



CITY OF  
**REXBURG**  
America's Family Community

ORDINANCE NO. 1159

AMENDING THE DEVELOPMENT CODE OF THE  
CITY OF REXBURG, IDAHO

AN ORDINANCE AMENDING ORDINANCE 1115 WITH SUBSTANTIVE AND NON-SUBSTANTIVE CHANGES; THE MORE SUBSTANTIVE CHANGES ARE AS FOLLOWS: AMEND THE DEFINITION FOR THE PEDESTRIAN EMPHASIS DISTRICT TO ALLOW LESS PARKING WITH A CONDITIONAL USE PERMIT; ADD DUPLEX AND TWIN HOME TO PERMITTED USES FOR LOW DENSITY RESIDENTIAL TWO AND THREE HOUSING; REQUIRE A REVIEW THAT ADDRESSES NEIGHBORHOOD COMPATIBILITY FOR PARKING, SCREENING, LIGHTING, LANDSCAPING OR OTHER CONCERNS TO BE APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE; ADD DORMITORY HOUSING, FRATERNITY, AND SORORITY TO HIGH DENSITY RESIDENTIAL ONE AND TWO HOUSING AS PERMITTED; ADD DORMITORY HOUSING TO THE MIXED USE ZONE BY CONDITIONAL USE PERMIT; DELETE NEIGHBORHOOD BUSINESS DISTRICT AND REZONE TO COMMUNITY BUSINESS CENTER OR CENTRAL BUSINESS DISTRICT; AMEND THE PERMITTED USES FOR CENTRAL BUSINESS DISTRICT; ALLOW DWELLINGS ON THE FIRST FLOOR AND DROP-IN DAY CARE IN CENTRAL BUSINESS DISTRICT WITH A CONDITIONAL USE PERMIT; DELETE THE PROFESSIONAL OFFICE ZONE AND REZONE TO COMMUNITY BUSINESS CENTER (CBC); AND REMOVE THE PROFESSIONAL OVERLAY FROM THE REXBURG ZONING MAP WHILE RETAINING THE UNDERLYING ZONING; REQUIRE ALL PARKING AREAS, AISLES, AND DRIVEWAYS TO SURFACED WITH ASPHALT OR CONCRETE; REQUIRE A CONDITIONAL USE PERMIT FOR ALL DORMITORY HOUSING IN ALL APPLICABLE ZONES AND AMEND THE PARKING SPACES REQUIRED FOR DORMITORY HOUSING; ADD SHORT TERM RENTALS (BOARDING HOUSE AND BED AND BREAKFAST) REQUIRING TWO PARKING SPACES FOR OWNER/MANAGER PLUS ONE PARKING SPACE PER BEDROOM; AMEND THE SETBACKS AND LANDSCAPE REQUIREMENTS ALLOWED BY A CONDITIONAL USE PERMIT; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

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

**SECTION I:** Ordinance Number 1115 of the City of Rexburg, Idaho, is hereby amended:

A. The more substantive changes are as follows:

(1) **CHAPTER 2: SECTION 2.1 DEFINITIONS** (Amend the definition of the Pedestrian Emphasis District (PED)).

- a. Pedestrian Emphasis District (PED): A District created near the BYU-I campus that allows less parking and higher density for residential units. The Pedestrian Emphasis District (PED) consists of the following:

**PED 1 Area One** which may allow parking to be reduced:

- a. Up to 99 beds: 6% visitor parking stalls per number of beds.
- b. 100 or more beds: 3% visitor parking stalls per number of beds.

**PED 2 Area Two** which may allow parking to be reduced:

- a. 6% visitor parking stalls per number of beds.

These minimum visitor parking requirements in PED Area One and PED Area Two may be reduced through the (PED) Conditional Use Permit (CUP); this may not be changed for a period of two years.

- (2) **CHAPTER 3: SECTION 3: 3.5 LOW DENSITY RESIDENTIAL 2 (LDR2)**
  - a. **3.5.25. LDR2** Conditional Uses: Delete Twin Home and Duplex.
  - b. **3.5.20. LDR2** Permitted Uses: Add Duplex and Twin Home.
  
- (3) **CHAPTER 3: SECTION 3.6 LOW DENSITY RESIDENTIAL 3 (LDR3)**
  - a. **3.6.25. LDR3** Conditional Uses: Delete Twin Home and Duplex.
  - b. **3.6.20. LDR3** Permitted Uses: Add Duplex and Twin home.
  
- (4) **CHAPTER 3: SECTIONS 3.5.20.B & 3.6.020.B PERMITTED USES**  
“For Twin Homes and Duplexes, a review is required that addresses **neighborhood compatibility for parking, screening, lighting, landscaping or other concerns** to be approved by the Community Development Director or Designee.”
  
- (5) **CHAPTER 3: SECTION 3.9 HIGH DENSITY RESIDENTIAL 1 (HDR1)**
  - a. **3.9.020. HDR1** Permitted Uses: Delete Dormitory Housing, Fraternity, and Sorority.
  - b. **3.9.025. HDR1** Conditional Uses: Add Dormitory Housing, Fraternity, and Sorority.
  
