

CITY OF REXBURG
ORDINANCE DAYCARES MARCH 2025

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

SECTION 1: **AMENDMENT** “1.04.030 Conditional Use Permits” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

1.04.030 Conditional Use Permits

Pursuant to *Idaho Code Section 67-6512*, the Council and Commission may issue conditional use permits.

- A. **Application.** (*See subsection 1.04.010.*) A narrative statement shall discuss the general compatibility of the proposed development with adjacent properties and the neighborhood, the relationship of the proposed use to the Comprehensive Plan, and the effects of the following on the adjoining property: noise, glare, traffic generated, vibration, odor, fumes, drainage, building height, massing, and solid waste.
- B. **Studies.** The Commission or Council may require that the applicant conduct studies of the social, economic, fiscal, and environmental effects of the proposed use.
- C. **Hearing.** Prior to issuing a Conditional Use Permit, at least one public hearing shall be held. (*See subsection 1.03.070.*)
- D. **Authority of Commission to Review Conditional Use Permits.** The Planning and Zoning Commission may, without approval of the Council, grant the following Conditional Use Permits (C.U.P.): **Conditional Use Permits:** ~~Bed-& Breakfast Boarding houses~~ Churches, synagogues, and temples ~~Day-care centers~~ ~~Developments with four (4) or less dwelling units~~ Funeral and crematory services Government buildings Home occupations (*See subsection 4.00.040.*) Household goods warehousing and storage ~~Nursery Schools~~ Parks Reduced parking space size in parking structures
 - 1. All other Conditional Use Permits may only be granted after review and recommendation by the Commission and approval by the City Council.
- E. **Standards for Approval.** The approving body shall review the particular facts and circumstances of each proposed conditional use and shall find adequate evidence to show that the proposed use will comply with the following:
 - 1. **Be Listed as Conditional Use.** Constitute a conditional use as established in this Development Code.
 - 2. **Comprehensive Plan.** Be in accordance with a specific or general objective of the city’s Comprehensive Plan and the regulations of this Ordinance.
 - 3. **Harmony with Adjacent.** Be designed and constructed in a manner to be harmonious with the existing character of the neighborhood and the zone in

which the property is located.

4. **Nuisance.** Not create a nuisance or safety hazard for neighboring properties in terms of excessive noise or vibration, improperly directed glare or heat, electrical interference, odors, dust or air pollutants, solid waste generation and storage, hazardous materials or waste, excessive traffic generation, or interference with pedestrian traffic.
 5. **Public Facilities and Services.** The use will be adequately served by essential public facilities and services such as street access, police and fire protection, drainage structures, refuse disposal, water and sewer service, and schools.
 - a. If existing facilities are not adequate, the developer shall show that such facilities shall be upgraded sufficiently to serve the proposed use.
 6. **Traffic.** Not generate traffic in excess of the capacity of public streets or access points serving the proposed use and will assure adequate visibility at traffic access points.
 7. **Buffers.** Be effectively buffered to screen adjoining properties from adverse impacts of noise, building size and resulting shadow, traffic, and parking.
 8. **Slope and Soil.** Be compatible with the slope of the site and the capacity of the soils and will not be in an area of natural hazard unless suitably designed to protect lives and property.
 9. **Historic Features.** Not result in the destruction, loss or damage of a historic feature of significance to the community of Rexburg.
- F. **Supplementary Conditions and Safeguards.** In granting a Conditional Use Permit, the approving body may prescribe appropriate conditions and safeguards. Such conditions to be attached to the permit may include but not be limited to:
1. Minimizing adverse impact on other developments.
 2. Controlling the sequence and timing of development.
 3. Controlling the duration of development.
 4. Assuring the development is properly maintained.
 5. Designating the exact location and nature of development.
 6. Requiring the provision for on-site or off-site public facilities of services;
 7. Requiring more restrictive standards than those generally required in this Ordinance.
- G. **Action by the Commission/Council.** ([*See subsection 1.03.090.*](#))
- H. **Formal Notice.** Formal notice will be sent to applicant after approval of a Conditional Use Permit.
1. Notice will state the conditions of the permit.
- I. **Time Limit.** If conditions are violated or not met, there will be a ninety (90) day period to cure the problem. Failure to comply with the terms may result in revocation of the Conditional Use Permit.

