

PROPOSED AMENDMENTS TO THE  
ZONING ORDINANCE  
TOWN OF MARATHON  
CORTLAND COUNTY  
NEW YORK

and

RULES AND REGULATIONS  
FOR THE SUBDIVISION OF LAND  
TOWN OF MARATHON  
CORTLAND COUNTY  
NEW YORK

*Adopted by the Marathon  
Town Board on 2/11/92.*

*Boris Adams  
Marathon Town Clerk*

*Arthur C. Parker  
Supervisor, Marathon, N.Y.*

Adopted Zoning  
September 17, 1970

Adopted Rules  
April 2, 1970

Proposed Amendments  
February 4, 1992

PROPOSED AMENDMENTS TO THE ZONING ORDINANCE

Residential: Article V. Section B. 1:

"all structures and uses permitted in Agricultural Districts, except that mobile homes with either a width or a length less than twenty-four (24) feet will not be permitted.

Residential: Article V. Section C. 1:

"Minimum Lot Size - The minimum lot area shall be thirty thousand (30,000) square feet and the minimum lot width shall be one hundred fifty (150) feet." Remainder as is.

Business: Article VI. Section B. 6:

Change "Trailers" to "Mobile homes".

Site Review: Article X. Section A. 2. a:

"Mobile homes in accordance with the Town of Marathon Mobile Home Ordinance."

Special Permits: Article XI. Section A. 1. h:

"Mobile home park, in accordance with the Town of Marathon Mobile Home Ordinance (except in Residential Districts)."

Parking, Signs, ect: Article XII. Section A:

Change number of parking spaces for first two categories to "two (2) for each dwelling unit."

Parking, Signs, ect: Article XII. Section I. 2:

"That no dwelling unit shall have less than seven hundred twenty (720) square feet total floor area used for living purposes."

General: Article XV. Section A:

Change fifty dollar fine to "one hundred (100) dollars."

Definitions: Article XVI.

Delete "Trailers - the following definitions will apply:"  
Alphabetize "Mobile Home" and delete the words: "and which is intended to be occupied as permanent living quarters".  
Add at the end of the definition: "(See also the Town of Marathon Mobile Home Ordinance.)"

PROPOSED CHANGES IN THE ZONING MAP

Change to Residential: Along Highland Road west to Lapeer town line.

Change to Agricultural: Along McGraw-Marathon Road from Albro Road north to Freetown town line.

Also: Piety Ridge Road east of Salt Road; at the end of McMahon Road north to Irish Hill Road and south to Piety Ridge; 221 north to Piety Ridge and east of Salt and Jennings Roads.

PROPOSED AMENDMENTS TO THE RULES  
AND REGULATIONS FOR SUBDIVISIONS

Definition: Section IV. B.

Street: change "twenty thousand square (20,000)" to "thirty thousand square (30,000)" and "one hundred(100)" to "one hundred fifty (150)".

Subdivision: A division of any part, parcel or area of land by the owner or agent either by lots or by metes and bounds into lots or parcels two or more in number for the purpose of conveyance, transfer, improvement, or sale. A subdivision shall not include, however, the division of a lot into parcels of not less than or equal to five acres each, each fronting on an existing public street, not involving a new street or an extension of municipal facilities, not adversely affecting the development of the remainder of the parcel or adjoining properties, and not in conflict with any portion of the Master Plan.

Minor Subdivision: Any Subdivision containing not more than four lots, each of which is at least the minimum size permitted by the Zoning Ordinance, each fronting on an existing public street, not involving a new street or an extension of municipal facilities, not adversely affecting the development of the parcel or adjoining properties, and not in conflict with any portion of the Master Plan.

Major Subdivision: Any Subdivision not classified as a minor subdivision.

Procedures: Section V. A.:

The Board must hold a public hearing in the case of a major subdivision. The remainder of paragraph as is.

Procedures: Section V. B.:

Add a step 4, "Submit Environmental Impact Form from the County of Cortland Health Department."

Development Design Standards: Section VI. D. 2. a:

Change "twenty thousand (20,000) to "thirty thousand (30,000)" and "one hundred (100)" to "one hundred fifty (150)".

Preliminary Plan: Section VIII:

Change "white cloth" to "mylar".

Final Subdivision Plat: Section IX.

Change references of "tracing cloth" or "cloth" to "mylar".

Fees: Section XIV.

Increase as follows:

- |   |       |
|---|-------|
| 1. Preliminary filing and publiccation notice | 10.00 |
| 2. Inspection first ten lots                  | 50.00 |
| 3. For each lot thereafter                    | 5.00  |
| 4. Final approval                             | 50.00 |

ADD NEW SECTION TO SUBDIVISION

Environmental Law: Section XV.:

A state review procedure was established under the State Environmental Quality Review Act (SEQR) to help agencies, project sponsors, and the public protect the environment, may be used at the beginning of a subdivision to clarify the impact on the land and environment.

ZONING ORDINANCE  
TOWN OF MARATHON  
CORTLAND COUNTY, NEW YORK

APPROVED  
SEPTEMBER 17, 1970

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ZONING ORDINANCE  
TOWN OF MARATHON  
CORTLAND COUNTY, NEW YORK

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AN ORDINANCE

To divide the Town of Marathon, Cortland County, New York, into districts or zones and within them, to regulate and restrict the location, erection, construction, reconstruction, alteration, repair, or use of buildings and other structures and the use of land.

The Town Board of the Town of Marathon in the County of Cortland under the authority of the Town Law of the State of New York, hereby ordains, enacts and publishes as follows:

ARTICLE I        SHORT TITLE

Section A: Short Title

This ordinance shall be known as "The 1970 Zoning Ordinance of the Town of Marathon, New York"

ARTICLE II        ZONING DISTRICTS

Section A: Establishment of Districts

For the purpose of promoting the health, safety, morals and the general welfare of the community, the Town of Marathon is hereby divided into the following six classes of districts:

Agricultural District  
Residential "R-1" District  
Business District  
Industrial District  
Flood Plain District

including, with the above a Planned Development District which is established for such land as may be placed in it from time to time by action of the Town Board.

Section B: Zoning Map

The boundaries of the districts are established as shown on the map entitled, "The Zoning Map of the Town of Marathon" and called the "Zoning Map" in this ordinance. The Zoning Map, including all the explanatory material on it, is made a part of this ordinance.

The Town Clerk shall certify the Zoning Map as part of this ordinance and keep it on file in his office.

