

**Instrument # 464427**

**REXBURG, MADISON, IDAHO**

**9-30-2024 02:44:19 PM No. of Pages: 10**

**Recorded for : MADISON COUNTY**

**KIM H. MUIR Fee: 0.00**

**Ex-Officio Recorder Deputy** 

## **ORDINANCE NO. 488**

# **AMENDMENT TO LAND USE TABLE TO ALLOW CUP FOR OFFICE SPACE IN TAG ZONE**

**MADISON COUNTY  
ORDINANCE 488**

**AMENDMENT TO LAND USE TABLE**

**AMENDMENT TO MADISON COUNTY CODE CHAPTER 117-51 LAND USE  
TABLE TO ALLOW CUP FOR OFFICE SPACE UP TO 10,000 SQ. FT. IN TAG  
ZONE**

**WHEREAS**, the Madison County Land Use Table currently provides guidance on permitted, conditional, and prohibited uses of land within designated zoning districts, including the TAG (Transitional Agricultural) zone, with the intent to ensure land uses are in harmony with the County's Comprehensive Plan and promote orderly development; and

**WHEREAS**, a proposal was submitted to the Madison County Planning and Zoning Commission to amend the Land Use Table to allow for a Conditional Use Permit (CUP) for Office Space under 25,000 square feet in the TAG zone to provide flexibility in accommodating smaller commercial developments while maintaining the zone's transitional nature; and

**WHEREAS**, a public hearing was held on Wednesday, August 14, 2024, at 6:30 p.m., where the Planning and Zoning Commission reviewed the proposal and solicited public comment on the proposed change; and

**WHEREAS**, after careful consideration of public input, the County's development goals, and the potential impacts on the TAG zone, the Planning and Zoning Commission recommended amending the proposal to allow a CUP for Office Space of up to 10,000 square feet, thereby balancing the need for small-scale commercial development with the protection of agricultural and transitional land uses; and

**WHEREAS**, the Board of County Commissioners, having reviewed the findings of fact and recommendations from the Planning and Zoning Commission, formally adopted the amended proposal and findings on September 3, 2024; and

**NOW THEREFORE**, be it ordained by the Board of the Madison County, in the State of Idaho, as follows: that the Madison County Land Use Table is hereby amended to allow for a Conditional Use Permit (CUP) in the TAG zone for Office Space of up to 10,000 square feet, in accordance with the findings and recommendations set forth by the Planning and Zoning Commission and adopted by the Board of County Commissioners.

**SECTION 1:**        **AMENDMENT** "Sec 117-51 Land Use Table" of the Madison County Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

Sec 117-51 Land Use Table

*Legend for Land Use Table Uses*

P = Permitted use C = Conditional use Blank = Not permitted Not Listed = Not permitted.

Please see planning & zoning administrator.

Zones AG = Agricultural A/R = Agriculture/Recreation C = Commercial I-L = Light Industrial

I-H = Heavy Industrial MPC = Master Planned Community R = Residential TS = Town Site

TAG = Transitional

| <b>Land Use Table</b>                       |             |            |          |            |            |            |          |           |            |
|---------------------------------------------|-------------|------------|----------|------------|------------|------------|----------|-----------|------------|
| <b>Land Use</b>                             | <b>Zone</b> |            |          |            |            |            |          |           |            |
|                                             | <b>AG</b>   | <b>A/R</b> | <b>C</b> | <b>I-L</b> | <b>I-H</b> | <b>MPC</b> | <b>R</b> | <b>TS</b> | <b>TAG</b> |
| <b>Residential</b>                          |             |            |          |            |            |            |          |           |            |
| Apartment/condominium building              |             | C          | P        | C          |            | P          | P        | P         | C          |
| Live/Work Unit                              | C           | C          | P        | C          |            | P          |          |           |            |
| Rowhouse                                    |             | C          | P        | C          |            | P          | P        | P         | C          |
| Duplex dwelling                             | P           | P          | C        | C          |            | P          | P        | P         | C          |
| Single-family dwelling                      | P           | P          | C        | C          |            | P          | P        | P         | P          |
| Accessory Building                          | P           | P          |          | P          |            | P          | P        | P         | P          |
| Accessory Dwelling Unit                     | P           | P          |          |            |            |            | P        | P         | P          |
| Mobile Home Park                            |             |            | P        | P          |            |            | C        | C         |            |
| Assisted living housing, major              |             |            | C        |            |            |            |          |           |            |
| Assisted living housing, minor              | P           | P          | P        | P          | P          | P          | P        | P         | P          |
| <b>Lodging</b>                              |             |            |          |            |            |            |          |           |            |
| Hotel (no room limit)                       |             | P          | P        | P          |            | P          |          | P         |            |
| Inn (up to 12 rooms)                        |             | P          | P        | P          |            | P          |          | P         | C          |
| Bed and Breakfast (up to five rooms)        | P           | P          | C        | C          |            | P          | C        | P         | P          |
| Hostel                                      | C           | P          | P        | P          |            | P          | C        | P         | C          |
| School dormitory                            |             | P          | C        | C          |            | P          |          | P         | C          |
| RV Park                                     | C           | C          | P        | P          |            |            |          |           | C          |
| <b>Office</b>                               |             |            |          |            |            |            |          |           |            |
| Office building (25,000 sq. ft. or greater) |             |            | P        | P          |            | P          |          | C         |            |
| Office building (less than 25,000 sq. ft.)  |             |            | P        | P          |            | P          |          | P         |            |
| Mixed Use (Office/Retail)                   |             | P          | P        | P          | P          | P          |          | P         | C          |

