

CITY OF REXBURG
ORDINANCE 1298 CHAPTER 3 STANDARDS FOR ALL ZONES - APRIL 2023

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

SECTION 1: **AMENDMENT** “3.02.050 Clear View Of Intersecting Streets; Sight Triangle” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

3.02.050 Clear View Of Intersecting Streets; Sight Triangle

To ensure reasonable visibility and safety in residential zones and other zones which require buildings to be set back from the lot line, the triangle of land formed on any corner lot by drawing a line between points on the lot lines which are thirty feet (30’) from the intersection of such lot lines shall be free from any sight obscuring structure or obstruction except as permitted below. ([*See Sight Triangle definition.*](#))

- A. **Trees** in such triangles shall be trimmed to at least ten (10’) feet above the centerline grades of the intersecting streets.
- B. **Shrubs, fences, and walls** shall not be higher than three (3’) feet above the centerline grades of the intersecting streets.
- C. **Exception:** Mixed Use

SECTION 2: **AMENDMENT** “3.02.060 Distance Between Buildings” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

3.02.060 Distance Between Buildings

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SECTION 3: **AMENDMENT** “3.02.070 Accessory” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

3.02.070 Accessory

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

A. **Permitted Accessory Uses.** Such permitted accessory uses and structures include, but are not limited to the following:

1. **Residential.** Accessory building such as garages, carports, equipment storage buildings, and supply storage buildings, which are customarily used in conjunction with and incidental to a principal use or structure, shall be permitted.
2. **Temporary Construction.** Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use shall be permitted only during the construction period and thirty (30) days thereafter.
3. **Other than Residential.** Equipment storage buildings and supply storage buildings.

B. **Accessory Building Requirements.** Accessory buildings shall:

1. Have a building footprint and height less than the main dwelling.
2. Comply with all lot coverage requirements in the existing zone.
3. Comply with the Building Codes adopted by the City of Rexburg.
4. Only be used for those accessory uses allowed in the respective zone.
5. The accessory building shall have facilities for the discharge of all roof drainage on to the lot or parcel on which it is erected.
6. **Location.**
 - a. **Front Yard.** Not be placed in the front yard.
 - b. **Side Yard.** Meet the same side yard requirements as a principal building when the accessory building is:
 - (1) **(Residential)** larger than two hundred (200) square feet or taller than ten (10') feet in height.
 - (2) **(Commercial)** larger than one-hundred-twenty (120) square feet or taller than ten (10') feet in height.
 - c. **Rear Yard.** Accessory building may be placed in any location in the rear yard, unless the accessory building is a garage with doors opening into a City-owned alley. Such garages shall be located at least fifteen (15') feet from the alley.
 - d. **Accessory Building & Adjacent Lot.** An accessory building shall be five (5') feet or more from a lot line.
 - (1) **Reduced Distances Between Buildings.** Additional requirements may be needed for reduced distances between buildings per the Codes adopted by the City of Rexburg
 - (2) **Less Than 200 sq.ft.** Accessory buildings smaller than two hundred (200) square feet may be placed up to the property line but shall not drain onto neighboring properties.

7. **Accessory Building Size.**

- a. **Adjacent to Residential Use or Zone.** If adjacent to a residential use or zone, the accessory building shall not exceed ten (10') feet in height, nor two-hundred (200) square feet.
 - b. **If not adjacent to residential use or zone.** If not adjacent to a residential use or zone, larger accessory buildings shall be allowed and shall meet the standard rear yard setback for principal buildings in the zone.
8. **Building Permit.** A building permit is required when the accessory building is larger than two-hundred (200) square feet for single-family, residential, building uses and one-hundred-twenty (120) square feet for commercial buildings and dwellings greater than a single family.
- C. **Exception:** University District (UD)

SECTION 4: AMENDMENT “3.02.100 Screening And Landscaping” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

3.02.100 Screening And Landscaping

The following are minimum standards. Additional landscaping elements may be allowed as per review by the Zoning Administrator or Designee. Screening and fences within the City shall be constructed and maintained in conformance with the following standards:

