

SECTION 5.3: CENTRAL BUSINESS DISTRICT (CBD)

***All Zoning Standards apply. (See 3.01-3.06)**

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5.03.010. Purpose and Objectives

The CBD is established to recognize the historic central retail and service center of the City. The CBD Zone is intended to be located only in the central core area of the City and to be expanded out from that central area in an orderly and progressive manner as the demand for additional commercial land is generated. This zone will tend to encourage an architectural theme, which will strengthen the continuity of the downtown area and give it a "character" with which the citizens of Rexburg can identify.

The CBD Zone is a mixed-use zone and residential uses are encouraged on the upper floors of the downtown buildings. The CBD Zone is to be characterized by wide, clean, well-lighted streets, ample pedestrian ways, and vehicular parking lots for the convenience and safety of the public. Attractive, inviting, and well-maintained shops, stores, offices, and other buildings are also characteristic of this zone. On-street parking serves many of the businesses.

5.03.015. Architectural Design Standards

- a. **Introduction.** Developments in the Central Business District shall implement projects with an overall community design in mind and in conformance with the downtown blueprint hereby adopted. The need exists for Design Standards to be in place to ensure developments are coordinated into the overall community presentation and to preserve the integrity of the existing business district and in the downtown as the "center" of the community.

These standards require a basic level of architectural variety, compatible scale, pedestrian and bicycle access, and mitigation of negative impacts. Architectural Design standards are reviewed by the Design Review Board. The intent is to allow flexibility in design, while reviewing projects for compliance to the Downtown Guiding Principles and Development Framework as described below:

1. **Guiding Downtown principles.** The City of Rexburg values the historical sense of place that the downtown has provided for over one hundred (100) years. Recent studies have identified several guiding principles that will guide the continuation of the downtown core over the next hundred years. These principles are as follows:
 - a) Downtown is a Pedestrian-Priority Area.
 - b) Downtown is the Civic, Social, and Cultural Center of Rexburg and Madison County.
 - c) Downtown is Highly Attractive to visitors and has a "historic" sense about it.
 - d) Downtown is the Heart of "America's Family Community."
 - e) Downtown is a Mixed-Use Center, which includes Retail, Office, Residential, Entertainment, Culture, and Educational facilities.
 - f) Downtown is Highly connected to the City, Region, and to BYU-Idaho.
 - g) Downtown is guided by Public-Private Partnerships, including Agencies.
 - h) Circulation System Manages "Through" and "To" Traffic Strategically.
 - i) Downtown Way-Finding and Parking Systems are User-Friendly.
 - j) Downtown Hosts a Central Plaza for Community Events and Activities.
 - k) Downtown is a great Place to Work, Visit, Shop, Learn, and Live.

2. **Downtown Development Framework.** The Development Framework that has been identified and within which the community will pursue a revitalization blueprint is as follows:

- a) Define and Focus Development on Target Markets.
- b) Emphasize Mixed-Use Development with Ground Floor Retail.
- c) Infuse Residential Units Downtown.
- d) Build a Sound Parking System for Employees, Customers, Visitors, and Residents.
- e) Build a Pedestrian and Cycling Pathway Network Linking Key Downtown Nodes.
- f) Undertake Infill, Redevelopment, Adaptive Re-Use, and Historic Preservation. Implement an Urban Renewal Program.
- g) Install Small Business Amenities and Services to Draw this Market.
- h) Design the Place of Downtown for America’s Families.
- i) Connect to Community & Region with Wayfinding, Gateways, Parking, Amenities, and Marketing.
- j) Recruit Social Retailers to Reconnect with Major Regional Markets.

5.03.020. Permitted & Conditional Uses

The following principal uses and structures indicated as “P”, and no others, shall be permitted in the CBD zone. The following uses and structures indicated as “CUP” may be permitted in the CBD zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof.

CENTRAL BUSINESS DISTRICT		(*All dwellings must be above the ground floor without a CUP.)
Group Housing	Dwellings on 1 st Floor Apartments (high and low-rise)* Family Apartments Bed and Breakfast Inn* (See 3.02.160.) (attached to commercial or other non-residential use) Boarding Houses* (See 3.02.160.) Dormitory, Fraternity, Sorority (max. 6 persons/unit) Group Home (Disabled & Elderly; under 8 residents) Hotels Membership Lodging Multi-Family* Religious Quarters Short-Term Rental* (See 3.02.160.) Single-family Dwelling* 2-family Dwelling: Duplex, Townhome* Vacation Rentals	CUP P CUP P P CUP P P P P P P P P P P
Care Facilities	Assisted & Residential Care Facility Behavior, Drug & Alcohol Treatment Day Care Centers	CUP CUP P
Place of Worship	Churches, Synagogues and Temples Other Religious Activities Religious Reading Rooms	P P P
Schools, public or private	Dancing Schools Nursery Schools	CUP P
Indoor Recreation	Athletic clubs, body building studios, aerobic centers & gymnasiums	P
Entertainment	Billiards and Pool Halls Bowling Alleys Coin-operated Amusements Cultural Activities Dance Halls, Ballroom Ice Skating Miniature Golf Public Assembly Roller Skating & Skate Boarding Theatres (Auditoriums, Performing & Motion Picture)	P P P P P P P P P P