| Retail                                      |   |   |   |   |   |   |   |   |   |
|---------------------------------------------|---|---|---|---|---|---|---|---|---|
| Open market building                        | C | C | P | P |   | P |   | P | C |
| Retail building (less than 25,000 sq. ft.)  |   |   | P | P |   | P |   | C |   |
| Retail building (25,000 sq. ft. or greater) |   | C | P | P |   | P |   | P |   |
| Display gallery                             |   | P | P | P |   | P |   | P |   |
| Restaurant                                  |   | P | P | P |   | P |   | P |   |
| Kiosk or pushcart                           |   | C | P |   |   | P |   | P |   |
| Liquor selling establishment                |   |   |   |   | P |   |   |   |   |
| Health club, gym, spa                       |   | C | P | P |   | P |   | P |   |
| Sexually oriented business                  |   |   |   |   | P |   |   |   |   |
| Civic                                       |   |   |   |   |   |   |   |   |   |
| Bus shelter                                 |   | C | P | P | P | P | P | P | P |
| Convention center                           |   | C | P | P |   | P |   | C |   |
| Conference center                           |   | C | P | P |   | P |   | C |   |
| Public art                                  |   | P | P | P |   | P | P | P | P |
| Library                                     |   | P | P | P |   | P | P | P | P |
| Live theater                                |   | C | P | P |   | P |   | C |   |
| Movie theater                               |   | C | P | P |   | P |   | C |   |
| Outdoor auditorium                          |   | C | P | P |   | P |   | P | C |
| Park, playground, ball field                | P | P | P | P |   | P | P | P | P |
| Parking structure                           |   | C | P | P | P | P |   | P |   |
| Sports stadium                              |   | C | P | P |   | P |   | C |   |
| Surface parking lot                         |   | P | P | P | P | P |   | P | P |
| Religious assembly                          | P | P | P | P |   | P | P | P | P |
| Agriculture                                 |   |   |   |   |   |   |   |   |   |
| Grain storage                               | P | P | C | C |   | C |   |   | P |
| Livestock pen                               | P | P |   |   |   | C |   |   | P |
| Greenhouse, nursery (commercial)            | P | P | P | P |   | P |   | P | P |
| Stable, riding club, arena (commercial)     | P | P | C | P |   | P |   | P | P |
| Kennel, veterinary clinic                   | P | P | P | P |   | P |   | P |   |
|                                             |   |   |   |   |   |   |   |   |   |

