

**CITY OF REXBURG
ORDINANCE 1237**

REMOVE INFILL, AMEND PED OR PEZ AND LDR3 DENSITY

AN ORDINANCE AMENDING THE CURRENT DEVELOPMENT CODE (PLANNING AND ZONING ORDINANCE NO. 1200) CONCERNING SUBSTANTIVE AND NON-SUBSTANTIVE ITEMS; THE FOLLOWING CHANGES HAVE BEEN MADE: REPEALING THE INFILL/REDEVELOPMENT OVERLAY; AMENDING THE PEDESTRIAN EMPHASIS DISTRICT'S (PED) REDUCED PARKING FOR DORMITORY AND COMMUNITY HOUSING, SETBACKS, AND LOT CONFIGURATION AND DENSITY REQUIREMENTS; AMENDING BYCYCLE PARKING REQUIREMENTS FOR DORMITORY; 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 City of Rexburg, in the State of Idaho, as follows:

SECTION 1: **AMENDMENT** “4.05.070 Lot Configuration And Density” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

4.05.070 Lot Configuration And Density

- A. One (1) single-family dwelling unit may be placed on a parcel of land or lot in the LDR3 zone.
- B. No more than two (2) dwelling units in any one (1) structure.
- C. The maximum density permitted in this district is ten (10) dwelling units per acre.

SECTION 2: **AMENDMENT** “I-J” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

I-J

Illuminance: The amount of light casting on any point of a surface measured in foot-candles or lux. Measurements are taken at ground level with sensor parallel to surface.

Impervious Surface: A surface that has been compacted or covered with a layer of material, so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime, rock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

Industry, Heavy: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. (*See section 7.2.*)

Industry, Light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. (*See section 7.1.*)

Infill: Construction of a building on a piece of vacant ground that is substantially surrounded by improved properties. (*See “vacant properties” definition.*)

Integrated Shopping Center: A group of retail or commercial planned, developed and managed as a single property, with on-site parking provided.

Interchange Sign Boundary: One-thousand, five hundred (1500') feet radius drawn from the center of the highway interchange. (*See subsection 3.05.130.*)

Irrigation Facilities: Includes canals, laterals, ditches, conduits, gates, wells, pumps, and allied equipment necessary for the supply, delivery, and drainage of irrigation water.

Junk: Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, bed and bedding, rags, motor vehicles and parts thereof.

Junkyard: An open area where waste, used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials shall include but not be limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. An automobile wrecking yard is also considered a junkyard.

SECTION 3: AMENDMENT “3.02.100 Screening And Landscaping” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

3.02.100 Screening And Landscaping

The following are minimum standards. Additional landscaping elements may be allowed as per review by the Zoning Administrator or Designee. Screening and fences within the City shall be constructed and maintained in conformance with the following standards:

- A. **Landscaping.** Plant material size (minimum), at time of planting:
 - 1. Deciduous trees- Two (2") inch caliper around the trunk of the tree
 - 2. Evergreen trees- Seven (7') feet in height from root collar to top of tree crown
 - 3. Shrubs- Five (5) gallon containers
 - 4. Landscaping must be maintained as in its original design and purpose.
- B. **Landscape Strip.** In all zones, the area between the curb and gutter and the sidewalk is to be landscaped with trees and shrubs by the adjacent property owner.
 - 1. Landscaping shall be maintained in its original design and purpose by the adjacent property owner.
- C. **Parking Areas.** (*See subsection 3.04.060.A.*)
- D. **Commercial/Industrial Uses.** Where a commercial or industrial use adjoins residential zones, or undeveloped land shown as a residential use on the Comprehensive Plan, there shall be provided along the abutting property line, a yard equal in width to that required in the residential zone.
 - 1. The yard shall be planted with a combination of trees, low shrubs, and ground cover, and/or a suitable fence otherwise in compliance with this ordinance of sufficient height and density to screen the two parcels, as specified by the Planning and Zoning Commission.
- E. **High Density Residential Uses.**
 - 1. Where a lot in the HDR1 or HRD2 district adjoins a lot (not a right-of-way) in the LDR or MDR zones or unincorporated and designated as single-family on the Comprehensive Plan map, a five (5') feet wide landscaped buffer shall be provided on said property line. (*See A of this subsection for tree and bush sizes.*)
 - 2. When a public street is located between the front lot line of the HDR zone and a single-family zone, a landscaped buffer seven (7') feet wide or as required for front yard setbacks, whichever is greater, shall be constructed and maintained on the front lot line.
 - a. The landscaping shall be planned and approved.
- F. **Highway 20 Corridor.** All development adjacent to the Highway 20 right-of-way must submit a Site Plan to the Zoning Administrator or designee to be approved for design prior to obtaining a building permit.
 - 1. **Landscape Buffer.** Parcels directly adjacent to the Highway 20 right-of-way must have buildings buffered with deciduous two (2") inch caliper trees at twenty (20') feet spacing and two (2) shrubs between trees.
 - 2. **Commercial Design Standards.** Building facades adjacent to Highway 20 right-of-way which meet the requirements of commercial design standards (including "eyes to the street" requirements) found in *section 7.0* may reduce buffering to deciduous two (2") inch caliper trees at fifty (50') feet spacing and eight (8) shrubs between trees.
 - 3. Trees shall be surrounded with grass, decorative rock, bark or other as approved in the site plan review.

