

Repealed

ORDINANCE NO. 1026

AN ORDINANCE REPEALING ORDINANCE NO. 926 PROVIDING FOR SUBSTANTIVE AND NON-SUBSTANTIVE CHANGES; INCLUDING INCREASED BUILDING HEIGHTS WITHIN THE HDR1 AND HDR2 ZONES; REDUCED PARKING REQUIREMENT FOR "MEDICAL CLINIC"; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF REXBURG, IDAHO:

Title I. Ordinance No. 926 of the City of Rexburg, Idaho, is hereby repealed.

Title II. The Development Code of the City of Rexburg, Idaho, is hereby amended and enacted by Ordinance No. 1026 as follows:

Section 3.9.100; Section 3.10.100 Increased building heights within the HDR1 and HDR2 zones.

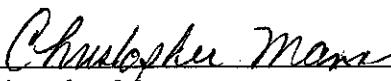
Section 5.8 – Table 3 Reduced parking requirement for "Medical Clinic."

Title 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:

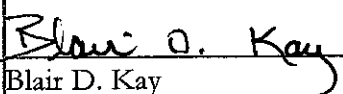
Title IV. Repeal.
All other ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

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


PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR on this 4th day of November, 2009.


Christopher Mann
Acting Mayor

Attest:


Blair D. Kay
City Clerk



Instrument # 358011
REXBURG, MADISON, IDAHO
12-1-2009 10:17:18 No. of Pages: 5
Recorded for : CITY OF REXBURG
MARILYN R. RASMUSSEN Fee: 0.00
Ex-Officio Recorder Deputy 

STATE OF IDAHO)
County of Madison: ss)
City of Rexburg)

I, BLAIR D. KAY, City Clerk of the city of Rexburg, Idaho, do hereby certify: That the above and foregoing is a full, true and correct copy of the Ordinance Entitled:

ORDINANCE NO. 1026

AN ORDINANCE REPEALING ORDINANCE NO. 926 PROVIDING FOR SUBSTANTIVE AND NON-SUBSTANTIVE CHANGES; INCLUDING INCREASED BUILDING HEIGHTS WITHIN THE HDR1 AND HDR2 ZONES; REDUCED PARKING REQUIREMENT FOR "MEDICAL CLINIC"; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR on this 04TH day of November, 2009.

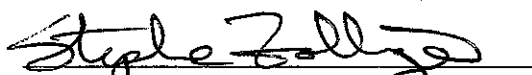
Blair D. Kay
Blair D. Kay
City Clerk



**STATEMENT OF
REXBURG CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE 1026**

The Undersigned, Stephen P. Zollinger, in his capacity as City Attorney of the City of Rexburg, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Summary of Ordinance 1026 of the City of Rexburg, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code 50-901A(3).

Dated this 04th day of November, 2009


Stephen P. Zollinger, City Attorney

SUMMARY OF ORDINANCE NO. 1026

AN ORDINANCE REPLACING ORDINANCE NO. 926 PROVIDING FOR SUBSTANTIVE AND NON-SUBSTANTIVE CHANGES; INCLUDING INCREASED BUILDING HEIGHTS WITHIN THE HDR1 AND HDR2 ZONES; REDUCED PARKING REQUIREMENT FOR "MEDICAL CLINIC"; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF REXBURG, IDAHO:

Section I. It is hereby found and determined that Ordinance No. 926 of the City of Rexburg, Idaho, shall be and is hereby repealed. Ordinance 1026 reflects all substantive and non-substantive changes including building heights in HDR1 and HDR2 Zones and reduced parking requirements for "Medical Clinics."

1.1 Title.

This Ordinance shall be known and entitled as "The City of Rexburg Development Code" and may be so cited and pleaded.

1.2 Authority.

This Ordinance is adopted pursuant to authority granted by Title 67, Chapter 65 of the Idaho Code, and Article 12, Section 2 of the Idaho Constitution, as amended.

1.3 Purpose.

The purpose of this Ordinance shall be to promote the health, safety, and welfare of the residents of the City of Rexburg as follows:

1. To protect property rights and enhance property values.
2. To provide for the protection and enhancement of the local economy.
3. To ensure that important environmental features are protected and enhanced.
4. To encourage the protection of prime agricultural lands for the production of food.
5. To avoid undue concentration of population and overcrowding of land.
6. To ensure that development of is commensurate with the physical characteristics of the land.
7. To protect life and property in areas subject to natural hazards and disasters.
8. To protect recreation resources.
9. To avoid undue water and air pollution.
10. To secure safety from fire and provide adequate open spaces for light and air.

