

ARTICLE VIII. Supplementary District Regulations

1. Visibility at Intersections

No substantial impediment to visibility between the heights of three (3) and eight (8) feet shall be created or maintained at street intersections within a triangular area described as follows: Beginning at the point of intersection of the edges of the driving surface, then to points twenty-five (25) feet along both intersecting edges, and then along a transverse line connecting these points.

2. Off Street Parking Requirements

Off - street parking space shall be provided for buildings and uses hereinafter specified:

2.1 Application to Existing Uses

The provision of parking space shall not be required for buildings or uses in existence prior to date of adoption of ordinance, but shall be required for any new buildings. Provisions of parking space shall further be required for any new commercial use or expansion of any building that is expected to increase the present level of parking by 50% or more.

2.2 Location

Parking area shall be provided upon the same lot containing the use for which it is required, or on separate lots within three hundred (300) feet of the lot containing the use for which such parking area is required. Such separate lots, and the lot containing the use for which the parking is required, shall be held under unified ownership or control, or the owner of the land involving the use for which the parking is required shall hold a legal agreement on any such separate lot for the required parking.

2.3 Standard Dimension

Individual parking spaces shall be at least eleven (11) feet wide by twenty (20) feet long.

2.4 Determination of Need

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The number of parking spaces required shall be based upon the anticipated parking demand of individual uses, and shall be designed for specific uses and situations as follows:

<u>Use</u>	<u>Parking Requirement</u>														
R-1 District	2 spaces or 440 sq. ft per unit														
R-C Commercial	<p><u>Parking spaces at the numbers set forth below with a dimension per parking space of 9ft. x 20 ft. If covered, the parking space(s) must have a clearance of at least 7 ft.</u> Additional parking space shall be required for any new commercial use or expansion of any building that is expected to increase the present level of parking by 50% or more. Amount of necessary additional parking will be determined by the Planning Commission along the following guidelines:</p> <table border="0" style="margin-left: 40px;"> <tr> <td>Retail Stores –</td> <td>1 space for every 300sq. ft. or less of G.L.A.</td> </tr> <tr> <td>Customer Service Establishments -</td> <td>1 space for every 300sq. ft. or less of G.L.A.</td> </tr> <tr> <td>Business and Professional Offices -</td> <td>1 space for every 300sq. ft. or less of G.L.A.</td> </tr> <tr> <td>Churches –</td> <td>1 space for every three seats</td> </tr> <tr> <td>Public Offices and Service Buildings -</td> <td>1 space per employee</td> </tr> <tr> <td>Hotels and Motels –</td> <td>1 space per room</td> </tr> <tr> <td>Restaurants –</td> <td>1 space per table</td> </tr> </table>	Retail Stores –	1 space for every 300sq. ft. or less of G.L.A.	Customer Service Establishments -	1 space for every 300sq. ft. or less of G.L.A.	Business and Professional Offices -	1 space for every 300sq. ft. or less of G.L.A.	Churches –	1 space for every three seats	Public Offices and Service Buildings -	1 space per employee	Hotels and Motels –	1 space per room	Restaurants –	1 space per table
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Hotels and Motels –	1 space per room														
Restaurants –	1 space per table														
R-2 District	2 spaces or 440 sq. ft per unit														
R-3 District	2 spaces or 440 sq. ft per unit														
MH District	2 spaces or 440 sq. ft per unit														

2.5 Uses Not Enumerated

ARTICLE VIII. SUPPLEMENTARY DISTRICT REGULATIONS

In any case where there is a question as to the parking requirement for a specific use, or where the requirements of this section are not specifically enumerated, the Planning Commission shall have the authority to determine the appropriate application of the parking requirement to the specific situation.

2.6 Parking Area Standards

- 2.6.1 All off-street parking areas shall be unobstructed and free of all other uses.
- 2.6.2 All off-street parking spaces shall have unobstructed access to and from a street.
- 2.6.3 Lighting from any parking area shall not be directed toward any adjacent residential area or public street, with a maximum of 10 ft. from existing grade.
- 2.6.4 Off-street parking areas may be located to jointly serve two or more buildings or uses, provided that the total number of spaces is not less than that required for the total combined number of buildings or uses.
- 2.6.5 In multiple-family areas, areas included in driveways or otherwise required to move cars in and out of parking spaces shall not be considered to meet off-street parking requirements.

