CHAPTER 8: THE CITY OF REXBURG IMPACT AREA

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AREA OF CITY IMPACT

8.1 Applicability

The regulations of this Chapter shall apply to the area of city impact and shall supplement the regulations appearing elsewhere in this ordinance.

a. This Chapter is being adopted pursuant to Idaho Code, Section 67-6526, and any and all amendments thereto, pursuant to mutual agreement between the City of Rexburg and Madison County.

b. The purpose of this Chapter is to identify an area of city impact, considering such factor as:

i. trade area;

ii. geographic factors;

iii. areas that can reasonably be expected to be annexed to the city in the future.

c. The intent of this Chapter is to define the geographic area of city impact; to set forth the plans and ordinances which will be adopted and be applicable to the area of Chapter 65, as set forth by the Idaho legislature.

8.2 Boundary Definitions

a. The boundaries of the area of city impact are defined by separate ordinance. The boundaries and zoning classifications of the area of city impact are shown on the map entitled "Area of City Impact -- Rexburg, Idaho." The map and all information shown thereon are by reference and made a part of this ordinance.

b. The method for amending the impact boundaries shall be governed by Idaho Code, Section 67.6526 (d).

8.3 Zoning Districts, Zoning Map, Zoning Tables, Land Use Schedules

a. Zoning districts authorized in the area of impact comprise two specific categories:

i. All existing zones listed in Section 3.1 of this ordinance and described in Chapter 3 hereof. These zones are hereafter referred to as "Chapter 3 zones."

ii. Agriculture 1, (A-1); Agriculture 2, (A-2); and Rural Residential, (RR);

b. Definitions of Zones.

i. Chapter 3 Zones are defined and described in Chapter 3, paragraphs 3.4 through 3.15 hereof.

1. Agricultural 1 (A-1)

The Agriculture 1 zone is intended to anticipate expansion of the City into agricultural areas

(lands) and to preserve agricultural production in those areas.

a. Permitted uses in the A-1 Zone include all primary agricultural production activities and their accessory uses and buildings, including farm homes. No more than ten (10) livestock are permitted in an A-1 zone. However, this does not include commercial enterprises or animal-related business such as produce packing plants, fur farms, veterinary clinics, animal hospitals, feed lots, poultry and egg farms, hog farms, dog kennels, honey processing, and similar uses which would constitute a "business" as opposed to that of the raising of agricultural crops and/or pasture. For the purposes of this chapter, "Feedlot" is defined as any area where one thousand (1,000) head or more of livestock are confined for a period of one year or more.

b. The minimum size parcel shall be five (5) acres or more.

c. Conditional Uses in the A-1 Zone include:

i. Public and quasi-public recreation facilities and/or buildings.

ii. Home occupations.

iii. Cemeteries.

2. Agricultural 2 (A-2)

The Agriculture 2 zone is intended to anticipate expansion of the city into agricultural areas (lands) and to preserve agricultural production in those areas.

a. Permitted uses in the A-2 Zone include all primary agricultural production activities and their accessory uses and buildings, including farm homes. Livestock is permitted in an A-2 Zone. However, this does not include such commercial enterprises or animal-related business such as a produce packing plant, fur farms, veterinary clinics, animal hospitals, feed lots, poultry and egg farms, hog farms, dog kennels, honey processing, and similar uses which would constitute a "business" as opposed to that of the raising of livestock, agricultural crops and/or pasture.

b. The minimum size parcel shall be five (5) acres or more.

c. Conditional uses in the A-2 Zone include:

i. Public and quasi-public recreational facilities and/or buildings.

ii. Home occupations.

iii. Cemeteries.

3. Rural Residential Zone (RR)

The RR zone is established to protect stable neighborhoods of detached family dwellings on lots of one acre or more up to five (5) acres. The minimum lot width shall be 150 feet; the minimum front yard shall be 60 feet from the property line or 90 feet from the center line of the road, whichever is greater; the minimum rear yard shall be 30 feet from the property line; and the minimum side yard shall be six inches for every foot of building height with a 10 foot minimum. No structure shall be erected to a height greater than 30 feet to eave height, measured from natural grade at the building site. There can be only one single-family dwelling per lot. Household pets are allowed, no more than two domestic livestock for each acre used solely for said livestock shall be allowed. Installation of curb and gutter or a drainage facility approved in advance by the

Planning and Zoning Commission shall be required. The maximum lot coverage by buildings, including the dwelling, shall be 50 per cent.

"Direct Access Restricted Road"
The Madison County Commission together with the Rexburg City Council shall designate certain roads and streets located within the Area of City Impact as "direct access restricted roads." No lot or parcel of ground adjoining such designated roads or streets shall have direct access to such roads without the prior approval of the Rexburg Planning and Zoning Commission. Access to and from said lots or parcels shall be by roads, streets or frontage roads which have been approved by the Rexburg Planning and Zoning Commission. Said lots or parcels shall comply with the following requirements:

a. Such lots shall reverse frontage on the designated "direct access-restricted road."

b. Such lots shall be buffered from the "direct access-restricted road by any effective combination of the following: Lot depth, earth berms, vegetation, walls or fences and structural sound proofing.

c. The minimum lot depth shall be two hundred (200) feet except where the use of berms, vegetation, and structures can be demonstrated to constitute an effective buffer for a dwelling on a lot less than two hundred (200) feet in depth.

d. Whenever practical existing roadside trees shall be saved and used in the arterial buffer.

e. Site plans, subdivision requirements, annexation and development agreement shall include provision for installation and continued maintenance of all buffers and compliance with all city and county ordinances applicable within the area of city impact.

f. The zoning map shall designate the zoning districts in the area of city impact of the City of Rexburg and shall be made a part of this ordinance by reference.

g. Zoning Tables and Land Use Schedules:

   i. All Chapter 3 zones located within the area of city impact shall be subject to all zoning tables and land use schedules contained in Chapter 3 hereof.

   ii. A-1, A-2, and RR zoning districts shall be subject to the zoning tables set forth in Chapter 10, page 84.

   iii. A-1, A-2, and RR zoning districts shall be subject to the Land Use Schedules contained in Chapter 3 hereof.

