

**CITY OF REXBURG
ORDINANCE 1279**

**AN ORDINANCE AMENDING THE CURRENT DEVELOPMENT CODE
(PLANNING AND ZONING ORDINANCE NO. 1200) CONCERNING
SUBSTANTIVE AND NON-SUBSTANTIVE ITEMS; REPEALING CHAPTER 5.2
CENTRAL BUSINESS DISTRICT (CBD) ZONE FROM THE CITY OF REXBURG
DEVELOPMENT CODE; ENCOMPASSING ALL AMENDMENTS TO OTHER
CHAPTERS THAT REFERENCE THE CENTRAL BUSINESS DISTRICT (CBD)
ZONE; 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 the City of Rexburg, in the
State of Idaho, as follows:

SECTION 1: **AMENDMENT** “1.04.020 Amendments To This Ordinance”
of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

1.04.020 Amendments To This Ordinance

The Council may, by ordinance, after receipt of recommendation from the Commission and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classifications of property. Such amendments may include text amendments or map revisions.

- A. Initiation of Ordinance Amendments.** Amendments to this Ordinance may be initiated in one of the following ways:
1. **Application.** (*See subsection 1.04.010.*) By the filing of an application by a property owner or authorized agent with the area proposed to be changed by the amendment. The applicant shall provide the Zoning Administrator with the following additional information:
 - a. **Narrative Statement.** A statement on how the proposed amendment relates to the Comprehensive Plan, availability of public facilities, and compatibility with the surrounding area and zoning.
 - b. **Area of Impact.** In the event an application for rezoning received by the Commission requests a rezoning of any lands that lie within one

quarter (1/4) mile of any boundary of the Sugar City Area of City Impact, the Commission shall provide the City of Sugar City written notice of the application for rezoning.

2. By adoption of a motion by the Commission
3. By adoption of a motion by the Council

B. Zoning Map Revisions. Comprehensive Plan Amendment. If the request for zoning amendment is not in accordance with the Comprehensive Plan, the Commission shall consider and the Council may adopt or reject an amendment to the Comprehensive Plan after notice and hearings as provided in Section 67-6509, Idaho Code. (See following summary table for allowable zoning in Comprehensive Plan areas.)

| Summary Table of Appropriate Land Uses for each Comprehensive Plan Map Designation: (Amended 15 Sept 2021 by Resolution 2021-09) | |
|---|--|
| Comprehensive Plan Designation | Allowable Zoning District |
| Industrial | (LI) Light Industrial (HI) Heavy Industrial |
| Commercial/Mixed Use | (RBC) Regional Business Center (CBC) Community Business Center (CBD) Central Business District (RBD) Residential Business District (MU) Mixed Use |
| MDR1 to HDR2 | (MDR1) Medium - Density Residential 1 (MDR2) Medium - Density Residential 2 (HDR1) High - Density Residential 1 (HDR2) High - Density Residential 2 |
| LDR1 to MDR1 | (LDR1) Low - Density Residential 1 (LDR2) Low - Density Residential 2 (LDR3) Low - Density Residential 3 (MDR1) Medium - Density Residential 1 |
| Rural | (RR1) Rural Residential 1 (RR2) Rural Residential 2 (TAG) Transitional Agriculture |
| Open Spaces/University | (UD) University District (OS) Open Space |
| Form-Based | City-Center Transects |

C. **Commission Consideration.** In evaluating requests for amendments, the Commission shall consider, in addition to conformance with the Comprehensive Plan as required by *Section 67-6511*, Idaho code, the following:

1. The capacity of existing public streets, water and sewer facilities, storm drainage facilities, solid waste collection and disposal, and other utilities.
2. The capacity of existing public services, including but not limited to, public safety services, public emergency services, schools, parks and recreational services.
3. The potential for nuisances or health and safety hazards that may adversely affect adjoining properties.
4. Recent changes in land use on adjoining properties or in the neighborhood of the map revision.

D. **Other Material Recommendations.** Following the hearing, if a material change in the ordinance is recommended, other than that published for the present hearing, further notice and hearings shall be provided before the Commission forwards its recommendation to the Council.

SECTION 2: AMENDMENT “3.01.020 Zoning Districts” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

3.01.020 Zoning Districts

The City may be divided into the following zoning districts, the boundaries and extent of which shall be shown on the official Rexburg Zoning Map by the City of Rexburg Staff:

Residential Zones (a) Rural Residential 1 (RR1) (b) Rural Residential 2 (RR2) (c) Low Density Residential 1 (LDR1) (d) Low Density Residential 2 (LDR2) (e) Low Density Residential 3 (LDR3) (f) Medium Density Residential 1 (MDR1) (g) Medium Density Residential 2 (MDR2) (h) High Density Residential 1 (HDR1) (i) High Density Residential 2 (HDR2)

Combined Use Zones (j) Mixed Use (MU) ~~(k) Central Business District (CBD)~~ (l) Transitional Agriculture (TAG)

Commercial District Zones (n) Community Business Center (CBC) (o) Regional Business Center (RBC)

Highway Business District Zones (p) Light Industrial District (LI) (q) Heavy Industrial District (HI)

Other Zones (r) Open Space (OS) (s) Public Facilities Zone (PF) (t) University District (UD)

(u) Residential Business District (RBD)

(v) Project Redevelopment Option (PRO)

SECTION 3: AMENDMENT “3.02.110 Fencing Requirements” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

3.02.110 Fencing Requirements

No wall, fence, screen, or opaque hedge or screening material shall be maintained within a required front yard, or an area 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, or pedestrian public way. (*See Sight Triangle definition in Chapter 2*)

A. **Fence Types Not Permitted.**

1. **Floodplain.** No fence shall be constructed in the floodway without approval of the Planning and Zoning Commission.
2. **Barbed Wire/Electric.** Barbed wire fences and electric fences shall not be erected or maintained unless approved by the Planning and Zoning Commission.