- A. **Landscaping.** Plant material size (minimum), at time of planting:
 - 1. Deciduous trees- Two (2") inch caliper around the trunk of the tree
 - 2. Evergreen trees- Seven (7') feet in height from root collar to top of tree crown
 - 3. Shrubs- Five (5) gallon containers
 - 4. Landscaping must be maintained as in its original design and purpose.
- B. **Buffers.** Buffers shall be separate from the city right-of-way and consist of a minimum five (5') feet wide landscape strip to be planted with ground cover, one (1) deciduous tree and five (5) shrubs, per thirty (30') lineal feet. *(For commercial see subsection 3.04.060.5.c.)*
- C. **Landscape Strip.** In all zones, the area between the curb and gutter and the sidewalk is to be landscaped, per Rexburg Engineering Street Cross Sections, by the adjacent property owner.
 - 1. Landscaping shall be maintained by the adjacent property owner.
 - 2. Columnar trees shall not be in the landscape strip
- D. **Parking Areas.** [*\(See subsection 3.04.060.A.\)*](#)
- E. **Commercial/Industrial Uses.** Where a commercial or industrial use adjoins residential zones, or undeveloped land shown as a residential use on the Comprehensive Plan, there shall be provided along the abutting property line, a yard equal in width to that required in the residential zone.

1. The yard shall be planted with a combination of trees, low shrubs, and ground cover, and/or a suitable fence otherwise in compliance with this ordinance of sufficient height and density to screen the two parcels, as specified by the Planning and Zoning Commission.

F. High Density Residential Uses.

1. Where a lot in the HDR1 or HRD2 district adjoins a lot (not a right-of-way) in the LDR or MDR zones or unincorporated and designated as single-family on the Comprehensive Plan map, a five (5') feet wide landscaped buffer shall be provided on said property line. (*See A of this subsection for tree and bush sizes.*)
2. When a public street is located between the front lot line of the HDR zone and a single-family zone, a landscaped buffer seven (7') feet wide or as required for front yard setbacks, whichever is greater, shall be constructed and maintained on the front lot line.

G. Highway 20 Corridor. All development adjacent to the Highway 20 right-of-way must submit an Infrastructure Plan to the Zoning Administrator or designee to be approved for design prior to obtaining a building permit.

1. **Landscape Buffer.** Parcels directly adjacent to the Highway 20 right-of-way must have buildings buffered with deciduous two (2") inch caliper trees at twenty (20') feet spacing and two (2) shrubs between trees.
2. **Commercial Design Standards.** Building facades adjacent to Highway 20 right-of-way which meet the requirements of commercial design standards (including "eyes to the street" requirements) found in *section 7.0* may reduce buffering to deciduous two (2") inch caliper trees at fifty (50') feet spacing and eight (8) shrubs between trees.
3. **Setback.** A minimum setback of twenty-five (25') feet is required from any building to the Highway 20 right-of-way or a one-to-one setback to height requirement, whichever is greater.
4. Landscaping must be maintained.

H. Open Storage Area. Open storage area in commercial and industrial zones shall be screened from view of the streets by structures or by a landscaped strip at least seven (7') feet in width with plantings that hide the open storage (as approved by the Zoning Administrator or designee).

1. **No front yard storage.** Open storage shall not be located within a required front yard.

I. Utility yards. When utility yards are in zones other than Industrial or adjacent to any residential zone or commercial zone, then screening is required.

1. The screening required shall consist of a seven (7') foot tall decorative masonry wall or otherwise approved privacy fence by the Zoning Administrator that is set back from the right-of-way seven (7') feet and at the property line when not adjacent to the right-of-way.
 - a. **Maintenance.** The area between the right-of-way and the wall shall be landscaped with decorative rock and shall be kept free of weeds.

- (1) The area between the right-of-way and the wall shall be planted with one two (2") inch caliper deciduous tree and five 5-gallon bushes every thirty (30') feet.
- (2) Trees and bushes required by this section shall be irrigated with a water drip system.
 2. Water tanks are not required to be screened.
 3. Pumps and other equipment associated with water tanks will be in below-grade vaults, in buildings or shall be screened as utility yards.

SECTION 5: **AMENDMENT** “3.02.110 Fencing Requirements” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

3.02.110 Fencing Requirements

No wall, fence, screen, or opaque hedge or screening material shall be maintained within a required front yard, or an area which would tend to inhibit a safe sight distance of traffic traveling upon a public street, or entering into the public street from a private driveway or alley, or pedestrian public way. (*See Sight Triangle definition in Chapter 2*)