4. **Setback.** A minimum setback of twenty-five (25') feet is required from any building to the Highway 20 right-of-way or a one-to-one setback to height requirement, whichever is greater.
5. Landscaping must be maintained as in its original design and purpose.
- G. **Open Storage Area.** Open storage area in commercial and industrial zones shall be screened from view of the streets by structures or by a landscaped strip at least seven (7') feet in width with plantings that hide the open storage (as approved by the Zoning Administrator or designee).
 1. **No front yard storage.** Open storage shall not be located within a required front yard.
- H. **Utility yards.** When utility yards are in zones other than Industrial or adjacent to any residential zone or commercial zone, then screening is required.
 1. The screening required shall consist of a seven (7') foot tall decorative masonry wall or otherwise approved privacy fence by the Zoning Administrator that is set back from the right-of-way seven (7') feet and at the property line when not adjacent to the right-of-way.
 - a. **Maintenance.** The area between the right-of-way and the wall shall be landscaped with decorative rock and shall be kept free of weeds.
 - (1) The area between the right-of-way and the wall shall be planted with one two (2") inch caliper deciduous tree and five 5-gallon bushes every thirty (30') feet.
 - (2) Trees and bushes required by this section shall be irrigated with a water drip system.
 2. Water tanks are not required to be screened.
 3. Pumps and other equipment associated with water tanks will be in below-grade vaults, in buildings or shall be screened as utility yards.

SECTION 4: **AMENDMENT** “3.04.080 Reduced Parking” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

3.04.080 Reduced Parking

- A. The Pedestrian Emphasis District (PED): The Pedestrian Emphasis District (PED) is to enable and enhance pedestrian activity close to downtown and Brigham Young University-Idaho.
 1. Parking requirements for housing units that are located within the PED may be reduced to 75% with a Parking Management Plan or 60% pursuant to a Conditional Use Permit. *(See Section 9.2 for more details.)*

SECTION 5: **AMENDMENT** “4.06.080 Yard Requirements” of the Rexburg

Development Code is hereby *amended* as follows:

A M E N D M E N T

4.06.080 Yard Requirements

The following minimum yard requirements shall apply in the MDR1 zone:

- A. **Front Yard.** Each lot or parcel in the MDR1 zone shall have a minimum front yard of at least twenty-five (25') feet from right-of-way.
 - 1. **Reduced Front Yard Setback.** When the street upon which the parcel fronts has a boulevard strip of at least seven (7') feet, the front yard setback may be reduced to twenty (20') feet from right-of-way.
 - 2. **Reduced Front Yard Setback.** If all parking spaces are located behind the building, the front yard setback may be reduced to fifteen (15') feet.
- B. **Rear Yard.** The minimum depth of a rear yard shall be twenty (20') feet.
- C. **Side Yard.**
 - 1. Each lot or parcel of land in the MDR1 zone shall have a side yard of at least six (6') feet or six (6") inches of setback for every (1') foot of building height, whichever is greater.
 - 2. **Reduced Side Yard Setback.** A setback of ten (10') feet shall be allowed within side yards that abut other MDR zones, HDR zones, Commercial zones, or Mixed-Use zones, regardless of building height.
- D. **Pedestrian Emphasis District Setbacks.** Setbacks are decreased as per Chapter 9, Pedestrian Emphasis District. (*See section 9.02.040.*)
- E. **Accessory Buildings.** (*See subsection 3.02.070.*)

SECTION 6: AMENDMENT “4.08.070 Lot Configuration And Density” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

4.08.070 Lot Configuration And Density

- A. Dwelling unit density shall not exceed thirty (30) units per acre.
- B. PED. **For increased densities, see section 9.2.**

SECTION 7: AMENDMENT “5.01.090 Yard Requirement” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

5.01.090 Yard Requirement

(See subsection 3.02.080.)

The following minimum yard requirements shall apply in the MU zone:

- A. **Front Yard.** The minimum front yard setback can be zero to ten (0'-10') feet from right-of-way if the following requirements are followed:
1. **Sidewalk.** A minimum eight (8') feet wide sidewalk is required parallel to any city street.
 2. **Landscaping.**
 - a. Street trees and other landscape amenities are required and include as a minimum the use of two (2") inch caliper deciduous trees at a maximum of twenty (20') feet spacing in the landscape strip between the curb and sidewalk.
 - b. The space between the building and sidewalk shall be landscaped with ornamental trees, shrubs, annual and perennial flowers to achieve a "fully landscaped look".
 - c. The landscape strip and the front yard setback shall be planted with grass between the trees, shrubs and other landscape features.
 - d. **Irrigation System.** An irrigation system is required and is the responsibility of the property owner as is the maintenance of the landscaped areas.
 3. **Building Design**
 - a. **Street Oriented.** The building shall be oriented toward the street with architecturally defined entrances; a ground floor prominence; and elements that break up vertical and horizontal walls.
 - b. **Interaction with Street.** There shall be a variety of openings and other features that enhance the buildings visual interaction with the street. These features include doors, windows, balconies and/or other items such as stoops, awnings, porches, dooryards, canopies, overhangs, recesses, etc. that in combination enhance the human scale and pedestrian experience of the street.
 - (1) Balconies, awnings, canopies and other structural elements may extend a maximum of three (3') feet into the setback.
 - c. **Materials.** The first floor wall facing the right-of-way shall be faced with high-quality materials (as approved by Zoning Administrator or Designee). (See subsection 6.00.060.)
 4. **Renderings** identifying all of the above requirements and the Design Standards shall be submitted to city staff prior to the request for a building permit.
 - a. The Zoning Administrator or designee will have authority to review the submittal and determine if it meets the above requirements of this Section and the spirit in which they were created.
 5. **Townhouse.** Townhouse type residential adjacent to the right-of-way shall have a "daylight basement" or crawl space with the first floor a minimum of two (2') feet above grade.
 6. **Utility fixtures.** Utility fixtures are not allowed in the front yard setback or in the

City right-of-way.

