Town of Marshall Zoning Regulations

Local Law Filing NEW YORK STATE DEPARTMENT OF STATE 162 WASHINGTON AVENUE, ALBANY, NY 12231 (Use this form to file a local law with the Secretary of State.) Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Marshall of Town Local Law No. 1 of the year 2002 -A local law amending the Town of Marshall Zoning Ordinance, Be it enacted by the Town Board of the Town of Marshall as follows:

1. PURPOSE: WHEREAS the Town of Marshall enacted its first comprehensive zoning ordinance effective January 1, 1967; and WHEREAS numerous provisions of said ordinance have been amended since its enactment, and it is now deemed advisable to reenact a complete version of the ordinance encompassing additional amendments to the ordinance, the Town of Marshall Zoning Ordinance is hereby amended and enacted as follows: (attached sheets) .

2. The Town of Marshall Zoning Ordinance as adopted effective January 1, 1967, and as thereafter amended, is hereby repealed effective as of the effective date of this local law.

3. This local law shall take effect immediately upon filing with the Secretary of State.

(If additional space is needed, attach pages the same size as this sheet, and number each.) (1) DOS-239 (Rev. 7/91)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of The Town of Marshall was duly passed by Town Board on July 9, 2002 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. of the (County)(City)(Town)(V111age) of .. of 19-- was duly passed by the on -(Name of Legislative Body) disapproval) by the (Elective Chief Executive Officer in accordance with the applicable provisions of law.

3. (Final adoption by referendum.) and was (approved)(not approved)(repassed after and was deemed duly adopted on I hereby certify that the local law annexed hereto, designated as local law No. of the (County)(City)(Town)(V111age) of (Name of Legislative Body) disapproval) by the (Elective Chief Executive Officer) was duly passed by the and was (approved)(not approved)(repassed after Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on19--- , in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of the (County)(City)(Town)(V111age) of 19 - was duly passed by the on -(Name of Legislative Body) Such local law was subject to19 disapproval) by the on and was (approved)(not approved)(repassed after (Elective Chief Executive Officer) permissive referendum and no valid petition requesting such referendum was filed as of accordance with the applicable provisions of law.

** Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such Officer Is vested with the power to approve or veto local laws or ordinances.*

5. (City local law concerning Charter revision proposed by petition.) I hereby certify that the local law annexed hereto, designated as local law No. - of the City of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held became operative.

6. (County local law concerning adoption of Charter.) I hereby certify that the local law annexed hereto, designated as local law No. of the County of -at the General Election of November State of New York, having been submitted to the electors pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such

original local law, and was finally adopted in the manner indicated in paragraph----/----- , above.

Clerk of the County legislative body City, Town or Village Clerk or officer designated by local legislative body-(Seal) Date:

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK County of: ONEIDA

I, the undersigned, hereby certify that the foregoing local law contains the correct te have been had or taken for the enactment of the local law annexed hereto

Signature William H. Getman Town Attorney

Title: Town Attorney of Marshall

Date: 9/10/02

Town of Marshall Zoning Regulations

Oneida County, New York State

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Town of Marshall Zoning Regulations

Oneida County, New York State

An ordinance regulating the use of land in the Town of Marshall, Oneida County, New York , pursuant to the Zoning provisions of Article 16 of the Town Law of the State of New York adopted July 9, 2002.

The Town Board, by virtue of the power and authority vested in it by law does hereby ordain and enact as follows:

ARTICLE I TITLE

SECTION 1:

This ordinance shall be known and may be cited as "Town of Marshall Zoning Ordinance".

ARTICLE II PURPOSE OR MISSION

SECTION 2:

To encourage the most appropriate use of land throughout the Town.

ARTICLE III INTERPRETATION

SECTION 3:

For the purpose of this ordinance, certain terms or words herein shall be interpreted or defined as follows:

- Words used in the present tense shall include the future.

- The singular number includes the plural, and the plural the singular.

- The word "person" includes a corporation, firm, trust, partnership, association, as well as an individual.

- The word "shall" is intended to be mandatory as a requirement or command,

- The word "building" includes plot or parcel.

- The word "used" or "occupied" as applied to any land or building shall include ' 'built, arranged, or designed to be used. "

ARTICLE IV – ADMINISTRATION

SECTION 4: Enforcement

This ordinance shall be enforced by the Zoning Enforcement Officer (ZEO) appointed by the Town Board. The ZEO shall in no case grant any zoning permit for any building on premises where the proposed erection, alteration, relocation, or use thereof would be in violation of any provision of this ordinance. The ZEO shall make inspections of buildings or premises as necessary. No permit required hereunder shall be issued except in compliance with the provisions of this ordinance or as directed by the Zoning Board of Appeals (ZBA) under the provisions of ARTICLE XI.

NOTE: Section 283-a of the Town Law (revised 1993) requires any application for site plan approval, subdivision approval, special permit, or use variance on property within five hundred (500) feet of a farm operation located in an agricultural district to include an Agricultural Data Statement (ADS). Such applications must be referred to the Oneida County Planning Department in- accordance with amended Section 239-m and 239-n of the General Municipal Law.

SECTION 5: Zoning Permit

a) No building shall hereafter be erected, relocated, or altered as to outside dimensions, including the construction of a new porch or deck, or so as to allow a change in its use, and no excavation for any building shall be started unless and until a zoning permit has been issued by the ZEO. A zoning permit shall expire one year from date of issue if construction is not substantially started

b) No zoning permit shall be issued until there has been filed with the ZEO a plot plan showing the actual dimensions and angles of the lot to be built upon; the exact size and location on the lot of the building or accessory building to be erected, relocated, or altered; the location or proposed location of the well; the location of the driveway and certification that it is acceptable to the proper State, County, or Town Highway department; and such other information as may be necessary to determine and provide

for the enforcement of this zoning ordinance. Each application shall also state the purpose for which the structure or land is to be used.

c) The ZEO shall act upon all applications within five business days. He shall issue or refuse to issue such permits. Notice of refusal shall be given to the owner or his representative in and shall state the reasons for refusal. The fee for any such permit shall be adjusted by the Town Board from time to time.

SECTION 6: Certificates of Compliance and Occupancy

The ZEO may issue a Certificate of Compliance or Occupancy upon completion of construction, change in use of a building or land, or correction of violation.

SECTION 7: Violations and Penalties

a) The ZEO may discover a violation himself or it may be reported to him by a municipal official or a local resident. Such reports must be in writing and signed by complainant, and shall be filed and recorded by the ZEO, who will immediately investigate the complaint. If it is valid the ZEO will order it corrected within a specified time, and stop-work orders may be issued. If the violation is not corrected within the specified time, the ZEO shall take action to compel compliance.

b) Pursuant to Section 150.20 (3) of the Criminal Procedure Law, the ZEO is hereby authorized to issue an appearance ticket to any person causing a violation of this ordinance, and shall cause such person to appear before the town justice.

c) In accordance with Section 150.20 (3) of the Criminal Procedure Law, and Section 268 of Town Law, any person who commits an offense against, disobeys, neglects, or refuses to comply with, or resists the enforcement of the provisions of this law shall, upon conviction, be deemed guilty of violation and subject to fine and/or imprisonment

d) If alleged violations are not corrected in time limits specified by ZEO in a properly given notice as outlined above, the alleged property owner may be brought to court to secure enforcement of the ordinance. If the defendant is convicted of a violation of this ordinance, the judge may assess a penalty not to exceed $25 or one day in jail after the conviction or after a reasonable time of correction determined by the judge.

e) The Town Board may maintain an action or proceeding in the name of the Town in a court of competent jurisdiction, to compel compliance with, or restrain by injunction, the violation of this law. The commencement of an action to enjoin the continued violation shall not be bar to any prosecution of the same or subsequent violations in a criminal proceeding.

