

**CITY OF REXBURG  
ORDINANCE RENTALS - AUGUST 2023**

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

**SECTION 1:**        AMENDMENT “A” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

A

For the purpose of this Ordinance, the following words or phrases shall have the meaning respectively ascribed to them herein. **Abandonment:** To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving a facility, or during periods of vacation or seasonal closure. Such interruptions shall not exceed twelve (12) months in duration unless otherwise provided for in this Ordinance.

**Accessory Dwelling Unit: (see Dwelling Unit, Accessory)**

**Accessory Structure:** A non-occupied subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and ornamental to that of the principal structure. **Accessory Use:** A use incidental to, and on the same parcel as, a principal use. **Access Way:** An unobstructed way of specified width containing a drive or roadway which provides vehicular access. **Agriculture:** For land designated as agriculture use, agriculture shall be the primary use of the parcel. To determine primary use, the use of land parcel shall be clearly for tilling of soil, horticulture, floriculture, forestry, viticulture, raising crops, raising livestock, farming, dairying, and animal husbandry, including uses customarily accessory and incidental thereto, but excluding slaughter houses and commercial feed lots. Land shall not be defined as exclusively agricultural in use when determined to be a land development program where subdivision of land is evident for suburban residential development lifestyle and purposes. **Alternative tower structure:** Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. **Amusement Arcades:** A building or part of a building in which five (5) or more pinball machines, video games, or other similar player-oriented amusement devices are maintained. **Antenna:** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals. **Appeal:** Appeal means a request for review of the Zoning Administrator's interpretation of any provision of this Ordinance or a request for a variance. **Area Light:** Light that produces over one-thousand, eight hundred (1,800) lumens and is designed to light an exterior space. **Articulate:** To give emphasis to or distinctly identify a particular element. An articulated façade would be the emphasis of elements on the face of a wall including a change in setback, materials, roof pitch, or height. **Automobile Wrecking Yards:** (*See junk yard.*) **Awning:** A projecting cover extending over a door, window or wall section with supports attached to the building and used as cover, protection, or as decoration. In mobile homes, this consists of a roof with supports and not more than one wall or storage cabinet substituting for a wall.

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

## AMENDMENT

D

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

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

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

- A. **Multi-family Dwelling:** A residential building containing three or more dwelling units, where the building is owned by a single owner. This includes what is commonly known as an apartment building or condominium.
- B. **Single-family Dwelling:** One or more rooms physically arranged to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.
  1. **Dwellings, Single-family Detached:** A dwelling that is not attached to any

other dwelling.

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

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 3:            AMENDMENT “SA-SIGN” of the Rexburg Development Code is hereby *amended* as follows:**