B. **Maintenance.** Fences shall be maintained in a good state of repair.

C. **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.

1. Fences within 15' of the right-of-way would be allowed between three (3') to six (6') feet high if constructed out of rigid materials and approved by the Zoning Administrator or designee with fifty (50%) percent or more see-through per lineal foot outside of the sight triangle.

D. **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 at least ten (10') feet from another residence.
2. **Building Permit.** Fences over seven (7') feet in height must obtain a building permit.
 - a. **Height Limit.** Fences shall not be greater in height than eight (8') feet.

E. **Commercial 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.

1. In the case where there is mutual agreement between the property owners of the commercial zone and the adjacent residential zone, the Planning and Zoning Commission shall give considerable weight to the wishes of the parties

involved.

F. 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.*)

G. 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.

H. Exceptions.

1. The provisions of this section shall not apply to 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.

2. **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.

~~3. **CBD.** The Central Business District (CBD) may allow other types of fences. (See subsection 5.02.140.)~~

4. All other exceptions must obtain Planning & Zoning Commission approval.

SECTION 4: AMENDMENT “3.04.030 Table 3 Number Of Parking Spaces Required” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

3.04.030 Table 3 Number Of Parking Spaces Required

A. Where a specific use is not listed, the Zoning Administrator or designee, in his or her professional judgment, shall make a determination on a parking standard to be applied based on a similar use, and/or available information from national studies or other communities’ parking standards. TABLE 3: Minimum Number of Parking Spaces required are as follows:

| RESIDENTIAL DWELLINGS | |
|---|--|
| Single-Family Dwellings | 2 Spaces per Unit |
| Multi-Family Dwellings | 2 Spaces per Unit |
| High Density Residential 1 Bedroom 2 Bedrooms 3 Bedrooms | 1.5 Spaces per Unit 2 Spaces per Unit 2 Spaces per Unit |

| | |
|-------------------|--|
| Townhouses | 2 Spaces per Unit (off-street parking) |
|-------------------|--|

| RESIDENTIAL USES | |
|--|--|
| Congregate Residence | 1 Space per Occupant (unless otherwise approved by the Zoning Administrator) |
| Dormitory Housing | 1 Space per Occupant (including 10% visitor parking) |
| Motels and Hotels (Transient Lodging) | 1 Space per Sleep Room plus 1 Space per Employee at Highest Shift |
| Multi-Family Dwellings for Elderly | 1 Space per Unit |
| Nursing Homes | 0.25 Spaces per Bed |
| Short-Term Rentals, (including Boarding House, Bed and Breakfast) | 2 Spaces for Owner/Manager plus 1 Space per Bedroom being rented. *No on-street parking allowed. |

B. Each Residential Rental, Apartment House or Apartment must inventory all approved parking spaces and issue contractual obligations relative to all such parking spaces. No agreements for tenancy shall be executed on behalf of the owner, operator or their agents, relative to a Residential Rental, Apartment House or Apartment without affirmatively designating whether the same has a parking space available.

1. All designation of available parking as referenced above shall have an approved parking space associated with the designation such that if all designated tenants were to park a vehicle there would adequate spaces. No allowance for absenteeism shall be allowed. For each agreement containing an affirmative designation of parking space, there must be a space.

2. Any agreement for tenancy in a Residential Rental, Apartment House or Apartment, which is not specifically designated as a "Parking Space" agreement, there must be an affirmative statement notifying the parties to the agreement that there is no overnight, on-site parking provided in connection with the agreement.

| SPACES | BUSINESS OR SERVICE (per 1,000 square feet of gross floor area) |
|--------|--|
| 0.2 | All warehousing (plus 3 spaces per 1,000 square feet of office, retail, or other public area) |
| 1 | Automotive, marine craft, aircraft and accessories (does not include repair garages) Building materials, hardware and farm equipment Furniture, home furnishings, and equipment Manufacturing (plus 3 spaces per 1,000 square feet of office, retail, or other public area) |
| 2 | Contract construction services Wholesale trade |
| 3 | All other services Automotive, marine craft, aircraft and accessories (sales and service) Business services Doctor offices and all other medical services and professional services Finance, insurance, and real estate services Food (non-restaurant) Travel services |
| 4 | General merchandise Indoor recreation facilities *Medical Clinic Shopping centers – Mixed Uses Fewer than 200,000 square feet |
| 5 | Health Clubs Restaurant in CBD zone Shopping centers – Mixed Uses Over 200,000 square feet |
| 6 | Beauty and Barber services |
| 10 | Sit down restaurant |

*A medical clinic is any facility that provides limited diagnostic and outpatient care, but is unable to provide long-term, in-house medical and surgical care. Clinics commonly have lab facilities, supporting pharmacies and a wide range of services.

C. BUSINESS & SERVICES (per other measurement)

Call Centers and business with higher density cubicles 0.9 spaces per employee ~~0.6 spaces per employee in Central Business District (CBD)~~ Civic, social, fraternal organizations 1 space per 4 persons (maximum occupancy) Fast food with drive-through 0.33 spaces per seat (two (2) feet of bench equals one (1) seat) Hospital services 2 spaces per patient bed for expansions (to current campuses existing prior to 2008) 4 spaces per patient bed for new hospital campuses Religious Facilities 1 space per 4 seats or 8 feet of bench in main meeting room Public Assembly Theaters, sports arenas, and auditoriums 1 space per 4 seats Recreation

Racquetball, handball and tennis courts 3 spaces per court
 Bowling alley 7 per alley Schools 2 spaces per teacher on largest shift for Day Care, Preschool 2 spaces per classroom Kindergarten, Elementary, and Junior high schools 1 space per 4 persons (at maximum capacity) High schools and Colleges

D. (UD) University Parking Ratios. Minimum parking spaces shall be regulated in the UD with the University Parking Ratios set forth below. In determining the ratio, all parking spaces located upon the University Campus together with all on-street parking where the University Campus occupies both sides of the street shall be included. The term full-time equivalent shall be established in the BYU-Idaho Parking Study published in 2002.