ARTICLE V ZONES

SECTION 8: Establishment of zones

For the purpose of this ordinance, the Town of Marshall is divided into the following zones:

R-1 Residential zone
A-1 Agricultural zone
B-1 Business zone
N-P Natural products zone
P-B Planned business zone

Said zones are bounded and defined as shown on a map entitled "Town of Marshall Zoning Map" hereinafter called the Zoning Map, adopted by the Town Board and certified by the town clerk, which accompanies and which, with all explanatory matter thereon, is hereby made a part of this ordinance.

SECTION 9: Interpretation of zone boundaries

a) Where zone lines approximately follow lot lines, such lot lines shall be the boundary.

b) Where zone lines approximately follow along streets, highways or railroads, the center lines of such streets or railroads shall be the boundary.

c) Where zone lines approximately follow a stream, creek, river, lake, or other body of water, said zone line shall be the centerline of such water.

d) Where zone lines are indicated to be approximately parallel to a street, highway, or railroad line, they shall be deemed to be parallel thereto.

e) Disputes or controversy concerning exact placement of zone lines shall be resolved by the Zoning Board of Appeals (ZBA).

SECTION 10: R-1 Residential zone

In the R-1 zone no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

a) uses permitted by right:

1. One or two family dwelling.
2. Church, parish house or convent.
3. Public or parochial school.
4. Public park or playground.
5. Public building or library.
6. Boarding or rooming house.
7. Home occupation.
8. Accessory use or building, providing a principal use has been established

b) uses permitted by Special Use Permit (SUP) by ZBA

1. Nursing or convalescent home
2. Public utility station
3. Uses substantially similar to but different from those permitted under 10-a above.

SECTION 11: A-1 Agricultural Zone

In the A-1 zone no building or premises shall be used and no building shall be erected or altered except for one or more the following uses:

a) uses permitted by right:

1. All R-1 uses.

2. Farm, nursery, truck garden, or other usual agricultural operations, including accessory buildings and uses.

3. Golf course, picnic grove, country club, fish & game club, public utility building or structure.

4. Ordinance compliant signs.

5. Recreational vehicle park, subject to all requirements in recreational vehicle park regulations in ARTICLE VII, SECTION 24.

NOTE: Section 283-a of the Town Law (revised 1993) requires any application for site plan approval, subdivision approval, special permit, or use variance on property within five hundred (500) feet of a farm operation located in an agricultural district to include an Agricultural Data Statement (ADS). Such applications must be referred to the Oneida County Planning Department in accordance with amended Section 239-m and 239-n of the General Municipal Law.

b) Uses permitted by SUP by ZBA

1. Commercial recreation, outdoor amusement park.

2. Commercial excavation, if less than five acres.

3. Uses substantially similar to but different from those permitted under section 11-a above

SECTION 12 : Business zone

In the B-1 zone no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

a) uses permitted by right:

1. A-1 and R-1 uses permitted by right.
2. Retail stores and shops.

3. Personal service shops.
4. Launderette.
5. Bank, office, studio.
6. Custom workshop, museum.
7. Restaurant, cafe.
8. Motel, hotel.
9. Bowling alley.
10. Public recreation.
11. Undertaking establishment, mortuary.
12. Utility substation.
13. Printing plant.
14. Storehouse or warehouse
15. Laundry or dry cleaning plant.
16. Automobile, boat, farm implement, mobile home, or trailer sales or rental.
17. Public garage.
18. Fuel, feed, seed, fertilizer, lumber or building materials sales and storage.
19. Cabinet, electrical, heating, plumbing, or air conditioning shop.
20. Filling station.
21. Greenhouse or nursery.
22. Ordinance compliant signs.

b) Uses permitted by SUP by ZBA:

1. Uses substantially similar to but different from those permitted under 12-a above.

SECTION 13: N-P Products zone

In any N-P zone no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

a) Uses permitted by right:

1. Earth, sand, gravel or mineral excavation.
2. Rock quarry operation.
3. Bituminous concrete mixing plant.
4. Ready-mix concrete plant.
5. Concrete products manufacturing including blocks, staves, pipes, beams, structures.
6. Portland cement manufacturing.
7. Agricultural lime manufacturing.
8. Inorganic fertilizer manufacturing.
9. Accessory structures or uses.
10. Ordinance compliant signs.

b) Uses permitted by SUP by ZBA:

1. Uses substantially similar to but different from those listed under section 13-a above.

SECTION 14: P-B Planned Business zone

In any P-B zone no building or premises shall be used and no building erected or altered accept in accordance with the following:

a) Uses permitted by right:

1. Sales agency.
2. Storehouse or warehouse, truck terminal.
3. Automobile, boat, farm implement, mobile home or trailer sales or rental.
4. Cabinet, electrical, heating, plumbing, or air conditioning shop.
5. Cold storage plant.
6. Light manufacturing.
7. Tool die, pattern or machine shop.
8. B-1 uses
9. Uses substantially similar to but different from those permitted above.
10. Ordinance compliant signs

b) In any PB Zone the uses permitted are subject to the additional regulations set forth below.

1. Any P-B zone shall comprise at least six acres and each use within such district shall comprise at least two acres with a minimum street frontage of two hundred (200) feet per PB zone.

2. The applicant, in applying for creation of a new P-B zone, or a new use within such zone, shall furnish the Planning Board with such maps, plans, and drawings as may be required. Planning Board will consider the proposed development in relation to possible detrimental effects on adjacent property, compliance with performance standards, as well as all regulations in the Zoning Ordinance, and report to the Town Board within thirty days regarding the issuance of a Zoning Permit.

3. The Town Board shall hold a public hearing, preceded by due notice as provided by regulations concerning amending the Zoning Map, for the P-B zone. The Board shall either approve, modify and approve, or disapprove the application.

4. In the event the development has not been completed or substantial progress made within one year from the date of approval, such approval may be revoked and void. The Town Board shall extend the permit if there is evidence of intention to proceed.

ARTICLE VI - AREA AND HEIGHT REGULATIONS

SECTION 15: Regulations in SCHEDULE A

Regulations governing lot coverage, area, and width, side and rear yards, and building height are specified in **SCHEDULE A** charts (see end of ordinance), the additional regulations of **ARTICLE VI,** and supplementary regulations in **ARTICLE VII.**

NOTE (A): If a single-family residential use is serviced by either municipal water or sewer, the minimum lot size can be twenty thousand (20,000) square feet.

SECTION 16: Area regulations

a) *LOTS OF LESS THAN REQUIRED DIMENSIONS:*

Any lot with an or a width less than that required in the zone in which said lot is located may be used for any permitted principal use in the zone provided that all other regulations prescribed for the zone shall be complied with , and further provided that said lot was held under separate ownership at the time of the adoption of this ordinance or pertinent amendments thereto.

b) *REDUCTION OF LOT AREA:*

The minimum yards and open spaces required in SCHEDULE A shall not be encroached upon or reduced. Roofed porches shall be considered part of the building. Paved, unroofed terraces without walls or railings shall not be considered part of the building. Multiple permanent dwelling units in separate buildings on one lot shall be prohibited unless yard requirements, lot area, and street frontage are met for each building.

c) *CORNER LOTS:*

On a corner lot in any zone, a required front yard will be provided on each street. One rear yard shall be provided as designated by the owner on his application for a zoning permit. No fence, wall, structure or planting shall be erected, placed, or maintained so as to obstruct visibility of vehicular traffic.

d) *FRONT YARD EXCEPTIONS:*

The minimum front yard of all principal buildings and structures hereafter constructed within an R-1 zone shall conform with SCHEDULE A; and in addition shall be not less than the average front yard of all principal buildings in the block for a distance of 300 feet on each side of such building. A vacant lot within the 300 foot distance shall be considered as having the minimum front yard required in the zone for the purpose of computing such average front yard.

e) *ACCESS:*

In any zone a lot to be used for building purposes shall have legal access with width of twenty feet or greater, to a public highway, or a street in a subdivision plan approved by the Planning Board.

f) *PROJECTING ARCHITECTURAL FEATURES:*

1. The space in any required yard shall be open and unobstructed except for the projection of two (2) feet or less of window sills, cornices, eaves, and other architectural features.