SECTION 2: AMENDMENT “C” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

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 Daycare Center: A building or structure where care, protection, and supervision are provided on a regular schedule, at least three times a week for thirteen (13) or more children.

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

AMENDMENT

D

Daycare Centers: ~~A building or structure w~~ Where care, protection, and supervision are provided for children on a regular schedule, at least three (3) times a week ~~for seven (7) or more children.~~ (See subsection 4.00.040 Home Occupations.)

Daycare, Commercial: See Commercial Daycare Center

Daycare Facility: A building or structure where care, protection, and supervision are provided on a regular schedule, at least three times a week for seven (7) to twelve (12) children. Facility can be stand-alone or in-home.

Daycare, Family Home: See Family Home Daycare

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.
- C. **Accessory Dwelling Unit:** A second, smaller dwelling, within or attached to a single-family residence or its garage, or a detached building, located on the parcel where the owner resides.

SECTION 4: 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 *Title 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.

Family Home Daycare: A building or structure where care, protection, and supervision are provided on a regular schedule, at least three times a week for six (6) or fewer children. (See subsection 4.00.040 Home Occupations.)

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.

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

<u>SCHOOLS</u>	<u>Centers</u> (between 7 and 12 or more children, 3 or more times a week)	CU P	CU P	CU P	CU P	CU P	<u>CU</u> <u>P</u>	<u>CU</u> <u>P</u>	P	P
	<u>Nursery Schools</u> <u>Family Home</u>	<u>CU</u> <u>P</u>	<u>CU</u> <u>P</u>	<u>CU</u> <u>P</u>	<u>CU</u> <u>P</u>	<u>CU</u> <u>P</u>				
	<u>Daycare</u> (6 or less children, 3 or more times a week)	**	**	**	**	**	P	P	P	P
	Schools (Pre-K - 12)	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P
ASSEMBLY-DECEASED	Cemeteries	CU P	CU P	CU P	CU P	CU P				
	Churches, Synagogues, Temples & Missions	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P
TRANSPORTATION	Automobile Parking Lots & Garages (Stand-alone)						CU P	CU P	CU P	CU P
UTILITIES & FUEL	Right of Way (combo, electric transmission, gas pipeline, sewage, water pipeline, storm drain)	P	P	P	P	P	P	P	P	P
	Public Facilities	P	P	P	P	P	P	P	P	P
	Utilities (Rocky Mountain Power, Intermountain Gas, etc.)	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P
	Water Storage	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P

*For Short-Term Rental restrictions, see subsection 4.00.025

**Permitted with Administrative Approval

SECTION 6: AMENDMENT “3.08.020 Permitted Uses In Commercial Zones” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

3.08.020 Permitted Uses In Commercial Zones

Permitted Uses In Commercial Zones

Use Categories	Uses	MU	CB C	RB C	RB D	LI	HI
AGRICULTURAL	Agriculture Packaging					CUP	P
	Agriculture Processing					CUP	P
	Agriculture Product & Input Sales		CUP	CUP		P	P
	Farm & Construction Vehicles, Equipment & Supplies		CUP	CUP		P	P
ACCESSORY	Accessory Building	P	P	P	CUP	P	P
	Accessory Dwelling Unit					CUP	CUP
	Accessory Home Occupation	P					
	Accessory Swimming Pool	P					
RENTAL, SHORT-TERM, TRANSIENT LIVING	Short-term Rental	P					
	Hotels, Motels	P	P	P		CUP	
	Campgrounds, RV Campsites & Travel, Tiny Homes on Wheels		CUP				
GROUP LIVING WITH ASSISTANCE	Assisted & Residential Care Facility	P					
	Group Home (Disabled & Elderly)(8 and fewer residents)	P					
	Residential Facility for Elderly Persons (greater than 8 residents)	CUP	CUP				
	Sanitariums, Convalescent, & Rest Homes	CUP	CUP				
RESIDENTIAL	Single-Family Dwelling Attached (3 or more units)	P					
	Multi-Family Dwelling	P					
	Dormitory	CUP					
	Athletic Clubs, Body Building Studios, Aerobic Centers & Gymnasiums	P	P	P		CUP	
	Amusement Parks		CUP	CUP			