#### AMENDMENT

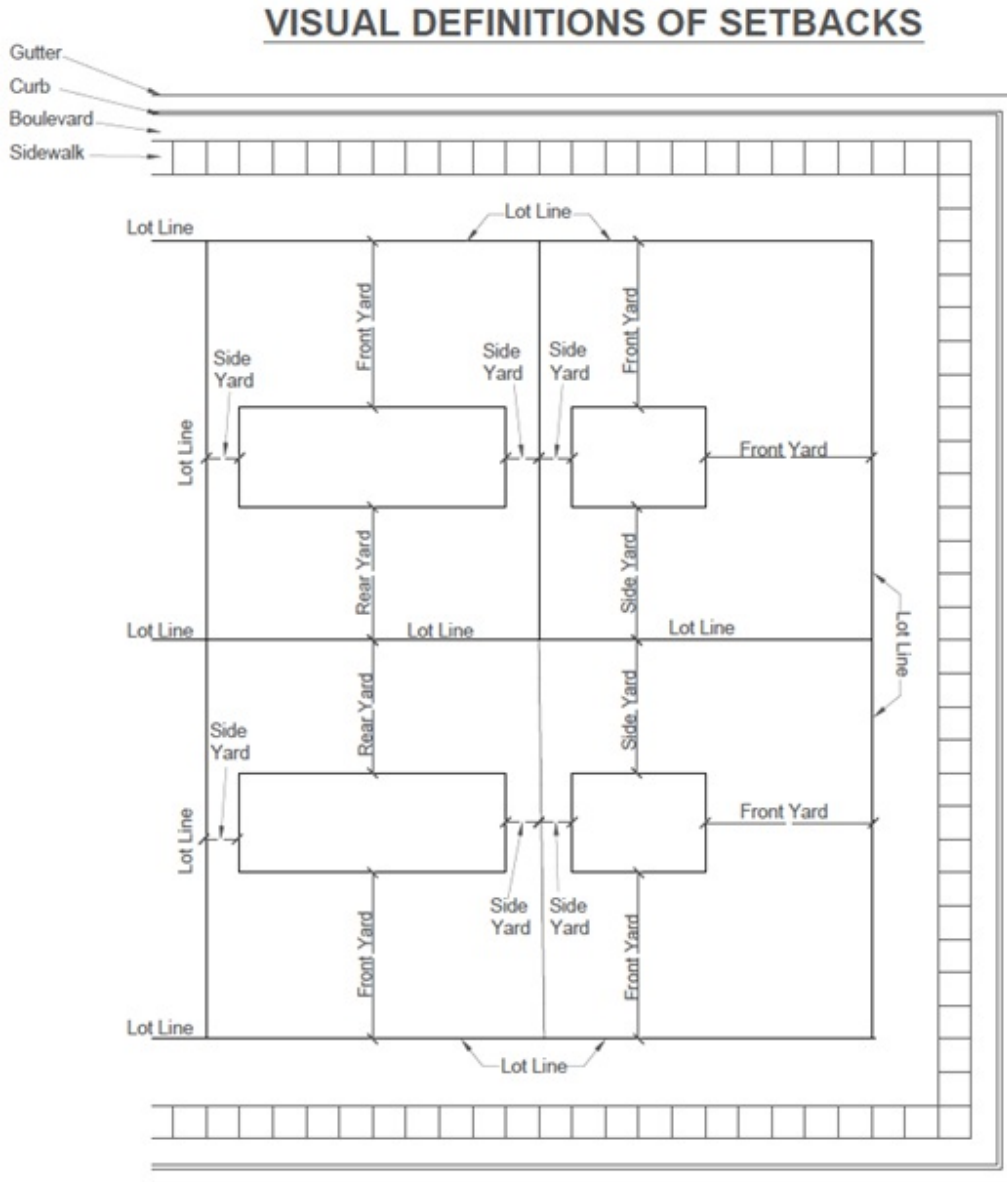
##### SA-SIGN

**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.

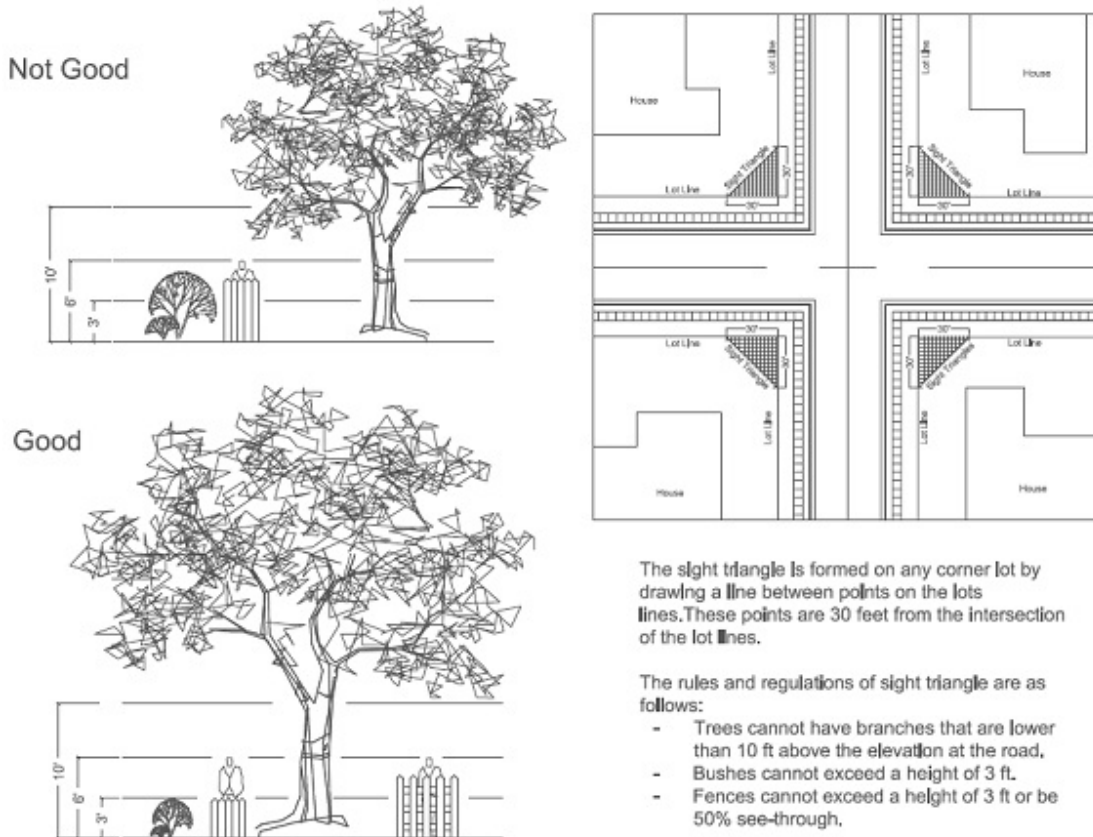


**Shopping Centers:** A grouping of three (3) or more retail businesses or service uses on a single site of more than five (5) acres but less than ten (10) acres with common parking facilities. **Short-Term Rental:** Any rental of a dwelling unit that is for a time period less than thirty (30) days. Requires that there will be an owner, manager or owner's agent available in Madison County, Idaho. (~~See also~~ 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. 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



**SECTION 4: AMENDMENT “3.02.150 Rentals” of the Rexburg Development Code is hereby *amended* as follows:**

### AMENDMENT

3.02.150 Rentals

- ~~A. **Residential Rental Properties.** All residential rental properties within the City in excess of one rental unit per parcel shall obtain an annual Business Registration:~~
- ~~1. All Residential Rentals, Apartment House or Apartment shall fill out a Business Registration application.~~
  - ~~2. All applicants for registration shall pay the annual fee irrespective of the point in the year at which the registration is sought.~~
  - ~~3. A registration shall be obtained for each individually identifiable location, irrespective of ownership.~~
  - ~~4. Whenever a Residential Rental, Apartment House or Apartment changes ownership, the new owner shall report such change to the City Clerk so that the registration may be transferred.~~
  - ~~5. Registration of this Section shall not be construed to grant permission to carry on or conduct any unlawful business, or to operate any Residential Rental, Apartment House or Apartment in an unlawful manner, or to grant immunity to any entity from lawful regulation and control, or to authorize the violation of any zoning ordinance, regulation or restriction.~~
- ~~B. **Bed and Breakfasts, Boarding Houses, and Short-Term Rentals:**~~
- ~~1. **Application Required.** On the application there will be a notice to check with the mortgage planner for said property. There will also be a notification to check with owner's insurance to make sure they are properly insured. Applicants will also need to make sure the Home Owner's Association does not covenant against rentals.~~
  - ~~2. **License, Permit and Inspection Required.** A City license, Building Permit and review for Neighborhood Compatibility for Parking, Screening, Lighting and Landscaping to be approved by Zoning Administrator or designee.~~
  - ~~3. **Fees.** An initial One hundred (\$100) dollar fee is required for a Building Permit and first inspection. Further fees may be required if additional inspections are needed. There will be an annual renewal fee of twenty-five (\$25) dollars. All fees are reviewed annually and may be amended by resolution.~~
