



ORDINANCE NO. 1115

**DEVELOPMENT CODE
OF THE
CITY OF REXBURG, IDAHO**

AN ORDINANCE REPLACING AND REPEALING ORDINANCES 548 AND 642 FOR MOBILE HOME PARKS; REPLACING AND REPEALING ORDINANCE 658 FOR SUBDIVISION PLATS; REPLACING AND REPEALING ORDINANCE 915 FOR CELL TOWERS; REPLACING AND REPEALING ORDINANCE 1021 FOR PEDESTRIAN ZONES; REPLACING AND REPEALING ORDINANCES 1027 AND 1095 FOR SIGNAGE; AND REPLACING AND REPEALING ORDINANCE 1026 AS THE DEVELOPMENT CODE OF THE CITY OF REXBURG, IDAHO; MAINTAINING A DEVELOPMENT CODE FOR THE CITY OF REXBURG, DIVIDING THE CITY INTO DISTRICTS IN ACCORDANCE WITH THE COMPREHENSIVE PLAN; REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES, SIZE OF BUILDINGS AND OTHER STRUCTURES AND OBJECTS, MAINTAINING DESIGN STANDARDS IN THE DISTRICTS, REGULATING THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED BY STRUCTURES, THE SIZE OF YARDS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, COMMERCE, INDUSTRY, RESIDENCE AND OTHER PURPOSES; PROVIDING FOR VIOLATION OF THE PROVISIONS OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR EFFECTIVE DATE OF ORDINANCE.

BE IT ORDAINED BY the Mayor and Council of the City of Rexburg, Idaho:

SECTION I: Ordinances Numbered 548, 642, 658, 915, 1021, 1027, 1095 and Ordinance 1026 of the City of Rexburg, Idaho, are hereby repealed.

SECTION II: The Development Code of the City of Rexburg, Idaho, is hereby amended by the following **SIGNIFICANT CHANGES IN SUMMARY** with detailed changes highlighted in Appendix A.

SIGNIFICANT CHANGES TO THE DEVELOPMENT CODE IN SUMMARY

Section #	Explanation of Change
2.21	Combined <u>Nursery Schools</u> and <u>Day Care Centers</u> to same definition. Listed zones that allowed use.
2.21	Added definition of <u>Drainage Plan</u> .
2.21	Added definition of <u>Grade</u> for sign height.
2.21	Added definition of <u>Short Plat</u> . The Subdivision ordinance was added as a Chapter 12.
2.21	Added definition of <u>Substantial Commercial Cluster</u> .
3.4.025+	Changed language for <u>Conditional Use Permits (CUP)</u> from <u>shall</u> be to <u>may</u> be permitted. Also took CUP requirements out of <u>Permitted Use</u> section and created its own section.
3.4.150+	Added paragraph about <u>Highway 20 Corridor Site Plan Requirements</u> .
3.5.090+	Added language to allow for <u>projections into setback areas</u> .
3.7.020+	Language added to allow up to <u>twenty four (24) units per building</u> instead of only <u>four (4) units</u> .
3.7.100+	Changed <u>Allowable Building Height</u> from <u>thirty (30) feet</u> to <u>forty (40) feet</u> if not adjacent to a Low Density Residential Zone.
3.7.130+	Added new requirement for <u>large housing projects</u> to <u>demonstrate pedestrian connection</u> to BYUI and a Substantial Commercial Cluster.
3.9.100+	Language added to allow <u>unroofed terraces, enclosed stair and elevator structures</u> on top of building without adding for their additional height.
3.11.025+	Added <u>Day Care Centers</u> and <u>Nursery Schools</u> as permitted or conditional uses throughout document.
3.11.100	The <u>building height in the Rural Residential 1 zone</u> was lowered from <u>thirty (30) feet</u> to <u>twenty five (25) feet</u> to match the height in the Rural Residential 2 Zone.
3.13.100+	Added language to require <u>minimum side yard when roof sloped to face neighboring property</u> .
3.14.05+	Added <u>Call Centers</u> to be allowed with Conditional Use Permit (CUP).

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3.14.100	Added language to require <u>ten (10) feet of front yard when minimum percentage required for mixed use is lowered with a CUP.</u>
3.15.20	<u>Allow gas pumps at convenience stores in Neighborhood Business District.</u>
3.19.025+	Language to allow City Council to wave requirement of <u>Single Ownership and Control.</u>
3.20.020+	<u>Caretaker dwellings</u> to be allowed as per the Planning and Zoning Commission in Industrial Zones.
4.13+	Language to allow smooth faced <u>concrete block, tilt-up concrete panels, prefabricated steel panels and vinyl siding</u> from building sides that are not visual from street or public parking.
4.14	Changes to the <u>Commercial Lighting Standard.</u> Overseen by Brett Stoddard.
5.1	<u>New parking lot</u> or additions require building permit.
5.2	The Planning and Zoning Commission can approve <u>parking to be farther than 200'</u> with a CUP.
5.5	Residential <u>tandem parking</u> to be allowed when both spaces can be assigned to same dwelling unit.
5.8	<u>Call Center Parking</u> requirements added.
5.9	Language to provide <u>additional parking in Central Business District (CBD)</u> if new use requires more parking than traditional retail.
6.14	Language added to require <u>Public Hearing at City Council</u> when the Council rules differently than the Planning and Zoning Commission recommendation from their Public Hearing and to allow the Planning and Zoning Commission to require additional Public Hearing at City Council for any reason.
Chapter 12	Inclusion of the completely revised <u>Subdivision</u> Section. (eliminating Ordinance 658) Overseen by John Millar.
Chapter 13	Inclusion of the completely revised <u>Mobile/Manufactured Home</u> Section (eliminating Ord.548). Overseen by Natalie Powell.
+	The plus sign indicates that the change also takes place in a succeeding section(s).

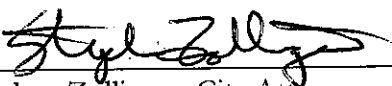
SECTION III: Providing for other substantive and non-substantive changes in the Development Code as recommended and approved by the Planning and Zoning Commission of the City of Rexburg, Idaho:

SECTION IV: Repeal. All other ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION V: The City of Rexburg, Idaho City Council shall enact this Ordinance No. 1115 repealing Ordinance 1026 otherwise known as **THE DEVELOPMENT CODE OF THE CITY OF REXBURG, IDAHO** upon its passage, approval and publication.

SECTION VI: Appendix A.

I, Stephen Zollinger, City Attorney for the City of Rexburg, declare that in my capacity as City Attorney of the City of Rexburg, pursuant to Idaho Code Section 50-901A (3) of the Idaho Code as amended, I hereby certify that I have reviewed a copy of the above cited Summary Section of Ordinance 1115 and have found the same to be true and complete and to provide adequate notice to the public of the contents, including the exhibits, of Ordinance No. 1115. DATED this 25th day of June, 2014.



 Stephen Zollinger, City Attorney
 City of Rexburg

