

**CITY OF REXBURG
ORDINANCE FENCING DEC 2023**

DEVELOPMENT CODE ORDINANCE 1200 AMENDMENTS

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 FENCING AND FREESTANDING SIGN REQUIREMENTS IN ALL ZONES; 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, the State of Idaho Statutes are used by the City of Rexburg as the primary source of code compliance; and

WHEREAS, Rexburg City Codes are subordinate to Idaho State Code.

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

SECTION 1: **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.

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 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 2: AMENDMENT "SA-SIGN" of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

SA-SIGN

Sanitary Restriction: The requirement that no building or shelter which will require a water supply facility or a sewage disposal facility for people using the premises where such building

or shelter is located shall be erected until written approval is first obtained from the state Division of Environmental Quality (DEQ) by its administrator or his delegate approving plans

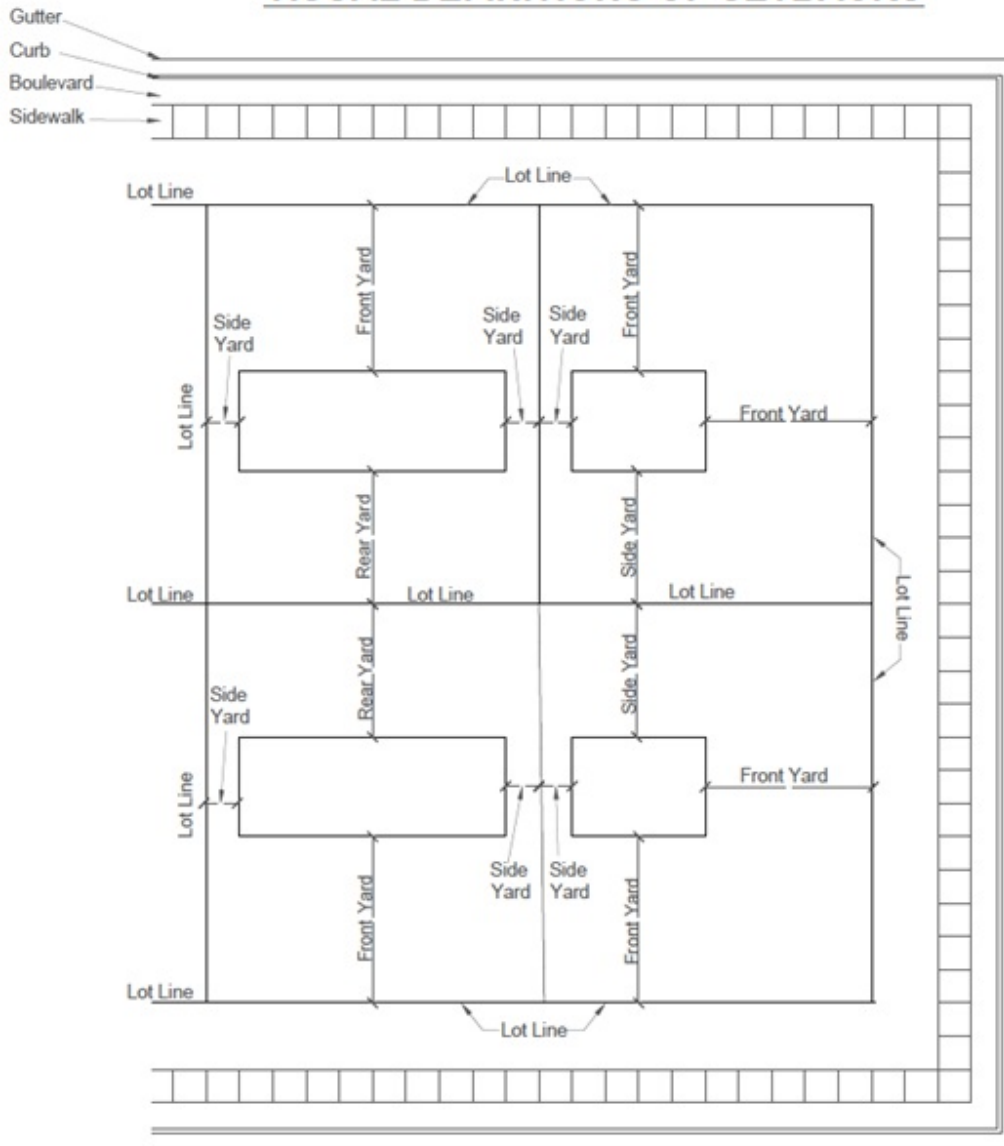
and specifications either for public water and/or sewage facilities, or individual parcel water and/or sewage facilities. **Satellite Dish Antenna:** A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such devices shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbital based uses. A ground-mounted dish shall be regulated as an accessory building. **School:** A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools. **Self-Service Station:** An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