2. Unenclosed entrance steps to the first floor of a building, and fire escapes, may extend into a required yard no more than six (6) feet, provided such steps or fire escape shall not be closer to a lot line than four (4) feet.

g) *WALLS, FENCES, AND HEDGES:*

The yard requirements of this ordinance shall not prohibit any necessary retaining wall, fence, wall or hedge permitted by this ordinance, provided that in an R-1 zone such fence, wall, or hedge shall be no closer to any front lot line than two (2) feet, and shall comply with visibility requirements at street corners, as provided in this Section 16, paragraph 3 above, and shall comply with regulations of applicable entity which maintains the road.

SECTION 17: HEIGHT REGULATIONS

a) *CHIMNEYS, SPIRES ETC:*

The height limitations of this ordinance shall not apply to silos and other farm structures, belfries, church spires, cupolas, penthouses and domes which are not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, and necessary mechanical apperturances usually carried above the roof line; nor to flagpoles, monuments, transmission towers and cables, radio and television antennae, or towers and similar structures. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose for which they are intended.

b) *THROUGH LOTS:*

On through lots 120 feet or more in depth, the height of a building may be measured from the grade of either street.

ARTICLE VII - SUPPLEMENTARY REGULATIONS

SECTION 18: PERMITTED EXCEPTION TO SUBDIVISION REGULATIONS

Nothing in the subdivision regulations will prevent the sale or purchase of land, providing the municipality is not liable or responsible for extending any services.

SECTION 19: ACCESSORY BUILDING

a) Attached garages must meet setback and yard requirements listed in the ordinance for the principal building.

b) Detached garages and permanent accessory buildings must be located even with or behind the front yard line, have a minimum side and rear yard depth of (5) feet.

c) Accessory apartments must be located on the same lot as the principal use and can be either a conversion within the existing one-family structure or conversion of another accessory building.

SECTION 20 COMMERCIAL EXCAVATION

a) Except when incidental to the construction of a building on the same lot, the excavation, processing or sale of topsoil, earth, sand, gravel, clay, or other mineral deposits, or the quarrying of any kind of rock formation hereafter is subject to the following conditions:

1. On any area of five acres or more, an application shall be made to amend the Zoning Map and for a permit from the PB for commercial excavation subject to compliance with paragraphs a, b, c, and d below.

2. On an area of less than five acres, a Special Use Permit (SUP) for commercial excavation may be granted by the ZBA, subject to compliance with paragraphs a, b, c, and d below.

a. The slope of material in such topsoil, sand, gravel, clay, and other earth shall not exceed the normal angle of repose of such material.

b. The top and base of such slope shall not be nearer than fifty (50) feet from any property line, nor nearer than one hundred (100) feet from the right of way of any street or highway.

c. A plan for the rehabilitation of the area shall accompany the application which will assure conformance with the public health, safety, and welfare. The Town Board, upon approval of such a plan, shall require a performance bond to assure compliance.

d. Before issuing the permit, the ZBA will determine that such excavation or quarrying will not endanger the stability of adjacent lands or structures, nor constitute a detriment to public welfare, convenience or safety by reason of excessive dust, noise, traffic, 0T other conditions.

b) All land owners shall comply with NYS Mine Land Reclamation Law, Chapter 1043 and 1044, which requires that operators who mine more than one thousand (1000) tons of minerals from the earth within one year must obtain a permit for such operations from the DEC, and comply with DEC law Part 420, Section 23-2701.

SECTION 21 SIGNS

No advertising or business sign shall be constructed or placed within the right of way of any public street in the Town of Marshall. All signs compliant with State and Traffic regulations, including billboards, are permitted in the A-I zone.

a) In R1 zone non-illuminated and non-advertising signs are permitted as follows:

1. Permanent signage not to exceed six square feet per lot unless part of package granted by ZBA for home occupation.

2. One temporary sign, not to exceed six (6) square feet in size, pertaining to the sale, lease or rental of the land or building

3. One temporary sign, not to exceed six (6) square feet in size, during, and pertaining to construction, repairs or alterations to the property

b) In B1, PB, and NP zones, non-flashing signs are permitted as follows:

1. Permanent signage of thirty-two (32) square feet per side of a double sided sign or a total of sixty-four (64) square feet pet lot, pet business, pet dwelling unit shall be allowed

2. Temporary signage of twelve (12) square feet per lot, per business, or per dwelling unit shall be allowed

3. If illuminated, the source of the light shall not be visible from the road or neighboring

4. Non-illuminated real estate signs, with a combined total area of less than sixteen (16) square feet, advertising the sale, rental, or lease of the premises on which they are located are

5. Size limits of permanent signs in these zones may be increased by SUP granted by ZBA if deemed not to be detrimental to the immediate area

SECTION 22 OFF STREET PARKING/ OFF STREET LOADING

a) Off street parking shall be required for all buildings constructed or new uses established after the date of this ordinance. The recurrent parking of any vehicle on the right of way of a public road shall be prima facie evidence of the failure to provide adequate garage of off street parking space. Each space shall consist of at least two hundred (200) square feet, with a minimum width of ten (10) feet per automobile, in addition to backing and turning space to avoid backing into the highway. For any building having more than one use, parking shall be required for each use. Minimum parking space shall be required as follows:

Off street parking requirements:

Use	Minimum Spaces Required
Dwelling	Two (2) per each dwelling unit
Rooming house, tourist home, motel, hotel	One (1) space for each guest room and one (1) spacer for each employee
Administrative, professional institutional, or utility office	One (1) space for each 200 square feet of floor area or a minimum of three (3)
Funeral home	Fifteen (15) spaces plus spaces for all employees and resident personnel cars
Day care center	One (1) space for each five children plus one (1) per employee
Church or temple	One (1) space for each five seating spaces in main assembly room
Parish house	Two (2) spaces plus one space for each 200 square feet of office space. Church parking lot may satisfy this requirement if parish house is adjacent to church

School, theater, or other place of assembly	One (1) space for each five seating spaces
Nursing or convalescent	One (1) space for each seventy-five square feet of gross floor area
Retail store or bank	One (1) space for each two hundred square feet of gross floor area
Clubs and restaurants	One (1) space for each seventy-five square feet of gross floor area
Bowling alley	Five (5) spaces for each alley
Wholesale, storage, freight terminal or utility use	one (1) space for each one thousand square feet of gross floor area
Industrial or manufacturing use	one (1) space for each employee on the maximum working shift
Service station	seven (7) spaces
home occupation	one (1) space for each of one hundred square feet of floor area devoted to such use or a minimum of three

drive-in restaurant	twenty (20) spaces
commercial or shopping center	five and one half (5.5) parking spaces per thousand square feet of gross leasable floor area

b) Off street loading facilities shall provided for each commercial or industrial establishment hereafter erected or substantially altered, and shall be so arranged as not to interfere with pedestal or motor traffic on public streets.