|                                   |   |   |   |   |   |   |   |   |   |
|-----------------------------------|---|---|---|---|---|---|---|---|---|
| Gun range, indoor                 | P | P | P | P | P | C |   |   |   |
| Gun range, outdoor                | P | P |   |   |   |   |   |   |   |
| Game ranch                        | P | P |   |   |   |   |   |   | C |
| Agriculture-related structure     | P | P | C | C | P |   |   |   | C |
| Automotive                        |   |   |   |   |   |   |   |   |   |
| Gasoline station                  |   | P | P | P | P | P |   | P |   |
| Automobile service station        | C | C | P | P | P | P |   | P | C |
| Drive-through facility            |   |   | P | P |   | P |   | P |   |
| Rest stop                         |   |   | P | P |   |   |   |   |   |
| Roadside stand                    | P | P | P | P |   | P |   | P | C |
| Billboard                         |   |   | C |   |   |   |   |   |   |
| Shopping center                   |   |   | P | P |   | P |   | P |   |
| Shopping mall                     |   |   | P | P |   | C |   |   |   |
| Automobile sales                  | C | C | P | P | P |   |   | C | C |
| Civil support                     |   |   |   |   |   |   |   |   |   |
| Fire station                      | P | P | P | P | P | P | P | P | P |
| Police station                    | P | P | P | P | P | P | P | P | P |
| Cemetery                          | P | P | P | P |   | P | P | P | P |
| Funeral home                      |   |   | P | P |   | P |   | P |   |
| Pet Crematorium                   | P |   | P | P | P |   |   |   | C |
| Medical clinic                    |   | C | P | P |   | P |   | P |   |
| Jail                              | C |   | C | C | C |   |   |   |   |
| Education                         |   |   |   |   |   |   |   |   |   |
| College                           | P |   | P | P |   | P |   |   |   |
| High school                       | P | P | P | P |   | P | P | P | P |
| Trade school                      | C |   | P | P |   | P |   | P |   |
| Elementary school                 | P | P | P | C |   | P | P | P | P |
| Child care center, day care, etc. | C | C | P | C |   | P | C | P | P |
| Industrial                        |   |   |   |   |   |   |   |   |   |
| Heavy industrial facility         |   |   |   |   | P |   |   |   |   |
| Light industrial facility         |   |   |   | P | P | C |   |   |   |
| Laboratory facility               |   |   |   | P | P |   |   |   |   |

|                                           |   |   |   |   |   |   |   |   |   |
|-------------------------------------------|---|---|---|---|---|---|---|---|---|
| Water supply facility                     | C |   | C | P | P | C |   |   |   |
| Sewer and waste facility                  | C |   | C | P | P | C |   |   |   |
| Electric substation                       | C |   | C | P | P | C |   |   |   |
| Communication tower, wireless transmitter | C | C | P | P | P | C | C | C | C |
| Warehouse                                 |   | C | C | P | P | C |   |   |   |
| Produce storage                           |   |   | P | P |   | C |   |   |   |
| Mini-storage                              |   |   | P | P | P | C |   | C |   |
| Wind turbine, commercial                  | C | C | C | C | P | C |   |   |   |
| Wind turbine, private                     | C | C | C | C | P | C | C | C | C |
| Gravel pit, accessory to development      | C | C | C | C | C | C | C | C | C |
| Gravel pit, commercial                    | C |   |   | C | C |   |   |   |   |
| Geothermal power plant                    | C | C |   |   | C |   |   |   |   |
| Salvage yard                              |   |   |   | C | C |   |   |   |   |

(Prior Code, title 10, § 4.2.6; Ord. No. 404, §§ I. 1—4, 12-28-2015; Ord. No. 419, §§ 1, 2, 12-11-2017)

#### AFTER AMENDMENT

##### Sec 117-51 Land Use Table

##### *Legend for Land Use Table Uses*

P = Permitted use C = Conditional use Blank = Not permitted Not Listed = Not permitted.

Please see planning & zoning administrator.

Zones AG = Agricultural A/R = Agriculture/Recreation C = Commercial I-L = Light Industrial  
I-H = Heavy Industrial MPC = Master Planned Community R = Residential TS = Town Site  
TAG = Transitional

| <b>Land Use Table</b>          |             |            |          |            |            |            |          |           |            |
|--------------------------------|-------------|------------|----------|------------|------------|------------|----------|-----------|------------|
| <b>Land Use</b>                | <b>Zone</b> |            |          |            |            |            |          |           |            |
|                                | <b>AG</b>   | <b>A/R</b> | <b>C</b> | <b>I-L</b> | <b>I-H</b> | <b>MPC</b> | <b>R</b> | <b>TS</b> | <b>TAG</b> |
| <b>Residential</b>             |             |            |          |            |            |            |          |           |            |
| Apartment/condominium building |             | C          | P        | C          |            | P          | P        | P         | C          |
| Live/Work Unit                 | C           | C          | P        | C          |            | P          |          |           |            |
| Rowhouse                       |             | C          | P        | C          |            | P          | P        | P         | C          |
| Duplex dwelling                | P           | P          | C        | C          |            | P          | P        | P         | C          |

