

DISTRICT OR ZONE: That portion of the Village within which specific uses are permitted according to the designation applied thereto in Article 3 and Article 4 of this Law.

DOH: New York State Department of Health.

DOUBLE – WIDE (HOUSE TRAILER): (See Manufactured Home).

DRIVE-IN-USE: Shall mean any commercial or business activity which incorporates as a principal or accessory feature a service window, booth or other like arrangement on the exterior of the building or structure designed primarily for drive-through or carry-out service.

DUMP: A lot or land used primarily for the disposal by abandonment, burial, burning or any other means and for whatever purposes, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

DUPLEX: A two (2) story building having one (1) dwelling unit designed for occupancy by one (1) family or each floor.

DWELLING: A building designed or used principally as the living quarters for one (1) or more families in one (1) or more dwelling units.

DWELLING SINGLE-FAMILY: A detached building containing one (1) dwelling unit designed for occupancy by one (1) family. This term shall not include manufactured housing, motel, hotel, rooming house, or other accommodations used for more or less transient occupancy.

DWELLING, TWO (2) FAMILY: A detached building containing two (2) entirely separate dwelling units designed for occupancy by two (2) families. This term shall not include manufactured housing, motel, hotel, rooming house, or other accommodations used for more or less transient occupancy.

DWELLING, MULTI-FAMILY: A building containing three (3) or more entirely separate dwelling units with shared or individual entrances and/or other essential facilities and services. This term shall not include manufactured housing, motel,

hotel, rooming house, or other accommodations used for more or less transient occupancy.

DWELLING UNIT: One (1) room or rooms connected together, consisting of a separate independent housekeeping establishment for owner occupancy, rental or lease, and containing independent cooking, living, sanitary and sleeping facilities. This shall include sectional and modular homes provided they meet the standards of this Law and the New York State Fire Prevention and Building Code. It shall not include motel, hotel, lodging establishments for transient occupancy, travel trailer, substandard manufactured homes, or manufactured homes as defined herein.

FAMILY: A "family" consists of (a) one (1) person, or two (2) or more persons related by blood, marriage or adoption, or (b) not more than five (5) persons not related by blood, marriage or adoption, and in addition any domestic servants who live together in a single dwelling unit and maintain a common household.

FENCE: An artificially constructed barrier regardless of composition, that is erected for the purpose of enclosing a piece of land, dividing a piece of land into distinct portions, or separating two (2) contiguous lots, but shall not include a building or growing plants or trees.

FINISHED GRADE: The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or other structure. If the line of intersection is not reasonably horizontal, the finished grade-in computing height of building and other structures or for other purposes shall be the average elevation of all finished grade elevations around the periphery of the building.

FLOOR AREA: The aggregate sum of the gross horizontal area of the several floors of the building or buildings, measured from the exterior walls or from the centerlines of the walls separating the buildings. In particular, the " floor area" of a building or buildings shall include:

- Basement Space.
- Elevator shafts and stairwells at each floor.
- Floor space for mechanical equipment, with structural headroom of seven (7) foot, six (6) inch or more.
- Penthouses.

- Attic Space (whether or not a floor has actually been laid) providing structural headroom of seven (7) foot, six (6) inch or for at least fifty percent (50%) of the area.
- Interior balconies and mezzanines.
- Enclosed porches.
- Accessory uses, not including space for accessory off-street parking.

However, the “floor area” of a building shall not include:

- Cellar space, except that cellar space used for retailing shall be included for the purposes of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.
- Elevator and stair bulkheads, accessory water tanks, and cooling towers.
- Floor space used for mechanical equipment, with structural headroom of less than seven (7) foot, six (6) inch.
- Attic space, (whether or not a floor has actually been laid), providing structural headroom of less than seven (7) foot, six (6) inch for fifty percent (50%) of the area.
- Uncovered steps; exterior fire escapes.
- Terraces, breezeways, open porches, and outside balconies and open spaces.
- Accessory off-street parking spaces.
- Accessory off-street loading berths.

GARAGE, PRIVATE: An accessory building of not more than nine-hundred (900) square feet, and of only one (1) story, which is designed for the parking and storage of motor vehicles and property owned and used by the occupants of the lot upon which it is erected. No business, occupation, or service shall be permitted in a “private garage”.

GARAGE, SERVICE/REPAIR: A building or premises used for the repair or service of motor vehicles, which may include lubricating, welding, polishing, washing, dry cleaning, or otherwise cleaning or servicing such motor vehicles. A junkyard or auto salvage yard is not to be construed as a Service/Repair Garage.

GASOLINE STATION: An area of land, including structures thereon, or any building or part of thereof, that is used primarily for the sale and direct delivery to the motor vehicle of gasoline or any other motor vehicle fuel or oil and other lubricating substances, which may include as accessory uses sale of motor vehicle

accessories, but shall not include facilities for washing or otherwise servicing motor vehicles.

