CITY OF REXBURG
ORDINANCE 1298 SECTION DEFINITIONS - 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** "C" of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

C

Cabana: A stationary, lightweight structure which may be prefabricated or demountable, with two or more walls, used adjacently to and in conjunction with a manufactured/mobile home.

Campground: An area or tract of land on which accommodations for temporary occupancy are located or may be located, including cabins, tents, and major recreational vehicles or equipment, and which is used primarily for recreational purposes and retains an open air or natural character. **Carport:** A stationary structure consisting of a roof with its supports and not more than one wall used for sheltering a motor vehicle. **Car Wash:** An area of land and/or a structure with a machine or hand-operated facility used principally for the cleaning, washing, polishing, or waxing of motor vehicles. **Child Care Facility:** *(See Daycare Centers.)* **City:** City of Rexburg **City Clerk:** The Clerk of the City **City Engineer:** An Idaho registered, professional engineer designated by the City to represent the City's engineering interests. **City Engineering Standards:** Refers to the most recent City of Rexburg Engineering Standards adopted by resolution of the City Council. City Engineering Standards may include standard drawings, standard specifications, supplemental conditions, and any additions, amendments, or addenda established by the City Engineer. (*See City Engineering Standards*.) **City Impact Area:** That unincorporated area contiguous to the Rexburg City Limits officially adopted as the "Area of CIty Impact." **City Staff:** When the term Staff or City Staff are used in this document the persons identified as such shall be the Zoning Administrator, the Public Works Director, the City Engineer, the Economic Development Director, the GIS Director and the City Attorney. **Commercial Cluster, Substantial:** A group of commercial businesses that include a grocery store, restaurant, and bank as a minimum, along with other various retail and services. The buildings that comprise the cluster shall be within a three (3) block area.

Commercial Structures, Large Scale: Structures that are twenty-five-thousand (25,000) square feet in size and larger. This includes commercial retail and business office buildings.

Commission: The Rexburg City Planning and Zoning Commission hereinafter referred to as Commission. **Common Area:** That area which is held in common ownership by owners of land within the platted area. **Comprehensive Plan:** The Comprehensive Plan for the City of Rexburg, or parts thereof, projecting future growth and development and for the general location and coordination of streets and highways, schools and recreation areas, public building sites and other facilities, which shall have been duly adopted. This plan shall comply with the Idaho Code as adopted or amended. (*See Comprehensive Plan.*) **Conditional Approval:** An affirmative action by the Commission indicating the approval is given subject to certain specified stipulations. **Conditional Use Permit:** A special use permit as provided for by *Idaho Section 67-6512* in which a use that, owing to some special characteristics such as traffic or noise generation, parking needs, access, building size, lighting, consistency with developed uses in the area, or other characteristics of operation, is permitted in certain districts subject to approval by the Planning and Zoning Commission or the City Council, subject to terms and conditions, depending upon the particular use. **Condominium:** A multi-family dwelling where the units can be sold individually, but the building/structure and common areas remain under a single ownership.
Convenience Store: Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross square floor area of less than five-thousand (5,000) square feet. **Copy:** Any combination of letters or numbers that are intended to inform, direct or otherwise transmit information. **Council:** The Rexburg City Council hereinafter referred to as the Council. **County Commission:** The Madison County Board of Commissioners. **County Engineer:** An Idaho Registered Professional Engineer or consulting Engineering firm designated by the County Commission to represent the County's engineering interests.