| | |
|----------------|-----------------------------|
| Student Ratio: | .20 spaces per FTE Student |
| Faculty Ratio: | .585 spaces per FTE Faculty |
| Staff Ratio: | .585 spaces per FTE Staff |

~~E. (CBD) CENTRAL BUSINESS DISTRICT This provision is to recognize the historical pattern of development in the downtown area of the City and to accommodate the need for new development in the downtown area.~~

- ~~1. Additional off-street parking may not be required for some new uses.~~
- ~~2. Occupancies that require more parking must provide off-street spaces.~~
- ~~3. Existing parking and loading facilities shall not be reduced or removed from the CBD by new or existing uses without approval from the Planning & Zoning Commission or substitute off-street parking is provided within two hundred (200') feet of the main entrance of the use.~~

SECTION 5: AMENDMENT “3.04.050 Location Of Parking Spaces” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

3.04.050 Location Of Parking Spaces

- A. **Off-Street Parking.** Off-street parking shall be located within two hundred (200') feet of the primary entrance of the building. This distance shall be measured from the building entrance along an accessible route that a pedestrian would use.
1. **CUP.** The Planning & Zoning Commission may allow a greater distance with a Conditional Use Permit (CUP).
 2. **Exception:** This does not apply in ~~the Central Business District (CBD) and~~ Mixed Use (MU) zones.
- B. **Parking Space Location**
1. **Front Yard Parking.** *(For Commercial projects see subsection 6.00.080.)*
Parking spaces and maneuvering areas shall not be provided within a required front yard. Front yards shall be dedicated to landscaping.
 - a. **Exceptions:**
 - (1) **RBD.** Except in Residential Business District (RBD), where an existing conforming driveway access has been provided.
 - (2) **CBC.** Parking spaces may be located in a front yard adjacent to a public street in a Community Business Center (CBC) zone if a minimum ten (10') feet wide landscape buffer is provided, except at ingress/egress points.
 - (3) **Commercial Zones (excluding Mixed Use zones).**
Driveways may encroach into the setback up to ten (10') feet from the right-of-way. Such yards shall be dedicated to landscaping.
 2. **Townhomes, Row Houses.** Townhomes or row houses shall be designed to provide rear loading driveways and garages, rather than utilizing the front yard (unless approved by the Zoning Administrator) or provide a parking lot that meets all applicable standards for the underlying zoning.
- C. **Sight triangle or Exits.** No parking spaces shall be located in the clear sight triangle or immediately adjacent to an exit to a public right-of-way.
- D. **Residential Parking Spaces.** *(See subsection 4.00.060.)*
- E. **Street Access.** No access point from a parking area to any street shall be within twenty (20') feet of a local street intersection or alley. No access point shall be within forty (40') feet of an intersection with a collector street, and within sixty (60') feet of an intersection with an arterial street.
- F. **Right-of-Way.**
1. No parking areas shall be designed to require the use of the public right-of-way to travel from one portion of the lot to another.
 2. No parking area shall be designed or constructed to create a situation in which vehicles back into the public right-of-way.
 - a. **Exception:** Single-family homes, twin homes and duplexes.

SECTION 6:**AMENDMENT** “3.04.060 Parking Area Screening And Safety” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

3.04.060 Parking Area Screening And Safety

- A. **Screening for Parking Areas.** Parking must be screened from public or private right-of-way and other residential uses and from the adjoining streets to minimize the visual impact of off-street parking. Fences, hedges, berms and landscaping can be used to screen parking areas.
1. **Large Parking Lots.** When large parking lots are necessary, increase the landscaping to screen the lot and divide the lot into smaller components. Significant landscape islands must be provided in the interior of large lots (over fifty (50) parking spaces). These may double as snow storage areas in winter months.
 2. **Front Yard Berm Buffer.** Parking lots in front yard setbacks shall be buffered with minimum ten (10') feet wide, two (2') feet high landscape berm planted with bushes and trees.
 3. **Side and Rear Yard Buffer.** Buffers for parking areas shall consist of a minimum five (5') feet wide landscape strip to be planted with ground cover, one (1) deciduous tree and five (5) shrubs, per thirty (30') lineal feet.
 - a. A six (6') tall vinyl or masonry fence may be substituted for the landscape buffer, but not in front yards or front setbacks.
 - b. Property owners may receive an easement in-lieu of this buffer. This easement will need to provide connectivity between parking lots and, depending on size, may require landscape islands to be placed.
 4. **Landscaping and Snow Storage.** Parking areas of four (4) or more vehicles shall dedicate ten (10%) percent of the parking area to landscaping and snow storage. The landscaping may be interior or may be peripheral and shall include groundcover and trees.
 5. **Parking Areas and Existing Uses.**
 - a. **Required Buffer.**
 - (1) The buffer shall consist of a minimum five (5') feet wide landscaped strip to be planted with one (1) tree and five (5) shrubs per thirty (30') lineal feet. ([See subsection 3.02.100.](#))
 - (2) A six (6') feet high vinyl or masonry fence may be substituted for the landscape buffer, but not in the front yard or front yard setbacks. ([See subsection 3.02.110.](#))
 - b. The buffer described in *subsection 3.04.060.A.5.a* shall be provided between parking areas for more than five (5) vehicles and existing residential uses, schools, hospitals, nursing homes and other institutions for long-term human care.
 - c. **Commercial Parking Areas.** Commercial parking lots shall be separated from the city right-of-way with a minimum ten (10') feet wide buffer with the required landscape trees and bushes as described

in subsection 3.04.060.A.5a.