Office	Banks, Insurance & Real Estate Offices	P
	Business (office & retail sales only)	P
	Call Centers (additional parking provided & approved by Zoning Admin.)	P
	Contract Construction Services office & retail	CUP
	Dwelling & Building Services Office	P
	Mail & phone order houses	P
	Miscellaneous business services office	P
	Professional Services office (except behavior, drug & alcohol treatment)	P
	Refuse disposal company office	P
	Travel Agencies	P
	Utility, Electric Company office	P
	Utility, Gas Company Office	P
	Utility, Water or Irrigation Company office	P
	Automobile Parking Lots and Garages (no impound or long-term storage)	P
	Parking Garages (>10 parking spaces & garage majority of space)	CUP
Transportation	Bus transportation (no garaging & equipment maintenance)	P
	Heliport (pad only, no maintenance)	CUP
	Motor vehicle transportation	P
	Crematory	P
	Funeral parlor (mortuary)	P
Utilities	Communications	CUP

a. Permitted Accessory Uses. (See 3.02.070.)

Accessory	Accessory Building	P
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5.03.030. Lot Area

There is no minimum lot area in the CBD zone.

5.03.040. Lot Width

Each lot or parcel of land in the CBD Zone shall have an average width of not less than thirty (30') feet.

5.03.050. Lot Frontage

Each lot or parcel of land in the CBD Zone shall abut on a public street for a minimum distance of twenty-four (24') feet on a line parallel to the center of said street.

5.03.060. Prior Created Lots (See 3.03.070.c.)

5.03.070. Lot Configuration and Density.

Residential dwelling density shall not exceed forty (40) dwelling units per acre.

5.03.080. Yard Requirements

The following minimum yard requirements shall apply in the CBD Zone:

- a. Front Yard.** The minimum front yard setback shall be zero (0') feet. The maximum front yard setback shall be ten (10') feet from right-of-way.
 - 1. Parking spaces, drive aisles, and all maneuvering areas shall not be located within the first ten (10') feet of a front yard. This area shall be used for landscaping that will adequately screen parking areas from adjacent right-of-way.
- b. Side Yard.** Except as provided in this section, there shall be no side yard requirements.
- c. Rear Yard.** No requirement.
- d. Projections into Yards** (See 3.02.090.) No part of any building shall overhang the public right-of-way.
- e. Transitional Development Standards.** (See 3.02.080.)

5.03.090. Building Height

Buildings and portions of buildings within the CBD shall not exceed forty-five (45') feet in height.

- a. **Proximity to Residential Zone.** Buildings within fifty (50') feet of a residential zone shall be limited to thirty-five (35') feet in height, measured at the top of building's horizontal wall, or maximum height of the affected residential zone.
- b. **Extra Residential Floor.** One additional story or ten (10') feet in height shall be allowed extra when the building contains a floor of residential units that are not located on first floor or street level.
- c. Additional height may be allowed with a Conditional Use Permit (CUP).

5.03.100. Distance Between Buildings *(See 3.02.060.)*

No requirement except as regulated by the provisions of the Building Code of Rexburg, ID.

5.03.110. Permissible Lot Coverage

No requirement except as may be dictated by the necessary provision of off-street parking and other applicable requirements.

5.03.115. Mixed Use Projects

Mixed-Use projects, where the ground floor use is non-residential (i.e., retail shops on the main floor with apartments over the top), shall be built to the commercial development standards.

5.03.120. Parking, Loading, and Access

Each Lot or parcel in the CBD Zone shall provide automobile parking sufficient to meet the requirements as set forth in *section 3.04*.

