schools & Studios	P
	Nursery Schools (6 or less children, 3 or more times a week)	P
	Schools (K-12)	CUP
	Technical Schools	CUP
Recreation	Athletic Clubs, Body Building Studios, Aerobic Centers & Gymnasiums, etc.	P
	Commercial Pools	CUP
	Spas	P
	Tennis Courts	CUP
Entertainment		
	Amusement Arcades, Billiards & Pool Hall, Bowling Alleys, Miniature Golf	CUP
	Dance Halls, Ballroom	P
	Indoor Driving Ranges	CUP
	Libraries	P
	Museums & Art Galleries	P
	Bakeries & Doughnut Shops	P
	Candy, Nut & Confectionery & Related Products	P
	Eating Places; Restaurants* (No drive-through)	P

Food Retail	Eating Places; (Drive-through)	CUP
	Fruits & Vegetables	P
	Grocery Stores	CUP
		CUP
	Specialty Food Stores (Meat, dairy, etc.)	CUP
Retail	Antiques (No outside display)	P
	Apparel & Accessories	P
	Beauty & Barber Supply, Perfumes, Cosmetics, Hair Care & Other Toiletries	P
	Books, Stationary, Art & Hobby Supplies	P
	Building & Construction Supplies Retail (No outside storage)	P
	Direct Selling Organization	P
	Pharmacy & Proprietary Stores	P
	Electronic & Small Office Machines	P
	Furniture, Home Furnishings & Equipment (No combined warehousing)	P
	Garden Supplies (Nursery stock, equipment, tools, greenhouse, yard art, etc.)	CUP
	Gas Service Stations	CUP
	General Merchandise (Department, Discount, Variety, etc)	P
	Hardware	P
	Janitorial Supplies	CUP

	Jewelry, Watches & Clocks	P
	Merchandise Vending Machine Operators	P
	Musical Instruments	P
	Optical Goods, Instruments & Lenses	P
	Photographic Supplies & Equipment	P
	Professional, Scientific Equipment & Supplies	CUP
	Retail Stores (Florist, pet stores, etc.)	P
	Shopping Centers (More than 5 acres, less than 10 acres)	CUP
	Sporting Goods, Bicycles, and Toys (Include guns, fishing, ammo, camping gear, skis, etc.)	P
	Swimming Pool Supplies	CUP
	Thrift Store, Second Hand Clothing, Shoes, Furniture, Books (All indoors; no outdoor collection)	P
	Accounting, Auditing, Bookkeeping Services & Management	P
	Advertising Services	P
	Animal Grooming	CUP
	Auto Washing, Polishing, Detailing	CUP
	Banks, Finance, Investment, Insurance & Real Estate Offices	P
	Beauty & Barber Shops	P
	Building Contractor Offices (No outside store)	P
	Call Centers	CUP
	Clubs & Service Organizations (Civil, social and fraternal)	P
	Computer Programming, Training, Repair, Consultants and Program Software - Custom	P
	Consumer Credit Services or Collection	P

	Pharmacy & Proprietary Stores	P
	Employment Services	P
	Engineering, Architectural & Planning	P
	Executive, Legislative & Judicial	P
	Household Good Warehousing & Storage	CUP
	Janitorial Office (Dwelling & business cleaning)	CUP
Services	Laundry & Dry Cleaning, Pressing, Alteration & Garment Repair	P
	Locksmiths & Key Shops	P
	News Syndicate Services Offices	P
	Photocopying, Mailing, Blueprint & Stenographic	P
	Photographic Services & Studios	P
	Physicians & Dental Offices & Services	P
	Postal Services	P
	Printing/Publishing (Including newspapers)	CUP
	Professional Services Office	P
	Rental Supplies (Indoor only)	P
	Repair & Service, Electrical Appliance	P
	Repair, Furniture & Reupholstering	P
	Repair, Gunsmiths	CUP

	Repair, Jewelry, Watch, Clock	P
	Repair, Shoe, Hat, Seamstress, etc.	P
	Travel Agencies	P
	Veterinarian Services (Small animal indoor only)*	CUP
	Wedding Chapels & Reception Centers	P
	Welfare & Charitable Services	CUP
Transportation	Automobile Parking Lots and Garages (No impound or long-term storage)	CUP
	Bus Transportation (No garaging & equipment maintenance)	P
	Motor Vehicle Transportation	P
	Railroad, Rapid Transit (Public & private)	CUP
Utilities	Communications (Including radio, television stations & broadcasting towers)	CUP
	Gas Pressure Control Stations	CUP
	Right-of-way (Combo utilities, electric, gas pipeline, sewage pipeline, storm drain & water pipeline)	P
	Sewage Pumping Stations	P
	Utility Company Office	P
	Water Pressure Control Stations & Pumping Plants	P

*Veterinarian conditions 1. Experimental or scientific research activities are prohibited. 2. No on-site disposal of dead animals. 3. Animal noise shall not be audible at the nearest property line. 4. Overnight boarding shall be limited to animals receiving treatment on the premises. 5. Services shall be limited to small animals only. 6. No services shall be permitted for poisonous or dangerous animals.

