CITY OF REXBURG
ORDINANCE 1298 PERMITTED USES - 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** "4.00.020 Permitted Accessory Uses" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

4.00.020 Permitted Accessory Uses

(*See subsection 3.02.070.A.*)

A. Accessory uses and structures are permitted in residential zones provided they are incidental to, and do not substantially alter the character of, the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to the following:
    1. Accessory buildings such as greenhouses, gardening sheds, recreation rooms, and similar structures.
    2. Swimming pools.
    3. Vegetable and flower gardens and noncommercial orchards.
    4. Home Occupations subject to the regulations of *subsection 4.00.040.5.*

B. **Rear Yard**. An accessory building or group of accessory buildings in any residential zone shall not cover more than thirty (30%) percent of the rear yard.

SECTION 2: **AMENDMENT** "4.00.040 Home Occupation" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

4.00.040 Home Occupation

In order to provide for home occupations that are secondary to the use of the premises as a residence and are compatible with the quiet, peaceful nature of a residential neighborhood, no home occupation shall be permitted without the prior issuance of a Conditional Use Permit or Home Occupation Permit or license as required by the type of home occupation desired. Any business must be registered with the State of Idaho to obtain an EIN number and the City of Rexburg.

A. **Process Requirements**

1. Submit Application
2. Payment of a permit fee
3. Regulation Compliance
4. CUP Process (If needed)
5. Permit Issued

B. **Standard Regulations**. All Home Occupations and Businesses, whether permitted or conditional, must adhere to the following standard regulations.
    1. **Accessory Uses**. In all residential zones, home occupations in compliance with the following regulations are permitted as accessory uses.
    2. **Appearance**. There shall be no change in the outside appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation.
    3. **Boss**. The home occupation shall be conducted by the applicant, who shall reside on the premises.
    4. **Display**. There shall be no display of products visible in any manner from the outside of the dwelling.
    5. **Impact**. The home occupation shall not constitute a significant impact on neighborhoods.
    6. **In Dwelling or Accessory**. A home occupation shall be conducted entirely within the dwelling or an accessory structure.
    7. **Interference**. No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.
    8. **Nuisance**. No equipment or process shall be used in a home occupation which creates noise, glare, vibration, or fumes, or odor detectable to the normal senses off the property.
    9. **Outside Storage**. There shall be no storage of equipment, vehicles, or supplies associated with the home occupation outside the dwelling.
    10. **Public Utilities**. No home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.
    11. **Signs**. There shall be no visible evidence of the conduct of the home occupation other than one (1) non-illuminating sign not to exceed two (2) square feet in area mounted flat against the dwelling.
    12. **Traffic**. The use shall not create greater pedestrian or vehicular traffic than normal for the neighborhood.
C. **Permitted Uses**. Examples of home occupations permitted under this section shall include but not be limited to: **Permitted Uses Examples** Computer programming Family child care may have up to five (5) children at any one time. (The care of additional children shall constitute a *Home Business*.) Home cooking, baking and preserving Home crafts without on premise sales Individual tutoring Painting Sculpturing Secretarial service Sewing and tailoring Telephone solicitation work and answering services Writing
D. **Permitted Use Regulations**. A home occupation, which meets the standard regulations and the following conditions shall be issued a permit by the City Clerk,

upon application and payment of a permit fee, provided that the home occupation is conducted by the applicant:

1. **Advertising**. No commercial telephone directory listing, newspaper, radio, or television service shall be used to advertise the location of a home occupation to the general public.
2. **Area**. A home occupation shall be conducted entirely within a dwelling and shall not occupy more than twenty (20%) percent of the floor area of the residence.
3. **Delivery Services**. The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises other than vans regularly involved in commercial delivery such as United Parcel Service, Federal Express, or the United States Postal Service greater than that of a standard residential home. The applicant may use his/her personal vehicle, provided it does not exceed three quarter (3/4) ton, for deliveries.
4. **Employees**. No one other than members of the immediate family residing in the home shall be employed in the conduct of a home occupation.
5. **Instruction**. If the home occupation is the type in which classes are held or instruction is given to more than one (1) person at a time, there shall be no more than five (5) students or pupils in the dwelling unit or on the premises at any one time. No more than (2) two sessions shall be held daily.
6. **Motors**. No motor power other than electrically operated motors shall be used in connection with a home occupation. Home occupations shall not involve the use of electric motors of more than three (3) h.p.
7. **Parking**. The use shall not require additional off-street parking spaces for clients or customers of the home occupation.