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

A M E N D M E N T

D

Daycare Centers: A building or structure where care, protection, and supervision are provided on a regular schedule, at least three times a week for seven (7) or more children. *(See subsection 4.00.040 Home Occupations.)* **Dedication:** The setting apart of land or interest in land for use by the public. Land becomes dedicated when accepted as a public dedication either by ordinance, resolution, or entry in the official minutes of the City or by the recording of a plat showing such dedication. **Density:** The number of dwelling units per acre, excluding required public rights-of-way from acreage determination. **D.E.Q:** The State of Idaho Division of Environmental Quality **Design Standards:** Statements and graphics intended to direct the planning and development of the built environment in a particular manner or style so that the end result contributes positively to the overall development. **Development:** Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures, or the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of mobile homes; mining, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of materials; specifically including the construction of dikes, berms and levees. The term "development" does not include the operation, cleaning, maintenance or repair of any ditch, canal, lateral, drain, diversion structure or other irrigation or drainage works that is performed or authorized by the owner thereof pursuant to lawful rights and obligations. (*Idaho Code 46-1021)*

Development Review Committee: The Development Review Committee consists of the Zoning Administrator, G.I.S. Department Head, City Engineer, Fire Department Inspector, and Building Administrator or their designees.

Dormitory: A building used as group living quarters. Such group living quarters are generally associated with a college, university, boarding school, orphanage, convent, monastery, farm labor camp, or other similar use. (See PED.) **Down-lighting:** Fully shielded light that is directed in such a manner as to shine light rays only below the horizontal plane. **Drainage Plan:** A drainage plan is required for all new construction. The plan shall be part of the required Infrastructure Plan and should identify drainage paths (with heights), perforated drain pipes around footings (as required), retaining and detaining basins (if used), slope away from foundations, injection wells (if used), gutters and catch basins (if used), pipe size and location (as applicable), and other drainage details as needed. For all projects except single-family homes, duplexes and twinhomes, storm water run-off calculations are required as per the City Engineer. **Driveway:** A driveway is a vehicular ingress and egress route that serves no more than five (5) single-family dwellings, not including accessory structures. **Duplex:** *(See Dwellings, Single-family Attached)* **Dwelling:** A building or portion thereof that provides living facilities for one or more families.

A. **Multi-family Dwelling:** A residential building containing three or more dwelling units, where the building is owned by a single owner. This includes what is commonly known as an apartment building or condominium.
B. **Single-family Dwelling:** One or more rooms physically arranged to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

1. **Dwellings, Single-family Detached:** A dwelling that is not attached to any other dwelling.

2. **Dwellings, Single-family Attached:** Two (2) or more dwelling units which may share a common wall or ceiling/floor.
    a. **Twinhome:** Shared wall between two (2) dwelling units where each unit may own the land they are built upon.
    b. **Townhomes:** Shared walls between three (3) or more dwelling units.
    c. **Duplex:** Shared ceiling/floor between two (2) dwelling units which may not be individually owned.

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

AMENDMENT

F

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

A. At least one of the group is related to all of the other members of the group within the third degree of kinship;
B. The group is divisible into two subgroups, each composed of at least one person who is related to all other members of the subgroup within the third degree of kinship; or
C. All such persons are handicapped persons as defined by the *I.C. Section 67-6531* or in T*itle VII of the Civil Rights Act of 1968*, as amended by the *Fair Housing Act Amendments of 1988*, or any subsequent amendments to the foregoing regulations.

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

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

Fenestration: The arrangement of windows in a building to provide interior light; also used as decorative elements in a facade.

Fire Station: A building or portion of a building that provides, at a minimum, all weather protection for fire apparatus. Temperatures inside the building used for this purpose must be

maintained at above thirty-two (32°) degrees Fahrenheit.

Flagpole: a structure used for the sole purpose of displaying flags.

Flood Light: A lamp that produces up to one thousand, eight hundred (1,800) lumens and is designed to flood a well-defined area with light. **Flood Plain:** Those areas designated as Zone A or AE as shown on the current Flood Insurance Rate Map (FIRM) as prepared by National Flood Insurance Program.