- B. **Safety.** Parking spaces along the outer boundary of a parking lot shall be contained by high-back curbing or a bumper rail so placed to prevent a vehicle from extending over an adjacent property.
1. **Wheel Stops.** Wheel stops should be a minimum of four (4”) inches in height and width and six (6’) feet in length, and should be firmly attached to the ground. Placement should be a minimum of eighteen (18”) inches from property line.
- C. **Sidewalks,** no less than five (5’) feet in width, (six (6’) feet in width where vehicle overhang will occur), along facades abutting public parking areas.
1. **Drainage.** Parking spaces shall be provided with adequate drainage which shall not run across a public sidewalk.
 2. **Sidewalk Access: MDR, HDR.** Housing projects made up of twelve (12) or more units will be required to demonstrate sidewalk access to the BYUI campus and to the nearest Substantial Commercial Cluster.
- D. **Lighting.** All 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 3.6 Lighting Standards.
- E. **Parking Area Rules per Zone:**
1. **Parking in Residential Zones.** *(See subsection 4.00.060.)*
 2. **Connectivity:** MU, ~~CBD~~, CBC, RBC, LI, PF, RBD. When possible, connectivity through parking lots of adjacent properties is required.
 3. **(RBD) – RESIDENTIAL BUSINESS DISTRICT**
 - a. Parking areas within the RBD zone are to be used by occupants of the property and customers of the property, and are not to be used by employees or customers of businesses that may be located in nearby business or commercial areas.
 - b. RBD corner lots shall be allowed to petition for parking in side yards provided any such parking shall be buffered visually and for sound from public rights-of-way.
 4. **(UD) UNIVERSITY DISTRICT**
 - a. **Permissible Lot Coverage.** In a UD zone, all buildings and structures, inclusive of parking lots, shall not cover more than sixty (60%) percent of the lot or parcel of land upon which they are placed.

SECTION 7: AMENDMENT “3.04.100 Loading And Unloading Areas” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

3.04.100 Loading And Unloading Areas

All commercial and manufacturing uses shall provide adequate off-street loading and unloading areas. For changes of occupancy use, loading spaces and loading space access shall

be required.

A. Any building used for retail or wholesale or manufacturing shall provide one (1) off-street loading space per ten thousand (10,000) square feet at least forty by twelve (40' x 12') square feet with an unobstructed height of fourteen feet, six inches (14'6").

1. **Change of Use.** When the use of a building changes, loading spaces will be required unless applicant provides information to staff identifying acceptable alternate means.

B. **Additional Spaces.** Additional spaces may be required by the City Engineer or Planning and Zoning Commission.

C. **Availability.** Loading and unloading spaces shall be permanently available.

D. **Maneuvering Area.** Maneuvering for loading and unloading spaces cannot use rights-of-way, except alleys.

E. **Surface.** Loading and unloading spaces shall be surfaced with concrete or asphalt.

~~F. **Exception: CBD.** Office and other buildings without large deliveries are not required to have a loading space.~~

SECTION 8: AMENDMENT “3.05.190 Allowable "Sign Size" And "Sign Permit Conditions" By Zone” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

3.05.190 Allowable "Sign Size" And "Sign Permit Conditions" By Zone

Zones: RR1, RR2, LDR1, LDR2, LDR3, TAG, RBD

| Type | Sign Area (Sq. Ft) | Max Height | Location From Property Line | Lighting Style | Restrictions | (BD) or (CUP) |
|---------------------------------|--------------------|-----------------|-----------------------------|-------------------|---|---------------|
| For Rent | 6 | 6 | 5 feet | None | 1 per street frontage | BD |
| For Lease | | | | | | |
| For Sale | | | | | | |
| Home Occupation | 2 | Limited by Wall | Must be parallel to wall | None | 1 per street frontage | BD |
| Construction | 32 | 8 | 5 feet | None | 1 or more with max. Total of 96 SQ. FT. | BD |
| PUD, Subdivision Identification | 64 | 8 | 5 feet | Indirect Internal | 1 or more with max. total of 64 SQ. FT. | CUP |

| | | | | | | |
|----------------------------|---|------|------------|----------|------|-----|
| Directional | 6 | Code | Public ROW | Internal | Code | CUP |
| Public Service | 6 | Code | Public ROW | Internal | Code | CUP |
| All other signs Prohibited | | | | | | |

Zones: MDR1, MDR2, HDR1, HDR2

| Type | Sign Area (Sq. Ft) | Max Height | Location From Property Line | Lighting Style | Restrictions | (BD) or (CUP) |
|--|-------------------------------------|-----------------|------------------------------|-------------------|--|---------------|
| For Rent | 32 | 10 | 5 feet | None | 1 per street frontage | BD |
| For Lease | | | | | | |
| For Sale | | | | | | |
| Home Occupation | 2 | Limited by Wall | Must be parallel to wall | None | 1 per street frontage | BD |
| Construction | 32 | 12 | 5 feet | Indirect Internal | 1 or more with max. 96 SQ. FT. | BD |
| PUD, Subdivision Identification | 64 | 8 | 5 feet | Indirect Internal | 1 or more with max. 64 SQ. FT. | CUP |
| Directional | 6 | Code | Not in Sight Triangle | None | Code | CUP |
| Public Service | 6 | Code | Public ROW | None | Code | CUP |
| Project signs for Identification Attached/detached 50 sq. ft. Max. | 1 sq. ft. per 3 Lineal ft. Of bldg. | 12 | Bldg. wall Facing the Street | Indirect Internal | Not in set-back or higher than the eave line; 1 per parcel | CUP |
| All other signs Prohibited | | | | | | |

Zone: MU

| Type | Sign Area (Sq. Ft) | Max Height | Location From Property Line | Lighting Style | Restrictions | (BD) or (CUP) |
|---|-------------------------------------|--|------------------------------|-------------------------------|--------------------------------|---------------|
| For Rent | 32 | 10 | 5 feet | None | 1 per street frontage | BD |
| For Lease | | | | | | |
| For Sale | | | | | | |
| Home Occupation | 2 | Limited by Wall | Must be parallel to wall | None | 1 per street frontage | BD |
| Construction & Temporary | 32 | 12 | 5 feet | Indirect Internal | 1 or more with max. 96 SQ. FT. | BD |
| PUD, Subdivision Identification | 64 | 8 | 5 feet | None | 1 or more with max. 64 SQ. FT. | CUP |
| Directional | 6 | Code | Not in Sight Triangle | None | Code | CUP |
| Public Service | 6 | Code | Public ROW | None | Code | CUP |
| Accessory On- Premise, Wall, Free Standing, or Canopy Marquee 50 Sq. ft. Max. | 1 sq. ft. Per 3 Lineal ft. Of bldg. | Less than Height of Wall; FS Max. 12 Feet high | Bldg. wall Facing the Street | Indirect Internal Flood light | 1 per parcel | CUP |
| Open Lands | Code | Code | Code | Code | Code | BD |
| All other signs Prohibited | | | | | | |