E. **Conditional Uses**. A home occupation which does not comply with the Permitted Uses above may be permitted in all residential zones only if a conditional use permit is secured. Such home occupations shall comply with standard regulations and the following regulations:

1. **Area**. More than the equivalent of twenty-five (25%) percent of the floor area of the residence shall not be associated with the home occupation.
2. **Delivery**. The home occupation shall not involve the use of commercial vehicles with more than six (6) wheels for delivery of materials to or from the premises. Such deliveries would exceed the normal delivery to a residential home. shall be limited to five (5) deliveries per (1) week.
3. **Employees**. No one other than the residents of the dwelling shall be employed in the conduct of the home occupation.
4. **Hours**. No home occupation shall be conducted between the hours of 9:00 p.m. and 7:00 a.m.
5. **Parking**. The use shall not require more than two (2) additional off-street parking spaces for clients or customers of the home occupation. Such off-street parking shall not be provided in the front yard unless on a pad existing prior to commencement of the home occupation.
6. **Sales**. Unless permitted under the conditional use review process, there shall be no sales of products or services not produced on the premises.

F. **Violation of Standards**. If a home occupation permittee violates any of the above

standards as applicable, the home occupation permit may be revoked upon written notice to the applicant, and the conduct of the home occupation shall cease.

G. **Appeal**. To contest a revocation, the applicant shall appeal to the Planning and Zoning Commission within fifteen (15) days of the date of the written notice.

H. **Home Business Requirements**. Home businesses are required to have a Conditional Use Permit and Business License. Home businesses must meet all the requirements of the previous Home Occupations subsection with the following exceptions:

1. All Home Business applications require a Conditional Use Permit (CUP).
2. Home businesses are allowed only in the following zones: Transitional Agriculture (TAG) , Rural Residential 1 (RR1), and Rural Residential 2 (RR2).
3. A home business may be allowed in up to twenty-five (25%) percent of the primary residence *or* one-hundred (100%) percent of an accessory structure.
4. Up to four (4) non-related employees may be allowed.

SECTION 3: **AMENDMENT** "4.01.020 Permitted Uses" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

4.01.020 Permitted Uses

Permitted Principal Uses. The following principal uses and structures indicated as "P", and no others, shall be permitted in the RR1 zone. The following uses and structures indicated as "CUP" may be permitted in the RR1 zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof.

RURAL RESIDENTIAL 1		
~~**Resource Production**~~	~~Agriculture~~	~~P~~
Residential	Accessory Apartment	CUP
	Accessory Building	P
	~~Manufactured – House on permanent foundation (>24' wide)~~	~~P~~
	Single-family Dwelling, Detached	P
Group Housing	Boarding Houses (Short-term Rental) *(See subsection 3.02.160.)*~~*~~	P
	Assisted and Residential Care Facility	CUP

Care Facilities	Day Care Centers	CUP
	Group Home (Disabled & Elderly; under 8 residents)	P
Place of Worship	Churches, Synagogues and Temples	CUP
Schools, public or private	Nursery Schools	CUP
	Schools	CUP
Outdoor Recreation	Ice Skating	CUP
	Parks and Playgrounds, Skate Parks	CUP
	Pools	CUP
	Tennis Courts	CUP
Services	Accessory Home Business *(See subsection 4.00.040.)*	CUP
	Accessory Home Occupation *(See subsection 4.00.040.)*	P
	Cemeteries	CUP
Utilities	Communications	CUP
	Electricity Regulating Substations	CUP
	Utility and Public Facilities	CUP

~~*For Boarding Houses, a Review is required for Neighborhood Compatibility for Parking, Screening, Lighting and Landscaping to be approved by the Zoning Administrator or designee.~~

A. **Permitted Accessory Uses**. (*See subsections 3.02.070., 4.00.020.*) Accessory uses and structures are permitted provided they are incidental to, and do not substantially alter the character of, the permitted principal use or structure.
B. **Animals**.
    1. Household pets are allowed.
    2. No more than two (2) domestic livestock for each (1) acre shall be allowed.