  - ~~4. **Violations.** Three (3) violations of City Ordinances will trigger revoking of Rental Registration.~~

**SECTION 5:           ADOPTION** "4.00.025 Rentals" of the Rexburg Development Code is hereby *added* as follows:

ADOPTION

4.00.025 Rentals(*Added*)

- A. **Residential Rental Properties.** All residential rental properties within the City in excess of one rental unit per parcel shall obtain an annual [Business Registration](#).
1. **Registration and Life Safety Inspection Required.** A City Registration,

Life Safety Inspection and Code compliance is required and all application requirements must be met.

2. All Residential Rentals, Apartment Houses or Apartments shall fill out a Business Registration application.
3. All applicants applying for registration shall pay the annual fee per the adopted City of Rexburg Fee Schedule irrespective of the point in the year at which the registration is sought.
4. A registration shall be obtained for each individually identifiable location, irrespective of ownership.
5. Whenever a Residential Rental, Apartment House or Apartment changes ownership, the new owner shall report such change to the City Clerk so that the registration may be transferred.
6. Registration shall not be construed to grant permission to carry on or conduct any unlawful business, or to operate any Residential Rental, Apartment House or Apartment in an unlawful manner, or to grant immunity to any entity from lawful regulation and control, or to authorize the violation of any zoning ordinance, regulation or restriction.

**B. Short-Term Rentals (including Boarding Houses and Bed and Breakfast Inns).**

1. **Application Required.**
2. **Registration and Life Safety Inspection Required.** A City Registration, Life Safety Inspection and Code compliance is required and all application requirements must be met.
  - a. **Parking Requirements.** Two (2) parking spaces are required for the house and one (1) additional space is required for each rented room.
  - b. **In TAG, RR1, RR2, LDR1, LDR2, and LDR3 zones, the owner or a manager must live onsite.**
  - c. **In all other zones, the owner, a manager, or the owner's agent must be available in Madison County, Idaho.**
  - d. **Other Requirements.** (see Residential Building, Electrical, Mechanical, Plumbing, and Fire Requirements by contacting the Rexburg Building Department or visiting the City's website).
3. **Fees.** Short-term Rental fees as per the adopted City of Rexburg Fee Schedule.
4. **Violations.** Three (3) violations of City Ordinances will trigger revocation of Rental Registration.

