CITY OF REXBURG
ORDINANCE 1263

DEVELOPMENT CODE ORDINANCE 1200 AMENDMENT - ADOPTING CHAPTER 9.4 MOBILE FOOD COURTS

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: ADDITION OF CHAPTER 9.4 MOBILE VENDING COURT WHICH OUTLINES REGULATIONS FOR A PARCEL WITH FOUR (4) OR MORE MOBILE VENDORS DOING BUSINESS AT THAT LOCATION; DEFINING AND SETTING REGULATIONS FOR MOBILE VENDORS; DEFINING AND SETTING REGULATIONS AND LOCATIONS FOR SIDEWALK AND STREET VENDORS; PROVIDING FOR VIOLATION OF THE PROVISIONS OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; AND PROVIDING FOR THE EFFECTIVE DATE OF THE ORDINANCE.

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

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

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

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

SECTION 1: **AMENDMENT** "M-N" of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

M-N

Manufactured Home: A single-family unit fabricated in one or more sections at a location other than the home site by assembly line or similar production techniques or by other construction methods typical of off-site manufacturing process. The home is transportable in one (1) or more sections. Every section shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards (HUD), June 15,1976 (*42 U.S.C. Sec. 5401*). A manufactured home may be designed to be towed on its own chassis or be delivered to the site by other means.

Manufactured Housing/Mobile Home Park or Community: A parcel of land under single ownership that has been planned and improved for the placement of manufactured homes. The land has been divided into one or more manufactured home lots for rent or sale. *(See chapter 11.)*

Mobile Home: A structure transportable in one (1) or more sections which is eight (8') feet or more in width and is thirty-two (32') feet or more in length and which is built on a permanent chassis and designed to be used as a year-round residential dwelling with or without a permanent foundation when connected to the required utilities and includes plumbing, heating, air conditioning, and electrical systems.

A. **Rehabilitated Mobile Home**: A factory-assembled structure constructed prior to June 15, 1976, or brought into the state after July 1, 1998, which have been upgraded to comply with Idaho Code Title 44 Chapter 25 and received a "Certificate of Compliance" from the Division of Building Safety of the State of Idaho.

Mobile Home Subdivision: A subdivision designed and intended for residential use where residence is in mobile homes exclusively.

Mobile Vending Court: An area that consists of four (4) or more vendors in an open-air location with designated stalls or areas.

Mobile Vending Pushcart: A moveable pushcart that is operated by a vendor standing on the sidewalk or street. *(See vendor.)*

Mobile Vending Structure: A temporary, approved structure for mobile vending.

Mobile Vending Trailer: A mobile trailer operated by a vendor standing on or within the frame of the trailer.

Mobile Vending Vehicle: A self-contained, motorized vehicle operated by a vendor standing on or within the frame of the vehicle, which is capable of moving under its own power. (Ex: Bus, Van)

Motel: A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for travelers and having automobile parking conveniently located on the premises.

Motor Hotel: Hotel with direct access from rooms to parking area.

Neighborhood Plan: A plan to guide the platting of remaining vacant parcels in a new or partially-built-up neighborhood so as to make reasonable use of all land, correlate street patterns, and achieve the best possible land use relationships.

New Construction: structures for which the "start of construction" commenced on or after the effective date of this ordinance.

Nonconforming Building: Any building which does not meet the limitations of building size or location on a lot for the district in which the building is located and was built prior to the effective date of this ordinance. *(See section 3.3.)*

Nonconforming Lot: An existing lot, the area, width, size, or other characteristic of which, fails to meet the requirements of the district in which it is located and which was conforming prior to the effective date of this ordinance. *(See section 3.3.)*

Nonconforming Use: A use not conforming to the provisions of this ordinance but which was lawfully existing at the time of adoption of this ordinance. *(See section 3.3.)*

Nursery Schools: A building or structure where care, protection, and supervision are provided on a regular schedule, at least three times a week for six (6) or fewer children. *(See subsection 4.00.040.)*

SECTION 2: **AMENDMENT** "V-Z" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

V-Z

Variance: A modification of the requirements of this Ordinance for lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provisions affecting the size or shape of a structure, the placement of the structure upon lots, or the size of the lot. A variance does not include a change of land use. (*See Idaho Code 67-6516*.) **Vending Location:** Stalls at a specific location designated for the placement of a mobile vendor.

Vendor: Any person, including an employee or agent of a group of individuals, partnership, or corporation, who sells or offers to take orders or sell food, beverages, goods, or merchandise from a mobile vending cart, mobile vending vehicle, or mobile vending trailer, or any other type of conveyance or from his or her person. The word vendor shall include the words "hauler', "huckster" and "peddler".

A. **Mobile Vendor:** A business exhibiting goods or services from a mobile vending vehicle, mobile vending trailer, or mobile structure or in a similar mobile manner except sidewalk vending carts , or which is operating during an approved public event on property owned or leased by a governmental entity, with approval of the event organizer.
    1. **Mobile Vendor Locations.**
        a. **Mobile Court Vendor.** A mobile vendor on private property.
        b. **Pushcart Vendor.** A daily mobile vendor, vending from a mobile pushcart to persons on the designated public right-of-way.

c. **Street Vendor:** A daily mobile vendor, in a designated parallel parking stall selling only to persons or pedestrians on the sidewalk.

2. **Mobile Vendor Operation Times.**
    a. **Daily Vendor.** A business exhibiting goods or services within the City of Rexburg from a temporary or mobile structure or vehicle for not more than eighteen (18) hours in twenty-four (24) hours on any one site.
        (1) Special Events. Hours of operation may be amended with approval of a Public Gathering Permit allowing setup and take-down to occur one hour before and after the stated times.
    b. **Private Property Vendor**. A business exhibiting goods or services within the City of Rexburg from a temporary or mobile structure or vehicle, or in a similar manner on private property for greater than fourteen (14) days in a calendar year.
    c. **Temporary Vendor.** A business exhibiting goods or services within the City of Rexburg from a temporary or mobile structure or vehicle, or in a similar manner for less than fourteen (14) days in a calendar year.

Vicinity Map: A small scale map showing the location of a tract of land in relation to a larger area. **Warehousing and Distribution:** A use engaged in storage, wholesale, and distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions. **Yard:** Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such uses as provided by this Development Code. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the line of the main building unless otherwise noted in the Development Code.

A. **Front Yard:** A yard extending along the full width of a front lot line between side lot lines and from the front lot line to the front building line in depth.
B. **Rear Yard:** A yard extending the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear-yard depth shall be measured at right angles to the rear line of the lot.
C. **Side Yard:** A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard. Side yard width shall be measured at right angles to the side lines of the lot.

Zone: A portion of the territory of the City, exclusive of streets, alley, and other public ways, within which certain uses of land, premises, and buildings are not permitted and with which certain yards and open spaces are required and certain heights are established for buildings.