SECTION 4: **AMENDMENT** "4.02.020 Permitted Uses" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

4.02.020 Permitted Uses

The following principal uses and structures indicated as "P", and no others, shall be permitted in the RR2 zone. The following uses and structures indicated as "CUP" may be permitted in the RR2 zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof.

RURAL RESIDENTIAL 2		
~~**Resource Production**~~	~~Agriculture~~	~~P~~
Accessory	Accessory Apartment	CUP
	Accessory Building	P
	Detached Non-family Accessory Apartment for Profit	CUP
Residential	~~Manufactured – House on permanent foundation (>24' wide~~	~~P~~
	Single-family Dwelling, Detached	P
Group Housing	Boarding Houses (Short-term Rental) *(See subsection 3.02.160.)*~~*~~	P
Care Facilities	Assisted and Residential Care Facility	CUP
	Day Care Centers	CUP
	Group Home (Disabled & Elderly; under 8 residents)	P
Place of Worship	Churches, Synagogues and Temples	CUP
Schools, public or private	Nursery Schools	CUP
	Schools	CUP

Outdoor Recreation	Ice Skating	CU P
	Parks and Playgrounds, Skate Parks	CU P
	Pools	CU P
	Tennis Courts	CU P
Services	Accessory Home Business *(See subsection 4.00.040.)*	CU P
	Accessory Home Occupation *(See subsection 4.00.040.)*	P
	Cemeteries	CU P
Utilities	Communications	CU P
	Electricity Regulating Substations	CU P
	Utility and Public Facilities	CU P

~~*For Boarding Houses, a Review is required for Neighborhood Compatibility for Parking, Screening, Lighting and Landscaping to be approved by the Zoning Administrator or designee.~~

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

SECTION 5: **AMENDMENT** "4.03.020 Permitted Uses" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

4.03.020 Permitted Uses

The following principal uses and structures indicated as "P", and no others, shall be permitted in the LDR1 zone. The following uses and structures indicated as "CUP" may be permitted in the LDR1 zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof.

LOW DENSITY RESIDENTIAL 1		
Residential	Single-family Dwelling - ~~d~~Detached	P
Accessory	Accessory Building	P
Group Housing	Boarding Houses (Short-term Rental) *(See subsection 3.02.160.)*~~*~~	P
Care Facilities	Day Care Centers	CUP
	Group Home (Disabled & Elderly; under 8 residents)	P
	Hospitals	CUP
Place of Worship	Churches, Synagogues and Temples	CUP
Schools, public or private	Nursery Schools	CUP
	Schools	CUP
Outdoor Recreation	Athletic Fields	CUP
	Golf Courses	CUP
	Parks and Playgrounds, Skate Parks	CUP
	Recreation Centers	CUP
Services	Accessory Home Business *(See subsection 4.00.040.)*	CUP
	Accessory Home Occupation *(See subsection 4.00.040.)*	P
Utilities	Communications	CUP
	Electricity Regulating Substations	CUP
	Utility and Public Facilities	CUP

~~*Boarding Houses require a review for Neighborhood Compatibility for Parking, Screening, Lighting and Landscaping to be approved by the Zoning Administrator or designee.~~

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

SECTION 6: **AMENDMENT** "4.04.020 Permitted Uses" of the Rexburg

Development Code is hereby *amended* as follows:

A M E N D M E N T

4.04.020 Permitted Uses

The following principal uses and structures indicated as “P”, and no others, shall be permitted in the LDR2 zone. The following uses and structures indicated as “CUP” may be permitted in the LDR2 zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof.

LOW DENSITY RESIDENTIAL 2		
Residential	~~Duplex*~~	~~P~~
	~~Manufactured – House on permanent foundation (>24' wide)~~	~~P~~
	Single-family Dwelling, Detached	P
	Single-family Dwelling, Attached (except townhomes)	P
	~~Twin Home*~~	~~P~~
Accessory	Accessory Building	P
Group Housing	Boarding Houses (Short-term Rental) *(See subsection 3.02.160.)*	P
Care Facilities	Assisted and Residential Care Facility	CUP
	Day Care Centers	CUP
	Group Home (Disabled & Elderly; under 8 residents)	P
	Hospitals	CUP
Place of Worship	Churches, Synagogues and Temples	CUP
Schools, public or private	Nursery Schools	CUP
	Schools	CUP
Outdoor Recreation	Athletic Fields	CUP
	Golf Courses (w/Country Club)	CUP
	Ice Skating	CUP
	Parks and Playgrounds, Skate Parks	CUP
	Pools (Stand-Alone)	CUP
	Recreation Centers	CUP
	Tennis Courts	CUP
Services	Accessory Home Business *(See subsection 4.00.040.)*	CUP
	Accessory Home Occupation *(See subsection 4.00.040.)*	P
	Cemeteries	CUP
	Libraries	CUP