SECTION 23 HOME OCCUPATION

Home occupation is permitted by right in any zone. Every dwelling unit shall be entitled to one home occupation.

a) In the R-1 zone the following restrictions apply to home occupation:

1. Use of property for home occupation must be to use as a residence.

2. Exterior display for business not to exceed one hundred (100) square feet of lot area in any part of the lot is allowed. All other items to the home occupation shall be kept inside or in rear or side yards.

3. No offensive noise, vibration, smoke, dust, odors, or glare shall be produced, and there shall be no flashing lights.

4. Suitable off street parking shall be provided, with proper turning areas to avoid backing onto the highway.

5. Signage will be governed by regulations for the R-I zone, but incidental non-advertising signs necessary for the home are permitted.

6. The home occupation shall at no time occupy or utilize more than four (4) acres of land.

b) In all other zones the following restrictions apply:

1. Use of property for home occupation must be incidental to use as a residence.

2. Exterior display for business not to exceed four hundred (400) square feet of lot area in any part of the lot is allowed. All other items incidental to the home occupation shall be kept inside or in rear or side yards.

3.No offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced, and there shall be no flashing lights.

4. Suitable off street parking shall be provided, with proper turning areas to avoid backing onto the highway.

5. Signage will be governed by applicable regulations for the zone in which business is conducted, but incidental non-advertising signs as necessary for the home occupation are allowed.

6. The home occupation shall at no time occupy or use more than four acres of land, unless a SUP is first obtained from the ZBA. The ZBA shall grant such SUP by its normal procedure when it is satisfied that such use of land is reasonable, will be beneficial to the owner, and of minimum detriment to the neighborhood.

SECTION 24. RECREATIONAL VEHICLE PARKS

Parks or courts for recreational vehicles are allowed in the Town of Marshall in the A-I zone, providing approval has been granted by the PB. The application for approval shall contain the following information:

a) Name and address of applicant, proof that he is the titleholder of the land or written permission from the undisputed title holder of the land, lienholders notwithstanding, to apply, together with a non-refundable application fee payable to the Town of Marshall Town Clerk.

b) Maps showing the location of the tract in the Town, and indicating the owners of all adjoining lands.

c) Three sets of complete plans for the park, showing compliance with all applicable provisions of this ordinance and additional regulations stated below.

The application will be reviewed by the PB at their next regular meeting or a special meeting called and properly advertised for that purpose, and if conditionally approved, shall be advertised for a public hearing, and shall also be referred to Oneida County Planning Department where required by Section 239 of General Municipal Law, and to other agencies deemed advisable at that time by the PB. PB will then approve, modify and approve, or disapprove such as per normal operating procedures governing that process.

2. The park shall comply with all the minimum requirements set forth below:

a) The park shall be at least ten (10) acres, with legal access at least twenty (20) feet wide to a public highway. Each boundary of the park must be at least fifty (50) feet from any permanent residential building located outside the park.

b) Each space provided shall not be less than five thousand (5,000) square feet with a minimum width of fifty feet, and shall abut only to a hard surfaced driveway (well maintained stone is acceptable) at least twenty feet wide having unobstructed access to a public highway. Each unit shall have a side and rear yard of at least ten (ten) feet and shall not be closer to any other structure or recreational vehicle in the park than twenty (20) feet.

c) Additional usable open space for recreational purposes shall be provided at the rate of at least four hundred (400) square feet per each individual unit, with not less than four thousand square feet in any one area. Walkways and recreational areas shall be lighted.

d) All facilities required by State regulations shall be provided for the type of park operated.

e) Service buildings housing sanitation and laundry facilities shall be permanent structures, complying with all applicable ordinances concerning electrical, plumbing, and building codes. They shall be well ventilated, lighted and cleaned.

3. The ZEO shall inspect the park at least once a year for compliance with State and local codes and shall notify the licensee in writing of the results. Violation of any of the terms of the PB approval will be deemed to be a violation of this ordinance and all procedures for correcting a violation will apply.

4. The Town Board may set and adjust an inspection fee, but no yearly licensing fee will apply.

SECTION 25. NON-PERMANENT ACCESSORY BUILDINGS

No zoning permit shall be required for a non-permanent accessory building occupying two hundred square feet or less of total area, however all other regulations must be complied with.

ARTICLE VIII - NON CONFORMING USES

The lawful use of any building or land existing at the time of enactment of this ordinance may be continued except as follows:

SECTION 26 NON CONFORMING USE OF LAND

No non-conforming use of land shall be enlarged or increased, nor shall it be extended to occupy a greater area of land than occupied by such use at the time of adoption of

this ordinance. No such non-conforming use of land may be moved in whole or in part to any other portion of the lot, and no non-conforming use of land shall be changed to another non-conforming use.

SECTION 27 DISCONTINUANCE

Whenever a non-conforming use of land has been discontinued, such use shall not be re-established, and any future use shall be in conformity with the provisions of this ordinance The use shall be deemed to have been discontinued when a non-conforming use of land ceases for two years. However, nothing shall be considered to be a discontinuance of a non-conforming use where the use shall be temporarily discontinued by reason of service in the US armed forces, disability, death of the user, delays caused by sale or events beyond control of the renter, owner, or user.

ARTICLE IX - ZONING BOARD OF APPEALS (ZBA)

SECTION 28: CREATION OF ZBA

A five member ZBA is hereby created by the Town Board, pursuant to Section 267 of Town Law. The Town Board will appoint the chairman and shall determine fees to be paid by applicants for permits under this ordinance. The ZBA shall prescribe rules for the conduct of its affairs. However, the ZBA can not set ongoing licensing fees as a part of its actions. The ZBA does not have authority over the ZEO in the area of enforcement.

SECTION 29 POWERS AND DUTIES OF ZBA

By a majority vote of the total membership, the ZBA can reverse any denial, order, requirement made by the ZEO, grant special use permits and variances determined by the following criteria:

a) Variances

1. The ZBA, on appeal from the decision or determination of the ZEO, shall have the power to grant variances as defined herein as outlined in section 267-a of Town Law.

2. ZBA shall grant variances when applicable regulations are shown to prevent what property owner or renter considers most desirable use of land, provided that the requested variance, if granted, will not alter the essential character of the neighborhood

3. The ZBA, in granting variances, shall grant the minimum variance deemed necessary and adequate to address the unnecessary hardship proven 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.

4. The ZBA shall have the authority to impose such reasonable conditions an restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning ordinance or local law and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

b) Special Use Permit (SUP)

Upon determination that a proposed use is a possible special use in the zone, the ZEO shall neither approve or deny the proposal, but shall transmit an application for approval to the ZBA. The ZBA will issue an SUP if all of the-following standards are met:

1. That the use is designed, located, and proposed to be so operated that the public health, safety, welfare, and convenience will be protected; and

2. That the use will not cause substantial injury to the value of other property in the neighborhood; and

3. That off street parking and loading facilities and the design and location of all points of ingress and egress are adequate and will not adversely affect traffic circulation in the immediate area; and

4. That all other provisions of the zoning ordinance are complied with.

The ZBA may supplement these conditions and impose other reasonable requirements as may be necessary to secure the general objectives of this ordinance in this special situation.

A ten (10) foot wide buffer strip may be required by the ZBA where the side or rear yard of a lot in a B-1 zone borders the side or rear yard of a lot in an R-1 or an A-1 zone.