|                                                     |   |   |   |   |   |   |   |   |   |
|-----------------------------------------------------|---|---|---|---|---|---|---|---|---|
| Single-family dwelling                              | P | P | C | C |   | P | P | P | P |
| Accessory Building                                  | P | P |   | P |   | P | P | P | P |
| Accessory Dwelling Unit                             | P | P |   |   |   |   | P | P | P |
| Mobile Home Park                                    |   |   | P | P |   |   | C | C |   |
| Assisted living housing, major                      |   |   | C |   |   |   |   |   |   |
| Assisted living housing, minor                      | P | P | P | P | P | P | P | P | P |
| Lodging                                             |   |   |   |   |   |   |   |   |   |
| Hotel (no room limit)                               |   | P | P | P |   | P |   | P |   |
| Inn (up to 12 rooms)                                |   | P | P | P |   | P |   | P | C |
| Bed and Breakfast (up to five rooms)                | P | P | C | C |   | P | C | P | P |
| Hostel                                              | C | P | P | P |   | P | C | P | C |
| School dormitory                                    |   | P | C | C |   | P |   | P | C |
| RV Park                                             | C | C | P | P |   |   |   |   | C |
| Office                                              |   |   |   |   |   |   |   |   |   |
| Office building (25,000 sq. ft. or greater)         |   |   | P | P |   | P |   | C |   |
| Office building (less than 25,000 sq. ft.)          |   |   | P | P |   | P |   | P |   |
| Office building (less than or up to 10,000 sq. ft.) |   |   | P | P |   | P |   | P | C |
| Mixed Use (Office/Retail)                           |   | P | P | P | P | P |   | P | C |
| Retail                                              |   |   |   |   |   |   |   |   |   |
| Open market building                                | C | C | P | P |   | P |   | P | C |
| Retail building (less than 25,000 sq. ft.)          |   |   | P | P |   | P |   | C |   |
| Retail building (25,000 sq. ft. or greater)         |   | C | P | P |   | P |   | P |   |
| Display gallery                                     |   | P | P | P |   | P |   | P |   |
| Restaurant                                          |   | P | P | P |   | P |   | P |   |
| Kiosk or pushcart                                   |   | C | P |   |   | P |   | P |   |
| Liquor selling establishment                        |   |   |   |   | P |   |   |   |   |
| Health club, gym, spa                               |   | C | P | P |   | P |   | P |   |
| Sexually oriented business                          |   |   |   |   | P |   |   |   |   |
| Civic                                               |   |   |   |   |   |   |   |   |   |
| Bus shelter                                         |   | C | P | P | P | P | P | P | P |
| Convention center                                   |   | C | P | P |   | P |   | C |   |

|                                         |   |   |   |   |   |   |   |   |   |
|-----------------------------------------|---|---|---|---|---|---|---|---|---|
| Conference center                       |   | C | P | P |   | P |   | C |   |
| Public art                              |   | P | P | P |   | P | P | P | P |
| Library                                 |   | P | P | P |   | P | P | P | P |
| Live theater                            |   | C | P | P |   | P |   | C |   |
| Movie theater                           |   | C | P | P |   | P |   | C |   |
| Outdoor auditorium                      |   | C | P | P |   | P |   | P | C |
| Park, playground, ball field            | P | P | P | P |   | P | P | P | P |
| Parking structure                       |   | C | P | P | P | P |   | P |   |
| Sports stadium                          |   | C | P | P |   | P |   | C |   |
| Surface parking lot                     |   | P | P | P | P | P |   | P | P |
| Religious assembly                      | P | P | P | P |   | P | P | P | P |
| Agriculture                             |   |   |   |   |   |   |   |   |   |
| Grain storage                           | P | P | C | C |   | C |   |   | P |
| Livestock pen                           | P | P |   |   |   | C |   |   | P |
| Greenhouse, nursery (commercial)        | P | P | P | P |   | P |   | P | P |
| Stable, riding club, arena (commercial) | P | P | C | P |   | P |   | P | P |
| Kennel, veterinary clinic               | P | P | P | P |   | P |   | P |   |
| Gun range, indoor                       | P | P | P | P | P | C |   |   |   |
| Gun range, outdoor                      | P | P |   |   |   |   |   |   |   |
| Game ranch                              | P | P |   |   |   |   |   |   | C |
| Agriculture-related structure           | P | P | C | C | P |   |   |   | C |
| Automotive                              |   |   |   |   |   |   |   |   |   |
| Gasoline station                        |   | P | P | P | P | P |   | P |   |
| Automobile service station              | C | C | P | P | P | P |   | P | C |
| Drive-through facility                  |   |   | P | P |   | P |   | P |   |
| Rest stop                               |   |   | P | P |   |   |   |   |   |
| Roadside stand                          | P | P | P | P |   | P |   | P | C |
| Billboard                               |   |   | C |   |   |   |   |   |   |
| Shopping center                         |   |   | P | P |   | P |   | P |   |
| Shopping mall                           |   |   | P | P |   | C |   |   |   |
| Automobile sales                        | C | C | P | P | P |   |   | C | C |