RECREATION & ENTERTAINMENT	Athletic Fields	CUP	CUP				
	Commercial Pools	CUP	P	P			
	Dog Parks	CUP	CUP				
	Drive-In Movies		CUP				
	Event Center (Dancing, Conferences, Performances)	CUP	P	P			
	Go-Car, 4-Wheeler Tracks		CUP	CUP			
	Golf Driving Ranges		P				
	Ice Skating (Commercial)	CUP	P	P			
	Indoor Amusement (Pool Halls, Bowling Alleys, Indoor Golf, etc.)	CUP	P	P			
	Museums and Art Galleries, Cultural Activities	P	P	P			
	Parks & Playgrounds	CUP	P				
	Recreation Centers	P	P	P			
	Riding Stables (Animals are housed also)		CUP				
	Roller Skating	CUP	P	P			
	Spas	P	P	P			
	Sports Stadiums, Arenas & Field Houses		CUP				
	Theatres (Auditoriums, Performing & Motion Pictures)	CUP	P	P			
SCHOOLS	Daycare Facility Care Centers (Between 7 and 12 or more -children, 3 or more times a week)	P	P	P	CUP	CUP	CUP
	<u>Commercial Daycare Center (13 or more children)</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>
	Nursery Schools <u>Family Home Daycare</u> (6 or less children, 3 or more times a week)	P	P	P	CUP	CUP	CUP
	Schools (Pre-K - 12)	CUP	P	P			
	Special Training (Fire, Police, etc.)					CUP	

	Technical Schools & Vocational Schools	CUP	CUP	CUP		CUP	
ASSEMBLY-DECEASED	Churches, Synagogues, Temples, & Missions	CUP	CUP				
	Funeral Parlor (Mortuary) & Crematory		P	CUP			
TRANSPORTATION	Automobile Parking Impound Yards (Stand-alone)		CUP			P	
	Automobile Parking Lots & Garages (Stand-alone)	P	P	P		P	P
	Automobile Repair & Maintenance		P	P		P	
	Automobile Sales & Rental		P**	P		P	
	Bus Garaging & Equipment Maintenance		CUP			P	P
	Bus Passenger Terminals	P	P	P			
	Freight Garaging & Maintenance					P	P
	Freight Terminals		CUP			P	P
	Helipad		CUP	CUP		CUP	CUP
	Railroad Yards					P	P
	Truck & Bus Sales		CUP	P		P	P
	Truck & Trailer Rentals (no drivers)		CUP	CUP		P	P
	Truck Repair		CUP			P	P
ANIMALS	Animal Grooming	CUP	P	P		P	
	Commercial Kennels		CUP			CUP	
	Veterinarian Services (Large Animal with Outdoor Facilities)		CUP			CUP	
	Veterinarian Services (Small Animal Indoor Only)	CUP*	P	P		P	
	Bakeries & Doughnut Shops	P	P	P	CUP	P	
	Candy, Nut & Confectionery	P	P	P	CUP	P	
	Canning - Fruits, Vegetables, Preserves, Jams, Specialty, etc.					CUP	P
	Eating Places (with a Drive Through)	CUP	P	P			

FOOD & DRINK	Eating Places (without a Drive Through)	P	P	P			
	Food & Kindred Products (Except meat packing, animal & marine fats & Oils)					P	P
	Food Lockers		P			P	
	Grocery Stores	CUP	P	P			
	Liquor Stores		P	P			
	Mobile Vending Court	CUP	CUP	CUP		CUP	
OFFICE-TYPE BUSINESS	Banks & Credit Unions	CUP	P	P			
	Call Centers	CUP	P	P			
	Commercial Printing		P	P		P	P
	Professional Services Office (Accounting, Financial, Insurance, Legal, Real Estate, etc.)	P	P	P			
	Scientific Research & Testing (Laboratory)	CUP	P	P		P	
	Wedding Chapels & Reception Centers	P	P	CUP			
	Welfare & Charitable Services	P	P	P			
MEDICAL & EMERGENCY	Ambulance & Fire Services	CUP	CUP	CUP		CUP	
	Behavior, Drug & Alcohol Treatment		CUP	CUP			
	Hospitals, Operations Centers, Out-Patient Medical	CUP	CUP	CUP			
	Medical Laboratories	CUP	P	P		P	
	Pharmacy & Medical Supplies	P	P	P			
	Physicians & Dental Offices	P	P	P			
GOVERNMENT	Governmental Services	P	P	P			
	Libraries	P	P	P			
	Police Protection & Related Activities Office	P	P	P			
	Postal Services		P			P	
BUILDING	Building & Construction Supplies Retail (No Storage Yard)	P	P	P		P	P

