

Village of Marathon

ZONING LAW

Drafted with assistance from:

Cortland County Planning Department

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Chapter 175

ZONING

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ARTICLE I

General Provisions

Section 110 Preamble.

Pursuant to the authority conferred by § 7-700 of the Village Law of the State of New York and in order to encourage the most appropriate use of land, this law has been established to promote and protect the health, safety and general welfare of the community by channeling and directing growth and by regulating and restricting the height, the number of stories and the size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population and the location, occupancy and use of buildings and other structures; to divide the village into districts; to provide for this law's administration and enforcement; and to prescribe penalties for the violation of any of its provisions.

Section 120 Title.

This law shall be known and may be cited as the "Village of Marathon Zoning Law".

Section 130 Existing land uses; violations.

- A. Any land use activity existing on the effective date of this law which was previously authorized or approved by the Board of Trustees, Planning Board, Zoning Board of Appeals, Building Inspector or Code Enforcement Officer having jurisdiction to render such approvals, may continue to be used in accordance with the terms and conditions provided incidental thereto; provided, however, that where such use would be permitted subject to less stringent controls under the terms of this law, then the terms of this law shall prevail. Where the terms of this law are, however, more restrictive, then such use shall, for purposes of any subsequent modifications, enlargements or changes in use, be subject to the provisions of this law as if such uses were new uses.
- B. Any land use activity existing on the effective date of this law not referred to in Section 130 C and not conforming to the regulations contained herein shall be considered a nonconforming element and subject to the provisions of Article XIII, Nonconforming Uses.

- C. Any land use activity existing on the effective date of this law which is in violation of any prior applicable regulations or terms and conditions of any special authorization shall become lawful only to the extent that such activity complies with this law. However, such compliance shall not excuse or be used to abate or enjoin the prosecution of such violations, whether initiated prior to or subsequent to the effective date of this law.
- D. The Village may obtain an action to restrain by injunction any violation of this Law or any failure to comply with any of the provisions of this Law.

Section 140 Interpretation, conflicts with other provisions, validity and severability.

- A. In their interpretation and application, the provisions of this law shall be held to be minimum requirements, adopted for the promotion of the public health, safety or general welfare. Whenever the requirements of this law are in conflict with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standard shall govern.
- B. Should any section of or provisions of this Law be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 150 Prohibited uses.

Any use not specifically permitted by these regulations is prohibited.

Section 160 Repeal of Prior Zoning Law

- A. The Village of Marathon zoning laws previously in effect and all amendments thereto shall be, and hereby are repealed on and as of the effective date of this Zoning Ordinance Law.
- B. The adoption of this Zoning Ordinance Law shall not affect or impair any permit granted, any act done, offense committed, or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the effective date of this Zoning Ordinance Law, or under any prior Zoning Ordinance Law of the Village of Marathon; but the same may be enjoyed, ascertained, enforced, prosecuted or inflicted as fully and to the same extent as if this Zoning Ordinance Law had not been adopted.
- C. This zoning law is enacted pursuant to the Municipal Home Rule Law.

ARTICLE II
Terminology

Section 210 **Definitions and word usage.**

- A. Except where specifically defined herein, all words used in this law shall carry their customary meanings. Doubts as to the precise meaning of any words used in this law shall be clarified by the Board of Appeals under its power of interpretation.
- B. Words used in the present tense include the future, and the plural includes the singular; the word “lot” includes the word “plot”; the word “building” includes the word “structure”; the word “shall” is intended to be mandatory; “occupied” or “used” shall be considered as though followed by words “or intended, arranged or designed to be used or occupied”.
- C. When used in this law, unless otherwise expressly stated, the following words and terms shall have the meanings indicated:

ACCESSORY STRUCTURE – A subordinate building the use of which is customarily incidental to that of the principal use building.

ACCESSORY USE – A use customarily incidental and subordinate to the principle use.

ALLEY – A narrow service way providing a secondary means of access to abutting properties.

ALTERATIONS – As applied to a building or structure, a change or rearrangement in the structural parts or in the exterior facilities; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

ALTERATIONS, STRUCTURAL – Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

ANCILLARY PARKING AREA – A parking area which is located in a residential district and is either across the street from or contiguous to the lot to be served by the parking area.

ANIMAL HARBORING – The keeping of any number of horses, cattle, pigeons, fowl, rabbits, sheep, goats, pigs or other customary farm animals; or bee hives; or animals customarily kept in zoos; or the keeping of any animals for sale or hire, except for the sale of animals in commercial pet shops.

ANIMAL HOSPITAL – An establishment for the temporary occupation by sick or injured animals for the purpose of medical treatment.

APPEARANCE ENHANCEMENT SERVICES – Includes all of the following: barbering, cosmetology, esthetic services, nail specialty, natural hair styling, tanning, tattooing and waxing.

AQUIFER – A saturated, permeable geologic material capable of yielding amounts of water sufficient for private and public use.

AREA, BUILDING – The area taken on a horizontal plane at the grade level of the principal building or accessory building exclusive of uncovered porches, terraces and steps.

AREA REGULATIONS – Those regulations which refer to dimensional or numerical requirements in this law, such as, but not limited to, lot size, lot width and depth, yard dimensions, floor area ratio, percentage of lot coverage, percentage of impervious material, building height and number of parking spaces, density and supplemental regulations which refer to dimensional or numerical requirements.

AREA VARIANCE – The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

BED-AND-BREAKFAST – A single-family dwelling occupied and used by the owner of such dwelling as his principal residence and within such dwelling unit there are not more than four accessory guest rooms whose occupants stay shall not exceed seven days and for which a morning meal is provided.

BUILDABLE AREA – The space remaining on a lot after the minimum open space requirements (lot coverage, yards, setbacks) have been met.

BUILDING – Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, property or business activity. Temporary structures such as tents are not “buildings”, but houses, garages, factories, barns, etc. are.

BUILDING LINE – The line parallel to the lot line beyond which a building face cannot extend under the terms of this law. This face includes sun parlors, enclosed porches and unenclosed porches projecting more than 10 feet from the wall of the building, but does not include steps.

BUILDING, HEIGHT OF – 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 for flat roofs; to the deck line of mansard roofs; and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

BULK STORAGE – Materials stored in quantities which exceed New York State Petroleum (6 NYCRR Parts 611-614) or Chemical (6 NYCRR Parts 595-599) Bulk Storage Regulations and which are usually dispensed in smaller units for use or consumption. (Quality of Material considered bulk varies by material).

CAMPER – Any construction used or arranged for temporary living or sleeping purposes and mounted or attached on a vehicle and capable of being removed from such vehicle.

CAMPING TRAILER – Any vehicle used or arranged for temporary living or sleeping purposes, mounted on wheels and drawn by a power-driven vehicle, or such type of vehicle having its wheels removed.

CHURCH OR PLACE OF WORSHIP – Any structure used for worship or religious instruction, administrative rooms accessory thereto.

CLUB – A not-for-profit organization catering to members and their guests and not open to the general public. Clubs shall include lodges, fraternal organizations, mutual benefit societies and other like organizations.

CODE ENFORCEMENT OFFICER – An individual appointed by the Village Board of Trustees for the purpose of handling the administration of this law.

COMMERCIAL INDOOR ENTERTAINMENT – Includes all uses which provide entertainment services partially or wholly within an enclosed building. Such activities often have operating hours which extend significantly later than most other commercial uses. Such uses include recreation facilities, health and fitness services and sports facilities. Restaurants and taverns are excluded from this use category.

COMMERCIAL INDOOR LODGING – Includes uses which provide overnight housing, whether on a residential or temporary basis, in individual rooms or suites of rooms. Such uses include hotels, motels, boarding houses and rooming houses.

COMMUNITY FACILITIES – Public, semipublic, privately sponsored services and structures operated for the benefit of a community.

CONTAMINATION – The degradation of soil or natural water quality as a result of human activities, to the extent that its usefulness is impaired.

CONTRACTOR'S SERVICES – Includes the business of the trades involved in the constructing, remodeling, repairing and/or landscaping of buildings, structures and lots.

CONVERSION – Changing of use or occupancy of a dwelling by alteration or by other reorganization so as to increase the number of families or dwelling units in a structure in accordance with the provisions of the district in which it is located.

DAY-CARE – The caring of three or more children or adults away from their homes, except those which are licensed pursuant to §390 of the Social Services Law.

DEICING CHLORIDE SALT – Any bulk quantities of chloride compounds and other deicing compounds intended for application to roads, including mixtures of sand and chloride compounds in any proportion where the chloride compounds constitute over 8% of the mixture. Bulk quantity of chloride compounds means any quantity, but does not include any chloride compounds in a solid form which are packaged in waterproof bags or containers which do not exceed 100 pounds each.

DISPOSAL – The discharge, deposit, injection, dumping, spilling, leaking or release by any other means of a substance to the surface or subsurface of the ground, surface waters or groundwater.

DWELLING – A building or part of a building constructed for or intended for occupancy as a permanent residence by one or more families and which meets NYS Building Code requirements. “Dwellings” may include, but not be limited to, the following types:

- (1) SINGLE-FAMILY DWELLING – A dwelling designed for occupancy by one family.
- (2) TWO-FAMILY DWELLING – Two dwelling units on one lot, attached side by side or ceiling to floor, having one wall or floor in common, with yard area on all sides of the dwelling units.
- (3) MULTIFAMILY DWELLING – A freestanding residential building of three or more dwelling units; with common wall and floors; is constructed on one lot or adjacent lots; it may or may not have indirect entrance from the outside to each dwelling unit; and, yard area or open space may be assigned to each dwelling unit for exclusive use or common use.

EXTENDED CARE MEDICAL FACILITIES – Includes hospitals, convalescent and nursing homes and all other facilities which provide medical service treatment facilities as well as overnight care and which operate twenty-four hours a day, seven days a week.

FAMILY – One or more persons occupying the premises and living as a single nonprofit housekeeping unit.

FENCE – A structure designed to separate one portion of land from another. For the purposes of this law, “fences” shall also include walls, screens or hedges.

FERTILIZERS – Any commercially produced mixtures generally containing phosphorous, nitrogen and potassium which are applied to the ground to increase nutrients from plants.

FINANCIAL INSTITUTIONS AND SERVICES – Includes banks, credit unions, security brokerage firms, mortgage brokers, mortgage bankers and any other businesses which offer similar services.

FRONT YARD DEPTH – The distance of the front yard between the street line and the building line.

FUEL STATIONS – All lots from which motor fuel is sold and which may include a convenience store and/or motor vehicle services as an accessory use. If such accessory uses are combined with the sale of fuel, the use shall be treated as if it were solely the sale of fuel.

FUNERAL HOME – Structure used and occupied by a professional mortician licensed by New York State for burial preparation and funeral services.

GARAGE, PUBLIC – Any garage, other than a private garage, available to the public, operated for profit and which is used for storage, rental or washing of automobiles or other motor vehicles.

GROUNDWATER PROTECTION OVERLAY DISTRICT MAP – The official map adopted by the Village of Marathon and delineating where protection of groundwater resources is essential for public water supply sources.

HAZARDOUS MATERIAL – Any substance found listed in either 40 CFR Part 261, 40 CFR Part 302, of 6 NYCRR Part 371, alone or in combination, including not limited to petroleum products, organic chemical solvents, heavy metal sludges, acids with a pH less than or equal to 2.0, alkalies with a pH greater than or equal to 12.5, radioactive substances, pathological or infectious wastes or any material exhibiting the characteristics of ignitability, corrosivity, reactivity or EP toxicity.

HAZARDOUS WASTE – A waste, or combination of wastes, which is identified or listed as hazardous pursuant to 6 NYCRR Part 371, Identification and Listing of Hazardous Wastes. Hazardous waste, because of its quantity, concentration or physical, chemical or infection characteristics, poses a significant hazard to human health or safety if improperly treated, stored, transported, disposed of or otherwise managed.

HERBICIDES – Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any weed, and those substances defined pursuant to Environmental Conservation Law § 33-0101.

HOME OCCUPATION: An occupation or profession which is carried on by residents of the dwelling unit and is clearly incidental and accessory or secondary to the use of the dwelling unit for residential purposes.

IMPERVIOUS SURFACE – Material which does not permit the natural absorption and permeation of rain or other surface water.

JUNKYARD – The outdoor storage, sale, recycling or dismantling of discarded machinery, equipment, paper, rags, scrap and similar material.

KENNEL – An area or structure used for the boarding, training, breeding or raising of more than three dogs or cats that are more than six months old.