SECTION 3: **AMENDMENT** "5.01.020 Permitted Uses" of the Rexburg

Development Code is hereby *amended* as follows:

A M E N D M E N T

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
Care Facilities	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
	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
	Dance Schools & Studios	P

Schools, public or private	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
Food Retail	Bakeries & Doughnut Shops	P
	Candy, Nut & Confectionery & Related Products	P
	Eating Places; Restaurants* (No drive-through)	P
	Eating Places; (Drive-through)	CUP
	Fruits & Vegetables	P
	Grocery Stores	CUP
	Mobile VendingFood Court	CUP
	Specialty Food Stores (Meat, dairy, etc.)	CUP
	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
Retail	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

Services	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
	Employment Services	P
	Engineering, Architectural & Planning	P
	Executive, Legislative & Judicial	P
	Household Good Warehousing & Storage	CUP
	Janitorial Office (Dwelling & business cleaning)	CUP
	Laundry & Dry Cleaning, Pressing, Alteration & Garment Repair	P
	Locksmiths & Key Shops	P
	News Syndicate Services Offices	P
	Pharmacy & Proprietary Stores	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 4: **AMENDMENT** "5.02.030 Permitted Uses" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

5.02.030 Permitted Uses

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

CENTRAL BUSINESS DISTRICT (*All dwellings must be above the ground floor without a CUP.)		
Accessory	Accessory Building (*See subsection 3.02.070.*)	P
Residential	Single-family Dwelling*	P
	2-family Dwelling: Duplex, Townhome*	P
Group Housing	Dwellings on 1st Floor	CUP
	Apartments (high and low-rise)* Family Apartments	P
	Bed and Breakfast Inn* *(See subsection 3.02.160.)* (attached to commercial or other non-residential use)	P
	Boarding Houses* *(See subsection 3.02.160.)*	P
	Dormitory, Fraternity, Sorority (max. 6 persons/unit)	CUP
	Hotels	P
	Membership Lodging	P
	Multi-Family*	P
	Religious Quarters	P

	Short-Term Rental* *(See subsection 3.02.160.)*	P
	Vacation Rentals	P
Care Facilities	Assisted & Residential Care Facility	C U P
	Behavior, Drug & Alcohol Treatment	C U P
	Day Care Centers	P
	Group Home (Disabled & Elderly; under 8 residents)	P
Place of Worship	Churches, Synagogues and Temples	P
	Other Religious Activities	P
	Religious Reading Rooms	P
Schools, public or private	Dancing Schools	C U P
	Nursery Schools	P
Indoor Recreation	Athletic Clubs, Body Building Studios, Aerobic Centers & Gymnasiums	P
Entertainment	Billiards and Pool Halls	P
	Bowling Alleys	P
	Coin-operated Amusements	P
	Cultural Activities	P
	Dance Halls, Ballroom	P
	Ice Skating	P
	Miniature Golf	P
	Public Assembly	P
	Roller Skating & Skate Boarding	P
	Theatres (Auditoriums, Performing & Motion Picture)	P
	Bakeries & Doughnut Shops	P
	Candy, nut & confectionery	C U

Food		P
	Dairy Products	C U P
	Eating Places; Restaurants	P
	Food Stores	P
	Fruits & Vegetables	C U P
	Grocery Stores (5 - 10 acres only)	P
	Miscellaneous Retail Food	P
	Mobile Vending Court	C U P
Manufacturing	Small Generation (Minor assembly & other innocuous manufacturing)	C U P
Retail	Apparel and Accessories	P
	Books, Stationary, Art and Hobby Supplies	P
	Department Stores (junior and major chains)	P
	Discount Department	P
	Direct Selling Organization	P
	Dry Goods and General Merchandise	P
	Electrical Supplies	P
	Florists	P
	Furniture, Home Furnishings & Equipment (No Combined Warehousing)	P
	Garden Supplies (Inside Building Only)	P
	Hardware	P
	Heating & Plumbing Equipment (No Outside Storage)	P
	Ice Dealers (Automated Machines or Pick-Up Stations Only)	P
	Jewelry	P
	Liquor Stores & Packaging	P

	Merchandise Vending Machine Operators	P
	Miscellaneous Retail Stores	P
	Miscellaneous Retail Trade	P
	Motorcycles, Motor Scooters, Parts, Accessories & Supplies	P
	Paint, Glass & Wallpaper	P
	Shopping Centers (Uses Listed Here; 5 - 10 acres)	C U P
	Sporting Goods, Bicycles, And Toys	p
	Surplus Stores (inside only)	p
	Variety Stores	p
Services	Auction Houses	C U P
	Beauty & Barber Shops	P
	Building Maintenance	P
	Drug & Proprietary Stores	P
	Educational Services	P
	Equipment Rental	C U P
	Executive, Legislative & Judicial	P
	Gasoline Service Stations	C U P
	Gunsmiths	P
	Laundry & Dry Cleaning	C U P
	Libraries	P
	Locksmiths & Key Shops	P
	Miscellaneous Business Services	P
	Miscellaneous Service Organizations	P

	Package Antiques & Second-Hand Merchandise	P
	Package Second-Hand Auto Parts (indoor only)	P
	Personal Services (except wedding chapel and reception centers)	P
	Photographic Services & Studios	P
	Postal Services	P
	Protective Functions & Related Activities	P
	Repair, Furniture & Reupholstering	P
	Repair, Garment, Pressing & Alteration (no on-site dry-cleaning)	P
	Repair, Miscellaneous Small Item	C U P
	Repair & Service, Electrical Appliance	P
	Repair, Saw, Knife & Tool Sharpening	C U P
	Repair, Shoe, Hat Cleaning	C U P
	Spas	P
	Video Rental Shops	P
	Wedding Chapels & Reception Centers	C U P
Office	Banks, Insurance & Real Estate Offices	P
	Business (office & retail sales only)	P
	Call Centers (additional parking provided & approved by Zoning Admin.)	P
	Contract Construction Services Office & Retail	P
	Janitorial Office (Dwelling & business cleaning)	P
	Mail & Phone Order Houses	C U P
	Miscellaneous Business Services Office	P

	Professional Service Providers (except behavior, drug & alcohol treatment)	P
	Refuse Disposal Company Office	P
	Travel Agencies	P
	Utility, Electric Company office	P
	Utility, Gas Company Office	P
	Utility, Water or Irrigation Company Office	P
	Automobile Parking Lots and Garages (no impound or long-term storage)	P
	Parking Garages (>10 parking spaces & garage majority of space)	CUP
Transportation	Bus Transportation (no garaging & equipment maintenance)	P
	Heliport (pad only, no maintenance)	CUP
	Motor Vehicle Transportation	P
	Crematory	P
	Funeral Parlor (mortuary)	P
Utilities	Communications	CUP

SECTION 5: **AMENDMENT** "6.01.020 Permitted Uses" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

6.01.020 Permitted Uses

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

COMMUNITY BUSINESS CENTER (CBC)		
Resource Production	Farming, Fibers, Fruits, Vegetables	P
	Grain (silos)	CUP
Accessory	Accessory Building	P
Group Housing	Campgrounds and Travel	P
	Motels & Motor Hotels	CUP
	Day Care Centers	P
Care Facilities	Hospitals	P
	Nursing Home	CUP
	Medical Out-Patient	P
	Residential Facility for Elderly Persons (not including assisted living; greater than 8 residents)	CUP
Place of Worship	Churches, Synagogues and Temples	CUP
Schools, public or private	Nursery Schools	P
	Schools	P
Indoor Recreation	Athletic Clubs, Body Building Studios, Aerobic Centers & Gymnasiums	P
	Amusement Parks	P
	Arcades	P
	Art Galleries	P
	Athletic Fields	P
	Billiards and Pool Halls	P
	Bowling Alleys	P
	Coin-operated Amusements	P
	Dance Halls, Ballroom	P
	Drive-In Movies	P
	Fairgrounds	P
	Go-Cart, 4-wheeler Tracks	CUP
	Golf Driving Ranges	P