Self-Service Storage Facility: A building or group of buildings consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractor supplies. **Service Building:** A structure containing lavatories, water closets, showers and/or bathtubs, and laundry facilities for the use of manufactured/mobile home community occupants. **Service Station:** Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication minor repairs, and carburetor cleaning are conducted.

- A. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

Setback: The minimum horizontal distance between a property line of a lot and the nearest wall line of the building (providing eaves are equal or less than two (2') feet in depth), including any projection thereof, excluding uncovered steps.

VISUAL DEFINITIONS OF SETBACKS



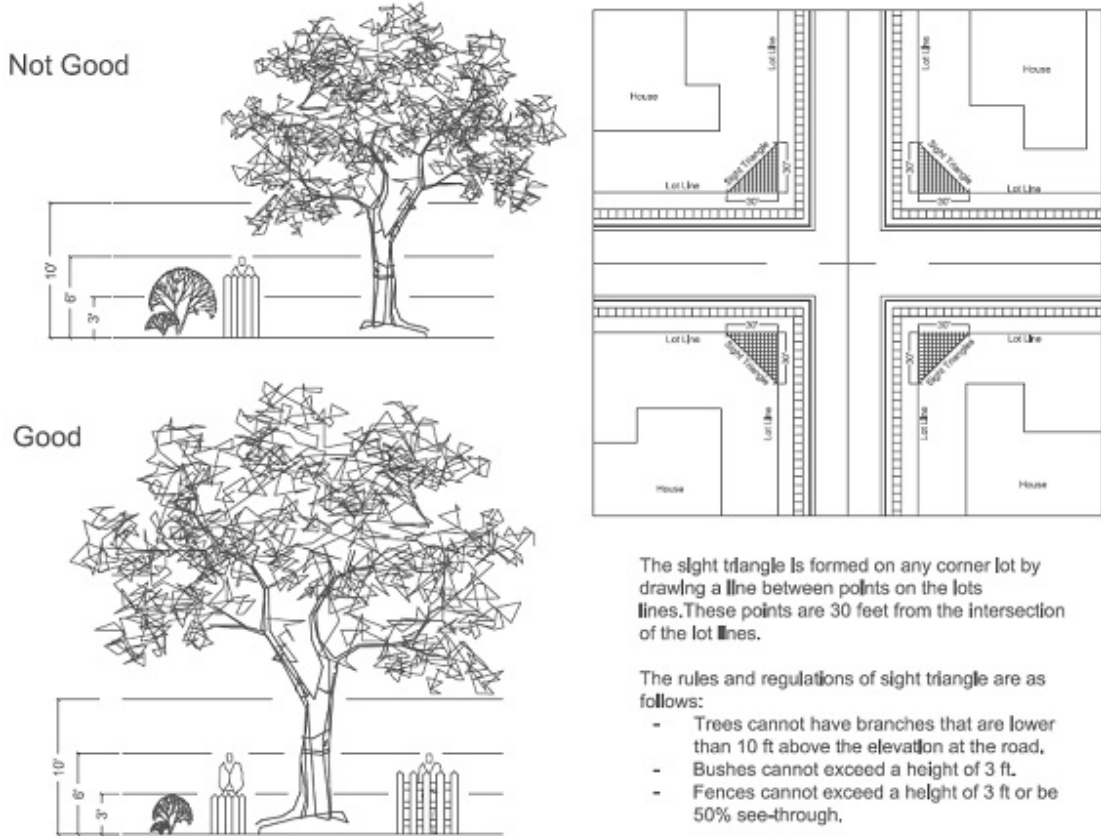
Shopping Centers: A grouping of three (3) or more retail businesses or service uses on a single site of more than five (5) acres but less than ten (10) acres with common parking facilities. **Short-Term Rental:** Any rental of a dwelling unit that is for a time period less than thirty (30) days. Requires that there will be an owner, manager or owner's agent available in Madison County, Idaho. *(Includes Bed and Breakfast and Boarding House as categories of short term rentals.)* ([See subsection 3.02.160.](#))