|                                           |   |   |   |   |   |   |   |   |   |
|-------------------------------------------|---|---|---|---|---|---|---|---|---|
| Civil support                             |   |   |   |   |   |   |   |   |   |
| Fire station                              | P | P | P | P | P | P | P | P | P |
| Police station                            | P | P | P | P | P | P | P | P | P |
| Cemetery                                  | P | P | P | P |   | P | P | P | P |
| Funeral home                              |   |   | P | P |   | P |   | P |   |
| Pet Crematorium                           | P |   | P | P | P |   |   |   | C |
| Medical clinic                            |   | C | P | P |   | P |   | P |   |
| Jail                                      | C |   | C | C | C |   |   |   |   |
| Education                                 |   |   |   |   |   |   |   |   |   |
| College                                   | P |   | P | P |   | P |   |   |   |
| High school                               | P | P | P | P |   | P | P | P | P |
| Trade school                              | C |   | P | P |   | P |   | P |   |
| Elementary school                         | P | P | P | C |   | P | P | P | P |
| Child care center, day care, etc.         | C | C | P | C |   | P | C | P | P |
| Industrial                                |   |   |   |   |   |   |   |   |   |
| Heavy industrial facility                 |   |   |   |   | P |   |   |   |   |
| Light industrial facility                 |   |   |   | P | P | C |   |   |   |
| Laboratory facility                       |   |   |   | P | P |   |   |   |   |
| Water supply facility                     | C |   | C | P | P | C |   |   |   |
| Sewer and waste facility                  | C |   | C | P | P | C |   |   |   |
| Electric substation                       | C |   | C | P | P | C |   |   |   |
| Communication tower, wireless transmitter | C | C | P | P | P | C | C | C | C |
| Warehouse                                 |   | C | C | P | P | C |   |   |   |
| Produce storage                           |   |   | P | P |   | C |   |   |   |
| Mini-storage                              |   |   | P | P | P | C |   | C |   |
| Wind turbine, commercial                  | C | C | C | C | P | C |   |   |   |
| Wind turbine, private                     | C | C | C | C | P | C | C | C | C |
| Gravel pit, accessory to development      | C | C | C | C | C | C | C | C | C |
| Gravel pit, commercial                    | C |   |   | C | C |   |   |   |   |
| Geothermal power plant                    | C | C |   |   | C |   |   |   |   |
| Salvage yard                              |   |   |   | C | C |   |   |   |   |

(Prior Code, title 10, § 4.2.6; Ord. No. 404, §§ I. 1—4, 12-28-2015; Ord. No. 419, §§ 1, 2, 12-11-2017)

**SECTION 2: REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SECTION 3: EFFECTIVE DATE** This Ordinance shall be in full force and effect from September 30, 2024 and after the required approval and publication according to law.

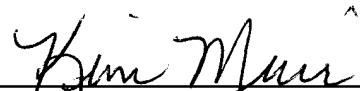
PASSED AND ADOPTED BY THE MADISON COUNTY BOARD

|                               | AYE                                 | NAY                      | ABSENT                   | ABSTAIN                  |
|-------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Commissioner Todd Smith       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Commissioner Brent Mendenhall | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Commissioner Dustin Parkinson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Presiding Officer

Attest

  
\_\_\_\_\_  
Commissioner Todd Smith, Chair,  
Madison County

  
\_\_\_\_\_  
Kim Muir, Clerk, Madison County