City of Rexburg Development Code
Ordinance 1026 Summary

11. To implement the comprehensive plan.

1.4 Intent.

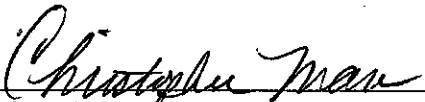
It is the intent of the governing body of the City of Rexburg that this Ordinance be interpreted and construed to further the purposes of this Ordinance and the objectives and characteristics of the zoning districts.

Section II. That the City Council finds further that the Land Use Schedule shall be and hereby include traditional uses within the City as allowed uses, and specifies those uses as well as those uses that are conditionally allowed.

Section III. That pursuant to the affirmative vote of one-half (3) plus one (1) of the Members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same hereby is, dispensed with, and accordingly, this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

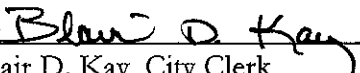
Section IV. The full text of Ordinance No. 1026 is available at the offices of the City Clerk located at the Rexburg City Hall, 35 North Center, Rexburg, Idaho 83440. An electronic copy of Ordinance No. 1026 is available on the web at www.rexburg.org.

The Ordinance was passed by the City Council of Rexburg and approved by the Mayor on the 04th day of November 2009.



Christopher Mann,
Acting Mayor

ATTEST:

By 

Blair D. Kay, City Clerk

STATE OF IDAHO)
 :ss
County of Madison).

I, Blair D. Kay, City Clerk of the City of Rexburg, Idaho, do hereby certify: That the above and foregoing is a full, true and correct summary of the Ordinance entitled:

SUMMARY OF ORDINANCE NO. 1026

AN ORDINANCE REPLACING ORDINANCE NO. 926 PROVIDING FOR SUBSTANTIVE AND NON-SUBSTANTIVE CHANGES; INCLUDING INCREASED BUILDING HEIGHTS WITHIN THE HDR1 AND HDR2 ZONES; REDUCED PARKING REQUIREMENT FOR "MEDICAL CLINIC"; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

Passed by the City Council and approved by the Mayor this 04th day of November, 2009.

Blair D. Kay

Blair D. Kay, City Clerk



**NOTICE OF PUBLIC HEARING
TO AMEND THE CITY OF REXBURG
"DEVELOPMENT CODE"
(PLANNING AND ZONING ORDINANCE No. 1026)**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held May 05, 2010, at 7:40 P.M. before the City Council of the City of Rexburg, Madison County, Idaho, to amend the current DEVELOPMENT CODE (*PLANNING AND ZONING ORDINANCE No. 1026*).

It is proposed to review the current DEVELOPMENT CODE and make amendments to the document concerning substantive and non-substantive items. All proposed modifications to the DEVELOPMENT CODE may be reviewed at the offices of Planning and Zoning or the City Clerk's office. The substantive changes include, but are not limited to, the following:

- A. Amend Ordinance 1026 Chapter 3 Sections 3.13 - 3.14** by "Ordinance 1045" to include "Mixed Use" Zones (MU1 & MU2); updated definitions; updated MDR1 and MDR2 setbacks; Supplementary Regulations for Screening Requirements; and other miscellaneous changes to clarify the Development Code.

Additional Ordinances will be included in Development Code:

1. Pedestrian Emphasis Zone (PEZ) (ORD. 1021): Chapter 9
2. Sign ordinance (ORD. 1027): Chapter 10
3. Cell Tower ordinance (ORD. 915) : Chapter 11

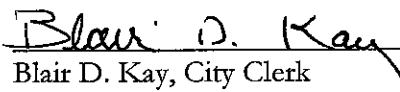
At such Public Hearing the Rexburg City Council will hear all persons and all objections and recommendations relative to the DEVELOPMENT CODE that will be proposed. This notice is given to the provisions of Section 67-6508, Idaho Code and all amended thereof.

The City Council encourages all City residents to participate in the process to amend the the DEVELOPMENT CODE. Citizen's comments may be submitted to the City Clerk in writing or by email during the fact finding period. All interested persons are invited to offer their views on the DEVELOPMENT CODE for the City of Rexburg in writing to the Community Development Office at 35 North 1st East in Rexburg.

The City Clerk located at 35 North 1st East, will receive written input for this Public Hearing prior to 4:00 P.M. on May 4th, 2010.

DATED this 12th day of April, 2010.

CITY OF REXBURG


Blair D. Kay, City Clerk



April 17, 2010
May 01, 2010