GREENHOUSE, PRIVATE: A building whose roof and sides are made largely of glass and which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for personal enjoyment.

HAZARDOUS MATERIALS: Any substances, solution, or mixture which, because of its quality, concentration, physical, chemical, or infectious characteristics may present a potential hazard to human health, drinking water or food supply quality if discharged to the land, air, or waters of the Village of Victory. In addition, any substances for which the NYS Department of Health has established a drinking water guideline value.

HOME GARDEN: A plot of land used for the growth of plants, flowers, or produce for family use or enjoyment.

HOME OCCUPATION: A professional service or business use which is clearly incidental and secondary to the use of the dwelling unit for residential purposes, conducted by the resident entirely within the enclosed walls of the dwelling unit and which complies with the conditions and criteria of Article 5-D of this Law.

HOTEL: A building or any part thereof, which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance or entrances and which may contain one (1) or more dining rooms.

HOUSE TRAILER: (See MANUFACTURED HOME).

JUNK YARD: Any property on which there is stored one or more unregistered vehicles for dismantling, the dismantling or breaking up of automobiles for the salvage of parts thereof or processing the same for sale as scrap metal and the storage of vehicles and parts of vehicles. The term Junk Yard shall also include the disposal of waste material of any kind. (See Village of Victory Local Law # 4 – 1978 Junkyards).

LAUNDROMAT: A commercial establishment equipped with washing machines, and dryers, that are coin-operated and/or self-service.

LOT: A parcel of land with a single deed occupied or capable of being occupied by a building or buildings and for the accessory buildings and/or uses, including such open spaces as are required for this Law, and having frontage on an existing or proposed road.

LOT, CORNER: A lot situated at the junction of and adjacent to two or more intersecting streets when the interior angle or intersection does not exceed one-hundred-thirty-five degrees (135°).

LOT COVERAGE: That percentage of the plot or lot area covered by the combined area of all buildings, accessory buildings, structures, and paved areas on that lot. The area of porches, vestibules, bay windows, fireplace, and chimneys shall be added to the areas of the principal building and the areas of accessory structures for determining the percent of lot coverage.

LOT LINES: The lines bounding a lot as defined herein.

LOT, THROUGH: A lot, which faces on two (2) streets at opposite ends of the lot, which is not a corner lot, also referred to as a double-frontage lot.

MANUFACTURED HOME: A dwelling unit also known as a mobile home, bearing a seal issued by the Federal Department of Housing & Urban Development that is manufactured as a re-locatable living unit, which is built on a permanent chassis and designed to be transported in one (1) or more sections, and to be installed on a site without a permanent foundation when connected to utilities. This does not include Department of Motor Vehicle registered recreation vehicles/travel trailers.

MANUFACTURED HOME, SUBSTANDARD: A dwelling unit that is wholly, or in part, fabricated in an off-site manufacturing facility for installation or assembly at the building site that was built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of June 15, 1976.

MANUFACTURED HOUSING PARK: A contiguous parcel of land which is planned and improved specifically for such purpose, on which two (2) or more manufactured/mobile homes (with or without wheels and axles in place) are located. Such a park consists entirely of manufactured/mobile homes, each located on a site leased or rented to its occupants who either own, rent or lease the living unit as a permanent residence.

MEDICAL CLINIC: A facility where medical or dental care is furnished to persons on an out-patient basis by one (1) or more physicians who have common offices in a building which may also offer laboratory and diagnostic facilities to patients on an out-patient basis.

MOBILE HOME: (See MANUFACTURED HOME).

MODULAR HOME: A housing unit constructed off-site consisting of more than one (1) segment and designed to be permanently anchored to a foundation, to become a fixed part of the real estate, does not have a permanent chassis, and which meets all the standards of the New York State Building Code.

MOTEL: A building or group of buildings not over two (2) stories in height containing individual living and sleeping accommodations for hire, each of which is provided with a separate exterior entrance and a parking space, and is offered for rental and use principally by motor vehicle travelers. The term "motel" includes, but is not limited to, every type of similar establishment known variously as an auto court, motor hotel, motor court, motor inn, motor lodge, tourist cabins, roadside hotel.

NON-CONFORMING USE: Any use of a building, or a structure or tract of land which does not conform to the use regulations for the district in which such use is located, either at the effective date of this Zoning Law or as a result of subsequent amendment thereto, subject to the requirements of Article 6 of this Law.

NON-CONFORMING SIGN: A sign or billboard, which was installed under laws or ordinances in effect prior to the effective date of this Zoning Law, but which is in conflict with the provisions hereof, and is subject to the requirements of Article 6 of this Law.

OPEN SPACE: An unoccupied space open to the sky on the same lot with the building or structure.

PARKING LOT: Any space used for the storage of more than three (3) vehicles on a continuing basis, such space either being for hire or accessory to an existing building or use of land.