Any changes in district boundaries or other matter shown on the Zoning Map shall be promptly made on the map, with a signed statement substantially as follows:

"On \_\_\_(date)\_\_\_, by action of the Town Board of Marathon, the following change was made in this map:"

(Brief description of the change)

---

Supervisor

Attest:

---

Town Clerk

The ordinance making the change shall provide for its immediate entry upon the Zoning Map.

Section C: Interpretation of District Boundaries

If there is uncertainty of the exact boundaries of districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries shown as approximately following the center line of streets or highways shall be construed to follow such center lines
2. Boundaries shown as approximately following platted lot line shall be construed to follow such lot lines;
3. Boundaries shown as following shore lines of streams, lakes, and reservoirs shall be construed to follow such shore lines, and to move with changes in the actual shore lines;
4. Boundaries indicated as parallel to, or extensions of, features indicated in subsections 1 through 3 shall be construed to be parallel to, or extensions of, such features; and
5. Distances not specifically set forth on the Zoning Map shall be determined by the scale of the map.

Section D: Lots in Two Districts

Where a district boundary line divides a lot in a single or joint ownership, existing at the time of enactment of this ordinance, the use authorized on, and the district requirements of, the least restricted portion of such lot shall be construed as extending to the entire lot, provided that such extension shall not include any part of the lot which is more than twenty feet from the district boundary line. The uses and the regulations of the less restricted district may be extended farther into the more restricted district upon approval of the Board of Appeals granted in accordance with Article XI, Section C.

ARTICLE III APPLICATION OF DISTRICT REGULATIONS

Section A: District Regulations

1. Except for nonconforming uses as provided in Article XII, Section D, no building, structure, or land shall hereafter be used or occupied, and no building or

structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

2. No building or other structure shall hereafter be erected or altered:

- a. To exceed the height;
- b. To accommodate or house a greater number of families;
- c. To occupy a greater percentage of lot area;
- d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces;

than is herein specified for the district in which such building or other structure is located.

3. No part of a yard, or other open space, or off-street parking or loading space required or in connection with any building or structure for the purpose of complying with this ordinance shall be included as part of a yard, open space, or off street parking or loading space similarly required for another building or structure.

4. No yard or lot or provision for off street parking space existing at the time of enactment of this ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

**Section B: Uniformity**

Within each district, the regulations established by this ordinance shall be minimum regulations and shall be applied uniformly to each class or kind of structure or land.

**Section C: Limited Exemption for Filed Subdivisions**

1. If the plat of a residential subdivision containing one or more new streets has been duly filed in the Cortland County Clerk's office prior to the adoption of this

ordinance, the lots of the subdivision may be developed with the lots and yards delineated on the plat, and any provision of this ordinance requiring larger lots or yards shall not apply to the subdivision, for a period of three years from the date of such filing. If the plat is being filed in sections, the three years shall be computed from the last date of the filing of a section prior to such adoption, but within the three year period, and less than one year of the period remaining, the three year period shall be extended, as to such section only, for one year from the date of its filing.

2. The provisions of Paragraph 1 shall also apply relative to any amendment of this ordinance.

#### ARTICLE IV      AGRICULTURAL DISTRICTS

##### Section A:      Statement of Intent

These districts comprise the major areas of the town presently in use or to be used for agriculture, forestry, and similar activities. Certain residential uses are also permitted within this category.

##### Section B:      Permitted Structures and Uses

In Agricultural Districts, only the following structures and uses shall be permitted:

1. Single or two family dwelling and their accessory uses and structures
2. Farm, with the following limitations:
  - a. No retail or commercial activity shall take place other than the storage, processing, and sale of farm products. Permanent roadside stands for this purpose must be operated by a resident of the town, and must have a minimum setback of twenty-five feet from the highway line.
  - b. No odor or dust producing use, including the storage of manure, shall take place within one hundred fifty feet of the nearest adjoining dwelling.
  - c. No farm stock shall be kept in a building any part which is closer to the nearest side or rear lot

line than one hundred fifty feet. It shall be prohibited to keep more than ten hogs except as part of a general farm operation. No garbage or refuse other than produced on the premises shall be used for feed.

Structures housing in excess of two hundred and fifty fowl of all kinds shall have a minimum setback from the front property line of one thousand feet and shall be located a minimum distance of five hundred feet from all other property lines.

Riding academies and boarding stables will be permitted provided the stables incidental thereto have a minimum setback from the front property line of one hundred fifty feet and are located at least three hundred feet from all other property lines.

3. The site review uses as provided in Article X upon the issuance of a permit as there provided.
4. Special structures and uses as provided in Article XI of this ordinance.

#### Section C: District Regulations

In Agricultural Districts all structures and uses shall be subject to the following regulations:

1. Minimum Lot Size - Lots shall not be less than 30,000 square feet in area, and the minimum lot width shall be one hundred fifty feet. The required lot area for two family dwellings shall be 50,000 square feet and the minimum lot width shall be two hundred feet.
2. Percentage of Lot Coverage - All structures, including accessory structures, shall not cover more than twenty percent of the area of the lot.
3. Front Yards - Each lot shall have a front yard with a minimum depth of fifty feet. In the case of lots located on a road designated as a major arterial in the General Town Plan, the depth of the front yard shall be seventy-five feet. In the case of a corner lot, there shall be provided on each street a yard equal in depth to the required front yard depth on such street.

4. Side Yards - Each lot shall have two side yards with a total width of not less than thirty-two feet, neither one of which may be less than twelve feet in width at the front and rear building line.
5. Rear Yards - Each lot shall have a rear yard not less than forty feet in depth.
6. Height - There shall be no limit on the height of structures except that for each foot the height of such a structure exceeds thirty feet, the total width of the two side yards shall be increased by five feet, and the depth of the front yard by two feet.

ARTICLE V RESIDENTIAL DISTRICTS

Section A: Statement of Intent

These districts are primarily intended for residential use at a low density with or without utilities.

Section B: Permitted Structures and Uses

In Residential Districts only the following structures and uses shall be permitted:

1. All structures and uses permitted in Agricultural Districts, *except that mobile homes with either a width or length less than 24 feet will not be permitted.*
2. Multiple family dwellings as provided in Article XI of this ordinance.

Section C: District Regulations

In Residential Districts all structures and uses shall be subject to the following regulations:

1. *2-11-92* Minimum Lot Size - The minimum lot area shall be ~~twenty~~ <sup>thirty</sup> thousand square feet and the minimum lot width shall be one hundred ~~feet~~ <sup>feet (15%)</sup>. The required lot area for two or multiple family dwellings shall be not less than eighteen thousand square feet for each dwelling unit in excess of one; and the minimum lot width shall be one hundred fifty feet.
2. Percentage of Lot Coverage - All structures, including accessory structures, shall cover not more than twenty-five percent of the lot.