Sight Triangle: The sight triangle applies to corner lots on intersecting streets. The triangle of land formed on any corner lot by drawing a line between points on the lot lines which are thirty (30') feet from the intersection of such lot lines shall be free from any sight obscuring structure or obstruction except as permitted. The sight triangle for private driveways and alleys

is fifteen (15') feet from property line. Trees in such triangles shall be trimmed to at least ten feet (10') above the center-line grades of the intersection streets. Shrubs, fences, and walls shall not be higher than three (3') feet above the center-line grades of the intersecting streets. The

purpose of the sight triangle is to insure visibility and safety in the zones which require buildings to be set back from the property line.

VISUAL DEFINITION OF A SIGHT TRIANGLE



The sight triangle is formed on any corner lot by drawing a line between points on the lot lines. These points are 30 feet from the intersection of the lot lines.

The rules and regulations of sight triangle are as follows:

- Trees cannot have branches that are lower than 10 ft above the elevation at the road.
- Bushes cannot exceed a height of 3 ft.
- Fences cannot exceed a height of 3 ft or be 50% see-through.

SECTION 3: AMENDMENT “3.02.050 Clear View Of Intersecting Streets; Sight Triangle” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

3.02.050 Clear View Of Intersecting Streets; Sight Triangle

To ensure reasonable visibility and safety in residential zones and other zones which require buildings to be set back from the lot line, the triangle of land formed on any corner lot by drawing a line between points on the lot lines which are thirty feet (30') from the intersection, or fifteen (15') feet for driveways and alleyways, of such lot lines shall be free from any sight obscuring structure or obstruction except as permitted below. ([See Sight Triangle definition.](#))

- A. **Trees** in such triangles shall be trimmed to at least ten (10') feet above the centerline grades of the intersecting streets.
- B. **Shrubs, fences, and walls** shall not be higher than three (3') feet above the centerline grades of the intersecting streets.

SECTION 4: AMENDMENT “3.02.100 Fencing Requirements” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