Entertainment	Ice Skating	P	
	Miniature Golf	P	
	Museums	P	
	Parks & Playgrounds	P	
	Recreation Centers	P	
	Riding Stables	CUP	
	Roller Skating Rink	P	
	Roller Skating & Skate Boarding Park	CUP	
	Skiing & Tobogganing	P	
	Stadiums, Arenas & Field Houses	CUP	
	Swimming Pools	P	
	Tennis Courts	P	
	Theatres (Auditoriums, Performing Theatres, Motion Picture)	P	
Food	Bakeries	P	
	Candy, Nut Confectionary	P	
	Eating Places; Restaurants	P	
	Food Stores	Food Lockers	C U P
	P		
	Fruits & Vegetables	P	
	Miscellaneous Retail Food	P	
	Mobile Vending Court	CUP	
	Seasonal Food Sales (Street & Road-side Stands)	P	
	Antiques	P	
	Apparel and Accessories	P	
	Automobile Accessories (except tire recapping & vulcanizing)	P	
	Automobile Sales (New & Used)	P	
	Books, Stationary, Art and Hobby Supplies	P	
	Commercial Printing	P	
	Department Stores (junior and major chains)	P	
	Discount Department	P	

Retail	Drugs & Druggist Supplies	P
	Drug & Proprietary Store	P
	Dry Goods and General Merchandise	P
	Electrical Supplies	P
	Farm Equipment	P
	Flat Glass, Glassware	P
	Furniture, Home Furnishings & Equipment (No Combined Warehousing)	P
	Garden Supplies (Inside Building Only)	P
	Gasoline Service Stations	P
	Hardware	P
	Heating & Plumbing & A/C Equipment (No Outside Storage)	P
	Ice Dealers (Automated Machines or Pick-Up Stations Only)	P
	Instruments for Measuring	P
	Jewelry	P
	Laboratory & Research Instruments	P
	Liquor Stores	P
	Lumber Yards & Building Materials	P
	Miscellaneous Retail Stores (florist, photo supplies, pet stores, etc.)	P
	Motorcycles, Motor Scooters, Parts, Accessories & Supplies	P
	Optical Instruments & Lenses	P
	Paint, Glass & Wallpaper	P
	Pottery & Related Products	P
	Professional, Scientific Equipment & Supplies	P
	Radio-controlled Airplanes	P
	Retail Trade	P
	Shopping Centers & Malls (Uses Listed Here)	P
	Swimming Pool Supplies	P
	Thrift Store and Second-Hand Merchandise (Inside Only, No Collection Boxes)	P
	Variety Stores	P

		Wholesale Trade	CUP
	Animal	Animal Grooming	P
		Animal Kennels	CUP
		Veterinarian Services (Small Animal Indoor Only)	P
		Animal Hospital (Small Animal Outpatient Clinic Only)	CUP
	Automobile	Automobile Glass Repair	P
		Automobile (Manufacture & Installation of Accessories) No tire recapping/vulcanizing	CUP
		Automobile Repair	P
		Auto & Truck Rental *(*See Conditions at end of list.)*	P
		Auto Washing, Polishing, Detailing	P
	Construction	Building Contractor Offices, Retail,	P
		& Storage Yards	CUP
		Carpentering, Wood Flooring Installation	P
		Concrete	P
		Engineering, Architectural & Planning	P
		Masonry, Stonework & Plastering	P
		Painting, Wall Papering, Decorating	P
		Roofing & Sheet Metal	P
	Funeral	Crematory	P
		Funeral Parlor (mortuary)	P
	Government	Executive, Legislative & Judicial	P
		Libraries	P
		Police Protection & Related Activities Office	P
		Postal Services	P
	Laundry	Dry Cleaning (pick-up only)	P
		Dry Cleaning	CUP
		Laundry	P
	Manufact	Gunsmiths	P
		Package Antiques & Second-Hand Merchandise	P
		Printing/Publishing (including newspapers)	P

	uring	Scientific Research & Testing	P
		Small Generation (Minor assembly & other innocuous manufacturing)	CUP
	Medical	Ambulance	CUP
		Dental Offices	P
		Drug & Proprietary Stores	P
		Medical Laboratories	P
Services		Out-Patient	P
		Physicians' Offices & Services	P
	Office Only	Banks, Insurance & Real Estate Offices	P
		Business (office & retail sales only)	P
		Call Centers	CUP
		Duplicating, Stenographic and Office Services	P
		Janitorial Office (Dwelling & business cleaning)	P
		Mail & Phone Order Houses	P
		Professional Service Providers (not behavior, drug & alcohol treatment)	P
	Organizations	Business Associations & Professional Membership	P
		Clubs & Service Organizations (civil, social and fraternal)	P
		Labor Organizations	P
		Miscellaneous Service Organizations	P
		Protective Functions & Related Activities	P
		Welfare & Charitable Services	P
	Personal	Accounting & Bookkeeping	P
		Auction Houses	CUP
		Beauty & Barber Shops	P
		Consulting	P
		Consumer Credit or Collection	P
		Educational Services	P
		Employment Services	P
		Legal	P
		Photographic Services & Studios	P

		Spas	P
	Plants	Horticulture & Plant Nurseries	P
	Rent	Equipment Rental & Leasing	P
		Video Rental Shops	P
		Wedding Chapels & Reception Centers	P
	Repair	Pressing, Alteration and Garment Repair	P
		Repair & Service, Electrical Appliance	P
		Repair, Furniture & Reupholstering	P
		Repair, Jewelry, Watch, Clock	P
		Repair, Miscellaneous Small Item	CUP
		Repair, Saw, Knife & Tool Sharpening	CUP
		Repair, Shoe, Hat Cleaning	P
	Travel	Travel Agencies	P
	Warehousing	Household Good Warehousing & Storage	CUP
		Refrigerated Warehousing	CUP
Transportation		Automobile Parking Lots and Garages (no impound or long-term storage)	P
		Bus Passenger Terminals	P
		Bus Garaging & Equipment Maintenance	CUP
		Motor Freight Garaging & Maintenance	CUP
		Motor Freight Terminals	CUP
		Railroads (Terminals & Yards)	CUP
Utilities		Communications (TV, Radio, etc.) Stations & Tower	CUP
		Debris Basin	CUP
		Electric Generation Plants	CUP
		Electric Substations	CUP
		Gas, Bottled	CUP
		Gas(Natural or Manufactured Storage & Distribution Points)	CUP
		Gas, NEC	CUP
		Gas Pressure Control Stations	P
		Irrigation Distribution Channels	P

	Right-of-way (combo, electric transmission, gas pipeline, sewage, water pipeline, storm drain	P
	Sewage Pumping Stations	P
	Spreading Grounds (For Percolating Water into Underground)	CUP
	Storm Drain	P
	Water Pressure Control Stations & Pumping Plants	P
	Water Storage	CUP

Automobile Rental conditions: 1. Limited to passenger cars only. 2. Storage of vehicles on-site cannot exceed the parking allocated for the leasable floor space for the business. 3. No on-site servicing of the vehicle fleet including mechanical and wash facilities.