- B. When the above requirements are **not met**, a front yard setback of ten (10') feet from right-of-way shall be required, and the following:
1. **Front Yard.**
 - a. The front yard shall be landscaped with ornamental trees, shrubs, annual and perennial flowers to achieve a “fully landscaped look”.
 - b. Parking spaces, drive aisles, and all maneuvering areas shall not be located within the first ten (10') feet of a front yard.
 - (1) This area shall be used for landscaping that will adequately screen parking areas from adjacent right-of-way.
 - C. **Rear Yard.** Minimum rear yard of at least six (6') feet shall be required when a sloped roof drains toward rear yard property line. Otherwise, no minimum.
 - D. **Side Yard.** Minimum side yard of at least six (6') feet shall be required when a sloped roof drains toward side yard property line. Otherwise, no minimum.
 - E. **Commercial Adjacent to Residential.** (See *Transitional Development Standards subsection 3.02.080.a.*)
 - F. **Pedestrian Emphasis District Setbacks.** Setbacks are decreased as per *Chapter 9, Pedestrian Emphasis District. (See section 9.02.040.)*
 - G. **Accessory Buildings.** (See *subsection 3.02.070.*)

SECTION 8: **AMENDMENT** “5.01.140 Other Requirements” of the Rexburg Development Code is hereby *amended* as follows:

AMENDMENT

5.01.140 Other Requirements

- A. **Entrances.** In order to create a pedestrian-oriented environment in which buildings are oriented toward publicly accessible streets and sidewalks, a principal building must have its main entrance from a public sidewalk or plaza or from a private sidewalk or plaza that is publicly accessible through a public use easement.
1. The main entrance shall not be from a parking lot; however, secondary entrances from parking lots are permitted.
 2. Interior buildings constructed as part of a campus development are exempt from these requirements.
- B. **Outdoor Storage or Display.** Outdoor storage or display requires a Conditional Use Permit (CUP).
- C. **Signs.** (See *section 3.5.*) All signs erected in the MU zone shall be in conformance with the sign provisions of the Rexburg City Sign Code, except for the following:
1. Sign requirements shall apply to the MU district, with the following exceptions:
 - a. Pole signs are not allowed;
 - b. Permitted detached signs shall be monument style and shall be limited to six (6') feet in height.
- D. **Street lighting and utilities** within the right-of-way shall be installed as per the City

Engineering Standards.

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

1. In order to promote pedestrian-oriented developments, exterior security fences and gates that are located along public streets, along private street or walkways that are publicly accessible through a public use easement, or along publicly accessible open spaces, shall not extend beyond the building façades (i.e., these fences shall not be located in the area between building façades and the property line).

F. Commercial Design Standards. Commercial projects must meet commercial design standards. (*See section 6.0.*)

SECTION 9: REPEAL “9.1 INFILL/REDEVELOPMENT OVERLAY” of the Rexburg Development Code is hereby *repealed* as follows:

REPEAL

9.01.010 Purpose And Objectives

The City of Rexburg City Council, Planning and Zoning Commission and the City Staff have been actively engaged in an effort to promote good planning principles. After a great deal of study, it has been determined that whenever possible the large demand for community housing generated by a growing university be focused to areas within the City core that are close to the BYU campus, commercial centers, community amenities (such as parks, library, pool, theaters) and job centers.

A. Purpose. The purpose of the Infill/Redevelopment effort is to balance community good with individual choice and property rights.

B. Policy Statement.

1. **Reduce Costs.** Densification through Infill and Redevelopment will save tax dollars by reducing the cost of Streets, Infrastructure, Police, Emergency Services, Sanitation and other vital services. The existing Comprehensive Plan Map is the primary document for planning future city growth and development.
2. **Best Interest of Citizens.** It is in the best interest of all of the citizens of Rexburg to locate Higher Density Housing Projects near Campus and the City Core whenever possible. Besides the savings of tax dollars, there is also a positive health effect and other cost savings associated with being able to walk to campus, shopping, parks, and other City amenities.
3. **Beautify City.** Identifying Infill/Redevelopment projects near the City Core and making the necessary zone changes to encourage development not only will clean up vacant weeded properties, but will also partially “level the playing field” for these projects versus the lower cost of finding cheaper agricultural ground on the periphery of the City.
4. Infill and Redevelopment are also encouraged in other parts of the City of Rexburg besides the Focus Area.

