ARTICLE 5
SUPPLEMENTAL REGULATIONS

The following supplemental regulations are applicable to all zoning districts within the Village of Victory.

A. Accessory Apartments:

1. An accessory apartment will be permitted by Special Use Permit only within Single–Family Dwellings.
2. The principal dwelling unit in which the accessory apartment is located must be owner–occupied.
3. The accessory apartment unit cannot have a gross floor area which exceeds seven-hundred fifty (750) square feet.
4. No more than one (1) accessory apartment will be permitted on any one parcel.
5. No more than two (2) individuals will be allowed to live in any one (1) accessory apartment.
6. The accessory apartment must be entirely self contained, with separate cooking, sanitary and sleeping facilities for the exclusive use of the accessory unit's occupant(s).
7. The accessory apartment unit's entrance and the principal dwelling shall share a common entrance.
8. One off–street parking space must be provided for the accessory apartment. No additional driveways are permitted. Existing driveways may be widened or lengthened to accommodate the additional parking space.
9. The accessory apartment shall conform with the Area and Bulk Schedule requirements of the Single–Family Residential Districts, found in Appendix A.

B. Accessory Structures or Buildings: (See note 5 in Appendix A)

1. Permitted Accessory Structures or Buildings in Residential Zoning Districts:
    a) Private garages not attached to the dwelling. However, only one garage (attached or detached) is permitted per residential lot, and it shall be limited to a maximum nine-hundred (900) square feet.
    b) Carports.

c) Private swimming pools subject to the requirements of Section B-9 of this Article.

d) Private Greenhouse.

e) Decks and patios.

f) Tennis courts, basketball courts, volleyball courts, shuffleboard courts, horseshoe pits, and similar outdoor recreation facilities for use by the residents and their guests, but not for commercial gain.

g) Wooden or metal storage sheds similar "out buildings" for the storage of lawn maintenance equipment, tools, bicycles, toys, swimming pool equipment and supplies, etc., not to exceed two-hundred (200) square feet. Temporary enclosures are prohibited.

h) Receive–only antennae.

i) Doghouses and similar shelters for household pets.

j) Heat pumps, air conditioning units, and similar climate–control and utility devices typically located outside of the house, excluding exterior wood-burning furnaces.

2. Permitted Accessory Structures or Buildings in Non–Residential Zoning Districts:

a) Private Garages.

b) Decks and patios.

c) Tennis courts, basketball courts, volleyball courts, shuffleboard courts, horseshoe pits, ball fields, and similar outdoor recreation facilities.

d) Wooden or metal storage sheds similar "out buildings" for the storage of lawn maintenance equipment, tools, bicycles, toys, swimming pool equipment and supplies, etc., not to exceed two-hundred (200) square feet. Temporary enclosures are prohibited.

e) Utility structures and heating and air conditioning units, excluding exterior wood-burning furnaces.

f) Dumpsters.

3. Location:

No permitted accessory structure or building shall be located in any front yard.

4. Height:

No accessory structure or building shall exceed fifteen (15) feet in height in a residential zoning district.

5. Setbacks for Garages (Attached and Detached):

Garages (both attached and detached) must be located at least ten (10) feet from side and rear property lines.

6. Setbacks for all other Residential Accessory Structures or Buildings:

   All residential accessory structures or buildings must be located at least ten (10) feet from side and rear property lines.

7. Setbacks for Non–Residential Accessory Structures or Buildings:

   No non–residential accessory structures or buildings shall not be located any closer than ten (10) feet from any side or rear property line.

8. Screening for Dumpsters in Non–Residential Zoning Districts:

   All dumpsters shall be screened from public streets, rights-of-way, and areas where pedestrians frequently travel. Said screening shall consist of a solid row of evergreens, or solid fencing sufficient to hide the dumpster from public view.

9. Private Swimming Pools:

   a) Swimming Pools (both in-ground and above-ground) must be located at least ten (10) feet from side and rear property lines.

   b) An in–ground or above–ground swimming pool containing thirty (30) inches or more water in depth at any point shall comply with all the required yard restrictions of the zoning district in which it is located, and the following additional requirements.

   c) The area of a swimming pool, including any raised deck, apron or platform and all accessory structures associated with the pool is to be included when calculating lot coverage.

   d) The ornamental or decorative side of any enclosure, if applicable, will face away from the pool.

   e) Any lighting associated with swimming pools will be directed towards the pool and/or deck, and in no case will lighting be installed in such a way as to directly shine upon neighboring properties or streets.

   f) At the time that an individual acquires a building permit application for a swimming pool, he/she will be given a copy of the applicable State regulations pertaining to the construction and maintenance of swimming pools.