Zones: ~~CBD~~, CBC, RBC, LI, and HI

| Type | Sign Area (Sq. Ft) | Max Height | Location From Property Line | Lighting Style | Restrictions | (BD) or (CUP) |
|---|---------------------------------------|----------------------------------|--|----------------------------|--|------------------|
| For Rent | 32 | 10 | 5 feet | None | 1 per street frontage | BD |
| For Lease | | | | | | |
| For Sale | | | | | | |
| Construction & Temporary | 32 | 12 | 5 feet | None | 1 or more with max. 96 SQ. FT. | BD |
| Directional | 6 | Code | Code | Internal | Code | BD |
| Public Service | 6 | Code | Public ROW | Internal | Code | CUP |
| Accessory; On premise; | Sec. II | 8 ft. over Building | | | Single story; less than 30 feet | BD |
| Wall signs | Sec. II | 6 ft. over Building | | | Buildings greater than 30 feet | BD |
| Projected Signs | Sec. II | Sec. II | Not in Public ROW; Blade Signs Allowed | Sec. II | Sec. II | Public ROW w/CUP |
| Marquee & Canopy | Sec. II | No Projections | Face Parallel w/sign | Indirect Internal | 1 per street frontage | CUP |
| Under Marquee & Canopy | Sec. II Length Only 75% Of sign Width | 8 ft. Min. Clearance To Ground | Code | Internal | 1 per Business | BD |
| Non-Accessory Off Premise Free standing or Wall | 32 | 10 ft. Max. Height | Sec. I Sec. II | Indirect Internal Floodlit | 1 per property (Wall or Free Standing) | CUP |
| Accessory On-Premise; Free Standing | Sec. I | 24 ft. Max or Bldg. Height w/CUP | Sec. I | Indirect Direct Internal | Sec. I | BD or CUP |
| | | | | | Only | |

| | | | | | | |
|-----------------------------------|--------|------------|-----------------------------|------|-----------------------------------|----|
| Portable signs (A-frame style) | Sec. I | 4 ft. Max. | Sec. I Not in Public ROW | None | allowed as Temporary Signs. | BD |
|-----------------------------------|--------|------------|-----------------------------|------|-----------------------------------|----|

SECTION 9: REPEAL “5.2 CENTRAL BUSINESS DISTRICT (CBD)” of the Rexburg Development Code is hereby *repealed* as follows:

REPEAL

5.02.010 Purpose And Objectives

The CBD is established to recognize the historic central retail and service center of the City. The CBD Zone is intended to be located only in the central core area of the City and to be expanded out from that central area in an orderly and progressive manner as the demand for additional commercial land is generated. This zone will tend to encourage an architectural theme, which will strengthen the continuity of the downtown area and give it a "character" with which the citizens of Rexburg can identify.

The CBD Zone is a mixed-use zone and residential uses are encouraged on the upper floors of the downtown buildings. The CBD Zone is to be characterized by wide, clean, well-lighted streets, ample pedestrian ways, and vehicular parking lots for the convenience and safety of the public. Attractive, inviting, and well-maintained shops, stores, offices, and other buildings are also characteristic of this zone. On-street parking serves many of the businesses.

5.02.020 Architectural Design Standards

A. **Introduction.** Developments in the Central Business District shall implement projects with an overall community design in mind and in conformance with the downtown blueprint hereby adopted. The need exists for Design Standards to be in place to ensure developments are coordinated into the overall community presentation and to preserve the integrity of the existing business district and in the downtown as the “center” of the community. These standards require a basic level of architectural variety, compatible scale, pedestrian and bicycle access, and mitigation of negative impacts. The intent is to allow flexibility in design, while reviewing projects for compliance to the Downtown Guiding Principles and Development Framework as described below:

1. **Guiding Downtown principles.** The City of Rexburg values the historical sense of place that the downtown has provided for over one hundred (100) years. Recent studies have identified several guiding principles that will guide the continuation of the downtown core over the next hundred years. These principles are as follows:
 - a. Downtown is a Pedestrian-Priority Area.
 - b. Downtown is the Civic, Social, and Cultural Center of Rexburg and Madison County.

- c. Downtown is Highly Attractive to visitors and has a “historic” sense about it.
- d. Downtown is the Heart of “America’s Family Community.”
- e. Downtown is a Mixed-Use Center, which includes Retail, Office, Residential, Entertainment, Culture, and Educational facilities.
- f. Downtown is Highly connected to the City, Region, and to BYU-Idaho.
- g. Downtown is guided by Public-Private Partnerships, including Agencies.
- h. Circulation System Manages “Through” and “To” Traffic

Strategically.

- i. Downtown Way-Finding and Parking Systems are User-Friendly.
 - j. Downtown Hosts a Central Plaza for Community Events and Activities.
 - k. Downtown is a great Place to Work, Visit, Shop, Learn, and Live.
2. **Downtown Development Framework.** The Development Framework that has been identified and within which the community will pursue a revitalization blueprint is as follows:
- a. Define and Focus Development on Target Markets.
 - b. Emphasize Mixed-Use Development with Ground Floor Retail.
 - c. Infuse Residential Units Downtown.
 - d. Build a Sound Parking System for Employees, Customers, Visitors, and Residents.
 - e. Build a Pedestrian and Cycling Pathway Network Linking Key Downtown Nodes.
 - f. Undertake Infill, Redevelopment, Adaptive Re-Use, and Historic Preservation. Implement an Urban Renewal Program.
 - g. Install Small Business Amenities and Services to Draw this Market.
 - h. Design the Place of Downtown for America’s Families.
 - i. Connect to Community & Region with Wayfinding, Gateways, Parking, Amenities, and Marketing.
 - j. Recruit Social Retailers to Reconnect with Major Regional Markets.