A. **Permitted Accessory Uses**. *(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.

SECTION 6: **AMENDMENT** "6.02.020 Permitted Uses" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

6.02.020 Permitted Uses

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

REGIONAL BUSINESS CENTER (RBC)		
Accessory	Accessory Building	P
	Used Cars & Trucks (Accessory to New Car, Truck Sales)	P
Group Housing	Motels & Motor Hotels	P
	Hotels	CUP
	Tourist Court	CUP
Care Facilities	Day Care Centers	P
Place of Worship	Churches, Synagogues and Temples	-

Schools, public or private	Barber & Beauty School	P	
	Dancing Schools & Studios	P	
	Nursery Schools	P	
Indoor Recreation	Athletic Clubs, Body Building Studios, Aerobic Centers & Gymnasiums	P	
	Spas	P	
Entertainment	Billiards and Pool Halls	P	
	Food Stores	Bowling Alleys	P
	Coin-operated Amusements	CUP	
	Dance Halls, Ballroom	CUP	
	Ice Skating	P	
	Miniature Golf	CUP	
	Roller Skating & Skate Boarding	P	
	Theatres (Auditoriums, Performing Theatres, Motion Picture)	CUP	
Food	Bakeries	P	
	Candy, Nut, Confectionery	P	
	Eating Places; Restaurants	P	
	P		
	Miscellaneous Retail Food	P	
	Mobile Vending Court	CUP	
Manufacturing	Gunsmiths	P	
	Small Generation	CUP	
	Antiques (no outside display)	CUP	
	Apparel and Accessories	P	
	Automobile Accessories (except tire recapping & vulcanizing)	P	
	Automobile Sales (New; Used (See Accessory Uses))	P	
	Books, Stationary, Art and Hobby Supplies	P	
	Department Stores (junior and major chains)	P	
	Discount Department	P	
	Drug & Proprietary Stores	P	
	Electrical Supplies	P	

Retail		Furniture, Home Furnishings & Equipment (No Combined Warehousing)	P
		Garden Supplies (Inside Building Only)	P
		Gas, Bottled	CUP
		Gas Storage, Distribution Points (Natural or Manufactured)	CUP
		Gasoline Service Stations	P
		Hardware	P
		Ice Dealers (Automated Machines or Pick-Up Stations Only)	P
		Jewelry	P
		Liquor, Package	CUP
		Merchandise Vending Machine Operators	P
		Miscellaneous Retail Stores (florists, photo supplies, pet stores, etc.)	P
		Motorcycles, Motor Scooters, Parts, Accessories & Supplies	CUP
		Paint, Glass & Wallpaper	P
		Retail Trade	P
		Sporting Goods, Bicycles, and Toys	P
		Surplus Stores (inside only)	CUP
		Swimming Pool Supplies	P
		Truck & Bus Sales (New; Used (See Accessory Uses))	P
		Variety Stores	P
		Auction Houses	CUP
	Automobile	Auto Rental	CUP
		Auto Washing & Polishing	P
	Building	Dwelling & Building Office	CUP
		Engineering, Architectural and Planning	P
		Janitorial Office (Dwelling & business cleaning)	P
	Funeral	Funeral Parlor (mortuary)	CUP
	Government	Executive, Legislative and Judicial	P
		Libraries	P
		Police Protections & Related Activities (office only)	CUP
		Postal Services	P

Services	**Office**	Banks, Insurance and Real Estate (office only)	P
		Data Processing	P
		Dental Office & Service	P
		Duplicating, Mailing, Stenographic and Office	P
		Employment Services	P
		Legal	P
		Mail and Phone Order Houses	P
		Miscellaneous Business Services	CUP
		Physicians' Offices & Services	P
		Professional Service Providers	P
		Protective Functions & Related Activities	P
	Personal	Beauty & Barber Shops	P
		Locksmiths and Key Shops	P
		Photography	P
	Rent	Equipment Rental (Indoor Only)	CUP
		Video Rental Shops	P
		Wedding Chapels & Reception Centers	CUP
	Repair	Pressing, Alteration and Garment Repair	P
		Repair & Service, Electrical Appliance	CUP
		Repair, Furniture & Reupholstering	CUP
		Repair, Jewelry, Watch, Clock	P
		Repair, Miscellaneous Small Item	CUP
		Repair, Saw, Knife and Tool Sharpening	CUP
	Travel	Travel Agencies	P
Transportation			-
Utilities		Communications (TV, Radio, etc.) Stations & Towers	CUP
		Debris Basin	CUP
		Electric Substations	CUP
		Gas, NEC	CUP
		Gas Pressure Control Stations	P
		Irrigation Distribution Channels	P

	Right-of-way (combo, electric transmission, gas pipeline, sewage, water pipeline, storm drain)	P
	Sewage Pumping Stations	P
	Spreading Grounds (For Percolating Water into Underground)	CUP
	Storm Drain	P
	Water Pressure Control Stations & Pumping Plants	P
	Water Storage (covered)	CUP

A. **Permitted Accessory Uses**. *(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.

SECTION 7: **AMENDMENT** "7.01.020 Permitted Uses" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

7.01.020 Permitted Uses

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

LIGHT INDUSTRIAL (LI)		
Resource Production	Agriculture	P
Accessory	Accessory Building	P
Group Housing	Caretaker Dwellings	CUP
Care Facilities	Day Care Centers	CUP
Place of Worship	Churches, Synagogues and Temples	-
Schools, public or private	Nursery Schools	CUP
Indoor Recreation	Athletic Clubs, Body Building Studios, Aerobic Centers & Gymnasiums	P
	Spas	P

Entertainment	Dance Halls, Ballroom	P
	Roller Skating & Skate Boarding	P
Food	Bakery Products	P
	Canning - fruits, vegetables, preserves, jams, specialty, etc.	C UP
	Confectionery & Related Products	P
	Dairy Products	C UP
	Eating Places; Restaurants	C UP
	Frozen Fruits, Fruit Juices, Vegetables, etc.	P
	Mobile Vending Court	C UP
	Poultry and Small Game Dressing and Packing	C UP
	Restaurants	C UP
Manufacturing	Bottling & Canning Soft Drinks and Carbonated Waters	P
	Converted Paper & Paperboard Products (except containers & boxes)	P
	Drugs	C UP
	Fabricated Wire Products	C UP
	Industrial Inorganic Chemicals (includes air separation)	C UP
	Industrial Laundry	C UP
	Metal Working Machinery & Equipment (tool & dye shops, machine shops)	P
	Machinery	P
	Miscellaneous Fabricated Rubber Products	C UP
	Miscellaneous Machinery	P

