

ARTICLE 1
GENERAL PROVISIONS

A. Short Title:

This Local Law shall be known and cited as the “Zoning Law of the Village of Victory”, Saratoga County, New York.

B. Authority:

Pursuant to the authority and power granted under New York State Village Law § 7-700, the Village Board of Trustees of the Village of Victory, County of Saratoga, New York hereby adopts and enacts this Zoning Law for the following purposes:

C. Purpose:

The Zoning Law of the Village of Victory, which includes both the zoning text and the zoning map, has been adopted in order to advance the goals, policies, and recommendations of the Village of Victory Comprehensive Plan, adopted April 2003. The Comprehensive Plan serves as the planning policy document for the Village, while the Zoning Law establishes land use regulations to advance these policies. It is the intent of the Village Board that all planning and zoning decisions are made in accordance with the Comprehensive Plan.

The Zoning Regulations and Districts herein set forth and as identified upon the Zoning Map of the Village of Victory are made for the purpose of promoting public health, safety, and general welfare and prescribing the most desirable use for which the land in each district may be adapted and those uses to be subjected to special regulations, while conserving the value of land throughout the Village. The height, bulk and location of buildings and other structures, the area of yards, courts, and other open spaces, the density of population, and location and use of buildings, structures and land for trade, industry, residence or other purpose, are hereby restricted and regulated as hereinafter provided.

Such regulations have been designed to lessen congestion in the streets; to secure safety from fire, flood, and other dangers; to provide adequate light, air, convenience of access, and the accommodation of solar energy systems and equipment and access to sunlight necessary therefore; and to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements.

The Zoning Law has also been crafted to encourage certain types of development in areas where the land is well suited for such development, and/or where such development has already occurred, and/or where infrastructure is available to support both the type and intensity of the proposed use. In encouraging

development in designated areas, it is the intent that nearby properties and/or neighborhoods are not significantly impacted as a result, either through environmental impacts, visual effects, or through a reduction in property values.

D. Legislative Intent:

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, and general welfare. Where this Law imposes greater restriction upon the height of buildings, or requires larger yards, courts, or other open spaces than are imposed or required by existing provisions of law or ordinance or by any other rules, regulations, or permits adopted or issues at any time, the provisions of this Law shall control. Wherever the requirements of this Law differ from the requirements of another Local Law, regulation or chapter of the Code of the Village of Victory, the more restrictive shall govern.

E. Application of Regulation:

1. Before the construction, relocation, or alteration of any building or structure as to the outside dimensions of the building or structure, a building permit shall be obtained. No site preparation for any building shall begin unless and until a building permit has been issued.
2. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, moved, altered, demolished, reconstructed or enlarged unless in conformity with the regulations specified for the district in which it is located.
3. No building or structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of dwelling units, to occupy a greater percentage of lot area, or to have narrower or smaller rear yard, front yard, or side yards, than is specified herein, for the district in which such building is located.
4. No part of a yard or other open space about any building required for the purpose of complying with the provisions of this Law shall be included as part of a yard or other open space similarly required for another building.
5. No yard or lot existing at the time of the passage of this Law shall be so reduced in size that its area or any of its dimensions or open spaces shall be smaller than required by this Law.
6. No building or occupancy permit shall be issued unless the Code Enforcement Officer is satisfied that the land or parcel in question has no natural characteristics which would endanger the health, safety or welfare of the resident, or others. Such natural characteristics may include fire, flooding and excessive slope.

7. Only those uses specifically identified as Permitted By-Right, Requiring Special Use Permit Approval and Requiring Site Plan Review Approval shall be permissible in their respective districts. All other uses are expressly prohibited.
8. Unless otherwise specified, there shall be only one (1) principal use and building per lot except as specified in the following instance. More than one (1) principal building per lot is allowed if the minimum required lot area, lot width, and all yard requirements are met for each.

F. Severability:

Should any section, subsection, sentence, clause, phrase or provision of this Local Law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

G. Effective Date:

This Local Law shall become effective twenty days after it is filed as provided in section twenty-seven of the Municipal Home Rule Law.