SECTION 30: PROCEDURE OF THE ZBA

The ZBA shall act in strict accordance with the procedure by law and by this ordinance. all appeals and applications made to the ZBA shall be in writing and shall refer to the specific provisions of the ordinance involved; shall exactly set forth the interpretation that is claimed; the use for which the SUP is sought; or the details of the variance that is applied for; and the grounds on which it is claimed that the SUP or variance should granted.

Each application for a variance or SUP must be accompanied by an Environmental Assessment Form (EAF) prepared by the applicant. The ZBA shall review the EAF and determine if a document onder the State Environmental Quality Review Act (SEQR) is required.

A non-refundable fee will be charged to cover the cost of publishing the notice and other costs and will be paid by the appealing party prior to the hearing. A hearing will be held for all actions in conformance with the requirements of Town Law Section 267. Every decision of the ZBA shall contain a full description of reasons for granting or denying the appeal. Each appeal will be decided on a case by case basis. If the alleged difficulty was self-created, this fact shall be relevant to the decision. The ZBA shall notify the Town Board of each SUP and variance granted under the provisions of this ordinance.

ARTICLE X - AMENDMENTS

SECTION 3 PROCEDURE FOR AMENDMENTS

a) The Town Board may amend, supplement, or repeal the regulations and provisions of this ordinance following public notice and hearing. All proposed changes must comply with the requirements of the State Environmental Quality Review Act (SEQR), and shall be referred to the Oneida County Department of Planning fol a report prior to final action The Town Board shall fix the time and place of the public bearing on the proposed amendment and cause notice to be given as follows:

1. By publishing notice of the hearing at least ten days prior in the official newspaper of the Town.

2. By referring the proposed amendment to the clerks of neighboring towns and villages, and to any housing authority or state park commission whose property might be affected at least ten days prior to hearing as may be required by Town Law section 264.

b) Amendments shall be effected by simple majority vote of the Town Board, except in those cases requiring approval of at least three fourths of the members of the Town Board after a written protest pursuant to Town Law section 265, or by a majority plus one vote following an adverse recommendation by the County Planning Department.

c) Pursuant to Town Law section 265, amendments made to this zoning ordinance (excluding any map incorporated therein) shall be entered in the minutes of the Town Board; such minutes shall describe and refer to any map adopted in connection with such change, amendment or supplement and a copy, summary, or abstract thereof shall be published once in the official newspaper of the Town, and affidavits of the publication thereof shall be filed with the Town Clerk. Such ordinance shall take effect upon filing in the office of the Town Clerk. The Town Clerk shall maintain every map adopted in connection with a zoning ordinance or amendment.

ARTICLE XI DEFINITIONS

SECTION 32. DEFINITIONS

ACCESSORY APARTMENT: A dwelling unit which is subordinate to a permitted principal one-family residence in terms of size, location and appearance.

ACCESSORY BUILDING: A structure subordinate to the main building on a lot.

ACCESSORY USE: A use customarily incidental and subordinate to the principal use.

ALLEY: A service way which affords a secondary public means of vehicular access to bordering property.

BASEMENT/CELLAR: A full story, partly underground.

BED & BREAKFAST: Owner-occupied dwelling, with adequate off-street parking in which overnight accommodations, with/without meals, are provided to transient guests for compensation (also called Tourist home).

BOARDING HOUSE: Owner-occupied dwelling, with adequate off- street parking, which is offered lodging and meals for less than 12 non-transient guests for compensation.

BUFFER STRIP: A continuous narrow piece of land densely planted with trees and/or shrubs to provide a physical screen preventing visual access from one use to another and to reduce the escape and/or intrusion of litter, fumes, dust, noise, smoke or other noxious or objectionable elements. A wall or fence of location, height and design approved by ZBA may be substituted for the required planting.

BUILDING: Any roofed structure intended or used for shelter, housing or enclosure of persons, animals or property.

BUILDING FLOOR AREA: The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same tot, including area af bays dormers roofed porches and roofed terraces, excluding basement. All dimensions shall be measured between exterior faces of walls.

BUILDING HEIGHT: Vertical distance measured from curb or street grade to the highest level of a flat or mansard root, or to the average height of a pitched, gabled, hip or gambrel roof, excluding bulkheads penthouses and similar constructions enclosing equipment or stairs, providing they are less than 12 feet in height and do not occupy more than 30% of the area of the roof upon which they are located.

BUILDING LINE: A line established by law or by agreement usually parallel with a property line, beyond which a structure may not extend.

CERTIFICATE of COMPLIANCE: A document issued by the Zoning Enforcement Officer upon completion of construction, alteration, change in use of a building or land or correction of a violation. Said document shall acknowledge compliance with requirements of the Zoning Ordinance or any adjustment granted by the Zoning Baard.

CERTIFICATE of OCCUPANCY: A document, issued by the Building Codes Officer stating that the structure or use complies with the provisions of the N Y State Uniform Fire and Building Code.

COMMERCIAL EXCAVATION: A parcel of land used for the purpose of extracting stone, sand, gravel or topsoil as a commercial product exclusive to the process of grading a lot for use for which a Permit under the Ordinance has been granted.

COMMERCIAL RECREATION OUTDOOR AMUSEMENT PARK: A recreation facility operated as a business and to the public for a fee.

DRIVEWAY: A private way which affords the principal means of vehicular access to property bordering the highway or private street.

DUMP: The consolidation of random wastes from one or more sources at a central disposal site does not comply with provisions of Section 6, NYCRR Part 360 of the Solid Waste Management Law.

DWELLING - ONE FAMILY: A detached structure, other than a temporary structure designed for exclusive year- round occupancy by 1 family.

DWELLING, TWO -FAMILY: A detached structure, other than a temporary structure, designed for exclusive year-round occupancy by 2 families living independently of each other.

DWELLING, MULTIPLE-FAMILY: A building or group of buildings, designed for year-round occupancy by more than 2 families, including apartment houses, but excluding hotels and boarding houses.

DWELLING UNIT: One or rooms with provision for living, sanitary and sleeping facilities, arranged for use of 1 family.

EXISTING: Lawfully present at the time this Ordinance originally became effective-January 1, 1967.

FAMILY: One or more persons occupying a dwelling as a single, non-profit housekeeping unit.

FARM: A parcel of land used for the production or raising of agricultural products except where such production is an accessory non-commercial garden to a principal residential use on the same lot.

GARAGE - PRIVATE: A roofed space for the storage of 1 or more motor vehicles, provided that no business, occupation or service is conducted for profit therein and no space is leased to a non-resident of the premises.

GARAGE - PUBLIC: A structure or part thereof, used for the storage, hiring, selling greasing, washing, servicing, repair or fueling of motor vehicles operated for gain.

GASOLINE/FILLING STATION: An area of land, including structures, that is used or designed to be used for the sale of gasoline, oil or other motor fuel and which may include facilities for lubricating, washing, cleaning or otherwise servicing vehicles. Also called Service Station.

HAZARDOUS WASTE: A solid waste which appears on the NY State list of hazardous materials issued by the Commissioner of the Department of Environmental Conservation, pursuant to Section 27-0903 of the Environmental Conservation Law.

HOME OCCUPATION: A business or profession which is commonly carried on within a dwelling unit, or in a building or other structure accessory thereto; and is operated or directed by a member of the family residing in the unit is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

HOSPITAL: A building for the diagnosis and medical or surgical care of human sickness or injuries.

HOTEL/MOTEL/INN: A building or group of buildings with adequate off-street parking, where travelers of guests can be provided with lodging, meals, entertainment or other comforts for compensation.

JUNK: Discarded metals, rags, tires, plastics, lumber, appliances or wrecked vehicles & parts.