C. Adult Oriented Business and/or Adult Entertainment Establishments:

1. No person shall operate an Adult Oriented Business and/or Adult Entertainment Establishments without obtaining a Special Use Permit, complying with all the required yard restrictions and the following additional requirements:

a) The Adult Oriented Business and/or Adult Entertainment Establishments must be located a distance greater than twenty–five-hundred (2,500) feet from a public or private school (grades pre-school through 12), church, or other house of worship, public park or playground, public swimming area, or day care center.

b) The Adult Oriented Business and/or Adult Entertainment Establishments must be located a distance greater than five-hundred (500) feet from any private residence.

D. Home Occupations:

1. A home occupation may be established and maintained in a one-family or two-family dwelling subject to approval of a Special Use Permit by the Planning Board, provided that:

a) No more than one (1) employee in addition to the residents of the home may be employed by the home occupation.

b) Pursuant to the New York State Uniform Fire Prevention and Building Code, a home occupation can occupy no larger area than twenty-five percent (25%) of the floor space of the principal dwelling used for human habitation.

c) The use shall be carried on wholly within the walls of the dwelling.

d) There are no outside operations, storage or display of materials or products.

e) No alteration of the residential appearance of the premises occurs, such as, but not limited to, creation of a separate entrance to the dwelling or utilization of an existing entrance exclusively for the home occupation, and there is no other visible evidence of the conduct of the home occupation other than one sign, subject to the requirements of Section J of this Article.

f) One off–street parking space will be provided for each vehicle that is used for conducting the business.

g) The use shall not result in or cause vehicular traffic that will create a nuisance to abutting properties or be detrimental to the residential character of the neighborhood.

h) The home occupation shall conform to the Area and Bulk schedule requirements found in Appendix A, of the district in which it is located.

i) Such uses shall be subject to any other conditions the Planning Board deems necessary to meet the intent of these requirements.

j) An approval for a home occupation is nontransferable; any change of home occupation requires a new Special Permit Application.

E. Manufactured Housing:

1. Individual Manufactured/Mobile Homes:

With the exception of those manufactured homes/mobile homes existing prior to the adoption of this Law, no new manufactured homes/mobile homes will be permitted within the Village limits, except if located within an existing mobile home park. (See Article 2 for the definitions of "MANUFACTURED HOME").

2. Mobile Home Parks:

With the exception of those manufactured/mobile home parks existing prior to the adoption of this Law, no new mobile home parks shall be permitted within the Village limits.

F. Gasoline Stations and Service Repair Garages:

1. General:

a) A gasoline station lot and/or fuel storage tank shall not be located within five-hundred (500) feet of any municipal water wells or other municipal water supply source. Gasoline service stations and businesses which store and/or dispense petroleum products must comply with all other applicable Federal, State, and Local Laws and regulations and documentation must be provided to the Code Enforcement Officer to show compliance.

b) No gasoline or oil pump, no oiling or greasing mechanism and no other storage or service appliance installed in conjunction with any gasoline station or public garage shall be within twenty-five (25) feet from any curb line and fifty (50) feet from any property line.

2. Access:

a) There will be no more than one (1) driveway on each street abutting the property. Areas not meant for access are to be curbed or landscaped so as to direct traffic to the formal access driveways.

b) Driveways are not to exceed thirty (30) feet in width at the street's pavement edge.

c) On corner lots, no driveways will be permitted within fifty (50) feet of the intersection.

3. Paving, Curbing, and Grading:
    a) The entire area used for parking, storage, loading and access must be paved.
    b) Grading for the paved areas of the property will be done in such a way as to prevent minor fuel spills from entering non-paved areas, and to keep the spilled fuel from migrating off of the site.
4. Vehicle Service Areas and Vehicle Storage:
    a) All automobile repair and servicing activities, and all equipment associated with repairs and servicing, will be located within a building.
    b) All vehicles stored on the property must have a current valid registration except for new cars for sale not yet purchased and registered.
    c) All automobile parts and dismantled vehicles must be stored in a building, or adequately shielded from motorists and adjacent properties via an enclosed, solid-fenced area.

G. Fences:

1. Definitions:

    As used in this chapter, the following terms shall have the meanings indicated:

    a) 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.
    b) FRONT YARD: Applies to that portion of the yard in front of the front building line of the main building. All corner properties adjacent to a public street, alley, or highway shall also be considered as a front yard for the purposes of this chapter. However, this definition shall specifically not apply for purposes of swimming pool protection.
    c) HEIGHT: The distance measured from the existing grade to the top of the fence.
2. Permit Required:

    No fence, wall, or other type of construction shall be erected without first obtaining a permit from the Code Enforcement Officer.
3. Application for Permit; Issuance: