CITY OF REXBURG
ORDINANCE 1304 - SIGNS - REFERENCED SECTIONS

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

SECTION 1: **AMENDMENT** "4.03.100 Signs" of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

4.03.100 Signs

~~Unless otherwise prohibited by law, signs of the type and description listed below, but no others, may be placed and maintained in the LDR1 zone.~~

- ~~A. **Temporary**. Two (2) temporary signs with a maximum area of six (6) square feet each, pertaining to the sale, lease, or rent of the particular building, property, or premises upon which displayed, and no other.~~
- ~~B. **Points of Interest**. Signs or monuments identifying points of interest or sites of historic significance. The site, size and design of said signs or monuments, shall be specifically approved by the Zoning Administrator or Designee.~~
- ~~C. **Residence Signs**. (*See subsection 3.05.110.B.*)~~

SECTION 2: **AMENDMENT** "4.04.110 Signs" of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

4.04.110 Signs

~~Unless otherwise prohibited by law, signs of the type and description listed below, but no others, may be placed and maintained in the LDR2 zone.~~

- ~~A. **Temporary**. Two (2) temporary signs with a maximum area of six (6) square feet each, pertaining to the sale, lease, or rent of the particular building, property, or premises upon which displayed, and no other.~~
- ~~B. **Points of Interest**. Signs or monuments identifying points of interest or sites of historic significance. The site, size, and design of said signs or monuments, shall be specifically approved by the Zoning Administrator or Designee.~~
- ~~C. **Residence Signs**. (*See subsection 3.05.110.B.*)~~

SECTION 3: **AMENDMENT** "4.05.120 Signs" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

4.05.120 Signs

~~Unless otherwise prohibited by law, signs of the type and description listed below, but no others, may be placed and maintained in the LDR3 zone.~~

~~A. **Temporary**. Two (2) temporary signs with a maximum area of six (6) square feet each, pertaining to the sale, lease, or rent of the particular building, property, or premises upon which displayed, and no other.~~
~~B. **Points of Interest**. Signs or monuments identifying points of interest or sites of historic significance. The site, size, and design of said signs or monuments, shall be specifically approved by the Zoning Administrator or Designee.~~
~~C. **Residence Signs**. (*See subsection 3.05.110.B.*)~~

SECTION 4: **AMENDMENT** "5.01.140 Other Requirements" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

5.01.140 Other Requirements

A. **Entrances**. In order to create a pedestrian-oriented environment in which buildings are oriented toward publicly accessible streets and sidewalks, a principal building must have its main entrance from a public sidewalk or plaza or from a private sidewalk or plaza that is publicly accessible through a public use easement.
    1. The main entrance shall not be from a parking lot; however, secondary entrances from parking lots are permitted.
    2. Interior buildings constructed as part of a campus development are exempt from these requirements.
B. **Outdoor Storage or Display**. Outdoor storage or display requires a Conditional Use Permit (CUP).
C. **Signs**. (*See section 3.5.*)~~All signs erected in the MU zone shall be in conformance with the sign provisions of the Rexburg City Sign Code, except for the following:~~
    ~~1. Sign requirements shall apply to the MU district, with the following exceptions:~~
        ~~a. Pole signs are not allowed;~~
        ~~b. Permitted detached signs shall be monument style and shall be limited to six (6') feet in height.~~

D. **Street lighting and utilities** within the right-of-way shall be installed as per the City Engineering Standards.

E. **Walls, Fences, and Gates** *(See subsection 3.02.110.)*

1. In order to promote pedestrian-oriented developments, exterior security fences and gates that are located along public streets, along private street or walkways that are publicly accessible through a public use easement, or along publicly accessible open spaces, shall not extend beyond the building façades (i.e., these fences shall not be located in the area between building façades and the property line).