9.01.020 Reduced Setbacks

- A. In the Infill/Redevelopment area, the required front yard setbacks for buildings (not parking) may be reduced up to fifteen (15') feet from right-of-way by meeting the following requirements:
1. **Sidewalk.** A minimum 8' wide sidewalk is required parallel to any city street.
 2. **Landscape Strip.** Street trees and other landscape amenities are required and include as a minimum the use of 2" caliper deciduous trees at a maximum of 20' spacing in the landscape strip between the curb and sidewalk.
 - a. The space between the building and sidewalk shall be landscaped with ornamental trees, shrubs, annual and perennial flowers to achieve a "fully landscaped look."
 - b. The landscape strip and the front yard setback shall be planted with grass between the trees, shrubs and other landscape features.
 - c. **Irrigation System.** An irrigation system is required and is the responsibility of the property owner as is the maintenance of the landscaped areas.
 3. **Oriented toward Street.** The building shall be oriented toward the street with architecturally defined entrances, a ground floor prominence and elements that break up vertical and horizontal walls.
 4. **Visual Interaction with Street.** There shall be a variety of openings and other features that enhance the buildings visual interaction with the street. These features include doors, windows, balconies and/or other courses, sills, awnings, balconies and other structural elements, etc. that in combination enhance the human scale and pedestrian experience of the street.
 - a. **Projections.** *Subsection 3.02.090 C.* does not apply. Permitted projections shall not project more than three (3') feet extended from the building in the setback.
 5. **High Quality Materials.** The first floor wall facing the right-of-way shall be faced with high quality materials as approved by the Zoning Administrator or designee.
 6. Street lighting and utilities within the right of way must be installed as per the City Engineering Standards.
 7. **Renderings.** Renderings identifying all of the above requirements and the Design Standards shall be provided to City Staff prior to the request for a Building Permit. The Zoning Administrator or designee will have authority to review the submittal and determine if it meets the above requirements and spirit in which they were created. At request by the Applicant, the Design Review Board will have the authority to over-rule the findings of the Zoning Administrator or designee.

9.01.030 Increased Setbacks And Buffering

Infill/Redevelopment Projects that are located adjacent to existing Non-Fragmented Single Family Neighborhoods are to be held to a higher buffering and separation standard than regular projects. These projects must meet all of the requirements of the City of Rexburg Zoning Standards. In addition, they must also be buffered by the additional requirements:

- A. **Low Density Residential 2&3 to Medium Density Residential 1&2 and Mixed Use**
1. **Street Separation.** Zones separated by a City street – Standard front yard

setbacks allowed as per City of Rexburg Development Code.

2. **Property Lines.** Zones separated by property lines – Follow LDR requirements and include two (2”) inch (min.) caliper trees spaced at twenty (20’) feet intervals. Tree type to be approved at Design Standard Review.

B. Low Density Residential 2&3 to High Density Residential 1&2 and Mixed Use

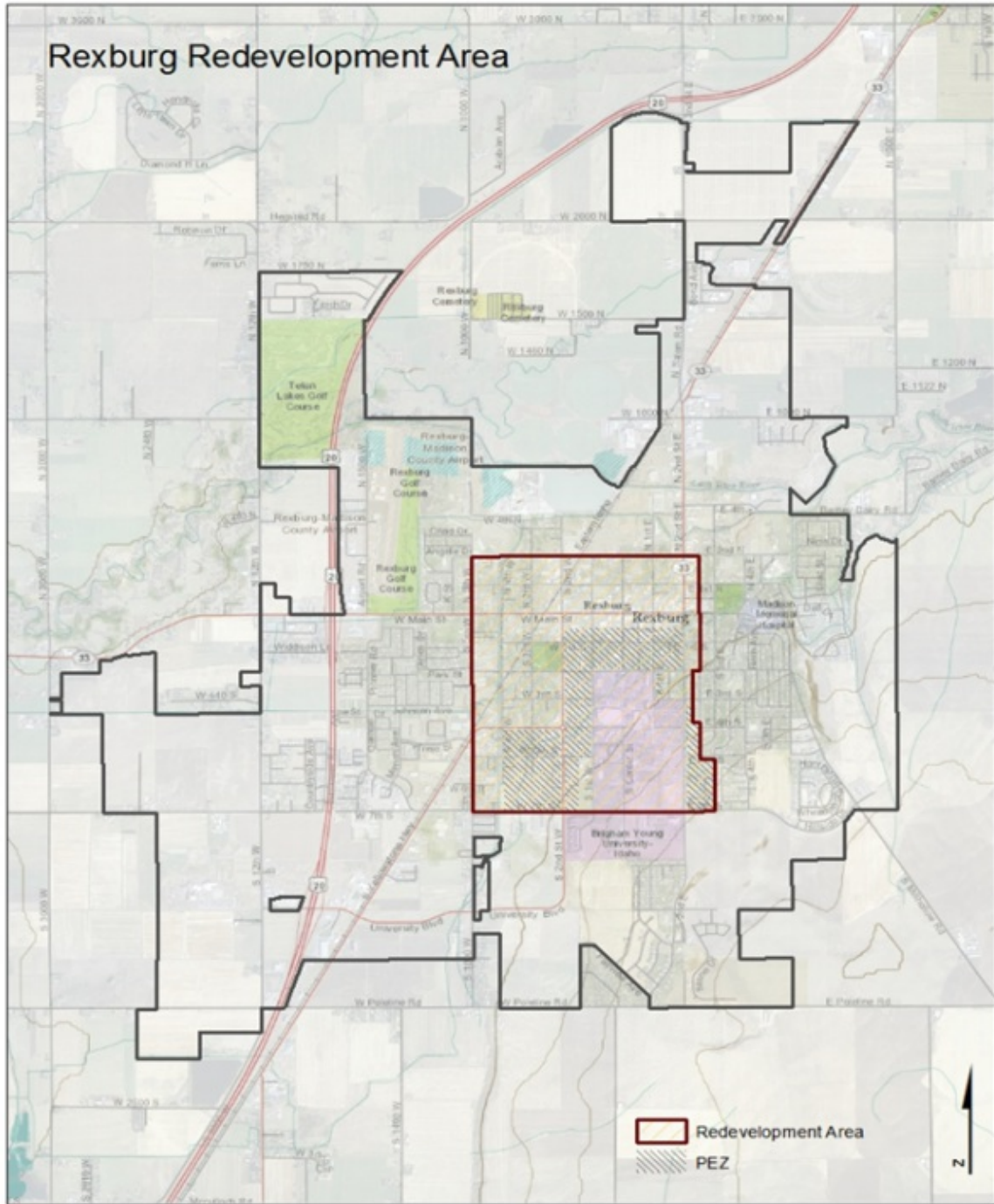
1. **Street Separation.** Zones Separated by a street – Standard twenty (20’) feet front yard setback allowed up to thirty (30’) feet horizontal wall height.
2. **Greater than 3 Stories.** Eighty (80’) feet front yard setback required for buildings higher than three stories above grade.
3. **Parking Lots.** Parking lots in front yard setbacks to be buffered with minimum ten (10’) feet (minimum) wide, two (2’) feet high landscape berm planted with bushes and trees as approved at Design Standard Review.
4. **Property Lines.** Zones separated by property lines – Provide largest of one to one (1:1) setback versus height or applicable LDR setback. Include two (2”) inch (min.) caliper trees spaced at twenty (20’) feet intervals. Tree type to be approved at Design Standard Review.