3. Off - Street Loading Requirements

3.1 Space Required

In any commercial district, or any other zoning district in which commercial uses are permitted, off-street loading and unloading space shall be required for any new buildings, or any new commercial uses in buildings occurring in the R-C, PD, or MH Districts which are in excess of five thousand (5,000) square feet in area. The requirement is in addition to any off - street parking area required by Article VIII, Section 2.

3.2 Standard Dimension

An individual loading space shall be at least twelve (12) feet wide by thirty (30) feet long, and have a minimum height clearance of fourteen (14) feet.

4. Home Occupations

4.1 General Requirements

In any district where home occupations are permitted as an accessory use, the establishment and continuance of a home occupation shall be subject to the following general requirements:

- 4.1.1 Such use shall be conducted entirely within the boundaries of the property upon which the dwelling is located and carried on principally by the inhabitants thereof.
- 4.1.2 Such use shall be clearly incidental and secondary to the use of the dwelling or any secondary structures located on the property for residential purposes, and shall not change the residential character thereof.
- 4.1.3 The total area used for such purposes shall not exceed the equivalent of one half (1/2) the floor area in square feet of the first floor of the user's dwelling unit.
- 4.1.4 There shall be no advertising, display or other indications of the home occupation on the premises, except for a sign which shall not exceed the size of two (2) square feet, and which does nothing more than identify the home occupation on the premises, as provided for in Article XII, Section 3.1.
- 4.1.5 There shall not be conducted on the premises the business of selling goods, supplies or products, provided however that incidental retail sales may be made in connection with any permitted home occupation.
- 4.1.6 Any exterior storage of materials used in the home occupation shall not be visible to surrounding property, with the exception of playground equipment for child care facilities.
- 4.1.7 There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line as a result of any home occupation.

- 4.1.8 A Town of Empire business license shall be required for any permitted home occupation.
- 4.1.9 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, including advertising signs or displays, or advertising that solicits or directs persons to the address.
- 4.1.10 No traffic shall be generated by such home occupation in greater volumes than that generated by a single-family use in a residential neighborhood.
- 4.1.11 The Planning Commission has the authority to determine whether or not any other proposed home occupations which are not specifically excluded by this section would comply with the spirit and intent of this section. Any such decision shall be made after appropriate notice is given and public hearing held in accordance with the provisions of Article III, Section 7.

4.2 Excluded Uses

A home occupation shall not include the following:

- 4.2.1 Medical or dental clinics
- 4.2.2 Funeral homes
- 4.2.3 Restaurants
- 4.2.4 Antiques and collectible
- 4.2.5 Veterinary offices
- 4.2.6 Automobile/vehicle repair
- 4.2.7 Commercial woodcutting
- 4.2.8 The growing of marijuana for persons other than those in the immediate household.
- 4.2.9 The growing of marijuana, regardless of the amount, for monetary gain.
- 4.2.10 Any other use which would create offensive noise, vibration, smoke, dust, odors, heat or glare and which would tend to change the residential character of the neighborhood.

5. Renting of Rooms

- 5.1 The renting of rooms to persons, not members of the family residing in the same dwelling unit, may be permitted as an accessory use, provided that the following conditions are met:
 - 5.1.1 The total number of unrelated persons, including renters in any one dwelling unit must not exceed three.
 - 5.1.2 The dwelling unit must have only one electric meter.
 - 5.1.3 Where the renting of rooms is to two renters, at least one off-street parking space must be provided, in addition to the number of such spaces required by this ordinance.
 - 5.1.4 All renters shall use the main kitchen facilities of the dwelling unit. No separate kitchen facilities are allowed.
 - 5.1.5 Renting of rooms shall be allowed as an accessory use in the principal building on a lot only, with no renting of rooms allowed in accessory buildings.

6. Sites For and Screening of Dumpsters

- 6.1 Every development that is required to provide one or more dumpsters for solid waste collection shall provide sites for such dumpsters that are:
 - 6.1.1 Located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way, and
 - 6.1.2 Constructed to allow for collection without damage to the development site or the collection vehicle.
- 6.2 All dumpsters shall be screened to prevent them from being visible from Highway 40.