& CONSTRUCTION	Building & Construction Supplies Retail (with Storage Yard)		CUP	CUP		P	P
	Concrete Mix Plant; Asphalt Hot Plant						CUP
STORAGE	Household Good Storage	CUP	CUP			P	
	Refrigerated Warehousing		CUP			P	P
	Warehousing & Storage Industrial Services					CUP	P
SHOPPING	Antiques	P	P	P			
	Auction Houses		CUP	CUP			
	Auction yard					CUP	P
	Beauty & Barber Shops & Supplies	P	P	P	P		
	Professional, Scientific & Controlling Instruments, & Supplies	CUP	P	P		P	
	Equipment Rental & Leasing (Including Outside Storage)		CUP	CUP		P	
	Equipment Rental (Indoor Only)	P	P	P		P	
	Lawn & Garden Supplies (Nursery stock, Equipment, Tools, Greenhouse, Yard Art, etc.)	CUP	P	P		P	
	Gas, Bottled (LP Exchange & Refill)		P	P		P	
	Gasoline Service Stations	CUP	P	P		P	CUP
	General Merchandise (Department, Discount, Variety, etc.)	P	P	P			
	Hardware	P	P	P		P	
	Horticulture & Plant Nurseries		P	P		P	
	Janitorial Supplies	CUP	P	P		P	P
	Locksmiths & Key Shops	P	P	P			
	Machinery Retail (Robotics, Machine Tools, Manufacturing Equipment, etc.)		CUP	CUP		P	P
	Manufacturing of Apparel & Accessories (except leather tanning & finishing)					P	P
Musical Instruments	P	P	P				

	Pawn Shops (No Outside Storage)		CUP				
	Petroleum & LP Bulk Stations & Terminals		CUP	CUP		CUP	P
	Recreational Vehicles, Parts & Accessories	CUP	P	P		P	
	Shopping Centers	CUP	P	P			
	Thrift Store & Second-Hand Merchandise (No Outside Storage)	CUP	P	CUP			
MINOR ASSEMBLY & OTHER INNOCUOUS MANUFACTURING	Gunsmith		P	P		P	
	Industrial Laundry					CUP	P
	Dry Cleaning	CUP	P	P			
	Laundry, Pressing, Alteration & Garment Repair	P	P	P			
	Minor Manufacturing & Assembly (Small Item)		CUP			P	
	Photographic Studio, Supplies & Equipment	P	P	P			
	Pottery & Related Products		CUP			P	
	Repair Services	CUP	P	CUP		P	P
HEAVY MANUFAC	Bottling & Canning, Soft Drinks & Carbonated Water					P	P
	Explosives						CUP
	Fire Arms & Ammunition					CUP	CUP
	Fire Works						CUP
	Glass, Flat, Pressed					CUP	P
	Industrial Inorganic Chemicals (includes air separation)						CUP
	Foundries (Refining & Extruding of Metals)						CUP
	Junk Dealers, Salvage Operations, Waste Material & Scrap						CUP
	Leather Tanning & Finishing						P
	Matches						P

TURING & RECYCLIN G	Metal Working Machinery & Equipment (tool & dye shops, machine shops)		CUP				P	
	Miscellaneous Fabricated Rubber Products						CUP	P
	Non-clay Refractories							P
	Nuclear Energy							CUP
	Paper & Allied Products (Except Pulp)							P
	Plastic Materials, Synthetic Resins & Non-vulcanizable Elastomers						CUP	CUP
	Printing Ink						P	P
	Recycle Center							CUP
	Textile Mill Products (no tire cord & fabric)						P	P
	Tire Cord & Fabric							P
UTILITIES & FUEL	Electric Generation Plants (conventional fuel including hydroelectric, solar, etc.)							CUP
	Refuse Disposal						CUP	CUP
	Right of Way (combo, electric transmission, gas pipeline, sewage, water pipeline, storm drain)	P	P	P	P	P	P	P
	Public Facilities	P	P	P	P	P	P	P
	Spreading Grounds (for percolating water into underground)		CUP	CUP			CUP	
	Storage Yards (Utility)						P	P
	Utilities (Rocky Mountain Power, Intermountain Gas, etc.)	CUP	CUP	CUP			CUP	CUP
	Waste Water Treatment Plants, Sludge Drying Beds, etc.						CUP	CUP
	Water Storage	CUP	CUP	CUP			CUP	CUP
Water Treatment Plants (Purification)							CUP	