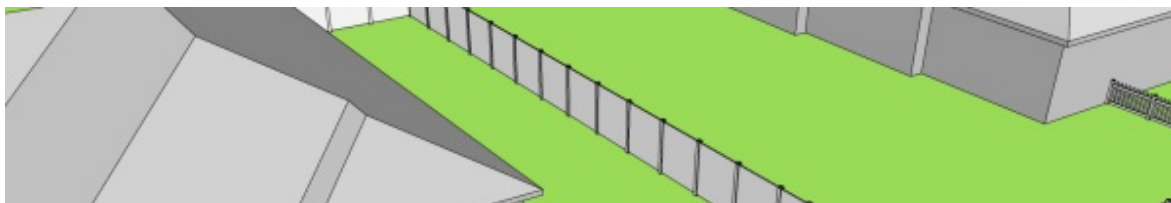
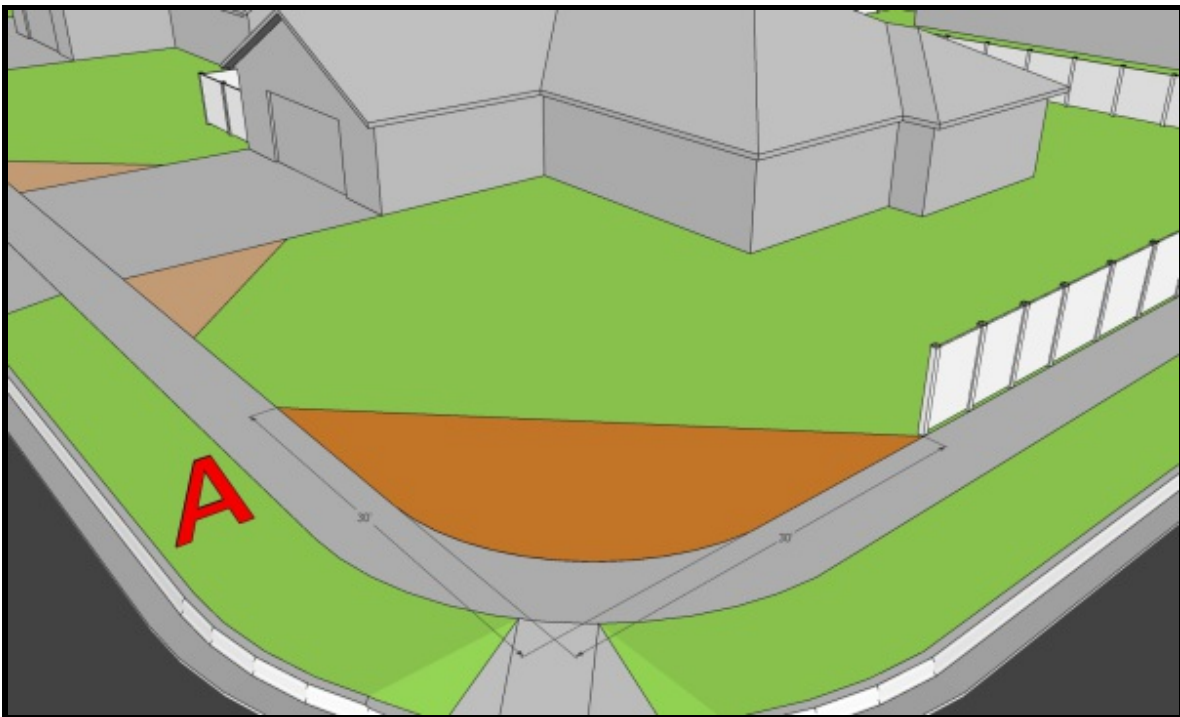
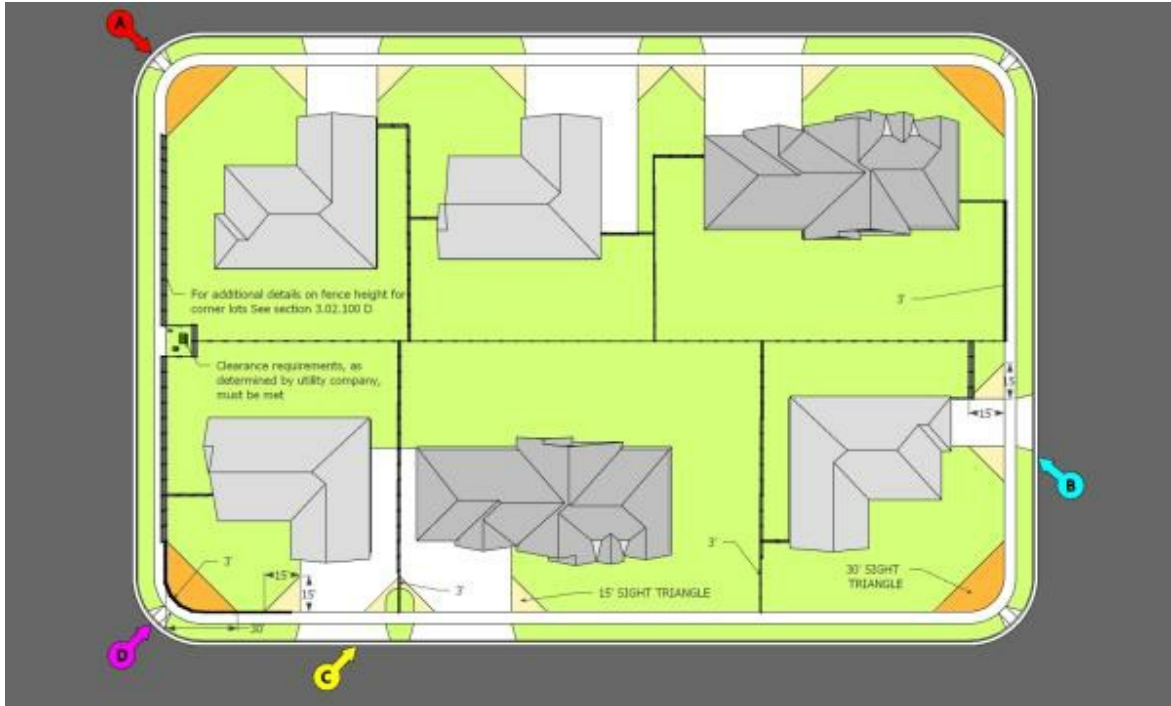
3.02.100 Fences