A. **Permitted Accessory Uses & Buildings**. (*See subsection 3.02.070.*) Accessory uses

and structures are permitted provided they are incidental to, and do not substantially alter the character of, the permitted principal use or structure.

1. Accessory buildings shall maintain architecturally similar material and colors with the main building.

SECTION 3: **AMENDMENT** "5.01.080 Density" of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

5.01.080 Density

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

SECTION 4: **AMENDMENT** "5.01.090 Yard Requirement" of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

5.01.090 Yard Requirement

(*See subsection 3.02.080*.)

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

A. **Front Yard**. The minimum front yard setback requirements are as follows:
    1. **Commercial.** Commercial element can be zero (0') from right-of-way unless otherwise restricted.
    2. **Residential.** Residential element is a minimum five (5') feet from right-of-way provided the minimum amount of commercial is included in the overall project.
    3. **Sidewalk**. A minimum eight (8') feet wide sidewalk is required parallel to any city street.
    4. **Landscaping**.
        a. Street trees and other landscape amenities are required and include as a minimum the use of two (2") inch caliper deciduous trees at a maximum of twenty (20') feet spacing in the landscape strip between the curb and sidewalk.
        b. The space between the building and sidewalk shall be landscaped with ornamental trees, shrubs, grass, annual and perennial flowers to achieve a "fully landscaped look".

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

5. **Building Design**
    a. **Street Oriented**. The building shall be oriented toward the street with architecturally defined entrances; a ground floor prominence; and elements that break up vertical and horizontal walls.
    b. **Interaction with Street**. There shall be a variety of openings and other features that enhance the buildings visual interaction with the street. These features include doors, windows, balconies and/or other items such as stoops, awnings, porches, dooryards, canopies, overhangs, recesses, etc. that in combination enhance the human scale and pedestrian experience of the street.
        (1) Balconies, awnings, canopies and other structural elements may extend a maximum of three (3') feet into the setback.
    c. **Materials**. The first floor wall facing the right-of-way shall be faced with high-quality materials (as approved by Zoning Administrator or Designee). (*See subsection 6.00.060*.)
6. **Renderings** identifying all of the above requirements and the Design Standards shall be submitted to city staff prior to the request for a building permit.
    a. The Zoning Administrator or designee will have authority to review the submittal and determine if it meets the above requirements of this Section and the spirit in which they were created.
7. **Utility fixtures**. Utility fixtures in the front yard setback must be underground or otherwise screened from street view wherever.practicable
8. Parking spaces, drive aisles andaislesand all maneuvering areas shall not be located within the first ten(10') feet of a front yard..

B. **Rear Yard**. Minimum rear yard of at least six (6') feet shall be required when a sloped roof drains toward rear yard property line. Otherwise, no minimum.
C. **Side Yard**. Minimum side yard of at least six (6') feet shall be required when a sloped roof drains toward side yard property line. Otherwise, no minimum.
D. **Commercial Adjacent to Residential**. (*See Transitional Development Standards subsection 3.02.080.a*.)
E. **Accessory Buildings**. (*See subsection 3.02.070*.)

SECTION 5: **AMENDMENT** "5.01.110 Sidewalk Access" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

5.01.110 Sidewalk Access

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

SECTION 6: **AMENDMENT** "5.01.130 Parking And Loading" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

5.01.130 Parking And Loading

(See section 3.4.)

A. **Proximity**. Projects in the Mixed Use (MU) zone are allowed greater than two-hundred (200') feet distance from the primary entrance as approved by the Zoning Administrator or Designee.
B. **Mixed-Use Buildings and Projects**. The total parking requirement shall be the sum of the individual requirements for all uses.
C. **Joint Use Parking**. Joint use parking facilities are encouraged. A joint use parking agreement, if executed according to the standards set forth in this section would allow a reduction in the total requirement for a mixed-use building or project. (*See subsection 3.04.090*.)
D. **Parking Structures**. Parking Structures are encouraged and must meet the requirements set forth in *section 3.4*.
    1. **Underground Parking Structures**. Underground parking structures may be projected into any required setback if the structure is covered by landscaping or grass and does not raise the grade of the yard by more than two (2') feet.

SECTION 7: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 8: **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 9: **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 (#21-00074) 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 April 21, 2021 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF REXBURG COUNCIL APRIL 21, 2021.

	AYE	NAY	ABSENT	ABSTAIN
Council President Jordan Busby	X			
Councilmember Brad Wolfe	X			
Councilmember Tisha Flora	X			
Councilmember Christopher Mann	X			
Councilmember Mikel Walker	X			
Councilmember Bryanna Johnson	X			

Presiding Officer

Jerry L Merrill, Rexburg Mayor, City of Rexburg

Attest

Deborah Lovejoy, Rexburg City Clerk
City of Rexburg

CITY OF REXBURG CORPORATE SEAL STATE OF IDAHO