- (6) **CHAPTER 3: SECTION 3.10 HIGH DENSITY RESIDENTIAL 2 (HDR2)**
  - a. **Section 3.10.020. (HDR2)** Permitted Uses: Delete Dormitory Housing, Fraternity, and Sorority.
  - b. **Section 3.10.025. (HDR2)** Conditional Uses: Add Dormitory Housing, Fraternity, and Sorority.
  
- (7) **CHAPTER 3: SECTION 3.14 MIXED USE (MU)**
  - a. **3.14.020. (MU)** Permitted Uses: Delete Dormitory Housing.
  - b. **3.14.025. (MU)** Conditional Uses: Add Dormitory Housing.
  
- (8) **CHAPTER 3: SECTION 3.15 NEIGHBORHOOD BUSINESS DISTRICT (NBD)**
  - a. **3.15 Delete (NBD)** Neighborhood Business District (NBD) and rezone to the appropriate zone; Central Business District (CBD) or Community Business Center (CBC).
  
- (9) **CHAPTER 3: SECTION 3.17 CENTRAL BUSINESS DISTRICT (CBD)**
  - a. **3.17.020. (CBD)** Permitted Uses: Vacation Rentals, Miscellaneous business services, Liquor, package Antiques and second-hand merchandise, second-hand auto parts (indoor only), Miscellaneous service organizations, Nursery Schools, Day Care Centers, Entertainment and assembly including legitimate theater, Motion picture theaters (indoor), Public assembly, Coin-operated amusements, Indoor Miniature golf, Dance halls, ballroom, Billiards and pool halls, Bed and Breakfast Inn above the ground floor (attached to commercial or other non-residential use).
  - b. **3.17.025. CBD** Conditional Uses: Allow dwellings on the first floor, Drop-in Daycare, Minor assembly and other innocuous manufacturing.
  
- (10) **CHAPTER 3: SECTION 3.23 PROFESSIONAL OFFICE ZONE (PO)**
  - a. **Section 3.23 Delete PO** Professional Office Zone (PO) and rezone to Community Business Center (CBC); and remove the Professional Overlay from the Rexburg Zoning Map while retaining the underlying zoning.

(11) **CHAPTER 5: SECTION 5.5 PARKING PLAN REQUIRED**

a. **5.5 Parking Plan (V)** All parking areas, aisles and driveways shall be surfaced with asphalt or concrete. Asphalt is not allowed for sidewalks crossing driveways and for the driveway approach between the street and the sidewalk (see Rexburg Engineering Standards}. Asphalt or concrete is not required for storage areas or storage facilities when an improved and maintained gravel surface is provided (see Rexburg Engineering Standards), as long as the following three (3) requirements are met.

1. Provide a sixty (60) foot minimum long concrete or asphalt access driveway between the aforementioned lot and the public right-of-way.
2. Provide a forty by twelve (40x12) square foot loading space (as per 5.4 without regards to overall building size} directly in front of any and all fully enclosed storage units/spaces or any interior entrance to a series of fully enclosed units/spaces.
3. Provide ample dedicated off street parking separate from the storage area.

(12) **CHAPTER 5: SECTION 5.8 TABLE 3 – REQUIRED NUMBER OF SPACES**

a. **5.8 Table 3 Required Number of Spaces:** All Dormitory housing located in all applicable Zones will require a Conditional Use Permit (CUP); the Pedestrian Emphasis District (PED) and seeking reduced parking requirements is subject to a Conditional Use Permit CUP.

b. **5.8 TABLE 3 – Required Number of Spaces**

1. **Remove Boarding Houses**
2. **Add new heading: Short Term Rentals** (Boarding House and Bed and Breakfast) require two parking spaces for Owner/Manager plus one parking space per bedroom.

(13) **CHAPTER 9: SECTION 5.10 REGULATIONS FOR THE UNIVERSITY DISTRICT**

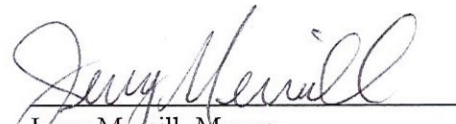
a. **5.10:** Landscaped front yards and other required buffer yards shall be delineated from parking areas by high-back curbing that will further discourage parking in the front yard. If the building location is approved by a Conditional Use Permit with a reduction in the front yard setback up to fifteen (15) feet; then the 20% landscaping requirement may be reduced down to as little as 10% upon approval of the Community Development Director.

**SECTION II:** The Summary Table of appropriate Land Uses for each Comprehensive Plan Map Designation in the Comprehensive Plan 2020 is hereby updated to reflect the zoning label changes and the appropriate land uses set forth in this ordinance as noted in **attachment A** below.

**SECTION III:** Furthermore, any portion of the existing Development Code in conflict with this proposed amendment is hereby repealed.

**SECTION IV:** The City of Rexburg, Idaho City Council shall enact this Ordinance amending Ordinance 1115 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 3<sup>rd</sup> day of May, 2017.

