

CHAPTER 9

PERFORMANCE STANDARDS

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10-9-1: GENERAL: The purpose of this Chapter is to establish criteria for the application of this Ordinance and to set specific conditions for various uses, classifications of uses or areas where problems are frequently encountered.

10-9-2: CRITERIA FOR SITING AND/OR RE-ZONING: All siting and uses shall be as designated on the Official Schedule except as otherwise provided in this Ordinance. When a siting or use is sought under a Special Use Permit or through an application for a zone change, Commission action shall be based on the following criteria in addition to the standards and requirements contained in Chapters 10 and 17:

(A) Residential/Agriculture District (R/A)--

- (1) Suitability of parcel for residential/agricultural purposes;
- (2) Proximity to existing urban areas of similar population density;
- (3) Lot size or sizes compatible with existing lot sizes in area;
- (4) Protection from incompatible uses; and
- (5) Compatibility with existing uses.

(B) Single Family Residence District (R1)--

- (1) Close proximity to existing City boundaries or subdivisions which are zoned R1;

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- (2) Lot size or sizes compatible with existing lot sizes in immediate vicinity;
 - (3) Accessibility to City services or possibility of extension of services in foreseeable future;
 - (4) Protection from incompatible uses; and
 - (5) Compatibility with existing uses.
- (C) Two-family Dwelling District (R2)--
- (1) Close proximity to existing residential areas with similar population density;
 - (2) Close proximity to existing R2 districts;
 - (3) Protection from incompatible uses; and
 - (4) Compatibility with existing uses.
- (D) Multiple Residence District (RM)--
- (1) Close proximity to existing districts with similar population density;
 - (2) Close proximity to existing RM districts;
 - (3) Proximity to central business district services;
 - (4) Accessibility to major arteries; and
 - (5) Compatibility with existing uses.
- (E) Residential/Office District (RO)--
- (1) Close proximity to central business district;
 - (2) Suitability of area as a transition area; and
 - (3) Compatibility with existing uses.
- (F) Central Business District (CB)--

- (1) Close proximity to existing central business district;
 - (2) Serviceable by major arteries;
 - (3) Compatibility with existing uses.
- (G) Heavy Commercial District (HC)--
- (1) Location which minimizes potential traffic problems;
 - (2) Lot size or sizes sufficient for intended use;
 - (3) Compatibility with existing uses; and
 - (4) Adequate buffering for adjacent incompatible uses.
- (H) Manufacturing District (M)--
- (1) A tract of land adequate for present and anticipated growth;
 - (2) Topographic and soil characteristics adequate for good drainage and structural support;
 - (3) Convenient access to major transportation system;
 - (4) Adequate utility services, either public or private;
 - (5) Location of tract sufficiently removed from urban areas to minimize environmental effects on neighboring nonindustrial uses; and
 - (6) Location of tract sufficiently removed from urban areas to minimize encroachment by residential or commercial development.
- (I) Residential Estate District (RE)
- (1) Lot sizes of at least one-half acre, and at least one hundred fifteen (115) feet wide;
 - (2) Street width consisting of a sixty-two (62) foot right of way comprised of thirty-two (32) feet of three (3) inch compacted asphalt with subgrade to City specifications, with minimum three (3) inch rolled curb, two and one-half (2 ½) feet of ribbon on each side, seven (7) foot planter strips on each side, five (5)

foot wide sidewalks on each side, with one-half (1/2) foot extra space on the property owner's side of the sidewalks.

- (3) As early as possible and no later than prior to approval of any final plat, the City Engineer must review all streets included within or providing access to any RE parcel to determine whether a traffic study is necessary or advisable, and then what, if any, changes should be made or street improvements must be done.
- (4) Stormwater catch basins and retention ponds to City specifications, with the expectation that the City will maintain said areas after the owner or developer installs a sprinkler system and plants grass;
- (5) Front setbacks shall be no less than forty-five (45) feet and no more than sixty-five (65) feet from the right of way; side setbacks shall be no less than twenty (20) feet from the property line and 35' from the garage side, , with side setbacks along a street no less than twenty five (25) feet from the right of way; and rear setbacks shall be no less than twenty-five (25) feet from the property line; (Ordinance 631 03/08/22) (Ordinance 642)
- (6) Each lot must connect to City water and sewer services;
- (7) Street lights to be installed at intersections and then at least every 600 feet;
- (8) Fire hydrants shall be installed every 300 feet and comply with the International Fire Code, as the City may adopt from time to time;
- (9) Each dwelling unit to have its own water meter pit;
- (10) Each lot to be irrigated by a pressurized secondary irrigation system if the property is located in the boundaries of an irrigation district or canal company in accordance with applicable state and local laws and regulations; the City shall have no responsibility to maintain or manage this irrigation system; and
- (11) Compliance with the purposes, procedures, and design standards set forth in Title 10, Chapter 16 of the City Code of the City of Shelley, but in the event of any conflict between that Chapter and this Section 10-9-2, this Section shall prevail.