LOT – A designated parcel, tract or area of land created by conveyance, subdivision or eminent domain and which has a unique tax map number.

LOT COVERAGE – That percentage of the plot or lot or lot area covered by the uses, buildings, structures, parking and active recreation.

LOT, DEPTH OF – A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

LOT LINES – Any line dividing one lot from another.

LOT, WIDTH OF – The mean width measured at right angles to its depth.

MIXED USE DWELLING – A building designed as a dwelling combined with the other uses permitted in the district in which it is located.

MOBILE HOME – Any portable vehicle which is designed to be transported on its own wheels or those of another vehicle, 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.

MOBILE HOME PARK – Land which has been planned and improved for the placement of two or more mobile homes.

MOTOR HOME – Any self-propelled vehicle designed for or used as temporary or permanent living accommodations.

MOTOR VEHICLE SERVICES – Includes motor vehicle repair shops, car washes and auto detailing; however, all such activities must be conducted within a building. Such a use does not include the sale of fuel.

NONCONFORMING BUILDING – Any building which contains a use permitted in the district in which it is located but which does not conform to the district regulations for lot area, width, or depth; front, side or rear yards; maximum height; lot coverage; minimum habitable area per dwelling unit; off-street parking or loading; or landscaping, screening or fencing requirements.

NONCONFORMING LOT – A lot existing at the time of enactment of this law or any amendment thereto and which does not conform to the area (bulk) regulations of the district or zone in which it is situated.

NONCONFORMING STRUCTURE – A structure lawfully existing at the time of enactment of this law, or any amendment thereto affecting such structure, which does not conform to the bulk regulations of this law for the district in which it is situated, irrespective of the use to which such structure is put.

NONCONFORMING USE – Any use of a structure, lot or land or part thereof lawfully existing at the time of the enactment of this law, or any amendment thereto affecting such use, which does not conform to the use regulations prescribed in this law for the district in which it is situated.

ON-SITE CONSUMPTION (Petroleum) – The use of petroleum to heat or cool a residential or nonresidential structure or to operate machinery necessary for agricultural activities. On-site consumption does not include the on-site use of petroleum for processing or manufacturing activities or the sale or distribution of petroleum for or into vehicles, except vehicles used for agricultural operation on that site.

OUTDOOR WOOD BOILER – Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An Outdoor Wood Boiler may also be referred to as an Outdoor Wood Furnace or Outdoor Wood-fired Hydronic Heater.

PARKING SPACE – The space available for the parking of one motor vehicle.

PERFORMANCE STANDARD – A criterion established to control noise, odor, dust, dirt, vibration, noxious gases, glare, smoke, water pollution and explosive hazards or visual pollution generated by or inherent in the use of land or buildings.

PERSONAL AND PROFESSIONAL SERVICES – Includes uses whose primary function is the provision of services directly to an individual. Such uses include all licensed and unlicensed professional overnight care. Excluded from this use category are persons who are engaged in the business of appearance enhancement as defined herein above.

PESTICIDE – Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, and those substances defined pursuant to Environmental Conservation Law § 17-0105.

PETROLEUM – Any petroleum-based oil of any kind which is liquid at 20° C under atmospheric pressure and has been refined, re-refined or otherwise processed for the purpose of:

- (1) Being burned to produce heat or energy;
- (2) Being used as a motor fuel or lubricant; or

(3) Being used in the operation of hydraulic equipment.

RADIOACTIVE MATERIAL – Any material in any form that emits radiation spontaneously, excluding those radioactive materials or devices containing radioactive material which are exempt from licensing and regulatory control pursuant to regulations of the New York State Department of Labor or the United States Nuclear Regulatory Commission.

REAR YARD DEPTH – The distance between the rear lot boundary and the principal building nearest such lot line.

REFUSE – Anything putrescible or nonputrescible that is discarded or rejected as useless or worthless.

RESTAURANTS AND TAVERNS – Includes all facilities from which prepared food and alcoholic beverages are offered for sale to the public, regardless of what other use may be occurring on the lot.

RUMMAGE SALE – The sale or offering for sale of used or secondhand merchandise by any individual, group or organization to the general public on a temporary basis.

SCREENING – A permanent barrier, including, but not limited to, fences, bushes or trees or other natural and/or artificial material, at least four feet high which obscures the visual character of any given building or use of land.

SEPTAGE – The contents of a septic tank, cesspool or other individual wastewater treatment work which receives domestic sewage wastes.

SETBACK – The distance between a lot line and principal or accessory structure as required by this law.

SHOPPING CENTER – A lot used for four or more commercial use units, attached or detached, which relate to a common parking area and common points of ingress or egress and common circulation pattern.

SIGN – Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to any object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or project images. “Sign” does not include the flag or emblem of any nation, organization of nations; state or city; or signage for any fraternal, religious, educational or civic organizations; merchandise, pictures or models of products or services incorporated in a window display, works of art which in no way identifies the business or a product; or scoreboards located on athletic fields; official notices issued by any court or public office or officer in the performance of a public or official duty; and traffic controls signs as defined in the New York State Vehicle and Traffic Law. For the purpose of removal, “signs” shall also include all sign structures.

ANIMATED SIGN – Any sign which includes movement of light or text.

GROUND SIGN – A sign which is supported by one (1) or more uprights or braces in or upon the ground.

MARQUEE SIGN – A sign attached to or hung from a marquee. “Marquee” means a canopy or similar structure projecting from a building.

OFF-PREMISES ADVERTISING SIGNS – A sign which directs attention to a business, commodity, service, industry or other activity which is sold, offered or conducted elsewhere than on the premises upon which such sign is located and which is sold, offered or conducted on such premises only incidentally, if at all. This term shall include what are commonly termed “billboards” and similar advertising panels.

PORTABLE SIGN – A sign that is not permanently affixed to a building, a structure or the ground, A-frame style, freestanding sandwich board signs.

PROJECTING SIGN – A sign which is affixed to any building wall or structure and extends beyond the building wall or parts thereof, structure, building line or property line more than fifteen (15) inches horizontally and no portion of which projects above the roof line or parapet of a building.

ROOF SIGN – Any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

TEMPORARY SIGN – A sign designed exclusively to inform the general public of a fund-raising campaign, political campaign, social event, annual festivity, garage sale or related enterprise of a temporary nature. Such signs shall be removed immediately after the termination of such event or sale.

WALL SIGN – A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from building or structure.

SIGN MAINTENANCE – Routine maintenance, including minor repairs, such as repainting, bulb replacement and repair of electrical or mechanical parts.

SITE PLAN – A rendering, drawing or sketch prepared to specifications and containing necessary elements, as set forth in Article XI, which shows the arrangement, layout and design of the proposed use of a single parcel of lands shown on said plan.

SLUDGE – The solid, semisolid or liquid waste generated from a waste-processing facility, but not including the liquid stream of effluent.

SOLID WASTE – Any garbage, refuse or sludge from a wastewater treatment plant, water supply treatment plant or air pollution control facility and other discarded materials including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining or agricultural operations and from community activities.

STREET LINE – Limit of street or highway right-of-way line. For the purpose of this law, “street line” shall be the highway right-of-way line, whether or not set forth in a deed or shown on a map, defining the corridors for vehicular and pedestrian traffic used by the general public.

STRUCTURE – Anything constructed or erected above or below grade with a fixed location on the ground or which is attached to something located on the ground. Among other things, structures include buildings, mobile homes, swimming pools, walls, fences, signs, billboards, and poster panels. A parking lot however, is not considered a structure.

STRUCTURE, ACCESSORY – Structure designed to accommodate an accessory use, but detached from the principal structure, such as a garage for vehicles accessory to the principal use, a freestanding storage shed, garden house or similar facility. An “accessory structure” attached or contained within a principal structure shall be considered part of the principal structure.

SWIMMING POOL – Any body of water or receptacle for water having a depth at any point greater than two feet, used or intended to be used for swimming or recreational bathing and constructed, installed or maintained in or above the ground. A “swimming pool” shall be deemed a structure for all purposes under the provisions of this law.

TEMPORARY STORAGE FACILITY – A portable, accessory structure intended for the use as storage not to exceed four months.

TOXIC MATERIAL – Any compound or material which is, or may be, harmful to human health as defined by § 4801, Subdivision 2, of the New York State Public Health Law.

USE VARIANCE – The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

UTILITY TRAILER – A small trailer, with or without sides or roof, designed for transporting various objects.

VILLAGE ENGINEER – A Professional Engineer licensed by the State of New York serving as either an employee of the Village or under contract with the Village to review technical details associated with individual projects reviewed by the Village Planning Board or Zoning Board of Appeals. Any cost associated with review of a project by the Village Engineer shall be the responsibility of the applicant.

WATER TABLE – The surface below which all pores in the soil are saturated and fully filled with water.

YARD – An open space on the same lot with a building unoccupied and unobstructed from the ground upward, except as otherwise provided in the Zoning law.

YARD, FRONT – The open space extending the full width of the lot from the front lot line parallel to the part of the principal building which is nearest to such front lot line.

YARD, REAR – An open space extended across the entire width of the lot from the rear lot line parallel to the part of the principal building which is nearest to such rear lot line, unoccupied except for accessory building and open porches.

YARD, SIDE – An open space on the same lot with a principal building between the principal building and the side line of the lot extending through from the front yard to the rear yard into which space there shall be no extension of building parts other than two feet for rain water leaders, window sills and other such fixtures and open steps.

ZONE OF CONTRIBUTION – Those lands areas which supply groundwater to a public supply well(s).

ARTICLE III

Zoning Districts

Section 310 Establishment of zoning districts.

A. The zoning district will be referred to hereinafter in this law and on the Zoning Map as follows:

Residential – 1	R-1
Residential – 2	R-2
General Business	GB
Central Business	CB
Light Industrial	I
Planned Development Districts	PDD
Wellhead Protection Overlay	

Section 320 Zoning Map.

The areas and boundaries of such districts and the classes of districts are hereby established on a map entitled the “Zoning Map of the Village of Marathon”.

Section 330 Interpretation of district boundaries.

The following rules shall govern the interpretation of boundaries indicated on the Zoning Map:

- A. Where a district boundary is indicated as approximately following the center line of a street or highway, street line or highway right-of-way, such center line, street line or highway right-of-way shall be construed to be said boundary.
- B. Where a district boundary is so indicated that it approximately follows a lot line, such lot line shall be construed to be said boundary.
- C. Where a district boundary is so indicated that it is approximately parallel to the center line of a street or highway, street or highway right-of-way line, such district boundary shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map.
- D. Where a district boundary is indicated as approximately following the center line or right-of-way of a creek, stream or similar tributary of water, such center line or right-of-way shall be construed to be said boundary.

- E. Where a district boundary is indicated as following a municipal boundary, a property line or a lot line, such a boundary or line shall be construed to be said district boundary. If said district boundary is indicated as approximately parallel to such a boundary or a line thereof, said district boundary shall be construed as being parallel therefrom and at such distance therefrom as indicated on the Zoning Map.
- F. Where distances between district boundary lines or from district boundary lines to lot, street or highway lines or other points of reference are in dispute, they shall be determined by the use of the scale shown on the Zoning Map.
- G. Where uncertainty exists in determining the precise location of any district boundary line, the Zoning Board of Appeals, with advice from the Village Planning Board, shall decide the location of such line.
- H. The boundaries of the Aquifer Protection Overlay District and its subareas reflect the best hydrogeologic information available as of the date of adoption of the Aquifer Protection Overlay District Map. Where these bounds are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where the boundary should be properly located. The Village may consider providing assistance to the property owner in the event that the owner can demonstrate a financial hardship.

**ARTICLE IV
Residential Districts**

Section 410 R-1 District use regulations.

- A. The purpose of the R-1 Residential District is to enhance and protect stable and developing single-family neighborhoods.
- B. Uses permitted by right:
 - (1) Single-family dwelling.
- C. Uses permitted by special permit of the Village Planning Board.
 - (1) Bed-and-Breakfast
 - (2) Home occupations

D. Permitted accessory uses:

Accessory structures are only allowed in rear yards and must be setback at least 4 feet from all property lines.

Section 420 R-2 District use regulations.

A. The purpose of the R-2 Residential District is to allow for slightly higher density neighborhoods with a mix of single – and two-family homes.

B. Uses permitted by right:

(1) Single-family dwelling.

(2) Two-family dwelling.

C. Uses permitted by special permit of the Village Planning Board:

(1) Ancillary parking area.