A. **Area of Shallow Flooding:** The base flood depths range from one to three (1-3) feet; where a clearly defined channel does not exist and the path of flooding is unpredictable and indeterminate, and velocity flow may be evident. AO characterized as sheet flow and AG indicates pounding on the FIRM map.
B. **Area of Special Flood Hazard, Base Flood or 100-Year Flood:** The land in the flood plain within a community subject to a one (1%) percent or greater chance of flooding in any given year. Designation on maps always includes the letter A.
C. **Base Flood Elevation:** (BFE)" the computed elevation to which flood water is anticipated to rise during the "Base Flood." The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest 0.1 foot.
D. **Channel:** A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.
E. **Flood:** The temporary inundation of land by overflow from a river, stream, lake, or other body of standing water. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation of runoff or surface waters from any source.
F. **Flood Insurance Rate Map (FIRM):** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
G. **Flood Insurance Study:** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.
H. **Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1') foot at any point.
I. **Floodway Fringe:** The part of the flood plain which is beyond the flood way encroachment lines limiting a designated flood way. Such areas will include those portions of the flood plain which will be inundated but which may be developed for use under land use regulations without material effect upon the flood water carrying capacity of the flood way and the flood water levels. Such areas are characterized by shallow flood depths and low velocities of water flow.
J. **Flood Protection Elevation (FPE):** As defined in *Idaho Code §46-1021 (7)*, an elevation that shall correspond to the elevation of the one percent (1%) percent chance annual flood BFE, plus any increased flood elevation due to floodway encroachment,

plus any required freeboard. The flood protection elevation for Rexburg, Idaho is equal to BFE plus one foot (1') foot of freeboard; the freeboard accounts for any flood elevation increases due to floodway encroachment as shown in the community's Flood Insurance Study.

Floor Area, Gross: The sum of the areas of all floors of a building, including any area used for human occupancy in the basements and attics, as measured from the exterior faces of the walls. **Floor, Lowest:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non elevation design requirements of this Ordinance. **Foot-candle (fc):** The American unit used to measure the total amount of light cast on a surface. For example, a full moon produces 0.01 foot-candles. Foot-candles are measured with a light meter. **Footprint:** The area covered by the enclosed area of the structure if perpendicular planes were extended from all portions of the structure to the ground. **Frontage:** The length of any one property line of a premise, which property line abuts a legally accessible street right-of-way including streets and alleys. To constitute frontage, the street or alley must provide access to abutting properties. For purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered front yards and yards shall be provided as indicated under "yards" in this definition section. **Fully shielded:** The luminaire and its mounting, taken as a whole, allowing no direct light above the horizontal.

SECTION 4: **AMENDMENT** "T-U" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

T-U

Temporary Use: A prospective use, intended for a limited duration, generally six (6) months or less, to be located in a zoning district not permitting such use and not continuing such use or building. **Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto. This term excludes those used exclusively for dispatch communications. **Town Homes:** *(See Dwellings, Single-family, Attached.)* **Truck Terminal:** Land buildings used as a relay station for the transfer of a load from one (1) vehicle to another or one (1) party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal. **Twin Home:** *(See Dwellings, Single-family Attached)* **Unsuitable Land:** Land which the Commission determines to be unsuitable for subdivision because of periodic flooding, poor drainage, excessively steep slopes or other features likely to be harmful to the safety and general health and welfare of the future residents. Unsuitable land shall not be subdivided unless adequate methods are utilized to overcome these conditions.

Usable Lot Area: That portion of a lot usable for or adaptable to the normal uses made of the property, excluding any areas which may be covered by water, excessively steep, or included in certain types of easements. **Utilities:** Installation or facilities, underground or overhead, furnished for use by the public, including but not limited to electricity, gas, steam, communications, water, television, drainage, irrigation, sewage disposal, or flood control, whether owned and operated by any person, firm, corporation, municipal department, or board duly authorized by state or municipal regulations. Utility or utilities as used herein may also refer to such persons, firms, corporations, departments, or boards, as applicable herein. **Utility Yard:** Any electrical, gas, steam, communications, water, television, drainage, irrigation, sewage disposal or flood control yard that has equipment exposed. Yards are required to be screened. If equipment is underground, in a vault or above ground in a building it need not be screened.

Vacant properties: Vacant properties for this purpose are defined as those that have been vacant for over a substantial number of years or those that have had buildings or improvements removed and have been vacant for a substantial number of years.

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


CITY OF REXBURG
CORPORATE
SEAL
STATE OF IDAHO