3. Front Yards - Each lot shall have a front yard with a minimum depth of fifty feet. In the case of lots located on a road designated as a major arterial in the General Town Plan, the depth of the front yard shall be seventy five feet. Exceptions to the above shall be that if there are principal structures fronting on the same street within three hundred feet of either or both of the side lines of the lot, the minimum front yard depth shall be equal to the average of the setbacks of the nearest of such structures on each side, or to the average of such setback and the minimum setback requirement if there is such a structure only on one side, but not less than twenty feet in any case. In the case of a corner lot, there shall be provided on each street a yard equal in depth to the required front yard depth on such street.
4. Side Yards - Each lot shall have two side yards with a total width of no less than twenty percent of the lot width at the front building line, neither one of which may be less than thirty percent of the resulting total side yard width. When a lot less than eighty feet in width exists in separate ownership on the effective date of this ordinance, the total width of the two side yards may be reduced by one foot for each foot of lot width less than eighty feet, but not less than twenty feet. When the total side yard width becomes less than twenty four feet, the two side yards shall be of equal width. For two family dwellings, the total width of the two side yards shall be increased by ten feet, neither one of which may then be less than ten feet in width at the front and rear building lines. In the case of multiple family dwellings, there shall be provided two side yards each one of which shall not be less than two feet in depth for each foot in height of the structure, notwithstanding the yard provisions in Number 6, "Height", following.
5. Rear Yard - Each lot shall have a rear yard not less than forty feet in depth.
6. Height - Dwellings shall not exceed thirty feet in height. There shall be no limit to the height of nonresidential structures except that, for each foot the height of such structures exceeds thirty feet, the total width of the two side yards shall be increased by three feet and the depth of the front yard by one foot.

7. Distance Between Structures - In the case of two or more structures containing multiple family dwellings units on the same lot, there shall be provided a distance between structures which shall not be less than one and one-half times the average height of the adjoining structures.

ARTICLE VI BUSINESS DISTRICTS

Section A: Statement of Intent

These districts are for the centrally located retail and business areas.

Section B: Permitted Structures and Uses

In Business Districts, only the following structures and uses shall be permitted:

1. The structures and uses permitted in Residential Districts.
2. Retail stores, banks, business offices, personal service establishments, hotels, motels, recreation establishments, and restaurants serving patrons within doors, but not including establishments serving their customers with food or drink outside the establishment in the open air or in parked cars.
3. Plumbing, heating or electrical shops.
4. Kennels, pet shops and veterinary establishments.
5. Automobile sales establishments, including the sale of used cars only if on the same lot and accessory to the sale of new automobiles as the principal and regular business.
6. <sup>2-11-92</sup> ~~Trailers~~ <sup>MOBILE HOMES</sup>, subject to the regulations of Residential Districts with regard to lot size, yards and coverage.
7. The site review uses specified in Article X upon the issuance of a permit as there provided.
8. Special structures and uses as provided in Article XI of this ordinance.

Section C: District Regulations

In Business Districts, all structures and uses shall be subject to the following regulations:

1. Minimum Lot Size - There shall be no minimum lot area or width except that if any structure is used wholly or partly for dwelling purposes, other than by one person acting as a janitor or caretaker, the lot shall have the area and width required in Residential Districts.
2. Percentage of Lot Coverage - All structures, including accessory structures, shall not cover more than seventy-five percent of the area of the lot, except that all such structures shall not cover more than twenty-five percent of the lot if any of them is used wholly or partly for dwelling purposes, other than by one person acting as a janitor or caretaker.
3. Front Yards - Each lot shall have a front yard of the minimum depth required in Residential Districts; if the lots has a structure wholly or partially used for dwelling purposes, other than by one person acting as a janitor or caretaker, otherwise no front yard shall be required.
4. Rear Yards - Each lot shall have a rear yard not less than twenty feet in depth except that if the lot abuts a residential district, or is occupied by a structure used wholly or partly for dwelling purposes, other than by one person acting as a janitor or caretaker, it shall have a rear yard not less than thirty feet in depth.
5. Side Yards - Each lot shall have the side yards required in Residential Districts except that no side yards shall be required if the structure in not used for any dwelling purposes other than by one person acting as a janitor or caretaker, have a minimum of a Type 2-2a rating set in Table C202-2, "Minimum Fire Resistance Requirements of Structural Elements" of the New York State Building Construction Code, and is less than fifty feet in height. In any case, if the lot has a side yard adjoining a residential district, such side yard shall have a width not less than the minimum side yard width required in the residential district.

6. Height - There shall be no limit on building height, except that for each foot the height of a building or structure exceeds fifty-five feet, the total width of the two side yards shall be increased by two feet.

## ARTICLE VII INDUSTRIAL DISTRICTS

### Section A: Statement of Intent

These districts are for light and heavy industrial uses.

### Section B: Permitted Structures and Uses

In Industrial Districts, only the following structures and uses shall be permitted:

1. The structures and uses permitted in Business Districts.
2. All other structures and uses except the following which are specifically prohibited:
  - a. The production from raw materials of chemicals, cement, explosives, fertilizer, paint products, rubber, soaps, starch and the by-products of coal, coke, petroleum, and natural gas.
  - b. The operation of tanneries, stock yards, slaughter houses, and rendering plants and distillation of bones.
  - c. Junk yards and automobile graveyards.

### Section C: District Regulations

In Industrial Districts, all structures and uses shall be subject to the following regulations:

1. Minimum Lot Size - There shall be no minimum lot area or width except that if any structure is used wholly or partly for dwelling purposes, other than by one person acting as a janitor or caretaker, the lot shall have the area and width required in Residential Districts.
2. Percentage of Lot Coverage - All structures, including accessory structures, shall not cover more than seventy-five percent of the area of the lot, except that all such structures shall not cover more than twenty-five percent of the lot if any one of them is

used wholly or partly for dwelling purposes, other than by one person acting as a janitor or caretaker.

3. Yards - Each lot shall have the front, side and rear yards required in Residential Districts.
4. Height - No structure shall be higher than any plane inclining upward from the lot lines at a slope of one foot vertically for each foot horizontally.
5. Fire and Explosion Hazards - There shall be no activities or storage involving inflammable and explosive materials without adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices. There shall be no continuous burning of waste materials.