(2) Bed-and-Breakfast.

(3) Churches or places of worship.

(4) Extended care medical facilities.

(5) Home occupations.

(6) Multifamily dwellings.

D. Permitted accessory uses:

Accessory structures are only allowed in rear yards and must be setback at least 4 feet from all property lines.

**ARTICLE V
General Business**

Section 510 GB District use regulations.

A. The purpose of the General Business District (GB) is to provide areas for commercial activities.

B. Uses permitted by right:

(1) Ambulance services.

- (2) Appearance enhancement services.
- (3) Art and photographic galleries and studios.
- (4) Commercial indoor entertainment.
- (5) Commercial indoor lodging.
- (6) Commercial outdoor entertainment.
- (7) Dry cleaners and Laundries.
- (8) Financial institutions and services.
- (9) Liquor stores, with a minimum distance of five hundred feet (500) from any other liquor store.
- (10) Mixed use dwelling.
- (11) One, Two, and/or multi-family dwelling units.
- (12) Personal and professional services.
- (13) Private schools.
- (14) Private and public parking lots and garages.
- (15) Professional offices.
- (16) Restaurants/Taverns.
- (17) Retail sales, provided that gross floor area does not exceed ten thousand (10,000) square feet.

C. Uses permitted by special permit of the Village Planning Board:

- (1) Fuel stations.
- (2) Motor vehicle services.
- (3) New and used automotive sales.
- (4) Veterinary establishments.

ARTICLE VI
Central Business District

Section 610 Central Business District

- A. The Central Business District (CB) encompasses the historical center of the Village and is the area which offers shopping and dining opportunities in the Village.

- B. Allowed uses by right:
 - (1) Appearance enhancement services
 - (2) Art and photographic studios and galleries
 - (3) Commercial indoor entertainment
 - (4) Dry cleaners and laundries, limited to 2,000 square feet of gross floor area
 - (5) Financial institutions and services
 - (6) Indoor sales
 - (7) Mixed use building
 - (8) Multifamily dwellings
 - (9) Parking lots
 - (10) Personal and professional services
 - (11) Restaurants and taverns

- C. Allowed uses by Special Use Permit:
 - (1) Motor vehicle services
 - (2) Public service utility

ARTICLE VII
Light Industrial District

Section 710 I District use regulations.

- A. The purpose of this district is to provide areas for industrial processes which are conducted entirely within an enclosed building, and which do not emit any odor, noxious fumes or degraded air emissions, smoke, noise, heat, vibration, glare or radiation that is detectable at the property line and that do not pose a significant public safety or health hazard or significant adverse effect to the natural environment.

- B. Uses permitted by right:
 - (1) Data processing and computer service centers excluding retail sales.
 - (2) Manufacturing, assembly or processing of products conducted entirely within an enclosed building.
 - (3) Offices.
 - (4) Research and testing laboratories.
 - (5) Storage facilities/Warehouses.

- C. Permitted accessory uses:
 - (1) Public and private parking lots.
 - (2) Storage buildings.
 - (3) Accessory buildings.

ARTICLE VIII
Planned Development Districts

Section 810 Purpose.

- A. The purpose of the planned development district classification is to provide for the rezoning of land to residential, commercial and industrial development zones either jointly or separately in conformance with provisions and standards which ensure compatibility among all the land uses, foster innovation in site planning and development and encourage sound design practices.
- B. Provision is included for planned development districts to permit establishment of areas in which diverse uses may be brought together in a compatible and unified plan of development which shall be in the interest of the general welfare of the public. In planned development districts, land and structures may be constructed and used for any lawful purposes in accordance with the provisions set forth herein.

Section 820 Procedure.

- A. The procedure for obtaining a change in zone for undertaking development within a planned development district shall be as follows:
 - (1) The owner (or agent thereof, hereinafter referred to as “owner”) of the land shall submit four (4) copies of a preliminary development plan to the Village Planning Board as described in Section 830 and an application for a change of zone.
 - (2) The Planning Board shall discuss the application and shall review the preliminary development plan, with the assistance of the Village Engineer and Code Enforcement Officer, with the owner. The Planning Board shall prepare recommendations with regard to the preliminary development plan and the proposed change of zone.

- (3) Within forty-five (45) days of receipt of the application and preliminary development plan, the Planning Board shall transmit, in writing, to the Board of Trustees its recommendation for approval, approval with conditions or modifications or disapproval. The Planning Board shall include its reasons for such recommendation. The Planning Board shall send a copy of its recommendations to the owner. Failure of the Planning Board to act within forty-five (45) days of receipt of the application will constitute a no-recommendation opinion by the Planning Board and will permit the owner to submit the application and preliminary development plan directly to the Board of Trustees.
- (4) Within fifteen (15) days of receipt of the Planning Board's recommendation, the Board of Trustees shall refer the application and preliminary development plan to the Cortland County Planning Department for its recommendation. The Board of Trustees shall allow the Cortland County Planning Department at least thirty (30) days to render its report.
- (5) Within forty-five (45) days of receipt of the Planning Board's recommendation, public notice shall be given and a public hearing held by the Board of Trustees on the proposed change of zone, subject to the specifications of the preliminary development plan.
- (6) Within forty-five (45) days of the public hearing, the Zoning Map may be amended so as to define the boundaries of the planned development district, but such action shall have the effect only of granting permission for development of the approved preliminary development plan proposal in accordance with the provisions of this section.
 - (a) If the change of zone and preliminary development plan are approved by the Board of Trustees, an appropriate notation to that effect will be made on the face of four (4) copies of the preliminary development plan. One (1) copy will be given to the Planning Board, one (1) copy will be given to the Code Enforcement Officer, and one (1) will be returned to the owner.

- (b) In the event that the Board of Trustees grants the change of zone, subject to modifications in the preliminary development plan, the resolution granting the change of zone shall specify the required modifications. If the change of zone is granted, with or without required modifications in the preliminary development plan, such change shall be published and posted pursuant to the requirements of § 7-708 of the Village Law.
 - (c) In the event that the Board of Trustees disapproves the application and preliminary development plan, it shall notify the owner, in writing, of the disapproval and of the reasons for such decision.
- (7) The resolution by the Board of Trustees amending the Zoning Map for a planned development district shall specify the time period for completion of the development and shall indicate that the appropriate action will be taken to revert the zoning of the subject property to its previous zoning if the development schedule is not met.
 - (8) Upon approval of the application on change of zone and the preliminary development plan, with or without required modifications, the owner shall submit four (4) copies of a development plan, as described in Subsection D, for Planning Board review. The Planning Board shall, with the assistance of the Village Engineer and Code Enforcement Officer, review the development plan with the owner.
 - (9) Within forty-five (45) days of receipt of the development plan, the Planning Board shall transmit, in writing, to the Board of Trustees its recommendation for approval, approval with modifications or disapproval. The Planning Board shall include its reasons for such recommendation. The Planning Board shall send a copy of its recommendation to the owner. Failure of the Planning Board to act within forty-five (45) days of receipt of the development plan will constitute a no-recommendation opinion by the Planning board and will permit the owner to submit the development directly to the Board of Trustees.
 - (10) Within forty-five (45) days of receipt of the Planning Board's recommendation, the Board of Trustees shall decide to approve, approve with modifications or conditions or disapprove the development plan.

- (a) If the Board of Trustees approves the development plan as submitted, an appropriate notation to that effect will be made on the face of four (4) copies of the development plan. One (1) copy will be retained by the Village Clerk, one (1) copy will be given to the Planning Board, one (1) copy will be given to the Code Enforcement Officer, and one (1) will be returned to the owner.
 - (b) In the event that the Board of Trustees approves the development plan subject to conditions or modifications, the resolution granting such conditional approval shall indicate the specific conditions or modifications which final approval is subject to the time period in which such modifications or conditions must be satisfied for final approval to be granted. In such case, the Board of Trustees shall notify the owner, in writing, of the reasons for its decision.
 - (c) In the event that the Board of Trustees disapproves the development plan, the resolution denying such approval shall indicate the reasons for such decision. In such case, the Board of Trustees shall notify the owner, in writing, of the reasons for its decision.
- (11) Prior to the issuance of a zoning permit, the Village Board of Trustees shall approve as to the form and sufficiency of any performance bond obtained by the owner and as to the acceptability of any offers of cession, deeds ore restrictive convents.

B. Where the planned development district classification exists in the Zoning Map, no application for change of zone to undertake the planned development need be submitted. The procedure for review and approval of the preliminary development plan and development plan shall, under such circumstances, otherwise occur in the same manner as described in Section 820A above.

Section 830 Preliminary development plan.

The owner shall submit an application for change of zone with a preliminary development plan which shall include the following:

- A. A survey of the property, showing existing features of the property, including contours, buildings, structures, trees over four (4) inches in trunk diameter, streets, utility easements, rights-of-way and adjacent land use.
- B. A proposed site plan, showing building locations, occupancy and land use areas, including any subdivision intended within the district.

- C. Proposed traffic circulation, parking areas, pedestrian walks and landscaping.
- D. A proposed construction sequence for buildings, parking spaces and landscaped areas.
- E. A proposed public utilities plan, including water supply, sewerage and stormwater drainage, with a certificate of preliminary approval from the Cortland County Health Department.

Section 840 Development plan.

- A. The owner shall submit a development plan for review and approval prior to the issuance of a zoning permit. Plans and specifications shall bear the signature of the person responsible for the design and drawings and, where required by § 7302, as amended, of Article 147 of the Education Law of the State of New York, the seal of a licensed architect or licensed professional engineer.
- B. The development plan shall include the following:
 - (1) A site plan showing proposed building locations and land use areas.
 - (2) Traffic circulation, required parking and loading areas and pedestrian walks.
 - (3) A landscaping plan, including site grading and landscape planting and structures.
 - (4) Preliminary drawings of buildings to be constructed in the current phase, including floor plans, exterior elevations and sections.
 - (5) Final engineering plans, including street improvements, drainage system and public utility extension. All improvements shall comply where applicable with construction standards outlined in the Village of Marathon Subdivision Regulations.
 - (6) Letters, in appropriate cases, directed to the Chair of the Planning Board, signed by a responsible official of the agency, utility company, government authority or special district having jurisdiction in the area of public sewer, public water, telephone, electric or gas improvements, approving such proposed installation.

- (7) Engineering feasibility studies for the solution of any anticipated problems which might arise due to the proposed development, as required by the Planning Board.
 - (8) A performance bond estimate for items in Section B (2), (3), and (5) above.
 - (9) Offers of cession and proposed restrictive covenants.
 - (10) A construction sequence and time schedule for completion of each phase for buildings, parking spaces and landscaped areas, as applicable.
 - (11) Complete documentation of the means for the continual maintenance of common open space and buildings.
- C. This development plan shall be in general conformance with the approved preliminary development plan. Such approval shall be secured by the owner for each phase of the development. Such approval for each phase shall be valid for two (2) years, at which time, unless the proposed development has been completed, the development plan approval shall terminate and no additional zoning permits shall be issued. If five (5) or more lots, with separate deeds, are provided on the planned development district, the development plans shall be in such form as to be acceptable according to the Subdivision Regulations of the Village of Marathon as a final subdivision plat and requirements of the Subdivision Regulations of the Village of Marathon.

Section 850 Standards.

Where a change in zone must be obtained, the Planning Board, after determining that the requirements of the Zoning Ordinance dealing with planned development districts have been met, shall recommend the approval, approval with modifications or disapproval of the preliminary development plan to the Board of Trustees. The Planning Board shall enter its reasons for such action in its records and transmit its findings by resolution to the Board of Trustees. The Planning Board may recommend the establishment of a planned development district (where a change in zone must be obtained) or development of a planned development district (where no change in zone must be obtained), provided that it finds the facts submitted with the preliminary development plan establish that:

- A. The uses proposed will not be detrimental to the natural characteristics of the site or to present and potential surrounding uses but will have a beneficial effect which could not be achieved under any other district.
- B. Land surrounding the proposed development can be developed in coordination with the proposed development and be compatible in use.

- C. Any proposed change to a planned development district is in conformance with the general intent of the Village of Marathon Comprehensive Plan.
- D. Existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed district and in the vicinity of the proposed district.
- E. Existing and proposed utility services are adequate for the proposed development.
- F. Each phase of the proposed development, as it is proposed to be completed, contains the required parking spaces, landscape and utility areas necessary for creating and sustaining a desirable and stable environment.

Section 860 Planned development district standards.