5.02.030 Permitted Uses

The following principal uses and structures indicated as “P”, and no others, shall be permitted in the CBD zone. The following uses and structures indicated as “CUP” may be permitted in the CBD zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof.

| CENTRAL BUSINESS DISTRICT (*All dwellings must be above the ground floor without a CUP.) | | |
|---|--|---|
| Accessory | Accessory Building (<i>See subsection 3.02.070.</i>) | P |

| | | |
|-----------------------------------|--|-------------|
| Residential | Single-family Dwelling* | P |
| | 2-family Dwelling: Duplex, Townhome* | P |
| Group Housing | Dwellings on 1st Floor | C U P |
| | Apartments (high and low-rise)* Family Apartments | P |
| | Bed and Breakfast Inn* (<i>See subsection 3.02.160.</i>) (attached to commercial or other non-residential use) | P |
| | Boarding Houses* (<i>See subsection 3.02.160.</i>) | P |
| | Dormitory, Fraternity, Sorority (max. 6 persons/unit) | C U P |
| | Hotels | P |
| | Membership Lodging | P |
| | Multi-Family* | P |
| | Religious Quarters | P |
| | Short-Term Rental* (<i>See subsection 3.02.160.</i>) | P |
| | Vacation Rentals | P |
| Care Facilities | Assisted & Residential Care Facility | C U P |
| | Behavior, Drug & Alcohol Treatment | C U P |
| | Day Care Centers | P |
| | Group Home (Disabled & Elderly; under 8 residents) | P |
| Place of Worship | Churches, Synagogues and Temples | P |
| | Other Religious Activities | P |
| | Religious Reading Rooms | P |
| Schools, public or private | Dancing Schools | C U P |
| | Nursery Schools | P |

| | | |
|--------------------------|---|-------------|
| Indoor Recreation | Athletic Clubs, Body Building Studios, Aerobic Centers & Gymnasiums | P |
| Entertainment | Billiards and Pool Halls | P |
| | Bowling Alleys | P |
| | Coin-operated Amusements | P |
| | Cultural Activities | P |
| | Dance Halls, Ballroom | P |
| | Ice Skating | P |
| | Miniature Golf | P |
| | Public Assembly | P |
| | Roller Skating & Skate Boarding | P |
| | Theatres (Auditoriums, Performing & Motion Picture) | P |
| Food | Bakeries & Doughnut Shops | P |
| | Candy, nut & confectionery | C U P |
| | Dairy Products | C U P |
| | Eating Places; Restaurants | P |
| | Food Stores | P |
| | Fruits & Vegetables | C U P |
| | Grocery Stores (5 - 10 acres only) | P |
| | Miscellaneous Retail Food | P |
| | Mobile Vending Court | C U P |
| Manufacturing | Small Generation (Minor assembly & other innocuous manufacturing) | C U P |
| | Apparel and Accessories | P |

| | | |
|---------------------------|---|-------------|
| Retail | Books, Stationary, Art and Hobby Supplies | P |
| | Department Stores (junior and major chains) | P |
| | Discount Department | P |
| | Direct Selling Organization | P |
| | Dry Goods and General Merchandise | P |
| | Electrical Supplies | P |
| | Florists | P |
| | Furniture, Home Furnishings & Equipment (No Combined Warehousing) | P |
| | Garden Supplies (Inside Building Only) | P |
| | Hardware | P |
| | Heating & Plumbing Equipment (No Outside Storage) | P |
| | Ice Dealers (Automated Machines or Pick-Up Stations Only) | P |
| | Jewelry | P |
| | Liquor Stores & Packaging | P |
| | Merchandise Vending Machine Operators | P |
| | Miscellaneous Retail Stores | P |
| | Miscellaneous Retail Trade | P |
| | Motorcycles, Motor Scooters, Parts, Accessories & Supplies | P |
| | Paint, Glass & Wallpaper | P |
| | Shopping Centers (Uses Listed Here; 5 - 10 acres) | C U P |
| | Sporting Goods, Bicycles, And Toys | p |
| | Surplus Stores (inside only) | p |
| | Variety Stores | p |
| | Auction Houses | C U P |
| Beauty & Barber Shops | P | |
| Building Maintenance | P | |
| Drug & Proprietary Stores | P | |

Services

| | |
|--|-------------|
| Educational Services | P |
| Equipment Rental | C U P |
| Executive, Legislative & Judicial | P |
| Gasoline Service Stations | C U P |
| Gunsmiths | P |
| Laundry & Dry Cleaning | C U P |
| Libraries | P |
| Locksmiths & Key Shops | P |
| Miscellaneous Business Services | P |
| Miscellaneous Service Organizations | P |
| Package Antiques & Second-Hand Merchandise | P |
| Package Second-Hand Auto Parts (indoor only) | P |
| Personal Services (except wedding chapel and reception centers) | P |
| Photographic Services & Studios | P |
| Postal Services | P |
| Protective Functions & Related Activities | P |
| Repair, Furniture & Reupholstering | P |
| Repair, Garment, Pressing & Alteration (no on-site dry-cleaning) | P |
| Repair, Miscellaneous Small Item | C U P |
| Repair & Service, Electrical Appliance | P |
| Repair, Saw, Knife & Tool Sharpening | C U P |
| Repair, Shoe, Hat Cleaning | C U P |