* See conditions in [5.01.020 Mixed Use Permitted Uses](#)

**See conditions in [6.01.020 Commercial Business Center Permitted Uses](#)

SECTION 7: AMENDMENT “3.08.030 Permitted Uses In Other Zones” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

3.08.030 Permitted Uses In Other Zones

Permitted Uses In Other Zones

Use Categories	Uses	TA G	UD	PF	OS
AGRICULTURAL	Agriculture Farming & Ranching	P	P		
ACCESSORY	Accessory Livestock (No more than ten (10) per acre)	P			
	Accessory Swimming Pool	P			
	Accessory Dwelling Unit	CU P			
	Accessory Building	P	P	P	
	Accessory Home Business	CU P			
	Accessory Home Occupation	P			
RENTAL, SHORT-TERM, TRANSIENT LIVING	Short-term Rental	P			
	Hotels, Motels		CU P		
	Campgrounds, RV Campsites & Travel			CU P	
GROUP LIVING WITH ASSISTANCE	Group Home (Disabled & Elderly)(8 and fewer residents)	P			
RESIDENTIAL	Single-Family Dwelling Detached	P			
	Multi-Family Dwelling		CU P		
	Dormitory		CU P		
	Athletic Clubs, Body Building Studios, Aerobic Centers & Gymnasiums		P		

RECREATION &
ENTERTAINMENT

Athletic Fields	CU P	P	P	
Commercial Pools		P	P	
Dog Parks			CU P	
Event Center (Dancing, Conferences, Performances)		P	CU P	
Fairgrounds			P	
Golf Courses	CU P		P	
Golf Driving Ranges			P	
Ice Skating (Commercial)		P	P	
Indoor Amusement (Pool Halls, Bowling Alleys, Indoor Golf, etc.)		P		
Museums, Art Galleries, Cultural Activities		P	P	
Nature Exhibits			P	CU P
Parks & Playgrounds		P	P	
Recreation Centers	CU P	P	P	
Riding Stables (Animals are housed also)		CU P		
Roller Skating		P	CU P	
Skate Park			CU P	
Spas		P		
Sports Stadiums, Arenas & Field Houses		CU P	CU P	
Theatres (Auditoriums, Performing & Motion Pictures)		P	P	
<u>Commercial Daycare Center (13 or more children)</u>	-	<u>P</u>	-	-

<u>SCHOOLS</u>	Daycare Facility Care Centers (between 7 and 12 or more children, 3 or more times a week)	CU P	P		
	Nursery Schools Family Home Daycare (6 or less children, 3 or more times a week)	CU P **	P		
	Schools (Pre-K - 12)	CU P	P	P	
	Special Training (Fire, Police, etc.)		CU P	P	
	Technical Schools & Vocational Schools		P	CU P	
	University, College, Junior College, Professional School Education		P	P	
ASSEMBLY-DECEASED	Cemeteries	CU P		CU P	
	Churches, Synagogues, Temples & Missions	CU P	P		
	Funeral Parlor (Mortuary) & Crematory			CU P	
TRANSPORTATION	Aircraft Manufacturing & Assembling (in or adjacent to an airport)			CU P	
	Airports			CU P	
	Automobile Parking Lots & Garages (Stand-alone)		P	P	
	Automobile Repair & Maintenance		P		
	Bus Garaging & Equipment Maintenance		P	CU P	
	Bus Passenger Terminals		P		
	Freight Garaging & Maintenance		P		
	Freight Terminals		P		
Helipad		CU P	CU P		