- A. The standards for planned development districts are to provide the Planning Board with a means to evaluate applications for these districts consistent with the provisions and general intent of the Zoning Ordinance and the Comprehensive Plan of the village.
- B. The following standards in Section 860 C through G are intended to provide the necessary latitude for the developer to make creative and efficient use of his or her property.
- C. Planned unit development. A planned unit development (PUD) is a development of diversified land uses integrated into a carefully considered plan. Any of the uses listed in Section 860 D through F may be permitted subject to the requirements of those sections. Where the development standards may be in conflict or unnecessary due to the integrated nature of the plan, the Village Board may approve a PUD that does not meet all required standards, provided that a written justification of each modification is provided as part of the application.
- D. Planned Development District-Residential standards.
 - (1) In a Planned Development District-Residential, the following uses may be permitted:
 - (a) One-family dwellings and two-family dwellings.
 - (b) Multiple-family dwellings
 - (c) Professional offices.
 - (d) Religious institutions.
 - (e) Schools.

- (f) Community centers.
 - (g) Membership clubhouses.
 - (h) Public outdoor recreation.
 - (i) Nursing or convalescent homes.
 - (j) Accessory uses.
 - (k) Parking.
 - (l) Indoor recreation.
- (2) Area, yard, coverage and supplementary regulations shall be as follows:
- (a) District area, minimum: four (4) acres.
 - (b) District width, minimum: three hundred thirty-five (335) feet.
 - (c) District depth, minimum: two hundred sixty-five (265) feet.
 - (d) Densities: for residential uses, a maximum of twelve (12) one-bedroom dwelling units, ten (10) two-bedroom dwelling units or eight (8) three-bedroom dwelling units per gross acre (combinations are to be pro rata); for nonresidential uses, twenty thousand (20,000) square feet of land for each ten thousand (10,000) square feet of building.
 - (e) Minimum yards required. Front yards, rear yards, and side yards for residential uses shall be designed so that no building is closer than twenty (20) feet to any other building and no building is closer than thirty (30) feet to any boundary line of the district or public street, except where townhouse condominiums are built.
 - (f) Maximum building coverage of any single lot or the district as a whole: fifty percent (50%).
 - (g) Maximum height of structures. No building shall be erected to a height in excess of forty-five (45) feet except upon approval of a special permit by the Planning Board.

- (h) Off-street parking and loading spaces. See Section 860 G and Article XVI.
- (i) Common open space. Twenty percent (20%) of the gross development area shall be developed and maintained as common open space. Such common open space shall be developed for active recreation (with facilities), horse trails (marked by developed paths), developed wooded areas (cleared of underbrush) or any other uses found appropriate by the Board of Trustees.
- (j) Signs and displays. See Article XV.

E. Planned Development District – Commercial standards.

- (1) In a Planned Development District – Commercial, the following uses may be permitted:
 - (a) Retail stores and restaurants.
 - (b) Business offices.
 - (c) Hotels and motels.
 - (d) Religious institutions.
 - (e) Community centers and government buildings.
 - (f) Indoor recreation.
 - (g) Personal services.
 - (h) Enclosed accessory uses.
 - (i) Parking.
- (2) Area, yard, coverage and supplementary regulations shall be as follows:
 - (a) District area, minimum: three (3) acres.
 - (b) District width, minimum: Three hundred (300) feet.
 - (c) District depth, minimum: two hundred (200) feet.
 - (d) Front yard, minimum: forty (40) feet.

- (e) Rear yard, minimum: twenty-five (25) feet or two hundred (200) feet when abutting residential uses or districts.
- (f) Side yard, minimum: twenty-five (25) feet or two hundred (200) feet when abutting residential uses or districts. No side yard is required for commercial buildings with separating firewalls.
- (g) Coverage, maximum, of any single lot or district as a whole: forty percent (40%).
- (h) Maximum height of structures. No building shall be erected to a height in excess of forty-five (45) feet except upon approval of a special permit by the Planning Board.
- (i) Off-street parking and loading spaces. See Section 860 G and Article XVI.
- (j) Signs and displays. See Article XV.

F. Planned Development District-Industrial standards.

- (1) In a Planned Development District-Industrial, the following uses may be permitted:
 - (a) Manufacturing industries.
 - (b) Machinery and equipment sales.
 - (c) Warehouses.
 - (d) Wholesale uses.
 - (e) Public utilities.
 - (f) Enclosed service and repair.
 - (g) Trucking and freight terminals.
 - (h) Enclosed industrial processes and services.
 - (i) Garages for repair of automotive equipment.
 - (j) Enclosed accessory uses.
 - (k) Parking.

- (2) Area, yard, coverage and supplementary regulations shall be as follows:
 - (a) Lot area, minimum: three (3) acres.
 - (b) Lot width, minimum: three hundred (300) feet.
 - (c) Lot depth, minimum: two hundred (200) feet.
 - (d) Front yard, minimum: fifty (50) feet.
 - (e) Rear yard, minimum: twenty-five (25) feet or two hundred (200) feet when abutting residential uses or districts.
 - (f) Side yard, minimum: twenty-five (25) feet or two hundred (200) feet when abutting residential uses or districts. No side yard is required for industrial buildings with separating firewalls.
 - (g) Coverage, maximum, of any single lot or the district as a whole: fifty percent (50%).
 - (h) Maximum height of structures. No building shall be erected to a height in excess of forty-five (45) feet, except upon approval of a special permit by the Planning Board.
 - (i) Off-street parking and loading spaces. See Section 860 G and Article XVI.
 - (j) Signs and displays. See Article XV.

G. Off-street parking and loading requirements.

- (1) Off-street parking requirements.
 - (a) For every building hereafter erected, altered, extended or changed in use, there shall be provided off-street parking spaces according to the design criteria set forth below and as provided in Article XVI of this law.
 - (b) A required parking space shall be at least ten (10) feet wide by twenty (20) feet long and shall be reached by an access driveway at least twenty (20) feet clear in width.

- (c) Any parking lot or parking area that will contain more than one hundred (100) cars shall be effectively divided by implanted divider strips or curbing fixed in place so as to effectively divide each parking area of one (100) cars from other driveways and parking areas for the purpose of ensuring safety of vehicles moving within the entire parking area and to control speed.
 - (d) Ingress and egress to parking areas in commercial and industrial developments shall be no closer to one another than one hundred fifty (150) feet along village streets, and access to individual use and parking areas shall be from a service road.
 - (e) All parking shall be adequately lighted as set forth in Article XVI.
- (2) Off-street loading requirements.
- (a) For every building hereafter erected, altered, extended or changed in use for the purpose of business, trade or industry, there shall be provided off-street parking space for loading and unloading of vehicles as set forth below and as provided in Article XVI. The required loading space shall be at least 12 feet wide by 40 feet long by 14 feet clear vertical height.
 - (b) Off-street loading space (or spaces) located within 50 feet of a residential property shall be shielded by a wall, fencing, or other suitable material which shall serve to screen noise and fumes that originate in said loading zone.

ARTICLE IX
Wellhead Protection Overlay District

Section 910 Purpose.

The purpose and intent of establishing a Wellhead Protection Overlay District is to assist in the preservation of public health, general welfare and safety of the residents of the Village of Marathon and to facilitate the adequate provision of water through the elimination or prevention of groundwater contamination in the vicinity of the wells which supply public drinking water

Section 920 Scope and applicability.

The Wellhead Protection Overlay District shall be considered as overlaying other existing districts as shown on the Zoning Map of the Village of Marathon. Any uses not permitted in the underlying district shall not be permitted in the Wellhead Protection Overlay District. Any uses permitted in the underlying district shall be permitted in the Wellhead Protection Overlay District, except where the Wellhead Protection Overlay District prohibits or imposes greater or additional restrictions and requirements. In any cases where conflicts arise between these requirements and any other existing regulations, the more restrictive regulations shall apply.

Section 930 Establishment and delineation.

The Wellhead Protection Overlay District within the Village of Marathon consists of the:

- A. Wellhead Protection Area – zone of contribution: those land areas within the Village which overlie the Tioughnioga River Valley Aquifer and which are determined to be within the zone of contribution of the municipal water supplies.
- B. The boundaries reflect the best hydrogeologic information available as of the date of the map. All boundaries were developed using information and analysis of the United States Geological Survey, as documented in: Miller, T. S., Simulations of Ground-Water Flow in an unconfined Sand and Gravel Aquifer at Marathon, New York.
- C. Where boundaries are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where the boundaries should be properly located. At the request of the owner(s), the Village may engage a professional geologist, hydrogeologist, engineer or other qualified expert trained and experienced in hydrogeology to determine more accurately the location and extent of a wellhead protection area, and may change the owner(s) for the entire cost of the investigation.

Section 940 Critical environmental area designation.

The Wellhead Protection Overlay District is hereby designated as a critical environmental areas pursuant to § 617.14(g) of the regulations of the New York State Department of Environmental Conservation (DEC).

Section 950 Permitted uses.

The Wellhead Protection Overlay District shall be considered as overlying other zoning districts. All uses permitted in the portions of the districts so overlaid shall be permitted in the Wellhead Protection Overlay District subject to the provisions of this article.

Section 960 Prohibited uses and activities.

The following uses and activities are prohibited within specified subareas of the Wellhead Protection Overlay District under the provisions of this article:

- A. Manufacturing, processing or storage of bulk quantities of any hazardous material, hazardous waste or toxic substances.
- B. Underground storage or outdoor, aboveground storage of petroleum.
- C. Construction of septic systems or other on-site methods of wastewater disposal.
- D. Dumping, disposal and stockpiling of snow or ice collected from roadways or parking areas.
- E. Bulk storage of deicing materials or coal except in a water-tight, ventilated structure constructed on an impervious surface.
- F. Excavation and extraction of soils, sands and gravels.
- G. Paving or other uses rendering impervious areas with an areal extent greater than 5,000 square feet unless a stormwater pollution prevention plan is prepared, approved, and implemented per the standards of NYS Phase II stormwater regulations.

**ARTICLE X
Supplementary Regulations**

Section 1005 Application of regulations.

All uses permitted by this law shall be subject to such exceptions, additions or modifications as are provided in the following supplementary regulations.

Section 1010 Yard requirement exceptions.

In computing yard depths required by this law the following rules shall be observed:

Patio. A ground level patio shall not be considered as part of a building in the determination of side or rear yard sizes or lot coverage; provided, however, that such patio is unroofed and without walls, parapets or other forms of enclosure. Such patio, however, may have an open guard railing not over three feet high and shall not project into any yard to a point closer than four feet from any lot line.

Section 1015 Lots in two (2) districts.

Where a district boundary line divides a preexisting lot in single or joint ownership of record at the time such line is adopted, the regulations applying to the major portion of the lot shall apply to the whole lot, and in the case where the lot is divided exactly in half by the district line, the regulations of the more restrictive district shall apply to the whole lot. However, if the back of such a lot fronts on a residential street and the effect is to extend a commercial or industrial use onto the residential street, the above provisions shall not apply, and each portion of the lot shall conform to its respective district.

Section 1020 Principal structures on a lot.

In any district, not more than one (1) principal structure shall be erected on a single lot.

Section 1025 Corner lots.

On corner lots there shall be provided on the side street a side yard equal in depth to the required front yard depth on said side street. Such lots shall be deemed to have two (2) adjoining front yards. The two remaining yards shall be deemed side yards.

Section 1030 Parking of recreational vehicles.

No recreational vehicles may be parked or stored in any area in a front yard, and in the case of corner lots, the side yard facing the street, except in business or industrial areas where such vehicles are temporarily displayed for sale.

Section 1035 Temporary sales.

Rummage sales shall be permitted without a permit in all areas, provided that such sale shall be conducted for a period of no longer than three (3) consecutive days or parts thereof in one (1) calendar week, nor a cumulative total of six (6) days or parts thereof in one (1) calendar month.

Section 1040 Commercial/Industrial Storage

- A. All production or processing of materials or substances shall be within an enclosed building.
- B. All commercial/industrial storage shall be effectively screened from view of pedestrian passersby on any public way adjacent to the premises containing such storage.
- C. Storage of waste products must be completely enclosed within a building or storage shed.

Section 1045 Screening walls, fences and hedges.