**C. Accessory Dwelling Units (ADUs).**

1. Application Required.
2. **Life Safety Inspection Required.** Life Safety Inspection and Code compliance is required and all application requirements must be met.
3. **Accessory Dwelling Units (ADUs):**
  - a. Shall adhere to all rental regulations outlined above in this section as well as [Idaho Code § 55-3212](#).
  - b. Require ongoing owner occupancy of either the primary residence or the ADU.
  - c. Shall be limited to one (1) ADU per single-family dwelling.
  - d. Shall meet the zone requirements including but not limited to setbacks

- and lot coverage.
- e. May be part of existing structure or as a detached structure.  
 (1) Recreational vehicles, tiny homes, or other similar structures on wheels are not permitted as an accessory dwelling unit.
- f. Shall meet all building code requirements for an accessory dwelling unit.
- g. Shall contain no more than 2 bedrooms.
- h. Shall have two (2) parking spaces provided on site, in addition to the primary residence's two (2) required parking spaces.

**SECTION 6:            AMENDMENT “3.08.010 Permitted Uses In Residential Zones” of the Rexburg Development Code is hereby *amended* as follows:**

**AMENDMENT**

**3.08.010 Permitted Uses In Residential Zones**

**Permitted Uses In Residential Zones**

<b>Use Categories</b>	<b>Uses</b>	<b>RR 1</b>	<b>RR 2</b>	<b>LD R1</b>	<b>LD R2</b>	<b>LD R3</b>	<b>MD R1</b>	<b>MD R2</b>	<b>HD R1</b>	<b>HD R2</b>
<b>ACCESSORY</b>	Accessory Livestock	P	P	P	P	P				
	Accessory Swimming Pool	P	P	P	P	P	P	P	P	P
	Accessory Dwelling Unit	CU P	CU P	CU P						
	Accessory Building	P	P	P	P	P	P	P	P	P
	Accessory Home Business	CU P	CU P	CU P	CU P	CU P				
	Accessory Home Occupation	P	P	P	P	P	P	P	P	P
<b>RENTAL, SHORT-TERM, TRANSIENT LIVING</b>	Short-term Rental	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	P	P	P	P

GROUP LIVING WITH ASSISTANCE	Assisted & Residential Care Facility	CU P	CU P	CU P	CU P	CU P	CU P	CU P	P	P
	Group Home (Disabled & Elderly)(8 and fewer residents)	P	P	P	P	P	P	P	P	P
	Residential Facility for Elderly Persons (greater than 8 residents)						CU P	CU P	CU P	CU P
	Sanitariums, Convalescent & Rest Homes								CU P	CU P
RESIDENTIAL	Single-Family Dwelling Detached	P	P	P	P	P				
	Single-Family Dwelling Attached (except townhomes)				P	P				
	Single-Family Dwelling Attached (3 or more units)					P	P	P	P	P
	Multi-Family Dwelling						P	P	P	P
	Dormitory						CU P	CU P	CU P	CU P
	Manufactured Housing Communities					CU P				
RECREATION & ENTERTAINMENT	Athletic Fields	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P
	Dog Parks						CU P	CU P	CU P	CU P
	Golf Courses	CU P	CU P	CU P	CU P	CU P				
	Parks & Playgrounds	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P
	Recreation Centers	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P	CU P
SCHOOLS	Day Care Centers (7 or more children, 3 or more times a week)	CU P	CU P	CU P	CU P	CU P	P	P	P	P
	Nursery Schools (6 or less children, 3 or more times a week)	CU P	CU P	CU P	CU P	CU P	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

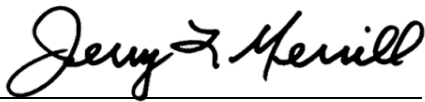
*\*For Short-Term Rental restrictions, see subsection 4.00.025*

PASSED AND ADOPTED BY THE CITY OF REXBURG COUNCIL FEBRUARY 21, 2024.

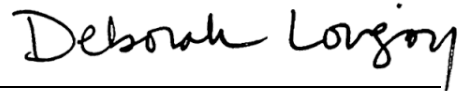
	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Councilmember Robert Chambers	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Colin Erickson	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Councilmember Mikel Walker	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
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, Rexburg Mayor, City of Rexburg



Deborah Lovejoy, Rexburg City Clerk, City of Rexburg