There shall be no storage of crude oil or any of its volatile products or other highly inflammable liquids in aboveground tanks except in accordance with state regulations, and all such tanks having capacity of ten thousand gallons or more shall be properly diked with dikes having a capacity equal to one and one half times the capacity of the tank or tanks surrounded.

6. Radioactivity - There shall be no activities which emit radioactivity dangerous to health or adversely affecting the operation of any equipment.
7. Smoke - There shall be no emission at any point, from a chimney or otherwise, of visible grey smoke of a shade darker than No. 1 on the Power's Micro-Ringelmann Chart, McGraw Hill Publishing Company, 1954, except that visible grey smoke of a shade not darker No. 2 on the chart may be emitted for not more than four minutes in any thirty minutes. These provisions applicable to visible smoke of a different color but with an equivalent apparent density.
8. Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution - There shall be no emission from any chimney or otherwise which can cause any damage to health, to animals, or vegetation, or other forms of property, or which can cause any excessive soiling at any point, and in no event any emission from any chimney or otherwise, of any solid or liquid particles in concentrations exceeding 0.3 grain per cubic foot of the conveying gas or air at any point. For measurement

of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of five hundred degrees fahrenheit and fifty percent excess air.

9. Liquid or Solid Wastes - There shall be no discharge into any private sewage-disposal system, or stream, or into the ground, of any materials of such a nature or temperture as can contaminate any watercourse of supply, or can cause any dangerous or unhealthy condition, except:
  - a. Upon approval of the State Department of Health, or Water Pollution Control Board, or
  - b. In the event approval is not required form such department upon conformity to standards equivalent to those approved by such department or board for similar situations.
10. Heat, Cold, Movement of Air, or Dampness - There shall be no activities which produce any material effect on the temperature, motion, or humidity of the atmosphere at the lot line or beyond.
11. Each Structure shall have a minimum of a Type 2-2a rating set forth in Table c202-2, "Minimum Fire Resistant Requirements of Structural Elements" of the New York State Building Construction Code.

#### ARTICLE VIII

#### FLOOD PLAIN DISTRICTS

Flood Plain Districts are indicated on the zoning map as an additional controlling district above that of the basic zoning district and located, for the most part, in those areas of the town on either side of the Tioughnioga River which appear to be subject to poor drainage and flooding if the level of the river rises above normal maximums and flood conditions occur. Within such hazardous areas further developments of a permanent nature are prohibited unless improved in such a way as to protect them from encroachment of flood waters.

1. Within Flood Plain Districts, no permanent structures are permitted and no use of land other than permitted in the basic zoning district upon which the flood plain regulations are superimposed.
2. Special permits for the construction of structures permitted under the basic zoning district upon which the Flood Plain District is superimposed within a Flood

Plain District may be granted by the Board of Zoning Appeals upon findings that:

- a. No basements or underground storage of any kind is constructed;
- b. The level of the first floor is two feet above the highest elevation of land within the district;
- c. The "fill" so placed to support the structure shall be highly compacted and adequately protected by rip-rap or other suitable means to protect the embankment against flooding.

ARTICLE IX PLANNED DEVELOPMENT DISTRICTS

Section A: Statement of Intent

These districts are to enable the unified development of a substantial land area, suggested to be of at least twenty-five acres, with such combination of structures and uses as shall be appropriate to an integrated plan for the area.

Section B: Permitted Structures and Uses

In Planned Development Districts there may be permitted any structure or use not specifically prohibited in Article VII, Section B of this ordinance, which are designated upon the development plan as it is accepted and modified by the Town Board when the area is transferred to the district.

Section C: District Regulations

In Planned Development Districts, the lots and structures shall strictly conform to all the dimensions, locations and regulations designated upon the development plan as accepted or modified by the Town Board in transferring an area to the district.

In approving a detailed development plan, the Planning Board may impose such regulations of yards, open spaces, lot coverage, density and height as are reasonably required to permit the findings specified in Section D of this Article IX, but in the following particulars, the minimum regulations shall be:

1. Maximum Residential Density - For residential uses, the maximum density shall not be greater than that permitted in Residential District into which the

Planning Board determines the particular use would fall according to its character extent and location.

2. Floor Area Ratio - The following uses shall have the minimum floor area ratios specified:

Multiple Family Residential	0.4
Uses Permitted in Business Districts	0.5
Uses Permitted in Industrial Districts	0.6

Section D: Procedures

The Town Board shall consider an area for transfer to a Planned Development District upon the presentation of a petition and a detailed development plan for the area which has been approved by the Planning Board in accordance with the following:

The Planning Board may approve the detailed plan for an area proposed to be transferred to a Planned Development District upon findings that the plan, considering the structures, uses, regulations, and layout fixed in it, comprises:

1. An area of at least twenty-five acres; or, if smaller than the suggested area, of sufficient acreage to constitute a large planning unit having special attributes for integrated development;
2. An appropriate development of the area from the viewpoints of its natural features, location, and suitability for particular uses;
3. A combination of structures and uses which are in reasonable association and proportion to make a harmonious unit and likely to continue to be compatible with one another;
4. A project adequately serviced by the required public services, existing or proposed;
5. A project consistent with an appropriate development of adjacent areas and not unreasonably detrimental to the existing structures and uses in such areas; and
6. An appropriate evolution of the comprehensive plan for the Town of Marathon.

The Planning Board shall determine its procedure for the processing and approval of a detailed development plan under this Article IX and may provide the consideration along with

the processing and approval of the subdivision plat of the area covered by the plan.

ARTICLE X SITE REVIEW USES

Section A: Permitted Structures and Uses

The following structures and uses shall be authorized in the districts indicated upon the issuance of a permit as herein provided.

1. In Any District:

- a. Public and parochial schools and private schools having an academic curriculum for primary, secondary, or college students.
- b. Churches and their related uses.
- c. Libraries, fire stations, municipal buildings, and public parks or playgrounds.
- d. Utility substations.

2. In Agricultural Districts:

- 2/11/92
- a. ~~Trailers.~~ *Mobile Homes in accordance with the Town of Marathon Mobile home ordinance*

3. In Business Districts:

- a. Automobile service stations and garages.
- b. Outdoor theatres, drive-in restaurants, outdoor commercial amusements, and outdoor facilities for the sale of boats, trailers, furniture, and other consumer products at retail.
- c. Public Utility and municipal storage yards and repair shops.

Section B: Procedure

The following procedure shall govern the issuance of a permit for the structures and uses authorized in Section A of this Article X.

1. An application for the permit, which shall include detailed area, plot, and landscaping plans, shall be made to the Building Inspector who shall immediately

refer it to the Planning Board.