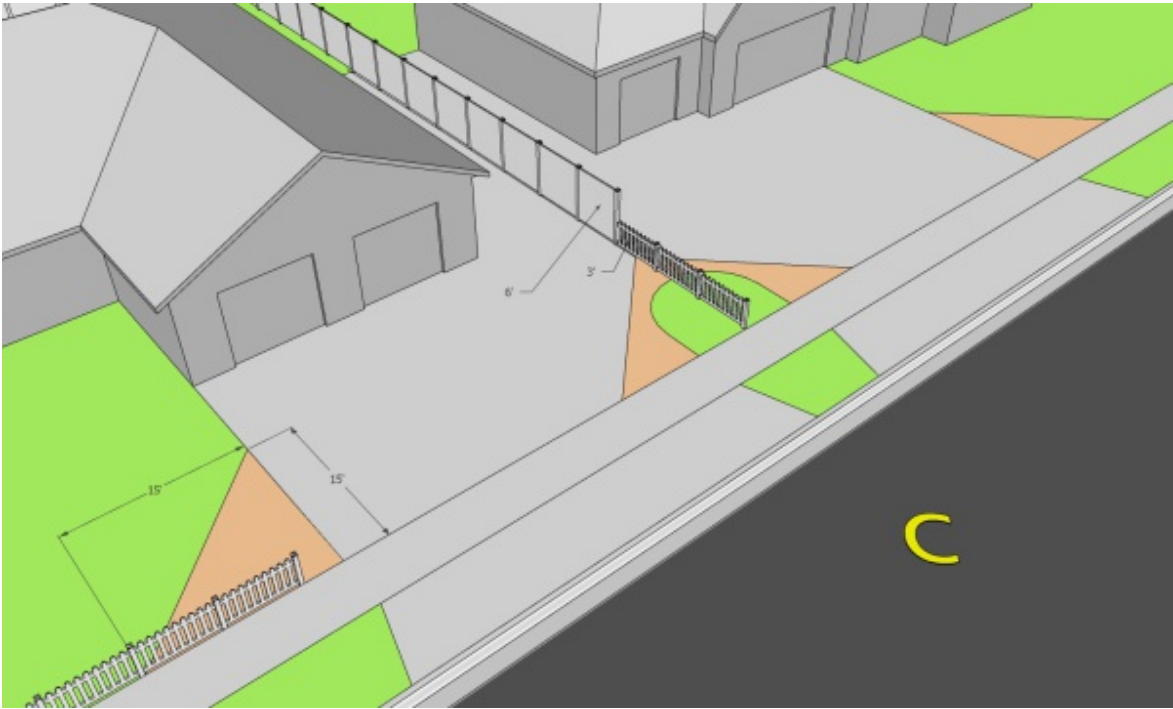
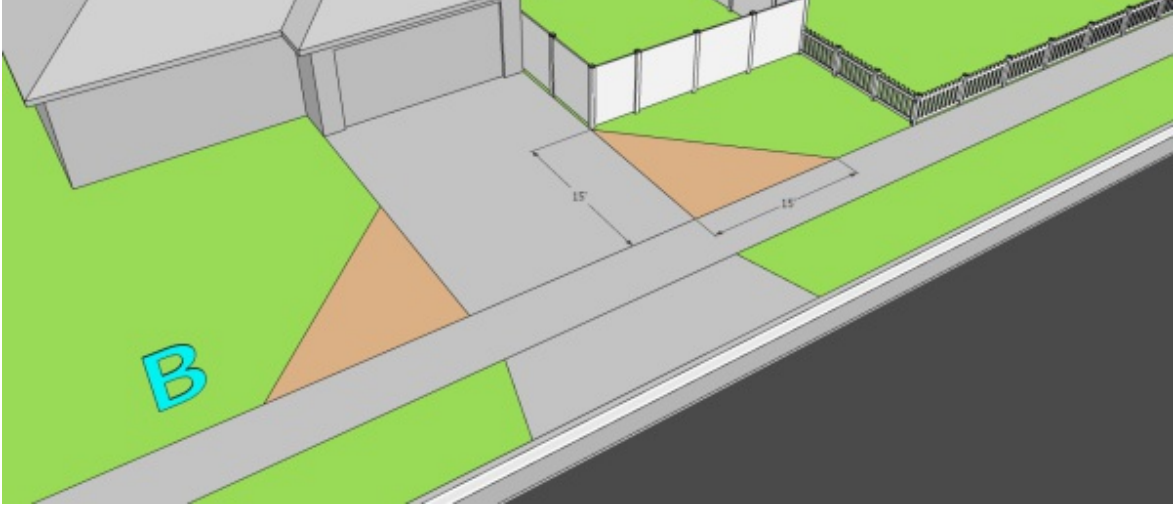
No fence, wall, hedge or other material serving as a fence shall create an obstruction of vision within sight triangles. (See subsection [3.02.050](#))

