CITY OF REXBURG
ORDINANCE 1302 - LIVESTOCK - JUNE 2023

DEVELOPMENT CODE ORDINANCE 1200 AMENDMENTS - LIVESTOCK PERMITTED USES

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: AMENDMENTS TO CHAPTER 2 DEFINITIONS – ADDED AND MODIFIED DEFINITIONS PERTAINING TO HOUSEHOLD PETS AND LIVESTOCK; 4.00.020 PERMITTED ACCESSORY USES; 4.00.040 HOME OCCUPATION REQUIREMENT EXCEPTIONS; AMENDMENTS TO PERMITTED USES IN RR1, RR2, LDR1, LDR2, LDR3, MDR1, MDR2, HDR1 AND HDR2 ZONES (B) ANIMALS; 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, WHEREAS,**

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

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

A M E N D M E N T

K-L

Kennel, Private: Any building, buildings or land designed or arranged for the care of dogs and cats belonging to the owner of the principal user, kept for the purposes of show, hunting, or as pets.

Lamp: The generic term for an artificial light source, to be distinguished from the whole assembly. Commonly referred to as "bulb".

Landscaping: The area within the boundaries of a given lot/project that consists of planting materials, including but not limited to living trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials. Large cobbles or river rock are not considered "decorative rock". Landscaping must be maintained as in its original design and purpose. *(See subsection 3.02.100.)*

Laundry, Self-Service: A business that provides home-type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

Lighting, Holiday: Strings of individual lamps, where the lamps are at least three inches (3") apart. *(See section 3.6.)*

Lighting Plan: Documents specific to a project or development that describe the location and characteristics of all exterior lighting and the light levels in and adjacent to the property. The complete lighting unit, including the lamp, the fixture, and other parts. This also can include a photometric layout.

Livestock, Domestic: Animals such as horses, cattle, swine, sheep, goats, rabbits, and poultry, which can be kept for education, and/or food production for those who raise them.

Lot: A piece or parcel of land separated from other pieces or parcels as shown on a recorded subdivision plat or by metes and bounds description for purposes of sale, lease, or separate use.

A. **Corner Lot:** A lot with frontage on two (2) or more intersecting streets where the interior angle of intersection does not exceed one-hundred-thirty-five (135°) degrees. Corner lots have two front yards and two side yards but no rear yard.
B. **Double Frontage Lot:** A lot abutting two (2) parallel or approximately parallel streets. Double Frontage lots have two (2) front yards and two (2) side yards.
C. **Flag Lot:** Lots or parcels that the City has approved with less frontage on a public street than is normally required, with no less than twenty (20') feet of accessible frontage, generally intended to make deeper property accessible.
D. **Interior Lot:** A lot having but one (1) frontage abutting on a street.
E. **Substandard Lot:** A lot or parcel of land that has less than the minimum area or width as established by the zone in which it is located. Such a lot shall have been of record as a legally created lot on the effective date of this ordinance.
F. **Through Lot:** A lot that has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

Lot Area: The total horizontal area within the lot lines of a lot.

Lot Coverage: The area of a site covered by buildings or roofed areas and impervious surfaces.

Lot Depth: The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line or to the most distant point on any other lot line where there is no rear lot line.

Lot Layout Plan: A plan showing where the building will be placed in relation to the lot lines to determine compliance with the code requirements for single-family homes, duplexes and twin homes.

Lot Line: The boundary line of a lot.

A. **Front Lot Line:** The property line separating the front of the lot from the public right-of-way.
B. **Rear Lot Line:** The lot line opposite the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than ten (10') feet long, lying within the lot and parallel to the front property line. In the event that the front property line is a curved line, then the rear property line shall be assumed to be a line not less than ten (10') feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint.
C. **Side Lot Line:** Any lot line not a front or rear lot line.

Lot of Record: A lot that is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Madison County, Idaho, or any parcel of land, whether or not part of a subdivision, that has been officially recorded by a size that met the minimum dimensions for lots in the district in which it was located at the time of recording or was recorded prior to the effective date of zoning in the area where the lot is located.

Lot Width: The horizontal distance between side lot lines measured at the required front setback line. The width of a lot shall be:

A. If the side property lines are parallel, the shortest distance between these side lines.
B. If the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the zone in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines.
C. For rural acreage developments, the distance between the side lot lines, measured at the street frontage.

SECTION 2: **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. Household pets and/or domestic livestock are allowed if yard space is adequate for the quantity and the size of animals kept.

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 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		
Residential	Accessory Apartment	CUP
	Accessory Building	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	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

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. Domestic livestock are allowed (See subsection 4.00.020.A.5)

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		
Accessory	Accessory Apartment	CUP
	Accessory Building	P
	Detached Non-family Accessory Apartment for Profit	CUP
Residential	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	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
	Communications	CUP

Utilities	Electricity Regulating Substations	CU P
	Utility and Public Facilities	CU P

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.

B. **Animals.**

1. Household pets are allowed.
2. Domestic livestock are allowed (See subsection 4.00.020.A.5)

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 - 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

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. Domestic livestock are allowed (See subsection 4.00.020.A.5)

SECTION 6: **AMENDMENT** "4.04.020 Permitted Uses" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

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	Single-family Dwelling, Detached	P
	Single-family Dwelling, Attached (except townhomes)	P
Accessory	Accessory Building	P
Group Housing	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
	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	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

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 permitted
    2. Domestic livestock are allowed (See subsection 4.00.020.A.5)

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

A M E N D M E N T

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	Manufactured Housing Communities	CUP
	Single-family Dwelling, Detached	P
	Single-family Dwelling, Attached	P
Accessory	Accessory Building	P
Group Housing	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
	Communications	CUP

Utilities	Electricity Regulating Substations	CUP
	Utility and Public Facilities	CUP

SECTION 8: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 9: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 10: **EFFECTIVE DATE** This Ordinance (#22-00299) shall be in full force and effect from September 6, 2023 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF REXBURG COUNCIL SEPTEMBER 06, 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