C. Low Density Residential 1 to Medium Density Residential 1 and Mixed Use

1. **Street Separation.** Zones Separated by a street – Standard twenty (20’) feet front yard setback allowed up to twenty (20’) feet horizontal wall height.
2. Thirty (30’) feet front yard setback from the right of way required for buildings higher than twenty (20’) feet horizontal wall height.
3. **Property Lines.** Zones separated by property lines – Provide largest of one to one setback versus height or LDR1 setback. Include two (2”) inch (minimum) caliper trees spaced at twenty (20’) feet intervals. Tree type to be approved at Design Standard Review.

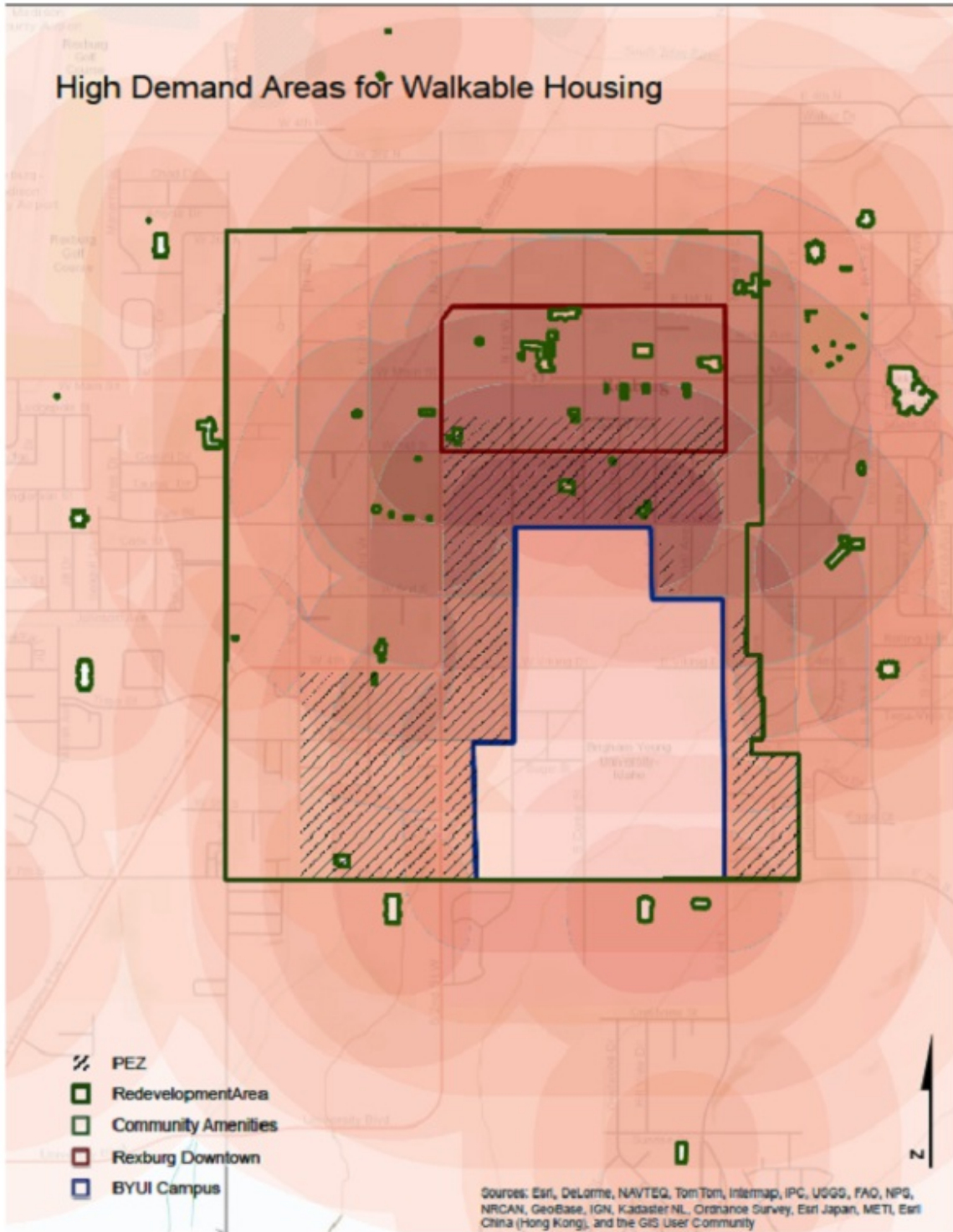
D. High Density Residential, Medium Density Residential 2 and Mixed Use is not allowed against Low Density Residential 1 Zoning.