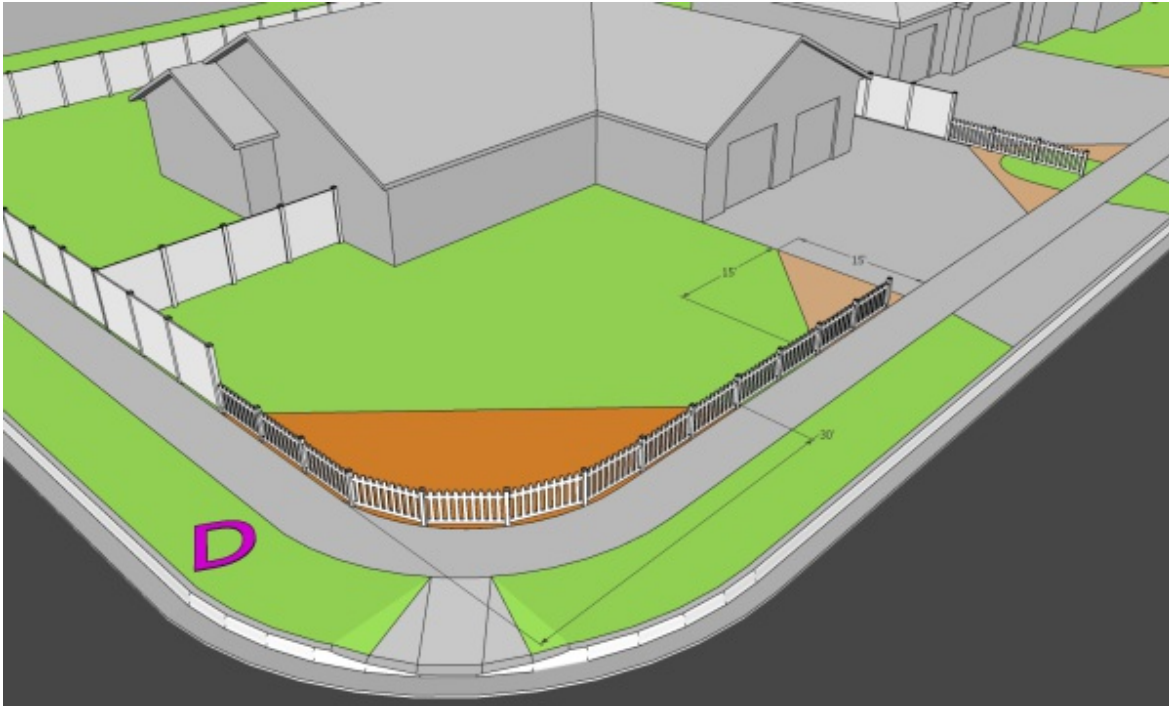
1. **Application Required.** All fencing must obtain administrative review and approval by the Planning & Zoning Administrator or designee.
 - a. **Building Permit.** Fences over seven (7') feet in height must obtain a building permit.
 - a. **Floodplain.** No fence shall be constructed in the floodplain without administrative approval.
 - b. **Barbed Wire/Electric.** Barbed wire and electric fences shall only be allowed for agricultural use in Transitional Agriculture (TAG).
 - c. **Security Fences.** Barbed or razor wire located at the top of security fences requires administrative approval.
2. **Sight Triangle.** Fencing shall not create an obstruction of vision and must observe all sight triangle requirements. (See [Sight Triangle definition](#) and subsection [3.02.050](#)).
3. **Utilities.** Fencing shall not obstruct access to utility apparatuses (fire hydrants, utility boxes, transformers, fiber hand holes, etc.) and must adhere to the utility company clearance requirements.
4. **Fence Height.** The height of any fence, wall, or sight-obscuring objects within fifteen (15') feet of the right-of-way shall be a maximum of three (3') feet in height measured from the natural grade of the property on which it is located.
 - a. **Exception for Corner or Double Frontage Lots.** When a parcel is a Corner Lot or a Double Frontage Lot and a written prohibition of street access for the entirety of the block exists, a fence greater than three (3') feet can be located adjacent to the sidewalk, outside of the site triangle.
 - b. **Rear Yard.** In a rear yard, walls and fences may be between three and six feet (3'-6'). A fence may be built along the property line in a rear yard.
 - (1) **Dog Runs.** Dog runs shall be placed in rear yards only and shall be a minimum of ten (10') feet from another residence.