- A. All fencing must obtain administrative review and approval by the Planning & Zoning department.
- B. **Fence Types Not Permitted.**
 1. **Floodplain.** No fence shall be constructed in the floodway without approval of the Planning and Zoning Commission.
 2. **Barbed Wire/Electric.** Barbed wire fences and electric fences shall not be erected or maintained unless approved by the Planning and Zoning Administrator.
 - a. Except for agriculture use in Transitional Agriculture (TAG)
- C. **Maintenance.** Fences shall be maintained in a good state of repair.
- D. **Fence Height.** The height of any fence, wall, or sight-obscuring objects within fifteen (15') feet of the right-of-way shall be a maximum of three (3') feet in height measured from the natural grade of the property on which it is located.
 1. (*See Site Triangle 3.02.050 for lot lines adjacent to road intersections*).
- E. **Corner or Double Frontage Lots.** When a parcel is a Corner Lot or a Double Frontage Lot and the lot does not have access onto the same street through a front yard, a fence greater than three (3') feet can be located adjacent to the sidewalk, outside of the site triangle.
- F.
- G. **Rear Yard.** In a rear yard, walls and fences may be between three and six feet (3'-6'). A fence may be built along the property line in a rear yard.

1. **Dog Runs.** Dog runs shall be placed in rear yards only and shall be at least ten (10') feet from another residence.
2. **Building Permit.** Fences over seven (7') feet in height must obtain a building permit.

a. Administrative approval shall be required.

H. **Commercial Adjacent to Residential.** A vinyl or masonry fence of at least six (6') feet in height shall be erected along all property lines which lie adjacent to a residential zone or use, except front yards, where the height of the fence shall not exceed thirty-six (36") inches within fifteen (15') feet of the right-of-way.

1. In the case where there is mutual agreement between the property owners of the commercial zone and the adjacent residential zone, the Planning and Zoning Commission shall give considerable weight to the wishes of the parties involved.

I. **Schools, Churches, Universities, Colleges, Hospitals, Nursing Homes, City and County.** The height, location and placement of fences by the foregoing entities may be altered, subject to prior written approval of the Zoning Administrator. However, sight triangles at any intersection must be maintained pursuant to *Section 3.02.050.* of this Ordinance. (*See Sight Triangle definition.*)

J. **Grade Differences.** Where there is a difference in the grade of the properties on either side of a fence, wall or other similar structure, the height of the fence shall be measured from the natural grade of the property upon which it is located.

K. **Pedestrian Gates.** Pedestrian access gates shall swing inward when adjacent to a public sidewalks. (*See subsection 3.02.170.*)

L. Fence Adjacent to Public Sidewalk. (*See subsection 3.02.170.B.*)

M. **Exceptions.**

1. The provisions of this section shall not apply to tennis court backstops or patio enclosures as approved by the Zoning Administrator, if it is determined that such do not create a hazard or violation of other sections of the Rexburg City Code or other City Ordinances.
2. **Retaining Walls.** Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed only after approval by the Zoning Administrator.
3. All other exceptions must obtain Planning & Zoning Commission approval.

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

AMENDMENT

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. *(See section 10.4.)*
 - 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 7: **AMENDMENT** “3.02.170 Sidewalks” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

3.02.170 Sidewalks

- A. In all zones, all buildings erected, established, or rebuilt shall be required to place sidewalks at the location indicated in the current City Engineering Standards, where conditions permit. *(See Appendix.B.)*
 - 1. Exempt in Transitional Agriculture (TAG) and Rural Residential 1 (RR1).
- B. When a fence is placed adjacent to a public sidewalk in residential zones and no driveway access exists, a one (1') foot landscape strip shall be maintained between the standard sidewalk and the fence.
 - 1. Exempt in Mixed Use

MU)

SECTION 8: **ADOPTION** “3.02.175 Flag Poles” of the Rexburg Development Code is hereby *added* as follows:

ADOPTION

3.02.175 Flag Poles*(Added)*

- A. Flag poles that serve a non-advertising purpose are permitted, provided they can be erected without creating any safety issues.
 - 1. **Residential.** The flag pole shall not exceed the maximum allowed building

- height in the residential zone
2. **Commercial.** The flag pole shall not exceed eighty (80') feet.

PASSED AND ADOPTED BY THE CITY OF REXBURG COUNCIL JUNE 07, 2023.

	AYE	NAY	ABSENT	ABSTAIN
Council President Jordan Busby	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Robert Chambers	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Tisha Flora	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Colin Erickson	<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

 Jerry L Merrill, Rexburg Mayor, City
 of Rexburg

Deborah Lovejoy

 Deborah Lovejoy, Rexburg City Clerk,
 City of Rexburg