10-9-3: PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES:
No land or building in any district shall be used or occupied in any manner creating

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dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits are taken as established by the following performance requirements:

- (A) Fire Hazard--Any activity involving the use or storage of flammable or explosive material shall be protected by adequate fire-fighting and fire-preventing equipment and by such safety devices as are normally used in the handling of such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved as specified in the Uniform Fire Code and the National Safety Foundation publications;
- (B) Radioactivity or Electrical Disturbance--No activity shall emit radioactivity at any point or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance;
- (C) Noise--Objectionable noise as determined by the Administrator or Commission which is due to volume, frequency or beat shall be muffled or otherwise controlled. Fire sirens and related apparatus used solely for public purposes are exempt.
- (D) Air Pollution--Air pollution shall be subject to the requirements and regulations established by the Health Authority and the EPA;
- (E) Erosion--Erosion, caused or created by man, which will carry objectionable substances onto adjoining properties shall not be permitted;
- (F) Vibration--No industrial vibration shall be permitted which is readily discernible without instruments on any adjoining lot or property; and
- (G) Water Pollution--Water pollution shall be subject to the requirements and regulations established by the Health Authority, the appropriate State Water Authority and the EPA.

The Administrator, prior to the issuance of a zoning permit, and the Commission, prior to granting a Special Use Permit, shall require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operation are to be eliminated or reduced to acceptable limits and tolerances.

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures such as those published by the American National Standard Institute, New York; the Manufacturing Chemists' Association, Inc., Washington, D.C.; the U.S. Bureau of Mind; the State Health Authority; etc.

10-9-4: SUPPLEMENTAL LAND USE PROVISIONS: Certain land uses pose special problems which may have detrimental influences on surrounding land uses. The following performance standards for such unique land uses shall be adhered to in addition to all other provisions of this Ordinance:

(A) Additional Dwelling Unit--

- (1) One additional dwelling unit per parcel will be permitted in the A and R/A Districts providing the parcel size is sufficient to meet the requirements of 10-8-2;
- (2) One additional dwelling unit per parcel will be permitted in the R1 District, by Special Use Permit, providing the parcel size is sufficient to meet the requirements of 10-8-2;
- (3) Each additional dwelling unit will be subject to approval by the Health Authority as to sewer or water facilities prior to obtaining a permit unless connected to City sewer and water lines;
- (4) Additional dwelling units for bona fide agricultural labor purposes in the A District are permitted; and
- (5) The applicant for a permitted additional dwelling must present the written agreement of all adjacent property owners to the Administrator prior to obtaining a permit. If such agreement is not obtained, the applicant may apply for an additional dwelling unit by Special Use Permit.

(B) Animal Clinic and/or Kennel--

- (1) Will be located at least three hundred (300) feet from any residence except for an owner's residence. The Administrator may modify this requirement if the animals are completely housed in sound-proof structures and are screened from view of the abutting residential

property; and

- (2) Will comply with all State and local regulations relative to such an operation and maintain adequate housekeeping practices designed to prevent the creation of a nuisance and to reduce to a minimum the factors of noise and odor.

(C) Animal Feed Lots, Livestock Auction & Meat Packing Facilities--

- (1) Will be located, when housing animals, feed lot or holding pens, not less than six hundred (600) feet from any residence, except for an owner's residence. Such facilities shall have a minimum setback of fifty (50) feet from any property line;
- (2) Will be designed and located with full consideration to their proximity to adjacent uses, their effect on adjacent and surrounding properties and to the reduction of such nuisance factors as odor; and
- (3) Will be adequately maintained with housekeeping practices to prevent the creation of a nuisance, and shall also be subject to the Health Authority requirements as to the elimination of waste materials and the maintenance of water quality.