JUNKYARD - AUTO or SALVAGE: The outdoor storage or deposit of discarded metal, rags, appliances, tires, lumber, plastics, or 2 or more unregistered motor vehicles, etc, for the purpose of reclaiming parts there from, dismantling for disposal or sale of parts. The “yard" shall include any land or structures used in this operation.

KENNEL: Any premises, structures or portions thereof on which 3 or more dogs over 6 months old are kept, boarded, bred or cared for in return for remuneration -either cash or otherwise; or kept for purpose of sale or any other purpose whatsoever, including dogs for show or stud purposes.

LANDFILL: An engineered method of disposing of solid waste on land in a manner which minimizes environmental hazards and meets the design and operation requirements of Section 6, NYCRR, Part 360 of the Solid Waste Management Law.

LAUNDERETTE: A business premises equipped with clothes washing or cleaning machines for use by retail customers, exclusive of laundry facilities provided in an apartment, fraternity or sorority house, residential hotel/motel or club.

LICENSEE/PERMITTEE: Any person allowed to do the act or make use of the land, for which said permit or license was granted.

LOT: A parcel of land, considered as a unit, occupied or capable of being occupied by a building or use and accessory building and uses; or by a group of buildings united by a common use or interest; including such open spaces as are required by the Zoning Ordinance and having its principal on a public street. (See Town of Marshall Subdivision Regulations)

LOT, AREA: The total horizontal area included within lot lines. No part of the area within a public Right-of -Way may be included in the computation of lot area

LOT, CORNER: A lot located at the intersection of and fronting on 2 intersecting streets.

LOT, FLAG: An interior 'T' or 'L' shaped parcel of land with less than the required road frontage as specified in Schedule (A), but meeting all other requirements of this ordinance.

LOT, THROUGH: A tot having frontage on 2 parallel or nearly parallel streets, other than a corner lot.

LOT, DEPTH: The horizontal distance between the front and rear lot lins, measured in the general direction of the side lot lines.

LOT, WIDTH: The distance between the side lot lines, measured in the general direction of the front or rear lot lines.

MANUFACTURED HOME: A structures transportable in one or more sections, which in the traveling mode, is8 body feet or more in width or 40 body feet or more in length or when erected on site is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntary files a certification required by the Secretary and complies with the standards established under this chapter. (HUD Standards & Safety Act of 1974).

MANUFACTURED HOME COURT or PARK: A parcel of land which has been planned and improved for the placement of 2 or more manufactured homes for non-transient use.

MANUFACTURED HOME SPACE: A plot of ground within a manufactured home court designed to accommodate one manufactured home.

MODULAR DWELLING UNIT: A residential dwelling, consisting of component parts which are manufactured off-site and transported to the building site separately for erection, construction or installation as a permanent structure. Modular homes are certified by the U S Dept Of Housing and Urban Development and are installed on site built permanent foundations. For the purposes of the Ordinance, Modular Dwelling Units shall be deemed One Family Dwellings.

NON-CONFORMING LOT: A parcel of land which does not meet the minimum set-back or frontage requirements for the district in which it is located.

NON-CONFORMING USE: A building or structure or use of land which does not conform to the regulations of the district in which it is located.

NURSING HOME: A facility for the accommodation of persons desiring or requiring medical care or services by nurses.

PARKING SPACE: The area required for parking one automobile, an area at least 9 feet by 20 feet, exclusive of maneuvering room and driveways thereto.

PERCOLATION TEST: A special examination of the land to be used for septic tanks and sewage leach fields administered by the Zoning Enforcement Officer as part of an application for a Zoning Permit. A fee will be charged. (See Town of Marshall Sewage Ordinance)

RECREATION FACILITY: A place designed and equipped for the conduct of sports and leisure-time activities.

RECREATIONAL VEHICLE: A mobile unit, designed for camping, recreational travel or vacation use, built on a chassis and which may provide partial house keeping facilities such as plumbing, heating, electrical and cooking or refrigeration systems. Title includes motor homes, truck campers, pick-up coaches, travel trailers, pop-up trailers, tent trailers, etc.

RECREATIONAL VEHICLE PARK: An area occupied or designed for occupancy by 2 or more recreational vehicles.

SERVICE BUILDING: A structure housing separate toilet, bath or shower facilities for men and women and also laundry accommodations.

SIGN: Any device affixed to or painted or represented directly or indirectly upon a building, structure or land and which directs attention to an object, product, place, activity, person, institution, organization or business, but not including any flag badge or insignia of any government agency, school, fraternal or similar organization, nor any official traffic control device. Each display surface shall be considered to be a ‘sign’.

SIGN - ADVERTISING: A sign which directs attention to a business, commodity, service or entertainment sold or offered elsewhere than upon the premises where such a sign is located.

SIGN - BUSINESS: A sign which directs attention to a business or profession conducted or a commodity service or entertainment sold or offered upon the premises where such sign is located or to which it is affixed. A ‘For Sale’ or ‘To Let’ sign relating to the lot or building on which it is displayed shall be deemed to be a business sign.

SIGN - FLASHING: A flashing sign is any illuminated sign on which the artificial light is not maintained stationary or constrained in intensity and color when such sign is in use. For the purpose of this ordinance any revolving, illuminated sign shall be considered a 'flashing sign'.

SOLID WASTE: All decaying or rotting organic materials or substances discarded as being spent, useless or worthless, including garbage, refuse, industrial or commercial waste, sludges, rubbish, ashes, residue and offal. Not to include sewage, highly diluted liquids or gasses.

STABLE - PRIVATE: An accessory building in which horses are kept for private use and not for hire or sale.

STABLE - PUBLIC: A principal or accessory building in which horses are kept for remuneration, hire or sale.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

STREET - PRIVATE: A private way which affords the principal means of vehicular access to property bordering the public highway. (Not to be considered a ‘driveway’. See Town of Marshall Subdivision Regulations.)

STREET - PUBLIC: A municipally maintained road which affords the principal means of vehicular access to bordering property.

STRUCTURAL ALTERATION: Any change to the structure or building which is not merely a repair or replacement of an existing part, or any change which would:

a. Cause a change in the location or height of the exterior walls or roof of the structure *or*

b. Move the structure from one position on the lot to another *or*

c. Change or rearrange the structural parts.

SUBDIVISION: The division of any parcel of land into 2 or more lots, blocks or sites, with or without streets or highways and including re-subdivision. The term "subdivision " shall include any alteration of dimensions or lot lines of any lots or sites shown on a plat previously approved and filed in the office of the Oneida County Clerk. (See Town of Marshall Subdivision Regulations).

SWIMMING POOL: A private outdoor body of water, designed and built for swimming purposes as an accessory use on the same parcel as the principal use. Such pools shall include any in-ground or above-ground pool, but shall exclude portable pools designed to hold less than 100 gallons.

USE-ALTERATION: Any change to a structure or use as permitted in the Zoning Ordinance which would:

a. Change the number of dwelling units contained in any structure *or*

b. Change the principal or secondary use of the premises *or*

c. Result in an additional use of the premises.

YARD, FRONT: An open space extended across the full width of the lot, situated between the street right of way line and the front line of the principal building, projected to the side lines of the lot. If a lot borders on 2 roads, it shall be deemed to have a front yard respectfully on each.

YARD, REAR: An open space extended across the entire width of the lot, between the rear wall of the principal building and the rear line of the lot.

YARD, SIDE: An open space between the principal building and the side line of the lot, extending from the front yard to the rear yard.

ZONING PERMIT: An official certificate or license, issued by the Zoning Enforcement Officer, affirming that the plans of the applicant for the use or development of land or buildings are in compliance with the regulations in this Ordinance.