	Miscellaneous Manufacturing (no matches or morticians' goods)	P
	Miscellaneous Plastic Products	C UP
	Nonferrous Foundries (small casting only)	C UP
	Photographic and Optical Goods	P
	Plastic Materials, Synthetic Resins and Non-Vulcanizable Elastomers	C UP
	Printing, Publishing and Allied Industries	P
	Professional, Scientific & Controlling Instruments	P
	Small Generation	C UP
	Textile Mill Products (No tire cord and fabric.)	P
	Watches & Clocks	P
Retail	Apparel and Accessories (except leather tanning & finishing)	P
	Automobile Trade (Used Only)	P
	Building Materials	P
	Cut Stone & Stone Products	P
	Campers and House Trailers (New & Used)	P
	Draperies, Curtains, & Upholstery	P
	Electrical Supplies	P
	Farm & Construction Vehicles	P
	Farm Equipment & Supplies	P
	Furniture, Home Furnishings & Equipment (No Combined Warehousing)	P
	Gas Storage, Distribution Points (Natural or Manufactured)	C UP
	Gasoline Service Stations	P
	Glass, Flat, Pressed or Blown	P
	Hardware	P
	Marine Craft & Accessories	P
	Office Machines (Small)	P

	Optical Goods	P
	Paint, Glass & Wallpaper (Flat, Pressed or Blown Glass)	P
	Perfumes, Cosmetics and Other Toiletries	P
	Photographic Goods	P
	Pottery & Related Products	P
	Printing Ink	P
	Rubber Footwear	P
	Watches & Clocks	P
	Wholesale Trade	P
Services	Accounting, Auditing, Bookkeeping Services & Management Investment Offices	CUP
	Advertising	P
	Animal Hospital	P
	Automobile Transportation	P
	Building Maintenance	P
	Business	P
	Call Centers	CUP
	Contract Construction Services (no storage yards)	P
	Duplicating, Mailing, Stenographic and Office	P
	Educational Services	P
	Electric Utility Company Office	P
	Gas Utility Company Office	P
	Janitorial Office (Dwelling & business cleaning)	P
	Legal	CUP
	Miscellaneous Business Services	CUP
	Operations Centers (No Open Storage Yards)	P
	Police Protections & Related Activities (office only)	CUP

	Refuse Disposal Company Office	P
	Repair Services	C UP
	Repair, Electric Appliance	P
	Repair, Furniture	P
	Sewage Company Office	P
	Veterinarian Services	P
	Warehousing or Storage Services	P
	Water or Irrigation Company Office	P
Transportation	Automobile Parking Lot & Garages	P
	Heliport (pad only without maintenance facilities)	C UP
	Miscellaneous Transportation	P
	Motor Vehicle Transportation	P
	Railroads, Rapid-Rail Transit and Street Railway (No Bus Passenger Terminals)	P
	Combination Utilities, NEC (Equipment & Storage Yards)	C UP
	Communications (TV, Radio, etc.) Stations & Towers	P
	Low Power Radio Towers & Antennas	C UP
	Debris Basin	C UP
	Electric Substations	C UP
	Electric, NEC	P
	Gas, NEC	C UP
	Gas Pressure Control Stations	P
	Irrigation Distribution Channels	P
	Miscellaneous Utilities	P
	Other Utilities, NEC	C UP

Utilities	Refuse Disposal	C UP
	Right-of-way (combo, electric transmission, gas pipeline, sewage, water pipeline, storm drain)	P
	Sewage Disposal, NEC	C UP
	Sewage Pumping Stations	P
	Spreading Grounds (For Percolating Water into Underground)	C UP
	Storm Drain (covered pipes or boxes)	P
	Water Pressure Control Stations & Pumping Plants	P
	Water Reclamation Plats, Sludge Drying Beds, etc.	C UP
	Water Storage	C UP
	Water Treatment Plants (Purification)	C UP
	Water Utilities or Irrigation, NEC	C UP

A. **Permitted Accessory Uses**. (*See subsections 3.02.070., 7.00.010*.) 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.

SECTION 8: **AMENDMENT** "8.02.020 Permitted Uses" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

8.02.020 Permitted Uses

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

PUBLIC FACILITIES		

Accessory	Accessory Building	P
Resource Production	Mining and Quarrying	C U P
Residential		-
Group Housing		-
Care Facilities	Behavior, Drug and Alcohol Treatment	C U P
	Group Home (Disabled & Elderly)	C U P
	Hospitals	C U P
	Operation Centers	C U P
Place of Worship	Religious Activities	C U P
Schools, public or private	Military Academies	C U P
	Nursery, Primary, and Secondary Education	P
	Schools	P
	Special Training	P
	University, College, Junior College, Professional School Education	P
Outdoor	Airports and Flying Fields	C U P
	Parks	P
	Fishing Activities	C U P

Recreation	Forest Reserves	P
	Group or Organized Camps	C U P
	Nature Exhibits	P
	Recreation Activities	P
Entertainment	Cultural Activities	P
	Dance Halls	C U P
	Public Assembly	C U P
Food	Mobile Vending Court	C U P
Manufacturing	Active Slag Dumps and Mineral Waste Disposals	C U P
	Aircraft Manufacturing and Assembling (in or adjacent to an airport)	C U P
	Central Garbage Grinding Stations and Composting Plants	C U P
	Electric Generation Plants (conventional fuel including hydroelectric, solar, etc.)	C U P
	Small Generation	C U P
Retail	Aircraft Engines and Engine Parts (in or adjacent to an airport)	C U P
	Aircraft Parts other than Engines (in or adjacent to an airport)	C U P

Services	Ambulance Services	C U P
	Combination Utilities Company Storage Yards and Equipment Storage	C U P
	Cemetery	C U P
	Crematory Services	C U P
	Funeral parlor	C U P
	Governmental Services (except Management Investment Offices, Open-End)	P
Office Only	Electric Utility Company Office	P
	Gas Utility Company Office	P
	Housing Authority Offices and Administration	P
	Police Protection and Related Activities, Branch	C U P
	Refuse Disposal Company Office	C U P
	Sewage Company Office	C U P
	Water Utilities or Irrigation Company Office	P
	Heliports and General Aircraft	C U P
	Highways and Street Rights-of-way	P

Transportation	Automobile Parking Lots and Garages	C U P
	Railroad, Rapid Transit (public or private)	C U P
Utilities	Combination Utilities, NEC	C U P
	Communications	C U P
	Debris Basin (A dam and basin for intercepting debris)	C U P
	Electricity Regulating Substations	C U P
	Right-of-way (combo, electric transmission, gas pipeline, sewage pipeline, water pipeline, storm drain*)	P
	Gas Pressure Control Stations	P
	Irrigation Distribution Channels	P
	Gas, NEC	C U P
	Sewage Disposal, NEC	C U P
	Other Utilities	C U P
	Other Water Utilities or Irrigation, NEC	C U P
	Sewage Pumping Stations	P
	CUPSpreading Grounds (Area for percolating water into under-ground)	C U P

	Water Pressure Control Stations and Pumping Plants	P
	Water Reclamation Plants, Sludge Drying Beds, etc.	CUP
	Water Storage as Part of a Utility System	CUP
	Water Treatment Plants (purification)	CUP

* Storm drain (Predominantly covered pipes or boxes)

A. **Permitted Accessory Uses**. *(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. Swimming pools and incidental bath houses subject to the standards of Rexburg City Code;
    2. A detached single-family residence used only for the use of a caretaker, watchman, or similar employee of a permitted use, when located upon the same site as said permitted use;

    3. Nothing herein shall be construed to permit the open storage of materials or equipment used in conjunction with permitted uses, or shall be concealed from view from public or private streets.