(D) Animal Requirements in the R/A District--

- (1) An accumulative total of two (2) cows and/or horses will be allowed per acre;
- (2) An accumulative total of eight (8) sheep, goats and/or pigs will be allowed per acre;
- (3) An accumulative total of one hundred (100) penned rabbits and/or chickens will be allowed per acre;
- (4) Area requirements specified are exclusive of land used for other livestock or other uses such as buildings, gardens, etc.
- (5) Area requirement for animals not listed shall be determined by the Administrator based on the area requirements of the closest-related animal;
- (6) Bona fide agricultural uses on parcels larger than five (5) acres in the R/A District shall not be subject to these regulations; and

- (7) A Special Use Permit will be required to exceed the above requirements.
- (E) Bulk Storage of Flammable Liquids and Gases, above Ground and for Resale--
 - (1) Will be erected subject to the approval of the Administrator; and
 - (2) Will have suitable loading and unloading spaces and off-street parking facilities subject to the approval of the Administrator.
- (F) Chemicals, Pesticides and Fertilizer Storage and Manufacturing--
 - (1) Will have adequate fire protection, storage area, handling and disposal as approved by the Health Authority and/or the Administrator; and
 - (2) Will be subject to state and federal control.
- (G) Concessions in Public Parks--
 - (1) Will be allowed for a specific period of time after approval by the Council; and
 - (2) Clean-up around the concession area will be required at the conclusion of operation.
- (H) Contractors Yard--
 - (1) Will have a fence around areas utilized for storage of equipment; and
 - (2) Will be limited to storage, maintenance and processing incidental to contracting work.
- (I) Convenience Store--
 - (1) Will be designed to serve the immediate vicinity and incidental transient traffic;
 - (2) Will carry a wide variety of merchandise as opposed to a specialty-type retail establishment;
 - (3) Will be of a size and design, not to exceed three thousand (3,000) square feet, which facilitates accessibility, accommodation and convenience; and

- (4) Will have suitable parking, ingress and egress subject to the approval of the Administrator.
- (J) Drive-In Cafe--
- (1) Will be enclosed on the property line with landscaping and fencing, except for ingress and egress, to prevent trash from moving onto other property;
 - (2) Will have a six (6) foot high, sight-obscuring fence along property lines which adjoin a residence or residential district;
 - (3) Will provide adequate trash receptacles; and
 - (4) Will avoid the direction of night lighting toward any residence.
- (K) Filling, Grading, Lagooning, Dredging or other Earth-Moving Activities--
- (1) Will result in the smallest amount of bare ground exposed for the shortest time which is feasible;
 - (2) Will provide temporary groundcover, such as mulch;
 - (3) Will provide lagooning in such a manner as to avoid creation of fish trap conditions;
 - (4) Will not restrict a floodway, channel or natural drainway;
 - (5) Will construct and stabilize sides and bottoms of cuts, fills, channels and artificial water courses to prevent erosion and soil failure;
 - (6) Will not have below-grade excavation except for drainage-ways within fifty (50) feet of any lot line or public right-of-way; and
 - (7) Will restore topsoil of loam to a depth of not less than four (4) inches.
- (L) Flood Plain Development--Will be allowed only as regulated by adopted FIA recommendations as approved by the County.
- (M) Gravel Pits, Rock Quarries, Sand and Clay Pits and Other Natural Resources of Commercial Value--

- (1) Pits and excavations shall be maintained, except during active removal of materials, so that they are free from debris and waste material and the bank shall have a slope of not more than thirty-five (35) degrees;
- (2) The extent and method of rehabilitation shall be determined in advance of issuing a zoning permit with due consideration given to what is suitable and compatible with the surrounding area; and
- (3) Upon depletion of the area, all temporary buildings and structures, except property line fences and structures for loading, measuring or weighing of salable material in storage, shall be entirely removed from the property.

(N) Home Occupation--

- (1) No more than one (1) person other than members of the family residing on the premises shall be engaged in such occupation;
- (2) The use of the dwelling unit or any accessory building for a home occupation shall be clearly incidental and subordinate to residential use of the property;
- (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding four (4) square feet in area, non-illuminated and mounted flat against the wall of the principal building or upon a front yard fence;
- (4) Retail sales shall be limited to objects made on the premises or those incidental to the service performed;
- (5) No significant traffic shall be generated by such home occupation and any need for parking generated by the conduct of such home occupation shall meet the parking requirements as specified in this Ordinance, and shall not be located in a required front yard;
- (6) No equipment or process shall be used in such home occupation which creates noise, vibration, fumes or electrical interference detectable to the normal senses off the lot if the occupation is in a single-family dwelling, or outside the dwelling unit if conducted in other than a single-family dwelling; and
- (7) No equipment, vehicles, or materials shall be placed in a manner as to

create a road hazard.