Utilities	Communications	CUP
	Electricity Regulating Substations	CUP
	Utility and Public Facilities	CUP

~~*For Boarding Houses, Twin Homes and Duplexes, a Review is required that addresses Neighborhood Compatibility for parking, screening, lighting, landscaping or other concerns to be approved by the Zoning Administrator or designee.~~

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

SECTION 7: **AMENDMENT** "4.05.020 Permitted Uses" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

4.05.020 Permitted Uses

The following principal uses and structures indicated as "P", and no others, shall be permitted in the LDR3 zone. The following uses and structures indicated as "CUP" may be permitted in the LDR3 zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof.

LOW DENSITY RESIDENTIAL 3		
Residential	~~Duplex*~~	P
	Manufactured Housing Communities~~- House on permanent foundation (>24' wide)~~	CUP ~~P~~
	Single-family Dwelling, Detached	P
	Single-family Dwelling, Attached ~~Twin Home* and Townhomes~~	P
Accessory	Accessory Building	P
Group Housing	Boarding Houses (Short-term Rental) *(See subsection 3.02.160.)*	P
Care Facilities	Assisted and Residential Care Facility	CUP
	Day Care Centers	CUP
	Group Home (Disabled & Elderly; under 8 residents)	P
	Hospitals	CUP
Place of Worship	Churches, Synagogues and Temples	CUP
Schools, public or private	Nursery Schools	CUP
	Schools	CUP
Outdoor Recreation	Athletic Fields	CUP
	Golf Courses (w/Country Club)	CUP
	Ice Skating	CUP
	Parks and Playgrounds, Skate Parks	CUP
	Pools (Stand-Alone)	CUP
	Recreation Centers	CUP
	Tennis Courts	CUP
Services	Accessory Home Business *(See subsection 4.00.040.)*	CUP
	Accessory Home Occupation *(See subsection 4.00.040.)*	P
	Cemeteries	CUP

	Libraries	CUP
Utilities	Communications	CUP
	Electricity Regulating Substations	CUP
	Utility and Public Facilities	CUP

~~*For Boarding Houses, Twin Homes and Duplexes, a Review is required that addresses Neighborhood Compatibility for parking, screening, lighting, landscaping or other concerns to be approved by the Zoning Administrator or designee.~~

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

SECTION 8: **AMENDMENT** "4.06.020 Permitted Uses" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

4.06.020 Permitted Uses

The following principal uses and structures indicated as "P", and no others, shall be permitted in the MDR1 zone. The following uses and structures indicated as "CUP" may be permitted in the MDR1 zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof.

MEDIUM DENSITY RESIDENTIAL 1		
Residential	~~Duplex~~	~~P~~
	Single-family Dwelling, Attached (3 or more units)	P
	~~Manufactured – House on permanent foundation (>24' wide)~~	~~P~~
	~~Twin Home~~	~~P~~
Accessory	Accessory Building	P
Group Housing	Bed and Breakfast Inn (Short-term Rental) *(See subsection 3.02.160.)*	P
	Boarding Houses (Short-term Rental) *(See subsection 3.02.160.)*	P
	Dormitory, Fraternity, Sorority	CUP

	~~Mobile Home Courts and Subdivisions~~	~~CU P~~
	Multi-Family Dwellings	P
	Short-Term Rental *(See subsection 3.02.160.)*	P
	~~Townhome~~	~~P~~
Care Facilities	Assisted and Residential Care Facility	CU P
	Day Care Centers	P
	Group Home (Disabled & Elderly; under 8 residents)	P
	Hospitals	CU P
	Residential Facility for Elderly Persons (greater than 8 residents)	CU P
Place of Worship	Churches, Synagogues and Temples	CU P
Schools, public or private	Nursery Schools	P
	Schools	CU P
Outdoor Recreation	Athletic Fields	CU P
	Golf Courses (w/Country Club)	CU P
	Ice Skating	CU P
	Parks and Playgrounds, Skate Parks	CU P
	Pools	CU P
	Recreation Centers	CU P
	Tennis Courts	CU P
	Accessory Home Business *(See subsection 4.00.040.)*	CU P
	Accessory Home Occupation *(See subsection 4.00.040.)*	P