- A. Residential district.
 - (1) In any residential district, a front yard fence may be erected not to exceed three (3) feet in height. It shall not be closer than the rear of the sidewalk line and shall have a minimum open to closed ratio of one to one (1:1).
 - (2) A security fence or a privacy fence may be erected not to exceed six (6) feet in height. The fence may be erected only within the rear and side yards, provided that it is no closer than one (1) foot from the property line.
 - (3) Swimming pools shall be enclosed with a fence as specified in the Building Code of New York State.
 - (4) Hedges may be permitted in front yards, provided that no hedge along the sides or front edge of the front yard shall exceed two and one-half (2-1/2) feet in height.

- B. Schools, playgrounds and parks. A security fence provided for schools, playgrounds and parks in any district shall not be more than ten (10) feet in height.

- C. Business and Industrial districts.

A fence may be erected in business and industrial districts at least one (1) foot from the property lines. Fences shall not exceed ten (10) feet in height and shall have a minimum height of five (5) feet.

- D. Fence design standard. All fences in any district shall meet the following standards:
 - (1) A fence shall be constructed and maintained to withstand a wind load of no less than 15 pounds per square foot. All materials shall be treated against infestation or corrosion.
 - (2) No fence shall be constructed with barbed or electric wire, broken glass or other similar high risk injury causing materials on any surface.
 - (3) All fences shall be maintained by the property owner as meets the original design specifications.
 - (4) All fences must be constructed in such a manner that the side of the fence from which the structural supports are most readily observable face inward on all sides and not towards the outside portion of the lot upon which the fence is erected.

E. Required buffer strip.

- (1) If the use of a residentially zoned lot is other than as a single- or two-family dwelling, a buffer strip 10 feet in width shall be provided at the side or rear lot line which abuts the single- or two-family dwelling use.
- (2) A buffer strip 10 feet in width shall be provided upon all non-residentially zoned lots which abut a residentially zoned lot at the side or rear lot line.
- (3) Each buffer strip shall be planted with at least two trees and/or shrubs every ten linear feet. The remainder of each buffer strip shall be landscaped in grass, ground cover, or other vegetation wall or fence. If woodlands are located within the required landscaped area, preservation of such woodlands may substitute for the required trees and/or shrubs. If woodlands are located in only part of the required landscaped area, the number of trees and/or shrubs required may be proportionally reduced.
- (4) Landscaping of buffer strips shall not interfere in any manner with either on-site or off-site traffic visibility.
- (5) The owner and occupant of property upon which a buffer strip is located shall maintain the buffer strip in such a manner as to preserve its intended appearance.

Section 1050 Visibility at intersections.

- A. A clear sight triangle at street intersections shall be maintained. The “clear sight triangle” is an area encompassed by the intersecting street lines of a corner lot and a straight line joining said street lines at points which are a distance of thirty (30) feet from the point of intersection of the street lines. The height of any vegetation fence, wall or any other structure, whether man-made or natural, excepting the natural grade of the land, shall not exceed two and a half (2½) feet above the top of the curb or, if no curb exists, above the level of the intersecting center lines of the street.
- B. The Code Enforcement Officer shall have the authority to enforce the removal of any materials that are in violation of this section. Failure to comply with his written order within ten (10) days shall be considered a violation. If after thirty (30) days from such notice the material has not been removed, the Village of Marathon shall have the authority to remove such material and will charge the owner for the cost of the removal.

Section 1055 Private swimming pools.

- A. Swimming pools shall be erected in the rear yard of the premises (except that the side yard, in the case of a corner lot or a double lot, may be used if all other requirements of this law are met).
- B. Swimming pools shall not be erected closer than eight (8) feet from the rear and side property lines of the premises or, in the case of a corner lot, closer than twenty-five (25) feet from any street line along an abutting street.
- C. Swimming pools shall not occupy more than forty percent (40%) of the area of the rear yard excluding all garages or other accessory structures located in such area.

Section 1060 Odd shaped lots.

Where a question exists as to the proper application of any of the requirements of this law to a particular lot or parcel because of the peculiar or irregular shape of the lot or parcel, the Zoning Board of Appeals shall determine how such regulations shall be applied.

Section 1065 Porches.

No porch, whether enclosed or unenclosed, may project into any required yard, but shall be considered a part of the building in the determination of the size of the yard or amount of lot coverage. Roofs over entrance doorways may extend not more than three (3) feet into any required yard.

Section 1070 Stripping of topsoil.

No person, firm or corporation shall strip, excavate or otherwise remove topsoil for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto. No topsoil shall be stripped, excavated or otherwise removed that will result in a slope steeper than one (1) foot vertical on three (3) feet horizontal. No land shall be excavated until measures are taken to avoid soil loss or erosion. The excavation of any material shall require a special permit from the Village Planning Board.

Section 1075 Artificial Lighting.

- A. Exterior artificial lighting or illumination that is installed, established and/or maintained on any real property within the Village shall adhere to the following:

1. Artificial lighting or the reflection therefrom shall not be installed, established or maintained in such a manner as to be a nuisance or as to unreasonably interfere with the quiet enjoyment of the occupants of neighboring properties.
 2. Spot lights, flood lights and the like shall not be directed or aimed towards a neighboring property or operated in such a manner that light shines directly on or into any room, porch, or patio located on a neighboring property.
 3. There shall be no artificial lighting or illumination of outdoor recreational facilities, except swimming pools.
 4. Artificial lighting or the reflection therefrom shall not be directed towards any street or road within the Village so as to interfere with the visibility and/or safety of motorists.
- B. The following lighting uses shall be prohibited in all zoning districts of the Village of Marathon:
1. All moving, revolving, and flashing lights.
 2. Mercury vapor lights.
 3. Laser source lighting or any similar high intensity light for outdoor advertising or entertainment projected above the horizon is prohibited.

ARTICLE XI Site Plan Review Procedure

Section 1110 Legislative intent.

The intent of this Article is to set forth additional requirements which shall apply to certain land uses and activities which, due to their characteristics or the special characteristics of the area in which they are to be located, require special consideration so that they may be properly located and planned with respect to the objectives of this law, their effect on the surrounding properties and community character and the ability of the Village to accommodate the growth resulting from the proposed use without undue adverse effect on the Village.

Section 1120 Applications.

All applications for building permits, zoning variances or special permits, except for single-family dwellings and their permitted accessories thereto, or any addition to or alteration of a single-family dwelling, or any structure of a lesser degree, shall be accompanied by a site plan approval, and no building permit, zoning variance or special permit shall be issued until all the requirements of this Article and all other applicable provisions of this law have been met.

Section 1130 Procedure.

- A. Each application for a building permit, variance or special permit requiring site plan review shall be referred to the Village Planning Board by the Code Enforcement Officer for action within (10) days after the Code Enforcement Officer receives said application.
- B. The Code Enforcement Officer shall request the advice of the Planning Board Chairman as to the necessity of site plan review. The Planning Board Chairman will decide, with the consent of the Planning Board, if a site plan review is required and will so advise the Code Enforcement Officer before a zoning permit is issued.
- C. Within forty-five (45) days of receipt of the application, the Planning Board shall render a decision to approve, approve with conditions or deny and forward the decision to the Code Enforcement Officer. An extension of this forty-five day period may be granted upon consent of both the applicant and the Village Planning Board. If the Planning Board fails to act within said forty-five day period or extension that has been granted, the site plan shall be considered approved.
- D. A full written record of such Planning Board minutes and decisions, together with all documents pertaining thereto, shall be filed in the office of the Village Clerk.
- E. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations. If required pursuant to § 239-m of the General Municipal Law, the Planning Board shall refer the matter to the Cortland County Planning Board before final action is taken thereon.

Section 1140 Conditions for site plan approval.

The Planning Board will approve the site plan, provided that the following findings shall be made:

- A. The location and size of the use, the nature and intensity of the operations involved and the location of the site with respect to it shall be such that it will be in harmony with the orderly development of the district as proposed in the Comprehensive Plan, and the location, nature and height of buildings, walls and fences will not discourage the appropriate site development and use of adjacent land and buildings.
- B. Operations in connection with any use subject to site plan review shall not be objectionable to nearby properties by reason of noise, vibrations, increased vehicular traffic or parking demand or lighting illumination.
- C. The proposed use will be provided with adequate supporting services, such as fire and police protection, public and private utilities and all other supporting governmental services necessary and appropriate to the proposed uses.
- D. Controls for vehicular and pedestrian movement, including handicap accessibility, are designed to provide for the safety of the general public and the occupant, employees, attendants and other persons for whose benefit the use is intended.
- E. The proposed use is physically and visually compatible with the general neighborhood and will not adversely affect existing land use within close proximity to the proposed site.
- F. The placement and kind of landscaping is such that adjacent residential areas are adequately screened from any potential nuisance features of the proposed use and such other criteria as deemed necessary to the Planning Board as directly related to acceptable planning techniques and practices.
- G. The site plan provides for adequate drainage in a way that will not have an adverse impact upon adjacent and surrounding uses.
- H. The proposed use will not have a detrimental affect on the character or integrity of any land use within the immediate neighborhood having a unique cultural, historical, geographical, architectural value or other special characteristics.

Section 1150 Site plan required documentation.

- A. The following information shall be submitted to the Village Planning Board in conjunction with any application for a building permit, zoning variance or special permit requiring site plan approval:

- (1) An area map with a scale of one inch (1) equals two hundred (200) feet or one (1) inch equals four hundred (400) feet, which shall include the location and name of railroads, streams, public and private roads and right-of-ways and all public facilities, such as schools, firehouses, houses of worship, parks, etc.
- (2) A map of the applicant's tract or property at a scale of one (1) inch equals twenty (20) feet.
- (3) The names of all owners of record of adjacent property within two hundred (200) feet of all property lines.
- (4) Existing zoning district boundaries within five hundred (500) feet of the tract.
- (5) Boundaries of the property and existing lot lines as shown on the existing Tax Map.
- (6) Existing public streets, easements or other reservations of the subject land.
- (7) A copy of any covenants or deed restrictions that are intended to cover all or any part of the tract.
- (8) Location of all existing structures on the site, as well as those on adjacent properties within two hundred (200) feet of subject lot line.
- (9) The proposed location of any use of any building or structure.
- (10) The proposed location of any use not requiring a structure, including walkways, benches and recreational facilities.
- (11) Plans and plan elevations, except structural and mechanical plans, of all proposed freestanding signs.
- (12) All existing and proposed means of vehicular ingress and egress to and from the site.
- (13) Location and design of all driveways, parking and loading areas.
- (14) Location of all existing and proposed waterlines, valves and hydrants and all sewer lines.
- (15) Provisions for snow storage.
- (16) Proposed stormwater drainage systems.

- (17) Proposed fencing, screening and landscaping.
 - (18) Proposed location, direction and type of outdoor lighting.
 - (19) Existing and proposed contours with intervals of two (2) feet extending fifty (50) feet beyond the tract.
 - (20) Location of existing watercourses, wooded areas, rock outcrop and single trees with a diameter of twelve (12) inches or more measured four (4) feet above the ground level.
- B. Where the applicant wishes to develop the project in stages, a site plan indicating ultimate development shall be presented for approval.
- C. The Village Planning Board may require additional data or may waive any of the above requirements where it is warranted due to special conditions of the site or complexity of the proposed development.
- D. If the proposed use or structure is located within a Special Flood Hazard Areas and/or floodways the applicant shall provide the following additional information:
- (1) Plans drawn to scale clearly indicating the location of the lot or construction site in relation to watercourses or other bodies of water, boundaries of Special Flood Hazard Areas, including floodway limits and/or topography of the site with elevations in relation to mean sea level, base flood elevations as shown on the Flood Insurance Rate Map, existing and proposed buildings and other structures, fill, drainage facilities and location and description of any materials proposed to be stored within Special Flood Hazard Areas on a permanent or temporary basis incidental with the proposed project.
 - (2) Elevation in relation to mean sea level of the lowest floor (including basement) of all existing and proposed structures.
 - (3) Elevation in relation to mean sea level to which any nonresidential structure is proposed to be floodproofed together with attendant utility facilities.
 - (4) Plans showing how any nonresidential floodproofed structure meets the floodproofing standards.
 - (5) Required certifications. The site plan and related information specified in this subsection shall include the written certification of either a professional engineer or architect licensed to practice in the State of New York that the appropriate standards have been met.

ARTICLE XII
Special Permits

Section 1210 Policy.

While recognizing that certain types of uses may be desirable or necessary in the village, their nature can cause certain problems or difficulties. Consequently, particular uses are controlled by special permit procedure which requires additional regulations designed for each use in order to mitigate such problems or difficulties and to minimize the impact of these upon the zoning district in which such use is located. All identified special permits herein are hereby declared to possess unique characteristics that each specific use shall be considered as an individual case.