B. Public facilities, public schools and parks which are currently in existence by legal process, may modify for continued use, provided any changes are submitted to the City for administrative review and approval.

SECTION 9: **AMENDMENT** "8.03.020 Permitted Uses" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

8.03.020 Permitted Uses

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

UNIVERSITY DISTRICT		
Resource Production	Farming, fibers, grains, fruits, vegetable	P
Residential	Manufactured Home > 24' in width	CUP
	Dwelling units > 48 units/building	CUP
Accessory	Accessory Building	P
Group Housing	Dormitory, Fraternity, Sorority	CUP
Care Facilities	Day Care Centers	P
Place of Worship	Churches, Synagogues and Temples	P
Schools, public or private	Art & Music Schools	P
	Barber & Beauty Schools	P
	Business Schools	P
	Correspondence Schools	P
	Dancing Schools	P
	Driving Schools	P
	Nursery Schools	P
	Schools	P
	Vocational Schools	P
Indoor Recreation	Athletic Clubs & Gymnasiums	P
Outdoor Recreation	Athletic Fields	P
	Parks and Playgrounds, Skate Parks	P
	Skiing & Tobogganing	P
	Tennis Courts	P
Entertainment	Amusements	P
	Art Galleries	P
	Bowling Alley	P
	Cultural Activities	P
	Ice Skating	P
	Miniature Golf	P
	Museums	P

		Public Assembly	P
		Recreational Activities	P
		Roller Skating	P
		Swimming Pools	P
		Theatres & Auditoriums, Motion Picture, Performing	P
Food		Food Lockers	P
		Mobile Vending Court	CUP
Manufacturing		Electric Generation Plants	P
		Printing, Publishing (Including Newspapers)	P
Retail		General Merchandise (Department, Variety, etc.)	P
		Laboratory & Research Instruments	P
		Musical Instruments	P
		Photographic Supplies & Equipment	P
Services		Accounting & Bookkeeping	P
	Building	Building Contractor Offices & Storage Yards	P
		Carpentering, Wood Floor Installation	P
		Concrete	P
		Contract Construction	P
		Engineering, Architectural & Planning	P
		Masonry, Stonework & Plastering	P
		Painting, Wall Papering, Decorating	P
		Roofing & Sheet Metal	P
		Clubs & Service Organizations (civic, social, fraternal)	P
		Consulting	P
	Education	Educational Services	P
		Educational & Scientific Research	P
		Electrical	P
		Employment Services	P
	Government	Governmental Services	P
		Libraries	P
		Police Protection	P
		Postal Services	P

	Medical	Medical Laboratory	P
		Medical Out-Patient	P
		Physicians' Offices & Services	P
	Plants	Horticulture & Plant Nurseries	P
		Miscellaneous	P
		Photocopying, Blueprinting and Stenographic	P
		Photographic Services & Studios	P
		Plumbing, Heating & Air-Conditioning	P
		Professional Service Providers	P
	Warehousing	Refrigerated Warehousing	P
		Veterinarian Services (Small Animal & Livestock)	CUP
		Warehousing & Storage (Including Farm Products & Household Goods)	P
	Welfare	Welfare & Charitable Services	P
Special Buildings		Buildings with Occupancy of > 2500	CUP
		College Buildings	P
		Recreation Centers	P
		Stadiums, Arenas, Field Houses	CUP
Transportation		Automobile Parking Lots & Garages	P
		Bus Garaging & Equipment Maintenance	P
		Bus Passenger Terminals	P
		Motor Freight Garaging & Maintenance	P
		Motor Freight Terminals	P
Utilities		Communications (Including Radio & Television Stations & Broadcasting Towers)	P
		Other Utility Facilities	P
		Storage Yards (Utility)	P
		Substations	P

A. **Permitted Accessory Uses**. (*See subsection 3.02.070.*) Accessory uses and structures

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

1. A public dance held in conjunction with an existing permitted use.
2. Swimming pools and incidental bath houses subject to the standards of Rexburg City Code.
3. A detached single-family residence used only for the use of a caretaker, watchman, or similar employee of a permitted use, when located upon the same site as said permitted use.
4. Dormitories, fraternity and sorority buildings, other college housing owned by the college or university recreational and service facilities, and office buildings customarily associated with an educational facility or other institutional use, when said facilities are accessory and incidental to the primary use of the land.
5. Nothing herein shall be construed to permit the open storage of materials or equipment used in conjunction with permitted uses, or shall be concealed from view from public or private streets.

SECTION 10: **ADOPTION** "9.4 MOBILE VENDORS" of the Rexburg Development Code is hereby *added* as follows:

A D O P T I O N

9.4 MOBILE VENDORS*(Added)*

SECTION 11: **ADOPTION** "9.04.010 Purpose" of the Rexburg Development Code is hereby *added* as follows:

A D O P T I O N

9.04.010 Purpose*(Added)*

To regulate properties within the City of Rexburg seeking to establish an area for the renting or leasing of space for use by Mobile Food Vendors.

SECTION 12: **ADOPTION** "9.04.020 Definitions" of the Rexburg Development Code is hereby *added* as follows:

A D O P T I O N

9.04.020 Definitions*(Added)*

The following terms are defined in Chapter 2, except where the context clearly indicates that a different meaning is intended and except where an ordinance concerning a particular business contains a specific provision to the contrary:

- Mobile Vending Court
- Mobile Vending Pushcart
- Mobile Vending Trailer
- Mobile Vending Vehicle
- Vendor
- Vending Location
- Vendors: Mobile Court, Pushcart , Street , Daily, Private Property & Temporary

SECTION 13: **ADOPTION** "9.04.030 General Requirements" of the Rexburg Development Code is hereby *added* as follows:

A D O P T I O N

9.04.030 General Requirements*(Added)*

A. **Business license.***(See Municipal Code 6.1.)* The City of Rexburg requires a Business License for Mobile Vendors, whether in a Mobile Vending Court or not. *(See Municipal Code 6.1.)*

B. **Fees.** The current permit, inspection, and license fees for Mobile Vending Courts and Mobile Vendors are set by resolution and may be found in the City of Rexburg Master Fee List.
    1. All fees shall be paid in advance.

C. **Clean & Compliant.** Mobile vending pushcarts, trailers, and vehicles shall have a clean appearance at all times and comply with all codes.
D. **Clear Pedestrian Pathway.** Where mobile vendors are located on a public sidewalk, a five (5') feet clear pedestrian pathway on the sidewalk must be maintained.
E. **Customer Service Area.** The Customer Service Area shall be on a hard surface.
F. **Inspection.** With the exception of merchandise or food items to be sold, the mobile vending pushcarts, trailers, and vehicles presented for inspection shall be exactly as they will appear when operating, including any food rack.
G. **Liquid Waste.** Liquid waste must be disposed of in a designated facility that must be certified annually.

1. **Certify.** Mobile vendors with liquid waste shall certify that they are disposing of their liquid waste in a manner which conforms to local, state, and federal rules, laws, or ordinances.