ANIMALS	Animal Grooming	CU P			
	Commercial Kennels	CU P			
	Veterinarian Services (Large Animal with Outdoor Facilities)		CU P		
	Veterinarian Services (Small Animal Indoor Only)		CU P		
FOOD & DRINK	Bakeries & Doughnut Shops		P		
	Candy, Nut & Confectionery		P		
	Eating Places (with a Drive Through)		P		
	Eating Places (Restaurants)		P		
	Food Lockers		P		
	Mobile Vending Court		CU P	CU P	
OFFICE-TYPE BUSINESS	Professional Services Office (Accounting, Financial, Insurance, Legal, Real Estate, etc.)		P		
	Scientific Research & Testing (Laboratory)		P		
	Wedding Chapels & Reception Centers		P		
	Welfare & Charitable Services		P		
MEDICAL & EMERGENCY	Ambulance & Fire Services		CU P	CU P	
	Behavior, Drug & Alcohol Treatment			CU P	
	Hospitals, Operations Centers, Out-Patient Medical		CU P	P	
	Medical Laboratories		P		
	Pharmacy & Medical Supplies		P	P	
	Physicians & Dental Offices		P		
	Governmental Services			P	

GOVERNMENT	Libraries		P	P	
	Police Protection & Related Activities Office		P	P	
	Postal Services		P	P	
STORAGE	Refrigerated Warehousing		P		
	Warehousing & Storage Industrial Services		P		
SHOPPING	Beauty & Barber Shops & Supplies		P		
	Professional, Scientific & Controlling Instruments & Supplies		P		
	Equipment Rental (Indoor Only)		P		
	General Merchandise (Department, Discount, Variety, etc.)		P		
	Horticulture & Plant Nurseries		P		
	Musical Instruments		P		
MINOR ASSEMBLY & OTHER INNOCUOUS MANUFACTURING	Photographic Studio, Supplies & Equipment		P		
	Pottery & Related Products		P		
HEAVY MANUFACTURING & RECYCLING	Central Garbage Grinding Stations & Composting Plants			CU P	
	Mining & Quarrying			CU P	
	Nuclear Energy			CU P	
	Electric Generation Plants (conventional fuel including hydroelectric, solar, etc.)			CU P	
	Nuclear Modular Reactor			CU P	
	Refuse Disposal			CU P	
	Right of Way (combo, electric				

UTILITIES & FUEL	transmission, gas pipeline, sewage, water pipeline, storm drain)	P	P	P	P
	Public Facilities	P	P	P	P
	Spreading Grounds (For percolating water into underground)			CU P	
	Storage Yards (Utility)		P	P	
	Utilities (Rocky Mountain Power, Intermountain Gas, etc.)	CU P	CU P	CU P	CU P
	Waste Water Treatment Plants, Sludge Drying Beds, etc.			CU P	
	Water Storage	CU P	CU P	P	CU P
	Water Treatment Plants (Purification)			CU P	

**Permitted with Administrative Approval

SECTION 8: 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

Beauty Salon

Computer programming

~~Family-e~~Child-care may have up to ~~six (6)~~~~five (5)~~ children at any one time. (The care of additional children shall constitute a *Home Business or Commercial Daycare Center*.)

Home cooking, baking and preserving

Home crafts without on premise sales

Individual tutoring

Painting

Piano or Music training

Sculpturing

Secretarial service

Sewing and tailoring
Telephone solicitation work and answering services
Writing

Other uses as approved by the Planning and Zoning Administrator or designee.

- 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)~~ six (6) 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. The home must be owner/leasee occupied.
 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. Deliveries 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), Low Density Residential 1 (LDR1), Low Density Residential 2 (LDR2) and Low Density Residential 3 (LDR3).
 - 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.
 - 5. Childcare may have up to twelve (12) children. (The care of additional children shall constitute a Commercial Daycare Center.)
 - 6. The home must be owner/leasee occupied.

PASSED AND ADOPTED BY THE CITY OF REXBURG COUNCIL OCTOBER 01, 2025.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Robert Chambers	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Colin Erickson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Mikel Walker	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Bryanna Johnson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Eric Erickson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember David Reeser	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest

Jerry L Merrill

Jerry L Merrill, Rexburg Mayor, City
of Rexburg

Deborah Lovejoy

Deborah Lovejoy, Rexburg City Clerk,
City of Rexburg