Section 1220 Procedures.

- A. The Code Enforcement Officer shall refer the completed special permit application to the Village Planning Board within ten (10) days after receiving a completed application.
- B. The Planning Board shall conduct a public hearing within sixty-two (62) days from the day an application is received on any matter referred to it under this section. Public notice of said hearing shall be printed in a newspaper of general circulation in the village at least five (5) days prior to the date thereof. Said notice shall contain the date, time and place of the public hearing, as well as sufficient information so as to identify the property involved and the nature of the proposed action.
- C. At least ten (10) days before such hearing, the Planning Board shall mail notice thereof to the Cortland County Planning Board as required by § 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration, as defined in Subdivision 1 of § 239-m of the General Municipal Law.
- D. The Planning Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations.
- E. The Village Planning Board shall make a factual record of all its proceedings involving the granting of a special permit. The decision of the Planning Board shall contain the reasons for its decision.

- F. The Planning Board shall decide upon the application within sixty-two (62) days after the close of the hearing. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Board. Failure to render its decision within said sixty-two day period, or such extended period as may have been agreed upon, shall constitute approval. The decision of the Planning Board on the application after the holding of the public hearing shall be filed in the office of the Village Clerk within five (5) business days after such decision is rendered and a copy thereof mailed to the applicant.
- G. Each application for a special permit shall be accompanied by a proposed plan showing the information required for site plan approval in Article XI.

Section 1230 Interpretation.

The findings hereinafter set forth are general and special. General findings are a prerequisite prior to the issuance of any special permit in this law. Special findings are in addition to general findings and apply only to those uses hereinafter enumerated.

Section 1240 General findings.

Before granting a special permit, the following findings shall be made:

- A. The proposed use is in compliance with all other applicable regulations of this law inclusive of specific district controls and controls applicable to all districts, and all other applicable local, state and federal regulations.
- B. The proposed use is physically and visually compatible with and will not discourage the appropriate planned development or redevelopment of the general neighborhood or adversely affect the character of existing land uses within close proximity of the subject site.
- C. The proposed use will be provided with adequate supporting services, such as fire and police protection, public and private utilities and all other supporting public services necessary and appropriate to the proposed use.
- D. That access facilities are adequate for the estimated traffic from public streets or highways so as to assure the public safety and to avoid traffic congestion and hazards, and further that vehicular entrances and exits shall be clearly visible from the street and not be within fifty (50) feet of the intersection of street lines at a street or highway intersection, except under unusual circumstances.

- E. There are an adequate number of off-street parking and loading spaces provided for the anticipated number of occupants, employees, attendants and patrons or visitors, and further that the layout of spaces and driveways is convenient and conducive to safe operation.
- F. Adequate buffer areas and screening are provided where necessary to protect adjacent properties and land uses.
- G. Controls for pedestrian movement are designed to provide for the safety of the general public and the employees, occupants, attendants, patrons and visitors for whose benefit the proposed use is intended.
- H. Adequate provisions are made for the collection and disposal of stormwater runoff from the site, sanitary sewage, refuse or other waste, whether liquid, solid, gaseous or of other character.
- I. The lot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof.

Section 1250 Special findings.

The Village Planning Board may grant a special permit for uses in this section, provided that all the additional requirements and conditions set forth in the subsections below are compiled with.

- A. Ancillary parking area.
 - (1) The parking area must be in the same ownership as the lot being served and a Covenant to Run with the Land must be established for as long as the principal use exists for which the ancillary parking area is provided.
 - (2) No fee may be charged for parking.
 - (3) There shall be no sales, dead storage, repair work, dismantling or servicing of any kind on the parking lot.
 - (4) The ancillary parking area shall be surfaced with asphalt/concrete paving.
 - (5) Entrances and exits shall provide direct access to the street separating the lot served by the ancillary parking lot.
 - (6) There shall be a five foot buffer strip along all contiguous property lines, in which there shall be screening of either fencing or plantings having a height not less than three feet above finished grade.

- (7) Lighting facilities shall be arranged so that no direct rays will fall on the adjoining property and shall be confined within the boundaries of the parking area.

B. Bed-and-Breakfast.

This use shall not be permitted in other than a single-family dwelling.

C. Churches or places of worship.

- (1) The minimum lot size shall be forty thousand (40,000) square feet and the minimum lot frontage shall be one hundred twenty (120) feet.
- (2) All buildings and structures shall be at least fifteen (15) feet from any property line.
- (3) Parking areas shall not be within ten (10) feet of any property line.
- (4) Entrance and exit points shall be from a publicly maintained street.

D. Extended care medical facilities.

- (1) The minimum lot size shall be twenty thousand (20,000) square feet, and the minimum lot frontage shall be one hundred (100) feet.
- (2) Landscaping areas of at least ten (10) feet in width shall be provided along all lot lines, except in front yards.
- (3) No structure or use shall be located within twenty (20) feet of any property line.
- (4) The applicant must demonstrate that the requested permit complies with all state and county health codes.
- (5) Entrance and exit points shall be from a publicly maintained street.

E. Fuel stations.

- (1) The minimum lot size shall be twenty-thousand (20,000) square feet, and the minimum lot width shall be one hundred (100) feet.

- (2) Entrance and exit driveways shall have an unrestrictive width of not less than twenty-five (25) feet and shall be located not nearer than fifteen (15) feet to any property line and shall be designed to avoid the necessity of any vehicle backing out into any public right-of-way.
- (3) Entrance and exit points shall be from a publicly maintained street.
- (4) Fuel Stations must meet all State and Federal requirements.
- (5) No zoning permit for any such establishment shall be issued within a distance of 200 feet of a school, church, extended care medical facilities, senior citizen housing or other place of public assembly designed for occupancy by more than 50 persons, or within 500 feet of another fuel station or repair garage on the same side of a street, said distance to be measured in a straight line between the nearest points of each of the lots or premises, regardless of the distance where either premises is located.
- (6) No motor vehicle sales, major motor or body repairing, wrecking or dismantling shall take place on the premises.
- (7) No motor vehicle shall be parked or stored in any required front yard which shall be adequately landscaped.
- (8) Buffer areas of at least 10 feet in width shall be provided along all property lines with a variety of plants to lessen any visual unattractiveness of this type of use.
- (9) There will be clear separation of motor vehicles traffic from pedestrian traffic on the site.
- (10) Curbing to regulate the location of vehicular traffic shall be installed at the edge of the roadway along the entire street frontage of the lot upon which the gasoline station is located.
- (11) Above- and below ground petroleum bulk storage facilities are subject to compliance with standards described in Article XIX, XX and XXI of the Sanitary Code of the Cortland County Health Department.

F. Home Occupations.

- (1) No persons other than residents of the dwelling may be employed in the conduct of the home occupation.

- (2) A home occupation must be conducted within a dwelling which is the bona fide residence of the principal practitioner or in an accessory building thereto which is normally associated with a residential use.
- (3) Entrance and exit points shall be from public roads.
- (4) No more than thirty (30) percent of the gross floor area of such residence shall be used for the conduct of a home occupation. No more than seven-hundred and fifty (750) square feet of the floor area of an accessory structure shall be used for a home occupation.
- (5) In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by use of colors, materials, construction, lighting, or the emission of sounds, noises, odors or vibrations.
- (6) No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in the home associated with a hobby or avocation not conducted for gain or profit or machinery or equipment which is essential in the conduct of the home occupation.
- (7) No outdoor display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.
- (8) One non-illuminated sign shall be permitted not to exceed four (4) square feet in area. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.
- (9) One (1) commercial type vehicle may be used in connection with the home occupation and be parked on the property.
- (10) All parking shall be accommodated on site without the necessity for parking within the public right-of-way.
- (11) No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.

- (12) A home occupation shall not be interpreted to include the following: commercial stables or kennels, restaurants, musical and dancing instruction to groups exceeding four pupils, convalescent homes, homes for physically or mentally ill, mortuary establishments, garages or shops for the repair of motor vehicles and other trades and businesses of similar nature.

G. Motor vehicle sales.

- (1) The minimum lot size shall be 20,000 square feet, and the minimum lot width shall be 100 feet.
- (2) Entrance and exit driveways have an unrestricted width of not less than 25 feet and shall be located not nearer than 10 feet to any property line and shall be so laid out to avoid the necessity of any vehicle backing out across any public right-of-way. Further, entrance and exit roads shall be from major or secondary streets.
- (3) No storage of motor vehicle fuel shall take place.
- (4) There will be a clear separation of motor vehicle traffic from pedestrian traffic on site.

H. Motor vehicle services.

- (1) The minimum lot size shall be 25,000 square feet, and the minimum lot width shall be 100 feet.
- (2) Entrance and exit driveways shall have an unrestricted width of not less than 25 feet and shall be located not nearer than 10 feet to any property line and shall be designed as to avoid the necessity of any vehicle backing out into any public right-of-way.
- (3) No more than 10 licensed motor vehicles being serviced or repaired shall be stored or parked outdoors for more than 48 hours, and these shall be in areas effectively screened from all property lines.
- (4) Buffer areas of at least 10 feet in width shall be provided along the property lines with a variety of plants to lessen any visual unattractiveness of this type of use.
- (5) There will be a clear separation of motor vehicle traffic from pedestrian traffic on the site.

- (6) Outside storage of junk, automobile parts, debris, wrecked, abandoned, unlicensed, dismantled or partly dismantled vehicles shall not be permitted.
 - (7) All buildings shall be setback a distance of not less than 30 feet from all property lines.
 - (8) Curbing to regulate the location of vehicular traffic shall be installed at the edge of the roadway along the entire street frontage of the lot upon which the motor vehicle repair shop is located.
 - (9) Entrance and exit points shall be from a publicly maintained street.
 - (10) Floor drains must be connected to a holding tank or sanitary sewer equipped with an oil and grit separating tank. Floor drains which are connected to a sanitary sewer must meet discharge limits established by the Marathon Wastewater Treatment Plant.
 - (11) Wastes collected in a holding tank must be disposed of through a licensed waste hauler.
 - (12) Waste degreasing solvents must be stored in drums or a holding tank and disposed of through a licensed waste hauler.
 - (13) Waste oil must be stored in tanks or drums for disposal by a licensed waste hauler.
 - (14) Storage facilities for tanks and/or drums require coated concrete floors and dikes to retain accidental spills or leaks and a permanent roof to protect tanks or drums and to prevent precipitation from entering dikes. Drums should be sealed, and tanks and drums must be located away from floor drains.
 - (15) Large drip pans should be kept beneath drums which have spigots and are stored in horizontal position on racks.
 - (16) Potentially contaminated scrap, including but not limited to scrap parts, batteries and used filters, shall be stored in proper containers to prevent environmental release of contaminants.
- I. Multi-family dwelling. The maximum number of dwelling units shall not exceed three dwelling units per acre.
- J. Veterinary establishments and kennels.

- (1) The minimum lot size shall be twenty-five thousand (25,000) square feet, and the minimum lot frontage shall be one hundred twenty-five (125) feet.
- (2) Adjacent properties shall be adequately protected from noise, odors and unsightly appearance.
- (3) All buildings, structures or other accessory uses shall be at least fifty (50) feet from any property line.
- (4) All animals shall be kept within a totally enclosed and suitably ventilated building between the hours of 8:00 p.m. and 6:00 a.m.
- (5) Lot coverage shall not exceed fifty percent (50%).
- (6) Entrance and exit points shall be from a publicly maintained street.

ARTICLE XIII
Nonconforming Uses

Section 1310 Intent.

It is the intent of this law to permit nonconformities to continue, but not encourage their survival, where such nonconformities do not endanger the public health, safety and welfare.

Section 1320 Construction approved prior to law adoption.

Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within six (6) months of the date of such permit and the ground story framework of which, including the second tier of beams, shall have been completed within one (1) year of the date of the permit and which the entire building shall be completed according to such plans as filed within two (2) years from the date the permit was issued.

Section 1330 Termination of certain noxious and objectionable nonconforming uses and signs.

Each of the nonconforming uses specified in this section is deemed sufficiently objectionable, undesirable and out of character in the district in which such use is located as to depreciate the value of the other property and uses permitted in the district and blight the proper and orderly development and general welfare of such district and the community to the point that such nonconforming use or sign must be and shall be terminated on or before the expiration of the specified period of time after the effective date of this law, which period of time is specified for the purpose of permitting the amortization of the remaining value, if any, of such use.