2. The Planning Board shall review the application to determine the compliance of the plans with the requirements set forth in Section C of this Article X. Within forty-five days after the date when the application was made, the Board shall deliver a written report to the Building Inspector either certifying that the plans comply with such requirements or specifying the changes which will result in compliance. During its review, the Planning Board may have informal conferences with the applicant and accept amended plans in substitution for those originally filed.
3. If the Planning Board shall fail to deliver its report to the Building Inspector within the forty-five day period, or if the report certifies compliance of the plans, or if the applicant submits amended plans making the specified changes, the Building Inspector shall issue a permit for the proposed structure and/or use. Otherwise, the application shall be denied.
4. If the application is denied, the applicant may appeal to the Zoning Board of Appeals which shall determine the issues as to compliance with the requirements of Section C. The appeal shall be taken and determined under the provisions of Article XIV.

Section C: Requirements and Regulations

The structures and uses authorized in Section A of this Article X shall conform to all the regulations of the district in which they are located and to any particular regulations which apply to them under other provisions of this ordinance. In addition, they shall be oriented in the location and upon the site as to layout, screening, signs, means of access, landscaping, and architecture so that:

1. The flow, control and safety of traffic shall not adversely be affected to an unreasonable degree;
2. There shall be reasonable compatibility in all respects with any structure or use in the neighborhood, which may be directly and substantially affected;
3. There shall not be any unreasonable detriment to any structure or use in the neighborhood; and

4. There shall be reasonable provision, appropriate to the structure and use, to insure health and safety from the viewpoints of density, open spaces, and yards.

ARTICLE XI SPECIAL PERMIT USES

Section A: Permitted Structures and Uses

The following structures and uses shall be permitted in the districts indicated upon the approval of the Zoning Board of Appeals as provided in Section C of this Article XI:

1. In Any District:
  - a. Private clubs, golf courses, and parks, playgrounds, and other recreational facilities which are privately operated but not for profit.
  - b. Hospitals and nursing homes.
  - c. Cemeteries
  - d. Charitable, educational, and governmental services.
  - e. Tourist home, boarding, and/or rooming house.
  - f. An air landing field and its necessary appurtenances.
  - g. Excavation and topsoil removal on a temporary basis and subordinate to the development of a site for uses permitted in the district.
  - h. *2/11/92 Mobile Homes park in accordance with the Town of Marston M.H.O.*  
Trailer park (except in Residential Districts).
2. In Agricultural District
  - a. Agricultural implement sales and service.
  - b. Wholesale dairy product processing and manufacturing.
  - c. Feed storage and distribution
  - d. Sanitary land fill operations
  - e. camping grounds.

3. In Residential Districts:
  - a. Multiple family dwelling of more than two dwelling units.
4. In Industrial Districts:
  - a. Disassembly plants
  - b. The reduction, refining, smelting and alloying of metal or metal ores.

Section B: Regulations

The structures and uses authorized in Section A of this Article XI shall conform to all of the regulations of the district in which they are located and to any particular regulations which apply to them under other provisions of this ordinance. If any additional regulations and safeguards will permit the findings set forth in Section C of this Article XI, the Zoning Board of Appeals shall require them as a condition of approval.

Section C: Findings

The Zoning Board of Appeals may approve a structure or use under this Article XI, or under any other provision of this ordinance, only upon findings that the proposed structure or use, together with such regulations and safeguards as the Board shall fix, is:

1. Appropriate for the particular lot and location;
2. Not unreasonably detrimental to neighboring properties, areas, and districts;
3. Consistent with an orderly and appropriate development of neighboring properties, areas, and districts.
4. Where between existing or permitted uses, a suitable transition between neighboring uses and districts;
5. Oriented in the location and upon the site as required in Section C of Article X, and
6. An appropriate evolution of the comprehensive plan for the Town of Marathon.

An application for the Zoning Board of appeals' approval under this Article XI shall be immediately referred to the Planning Board which may submit such report and recommendations as it deems proper for the consideration of the Board of Appeals in its determination of the above findings. The Zoning Board of Appeals shall not take final action upon the application until receiving such report and recommendation or thirty days have passed since such reference.

ARTICLE XII PARKING, SIGNS, AND SUPPLEMENTAL REGULATIONS

Section A: Parking

Off-street Parking Requirements - for each structure hereafter constructed, reconstructs, or altered, the following parking spaces shall be provided and maintained on the same lot with the structure:

<u>STRUCTURE</u>	<u>NUMBER OF PARKING SPACES</u>
Single and Two-family dwelling	<sup>Two</sup> One for each dwelling unit
Multiple family dwelling	<sup>Two</sup> One and one-half for each dwelling unit
Motels and hotels	One for each guest bedroom
Churches, auditoriums, theatres, funeral homes, and other places of public assembly	One for each four seats at maximum capacity
Offices and banks	One for each two hundred and fifty square feet of gross floor area used for office purposes
Stores and personal service establishments	One for each one hundred square feet of gross floor area
Drive-in restaurants, dairy stores, and similar uses	Minimum of twenty

} 2/11/92

Industrial or manufacturing	One for each five hundred square feet of gross floor area.
Warehousing	Two for each employee
Restaurants	One for each sixty square feet of gross floor area used for preparation and service of food or drink
Bowling alleys	Ten for each alley
Other commercial enterprises	One for each three hundred square feet of gross floor area.
Institutions, hospitals and nursing homes	One for each two patients or residents

On site requirements may be waived by permission of the Board of Appeals up to one hundred percent of the spaces required, provided that identical space is provided in a permanent and accessible manner by the applicant within five hundred feet of the property upon which the building or structure is located.

Business Vehicles, Boats, and Trailers in Residential Districts - No machinery, equipment, or motor vehicle commonly used in a business, except for passenger vehicles, shall be parked or stored in the front yard in a Residential District. No boat, trailer, or other recreational equipment shall be parked or stored out of doors in Residential Districts except in the side or rear yard.

Storage of Uninspected Vehicles - Other than in a junkyard or automobile graveyard, no more than one vehicle per family other than agricultural equipment shall be permitted on a single property without the current state inspection tag.

Section B: Signs

In Agricultural and Residential Districts, no sign shall be erected or used except:

1. A professional or announcement sign which maybe illuminated on one or two faces, but shall not be flashing, revolving, animated, or otherwise in motion,

nor more than two square feet in area on each face;

2. A non illuminated advertising sign, not more than three square feet in area, for the sale or rental of the property upon which it is located; and on a corner lot, two such signs, one facing each street;
3. An advertising sign which may be illuminated on one or two faces but shall not be flashing, revolving, animated, or otherwise in motion, nor more than six square feet in area, for the sale of products grown or produced on the premises; and on a corner lot, two such signs, one facing each street;
4. Signs appropriate to a public or quasi-public building or necessary to legal process.

