

**TOWN OF MARCELLUS
LOCAL LAW NO. A-2025**

**A LOCAL LAW TO AMEND CHAPTER 235 OF THE CODE OF
THE TOWN OF MARCELLUS REGARDING ACCESSORY BUILDINGS**

BE IT ENACTED by the Town Board of the Town of Marcellus as follows:

SECTION 1. PURPOSE AND INTENT.

The purpose of this Local Law is to amend Chapter 235 of the Code of the Town of Marcellus pertaining to the land use approvals, size, height, classification and setbacks of accessory buildings in a manner that preserves the health, safety and welfare of the Town.

SECTION 2. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10 and New York State Town Law § 274-B.

**SECTION 3. AMENDMENT OF SUBSECTION B OF SECTION 235-4 OF THE
CODE OF THE TOWN OF MARCELLUS.**

Section 235-4(B), "Definitions," is hereby amended to modify the definition of the existing term, "Building, Accessory," which shall read in its entirety as follows:

"BUILDING, ACCESSORY - A structure or piece of equipment that serves the principal use; is subordinate in extent and purpose to the principal use; and is located on the same lot as the principal use. Examples of such buildings include pole barns and storage sheds."

**SECTION 4. AMENDMENT OF SUBSECTION B OF SECTION 235-4 OF THE
CODE OF THE TOWN OF MARCELLUS.**

Section 235-4(B), "Definitions," is hereby amended to add a new term, "Shed roof," which shall read in its entirety as follows:

"SHED ROOF - A flat pitched roof extending to a header on posts with no walls."

**SECTION 5. AMENDMENT OF SUBSECTION B OF SECTION 235-4 OF THE
CODE OF THE TOWN OF MARCELLUS.**

Section 235-4(B), "Definitions," is hereby amended to modify the definition of the existing term, "Story," which shall read in its entirety as follows:

"STORY - That portion of a building not greater than 12 feet from the floor surface to the top of the truss wall or rafter carrying wall."

SECTION 6. AMENDMENT OF SUBSECTION B(9) OF SECTION 235-8 (R-1 RESIDENTIAL ZONE) OF THE CODE OF THE TOWN OF MARCELLUS.

Section 235-8(B)(9) is hereby amended to read in its entirety as follows:

- “(9) Permitted accessory buildings not exceeding 2,400 square feet in area.
- (a) The use shall be consistent with and subordinate to the principal use and may not be carried on independently of the principal use.
 - (b) Accessory buildings over 2,400 square feet in area are allowed upon the issuance of a special use permit pursuant to §235-27.
 - (c) The use must conform to applicable lot and building limitations. (See the Table of Lot and Building Limitations, Note 4.[2])

[2] Editor's Note: The table is included as an attachment to this chapter.”

SECTION 7. AMENDMENT OF SUBSECTION B(1) OF SECTION 235-9 (R-2 RESIDENTIAL ZONE (LAKE SHORE)) OF THE CODE OF THE TOWN OF MARCELLUS.

Section 235-9(B)(1) is hereby amended to read in its entirety as follows:

“(1) All accessory uses permitted in R-1 zone, except that permitted accessory buildings may not contain more than 160 square feet in area, and accessory buildings over 160 square feet in area are allowed only upon the issuance of a special permit pursuant to §235-27. (See the Table of Lot and Building Limitations, Note 3.[2])

[2] Editor's Note: The table is included as an attachment to this chapter.”

SECTION 8. AMENDMENT OF SUBSECTION B(1) OF SECTION 235-10 (R-3 RESIDENTIAL ZONE (MULTIPLE DWELLING)) OF THE CODE OF THE TOWN OF MARCELLUS.

Section 235-10(B)(1) is hereby amended to read in its entirety as follows:

“(1) All accessory uses permitted in R-1 zone, subject to the same requirements as specified, except that permitted accessory buildings may not contain more than 160 square feet in area, and accessory buildings over 160 square feet in area are allowed only upon the issuance of a special permit pursuant to §235-27. (See the Table of Lot and Building Limitations, Note 3.[2])

[2] Editor's Note: The table is included as an attachment to this chapter.”

SECTION 9. AMENDMENT OF SUBSECTION B(1) OF SECTION 235-11 (R-4 RESIDENTIAL ZONE) OF THE CODE OF THE TOWN OF MARCELLUS.

Section 235-11(B)(1) is hereby amended to read in its entirety as follows:

“(1) All accessory uses permitted in R-1 zone, subject to the same requirements as specified, except for bed-and-breakfast and except that permitted accessory buildings may not contain more than 160 square feet in area, and accessory buildings over 160 square feet in area are allowed only upon the issuance of a special permit pursuant to §235-27. (See the Table of Lot and Building Limitations, Note 3.[2])

[2] Editor's Note: The table is included as an attachment to this chapter.”

SECTION 10. AMENDMENT OF SUBSECTION B(1) OF SECTION 235-13 (B-1 BUSINESS ZONE) OF THE CODE OF THE TOWN OF MARCELLUS.