- A. In any district, the following nonconforming uses may be continued for one (1) year after the effective date of this law, provided that, after the expiration of that period, such nonconforming use shall be terminated: storage of junk; junkyards; an open storage yard for materials or equipment.

- B. Any sign not of a type permitted, or of a permitted type but of a size exceeding the maximum permitted size by more than ten percent (10%), may be continued for one (1) year following the effective date of this law, provided that, after expiration of that period, such sign shall be terminated. Any noncompliance as to the location of any sign shall be corrected within six (6) months following the effective date of this law.

Section 1340 Nonconforming uses and structures.

All lawful uses and structures existing at the time of the enactment of this law may be continued although such does not conform to the provisions of this law, provided that:

- A. No nonconforming use or structure shall be extended, expanded or enlarged into any building or lot, or portions thereof, not used for such uses on the day of the enactment of this law. However, a nonconforming use may be extended throughout any parts of a building which was manifestly arranged or designed for such use at the time of the enactment of this law.

- B. No such nonconforming use or structure shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such at the effective date of adoption or amendment of this law.

- C. If any such nonconforming use or structure ceases for any reason for a period of one (1) year or more, such use shall not be reestablished. Intent to reestablish or resume a nonconforming use shall not confer the right to do so.

- D. No such nonconforming use shall be restored or structurally altered in any way that will increase its degree of nonconformance. A nonconforming use may be structurally altered or renovated so as to decrease its degree of nonconformance.
- E. Any nonconforming use, if damaged or destroyed from any cause to the extent, as determined by the Code Enforcement Officer in consultation with a licensed engineer, of over sixty percent (60%) of the value of such structure above the foundation, shall not be rebuilt or restored for the continuance of a nonconforming use therein. Such building, if damaged to the extent, as determined by the Code Enforcement Officer, of less than sixty percent (60%) of the value of such structure above the foundation, may be restored in the same location, provided that it is not enlarged or extended and is made substantially to conform to the height and yard requirements applicable to the district in which it is located.
- F. Any nonconforming building or use, if changed to conform to the requirements of this law, shall not thereafter be changed back to a nonconforming building or use.

Section 1350 Nonconforming buildings.

Nonconforming buildings may be continued, repaired, structurally altered, moved, or reconstructed, provided that such action does not increase the degree of, or create any new nonconformity to district bulk regulations.

Section 1360 Nonconforming lots of record.

- A. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings which do not have a total lot area specified for residential use in the district such lot is located may be erected on any single lot of record at the effective date of adoption or amendment of this law, notwithstanding limitations imposed by other provisions of this law. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply, provided that yard dimensions and requirements of the lot, other than those applying to area and/or width, shall conform to the regulations for the district in which such lot is located.

- B. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of adoption or amendment of this law, and if all or part of the lots do not meet the requirements established for lot width and area in that district, the lands involved shall be considered to be an undivided parcel for the purposes of this law, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this law, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated for the district in which such lot is located.

ARTICLE XIV
Zoning Board of Appeals

Section 1410 Establishment.

The Village Board of Trustees shall appoint a Board of Appeals pursuant to § 7-712 of the Village Law. Said Board shall consist of three (3) members to serve for overlapping three (3) year terms. The Chairman of the Board shall be one of the three (3) members and shall be elected by the Board of Appeals and approved by the Village Board of Trustees. The Board shall elect a Vice Chairman from its membership, shall appoint a Secretary and shall establish rules for the conduct of its officers.

Section 1420 Powers and duties.

The Board of Appeals shall have all the powers, duties, rights and functions prescribed by § 7-712-b of the Village Law for the State of New York, as amended, and by this law, which are more particularly specified as follows:

- A. Interpretation. An appeal from an order, requirement, decision or determination made by the Code Enforcement Officer to decide any question involving the interpretation of any provision of this law or of the following questions:
- (1) Meaning. The determination of the exact meaning of any position of the text of this law or of any condition or requirement specified or made under the provisions of this law.
 - (2) Locations. The determination of the exact location of any district boundary shown on the Zoning Map. The Board may request assistance from the Village Engineer or County Planning Department or other professional person in making this determination.

B. Variances.

(1) Use variances.

- (a) The Board of Appeals, on appeal from the decision or determination of the administrative officer charged with the enforcement of such local law, shall have the power to grant use variances, as defined herein.
- (b) No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that, for each and every permitted use under the zoning regulations for the particular district where the property is located:
 - (1) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.
 - (2) The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.
 - (3) The requested use variance, if granted, will not alter the essential character of the neighborhood.
 - (4) The alleged hardship has not been self-created.
- (c) The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant and, at the same time, preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(2) Area variances.

- (a) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such law, to grant area variances as defined herein.

- (b) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider whether:
 - (1) An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
 - (2) The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
 - (3) The requested area variance is substantial.
 - (4) The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
 - (5) The alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
 - (c) The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and, at the same time, preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- (3) Conditions and safeguards. In all cases where the Board of Appeals grants a variance from the strict application of the requirements of this law, the Board of Appeals shall prescribe conditions and safeguards that it deems to be necessary or desirable in preserving the spirit and intent of this law. These conditions and safeguards may include, but are not limited to, points of entry and exit, landscaping, lighting, buffer areas, screening, fencing, drainage and other conditions it may deem reasonable and proper to ensure that the spirit and intent of this law is preserved. Where special circumstances exist, the Zoning Board of Appeals shall have the authority to establish time limitations upon the granting of a variance.

- (4) Needs and desires of the applicant. The needs or desires, economic, social or otherwise, of a particular owner or tenant shall not, either alone or in conjunction with other factors, such as existing improvements at the time of the application which are old, obsolete, outmoded or in disrepair, afford any basis for the granting of a variance.
- C. Recommendation for rezoning. Where the Board finds the zoning classification of a particular property to be conducive to the deprivation of the reasonable use of the land or building by the owner thereof, and where the Board deems the same condition to apply generally to other land or buildings in the same neighborhood or district, the Board shall call this condition to the attention of the Planning Board for consideration of rezoning and report to the Village Board of Trustees.

Section 1430 Procedures.

- A. Rules and regulations. The Zoning Board of Appeals shall act in strict accordance with the procedure specified by state laws and this law and amendments thereto. All appeals and applications made to the Board shall be in writing on forms prescribed by the Board and shall include all required information.
- B. Substantiation. Each appeal or application shall fully set forth the circumstances of the case. Every appeal or application shall refer to the specific provision of the law involved and shall exactly set forth, as the case may be, the interpretation that is claimed, the details of the variance that is applied for and the grounds on which it is claimed that the same should be granted.
- C. Public hearing.
 - (1) At the next regular meeting after receiving the completed appeals or application form, the Board shall fix a date for the hearing within a reasonable time, not exceeding thirty (30) days, or sixty (60) days when the appeal or application must be referred to the Cortland County Planning Board pursuant to General Municipal Law, § 239-m.
 - (2) Notice of hearing shall be published in a newspaper of general circulation in the Village at least five (5) calendar days prior to the date of the hearing and shall contain the date, time and place of the hearing and the name of the appellant and the substance of the appeal.

- (3) The Secretary of the Board of Appeals, at least five (5) days prior to the date of the hearing, shall mail a notice to the owners of all property abutting that held by the applicant in the immediate area and all other owners within two hundred (200) feet. Such notice shall be sent by mail to the owners of record on the current assessment roll. The applicant shall provide the list of such owners along with an envelope for each owner with the necessary postage for mailing.
- D. Review by the Cortland County Planning Board. At least five (5) days before such hearing, the Board of Appeals shall submit the application thereof to the Cortland County Planning Board for review, if required by § 239-m of the General Municipal Law.
- E. Notification of Village Planning Board. The Board of Appeals may request advice or opinions on any appeal or application before the Board from the Village Planning Board.

Section 1440 Expiration.

Unless major structural construction has commenced within twelve (12) months from the date of the granting of a variance and completed within two (2) years of start of construction, such variance shall become null and void. If circumstances beyond the control of the applicant preclude the commencement of major structural construction within two (2) years, as determined by the Zoning Board of Appeals, then the applicant has a right to reapply without penalties or fees assessed therewith.

Section 1450 Decision.

- A. Every decision of the Zoning Board of Appeals shall be recorded in accordance with standard forms adopted by the Board and shall fully set forth the circumstances of the case and shall contain a full record of the findings on which the decision is based. Every decision of the Board shall be by resolution and each such resolution shall be filed in the office of the Village Clerk within five (5) business days, together with all documents pertaining thereto, and a copy thereof mailed to the applicant.
- B. The Board of Appeals shall decide upon the appeal within sixty-two (62) days after the conduct of said hearing. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board. The Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act (SEQR) under Article 8 of the Environmental Conservation Law and its implementing regulations.

- C. Time of appeal. Such appeal shall be taken within sixty (60) days after the filing of any order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of this law by filing with such administrative official and with the Board of Appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

- D. Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of this law, from whom the appeal is taken, certifies to the Board of Appeals, after the notice of appeal shall have been filed with the administrative official, that, by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

ARTICLE XV
Signs

Section 1510 Purpose.

The regulation of signs by this Article is intended to promote and protect the public health, safety and welfare by creating signage compatible with the physical environment and surrounding land uses: by creating a more attractive economic and business climate within the commercial and industrial areas of the Village; by enhancing and protecting the physical and visual appearance of all areas of the Village; by reducing the distractions, obstructions and hazards to pedestrian and auto traffic caused by the indiscriminate placement and use of signs; and by safeguarding and enhancing property values in all zoning districts.

Section 1520 Scope.

The regulations of this Article shall govern and control the erection, enlargement, expansion, alteration, operation, maintenance, relocation and removal of all signs within the Village visible from any street, sidewalk or public or private common open space. The regulations of this Article relate to the location of signs by function and type within zoning districts.

Section 1530 General prohibitions.

The following shall be prohibited within all districts:

- A. Obstructions. No sign shall obstruct by physical or visual means any fire escape, window, door or any opening providing ingress or egress or designed for fire or safety equipment, any passageway from one part of a structure or roof to another portion thereof or any opening required for ventilation or which is required to remain unobstructed by an applicable law.
- B. Placement. No sign shall be placed upon or attached to any public right-of-way, public or private utility pole, lamp post, water or fire hydrant, bridge, tree or similar installation or improvement, whether situated upon public or private property.
- C. Hazards to public safety. Signs which by their use or simulation of colors, design or placement, tend to confuse, detract from or in any other way obstruct the utilization of traffic regulatory devices are prohibited.
- D. Flashing, moving or animated signs.
- E. Illumination.
 - (1) No sign shall produce illumination in excess of one (1) footcandle at a distance of four (4) feet.
 - (2) No illumination shall cause direct light rays to cross any property line.
 - (3) All permanent outdoor lights, such as those used for area lighting or building floodlighting, shall be steady, stationary, shielded sources directed so as to avoid causing direct light rays on neighboring properties. The marginal increase in light, as measured at any property line other than a street line, shall not exceed one (1) footcandle.
- F. Off-Premises Advertising Signs.
- G. Roof Signs.

Section 1540 Sign measurement.

- A. The area of a sign shall include any frame and all lettering, wording, designs and symbols, together with the background, whether open or enclosed, on which they are displayed. The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign unless such structure or bracing is made part of the message or face of the sign.

- B. When a sign consists of individual letters, words or symbols attached to or painted upon a surface, building, canopy, awning, wall or window, the sign area shall be the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background of a color different than the natural color of the building, canopy, awning, wall or window and any frame.
- C. Where a sign has two faces, only the area of one face is considered in calculating the area of the sign.

Section 1550 Residential districts.

- A. In all residential districts:
 - (1) For home occupation, if any, on the premises, one (1) home occupation sign, surface-mounted on the dwelling and not over four (4) square feet in total sign area shall be permitted. The sign shall be non-illuminated.
 - (2) Real estate signs. One non-illuminated sign not exceeding six (6) square feet in total sign area, set back at least five (5) feet from the street line, shall be permitted
- B. Contractor's signs shall not exceed twenty (20) square feet in total area when displayed at a site under construction.

Section 1560 Business and Industrial Districts.

Signs in the Business and Industrial Districts shall be permitted as follows:

- A. All buildings may be identified with a wall or ground sign and shall not exceed 1 square foot per two linear feet of such building street frontage. Only one (1) sign shall be permitted per business.
- B. No sign shall contain more than two (2) facings, nor shall any sign exceed total sign area of forty (40) square feet.
- C. All signs may be illuminated; provided, however, that such illumination shall not adversely affect nearby residential property and shall not create a distractive hazard to traffic by glare.
- D. All ground signs shall be set back a minimum of twenty (20) feet from any lot line or street.
- E. No sign affixed to the ground shall exceed a height to the top of the sign measured from the ground level of ten (10) feet.