In Business Districts, no sign shall be erected or used except:

1. Those permitted in Residential Districts; and
2. Not more than three signs which may be illuminated on one or two faces, but shall not be flashing, revolving, animated, or otherwise in motion, having a total area not greater than twelve percent of the area of the building facade facing the street, and in no instance greater than seventy-five square feet. These signs shall be limited to advertising a business conducted on the premises.

In Industrial Districts, no sign shall be erected or used except:

1. Those permitted in Business Districts; and
2. Signs without limitation as to size and type except that no free standing sign shall have less than three feet of bottom open space along its entire length.

General Regulations - The following regulations shall apply to all signs:

1. No sign in any district shall be located nearer to a street line than twenty-five feet.
2. No sign in any district may extend over a side walk or other public way.

3. Building permits shall be required for all signs ten square feet in area or larger, which shall be regarded as structures within the meaning of this ordinance.
4. Advertising display upon any structure shall be regarded as a sign subject to this ordinance.
5. No sign attached to a building in any district other than an Industrial District shall project above the height of the wall upon which it is attached. No free standing sign shall be higher than twenty-five feet above grade; and
6. No illumining sign or outdoor illumination shall be erected or used so that light will directly reflect toward residences on adjoining lots, toward residential districts within on thousand feet, or toward a highway so as to create a traffic hazard.

Section C: Height Exceptions

Nothing contained in this ordinance shall limit or restrict the height of a church spire, belfry, clock tower, chimney flue, water tower, elevator bulkhead, television antenna, or similar structures.

Section D: Nonconforming Uses

1. All structures and uses, not conforming to the regulations of the district in which they are located at the time of adoption of this ordinance, shall be known and regarded as "nonconforming." Excepted from this category are those uses which do not comply with the yard regulations of the district in which they are located.
2. A nonconforming structure or use may be continued subsequent to adoption of this ordinance provided that no such structure may be enlarged or altered in a way which increases its nonconformity, and no such use shall be enlarged or increased to occupy a greater area of land than was occupied at the effective date of adoption of this ordinance.
3. Any nonconforming use may be extended throughout any parts of a structure which were manifestly arranged or designed for such use at the time of adoption of this ordinance. A nonconforming use may not be changed to another nonconforming use disallowed by this ordinance.

4. To avoid undue hardship, nothing contained shall require any change of plans, construction, or designated use of a structure for which a building permit was issued more than thirty days prior to the enactment of this ordinance and a construction of which is begun and diligently prosecuted within three months after the enactment hereof.
5. On any structure devoted in whole or in part to any nonconforming use, work may be done in any period of twelve consecutive months on ordinary repairs, or on repair or replacement of nonbearing wall, fixtures, wiring or plumbing to an extent not exceeding twenty percent of the current replacement value of the structure, provided that the cubical content of the structure as it existed at the time of passage of this ordinance shall not be increased.
6. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any town official charged with protecting the public safety, upon order of such official.
7. Reversion of Nonconforming Structures and Uses - A nonconforming structure or use may not be altered, rebuild, or resumed except in conformity with the regulations for the district in which it is located if:
  - a. Either a nonconforming structure or use has once been changed to a conforming use;
  - b. A nonconforming use of land has ceased for any reason for a period of more than sixty days;
  - c. A nonconforming use of a structure has ceased for a consecutive period of six months or for eighteen months during any three year period;
  - d. A nonconforming structure is destroyed by any means, to the extent of seventy-five percent or more either its value or its bulk.
8. District Changes - Whenever the boundaries of a district shall be changed so as to transfer an area from a district of one classification to a district of a different classification, the foregoing provisions shall apply to nonconforming uses created by such transfer.

Section E: Fire Escapes

Nothing contained in this ordinance shall prevent the projection of an open fireproof escape or stairway into a rear yard or side yard for a distance not to exceed eight feet.

Section F: Minimum Building Areas

Every building used or designed to be used for residence purposes shall be built upon permanent foundation walls and for all single family dwellings the minimum first floor area used for living purposes shall be seven hundred twenty square feet. Two-family dwellings shall be twice the minimum requirements for single family dwellings.

Section G: Private Garages and Accessory Buildings

In any district, no garage or accessory building shall be placed nearer to a side or rear property line than five feet, and for each foot the height of such building exceeds fifteen feet, the distance shall be increased by one foot. No detached garage or other accessory building shall be constructed nearer the front property line than the front of the main building or, in the case of corner lot, nearer to the side street line than a distance equal to half the width of the lot. If a garage is constructed as a structural part of a dwelling, it may extend into an interior side yard required under this ordinance not more than three feet.

Section H.: Area and Width Exceptions

Any parcel of land with an area or width less than prescribed for a lot in the district in which such lot is situated, if any such parcel was under one owner thereof owned no adjoining land, may be used as a lot for any purpose permitted in the district, provided that there shall be compliance with all other regulations prescribed for the district by this ordinance.

Section I: Alteration of Existing Dwellings

The Zoning Board of Appeals as hereinafter created may authorize the issuance of a permit for the alteration of a single family dwelling, existing at \_\_\_\_\_ (time of adoption), in an Agricultural District or a Residential District for multiple family use provided;

1. That after alteration of the building, the area of the lot upon which the building is located amounts to not less than five thousand square feet for each dwelling unit.
2. That no dwelling unit shall have less than <sup>720</sup>~~six~~ hundred square feet total floor area used for living purposes. 2/11/92
3. That no living quarters are placed in a basement or in any other room or space having less than six feet of ceiling clearance above the average outside ground level.
4. That there is no exterior alteration of the building except as may be necessary for safety and for improved access to the building.

Section J: Frontage Upon Street

Every dwelling hereafter built, erected, or altered shall have a clear and unobstructed frontage upon a street.

Section K: Trailers

In districts where trailer coaches are not permitted, the following exceptions may apply:

1. By permit, a single, occupied trailer coach may be parked on the premises of a dwelling for a period not to exceed ninety days in any one year, provided that the occupants of said trailer are guests of the property owner and that no charge is made for this location and for any facilities offered.
2. A single trailer coach may be parked or stored in a garage or accessory building, provided that no living quarters shall be maintained or any business transacted therein while such trailer is parked or stored.