E. Infill /Redevelopment Area The City of Rexburg City Council, Planning and Zoning Commission and the City Staff have identified a focus area for Infill and Redevelopment. See map on following page:



A Geographic Information System (GIS) study showing proximity to Campus, Shopping, Parks and

other amenities follows (the darker areas are more walkable):



~~9.1 INFILL/REDEVELOPMENT OVERLAY (Repealed)~~

~~9.01.010 Purpose And Objectives (Repealed)~~

~~9.01.020 Reduced Setbacks (Repealed)~~

~~9.01.030 Increased Setbacks And Buffering (Repealed)~~

SECTION 10: **AMENDMENT** “9.02.010 Objective” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

9.02.010 Objective

The Pedestrian Emphasis District is created to enable and enhance activity close to the City Center and Brigham Young University - Idaho. Dormitory-style housing within the Pedestrian Emphasis District will not require a Conditional Use Permit.

SECTION 11: **AMENDMENT** “9.02.020 Dwelling Area” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

9.02.020 Dwelling Area

- A. Every dwelling unit shall have a minimum of one hundred fifty (150) square feet of gross floor area for every person living in a dwelling unit.
- B. Community Housing
 - 1. There is no minimum square foot per dwelling area required.

SECTION 12: **AMENDMENT** “9.02.030 Dwelling Density” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

9.02.030 Dwelling Density

Within the Pedestrian Emphasis District, there is no maximum density.

- A. Height limits within each zone will be enforced.

SECTION 13: AMENDMENT “9.02.040 Reduction In Parking For Dormitory”
of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

9.02.040 Reduction In Parking For Dormitory

Parking requirements for housing units that are located within the Pedestrian Emphasis District (PED) (see attached boundaries or appendix of development code) may be reduced to 75% with a Parking Management Plan or 60% pursuant to a Conditional Use Permit (CUP) and subject to the following requirements and provisions:

A. Eligibility.

1. In order to be eligible for the reduced parking ratios as permitted herein, the resulting structure must have dwelling units .
- 2.
3. This ordinance is not intended nor shall apply to any structure originally constructed as a single-family or duplex residential structure.
- 4.

B. Parking Management Plan for Reduced Parking

1. A Parking Management Plan shall be designed and anticipated to facilitate parking for the intended tenants of the units as well as reasonably anticipated visitors and ancillary services. The plan shall show all parking spaces and their dimensions, access aisles, loading spaces, and entrances and exits to the site. The parking plan may also include the landscape plan. This plan needs to be submitted to the Zoning Administrator.
2. Evaluating the Plan. The following items shall be considered when evaluating a parking plan:
 - a. On site, how will visitor vs. tenant parking spaces be identified to determine compliance?
 - b. Are there specific times the spaces will be available?
 - c. Who will manage the parking?
 - d. What is the method of management? What are the consequences of noncompliance?
 - e. Do all contracts specify if the contract comes with a parking space or not?

C.

Parking Ratio. The parking ratio per student within “Areas 1 and 2” as identified on the attached exhibit map shall be reflective of a market demand as determined by the applicant or land owner, but may in some cases be reduced to as little as sixty (60%) percent, including other parking that is required for guests and management.

1. Dormitory
 - a. The parking ration per bed as identified on the attached exhibit map may be reduced to seventy-five (75%) percent with a Parking Management Plan and as little as sixty (60%) percent with a Conditional Use Permit

(CUP) including other parking that is required for guests and management.

2. Community Housing

- a. The parking ratio per bed as identified on the attached exhibit map may be reduced to **seventy-five (75%) percent with a Parking Management Plan and as little as sixty (60%) percent with a Conditional Use Permit (CUP) including other parking that is required for guests and management.**

D.

Rental Agreements. Each property that utilizes this parking reduction shall clearly specify on all rental contracts or agreements whether or not a vehicle parking space is provided for that individual tenant.

E. **Employee Space.** One vehicle parking space, per number of employee at highest level, shall be provided for on-site management .

F. **Visitor Parking.** Visitor Parking in the Pedestrian Emphasis District (PED) consists of the following:

1. **Space Size.** Guest parking spaces shall be the City’s full-size parking space standard unless the Developer Option is exercised. (*See 3.04.040.*)
 - a. These spaces shall not be included in the parking contract required to be entered into (*see section 11.1.030D. above*).
 - b. **Signs.** Guest parking shall be marked with signage that is clearly visible during all seasons of the year.
2. **Visitor Parking Ratio.** One (1) vehicle parking space per ten (10) residents shall be provided for guest parking
 - a. **Visitor or Guest Parking.** Visitor or Guest Parking may be reduced to six (6%) percent visitor parking stalls per number of beds with a Conditional Use Permit (CUP).
 - b.

G. **Parking areas.**

1. Parking areas (parking spaces and maneuvering areas) shall not be located within the required front yard as per *subsection 3.04.050.B.*
2. **Front Yard.** Existing parking areas that are located within the required front yard shall be eliminated and restored to landscaping that includes the use of trees and shrubs a CUP.
3. Landscaped areas shall, through the use of trees and shrubs, deter the use of the required front yard as parking during the winter months when vehicles are not allowed to be parked overnight on City streets.
4. **Curbing.** 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.