5. **Maintenance.** Fences shall be maintained in a good state of repair.
6. **Fence Adjacent to Public Sidewalk or Bicycle Path.**
 - a. **Pedestrian Gates.** Pedestrian access gates shall swing inward when adjacent to a public sidewalk or bicycle path. ([See subsection 3.02.170.](#))
7. **Commercial/Industrial Adjacent to Residential.** A vinyl or masonry fence of at least six (6') feet in height shall be erected along all property lines which lie adjacent to a residential zone or use, except front yards, where the height of the fence shall not exceed thirty-six (36") inches within fifteen (15') feet of the right-of-way.
 - a. **Exception.** Modifications may be requested if there is a mutual agreement between the adjacent property owners of both zones. Administrator approval is required. .
8. **Exceptions.**
 - a. The provisions of this section shall not apply to sport containment fences as approved by the Zoning Administrator.
 - b. **Schools, Churches, Universities, Colleges, Hospitals, Nursing Homes, City and County.** The height, location and placement of fences by the foregoing entities may be altered, subject to prior written approval of the Zoning Administrator. However, sight triangles at any intersection must be maintained pursuant to [Section 3.02.050.](#) of this Ordinance. ([See Sight Triangle definition.](#))
 - c. **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 only after approval by the Zoning Administrator.
 - d. All other exceptions must obtain administrative approval.

The following illustrations are for demonstration only and do not represent any existing lots.







SECTION 5: **AMENDMENT** “3.02.160 Sidewalks” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

3.02.160 Sidewalks

- A. In all zones, all buildings erected, established, or rebuilt shall be required to place sidewalks per the current City Engineering Standards. ([See Appendix.B.](#))
 1. Exempt in Transitional Agriculture (TAG) and Rural Residential 1 (RR1) zones.
- B. **Mixed Use.** Sidewalks parallel to any city street within a Mixed Use (MU) zone shall be a minimum of eight (8') feet wide.
- C. **Sidewalk Access.** Projects located within Medium Density Residential (MDR), High Density Residential (HDR) or Mixed Use (MU) zones are required to demonstrate sidewalk access to the BYU-I campus and to the nearest Substantial Commercial Cluster (*See definition in Chapter 2*).
- D. **Parking Lots.**
 1. **Sidewalks.** The sidewalk shall be no less than six (6') feet wide where parked vehicles overhang the sidewalk.
 2. **Drainage.** Parking lots shall provide adequate drainage which shall not run across or cover a public sidewalk.
- E. When a fence is placed adjacent to a public sidewalk in residential zones and no

driveway access exists, a one (1') foot landscape strip shall be maintained between the standard sidewalk and the fence.

1. Exempt in Mixed Use (MU)

SECTION 6: REPEALER CLAUSE Providing for other substantive and non-substantive changes in the Development Code as recommended and approved by the Planning and Zoning Commission of the City of Rexburg, Idaho. Furthermore, any portion of the existing Development Code in conflict with this proposed amendment is hereby repealed.

SECTION 7: SEVERABILITY CLAUSE The provisions of this Ordinance shall be deemed severable and a finding by a court of law that a provision of the Ordinance is unlawful shall have no effect on the remaining provisions.

SECTION 8: EFFECTIVE DATE The City of Rexburg, Idaho City Council shall enact this Ordinance (#23-00958) amending Ordinance 1200 otherwise known as the Development Code of the City of Rexburg, Idaho upon its passage, approval and publication; and shall be in full force and effect from September 18, 2024, and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF REXBURG COUNCIL SEPTEMBER 18, 2024.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Robert Chambers	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Colin Erickson	<u> </u>	<u> </u>	<u> X </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