- F. When a sign is illuminated from an external source, the light source shall be so effectively shielded as to prevent beams or rays of light from being directed into the adjoining property. Also, such light source shall be positioned above the sign it is illuminating and be directed at such sign.
- G. Contractor's signs shall not exceed twenty (20) square feet in total area when displayed at a site under construction.

Section 1570 Administration of sign regulations.

- A. Permit. Except as expressly provided in this Article, no sign shall be erected, enlarged, expanded, altered or relocated without a permit evidencing the compliance of any sign work issued by the Code Enforcement Officer.
- B. Exceptions shall be as follows:
 - (1) Routine sign maintenance.
 - (2) Changing of parts designed to be changed or changing the content of a sign in any manner which does not change the functional classification of the sign.
- C. Procedures.
 - (1) In addition to the information and documents required under this Article, every application for a zoning permit for a sign shall be accompanied by a copy of plans and specifications showing the method of construction, illumination and support of such signs and a sketch, drawn to scale, showing sign faces, exposed surfaces and the proposed message and design, accurately represented as to size, area, proportion and color; by a calculation of the total amount of sign area presently existing on the property; and by the applicant's attestation that the sum of the areas of the requested sign or signs and the existing signs do not exceed the maximum allowed by the provisions of this Article.
 - (2) Should any work specified in the application for the permit not be completed in conformance with this law and within (6) months from the date of issuance of the permit, the permit shall be null and void.
 - (3) The nonrefundable fee for the issuance of a permit under this section shall be as set forth in the fee schedule available from the Village Clerk.

- (4) Should a sign not be in conformance with the provisions of this law, the Code Enforcement Officer shall notify the applicant, in writing, specifying in what respect the sign does not conform and shall advise the applicant of the appeals procedure.
- D. Findings. As a prerequisite to the issuance of any sign permit subsequent to an appeal, in addition to any other restrictions applicable thereto, the following findings shall be made:
- (1) The proposed sign will not adversely affect the character or visual quality of surrounding properties.
 - (2) The proposed sign does not by reason of location create a hazard of any nature to the public in general or to any adjacent owner or occupant.
 - (3) The proposed sign is not in conflict with the general prohibitions contained in this Article.
 - (4) The proposed sign will not have any adverse impact upon the character or integrity of any land use having a unique cultural, historical, geographical or architectural significance.
 - (5) The proposed sign will not hide, obstruct or in any shield other signs from view.

ARTICLE XVI
Off-Street Parking and Loading Requirements

Section 1610 General requirements.

- A. All off-street parking of spaces shall have a minimum dimension of 10 ft. by 20 ft.
- B. Off-street parking shall be required, as provided in accordance with the schedule set forth below in this Article.
- C. All parking spaces, driveways and driving aisles shall have an impervious surface; however, such surfaces which service any use other than single- or two-family dwellings must be surfaced with either concrete or asphalt.
- D. No parking facilities shall be situated within a required front yard in any district except for in an approved access driveway.

- E. Residential driveways constructed within a required front yard may not cover more than 35% of said required front yard and only one of the two required side yards may be utilized as a driveway. This coverage limitation is inclusive of parking spaces.
- F. Access driveway widths shall have the following minimum dimensions:
 - (1) Eight (8) feet for any residential driveway serving not more than two (2) dwelling units.
 - (2) Ten (10) feet for all one-way multifamily residential driveways.
 - (3) Twelve (12) feet for all one-way nonresidential driveways.
 - (4) Twenty-four (24) feet for all two-way driveways.
- G. Each parking facility, except for single and two family dwellings, shall be permanently landscaped and contain necessary lighting and traffic control signs.
- H. Parking spaces for all uses other than single or two family dwellings shall be clearly marked with visible lines, four (4) to six (6) inches wide.
- I. No parking space shall be permitted that will restrict any ingress or egress or access to any loading berth.

Section 1620 Table of required parking.

<u>Principle Uses</u>	<u>Parking Spaces Required</u>
Appearance enhancement services	One (1) space for every 150 square feet of gross floor area
Bed and breakfast establishment	One (1) space for each bedroom
Commercial indoor entertainment	One (1) space for every four (4) persons at maximum capacity
Commercial indoor lodging	One (1) space for each bedroom
Commercial outdoor entertainment	To be determined by Planning Board
Contractor's services	One (1) space for every 500 square feet of gross floor area

Extended Medical Care Facility	Three (3) spaces for every one (1) bed
Financial institutions and services	One (1) space for every 150 square feet plus four (4) vehicle stacking spaces per drive thru area
Fuel stations	One (1) space for every 100 square feet of store and business office space plus four (4) vehicle stacking spaces per pump island.
Indoor storage and warehousing	One (1) space for every 500 square feet of gross floor area
Industrial use	Determined by the Planning Board upon site plan review
Mixed use building	As shall be calculated based upon actual uses
Motor vehicle services	Four (4) spaces for every bay or repair station. Each bay or repair station may be considered as a parking space.
Residential	Two (2) spaces per dwelling unit
Personal & Professional services	One (1) space for every 150 square feet of gross floor area
Restaurants and taverns	One (1) space for every 60 square feet of gross floor area plus four vehicles stacking spaces for any drive thru window
Retail Sales	One (1) space for every 200 square feet of gross floor area
All other uses	One (1) space for every 150 square feet of gross floor area

Section 1630 Minimum requirement for off-street loading berths.

- A. Stall dimension. An off-street loading stall space shall have a minimum of four hundred and fifty (450) square feet plus necessary additional space for entrance, exit and aisle space and shall not be located in any required yards, off-street parking spaces or accessory drives thereto.
- B. The minimum clear height of each loading berth, including access to it from the street, shall be fourteen (14) feet.

- C. Loading berths and access thereto shall be kept clear of parked vehicles (except those used for loading and delivery purposes), trash enclosures or other obstructions.

ARTICLE XVII
Enforcement and Administration

Section 1705 Enforcement officer; authority.

This law shall be enforced and administered by the Code Enforcement Officer, who shall be appointed by the Village Board of Trustees. The Village Board of Trustees may fix the salary or remuneration of such Code Enforcement Officer and provide for payment thereof. No zoning permit or certificate of compliance shall be issued except in conformity with all the provisions of this law. The Code Enforcement Officer is expected to enforce this law and is authorized to cause any building, structure, place, premises or use to be inspected or examined and to order, in writing, the remedying of any condition found to exist therein and thereon in violation of any provision of this law.

Section 1710 Zoning permit.

- A. No building, structure or sign in any district, including special use districts, shall be erected, added to or moved or structurally altered until the Code Enforcement Officer has issued a zoning permit. No zoning permit shall be issued unless and until the proposed construction, addition, alteration or use thereof is in full conformity with all the provisions of this law or any applicable law. Any zoning permit issued in violation of the provisions of this law shall be null and void and of no effect, and any work undertaken or use established pursuant to any such permit shall be unlawful.
- B. In any case where a required zoning permit is not obtained before construction has begun, a mandatory surcharge shall be assessed, equal to the regular fee required to be paid. Said surcharge must be paid in addition to the regular permit fee before a zoning permit may be issued. In any case where a required zoning permit is not obtained within three (3) business days after due notice from the Building Inspector/Code Enforcement Officer for the need therefore, a mandatory surcharge shall be assessed amounting to double the regular fee required to be paid. Such surcharge must be paid in addition to the regular fee before a zoning permit may be issued.
- C. Mandatory surcharges shall be in addition to the penalties or other remedies for violation of this law.

Section 1715 Application procedure.

- A. Applications for zoning permits shall be made at the Village office upon official forms furnished for such purpose which shall be signed by the applicant. Applications for permits may be made by the owner or his/her authorized agent.
- B. There shall be submitted with all applications for zoning permits three (3) copies of a layout or plot plan signed by a licensed engineer or surveyor drawn to scale showing the actual dimensions of the lot to be built upon and the exact size and location of the building and accessory buildings to be created. The Code Enforcement Officer shall have the authority to waive the requirements of this subsection if such conditions warrant it. A report of any such waivers shall be provided to the Planning Board at its next meeting.
- C. All applications for zoning permits shall be accompanied by a description of the intended use or uses of the land and buildings and such further details as the Code Enforcement Officer may require to determine conformance with this law.
- D. There shall be endorsed upon each application the written approval and consent of the Cortland County Health Department when such approval is required. Such endorsement shall not be required in the case of zoning permit applications for accessory buildings, the use and occupancy of which do not or will not involve any health hazard.
- E. Every application for a zoning permit shall be accompanied by a nonrefundable fee, according to the fee schedule adopted by the Village Board and available from the Village Clerk.

Section 1720 Expiration.

- A. All work associated with a zoning permit shall be completed within the twelve (12) month period immediately following the date of issuance of such permit upon which date the permit shall expire. Any further work performed beyond the expiration date shall constitute a violation of this law.
- B. Any zoning permit issued hereunder may be extended by the Zoning Board of Appeals for a period up to six (6) months, provided that the applicant submits the proper application form forty-five (45) days prior to the expiration date of such permit. In the event that any permit issued hereunder shall expire, the applicant shall submit a new application form, including documents and fees, as required.

Section 1725 Revocation.

The Code Enforcement Officer may revoke a zoning permit which he/she has issued in the following instances:

- A. There has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the zoning permit was based.
- B. The zoning permit was issued in error and should not have been issued in accordance with applicable laws.
- C. The work performed under the permit is not being prosecuted in accordance with the provisions of the application, plans or specifications.

Section 1730 Denial of zoning permit.

The Code Enforcement Officer, after determining that such application for the proposed work, use and/or occupancy are not in compliance with all provisions of this law or any other applicable laws, shall disapprove such application and shall return to the applicant plans endorsed as disapprove with the reasons stated in writing thereon.

Section 1735 Complaints of violation.

Whenever a violation of this law occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Code Enforcement Officer, who shall properly record such complaint and immediately investigate any report thereon. The Code Enforcement Officer upon completion of his investigation shall file a report with the Village Board of Trustees within thirty (30) days of receipt of the complaint.

Section 1740 Certificate of compliance.

- A. No land shall be used or occupied and no building or structure shall be erected, added to, structurally altered, extended or changed in use until a certificate of compliance has been issued by the Code Enforcement Officer. All applications for such certificates shall be in conformance with the provisions of this law and shall be in compliance with any additional conditions set by the Zoning Board of Appeals or Planning Board.
- B. The Code Enforcement Officer shall issue a certificate of compliance after determining by inspection that such erection, extension, alteration, use or occupancy complies with the provisions of this law and other applicable laws. A certificate of compliance shall be issued within ten (10) days after the erection, extension, alteration, use or occupancy shall have been approved as complying with the provisions of this law. A record of all certificates of compliance shall be maintained by the Code Enforcement Officer.

Section 1745 Penalties for offenses.

Any person, firm or corporation who shall violate, neglect or fail to comply with any of the provisions of this law or who shall violate or fail to comply with any order made in regards thereto shall be guilty of an offense and, upon conviction, shall be subject to a fine of not more than three hundred fifty dollars (\$350.) or imprisonment for not more than six (6) months, or both such fine and imprisonment. In addition, such person, firm or corporation shall pay all expenses involved in the case. The provisions of this section shall be in addition to and shall not preclude enforcement by injunction or other lawful means. Each week such violation continues shall be considered a separate offense.

Section 1750 Reimbursable costs.

- A. The reasonable and necessary costs, fees or disbursements incurred by the Village of Marathon or its officials for consultation or review by professionals shall be reimbursed. This is to include consultation or review by architects, engineers, landscape architects, surveyors or others.
- B. These fees apply to any application for a building permit, zoning permit, or appeal to the zoning board of appeals.
- C. These fees shall be paid by the applicant.

TABLE 1

Area Regulations

Village of Marathon

District	Minimum Lot Size (square feet)	Minimum Lot Width (feet)	Minimum Yards			Maximum Lot Coverage (percent)	Maximum Building Height (feet)
			Front (feet)	Rear (feet)	Side (feet)		
R-1	10,000	75	25	25	8	40	35
R-2	15,000	75	25	25	8	40	35
I	30,000	150	25	20	30	60	45
GB	10,000	100	10	25	15	60	35
CB	N/A	N/A	N/A	N/A	N/A	N/A	N/A