H. The twenty (20%) percent landscaping requirement may be reduced down to as little as ten (10%) percent upon approval of the Zoning Administrator.

SECTION 14: AMENDMENT “9.02.050 Bicycle Parking” of the Rexburg

Development Code is hereby *amended* as follows:

A M E N D M E N T

9.02.050 Bicycle Parking

Bicycle Parking. Bicycle parking, shall be provided on a ratio of one (1) space per every ten (10) resident beds, as follows:

- A. **Surface.** Spaces may be in an open-air environment, but shall be placed on a hard surface such as concrete, asphalt, pavers, etc.
- B. **Connectivity.** A hard surface, such as concrete, asphalt, pavers, etc., shall connect bicycle storage area to either the internal parking lot, or a public right-of-way. Surface shall be a minimum of five (5') feet in width or six (6') feet in width if vehicle overhang will occur.
- C. **Lighting.**
 - 1. Spaces shall have lighting that is motion activated. Lighting shall in no way shine on to adjacent rights-of-way or adjacent property, but shall be directed downward on to bicycle storage only. The City's lighting ordinance shall govern any other aspects not anticipated by this section.
- D. **Signs.** Signs shall be placed conspicuously that state that moped parking is allowed in areas of bicycle parking. Signs shall clarify that mopeds include either pedals, or have engines under 50cc.

Front Yard Setback. Up to ten (10) bicycle parking stalls may be placed in the front yard setback, provided normal use of the bike racks do not impede the sidewalk.

SECTION 15: AMENDMENT "4.07.080 Yard Requirements" of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

4.07.080 Yard Requirements

The following minimum yard requirements shall apply in the MDR2 zone:

- A. **Front Yard.** Each lot or parcel in the MDR2 zone shall have a minimum front yard of at least twenty-five (25') feet from right-of-way.
- B. **Front Yard Reduced Setback.** When the street upon which the parcel fronts has a boulevard strip of at least seven (7') feet, the front yard setback may be reduced to twenty (20') feet from right-of-way. **Reduced Setback for Parking.** The Planning and Zoning Commission may allow a reduction of the front yard setback to fifteen (15') feet if all parking spaces are located behind the building.

Rear Yard. The minimum depth of a rear yard shall be twenty (20') feet.

Side Yard. Each lot or parcel of land in the MDR2 zone shall have a side yard of not less than six (6') feet or six (6") inches of setback for every foot of building height, whichever is greater.**Side Yard Reduced Setback.** A setback of ten (10') feet shall be allowed within side yards that abut other MDR zones, HDR zones, Commercial zones, or Mixed-Use zones, regardless of building height.

Accessory Buildings. (*See subsection 3.02.070.*)

SECTION 16: **AMENDMENT** "4.08.080 Yard Requirements" of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

4.08.080 Yard Requirements

The following minimum yard requirements shall apply in the HDR1 zone:

- A. **Front Yard.** Each lot or parcel in the HDR1 zone shall have a minimum front yard of at least twenty-five (25') feet from right-of-way.**Exception:** When the street upon which the parcel fronts has a boulevard strip of at least seven (7') feet, the front yard setback may be reduced to twenty (20') feet from right-of-way.
- B. **Parking Lot.** If a boulevard strip is present, the front yard setback can be reduced to ten (10') feet for a parking lot.

Rear Yard. The minimum depth of a rear yard shall be twenty (20') feet.

Side Yard. Each lot or parcel of land in the HDR1 zone shall have a side yard of at least six (6') feet or six (6") inches of setback for every (1') foot of building height, whichever is greater.**Exception:** A setback of ten (10') feet shall be allowed within side yards that abut other HDR zones, MDR zones, Commercial zones, or Mixed-Use zones, regardless of building height.

Accessory Buildings. (*See subsection 3.02.070.*)

SECTION 17: **AMENDMENT** "4.09.070 Lot Configuration And Density" of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

4.09.070 Lot Configuration And Density

Dwelling units shall not exceed forty-two (42) units per acre. For Dormitory or Congregate Residential uses, regardless of actual number of dwellings, the density shall not exceed two-hundred-fifty-two (252) individuals per acre.

- A. **PED.** The Pedestrian Emphasis District (PED) density is regulated by the University, the adopted Building Code, and any requirements imposed as part of the required CUP. ([See section 9.2.](#))

SECTION 18: **AMENDMENT** “4.09.080 Yard Requirements” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

4.09.080 Yard Requirements

The following minimum yard requirements shall apply in the HDR2 zone:

- A. **Front.** Each lot or parcel in the HDR2 zone shall have a minimum front yard of at least twenty-five (25’) feet from right-of-way. **Exception:** When the street upon which the parcel fronts has a boulevard strip of at least seven (7’) feet, the front yard setback may be reduced to ten (20’) feet from right-of-way. **Parking Lot.** If a boulevard strip is present, the front yard setback can be reduced to twenty (20’) for a parking lot.

Rear. The minimum depth of a rear yard shall be twenty (20’) feet.

Side Yard. Each lot or parcel of land in the HDR2 zone shall have a side yard of at least six (6’) feet or six (6”) inches of setback for every (1’) foot of building height, whichever is greater. **Exception:** A setback of ten (10’) feet shall be allowed within side yards that abut other HDR zones, MDR zones, Commercial zones, or Mixed-Use zones, regardless of building height.