F. **Commercial Design Standards.** Commercial projects must meet commercial design standards. *(See section 6.0.)*

SECTION 5: **AMENDMENT** "6.02.120 Signs" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

6.02.120 Signs

A. **Signs**. (*See section 3.5 ~~with the following exceptions.~~*)

~~1. For the purpose of this subsection the phrase "no direct vehicular access to an arterial street" shall mean a development project that has one of the following:~~

~~a. No drive entrances directly from an arterial into the development~~

~~b. No frontage on an arterial road~~

~~c. Must be accessed from a secondary road.~~

~~2. Large scale developments of at least fifty (50) acres or more having no direct vehicular access to an arterial street shall be entitled to two (2) additional free-standing, development entrance signs subject to the following standards:~~

~~a. **Sign Copy**. Sign copy shall be limited to the name, logo, and address of the development.~~

~~b. **Sign Location**. Sign location sign shall be limited to the immediate area where a secondary road connects to an arterial road whether on private or public property.~~

~~c. **City-Owned Right-of-Way**. A sign may be located in a landscaped or concrete median in city-owned right-of-way subject to:~~

~~(1) Issuance of an encroachment permit~~

~~(2) Resolution of all sight safety issues~~

~~d. **Size**. Sign size shall be limited to one hundred (100) square feet.~~

~~e. **Height**. Sign height shall be limited to twenty (20') feet.~~

~~f. **Sign Area**. Sign area shall be calculated as a part of the overall free-standing sign allowances for signs over five (5') feet.~~

SECTION 6: **AMENDMENT** "8.04.150 Other Requirements" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

8.04.150 Other Requirements

A. **Uses within Buildings**. All uses established in the RBD zone shall be conducted entirely within a fully-enclosed building.
B. **Landscaping**. At least thirty (30%) percent of the area of any lot shall be maintained in landscaping unless specific permission has been obtained from the Planning & Zoning Commission.
C. **Hours of Operation**. In the RBD zone, no permitted or conditionally permitted use shall be open for business on any Sunday, or after 9:00 P.M. or before 7:00 A.M. on any other day, nor shall any permitted or conditionally permitted use accept deliveries other than between the hours of 9:00 a.m. and 3:00 p.m., with no deliveries allowed at all on Sundays.
D. **Signs**. *(See section 3.5.)* ~~Signs shall be in general compliance with the typical signing program under the provisions applicable to home businesses.~~

SECTION 7: **AMENDMENT** "9.04.060 Mobile-Vending Court" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

9.04.060 Mobile-Vending Court

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 section ~~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. **Trash.** The property owner shall provide trash receptacles and waste removal for customers and mobile vendors.
    a. **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 8: **AMENDMENT** "11.03.120 Sign Regulations" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

11.03.120 Sign Regulations

~~*(See section 3.5.)*~~

~~Adequate signs and marks indicating direction, community areas, recreation areas, and street names shall be established and maintained in the Manufactured Housing Community.~~

SECTION 9: **AMENDMENT** "C.01.120 Other Requirements" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

C.01.120 Other Requirements

A. **Uses Within Buildings**. All uses established in the Hemming PRO zone shall be conducted entirely within a fully-enclosed building except those uses deemed by the Planning Commission to be customarily and appropriately conducted in the open, and other uses which are allowed by the Planning Commission to be conducted in the open through the granting of a conditional use permit. Uses customarily deemed to be conducted in the open may include, but would not be limited to, service stations, ice-skating, miniature golf, etc.
B. **Landscaping**.
    1. Surface Parking lots (single level) a minimum of ten (10%) percent landscaping shall be provided for all ground level surface parking lots and shall be useable for snow storage. In addition, parking areas shall be adequately screened from adjacent rights-of-say.
C. **Signs**. ~~All signs erected in the Hemming Pro Zone shall be approved by the Planning Commission or designee prior to the issuance of a sign permit.~~ (See section 3.5)
D. **Canopies and Marquees**. Canopies and/or marquees may be extended over public sidewalks in the Hemming Pro Zone only after a conditional use permit has been granted by the Planning Commission for their erection, and after a revocable license has been issued by the Rexburg City Mayor in accordance with the procedures outlined herein.
    1. Said marquees or canopies may be supported by columns or stanchions which are attached to the ground within the public right-of-way and do not extend beyond the street curb line.
    2. Canopies and marquees erected in the Hemming Pro Zone must comply with all of the following conditions:
        a. **Conditional Use Permit**. A conditional use permit must first be granted by the Planning Commission following an application submitted to the Planning Commission. Procedure for granting a conditional use permit for this purpose shall be in accordance with Rexburg City Code.
        b. **Commission Review**. Before a license shall be issued by the City the design of the canopy or marquee and the materials used in the construction of said canopy or marquee shall first be reviewed by the Planning Commission in the process of granting a conditional use permit. The Planning Commission shall not grant a conditional use

permit for any construction of such canopies or marquees unless the following is fully demonstrated to their satisfaction:

(1) **Design**. The canopy or marquee is harmonious in design and appearance with the building upon which it is being located, and with the general architectural and visual theme of the Hemming Pro Zone.