| | | |
|-----------------------|--|-------------|
| | Spas | P |
| | Video Rental Shops | P |
| | Wedding Chapels & Reception Centers | C U P |
| Office | Banks, Insurance & Real Estate Offices | P |
| | Business (office & retail sales only) | P |
| | Call Centers (additional parking provided & approved by Zoning Admin.) | P |
| | Contract Construction Services Office & Retail | P |
| | Janitorial Office (Dwelling & business cleaning) | P |
| | Mail & Phone Order Houses | C U P |
| | Miscellaneous Business Services Office | P |
| | Professional Service Providers (except behavior, drug & alcohol treatment) | P |
| | Refuse Disposal Company Office | P |
| | Travel Agencies | P |
| | Utility, Electric Company office | P |
| | Utility, Gas Company Office | P |
| | Utility, Water or Irrigation Company Office | P |
| | Automobile Parking Lots and Garages (no impound or long-term storage) | P |
| | Parking Garages (>10 parking spaces & garage majority of space) | C U P |
| Transportation | Bus Transportation (no garaging & equipment maintenance) | P |
| | Heliport (pad only, no maintenance) | C U P |
| | Motor Vehicle Transportation | P |
| | Crematory | P |

| | | |
|------------------|---------------------------|-------------|
| | Funeral Parlor (mortuary) | P |
| Utilities | Communications | C U P |

5.02.040 Lot Area

There is no minimum lot area in the CBD zone.

5.02.050 Lot Width

Each lot or parcel of land in the CBD Zone shall have an average width of not less than thirty (30') feet.

5.02.060 Lot Frontage

Each lot or parcel of land in the CBD Zone shall abut on a public street for a minimum distance of twenty-four (24') feet on a line parallel to the center of said street.

5.02.070 Lot Density

Residential dwelling density shall not exceed forty (40) dwelling units per acre.

5.02.080 Yard Requirements

The following minimum yard requirements shall apply in the CBD Zone:

- A. **Front Yard.** The minimum front yard setback shall be zero (0') feet. The maximum front yard setback shall be ten (10') feet from right-of-way.
 - 1. Parking spaces, drive aisles, and all maneuvering areas shall not be located within the first ten (10') feet of a front yard. This area shall be used for landscaping that will adequately screen parking areas from adjacent right-of-way.
- B. **Side Yard.** Except as provided in this section, there shall be no side yard requirements.
- C. **Rear Yard.** No requirement.
- D. **Projections into Yards** No part of any building shall overhang the public right-of-way. [\(See subsection 3.02.090.\)](#)
- E. **Transitional Development Standards.** [\(See subsection 3.02.080.\)](#)

5.02.090 Building Height

Buildings and portions of buildings within the CBD shall not exceed forty-five (45') feet in height.

- A. **Proximity to Residential Zone.** Buildings within fifty (50') feet of a residential zone shall be limited to thirty-five (35') feet in height, measured at the top of building's horizontal wall, or maximum height of the affected residential zone.
- B. **Extra Residential Floor.** One additional story or ten (10') feet in height shall be allowed extra when the building contains a floor of residential units that are not located on first floor or street level.
- C. Additional height may be allowed with a Conditional Use Permit (CUP).

5.02.100 Distance Between Buildings

No requirement except as regulated by the provisions of the Building Code of Rexburg, ID.

5.02.110 Permissible Lot Coverage

No requirement except as may be dictated by the necessary provision of off-street parking and other applicable requirements.

5.02.120 Parking, Loading, And Access

Each Lot or parcel in the CBD Zone shall provide automobile parking sufficient to meet the requirements as set forth in [section 3.4](#).

- A. Parking shall be calculated for each use individually, based on its own standard.
- B. **Additional Parking.** Additional parking spaces may be required if a new use requires more parking than traditional retail.
- C. **Residential Uses.**
 - 1. Required parking for residential uses shall be provided on the subject lot or parcel when possible.
 - 2. When not possible, required parking may be provided on a separate lot or parcel in the vicinity after the approval of a conditional use permit.
- D. Parking areas shall be adequately screened from adjacent right-of-way.

5.02.130 Other Requirements

Mixed-use projects, where the ground floor use is non-residential (i.e., retail shops on the main floor with apartments over the top), shall be built to the Commercial Design Standards ([See section 6.0](#)) and the following:

- A. **Uses Within Buildings.** All uses established in the CBD Zone shall be conducted entirely within a fully-enclosed building except those uses deemed by the Planning and Zoning Commission to be customarily and appropriately conducted in the open, and other uses which are allowed by the Planning and Zoning Commission to be conducted in the open through the granting of a CUP. Uses customarily deemed to be conducted in the open may include, but would not be limited to, ice skating, miniature golf, etc.
- B. **Fences**
 - 1. **Entry Treatments to Private Driveways or Subdivision Development**

Entrances. Entry treatments to private driveways or subdivision development entrances may not exceed six (6') feet at the highest point, except lamps on pillars. Lamps on pillars shall be allowed to extend up to eight (18") inches above the allowable height of the fence, provided the pillars shall have a minimum spacing of no less than six (6') feet, measured from face-to-face.

2. **Privacy Walls.** Privacy walls which project into a required front yard will be subject to the Zoning Administrator or designee for review.

C. Landscaping.

1. A minimum of ten (10%) percent landscaping shall be provided for all parking lots and shall be useable for snow storage.

D. Trash Storage. *(See subsection 3.02.120)*

1. **Materials for Screening.** Materials and location of the screened areas shall be reviewed and approved by the Zoning Administrator or Designee prior to installation. Materials used for screening should be consistent with the predominant material found in the exterior construction of the building used by the business served, however, as a minimum, a vinyl fence will be allowed.

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

1. **Entryways.** Entry treatments to private driveways or subdivision development entrances may not exceed six (6') feet at the highest point, except lamps on 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 (6') feet, measured face-to-face.
2. **Privacy Walls.** Privacy walls which project into a required front yard will be subject to Committee Development Director or Designee review.
3. **Double Frontage Lots.** A fence or wall may be erected in the rear yard of a double frontage lot subject to Committee Development Director or Designee review.