  
Jerry Merrill, Mayor

ATTEST:

  
Blair D. Kay, City Clerk



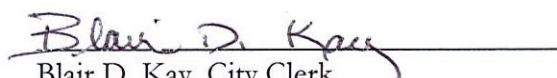
STATE OF IDAHO)  
    ) ss.  
County of Madison )

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 copy of the Ordinance Entitled:

AN ORDINANCE AMENDING ORDINANCE 1115 WITH SUBSTANTIVE AND NON-SUBSTANTIVE CHANGES; THE MORE SUBSTANTIVE CHANGES ARE AS FOLLOWS: AMEND THE DEFINITION FOR THE PEDESTRIAN EMPHASIS DISTRICT TO ALLOW LESS PARKING WITH A CONDITIONAL USE PERMIT; ADD DUPLEX AND TWIN HOME TO PERMITTED USES FOR LOW DENSITY RESIDENTIAL TWO AND THREE HOUSING; REQUIRE A REVIEW THAT ADDRESSES NEIGHBORHOOD COMPATIBILITY FOR PARKING, SCREENING, LIGHTING, LANDSCAPING OR OTHER CONCERNS TO BE APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE; ADD DORMITORY HOUSING, FRATERNITY, AND SORORITY TO HIGH DENSITY RESIDENTIAL ONE AND TWO HOUSING AS PERMITTED; ADD DORMITORY HOUSING TO THE MIXED USE ZONE BY CONDITIONAL USE PERMIT; DELETE NEIGHBORHOOD BUSINESS DISTRICT AND REZONE TO COMMUNITY BUSINESS CENTER OR CENTRAL BUSINESS DISTRICT; AMEND THE PERMITTED USES FOR CENTRAL BUSINESS DISTRICT; ALLOW DWELLINGS ON THE FIRST FLOOR AND DROP-IN DAY CARE IN CENTRAL BUSINESS DISTRICT WITH A CONDITIONAL USE PERMIT; DELETE THE PROFESSIONAL OFFICE ZONE AND REZONE TO COMMUNITY BUSINESS CENTER (CBC); AND REMOVE THE PROFESSIONAL OVERLAY FROM THE REXBURG ZONING MAP WHILE RETAINING THE UNDERLYING ZONING; REQUIRE ALL PARKING AREAS, AISLES, AND DRIVEWAYS TO SURFACED WITH ASPHALT OR CONCRETE; REQUIRE A CONDITIONAL USE PERMIT FOR ALL DORMITORY HOUSING IN ALL APPLICABLE ZONES AND AMEND THE PARKING SPACES REQUIRED FOR DORMITORY HOUSING; ADD SHORT TERM RENTALS (BOARDING HOUSE AND BED AND BREAKFAST) REQUIRING TWO PARKING SPACES FOR OWNER/MANAGER PLUS ONE PARKING SPACE PER BEDROOM; AMEND THE SETBACKS AND LANDSCAPE REQUIREMENTS ALLOWED BY A CONDITIONAL USE PERMIT; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR  
this 3<sup>rd</sup> day of May, 2017.



  
Blair D. Kay, City Clerk

ATTACHMENT A:

<b>Summary Table of Appropriate Land Uses for each Comprehensive Plan Map Designation:</b>		
(Amended 05 May, 2010 by Resolution 2010-07) (Amended 18 Aug. 2010 by Resolution 2010-12) (Amended 13 May, 2010 Ordinance 1045) (Amended 03 Nov. 2010 by Ordinance 1055) (Amended 03 Aug. 2011 by Ordinance 1073) (Amended 17 March, 2017 by Ordinance 1157) (Amended 03 May, 2017 by Ordinance 1159)		
Comprehensive Plan Designation	Allowable Zoning District	
Commercial	TOZ RBC GBD CBC	Technology and Office Zone Regional Business Center General Business Center Community Business Center
Light Industrial	LI TOZ	Light Industrial Technology and Office Zone
Downtown Commercial Mixed Use	CBD MU	Central Business District Mixed Use
Neighborhood Commercial Mixed Use	MU OS CBC CBD TOZ RBC	Mixed Use Open Space Community Business Center Central Business District Technology and Office Zone Regional Business Center
Public Facilities	PF	Public Facilities Point of reference & may be included in any zone
Moderate to High Density Residential	MDR1 MDR2 HDR1 HDR2	Medium Density Residential 1 Medium Density Residential 2 High Density Residential 1 High Density Residential 2
Low to Moderate Density Residential	LDR2 LDR3 MDR1 MDR2	Low Density Residential 2 Low Density Residential 3 Medium Density Residential 1 Medium Density Residential 2
Single Family Residential	RR1 RR2 LDR1 LDR2 LDR3	Rural Residential 1 Rural Residential 2 Low Density Residential 1 Low Density Residential 2 Low Density Residential 3
Agriculture / Rural	TAG1 TAG2 OS	Transitional Agriculture 1 Transitional Agriculture 2 Open Space
Open Space	OS	Open Space
University	UD	University District