Section L: Excavation and Topsoil Removal

In any district, except upon approval of the Zoning Board of Appeals granted in accordance with Article XI, no person shall strip, excavate or remove topsoil for sale or use other than on the premise from which the same shall be taken. No excavation of land shall be permitted which will result in a permanent slope of more than one foot vertical or two feet horizontal, or which will result in erosion gullies and soil loss.

ARTICLE XIII ADMINISTRATION

Section A: Enforcement

This ordinance shall be enforced by the Town of Marathon Building Inspector.

Section B: Building Permits

1. No structure other than accessory farm structures shall be erected or altered unless a building permit has been issued for it by the Building Inspector.
2. Except upon a written notice of the Zoning Board of Appeals, no building permit shall be issued for any structure, or alteration or use which would be in violation of any of the provisions of this ordinance.

Section C: Certificates of Occupancy

1. No structure hereafter erected shall be used or changed in use and no land shall be used or changed in use until a certificate of occupancy therefore has been issued by the Building Inspector.
2. No structure hereafter altered shall continue to be used for more than thirty days after the alteration is completed unless a certificate of occupancy shall have been issued by the Building Inspector.
3. Except upon a written order of the Zoning Board of Appeals, no certificate of occupancy shall be issued for any structure or use which would be in violation of any of the provisions of this ordinance.

Section D: Applications

Applications for building permits and certificates of occupancy shall be made upon such forms and shall be accompanied by such layout or plot plans as shall be prescribed by the Building Inspector to facilitate enforcement of this ordinance.

Section E: Duration of Permits

Any building permit not exercised within one calendar year from the date of its issue shall become null and void.

ARTICLE XIV ZONING BOARD OF APPEALS

Section A: Organization

The Zoning Board of Appeals shall consist of five members all residents of the Town of Marathon, to be appointed by the Town Board for terms of five years in staggered terms. One member shall be designated by the Town Board to serve as chairman. If a vacancy shall occur, the Town Board shall appoint a successor who shall serve for the unexpired portion of the term of his predecessor.

Section B: Duties and Powers

The Board of Appeals shall have all the powers and duties prescribed by law and by this ordinance, which are more particularly specified as follows:

1. Interpretation

Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

2. Special Permits

To issue special permits for any of the uses for which this ordinance requires the obtaining of such permits from the Board of Appeals.

3. Variances

To vary or modify the strict application of any of the requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. No variance shall be granted by the Board of Appeals unless it finds:

- a. That there are special circumstances or conditions, fully described in the findings of the Board, applying to such land or buildings in the

neighborhood, and that said circumstances or conditions are such that strict application of the provision of this ordinance would deprive the applicant of reasonable use of such land or buildings.

- b. That, for reasons fully set forth in the findings of the Board, the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.
- c. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the Board of Appeals shall prescribe any condition that it deems to be necessary or desirable.

#### Section C: Procedure

The Board of Appeals shall act in strict accordance with the procedure specified by law and by this ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of the ordinance involved, and shall exactly set forth the interpretation that is claimed the use for which the special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. At least twenty days before the date of the hearing required by law on an application or appeal to the Board of Appeals, the secretary of said Board shall transmit to the Planning Board a copy of said application or appeal, together with a copy of the notice of the aforesaid hearing and shall request that the Planning Board submit to the Board of Appeals its opinion on said application or appeal, and the Planning Board shall submit a report of such advisory opinion prior to the date of said hearing. Upon failure to submit such report the Planning Board shall be deemed to have approved the application or appeal.

Every decision of the Board of Appeals shall be by resolution, each of which shall contain a full record of the

findings of the Board in the particular case.

ARTICLE XV GENERAL

Section A: Violations and Penalties

*100<sup>00</sup> 2/11/92*

A violation of this ordinance shall be an offense punishable by a fine not to exceed ~~fifty dollars~~, or by imprisonment for a period not to exceed six months, or both. Each week's continued violation shall constitute a separate, additional violation. In addition, the Town Board shall have such other remedies as are provided by law to enforce the provisions of this ordinance.

Section B: Relation to Other Laws

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements, adopted for the promotion of the public health, morals, safety, and general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, statutes, or ordinances, the most restrictive thereof, of those imposing the higher standards, shall govern.

Section C: Amendments

The Town Board may from time to time on its own motion or on petition or on recommendation of the Planning Board, amend, supplement, change, modify or repeal the regulations and provisions of this ordinance in accordance with the applicable provisions of law.

Every such proposed amendment or change whether initiated by the Town Board or by petition shall be referred to the Planning Board for report thereon before the public hearing hereinafter provided for. The Town Board by resolution adopted at a stated meeting shall fix the time and place of a public hearing on the proposed amendment and cause notice to be given as follows:

1. By publishing a notice at least ten days before, giving the time and place of such hearing in the official newspaper.
2. A written notice of any proposed change or amendment affecting property within five hundred feet of the boundaries of any town, village, or state park or parkways shall be given to the clerk of such

municipality or to the Regional State Park Commission having such jurisdiction over such park or parkway at least ten days prior to the date of such hearing.

3. In the case, however, of a protest against such change signed by the owners of twenty percent or more of the area of land included in such proposed change or of that immediately adjacent extending one hundred feet there from or of that directly opposite thereto, extending one hundred feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of three-fourths of the members of the Town Board.

Section D: Saving Clause

The invalidity of any section or provision of this ordinance shall not invalidate any other section, provision, or part of it.

Section E: Effective Date

This ordinance shall take effect in accordance with the provisions of Section 264 of the Town Law.

ARTICLE XVI DEFINITIONS

Section A: Rules of Interpretation

In the interpretation of this ordinance, the following rules shall apply:

1. Words used in the present tense include future tense.
2. The singular includes the plural.
3. The word "person" includes a corporation as well as an individual.
4. The word "lot" includes the word "plot" or "parcel".
5. The term "used" or "occupied" as applied to any land or structure shall be construed to include the words, "intended", "arranged", or "designed to be occupied".

Section B: Particular Definitions

The following shall define the words used in this ordinance:

Accessory Building - A building, the use of which is customarily incidental to that of the principal building and which is located on the same lot with the principal building, such as a private garage, private swimming pool, private stable, and tool house or children's playhouse.

Accessory Use, Residential - A use, not otherwise contrary to law, customarily incidental to the use of a building for dwelling purposes and including:

1. Home workshops, hobbies, and avocations which do not constitute a nuisance by reason of smoke, odor, vibration, or electrical disturbance. There shall be no paid employees or assistants.
2. The office or studio of a physician or surgeon, dentist, artist, musician, lawyer, architect, teacher, or other like professional person, residing on the premises. There shall be no more than two paid employees or assistants, and additional parking spaces shall be provided as required for offices.
3. Customary home occupations.