(2) Canopies or marquees shall remain open and unencumbered on three (3) sides except for required supporting columns, stanchions, or architectural features approved by the Planning Commission.

(3) **Materials**. The canopy or marquee will be constructed of materials contained on the materials list for the Hemming Pro Zone approved by resolution of the City Council.

(4) **Objective**. The canopy or marquee will tend to improve the visual environment of the City, will not be harmful to any existing tree or landscaping element, will increase downtown property values, and will promote the objectives and characteristics of the Hemming Pro Zone as set forth herein.

(5) **Support**. The location of supporting columns or stanchions will not obstruct pedestrian traffic on the sidewalk, and will not materially affect existing landscaping or street furniture installations in the public right-of- way.

(6) **Landscaped Area**. In the event that no public landscaping exists in the area adjacent to said canopy or marquee, the Planning Commission shall require the provision of a landscaped and planted area no less than four (4') feet in width and no greater than six (6') feet in width to be planted with materials as part of the granting of a conditional use permit. This planting shall be provided at least the full width of the canopy or marquee installation.

(7) **Building Code**. All canopy or marquee installations will be in full conformance with the provisions of the latest edition of the Uniform Building Code as adopted by Rexburg City.

3. **License**. A license shall be obtained from the City permitting such construction. Conditions deemed appropriate by City may be imposed upon the granting of a license.
    a. **Revoke**. Said license may be revoked after ninety (90) days of written notice to the licensee, at which time all improvements must be removed from the public right-of-way at the full expense of said licensee.
    b. The City right-of-way shall be restored by the licensee at his own expense to a condition equivalent or better than that existing in the remainder of the block face, and to a condition satisfactory and acceptable to the Mayor.
4. **Maintenance**. The licensee shall agree to save and hold harmless the City on any and all damage to any property or person arising from the construction

and maintenance of such canopies or marquees.

a. Licensee shall assume and pay all costs of installation, maintenance, and removal of said canopy or marquee.

b. The licensee shall agree to pay damages and hold the City harmless from any claim that may arise through the licensee's use of public property for this purpose.

E. **Right-of-Way**. In no event shall any portion of the public right-of-way be used for commercial storage, display, or other private use.

1. The construction of any canopy or marquee under the provisions of this Section shall in no way deprive the public of use of the public right-of-way.

F. **Trash Storage**. (*See 3.02.120*.)

G. **Walls and Fences**.

1. **Front Yard**. No wall, fence, or opaque hedge or screening material higher than thirty-six (36") inches shall be maintained within a required front yard 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.
2. **Residential**. The following standards shall apply in all residential projects in the Hemming PRO zone:
    a. **Front Yard**. Solid walls, fences, hedges or screening materials which are sight obscuring may be built to a maximum of three (3') feet in any required front yard perimeter. Walls, fences, hedges or screening materials which are not sight obscuring (at least 50% open) may be built to a maximum of six (6') feet in a front yard.
    b. **Side Yard**. Solid, sight obscuring fences or walls may be built to a maximum of three (3) feet but may slope upward to connect with a higher rear yard fence. The sloped length may not exceed one section or a maximum of ten (10') feet.
    c. **Rear Yard**. Walls and fences in a rear yard may exceed six (6') feet provided that a building permit is first obtained from the Building Inspection Division prior to construction.
    d. **Corner Lots**. A fence not more than six (6') feet high may be constructed in a side yard adjacent to a public street on a corner lot, provided it does not extend into the clear vision area of a corner lot as defined by Rexburg City Code.
    e. **Entryways**. Entry treatments to private driveways or subdivision development entrances may not exceed six (6') feet at the highest point, except lamps on pillars.
        (1) **Pillars**. Pillars shall be allowed to extend up to eighteen (18") inches above the allowable height of a fence provided that the pillars shall have a minimum spacing of no less than six feet, measured face to face.
    f. **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.

g. **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.

h. **Privacy Walls**. Privacy walls which project into a required front yard will be subject to staff review.

i. **Double Frontage Lots**. A fence or wall may be erected in the rear yard of a double frontage lot subject to staff review.

j. **Exceptions**. The provisions of this Section shall not apply to certain other fences such as 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. All other exceptions must obtain Planning Commission approval.