Section 235-13(B)(1) is hereby amended to read in its entirety as follows:

“(1) All accessory uses permitted in R-1 zone, subject to the same requirements as specified, except that “residing on premises,” as stated in R-1 Zone, permitted accessory use No. 4 shall not be required, and except that permitted accessory buildings may not contain more than 160 square feet in area, and accessory buildings over 160 square feet in area are allowed only upon the issuance of a special permit pursuant to §235-27. (See the Table of Lot and Building Limitations, Note 3.[2])

[2] Editor's Note: The table is included as an attachment to this chapter.”

SECTION 11. AMENDMENT OF SUBSECTION B(1) OF SECTION 235-14 (L-1 LIGHT INDUSTRIAL ZONE) OF THE CODE OF THE TOWN OF MARCELLUS.

Section 235-14(B)(1) is hereby amended to read in its entirety as follows:

“(1) All accessory uses permitted in R-1 and A-1 zones, subject to the same requirements as specified, except that permitted accessory buildings may not contain more than 160 square feet in area, and accessory buildings over 160 square feet in area are allowed only upon the issuance of a special permit pursuant to §235-27. (See the Table of Lot and Building Limitations, Note 3.[2])

[2] Editor's Note: The table is included as an attachment to this chapter.”

SECTION 12. AMENDMENT OF ATTACHMENT 1 (1:1) OF CHAPTER 235 OF THE CODE OF THE TOWN OF MARCELLUS.

Attachment 1 (1:1) of Chapter 235 of the Code of the Town of Marcellus is hereby amended to read in its entirety as follows:

“ZONING

235 Attachment 1

Town of Marcellus

Lot and Building Limitations

[Amended 7-14-2014 by L.L. No. 1-2014; 5-11-2015 by L.L. No. 2-2015;
at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Zone	Min. Lot Size		% of Lot Coverage	Yard Dimensions				Max. Building Height (feet)	Minimum Dwelling Areas
	Width (feet)	Area (square feet)		Front (feet)	One Side (feet)	Both Sides (feet)	Rear (feet)		
A-1	200	80,000	30%	35 (4)	20 (4)	40 (4)	35 (4)	35	900
B-1	100	10,890	35%	35 (3)	25 (3)	50 (3)	30 (3)	35	NA
R-1	150	40,000	30%	35 (4)	15 (4)	30 (4)	35 (4)	35	900
R-2	75	10,000	20%	35 (3)	10 (3)	20 (3)	35 (3)	35	600
R-3	200	80,000	30%	35 (3)	15 (3)	30 (3)	35 (3)	35	900
R-4	80	12,000	20%	35 (3)	12 (3)	24 (3)	35 (3)	35	900
PUD	See Note (5)	See Note (5)	See Note (5)	See Note (5)	See Note (5)	See Note (5)	See Note (5)	See Note (5)	See Note (5)
L-1	100	43,560	20%	60 (3)	25 (3)	50 (3)	50 (3)	3 Stories 35 feet	NA

* In square feet per family.

NOTES:

- (1) On corner lots in any zone, that portion of a lot contiguous to a public right-of-way shall be considered as front yard area and that portion of a lot contiguous to a front yard shall be considered as side yard area for the purpose of applying the regulations herein.
- (2) Structures including transmission equipment in any zone subject to yard dimensions as listed above.
- (3) Accessory buildings in the **B-1, R-2, R-3, R-4** and **L-1** zones limited to one story and up to 160 square feet in area must be a minimum of three feet from side and rear lot lines and meet front setback requirements. In R-2 zones the front yard setback will be from the OCWA high-water line or the FEMA flood zone whichever is greater. In L-1 zones 50 feet for one side yard and 100 feet for both, if adjoining residential zone.
- (4) Accessory buildings in the **A-1** and **R-1** zones limited to one story and:
 - Up to 160 square feet in area must be a minimum of three feet from side and rear lot lines and meet front setback requirements.
 - Greater than 160 square feet up to 720 square feet in area must be a minimum of 25 feet from side lot lines and 50 feet from the street line or beyond the rear line of the principal structure, whichever is least.
 - Greater than 720 square feet up to 2,400 square feet in area must be a minimum of 35 feet from side lot lines and 65 feet from the street line or beyond the rear line of the principal structure, whichever is least.
 - Greater than 2,400 square feet in area must be a minimum of 45 feet from the side and rear lot lines and 70 feet from the street line or beyond the rear line of the principal structure **and** requires a special permit.
- (5) To be determined by the Town Board.”

SECTION 13. AMENDMENT OF SUBSECTION (C)(4) OF SECTION 235-27 OF THE CODE OF THE TOWN OF MARCELLUS

Section 235-27(C)(4) is hereby amended to read in its entirety as follows:

“(4) The applicant for an area or a use variance or for a special permit for an accessory building shall notify by certified mail all property owners within 500 feet of the subject property at least five days prior to the public hearing and shall furnish the Zoning Board of Appeals with post office receipts as proof of notification.”

SECTION 14. SEVERABILITY.

If the provisions of any Section, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Local Law.

SECTION 15. EFFECTIVE DATE.

This Local Law shall be effective upon filing with the office of the Secretary of State.