Accessory Buildings. ([See subsection 3.02.070.B.](#))

SECTION 19: **AMENDMENT** “4.06.130 Referenced Sections” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

4.06.130 Referenced Sections

- A. **Prior Created Lots** ([See subsection 3.03.070.](#))
- B. **Distance Between Buildings** ([See subsection 3.02.060.](#))
- C. **Parking, Loading and Access** ([See section 3.4 and subsection 4.00.060.](#))
- D. **Project Plan Approval** ([See subsection 3.02.130.](#))
- E. **Fencing** ([See subsection 3.02.110.](#))
- F. **Highway 20 Corridor.** ([See subsection 3.02.100.F.](#))
- G. **Pedestrian Emphasis District Setbacks.** Setbacks are decreased as per Chapter 9, Pedestrian Emphasis District. ([See section 9.02.040.](#))
- H. **Residential Design Standards** ([See subsection 4.00.050.](#))

- I. Lighting Standards are applicable as described in *section 3.6*.
- J. Refer to *section 4.0* for Development Rules that apply to all Residential Zones.
- K. Refer to *sections 3.2-3.7* for Development Rules that apply to all Zones.

SECTION 20: **AMENDMENT** “4.08.130 Referenced Sections” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

4.08.130 Referenced Sections

- A. **Prior Created Lots**(*See subsection 3.03.070.*)
- B. **Distance Between Buildings** (*See subsection 3.02.060.*)
- C. **Project Plan Approval** (*See subsection 3.02.130.*)
- D. **Fencing** (*See subsection 3.02.110.*)
- E. **Highway 20 Corridor.** (*See subsection 3.02.100.F.*)
- F. **Buffers.** (*See subsection 3.02.100.*)
- G. **Residential Design Standards** (*See subsection 4.00.050.*)
- H. **Pedestrian Emphasis District** (*See section 9.2.*)
 - I. Lighting Standards are applicable as described in *section 3.6*.
 - J. Refer to *section 4.0* for Development Rules that apply to all Residential Zones.
 - K. Refer to *sections 3.2-3.7* for Development Rules that apply to all Zones.

SECTION 21: **AMENDMENT** “4.09.130 Referenced Sections” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

4.09.130 Referenced Sections

- A. **Prior Created Lots**(*See subsection [3.03.070.](#)*)
- B. **Distance Between Buildings** (*See subsection [3.02.060.](#)*)
- C. **Project Plan Approval** (*See subsection [3.02.130.](#)*)
- D. **Fencing** (*See subsection [3.02.110.](#)*)
- E. **Highway 20 Corridor.** (*See subsection [3.02.100.F.](#)*)
- F. **Buffers.** (*See subsection [3.02.100.](#)*)
- G. **Residential Design Standards** (*See subsection [4.00.050.](#)*)
- H. **Pedestrian Emphasis District** (*See section [9.2.](#)*)
 - I. Lighting Standards are applicable as described in [section 3.6](#).
 - J. Refer to [section 4.0](#) for Development Rules that apply to all Residential Zones.
 - K. Refer to *sections 3.2-3.7* for Development Rules that apply to all Zones.

SECTION 22: AMENDMENT “4.07.130 Referenced Sections” of the Rexburg Development Code is hereby *amended* as follows:

A M E N D M E N T

4.07.130 Referenced Sections

- A. **Prior Created Lots** (*See subsection 3.03.070.*)
- B. **Distance Between Buildings** (*See subsection 3.02.060.*)
- C. **Parking, Loading and Access** (*See section 3.4 and subsection 4.00.060.*)
- D. **Project Plan Approval** (*See subsection 3.02.130.*)
- E. **Fencing** (*See subsection 3.02.110.*)
- F. **Highway 20 Corridor.** (*See subsection 3.02.100.F.*)
- G. **Residential Design Standards** (*See subsection 4.00.050.*)
- H. Lighting Standards are applicable as described in *section 3.6.*
- I. Refer to *section 4.0* for Development Rules that apply to all Residential Zones.
- J. Refer to *sections 3.2-3.7* for Development Rules that apply to all Zones.

SECTION 23: REPEALER CLAUSE 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. Furthermore, any portion of the existing Development Code in conflict with this proposed amendment is hereby repealed.

SECTION 24: SEVERABILITY CLAUSE The provisions of this Ordinance shall be deemed severable and a finding by a court of law that a provision of the Ordinance is unlawful shall have no effect on the remaining provisions.

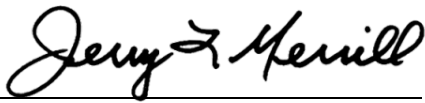
SECTION 25: EFFECTIVE DATE The City of Rexburg, Idaho City Council shall enact this Ordinance (#20-00603) amending Ordinance 1200 otherwise known as THE DEVELOPMENT CODE OF THE CITY OF REXBURG, IDAHO upon its passage, approval and publication; and shall be in full force and effect from November 4, 2020 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF REXBURG COUNCIL NOVEMBER 04, 2020.

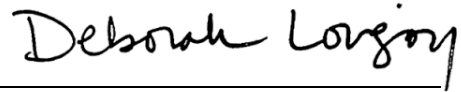
	AYE	NAY	ABSENT	ABSTAIN
Council President Jordan Busby	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Brad Wolfe	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Tisha Flora	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Christopher Mann	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember 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