- a. Parking shall be calculated for each use individually, based on its own standard.
- b. **Additional Parking.** Additional parking spaces may be required if a new use requires more parking than traditional retail.
- c. **Residential Uses.**
 1. Required parking for residential uses shall be provided on the subject lot or parcel when possible.
 2. When not possible, required parking may be provided on a separate lot or parcel in the vicinity after the approval of a conditional use permit.
- d. Parking areas shall be adequately screened from adjacent right-of-way. *(See 3.04.040.)*

5.03.130. Project Plan Approval *(See 3.02.130.)*

5.03.140. Other Requirements

Mixed-use projects, where the ground floor use is non-residential (i.e., retail shops on the main floor with apartments over the top), shall be built to the commercial design standards *(See 7.0.)* and the following:

- a. **Uses Within Buildings.** All uses established in the CBD Zone shall be conducted entirely within a fully-enclosed building except those uses deemed by the Planning and Zoning Commission to be customarily and appropriately conducted in the open, through the granting of a CUP. Uses customarily deemed to be conducted in the open may include, but would not be limited to, ice skating, miniature golf, etc.
- b. **Fences**
 1. **Entry Treatments to Private Driveways or Subdivision Development Entrances.** Entry treatments to private driveways or subdivision development entrances may not exceed six (6') feet at the highest point, except lamps on pillars. Lamps on pillars shall be allowed to extend up to eight (18") inches above the allowable height of the fence, provided the pillars shall have a minimum spacing of no less than six (6') feet, measured from face-to-face.
 2. **Privacy Walls.** Privacy walls which project into a required front yard will be subject to the Zoning Administrator or designee for review.

c. Landscaping.

1. A minimum of ten (10%) percent landscaping shall be provided for all parking lots and shall be useable for snow storage.

d. Trash Storage. *(See 3.02.120)*

1. **Materials for Screening.** Materials and location of the screened areas shall be reviewed and approved by the Zoning Administrator or designee prior to installation. Materials used for screening should be consistent with the predominant material found in the exterior construction of the building used by the business served, however, as a minimum, a vinyl fence will be allowed.

e. Walls and Fences. *(See 3.02.110.)*

1. **Entryways.** Entry treatments to private driveways or subdivision development entrances may not exceed six (6') feet at the highest point, except lamps on pillars. Pillars shall be allowed to extend up to eighteen (18'') inches above the allowable height of a fence provided that the pillars shall have a minimum spacing of no less than six (6') feet, measured face-to-face.
2. **Privacy Walls.** Privacy walls which project into a required front yard will be subject to Zoning Administrator or designee review.
3. **Double Frontage Lots.** A fence or wall may be erected in the rear yard of a double frontage lot subject to Committee Development Director or Designee review.

f. Signs.

1. Signing of shops and business establishments should be simple and attractive with signs mounted flat against the building to reduce the sign clutter and enhance the aesthetics of the downtown area.
2. Blade signs that are placed between eleven (11') feet and sixteen (16') feet above sidewalk are allowed in the right-of-way as approved by City Engineer.
3. All signs shall conform to *Section 3.5: Signs in Rexburg.*

5.03.145 Sidewalk Cafes

A sidewalk café shall be permitted if the following requirements are met:

- a. An applicant submits scaled plans demonstrating that the café will conform to the following development standards:
 1. **Unobstructed Sidewalk.** At least six (6') feet of clear, unobstructed sidewalk width will remain available for pedestrian use and shall be required between any portion of the café area and any sidewalk obstructions such as tree wells, street signs, utility poles, newspaper racks, benches, kiosks, drinking fountains and landscaped areas.
 2. **Furnishings.** Tables, chairs and other furnishings associated with the café will be located directly adjacent to the building and ground floor space in which food or drink is prepared.
 3. **Setback.** A setback of five (5') feet will be maintained from the dining area to a property or lease boundary and from the intersection of the public sidewalk with a driveway, alley, street or another public sidewalk.
 4. **No Barriers.** If the sidewalk café is limited to one row of tables and chairs parallel to the building, no barriers will be erected to impede access. If a sidewalk café is designed to have more than one such row of tables and chairs, a non-sight obscuring removable barrier not more than three (3') feet high enclosing the tables and chairs shall be constructed. Barrier gates shall not swing into the required unobstructed sidewalk area required in *subsection (1)* above.
 5. Awnings associated with the café will be installed in accordance with the Building Code.