Services	Cemeteries	CUP
	Libraries	CUP
Transportation	Automobile Parking Lots and Garages (Separate)	CUP
Utilities	Communications	CUP
	Electricity Regulating Substations	CUP
	Utility and Public Facilities	CUP

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

SECTION 9: **AMENDMENT** "4.07.020 Permitted Uses" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

4.07.020 Permitted Uses

The following principal uses and structures indicated as "P", and no others, shall be permitted in the MDR2 zone. The following uses and structures indicated as "CUP" may be permitted in the MDR2 zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof.

MEDIUM DENSITY RESIDENTIAL 2		
Residential	~~Duplex~~	~~P~~
	Single-family Dwelling, Attached (3 or more units)	P
	~~Manufactured – House on permanent foundation (>24' wide)~~	~~P~~
	~~Twin Home~~	~~P~~
Accessory	Accessory Building	P
	Bed and Breakfast Inn (Short-term Rental) *(See subsection 3.02.160)*	P

Group Housing	Boarding Houses (Short-term Rental) *(See subsection 3.02.160)*	P
	Dormitory, Fraternity, Sorority (up to 10 units/building)	CU P
	~~Mobile Home Courts and Subdivisions~~	~~CU~~ ~~P~~
	Multi-Family Dwellings	P
	Short-Term Rental *(See subsection 3.02.160)*	P
	~~Townhome~~	~~P~~
Care Facilities	Assisted and Residential Care Facility	CU P
	Day Care Centers	P
	Group Home (Disabled & Elderly; under 8 residents)	P
	Hospitals	CU P
	Residential Facility for Elderly Persons (greater than 8 residents)	CU P
Place of Worship	Churches, Synagogues and Temples	CU P
Schools, public or private	Nursery Schools	P
	Schools	CU P
Outdoor Recreation	Athletic Fields	CU P
	Golf Courses (w/Country Club)	CU P
	Ice Skating	CU P
	Parks and Playgrounds, Skate Parks	CU P
	Pools	CU P
	Recreation Centers	CU P
	Tennis Courts	CU P

Services	Accessory Home Business *(See subsection 4.00.040.)*	CUP
	Accessory Home Occupation *(See subsection 4.00.040.)*	P
	Cemeteries	CUP
	Libraries	CUP
Transportation	Automobile Parking Lots and Garages (Separate)	CUP
Utilities	Communications	CUP
	Electricity Regulating Substations	CUP
	Utility and Public Facilities	CUP

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

SECTION 10: **AMENDMENT** "4.08.020 Permitted Uses" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

4.08.020 Permitted Uses

The following principal uses and structures indicated as "P", and no others, shall be permitted in the HDR1 zone. The following uses and structures indicated as "CUP" may be permitted in the HDR1 zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof.

HIGH DENSITY RESIDENTIAL 1		
~~**Residential**~~	~~Duplex~~	~~P~~
	~~Single-family Dwelling~~	~~CUP~~
	~~Manufactured – House on permanent foundation (>24' wide)~~	~~CUP~~

Accessory	Accessory Building	P
Group Housing	Bed and Breakfast Inn (Short-term Rental) *(See subsection 3.02.160)*	P
	Boarding Houses (Short-term Rental) *(See subsection 3.02.160)*	P
	Dormitory, Fraternity, Sorority	CU P
	~~Mobile Home Courts and Subdivisions~~	~~P~~
	Multi-Family Dwellings	P
	Short-Term Rental *(See subsection 3.02.160)*	P
Care Facilities	Assisted and Residential Care Facility	P
	Day Care Centers	P
	Disabled Persons Residential Facility	P
	Group Home (Disabled & Elderly; under 8 residents)	P
	Hospitals	CU P
	Residential Facility for Elderly Persons	P
Place of Worship	Churches, Synagogues and Temples	CU P
Schools, public or private	Nursery Schools	P
	Schools	CU P
Outdoor Recreation	Athletic Fields	CU P
	Golf Courses (w/Country Club)	CU P
	Ice Skating	CU P
	Parks and Playgrounds, Skate Parks	CU P
	Pools	CU P
	Recreation Centers	CU P