8.4 Applicability of Rexburg Development Code in Area of Impact

a. Any Chapter 3 zones, which are located within the area of city impact, shall be subject to all provisions of the Rexburg Development Code and any amendments thereto.

b. A-1, A-2 and RR zones shall be subject to the following Rexburg Development Code provisions:

   i. Chapter 1-- Title, Authority, Purpose and Intent

   ii. Chapter 2--Definitions

   iii. Chapter 3--Zone definitions

   iv. Chapter 6--Administrative procedures

v. Chapter 7-- General provisions

c. The following specific sections of Chapter 4, 5 and 8 of this Development Code shall be applicable to the A-1, A-2 and RR zoning districts:

i. 4.2 Yard Space for Principal Building
(Applicable to RR only)
ii. 4.3 Sale of Lots Below Minimum Space Requirements
iii. 4.4 Accessory Buildings
(Applicable to RR only).

iv. 4.5 Access to Public Street Required. The provisions of section shall apply to all zones, provided further that homes may not be constructed with direct access upon roads, streets or highways designated as " direct access restricted roads". If development along such roads is contemplated, then reverse frontage and controlled access shall be determined and regulated as provided in section 10.4.C.(4) hereof and as further provided by the Planning and Zoning Commission.

v. 4.6 Clear View of Intersecting Streets.

vi. 4.10 Home Occupations.
(Applicable to RR only)

vii. 4.11 Manufactured Homes.
(Applicable to RR only)

viii. The provisions of Chapter 8, Nonconforming Uses and Buildings, shall be applicable to all zones within the area of city impact. The following provisions shall apply to A-1 and RR zones:

1. Any landowner having livestock upon lands located within the area of city impact may, prior to February 15, 1995, provide to the Planning and Zoning Commission a description of the land together with a description of the livestock on said lands, which shall include the number of livestock as well as the type of livestock located on said lands. The Planning and Zoning Commission shall review the descriptions as submitted by a land owner, and together with the land owner determine an historic herd size for the parcel of land described. The record of historic herd size shall be kept by the City Clerk and shall be preserved for the purpose of determining existing land use on said lands as of February 15, 1995.

2. In the event a landowner described in section 10.4.C (8) a. shall discontinue the use and maintenance of livestock on lands described and provided to the Planning and Zoning Commission for a period of five (5) consecutive years, when such use shall not be reestablished, and the uses of the premises thereafter shall be in conformity with the regulations of the zone district in which the land is situated; provided, that the use and maintenance of a lesser number of the same general type of livestock on the described lands shall be deemed to conform to the historic herd size as recorded with the City Clerk and will allow the continued recognition of the historic herd size as the current existing land use.

3. The expansion or enlargement of a livestock herd shall be allowed only by the granting of a conditional use permit, zone change or variance, as provided by this ordinance and depending upon the particular circumstances and facts involved.

ix. The Rexburg City Mobile Home Ordinance shall apply in the entire area of city impact.

x. The Rexburg Subdivision Ordinance shall apply in the entire area of city impact area of city impact to all parcels or lots that are less than one acre in size.

d. To the extent that the provisions of this Chapter pertaining to the area of city impact conflict with any other

provisions of the Rexburg Development Code, the provisions set forth in this chapter shall govern with respect to Agriculture 1, Agriculture 2, and Rural Residential zoning districts.

8.5 Legal Description of Impact Area / Rexburg, Idaho Impact Area with Madison County Legal Description

Beginning at the Southeast Corner of Section 32, Township 6 North, Range 40 East,
thence South 200';

thence West parallel to the Section lines to a point on the westerly right-of-way line of Highway US 20;

thence northerly along the West right-of-way line of US 20 to a point that is on the South boundary of the N ½ of the NW ¼ of Section 25, said line is also the South boundary of the Lorin Widdison Addition;

thence westerly along the South boundary of the Widdison Addition t the West boundary of Section 25;

thence North along the Section line, said line also being the centerline of the Hibbard Highway to the NW Corner of the SW ¼ of the NW ¼ of Section 13, said line is also the South line of the J&M Subdivision;

thence East along the 1/16 line to a point where the 1/16 line intersections the easterly right-of-way line of Highway US 20;

thence northeasterly along the southern right-of-way line of US 20 to the Salem Highway.

thence North along the Section line to the NW Corner of the SW ¼ of the SW ¼ of Section 8;

thence East along the 1/16 line to the easterly right-of-way line of State Highway 33;

Thence southwesterly along the easterly right-of-way line of State Highway 33 to the North line of Section 17;

thence East along the North line of Section 17 to a point 200' East of the NE Corner of Section 17;

thence South, parallel to the Section line to the North line of the S1/2 of the SW1/4 of Section 16;

thence West 200' to the East line of Section 17;

thence South along the Section line to the centerline of the South Fork of the Teton River;

thence upstream easterly along the centerline of the River to the East line of the NW ¼ of Section 21;

thence South along the ¼ line to the interior quarter Corner of Section 21;

thence West along the ¼ Section line to the W¼ Corner of Section 21;

thence South along Sections 20, 29, and 32 to the SE Corner of Section 32, said point being the POINT OF BEGINNING

Excluding there from the area lying within the boundary that is currently within the existing City Limits of the City of Rexburg.