(O) Junk, Litter and Debris--

- (1) Will not be permitted in the yard or other open space surrounding an existing building in any residence zone; and
- (2) No vacant lot or open land shall be used for such purposes.

(P) Landscaping, Yard Maintenance--

- (1) Is encouraged in all areas, especially residential areas, to enhance, conserve and stabilize property values by promoting pleasant and attractive surroundings;
- (2) Landscaping shall be regularly maintained in a neat, clean and orderly condition; and
- (3) Where screening is required, it may consist of shrubs, closely spaced and maintained at substantially the specified height. When not specified, such screening shall consist of mature shrubs and shall be maintained at a height of from four (4) to six (6) feet.

(Q) Mobile Homes, Travel Trailers & Utility Trailers--

- (1) No occupied mobile home or travel trailer shall be permitted within the City except within an approved park;
- (2) A mobile home may be used as a caretaker's dwelling, which shall be incidental to the primary commercial or industrial use of the property, by Special Use Permit;
- (3) A mobile home may be used as a contractor's building, for a period not to exceed one (1) year, during the course of development of property in any district. Such use shall be by Special Use Permit;
- (4) A mobile home may be used as a temporary dwelling in an A or R/A District for a period not to exceed two (2) years during construction of a permanent residence. Such use shall be by Special Use Permit;
- (5) A mobile home is permitted for bona fide agricultural labor purposes in an A District; and

- (6) No travel or utility trailer, mobile home or motor home may be parked on a public street for longer than forty-eight (48) hours.

(R) Manufactured Homes--

Manufactured homes as defined in this code and ordinance may be allowed and sited on all land zones for single family residential uses upon meeting the placement standards as herein set forth and such use as provided herein shall be in addition to manufactured homes on lots within designated mobile home parks or manufactured home subdivisions.

- (1) The manufactured home shall be multisectional and enclose a space of not less than one thousand (1,000) square feet;
- (2) The manufactured home shall be placed on an excavated and backfilled permanent foundation and enclosed at the perimeter such that the home is located not more than twelve (12) inches above grade;
- (3) The manufactured home shall have a pitched roof, except that no standards shall require a slope of greater than a nominal three (3) feet in height for each twelve (12) feet in width;
- (4) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority;
- (5) In addition to the provisions of paragraphs (1) through (4) of this subsection, the City may subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subjected;
- (6) Any manufactured housing placed upon a residential lot, not in a mobile home or manufactured home zone shall be of a manufacturing origin dated not earlier than 1994 and not having had prior occupancy;
- (7) Nothing in this section shall be construed as abrogating a recorded

restrictive covenant.

(S) Outdoor Storage of Commercial/Industrial Materials and Vehicles--

- (1) Storage of large commercial vehicles and construction equipment will not be permitted in a residential district, except that such equipment may be stored on a lot during the construction of a building thereon for a period not to exceed one (1) year.

(T) Salvage Yard and/or Automobile Wrecking Yard--

- (1) Will be completely enclosed by a site-obscuring fence which must be approved by the Commission during the Special Use Permit process;
- (2) Fencing must be completed prior to the issuance of a Zoning Permit to commence operation;
- (3) Will not result in the storage of automobiles that exceed the height of the fence; and
- (4) Will not result in the storage of automobiles, junk or salvage material that is visible from any public right-of-way.

(U) Swimming Pools and Spas--

- (1) Swimming pools, when not completely enclosed within a building having solid walls, shall be set back at least five (5) feet from property lines and shall be completely enclosed by a fence at least five (5) feet high with self-closing and self-latching gates; and
- (2) Spas, when not completely enclosed within a building having solid walls, shall be set back at least five (5) feet from property lines in the rear setback area and shall be equipped with a lockable cover.