H. **Location.** The mobile vending pushcart, trailer, or vehicle must be placed on an area with a hard surface of concrete or asphalt.
    1. No vendor shall have exclusive right to any location in a public street, nor shall they be permitted to operate in any congested area where their operations may impede or inconvenience the public.
    2. **Mobile Vending Court Required.** Four (4) or more mobile vendors on a single parcel will require the building of a mobile vending court. *(See Mobile Vending Court.)*
    3. **Public Park Vending.** *(See Municipal Code 12.04.070.)*
    4. **Cannot be located**:
        a. Within a midblock, crosswalk area.
        b. On the portion of a public sidewalk crossed by a public or private driveway or within ten (10') feet of either side of the driveway
        c. Within any street-corner area *(See Site Triangle definition.)*
        d. Within five (5') feet from a perpendicular line drawn to the curb from either side of a doorway.
        e. In a manner that obstructs the movement or visibility of vehicles using the street or right-of-way
        f. Directly in front of any single-family, residential structure.

I. **Mobile Design & Build.** Mobile vending pushcarts, trailers, and vehicles must be designed and built meeting normal industry standards and shall be used in a safe manner.

J. **Non-vending Hours.** All pushcarts and street vendors must be removed from public property during non-vending hours.

K. **Restrooms.** A minimum of one (1) restroom facility shall be provided for up to three (3) vendors. For four (34 or more vendors, *see Mobile Vending Court.*
    1. **Brick and Mortar Agreement.** Brick and mortar bathrooms may fulfill the restroom requirement with written permission of the property owner to use the restroom facilities.
        a. A copy of the written permission of the property owner to use the facilities shall be provided at time of application.
    2. **Portable Toilets w/Hand Sanitation.** Portable toilets with hand sanitizing/hand-washing facilities may fulfill the restroom requirement.

L. **Seating.** No public interior seating is allowed inside a mobile-vending vehicle per current, adopted City of Rexburg International Building Code (IBC) and International Fire Code (IFC) standards.

M. **Spacing.** Spacing between vendor trailers shall be a minimum of five (5') feet.

N. **Support Equipment & Accessories.** Support equipment and accessories must not extend more than four (4') feet from the edge of the mobile pushcart, trailer, or vehicle in any direction on public property, must be securely fastened, and shall not be placed

so as to impede pedestrian traffic. (Ex: Umbrellas, canopies, or other covers.)

O. **Able to Vacate.** Mobile vending trailers, structures, and vehicles located on all properties must be capable of moving or of being moved relatively easily within twenty-four (24) hours.

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SECTION 14: **ADOPTION** "9.04.040 Pushcart Vendor" of the Rexburg Development Code is hereby *added* as follows:

A D O P T I O N

9.04.040 Pushcart Vendor*(Added)*

A. **Construction of a Mobile-Vending Pushcart.**
    1. **Braking Mechanism.** The braking mechanism on the mobile-vending pushcart shall be affixed in such a manner that it is not readily removable in order to secure the cart when parked on the sidewalk.
        a. The use of ropes and shocks as the sole, braking mechanism is prohibited.
    2. **Frame.** A mobile-vending, pushcart frame must not exceed five (5') feet wide by nine (9') feet long by seven (7') feet tall.
    3. **Wheels.** The mobile-vending pushcart must have a minimum of two (2) functional, rubber-tired wheels.
B. **Definition for Pushcart Vendor.** *(See 9.04.020.)*
C. **Operation of a Pushcart.** The mobile-vending pushcart must be able to be pushed by one (1) person.

SECTION 15: **ADOPTION** "9.04.050 Street Vendor" of the Rexburg Development Code is hereby *added* as follows:

A D O P T I O N

9.04.050 Street Vendor*(Added)*

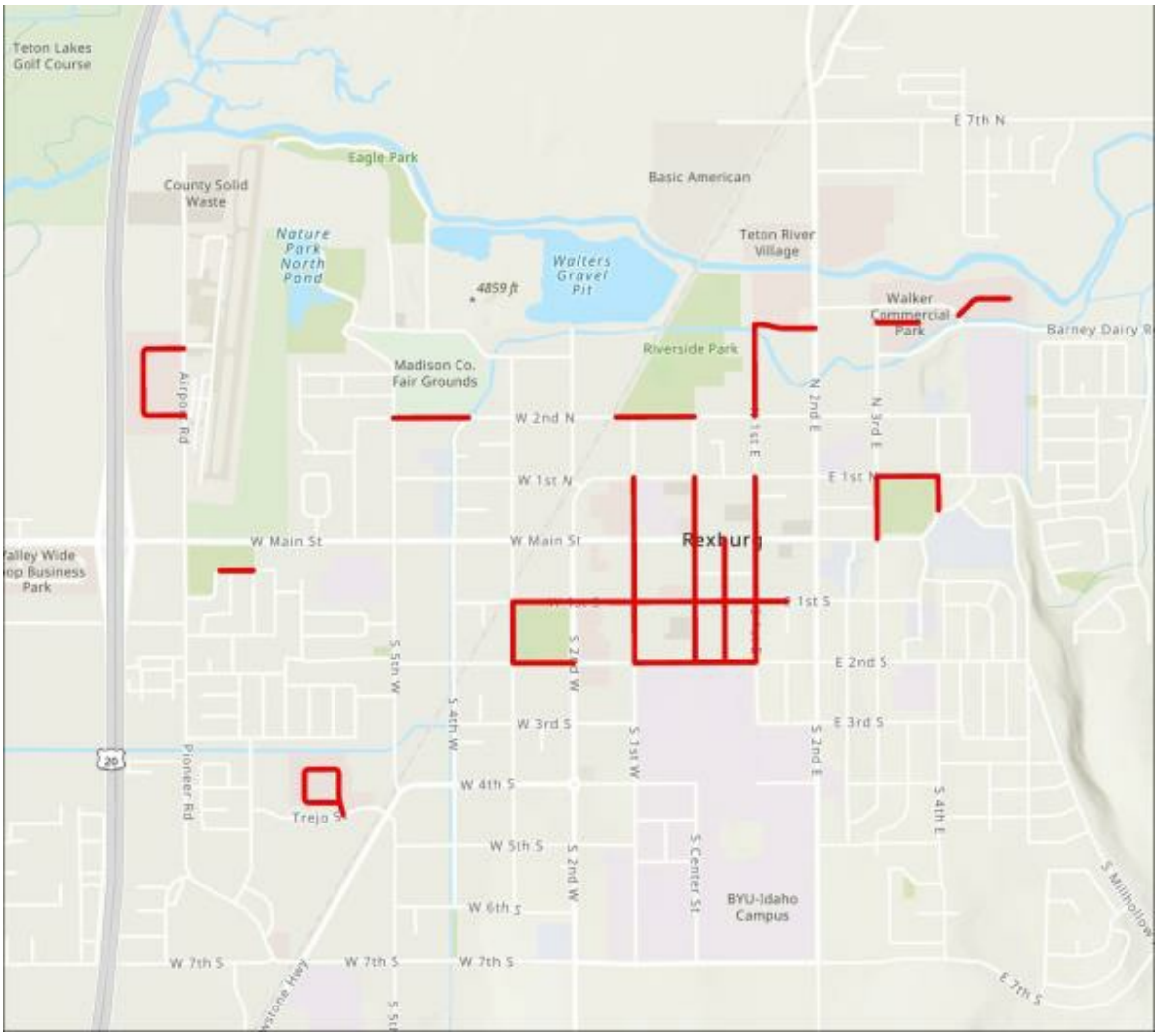
A. **Cooking Equipment.** Street vendors must have their cooking equipment enclosed and permanently built into the structure of the mobile-vending vehicle or trailer.
B. **Definition for Street Vendor***(See 9.04.020.)*
C. **Legal Parking.** Mobile-vending trailers or vehicles must at all times be parked in a

legal manner.