H. **Sidewalk Cafes**. A sidewalk café shall be permitted if the following requirements are met:

1. An applicant submits scaled plans demonstrating that the café will conform to the following development standards:

a. **Pedestrians**. At least six (6') feet of clear, unobstructed sidewalk width will remain available for pedestrian use.

b. **Sidewalk Obstructions**. A six (6') feet clearance shall be required between any portion of the café area and any sidewalk obstructions such as tree wells, street signs, utility poles, newspaper racks, benches, kiosks, drinking fountains and landscaped areas.

c. **Awnings**. Awnings associated with the café will be installed in accordance with the Uniform Building Code.

d. **Barriers**. If the sidewalk café is limited to one row of tables and chairs parallel to the building, no barriers will be erected to impede access.

e. **Furnishings**. Tables, chairs and other furnishings associated with the café will be located directly adjacent to the building and ground floor space in which food or drink is prepared.

(1) If a sidewalk café is designed to have more than one such row of tables and chairs, a non-sight obscuring removable barrier not more than three (3') feet high enclosing the tables and chairs shall be constructed.

(2) Barrier gates shall not swing into the required unobstructed sidewalk area required in subsection (b) above.

f. **Hours**. Hours of café use will be limited to not earlier than 7:00 A.M. and not later than 11:00 P.M. and will not exceed the operating hours of the associated eating or drinking establishment.

g. **Insurance**. Insurance will be continuously maintained to adequately co-insure Rexburg City against any liability associated with the sidewalk café, as reasonably determined by the City. The insurance certificate shall name the City as an "additional insured." Cancellation

of such insurance shall require at least thirty (30) days prior notice to the City.

h. **Liability**. Rexburg City, its officers, agents and employees, will be held harmless from any claims, causes of action, injuries, losses, damages, expenses, fees and costs, including attorneys' fees, associated or arising from the operation of the café.

i. **Maintenance**. The Café owner and operator will maintain the sidewalk café and surroundings will be maintained in a neat and clean condition at all times.

j. **Repair**. The café owner and operator will be responsible for repair of any damage done to the public sidewalk due to the installation or removal of furnishings, barriers or other features of the sidewalk café.

k. **Setback**. A five (5') feet setback will be maintained from the dining area to a property or lease boundary and from the intersection of the public sidewalk with a driveway, alley, street or another public sidewalk.

l. **Sidewalk Repair**. The Café owner and operator will remove café improvements if necessary for sidewalk repair or replacement, utility maintenance, or upon failure to comply with the terms of the agreement.

m. **Signs**. Signs associated with the café will be installed in accordance with Rexburg City Code.

n. **Trash and Tobacco**. Adequate facilities for the storage of trash and tobacco waste products generated by the café will be provided at a convenient location.

o. **Umbrellas**. Umbrellas shall not extend into the required unobstructed sidewalk area required in subsection (b) above.

2. An agreement between the applicant and the City is executed and recorded that includes the following provisions:
    a. No alcohol will be consumed on the sidewalk.
    b. All tables and chairs, any barrier, and other sidewalk obstructions associated with the sidewalk café will be removed during the time period between one-half (½) hour after close of business to one-half (½) hour before opening of the business.

I. **Time Limits**. If the Hemming Pro Zone is not proceeding with construction of buildings and uses that are substantially the same as proposed and intended during the rezone request, the City shall initiate a reversion to the previous zoning (most recent prior to the PRO Zone designation).

1. This time limit shall include a forty-eight (48) month period. The time shall begin at the adoption of the Hemming PRO zone or at each phase.
2. **Building Permit**. Within the forty-eight (48) month period a building permit shall be submitted that requests approval of a substantial building that is consistent with the intent of the Hemming PRO Zone.
3. **Phases**. No new phases shall be considered until at least fifty (50%) percent build out has occurred on previous phases.

J. **Building Code**. The provisions of this Section are not intended to any way nullify or repeal any portions of the Uniform Building Code provisions.

SECTION 10: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 11: **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 12: **EFFECTIVE DATE** This Ordinance (Case #23-00565) shall be in full force and effect from December 20, 2023 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF REXBURG COUNCIL DECEMBER 20, 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