Article XII non-agricultural zone boundaries

Section 33 verbal descriptions:

NP NATURAL PRODUCTS ZONE FOR QUARRY

Beginning at a point where NYS Route 12-B crosses the Town of Marshall - Town of Augusta line, establish a line perpendicular to said highway, and continue approximately seven hundred (700) feel in a south-easterly direction to the western bank of the Oriskany Creek; thence proceed in a meandering north-easterly direction along said west bank of the Oriskany Creek approximately six thousand six hundred (6600) feet to a point where the Oriskany Creek first meets the west side lot line of lot number 373-000-1-42, owned by Etta Hoag. From this point, establish a line to the railroad approximately northwest and approximately nine hundred (900) feet to the abandoned Chenango Canal; thence proceed south westerly along said Chenango Canal approximately thousand (3000) feet to the southeast corner of lot number 381-000-2-11, owned by Carmen Pelligrino; thence approximately west along the south lot line of said Peiligino lot, and following straight in the same direction to the center of NYS Route 12-B; thence approximately two thousand five hundred (2500) feet in a northerly direction to a point in the center of Green-Vedder Road where the direction of Green-Vedder Road changes from northerly to northwesterly thence approximately one thousand seven hundred (1700) feet in a northwesterly direction along the centerline of Green-Vedder Road to the Town of Marshall - Town of Augusta line; thence southerly along said Marshall Augusta Town line approximately seven thousand (7000) feet to point of beginning

B1 BUSINESS ZONE NEAR GALE FEED MILL

Beginning at a point where the Town of Sangerfield - Town of Marshall boundary lines intersect with the Erie-Lackawanna Railroad, proceed approximately one thousand four hundred (1,400) fee along centerline of said railroad to the northeast corner of lot number 383-0004-22, owned by Tom Wilson; thence along the eastern lot line of said Wilson 101, to Canning Factory Road; thence along the centerline of said Factory Road in an easterly direction approximately one thousand six hundred (1,600) feet to the extreme north easterly corner of lot number 384-000-1-35, owned by Anne Jasek; thence following along the eastern lot line of said Jasek lot to the Town of Marshall Town of Sangerfield boundary line; thence along said municipal line approximately two thousand nine hundred (2,900) feet to the point of beginning.

B1 BUSINESS NEAR AGWAY & PLASTICS PLANT

Beginning at a point approximately two hundred fifty (250) feet southwest from the centerline of NYS Route 315, along a straight line following the northwesterly lot tine of lot 383-000-1-49, owned by Robert Treen, thence following this straight line across said NYS Route 315 to a point approximately two hundred fifty (250) feet from the centerline

of said NYS Route 31 S, which will follow the southeasterly lot line of lot 383-000-1-54, owned by William Humphrey; from this point establish a line approximately parallel with said NYS route 315 and approximately two hundred fifty (250) feet from the centerline of said NYS Route 315; and proceeding approximately three thousand one hundred fifty (3150) feet in a northwesterly direction to a point collinear with the southeasterly lot line of lot 383-000-1-61.2, owned by Ronald Winfield, and maintaining two hundred fifty (250) feet from the centerline of NYS Route 315; from this point continue southwesterly along the southeast lot line of said Winfield lot to the centerline of NYS Route 315, continuing northerly along the centerline of NYS Route 315 to the northwest corner of lot 383-000-158, owned by Village of Waterville, then westerly along the northern lot line of lot number 383-000-1-58, thence following said Village of Waterville west lot line southerly, and thence easterly along the southern lot line of said Village of Waterville lot to the extreme southeastern corner of said lot; thence along a straight line to point of beginning.

B 1 BUSINESS ZONE FOR DEANSBORO

For point of beginning, establish a point on centerline of Town Barn Road four hundred (400) feet from centerline of NYS Route 315; from this point, proceed parallel to NYS Route 315 in a southeasterly direction approximately one thousand nine hundred (1,900) feet to a point on centerline of California Hill Road which is four hundred (400) feet from the centerline of NYS Route 315; proceed westerly along centerline of California Hill Road across said NYS Route 315 approximately three hundred (300) feet to the extreme southwest corner of Memorial Park lot, number 364-000-1-67, owned by Town of Marshall; from this comer plot a line in a northwesterly direction for approximately one thousand four hundred (1,400) to the extreme northeast corner of lot number 364-001-3-20.1, owned by Joan McNamara, which also borders the “Hike & Bike Trail”, proceed along the of said Hike & Bike Trail in a direction approximately two thousand three hundred (2,300) feet to a point where said Hike & Bike Trail intersects with the south lot line of lot number 363-000-1-27, owned by Betsy Inman Chmielewski; proceed along said south lot line of Chmielewski in a westerly direction approximately five hundred (500) feet to centerline of NYS Route 12-B; proceed northerly along the centerline of said NYS Route 12-B approximately two thousand six hundred (2,600) feet to the extreme southeasterly corner of lot number 364-001-4-13 owned by Leverich; thence along the south lot line of said Leverich lot to the extreme southwest corner of said Leverich lot, and then following along the west Lot line of said Leverich lot to centerline of West Road; thence across said West Hill Road, and continuing northerly along the westerly lot line of lot number 364-001-1-144 owned by Eloise Beerhalter; following north and then west along the west lot line of said Beerhalter lots to the northwest corner of said Beerhalter lot; in an easterly direction along the north side of said Beerhalter lot approximately two hundred (200) feet to the back or west lot line of lot number 364-001-1-43, owned by Koren Hotel; thence northerly along the west side of said Koren Hotel lot, and continuing along the west side of said Koren Hotel lot, and continuing along the west side of lot number 364-001-1-42, known as Walt's Garage, to

the drainage ditch between said Walt lot and lot number 364-001-1-41 owned by Charles Pierce; proceed in an easterly direction along this drainage ditch, following a straight line across NYS Route 12-B and continuing approximately a total of nine hundred (900) feet to point of beginning.

R-1 RESIDENTIAL ZONE IN DEANSBORO

Beginning at the extreme southwest corner of lot number 364-001--4-2, owned by James Hunter; proceed northerly approximately one thousand five hundred (1,500) feet, following the west lot line of said Hunter lot and following the west lot line of lot number 364-001-1-7. l, owned by David Sullivan, to the Town of Marshall - Town of Kirkland municipal line; thence along said municipal line in an easterly approximately two thousand two hundred (2,200) feet to a point where said municipal line intersects with the west lot line of lot number 364-001-2-25, owned by Hugh Robats; thence along the lot line of said Roberts lot approximately one thousand one hundred (1,100) feet to the extreme southeastern corner of lot number 364-001-2-14, owned by Dale Allen, which point is in the drainage ditch which flows between said Allen lot and lot number 364-001-2-15, owned by Al Benedict; proceed westerly this drainage ditch approximately four hundred (400) feet, crossing NYS Route 12-B, and continuing to the extreme northwest corner of lot number 364-001-1-42, owned by William Koren and known as Walt's Garage; thence southerly following the west lot line of lot number 364-001-1-43, owned by Koren Hotel, to a point where said Koren Hotel lot intersects with the north lot line of lot number 364-001-1-44, owned by Beerhalter; thence continuing westerly around the north lot line south along the west lot line and the adjoining west lot line of said Beerhalter lot to centerline of West Kill Road; thence southerly across said West Hill Road to join with the extreme west lot line of lot number 364-001-4-13, owned by Leverich; thence southerly to the extreme southwest corner of said Leverich lot, and following easterly along the south lot line of said Leverich lot to centerline of NYS Route 12-B; thence along the centerline of NYS Route 12-B in a southerly direction approximately two thousand six hundred (2,600) feet to junction with Hughes Road West; thence westerly along centerline of Hughes Road West approximately two hundred (200) feet; thence northerly approximately two thousand (2,000) feet, on a line approximately parallel to and two hundred (200) feet westerly of centerline of said NYS Route 12-B; to the south lot line of lot number 364-001-4-22 owned by Town of Marshall; thence westerly along said Marshall south lot line to extreme southwest corner of said Marshall lot; thence plot a straight line approximately one thousand five hundred (1500) feet to point of beginning.