10-9-5: PROVISIONS FOR PARKING AND LOADING: For the purpose of this Ordinance, the following general parking and loading requirements shall apply:

- (A) When the intensity of use of any building or premises is increased through the addition of dwelling units, gross floor area, seating capacity or other unit of measurement specified as requiring parking or loading facilities, parking and loading facilities as specified herein shall be provided for such increase;

- (B) When the existing use of a building shall hereafter be changed to a new use, parking and loading facilities shall be provided as herein required;
- (C) No lawfully existing building shall be deemed to be a non-conforming building solely because of the lack of required parking or loading facilities, provided that space being used for off-street parking or loading in connection with any such building at the time of the effective date of this Ordinance shall not be further reduced in area or capacity;
- (D) Parking space requirements for a use not specifically listed in this section shall be determined by the Administrator based on a use with similar traffic-generating characteristics;
- (E) Lighting used to illuminate off-street parking areas shall be directed away from residential properties, and such parking areas shall be effectively screened on any side adjoining property in a residential district by a wall, fence or hedge of a minimum height of six (6) feet;
- (F) Access roads to parking spaces as required herein for commercial and manufacturing uses shall not be less than twelve (12) feet wide;
- (G) When the calculation of the required number of spaces called for herein results in a fractional number, fractions equal to or greater than one-half (1/2) shall be adjusted to the next higher number of spaces;
- (H) Nothing in this Ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities in excess of those required herein governing the location, design and operation of such facilities are adhered to; and
- (I) A loading space off the authorized frontage road shall be provided and maintained for every non-residential building erected after the effective date of this Ordinance.
- (J) Parking Spaces Required--
 - (1) Single family or two (2) family dwelling--Two (2) for each unit;
 - (2) Multi-family dwellings of three (3) or more units—Two (2) for each unit, however one (1) parking space per unit will be required for multi-unit senior housing;
 - (3) Cafes, restaurants, bars, taverns and other similar places dispersing

food or refreshments--One (1) for each two hundred (200) square feet of floor area;

- (4) Churches, auditoriums, mortuaries, theaters, etc.--One (1) for every five (5) fixed seats in all areas used simultaneously for assembly purposes;
- (5) Drive-in theaters--One (1) reservoir space at entrance for each ten (1) vehicles accommodated within;
- (6) Professional offices--One (1) for each three hundred (300) square feet of floor area or one (1) for each two (2) employees, whichever is greater;
- (7) Retail store (high traffic)--One (1) for each two hundred (200) square feet of floor area;
- (8) Retail store (low traffic)--One (1) for each two hundred fifty (250) square feet of floor area; and
- (9) Manufacturing (all types)--One (1) for every employee on the largest shift for which plant is designed, one (1) for each vehicle used in business, visitor and commercial vehicle parking.

10-9-6: SUBDIVIDING REQUIREMENTS:

- (A) All subdividing will be done in accordance with the subdivision regulations and procedures of this Ordinance (10-16). Subdividing, or platting, shall be required under the following conditions when an original parcel is divided for the purpose of sale or development, whether immediately or in the future:
 - (1) A Districts--When an original parcel is divided into more than four (4) lots, parcels or sites of less than five (5) acres in size;
 - (2) R/A Districts--When an original parcel is divided into more than four (4) lots, parcels or sites of less than one (1) acre in size; and
 - (3) All other districts--When an original parcel is divided into more than four (4) lots, parcels or sites.
- (B) Exceptions to the foregoing provisions:
 - (1) An allocation of land in the settlement of an estate, a court decree or legal condemnation; and

- (2) The exchange of land that does not result in the change of present land usage and does not increase the number of lots.

10-9-7: REQUIREMENTS FOR SIGNS: The following provisions regulating signs shall be adhered to:

- (A) In the A District, all signs shall be limited to those pertaining to the identification, sale of available products or services or to the sale, lease or rental of the property on which the sign is located. No sign shall be located in the forty (40)-foot sight triangle of any street intersection and signs shall be non-flashing;
- (B) In all residential districts, signs shall be limited to one (1) name plate sign or one (1) home occupation sign per dwelling unit, and the sign shall not be more than four (4) square feet in area and shall be unlighted. Temporary signs advertising the sale of a tract of land or subdivision or lots in a subdivision are permitted, provided the sign shall not be illuminated and shall be set back thirty (30) feet from the roadway if larger than six (6) square feet;
- (C) In RO and CB Districts, non-flashing signs advertising the services performed within the building are permitted, provided that such signs are attached to and placed flat against the wall of the building and that no part of such sign extends more than two (2) feet from the building wall; and
- (D) In HC and M Districts, signs shall not be placed in a public right-of-way and shall not create a public nuisance or traffic hazard.