6. Umbrellas shall not extend into the required unobstructed sidewalk area.
 7. Signs associated with the café will be installed in accordance with Rexburg City Code.
 8. Adequate facilities for the storage of trash and tobacco waste products generated by the café will be provided at a convenient location.
- b. Agreement.** An agreement between the applicant and the City is executed and recorded that includes the following provisions:
1. No alcohol will be consumed on the sidewalk.
 2. **Insurance.** Insurance will be continuously maintained to adequately co-insure Rexburg City against any liability associated with the sidewalk café, as reasonably determined by the City. The insurance certificate shall name the City as an “additional insured.” Cancellation of such insurance shall require at least thirty (30) days prior notice to the City.
 3. **Liability.** Rexburg City, its officers, agents and employees, will be held harmless from any claims, causes of action, injuries, losses, damages, expenses, fees and costs, including attorneys’ fees, associated or arising from the operation of the café.
 4. **Damage.** The café owner and operator will be responsible for repair of any damage done to the public sidewalk due to the installation or removal of furnishings, barriers or other features of the sidewalk café.
 5. **Hours.** Hours of café use will be limited to not earlier than 7:00 A.M. and not later than 11:00 P.M. and will not exceed the operating hours of the associated eating or drinking establishment.
 6. **Music.** Within the sidewalk café the use of sound reproduction equipment will be prohibited and live acoustic music and musical instruments will be allowed, providing sound levels are controlled so as to not disturb other businesses and are kept within legal decibel levels per City noise regulations.
 7. **Sidewalk Maintenance.**
 - a) The sidewalk café and surroundings will be maintained in a neat and clean condition at all times.
 - b) All tables and chairs, any barrier, and other sidewalk obstructions associated with the sidewalk café will be removed during the time period between one-half (½) hour after close of business to one-half (½) hour before opening of the business.
 - c) The café owner and operator will remove café improvements if necessary for sidewalk repair or replacement, utility maintenance, or upon failure to comply with the terms of the agreement.

5.03.150 Canopies and Marquees.

Canopies and/or marquees may be extended over public sidewalks in the CBD Zone only after a Conditional Use Permit (CUP) has been granted by the Planning and Zoning Commission for their erection and after a revocable license has been issued by the Rexburg City Mayor in accordance with the procedures outlined herein. Said marquees or canopies may be supported by columns or stanchions which are attached to the ground within the public right-of-way and do not extend beyond the street curb line.

- a.** Canopies and marquees erected in the CBD Zone must comply with all of the following conditions:
1. **Conditional Use Permit.** A CUP must first be granted by the Planning and Zoning Commission following an application submitted to the Planning and Zoning Commission. Procedure for granting a conditional use permit for this purpose shall be in accordance with Rexburg City Code.

The Planning and Zoning Commission shall not grant a conditional use permit for any construction of such canopies or marquees unless the following is fully demonstrated to their satisfaction:

- a) The canopy or marquee is harmonious in design and appearance with the building upon which it is being located, and with the general architectural and visual theme of the CBD Zone.
 - b) The canopy or marquee will be constructed of materials contained on the materials list for the CBD Zone approved by resolution of the City Council.
 - c) The canopy or marquee will tend to improve the visual environment of the City, will not be harmful to any existing tree or landscaping element, will increase downtown property values, and will promote the objectives and characteristics of the Central Business District zone as set forth herein.
 - d) Canopies or marquees shall remain open and unencumbered on three (3) sides except for required supporting columns, stanchions, or architectural features approved by the Planning and Zoning Commission.
 - e) The location of supporting columns or stanchions will not obstruct pedestrian traffic on the sidewalk, and will not materially affect existing landscaping or street furniture installations in the public right-of-way.
 - f) **Right-of-way.**
 - 1) In no event shall any portion of the public right-of-way be used for commercial storage, display, or other private use.
 - 2) The construction of any canopy or marquee under the provisions of this section shall in no way deprive the public of use of the public right-of-way.
 - g) **Landscaping.** In the event that no public landscaping exists in the area adjacent to said canopy or marquee, the Planning and Zoning Commission shall require the provision of a landscaped and planted area no less than four (4') feet in width and no greater than six (6') feet in width to be planted with materials as part of the granting of a conditional use permit. This planting shall be provided at least the full width of the canopy or marquee installation.
 - h) **Building Code.** All canopy or marquee installations will be in full conformance with the provisions of the Building Code of Rexburg, ID. The provisions of this *Section* are not intended to in any way nullify or repeal any portions of the Building Code provisions.
2. **License.** A license shall be obtained from the Mayor permitting such construction. Conditions deemed appropriate by said Mayor may be imposed upon the granting of a license.
- a) **Revoked.** Said license may be revoked after ninety (90) days of written notice to the licensee, at which time all improvements must be removed from the public right-of-way at the full expense of said licensee.
 - 1) **Restoration.** The City right-of-way shall be restored by the licensee at his own expense to a condition equivalent or better than that existing in the remainder of the block face, and to a condition satisfactory and acceptable to the Mayor.
3. **Liability.** The licensee shall agree to save and hold harmless the City on any and all damage to any property or person arising from the construction and maintenance of such canopies or marquees.
- a) Licensee shall assume and pay all costs of installation, maintenance, and removal of said canopy or marquee.
 - b) The licensee shall agree to pay damages and hold the City harmless from any claim that may arise through the licensee's use of public property for this purpose.

5.03.160. Lighting Standards (See 3.6.)