F. Signs. *(See section 3.5.)*

1. Signing of shops and business establishments should be simple and attractive with signs mounted flat against the building to reduce the sign clutter and enhance the aesthetics of the downtown area.
2. Blade signs that are placed between eleven (11') feet and sixteen (16') feet above sidewalk are allowed in the right-of-way as approved by City Engineer.

5.02.140 Sidewalk Cafes

A sidewalk café shall be permitted if the following requirements are met:

- A. An applicant submits scaled plans demonstrating that the café will conform to the following development standards:
 1. **Unobstructed Sidewalk.** At least six (6') feet of clear, unobstructed sidewalk width will remain available for pedestrian use and 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.
 2. **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.

3. **Setback.** A setback of five (5') feet 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.
4. **No 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. 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. Barrier gates shall not swing into the required unobstructed sidewalk area required in *subsection A.1* above.
5. Awnings associated with the café will be installed in accordance with the Building Code.
6. Umbrellas shall not extend into the required unobstructed sidewalk area.
7. Signs associated with the café will be installed in accordance with Rexburg City Code.
8. Adequate facilities for the storage of trash and tobacco waste products generated by the café will be provided at a convenient location.

B. Agreement. An agreement between the applicant and the City is executed and

recorded that includes the following provisions:

1. No alcohol will be consumed on the sidewalk.
2. **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.
3. **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.
4. **Damage.** 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.
5. **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.
6. **Music.** Within the sidewalk café the use of sound reproduction equipment will be prohibited and live acoustic music and musical instruments will be allowed, providing sound levels are controlled so as to not disturb other businesses and are kept within legal decibel levels per City noise regulations.
7. **Sidewalk Maintenance.**
 - a. The sidewalk café and surroundings will be maintained in a neat and clean condition at all times.
 - 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 (1/2) hour after close of business to one-half (1/2) hour before opening of the business.

- c. 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.

5.02.150 Canopies And Marquees

Canopies and/or marquees may be extended over public sidewalks in the CBD Zone only after a Conditional Use Permit (CUP) has been granted by the Planning and Zoning Commission for their erection and after a revocable license has been issued by the Rexburg City Mayor in accordance with the procedures outlined herein. 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.

- A. Canopies and marquees erected in the CBD Zone must comply with all of the following conditions:
 1. **Conditional Use Permit.** A CUP must first be granted by the Planning and Zoning Commission following an application submitted to the Planning and Zoning Commission. Procedure for granting a conditional use permit for this purpose shall be in accordance with Rexburg City Code. The Planning and Zoning 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:
 - a. 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 CBD Zone.
 - b. The canopy or marquee will be constructed of materials contained on the materials list for the CBD Zone approved by resolution of the City Council.
 - c. 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 Central Business District zone as set forth herein.
 - d. 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 and Zoning Commission.
 - e. 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.
 - f. **Right-of-way.**
 - (1) In no event shall any portion of the public right-of-way be used for commercial storage, display, or other private use.

- (2) 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.
- g. **Landscaping.** In the event that no public landscaping exists in the area adjacent to said canopy or marquee, the Planning and Zoning 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.
- h. **Building Code.** All canopy or marquee installations will be in full conformance with the provisions of the Building Code of Rexburg, ID. The provisions of this section are not intended to in any way nullify or repeal any portions of the Building Code provisions.
2. **License.** A license shall be obtained from the Mayor permitting such construction. Conditions deemed appropriate by said Mayor may be imposed upon the granting of a license.
- a. **Revoked.** 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.
- (1) **Restoration.** 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.
3. **Liability.** 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.

5.02.160 Referenced Sections

- A. **Prior Created Lots** ([See subsection 3.03.070.](#))
- B. **Project Plan Approval** ([See subsection 3.02.130.](#))
- C. **Lighting Standards** ([See section 3.6.](#))

~~5.2 CENTRAL BUSINESS DISTRICT (CBD) (Repealed)~~

~~5.02.010 Purpose And Objectives (Repealed)~~

~~5.02.020 Architectural Design Standards (Repealed)~~

- ~~5.02.030 Permitted Uses (Repealed)~~
- ~~5.02.040 Lot Area (Repealed)~~
- ~~5.02.050 Lot Width (Repealed)~~
- ~~5.02.060 Lot Frontage (Repealed)~~
- ~~5.02.070 Lot Density (Repealed)~~
- ~~5.02.080 Yard Requirements (Repealed)~~
- ~~5.02.090 Building Height (Repealed)~~
- ~~5.02.100 Distance Between Buildings (Repealed)~~
- ~~5.02.110 Permissible Lot Coverage (Repealed)~~
- ~~5.02.120 Parking, Loading, And Access (Repealed)~~
- ~~5.02.130 Other Requirements (Repealed)~~
- ~~5.02.140 Sidewalk Cafes (Repealed)~~
- ~~5.02.150 Canopies And Marquees (Repealed)~~
- ~~5.02.160 Referenced Sections (Repealed)~~
- ~~All Zoning Standards apply. (See 3.01-3.06)~~

SECTION 10: AMENDMENT “5.3 TRANSITIONAL AGRICULTURE ZONE (TAG)” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

~~5.3~~ TRANSITIONAL AGRICULTURE ZONE (TAG)

SECTION 11: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 12: 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.

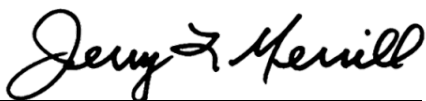
SECTION 13: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from April 6, 2022 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF REXBURG COUNCIL APRIL 06, 2022.

| | AYE | NAY | ABSENT | ABSTAIN |
|--------------------------------|---------------|---------------|---------------|----------------|
| Council President Jordan Busby | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Councilmember Robert Chambers | <u> X </u> | <u> </u> | <u> </u> | <u> </u> |
| Councilmember Tisha Flora | <u> </u> | <u> </u> | <u> X </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> |

Presiding Officer

Attest



Jerry L Merrill, Rexburg Mayor, City
of Rexburg



Deborah Lovejoy, Rexburg City Clerk
City of Rexburg