	Tennis Courts	CU P
Services	Accessory Home Occupation *(See subsection 4.00.040.)*	P
	Accessory Home Business *(See subsection 4.00.040.)*	CU P
	Cemeteries	CU P
	Libraries	CU P
Transportation	Automobile Parking Lots and Garages	CU P
	Automobile Parking Lots and Garages (Separate)	CU P
Utilities	Communications	CU P
	Electricity Regulating Substations	CU P
	Utility and Public Facilities	CU P

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

SECTION 11: **AMENDMENT** "4.09.020 Permitted Uses" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

4.09.020 Permitted Uses

The following principal uses and structures indicated as "P", and no others, shall be permitted in the HDR2 zone. The following uses and structures indicated as "CUP" may be permitted in the HDR2 zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof.

HIGH DENSITY RESIDENTIAL 2		
	~~Duplex~~	~~P~~

~~**Residential**~~	~~Single-family Dwelling~~	~~CU P~~
	~~Manufactured – House on permanent foundation (>24' wide)~~	~~CU P~~
Accessory	Accessory Building	P
Group Housing	Bed and Breakfast Inn (Short-term Rental) *(See subsection 3.02.160)*	P
	Boarding Houses (Short-term Rental) *(See subsection 3.02.160)*	P
	Dormitory, Fraternity, Sorority	CU P
	~~Mobile Home Courts and Subdivisions~~	~~P~~
	Multi-Family Dwellings	P
	Short-Term Rental *(See subsection 3.02.160)*	P
Care Facilities	Assisted and Residential Care Facility	P
	Day Care Centers	P
	Group Home (Disabled & Elderly; under 8 residents)	P
	Hospitals	CU P
	Residential Facility for Elderly Persons	P
Place of Worship	Churches, Synagogues and Temples	CU P
Schools, public or private	Nursery Schools	P
	Schools	CU P
Outdoor Recreation	Athletic Fields	CU P
	Golf Courses (w/Country Club)	CU P
	Ice Skating	CU P
	Parks and Playgrounds, Skate Parks	CU P
	Pools	CU P

	Recreation Centers	CUP
	Tennis Courts	CUP
Services	Accessory Home Occupation *(See subsection 4.00.040.)*	P
	Accessory Home Business *(See subsection 4.00.040.)*	CUP
	Cemeteries	CUP
	Libraries	CUP
Transportation	Automobile Parking Lots and Garages	CUP
	Separate Parking Lots	CUP
Utilities	Communications	CUP
	Electricity Regulating Substations	CUP
	Utility and Public Facilities	CUP

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

SECTION 12: **AMENDMENT** "5.02.020 Permitted Uses" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

5.02.020 Permitted Uses

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

TRANSITIONAL AGRICULTURE		
Resource Production	Agriculture	P
Residential	~~Manufactured - House on permanent foundation (>24' wide)~~	~~P~~
	Single-family Dwelling	P
Group Housing	Boarding Houses *(See subsection 3.02.160.)*~~*~~	P
Care Facilities	Group Home (Disabled & Elderly; under 8 residents)	P
	Hospitals	CUP
Places of Worship	Churches, Synagogues and Temples	CUP
Recreation	Public buildings	CUP
	Stadiums, arenas, field houses	CUP
Schools, public or private	Schools	CUP
Services	Accessory Home Business *(See subsection 4.00.040.)*	CUP
	Accessory Home Occupation *(See subsection 4.00.040.)*	P
	Airports	CUP
	Animal Veterinarian Services (inside only)	CUP
	Cemeteries	CUP
	Commercial Kennels	CUP
Utilities	Broadcasting Towers	CUP

~~*For Boarding Houses, a Review is required for Neighborhood Compatibility for Parking, Screening, Lighting and Landscaping to be approved by the Zoning Administrator or~~

~~designee.~~

SECTION 13: **AMENDMENT** "5.02.030 Permitted Accessory Uses" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

5.02.030 Permitted Accessory Uses

(See subsection 3.02.070.)

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

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

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

	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


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