D. **Service.** No service shall be conducted to the public on the street-side of the mobile-vending vehicle or trailer.

E. **Street Vending Locations.** *(See the following map.)*





SECTION 16: **ADOPTION** "9.04.060 Mobile-Vending Court" of the Rexburg Development Code is hereby *added* as follows:

A D O P T I O N

9.04.060 Mobile-Vending Court*(Added)*

Mobile Vending Cart, Trailer, and Vehicle Standards *(Also see Municipal Code 6.1.)*

A. **Purpose.** Mobile-Vending Court Areas should provide safe, convenient, and efficient

access for vehicles and pedestrians.

B. **Building Permit.** A Building Permit is required when a Mobile-Vending Court is constructed, enlarged, or remodeled.
    1. **Site Plan.** A Site Plan shall be submitted for review.

C. **Convenience Facilities.** The property owner shall provide water and sewage systems, sanitary stations, and convenience facilities in accordance with the regulations of the current, adopted City of Rexburg Plumbing Code standards and the State of Idaho Department of Environmental Quality requirements.

D. **Design.**
    1. **Density.** The maximum density shall be fifteen (15) vendor sites per acre.
    2. **Lot Coverage.** Lot coverage shall be governed by the zone in which the Mobile Vending Court is located.

E. **Designate Sites.** The property must provide designated sites to accommodate the mobile-vending trailer, vehicle, or mobile structure.

F. **Parking.**
    1. **Lighting.** Lighting for parking areas shall be directed and, when necessary, shielded so as not to produce direct glare on adjacent properties, and shall comply with the city's lighting ordinance. *(See section 3.6.)*
    2. **Number of Stalls.** Each vending location shall provide parking for at least four (4) vehicles.
    3. **Proximity.** Parking must be within three hundred (300') feet.
    4. **Stall Size.** Each parking space shall be at least twenty (20') feet in length by nine (9') feet in width. Eighteen (18') feet in length by nine (9') feet in width may be allowed provided the following applies:
        a. **Bumpers.** Bumpers are installed or in place.
        b. **Sidewalks.** Sidewalk requirements for vehicle overhang are met. *(See 9.04.030 Pedestrian Walkways.)*
    5. **Surface.** All parking lots shall be paved in accordance with *subsection 3.04.070* and upon approval by the City Engineer or designee.

G. **Pedestrian Walkways (Internal).** Continuous internal pedestrian walkways, not less than five (5') feet in width, or six (6') feet in width where vehicle overhang will occur, shall be provided from the public sidewalk or right-of-way to the vending sites.
    1. **Connections.** Internal pedestrian walkways must connect to public sidewalks.

    2. **Materials.** All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance, surface materials such as pavers, bricks, or cored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

H. **Restrooms.** There shall be a minimum of one (1) restroom facility for every five (5) vendors, with a minimum of one (1) per Mobile-Vending Court.
    1. **Meet Current Codes.** Existing and new restrooms need to meet current, adopted City of Rexburg International Building Code (IBC) and State Plumbing Code standards, and the requirements of the State of Idaho Department of Environmental Quality (D.E.Q.).

2. **Existing Restrooms.**
    a. **Location.** Existing restrooms must be located on the parcel or on an adjoining parcel within three hundred (300') feet from the vending location.
    b. **Written Permission.** If located on developed property, the owner of the property must give written permission to use the facilities.
3. **No Existing Restrooms.** Permanent restrooms shall be constructed where there is not access to existing restroom facilities or portable restrooms with hand-washing facilities to meet food handling requirements per the Health Department will be permitted.

I. **Screening.** Mobile-Vending Courts must be screened from public or private right-of-way, other uses, and from the adjoining streets to minimize the visual impact of off-street parking.
1. **Fencing Adjacent to Residential.** A six (6') feet high, vinyl or masonry fence in side and back yards shall be required when adjacent to residential. *(See Fencing 3.02.110.)*
2. **Front-Yard Buffer.** Front-yard setbacks shall be buffered with a minimum ten (10') feet wide landscape strip planted with bushes and trees. *(See 3.02.100.B for Buffer Plants.)*
3. **Landscaping.** Ten (10%) percent of the lot are shall be dedicated to landscaping and snow storage.
    a. Landscaping may be interior or may be peripheral and shall include groundcover and trees.
4. **See Zone Requirements.** Screening shall meet the minimum requirements for the zone in which the Mobile-Vending Court is located.

J. **Setbacks.**
1. **Front Yard.** Front-yard setbacks shall be governed by the zone in which the Mobile-Vending Court is located.
2. **Side Yard.** Side-yard setbacks shall be a minimum of five (5') feet from the property line.
3. **Rear yard.** Rear-yard setbacks shall be a minimum of ten (10') feet from the property line.
4. **Exceptions.** When the parcel of a property abuts the side or rear yard of a lot or parcel lying within a residential zone, the yard width shall be equal to that required by the provisions of the residential zone established on the abutting property.

K. **Signs.***(See Signs 3.5.)*
1. **Unsecured Are Prohibited.** Unsecured menu boards or sidewalk signs are prohibited.

L. **Site Management.** The property owner is responsible for proper control of vendors, site management, removal of garbage and parking of additional vehicles.
1. **On-Site Dumpsters.** On-Site Dumpsters shall be screened in accordance with *subsection 3.02.120.*

M. **Storm Water Retention.** All storm-water retention shall follow City of Rexburg Engineering Standards. *(See Appendix B.)*
N. **Utilities.** Utility service connections are permitted.
O.

SECTION 17: **REPEALER CLAUSE** Providing for other substantive and non-substantive changes in the Development Code as recommended and approved by the Planning and Zoning Commission of the City of Rexburg, Idaho. Furthermore, any portion of the existing Development Code in conflict with this proposed amendment is hereby repealed.

SECTION 18: **SEVERABILITY CLAUSE** The provisions of this Ordinance shall be deemed severable and a finding by a court of law that a provision of the Ordinance is unlawful shall have no effect on the remaining provisions.

SECTION 19: **EFFECTIVE DATE** The City of Rexburg, Idaho City Council shall enact this Ordinance (#21-00802) amending Ordinance 1200 otherwise known as the Development Code of the City of Rexburg, Idaho upon its passage, approval and publication; and shall be in full force and effect from January 5, 2022 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF REXBURG COUNCIL JANUARY 05, 2022.

	AYE	NAY	ABSENT	ABSTAIN
Council President Jordan Busby	X			
Councilmember Robert Chambers	X			

Councilmember Tisha Flora	X			
Councilmember Colin Erickson	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