PLANNED BUSINESS ZONE FOR BROTHERTOWN PAVING

Beginning at an iron pin set in the easterly right-of-way line of NYS Route 2-8, said pin being situated 211.5 feet northerly from the easterly end of the culvert which crosses said Route 12-B in the vicinity of the power line which leads to the home of Aaron and Winnie Loucks; thence along lands now or formerly of J. Eastman Hughes the following

five courses; S. 56 deg. 01’ E. 105 feet to an iron pin set; S. 33 deg. 59’ W. 50 feet to an iron pin set; S. 56 deg. 01' E. 60 feet to an iron pin set; N. 33 deg. 59' E. 50 feet to an iron pin set; and S. 56 deg. 01' E. 312.2 feet to an iron pin set in the westerly line of lands of the NY Department of Transportation which lands are of the former right of way of the defunct NYO&W Railroad Company; thence along said
westerly line S. 26 deg. 37' W. 440.2 feet to an iron pin set ; thence through lands belonging to the party part N. 73 deg, E 32' W. 557 feet, more or less, to an iron pin with set in the easterly right of way line of NYS Route 12-B; thence northerly 604.4 feet, more or less, along said easterly right of way line, as it curves to the point of beginning, containing 6.0 acres of land, more or less.

TOWN OF MARSHAL ZONING MAP FOUND ON THE FOLLOWING PAGE

TOWN OF MARSHALL

ZONING MAP

UPDATE: August 17th, 2022

Kirkland
Marshall
Paris
Augusta
Oriskany Falls
Waterville
Sangerfield
Bridgewater
NP
R-1
B-1
P-B

Legend

MUNCIPAL BOUNDARIES
100 YEAR FLOODPLAIN
RIVERS, CREEKS, AND STREAMS
PARCELS
SEASONAL ROADS
ROADS

ZONING
A-1: AGRICULTURE
B-1: BUSINESS
N-P: NATURAL PRODUCTS
P-B: PLANNED BUSINESS
R-1: RESIDENTIAL

N

0 0.75 1.5 Miles

ARTICLE VII AREA and HEIGHT REGULATION

SECTION 15: REGULATIONS IN SCHEDULE A

Regulations governing lot coverage, area & width, side & rear yards building height are specified in Schedule A charts, the additional regulations of Article VII and supplementary regulations in Article VII.

SCHEDULE A: R-1 RESIDENTIAL ZONE								
Permitted Uses	**Minimum lot size in sq. feet**	**Maximum Lot % Coverage**	**Maximum story**	**Maximum Height**	**Minimum Yard Dimensions**			
					Front	Side One	Side Total	Rear
One orTwo Family Dwelling	80,000	20	2 1/2	35	25	10	25	50
Church, Convent, Parish House	80,000	25	See Section 17 Paragraph #1		50	25	50	50
Public or Parochial School	5 Acres	25	2	25	50	50	100	50
Public Park or Playground								
Public Building or Library								
Boarding or Rooming House	80,000	20	2 1/2	35	25	10	25	50
Customary Home Occupation	Please refer to Section #24							
Custom Accessory use or Building	Please refer to Section #18 and 19						5	5

Nursing Home or Convalescent With Special Permit	80,000	25	2 1/2	35	40	20	50	50

NOTE (A) If a Single Family residential use is serviced by either municipal WATER or SEWER, the minimum lot size can be twenty thousand (20,000) square feet.

END OF SCHEDULE A: R-1 RESIDENTIAL ZONE

SCHEDULE A: A-1 AGRICULTURAL ZONE								
Permitted Uses	**Minimum lot size in sq. feet**	**Maximum Lot % Coverage**	**Maximum story**	**Maximum Height**	**Minimum Yard Dimensions**			
					Front	Side One	Side Total	Rear
Farm, Nursery or Truck Garden	80,000	Land Measurements are not applicable						
1 Family Dwelling	80,000	20%	2 1/2	35	30	20	50	50
Multi-Family Home	80,000	20%	2 1/2	35	30	20	50	50
Church, Convent or Parish House	80,000	25%	See Section 17 Paragraph #1		50	25	50	50
Public Park, Playground, School	Five Acres	Measurements do not apply						
Public Building	Front Width - 200							
Golf Course or Country Club	75 Acres	As needed	2 1/2	35	100	50	100	100
Public Utility Station or Building	Refer to Section 17, Paragraph #1							
Customary Accessory Use or Building	Refer to Section 19 and 19							
Picnic Grove, Fish or Game Club								
Special Permit Home Enterprise	80,000	20%	2 1/2	35	30	20	50	50

Special Permit Extended Home Business	80,000	20%	2 1/2	35	30	20	50	50
Special Permit Commercial Recreation	25 Acres 600	20%	2 1/2	35	100	100	200	100
Special Permit Mfg. Home Court	10 acres 600	20%	1	15	100	50	100	50
NOTE (A) If a Single Family residential use is serviced by either municipal WATER or SEWER, the minimum lot size can be twenty thousand (20,000) square feet.								

END OF SCHEDULE A: A-1 AGRICULTURAL ZONE

SCHEDULE A: B1 - BUSINESS ZONE							
Permitted Uses	**Minimum lot size in square feet**	**Front Width**	**Maximum Lot % Coverage**	**Minimum Yard Dimensions**			
				Front	Side One	Side Total	Rear
ALL R-1 Uses	Same as R-1 Residential Zone requirements						
Retail Stores			30	20	10	25	30
Personal Ser. Shops, Laundry, Bank, Office, Studio, Custom Shop, Museum, Restaurant, Public Recreation, Undertaking Parlor, Cabinet, Heating,Air Cond,, Plumbing Shop and Sales				20	20	25	30
Motel/Hotel, Bowling Alley, Printing Plant, Storehouse, Accessory Dry Cleaning Plant				20	20	50	30
Auto, Boat, Mfg. Home, Farm implement or Trailer Sales				20	20	50	30
Utility Station							30
FIlling Station			20	35	25	50	30
END OF SCHEDULE A: B1 - BUSINESS ZONE							

SCHEDULE A: PB PLANNED BUSINESS ZONE									
Permitted Uses	**Minimum lot size in sq. feet**	**Front Width**	**Maximum Lot % Coverage**	**Maximum story**	**Maximum Height**	**Minimum Yard Dimensions**			
						Front	Side One	Side Total	Rear
Planned Business District	6 Acres	500				100	50	100	100
Warehouse, Terminal	2 Acres	200	30			100	25	50	100
Auto, Boat, Farm implement, Mfg. Home, Trailer Sales & Rental	2 Acres	200	30			100	25	50	100
Cabinet, Heating, Air Cond, Plumbing Shops	2 Acres	200	30			100	25	50	100
Cold Storage Plant	2 Acres	200	30			100	25	50	100
Light Manufacturing	2 Acres	200	30			100	25	50	100
Tool, Die, Pattern, or Machine Shop	2 Acres	200	30			100	25	50	100
END OF SCHEDULE A: PB PLANNED BUSINESS ZONE									