An accessory use may be conducted in the main building or in an accessory building but in either case shall not occupy floor area greater than that of one half the area of the first floor of the main building. There shall be no exterior alterations reflecting such accessory use, and no commercial or advertising display visible from the street, except a small nonilluminated professional name plate or announcement sign not larger than fifty square inches.

Accessory Use, Other Than Residential - A use, not otherwise contrary to law, customarily incidental and subordinate to the principal use and located on the same lot with the principal use.

Alteration of Building - Any change in supporting members of a building, or removal of a building from one location to another.

Apartment House - A multi-family dwelling.

Areas, Building - The minimum first floor area used for living purposes shall be the horizontal area of a building measured at the ground level along the exterior of the foundation walls excluding accessory buildings, open porches, terraces, steps, and garages, whether attached or

unattached.

Basement - A story partly underground with more than half of its clear height below finished grade and having an area of at least one hundred square feet.

Block - The length of a street between two street intersections.

Building - Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or chattels, including open or enclosed porches, attached garages, and carports.

Building, Height - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.

Camping Grounds - A parcel of land used or intended to be used, let or rented for occupancy by, or of travel trailers and tents but excluding mobile homes and permanent summer vacation camps.

Clubhouse - A building to house a club or social organization not conducted for profit and which is not an adjunct to or operated by or in connection with a public tavern, cafe, or other public place.

Dwelling - A building designed or used exclusively as the living quarters for one or more families.

Dwelling, Single Family - A detached dwelling occupied exclusively by one family only.

Dwelling, Two Family - A detached dwelling occupied exclusively by two families living independently of each other and having separate kitchen and bathroom facilities for each family.

Dwelling, Multiple Family - A dwelling occupied by three or more families living independently of each and having separate kitchen and bathroom facilities for each family.

Family - One or more persons, including servants but excluding boarders, living as a single, non-profit housekeeping unit.

Farm - A parcel of land of five or more acres used principally in the raising or production of agricultural

products and the necessary farm structures and storage of equipment used on the premises.

Filling Station - A building or premises, or portion thereof, used for the retail sale of fuel for motor vehicles.

Floor Area Ratio - The ratio of the useable floor area of a structure to the total area of the zoning lot.

Garage, Private - An enclosed area for the storage of one or more motor vehicles in which no business, occupation, or service is conducted for profit, other than the rental of space for not more than one car.

Garage, Commercial or Public - A building or premises used for the storage, repair, rental, sale, and/or servicing of motor vehicles and/or for the retail sale of fuel for such vehicles.

Highway Line - The line which is the boundary between a lot and the right of way, private road, street or highway. Where the highway line is not readily determinable and has not been established by a highway survey, computation to determine the highway line shall be made from the center of the existing traveled portion of the way of pavement which shall be deemed the center of the highway for the purposes of this ordinance.

Home Occupation - Any use customarily conducted entirely within a dwelling such as hairdressing provided that such use is carried on solely by the residents of the dwelling and is clearly incidental and secondary to the use of the dwelling for dwelling purposes, with no paid employees or assistants.

Hotel - A building used primarily to provide sleeping accommodations for the transient public in which more than six rooms are available for hire.

Lot - A parcel of land occupied or capable of being occupied exclusively by one principal building and/or use and the accessory building or uses to such building or use and having as a minimum, such open spaces as are required by this ordinance or the land shown as a separate lot or parcel on the records of Cortland County.

Lot, Corner - A lot fronting on two streets at their intersection.

Lot Depth - The depth of a lot is the mean horizontal distance from its front line to its rear lot line, measured in the general direction of its side lot lines.

Lot Width - The width of a lot is its mean width measured at right angles to its depth.

Lot Coverage - The aggregate area of the lot covered by principal buildings plus each accessory building.

2/11/12  
MOTEL - A building or group of buildings containing individual sleeping units each with direct out of door access and designed primarily to serve automobile travelers. *MORRIS LONES (Pg 36)*

Open Porch - A porch open on three sides except for wire screening. A porch shall not be considered open if enclosed by either permanent or detachable glass sash.

Parking Space - An area for the temporary storage and parking of motor vehicles which has at least ten feet of width, twenty feet of length and shall not include adequate provision for maneuvering and for passage to and from streets or alleys either directly or over a private driveway.

Principal Building - A building in which is conducted the main or principal use of the lot on which said building is located.

Stable, Private - An accessory building where horses are kept for private use and not for hire, remuneration, or sale.

Stable, Public - A building where horses are kept for hire, remuneration or sale.

Street - A thoroughfare publicly or privately owned, open to general public use and having a right of way width of twenty one feet or more.

Street Line - A street line is the right of way line of the street

Structure - Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include buildings, walls, fences, radio towers, swimming pools, billboards, and poster panels.

*Size it in "M" is*  
*MOBILE HOME* 2/11/92  
Trailers - The following definitions will apply:

Mobile Home - A mobile home is any portable vehicle which is designed to be transported on its own wheels or those of another vehicles; which is used, designed to be used and capable of being used as a detached single family residence; ~~and which is intended to be occupied as permanent living quarters~~ containing sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities and plumbing and electrical connections for attachment to outside systems.

*See also the Town of Marathon Mobile Home Ordinance.*

Travel Trailer - A travel trailer is any portable vehicle which is designed to be transported on its own wheels; which is designed and intended to be used for temporary living quarters for travel, recreational or vacation purposes; and which may or may not include one or all of the accommodations and facilities included in a mobile home. (Also trailer coach, truck camper, camp trailer and travel coach.)

Use - The specific purpose for which any land or building is designed, arranged, intended, or for which it is or may be occupied or maintained.

Yard - A yard is an open space on a lot between the highway right of way line and the nearest point of the principal building or use, extending to the side boundaries of the lot and in Residential Districts, unoccupied except for fences and/or other decorative or landscaping uses.

Yard, Front - The ground space on a lot between the highway right of way line and the nearest point of the principal building or use, extending to the side boundaries of the lot and in Residential Districts, unoccupied except for fences and/or other decorative or landscaping uses.

Yard, Rear - The ground space on a lot between the rear line of the lot and the nearest point of the principal building or use and extending to the side boundaries of the lot.

Yard, Side - The ground space on a lot between the side line of the lot and nearest point of the principal building or use, extending from the rear line of the front yard to the front line of the rear yard and unoccupied adjacent to such side line to the width required for side yards in the district except for fences and/or other decorative or landscaping uses.